

<b>DEVELOPMENT NO.:</b>	25018478
<b>APPLICANT:</b>	K & D Mattson
<b>AGENDA ITEM NO:</b>	3.2
<b>ADDRESS:</b>	367 Halifax Street, Adelaide SA 5000
<b>NATURE OF DEVELOPMENT:</b>	Partial demolition of existing dwelling and construction of dwelling addition and swimming pool
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"> <li>• City Living</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>• <del>Airport Building Heights (Regulated)</del></li> <li>• <del>Design</del></li> <li>• Historic Area</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Local Heritage Place</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> <b>Technical Numeric Variations (TNVs):</b> <ul style="list-style-type: none"> <li>• <del>Minimum Site Area</del></li> <li>• Maximum Building Height (8.5 Metres)</li> <li>• Maximum Building Height (2 Levels)</li> </ul>
<b>LODGEMENT DATE:</b>	15 July 2025
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Version 2025.12 - Consolidated 3 July 2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	KT
<b>REFERRALS STATUTORY:</b>	N/A
<b>REFERRALS NON-STATUTORY:</b>	Local Heritage

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<b>ATTACHMENT 1:</b>	<b>Application Documents</b>	<b>ATTACHMENT 5:</b>	<b>Representation</b>
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<b>ATTACHMENT 3:</b>	<b>Zoning Map</b>	<b>APPENDIX 1:</b>	<b>Relevant P&amp;D Code Policies</b>
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All attachments and appendices are provided via [Link 1](#)

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representors**

- Bernadette Cirotzki of 11 St John Street, Adelaide

### **Applicant**

- Marcus Rolfe of URPS on behalf of applicant K & D Mattson

## 1. **DETAILED DESCRIPTION OF PROPOSAL**

This application proposes the partial demolition of an existing dwelling and carport and construction of a dwelling addition up to two storeys and swimming pool at 367 Halifax Street, Adelaide. The proposed demolition works consist of:

- demolition of carport at rear/southern portion of site
- partial demolition of existing dwelling including rear wall/glazing/doors, laundry door and walls, internal walls, doors and fixtures
- demolition of retaining wall and steps within central courtyard

The proposed dwelling addition on the southern portion of the site will comprise a single storey component at the rear of the existing dwelling. This will connect to a two storey component with garage and plunge pool at ground level and an living area at the upper level.

The single storey component will directly adjoin the existing dwelling and will occupy an area of approximately 34m<sup>2</sup>. This portion of the addition will have a skillion roof, measuring approximately 5.6 metres above ground level at the northern end and 4.2 metres at the southern end. It will house an open plan kitchen and dining area and incorporate the existing laundry.

The two storey component will be accessible via a doorway from the single storey addition in the central courtyard or via the garage door from the street. It will have an area of approximately 60m<sup>2</sup> and a height of 7.7 metres from ground level. The addition will be equal in length, width and area to the existing garage it is replacing and will house a garage and small plunge pool at ground level and a lounge, kitchenette, bedroom and bathroom at the upper level.

Materials for the single storey component will comprise grey/brown concrete render, clear glazing and dark grey Colourbond roofing and gutters. For the two storey component materials will include stone to match the existing dwelling at ground level, a horizontal timber batten garage door and dark grey Colourbond cladding at the upper level.

A portion of the existing ground floor courtyard will be retained adjacent the addition. Alterations to the existing eastern boundary fence including a glass screen and filling of openings will also be undertaken.

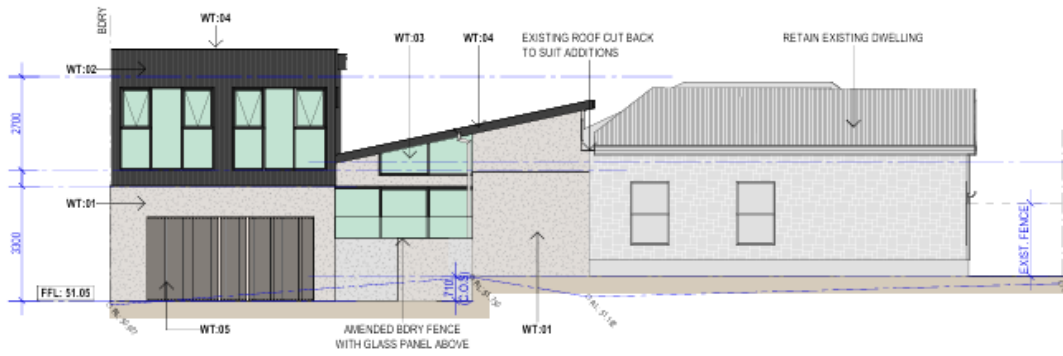
Existing chimneys will remain, despite not being detailed on the proposal plans. A reserved matter is proposed to ensure this detail is shown on plans at the development approval stage if this proposed is granted planning consent.

## 2. **BACKGROUND**

The proposal has been amended several times through the assessment process. Following submission and the initial Local Heritage advice, issues with historic area compatibility and concerns with scale were expressed to the applicant. The proposal was revised, which included changes to the two storey component.

While the revised design addressed compatibility with the character of the historic area, it introduced additional issues regarding increased scale, appearance when viewed from the street and compatibility with the existing development. This was communicated to the applicant and a further revision was provided, however the revised design did not address outstanding issues.

Following further discussion, a final revision closer to the original in terms of scale with changes to material selection and window profile was provided. The various amended versions are shown in Figure 2.1.



*Original Submission*



*First Amendment*



*Second Amendment*



*Current Proposal*

**Figure 2.1 – Various Amended Versions of Proposal**



### **3. SUBJECT LAND & LOCALITY**

#### **Subject Land**

The subject site is located on the western corner of Halifax Street and St John Street, with a primary frontage to Halifax Street of approximately 9.23 metres and a secondary frontage to St John Street of approximately 27.43 metres. The site has an area of approximately 253m<sup>2</sup>.

The existing building on the site is a single storey, semi-detached dwelling listed as a Local Heritage Place. Existing built form occupies an area of 197m<sup>2</sup>, with the main dwelling occupying approximately 137m<sup>2</sup> and the garage occupying approximately 60m<sup>2</sup>.

The subject site slopes down from north to south with a level difference of approximately 700mm between the northern and southern portions.

The subject site includes a portion of a private laneway to the rear, however the Certificate of Title for the adjacent property shows allotments for 363 and 367 Halifax Street end before the laneway. The laneway is a separate allotment providing a free and unrestricted right of way from St John Street to 363 Halifax Street.

Vehicle access to the site is obtained via existing an existing crossover from St John Street.

No regulated or significant trees are located on the site.

#### **Locality**

The locality is predominantly residential, however there are several non-residential land uses including St John's Anglican Church located at 379 Halifax Street and a small office on the ground floor of 364 Halifax Street.

Development in the wider locality is predominantly low rise, consisting mostly of one and two storey buildings. The southern side of Halifax Street, west of St John Street and the western side of St John Street consist of single storey historic dwellings. East of St John Street, medium scale development is more common, including larger buildings on the adjacent church site and four storey residential buildings closer to East Terrace.

The pattern of development in the area is characterised by medium to high site coverage, with minimal to medium setbacks from the street and little to no side setbacks and minimal open space located at the rear of sites.

The architectural style in the locality is characterised by historic dwellings from the Victorian, Edwardian and Inter-war periods, with contemporary buildings located further south and east of the subject site.

**Figure 3.1 – View of subject site from Halifax Street**



**Figure 3.2 – View of subject site from corner of St John Street and Halifax Street**





**Figure 3.3 – View of subject site from St John Street**



**Figure 3.4 – View of neighbouring property and subject site from rear laneway**





**Figure 3.5 – Adjacent dwelling at 11 St John Street visible from rear laneway**



**Figure 3.6 – Dwellings to south of subject site on western side of St John Street**





**Figure 3.7 – St John’s Anglican Church opposite subject site**



**Figure 3.8 – Adjacent dwellings to west of subject site on Halifax Street**



**4. CONSENT TYPE REQUIRED**

Planning Consent

**5. CATEGORY OF DEVELOPMENT**

**PER ELEMENT:**

Partial demolition of a building or structure: Code Assessed – Performance Assessed

Dwelling addition: Code Assessed – Performance Assessed

Building alterations: Code Assessed – Performance Assessed

Swimming pool or spa pool and associated swimming pool safety features: Code Assessed – Performance Assessed

**OVERALL APPLICATION CATEGORY:**

Code Assessed – Performance Assessed

**REASON:**

Proposed partial demolition, building alterations, dwelling addition and swimming pool are not classified as restricted, accepted or deemed to satisfy development per criteria in Tables 1, 2 or 4 of the City Living Zone. The proposal is therefore classified as Code Assessed – Performance Assessed. Demolition and Dwelling Addition are included in City Living Zone Table 3 – Applicable Policies for Performance Assessed Development.

**6. PUBLIC NOTIFICATION**

**REASON:**

Public notification was undertaken as the proposal does not satisfy the City Living Zone Table 5, Clause 2 exception criteria as the height of the western boundary wall for the two storey component exceeds 3 metres measured from the top of footings and will not abut an existing wall or structure.

**Table 6.1 – List of Representations**

<b>No.</b>	<b>Representor Address</b>	<b>Request to be Heard</b>
1	Bernadette Cirotzki, 11 St John Street, Adelaide SA 5000	Yes

**Table 6.2 – Summary of Representations**

<ul style="list-style-type: none"><li>• Loss of northern sunlight to windows, front garden and solar panels</li><li>• Height and bulk of addition uncharacteristic with streetscape and nearby heritage listed properties</li><li>• Prominence of addition exacerbated by corner location</li><li>• Materials and architectural style of addition inconsistent with historic character of streetscape</li><li>• Examples of similar buildings highlighted in documentation are not comparable to proposed dwelling addition</li></ul>
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*Note: The full representations and the applicant's response to the representations are included in Attachments 5 and 6.*

## 7. **AGENCY REFERRALS**

Nil

## 8. **INTERNAL REFERRALS**

Senior Heritage Advisor

Initial referral comments:

- potential scale impacts notably the two storey contemporary addition on the side and rear boundary do not accord with established setbacks in St John Street
- distinct lack of quality in the finishes detracts from the presentation of this area and particularly the significant view of St John's Anglican Church
- these issues should be mitigated by using red brick for the podium and incorporating a setback to the upper floor away from St John Street by 2 metres (halfway between property boundary and setback of south-neighbouring residence)
- the two windows should be amended to 3 x 2:1 ratio vertically proportioned to appear as historic sash windows.

Additional heritage referral comments were provided regarding the first revision as follows:

- changes to the two storey addition at the rear provide a modern dwelling with historically derived details including quoins, stone facings, vertically proportioned openings and a pitched hipped roof
- these changes will allow the structure to blend harmoniously with the requirements of the Historic Area Statement while retaining the zero-setback.

Additional heritage referral comments were provided in response to the current proposal as follows:

- the development sufficiently retains a stone frontage to the ground level, while incorporating a contemporary but reasonably low impact upper level.
- the proposal is low enough impact and generally in accordance with the provisions of the relevant overlays.

## 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 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>		



Land Use and Intensity			
PO 1.1	• Development contributes to diversity of housing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Built Form and Character			
PO 2.2	• Addition within 2 level and 8.5 metre height requirement at 2 levels and 7.7 metres in height.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	• Refer Section 9.4.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 2.4	• Development utilises existing driveway crossover.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Setbacks			
PO 3.1	• Refer Section 9.4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	• Refer Section 9.4.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.3	• Refer Section 9.4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.4	• Refer Section 9.4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.5	• Refer Section 9.4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Car Parking and Access			
PO 5.1	• Development utilises existing driveway crossover and will not result in additional impact to pedestrian environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 9.2 Summary of Applicable Overlays

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

- Airport Building Heights (Regulated) and Building Near Airfields Overlay – building height below maximum prescribed AHD level of 80 metres
- Building Near Airfields Overlay – not located near airfield
- Design Overlay – not proposing a medium to high rise building with a value over \$10 million
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree – no trees are affected
- Stormwater Management Overlay – development does not involve a new dwelling
- Urban Tree Canopy Overlay – development does not involve a new dwelling

The following Overlays are considered relevant to the assessment of the application:

### Hazards (Flooding – Evidence Required) Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• 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.		
Flood Resilience			
PO 1.1	• Development sited, designed and constructed to minimise the risk of entry of potential floodwaters with habitable component above ground level and protected.	<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>Development does not dominate, encroach on or unduly impact on the setting of adjacent heritage places.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Historic Area 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 are 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 9.4.</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 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.4	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.5	<ul style="list-style-type: none"> <li>Refer Section 9.4.</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 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Context and Streetscape Amenity</b>			
PO 6.1	<ul style="list-style-type: none"> <li>Proposal utilises existing driveway and maintains prevailing width in line with others in Historic Area.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Demolition</b>			
PO 7.1	<ul style="list-style-type: none"> <li>Portions of dwelling and carport to be demolished do not demonstrate historic characteristics expressed in Historic Area Statement.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 7.2	<ul style="list-style-type: none"> <li>Partial demolition not demolishing components contributing to historic character of streetscape.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PO 7.3	<ul style="list-style-type: none"> <li>Elements to be demolished are not of historic significance per values described in the Historic Area Statement.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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### 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>Form of new addition maintains heritage values of Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> <li>Proposal to rear of original dwelling when viewed from Halifax Street and will not obstruct view of dwelling from secondary St John Street frontage.</li> <li>Due to gradient of site, two storey addition will not be significantly larger than existing dwelling.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	<ul style="list-style-type: none"> <li>Design and architectural detailing maintains heritage values of the Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> <li>Development consistent with boundary setbacks and setting of the Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	<ul style="list-style-type: none"> <li>Materials and colours consistent with and complement heritage values of the Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.6	<ul style="list-style-type: none"> <li>New buildings and structures not placed or erected between the primary or secondary street boundaries and the façade of the Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.7	<ul style="list-style-type: none"> <li>Development retains features contributing to heritage value of the Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alterations and additions</b>			
PO 2.1	<ul style="list-style-type: none"> <li>Alterations and additions complement existing building and sited to be unobtrusive and not conceal or obstruct heritage elements and detailing.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Demolition</b>			
PO 6.1 & PO 6.2	<ul style="list-style-type: none"> <li>Portion of Place to be demolished excluded from extent of listing that is of heritage value (exterior of original building).</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 9.3 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>Applicant provided declaration stating proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i>, and there are no aboveground powerlines adjoining subject site.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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## 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 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>First floor windows facing adjacent properties located 1.7 metres above floor level to prevent overlooking to private open space and habitable rooms of adjacent properties.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>All Residential Development</b>			
<b>Front elevations and passive surveillance</b>			
PO 17.1	<ul style="list-style-type: none"> <li>Addition incorporates windows facing the street frontage at first floor level to encourage passive surveillance and positively contribute to streetscape.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 17.2	<ul style="list-style-type: none"> <li>Development maintains existing entry to dwelling from primary frontage on Halifax Street. Visitor entry also possible via garage door.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Outlook and Amenity</b>			
PO 18.1	<ul style="list-style-type: none"> <li>Upper level living area will have external outlook to street to provide a high standard of amenity for occupants.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Residential Development – Low Rise</b>			
<b>External Appearance</b>			
PO 20.1	<ul style="list-style-type: none"> <li>Garaging will not detract from streetscape or appearance of dwelling.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 20.2	<ul style="list-style-type: none"> <li>Facade facing public street makes a positive contribution to the streetscape by providing passive surveillance, architectural detail and contextual material selection.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 20.3	<ul style="list-style-type: none"> <li>Visual mass of building not excessive when viewed from public street and adjoining allotments.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Private Open Space</b>			
PO 21.1	<ul style="list-style-type: none"> <li>Dwelling addition results in 12m<sup>2</sup> of private open space behind building line and a requirement of 24m<sup>2</sup>. However, front yard also relatively private and provides an additional 26m<sup>2</sup> of open space which is reasonable in this instance.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 21.2	<ul style="list-style-type: none"> <li>Private open space at rear directly accessible from habitable room. Private open space at the front is not directly accessible from habitable room, however accessible from entry hallway.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Landscaping			
PO 22.1	<ul style="list-style-type: none"> <li>Calls for 20% of the site to comprise soft landscaping which is not provided. Soft landscaping not currently provided apart from small areas in the front garden. Additional 6m<sup>2</sup> of soft landscaping proposed.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Car Parking, access and maneuverability			
PO 23.1	<ul style="list-style-type: none"> <li>Enclosed car parking space satisfies minimum dimensions for length, width of car parking spaces and door width.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO23.4	<ul style="list-style-type: none"> <li>Vehicle access provided via an existing crossover.</li> </ul>		
Waste Storage			
PO 18.1	<ul style="list-style-type: none"> <li>Provision made for storage of waste within the garage per existing storage arrangement.</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 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Activities Generating Noise or Vibration			
PO4.3	<ul style="list-style-type: none"> <li>Recommend inclusion of condition ensuring pool pump equipment enclosed in solid acoustic structure. Pool plant located at least 5 metres from nearest habitable room on adjoining allotment.</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>Development maintains existing amount of car parking, with space for a maximum of two vehicles available on site in accordance with Table 1 – General Off Street Car Parking Requirements.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 9.4 Detailed Discussion

### Built Form and Design

Historic Area Overlay PO 1.1 calls for development to be undertaken having consideration to the historic streetscape and built form as expressed in the relevant Historic Area Statement (Historic Area Adel14).

The historic streetscape of Halifax Street will not be impacted to a significant degree by the proposal, as it has minimal impact on the presentation of the existing dwelling to Halifax Street and the existing streetscape context.

The proposal will have limited visibility from Halifax Street when looking south along St John Street, however, has a notable setback from the primary frontage of the property to Halifax Street. The Historic Area Statement notes the western frontage of St John Street being characterised by consistently sited, gable-fronted villas. As the subject site fronts Halifax Street, the siting of dwellings to St John Street is not considered relevant in terms of PO 1.1. The proposal is low-scale and utilises traditional materials in its design in accordance with the Historic Area Statement and Historic Area Overlay PO 1.1.

Council's Senior Heritage Advisor has confirmed the design of the addition is acceptable when considered in the context of the historic area. The form and scale of the proposal visible from the public realm will be consistent with the prevailing historic characteristics of the area in accordance with Historic Area Overlay PO 2.1.

Historic Area Overlay PO 2.2 calls for development to be consistent with the prevailing building and wall heights in the historic area. The Historic Area is primarily characterised by low-scale development, predominantly single storey with examples of two storey buildings throughout. The proposal is consistent with the prevailing height of development in the area in accordance with Historic Area Overlay PO 2.2.

The development utilises vertically proportioned windows and stone at the ground level to reflect design elements typical of the historic character of the area in accordance with Historic Area Overlay PO 2.3.

The addition will be set behind the existing dwelling and maintains the existing front setback. The lack of setback from the side boundaries is consistent with the siting of the existing building and other dwellings facing Halifax Street and the prevailing front and side boundary setback pattern in the historic area in accordance with Historic Area Overlay PO 2.4.

The addition utilises stone cladding at ground level to match the stone used in the existing dwelling, together with a more contemporary selection of materials for the remainder of the development. This use of materials is consistent with others used in the historic area in accordance with Historic Area Overlay PO 2.5, while clearly denoting the addition as a contemporary development.

City Living Zone PO 2.3 calls for new buildings and structures visible from the public realm to be consistent with the valued streetscape characteristics and prevailing built form characteristics, such as floor to ceiling heights of the area. The development has minimal impact to the Halifax Street streetscape due to the setback behind the main dwelling and the height is mitigated by the limited visibility from the primary frontage.

While it is a secondary frontage, impact to the St John Street streetscape must also be considered. The western side of St John Street is characterised by single storey dwellings with some setback from the street boundary. The eastern side comprises a mixed character, due in large part to the St John's Anglican Church occupying a large portion of the eastern side of the street.

There is development at the southern end of the street with two storey walls directly abutting the street boundary, as well as the St John's Anglican Church which is of considerable height. By providing a two storey building directly on the street boundary, the development does not address the prevailing single storey streetscape characteristics and setbacks of buildings fronting this portion of St John Street.

## Setbacks

The development will be located behind the main dwelling a considerable distance from the primary street frontage on Halifax Street. This will be sufficiently setback from the primary street boundary to complement the existing streetscape character in accordance with Zone PO 3.1.

City Living Zone PO 3.2 envisages buildings setback from secondary street boundaries to maintain a pattern of separation between buildings and public thoroughfares and reinforce streetscape character. The addition abuts the St John Street secondary street frontage. The existing garage to be replaced and existing dwelling both directly abut St John Street. However, the additional height compared to the existing buildings will result in some variance with the established streetscape character, considering the western side of St John Street is predominantly single storey in nature and incorporates some setbacks from the street.

The addition lacks setbacks from side boundaries, with the two storey component extending to both eastern and western boundaries and the single storey component abutting the western boundary. This is in line with the existing built form on the subject site which extends to both boundaries and built form on adjacent sites nearby facing Halifax Street which extend to or close to one or both side boundaries. This lack of side setback will not result in a significant impact on natural light or ventilation of adjacent properties therefore satisfying City Living Zone PO 3.3.

The proposal lacks a rear setback. The subject site and adjacent site to the rear are separated by a small private laneway, providing separation between the development and the adjacent property. Considering this separation and the development to the west also having built form extending to the rear boundary, the proposal will not significantly impact natural light or ventilation in accordance with City Living PO 3.4. PO 3.4 also calls for rear setback to allow space for open space recreational opportunities, landscaping and vegetation. However, the arrangement of this site allows for these in the centre of the site.

The two storey component abutting the western boundary completely abuts an existing carport on the adjacent site. The single storey component will be in the same position on the boundary as the existing single storey portion of the building to be replaced, although it is slightly taller due to the pitched roof. Additionally, shadow diagrams demonstrate a lack of additional shadowing to windows or outdoor space of the site to the west. Consequently, the boundary walls will adequately mitigate impact on adjoining properties in accordance with City Living Zone PO 3.5.

## Overshadowing

Potential for shadowing of habitable room windows exists for properties to the west at 363 Halifax Street and to the south at 11 St John Street.

- Windows to the west are already subject to significant shadowing throughout the day in winter, with the proposal not resulting in additional overshadowing.
- Bay windows of the property to the south will be subject to additional shadowing. Based on historic plans for this property these windows are for a living area (habitable room). During winter, these windows are currently partially shadowed at 9am, not shadowed at all at 12pm, and totally shadowed by 3pm. The proposal will result in these windows becoming gradually shadowed from 9am and totally shadowed by 12pm. Where the windows previously received 3 hours of direct sunlight between 9am and 3pm on 21 June per Interface Between Land Uses DPF 3.1, they will no longer achieve this.
- A courtyard on the northern boundary of 11 St John Street also provides sunlight to habitable room windows at this property. This has not been shown on shadow diagrams but is visible on architectural plans, aerial photographs and in person (on site). Based on shadow diagrams and the location of the courtyard, additional shadowing during winter will occur at 9am, however there will be no difference from 12pm onwards. Shadowing to this portion of the property is considered acceptable.



While shadowing of the front window of 11 St John Street is not ideal, it is not considered to be a significant departure from this performance outcome as sunlight to courtyard windows will largely be maintained and other windows nearby will not be affected. The proposal is therefore considered acceptable in terms of Interface Between Land Uses PO 3.1.

The only private open space with potential to be impacted by overshadowing from the addition is directly to the west at 363 Halifax Street. The front yard of the property to the south at 11 St John Street technically does not qualify as private open space per the definition in Code as there is no solid fencing to at least 1.8 metres in height.

Private open space to the west is already significantly shadowed throughout the day by the existing built form at 363 and 367 Halifax Street and will not be subject to additional overshadowing.

The central courtyard to the south at 11 St John Street falls just short of the minimum dimensions required to be considered an area of private open space. It will receive a suitable amount of winter sunlight regardless, with no shadowing resulting from the development between 12pm and 3pm on 21 June in accordance with Interface Between Land Uses PO 3.2.

Rooftop solar panels at 11 St John Street will be partially shaded on 21 June. Approximately 50% of the panels will be shaded at 9am, however by 12pm, the panels will not be shaded. Noting shadowing has been represented during the winter solstice, with the lowest amount of sunlight for the year, shadowing will be less throughout other seasons. As the scale of development is reasonable within the zone, the generating capacity of rooftop solar energy facilities will not be unduly impacted in accordance with Interface Between Land Use PO3.3.

#### Seriously at Variance

The Courts have previously determined the assessment of whether a development is seriously at variance with the provisions of the Planning and Design Code should focus on the nature of the proposed land use and the relevant performance outcomes concerning whether an application is seriously at variance or not.

Considering a dwelling is an envisaged use in the City Living Zone, it is considered the proposed dwelling addition and swimming pool are acceptable in this context and are not seriously at variance.

## **10. CONCLUSION**

The proposed dwelling addition presents an increase to the scale of built form on the subject site that is generally in accordance with the relevant provisions of the Planning and Design Code.

The proposal includes additional site coverage and less private open space behind the building line, additional overshadowing impact to the property to the south at 11 St John Street and scale not entirely in keeping with the prevailing character of this portion of St John Street.

While these impacts are not ideal, the proposal meets the requirements of a range of the relevant provisions of the Code.

The development will have minimal impact on the primary frontage to Halifax Street, maintaining the presentation of the original heritage dwelling to the street and historic streetscape context of Halifax Street.

Impact on the amenity of the neighbouring property to the west will be mitigated by the built form on the neighbouring property, with the addition not resulting in additional overshadowing to this property or significant visual enclosure.

Demolition does not propose removal of elements demonstrating heritage significance or historic characteristics as expressed in the Historic Area Statement and adequately maintains the heritage character of the Local Heritage Place.

The scale of development generally aligns with scale of development visible in the wider Historic Area and addresses the historic characteristics of the street and area through material choice and architectural detailing.

Height and setbacks of the proposed addition are in keeping with the desired character of the City Living Zone.

The proposed development satisfies a majority of the relevant provisions of the Code and therefore it is recommended that Planning Consent be granted.

## **11. RECOMMENDATION**

It is recommended 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 the Council Assessment Panel resolve that:

2. Development Application Number 25018478, by K&D Mattson is granted Planning Consent for 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. Documentation confirming the chimneys will remain and be protected as part 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.

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### **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).

- Floor Plans, prepared by D'Andrea Architects, Drawing No. A 2201, dated 24 October 2025
- Elevations, prepared by D'Andrea Architects, Drawing No. A 2202, dated 24 October 2025

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2. The applicant or the person having the benefit of this consent shall ensure that all storm water run off 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 run off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Relevant Authority.

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3. All mechanical machinery associated with the heating, cleaning, and filtration of the swimming pool on the Land shall be enclosed in a solid acoustic structure and maintained at all times to the 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. Consultation with Adjoining Owners**

In addition to notification and other requirements under the Planning, Development and Infrastructure Act and Fences Act, it is recommended that the applicant / owner consult with adjoining owners and occupiers at the earliest possible opportunity after Development Approval, advising them of proposed development work so as to identify and discuss any issues needing resolution such as boundary fencing, retaining walls, trees/roots, drainage changes, temporary access, waste discharges, positioning of temporary toilets etc.

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### **6. 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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## 7. 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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## 8. Certificate of Titles

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

Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way. Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited Plan.

A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at: <https://sailis.lssa.com.au/home/auth/login>

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## 9. City Works Permit

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

The City Works Guidelines detailing the requirements for various activities and fee calculator and online 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/Site 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, noting the City of Adelaide as an interested party (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

Applications will require a minimum notice period of five business days. For more information, contact [cityworks@cityofadelaide.com.au](mailto:cityworks@cityofadelaide.com.au)

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