

<b>DEVELOPMENT NO.:</b>	25004623
<b>APPLICANT:</b>	Anthony Caruso
<b>ADDRESS:</b>	8 GOLDSWORTHY CR GLENELG NORTH SA 5045
<b>NATURE OF DEVELOPMENT:</b>	Variation of DA 22003871 – Increase Boundary Wall Height of Alfresco and Garage 2 from 3m to 3.6m from the Top of Footing
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"> <li>• General Neighbourhood</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>• Aircraft Noise Exposure</li> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul>
<b>LODGEMENT DATE:</b>	20 Feb 2025
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2025.3 13/2/2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Dean Spasic Development Officer - Planning,

**CONTENTS:**

**APPENDIX 1: Relevant P&D Code Policies**

**ATTACHMENT 1: Application Documents**

**ATTACHMENT 2: Representations**

**ATTACHMENT 3: Applicants response to representations**

**DETAILED DESCRIPTION OF PROPOSAL:**

The proposed development comprises a variation to an existing approved development application, which comprised the construction of a pair of two level detached dwellings with boundary walls up to 3 metres in height above the footing. The variation in this case comprises the construction of boundary walls up to 3.6 metres high when measured above the top of the footing. The assessment of this application is limited to consideration to the boundary walls, as all other elements have development approval.

**BACKGROUND:**

Development application 22003871 for the construction of a pair of two level detached dwellings was approved by Council on the 10 August 2022. It included boundary walls up to 3 metres high above the top of the footings.

During construction, it was observed that the builder had constructed boundary walls up to 3.6 metres high when measured above the top of the footing, which is in breach of the approved plans. As a result, Council commenced enforcement action under section 213 of the *Planning, Development and Infrastructure Act 2016*. The owner has opted to lodge this development application to seek retrospective approval.

**SUBJECT LAND & LOCALITY:****Site Description:**

**Location reference:** 8 GOLDSWORTHY CR GLENELG NORTH SA 5045

**Title ref.:** CT 5709/224

**Plan Parcel:** D4224

**Council:** CITY OF HOLDFAST BAY

AL126

The site is a triangular shaped allotment fronting Goldsworthy Crescent, where it curves at the intersection with Blackburn Avenue. It contains a pair of approved dwellings currently under construction, which each face north towards the Sturt River reserve. The boundary walls in question are located on the south-western boundary of the western dwelling, which abuts the driveway located in the front yard of 6 Goldsworthy Crescent.

**Locality**

The locality is described as residential, with a mix of older and newer infill housing stock such as that on the subject site. There has been a high volume of infill redevelopment, typically comprising the development of larger traditional sized allotments into two sites for single and two-level dwellings.

The Sturt River linear park runs through the suburb, immediately north-east of the subject site.

Other nearby non-residential facilities include a small park some 190 metres west of the site and the Glenelg North Community Centre some 170 metres south-east of the site.



#### CONSENT TYPE REQUIRED:

Planning Consent

#### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**  
Other - Residential - Variation of DA 22003871: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

#### PUBLIC NOTIFICATION

- **REASON**  
Boundary wall height exceeds 3 metres above the top of the footing (3.6 metres)
- **LIST OF REPRESENTATIONS**  
Three representations were received as part of the public notification process. Two are opposed to the development and one is in support.

Opposed:

- Concerns with the planning system and approved
- Approved boundary wall height of 3 metres has been ignored.
- The constructed concrete walls are ugly and once the roofs are installed, the building will appear even higher.

- The walls look out of place with the older property at number 6 affect its amenity with visual bulk and an overbearing presence.
- The wall overshadows the house at number 6, including living spaces, outdoor areas and solar panels.
- It is requested that Council refuses the proposed additional wall height and the builder sticks to the approved wall height of 3 metres.

Support:

- No objection to the proposed changes to increase the wall height.
- The changes have no direct impact 7 Goldsworthy Crescent.
- There is no valid reason to oppose the development.

The applicant has provided a response to the representations, see **Attachment 3**.

## **PLANNING ASSESSMENT**

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

### **Question of Seriously at Variance**

The proposed development comprises the construction of 3.6 metre high boundary walls when measured from the top of the footings. It is in the General Neighbourhood Zone. Subject to assessment of the impacts, development of this nature is generally appropriate for the site, locality and General Neighbourhood Zone for the following reason:

- The proposal relates to a boundary wall in association with a new dwelling, which is a kind of development that is envisaged in the Zone.

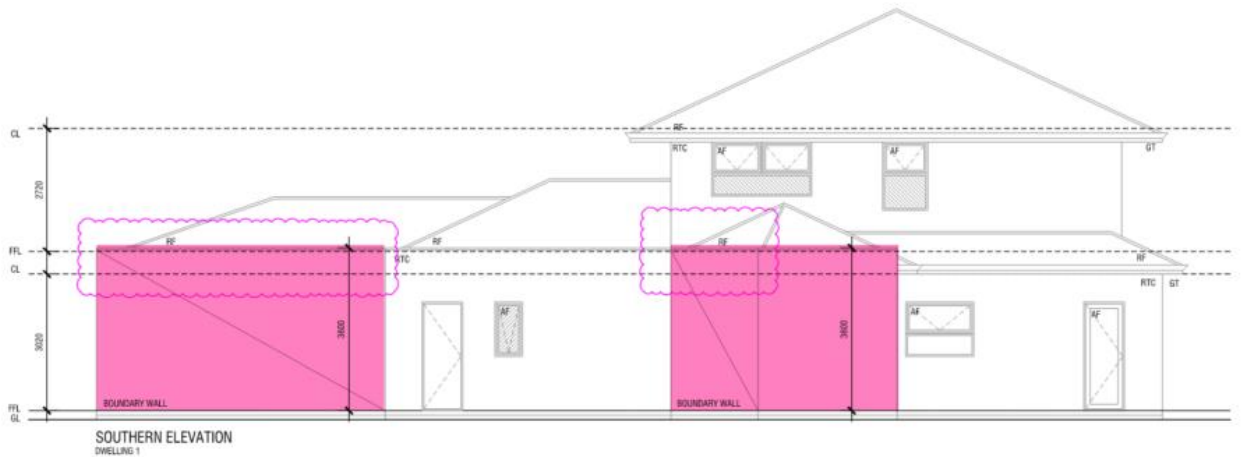
The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

### **Boundary Walls**

The proposed boundary walls comprise a height of 3.6 metres above the top of the footings, which is up to 550mm above the site levels. The proposed wall therefore comprises a total height of 4.1 metres above the natural ground level found on the neighbouring site at 6 Goldsworthy Crescent. This wall height is considered to be excessive in context with what is typically envisaged by the Zone.

The boundary wall associated with the garage is 8.35 metres long, followed by a separation of 8.25 metres, and followed again by a boundary wall associated with an alfresco which is 2.5 metres in length. The total boundary length is 10.85 metres, which amounts to 27 percent of the total boundary length. This length is within the Designated Performance Feature (DPF) for the Zone of 45%





The General Neighbourhood Zone Performance Outcome (PO) 7.1 seeks walls on boundaries that are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

DPF 7.1(b) provides guidance for one way the PO could be achieved, including reference to a maximum wall height (when measured above the footing) of no more than 3 metres and a total length of 11.5 metres (as well as the 45% figure noted above).

Irrespective of the numerical parameters set by the DPF, the proposed boundary wall height of 3.6 metres above the top of the footing (and up to 4.1 metres above the ground level) is not considered to satisfy PO 7.1. The boundary walls are not considered to be sufficiently limited in height so as to manage visual and overshadowing impacts on adjoining properties.

It is noted that the south-western neighbouring residence has a paved driveway front yard space, which appears to be used as outdoor space given it is enclosed by a solid front fence and northern orientation. Note that the carport depicted in the aerial photograph is no longer present on the neighbouring property. The proposed wall is visually dominant in this space and is highly visible from the street and neighbouring front yard. Its visual presence is considered to be excessive and unreasonable.

The alfresco wall, which is 2.5 metres long and located approximately 2 metres from the rear section of the neighbouring dwellings north facing elevation. It is unclear if there are any habitable room windows along the extent of this walling, as this detail was not included in the representation submitted to Council. Nevertheless, the boundary wall comprises an overall height and scale that is considered to unreasonably exceed what is otherwise typically achieved with a 3 metre high boundary wall. The additional 600mm height only metres from a neighbouring dwelling is not considered to reflect a positive planning outcome.



### **Design in Urban Areas**

Desired Outcome (DO) 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.

PO 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.

The boundary wall design in context with the neighbouring and nearby built form, is considered to fail to demonstrate any consideration, recognition or response to its surrounding built environment and character.

PO 20.3 seeks that the visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.

The proposed wall heights reflect a mass that is visually prominent when viewed from adjoining allotments and the public street. It therefore fails to satisfy PO 20.3.



### Overshadowing

Interface Between Land Uses, DO1 seeks development that is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Interface Between Land Uses, PO 3.1(a) seeks that overshadowing to habitable room windows of adjacent residential land uses in neighbourhood-type zones is minimised to maintain access to direct winter sunlight.

DPF 3.1 suggests north facing windows of habitable rooms of adjacent residential land uses receive at least 3 hours of direct sunlight between 9am and 3pm on the 21 June.

The angle of the sun at 12pm in Adelaide at the winter solstice(21 June) is 31.7 degrees above the horizon. The proposed wall is some 2 to 9 metres from the nearest north facing window, which is a reasonable separation to allowing sunlight access into neighbouring land. Therefore, the boundary wall would result in minimal loss of winter sunlight into habitable room windows of this dwelling, and would continue to satisfy PO & DPF 3.1. The photo below demonstrates a shadow cast at 1pm on the 4 day of June, showing no shadowing over the north facing window. Attachment 3 provides insight into the side wall of the neighbouring dwelling abutting the proposed alfresco wall. As per the photos, there are no habitable room windows affected by the proposed wall. In addition, the neighbouring dwelling has a tree located to the south of the wall, which would itself contribute to any existing shadowing.

Interface between land uses PO 3.2 seeks to ensure that development does not result in overshadowing of the private open space of adjacent residential land uses in order to maintain access to direct winter sunlight. The proposed Alfresco wall is adjacent to the side of the south-eastern adjacent property (6 Goldsworthy) which does not comprise that properties private open space. The proposed boundary wall therefore does not result in any adverse overshadowing into the private open space area of that property.

PO 3.3 seeks development that does not unduly reduce the generating capacity of adjacent roof top solar energy facilities. The dwelling at 6 Goldsworthy Crescent has solar panels on its roof some 5 metres from the position of the boundary wall. The height of the boundary wall (ground level) would be similar in height to the solar panels, so



would not result in any direct shadowing impact on the solar panels. The photo below demonstrates a shadow cast at 1pm on the 4<sup>th</sup> day of June does not overshadow the solar panels.



**Photograph taken of front yard of 6 Goldsworthy Crescent at 1pm on 4 June 2025.**  
**Note the extent of shadowing does not reach the front north facing window.**

## **CONCLUSION**

The proposed development is not considered to satisfy the relevant provisions of the Planning and Design Code with respect to boundary development., The boundary wall height is taller than the height sought in the Code and of those existing in the locality. It therefore does not visually respond to the surrounding built environment and character of the locality.

The proposal fails to achieve a boundary wall that reduces the visual mass of larger buildings when viewed from adjoining allotments and the public road. Rather, it increases the visual mass of the boundary walls and negatively impacts on the amenity of the neighbouring dwelling.

The proposed wall is of a height that is excessive and results in unreasonable visual impacts on adjacent land. Put simply, the applicant has failed to present any meaningful justification as to why a 3 metre high wall cannot be achieved on the boundary, as sought by the Code and originally approved.

## **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 25004623, by Anthony Caruso is REFUSED Planning Consent for the following reasons:

**REASONS FOR REFUSAL**

The proposed development fails to satisfy:

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 wall 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 the 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.

**Advisory Note 1**

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

**OFFICER MAKING RECOMMENDATION**

**Name:** Dean Spasic

**Title:** Development Officer - Planning

**Date:** 05/05/2025