

|                                 |   |
|---------------------------------|---|
| DEVELOPMENT NO.:                | 23001283  |
| APPLICANT:                      | Heritage Building Group Pty Ltd   |
| ADDRESS:                        | 12 RYMILL RD SOMERTON PARK SA 5044  |
| NATURE OF DEVELOPMENT:          | 2 x Two storey detached dwellings   |
| ZONING INFORMATION:             | <b>Zones:</b> <ul style="list-style-type: none"> <li>• General Neighbourhood</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> |
| LODGEMENT DATE:                 | 2 Feb 2023  |
| RELEVANT AUTHORITY:             | Assessment Panel at City of Holdfast Bay  |
| PLANNING & DESIGN CODE VERSION: | 2023.2  |
| CATEGORY OF DEVELOPMENT:        | Code Assessed - Performance Assessed  |
| NOTIFICATION:                   | Yes   |
| RECOMMENDING OFFICER:           | Alexander Stamatopoulos<br>Development Planner  |
| REFERRALS STATUTORY:            | Nil   |
| REFERRALS NON-STATUTORY:        | Council Arborist  |

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**DETAILED DESCRIPTION OF PROPOSAL:**

The application is for the construction of two, two storey detached dwellings. The western dwelling contains a garage wall located on the external western side boundary and the eastern dwelling a garage wall on the external eastern side boundary. A land division has not been lodged with the Council for assessment so the appropriateness of the density will be assessed in this application.

The lower floor contains a double garage, study nook, laundry, bedroom 1, powder room and open living areas with an alfresco. The upper level comprises bedroom 2 with an ensuite, retreat, separate bathroom and bathrooms 3 and 4. The front elevation will feature a sandstone plinth with sycon linea external wall cladding above painted dulux natural white. The roof will comprise of Colourbond custom orb roof sheeting in shale grey. All upper-level side and rear windows contain sill heights no lower than 1.5m from the finished floor level.

The dwellings will gain access via single-width crossovers both 3.2m wide. Landscaping is proposed in both the front and rear yards. Two Magnolia Grandiflora trees will be planted on each allotment accompanied with hedging and low level plantings. The rear yards of the properties will be grassed.

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

**Location reference:** 12 RYMILL RD SOMERTON PARK SA 5044

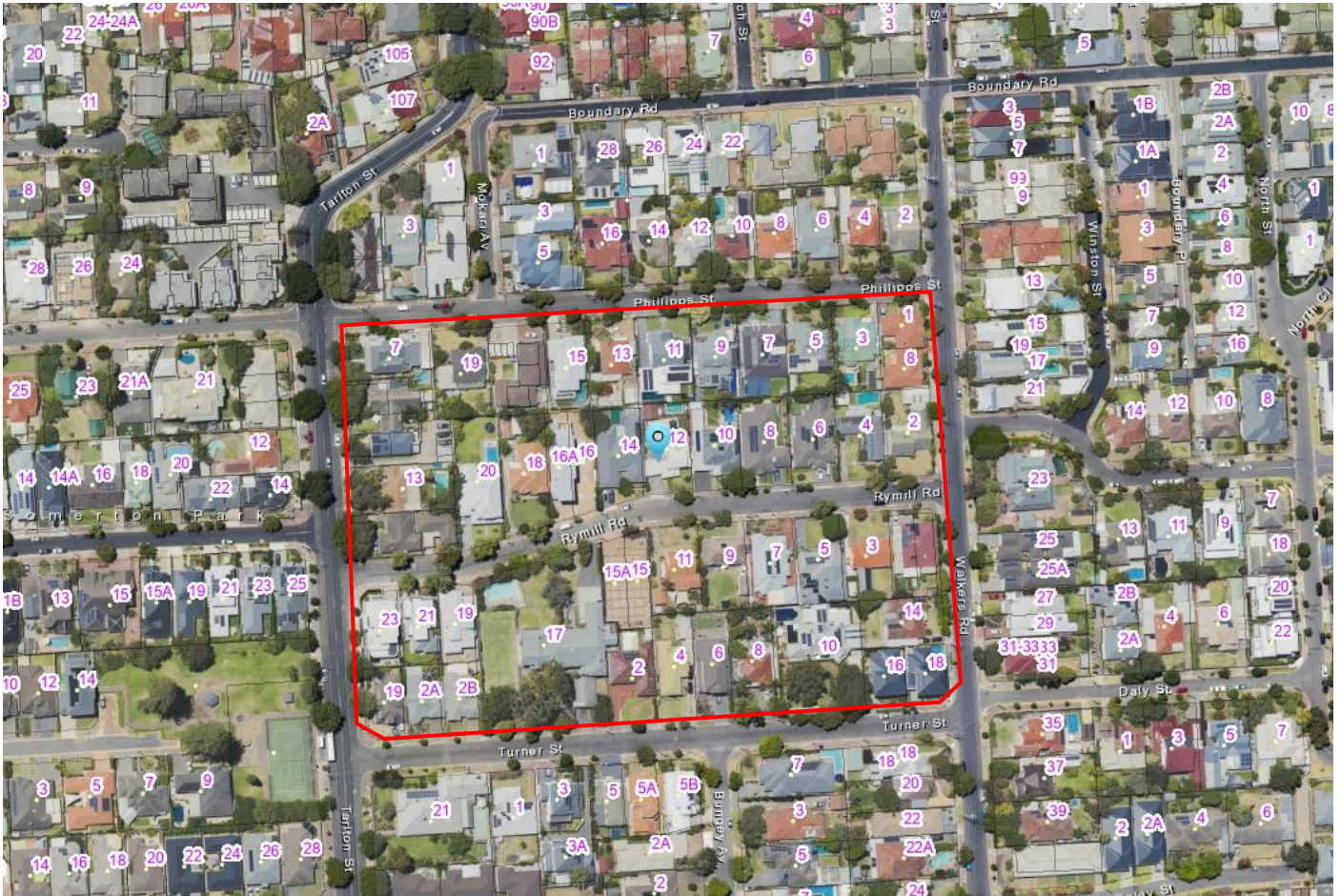
**Title ref.:** CT 5676/233    **Plan Parcel:** F8993 AL20    **Council:** CITY OF HOLDFAST BAY

The subject site contains an 18.54m frontage and a depth varying from 34.81m to 35.20m resulting in a total area of 662sqm. The dwellings will be located on their own individual allotments. The western allotment contains a frontage of 9.39m with a site area of 332sqm and the eastern allotment comprises an area of 330sqm and a frontage of 9.38m. There is an existing two storey detached dwelling located on the site with an integrated double garage, ancillary outbuilding at the rear and a swimming pool.





**Above:** Current dwelling located on the subject site



**Above:** Locality highlighted in red

The locality contains a relatively consistent built form with detached dwellings dominating the landscape. There are some examples of 1970's residential flat buildings to the north and south of the site. Dwellings heights in the locality are varied up to two storeys. Infill development along Rymill Road is evident where 1 into 2 land divisions have occurred at 15 and 16 Rymill Road with dwellings currently under construction. The dwellings located numbers 21 and 23 were also recently part of a land division.

#### CONSENT TYPE REQUIRED:

Planning Consent

#### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**  
New housing  
Detached dwelling: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

## PUBLIC NOTIFICATION

- REASON**

The height of the proposed boundary wall exceeds 3m when measured from the top of footings.

- LIST OF REPRESENTATIONS**

| Summary of Representors  |  |                  |   |
|--|--|------------------|---|
| Address of Representer   | Position   | Wish to be heard | Concerns  |
| <i>Daniela Zmegac and Georg White of 7 Rymill Road Somerton Park</i> | <i>Oppose the development</i>                      | <i>No</i>        | <ul style="list-style-type: none"> <li>- <i>Density is not appropriate</i></li> <li>- <i>Parking congestion will increase</i></li> <li>- <i>Excessive noise will occur during construction</i></li> </ul>   |
| <i>Darren Buick of 10 Rymill Road Somerton Park</i>                  | <i>Opposes the development</i>                     | <i>Yes</i>       | <ul style="list-style-type: none"> <li>- <i>Overshadowing impacts</i></li> <li>- <i>Boundary development is unreasonable</i></li> <li>- <i>Dwellings contain excessive visual mass</i></li> <li>- <i>Primary setbacks are not adequate</i></li> <li>- <i>On-street parking will increase</i></li> </ul> |
| <i>Kira Bayliss of 4 Turner Street Somerton Park</i>                 | <i>Supports the development with some concerns</i> | <i>No</i>        | <ul style="list-style-type: none"> <li>- <i>Rear upper-level windows be obscured to maintain privacy</i></li> </ul>   |
| <i>Janna Schneebechler of 11 Philipps Street Somerton Park</i>       | <i>Supports the development with some concerns</i> | <i>No</i>        | <ul style="list-style-type: none"> <li>- <i>Rear upper-level windows be obscured to maintain privacy</i></li> </ul>   |

See representation map below. The representors are highlighted in red





## • SUMMARY

The applicant engaged Ben Green and associates to provide a response to the representations raised. Specifically, the response elaborates on the following issues raised:

- Density;
- Traffic;
- Noise;
- Boundary Development;
- Overshadowing;
- Primary setbacks;
- Car parking;
- Overlooking; and
- Design.

The response summarises the concerns raised by referencing the relevant assessment provisions of the code and also by providing context when considering the existing locality.

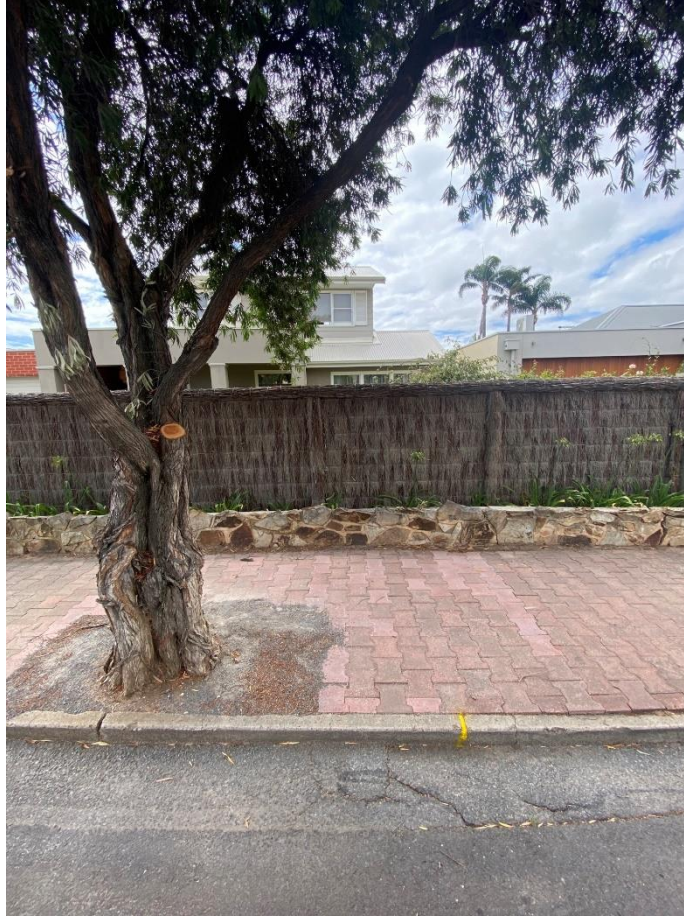
## AGENCY REFERRALS

Nil

## INTERNAL REFERRALS

Council Arborist – See commentary below

*The street tree will need to be retained however can be pruned to accommodate a clearance envelope for egress to a new property if need be. A 1.35m setback to the tree from the east dwelling is appropriate in this instance. A yellow mark has been sprayed on the kerbside to indicate this proximity. See photos below:*



## PLANNING ASSESSMENT

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

### Quantitative Provisions

|                               | Proposed                                 | DPF Requirement                     | Achieved |
|-------------------------------|--|-------------------------------------|----------|
| <b>Site area and frontage</b> | <u>West dwelling</u>                     |                                     |          |
|                               | Area = 332sqm                            | 300sqm site area minimum            | Yes      |
|                               | Frontage = 9.39m                         |                                     | Yes      |
|                               | <u>East dwelling</u>                     | 9m frontage minimum                 |          |
|                               | Area = 330sqm                            |                                     | Yes      |
|                               | Frontage = 9.38m                         |                                     | Yes      |
| <b>Building Height</b>        | Two levels and 8.78m                     | 2 levels and 9m                     | Yes      |
|                               | Wall Height 6m                           | Wall Height 7m                      | Yes      |
| <b>Boundary Development</b>   | 6.4m length or 18% of the total boundary | 11.5m and 45% of the total boundary | Yes      |
|                               | 3.3m height from footing                 | 3m height from footing              | No       |

|                               | Proposed   | DPF Requirement  | Achieved  |
|-------------------------------|--|--|---|
| <b>Primary Setback</b>        | 5.4m to 5.5m   | 1m in front of average of adjoining<br>14 Rymill – primary setback 6m (at closest point)<br>10 Rymill – primary setback 7.1m<br><u>Quantitative requirement = 5.5m</u> | No - Minor 100mm shortfall                                    |
| <b>Rear Setback</b>           | 3.5m – lower level (both dwellings)<br>7.7m - upper level (both dwellings)   | 4 metres at ground level<br>6 metres at upper level  | No<br>Yes   |
| <b>Side Setbacks</b>          | <u>Ground level western wall</u><br>900mm (both dwellings)<br><u>Ground level eastern wall</u><br>900mm (west dwelling) & 910mm (east dwelling )<br><u>Upper level western</u><br>2m (west dwelling) & 950mm to 2m (east dwelling)<br><u>Upper level eastern</u><br>950mm to 2m (west dwelling) & 2.1m (east dwelling) | Ground level wall 900mm<br><br>Upper level wall 1.9m   | Yes<br><br>No - Internal upper-level setbacks shortfall noted |
| <b>Site Coverage</b>          | 60% (both dwellings)   | 60%  | Yes   |
| <b>Private Open Space</b>     | 52 square metres (both dwellings)  | 60 square metres   | No  |
| <b>Soft Landscaping</b>       | 17.9% of the site area (both dwellings)  | 20% of the site area   | No – Minor shortfall  |
| <b>Front Yard Landscaping</b> | 40% (western dwelling)<br>42% (eastern dwelling)   | 30% of the front yard  | Yes   |
| <b>Tree Planting</b>          | 2 mediums trees per dwelling   | 1 small tree per dwelling  | Yes   |
| <b>On-site parking</b>        | 2 spaces   | 2 spaces   | Yes   |

The aspects of the assessment that require further discussion are shown below

### Boundary Development

A numerical shortfall was noted with respect to the boundary wall height of both garage walls. The relevant Performance Outcome and Performance Feature are shown below:

#### PO 7.1

*Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.*

#### DTS/DPF 7.1

*Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:*

- a) *side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height*

*b) side boundary walls do not:*

- i. exceed 3m in height from the top of footings*
- ii. exceed 11.5m in length*
- iii. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary*
- iv. encroach within 3m of any other existing or proposed boundary walls on the subject land.*

The height of the boundary walls exceed the anticipated maximum of DPF 7.1 (b)ii by 300mm. This is considered to be a negligible quantitative variance. Notwithstanding, the variance must be assessed against the performance outcome. The first test is whether visually the 300mm variance is unreasonable. It is important to consider what the policy considers appropriate as “deemed to satisfy” whereby if the quantitative policy is met the planning test is passed.

DPF 7.1 anticipates 11.5m long walls on boundaries with wall heights up to 3m in height from the top of the footing. The proposal contains boundary wall heights of 3.3m that span a mere 6.4m along the boundary. It is not unreasonable to come to the conclusion that a wall that is compliant with DPF 7.1, being 3m high and 11.5m long, would result in far greater visual impacts than that of the proposed. Further, the majority of the wall will be located adjacent to a boundary wall of the eastern neighbour and the western boundary wall will replace one that is existing. There will be a small part of the wall that protrudes forward of the eastern neighbouring wall however this will be adjacent to the front driveway of the dwelling which is not considered to be an area of high amenity value.

The second test is impacts of overshadowing. The siting of the dwelling is beneficial as the majority of shadow cast during the day will be to the south alleviating overshadowing to the adjoining neighbours. The applicable overshadowing principles are shown below:

*PO 3.1*

*Overshadowing of habitable room windows of adjacent residential land uses in:*

- 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.*

*DTS/DPF 3.1*

*North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.*

*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.*



*DTS/DPF 3.2*

*Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:*

- a. for ground level private open space, the smaller of the following:*
  - i. half the existing ground level open space*
  - or*
  - ii. 35m<sup>2</sup> of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)*
- for ground level communal open space, at least half of the existing ground level open space*

Given the siting of the dwellings there will be no unreasonable overshadowing of any north-facing windows or private open space areas to the adjoining properties. Shadow diagrams were not required as part of the assessment for this reason.

It is therefore considered that visual impact and overshadowing from the 300mm variance is not unreasonable therefore PO 7.1 is satisfied.

Rear Setback

A 3.5m rear setback was noted for the lower level of each dwelling where 4m is expected by the quantitative policy. The relevant Performance Outcome is shown below:

*PO 9.1*

*Dwelling walls are set back from rear boundaries to provide:*

- a) separation between dwellings in a way that contributes to a suburban character*
- b) access to natural light and ventilation for neighbours*
- c) private open space*
- d) space for landscaping and vegetation.*

As previously discussed access to light and ventilation to neighbours will be maintained given the orientation of the site. There is ample space for vegetation at the rear of the property which is shown on the landscape plan and private open space areas to suit.

Below is an aerial of the locality that shows the separation between the dwellings and their rear boundaries. The subject site is marked blue.



There is an established pattern of dwellings to the west and east of the site where rear dwelling walls are in close proximity to the rear boundaries. From a visual perspective, the consequences are minor as it is only the lower level that contains a minor 500mm encroachment. The impacts of the shortfall are not detrimental and PO 9.1 is considered to be satisfied.

### Private Open Space

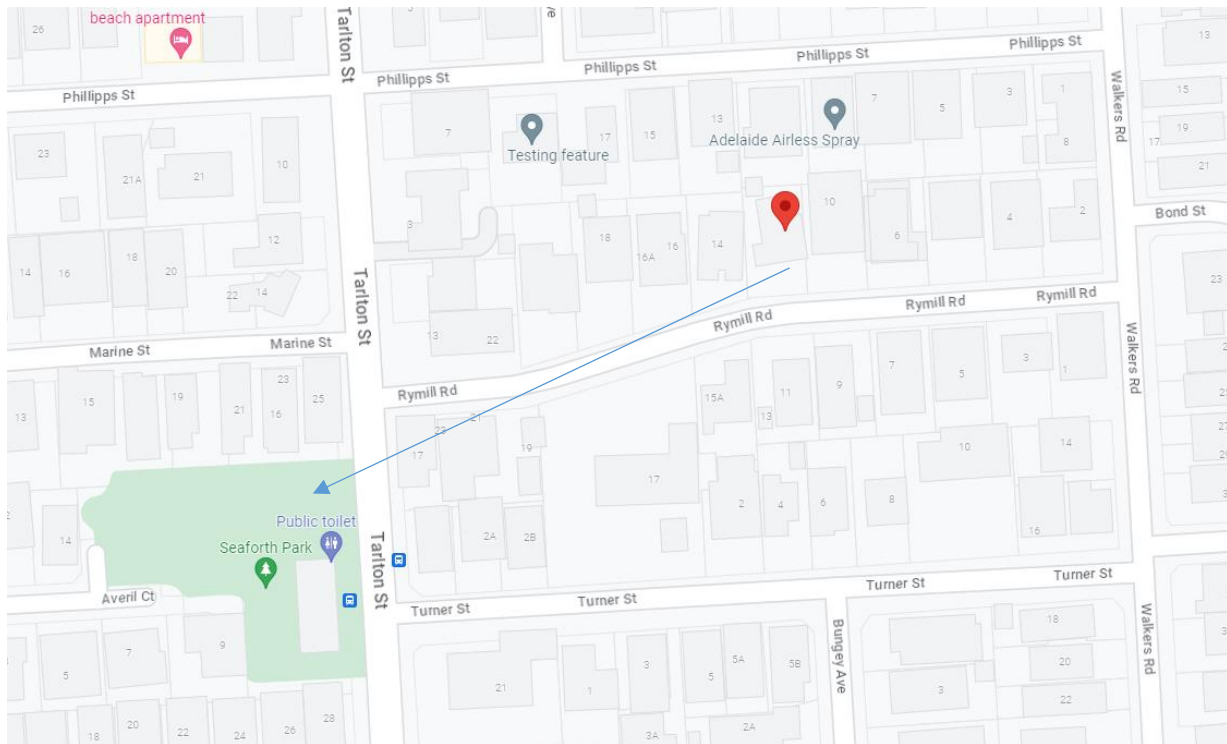
Table 1 - Private Open Space anticipates dwellings on sites in excess of 301sqm to contain 60sqm of private open space. Both dwellings contain private open space areas of 52sqm resulting in an 8sqm shortfall. An 8sqm private open space deficit is not considered to be inconsequential as the dimensions of the rear yards are suitable. The private open space is comprised of a covered alfresco area and also a rear yard that spans 9.38m wide and 4.5m deep which is adequate satisfying both PO 21.1 and 2.1 shown below.

#### PO 21.1

*Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.*

#### PO 21.2

*Private open space is positioned to provide convenient access from internal living areas.*



**Above:** Aerial showing the proximity of the subject site to Seaforth Park.

It is also noted that the subject site is within walking distance (150m) to Seaforth Park if ever larger amounts of open areas are required for recreational activities.

### Side Setback

The internal upper-level side boundaries of the dwellings contain stepped walls with setbacks that vary from 950mm to 2m. The quantitative policy anticipates a 1.9m upper-level side setback. The wall that is setback 950mm from the internal boundary is only for portion associated with the staircase. The remainder of the wall to the front and rear is setback 2m.

The shortfall is not considered to be consequential to amenity as it is mirrored on both dwellings where the walls will sit adjacent with each other. On the lower level below the wall is the entry walkway and non-habitable rooms such as a powder room and laundry. The upper-level side setbacks externally to the site are satisfactory being setback 2m and 2.1m.

### Primary Setback

The setbacks of the adjoining dwellings to the west and east are as follows:

- 14 Rymill Road – Primary setback 6m (at closest point)
- 10 Rymill Road – Primary setback 7.1m

The relevant setback policy is shown below:

*PO 5.1*

*Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.*

*DTS/DPF 5.1*

*The building line of a building set back from the primary street boundary:*

- a) no more than 1m in front of the average setback to the building line of existing buildings on adjoining sites which face the same primary street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment)*

The quantitative setback distance to be satisfied is 5.5m which is the average of the adjoining setback minus 1m. The subject site is the first allotment after the kink in the road which changes the trajectory of primary setbacks along the northern side of Rymill Road. The site has been superimposed over the allotment which gives an indication of where it will lie in context to the dwellings to the west and east.



The primary setbacks of the dwellings are suitable for a site where two dwellings will replace a single home. The policy anticipates primary setbacks being closer to the street where infill development occurs. Allotments become half of what they originally were which contribute to an emerging setback pattern in zones where infill development is anticipated.

## **CONCLUSION**

The application seeks to construct two dwellings that will assimilate well with the existing built form of the locality. It is noted that components of the dwelling do not align with some assessment provisions of the Planning and Design Code. However, the impacts of the shortfalls are not considered to unreasonably impact the adjoining properties. The dwellings will contain an appropriate appearance to the streetscape and will assimilate well with the current infill development along Rymill Road.



**RECOMMENDATION**

## Planning consent

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 23001283, by Heritage Building Group Pty Ltd is granted Planning Consent subject to the following conditions:

**CONDITIONS**

## Planning Consent

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. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site.
3. 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).
4. 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.
5. That all upstairs windows, other than facing the street, shall have minimum window sill heights of 1.5 metres above finished floor level, or any glass below 1.5 metres shall be obscure and fixed shut and be installed prior to occupation of the dwelling.

**OFFICER MAKING RECOMMENDATION**

**Name:** Alexander Stamatopoulos

**Title:** Development Planner

**Date:** 04/05/2023