

<b>DEVELOPMENT NO.:</b>	24021714
<b>APPLICANT:</b>	Keith Teagle and Simon Brown
<b>AGENDA ITEM NO:</b>	3.1
<b>ADDRESS:</b>	77 Kingston Terrace, North Adelaide SA 5006
<b>NATURE OF DEVELOPMENT:</b>	Partial demolition of an existing dwelling, and the construction of building alterations, a two storey dwelling addition and a domestic outbuilding
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• City Living</li> </ul> <p><b>Subzones:</b></p> <ul style="list-style-type: none"> <li>• North Adelaide Low Intensity</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li><del>• Design</del></li> <li>• Historic Area (Adel12)</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Local Heritage Place (713)</li> <li><del>• Prescribed Wells Area</del></li> <li><del>• Regulated and Significant Tree</del></li> <li><del>• Stormwater Management</del></li> <li><del>• Urban Tree Canopy</del></li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li><del>• Minimum Frontage and Minimum Site Area</del></li> <li>• Maximum Building Height (Levels) (Maximum building height – 2 levels)</li> </ul>
<b>LODGEMENT DATE:</b>	31 July 2024
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Version 2024.13 – 18 July 2024
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed – Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	SB
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Heritage Advisor

**CONTENTS:**

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

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

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representor:**

- Joanne Barker, PO Box 3043, North Adelaide SA 5006

### **Applicant:**

- Stewart Hocking of MasterPlan on behalf of the applicant – Keith Teagle and Simon Brown

## 1. DETAILED DESCRIPTION OF PROPOSAL

The application proposes the partial demolition of the rear portion of the existing dwelling and the construction of a two storey dwelling addition.

The ground floor will consist of the existing dwelling and addition that will comprise two bedrooms, a bathroom and powder room, a larger combined kitchen/dining/living area and a smaller living/study room.

The first floor will consist of two bedrooms with ensuite bathrooms. A balcony with cantilevered screening will be located to the rear of the first floor.

A small outbuilding for domestic storage is proposed to the rear southwestern corner of the site.

A fence is proposed to extend along the rear boundary of the site with access to Veronica Lane, a private laneway over which the subject site has rights of way, to the rear.

## 2. BACKGROUND

Nil.

## 3. SUBJECT LAND & LOCALITY

### **Subject Land**

The site is formally known as Allotment 667 in Filed Plan 183939, contained in Certificate of Title 5711, Folio 924, Hundred of Yatala. It is commonly known as 77 Kingston Terrace, North Adelaide.

The site has a frontage of approximately 9.6 metres to Kingston Terrace and a total site area of approximately 291m<sup>2</sup>.

Existing improvements at the site include a single storey, detached dwelling and fences.

The site contains a Local Heritage Place comprising the '*House; Frontage and side wall returns visible from the street*' of the 1890's, Late Victorian dwelling. The dwelling incorporates characteristic materials such as masonry walls, ornate mounded render to the frontage and a front verandah with decorative cast iron details. Hence, the rear portion of the dwelling to be demolished does not form part of the heritage listing.

There is no vehicle access to the site, although the site backs onto Veronica Lane, a private laneway over which the site has rights of way.

The dwelling is constructed to the eastern side boundary.

The site slopes approximately 1.5 metres from north to south.

No regulated or significant trees are located on the site.

### **Locality**

The locality is residential in nature, comprising predominantly low-rise detached dwellings at low density, along with some low-rise row dwellings at medium density. Many dwellings are heritage listed. Later, rear additions are common, with several being two storeys. A group of contemporary three storey row dwellings exist to the west.

Front setbacks to Kingston Terrace are consistent but not substantial and are established by Local Heritage Places. The setbacks between buildings are moderate.

The consistent built form and building setback pattern along Kingston Terrace creates a strong built form edge to the Adelaide Park Lands to the north. The Park Lands provide a natural backdrop to the locality and contribute to an open character.

Front fences vary from low to a higher scale and are typically comprised of masonry or pickets.

Vehicle access is typically from rear laneways.

The locality slopes from the ridge on Kingston Terrace south towards Stanley Street. This slope is known as the North Adelaide scarp. The wider locality also slopes from west to east.

**Photo 3.1 – View of the subject site**



**Photo 3.2 – View of the subject site from LeFevre Park**



**Photo 3.3 – View along Kingston Terrace looking southwest**



**Photo 3.4 – View along Kingston Terrace looking northeast**



#### 4. **CONSENT TYPE REQUIRED**

Planning Consent

#### 5. **CATEGORY OF DEVELOPMENT**

##### **PER ELEMENT:**

- Dwelling addition: Code Assessed - Performance Assessed
- Building alterations: Code Assessed - Performance Assessed
- Partial demolition: Code Assessed - Performance Assessed
- Outbuilding: Code Assessed - Performance Assessed

##### **OVERALL APPLICATION CATEGORY:**

- Code Assessed - Performance Assessed

##### **REASON**

- 'Dwelling addition' is excluded from City Living Zone, Table 1: Accepted Development and Table 2: Deemed-to-Satisfy as the site is within the Local Heritage Place Overlay. Not listed in Table 4: Restricted Development. It is listed in Table 3: Code Assessed - Performance Assessed and is therefore performance assessed.
- The proposed 'outbuilding' is excluded from City Living Zone, Table 1: Accepted Development and Table 2: Deemed-to-Satisfy as the site is within the Local Heritage Place Overlay. It is not listed in Table 4: Restricted Development but is listed in Table 3 and is therefore performance assessed.
- 'Partial demolition' and 'building alterations' are excluded from City Living Zone, Table 1: Accepted Development as the site is within the Local Heritage Place Overlay. They are not listed in Table 2: Deemed-to-Satisfy, Table 3: Code Assessed - Performance Assessed or Table 4: Restricted Development and therefore default to performance assessed.

#### 6. **PUBLIC NOTIFICATION**

##### **REASON**

The proposed 'dwelling addition' does not satisfy Table 5(2) of the City Living Zone as a boundary wall is proposed exceeding three metres in height triggering public notification.

The proposed 'partial demolition' does not satisfy Table 5(5) of the City Living Zone as it involves the partial demolition of a building in a Historic Area Overlay triggering public notification.

The proposed 'building alterations' satisfy Table 5(2) of the City Living Zone and the 'outbuilding' satisfies Table 5(4) of the City Living Zone, so these elements did not trigger public notification.

Table 6.1 – List of Representations

No.	Representor Address	Request to be Heard
1	Gabriel Douflias, 75 Kingston Terrace, North Adelaide	No – Support with concerns
2	Robyn Mitchell, 134 Stanley Street, North Adelaide	No – Oppose
3	Robert Gilder, 84 Kingston Terrace, North Adelaide	No – Oppose
4	Marnie Gilder, 84 Kingston Terrace, North Adelaide	No – Oppose
5	Steph Evans, 85 Kingston Terrace, North Adelaide	No – Oppose
6	Anna Worth, 83 Kingston Terrace, North Adelaide	No – Oppose
7	Petrina Crawford, 81 Kingston Terrace, North Adelaide	No – Oppose
8	Richard Power, 81 Kingston Terrace, North Adelaide	No – Oppose
9	Joanne Barker, PO Box 3043, North Adelaide	Yes – Oppose
10	Annie Green, 74 Kingston Terrace, North Adelaide	No – Oppose
11	Ben Wells, 83 Kingston Terrace, North Adelaide	No – Oppose
12	Flyn Wells, 83 Kingston Terrace, North Adelaide	No – Oppose
13	Mila Wells, 83 Kingston Terrace, North Adelaide	No – Oppose

\* One representation was withdrawn at the request of the representor.

Table 6.2 – Summary of Representations

<p><u>Oppose</u></p> <ul style="list-style-type: none"> <li>• Bulk, scale and height</li> <li>• Overshadowing and visual privacy</li> <li>• Car parking</li> <li>• Impact to Local Heritage Place and Historic Area</li> <li>• Vermin trap created with small offset between walls</li> </ul>
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Note: Refer to Attachments 5 and 6 for full representations and applicant's response.

## 7. AGENCY REFERRALS

Nil.

## 8. INTERNAL REFERRALS

### Heritage Advisor

- The size of north facing openings to the addition are complementary to the existing dwelling.
- Limited detailing to windows and cornices will not compete with the Late Victorian detailing of the Local Heritage Place.
- Second storey addition is sufficiently setback behind existing dwelling so the chimney and existing hip roof can be retained and be visually separated from the addition.
- The scale, height, massing and fenestration of the addition reduces the impact, so it does not dominate the context of the primary façade. The height and setback of the addition allows the façade and chimney to take prominence in the streetscape.
- While the demolition removes a portion of the rear hip roof form of the dwelling and reduces its interpretability, the retention of the chimney mitigates this impact to the dwelling which demonstrates valued attributes of the Historic Area.

## 9. PLANNING ASSESSMENT

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

### 9.1 Summary of North Adelaide Low Intensity Subzone Assessment Provisions

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Predominantly low rise low density housing on large allotments in an open landscaped setting.</li> </ul>		
DO 2	<ul style="list-style-type: none"> <li>An important part of the town plan of Adelaide and the city grid layout, containing large grand dwellings on landscaped grounds.</li> </ul>		
<b>Built Form and Character</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Design and siting of addition complements low-density character of the neighbourhood.</li> </ul>	☑	☐
<b>Site Coverage</b>			
PO 2.1	<ul style="list-style-type: none"> <li>While site coverage will exceed 50%, this is the predominant pattern in the locality where site coverage is higher. Addition will not impact the open, landscaped character of the neighbourhood despite increase in site coverage.</li> </ul>	☑	☐

### 9.2 Summary of City Living Zone Assessment Provisions

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Predominantly low-rise, low to medium-density housing, with medium rise in identified areas, that supports a range of needs and lifestyles located within easy reach of a diversity of services and facilities that support city living. Small scale employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.</li> </ul>		
<b>Land Use and Intensity</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Dwellings envisaged in the zone and development contributes to a diverse range of accommodation.</li> </ul>	☑	☐
<b>Built Form and Character</b>			
PO 2.2	<ul style="list-style-type: none"> <li>Maximum building height of two levels contributes to 'low-rise' character.</li> </ul>	☑	☐
PO 2.3	<ul style="list-style-type: none"> <li>While there is limited visibility from the public realm, the addition is consistent with the valued streetscape and built form characteristics of the area.</li> </ul>	☑	☐
<b>Building Setbacks</b>			
PO 3.3	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	☑	☐



PO 3.4	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.5	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Ancillary Buildings and Structures</b>			
PO 8.1	<ul style="list-style-type: none"> <li>Outbuilding limited in size and height and will not detract from streetscape or appearance of the dwelling or neighbouring dwellings.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 8.2	<ul style="list-style-type: none"> <li>Outbuilding will not impede on-site functional requirements such as private open space or car parking.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 9.3 Summary of Applicable Overlays

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

- Airport Building Heights (Regulated) – height of development will not pose a hazard to Adelaide Airport
- Design – development less than \$10 million
- Prescribed Wells Area – development does not involve the taking of water which would require a water license
- Regulated and Significant Tree – no regulated trees exist on the subject or adjacent sites
- Stormwater Management – development does not involve a new dwelling
- Urban Tree Canopy – development does not involve a new dwelling

#### Hazards (Flooding – Evidence Required) Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.</li> </ul>		
<b>Flood Resilience</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Site slopes from front to rear, so a step down in FFL is appropriate. While there is no known flood risk to the site, floodwaters entering the addition will not impact on any bedroom and could flow through the site to the rear.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Heritage Adjacency Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development adjacent to State and Local Heritage Places maintains heritage and cultural values of those Places.</li> </ul>		
<b>Built Form</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Historic Area (Adel12) Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Historic themes and characteristics reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.</li> </ul>		
<b>All Development</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Built Form</b>			
PO 2.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.4	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.5	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alterations and Additions</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Ancillary Development</b>			
PO 4.1	<ul style="list-style-type: none"> <li>Fence and outbuilding not visible from any public road.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.2	<ul style="list-style-type: none"> <li>Fence and outbuilding sited to the rear of the site behind the building line.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Demolition</b>			
PO 7.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 7.2	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Local Heritage Place Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.</li> </ul>		
<b>Built Form</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.6	<ul style="list-style-type: none"> <li>New buildings will not be placed in front of the dwelling building line.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PO 1.7	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alterations and Additions</b>			
PO 2.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Ancillary Development</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Fence and outbuilding not visible from any public road and will not have an impact on the values of the Local Heritage Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> <li>Fence and outbuilding sited to the rear behind the dwelling building line to not dominate the Local Heritage Place or its setting.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 9.4 Summary of General Development Policies

The following General Development policies are relevant to the assessment:

##### Clearance from Overhead Powerlines

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.</li> </ul>		
PO 1.1	<ul style="list-style-type: none"> <li>An <i>Electricity Act</i> declaration has been provided by the applicant.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

##### Design in Urban Areas

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development is contextual, durable, inclusive and sustainable.</li> </ul>		
<b>All Development</b>			
<b>Overlooking/Visual Privacy (Low Rise Buildings)</b>			
PO 10.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 10.2	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>All Residential Development</b>			
<b>Outlook and Amenity</b>			
PO 18.1	<ul style="list-style-type: none"> <li>Living rooms have an external outlook to provide a high standard of amenity.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Residential Development – Low Rise</b>			
<b>Private Open Space</b>			
PO 21.1	<ul style="list-style-type: none"> <li>69m<sup>2</sup> of private open space exceeds minimum 24m<sup>2</sup>.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 21.2	<ul style="list-style-type: none"> <li>Private open space areas conveniently accessible from habitable rooms.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Landscaping			
PO 22.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waste Storage			
PO 24.1	<ul style="list-style-type: none"> <li>Provision for the storage of waste bins in a location screened from public view.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Infrastructure and Renewable Energy Facilities

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> <li>Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.</li> </ul>		
Water Supply			
PO 12.2	<ul style="list-style-type: none"> <li>No on-site waste control area (sewered area).</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Interface between Land Uses

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> <li>Development located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</li> </ul>		
Overshadowing			
PO 3.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> <li>No adjacent solar panels will be unduly impacted.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Transport, Access and Parking

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> <li>A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.</li> </ul>		
Vehicle Parking Rates			
PO 5.1	<ul style="list-style-type: none"> <li>The addition will not exacerbate the existing parking shortfall as there is no increase in the existing shortfall of two parking spaces.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 9.5 Detailed Discussion

### Demolition

Historic Area Overlay PO 7.1 and 7.2 provide guidance regarding the demolition of buildings within the Historic Area Overlay.

The application proposes the partial demolition of a portion of the rear of the existing dwelling. This covers the rear portion of the hip roof form of the original Victorian dwelling but does not include the demolition of the existing chimney. The rear portion of the dwelling to be demolished does not form part of the Local Heritage listing.

The hip roof form to be demolished is part of the original dwelling and demonstrates the historic characteristics as expressed in the North Adelaide Kentish Arms Historic Area Statement (HAS). PO 7.1 of the Overlay is not considered achieved, although the portion to be demolished is not part of the front elevation of the building and therefore the relevance of this provision is reduced.

The chimney is highly visible from the streetscape and contributes to the historic character of the streetscape. While the demolition of the rear roof form will impact on the interpretability of the historic roof form, this portion of the roof form is not visible from the streetscape. Given the highly visible chimney is to be retained, which contributes more to the historic streetscape character than the rear roof form to be demolished, PO 7.2 of the Overlay is sufficiently achieved. Further, as the partial demolition will not impact on the Local Heritage Place and features contributing to the heritage value of the place will be retained, Local Heritage Place Overlay 1.7 is achieved.

### Design and Appearance

When considering the design in the context of the locality and Local Heritage Place, it is important to consider PO 2.1 of the Historic Area Overlay which desires new buildings visible from the public realm be consistent with the prevailing historic characteristics of the historic area, as well as PO 2.3 which desires architectural detailing of street facing buildings complement the prevailing characteristics of the Historic Area. Similarly, Local Heritage Place PO 1.3 envisages design and architectural detailing that maintains the heritage values of a Place.

The HAS identifies Victorian and Edwardian dwellings as the architectural characteristic of Kingston Terrace. The more immediate context of the site is influenced by the adjacent dwelling to the west at 78 Kingston Terrace as well as the two adjacent dwellings to the east at 74 and 75 Kingston Terrace. These four Late Victorian dwellings form an important group of North Adelaide dwellings constructed as part of an 1890's speculative subdivision and are all Local Heritage Places. Together, they contribute greatly to this portion of Kingston Terrace through use of masonry walls, ornate moulded rendering to the front façades and front verandahs with decorative cast iron details.

The proposed addition comprises a relatively simple two storey form. Face brickwork with filled joints and a light skim coat paint finish to match the walls of the existing dwelling will form the walls of the addition. Simply detailed cornices will form the cap of the parapet walls. Proportionate windows will fenestrate the front and rear facades, with some windows to the eastern façade and no windows to the western façade. Decoration is limited in comparison to the elaborately decorative Italianate style of the existing dwelling. A reserved matter is recommended to ensure a final schedule of external colours, materials and finishes is provided to the satisfaction of Council's Assessment Manager prior to Development Approval being granted.

While not traditional, the chosen materials and finishes are complementary to those within the historic area and satisfy Historic Area Overlay PO 2.5. The colours and materials are complementary of the Local Heritage Place, satisfying Local Heritage Place Overlay PO 1.5. Further, while not Victorian in its appearance, the design and architectural detailing of the proposal sufficiently complements the characteristics of the Historic Area and Local Heritage Place while

maintaining the heritage values of the Place and therefore PO 2.3 of the Historic Area Overlay PO 1.3 of the Local Heritage Place Overlay are achieved.

The HAS is silent on building height for the portion of Kingston Terrace west of Fuller Street. Reference is made to more recent detached houses and contemporary three storey town houses. In assessing the prevailing building and wall heights in the locality, this varies from single storey dwellings to two storey dwellings and additions to the rear. The prevailing apparent building height for the four dwellings between 74-78 Kingston Terrace is single storey. Two storey additions are sited to the rear and setback from front boundaries to reduce their visibility and impact on the streetscape character. The slope of the land from front to rear will reduce the visual appearance and impact of the two storey addition from the primary street. On balance, Historic Area Overlay PO 2.2 is achieved, as well as Local Heritage Place Overlay PO 2.1 as the massing and scale of the development maintains the heritage values of the Place.

The proposal complements the existing dwelling and employs a contextual design approach to ensure it will not dominate the primary façade of the dwelling. The addition is sited some distance from the front boundary and is separated sufficiently from the existing chimney to assist in mitigating massing impacts to the Local Heritage Place. The development will be undertaken having consideration to the HAS and maintaining the values of the Local Heritage Place. Local Heritage Place Overlay PO 1.1 and 2.1 and Historic Area Overlay 1.1 and 3.1 will be achieved.

The proposed fence and domestic outbuilding will be located to the rear of the site and will not be visible from the primary frontage. There is no impact on the Local Heritage Place or to the Historic Area, achieving Local Heritage Place Overlay PO 1.1 and Historic Area Overlay PO 1.1.

#### *Heritage Adjacency*

The site is adjacent several Local Heritage Places and is part of the four Local Heritage listed dwellings between 74-78 Kingston Terrace that form part of the same group of 1890's Late Victorian dwellings.

Heritage Adjacency Overlay PO 1.1 seeks for development adjacent a State or Local Heritage Place to not dominate, encroach on or unduly impact the setting of the place.

Through its design and siting which includes its height, setbacks, massing and fenestration, the proposed dwelling addition reduces its impact to a point where it will not unreasonably dominate or unduly impact on the setting of any adjacent heritage place.

#### Bulk and Scale

##### *Setbacks*

City Living Zone PO 3.3(a) desires buildings setback from side boundaries to provide separation between buildings to be consistent with the established streetscape character of the locality. Similarly, Historic Area Overlay PO 2.4 desires development be consistent with the prevailing front and side boundary setback pattern in the historic area.

There is no setback proposed to either side of the lower floor or to the western side of the upper floor, with a one metre setback proposed to the eastern side of the upper floor.

There are minimal to no side setbacks to the lower level of dwellings in the locality. This is also demonstrated in the group of dwellings between 74-78 Kingston Terrace which each have one side of the entire dwelling constructed on their respective eastern side boundaries. The setbacks proposed to the lower level of the addition are therefore consistent with the established character.

For upper levels, it is noted both 74 and 78 Kingston Terrace have two storey additions to the rear where one side of the upper level is sited on a side boundary. It is also noted planning consent has recently been granted for a two storey addition to the rear of 75 Kingston Terrace, again constructed to one side boundary.

Considering the pattern of two storey additions in this group of dwellings, as well as the large setback of the addition from the front boundary of the site of 18 metres, the proposed side setbacks are considered to achieve PO 3.3(a) of the zone. The proposed side setbacks are also considered to achieve Historic Area Overlay PO 2.4 as they are relatively consistent with the prevailing side setback pattern in the historic area. Local Heritage Place Overlay PO 1.4 is also achieved as the proposed setbacks are consistent with the boundary setbacks and setting of the Place.

City Living Zone PO 3.4(b) and (c) desires buildings setback from rear boundaries to provide open space recreational opportunities and space for landscaping and vegetation. The proposed rear setback of 3.5 metres to both the lower and upper floors meets the criteria prescribed in DPF 3.4 for the lower floor but is 1.5 metres short for the upper floor.

In terms of private open space, this is not only provided to the rear of the dwelling but also to the side in the form of a secured courtyard and to the upper level in the form of a balcony. With 69m<sup>2</sup> of private open space, the rear setback is sufficient in the context of the site to ensure adequate open space recreational opportunities.

There is minimal area provided for landscaping as the rear of the dwelling primarily comprises a deck and outbuilding. Soft landscaping is provided to the side and front of the site in addition to the rear. In total, approximately 14% of the site comprises soft landscaping. This represents a shortfall of 6% compared to the minimum 20% prescribed in Design in Urban Areas DPF 22.1. However, this is only 3 to 4% less than the existing situation as two smaller planter areas will be removed to the rear. The reduction in soft landscaping will not detrimentally impact the appearance of the land from the streetscape as front landscaping will be retained. Further, the impact to heat absorption, shade and stormwater infiltration is negligible as the existing planter boxes to be removed do not assist greatly with these matters. On balance, Design in Urban Areas PO 22.1 is achieved.

The shortfall in the upper floor rear setback has no impact on the matters addressed in PO 3.4(b) and (c) of the City Living Zone. The proposed rear setbacks are appropriate in the context and achieve PO 3.4(b) and (c).

### *Boundary Wall*

City Living Zone PO 3.5 seeks boundary walls limited in height and length to manage impacts on adjoining properties.

A boundary wall is proposed to the western side boundary adjoining 78 Kingston Terrace that is 8.2 metres in length and 7.6 metres in height. The length of the boundary wall is 200mm greater than the maximum boundary wall length prescribed by DPF 3.5 and the height is 4.6 metres higher than the maximum boundary wall height prescribed in the DPF.

The eastern wall of the adjacent dwelling at 78 Kingston Terrace is sited entirely on the shared boundary. The proposed western boundary wall will therefore abut an existing boundary wall for all but 700mm metres of its length. While the proposed two storey height is higher than the existing boundary wall on the adjoining dwelling, this will result in significantly reduced visual impacts to the adjacent dwelling as only a portion of the proposed boundary wall will be visible.

A boundary wall is also proposed to the eastern side boundary adjoining 75 Kingston Terrace that is 8.2 metres in length and 4.3 metres in height. The length of the boundary wall is 200mm greater than the maximum boundary wall length prescribed by DPF 3.5 and the height is 1.4 metres higher than the maximum height prescribed.

While greater than the maximums, the boundary wall height will match the existing eastern boundary wall. Additionally, the length is only 500mm greater than the existing boundary wall length. It is considered the additional impacts to the adjacent eastern dwelling created by the 500mm length of boundary wall will be negligible in the context of the existing wall.

## Amenity

### *Visual Privacy*

Design in Urban Areas PO 10.2 seeks development mitigate direct overlooking of habitable room windows and private open spaces of adjacent residential uses from balconies. To mitigate direct overlooking does not imply a right to absolute privacy. Direct overlooking is defined in Part 8 of the Planning and Design Code:

*In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15 metres measured from any point of the overlooking deck, balcony or terrace.*

A balcony is proposed to the upper level that faces south. The private open space and habitable room windows of four dwellings at 78 and 75 Kingston Terrace to the west and east sides respectively and 130 and 134 Stanley Street to the south are within 15 metres of this balcony.

To mitigate direct overlooking to the west and east sides, 1.8 metre high obscure glass screens are proposed to the sides of the balcony. This will restrict views to the adjacent dwellings to the east and west sides.

To mitigate direct overlooking to the south, a screen cantilevering to the south comprising powder coated aluminium battens to match the rear fence is proposed. An overlooking diagram supplied by the applicant demonstrates the screen will restrict direct overlooking into the private open space of the adjacent dwellings to the south. These obscure glass screens and the cantilevered screen will also serve to mitigate views to the south from the rear, upper level windows.

Similarly, Design in Urban Areas PO 10.1 seeks development mitigate direct overlooking of habitable room windows and private open spaces of adjacent residential uses from upper level windows.

There are two east facing upper level windows, both of which have a sill height not less than 1.7 metres above the finished floor level of the upper level. There is also one upper level window facing north. This window faces north along the side yard of the subject site, and further, any direct views of this window will be reduced as a bath will be positioned under the window. It is unlikely any direct views into any habitable room windows and private open spaces of adjacent residential uses will be possible from these windows.

While existing tall trees exist on both the subject site and at 130 Stanley Street will likely act as a further visual barrier, this has not been factored in the assessment of visual privacy as it appears these trees are regulated and could potentially be removed at any time.

On balance, the proposal sufficiently mitigates direct overlooking of adjacent residential land uses, satisfying Design in Urban Areas PO 10.1 and 10.2.

### *Overshadowing*

Interface between Land Uses PO 3.1 envisages overshadowing of habitable room windows of adjacent residential uses in neighbourhood-type zones be minimised to maintain access to direct winter sunlight.

The applicant has supplied shadow diagrams confirming shading will occur west towards 78 Kingston Terrace in the morning, before occurring further south and east in the afternoon towards 130 and 134 Stanley Street.

As there are no east facing windows at 78 Kingston Terrace for the portion of the dwelling abutting the proposed addition, there will be no impact to the habitable room windows of this dwelling. While some shading may reach the north facing windows of 130 and 134 Stanley Street, this will only occur in the afternoon and these windows retain access to sunlight for more than two hours in the morning.



It is considered the overshadowing of habitable room windows of adjacent dwellings will be minimised to an acceptable level, achieving Interface between Land Uses PO 3.1.

Interface between Land Uses PO 3.2 desires overshadowing of the primary area of private open space of adjacent residential land uses be minimised to maintain access to direct winter sunlight.

Shadow diagrams demonstrate 78 Kingston Terrace will be primarily impacted in the morning. Any shading over the private open space of this dwelling, caused by the proposed addition, will reduce after 12:30pm. The private open space of 130 and 134 Stanley Street will experience some shading in the afternoon hours but will maintain some direct sunlight access in the morning hours of at least two hours.

While some overshadowing impacts created by the proposal are unavoidable, importantly, the Code does not envisage overshadowing of adjacent dwellings will be entirely avoided but instead minimised. While the impact of any loss of light caused by existing trees and landscaping has not been considered in this assessment, it is possible existing trees on the site and adjacent sites may contribute to further overshadowing of adjacent dwellings. The overshadowing of adjacent dwellings is not unreasonable, achieving City Living Zone PO 3.4(a) and Interface between Land Uses PO 3.2.

#### Seriously at Variance

The Courts have previously determined the assessment of whether a development is seriously at variance should focus on the nature of the proposed land use and the relevant provisions concerning this matter. The development proposes an addition to a residential land use at low density in a zone primarily envisaging residential land uses at low to very low densities and is therefore not considered to be seriously at variance.

## **10. CONCLUSION**

While several quantitative provisions of the Planning and Design Code are not achieved by the proposal, it ultimately achieves the relevant performance outcomes and warrants support as:

- the partial demolition of the rear of the dwelling retains important features that contribute to the heritage values of the Local Heritage Place
- the design and siting of the dwelling addition appropriately complements the surrounding historic area and will not dominate the adjacent Local Heritage Place
- boundary walls are designed to manage impacts to adjoining sites
- adequate visual privacy is afforded to adjacent residential land uses
- overshadowing of adjacent private open space and habitable room windows is not unreasonable.

## **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

It is recommended that the Council Assessment Panel resolve that:

2. Development Application Number 24021714 by Keith Teagle and Simon Brown is GRANTED Planning Consent subject to the following reserved matter, conditions and advices:

### **RESERVED MATTER**

**Pursuant to section 102 (3) of the *Planning, Development and Infrastructure Act of 2016*, the following matter shall be reserved for further assessment, to the satisfaction of Council's Assessment Manager, prior to the granting of Development Approval:**

1. **A full schedule or sample of external materials, finishes and colours of the development.**

**Pursuant to Section 127 of the *Planning, Development and Infrastructure Act 2016*, Council's Assessment Manager reserves a decision on the form and substance of any further condition/s of Planning Consent considered appropriate to impose in respect of the Reserved Matter outlined above.**

### **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):**

- **Drawing No's. S01F, S02F, S03F and S04F by Billson & Sawley Architects.**
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2. **The cantilevered screening to the rear balcony shall be installed prior to the occupation of the dwelling and thereafter shall be maintained to the reasonable satisfaction of the Relevant Authority at all times. The screening shall comprise a maximum 20% openings.**
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3. **Upper level windows facing the side boundaries shared with a residential use or lawfully approved residential use shall have sill heights greater than or equal to 1.7 metres above finished floor level.**
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4. **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. Development Approval Required**

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.

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### **2. Expiration of Consent**

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.

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### **3. Commencement and Completion**

Pursuant to Regulation 93 of the Planning, Development and Infrastructure (General) Regulations 2017, 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 [d.planner@cityofadelaide.com.au](mailto:d.planner@cityofadelaide.com.au) or phone 8203 7185.

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### **4. 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 8204 0289).

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### **5. Right of Way**

The applicant should ensure that any right of way on the land is not blocked or access restricted during the construction of the development herein approved.

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### **6. Fences Act 1975**

The applicant is reminded of the requirements of the *Fences Act 1975*. Should the proposed works include work involving a shared boundary, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555.

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## **7. Boundaries**

It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

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## **8. Building Site Management Plan**

A Building Site Management Plan is required prior to construction work beginning on site. The Building Site Management Plan should include details of such items as:

- Work in the Public Realm
- Street Occupation
- Hoarding
- Site Amenities
- Traffic Requirements
- Servicing Site
- Adjoining Buildings
- Reinstatement of Infrastructure