



COUNCIL ASSESSMENT PANEL

# Agenda and Reports

for the meeting  
Monday, 29 May 2023  
at 5.30 pm  
in the Colonel Light Room, Adelaide Town Hall



# Council Assessment Panel

## Meeting Agenda

Monday, 29 May 2023, at 5.30 pm, Colonel Light Room, Adelaide Town Hall

### Panel Members

Presiding Member – Nathan Cunningham

Panel Members – Mark Adcock, Colleen Dunn, Emily Nankivell and Councillor Keiran Snape

Deputy Panel Member – Prof Mads Gaardboe and Councillor Carmel Noon

### Opening and Acknowledgment of Country

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

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

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

### Meeting Agenda

#### 1. Confirmation of Minutes

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 1 May 2023, be taken as read and be confirmed as an accurate record of proceedings.

View public 1 May 2023 Minutes [here](#).

#### 2. Declaration of Conflict of interest

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

3.1 Subject Site 107-109 O'Connell Street, North Adelaide [Pages 4 - 25]

3.2 Subject Site 12-16 Walter Street, North Adelaide [Pages 26 - 57]

#### 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 Other Business - Nil

6.2 Other Business raised at Panel Meeting

6.3 Next Meeting – 26 June 2023

#### 7. Closure

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

# Agenda Item 3.1

**Council Assessment Panel**

**Monday, 29 May 2023**

**Subject Site** 107-109 O'Connell Street, North Adelaide

**Development Number** 22033547

**Nature of Development** Construct four storey detached dwelling

**Representations** Listed to be Heard - Yes

**Summary Recommendation** Planning Consent Granted

**Status** Public

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<b>DEVELOPMENT NO.:</b>	22033547
<b>APPLICANT:</b>	Walter Ventura
<b>AGENDA ITEM NO:</b>	3.1
<b>ADDRESS:</b>	107-109 O'Connell Street, North Adelaide SA 5006
<b>NATURE OF DEVELOPMENT:</b>	Construct four storey detached dwelling
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• City Main Street</li> </ul> <p><b>Subzones:</b></p> <ul style="list-style-type: none"> <li>• City High Street</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Aircraft Noise Exposure</li> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Design</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Noise and Air Emissions</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• State Heritage Place</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) (Maximum building height is 14m)</li> <li>• Minimum Building Height (Levels) (Minimum building height is 2 levels)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 4 levels)</li> </ul>
<b>LODGEMENT DATE:</b>	9 November 2022
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.20 – 27 October 2022
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Kosta Tsekouras, Planner
<b>REFERRALS STATUTORY:</b>	Environment Protection Authority Minister responsible for the administration of the Heritage Places Act 1993
<b>REFERRALS NON-STATUTORY:</b>	Engineering and Traffic

## CONTENTS:

<b>ATTACHMENT 1:</b>	<b>Application Documents</b>	<b>ATTACHMENT 5:</b>	<b>Representations</b>
<b>ATTACHMENT 2:</b>	<b>Site and Locality Map</b>	<b>ATTACHMENT 6:</b>	<b>Response to Representations</b>
<b>ATTACHMENT 3:</b>	<b>Zoning Map</b>	<b>ATTACHMENT 7:</b>	<b>Prescribed Body Responses</b>
<b>ATTACHMENT 4:</b>	<b>Representation Map</b>	<b>APPENDIX 1:</b>	<b>Relevant P&amp;D Code Policies</b>

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

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representors**

- Joseph Dimasi, PO Box 1188, North Adelaide (appears to be occupant of property immediately adjacent to the west at 111 O'Connell Street, North Adelaide)
- Angela Gondzioulis, c/o Ray White Commercial Adelaide – 113-115 O'Connell Street, North Adelaide

### **Applicant**

- Charlie Dubois and Stewart Hocking of Masterplan on behalf of the Applicant

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

- 1.1 Demolition of an existing lean-to and fencing associated with the Oxford Hotel and construction of a four storey detached dwelling on the rear portion of the site with a frontage to Wigg Lane comprising:
- garage, home office and garden at ground level
  - two bedrooms (one with ensuite), laundry and bathroom at first floor level
  - open plan kitchen/dining/living area and toilet at second floor level
  - master bedroom with walk in robe and ensuite, main and secondary outdoor terrace space at upper floor level
  - lift providing access to all floors.
- 1.2 The proposed building will have a height of four levels and 14 metres above ground level.
- 1.3 The pedestrian entry is proposed from Wigg Lane with vehicle access to the garage provided via both the existing right of way over the private laneway from Tynte Street to the south and Wigg Lane to the north.
- 1.4 Wigg Lane is a public road and provides vehicle access to adjacent residential and commercial properties in the locality.

## **2. BACKGROUND**

- 2.1 Land division does not comprise part of this application and any references to land division have been removed from the plans. There are no specific minimum site area or frontage requirements for this site in the Planning and Development Code and therefore lodgement of a land division together with this application is not necessary.
- 2.2 A separate development application for the land division is expected to be lodged once a decision has been made regarding the current application.
- 2.3 The land division has been referred to by Heritage South Australia in referral comments despite not specifically forming part of this application.

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

### **Subject Land**

- 3.1 The existing allotment is oriented east-west with a 12.2 metre frontage to O'Connell Street and is located on the corner of O'Connell Street and Wigg Lane.
- 3.2 The site contains the existing State Heritage listed National Bank building (known as the Oxford Hotel) and a small, later brick infill addition at the rear.
- 3.3 A 3.65 metre wide right of way that also has a length of 18.3 metres provides for vehicle access to the site from Tynte Street.
- 3.4 The development site will be contained to the western portion and will have an area of approximately 100m<sup>2</sup>, with a frontage to Wigg Lane of 8.4 metres and a depth of 12.2 metres.

## Locality

- 3.5 The locality contains a mix of both residential and commercial uses.
- 3.6 Wigg Lane has two dwellings located on the southern side and the side wall of a shop facing O'Connell Street spans almost the entirety of the north side of the lane. The amenity of the lane is reflective of its use as a secondary access to the commercial buildings facing O'Connell Street and the associated high level of activity in the surrounding locality.
- 3.7 The adjacent portion of O'Connell Street has a mix of commercial uses, mostly consisting of shops with some licensed premises. The adjacent Oxford Hotel is a prominent landmark in the locality.
- 3.8 Tynte Street contains a mix of dwellings and commercial uses. The northern side of this portion of Tynte Street is mostly commercial in nature, housing several personal service establishments and a restaurant. Dwellings are mostly located on the southern side.
- 3.9 The locality contains a mixture of architectural styles, with historic buildings located alongside contemporary commercial development. Buildings are generally one to two stories in height.



**Figure 3.1 – subject site viewed from Wigg Lane**





**Figure 3.2 – adjacent dwelling viewed from Wigg Lane, looking west**



**Figure 3.3 – western portion of Wigg Lane, looking southeast**



**Figure 3.4 – existing site with State Heritage building, looking east from Wigg Lane**



**Figure 3.5 – Oxford Hotel, looking west from O'Connell Street**



**Figure 3.6 – Oxford Hotel, looking west from corner of Tynte and O’Connell Streets**



**Figure 3.7 – view to site from Tynte Street, looking north**

**4. CONSENT TYPE REQUIRED**

Planning Consent

**5. CATEGORY OF DEVELOPMENT**

**PER ELEMENT:**

Detached dwelling - Code Assessed – Performance Assessed

Demolition - Code Assessed – Performance Assessed

**OVERALL APPLICATION CATEGORY:**

Code Assessed – Performance Assessed

**REASON:**

P&D Code; No assessment pathway is identified for a ‘dwelling’ and ‘demolition’ is assigned as Code Assessed - Performance Assessed. Consequently, the ‘highest’ classification for the development is Code Assessed – Performance Assessed.

**6. PUBLIC NOTIFICATION**

**REASON:**

The proposed development does not satisfy City High Street Subzone DTS/DPF 3.1 and required public notification. The following representations were received as part of the notification process:

<b>TABLE 6.1 – LIST OF REPRESENTATIONS</b>		
<b>No.</b>	<b>Representor Address</b>	<b>Request to be Heard</b>
1	Chris Harris, 136A Tynte Street, North Adelaide	No – support with some concerns
2	Joseph Dimasi, PO Box 1188, North Adelaide	Yes – support with some concerns
3	Robert Farnan, 15 Boulton St, North Adelaide	No – in support
4	Angela Gondzioulis, c/o Ray White Commercial Adelaide – 93 Frome Street, Adelaide	Yes – support with some concerns

<b>TABLE 6.2 – SUMMARY OF REPRESENTATIONS</b>
<ul style="list-style-type: none"><li>• Construction and use of site will impact access to 113-115 O’Connell Street</li><li>• Will potentially affect future development opportunities of adjacent property</li><li>• Development enlivens laneway and is sympathetic to specified height limit</li><li>• Overlooking of open space to the west from western terrace on upper level</li><li>• Confirmation of boundary location required</li><li>• Query impact on adjacent tree</li><li>• Impact to access for 136A Tynte Street</li></ul>

Please refer to Attachments 5 and 6 for full representations and the applicant’s response

## 7. **AGENCY REFERRALS**

### Environment Protection Authority

In accordance with Practice Direction 14, use of portion of the subject site as residential constitutes a change to a more sensitive land use and therefore a Preliminary Site Investigations (PSI) report was requested and provided by the applicant.

The PSI was referred to the Environment Protection Authority (EPA). The EPA concluded the site could be made suitable for the proposed use subject to directed conditions which are included in Section 11.

### Minister Responsible for Administration of the Heritage Places Act 1993

The application was referred to Heritage South Australia due to the heritage listing of the subject and adjacent sites. Impacts of the proposed demolition, direct impact on adjacent State Places, impact on the setting of State Heritage Places and the external expression of the proposal were considered. A recommendation of support was provided subject to two conditions which are included in Section 11.

## 8. **INTERNAL REFERRALS**

### Engineering and Traffic

- The driveway crossover will need to be modified to enable the proposed stormwater connection to the kerb and watertable of Tynte Street. A condition has been recommended to reflect this and is included in Section 11.

## 9. **PLANNING ASSESSMENT**

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

### 9.1 **Summary of City High Street Subzone Assessment Provisions**

<b>Subject Code Ref</b>	<b>Assessment</b>	<b>Achieved</b> ✓ <b>Not Achieved</b> ✗
Interface PO3.1	<ul style="list-style-type: none"><li>• Refer Section 9.5.</li></ul>	✗
Interface PO 3.2	<ul style="list-style-type: none"><li>• Proposal results in minimal increase to overshadowing on adjacent residential development in City Living Zone.</li></ul>	✓

## 9.2 Summary of City Main Street Zone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO2	<ul style="list-style-type: none"> <li>Built form positively contributes to the streetscape by adding visual interest not currently present in Wigg Lane.</li> </ul>	✓
Land Use and Intensity PO 1.1 – 1.5	<ul style="list-style-type: none"> <li>Dwelling is an envisaged use within the zone.</li> <li>Dwelling proposed behind a non-residential use on the same allotment per DPF 1.4.</li> </ul>	✓
Built Form and Character PO2.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓
Built Form and Character PO2.9	<ul style="list-style-type: none"> <li>Building does not include a setback from street boundary in accordance with DPF 2.9.</li> </ul>	✓
Building Height PO3.1	<ul style="list-style-type: none"> <li>Building does not exceed four levels or 14 metres in height.</li> </ul>	✓
Building Height PO3.3	<ul style="list-style-type: none"> <li>Building has minimum height exceeding half of maximum height specified per DPF 3.3.</li> </ul>	✓
Movement, Parking and Access PO4.1 – 4.3	<ul style="list-style-type: none"> <li>Development utilises existing crossovers for vehicular access.</li> <li>Car parking located facing a minor laneway and will not impact on the main street.</li> <li>Vehicle access points will minimise interruption and queuing on public roads and pedestrian paths.</li> </ul>	✓

## 9.3 Summary of Applicable Overlays

### State Heritage Place Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> <li>Development maintains the heritage and cultural values of State Heritage Place.</li> </ul>	✓
Built Form PO1.1 – 1.7	<ul style="list-style-type: none"> <li>Form of new building, including massing, scale and siting, maintains the heritage values of the State Heritage Place.</li> <li>Development is consistent with boundary setbacks and setting.</li> <li>Materials and colours are consistent with and complement the heritage values of the State Heritage Place.</li> </ul>	✓
Demolition PO6.1	<ul style="list-style-type: none"> <li>Proposed demolition occurs to a small portion of the building excluded from the extent of listing that is of heritage value.</li> </ul>	✓

### Heritage Adjacency Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> <li>Development maintains heritage and cultural values of adjacent Heritage Places.</li> </ul>	✓
Built Form PO1.1	<ul style="list-style-type: none"> <li>Development will not dominate, encroach on or unduly impact on the setting of the adjacent Heritage Places.</li> </ul>	✓

### Aircraft Noise Exposure Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Land Use and Intensity PO1.1	<ul style="list-style-type: none"> <li>Development not located within an area having an ANEF value of 30 or more as per DPF 1.1.</li> </ul>	✓

### Airport Building Heights (Regulated) Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Built Form PO1.1	<ul style="list-style-type: none"> <li>Proposal does not exceed the height limits prescribed by Airport Building Heights (Regulated) Overlay.</li> </ul>	✓

### Design Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> <li>Development positively contributes to the built environment through high-quality design.</li> </ul>	✓
General PO1.1	<ul style="list-style-type: none"> <li>Medium rise building demonstrates high quality design.</li> </ul>	✓

### Hazards (Flooding - Evidence Required) Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> <li>Development mitigates risk from flooding.</li> </ul>	✓
Flood Resilience PO1.1	<ul style="list-style-type: none"> <li>As above.</li> </ul>	✓

## Noise and Air Emissions Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Siting and Design PO1.1	<ul style="list-style-type: none"> <li>Proposed sensitive receiver not significantly impacted by noise and air emissions from nearby sources.</li> </ul>	✓
Siting and Design PO1.3	<ul style="list-style-type: none"> <li>Private open space (particularly rooftop terrace) exposed to noise and air emissions but will have separation and in a zone where a high level of activity is envisaged.</li> </ul>	✓/✗

## 9.4 Summary of General Development Policies

### Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> <li>Development responds to local context and is durable.</li> </ul>	✓
External Appearance PO1.3	<ul style="list-style-type: none"> <li>Building facing the primary street designed to identify main access points and complement the streetscape.</li> </ul>	✓
Safety PO2.1 & 2.3	<ul style="list-style-type: none"> <li>Development maximises opportunities for passive surveillance of the public realm.</li> </ul>	✓
Landscaping PO3.1	<ul style="list-style-type: none"> <li>Development contains a small area of soft landscaping at ground level.</li> </ul>	✓/✗
Environmental Performance PO4.1 & 4.2	<ul style="list-style-type: none"> <li>Building sited and designed for passive environmental performance with access to sunlight, protection from direct western and eastern sunlight and openable windows for ventilation.</li> </ul>	✓
External Appearance PO12.1 – 12.8	<ul style="list-style-type: none"> <li>Building positively contributes to character of the local area.</li> <li>Architectural detail at street level with a mix of materials near the public interface will reinforce human scale.</li> <li>Visual mass reduced by breaking building elevations into distinct elements.</li> <li>External materials and finishes durable to minimise ongoing maintenance.</li> <li>Boundary walls visible from public land include visually interesting treatments.</li> <li>Street frontage will provide attractive ground floor frontage including a habitable room and prominent entry.</li> <li>Building entrance oriented towards the street and clearly identifiable.</li> <li>Services or plant equipment will not be visible from the public realm.</li> </ul>	✓
Landscaping PO13.1 – 13.4	<ul style="list-style-type: none"> <li>Deep soil zone for trees/vegetation not provided, however site area and retention of the stone wall limits the provision of a deep soil zone.</li> </ul>	✗
Environmental PO14.1 & 14.2	<ul style="list-style-type: none"> <li>Siting and orientation will minimise shadowing and minimal micro-climatic impact to neighbouring properties.</li> <li>Rainwater tanks included in southern driveway.</li> </ul>	✓



	<ul style="list-style-type: none"> <li>Window orientation will assist in creating a comfortable micro-climatic environment within the building.</li> </ul>	
Outlook and Amenity PO18.1 & 18.2	<ul style="list-style-type: none"> <li>Living rooms incorporate windows with an external outlook of the street.</li> </ul>	✓
Outlook and Visual Privacy PO26.1 & 26.2	<ul style="list-style-type: none"> <li>Ground level somewhat visible from public realm. Designated as a home office rather than a more sensitive room such as a bedroom or living area.</li> </ul>	✓
Private Open Space PO27.1	<ul style="list-style-type: none"> <li>Sufficient private open space provided satisfying Design in Urban Areas Table 1 - Private Open Space.</li> </ul>	✓
Laneway Development PO44.1	<ul style="list-style-type: none"> <li>Laneway development proposed where existing infrastructure can be utilised, emergency vehicle access can be supported and safety of pedestrian and vehicle movements will be maintained.</li> </ul>	✓

### Interface Between Land Uses

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
Desired Outcome DO1	<ul style="list-style-type: none"> <li>Development located and designed to mitigate adverse effects on or from neighbouring properties.</li> </ul>	✓
General Land Use Compatibility PO1.1	<ul style="list-style-type: none"> <li>Sensitive receiver sited to protect occupants from adverse impacts such as noise generated by adjacent uses.</li> </ul>	✓
Overshadowing PO3.1, PO3.2	<ul style="list-style-type: none"> <li>Development does not result in a significant increase to overshadowing of habitable rooms or private open space of adjacent properties.</li> </ul>	✓

### Site Contamination

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
Desired Outcome DO 1, PO1.1	<ul style="list-style-type: none"> <li>EPA confirmed the site could be made suitable for its intended use, subject to directed conditions included in Section 11.</li> </ul>	✓

### Transport, Access and Car Parking

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
Vehicle Access PO3.1	<ul style="list-style-type: none"> <li>Vehicle access provided via existing driveway.</li> </ul>	✓
Vehicle Parking Rates PO5.1	<ul style="list-style-type: none"> <li>On site car parking provided in accordance with Table 2 Off-Street Car Parking Requirements in Designated Areas as no minimum or maximum is designated for the City Main Street Zone.</li> </ul>	✓

## 9.5 Detailed Discussion

### Land Use

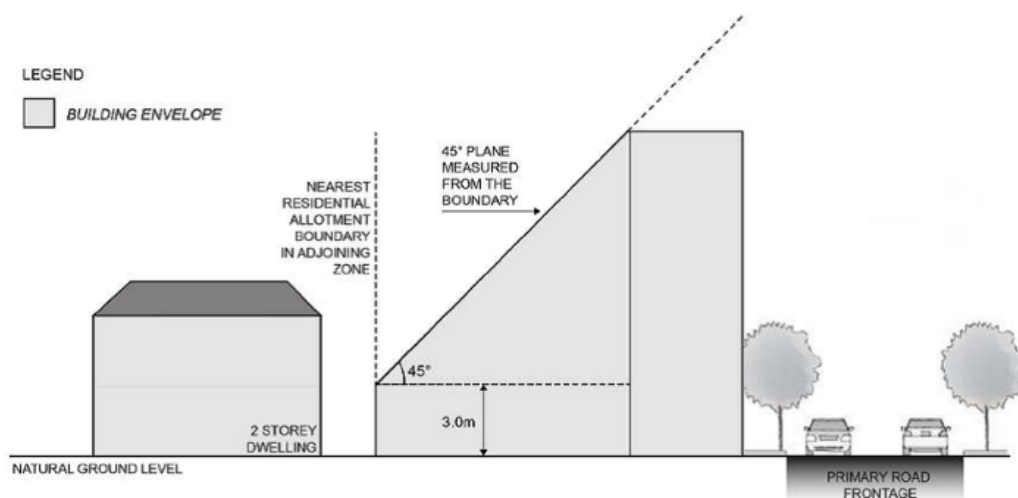
The subject site is located within the City Main Street Zone, where dwellings are envisaged among a range of commercial and recreational uses. City Main Street Zone DPF 1.4 calls for dwellings to be located at upper levels of buildings with non-residential uses located at ground level or behind non-residential uses on the same allotment.

The proposed dwelling will be located behind a commercial building facing O'Connell Street. Wigg Lane is largely a minor residential street and is devoid of any significant pedestrian activity. The location of the proposed dwelling in the lane is expected to improve the overall amenity of the lane.

City Main Street Zone PO 1.5 seeks development of well designed and diverse medium to high density accommodation, including dwellings, either as part of a mixed use development or wholly residential development. The nature of the dwelling as a 'medium-rise' building (defined by Part 8 of the Planning and Design Code as a building of three to six levels) is in accordance with PO 1.5.

### Built Form

City High Street Subzone PO 3.1 seeks to limit the visual impact of building massing on residential development within the adjacent City Living Zone. DPF 3.1 specifies that, except where the subject site is a catalyst site, buildings be constructed within a building envelope provided by a 45 degree plane measured from a height of three metres above natural ground level at the boundary of an allotment used for residential purposes within the City Living Zone as shown in Figure 9.5.1.



**Figure 9.5.1 – City High Street Subzone PO 3.1 Desired Interface Diagram**

This provision ensures development provides an orderly transition from the larger scale development in the City Main Street Zone to the lower scale development in the City Living Zone. The proposal extends beyond this plane by a significant degree with a four storey wall directly on the western boundary of the site shared with the City Living Zone. Consequently, the development is anticipated to result in a degree of visual impact to the adjacent residential property to the west.

Notwithstanding the above, the proposal does satisfy other built form provisions of the City Main Street Zone and is of a scale generally expected within the zone. The proposed height will be equal to the maximum building height of four levels and 14 metres specified for the site by City Main Street Zone DPF 3.1. The height of the building also meets the minimum height requirement of two levels and 7 metres specified in City Main Street Zone PO 3.3.

The minimal setback of the upper levels is in accordance with City Main Street Zone PO 2.9, which suggests in secondary streets and laneways, building setbacks above the street wall may be relatively shallow or non-existent to create intimate spaces through a greater sense of enclosure. It is noted there are no prescribed provisions relating to side or rear setbacks within this zone.

The street wall of the proposed building aligns with the local context of Wigg Lane and the scale and context of adjacent built form. The lane and adjacent buildings are characterised by high single storey boundary walls running almost the full length of the lane on the north side, as well as one to two storey boundary walls of dwellings to the west and the State Heritage Place on the subject site.

Despite being only two levels, the boundary wall of the heritage building fronting Wigg Lane has a substantial height (roughly level with the top of the third level of the proposed building). Consistent with the surrounding buildings, the proposed podium also has minimal setback to the street at ground and first level, which is continued through the third and fourth levels. A boundary wall of this height is higher than what currently exists in the lane, however minimal setbacks of buildings above the street wall are envisaged within smaller laneways and secondary streets. The open appearance of the fourth level will assist in mitigating visual impact resulting from the proposed height.

City Main Street PO 2.1 calls for a rich visual design that has regard to above street level fenestration, balconies, parapets, architectural detailing and ornamentation. Design in Urban Areas PO 12.3 envisages buildings that reduce visual mass by breaking elevations into distinct elements, and for boundary walls visible from public land to include visually interesting treatments articulate large blank elevations. The proposal meets these provisions and provides visual interest as follows:

- difference in texture between the lower and upper portions of the building with the lower floors clad in a timber formed textured concrete and the upper floors clad in an acid etched sand toned concrete
- varying setbacks within the front façade with windows and doors set in from the extent of the front wall to varying degrees
- a range of materials including glazing and battens to the northern and eastern facades.

#### Overshadowing

The shadow diagrams provided show the extent of overshadowing resulting from the proposed development at the height of winter.

As demonstrated in the shadow diagrams, at all hours of the day a large portion of the shadow cast by the development will be over roof space of commercial uses. The dwellings to the west in Wigg Lane are currently shadowed significantly in the winter months and the proposed development, due to its siting and orientation, will result in a marginal increase to shadowing to the abutting dwelling to the west (this is shown on the shadow diagrams at 9:00am and 12:00pm). Currently, at 9:00am, the open space of this abutting dwelling is completely shadowed while the north facing windows still receives some light. The proposed dwelling will result in a small amount of additional shadowing to the north facing windows at this time.

At 12:00pm, the proposed development will only result in a small amount of additional overshadowing to the open space and building of the dwelling immediately adjacent to the west, near its eastern boundary. This will affect a small portion of the front yard and one to two windows.

Shadowing at 3:00pm will mostly maintain the existing situation.

The proposal will result in some additional overshadowing, however this is expected with development of the scale anticipated in the zone. Overall, the proposal is considered to maintain a reasonable amount of access to sunlight to habitable rooms and private open space of adjacent residential land uses in accordance with Interface Between Land Uses PO 3.1 and PO 3.2 and City High Street Subzone PO 3.2.

### Overlooking

Sensitive uses in immediate proximity are to the west in Wigg Lane, noting the property directly west has no windows on the eastern side. The only potential for direct overlooking to the west is into a small terrace area on the top floor of this abutting residential building.

This potential overlooking was raised as an issue during public notification and the applicant subsequently amended the proposal to include 1.7 metre high obscure screening to the upper level west facing terrace. This screen will prevent direct overlooking to the west. The dwellings to the south on Tynte Street are separated by a substantial distance and a street so direct overlooking to these properties is not expected.

Windows on the northern and southern sides of the proposed dwelling will be setback from the building wall and property boundary, reducing potential direct overlooking.

### Amenity

Considering the development is proposed in the City Main Street Zone and with proximity to commercial and licensed premises in O'Connell Street, the potential for the development to mitigate noise was investigated during the assessment of this application.

The applicant has provided an acoustic report which confirmed the dwelling will be adequately insulated from noise from nearby premises and aircraft noise provided it is built to the applicable Ministerial Building Standard MBS 010. The development will be required to satisfy this standard as part of Building Rules Assessment.

## **10. CONCLUSION**

This application proposes a four storey detached dwelling facing Wigg Lane and located behind the existing Oxford Hotel at 107-109 O'Connell Street, North Adelaide.

Residential development is encouraged in the City Main Street Zone. Despite the scale of the building at the interface between the City Living Zone and City Main Street Zone, it will have a high standard of design and a scale generally envisaged in the zone.

There will be a lack of landscaped open space, however the amenity is considered high with open space at the upper level, natural light and ventilation to the interior, noise mitigation and a design that avoids detrimental micro-climatic impacts.

The impact to adjacent residential uses is acceptable, with minimal possibility of overlooking and a relatively minimal increase in overshadowing of open space areas and habitable windows of adjacent residential properties.

Impacts to the heritage value of the existing building located on the site are considered acceptable, and vehicle access will take advantage of existing rights of way over the surrounding land.

Overall, the proposal is considered to be a satisfactory outcome and a high quality design that will enhance the locality. The proposal is not seriously at variance with the relevant assessment provisions of the Planning and Design Code and therefore it is recommended Planning Consent be granted.

## **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
2. Development Application Number 22033547, by Walter Ventura is granted Planning Consent subject to the following reserved matter, conditions and advices.

### **RESERVED MATTER**

Pursuant to Section 102 (3) of the *Planning, Development and Infrastructure Act 2016*, the following matter shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval:

- ensure acoustic treatments recommended in Echo Acoustic Assessment, dated 8 March 2023, will achieve required sound attenuation through further review by the relevant authority prior to the issue of Development Approval.

Note - further conditions may be imposed on the Planning Consent in respect of the above matter.

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### **CONDITIONS**

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
  - Drawings prepared by Proske Architecture and Interiors, Project Number: 21.056 as follows:
    - Drawing no. SK00.B, SK01, SK02.A, SK03.B, SK04, SK05.A, SK06, SK07
  - Echo Acoustic Consulting – Acoustic Assessment dated 8 March 2023
2. Prior to occupation or use of the building, the existing vehicular crossing at the Tynte Street frontage of the site must be reconstructed in accordance with Council's Urban Elements Catalogue and Standard Drawings and City Works Guidelines. The applicant shall submit a driveway crossover application and plans for the works for Council design approval including identifying levels along the boundary, footpath crossfalls and the stormwater outlet from the site.
3. All stormwater run-off from the development shall be collected in a system of gutters, pits and pipelines and discharged by gravity to the kerb and gutter of a public road in accordance with the National Construction Code, AS3500.3 and Council's City Works Guide #2 Works Impacting City of Adelaide Assets and Urban Elements Catalogue.

4. The designs of the vehicular access and off-street parking facilities shall comply with Australian Standards AS/NZS 2890.1-2004 *Parking Facilities - Off-Street Car Parking*.
- 

5. The privacy screening as depicted on the plans granted consent described as Proske Architects and Interiors - Drawing No. SK05.A shall be installed prior to the occupation or use of the Development and thereafter shall be maintained to the reasonable satisfaction of the Relevant Authority at all times.
- 

**Conditions imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act**

6. Prior to the commencement of site works, further information is to be submitted to the satisfaction of the relevant authority in consultation with Heritage South Australia on the design and construction methodology for the footing system, taking into account the initial and ongoing support and stability of the remnant western outbuilding wall.
- 

7. Prior to the partial demolition of the western outbuilding, further documentation is to be submitted to the satisfaction of the relevant authority in consultation with Heritage South Australia on the details and extent of demolition, and on the details and extent of stabilisation, making good and conservation works to the remnant boundary wall.
- 

**Conditions imposed by Environment Protection Authority under Section 122 of the Act**

8. Remediation works must be undertaken in accordance with the 'Construction Management Plan 107-109 O'Connell Street, North Adelaide', prepared by Land & Water Consulting, dated 20 March 2023 and must be overseen by a suitably qualified and experienced site contamination consultant.
- 

9. A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

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 certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

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10. For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination consultant.
-

## **ADVISORY NOTES**

### **1. Expiration Time 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.

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### **2. Commencement and Completion**

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

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### **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 number 8204 0289).

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### **4. City Works Permit**

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

The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an 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 (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 (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 two to five business days, depending on the nature of work, and can be lodged online via <https://www.cityofadelaide.com.au/business/permits-licences/city-works>.

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## 5. Work Health and Safety

It is the responsibility of the persons undertaking works to ensure all works are undertaken in a safe and appropriate manner in accordance with Work Health and Safety Act obligations including but not limited to:

- ensuring the site is appropriately secure prior to any works commencing.
  - If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.
  - addressing vehicle movements and safety related to demolition/construction activities through a Construction Traffic Management Plan (CTMP) prepared by a person with accreditation to prepare a work zone traffic management plan including details such as haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, traffic control plans incl. for pedestrians etc.
- 

## 6. Boundaries

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

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## 7. Consultation with Adjoining Owners

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

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## **Advisory Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act**

### 8. Aboriginal Heritage Act

Please note the following requirements of the Aboriginal Heritage Act 1988.

- (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the Aboriginal Heritage Act 1988.
- 

### 9. Heritage Places Act

Please note the following requirements of the Heritage Places Act 1993.

- (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.



(b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

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**Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act**

**10. Environment Protection Act 1993**

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.

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# Agenda Item 3.2

**Council Assessment Panel**

**Monday, 29 May 2023**

<b>Subject Site</b>	12-16 Walter Street, North Adelaide
<b>Development Number</b>	22029840
<b>Nature of Development</b>	Demolish existing single storey building and construct nine level residential flat building
<b>Representations</b>	Listed to be Heard - Yes
<b>Summary Recommendation</b>	Planning Consent Granted
<b>Status</b>	Public

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<b>DEVELOPMENT NO.:</b>	22029840
<b>APPLICANT:</b>	Walter Partnership
<b>AGENDA ITEM NO:</b>	3.2
<b>ADDRESS:</b>	12-16 Walter Street, North Adelaide SA 5006
<b>NATURE OF DEVELOPMENT:</b>	Demolish existing single storey building and construct nine level residential flat building
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• City Main Street</li> </ul> <p><b>Subzones:</b></p> <ul style="list-style-type: none"> <li>• City High Street</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• <del>Aircraft Noise Exposure — ANEF 20</del></li> <li>• <del>Airport Building Heights (Regulated)</del></li> <li>• Affordable Housing</li> <li>• <del>Building Near Airfields</del></li> <li>• <del>Design</del></li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Noise and Air Emissions</li> <li>• <del>Prescribed Wells Area</del></li> <li>• <del>Regulated and Significant Tree</del></li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) - 22m</li> <li>• Minimum Building Height (Levels) - 3 levels</li> <li>• Maximum Building Height (Levels) - 6 levels</li> </ul>
<b>LODGEMENT DATE:</b>	5 September 2022
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.16 – 1 September 2022
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes – application subject to two rounds of public notification.
<b>RECOMMENDING OFFICER:</b>	Phil Chrysostomou Senior Planner – Development Assessment
<b>REFERRALS STATUTORY:</b>	South Australian Housing Authority (SAHA)
<b>REFERRALS NON-STATUTORY:</b>	Infrastructure Traffic Cleansing/Waste

**CONTENTS:**

<b>ATTACHMENT 1:</b>	<b>Application Documents</b>	<b>ATTACHMENT 5:</b>	<b>Representations</b>
<b>ATTACHMENT 2:</b>	<b>Subject Land &amp; Locality Map</b>	<b>ATTACHMENT 6:</b>	<b>Response to Representations</b>
<b>ATTACHMENT 3:</b>	<b>Zoning Map</b>	<b>ATTACHMENT 7:</b>	<b>External Referral Response</b>
<b>ATTACHMENT 4:</b>	<b>Representation Map</b>	<b>APPENDIX 1:</b>	<b>Relevant P&amp;D Code Policies</b>

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

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representors**

- Andrew Luckhurst-Smith – Angas Securities, L14/26 Flinders Street, Adelaide
- Marie Sexton – 46 Walter Street, North Adelaide
- Adam Durham – 47 Walter Street, North Adelaide
- Kimberly Iremonger – 61 Walter Street, North Adelaide
- Deborah Hamilton – 58 Palmer Place, North Adelaide
- Elbert Brooks on behalf of Andrew Phillips – 30 Walter Street, North Adelaide
- Elbert Brooks on behalf of Heather Scribner – 30 Walter Street, North Adelaide (emailed)
- Damian Dawson on behalf of JD Custodian PTY LTD – 133-135 Archer Street, North Adelaide
- Robert Farnan – 15 Boulton Street, North Adelaide
- TBA - The North Adelaide Society Inc – PO Box 60, North Adelaide

### **Applicant**

- Skye MacDonald of Prime Space Projects

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

- 1.1 The proposal seeks the demolition of an existing single storey office building and construction of a nine level residential flat building.
- 1.2 The proposed residential flat building will comprise:
  - Ground: car park accommodating 13 car parking spaces (including three car stackers), car lift, secure bicycle store, mandatory services, waste storage and entry lobby to Walter Street
  - Level 1: car parking area accommodating 17 car parking spaces, car lift, stair/lift access and additional storage areas
  - Level 2: four two-bedroom apartments with associated balconies and a one-bedroom apartment
    - one one-bedroom apartment and one two-bedroom apartment dedicated to affordable housing
    - two northern oriented apartments with larger terrace style balconies
  - Level 3: four two-bedroom apartments with associated balconies and a one-bedroom apartment
    - one one-bedroom apartment and one two-bedroom apartment is dedicated to affordable housing
  - Levels 4-5: four two-bedroom apartments with associated balconies
  - Levels 6-7: two two-bedroom apartments and one three-bedroom apartment with associated balconies
  - Level 8: two three-bedroom apartments with associated balconies
  - Rooftop: plant enclosure
- 1.3 A total of 26 apartments, four of which are dedicated to affordable housing. Apartments and balconies are generally oriented north or south, except for one-bedroom apartments which are oriented east.
- 1.4 Provision for 30 off-street vehicle parking spaces, six of which will be located within mechanical parking stackers on the ground floor and provision for 24 bicycle parks, contained in a secure storeroom.
- 1.5 The main entry and vehicle access to the building will be located on the southern side addressing Walter Street.
- 1.6 Apartments on each floor are accessible by centralised lobby open to a void to capture natural light.
- 1.7 A parapet height of 28.95 metres and maximum building height of 30.3 metres measured from ground level.
- 1.8 Alterations to Walter Street crossover together with the access on Walter Place being made redundant.
- 1.9 A mix of materials, finishes and colours including precast concrete, expressed concrete edging, vertical aluminium batten screening and balustrading.

## **2. BACKGROUND**

- 2.1 Council records indicate the existing single storey building was approved as an office with associated parking in 1972.
- 2.2 Various approvals have been granted since, including a change of use to consulting rooms together with the installation of an awning, sign, and carport in 1978. Further minor approvals were obtained in 1985 and 1986.
- 2.3 Public notification was undertaken with 39 representations received. Nine representations were duplicate submissions, with a total of 30 valid representations received. Of these, 23 were opposed to the development.
- 2.4 The application was subsequently amended as follows:
  - inclusion of 15% affordable housing, with four dwellings dedicated to affordable housing and associated amendments including:
    - revised internal configuration to levels 2 and 3
    - increase of dwelling numbers from 24 to 26
    - reduction of vehicle parking spaces from 34 to 30
    - external changes to eastern façade.
- 2.5 The amended application was subsequently referred the South Australian Housing Authority (SAHA), and then re-notified. A total of 33 representations were received with the second round of public notification. Of these, 16 representations are in support and 17 are opposed to the proposal. Many representations received were from original representors and largely reflect the same concerns.

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

### **Subject Land**

- 3.1 The subject site is located on the north-western corner of the intersection between Walter Street and Walter Place. It has a primary frontage of 18.59 metres to Walter Street and secondary frontage of 30.94 metres to Walter Place, with a total site area of approximately 575m<sup>2</sup>.
- 3.2 The site is contained in Certificate of Title 5301 Folio 910. There are no easements or other restrictions registered against or recorded on the Certificate of Title.
- 3.3 The subject site contains a single storey building approved as a consulting room and ancillary vehicle parking areas.
- 3.4 The existing building is serviced by three entries which are accessed by Walter Street, Walter Place and within the site.
- 3.5 Vehicle access to the site is serviced by two crossovers to car parks via Walter Street and Walter Place.

### **Locality**

- 3.6 The locality is comprised of a mix of commercial and residential land uses, with built form being largely one and two storey buildings and ancillary open lot parking areas.
- 3.7 Walter Street comprises a 5.2 metre wide carriageway and runs north-south between Ward and Archer Street and east-west between Walter Street and O'Connell Street.
- 3.8 Walter Place is a 3.05 metre wide carriageway. Walter Place runs north-south to Archer Street, however it is divided by 41-41A O'Connell Street, with no formal through access provided.

- 3.9 The closest lawfully approved residential land uses are at 144 Ward Street and 32, 44, 44A and 46 Walter Street.
- 3.10 There are Local Heritage Places in the locality, however none are proximate to the site.
- 3.11 Building heights, setbacks, materials and roof forms are all varied, contributing to a lack of prevailing and cohesive streetscape character.



**Photo 3.1 – subject site viewed from Walter Street looking north**



**Photo 3.2 – rear of subject site (left) and open car parking to the rear of 41-41A O'Connell Street looking west**



**Photo 3.3 – subject site and 6-10 Walter Street looking north along Walter Place**



**Photo 3.4 – adjacent two storey commercial premises at 6-10 Walter Street and 31-35 O'Connell Street looking north east**





**Photo 3.5 – adjacent single storey office and associated carpark at 18-22 Walter Street looking north**



**Photo 3.6 – adjacent Telstra Exchange site at 132-134 Ward Street looking south west**



**Photo 3.7 – view from southern side of Walter Street looking north west**



**Photo 3.8 – view of Walter Place looking north**

**4. CONSENT TYPE REQUIRED:**

Planning Consent

**5. CATEGORY OF DEVELOPMENT:**

**PER ELEMENT:**

Demolition: Code Assessed – Performance Assessed

Residential flat building (New housing): Code Assessed – Performance Assessed

**OVERALL APPLICATION CATEGORY:**

Code Assessed – Performance Assessed

**REASON**

P&D Code; Residential Flat Building prescribed as a performance assessed element in City Main Street Zone Table 3 and not subject to classification under Tables 1, 2 and 4.

**6. PUBLIC NOTIFICATION**

**REASON**

The proposal is a residential flat building, a listed in class of development in Clause 3(h) of City Main Street Zone, Table 5 Procedural Matters (PM). The proposal fails to satisfy DTS/DPF3.1 as it exceeds the maximum height prescribed and was therefore subject to notification.

<b>TABLE 6.1 – LIST OF REPRESENTATIONS</b>		
<b>No.</b>	<b>Representor Address</b>	<b>Request to be Heard</b>
1	Jilli MacDonald – 150 Strangways Terrace, North Adelaide	No – Supports
2	Lucy Hood – 84 Prospect Road, Prospect	No – Opposes
3	Theo Maras – L3/31 Ebenezer Place, Adelaide	No – Supports
4	Jill Russell – 94 Lefevre Terrace, North Adelaide	No – Supports
5	Victoria Miranda – 12 Phillip Street, West Croydon	No – Supports
6	Katherine Hawker – PO Box 1145, North Adelaide	No – Opposes
7	Renaë Sullivan – 3 Seymore Terrace, Ascot Park	No – Supports
8	Peter Jeffries – 7/144 Ward Street, North Adelaide	No – Support w/ concerns
9	Shawn Aifandis – 121 Stanley Street, North Adelaide	No – Supports
10	Kyriakos Tsimopolous – 61 Wellington Sq, North Adelaide	No – Supports
11	David Sloane – U20/ 150 Strangways Terrace, North Adelaide	No – Supports
12	Sarah Bower – 81 Molesworth Street, North Adelaide	No – Supports
13	Piers Bower – 81 Molesworth Street, North Adelaide	No – Supports
14	Nhi Phan – 65 Palmer Place, North Adelaide	No – Opposes
15	George Skrembos – 395 Payneham Road, Marden	No – Supports
16	Walter Dollman – 140 Mills Terrace, North Adelaide	No – Opposes
17	Bill Lediaev – 6 Walter Street, North Adelaide	No – Opposes
18	Andrew Luckhurst-Smith – Angas Securities, L14/26 Flinders Street, Adelaide	Yes – Opposes

19	Valerie Miranda – 133 Childers Street, North Adelaide	No – Supports
20	Alex Dianos – 146 Gover Street, North Adelaide	No – Supports
21	David Mahoney – 44A Walter Street, North Adelaide	No – Opposes
22	Jim Liakimis – 34 Third Avenue, St Peters	No – Supports
23	Marie Sexton – 46 Walter Street, North Adelaide	Yes – Opposes
24	Adam Durham – 47 Walter Street, North Adelaide	Yes – Opposes
25	Kimberly Iremonger – 61 Walter Street, North Adelaide	Yes – Opposes
26	Deborah Hamilton – 58 Palmer Place, North Adelaide	Yes – Opposes
27	Andrew Phillips – 30 Walter Street, North Adelaide	Yes – Opposes
28	Heather Scribner – 30 Walter Street, North Adelaide	Yes – Opposes
29	Candy Bennett – 116 Brougham Place, North Adelaide	No – Supports
30	JD Custodian PTY LTD – 133-135 Archer Street, North Adelaide	Yes – Opposes
31	Robert Farnan – 15 Boulton Street, North Adelaide	Yes – Opposes
32	The North Adelaide Society Inc – PO Box 60, North Adelaide	Yes – Opposes
33	Elizabeth Crisp – 8 Cassie Street, Collinswood	No – Opposes

**TABLE 6.2 SUMMARY OF REPRESENTATIONS**

<ul style="list-style-type: none"> <li>• Building height and inclusion of affordable housing</li> <li>• Traffic, parking, waste, servicing, queuing and traffic generation</li> <li>• Built form and design</li> <li>• Construction impacts</li> <li>• Overshadowing</li> <li>• Heritage impact</li> <li>• Activation</li> </ul>
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A full version of the representations and the applicant’s response to representations are included in Attachments 5 and 6.

**7. AGENCY REFERRALS**

South Australian Housing Authority (SAHA) – Affordable Housing Overlay

The Affordable Housing Overlay seeks:

- projects over 20 dwellings to provide affordable housing.
- provides planning concessions for projects delivering affordable housing.

As the decision maker, the relevant authority is expected to consider the context of what is proposed, the policy within the Planning and Design Code, any representations made from public notification and the appropriateness of the development outcome overall.

The SA Housing Authority has assessed the proposal and determined the delivery of affordable housing has been secured as:

- there is a legally binding obligation in place in the format of an affordable housing land management agreement (LMA) in place between the developer, On Walter Pty Ltd and the Minister for Planning registered on the Title on 27/3/2023 (AG 13998486)
- an Affordable Housing Plan provided by the Applicant which outlines the project will deliver approximately 15 per cent of the total number of dwellings as affordable housing and should therefore be assessed as meeting the minimum 15 per cent requirement.

Provided the proposed development is undertaken in accordance with the LMA and the submitted documentation, the SA Housing Authority considers the delivery of appropriate affordable housing is likely to be achieved.

#### Direction

As affordable housing has been secured via an LMA, no conditions are directed. The SA Housing Authority reserves the right to apply conditions or enter into Land Management Agreements on any future development applications.

The full referral response is included in Attachment 7.

## 8. **INTERNAL REFERRALS**

### Engineering

- Floor levels appear to be below the surface level of Walter Place at the northeast corner of the site (~RL47.23m as per survey). Clarification of treatment along the boundary of Walter Place is required including consideration of existing drainage/overland flows and future adjustments to road pavement levels during road maintenance activities. This detail will need to be provided prior to Development Approval being issued and has been included as a reserved matter in Section 11.
- A Stormwater Drainage Plan and supporting documentation will need to be provided to Council prior to Development Approval being granted. This has been included as a condition in Section 11.

### Traffic

- A condition has been recommended to ensure the vehicle access, parking and bicycle parking areas are designed in accordance with the relevant Australian Standards. This has been included in Section 11.

### Cleansing/Waste

- There are no objections regarding the waste servicing proposed.

## 9. **PLANNING ASSESSMENT**

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

### 9.1 **Summary of City High Street Sub Zone Assessment Provisions**

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✗
Land Use & Intensity PO 1.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓
Built Form & Character PO/DPF 2.1	<ul style="list-style-type: none"> <li>Primary frontage proposes podium element to ground and first floors reinforcing datum height of adjacent sites. Relief provided at street level with setback to Walter Steet frontage.</li> </ul>	✓
Interface PO/DPF 3.1	<ul style="list-style-type: none"> <li>Building envelope conforms to interface requirement.</li> </ul>	✓

### 9.2 **Summary of City Main Street Zone Assessment Provisions**

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1 DO 2	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓/✗
Land Use & Intensity PO/DPF 1.1 PO 1.5 PO/DPF 1.6	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓
Built Form & Character PO 2.1-2.2 PO/DPF 2.4-2.5 PO/DPF 2.9 PO 2.11	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓/✗

Building Height PO/DPF 3.1 PO/DPF 3.3	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓
Movement, Parking & Access PO/DPF 4.1 PO 4.3	<ul style="list-style-type: none"> <li>Development does not result in additional crossovers and seeks to consolidate existing.</li> <li>Refer Section 9.5.</li> </ul>	✓/x

### 9.3 Summary of Applicable Overlays

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

- Airport Building Heights (Regulated) Overlay – proposed building height of 77.5 AHD is well below the regulated of all structures of 120 metres AHD.
- Prescribed Wells Area Overlay - no groundwater concerns
- Regulated and Significant Tree Overlay – no regulated or significant trees impacted
- Design Overlay – value of the development is below \$10 million
- Aircraft Noise Exposure Overlay (ANEF 20) – site located in an area below ANEF30

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

#### Affordable Housing Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
Desired Outcome DO 1 & 2	<ul style="list-style-type: none"> <li>Affordable housing integrated into development.</li> <li>Four dwellings dedicated to affordable housing, comprising one and two bedroom typologies.</li> </ul>	✓
Land Division PO/DPF 1.1 PO/DPF 1.2 PO 1.3	<ul style="list-style-type: none"> <li>Comprising 20 or more dwellings (26 dwellings) and incorporating provision of affordable housing.</li> <li>Four dwellings dedicated to affordable housing, thus achieving the minimum requirement of 15%.</li> <li>Affordable housing concentrated to levels 2 and 3.</li> </ul>	✓/x
Built Form & Character PO 2.1	<ul style="list-style-type: none"> <li>Inclusion of affordable housing does not impact the overall design of the building.</li> </ul>	n/a
Affordable Housing Incentives PO/DPF 3.1-3.2	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓
Movement and Car Parking	<ul style="list-style-type: none"> <li>Generates requirement of 0.33 carparks per above ground dwelling within 200 metres of a road reserve along which a bus service operates a high frequency</li> </ul>	

PO 4.1	public transit service. However, site in a designated area per Table 2 – Vehicle Parking Rates, whereby there are no minimum or maximum parking requirements.	✓
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#### Hazards (Flooding – Evidence Required) Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
Flood Resilience PO/DPF 1.1	<ul style="list-style-type: none"> <li>Finished floor level is 400mm above top of kerb level to Walter Street.</li> <li>Walter Place treatment resolution subject to Reserved Matter.</li> </ul>	✓

#### Noise and Air Emissions Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
Siting and Design PO/DPF 1.1-1.3	<ul style="list-style-type: none"> <li>Proposal subject to the Air Emissions Overlay given proximity to O’Connell Street – a Type B Road, however the site does not <u>adjoin</u> a Type B Road.</li> <li>Notwithstanding, proposal responds to the performance outcomes. Eastern façade is articulated, with deep recesses for glazed areas.</li> </ul>	✓



## 9.4 Summary of General Development Policies

The following General Development policies are relevant to the assessment:

### Clearance from Overhead Powerlines

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
PO/DPF 1.1	<ul style="list-style-type: none"> <li>Signed declaration provided by applicant.</li> </ul>	✓

### Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓
<b>All Development</b>		
External Appearance PO 1.1 – 1.3 PO/DPF 1.4 PO 1.5	<ul style="list-style-type: none"> <li>Building addresses street corners through street level setbacks and curved building form and balconies.</li> <li>Small entry canopy, no further canopy cover provided with narrow width of Walter Street footpath. Approximately 80% of Walter Street frontage setback at ground, providing incidental shelter.</li> <li>Primary frontage broken into distinct elements.</li> <li>Ground floor and rooftop services integrated into building design, minimising their visual presence.</li> <li>Waste storage contained within building.</li> </ul>	✓  ✓/✗  ✓ ✓ ✓
Safety PO 2.1 – 2.5	<ul style="list-style-type: none"> <li>Passive surveillance maximised at upper levels with limited active frontage at street level.</li> <li>Dedicated ground floor lobby will have direct and safe access points from Walter Street and vehicle parking areas contained within the site.</li> <li>Opportunities for passive surveillance at street level not optimised to Walter Street, with limited active frontage. Water Place frontage includes vertical screening providing visual connection to public realm.</li> <li>Building entry provides active frontage.</li> </ul>	✓/✗  ✓  ✗  ✓
Landscaping PO 3.1	<ul style="list-style-type: none"> <li>Landscaping and tree planting not incorporated.</li> </ul>	✗

Environmental Performance PO 4.1 – 4.3	<ul style="list-style-type: none"> <li>• Building sited and designed to maximise access to natural sunlight and ventilation.</li> <li>• Dwelling configurations provide opportunities for cross-ventilation and limited exposure to afternoon sun.</li> <li>• Building incorporates climate responsive techniques such as building orientation, window placement and orientation and limitation of western glazing to common areas only.</li> </ul>	✓
On-site Waste Treatment Systems PO/DPF 6.1	<ul style="list-style-type: none"> <li>• Achieved.</li> </ul>	✓
Car Parking Appearance PO 7.2 PO 7.3 PO/DPF 7.5 PO 7.6	<ul style="list-style-type: none"> <li>• Site not proximate to sensitive receivers, however parking areas appropriately screened.</li> <li>• Parking areas contained to the ground and first floors. Proposed internal aisle width of 6 metres provides sufficient clearance for safe and convenient shared movements within vehicle parking areas.</li> <li>• Ground floor offers limited opportunities for formal landscaping.</li> <li>• Parking areas contained within the building and therefore shaded.</li> </ul>	<p>✓</p> <p>✓</p> <p>x</p> <p>✓</p>
Site Facilities / Waste Storage PO 11.1 – 11.4	<ul style="list-style-type: none"> <li>• Collection systems provided for source-separated landfill, recycling, and food waste. A dedicated bin wash area is to be co-located within the bin room.</li> <li>• Communal waste storage areas contained in dedicated area and not visible from dwellings and public realm.</li> <li>• Waste store areas will be mechanically ventilated.</li> <li>• Not achieved, on street waste collection proposed.</li> </ul>	<p>✓</p> <p>✓</p> <p>✓</p> <p>x</p>
<b>All Development – Medium and High Rise</b>		
External Appearance PO 12.1-12.4 PO/DPF 12.5-12.7 PO 12.8	<ul style="list-style-type: none"> <li>• Building positively responds to the context by including setbacks from the street and a building podium referencing prevailing two storey datum height of adjacent sites.</li> <li>• Lower-level detailing limited to vertical aluminium batten cladding. Human scale reinforced through fine grain texture, and ground level setback from Walter Street.</li> <li>• All building elevations broken into distinct elements including variations in balcony form and location, mix of external materials and variation in setbacks.</li> <li>• All building elevations present multiple external finishes, composed with horizontal and vertical design elements, window and balcony configurations. <ul style="list-style-type: none"> <li>○ western elevation repeats design language without inclusion of glazing to apartments</li> </ul> </li> </ul>	<p>✓</p> <p>x</p> <p>✓</p> <p>✓/x</p>

	<p>minimising views to adjacent City Living Zone and minimise thermal discomfort for occupants.</p> <ul style="list-style-type: none"> <li>○ lower levels do not add visual interest.</li> <li>● High-quality materials.</li> <li>● Street elevations (at lower levels) largely inactive.</li> <li>● Building entry via ground floor lobby appropriate.</li> <li>● Ground level services integrated into the building design and screened from public view.</li> </ul>	<p>✓ x ✓ ✓</p>
Landscaping PO/DPF 13.1-13.2 PO 13.3 PO/DPF 13.4	<ul style="list-style-type: none"> <li>● Landscaping and tree planting not proposed.</li> </ul>	<p>x</p>
Environmental PO 14.1-14.3	<ul style="list-style-type: none"> <li>● Design response includes consideration of window orientation, recessed and projecting elements which will improve environmental performance.</li> <li>● Building incorporates podium and associated upper-level setbacks, balcony projections and modelled façade, mitigating wind impacts to adjacent land.</li> </ul>	<p>✓</p>
Overlooking / Visual Privacy PO 16.1	<ul style="list-style-type: none"> <li>● Closest dwellings in the City Living Zone are over 40 metres west of the site.</li> <li>● Balconies oriented north and south, away from adjacent City Living Zone to the west.</li> <li>● Glazing limited on western elevation to lobby areas.</li> </ul>	<p>✓</p>
<b>All Residential Development</b>		
Front Elevations and Passive Surveillance PO/DPF 17.1-17.2	<ul style="list-style-type: none"> <li>● All dwellings with frontage to Walter Street incorporate windows.</li> <li>● Building incorporates defined and legible entry to Walter Street.</li> </ul>	<p>✓</p>
Outlook and Amenity PO/DPF 18.1 PO 18.2	<ul style="list-style-type: none"> <li>● All apartments incorporate large expanse of glazing to all living areas and habitable rooms.</li> </ul>	<p>✓</p>
<b>Residential Development – Medium and High Rise</b>		
Outlook and Visual Privacy PO/DPF 26.1-26.2	<ul style="list-style-type: none"> <li>● Dwellings not located at ground level.</li> </ul>	<p>✓</p>
Private Open Space PO/DPF 27.1	<ul style="list-style-type: none"> <li>● All dwellings have suitable private open space areas.</li> <li>● Proposal has 12 apartment and balcony/terrace typologies providing sufficient usable area and amenity despite not explicitly adhering to minimum dimension criteria.</li> <li>● All private open space areas directly accessible from internal living areas.</li> </ul>	<p>✓</p>

Residential amenity in multi-level buildings PO/DPF 28.1-28.4	<ul style="list-style-type: none"> <li>Balconies integrated into architectural form and prominent feature with modulation and depth.</li> <li>Balconies provide relief from microclimatic impacts such as wind and thermal gains, without compromising outlook and passive surveillance.</li> <li>Balconies accessible from living areas by minimum dimension of 2 metres. Living areas and balconies largely connected by floor to ceiling glazing, promoting indoor/outdoor activities.</li> <li>All dwellings provided with sufficient storage areas either meeting or exceeding requirement in DPF 28.4.</li> </ul>	✓
Dwelling Configuration PO/DPF 29.1 PO 29.2	<ul style="list-style-type: none"> <li>Proposes a mix of apartment typologies comprising one, two and three bedroom dwellings.</li> <li>Dwellings have diversity in orientation, floor areas, and balcony types.</li> </ul>	✓
Common Areas PO/DPF 30.1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
<b>Group Dwellings, Residential Flat Buildings and Battle axe Development</b>		
Amenity PO/DPF 31.1 PO 31.2-31.3	<ul style="list-style-type: none"> <li>Dwellings largely meet minimum areas in DPF 31.1, some of which are slightly below the requirement and others largely exceeding.</li> <li>Building sited and oriented to maximise views over public streets (south and east) and to the north, while limiting western views to adjacent City Living Zone.</li> </ul>	✓ ✓
Car parking, access and manoeuvrability PO/DPF 33.1-33.5	<ul style="list-style-type: none"> <li>Adjacent on street parking not impacted by access points.</li> <li>Vehicle access to site serviced by single crossover on Walter Street. Walter Place access to be removed.</li> <li>Driveway will provide safe and convenient ingress and egress into the site and improved sightlines.</li> <li>Parking arrangement provides adequate internal circulation area for safe and convenient movements within site.</li> <li>Dwellings located above parking areas.</li> </ul>	✓
Soft Landscaping PO/DPF 34.1 PO/DPF 34.2	<ul style="list-style-type: none"> <li>Soft landscaping not proposed.</li> </ul>	✗
Site Facilities / Waste Storage PO 35.1 PO 35.2 PO 35.3 PO/DPF 35.4 PO 35.5 PO 35.6	<ul style="list-style-type: none"> <li>Mailbox facilities contained in ground floor lobby.</li> <li>Provision for external clothes drying not proposed.</li> <li>Each dwelling proposes conventional waste store within kitchen. <ul style="list-style-type: none"> <li>general waste bin – at least 20L in size (bag lined)</li> <li>co-mingled recycling waste bin - at least 20L in size</li> <li>food organics bin (compostable bag lined)</li> </ul> </li> </ul>	✓ ✗ ✓

	<ul style="list-style-type: none"> <li>• Waste store contained in dedicated area at ground, away from dwellings.</li> <li>• Waste collection not accommodated within the site.</li> <li>• Services screened from public view.</li> </ul>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✗</p> <p style="text-align: center;">✓</p>
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### Interface between Land Uses

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>• Refer Section 9.5.</li> </ul>	✓
Land Use Compatibility PO 1.1	<ul style="list-style-type: none"> <li>• Subject site located behind commercial activities occurring on O'Connell Street. No proximate noise generating premises.</li> <li>• Dwellings will have appropriate acoustic treatments in accordance with MSB010.</li> </ul>	✓
Overshadowing PO/DPF 3.1-3.2 PO 3.3	<ul style="list-style-type: none"> <li>• Refer Section 9.5.</li> </ul>	✓
Activities Generating Noise or Vibration PO/DPF 4.3-4.4	<ul style="list-style-type: none"> <li>• Plant equipment proposed on roof.</li> <li>• External noise sources contained in lower levels of the building away from habitable rooms.</li> <li>• Dwellings located above existing commercial operations fronting O'Connell Street.</li> </ul>	✓

### Site Contamination

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>• Achieved.</li> </ul>	✓
PO/DPF 1.1	<ul style="list-style-type: none"> <li>• Site contamination audits undertaken concluded no contaminants, vapour or soil, above relevant environmental criteria were identified. It was also confirmed the ventilated car parking at ground would provide a sufficient buffer between the apartments and the existing surface level.</li> </ul>	✓

## Transport, Access and Parking

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>Safe and convenient access is provided via amended crossover and parking arrangement.</li> </ul>	✓
Sightlines PO 2.1-2.2	<ul style="list-style-type: none"> <li>Sightlines enhanced by development as vehicles can enter and leave the site in a forward direction.</li> <li>Vehicle entry setback five metres from allotment boundary, with recessed frontage providing visual connection between all road users.</li> </ul>	✓
Vehicle Access PO/DPF 3.1 PO 3.3-3.4 PO/DPF 3.5-3.7	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓
Access for People with Disabilities PO 4.1	<ul style="list-style-type: none"> <li>Proposal can provide safe and convenient access for people with a disability throughout the development.</li> <li>DDA parking spaces not proposed.</li> </ul>	✓ / ✗
Vehicle Parking Rates PO/DPF 5.1	<ul style="list-style-type: none"> <li>No requirement to provide off-street parking, as City Main Street Zone identified as a designated area. Notwithstanding, the proposal provides 30 off-street car parking spaces.</li> </ul>	n/a
Vehicle Parking Areas PO/DPF 6.1 PO 6.2	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> <li>Vehicle parking areas not at interface with sensitive receivers.</li> </ul>	✓
<b>Corner Cut-Offs</b> PO/DPF 10.1	<ul style="list-style-type: none"> <li>A 2.2 metre corner cut-off is proposed, providing sufficient line of sight at the intersection between Walter Street and Walter Place.</li> </ul>	✓

## 9.5 Detailed Discussion

### Building Height

The policy framework for building height is largely focussed on satisfaction of the applicable Performance Outcome (PO). The City Main Street Zone (CMSZ) PO states '*Building height is consistent with the maximum height expressed in any relevant Maximum Building Height Technical and Numeric Variation layer or otherwise positively responds to the local context and achieves the desired outcomes of the Zone, except a catalyst site in the City High Street Subzone.*' Fulfilment of the PO is informed by prescriptive quantitative guidelines of the Designated Performance Feature (DPF) and satisfaction of the broader desired outcomes of the Zone.

The proposed building will have a height of nine levels and 30.3 metres. City Main Street Zone (CMSZ) DPF 3.2 specifies a maximum of building height of six levels and 22 metres. When assessed against the quantitative guidelines, the proposal exceeds the criteria by three building levels and 8.3 metres.

Considering the degree of departure from Zone DPF 3.1, the applicant was advised early in the assessment process that the building height was significant and could not rely on over-height concessions without satisfying eligibility criteria. This is supported by recent Case Law, where a development application was refused due to significant departures from a DPF. The Court determined:

*'whilst any DPF numeric value is not to be read as a minimum, mandated, requirement, a "quantum departure" would likely be a "... flag to the relevant authority..." that the particular facts and circumstances of the matter would need to be carefully weighed up to ensure a planning consent is merited.'*

The applicant sought to proceed with the assessment of this application. Building height was a key concern raised by representors during the first round of public notification. In response, the applicant sought to amend the application to include 15% affordable housing with associated changes.

Uptake of at least 15% affordable housing provides building height incentives as Affordable Housing Overlay (AHO) DPF 3.2 prescribes additional building height concessions of up to 30% where affordable housing is provided. This allows the maximum building height to be increased by 30%. In this instance this can result in an additional 6.6 metres or total height of 28.6 metres.

Representors have suggested the applicability of the concession for building height relates to levels, which would afford an additional 1.8 building levels. This interpretation would in effect, mean the proposal exceeds the quantitative criteria by 1.2 levels and 1.7 metres.

Irrespective of the above, AHO PO 3.2 does not prescribe a height and rather states '*to support the provision of affordable housing, building heights may be increased above the maximum specified in a zone.*' The PO provides opportunity for a performance measure with respect to height, where affordable housing has been appropriately integrated into the development, which this development largely achieves.

In response, the building height requires greater interrogation in term of planning merits and satisfaction of Zone PO 3.1 as follows:

- proposes residential development of high net density, satisfying CMSZ DO1
- built form positively contributes to the streetscape being a highly articulated building, incorporating a high level of fenestration and orientates balconies to the street where

possible, in accordance with CMSZ DO2. The proposal departs from this DO by not providing an active frontage at street-level, however this is acceptable as the site is relatively constrained in terms of its frontage to Walter Street, a residential land use is proposed and this does not front a main street

- the design is highly modelled and articulated, includes variation in setbacks and materials which break up the overall visual mass of the building
- provides affordable housing which allows for building height concessions, minimising departure from quantitative guidance in CMSZ DPF 3.2
- the predominant building height is 28.95 metres when measured from ground level to the height of the decorative parapet. The area incorporating the remaining building height is dedicated to rooftop plant, which is centrally located and is a recessive element to the overall design
- building envelope conforms to interface requirement in accordance with CHSSZ PO 3.1
- the site is in a transitional area of the City Main Street Zone/City High Street Subzone and the City Living Zone Medium-High Intensity Subzone. The subzone is subject to the Archer West Concept Plan, which illustrates built form up to six building levels (concentrated centrally) and lower scale-built form up to three levels to the street
- minimal shadowing impacts on adjacent residential land uses within the City Living Zone. Overshadowing studies demonstrate the development will maintain access to winter sunlight of habitable room windows and private open space areas to proximate residential land uses (in a neighbourhood type zone), satisfying Interface between Land Uses DO1, PO 3.1 and 3.2. Proximate solar panels at 32 and 46 Walter Street, are unaffected by the development, satisfying Interface between Land Uses PO 3.3
- views from habitable rooms and balconies are directed away from adjacent residential land uses, mitigating overlooking from the development, achieving Design in Urban Areas PO 16.1.

The proposed height is considered acceptable and therefore satisfies CMSZ PO 3.1.

#### Land Use and Intensity

Additional building height generally correlates with increased land use intensity and operational burdens. A total of 26 dwellings are proposed, with 30 car parking spaces and 24 bicycle parking spaces and is therefore high-net residential density.

Both the Zone and Subzone encourage increased residential development, whether solely residential or mixed-use, therefore satisfying Zone PO 1.1, 1.5 and Subzone PO 1.1.

Representors suggested the proposal fails to achieve Zone PO 1.4 and 1.6, which refer to a desire for activation at ground level, however it is considered the provision to include active/commercial uses at ground levels is not appropriate as:

- standalone residential development is anticipated per Zone PO 1.5
- residential flat buildings are envisaged per Zone DPF 1.1(h)
- mixed use development is referred to in Zone PO 1.4 but is not mandated
- mixed use or commercial development will impose higher operational burdens and the site does not front a main street
- residential uses with a direct interface with the main street are typically discouraged by the Noise Emissions Overlay.



Policy tension arises with respect to density due to competing desired outcomes of the Zone and Subzone. The City High Street Subzone DO1, which prevails over the zone, seeks a commercial high street precinct supported by medium density residential development. In contrast, City Main Street Zone DO1 seeks a mixed-use zone supported by medium to high-density residential development. Given the conflict, the proposal achieves DO1 of the Zone and is at variance with DO1 of the Subzone. By directly conforming to the density requirement of CHSSZ DO1, the 575m<sup>2</sup> site could only accommodate 4 dwellings, regardless of their configuration or typology.

#### Traffic Intensity and Impacts

The proposal will increase pedestrian and vehicle movements compared to the existing situation. The proposal comprises 30 vehicle parking spaces, six of which will be located within mechanical parking stackers on the ground floor. The remaining 24 spaces will be distributed between the ground and first floor, with first floor spaces accessed via a car lift.

The zone is identified as a designated area as per Table 2 – Vehicle Parking Rates, whereby there are no minimum or maximum parking requirements. However, the development is expected to generate a theoretical off-street parking demand of:

- 18 parking spaces for the one and two bedroom dwellings
- 8 parking spaces for three bedroom dwellings
- 1.32 visitor parking spaces
- 1.32 parking spaces for affordable housing units

Traffic analysis provided by the applicant suggests the development will generate in the order of 14 am (four ingress and ten egress) and nine pm (seven ingress and two egress) peak hour vehicle movements. The forecast vehicle movements can be accommodated as:

- crossovers are rationalised creating a single common driveway in accordance with Zone PO 4.1 and Design in Urban Areas PO 33.2-33.3
- it creates safe and convenient egress/ingress for vehicles and facilitates two-way vehicle movements, in a forward direction, achieving Design in Urban Areas PO 33.4
- access point will be sited and designed to accommodate the type and volume of traffic generated by the development, achieving Transport, Access and Parking PO 3.3
- internal aisle widths will provide sufficient space for safe and convenient vehicle movements within the site, without the need to use public roads, achieving Transport, Access and Parking PO 3.8, PO 3.9 and PO 6.1
- queuing of up to three vehicles can be accommodated within the site
- the vehicle access point is setback from the allotment boundary and will provide adequate sightlines and additional queuing areas, minimising the interruption of and queuing on public roads.

The report contends vehicle movements for residential land uses are relatively low when compared with commercial uses of a lower scale and intensity and therefore the development is considered to appropriately respond to the locality with respect to traffic.

#### Waste Management

The waste management plan provided by the applicant summarises collection as:

- general waste and recycling proposed to be collected via Council's non-standard rear-lift service with roadside collections requiring parking in front of the site and collection

from bin rooms and collection occurring weekly, taking approximately three to five minutes each time

- green organics/food waste collection proposed to be via Council's standard kerbside service (pull in/pull out) with collection occurring weekly.

The development will not accommodate waste servicing within site boundaries, instead relying on waste collection vehicles to park on street. This is at variance with Design in Urban Areas PO 11.4 and PO 35.5. On-street waste collection will require large vehicles to park in front of the site creating potential disruption for pedestrians and vehicles that will be at variance with Zone PO 4.3.

Representors have expressed concern regarding the proposed waste collection, suggesting the siting and narrow carriageway of Walter Street will create a hotspot for traffic conflicts. Whilst this is acknowledged, waste collection is necessary for all development types and such issues will occur regardless of the scale and intensity of a development. The servicing requirements are reasonable in this instance, with on-site collection being unfeasible at this site.

### Built Form and Design

The built form and design of the development has been subject to various concerns from representors in terms of building height, scale, form, intensity and lack of conformity to the historic character of North Adelaide. The site is not located in the Historic Area Overlay, nor is it within proximity to a heritage place to warrant application of the Heritage Adjacency Overlay. Consequently, the development is not required to accord to the built form outcomes of adjacent zones, rather those of the City Main Street Zone and City High Street Subzone, whereby medium to high scale development is envisaged.

The development does not provide active frontage at street level, with representors highlighting such departures from Zone PO2.3, PO2.6, PO2.7, PO2.8, PO2.10 and Subzone DO2, PO2.2 and 2.3. It is considered that as the site does not front a main street, provisions that directly speak to buildings that front the main street are not applicable. It is acknowledged the development does lack visual interest at street level, providing limited materiality and active frontage, thus departing from Design in Urban Areas PO 2.1 and PO 12.6. Zone DO2 is also partially not met.

The proposal largely achieves the broader built form outcomes of the Zone as it proposes a considered and contextualised design response, paying careful consideration of the planning merits against the broader intents and objectives of the zone and subzone. This is achieved on balance with functional requirements of applicable General Development Policies.

The building is considered to satisfy the following provisions with respect to built form, design and character as it:

- responds the scale and context of adjacent building referencing datum heights by including a street level podium reinforced by upper level setbacks. Above street level, on all elevations, the development presents a high degree of fenestration, architectural detailing and highly modelled balconies oriented to the street, thus achieving Zone DO2, PO 2.1 and PO 2.2 and Subzone PO 2.1.
- incorporates a podium level that reinforces the continuity of built form on the main street, despite not fronting the main street as per Zone PO 2.3
- achieves shallow setbacks from the primary street at ground level, reinforcing the intimate setting of Walter Street, directly sought for buildings 'off the main street' as per Zone PO 2.9

- establishes built form, with the existing site comprising a portion dedicated to open lot car parking, satisfying Zone PO 2.11
- is not in accordance with the prevailing character of Walter Street which is generally low scale, however the built form does not conform to the intents of the zone and subzone.

Furthermore, the development is high performing in conjunction with the supportive policies of the Design in Urban Areas. The building provides high quality residential units, demonstrating a high degree of internal amenity and external outlook. The built form is highly modelled and articulated by utilising a mix of materials, building setbacks and projecting balconies to break its overall massing and visual bulk.

## **10. CONCLUSION**

The proposal involves construction of a nine level residential flat building at 12-16 Walter Street, North Adelaide and is considered acceptable for the following reasons:

- proposes a residential flat built of high net density envisaged per Zone DO1, PO 1.1, 1.5 and Subzone PO 1.1
- the intensity of the land use is acceptable despite variance with Subzone DO1 given the low forecasted traffic movements and reasonable operational servicing with respect to waste collection
- appropriately integrates 15% affordable housing providing sufficient amenity for affordable housing units
- the built form will provide a positive contribution to the Main Street Zone with an articulated and contextually responsive design, setback from the main street
- provides high quality dwellings comprising a mix of dwelling sizes/typologies and a high degree of internal amenity and external outlook
- proposes a building height that will not result in unreasonable amenity impacts or interface issues not contemplated to occur within the zone, satisfying Subzone PO 3.1 and Interface between Land Uses PO 3.1-3.3.
- will improve vehicle access and functionality, providing safe and convenient access into and within the site minimising operational burdens on Walter Street.

## **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
2. Development Application Number 22029840, by Walter Partnership 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 matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval:

- resolution of the ground floor levels and treatment to Walter Place façade, including consideration of existing drainage/overland flows in accordance with Hazards (Flooding – Evidence Required) Overlay
- further resolution and refinement of the ground level façade cladding treatment to Walter Street having regard to required services.

Note - further conditions may be imposed on the Planning Consent in respect of the above matters.

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### **CONDITIONS**

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
    - Plans and details prepared by Enzo Caroscio Architecture & Design – Job No. 21007 – Drawing/Drawing No: Site Plan/A1.00, Demolition Plan/A1.10, Ground Floor Plan/A2.00, First Floor Plan/A2.01, Level 2 Floor Plan/A2.02, Level 3 Floor Plan/A2.03, Level 4-5 Floor Plan/A2.04, Level 6-7 Floor Plan/A2.05, Level 8 Floor Plan/A2.06, Roof Plan/A2.07, South Elevation/A3.00, East Elevation/A3.01, North Elevation/A3.02, West Elevation/A3.03, Section 1/A3.10, Section B/A3.11, Balcony Screen Diagram/A3.12, Apartment Types/A4.00, Apartment Types/A4.01, Materials & Finishes/P35 – Dated 14 February 2023 – Revisions as printed
  2. 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.
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3. The awning and underside of carpark entry shall include pedestrian lighting (Category P3-AS1158). The lighting shall operate dusk until dawn and not be obtrusive or shine into any adjoining properties.

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4. A dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site shall be provided prior to the issue of Development Approval or any demolition and to the reasonable satisfaction of the relevant authority.

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5. The design of the vehicular access and off-street parking facilities shall comply with Australian Standards AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.3-2015 Parking Facilities - Bicycle parking facilities and Australian Standard AS5124:2017 Safety of machinery - Equipment for power driven parking of motor vehicles - Safety and EMC requirements for design, manufacturing, erection and commissioning stages (EN 14010:2003, MOD). Off street parking facilities shall be constructed in accordance with the approved design and relevant Australian Standards prior to the occupation of the building and an Operation and Management Plan for the facilities be maintained on site at all times.

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6. All collected drainage water from any bin rooms, carwash areas, internal vehicle parking areas, planter boxes, seepage collection systems, groundwater seepage systems, other internal areas, water features, swimming pools and/or spas located on the Land shall be discharged to the sewer system.

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7. Prior to the issue of Development Approval, the relevant authority shall be provided with stormwater drainage design plans, certified by a suitably experienced Civil Engineer that the design of the site drainage system and proposed development complies with the following specific requirements:

- a) Stormwater runoff from all surface areas must be collected in a system of gutters, pits and pipelines, swales etc. and be discharged together overflow pipelines from any rainwater tank(s) by gravity to Council's piped drainage system or Council's kerb and gutter on Walter Street.
- b) Comply with Council's City Works Guidelines and Urban Element Catalogue, Australian Rainfall and Runoff (A.R.R.), National Construction Code and Australian Standard AS3500.3-2021 'Stormwater Drainage',
- c) The Drainage Plan must detail the proposed site drainage system including layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes and details of the any water reuse system including tank size and pump system.
- d) Demonstrate the site stormwater system including water reuse tank generally achieves compliance with performance criteria of the Water Sensitive SA Insite Water Tool.

- e) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
  - f) An Operation and Management Plan for any water reuse system.
  - g) The building is suitably designed to protect from water ingress and damage from flows within adjacent lands including public road.
  - h) The site drainage system including water reuse system shall be maintained in an operational state at all times.
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8. Prior to the issue of a Development Approval, the relevant authority shall be provided with a detailed stormwater management plan and design for the development prepared and certified by a suitably experienced Civil Engineer demonstrating that discharge to Council land and the drainage system complies with the conditions of this consent and Council standards and guidelines.

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9. All components of the stacker car parks shall comply with Australian Standard AS5124:2017 Safety of Machinery - Equipment for Power Driven Parking of Motor Vehicles - Safety and EMC requirements for design, manufacturing, erection and commissioning stages (EN 14010:2003, MOD) and all other relevant Australian Standards.

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## **ADVISORY NOTES**

### **1. Expiration of Consent**

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

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### **2. 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 number 8204 0289).

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### 3. Commencement and Completion

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

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### 4. Activity in Public Realm

Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. This includes activities that have received Development Approval. The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an 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 (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 (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 two to five business days, depending on the nature of work, and can be lodged online via <https://www.cityofadelaide.com.au/business/permits-licences/city-works/>.

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### 5. On-street 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 Customer Centre on 8203 7203 for further information.

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### 6. 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.

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## **7. Building Site Management Plan**

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

- Work in the Public Realm
  - Street Occupation
  - Hoarding
  - Site Amenities
  - Traffic Requirements
  - Servicing Site
  - Adjoining Buildings
  - Reinstatement of Infrastructure
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## **8. Vehicle Crossing Places**

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.

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## **9. Crane Operations**

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

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## **10. Work Health and Safety Act**

It is the responsibility of the persons undertaking works to ensure all works are undertaken in a safe and appropriate manner to Work Health and Safety Act and related obligations including but not limited to:

- ensuring the site is appropriately secure prior to any works commencing.
- if the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.
- addressing vehicle movements and safety related to construction through a Construction Traffic Management Plan (CTMP) prepared by a person with accreditation to prepare a work zone traffic management plan including details such as haulage routes, estimated number of vehicle movements, truck parking



areas, work zones, crane usage, traffic control plans incl. for pedestrians etc., related to demolition/construction activities.

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**11. Public Infrastructure**

Prior to any occupation or use of the building all public infrastructure that is removed or damaged during construction works shall be reinstated to public authority requirements and specifications. All costs associated with these works shall be met by the Applicant.

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**12. Redundant Vehicle Crossings and Drainage Connections**

Prior to any occupation or use of the building, the Certifying Authority shall ensure that all redundant vehicular crossings and property drainage connections to the site and any other redundant assets related to the development have been removed and land restored in accordance with Council's City Works Guide Works Impacting City of Adelaide Assets and Urban Elements Catalogue.

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**13. Affordable Housing**

The applicant is encouraged to market and offer for sale to an Eligible Buyer(s) in accordance with the Eligible Buyer criteria in the Government Gazette, 8 September 2022 (under regulation 4 of the South Australian Housing Trust Regulations 2010) and the HomeSeeker SA framework. Email [homeseecker.partners@sa.gov.au](mailto:homeseecker.partners@sa.gov.au) for more information.