



COUNCIL ASSESSMENT PANEL

Agenda and Reports

for the meeting
Monday, 28 September 2026
at 5.30 pm
in the Colonel Light Room, Adelaide Town Hall



Council Assessment Panel

Meeting Agenda

Monday, 28 September 2026, at 5.30 pm, Colonel Light Room, Adelaide Town Hall

Panel Members

Presiding Member – Nathan Cunningham

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

Deputy Panel Members – Councillor Arman Abrahamzadeh and David Cooke

Opening and Acknowledgment of Country

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

‘The City of Adelaide acknowledges the Kaurna People of the Adelaide Plains as the Traditional Custodians of the land on which we meet today.

We acknowledge and honour their spiritual and cultural stewardship of this Country and recognise their deep and enduring relationship with its lands, waters, the sky, and all living things.

We pay our respects to Kaurna Elders past and present and recognise the important role of emerging leaders in sustaining and strengthening culture.’

Meeting Agenda

1. Confirmation of Minutes

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 24 August 2026, be taken as read and be confirmed as an accurate record of proceedings.

View public 24 August 2026 Minutes [here](#).

2. Declaration of Conflict of interest

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

3.1 77 South Terrace, Adelaide [Pages 4 - 30]

3.2 Units 1-6, 16 Bagot Street, North Adelaide [Pages 31 - 58]

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 – 26 October 2026

7. Closure

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Agenda Item 3.1

Council Assessment Panel
Monday, 28 September 2026

Subject Site	77 South Terrace, Adelaide
Development Number	25024043
Nature of Development	Construct an eleven level residential flat building
Representations	Listed to be Heard - Yes
Summary Recommendation	Planning Consent Granted
Status	Public

DEVELOPMENT NO.:	25024043
APPLICANT:	Ormond Nominees Pty Ltd
AGENDA ITEM NO:	3.1
ADDRESS:	77 South Terrace, Adelaide SA 5000
NATURE OF DEVELOPMENT:	Construct an eleven level residential flat building
ZONING INFORMATION:	Zones: • Capital City Subzones: • City Frame Overlays: • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Design • Hazards (Flooding - Evidence Required) • Noise and Air Emissions • Prescribed Wells Area • Regulated and Significant Tree Technical Numeric Variations (TNVs): • Maximum Building Height – 36 Metres
LODGEMENT DATE:	18 March 2026
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	Version 2026.5 – 12 March 2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	PC
REFERRALS STATUTORY:	Adelaide Airports Environment Protection Authority
REFERRALS NON-STATUTORY:	Traffic Waste Infrastructure Arboriculture

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Representations
ATTACHMENT 2:	Subject Land Map	ATTACHMENT 6:	Response to Representations
ATTACHMENT 3:	Zoning Map	ATTACHMENT 7:	External Referral Responses
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

- Craig McCarthy of 74 South Terrace, Adelaide

Applicant

- Simon Grose of Advantage Planning on behalf of the applicant, Ormond Nominees Pty Ltd

1. **DETAILED DESCRIPTION OF PROPOSAL**

This application proposes the construction of an 11 level residential flat building, comprising:

- basement – building services and retention tanks
- ground level – entry lobby, dedicated storage areas, waste and services area, vehicle turntable and secure bicycle store area
- levels 1 and 2 – car stackers and a one bedroom, two level dwelling fronting South Terrace
- levels 3 to 11 – each floor contains a self-contained dwelling comprising three bedrooms, a large study, four bathrooms, large kitchen and living areas and separate laundry two balconies facing north and south respectively
- roof level – comprising a communal rooftop terrace with landscaping, plant equipment and mechanical services

A total of nine apartments are proposed comprising eight, three bedroom apartments and a single one bedroom apartment.

The building will have a height of 43.9 metres (85.7 metres AHD)

There will be 22 car parking spaces and 12 bicycle parking spaces.

The main entry to the building will be on the South Terrace frontage and each dwelling will be directly accessible via a communal lift and fire stair.

A mix of materials, finishes and colours are proposed including precast concrete (with varied finishes), glass, vertical aluminium batten screening and glazed balustrading.

2. **BACKGROUND**

Amendments were made to the application during the assessment process including changes to the design and finishes, balconies, the ground floor layout and clarification of technical matters.

3. **SUBJECT LAND & LOCALITY**

Subject Land

The site comprises one allotment known as Allotment 131 in Deposited Plan 182593, contained in Certificate of Title Volume 5856, Folio 370.

The site has a frontage to South Terrace of 9.75 metres, a depth of between 27.4 to 27.8 metres and a total area of 270m². Access is obtained via right of way at the rear which connects to Morphett Street.

The site contains a two storey office building and ancillary parking areas. The new building is to be built to allotment boundaries, apart from a shallow primary street setback which comprises a mix of landscaping and hardstand surfaces.

Locality

The locality is mixed in nature being predominantly residential with modestly scaled shops and offices interspersed along South Terrace and Morphett Street.

The locality comprises distinct and varied elements with the Adelaide Park Lands Zone located on the opposite side of South Terrace and the City Frame Zone within the Capital City Subzone where the subject site is located.

Buildings in the locality vary in height. Buildings of two and three storeys front South Terrace and Morphett Street, with some buildings up to seven storeys. The locality is in transition as medium to high-rise development continues to be proposed and introduced.

There is a regulated street tree – *Celtis occidentalis* (American Hackberry) proximate the site within the South Terrace footpath.

Heritage Places are not commonplace in the locality.

Figure 3.1 – Subject site from South Terrace looking north



Figure 3.2 – Adjacent site (75-76 South Terrace) looking north



Figure 3.3 – Adjacent site (80 South Terrace) looking northeast



Figure 3.4 – Adelaide Park Lands south of the subject site



Figure 3.5 – Adjacent built form to the northwest



Figure 3.6 – View of right of way at rear of subject site looking east



Figure 3.7 – View of adjacent dwellings and right of way looking southwest



Figure 3.8 – Dwellings fronting Halls Place looking southwest



4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

PER ELEMENT:

Residential flat building: Code Assessed - Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON:

Residential flat building listed in Table 3 of the Capital City Zone and therefore has a performance assessed pathway.

6. PUBLIC NOTIFICATION

The proposal does not satisfy Table 5(3) of the Capital City Zone as it exceeds the maximum building height specified in Capital City Zone DTS/DPF 4.1.

Table 6.1 – List of Representations		
No.	Representor Address	Request to be Heard
1	Joanne Fitzgerald, 16 Collins Street, Adelaide	No – Supports with some concerns
2	Johnathon von Einem, 13a Halls Place, Adelaide	No – Opposes
3	Sandra Mousley, 13 Halls Place, Adelaide	No – Opposes
4	Community Corp 20242 Inc, 17 Halls Place, Adelaide	No – Opposes
5	Jeffrey and Susan Collins, 17 Halls Place, Adelaide	No – Opposes
6	Craig McCarthy, 74 South Terrace, Adelaide	Yes – Opposes

Table 6.2 – Summary of Representations	
• Height, bulk and scale • Overshadowing of dwellings and solar panels • Overlooking from balconies • Wind impacts and thermal comfort • Construction impacts including traffic, parking and crane placement • Bin collection from Halls Place • Impacts to heritage and streetscape character • Insufficient off-street parking provided • Emergency services and fire safety • Relies on unlawful use of right of way • Encroachment of balconies onto rear laneway	

Note: The full representations and the applicant's response to the representations are included in Attachments 5 and 6.

7. **AGENCY REFERRALS**

Adelaide Airport – Airports Building Heights (Regulated) Overlay

- Development will infringe the OLS by approximately 13.96 metres. No objection, with comments (one advisory note).

Environment Protection Authority – Site Contamination

- No objection, with comments (two conditions, one advisory note).

Agency referral responses included in Attachment 7

8. **INTERNAL REFERRALS**

Waste

- Development can be serviced by Council residential waste collection services, noting collection from Morphet Street with carting distances lessened and no crossing of public roads.

Traffic

- Initial referral feedback sought prior to a traffic report being provided by the applicant with further information sought regarding the following:
 - will the development provide parking facilities for people with disabilities
 - specifications of mechanical car stacker being used and queuing strategy
 - justification of bicycle spaces shortfall and further evidence of how design satisfies AS/NZS 2890.3:2015 (Section 2.1)
 - allocation of parking spaces together with any provision made for visitor parking.
- Following a request for information, the above matters were clarified, except:
 - location of bicycle parking, particularly non-standard bicycles such as cargo bicycles which may extend into the driveway
 - queuing strategies.

Infrastructure / Arboriculture

- Any impacts to Council infrastructure will require further approval by Council.
- Existing regulated (street) tree *Celtis occidentalis* – American Hackberry should be retained.
 - minor pruning may be undertaken to allow for the canopy, however, this must not alter the main form of the tree crown (i.e. retain major limbs)
 - root pruning not expected as the tree is in an established urban environment
 - current building footprint occupies some of the Tree Protection Zone and therefore would not be a new encroachment
 - non-mechanical demolition/excavation required to allow for any live large diameter roots to be protected and should be completed under supervision of a project arborist during construction.

9. **PLANNING ASSESSMENT**

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

Question of Seriously at Variance

As residential land uses are envisaged at a relatively high intensity in both the zone and subzone, the proposal is broadly acceptable and therefore is not seriously at variance.

9.1 **Summary of Capital City Zone Assessment Provisions**

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	A zone that is the economic and cultural focus of the state supporting a range of residential, employment, community, educational, innovation, recreational, tourism and entertainment facilities generating opportunities for population and employment growth.		
DO 2	High intensity and large-scale development with high street walls reinforcing the distinctive grid pattern layout of the city with active non-residential ground level uses to positively contribute to public safety, inclusivity and vibrancy. Design quality of buildings and public spaces is a priority in this zone.		
Land Use			
PO 1.1	Residential flat building.	☒	☐
Activation			
PO 2.2	Ground floor façade comprises high percentage of glass to allow visual permeability, with front door easily identifiable.	☒	☐
Built Form and Character			
PO 3.1	Refer Section 9.5.	☒	☐
PO 3.2	Refer Section 9.5.	☒	☐
PO 3.3	Refer Section 9.5.	☒	☐
PO 3.4	Contributes to continuous building form framing the Park Lands and city edge.	☒	☐
PO 3.6	Avoids gaps in built form along a public road.	☒	☐
PO 3.13	Does not include minimum ceiling height of 3.5 metres, however, appropriate for land use and could be readily adapted in future.	☐	☒
Building Height			
PO 4.1	Refer Section 9.5.	☒	☐
PO 4.2	Refer Section 9.5.	☒	☐
PO 4.3	Achieves minimum building height of 4 levels and 15 metres.	☒	☐
Interface			
PO 5.1	Development does not adjoin City Living Zone.	☒	☐
PO 5.2	Development does not adjoin City Living Zone.	☒	☐

Movement			
PO 6.1	• Building accessible from South Terrace.	☒	☐
Access			
PO 7.2	• Vehicle and bicycle access/egress via existing rights of way and waste collection will utilise existing loading zones on Morphett Street.	☒	☐
Public Realm			
PO 10.1	• Building encroachments enhance public space by providing pedestrian shelter, break up the building mass and do not otherwise create a hazard.	☒	☐

9.2 Summary of City Frame Subzone Assessment Provisions

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Primarily medium to high-rise residential development supported by a mix of ground level shops, personal services, restaurants and community and hospitality uses, to create an active and visually continuous edge to the Adelaide Park Lands Zone.		
Land Use			
PO 1.1	• High rise residential flat building.	☒	☐
Design and Appearance			
PO 2.1	• Refer Section 9.5.	☒	☐
PO 2.2	• Refer Section 9.5.	☒	☐

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 and less than 20 dwellings
- Building Near Airfields Overlay – not located near airfield
- Design Overlay – value of development does not exceed \$10 million
- Noise and Air Emissions Overlay – sensitive receivers not adjoining Type A, B or R road, or a train or tram corridor
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree – no trees affected

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

Airport Building Heights (Regulated) Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.		

Built Form			
PO 1.1	Refer Section 9.5.	☒	☒

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	- Finished floor level 300mm above the highest top of kerb level at the primary street frontage. - Final levels to be confirmed prior to Development Approval.	☒	☐

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	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.		
PO 1.1	Declaration provided for the purposes of the <i>Electricity Act 1996</i>.	☒	☐

Design in Urban Areas

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Development contextual, durable, inclusive and sustainable.		
All Development			
External Appearance			
PO 1.2	Canopy over footpath noting zero and/or minor street setbacks are desired in the Zone and Subzone.	☒	☐
PO 1.3	Building purposes access points identifiable from streetscape.	☒	☐
PO 1.4	Plant and mechanical equipment sited in basement and roof level and therefore appropriately screened.	☒	☐
PO 1.5	Waste areas contained within development and not visible from public view.	☒	☐
Safety			
PO 2.1	Extent of glazing on street facing façade enables passive surveillance of public realm.	☒	☐

PO 2.2	Common and private areas distinguished by building design and internal layout.	☒	☐
PO 2.3	Front access door readily identifiable for safe and direct access from South Terrace frontage.	☒	☐
PO 2.4 & 2.5	Front glass façade with communal meeting/waiting room and lobby enables passive surveillance of the public realm.	☒	☐
Landscaping			
PO 3.1	Soft landscaping and tree planting not proposed.	☐	☒
Environmental Performance			
PO 4.1-4.2	Building oriented to maximise light from northern aspect and cross ventilation.	☒	☐
PO 4.3	Building includes balcony encroachments that provide shading, green roof and solar panels.	☒	☐
Car parking appearance			
PO 7.2	Car parking contained within building and not visible from public view.	☒	☐
PO 7.3	Vehicle and pedestrian conflicts not anticipated due to use of car stacking system.	☒	☐
Site Facilities/Waste Storage (excluding low-rise development)			
PO 11.1	On-site waste storage area provided.	☒	☐
PO 11.2	Communal waste storage area screened from public view.	☒	☐
PO 11.3	Communal waste storage area located away from habitable rooms and able to be ventilated.	☒	☐
All Development – Medium and High-rise			
External Appearance			
PO 12.1	Refer Section 9.5.	☒	☒
PO 12.2	Ground floor comprises two cladding materials. Acceptable with extent of active frontage sought by Zone and Subzone.		
PO 12.2 – 12.4, 12.6	Refer Section 9.5.	☒	☐
PO 12.5	Refer Section 9.5.	☒	☐
PO 12.7	Entrance door oriented towards street, located close to lift, with canopy providing shelter and façade built to the front boundary eliminating entrapment area.	☒	☐
PO 12.8	- Plant and mechanical equipment located on roof and screened from public view. - Fire booster integrated with front elevation.	☒	☐
Landscaping			
PO 13.1	Landscaping not proposed.	☐	☒

Environmental			
PO 14.1	Wind impacts reduced by building encroachments.	☒	☐
PO 14.2	Building includes balcony encroachments that provide shading, green roof and solar panels.	☒	☐
PO 14.3	Wind impacts reduced by building encroachments.	☒	☐
Car Parking			
PO 15.1	Off-street parking contained in building and sleeved by apartment at South Terrace frontage.	☒	☐
PO 15.2	Car parking areas integrated within the building.	☒	☐
Overlooking/Visual Privacy			
PO 16.1	Refer Section 9.5.	☒	☐
All Residential Development			
Front elevations and passive surveillance			
PO 17.1	All dwellings have large expanses of glazing oriented to primary street frontage.	☒	☐
Outlook and Amenity			
PO 18.1	Living rooms incorporate windows with an external outlook to the Park Lands.	☒	☐
PO 18.2	Bedrooms separated from communal recreation and access areas to mitigate noise and light intrusion.	☒	☐
Residential Development – Medium and High-rise			
Private Open Space			
PO 27.1	- Provision of private open space not made for one bedroom dwelling, supplemented by communal open space. - Three bedroom dwellings have two balconies with total area of approximately 32m². - Adequate private open space areas provided.	☒	☐
PO 27.2	Balconies designed and sited with visual outlook from habitable areas.	☒	☐
Residential Amenity in Multi-level Buildings			
PO 28.1	Habitable rooms and balconies of dwellings adequately separated from other dwellings for visual and acoustic privacy.	☒	☐
PO 28.2	Balconies designed and sited to improve environmental performance, architectural interest and visual privacy at lower levels.	☒	☐
PO 28.3	Balconies open directly from habitable rooms and front balconies of each apartment promote indoor/outdoor living.	☒	☐
PO 28.4	Provision of storage for future occupants.	☒	☐
PO 28.6	All bedrooms located to north and not abutting living rooms or activity areas of adjacent dwellings to protect from noise.	☒	☐
PO 28.7	Dwelling layouts useable and not constrained by structural elements of the building.	☒	☐

Dwelling Configuration			
PO 29.1	Development lacks mix of dwelling types and configurations with eight three bedroom dwellings and a single one bedroom dwelling.	☐	☒
Common Areas			
PO 30.1	Common areas and facilitates appropriate size to accommodate occupant needs.	☒	☐
Group Dwellings, Residential Flat Buildings and Battle axe Development			
Amenity			
PO 31.1	Floor areas suitable to provide a high standard of amenity.	☒	☐
PO 31.2	North-south orientation and Park Lands frontage will not result in unreasonable overshadowing. Direct overlooking appropriately mitigated given the scale of development contemplated by the Zone.	☒	☐
PO 31.3	Dwellings facing public open space maximised as all dwellings have outlook to the Park Lands.	☒	☐
PO 31.5	All habitable rooms functional and flexible due to siting and dimensions.	☒	☐
Communal Open Space			
PO 32.1	Communal open space provided to roof terrace to supplement private open space of each dwelling.	☒	☐
PO 32.2	Suitable size and dimension to cater for use by residents.	☒	☐
PO 32.3	Located on roof, accessible by all dwellings and at the front of the building facing Park Lands to provide acoustic privacy.	☒	☐
PO 32.4	Provides landscaping and features to encourage use.	☒	☐
PO 32.5	Overlooking into private open space and habitable rooms of other dwellings obstructed by rooftop plant.	☒	☐
Car Parking, Access and Manoeuvrability			
PO 33.2	Refer Section 9.5.	☒	☐
PO 33.3	Refer Section 9.5.	☐	☒
PO 33.4	Refer Section 9.5.	☒	☐
PO 33.5	Refer Section 9.5.	☒	☐
Site Facilities/Waste Storage			
PO 35.1	Mailbox facilities at front of building close to entrance.	☒	☐
PO 35.2	Balconies large enough for discreet clothes drying.	☒	☐
PO 35.3	Waste storage area provided with access to all dwellings and screened from public view.	☒	☐
PO 35.4	Waste storage area on ground floor away from dwellings.	☒	☐
PO 35.6	Gas and water meters to rear of building and screened from public view.	☒	☐

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	Sensitive receivers (dwellings) compatible with surrounding residential and small-scale commercial land uses.	☒	☐
Overshadowing			
PO 3.1 – 3.3	Refer Section 9.5.	☒	☐
Activities Generating Noise or Vibration			
PO 4.4	Plant equipment sited at roof and basement away from adjacent sensitive receivers.	☒	☐

Site Contamination

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Ensure land is suitable for proposed use in circumstances where it is, or may have been, subject to site contamination.		
PO 1.1	A change to a more sensitive use is proposed. Statement of site suitability required prior to occupation.	☒	☐

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	Appropriate sightlines achieved from the parking areas.	☒	☐
Vehicle Access			
PO 3.1	Queuing management strategies subject to Reserved Matter	☒	☒
PO 3.2	Vehicle access and egress utilise existing rights of way.	☒	☐
PO 3.3	Existing vehicle access points considered acceptable for number of movements generated.	☒	☐
Vehicle Parking Rates			
PO 5.1	22 off-street car parking spaces provided. - No minimum or maximum off-street parking requirement as within Designated Area.	☒	☐

Vehicle Parking Areas			
PO 6.1	Vehicles stored in car stacker system, negating internal circulation constraints of traditional parking areas.	☒	☐
PO 6.2	Vehicle parking areas have potential to impact sensitive receivers through noise and vibration.	☒	☒
Bicycle Parking in Designated Areas			
PO 9.1	12 bicycle spaces provided. - Whilst below the requirement of 18 bicycle parks, dwellings generously sized and can accommodate bicycle storage.	☒	☒
PO 9.2	Bicycle parking accessible from main lobby with secure access.	☒	☐

9.5 Detailed Discussion

Land Use and Intensity

The subject land is within the Capital City Zone and City Frame Subzone which envisage medium-high scale and intensity development. The zone envisages mixed uses whereby the subzone specifically seeks residential development supported by small scale non-residential uses to activate and frame the Adelaide Park Lands.

The proposed high-rise residential flat building is therefore an appropriate land use and scale of development for the site, satisfying Capital City Zone PO 1.1 and City Frame Subzone PO 1.1.

Interface impacts associated with land use intensity are addressed separately.

Built Form and Design

Built form and design outcomes for new development are informed by the Capital City Zone and supported by Design in Urban Areas policies. Relevant provisions ensure new developments exhibit a high standard of design and respond to local context.

The Capital City Zone and City Frame Subzone contemplate medium-high rise development with particular emphasis on continuous built form framing the Park Lands and city edge.

At 11 levels and 43.9 metres, the design response attempts to balance the building height, proportions and massing by breaking it into distinct elements. These are defined as the ground, base and residential tower.

The ground floor frontage comprises identifiable building entries, mail facilities and services, 76% of which is glazed. The extent of glazing is a favourable outcome with active frontages sought in Subzone PO 2.2 and Zone PO 2.2 and identifies building purpose, access points and opportunity for passive surveillance. The ground floor is defined by a canopy spanning the entire frontage. It has been designed with an angled soffit clad in timber providing pedestrian shelter and visual interest satisfying Zone PO 2.3. Building services are integrated into the façade to maintain the active frontage.

The building base is characterised as a faux podium comprising levels 1 and 2. These levels include a one bedroom apartment to sleeve the car parking areas and is expressed by varied cladding element on all elevations. Whilst not a true podium, the steel frame reinforces datum lines of adjacent buildings west of the subject site.

The tower is the predominant element of the building and demonstrates a strong presence to the Park Lands. All dwellings have orientation to and outlook over the Park Lands through siting, use of glazing and balconies satisfying Zone POs 3.4 and 3.7. The western half of the tower is predominately glazed, and the eastern half comprises recessed balconies which softens bulk and enhances overlooking and surveillance of the Park Lands.

The design of the building establishes distinct (horizontal) elements and references datum heights and parapet levels of the street as sought by Zone PO 3.2(a). This is balanced with a consistent architectural expression. The building façade is strongly modelled through extensive glazing, balcony placements and external cladding which includes vertical and horizontal elements.

Building levels are expressed or blurred by a rhythm of thin glass panels modestly framed or expressed by projecting shrouds. Shrouds are repeated vertically across the western half, together with external materials and balcony recesses satisfying Zone PO 3.3.

Side walls will comprise concrete precast panels in various finishes which reinforce building elements. The lower levels include a striated concrete panel with vertical composition. The side walls of the tower element comprise concrete panels with geometric etching to add visual interest. The upper level walls comprise similar striated concrete panels to the base, except in a darker finish.

The eastern and western side boundary walls will be visible from South Terrace considering the height of the building compared to the surrounding low to medium rise context. Notwithstanding, the change in materials increases visual interest and breaks up what could be large, blank elevations per Design in Urban Areas PO 12.2.

Building Height

At 11 levels and a height of 43.9 metres, the development notably contrasts from prevailing built form in the immediate context. While the scale and proportions of the proposal are incongruent with the existing lower rise context, Capital City Zone PO 4.1 seeks building heights consistent with the maximum building height applicable to the site, or for building heights to positively respond to the local context and achieve the desired outcomes of the zone.

The proposed building exceeds the maximum building height of 36 metres by 7.9 metres. As stated, the building height is considered to positively respond to the local context on balance.

For over height development, Capital Zone PO 4.2(b) offers concession where a building incorporates measures for a substantial additional gain in sustainability and at least four over height criteria are met.

Environmental Performance

The National Construction Code 2022 has baseline requirement that all class 2 dwellings individually achieve a NatHERS rating (or equivalent) of not less than 6.0 stars or collectively achieve an average rating of not less than 7.0 stars.

The ESD report concludes the development can achieve an extrapolated average of 7.5 Star energy rating for apartments, with individual apartments rated from 7.2, 7.7 and 8.1. Furthermore, the development incorporates the following voluntary initiatives:

- installation of Solar PV (rather than just allowance for future Solar PV)
- efficient building systems
- efficient water fixtures and fittings
- rainwater reuse systems
- a north-south orientation
- cross-ventilation in eight out of nine apartments by designing out corridors.

As the design and siting take advantage of cross ventilation, north-south orientation and increased energy performance, together with other sustainability measures detailed in the sustainability report, it is considered the development provides for a substantial additional gain in sustainability.

Over Height Criteria

The development also meets four of the PO 4.2(b) criteria as follows:

- provides higher amenity through provision of private open space exceeding the minimum requirements by 25 percent for at least 50 percent of dwellings

- all three bedroom dwellings include private open space areas of approximately 32m² exceeding the minimum requirement of 15m²
- includes communal open space on the roof terrace
- at least 75% of the ground floor fronting South Terrace is an active frontage
 - ground floor comprises a 76% active frontage to South Terrace
- building has frontage to a public road abutting the Adelaide Park Lands
 - frontage to South Terrace and Adelaide Park Lands
- impact on adjacent properties is no greater than a building of the maximum height (36 metres) in relation to sunlight access and overlooking.
 - shadow diagrams indicate no further shadowing from the development which is attributed to its siting and context
 - direct overlooking is not achieved by the development due to separation from City Living Zone

The proposed development is acceptable with respect to building height as:

- PO 4.1 is met with the development modestly exceeding the maximum building height of 36 metres, positively responding to the local context and achieving desired outcomes of the zone and subzone
- PO 4.2(b) is met as the development provides a substantial gain to sustainability and achieves four over height criteria
- Furthermore, developments with a frontage to the Adelaide Park Lands are specifically identified in over height criteria. This highlights a strategic intent for taller built form at the city edge.

Interface Impacts

Overlooking

Design in Urban Areas PO 16.1 seeks development that mitigates direct overlooking of habitable room windows and private open spaces of adjacent residential uses in neighbourhood-type zones. To mitigate direct overlooking does not imply a right to absolute privacy for neighbouring properties. Direct overlooking is defined in Part 8 of the Planning and Design Code:

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

The nearest residential land use in a neighbourhood-type zone is 19 Collins Street which is a dwelling in the City Living Zone. The distance between the rear of the proposal to the private open space is approximately 48 metres, which is well beyond the scope of direct overlooking.

Balconies fronting South Terrace comprise screening to both sides, allowing views only southward toward the Park Lands. It is not possible to directly overlook the habitable room windows or private open space areas of adjacent residential uses in neighbourhood-type zones.

All adjoining properties within 15 metres of the site are in the Capital City Zone, where there is no policy requiring direct overlooking to be mitigated as this zone is not a 'neighbourhood-type zone'.

The development therefore mitigates direct overlooking of habitable rooms and private open space areas of adjacent residential uses in neighbourhood-type zones and Design in Urban Areas PO 16.1 is achieved. Overlooking concerns from adjacent landowners are acknowledged, however are beyond the scope of the Code.

Overshadowing

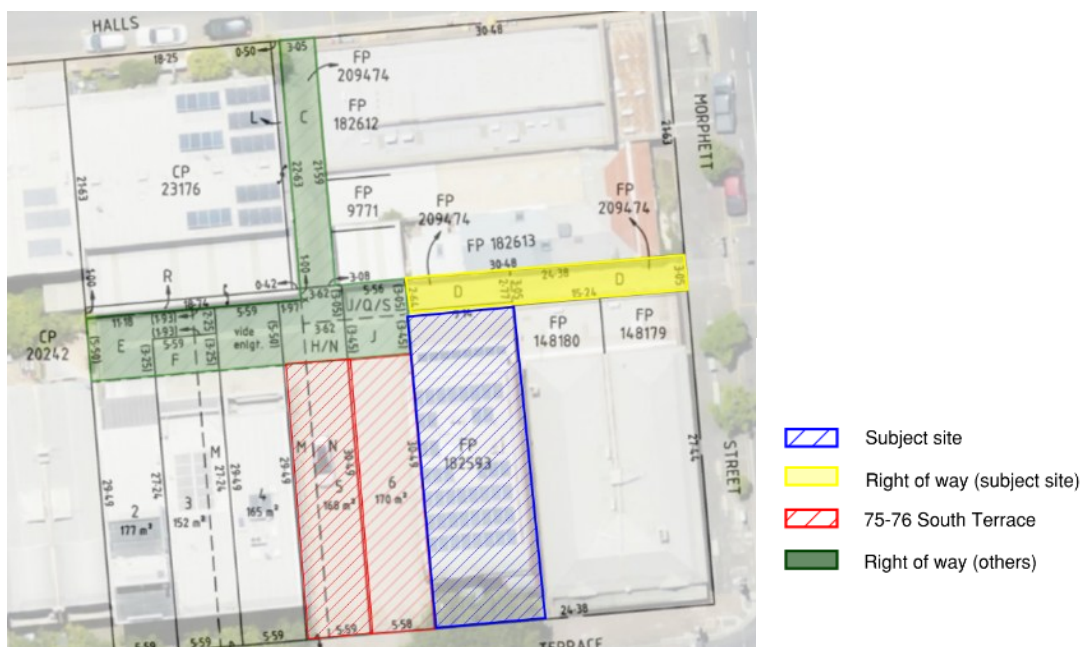
Shadow diagrams provided by the applicant demonstrate the most extensive overshadowing from the development will occur to the south, extending over South Terrace and the Park Lands.

The diagrams demonstrate that on 21 June, overshadowing of adjacent dwellings to west will occur in the morning hours and will largely cease by midday allowing for direct sunlight access in the afternoon. Conversely, overshadowing of adjacent dwellings to the east will occur in the afternoon but allow for direct sunlight access in the morning.

Traffic impacts

The proposed development provides 22 off-street parking spaces allocated to nine dwellings and 12 bicycle stands. Transport, Access and Parking Table 2 confirms there is no minimum or maximum off-street parking rate in the Capital City Zone. Considering the scale and intensity sought in the Zone, 22 parking spaces for a residential land use is reasonable.

Whilst below the requirement, existing driveways cannot be widened and swept path diagrams have been provided for a B99 vehicle, which demonstrate larger domestic vehicles can access and egress safely in a forward motion. Despite the departure from PO 33.3, the applicant has demonstrated there is sufficient area for vehicles entering and exiting to pass per Design in Urban Areas PO 33.4. Furthermore, the development does not require new vehicular access points from a public road, satisfying Design in Urban Areas PO 33.2.



The traffic assessment does not seek to utilise the land marked C which connects the land to Halls Place; however assumes use of the easements marked J, Q and S to facilitate egress to Morphet Street and passing/queuing of vehicles.

Vehicle movements within the site will be limited as a turntable, car lift and vehicle stacking system will be utilised. The use of this technology compared to conventional carparks is less space intensive thus resulting in more efficient parking areas and minimised conflicts with other building users, satisfying Design in Urban Areas PO 33.5.

Waste Collection

Representors raised concerns with the original proposal for bins to be presented and collected from Halls Place. The original waste management strategy was presented during public notification, however, was amended in response to feedback and advice from Council's Cleansing team.

The amended approach now seeks to undertake collection from Morphett Street utilising an existing loading zone. Council's Cleansing team has confirmed support for this approach noting bins will be collected via a walk in-walk out service, negating the requirement for bins to be presented on street.



Figure 9.5.2 – Amended waste collection strategy via Morphett Street

10. CONCLUSION

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

- the residential land use is envisaged in the zone and appropriate for the site
- high scale and intensity development is encouraged in the zone to frame the city grid pattern and the Adelaide Park Lands
- the design and appearance of the building is high quality and the building height adequately responds to the local context
- building height is acceptable noting the development achieves a substantial additional gain in sustainability and meets over height criteria
- interface impacts in terms of overlooking and overshadowing are not unreasonable and will be appropriately mitigated
- building frontage has clear sense of address and identifies access points
- development maximises outlook of public realm and passive surveillance
- canopy provides pedestrian shelter and adds visual interest.

11. RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

It is recommended the Council Assessment Panel resolve that:

2. Development Application Number 25024043, by Ormond Nominees Pty Ltd 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 2016*, the following matter(s) shall be reserved for further assessment to the satisfaction of Council's Assessment Manager, prior to the granting of Development Approval:

1. Confirmation that rights of way over easements marked J, Q and S associated with 75 and 76 South Terrace have been legally secured and are reflected on the Certificate of Title for the subject site
2. Revised traffic report providing a queuing strategy that demonstrates vehicle access and egress will minimise disruption on public and private roadways
3. Confirm side wall treatment of the western facade in the event the neighbouring development at 75 and 76 South Terrace (ID 24020254) has not commenced construction
4. Foyer entry door to South Terrace amended to open inwards.

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 Matters 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 and details prepared by Looka Design – Project Ref: J000XXX
- Waste Management Plan prepared by Colby Phillips – dated 5 August 2026
- Sustainability Report prepared by Lucid Consulting – Project re: LCE102408.01 – dated 13 July 2026
- Concept Design and Detailed Planting Plan prepared by Aenigma Natives – dated 9 July 2026

-
2. The finished floor levels shall be confirmed prior to the issue of Development Approval or relevant stage to the reasonable satisfaction of the Relevant Authority.
-

3. The applicant or the person having the benefit of this consent shall ensure that all stormwater run off from the development herein approved is collected and then discharged to the stormwater discharge system. All downpipes affixed to the development which are required to discharge the stormwater run off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Relevant Authority.
-

4. Environmentally sustainability measures recommended in Sustainability Report prepared by Lucid Consulting Australia, project re: LCE102408.01 – dated 13 July 2026 shall be incorporated and confirmed prior to Development Approval.
-

5. External materials, surface finishes and colours of the development shall be consistent with the description and sample hereby granted consent and shall be to the reasonable satisfaction of the Relevant Authority.
-

Conditions imposed by the Environment Protection Authority

6. A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability (in the form described by Practice Direction 14: Site Contamination Assessment 2021) is issued by a site contamination consultant certifying the land is suitable for the proposed use.
-

7. If a certificate of occupancy is not required pursuant to regulation 103 of the *Planning, Development and Infrastructure (General) Regulations 2017*, a person must not occupy the building for the purpose authorised under the development approval until a statement of site suitability is issued by a site contamination consultant certifying the land is suitable for the proposed use.
-

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 Consent

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

3. Appeal Rights

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone 8204 0289).

4. Commencement and Completion

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

5. Fences Act 1975

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

6. Crane Operations

Any crane operations associated with the construction of the development will need to be undertaken with prior consultation with Adelaide Airport Limited.

7. 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. 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.);
 - b. Description of equipment to be used;
 - c. A copy of your Public Liability Insurance Certificate, noting the City of Adelaide as an interested party (minimum cover of \$20 Million required);
 - d. 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.
-

8. Encroachment Permit

An Encroachment Permit will be separately issued for the encroachment into the public realm when Development Approval is granted. In particular, attention is drawn to the following:

- An annual fee may be charged in line with the Encroachment Policy
- Permit renewals are issued on an annual basis for those encroachments that attract a fee
- Unauthorised encroachments will be required to be removed
- Lighting under the canopy over the footpath is to be provided to Council standards (PP3-AS1158). The lighting must not be obtrusive and should be designed so that it does not shine into any adjoining residences and shall be operational during the hours of darkness at all times to the reasonable satisfaction of Council.

Please contact Permits on 8203 7421 or permits@cityofadelaide.com.au for further information.

9. Right of Way

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

10. 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.

11. Works adjacent Existing Street Trees

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

- The canopy 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.
-

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. 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.

Advisory Note imposed by Adelaide Airport

14. Adelaide Airports

The application has been assessed and the development with a building height of RL 87.960 metres Australian Height Datum (AHD) the application will penetrate the Adelaide Airport Obstacle Limitation Surfaces (OLS) which is protected airspace for aircraft operations.

- The development will infringe the OLS by approximately 13.96 metres
- The application will require approval in accordance with the *Airports (Protection of Airspace) Regulations 2026* with approval by the Department of Infrastructure, Transport, Regional Development, Communication, Sports and the Arts
- Carrying out a controlled activity other than in accordance with an approval that has been granted under the Regulations is an offence under Part 12 of the *Airports Act 1996* (Cth)
- Providing false or misleading statements in applications or false or misleading information or documents may constitute an offence against Part 7.4 of the *Criminal Code Act 1995* (Cth)
- Crane operations associated with construction require approval in accordance with *Airports (Protection of Airspace) Regulations 2026*.

Advisory Note imposed by the Environment Protection Authority

15. Environmental Duty

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

Agenda Item 3.2

Council Assessment Panel
Monday, 28 September 2026

Subject Site	Units 1-6, 16 Bagot Street, North Adelaide
Development Number	25033619
Nature of Development	Demolition of existing building, the construction of a three level building for the purposes of consulting rooms with ancillary car parking and undertake tree-damaging activity (removal of a regulated tree)
Representations	Listed to be Heard - Yes
Summary Recommendation	Planning Consent Granted
Status	Public

DEVELOPMENT NO.:	25033619
APPLICANT:	Professor Weng Onn Chan
AGENDA ITEM NO:	3.2
ADDRESS:	Units 1-6, 16 Bagot Street, North Adelaide SA 5006
NATURE OF DEVELOPMENT:	Demolition of existing building, the construction of a three level building for the purposes of consulting rooms with ancillary car parking, and undertake tree-damaging activity (removal of a regulated tree)
ZONING INFORMATION:	Zones • City Living Sub Zones • North Adelaide Low Intensity Overlays • Airport Building Heights (Regulated) (All structures over 130 metres AHD) • Building Near Airfields • Design • Historic Area (Adel9) • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree Technical Numeric Variations (TNVs) • Maximum Building Height – 2 levels
LODGEMENT DATE:	20 November 2025
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	Version 2025.20 – 23 October 2025
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	SB
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Local Heritage, Traffic, Waste, Engineering, Arboriculture

CONTENTS:

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

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

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Phillip Brunning on behalf of Mary Jose of PO Box 7021, Adelaide and Nicholas Jose of PO Box 133, North Adelaide
- Candy Bennett of 116 Brougham Place, North Adelaide
- Jane Jose of 11/18 Macleay Street, Elizabeth Bay (NSW)
- Katherine Fennell of 107 Brougham Place, North Adelaide
- Jeffrey Hillen of 29 Bagot Street, North Adelaide
- Diana Laidlaw of PO Box 3135, North Adelaide
- Karen Lindqvist of 31 Bagot Street, North Adelaide
- Charles Irwin of PO Box 866, Goolwa

Applicant

- Julie Jansen of MasterPlan and James Levinson of HWLE Lawyers on behalf of the applicant

1. **DETAILED DESCRIPTION OF PROPOSAL**

This application proposes the demolition of an existing two level building comprising offices and consulting rooms at 16 Bagot Street, North Adelaide and the construction of a three level building comprising consulting rooms, ancillary services and grade/undercroft parking.

The new building will have a floor area of 746m² with each level proposed as follows:

Lower Ground Level

- 23 car parking spaces and 4 bicycle parks, together with building access lobby.

Upper Ground Level

- Consulting rooms including reception, waiting area and examination rooms, associated facilities and stair/lift access.

Level 1

- Consulting rooms, associated facilities and stair/lift access.

The proposed consulting rooms will accommodate an ophthalmologist practice, providing both consultation services and minor procedures. The practice will operate Monday to Friday, generally between 8.30am to 5.30pm.

The applicant has advised the practice will be staffed by two doctors at any one time, with a range of support staff, including nurses and administration (approximately 10 per doctor). Doctors may not practice simultaneously in the building each day of the week, particularly as they have commitments at regional clinics. Each doctor may consult with up to 12 patients per hour, with the average time patients visit being less than two hours.

Patients attending the practice will frequently undergo a range of checks and tests prior to being seen by a doctor. Many procedures and tests undertaken require a patient to wait for extended periods prior to leaving the clinic.

2. **BACKGROUND**

The initial proposal included an additional building level, larger car park, and the removal of additional trees. Figure 2.1 shows the original lodged version compared to Figure 2.2 showing the latest version, noting there have been multiple amended versions between Figures 2.1 and 2.2.



Figure 2.1 - Originally lodged version



Figure 2.2 – Latest version

Legal advice was sought upon submission of this application to determine the number of building levels with reference to the definition of 'building level' in Part 8 of the Planning and Design Code. Determining if the scale was appropriate with respect to the relevant PO's of the zone was also considered. The advice is discussed further in Section 8.5.

The original application was notified and received 33 representations, many of which were concerned regarding the use, intensity, built form and traffic impacts. The applicant was also advised the proposal could not be supported by Administration due to the bulk and scale, insufficient architectural merit and visual impact in the locality.

The applicant subsequently amended the proposal, removing one building level and altering the design and appearance, reducing the number of trees to be removed and amendments to traffic and access.

The amended proposal was subsequently re-notified in accordance with Regulation 35 of the *Planning, Development and Infrastructure (General) Regulations 2017* and 14 representations were received. The amended proposal is the subject of this report.

3. SUBJECT LAND & LOCALITY

Subject Land

The site comprises six allotments, formally referred to as:

- Unit 1 in Strata Plan 186, contained in Certificate of Title Volume 5859, Folio 322 in the area named North Adelaide, Hundred of Yatala
- Unit 2 in Strata Plan 186, contained in Certificate of Title Volume 5044, Folio 10 in the area named North Adelaide, Hundred of Yatala
- Unit 3 in Strata Plan 186, contained in Certificate of Title Volume 5044, Folio 11 in the area named North Adelaide, Hundred of Yatala
- Unit 4 in Strata Plan 186, contained in Certificate of Title Volume 5044, Folio 12 in the area named North Adelaide, Hundred of Yatala
- Unit 5 in Strata Plan 186, contained in Certificate of Title Volume 5044, Folio 13 in the area named North Adelaide, Hundred of Yatala
- Unit 6 in Strata Plan 186, contained in Certificate of Title Volume 5865, Folio 573 in the area named North Adelaide, Hundred of Yatala.

The site is more commonly known as 16 Bagot Street, North Adelaide and comprises a frontage of 33.38 metres to Bagot Street, and a total site area of approximately 887m².

A two level building is located on the site and was constructed in the late 1960's containing offices and consulting rooms. Vehicle access is provided via a crossover to Bagot Street, with car parking for 13 spaces located to the rear of the site.

Three regulated trees are located on the site near the northern, eastern and western boundaries.

Locality

The locality is mixed in nature, with Bagot Street being a narrower street with several commercial uses interspersed in what is a predominantly residential street. To the east and west, land uses are typically residential and to the south, a mix of residential, residential college (student accommodation) and a hotel are located on Kermode Street.

Buildings are typically low-rise although buildings of three to four levels are interspersed, notably the residential flat building at 22 Bagot Street, the office building at 17 Bagot Street and St Mark's College to the south.

While original buildings of late nineteenth and early twentieth century construction prevail along Brougham Place, Brougham Court and the northern side of Kermode Street, Bagot Street and the southern side of Kermode Street are less historically intact with buildings constructed from the late twentieth century onwards.

The locality exhibits a gentle sloping topography, falling from north to south.

Figure 3.1 – Subject site



Figure 3.2 – Northern boundary of subject site



Figure 3.3 – Rear of subject site looking north



Figure 3.4 – Adjacent site to the east

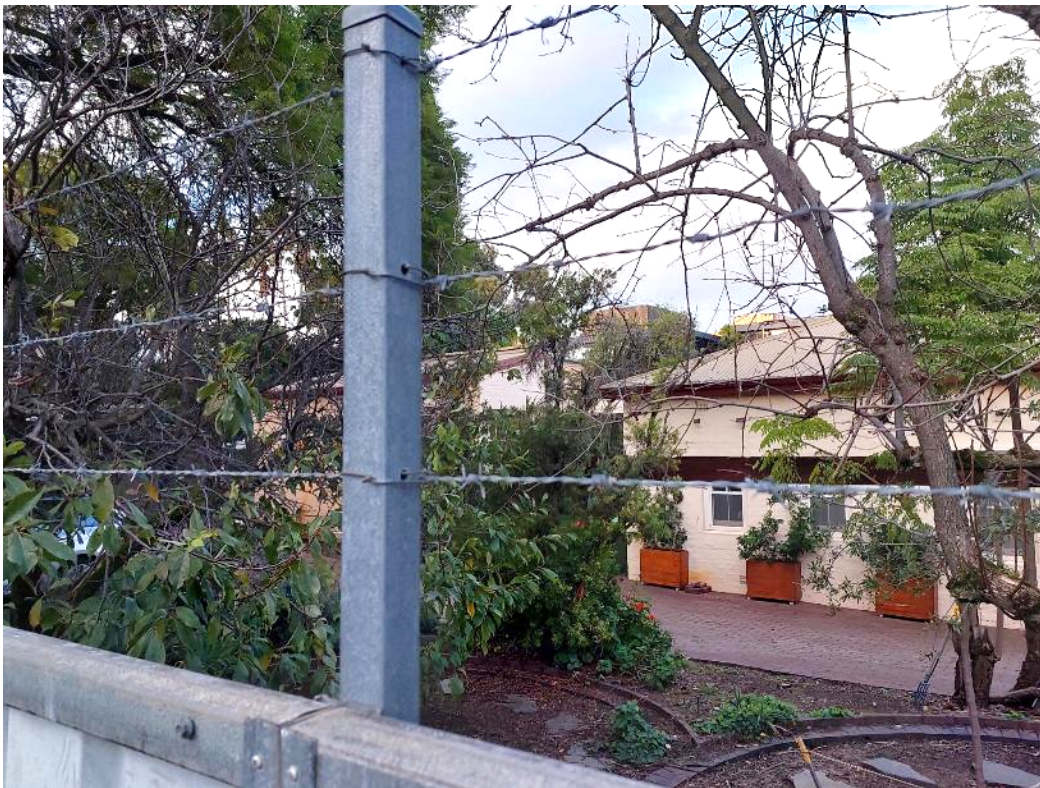


Figure 3.5 – Existing residential development in Bagot Street to the north



Figure 3.6 - Existing residential development in Bagot Street to the northwest



Figure 3.7 – Contemporary residential development in Bagot Street to the south



Figure 3.8 – Contemporary residential development in Bagot Street to the southwest



Figure 3.9 – Commercial development on opposite side of Bagot Street



4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

PER ELEMENT:

Demolition: Code Assessed – Performance Assessed

Consulting Room: Code Assessed – Performance Assessed

Tree-damaging Activity: Code Assessed – Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON:

- Consulting Room not listed in Table 1 – Accepted Development, Table 2 – Deemed-to-satisfy Development, Table 3 – Performance Assessed Development or Table 4 – Restricted Development and therefore defaults to performance assessed.
- Demolition is not listed in Table 1 – Accepted Development or 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.
- Tree-damaging Activity is not listed in Table 1 – Accepted Development or 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.

6. **PUBLIC NOTIFICATION**

REASON:

The proposed consulting room building will not satisfy Table 5(4) of the City Living Zone as it exceeds the maximum building height specified in City Living Zone DTS/DPF 2.2 or DPF 1.4 of the zone.

The proposed demolition satisfies Table 5(7) of the City Living Zone as it does not involve the demolition of a State or Local Heritage Place. Further, while the existing building to be demolished is within a Historic Area Overlay, it is considered an 'excluded building' for the purposes of public notification as it does not demonstrate the historic characteristics expressed in the Historic Area Statement. This element does not trigger public notification.

The proposed Tree-damaging Activity satisfies Table 5(6) of the City Living Zone. This element does not trigger public notification.

Table 6.1 – List of Representations		
No.	Representor Address	Request to be Heard
1	Matthew Gerschwitz, PO Box 831, North Adelaide	No – Opposes
2	Nicholas Jose, PO Box 133, North Adelaide	Yes – Opposes
3	Mary Jose, PO Box 7021, Adelaide	Yes – Opposes
4	John O’Niell, 79 Palmer Pl, North Adelaide	No – Support with concerns
5	George Kotses, 53 Fourth Ave, St Peters	No – Support with concerns
6	Candy Bennett, 116 Brougham Pl, North Adelaide	Yes – Opposes
7	Ken Maher AO, 11/18 Macleay St, Elizabeth Bay (NSW)	No – Opposes
8	Jane Jose, 11/18 Macleay St, Elizabeth Bay (NSW)	Yes – Opposes
9	Phillip Brunning, Level 1/27 Halifax St, Adelaide	Yes – Opposes
10	Katherine Fennell, 107 Brougham Pl, North Adelaide	Yes – Opposes
11	Jeffrey Hillen, 29 Bagot St, North Adelaide	Yes – Opposes
12	Diana Laidlaw, PO Box 3135, North Adelaide	Yes – Opposes
13	Karen Lindqvist, 31 Bagot St, North Adelaide	Yes – Opposes
14	Charles Irwin, PO Box 866, Goolwa	Yes – Opposes

Table 6.2 – Summary of Representations	
<u>Oppose:</u>	
• Building height • Land use and intensity • Traffic • Impact to regulated trees • Design and appearance • Landscaping • Waste collection	

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

7. **INTERNAL REFERRALS**

Senior Local Heritage Advisor:

- Proposal generally in accordance with the Historic Area Overlay and not considered to unduly encroach upon or dominate the context of the adjacent heritage places.
- Heritage kerb and gutter should be retained and further advice can be provided from Council's Heritage and Infrastructure teams to achieve retention.

Traffic:

Initial advice required further information to address the following:

- Impacts to on-street parking and new crossover location
- Vehicle access into certain parking spaces
- How loading of medical waste and unloading of deliveries will be accommodated.

The applicant responded to the above matters with amendments and further details which address these matters.

Environmental Waste:

- Waste Management Plan sufficient.

Infrastructure:

- Amended stormwater details appropriate and stormwater management achieved.

Arborist:

- Outcomes of the Arboricultural report supported with appropriate tree protection measures to be implemented outlined in the Tree Protection Plan.

8. **PLANNING ASSESSMENT**

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

Question of Seriously at Variance

The Courts have previously determined the assessment of whether a development is seriously at variance with 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 for the reasons detailed as follows.

8.1 **Summary of City Living Zone Assessment Provisions**

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• 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	• Consulting rooms envisaged as compatible non-residential use.	☒	☐
PO 1.2	• Small scale uses anticipated and existing lawful use.	☒	☒
PO 1.3	• Building sited and designed to complement residential character and amenity of the neighbourhood.	☒	☐
PO 1.4	• Refer Section 8.5.	☒	☒
Built Form and Character			
PO 2.2	• Existing character not considered low-rise residential. • Proposal exceeds maximum building height of two levels.	☒	☒
PO 2.3	• Streetscape relatively mixed and not cohesive.	☒	☐
PO 2.4	• Little consistency in driveway widths.	☒	☐
Building Setbacks			
PO 3.1	• Varying setbacks in locality.	☒	☐
PO 3.3	• Building located closer than nearest side setback of primary building on adjoining allotment however sited similarly to existing built form.	☒	☒
PO 3.4	• Rear setback provides access to natural light and ventilation for neighbours.	☒	☐
Car Parking and Access			
PO 5.1	• Parking located away from street frontage.	☒	☐

8.2 Summary of North Adelaide Low Intensity Subzone Provisions

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Predominantly low-rise, low-density housing on large allotments in an open landscaped setting.		
DO 2	• Important part of the town plan of Adelaide and the city grid layout, containing large grand dwellings on landscaped grounds.		
Built Form and Character			
PO 1.1	• No prevailing open landscape character in this location.	☒	☐
Site Coverage			
PO 2.1	• No prevailing open landscape character in this location.	☒	☐

8.3 Summary of Applicable Overlays

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

- Building Near Airfields Overlay – not located near airfield
- Prescribed Wells Area Overlay – no groundwater concerns
- Stormwater Management Overlay – no residential development proposed
- Urban Tree Canopy Overlay – no residential development proposed.

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

Airport Building Heights (Regulated) Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.		
Built Form			
PO 1.1	• Building does not exceed the height specified.	☒	☐

Design Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Development positively contributes to liveability, durability and sustainability of the built environment through high-quality design.		
Built Form			
PO 1.1	• Building sufficiently demonstrates high-quality design.	☒	☐

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	• Building 300mm above kerb to minimise risk of entry of potential flood waters.	☒	☐

Heritage Adjacency Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Development adjacent to State and Local Heritage Places maintains heritage and cultural values of those Places.		
Built Form			
PO 1.1	Does not dominate, encroach on or unduly impact on the setting of adjacent Local Heritage Place to the east.	☒	☐

Historic Area Overlay (Adel 9)

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Historic themes and characteristics reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.		
All Development			
PO 1.1	Reasonable compromise between intent of historic area provisions to protect character and reduced historic integrity of Bagot Street.	☒	☐
Built Form			
PO 2.1	Reduced historic integrity of Bagot Street.	☒	☐
PO 2.2	Building and wall height excessive, however glazing at upper levels assists.	☒	☒
PO 2.3	Whilst a large building, façade is broken into elements to assist in providing a more contextual built form.	☒	☐
PO 2.4	No prevailing front and side boundary setback pattern.	☒	☐
PO 2.5	Use of brick as primary material complements historic area.	☒	☐
Context and Streetscape Amenity			
PO 6.1	Little consistency with driveway widths.	☒	☐
Demolition			
PO 7.3	Existing building does not conform with values described in Historic Area Statement and demolition is acceptable.	☒	☐

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	Refer Section 8.5.	☒	☐
PO 1.4	Refer Section 8.5	☒	☐
Ground Work Affecting Trees			
PO 2.1	Trees being retained not impacted by proposed works.	☒	☐

8.4 General Development Policies

The following General Development Policies are relevant to the assessment:

Clearance from Overhead Powerlines Overlay

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	Declaration provided.	☒	☐

Design in Urban Areas

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Development contextual, durable, inclusive and sustainable.		
All Development			
External Appearance			
PO 1.3	Front elevation identifies main entry.	☒	☐
PO 1.4	Plant adequately screened on rooftop.	☒	☐
PO 1.5	Waste stored at rear of site screened from public view.	☒	☐
Safety			
PO 2.1	Passive surveillance through windows overlooking street.	☒	☐
PO.2.3	Direct access from public street frontage.	☒	☐
PO 2.4	Passive surveillance through windows overlooking street.	☒	☐
PO 2.5	Common area and entry have good passive surveillance from public realm to inside building.	☒	☐

Landscaping			
PO 3.1	Landscaping areas incorporated on all boundaries to varying degrees.	☒	☐
Environmental Performance			
PO 4.1	Good access to sunlight and ventilation.	☒	☐
PO 4.2	- ESD initiatives include: - Solar panels - LED lights with movement sensor control - Air cooled variable refrigerant flow (VRF) type air conditioning - Electric heat pump hot water systems in lieu of gas fired systems - Rainwater storage for irrigation/toilets - High-performance glazing and façade construction with minimal glazing extent - CO2 sensors for modulation of outdoor air.	☒	☐
PO 4.3	Climate responsive techniques such as water harvesting, landscaping and photovoltaic cells incorporated.	☒	☐
Waste Sensitive Design			
PO 5.1	No negative impacts to natural hydrological systems.	☒	☐
Car Parking Appearance			
PO 7.1	- Undercroft parking minimises negative impacts by: - Limiting protrusion above finished ground level - Screening with planting, fencing and mounding - Limiting wide of openings and integrating into building structures. - Additional screening to southern side reduces visibility.	☒	☒
PO 7.2	Minimises impacts on sensitive receivers through siting, landscaping and screening.	☒	☐
PO 7.3	Direct access provided from car park into building.	☒	☐
PO 7.7	Stormwater management for vehicle parking area.	☒	☐
Earthworks and Sloping Land			
PO 8.1	No fill or excavation required.	☒	☐
Fences and Walls			
PO 9.1	Existing retaining walls.	☒	☐
PO 9.2	Landscaping proposed to reduce visual impacts.	☒	☐
Site Facilities/Waste Storage (excluding low rise residential development)			
PO 11.1	Dedicated on-site collection and sorting area provided on site and supported by Waste and Cleansing Team.	☒	☐
PO 11.2	Waste storage area screened from view.	☒	☐
PO 11.3	Waste storage area well ventilated.	☒	☐

PO 11.4	Waste collected on site and vehicle will need to reverse to enter but will exit in a forward motion.	☐	☒
All Development – Medium and High Rise			
External Appearance			
PO 12.1	Building responds to local context through use of materials, high solid to void and the reduced scale as proposed.	☒	☐
PO 12.2	Mixture of materials and architectural detail at street level.	☒	☐
PO 12.3	Visual mass broken into distinct elements.	☒	☐
PO 12.5	Materials such as brick and glazing appropriate in the locality given historical context.	☒	☐
PO 12.6	Ground level somewhat passive and lift/entry/staff room assists in this regard.	☒	☐
PO 12.7	Entrance accessible from street.	☒	☐
PO 12.8	Building services such as air conditioning plant and equipment is screened from the public realm.	☒	☐
Landscaping			
PO 13.1	Frontage landscaped but no deep soil zones provided.	☒	☒
PO 13.2	Achieves 14% of site / not 3 metre dimension / achieves 1 medium tree / no deep soil zone.	☒	☒
PO 13.3	No deep soil zones, however, areas of landscaping with access to natural light.	☒	☒
Environmental			
PO 14.1	Minimises impacts on adjacent land and buildings through setbacks and landscaping.	☒	☐
PO 14.2	Shading, water harvesting, orientation assist with sustainability.	☒	☐
Overlooking/Visual Privacy			
PO 16.1	Aside from those facing Bagot Street, windows obscured from 1.7 metres above finished floor level to protect privacy of adjacent residential development.	☒	☐
All Non-Residential Development			
Water Sensitive Design			
PO 42.1 & 42.2	Stormwater management system appropriately designed to minimise pollutants entering stormwater system.	☒	☐
PO 42.3	Discharge appropriately managed to ensure development does not increase peak flows.	☒	☐

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 1.2	Not expected to unreasonably impact on sensitive receivers.	☒	☐

Hours of Operation			
PO 2.1	Hours proposed will not unreasonably impact on sensitive receivers with condition imposed to reinforce hours.	☒	☐
Overshadowing			
PO 3.1	North facing windows of adjacent properties to the south will maintain sufficient access to sunlight.	☒	☐
PO 3.2	Some increase in overshadowing however likely to maintain 2 hours for private open space of adjacent residential properties.	☒	☐
PO 3.3	Will not unduly impact upon adjacent solar panels.	☒	☐
Activities Generating Noise or Vibration			
PO 4.2	- Waste collection outside of proposed business hours, however, within reasonable hours per EPA noise requirements (between 7am-7pm Monday to Saturday and 9am-7pm Sunday and public holidays) to not impact on residential amenity. - Condition included in recommendation.	☒	☐
PO 4.4	Plant and equipment located at roof level and unlikely to impact on amenity in locality.	☒	☐

Site Contamination

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Ensure land suitable for proposed use in circumstances where it is, or may have been, subject to site contamination.		
PO 1.1	Development does not involve a change in the use of land that constitutes a change to a more sensitive use.	☒	☐

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.		
Movement Systems			
PO 1.1	Refer Section 8.5.	☒	☐
PO 1.2	Not heavily commercial or industrial movements aside from standard waste collection and pathology delivery/pick-ups.	☒	☐
PO 1.3	- Waste collection within car parking area, however, will occur outside of business hours and therefore no conflict. - Not separated from passenger vehicle car parking.	☒	☒
PO 1.4	- Site constrained with loading, unloading and turning of all traffic occurring on site resulting in impact to public roads and pedestrian paths. - Limited pick-ups anticipated, not unreasonable in this circumstance.	☐	☒
Sightlines			
PO 2.1 & 2.2	Sightlines provided.	☒	☐
Vehicle Access			
PO 3.1	Utilising portion of existing crossover and increasing width.	☒	☐
PO 3.3	Access point appropriate considering type and volume of traffic generated.	☒	☐
PO 3.4	No impacts on neighbouring properties.	☒	☐
PO 3.5	- No impact to infrastructure aside from increase in crossover width. - Bluestone kerbing retained and replaced where crossover no longer required.	☒	☐
PO 3.6	Width of crossover appropriate with respect to the width of site frontage and retention of on-street parking.	☒	☐
PO 3.8	Access point appropriate considering type and volume of traffic generated.	☒	☐
Access for People with Disabilities			
PO 4.1	Parking space for people with a disability provided.	☒	☐
Vehicle Parking Rates			
PO 5.1	Sufficient on-site vehicle parking provided.	☒	☐
Vehicle Parking Areas			
PO 6.2	Parking area screened with landscaping and aluminium vertical blades.	☒	☐
PO 6.4	Pedestrian access appropriate.	☒	☐

PO 6.5	• Not used outside non-daylight hours, however low-level bollard lighting provided.	☒	☐
PO 6.6	• Waste collection on-site but no designated space separate from passenger vehicles.	☒	☒
PO 6.7	• Visitor parking sited and designed to be accessible.	☒	☐
Undercroft and Below Ground Garaging and Parking of Vehicles			
PO 7.1	• Safe exit and entry from undercroft car park.	☒	☐
Bicycle Parking in Designated Areas			
PO 9.1	• Four spaces sufficient with respect to intensity of use.	☒	☐
PO 9.2	• Safe and secure storage within car parking area.	☒	☐
PO 9.3	• No end of journey facilities.	☐	☒

8.5 Detailed Discussion

Land Use

The site is in the North Adelaide Low Intensity Subzone in the City Living Zone. Envisaged land uses are not specifically listed for the subzone. The zone does suggest appropriate land uses in DTS/DPF 1.1 and consulting rooms are envisaged. PO 1.2 provides further criteria for suitable non-residential development, primarily seeking small-scale commercial uses.

The existing consulting room building has a height of two building levels with a total floor area of approximately 600m². The initial proposal was four building levels and a floor area of 890m². Legal advice at submission of the application confirmed neither the floor area nor height of the initial proposal could be considered small-scale with reference to the intensity of non-residential land uses desired in the zone. The applicant was informed this increase in intensity of the land use would not be supported.

The proposal was then reduced to three building levels and a total floor area of 746m². While not in itself small-scale, legal advice then confirmed regard should be paid to the existing land uses and built form in the locality. The new built form will result in a floor area increase of 146m² which is modest in the context of the existing building floor area and the adjacent office building to the west with a floor area of approximately 800m². Consequently, the increase in floor area compared to the existing use is not considered to represent a substantial increase in land use intensity.

PO 1.3 seeks non-residential development sited and designed to complement the residential character and amenity of the neighbourhood. The siting and design of the building is suitable and is discussed further under Design and Appearance.

PO 1.4 refers to reuse and adaption of existing commercial premises and/or buildings. Whilst construction of the new building is for consulting rooms, the use of the existing building is consulting rooms and offices.

Design and Appearance

Building Height

PO 2.2 of the zone seeks development contributing to the predominantly low-rise residential character of the City Living Zone. Associated DTS/DPF 2.2 seeks a maximum building height of two levels. Legal advice has confirmed the height of the building is three building levels, despite the slope of the land.

Whilst the proposal is three building levels, it is acceptable mainly due to the fall of the land from north to south. The built form responds to this by utilising undercroft parking (with negligible floor area in the form of a staff room and building access) and locating two levels above, noting the definition of a 'building level' in the Planning and Design Code states:

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

The context of Bagot Street is not cohesive and displays a mix of buildings between two to four building levels. The character of Bagot Street is not considered predominantly low-rise and therefore a three level building will not unreasonably detract from the local context.

Built Form

PO 2.1 of the North Adelaide Low Intensity Subzone seeks building footprints consistent with the character and pattern of the prevailing open landscaped character of the neighbourhood in locations where this character prevails. Bagot Street is not a locality where open landscaped character prevails, however the proposal will not result in a site coverage exceeding 50%.

POs 3.1, 3.3 and 3.4 of the City Living Zone seek setbacks complementing the existing streetscape and for side and rear setbacks to be consistent with any established character, as well as provide separation for amenity purposes. Building setbacks in Bagot Street vary, however most are located close to, or on, the front boundary with small side setbacks. There is no evident setback pattern from rear boundaries. The siting of the built form is appropriate as it provides setbacks from all boundaries and allows establishment of landscaping to soften the interface between its neighbours.

A deficiency is a lack of deep soil zones to accommodate trees for shade, to contribute to tree canopy targets and to assist in softening the appearance of buildings as sought by Design in Urban Areas POs 13.1 and 13.2. Whilst the proposal does not achieve all listed criteria of DTS/DPF 13.2, it does retain existing vegetation where possible and introduces landscaping to assist in softening the appearance of the built form.

Historic Area

The subject site is in the Historic Area Overlay, and regard needs to be given to the relevant North Adelaide Cathedral Historic Area Statement (Adel 9). The Historic Area Statement (HAS) states the locality displays a diverse range of nineteenth century predominantly residential architecture with Park Lands frontages.

Bagot Street is not specifically mentioned with any characteristics of an identifiable historic, economic and/or social theme of recognised importance. There are no prevailing characteristics in Bagot Street and therefore a more general approach to ensure built form is respectful to the historic area is required.

The built form is of an appropriate scale, design and architectural detailing. Setbacks are suitable in the context of the locality. The building is an architecturally designed contemporary building incorporating articulation, high-quality materials such as brick and provides for landscaping to each boundary. Considering the mixed nature of the built form in Bagot Street, the bulk and scale of the proposal will not adversely impact on the historic area.

An important detail is the existing historic bluestone kerbing in Bagot Street. As this is of historic importance it should be retained and the applicant has confirmed it will be restored as required.

Amenity Impacts

Overshadowing

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

The applicant has provided shadow diagrams that indicate at 9am on the winter solstice, properties southwest at 7-9 Bagot Street and 114-116 Kermode Street currently experience a large degree of overshadowing from a four storey residential building to the north.

Additional shadowing is expected at this time however, from 12pm onwards these properties will not be affected. Northern windows on buildings directly south at 108, 104-106 and 102 Kermode Street will not be affected by shadows.

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

Similar to existing and expected shadow to northern windows, areas of private open space for the properties at 7-9 Bagot Street and 114-116 Kermode Street will occur however, in the afternoon will not be impacted.

The property at 108 Kermode Street will experience some shadowing of their rear private open space between 9am and 12 noon, however by 3pm the area will not be in shadow.

Portions of the private open space at 104-106 and 102 Kermode Street are in shadow between 12 noon and 3pm. Similarly, an area of 96 Kermode Street will be in shadow, however given the area of this allotment, the shadowed area will not be unreasonable.

The Code does not anticipate overshadowing of adjacent dwellings can be entirely avoided but should be minimised as much as possible. On balance, the overshadowing of adjacent dwellings is not unreasonable. City Living Zone PO 3.3(b) and 3.4(a) and Interface between Land Uses PO 3.1 and 3.2 are satisfactorily achieved.

Traffic Movement and Parking

Transport, Access and Parking in Part 4 – General Development Policies provide guidance for safe, sustainable, efficient, convenient access. Vehicle and bicycle parking rates in POs 5.1 and 9.1 seek adequate parking provision and refer to relevant tables in the Code that specify minimum and maximum parking numbers.

The site currently has 13 car parking spaces, with a gross leasable floor area of approximately 600m², this equates to just over 2 spaces per 100m². The proposal will provide 23 spaces utilising an existing (slightly relocated) crossover to Bagot Street. Parking will be undercroft below the consulting rooms. There will be four bicycle parking spaces located in the car parking area towards the front of the building.

Table 2 – Off Street Car Parking Requirements seeks three to five spaces per 100m² for the proposed the land use. This equates to 23 to 38 spaces (rounded to whole numbers). The proposal has 23 spaces car parking spaces which achieves the minimum requirement.

One issue raised by representors is a perceived increase in traffic generation and associated safety aspects, as Bagot Street is viewed as a narrow street. Whilst there is an increase in floor area of approximately 146m², the provision of car parking is greater than currently on-site with an existing shortfall of between 8-17 spaces. The additional car parking will alleviate some congestion on Bagot Street.

Table 3 – Off-Street Bicycle Parking Requirements seeks 1 space per 20 employees plus 1 space per 20 consulting rooms for customers. As the consulting rooms are unlikely to have more than 20 staff, the provision of four spaces is satisfactory.

Car parking access has been designed in accordance with relevant parking guidelines. Whilst some spaces are in a stacked formation, these will generally be used by staff.

Tree Removal

The applicant has provided an arborist report regarding existing trees on the site. The assessment has examined four trees, three of which are significant and one which is regulated. It states all trees are introduced exotic species, planted as part of the landscaping in the past and are in good overall condition.

The Regulated and Significant Tree Overlay seeks to preserve trees where they meet aesthetic and/or environmental criteria. The applicant's arborist identified only one of the four trees (*Photinia serrulate* or Taiwanese Photinia – a significant tree – Tree 4 in the report) will be negatively impacted by the works. However, as this tree does not display attributes requiring its retention (such as forming a notable visual element, making an important contribution to the character or amenity of the local area, an indigenous tree species, an important habitat for native fauna, part of a wildlife corridor or remnant area of native vegetation or important to the maintenance of biodiversity), removal is considered acceptable.

Council's Arborist has reviewed the applicant's arborist report and concurs with its findings. Appropriate tree protection measures have been recommended for the remaining trees as outlined in the Tree Protection Plan associated with the report.

One representor suggested the arborist report is inaccurate in respect to the location of the Jacaranda tree on the adjacent site to the north. The applicant has responded by correcting the location of the tree on the amended plans.

Considering retention of the existing landscape areas and the change from bitumen to permeable paving, the Jacaranda tree is expected to be protected. There is a condition recommended in Section 10 to ensure all trees are protected in accordance with the arborist's report.

9. CONCLUSION

On balance, the proposal is considered to warrant support as:

- the existing building is consulting rooms and offices and whilst new built form is proposed, the land use remains
- consulting rooms are envisaged in the zone and whilst there is a small increase in floor area compared to the existing building, it will be of an intensity that will not unreasonably impact on residential amenity
- the bulk and scale of the development is sufficiently mitigated and managed through setbacks, landscaping and appropriate materiality
- the design and appearance of the building will not unreasonably impact on the Historic Area
- there are no unreasonable impacts to adjacent residential land uses in terms of overshadowing or overlooking
- provision of additional parking will alleviate existing traffic congestion.

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 25033619, by Professor Weng Onn Chan is GRANTED Planning Consent subject to the following conditions and advices:

CONDITIONS

1. **The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any):**
 - **Plans drafted by Cheesman Architects, Drawing Nos. 25127_PD06 revision H, 25127_PD07 revision C, 25127_PD08 revision E, 25127_PD09 revision E, and 25127_PD10 revision E**
 - **Siteworks and Drainage Plan by Jack Adcock Consulting, Drawing No. JAC250341-DRG-C011, issue E, dated 19 June 2026**
 - **Waste Management Plan by Colby Phillips, dated 7 May 2026.**

2. **The hours of operation for the consulting rooms on the land shall be limited to:**
 - **7am to 9pm – Monday to Friday**
 - **8am to 5pm – Saturday**

3. **Ancillary activities such as deliveries, collection, movement of private waste bins, goods, empty bottles and the like shall occur before 10.00pm and after 7.00am Monday to Saturday or after 9.00am on a Sunday or Public Holiday.**

4. **The windows as depicted on the northern, eastern and southern elevations shall be permanently fixed and obscured to a height of 1.7 metre above finished floor level. Such windows 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.**

5. 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 stamped plans and shall be to the reasonable satisfaction of the Relevant Authority.
-
6. The landscaping depicted on the plans shall be planted prior to occupation of the building and 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.
-
7. All requirements expressed in the Arboricultural Impact Assessment and Development Impact Report by Arborman Tree Solutions, ref. ATS8043-016BagStDIR-R2, dated 7 May 2026, shall be undertaken to the reasonable satisfaction of the Relevant Authority, as detailed below:
- Ensure all work requirements/activities in the vicinity of these trees are 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
 - Digging with care should be used whilst within the SRZ of Tree 1, despite there being existing encroachment, there is the potential for some root architecture. Digging with care includes:
 - Hand excavation, including the use of handheld power tools,
 - Sub-tonne machinery (with the use of a spotter) and digging with care, and
 - High Pressure water (Hydro-Vac)
 - The use of a Hydro-Vac shall be used at the lowest practical pressure when roots are observed and/or protective covering should be attached to avoid damage to any important roots and avoid direct contact and damage to the Phloem (bark).
-
8. All mechanical plant equipment noise shall achieve the relevant Environment Protection (Commercial and Industrial Noise) Policy 2023 criteria to the reasonable satisfaction of the Relevant Authority.
-
9. ESD initiatives detailed in the Bestec letter, ref. 57586/2/1, dated 17 April 2026, shall be implemented and nominated on the plans prior to the issue of Development Approval.
-

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 days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via d.planner@cityofadelaide.com.au 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. 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

6. Vehicle Crossover modifications

There is no objection to the proposed vehicle crossing place(s)/alterations to the existing vehicle crossing place(s), 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(s) 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.
