

CAP MEETING – 11 March 2026

ITEM 8.1

DEVELOPMENT NO.:	25018635
APPLICANT:	Fuhui Capital Pty Ltd ATF Fuhui Family Trust
ADDRESS:	12 HIGHLANDS CT WOODFORDE SA 5072
NATURE OF DEVELOPMENT:	4 storey detached dwelling, retaining walls, fence, swimming pool & associated safety features
ZONING INFORMATION:	<p>Zones</p> <ul style="list-style-type: none"> • Housing Diversity Neighbourhood <p>Overlays</p> <ul style="list-style-type: none"> • Affordable Housing • Hazards (Bushfire - Urban Interface) • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy • Water Resources <p>Technical Numeric Variations (TNVs)</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 9m) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	23 Jul 2025
RELEVANT AUTHORITY:	Adelaide Hills Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.13 17/07/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Doug Samardzija
	Senior Statutory Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	Engineering Department

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for a four-storey detached dwelling, retaining walls, fence, swimming pool & associated safety features on a 1463m² allotment in the Hamilton Hill estate at Woodforde. The total footprint of the building is 350m² whilst the total floor area including the garage and the balconies is approximately 1747m².

The proposed dwelling presents a contemporary and distinctive design, which differs in form from what is ordinarily associated with typical dwelling proposals. The front façade is typical of most modern dwelling designs and features a double garage under the main roof, large front entrance with travertine walls or similar, with a contemporary roof design. Each of the levels are for most part identical with the rear portion of the building at each level containing three bedrooms one with an ensuite, separate office room, shared wet area and an open plan kitchen dining and living area. Each level with exception of a ground level also contains a balcony with an integrated laundry. From here there are however subtle differences to the front portion of each of the levels, and the use of these areas. At the ground floor a large cellar space is identified on the floor plan. Directly above that at level one is a large gym room and, directly above that at level two is a large theatre room. These rooms are identical in size and location and it is just their use that differs. On the last level which is the road level there is a nine-car garage with a stack car lift system and a dining room. Each of the levels also contains a long hallway with levels connected by a staircase and a lift. The main level of the dwelling presents to the street as single storey, with 'concealed' lower levels that step down below the street level as the land falls away significantly from the road frontage.

The height of the dwelling varies given the slope of the land. As mentioned above, the front of the dwelling presents as single storey at street level, however for most part especially when viewed from the side and the rear, the dwelling it is a four-storey design. The highest point of the roof is 13.6 metres above the lowest natural ground level. The total footprint of the building is 350m² whilst the total floor area including the garage and the balconies is approximately 1747m².

The main front of the dwelling is setback 3.8 metres from the road boundary with the garage setback at 4.8 metres. The sides of the dwelling are setback a minimum of 1.5 metres at the closest point from the north/west boundary whilst the rest of the setbacks are significantly more. Setback from the eastern boundary is 6.9 metres or the width of the easement whilst the rear setback is 6.6 metres to the balcony.

Retaining walls are to be provided along sections of the side and rear boundary and internally to stabilise the excavation at the front of the site and as well as the side. The retaining walls vary between 0.2 and 2.8 metres in height. A swimming pool with associated safety features and an enclosed pump box are proposed at the rear of the house.

A basic landscape plan that includes one large tree being *Corymia henryi* (Spotted Gum) along with another seven smaller trees and associated shrubs and ground covers as specified on the planting schedule, has been provided.

BACKGROUND:

This application was originally lodged as a five-storey building, with the fifth level being identical to the other four. Council originally determined the application to be a residential flat building comprising of five dwellings. Through subsequent discussion and concerns raised about the built form, the proposal was amended to a four-storey building, however in Council's view it was still a residential flat building but now comprising four dwellings.

The application was subsequently notified as such, and five representations were received opposed to 4 dwellings on the one site as well as other issues which are detailed further in this report.

Following the completion of the notification period, the Applicant appealed Council's description of the proposal to the ERD Court arguing that the proposal is a single four storey dwelling rather than a residential flat building and should be described as such.

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Council obtained further legal opinion on the matter and as a result of a number of discussions a through the preliminary conference, the Council planning team were persuaded that the proposal is a single four storey dwelling and the Applicant has also confirmed that dwelling is going to be occupied by the extended family and is willing to agree to a condition limiting the use of the building as a single dwelling and to not make alterations to divide or separate the levels into individual dwellings.

Given that the description of the proposal changed after the notification period, Council obtained further legal advice on whether public notification was required to be repeated.

The advice was that a change in the description of the nature of the development from a residential flat building to a dwelling would result in no additional triggers for public notification in table 5 for the Housing Diversity Neighbourhood Zone. The built form of the proposed development remains unchanged from the plans publicly notified, as such the exceedance of the maximum building height of 9m and 2 levels specified in DTS/DPF 3.1 of the Housing Diversity Neighbourhood Zone remains the only public notification trigger. The assessment pathway also remains as performance assessed.

Further, section 119(9) of the *Planning, Development and Infrastructure Act 2016 (PDI Act)*, and regulation 35 of the *Planning, Development and Infrastructure (General) Regulations 2017* only applies when an applicant seeks to vary an application. The application is unvaried with the amended plans only clarifying privacy screening, removal of a vehicle turning area, and annotation of the location of the laundry facilities only. Rather, it is merely the Council's description of the nature of the development which has changed. With that in mind, it was also confirmed that existing representations received are still valid and need to be considered.

SUBJECT LAND & LOCALITY:

Location reference: 12 HIGHLANDS COURT, WOODFORDE

Title ref.: CT 6264/691 **Plan Parcel:** D128750 AL259 **Council:** ADELAIDE HILLS COUNCIL

Site Description:

The subject land comprises a single allotment located at 12 Highlands Court, Woodforde. The land is part of the Hamilton Hill master planned development in Woodforde. The subject land is the last allotment on the southern side of Highlands Court.

It is an irregular shaped allotment with a frontage width of 16.8 metres, a depth ranging between 42 and 47 metres and a rear boundary width of up to 49 metres and a site area of approximately 1463m² making it the largest allotment within this part of the estate. It is noted there is an encumbrance on the title that requires the consent of the Hamilton Hill Design Panel which has been provided as part of the documentation. There is also a 7m wide easement running the length of the eastern boundary.

The allotment backs onto an open reserve established as part of the Hamilton Hill master planned development with all the allotments along the southern side of Highlands Court sloping towards the said reserve. The site is also currently one of the last vacant allotments in the locality.

Locality

The locality is residential in land use and built form character, with existing and new residential development interfacing with densely vegetated open space to the east near Norton Summit Road.

The locality comprises mostly the newly developed Hamilton Hill estate that surrounds the subject land.

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Allotments within Highlands Court are between 500m² and 1463m² and are currently being developed with new modern dwellings of generous proportions and predominantly 2-storeys in nature, although some three-storey development and two apartment buildings of up to four storeys in height exist or are under construction. Significant earthworks and retaining walls are evident due to the sloping topography of the land.

The established residential area to the north is characterised by detached dwellings of low densities. There are several large two-storey dwellings with distant views of the city and, existing trees and gardens are notable features within this area.

Land to the east and south-east near Norton Summit Road is densely vegetated and has an open and vegetated character.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed
Detached dwelling: Code Assessed - Performance Assessed
Fence: Code Assessed - Performance Assessed
Retaining wall: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed

- **REASON**
P&D Code

The Planning and Design Code does not provide an 'Accepted' or a 'Deemed to Satisfy' pathway for the above noted elements. They are also not listed as being 'Restricted' forms of development under Table 4 of the Productive Rural Landscape Zone. Therefore, it is considered that as per Sections 105 (b) and 107 of the PDI Act, that the proposal be assessed as 'Performance Assessed' development.

PUBLIC NOTIFICATION

- **REASON**
The proposed dwelling fails to satisfy Table 5 Column B exemptions. More specifically the proposal exceeds the maximum building height specified in Housing Diversity Neighbourhood Zone 3.1

Public Notification period – 05 November 2025- 25 November 2025

- **LIST OF REPRESENTATIONS**

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)

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Hugh Marquis	15 Highlands Court, Woodforde	Yes	Hugh Marquis
Brooke Neilson	Po Box 958 Kensington Gardens	No	
Fran E	12 Wilcox Street, Adelaide	No	
Lilian Jen	14 Highlands Court, Woodforde	No	
Jwala Singh	33a Leabrook Drive, Rostrevor	No	
Du Nam Lee	14 Highlands Court, Woodforde	No	

• SUMMARY

The issues contained in the representations can be briefly summarised as follows:

- The proposal is contrary to PO 2.1 in the Zone and contrary to the Hamilton Hill encumbrance.
- Four dwellings on a single allotment.
- Car parking shortfall
- Impacts on the streetscape and the amenity of the locality
- Building size
- Landscaping

All representations received do not support the proposal.

There were few concerns raised by the representors that the proposed development is contrary to the encumbrance that's attached to all the properties within the Hamilton Hill. Whilst it is not a relevant Code consideration, it is noted that the proposal has been approved by the Hamilton Hill Design Panel and therefore deemed to be consistent with the design guidelines of the encumbrance. Council staff further enquired about the encumbrance with the developer, more specifically in relation to the sections raised by the representors about limiting a single dwelling per allotment. The developer has confirmed that the proposal satisfied the encumbrance and that they view the proposal as a single dwelling.

A copy of the representations are included as **Attachment 4 – Representations** and the applicant's response is provided in **Attachment 5 – Response to Representations**.

AGENCY REFERRALS

None

INTERNAL REFERRALS

Engineering Department:

Council's Engineering Department was consulted to provide comments on the size of the proposed garage. A standard B85 vehicle is 4.9 m long and 1.9 m wide. The applicant originally showed a 4.5 m long vehicle stacked in the garage, which is not realistic. Even though, most vehicles today are around 5.4 m or longer. Based on this, only three cars would practically have fitted inside the garage.

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The plans were subsequently amended to increase the size of the garage which is now able to accommodate 9 vehicles in total.

PLANNING ASSESSMENT

Desired outcomes

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes

Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

Designated performance features

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

A detailed assessment of the application has taken place against the relevant provisions of the Planning and Design Code (P & D Code) and this is provided below under a series of headings. A Policy Enquiry extract containing the relevant provisions of the P & D Code is contained in **Attachment 6 – Relevant P & D Code Policies**.

Zone:

Housing Diversity Neighbourhood Zone:

Desired Outcomes	
DO1	Medium density housing supports a range of needs and lifestyles, located within easy reach of a diversity of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 3.1, 4.1, 6.1, 7.1 and 8.1	
DPFs: 1.1, 3.1, 4.1, 6.1, 7.1 and 8.1	

The subject land is a recently created residential allotment situated within the Hamilton Hill master planned development. The land is within the Housing Diversity Neighbourhood Zone of the Planning and Design Code. DO 1 and PO 1 of the of the Zone are seeking a diverse range of medium density housing. The proposal is for a detached dwelling and is an envisaged land uses in DPF 1.1 and therefore from a desired form of land use the proposal satisfies PO 1.1.

DPF 3.1 of the Zone recommends a maximum height of 9 metres and two building levels. PO 3.1 is seeking a building height that is consistent with the DPF or development that is “generally low rise or complements the height of nearby buildings”. The Code defines low-rise as “up to and including 2 building levels”.

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The Code also defines building height as “the maximum vertical distance between the lower of the natural or finished ground level at any point of any part of a building and the finished roof height at its highest point”. The proposed development being four storeys and 13.6m in height is not consistent with PO 3.1 and DPF 3.1. The building is not consistent with the form expressed in DPF 3.1 and is not of low-rise nature as outlined in the definition.

The wording of the PO 3.1 does state that development should generally be low rise. The term generally does imply that there is some degree of flexibility in how its applied and that there could be scope to consider buildings that don't fit into this definition. Certainly, there are examples along Highlands Court where Council has supported buildings of 3 levels and even examples of a four-storey dwellings at 15 and 9 Highlands Court. The latter is yet to be built. Whilst a four-storey building on some other allotments on Highlands Court would be deemed excessive, the location of this allotment being the last one on the lower side of Highlands Court and being bigger than other allotments, lends itself to medium-rise built form. The height of the dwelling varies given the slope of the land but the highest point of the roof is 13.6 metres above the lowest natural ground level. The front of the dwelling presents as single storey at street level, however for most part especially when viewed from the side and the rear, the dwelling it is a four-storey design.

The Applicant has also been able to adequately demonstrate that despite the proposed departure in building height, the proposal will not have any overshadowing impacts on adjoining property. Any overlooking concerns have also been adequately addressed through appropriate screening.

Front boundary setbacks along Highlands Court vary however, all of the dwellings approved thus far meet the minimum 3m setback as envisaged by the Code. The main front of the dwelling is setback 3.8 metres from the road boundary with the garage setback at 4.8 metres which satisfies PO 4.1 and DPF 4.1.

The sides of the dwelling are setback a minimum of 1.5m at the closest point from the north/west boundary whilst the rest of the setbacks are significantly more. This technically does not meet DPF 7.1 which seeks that for wall heights exceeding 3 metres a setback of at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings, meaning that the side boundary setback should be 4.36m. Whilst the proposal doesn't satisfy this, we are only talking about a very small portion of the built form whilst the rest of the setback far exceeds the minimum envisaged. On the other hand, setback from the eastern boundary is 6.9m or the width of the 7-metre-wide easement which maintains the separation between the boundaries and allow natural light and ventilation for the neighbours. The setbacks also satisfy the quantitative requirements in DPF 7.1.

The rear boundary setback is 6.6 metres to the balcony and 8.5m to the wall of the house. DPF 8.1 envisages rear setbacks to be 5m plus any increase in wall height over 7m for buildings of 3 building levels and above. Based on this requirement, the proposal would have need a setback of 11.5m. The corresponding PO 8.1 envisages these setbacks to provide separation between buildings in a way that complements the established character of the locality, access to natural light and ventilation for neighbours, open space recreational opportunities, space for landscaping and vegetation. The proposal still provides ample open space and landscaping given the size and configuration of the allotment. The remaining concerns regarding providing building separation and access to sunlight are not relevant in this context. Rear boundary of the subject land backs onto the Council reserve and as such, given that there is no built form there are no concerns with the building separation or natural light and ventilation.

The zone is silent on-site coverage requirements however it is still important to acknowledge that the total footprint of the building is 350m² whilst the total floor area including the garage and the balconies is approximately 1747m². Whilst living area may appear as significant, the footprint of 350m² is not too dissimilar to other built forms in the locality.

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Overlays

Affordable Housing Overlay

Desired Outcomes	
DO1	Affordable housing is integrated with residential and mixed use development.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs:	
DPFs:	

The proposal does not include any affordable housing.

Hazards (Flooding – Evidence Required) Overlay

Desired Outcomes	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

The site is not registered as flood prone nor is there evidence of flooding occurring on site. As such no further investigation was required.

Stormwater Management Overlay

Desired Outcomes	
DO1	Development incorporates water sensitive urban design techniques to capture and re-use stormwater.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

The proposed stormwater system includes a 2 x 6000L rainwater tanks. Overflow from the tank will be directed to a drainage easement in the southwestern corner of the site.

The rainwater tank capacity satisfies DPF 1.1 of the Stormwater Management Overlay and it has been demonstrated that the proposed development will not adversely impact on the existing local stormwater system. As the proposal is considered to satisfy the provisions of the Overlay, Council's Engineering have in the past advised that compliance with the Stormwater Management Overlay is enough to satisfy Council's requirements and as such no further review of the stormwater management plan was undertaken.

The standard condition from Practice Direction 12 for installation of stormwater tanks is included in the recommendation as Condition 7.

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Traffic Generating Development Overlay

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2 and 1.3	
DPFs: 1.1, 1.2 and 1.3	

The subject land does not have access to a State Maintained Road and the proposed dwelling will have a negligible impact on traffic generation.

The proposal will not impact on the State Maintained Road network.

Urban Tree Canopy Overlay

Desired Outcomes	
DO1	Residential development preserves and enhances urban tree canopy through the planting of new trees and retention of existing mature trees where practicable.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

The applicant has provided a basic landscape plan that includes one large tree being *Corymia henryi* (Spotted Gum) along with another seven smaller trees and associated shrubs and ground covers as specified on the planting schedule. The plantings exceed the minimum requirements specified in DPF 1.1 in the Urban Tree Canopy Overlay. The standard condition from Practice Direction 12 for tree planting is included in the recommendation as Condition 3 and replacement planting if the landscaping dies or becomes diseased is required by recommended Condition 10.

Water Resources Overlay

Desired Outcomes	
DO1	Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 1.5 and 1.7	
DPFs: 1.5	

There are no watercourses that traverse the site. The policies in this Overlay are therefore not applicable.

General Development Policies

Design in Urban Areas

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Desired Outcomes	
DO1	<p>Development is:</p> <ul style="list-style-type: none"> a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area b) durable - fit for purpose, adaptable and long lasting inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors c) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 6.1, 8.1, 8.2, 8.3, 8.4, 8.5, 10.1, 10.2, 12.1, 12.2, 12.3, 12.5, 12.6, 12.8 17.1, 17.2, 18.1, 20.1, 20.2, 20.3, 21.1, 21.2, 22.1, 26.1, 27.1 and 28.1	
DPFs: 6.1, 8.1, 8.2, 10.1, 10.2, 12.5, 12.6, 17.1, 17.2, 18.1, 20.1, 20.2, 21.2, 21.2, 22.1, 26.1, 27.1 and 28.1	

The proposed garage will not dominate the dwelling façade or detract from the streetscape as it is located one metre behind the main front wall and has a door opening of 6.5 metres. PO 20.1 of Design in Urban Areas is satisfied.

The front façade does not include windows to facilitate passive surveillance of the adjacent public realm. Whilst the proposal doesn't directly satisfy PO 17.1, in this instance it is considered difficult to do due to the site constraints. Whilst the site frontage is 16.8m, approximately 7m is not usable due to the easement. Considering the location of the allotment and the fact that at least 8 parking spaces are required, Council considers that in this instance due to the site difficulty and balancing the carparking issues with the streetscape elevation, it was deemed more appropriate to ensure adequate parking is provided. A large front entrance has been provided that addresses the street and provides a legible entry point, satisfying PO 17.2.

The proposed plans indicate that the west facing elevated windows and east and west facing balconies have an obscure glass to a height of at least 1.7 metres above the finished floor. Similarly, the sides of the rear balcony have solid privacy screening to a height of 1.7 metres and this is reinforced by recommended Conditions 8 and 9). These measures will mitigate direct overlooking into the neighbouring properties. While the upper-level windows have views towards the neighbouring property to the east, council did not see it as necessary to seek privacy treatment given that the area being overlooked is the rear portion of a large rural site and area which is not considered as direct private open space (POS) area. The proposal adequately mitigates direct overlooking to habitable rooms and private open spaces of adjoining properties in accordance with PO 10.1. PO 28.1 further seeks that residential accommodation within multi-level buildings have habitable rooms, windows and balconies designed and positioned to be separated from those of other dwellings and accommodation to provide visual and acoustic privacy and allow for natural ventilation and the infiltration of daylight into interior and outdoor spaces. The proposal archives the requirements of the PO providing adequate screening to the balconies and also by providing sufficient separation from allotment boundaries to maintain acoustic privacy whilst maintaining natural light and ventilation.

The external design of the building is of high standard and one which appropriately responds to the local context. From streetscape perspective the building appears alike any other in the streetscape as a single level building of appropriate external colours and finishes. Internally, the building expands to a four-storey profile with expansive glazing and wrap around balconies which break up and reduce visual mass of the buildings. All the plant and mechanical equipment have also been integrated into the design to ensure it is screened from public realm. The proposal is therefore consistent with POs 12.1, 12.2, 12.3, 12.5, 12.6 and 12.8.

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PO 26.1 for medium rise development seeks that ground level dwellings have a satisfactory short range visual outlook to public, communal or private open spaces. The corresponding DPF's lists ways that this could be achieved. The proposal does not satisfy what is specified in the DPF however it is still considered to partially achieves the intent of the PO because it provides an outlook towards the private open space area but fails to do the same towards the street.

The dwelling will be provided with sufficient private open space that satisfies and exceeds the requirements of the Table 1 of the General Policies (Design in Urban Areas) and is directly accessible to living areas on the ground level. Suitable private open space for entertaining, clothes drying and other domestic functions is therefore provided for occupants of the dwelling as sought by PO 21.1, 21.2 and 27.1.

Retaining walls are to be provided along sections of the side and rear boundaries and internally to stabilise the earthworks. The retaining walls vary between 0.2 and 2.8 metres in height with good neighbour fencing at a height of 1.8 metres to be erected on top of the retaining walls. For most part retaining walls are within the envisaged 1m as stipulated by DPF 8.1, however there are sections of the wall that do exceed that by maximum of 700mm. There is one small area which will include a 2.8m high wall internal to the site and hidden by the built form. On balance, the proposed earthworks and retaining is reasonable from a visual amenity perspective. It is also important to point out that due to the topography of the land, earthworks and retaining walls are a common feature along Highlands Court. Overall, the proposed earthworks, retaining and fencing will "maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places" as sought by PO 9.1 and 9.2 General Policies (Design in Urban Areas).

Interface between Land Uses

Desired Outcomes	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 3.1, 3.2 and 3.3	
DPFs: 3.1 and 3.2	

Given the four-storey scale of the development shadow diagrams were requested to demonstrate the level of overshadowing during 21 June winter solstice. The diagrams demonstrate that the adjoining property to the north/west will only experience a small level of overshadowing at 9am. Whilst the major extent of overshadowing will be along the Council reserve and neighbouring property to the east, however this area does not appear to be an immediate POS area and overshadowing is shown to be only around 3pm.

The adjoining properties will therefore continue to receive at least three hours of sunlight to the north-facing habitable windows and rear yards during the winter solstice as sought by PO 3.1 and 3.2 of the General Development Policies (Interface between Land Uses) are satisfied.

Site Contamination

Desired Outcomes	
DO1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

As the allotment was initially divided for residential purposes as part of the Land Division Application 473/D049/15 and has not been used for any other land uses since that time, the application is not considered to result in a change in land use to a more sensitive use as per Part 5 (5) (d) of *PRACTICE DIRECTION 14 - Site Contamination Assessment 2021*.

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Transport, Access and Parking

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.4, 3.1, 3.5, 4.1, 5.1, 6.1 and 6.2	
DPFs: 1.4, 3.1, 3.5, 5.1 and 6.1	

Access to the site will be directly from Highlands Court utilising an existing rollover kerb. The crossover location and design, and the driveway gradients would facilitate safe and convenient access.

When assessed against Table 1 – General Off-Street Car Parking Requirements, there is a requirement for at least two car parking spaces for a dwelling, with one space to be covered. As a result, in the reduction of levels and the increase in the garage size, the proposal has demonstrated 9 carparking spaces which is seven above the minimum requirement.

The proposal satisfies PO 5.1 and 10.1 of the General Development Policies (Transport, Access and Parking) and PO 23.1, 23.3, 23.4 and 23.5 (Design in Urban Areas).

CONSIDERATION OF SERIOUSLY AT VARIANCE

Having considered the proposal against the relevant provisions of the Planning and Design Code, the proposal is not considered to be seriously at variance for the following reasons:

- The proposed dwelling is an envisaged land use in the Housing Diversity Neighbourhood Zone.
- The proposed built form is sufficiently compatible with the local context and appropriate for the subject land irrespective of not being low rise.
- It has been reasonably demonstrated that the proposal would not adversely impact upon the amenity of adjoining properties and the dwelling will present as single storey at street level.
- The development includes safe and convenient access and adequate car parking.

CONCLUSION

Having considered the proposal against the relevant provisions of the Planning and Design Code, the proposal is not seriously at variance.

The proposed dwelling is a desirable form of development within the Housing Diversity Neighbourhood Zone.

Whilst the size of the building is above that envisaged by the policies and technically not considered as low rise, the size, scale and design of the dwelling is consistent with the local context, which is characterised by large and visually prominent buildings of two, three and in limited cases four storey nature. Whilst a four-storey building on some other allotments on Highlands Court would be deemed excessive, the location of this allotment being the last one on the lower side of Highlands Court and its larger size than other allotments, lends itself to a medium- rise built form.

It has been demonstrated that adequate provision is made for private open space, landscaping and on-site car parking. At the same time, matters relating to overlooking and overshadowing have also been addressed. Applicant has shown adequate screening to prevent overlooking towards the north/western neighbour whilst the shadow diagrams have demonstrated that the level of overshadowing is acceptable.

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The setback from all allotment boundaries ensure that the proposed dwelling whilst being 4 levels is not going to impact on the amenity of neighbouring properties.

For these reasons, the proposal would achieve the relevant Desired and Performance Outcomes for the Housing Diversity Neighbourhood Zone and meet the relevant Overlays and general policies of the Code, thus warranting Planning Consent subject to conditions.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 25018635 by Fuhui Capital Pty Ltd ATF Fuhui Family Trust for 4 storey detached dwelling, retaining walls, fence, swimming pool & associated safety features at 12 Highland Court, Woodforde is granted Planning Consent subject to the following conditions:**

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.**
- 2) The dwelling approved herein may only be used as a detached dwelling and, in keeping with this requirement, the levels within the approved dwelling may not be divided or physically separated or partitioned off from each other without a further approval.**
- 3) 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.**
- 4) All external materials and finishes shall be of subdued colours and of a low-light reflective nature which blend with the natural features of the landscape.**

NOTE: browns, greys, greens and beige are suitable and galvanised iron and zincalume are not suitable.

- 5) Stormwater management shall be undertaken in accordance with the Civil and Stormwater Plan Level 3 prepared by Intrax Land and dated 17.02.2026, drawing number C103. All roof runoff generated by the development hereby approved shall be directed to the Council drainage easement within one month of roof cladding being stalled to the satisfaction of Council.**
- 6) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.**

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- 7) 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).**
- 8) The east and west facing balconies of the dwelling on levels 1, 2 and 3 shall be fitted with fixed screening to a minimum height of 1.7 metres above the balcony floor level. The screening shall be installed prior to occupation and be maintained in good condition at all times.**
- 9) The west facing windows of the dwelling on levels 1, 2 and 3 shall be glazed with fixed obscure glass to a minimum height of 1.7 metres above finished floor level. The glazing of these windows shall be installed prior to occupation and be maintained in good condition at all times.**
- 10) Landscaping, detailed in the landscaping plan and schedule shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.**

ADVISORY NOTES

General Notes

- 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.**
- 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.**
- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.**
- 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).**
- 5) New pools or spas may only be filled under the authority of a permit from SA Water. The applicant is advised to obtain a permit to fill the pool with water from SA Water before proceeding with the installation of the swimming pool.**

SA Water advises that a permit will not be granted unless proof is provided that a cover has been purchased to prevent water loss through evaporation.
- 6) No spillage of waste shall occur from the storage or use of pool chemicals. Disposal of any chemicals shall only occur at the EPA Household Hazardous Waste Depot (Ph 8204 1947) or through a licensed waste contractor.**

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OFFICER MAKING RECOMMENDATION

Name: Doug Samardzija
Title: Senior Statutory Planner