Introduction
This brochure explains Council’s requirements for the various types of residential development proposals, from a single dwelling through to multiple units, extensions to existing housing and the building of additional housing on an allotment where a house already exists.

This brochure discusses:
- The Development Application Process
- Information to be submitted
- What types of dwellings can be built where?
- How many houses/units can I build?
- Setbacks from Streets (including Front Setbacks, Secondary Street Setbacks, and Arterial Road Setbacks)
- Side and Rear Setbacks
- Building Height
- Overlooking
- Overshadowing
- Site Coverage
- Private Open Space
- Car Parking and Driveways
- Reducing Noise Impact
- Building Appearance
- Energy Efficiency
- Other Information (public notification and building on the boundary, stormwater drainage, easements and encumbrances)

The Development Application
For information on the Development Application process in general, please refer to the separate Information Brochure titled “The Development Application Process”.

Many applications involving an additional dwelling on an allotment or a residential development of more than one dwelling require public notification and/or referrals, and need to meet many requirements. It is therefore a good idea to seek planning consent only in the first instance. In this way, if Council requires any changes to your plans, expensive working drawings do not need to be redrawn.

Once planning consent is received, working drawings and construction information can then be prepared and submitted for Building Rules Consent and Development Approval.
Information to be Submitted

Any application for residential development should be submitted with the following minimum information:

- A completed Development Application Form *(including the attached declaration ‘Building safely near Powerlines’)*
- The relevant fees *(refer to the Fee Schedule on the back of the Development Application Form)*
- A copy of the current Certificate(s) of Title *(Note: Council can purchase this directly from the Land Titles Office on your behalf – refer to the Schedule of fees on the back of the Development Application Form)*
- A site plan showing
  - All boundaries of the site including all measurements (in metres) and a site area (m²)
  - A north point and the scale used (1:100 or 1:200)
  - Location and purpose of all existing buildings (where relevant) with notation of what is to be demolished and/or retained
  - Easements that apply to the land
  - Location and purpose of all proposed new building work, specifying setbacks from boundaries and setbacks from other buildings where relevant
  - Location and capacity of proposed rain water tanks
  - Details of proposed stormwater disposal, including methods of stormwater retention on site when required
  - Details of buildings on adjacent properties, particularly setbacks from boundaries and finished floor levels
  - Proposed landscaped areas, including an indication of proposed trees, shrubs and ground covers to be planted (i.e. a landscape schedule)
  - The proposed finished site and floor level of new buildings and additions in relation to AHD (Australian Height Datum) and the location and extent of cut and fill including, where relevant, details of proposed retaining walls in relation to existing contours and the level of other site features such as the top of kerb/roadway to the front of the property
  - Proposed driveway location
  - Car parking spaces for occupants and visitors including method of line marking
  - The location of any existing street trees or other features on the Council footpath/road reserve (e.g. signs, stobie poles, etc.)
  - The type, height and construction of any boundary and internal fencing proposed

- Floor plans *(of existing buildings where relevant, and proposed buildings)* drawn to a scale of 1:100 indicating proposed use of each part of the building

- Elevations of each side of each building proposed to be built and/or modified *(i.e. front, sides and rear views)*, drawn to a scale at least 1:100, showing the following:
  - Existing and proposed ground levels in relation to AHD (Australian Height Datum) *(Note: Minimum finished site level must not be less than 2.4m AHD and the finished floor level must not be less than 2.65m AHD).*
  - Ceiling heights
  - Height of the roof *(relative to the adjacent ground level)* to both the eaves and the ridge
  - Dimensions of proposed eaves overhangs
  - Dimensions of proposed doors and windows, including door and window head heights
What types of dwellings can be built where?

The way in which a dwelling is placed on a block of land in relation to the street and other houses, and the way in which the dwelling is constructed (i.e. attached or completely separate to other buildings) affect what the Council will describe your proposal as.

Different dwelling types are encouraged in different zones and/or policy areas, and some dwelling types are specifically discouraged in some areas.

Before starting to design a development, you should first make sure that the dwelling type that you are proposing is a consent use form of development in the Zone and/or Policy Area that your property is located within.

Council requirements for new houses and additions vary, dependent on Zone and/or Policy Area. To find out what Zone and/or Policy Area your property is in, refer to the Maps contained in the Kingston District Council Development Plan (available for viewing at www.planning.sa.gov.au or at the Council Office).

How many houses/units can I build?

After first establishing if the types of dwellings you are proposing are suitable or not, it is possible to consider how many new dwellings can be built on your land or whether your land can be subdivided.

The “minimum site area” and “site frontage widths” for the various dwelling types are set out in Table 1 and 2 at the back of this brochure.

It is important to note however, that a proposal must meet the minimum site area and frontages outlined, in addition to all other relevant Development Plan considerations. The number of dwellings that can in reality fit on site will therefore be affected not only by the land’s area and dimensions but also the constraints of the site and locality, and the design of the development.

Residential Zone

Kingston District Council has residential zone containing 5 separate policy areas, each with its own desired character for the future. Throughout the policy areas there are a range of dwelling types anticipated. Increased dwelling densities are intended for areas in close proximity to town centre, community services and public open space.

Gall Park Policy Area 4

This policy area which has frontage to Southern Ports Highway contains residential development and underdeveloped allotments around an area to the east of East Terrace. It is intended that the existing major community, educational and recreational facilities continue to be utilised and developed within this area in conjunction with residential development comprising detached dwellings.
Residential Development

Maria Creek Policy Area 5
This policy area generally covers the areas which has frontage to Maria Creek between Cooke Street and Gough Street and is intended to have detached dwellings designed to take advantage of the open space reserve area adjacent to the creek and adjoining wetlands.

It also includes properties with a frontage to James Street at the interface with the District Town Centre Zone which are intended to continue to be used for residential purposes and could accommodate higher density residential development adjacent to the centre zone.

Marine Parade Policy Area 6
This policy area which has frontage to the coast in the vicinity of Marine Parade south of Kingston and at Wyomi Beach and Pinks Beach Road is primarily accommodating detached dwellings at low intensities on individual allotments.

Rosetown Policy Area 7
This policy area which is situated north of Maria Creek between the coastal reserve and rural living properties relates to the older historic town, which was originally divided and known as Rosetown. The Rosetown area was originally not developed to any great extent and parts of the land are subject to inundation. However due to its proximity to the centre of Kingston, scattered development has taken place in more recent years and it is intended that further low density residential infill development takes place having regard to the nature of the land and the relevant requirements.

Residential Marina Zone
Situated at Cape Jaffa is one of only two settlements in the Council area that provides for urban development to accommodate significant levels of new residential development. Its character is dominated by the open space of the marina waterway framed by the curvilinear form of the waterfront revetment. It is a zone primarily based on low density detached dwellings of a variety of contemporary architectural styles with seaside character incorporating local materials, colours and schemes.

Residential Tourist Accommodation Policy Area 13
Situated within the Residential Marina Zone at Cape Jaffa, it is a policy area for the development of range of tourist accommodation facilities including caravan park, tourist accommodation, tourist facilities and serviced apartments. Buildings should not exceed two storeys or maximum height of 7.5 metres.

Other Requirements
Once you have determined what type of dwellings and the maximum number of dwellings that may be able to be accommodated on an allotment (by considering the zone and/or policy area and an allotment’s site area and frontage), the actual layout and design of these dwellings can be considered.

Council has requirements that relate to:

- Setbacks from Street (including Front Setbacks, Secondary Street Setbacks and Arterial Road Setbacks)
- Side Setbacks
- Rear Setbacks
- Building Height
- Overlooking
- Overshadowing
- Site Coverage
- Private Open Space
- Carparking and Driveways
- Building Appearance
- Energy Efficiency
• Storage Areas
• Other Information (public notification and building on the boundary, stormwater drainage, easements and encumbrances, etc).

These requirements are all outlined in detail under the individual headings.

Setbacks from Streets

Front Setback
“Front Setback” is the distance measured at 90 degrees from the front boundary of a property to the closest part of the dwelling on a property (excluding any open verandas, porches, windows etc.).

Note: the front property boundary is usually not the kerb or the footpath but typically an unmarked boundary, often approximately three metres from the road. If you are unsure where your front boundary is (or any other of your boundaries) it is recommended you engage the services of a licensed land surveyor to accurately identify the property boundaries of your land.

Front setbacks should be as follows:
• Residential Zone – all policy areas – 8 metres
• Residential Marina Zone – including Residential Tourist Accommodation Policy Area - 6 metres
• Rural Living Zone – 15 metres (50 metres to the Reedy Creek to Lucindale Road, Princes Highway and Southern Ports Highway)

A carport or garage should also be setback at least 0.5 metres further back from the front boundary than the main face of the dwelling. This makes the carport or garage less prominent in the design of the house.

Secondary Street Setbacks
Where a property is a corner block, there are also special requirements for setbacks from the secondary street. The minimum setback distance for a dwelling from the secondary street in:
• Residential Zone - 4 metres
• Residential Marina Zone - 3 metres
• Rural Living Zone –15 metres (50 metres to the Reedy Creek to Lucindale Road, Princes Highway and Southern Ports Highway)

If a carport or a garage is proposed facing a secondary street it should be setback a minimum of 5.5 metres from that street boundary, in Residential and Residential Marina zones, to allow a car to park in the driveway without overhanging and blocking the footpath area.

Side and Rear Setbacks

Side and rear setbacks are important to ensure adequate daylight to windows, avoid unreasonable overshadowing of neighbours’ indoor and outdoor living areas, and to protect visual amenity.

In some cases, houses are allowed to be built on a side and/or rear boundary and in other cases, side and/or rear setbacks are required.

Residential Zone

When side and/or rear setbacks are required, minimum side and/or rear setback from the boundary where the wall is for a single storey dwelling – 1 metre.

Where the wall is for a two storey dwelling – 4 metres

If a shed, carport, garage or similar is proposed and it is not built on a side boundary, then it should be setback a minimum of 1 metre.
Residential Marina Zone
No dwelling, building or other structure (excluding side boundary fencing) on an allotment fronting the waterfront should be within 8 metres of the front face of the top of the revetment to the waterfront unless in the form of an open deck and/or open sided pergola structure or works associated with a jetty.

No dwelling, building or other structure (excluding side boundary fencing) on an allotment fronting the coastal reserve should be built within 8 metres of the northern boundary.

No dwelling or building or other structure (excluding side and rear boundary fencing) on an allotment fronting the beach should be built within 6 metres of the northern, rear boundary.

Rural Living Zone
When side and/or rear setbacks are required, minimum side and/or rear setback from the Boundary is 15 metres.

Building Height
Building height refers to the maximum height of a building measured from natural ground level to the highest point of the roof above that point or, where the lowest floor of the building is situated below ground level. The measurement may be taken from this floor (dependent upon which is the maximum height measurement). Building height will vary around the building due to differences in the natural ground level and the roof form/design. Council will therefore consider the building height at all places around the building and, most importantly, where it is at its maximum.

Maximum building height (from natural ground level) within:

- Residential Zone (all policy areas):
  - Dwelling - 2 storeys of not more than 8 metres
  - Sheds, garages, and other outbuildings not more than 4 metres with maximum wall height of not more than 3.5 metres

- Residential Marina Zone
  - 2 storey of not more than 10 metres

- Residential Tourist Accommodation Policy Area 13
  - 2 storey of not more than 7.5 metres

Battleaxe Allotments
Buildings on battleaxe allotments or the like (i.e. dwellings behind the front dwelling in a residential flat building and group dwelling development) should be single storey and be designed to maintain the privacy of adjoining properties.

Visual Privacy
Council’s Development Plan seeks to ensure new development maintain a ‘reasonable’ level of privacy between neighbours. New development should therefore minimise potential overlooking to habitable room windows and useable private open space areas of neighbouring properties (having regard to the locality and existing development as, in some areas, a higher level of overlooking prevails would generally be anticipated).

Overlooking can be minimised through the adoption of one or more of the following:

- Building layout
- Location and design of windows and balconies
- Screening devices
- Landscaping
• Adequate separation
• Permanently fixed external screens

(suitable treatment of windows can include:
  * Permanently fixed translucent/opaque glass in that part of the window below 1.7m above the floor level
  * Window sill height of 1.7m above the floor level)

Overshadowing
Development should minimise potential overshadowing of adjoining properties. In particular, new dwellings should be sited and designed to ensure that sunlight is still available to ground level private open space, upper level balconies and habitable rooms of adjacent dwellings.

Site Coverage
The Development Plan contains policies that limit how much of an allotment can be covered by buildings, to make sure that:

• Sufficient space for outdoor recreation and other functions is provided
• The urban character formed (in part) by the space around buildings is maintained
• Negative impact on neighbours’ houses and private open spaces is avoided.

Maximum site coverage in Residential Zone should not exceed 50%.
In Residential Marina Zone following criteria applies:
Site coverage should be limited to ensure sufficient space is provided for:

• Pedestrian and vehicle access and vehicle parking
• Domestic storage
• Outdoor clothes drying
• A rainwater tank
• Private open space and landscaping
• Front, side and rear boundary setbacks that contribute to the desired character of the area
• Convenient storage of household garbage and recycling receptacles.

The relevant “maximum site coverage” requirements for each zone area are set out in Table 3 at the back of this brochure.

Private Open Space
An area of open space (i.e. yard area) that is private (i.e. located to the side or rear of a house and fenced to a height of 2.1m) and usable (i.e. at least 2.5m in width) should be provided for every house.

At least 100 m² of the site area should be provided as private open space, with 10% of the site area being provided as private open space that is directly accessible from living room, and which has a minimum dimension of 5m, a maximum gradient of 1 in 10 and, where possible, is north facing.

Council will generally allow up to 30% of the private open space area to be covered by hard roofed pergolas and verandas but in all other cases, an outbuilding should not affect the required private open space area being achieved on property.
Car parking and Drivesways

Every residential development should be provided with an area or areas for cars to park off the street and within its own boundaries.

Council’s requirements for parking are 2 spaces per dwelling, one of which is covered.

Driveway crossovers that provide direct access to individual carports or garages should, in the case of a single carport or garage be 3m wide, and for double carports and garages, up to 5m wide.

Driveways servicing hammerhead/battleaxe allotment or more than one dwelling should provide for an access onto public road, with the driveway handle being designed within the following parameters:

<table>
<thead>
<tr>
<th>No. of</th>
<th>Driveway</th>
<th>Driveway</th>
<th>Widening</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>dwellings</td>
<td>width at</td>
<td>width beyond</td>
<td>required for</td>
<td>landscaped</td>
</tr>
<tr>
<td>served by</td>
<td>property</td>
<td>first 6m</td>
<td>passing</td>
<td>strip either</td>
</tr>
<tr>
<td>driveway</td>
<td>boundary</td>
<td></td>
<td></td>
<td>side of</td>
</tr>
<tr>
<td>1-2</td>
<td>3m</td>
<td>3m</td>
<td>-</td>
<td>0.5m</td>
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<tr>
<td>3</td>
<td>3m</td>
<td>3m</td>
<td>Only if driveway longer than 30m</td>
<td>0.5m</td>
</tr>
<tr>
<td>4 – 7</td>
<td>4.5m</td>
<td>3m</td>
<td>to 5m at point 25m from front property boundary and every 25m thereafter</td>
<td>0.8m</td>
</tr>
<tr>
<td>8 +</td>
<td>6m</td>
<td>5m</td>
<td>-</td>
<td>1.0m</td>
</tr>
</tbody>
</table>

Access points to all parking areas should be in safe and convenient locations and should not affect traffic travelling on the street or people using the Council footpath area.

Access points should be located at least one metre away from existing street trees, street infrastructure (i.e. signs, stobie poles, etc.) and side entry pits in the kerb and, if the site is a corner block, access points should also be located away from the corner (a minimum of 6m from the intersection of the site’s two road boundaries).

On an arterial road, there should be a minimal, or no, access points and vehicles should be able to enter and exit the site in forward direction.

(Note: Council is required to refer most applications for development on land fronting an arterial road to the Commissioner of Highways for advice and direction).

Care should also be taken in the designing of any residential development involving a new driveway to ensure that:

- on the footpath area, driveways grade toward the road and, at the front property boundary, the ground level is between 50mm and 150mm above the top of the kerb
- within the property, the driveway is not too steep (particularly if it is to function as a required car parking area) and that there are appropriate transition grades on the driveway to avoid cars ‘scraping’

In addition to obtaining Development Approval for your proposed residential development, if a new driveway access (i.e. crossover and invert) is proposed, approval from Council must also be gained before the access is constructed. A separate Permit Application Form is available and must be completed and submitted to obtain that approval.
Building Appearance

The appearance of any new development should meet the desired character of the relevant Zone or Policy Area in terms of building height, mass and proportions, roof form and pitch, external materials, patterns, textures and colours, elevation above natural ground level and the manner in which buildings address the street. This includes any alterations to existing dwellings that may be required to cater for additional dwellings on the land and intended future land division.

New houses should be designed so that doorways and windows face the street and the bulk of building is reduced by articulation (e.g. varied setbacks and heights, building shapes, detailing and colours).

Carports and garages should not dominate the front of any house and/or streetscape. Double carports and garages clearly visible to streets should be designed to reduce the apparent total width of the doorway, which should be no wider in dimension than 50% of the frontage of the allotment. They should also be compatible with the house in terms of roof pitch, scale, materials and detailing.

Energy Efficiency

Housing development should be designed and sited to conserve energy and minimise waste.

- Development should provide for efficient solar access to buildings and open space all year round
- Building should be sited and designed so that the open space associated with the main activity areas face north for exposure to winter sun.
- Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings
- Roof pitch should facilitate the efficient use of solar hot water services and photovoltaic cells
- Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors

Additionally, the Building Code of Australia (BCA) requires all new houses to meet minimum energy efficiency standards (e.g. a 6 star rating by the NathERS or FirstRate rating system). To achieve the BCA requirements, new houses will need to be appropriately designed (as described above) and constructed (e.g. using wall and ceiling insulation).

Other Information

Public Notification

In some cases, (i.e. sheds exceeding 100m²), Category 2 Public Notification is likely to be required.

Category 2 notification means that the Council must formally advise and seek the comment of owners and occupiers of other properties in the area. An additional fee is payable and it is suggested that, as a matter of courtesy, you discuss your proposal with your neighbours prior to lodging your application (for example, discuss issues such as the removal of boundary fences, etc.).

Some residential development may also require Category 3 Public Notification. Category 3 notification means that the Council must formally advise and seek the comment of owners and occupiers of other properties in the area, and place an advertisement in the South East Coastal Leader newspaper.

It is also essential that any excavation or filling that is occurring close to boundary does not affect neighbouring properties and, in some cases, a property owner is obliged to notify their neighbour.

Stormwater drainage

To avoid excessive stormwater runoff, at least 20% of the site should remain unbuilt upon and unpaved.

In Residential areas, all new houses must be provided with an on-site rainwater tank/s with a minimum storage capacity of 22,500 litres plus 5,000 litres for every bedroom more than three.

Easement and Encumbrance

The Certificate of Title for a property contains information regarding the location and nature of any easements and the details of any encumbrances that apply to the land.
If your proposed development extends over an easement or is affected by an encumbrance on your property, documentation must be submitted to the Council demonstrating that the authority controlling the easement (e.g. SA Water, ETSA, etc.) or the person/s holding the encumbrance have approved the proposed structures.

**Want to Know More?**

The above information is advisory only. It is intended to provide a guide and a general understanding of the key points associated with the particular topic. It is not a substitute for reading the relevant legislation of the Development Plan.

It is recommended that if you are intending to undertake development, you seek professional advice or contact Council for any specific enquiries or for further assistance concerning the use and development of land.

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