

DEVELOPMENT NO.:	23008935
APPLICANT:	Geoff Vella c/- Future Urban
AGENDA ITEM NO:	3.2
ADDRESS:	17 Watson Street, North Adelaide SA 5006
NATURE OF DEVELOPMENT:	Construction of a lift overrun, including stair access and landing area with terrace areas and associated privacy screening at rooftop level (part retrospective)
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • City Living <p>Subzones:</p> <ul style="list-style-type: none"> • North Adelaide Low Intensity <p>Overlays:</p> <ul style="list-style-type: none"> • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Hazards (Flooding – Evidence Required) • Heritage Adjacency • Historic Area <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage – 7 metres • Minimum Site Area – 350m² • Maximum Building Height – 2 levels
LODGEMENT DATE:	11 April 2023
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	Version 2023.5 – dated 30 March 2023
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Kosta Tsekouras Planner, Development Assessment
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Representations
ATTACHMENT 2:	Site Map	ATTACHMENT 6:	Response to Representations
ATTACHMENT 3:	Zoning Map	APPENDIX 1:	Relevant P&D Code Policies
ATTACHMENT 4:	Representation Map		

All attachments and appendices are provided via [Link 1](#).

PERSONS SPEAKING BEFORE THE PANEL

Representor

- James Dickson – 19 Curtis Street, North Adelaide

Applicant

- Christopher Webber on behalf of applicant, Geoff Vella

1. DETAILED DESCRIPTION OF PROPOSAL

- 1.1 Planning consent is sought for the part retrospective construction of a lift overrun, including stair access and landing area with terrace areas and associated privacy screening at rooftop level at a row dwelling located at the eastern end of Watson Street, North Adelaide.
- 1.2 The structure including the lift overrun, stair access and landing area will have a height of approximately 3.5 metres from the terrace floor level and an area of 13m².
- 1.3 The roof terrace areas will be located on the northern and southern sides of the structure and will be directly accessible from it. The northern terrace will have an area of 14.6m² and the southern terrace will have an area of 15.2m².
- 1.4 Timber slat privacy screening to a height of 1.65 metre is proposed on the southern and eastern sides. On the northern side a 1 metre high glass balustrade is proposed. An existing boundary wall is located on the western side.

2. BACKGROUND

- 2.1 After initially being refused, the existing dwelling was granted consent via an Environment Resources and Development Court Order in August 2010 (DA/1000/2009). A variation to amend the façade was granted consent in November 2010 (DA/1000/2009/A). A similar rooftop addition to the current proposal was included in this variation, however this component was removed prior to the issuing of Building Rules Consent and Development Approval.
- 2.2 A retrospective application for an extension to the first floor façade was lodged and granted consent by the then Development Assessment Panel on 16 December 2013 (DA/488/2013).
- 2.3 An application for a rooftop terrace and rooftop addition, similar to the current proposal, was submitted to Council in 2016 (DA/372/2016) but was refused due to exceeding the plot ratio requirements of then City of Adelaide Development Plan.
- 2.4 A roof addition commenced construction in approximately 2012 without a relevant approval and was not completed. Consequently, this part retrospective development application seeks to remedy this.

3. SUBJECT LAND & LOCALITY

Subject Land

- 3.1 The subject site is located at the eastern end of Watson Street on the southern side and contains a two storey row dwelling.
- 3.2 The allotment is rectangular in shape with a site area of approximately 132m².
- 3.3 Watson Street is a no through road.

Locality

- 3.4 The Watson Street locality is primarily residential in nature.
- 3.5 The locality on the southern side of Watson Street is characterised by modern two and three storey row dwellings. The rear boundary of the site abuts a row of eight two storey row dwellings fronting Stephens Street.
- 3.6 The northern side of Watson Street is characterised by the rear portions of contemporary two and three storey dwellings fronting Tynte Street. At the western end of this street is the side wall of a two storey dwelling facing Centenary Street.
- 3.7 The area to the east is typified by dwellings fronting Curtis Street, several of which are Local Heritage Places.



Photo 3.1 – subject site viewed from Watson Street



Photo 3.2 – subject site and adjacent sites to the west viewed from Watson Street



Photo 3.3 – development on northern side of Watson Street



Photo 3.4 – development on northern side of Stephens Street



Photo 3.5 – subject site rooftop visible from Curtis Street



Photo 3.6 – dwellings to the east, viewed from Curtis Street

4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

PER ELEMENT:

Dwelling alteration or addition - Code Assessed - Performance Assessed

• **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

• **REASON:**

The proposed development is not specified as Restricted, Accepted or Deemed to Satisfy within the City Living Zone, therefore the application is classified as Performance Assessed.

6. PUBLIC NOTIFICATION

• **REASON:**

Proposal constitutes a dwelling addition exceeding the maximum building height of two levels prescribed in City Living Zone DPF 2.2. Development not considered to be minor in nature and therefore public notification was undertaken. The following representations were received during the notification period:

TABLE 6.1 – LIST OF REPRESENTATIONS		
No.	Representor Address	Request to be Heard
1	Peter Bobbin – 15 Wallace Street, Burwood NSW on behalf of owner at 23 Curtis Street, North Adelaide	No – Support with some concerns
2	James Dickson – 19 Curtis Street, North Adelaide	Yes – Opposes

TABLE 6.2 SUMMARY OF REPRESENTATIONS
<ul style="list-style-type: none">• Consideration of aesthetically pleasing screening in keeping with the existing wall• Proposal similar to two previous non-complying applications from 2012 and 2016• Exceeds two storey height limit• Visual intrusion of timber screen• Unacceptable noise impact from activity on the roof terrace

Note: refer to Attachments 5 and 6 for full representations and applicant's response.

7. AGENCY REFERRALS

None required.

8. INTERNAL REFERRALS

Council's Heritage Architect has confirmed the proposal will not adversely impact upon on adjacent heritage places or the Historic Area.

9. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, contained in Appendix One. The addition is 'medium-rise' (3 to 6 levels). However, the relevant provisions extracted from the Code relate to low-rise development. Assessment of the proposal refers to the extracted provisions and these are similar between both low and medium rise.

9.1 Summary of North Adelaide Low Intensity Subzone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1, DO 2	<ul style="list-style-type: none"> Development of three building levels not defined as 'low rise' development in the Code. Not a predominance of 'large grand dwellings on landscaped grounds' as sought by DO2. 	✓/✗
Built Form and Character PO 1.1	<ul style="list-style-type: none"> Open landscape setting character does not prevail in this locality. Design maintains low-density character. 	✓
Built Form and Character PO 1.2	<ul style="list-style-type: none"> Building footprint consistent with immediate locality. 	✓

9.2 Summary of City Living Zone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved
DO 1	<ul style="list-style-type: none"> Additional level means dwelling is 'medium-rise' which is envisaged in the zone, however the subzone policies seek 'low-rise' development. 	✓/ ✗
Land Use and Intensity PO 1.1	<ul style="list-style-type: none"> Maintains dwelling which is a desired land use. 	✓
Built Form and Character PO 2.2	<ul style="list-style-type: none"> Addition constitutes a third 'building level', however it will have minimal impact and be in keeping with existing character of Watson Street. 	✓/✗
Built Form and Character PO 2.3	<ul style="list-style-type: none"> Addition will be setback from the front of the property to maintain low scale presentation to the street, consistent with adjacent properties. 	✓
Building Setbacks PO 3.1	<ul style="list-style-type: none"> Addition setback from the primary street boundary to complement the existing streetscape character. 	✓
Building Setbacks PO 3.3, 3.4	<ul style="list-style-type: none"> Zero side setback consistent with neighbouring western property. On the eastern side, the structure will be setback to allow access for natural light and ventilation to properties fronting Curtis Street. 	✓
Building Setbacks PO 3.4	<ul style="list-style-type: none"> Building setback in accordance with requirements of DPF 3.4 and allows access to natural light and ventilation for neighbours and the subject site. 	✓
Building Setbacks PO 3.5	<ul style="list-style-type: none"> Western boundary wall abuts boundary wall of third storey of neighbouring property and will be the same height. 	✓

9.3 Summary of Applicable Overlays

The following Overlays are not considered relevant to the assessment of this application:

- Aircraft Noise Exposure Overlay – site located in area with an ANEF value below 30
- Airport Building Heights (Regulated) and Building Near Airfields Overlay – building height below maximum prescribed AHD level
- Hazards (Flooding – Evidence Required) Overlay – existing built form – floor levels unchanged and no risk of flooding

Heritage Adjacency Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> • Maintains heritage and cultural values of adjacent Local Heritage Places. 	✓
Built Form PO 1.1	<ul style="list-style-type: none"> • Will not dominate, encroach or unduly impact upon the setting of adjacent Local Heritage Places. 	✓

Historic Area Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1, PO 1.1	<ul style="list-style-type: none"> • Watson Street not identified in Historic Area Statement as being of importance or historic significance. 	✓
Built Form PO 2.1-2.5	<ul style="list-style-type: none"> • Limited visibility from public realm. • Streetscape diverse with historic and modern forms. • Consistent with heights in Watson Street. • Setbacks and materials consistent. 	✓
Alterations and Additions PO 3.1	<ul style="list-style-type: none"> • Addition complementary to existing building. • Will not dominate the primary façade. 	✓
Context and Streetscape Amenity PO 6.2	<ul style="list-style-type: none"> • Will not impact valued landscape patterns and characteristics that contribute to the Historic Area. 	✓

9.4 General Development Policies

The following General Development Policies are relevant to the assessment:

Clearance from Overhead Powerlines

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> • Achieved. 	✓
PO 1.1	<ul style="list-style-type: none"> • Declaration provided upon submission of application. 	✓

Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> Sustainable and durable materials. 	✓
Overlooking/ Visual Privacy PO 10.2	<ul style="list-style-type: none"> 1.65 metre high screening to south and east elevations of terrace will protect privacy of adjoining properties, exceeding DPF 1.5 metre recommendation. Screening will have maximum openings of 10mm. 	✓
Private Open Space PO 21.1, 21.2	<ul style="list-style-type: none"> Increases area of private open space available to the occupants by approximately 20m². 	✓

Interface between Land Uses

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> Development located and designed to mitigate adverse effects to neighbouring properties. 	✓
Overshadowing PO 3.1-3.3	<ul style="list-style-type: none"> Unreasonable overshadowing not expected to occur to habitable windows, private open space or solar panels of adjacent properties. 	✓

9.5 DETAILED DISCUSSION

Historic Area Compatibility and Heritage Impact

The subject site is located within the Historic Area Overlay, particularly the North Adelaide Margaret Street Historic Area. The Historic Area Statement does not include Watson Street as an identified area of heritage significance, and there are no historic buildings in this street.

The closest heritage buildings are to the east fronting Curtis Street, the majority of which are Local Heritage Places. Curtis Street is identified as an area of heritage significance in the Historic Area Statement. The development will be visible from certain locations in Curtis Street, however visibility will be limited.

The proposal is consistent with the existing character of Watson Street, compatible with the design context of the area and will have minimal impact to adjacent historic streetscapes in Curtis Street and beyond. The proposal will not dominate, encroach on, or unduly impact on the setting of adjacent heritage places in accordance with Heritage Adjacency Overlay DO1 and PO 1.1.

Built Form and Setbacks

City Living Zone DPF 2.2 designates the maximum building height in this area as two levels, and PO 2.2 calls for a predominantly low-rise character for most areas in the zone. Low-rise development is defined in the Planning and Design Code (the Code) as being up to two storeys in height. The proposal constitutes a third building level, exceeding the maximum recommended height. A building level is defined in the Code as follows:

Means that portion of a building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it. It does not include any mezzanine or any building level having a floor that is located 1.5 metres or more below finished ground level.

There are several other examples of three storey development nearby. Numbers 9 and 15 Watson Street both have relatively substantial third storey components, whilst 1, 3, 5 and 13 Watson Street have smaller third level components providing access to rooftop terraces. The building at 89 Tynte Street has a third storey addition towards its rear boundary on the northern side of Watson Street.

While the Code recommends a maximum of two levels, the prevailing character in Watson Street consists of three storey development, where third levels are reduced compared to floor areas of the lower levels and are setback from the main frontages to reduce visibility.

The impact of the development on adjacent properties will be limited. Siting away from the northern, eastern and southern boundaries will prevent direct overlooking and overshadowing. The setback from the front of the property will reduce visibility from the street and nearby properties, maintaining the low rise appearance of the existing dwelling and streetscape in accordance with City Living Zone PO 2.3 and 3.1.

City Living Zone PO 3.3 envisages buildings setback from side boundaries in a manner consistent with other properties in the locality and allowing for access to natural light and ventilation to neighbours. The proposal will be setback approximately 2.7 metres from the eastern boundary, which is shared by the rear boundaries of properties fronting Curtis Street. The siting and setback of the addition from this boundary will ensure it will not have a substantial impact on light and ventilation to these properties. On the western side boundary, the development abuts an existing boundary wall shared by the third storey of the neighbouring property. The zero side setback on this side is consistent with the neighbouring building.

City Living Zone PO 3.4 requires buildings be setback from rear boundaries to provide access to natural light and ventilation for adjacent sites and open space recreational opportunities for the subject site. The addition will be setback approximately 7.8 metres from the rear boundary. This substantial setback is in accordance with DPF 3.4, which specifies building walls above two storeys should be set back 5 metres plus an additional 1 metre for every 1 metre in height above a wall height of 7 metres. The proposal will have a height of 9.7 metres equating to a required rear setback of 7 metres which is exceeded by the proposal.

Residential Amenity

Design in Urban Areas PO 10.2 stipulates development should mitigate direct overlooking from balconies and terraces to habitable rooms and private open space areas of adjoining residential uses.

The proposal incorporates 1.65 metre high privacy screening around the eastern and southern sides of the outdoor terrace areas. Together with the setbacks of these terrace areas, direct views to adjacent properties will be minimised. On the northern side of the terrace there will be a 1 metre high glass balustrade and views in this direction will be over Watson Street. Balconies at the lower levels of dwellings fronting Watson Street already overlook windows of dwellings on the northern side of this street.

Interface between Land Uses PO 3.1 and PO 3.2 seek development minimise overshadowing of habitable room windows and private open space areas of residential land uses to maintain direct winter sunlight access. The siting of the addition (away from all boundaries of the property apart from the western boundary) and orientation of the site will prevent overshadowing of private open space and windows of adjacent properties.

Other Matters

A representor raised the potential for noise to result from the use of the roof terrace as a concern. Noise generated by a residential land use is a matter that needs to be addressed outside the planning process. Notwithstanding this, the applicant has included solid cladding to the inside of the southern terrace privacy screening to assist with mitigating noise at the request of the representor.

10. **CONCLUSION**

This proposal seeks planning consent to construct a rooftop addition to accommodate a lift, enclose the existing stairs/ landing area and create a rooftop terrace area with associated privacy screening (part retrospective) at 17 Watson Street, North Adelaide. The proposal is considered to achieve provisions of the Planning and Design Code as follows:

- maintains the existing residential land use desired in the Zone and Subzone
- maintains the heritage and cultural value of adjacent Local Heritage Places
- will not impact upon achieving the desired character of the Historic Area Statement
- proposes built form appropriate in the context of the locality
- increases private open space for the existing dwelling.

Whilst the roof addition is a third building level and above the two levels anticipated sought for the area, it is considered acceptable as:

- the design and position of the third level reduces visibility and the scale is consistent with other development in the locality
- the privacy of adjoining residential properties will be protected through the use of timber slat screens
- it will not result in amenity impacts through overshadowing or overlooking.

The proposal is not considered to be seriously at variance with the relevant provisions of the Planning and Design Code and exhibits sufficient merit to warrant the granting of Planning Consent.

11. **RECOMMENDATION**

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 23008935, by Geoff Vella C/O Future Urban is granted Planning Consent subject to the following conditions and advices:

CONDITIONS

1. **The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
 - **Plans drafted by Goostrey Smith Design, sheets 1 to 6, amended 14 June 2023**
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2. **The privacy screening as depicted on the plans granted consent described as Sheet 3, 4 and 5 shall be installed prior to the occupation or use of the Development and thereafter shall be maintained to the reasonable satisfaction of the Relevant Authority at all times.**
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3. **The applicant or the person having the benefit of this consent shall ensure that all storm water runoff from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the storm water runoff shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Relevant Authority.**
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ADVISORY NOTES

1. Expiration Time of Approval

Pursuant to the provisions of Regulation 67 of the *Planning, Development and Infrastructure (General) Regulations 2017*, this consent/approval will lapse at the expiration of 2 years from the operative date of the consent/approval unless the relevant development has been lawfully commenced by substantial work on the site of the development within 2 years, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

2. Notifications

Pursuant to Regulation 93 of the *Planning, Development and Infrastructure Act*, the Council must be given one business days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via palnning@cityofadelaide.com.au or phone 8203 7185.

3. Appeal Rights

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)

4. Notifications

Pursuant to Regulation 93 of the Planning, Development and Infrastructure Act, the Council must be given one business days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via palnning@cityofadelaide.com.au or phone 8203 7185.

5. City Works Permit

Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. This includes activities that have received Development Approval.

The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at <https://www.cityofadelaide.com.au/business/permits-licences/city-works/>

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

A Traffic Management Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);

Description of equipment to be used;

A copy of your Public Liability Insurance Certificate (minimum cover of \$20 Million required);

Copies of consultation with any affected stakeholders including businesses or residents.
