

|  |   |
|--|---|
| <b>DEVELOPMENT NO.:</b>                    | 21010119  |
| <b>APPLICANT:</b>                          | Sally Tregoning<br>Martin Tregoning   |
| <b>ADDRESS:</b>                            | 15 GILBERT RD SOMERTON PARK SA 5044   |
| <b>NATURE OF DEVELOPMENT:</b>              | Ancillary accommodation outbuilding with walls located on southern and eastern boundaries   |
| <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>• Building Near Airfields</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Traffic Generating Development</li> <li>• Urban Tree Canopy</li> </ul> |
| <b>LODGEMENT DATE:</b>                     | 19 May 2021   |
| <b>RELEVANT AUTHORITY:</b>                 | Assessment panel  |
| <b>PLANNING &amp; DESIGN CODE VERSION:</b> | 2021.5  |
| <b>CATEGORY OF DEVELOPMENT:</b>            | Code Assessed - Performance Assessed  |
| <b>NOTIFICATION:</b>                       | Yes   |
| <b>RECOMMENDING OFFICER:</b>               | Alexander Stamatopoulos<br>Development Planner  |
| <b>REFERRALS STATUTORY:</b>                | Nil   |

**CONTENTS:**


---

|                      |                                       |
|----------------------|---------------------------------------|
| <b>APPENDIX 1:</b>   | <b>Relevant P&amp;D Code Policies</b> |
| <b>ATTACHMENT 1:</b> | <b>Submitted Plans</b>                |
| <b>ATTACHMENT 2:</b> | <b>Invalid representations</b>        |

---

**DETAILED DESCRIPTION OF PROPOSAL:**

The application seeks the construction of studio (ancillary accommodation) with walls located on the southern and eastern boundaries. The building comprises a living area with a kitchenette and bathroom which will be used as a retreat by the occupants of the land. A portion of the building will also be used as storage for gardening equipment.

The building contains a skillion roof and is clad with James Hardie Axon Cladding and Rendered Harditex Sheeting. Perimeter paving surrounds the western and northern side of the structure.

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

**Location reference:** 15 GILBERT RD SOMERTON PARK SA 5044

**Title ref.:** CT 5690/687    **Plan Parcel:** D4419 AL656    **Council:** CITY OF HOLDFAST BAY

The subject site is rectangular in shape with a frontage of 17.37m and a depth of 42.67m resulting in a total area of 741sqm. Currently, the site accommodates a two-storey detached dwelling with a swimming pool located on the northern side. The front and rear yards of the dwelling are adequately landscaped with grassed areas. There are no regulated trees located on or in close proximity to the subject land.

Below is a photo of the dwelling as viewed from Gilbert Road:



Below is an aerial of the site:



The locality is residential in nature and is generally comprised of detached dwellings and residential flat buildings. To the east of the site are a series of dwellings associated with the Stockland Somerton Park Retirement Village. To the south of the subject site at 17 Gilbert Road is a detached dwelling with what appears to be a large tree located in the rear yard. However, the tree shown in the aerial image below has been removed since the image was taken.

Directly to the north of the site is a detached dwelling with an outbuilding in the rear and to the west of Gilbert Street are a series of detached dwellings. A number of allotments in the immediate and wider locality contain outbuildings in rear yards.

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:** New Housing  
Ancillary Accommodation: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

**PUBLIC NOTIFICATION**

- **REASON**

The application was subject to the notification as the height of the eastern boundary wall exceeds 3m from the top of the footings as listed in Section 3 Column B of Table 5 – Procedural Matters – Notification of the General Neighborhood Zone.

One representation was lodged during the consultation period. The representation was invalid as it was a late representation received by the Council on the 30 June. The consultation period expired on the 21 June.

For reference the representation is shown in attachment 2.

**AGENCY REFERRALS**

Nil

**INTERNAL REFERRALS**

Nil

**PLANNING ASSESSMENT**

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

| Performance Outcome  | Deemed-to-Satisfy Criteria / Designated Performance Feature   |
|--|---|
| PO 3.1<br><br>Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation. | Site Coverage<br><br>DTS/DPF 3.1<br><br>The development does not result in site coverage exceeding 60%. |

With the addition of the outbuilding, the site will contain a total site coverage of 333sqm or 45% of the site. DPF 3.1 anticipates a maximum site coverage of 60% which is satisfied.

DPF 11.1 is an assessment provision that contains a majority of the relevant policies relating to the suitability of an outbuilding. PO 11.1 is shown below and is the performance outcome that is set to be achieved. See below:

PO 11.1

Residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties.

As there are a long list of policies associated with DPF 11.1, all of those that are relevant will be discussed in sections below.

## DTS/DPF 11.1

### Ancillary buildings:

- (a) are ancillary to a ~~dwelling~~ erected on the same ~~site~~
- (b) have a floor area not exceeding 60m<sup>2</sup>
- (c) are not constructed, added to or altered so that any part is situated:
  - (i) in front of any part of the ~~building line~~ of the ~~dwelling~~ to which it is ancillary  
or
  - (ii) within 900mm of a boundary of the allotment with a ~~secondary street~~ (if the land has boundaries on two or more roads)

The outbuilding will be located on a site that hosts a residential allotment and contains a floor area of 57sqm. The structure is located in the rear yard well away from the building line of the dwelling. The outbuilding is not adjacent to a secondary street.

- (e) if situated on a boundary (not being a boundary with a ~~primary street~~ or ~~secondary street~~), do not exceed a length of 11.5m unless:
  - (i) a longer wall or structure exists on the adjacent ~~site~~ and is situated on the same allotment boundary and
  - (ii) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent
- (f) if situated on a boundary of the allotment (not being a boundary with a ~~primary street~~ or ~~secondary street~~), all walls or structures on the boundary will not exceed 45% of the length of that boundary
- (g) will not be located within 3m of any other wall along the same boundary unless on an adjacent ~~site~~ on that boundary there is an existing wall of a building that would be adjacent to or about the proposed wall or structure

The outbuilding contains a 9.5m long wall located on the southern side boundary and a 6m long wall located on the eastern rear boundary. The walls do not exceed 45% of each relevant boundary and are not located within 3m of any other wall on the same boundary.

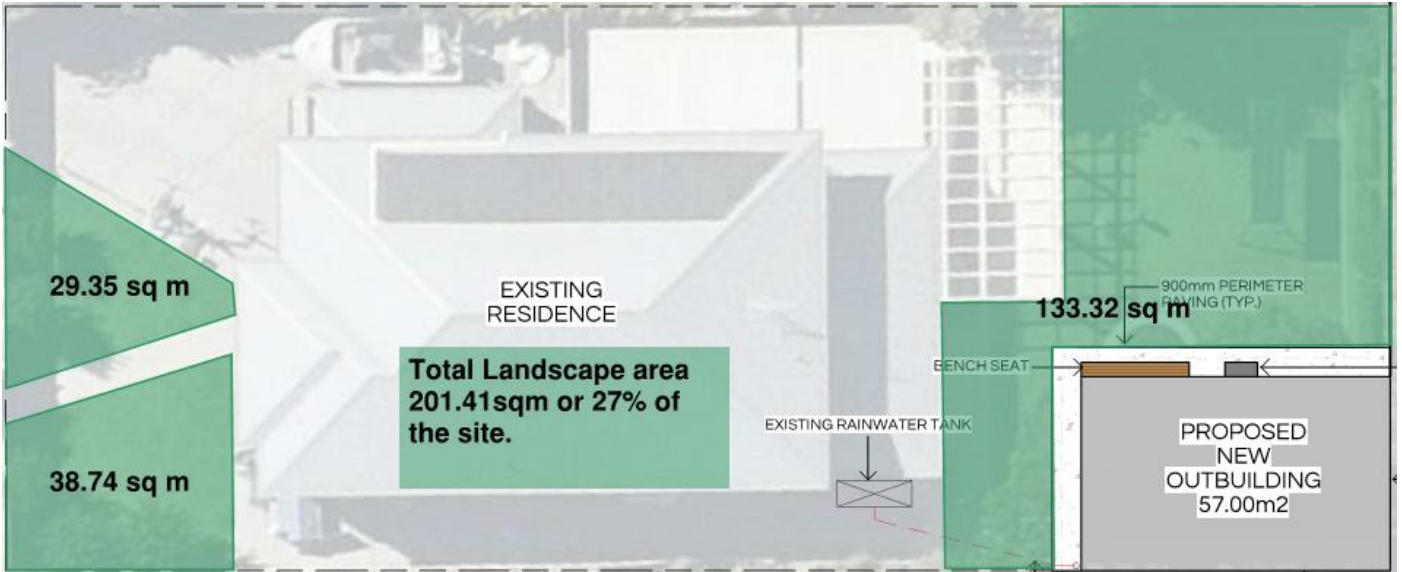
- (h) have a wall height (or post height) not exceeding 3m
- (i) have a roof height where no part of the roof is more than 5m above the natural ground level
- (j) if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour
- (k) retains a total area of soft landscaping in accordance with (i) or (ii), whichever is less:
  - (i) a total area as determined by the following table:

| 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%                        |
| 201-450  | 20%                        |
| >450   | 25%                        |

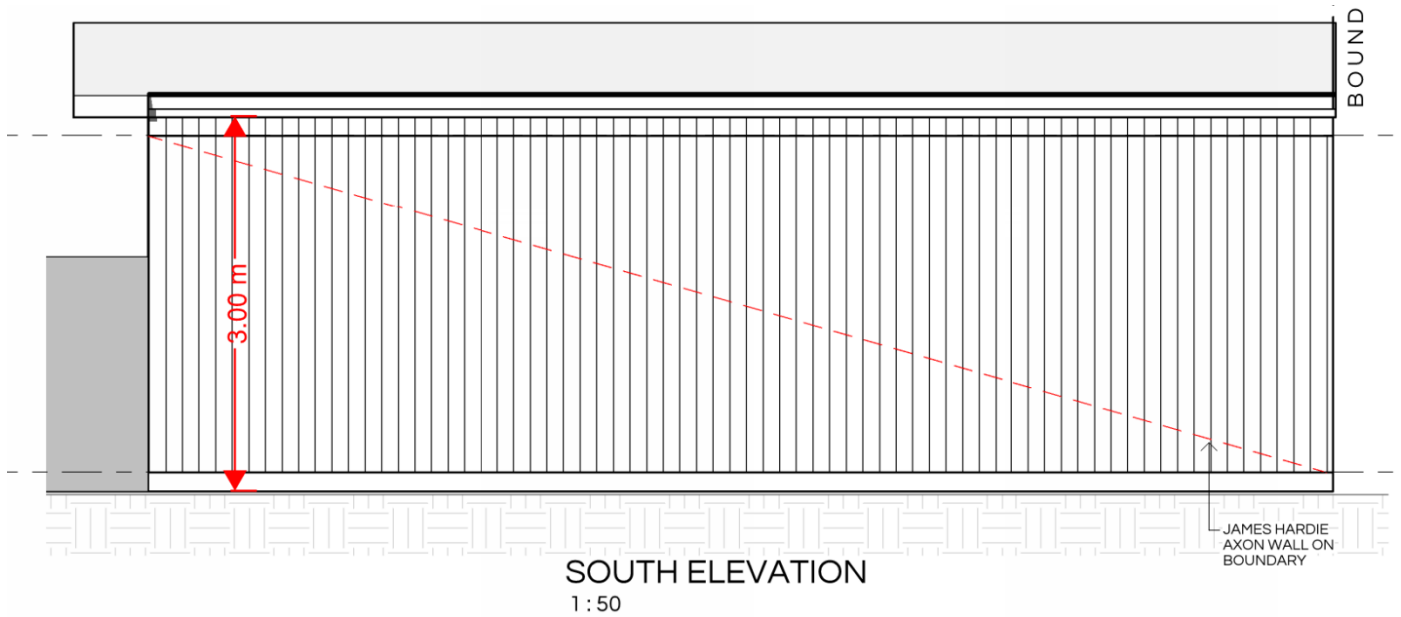
- (ii) the amount of existing soft landscaping prior to the development occurring.

The outbuilding contains a total height of 3.8m measured at the highest point of the skillion roof. The structure is clad with Axon cladding and render which are both non reflective materials. The outbuilding will be built over an existing patch of lawn which will lower the amount of soft landscaping on the land. Notwithstanding, the site is in compliant with policy (i) above where sites in excess of 450sqm are anticipated to have 25% soft landscaping.

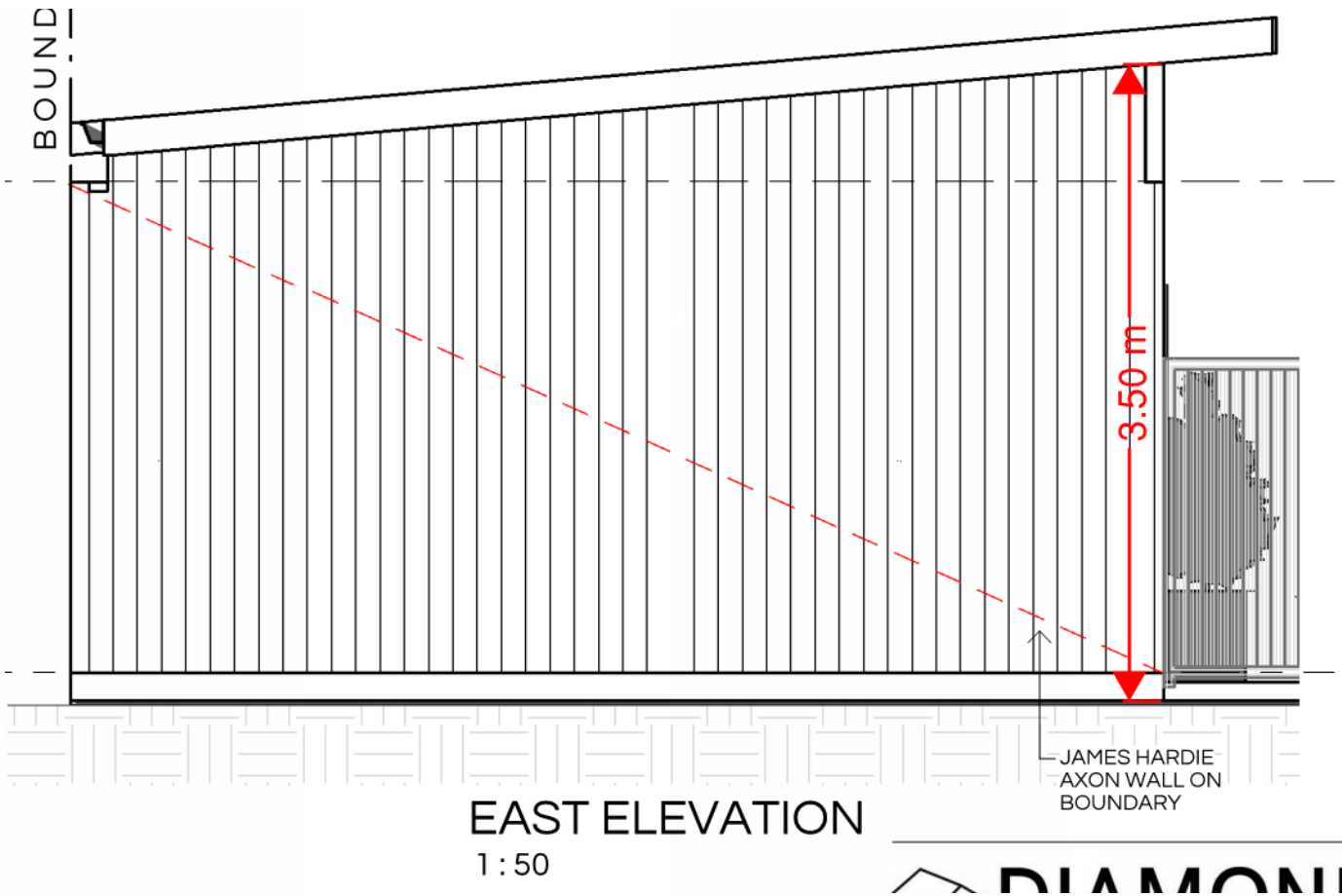
The site plan below shows the area of soft landscaping highlighted which result in a total of 27% of the site.



The wall height of the outbuilding on the southern side boundary is 3m when measured from the top of the footings. The wall height on the eastern side boundary is 3.5m as its highest point due to the raked nature of the roof. See below:







The 500mm variance of the eastern wall is considered to be a negligible departure in context of the locality. The outbuilding is located adjacent to a common driveway which services a series of residential flat buildings that front Peterson Street. This area is not considered to be of a high amenity therefore impacts are considered to be minor. It is also worth noting that the 500mm departure is only for a portion of the wall as it slowly transitions up from 3m to 3.5m following the roof line, and therefore considered to be acceptable in this instance.

|  |  |
|--|--|
| <p>PO 11.2</p> <p>Ancillary buildings and structures do not impede on-site functional requirements such as private open space provision, car parking requirements or result in over-development of the site.</p> | <p>DTS/DPF 11.2</p> <p>Ancillary buildings and structures do not result in:</p> <ul style="list-style-type: none"> <li>(a) less private open space than specified in Design in Urban Areas Table 1 - Private Open Space</li> <li>(b) less on-site car parking than specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.</li> </ul> |
|--|--|

**Table 1 – Private Open Space**

| Dwelling Type   | Dwelling / Site Configuration | Minimum Rate  |
|---|-------------------------------|---|
| Dwelling (at ground level, other than a residential flat building that includes above ground dwellings) |                               | Total private open space area:<br>(a) Site area < 301m <sup>2</sup> : 24m <sup>2</sup> located behind the building line.<br>(b) Site area ≥ 301m <sup>2</sup> : 60m <sup>2</sup> located behind the building line.<br><br>Minimum directly accessible from a living room: 16m <sup>2</sup> / with a minimum dimension 3m. |

The site contains a total of 230sqm of private open space which equates to 31% of the site. Allotments with a site area in excess of 301sqm are anticipated to have a minimum private open space of 60sqm which the application satisfies.

When the application was originally lodged concerns were raised regarding a significant lemon-scented gum tree located on the southern neighbouring land at 17 Gilbert Road Somerton Park. The tree was located close to the outbuilding in the northeastern corner of the site where potential tree damaging activities to the root zone may have occurred.

The tree has since been removed from 17 Gilbert Road Somerton Park.

## CONCLUSION

The proposed outbuilding achieves the Desired Outcome for the General Neighbourhood Zone and also satisfies a majority of the relevant performance outcomes. The proposed ancillary accommodation is suitable for the subject land and does not result in an overdevelopment allowing adequate space for the provision of landscaping, private open space and adequate site coverage.

## RECOMMENDATION

Planning consent be issued

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 21010119, by Sally Tregoning and Martin Tregoning 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.

**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. 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:** 29/10/2021