

DEVELOPMENT NO.:	24025590
APPLICANT:	Mark Revink
ADDRESS:	5A KINGSTON CR KINGSTON PARK SA 5049
NATURE OF DEVELOPMENT:	Two-storey detached dwelling
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 • Hazards (Flooding) • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy • Water Resources
LODGEMENT DATE:	22 Aug 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.15 15/8/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Officer - Planning
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 2:	Representation
ATTACHMENT 1:	Application Documents	ATTACHMENT 3:	Response to representation

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development at 5a Kingston Crescent, Kingston Park consists of a two-storey detached dwelling designed to accommodate modern living while integrating effectively into the existing suburban environment. The ground floor encompasses 123.6 sqm, including living spaces, a garage with a floor area of 39 sqm, and private open space in the rear yard. The second floor mirrors the ground floor's footprint, with an additional 105.2 sqm, contributing to a total floor area of 182.4 sqm across both levels.

The ground floor plan features an open and functional layout designed to enhance both daily living and entertainment. The entrance leads into a central hallway that provides access to the main living areas. To the front of the home is a spacious garage with room for two cars, conveniently located for easy access to the interior. Adjacent to the garage, a well-proportioned living room is designed to capture natural light, making it an ideal space for relaxation. The open-plan kitchen and dining area forms the heart of the home, opening directly onto the rear yard, which is accessible through large sliding doors, creating seamless indoor-outdoor connectivity. The kitchen layout maximizes functionality, with ample storage and workspace. The ground floor also includes a verandah in the rear, offering additional outdoor living space.

On the first floor, the design prioritises private and personal spaces. The level accommodates three generously sized bedrooms, with the master bedroom located towards the front of the home, offering a walk-in robe and an ensuite bathroom for added privacy and convenience. The two remaining bedrooms are positioned towards the rear, each fitted with built-in robes and sharing access to a common bathroom with modern fixtures. A central staircase leads to a landing area, which provides access to all rooms, including a study nook for home office or study use. The first-floor layout is optimized for privacy and functionality, offering spacious bedrooms while maintaining a focus on comfort and ease of living.

The dwelling incorporates energy-efficient features, such as ceiling and wall insulation in compliance with relevant Australian standards, while also addressing stormwater management with an on-site detention system connected to a rainwater tank. The architectural design includes Hebel veneer walls and Scyon Linea cladding, finished in contemporary neutral tones to complement the surroundings.

The dwelling provides off-street parking and practical vehicle manoeuvring space, ensuring ease of access while maintaining a balance between built form and outdoor amenity. The landscaped rear yard offers 74 sqm of lawn area, contributing to the overall appeal and ensuring the development meets the performance outcomes related to private open space and soft landscaping.

The garage boundary wall, which slightly exceeds the anticipated wall height by 300mm, is designed to minimize visual bulk and overshadowing impacts on adjacent properties, with the design carefully aligning with the character and scale of the surrounding area. Overall, the proposed dwelling is a modern, well-considered development that responds to the constraints and opportunities of the site while providing a high level of residential amenity.

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

Location reference: 5A KINGSTON CR KINGSTON PARK SA 5049

Title ref.: CT 6201/766 **Plan Parcel:** C41171 FL4 **Council:** CITY OF HOLDFAST BAY

The subject site at 5a Kingston Crescent, Kingston Park is a vacant plot located within a predominantly low-density residential area. The allotment is located behind an existing detached dwelling that fronts the street and is next to a recently constructed two-storey detached dwelling located on the site directly east. The dwelling will not be visible from Kingston Crescent as it is located approximately 5 metres below street level. A Council stormwater easement is located to the rear of the subject land and a private easement to the western side of the dwelling.



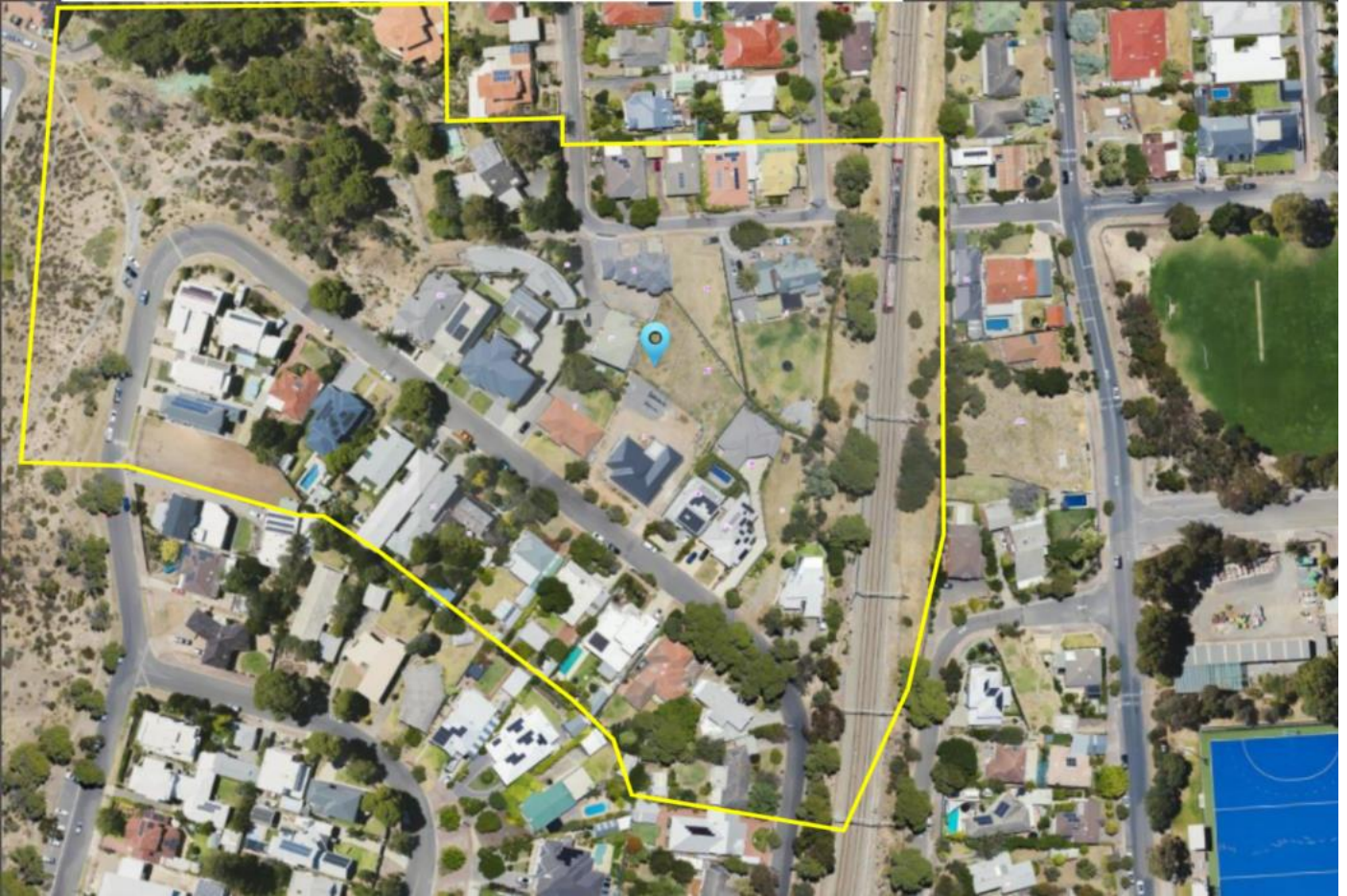
Above: Aerial highlighting subject land in yellow

Below: Photo of the subject land



The surrounding locality consists primarily of detached dwellings with some medium-density housing present, particularly to the west. The neighbourhood exhibits a quiet suburban character, facilitated by a curved cul-de-sac street layout, which minimizes traffic flow and contributes to a peaceful living environment. Notably, many homes in the area feature modern designs with solar panels, indicating a trend toward sustainability and energy efficiency.

The area's density pattern reflects a traditional suburban form, with large setbacks, private yards, and considerable soft landscaping contributing to a spacious, open feel. The road layout, featuring curved streets and cul-de-sacs, further supports the low-density environment by limiting through traffic and maintaining a quieter atmosphere. Although there is evidence of modern infill development, the density has remained relatively stable. The low density is further emphasized by the abundance of green spaces and the presence of a large reserve adjacent to the train line, which ensures that the locality retains a sense of openness despite the gradual introduction of newer developments.



Above: Aerial showing the locality highlighted yellow

To the east of the subject site, the Seaford train line runs parallel to Kingston Crescent. The site finds itself between the Marion and Seacliff stations. Despite the site's proximity to this transport infrastructure, it appears to be adequately distanced from the train line, reducing the potential impact of noise. Additionally, the locality benefits from adjacent public open space, including Pine Gully Reserve to the west and also the Seacliff stairs which allow access to the beach, providing ample recreational opportunities for local residents.

Overall, the site's context and surrounding residential character make it well-suited for a residential development that integrates with the existing suburban form while taking advantage of its strategic location close to key infrastructure and amenities.

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 measured from the top of footings.

- **LIST OF REPRESENTATIONS**

Summary of Representors			
Address of Representor	Position	Wish to be heard	Comments
<i>Mark Violi of 11 Pine Avenue Kingston Park</i>	<i>I support the development</i>	<i>No</i>	<i>No comments were made in the submission</i>

- **SUMMARY**

The applicant responded to the representation acknowledging the positive submission.

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.

Question of Seriously at Variance

The proposed development comprises the construction of a two-storey dwelling which is located in the General Neighbourhood Zone. The application is not seriously at variance with the provisions of the Planning and Design Code as the Desired Outcomes and Performance Outcomes of the General Neighbourhood Zone anticipate residential development as an appropriate form of development.

Quantitative Provisions

	Proposed	DPF Requirement	Achieved
Building Height	Two levels and 8m Wall Height 5.9m	2 levels and 9m Wall Height 7m	Yes Yes
Boundary Development	9m or 42% of the total boundary 3.3m height from footing	11.5m and 45% 3m height from footing	Yes 300mm variance
Rear Setback	3.7m at closest point – lower level 5.4m at closest point – upper level	4 metres at ground level 6 metres at upper level	300mm variance 600mm variance
Side Setbacks	Ground level western wall - 1.6m Ground level eastern wall - 1.9m Upper-level western wall – 2m Upper-level eastern wall – 1.9m	Ground level wall 900mm Upper-level wall 1.9m	Yes Yes
Site Coverage	49.7%	60%	Yes
Private Open Space	74 square metres	60 square metres	Yes
Soft Landscaping	18.9 percent of the site area	20 percent of the site area	1.1% shortfall

Boundary Development

The proposed garage wall, located along the boundary has a height of 3.3m, which exceeds the 3m maximum anticipated by DPF 7.1(b)(i) of the General Neighbourhood Zone by 300mm. However, despite this minor height exceedance, PO 7.1 is satisfied.

PO 7.1

Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

DTS/DPF 7.1

Except where the building is a dwelling and 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 wall height*
 - 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 visual impact of the additional 300mm in height is minimal, especially when considering the context of the site and the adjoining property to the east, which is already developed. The slight increase in height does not introduce significant bulk or massing that would detract from the overall visual amenity of the area, and the wall remains in harmony with the surrounding built form.

In terms of overshadowing, the additional height is unlikely to cause a noticeable impact on the neighbouring property. Given the site's orientation and the limited extent of the height exceedance, any increase in overshadowing will be negligible and within acceptable limits. Additionally, it is worth noting that the rest of the DPF 7.1 requirements are met, including the wall length (which remains under 11.5m) and the percentage of boundary walls on the site (which stays below 45%). These factors indicate that the overall design is balanced and considerate of neighbouring properties.



Above: The wall of the eastern dwelling adjacent to the proposed boundary wall

Furthermore, the boundary wall continues the established development pattern within the locality, where boundary walls are a common feature. The additional height does not introduce any elements that would significantly disrupt this pattern. Therefore, while the garage wall height is 300mm higher than anticipated, it does not result in undue visual or overshadowing impacts on adjoining properties, ensuring that PO 7.1 is satisfied.

Rear Setback

The proposed dwelling's lower and upper levels fall short of DPF 9.1(b)(i)(ii), with the lower level setback varying from 3.7m to 5.8m, and the upper level setback ranging from 5.4m to 10.9m due to the angled rear boundary. Despite these setbacks not meeting the precise 4m (ground floor) and 6m (upper floor) requirements, PO 9.1 can still be considered satisfied for several reasons.

PO 9.1

Building walls (excluding ancillary buildings and structures) are set back from rear boundaries to provide:

- a) separation between buildings 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.*

DPF 9.1

Building walls (excluding ancillary buildings and structures) are set back from the rear boundary at least:

- (b) if the size of the site is 301m² or more—*
- (i) 4m in relation to the ground floor of the building*
- (ii) 6m in relation to any other building level of the building.*

Firstly, the varying setbacks provide adequate separation between buildings, which maintains the suburban character of the area. The design ensures that there is still significant space between the proposed dwelling and any neighbouring structures, avoiding the appearance of crowding or excessive bulk at the rear.

Secondly, the dwelling's design and positioning ensure that natural light and ventilation for neighbouring properties are not compromised. The angled setbacks and the larger distances at some points of the boundary reduce potential overshadowing, particularly in areas where the upper level is set back further than the ground floor. This promotes good access to sunlight and airflow for adjacent dwellings.

In addition, the site includes well-defined private open space in the rear yard, which is not obstructed by the varied setbacks. This space remains functional and ample for outdoor activities, ensuring that the occupants have a high-quality outdoor living environment.

Lastly, the setbacks provide sufficient space for landscaping and vegetation, as indicated by the inclusion of a landscaped rear yard. The design allows for the planting of vegetation, contributing to the overall amenity of the site and enhancing privacy and greenery in keeping with suburban expectations.

In conclusion, while the precise setback requirements are not met, the proposal achieves the intent of PO 9.1, providing appropriate separation, ensuring access to light and ventilation, maintaining private open space, and accommodating landscaping, thus aligning with the objectives of a suburban residential character.

Soft Landscaping

The subject site includes **18.9% soft landscaping**, which falls **1.1% short** of the **20%** requirement under **DPF 22.1(a)** of Design in Urban Areas. Notwithstanding this minor shortfall, **PO 22.1** is satisfied for the following reasons.

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 for the entire development site, including any common property, as determined by the following table:

Site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site
<150	10%
150-200	15%
>200-450	20%
>450	25%

- (b) at least 30% of any land between the primary street boundary and the primary building line.

The subject site contains 18.9% soft landscaping, which represents a minor 1.1% shortfall compared to the 20% requirement under DPF 22.1(a) of the Design in Urban Areas. However, the proposal satisfies PO 22.1 for several reasons. First, the plan incorporates substantial soft landscaping to the rear of the site, which effectively minimises heat absorption and reflection, as the lawn and plantings reduce the heat island effect by absorbing heat instead of reflecting it from hard surfaces. Additionally, the trees and landscaped areas in the rear yard contribute significantly to shade and shelter, creating a more comfortable outdoor environment for occupants and improving the overall amenity.

In terms of stormwater infiltration and biodiversity, the landscaping in the rear yard is well integrated with the stormwater management system, allowing for effective water infiltration, while the inclusion of trees and plantings supports local biodiversity. Although the front of the dwelling has limited soft landscaping due to the space required for vehicle manoeuvring, this is justifiable given that the site has no direct street presence, reducing the need for extensive front landscaping. The landscaped rear yard compensates by enhancing the visual appeal of the property, contributing to the aesthetic quality of the land and ensuring that the overall appearance aligns with the suburban character.

The amount of soft landscaping provided on the subject site represents an ideal outcome, particularly given the constraints of the allotment. On conventional allotments, the front yard typically plays a significant role in contributing to the overall percentage of soft landscaping, which is factored into achieving the 20% requirement. In this case, due to the unique nature of the site, where vehicle access and manoeuvring in the front yard have been prioritized, there is no front yard landscaping.

Despite this, the site still achieves 18.9% soft landscaping, resulting in only a 1.1% shortfall, which is a positive outcome. The design successfully maximizes the use of available space in the rear yard to meet the soft landscaping requirements, and this minimal shortfall demonstrates that the landscaping is well-considered and efficiently

integrated, given the site's specific layout and constraints. This outcome is commendable as it ensures the development aligns with the performance objectives of providing greenery and open space, even without a conventional front yard contribution.

In conclusion, while the landscaping in the front is limited, this is appropriate for the site's context, and the well-designed rear yard more than compensates, ensuring that PO 22.1 is satisfied by addressing heat absorption, shading, stormwater management, biodiversity, and aesthetic outcomes.

Visual Privacy

The proposed development satisfies PO 10.1 of Design in Urban Areas by ensuring that direct overlooking from the upper-level windows into neighbouring properties is effectively mitigated. One of the key measures preventing overlooking is the presence of substantial physical barriers on the adjacent property to the south. Specifically, a large outbuilding and a tall retaining wall have been constructed directly adjacent to the site. These structures act as permanent visual barriers, blocking any potential views from the proposed upper-level windows into the private open space of the southern and western neighbour. This ensures that the privacy of the neighbouring property is preserved, aligning with the objective of PO 10.1 to prevent overlooking into areas intended for private outdoor enjoyment.



Above: Dwelling superimposed over the site showing 45 degree angle and 15m line of site

Additionally, the design complies with the Planning and Design Code's definition of direct overlooking, which occurs when views from an upper-level window fall within a 15-meter horizontal distance and a 45-degree angle from the plane of the wall containing the window. Based on the aerial assessment provided, the line of sight from the upper-level windows does not extend into the southern and western neighbour's private open space or habitable rooms due to the obstructing presence of the fence and outbuilding. These structures serve as effective screening devices,

entirely blocking the line of sight within the 15-meter range, thereby preventing any direct overlooking in accordance with the Code's requirements.



Above: View looking south showing the raised fencing and outbuilding

In conclusion, the proposed development meets the intent of PO 10.1 by utilizing existing structures, such as the outbuilding and retaining wall, to effectively block views from the upper-level windows. These features eliminate any potential for direct overlooking into the southern neighbour's property, ensuring that the design respects the privacy of adjacent residential areas and complies with the performance outcomes of the Planning and Design Code.

CONCLUSION

In summary, the proposed two-storey dwelling at 5a Kingston Crescent aligns with the intent of the General Neighbourhood Zone. It provides appropriate building separation, private open space, landscaping, and respects the suburban character, all while offering modern, efficient housing. The minor shortfalls in soft landscaping and wall height are justified through careful design, ensuring that Performance Outcomes related to amenity, visual impact, and functionality are achieved, making the dwelling suitable for planning consent.

Further, the dwelling has been designed to mitigate any potential direct overlooking from its upper-level windows into the adjoining residential properties. The presence of a large outbuilding and a tall retaining wall on the southern

neighbour's property provide natural screening, effectively blocking any views into the private open space and habitable rooms of the adjoining property.

RECOMMENDATION

Planning consent

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered 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 24025590, by Mark Revink 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. All stormwater collected on the site must only be discharged to the street and not on to any adjacent 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. That all upstairs windows, other than those on the southern front façade, 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 Officer - Planning

Date: 25/09/2024