

DEVELOPMENT NO.:	25004623
APPLICANT:	Anthony Caruso
ADDRESS:	8 GOLDSWORTHY CR GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Variation of DA 22003871 – Increase Boundary Wall Height of Alfresco and Garage 2 from 3 m to 3.6 m from the Top of Footing
ZONING INFORMATION:	Zones: • General Neighbourhood Overlays: • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	20 Feb 2025
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.3 13/2/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

CONTENTS:

ATTACHMENT A: Planning Consultant letter

ATTACHMENT B: Compromise Plans

ATTACHMENT 1: Previous Panel Report, Decision Notification Form and Refused Plans

BACKGROUND

At the Panel meeting held on the 25 June 2025, the Panel resolved to refuse the proposed boundary walls for the following reasons:

1. General Neighbourhood Zone Performance Outcome 7.1 seeks walls on boundaries that are limited in height and length to manage visual and overshadowing impacts on adjoining properties. The proposed wall heights exceeds the height guided by Designated Performance Feature 7.1 and are considered to have an unreasonable impact on the adjoining property.

2. Design in Urban Areas, Desired Outcome 1(a) seeks development that is contextual by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality. The proposed walls heights are not considered to carefully respond to this context and does not contribute positively to the character of the locality.
3. Design in Urban Areas Performance Outcome 12.1 seeks that buildings positively contribute to the character of the local area by responding to local context. The proposed wall heights are not considered to positively contribute to the character of the local area or respond to local context. They exceed the heights sought in the Code and previously approved.
4. Design in Urban Areas Performance Outcome 20.3 seeks that visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets. The visual mass of this building is not reduced when viewed from the adjoining allotment and public street, and when compared with the original approval.

COMPROMISE PLANS:

In response to the approval, the applicant has opted to appeal the refusal via the Environment, Resources and Development Court, whereby they have submitted a set of compromise plans that seek to address the reasons for refusal.

The boundary wall associated with the alfresco remains at 3.6 metres high on the basis that the Panel members, in the meeting held on the 25 June 2025 acknowledged that this particular wall did not present a planning concern on the basis that this wall has a maximum length of only 2.5 metres and presents little impact to the neighbouring property as it abuts a side yard which contains a mature tree that abuts the alfresco wall and visually screens it. This space on the neighbours side is narrow, with no habitable windows that face the wall.



Figure 1: View of Side Yard of 6 Goldsworthy Crescent from 8 Goldsworthy Crescent



Figure 2: View of Side Yard of 6 Goldsworthy Crescent Adjacent the Alfresco Wall of 8 Goldsworthy Crescent

The garage wall height is reduced from 3.6 to 3.3 metres by way of incorporating a boundary gutter (charcoal colour).

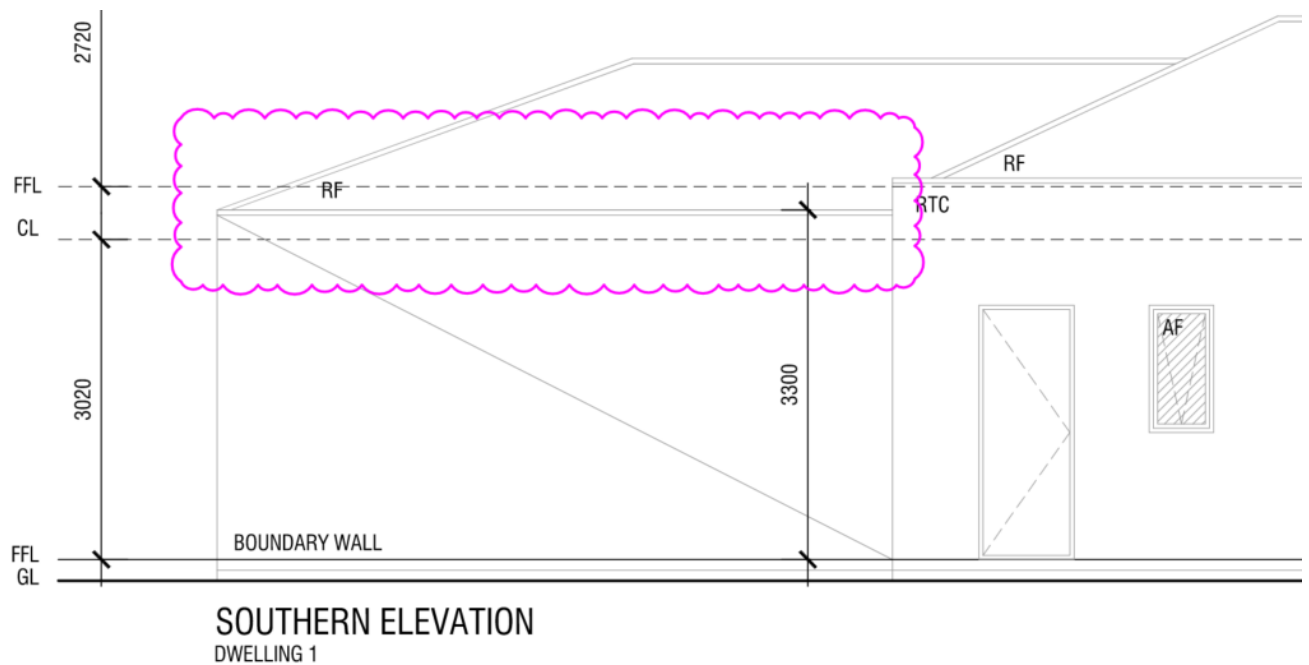




Figure 3: Typical Boundary Gutter Detail

The decrease in wall height is considered to reflect a positive improvement in comparison with the illegally constructed 3.6 metre high wall, which is much more visually prominent. The 3.3 metre total height is considered to be only marginally higher than the Designated Performance Feature 7.1, which is only a guideline, and is not a policy for directly determining the overall merit of a proposal.

It is critical to refer to the Performance Outcome (7.1) which states boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

When considering overshadowing impacts, as per the previous report (read Attachment 1), it was determined that overshadowing on the neighbouring properties is negligible in that the shadow cast extends over the neighbours front yard, the driveway but not any front facing habitable room windows.

When considering visual impacts on adjoining properties, the boundary wall is only visible from 6 Goldsworthy Crescent whereby the revised wall height of 3.3 metres is considered to reflect a height much closer than what is typically envisaged by the Design Code (3 metres). Furthermore, the total wall length of 8.3 metres is within the maximum wall length of 11.5 metres anticipated by the Code.

The image below provide a rough comparison of the height of a 3.3 metre high wall relative to the constructed 3.6 metre high wall, as well as an indication of the 3 metre high mark. Ultimately, the visual difference between a 3 and 3.3 metre high boundary wall is negligible, particularly in this context, as the neighbours side of the wall previously contained a carport but is now bare and void of any structures or plantings, thus there is opportunity and space for plantings to screen the walling or future carport to replace the previous undercover parking.

Whether the final approved height is 3 metres or 3.3 metres, visually the difference between the 2 heights is negligible, however the 3.3 metres height is regarded as a notable improvement to the 3.6 metre height.





CONCLUSION

When considering the compromise plans against the reasons for refusal, it is the opinion of planning administration that the proposal now reasonably satisfies:

1. General Neighbourhood Performance Outcome 7.1 in that the walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties, on the basis that the actual visual impact between a 3.3 and 3 metre high wall is largely negligible (a 3 metre high wall is still a substantial surface area on a boundary) and there are nil overshadowing impacts to any habitable room windows or private open space areas of the neighbouring property.

2. Design in Urban Areas, Desired Outcome 1(a) and Performance Outcome 12.1 in that the proposed wall is contextual in its appearance and form responding to built environment (which contains large scale homes) and positively contributing to the character of the locality, which is subjective, but ultimately comprises a form of development (dwelling) that is envisaged by the Zone.
3. Design in Urban Areas Performance Outcome 20.3 in that the visual mass of this larger building is reduced when viewed from adjoining allotments, which has been achieved here by way of reducing the wall height to a more reasonable level.

RECOMMENDATION

It is recommended that the Council Assessment Panel advise the Environment, Resources and Development Court in the matter of Case Number ERD 25-000082 Anthony Caruso v Assessment Panel at the City of Holdfast Bay that the Council supports Application ID 25004623 as amended subject to the conditions below:

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. All previous stamped plans and documentation, including conditions previously granted approval for Development Application ID No. 22003871 are still applicable except where varied by this application and conditions.

OFFICER MAKING RECOMMENDATION

Name: Dean Spasic
Title: Development Officer - Planning
Date: 28/10/25