

DEVELOPMENT NO.:	24032901
APPLICANT:	Steve Merkel Heidee Merkel
ADDRESS:	72 COLLEGE RD SOMERTON PARK SA 5044
NATURE OF DEVELOPMENT:	Proposed new detached dwelling, concrete swimming pool and pavilion, retaining walls and removal of two regulated trees
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Heritage Adjacency • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	9 Dec 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.22 05/12/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Michael Gates Development Services (Planning and Building) Lead

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APPENDIX 1: Relevant P&D Code Policies

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DETAILED DESCRIPTION OF PROPOSAL:

This application is for the construction of a three-level detached dwelling with swimming pool and pool pavilion, retaining walls and removal of two regulated trees. The site is located on the former sand dunes of Somerton Park and has a significant change in levels across the site, which the proposed dwelling responds to.

The bottom level is to the eastern side of the dwelling and comprises a double garage and games room at the rear. This level is cut into the site as the ground level increases to the west and will appear somewhat at a basement/undercroft level.

The middle level of the dwelling comprises the main floor area of the dwelling and will be located partially above the garage and at a level similar to the existing dwelling on the site. The top level comprises 2 rooms of 55 square metres and a 10sqm balcony and is set well of the boundaries and designed to take in the ocean views.

The dwelling will be constructed with horizontal weatherboard cladding on the walls, feature stone walls and corrugated sheeting roof at a 20 degree pitch.

There is an inground pool and association pavilion at the rear of the site, with landscaping proposed around the dwelling.

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

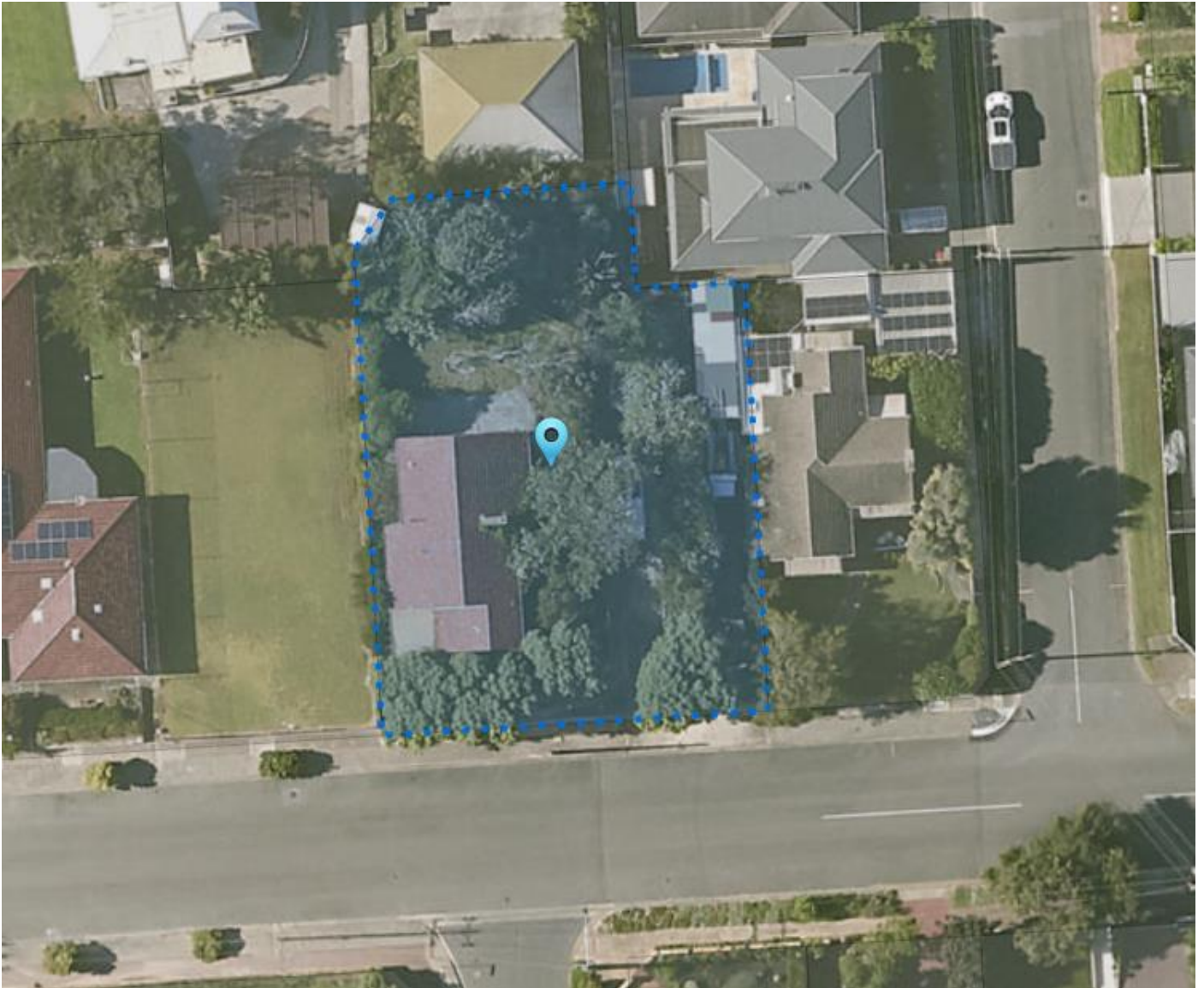
Location reference: 72 COLLEGE RD SOMERTON PARK SA 5044

Title ref.: CT 5406/395 **Plan Parcel:** F10243 AL648 **Council:** CITY OF HOLDFAST BAY

The subject site is located on the northern side of College Road, opposite the intersection with Talbot Road. There is currently a single storey detached dwelling on the site that appears to be in a significant state of disrepair and appears to be vacant. There are several large trees on the site. There is a change in levels across the site, with the western boundary located approximately 3 metres lower than the highest point on the site, near the eastern boundary. The site is an irregular shaped allotment, with an area of approximately 1140 square metres and frontage of nearly 30 metres.



Photo showing the front of the site



Aerial photo of the subject site

Locality

The locality comprises predominately detached dwellings with a reasonably consistent pattern of development in the area, as well as the open space and beach to the west. The site is located in the General Neighbourhood Zone, with the Open Space Zone to the west, and Waterfront Neighbourhood Zone to the South. The area is going through a stage of transformation with several new dwellings recently being constructed along the western part of College Road. Of note, there is a local heritage place directly to the north of the site on a large allotment but given the spacing between the allotments and that both sites front onto different streets, this proposal is considered not to have an impact on the local heritage place.



Aerial image showing the different zones in the locality



Photo showing the subject site to the right and the proximity to the ocean

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

PUBLIC NOTIFICATION

- **REASON**
Overall height of the building is greater than 9 metres
- **LIST OF REPRESENTATIONS**

Name	Address	Position / To be heard	Comments
N Russo	97 College Rd Somerton Park	Supports the development/ Does not want to be heard	Non comments provided

- **SUMMARY**

AGENCY REFERRALS

No External referrals required

INTERNAL REFERRALS

The application was referred to Council's Arborist as the proposal includes the removal of several regulated trees. All of the regulated trees on the site are considered to be of poor health and structure and their removal is supported.

PLANNING ASSESSMENT

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

Question of Seriously at Variance

The proposed development maintains the existing residential use, which is preferred type of development and aligns with the majority of the policies for the General Neighbourhood Zone. The proposed development is considered not to be seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Quantitative Provisions

As shown in the table below, the proposal satisfies all of the quantitative provisions, with the exception of the overall height.

Criteria	Proposal	DPF Requirement	Satisfied
Site coverage	40%	60%	Yes
POS	450sqm	60sqm	Yes
Soft landscaping	25%	25%	Yes
Front landscaping	42%	30%	Yes
Height	2 storeys	3 storeys	No
Front setback	7.4m	7m	Yes
Rear Setback	12m	4m	Yes
Upper Side setbacks	3.6m & 15m	2m	Yes

Land Use

The proposed development does not alter the existing residential use of the site which is considered to be appropriate for the General Neighbourhood Zone.

Building Height

The General Neighbourhood Zone specifies a maximum building height of either storeys or 9 metres. In this development proposal has an overall height of 3 storeys and greater than 9 metres, but with the exception of the lift area, the proposal does not exceed 2 storeys or 9 metres at any vertical point.

The dwelling has been designed to accommodate the natural slope of the land and to minimise the visual impact of its bulk and scale. The lower garage is set to the west, where the site is lower and the upper storey will be built on the highest part of the site. The design is considered to be appropriate for the area given the natural gradient across the site, and despite breaching the height recommendation of PO4.1, the proposal will not overshadow or present any unreasonable bulk or scale. The dwelling is considered to be well articulated, and the use of different materials, the large eave overhangs and verandah elements reduce the visual impact. Therefore, the height is considered to be reasonable in this instance and responds well to the natural characteristics of the site.

Setbacks, Design & Appearance

As demonstrated in the quantitative table, the proposal satisfies all of the required setbacks, soft landscaping and open space requirements. The front setback matches the average setbacks of the adjacent dwellings and will complete the built form pattern along College Road. Given the undulating streetscape and the wide allotment, the dwelling will be well separate of the adjacent dwellings, and soft landscaping is provided in front of the dwelling that will complement the streetscape.

The dwelling is set well away from the side boundaries as to not impact the neighbouring properties through either visual bulk or overshadowing in accordance with the requirements of the Planning and Design Code.

A large amount of area is provided at the rear of the dwelling for private open space, which significantly exceeds the requirement of the Code, and the soft landscaping is provided in accordance with the Code requirements of 25% of the site. The landscaping includes the trees required for the dwellings as well as the replacement trees for removing the regulated trees.

There are no planning concerns related to the swimming pool, pool pavilion or the retaining walls required.

Heritage

It is noted that there is a local heritage place to the north of the subject site. The proposal is considered not to have any unreasonable impacts on those places due to the rear setback provided, and that the upper storey section is only located to the front of the dwelling, well away from the local heritage place.

Traffic Impact, Access and Parking

The proposal requires a new crossover. Given the large frontage, the new crossover is considered to be acceptable and will not impact on any street infrastructure or trees. The driveway is relatively flat and the garage provides off street parking for two vehicles in accordance with the Code requirements.

Regulated Tree

There are two regulated trees on the site which are proposed for removal. Both are considered to be of poor health and have a limited life expectancy. The application has been referred to Council's Arborist who supports the removal of the tree given their short life expectancy and minimal contribution to the locality. It is recommended that a condition be included requiring replacement trees to be planted on the site given the size of the large allotment.

CONCLUSION

On balance the dwelling is considered to be well designed to accommodate the natural gradient across the site. The dwelling is well articulated with architectural features and use of a variety of materials to minimise the visual dominance of the dwelling. The dwelling will be sited on a large allotment and is set well away from the boundaries as to not result in any unreasonable over shadowing. Despite exceeding the height criteria for the General Neighbourhood Zone, the dwelling is considered to sufficiently accord with the relevant principles of the Planning and Design as to warrant being granted Planning Consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is considered not to be seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24032901, by Steve Merkel and Heidee Merkel is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

To be determined

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. 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).
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. That the finished level of the crossover at the property boundary shall be a minimum of 75mm above the top of kerb in accordance with AS2890.1, and the maximum gradient of the driveway shall not be greater than 5% across the footpath, with the invert profile conforming to AS2876. Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath. The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.
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.
6. 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. All stormwater collected on the site must only be discharged to the street and not on to any adjacent properties
7. That the associated filter pump must be enclosed in such a way that noise levels do not exceed 52 d(a) between 7am and 10pm on the same day, and 45db(a) between 10pm and 7am the next day measured at adjoining property boundaries.
8. Replacement trees must be planted within 12 months of completion of the development at the following rates: i. if the development relates to a regulated tree—2 trees to replace a regulated tree; or Page 2 of 2 ii. ii. if the development relates to a significant tree—3 trees to replace a significant tree. Replacement trees cannot be within a species specified under regulation 3F(4)(b) of the Planning, Development and Infrastructure (General) Regulations 2017.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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

Advisory Note 2

The owner/applicant is advised that infrastructure located within Council road reserve (i.e. area between the kerb and allotment boundary) should be designed and constructed (including modified) in accordance with relevant / current Council standards. This includes, but is not limited to, driveway crossovers, alterations to kerbing and footpaths, stormwater easement connections and domestic stormwater connection to the street watertable.

Advisory Note 3

If you are a developer or owner-builder, there are important Commonwealth telecommunications rules you need to comply with. For more information visit www.infrastructure.gov.au/tind

Advisory Note 4

The owner/applicant is advised that consent from any relevant easement or encumbrance owner may be required prior to any construction.

Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way.

Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited Plan. A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at:
<https://sailis.lssa.com.au/home/auth/login>

Advisory Note 5

If excavating, it is recommended you contact Before You Dig Australia (BYDA) (www.byda.com.au) to keep people safe and help protect underground infrastructure.

OFFICER MAKING RECOMMENDATION

Name: Michael Gates

Title: Development Services (Planning and Building) Lead

Date: 3 February 2025