

<b>DEVELOPMENT NO.:</b>	21034894
<b>APPLICANT:</b>	Damir Ivanovic
<b>ADDRESS:</b>	5B KINGSTON CRESCENT KINGSTON PARK SA 5049
<b>NATURE OF DEVELOPMENT:</b>	Two storey group dwelling
<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>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Hazards (Flooding)</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> <li>• Water Resources</li> </ul>
<b>LODGEMENT DATE:</b>	16 Nov 2021
<b>RELEVANT AUTHORITY:</b>	Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2021.16
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Alexander Stamatopoulos Development Planner

**CONTENTS:**


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**APPENDIX 1: Relevant P&D Code Policies**
**ATTACHMENT 1: Application Documents**


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**DETAILED DESCRIPTION OF PROPOSAL:**

The application seeks the construction of a two-storey group dwelling which is located on an existing lot located at the rear of a detached dwelling. The dwelling contains a minimalist design where the majority of the dwelling is comprised of maxi line colourbond. The façade is broken up by horizontal and vertical windows, a rendered component and access doors.

Landscaping is proposed throughout the site including the planting of a small tree and a variety of plantings along the common driveway and around the curtilage of the dwellings.

**SUBJECT LAND & LOCALITY:****Site Description:****Location reference:** 5B KINGSTON CR KINGSTON PARK SA 5049**Title ref.:** CT 6201/767 **Plan Parcel:** C41171 FL5 **Council:** CITY OF HOLDFAST BAY

The subject land contains an irregular-shaped lot that has been formally created by a land division approved by the Council. The lot is accessed by a common driveway from Kingston Crescent which services the subject site and another lot to the western side. The site contains a total area of 342sqm when excluding the common driveway. The lot is not visible from the street as the site is located more than 4 metres below the street level.

Below is an aerial of the site:





Below are photos of the subject site





The locality is residential and comprises a combination of group dwellings and detached dwellings. The height of the buildings vary with both one and two storey dwellings evident on both the northern and southern side of the street. The northern side of Kingston Crescent contains land that slopes substantially down from the street level. Infill development has occurred primarily along the northern side of the street, however, still maintaining a low density.

The site is adjoined by vacant land to the west, a single storey group dwelling to the east, vacant land to the north and a two-storey dwelling to the south.

The aerial of the locality is shown below, highlighted in yellow.



#### CONSENT TYPE REQUIRED:

Planning Consent

#### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** Group dwelling: Code Assessed - Performance Assessed  
New housing
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed

- **REASON**  
P&D Code

#### PUBLIC NOTIFICATION

- **REASON**  
When the application was initially lodged, the height of the proposed boundary wall exceeded 3m measured from the top of footings which triggered notification. Since the lodgement the dwelling has been amended which now sees the eastern side wall setback 600mm from the side boundary.
- **LIST OF REPRESENTATIONS**  
Nil

#### PLANNING ASSESSMENT

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

#### Land Use - General Neighbourhood Zone Assessment Provisions

Desired Outcome	
DO 1	Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<b>Land Use and Intensity</b>	
PO 1.1  Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.	DTS/DPF 1.1  Development comprises one or more of the following: <ul style="list-style-type: none"> <li>(a) Ancillary accommodation</li> <li>(b) Community facility</li> <li>(c) Consulting room</li> <li>(d) Dwelling</li> <li>(e) Educational establishment</li> <li>(f) Office</li> <li>(g) Place of Worship</li> <li>(h) Pre-school</li> <li>(i) Recreation area</li> <li>(j) Residential flat building</li> <li>(k) Retirement facility</li> <li>(l) Shop</li> <li>(m) Student accommodation</li> <li>(n) Supported accommodation</li> </ul>

The General Neighbourhood Zone anticipates residential land uses. The proposed group dwelling achieves the desired outcome for the zone as a dwelling is listed in DPF 1.1 as an anticipated land use therefore satisfying PO 1.1.

#### Building Height - General Neighbourhood Zone Assessment Provisions

Building Height	
PO 4.1  Buildings contribute to a low-rise suburban character.	DTS/DPF 4.1  Building height (excluding garages, carports and outbuildings) no greater than:  (a) 2 building levels and 9m and (b) wall height that is no greater than 7m except in the case of a gable end.

The Zone anticipates two-storey building heights with maximum wall heights of 7m and overall total heights of 9m. The dwelling contains two levels with a wall height at its highest point will be 5.5m from the top of the footings and the total height being 8.2m.

## Setbacks, Design &amp; Appearance - General Neighbourhood Zone Assessment Provisions

Side boundary setback	
<p>PO 8.1</p> <p>Building walls are set back from side boundaries to provide:</p> <p>(a) separation between dwellings in a way that contributes to a suburban character and</p> <p>(b) access to natural light and ventilation for neighbours.</p>	<p>DTS/DPF 8.1</p> <p>Other than walls located on a side boundary, building walls are set back from side boundaries:</p> <p>(a) at least 900mm where the <u>wall height</u> is up to 3m</p> <p>(b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the <u>wall height</u> above 3m and</p> <p>(c) at least 1900mm plus 1/3 of the <u>wall height</u> above 3m for walls facing a southern side boundary.</p>
Rear boundary setback	
<p>PO 9.1</p> <p>Dwelling walls are set back from rear boundaries to provide:</p> <p>(a) separation between dwellings in a way that contributes to a suburban character</p> <p>(b) access to natural light and ventilation for neighbours</p> <p>(c) <u>private open space</u></p> <p>(d) space for landscaping and vegetation.</p>	<p>DTS/DPF 9.1</p> <p>Dwelling walls are set back from the rear boundary at least:</p> <p>(a) if the size of the <u>site</u> is less than 301m<sup>2</sup>—</p> <p>(i) 3m in relation to the ground floor of the <u>dwelling</u></p> <p>(ii) 5m in relation to any other <u>building level</u> of the <u>dwelling</u></p> <p>(b) if the size of the <u>site</u> is 301m<sup>2</sup> or more—</p> <p>(i) 4m in relation to the ground floor of the <u>dwelling</u></p> <p>(ii) 6m in relation to any other <u>building level</u> of the <u>dwelling</u>.</p>

The rear setback varies due to the angled nature of the boundary. A part of the garage is located on the rear boundary, and the remainder of the dwellings setback gradually increases as the boundary angles away. Lower and upper levels are set back 8.5m at their furthest point allowing for ample private open space and soft landscaping to be established.

The dwelling contains a continual vertical wall where a side setback of 600mm is proposed to the eastern side boundary and a varying setback of 600mm to 2.5m to the western side boundary. The application was initially lodged with the two-storey eastern side wall located on the eastern side boundary. While no representations were received during the notification process, the applicant was advised to offset the wall from the boundary given its overall height was well over 3m.

The 600mm setback of the eastern wall does not comply with DPF 9.1 where a setback of 1.7m is anticipated. The wall's impacts are not considered to detrimentally impact the amenity of the adjoining dwelling to the east.

The orientation of the dwelling will result in negligible impacts in overshadowing the adjoining eastern dwelling. The windows associated with the western side of the adjoining eastern dwelling are non-habitable rooms and include a bathroom, water closet, and laundry. The remainder of the dwelling will be subject to light capture to the north-facing windows throughout the majority of the day.



The wall will only be exposed to a portion of the western private open space between the neighbouring dwelling and the rear fence. The photo below shows the area that will be exposed to the wall.



The eastern adjoining dwelling contains a terrace located under the main roof with direct views to the north. The proposed dwelling is located to the west of the terrace and will be out of direct sight from the occupant's land when looking from inside the dwelling or terrace mitigating the visual impacts of the side setback shortfall.



The side setback appeases the performance outcomes of PO 8.1.

Residential Development – Low Rise	
External appearance	
<p>PO 20.2</p> <p>Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.</p>	<p>DTS/DPF 20.2</p> <p>Each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:</p> <ul style="list-style-type: none"> <li>(a) a minimum of 30% of the building wall is set back an additional 300mm from the building line</li> <li>(b) a porch or portico projects at least 1m from the building wall</li> <li>(c) a balcony projects from the building wall</li> <li>(d) a verandah projects at least 1m from the building wall</li> <li>(e) eaves of a minimum 400mm width extend along the width of the front elevation</li> <li>(f) a minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm</li> <li>(g) a minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with a maximum of 80% of the building elevation in a single material or finish.</li> </ul>
<p>PO 20.3</p> <p>The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.</p>	<p>DTS/DPF 20.3</p> <p>None are applicable</p>

The dwelling does not satisfy any of the criteria listed in DPF 20.2. The design of the dwelling is unique and is not what is conventionally seen in the locality. The design is minimalistic, with the majority of the dwellings external cladding comprised of maxi line wall cladding in shale grey. The roof also contains the same finish. A portion of the front elevation contains a texture coated finish and the panel lift door will have a timber appearance.

The lack of materials, use of colours, eaves and articulating design features are part of the design brief which proposed a minimalist outcome. The applicant seeks to achieve a 'modern architectural portal frame house' where the use of Colourbond Maxi line is a popular form of cladding to achieve the look along with no eaves resulting concealed box gutters.

PO and DPF 20.2 provides guidance for the external appearance of housing however only applies for dwellings that face public streets. While bad design is not encouraged for dwellings that don't face a street, the design features listed in DPF 20.2 are of less importance given the dwelling is located on a sunken rear allotment. The application does not comply with PO 20.3 as the dwelling does not contain design elements that reduce its visual mass. This is due to the wall on wall construction and also the consistent use of materials to all sides of the dwelling.

The locality comprises of big allotments with dwellings that are largely separated from each other. The locality is of a low density and does not contain a pattern of development where dwellings are located close to each other with minimal side and rear setbacks from their respective allotments that is usually seen in conventional suburbia. This adds merit in considering the design of the dwelling favourably as its visual impact will be softened by the large distances between surrounding allotments.

Site Coverage	
PO 3.1  Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.	DTS/DPF 3.1  The development does not result in site coverage exceeding 60%.

The proposal will have a site coverage of 45% of the allotment.

### General Development Policies – Design in Urban Areas Assessment Provisions

Landscaping											
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.	DTS/DPF 22.1  Residential development incorporates soft landscaping with a minimum dimension of 700mm provided in accordance with (a) and (b):  (a) a total area as determined by the following table:  <table border="1"> <thead> <tr> <th>Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m<sup>2</sup>)</th> <th>Minimum percentage of site</th> </tr> </thead> <tbody> <tr> <td>&lt;150</td> <td>10%</td> </tr> <tr> <td>150–200</td> <td>15%</td> </tr> <tr> <td>&gt;200–450</td> <td>20%</td> </tr> <tr> <td>&gt;450</td> <td>25%</td> </tr> </tbody> </table> (b) at least 30% of any land between the primary street boundary and the primary building line.	Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m <sup>2</sup> )	Minimum percentage of site	<150	10%	150–200	15%	>200–450	20%	>450	25%
Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m <sup>2</sup> )	Minimum percentage of site										
<150	10%										
150–200	15%										
>200–450	20%										
>450	25%										

The site contains 37% soft landscaping which is well in excess of the 25% anticipated minimum. A small tree is proposed to be located in the front landscaping strip adjacent to the dwelling consistent with Urban Tree Canopy Overlay DPF 1.1 shown below.

DTS/DPF 1.1

Tree planting is provided in accordance with the following:

Site size per dwelling (m <sup>2</sup> )	Tree size* and number required per dwelling
<450	1 small tree
450-800	1 medium tree or 2 small trees
>800	1 large tree or 2 medium trees or 4 small trees

Soft landscaping	
PO 34.1  Soft landscaping is provided between dwellings and common driveways to improve the outlook for occupants and appearance of common areas.	DTS/DPF 34.1  Other than where located directly in front of a garage or building entry, soft landscaping with a minimum dimension of 1m is provided between a dwelling and common driveway.
PO 34.2  Battle-axe or common driveways incorporate landscaping and permeability to improve appearance and assist in stormwater management.	DTS/DPF 34.2  Battle-axe or common driveways satisfy (a) and (b): (a) are constructed of a minimum of 50% permeable or porous material (b) where the driveway is located directly adjacent the side or rear boundary of the site, soft landscaping with a minimum dimension of 1m is provided between the driveway and site boundary (excluding along the perimeter of a passing point).

The site plan notes that a minimum of the common driveway will be constructed of 50% permeable material. A 1.3m wide landscaping strip is proposed between the dwelling and the common driveway and a 600mm strip is located along the length of the driveway leading in from the crossover. PO 34.1 and 34.2 are achieved.



Overlooking / Visual Privacy (low rise buildings)	
<p>PO 10.1</p> <p>Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.</p>	<p>DTS/DPF 10.1</p> <p>Upper level windows facing side or rear boundaries shared with a residential use in a <u>neighbourhood-type zone</u>:</p> <ul style="list-style-type: none"> <li>(a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm</li> <li>(b) have sill heights greater than or equal to 1.5m above finished floor level</li> <li>(c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.</li> </ul>
<p>PO 10.2</p> <p>Development mitigates direct overlooking from balconies to habitable rooms and <u>private open space</u> of adjoining residential uses in neighbourhood type zones.</p>	<p>DTS/DPF 10.2</p> <p>One of the following is satisfied:</p> <ul style="list-style-type: none"> <li>(a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace</li> <li>or</li> <li>(b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency / openings fixed to a minimum height of: <ul style="list-style-type: none"> <li>(i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a <u>dwelling</u> on adjacent land</li> <li>or</li> <li>(ii) 1.7m above finished floor level in all other cases</li> </ul> </li> </ul>

The upper level windows on the southern, western and eastern side elevations of the dwelling all contain sill heights of 1.85m. The upper northern elevation contains louvered privacy screens to the windows will sill heights below 1.5m from the finished floor level. A section of the privacy screen showing detailed openings of the louvers is shown in attachment 1.6. The western facing balcony also contains a louvered screen to 1.5m from the finished floor level.

Performance outcomes 10.1 and 10.2 are satisfied.

**Hazards – (Flooding General)**

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<b>Flood Resilience</b>	
<p>PO 2.1</p> <p>Development is sited, designed and constructed to prevent the entry of floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.</p>	<p>DTS/DPF 2.1</p> <p>Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished ground and floor level not less than:</p> <p>FFL}’&gt;</p> <p>In instances where no finished floor level value is specified, a building incorporates a finished floor level at least 300mm above the height of a 1% AEP flood event.</p>

The site is located in a flood plain and is substantially lower than the street level. The application was referred to the Council’s technical department for review. The stormwater management of the site was considered to be appropriate with the floor levels and pumps adequate to mitigate risk of flooding.

**CONCLUSION**

The proposed dwelling achieves the Desired Outcome for the General Neighbourhood Zone and also satisfies a majority of the relevant performance outcomes. The proposed dwelling is suitable for the sloping nature of the site which is consistent with the established built form of the locality. The application does not result in an overdevelopment of the site allowing adequate space for the provision of landscaping and a primary setback that is consistent with the established pattern of the locality.

**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 21034894, by Damir Ivanovic is granted Planning Consent subject to the following conditions/reserved matters:

**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. That all upstairs windows shall have minimum window sill heights of 1.5 metres above finished floor level, or any glass below 1.5 metres shall be covered by louvered screens as shown on the submitted plans that prevent direct views into the adjoining properties.
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. 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.

#### 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 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.
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. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
  - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
  - b. if an appeal is commenced—
    - i. until the appeal is dismissed, struck out or withdrawn; or
    - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

#### OFFICER MAKING RECOMMENDATION

**Name:** Alexander Stamatopoulos

**Title:** Development Planner

**Date:** 04/02/2022