



COUNCIL ASSESSMENT PANEL

Agenda and Reports

for the meeting
Monday, 27 April 2026
at 5.30 pm
in the Colonel Light Room, Adelaide Town Hall



Council Assessment Panel

Meeting Agenda

Monday, 27 April 2026, at 5.30 pm, Colonel Light Room, Adelaide Town Hall

Panel Members

Presiding Member – Nathan Cunningham

Panel Members – Colleen Dunn, Robert Gagetti, Julian Rutt and Councillor Eleanor Freeman

Deputy Panel Members – Councillor Arman Abrahamzadeh and David Cooke

Apology - Robert Gagetti

Opening and Acknowledgment of Country

At the opening of the Panel Meeting, the Presiding Member will state:

'The City of Adelaide Council Assessment Panel acknowledges that we are meeting on traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

Meeting Agenda

1. Confirmation of Minutes

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 23 March 2026, be taken as read and be confirmed as an accurate record of proceedings.

View public 23 March 2026 Minutes [here](#).

2. Declaration of Conflict of interest

3. Applications assessed under PDI Act 2016 (SA) with Representations

3.1 1-7 Cairns Street, Adelaide [Pages 4 - 27]

3.2 42 Melbourne Street, North Adelaide [Pages 28 - 60]

4. Applications assessed under PDI Act 2016 (SA) without Representations

Nil

5. Appeal to CAP for Assessment Manager's Decision Review

Nil

6. Other Business

6.1 Planning Policy Updates including Suggestions from Panel

6.2 Other Business raised at Panel Meeting

6.3 Next Meeting – 25 May 2026

7. Closure

Council is committed to openness and transparency in its decision making processes, however some documents contained within attachments to Council Assessment Panel agenda items are subject to copyright laws. This information is marked with a copyright notice. If these documents are reproduced in any way, including saving and printing, it is an infringement of copyright. By downloading this information, you acknowledge and agree that you will be bound by provisions of the *Copyright Act 1968 (Cth)* and will not reproduce these documents without the express written permission of the copyright owner.

Agenda Item 3.1

Council Assessment Panel

Monday, 27 April 2026

Subject Site	1-7 Cairns Street, Adelaide
Development Number	25035892
Nature of Development	Partial demolition of existing building and construction of a four level mixed-use building comprising offices (ground level) and dwellings (levels 1-3) with associated car parking.
Representations	Listed to be Heard - Yes
Summary Recommendation	Planning Consent Refused
Status	Public

DEVELOPMENT NO.:	25035892
APPLICANT:	Datay Pty Ltd
AGENDA ITEM NO:	3.1
ADDRESS:	1-7 Cairns Street, Adelaide SA 5000
NATURE OF DEVELOPMENT:	Partial demolition of existing building and the construction of a 4 level mixed-used building comprising offices (ground level) and dwellings (levels 1-3) with associated car parking
ZONING INFORMATION:	<p>Zones</p> <ul style="list-style-type: none"> • City Living <p>Sub Zones</p> <ul style="list-style-type: none"> • Medium-High Intensity <p>Overlays</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (All structures over 150 metres AHD) • Affordable Housing • Design • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs)</p> <ul style="list-style-type: none"> • Minimum Site Area residential flat building 120m² • Maximum Building Height 3 levels and 11 metres
LODGEMENT DATE:	20 November 2025
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	Version 2025.20 – 23 November 2025
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	SB
REFERRALS STATUTORY:	Environment Protection Authority
REFERRALS NON-STATUTORY:	Local Heritage, Traffic, Engineering, Waste, Acoustic Engineer

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Representations
ATTACHMENT 2:	Subject Land & Locality Map	ATTACHMENT 6:	Response to Representations
ATTACHMENT 3:	Zoning Map	ATTACHMENT 7:	Prescribed Body Response
ATTACHMENT 4:	Representation Map	APPENDIX 1:	Relevant P&D Code Policies

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

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Elizabeth Rushbrook of 317 Wakefield Street, Adelaide

Applicant

- Sean Elliott of URPS on behalf of the applicant

1. **DETAILED DESCRIPTION OF PROPOSAL**

The application proposes the partial demolition of an existing building with an existing electricity transformer to remain and the construction of a four level mixed-use building.

The ground floor will comprise two office tenancies with ancillary storage, car parking in the form of car stackers and other services including lifts, bin storage and hydrant booster.

The upper levels will comprise dwellings, with two and three bedroom dwellings to levels two and three, and a three bedroom dwelling to level four. Level four includes two roof terraces with planters.

The building is a relatively simple cubic form with square cutout windows to the north, south and west facades. Windows are limited to the eastern façade, with rebated brickwork to mimic the pattern of windows around the rest of the building.

The building will be constructed to the northern, eastern and western boundaries, with a small setback to the southern boundary. The upper level will be set in generously from the northern and southern facades.

Face brick masonry walls in a warm, earthy tone will comprise the majority of the building.

2. **BACKGROUND**

Amendments were made to the proposal following public notification including:

- louvres added to second and third level windows
- planters added to Cairns Street frontage
- solar panels added to roof
- air conditioning units added to rear
- rebated brickwork to eastern façade.

Administration continued to raise concerns with the applicant post-notification, however the applicant elected to proceed with the current proposal.

3. **SUBJECT LAND & LOCALITY**

Subject Land

The site is formally known as:

- Allotment 512 in Filed Plan 182164, contained in Certificate of Title Volume 5487, Folio 304, Hundred of Adelaide
- Allotment 511 in Filed Plan 182163, contained in Certificate of Title Volume 5487, Folio 302, Hundred of Adelaide
- Allotment 510 in Filed Plan 182162, contained in Certificate of Title Volume 5487, Folio 298, Hundred of Adelaide
- Allotment 509 in Filed Plan 182161, contained in Certificate of Title Volume 5487, Folio 300, Hundred of Adelaide.

Together these allotments are commonly known as 1-7 Cairns Street, Adelaide.

The site has a frontage of approximately 24.64 metres to Cairns Street, secondary frontages of 24.38 metres to Cardwell Street and 24.64 to Saunders Lane and a total area of approximately 600m².

A single level building exists on the site and was previously used as a mechanic. The building is of simple cream brick construction with a sawtooth roof. An electricity transformer exists to the rear of the site on the corner of Cardwell Street and Saunders Lane.

Access is obtained via two crossovers to Cairns Street and one to the rear from Saunders Lane. The site is relatively level and contains no vegetation.

Locality

The locality has a predominantly residential character. Along Cairns Street, single level cottages with front verandahs and picket fences are located amongst other more contemporary two level dwellings. The shallow front setbacks of the dwellings and narrow width of Cairns Street contribute to an intimate residential character.

To the west, two and three level dwellings are constructed along Cardwell Street.

The junction of Cairns and Cardwell Streets is marked by two non-residential uses, being the former mechanic building on the subject site and the two level offices to the north that front Halifax Street but run through to Cairns Street. These two buildings stand in contrast to the otherwise residential character of the locality.

The locality is generally level, with typically narrow side streets and few street trees to provide an extensive tree canopy cover.

Figure 3.1 – Subject site from Cairns Street



Figure 3.2 – Subject site from Cardwell Street



Figure 3.3 – View along Cairns Street looking west



Figure 3.4 – View along Cairns Street looking east



Figure 3.5 – View of rear of site looking west along Saunders Lane



Figure 3.6 – View along Cardwell Street looking north



4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

PER ELEMENT:

Partial demolition: Accepted

Office: Code Assessed - Performance Assessed

Dwelling: Code Assessed - Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON:

Partial demolition: Listed in Table 1: Accepted Development and is therefore accepted development.

Office: Not listed in Table 1: Accepted Development, Table 2: Deemed-to-Satisfy Development, Table 3: Performance Assessed Development or Table 4: Restricted Development. It therefore defaults to performance assessed development.

Dwelling: Not listed in Table 1: Accepted Development, Table 2: Deemed-to-Satisfy Development or Table 4: Restricted Development. It is listed in Table 3: Performance Assessed Development and is therefore performance assessed development.

6. PUBLIC NOTIFICATION

REASON:

- The proposed partial demolition satisfies Table 5(5) of the City Living Zone and this element was excluded from public notification
- The office does not satisfy Table 5(4) of the City Living Zone as the building exceeds the maximum building height specified in DTS/DPF 2.2 (3 building levels and 11m) and this element required public notification.
- The dwellings do not satisfy Table 5(2) of the City Living Zone as the building exceeds the maximum building height specified in DTS/DPF 2.2 (3 building levels and 11m) and this element required public notification.

Table 6.1 – List of Representations		
No.	Representor Address	Request to be Heard
1	Andrew Dawson, 1 Southcott Walk, Adelaide	No – Support with concerns
2	Anthony Brown, 20 Southcott Walk, Adelaide	No – Opposes
3	Paul Bradley, 9 Cairns Street, Adelaide	No – Opposes
4	Brooke Locke, 21 Cairns St, Adelaide	No – Support with concerns
5	Angela and David Stuart, 284-286 Gilles Street, Adelaide	No – Support with concerns
6	Barbara Krajewska, 14 Light Walk, Adelaide	No – Support with concerns
7	Elizabeth Rushbrook, 317 Wakefield Street, Adelaide	Yes – Support with concerns
8	Peter Walsh, PO 6776 Halifax Street, Adelaide	No – Support with concerns

Table 6.2 – Summary of Representations	
<u>Oppose:</u>	
<ul style="list-style-type: none"> • Building height • Traffic and parking • Noise • Visual privacy • Streetscape character • Visual bulk 	
<u>Support with concerns:</u>	
<ul style="list-style-type: none"> • Building height • Traffic and parking • Domestic noise • Impact to adjacent Local Heritage Place • Lack of soft landscaping • Environmental sustainability 	

Note: The full representations and the applicant's response to the representations are included in Attachments 4 and 5.

7. **AGENCY REFERRALS**

Environment Protection Authority

- No objections with conditions imposed.

8. **INTERNAL REFERRALS**

Senior Local Heritage Advisor:

- Will not dominate adjacent Local Heritage Place to the south considering the heritage value of the Place is in its external form visible from the front and sides.

Traffic and Transport:

- Swept paths for vehicles entering/exiting from Saunders Place should be provided
- Redundant crossovers should be reinstated
- There is an opportunity for on-street parking spaces to be created on Cairns Street
- The car stackers should incorporate a basement to operate without drivers being required to queue on Saunders Lane
- The headroom and length of the car stackers appear insufficient
- Booster hydrant location will not impact on-street parking on Cardwell Street as confirmed by the Metropolitan Fire Service.

Stormwater:

- Requirements relating to stormwater connection, quality and quantity requirements including maximum runoff, calculations for 1% and 5% AEP minimum finished floor level. To be finalised at detailed design stage
- The finished floor level of the building should be at least 300mm above the top of kerb level.

Waste:

- Weekly Council collection of residential waste available.

Acoustic Engineer:

- Concern raised with air conditioner noise to adjacent sensitive receivers
- Recommend an acoustic report be provided detailing acoustic screening.

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
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> 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. 		
Land Use and Intensity			
PO 1.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Built Form and Character			
PO 2.1	<ul style="list-style-type: none"> The proposed will redevelop an existing underutilised building in discord with the DOs of the zone. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 2.4	<ul style="list-style-type: none"> Vehicle access primarily from rear laneway, with only one crossover to Cardwell Street. Crossovers on Cairns Street to be removed. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Setbacks			
PO 3.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.4	<ul style="list-style-type: none"> While access to light and ventilation for neighbours, as well as POS for occupants is provided, minimal rear setback does not provide any area for soft landscaping. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.5	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Dimensions and Land Division			
PO 4.1	<ul style="list-style-type: none"> Sites of a suitable size and dimension for residential purposes. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Car Parking and Access			
PO 5.1	<ul style="list-style-type: none"> Vehicle access primarily from rear laneway, with only one crossover to Cardwell Street. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.2 Summary of Medium-High Intensity Subzone Assessment Provisions

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Medium rise, medium density housing in a variety of forms with an eclectic mix of supporting non-residential land uses interspersed (including mixed-use development) that complement the area's urban residential amenity. 		
DO 2	<ul style="list-style-type: none"> Redevelopment of existing non-residential sites into integrated mixed-use developments to increase the residential population and vibrancy of the area. 		
Land Use and Intensity			
PO 1.1	<ul style="list-style-type: none"> Medium-density residential development. 	☑	☐

9.3 Summary of Applicable Overlays

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

- Affordable Housing Overlay – no affordable housing proposed and no requirement to provide affordable housing
- Airport Building Heights (Regulated) and Building Near Airfields Overlay – building height below maximum prescribed AHD level of 150 metres
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree Overlay – no trees affected
- Stormwater Management Overlay – only applies to residential development and the proposal is mixed-use.

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

Design Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development positively contributes to the liveability, durability and sustainability of the built environment through high-quality design. 		
General			
PO 1.1	<ul style="list-style-type: none"> While the building is of a contemporary appearance and comprises a range of high-quality materials, there are issues with the compatibility of the building in its context and resulting impacts. 	☐	☒

Hazards (Flooding – Evidence Required) Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> To be confirmed in a stormwater management plan at detailed design stage. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Heritage Adjacency Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development adjacent State and Local Heritage Places maintains the heritage and cultural values of those Places. 		
Built Form			
PO 1.1	<ul style="list-style-type: none"> Does not dominate the adjacent Local Heritage Place to the south as the heritage value of the Place is in its external form visible from the front and sides. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Urban Tree Canopy Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Trees planted or retained to contribute to an urban tree canopy. 		
Built Form			
PO 1.1	<ul style="list-style-type: none"> No trees planted in accordance with DPF 1.1, however the site qualifies for payment into the Urban Tree Canopy Offset Scheme in lieu of planting trees. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

9.4 General Development Policies

The following General Development Policies are relevant to the assessment:

Clearance from Overhead Powerlines

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines. 		
PO 1.1	<ul style="list-style-type: none"> The applicant has provided a declaration in accordance with Section 86 of the <i>Electricity Act 1996</i>. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Design in Urban Areas

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development is contextual, durable, inclusive and sustainable. 		
All Development			
External Appearance			
PO 1.1	<ul style="list-style-type: none"> Corners reinforced with no corner cutoffs. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	<ul style="list-style-type: none"> Building entry points identifiable from the street. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> Air conditioners to the rear and screened from view. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	<ul style="list-style-type: none"> Bin storage contained within the building. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Safety			
PO 2.2	<ul style="list-style-type: none"> Front doors and roller doors provide a differentiation between public and private spaces. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> Pedestrian access available from Cairns and Cardwell Streets. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.4	<ul style="list-style-type: none"> Offices at ground level have restricted views of the public realm due recessed facades and landscaping in front of the windows. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 2.5	<ul style="list-style-type: none"> Offices do not provide night time activation and the recessed façade to Cairns Street with landscaping in front further reinforces the lack of visibility into the building. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Landscaping			
PO 3.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Performance			
PO 4.1	<ul style="list-style-type: none"> Natural sunlight access maximised through habitable rooms with north-facing windows and windows facing north and south to allow cross ventilation. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.2	<ul style="list-style-type: none"> Energy consumption and reliance on mechanical ventilation generally minimised through shaded windows, inset balconies and cross ventilation. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.3	<ul style="list-style-type: none"> Climate responsive techniques include solar panels, light coloured external finishes, rooftop garden and no gas connection. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water Sensitive Design			
PO 5.1	<ul style="list-style-type: none"> To be confirmed in a stormwater management plan at detailed design stage. 	<input type="checkbox"/>	<input type="checkbox"/>
Site Facilities/Waste Storage (excluding low rise residential development)			
PO 11.1	<ul style="list-style-type: none"> Communal bin storage room provided at ground. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 11.2	<ul style="list-style-type: none"> Communal bin storage area located within the building and obscured from the public realm. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

All Development – Medium and High Rise			
External Appearance			
PO 12.1	<ul style="list-style-type: none"> While the building is of a contemporary appearance and comprises a range of high-quality materials, there are issues with the compatibility of the building in its context and resulting impacts. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 12.2	<ul style="list-style-type: none"> Sheer walls to boundaries with no articulation of built form or setbacks to reinforce a human scale. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 12.3	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 12.4	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 12.5	<ul style="list-style-type: none"> Masonry main building material. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.6	<ul style="list-style-type: none"> While building entry points visible from the street, recessed façade and landscaping in front of the offices reduces activation to Cairns Street. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 12.7	<ul style="list-style-type: none"> Entry doors identifiable and provide shelter for entrants. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.8	<ul style="list-style-type: none"> Air conditioners to the rear and screened from view. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscaping			
PO 13.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 13.2	<ul style="list-style-type: none"> No deep soil zones provided. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 13.3	<ul style="list-style-type: none"> No deep soil zones provided. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental			
PO 14.1	<ul style="list-style-type: none"> Micro-climatic impacts on adjacent buildings minimised through management of overshadowing and not restricting ventilation access. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 14.2	<ul style="list-style-type: none"> Sustainable design techniques include natural sunlight access through habitable rooms with north-facing windows, windows facing north and south to allow cross ventilation, light coloured external finished and rooftop garden. 	<input type="checkbox"/>	<input type="checkbox"/>
Overlooking/Visual Privacy			
PO 16.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
All Residential Development			
Outlook and Amenity			
PO 18.1	<ul style="list-style-type: none"> All living rooms have external outlook to the public realm. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Residential Development – Medium and High Rise (including serviced apartments)			
Private Open Space			
PO 27.1	<ul style="list-style-type: none"> All dwellings provided with private open space exceeding minimum requirements to meet the needs of occupants. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Residential Amenity in Multi-Level Buildings			
PO 28.1	<ul style="list-style-type: none"> Dwellings have windows and balconies separated from each other. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.2	<ul style="list-style-type: none"> Balconies integrated into design of the building 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PO 28.3	<ul style="list-style-type: none"> Balconies large enough to accommodate outdoor seating and accessed directly from living rooms. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.4	<ul style="list-style-type: none"> Dwellings can accommodate domestic storage needs with further storage located on the ground level. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.6	<ul style="list-style-type: none"> Dwellings have abutting bedrooms to minimise transmission of noise. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.7	<ul style="list-style-type: none"> Structural columns do not impact the useability of dwellings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Common Areas			
PO 30.1	<ul style="list-style-type: none"> Size of lifts and corridors sufficient to service five dwellings. 	<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"> Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses. 		
General Land Use Compatibility			
PO 1.1	<ul style="list-style-type: none"> The site is not adjacent a major road or any high-impact land uses. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> While overshadowing impacts are acceptable, the adverse impacts created by air conditioning units not minimised. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hours of Operation			
PO 2.1	<ul style="list-style-type: none"> Hours of operation could be controlled via a condition if consent granted. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Overshadowing			
PO 3.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Activities Generating Noise or Vibration			
PO 4.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Site Contamination

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Ensure land is suitable for proposed use in circumstances where it is, or may have been, subject to site contamination. 		
PO 1.1	<ul style="list-style-type: none"> EPA satisfied site could be made suitable for the proposed use subject to directed conditions. 	<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"> A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users. 		
Movement Systems			
PO 1.4	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vehicle Access			
PO 3.1	<ul style="list-style-type: none"> Crossovers do not interfere with public road intersections. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> Crossovers appropriate for traffic generated. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.4	<ul style="list-style-type: none"> Crossovers have little impact on neighbouring properties. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.5	<ul style="list-style-type: none"> Crossover do not interfere with street trees or infrastructure. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.6	<ul style="list-style-type: none"> While new crossover to Cardwell Street will reduce on-street parking, the removal of the crossover on Cairns Street will allow for creation of on-street parking. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.8	<ul style="list-style-type: none"> Crossovers suitable for domestic vehicles. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicle Parking Rates			
PO 5.1	<ul style="list-style-type: none"> Demand for 12 spaces with 14 spaces provided. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Corner Cut-Offs			
PO 10.1	<ul style="list-style-type: none"> Corner cutoffs not provided but maintains existing situation. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.5 Detailed Discussion

Land Use and Intensity

PO 1.1 of the City Living Zone envisages diverse housing and accommodation complemented by a range of compatible non-residential land uses. PO 1.1 of the Medium-High Intensity Subzone also envisages medium density accommodation.

The development proposes dwellings and offices, with offices at ground level and dwellings on three levels above. As both dwellings and offices are envisaged in the zone, both uses are supportable in principle achieving PO 1.1 of the zone. The proposed dwellings also achieve PO 1.1 of the subzone. Further, as the offices serve to improve community accessibility to services, PO 1.2 of the zone is also achieved. While non-residential land uses such as offices are envisaged in the zone, it is also important to balance these uses with the scale, design and siting of these uses envisaged in the zone per POs 1.3 and 1.4.

The proposed offices are designed to appear commercial and lack delineation between the office and residential uses above. This is at odds with the predominantly residential character of the locality comprising traditional dwellings east of Cardwell Street to more contemporary dwellings to the west of Cardwell Street. The proposed building is not residential in its appearance. However, offices are sited on the ground floor only, to ensure the upper levels remain residential. PO 1.3 is therefore only partially achieved.

PO 1.4(a) and (b) provide guidance on the scale and location of non-residential uses in the zone, suggesting these should primarily be in the form of home-based business activities and the reuse of existing commercial premises. The proposed is neither.

Further, PO 1.4(c) suggests they should be located along street frontages with an established mixed-use character (particularly along several main streets in the Medium-High Intensity Subzone, none of which apply to the subject site). It is notable other neighbourhood-type zones in the Planning and Design Code (e.g. General Neighbourhood Zone) do not contain policy to control non-residential uses to the same extent as the City Living Zone. This suggests while non-residential uses are desired in the zone, their scale and siting are more strictly and deliberately controlled to minimise intrusion into streets with a predominantly residential character.

The site is within the Medium-High Intensity Subzone, however is not within any of the streets listed in PO 1.4(c)(i). It then needs to be considered if Cairns Street has an 'established mixed-use character'.

Abutting the eastern end of Cairns Street are the sides of two low-scale commercial uses which appear as dwellings. Looking west along Cairns Street from this point, the low-scale residential character of the street is evident. Single level cottages with front verandahs and picket fences sit amongst several more contemporary two level dwellings. Shallow front setbacks and the narrow width of Cairns Street contribute to an intimate residential character.

At the western end of Cairns Street the rear of the existing former Southcott Engineering site, now offices, is in stark juxtaposition to the residential character established to the east. The subject site too also appears out of place, although its low scale helps it stand out less than the offices to the north. Further west, along the western side of Cardwell Street, two and three level dwellings of more contemporary design further strengthen the residential character.

While it is acknowledged the subject site and adjacent offices to the north somewhat disrupt the otherwise strong residential character of Cairns Street, their presence in the streetscape is not considered so disruptive that Cairns Street could be considered as having an established mixed-use character.

On balance, PO 1.4 is not achieved, and the proposed office land use is not considered appropriate for the subject site.

Built Form and Design

Building Height

PO 2.2 of the zone desires development contribute to a medium-rise residential character, be consistent with the building height TNVs that apply to the site and positively respond to the local context.

Part 8 of the Code provides that 'medium rise', *'in relation to development, means 3 to 6 building levels'*.

Given the variance in building levels in the medium rise definition and the vastly different impacts buildings of this height can have, the Code carefully manages the maximum building height of medium-rise development throughout the City Living Zone through the application of TNVs. For example, those parts of the zone where up to three building levels are envisaged, including the subject site, have the corresponding maximum building height (levels) TNV applied. Other parts of the zone envisaged for the upper range of medium rise (six building levels) are relatively limited.

It is also worth noting 'catalyst site' policy within the zone envisaging over-height development is only contemplated within the East Terrace Subzone. Further, there is no affordable housing proposed in the development that makes it eligible for over-height dispensation.

The proposed building will have a maximum height of four building levels and 14.4 metres. While this does satisfy the medium rise definition, this is inconsistent with the maximum building height (levels) TNV of three levels and 11 metres that apply to the site.

It then needs to be considered whether the proposed height positively responds to the local context.

As previously discussed, the locality predominantly comprises buildings in the range of one to two levels east of Cardwell Street and buildings of two to three levels west of Cardwell Street.

Considering the large floor to ceiling heights of the offices to the north of the subject site, this building also has the typical bulk expected of a three level building.

The proposed building sets in the fourth building level generously from the northern and southern boundaries, reducing its apparent visibility and resulting bulk. The building therefore appears from some views as a three level building.

It is also considered the zone and subzone envisage change in identified areas. The policies applicable to the site do not seek to preserve the predominantly low-rise character but instead seek to increase residential densities and increase building heights while maintaining residential amenity.

While the proposed building height of four levels will appear in contrast to the established character of the streetscape, especially along Cairns Street, this is largely in response to the medium rise built form outcomes sought by the Code for the locality. The proposal attempts to manage impacts caused by the additional level.

On balance, PO 2.2 of the zone is achieved.

Streetscape Impacts

PO 2.3 of the zone desires new buildings visible from the public realm are consistent with the valued streetscape characteristics of the area and the prevailing built form characteristics. PO 3.1 of the zone desires buildings setback from primary street boundaries to complement the existing streetscape character.

The cottages that predominate along Cairns Street typically have shallow front setbacks in the order of 1 or so metres. This is sufficient to allow for small front porch areas usually covered by a front verandah, with the main roof then sloping away from the front boundary. It is this traditional form that contributes to the intimate residential character that typifies Cairns Street.

As observed earlier, this pattern is broken by the two buildings at the western end of Cairns Street, the subject site and offices directly north, comprised of sheer brick walls built to their Cairns Street boundaries.

The proposed building appears to take the approach of the latter, that is, sheer brick walls constructed to the front boundary, rather than taking cues from the valued streetscape characteristics of the cottages. The resulting visual impact to Cairns Street is therefore greater.

While the difference in front setback may not be great, the visual impact created to the established streetscape character of Cairns Street becomes more apparent given the proposed height as well as the solid form that does not attempt to break up the building into distinct elements as desired by Design in Urban Areas PO 12.3. On balance, PO 2.3 and 3.1 of the zone and Design in Urban Areas PO 12.3 are not achieved.

In contrast to the character of Cairns Street, Cardwell Street is largely comprised of buildings that have only their side walls addressing the street, with walls up to three levels abutting the street. The nil setback to Cardwell Street reinforces this streetscape character and therefore achieves PO 3.2 of the zone.

Boundary Walls

PO 3.5 of the zone seeks boundary walls limited in height and length to manage impacts on adjoining properties, with the corresponding DPF suggesting a maximum boundary wall height of 3 metres and maximum boundary wall length of 11.5 metres (maximum 45% of the length of the boundary).

The development does not propose any setback for its eastern wall, resulting in a boundary wall to a maximum height of 14.4 metres and a maximum length of 23.3 metres to the eastern boundary of the site (96% of the length of the eastern boundary).

Directly adjoining the site is a single level dwelling. The proposed wall on this boundary will be significant adjacent this dwelling with no visual relief provided.

The proposed eastern wall will have limited windows to the northern extent of this façade and only rebated brickwork to articulate what would otherwise be a blank elevation. This is at odds with Design in Urban Areas PO 12.4 which seeks visible boundary walls broken up by visually interesting treatments. Noting there are structures covering much of the rear yard of this property, the proposed boundary wall will still significantly impact on the amenity offered to this property, particularly if the occupants desire an uncovered open area.

There will be complete overshadowing of this neighbouring property in the afternoon, however it is acknowledged the adjacent dwelling will still have access to direct sunlight in the morning hours.

There appears to be tension between PO 3.5 of the zone and PO 3.3(a) which seek separation between buildings in a way that is consistent with the established streetscape. In this instance, buildings along Cairns Street, for the most part, are constructed to both side boundaries and the proposed would therefore seem to be in accord with PO 3.3(a) while simultaneously being in discord with PO 3.5. However, it is important to consider PO 3.3(a) in the context of other POs throughout the Code which seek good design outcomes including Design in Urban Areas PO 12.3 and 12.4 as discussed earlier.

While increased building heights are envisaged in the zone, the zone seeks to carefully control built form impacts and maintain residential amenity for existing dwellings through provisions including PO 3.5 of the zone and Design in Urban Areas PO 12.3 and 12.4. PO 3.5 is not achieved given the extensive visual impacts to the adjacent dwelling from the proposed boundary wall.

Amenity Impacts

Overlooking

Design in Urban Areas PO 16.1 desires development mitigate direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones. The development is adjacent residential uses to the east, west and south.

It should be noted 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 window, is limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than 45 degree angle from the plane of that wall containing the overlooking window.

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.

Fixed horizontal louvres are proposed to the south and east facing windows of the second and third levels. Diagrams supplied by the applicant suggest a person standing at the window and attempting to look down into the private open space and/or habitable room windows of the adjacent residential uses will have around three quarters of their view screened (maximum openings of 24 to 28%). This is largely consistent with other visual privacy requirements of the Design in Urban Areas module and is considered to suitably mitigate direct overlooking.

Louvres are also proposed to the west-facing windows of the second and third levels, although these are not fixed and are retractable. The private open space (balconies) of the dwelling to the west comprises clear balustrading which makes this space somewhat visible from the public realm. Direct overlooking of these adjacent balconies from the proposed west-facing windows of the subject building will be worse than the view obtained at ground level in the public realm. There is some tension here between the visual privacy sought by the Code and the lack of visual privacy that already exists.

The fourth level of the building is setback generously from the north and south, with no windows proposed to the east or west. From inside the building, there will be no direct overlooking of adjacent residential uses.

However, the fourth level also contains two large roof terraces designed for recreational purposes. The balustrade of the terraces will have a height of 1.1 metres. This raises visual privacy concerns for dwellings to the south with private open space and/or habitable room windows that can be directly overlooked.

There is less concern for the visual privacy of dwellings to the east with rear yards are largely covered by structures, and for dwellings to the west, with private open space areas (balconies) largely visible from the public realm due to clear balcony balustrading.

While some effort has been incorporated to mitigating direct overlooking of adjacent residential uses, not all direct overlooking impacts are mitigated, and PO 16.1 is only partially satisfied.

Soft Landscaping

Design in Urban Areas PO 3.1 and 13.1 seek soft landscaping and tree planting for environmental and aesthetic reasons including to minimise heat absorption and reflection, maximise stormwater infiltration and to soften the appearance of the building.

Part 8 of the Code defines soft landscaping as:

'Landscaped areas that are pervious and capable of supporting the growth of plant species. It does not include artificial turf or any form of pervious paving or paved/hardstand areas used for pedestrian and/or vehicle movement.'

The development provides raised steel planters on the ground level and rooftop, with the rooftop also comprising mounded soil. This landscaping is not considered soft landscaping as planters are not pervious, that is, water cannot pass through into the ground.

The environmental and aesthetic benefits provided by the landscaping proposed are questionable. At ground level, the planters are setback behind the front of the building and covered by the roof above. Therefore, they cannot contribute to stormwater infiltration, provide any shade or shelter, or minimise heat absorption. Visibility of any plantings will only be from immediately in front of the building and the growth of the plants into the public realm is not desirable given the narrow width of the Cairns Street footpath.

At roof level, the plantings may contribute to minimising heat absorption, and the soil will be capable of assisting with stormwater infiltration although not to the same extent as a deep soil area at ground level. However, at three levels above ground the ability of the plantings to soften the appearance of the building and enhance the appearance of the streetscape is questionable. The landscape plan also suggests some trees will grow to as high as 7 metres in soil with a depth of 750mm. There is concern the impacts of wind and drying of the soil due to its relative shallowness may impact on the viability of these trees, although it is acknowledged with careful management it may be possible.

While there are some benefits provided by the proposed landscaping, there is ultimately no soft landscaping proposed. On balance, the intent of Design in Urban Areas PO 3.1 and 13.1 is not achieved.

Noise

Air conditioning units are proposed to the rear of the building, above the entrance to the garages. Specifications relating to noise have been supplied by the applicant although these are generic and a specific acoustic assessment has not been undertaken.

Council's consulting acoustic engineer has raised concerns with the information provided and suggested it is likely the air conditioning units would have an unacceptable impact on adjacent sensitive receivers if they were all operating, especially in heating mode. This could be explored further through the provision of a detailed acoustic report as a reserved matter should consent be granted.

On this basis, Interface between Land Uses PO 4.1 is not achieved and further consideration of how to manage the noise impact created by the air conditioning units would be required.

Overshadowing

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

The shadow diagrams indicate that on the winter solstice, north-facing windows of the adjacent boarding house to the south at 288-292 Gilles Street are likely to be shaded from midday, while having some sunlight access in the morning hours.

North-facing windows of the adjacent dwelling to the south at 284-286 Gilles Street are unlikely to be shaded as they are already covered by verandahs to the rear. It is acknowledged shading will occur from the third level given the fourth level is setback from the rear and will therefore not have any impact on the shading created by the proposed building. Three level buildings are anticipated in the locality and so some shading, especially to the south, is inevitable. PO 3.1 is achieved.

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.

The shadow diagrams indicate the private open space of 284-286 Gilles Street will be shaded by the development in the morning hours to 12.00pm. Sunlight access though will be maintained in the afternoon. Dwellings to the east at 9 and 11 Cairns Street will be shaded in the afternoon although it is acknowledged direct sunlight access will be maintained in the morning hours. On balance, Interface between Land Uses PO 3.2 and PO 3.3(b) of the zone are satisfied.

Interface between Land Uses PO 3.3 desires overshadowing not unduly reduce the generating capacity of adjacent rooftop solar panels. The shadow diagrams indicate solar panels at the rear of 284-286 Gilles Street will be shaded for virtually the whole day on the winter solstice. This will undoubtedly have an impact on the generating capacity of these panels.

Buildings up to three levels are anticipated in the zone and the adjacent solar panels are located to the northern extent of the adjacent site where they will be most impacted by any three level building to the north. It appears there may be options for the panels to be relocated further south on the adjacent dwelling where they would be less shaded or not shaded at all. While not desirable for the adjacent site, on balance the proposed development is not considered to unreasonably impact on adjacent solar panels, achieving PO 3.3. As acknowledged above, it is also considered acceptable as the overshadowing of the solar panels does not stem from the fourth level due to its large setback from the rear boundary of the subject site.

Traffic and Access

Transport, Access and Parking PO 1.4 desires development sited and designed to avoid interrupting the operation of and queuing on public roads. While the development provides car stackers for vehicle parking in excess of the minimum rate, the stackers do not incorporate a basement level. This means a car at the bottom must be removed before the top space can be accessed. This has the potential to cause queuing on adjacent roads and does not meet the Australian Standards (AS/NZS2890.1 - Off-Street Car Parking) requirement for queuing areas and access to mechanical parking installations. Transport, Access and Parking PO 1.4 is not achieved.

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 this matter.

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 noting the proposed land uses and built form are broadly envisaged in the zone.

10. **CONCLUSION**

The City Living Zone envisages predominantly residential development at low-to-medium density, with medium-rise and medium-to-high density development in identified areas. Through the application of the Medium-High Intensity Subzone and a maximum building height (levels) TNV of three levels, it is clear the subject site is identified as being suitable for increased height and density.

The proposed development is predominantly residential and achieves the desire for medium-rise development, albeit at a height and form inconsistent with the height TNVs for this site.

The Code also acknowledges introducing change through increased building heights and density to streetscapes with an established character has the potential to impact on residential amenity. Provisions throughout the Zone, including those relating to land use, building height and setbacks seek to facilitate this desired change while at the same time ensuring residential amenity and the valued characteristics of the streetscape are maintained.

The proposed development fails to carefully manage change in this locality through its design and siting which increase its impact on adjacent sensitive receivers and the locality. There has been minimal attempt to setback the building from its boundaries resulting in significant visual impacts. The architectural form is strong with minimal articulation to break up the building or provide visual relief for adjacent dwellings. The development provides full site coverage thereby eliminating opportunities for soft landscaping. The proposed offices at ground level represent an intrusion of a land use not envisaged in this locality.

The assessment of the proposal against the Code is finely balanced, however ultimately it is not considered to adequately satisfy key provisions and therefore is recommended for refusal.

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 ID 25035892, by Datay Pty Ltd is REFUSED Planning Consent for the following reasons:
 - City Living Zone PO 1.4 is not achieved as the proposed commercial activities are not of a scale and type to maintain residential amenity.
 - City Living Zone PO 2.3 is not achieved as the new building is not consistent with the valued streetscape characteristics of the area or prevailing built form characteristics.
 - City Living Zone PO 3.1 is not achieved as the building is not setback from the primary street boundary to complement the existing streetscape character.
 - City Living Zone PO 3.5 is not achieved as boundary walls are not limited in height and length to manage impacts on adjoining properties.
 - Design Overlay PO 1.1 is not achieved as the medium rise building does not demonstrate high quality design.
 - Design in Urban Areas PO 2.4 is not achieved as the development at street level does not maximise opportunities for passive surveillance of the public realm.

- Design in Urban Areas PO 2.5 is not achieved as the entry points of the building and non-residential land uses at street level do not maximise passive surveillance from the public realm to the inside of the building at night.
- Design in Urban Areas PO 3.1 is not achieved as soft landscaping and tree planting are not incorporated to minimise heat absorption and reflection, maximise shade and shelter, maximise stormwater infiltration and enhance the appearance of the land and streetscape.
- Design in Urban Areas PO 12.1 is not achieved as the building does not positively contribute to the character of the local area by responding to the local context.
- Design in Urban Areas PO 12.2 is not achieved as architectural detailing at street level and a mixture of materials at lower building levels near the public interface are not provided to reinforce a human scale.
- Design in Urban Areas PO 12.3 is not achieved as the building is not designed to reduce visual mass by breaking up building elevations into distinct elements.
- Design in Urban Areas PO 12.4 is not achieved as boundary walls visible from public land do not include visually interesting treatments to break up large blank elevations.
- Design in Urban Areas PO 13.1 is not achieved as the development does not provide a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of the building.
- Design in Urban Areas PO 13.2 is not achieved as deep soil zones are not provided to accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi storey buildings.
- Design in Urban Areas PO 13.3 is not achieved as deep soil zones with access to natural light are not provided to assist in maintaining vegetation health.
- Interface between Land Uses PO 1.2 is not achieved as the development is not designed to minimise adverse impacts to adjacent sensitive receivers.
- Interface between Land Uses PO 4.1 is not achieved as noise emitted by the development unreasonably impacts on the amenity of sensitive receivers.
- Transport, Access and Parking PO 1.4 is not achieved as the development is not sited and designed so that traffic avoids queueing on public roads.

ADVISORY NOTE

1. Appeal Rights

The applicant has a right of appeal against this decision. 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).

Agenda Item 3.2

Council Assessment Panel

Monday, 27 April 2026

Subject Site	42 Melbourne Street, North Adelaide
Development Number	25024778
Nature of Development	Construct five level mixed-use building comprising shop, lobby and ancillary carparking at ground, dwellings at upper levels and swimming pools with associated safety features.
Representations	Listed to be Heard - Yes
Summary Recommendation	Planning Consent Granted
Status	Public

DEVELOPMENT NO.:	25024778
APPLICANT:	Adelaide Development Corporation
AGENDA ITEM NO:	3.2
ADDRESS:	42 Melbourne Street, North Adelaide SA 5006
NATURE OF DEVELOPMENT:	Construct five level mixed-use building comprising shop, lobby and ancillary carparking at ground, upper level dwellings and swimming pools with associated safety features
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • City Main Street <p>Subzones:</p> <ul style="list-style-type: none"> • City High Street <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Design • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Noise and Air Emissions • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height – 14 metres and 4 levels
LODGEMENT DATE:	28 August 2025
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	Version 2025.15 – 14 August 2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	PC
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Local Heritage, Traffic, Infrastructure

CONTENTS:

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

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

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Robert Elphick of 17 Sussex Street, North Adelaide
- Jemma Elphick of 17 Sussex Street, North Adelaide
- Jamie Pettigrew of 13 Sussex Street, North Adelaide
- Emma Johnson of 101 Stanley Street, North Adelaide
- Kym Tothill of 21 Sussex Street, North Adelaide
- Katelyn Priester of 22 Sussex Street, North Adelaide
- Daniel Killey of 15 Sussex Street, North Adelaide
- Alex Moore of U14, 55 Melbourne Street, North Adelaide
- Rodney Twiss of 38 Melbourne Street, North Adelaide
- Claudia Saccone and James Grogan of 59 Sussex Street, North Adelaide

Applicant

- Greg Vincent and Ken Body of MasterPlan on behalf of the applicant

1. **DETAILED DESCRIPTION OF PROPOSAL**

This application proposes the demolition of existing single storey buildings comprising a dwelling and a restaurant and construction of a five level mixed-use building consisting of:

- ground – shop tenancy, lobby entrance to residential levels above, vehicular access and carparking via a stacker system for a total of 12 cars, dedicated waste room and services including fire safety and mailboxes as well as a canopy to the Melbourne Street footpath
- level 1 – two x two bedroom apartments, each facing north and south and incorporating terraces and landscaped planters
- levels 2-3 – a three bedroom apartment to both levels including balconies and landscaped planters
- rooftop (level 4) – roof terrace incorporating two plunge swimming pools, outdoor dining and living areas, air conditioning plant enclosure and landscaped perimeter. The roof terrace is intended to be utilised by occupants of the three bedroom apartments.

2. **BACKGROUND**

Two rounds of public notification were undertaken due to the omission of the traffic report during the first round. The representations from the second round of notification are the valid submissions and are included in the attachments. A total of 16 representations were received with two voicing support with concerns, 14 opposed and 10 wishing to make a verbal representation to the Panel.

At the time of lodgement, the administrative term ‘building height’ was defined as including any lift overrun or stairwell protrusions. However, through a Code Amendment adopted on 4 December 2025 (operational on 16 January 2026) this definition was altered so that building height

Means the maximum vertical distance between the reference point at any point of any part of a building and the finished roof height at its highest point immediately above the reference point, ignoring any antenna, aerial, chimney, flagpole or the like or any lift overruns or stairwell protrusions that are used for maintenance purposes only...”

This effectively means that lift overruns and stairwell protrusions are now excluded from building height, however this does not apply to this development.

Whilst some information included in the documentation assigns the roof terrace to communal use, the applicant has confirmed this area will be utilised by occupants of the three bedroom apartments on levels 2 and 3. No communal space is proposed.

Various changes have been adopted through the assessment process in response to Council’s request for further information, as well as representations received through public notification.

3. **SUBJECT LAND AND LOCALITY**

Subject Land

The site is located at 42 Melbourne Street, North Adelaide and comprises a single allotment, being Allotment 783 in Filed Plan 184055, contained in Certificate of Title Volume 5394, Folio 666. The site is not subject to any encumbrances or easements.

The site has a frontage to Melbourne Street of 15.09 metres and site boundaries of 30.63 metres, equating to a site area of approximately 462m².

There is an existing crossover to Melbourne Street which is currently not utilised. The site currently contains a single storey restaurant, with a single storey residence to the rear.

Locality

The locality comprises two main types of land uses. Melbourne Street predominantly contains shops and restaurants typical of a Main Street Zone with some residential properties. Sussex Street contains residential land uses within the bordering City Living Zone to the rear of the site.

Built form in the locality varies given the location of the subject site on the boundary of two zones. In the City Living Zone, where Sussex Street is located, buildings are single and two storey residential properties. Along Melbourne Street, in the City Main Street Zone, there is a mix of building heights varying from older one to three storey buildings to a contemporary seven level mixed-use building at 67 Melbourne Street.

Figure 3.1 – View of subject site



Figure 3.2 – View of adjacent building to west of subject site



Figure 3.3 – View of adjacent building to east of subject site



Figure 3.4 – Low scale residential development north of the site (Sussex Street)



Figure 3.5 – Low scale residential development north of the site (Sussex Street)



Figure 3.6 – View of portion of southern side of Sussex Street looking east



Figure 3.7 – View of portion of southern side of Sussex Street looking west



Figure 3.8 – View of portion of southern side of Melbourne Street looking west



Figure 3.9 – View of portion of southern side of Melbourne Street looking east



Figure 3.10 – Examples of larger scale developments in Melbourne Street



Figure 3.11 – Larger scale development located at 67-71 Melbourne Street (southern side)



4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

PER ELEMENT:

Shop: Code Assessed - Performance Assessed

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

Residential flat building: Code Assessed - Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON

Elements of development are either listed in Table 3 of the City Main Street Zone, or are not otherwise listed in Table 1, 2 and 4 of the City Main Street Zone. The development is therefore categorised as Performance Assessed.

6. PUBLIC NOTIFICATION

The proposed development required public notification as it exceeds the maximum building height specified in Zone DPF 3.1 as well as not satisfying Sub Zone DPF 3.1 in terms of the building envelope. Swimming pools are excluded from public notification.

Two rounds of public notification were undertaken due to the omission of the traffic report as part of the publicly available documentation during the first round. The representations from the second round are taken as the valid submissions for the purposes of this proposal and are included in the attachment to this report and listed below. A total of 16 representations were received, two who support with concerns and 14 who oppose the development.

Table 6.1 – List of Representations		
No.	Representor Address	Request to be Heard
1	Sarah Johnson – 9 Sussex Street, North Adelaide	No
2	Robert Elphick – 17 Sussex Street, North Adelaide	Yes
3	Jemma Elphick – 17 Sussex Street, North Adelaide	Yes
4	Jamie Pettigrew – 13 Sussex Street, North Adelaide	Yes
5	Emma Johnson – 101 Stanley Street, North Adelaide	Yes
6	Kym Tothill – 21 Sussex Street, North Adelaide	Yes
7	The North Adelaide Society – North Adelaide	No
8	Katelyn Priestler – 22 Sussex Street, North Adelaide	Yes
9	Daniel Killey – 15 Sussex Street, North Adelaide	Yes
10	Rosemary Douglas – 27 Sussex Street, North Adelaide	No

11	Lucinda Cooper-Hackman – 14 Sussex Street, North Adelaide	No
12	Alex Moore – U14, 55 Melbourne Street, North Adelaide	Yes
13	Michael and Margaret Porter – 20 Sussex Street, North Adelaide	No
14	Rodney Twiss – 38 Melbourne Street, North Adelaide	Yes
15	Claudia Saccone and James Grogan – 59 Sussex Street, North Adelaide	Yes
16	Dale Wasley – 16 Sussex Street, North Adelaide	No

Table 6.2 – Summary of Representations

- Overlooking and privacy impacts
- Traffic congestion and parking
- Inadequate access for vehicles
- Over maximum building height
- Overshadowing
- Visual dominance
- Over development of site
- Insufficient deep soil zones, landscaping and private open space
- Does not meet setbacks
- Noise from plant and equipment and swimming pool
- CPTED issues with entry/lobby
- Erosion of heritage character
- Impacts to heritage properties during construction
- Disruption during construction
- Pollution created during construction
- Management of construction site
- Potential conflict with other sites being developed

Note: The full representations and the applicant's response to the representations are included in Attachments 4 and 5.

7. INTERNAL REFERRALS

Senior Heritage Advisor

- The heritage value of the adjacent places is vested in retaining their prominence in the streetscape and continuing to be representative of low scale c1860-1930s cottage development in this part of North Adelaide.
- The proposed height, while over the maximum, is mitigated through the design approach of creating a 'plinth' to match the height of the existing context, then providing a generous side setback to the floors above providing comfortable 'breathing room' between the new and old fabric.

- Front and side setbacks of the Local Heritage Places along Melbourne Street are minimal and effectively on the front boundary. The proposal is located on the street frontage but has a side setback between the two properties greater than the front setback of the Local Heritage Places to ensure it will not unreasonably impact approaching views.
- The materiality includes a fine-grained masonry plinth at ground level which is sympathetic to the materiality of the heritage place. This is reinforced through matching the relative height and continuing a verandah element at a relative datum. The tower above, though erroneous in its materiality, helps to visually separate the two elements and mitigates the impact of the tower on the context of the Local Heritage Places.
- The impact of the proposal on heritage value is limited and mitigated in each respect by the design approach. The proposal does not unreasonably or unduly impact upon the adjacent heritage places where it also reasonably accords with the zone and subzone provisions.

Traffic

- In the initial phase of the assessment of this application, Council's traffic team had concerns regarding traffic and parking matters. The applicant, their traffic engineer and planning consultant met with Council Administration to discuss these matters. Amendments were made in relation to feedback provided and taking into consideration comments received during public notification.
- Some aspects remain unresolved due to lack of detailed design at this stage however, Council's traffic team supports the proposal subject to a reserved matter and conditions of consent. Further detail is provided in Section 8.5.

Infrastructure

Encroachments / Urban Elements

- The proposed canopy encroachment satisfies the Council's Encroachment Policy, apart from clearance to the regulated street tree. The proposed pruning of the regulated street tree is supported in principle, confirming the health of the tree will not be impacted.

Stormwater

- The applicant has suggested the proposal may not worsen and could improve stormwater conditions. Whilst this could be correct, there is insufficient evidence at this stage to confirm.
- The finished floor level of the building needs to be set at 300mm above the top of kerb or 300mm above the 1% AEP flood level, whichever is higher. A relative level of 31.80 metres is shown, however the current levels of the kerb along the street are required to determine if this requirement can be met.
- It is recommended a reserved matter be imposed on any consent granted as per below:

Reserved Matter

A Stormwater Management Plan prepared by a suitably qualified civil or hydraulic engineer demonstrating:

1. *Post-development stormwater runoff rates do not exceed pre-development rates for the 1 in 5 year and 1 in 100 year ARI storm events*
2. *Details of all on-site detention, retention, or infiltration systems (including deep soil zones, rooftop planters, and landscaped terraces) with supporting calculations*
3. *Compliance with Council's stormwater management requirements and relevant Australian Standards*
4. *Connection details to Council's stormwater infrastructure (if applicable).*

8. PLANNING ASSESSMENT

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

8.1 Summary of City Main Street Zone Assessment Provisions

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	A mixed-use zone providing important shopping, hospitality, commercial, community, cultural and entertainment facilities for the city supported by medium to high-density residential development. Non-residential activities including shops, restaurants and licensed premises positively contribute to the day and evening economies, public safety, walkability and city vibrancy.		
DO 2	Built form positively contributes to: <ul style="list-style-type: none"> a) a streetscape that is visually interesting at human-scale, comprising articulated buildings with a high level of fenestration and balconies oriented towards the street b) a fine-grain public realm comprising buildings with active frontages that are designed to reinforce the street rhythm and intimate character, that consider the facades, articulation and massing of existing buildings and any spaces between them, and provide narrow tenancy footprints at ground level. 		
Land Use and Intensity			
PO 1.1	<ul style="list-style-type: none"> • Both a shop and a residential flat building envisaged. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> • Dwellings located at upper levels as desired. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	<ul style="list-style-type: none"> • Dwellings well designed with a variety of sizes (i.e. 2 and 3 bedrooms). 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.6	<ul style="list-style-type: none"> • Incorporates shop at ground level to assist in generating high levels of pedestrian activity. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Built Form and Character			
PO 2.1	<ul style="list-style-type: none"> • Building will reinforce street edge and grid pattern. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> • Design incorporates verandah/canopy to complement main street character. • Shopfront incorporates clear glazed shopfront. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> • More than 60% of street frontage used as entry/foyer and display windows creating a visual connection between public realm and ground level interior. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.4	<ul style="list-style-type: none"> • Verandah/canopy providing a high amenity pedestrian environment and shelter to footpath. • Improvement as existing building does not have any pedestrian shelter. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.5	<ul style="list-style-type: none"> • Achieves 3.5 metre high ceiling (4 metres) at ground level to ensure adaptability and flexibility. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.6	<ul style="list-style-type: none"> • Active frontage will reinforce the main street as an important pedestrian promenade and vibrant place. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PO 2.7	<ul style="list-style-type: none"> No security grilles proposed. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.8	<ul style="list-style-type: none"> No setback to primary street boundary, providing continuity of built form frontage to main street. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.11	<ul style="list-style-type: none"> No gap in built form. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Height			
PO 3.1	<ul style="list-style-type: none"> Maximum height is 4 levels and 14 metres. Proposal is 18.35 metres and five building levels. Refer Section 8.5. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> Achieves minimum building height. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Movement, Parking and Access			
PO 4.1	<ul style="list-style-type: none"> No additional crossover with crossover relocated from west to eastern side of site. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.2	<ul style="list-style-type: none"> Parking at rear of site, behind commercial tenancy and entrance lobby. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.3	<ul style="list-style-type: none"> Entrance setback six metres from front boundary. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8.2 Summary of City High Street Subzone Assessment Provisions

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	A safe, walkable and vibrant shopping, entertainment and commercial high street precinct with an active day and evening economy supported by medium density residential development.		
DO 2	Development along a city high street that contributes to an intimate public realm with active streets.		
DO 3	Integrated developments on catalyst sites to assist in the transformation of a locality and facilitate an increase in the residential population of the City, while also activating the public realm and creating a vibrant main street feel.		
Land Use and Intensity			
PO 1.1	<ul style="list-style-type: none"> Adds to vibrant mix of land uses. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Built Form and Character			
PO 2.1	<ul style="list-style-type: none"> Built form incorporates podium-like base, providing separation from the adjacent Local Heritage Place to the east. Setback of 3.6 metres for main face of building from level 2 upwards. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> Prevailing datum heights and parapet levels reinforced through articulated façade. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> Visually interesting built form that is contextual and positively contributes to existing and desired character. Maintains rhythm and visual continuity of verandahs. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Interface			
PO 3.1	<ul style="list-style-type: none"> Refer Section 8.5. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

8.3 SUMMARY OF APPLICABLE OVERLAYS

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

- Airport Building Heights (Regulated) Overlay – does not exceed prescribed height
- Affordable Housing Overlay – affordable housing not incorporated
- Building Near Airfields Overlay – no airfields in proximity
- Design Overlay – value of development below \$10 million
- Noise and Air Emissions Overlay – not adjoining high noise and/or air pollution sources
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree Overlay – no regulated or significant trees impacted
- Traffic Generating Development Overlay – access not obtained directly from State Maintained Road

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	<ul style="list-style-type: none"> • Not met at this stage with the applicant seeking a reserved matter to resolve this after further investigations. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Heritage Adjacency Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.		
Built Form			
PO 1.1	<ul style="list-style-type: none"> • Refer Section 8.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Regulated and Significant Tree Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.		
Tree Retention and Health			
PO 1.1	<ul style="list-style-type: none"> • Existing street tree is regulated and proposal does not seek to remove the tree. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	<ul style="list-style-type: none"> • No tree damaging activity proposed. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PO 1.4	<ul style="list-style-type: none"> Arborist report submitted. Concludes pruning of crown to facilitate demolition and construction can occur without adversely impacting the health of the regulated street tree. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ground Work Affecting Trees			
PO 2.1	<ul style="list-style-type: none"> No impact to root system of tree. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8.4 General Development Policies

Clearance from Overhead Powerlines

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

Design in Urban Areas

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Development is contextual, durable, inclusive and sustainable.		
All Development			
External Appearance			
PO 1.1	<ul style="list-style-type: none"> Corners appropriately reinforced. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> Shelter over footpath in the form of an awning. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	<ul style="list-style-type: none"> Building elevation conveys purpose, identifies main access point and complements the streetscape. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> Air conditioning plant in enclosure on roof. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	<ul style="list-style-type: none"> Waste storage area not visible from public realm. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Safety			
PO 2.1	<ul style="list-style-type: none"> Passive surveillance of public realm (Melbourne Street) can occur. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> Public, communal and private areas adequately differentiated. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> Safe, perceptible and direct access from public street and vehicle parking area. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.4	<ul style="list-style-type: none"> Windows to front elevation, as well as shop tenancy, maximise opportunities for passive surveillance of public realm. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.5	<ul style="list-style-type: none"> Passive surveillance of shop tenancy and lobby can occur from public realm. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Landscaping			
PO 3.1	<ul style="list-style-type: none"> Soft landscaping and tree planting proposed. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Performance			
PO 4.1	<ul style="list-style-type: none"> Access to natural sunlight and ventilation achieved. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.2	<ul style="list-style-type: none"> Passive environmental performance achieved. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.3	<ul style="list-style-type: none"> Climate responsive features included in design such as orientation, verandah, shading structures, water harvesting and landscaping. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Car Parking Appearance			
PO 7.1	<ul style="list-style-type: none"> Parking adequately screened. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 7.2	<ul style="list-style-type: none"> Appropriately screened using fencing and landscaping. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 7.3	<ul style="list-style-type: none"> Safe, legible, direct and accessible pedestrian access. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site Facilities / Waste Storage (excluding low rise residential development)			
PO 11.1	<ul style="list-style-type: none"> Dedicated on-site waste storage area, however collection will not occur on site. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 11.2	<ul style="list-style-type: none"> Communal waste storage screened from view. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 11.3	<ul style="list-style-type: none"> Not located near habitable rooms. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All Development – Medium and High Rise			
External Appearance			
PO 12.1	<ul style="list-style-type: none"> Building will positively contribute to character of local area. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.2	<ul style="list-style-type: none"> Detail and materials at lower levels reinforce human scale. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.3	<ul style="list-style-type: none"> Visual mass broken up through modulation, setbacks and materials. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.4	<ul style="list-style-type: none"> Upper level western wall incorporates patterns and colouring to precast panels for visual relief. Eastern boundary wall at ground incorporates recessed element to provide relief to blank façade. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.5	<ul style="list-style-type: none"> Mixture of materials including brick, render and stone. Materials durable and minimise ongoing maintenance. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.6	<ul style="list-style-type: none"> Active use at ground floor facing Melbourne Street. Entry area prominent. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.7	<ul style="list-style-type: none"> Entry orientated towards street and proximate to lobby / lift. Shelter to entry provided. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.8	<ul style="list-style-type: none"> Plant not visible from public realm. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscaping			
PO 13.1	<ul style="list-style-type: none"> No landscaped area facing street frontage. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 13.2	<ul style="list-style-type: none"> Proposed 29m² (5.6% of the site) marginally short of the recommended 7% prescribed by DPF 13.2. Tree planting comprising Chanticleer Callery Pear, Lemon Myrtle and Tuckeroo. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

PO 13.3	<ul style="list-style-type: none"> Deep soil zone will have access to natural light. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 13.4	<ul style="list-style-type: none"> Setback from rear boundary marginally over 2 metres not achieving 6 metres from zone boundary as sought. However, setback increases over each building level above ground. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental			
PO 14.1	<ul style="list-style-type: none"> Micro-climatic impacts not unreasonable. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 14.2	<ul style="list-style-type: none"> Window orientation, eaves and shading structures, water harvesting and use, green wall and roof design photovoltaic cells. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 14.3	<ul style="list-style-type: none"> Design incorporates verandah and podium base to assist in minimising wind impacts. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Overlooking/Visual Privacy			
PO 16.1	<ul style="list-style-type: none"> Proposal uses several techniques to mitigate direct overlooking including site layout, setbacks from boundaries and landscaping. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All Residential Development			
Outlook and Amenity			
PO 18.1	<ul style="list-style-type: none"> Living rooms of each apartment have adequate outlook to provide amenity for occupants. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 18.2	<ul style="list-style-type: none"> No impact from common areas or parking areas likely. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Residential Development - Medium and High Rise (including serviced apartments)			
Private Open Space			
PO 27.1	<ul style="list-style-type: none"> Table 1 – Private Open Space seeks 2 bedrooms and 3 bedrooms to provide 11m² and 15m² of private open space respectively. Proposal incorporates adequate private open space for both dwelling types in the form of balconies. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Residential Amenity in Multi-level Buildings			
PO 28.1	<ul style="list-style-type: none"> No direct line of sight between dwellings within site. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.2	<ul style="list-style-type: none"> Balconies suitably positioned and integrated into overall architectural form. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.3	<ul style="list-style-type: none"> Balconies of sufficient size and depth, achieving a minimum dimension of two metres. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.4	<ul style="list-style-type: none"> Adequate storage provided. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.6	<ul style="list-style-type: none"> Adequate separation to avoid transmission of sound from one dwelling to another. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.7	<ul style="list-style-type: none"> Areas within apartments useable. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Common Areas			
PO 30.1	<ul style="list-style-type: none"> Common areas with circulation spaces of sufficient size to accommodate movement. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Group Dwellings, Residential Flat Buildings and Battle axe Development			
Amenity			
PO 31.1	<ul style="list-style-type: none"> Two and three bedroom apartments should have a minimum internal floor area of 65m² and 80m² respectively. Both exceed recommended minimums. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 31.2	<ul style="list-style-type: none"> Siting of upper levels and use of screening minimises impacts on amenity, outlook and privacy of occupants and neighbours. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 31.3	<ul style="list-style-type: none"> Each upper level contains apartments which face the public street. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Car Parking, Access and Manoeuvrability			
PO 33.1	<ul style="list-style-type: none"> On-street parking will be maintained in a different location. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 33.2	<ul style="list-style-type: none"> Access via a single common driveway to reduce interruption of the footpath. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 33.3	<ul style="list-style-type: none"> Driveway does not meet recommended 5.5 metre width sought when accessing more than three dwellings. Refer Section 8.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 33.4	<ul style="list-style-type: none"> B85 vehicle can enter and exit parking spaces appropriately. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site Facilities/Waste Storage			
PO 35.1	<ul style="list-style-type: none"> Provision for mailbox facilities incorporated. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 35.2	<ul style="list-style-type: none"> No external clothes drying facilities as adequate area for drying within apartments. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 35.3	<ul style="list-style-type: none"> Waste stored away from public view. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 35.4	<ul style="list-style-type: none"> Waste and recyclable material storage areas located away from dwellings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 35.5	<ul style="list-style-type: none"> Collection to occur on-street. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 35.6	<ul style="list-style-type: none"> Gas and water meters screened from view. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Interface between Land Uses

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Development located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.		
General Land Use Compatibility			
PO 1.1	<ul style="list-style-type: none"> Unlikely to be impacted by any lawful land uses. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hours of Operation			
PO 2.1	<ul style="list-style-type: none"> No hours proposed for tenancy at this stage, however unlikely to be unreasonable. Condition for imposition of standard hours included. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Overshadowing			
PO 3.1	<ul style="list-style-type: none"> Overshadowing will only occur in the morning to the west or in the afternoon to the east and the remainder of the day will be unaffected. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> As above. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> No existing solar panels impacted. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Activities Generating Noise or Vibration			
PO 4.3	<ul style="list-style-type: none"> Acoustic report states proposal will comply in terms of mechanical noise. Conditions will ensure construction undertaken to achieve requirements. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.4	<ul style="list-style-type: none"> Acoustic assessment indicates bedrooms will be adequately shielded from noise sources. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Site Contamination

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.		
PO 1.1	<ul style="list-style-type: none"> Site declaration form provided stating a potentially contaminating activity not known to have occurred. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Transport, Access and Parking

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.		
Sightlines			
PO 2.1	<ul style="list-style-type: none"> Sightlines adequately maintained. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> Sightlines adequate. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicle Access			
PO 3.1	<ul style="list-style-type: none"> Access via an authorised access point. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> Access point appropriately designed and sited. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.4	<ul style="list-style-type: none"> Access point will not result in adverse impacts to neighbouring properties. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.5	<ul style="list-style-type: none"> Access point will not interfere with existing street tree. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.6	<ul style="list-style-type: none"> Not removing existing on-street parking, rather existing parking will require adjustments to ensure no net loss. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.8	<ul style="list-style-type: none"> Parking designed to allow adequate movement and manoeuvrability for B85 types. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PO 3.9	<ul style="list-style-type: none"> Circulation will occur on site. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Access for People with Disabilities			
PO 4.1	<ul style="list-style-type: none"> No parking provided. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vehicle Parking Rates			
PO 5.1	<ul style="list-style-type: none"> No parking required, however 12 spaces proposed. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicle Parking Areas			
PO 6.1	<ul style="list-style-type: none"> No use of public roads for movement. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 6.2	<ul style="list-style-type: none"> Carparking screened. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bicycle Parking in Designated Areas			
PO 9.1	<ul style="list-style-type: none"> One space per dwelling provided within the dwelling. Shortage of one space per dwelling (total of eight required). Located in proximity to public transport. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 9.3	<ul style="list-style-type: none"> No end of journey facilities provided for the shop use. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8.5 Detailed Discussion

Built Form and Character

Design

The City Main Street Zone seeks buildings reinforce the street edge and grid pattern. The proposal is located on the front boundary reinforcing the street edge. The City Main Street Subzone seeks the local context inform built form and this can be achieved through provision of a clearly defined podium or street wall. New development should reinforce datum heights.

A podium and upper level setback which responds to the local context, including the scale of adjacent buildings is desirable to present a consistent streetscape and sense of enclosure. Verandah profiles and materiality should be consistent with, and positively respond to, adjacent traditional main street buildings. A visual connection between the building and the public realm ensures an active interface as well as passive surveillance. Shelters to the footpath are desired to improve the pedestrian experience.

The proposal incorporates a verandah to Melbourne Street where none currently exist. The ground floor presents an active frontage and casual surveillance to the street. Upper levels are well articulated with changes in setbacks, balconies and planters and curvilinear elements which soften the bulk of the built form. There is a strong podium base, and datum lines correspond with key elements of adjacent buildings.

External materials include concrete walls (either exposed or rendered), brick and stone cladding, timber soffit and façade screening and white powder coated aluminium window and doorframes. All proposed materials are considered adequately durable, satisfying Design in Urban Areas PO 12.5.

The proposed access point is recessed from the primary street frontage, where parking areas are located within the site. As vehicle parking areas are not visible, the development does not negatively impact the rhythm and activation of the main street as desired by City Main Street Zone PO 4.2.

Building Height

The subject site is located within the City High Street Subzone of the City Main Street Zone. Zone PO 3.1 seeks the building height of development to be consistent with the maximum height associated of four levels and 14 metres high for the subject site, or that it positively responds to the local context and otherwise achieve the desired outcomes of the Zone.

The desired outcomes of the zone seek a mix of land uses supported by medium to high density residential development and built form which positively contributes to a visually interesting streetscape, comprising articulated buildings with a high level of fenestration and balconies oriented towards the street and active frontages designed to reinforce the street rhythm and intimate character.

The proposal exceeds the maximum building height by one level and approximately 4.65 metres (including the lift overrun). Whilst the proposal is over height as expressed in Zone DPF 3.1, it is considered acceptable as the built form steps in from its boundaries as it increases in height over each building level, with the uppermost level setback approximately 10 metres from the northern boundary, 4.3 metres from the eastern boundary and 2.8 metres from the southern boundary. The overall effect is that elements over the maximum height are reduced to an acceptable level.

Whilst the proposal exceeds the maximum building height stipulated in Zone DTS/DPF 3.1, those elements above the maximum height are centred within the site. Consequently, the additional built form will not unduly impact on the residential amenity of the adjacent City Living Zone and will not be highly visible from the Melbourne Street frontage, thereby making a positive contribution to the City Main Street Zone.

The design incorporates an active frontage and further contributes to the streetscape with an articulated southern façade including fenestration and balconies oriented towards Melbourne Street. The proposal therefore positively responds to the local context and achieves the desired outcomes.

Setbacks

To mitigate visual impacts of building massing on residential development within the neighbouring City Living Zone to the north, DPF 3.1 seeks buildings constructed within a building envelope provided by a 45-degree plane measured from a height of three metres above natural ground level at the boundary of any allotment used for residential purposes in the City Living Zone as shown in Figure 8.5.1.

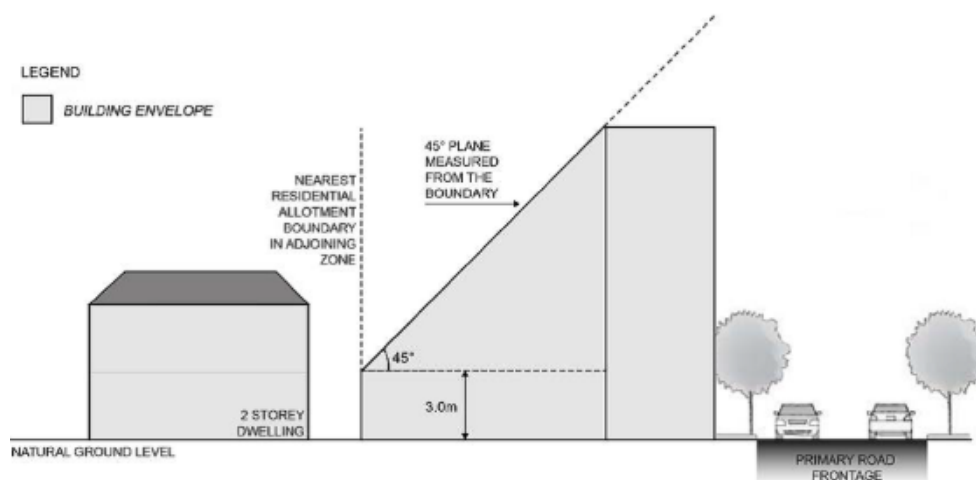


Figure 8.5.1 – 45-degree plane diagram

The proposal largely achieves the relevant /DPF provisions, except for relatively minor encroachments indicated in Figure 8.5.2.

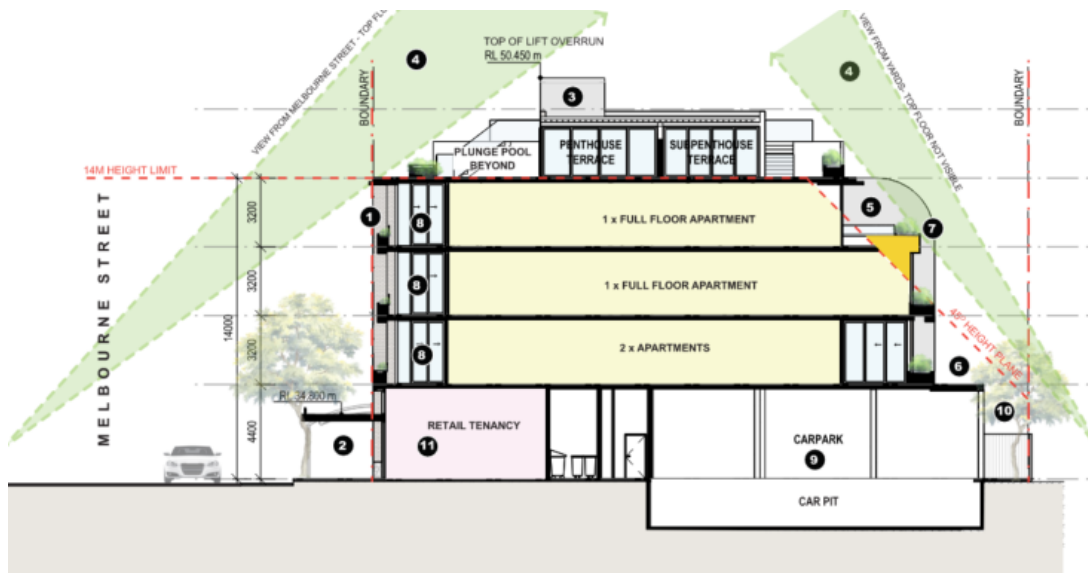


Figure 8.5.2 – comparison of proposal to 45-degree plane requirement

The extent of built form outside of the 45-degree building envelope includes balconies and planters. Whilst there is a portion of the building that does not meet the 45-degree plane, most of the built form does sit within the envelope and importantly the floor area located on the level above the maximum height is within the envelope.

Heritage Adjacency

The subject site is in proximity to several Local Heritage Places, namely to the rear (north) within Sussex Street as well as adjacent to the east in Melbourne Street. Given their proximity to the subject site, the Heritage Adjacency Overlay applies, with Overlay DO1 seeking development adjacent to State or Local Heritage Places that maintains the heritage and cultural values of those Places. PO 1.1 states development should not dominate, encroach on or unduly impact on the setting of the Place.

Council’s Heritage Advisor has confirmed the proposed height is mitigated through the design approach of creating a ‘plinth’ to match the height of the existing context, then providing a generous side setback to the floors above providing comfortable ‘breathing room’ between the new and old fabric.

Front and side setbacks of the adjacent Local Heritage Places in Melbourne Street are minimal and effectively on the front boundary. The proposal fronts the street, however, incorporates a side setback between the two properties greater than the Local Heritage Places front setback and therefore does not unreasonably impact the approaching views to the heritage listed properties.

The proposed materiality includes a finegrained masonry plinth at ground level sympathetic to the materiality of the Heritage Place. This is reinforced through matching the relative height and continuing a verandah element at a relative datum. The tower above, though erroneous in its materiality, helps to visually separate the two elements and mitigates the impact of the tower on the context of the Local Heritage Places.

In summary, impacts on the heritage value of Local Heritage Places are limited and mitigated in each respect by the design approach. As such, the proposal will not unreasonably or unduly impact upon the adjacent heritage places.

Traffic

Zone PO 4.1 seeks development does not result in additional crossovers to the main street. PO 4.2 seeks parking located so it avoids negative impacts on the main street rhythm and activation. PO 4.3 seeks vehicle access minimise queuing on public roads and pedestrian paths.

The existing crossover is located adjacent to the crossover for the site to the west. This results in ostensibly a double width crossover for pedestrians to navigate. The relocation of the crossover further west will separate the two crossovers, providing a safer environment for pedestrians and improving the rhythm of built form to the street.

There is no minimum parking requirement within the City Main Street Zone as per Table 2 – Off-Street Car Parking Requirements in Designated Areas. However, 12 carparking spaces are proposed in a car stacker. The proposed parking area is located behind the main frontage and therefore not visible from the street per Zone PO 4.2.

Access to the parking will be provided via a new crossover to Melbourne Street. The existing crossover to the west will become redundant and will return to kerb. The relocated crossover will result in slight repositioning of existing on-street parking spaces, however there will be no nett loss in accordance with PO 3.6 of Transport, Access and Parking.

The driveway has an aisle width of 3.2 metres and length of 6 metres with only one way traffic able to occur at any given time. Sightlines were raised with the applicant as an issue. In response the applicant has incorporated a glazed portion within the side wall to the west to provide a sightline in this direction for a car exiting the site. Due to fire safety requirements, the wall to the east cannot incorporate an opening. Whilst it is acknowledged traffic movements will be relatively low, the applicant has agreed to include measures to ensure the safe interaction between pedestrians and other traffic, particularly for the eastern sightline and queuing on Melbourne Street. These measures may include the incorporation of an interlocked control system, signage and line marking and installation of a convex mirror (or similar visibility aid).

A representation raised concerns regarding lack of visibility for exiting vehicles due to on-street parking restricting views. In response, Council's traffic team has confirmed on-street parking is not a permanent sight obstruction. Drivers are to use caution whenever entering a road, typical of other driveways along Melbourne Street.

Traffic access details have not been entirely resolved at this stage; however, Council's Traffic team are satisfied the proposal can be refined further at detailed design to address any outstanding issues. A reserved matter has been recommended to allow final resolution of parking aspects through the detailed design phase should the development be granted consent. A condition of consent is included to ensure the glazed portion of the wall is maintained for sightlines.

Bicycle parking has been provided at a rate of one space per dwelling, located within each apartment. Table 3 – Off-Street Bicycle Parking Requirements seeks the provision of the following:

- one space for every dwelling with total floor area less than 150m²
- two for every dwelling with a total floor area greater than 150m²
- 1 space for every 300m² of gross leasable floor area plus 1 space for every 600m² of gross leasable floor area for customers.

This equates to eight spaces for this development. Six spaces for the apartments (2 x dwellings under 150m² and 2 x dwellings over 150m²) and two spaces for the shop (1 space and one for customers). The proposal provides for one bicycle parking space in each apartment. The resulting shortfall is acceptable considering proximity to public transport.

Amenity Impacts

Overlooking

Overlooking is one of the major concerns expressed in the representations. Regarding overlooking and visual privacy for Medium and High-Rise development, PO 16.1 seeks:

Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:

- a. *appropriate site layout and building orientation*
- b. *off-setting the location of balconies and windows of habitable rooms or areas with those of other buildings so that views are oblique rather than direct to avoid direct line of sight*
- c. *building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms*
- d. *screening devices that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.*

Direct overlooking is defined in the Planning and Design Code as follows:

In relation to direct overlooking from a window, is limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than 45 degree angle from the plane of that wall containing the overlooking window.

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.

As originally submitted, the applicant used techniques such as screening devices, solid walls, setbacks from boundaries and landscaping to mitigate overlooking. Having regard to the concerns of representors, the applicant has:

- added vertical blade screening elements to the northern façade, covering windows and a portion of the balcony at levels one and two (approximately 7 metres in width)
- extended the proposed carpark awning across the full width of the rear façade
- increased the length of the balustrade screening element on the northern facade upper level
- increased widths of planter boxes along the northern façade.

These techniques will reduce the potential for direct overlooking and are supported by sightline studies provided by the applicant. Whilst landscaping is not a technique listed to reduce overlooking in PO 16.1, it has been recognised in Case Law. The applicant has noted boundary planting of sufficient density can provide a degree of screening to prevent overlooking into adjoining rear yards as well as reducing opportunities for overlooking from upper level windows and balconies. An ongoing condition of consent is proposed to ensure all screening elements are maintained.

Noise

Representors from neighbouring sites have also raised concern regarding noise associated with plant and equipment such as pool and rainwater pumps and car stacker machinery.

In response, the applicant commissioned an acoustic report which details recommended construction requirements to ensure the development meets relevant requirements of the Planning and Design Code and other associated legislation such as the South Australia Environment Protection (Commercial and Industrial Noise) Policy 2023, *Local Nuisance and Litter Control Act 2016* and requirements of the National Construction Code (NCC) Building Code of Australia (BCA) 2022 Volume One Part F7 Sound transmission and insulation.

The report examines noise sources against the relevant policy and legislation making recommendations regarding construction requirements to ensure the development achieves compliance. Appendix A of the design report contains acoustic markups to support this. A condition of consent is included requiring the design detailed in this report be adopted in the construction of the development.

Seriously at Variance

The application is not considered to be seriously at variance with the relevant provisions of the Planning and Design Code as the City Main Street Zone envisages residential development and shops and the form of the development is generally consistent with what is sought in the relevant provisions of the Code.

9. CONCLUSION

The proposal seeks construction of a five level mixed-use building comprising shop, lobby and ancillary car parking at ground upper level dwellings and swimming pools with associated safety features. The proposal is considered to achieve relevant provisions of the Planning and Design Code as follows:

- the scale, form and siting are appropriate in the context of the locality
- incorporates high quality materials and finishes that will be durable
- residential amenity will be high with good access to light and ventilation
- achieves required minimum internal floor areas
- achieves minimum private open space areas
- maintains privacy of adjoining properties protected through various mitigation techniques.

It is acknowledged the proposal does not achieve all relevant Code provisions, however it is considered to warrant support for the following reasons:

- the exceedance of the maximum building height in Zone DTS/DPF 3.1, is considered acceptable as the elements over the maximum height will be setback and centred. It is not expected to impact residential amenity or the Melbourne Street frontage and will make a positive contribution to the City Main Street Zone
- portions of building located outside of the building envelope in subzone DTS/DPF 3.1, is only a minor encroachment and comprises open elements and landscaping to minimise the bulk
- amenity impacts are reasonable given the prevailing land use and built form context balanced with the scale of development contemplated for the zone
- traffic matters are not entirely resolved, however there is sufficient confidence these can be addressed satisfactorily through further design and consultation with Council at detailed design.

The proposal is considered to exhibit sufficient merit and it is recommended Planning Consent be granted.

10. **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 ID 25024778, by Adelaide Development Corporation is GRANTED Planning Consent subject to the following reserved matters, conditions and advices:

RESERVED MATTERS

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. Further traffic and parking information including but not limited to a final traffic management plan for proposed operation and management of the vehicle access to Melbourne Street, ensuring entering vehicles have priority (including proposed signals, signage, detector loops, visibility aids etc.)
2. A Stormwater Management Plan prepared by a suitably qualified civil or hydraulic engineer demonstrating:
 - a. Post-development stormwater runoff rates do not exceed pre-development rates for the 1 in 5 year and 1 in 100 year ARI storm events
 - b. Details of all on-site detention, retention, or infiltration systems (including deep soil zones, rooftop planters, and landscaped terraces) with supporting calculations
 - c. Compliance with Council's stormwater management requirements and relevant Australian Standards
 - d. Connection details to Council's stormwater infrastructure (if applicable)
3. Details of the treatment to the western wall visible above the existing adjacent 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):
 - Plans drafted by JPE Design Studio, project no. 24121, drawing nos. SK-002 revision C, SK-003 revision E, SK-004, SK-005, SK-007, SK-008 all revision B, SK-009, revision C, SK-010, revision D, SK-011 and SK-012 both revision B
 - Landscaping Plans drafted by JPE Design Studio
 - External Materials Schedule drafted by JPE Design Studio
 - Civil Plan drafted by Bentley Consulting Job no. BC2502110-DR-CV-0100 Rev. B
 - Acoustic Report compiled by Resonate A260064RP1 Revision 0, dated 13 March 2026
 - Sproutt Waste Management Plan, dated July 2025
 - Arboricultural Impact assessment and Development Impact Report ATS8242-042MeIStDIR-R1, dated 23 October 2025

2. The privacy screening depicted on the plans granted consent described as northwest elevation drawing no. SK-010 shall be installed prior to the occupation or use of the development and thereafter shall be maintained to the reasonable satisfaction of the Relevant Authority at all times.

3. External materials, surface finishes and colours of the development shall be consistent with the description and sample hereby granted consent and shall be +

4. The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Relevant Authority. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of the Relevant Authority.

5. For the regulated street tree in Melbourne Street, all work requirements/activities in the vicinity shall be discussed and designed in consultation with the Project Arborist, i.e. no machinery operation in the vicinity of these trees without a Tree Protection Plan.

A Tree Protection Zone (TPZ) fence shall be erected to ensure access to the main trunk are restricted. The fence is to be installed prior to the commencement of all other site works including demolition.

If machinery access is required within the TPZ, ground protection shall be installed in consultation with the Project Arborist to ensure tree roots are not damaged. Pruning shall remove only the sections necessary to facilitate the demolition and construction of the proposed building, including any required construction buffer.

6. The acoustic attenuation measures proposed for installation within the development as detailed in the report prepared by Resonate dated 13 March 2026 forming part of this consent shall be installed within the development to the reasonable satisfaction of the Relevant Authority. Such acoustic attenuation measures shall be operational prior to the occupation or use of the development.

7. The connection of any stormwater discharge from the land to any part of the Council's underground drainage system shall be undertaken in accordance with the City of Adelaide City Works Guide # 2: 'Works Impacting Council Assets' which can be located on Council's website <https://www.cityofadelaide.com.au/> and shall be to the reasonable satisfaction of the Relevant Authority.

8. The hours of operation for the shop on the land shall be limited to:

- 7.00am to 9.00pm – Monday to Friday
 - 8.00am to 5pm – Saturday and Sunday
-

9. Prior to the issue of Development Approval or any demolition, the Relevant Authority shall be provided with a dilapidation report including colour photos showing the existing condition of the neighbouring Local Heritage Place adjacent to the site.

10. The glazed portion of the side wall of the driveway access shall remain clear glazed at all times to ensure sightlines are maintained to the reasonable satisfaction of the Relevant Authority.

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.

2. Expiration of Approval

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

3. Commencement and Completion

Pursuant to Regulation 93 of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Council must be given one business day's notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via Planning@cityofadelaide.com.au or phone 8203 7185.

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).

5. Vehicle Crossing Place (redundant)

The vehicle crossing place(s) made redundant as a result of this development will be closed by Council and the applicant will be charged directly for the work. A quotation for the work will be provided by Council to the applicant prior to the work being undertaken.

6. New Vehicle Crossing Place

There is no objection to the proposed vehicle crossing place however the work will be undertaken by Council and the cost of the work will be charged to the applicant. Separate application for the crossing place is required and the applicant can obtain a form at Driveway crossover application <https://customer.cityofadelaide.com.au/forms/vehicle-crossing-application/> A quotation for the work will be provided by Council prior to the work being undertaken.

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.

8. Public Utilities

The applicant should ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense. In addition, the applicant is advised that the installation of an SA Power Networks transformer within the building may require the submission of a variation application. Furthermore, any proposal to install electricity infrastructure including a transformer or switching cubicle within the public realm will require the consent of Council and may not be forthcoming.

9. 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
-

10. Consultation with Adjoining Owners

In addition to notification and other requirements under the *Planning, Development and Infrastructure Act 2016* and *Fences Act 1975*, 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.

11. Works adjacent Existing Street Trees

In relation to street trees, the proposal shall meet the following requirements:

- The proposed verandah shall be designed to ensure that a minimum clearance of 600mm is maintained between the structure and the nearest significant limb of the street tree.
 - Site works shall be affected in such a manner so as not to damage the existing street tree(s).
 - The sewerage serving the development shall be laid out and designed in such a manner which ensures retention of the existing street tree(s) notwithstanding the requirements of the Regulations under the *Sewerage Act 1929*.
 - The existing street tree(s) will not be pruned to maintain lines of sight to the proposed sign or to the building façade.
 - The street tree(s) will not be removed. Any pruning of the tree(s), necessary to maintain the clearance between the tree(s) and the verandah/development, shall only be carried out by Council.
 - A minimum clearance of 1 metre shall be maintained between the proposed crossing place and the existing street tree.
-

12. Residential Parking Permits

No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved (unless the subject site meets the relevant criteria). Please visit <https://www.cityofadelaide.com.au/transport-parking/parking/residential-parking/> or contact the vehiclepermits@cityofadelaide.com.au for further information.

13. Construction Noise

Construction activities and associated noise are typically permitted to occur between the hours of 7.00am and 7.00pm Monday to Saturday (excluding public holidays). A construction activity that does not have an adverse impact on amenity is not specifically restricted by the identified times. See Environment Protection Authority noise guideline for more information: www.epa.sa.gov.au/files/4773_info_noise_construction.pdf.

14. 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
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15. Light Pole and Pit

The existing light pole located at the front of the property services the Council's lighting category. Any impact to this pole during construction must be addressed, and the pole reinstated to Council standards V3 for Roadway lighting and PP2 for Footpath lighting.

16. Tree Bud Lighting Connection

The street light pole also supplies power to the bud lighting installed on the adjacent tree. Any alterations to this connection must be carried out safely during construction. Any damage to the lighting or associated infrastructure must be reinstated in accordance with City of Adelaide standards upon completion of works.

17. Temporary Lighting Requirements

Temporary lighting measures must be implemented throughout the construction period to ensure adequate illumination and public safety. All electrical points are to be reinstated post-construction in accordance with City of Adelaide standards.

18. B85 Vehicles

The proposed development has been designed for B85 type vehicles. Any potential occupant should be aware B99 type vehicles may not be able to access the parking areas.
