

## CAP Meeting Agenda

*Presiding Member: Mr Brenton Burman*

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 19 November 2024 at 6:00pm in the Unley Council Chambers, 181 Unley Road Unley.



**Don Donaldson**

Assessment Manager

Dated: 06/11/2024

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**Members:** Mr Brenton Burman, Ms Colleen Dunn, Mr Terry Sutcliffe, Mr Will Gormly, Professor Mads Gaardboe (Deputy)

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### 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

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**ITEM 4.1****DEVELOPMENT APPLICATION – 24020071 – 10 CARLTON STREET, HIGHGATE**

<b>DEVELOPMENT NO.:</b>	24020071
<b>APPLICANT:</b>	Lee Li
<b>ADDRESS:</b>	10 CARLTON ST HIGHGATE SA 5063
<b>NATURE OF DEVELOPMENT:</b>	Demolition of the existing dwelling and construction of a double storey detached dwelling with cellar, swimming pool, outbuilding and fencing.
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Historic Area</li> <li>• Heritage Adjacency</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Traffic Generating Development</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) (Maximum building height is 6m)</li> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 12.5m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 400 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 1 level)</li> <li>• Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher)</li> <li>• Site Coverage (Maximum site coverage is 50 per cent)</li> </ul>
<b>LODGEMENT DATE:</b>	16 Jul 2024
<b>RELEVANT AUTHORITY:</b>	Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.12 04/07/2024
<b>CATEGORY OF DEVELOPMENT:</b>	<p>Code Assessed - Performance Assessed</p> <ul style="list-style-type: none"> <li>• <b>PER ELEMENT:</b> <ul style="list-style-type: none"> <li>Fences and walls</li> <li>Outbuilding: Code Assessed - Performance Assessed</li> <li>Demolition</li> <li>Detached dwelling: Code Assessed - Performance Assessed</li> <li>Fence: Code Assessed - Performance Assessed</li> <li>Demolition: Code Assessed - Performance Assessed</li> <li>New housing</li> <li>Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed</li> </ul> </li> <li>• <b>OVERALL APPLICATION CATEGORY:</b> <ul style="list-style-type: none"> <li>Code Assessed - Performance Assessed</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li><b>REASON</b> P&amp;D Code</li> </ul>
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Matthew Falconer Consultant Town Planner
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Heritage Consultant
<b>ATTACHMENTS</b>	Attachment 1 – Application Attachment 2 – Representations Attachment 3 – Response to representations

**DETAILED DESCRIPTION OF PROPOSAL:**

The proposed development comprises of the demolition of the existing dwelling and associated outbuildings, the construction of a two-storey detached dwelling with a cellar, swimming pool with associated safety fencing, outbuilding, combined retaining and fencing and associated landscaping. A copy of the proposed plans is contained within **Attachment 1**.

The proposed dwelling features a double garage, main bedroom with ensuite and walk in robe, study, main bathroom, laundry, open plan kitchen, meals and living area and alfresco at ground level. A cellar, home theatre and toilet are proposed below the ground level. The upper level comprises of 4 bedrooms, two with ensuites and walk in robes, a main bathroom, powder room and living area.

A swimming pool is proposed to be located at the rear of the subject land and measures 8.5 metres in length and 4 metres in width. The pool equipment shall be located in a small outbuilding that measures 2.9 metres by 4 metres with an overall footprint of 11.6 square metres. The structure has a flat roof and a maximum wall height of 3.4 metres reducing to 3.2 metres.

The proposed development seeks to construct a 1.8 metre high good neighbour fence on the side and rear property boundaries in addition to front fence constructed to a maximum height of 1.6 metres. The front fence tapers from 1.09 metres to 1.6 metres as a result of the cross fall on the subject land. The front fence is to be a combination of solid masonry piers adjacent the side the external boundaries and pedestrian path with aluminium battens between.

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

<b>Design Feature</b>	<b>Proposed</b>	<b>Code Requirement</b>	<b>Complies Y/N</b>
<b>Site Area</b>	739m <sup>2</sup>	400m <sup>2</sup>	Y
<b>Site Coverage</b>	49.7%	50%	Y
<b>Front Setback</b>	7.5m	Average of adjoining – 8.25m	N
<b>Side Setback (east)</b>	0m (lower) 2.66m (upper)	1m (lower) 3m (upper)	N N
<b>Side Setback (west)</b>	1.02m (lower) 2.476m (upper)	1m (lower) 3m (upper)	Y N
<b>Rear Setback</b>	19.2m (lower) 24.4m (upper)	4m 6m	Y Y
<b>POS</b>	263m <sup>2</sup>	60m <sup>2</sup>	Y
<b>Soft Landscaping</b>	25.3%	25%	Y
<b>Building Height</b>	7.47m – 2 Levels	6m – 1 Level	N

Table 1 – Quantitative features



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### **DEVELOPMENT APPLICATION – 24020071 – 10 CARLTON STREET, HIGHGATE**

#### **SUBJECT LAND & LOCALITY:**

**Location reference:** 10 CARLTON STREET, HIGHGATE SA 5063

**Title Ref:** CT 2557/246 **Plan Parcel:** F14931 AL 209 Council: CITY OF UNLEY

#### **Site Description**

The subject land is located within the **Established Neighbourhood Zone** and subject to the **Historic Area Overlay**.

The subject land is located on the northern side of Carlton Street and is a regular shaped allotment with a frontage 14.27 metres, a depth of 51.81 metres with an approximate site area of 739 square metres. The land has a gentle cross fall whilst the rear of the site is also lower than the front. There are no known encumbrances on the property.

The site is currently occupied by a detached dwelling and associated outbuildings. The dwelling is a cream brick conventional style dwelling constructed in the 1960/70's. There are no regulated or significant trees on the subject land.



**Figure 1 – Subject site and dwelling**

#### **Locality**

When determining the locality of the subject land the general pattern of development and the extent to which the proposed development is likely to impact surrounding occupiers and landowners was considered. The locality is located entirely within the **Established Neighbourhood Zone**.

The locality is predominantly characterised by residential dwellings, noting that church is sited toward the east of the subject land, on the border of what I consider the locality. Further east of the site are commercial properties facing Fullarton Road which are in the **Suburban Activity Centre Zone**. The residential development within the locality is predominantly comprised of detached dwellings with three single storey residential flat buildings. Examples of semi-detached dwellings are found within the broader locality. Dwellings are typically single storey in nature, however, it is noted that there are examples of two-storey dwellings located on both the northern and southern side of Carlton Street.

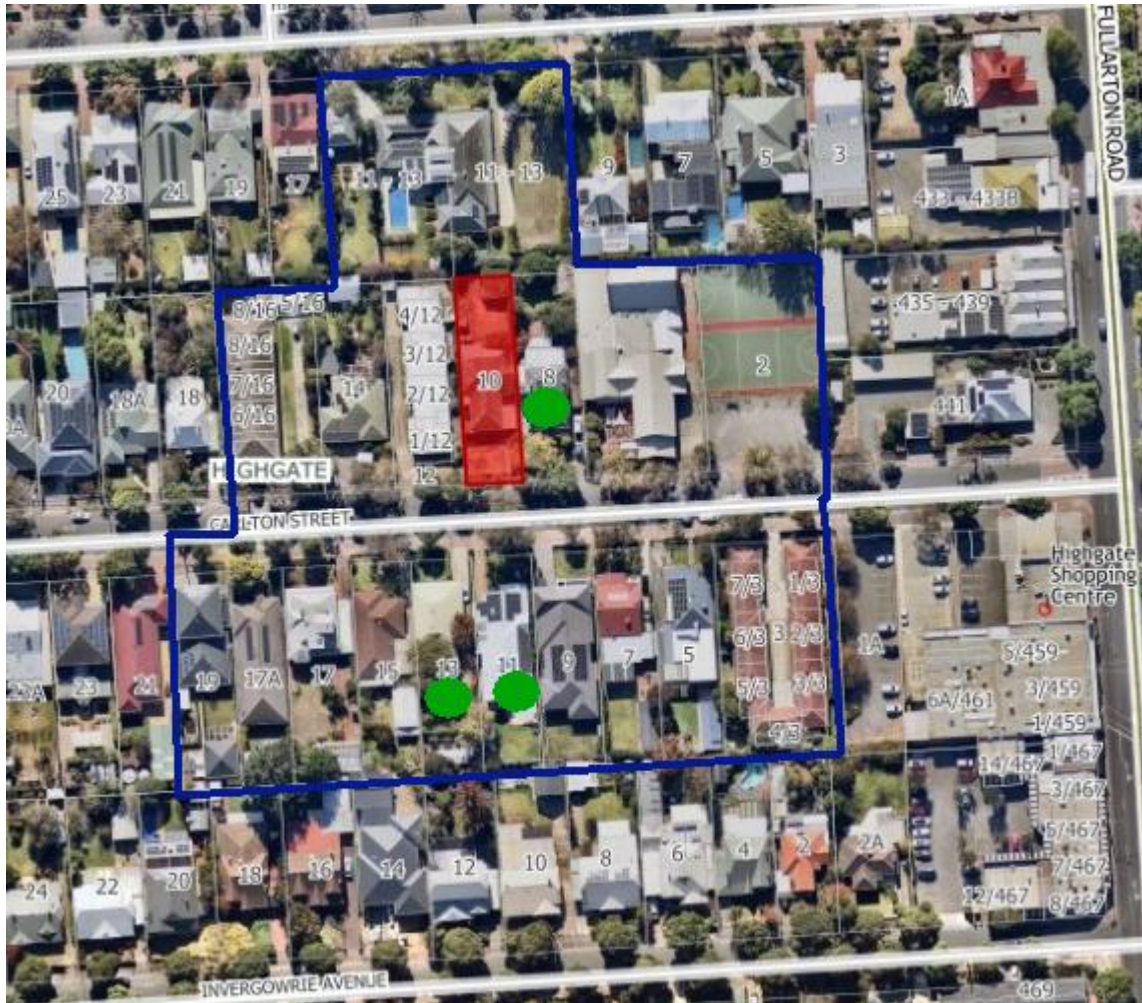
There are a number of different architectural styles evident within Carlton Street including bungalows, cottages, 1960/70's cream brick dwellings and buildings constructed post 2000. The character of the street has been eroded over time with the bungalows and cottages now interspersed between other dwelling styles resulting in a mixed streetscape pattern.

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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.



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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**

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

As part of the public notification process 36 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 period, Council received five representations (3 from the same person). All representors indicated that they do not support the proposed development, with all two (2) seeking to be heard by the Panel, and one who have altered their position and now do not wish to be heard by the panel after discussions with the applicant's Planning Consultant.

#### **Representations:**

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

#### **Summary:**

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

- Building height;
- Visual impact;
- Loss of light and ventilation;
- Design is out of character;
- Side setbacks, lower and upper level;
- Soft landscaping;
- Loss of privacy;

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.

- Details of front fencing.
- Relocation of air handling unit;
- Submission of shadow diagrams.

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- Increased soft landscaping.

As a result of the response and amended plans, the representor at 8 Carlton Street have withdrawn their representation.

#### **AGENCY REFERRALS**

None required.

#### **INTERNAL REFERRALS**

- Heritage Consultant  
Councils Heritage Consultant reviewed the proposed plans and whilst no concerns were raised with the built form it was suggested that a revised colour palate should be considered. Colours which are complimentary to the traditional characteristics identified in the HAO Statement (specifically “Corrugated Iron roof cladding” which is a light to mid-grey tone for roofing and neutral / lighter tones for walls and gable end features) was recommended.

The applicant made changes in line with the advice removing the darker monument tones from the walls, roof and gable end selecting Basalt instead.

#### **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](#)

##### **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 Malvern Highgate Fullarton and Myrtle Bank (South) Historic Area Statement (Un25)** where the **DO** is:



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*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 dwelling is a 1960-70's conventional style cream brick dwelling. The **Residential Spacious Malvern Highgate Fullarton and Myrtle Bank (South) Historic Area Statement (Un25)** includes eras from 1880 to 1940 and identifies dwelling styles such as Victorian, Turn-of-Century and Inter-War. The existing dwelling does not conform to the values described in the **Historic Area Statement**.

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

#### **Dwelling**

#### **Heritage Adjacency Overlay**

It is acknowledged that the subject land is located within the Heritage Adjacency Overlay given the dwelling (Extern form, materials and detailing of both the 1840-50s and later sections of the dwelling) located directly to the north (11 -13 Cheltenham Street) has a Local Heritage Listing. Given the proposed dwelling presents to a different street and there is considerable separation between the proposed building and the dwelling at 11-13 Cheltenham Street, there shall be no impact on the Local heritage item.

#### **Design and Appearance**

The proposal seeks to construct a modern two-storey dwelling that takes architectural cue's from surrounding development and includes mix of materials on the front facade including stone cladding, Hebel, pre-coated steel, glass, aluminium and timber

**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.*

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*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 Malvern Highgate Fullarton and Myrtle Bank (South) Historic Area Statement (Un25)** describes the following Architectural styles, detailing and built form features;

*Victorian. Turn-of-Century. Inter-War. Hipped and gable roof forms, roof louvres, chimneys, open verandahs, feature ornamentation, (plasterwork, ironwork and timberwork), latticework 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 9 metres from the lower level (16 metres from the street) making it less visually dominant when viewed from the streetscape. The external materials which include stone cladding, Hebel, timber, aluminum louvres and James Hardie Linea and vertical cladding are considered reasonable. As mentioned above the monument colour has been changed in favor of basalt.

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

#### **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 49.7% which is below that sought by the **DPF**. As such the proposed site coverage satisfies **PO 3.1**.

#### **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 7.47 metres over 2 levels. 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 setback from the street. It is noted that there are a number of two storey dwellings present within the locality, further noting that those residents are modern in design and would not satisfy the relevant provisions contained in the Planning and Design Code.

Dwellings of similar form and scale have been approved and constructed 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 fails to satisfy both the ground level and upper-level side setbacks. The dwelling seeks to have the garage constructed on the boundary for a length of 7.3 metres and a height of 3.2 metres. Further the upper-level side setbacks fail to achieve the desired minimum set out in the **DPF 8.1** of 3 metres.

Whilst a 1 metre setback is desired in **DPF 7.1** it is not considered the structure will have a detrimental impact on the neighbours given the length of the wall is limited and there will be minimal overshadowing impacts.

The upper level fails to meet the desired 3 metres as sought in **DPF 8.1**. Given the upper level is setback 16 metres from the front property boundary and the shortfalls are represented by 340mm to the eastern boundary and 500mm to the western boundary, the impacts are minimal especially when taking into consideration the fact that the upper-level setbacks provide reasonable separation from neighbouring properties and there will be no loss of light and ventilation or overshadowing impacts to the adjoining properties due to the north-south orientation of the subject site.

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

The front setback of 7.5 metres does result in a shortfall from the required 8.35 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 setback pattern within the street is varied. The more recent development is sited closer to the street with setbacks of approximately 6 to 7 metres whilst the original buildings have greater setbacks.

The subject land is sited between a group of units to the west that has a front setback of 6 metres whilst the older dwelling to the east has a setback of 10.4 metres. The proposed dwelling has varied setbacks to the front façade. The setback to the main building line associated with bed 1 measures 7.5 metres whilst the garage is setback at 8.9 metres. In my view, the building provides a suitable transition between the two neighbouring properties with these varied setbacks and based on setbacks of other dwellings in the street, **PO 5.1** is 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 300m<sup>2</sup> provide a minimum of 60m<sup>2</sup> of private open space. The proposed dwelling provides approximately 263m<sup>2</sup> of private open space far

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exceeding the minimum desired area satisfying **PO 21.1**. Furthermore, the POS is directly accessible from a living area with appropriate dimensions.

#### **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 450m<sup>2</sup> provide a minimum of 25% soft landscaping areas with a minimum dimension of 700mm.

The proposal demonstrates 25.3% of the subject land is desiccated 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 450m<sup>2</sup> and 800m<sup>2</sup> provide one (1) medium tree of a minimum 6m height and an 4m spread in an area of no less than 30m<sup>2</sup> or two (2) small trees of a minimum height of 4m and a spread of 2m in an area of no less than 10m<sup>2</sup>.

Two small trees are proposed in accordance with the **Urban Tree Canopy Overlay**. One tree is to be planted in the front yard and one tree is to be planted in the rear yard.

#### **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 1.5 metres proposed. With the exception of the ensuite windows on the eastern side. Two windows on this elevation have windows that are obscured and not capable of being opened more than 125mm.

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 street. The shadow plans prepared by the applicant demonstrate



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that the eastern dwelling will be impacted by shadows cast in the afternoon whilst the dwellings 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.

#### **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 401m<sup>2</sup> with a site perviousness less than 35% to provide 4000L of retention and 1000L detention capacity.

The proposal demonstrates a combination 5000L tank in the form of 4000L retention and 1000L detention located to the rear of the dwelling. This satisfies PO 1.1. 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 be masonry with aluminium battens. The height shall vary between 1.6 metres at the western end and reduce to 1.09 metres 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 Malvern Highgate Fullarton and Myrtle Bank (South) Historic Area Statement (Un25)** 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 14.27 metres. Whilst the front fencing exceeds 1.2 metres it is noted that for the most part, the fencing remains open in nature with exception with solid elements located adjacent the side boundaries and the pedestrian gate. 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.

#### **Swimming Pool and Safety Barrier**

The proposed swimming pool and safety barrier is located to the rear of the proposed dwelling. The pool is to be 1.6m from the eastern boundary with the pool pump equipment to be housed in an acoustic enclosure.

**Interface between Land Uses PO 4.3** states:

*PO 4.3 - Fixed plant and equipment in the form of pumps and/or filtration systems for a swimming pool or spa are positioned and/or housed to not cause unreasonable noise nuisance to adjacent sensitive receivers (or lawfully approved sensitive receivers).*

## **ITEM 4.1**

### **DEVELOPMENT APPLICATION – 24020071 – 10 CARLTON STREET, HIGHGATE**

With the pump to be enclosed in an acoustic enclosure, the swimming pool, safety barrier and associated pump equipment are considered to be acceptable.

#### **Outbuilding**

The proposed outbuilding is to be sited in the rear of the property on the western boundary with a setback of 1.6 metres to the rear boundary. The structure measures 2.9 metres by 4 metres with a floor area of 11.6 square metres and features a flat roof with a wall height of 3 metres.

**Established Neighbourhood PO 11.1 and 11.2** states:

***PO 11.1** - 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** - 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 outbuilding is of a size and in a location that will not impact adjoining properties. The structure will not detract from the streetscape being in the rear of the property and it shall not result in a loss of private open space, soft landscaping, or car parking shortfall.

Based on the above, the proposed development satisfies **PO 11.1 and 11.2**.

#### **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.

#### **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 24020071, by Lee Li 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

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

## **ITEM 4.1**

### **DEVELOPMENT APPLICATION – 24020071 – 10 CARLTON STREET, HIGHGATE**

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).

#### 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.

#### Condition 7

That wastewater from the swimming pool shall be discharged to the sewer, and not be allowed to flow onto adjoining properties or the street water table under any circumstances.

#### Condition 8

That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment. Noise generated from ancillary pool and/or spa equipment must not exceed specified noise levels to limit loss of amenity to adjoining properties. For this purpose, noise generated from ancillary pool / spa equipment shall not exceed 52 db (a) between 7am and 10pm and 45 db (a) between 10pm and 7am on any day, measured from a habitable room window or private open space of an adjoining dwelling.

### **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).

## **ITEM 4.1**

### **DEVELOPMENT APPLICATION – 24020071 – 10 CARLTON STREET, HIGHGATE**

#### Advisory Note 5

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 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

As per the Applicants commitment to the owners of 8 Carlton Street, Highgate, a dilapidation report shall be prepared prior to the commencement of construction.

### **OFFICER MAKING RECOMMENDATION**

**Name:** Matthew Falconer

**Title:** Consultant Town Planner

**Date:** 19 November 2024

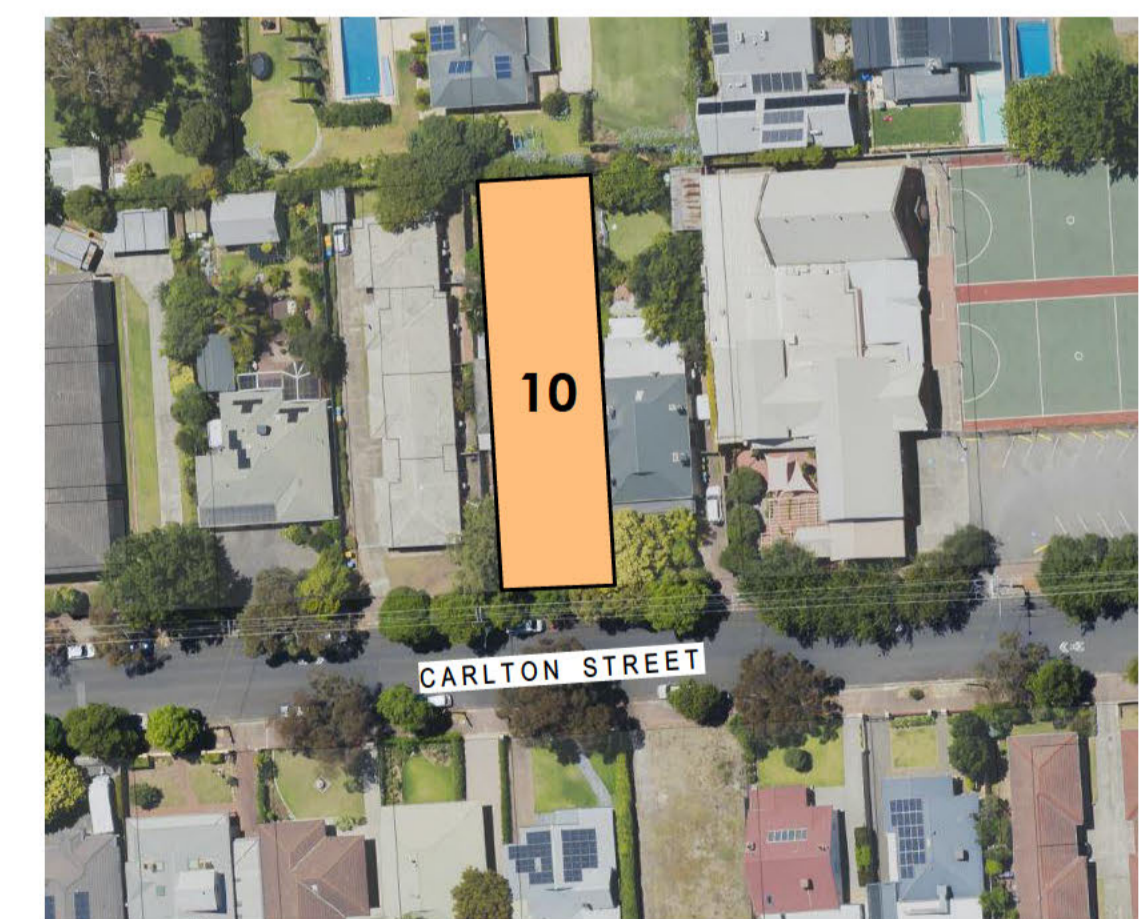


## ATTACHMENT 1



# LI RESIDENCE

10 CARLTON STREET,  
HIGHGATE



2 LOCATION PLAN

## DRAWING LIST

DRAWING NUMBER	SHEET TITLE
2201	FLOOR PLANS
2202	ELEVATIONS
2203	DEMOLITION PLAN
2204	SHADOW DIAGRAMS - 21 JUNE
2205	SHADOW DIAGRAMS - 21 MARCH
2206	SHADOW DIAGRAMS - 21 SEPTEMBER

Recent revision history	Description	Date	Notes & Legend
#	Status		Contractor must verify all dimensions on site before commencing work or preparing shop drawings. Do not scale drawings.

Date generated: 4/11/2024 4:35:33 PM X:\11\_JOB FILES\2024\11 - 10 Carlton st, Highgate\A03\_Cad Files\Revit\Modell240917\_LI - 10 CARLTON STREET, HIGHGATE - PD.rvt

Project  
NEW DWELLING AT: 10 CARLTON ST, HIGHGATE

Client  
LEE LI / FAMILY

Issuer  
**D'ANDREA ARCHITECTS**

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Project number  
Project Number 25mm  
Checked Approved Sheet size Scale  
Checker Approver A1 As indicated

Sheet title  
TITLE PAGE

Sheet number  
A 0000

Status  
PLANNING APPLICATION

Revision



Notes & Legend  
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Project  
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**LEE LI / FAMILY**



Project number	Size check	
<b>Project Number</b>	25mm	
Checked	Approved	Sheet size
Checker	Approver	A1
		Scale
		1:100

Sheet title  
**FLOOR PLANS**

Sheet number	Revision
<b>A 2201</b>	
Status	
<b>PLANNING APPLICATION</b>	



**AREA SCHEDULE**

LOWER MAIN LIVING:	244.80
UPPER FLOOR:	147.10
GARAGE:	49.90
PORTICO:	08.70
ALFRESCO:	52.00
BASEMENT:	99.70
POOL STORE:	11.80
<b>TOTAL:</b>	<b>614.00</b>

**EXISTING BUILDING**

SITE AREA:	739.311
SITE COVERAGE: (367.2)	49.7%
PRIVATE OPEN SPACE:	263.00
SOFT LANDSCAPING: (187.5)	25.3%

- FENCE LEGEND**
- FE:01 - TO BOUNDARIES  
1800H GOOD NEIGHBOUR COLORBOND FENCING  
PROFILE: TRIMDECK  
COLOUR: MONUMENT
  - FE:02  
1200H GLASS POOL FENCING
  - GA:01  
1800H VERTICAL TUBULAR GATE  
COLOUR: BLACK
  - GA:02  
1200H POOL GATE

- LANDSCAPING SCHEDULE:**
- DIETES GRANDIFLORA (mature height 9mH)
  - MAGNOLIA 'LITTLE GEM' (mature height 1.8mH)
  - LITTLE REV (mature height 4mH)
  - MANCHURIAN PEAR (mature height 4mH / spread 2mW) 'SMALL TREE'

REFER TO ENGINEERS SITE WORKS AND DRAINAGE PLAN FOR ALL SITE WORKS AND DRAINAGE DETAILS

DENOTES ###LI SLIM LINE RAINWATER TANK BY ENGINEER. MINIMUM 60% (\*\*\*\*\* TOTAL ROOF AREA) OF ROOF AREA TO BE DIRECTED TO RAINWATER TANK



3 Level B1  
 SCALE 1:100

1 Level 00  
 SCALE 1:100

6  
 SCALE 1:100

2 Level 01  
 SCALE 1:100

6  
 SCALE 1:100



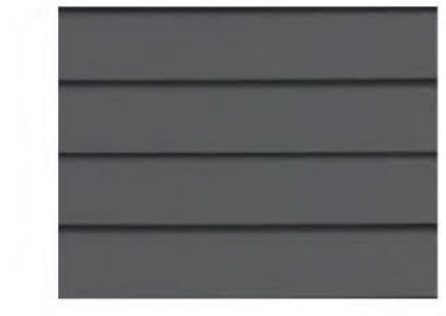
Notes & Legend  
 Contractor must verify all dimensions on site before commencing work or preparing shop drawings. Do not scale drawings.



01. OFF WHITE TEXTURE COAT FINISH



02. ECO-OUTDOOR 'BOKARA' FREEFORM STONE CLADDING



03. JAMES HARDIE 'LINEAR' WEATHERBOARD CLADDING - BASALT



04. WESTER RED CEDAR TIMBER BATTEN CLADDING



05. HEBEL VENEER 'DESIGNER RANGE' VERTICAL JOINT CLADDING - BASALT



06. BLACK POWDERCOATED ALUMINIUM WINDOW AND DOOR JOINERY



07. BLACK POWDERCOATED EXPOSED STRUCTURAL BEAM



08. BLACK POWDERCOATED LOUVRE INFILL



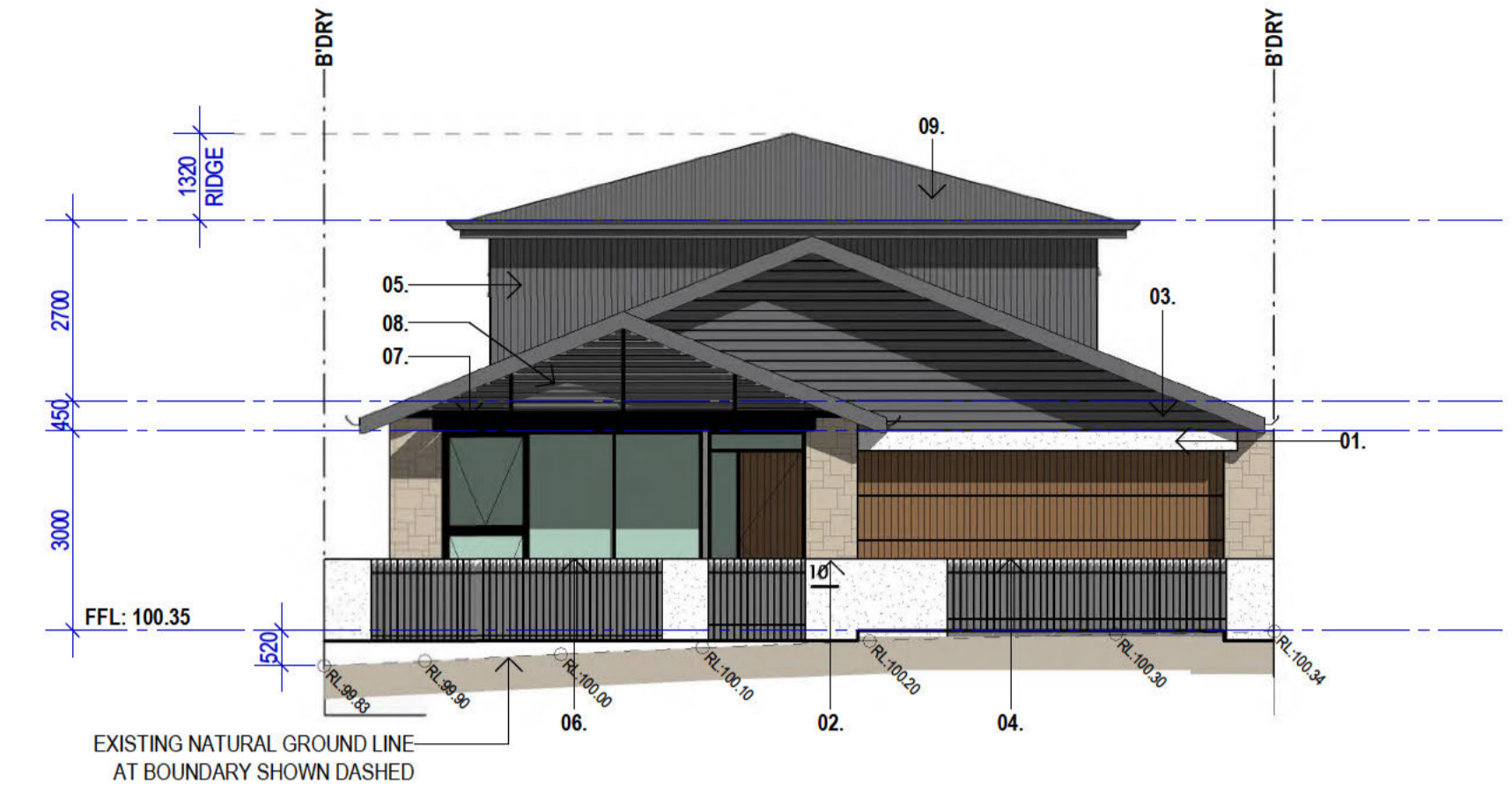
09. CUSTOM ORB ROOF SHEETS WITH TIMBER FASCIA AND EDGE GUTTER IN COLORBOND BASALT



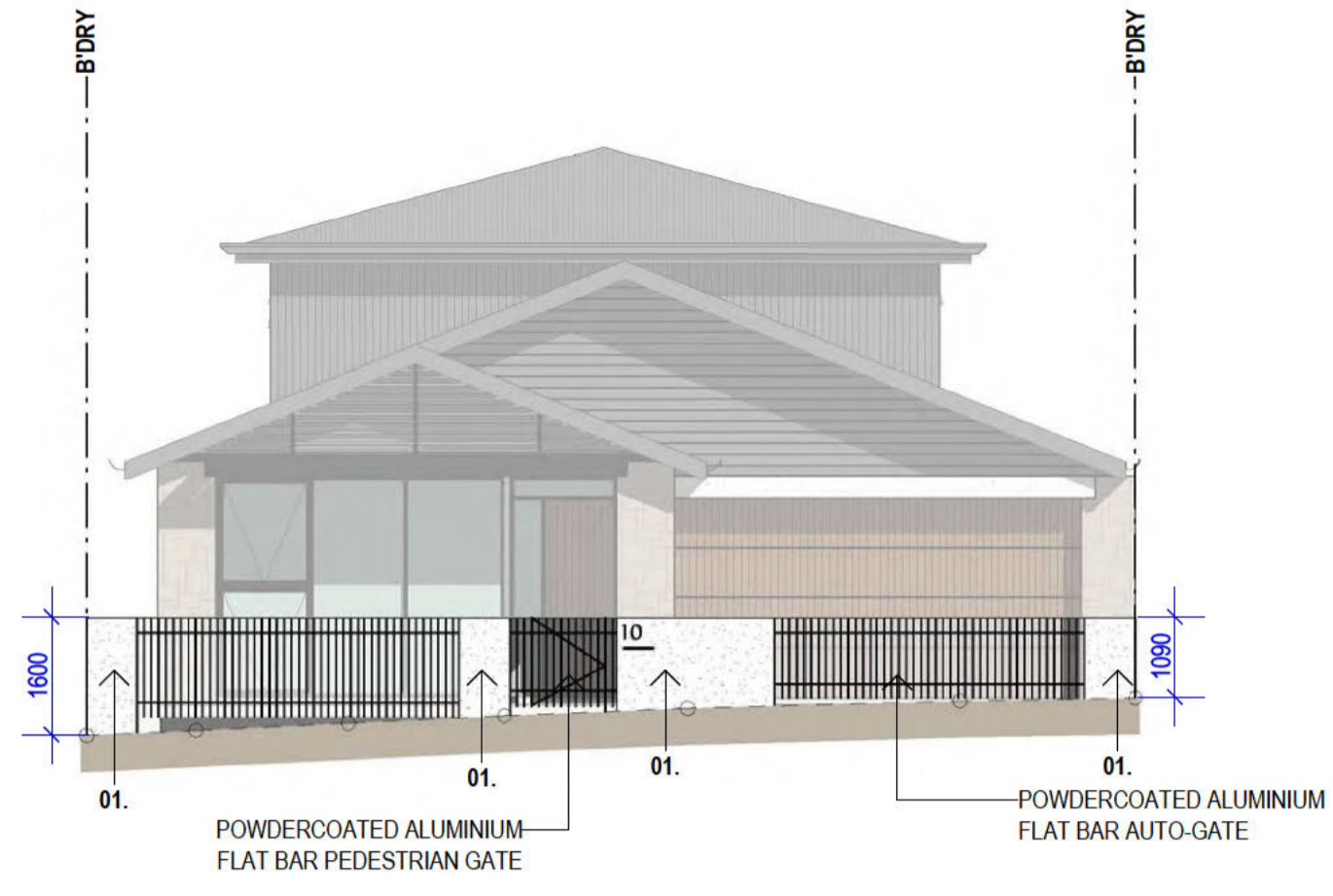
10. GREY / BROWN LINEAR FACE BRICKWORK



11. 1200 HIGH FRAMELESS GLASS POOL FENCE



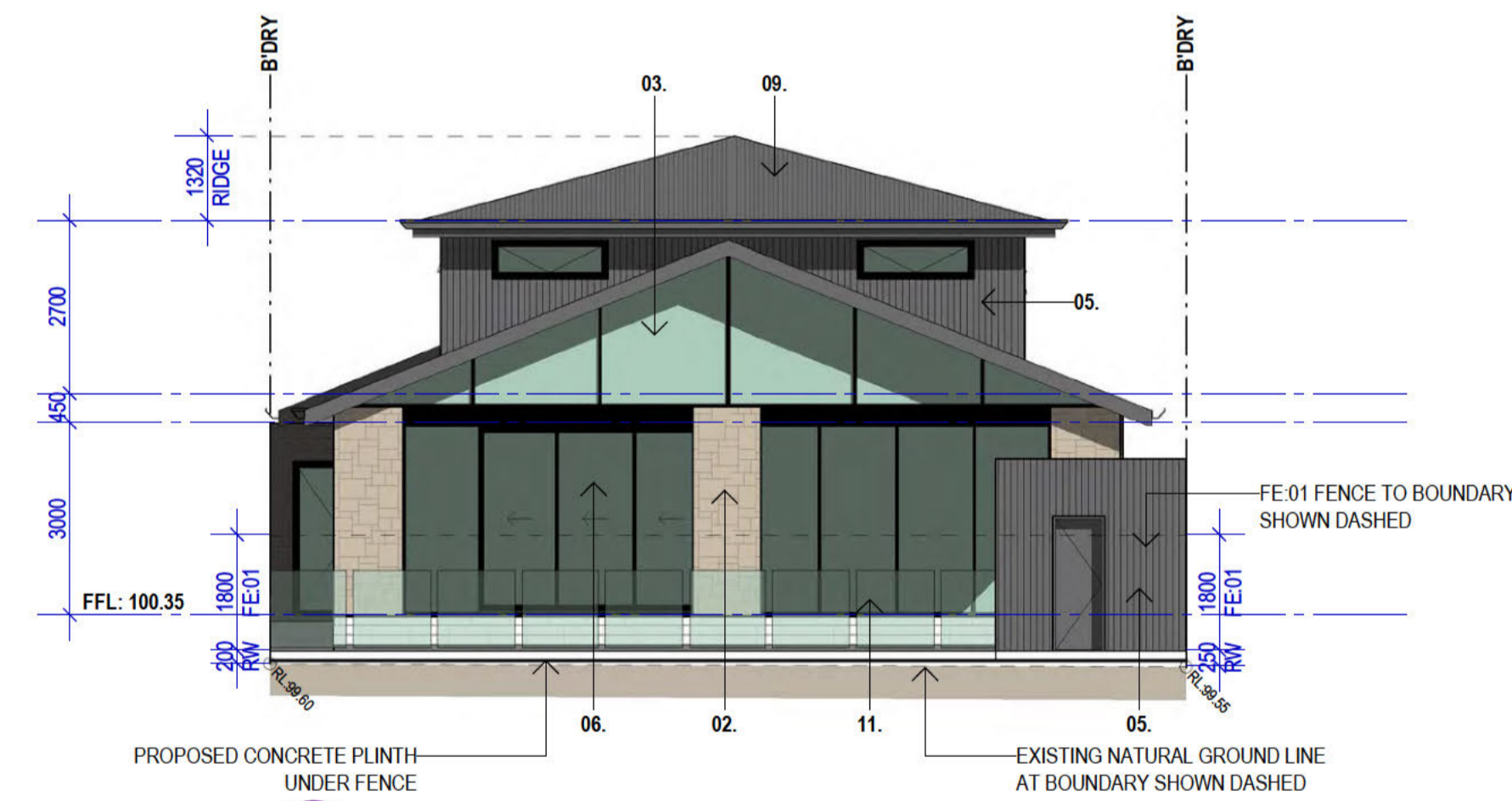
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 SCALE 1:100



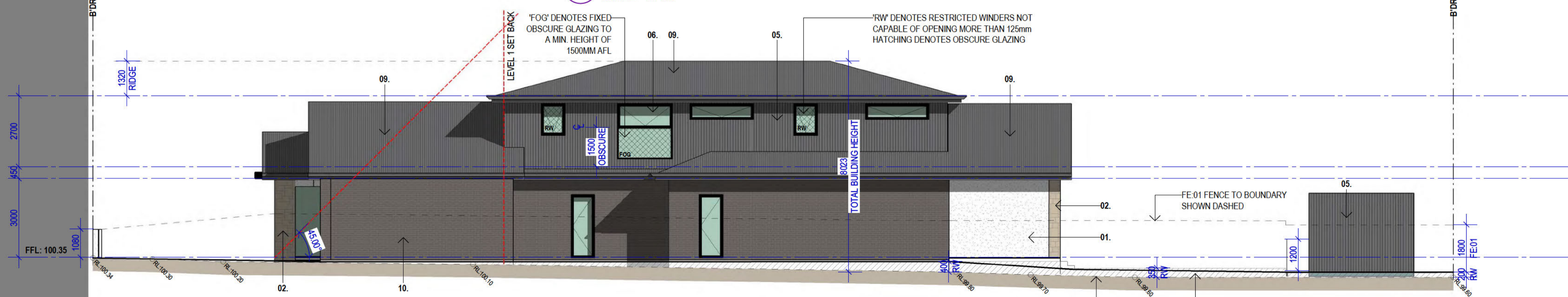
6 Elevation 5 - FRONT FENCE ELEVATION  
 SCALE 1:100



2 Elevation 2 - WEST  
 SCALE 1:100



3 Elevation 3 - NORTH  
 SCALE 1:100



4 Elevation 4 - EAST  
 SCALE 1:100

Project  
 NEW DWELLING AT: 10 CARLTON ST, HIGHGATE

Client  
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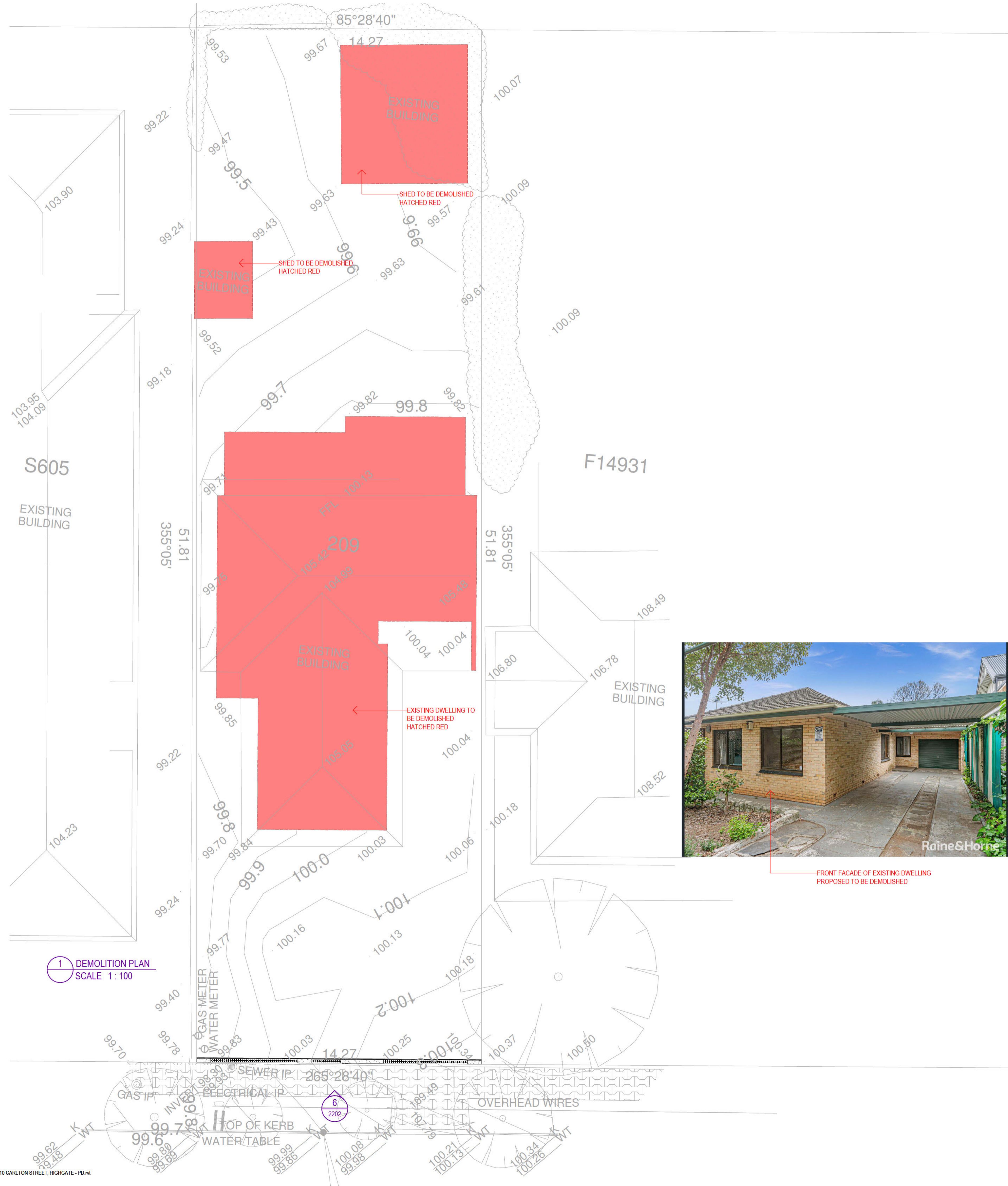


Project number	Size check
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Checker	Approver
Sheet size	Scale
A1	1:100

ELEVATIONS

Sheet number  
**A 2202**  
 Status  
**PLANNING APPLICATION**





1 DEMOLITION PLAN  
SCALE 1:100



FRONT FACADE OF EXISTING DWELLING  
PROPOSED TO BE DEMOLISHED

Recent revision history	#	Status	Description	Date

Notes & Legend  
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Project  
NEW DWELLING AT: 10 CARLTON ST, HIGHGATE

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Project number	Size check
A 2203	25mm
Checked	Approved
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A1	1:100

Sheet title  
DEMOLITION PLAN

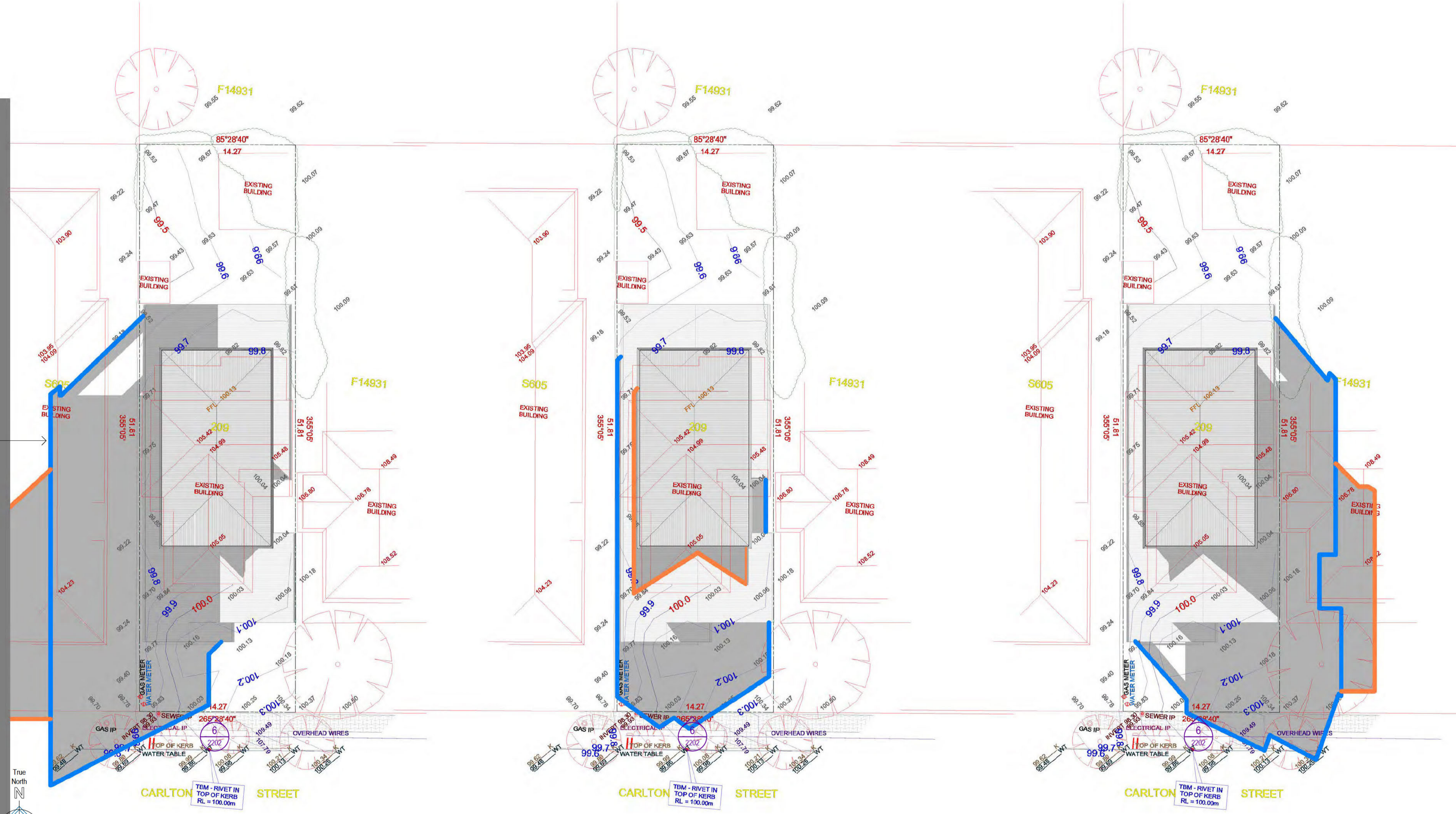
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A 2203

Status  
PLANNING APPLICATION



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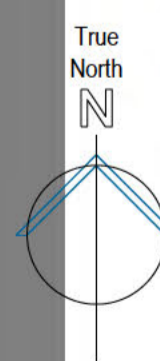
SHADOWS CAST FROM LOWER LEVEL SHOWN OUTLINED BLUE  
SHADOWS CAST FROM UPPER LEVEL SHOWN OUTLINED ORANGE



1 SHADOW DIAGRAM - 21 JUNE 9AM  
SCALE 1: 200

2 SHADOW DIAGRAM - 21 JUNE 12PM  
SCALE 1: 200

3 SHADOW DIAGRAM - 21 JUNE 3PM  
SCALE 1: 200



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Project Number	25mm	
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		1: 200

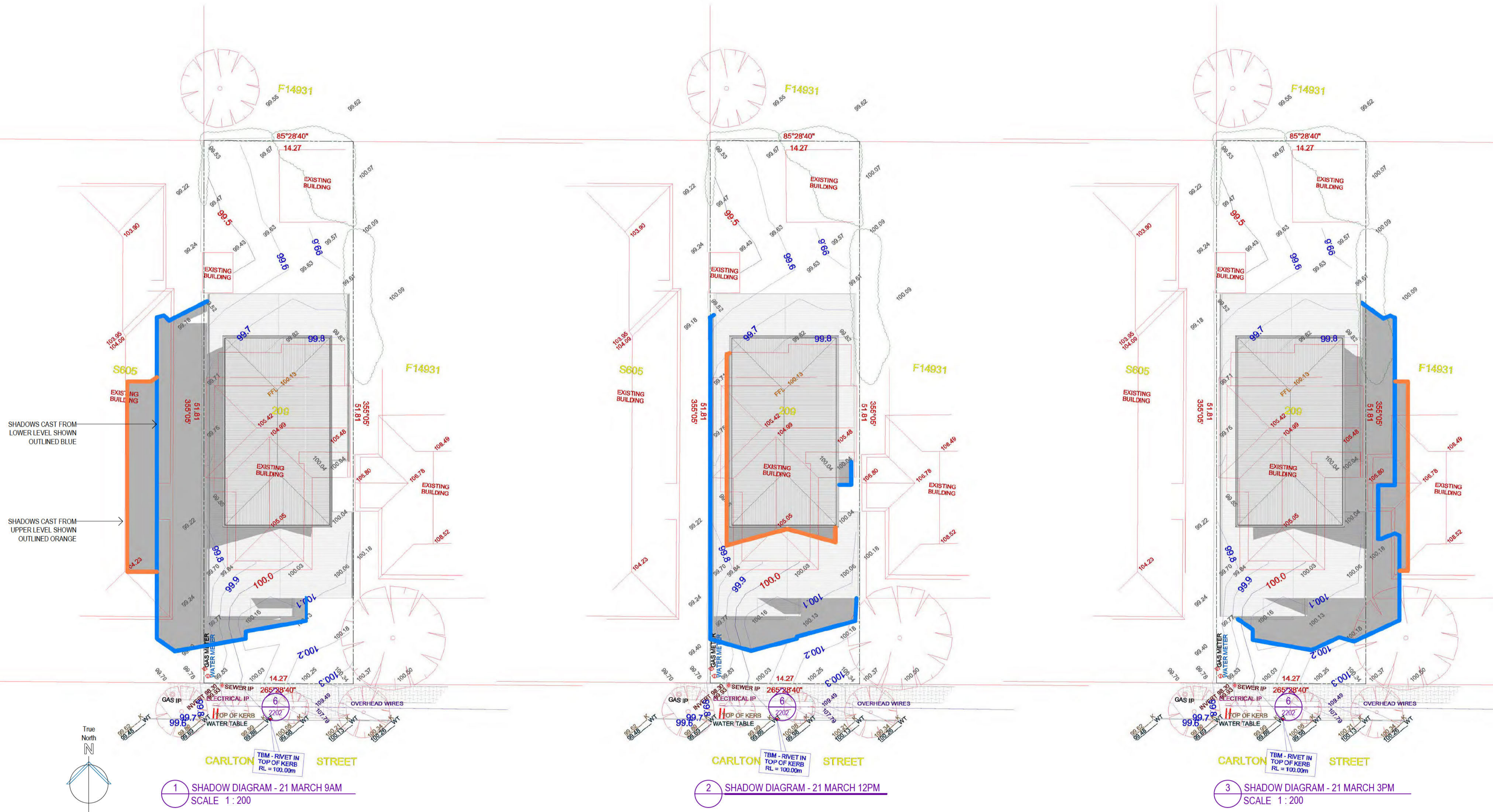
Sheet title  
SHADOW DIAGRAMS - 21 JUNE

Sheet number  
A 2204

Status  
PLANNING APPLICATION



Notes & Legend  
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Project number	Size check	○
Project Number	25mm	
Checked	Approved	Sheet size
Checker	Approver	A1
		Scale
		1:200

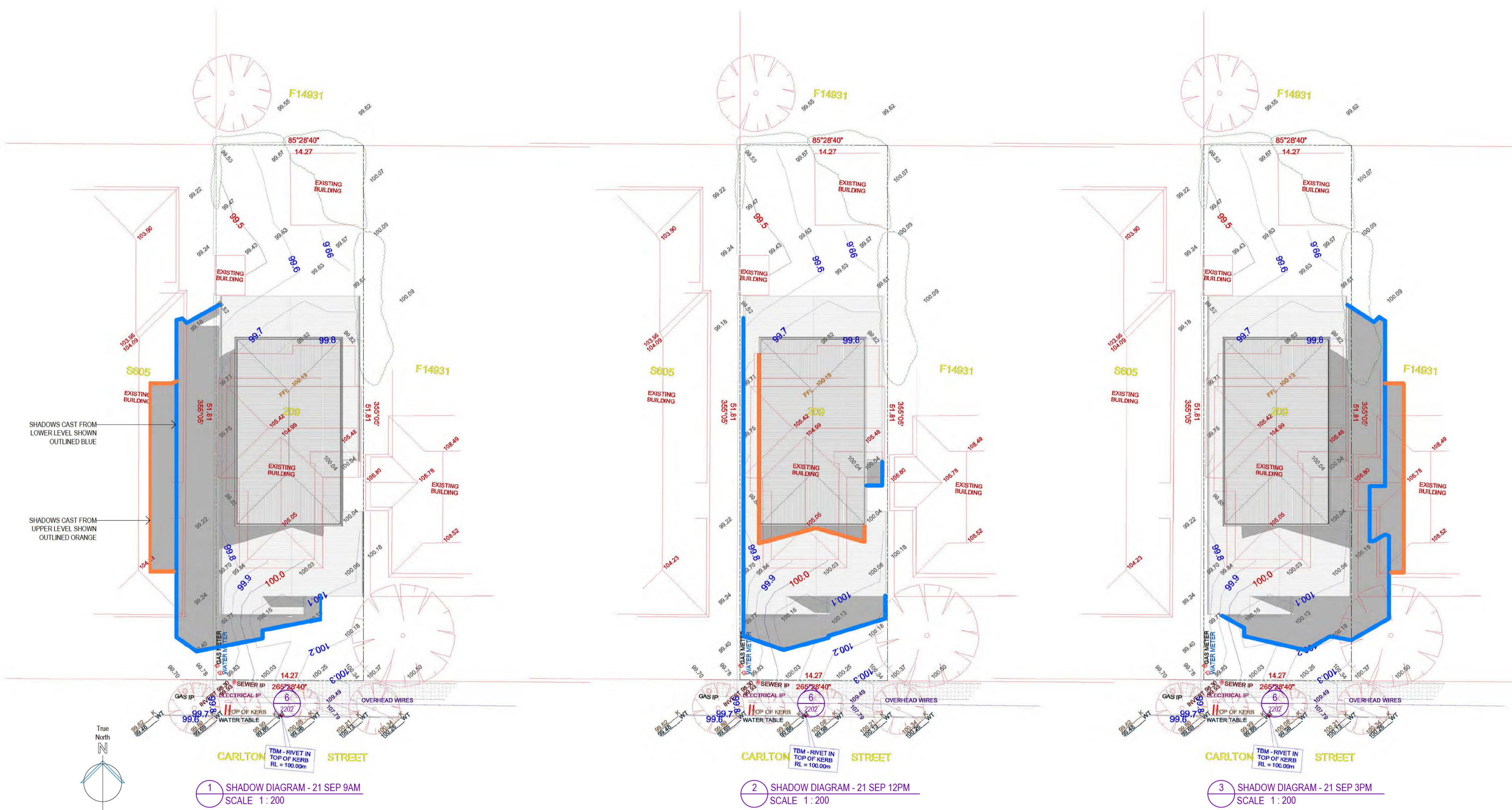
Sheet title  
SHADOW DIAGRAMS - 21 MARCH

Sheet number  
A 2205

Status  
PLANNING APPLICATION



Notes & Legend  
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Project  
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Project number	Size check
A 2206	25mm
Checked	Approved
Checker	Approver
A1	1:200

Sheet title  
 SHADOW DIAGRAMS - 21 SEPTEMBER

Sheet number  
 A 2206

Status  
 PLANNING APPLICATION



# PROPOSED DWELLING - CIVIL DRAWINGS

10 CARLTON STREET, HIGHGATE SA 5063

REF	DRAWING TITLE	CURRENT ISSUE
C1.0	DRAWING LIST & LOCALITY PLAN	A
C1.1	GENERAL NOTES	A
C2.0	CIVIL PLAN	A
C2.1	BASEMENT PLAN	A
C3.0	SURVEY	A



**LOCALITY PLAN**

NOT TO SCALE

SCALE BAR 1:10 (A1) - SCALE BAR 1:20 (A3) 0 200 400 600 800 1000mm  
 SCALE BAR 1:20 (A1) - SCALE BAR 1:40 (A3) 0 500 1000 1500 2000mm  
 SCALE BAR 1:50 (A1) - SCALE BAR 1:100 (A3) 0 1 2 3 4 5m  
 SCALE BAR 1:100 (A1) - SCALE BAR 1:200 (A3) 0 1 2 3 4 5 6 7 8 9 10m  
 SCALE BAR 1:125 (A1) - SCALE BAR 1:250 (A3) 0 2.5 5 7.5 10 12.5m



SCALE BAR 1:10 (A1) - SCALE BAR 1:20 (A3) 200 400 600 800 1000 1500 2000mm 0 1 2 3 4 5m 0 1 2 3 4 5 6 7 8 9 10m 0 1 2 3 4 5 6 7 8 9 10 12.5m

**GENERAL**

- G1 THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL CONSULTANT DRAWINGS, THE SPECIFICATION AND WITH SUCH OTHER WRITTEN INSTRUCTIONS ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCY SHALL BE REFERRED TO BC BEFORE PROCEEDING WITH THE WORK.
- G2 THESE DRAWINGS SHALL NOT BE SCALED. DIMENSION AND SETOUT SHALL BE STRICTLY IN ACCORDANCE WITH THE ARCHITECTURAL DOCUMENTS. DRAWINGS ISSUED IN ELECTRONIC FORMAT MUST NOT BE USED FOR DIMENSIONAL SETOUT. ALL DIMENSIONS SHOWN SHALL BE VERIFIED BY THE BUILDER ON SITE. ALL DIMENSIONS SHOWN ARE IN MILLIMETERS AND LEVELS IN METERS UNLESS NOTED OTHERWISE (U.N.O).
- G3 ALL MATERIALS AND WORKMANSHIP MUST BE IN ACCORDANCE WITH THE CURRENT AND RELEVANT AUSTRALIAN CODES, STANDARDS AND THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITIES UNLESS VARIED BY THE PROJECT SPECIFICATION.
- G4 DURING CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE STRUCTURE IN A STABLE CONDITION AND ENSURING NO PART SHALL BE OVER STRESSED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AND OBTAIN THE SERVICES OF AN INDEPENDENT ENGINEER, WHERE REQUIRED, FOR A COMPREHENSIVE SAFE ERECTION PROCEDURE, THAT WILL AT ALL TIMES ENSURE THE STABILITY OF THE WORKS. SAFETY OF ALL PERSONNEL AND PROTECTION OF SURROUNDING PROPERTY INCLUDING THE DESIGN, CERTIFICATION AND PROVISION OF ALL NECESSARY TEMPORARY BRACING AND SUPPORT.
- G5 REFER TO ARCHITECTURAL DRAWINGS FOR WATERPROOFING MEMBRANES, CONTRACTION JOINT FILLING MATERIALS, BRICK AND BLOCK WALL THICKNESSES, FALLS IN SLABS, EXTRA PACKING, DRIP GROOVES AND ALL OTHER ARCHITECTURAL FEATURES WHERE NOT NOTED ON THESE DRAWINGS.
- G6 REFER TO ARCHITECTURAL DRAWINGS FOR ALL ADDITIONAL PLATES, ANGLES AND THE LIKE REQUIRED ON STRUCTURAL STEELWORK FOR FIXINGS TO INTERNAL PARTITIONS, OPERABLE WALL BEAMS, BLOCKING, WINDOW FRAMES, FLASHING, CAPPING, ETC.
- G7 ALL PROPRIETARY PRODUCTS SHALL BE INSTALLED STRICTLY IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND WHERE REQUIRED STRUCTURAL CERTIFICATION SHALL BE PROVIDED BY THE BUILDER PRIOR TO INSTALLATION.
- G8 ALL SUBSTITUTIONS MUST BE APPROVED BY THE SUPERINTENDENT IN WRITING PRIOR TO USE OR INSTALLATION.
- G9 CONSTRUCTION SHALL NOT COMMENCE UNTIL BUILDING APPROVAL HAS BEEN RECEIVED FROM THE RELEVANT AUTHORITIES.
- G10 WHERE EXCAVATION WORK IS TO BE UNDERTAKEN ADJACENT TO EXISTING FOOTINGS, THE LEVEL OF THE UNDERSIDE OF THE FOOTINGS SHALL BE OBTAINED PRIOR TO EXCAVATION AND REPORTED TO BC TO DETERMINE IF UNDERPINNING OR SHORING OF THE STRUCTURE IS REQUIRED. THE EXISTING STRUCTURE SHALL BE MAINTAINED IN A STABLE AND UNDAMAGED CONDITION.
- G11 NON-LOAD BEARING WALLS SHALL BE 20mm CLEAR OF THE U/S OF STRUCTURAL BEAMS AND SLABS ABOVE U.N.O.



**FOUNDATIONS**

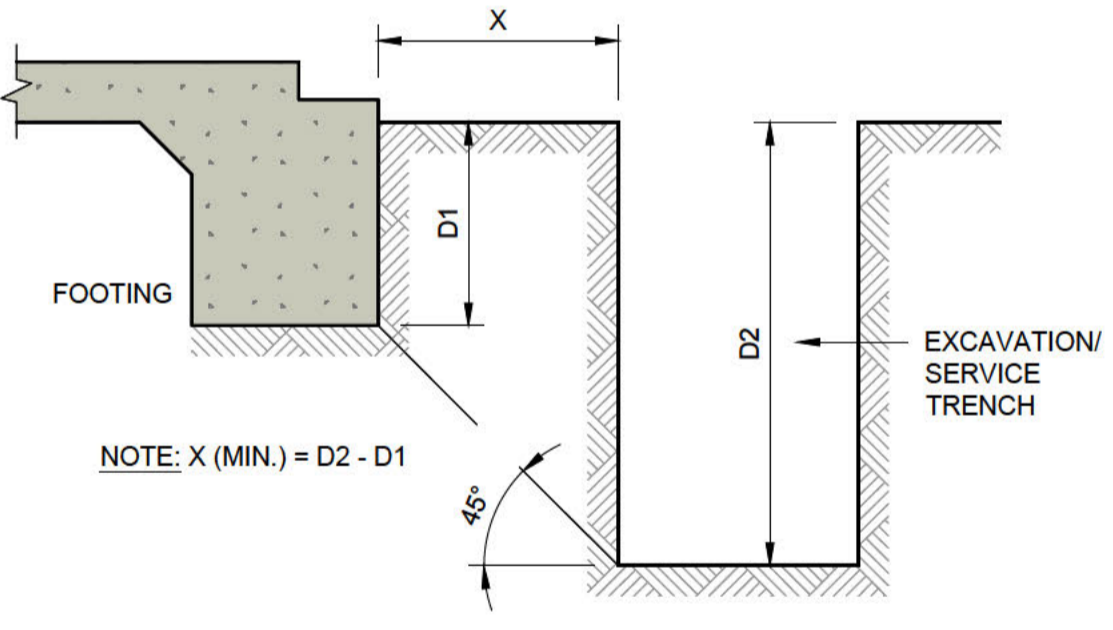
- F1 THESE DRAWINGS AND NOTES ARE TO BE READ IN CONJUNCTION WITH THE GEOTECHNICAL REPORT.
- F2 FOOTINGS HAVE BEEN DESIGNED FOR AN ALLOWABLE BEARING CAPACITY OF 150 kPa. FOUNDING MATERIAL SHALL BE APPROVED BY A CERTIFIED GEOTECHNICAL ENGINEER FOR THIS BEARING CAPACITY PRIOR TO CONSTRUCTION.
- F3 EXCAVATIONS FOR FOOTINGS SHALL BE CONSTRUCTED AND BACKFILLED AS SOON AS POSSIBLE FOLLOWING EXCAVATION TO AVOID SOFTENING OR DRYING OUT BY EXPOSURE.
- F4 EXCAVATIONS TO BE BLINDED WITH A MINIMUM OF 50mm OF CONCRETE WITHIN 48 HOURS OF EXCAVATION WHEN IT IS INTENDED TO POUR FOOTINGS MORE THAN 48 HOURS AFTER EXCAVATION. CONCRETE SHALL NOT BE PLACED UNTIL THE EXCAVATION HAS BEEN INSPECTED AND APPROVED BY BC IF THIS IS NOT ADHERED TO.
- F5 FOOTINGS SHALL BE LOCATED CENTRALLY UNDER WALLS AND COLUMNS U.N.O.
- F6 THE DEPTHS TO UNDERSIDE OF ALL FOOTINGS ARE PROVISIONAL ONLY. AFTER EXCAVATION, APPROVAL SHALL BE OBTAINED FROM BC FOR THE FOUNDING LEVELS, WHICH MAY BE VARIED IF NECESSARY PRIOR TO FURTHER WORK.
- F7 THE FOUNDATION EXCAVATIONS SHALL BE KEPT FREE OF WATER AT ALL TIMES BY BAILING AND PUMPING IF NECESSARY.
- F8 ALL CONCRETE SLABS AND FOOTINGS IN CONTACT WITH THE GROUND ARE TO BE POURED ON 0.2mm DAMP PROOF MEMBRANE U.N.O.
- F9 FOOTINGS TO BE FOUNDED 200 MINIMUM INTO NATURAL GROUND OR ALTERNATIVELY LEVEL 1 CERTIFIED CONTROLLED FILL. COMPACTION CERTIFICATION TO BE PROVIDED TO BC FOR REVIEW PRIOR TO PLACING OF MEMBRANE, REINFORCEMENT OR CONCRETE.
- F10 RETAINING WALLS ARE NOT TO BE BACKFILLED UNTIL FLOOR CONSTRUCTION AT TOP AND BOTTOM IS COMPLETE. WITH THE EXEMPTION OF CANTILEVERED WALLS. ENSURE FREE DRAINING BACKFILL AND DRAINAGE IS IN PLACE.
- F11 ANY OVER EXCAVATION SHALL BE FILLED WITH N10 LEAN MIX CONCRETE.
- F12 OWNER TO REFER TO CSIRO PAMPHLET 10-91 "GUIDE TO HOME OWNERS FOUNDATION, MAINTENANCE & FOOTING PERFORMANCE" FOR BEST PRACTICE RECOMMENDATIONS.

**SITE PREPARATION**

- SP1 ALL EARTHWORKS, SITE PREPARATION AND MATERIALS TO BE IN ACCORDANCE WITH AS3798 AND THE GEOTECHNICAL REPORT U.N.O.
- SP2 EROSION AND SEDIMENT CONTROL MEASURES AS DOCUMENTED MUST BE IN PLACE PRIOR TO THE COMMENCEMENT OF WORK.
- SP3 SITE PREPARATION SHALL BE RESTRICTED TO THE MINIMUM AREA PRACTICABLE FOR CONSTRUCTION OF THE WORKS.
- SP4 CLEARING AND GRUBBING SHALL CONSIST OF THE REMOVAL OF ALL VEGETATION, LOOSE MATERIAL, AND RUBBISH BUT EXCLUDES TOPSOIL STRIPPING. STRIPPING OF TOPSOIL SHALL NOT TAKE PLACE MORE THAN 28 DAYS PRIOR TO EARTHWORKS COMMENCING. THE CONTRACTOR SHALL STRIP ANY TOPSOIL PRESENT WITHIN THE AREA FOR SITE PREPARATION. THE DEPTH OF STRIPPING SHALL BE AT LEAST 100mm U.N.O.
- SP5 ALL BOULDERS, STUMPS, ROOTS AND OBSTRUCTIONS SHALL BE REMOVED TO A DEPTH OF NOT LESS THAN 300mm BELOW THE STRIPPED SURFACE. GRUBBED HOLES (AND ANY AREA REQUIRING FILLING DUE TO THE REMOVAL OF A STRUCTURE) SHALL BE BACKFILLED IN ACCORDANCE WITH SP10.
- SP6 SURPLUS EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF BY THE CONTRACTOR.
- SP7 SUBGRADE CUT/FILL SURFACE SHALL BE PROOF ROLLED TO ENSURE THE GROUND IS AT A SUITABLE DENSITY AND MOISTURE CONTENT PRIOR TO CONSTRUCTION OF THE SUB-BASE OR SLAB.

**SITE PREPARATION (CONTINUED)**

- SP8 ALL EXISTING FILL TO BE REMOVED U.N.O. REFER TO THE BOREHOLE LOGS FOR PREDICTED DEPTHS.
- SP9 PROOF ROLLING SHALL BE CARRIED OUT USING A 10t VIBRATING ROLLER (MINIMUM 8 PASSES). THE SUBGRADE SHALL BE PROOF ROLLED TO THE SATISFACTION OF THE SUPERINTENDENT. ANY SOFT, WET OR DISTURBED SPOTS SHALL BE REMOVED AND BACKFILLED IN ACCORDANCE WITH NOTE SP10.
- SP10 SUBGRADE AREAS REQUIRING FILL ARE TO BE PLACED IN HORIZONTAL LOOSE 200mm THICK LAYERS WITHIN 2% OF STANDARD OPTIMUM MOISTURE CONTENT AND COMPACTED TO 98% OF THE MAXIMUM STANDARD DRY DENSITY (AS1289.5.1.1). FREQUENCY OF TESTING SHALL BE IN ACCORDANCE WITH AS3798. ALL FILL IS TO BE TESTED FOR COMPACTION BY A SUITABLY QUALIFIED GEOTECHNICAL ENGINEER IN ACCORDANCE WITH AS3798. ALL RESULTS SHALL BE SUBMITTED TO BC FOR REVIEW PRIOR TO PLACEMENT OF VAPOUR BARRIER OR SLAB OVER.
- SP11 BASE MATERIAL USED FOR BACKFILL SHALL BE PM2/20CG OR SIMILAR APPROVED MATERIAL COMPACTED TO 95% OF THE MAXIMUM MODIFIED DRY DENSITY (AS1289.5.2.1). FREQUENCY OF TESTING SHALL BE IN ACCORDANCE WITH AS3798.
- SP12 WHERE THERE HAS BEEN AN EXTENDED DRY PERIOD, THE SUBGRADE MAY EXHIBIT CRACKING NEAR THE SURFACE DUE TO DRYING OUT. MOISTURE CONDITION THE UPPER 200mm OF THE SUBGRADE IN THIS SCENARIO AND COMPACT IN ACCORDANCE WITH NOTE SP10.
- SP13 RAFT FOUNDATIONS HAVE BEEN DESIGNED ASSUMING 'ROLLED FILL' IS CONSTRUCTED IN ACCORDANCE WITH AS2870. ROLLED FILL SHALL BE COMPACTED IN LAYERS BY REPEATEDLY ROLLING WITH AN EXCAVATOR OR SIMILAR. ROLLED FILL SHALL NOT EXCEED 600mm COMPACTED IN LAYERS OF 300mm FOR SAND MATERIAL OR 300mm COMPACTED IN LAYERS OF 150mm FOR OTHER MATERIAL. EXTENT OF FILL SHALL BE DETERMINED ON SITE AND IS THE RESPONSIBILITY OF THE CONTRACTOR.
- SP14 SERVICE TRENCHES AND THE LIKE SHALL BE FILLED OVER AND COMPACTED WITH HAND OPERATED PLATE COMPACTORS IN LAYERS OF 100mm LOOSE THICKNESS.
- SP15 BACKFILL SHALL NOT BE PLACED AGAINST CONCRETE WHICH IS LESS THAN 48 HOURS OLD.
- SP16 BACKFILL SHALL NOT BE PLACED AGAINST ABUTMENTS, WINGWALLS, PIERS OR RETAINING WALLS UNTIL ALL CAST IN PLACE CONCRETE HAS REACHED THE 28 DAY CHARACTERISTIC COMPRESSIVE STRENGTH AND IS AT LEAST 14 DAYS OLD.
- SP17 VIBRATING MACHINERY SHALL NOT BE USED WITHIN 8m OF RETAINING WALLS.
- SP18 EARTHWORK CONSTRUCTION SHALL COMPLY WITH GUIDELINES SETOUT IN AS3798 AND AS2870.
- SP19 DO NOT TRENCH OR EXCAVATE WITHIN A ZONE CLOSER THAN 45° MEASURED FROM THE BASE OF FOUNDATIONS.
- SP20 BENCH LEVEL (DENOTED 'BL') REFERS TO THE SUB-GRADE PAD LEVEL. DEPTH TO BENCH LEVEL INCLUDES SLAB THICKNESS AND BASE COURSE. REFER TO STRUCTURAL DOCUMENTATION FOR DETAILS.



**AMENDMENTS**  
ISSUED FOR PLANNING 03.07.24 A JP



**CLIENT**  
LEE LI/ FAMILY

**PROJECT**  
PROPOSED DWELLING  
10 CARLTON STREET,  
HIGHGATE SA 5063

**DRAWING TITLE**  
GENERAL NOTES

**JOB No.** BC2406058  
**SHEET No.** C1.1  
**ISSUE** A

**DRAWINGS TO BE PRINTED IN COLOUR**

**ISSUE FOR PLANNING**



SCALE BAR 1:10 (A1) - SCALE BAR 1:20 (A3) 0 200 400 600 800 1000 1500 2000mm

SCALE BAR 1:40 (A3) 0 500 1000 1500 2000mm

SCALE BAR 1:100 (A1) - SCALE BAR 1:200 (A3) 0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100m

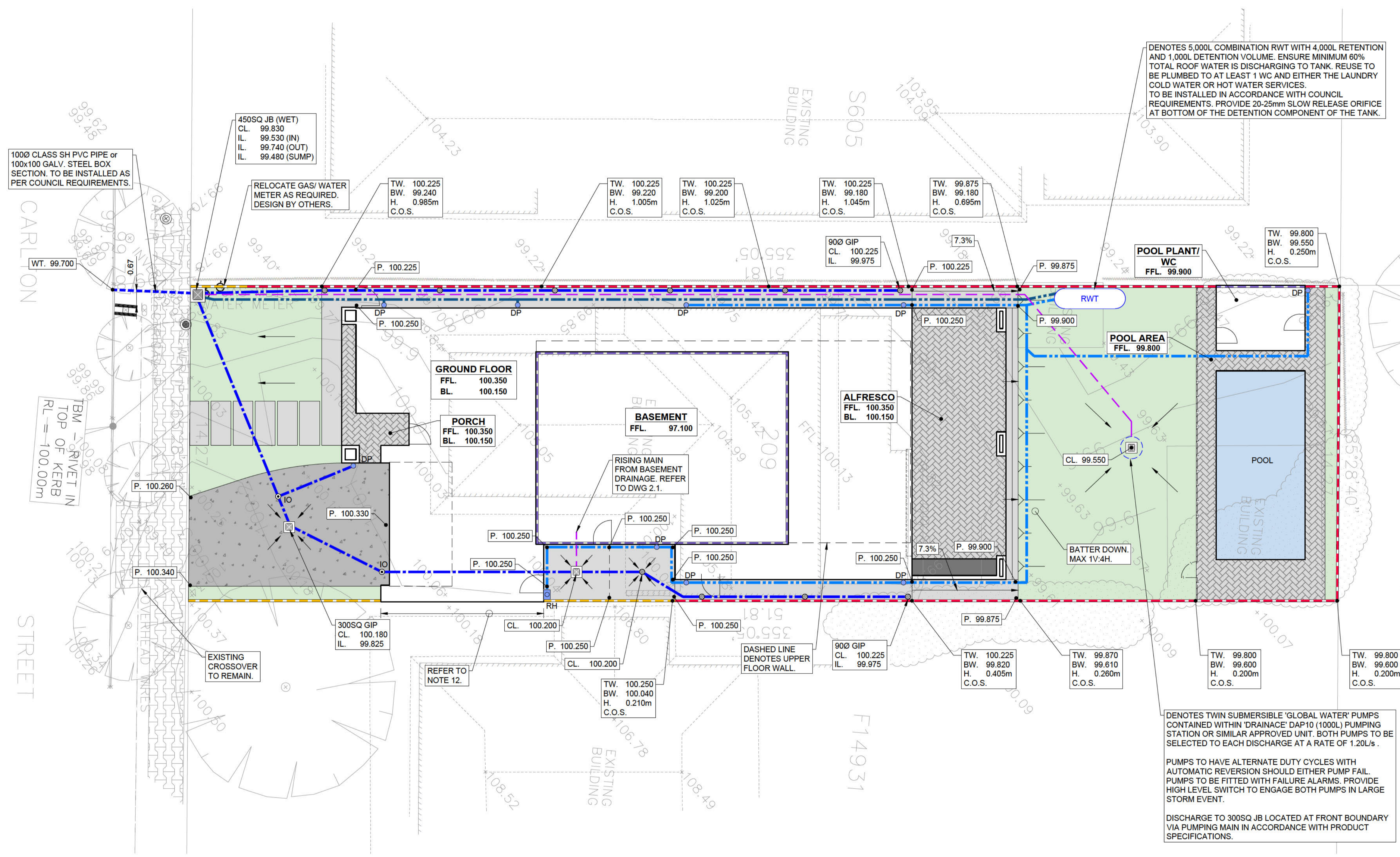
SCALE BAR 1:125 (A1) - SCALE BAR 1:250 (A3) 0 2.5 5 7.5 10 12.5m

**NOTES:**

- ALL STORMWATER PIPES TO HAVE MINIMUM OF 0.5% GRADE. BUILDER TO CHECK AND CONFIRM ADEQUATE STORMWATER AND SEWER PIPE FALL PRIOR TO BENCHING.
- DOWNPIPE LOCATIONS AND RETENTION/DETENTION TANK LOCATIONS ARE SHOWN INDICATIVELY ONLY. ACTUAL LOCATIONS MAY VARY. DOWNPIPE AND PIPE DIAMETERS ARE TO BE CONFIRMED PRIOR TO CONSTRUCTION. SEALED PIPE SYSTEMS DISCHARGING STORMWATER FROM BOX GUTTERS TO BE SIZED TO CATER FOR THE 100 YEAR ARI 5 MINUTE STORM EVENT. SEALED PIPE SYSTEMS DISCHARGING STORMWATER FROM EAVES GUTTERS TO BE SIZED TO CATER FOR THE 20 YEAR ARI 5 MINUTE STORM EVENT.
- FLEXIBLE CONNECTIONS TO SEWER AND STORMWATER REQUIRED.
- RETAINING WALL HEIGHTS SHOWN "H" REPRESENT THE 'RETAINED HEIGHT' (THE DIFFERENCE BETWEEN THE EXISTING LEVEL AND PROPOSED LEVEL). HEIGHTS ARE INDICATIVELY SHOWN BASED ON THE SURVEY - SOME INTERPOLATION WILL BE REQUIRED BY THE CONTRACTOR. CONTRACTOR TO CONSIDER IF ADDITIONAL WALL HEIGHT IS REQUIRED BASED ON THE TYPE OF RETAINING WALL SELECTED.
- BOUNDARY DATA SHOWN IS TO BE TAKEN AS A GUIDE ONLY. QUALIFIED CONSULTANT TO CONFIRM BOUNDARY LOCATION AND LENGTHS.
- PERIMETER PAVING IS TO BE INSTALLED STRICTLY IN ACCORDANCE WITH AS3727.1 AS REQUIRED BY THE NCC.
- THE FINISH FLOOR LEVEL NOMINATED SHALL BE CHECKED BY THE BUILDER PRIOR TO CONSTRUCTION TO ENSURE MINIMUM SEWER AND STORMWATER FALLS CAN BE ACHIEVED. BC SHALL BE NOTIFIED IF ANY ADJUSTMENT OCCURS.
- PRE-WETTING OF SITE MANDATORY PRIOR TO CONSTRUCTION.
- CLIENT/BUILDER TO ENSURE ANY TREE REMOVAL IS IN STRICT ACCORDANCE WITH THE COUNCIL APPROVED DOCUMENTATION. BC TAKES NO RESPONSIBILITY FOR ANY TREE REMOVAL.
- RAIN WATER TANK(S) SIZE AND LOCATION SHOWN INDICATIVELY. TANK VOLUME SPECIFIED MAY BE COMPRISED OF MULTIPLE SMALLER TANKS PENDING APPROVAL FROM BC. REFER TO ARCHITECTS DRAWINGS FOR SPECIFICATION.
- CONTRACTOR TO TAKE CARE WHEN CONSTRUCTING AT OR NEAR A BOUNDARY. ANY CUTTING/ FILLING MUST NOT UNDERMINE/ EFFECT EXISTING STRUCTURES. CONTACT ENGINEER IF IN DOUBT.
- REFER TO SHEET C1.1 FOR ALL GENERAL NOTES.

**LEGEND**

SYMBOL	DENOTES
DP	DOWNPIPE - DIA T.B.C.
RH	RAINHEAD - SIZE BY OTHERS
IO	GRADED INLET PIT - 90 DIA (U.N.O.)
IO	SURFACE INSPECTION OPENING
uPVC PIPE (SEALED SYSTEM TO TANK) - DIA T.B.C.	
uPVC PIPE (SEALED SYSTEM TO STREET) - DIA T.B.C.	
uPVC PIPE (GRAVITY SYSTEM) - DIA T.B.C.	
PUMPING MAIN (TO PUMP MANUFACTURER'S SPECIFICATIONS)	
AG DRAIN	
RW=X.Xm	RETAINING WALL (RW)
FENCE/ CONCRETE FENCE PLINTH AS REQUIRED (RETAINING MAX 0.2m)	
STRUCTURAL RETAINING WALL	
PEDESTRIAN PAVEMENT (TO ARCH SPECIFICATION)	
PAVERS / TILES (TO ARCH SPECIFICATION)	
VEHICULAR PAVEMENT (TO ARCH SPECIFICATION)	
CROSSOVER (TO COUNCIL SPECIFICATION)	
LANDSCAPING (TO ARCH SPECIFICATION)	
300SQ GRATED INLET PIT (GIP) OR JUNCTION BOX (JB) (U.N.O.)	
F.F.L.	FINISHED FLOOR LEVEL
B.L.	BENCH LEVEL
C.L.	COVER LEVEL
F.L.	FINISHED LEVEL
P.	PAVEMENT LEVEL
W.T.	WATER TABLE
I.L.	INVERT LEVEL
E.L.	EXISTING LEVEL
L.	LANDSCAPE LEVEL
T.W.	TOP OF RETAINING WALL
B.W.	BOTTOM OF RETAINING WALL
H.	RETAINING WALL HEIGHT



DENOTES 5,000L COMBINATION RWT WITH 4,000L RETENTION AND 1,000L DETENTION VOLUME. ENSURE MINIMUM 60% TOTAL ROOF WATER IS DISCHARGING TO TANK. REUSE TO BE PLUMBED TO AT LEAST 1 WC AND EITHER THE LAUNDRY COLD WATER OR HOT WATER SERVICES. TO BE INSTALLED IN ACCORDANCE WITH COUNCIL REQUIREMENTS. PROVIDE 20-25mm SLOW RELEASE ORIFICE AT BOTTOM OF THE DETENTION COMPONENT OF THE TANK.

DENOTES TWIN SUBMERSIBLE 'GLOBAL WATER' PUMPS CONTAINED WITHIN 'DRAINAGE' DAP10 (1000L) PUMPING STATION OR SIMILAR APPROVED UNIT. BOTH PUMPS TO BE SELECTED TO EACH DISCHARGE AT A RATE OF 1.20L/s.

PUMPS TO HAVE ALTERNATE DUTY CYCLES WITH AUTOMATIC REVERSION SHOULD EITHER PUMP FAIL. PUMPS TO BE FITTED WITH FAILURE ALARMS. PROVIDE HIGH LEVEL SWITCH TO ENGAGE BOTH PUMPS IN LARGE STORM EVENT.

DISCHARGE TO 300SQ JB LOCATED AT FRONT BOUNDARY VIA PUMPING MAIN IN ACCORDANCE WITH PRODUCT SPECIFICATIONS.



**AMENDMENTS**  
ISSUED FOR PLANNING 03.07.24 A JP



**CLIENT**  
LEE LI/ FAMILY

**PROJECT**  
PROPOSED DWELLING  
10 CARLTON STREET,  
HIGHGATE SA 5063

**DRAWING TITLE**  
CIVIL PLAN

**JOB No.** BC2406058  
**SHEET No.** C2.0  
**ISSUE** A

**DRAWINGS TO BE PRINTED IN COLOUR**

**ISSUE FOR PLANNING**



**CIVIL PLAN**  
SCALE 1:100 AT A1 & 1:200 AT A3



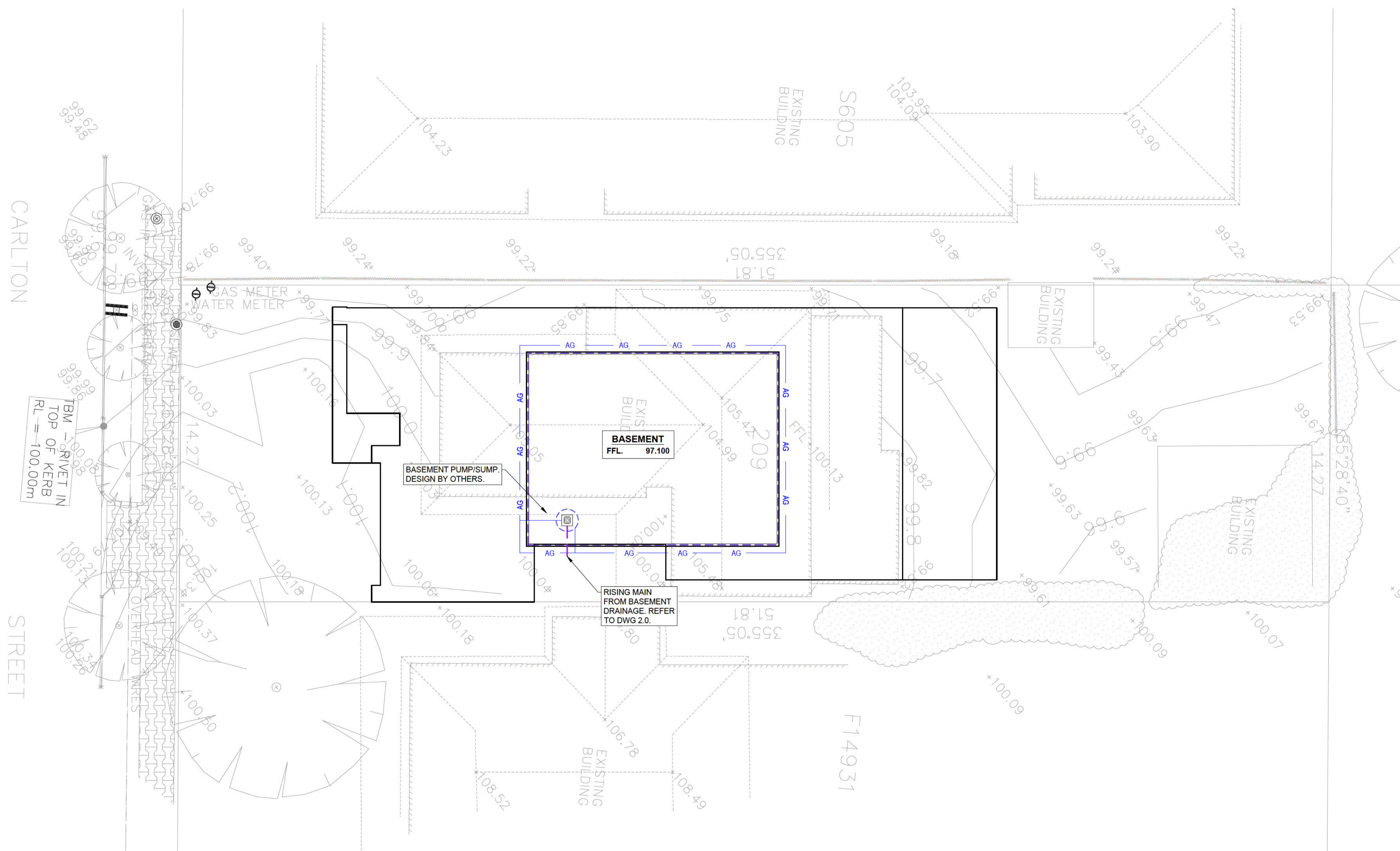
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 SCALE BAR 1:40 (A3) 0 1000 1500 2000mm  
 SCALE BAR 1:50 (A1) - SCALE BAR 1:100 (A3) 0 1 2 3 4 5m  
 SCALE BAR 1:100 (A1) - SCALE BAR 1:200 (A3) 0 1 2 3 4 5 6 7 8 9 10m  
 SCALE BAR 1:125 (A1) - SCALE BAR 1:250 (A3) 0 2.5 5 7.5 10 12.5m

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**LEGEND**

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● DP	DOWNPIPE - DIA T.B.C.
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⊙	GRATED INLET PIT - 90 DIA (U.N.O.)
⊙ IO	SURFACE INSPECTION OPENING
— uPVC PIPE (SEALED SYSTEM TO TANK) - DIA T.B.C.	
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— PUMPING MAIN (TO PUMP MANUFACTURER'S SPECIFICATIONS)	
— AG	AG DRAIN
RW=X.Xm	RETAINING WALL (RW)
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— STRUCTURAL RETAINING WALL	
PEDESTRIAN PAVEMENT (TO ARCH SPECIFICATION)	
PAVERS / TILES (TO ARCH SPECIFICATION)	
VEHICULAR PAVEMENT (TO ARCH SPECIFICATION)	
CROSSOVER (TO COUNCIL SPECIFICATION)	
LANDSCAPING (TO ARCH SPECIFICATION)	
300SQ GRATED INLET PIT (GIP) OR JUNCTION BOX (JB) (U.N.O.)	
F.F.L.	FINISHED FLOOR LEVEL
B.L.	BENCH LEVEL
C.L.	COVER LEVEL
F.L.	FINISHED LEVEL
P.	PAVEMENT LEVEL
W.T.	WATER TABLE
I.L.	INVERT LEVEL
E.L.	EXISTING LEVEL
L.	LANDSCAPE LEVEL
T.W.	TOP OF RETAINING WALL
B.W.	BOTTOM OF RETAINING WALL
H.	RETAINING WALL HEIGHT



**AMENDMENTS**  
 ISSUED FOR PLANNING 03.07.24 A JP

**ARCHITECT**  
 D'ANDREA ARCHITECTS

**CLIENT**  
 LEE LI/ FAMILY

**PROJECT**  
 PROPOSED DWELLING  
 10 CARLTON STREET,  
 HIGHGATE SA 5063

**DRAWING TITLE**  
 BASEMENT PLAN

**JOB No.** BC2406058  
**SHEET No.** C2.1  
**ISSUE** A

**DRAWINGS TO BE PRINTED IN COLOUR**

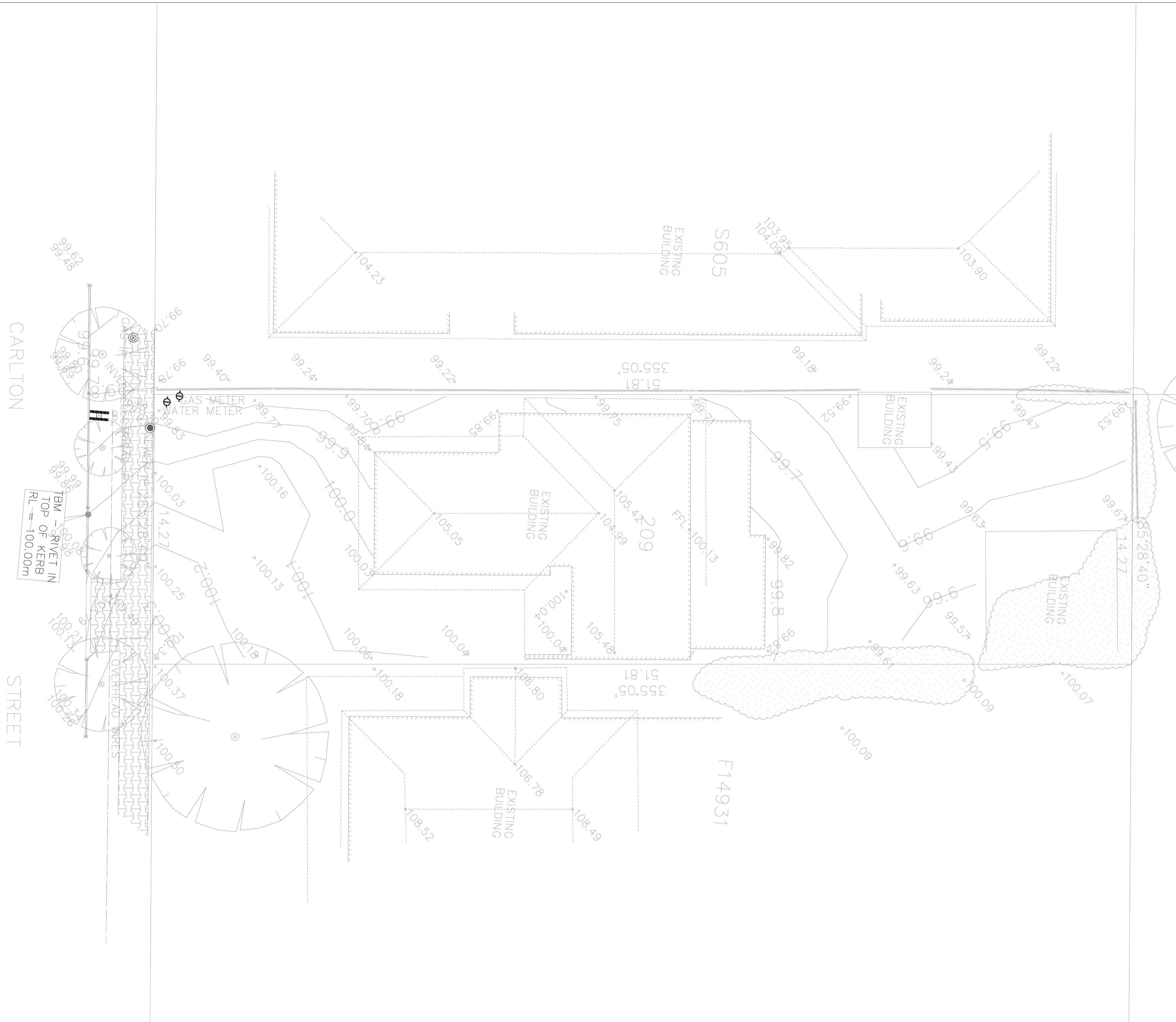
**ISSUE FOR PLANNING**



**BASEMENT PLAN**  
 SCALE 1:100 AT A1 & 1:200 AT A3



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 SCALE BAR 1:20 (A1) - SCALE BAR 1:40 (A3) 0 500 1000 1500  
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 SCALE BAR 1:125 (A1) - SCALE BAR 1:250 (A3) 0 2.5 5 7.5 10 12.5



**BENTLEY**  
CONSULTING

**AMENDMENTS**  
ISSUED FOR PLANNING 03.07.24 A JP

**DATE ISSUE BY**  
03.07.24 A JP

**ARCHITECT**  
 **D'ANDREA**  
ARCHITECTS

**CLIENT**  
LEE LI/ FAMILY

**PROJECT**  
PROPOSED DWELLING  
10 CARLTON STREET,  
HIGHGATE SA 5063

**DRAWING TITLE**  
SURVEY

**JOB No.** BC2406058  
**SHEET No.** C3.0  
**ISSUE** A

**DRAWINGS TO BE PRINTED IN COLOUR**

**ISSUE FOR PLANNING**



**SURVEY**  
SCALE 1:100 AT A1 & 1:200 AT A3

## ATTACHMENT 2



# Details of Representations

## Application Summary

Application ID	24020071
Proposal	Demolition of the existing dwelling and double storey detached dwelling with cellar, swimming pool, outbuilding and fencing.
Location	10 CARLTON ST HIGHGATE SA 5063

## Representations

### Representor 1 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	14/08/2024 10:47 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

I strongly object to this development. The proposed house is huge, taking up most of the block of land. How many people are proposing to live there with 6 toilets? The pool at the back of the property takes up the rest of the space. The requirement for small/soft garden beds in no way makes up for the lack of tree coverage. Unley Council states that it wants to increase the tree canopy in the area, but does not seem to insist that this is part of the planning on new developments. Near my property at [REDACTED] there have been two recent new builds where all established trees have been removed, one at No 9 Carlton St, the other over my neighbour's back fence at No 14 Invergowrie Ave. Why has this been allowed? New developments along Fullarton Rd have made the area look like the slum developments on Churchill Rd. Does the Council have rubber teeth when it comes to actually following their own briefs? The monster house at 10 Carlton St would block light to the four flats at No 12, and the villa at No 8 with its beautiful established garden. It does not enhance the low density appearance of the area at all. I am appalled that the new owners are so insensitive to the heritage area they have chosen to buy into. I request that this proposal be withdrawn and replaced by a new single story residence with plenty of tree canopy to replace it. Thank you for your consideration.

## Attached Documents

## Representations

Representor 2 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	17/08/2024 10:59 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

1. They Unley Council speaks re how important its tree canopy is for the suburb- yet where are the trees on this plan? "Soft landscaping" doesn't cut it when it comes to looking after the environment in 2024. Our time on this planet is limited and we all need to do our bit. Is the council going to act in line with its words ie stopping this development in favor of a smaller footprint, so trees can be put on the block or be gutless, and yet again deliver on failed promises of increased trees. 2. This monster of a mansion is NOT in-line with the heritage of Carlton Street or the area. I am not against development, but I am against development in this size and manner. Massive mansions are for Malvern, Unley Park or Mrytle Bank. Not Carlton street. 3. The poor people at number 8 and 12 Carlton street are severely dis-advantaged by this mansion & now have no privacy, due to the 2-story house, people in the mansion can see their every move. Every human has a right to live privacy now this right is at risk of being taken away. That is utterly traumatising for everyone involved. (Including the rest of the street thinking 'will this happen to me)' No one should live in fear and trauma each day of their life in 2024 in Australia. Living in fear & trauma significantly shorten people's lives, and this should not happen due to a new house being built. This may make the Unley Council liable for negligence. 4. I also believe this house will severely block the sunlight flowing to those living in number 8 & 12. Again, this is unfair as scientists have proven sunlight is essential to human physical and mental health and wellbeing, which again all citizens of the Unley Council have a right to have sunlight in their house should they desire. Please do not let this monster of a house go ahead.

## Attached Documents



## Representations

Representor 3 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	17/08/2024 11:00 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

1. They Unley Council speaks re how important its tree canopy is for the suburb- yet where are the trees on this plan? "Soft landscaping" doesn't cut it when it comes to looking after the environment in 2024. Our time on this planet is limited and we all need to do our bit. Is the council going to act in line with its words ie stopping this development in favor of a smaller footprint, so trees can be put on the block or be gutless, and yet again deliver on failed promises of increased trees. 2. This monster of a mansion is NOT in-line with the heritage of Carlton Street or the area. I am not against development, but I am against development in this size and manner. Massive mansions are for Malvern, Unley Park or Mrytle Bank. Not Carlton street. 3. The poor people at number 8 and 12 Carlton street are severely dis-advantaged by this mansion & now have no privacy, due to the 2-story house, people in the mansion can see their every move. Every human has a right to live privacy now this right is at risk of being taken away. That is utterly traumatising for everyone involved. (Including the rest of the street thinking 'will this happen to me)' No one should live in fear and trauma each day of their life in 2024 in Australia. Living in fear & trauma significantly shorten people's lives, and this should not happen due to a new house being built. This may make the Unley Council liable for negligence. 4. I also believe this house will severely block the sunlight flowing to those living in number 8 & 12. Again, this is unfair as scientists have proven sunlight is essential to human physical and mental health and wellbeing, which again all citizens of the Unley Council have a right to have sunlight in their house should they desire. Please do not let this monster of a house go ahead.

## Attached Documents

## Representations

Representor 4 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	17/08/2024 11:01 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

1. They Unley Council speaks re how important its tree canopy is for the suburb- yet where are the trees on this plan? "Soft landscaping" doesn't cut it when it comes to looking after the environment in 2024. Our time on this planet is limited and we all need to do our bit. Is the council going to act in line with its words ie stopping this development in favor of a smaller footprint, so trees can be put on the block or be gutless, and yet again deliver on failed promises of increased trees. 2. This monster of a mansion is NOT in-line with the heritage of Carlton Street or the area. I am not against development, but I am against development in this size and manner. Massive mansions are for Malvern, Unley Park or Mrytle Bank. Not Carlton street. 3. The poor people at number 8 and 12 Carlton street are severely dis-advantaged by this mansion & now have no privacy, due to the 2-story house, people in the mansion can see their every move. Every human has a right to live privacy now this right is at risk of being taken away. That is utterly traumatising for everyone involved. (Including the rest of the street thinking 'will this happen to me)' No one should live in fear and trauma each day of their life in 2024 in Australia. Living in fear & trauma significantly shorten people's lives, and this should not happen due to a new house being built. This may make the Unley Council liable for negligence. 4. I also believe this house will severely block the sunlight flowing to those living in number 8 & 12. Again, this is unfair as scientists have proven sunlight is essential to human physical and mental health and wellbeing, which again all citizens of the Unley Council have a right to have sunlight in their house should they desire. Please do not let this monster of a house go ahead.

## Attached Documents

## Representations

Representor 5 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	22/08/2024 09:52 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
<b>Reasons</b> See attached.	

## Attached Documents

[REDACTED]	
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WALLMANS  
LAWYERS

Our Ref: FJN:CMW:24-2747

22 August 2024

The City of Unley  
Council Assessment Panel  
181 Unley Road  
UNLEY SA 5061

AND TO

Mr Brenton Burman  
Chairperson  
City of Unley  
Council Assessment Panel  
181 Unley Road  
UNLEY SA 5061

BY EMAIL: [pobox1@unley.sa.gov.au](mailto:pobox1@unley.sa.gov.au)

BY EMAIL: [developmentservices@unley.sa.gov.au](mailto:developmentservices@unley.sa.gov.au)

Dear Sir

**10 CARLTON STREET HIGHGATE - APPLICATION NO: 24020071**

This firm acts for Ms [REDACTED] and Mr [REDACTED] the owner and occupants of the dwelling located at [REDACTED] being the adjoining the property to the site of the proposed development.

We have been instructed to submit this representation pursuant to Section 107(3)(b) of the *Planning Development and Infrastructure Act*. (**PDI Act**).

The application concerns a development described on the application as “*demolition of the existing dwelling and construction of a double storey detached dwelling with cellar, swimming pool, outbuilding and fencing*” (**Proposed Development**) at 10 Carlton Street, Highgate, South Australia 5063 (**Site**).

The writer has undertaken a thorough examination of the proposed development, plans and details and visited the site for the purposes of preparing this representation.

For reasons set out below Mr [REDACTED] and Ms [REDACTED] call upon the Council Assessment Panel to **REFUSE** the application as it is at variance to the relevant provisions of the Planning and Design Code to an extent that would have unacceptable impacts on their amenity and the character of the locality within which they reside.



In submitting this representation, we also ask the applicant to reconsider their proposal and make appropriate amendments to the design to ameliorate the concerns raised.

If appropriate changes are not made to the proposal, we call upon the Panel to refuse Planning Consent.

## 1. INTRODUCTION

█ & █ are the owners and occupiers of █, which is a turn-of-the-century era 1910 sandstone return villa and which is adjacent to the proposed development.

They are greatly concerned with the bulk and scale of the Proposed Development and the impact on the amenity that they currently enjoy.

The Proposed Development is a significant dwelling of five bedrooms, seven bathrooms, 4 living areas and a study. The built form is 3 building levels with 2 building levels above ground and a building level below ground which is proposed to be constructed almost boundary to boundary.

Although the second storey of the dwelling sits behind the single storey front façade, it will obviously still be a two-storey dwelling. The second story will be clearly visible from the street when looking from the western and eastern side of the site.

Of relevance to their amenity is that they are currently 'walled in' by the existing church that is located on their eastern boundary.

The church has a boundary wall which runs the entire length of their eastern property boundary of varying heights with a maximum height of approximately 5 metres in height. Please refer to Figure 1 below.



**Figure 1 – Eastern boundary of █ and █ property**

With the construction of the Proposed Development, its height, bulk and scale, will unduly create a visual impact as well as their access to light and ventilation for their dwelling.

## 2. LOCALITY

When assessing an application against the Planning and Design Code it is important to have regard to the locality and context in which the development is proposed.

The locality is characterised by a predominance of single storey homes. There appears to be a mixture of different types of character homes including inter-war, bungalow style, turn of century as well as Victorian era cottages.

While a handful of newer two storey and single storey dwellings are located towards the western end of Carlton Street, the immediate locality is predominantly single-storey character dwellings as shown in the Figure 2 and 3 below.

Non-residential land uses include a small strip of single-story shops facing Fullarton Road as well as a church located directly adjacent my clients' land on the eastern side. A small block of 1960's era brick flats are located a little further down Carlton Street.

█ and █ seek to protect the character and amenity they currently enjoy. It is not unreasonable to expect that the development of their neighbouring allotment be undertaken in a manner that is respectful to their enjoyment of their land.



Figure 2 – 7,9 and 11 Carlton Street



Figure 3 – Looking down Carlton Street





Figure 4 – [REDACTED], [REDACTED] and [REDACTED] Home and the Significant Golden Elm to the front of their property

### 3. PLANNING AND DESIGN CODE POLICY CONSIDERATIONS

The proposed development site is located within the Established Neighbourhood Zone (**EN Zone**).

The site is also subject to several Policy Overlays including *Historic Area (UN25)*, *Heritage Adjacency*, *Regulated and Significant Tree and Urban Tree Canopy Overlays*.

Technical Numerical Variation (**TNV**) that also applies and calls for a

- maximum building height (metres) of 6 metres and
- maximum building height (levels) of 1 level
- a minimum side boundary setback of
  - 1 metre for the first building level
  - 3 metres for any second building level or higher

The Planning and Design Code is not a document that prescribes a series of legal obligations. The Planning and Design Code contain statements of planning objectives and principles which as a general rule should be applied.

In the decision of *Alexandrina Council v Strath Hub Pty Ltd* [2003] 129 LGERA Bleby J noted at 35:

*“considering a development plan as a flexible, advisory planning policy document and as a practical guide for practical application and not as a mandatory legal statute, is an acceptable and sensible way of approaching a development plan...*

*...However, it does not enable the objective and the essential principle of the development control to be ignored simply because the view is taken that the objective of the plan is unlikely to be achieved for various reasons.”*

Due regard must therefore be had to the provisions in the Planning and Design Code and EN Zone that are expressed in positive terms or express a particular goal for a particular area.

In this case it is instructive to consider the requirements of the Technical Numerical Variations for the EN Zone and particularly in relation to the performance outcome sought at Policy PO’s 2.1, 3.1, 4.1 7.1 and 8.1.

Desired outcomes sought at DO1 and DO2 *“aid the interpretation of performance outcomes by setting a general policy agenda for a zone”* and *“inform its consideration of the relevance and application of a performance outcome”*.

In this case Desired Outcome 1 seeks:

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

When considering character and development pattern in this context, Bowering J, Commissioner Hutchings and Commissioner Mosel explore how such phrases are applied in the decision of *Villaplex P/L v C Norwood Payneham St Peters & Ors [2000] SAERDC 10 at 27 and 28* :

*27 The concept of "pattern" consists of several elements that comprise the two-dimensional fabric of an urban area. The elements that comprise this fabric include road layout, allotment size and configuration, the size, location, orientation and distribution of the "footprint" of the buildings on any one allotment and the spatial relationships between the building "footprints" on adjoining or nearby allotments.*

*28 "Character" on the other hand is a multi-dimensional concept and one which has become a "major instrument of policy expression" (see Rocco Ciancio & The District Council of East Torrens, PAT Nos. 316 and 557 of 1989). We accept the view of Commissioner Hutchings that:*

*"..... the character of any particular area results from the synthesis of land use, the appearance of buildings and spaces, the intensity of development and the scale of operation of such development. In rural areas, land form and land management are also applicable.*

*The character resulting from this synthesis can be strengthened by each development. On the other hand, some developments may incrementally weaken it until a threshold is reached whereby the next development is such as to change the balance of the synthesis thus setting a new direction and the evolution of a new character."*

### **3.1. Bulk and Scale**

The dwelling across from the subject site at number 9 Carlton Street, built in 2023 (refer to the image in Figure 2 above) appears to comfortably meet the performance outcomes with respect to character and quantitative provisions recommended in the DTS/DPF provisions.



The built form of number 9 reinforces the existing character in that it is complementary form of development being single story and appears to meet the side and front boundary setbacks sought by the Zone and Technical Numeric Variations.

On the other hand, the proposed development does little to try and preserve the character and pattern of development that is sought by the Code. The bulk and scale of the development will create an imposing presence on the street scape and will appear as though it is constructed almost boundary to boundary.

Furthermore, there is no accommodation made in the design of the proposed development to the existing configuration of neighbouring dwellings. [REDACTED] and [REDACTED] 1910 Villa, side entrance and existing setback from the boundary will mean that the two dwellings will be built almost eave to eave, creating a 'boxed in' appearance inconsistent with the clearly stated performance outcomes for access to natural light and ventilation.

The incremental weakening of the policy by granting development authorisations such as this will, in time, see irrevocable change to the character sought by the EN Zone and Heritage Area and Heritage Adjacency Overlays. The table below is an extract of the relevant Performance Outcomes and Designated Performances Features that apply and whether they have been achieved.

P&D Code	Sought	Proposed	Achieved
<b>Site Coverage</b> EN Zone PO 3.1 DTS/DPF 3.1	50%	49.7%	<b>Yes</b>
<b>Building Height</b> EN Zone PO 4.1 DTS/DPF 4.1	6 metres 1 Level	12 Metres (approx.) <b>Noting that the elevation plans do not show the height of the sub floor level)</b> 8.5 Metres 3 Levels (including basement level)	<b>No</b>
<b>Boundary Walls</b> EN Zone PO 7.1 DTS/DPF 7.1	(a) 1 metre for first building level  3 metres for second building level  (b) 3.2 metres in building wall height  8 m in length	(a) 300mm for first building level  2 metres for second building level  (b) 3 metres in building wall height  7 metres in length	<b>No</b>     <b>Yes</b>
<b>Side Boundary Setback</b> EN Zone PO 8.1 DTS/DPF 8.1	1 metre for first building level  3 metres for second building level	300mm for first building level  2 metres for second building level	<b>No</b>



It is also worth noting that there is no indication on the plans where air-conditioning compressors will be located and how machine noise will be managed. No doubt such a large dwelling will require significant air conditioning systems for temperature control.

If it is proposed that it will be located in the proposed 'Service Court'<sup>1</sup> then the noise impact will be unacceptable. The noise which will be heard in the living room directly adjacent the Service Court and is unlikely to meet relevant environment protection measures. Currently no acoustic treatment is proposed to manage impacts arising from potential machine noise generated through the use of the Service Court.

### 3.2. Building Height

The relevant building height provision of the Planning and Design Code is PO 4.1 which states:

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

The Established Neighbourhood Zone in this locality provides a distinct building height policy through PO 4.1, which suggests that the building height should not exceed the relevant TNV layer, which in this location identifies a maximum building height of 6 metres and one (1) building level.

Building height in the Planning and Design Code is a defined terms and includes the *"any point of any part of a building and the finished roof height at its highest point"* excluding *"antenna, aerial, chimney, flagpole or the like"*.

The proposed development has a maximum building height as defined under the Planning and Design Code of:

- 12 Metres (approx.) **Noting that the elevation plans do not even show the height of the sub floor level**) 8.5 metres<sup>2</sup> above ground level; and
- 2 building levels

The Proposed Development clearly exceeds the quantitative building height provisions of the Planning and Design Code of 6 metres and 1 building level.

In exceeding the building height provisions, it is however also necessary to consider whether the proposal *"complements the height of nearby buildings"* (PO 4.1).

The building height does not complement the local context, street conditions or character objectives of the area. Dwellings in the immediate locality are all predominantly single storey dwellings.

<sup>1</sup> Referenced from the D'Andrea Architects Floor Plans Sheet A2201

<sup>2</sup> Referenced from the D'Andrea Architects Elevations Sheet A2202

### 3.3. Boundary Walls

The application also proposes to incorporate a garage on the boundary which will result in the boundary wall 3 metres high and 6.5 metres in length<sup>3</sup>.

*“PO 7.1 walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.”*

The proposed boundary wall on the adjoining allotment will unduly impact [REDACTED] and [REDACTED] amenity and overshadow their side entrance and access to light when entering their property. Access to their front door is immediately adjacent the Boundary Wall. Figure 5 (below) shows their side entrance and the proximity to the boundary.

It will also affect the passive surveillance from the street and cause security concerns when entering and exiting through the front door of their home.



**Figure 5 – Side entry access to [REDACTED]**

### 3.4. Side Boundary Setback

The Planning and Design Code establishes the desired setbacks pertaining to the assessment of the development application.

PO 8.1 Buildings are setback from assigned boundaries to provide:

*“(a) separation between buildings in a way that complements the established character of the locality;*

<sup>3</sup> Referenced from the D’Andrea Architects Floor Plans Sheet A2201

(b) *access to natural light and ventilation for neighbours.”*

In this context both (a) and (b) are both relevant factors when considering the appearance of the side boundary setback for the proposed dwelling application.

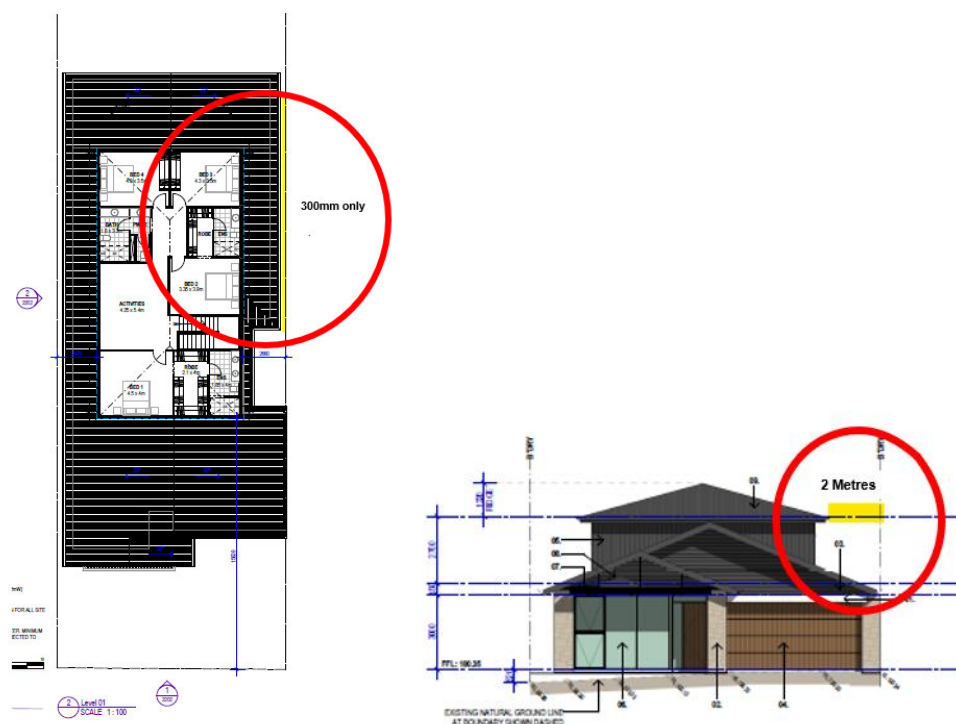
In particular *“a separation between buildings in a way that complements the established character of the locality”*.

When viewing the proposed development in the context of other dwellings in the locality the separation distance from the boundary is notable.

The quantitative requirements seek a side boundary setback of 1 metre for the first building level and 3 metres for any second building level or higher”.

The proposed development is proposing a side boundary setback of approximately 30 centimetres from the eave of the roof of the first building level and 1 metre to the boundary wall.

For the second building level it is proposing a separation of 2 metres to the eave of the second building level and 2.65 to the second building level wall. As can be seen in the Figures 6&7 below.



**Figure 6 & 7 – Side Boundary Setback of Proposed Development**

Notably, PO 8.1 calls for “buildings” to be setback from side boundaries.

A building is defined in section 4 of the *Planning, Development and Infrastructure Act 2016* to mean:

*“**Building** means a building or structure or a portion of a building or structure (including any fixtures or fittings which are subject to the provisions of the Building Code), whether temporary or permanent, moveable or immovable, and include a boat or pontoon permanently moored or fixed land, or a structure permanently fixed to land.*”

Therefore, the Planning and Design Code calls for the side boundary setback to include both the wall and the roof eaves to be setback, not just the walls as suggested by the applicant.

### 3.5. Heritage Character and Design

Observing that policies for Overlays take precedence over those for the Zone, it is important to carefully consider the provisions of the Historic Area Overlay when assessing this proposal.

These provisions are clear and appear to have not been appropriately considered and applied in the design of this building.

In particular Historic Area Overlay - DO 1 seeks:

*“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.”*

The Historic Area Statement is clear in that the Historic area is derived from attributes such as:

*“Victorian. Turn of Century. Inter-wars. Hip and Gable roof forms, roof louvres, chimneys, open verandahs, feature ornamentation, plaster work, iron work and timber work, lattice work and associated front fences. Carports, garages and side additions are separate and recessed from the main building and façade, and are minor unobtrusive presence in the streetscape”.*

The setting also calls for:

*“Spacious streetscape character. Modest verges. Large street trees”.*

The built form patterns also seek:

*“prevailing and coherent rhythm of building siting, street setbacks, **side boundary setbacks, spacing between buildings** and garden landscape setting.”*

The Proposed Development is also within the Heritage Adjacency Overlay, with the dwelling to the immediate north and abutting the Site being a local Heritage Listed dwelling known as “Rosefield”.



Rosefield was built in 1843 and is located at number 13 Cheltenham Street Highgate.

Heritage Adjacency Overlay DO 1 seeks that:

*“development adjacent to State and Local Heritage places maintains the Heritage and cultural values of those places.”*

Heritage Adjacency Overlay PO 1.1 further provides that:

*“development adjacent to a State or Local Heritage place does not dominate, encroach or unduly impact on the setting of the place.”*

### **3.6. Significant and Regulated Tree Overlay**

The application documents and details have also not identified what appears to be a Significant Golden Elm tree, which has a circumference of approximately 2.36 metres when measuring each trunk. The tree is not exempt as it is not located within 3 metres of a dwelling or pool.

It does not appear that there is any consideration of this tree as a Significant Tree and whether Tree Damaging Activity is proposed and how any impact on the trees Tree Protection Zone will be managed as part of the proposed construction of the dwelling, if approved.

## **4. Construction Methodology**

Our client has serious concerns regarding the significant excavation and retaining for the purposes of constructing the underfloor theatre, cellar, bar and toilet.

The construction of the subfloor level may impact the integrity of our clients' property, particularly given its age and construction type. They also have a cellar beneath their kitchen and are greatly concerned about whether the vibration and proposed excavation works will impact the structural integrity of their home.

A number of structures have also been attached and are affixed to the existing boundary wall to fascia of their home (with permission of the previous owner). Those structures will require careful removal and demolition. Also, some stormwater infrastructure is currently located close to the existing boundary.

The back garden has an existing fence which has trees and vegetation. The existing fence appears to encroach onto our clients' property, and they are unsure where its correct location should be. Much of the existing vegetation and plants which have been cultivated for over 40 years, will need to be removed if the proposed development is approved. The applicant has not demonstrated how this will be reconciled.

If the relevant authority consents to the Proposed Development, our clients request that a dilapidation report is prepared to protect both our clients and the applicant from future claims.

Such a requirement should be reinforced by condition of consent, should any approval be granted for the development that includes works which may affect the stability of their land or premises.

This would protect the applicant and our clients from unreasonable or unforeseen civil action that may arise in the event of any damage to our clients' property during construction. Our clients request relevant information in this regard and seeks to remind the applicant of their

obligations under Section 139 – Activities that affect stability of land or premises, of the *Planning Development and Infrastructure Act 2016* if an approval is granted for works which may affect the stability of their land or premises.

## 5. Summary and Conclusion

In conclusion, I am instructed that the following concerns are held with respect to the proposal:

- the Proposed Development exceeds the maximum building height specified by the Code and in doing so will result in a form bulk and scale of building very much uncharacteristic of and inconsistent with this locality which is predominantly single storey.
- The Proposed Development exceeds the minimum side boundary setbacks resulting in a “*boundary-to-boundary*” appearance when viewed from the street and will unduly impact on [REDACTED] and [REDACTED] amenity, access to light and ventilation and enjoyment of their land.
- the design is not contextually responsive or sympathetic to the historic character of this locality, failing to display important attributes that reinforce this value character which differentiates it from other locations within the Zone more generally.

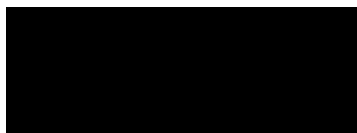
Should the Applicant pursue amendments to this proposal, I seek the opportunity to review and advise my client further.

Further, I would encourage the Applicant to speak directly with my client in an endeavour to find a resolution.

I also seek the opportunity to address the Panel when the application is considered.

Yours faithfully

WALLMANS LAWYERS



FELICITY NIEMANN

Partner

Direct Line: 08 8235 3032

Email: felicity.niemann@wallmans.com.au

## ATTACHMENT 3



September 24, 2024

Matthew Falconer  
City of Unley  
Via: The PlanSA Portal

Dear Matthew,

## **APPLICATION 24020071 – RESPONSE TO REPRESENTATIONS**

We have been instructed by the Applicant, Lee Li, to respond to the assertions made, and concerns raised, by the following representors:

- [REDACTED] of [REDACTED] (“Representor 1”);
- [REDACTED] of [REDACTED] (“Representor 2”); and
- [REDACTED] on behalf of [REDACTED] and [REDACTED] of [REDACTED] (“Representor 3”).

All three representors are opposed to the proposed development and wish to be heard by the Council Assessment Panel.

It should be noted from the outset that:

- the drawings that were publicly available during the notification period have since been amended. For instance:
  - » the extent of soft landscaping has been increased from 171.3 square metres (23.2 per cent) to 187.5 square metres (25.3 per cent);
  - » a 1.2-metre-high fence is now proposed along the southern (front) boundary;
  - » the colour of the primary façade, upper-level walls and roof has been changed from ‘Monument’ to ‘Basalt’; and
  - » the air conditioning unit has been relocated adjacent the western (side) boundary;
- shadow diagrams for the winter solstice and the autumn and spring equinoxes have since been prepared and uploaded to the PlanSA Portal; and
- we have met with, and discussed the key concerns raised by, Representor 3.

Our responses are set out, in no particular order, overleaf.

## Site Coverage

Representors 1 and 2 have asserted that the footprint of the proposed dwelling is too excessive.

In response to this assertion, it should be noted that the proposed dwelling and ancillary structures account for 367.2 square metres or 49.7 percent of the area of the site.

The proposed site coverage is, therefore, compliant with Performance Outcome (“PO”) 3.1 of the Established Neighbourhood (“EN”) Zone.

## Soft Landscaping and Tree Planting

Representors 1 and 2 have asserted that the proposed development does not include sufficient soft landscaping and tree plantings.

In response to this assertion, it should be noted that:

- 187.5 square metres or 25.3 percent of the area of the site is dedicated to soft landscaping which complies with PO 22.1 of the Design in Urban Areas Section of the of the Planning and Design Code (“Code”);
- two ‘medium’ trees (Manchurian Pears) are proposed to be planted, one in the front yard and two in the rear yard, as sought by PO 1.1 of the Urban Tree Canopy Overlay; and
- no street trees are proposed to be removed as a result of the proposed development, as the existing crossover to Carlton Street will continue to be utilised.

## Privacy

Representor 2 has asserted that the future occupants of the proposed dwelling will be able to see into the properties at 8 and 12 Carlton Street, Highgate.

In response to this assertion, it should be noted that all upper-level window frames will have sill heights or be fitted with fixed obscured glass to a height of 1.5 metres above the finished floor level. The proposed development is, therefore, compliant with PO 10.1 of the Design in Urban Areas Section of the Code.

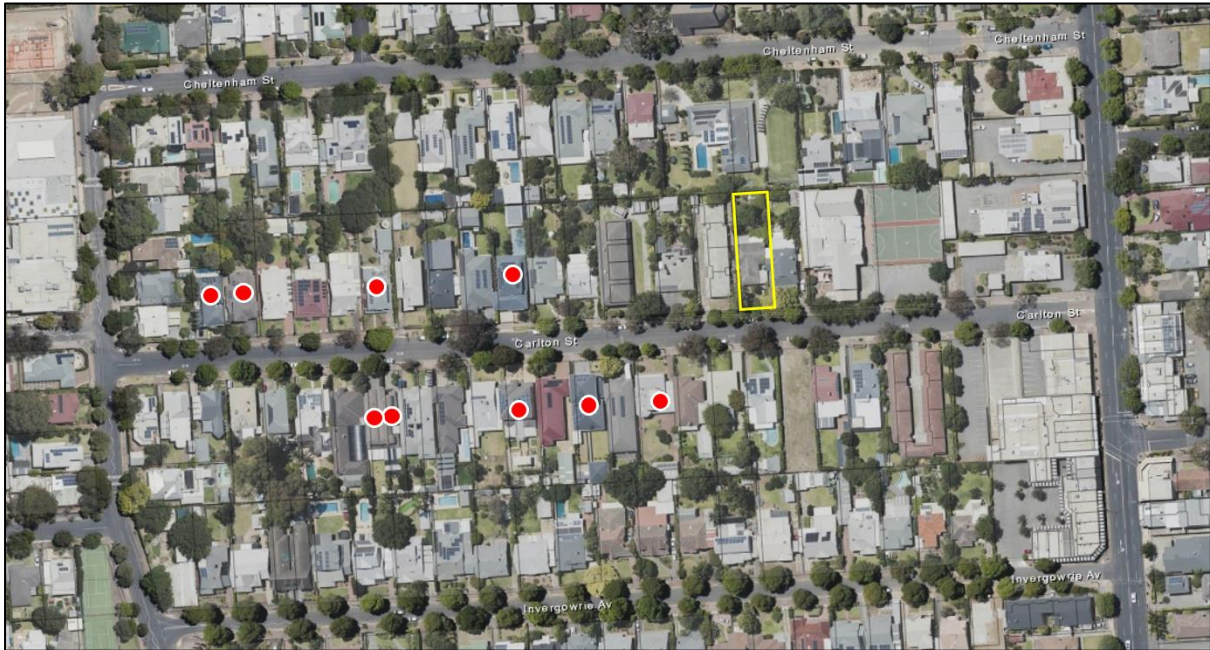
## Building Height

Representors 2 and 3 have asserted that the height of the proposed dwelling is excessive. Furthermore, Representor 3 has stated that the proposed dwelling consists of ‘three’ building levels.

Firstly, I wish to clarify that the proposed dwelling consists of two ‘building levels’ only, not three as purported by Representor 3. The basement cannot be considered a building level as its finished floor is located 1.5 meters below the finished ground level.

We acknowledge that the proposed dwelling exceeds the maximum height prescribed for buildings in the EN Zone by one ‘building level’ and up to 1.6 metres.

Notwithstanding, our inspection of the site and its surroundings revealed that nine dwellings consist of two ‘building levels’ (see Figure 1 on Page 3), with the majority of these dwellings displaying highly prominent upper levels which project straight up from the building line (see Figure 3 on Page 5).



**Figure 1** Ariel view of the site and surrounding properties (two-level dwellings identified in red)

In addition to the above, it should be noted that PO 4.2 of the EN Zone and the corresponding Designated Performance Feature (“DPF”), namely DPF 4.2, provide guidance with respect to the design of upper level additions to existing dwellings. They state:

**PO 4.2** *Additions and alterations do not adversely impact on the streetscape character.*

**DPF 4.2** *Additions and alterations:*

*are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street*

*or*

*meet all of the following:*

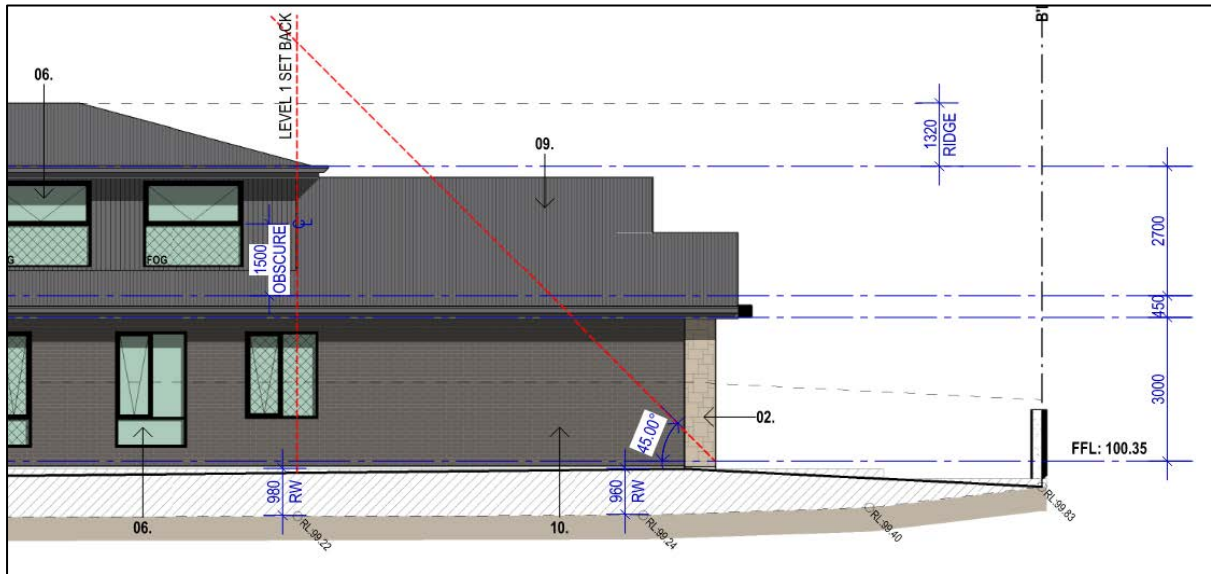
*(i) do not include any development forward of the front façade building line*

*(ii) where including a second or subsequent building level addition, does not project beyond a 45 degree angle measured from ground level at the building line of the existing building.*

[emphasis added]

Based on the above policy, it is clear that the EN Zone contemplates the construction of upper levels. Furthermore, the policy provides clear and specific design guidelines as to how these upper levels should be designed.

As seen within **Figure 2** on Page 4, the upper level of the proposed dwelling has been designed to comply with Clause (b) of DPF 4.2, in that it is set back behind the building line and does not project beyond the 45-degree angle.



**Figure 2** Figure 3 Extract of drawing A2202 of the application plans

### Building Character

Representors 2 and 3 have asserted that the built form of the proposed dwelling does not align with the character of the surrounding dwellings.

The site is captured by the Historic Area Overlay (“HAO”). The attributes of the relevant Historic Area Statement (“HAS”) Un25 are as follows:

- 1880 to 1940 built development;
- Victorian, turn-of-century, inter-war style dwellings (i.e., cottages, villas and bungalows);
- building heights that are of a ‘consistent style’;
- building materials comprising of rendered masonry, stone, timber joinery and corrugated iron roof cladding; and
- open-style fencing up to 1.8 metres in height.

The proposed dwelling is consistent with the attributes of the HAS Un25 because:

- as detailed above, there are numerous examples of two-level dwellings within the immediate locality which have building heights of two levels and in excess of 6.0 metres;
- the replacement dwelling will be constructed from a variety of materials, including, but not limited to, a mixture of stone and rendered walling, timber clad front and garage doors, and Colorbond roof sheeting; and
- the fencing will incorporate open elements and have an overall height of 1.2 metres.



In addition to assessing the built form characteristics of the proposed dwelling, it is necessary to consider the characterises of the streetscape in relation to the HAO and the HAS. To this end, it should be noted that:

- the dwellings along Carlton Street do not have a consistent built form character given that the street contains a range of dwelling types constructed over a 60-year period;
- as detailed overleaf, the street contains nine dwellings that consist of two ‘building levels’; and
- further to the above, the dwellings consisting of two ‘building levels’ have highly prominent upper levels which project straight up from the building line. The proposed dwelling has been designed to substantially conceal the upper level, in line with Clause (b) of DPF 4.2 of the EN Zone.



**Figure 3** Example of two-level dwellings along Carlton Street, Highgate

### Side Setbacks and Overshadowing

Representor 3 has raised concerns that the proposed dwelling does not comply with the side setback requirements outlined in the Code. Additionally, Representor 1 has asserted that the proposed dwelling will ‘severely block sunlight’ to the properties at 8 and 12 Carlton Street, Highgate.

Before moving forward, we wish to emphasise that this application is for a ‘Performance Assessed’ development and, as such, is to be assessed on its merits/against the relevant POs of the Code. According to the Council Assessment Panel’s Agendas, a DPF does not need to be strictly met to satisfy the relevant/corresponding PO, including those related to side setbacks:

*“...A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome. A DPF 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 discretion to determine that a Performance Outcome is not met despite a DPF being achieved.”*

[Emphasis added]

Representor 3 has asserted that the side setbacks for both the ground and upper levels are not compliant. In response to this assertion, it should be noted that Representor 3's measurements were taken from the gutter line, not the walls of the proposed dwelling, and that DPF 8.1 of the EN Zone refers to 'building walls', not 'gutters'. For clarity, PO 8.1 of the EN Zone and the corresponding DPF, namely DPF 8.1, both of which relate to side boundary setbacks, collectively state:

*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.*

*DPF 8.1 Other than walls located on a side boundary in accordance with Established Neighbourhood Zone DTS/DPF 7.1, building walls are set back from the side boundary:*

*no less than:*

*Minimum side boundary setback is 1m for the first building level;*

*3m for any second building level or higher*

*[Emphasis added]*

Accordingly, the proposed dwelling will meet the prescribed 1.0-metre setback for the ground level. However, the upper level will have a shortfall of approximately 0.5 metres from the western (side) boundary and 0.34 metres from the eastern (side) boundary.

Whilst the proposed dwelling will exhibit a 'quantitative' setback shortfall at the upper level, it is clear that the proposal still satisfies PO 8.1 of the EN Zone for the following reasons:

- the upper-level setbacks maintain appropriate separation from neighbouring properties at 8 and 12 Carlton Street, Highgate. As outlined above, Carlton Street features two-level dwellings with prominent upper levels and side setbacks in the realm of 2.0 to 3.0 metres. As such, the proposed design aligns with the existing character of the street; and
- the shadow diagrams provided clearly show that the proposed dwelling will allow for the recommended amount of sunlight into the habitable rooms of, and private open spaces associated with, the immediately adjacent dwellings (two hours of direct sunlight for more than 35 square metres of the private open space between 9:00am and 3:00pm on June 21), in accordance with PO 3.1 of the Interface between Land Uses Section of the Code.

## **Dilapidation Report**

Representor 3 expressed concerns about potential damage to their property as a result the excavation associated with the basement.

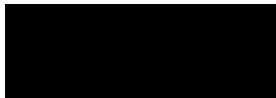
In response to these concerns, the Applicant has since agreed to commission a dilapidation report at their own expense and is amenable to this forming a condition of consent.

## Summary

In summary, we are of the view, despite the assertions made, and concerns raised, by the representors, that the proposed development is deserving of planning consent.

In the event that this matter cannot be determined by the Council's Assessment Manager, please note that we have been instructed by the Applicant to appear before the Council Assessment Panel on their behalf.

Yours sincerely,



**Mark Tronccone**  
Senior Consultant

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

**TO:** City of Unley Council Assessment Panel

**FROM:** Don Donaldson, Assessment Manager

**SUBJECT:** Summary of ERD Court Appeals

**MEETING DATE:** November 19<sup>th</sup> 2024

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**APPEALS - 1**

<b>Development Application / Subject Site</b>	<b>Nature of Development</b>	<b>Decision authority and date</b>	<b>Current status</b>
DA22040422 - 7 Thornber Street, Unley Park	Demolition	Refused by CAP, March 21 <sup>st</sup> 2023	Appealed to ERD, conference adjourned until Dec 10 <sup>th</sup> 2024
DA24009737 – 5 Regent Street, Millswood	Carport	Refused under delegation , May 3 <sup>rd</sup> 2024	Appealed to ERD, Hearing scheduled on Dec 3 <sup>rd</sup> 2024
DA24011525 – 7 Thornber Street, Unley Park	Demolition and new dwelling	Refused by CAP, September 10 <sup>th</sup> 2024	The appeal has been withdrawn



## **ITEM 9.1**

### **CITY OF UNLEY COUNCIL ASSESSMENT PANEL – MEETING DATES FOR 2025**

#### **DECISION REPORT**

**REPORT TITLE:** City of Unley CAP - Meeting Dates for 2025

**AUTHOR:** Sandy Beaton (Development Administration Officer)

**MEETING DATE:** November 19<sup>th</sup> 2024

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#### **DISCUSSION**

The meeting schedule for 2025 needs to be set. It is suggested that the Panel continue to meet on the third Tuesday of the month (subject to discussion below) which suits the meeting cycle of Council, has proven reasonable in terms of the number of applications placed before the Panel, and to-date, has generally been sufficient to adequately meet the demand for reporting and decision making under the Planning, Development, and Infrastructure Act.

The commencement time of 6pm would remain unchanged.

The meeting schedule of the third Tuesday of the month is recommended for all months besides January, where it is suggested that the Panel meet on the fifth Wednesday of the month. Pushing back the Panels meeting by one week to January 29<sup>th</sup> will allow sufficient time to meet reporting deadlines, which would otherwise fall during the Christmas/New Year period.

#### **RECOMMENDATION:**

That:

1. The report be received.
2. The meetings of the Unley Council Assessment Panel (The Panel) for 2025 be set as:
  - 29 January (Wednesday)
  - 18 February
  - 18 March
  - 15 April
  - 20 May
  - 17 June
  - 15 July
  - 19 August
  - 16 September
  - 14 October
  - 18 November
  - 16 December