

CAP Meeting Agenda

Presiding Member: Mr Brenton Burman

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 18 November 2025 at 6:00pm in the Unley Council Chambers, 181 Unley Road Unley.



Tim Bournier
Assessment Manager

Dated: 05/11/2025

Members: Mr Brenton Burman, Ms Colleen Dunn, Mr David Brown, Mr Terry Sutcliffe, Ms Yvonne Svensson

KAURNA ACKNOWLEDGEMENT

Ngadlurlu tampinhi, ngadlu Kurna yartangka inparrinhi. Ngadlurlu parnuku tuwila yartangka tampinhi.

*Ngadlurlu Kurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku tampinhi. Parnuku yaitya, parnuku tapa purruna yalarra puru purruna.**

We would like to acknowledge this land that we meet on today is the Traditional Lands for the Kurna people and that we respect their spiritual relationship with their Country.

We also acknowledge the Kurna people as the Traditional Custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

*Kurna Translation provided by Kurna Warra Karrpanthi

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ITEM 4.1**DEVELOPMENT APPLICATION - 24034447 – 11 & 11A CREMORNE STREET, FULLARTON**

DEVELOPMENT NO.:	24034447
APPLICANT:	Changhui Wu
ADDRESS:	11A CREMORNE ST FULLARTON SA 5063 11 CREMORNE ST FULLARTON SA 5063
NATURE OF DEVELOPMENT:	Demolition of one semi-detached dwelling, alterations to the party wall and roof and change in dwelling type to detached dwelling, and construction of a double storey detached dwelling and front fence.
ZONING INFORMATION:	Zones: • Established Neighbourhood Overlays: • Airport Building Heights (Regulated) • Co-located Housing • Historic Area • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy Technical Numeric Variations (TNVs): • Maximum Building Height (Metres) (Maximum building height is 6m) • Minimum Frontage (Minimum frontage for a detached dwelling is 16m) • Minimum Site Area (Minimum site area for a detached dwelling is 700 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) • Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	30 Jun 2025
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Unley
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.18 25/09/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Matthew Falconer Consultant Town Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Pippa Buckberry

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ATTACHMENT 1: Application

ATTACHMENT 2: Representations

ATTACHMENT 3: Response to Representations

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DEVELOPMENT APPLICATION - 24034447 – 11 & 11A CREMORNE STREET, FULLARTON

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development seeks to demolish half of an existing pair of single storey semi-detached dwellings. The demolition works will require additional works to the party wall and roof to ensure it is finished off and compliant with the building code.

The proposal results in the neighbouring semi-detached dwelling at 11 Cremorne Street changing to a detached dwelling whilst the semi-detached dwelling at 11A Cremorne Street is proposed to be replaced with a double storey detached dwelling.

A double storey dwelling measuring 8 metres in height is proposed and comprises of a single carport and under main roof garage, guest bedroom with ensuite and walk in robe, sitting room, kitchen, meals and living area, powder room, laundry and alfresco at ground level. The upper level comprises of two bedrooms, main with ensuite and walk in robe, a lounge and main bathroom.

The dwelling design whilst contemporary, references the bungalow form with a gable end featuring on the ground level and as well a modern interpretation of an open verandah that protrudes forward of the main façade. The ground level walls are constructed of face brick (Whitehaven) and are to be constructed to a height of 3.6 metres. The under main roof garage is clad with shiplap cladding (light oak) to match the front door whilst the carport has a separate flat roof structure to differentiate it from the main dwelling. The upper level features a simple gable form presenting to the street with dormer style arched windows presenting to the west. The upper level is to be clad with raised seam metal in Shale grey.

A front fence to a maximum height of 1.2 metres construed of masonry and aluminium batons is also proposed.

The quantitative features of the proposed dwellings are listed in **Table 1** below:

Design Feature	Proposed	Code Requirement	Complies Y/N
Site Area	Existing - 409m ²	N/A	N/A
Frontage	Existing - 13.41m	N/A	N/A
Site Coverage	56%	50%	N
Building Height	8m – 2 Levels	6m – 1 Level	N
Front Setback	6m	Average of adjoining – 6.5m	N
Boundary Wall Length	5.9m	8m	Y
Boundary wall Height	3.2m	3.2m	Y
Side Setback	900mm (eastern side) 900mm (western side – excluding boundary dev)	1m (lower)	Y
	3m (eastern side) 3m (western side)	3m (upper)	Y
Rear Setback	6.9m (lower)	4m	Y
	6m (upper)	6m	Y
POS	104m ²	60m ²	Y
Soft Landscaping	21%	20%	Y
Car parking	2 covered + 1 uncovered	2 (1 covered)	Y
Garage door width	35%	30%	N

Table 1 – Quantitative features

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SUBJECT LAND & LOCALITY:

Location reference: 11 CREMORNE STREET, FULLARTON

Title Ref: CT 5067/603 **Plan Parcel:** F14927 AL 64 **Council:** CITY OF UNLEY

Location reference: 11A CREMORNE STREET, FULLARTON

Title Ref: CT 5437/893 **Plan Parcel:** F14927 AL65 **Council:** CITY OF UNLEY

Site Description:

The subject site is located on the southern side of Cremorne Street. The site comprises of two properties which are located at 11 and 11A Cremorne Street, Fullarton. As explained above, a pair of single storey semi-detached dwellings occupy the subject site.

Each allotment has a frontage of 13.41 metres and a depth of 30.48 metres resulting in site areas of approximately 409 square metres each.

The two dwellings have a shared/common wall measuring approximately 8.18 metres in length. The boundary wall of the dwelling at 11 Cremorne Street extends for a further 7.22 metres on the boundary, some of which (approximately 2.6m) abuts a neighbouring structure at 11A Cremorne Street.

The land is generally flat with no regulated or significant trees impacted by the development.

Locality

The locality is characterised by residential development that is laid out in a regular grid pattern. Allotments typically have wide frontages and dwellings are setback consistently from front boundaries with established front gardens contributing to a high level of amenity. Dwellings are typically setback from side boundaries noting that many have ancillary structures such as garages and carports constructed to the boundary. Front fencing within the locality is typically low and open with a mix of picket, steel, corrugated iron as well as hedging. The low and open nature of the fencing contributes to an open streetscape character.

Dwellings are predominantly constructed of brick and feature hipped roof forms with open front verandah elements. Driveways are typically single width and a consistent street planting on the street verge is observed.

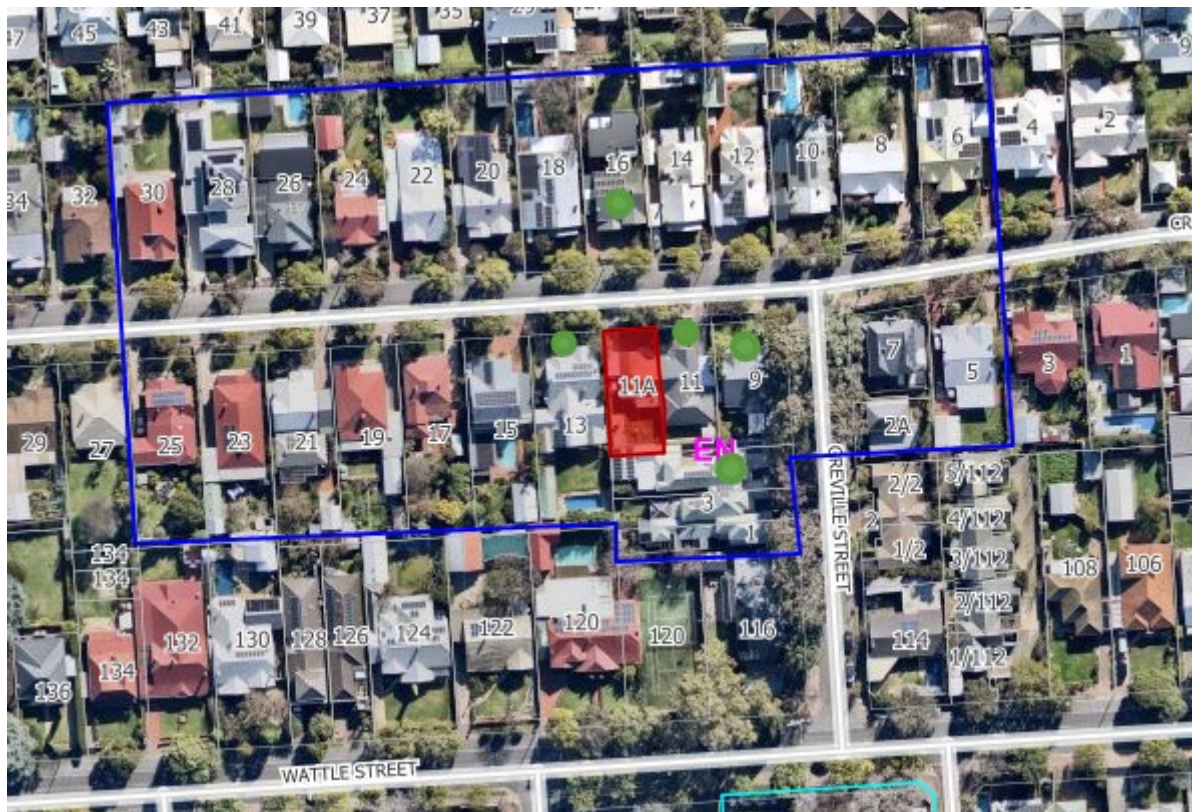
The dwellings in the locality are typically constructed during Inter-War period with a strong presence of bungalows. There are examples of more recent development in the locality which are two storey in nature and located at 7 and 28 Cremorne Street and 1, 2A, 3 and 5 Greville Street.

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Locality Plan

The representors live within the locality of the subject land



Subject Land



Locality



Representor

SERIOUSLY AT VARIANCE ASSESSMENT:

The PDI Act 2016, Section 107 (2)(c) states that the development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code (disregarding minor variations).

The **Established Neighbourhood Zone Desired Outcome** states:

DO 1 – A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.

The proposal is for a two-storey dwelling addition that is sympathetic to the built form character and development pattern of the locality.

The **Established Neighbourhood Zone Performance Outcome** states:

PO 1.1 – Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.

The proposal is for the construction of a dwelling which maintains the established development pattern of the neighbourhood.

As seen in the following planning assessment, the proposal is considered to satisfy the intent of the **Desired Outcomes** and **Performance Outcomes** with only minor variations noted against the respective **Designated Performance Features**. Therefore, this proposal is not considered to be seriously at variance with the Planning and Design Code.

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PUBLIC NOTIFICATION

• REASON

Established Neighbourhood Zone – Table 5 – Procedural Matter (PM) – Notification – Clause 3 (1) and (2)(a) the dwelling addition exceeds the maximum building height 1 level highlighted in **DPF 4.1** and therefore is not an excluded form of development and requires to be publicly notified.

Please note, a second public notification process was undertaken due to an administration error which failed to include the property at 11 Cremorne Street as part of the subject land. As a result, a number of properties that required notification were not notified in the first notification process.

Representations were received from the owners at [REDACTED] during the first round of notification. Whilst no representation was received in the second round of notification from these owners/occupiers, their representations have been included in the table below and provided to the applicant.

As part of the public notification processes 33 owners and/or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject land for the duration of the notification period. A copy of the representations can be found in **Attachment 2**.

During the notification periods, Council received six (6) representations. All representors indicated that they do not support the proposed development, with three (3) seeking to be heard by the Panel.

Representations:

Representor Name / Address	Support / Support with Concerns / Oppose	Request to be heard	Represented by
[REDACTED]	Do not support	Yes	Self
[REDACTED]	Do not support	Yes	Unknown
[REDACTED]	Do not support	Yes	Self
[REDACTED]	Do not support	No	-
[REDACTED]	Do not support	No	-
[REDACTED]	Do not support	No	-

Summary:

The matters of concern raised by the representors are as follows:

- Site coverage;
- Building height;
- Visual appearance;
- Materials and colours;
- Overlooking;
- Demotion of portion of semi-detached dwelling;
- Structural risk to neighbouring portion of semi-detached dwelling

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- Overshadowing
- Fire safety
- Demolition of character home
- Parking

The applicant provided a response to the representations which can be found in **Attachment 3**. During the assessment and to address the concerns of Council as well the representors, the applicant made the following alterations to the plans from initial lodgement.

- Increased front setback .
- Alterations to front facade;
- Alterations to colour palette

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

- Heritage consultant

The dwelling appropriately references the gable form. The original upper level colour palette was considered too dark for the locality with suggested colours adopted.

RULES OF INTERPRETATION:

The application has been assessed against the relevant provisions of the Planning & Design Code (the Code). The Code outlines zones, subzones, overlay and general provisions policy which provide Performance Outcomes (POs) and Desired Outcome (DOs).

In order to interpret Performance Outcomes, the policy includes a standard outcome that generally meets the corresponding performance outcome (Designated Performance Feature or DPF). A DPF provides a guide as to what will satisfy the corresponding performance outcome. Given the assessment is made on the merits of the standard outcome, the DPF does not need to be satisfied to meet the Performance Outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from discretion to determine that a Performance Outcome is not met despite a DPF being achieved.

Part 1 of the Code outlines that if there is an inconsistency between provisions in the relevant policies for a particular development, the following rules will apply to the extent of any inconsistency between policies:

- the provisions of an overlay will prevail over all other policies applying in the particular case;
- a subzone policy will prevail over a zone policy or a general development policy; and
- a zone policy will prevail over a general development policy.

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PLANNING ASSESSMENT

The application has been assessed against the relevant policies of the **Planning & Design Code (the Code)**, which are found at the following link:

[Planning and Design Code Extract](#)

Impacts of works to adjoining dwelling

The development will result in the party wall associated with the existing pair of semi-detached dwellings to be altered. The proposal seeks to make good the party wall by making it a boundary wall. Details as to how this will occur will be sought at the building rules stage to ensure compliance with the Building Code of Australia.

Council's administration staff have discussed the demolition of the dwelling and works to the party wall and have formed the opinion that the relevant authority (CAP) is responsible for making a decision based on the merits of the application against the Planning and Design Code. The owner of land can undertake works on their land, however, they will need to ensure works will not impact the adjoining owner and are bound by the Building Code. Any further matters regarding the works to the adjoining dwelling are civil in nature.

Demolition

The subject site is located within the **Established Neighbourhood Zone (the Zone)** where the **Desired Outcomes (DO)** are as follows:

***DO 1** - A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.*

***DO 2** - Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.*

The subject site is also within the **Historic Area Overlay (the Overlay)** and associated **Residential Spacious Fullarton (West) Historic Area Statement (Un23)** where the **DO** is:

***DO 1** - Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.*

Historic Area Overlay PO 7.3 states:

Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.

The relevant **Performance Outcomes (PO)** for demolition are:

***PO 1.1** - All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.*

***PO 7.3** - Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.*

The existing building is a 1960-70's conventional style cream brick semi-detached dwelling. The **Residential Spacious Fullarton (West) Historic Area Statement (Un23)** includes eras from 1900 to 1940's and identifies dwelling styles such as Inter-War, bungalow, Tudor and art deco as well as contemporary styles. The existing dwelling does not conform to the values described in the **Historic Area Statement**.

As such the demolition of the semi-detached dwelling is supported in accordance with **PO 7.3** of **Historic Area Overlay**.

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Dwelling

Design and Appearance

Proposed dwelling – 11A Cremorne Street

The proposal seeks to construct a contemporary two-storey dwelling that takes architectural cues from surrounding development and includes mix of materials on the front facade including masonry, shiplap cladding, steel cladding, pre-coated steel, gall and aluminium windows frames

Historic Area Overlay includes the following **PO's**:

***PO 1.1** - All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.*

***PO 2.1** - The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.*

***PO 2.2** - Development is consistent with the prevailing building and wall heights in the historic area.*

***PO 2.3** - Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.*

***PO 2.4** - Development is consistent with the prevailing front and side boundary setback pattern in the historic area.*

***PO 2.5** - Materials are either consistent with or complement those within the historic area.*

***PO 6.1** - The width of driveways and other vehicle access ways are consistent with the prevailing width of existing driveways of the historic area.*

***PO 6.2** - Development maintains the valued landscape patterns and characteristics that contribute to the historic area, except where they compromise safety, create nuisance, or impact adversely on buildings or infrastructure.*

The **Residential Spacious Fullarton (West) Historic Area Statement (Un23)** describes the following Architectural styles, detailing and built form features;

Inter-War era housing, primarily bungalow, Tudor and art deco but also complementary styles. Hipped and gable roof forms, chimneys, open verandahs, feature ornamentation (plasterwork, ironwork and timberwork), lattice work and associated front fences. Carports, garages and side additions are separate and recessed from the main building and façade, and are a minor, unobtrusive presence in the streetscape.

It is considered that the proposed dwelling has been designed with regard to the streetscape character and pattern of development of the neighbourhood. Whilst the dwelling is two storey in form, the dwelling presents a single storey toward the front of the dwelling with gable roof forms taking cues from the bungalows located within the street. Combined with the gable roof form, which serves to obscure the upper level from view, the upper level is setback an additional 4.2 metres from the lower level (10 metres from the street) making is less visually dominant when viewed from the streetscape. The external materials include face brick (Whitehaven), shiplap cladding (light oak), and raised seam metal in Shale grey

Overall, I form the opinion that the proposed dwelling satisfies the relevant policies of the Historic Area Overlay.

Existing dwelling – 11 Cremorne Street

It is acknowledged that the proposed development will have an impact on the dwelling at 11 Cremorne Street, Fullarton. Specifically, the demolition of the western dwelling will result in a gable end on the western boundary and its visual impact requires consideration.

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Whilst a gable end may not be a form of development that is typically evident or supported within the locality I form the opinion that in this instance the gable end will not have an unreasonable impact to the streetscape character for the following reasons

Firstly, the demolition of 11A Cremorne Street will remove a semi-detached dwelling form from the street. The resultant change in dwelling forms to detached dwellings is more consistent with the pattern of development in the streetscape.

Secondly, the design of the proposed detached dwelling is such that it maintains a 900mm setback to the boundary wall which is considered to be consistent with the pattern of development where typically space between dwellings is maintained. The siting of the dwelling and in particular the front gable and protruding verandah element will obscure the view of the boundary wall when viewed from the street.

Site Coverage

Established Neighbourhood Zone PO 3.1 states:

***PO 3.1** - Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.*

The corresponding DPF seeks a maximum site coverage of 50%. The proposed dwelling is to have a site coverage of 56% which exceeds that sought by the **DPF**. Whilst failing to satisfy the DPF, I form the opinion the development satisfies **PO 3.1** by virtue of the fact the dwelling footprint is consistent with the pattern of development in the locality where dwellings typically have site coverage exceeding 50% and the dwelling provides adequate areas for private open space and soft landscaping and it maintains appropriate side and rear setbacks to ensure an attractive outlook and access to light and ventilation to the proposed dwelling and surrounding properties.

Building Height

Established Neighbourhood Zone PO 4.1 states:

***PO 4.1** - Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.*

The corresponding **Designated Performance Feature (DPF)** seeks buildings to be no greater than 6 metres in height and 1 level. It is noted that the proposed development fails to satisfy the relevant DPF with a building height of 8 metres over 2 levels. It is noted that Council's administration have calculated the building height to be 200mm lower than the consulting planner based on the fact the dwelling is approximately 7.8 metres in height measured from the finished floor level. It is noted the finished floor level is approximately 200mm higher than the existing ground level.

Whilst noting the failure to satisfy **DPF 4.1**, I am of the opinion that the proposed development achieves compliance with **PO 4.1**. The proposed two storey dwelling is designed in a manner that reduces the visual dominance of the upper level through an appropriate ground level the design featuring gable roof forms as well as an increased upper level setback from the street. It is noted that there are a number of two storey dwellings present within the locality, further noting that those dwellings are modern in design and would not satisfy the relevant provisions contained in the Planning and Design Code.

Dwellings of similar form and scale are readily apparent within the **Established Neighbourhood Zone**. I form the opinion that the design of the dwelling contributes to the character of the neighbourhood and complements the building height of nearby buildings in accordance with **PO 4.1**

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Setbacks

Established Neighbourhood Zone PO's state:

***PO 5.1** - Buildings are set back from primary street boundaries consistent with the existing streetscape.*

***PO 7.1** - Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.*

***PO 8.1** - Buildings are set back from side boundaries to provide:*

- a) separation between buildings in a way that complements the established character of the locality*
- b) access to natural light and ventilation for neighbours.*

***PO 9.1** - Buildings are set back from rear boundaries to provide:*

- a) separation between buildings in a way that complements the established character of the locality*
- b) access to natural light and ventilation for neighbours*
- c) private open space*
- d) space for landscaping and vegetation.*

When assessed against the corresponding **DPFs** it is acknowledged the proposed development achieves the desired setbacks for upper levels. It is noted that **DPF 8.1** seeks a ground level side setback of 1 metres and the proposed side setbacks are 900mm excluding the carport constructed to the boundary. The 100mm shortfall is not considered fatal given that the dwelling will not result in any loss of light and ventilation to neighbouring properties and maintains the established character of the zone. As such **PO 8.1** is satisfied.

The dwelling seeks to have the carport constructed on the boundary for a length of 5.9 metres and a height of 3.2 metres which also satisfies the **DPF 7.1**.

The upper level satisfies the desired 3 metres as sought in **DPF 8.1**.

I form the opinion that the proposal satisfies **PO 7.1 and 8.1** in relation to side setbacks.

The front setback of 6 metres does result in a shortfall from the required 6.5 metres sought in **DPF 5.1**. When assessed against **PO 5.1**, I form the view the proposed front setback is reasonable on the basis that the proposed setback maintains the consistent setback pattern within the street whereby the bulk of the building achieves a setback of 6 metres or more and verandah elements protrude forward. pattern within the street is varied. Typically, the recent development is sited closer to the street with setbacks of between 5 and 6 metres.

Private Open Space

Design in Urban Areas **PO 21.1** states:

***PO 21.1** - Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.*

The corresponding **DPF** seeks dwellings on allotments greater than 300m² provide a minimum of 60m² of private open space. The proposed dwelling provides approximately 106m² of private open space which exceeds the minimum desired area satisfying **PO 21.1**. Furthermore, the POS is directly accessible from a living area with appropriate dimensions.

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Landscaping

Design in Urban Areas PO 22.1 states:

PO 22.1 - Soft landscaping is incorporated into development to:

- a) minimise heat absorption and reflection*
- b) contribute shade and shelter*
- c) provide for stormwater infiltration and biodiversity*
- d) enhance the appearance of land and streetscapes.*

The corresponding DPF seeks that dwellings on allotments between 200 and 450m² provide a minimum of 20% soft landscaping areas with a minimum dimension of 700mm.

The proposal demonstrates 21% of the subject land is dedicated to soft landscaping exceeding the minimum area sought and as such satisfies **PO 22.1**.

The **Urban Tree Canopy Overlay PO 1.1** states:

PO 1.1 - Trees are planted or retained to contribute to an urban tree canopy.

The corresponding DPF seeks that dwellings on allotments of between 450m² and 800m² provide one (1) medium tree of a minimum 6m height and an 4m spread in an area of no less than 30m² or two (2) small trees of a minimum height of 4m and a spread of 2m in an area of no less than 10m².

One medium sized tree is nominated in the front yard in accordance with the **Urban Tree Canopy Overlay**.

Privacy

Design in Urban Areas PO 10.1 states:

PO 10.1 - Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.

The dwelling has been designed to satisfy the corresponding DPF with fixed obscure glazing to a sill height of 1.7 metres proposed.

Given the above, the proposal satisfactorily mitigates direct overlooking in accordance with **PO 10.1**.

Overshadowing

Interface between Land Uses PO 3.1 and 3.2 states:

PO 3.1 - Overshadowing of habitable room windows of adjacent residential land uses in:

- a) a neighbourhood-type zone is minimised to maintain access to direct winter sunlight*
- b) other zones is managed to enable access to direct winter sunlight.*

PO 3.2 - Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:

- a) A neighbourhood type zone is minimised to maintain access to direct winter sunlight*
- b) other zones is managed to enable access to direct winter sunlight.*

The subject land has a north/south orientation and as such much of the shadowing resulting from the proposed development is directed to the rear yard. The shadow plans prepared by the applicant demonstrate that the eastern dwelling will be impacted by shadows cast in the afternoon whilst the dwelling to the west will be most affected in the morning.

Both properties will receive 3 hours of direct sunlight during the hours of 9 and 3 to areas of private open space and north facing windows. As such **PO 3.1 and 3.2** are satisfied.

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Stormwater Management

The **Stormwater Management Overlay PO 1.1** states:

***PO 1.1** - Residential development is designed to capture and re-use stormwater to:*

a) maximise conservation of water resources

b) manage peak stormwater runoff flows and volume to ensure the carrying

c) capacities of downstream systems are not overloaded manage stormwater runoff quality.

The corresponding **DPF** seeks those dwellings on sites over 401m² with a site perviousness less than 35% to provide 4000L of retention and 1000L detention capacity.

The proposal will be required to provide a combination 5000L tank in the form of 4000L retention and 1000L detention located to the rear of the dwelling to satisfy PO 1.1. At the time of writing a final Civil plan had not been provided and a Reserve Matter has been added to seek this prior to Development Approval.

Should the panel be of the mind to approve the development, the mandatory Stormwater Management condition must be applied.

Fencing

The proposal includes fencing to all boundaries. The side and rear fencing is to be pre-coloured steel to a height of 1.8m with the front fencing to have a solid masonry portion with the majority aluminium battens. The height shall vary between 1.2 metres at the western end and reduce to 1 metre at the eastern end.

Historic Area Overlay PO 1.1 and 4.1 states:

***PO 1.1** - All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.*

***PO 4.4** - Fencing and gates closer to a street boundary (other than a laneway) than the elevation of the associated building are consistent with the traditional period, style and form of the associated building.*

The **Residential Spacious Fullarton (West) Historic Area Statement (Un23)** states that fencing forward of the front façade should be low in height, typically less than 1 metre but up to 1.2 metres. On larger sites exceeding 16m wide fencing may include vertical elements up to 1.8 metres in total height with the style being open, see-through and maintaining an open streetscape presence of the associated building.

The subject land has a frontage of 13.41 metres. The fence is of an appropriate height and it is noted that for the most part, the fencing remains open in nature with exception with solid elements located adjacent the pedestrian entrance. The proposed front fencing is a modern interpretation of picket style fencing, is complementary to the style of the dwelling and achieves the intent of maintaining an open appearance and overall satisfies **PO 1.1 and 4.1**.

CONCLUSION

The proposed dwelling is considered to be a reasonable response to the Established Neighbourhood and Historic Area Overlay whereby the dwelling is designed to appropriately respond to the character of the area and make a positive contribution to the streetscape character.

Having considered all the relevant assessment provisions, the proposal is considered to satisfy the intent of the Desired Outcomes and Performance Outcomes of the Planning and Design Code. The proposal will not result in unreasonable impacts on adjoining properties as a result of the two-storey built form, the materials and finishes and complementary to the streetscape and the upper-level windows are appropriately screened to minimize overlooking impacts.

ITEM 4.1

DEVELOPMENT APPLICATION - 24034447 – 11 & 11A CREMORNE STREET, FULLARTON

RECOMMENDATION

It is recommended that the Council Assessment Panel/SCAP resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24034447, by Changhui Wu is granted Planning Consent subject to the following reasons/conditions/reserved matters:

RESERVE MATTERS

Planning Consent

Reserved Matter 1

Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval (or select stage of Development Approval):

- A site drainage plan detailing the location and size of rainwater tanks in accordance with the Stormwater Management Overlay.

Note - Further conditions may be imposed on the Planning Consent in respect of the above matters.

CONDITIONS

Planning Consent

Condition 1

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

Condition 3

The planting and landscaping identified on the approved plans must be completed in the first planting season concurrent with or following commencement of the use of the dwelling. Such planting and landscaping shall be irrigated and maintained thereafter with any plants which become diseased, or die must be replaced within the next available growing season with suitable species.

Condition 4

Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

ITEM 4.1

DEVELOPMENT APPLICATION - 24034447 – 11 & 11A CREMORNE STREET, FULLARTON

Condition 5

All stormwater from the building and site shall be disposed of so as not to 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.

Condition 6

The permanently fixed obscure glazing and restricted winders as shown on the approved plans and elevation drawings forming part of this consent, must be installed prior to the commencement of use of the building. The permanently fixed obscure glazing and restricted winders must be maintained in good condition and must be maintained as effective privacy controls thereafter.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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

Advisory Note 2

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 3

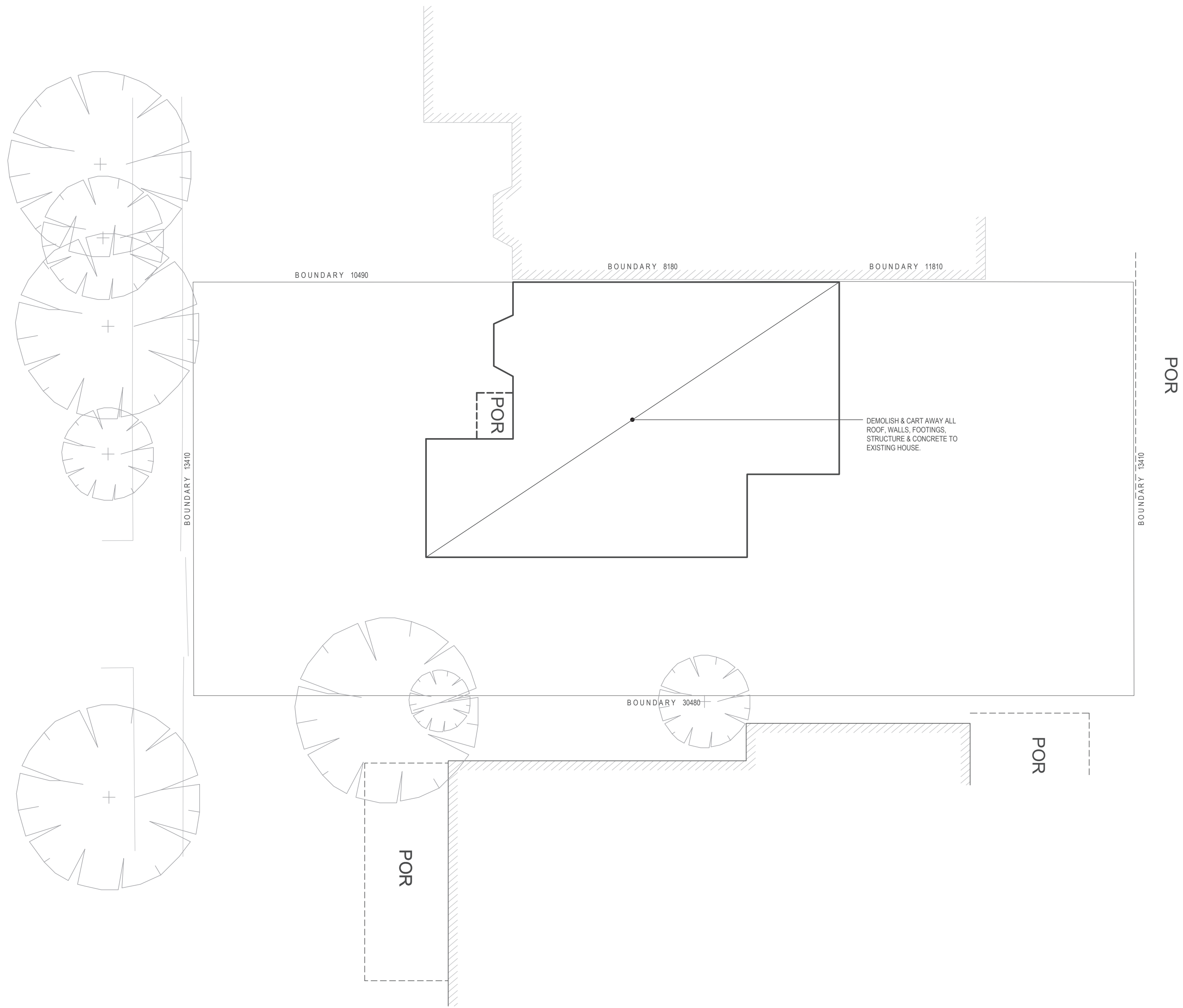
This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

Advisory Note 4

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

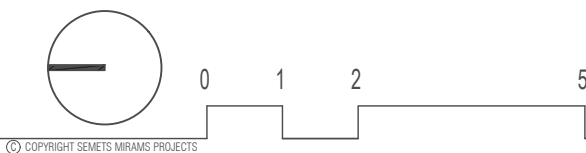
ATTACHMENT 1

CREMORNE STREET



PROPOSED DEMOLITION PLAN

1:100



PLANNING SUBMISSION	JS	25.09.24	A
ISSUE	checked	date	rev.

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Semets Mirams Projects pty ltd
ABN 73 134 686 830
M+ 0412 658 677
semets@internode.on.net

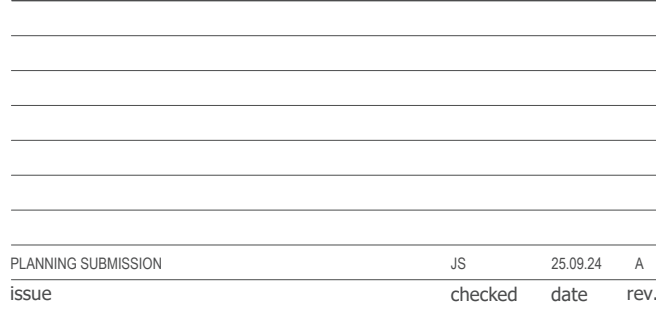
client
JUSTIN WU
project
PROPOSED NEW RESIDENCE

site location
11a CREMORNE STREET, FULLARTON SA 5063

drawing
PROPOSED DEMOLITION PLAN

Not for construction purposes unless stamped FOR CONSTRUCTION. Verify dimensions & levels on site before setting out. Do not scale. Refer to figured dimensions - in mm unless otherwise stated. Drawings shall be read in conjunction with engineers & other consultants specifications & details.

scales	checked	date
1:100	LT	September 2024
orig. size	drawing no.	issue
A1	24.223 DA.02	A



client
JUSTIN WU
project
PROPOSED NEW RESIDENCE

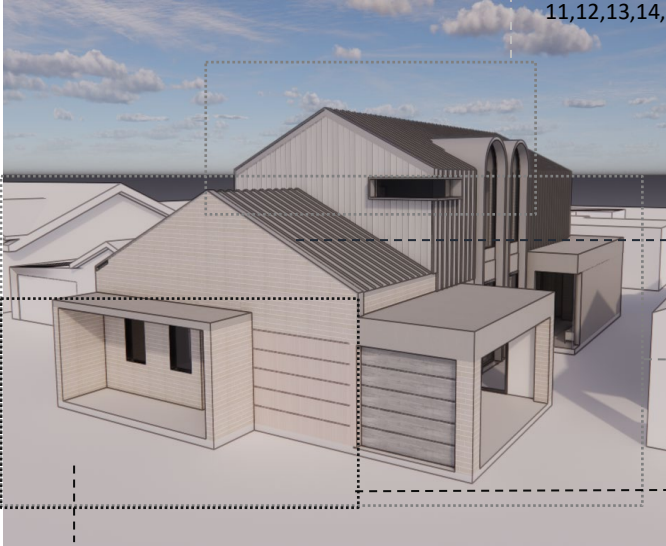
site location
11a CREMORNE STREET, FULLARTON SA 5063

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scales	checked	date
1:100	LT	September 2024
orig. size	drawing no.	issue
A1	24.223 DA.01	A

CONTEXTUAL
ANALYSIS

11A Cremorne St



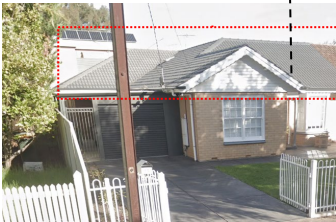
A Pitch roof repeated by surrounding existing buildings(9, 11,12,13,14,15 16Cremorne St)

C Batten faced repeated by 10 ,14, 16 Cremorne St

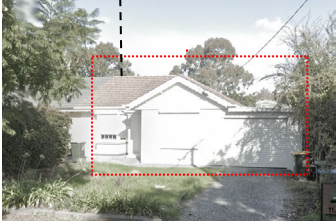
B Front elevation repeated by 11A Cremorne St

D The veranda shape was inspired by 9 & 13 Cremorne St

E Masonry wall repeated by 9 & 15 Cremorne St



A



B

Existing



D



E

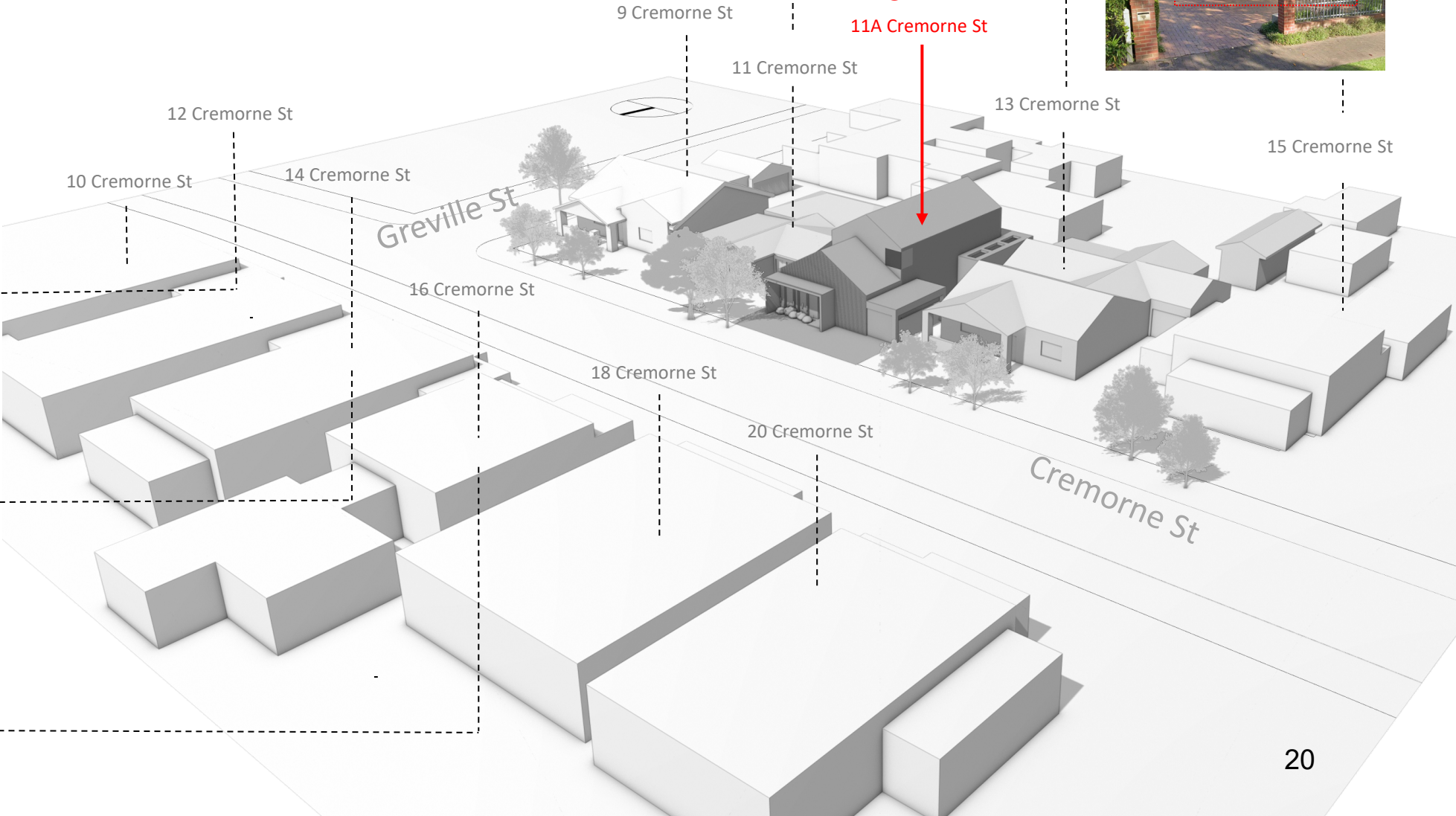
D



E

SITE

11A Cremorne St



C

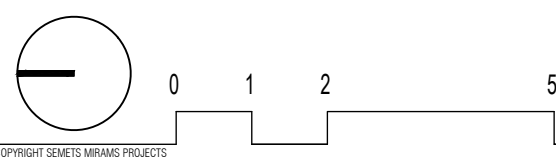
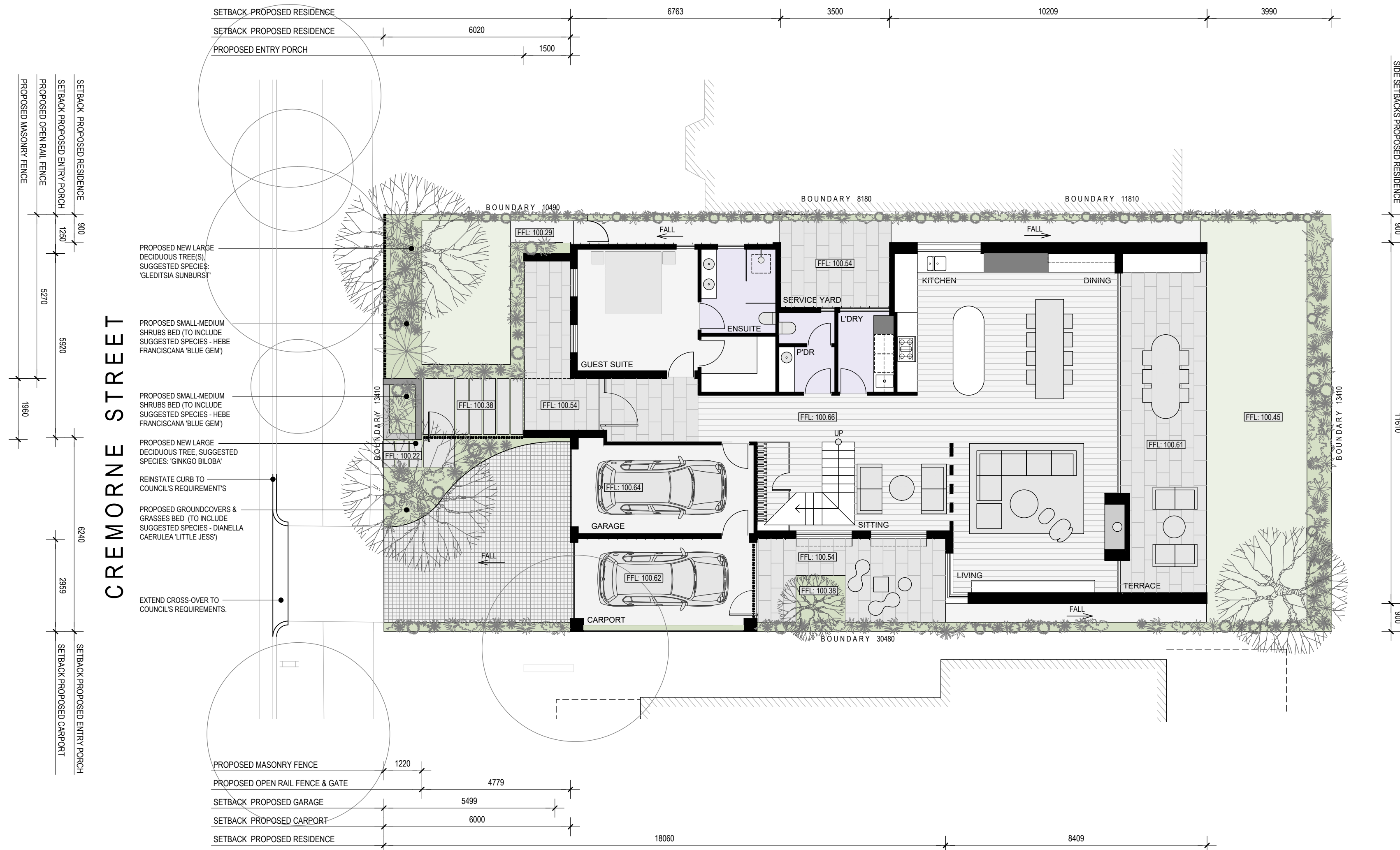


C



C

1:100



REVISED PLANNING SUBMISSION	JS	04.11.24	B
PLANNING SUBMISSION	JS	25.09.24	A
issue	checked	date	rev.

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MIRAMS
PROJECTS**

Semets Mirams Projects Pty Ltd
ABN 73 134 686 850
M+ 0412 658 677
semets@internode.on.net

client
JUSTIN WU
project
PROPOSED NEW RESIDENCE

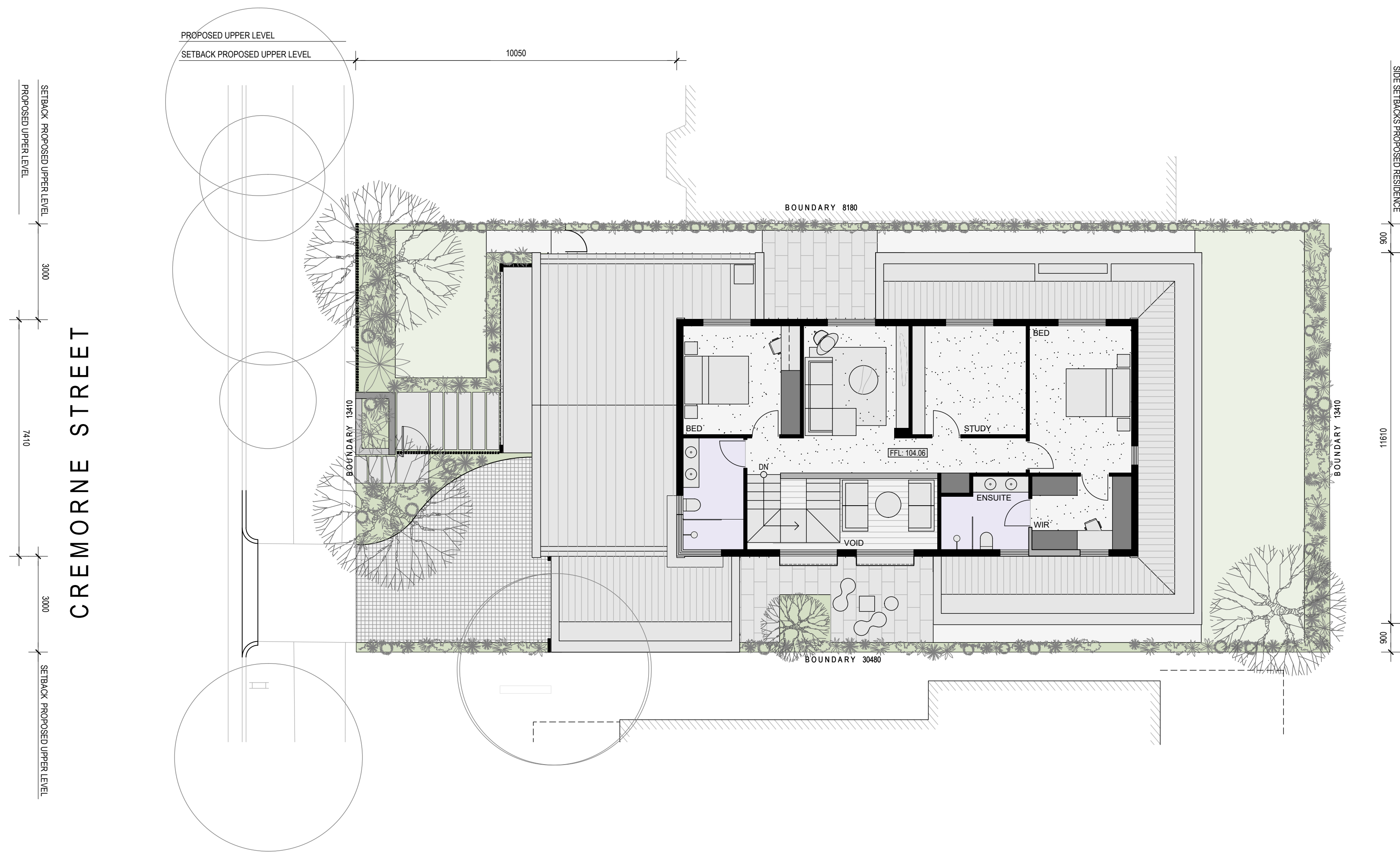
11a CREMORNE STREET, FULLARTON SA 5063

drawing
PROPOSED SITE/FLOOR PLAN

Not for construction purposes unless stamped FOR CONSTRUCTION. Verify dimensions & levels on site before setting out. Do not scale. Refer to figured dimensions - in mm unless otherwise stated. Drawings shall be read in conjunction with engineers & other consultants specifications & details.

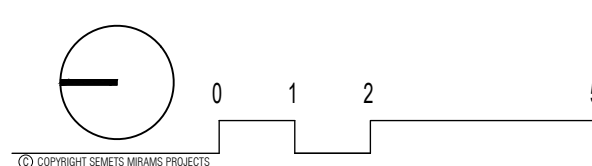
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orig. size	drawing no.	issue
A1	24.223 DA.03	B

PROPOSED TOTAL LIVING	137 SQM
PROPOSED ENTRY PORCH	005 SQM
PROPOSED REAR VERANDAH	000 SQM
PROPOSED GARAGE	018 SQM
PROPOSED CARPORT	016 SQM
TOTAL FOOTPRINT AREA	342 SQM
SITE AREA	409 SQM
COVERAGE	56.50%
PRIVATE OPEN SPACE	104 SQM
SOFT LANDSCAPING	086 SQM



PROPOSED UPPER FLOOR PLAN

1:100



PLANNING SUBMISSION	JS	25.09.24	A
issue	checked	date	rev

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Semets Mirams Projects Pty Ltd
ABN 73 134 686 850
M+ 0412 658 677
semets@internode.on.net

client
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project
PROPOSED NEW RESIDENCE

11a CREMORNE STREET, FULLARTON SA 5063

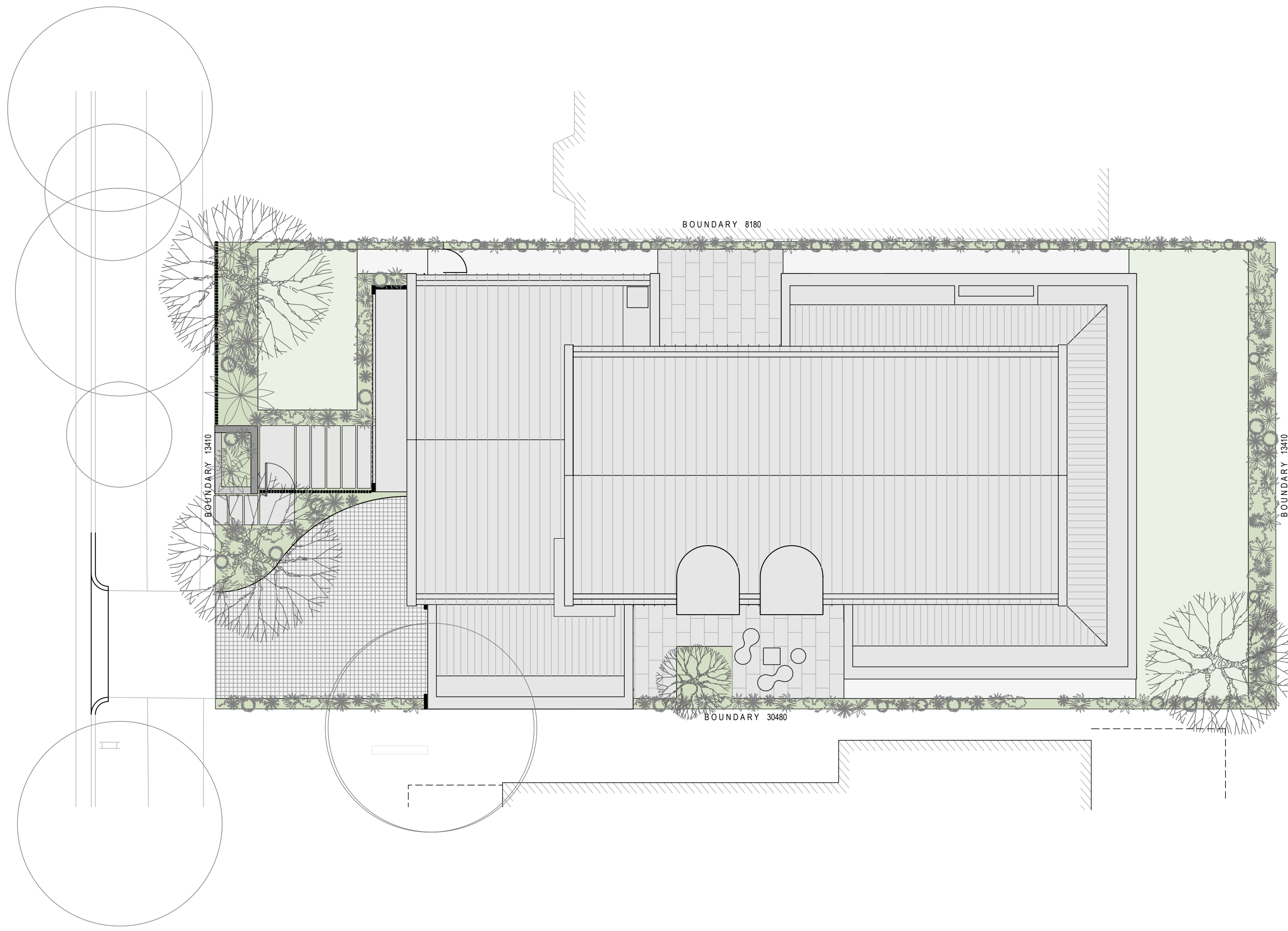
drawing

PROPOSED UPPER FLOOR
PLAN

Not for construction purposes unless stamped FOR CONSTRUCTION. Verify dimensions & levels on site before setting out. Do not scale. Refer to figured dimensions - in mm unless otherwise stated. Drawings shall be read in conjunction with engineers & other consultants specifications & details.

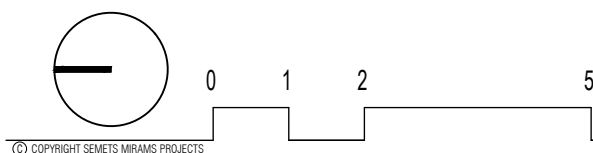
engineers & other consultants specifications & details.		
scales	checked	date
1:100	LT	September 2024
orig. size	drawing no.	issue
A1	24.223 DA.04	A

CREMORNE STREET



PROPOSED ROOF PLAN

1:100



PLANNING SUBMISSION	JS	25.09.24	A
ISSUE	checked	date	rev.

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Semets Mirams Projects Pty Ltd
ABN 73 134 686 850
M+ 0412 658 677
semets@internode.on.net

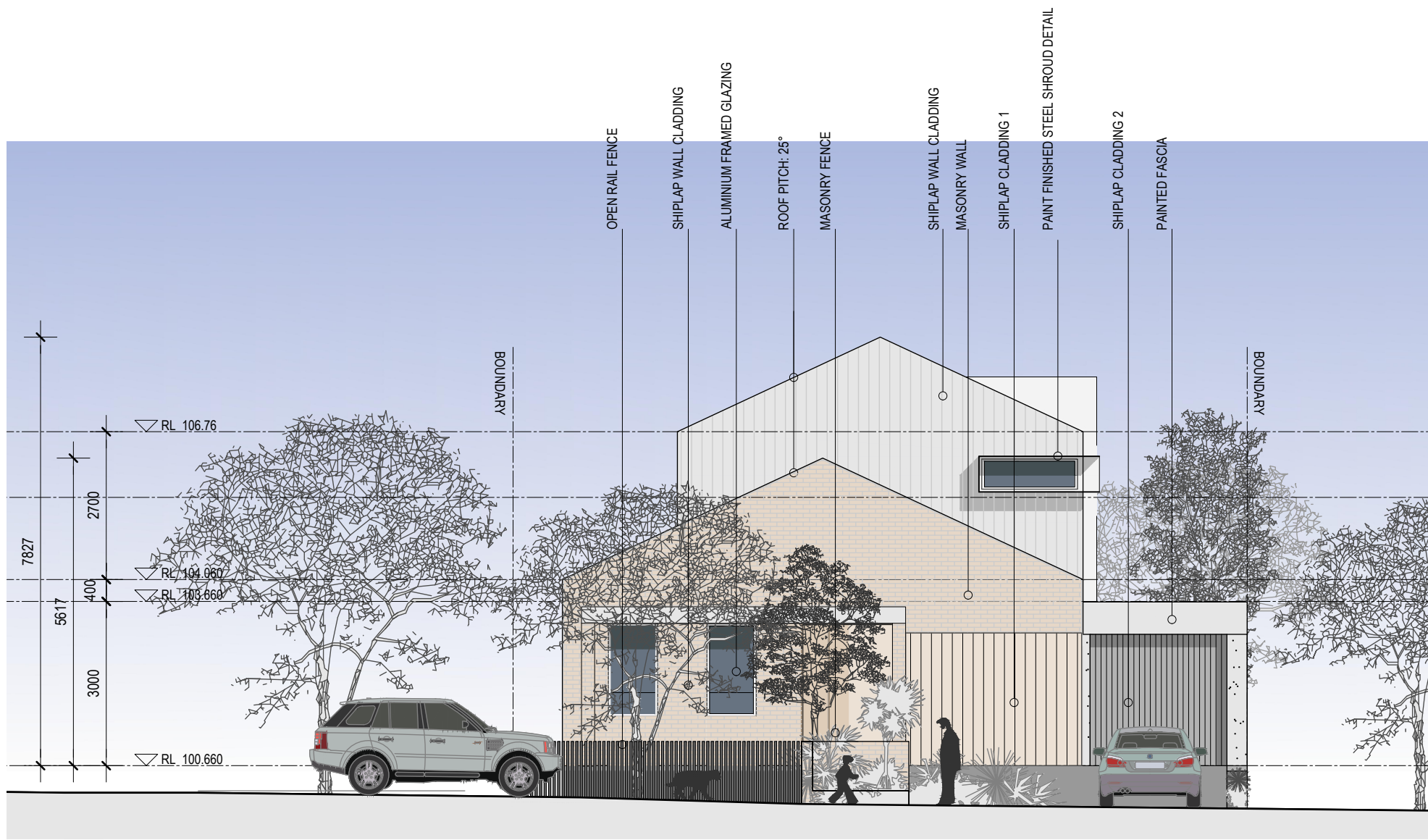
client
JUSTIN WU
project
PROPOSED NEW RESIDENCE

site location
11a CREMORNE STREET, FULLARTON SA 5063

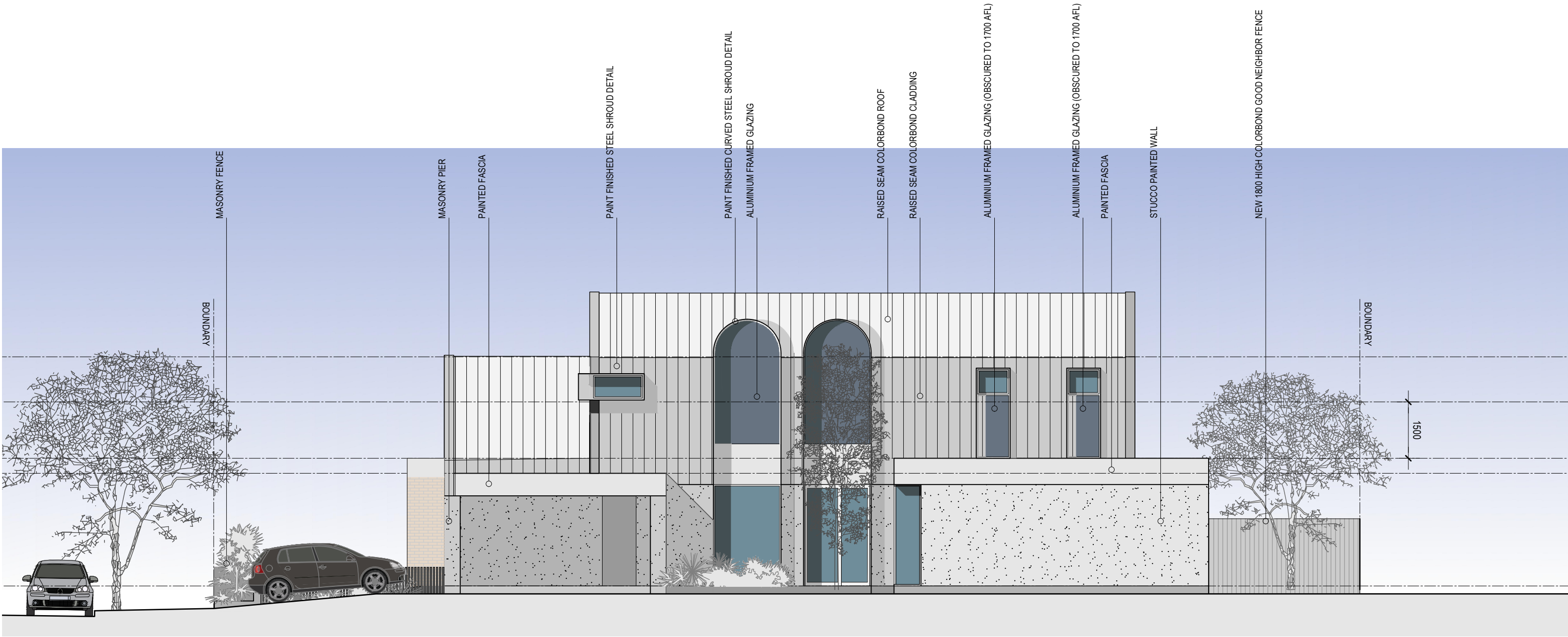
drawing
PROPOSED ROOF PLAN

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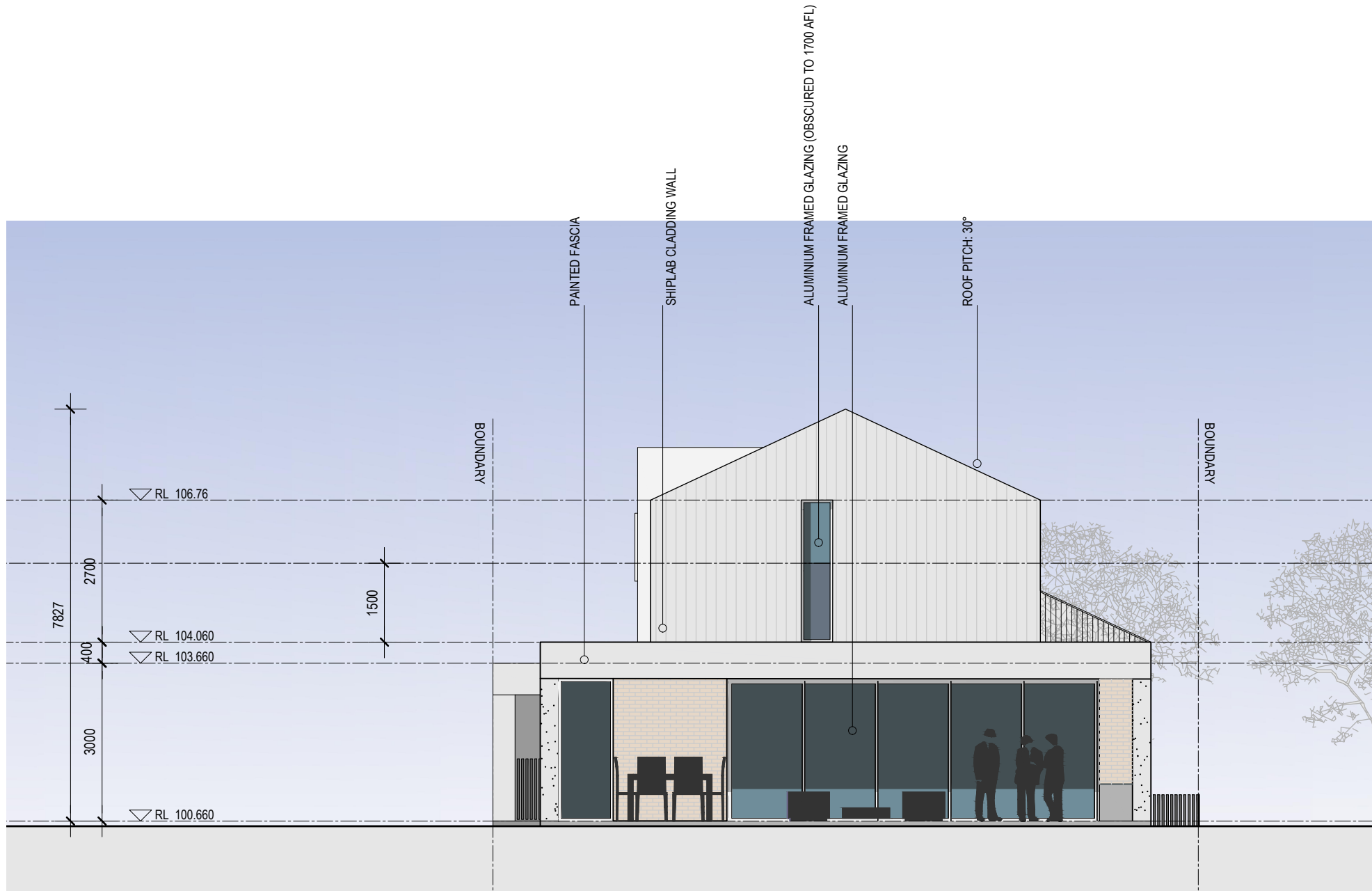
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orig. size	drawing no.	issue
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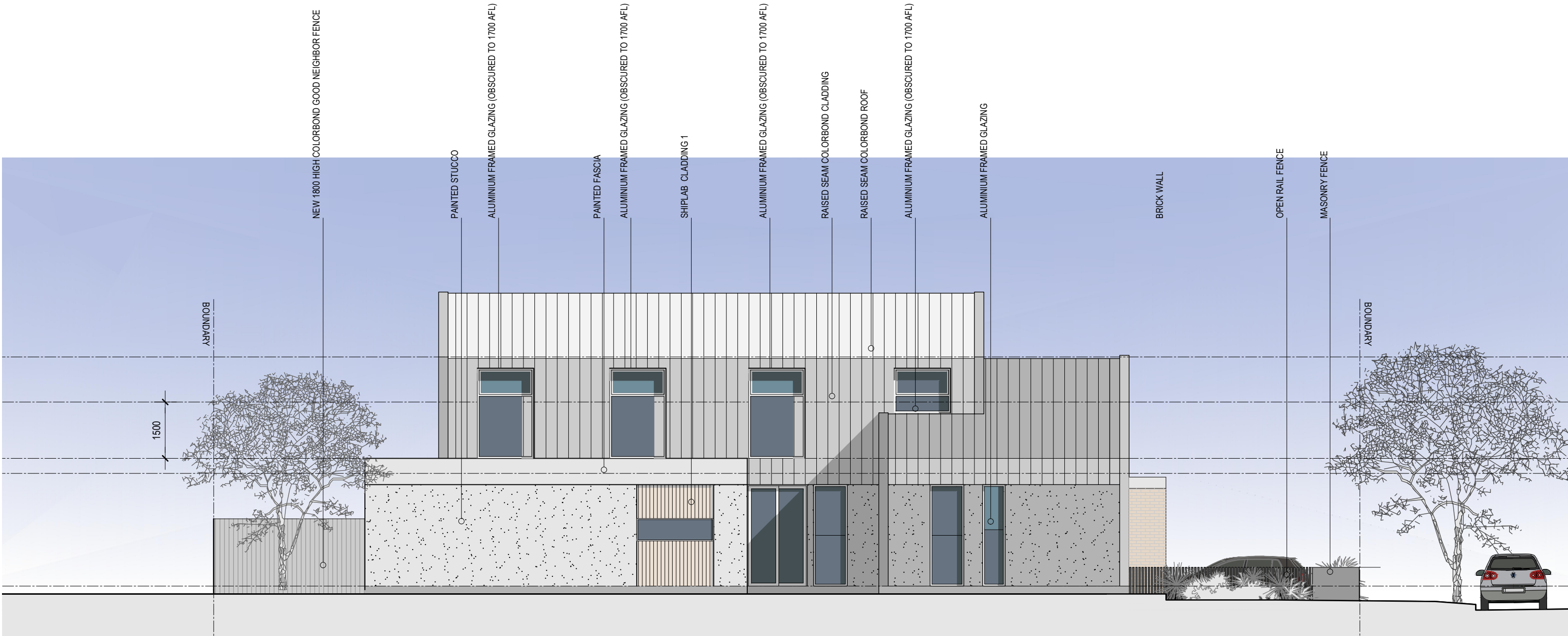
NORTH ELEVATION



WEST ELEVATION



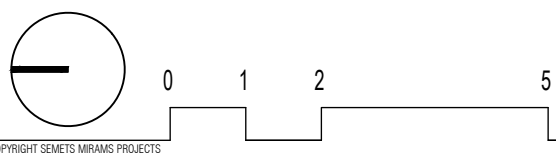
SOUTH ELEVATION



EAST ELEVATION

MATERIALS SCHEDULE

	FACE BRICK, COLOUR: 'HAMPTONS WHITEHAVEN'
	SHIP LAP CLADDING 1, 'COLOUR' 'LIGHT OAK'
	SHIP LAP CLADDING 2, 'COLOUR' 'TIMELESS GREY'
	SHIP LAP WALL CLADDING, COLOUR 'SHALE GREY'
	PAINTED FASCIA, COLOUR 'SHALE GREY'
	PAINTED STUCCO, COLOUR: 'SHALE GREY'
	RAISED SEAM METAL CLADDING, COLOUR: 'SHALE GREY'
	NEW 1800 HIGH COLORBOND GOOD NEIGHBOR FENCE COLOUR: 'DARK STONE'
	FRONT FENCE ALUMINIUM BATTEN 'BASALT'



REVISION	DATE	BY	CHKD	APPD
REVISED PLANNING SUBMISSION	08.06.25	JS		F
REVISED PLANNING SUBMISSION	01.06.25	JS		E
REVISED PLANNING SUBMISSION	04.11.24	JS		D
DIMENSIONS, MATERIALS SCHEDULE, GLAZING NOTES	16.10.24	JS		C
REVISED FRONT FENCE & SHIP LAP CLADDING	25.09.24	JS		B
PLANNING SUBMISSION	25.09.24	JS		A
ISSUE			checked	date

SEMETS MIRAMS PROJECTS

Semets Mirams Projects Pty Ltd
ABN 73 134 686 850
M+ 0412 658 677
semets@internode.on.net

client
JUSTIN WU
project
PROPOSED NEW RESIDENCE

site location
11a CREMORNE STREET, FULLARTON SA 5063

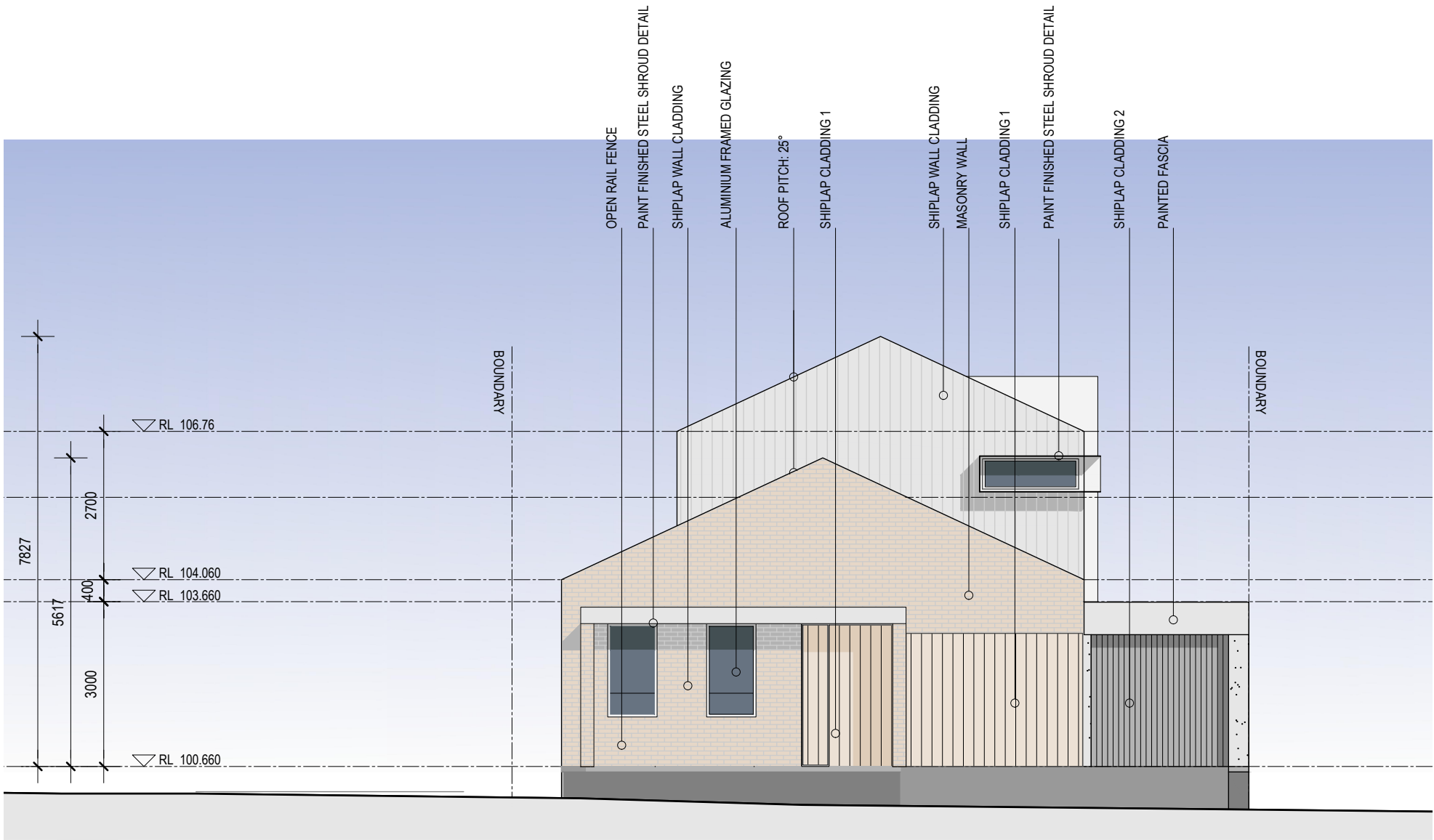
drawing
PROPOSED ELEVATIONS

Not for construction purposes unless stamped FOR CONSTRUCTION. Verify dimensions & levels on site before setting out. Do not scale. Refer to figured dimensions - in mm unless otherwise stated. Drawings shall be read in conjunction with engineers & other consultants specifications & details.

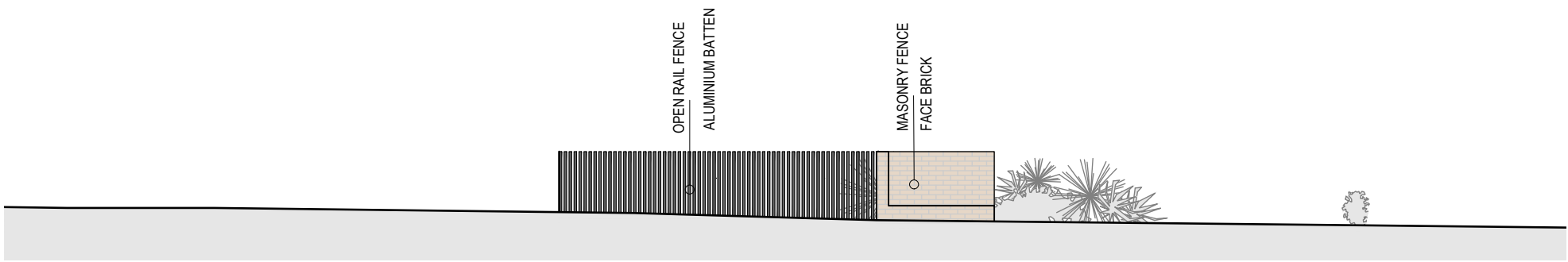
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orig. size	drawing no.	issue
A1	24.223 DA.06	F

MATERIALS SCHEDULE

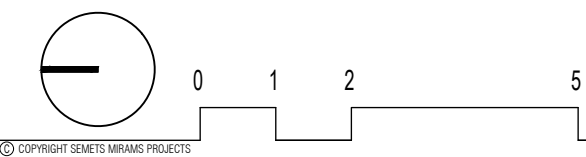
	FACE BRICK, COLOUR: 'HAMPTONS WHITEHAVEN'
	SHIPLAP CLADDING 1, 'COLOUR' 'LIGHT OAK'
	SHIPLAP CLADDING 2, 'COLOUR' 'TIMELESS GREY'
	SHIPLAP WALL CLADDING, COLOUR 'SHALE GREY'
	PAINTED FASCIA, COLOUR 'SHALE GREY'
	PAINTED STUCCO, COLOUR: 'SHALE GREY'
	RAISED SEAM METAL CLADDING, COLOUR: 'SHALE GREY'
	NEW 1800 HIGH COLORBOND GOOD NEIGHBOR FENCE COLOUR: 'DARK STONE'
	FRONT FENCE ALUMINIUM BATTEN 'BASALT'



NORTH ELEVATION



FRONT FENCE ELEVATION



REVISED PLANNING SUBMISSION	JS	26.08.25	E
REVISED PLANNING SUBMISSION	JS	04.11.24	D
DIMENSIONS, MATERIALS SCHEDULE, GLAZING NOTES	JS	16.10.24	C
REVISED FRONT FENCE & SHIPLAP CLADDING	JS	25.09.24	B
PLANNING SUBMISSION	JS	25.09.24	A
ISSUE	checked	date	rev.

SEMETS MIRAMS PROJECTS

Semets Mirams Projects Pty Ltd
ABN 73 134 686 850
M+ 0412 658 677
semets@internode.on.net

client
JUSTIN WU
project
PROPOSED NEW RESIDENCE

site location
11a CREMORNE STREET, FULLARTON SA 5063

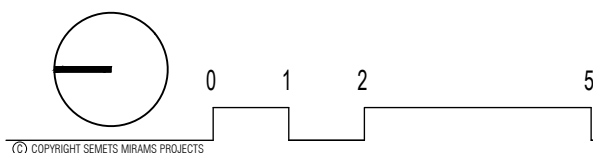
drawing
**PROPOSED FRONT ELEVATIONS
WITHOUT PLANTS**

Not for construction purposes unless stamped FOR CONSTRUCTION. Verify dimensions & levels on site before setting out. Do not scale. Refer to figured dimensions - in mm unless otherwise stated. Drawings shall be read in conjunction with engineers & other consultants specifications & details.

scales	checked	date
1:100	LT	September 2024
orig. size	drawing no.	issue
A1	24.223 DA.06	F



STREET VIEW ON EAST ELEVATION



REVISED PLANNING SUBMISSION	JS	08.05.25	F
REVISED PLANNING SUBMISSION	JS	01.05.25	E
ISSUE	checked	date	rev.

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PROJECTS**

Semets Mirams Projects Pty Ltd
ABN 73 134 686 850
M+ 0412 658 677
semets@internode.on.net

client
JUSTIN WU
project
PROPOSED NEW RESIDENCE

site location
11a CREMORNE STREET, FULLARTON SA 5063

drawing
STREET VIEW

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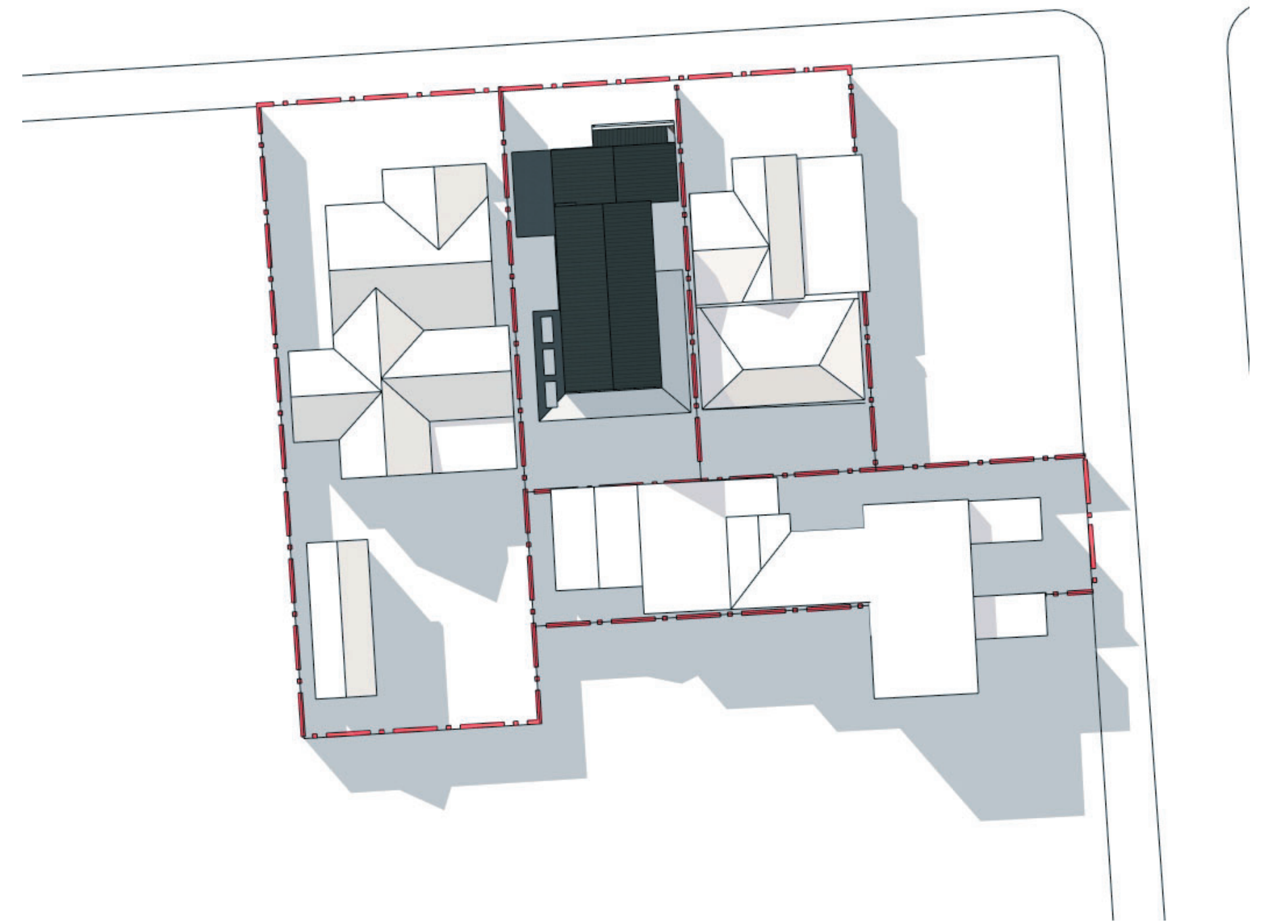
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orig. size	drawing no.	issue
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① **Roof Jun. 9AM**
1:200

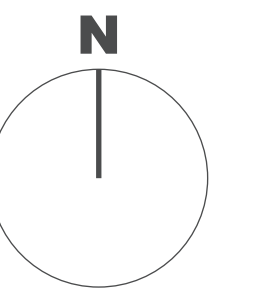
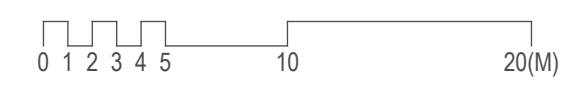


② **Roof Jun. 12PM**
1:200



③ **Roof Jun. 3PM**
1:200

2 Floors





① Roof Jun. 9AM
1:200

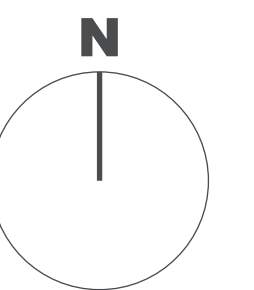
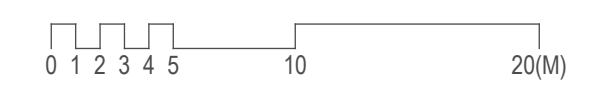


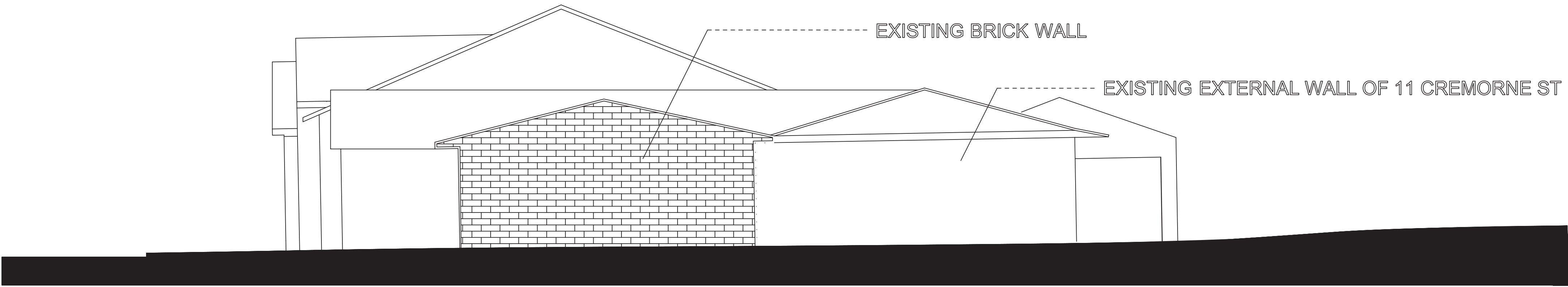
② Roof Jun. 12PM
1:200



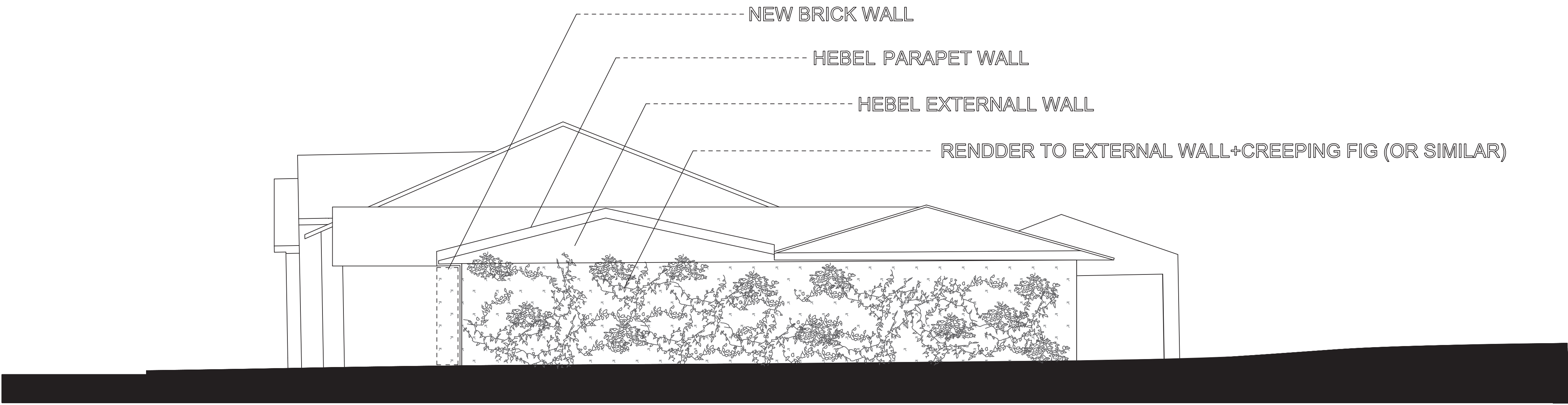
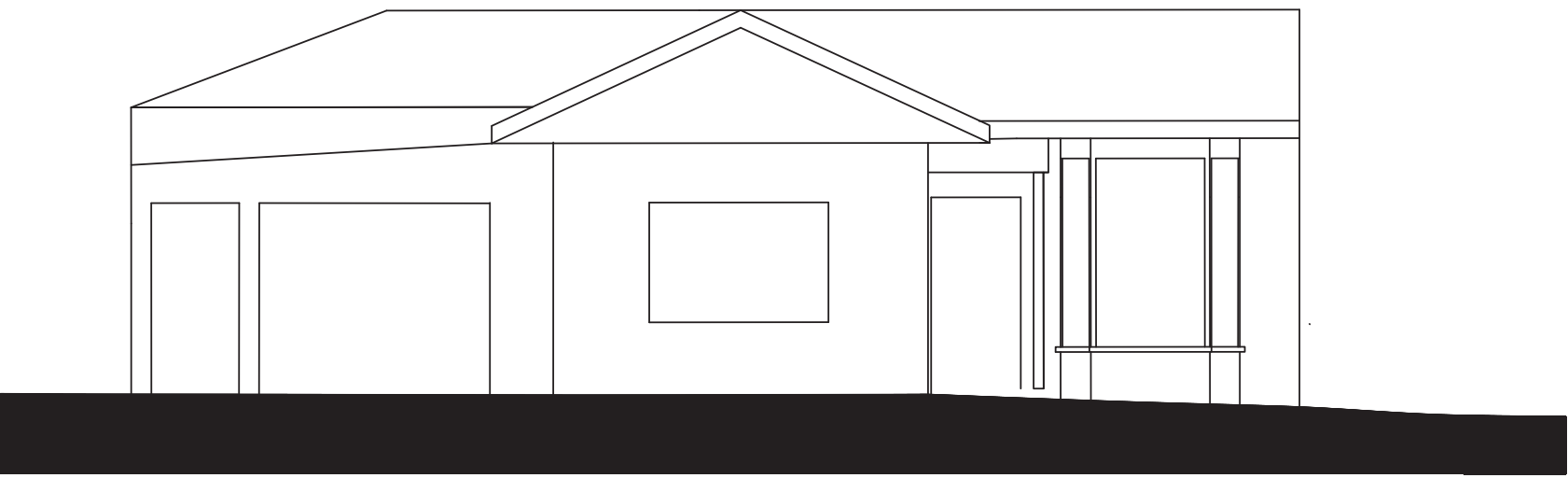
③ Roof Jun. 3PM
1:200

Vacant

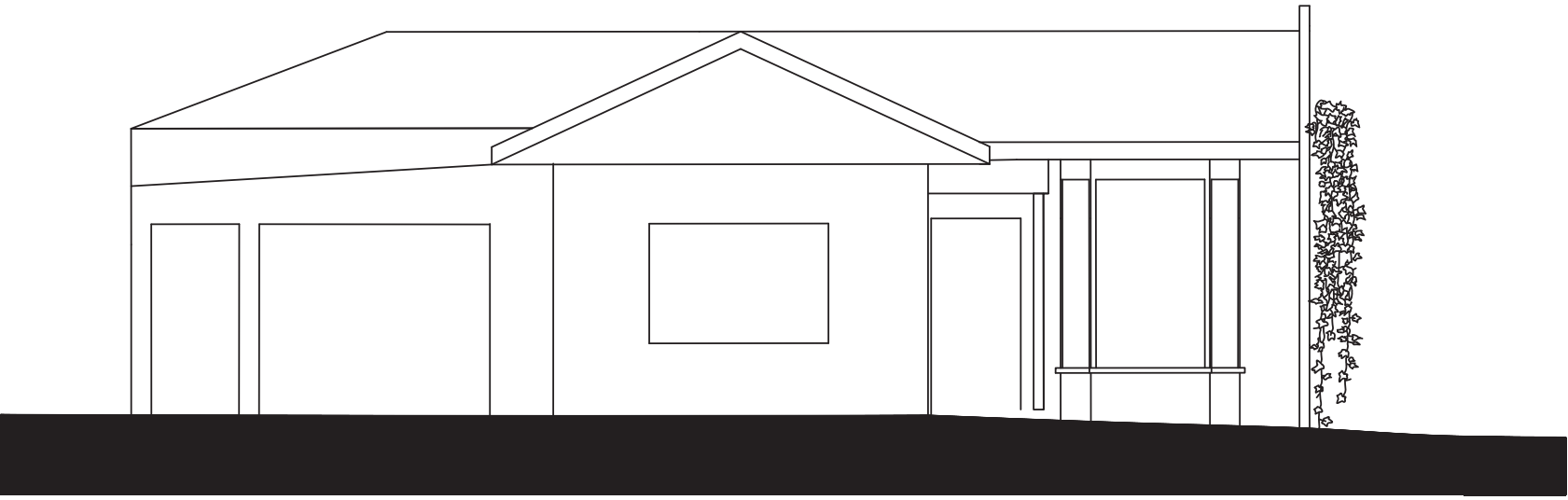




BEFORE



AFTER

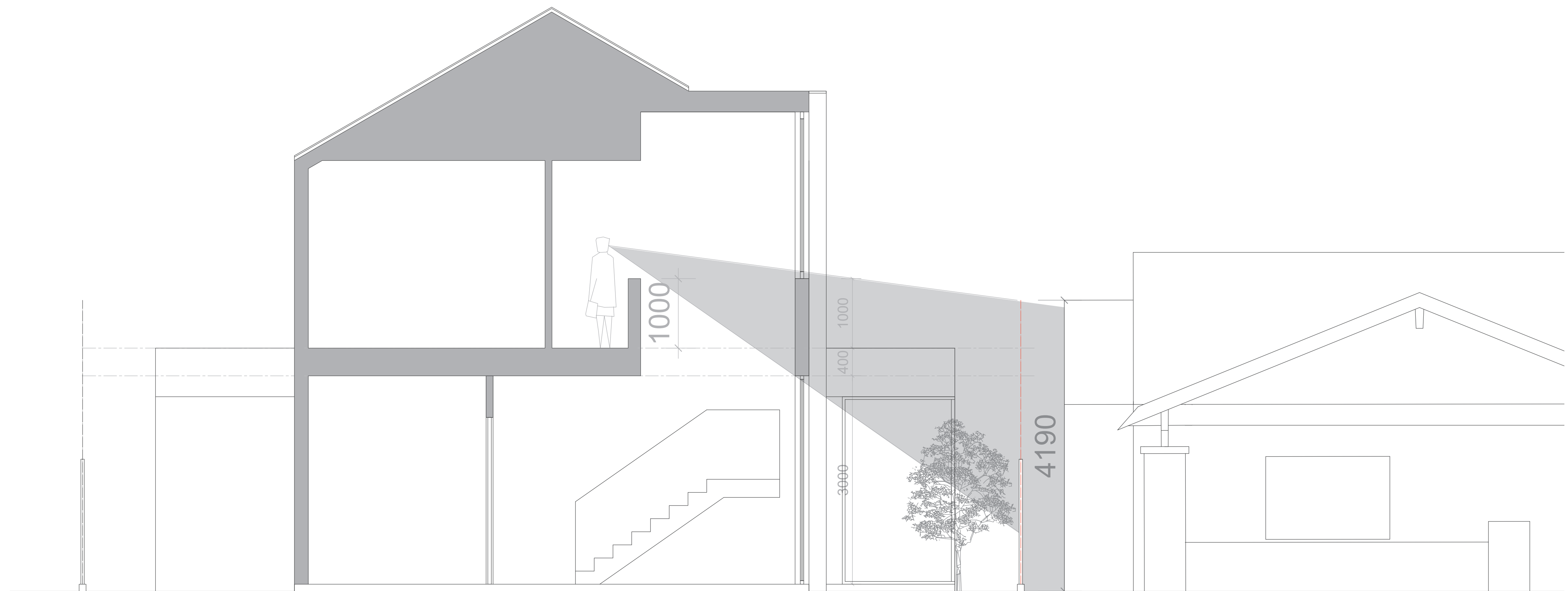


RL

FFL01

GL





11A

13

CREMORNE STREET

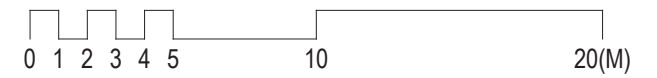
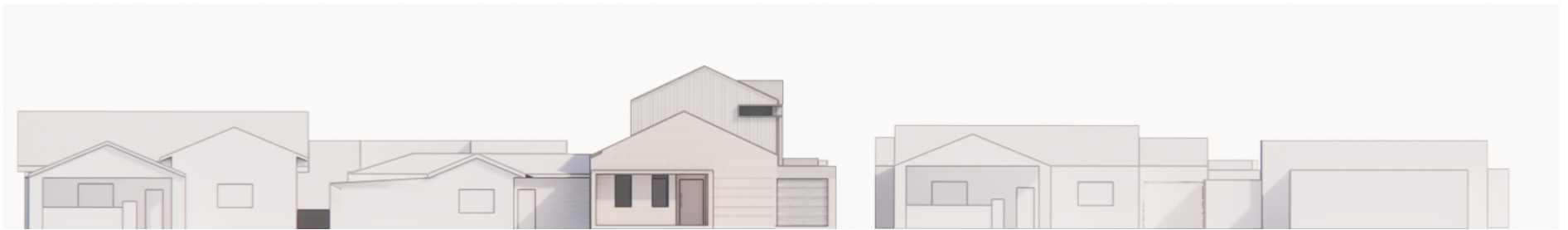
9 Cremorne St

11 Cremorne St

11A Cremorne St

13 Cremorne St

14 Cremorne St



ATTACHMENT 2

Details of Representations

Application Summary

Application ID	24034447
Proposal	Demolition of existing semi-detached dwelling, alterations to existing party wall and construction of a double storey detached dwelling.
Location	11A CREMORNE ST FULLARTON SA 5063

Representations

Representor 1 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	18/07/2025 01:22 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Do not support the demolition of a character home.	

Attached Documents

Representations

Representor 4 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	04/08/2025 11:53 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

My family and I are concerned about the following: - The aesthetic of the proposed building is not sympathetic to the Fullarton/Cremorne street streetscape. The appeal of Cremorne street is that of significant consistency in the traditional bungalow style (with a few villas at the Unley end). Recent new housing that has been built on Cremorne street has adopted a colour palette and style which is more in keeping with this. - The double storey proposed in this design means that our private bedrooms will be overlooked. Other newer built buildings on Cremorne street, which have built a second story have set that story back from the street, which has lessened the impact on flow and aesthetic of the street. - We are concerned about the impact on light and shade to be caused by the double storey design on neighbouring properties. - The development materially changes the use and intention of the land. The current duplex style of living supports a single person/couple and the intended building will change this. Street parking is already quite congested in our area of Cremorne street. - We are very concerned about the very personal impact on the single lady who lives in the neighbouring unit (11 Cremorne st). She purchased and developed her property on the understanding that she was in a duplex property with shared roof. The development she has undertaken (in previous years) has maintained the overall tone and proportions of the dwelling, and therefore we supported that. Under this proposal, her small unit will be dwarfed, overlooked and light impacted to surrounding neighbours. We are concerned that the impact of this building will have an intimidating effect on her and may force her to leave.

Attached Documents

Representations

Representor 5 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	04/08/2025 07:08 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I am the owner of [REDACTED], which is on the western side of the proposed development at 11A Cremorne Street. I wish to state full and complete objection to this development. My first objection is the proposal of demolishing half of a semi-detached house (half A). It is inconceivable that any council or authority would permit this. The remaining half of the semi-detached house (half B) will be degraded by demolition of half A in many respects. It will: - look unsightly from the street - undermine the structural integrity of half B - be a significant impost on the owner of half B - the proposed construction will block significant afternoon light from half B - result in reduction of the value of half B, which is grossly unfair to the long term owner of this half. If against all reasonable consideration half A was approved to be demolished, the proposed house design: - is very modern and does not blend with the surrounding historical bungalows and villas. In particular the style and dark colours of the proposed house do not blend. Number 28 Cremorne Street has been used in support of this proposal - however no. 28 is on a significantly larger block and has been built in a style which is complementary to the surrounding bungalows - in particular light colours, limestone frontage and bungalow style verandah. - exceeds maximum site coverage - too high a percentage of house for the block size. There is minimal outdoor space for the size of the house. Maximum site coverages exist for a reason and must not be allowed to be changed at will. - reduced setback - the proposal references the verandah of 13 Cremorne Street. The setback should not be measured in relation to a verandah, but from the solid house wall. The setback for the proposed solid house wall is even closer to the street than the verandah of no. 13 and significantly closer than the solid house wall of no. 13. - reduced side boundary setback. The proposal states the minimum setback from side boundaries should be 1 metre. Minimums exist for a reason - 900mm is not 1 metre and therefore not acceptable. Such provisions cannot be allowed to be changed at will. - there are two arched windows to 2 storey height which will have direct line of sight into one of no. 13's bedrooms - the proposal does not indicate these are to be obscured glass which is a privacy issue. Privacy, light, build style/aesthetics and noise proximity are all significant concerns for 13 Cremorne Street, which will reduce the liveability and value of no. 13, along with that of neighbouring properties. As stated above - I fully and completely object to the development proposal of 11A Cremorne Street Fullarton.

Attached Documents

Details of Representations

Application Summary

Application ID	24034447
Proposal	Demolition of western side of semi-detached dwelling and alterations to the party wall, change in dwelling type to detached dwelling and construction of a double storey detached dwelling.
Location	11 CREMORNE ST FULLARTON SA 5063, 11A CREMORNE ST FULLARTON SA 5063

Representations

Representor 1 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	15/10/2025 12:16 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons	

Attached Documents

RepresentationOnApplication-11aCremorneStreetFullarton-12508691.pdf
[REDACTED]Representation11aCremorneStreet-12508692.pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	Changhui Wu
Development Number:	24034447
Nature of Development:	Demolition of western side of semi-detached dwelling and alterations to the party wall, change in dwelling type to detached dwelling and construction of a double storey detached dwelling.
Zone/Sub-zone/Overlay:	<i>Established Neighbourhood</i>
Subject Land:	11A Cremorne Street Fullarton SA 5063 Plan Number – F14927AL65 Title reference – CT 5437/893
Contact Officer:	Assessment Panel City of Unley
Phone Number:	
Close Date:	24/10/2025

My name*: [REDACTED]	My phone number: [REDACTED]
My postal address*: [REDACTED] [REDACTED]	My email: [REDACTED]

* Indicates mandatory information

My position is:	☐ I support the development
	☐ I support the development with some concerns (detail below)
	☒ I oppose the development



Government of South Australia

Department for Trade
and Investment

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

I write as the owner of [REDACTED] to the proposed development at 11A Cremorne Street. I wish to lodge a representation that strongly objects to the proposed redevelopment at 11A Cremorne Street. The revised plans still remain fundamentally non compliant with the Planning and Design for the Established Neighbourhood Zone and are inconsistent with the Historic Area Overlay. My objection and concerns are based on the negative impacts the two storey development would have on my property, our immediate neighbour at 13 Cremorne Street, and the broader streetscape.

Structural Damage risk

The revised redevelopment plans indicate demolishing the existing home on 11A Cremorne Street and the construction of a two storey dwelling close to the shared boundary with 11 Cremorne Street. From the planning documents received, there is a real risk of significant damage to the foundations and structural integrity on 11 Cremorne Street during demolition, excavation and construction. There is also substantial risk to my home in the future, due to ground movement and soil disturbance as a result of the new two level construction. The significant risk associated with damages, costs and repairs to my dwelling is unacceptable and unlawful.

Overshadowing and building height

Another negative impact of the proposed two storey build will be overshadowing of neighbouring properties, drastically reducing sunlight to our homes. Both 11 and 13 Cremorne Street enjoy reasonable solar access, an essential amenity, energy efficiency and the liveability of these properties.

The proposed forward boundary of the design plans will extend more than 5000mm from the existing front bay window wall of 11 Cremorne Street causing overshadowing and a strong sense of being closed in due to the close proximity of the new build and obtrusive building footprint which the revised plans show will cover more than 56 percent of the land on a small allotment of approximately just over 400 square metres.

The revised proposal still seems to push much closer to the side and forward boundaries that our historic area mandates. Such encroachment would be immediately noticeable and jarring in the streetscape, and it increases the overshadowing and privacy impacts mentioned above. The proposed footprint, the proximity of the new dwelling and minimal setbacks are all important issues to be considered and are legitimate reasons for building consent to be refused and I respectfully ask the applicant to consider adjusting the plans accordingly.

Fire Safety Concerns

The revised building plans highlight that the new dwelling on 11A Cremorne Street will be setback back 900mm from the side boundary of 11 Cremorne Street. I wish to highlight the fire safety concerns that arise from the proposed design. Building so close to the boundary and as a two level dwelling, not only affects amenity but could pose a fire spread risk between dwellings. I believe the fire safety risk is a relevant concern for planning as it comprises safety or access for emergency services.

Visual and heritage character

A two storey frontage in a predominantly singly storey historic context produces unacceptable visual dominance and breaks the former semi-detached symmetry. The City of Unley Historic Area Statements and Character Area Statement guidelines set out clear expectations that new developments must respect and complement the heritage attributes of the area. I believe that the proposal at 11A Cremorne Street, in its revised form does not satisfy all of these heritage and character guidelines.

Incompatible design features

Even though the revised plans indicate a lighter colour selection of materials, the architectural style and overall appearance should take cues from the historic context rather than introduce incongruous modern elements. Without seeing final materials, I am very concerned that the new build will have a contemporary two storey facade and bulky modern frontage which will erode the elegant heritage aesthetic of Cremorne Street.

Conclusion

This proposal, even as revised is out of scale for the Established Neighbourhood Zone and inconsistent with the City of Unley Historic Area values. It would diminish streetscape character and unreasonably impact adjoining properties. For the reasons outlined above spanning structural integrity, amenity impacts of overshadowing and privacy, safety and heritage compatibility, I strongly advise the Assessment Panel at the City of Unley to refuse the development application for 11A Cremorne Street in its revised form and to direct the applicant to a planning design proposal which addresses the negative impacts of concerned neighbours and achieves full compliance with laws and policies.

I appreciate your careful consideration of this representation. Please do not hesitate to contact me for any further information or clarification.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development]*.

I:	☒ wish to be heard in support of my submission*
	☐ do not wish to be heard in support of my submission
By:	☒ appearing personally
	☐ being represented by the following person:

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: 	Date: 14/10/2025
--	------------------

Return Address:

Email:

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Representations

Representor 2 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	20/10/2025 09:56 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

To keep our neighbourhood a nice living area, I don't agree with the plan for below reasons: 1, 56% Building Area Ratio and 90cm distance to boundary both breach existing rule. 2, to build a double storey house in such a small land with 56% BAR definitely affect the surrounding density, a too high FLR(floor area ratio), and impact neighbours' scenery and sunlight hours. 3, awkward building colour not harmonised with surroundings. Last but the most important, to demolish part of a semidetached dwelling, not only degrades the quality of the remaining part and increases the risks of future damage, but also causes obvious anxiety of the owner sharing the party wall. As a result, I would rather such bad example not be set for future possible followers in our lovely neighbourhood. Thank you for reading, [REDACTED]

Attached Documents

Representations

Representor 3 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	23/10/2025 03:51 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

Dear Sir/Madam, I am writing to formally object to the proposed building plan for the property located at 11A Cremorne Street Fullarton SA. Upon review, it is clear that the majority of aspects in the plan do not comply with the surrounding properties, leading to an undesirable precedent for future applications. This proposed plan represents a second notification following the initial objections and representations submitted by related residents. However, it appears that no changes have been made to the plan. This suggests that the feedback and concerns raised by local residents have not been meaningfully considered by the applicant. The detailed objections will be attached in a separate document. I strongly believe that the Unley Council should value and respect the feedback of the local community and residents, ensuring that their voices are genuinely heard and reflected in the decision-making process. For these reasons, I respectfully urge the planning authority to reconsider the approval of this plan in favour of a proposal that aligns with the guidelines and respects the community. Thank you for your time and attention to this matter. I look forward to your response. Yours faithfully, [REDACTED] 23 Oct 2025

Attached Documents

Signed-Objection-Letter-[REDACTED]-231025-1551781.pdf
Letter-of-Advice-11A-Cremorne-Street-2-1551782.pdf
Windows-Pictures-231025-1551783.pdf



First Representation dated 5 August 2025

Second Representation dated 23 Oct 2025

**Planning Department
City of Unley**

Subject: Objection to Proposed Building Plan at 11A Cremorne Street Fullarton SA 5063

Application ID: 24034447

Dear Sir/Madam,

I am writing to formally object to the proposed building plan for the property located at 11A Cremorne Street Fullarton SA. Upon review, it is clear that the majority of aspects in the plan do not comply with the Provisional Guidelines.

The land shares its [REDACTED]. The proposed demolition of the adjoining dwelling with 11 Cremorne Street Fullarton poses a significant risk to the structural integrity of the attached and nearby properties. Given the close proximity of these dwellings, any demolition work could potentially cause damage such as cracking, subsidence, or other structural issues. These risks must be fully assessed and mitigated before any such work is allowed to proceed. The safety and stability of existing homes should be a priority in any redevelopment plans. My objection relates primarily to the building size, height, and placement of the proposed building and window, and the resulting negative impact on privacy, amenity, and the overall character of the area.

Building Site Size

Although the land is small, the proposed building site is disproportionately large. The coverage of the site footprint at 57% exceeds the accepted standard of 50%. This significant overdevelopment not only breaches the guideline but also adversely impacts the character and density of the area. The proposed scale and mass are out of keeping with the surrounding properties, leading to an undesirable precedent for future applications.

Building Height

The proposed building height is excessive, resulting in a loss of privacy due to overlooking into my property. This could lead to dissatisfaction and reduce the enjoyment of our private life and devaluing our home. This design will block sunlight and obstruct natural views of the sky from my property, significantly impacting our living conditions.

Visual Appearance

Moreover, the concerns of the design and visual appearance of the proposed building. The current plan features a contemporary design with dark tones, which is in stark contrast to the existing character of the street, where the properties are predominantly bungalow-style homes constructed in light, nude-coloured stone color.

Materials and Colour

The proposed design would significantly disrupt the visual harmony and established aesthetic of the area, which has been maintained consistently over the years. The choice of materials and

colour palette appears unsympathetic and out of context in relation to neighbouring properties. This lack of cohesion risks negatively impacting the character and charm of the street, which many residents value highly.

Window Height and Size

The planned window on the second floor is large, elevated, and positioned very close to our shared boundary, making it a direct intrusion into the privacy of our property. While the window may not be transparent, the sheer size and positioning of it, so near our living areas, create an overwhelming sense of exposure and loss of privacy. It will significantly alter the enjoyment of my home and the sense of personal space that my family and I currently have.

The proximity of this window is particularly concerning given that it overlooks areas of our home that are typically shielded from external view, such as our two-living rooms, Kitchen and outdoor entertaining area located on the North side of our property. Even though the window itself may not be see-through, the height and scale of it result in a direct line of sight into our property, undermining our ability to feel secure and private within our own home. I believe a modification to the window size, placement, or opacity could be a reasonable solution to mitigate the impact on our privacy.

As an alternative, I suggest a single-story design with an extension at a similar level to the adjoining dwelling, which would better respect the neighbourhood's character and guidelines.

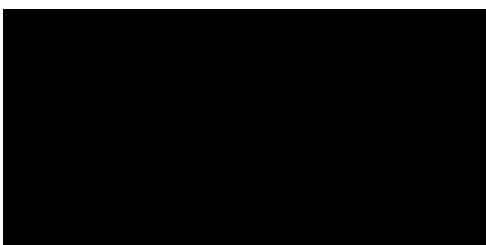
To support my objection, I have obtained an independent report from Nicholas Timotheou, an accredited professional in this field, which highlights these concerns in detail. I have attached this report for your consideration.

This proposed plan represents a second notification following the initial objections and representations submitted by related residents. However, it appears that no changes have been made to the plan. This suggests that the feedback and concerns raised by local residents have not been meaningfully considered by the applicant.

I strongly believe that the Unley Council should value and respect the feedback of the local community and residents, ensuring that their voices are genuinely heard and reflected in the decision-making process.

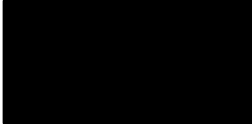
For these reasons, I respectfully urge the planning authority to reconsider the approval of this plan in favour of a proposal that aligns with the guidelines and respects the community.

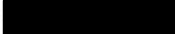
Thank you for your time and attention to this matter. I look forward to your response.

A large black rectangular redaction box covering the signature area.A small black rectangular redaction box covering the name.

23 Oct 2025

05/08/2025



Dear 

Letter of Advice - Notified Development Application 24034447 – Independent Review

You have requested my advice in relation to a proposal involving the construction of a detached dwelling, described by the Relevant Authority as “Demolition of existing semi-detached dwelling, alterations to existing party wall and construction of a double storey detached dwelling.” (proposed development). The subject land is located at 11a Cremorne Street, Fullarton (the Land).

In particular, you have sought my advice and independent assessment of the proposed development to assist in highlighting departures from the Planning and Design Code (the Code). This letter has been prepared based on the set of plans available on the PlanSA website, prepared by Semets Mirams Projects, Revision A, dated 25 September 2024 and Nexus Consulting Engineers, Revision A, dated 30 September 2024.

It is understood this advice is intended to inform, or may be included within, your formal representation regarding the development.

Property Zoning Information

The land is located within an Established Neighbourhood Zone (the Zone). A number of Overlays and Technical Numeric Variations (TNVs) relevant to the development apply to the land and are as follows:

Overlays

Airport Building Heights (Regulated) All structures over 45 metres

Historic Area Un23

Prescribed Wells Area

Regulated and Significant Tree

Stormwater Management

Urban Tree Canopy

Technical Numeric Variations (TNVs)

Maximum Building Height (Metres) Maximum building height is 6m

Minimum Frontage Minimum frontage for a detached dwelling is 16m

Minimum Site Area Minimum site area for a detached dwelling is 700 sqm

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

Minimum Side Boundary Setback Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher

Site Coverage Maximum site coverage is 50 per cent

The proposed development has been assigned a performance assessment pathway and is notified to properties on adjacent land. The Council Assessment Panel is the Relevant Authority and shall be considered on its merits against the Code.

Approach to Development Assessment

For your benefit, it is important to acknowledge that failure to meet a quantitative provision is not usually, of itself, a defining ground for refusal. Part 1 of the Planning & Design Code - "Rules of Interpretation" states the following:

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

DPF provisions should not be interpreted as minimum (or maximum) quantitative provisions. Instead DPFs represent one way to satisfy the corresponding Performance Outcome (PO). There can be variations from DPF provisions and should not be considered as development mandates.

Locality

The locality is typically defined by residential development constructed between 1900 and 1940, as reflected in the consistent built form, subdivision layout and architectural design.

A simple grid layout is observed within the street pattern, comprising wide streets and regular allotments. Dwellings are generally set back a consistent distance from both the front and side boundaries, with uniform spacing between buildings and landscaped front gardens contributing to a cohesive suburban character.

Development largely comprises Inter-War era housing, with a strong representation of bungalows and other complementary styles of the period. Dwellings commonly feature hipped or gable roof forms, chimneys and open front verandahs. Carports, garages and side additions are typically located separate from the main dwelling and are further set back to ensure they remain a minor and unobtrusive element within the streetscape. A consistent pattern of building proportions is noted, including uniform wall heights and building widths.

External materials are consistent with early 20th century construction and include sandstone, bluestone, and a variety of brick finishes. Front fencing is generally low (typically up to 1.2 metres in height) and is reflective of the style and materials of the associated dwelling. Fence types vary and include timber picket, corrugated iron, and combinations of masonry and steel. Hedges, with or without fencing, are also common. Most fencing allows for views to the dwelling which contributes to the open character of the street.

The predominant building heights are single storey in nature, though two-storey buildings are not completely foreign to the locality.

Planning Opinion

Following a review of the development against the relevant provisions of the Planning and Design Code, the following provides commentary on the key matters of relevance.

Demolition

The development involves complete demolition of half a single storey maisonette. Historic Area Overlay (HAO) Performance Outcome (PO) 7.1 and 7.3 set out the provisions pertaining to demolition of buildings.

PO 7.1

Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:

- (a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style*
or
- (b) the structural integrity or safe condition of the original building is beyond reasonable repair.*

PO 7.3

Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.

Although this dwelling typology is not specifically referenced in the Historic Area Statement, it does incorporate features that are consistent with the area, such as a hipped and gable roof form, and the use of brick and timber-framed windows. While it is debatable whether the complete demolition of the dwelling is fatal to the overall planning merits of the proposal, the resultant impact on the streetscape warrants careful consideration, particularly the exposure of a bricked-up boundary wall, which would be inconsistent with the prevailing character of the locality, where generous side setbacks are a common feature. Any building works or upgrades to the resultant boundary wall are absent from this proposal and it is unclear whether 11 Cremorne Street should form part of the subject land.

Building Height

The development is at odds with Zone DTS/DPF 4.1 which seeks single level buildings no greater than 6m in height. Therefore, a merit-based assessment is required against the respective PO which seeks:

Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.

Several other provisions of the HAO are also relevant with respect to an assessment of building height, including, PO 1.1, 2.1, 2.2, 2.3 and the Historic Area Statement. Collectively these provisions seek to ensure that new development respects and reinforces the prevailing character of the area through consistency in building form, scale, and siting. The provisions seek to achieve cohesive streetscape outcomes that have regard to existing prevailing buildings in the locality.

The dwelling is proposed to be constructed over two levels, with an overall building height of approximately 8.95 metres (measured from ground level). The upper level is setback 10 metres from the front property boundary and 4 metres from the ground-level building line. Despite this setback, the upper level is anticipated to present as a prominent element within the streetscape, which remains characterised by predominantly single-storey development. As a result of its placement, the visual presence of upright two-storey walls (side elevations) is readily apparent from both the private and public realm.

Although relevant to “dwelling additions”, PO 4.2 of the Zone reinforces the expectation that where a second storey is proposed, it should be designed to avoid adverse impacts on the established streetscape character. This is further supported by DTS/DPF 4.2, which states that “where including a second or subsequent building level addition, [it] does not project beyond a 45 degree angle measured from ground level at the building line of the existing building.” This provision acknowledges that second storeys may be acceptable within the Zone and HAO, provided they are designed in a manner that does not detract from the prevailing character of the locality and important historic streetscapes.

Design and Appearance

The overall design and appearance of the dwelling adopts a contemporary architectural style which attempts to draw on key features characteristic of the predominant built form within the locality. Notwithstanding this, the inclusion of effectively a stepped double width garage is not considered proportionate to the residential portion of the building, nor reflective of the prevailing character of the locality.

The streetscape typically features wide, horizontally oriented windows positioned beside the front door, contributing to a balanced street presentation. These windows are often placed under the main verandah roofline and are proportioned to sit low and wide across the wall. It is submitted that this has not been achieved in the current design.

The outer carport appears as a “later addition” which sits slightly behind the building line, whereas the garage component is under the main roofline, positioned forward of the building line which is typically discouraged by the HAO which encourages:

...Carports, garages and side additions are separate and recessed from the main building and façade, and are a minor, unobtrusive presence in the streetscape.

Notwithstanding this, the garage is effectively disguised by the use of a consistent cladding which mirrors the materiality and detailing of the street-facing gable, which assists in integrating it into the overall façade. However, as previously noted, the proportion and arrangement of the window openings are considered inadequate. The proposed façade presents as predominantly solid, with one bedroom window, an entry door and garage doors presenting as main features. This results in a visually imbalanced frontage that lacks the characteristic sought by the HAO.

The building façade is predominantly “shiplap cladding” which does not appear to contribute to the Historic Area Statement. The selected colours are not clearly identified within the application plans, and it is submitted that further detail is required to allow a complete assessment of the proposal against the HAO. This is particularly important, as certain colours and tones may appear out of character or visually intrusive when applied in this context.

The protruding verandah appears as a minor component of the development as compared to the main façade of the building. It incorporates a flat roof, with enclosed sides. Protruding verandahs within the locality are typically prominent features, completely open in design with gable ends and timber detailing. This aspect of the development does not appear to have been submitted in accordance with PO 2.3 and the Historic Area Statement.

Being in a Historic Area, the application documentation would benefit from additional heritage advice. Further, a streetscape elevation plan would also assist to appropriately consider the wall, ceiling and roof heights relative to the existing character of Cremorne Street as sought by HAO PO 2.2.

Front Setback

In considering the merits of the proposed front setback, regard must be had to dwellings on adjoining land and pattern of development within the streetscape. PO 5.1 of the Zone seeks that:

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

PO 2.4 of the HAO is also relevant, seeking:

Development is consistent with the prevailing front and side boundary setback pattern in the historic area.

Front setbacks along Cremorne Street generally consistent with examples of protruding verandahs, as contemplated by the Historic Area Statement. The average setback of buildings on adjoining land is approximately 7.9 metres, while the proposed development provides a 5.5-metre setback to the garage and 6 metres to the front-facing room. The verandah projects further, with a setback of around 4.5 metres. These measurements are uncharacteristic of the established streetscape, and in my view, the development does not satisfy Zone PO 5.1 or HAO PO 2.4m. The site plan illustrates that the dwelling will be positioned approximately 4 metres forward of the adjacent building line to the east and 2 metres forward of the building line to the west. The verandah extends beyond these distances and appears inconsistent with the outcomes sought by both the Zone and the Historic Area Overlay. Accordingly, this element of the proposal is considered inconsistent with the relevant provisions and should not be supported in its current form.

Deficiencies in Application Plans

Based on the information available, additional information appears necessary in order for the Relevant Authority to complete a full assessment of the development. This includes, but is not limited to:

- 1) Clarification on privacy treatments to all side facing windows;
- 2) Details of combined retaining walls and fencing;
- 3) Streetscape elevation plans which articulate wall and roof heights relative to buildings within Cremorne Street
- 4) A full colours/materials/finishes schedule.



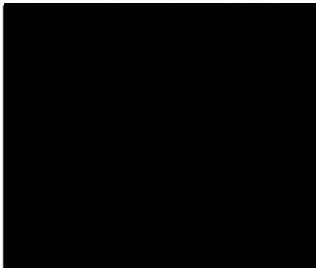
Summary and Conclusion

Our independent review of the proposed development has assessed its performance with the relevant Code provisions, highlighting key departures that warrant further consideration.

Key concerns relate to the appropriateness of demolition within the Historic Area, the building's overall height and two-storey form, the design and presentation of the façade, and the proposed setbacks to Cremorne Street. Collectively, these elements are considered at odds with the desired character and planning outcomes sought by the Established Neighbourhood Zone and Historic Area Overlay. The proposed development, in its current form, does not adequately respond to the prevailing character of the locality and lacks a design expected for new development within this historic setting. Additional information is also required to facilitate a complete and proper planning assessment, including material selections, fencing and privacy treatments, and a full streetscape elevation.

I understand that [REDACTED] object to the development and wish to be heard in support of their representation. They are also willing to discuss their concerns further in the interest of reaching an agreed outcome.

Yours faithfully,



Nicholas Timotheou
Director
Entity Town Planning

Pictures of the Window on the proposed plan compared to the other existing new buildings in the similar neighbourhood

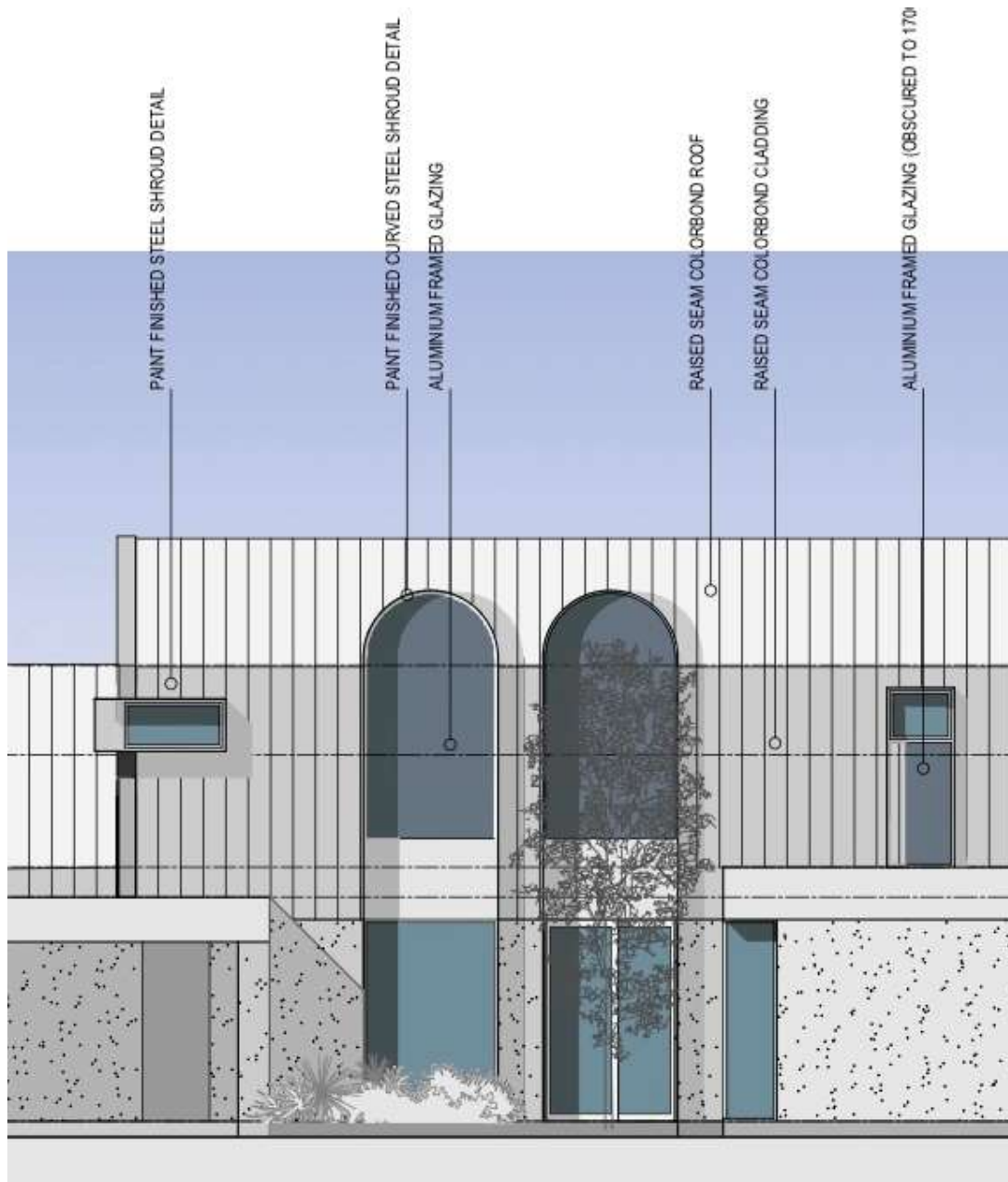
The planned window on the second floor is large, elevated, and positioned very close to our shared boundary, making it a direct intrusion into the privacy of our property. While the window may not be transparent, the sheer size and positioning of it, so near our living areas, create an overwhelming sense of exposure and loss of privacy. It will significantly alter the enjoyment of my home and the sense of personal space that my family and I currently have. Please find the pictures below in comparison.

Window designs from the Proposed plan

East side p1



West side p2



Window from the existing new build picture took in the similar neighbourhood. P3



ATTACHMENT 3

9 September 2025

Matthew Falconer
Consultant Planner
City of Unley
PO Box 1
Unley SA 5061

Submitted via PlanSA portal

Dear Matthew

Response to Representations – Application ID 24034447 – 11A Cremorne Street, Fullarton

Introduction

URPS continues to act for Changhui Wu (the applicant).

As instructed, we have reviewed each of the representations received during public notification of the proposal and provide a response to the key planning concerns below.

Summary of Representations

A total of 6 representations were received during public notification. A list of the representors is in the table below.

No.	Representor	Representor's Address	Position	Wishes to be heard
1	[REDACTED]	[REDACTED] [REDACTED]	Opposes	No
2	[REDACTED]	[REDACTED] [REDACTED]	Opposes	Yes
3	[REDACTED]	[REDACTED] [REDACTED]	Opposes	Yes

No.	Representor	Representor's Address	Position	Wishes to be heard
4	[REDACTED]	[REDACTED] [REDACTED]	Opposes	No
5	[REDACTED]	[REDACTED] [REDACTED]	Opposes	No
6	[REDACTED]	[REDACTED] [REDACTED]	Opposes	Yes

The location of representors within the locality is shown within **Figure 1**.

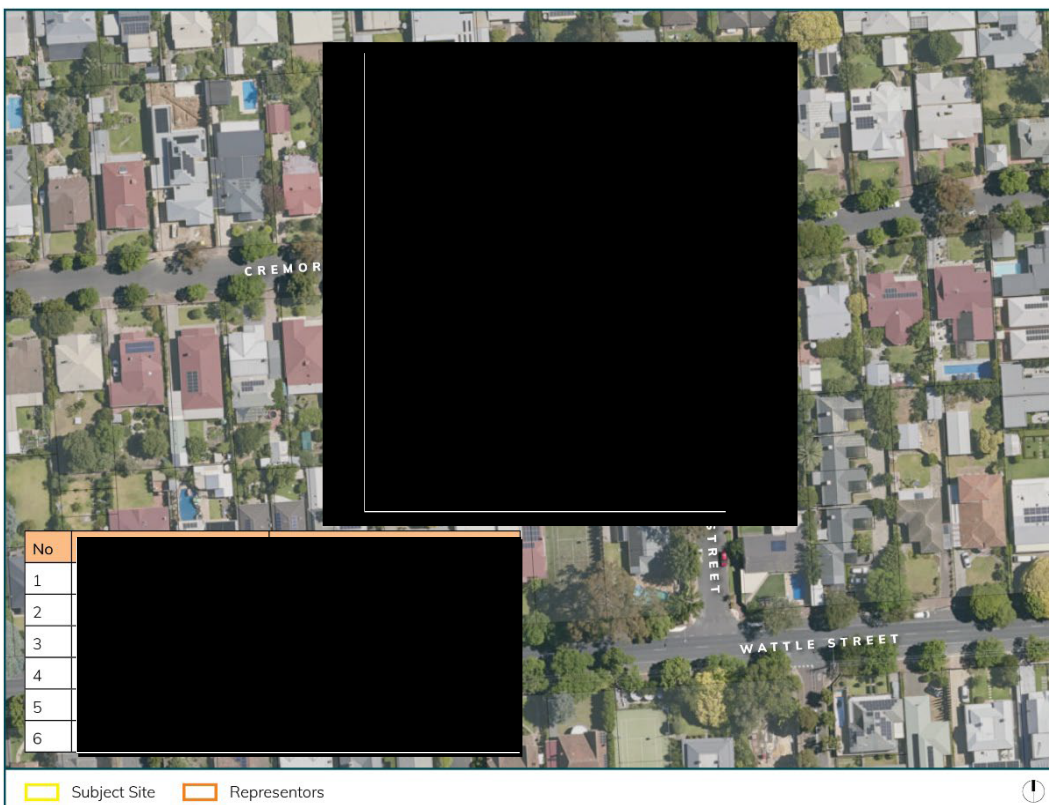


Figure 1 – Representation Map

This letter provides a response to the items raised in the representations.

The items raised in the representations have regard to:

- Demolition of a character home.
- Site coverage.

- Building height.
- Setbacks.
- Design, appearance and contribution to historic streetscape character.
- Overshadowing and overlooking.
- Structural integrity, safety, building rules and appearance of the adjoining dwelling.

Response to Representors

Demolition of a character home

One of the representors raised concerns of the demolition of a character home.

The applicable code policy states:

PO 7.1 Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:

(a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style or

(b) the structural integrity or safe condition of the original building is beyond reasonable repair.

PO 7.3 Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished

The proposed demolition is considered acceptable in this instance. The existing dwelling does not demonstrate the historic characteristics identified in the Historic Area Statement (PO 7.3).

Accordingly, its removal will not diminish the values or integrity of the streetscape and will not fail on any applicable code policy.

Site coverage

Site coverage of the proposed development was raised by two of the representations. The proposed development achieves site coverage of 57 percent, representing a 7% departure from the DPF 3.1.

The relevant provisions of the Zone seek:

PO 3.1 *Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.*

Despite this variance, the proposal continues to satisfy PO 3.1 for the following reasons:

- **Neighbourhood Context** – A review of aerial imagery confirms that a number of existing dwellings in the locality have building footprints exceeding 50 percent site coverage, including those at 11, 26, 28 Cremorne Street and 5 Greville Street (See **Figure 2** below). The proposed development is therefore consistent with the prevailing pattern of development.
- **Setbacks and Spacing** – There are appropriate front, side and rear setbacks that ensure space around the building is retained for landscaping and an attractive streetscape presentation.
- **Access to Light and Ventilation** – The siting of the dwelling, including a separation of 1.7 metres to the east and 0.9 metres to the west, maintains reasonable access to natural light and ventilation for both the subject land and adjoining properties.
- **Landscaping Opportunities** – The design includes opportunities for meaningful landscaping within the front and side setbacks, which will soften the built form and further mitigate the increased site coverage.
- **Minimal Impact on Amenity** – The departure does not result in adverse bulk, scale or overshadowing impacts when viewed from the street or neighbouring dwellings.



URPS



Figure 2 – Site Coverage Map

Building height

A number of representations raised concerns around the building height.

While the proposal exceeds the building height provision by 2.2 meters and is two levels, we believe the dwelling will be acceptable given the design approach.

As stated in the URPS planning report (Pages 7, 8), the PO is achieved because:

- The dwelling presents predominantly as single storey from the street. The upper level has been recessed 4.5 metres behind the primary building line. This reduces its visibility and ensures the form reads as a single storey dwelling from the public realm as demonstrated in the 3D perspectives provided.
- The second storey element has been carefully integrated behind the roof pitch of the lower level. This design technique minimises the visual prominence of the upper level and reflects the established built form pattern of bungalows in the locality.

- A number of existing dwellings in the surrounding area already incorporate two-storey elements. Examples at 15 and 28 Cremorne Street are of a similar or greater scale to the proposal. Further, confirmed building heights in the locality include:
 - 7 Cremorne Street – 8.5m
 - 2A Greville Street – 7.6m
 - 1 Greville Street – 6.8m
 - 3 Greville Street – 7.4m
 - 5 Greville Street – 7.2m

On this basis, the proposal will sit comfortably within the streetscape and is not expected to create an unreasonable impact on local character or amenity.

Setbacks

Concerns were raised around the primary street and side boundary setbacks. Having reviewed these matters, we remain of the view that the proposal appropriately satisfies the relevant provisions of the Code.

Primary Street Setback

The proposal is sited between 5.5 and 6.0 metres from the primary street boundary, compared with the average of neighbouring dwellings at approximately 6.5 metres. While this represents a modest variation, the outcome is consistent with the intent of PO 5.1 and PO 2.4 of the Historic Area Overlay.

Importantly, the proposed front setback aligns with the projecting verandahs at 13 and 17 Cremorne Street, ensuring consistency with existing built form. In addition, 76 per cent of the dwelling's front elevation is set back beyond 5.5 metres, maintaining suitable separation from the street and avoiding any unreasonable visual impact.

Side Boundary Setback

At ground level, the dwelling is set back 900 mm from both side boundaries, compared with the 1.0 metre quantitative requirement. This 100 mm shortfall is negligible and will not compromise the intent of PO 8.1 or PO 2.4 of the Historic Area Overlay.

The upper-level setbacks fully comply at 3.0 metres from both side boundaries. Furthermore, the proposed setbacks reflect the pattern of separation evident in nearby two-storey dwellings such as 13 and 28 Cremorne Street. Shadow diagrams confirm that natural light access to adjoining properties will not be unreasonably impacted.

Design, Appearance and Contribution to Historic Streetscape Character

Concerns were raised in representations regarding the proposal's compatibility with the historic streetscape, particularly in relation to design, scale, siting, and materials.

It is acknowledged that development within this locality must reinforce the valued historic attributes, including bungalow-style forms, spacious setbacks, masonry materials, and landscaped settings. The proposed dwelling has been deliberately designed to respond to these requirements and is considered to satisfy the relevant Performance Outcomes, as summarised below:

- **Form and Roof Design:** The dwelling adopts a gable roof with a 30-degree pitch, consistent with nearby historic dwellings (e.g. 9 and 13 Cremorne Street). A projecting verandah element references characteristic bungalow forms in the locality (e.g. 9, 12 and 16 Cremorne Street).
- **Scale:** The dwelling is perceived primarily as single storey when viewed from the street, with the upper level recessed more than 10 metres behind the ground floor façade. This design approach reinforces the dominant single-storey character of Cremorne Street.
- **Siting:** Setbacks align with prevailing patterns on the northern side of the street, with the carport positioned on the side boundary in a manner consistent with neighbouring dwellings.
- **Materials and Detailing**
The use of masonry walling, light upper-level finishes, and modern interpretations of vertical gable battening reference materials and detailing found in historic bungalows. Colours are reflective of Council's recommendation.
- **Garaging and Driveway**
The garage is in-line with the front building line. The colour and material pallet ensure the garage doors are not a dominant feature of the façade.
- **Fencing**
The proposed low-scale masonry and open rail fence maintains openness to the street while reflecting traditional fencing styles found at nearby properties (e.g. 15, 26 and 36 Cremorne Street).

The proposal demonstrates a carefully considered response to the Historic Area Overlay. While contemporary in expression, the dwelling incorporates key design attributes of the historic area, ensuring that its appearance complements and reinforces the established character of Cremorne Street.

Overlooking and Overshadowing

A number of representors raised concerns around overlooking and overshadowing. It is acknowledged that the public notification documents made these aspects of the assessment unclear.

To clarify these concerns, the elevation plans and overshadowing diagrams by Semets Miram Projects have been updated.

These confirm that the impacts on the adjoining land meet the Code.

The relevant overshadowing DPF's in Interface between Land Uses provisions seek:

DPF 3.1 *North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.*

DPF 3.2 *Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:*

- a) for ground level private open space, the smaller of the following:*
 - i) half the existing ground level open space*
 - or*
 - ii) 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)*
- b) for ground level communal open space, at least half of the existing ground level open space.*

The updated overshadowing diagrams confirm that:

- North-facing windows of adjoining dwellings retain well in excess of 3 hours of direct sunlight and are not impacted in accordance with DPF 3.1.
- The private open space of adjacent dwellings continues to receive a minimum of 2 hours direct sunlight in accordance with DPF 3.2.
- The extent of shadowing is largely limited to early morning and late afternoon periods. The majority of overshadowing is to the subject land itself.

On this basis, the proposal satisfies both the DPFs and POs relating to overshadowing.

With respect to overlooking concerns, these too have been appropriately addressed, with the updated elevation plans incorporating obscure glazing and sill heights of 1.7m. This satisfies DPF 10.1 and ensures that direct overlooking is effectively mitigated in line with PO 10.1.

Structural integrity, safety, building rules and appearance of the adjoining dwelling

Concerns have been raised regarding the structural integrity, safety, and appearance of the adjoining dwelling, as well as building rules and fire safety matters. These issues are appropriately addressed through the following:

- A structural engineer has been engaged to review and certify that the proposed works do not compromise the stability and safety of the building (subject to their recommended safety actions and demolition steps).
- Building Rules Consent is required as part of the development approval process. This ensures that the development will be assessed against, and must comply with, the National Construction Code (NCC) and Australian Standards, including all fire safety and separation requirements.
- The architectural plans have been updated to clearly illustrate how the adjoining dwelling will be visually treated following construction. These updates demonstrate that the external appearance and presentation of the shared boundary will be appropriately managed.

Accordingly, these matters will be resolved through both the planning and building rules stages, ensuring that the adjoining dwelling is protected in terms of safety, structural integrity, and visual presentation.

Conclusion

Thank you for the opportunity to address the concerns of the representors.

I believe the concerns from the representors have been adequately summarised and addressed and a robust response has been provided to address these concerns in respect of the relevant planning provisions at play.

I will attend the Council Assessment Panel meeting to respond to the representors requesting to be heard and answer any questions of CAP members.

I can be contacted on 8333 7999 if you have any questions.

Yours sincerely



Sean Elliott
Senior Consultant

3 November 2025

Matthew Falconer
Consultant Planner
City of Unley
PO Box 1
Unley SA 5061

Submitted via PlanSA portal

Dear Matthew

Response to Representations – Application ID 24034447 – 11 & 11A Cremorne Street, Fullarton

Introduction

URPS continues to act for Changhui Wu (the applicant).

As instructed, we have reviewed each of the representations received during second round of public notification. A response to any additional concerns raised during the second round of notification is provided below.

Summary of Representations

A total of three representations were received during public notification. A list of the representors is in the table below. It is noted that all three submitted a representation during the first round of notification. There are no new representors.

No.	Representor	Representor's Address	Position	Wishes to be heard
1	[REDACTED]	[REDACTED] [REDACTED]	Opposes	Yes
2	[REDACTED]	[REDACTED] [REDACTED]	Opposes	Yes

No.	Representor	Representor's Address	Position	Wishes to be heard
3	[REDACTED]	[REDACTED] [REDACTED]	Opposes	Yes

The location of representors within the locality is shown within **Figure 1**.

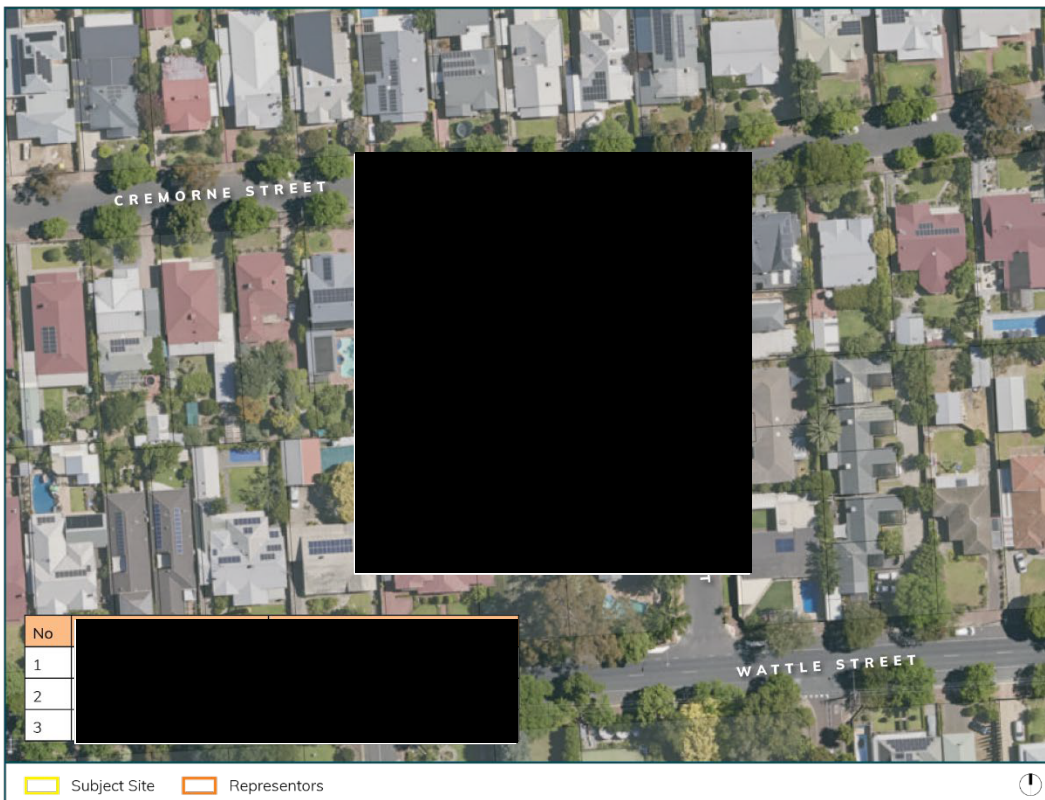


Figure 1 – Representation Map

Response to Representors

For ease of reference a response is provided to each of the three representors individually. Please refer to previous Response to Representations document attached for further detail.

[REDACTED]

The representor has reiterated concerns previously raised in opposition to the proposed development. These concerns relate to structural damage, overshadowing, building height, fire safety, heritage character and materials.

We reiterate:

- A structural engineer has been engaged to review and certify that the proposed works do not compromise the stability and safety of the building (subject to their recommended safety actions and demolition steps).
- The proposal satisfies both the DPFs and POs relating to overshadowing.
- The building height is acceptable and will sit comfortably within the streetscape and is not expected to create an unreasonable impact on local character or amenity.
- Building Rules Consent is required as part of the development approval process. This ensures that the development will be assessed against, and must comply with, the National Construction Code (NCC) and Australian Standards, including all fire safety and separation requirements.
- The proposal demonstrates a carefully considered response to the Historic Area Overlay. While contemporary in expression, the dwelling incorporates key design attributes of the historic area, ensuring that its appearance complements and reinforces the established character of Cremorne Street.
- A material schedule was previously provided which is consistent with Council's recommendations.

[REDACTED]

No new concerns were raised as the same representation was resubmitted. Refer to previous Response to Representations document for our response to the concerns raised.

[REDACTED]

The representor restated previously raised concerns and provided further commentary regarding the unchanged design and overlooking from upper-storey windows.

We note:

- The design overall is compliant with the relevant provisions of the Code and complementary to the character of the area. Thus, no change in design is necessary.
- With respect to overlooking concerns, these too have been appropriately addressed. The elevation plans incorporate obscure glazing and sill heights of 1.7m. This ensures that direct overlooking is effectively mitigated in line with PO 10.1 of the Design in Urban Areas module.

Conclusion

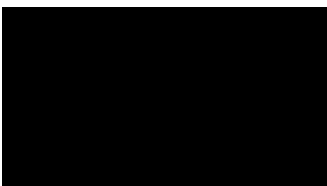
Thank you for the opportunity to address the concerns of the representors.

I believe the concerns from the representors have been adequately summarised and addressed and a robust response has been provided to address these concerns in respect of the relevant planning provisions at play.

I will attend the Council Assessment Panel meeting to respond to the representors requesting to be heard and answer any questions of CAP members.

I can be contacted on 8333 7999 if you have any questions.

Yours sincerely



Sean Elliott
Senior Consultant

Attachment A – Previous response to representations

9 September 2025

Matthew Falconer
Consultant Planner
City of Unley
PO Box 1
Unley SA 5061

Submitted via PlanSA portal

Dear Matthew

Response to Representations – Application ID 24034447 – 11A Cremorne Street, Fullarton

Introduction

URPS continues to act for Changhui Wu (the applicant).

As instructed, we have reviewed each of the representations received during public notification of the proposal and provide a response to the key planning concerns below.

Summary of Representations

A total of 6 representations were received during public notification. A list of the representors is in the table below.

No.	Representor	Representor's Address	Position	Wishes to be heard
1	[REDACTED]	[REDACTED] [REDACTED]	Opposes	No
2	[REDACTED]	[REDACTED] [REDACTED]	Opposes	Yes
3	[REDACTED]	[REDACTED] [REDACTED]	Opposes	Yes

No.	Representor	Representor's Address	Position	Wishes to be heard
4	[REDACTED]	[REDACTED] [REDACTED]	Opposes	No
5	[REDACTED]	[REDACTED] [REDACTED]	Opposes	No
6	[REDACTED]	[REDACTED] [REDACTED]	Opposes	Yes

The location of representors within the locality is shown within **Figure 1**.

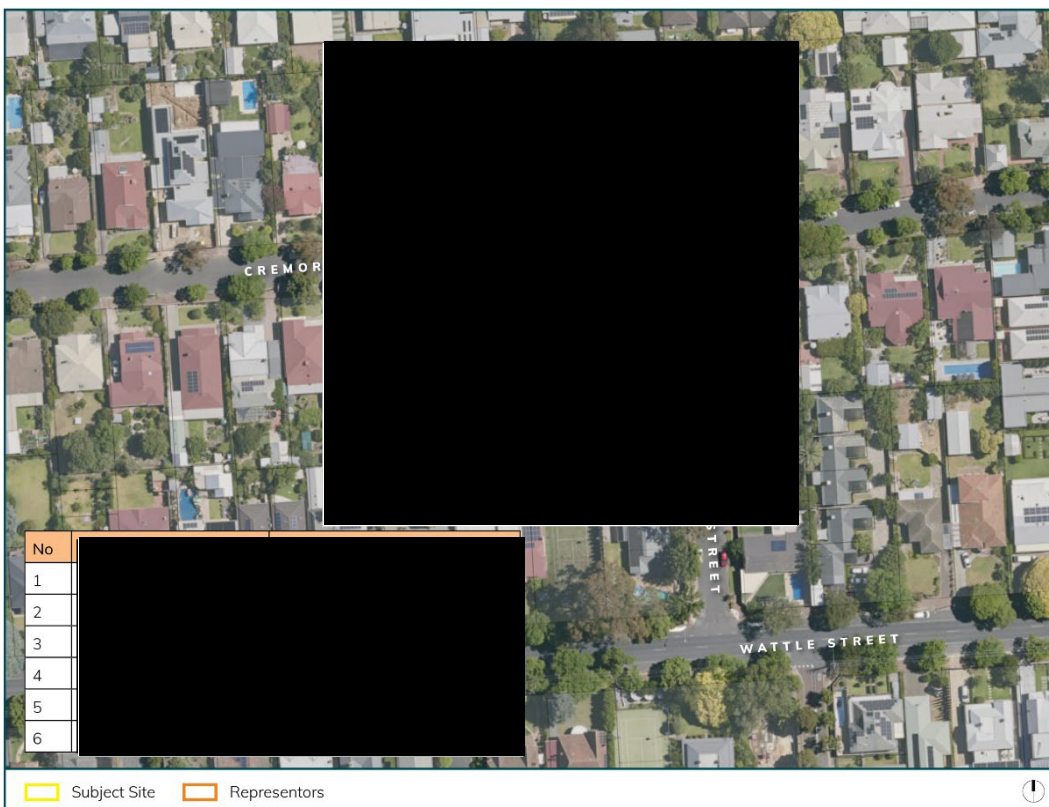


Figure 1 – Representation Map

This letter provides a response to the items raised in the representations.

The items raised in the representations have regard to:

- Demolition of a character home.
- Site coverage.

- Building height.
- Setbacks.
- Design, appearance and contribution to historic streetscape character.
- Overshadowing and overlooking.
- Structural integrity, safety, building rules and appearance of the adjoining dwelling.

Response to Representors

Demolition of a character home

One of the representors raised concerns of the demolition of a character home.

The applicable code policy states:

PO 7.1 Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:

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(b) the structural integrity or safe condition of the original building is beyond reasonable repair.

PO 7.3 Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished

The proposed demolition is considered acceptable in this instance. The existing dwelling does not demonstrate the historic characteristics identified in the Historic Area Statement (PO 7.3).

Accordingly, its removal will not diminish the values or integrity of the streetscape and will not fail on any applicable code policy.

Site coverage

Site coverage of the proposed development was raised by two of the representations. The proposed development achieves site coverage of 57 percent, representing a 7% departure from the DPF 3.1.

The relevant provisions of the Zone seek:

PO 3.1 *Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.*

Despite this variance, the proposal continues to satisfy PO 3.1 for the following reasons:

- **Neighbourhood Context** – A review of aerial imagery confirms that a number of existing dwellings in the locality have building footprints exceeding 50 percent site coverage, including those at 11, 26, 28 Cremorne Street and 5 Greville Street (See **Figure 2** below). The proposed development is therefore consistent with the prevailing pattern of development.
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URPS



Figure 2 – Site Coverage Map

Building height

A number of representations raised concerns around the building height.

While the proposal exceeds the building height provision by 2.2 meters and is two levels, we believe the dwelling will be acceptable given the design approach.

As stated in the URPS planning report (Pages 7, 8), the PO is achieved because:

- The dwelling presents predominantly as single storey from the street. The upper level has been recessed 4.5 metres behind the primary building line. This reduces its visibility and ensures the form reads as a single storey dwelling from the public realm as demonstrated in the 3D perspectives provided.
- The second storey element has been carefully integrated behind the roof pitch of the lower level. This design technique minimises the visual prominence of the upper level and reflects the established built form pattern of bungalows in the locality.

- A number of existing dwellings in the surrounding area already incorporate two-storey elements. Examples at 15 and 28 Cremorne Street are of a similar or greater scale to the proposal. Further, confirmed building heights in the locality include:
 - 7 Cremorne Street – 8.5m
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On this basis, the proposal will sit comfortably within the streetscape and is not expected to create an unreasonable impact on local character or amenity.

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Concerns were raised around the primary street and side boundary setbacks. Having reviewed these matters, we remain of the view that the proposal appropriately satisfies the relevant provisions of the Code.

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It is acknowledged that development within this locality must reinforce the valued historic attributes, including bungalow-style forms, spacious setbacks, masonry materials, and landscaped settings. The proposed dwelling has been deliberately designed to respond to these requirements and is considered to satisfy the relevant Performance Outcomes, as summarised below:

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- **Scale:** The dwelling is perceived primarily as single storey when viewed from the street, with the upper level recessed more than 10 metres behind the ground floor façade. This design approach reinforces the dominant single-storey character of Cremorne Street.
- **Siting:** Setbacks align with prevailing patterns on the northern side of the street, with the carport positioned on the side boundary in a manner consistent with neighbouring dwellings.
- **Materials and Detailing**
The use of masonry walling, light upper-level finishes, and modern interpretations of vertical gable battening reference materials and detailing found in historic bungalows. Colours are reflective of Council's recommendation.
- **Garaging and Driveway**
The garage is in-line with the front building line. The colour and material pallet ensure the garage doors are not a dominant feature of the façade.
- **Fencing**
The proposed low-scale masonry and open rail fence maintains openness to the street while reflecting traditional fencing styles found at nearby properties (e.g. 15, 26 and 36 Cremorne Street).

The proposal demonstrates a carefully considered response to the Historic Area Overlay. While contemporary in expression, the dwelling incorporates key design attributes of the historic area, ensuring that its appearance complements and reinforces the established character of Cremorne Street.

Overlooking and Overshadowing

A number of representors raised concerns around overlooking and overshadowing. It is acknowledged that the public notification documents made these aspects of the assessment unclear.

To clarify these concerns, the elevation plans and overshadowing diagrams by Semets Miram Projects have been updated.

These confirm that the impacts on the adjoining land meet the Code.

The relevant overshadowing DPF's in Interface between Land Uses provisions seek:

DPF 3.1 *North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.*

DPF 3.2 *Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:*

- a) for ground level private open space, the smaller of the following:*
 - i) half the existing ground level open space*
 - or*
 - ii) 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)*
- b) for ground level communal open space, at least half of the existing ground level open space.*

The updated overshadowing diagrams confirm that:

- North-facing windows of adjoining dwellings retain well in excess of 3 hours of direct sunlight and are not impacted in accordance with DPF 3.1.
- The private open space of adjacent dwellings continues to receive a minimum of 2 hours direct sunlight in accordance with DPF 3.2.
- The extent of shadowing is largely limited to early morning and late afternoon periods. The majority of overshadowing is to the subject land itself.

On this basis, the proposal satisfies both the DPFs and POs relating to overshadowing.

With respect to overlooking concerns, these too have been appropriately addressed, with the updated elevation plans incorporating obscure glazing and sill heights of 1.7m. This satisfies DPF 10.1 and ensures that direct overlooking is effectively mitigated in line with PO 10.1.

Structural integrity, safety, building rules and appearance of the adjoining dwelling

Concerns have been raised regarding the structural integrity, safety, and appearance of the adjoining dwelling, as well as building rules and fire safety matters. These issues are appropriately addressed through the following:

- A structural engineer has been engaged to review and certify that the proposed works do not compromise the stability and safety of the building (subject to their recommended safety actions and demolition steps).
- Building Rules Consent is required as part of the development approval process. This ensures that the development will be assessed against, and must comply with, the National Construction Code (NCC) and Australian Standards, including all fire safety and separation requirements.
- The architectural plans have been updated to clearly illustrate how the adjoining dwelling will be visually treated following construction. These updates demonstrate that the external appearance and presentation of the shared boundary will be appropriately managed.

Accordingly, these matters will be resolved through both the planning and building rules stages, ensuring that the adjoining dwelling is protected in terms of safety, structural integrity, and visual presentation.

Conclusion

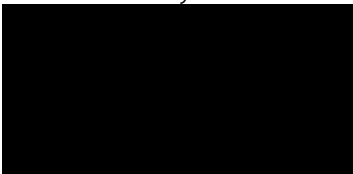
Thank you for the opportunity to address the concerns of the representors.

I believe the concerns from the representors have been adequately summarised and addressed and a robust response has been provided to address these concerns in respect of the relevant planning provisions at play.

I will attend the Council Assessment Panel meeting to respond to the representors requesting to be heard and answer any questions of CAP members.

I can be contacted on 8333 7999 if you have any questions.

Yours sincerely



Sean Elliott
Senior Consultant

ITEM 4.2**DEVELOPMENT APPLICATION 25016356 – 1 RUSSELL STREET, HYDE PARK**

DEVELOPMENT NO.:	25016356
APPLICANT:	Amy Hamilton
ADDRESS:	1 RUSSELL ST HYDE PARK SA 5061
NATURE OF DEVELOPMENT:	Demolition of ancillary structures, partial demolition of the existing dwelling, construction of dwelling additions and alterations, verandah, and fencing
ZONING INFORMATION:	Zones: • Established Neighbourhood Overlays: • Airport Building Heights (Regulated) • Building Near Airfields • Historic Area • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy Technical Numeric Variations (TNVs): • Maximum Building Height (Metres) (Maximum building height is 5.7m) • Minimum Frontage (Minimum frontage for a detached dwelling is 15m; semi-detached dwelling is 15m; row dwelling is 15m) • Minimum Site Area (Minimum site area for a detached dwelling is 500 sqm; semi-detached dwelling is 500 sqm; row dwelling is 500 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) • Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	24 Jun 2025
RELEVANT AUTHORITY:	Assessment panel at City of Unley
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.11 19/06/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Lauren Cooke Planning Officer
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Engineering Heritage Consultant City Arborist
RECOMMENDATION:	Support with conditions
ATTACHMENTS:	Attachment 1 – Architectural plan set Attachment 2 – Representations Attachment 3 – Applicant response to representations Attachment 4 – Overshadowing analysis Attachment 5 – Arboricultural impact assessment

ITEM 4.2

DEVELOPMENT APPLICATION 25016356 – 1 RUSSELL STREET, HYDE PARK

DETAILED DESCRIPTION OF PROPOSAL:

The application proposes the demolition of ancillary structures, partial demolition of the existing dwelling, construction of a two-storey dwelling addition, verandahs and fencing. The proposed plans for consideration are contained within **Attachment 1**. Further details of each element are described below.

The proposal seeks to demolish the existing carport and outbuilding, both located within the eastern (rear) portion of the allotment.

The proposal seeks to partially demolish the rear lean-to and verandah, located to the rear of the existing dwelling. The roof sheeting of the front verandah fronting Russell Street is also proposed to be removed in order to facilitate re-roofing. Portions of the existing boundary fencing located on the northern, southern and western boundaries are also proposed to be demolished.

The proposed dwelling addition will consist of two portions. The ground floor portion of the addition will consist of an open plan dining and kitchen area, pantry, mudroom and laundry, and a terrace on the northern side of the dwelling. An under main roof garage is also proposed, to be accessed via Opey Avenue, utilising the existing crossover. The upper floor will consist of two bedrooms and a bathroom, with two Juliet balconies located on the northern side of the upper floor to front Opey Avenue. The upper floor will also incorporate an attic space. The proposal has been designed with an unconventional pitched roof form with the pitch roof presenting to the southern boundary of the site.

Consequential alterations to the existing dwelling will result in the conversion of the southern side of the dwelling from two bedrooms into a walk-in-robe (WIR) and ensuite bathroom (to form a master suite with the northern bedroom), as well as a powder room. An informal entry and feature stair (to access the proposed upper floor) are to be accommodated within the existing kitchen and lounge area. As a result of these changes, closure of existing openings and creation of new openings is also proposed.

The existing verandah fronting Russell Street is to be re-roofed to have a bullnose roof form.

A fence fronting Russell Street is proposed in the form of a 1.005 metre high timber capped picket fence in 'Warm White'. The fence will wraparound into the Opey Avenue frontage for a length of 10 metres. The timber capped picket design is proposed to continue along the remainder of the Opey Avenue frontage, with an increase in height to 1.85 metres.

SUBJECT LAND & LOCALITY:

Location reference: 1 RUSSELL ST HYDE PARK SA 5061

Title ref.: CT 5804/376 **Plan Parcel:** F10797 AL66 **Council:** CITY OF UNLEY

Site Description:

The subject land is formally described as Allotment 66 in Filed Plan 10797 in the area named Hyde Park, Hundred of Adelaide and is more commonly known as 1 Russell Street, Hyde Park. The site is located on the eastern side of Russell Street at its intersection with Opey Avenue.

The site is rectangular in shape with a frontage to both Russell Street and Opey Avenue. The site has a maximum site width of 15.24 metres (m), a maximum lot depth of 32.16 metres (m). The site has an overall area of approximately 485 square metres (m²).

The site currently retains a single storey return verandah villa-style dwelling. Car parking accommodation in the form of a carport located within the rear of the site and accessed via Opey Avenue. An outbuilding is

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DEVELOPMENT APPLICATION 25016356 – 1 RUSSELL STREET, HYDE PARK

also located within the south-eastern corner (rear) of the site. Brush fencing is located along both the Russell Street and Opey Avenue frontages.

The land is relatively flat is not subject to any encumbrances or Land Management Agreements.

The subject land contains soft landscaping throughout the site, with no regulated trees located within the subject land. The verge directly in front of the site contains three Queensland Brush Box (*Lophostemon confertus*) street trees – one in Russell Street and two in Opey Avenue – and a Jacaranda tree within Russell Street.



Figure 1 – view of the subject land from Russell Street

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Figure 2 – view of the subject land from Opey Avenue

Locality

The locality, taking into account the general pattern of development and likely impacts of the proposal, is shown in Figure 3. The locality is entirely within the Established Neighbourhood Zone.

The residential built form in the locality is mixed with a wide range of dwelling styles constructed over a wide span of eras. The dwellings range from Victorian-era character dwellings constructed in the early part of the 20th century to Interwar dwellings and a residential flat building constructed circa 1970s. Examples of modern development constructed in the last 25 years within the locality are sparse.

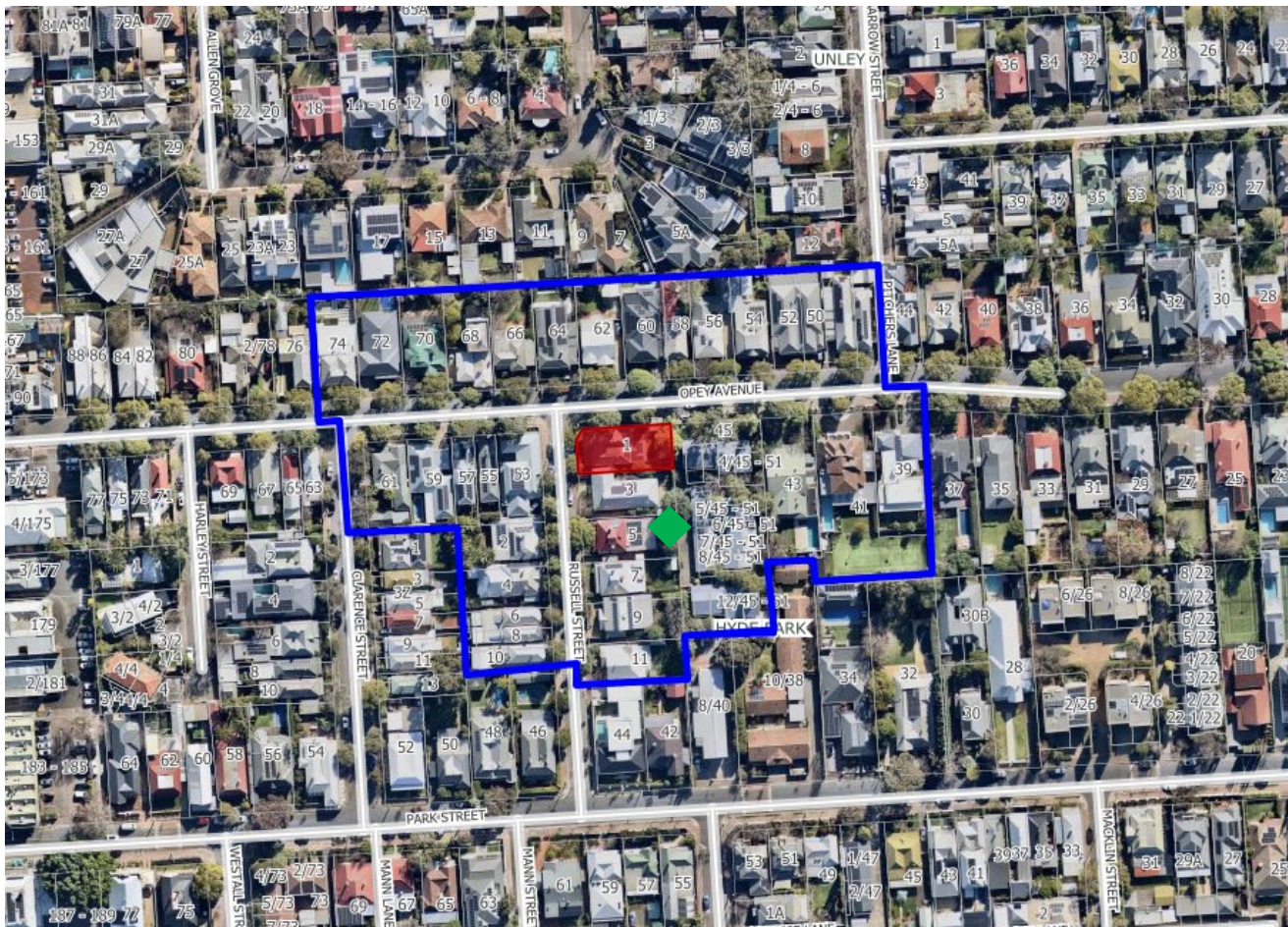
Dwellings in the locality are generally single storey in scale with an increasing number of second storey elements evident.

The residential allotment pattern within the locality is relatively consistent comprising of rectangular allotments with mostly, wide frontages. Some land divisions are interspersed throughout the locality.

The locality is well vegetated with mature street trees contributing to the landscape character of Russell Street and Opey Avenue, in particular. Mature trees are also evident within private landholdings.

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Subject Land



Locality



Representor

Figure 3 – site and locality

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Fences and walls
 - Demolition: Code Assessed - Performance Assessed
 - Fence: Code Assessed - Performance Assessed
 - Verandah: Code Assessed - Performance Assessed
 - Dwelling alteration or addition
 - Demolition
 - Building Alterations: Code Assessed - Performance Assessed
 - Dwelling addition: Code Assessed - Performance Assessed
 - Partial demolition of a building or structure: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code

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SERIOUSLY AT VARIANCE ASSESSMENT

The Planning, Development and Infrastructure Act 2016, Section 107(2)(c) states that *the development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code (disregarding minor variations).*

The **Established Neighbourhood Zone Desired Outcome** states:

***DO 1** – A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.*

The **Established Neighbourhood Zone Performance Outcome** states:

***PO 1.1** – Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.*

The proposal is for a double storey dwelling addition that is sympathetic to the built form character and development pattern of the locality. The proposal maintains the established development pattern of the neighbourhood.

As seen in the following planning assessment, the proposal is considered to satisfy the intent of the **Desired Outcomes** and **Performance Outcomes** with only minor variations noted against the respective **Designated Performance Features**. Therefore, the proposal is not considered to be seriously at variance with the Planning and Design Code.

PUBLIC NOTIFICATION

- **REASON**

Established Neighbourhood Zone – Table 5 – Procedural Matters (PM) – Notification – Clause 7(2), the proposed demolition (or partial demolition) of a building in a Historic Area Overlay.

Established Neighbourhood Zone – Table 5 – Procedural Matters (PM) – Notification – Clause 3(1), the dwelling addition exceeds the maximum building height specified in DTS/DPF 4.1 of the Established Neighbourhood Zone.

As part of the public notification process, 53 owners and/or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject land for the duration of the notification period. A copy of the representations can be found in **Attachment 2**.

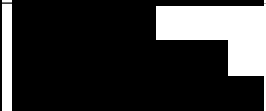
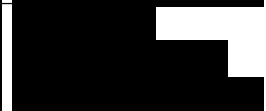
During the notification, Council received five representations, all identical representations from the same representor. This representor does not support the development and has requested to be heard by the Council Assessment Panel.

Representations:

Representor Name / Address	Support / Support with Concerns / Oppose	Request to be heard	Represented by
	I do not support the development	Yes	Self

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	I do not support the development	Yes	Self
	I do not support the development	Yes	Self
	I do not support the development	Yes	Self
	I do not support the development	Yes	Self

As noted above, all of the representations received during the public notification period were submitted by the same representor. Council administration was advised that the multiple submissions were due to technical difficulties with the PlanSA portal at the time of their submission. The representor also submitted additional documentation following the public notification period which is included in the attachments and was forwarded to the applicant.

Summary:

The representors raised the following concerns:

- Accuracy of elevation drawings
- Site coverage
- Building height
- Boundary development
- Overshadowing
- Side boundary setbacks
- Rear boundary setback
- Sympathetic design
- Soft landscaping
- Responsiveness to the Historic Area Statement
- Solar performance
- Water Sensitive Urban Design (WSUD)
- Overlooking
- Amenity impacts
- Private open space
- Solar reflectivity and glare

The applicant provided a response to the representations which can be found in **Attachment 3**. This response was provided to the representor.

Changes in response to the representations were made and summarised as follows:

- Adjustment of the roof pitch to 45 degrees
- Reduction in the overall height by 100mm

It is noted that a number of the above concerns do not relate to the relevant assessment provisions for the proposal. No further discussion of these concerns will be included in this assessment report.

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AGENCY REFERRALS

The application was not subject to any external referrals.

INTERNAL REFERRALS

- Engineering
- Heritage Consultant
- City Arborist

RULES OF INTERPRETATION

The application has been assessed against the relevant provisions of the Planning & Design Code (the Code). The Code outlines zones, subzones, overlay and general provisions policy which provide Performance Outcomes (POs) and Desired Outcomes (DOs).

In order to interpret Performance Outcomes, the policy includes a standard outcome that generally meets the corresponding performance outcome (Designated Performance Feature or DPF). A DPF provides a guide as to what will satisfy the corresponding performance outcome. Given the assessment is made on the merits of the standard outcome, the DPF does not need to be satisfied to meet the Performance Outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from discretion to determine that a Performance Outcome is not met despite a DPF being achieved.

Part 1 of the Code outlines that if there is an inconsistency between provisions in the relevant policies for a particular development, the following rules will apply to the extent of any inconsistency between policies:

- the provisions of an overlay will prevail over all other policies applying in the particular case;
- a subzone policy will prevail over a zone policy or a general development policy; and
- a zone policy will prevail over a general development policy.

PLANNING ASSESSMENT

The subject land is located within the **Established Neighbourhood Zone** and is subject to the **Historic Area Overlay** and associated **Residential Compact Unley West and Hyde Park Historic Area Statement (Un7)**.

The application has been assessed against the relevant provisions of the **Planning & Design Code (the Code)**, which are contained in the following link:

[Planning and Design Code Extract](#)

Land Use

The subject site is located within the **Established Neighbourhood Zone** where the **Desired Outcome (DO)** and **Performance Outcome (PO)** are as follows:

DO 1 – Established Neighbourhood Zone

A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.

DO 2 – Established Neighbourhood Zone

Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footings, front yards, and space between crossovers.

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PO 1.1 – Established Neighbourhood Zone

Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.

The proposal seeks to construct dwelling additions and alterations to the existing dwelling located on the site. A verandah and associated boundary fencing are also proposed. A dwelling is an envisaged use within the **Established Neighbourhood Zone**. The proposed works to the dwelling itself and associated ancillary works are considered to be compatible with the established development pattern of the neighbourhood and therefore, meets the desired outcomes of the **Established Neighbourhood Zone**.

Demolition

DO 1 – Historic Area Overlay

Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that response to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.

PO 7.3 – Historic Area Overlay

Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.

In order to accommodate the proposed dwelling addition, the existing carport and other ancillary structures within the rear of the site are to be demolished in their entirety. The site is located within the **Residential Compact Unley West and Hyde Park Historic Area Statement (Un7)** which includes development from 1880 to 1930 and identifies dwelling styles such as Victorian and Turn-of-the-Century cottages and villas and Inter-War bungalows.

The existing outbuilding and carport are not considered to conform with the values described in the Historic Area Statement.

Furthermore, the provided survey plan suggests that the existing outbuilding is also an exempt form of development as detailed within Schedule 4(4)(1) of the *Planning, Development and Infrastructure (General) Regulations 2017* (the **Regulations**) and therefore doesn't require development approval for its demolition.

Therefore, the ancillary structures proposed for demolition can be demolished in accordance with **DO 1** and **PO 7.3** of the **Historic Area Overlay**.

Dwelling Additions and Alterations

Partial Demolition

DO 1 – Historic Area Overlay

Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that response to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.

PO 7.2 – Historic Area Overlay

Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.

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PO 7.3 – Historic Area Overlay

Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.

In order to accommodate the proposed dwelling addition, rear lean-to of the dwelling containing the laundry, toilet and bathroom, and verandah of the dwelling is to be demolished. The site is located within the **Residential Compact Unley West and Hyde Park Historic Area Statement (Un7)** which includes development from 1880 to 1930 and identifies dwelling styles such as Victorian and Turn-of-the-Century cottages and villas and inter-war bungalows.

The rear lean-to and verandah are both more recent additions to the dwelling and are not considered to contribute to the historic character of the streetscape.

The existing flat roof verandah fronting Russell Street is also proposed to have the roof sheeting removed and replaced. The flat roof form of the existing verandah is not consistent with the historic character of the streetscape. Instead, concave and bullnose roof forms are more consistent with both the desired and existing historic character of the area.

The application was referred to Council's Heritage Consultant who raised no issue with the extent of the proposed demolition in order to accommodate the proposal.

Therefore, the structures proposed for partial demolition can be demolished in accordance with **DO 1** and **PO 7.2** of the **Historic Area Overlay**.

Built Form

The **Desired Outcomes** and **Performance Outcomes** of the **Historic Area Overlay** and the **Established Neighbourhood Zone** seek for new buildings to be sympathetic to the predominant built form character and streetscape within the locality. The proposal seeks to construct a double storey dwelling addition to the rear of the existing return verandah villa with an unconventional pitched roof form, to be finished in bagged brick and corrugated roof sheeting. The dwelling addition is contemporary in style, which contrasts with the existing villa on site.

DO 1 – Historic Area Overlay

Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that response to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.

PO 1.1 – Historic Area Overlay

All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.

PO 2.1 – Historic Area Overlay

The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.

PO 2.3 – Historic Area Overlay

Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.

PO 2.5 – Historic Area Overlay

Materials are either consistent with or complement those within the historic area.

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PO 3.1 – Historic Area Overlay

Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure that they do not dominate the primary façade.

PO 3.2 – Historic Area Overlay

Adaptive reuse and revitalisation of buildings to support retention consistent with the Historic Area Statement

PO 10.1 – Established Neighbourhood Zone

Garages and carports are designed and sited to be discreet and not dominate the appearance of the associated dwelling when viewed from the street.

PO 10.2 – Established Neighbourhood Zone

The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.

The intent of the above-mentioned policies is to ensure that dwelling additions are contextually designed to complement the existing dwelling, ensuring that the primary and secondary facades, and the streetscape are not adversely impacted. Despite the contemporary style of the addition, the proposal is still considered to meet the intent of **PO 3.1** and **PO 3.2** of the **Historic Area Overlay** as the dwelling addition will be sympathetic to the historic characteristics of the existing villa. The finished colours and materials of the proposed dwelling addition will be complementary to the sandstone of the existing villa and therefore meets **PO 2.5** of the **Historic Area Overlay**.

The proposed dwelling addition is located to the rear of the existing dwelling with the first floor element of the proposal is setback from the Russell Street boundary of 14m. The design and siting of the proposed addition with generous western boundary setbacks is such that it will not dominate the primary façade of the existing dwelling.

The corner allotment context of the subject site results in a high degree of visibility of any proposed built form. The contemporary design of the proposed dwelling addition provides a clear delineation between the character of the existing dwelling and the proposed addition, ensuring that the dwelling is distinct and can be appreciated in its own right. The siting of the proposed addition with generous northern boundary setbacks is such that it will not have a dominant presentation to Opey Avenue.

The representor raised concerns with the proposal's failure to meet the **Historic Area Statement** and **PO 10.2** of the **Established Neighbourhood Zone**. Whilst the proposal is contemporary in style, it is still considered to respond to the prevailing and desired built form of the **Historic Area Statement** and the locality through the use of materials and design cues taken from the locality.

Overall, the dwelling addition is considered to be sympathetic to the site and locality and satisfies **PO 1.1**, **2.1**, **2.2**, **3.1**, and **3.2** of the **Historic Area Overlay** and **PO 10.1** and **10.2** of the **Established Neighbourhood Zone**.

Building Height, Scale and Streetscape

PO 2.2 – Historic Area Overlay

Development is consistent with the prevailing building and wall heights in the historic area.

PO 4.1 – Established Neighbourhood Zone

Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.

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With the corresponding **Designated Performance Feature (DPF)** seeking the following:

DPF 4.1 (a) – the following:

Maximum Building Height (Metres): 5.7m

Maximum Building Height (Levels): 1 level

PO 4.2 – Established Neighbourhood Zone

Additions and alterations do not adversely impact on the streetscape character.

The proposed dwelling addition has an overall height of 7.09m. This exceeds the maximum desired building height specified in the **DPF 4.1** of 5.7m and 1 level. The second storey element is approximately 1.36m above the ridge of the existing dwelling.

The representor has raised concerns with the height of the proposal. They believe that the proposal's exceedance of **DPF 4.1** will dwarf the existing dwellings in Russell Street. There are a number of two storey buildings within the broader area, most notably the two-storey residential flat building directly adjacent the site to the east. Other two storey buildings in the locality include 53, 56, 68 and 70 Opey Avenue. The applicant also made reference to the dwelling at 44 Park Street, as an example of such a development. The flat roof appearance of the proposal as it presents to Opey Avenue and its generous setback results in a reduced evident height and impacts to the streetscape and is consistent in built form to the aforementioned residential flat building.

Whilst the proposed two form is visible within the streetscape, the siting and design of the proposal is considered to be complementary to both the existing dwelling and the locality. The proposal is considered to satisfy the intent of **PO 2.2** of the **Historic Area Overlay**, and **PO 4.1** and **4.2** of the **Established Neighbourhood Zone**.

Site Coverage

PO 3.1 – Established Neighbourhood Zone

Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.

Site coverage is defined as:

'Is calculated by adding the total roof area of all roofed buildings / structures on a site (excluding any eaves surrounding a habitable building) dividing this by the site area and then multiplying it by 100. Site coverage is expressed as a percentage.'

The post-development site coverage will be 61.51%. This fails to satisfy DPF 3.1 of the Established Neighbourhood Zone which seeks a maximum site coverage of 50%. The site coverage exceedance of 11.51% equates to some 55.8 square metres.

The representor raised the site coverage exceedance and the potential that the site coverage calculated by the applicant was inaccurate. In their response to representations, the applicant detailed that two verandahs for the dwelling do not have solid roofs. Whilst this response from the applicant is acknowledged. It is noted that the above site coverage of 61.51% has been calculated by Council and has been based on the submitted roof plan which shows a solid roof for the verandahs.

Despite the increased site coverage, the proposed building footprint is consistent with the predominant and emerging pattern of development seen in the locality. The established development pattern provides numerous examples, including 5, 6, 8 and 10 Russell Street, 50, 52, 53, 55 and 60 Opey Avenue, that exceeds the desired maximum of 50% site coverage. As detailed further within this report, the proposed

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development provides a quantum of private open space and soft landscaping in excess of the desired minimums. The dwelling will still be consistent with the character and pattern of the neighbourhood and provide sufficient space for light and ventilation to dwelling occupants and neighbouring dwellings.

Given this, the proposed site coverage, whilst a departure from **DPF 3.1**, is consistent with the prevailing and emerging pattern of development and is considered to satisfy the intent of **PO 3.1** of the **Established Neighbourhood Zone**.

Setbacks and boundary development

PO 2.4 – Historic Area Overlay

Development is consistent with the prevailing front and side boundary setback pattern in the historic area.

PO 6.1 – Established Neighbourhood Zone

Buildings are set back from secondary street boundaries (not being a rear laneway) to maintain the established pattern of separation between buildings and public streets and reinforce streetscape character.

PO 7.1 – Established Neighbourhood Zone

Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

PO 8.1 – Established Neighbourhood Zone

Buildings are set back from side boundaries to provide:

- a) separation between buildings in a way that complements the established character of the locality*
- b) access to natural light and ventilation for neighbours.*

PO 9.1 – Established Neighbourhood Zone

Buildings are set back from rear boundaries to provide:

- a) separation between buildings in a way that complements the established character of the locality*
- b) access to natural light and ventilation for neighbours*
- c) private open space*
- d) space for landscaping and vegetation.*

Design feature	Code requirements	Proposed (minimum)
Secondary street setback	First building level – 1m Second building level – 3m	First building level – 1.57m Second building level – 6.84m
Side boundary setback	First building level – 1m Second building level – 3m	First building level – 935mm Second building level – 0.8 – 3.9m
Rear boundary setback	First building level – 4m Second building level – 6m	First building level – 2.52m Second building level – 3.91m

Table 1 – setbacks

The proposal incorporates boundary development along the eastern (rear) boundary in the form of a garage. It therefore fails to satisfy the quantitative requirements of **DPF 7.1** which seeks a 1m side setback, **DPF 9.1** which seeks a 4m rear setback. The eastern (rear) boundary garage will be sited on the boundary for a length of 6.9m, with a height of 3.19m (measured from natural ground). The scale of the proposed boundary has been designed such that it is limited in both height and length to minimise the off-site amenity impacts to adjoining properties. Any potential impacts to the unit complex at 45 Opey Avenue are further mitigated by the existing driveway which provides a further degree of separation between the subject land and the adjoining properties.

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The representor raised concerns with the visual impact and overshadowing associated with the boundary development. However, it seems as though this has been mis-interpreted as being located on the southern boundary.

The proposal will provide a side boundary setback of 935mm at ground floor and 0.8 – 3.9m at first floor. Both of these setbacks fail to satisfy the quantitative requirements of **DPF 8.1** which seeks side setbacks for the first and second building levels of 1 metre and 3 metres respectively. The ground floor setback of the proposed dwelling addition will match with that of the existing dwelling. Given this, the proposed ground floor side setback is considered to meet the broader performance outcome.

The unconventional roof form of the proposal has a pitch of 45 degrees that presents as the southern boundary wall. The pitch of the roof results in a variable upper floor setback on the southern boundary. The proposed setback range of 800mm to 3.9m is unique and its assessment does not meet the prescribed assessment criteria set out in **DPF 8.1**. The partial compliance of the proposal with **DPF 8.1** is considered to be offset by the roof's design pitching away from the adjoining properties. Given this, the proposal is considered to meet the broader performance objective.

Separate to the boundary development described above, the proposal provides a minimum rear setback at ground floor of 2.52m and a first floor rear setback of 3.91m. Both of these fail to satisfy the quantitative requirements of **DPF 9.1** which seeks a rear setback of 4 metres and 6 metres at ground and first floor respectively. The proposal's failure to meet DPF 9.1 is in part, due to the linear design of the proposal. The design is still considered able to provide separation between buildings and ensures access to natural light and ventilation for neighbours. The design, in conjunction with the proposed secondary street setbacks which meet **DPF 6.1**, provides private open space with northern solar access. This is considered to be a contextual and sustainable design response, with the improved amenity for dwelling occupants anticipated.

The representor raised concerns with the proposed side and rear setbacks with their main concerns relating to the consequential overshadowing (discussed further within this report). It is considered that the design of the proposal has sufficient setbacks to enable access to light and ventilation for the adjoining properties.

The proposal is considered to satisfy the intent of **PO 2.2** of the **Historic Area Overlay** and **PO 6.1, 7.1, 8.1** and **9.1** of the **Established Neighbourhood Zone**.

Off-site amenity impacts

PO 10.1 – General Development Policies – Design in Urban Areas

Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.

PO 10.2 – General Development Policies – Design in Urban Areas

Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.

The upper floor will incorporate skylights along the southern elevation in place of traditional windows. By virtue of their function, the skylights are located on the roof and are angled upwards. The representor raised concerns with the potential for direct overlooking from the skylights. The proposed skylights are not considered to be at odds with the associated DPF of the relevant development policies as they have sill levels of 2.1m above the upper level finished floor. As such they are considered to mitigate any potential overlooking from the upper floor into adjoining private open space and habitable rooms.

The proposal is therefore considered to sufficiently mitigate direct overlooking and achieve **PO 10.1** and **10.2** of **Design in Urban Areas**.

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The representor has raised concerns with overshadowing to windows, private open space and solar panels. The provided information suggests that the adjoining property will be provided amenity in accordance with the relevant DPF's.

PO 3.1 – General Development Policies – Interface between Land Uses

Overshadowing of habitable room windows of adjacent residential land uses in:

- a) *a neighbourhood-type zone is minimised to maintain access to direct winter sunlight*
- b) *other zones is managed to enable access to direct winter sunlight*

With the corresponding **Designated Performance Feature (DPF)** seeking the following:

DPF 3.1 – *North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9:00am and 3:00pm on 21 June.*

PO 3.2 – General Development Policies – Interface between Land Uses

Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:

- a) *a neighbourhood type zone is minimised to maintain access to direct winter sunlight*
- b) *other zones is managed to enable access to direct winter sunlight*

With the corresponding **Designated Performance Feature (DPF)** seeking the following:

DPF 3.2 – *Development maintains 2 hours of direct sunlight between 9:00 am and 3:00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:*

- a. *for ground level private open space, the smaller of the following:*
 - i. *half the existing ground level open space*
 - or
 - ii. *35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)*
- b. *for ground level communal open space, at least half of the existing ground level open space.*

PO 3.3 – General Development Policies – Interface between Land Uses

Development does not unduly reduce the generating capacity of adjacent rooftop solar energy

The applicant has provided overshadowing diagrams that demonstrate the extent of overshadowing from the proposal on the Winter Solstice (21 June), which can be found within **Attachment 4**. Due to the site's east-west axis and corner location, the overshadowing impacts are limited to the directly adjoining property to the south. The pre- and post-development access to sunlight are summarised in **Table 2** below.

3 Russell Street				
Private open space: 151 square metres				
Time on 21 June	Existing sunlight access		Post-development sunlight access	
	(m²)	%	(m²)	%
9:00 am	0	0	0	0
10:00 am	9	0	0	0
11:00 am	43	28.48	20	13.24
12 midday	65	43.05	40	26.49
1:00 pm	75	49.67	48	31.79
2:00 pm	72	47.68	43	28.48
3:00 pm	52	34.44	21	13.91

Table 2 – sunlight access to 3 Russell Street

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The applicant has provided separate shadow details for the north-facing windows located on 3 Russell Street. The information provided demonstrates windows will be provided daylight for at least three (3) hours on the Winter Solstice in accordance with **DPF 3.1**.

The shadow diagrams provided by the applicant demonstrate the existing conditions for the private open space within the adjoining property at 3 Russell Street. The pre-development conditions provides three (3) hours of direct sunlight to an area in excess of 35m². It is noted that the existing conditions do not provide an unshaded area that equates to half the private open space at any time of day on the Winter Solstice.

The post-development conditions will provide three (3) hours of direct sunlight to an area in excess of 35m². Whilst the post-development unshaded areas are reduced from the pre-development levels, the number of hours exceeds the quantitative requirements set out in the associated DPF.

The shadow diagrams provided by the applicant show that on the Winter Solstice, shadows cast to the rooftop solar panels located on 3 Russell Street will be limited to 9am. The shadows cast are not expected to significantly impact the generating capacity of the solar panels as shortly after 9am they will be afforded access to direct sunlight across their entire surface.

The proposal is therefore considered to meet **PO 3.1, 3.2 and 3.3 of Interface between Land Uses**.

Private Open Space and Landscaping

PO 21.1 – General Development Policies – Design in Urban Areas

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

PO 21.2 – General Development Policies – Design in Urban Areas

Private open space is positioned to provide convenient access from internal living areas.

PO 22.1 – General Development Policies – Design in Urban Areas

Soft landscaping is incorporated into development to:

- a) minimise heat absorption and reflection*
- b) contribute shade and shelter*
- c) provide for stormwater infiltration and biodiversity*
- d) enhance the appearance of land and streetscapes.*

The proposal provides 72m² of private open space, located on the northern side of the dwelling. This includes a terrace and landscaped areas. The private open space is located behind the building line of the dwelling and is accessible from the living areas of the dwelling. This is considered to satisfy both **PO 21.1 and 21.2 of Design in Urban Areas**.

The applicant has submitted a detailed landscaping plan with a variety of plantings to be implemented as part of the development. The post-development soft landscaping retained on site will have an area of 136.8m², which constitutes 28.21% of the site area. This meets the quantitative requirements set out in **DPF 22.1 of Design in Urban Areas**, which seeks soft landscaping to cover 25% of the site. Notwithstanding, the provided soft landscaping is considered to continue to minimise heat absorption, provide stormwater infiltration and enhance the appearance of the site.

Despite misgivings by the representor regarding the amount of private open space and soft landscaping the proposal meets the quantitative requirements set out by the Code.

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DEVELOPMENT APPLICATION 25016356 – 1 RUSSELL STREET, HYDE PARK

Car Parking

PO 23.1 – General Development Policies – Design in Urban Areas

Enclosed car parking spaces are of dimensions to be functional, accessible and convenient.

PO 5.1 – General Development Policies – Transport, Access and Parking

Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

- a) availability of on-street car parking*
- b) shared use of other parking areas*
- c) in relation to mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
- d) the adaptive reuse of a State or Local Heritage Place.*

Table 1 within **Transport, Access and Parking** identifies the parking rates that apply to residential developments. Detached dwellings containing two or more bedrooms are required to provide a minimum of two car parking spaces per dwelling, one of which is required to be covered.

The proposal provides car parking in the form of a double garage. The garage has sufficient dimensions to provide car parking that is functional, accessible and convenient. The existing crossover from Opey Avenue will continue to be utilised for access arrangements to and from the site.

The proposed on-site car parking and access arrangements are considered to meet **PO 23.1** of **Design in Urban Areas** and **PO 5.1** of **Transport, Access and Parking**.

Regulated and Significant Tree Impacts

The adjoining site to the east, contains a tree on the boundary shared with the subject land. The applicant has identified the tree as non-regulated on the submitted plans. It is anticipated that this tree may require removal in order to facilitate the proposed development. However, this is a civil matter to be resolved amongst the two property owners.

DO 1 – Regulated and Significant Tree Overlay

Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.

PO 2.1 – Regulated and Significant Tree Overlay

Regulated and significant trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health.

The eastern portion of the Opey Avenue verge contains a Queensland Box tree. The tree is identified as significant under the *Planning, Development and Infrastructure (General) Regulations 2017*.

Council requested an arboricultural impact assessment of the applicant to determine the impacts (if any) to the tree as a result of the proposed development. The applicant prepared a report prepared by Cranesaw Tree Services (see **Attachment 5**). The report was reviewed by Council's Arborist in conjunction with the planning drawings.

Following their review of the documentation, Council's Arborist has advised that they support the proposed development subject to the following requirements:

- *The nominated Project Arborist is on-site for all critical stages including the establishment of the Tree Protection Zone protective fencing and provide relevant certification of compliance.*

ITEM 4.2

DEVELOPMENT APPLICATION 25016356 – 1 RUSSELL STREET, HYDE PARK

- *The nominated Project Arborist is “on-call and available to attend site” when not on-site.*
- *The Developer must adhere to advice from the nominated Project Arborist if additional measures are deemed beneficial or become necessary during any stage of development.*
 - *This may include, but is not limited to, mulching of the relevant areas and/or ongoing irrigation to further assist the subject trees.*
- *The nominated Project Arborist only may approve amendments to the tree protective measures in any unforeseen circumstances.*
- *The nominated Project Arborist provide final certification of tree condition and expected ongoing sustainability, post development.*

It is recommended that conditions of any planning consent issued require adherence to the recommendations within the applicant's arborist report and the above requirements specified by Council's Arborist.

Verandah

PO 1.1 – Historic Area Overlay

All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.

PO 2.3 – Historic Area Overlay

Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.

PO 4.1 – Historic Area Overlay

Ancillary development, including carports, outbuildings and garages, complements the historic character of the area and associated buildings.

PO 4.2 – Historic Area Overlay

Ancillary development, including carports, outbuildings and garages is located behind the building line of the principal building(s) and does not dominate the building or its setting.

PO 11.1 – Established Neighbourhood Zone

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

PO 11.2 – Established Neighbourhood Zone

Ancillary buildings and structures do not impede on-site functional requirements such as private open space provision, car parking requirements or result in over-development of the site.

The proposed re-roofing of the existing front verandah facing Russell Street will result in the conversion of the existing flat roof verandah to a bullnose roof form.

The proposed re-roofing will result in no net change to the site coverage associated with the existing dwelling noting that the existing footprint is to be maintained.

The design of the roof form is considered to be more complementary and cohesive with the existing dwelling, noting the existing bullnose verandah that fronts Opey Avenue. The proposed re-roofing of the verandah will maintain the existing and desired proportions and will not dominate the dwelling.

The verandah re-roofing is therefore considered to meet **PO 1.1, 2.3, 4.1, and 4.2** of the **Historic Area Overlay**.

ITEM 4.2

DEVELOPMENT APPLICATION 25016356 – 1 RUSSELL STREET, HYDE PARK

Fencing

PO 1.1 – Historic Area Overlay

All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.

PO 4.4 – Historic Area Overlay

Fencing and gates closer to a street boundary (other than a laneway) than the elevation of the associated building are consistent with the traditional period, style and form of the associated building.

PO 9.1 – General Development Policies – Design in Urban Areas

Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.

The front fencing will be located on the western boundary, wrapping around onto the northern boundary and will be constructed of timber capped pickets in 'Warm White', with a height of 1.005m. The **Residential Compact Goodwood and Hyde Park Historic Area Statement (Un5)** outlines the typical fencing attributes associated with the area being open, see-through that maintains an open streetscape presence. The low, open-style of the fencing is consistent with the Historic Area Statement and will continue to enable views of the dwelling from the streetscape.

The 1.85m boundary fencing has the same simple design as the front fencing. The 1.85m height of the fencing is consistent with the Historic Area Statement, noting the length of the site's frontage to Opey Avenue. The fencing is considered to be complementary to both the existing dwelling and the proposed dwelling addition. There are also a number of fences in the locality with heights in the order of 1.8m, predominantly brush fences.

Notwithstanding, the function of the fencing as a boundary fence necessitates a greater height in order to meet the **PO 9.1 of Design in Urban Areas**. Whilst there is a degree of permeability, the proposed height of the fencing is considered sufficient to provide privacy and security to dwelling occupants. As the fence has an interface with the public realm, the proposed fencing is unlikely to have a significant impact on the visual amenity of adjoining properties.

The proposed fencing is considered to complement the existing dwelling on site and is considered to achieve the intent of **PO 1.1** and **4.4** of the **Historic Area Overlay**.

CONCLUSION

Whilst the development does not satisfy some of the Designated Performance Features set out within the relevant Performance Outcomes, these shortfalls are not considered to be detrimental to the established character of the locality.

The matters raised by the representors have been considered in the course of this assessment. Having considered all the relevant assessment provisions, the proposal is considered to satisfy the intent of the Desired Outcomes and Performance Outcomes of the Planning and Design Code for the following reasons:

- On balance the proposed development satisfies the relevant Performance Outcomes of the Established Neighbourhood Zone, Overlays and General Development Policies.
- The proposal has been sympathetically designed with consideration given to the predominant built form character and development pattern of the locality and is consistent with the adjacent development.

ITEM 4.2

DEVELOPMENT APPLICATION 25016356 – 1 RUSSELL STREET, HYDE PARK

- The dwelling addition has been designed in a manner that maintains the character of the existing dwelling and the historic streetscape, whilst making the dwelling more conducive to contemporary living.
- The proposal's use of colours and materials is complementary to both the existing dwelling and the streetscape.
- Sufficient secluded private open space is provided for the amenity and recreation of dwelling occupants.
- The front fence design will contribute to the high amenity seen in the locality.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 25016356, by Amy Hamilton is granted Planning Consent subject to the following conditions/reserved matters:

CONDITIONS

Planning Consent

Condition 1

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times to the satisfaction of the Relevant Authority.

Condition 3

All stormwater from the building and site shall be disposed of so as not to 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.

Condition 4

Construction of the development herein approved shall be in accordance with the recommendation(s) of the Arboricultural Impact Assessment prepared by Cranesaw Tree Services, dated 25 July 2025 under the supervision of a project arborist. The protective tree fencing must remain in place until all works have been completed. A certificate of compliance is to be provided to Council at practical completion.

ADVISORY NOTES

Planning Consent

Advisory Note 1

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or

ITEM 4.2

DEVELOPMENT APPLICATION 25016356 – 1 RUSSELL STREET, HYDE PARK

building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 2

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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.

Advisory Note 6

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.

Advisory Note 7

You are advised that it is an offence to undertake *tree damaging activity* in relation to a regulated or significant tree without the prior consent of Council. *Tree damaging activity* means:

- The killing or destruction of a tree; or
 - The removal of a tree; or
 - The severing of branches, limbs, stems or trunk of a tree; or
 - The ringbarking, topping or lopping of a tree; or
 - Any other substantial damage to a tree, (including severing or damaging any roots),
- and includes any other act or activity that causes any of the foregoing to occur but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.

Advisory Note 8

Any works undertaken on Council owned land (including but not limited to works relating to reserves, crossing places, landscaping, footpaths, street trees and stormwater connections and underground electrical connections), shall require a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Asset Management department on 8372 5111.

Advisory Note 9

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.

Advisory Note 10

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.

ATTACHMENT 1

Williams Burton
Leopardi —
Hamilton Residence

Existing Conditions_Site Location NTS



Design Narrative



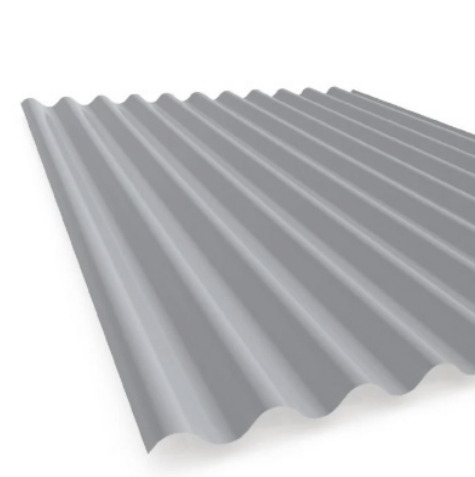
Purposeful Connections | Home to Last | Understated Elegance | Order and Calm

Starting with the home’s history, we will restore its character and add new layers of context. Thoughtfully designed connections will create a seamless flow, while beautifully crafted updates will enrich your home and daily life.

Material Palette



1- BAGGED BRICK



2 - METAL SHEET ROOFING TO MATCH
EXISTING COLOR.



3 -EXISTING TRADITIONAL SAND STONE
FACADE WITH PAINTED BRICK DETAILS
AND WHITE PAINTED TIMBER FRAMES



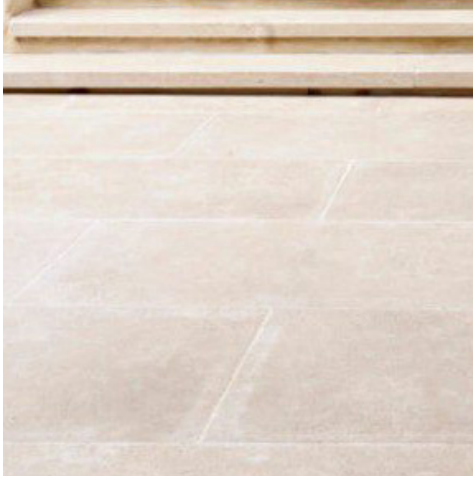
4 - BRONZE METAL WINDOW FRAMES



5 - PAINTED FENCE WARM WHITE



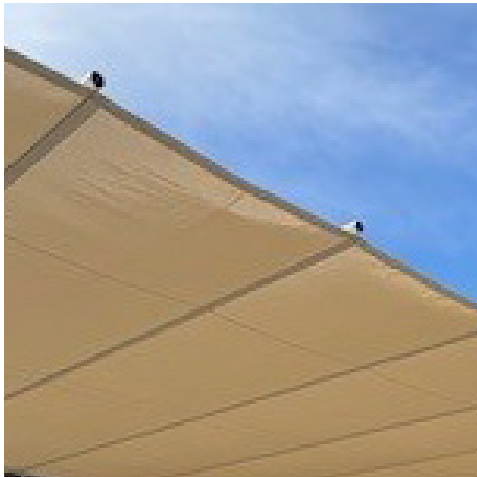
6 - PAINTED FENCE



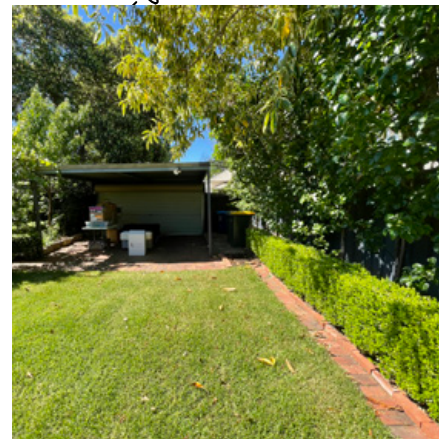
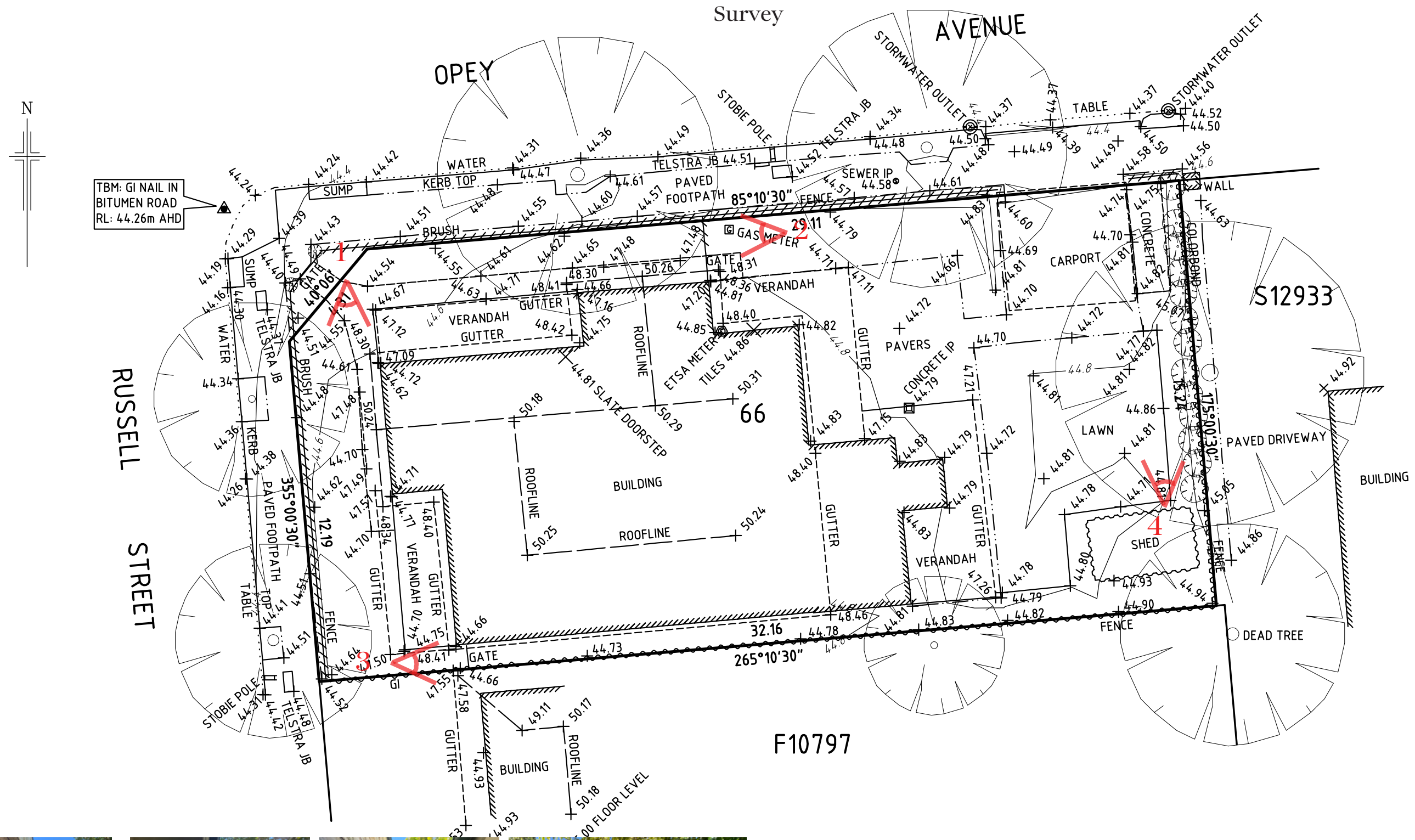
7 - EXTERNAL PAVING
LIMESTONE PAVER



8 - GARAGE DOOR WARM WHITE



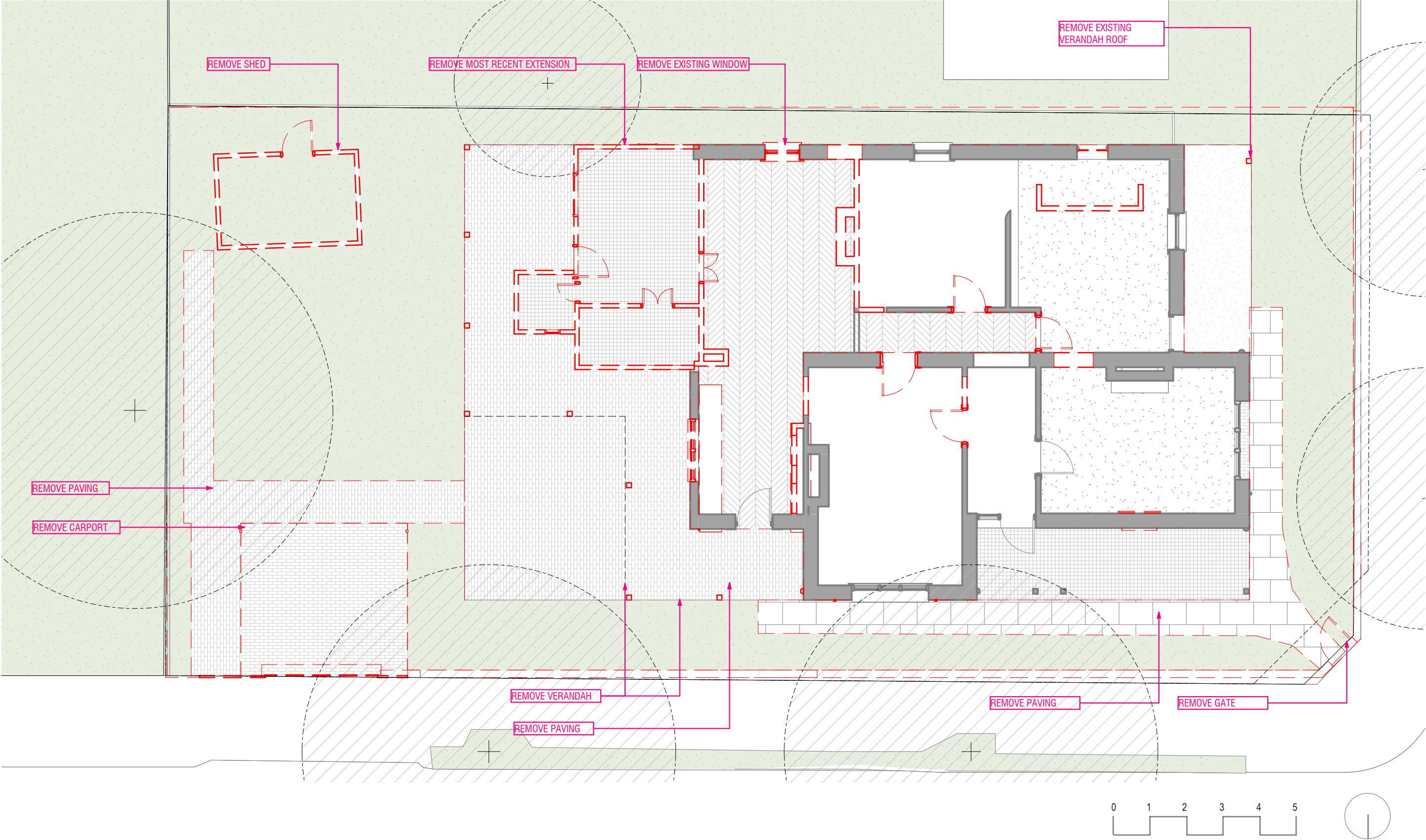
9 - SHADE RUNNER FABRIC WARM
WHITE



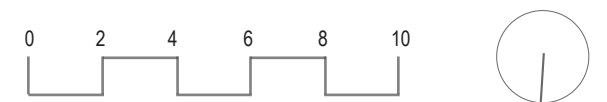
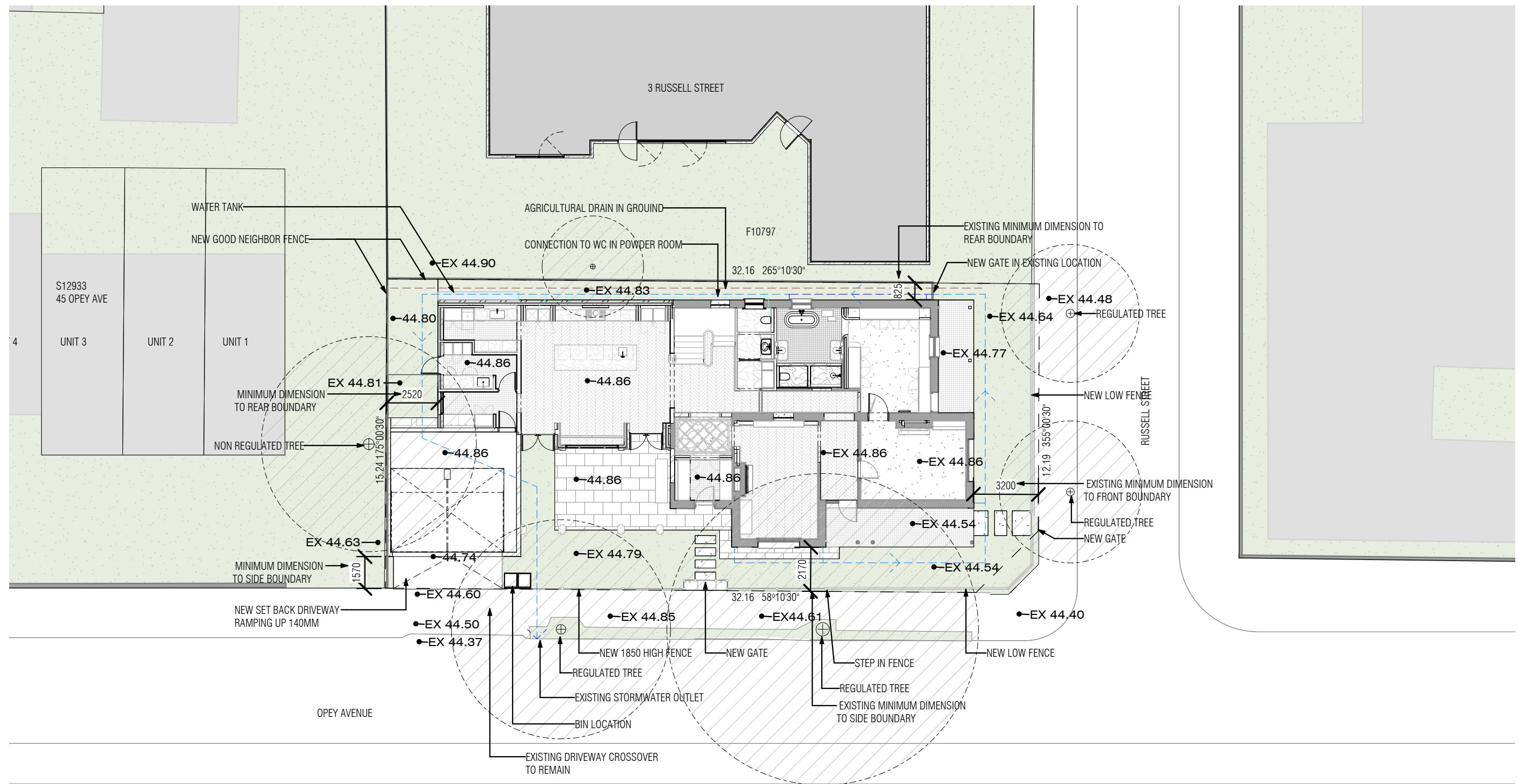
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Demolition Plan - Scale 1:100 @ a3



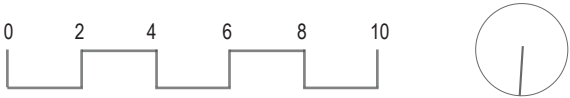
Site Plan - Scale 1:200 @ a3



Site Coverage & Soft Landscaping Plan - Scale 1:200 @ a3



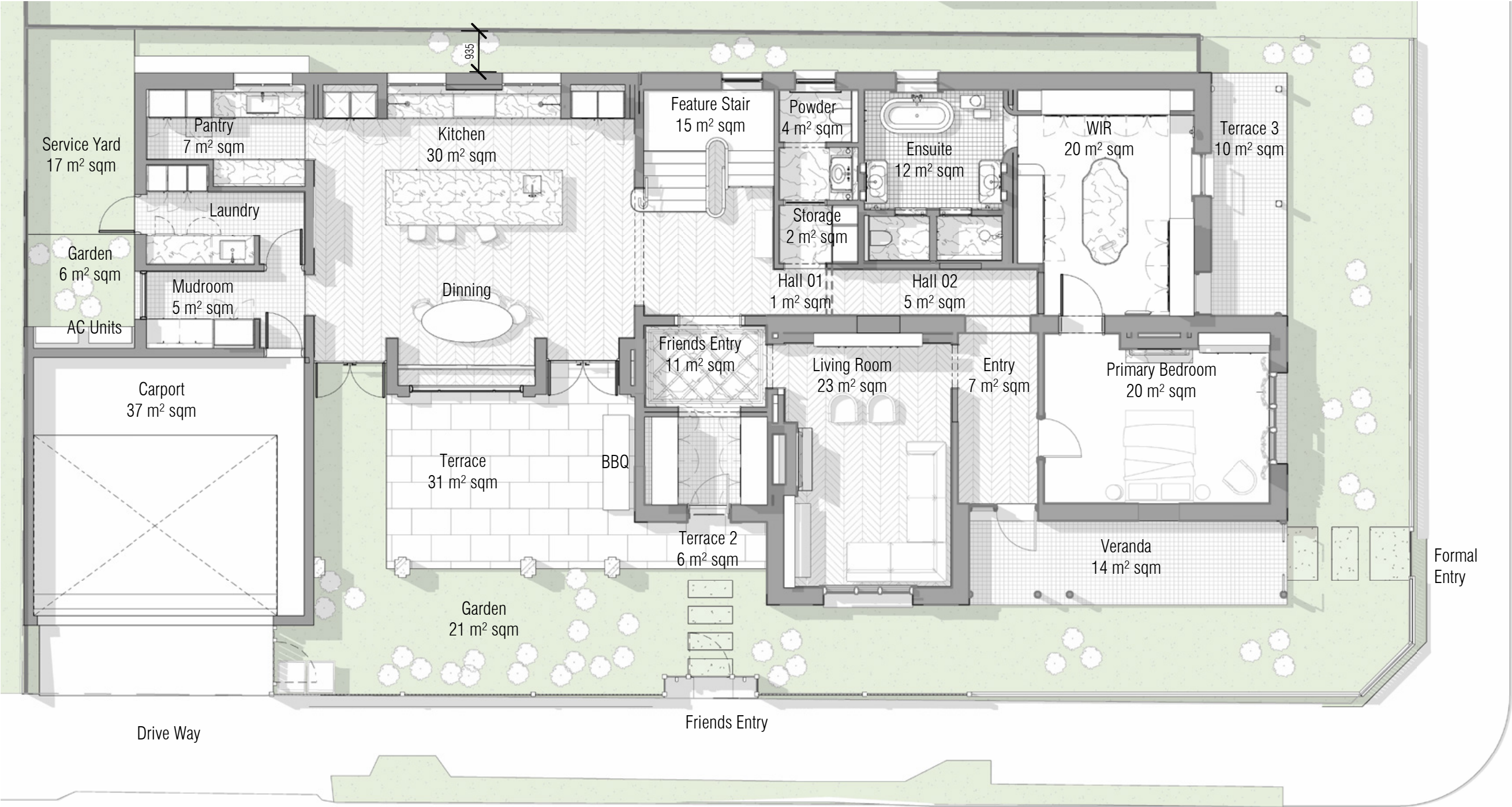
- SITE: 485 M2
-  SITE COVERAGE: 289 M2 = 59.6% (289/485)
-  SOFT LANDSCAPING: 147M2 = 30.3 % (147/485)



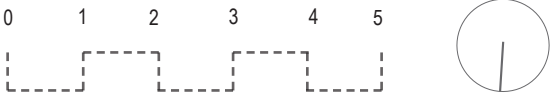
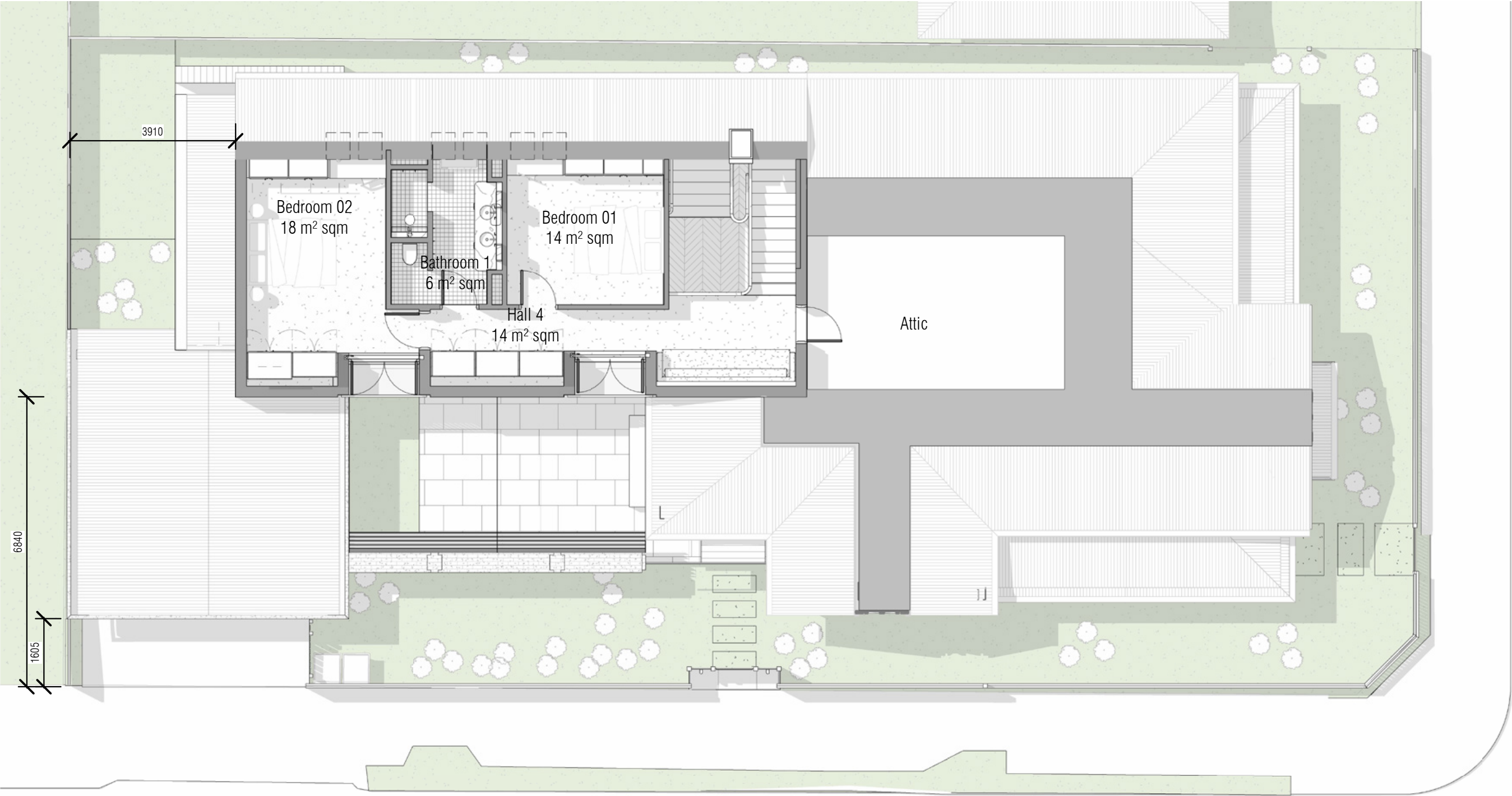
Soft Landscaping Plan - NTS



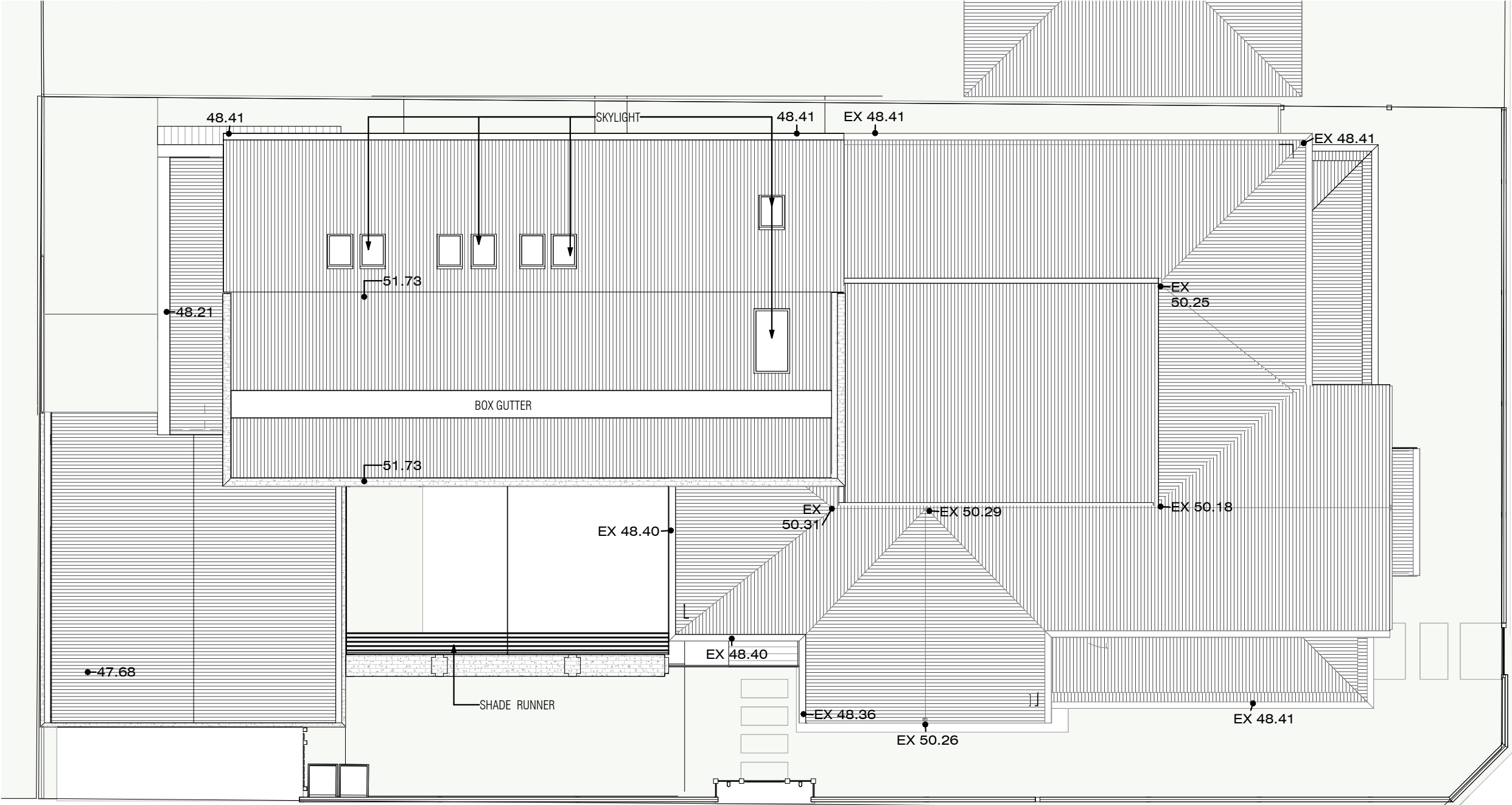
Ground Floor Plan - Scale 1:100 @ a3



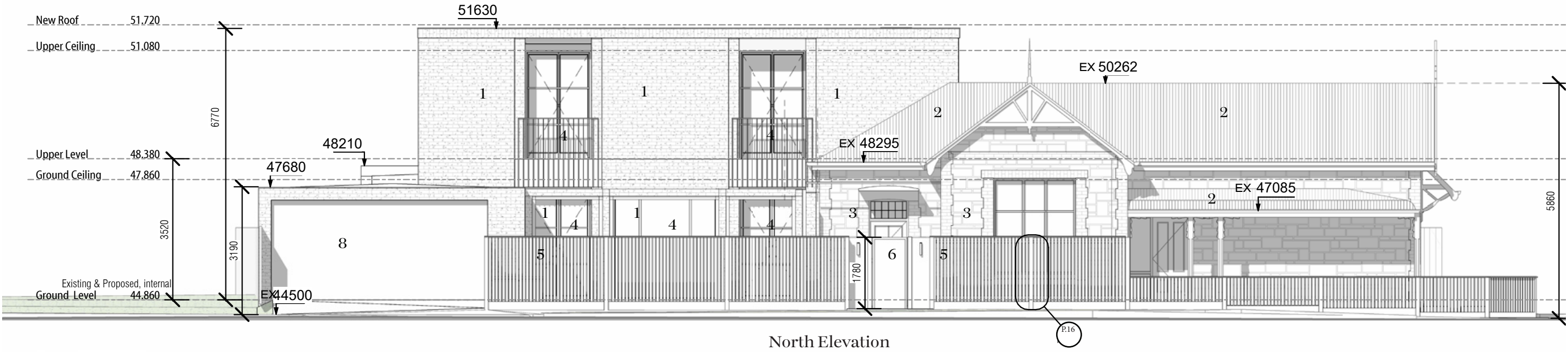
Upper Floor Plan - Scale 1:100 @ a3



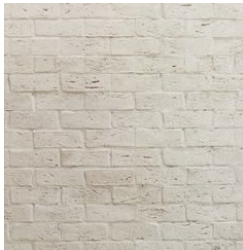
Roof Plan - Scale 1:100 @ a3



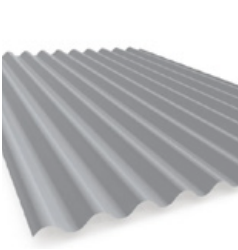
Elevations- Scale 1:100 @ a3



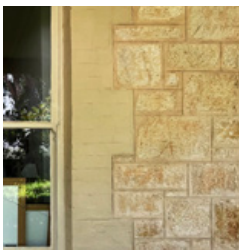
2 - Elevation 1



1- BAGGED BRICK



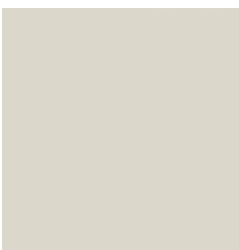
2 - METAL SHEET
ROOFING TO
MATCH EXISTING
COLOR.



3 -EXISTING
TRADITIONAL SAND
STONE FACADE WITH
PAINTED BRICK
DETAILS AND WHITE
PAINTED TIMBER
FRAMES A



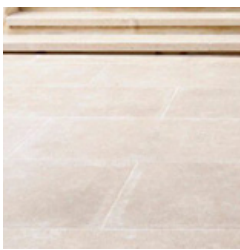
4 - BRONZE METAL
WINDOW FRAMES



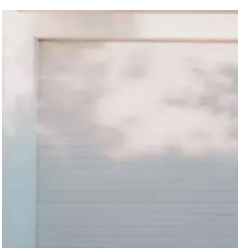
5 - PAINTED FENCE
WARM WHITE



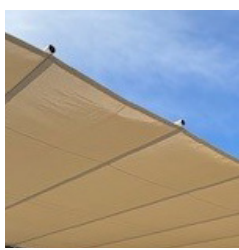
6 - PAINTED ENTRY
GATE & GARAGE
DOOR & GOOD
NEIGHBOR FENCE



7 - EXTERNAL
PAVING
LIMESTONE PAVER

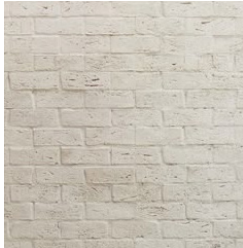
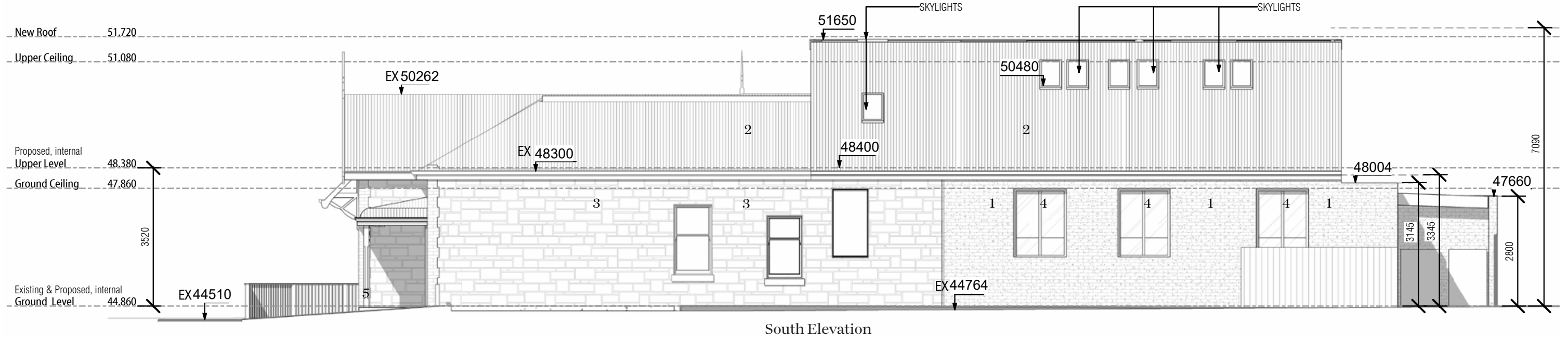
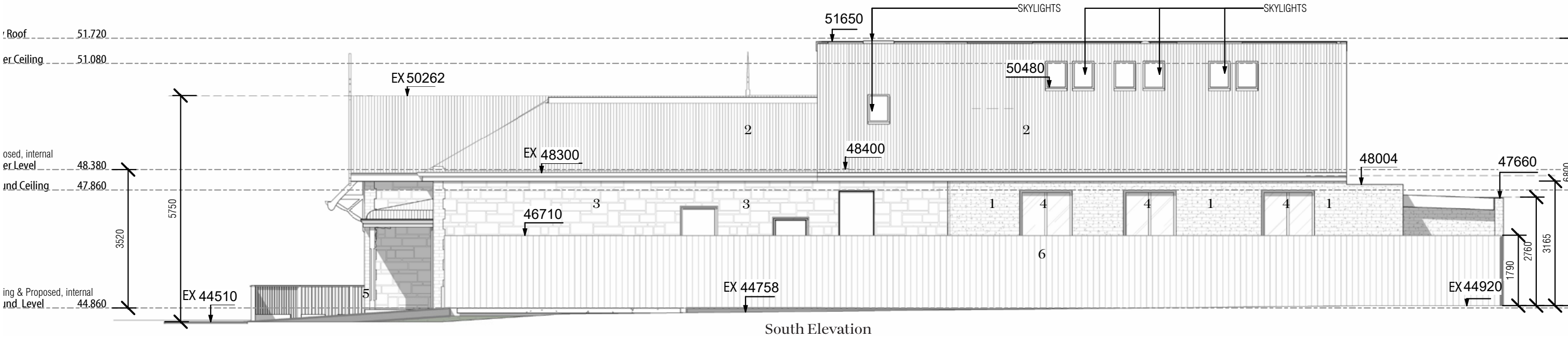


8 - GARAGE DOOR
WARM WHITE

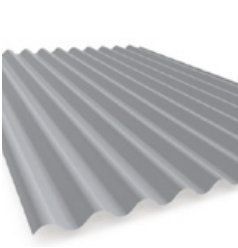


9 - SHADE RUNNER
FABRIC WARM
WHITE

Elevations- Scale 1:100 @ a3



1- BAGGED BRICK



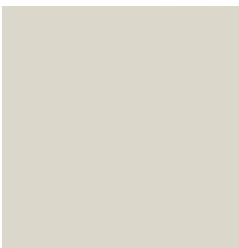
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3 -EXISTING TRADITIONAL SAND STONE FACADE WITH PAINTED BRICK DETAILS AND WHITE PAINTED TIMBER FRAMES A



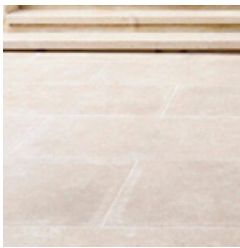
4 - BRONZE METAL WINDOW FRAMES



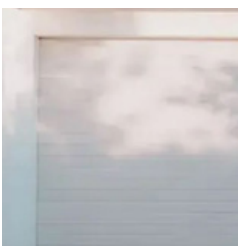
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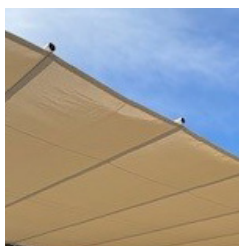
6 - PAINTED ENTRY GATE & GARAGE DOOR & GOOD NEIGHBOR FENCE



7 - EXTERNAL PAVING LIMESTONE PAVER



8 - GARAGE DOOR WARM WHITE

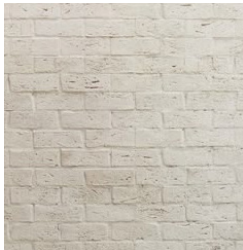
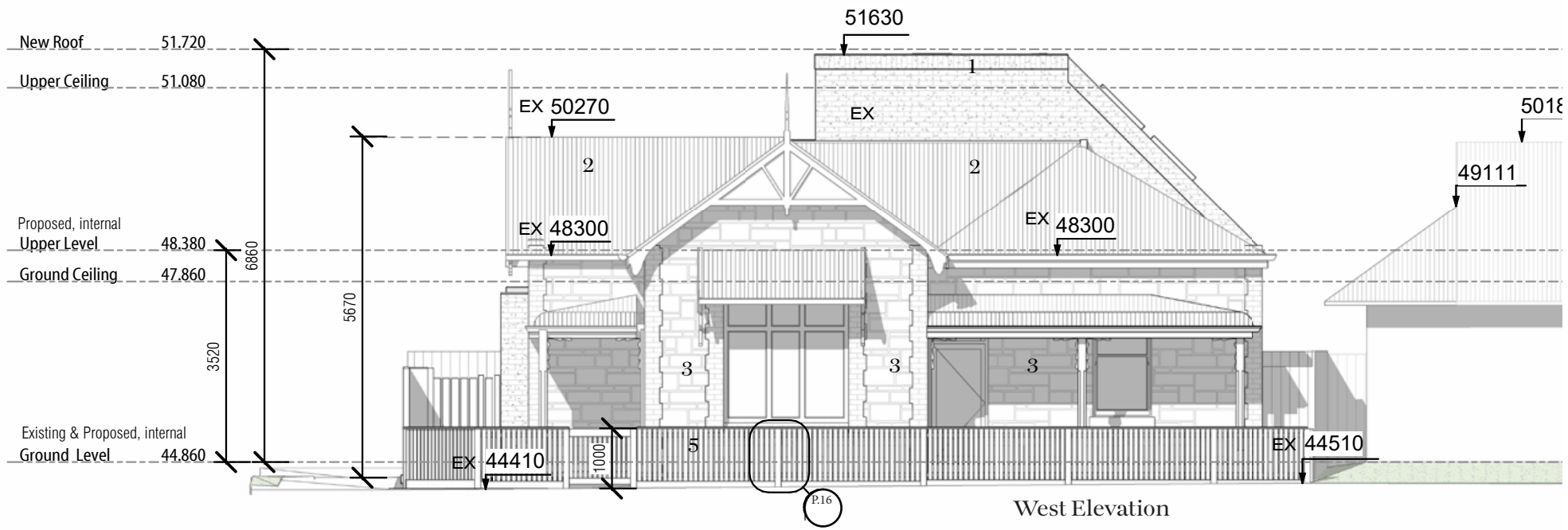
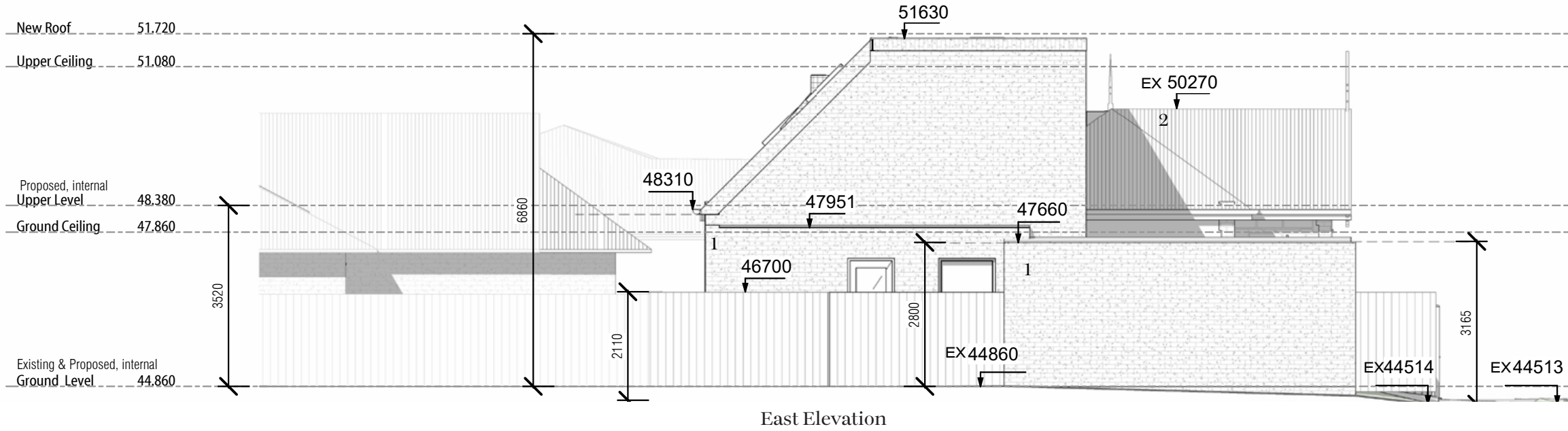


9 - SHADE RUNNER FABRIC WARM WHITE

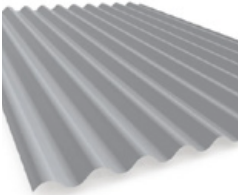
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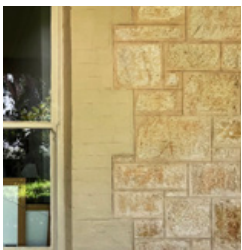
Elevations- Scale 1:100 @ a3



1- BAGGED BRICK



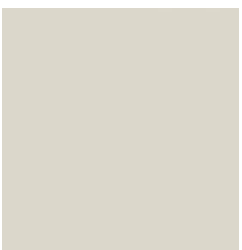
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3 -EXISTING TRADITIONAL SAND STONE FACADE WITH PAINTED BRICK DETAILS AND WHITE PAINTED TIMBER FRAMES A



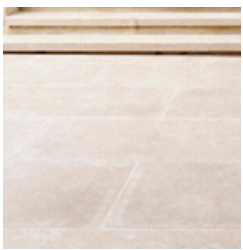
4 - BRONZE METAL WINDOW FRAMES



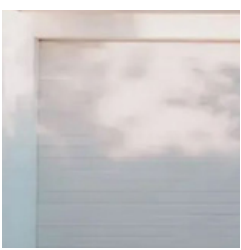
5 - PAINTED FENCE WARM WHITE



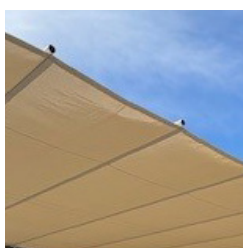
6 - PAINTED ENTRY GATE & GARAGE DOOR & GOOD NEIGHBOR FENCE



7 - EXTERNAL PAVING LIMESTONE PAVER

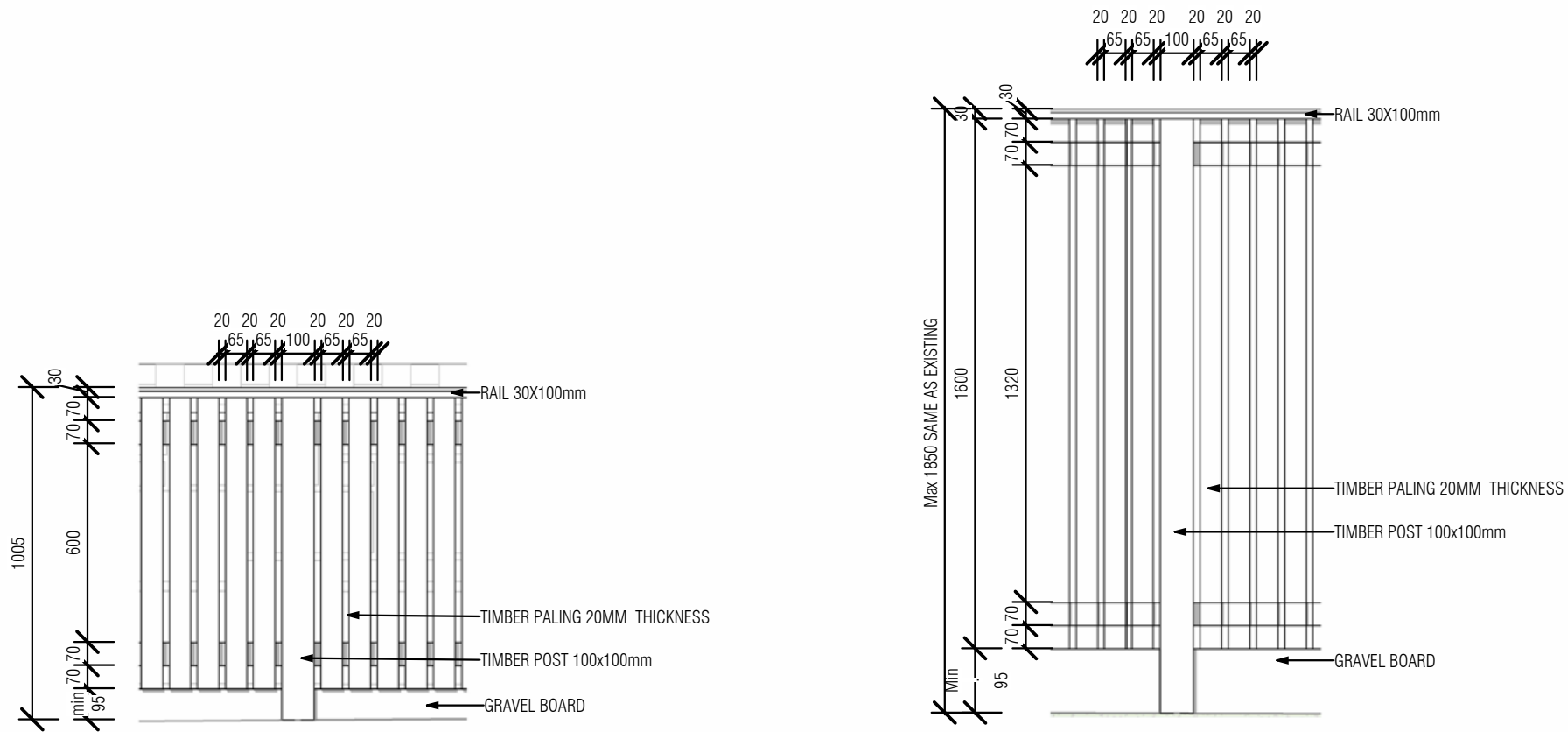


8 - GARAGE DOOR WARM WHITE



9 - SHADE RUNNER FABRIC WARM WHITE

Fence Detail 1:20 @ a3



View from Opey Avenue



View from Russel Street



View from Russel Street



Views along Opey Ave

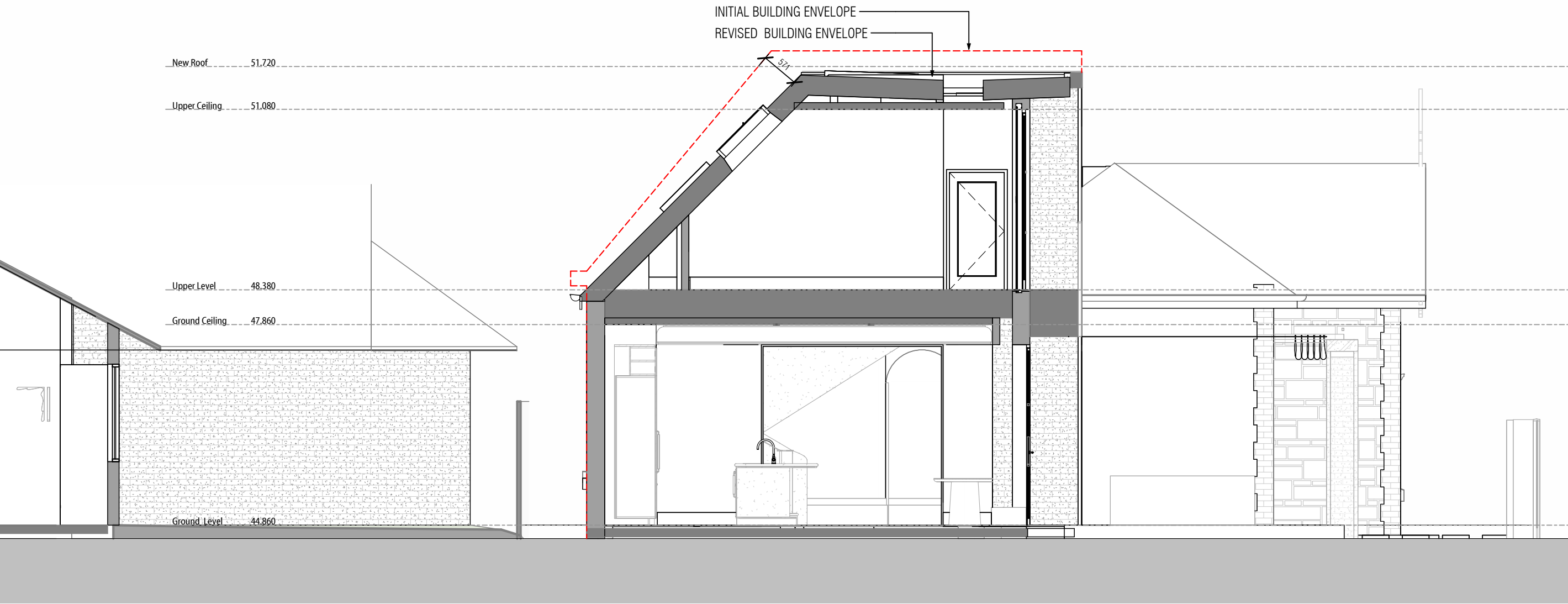


View to the East



View to the West

Section Comparison reduced envelope - NTS



Thank you.

ATTACHMENT 2

Details of Representations

Application Summary

Application ID	25016356
Proposal	Demolition of ancillary structures, partial demolition of the existing dwelling, construction of dwelling additions and alterations (including carport and verandah), replacement of existing verandah roofing, front fence and boundary fencing
Location	1 RUSSELL ST HYDE PARK SA 5061

Representations

Representor 1 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	05/09/2025 04:08 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

I am writing to oppose the Development Application (25016536 – 1 Russell Street Hyde Park) on the basis that it will have a very substantial negative impact on the amenity, outlook and privacy of the property at [REDACTED]. The development would also appear to be in breach of a whole range of the performance outcomes set out in the South Australian Planning and Development Code. I am making this representation on behalf of my parents [REDACTED] who have lived in the Unley area for most of their lives. My architect father designed their house at [REDACTED] which was constructed in 2001-02. Unfortunately, he now suffers from dementia and has moved to a local care home. My 84 year mother now lives in the home with a strictly indoors cat (and increasingly me, visiting from Canberra). The house was designed to incorporate passive solar design principles and maximise the sunlight. The house is set on the southern side of the block with north facing living area with large windows and behind an outdoor terrace/courtyard and eating area with a pergola with a deciduous vine to optimise shade in summer and sunshine in winter. The garden to the north of the courtyard/terrace has a deciduous tree but along the fence line bushes and a screen of two metre vertical timber battens for privacy for neighbours on both sides of the fence. The rest of the garden along their northern boundary is predominantly native to aid privacy and encourage native birds. The birds bring great joy and every day my mother lugs buckets of water (run from the shower and other taps before the water is hot) to refill the multiple bird baths in the garden. I will include a site plan in the supporting documents because I believe it will add important details relevant to the assessment of the proposal. I know my father took very seriously the need for the design of the house to be sympathetic to the existing predominant built form character and this is incorporated into a number of facets of the design including roof pitch, roof height, roof vents and front setback. In this regard I was disturbed to note that the East and West Elevation (p13) and the two rendered views from Russell Street (p18-19) in the Development Proposal appear to incorrectly suggest that the northern side of the carport roof has a roof pitch of about 50 degrees, when in fact it is about 35 degrees. The Notice of Development Application dated 18/08/2025 specifies that in order for representations

to be valid, they must “comment only on the performance-based elements of the proposal, which does not include the accepted or deemed-to-satisfy elements: None”. In order to try to conform with this I have listed the reasons I believe that consent should be refused under the Performance Outcomes (PO) listed in the Planning and Development Policies which appear to be most relevant • Part 2 Zones and Sub Zones – Established Neighbourhood Zone • Part 3 Overlays – Historic Area Overlay • Part 4 – General Development Policies – Design, Design in Urban Areas, Interface between land uses Given the character limit on online submissions, this is included as an attachment.

Attached Documents

Representations

Representor 2 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	05/09/2025 04:08 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

I am writing to oppose the Development Application (25016536 – 1 Russell Street Hyde Park) on the basis that it will have a very substantial negative impact on the amenity, outlook and privacy of the property at [REDACTED]. The development would also appear to be in breach of a whole range of the performance outcomes set out in the South Australian Planning and Development Code. I am making this representation on behalf of my parents [REDACTED] who have lived in the Unley area for most of their lives. My architect father designed their house at [REDACTED] which was constructed in 2001-02. Unfortunately, he now suffers from dementia and has moved to a local care home. My 84 year mother now lives in the home with a strictly indoors cat (and increasingly me, visiting from Canberra). The house was designed to incorporate passive solar design principles and maximise the sunlight. The house is set on the southern side of the block with north facing living area with large windows and behind an outdoor terrace/courtyard and eating area with a pergola with a deciduous vine to optimise shade in summer and sunshine in winter. The garden to the north of the courtyard/terrace has a deciduous tree but along the fence line bushes and a screen of two metre vertical timber battens for privacy for neighbours on both sides of the fence. The rest of the garden along their northern boundary is predominantly native to aid privacy and encourage native birds. The birds bring great joy and every day my mother lugs buckets of water (run from the shower and other taps before the water is hot) to refill the multiple bird baths in the garden. I will include a site plan in the supporting documents because I believe it will add important details relevant to the assessment of the proposal. I know my father took very seriously the need for the design of the house to be sympathetic to the existing predominant built form character and this is incorporated into a number of facets of the design including roof pitch, roof height, roof vents and front setback. In this regard I was disturbed to note that the East and West Elevation (p13) and the two rendered views from Russell Street (p18-19) in the Development Proposal appear to incorrectly suggest that the northern side of the carport roof has a roof pitch of about 50 degrees, when in fact it is about 35 degrees. The Notice of Development Application dated 18/08/2025 specifies that in order for representations to be valid, they must "comment only on the performance-based elements of the proposal, which does not include the accepted or deemed-to-satisfy elements: None". In order to try to conform with this I have listed the reasons I believe that consent should be refused under the Performance Outcomes (PO) listed in the Planning and Development Policies which appear to be most relevant • Part 2 Zones and Sub Zones – Established Neighbourhood Zone • Part 3 Overlays – Historic Area Overlay • Part 4 – General Development Policies – Design, Design in Urban Areas, Interface between land uses Given the character limit on online submissions, this is included as an attachment.

Attached Documents

Representations

Representor 3 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	05/09/2025 04:08 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

I am writing to oppose the Development Application (25016536 – 1 Russell Street Hyde Park) on the basis that it will have a very substantial negative impact on the amenity, outlook and privacy of the property at [REDACTED]. The development would also appear to be in breach of a whole range of the performance outcomes set out in the South Australian Planning and Development Code. I am making this representation on behalf of my parents [REDACTED] who have lived in the Unley area for most of their lives. My architect father designed their house at [REDACTED] which was constructed in 2001-02. Unfortunately, he now suffers from dementia and has moved to a local care home. My 84 year mother now lives in the home with a strictly indoors cat (and increasingly me, visiting from Canberra). The house was designed to incorporate passive solar design principles and maximise the sunlight. The house is set on the southern side of the block with north facing living area with large windows and behind an outdoor terrace/courtyard and eating area with a pergola with a deciduous vine to optimise shade in summer and sunshine in winter. The garden to the north of the courtyard/terrace has a deciduous tree but along the fence line bushes and a screen of two metre vertical timber battens for privacy for neighbours on both sides of the fence. The rest of the garden along their northern boundary is predominantly native to aid privacy and encourage native birds. The birds bring great joy and every day my mother lugs buckets of water (run from the shower and other taps before the water is hot) to refill the multiple bird baths in the garden. I will include a site plan in the supporting documents because I believe it will add important details relevant to the assessment of the proposal. I know my father took very seriously the need for the design of the house to be sympathetic to the existing predominant built form character and this is incorporated into a number of facets of the design including roof pitch, roof height, roof vents and front setback. In this regard I was disturbed to note that the East and West Elevation (p13) and the two rendered views from Russell Street (p18-19) in the Development Proposal appear to incorrectly suggest that the northern side of the carport roof has a roof pitch of about 50 degrees, when in fact it is about 35 degrees. The Notice of Development Application dated 18/08/2025 specifies that in order for representations to be valid, they must "comment only on the performance-based elements of the proposal, which does not include the accepted or deemed-to-satisfy elements: None". In order to try to conform with this I have listed the reasons I believe that consent should be refused under the Performance Outcomes (PO) listed in the Planning and Development Policies which appear to be most relevant • Part 2 Zones and Sub Zones – Established Neighbourhood Zone • Part 3 Overlays – Historic Area Overlay • Part 4 – General Development Policies – Design, Design in Urban Areas, Interface between land uses Given the character limit on online submissions, this is included as an attachment.

Attached Documents

Representations

Representor 4 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	05/09/2025 04:08 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

I am writing to oppose the Development Application (25016536 – 1 Russell Street Hyde Park) on the basis that it will have a very substantial negative impact on the amenity, outlook and privacy of the property at [REDACTED]. The development would also appear to be in breach of a whole range of the performance outcomes set out in the South Australian Planning and Development Code. I am making this representation on behalf of my parents [REDACTED] who have lived in the Unley area for most of their lives. My architect father designed their house at [REDACTED] which was constructed in 2001-02. Unfortunately, he now suffers from dementia and has moved to a local care home. My 84 year mother now lives in the home with a strictly indoors cat (and increasingly me, visiting from Canberra). The house was designed to incorporate passive solar design principles and maximise the sunlight. The house is set on the southern side of the block with north facing living area with large windows and behind an outdoor terrace/courtyard and eating area with a pergola with a deciduous vine to optimise shade in summer and sunshine in winter. The garden to the north of the courtyard/terrace has a deciduous tree but along the fence line bushes and a screen of two metre vertical timber battens for privacy for neighbours on both sides of the fence. The rest of the garden along their northern boundary is predominantly native to aid privacy and encourage native birds. The birds bring great joy and every day my mother lugs buckets of water (run from the shower and other taps before the water is hot) to refill the multiple bird baths in the garden. I will include a site plan in the supporting documents because I believe it will add important details relevant to the assessment of the proposal. I know my father took very seriously the need for the design of the house to be sympathetic to the existing predominant built form character and this is incorporated into a number of facets of the design including roof pitch, roof height, roof vents and front setback. In this regard I was disturbed to note that the East and West Elevation (p13) and the two rendered views from Russell Street (p18-19) in the Development Proposal appear to incorrectly suggest that the northern side of the carport roof has a roof pitch of about 50 degrees, when in fact it is about 35 degrees. The Notice of Development Application dated 18/08/2025 specifies that in order for representations to be valid, they must "comment only on the performance-based elements of the proposal, which does not include the accepted or deemed-to-satisfy elements: None". In order to try to conform with this I have listed the reasons I believe that consent should be refused under the Performance Outcomes (PO) listed in the Planning and Development Policies which appear to be most relevant • Part 2 Zones and Sub Zones – Established Neighbourhood Zone • Part 3 Overlays – Historic Area Overlay • Part 4 – General Development Policies – Design, Design in Urban Areas, Interface between land uses Given the character limit on online submissions, this is included as an attachment.

Attached Documents

Representations

Representor 5 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	05/09/2025 04:09 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons see attached	

Attached Documents

CommentsOnThePerformanceBasedElements-12161027.pdf
TextOfRepresentation-12161028.pdf

Reasons why planning consent should be refused - performance based elements of the proposal

DEVELOPMENT APPLICATION ID: 25016356 1 Russell Street, Hyde Park, Architect: Max Kamlah

PART 2 – ZONES & SUB ZONES

Established Neighbourhood Zone

PO 3.1 Site coverage

The building footprint does not appear consistent with the character and pattern of the neighbourhood and does not provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation. Mr Kamlah's design would definitely make for a very unattractive outlook from [REDACTED] – not dissimilar to what might be achieved by building a seven metre high corrugated iron fence.

The Proposed Development substantially exceeds the maximum site coverage. I presume that this might be even more than is shown on the Site Coverage and Soft Landscaping Plan, which appears to understate site coverage by not including Veranda 1 and Veranda 3 (possibly also the area under the two second story balconies?).

PO 4.1 Building Height

The Proposed Development appears to exceed maximum building height in both metres and levels dwarfing neighbouring Russell Street houses and would not contribute positively to the prevailing character of the neighbourhood.

PO 7.1 Boundary Walls

The length and height of the south facing wall in the Proposed Development would have a detrimental visual and overshadowing impact on the property at [REDACTED]. It is not clear to me whether it would fall under the definition of boundary walls in the code.

PO 8.1 Side Boundary Setback

Given the centrality solar access to the design of the property at [REDACTED], and the serious negative impact of overshadowing, side boundary setback considerations for the Proposed Development are critical. It is good to see that the South Australian Planning and Development Code acknowledges the importance of specific provisions relating to south facing walls. During the development of the code this concept was originally picked up by applying to southern boundaries "a 30 degree envelope applies (to address overshadowing)". The wording chosen in the code attempted to simplify this. The changed wording did not intend to allow circumvention of its solar access objectives through use of steep roof pitches – or for that matter by calling walls 'vertical roofs'.

Although the setback of the existing house is less than a metre, it would not be desirable (or justifiable) for the rear extension to continue along this line. There will be a significant negative impact on the property at [REDACTED] if the minimum setbacks applying to ground and second level developments are not imposed on the rear extension.

PO 9.1 Rear Boundary Setback

The Proposed Development does not adhere to the rear boundary setbacks and this has serious negative implications for the property at [REDACTED]. Of the two standard setbacks for the rear boundary, the 6 metres for the second level is the more critical, given the shading it imposes on the outdoor area as well as the house at [REDACTED]. However, sticking with the standard 4 metre

setback for the first level would also be desirable with respect to natural light and ventilation and landscaping/vegetation and separation between buildings that complements the established character of the area.

PO 10.2 Appearance

The height of the roof and the steep pitch on the southern side of the rear extension is jarring and not at all sympathetic to the rest of Russell Street. As shown in the West elevation the rear extension dwarfs the existing front of the house. (Strangely this does not appear to be the case in the two rendered views from on pages 18 and 19, which appear to indicate the rear addition will be barely visible from Russell Street – The same images also indicate a steeper than actual pitch on the roof at [REDACTED]. The rendered image of the view from Opey Avenue appears to suggest the roof of the rear addition is lower than the existing roofline).

As noted above the pitch and size of the on the south side of the rear extension roof may give it the appearance of a seven metre fence from [REDACTED].

It would be a decidedly suboptimal outcome if a roof form that is notably at odds with the prevailing character was imposed only because it was used as a means to circumvent the south facing wall setback provisions.

PO 11.1 Ancillary buildings and structures

The site coverage and soft landscaping plan appears to significantly overstate the amount of soft landscaping. The area in the south east of the block labelled Service Yard (below the washing line) is shown as paved in a number of the plans, but then appears to have been classified as soft landscaping – presumably in order to meet the requirement – also presumably to be a paved area once that hurdle is crossed. The calculation also appears to include paving to the entrances and paving around the bin storage area as set out in the planting plan (p23). Correcting this would appear to bring the amount of soft landscaping well below the specified minimum 25%.

PART 3 – OVERLAYS

Historic Area Overlay

PO 1.1 All Development

The Development Application, in particular the building siting, built scale and form of the rear extension does not appear consistent with the objectives of the Historic Area Statement. Relevant references in the Residential Compact Unley West and Hyde Park Historic Area Statement (Un7) include:

- “Prevailing and coherent rhythm of building siting, street setbacks, side boundary setbacks, spacing between buildings and garden landscape setting”.
- “Hipped and gable roof forms”
- “Wall Height in the order of 3.5 metres. Total Roof Height in the order of 5.7 metres; and Roof Pitch in the order of 27 degrees and 35 degrees.” “Consistent and recognisable pattern of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles.”

The rear extension in the proposed development does not appear to have any consideration for the Historic Area Statement, in particular with regard to “Wall Height in the order of 3.5 metres. Total Roof Height in the order of 5.7 metres; and Roof Pitch in the order of 27 degrees and 35 degrees.”

PO 2.1, 2.2 Built Form

The form and scale of the proposed rear addition visible from Russell Street is not consistent with the prevailing historic characteristics.

PO 3.1 Alterations and additions

The rear addition does not compliment the front of the building. The elevation drawings suggest that the rear addition will completely dominate the primary façade.

PART 4 – GENERAL DEVELOPMENT POLICIES

Design

PO 3.1 Landscaping

The substantial reduction in garden area will reduce heat absorption and reflection and reduce stormwater infiltration (and presumably have a negative impact on biodiversity – of considerable concern if it is going to mean the new holland honeyeaters no longer visit the garden at [REDACTED]).

PO 4.1, 4.2, 4.3 Environmental Performance

The siting of the second level seems designed to ensure that the terrace to the north of the living area is not shaded. Instead that area gets plenty of sunshine and the shade is cast over the terrace and house at 3 Russell Street reducing the amenity and increasing winter heating costs. I am also concerned that the rear extension roof will reflect towards the property at [REDACTED] thereby also contributing to additional energy consumption for summer cooling.

The second level of the Proposed Development does not even seem to maximise the benefit of northern solar access on that level.

PO 5.1 Water Sensitive Design

The low level of soft landscaping suggests that the Proposed Development would have a detrimental impact on the natural hydrological systems. I am also concerned about how well the rear extension roof would handle heavy rainfall events.

PO 10.1 Overlooking / Visual Privacy (in buildings 3 storeys or less)

It appears that the 7 skylights on the southern side of the second level roof would potentially allow direct overlooking into the living area and main bedroom of [REDACTED]. (As skylights, presumably they would be better placed on the northern side of the rear extension roof).

PO 13.1 Ancillary Development

The proposed development does not maintain the specified minimum total area of soft landscaping.

PO 15.1 Massing

The proposed development looks massive, imposing and unattractive from the property at [REDACTED] – and more generally from Russell Street. To my eye it is no so unattractive from Opey Avenue.

PO 16.1 Dwelling Additions

As previously covered, the siting and design of the Proposed Development would have a very substantial detrimental impact on the amenity of the property at [REDACTED].

PO 17.1 Private Open Space

It is not clear to me that the Proposed Development would meet the requirements set out in the Private Open Space Design Table.

Design in Urban Areas

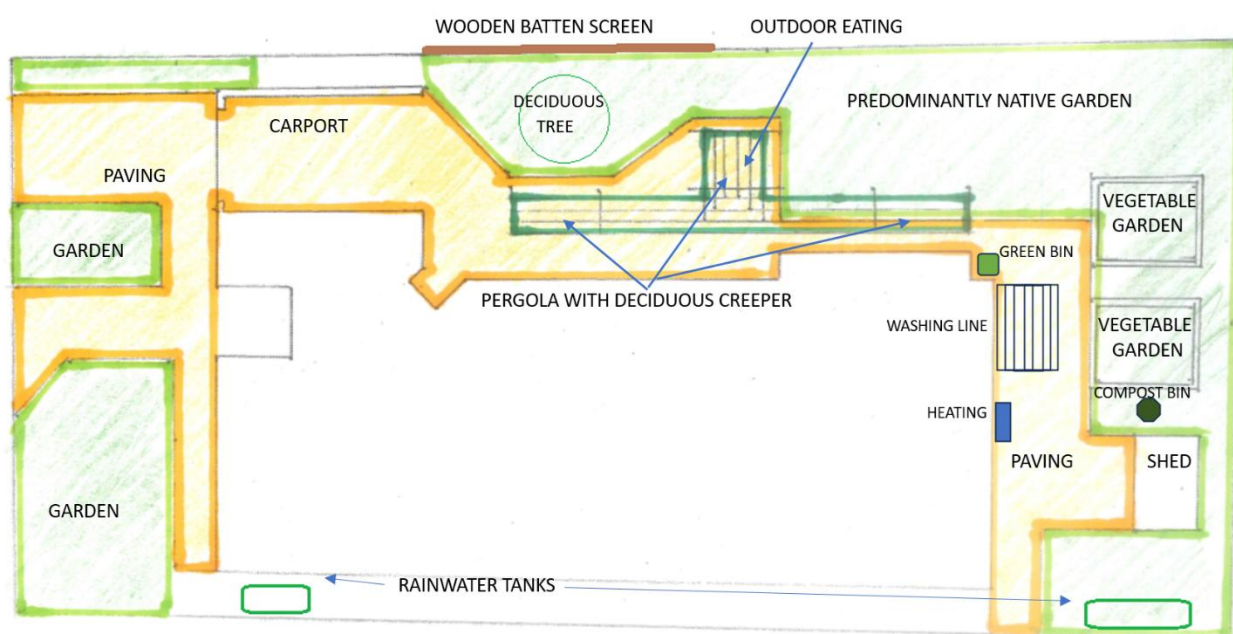
I am not sure whether this is relevant. It appears to largely duplicate the Design Performance Outcomes and seems to relate to larger developments. I have not had a chance to look closely into it.

Interface between Land Uses

PO 3.1, 3.2, 3.3 Overshadowing

The plan below shows the courtyard / outdoor eating area for the property, which I assume is what would be covered by the definition of the primary area of private open space. The shadow diagrams included in the Development Proposal suggest that this area would receive zero hours of direct sunlight between 9am and 3pm on 21 June.

SITE PLAN [REDACTED]



Given inaccuracies in the Development Proposal, I am a little concerned that the level of over shadowing may also be understated and the impact of overshadowing on the house and the PV panels may not be accurately captured.

PO 7.1 Solar Reflectivity / Glare

I am concerned that the south side of the rear extension roof could have a significant detrimental impact on the property at [REDACTED] in terms of heat, micro climatic and glare.

I am writing to oppose the Development Application (25016536 – 1 Russell Street Hyde Park) on the basis that it will have a very substantial negative impact on the amenity, outlook and privacy of the property at [REDACTED]. The development would also appear to be in breach of a whole range of the performance outcomes set out in the South Australian Planning and Development Code.

I am making this representation on behalf of my parents [REDACTED] who have lived in the Unley area for most of their lives. My architect father designed their house at [REDACTED] which was constructed in 2001-02. Unfortunately, he now suffers from dementia and has moved to a local care home. My 84 year mother now lives in the home with a strictly indoors cat (and increasingly me, visiting from Canberra).

The house was designed to incorporate passive solar design principles and maximise the sunlight. The house is set on the southern side of the block with north facing living area with large windows and behind an outdoor terrace/courtyard and eating area with a pergola with a deciduous vine to optimise shade in summer and sunshine in winter. The garden to the north of the courtyard/terrace has a deciduous tree but along the fence line bushes and a screen of two metre vertical timber battens for privacy for neighbours on both sides of the fence. The rest of the garden along their northern boundary is predominantly native to aid privacy and encourage native birds. The birds bring great joy and every day my mother lugs buckets of water (run from the shower and other taps before the water is hot) to refill the multiple bird baths in the garden. I will include a site plan in the supporting documents because I believe it will add important details relevant to the assessment of the proposal.

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- Part 2 Zones and Sub Zones – Established Neighbourhood Zone
- Part 3 Overlays – Historic Area Overlay
- Part 4 – General Development Policies – Design, Design in Urban Areas, Interface between land uses

Given the character limit on online submissions, this is included as an attachment.

Lauren Cooke

From: [REDACTED]
Sent: Monday, 8 September 2025 4:09 PM
To: Lauren Cooke
Subject: Fwd: Public Notification Submission - Development Application ID 25016356 | Address: 1 RUSSELL ST HYDE PARK SA 5061

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from outside the organisation. Do not act on instructions, click links or open attachments unless you recognise the sender and know the content is safe.

Re Submission on DA 25016356 (1 Russell Street, Hyde Park)

I have one additional concern with the Proposed Development. I realise this may not be valid as the consultation period closed on Friday.

It may also be a non-issue if there are no plans to change the fence along the boundary between 1 and [REDACTED]. I think I may have wrongly assumed from the Demolition Plan (page 5) that the existing fence was staying. However the Site Plan (page 6) points to "NEW GOOD NEIGHBOUR FENCE". My mother is very concerned about damage to the garden if the fence is to be replaced and also how exposed the property will be during the construction. Security is a major concern for my mother. A number of events have contributed to this including, at their previous Unley house, encountering someone trying to break into the house and one encountering someone in the house. This is why the front entrance to [REDACTED] looks the way it does.

I am in Adelaide until Thursday (but will inevitably be back again before the end of the year) if you would like me to explain in person anything I have raised.

Regards

[REDACTED]

----- Forwarded message -----

From: Plan SA Admin <dap@plan.sa.gov.au>
Date: Fri, 5 Sept 2025 at 16:39
Subject: Public Notification Submission - Development Application ID 25016356 | Address: 1 RUSSELL ST HYDE PARK SA 5061
To: [REDACTED] >



Public Notification Submission - Development Application ID 25016356

Applicant: Amy Hamilton

Address: 1 RUSSELL ST HYDE PARK SA 5061



Dear [REDACTED]

Thank you for your submission on Application ID 25016356 proposed at 1 RUSSELL ST HYDE PARK SA 5061

.

Should you have any questions or require more information please contact us.

Regards,

Lauren Cooke

City of Unley

0883725111

lcooke@unley.sa.gov.au

Please do not reply to this email as it is automatically generated. If this email is in relation to a development application, please contact your Relevant Authority or Assessing officer.

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We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Lauren Cooke

From: [REDACTED] >
Sent: Monday, 8 September 2025 4:15 PM
To: Lauren Cooke
Subject: Security gate / fence [REDACTED]
Attachments: f49b9bff-de91-46c4-8417-198ef5df98b9~1.jpg

You don't often get email from [REDACTED] [Learn why this is important](#)

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Sorry, I will stop spamming you now.



ATTACHMENT 3

Williams Burton Leopardi — Hamilton Residence

26th September 2025

City of Unley

Attention: Lauren Cooke

Ref: Application ID 25016356
Demolition of ancillary structures, partial demolition of the existing dwelling,
construction of dwelling additions and alterations (including carport and verandahs),
front fence and boundary fencing

Dear Lauren,

On behalf of our client Amy Hamilton, we respond to the representation below. This answers to the representation submitted on 05.09.2025.

We have carefully reviewed the representation and amended the proposal where appropriate. The following responses demonstrate that the development remains consistent with the Planning and Design Code and respectful of neighbouring properties.

- 1. In this regard I was disturbed to note that the East and West Elevation (p13) and the two rendered views from Russell Street (p18-19) in the Development Proposal appear to incorrectly suggest that the northern side of the carport roof has a roof pitch of about 50 degrees, when in fact it is about 35 degrees.**

The height of the ridge of 3 Russel Street is correct and has been verified by a licensed surveyor. The roof pitch of 3 Russell Street shown on the elevations has been amended to illustrate the Dutch gable detail, noting that the amendments do not affect the outcome or validity of the application.

- 2. PO 3.1 Site coverage**

The building footprint does not appear consistent with the character and pattern of the neighbourhood and does not provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation. Mr Kamlah's design would definitely make for a very unattractive outlook from 3 Russell Street – not dissimilar to what might be achieved by building a seven metre high corrugated iron fence.
The Proposed Development substantially exceeds the maximum site coverage. I presume that this might be even more than is shown on the Site Coverage and Soft Landscaping Plan, which appears to understate site coverage by not including Veranda 1 and Veranda 3 (possibly also the area under the two second story balconies?).

The building footprint does exceed the 50% site coverage recommendation by 10%, however, it remains consistent with the surrounding neighborhood, where other developments also exceed this coverage. For reference, please see the following nearby properties: 5 Russell Street (80%), 53 Opey Avenue (70%), and 55 Opey Avenue (60%).

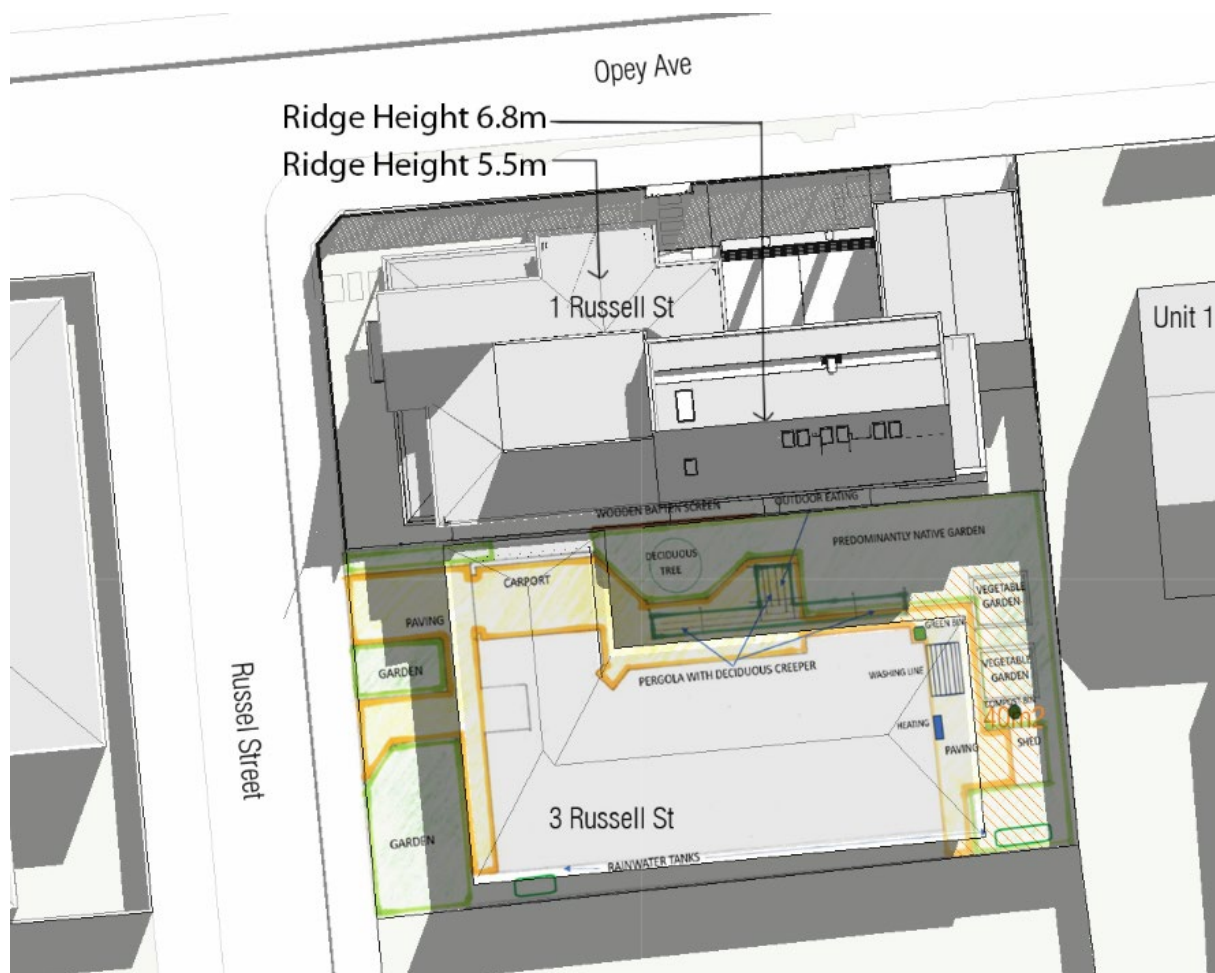
Williams Burton Leopardi —

Verandahs 1 and 3 do not have a roof cover; instead, these areas are pergola structures that allow sunlight to pass through. Please note that we have updated the labelling in these areas to “Terraces,” which more accurately reflects their nature and conveys the intended design intent.

3. PO 4.1 Building Height

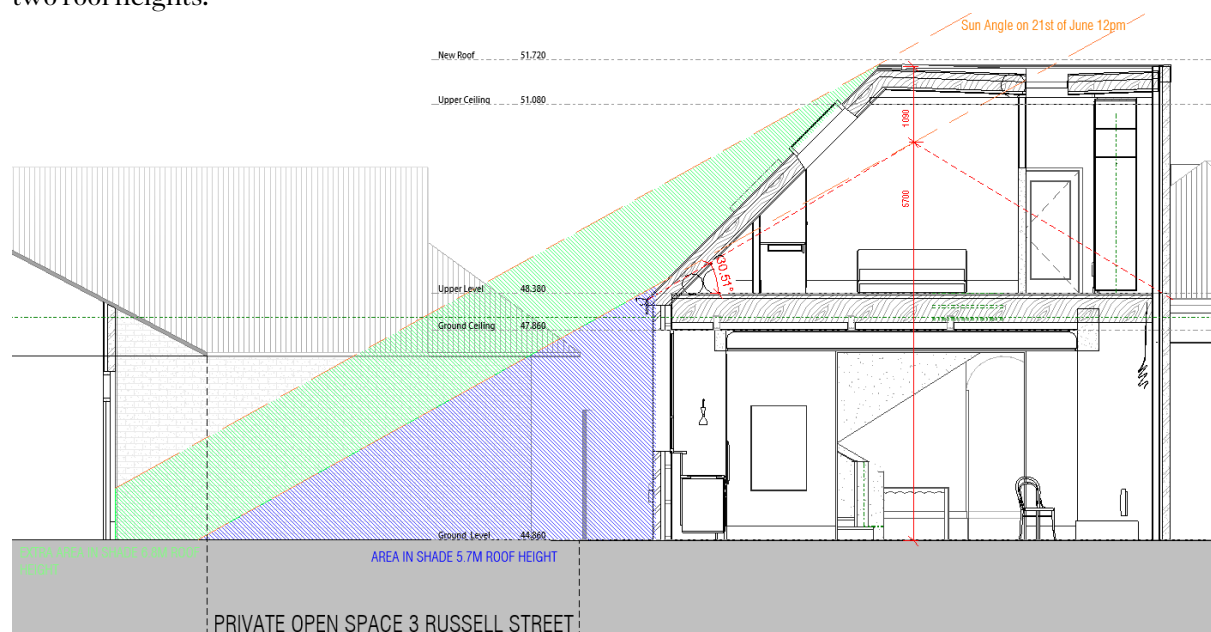
The Proposed Development appears to exceed maximum building height in both metres and levels dwarfing neighbouring Russell Street houses and would not contribute positively to the prevailing character of the neighbourhood.

A thorough review has altered the pitch of the new roof to 45 degree and has reduced the building height by a further 100 mm, thereby minimising the impact on the neighbouring property at 3 Russell Street. We note that the ridge height of the proposed roof, although described as “two storeys,” is only 1.3 m higher than the existing ridge of the gable end facing Opey Ave. Please see the overshadowing diagram with the neighbouring site plan below.



Williams Burton Leopardi —

A comparison between a 5.7m high roof at 30 degrees and a 6.7m high roof at 45 degrees shows no difference in the overshadowing of private open space at 12pm on 21 June. In both scenarios, the shadow reaches the base of the house at 3 Russell Street. Please see the section below comparing the two roof heights.



The design carefully responds to the prominence of the corner site and its role in shaping the streetscape character. Particular consideration has been given to views from both the corner and Russell Street. As detailed on pages 18 and 19 of the Design Intent document (“Views from Russell Street”), the proposal has been designed to minimise its visual presence along these frontages, presenting the appearance of a single-storey dwelling that complements the established character of the street.

The two-storey element is set well back from the street and oriented solely toward Opey Avenue. Its visibility is limited, with the upper level only discernible from directly across the street, where existing landscaping and fencing help soften its presence. From more distant views along Opey Avenue, the upper floor remains unobtrusive due to the substantial setback, as illustrated on page 20 of the Design Intent (“Views along Opey Avenue”). The garage is also recessed relative to existing conditions, contributing to a greater sense of openness in the streetscape and further reducing visual impact.

At 45 Opey Avenue, the adjoining property already incorporates two-storey townhouse forms. The proposed development provides a transition in scale that responds appropriately to this context.

In comparison with other recent projects in the area, such as 44 Park Street (see Streetview below), where upper levels are more visually prominent, this proposal adopts a restrained and contextually sensitive design approach. Both the form and the material palette have been selected to ensure the dwelling integrates with the surrounding character while remaining recessive from key public viewpoints.

Williams Burton Leopardi —



View at Russell Street of 44 Park Street

4. PO 7.1 Boundary Walls

The length and height of the south facing wall in the Proposed Development would have a detrimental visual and overshadowing impact on the property at 3 Russell Street. It is not clear to me whether it would fall under the definition of boundary walls in the code.

It is our understanding that, by definition, a boundary wall has its external face located on the boundary. In this case, we are not proposing to build on the boundary adjoining 3 Russell Street.

5. PO 8.1 Side Boundary Setback

Given the centrality solar access to the design of the property at 3 Russell Street, and the serious negative impact of overshadowing, side boundary setback considerations for the Proposed Development are critical. It is good to see that the South Australian Planning and Development Code acknowledges the importance of specific provisions relating to south facing walls. During the development of the code this concept was originally picked up by applying to southern boundaries “a 30 degree envelope applies (to address overshadowing)”. The wording chosen in the code attempted to simplify this. The changed wording did not intend to allow circumvention of its solar access objectives through use of steep roof pitches – or for that matter by calling walls ‘vertical roofs’.

Although the setback of the existing house is less than a metre, it would not be desirable (or justifiable) for the rear extension to continue along this line. There will be a significant negative impact on the property at 3 Russell Street if the minimum setbacks applying to ground and second level developments are not imposed on the rear extension.

The existing house is not positioned exactly parallel to the boundary. As a result, where the proposed extension projects beyond the existing envelope, a 1-metre setback is maintained.

The proposed roof is pitched – not vertical. Following a thorough review, we have directly addressed the concerns by reducing the roof pitch to 45 degrees. This roof slope is consistent with the early Victorian era of houses and buildings and, while 10 degrees steeper than the existing roof, it responds to the character of neighbouring historic properties in Adelaide. By keeping the wall height consistent and maintaining the gutter at the same height and style of the existing villa/cottage, the visual difference between the existing roof and the proposed roof will be minimised.

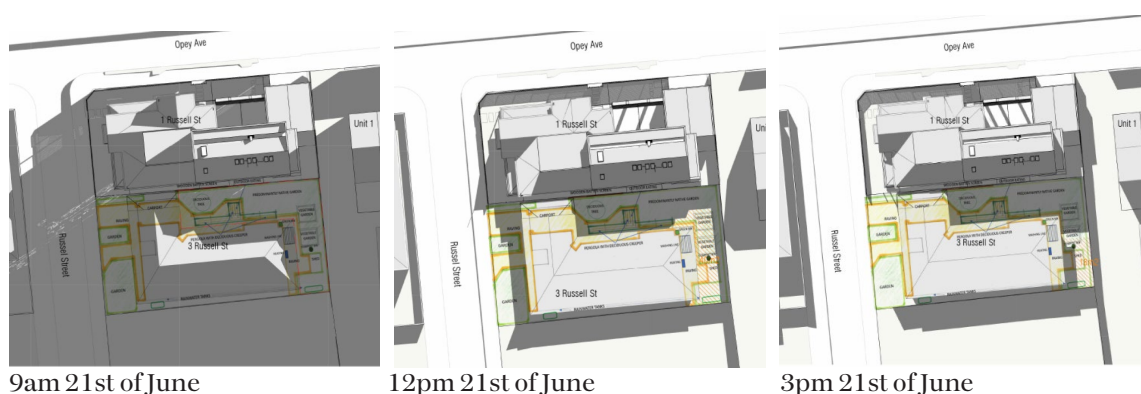
The diagrams on page 14 illustrate that, even on the winter solstice, a substantial amount of sunlight is achieved. In addition, we have amended the overshadowing diagrams to include the exact drawings provided by the representor. The extent of overshadowing to windows is neglectable, as shown in the diagram on page 15 of the winter solstice.

Williams Burton Leopardi —

It is important to note that this represents the worst-case scenario; During the day the courtyard retains partial sunlight as the sun moves around.

As the proposed ridge is only 1.3 m higher than a simple extension of the existing gable ridge, and is located a further 200 mm away from the existing ridge, the actual overshadowing difference between the proposed design and a single-storey extension of the gable is negligible.

The veggie patch and drying line will receive sufficient skylight even on 21 June, while the outdoor dining area will enjoy direct sunlight from August through April. Please see diagram below.



6. PO 9.1 Rear Boundary Setback

The Proposed Development does not adhere to the rear boundary setbacks and this has serious negative implications for the property at 3 Russell Street. Of the two standard setbacks for the rear boundary, the 6 metres for the second level is the more critical, given the shading it imposes on the outdoor area as well as the house at 3 Russell Street. However, sticking with the standard 4 metre setback for the first level would also be desirable with respect to natural light and ventilation and landscaping/vegetation and separation between buildings that complements the established character of the area.

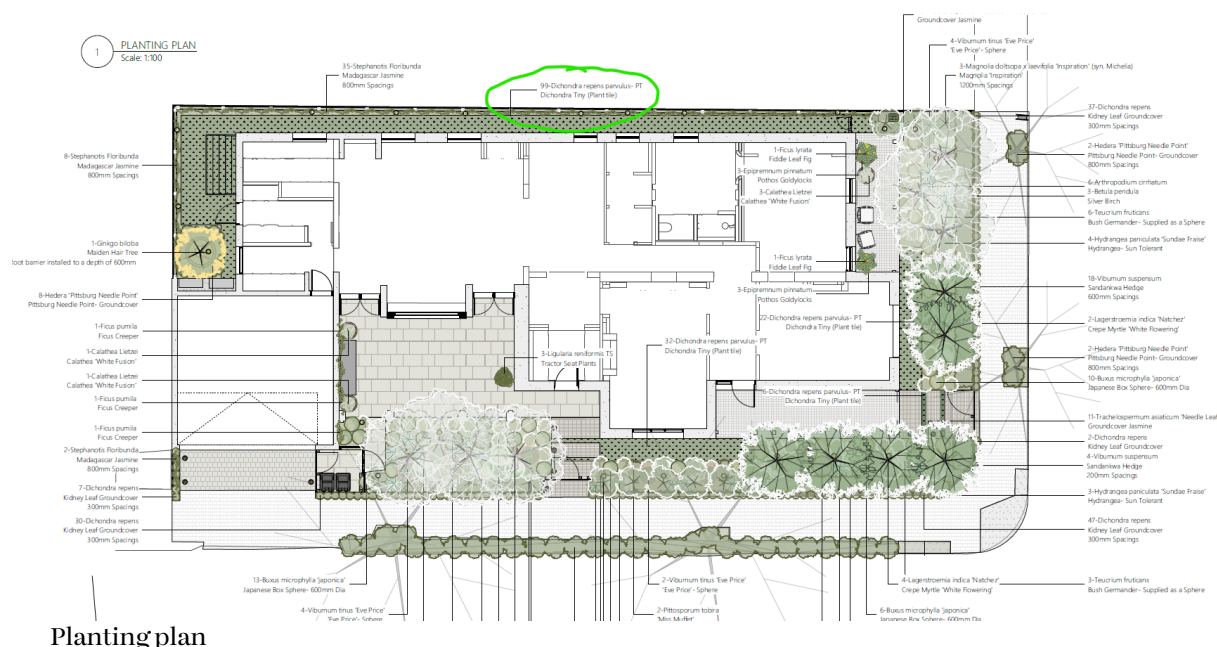
We understand the concerns regarding overshadowing, ventilation, and landscaping. As mentioned above, overshadowing of the private open space and windows on the façade has been minimised and remains within the requirements. Please refer to pages 14 and 15 of the presentation for further details. Furthermore, we have reduced the roof slope and height to further minimise the impact on 3 Russell Street.

Landscaping plans have been provided and carefully considered by landscape designer Lee Gray, consistent with the overall approach of the site. Madagascar Jasmine is proposed along the southern boundary facing 3 Russell Street, spaced at 800 mm intervals on a trellis. Ventilation for 3 Russell Street will be maintained through the 7-metre separation between the buildings and the rear setback of 3 Russell Street, which is not significantly different from what would result from a single-storey addition.

As previously noted, the ridge line of the new roof has been modified to reflect the revised 45-degree pitch of the addition, with the gutter and eave set at the existing level of the cottage. While the roof is steeper than the existing form, it remains consistent with the character of surrounding residential areas.

Williams Burton Leopardi —

This design approach establishes a single-storey wall with a roof ridge 1.3 m higher than the existing condition. While this does present a change from the current outlook of 3 Russell Street, it is not unusual when compared with more recent developments in the area.



Planting plan

7. PO 10.2 Appearance

The height of the roof and the steep pitch on the southern side of the rear extension is jarring and not at all sympathetic to the rest of Russell Street. As shown in the West elevation the rear extension dwarfs the existing front of the house. (Strangely this does not appear to be the case in the two rendered views from on pages 18 and 19, which appear to indicate the rear addition will be barely visible from Russell Street – The same images also indicate a steeper than actual pitch on the roof at 3 Russell Street. The rendered image of the view from Opey Avenue appears to suggest the roof of the rear addition is lower than the existing roofline).

As noted above the pitch and size of the on the south side of the rear extension roof may give it the appearance of a seven metre fence from 3 Russell Street.

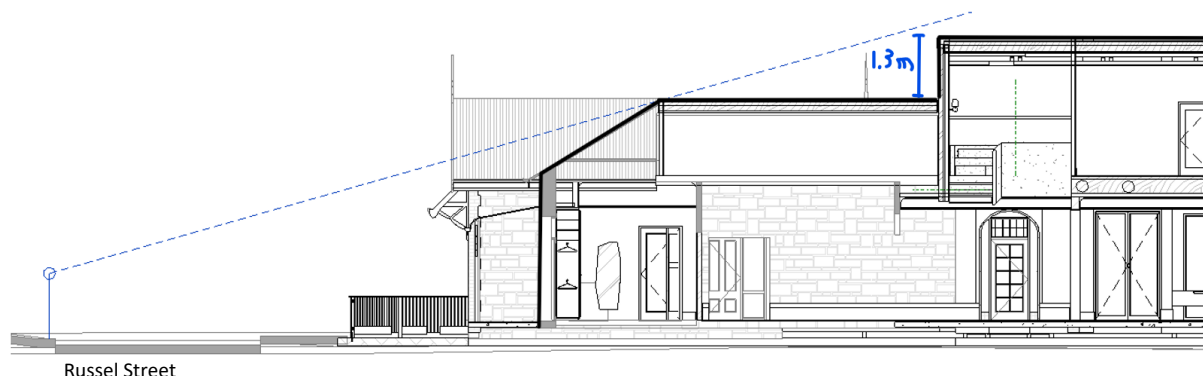
It would be a decidedly suboptimal outcome if a roof form that is notably at odds with the prevailing character was imposed only because it was used as a means to circumvent the south facing wall setback provisions.

2D representations can be misleading as they do not account for the three-dimensional form and sloped nature of roofs.

The extension is set back from Russell Street, allowing it to remain concealed behind the existing roof. Please see the section below for further clarification.

As previously noted the ridge height at 3 Russell Street aligns accurately with the survey and the Dutch Gable has now been added to the street view.

Williams Burton Leopardi —



Views of proposed development from Russel Street

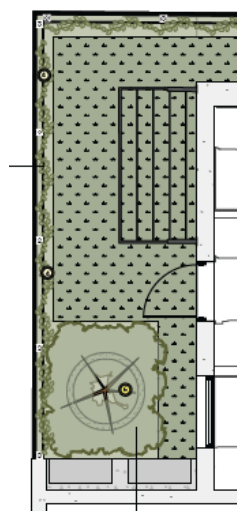
Noting that we have made some compromises by adjusting the new roof pitch to 45 degrees, while keeping the wall height consistent and matching the gutter design, the proposed roof will not be at odds with the existing building. At the same time, it maintains the ability to conceal a second storey from the Russell Street frontage and 3 Russel Street.

8. PO 11.1 Ancillary buildings and structures

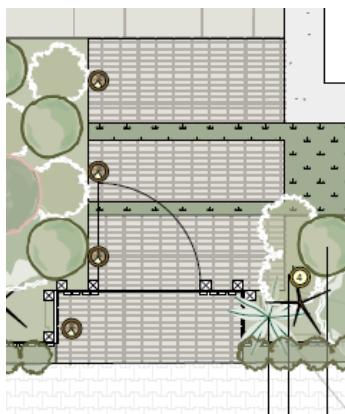
The site coverage and soft landscaping plan appears to significantly overstate the amount of soft landscaping. The area in the south east of the block labelled Service Yard (below the washing line) is shown as paved in a number of the plans, but then appears to have been classified as soft landscaping – presumably in order to meet the requirement – also presumably to be a paved area once that hurdle is crossed. The calculation also appears to include paving to the entrances and paving around the bin storage area as set out in the planting plan (p23). Correcting this would appear to bring the amount of soft landscaping well below the specified minimum 25%.

The areas shown as solid paving are Project Stone, with wide joints that allow water to filter freely into the ground where steppers are indicated. Trafficable permeable groundcover is proposed in the service yard. Utilizing a subsurface pipe to drain runoff with planting over. The planting plan provided by Lee Gray landscape design indicates coordinated thoughts and the design has been undertaken to achieve both a usable series of outdoor areas, but also retain soft planting, deep root gras and innovative solutions,

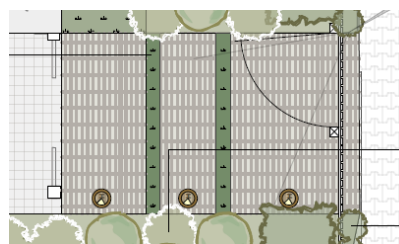
Williams Burton Leopardi —



Service yard



Entry Opey Avenue



Entry Russel Street

Extracts from the Planting Plan

PART 3 – OVERLAYS

Historic Area Overlay

9. PO 1.1 All Development

The Development Application, in particular the building siting, built scale and form of the rear extension does not appear consistent with the objectives of the Historic Area Statement. Relevant references in the Residential Compact Unley West and Hyde Park Historic Area Statement (Un7) include:

- “Prevailing and coherent rhythm of building siting, street setbacks, side boundary setbacks, spacing between buildings and garden landscape setting”.
- “Hipped and gable roof forms”
- “Wall Height in the order of 3.5 metres. Total Roof Height in the order of 5.7 metres; and Roof Pitch in the order of 27 degrees and 35 degrees.” “Consistent and recognisable pattern of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles.”

The rear extension in the proposed development does not appear to have any consideration for the Historic Area Statement, in particular with regard to “Wall Height in the order of 3.5 metres. Total Roof Height in the order of 5.7 metres; and Roof Pitch in the order of 27 degrees and 35 degrees.”

In response to the feedback, the design has been refined by adjusting the roof pitch to 45 degrees and reducing the overall height by 100mm. This approach reflects the typical form of homes from the era and complements the historic character of neighbouring properties in Adelaide

In addition, the design gives thoughtful attention to the prominent corner position and its contribution to the streetscape, with particular regard to views from both the corner and Russell Street. As detailed on pages 18 and 19 of the Design Intent document (Views from Russell Street), the proposal has been shaped to minimise visual impact from these frontages, maintaining the appearance of a single-storey dwelling and reinforcing the established character of the street.

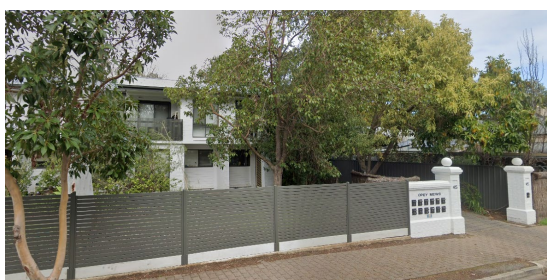
Williams Burton Leopardi —



Views of proposed development from Russel Street

The two-storey element is set well back and oriented only to Opey Avenue, which is the secondary frontage of the subject site. It is visible primarily from a limited point directly opposite the site, while existing planting and fencing largely screen it when approached on foot. From further along Opey Avenue, the upper level remains recessive due to the significant setback, as illustrated on page 20 of the Design Intent (Views along Opey Ave). The recessed garage further supports a more open streetscape and reduces visual prominence.

The adjoining property at 45 Opey Avenue already presents two-storey townhouse forms, and the proposal creates a considered transition in built scale that aligns with this context.



Existing Street view from Opey Ave of 45 Opey Ave



Proposed Street view from Opey Ave of 1 Russel St

In comparison to other recent developments in the area, such as 44 Park Street, which adopt more pronounced second-storey expressions, this design takes a more measured and context-responsive approach. Its form and materiality have been carefully selected to integrate with the surrounding character while limiting visibility from key public viewpoints.

This has a carefully conceived, contemporary architectural response, that whilst taking into account the provisions and guidance of the code, very much approaches design from a solid understanding of proportion, materiality and adherence to principles of the Burra Charter, where raw design elements acknowledge and pay head to original conditions, but do not copy or diminish their importance through imitation.



Williams Burton Leopardi —

View at Russell Street of 44 Park Street



View to the East



View to the West

Proposed street view from Opey Ave. of 1 Russel street

10. PO 2.1, 2.2 Built Form

The form and scale of the proposed rear addition visible from Russell Street is not consistent with the prevailing historic characteristics.

Please see above.

11. PO 3.1 Alterations and additions

The rear addition does not compliment the front of the building. The elevation drawings suggest that the rear addition will completely dominate the primary façade.

Please see above.

PART 4 – GENERAL DEVELOPMENT POLICIES

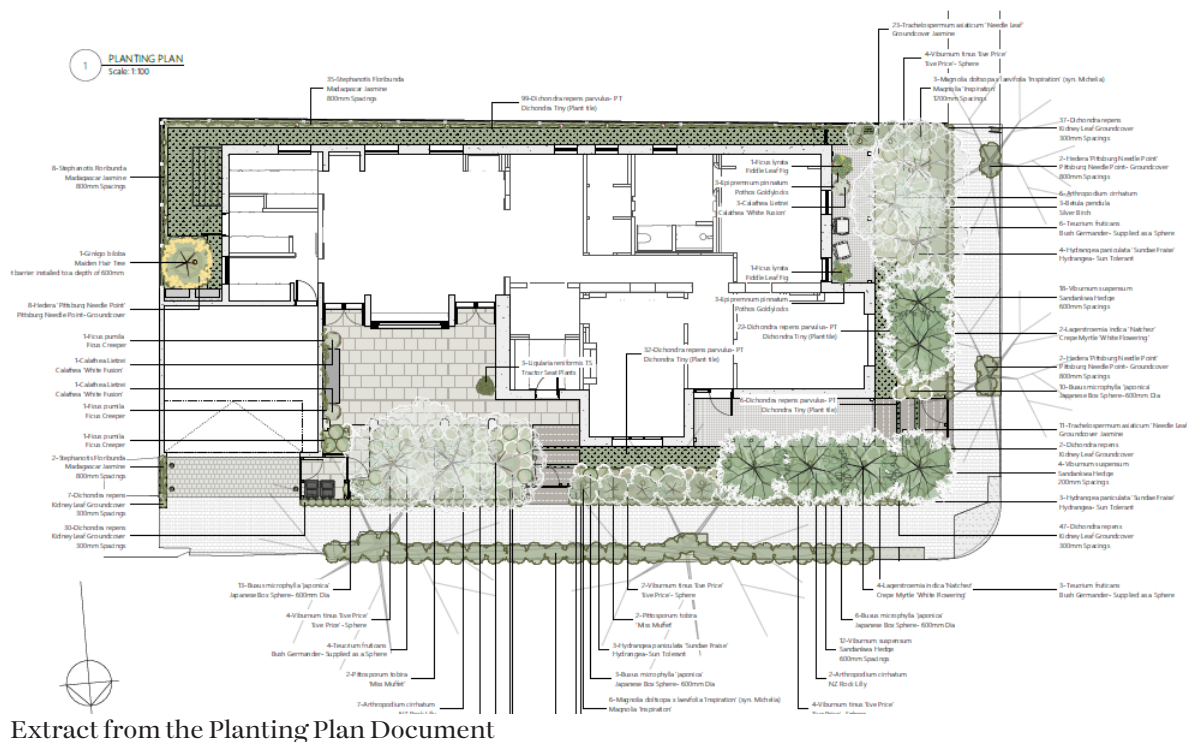
Design

12. PO 3.1 Landscaping

The substantial reduction in garden area will reduce heat absorption and reflection and reduce stormwater infiltration (and presumably have a negative impact on biodiversity – of considerable concern if it is going to mean the new holland honeyeaters no longer visit the garden at 3 Russell Street).

The planting plan incorporates deep planting beds predominantly filled with native species and only a small proportion of lawn. This approach not only enhances the overall landscape quality but also actively supports local biodiversity. By prioritising diverse planting over extensive lawn areas, the design creates valuable habitat for birds and insects, contributing to a healthier and more resilient ecological environment.

Williams Burton Leopardi —



13. PO 4.1, 4.2, 4.3 Environmental Performance

The siting of the second level seems designed to ensure that the terrace to the north of the living area is not shaded. Instead that area gets plenty of sunshine and the shade is cast over the terrace and house at 3 Russell Street reducing the amenity and increasing winter heating costs. I am also concerned that the rear extension roof will reflect towards the property at 3 Russell Street thereby also contributing to additional energy consumption for summer cooling. The second level of the Proposed Development does not even seem to maximise the benefit of northern solar access on that level.

The shadow diagrams (page 14) illustrate that overshadowing remains within the required limits, and the private open space at 3 Russell Street will continue to receive sufficient sunlight. The 3D images further demonstrate that direct sunlight to the windows at the 3 Russell Street is not affected and remains solar access to courtyards within reasonable levels, ensuring winter heating demand shall not be affected.

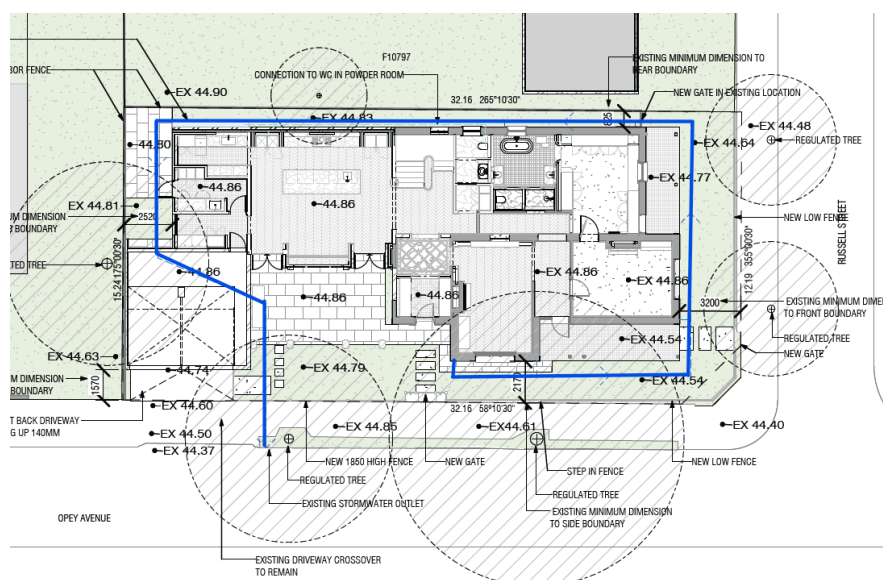
As the roof faces south, the potential for glare from reflected sunlight is minimal. In addition, the use of matte finishes will eliminate any chance of glare, ensuring there is no increase in cooling demand for 3 Russell Street.

The proposed design also provides north-facing windows to living areas and to bedrooms and circulation upstairs. This measured approach promotes good solar access to living areas, supporting passive solar design and positive environmental outcomes.

14. PO 5.1 Water Sensitive Design

The low level of soft landscaping suggests that the Proposed Development would have a detrimental impact on the natural hydrological systems. I am also concerned about how well the rear extension roof would handle heavy rainfall events.

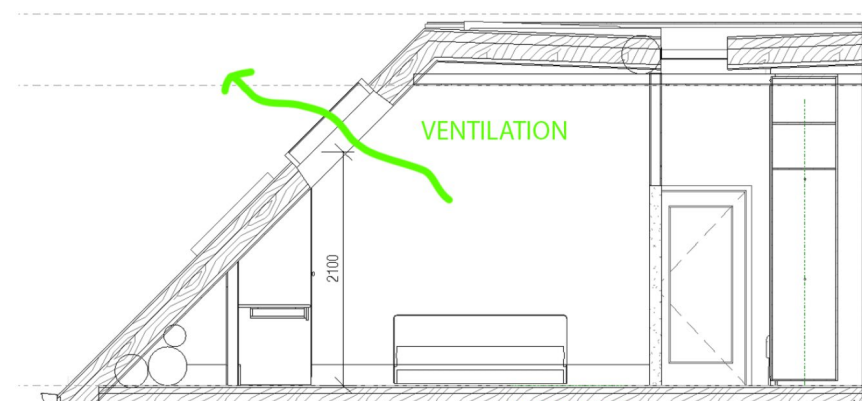
The site plan page 6 demonstrate how roof stormwater will be managed through gutters, downpipes, and in-ground stormwater pipes, discharging via existing street outlets. All roofing and associated drainage will be installed in accordance with the Australian standard and the NCC code.



15. PO 10.1 Overlooking / Visual Privacy (in buildings 3 storeys or less)

It appears that the 7 skylights on the southern side of the second level roof would potentially allow direct overlooking into the living area and main bedroom of 3 Russell Street. (As skylights, presumably they would be better placed on the northern side of the rear extension roof).

The skylights will be positioned at a height above the first-floor finished level that prevents any possibility of overlooking into 3 Russell Street. Skylights on the northern roof pitch can create an undesirable environmental effect by allowing excessive solar gain. Pitched roof skylights also provide the opportunity for ventilation, which flat roof skylights do not.



Section First floor

16. PO 13.1 Ancillary Development

The proposed development does not maintain the specified minimum total area of soft landscaping.

The development meets the minimum area of soft landscaping. Please see page 7 of the Design Intent document and the planting plan for further information.

17. PO 15.1 Massing

The proposed development looks massive, imposing and unattractive from the property at 3 Russell Street – and more generally from Russell Street. To my eye it is no so unattractive from Opey Avenue.

By maintaining a consistent wall height facing 3 Russell Street, the development continues the form of the existing building, with only a slight increase in roof height. This approach allows the extension to appear as a natural part of the existing structure and, by that, aligns well with the existing situation when viewed from 3 Russell Street.

The proposal responds to the prominence of the corner site and its influence on the surrounding streetscape, paying particular attention to views from the corner and along Russell Street. Pages 18 and 19 of the Design Intent document (Views from Russell Street) illustrate how the design has been developed to reduce visual impact, preserving the sense of a single-storey dwelling and complementing the established character of the area.



Views of proposed development from Russel Street

18. PO 16.1 Dwelling Additions

As previously covered, the siting and design of the Proposed Development would have a very substantial detrimental impact on the amenity of the property at 3 Russell Street.

As outlined above, we have incorporated significant measures to ensure the development is as respectful and compatible as possible with the surrounding properties.

19. PO 17.1 Private Open Space

It is not clear to me that the Proposed Development would meet the requirements set out in the Private Open Space Design Table.

The design provides at least 50 m² of private open space directly connected to the dining and kitchen.

Williams Burton Leopardi —

Interface between Land Uses

20. PO 3.1, 3.2, 3.3 Overshadowing

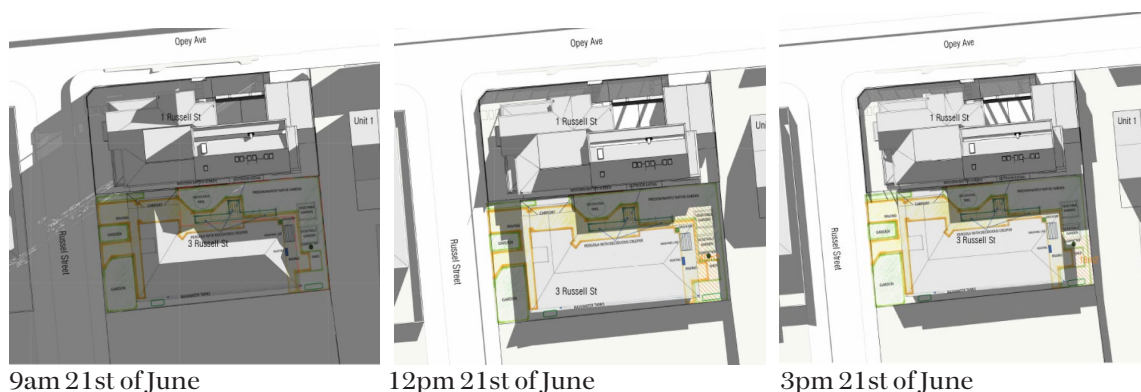
The plan below shows the courtyard / outdoor eating area for the property, which I assume is what would be covered by the definition of the primary area of private open space. The shadow diagrams included in the Development Proposal suggest that this area would receive zero hours of direct sunlight between 9am and 3pm on 21 June.

Given inaccuracies in the Development Proposal, I am a little concerned that the level of overshadowing may also be understated and the impact of overshadowing on the house and the PV panels may not be accurately captured.

The diagrams provided are not inaccurate. We have outlined the plan provided by the representer to ensure this is the case.

In response to the concerns, the roof pitch has been adjusted to 45 degrees and the overall building height lowered, allowing greater sunlight into the private open space, particularly over the vegetable garden. The north-facing window will continue to receive good levels of direct sunlight on June 21 between 9 am and 3 pm, and are not overshadowed at all at 12pm on the winter solstice, supporting both comfort and energy efficiency. Further detail is provided in the sketch below and on page 15 of the Design Intent document.

The PV system will not be subject to overshadowing at any time. As shown in the shadow diagrams within the Design Intent document on page 14, all roof surfaces will receive direct sunlight throughout the day.



21. PO 7.1 Solar Reflectivity / Glare

I am concerned that the south side of the rear extension roof could have a significant detrimental impact on the property at 3 Russell Street in terms of heat, micro climatic and glare.

The south-facing roof is not exposed to direct sunlight, so it will have no noticeable effect on glare, heat, or the surrounding microclimate. Further detail is shown in the shadow diagrams on page 14 of the Design Intent document.

Williams Burton Leopardi —

We trust the above responses provide clarity and demonstrate that the proposal satisfies the relevant planning provisions. Should any further clarification be required, we would be pleased to provide it.

Yours faithfully,

David Burton

Bachelor of Architecture, University of Adelaide (First Class Honours in Heritage)–

2025 – Chair AIA award Heritage

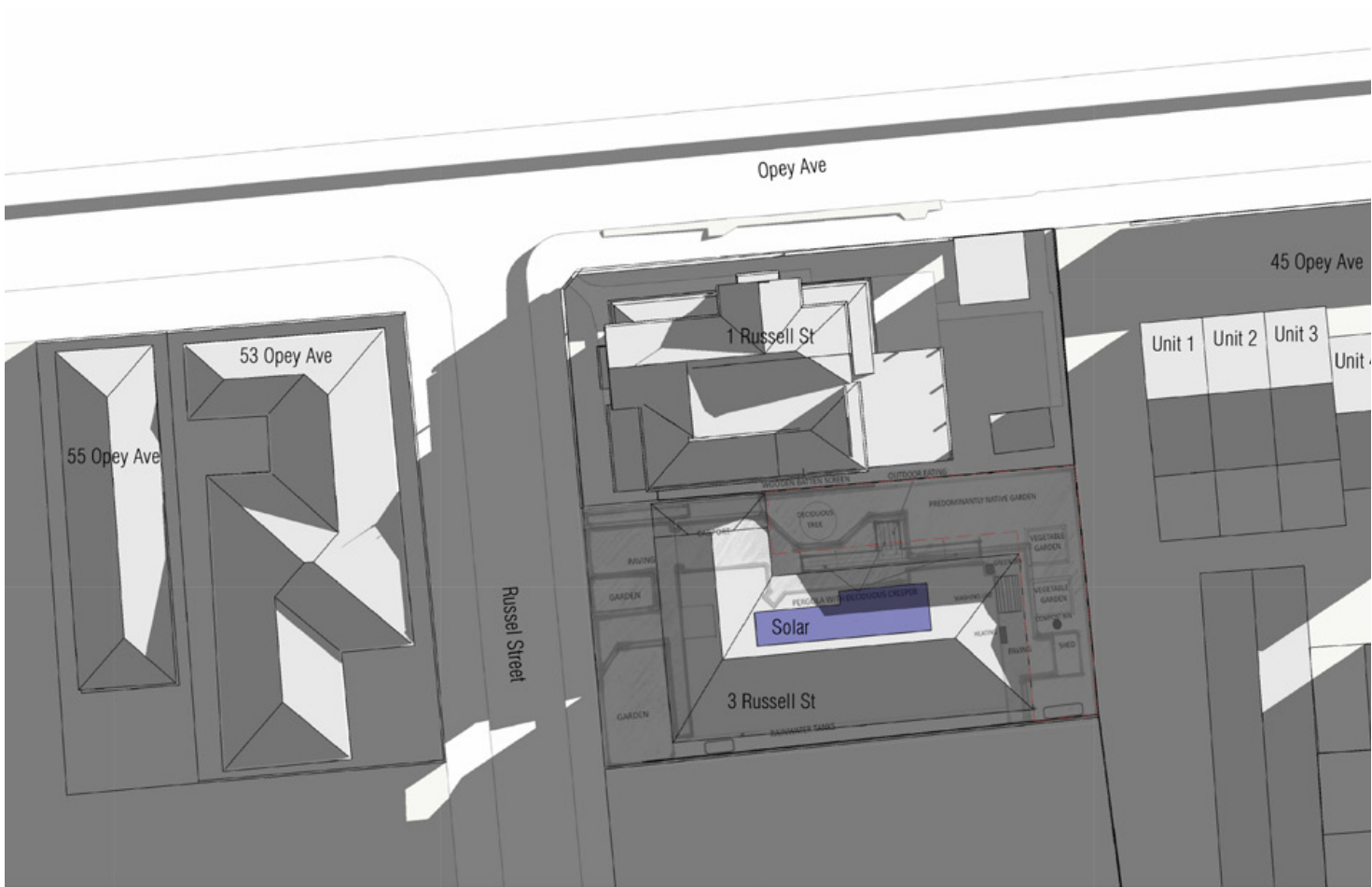
2018 – Winner David Sanders Award– Heritage (AIA award)

2017 – Heritage Award (AIA award)

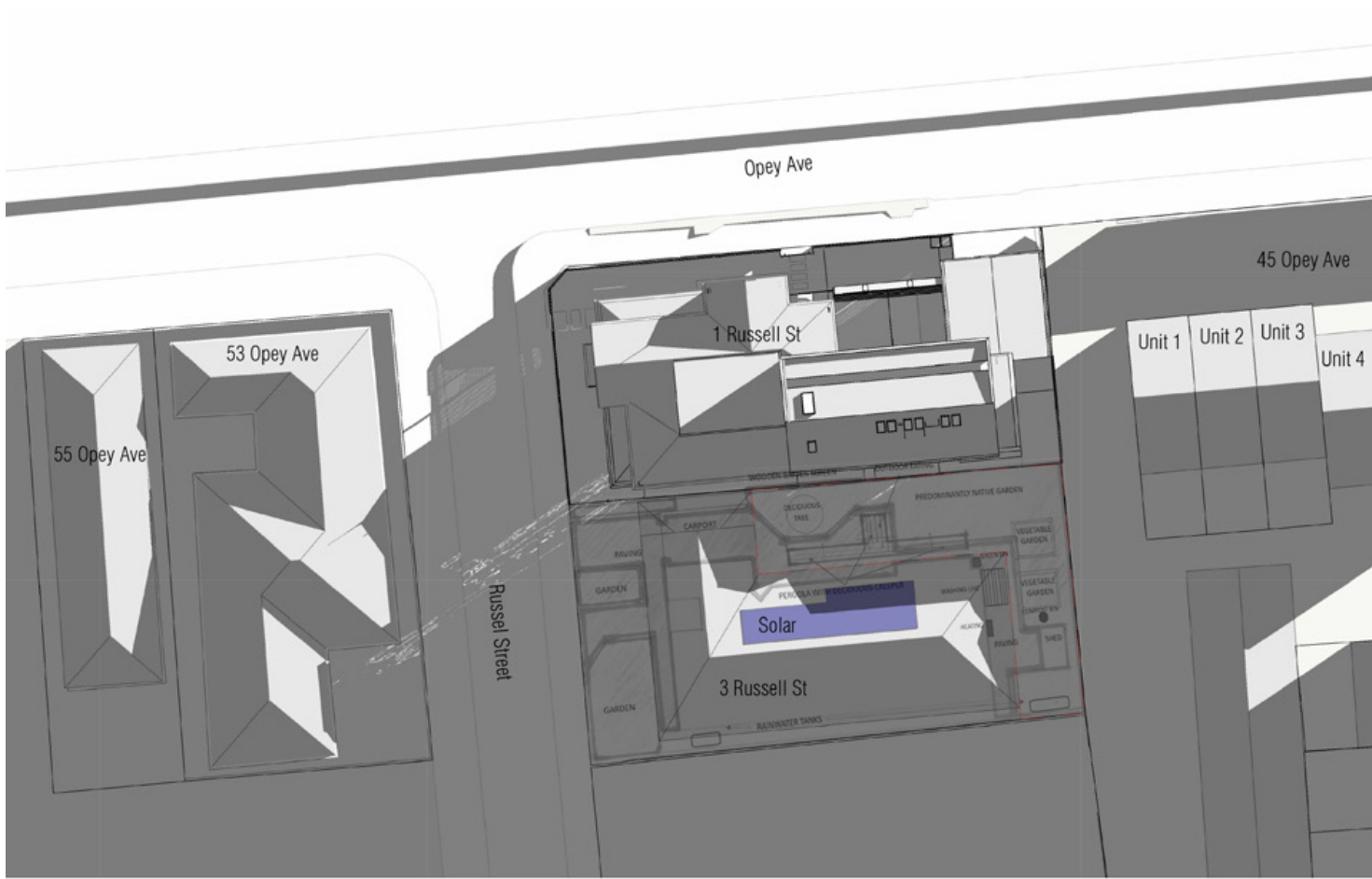
2016 – Winner David Sanders Award– Heritage (AIA award)

ATTACHMENT 4

9am June 21 - Shadow Diagrams- NTS



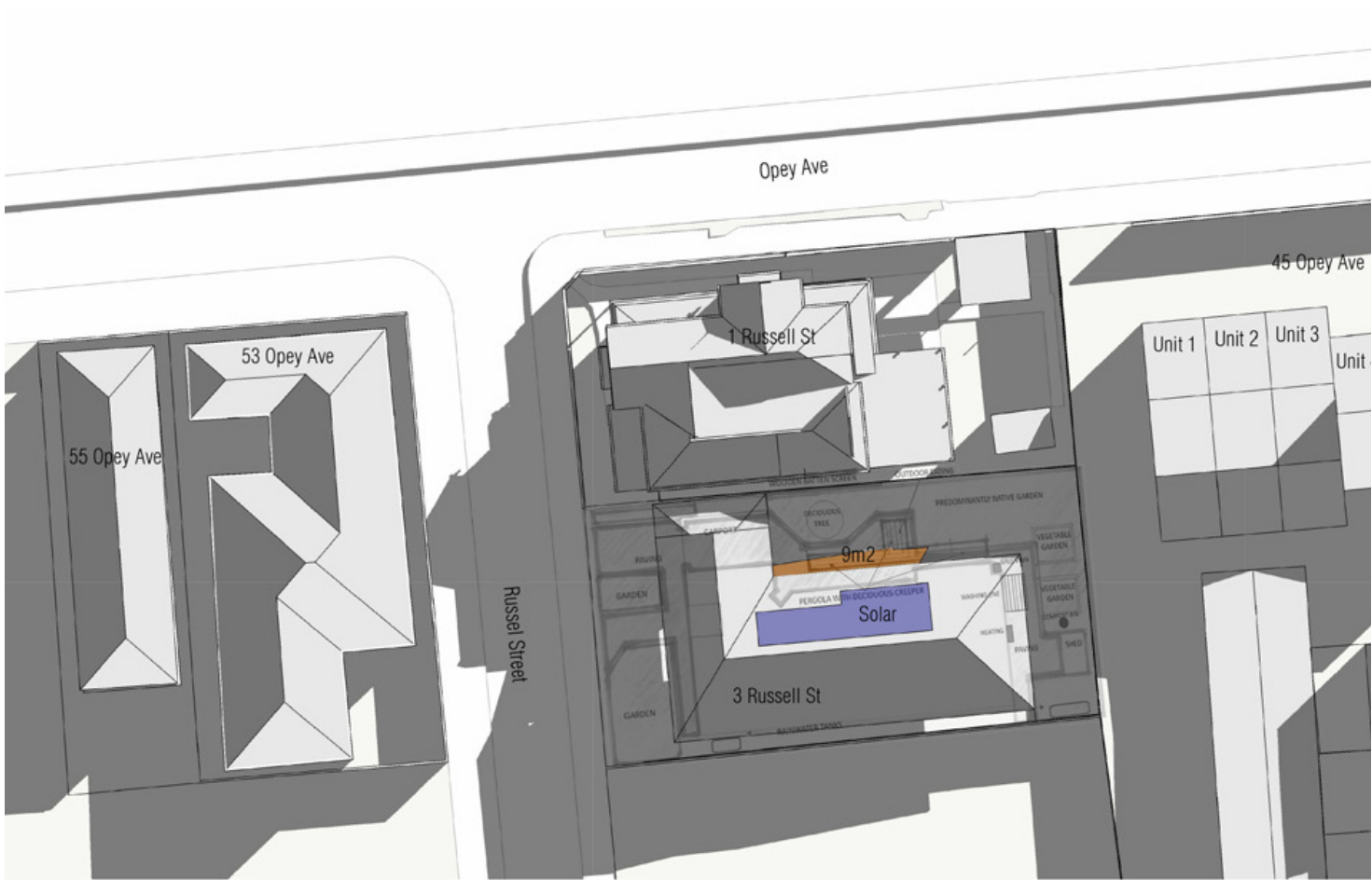
EXISTING 3 Russell Street
128m2 total private open space
0m2 ($\geq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space



PROPOSED 3 Russell Street
151m2 total private open space
0m2 ($\leq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space

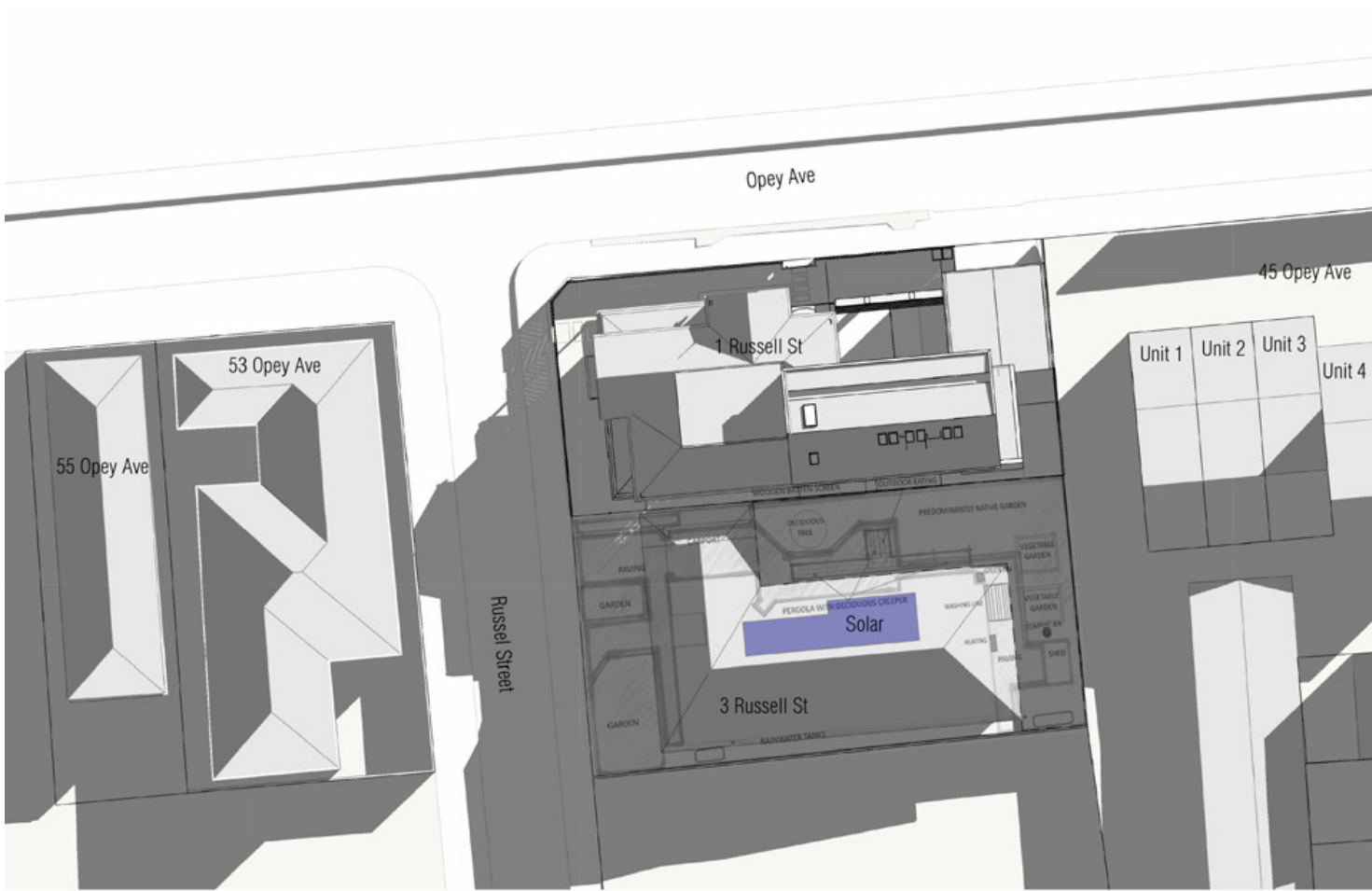


10am June 21 - Shadow Diagrams- NTS



EXISTING

3 Russell Street
151m2 total private open space
9m2 ($\leq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space

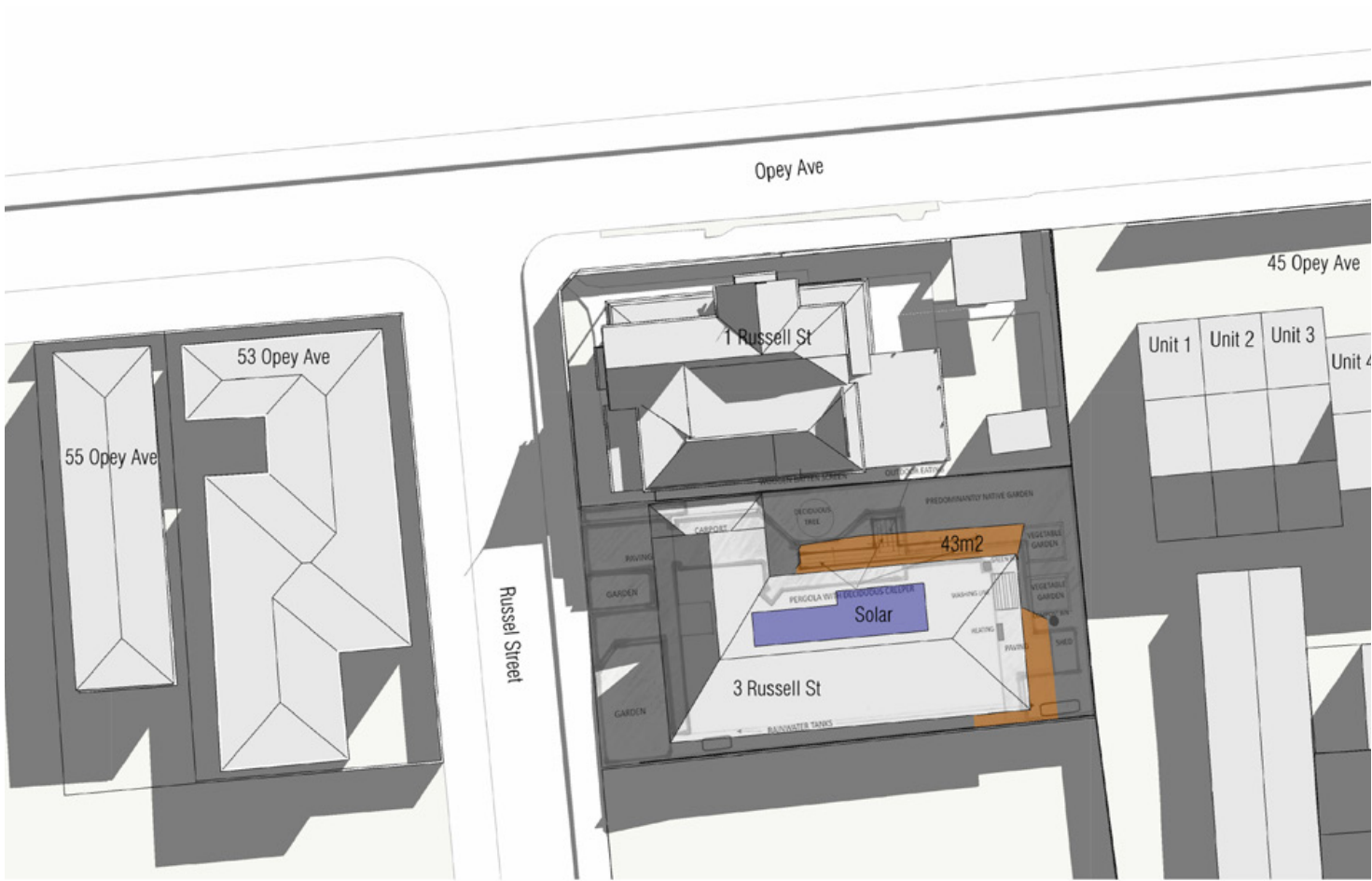


PROPOSED

3 Russell Street
151m2 total private open space
0m2 ($\leq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space



11am June 21 - Shadow Diagrams- NTS



EXISTING

3 Russell Street
151m2 total private open space
43m2 ($\geq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space

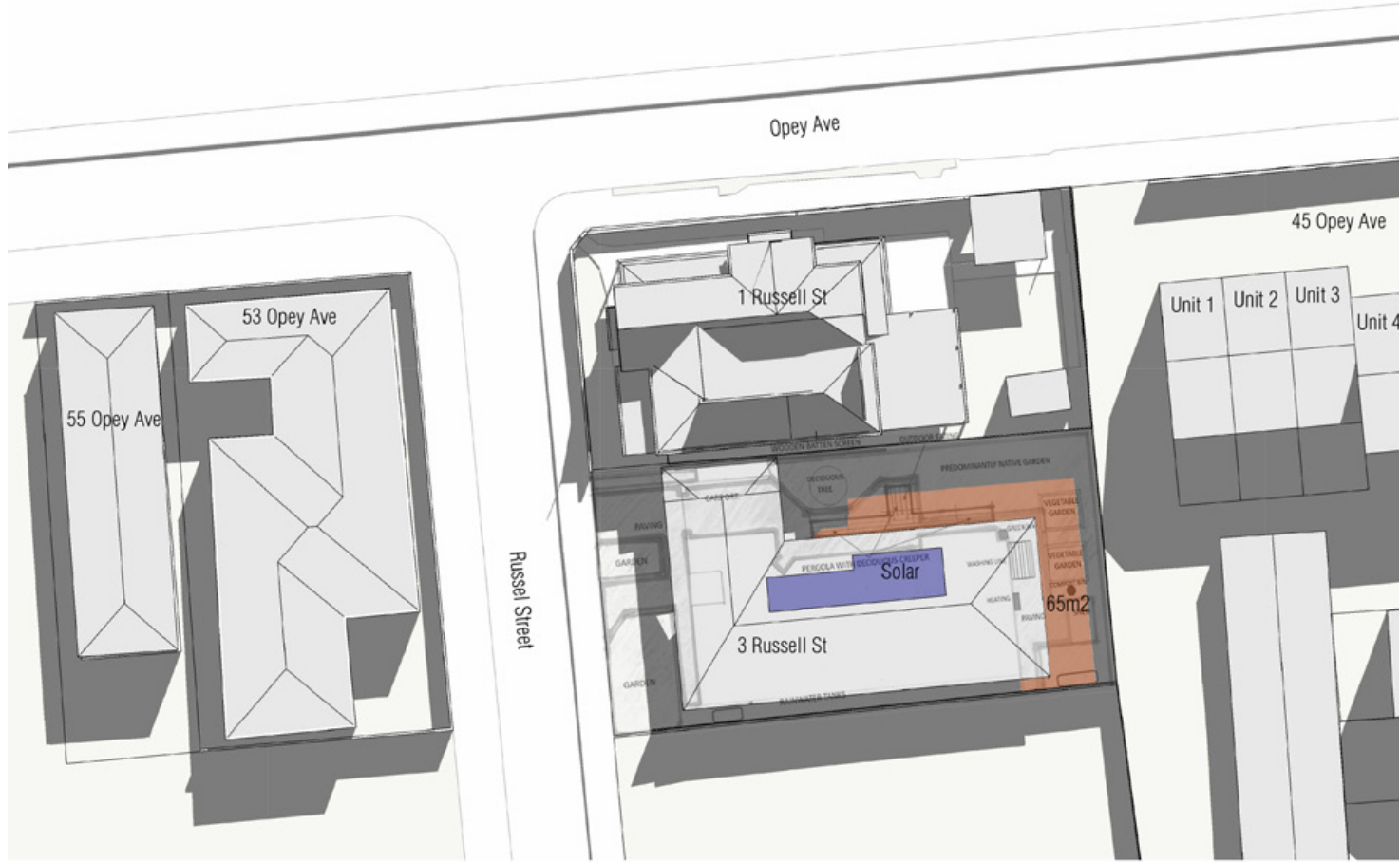


PROPOSED

3 Russell Street
151m2 total private open space
20m2 ($\leq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space



12pm June 21 - Shadow Diagrams- NTS



EXISTING
1

3 Russell Street
151m2 total private open space
65m2 ($\geq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space

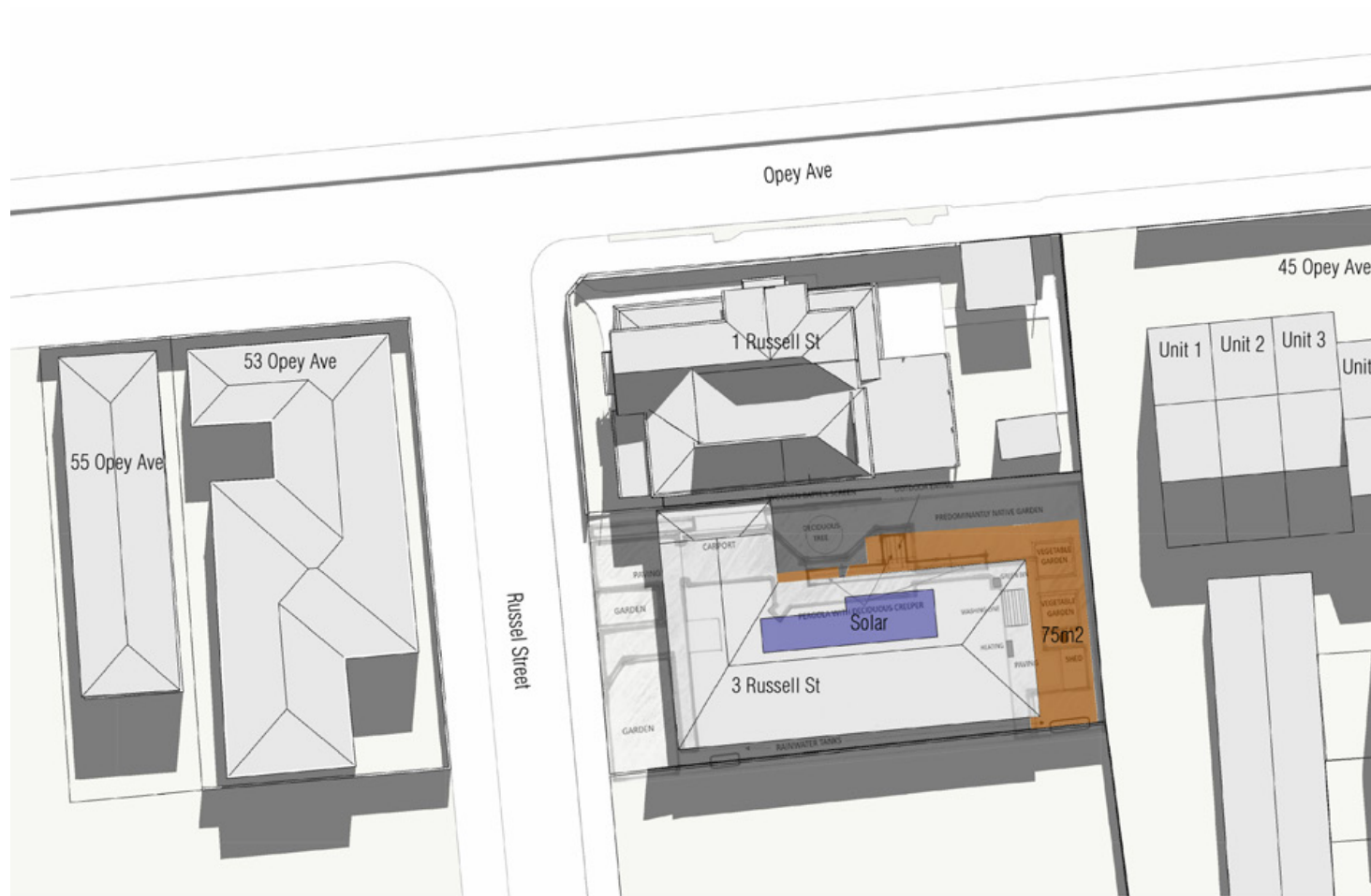


PROPOSED

3 Russell Street
151m2 total private open space
40m2 ($\geq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space



1pm June 21- Shadow Diagrams- NTS



EXISTING

3 Russell Street
 151m² total private open space
 75m² ($\geq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space

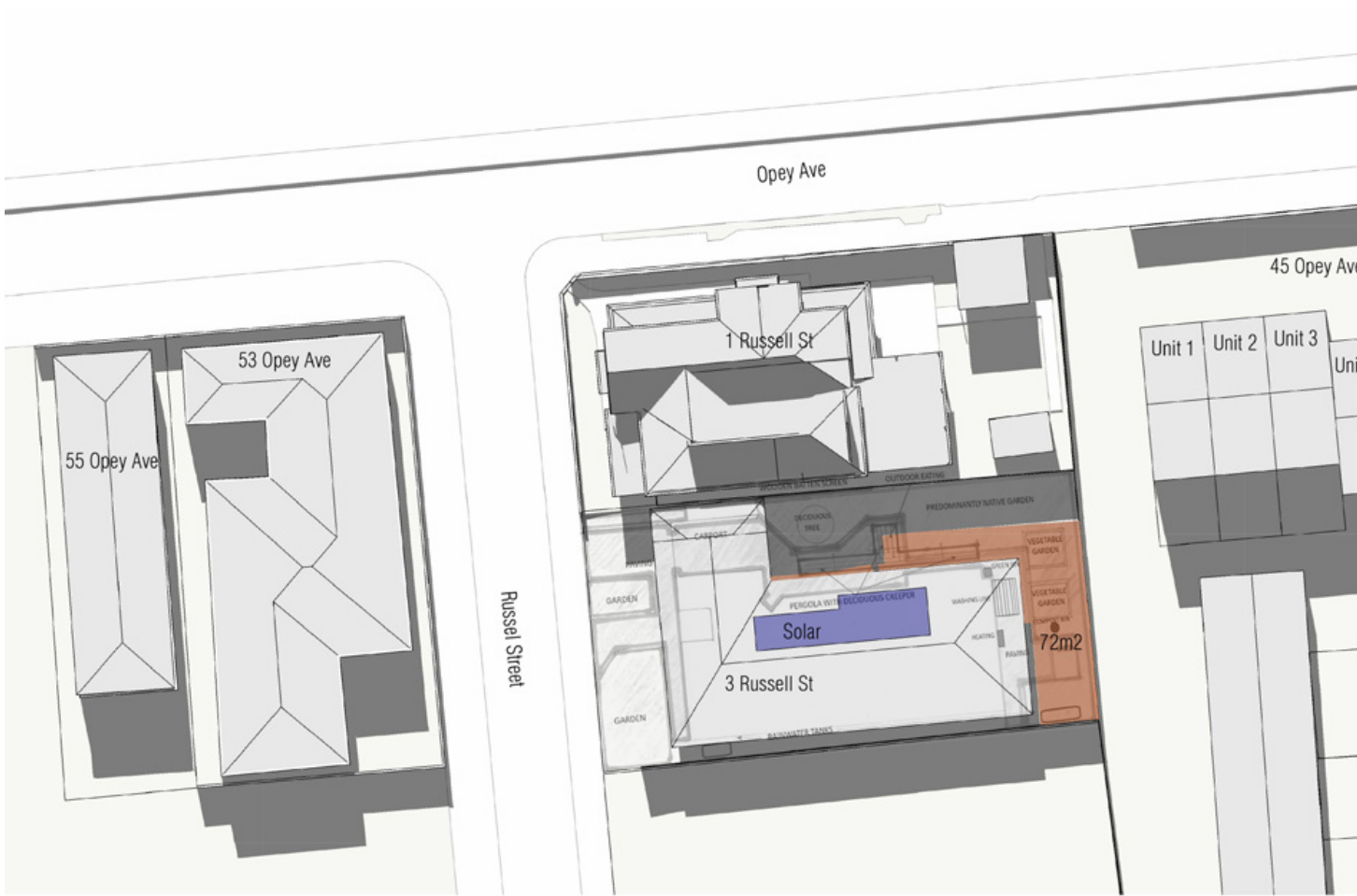


PROPOSED

3 Russell Street
 151m² total private open space
 48m² ($\geq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space



2pm June 21- Shadow Diagrams- NTS



EXISTING

3 Russell Street
128m2 total private open space
72m2 ($\geq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space

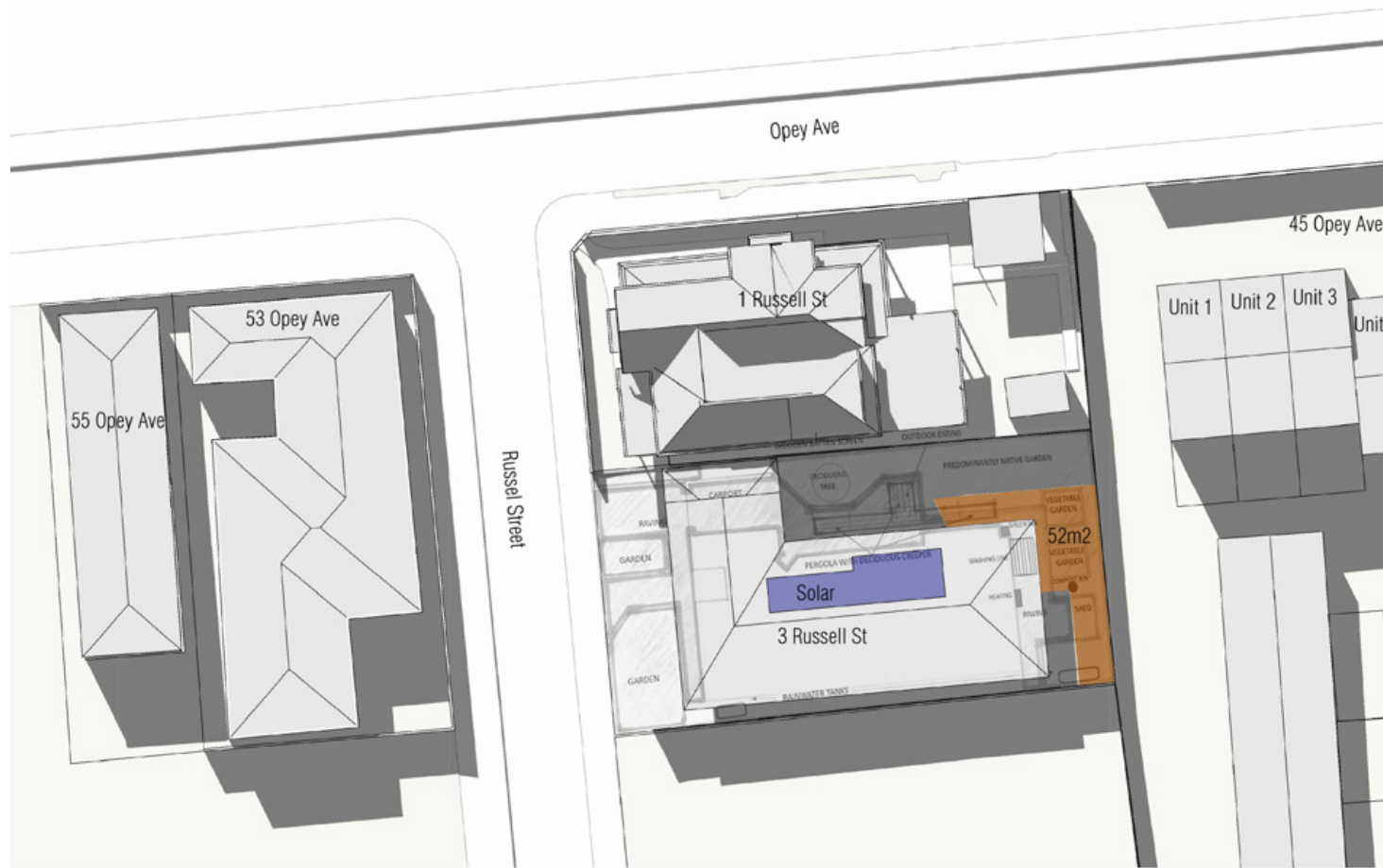


PROPOSED

3 Russell Street
151m2 total private open space
43m2 ($\geq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space



3pm June 21- Shadow Diagrams- NTS



EXISTING

3 Russell Street
128m² total private open space
52m² ($\geq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space

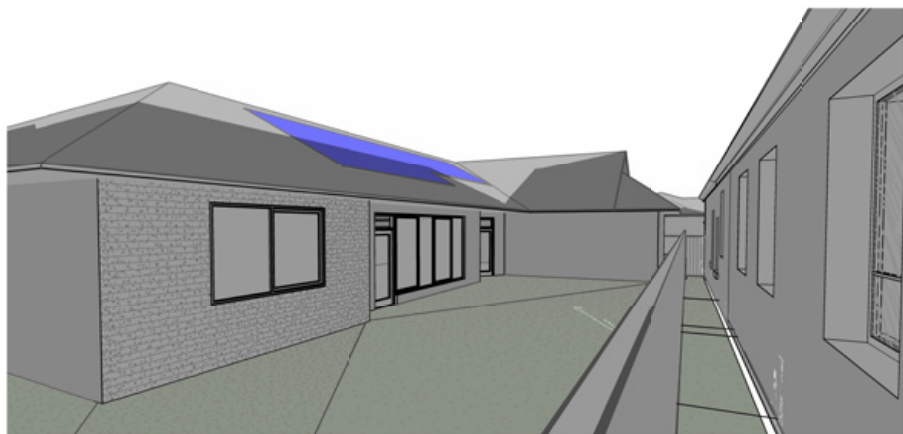


PROPOSED

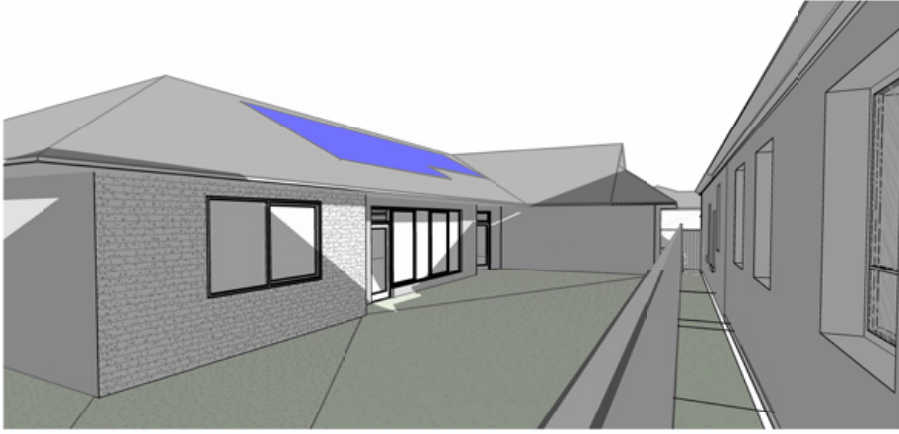
3 Russell Street
151m² total private open space
21m² ($\leq 35\text{m}^2$ DTS/DPF 3.2) direct sunlight in private open space



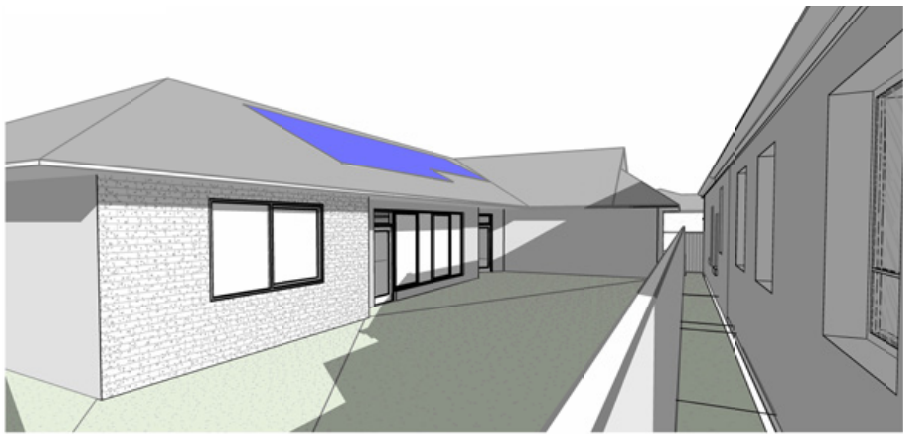
Shadow Diagrams of 1 Russell St, Hyde Park SA 5061 - NTS



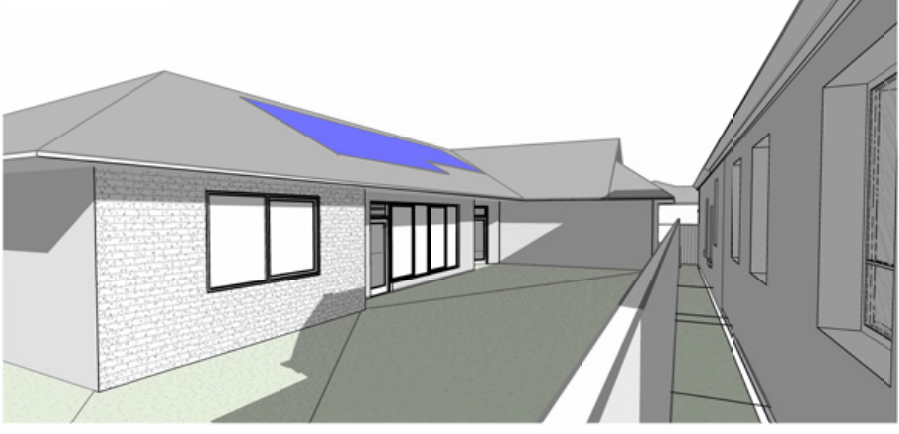
9am June 21



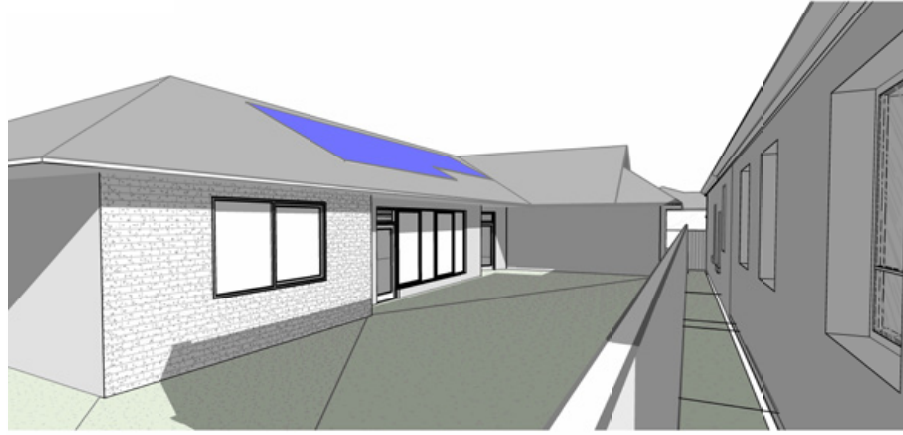
10am June 21



11am June 21



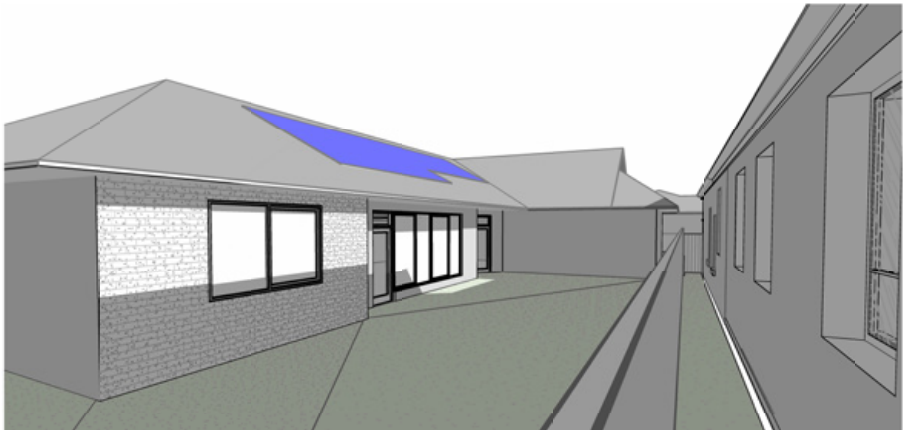
12pm June 21



1pm June 21

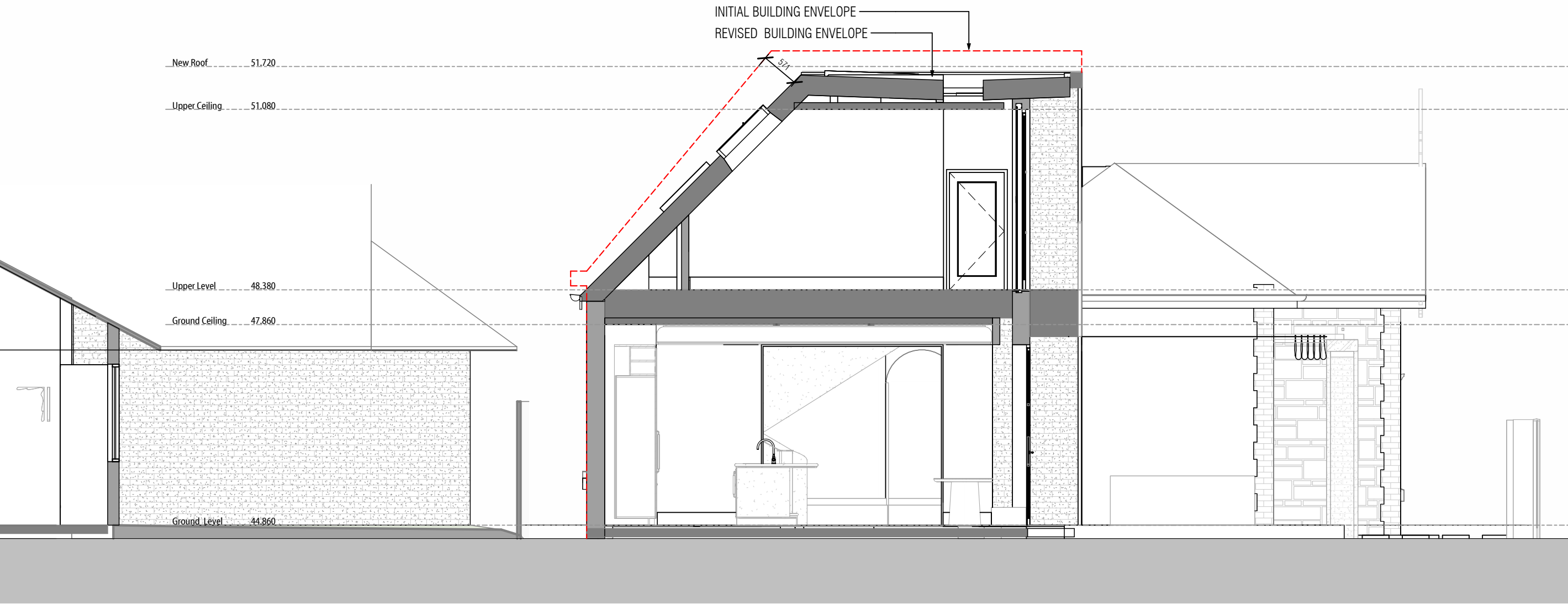


2pm June 21

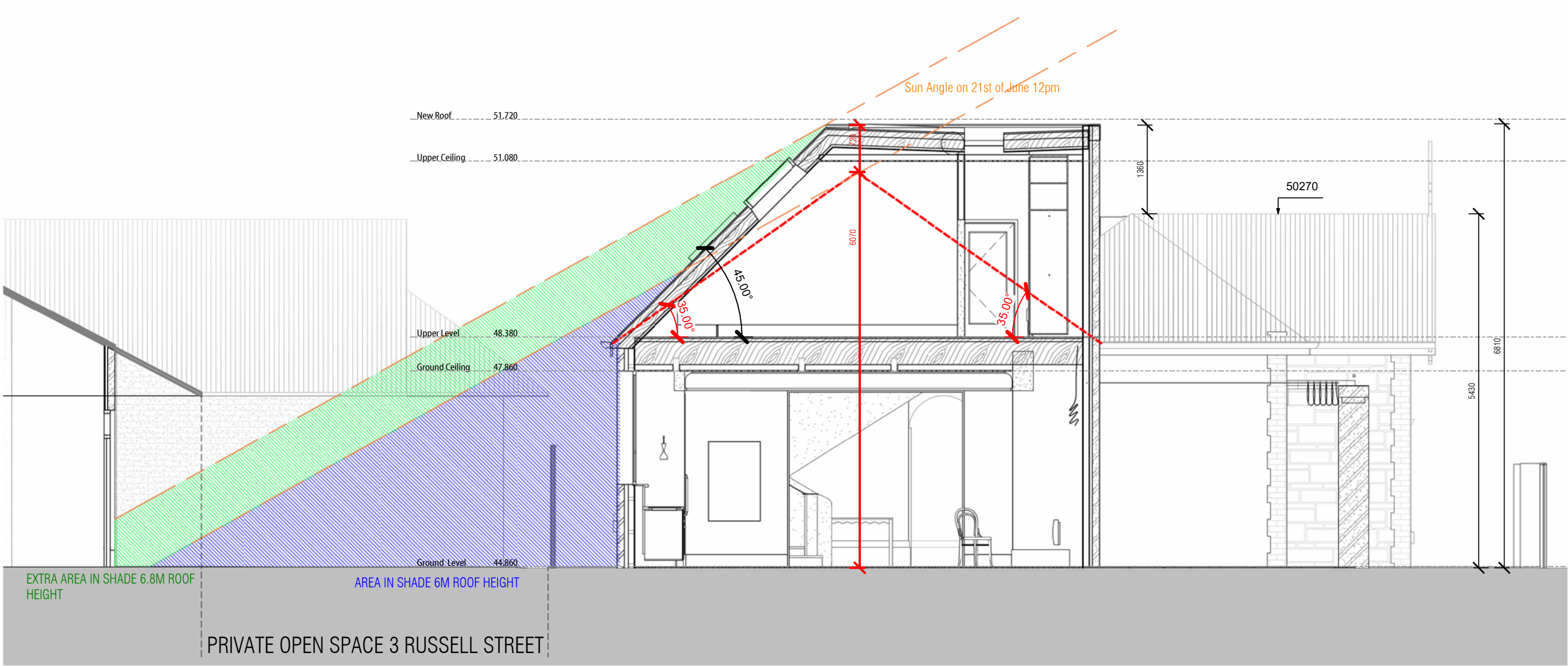


3pm June 21

Section Comparison reduced envelope - NTS



Section Comparison Overshadowing - NTS



ATTACHMENT 5

ARBORICULTURAL IMPACT ASSESSMENT

1 Russell St, Hyde Park



Figure 1 Subject property from the western aspect.

Date of Report 25/07/2025

Prepared for
Max Kamlah
Williams Burton Leopardi
Level 3 Darling Building
28 Franklin St
Adelaide

Prepared by
Rohan Hadler
Diploma of Arboriculture
Cranesaw Tree Services
Aberfoyle Park, 5159
04 7666 7999

Cranesaw Australia
Rohan Hadler
General manager and lead arborist
26 Oborn Rd
Mount Barker, SA
5251
0476667999



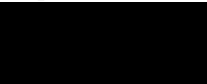
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Tree Risk Assessment	13
Discussion	14
Conclusion	16
Tree Protection Plan	17
Glossary	25

EXECUTIVE SUMMARY

- Cranesaw has assessed the impacts to (2) regulated/significant trees in relation to a proposed development at 1 Russell Street, Hyde Park.
- The (2) trees are located within the council verge on Opey Ave.
- The TRAQ risk assessment found the (3) trees attained a low risk rating.
- The construction of the paving and verandah 2 pose a minor encroachment of 0.46% to T1 and 3.72% to T2.
 - The potential loss of root mass or adverse impacts resulting from the moderate encroachment will be negligible.
- No tree sensitive design measures have been recommended.
- A comprehensive Tree Protection Plan has been provided as part of this report.
- The project will be achieved in a manner resulting in net improvement to the growing environment and without building constraints.
- Development sites in relation to tree protection are often dynamic. Further consultation from the project arborist will be required periodically throughout construction of this project.
- This report supports the proposed development as it conforms with Australian Standard AS 4970-2009 Protection of trees on development sites.

Rohan Hadler
Diploma of Arboriculture



INTRODUCTION

Brief

Cranesaw Tree Services was engaged by Max Kamlah, on behalf of Williams Burton Leopardi, on 28 July 2025 to undertake an Arboricultural Impact Assessment of two trees in relation to a proposed development at 1 Russell Street, Hyde Park.

The subject trees are located in a council verge and are an asset of The City of Unley.

The development assessed consists of the following:

- Site preparation.
 - Demolition of most recent extension.
 - Removal of existing shed and carport.
 - Removal of verandah.
 - Site clearance to accommodate the dwelling addition footprint
- Proposed development.
 - Renovation of the existing dwelling.
 - The construction of a new double storey, dwelling addition.
 - Carport.
 - Paving and landscaping.
 - New fencing.
 - Underground services.
 - Supporting amenities and infrastructure.

This assessment aims to address/provide the following:

- Health of the subject trees.
 - Structural integrity of the subject trees.
 - Identify potential impacts to the tree from the proposed development and provide mitigation measures to minimise or avoid these impacts.
 - Provide a comprehensive Tree Protection Plan.
 - Tree risk assessment using an internationally recognised tree risk methodology.
 - Recommendations and timeframes to manage risk where relevant.
 - Confirm the legislative control status of the subject trees under *The Planning Development and Infrastructure Act 2017* as pertaining to regulated and significant trees.
- Additional relevant information

Additional Information

The following information was provided to review as part of this assessment:

- Title: Hamilton Residence by Williams Burton Leopardi, Design intent for development, July 2025.
-

Verbal information

The following legislation and standards are relevant to this assessment.

- *The Planning Development and Infrastructure Act 2017*
- Australian Standard AS 4970-2009 *Protection of trees on development site*
- MIS313 *Tree Health and Maintenance*.

Site Observations

Limitations

The weather clear and sunny. I was able to inspect the trees without substantial limitations. No other trees were assessed as part of this report.

Site description details

A single storey dwelling on a corner block.

Tree Location Notes

The subject trees are located on in a council verge on Opey Avenue.

Surrounding Character

The greater Hyde Park area consists of similar residential allotments.

Methodology and Limitations

The assessment was conducted using a Level 2 Visual Tree Assessment accordance with the Tree Risk Assessment Qualification (TRAQ) methodology developed by the International Society of Arboriculture (ISA).

Tools and Equipment

The following tools and equipment were used to conduct the assessment:

- Nikon rangefinder
- Binoculars
- Mallet
- Tape measure
- iPhone

Tree Locations and Site



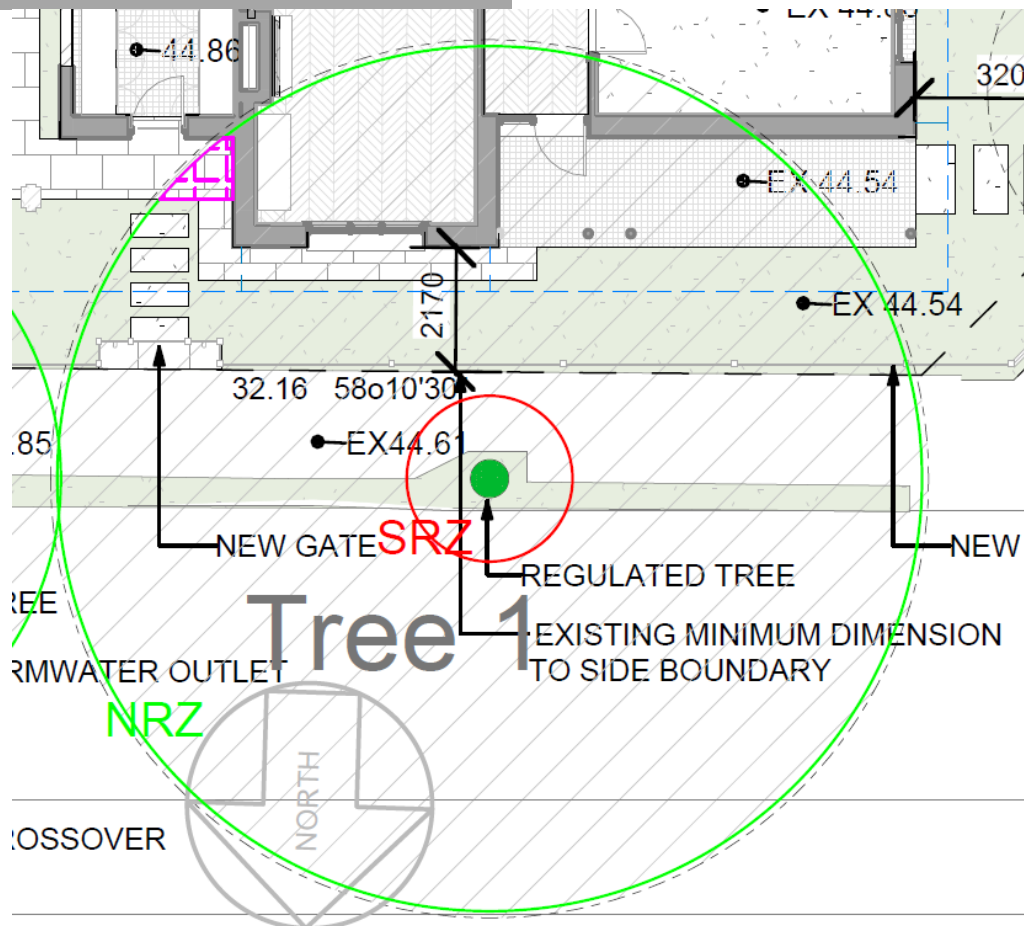
Figure 2 Tree and development locations.

Tree Observations

T1			
Scientific name	<i>Lophostemon confertus</i>		
Common name	Queensland Box		
Height	23m		
Crown spread	13m		
Circumference 1m	2.02m		
Legislation	Significant Tree		
DSH	0.63		
DRF	0.73m		
NRZ Radius	7.56m		
SRZ	2.9m		
Age	Mature		
ULE	>15 years		
TRAQ Risk	Low	The subject tree from the western aspect.	
Form	Dense upright.	Retention Rating	Moderate
Health	Good – Typical leaf shape colour, with good foliage density. Minor die-back throughout the crown. No signs of stress or disease.		
Structure	Good – Well-formed root buttress with good basal flare. Solid upright trunk with branches beginning at 5m. Well-attached primary and secondary unions. Moderate small brittle deadwood throughout the crown.		
Growing Environment	Fair – 80% sealed. - Road - Footpath - Dwelling 3m to the south.		
Encroachment			
Special Comment	T1 is a third-party asset and warrants protection.		

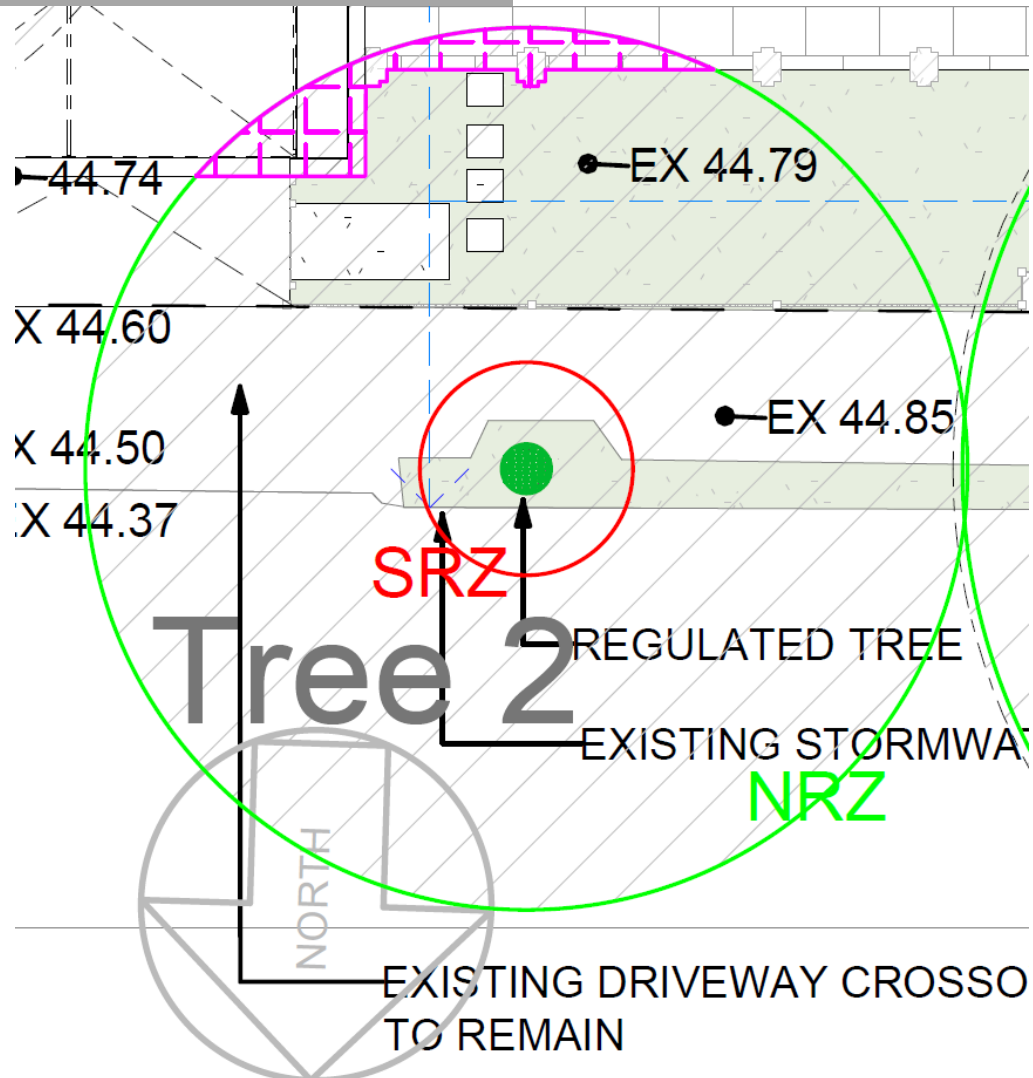
T2			
Scientific name	<i>Lophostemon confertus</i>		
Common name	Queensland Box		
Height	16m		
Crown spread	8m		
Circumference 1m	2.02m		
Legislation	Regulated Tree		
DSH	0.45		
DRF	0.57m		
NRZ Radius	5.40m		
SRZ	2.61m		
Age	Mature		
ULE	>15 years		
TRAQ Risk	Low	The subject tree from the northwestern aspect.	
Form	Dense upright.	Retention Rating	Moderate
Health	Good – Typical leaf shape colour, with good foliage density. Minor die-back throughout the crown. No signs of stress or disease.		
Structure	Good – Well-formed root buttress with good basal flare. Solid upright trunk with branches beginning at 3.5m. Well-attached primary and secondary unions. Moderate small brittle deadwood throughout the crown.		
Growing Environment	Fair – 60% sealed. • Road • Footpath • Dwelling 3m to the south.		
Encroachment	Minor –		
Special Comment	T1 is a third-party asset and warrants protection.		

1 Russell Street, Hyde Park



Tree 1

Species Name Common Name	<i>Lophostemon confertus</i> Queensland Box
Species Tolerance to Root Disturbance	Moderate
TPZ Radius NRZ Area	7.56m 179.55m ²
Proposed Encroachment – <i>magenta</i>	0.82m² 0.46%
SRZ Encroachment	No

The logo for Cranesaw Tree Services features a red circular emblem on the left containing a white chainsaw blade. To the right of the emblem, the word "cranesaw" is written in a bold, sans-serif font, with "crane" in red and "saw" in black. Below this, the words "TREE SERVICES" are written in a smaller, black, all-caps sans-serif font.

Tree 2	
Species Name Common Name	<i>Lophostemon confertus</i> Queensland Box
Species Tolerance to Root Disturbance	Moderate
TPZ Radius NRZ Area	5.40m 91.61m ²
Proposed Encroachment – <i>magenta</i>	3.41m² 3.72%
SRZ Encroachment	No

PERFORMANCE OUTCOMES

PO 1.1 – Regulated trees are retained when they:	
a. make an important contribution to the character or amenity of the local area	Yes: The large leafy crown of T2 provides important amenity. T2 is a street tree and forms an important part of the urban canopy of The City of Unley. Native trees are prevalent within the Hyde Park area deeming the trees to be consistent with its character.
b. are indigenous to the local area and are listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species	No: The species is not indigenous to the local area and is it not listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species.
c. represent an important habitat for native fauna	No: As introduced native species, the subject tree offers a limited contribution to habitat for native fauna. The tree however offers foraging and perching opportunities.
PO 1.3 Tree damaging activity not in connection with other development satisfies (a) and (b):	
(a) tree damaging activity is only undertaken to:	
i. remove a diseased tree where its life expectancy is short	No: The subject tree is in good and good/fair health, and it have a long ULE.
ii. mitigate an unacceptable risk to public or private safety due to limb drop or the like	No: The TRAQ risk assessment found a low risk rating.
iii. rectify or prevent extensive damage to a building of value as comprising any of the following: a. a Local Heritage Place b. a State Heritage Place c. a substantial building of value	No: The subject tree is not threatening to cause extensive damage to a substantial building of value.
(b) in relation to a significant tree, tree-damaging activity is avoided unless all reasonable remedial treatments and measures have been determined to be ineffective.	This report has identified a minor encroachment to T2 of 3.72% any adverse impacts from the development will be negligible. The combination of the assessment of the proposed development and the application of a comprehensive tree protection plan will ensure tree damaging activity will not occur.
PO 2.1 Regulated and significant trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health.	No: This assessment has found building constraints unwarranted due to the minor encroachment posed by the current design. Generic protection measures and a comprehensive tree protection plan are also included within this report. These measures conform with Australian Standard AS 4970-2009 Protection of trees on development sites

Significant Trees PO 1.2 – T1 - Significant trees are retained when they:	
a) make an important contribution to the character or amenity of the local area	Yes: The large leafy crown of T2 provides important amenity. T2 is a street tree and forms an important part of the urban canopy of The City of Unley. Native trees are prevalent within the Hyde Park area deeming the trees to be consistent with its character..
b) are indigenous to the local area and are listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species	No: the tree is not indigenous to the local area and it is not listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species.
c) represent an important habitat for native fauna	No: As introduced native species, the subject tree offers a limited contribution to habitat for native fauna. The tree however offers foraging and perching opportunities.
d) are part of a wildlife corridor of a remnant area of native vegetation	No: The subject tree does not form part of a wildlife corridor of a remnant area of native vegetation.
e) are important to the maintenance of biodiversity in the local environment.	No: As an Introduced native species, the subject tree offers a limited contribution to local biodiversity.
f) form a notable visual element to the landscape of the local area.	Yes: The subject tree is not clearly visible from Opey Ave and Russell St.
PO 1.3 Tree damaging activity not in connection with other development satisfies (a) and (b).	
(a) tree damaging activity is only undertaken to:	
i. remove a diseased tree where its life expectancy is short.	No: The subject tree is in good/fair health, and it has a long ULE.
ii. mitigate an unacceptable risk to public or private safety due to limb drop or the like	No: The TRAQ risk assessment found a low risk rating property and person.
iii. rectify or prevent extensive damage to a building of value as comprising any of the following: a. a Local Heritage Place b. a State Heritage Place c. a substantial building of value	No: The subject tree is not threatening to cause extensive a substantial building of value.
(b) in relation to a significant tree, tree-damaging activity is avoided unless all reasonable remedial treatments and measures have been determined to be ineffective.	This report has identified a moderate encroachment to T1 of 0.82% any adverse impacts from the development will be negligible. The combination of the assessment of the proposed development and the application of a comprehensive tree protection plan will ensure tree damaging activity will not occur
PO 2.1 Regulated and significant trees, including their root systems, are not unduly compromised by excavation and/or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health.	No: This assessment has found building constraints unwarranted due to the minor encroachment posed by the current design. Generic protection measures and a comprehensive tree protection plan are also included within this report. These measures conform with Australian Standard AS 4970-2009 Protection of trees on development sites.

TREE RISK ASSESSMENT

Methodology

- I conducted a Level 2 ground-based tree assessment on the subject trees. The Tree Risk Assessment Qualification (TRAQ) methodology was used to determine levels of risk the tree may pose to people or property. This method of risk assessment is commonly used and accepted throughout South Australia.

In my assessment I considered.

- Tree structure including buttress, branch attachments, branch taper, deadwood, decay and hollowing.
- Tree health.
- Species suitability to the local area and climatic conditions.
- Surrounding site factors.
- Apparent site changes.
- Targets and occupancy ratings
- This information was used in the matrices below.
- Tree Risk Assessment Matrix

Likelihood of Failure	Likelihood of Impact			
	<i>Very low</i>	<i>Low</i>	<i>Medium</i>	<i>High</i>
<i>Imminent</i>	Unlikely	Somewhat likely	Likely	Very likely
<i>Probable</i>	Unlikely	Unlikely	Somewhat likely	Likely
<i>Possible</i>	Unlikely	Unlikely	Unlikely	Somewhat likely
<i>Improbable</i>	Unlikely	Unlikely	Unlikely	Unlikely
Likelihood of Failure & Impact	Consequences of Failure			
	<i>Negligible</i>	<i>Minor</i>	<i>Significant</i>	<i>Severe</i>
<i>Very likely</i>	Low	Moderate	High	Extreme
<i>Likely</i>	Low	Moderate	High	High
<i>Somewhat likely</i>	Low	Low	Moderate	Moderate
<i>Unlikely</i>	Low	Low	Low	Low

T1 and T2 pose a **LOW RISK** to the client's property, surrounding properties and their residents.

* All aspects of risk are managed by The City of Unley.

DISCUSSION

Cranesaw Tree Services was engaged by Max Kamlah on the 28th of July 2025 to conduct an arboricultural impact assessment on (2) trees in relation to a proposed development at 1 Russell St, Hyde Park.

For the purpose this report the subject trees will be known as T1 and T2.

Tree Attributes

Tree ID	T1	T2
Species	<i>Lophostemon confertus</i>	<i>Lophostemon confertus</i>
Health	Good	Good
Structure	Good	Good
ULE	>15 years	>15 years
Legislative Status	Significant Tree	Regulated Tree
Retention Rating	Moderate	Moderate
Risk Rating	Low	Low
Encroachment	Minor 0.46%	Minor 0.372%
<i>As a result of this development, root loss/adverse impacts to the subject trees will be negligible. Building constraints are unwarranted.</i>		

***more information on the subject trees can be found in the under the heading Tree Observations.*

Risk Assessment

Using the Tree Risk Assessment Qualification (TRAQ) methodology developed by the International Society of Arboriculture (ISA) the subject tree attained a low level of risk.

Maintaining acceptable levels of risk.

- All aspects of risk are managed by The City of Unley.

Performance Outcomes

T1 and T2 have a moderate retention rating for the following reasons:

- Make an important contribution to the character or amenity of the local area.
- Are in good health and have a long ULE.
- Have a low risk rating.

Development details

The development assessed consists of the following:

- Demolition
 - Partial demolition of the existing dwelling.
 - Removal of existing shed and carport.
 - Removal of verandah.
 - Site clearance of the development footprint back to bare ground.
- Proposed development.
 - Renovation of the existing dwelling.
 - The construction of a new double storey, dwelling addition.
 - Carport.
 - Paving and landscaping.
 - New fencing.
 - Underground services.
 - Supporting amenities and infrastructure.

Growing Environment

T1 and T2 – Fair.

- T1 80% sealed.
- T2 70% sealed.
 - Made up of road, foot path and dwelling.

Encroachments

T1 – Minor encroachment of 0.46% made up by the following:

- Terrace paving.

T2 – Minor encroachment of 3.72% made up by the following:

- Terrace paving.
- Verandah 1.

Impacts

T1 and T2

The potential loss of root mass resulting from the minor encroachment will have a low impact and can be justified:

- As per AS4970-2009 *Protection of trees on development sites* 3.3.2
 - k) The presence of existing or past structures or obstacles affecting root growth.
 - The new terrace paving will replace existing paved area.
 - l) Proposed construction measures that reduce the impact on trees.
 - Existing post holes to be reused where practicable.
 - New post holes within the NRZ to be dug by hand or hydro-excavation

Recommendations and management.

T1 and T2

- No tree sensitive design alterations are recommended.
- New lawn and garden within the NRZ should include mulch and or irrigation.
- A comprehensive Tree Protection Plan which includes protective fencing and ground protection with appropriate signage required throughout the entire development as per Australian Standard AS 4970-2009 *Protection of trees on development sites*.

CONCLUSION

The proposed development poses a minor encroachment to T1 and T2. Building constraints are unwarranted for the following reasons:

- Adverse impacts/root loss to the subject trees are negligible.
- Net growing conditions will be improved with mulch and or irrigation.
- A comprehensive tree protection plan is provided as part of this report.

With these recommendations and strict adherence to the Tree Protection Plan the current design should be achievable without further limitations.

This report supports the proposed development as it conforms with Australian Standard AS 4970-2009 *Protection of trees on development sites*.

Development sites in relation to tree protection are often dynamic. If changes or variations are made requiring entry or alterations to the tree protection zone, the project arborist must be contacted. The project arborist is to identify potential impacts and recommend mitigation measures.

TREE PROTECTION PLAN

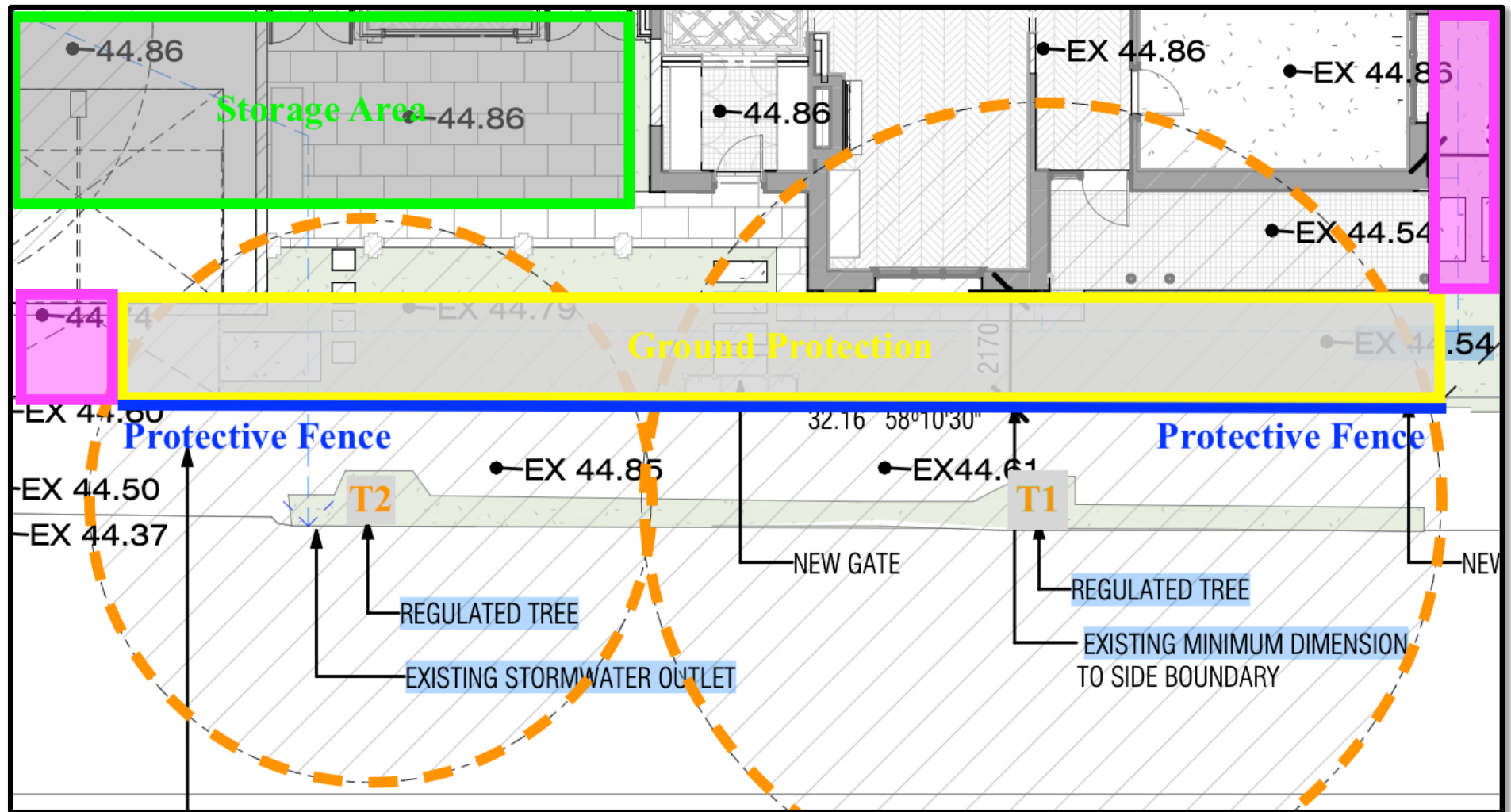
Restricted activities occurring within a Tree Protection Zone AS4970-2009 *Protection of trees on development sites.*

Activities generally excluded from the NRZ include but are not limited to—

- (a) machine excavation including trenching.
- (b) excavation for silt fencing.
- (c) cultivation.
- (d) storage.
- (e) preparation of chemicals, including preparation of cement products.
- (f) parking of vehicles and plant.
- (g) refuelling.
- (h) dumping of waste.
- (i) wash down and cleaning of equipment.
- (ji) placement of fill.
- (k) lighting of fires.
- (l) soil level changes.
- (m) temporary or permanent installation of utilities and signs.
- (n) physical damage to the tree.

Development sites in relation to tree protection are often dynamic. If changes or variations are made requiring entry or alterations to the tree protection zone, the project arborist must be contacted. The project arborist is to identify potential impacts and recommend mitigation measures.

Tree Protection Plan Diagram



Guidelines Tree Protection Plan installation and work within the tree protection zone.

Site set up.

- Protective fence to be installed with the location highlighted in blue on the Tree Protection Diagram, see page 18.
 - The fence must not be removed or altered without the permission of the project arborist.
 - Appropriate signage must always be visible during the tree protection period.
 - The existing fence may form part of the tree protection enclosure.
 - See tree protection measures on page 22 for protective fence example.
- Ground protection is to be installed, the location is highlighted in yellow on the Tree Protection Diagram, see page 18.
 - Ground protection must remain until the latter stages of construction.
 - Existing paving may be used as ground protection.
 - See tree protection measures on page 22 for protective fence example.
- Site Access during is highlighted in the pink on the Tree Protection Plan Diagram, see page 18.
- Storage area is highlighted in green on the Tree Protection Plan Diagram, see page 18.

Contractors.

- See Tree Protection Diagram on page 18.
- Vehicle and machinery site access to be gained from the street frontages highlighted in pink.
- Ground protection highlighted in yellow.
 - Ground protection must remain until the latter stages of construction.
- Protective fence highlighted in blue.
 - The fence must not be removed or altered without the permission of the project arborist.
 - Appropriate signage must always be visible during the tree protection period.
- Skip bins to be placed within the area marked with the green or pink on.
- The project arborist will convey tree protection zone instructions with primary contractors, primary contractors are to ensure the tree protection plan is forwarded to and explained clearly to all other contractors performing works on site.

Demolition of grass.

Inadvertent impacts such as SOIL COMPACTION can be avoided through ground protection and careful operation of machinery and other measures outlined within the Tree Protection Plan.

- Carefully remove no more than 100mm of surface vegetation and maintain existing soil levels from within the TPZ. When operating machinery scrape vegetation away from the TPZ.
- Retaining the existing paths and driveways until the latter stages of demolition can assist in ground protection in the TPZ.

Site preparation

- Inadvertent impacts such as ROOT DAMAGE can be avoided through ground protection and careful operation of machinery and other measures outlined within the Tree Protection Plan.
- Follow tree protection guidelines.

Underground services.

- All underground services are to be routed away from the TPZ and grouped together where possible.
- Trenching within the TPZ must be dug with Hydro-excavation under the supervision of a person with a minimum Level 5 in arboriculture.

Building Footprint.

- Normal mechanical excavation permitted within the building footprint.

Paving and landscaping.

- Inadvertent impacts such as SOIL COMPACTION can be avoided through ground protection and careful operation of machinery and other measures outlined within the Tree Protection Plan.

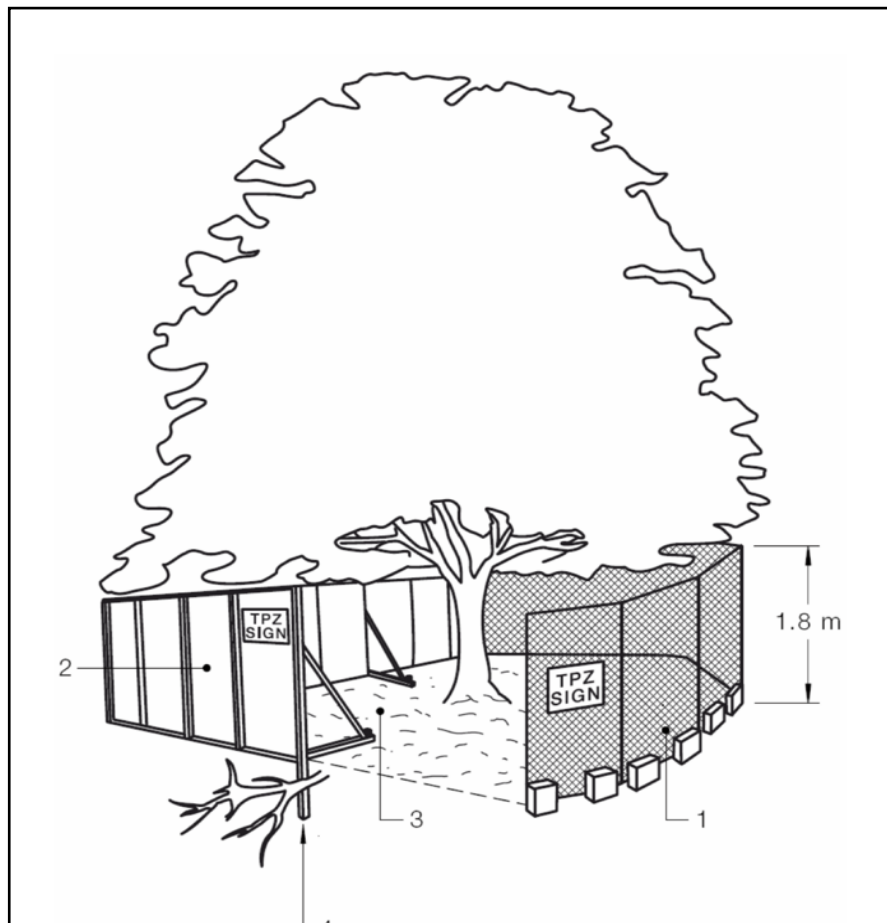
Fencing

- Fence is to be constructed using the post and rail method or similar with these recommendations:
 - Post holes within the TPZ to be dug by hand or hydro excavation.
 - Fence construction using plinths or other features requiring trenching are not to be used.
 - Minimise post holes in the TPZ.
 - Relocate post holes to avoid root damage where necessary.

Tree protection measures

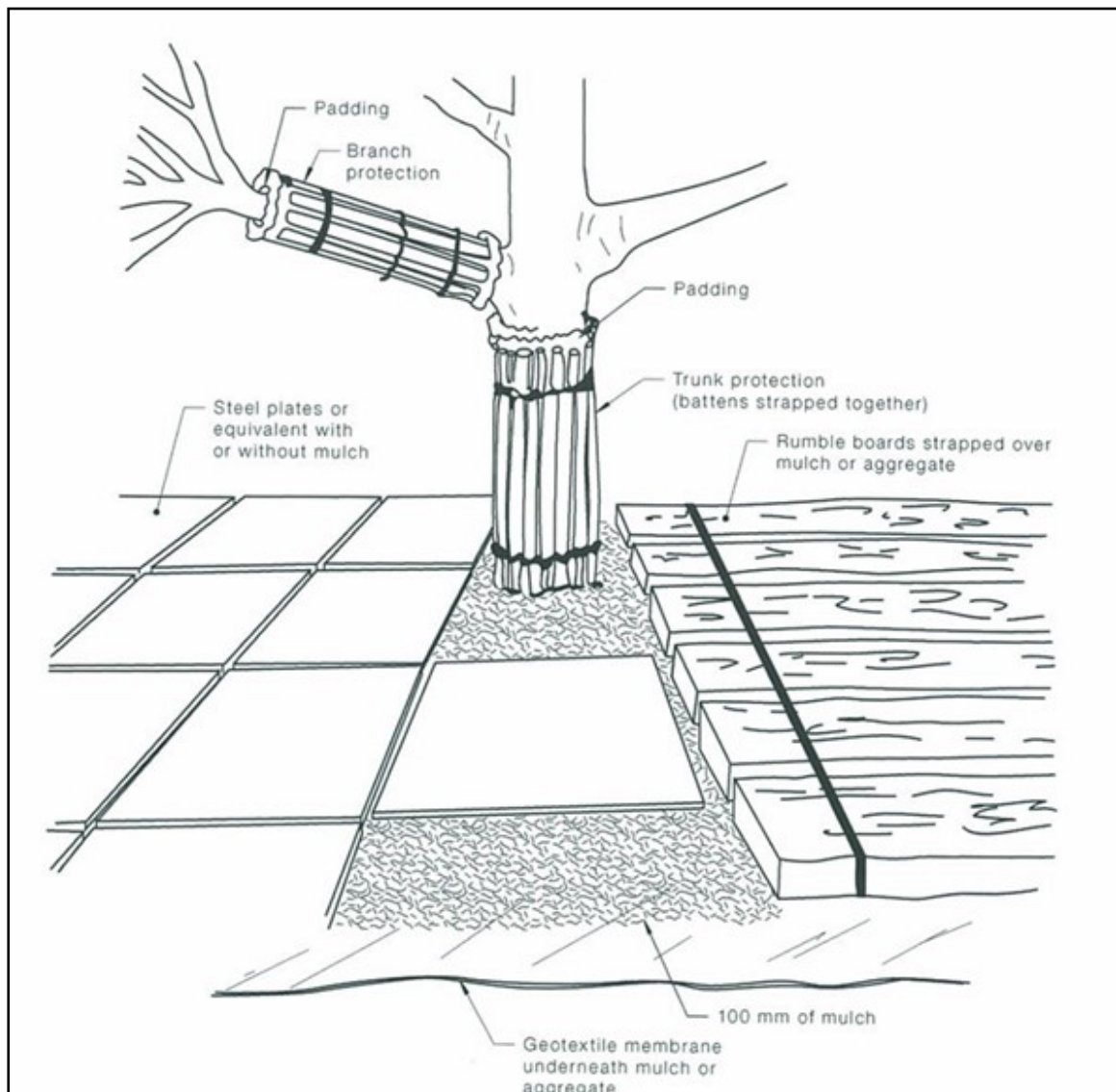
Protective Fencing

- The TPZ enclosure must be erected in accordance with the TPZ on page 18.
- Fencing should be erected before any machinery or materials are brought onto the site and before the commencement of works including demolition.
- Once erected, protective fencing must not be removed or altered without approval by the project arborist. The TPZ should be secured to restrict access.
- AS 4687 specifies applicable fencing requirements.
- Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area.
- Fence posts and supports should have a diameter greater than 20mm and be located clear of roots.
- Existing perimeter fencing and other structures may be suitable as part of the protective fencing.
- See example below.



Ground Protection

- Ground protection must be laid in accordance with the Tree Protection Plan on page 18.
- Ground protection must remain until the latter stages of construction.
- The purpose of ground protection is to prevent root damage and soil Compaction within the TPZ.
- Measures may include a permeable membrane such as geotextile fabric beneath a layer of mulch or crushed rock below rumble boards.
- These measures may be applied to root zones beyond the TPZ.
- See figure below.



NRZ Signs

Signs identifying the NRZ should be placed around the edge of the NRZ and be visible from within the development site in the below diagram. The lettering on the sign should comply with *AS 1319-1983 Safety signs for the occupational environment* Appendix C.



Development monitoring and certification

Schedule of Compliance Checks

This table is an extract from Australian Standard AS 4970-2009 Protection of trees on development sites



Stage in Development	Tree management Processes	
	Matters for consideration	Actions and certification
Development submission	Identify trees for retention through comprehensive Arboricultural impact assessment of proposed construction. Determine tree protection measures Landscape Design.	Provide Arboricultural impact assessment including tree protection plan (drawing) and specification.
Development approval	Development controls Conditions of consent	Review consent conditions relating to trees.
Pre-construction (Sections 4 and 5)		
Initial site preparation	State based OHS requirements for tree work. Approved retention/removal Refer to AS 4373 for the requirements on the pruning of amenity trees. Specifications for tree protection measures.	Compliance with conditions of consent. Tree removal/retention/ Transplanting. Tree pruning. Certification of tree removal and pruning. Establish/delineate TPZ Install protection measures. Certification of tree protection measures.
Construction (Sections 4 and 5)		
Site establishment	Temporary infrastructure Demolition, bulk earthworks, hydrology	Locate temporary infrastructure to minimize impact on retained trees. Maintain protective measures. Certification of tree protection measures.
Construction measures	Liaison with site manager, compliance. Deviation from approved plan	Maintain or amend protective measures. Supervision and monitoring
Implement hard and soft landscape works	Installation of irrigation services. Control of compaction work. Installation of pavement and retaining walls.	Remove selected protective measures as necessary. Remedial tree works. Supervision and monitoring.
Practical completion	Tree vigour and structure	Remove all remaining tree protection measures. Certification of tree protection
Post construction (Section 5)		
Defects/liability maintenance period	Tree vigour and structure	Maintenance and monitoring. Final remedial tree works. Final certification of tree condition.

GLOSSARY

Australian Standard AS 4373-2007 Pruning of amenity trees – Produced by Standards Australia in 2007 and covers all aspects and classes of tree pruning. This standard does not directly pertain to timber, fruit or flower production.

Australian Standard AS 4970-2009 Protection of trees on development sites – Produced by Standards Australia and covers the general principles of protecting and retaining trees on development sites.

MIS313 Tree Health and Maintenance – industry guidance on tree health considerations, disorders and maintenance practices.

Diameter at Root Flare (DRF) – Measurement taken immediately above the root buttress. The measurement is used to calculate the SRZ.

Diameter at Standard Height (DSH) – Measurement taken at 1.4m above ground level. The measurement is used to calculate the NRZ.

Planning Development and Infrastructure Act 2016 – This act covers all aspects of planning in South Australia as pertaining to regulated and significant trees.

Significant Tree – A tree controlled under the *Planning Development and Infrastructure Act 2017* as it has a trunk circumference greater than 3.0m at 1.0m above natural ground level and does not meet any of the nominal exemptions.

Structural Root Zone (SRZ) – The area essential for maintaining tree stability.

Notional Root Zone (NRZ) – an area around a tree where roots are likely to occur.

Structure – The attributes of a tree which maintain the physical integrity and stability of the tree and its parts.

Trunk Circumference – Measurement taken at 1.0m above natural ground level. This is used as the principal component of determining the legislative control status of the tree under the *Planning Development and Infrastructure Act 2016*.

Tree Protection Zone (TPZ) – An area isolated from construction disturbance, so that the tree remains viable.

Useful Life Expectancy (ULE) – Number of years a tree will continue to provide aesthetic and environmental benefits to the site with consideration to reasonable levels of tree maintenance and resources.

Tree Retention Rating – A rating based on performance criteria laid out in South Australia's Planning and Design Code.

ITEM 4.3**DEVELOPMENT APPLICATION – 24019447 – 255 GOODWOOD ROAD, KINGS PARK SA 5034**

DEVELOPMENT NO.:	24019447
APPLICANT:	Isaac McNicol
ADDRESS:	255 GOODWOOD RD KINGS PARK SA 5034
NATURE OF DEVELOPMENT:	Combined Application: Torrens Title Land Division creating one additional allotment (1 into 2) and construction of two (2) two storey detached dwellings
ZONING INFORMATION:	Zones: • Suburban Neighbourhood Overlays: • Airport Building Heights (Regulated) • Building Near Airfields • Future Road Widening • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Transport Routes • Urban Tree Canopy
LODGEMENT DATE:	27 May 2025
RELEVANT AUTHORITY:	Assessment Panel
PLANNING & DESIGN CODE VERSION:	Manual Upload: P&D Code (in effect) Version 2025.10 29/05/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed • PER ELEMENT: - Land division - New housing - Land division: Code Assessed - Performance Assessed - Semi-detached dwelling: Code Assessed - Performance Assessed • OVERALL APPLICATION CATEGORY: - Code Assessed - Performance Assessed • REASON - P&D Code
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Amelia De Ruvo Senior Planning Officer
REFERRALS STATUTORY:	South Australian Water Corporation SPC Planning Services Commissioner of Highways
REFERRALS NON-STATUTORY:	Council Assets Officer
RECCOMENDATION:	Support with Conditions
ATTACHMENTS:	Attachment 1 – Architectural plans Attachment 2 – Representations Attachment 3 – Response to representations

ITEM 4.3

DEVELOPMENT APPLICATION – 24019447 – 255 GOODWOOD ROAD, KINGS PARK SA 5034

DETAILED DESCRIPTION OF PROPOSAL:

The proposal is a combined application for a land division to create one additional allotment, and the construction of two (2) two-storey detached dwellings. The proposed plans are contained within **Attachment 1**.

The proposal seeks to subdivide Lot 3 into two allotments, creating Lot 3 and 4. Lot 3 will be an irregular shaped allotment with a tapered rear boundary, with a 9.35m wide frontage to Goodwood Road (service road), a depth varying between 13.5m - 19.9m with an overall site area of 156m². Lot 4 will be a triangular shaped allotment with a 19.78m frontage to Goodwood Road (service road), a depth of 13.5m and an overall site area of 133.5m².

The proposed two (2) two-storey detached dwellings will be of a contemporary building design featuring a variety of building materials. These include cement cladding, Colorbond trimdek, various finishes of masonry brickwork (red and cream brick), obscured glazing, and translucent cladding.

The proposed dwelling on Lot 3 will be constructed to all four boundaries and will be comprised of four bedrooms, three bathrooms (one being an ensuite), open plan kitchen and dining area, lounge and games room, internal balcony, a courtyard and a double garage. A second storey obscured screen will be installed to the rear wall of the dwelling for privacy. Vehicular access to the dwelling will be obtained via a double width crossover from Goodwood Road (service road) with a width of 4.8m.

The proposed dwelling on Lot 4 will be constructed to all three boundaries and will be comprised of four bedrooms, four bathrooms (three being an ensuite), open plan kitchen, dining and lounge area, office, laundry, internal sundeck, a courtyard and single width garage in a tandem arrangement. Along the rear boundary will be a second storey obscured screen for privacy. Vehicular access to the dwelling will be obtained via a single width crossover from Goodwood Road (service road) with a width of 3.07m.

BACKGROUND

A built form and land division application has previously been lodged and approved by Council administration on the subject land. Application 090/197/2021/C2 sought approval to construct three (3) two-storey dwellings with associated landscaping and the removal of one (1) regulated tree and application 23017534 followed for a land division of 1 into 3. The built form application was granted Planning Consent but has since lapsed, whereas the land division application was formalised and deposited in April 2025.

At the time of lodgement, the land division had not yet been finalised; therefore, the current application (24019447) was lodged against the parent site, being 255 Goodwood Road, Kings Park. The subject land is now formally identified as 251 Goodwood Road.

SUBJECT LAND & LOCALITY:

Location reference: 255 GOODWOOD RD KINGS PARK SA 5034

Title ref.: CT 6239/947 **Plan Parcel:** D123793 AL21 **Council:** CITY OF UNLEY

Site Description

The subject land is located within the **Suburban Neighbourhood Zone** and is situated on the eastern side of Goodwood Road and sited off the Goodwood Road service road. The subject land is a triangular shaped allotment with a 29.13m wide frontage, a depth of 19.9m and an overall site area of 289.5m². The site naturally falls in an east - west direction with an approximate fall of 1m. The subject land is not affected by any known easements or encumbrances.

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The site is currently a vacant allotment containing a cluster of small shrubs to the northern corner, however none of which is of a regulated size. Currently there is no crossover to provide vehicular access to the site, however there is a stobie pole and side entry pit located in the street verge in front of the subject land.

Locality

When determining the locality of the subject land the general pattern of development and the extent the proposed development is likely to impact surrounding occupiers and landowners was considered.

The locality falls within three zones, being the **Suburban Neighbourhood Zone, Established Neighbourhood Zone** and **General Neighbourhood Zone**. The locality contains a mixed of commercial, industrial and residential land uses, with a prominent commercial and industrial character on the eastern side of Goodwood Road. This area includes uses such as a motor repair station, bulky goods outlet, and retail shop directly to the south of the subject site. A notable feature of the locality is the Belair rail line, which runs diagonally in a north-west to south-east direction, with the Millswood train stop located directly adjacent to the subject land.

Directly adjacent the subject land are vacant residential allotments, devoid of vegetation with the remaining residential sites are situated on the western side of Goodwood Road and the eastern side of the railway corridor and to the south-east along Ningana Avenue. The residential built form and the allotment pattern in the locality varies given the orientation of both Goodwood Road and the railway line. These transport corridors create angled street frontages, resulting in residential allotments being irregular in shape. The built form is predominantly single storey detached dwellings, with a mix of architectural styles including traditional bungalows and villas, as well as more contemporary homes.

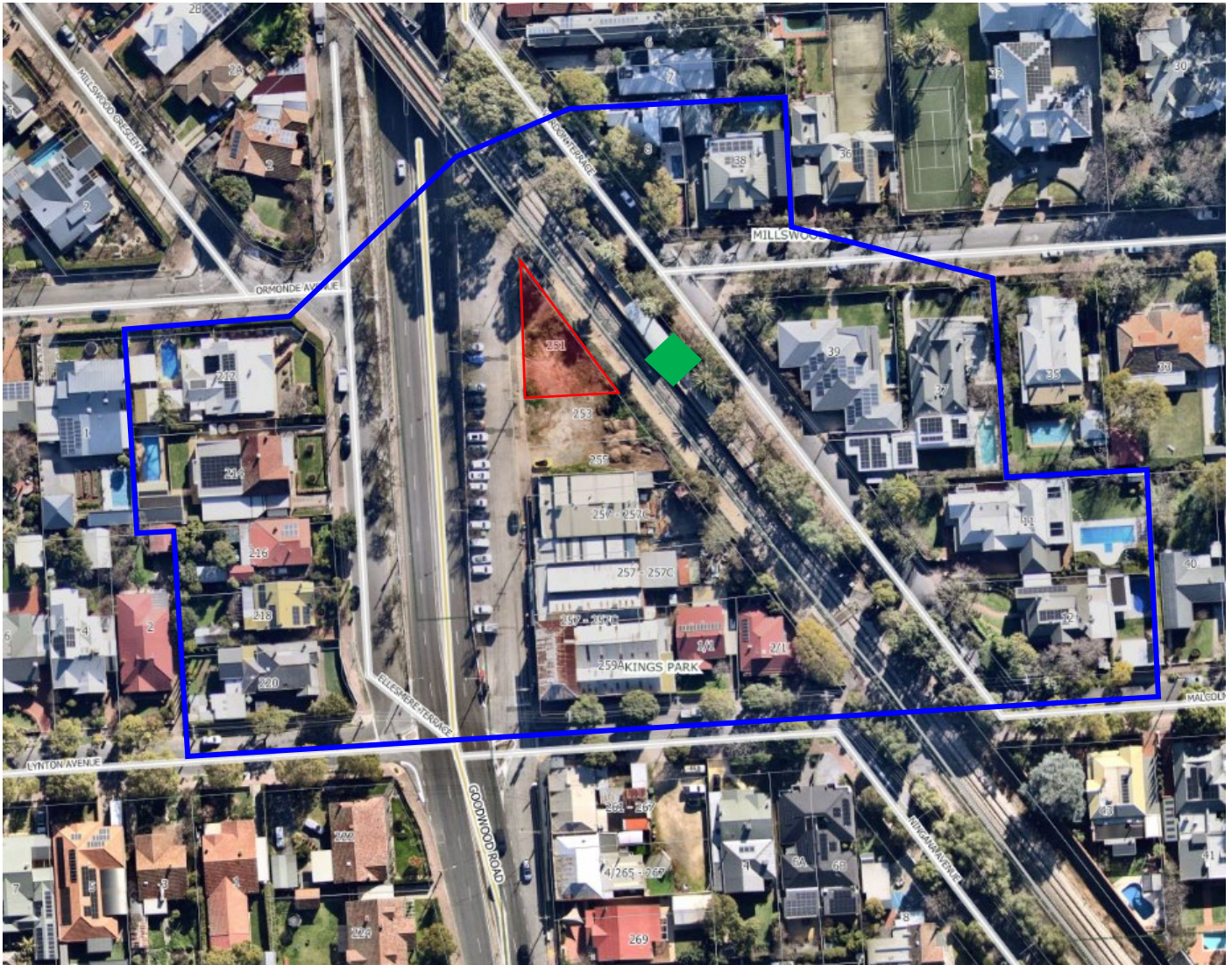
Along the Goodwood Road service road, vegetation within private land is limited, with mature landscaping primarily located along the trainline. The trees located on the western side of the Goodwood Road service road offer minimal visual amenity, as they have been heavily pruned and do not represent strong examples of their species. The wider locality is well vegetated, with mature trees and garden plantings evident on private properties and within street verges typical of a residential area.

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Locality Plan

One representer is sited within the locality and three sited outside the locality.



Subject Land



Locality



Representer

SERIOUSLY AT VARIANCE ASSESSMENT

The PDI Act 2016, Section 107 (2)(c) states that *the development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code (disregarding minor variations).*

The **Suburban Neighbourhood Zone Desired Outcome** states:

DO 1 – Low density housing is consistent with the existing local context and development pattern. Services and community facilities contribute to making the neighbourhood a convenient place to live without compromising residential amenity and character.

The **Suburban Neighbourhood Zone Performance Outcome (PO's)** states:

PO 1.1 – Predominantly low density residential development with complementary non-residential uses compatible with a low density residential character.

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The proposal is for the construction of two, two-storey detached dwellings which are forms of development that are anticipated within the Zone. Although the development results in sites that are not considered to be low-density, the proposed allotments have been designed to be in keeping with the existing local context and development pattern of the locality.

As seen in the following planning assessment, the proposal is considered to satisfy the intent of the **Desired Outcomes** and **Performance Outcomes** with only minor variations noted against the respective **Designated Performance Features**. Therefore, this proposal is not considered to be seriously at variance with the Planning and Design Code.

PUBLIC NOTIFICATION

- **REASON**

Suburban Neighbourhood Zone – Table 5 – Procedural Matter (PM) – Notification – Clause 3(2)(a) & (b) the proposed dwellings result in a boundary wall exceeding 11.5m in length and 3m in height therefore is not an excluded form of development and requires to be publicly notified.

As part of the public notification process 20 owners and/or occupiers of adjacent land were directly notified via mail. In addition to the direct notice a sign was placed on the subject land for the duration of the notification period. A copy of the representations can be found in **Attachment 2**.

During the notification period Council received four (4) representations, one (1) who supports the development and three (3) who do not support the development. Two (2) representors wish to address the Council Assessment Panel (CAP) in support of their representation. A copy of the representations can be found in **Attachment 3**.

Representations:

Representor Name / Address	Support / Support with Concerns / Oppose	Request to be heard	Represented by
[REDACTED]	I support the development	No	
[REDACTED]	I do not support the development	Yes	Self
[REDACTED]	I do not support the development	Yes	Self
[REDACTED]	I do not support the development	No	

Summary:

The representors raised the following concerns:

- Over-development of the site;
- Excessive site coverage;
- Visual impact to adjoining properties;

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- Overshadowing to adjoining properties;
- Extent of boundary development; and
- Loss of trees and lack of onsite landscaping;

The applicant provided a response to the representations, prepared by Master Plan, refer to **Attachment 3**. The response, along with additional plans—specifically overshadowing plans were emailed to all representors.

AGENCY REFERRALS

- South Australian Water Corporation
SA Water raised no concerns with the proposal. Standard conditions of consent have been recommended should the application be supported.
- SPC Planning Services
SPC has raised no concerns with the proposal. Standard conditions of consent have been recommended should the application be supported.
- Commissioner of Highways
Commissioner of Highways has raised no concerns with the proposal.

INTERNAL REFERRALS

- Asset Officer
Supportive of the proposed locations of the crossovers to both dwellings.

RULES OF INTERPRETATION:

The application has been assessed against the relevant provisions of the Planning & Design Code (the Code). The Code outlines zones, subzones, overlay and general provisions policy which provide Performance Outcomes (POs) and Desired Outcome (DOs).

In order to interpret Performance Outcomes, the policy includes a standard outcome that generally meets the corresponding performance outcome (Designated Performance Feature or DPF). A DPF provides a guide as to what will satisfy the corresponding performance outcome. Given the assessment is made on the merits of the standard outcome, the DPF does not need to be satisfied to meet the Performance Outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from discretion to determine that a Performance Outcome is not met despite a DPF being achieved.

Part 1 of the Code outlines that if there is an inconsistency between provisions in the relevant policies for a particular development, the following rules will apply to the extent of any inconsistency between policies:

- the provisions of an overlay will prevail over all other policies applying in the particular case;
- a subzone policy will prevail over a zone policy or a general development policy; and
- a zone policy will prevail over a general development policy.

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PLANNING ASSESSMENT

The application has been assessed against the relevant policies of the **Planning & Design Code (the Code)**, which are found at the following link:

[Planning and Design Code Extract](#)

Land Use & Site Area

Two representors, utilising the same covering letter, have outlined concerns with proposed development regarding its increased density. The subject land is located within the **Suburban Neighbourhood Zone** where the **Desired Outcome (DO)** and **Performance Outcomes** are as follows:

***DO 1** – Low density housing is consistent with the existing local context and development pattern. Services and community facilities contribute to making the neighbourhood a convenient place to live without compromising residential amenity and character.*

***PO 1.1** – Predominantly low density residential development with complementary non-residential uses compatible with a low density residential character.*

The corresponding **Designated Performance Feature (DPF) 1.1** states:

***DPF 1.1** - Development comprises one or more of the following:*

e) dwelling

***PO 2.1** – Allotments/sites created for residential purposes are of suitable size and dimension and are compatible with the housing pattern consistent to the locality.*

As discussed in *background* section above, the parent site (255 Goodwood Road) was previously subdivided into three allotments for the purposes of residential allotments. The representors have raised concerns that the further division of Lot 3 will result in allotments achieving a medium net residential density, where **PO 1.1** of the **Suburban Neighbourhood Zone** seeks “*predominantly low-density residential development...*”.

The subject land is located along Goodwood Road within a unique mixed-use area that includes commercial and light industrial land uses with a strong built form character, vacant residential allotments and minimal vegetation. The subject land is bordered by the Belair train line to the east, Goodwood Road underpass to the west and both vacant allotments and commercial land use to the south. The locality is not a typical low-density residential area sought by the **Suburban Neighbourhood Zone**, instead results in a combination of small allotments containing predominantly non-residential land uses with sparse vegetation, resulting in a low amenity area.

Importantly, and as noted by the applicants Planning Consultant, **PO 1.1** of **Suburban Neighbourhood Zone** specifies that development should be ‘*predominantly*’ low density, not exclusively, thereby allowing for increased densities where contextually suitable. As such Council administration have considered that the subject land’s strategic location adjacent a high frequency bus route along Goodwood Road, the Belair trainline west of the site and the Millswood station, the subject land is in a suitable location for increase densities.

The relevant **DPF 2.1** remains silent regarding the minimum allotment site areas and dimensions. Furthermore, there are no Technical Numeric Variations (TNVs) prescribing minimum site areas or frontage widths. Accordingly, the assessment relies on the local context and the proposal’s compatibility with the prevailing housing pattern. Both Council administration and the applicant’s planning consultant consider that the local context strongly supports the proposed outcome, as the allotments will retain a generous street frontage to the Goodwood Road service road and the buildings design appropriately responds to the mixed-use character of the locality. Collectively, these factors demonstrate that the development is consistent with policy intent, integrates with the existing urban fabric, and represents an appropriate use of the site.

Notwithstanding the reduction in site area, the proposed allotments are of a size and dimension appropriate for their intended purpose. Each site provides a surplus of private open space, adequate vehicle parking,

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and well-designed internal floor areas to ensure a high level of residential amenity. While the allotment sizes are smaller than traditional low-density sites, the proposal remains consistent with the zone's intent by delivering allotments that are functional without undermining the existing local context or established development pattern, satisfying the intent of **PO 1.1** and **2.1** of **Suburban Neighbourhood Zone**.

Built form

Height

PO 4.1 – Suburban Neighbourhood Zone

Buildings contribute to a low-rise suburban character and complement the height of nearby buildings.

The corresponding DPF seeks buildings to be no higher than 2 levels and 9m.

The proposal seeks to construct two (2) two-storey detached dwellings with a maximum building height of 8.5m when measured from natural ground. The Planning and Design Code defines *low rise* as '... *development up to and including 2 building levels*', accordingly, the proposed building height is consistent with the definition. The proposed development height is compatible with surrounding development and contribute positively to the established low-rise streetscape, satisfying the intent of **PO 4.1** of **Suburban Neighbourhood Zone**.

Setbacks

Two representors have raised concerns with the development, with regards to its siting, appearance, bulk and scale and visual impact to the locality and adjoining sites.

An overview of each dwelling, when assessed against the relevant setback provisions of *the Code* are seen in the table below.

Table 1: Planning and Design Code requirements

Planning and Design Code	Quantitative requirement	Lot 3	Lot 4
Site Coverage DPF 3.1	Max: 50%	80%	77%
Primary Street Setback SNZ - PO / DPF 3.1	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building: 8m	0m	0m
Boundary Walls SNZ - PO / DPF 7.2	b) side boundary walls do not: i. exceed 3m in wall height ii. exceed 11.5m in length iii. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary iv. encroach within 3 metres of any other existing or proposed boundary walls on the subject land.	19.9m (L) & 6.7m (H)	N/A
Rear Boundary: SNZ - PO / DPF 7.1	a) if the size of the site is less than 301 square metres— i. 3m to the ground floor of the building ii. 5m in relation to any other building level.	0m	0m

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The relevant **PO's** of **Suburban Neighbourhood Zones** state:

***PO 3.1** – Building footprints consistent with the character and pattern of a low density suburban neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.*

***PO 5.1** – Buildings are setback from primary street boundaries consistent with the existing streetscape.*

***PO 7.1** – Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.*

***PO 9.1** – Buildings are set back from rear boundaries to provide:*

- a) separation between buildings in a way that complements the established character of the locality*
- b) access to natural light and ventilation for neighbours*
- c) private open space*
- d) space for landscaping and vegetation.*

As outlined in Table 1 above, the proposed development does not satisfy the quantitative criteria of the relevant **DPF's** of **3.1, 5.1, 7.1** and **9.1** of **Suburban Neighbourhood Zone**. Notwithstanding this, the proposal has been designed with consideration with the local context which is to be discussed further below.

As outlined earlier in the report, the subject land and its development pattern do not reflect a typical suburban residential area envisaged by the **Suburban Neighbourhood Zone**. Rather, the immediate locality is more consistent with a commercial and industrial character, particularly the area bounded by Goodwood Road, Ningana Avenue, and the railway corridor.

The applicant's Planning Consultant notes that this character is strongly influenced by the commercial buildings located to the south of the subject land with strong built form presence and the lack on high amenity landscaping. The existing development pattern results in building footprints and development patterns that differ significantly from the low-density residential form anticipated by the Zone. While the proposed development substantially exceeds the parameters set out in **DPF 3.1** of the **Suburban Neighbourhood Zone**, Council administration has considered the intent of the **PO** which seeks to ensure development responds to the prevailing character of its locality.

The proposed dwellings building footprint is consistent with existing and prevailing development patterns noted within the locality, resulting in boundary development specifically to the front and side boundaries. The design has been carefully considered to deliver an attractive outlook and a high level of residential amenity, ensuring adequate access to natural light and ventilation for future occupants. Additionally, the use of varied building materials contributes positively to the streetscape. Accordingly, the significant departure from the **DPF** is supported given the context of the locality.

As outlined earlier in this report, the two residential allotments located to the south of the subject land are currently vacant. The relevant **DPF 5.1** seeks a minimum front setback of 8 m when there is no existing building on either adjoining site. Notwithstanding this requirement, when taking into consideration the existing built form in the locality, specifically between the subject land and Ningana Avenue, all existing building have been constructed to the front property boundary. Accordingly, the proposed development, which is also positioned on the front boundary, is consistent with the prevailing streetscape character and will not introduce a conspicuous element that detracts from the established pattern of development.

The proposed boundary development along the southern boundary, while substantial in scale, is considered appropriate given the unique context of the subject land. **PO 7.1** seeks to minimise the boundary development wall height and length to manage the visual and overshadowing impacts to

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adjoining properties. The locality is characterised by commercial and light industrial buildings constructed boundary-to-boundary, with walls typically extending the full length of side boundaries and reaching heights of 4.5 m to 6m. Although the subject land and the allotments bound by Goodwood Road, the railway corridor and Ningana Avenue are sited within the Suburban and General Neighbourhood Zone, the development pattern reflects a built pattern of more akin to a commercial / industrial area, then that of a traditional residential area.

Accordingly, it would be unreasonable to require the proposed dwellings to adhere strictly to conventional residential setbacks and boundary wall requirements in this context. Given this, the boundary walls are supported as the proposed development has been designed with consideration for the existing local context and development pattern. Furthermore, the adjoining allotment to the south is currently vacant. Should this land be developed in the future, it is anticipated that boundary development of a similar scale would be required to deliver dwellings that achieve a high level of residential amenity and that would remain consistent with the prevailing built form pattern.

The intent of **PO 9.1** of the **Suburban Neighbourhood Zone** is to ensure that new development contributes positively to the character and amenity of the locality. Given the unique characteristics of the subject land, including its direct interface with the railway line and the Millswood station, the visual impact of development along the rear boundary is considered minimal. The railway corridor provides a visual buffer between the proposed development and residential properties further east. The design of the dwellings incorporates a mix of building materials to create visual interest, with the use of obscured glazing ensuring residents have access to natural light into habitable areas without compromising privacy. In addition, as outlined later in this report, the proposal includes adequate private open space and soft landscaping to deliver a high level of residential amenity.

Recognising the unique setting and inherent constraints of the subject land, the proposed dwellings will provide suitable residential amenity, ventilation and access to light for future residents. On this basis, the development is considered to satisfy **PO 3.1, 5.1, 7.1 and 9.1** of the **Suburban Neighbourhood Zone**.

Design and Appearance

PO 1.1 – General Development Policies – Design in Urban Areas

Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).

PO 2.2 – General Development Policies – Design in Urban Areas

Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.

PO 2.3 – General Development Policies – Design in Urban Areas

Development at street level is designed to maximise opportunities for passive surveillance of the adjacent public realm.

PO 17.1 – General Development Policies – Design in Urban Areas

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

PO 17.2 – General Development Policies – Design in Urban Areas

Dwellings incorporate entry doors within street frontages to address the street and provide a legible entry point for visitors.

PO 20.1 – General Development Policies – Design in Urban Areas

Garaging is designed to not detract from the streetscape or appearance of a dwelling.

PO 20.2 – General Development Policies – Design in Urban Areas

Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.

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PO 20.3 – General Development Policies – Design in Urban Areas

The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.

The dwellings have been designed to activate the streetscape of Goodwood Road through the use of varying building materials and finishes, delineating between the two proposed dwellings. The dwellings are provided with clearly defined entry ways enhancing the appearance of the buildings. Habitable rooms, including living areas, bedrooms and balconies front to the primary street frontages allowing for passive surveillance across the public realm. The dwellings provide a high level of residential amenity for residents and are considered to satisfy **PO 2.2, 2.3, 17.1, 17.2, 18.1 and 20.2** of **General Development Policies – Design in Urban Areas**.

Overlooking

The relevant provision relating to overlooking for the development is **PO 16.1** of **General Development Policies – Design in Urban Areas** which seeks:

***PO 10.1** – Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.*

***PO 10.2** – Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.*

There are currently no dwellings which are sited within 15m of the proposed dwellings nor any windows to the southern elevation. As such the development will not result in any direct overlooking to adjacent properties. Notwithstanding this, to provide a sense of privacy for the occupants of the proposed dwellings, the development seeks to install 3m obscured screens along its rear / western boundary to limit the views from the train platform / train line into the internal living areas and outdoor private open space. As such the development will mitigate overlooking to adjacent land satisfy **PO 10.1 and 10.2** of **General Development Policies – Design in Urban Areas**.

Overshadowing

Two of the representors raised concerns with the extent of shadows to be cast over the adjoining properties south of the subject land. The relevant **PO's** of **General Development Policies - Interface between Land Uses** state:

***PO 3.1** – Overshadowing of habitable room windows of adjacent residential land uses in:*

- a) a neighbourhood-type zone is minimised to maintain access to direct winter sunlight*
- b) other zones is managed to enable access to direct winter sunlight.*

***PO 3.2** – Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:*

- a) a neighbourhood type zone is minimised to maintain access to direct winter sunlight*
- b) other zones is managed to enable access to direct winter sunlight.*

Currently, the adjoining properties to the south are vacant parcels of land. The above PO's aim to ensure that proposed developments do not adversely impact existing adjoining residential land uses access to sunlight during the winter months – specifically during the winter solstice. The PO's have written to protect the existing context and are not intended to address hypothetical scenarios. Given there is no built form and associated private open space on the land to the south, overshadowing impacts and not required to be considered.

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Private Open Space

The relevant **PO's** of **General Development Policies - Design in Urban Areas** state:

PO 18.1 - Living rooms have an external outlook to provide a high standard of amenity for occupants.

PO 21.1 - Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.

PO 21.2 - Private open space is positioned to provide convenient access from internal living areas.

Proposed Lots 3 and 4 both have a site area less than 300m² as such each dwelling is to provide a minimum of 24m² of Private Open Space to satisfy *Table 1 – Private Open Space*. Lot 3 will be provided with approximately 35m² of useable private open space comprising the ground floor courtyard and level 1 balcony area. Lot 4 will be provided with 34m² of useable Private Open Space comprising the ground floor courtyard and level 1 sundeck garden. The private open space to each dwelling meets and exceeds the quantitative requirements outlined in *Table 1: Private Open Space*. The private open space is of a suitable size to be useable and will be directly accessible from the dwelling's primary living areas and habitable rooms, thereby ensuring a high level of amenity for future occupants satisfying the intent of **PO 18.1, 21.2** and **21.2** of **General Policies – Design in Urban Areas**.

Landscaping

One representor has raised concerns regarding the lack of consideration of trees on this site.

The relevant **PO's** of **General Development Policies - Design in Urban Areas** state:

PO 3.1 - Soft landscaping and tree planting are incorporated to:

- a) minimise heat absorption and reflection
- b) maximise shade and shelter
- c) maximise stormwater infiltration
- d) enhance the appearance of land and streetscapes.

PO 22.1 - Soft landscaping is incorporated into development to:

- a) minimise heat absorption and reflection
- b) contribute shade and shelter
- c) provide for stormwater infiltration and biodiversity
- d) enhance the appearance of land and streetscapes.

The corresponding **DPF 22.1** states:

DPF 22.1 – Residential development incorporates soft landscaping with a minimum dimension of 700mm provided in accordance with (a) and (b):

- a) a total area for the entire development site, including any common property, as determined by the following table:

Site area (or in the case of residential flat building, co-located housing or group dwelling(s), average site area)(m ²)	Minimum percentage of site
<150	10%

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150-200	15%
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b) *at least 30% of any land between the primary street boundary and the primary building line.*

The above Table identifies the percentage of soft landscaping required for each dwelling based on the site area. The applicant has identified areas for soft landscaping both at ground level and the upper floor balconies / terraces. To be considered soft landscaping, the planting areas must have a minimum width of 700mm and be pervious and capable of supporting the growth of plant species. As such not all areas identified on the *Ground Floor* and *Level 1* plans have been included as part of Council administrations calculation for soft landscaping and therefore differ to the soft landscaping calculations on the *Civil & Drainage Site Plan*.

Both dwellings have provided approximately 9.5% of the site with soft landscaping that satisfies the minimum dimension and provide no soft landscaping forward of the building line, as such falls short on providing the minimum desired area of soft landscaping. Notwithstanding this, the shortfall in providing on-site soft landscaping is not considered fatal to the application. Lot 4 falls 0.5% or 0.7m² short of the minimum requirement which is a minor shortfall which will not be readily perceptible to the naked eye. Whereas Lot 3 falls 5.5% or 8.6m² shortfall of the minimum requirement.

Discussed earlier in the report, the locality is not reflective of a typical residential area and when viewed from Goodwood Road, the built form is devoid of landscaping, resulting in a relatively low amenity. The established pattern in the locality is defined by continuous built form extending to the primary road frontage with no ground-level landscaping. Currently the subject land is devoid of landscaping, apart from cluster of trees planted to the northern corner of the allotment.

Although the proposed development is devoid of landscaping forward of the building line, the proposal is consistent with the immediate streetscape character with the built form providing the primary contribution to the amenity of the streetscape. This is considered to not detract from the streetscape character and is acceptable.

The proposed landscaping for the dwellings includes a variety of plantings, including a tree, shrubs and grasses to the ground level and balcony / terrace areas to assist with stormwater infiltration and biodiversity. While the landscaping will only be viewed from internal to the dwellings, it will be sited within area which is directly viewed from internal habitable areas to provide suitable residential amenity for future occupants.

As such, it is considered the proposal meets the intent of **PO 22.1 of General Development Policies - Design in Urban Areas** section.

Urban Tree Canopy Overlay PO 1.1 states:

***PO 1.1** - Trees are planted or retained to contribute to an urban tree canopy.*

The corresponding DPF outlines the number of trees required per dwelling, with *Table 1 Tree Size* specifying the tree's minimum mature height, mature spread and soil area around the tree. As identified on the ground floor plan, each dwelling will be planted with a Ficus Carica within the ground floor courtyard of the dwellings. The trees satisfy **PO & DPF 1.1 of Urban Tree Canopy Overlay** and the mandatory condition, as per *Practice Direction 12 – Conditions*, has been applied to the development.

Stormwater Management Overlay

Stormwater Management Overlay PO 1.1 states:

***PO 1.1-** Residential development is designed to capture and re-use stormwater to:*

- a) *maximise conservation of water resources*
- b) *manage peak stormwater runoff flows and volume to ensure the carrying capacities of downstream systems are not overloaded*
- c) *manage stormwater runoff quality.*

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To satisfy the minimum requirements outlined in **DPF 1.1 of Stormwater Management Overlay**, each dwelling should be provided with a combined 2000L rainwater tank provided with a 1000L retention and detention volume respectively. Currently each dwelling has been provided with a 1000L detention tank, therefore not satisfy the minimum requirements outlined in *Table 1: Rainwater Tank*. **Reserve Matter 1** seeking an updated Civil & Drainage Site Plan has been recommended as part of the approval to ensure compliance with **DPF 1.1 of Stormwater Management Overlay**.

Utilities

PO 24.1 of General Development Policies – Design in Urban Areas states:

PO 24.1 – *Provision is made for the convenient storage of waste bins in a location screened from public view.*

As per Council's *Sustainable Kerbside Waste Management Policy* each dwelling will be provided with three standard waste bins (general waste, recycling bin and an organics). When not presented to the street for collection, all three bins will be stored in the garage of the respective dwelling. The waste bins will be discreetly screened from view of the public realm and are readily accessible for residents, thereby satisfying the intent of **PO 24.1 of General Development Policies – Design in Urban Areas**.

Traffic & Access

The **Traffic Generating Development Overlay PO 1.1** states:

PO 1.1 - Traffic Generating Development Overlay

Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.

The **Urban Transport Routes Overlay PO 1.1** states:

PO 1.1 - Urban Transport Routes Overlay

Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State maintained roads.

The **General Development Policies – Design in Urban Areas PO's** states:

PO 23.1 – General Development Policies – Design in Urban Areas

Enclosed car parking spaces are of dimensions to be functional, accessible and convenient.

PO 23.3 – General Development Policies – Design in Urban Areas

Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, pedestrian movement, domestic waste collection, landscaped street frontages and on-street parking.

PO 23.4 – General Development Policies – Design in Urban Areas

Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.

The **General Development Policies – Traffic, Access and Parking PO's** states:

PO 3.1 – General Development Policies – Traffic, Access and Parking

Safe and convenient access minimises impact or interruption on the operation of public roads.

PO 3.3 – General Development Policies – Traffic, Access and Parking

Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.

PO 3.4 – General Development Policies – Traffic, Access and Parking

Access points are sited and designed to minimise any adverse impacts on neighbouring properties.

ITEM 4.3

DEVELOPMENT APPLICATION – 24019447 – 255 GOODWOOD ROAD, KINGS PARK SA 5034

PO 5.1 – General Development Policies – Traffic, Access and Parking

Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

- a) availability of on-street car parking*
- b) shared use of other parking areas*
- c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
- d) the adaptive reuse of a State or Local Heritage Place.*

The proposal seeks to construct two new crossovers from the Goodwood Road service road to the proposed dwellings. Lot 3 will be provided with a 4.8m double width crossover, with Lot 4 provided with a 3.07m single width crossover, both facilitating vehicular access to the individual garages. The crossover locations will not interfere with existing street infrastructure and have been reviewed and supported by Council's Assets Officer, with **Advisory Note 10** to be included as part of the recommendation.

As the development will be accessed via the service road rather than directly from the State Maintained Road, the proposed crossovers will not affect the functionality of the Goodwood Road. All vehicles will continue to safely enter and exit onto Goodwood Road in a forward motion.

The proposal is considered to satisfy **PO 1.1 of Traffic Generating Development Overlay** and **Urban Transport Routes Overlay**, **PO 23.3 and 23.4 of General Development Policies – Design in Urban Areas** and **PO 3.1, 3.3 and 3.4 of General Development Policies – Traffic, Access and Parking**.

Table 1 – General Off-Street Car Parking Requirements, seeks each dwelling to be provided with two on site car parking spaces, one of which is covered. The proposed dwellings are provided with two on-site car parking spaces, located entirely within the garages. The garages are appropriately sized and dimensioned to accommodate vehicles, ensuring the development meets the parking needs of residents satisfying **23.1 of General Development Policies – Design in Urban Areas** and **PO 5.1 of General Development Policies – Traffic, Access and Parking**.

Cut and Fill

PO 8.1 of General Development Policies – Design in Urban Areas states:

PO 8.1 – Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.

The corresponding **Designated Performance Feature (DPF) 8.1** states:

DPF 8.1 – Development does not involve any of the following:

- a) excavation exceeding a vertical height of 1m*
- b) filling exceeding a vertical height of 1m*
- c) a total combined excavation and filling vertical height of 2m or more*

Along the western boundary, the proposed development involves excavation ranging from approximately 0.2 m to 1.3 m. The subject land naturally falls in an east–west direction, influenced by the siting and location of the Belair railway line. The train platform is elevated approximately 1.5 m above the natural ground level to facilitate convenient access for commuters. Consequently, the platform's elevation as well as seeking to create a consistent bench level for construction necessitates excavation of up to 1.3 m along the western boundary. While this excavation will modify the existing topography, it will not result in adverse impacts on the stability of the land or surrounding properties and as such the development satisfies the intent of **PO 8.1 of General Development Policies – Design in Urban Areas**.

ITEM 4.3

DEVELOPMENT APPLICATION – 24019447 – 255 GOODWOOD ROAD, KINGS PARK SA 5034

Future Road Widening Overlay

The relevant provision of the **Future Road Widening Overlay** state:

***PO 1.1** – Development does not compromise or is located and designed to minimise its impact on future road widening requirements.*

The corresponding **Designated Performance Feature (DPF) 1.1** states:

***DPF 1.1** – Development does not involve building work, or building work is located wholly outside the land subject to the 6m Consent Area, the C Type Requirement or the Strip Requirement of the Metropolitan Adelaide Road Widening Plan.*

The relevant **DPF** seeks for any development to be sited outside of the 6m Consent Area, the C Type Requirement and the Strip Requirement, refer to **Figure 1** below, showing the siting and location of the three overlay strips.

Figure 1: The Future Road widening requirements:



The development is proposed to be constructed within the 6m consent area and the strip requirement and as such a mandatory external referral to the Commissioner of Highways was required. The Commissioner of Highways advised that they are supportive the development in its current form as the development will not impact on the future road widening requirements, therefore satisfying the intent of **PO 1.1** of **Future Road Widening Overlay**.

ITEM 4.3

DEVELOPMENT APPLICATION – 24019447 – 255 GOODWOOD ROAD, KINGS PARK SA 5034

CONCLUSION

Whilst the development does not satisfy some of the Designated Performance Features set out within the relevant Performance Outcomes, these shortfalls are not considered to be detrimental to the established character of the locality.

The matters raised by the representors have been considered in the course of this assessment. Having considered all the relevant assessment provisions, the proposal is considered to satisfy the intent of the Desired Outcomes and Performance Outcomes of the Planning and Design Code for the following reasons:

- On balance the proposed development satisfies the relevant Performance Outcomes of the Suburban Neighbourhood Zone, Overlays and General Development Policies.
- The subject land and its development pattern do not reflect a typical suburban residential area and as such an increased in residential density will not undermine the local character.
- The proposed site is strategically located adjacent a high frequency bus route along Goodwood Road and the Belair trainline, which is a suitable location for increase densities.
- The dwelling has been designed with a form, scale and materials that responds appropriately to the streetscape character; and
- It has been demonstrated that adequate provision is made for private open space, landscaping and on-site car parking and that any increase in traffic movements would not adversely impact upon traffic or pedestrian safety on the adjacent road network.

RECOMMENDATION

It is recommended that the Council Assessment Panel/ resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24019447, by Isaac McNicol is GRANTED Planning Consent subject to the following Reserve Matters and conditions.

RESERVE MATTERS

Planning Consent

Reserved Matter 1

Pursuant to Section 102 (3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval.

- *Final Civil & Drainage Site Plan including Adequate detention and retention volume and the required internal connections to satisfy the requirements outlined in DPF 1.1 – Stormwater Management Overlay.*

Note - Further conditions may be imposed on the Planning Consent in respect of the above matters.

ITEM 4.3

DEVELOPMENT APPLICATION – 24019447 – 255 GOODWOOD ROAD, KINGS PARK SA 5034

CONDITIONS

Planning Consent

Condition 1

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times to the satisfaction of Council.

Condition 3

All stormwater from the building and site shall be disposed of so as not to 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.

Condition 4

Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

Condition 5

Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

Condition 6

The establishment of all landscaping shall occur no later than the next available planting season after substantial completion of the development. Such landscaping shall be maintained in good health and condition to the reasonable satisfaction of Council at all times. Any dead or diseased plants or trees shall be replaced with a suitable species.

Condition 7

A watering system shall be installed at the time landscaping is established and thereafter maintained and operated so that all plants receive sufficient water to ensure their survival and growth.

Land Division Consent

Condition 8

A final certified survey plan shall be made available to Council prior to final clearance of the land division.

Conditions imposed by SPC Planning Services under Section 122 of the Act

Condition 9

A final plan complying with the requirements for plans set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Planning Commission for Land Division Certificate purposes.

Condition 10

ITEM 4.3

DEVELOPMENT APPLICATION – 24019447 – 255 GOODWOOD ROAD, KINGS PARK SA 5034

Payment of \$17,414.00 into the Planning and Development Fund (2 allotment/s @ \$8707.00/allotment). This payment will not become payable until the Certificate of Approval application under Section 138 has been lodged. At that time the Land Division Registration fee (currently \$1154.00), will also become payable. The total of the two fees must be paid in a single payment. Payment may be made via credit card (Visa or MasterCard) online at plan.sa.gov.au, over the phone on 7133 3028, or cheques may be made payable to the State Planning Commission, marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001

Conditions imposed by South Australian Water Corporation under Section 122 of the Act

Condition 11

This development is within a current Augmentation Charge area and SA Water Gazetted Augmentation charges shall be paid by the developer.

Condition 12

The builder/developer will need to determine and verify if the depth of the existing sewer connection(s) is suitable for the development.

Condition 13

If a connection/s off an existing main is required, the connection/s to your development will be a standard or a non-standard cost. This will be determined by an investigation where appropriate.

Condition 14

Please note for Torrens Title developments that it is the developers responsibility to ensure that all internal pipework, water and wastewater, is contained within the new allotment boundaries.

Condition 15

SA Water has water/wastewater network assets within close proximity to the location of this development.

An investigation, if required, will be undertaken following the provision of the development details to enable a servicing strategy to be provided. Augmentation infrastructure works may need to be undertaken by the Developer and/or SA Water to enable servicing of this development. SA Water may contribute to the cost of these works.

SA Water Gazetted Augmentation Charges, Connection and Extension Fees and Capacity Upgrade fees and charges shall be paid by the developer.

SA Water may contribute to any material upsizing requirements.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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

Advisory Note 2

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

ITEM 4.3

DEVELOPMENT APPLICATION – 24019447 – 255 GOODWOOD ROAD, KINGS PARK SA 5034

Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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.

Advisory Note 6

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.

Advisory Note 7

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.

Advisory Note 8

Numerous parts of the Council area have low lying water tables. Where there is sub-surface development occurring, groundwater can be encountered. Issues related to the disposal of this groundwater, either temporarily or permanently, can cause damage to surrounding Council infrastructure and cause problems for adjoining landowners. Where groundwater is encountered during the construction of the development, it will be necessary for measures to be taken to ensure the appropriate containment and disposal of any groundwater.

Advisory Note 9

The development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the *Environmental (Noise) Policy 2007*.

Advisory Note 10

Driveways Crossovers are Not to be constructed from concrete over the footpath area between the kerb to boundary. Driveways and boundary levels at fence line must be between 2% and 2.5% above kerb Height. Crossover not to exceed 2.5% or 1:40 cross fall gradient from boundary to kerb invert. If a driveway crossover or portion of a driveway crossover is no longer required due to the relocation of a new crossover or alteration to an existing crossover. The redundant driveway crossover or part of, is required to be closed and returned back to kerb and gutter, also raising the footpath level to match the existing paved footpath levels at either side of the crossover being closed.

Advisory Note 12

You are advised that it is an offence to undertake *tree damaging activity* in relation to a regulated or significant tree without the prior consent of Council. *Tree damaging activity* means:

- The killing or destruction of a tree; or

ITEM 4.3

DEVELOPMENT APPLICATION – 24019447 – 255 GOODWOOD ROAD, KINGS PARK SA 5034

- The removal of a tree; or
- The severing of branches, limbs, stems or trunk of a tree; or
- The ringbarking, topping or lopping of a tree; or
- Any other substantial damage to a tree, (including severing or damaging any roots), and includes any other act or activity that causes any of the foregoing to occur but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.

Advisory Note 13

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.

Land Division Consent

Advisory Notes imposed by SPC Planning Services under Section 122 of the Act

Advisory Note 14

Under Part 20A of the *Telecommunications Act 1997* (Cth), developers are required to install fibre-ready facilities (e.g. pit and pipe) in their developments, unless the development qualifies for an exemption. Developers can face penalties if they sell or lease building lots or units in new developments without fibre-ready facilities installed.

Under the Commonwealth's Telecommunications in New Developments Policy, developers are also expected to contract a telecommunications carrier (being any statutory infrastructure provider (SIP) or NBN Co as the default SIP) to provide services in their development. Carriers should install fixed-line network infrastructure in new developments, unless that is not commercially feasible, in which case they should use fixed-wireless or satellite technologies.

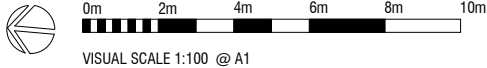
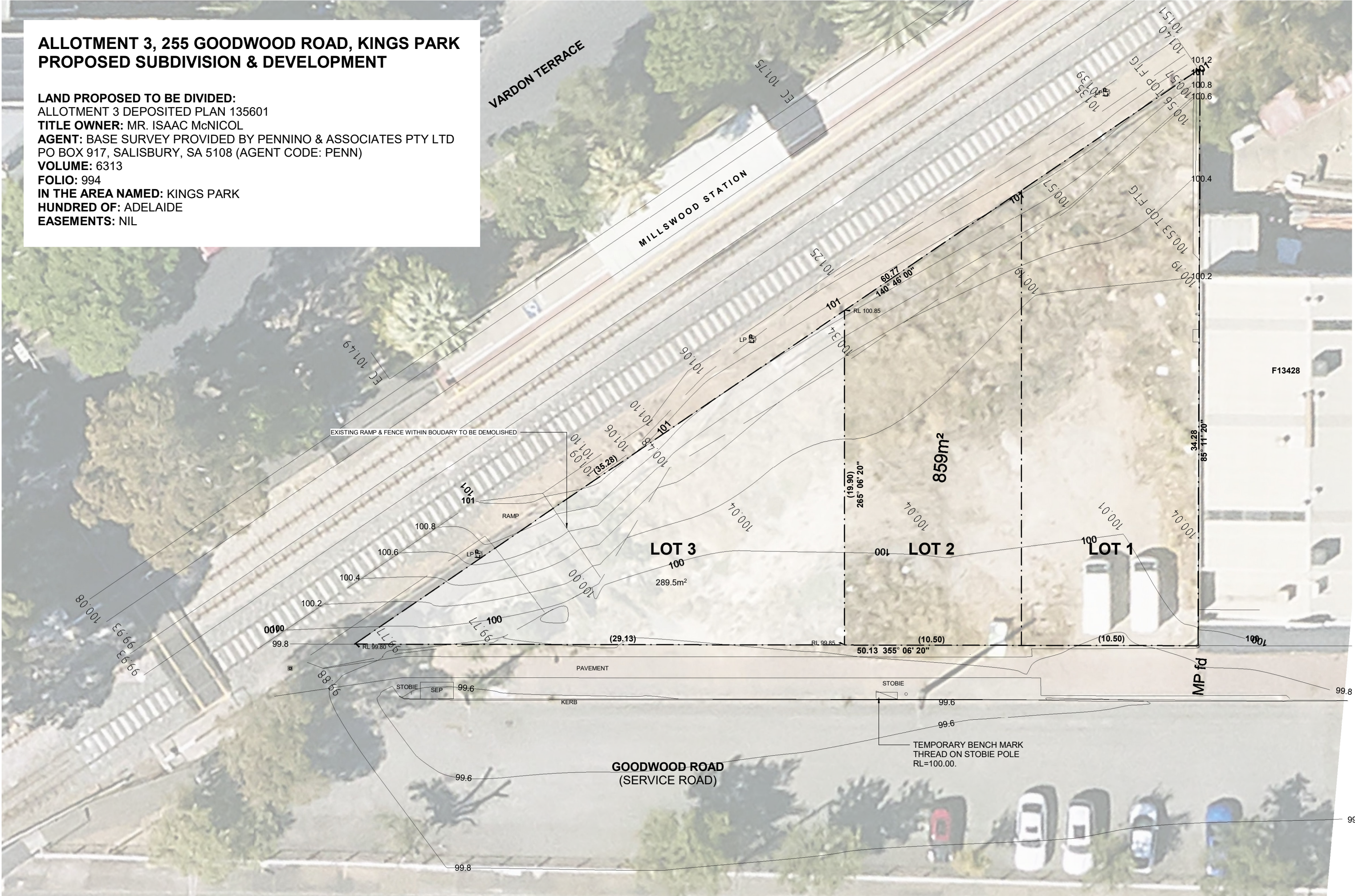
Further details of these requirements can be found at:

www.infrastructure.gov.au/departments/media/publications/telecommunications-new-developments

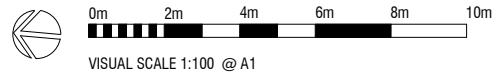
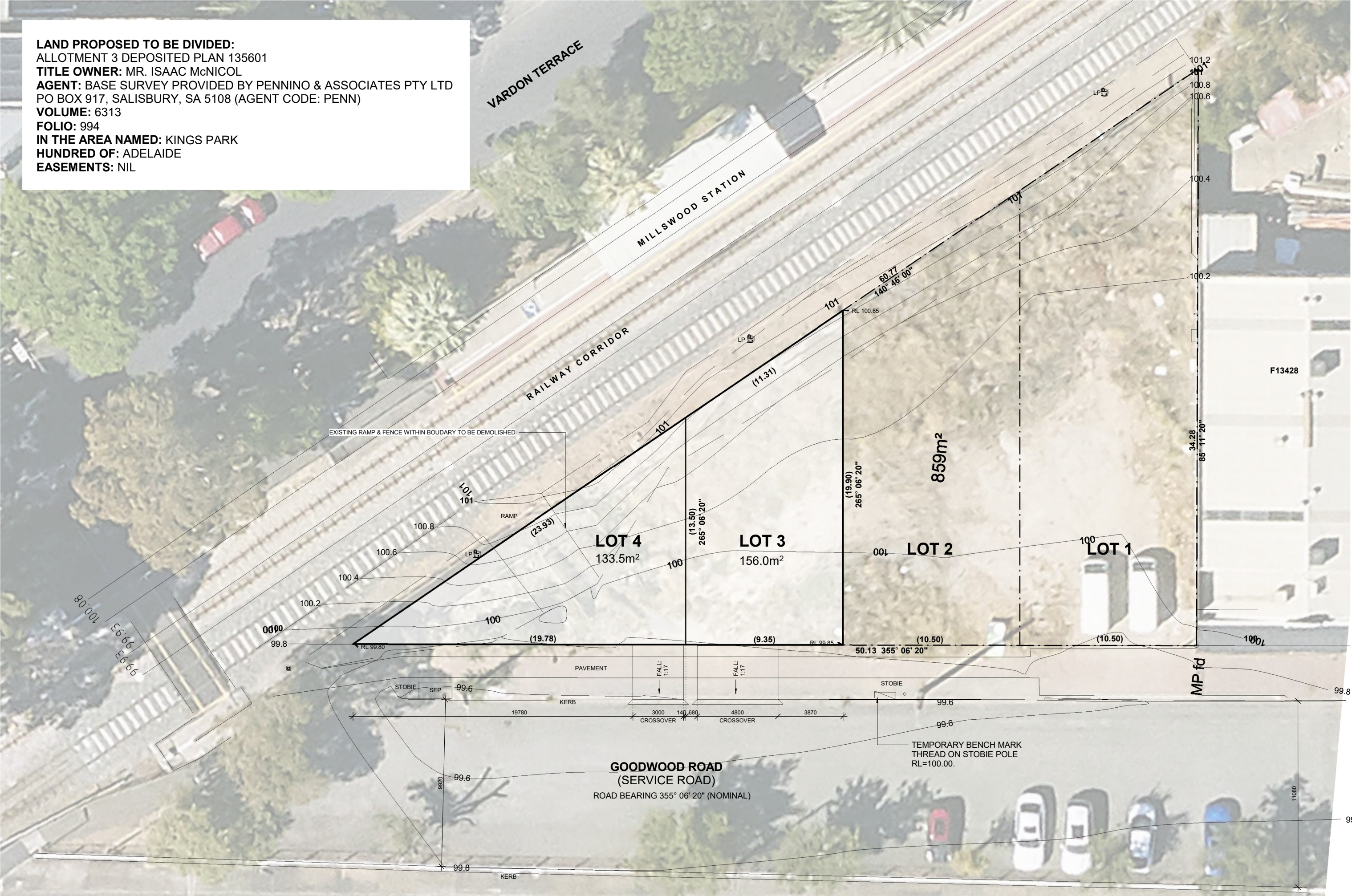
ATTACHMENT 1

ALLOTMENT 3, 255 GOODWOOD ROAD, KINGS PARK
PROPOSED SUBDIVISION & DEVELOPMENT

LAND PROPOSED TO BE DIVIDED:
ALLOTMENT 3 DEPOSITED PLAN 135601
TITLE OWNER: MR. ISAAC McNICOL
AGENT: BASE SURVEY PROVIDED BY PENNINO & ASSOCIATES PTY LTD
PO BOX 917, SALISBURY, SA 5108 (AGENT CODE: PENN)
VOLUME: 6313
FOLIO: 994
IN THE AREA NAMED: KINGS PARK
HUNDRED OF: ADELAIDE
EASEMENTS: NIL



LAND PROPOSED TO BE DIVIDED:
ALLOTMENT 3 DEPOSITED PLAN 135601
TITLE OWNER: MR. ISAAC McNICOL
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VOLUME: 6313
FOLIO: 994
IN THE AREA NAMED: KINGS PARK
HUNDRED OF: ADELAIDE
EASEMENTS: NIL



LEGEND

NG NATURAL GROUND
RW TOP OF RETAINING WALL
RL RELATIVE LEVEL

ROOF FALL DIRECTION

MAGNOLIA GRANDIFLORA

PRIVATE OPEN SPACE:

LOT 3 DWELLING :
25.8m² COURTYARD + 12.5m² BALCONY = 38.3m²

LOT 4 DWELLING:
21.18m² COURTYARD + 20.0m² SUN DECK = 41.18m²

PERCENTAGE OF SITE PERVIOUS TO WATER

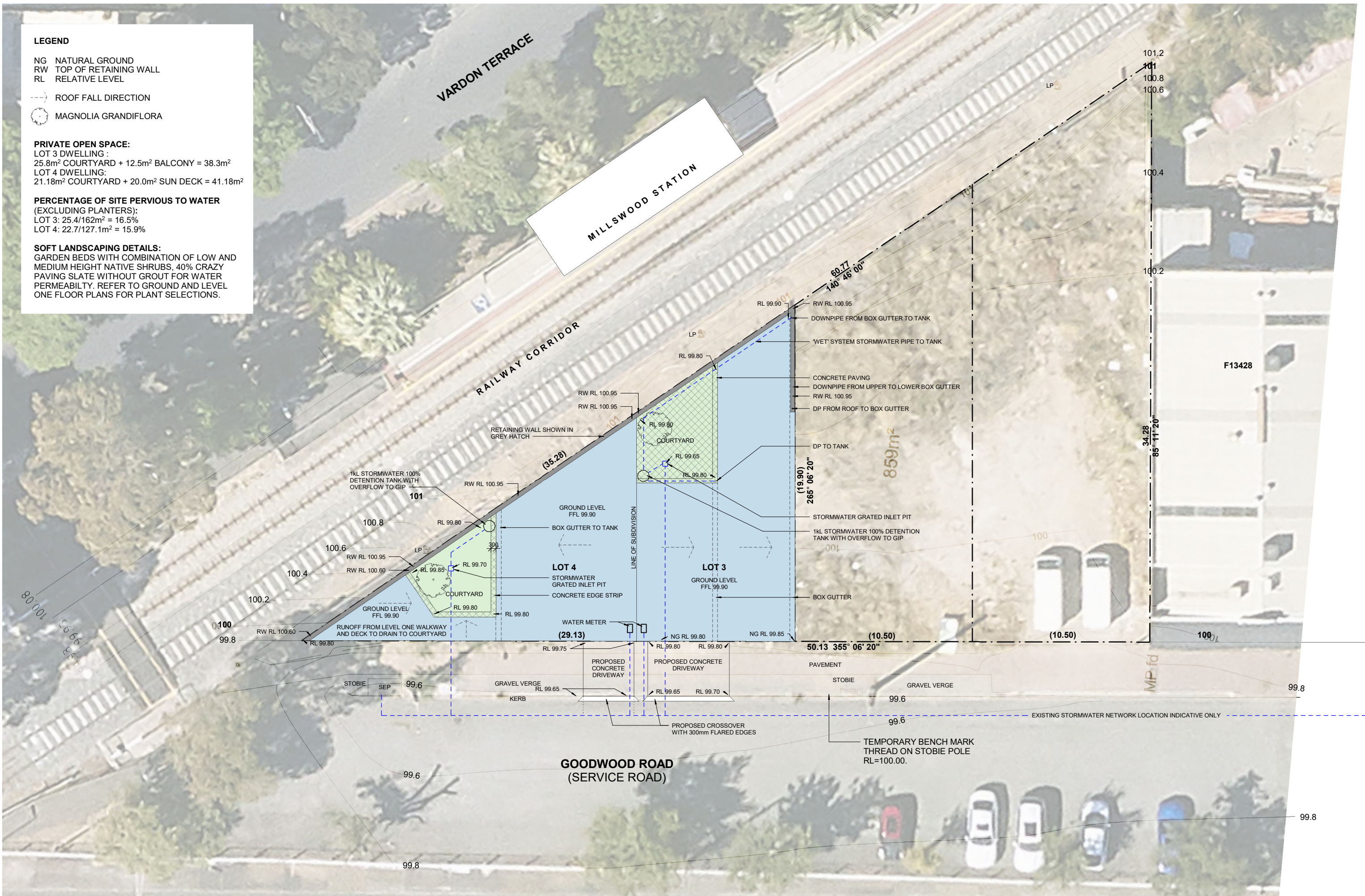
(EXCLUDING PLANTERS):

LOT 3: 25.4/162m² = 16.5%

LOT 4: 22.7/127.1m² = 15.9%

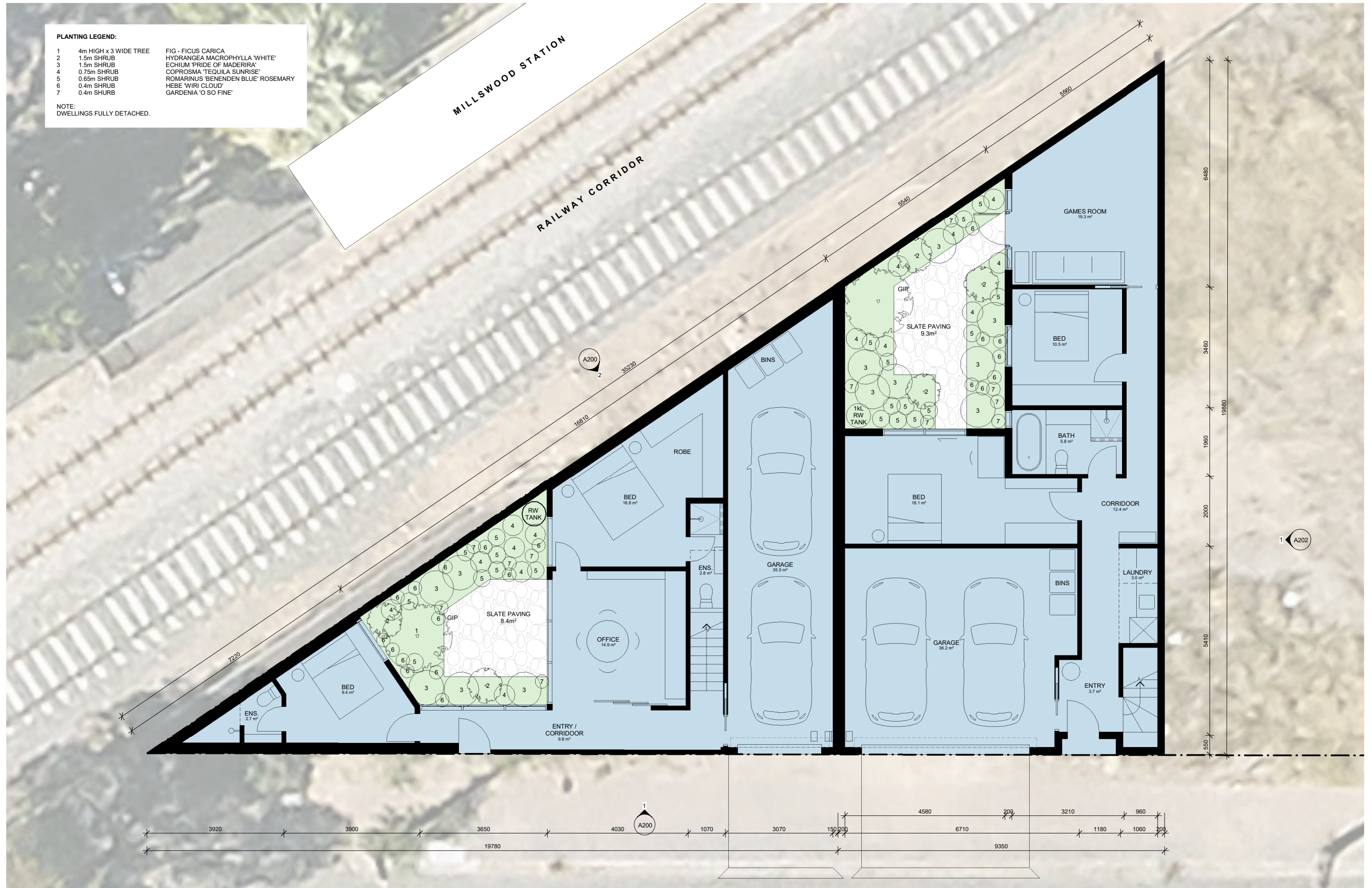
SOFT LANDSCAPING DETAILS:

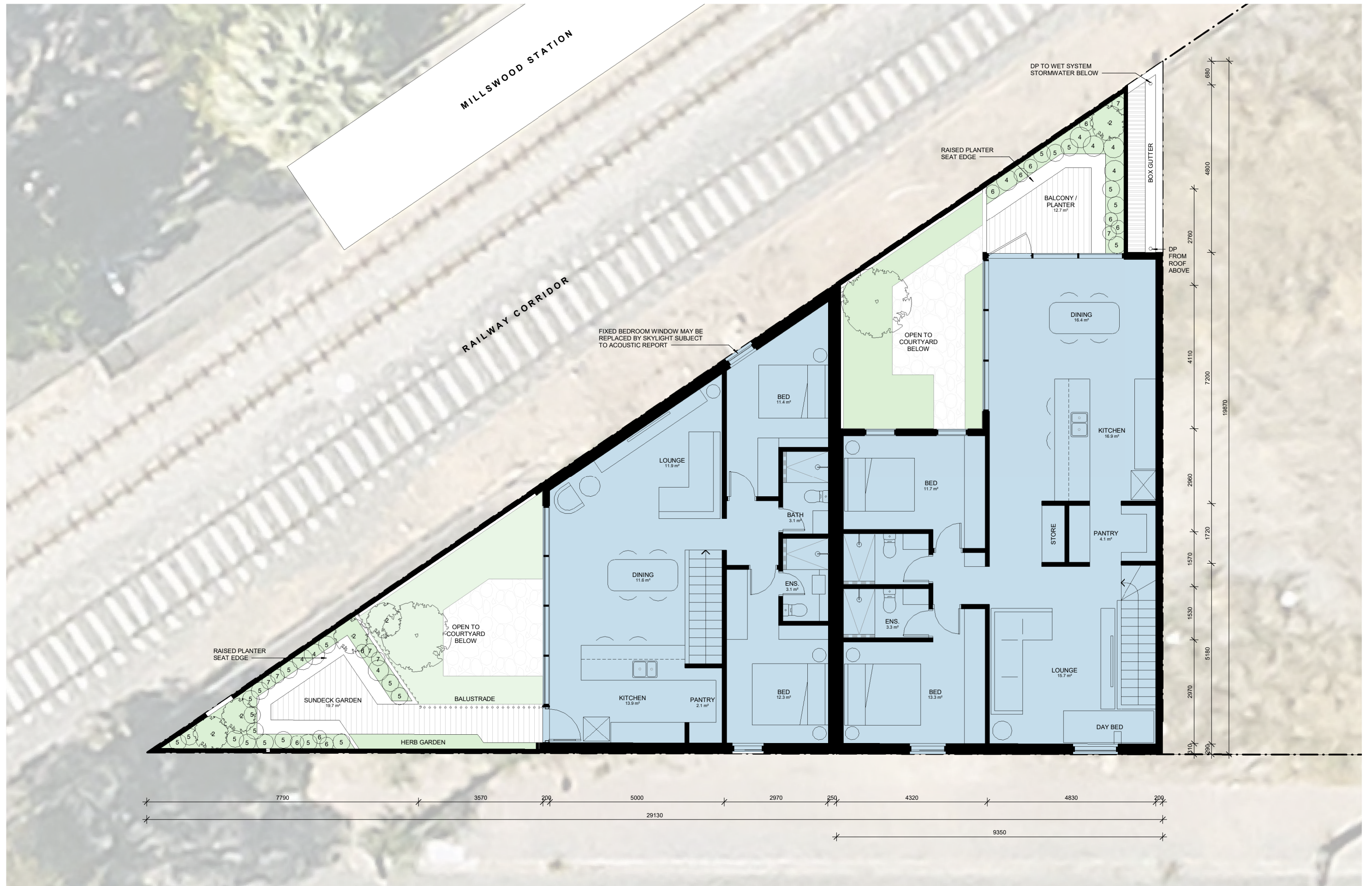
GARDEN BEDS WITH COMBINATION OF LOW AND MEDIUM HEIGHT NATIVE SHRUBS, 40% CRAZY PAVING SLATE WITHOUT GROUT FOR WATER PERMEABILITY. REFER TO GROUND AND LEVEL ONE FLOOR PLANS FOR PLANT SELECTIONS.



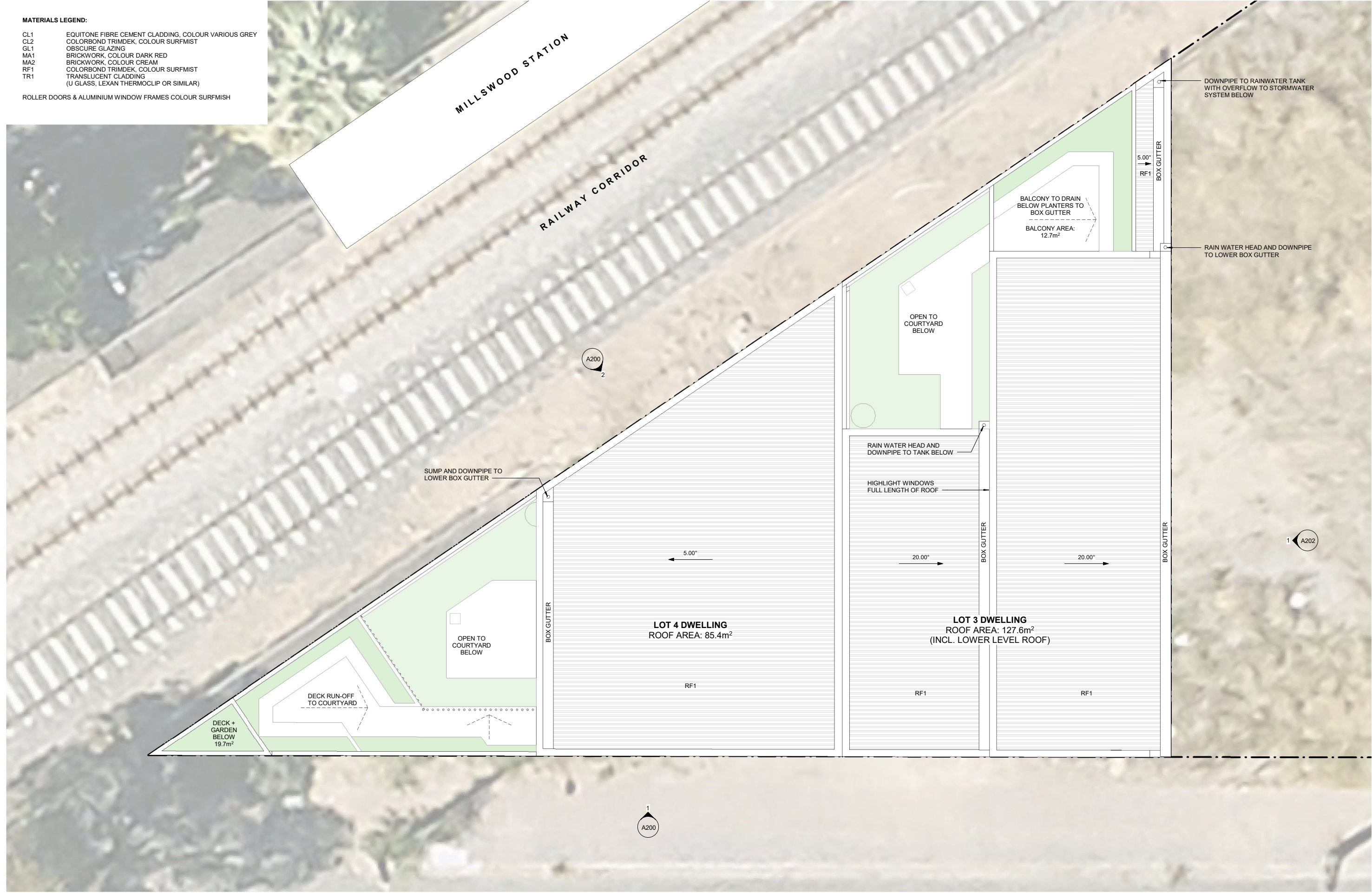
0m 2m 4m 6m 8m 10m

VISUAL SCALE 1:100 @ A1

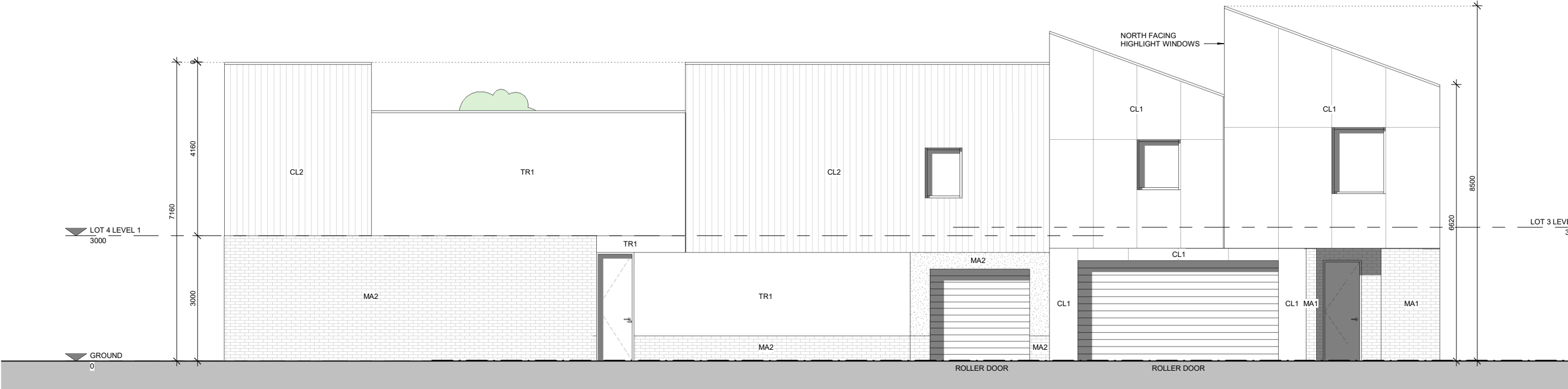




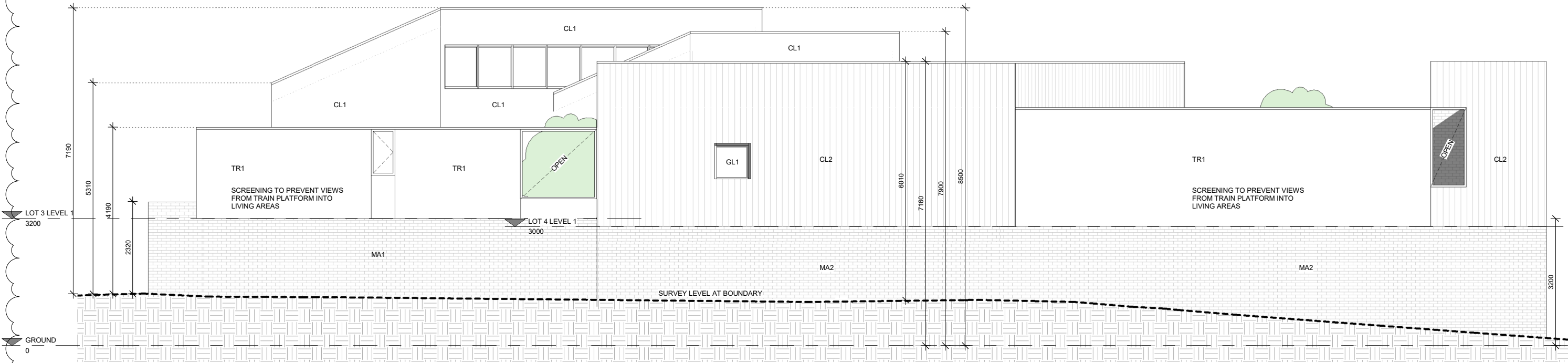
- MATERIALS LEGEND:**
- CL1 EQUITONE FIBRE CEMENT CLADDING, COLOUR VARIOUS GREY
 - CL2 COLORBOND TRIMDEK, COLOUR SURFMIST
 - GL1 OBSCURE GLAZING
 - MA1 BRICKWORK, COLOUR DARK RED
 - MA2 BRICKWORK, COLOUR CREAM
 - RF1 COLORBOND TRIMDEK, COLOUR SURFMIST
 - TR1 TRANSLUCENT CLADDING (U GLASS, LEXAN THERMOCLIP OR SIMILAR)
- ROLLER DOORS & ALUMINIUM WINDOW FRAMES COLOUR SURFMISH



- MATERIALS LEGEND:**
- CL1 EQUITONE FIBRE CEMENT CLADDING, COLOUR VARIOUS GREY
 - CL2 COLORBOND TRIMDEK, COLOUR SURFMIST
 - GL1 OBSCURE GLAZING
 - MA1 BRICKWORK, COLOUR DARK RED
 - MA2 BRICKWORK, COLOUR CREAM
 - RF1 COLORBOND TRIMDEK, COLOUR SURFMIST
 - TR1 TRANSLUCENT CLADDING (U GLASS, LEXAN THERMOCLIP OR SIMILAR)
- ROLLER DOORS & ALUMINIUM WINDOW FRAMES COLOUR SURFMISH



1 WEST ELEVATION
1 : 50

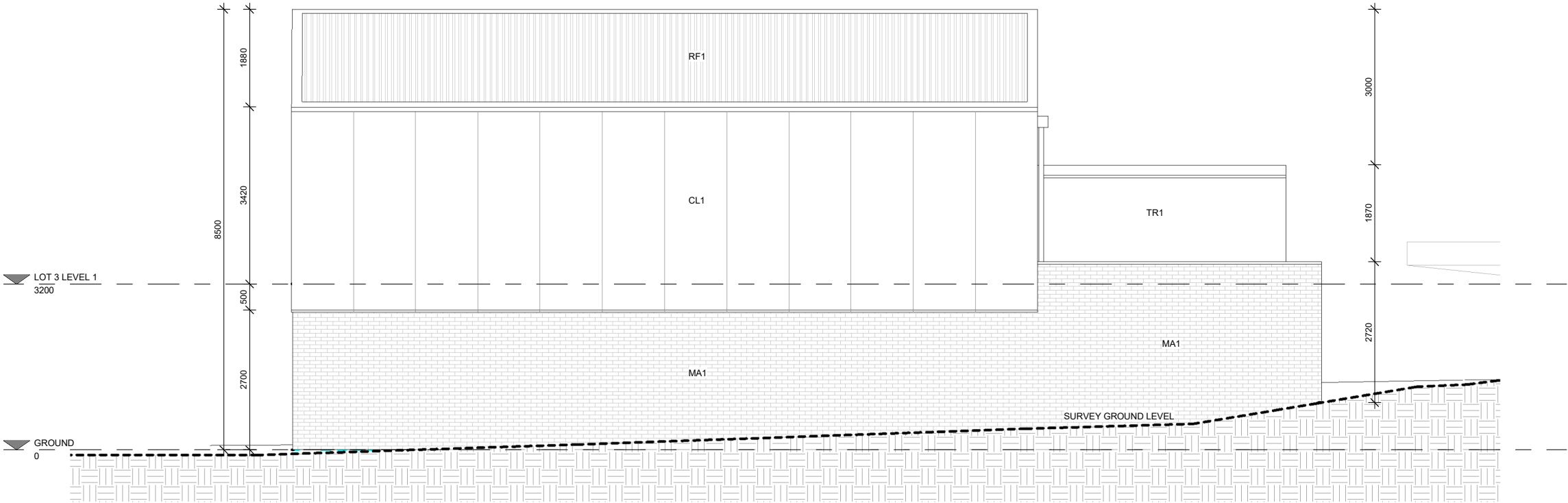


2 NORTH EAST ELEVATION
1 : 50



VISUAL SCALE 1:50 @ A1

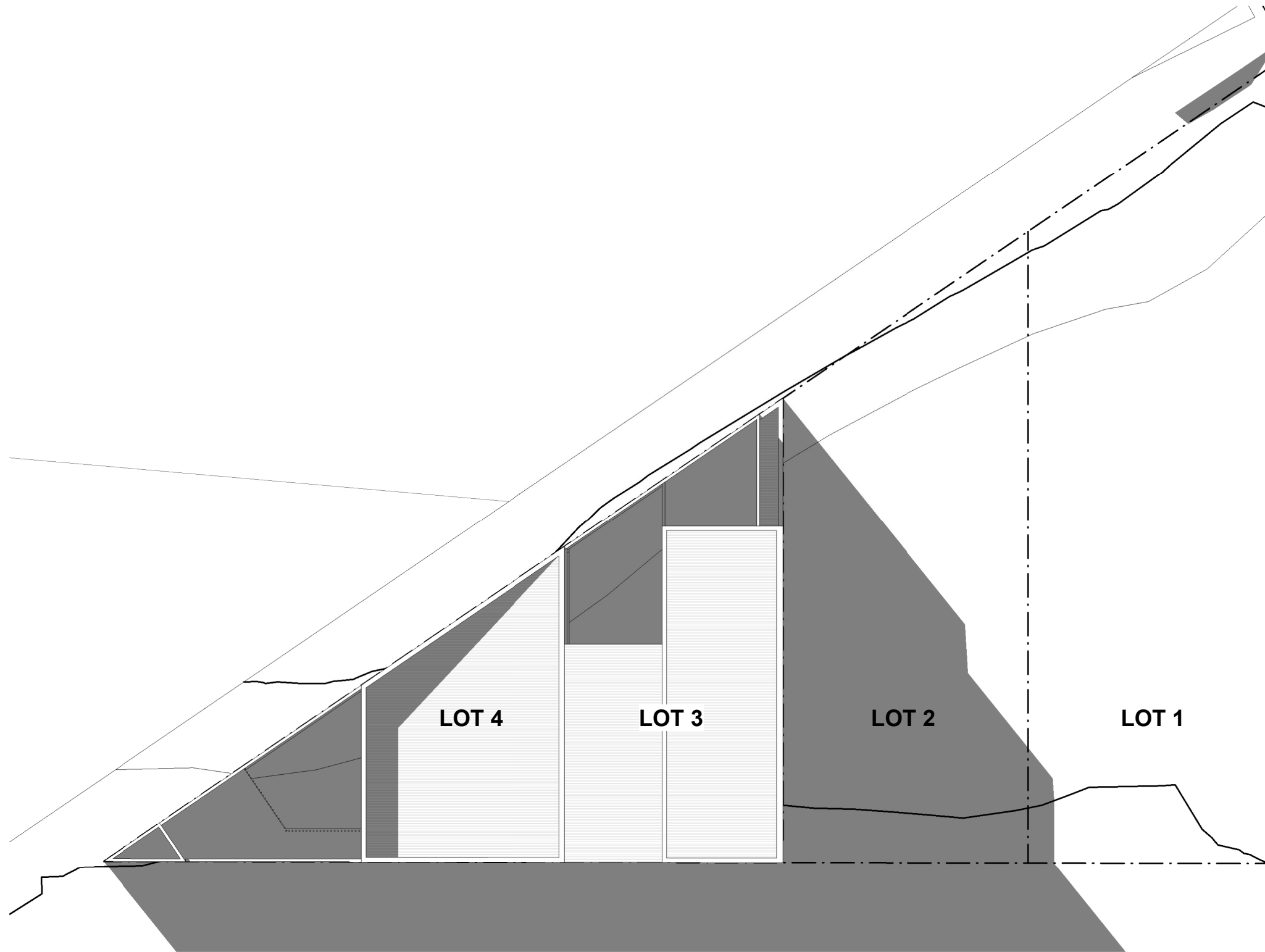
- MATERIALS LEGEND:**
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 - CL2 COLORBOND TRIMDEK, COLOUR SURFMIST
 - GL1 OBSCURE GLAZING
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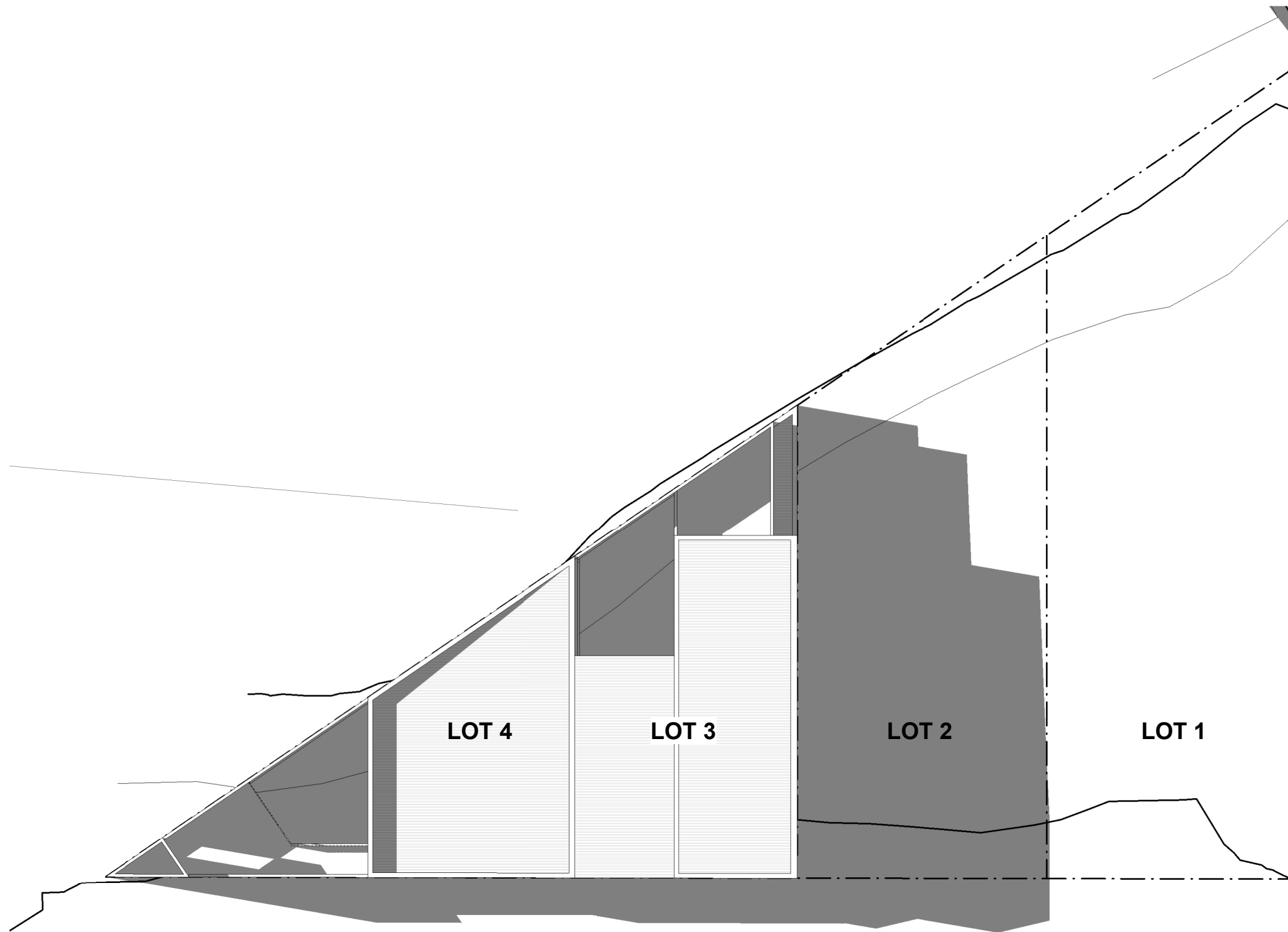


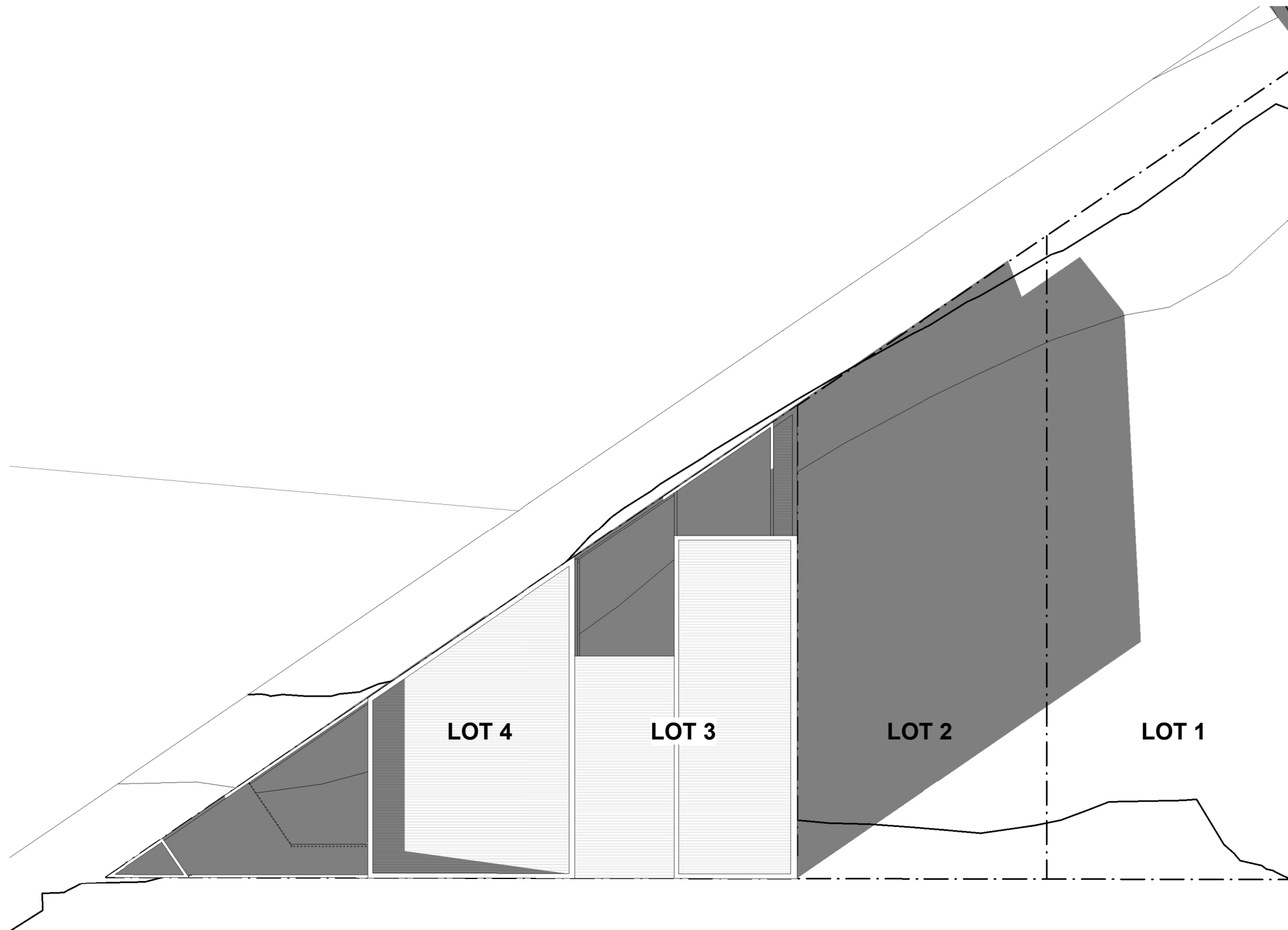
1 SOUTH ELEVATION
1 : 50

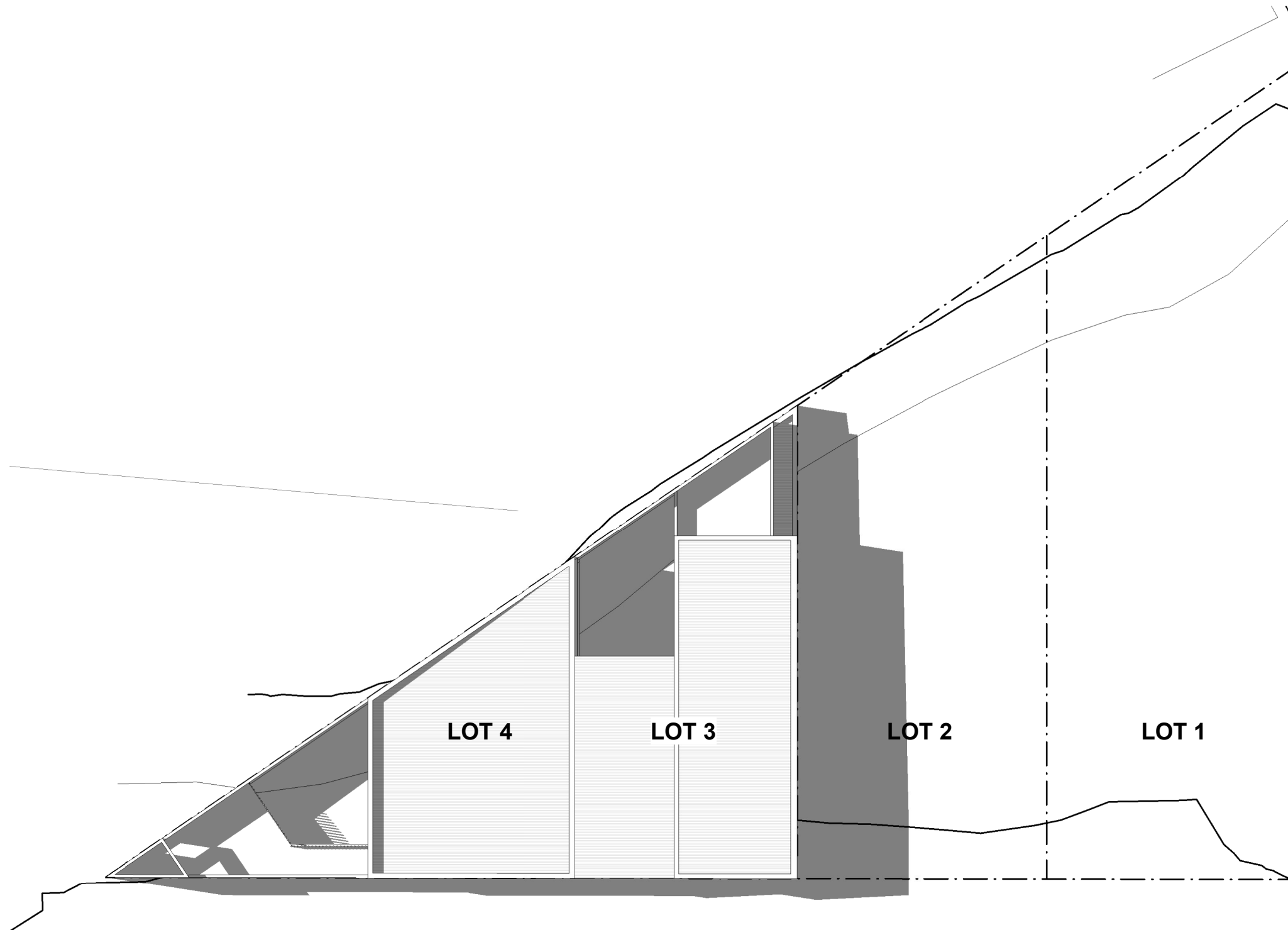


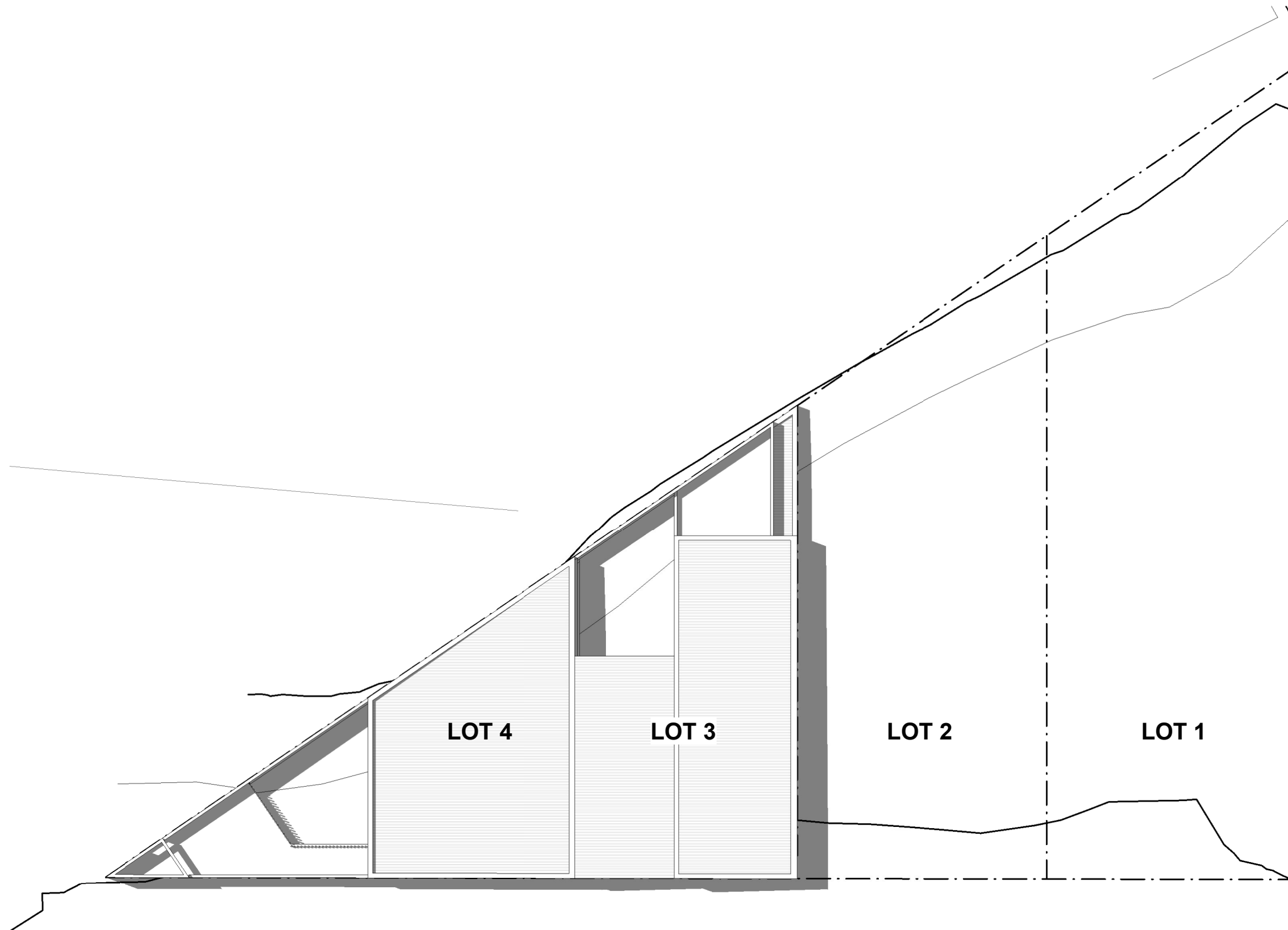
VISUAL SCALE 1:50 @ A1















ATTACHMENT 2

Details of Representations

Application Summary

Application ID	24019447
Proposal	Combined Application: Torrens Title Land Division creating one additional allotment (1 into 2) and construction of two (2) two storey detached dwellings
Location	255 GOODWOOD RD KINGS PARK SA 5034

Representations

Representor 1 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	25/07/2025 11:58 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons There is no consideration for the trees on this site, what is happening to them? Are two small exotic trees really enough to make up for what is about to be lost?	

Attached Documents

Representations

Representor 2 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	13/08/2025 10:20 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Refer attached.	

Attached Documents

Representation-13AUG25-1531153.pdf

August 13, 2025

Brenton Burman
Presiding Member
Assessment Panel
City of Unley

Via: PlanSA Portal

Dear Brenton,

APPLICATION ID 24019447 | 255 GOODWOOD ROAD, KINGS PARK

I write on behalf of [REDACTED] in relation to Application ID 24019447 (**Proposed Development**) at 255 Goodwood Road, Kings Park (**Subject Land**).

[REDACTED], which abuts the [REDACTED] of the Subject Land.

I note that the Subject Land is located within the Suburban Neighbourhood Zone (**SN Zone**).

[REDACTED] objects to the Proposed Development for the following reasons:

- PO 1.1 of the SN Zone seeks “*predominantly low density residential development*”, noting that “low density” is defined in the Planning and Design Code as “*less than 35 dwelling units per hectare*”. This equates to a minimum site area of 285.0 square metres. The Proposed Development seeks to create two allotments with site areas of 156.0 square metres and 133.5 square metres, and is therefore, not low density and does not satisfy PO 1.1 of the SN Zone. Further, the allotment sizes proposed are not compatible with the locality, as sought by PO 2.1 of the SN Zone.
- The Proposed Development has a building footprint that is not “*...consistent with the character and pattern of a low-density suburban neighbourhood*”, nor does it “*...provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation*”, as sought by PO 3.1 of the SN Zone. The Proposed Development is constructed to all boundaries of the Subject Land, but of most concern to [REDACTED], is the wall proposed to be constructed on the [REDACTED]. This boundary has a length of 19.88 metres and has a maximum height of 6.62 metres. This will have an immense visual impact and will significantly diminish access to light and ventilation to [REDACTED], which abuts the [REDACTED] of the Subject Land. This also at odds with POs 7.2 and 8.1 of the SN Zone, which seek:
 - PO 7.2** *Dwellings in a semi-detached, row or terrace arrangement maintain space between buildings consistent with a low density suburban streetscape character.*
 - PO 8.1** *Buildings are set back from side boundaries to provide:*
 - (a) *separation between buildings in a way that complements the character of the locality*
 - (b) *access to natural light and ventilation for neighbours.*

Further, the site coverage of the Proposed Development exceeds 50 percent, which does not satisfy DPF 3.1 of the SN Zone, and is another indication that the Proposed Development does not satisfy PO 3.1 of the SN Zone.

- The boundary walls of the Proposed Development do not satisfy PO 7.1 of the SN Zone, which shall be “...*limited in height and length to manage visual and overshadowing impacts on adjoining properties*”. It is noted that the corresponding DPF, namely DPF 7.1, calls for boundary walls to not exceed 3.0 metres in wall height and 11.5 metres in length (or a maximum 45 percent of the length of the boundary). The Proposed Development will, therefore, result in an unreasonable degree of visual and overshadowing impact to [REDACTED].

I confirm that [REDACTED] wishes to be heard in support of this representation at the Assessment Panel meeting.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely,

[REDACTED]

Michael Dickson
Associate Director

Representations

Representor 3 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	13/08/2025 10:23 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Refer attached.	

Attached Documents

Representation-13AUG26-1531155.pdf

August 13, 2025

Brenton Burman
Presiding Member
Assessment Panel
City of Unley

Via: PlanSA Portal

Dear Brenton,

APPLICATION ID 24019447 | 255 GOODWOOD ROAD, KINGS PARK

I write on behalf of [REDACTED] in relation to Application ID 24019447 (**Proposed Development**) at 255 Goodwood Road, Kings Park (**Subject Land**).

[REDACTED], which abuts the [REDACTED] of the Subject Land.

I note that the Subject Land is located within the Suburban Neighbourhood Zone (**SN Zone**).

[REDACTED] objects to the Proposed Development for the following reasons:

- PO 1.1 of the SN Zone seeks “*predominantly low density residential development*”, noting that “low density” is defined in the Planning and Design Code as “*less than 35 dwelling units per hectare*”. This equates to a minimum site area of 285.0 square metres. The Proposed Development seeks to create two allotments with site areas of 156.0 square metres and 133.5 square metres, and is therefore, not low density and does not satisfy PO 1.1 of the SN Zone. Further, the allotment sizes proposed are not compatible with the locality, as sought by PO 2.1 of the SN Zone.
- The Proposed Development has a building footprint that is not “*...consistent with the character and pattern of a low-density suburban neighbourhood*”, nor does it “*...provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation*”, as sought by PO 3.1 of the SN Zone. The Proposed Development is constructed to all boundaries of the Subject Land, but of most concern to [REDACTED], is the wall proposed to be constructed on the [REDACTED]. This boundary has a length of 19.88 metres and has a maximum height of 6.62 metres. This will have an immense visual impact and will significantly diminish access to light and ventilation to [REDACTED], which abuts the [REDACTED] of the Subject Land. This also at odds with POs 7.2 and 8.1 of the SN Zone, which seek:
 - PO 7.2** *Dwellings in a semi-detached, row or terrace arrangement maintain space between buildings consistent with a low density suburban streetscape character.*
 - PO 8.1** *Buildings are set back from side boundaries to provide:*
 - (a) *separation between buildings in a way that complements the character of the locality*
 - (b) *access to natural light and ventilation for neighbours.*

Further, the site coverage of the Proposed Development exceeds 50 percent, which does not satisfy DPF 3.1 of the SN Zone, and is another indication that the Proposed Development does not satisfy PO 3.1 of the SN Zone.

- The boundary walls of the Proposed Development do not satisfy PO 7.1 of the SN Zone, which shall be “...*limited in height and length to manage visual and overshadowing impacts on adjoining properties*”. It is noted that the corresponding DPF, namely DPF 7.1, calls for boundary walls to not exceed 3.0 metres in wall height and 11.5 metres in length (or a maximum 45 percent of the length of the boundary). The Proposed Development will, therefore, result in an unreasonable degree of visual and overshadowing impact to [REDACTED].

I confirm that [REDACTED] wishes to be heard in support of this representation at the Assessment Panel meeting.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely,

A solid black rectangular box used to redact the signature of Michael Dickson.

Michael Dickson
Associate Director



11 Sir Donald Bradman Drive
Keswick Terminal, SA 5035
PO Box 10343 Gouger Street
Adelaide, SA 5000

P. 08 8217 4366
F. 08 8217 4578
E. info@artc.com.au
W. artc.com.au

August 15, 2025

City of Unley
181 Unley Road
Unley SA 5061

To whom it may concern,

RE – Development Application – 24019447 – 255 Goodwood Road, Kings Park SA 5034

Thank you for the opportunity to comment on this development application adjacent to the ARTC land (rail corridor land). ARTC has no issue with the development, however we take the opportunity to advise our requirements 1) to your agency for assisting in reaching a decision on the application and 2) as information for the applicant in developing the site, should approval be granted.

1.0 GENERAL REQUIREMENTS:

1.1 Title:

Applicant to ensure property Title and survey searches are undertaken to clearly identify the property boundary between the development and the rail land. No part of the development shall encroach onto the rail land, or any right of way granted in favour of ARTC.

1.2 Access:

Applicant is required to contact ARTC if any access onto the rail land is required in order to perform work on the development and **must not enter onto the rail land without written approval** from ARTC and compliance with all requirements set by ARTC.

1.3 Adjacent Works:

The applicant **must** also prevent any item of plant from escaping or entering onto the rail land or in any other way interfere with ARTC infrastructure or rail operations.

1.4 Drainage:

No stormwater run-off is to be directed to or be allowed to disperse onto the rail land.

1.5 Setbacks and Lighting:

The placement of buildings and structures and lighting on the adjoining land should not interfere with the sighting of railway signals or level crossings.

1.6 Fencing:



11 Sir Donald Bradman Drive
Kewick Terminal, SA 5035
PO Box 10343 Gouger Street
Adelaide, SA 5000

P. 08 8217 4366
F. 08 8217 4578
E. info@artc.com.au
W. artc.com.au

Any fencing is the responsibility of applicant. ARTC is not obliged to contribute to the erection or maintenance of boundary fencing under section 15 of the Railways (Operations and Access) Act 1997. If the development involves livestock, suitable fencing must be installed to prevent animals straying onto the rail land.

1.7 Noise and Vibration:

The applicant should give consideration to rail noise and vibration as this may affect the perceptions of prospective persons seeking residential amenity. ARTC, as the track owner, and the various above-rail operators will comply with all legal requirements of their specific EPA Licence terms and conditions regarding noise and vibration, if applicable.

Whilst the proposal does not at this stage appear close to ARTC, it is important to consider the Guidelines for the Assessment of Noise from Rail Infrastructure (SA EPA, April 2013), in addition to the Noise and Air Emissions Overlay and SA8, with new noise sensitive developments neighbouring existing active railway lines. Section 1.3.4 of the Guideline requires that noise and vibration must be predicted and considered in the design of noise sensitive developments proposed within 180m of a railway line.

ARTC further advises that mainline railtrack and the adjacent passing loop form part of the key interstate freight route and an average of 20 services per day currently pass by this location. The Australasian Railway Association's article titled Freight on Rail forecasts that there will be a doubling of the land freight movements by 2020 and a tripling of the movements by 2050.

ARTC recommend that any assessments of rail noise impacts take into consideration both current and future rail traffic. ARTC and its rail industry partners operate vital interstate and intrastate rail operations and must be able to conduct normal business and to grow the business.

1.8 Increased traffic/ traffic issues at adjacent level crossings (e.g. queuing):

N/A

1.9 Upcoming rail projects:

N/A

2.0 SITE SPECIFIC REQUIREMENTS:

2.1 N/A

3.0 FURTHER EXPLANATION & MITIGATION STRATEGIES:

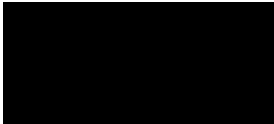
N/A



11 Sir Donald Bradman Drive
Keswick Terminal, SA 5035
PO Box 10343 Gouger Street
Adelaide, SA 5000

P. 08 8217 4366
F. 08 8217 4578
E. info@artc.com.au
W. artc.com.au

Yours sincerely



Casey Scaife
Senior Property Advisor

—

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ATTACHMENT 3

9 September 2025

Amelia De Ruvo
City of Unley
via: PlanSA Portal

Our Ref: 54681LET01

Dear Amelia

Re: Application ID 24019447 - Response to Representations

MasterPlan provide this response on behalf of our client Isaac McNichol (the ‘applicant’) in relation to Development Application 24019447 for a Torrens Title land division creating one (1) additional allotment and the construction of two (2), 2-storey detached dwellings located at Lot 3, 255 Goodwood Road, Kings Park (the ‘subject land’).

We understand that as a result of the notification period three (3) representations were submitted in opposition to the proposed development, two (2) of which wish to be heard by Council’s Assessment Panel. The concerns raised by the representors are summarised as follows:

- The proposed landscaping does not adequately account for the existing tress on-site that will be removed;
- The proposed development will result in two (2) allotments that are not low density and not compatible with the locality (Suburban Neighbourhood Zone, Performance Outcomes (PO) 1.1 and 2.1);
- The proposed development has a building footprint that is incompatible with Suburban Neighbourhood Zone, PO 3.1 and will result in a site coverage exceeding 50 percent;
- The proposed development includes boundary walls which will have an immense visual impact and will diminish access to light and ventilation to the land abutting the southern site boundary (Suburban Neighbourhood Zone, PO 7.2 and 8.1).; and
- The proposed development will result in unreasonable visual and overshadowing impact to the land abutting the southern site boundary (Suburban Neighbourhood Zone, PO 3.1).

We have reviewed the proposed development and the comments received by representor’s and provide our response **below**.



Trees/Landscaping

With regard to existing vegetation, a site visit undertaken on 1 September 2025 reveals that the subject land is relatively devoid of vegetation, with the exception of a cluster of tree plantings within the northern-most apex of the land (**Figures 1 and 2**).



Figure 1: Existing Landscaping (Proposed Lot 4)



Figure 2: Existing Landscaping (Proposed Lot 4)

We note that the trees are not Regulated or Significant under Schedule 3F of the Planning, Development and Infrastructure (General) Regulations 2017 and thereby do not require development approval for their removal.

The trees and shrubs on the land are of low height (under 4 metres) and as such do not contribute to the urban tree canopy. The landscaping is localised in its impact and does not provide any significant benefit to the streetscape character and locality. The existing landscaping has minimal visibility, if any, from the adjacent road which represents an underpass below the trainline; and, has minimal visibility from the Millswood Train Station due to the fall of the land. The landscaping does not form any remarkable visual element either by individual elements or as a cluster, arguably the existing landscaping is *ad hoc* and unkept in its appearance.



The proposed development provides a landscaped private open space area which is functional and provides suitable residential amenity for future occupants. The proposed landscaping within the private open space incorporates a mixture of lawn, ground covers, shrubs and canopy trees. The subject site and locality generally will benefit from the generous extent of landscaping associated with the proposed dwellings.

Residential Density

The subject land is located within the Suburban Neighbourhood Zone which has a desired outcome of:

“Low density housing [that] is consistent with the existing local context and development pattern. Services and community facilities contribute to making the neighbourhood a convenient place to live without compromising residential amenity and character”.

This is further supported in Planning and Design Code (P&D Code), Performance Outcome (PO) 1.1, which seeks:

Suburban Neighbourhood Zone	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 Predominantly low density residential development with complementary non-residential uses compatible with a low density residential character.	DTS/DPF 1.1 Development comprises one or more of the following: (a) Ancillary accommodation (b) Child care facility (c) Community facility (d) Consulting room (e) Dwelling (f) Educational facility (g) Office (h) Place of Worship (i) Recreation area (j) Shop (k) Supported accommodation.



Further to this, Part 8 – Administrative Terms and Definitions of the P&D Code defines ‘low net residential density’ as being less than 35 dwelling units per hectare which equates to maximum lot sizes of 350 square meters (m²).

Importantly, in referencing low density, the Desired Outcome provides a strong assessment focus on the contextual circumstances, which is to be ‘*consistent with the existing local context and development pattern*’ and PO 1.1 anticipates higher densities in certain circumstances and localities given it envisages ‘predominantly low density’. The zone contemplates densities greater than low density, with the local context representing a crucial assessment factor.

To this end, the subject site sits within a very unique locality with surrounding characteristics.

The subject land, in addition to the two (2) adjoining allotments to the south, are isolated in their locality due to zone boundaries and external environmental factors. These four (4) allotments are within the Suburban Neighbourhood Zone, however adjoin the General Neighbourhood Zone to the south and Established Neighbourhood Zone to the north, east and west (**Figure 3**). In addition, the site is located directly opposite Millswood train station, providing a convenient public transport option for future residents, representing an ideal location for higher density transport oriented residential development.



Figure 3: Zone Plan



The subject land and two (2) allotments to the south are bounded by the railway line to the east, underpass to the west and existing commercial development to the south. The allotments contained within this confined locality are irregularly shaped due to the external environmental constraints of the underpass and railway line. We note that the closest residential allotments are located 35 metres to the east, 46 metres to the west and 28 metres to the south, and are separated by the road or rail lines.

In consideration of the above, there are no clearly defined residential allotment pattern within the locality. The sites are constrained by external environmental elements and are separated from the residential development within the broader locality.

The unique local characteristics appear to be contemplated within the unique density policy for the site, as demonstrated in the following:

Suburban Neighbourhood Zone	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Site Dimension and Land Division	
PO 2.1 Allotments/sites created for residential purposes are of suitable size and dimension and are compatible with the housing pattern consistent to the locality.	DTS/DPF 2.1 Development will not result in more than 1 dwelling on an existing allotment or Allotments/sites for residential purposes accord with the following: (a) site areas (or allotment areas in the case of land division) are not less than the following (average site area per dwelling, including common areas, applies for group dwellings or dwellings within a residential flat building): (b) site frontages (or allotment frontage in the case of land division) are not less than: In relation to DTS/DPF 2.1, in instances where: (c) more than one value is returned in the same field, refer to the Minimum Frontage Technical and Numeric Variation layer or Minimum Site Area Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development (d) no value is returned in (a) or (b) (i.e. there is a blank field or the relevant dwelling type is not listed), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.



The density field within DTS/DPF 2.1 remains blank, ensuring that ‘*none are applicable*’. We note that this is not the case for the allotments within the Suburban Zone 70 metres to the south of the site (beyond the General Neighbourhood Zone). These allotments are provided with minimum site area provisions of 350 square metres in DTS/DPF 2.1, demonstrating the Zone’s intention for greater density flexibility for the subject site.

The relevant PO 2.1 represents the ultimate assessment test regarding density, which also requires a ‘compatibility’ and contextual assessment to be undertaken. For the reasons discussed above, the allotments are considered to be of a suitable size and dimension within the unique locality, which is further advanced by the close proximity of the Millswood Train Station.

Building Footprint

The proposed development seeks to maximise the building potential of the land, which is not uncommon for smaller, constrained or irregular shaped allotments. With regard to building footprint, Suburban Neighbourhood Zone PO 3.1 seeks:

Suburban Neighbourhood Zone	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Site Coverage	
PO 3.1 Building footprints consistent with the character and pattern of a low-density suburban neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.	DTS/DPF 3.1 The development does not result in site coverage exceeding 50%.

As discussed under ‘Residential Density’, there is no clear and distinct residential character or pattern within the locality. The greatest character influence on the subject site is provided by the commercial buildings within the General Neighbourhood Zone to the south. We note that these have a frontage to Goodwood Road and are built to the front property boundary and to each side boundaries. The proposed development is consistent in this approach with all open space, ventilation and residential amenity orientated internally and to the rear of the site.



The proposed dwellings will be built to the front boundary with garage and pedestrian entry facing Goodwood Road as the primary frontage. Upper-level habitable rooms will incorporate windows facing the street to allow for passive surveillance. The existing streetscape is not residential in nature, does not incorporate a vegetated road verge and the proposed dwellings will be sited directly opposite a carpark. As such, there is no existing residential streetscape character and little benefit to future occupants in maintaining a setback from the street. Visual impact is minimised, or rather inconsequential, as the subject land adjoins the Goodwood Road underpass.

With regard to setbacks from side boundaries, the boundary between the proposed dwellings adjoins the ground floor parking spaces. The northern boundary for proposed Lot 4 is at the apex of the site, which is triangular in shape, and has no adjoining dwelling to the north. A setback from this boundary would provide no benefit.

The proposed dwelling on Lot 3 will be located on the southern site boundary. The boundary wall will extend for a distance of 13.38 metres at a height ranging from 6.62 metres towards the front of the site to 5.6 metres towards the rear of the site. The boundary wall will then continue for the remaining 6.48 metres of the southern boundary at a height of 2.61 metres.

The variation in height is a result of the topography of the land, whereby cut will be required to create a consistent bench level for construction. When a dwelling is ultimately constructed on the adjoining vacant allotment to the south, there is an opportunity for the dwelling to be designed sympathetically, continuing the boundary development characteristics displayed by the commercial development to the south. The boundary-to-boundary development is consistent with the 'character and pattern' experienced within the unique locality.

With regard to ventilation, residential amenity, access to light and attractive outlook, the proposed dwellings will be orientated internal to the site with living areas orientated towards an internal courtyard. The proposed dwelling for Lot 4 includes a courtyard of some 20m² with a minimum dimension of 3.5 metres. The ground floor bedrooms and office have direct outlook to this space. The upper-level will provide outlook to open space areas of some 40m² (including the ground floor courtyard) from the open plan kitchen, dining and lounge rooms. This open space and the living areas are orientated north where possible to maximise access to winter sunlight. The proposed dwelling for Lot 3 includes a courtyard of some 25m² at ground level with outlook from the bedrooms and games room. The upper-level will outlook over some 42m² (including the ground floor courtyard) from the internal kitchen, dining area and one (1) of the bedrooms (the other bedroom has an outlook to the west).

Given the site constraints, the proposed dwellings provide suitable residential amenity, ventilation, outlook and access to light for future occupiers of the dwelling and as such are consistent with the intentions of PO 3.1 of the Suburban Neighbourhood Zone. The design will also not unreasonably restrict this from being achieved by a future dwelling on the adjacent allotment to the south.



We note that the representations reference Suburban Neighbourhood Zone PO 7.2, however this performance outcome is not relevant to the proposed development as the dwellings will not be of a semi-detached, row or terrace arrangement.

Overshadowing

As previously discussed, the proposed development will incorporate a boundary wall of varying heights along the extent of the southern site boundary. With regard to potential overshadowing impacts on adjoining properties, the following P&D Code policies are relevant:

Suburban Neighbourhood	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Boundary Walls	
PO 7.1 Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.	DTS/DPF 7.1 Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below: (a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height (b) side boundary walls do not: (i) Exceed 3m in wall height (ii) exceed 11.5m in length (iii) when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary (iv) encroach within 3 metres of any other existing or proposed boundary walls on the subject land.
Side Boundary Setbacks	
PO 8.1 Buildings are set back from side boundaries to provide: (a) separation between buildings in a way that complements the character of the locality (b) access to natural light and ventilation for neighbours.	DTS/DPF 8.1 Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following: (a) where the wall height does not exceed 3m - at least 900mm (b) for a wall that is not south facing and the wall height exceeds 3m - at least 900mm from the boundary of the



Suburban Neighbourhood	
	site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings (c) for a wall that is south facing and the wall height exceeds 3m - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.

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



Interface between Land Uses	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
(b) the orientation of the solar energy facilities the extent to which the solar energy facilities	
(c) the extent to which the solar energy facilities are already overshadowed.	

The subject land and adjoining allotments to the south, appear to have been vacant since at least the year 2000.

Without an existing dwelling on the southern allotment, it is difficult to access impact to habitable room windows and private open space; however, the **attached** overshadowing diagrams provide some guidance.

With regard to north facing habitable room windows, we note that ground floor windows within the northern half of the allotment will likely be affected by shadow to some degree whereby windows within the western half of the allotment would receive shadow between 9.00 am and 12.00 pm, and windows within the eastern half of the allotment would receive shadow between 12.00 pm and 3.00 pm during the winter solstice. Notwithstanding, depending upon the exact location, north facing windows will receive at least 2 hours of sunlight during the winter solstice. We note that upper-level north facing windows would not be materially impacted by shadow, nor would solar panels mounted to a 2-storey dwelling.

With regard to private open space which would typically be sited at the rear of the site, we note that the adjoining allotment is approximately 8 metres deeper and as such consists of an area of approximately 36m² that extends beyond the boundaries of the subject land. The western half of the adjoining allotment will receive shadow between 9.00 am and 12.00 pm, during which time the eastern portion of the allotment will receive at least 2 hours of sunlight. The eastern half of the land will be partially shaded from 12.00 pm to 3.00 pm, however will receive at least 2 hours of sunlight between 9.00 am and 12.00 pm.

In consideration of the above, the proposed dwellings would not result in unreasonable overshadowing of a future dwelling on the adjoining southern allotment. North facing windows at ground level would receive at least 2 hours of sunlight during the winter solstice. In addition, there is adequate land at the rear of the site (approximately 80m²) that can accommodate north facing private open space that will receive at least 2 hours of sunlight during the winter solstice.



Regarding overshadowing and the reasonable anticipation of buildings being constructed along a southern boundary, we note that PO 8.1 speaks to side boundary setbacks which '*complement the character of the locality*'. The localities unique character influence of the boundary-to-boundary commercial buildings to the south provide a context for the expectation of boundary development on the subject site. The proposal '*complements the character*'. The resulting overshadowing impacts are reasonable in that context.

Closure

In summary, we provide that the subject land is unique, in that it is constrained by its external environment, is separated from other residential development within the broader locality, and together with the two (2) adjoining allotments to the south, forms its own locality. We consider the density proposed is appropriate given the sites proximity to the Millswood Train Station, particularly given that this density will have negligible impact on the surrounding environment. Notably, there is no minimum site area identified in DTS/DPF 2.1.

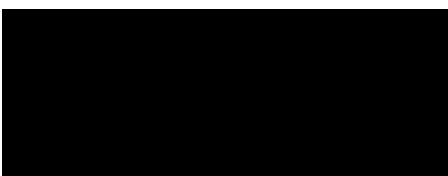
We acknowledge that the proposed dwellings maximise the building capacity of the site, but in doing so have created functional spaces with suitable residential amenity for future occupants without compromising the existing streetscape character or significantly constraining future residential development of the adjoining allotments.

The proposed residential development is contextually appropriate and will not adversely impact upon the existing patterns of residential development within the broader locality.

We trust that the above response and the enclosed documents provide clarification and sufficiently address the concerns raised by the representors and enable Council to finalise their assessment.

Should Council have any further queries or wish to discuss in more detail please do not hesitate to contact the undersigned on 8193 5600.

Yours sincerely



Stewart Hocking **MPIA**
MasterPlan SA Pty Ltd

Enc. Updated Architectural Drawings including Solar Study

ITEM 6.1**APPLICATIONS BEFORE THE ERD COURT - SUMMARY OF ERD COURT APPEALS**

TO: City of Unley Council Assessment Panel

FROM: Tim Bournier, Assessment Manager

SUBJECT: Summary of ERD Court Appeals

MEETING DATE: November 18th 2025

APPEALS - 3

Development Application / Subject Site	Nature of Development	Decision authority and date	Current status
DA25005852 – 169 Goodwood Road, Millswood	Removal of Significant Tree (River Red Gum)	Refused under delegation, April 14 th 2025	Withdrawn
DA23021294 – 3 Lynton Avenue, Millswood	Demolition of a Representative Building	Refused under delegation, May 12 th 2025	Appealed to ERD, conference scheduled November 21 st 2025
DA25007577 – 17 Birks Street, Parkside	Alterations to existing dwelling	Refused under delegation, May 1 st 2025	Appealed to ERD, conference scheduled November 25 th 2025