

CAP Meeting Agenda

Presiding Member: Mr Brenton Burman

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 16 July 2024 at 6:00pm in the Unley Council Chambers, 181 Unley Road Unley.



Gary Brinkworth
Assessment Manager

Dated: 04/07/2024

Members: Mr Brenton Burman, Ms Colleen Dunn, Mr Terry Sutcliffe, Mr Will Gormly, Dr. Iris Iwanicki

KAURNA ACKNOWLEDGEMENT

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

*Ngadlurlu Kurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku tampinhi. Parnuku yailtya, 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

AGENDA

Item No		Page
1.	Apologies	2-2
2.	Conflict of Interest	2-2
3.	Confirmation of the Minutes	2-2
4.	Planning, Development & Infrastructure Act Applications	
4.1	64 Essex Street South, Goodwood – 23022401	3-59
5.	Appeals Against Decision of Assessment Manager	
5.1	Nil	-
6.	Applications Before the ERD Court	
6.1	Summary of ERD Court Appeals	60-60
7.	ERD Court Compromise Reports - CONFIDENTIAL	
7.1	Motion to move into confidence	-
	Nil	-
	Motion to move out of confidence	-
	Nil	-
8.	Council Reports	
8.1	Unley Council Assessment Panel Annual Report 2023 - 2024	61-65
9.	Other Business	
9.1	Amendments made to June 18 2024 Council Assessment Panel Agenda	66-66

ITEM 4.1**DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD**

DEVELOPMENT NO.:	23022401
APPLICANT:	Alison Lowrie
ADDRESS:	64 ESSEX ST S GOODWOOD SA 5034
NATURE OF DEVELOPMENT:	Demolition of existing dwelling and construction of a two storey detached dwelling and fencing
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Historic Area • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 6m) • Minimum Frontage (Minimum frontage for a detached dwelling is 10m) • Minimum Site Area (Minimum site area for a detached dwelling is 300 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:	22 Aug 2023
RELEVANT AUTHORITY:	Assessment Panel
PLANNING & DESIGN CODE VERSION:	2023.12 - 17/08/2023
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Timothy Bournier Team Leader Planning
REFERRALS STATUTORY:	Not Required
REFERRALS NON-STATUTORY:	Stormwater Engineer Council Assets Officer Arboriculture Heritage Advisor

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

CONTENTS:

ATTACHMENT 1:	Site plans and elevations	ATTACHMENT 4:	Representations
ATTACHMENT 2:	Civil plans	ATTACHMENT 5:	Response to Representation
ATTACHMENT 3:	Shadow Diagrams		

DETAILED DESCRIPTION OF PROPOSAL:

This development proposes the demolition of a 1970s dwelling (and associated shed) and the construction of a new two storey detached dwelling.

The new dwelling takes its design cues from historic dwellings in the locality with general form similar to a villa with a prominent gable roof form facing the street and a hipped roof behind. The dwelling façade includes a variety of materials including stone, timber, pre-coloured steel and rendered elements. The colour palate is earthy with the roof being galvanised steel.

The proposed fencing is to be 1.8m high pre-coloured steel fencing to the side and rear boundaries with a hardwood and Corten steel front picket style fence 1.2m high.

The dwelling is to be accessed from the primary street via a new crossover with the old crossover to be decommissioned and returned to kerb and gutter. The new crossover requires the removal of a street tree.

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

Design Feature	Proposed	Code Requirement
Site Area	464.51m ²	300m ²
Site Coverage	270m ² = 58%	50%
Front Setback	2.6m	Average of adjoining
Side Setback (north)	0m (garage), 7.7m (lower), 3.2m (upper)	1m (lower), 3m (upper)
Side Setback (south)	0m and 2.04m (lower), 900mm (upper)	1m (lower), 3m (upper)
Rear Setback	0m and 2.9m	4m (lower), 6m (upper)
POS	155m ²	60m ²
Soft Landscaping	154m ² = 33%	25%
Building height	6.06m and 2 levels	6m and 1 level

Table 1 – Quantitative features

Site plans and elevations can be found in **Attachment 1**.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 64 ESSEX ST S GOODWOOD SA 5034

Title ref.: CT 5839/283 **Plan Parcel:** F9512 AL302 **Council:** CITY OF UNLEY

The subject site is a regular shaped allotment with a width of 15.24 metres and a depth of 30.48m with a total site area of 464.51m². The site is essentially flat with minimal elevation change across the site.

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

Locality

The locality, taking into account the general pattern of development and likely impacts of the proposal, is shown on **Figure 2**. The locality is entirely within the Established Neighbourhood Zone.

The locality is entirely residential with all allotments containing dwellings of varying forms and periods of construction.

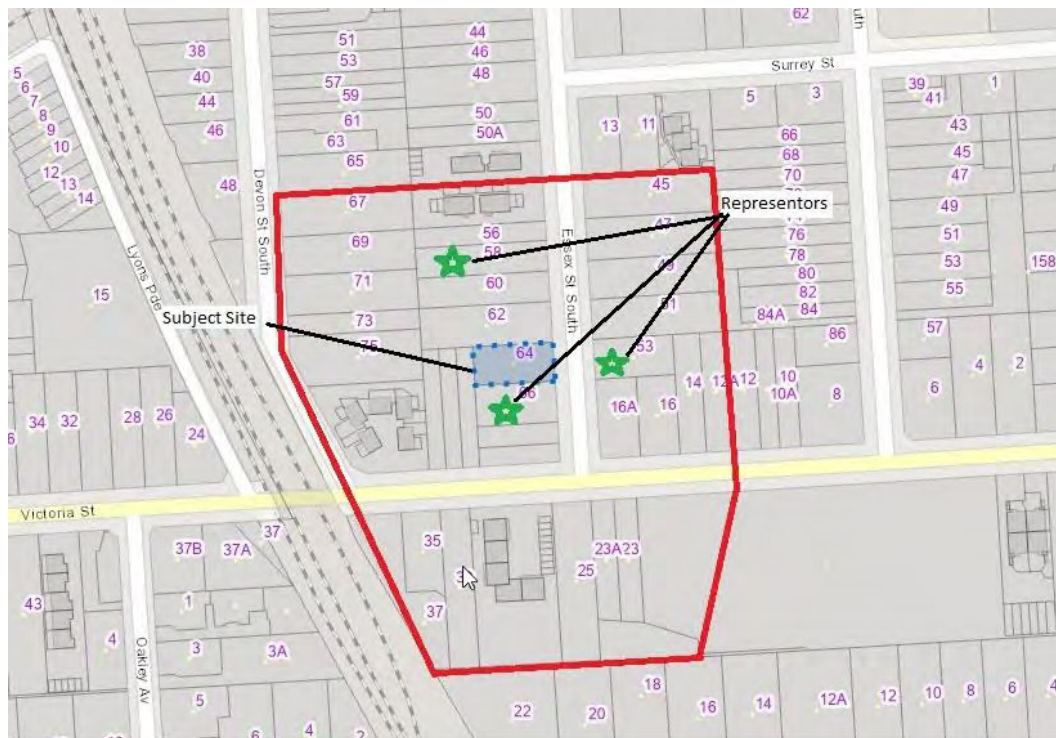


Figure 2 – Locality, Subject Site and Representors (one representation is outside the mapping area)

The locality is well vegetated with numerous large trees, both on private land and in the public realm, predominantly on street verges.

The locality is characterised by a mix of allotment sizes and dwelling styles and forms. The locality includes large, detached dwellings on large allotments as well as smaller allotments containing semi-detached and group dwellings. To the south of the subject site on Victoria Avenue is a recently completed aged care facility.

The dwellings vary in era with predominantly older interwar dwellings across the locality with later 1960s-1970s residential flat buildings, group dwelling and semi-detached dwellings in amongst them.

The wider locality follows this pattern of development and includes a heavy rail corridor.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - New housing
 - Demolition
 - Detached dwelling: Code Assessed - Performance Assessed
 - Demolition: Code Assessed - Performance Assessed

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

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 Outcomes** state:

***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 does not change the approved residential land use with the development only replace an existing detached dwelling. This is consistent with the above DO.

PUBLIC NOTIFICATION

- **REASON**
Table 5 3 - building height exceeds 6m and wall on boundary exceeds 8m in length and 3m in height.
- **LIST OF REPRESENTATIONS**

Representor Name/Address	Support/Support with Concerns/Oppose	Request to be heard
[REDACTED]	Support the development with some concerns	Yes
[REDACTED]	Support the development with some concerns	No
[REDACTED]	Support	No
[REDACTED]	Do not support	No

- **SUMMARY**

47 Owners or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject site for the duration of the notification period.

Four (4) representations were received within the notification period and these representations can be found in **Attachment 4**. The representations expressed one in support, one not in support and two in support of the proposal but with concerns. It should be noted that one representation was

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

received twice. Two representors originally sought to be heard with one withdrawing during the assessment.

The matters of concern raised by the representors related to:

- Setbacks
- Visual impact
- Overshadowing
- Overlooking
- Streetscape Character

The representation in support expressed that:

- The house will provide much needed modernism to the street

The representations were forwarded to the applicant and resulted in changes to the proposal, including additional privacy measures to the front façade of the upper level (the applicant's response can be found in **Attachment 5**).

AGENCY REFERRALS

Not required

INTERNAL REFERRALS

- Stormwater engineer – Groundwater Impact
- Council assets –Crossover
- Arboriculture – Street Tree
- Heritage Advisor – Design

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

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](#)

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

Demolition

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 dwelling to be demolished is a post WWII dwelling constructed circa 1970 with the associated verandah and shed of a similar era. The **Residential Compact Forestville and Fullarton Historic Area Statement (Un8)** includes eras from 1880 to 1940 and identifies dwelling styles as Victorian, Turn-of-Century, and Inter-War. The existing dwelling (and ancillary structures) does not exhibit these key characteristics and as such is considered an excluded building.

As such all structures can be demolished.

Dwelling

Design and Appearance

The proposed dwelling is to be a contemporary dwelling taking design cues from character dwellings in the locality. The dwelling is essentially a villa with an extended gable ended section. The façade includes a verandah extending across the front porch and garage entry. The façade is a mix of materials including stone, glass, timber, pre-coloured steel and rendered elements.

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.*

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

Design in Urban Areas includes the following **POs**:

***PO 20.2** - Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.*

***PO 20.3** - The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.*

During assessment, the design was refined in consultation with Council's heritage advisor and resulted in the upper-level height and visibility of the dwelling presenting to the street as fundamentally a single-story dwelling.

The design takes elements of character dwellings in the locality and includes features expressed in the Historic area Statement. The dwelling is consistent with building heights and setbacks being of other dwellings in the locality and the use of materials is complementary to other dwellings in the locality.

Given this, the proposed dwelling is considered to satisfy the relevant **POs** of the **Historic Area Overlay** and **Design in Urban Areas**.

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 275m² which represents 58% of the subject site. The proposed site coverage exceeds the DPF by some 42m².

Site coverage in excess of 50% is a noted character in the locality with examples on Victoria Street and Devon Street South to the west of the subject site. As is noted in the assessment below the proposal provides both private open space and soft landscaping greater than the desired minimums. Further to this the setbacks allow for separation between adjoining buildings with on boundary walls being located adjacent similar structures on adjoining land with the front setback being consistent with dwellings in the locality.

Whilst the site coverage exceeds the DPF minimum, the proposal is considered to satisfy **PO 3.1** and is acceptable.

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 DPF seeks buildings to be 6m and 1 level.

The proposal exhibits a maximum height above ground level of 6.06m incorporating two levels above ground. The height difference of 0.6m is negligible with the upper level essentially being incorporated into the roof space.

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

Within the locality there are numerous examples of two storey buildings with heights that exceed 6m. Most notably 54 and 68-70 Essex Street South, 22 Victoria Street (unit complex), and the aged care facility on the southern side of Victoria Street.

When viewed from the street the proposed dwelling has a similar appearance to a single storey villa in both height and scale and is considered to complement the prevailing character of the locality.

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 the proposed dwelling does not meet the desired minimum setbacks.

The front setback of 2.6m is 1.1m forward of the desired average setback of 3.7m. This front setback however is consistent with other dwellings in the locality, most notably 66 and 68-70 Essex Street South and provides a transition of setback between 66 and 62 Essex Street South. Given this, the front setback is considered to satisfy the intent of **PO 5.1**.

The proposed building is partially on the rear boundary for 4.3m where the desired minimum is 4m with the remainder of the dwelling 18.9m from the rear boundary. This reduced rear setback is not considered to detrimentally impact the adjoining site as the wall is located adjacent a dwelling wall with no habitable room windows and a 900mm setback. This reduced rear setback is considered to satisfy **PO 9.1**.

The proposed dwelling is to be sited on both side boundaries. The southern boundary will have two walls of the dwelling on the boundary for some 6.79m and 10.64m. The shorter section is directly abutting the adjoining dwelling's boundary wall for approximately 4.5m and will be 3.5m high. This wall is in a similar location to the existing dwelling's boundary wall essentially replicating the existing situation. The longer section of the southern boundary wall is to the rear of the site and will be 3.04m high. Part of this wall will replace an existing outbuilding of similar height on the boundary. The wall is adjacent the adjoining site's private open space with existing vegetation adjacent this boundary providing some screening.

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

The northern boundary wall is to be 6.09m long and 2.9m high and will be located adjacent the adjoining dwelling's driveway. While the wall is on the boundary there is a notable separation between the wall and the adjoining dwelling ensuring access to light and ventilation is maintained.

The upper level is setback 900mm from the southern boundary and 3.2m from the northern boundary. While the southern setback is less than the desired 3m, the location of the upper level is adjacent the adjoining dwelling's on-boundary wall ensuring a minimal visual impact and no notable overshadowing.

On balance, the side setbacks of the proposed dwelling are considered to satisfy **PO 7.1** and **8.1**.

Overlooking

Design in Urban Areas (General Development Policies) 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 corresponding **DPF** states:

***DPF 10.1** - Upper-level windows facing side or rear boundaries shared with a residential use in a neighbourhood type zone:*

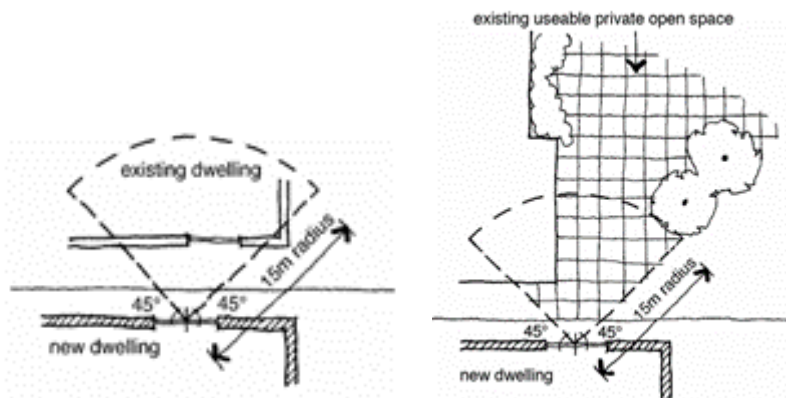
- a) *are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm*
- b) *have sill heights greater than or equal to 1.5m above finished floor level*
- c) *incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5m above the finished floor level.*

The Code also provides a definition of **Direct Overlooking**:

***Direct Overlooking** - In relation to direct overlooking from a window, is limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than 45 degree angle from the plane of that wall containing the overlooking window.*

The following diagrams are provided in the definition to further demonstrate:

Overlooking window:



The proposal demonstrates the upper-level side and rear windows have sill heights a minimum of 1.6m above the upper-level finished floor level bar the upper-level bedroom. Based on the above diagrams the outlook from this window will not directly overlook any adjoining private open space or habitable window and does not require screening. Figure 3 demonstrates this below:

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD



Figure 3 – 15m 45 degree overlooking diagram

Given the above, this design satisfies **PO 10.1** and overlooking has been adequately mitigated.

Concerns were raised by the representors regarding overlooking to the east into the front of 53 Essex Street South and the rear yard of 16A Victoria Street. The concerns relate to the risk of overlooking from the upper-level office. The upper-level office is located to the rear section of the upper level and is separated from the front of the building by a 3.6m void.

Both the representors' properties are located on the opposite side of Essex Street South to the east of the subject site. Essex Street has an approximate width of 15m and as such the proposed dwelling is over 17m away from the adjacent dwellings with the home office area a further 3.6m as separated by the internal void.

It should be noted that as per the above PO's and definition of direct overlooking, the representors properties fall outside an area where mitigation would be required, the properties are not adjoining and are more than 15m away from the window in question.

Notwithstanding the above, the applicant, in response to the representors concerns, amended the design to include privacy fins to the upper-level window to reduce the degree of overlooking risk. The applicant also provided 3D renders and sightline diagrams demonstrating how the concerns had been mitigated, **Attachment 5**.

Overshadowing

Interface between Land Uses includes the following **PO's**:

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.*

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

One representor raised concerns regarding overshadowing to their property located to the south of the subject site at 66 Essex Street South. The applicant provided a series of shadow diagrams demonstrating the extent of overshadowing by the upper level in response to these concerns, **Attachment 3** and **5**. These shadow diagrams show the upper level of the dwelling will cast a shadow to the south over the adjacent dwelling from early morning to early afternoon with limited shadowing to the private open space.

The proposed dwelling has its upper level sited toward the front of the dwelling with approximately half adjacent the on-boundary wall of 66 Essex Street South. The dwelling to the south has two windows to a living room and kitchen area facing north with boundary fencing having been extended in height with lattice work that is approximately 2.8m high. This fencing and lattice effectively limit the ability for direct sunlight to the north facing windows during the winter months.

The proposed dwelling will not significantly increase shadowing to the dwelling to the south. The existing boundary fencing already restricts direct sunlight to north facing windows with the positioning of the upper level ensuring access to sunlight from the early afternoon. As such **PO 3.1** and **3.2** are satisfied.

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 155m² of private open space. This private open space is located entirely behind the dwelling and is fully accessible from the primary living area. This satisfies **PO 21.1**.

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 over 450m² provide a minimum of 25% soft landscaping areas with a minimum dimension of 700mm.

The proposal demonstrates 154m² over the whole site with 123 m² of this in the rear yard and the remainder in the front yard for an area of 33% of the site. The landscaping areas in the front yard represent 31m² which is well in excess of the minimum of 14m² (30%) desired.

All the areas of soft landscaping are shown to be landscaped with a variety of trees, shrubs and groundcovers.

The proposed areas of soft landscaping satisfy **PO 22.1**.

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

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 more than 450m² but less than 800m² provide one (1) medium tree of a minimum 6m height and a 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.

The proposal demonstrates that the dwelling will include one medium tree in the front yard and a relocated large olive tree in the rear yard.

Fencing

Historic Area Overlay PO 4.1 states:

***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 proposal includes fencing to the side and rear boundaries of 1.8m high pre-coloured steel. The front boundary is to have a 1.2m high picket style fence in hardwood and Corten steel. The front fence is a modern interpretation of a traditional picket fence and satisfies **PO 4.4**.

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 of less than 35% provide stormwater retention of 4000L and detention of 1000L as a minimum.

The proposal includes a minimum 5000L of water storage in the form of two tanks 4000L of retention and 1000L of detention. All water is to be directed to the street water table. This satisfies **PO 1.1**.

Access and Parking

The proposal requires the creation of a new crossover and the reinstatement of an existing crossover to kerb and gutter. The new crossover also requires the removal of a street tree. The new crossover will be 4.5m wide and provide access to the double garage and double width driveway.

The application was referred to Council's City Arborist to consider the tree removal. With due consideration, the tree has been supported for removal subject to the payment of the amenity cost of the tree and the planting of a suitable replacement tree. This will require a separate approval under section 221 of the Local Government Act however notes have been added to the recommendation.

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

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 pattern of development within 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:

- the existing dwelling to be demolished is not sought to be retained by the Historic Area Statement.
- The proposed dwelling takes reference from the original built forms as expressed in the Historic Area Statement, the proposed dwelling complements the established development pattern of the locality in terms of building height and scale;
- The dwelling's use of materials and finished colours is complementary to the streetscape;
- The front fence and incorporation of soft landscaping contributes to the high amenity seen in the locality; and
- Direct overlooking from upper-level habitable rooms windows is appropriately mitigated.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code.
2. Development Application Number 23022401, by Alison Lowrie is GRANTED Planning Consent subject to the following conditions:

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).

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

Condition 5

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 6

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.

Condition 7

No groundwater is to be discharged into Council's stormwater system.

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).

Advisory Note 5

While the removal of the street tree located on the Council verge adjacent to the subject site has been approved as part of this application, a fee of \$7642.00 to be paid to Council to cover the amenity value of the tree and for the cost of a new street tree (to be selected and planted by Council) and maintenance costs to ensure establishment. The fee is to be paid prior to the work being carried out by Council.

The applicant should contact Council's Arboricultural Team on 837205111 to arrange for the payment and removal and replacement of the street tree.

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.

ITEM 4.1

DEVELOPMENT APPLICATION – 23022401 – 64 ESSEX STREET SOUTH, GOODWOOD

Advisory Note 7

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 8

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 9

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 10

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 11

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.

OFFICER MAKING RECOMMENDATION

Name: Timothy Bourner

Title: Team Leader Planning

Date: 16 July 2024

ATTACHMENT 1



DRAWING SCHEDULE		
DRAWING NUMBER	DRAWING NAME	ISSUE DATE
00	DRAWING SCHEDULE	17/04/24
01	LOCALITY BUILDING HEIGHTS	17/04/24
02	EXISTING STREETScape	17/04/24
03	STREET SETBACKS	17/04/24
04	EXISTING/ DEMOLITION PLAN	17/04/2...
05	PROPOSED SITE PLAN	17/04/24
06	GROUND FLOOR PLAN	17/04/24
07	CELLAR PLAN	17/04/24
08	FIRST FLOOR PLAN	17/04/24
09	ROOF PLAN	17/04/24
10	SECTIONS 1	17/04/24
11	SECTIONS 2	17/04/24
12	ELEVATIONS 1	17/04/24
13	ELEVATIONS 2	17/04/24
14	ELEVATIONS 3	17/04/24
15	MATERIALS	17/04/24
16	SUN STUDY JUNE 21st 9AM	17/04/24
17	SUN STUDY JUNE 21st NOON	17/04/24
18	SUN STUDY JUNE 21st 3PM	17/04/24
19	IDENTIFICATION & DETAIL SURVEY	17/8/22
20	SITWORKS PLAN	17/04/24

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PROPOSED
NEW DWELLING
 FOR
ALAN LINDSAY & ALISON LOWRIE
 64 ESSEX ST STH, GOODWOOD

DRAWING SCHEDULE

17/04/2024

Dwg No: 00



BUILDING HEIGHTS

- 2-3 STOREYS
- TALL ROOF: SINGLE STOREY

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	FOR ALAN LINDSAY & ALISON LOWRIE 64 ESSEX ST STH, GOODWOOD	
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	17/04/2024	Dwg No: 20 01



18 VICTORIA ST



66 ESSEX ST STH



64 ESSEX ST STH



62 ESSEX ST STH



60 ESSEX ST STH



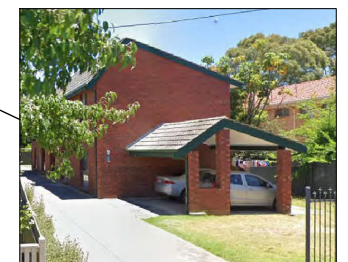
58 ESSEX ST



56 ESSEX ST



52 ESSEX ST



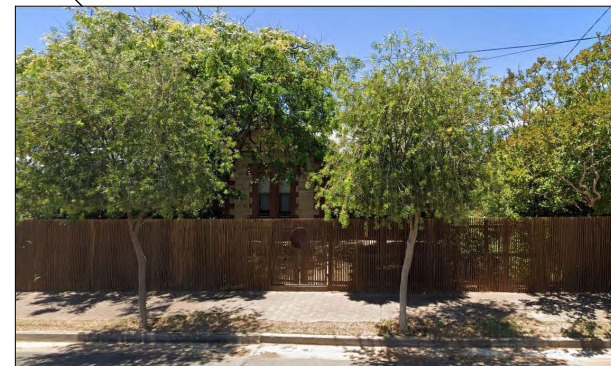
54 ESSEX ST



16A VICTORIA ST



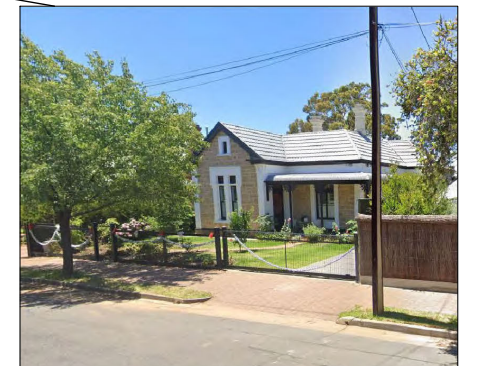
53 ESSEX ST STH



51 ESSEX ST STH



49 ESSEX ST STH



47 ESSEX ST STH

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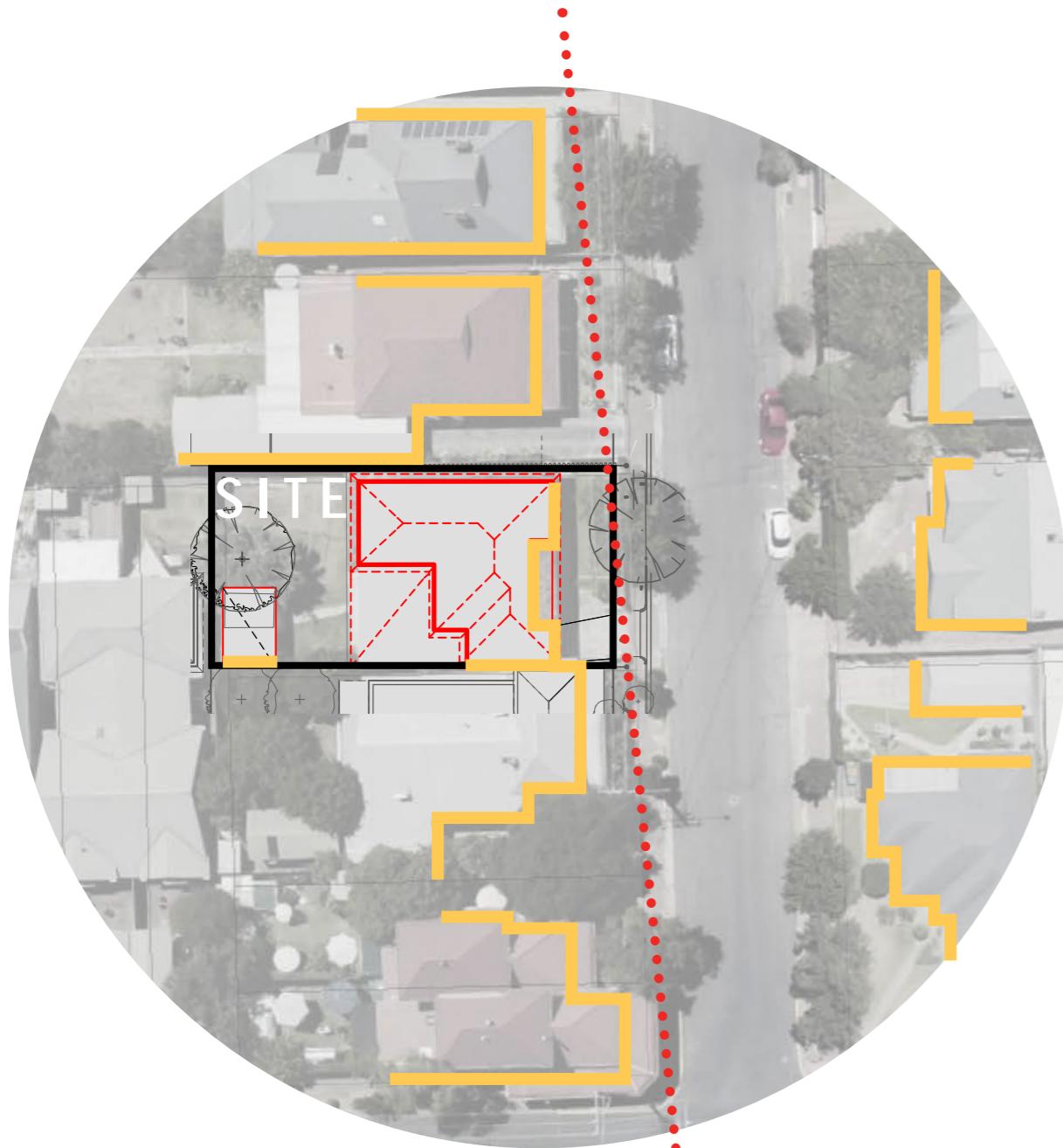
PROPOSED
NEW DWELLING
FOR
ALAN LINDSAY & ALISON LOWRIE
64 ESSEX ST STH, GOODWOOD

EXISTING STREETSCAPE

17/04/2024

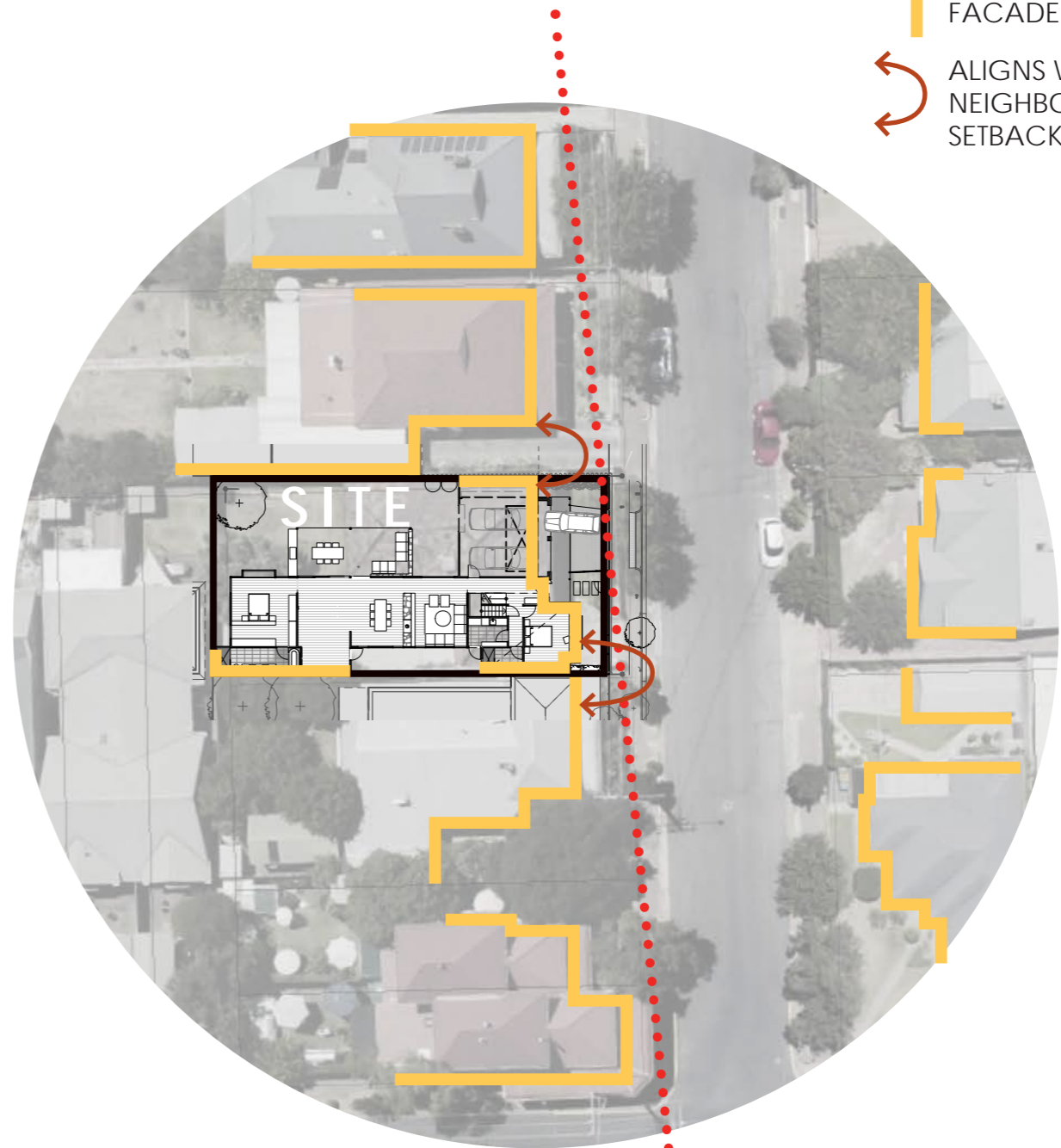
Dwg No: 02

-  OUTLINE OF BUILDING FACADE
-  ALIGNS WITH NEIGHBOURING SETBACK



OVERALL ALIGNMENT OF VERANDAH FACE

**EXISTING SETBACK
CONDITION**



OVERALL ALIGNMENT OF VERANDAH FACE

**PROPOSED SETBACK
CONDITION**



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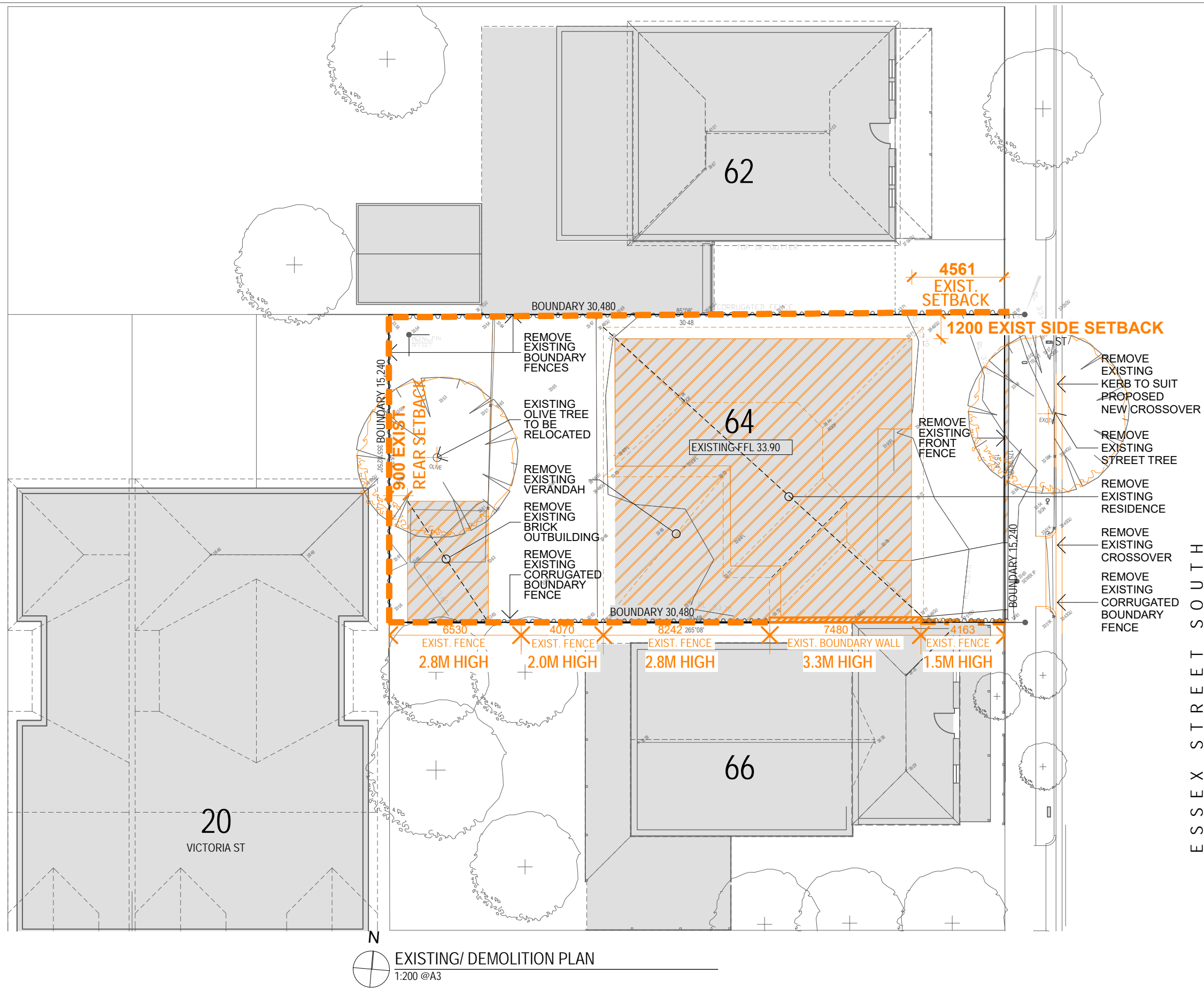
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64 ESSEX ST STH, GOODWOOD

STREET SETBACKS

17/04/2024

Dwg No: 03



ESSEX STREET SOUTH

EXISTING/ DEMOLITION PLAN
1:200 @A3

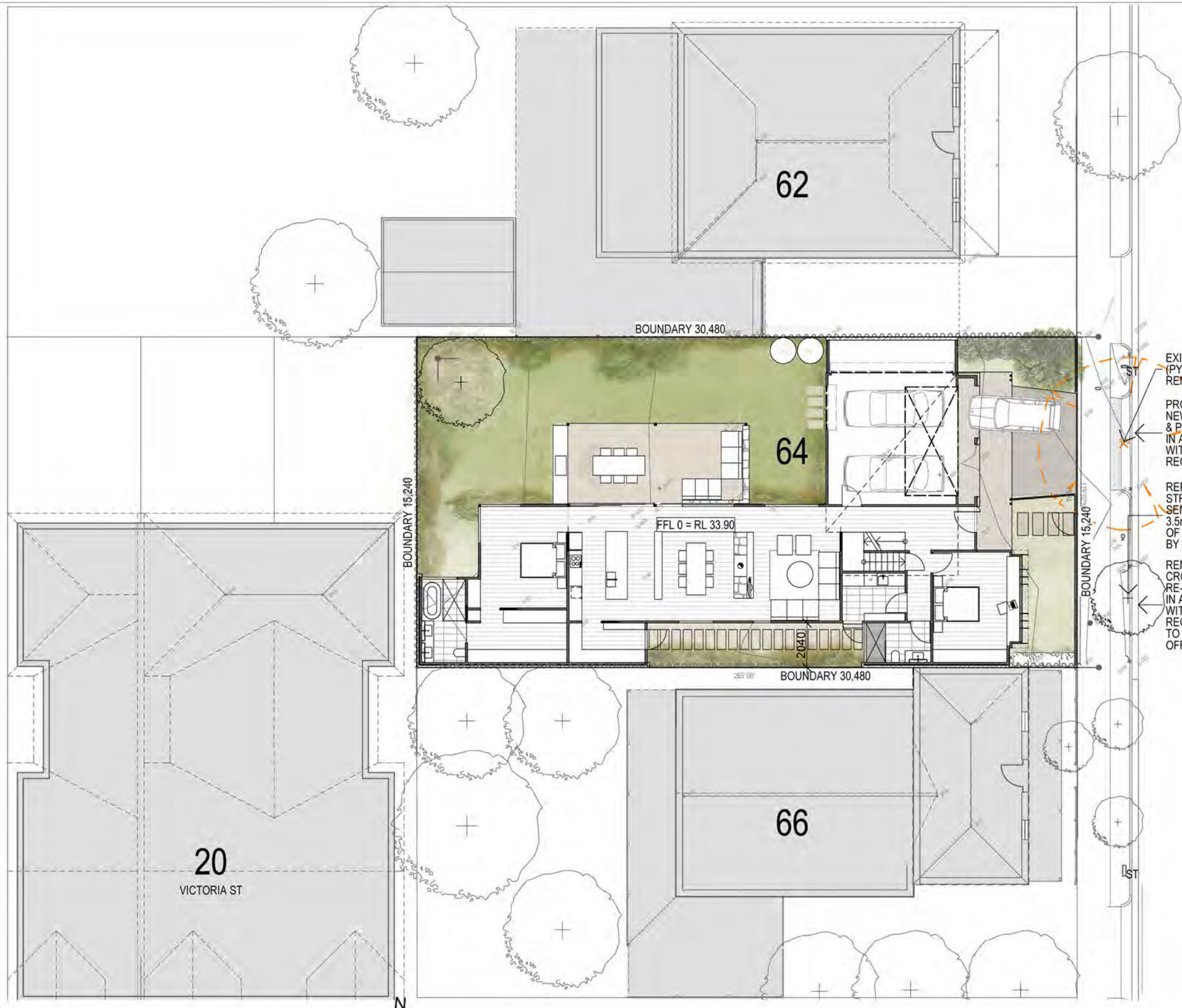
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EXISTING/ DEMOLITION PLAN

17/04/2024 23
Dwg No: 04



- EXISTING STREET TREE (PYRUS USSURIENSIS) REMOVED BY OWNER
- PROPOSED NEW CROSSOVER & PAVED DRIVEWAY IN ACCORDANCE WITH CITY OF UNLEY REGULATIONS
- REPLACEMENT STREET TREE: SEMI-MATURE 3.5m HIGH TREE OF COUNCIL'S CHOICE BY OWNER
- REMOVE EXISTING CROSSOVER AND RE-INSTATE KERB IN ACCORDANCE WITH CITY OF UNLEY REGULATIONS TO CREATE ADDITIONAL OFF STREET CARPARK

ESSEX STREET SOUTH

PROPOSED SITE PLAN
1:200 @A3

SITE AREA COVERAGE: 275m²

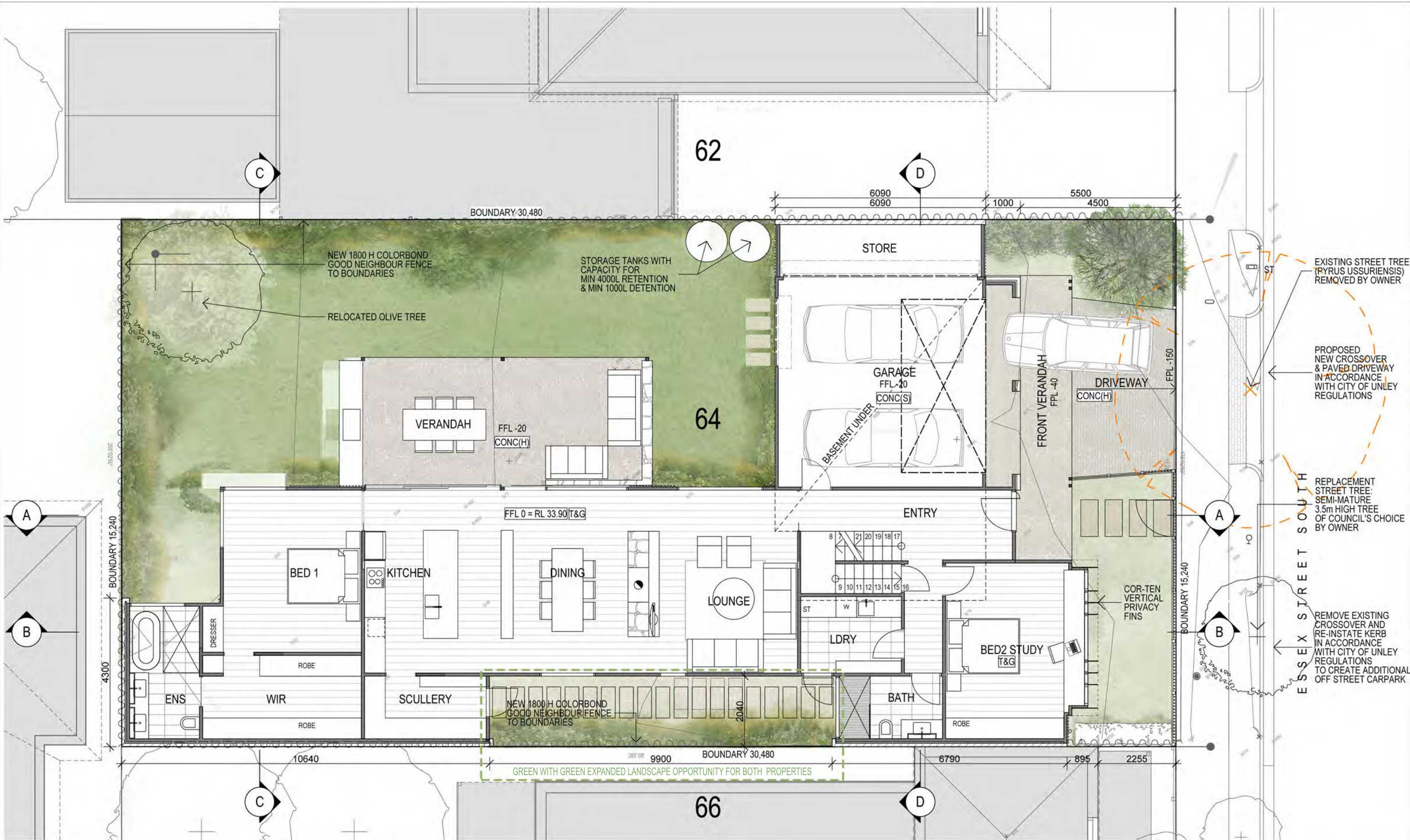
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PROPOSED SITE PLAN

17/04/2024 Dwg No: 05



FLOOR PLAN KEY

- T&G TONGUE & GROOVE
TIMBER FLOORING
- CONC(H) CONCRETE- HONED
- CONC(S) CONCRETE- SEALED
- TL TILES
- LS LIMESTONE
- RWT NOM 1800dia x 1870H
4750L CORRUGATED
RAINWATER TANK

WALL KEY

- TIMBER FRAME WALL
- BLOCKWORK WALL
- LIMESTONE WALL

LANDSCAPE KEY

- LAWN
- NATIVE SHRUBS
- BOUNDARY BUSHES
AND GROUNDCOVER/
GRASSES
- FRANGIPANI TREE
- EXISTING OLIVE
TREE
- NATIVE/ EXOTIC
MEADOW FLOWERING
GRASSES
- HONED CONCRETE
PAVING
- POLISHED CONCRETE

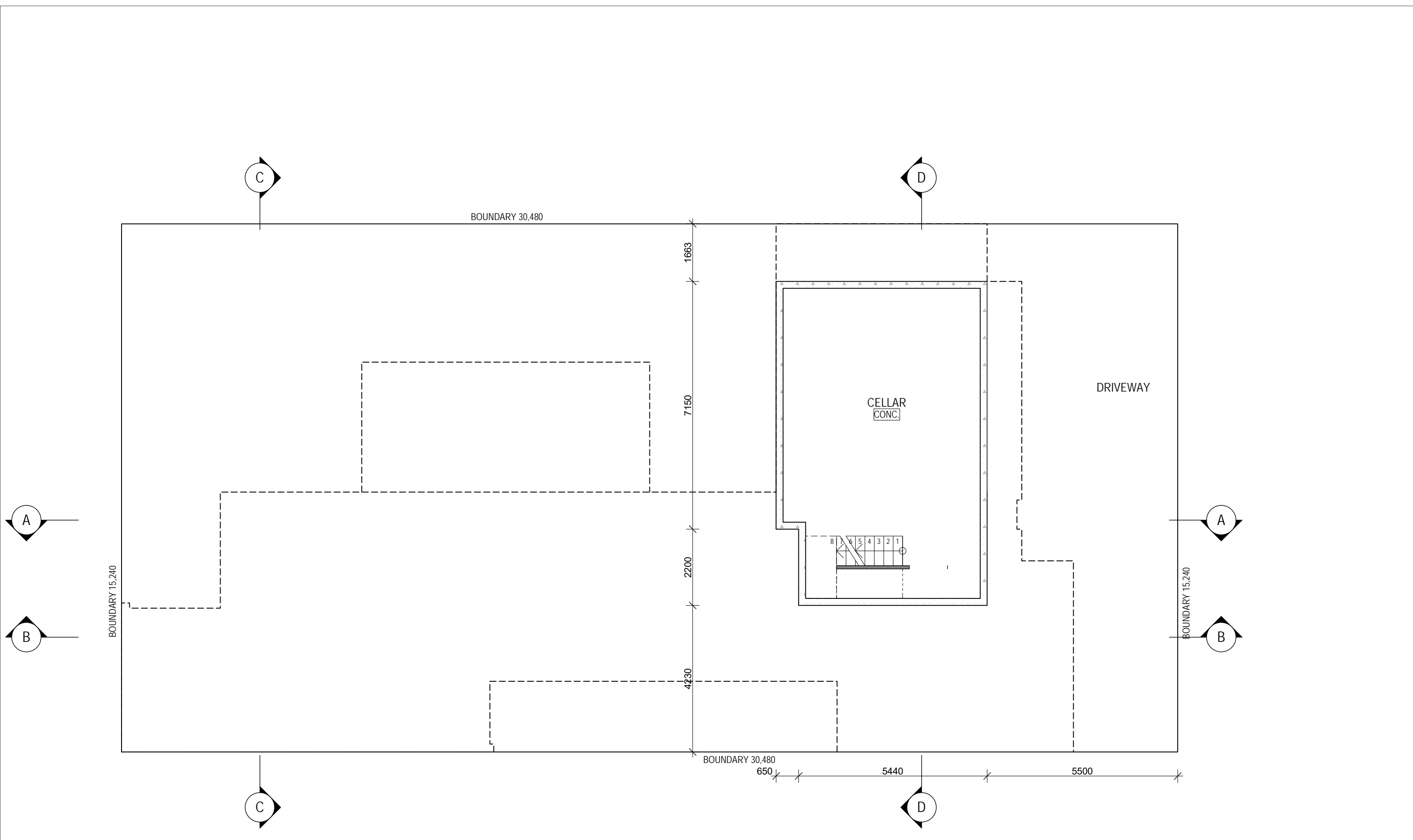


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64 ESSEX ST STH, GOODWOOD

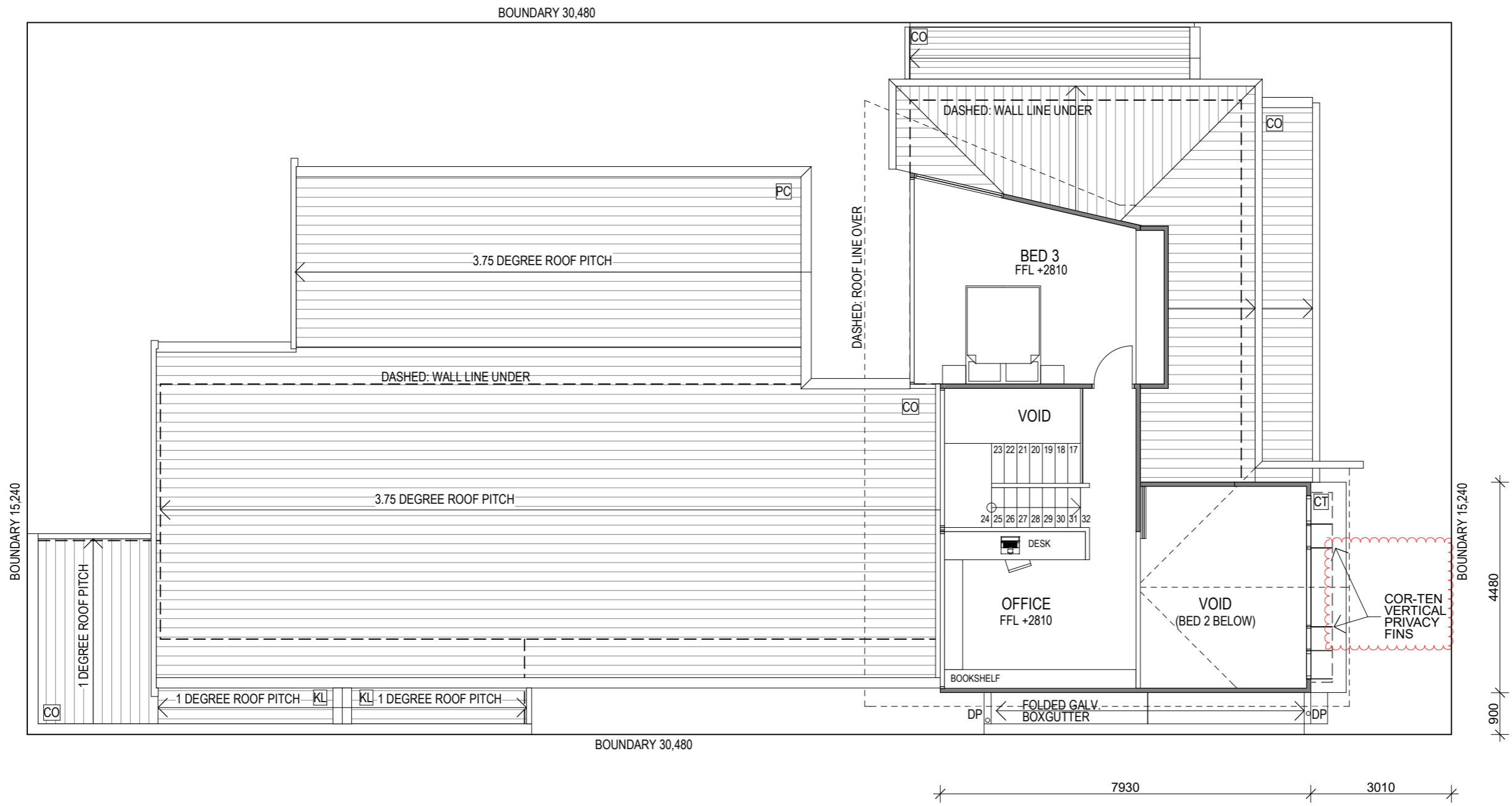
GROUND FLOOR PLAN

17/04/2024 Dwg No: 06



CELLAR PLAN
1:100 @A3

	PROPOSED NEW DWELLING	
	FOR ALAN LINDSAY & ALISON LOWRIE 64 ESSEX ST STH, GOODWOOD	
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		17/04/2024 26 Dwg No: 07



FLOOR PLAN KEY

T&G	TONGUE & GROOVE TIMBER FLOORING
CONC(H)	CONCRETE- HONED
CONC(S)	CONCRETE- SEALED
TL	TILES
LS	LIMESTONE
RWT	NOM 1800dia x 1870H 4750L CORRUGATED RAINWATER TANK

WALL KEY

	TIMBER FRAME WALL
	BLOCKWORK WALL
	LIMESTONE WALL

ROOFING KEY

PC	CORRUGATED POLYCARBONATE DIFFUSE GREY
CO	CORRUGATED ROOFING GALVANISED
KL	KLIP-LOK ROOFING GALVANISED
CT	FLAT COR-TEN CLADDING

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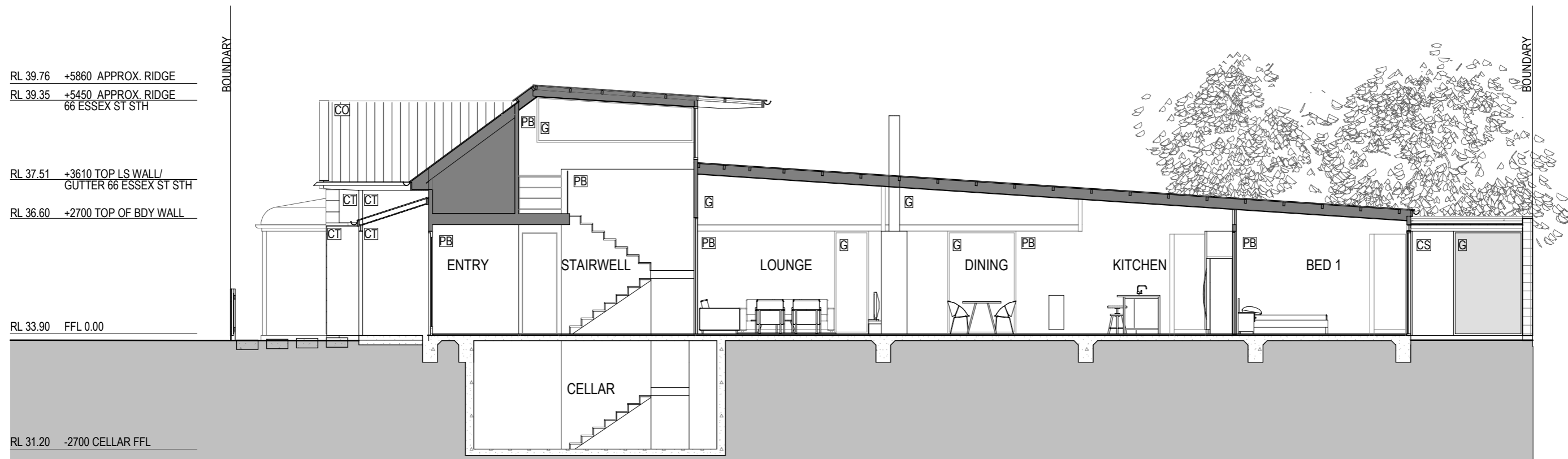
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64 ESSEX ST STH, GOODWOOD

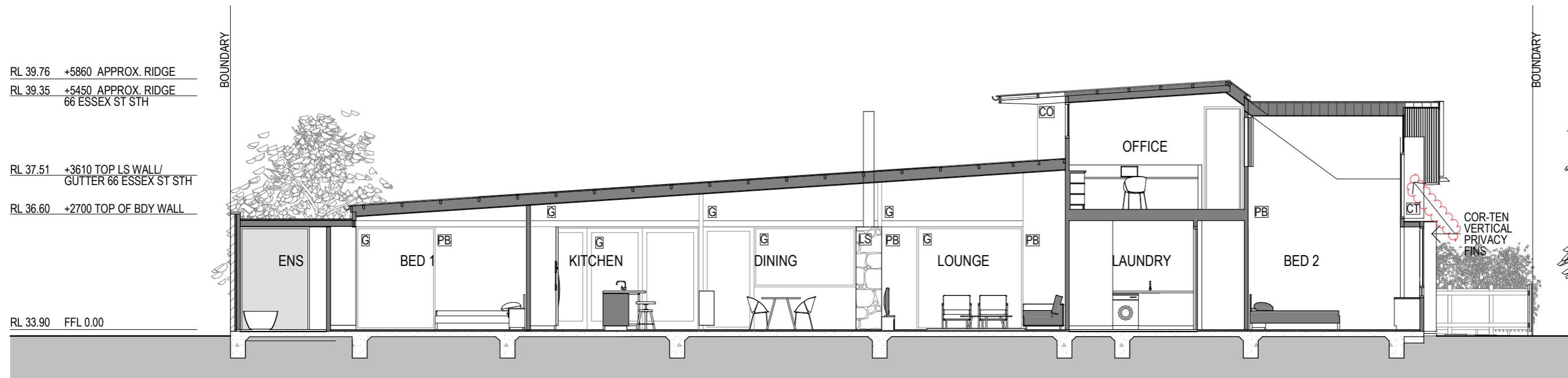
FIRST FLOOR PLAN

6/06/2024

Dwg No: 08



SECTION A
1:100 @A3



SECTION B
1:100 @A3

MATERIAL KEY

CO	CORRUGATED GALV. CLADDING
CT	FLAT COR-TEN CLADDING
RB	RENDERED BLOCK/BRICKWORK
G	GLAZING
WB	CHARRED TIMBER WEATHERBOARDS
LS	LIMESTONE
CS	COMPRESSED SHEET CLADDING
	COLOUR-THROUGH/ PAINT FINISH
BLK	BORAL DESIGNER BLOCK
	CHARCOAL, SMOOTH FACE

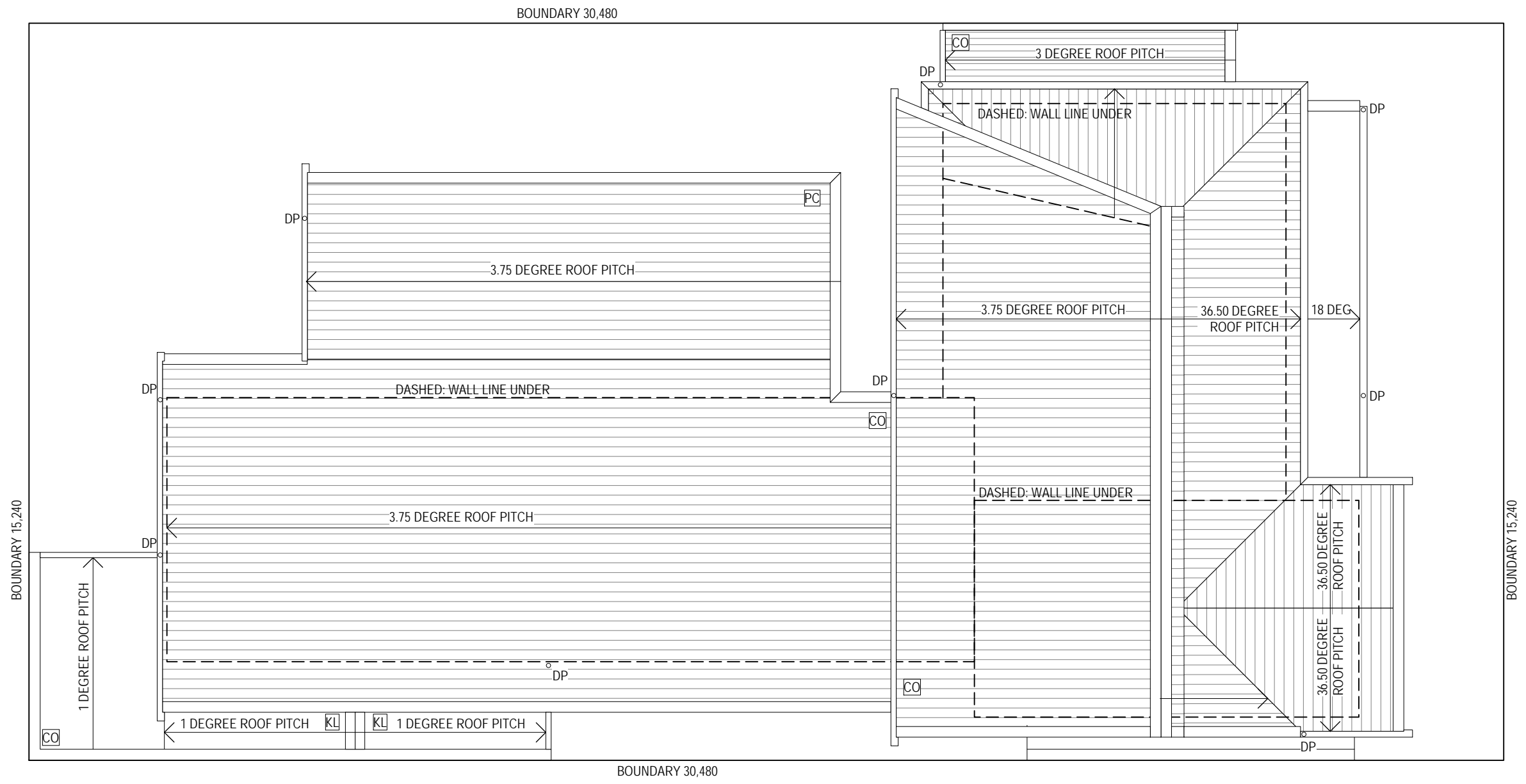
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64 ESSEX ST STH, GOODWOOD

SECTIONS 1

6/06/2024 28 Dwg No: 10



ROOFING KEY

- PC CORRUGATED POLYCARBONATE
- CO CORRUGATED ROOFING GALVANISED
- KL KLIP-LOK ROOFING GALVANISED
- CT FLAT COR-TEN CLADDING

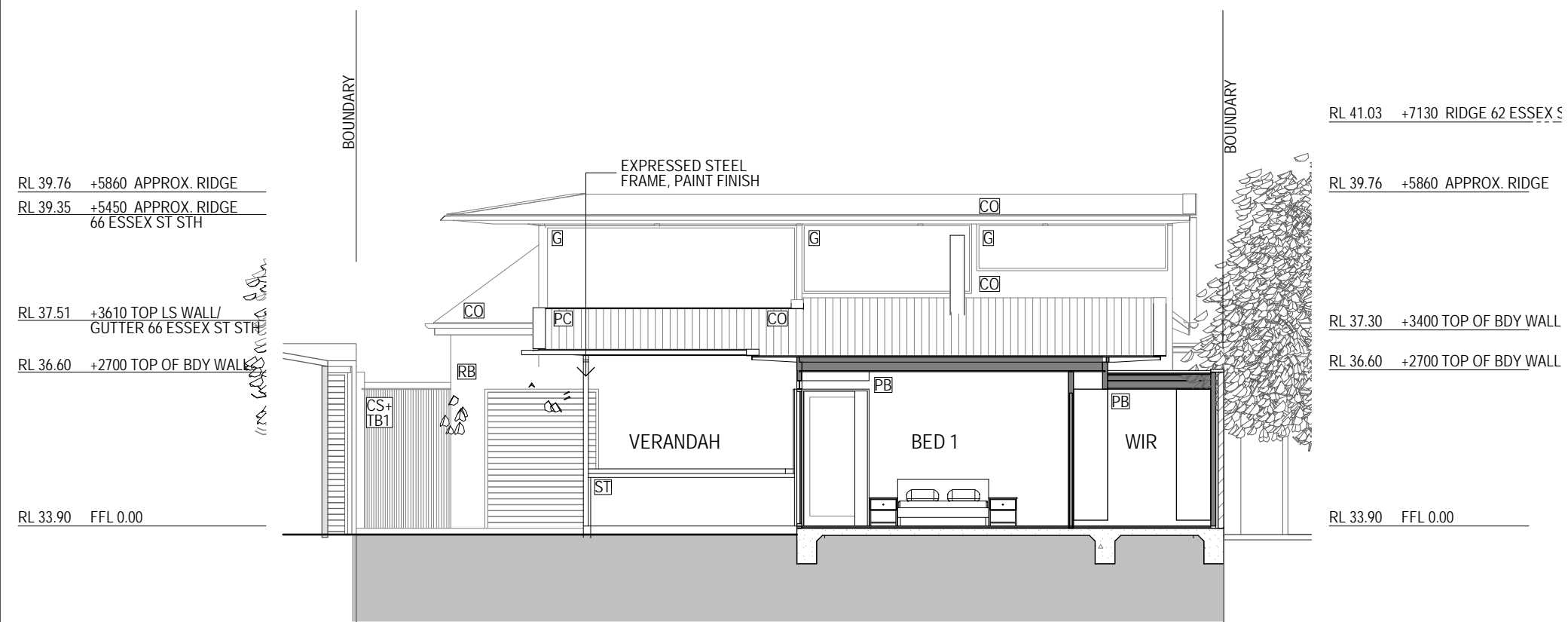
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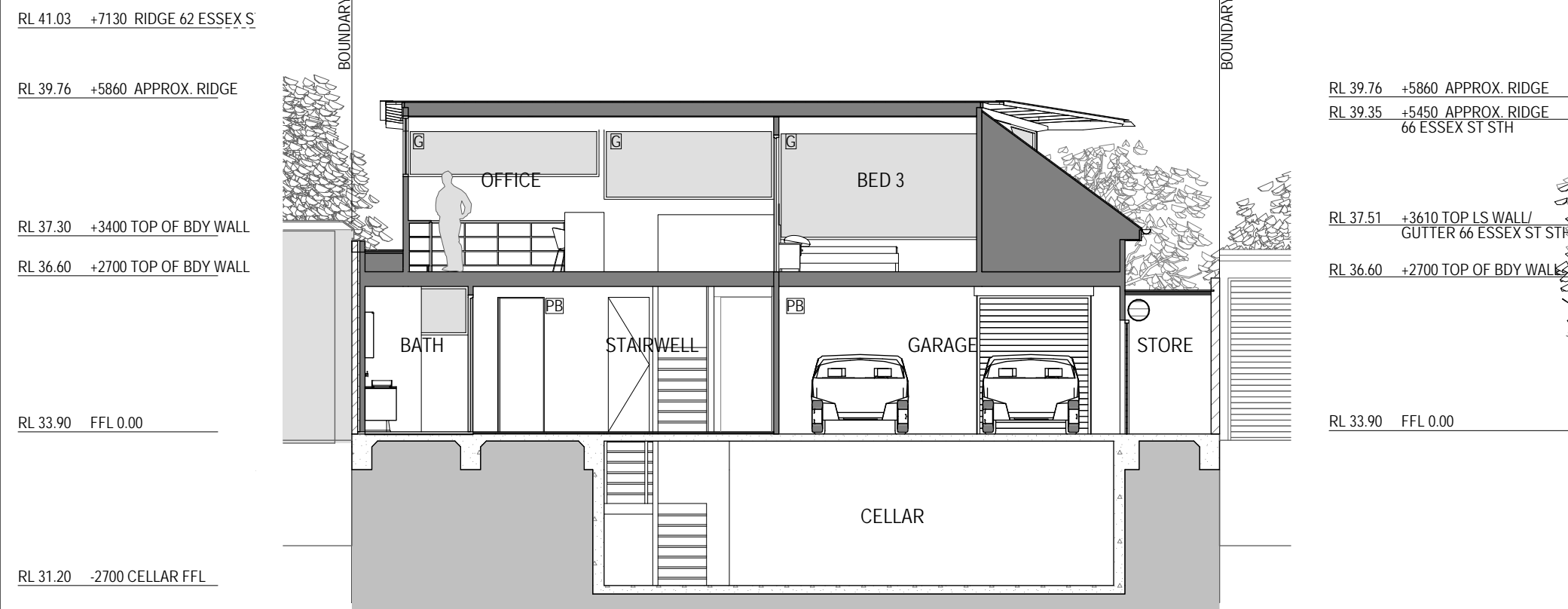
ROOF PLAN

17/04/2024 29
Dwg No: 09



SECTION C

1:100 @A3



SECTION D

1:100 @A3

MATERIAL KEY

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CT	FLAT COR-TEN CLADDING
RB	RENDERED BLOCK/BRICKWORK
G	GLAZING
WB	CHARRED TIMBER WEATHERBOARDS
LS	LIMESTONE
CS	COMPRESSED SHEET CLADDING
	COLOUR-THROUGH/ PAINT FINISH
BLK	BORAL DESIGNER BLOCK
	CHARCOAL, SMOOTH FACE

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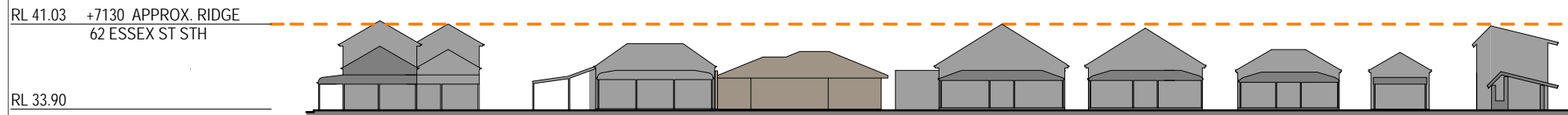
SECTIONS 2

17/04/2024

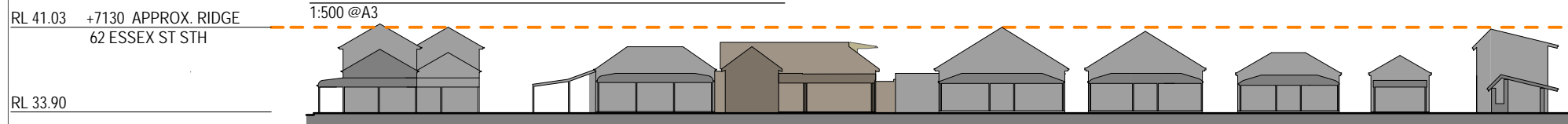
30
 Dwg No: 11



3D STREET VIEW SOUTH EAST



STREET ELEVATION- EXISTING



STREET ELEVATION- PROPOSED



66 ESSEX STREET SOUTH 64 ESSEX STREET SOUTH 62 ESSEX STREET SOUTH

EAST (STREET) ELEVATION

1:100 @A3

MATERIAL KEY

CO	CORRUGATED GALV. CLADDING
CT	FLAT COR-TEN CLADDING
RB	RENDERED BLOCK/BRICKWORK
G	GLAZING
WB	CHARRED TIMBER WEATHERBOARDS
LS	LIMESTONE
CS	COMPRESSED SHEET CLADDING
	COLOUR-THROUGH/ PAINT FINISH
BLK	BORAL DESIGNER BLOCK
	CHARCOAL, SMOOTH FACE

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PROPOSED
NEW DWELLING
 FOR
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 64 ESSEX ST STH, GOODWOOD

ELEVATIONS 1

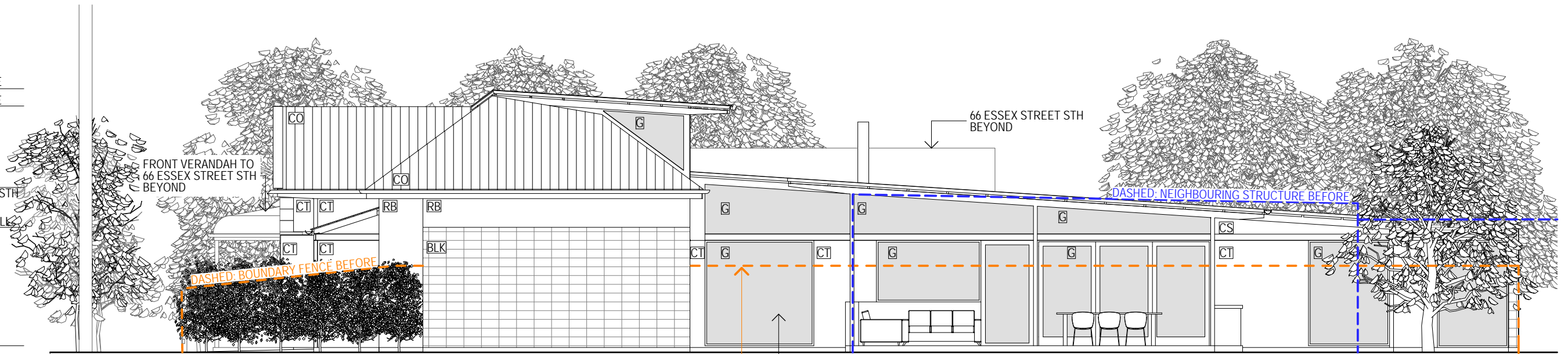
17/04/2024 31 Dwg No: 12

RL 39.76 +5860 APPROX. RIDGE
 RL 39.35 +5450 APPROX. RIDGE
 66 ESSEX ST STH

RL 37.51 +3610 TOP LS WALL/
 GUTTER 66 ESSEX ST STH

RL 36.60 +2700 TOP OF BDY WALL

RL 33.90 FFL 0.00



DASHED: EXISTING 1800HT CORRUGATED BOUNDARY FENCE REPLACED WITH NEW 1800HT CORRUGATED COLORBOND 'GOOD NEIGHBOUR' FENCE

ALUMINIUM WINDOW & DOOR FRAMES

NORTH ELEVATION
 1:100 @A3



3D STREET VIEW NORTH EAST

MATERIAL KEY

CO	CORRUGATED GALV. CLADDING
CT	FLAT COR-TEN CLADDING
RB	RENDERED BLOCK/BRICKWORK
G	GLAZING
WB	CHARRED TIMBER WEATHERBOARDS
LS	LIMESTONE
CS	COMPRESSED SHEET CLADDING
BLK	COLOUR-THROUGH/ PAINT FINISH
	BORAL DESIGNER BLOCK
	CHARCOAL, SMOOTH FACE

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 64 ESSEX ST STH, GOODWOOD

ELEVATIONS 2

17/04/2024

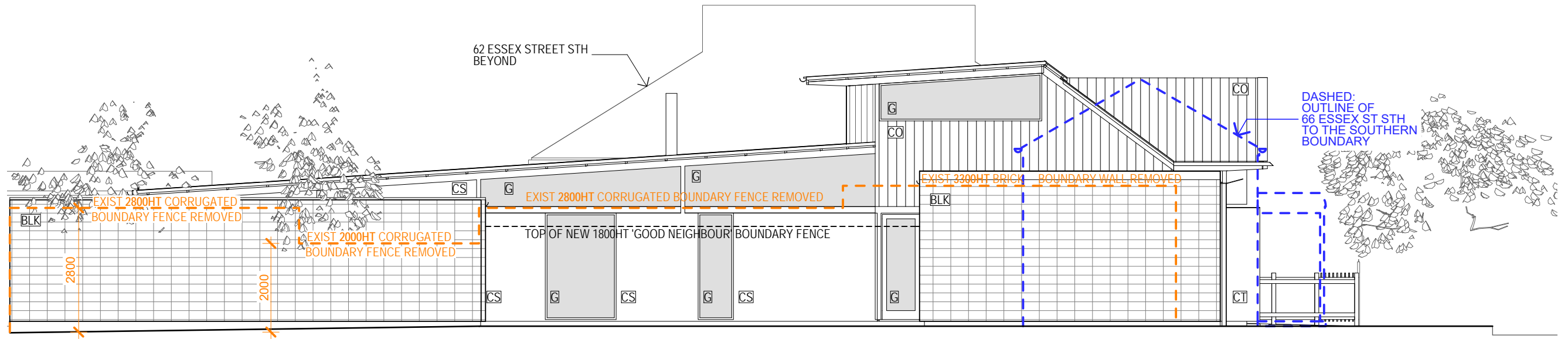
32
 Dwg No: 13

RL 39.76 +5860 APPROX. RIDGE

62 ESSEX STREET STH BEYOND

RL 36.60 +2700 TOP OF BDY WALL

RL 33.90 FFL 0.00
RL 33.56 N.G.L



SOUTH ELEVATION

1:100 @A3

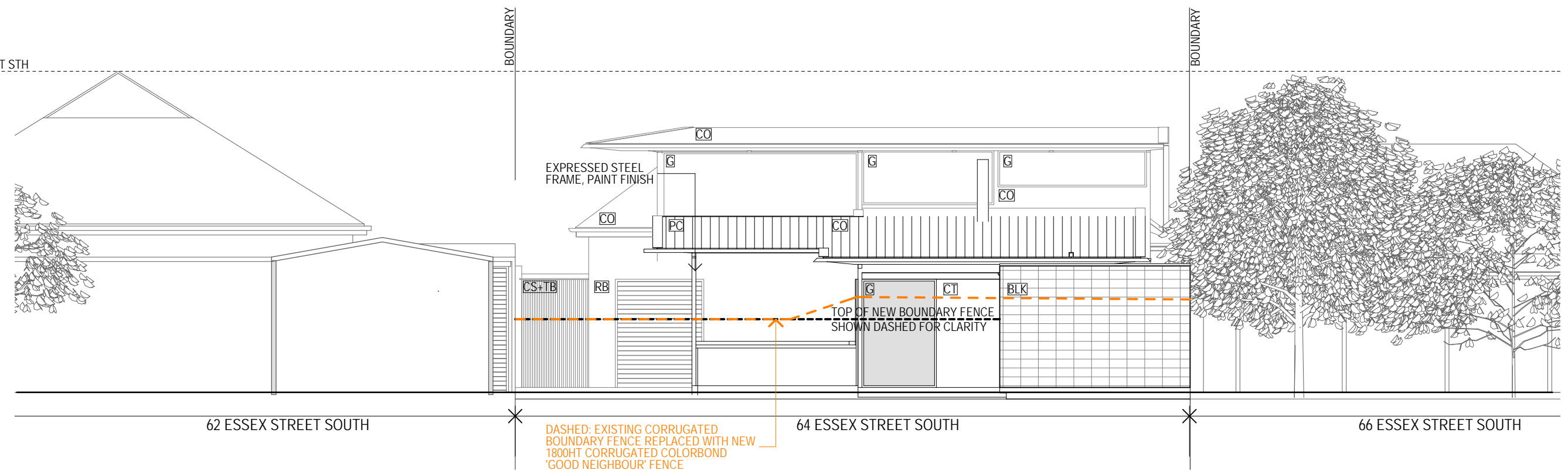
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RL 39.76 +5860 APPROX. RIDGE

RL 37.30 +3400 TOP OF BDY WALL

RL 36.60 +2700 TOP OF BDY WALL

RL 33.90 FFL 0.00



WEST ELEVATION

1:100 @A3

MATERIAL KEY

CO	CORRUGATED GALV. CLADDING
CT	FLAT COR-TEN CLADDING
RB	RENDERED BLOCK/BRICKWORK
G	GLAZING
WB	CHARRED TIMBER WEATHERBOARDS
LS	LIMESTONE
CS	COMPRESSED SHEET CLADDING
	COLOUR-THROUGH/ PAINT FINISH
BLK	BORAL DESIGNER BLOCK
	CHARCOAL, SMOOTH FACE

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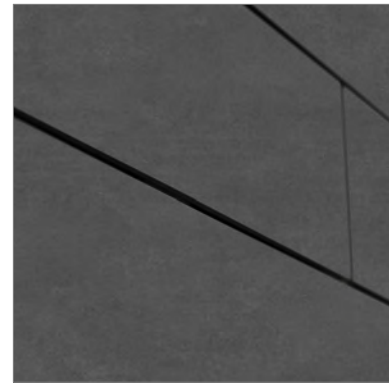
PROPOSED
NEW DWELLING

FOR
ALAN LINDSAY & ALISON LOWRIE
64 ESSEX ST STH, GOODWOOD

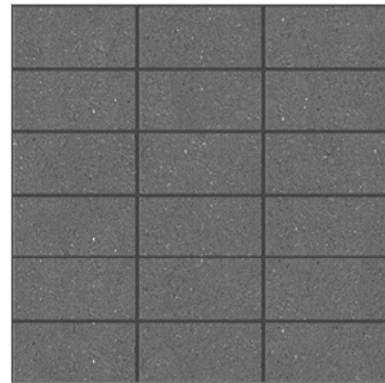
ELEVATIONS 3

17/04/2024

33
Dwg No: 14



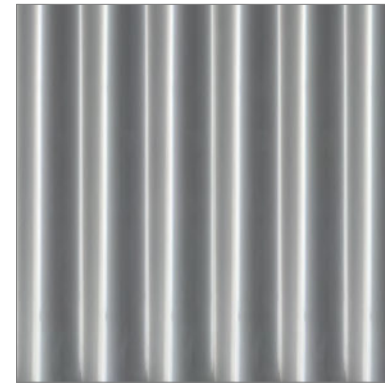
COLOUR THROUGH/
CEMENT SHEET CLADDING



DESIGNER BLOCK
CHARCOAL, SMOOTH FACE



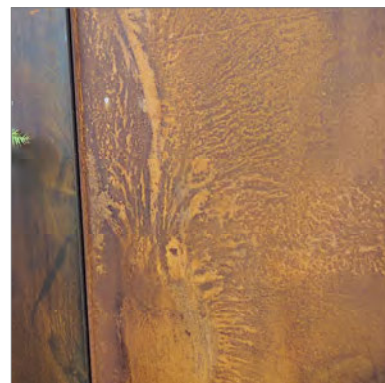
CORRUGATED GALVANISED
ROOFING



CORRUGATED POLYCARBONATE
ROOFING
DIFFUSE GREY



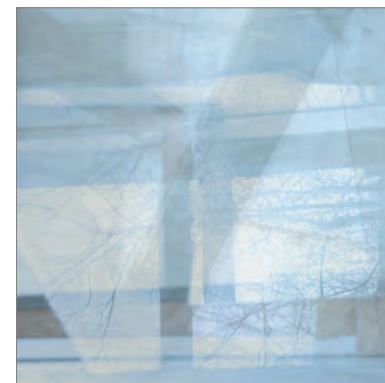
RENDERED BLOCK/ BRICKWORK



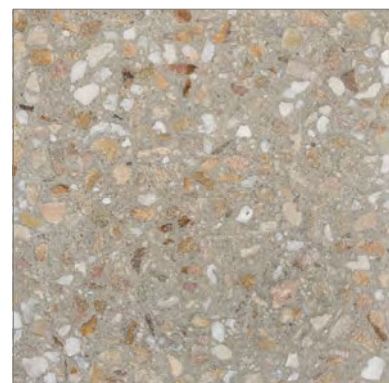
COR-TEN FLAT SHEET CLADDING



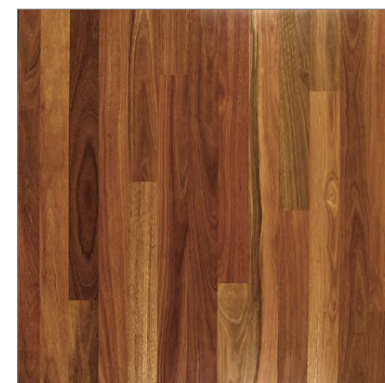
LIMESTONE WALLING



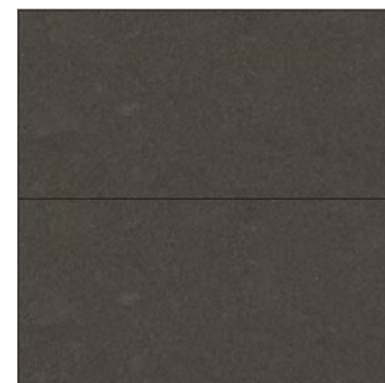
GLASS



HONED CONCRETE



TONGUE & GROOVE
HARDWOOD FLOORING



TILING



HARDWOOD TIMBER BATTEN &
COR-TEN FRONT FENCE

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PROPOSED
NEW DWELLING

FOR
ALAN LINDSAY & ALISON LOWRIE
64 ESSEX ST STH, GOODWOOD

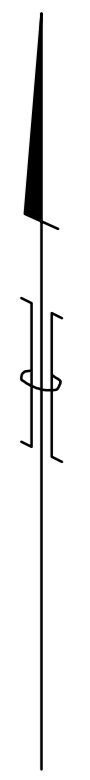
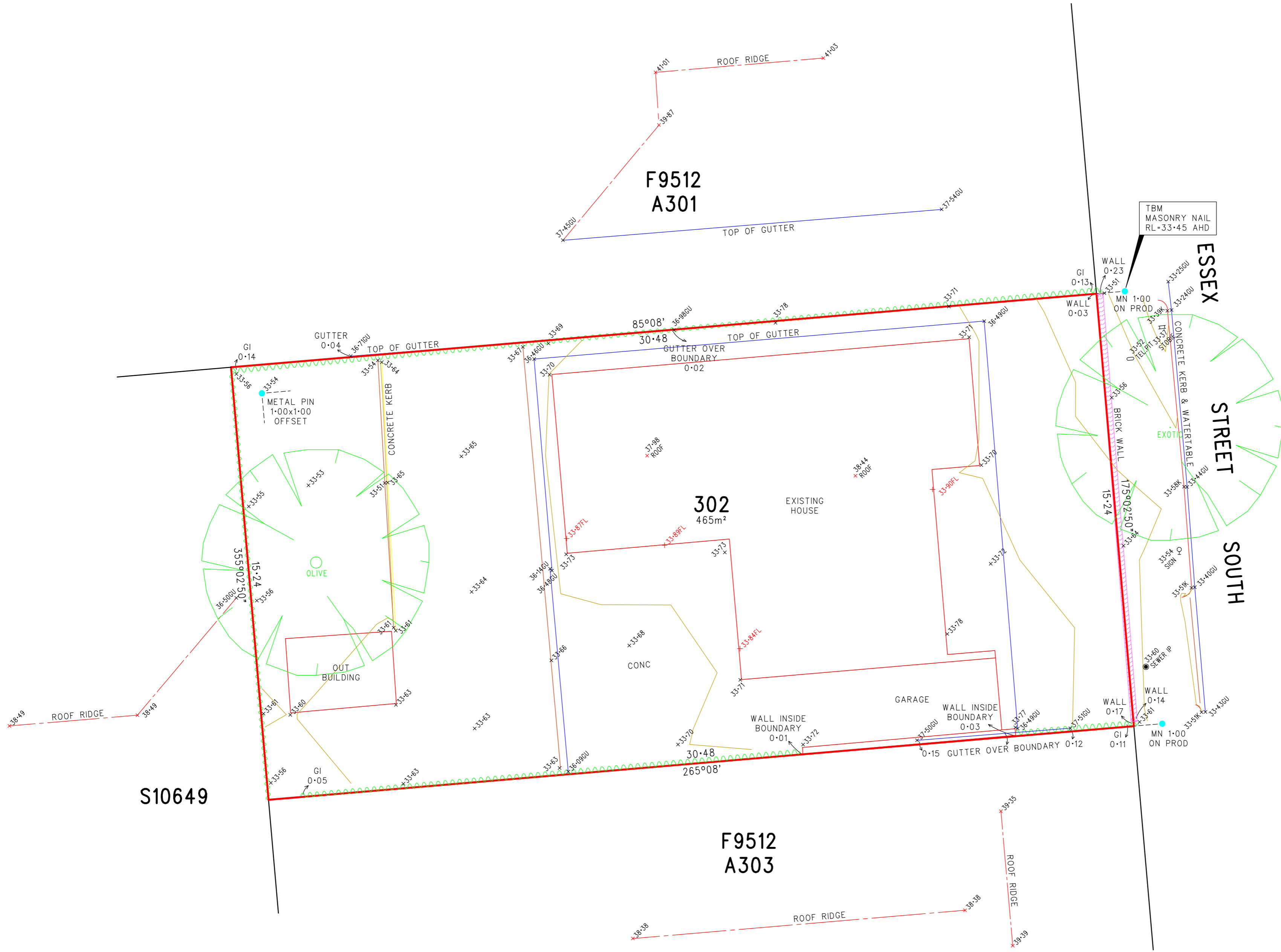
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T. +(61) 8 8232 9696 F. +(61) 8 8232 9797
E: adelaide@tropoarchitects.com.au

MATERIALS

17/04/2024

34
Dwg No: 15

ATTACHMENT 2



WEBER FRANKIW SURVEYORS
 Licensed Surveyors Land Division Consultants
 178 Main Road McLaren Vale South Australia 5171
 Telephone (08) 8323 8991
 Email : admin@wfasurvey.com.au
 www.wfasurvey.com.au
 ACN 624 277 158

NOTES:
 CONTOUR INTERVAL = 0.10 METRES
 HEIGHTS ARE ON AUSTRALIAN HEIGHT DATUM
 DIGITAL VERSION DATUM IS MGA 2020 ZONE 54
 BOUNDARIES ARE SURVEYED & CERTIFIED CORRECT
 BY DAVID WESTON, LICENSED SURVEYOR

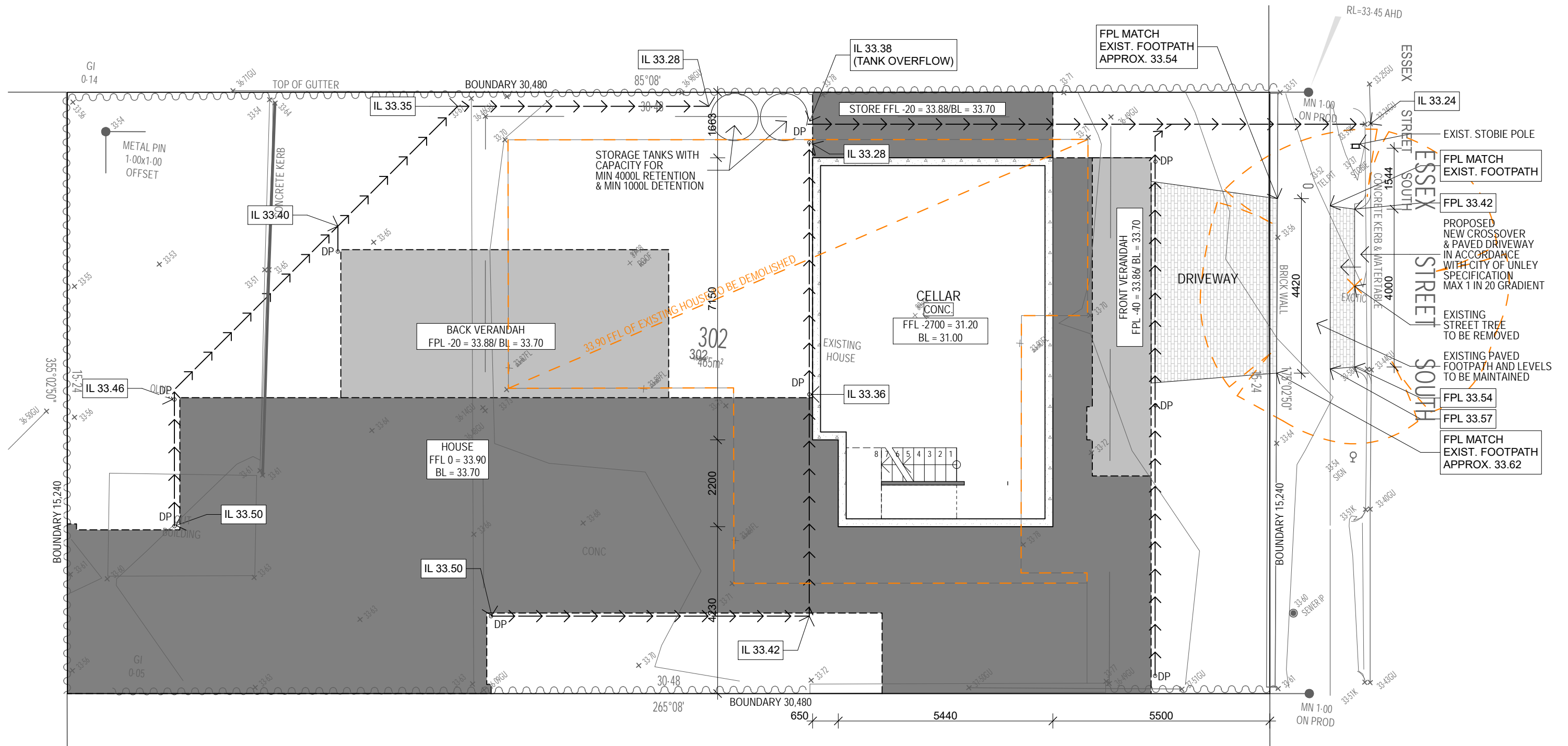
GU = GUTTER
 MN = MASONRY NAIL

IDENTIFICATION & DETAIL SURVEY
ALLOTMENT 302 IN F9512
64 ESSEX STREET SOUTH
GOODWOOD



SURVEY	DW	DATE 17/08/22
APPROVED	DW	DATE 17/08/22

JOB NO. 8917	
CAD REF. 8917dtl	
SHEET	REV
	36




SITWORKS PLAN

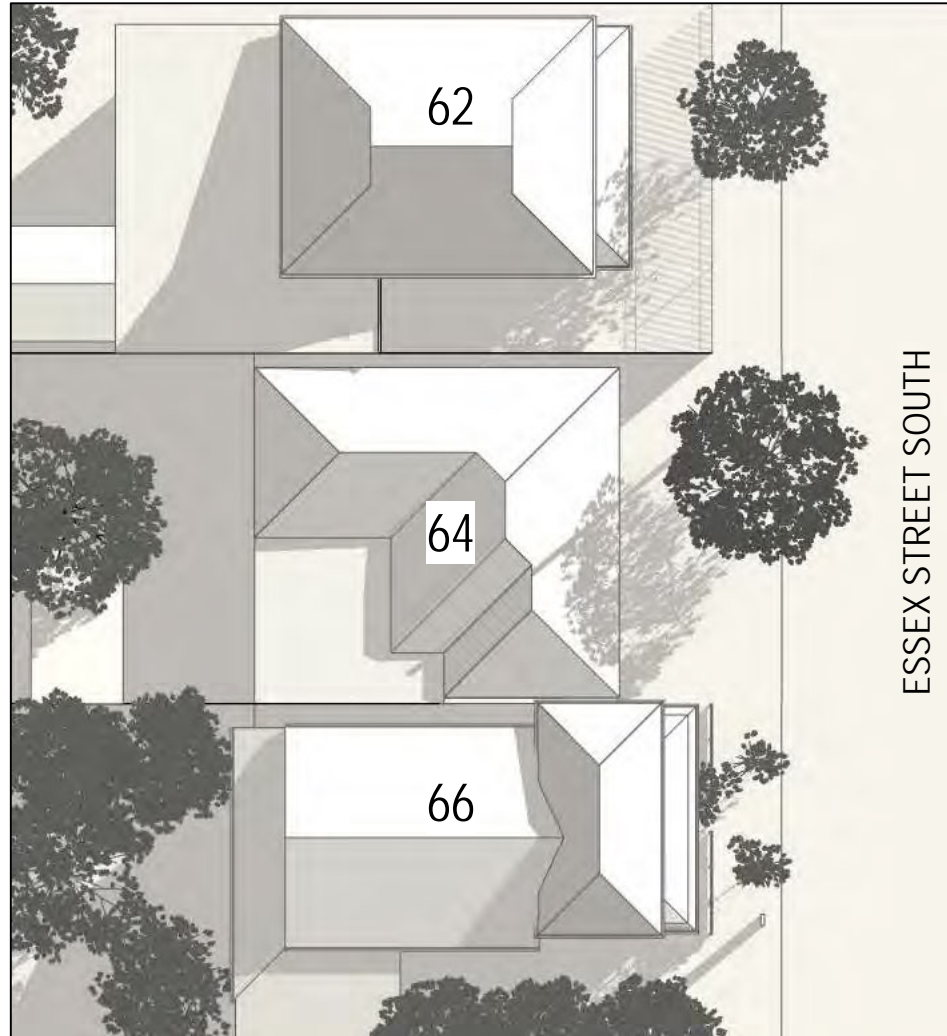
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KEY

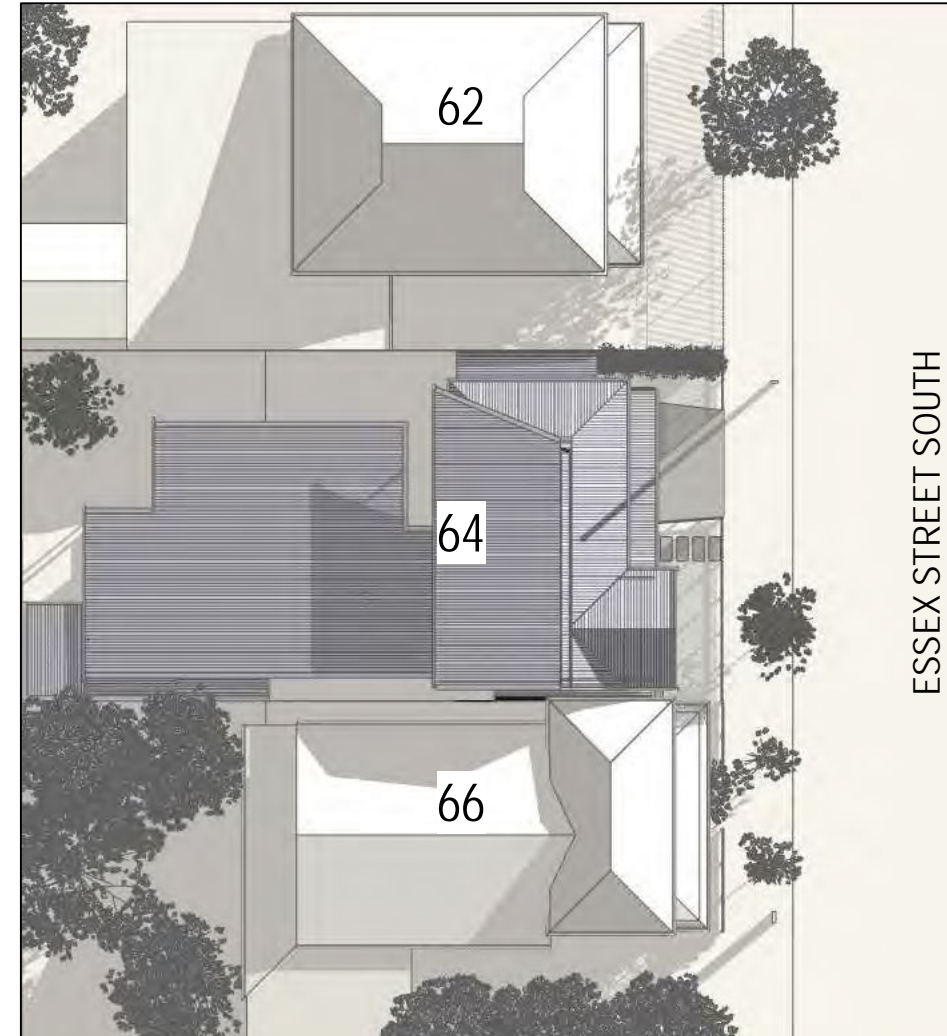
- DP^o DOWNPIPE
- 100Ø DWV SEALED SYSTEM @ MIN. 1.00% GRADE
- IL ### INVERT LEVEL

	PROPOSED NEW DWELLING	
	FOR ALAN LINDSAY & ALISON LOWRIE 64 ESSEX ST STH, GOODWOOD	
© TROPPO ARCHITECTS (SA) 28 East Terrace, Adelaide SA 5000 T. +(61) 8 8232 9696 F. +(61) 8 8232 9797 E: adelaide@troppoarchitects.com.au		
SITWORKS PLAN		17/04/2024
DWG No: 20		37


ATTACHMENT 3

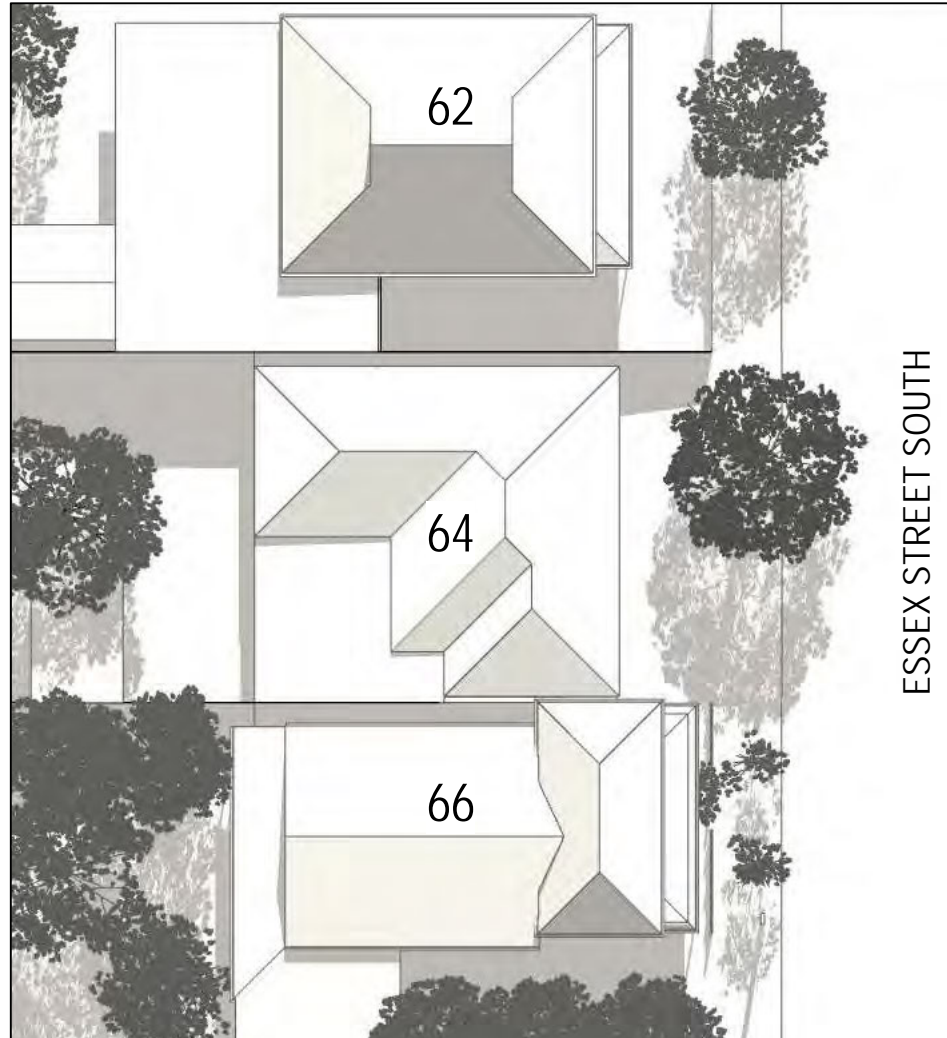


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 PROPOSED 9AM
 1:200 @A3


	PROPOSED NEW DWELLING	
	FOR ALAN LINDSAY & ALISON LOWRIE 64 ESSEX ST STH, GOODWOOD	
© TROPPO ARCHITECTS (SA) 28 East Terrace, Adelaide SA 5000 T. +(61) 8 8232 9696 F. +(61) 8 8232 9797 E: adelaide@tropoarchitects.com.au		SUN STUDY JUNE 21st 9AM
		17/04/2024 39 Dwg No: 16

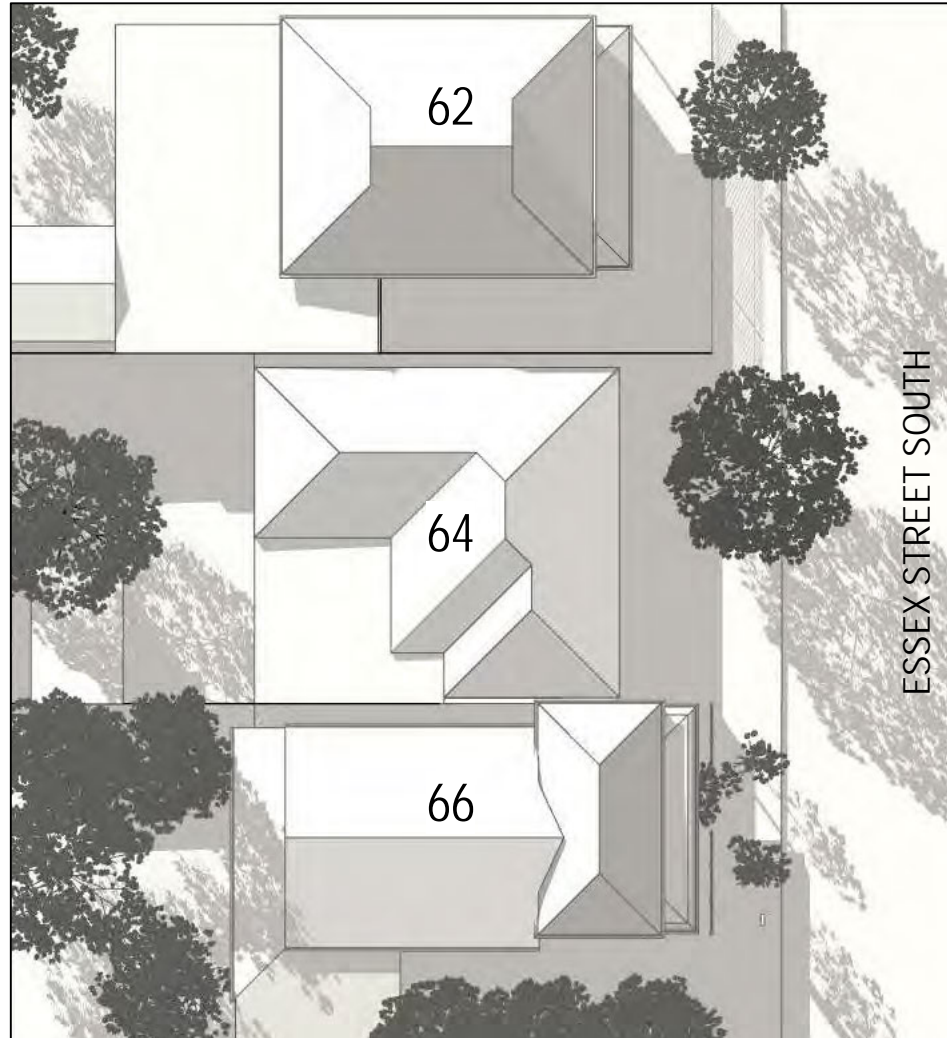


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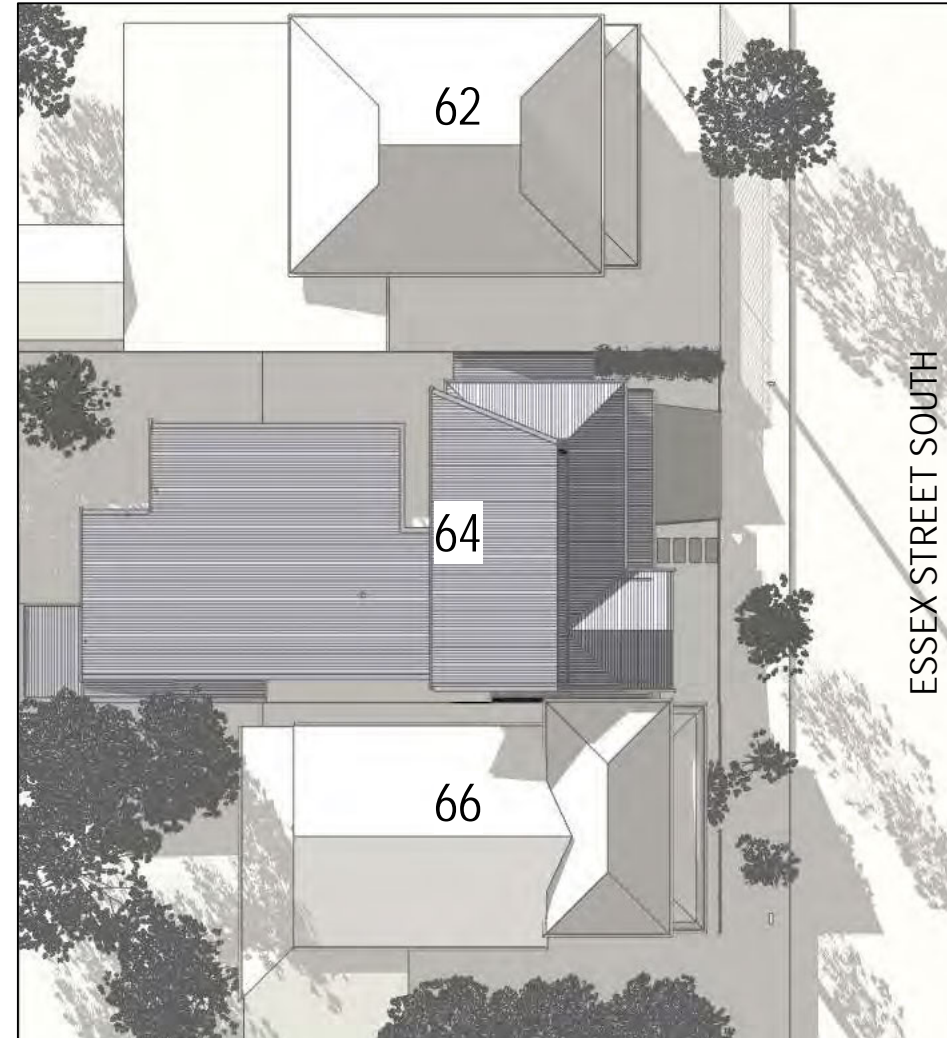


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 PROPOSED NOON
 1:200 @A3


	PROPOSED NEW DWELLING	
	FOR ALAN LINDSAY & ALISON LOWRIE 64 ESSEX ST STH, GOODWOOD	
© TROPPO ARCHITECTS (SA) 28 East Terrace, Adelaide SA 5000 T. +(61) 8 8232 9696 F. +(61) 8 8232 9797 E: adelaide@tropoarchitects.com.au		SUN STUDY JUNE 21st NOON
		17/04/2024 40 Dwg No: 17



N
 EXISTING 3PM
 1:200 @A3



N
 PROPOSED 3PM
 1:200 @A3

	PROPOSED NEW DWELLING	
	FOR ALAN LINDSAY & ALISON LOWRIE 64 ESSEX ST STH, GOODWOOD	
© TROPPO ARCHITECTS (SA) 28 East Terrace, Adelaide SA 5000 T. +(61) 8 8232 9696 F. +(61) 8 8232 9797 E: adelaide@tropoarchitects.com.au		SUN STUDY JUNE 21st 3PM
		17/04/2024 41 Dwg No: 18

ATTACHMENT 4

Details of Representations

Application Summary

Application ID	23022401
Proposal	Demolition of existing dwelling and construction of a new two storey detached dwelling with associated garage and fencing
Location	64 ESSEX ST S GOODWOOD SA 5034

Representations

Representor 1 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	24/04/2024 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

Refer to Boundary Walls "PO7.1 Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties." -The property development does not satisfy (a) or (b). (a) Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher. (Not satisfied) (b) Not a row dwelling or a terrace arrangement. Refer to side boundary setback "PO8.1 Buildings are set back from side boundaries to provide: separation between buildings in a way that complements the established character of the locality access to natural light and ventilation for neighbours." - The property development does not satisfy (a) or (b). The proposed development is occupying more than 50% along the boundary fence between 64 and 66 Essex st South. The main concern is overshadowing and visual impact, the 2nd storey of the house is 5.86m in height and only 900 mm from the boundary of [REDACTED]. The first storey is over 3 m in height and proposed to be built on the boundary. This does not satisfy the code or the existing streetscape of Essex St.

Attached Documents

Representations

Representor 2 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	24/04/2024 11:55 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

Refer to Boundary Walls "PO7.1 Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties." -The property development does not satisfy (a) or (b). (a) Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher. (Not satisfied) (b) Not a row dwelling or a terrace arrangement. Refer to side boundary setback "PO8.1 Buildings are set back from side boundaries to provide: separation between buildings in a way that complements the established character of the locality access to natural light and ventilation for neighbours." - The property development does not satisfy (a) or (b). The proposed development is occupying more than 50% along the boundary fence between 64 and 66 Essex st South. The main concern is overshadowing and visual impact, the 2nd storey of the house is 5.86m in height and only 900 mm from the boundary of [REDACTED]. The first storey is over 3 m in height and proposed to be built on the boundary. This does not satisfy the code or the existing streetscape of Essex St.

Attached Documents

Representations

Representor 3 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	25/04/2024 12:38 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 support the development
Reasons We renovated 10 or so years ago with much fun from our neighbour at [REDACTED] - taking us to every DAP meeting she could because the process allows for it, so we know how complicated this process can be. Troppo are great architects, ans the plans look great. The house will provide much needed modernism to our end of the street, and if anybody has issues with the design or knocking down that 70's creak brick house they need their head read! I'm happy to speak if it helps at some point, otherwise good luck and can't wait to see it built, this should be smooth sailing. Regards [REDACTED].	

Attached Documents

Representations

Representor 4 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	08/05/2024 02:58 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 support the development with some concerns
Reasons	
<p>I believe that the proposal should be accepted. The design provides a high quality of architecture and is a suitable response to the streetscape and amenity of the community. My only concern is one of overlooking from the upper floor to the east across Essex Street towards the front of [REDACTED] where bedrooms are located. I don't believe that this is too much of an issue, but one that might perhaps want to be considered by the Architects in their Design Development. Otherwise and overall, I'm supportive of the proposal.</p>	

Attached Documents

Representations

Representor 5 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	15/05/2024 04:07 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 support the development with some concerns
Reasons	

Attached Documents

[REDACTED].pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	Alison Lowrie [applicant name]
Development Number:	23022401 [development application number]
Nature of Development:	New Dwelling [development description of performance assessed elements or aspects of outline consent application]
Zone/Sub-zone/Overlay:	Click here to enter text. [zone/sub-zone/overlay of subject land]
Subject Land:	64 Essex St Sth GOODWOOD 5034 [street number, street name, suburb, postcode] [lot number, plan number, certificate of title number, volume & folio]
Contact Officer:	Click here to enter text. [relevant authority name]
Phone Number:	Click here to enter text. [authority phone]
Close Date:	15/5/2024 [closing date for submissions]

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

* Indicates mandatory information

My position is:	<input type="checkbox"/> I support the development
	<input checked="" type="checkbox"/> I support the development with some concerns (detail below)
	<input type="checkbox"/> I oppose the development

I have a concern regarding the proposed development primarily with the upper story of the proposed residence overlooking the private rear yard of [REDACTED]. I am the owner of this property and the rear yard aligns along Essex Street South. I believe the distance from the upper story of the proposed development to the boundary of my rear yard is within the regulated distance that effects overlooking regulations. This window is about 3 metres from the boundary of the proposed development, which then puts this window approximately 30 metres from the boundary of [REDACTED] and clearly overlooking the fence into the yard and into the rear verandah.

I accept this window is part of a void, but the plans indicate an office adjacent to the void on the First Floor with an apparent? Ability to clearly view to the window and outside into the said rear yard of my premises.

The plans identify a series of vertical screens - cor-ten vertical privacy fins, on the ground floor window of the bedroom below this void, but any such permanently fixed and not adjustable vertical screens are not identified on the first floor window. This may be an oversight, however this would seem a necessary feature to prevent direct views into the rear yard of [REDACTED].

Another solution to this problem would be to make the firstfloor window opaque, making the ability to view into the rear yard of [REDACTED] impossible. There is no suggestion this first floor window is opaque.

An oversighting diagram showing the view or angles from the second story of the proposed dwelling would assist in establishing the extent of rear yard visibility (to [REDACTED])



If I can be satisfied the privacy of my property is guaranteed then I would have no further objection to the development.

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

[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: [Click here to enter text.](#)

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

Signature: 

Date: 15/5/2024

Return Address:  *[relevant authority postal address] or*

Email: [redacted] *[relevant authority email address]* or

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

ATTACHMENT 5

11 June 2024

Mr Timothy Bourner
Senior Planner
City of Unley
Via the Plan SA Portal



Dear Tim,

APPLICATION ID: 23022401 – RESPONSE TO REPRESENTATIONS

As you will be aware, four (4) representations were received as a result of public notification procedures undertaken in relation to this development application for the demolition of an existing dwelling and construction of a new two storey detached dwelling on land located at 64 Essex Street, Goodwood.

I provide the following summary of matters raised by the representors.

	Opposed	Support	Appear	Side Set Back	Shadowing	Streetscape Character	Privacy
[Redacted]	■			■	■	■	
[Redacted]		■	■				
[Redacted]		■					■
[Redacted]		■	■				■

In response, I provide the following for your consideration, which is in addition to that outlined in my initial letter of opinion dated 24 July 2023 which accompanies this development application noting that the design has been refined following extensive consultation with yourself and Council’s Heritage Advisor.

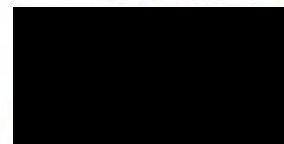
1. Side Setback & Wall Height

In so far as the form of the building is sited closer to the southern side property boundary that otherwise provided for by Designated Performance Feature 8.1, sufficient space is provided between buildings to enable suitable access to light and ventilation and complement the established character of this locality.

The extent of on boundary wall construction is limited in extent and of a height that would not seriously prejudice the entry of light into habitable room windows in the north facing elevation of this adjoining dwelling. As seen in the extract below, the proposed building is set back where it is adjacent to these windows.

Phillip Brunning & Associates

ABN 40 118 903 021





The floor plan for the adjoining dwelling together with several photographs are also provided to assist in understanding the existing boundary condition, the arrangement of private open space and the layout of habitable rooms for this dwelling. I would even go so far as to say that the proposal will improve the current situation.



While two storeys, the upper level of the proposed dwelling is substantively contained within the roof form and set back from this side property boundary. You will also note the position of the courtyard relative to the adjoining dwelling and north facing windows to the kitchen and living area.

2. Shadowing

The following shadow diagrams demonstrate that the adjoining dwelling to the south will continue to enjoy suitable sunlight to private open space, noting that the current arrangement of buildings and fencing on the shared boundary already cast shadow, with negligible increase arising.



3. Streetscape Character

As you will be aware, extensive work has been undertaken in close consultation with council officers to refine the design of the proposed dwelling to present in manner that complements and enhances streetscape character, noting of course the nature of the existing dwelling to be removed.



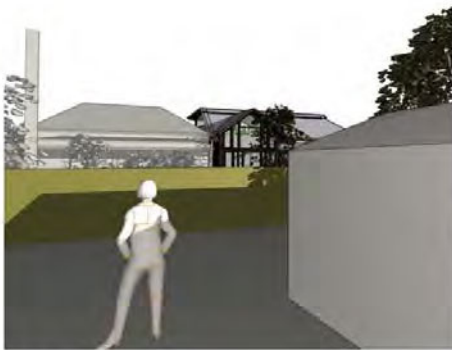
The resultant architectural outcome may only be described as exemplary. I am sure that you will agree that the level of compatibility with respect to form, scale and detailing of the front elevation has resulted in a building that is respectful of its context while still contemporary in its style and function.

4. Privacy

In response to the concerns expressed by two of the representors in relation to the potential for overlooking from the east facing upper level home office towards, the Architect has prepared a very useful analysis for your consideration, presented in both 3D and plan view.



Inside View



16A backyard view

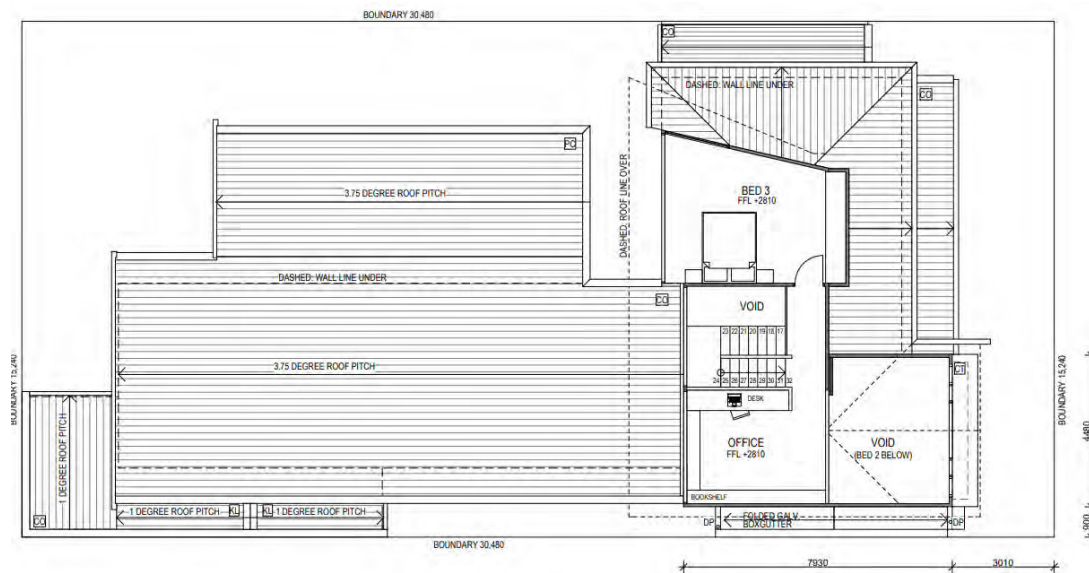


Street Facade



In so far as line of sight may be possible from this upper level room, it is not to an extent that would seriously compromise the privacy that may continue to be enjoyed on these residential properties opposite on the other side of Essex Street, noting that with respect to #53 the limited view is into the front yard area.

It is not thought necessary to introduce additional screening to this window given the horizontal distance between the viewpoint and the areas in question, noting that there is to be a void to the bedroom below on the ground floor of some 4 metres together with a solid balustrade.

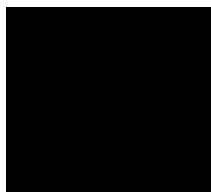


Proposed new street tree planting to the front of the property will also filter views.

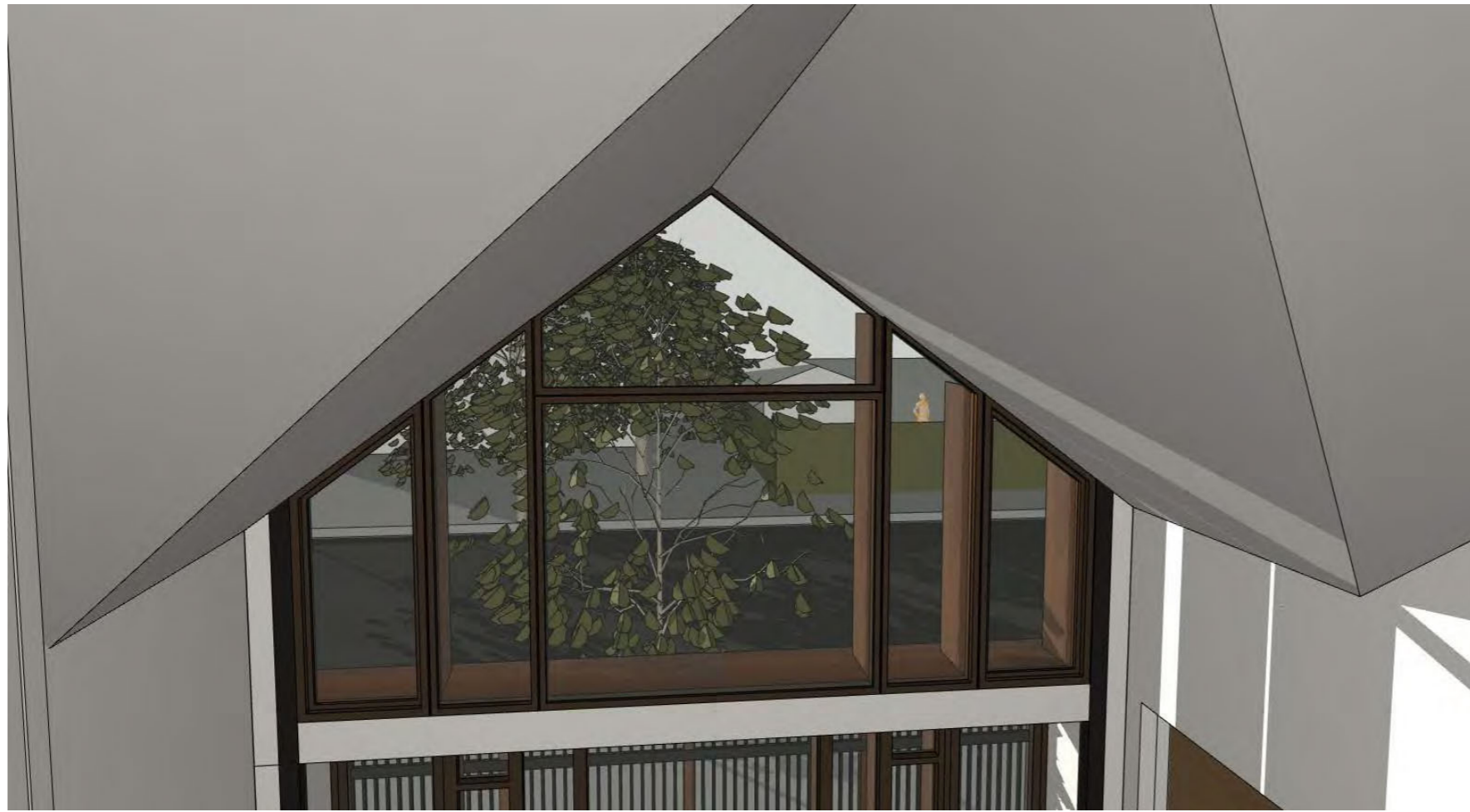
I trust that this additional information assists in finalising your assessment of this development application and presented to Council’s Assessment Panel, we trust with a recommendation for planning consent. As provided for I would be happy to attend the Panel meeting to respond to any matters arising.

Yours faithfully

PHILLIP BRUNNING & ASSOCIATES PTY LTD



PHILLIP BRUNNING RPIA
Registered Planner
Accredited Professional – Planning Level 1



Inside View



16A backyard view



Street Facade



Note dimensions are estimates only, scaled from aerial photo downloaded from SA Property and Planning Atlas website

N
 OVERLOOKING PLAN
 1:200 @A3

tropo

PROPOSED
NEW DWELLING
 FOR
ALAN LINDSAY & ALISON LOWRIE
 64 ESSEX ST STH, GOODWOOD

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 E: adelaide@tropoarchitects.com.au

OVERLOOKING PLAN

3/06/2024 59
 Dwg No: 21

ITEM 6.1**APPLICATIONS BEFORE THE ERD COURT - SUMMARY OF ERD COURT APPEALS**

TO: City of Unley Council Assessment Panel

FROM: Gary Brinkworth, Assessment Manager

SUBJECT: Summary of ERD Court Appeals

MEETING DATE: July 16th 2024

APPEALS - 1

Development Application / Subject Site	Nature of Development	Decision authority and date	Current status
DA22040422 - 7 Thornber Street, Unley Park	Demolition	Refused by CAP, March 21 st 2023	Appealed to ERD, conference adjourned until October 1 st 2024
DA24009737 – 5 Regent Street, Millswood	Carport	Refused under delegation , May 3 rd 2024	Appealed to ERD, Hearing scheduled on July 22 nd 2024

UNLEY COUNCIL ASSESSMENT PANEL ANNUAL REPORT 2023 - 2024

July 2024

CONTENTS

BACKGROUND

TERMS OF REFERENCE

DISCUSSION

MEMBERSHIP

MEETING

PROCEDURES

DELEGATED

AUTHORITIES APPEALS

APPLICATION NUMBERS

MEETING DATA

BACKGROUND

The functions of the Council Assessment Panel (CAP) are:

1. To act as a delegate of the Council in accordance with the requirements of the *Planning, Development and Infrastructure Act 2016* (the PDI Act) and any relevant instrument of delegation;
2. To provide advice and reports to the Council as it thinks fit on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the PDI Act; and
3. To perform other functions (other than functions involving the formulation of policy) assigned to the CAP by the PDI Act or the *Planning, Development and Infrastructure Regulations 2017* (the PDI Regulations) from time to time.

TERMS OF REFERENCE

The Terms of Reference for the CAP require that it reports annually to Council in respect of the following matters:

1. The use of the provisions of Regulation 13(2) of the PDI Regulations;
2. Disclosure by CAP Members of interests pursuant to clause 7 of the Minister's Code of Conduct issued under Schedule 3 of the PDI Act;
3. Resignation of a CAP Member;
4. The incidence of items deferred by the CAP;
5. The adjournment of consideration of development applications;
6. Any matter that would improve the effectiveness of, or expedite the decisions of the CAP; and
7. Any other matters upon which the CAP is required to report to the Council or thinks fit to report.

This report is submitted in accordance with these requirements.

DISCUSSION

Membership

The following members were appointed by Council for a two-year term from March 2023, with no resignations during the reporting period:

- Brenton Burman (Presiding Member)
- Colleen Dunn (Independent Member)
- Terry Sutcliffe (Independent Member)
- Dr Iris Iwanicki (Independent Member)
- Will Gormly (Independent Member)
- Prof Mads Gaardboe (Deputy Independent Member)

The Independent Members are persons accredited at Planning Level 2 under the Accredited Professional Scheme as required under the Planning and Development Act.

Meeting Procedures and Delegated Authorities

At its first meeting of the new term of the CAP in March 2023, the Panel adopted the existing Meeting Procedures and Instrument of Delegation of the previous Panel.

Appeals

Table 3 provides a summary of appeals against CAP decisions for the financial year. Figure 1 provides a historical comparison of appeals data. The number of appeals lodged in 2023/2024 continued to trend down from previous years. Two appeals were lodged during the reporting period, of which both are ongoing.

Application Numbers

Table 2 provides a summary of the number of applications considered by the CAP, concurrence with officer's recommendations, meeting attendance, site meetings and special meetings.

Application numbers in 2023/24 were lower than 2022/23, as was anticipated (by a projection of 16). Overall, 13 applications were considered by the Panel for the financial year compared to 25 the year before. Of the 13 applications, 11 decisions (84.6%) by the Panel concurred with the staff recommendation (very similar to 84% the year before).

Recent announcements by the state government to its response to recommendations of the Expert Panel on the Review of the Planning System may tend to increase the number of applications being considered by the Panel over time.

Meetings

Meeting attendance by members was high, with the Deputy member only attending 3 meetings. The above trend in the declining number of applications considered

Meeting attendance by members was high, with the Deputy member only attending 3 meetings. The above trend in the declining number of applications considered by the CAP is reflective of the reduced number of applications subject to public notification, and hence attracting less representations expressing a wish to be heard by the Panel.

Policy Matters

The panel submitted its annual report for 2022/23 to Council at the October 2023 meeting. No matters of policy were submitted to Council during the reporting period.

Table 1: Matters to be reported to Council – 2023/24

2023-2024	Use of Reg 13(2) of the PDI (General) Regulations (confidential item)	Disclosure by Panel Members of interests pursuant to Sec 83(1)(g) of the PDI Act (Conflict of Interest)	Resignation of a Panel Member	Incidence of items deferred by the Panel	Adjournment of consideration of development applications	Other matters upon which the CAP is required to report to the Council or thinks fit to report
July	No meeting					
August	No meeting					
September	0	0	0	0	0	1
October	0	0	0	0	0	0
November	0	0	0	0	0	0
December	0	1	0	0	0	0
January	0	0	0	0	0	0
February	0	0	0	0	0	0
March	No meeting					
April	0	0	0	0	0	0
May	No meeting					
June	1	0	0	1	0	0
TOTAL	1	1	0	1	0	1

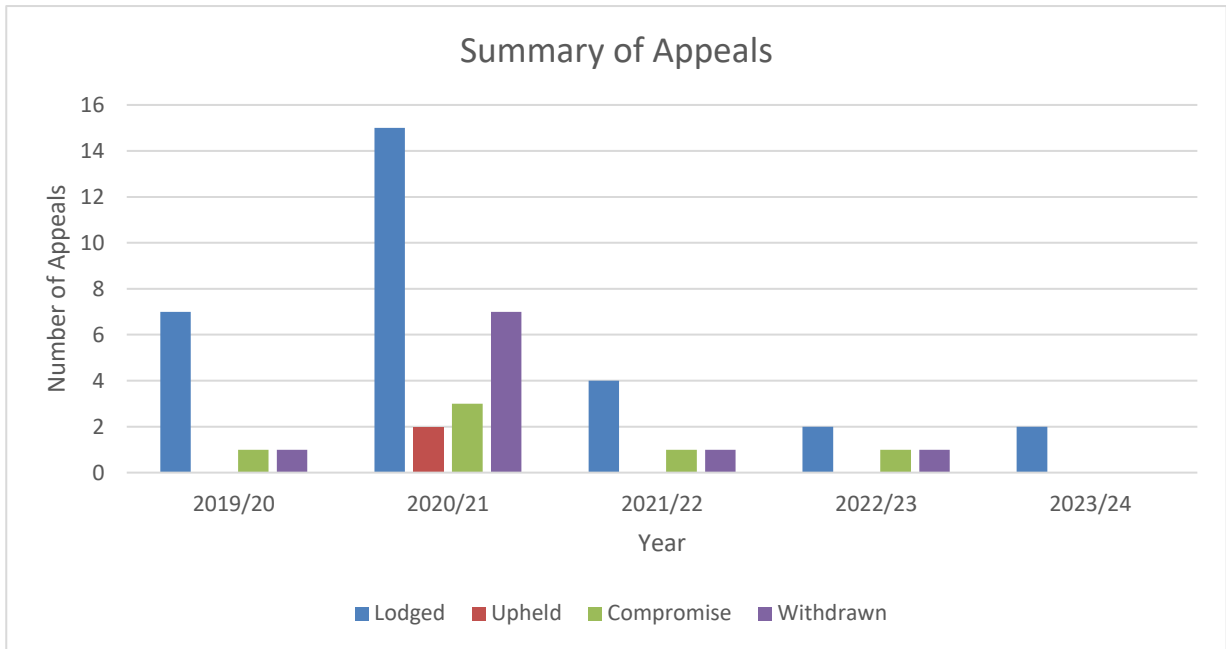
Table 2: Applications and Meeting Data

2023-2024	No. of Items	No. where CAP concurred with Officer's Recommendation	Meeting Attendance (no. of CAP members)	Meeting Attendance (no. of Deputy members)	Site Meetings	Special Meetings
July	No Meeting Held					
August	No Meeting Held					
September	2	2	3	1	0	0
October	1	1	5	0	0	0
November	2	2	3	1	0	0
December	3	2	5	0	0	0
January	1	1	5	0	0	0
February	1	1	5	0	0	0
March	No Meeting Held					
April	1	1	5	0	0	0
May	No Meeting Held					
June	2	1	4	1	0	0
Total	13	11	35	3	0	0
Average	1.62	-	-	-	-	-

Table 3: Summary of Appeals - 2023/24

APPEALS							
YEAR	LODGED	Upheld	Dismissed	Withdrawn	Compromise	Ongoing	TOTAL
2023/24	2	0	0	0	0	2	2

Figure 1: Historical Comparison of Appeals Data



ITEM 9.1

AMENDMENTS MADE TO JUNE 18 2024 COUNCIL ASSESSMENT PANEL AGENDA

TO: City of Unley Council Assessment Panel

FROM: Gary Brinkworth, Assessment Manager

SUBJECT: Amendments to June 18 CAP Agenda

MEETING DATE: July 16th 2024

CORRECTION OF INFORMATION ITEM 5.1 64 NORTHGATE STREET

It has been brought to the attention of the Assessment Manager that reference was made to the incorrect consulting arborist company in the assessment report for the above item.

Reference was made in the report to Tertiary Tree Consulting P/L (on pages 62, 63, and 95 of the Agenda) when it should have referenced Ecological Tree Consulting. The error did not impact the consideration of the matter and apologies have been made to a representative of Tertiary Tree Consulting P/L.

The online agenda for the meeting has been corrected accordingly. The minutes of the meeting remain unaffected.

It is suggested that the correction be noted in the minutes of this meeting.