



COUNCIL ASSESSMENT PANEL

Agenda and Reports

for the meeting
Monday, 27 October 2025
at 5.30 pm
in the Colonel Light Room, Adelaide Town Hall



Council Assessment Panel

Meeting Agenda

Monday, 27 October 2025, at 5.30 pm, Colonel Light Room, Adelaide Town Hall

Panel Members

Presiding Member – Nathan Cunningham

Panel Members – Councillor Arman Abrahamzadeh, Mark Adcock, Colleen Dunn and Robert Gagetti

Deputy Panel Member – Councillor Eleanor Freeman

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 28 July 2025, be taken as read and be confirmed as an accurate record of proceedings.

View public 28 July 2025 Minutes [here](#).

2. Declaration of Conflict of interest

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

3.1 18-20 Walter Street, North Adelaide [Pages 4 - 31]

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

Nil

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

Nil

6. Other Business

6.1 Planning Policy Updates including Suggestions from Panel

6.2 Other Business raised at Panel Meeting

6.3 Next Meeting – 17 November 2025

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, 27 October 2025

Subject Site	18-20 Walter Street, North Adelaide
Development Number	24024973
Nature of Development	Construct nine level residential flat building
Representations	Listed to be Heard - Yes
Summary Recommendation	Planning Consent Granted
Status	Public

DEVELOPMENT NO:	24024973
APPLICANT:	Eastern Building Group c/- Future Urban
AGENDA ITEM NO:	3.1
ADDRESS:	18 - 20 Walter Street, North Adelaide SA 5006
NATURE OF DEVELOPMENT:	Construction of a nine level residential flat building
ZONING INFORMATION:	Zones: • City Main Street Subzones: • City High Street Overlays: • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Design • Hazards (Flooding - Evidence Required) • Noise and Air Emissions • Prescribed Wells Area • Regulated and Significant Tree Technical Numeric Variations (TNVs): • Maximum Building Height (22 Metres) • Maximum Building Height (6 Levels)
LODGEMENT DATE:	30 August 2024
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	Version 2024.16 – Consolidated 29 August 2024
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	PC
REFERRALS STATUTORY:	Environment Protection Authority Minister responsible for the administration of the South Australian Housing Trust Act 1995
REFERRALS NON-STATUTORY:	Traffic and Transport Engineering Waste

CONTENTS:

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

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

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Susan Robertson of 17 Little Archer Street, North Adelaide
- Andrew Phillips of 30 Walter Street, North Adelaide
- Heather Schribner of 30 Walter Street, North Adelaide
- Elbert Brooks on behalf of The North Adelaide Society Inc.

Applicant

- Fabian Barone of Future Urban and Danny Scinto of Eastern Building Group

1. **DETAILED DESCRIPTION OF PROPOSAL**

The construction of a nine level residential flat building with a height of 28.6 metres from ground (excluding plant screening) is proposed comprising:

- ground: car park accommodating seven car parking spaces, eight bicycle parking spaces, entry lobby, stair access and waste storage area
- levels 1-8: three apartments per level, each level including:
 - 1 x 1 bedroom apartment
 - 1 x 2 bedroom apartment
 - 1 x 3 bedroom apartment
- a total 24 apartments.

The apartments will have varying orientations depending on their location within the building. Each apartment type will be in the same position on each level.

Apartment One (3 bedroom) will overlook Walter Street. Apartment Two (1 bedroom) will be in the centre of the building with an outlook to the west. Apartment Three (2 bedroom) will be located to the rear with an orientation to the west and incorporating north facing windows.

Access to the building will be via a lobby to the south accessed from Walter Street. The external materiality includes a mix of pre-cast concrete panels in light cream and dark bronze, dark bronze textured cladding, face brick, bronze coloured balustrading and aluminium window frames and perforated bronze coloured metal doors for the bin enclosure, entry and fire booster cabinet.

Vehicular access to the building will be provided via Walter Street. An existing crossover to Walter Street will be modified to create a 3.25 metre wide entry, splaying to a width of 4.25 metres at the kerb. This will allow both egress and ingress to the site.

2. **BACKGROUND**

Administration held on-going discussions with the applicant regarding the proposed height and design quality throughout the assessment process. Initially, the applicant was advised the proposal could not be supported as the design was not of sufficient quality and the relationship with adjacent lower scale development had not been adequately addressed. Amendments were made to the overall design, prior to public notification being undertaken.

During public notification, issues regarding design quality (amongst other matters) were also raised by representors. Once public notification had concluded, Council Administration reiterated concerns with the design quality. The applicant responded with an amended design which is the subject of this report. Comparisons between the lodged design and amended design are demonstrated in Figure 2.1.

South Elevation



Lodged Version

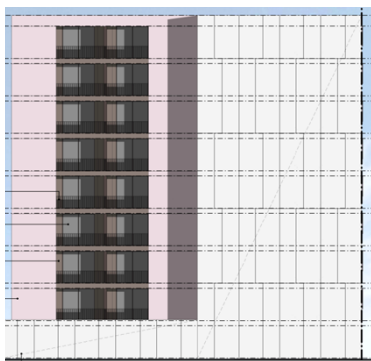


Amended (Notification)

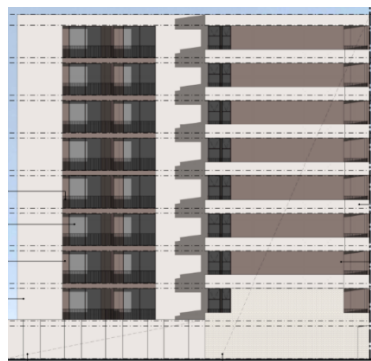


Amended (Current)

West Elevation



Lodged Version



Amended (Notification)



Amended (Current)

Figure 2.1 – Lodged and Amended Proposal Comparisons

Whilst amendments to the design have been made since public notification was undertaken, previous legal advice confirmed renotification is not required unless such amendments are considered substantial. In this instance the amendments have mainly focused on improving design quality, are not considered substantial and therefore renotification was not required.

Planning consent was granted by Council's Assessment Panel (CAP) on 29 May 2023 for the construction of nine level residential flat building on the adjacent site to the east, at 12-16 Walter Street, North Adelaide. Full Development Approval for this proposal is yet to be sought, however an extension of time has been granted, extending the operative date to 29 May 2027.

3. **SUBJECT LAND & LOCALITY**

Subject Land

The subject site is located on the northern side of Walter Street. It is rectilinear, with a frontage to Walter Street of 11.89 metres and an area of 356m². The site is contained in Certificate of Title 6043 Folio 928 and there are no easements or other restrictions registered on this title.

The site is currently used as a private car park for 10 vehicles. It is fenced, and access is gained via an automated gate to Walter Street. There is an existing on-street parking space parallel to the subject site. The site is relatively level and does not contain regulated or significant trees.

Locality

Walter Street is an L-shaped road running north-south between Ward and Archer Streets before turning east-west and leading east to O'Connell Street.

The locality comprises a mix of commercial and residential land uses, with built form being largely one and two storey buildings and associated ancillary at grade parking areas. Building heights, setbacks, materials and roof forms are all varied, contributing to a lack of prevailing and cohesive streetscape character.

Non-residential land uses exist adjacent the site, however as there is a planning consent for residential development east of the subject site. The closest lawfully approved existing residential land uses are at 144 Ward Street and 32, 44, 44A and 46 Walter Street.

There are several Local Heritage Places in the locality, however none are proximate to the site.



Figure 3.1 – Subject site



Figure 3.2 – Driveway entrance of adjacent site and residential development further west of subject site in Walter Street



Figure 3.3 - Commercial development east of subject site towards O'Connell Street



Figure 3.4 – Northern wall of non-residential development south of subject site



Figure 3.5 – Residential development on southern side of Walter Street



Figure 3.6 – Neighbouring site to the east (subject of recent consent)

4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

PER ELEMENT:

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

OVERALL APPLICATION CATEGORY:

Code Assessed – Performance Assessed

REASON

'Residential Flat Building' is prescribed as a Performance Assessed element in City Main Street Zone Table 3 and is 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 City Main Street Zone Table 5 Procedural Matters. The proposal fails to satisfy DTS/DPF 3.1 as it exceeds the maximum height of 22 metres and 6 levels prescribed and was therefore subject to public notification.

Table 6.1 – List of Representations		
No.	Representor Address	Request to be Heard
1	Sharon Nurton, GPO Box 3072 Melbourne Street, North Adelaide	No – Opposes
2	Susan Robertson, 17 Little Archer Street, North Adelaide	Yes – Opposes
3	Francene Connor, 62 Finnis Street, North Adelaide	No – Opposes
4	Andrew Phillips, 30 Walter Street, North Adelaide	Yes – Opposes
5	Heather Scribner, 30 Walter Street, North Adelaide	Yes – Opposes
6	Lorena Dubiniecka, 9 Brougham Place, North Adelaide	No – Opposes
7	The North Adelaide Society Inc., PO Box 295, North Adelaide	Yes – Opposes

Table 6.2 – Summary of Representations

Oppose

- Loss of off-street parking
- Over development of the site
- Poor design quality
- Lack of visual connection at ground
- Excessive height and scale
- Apartments too small and lack storage
- Environmental performance
- Overshadowing
- Overlooking
- Lack of landscaping
- Vehicular access
- Lack of parking
- Impact on proposed development on adjoining site

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

7. **AGENCY REFERRALS**

Environment Protection Agency

Based on the information submitted with the development application and the information held by the EPA, the EPA is satisfied the site could be made suitable for the proposed use subject to the directed conditions below. Further, a site contamination auditor is the most appropriate site contamination professional to determine site suitability. The relevant authority is directed to attach two conditions to any approval.

SA Housing Authority (SAHA)

DHUD has assessed the proposal and determined the delivery of affordable housing can be secured due to the following:

- The Applicant and DHUD have executed an Affordable Housing Land Management Agreement (LMA) between Skremscin 97 Portrush Road Evandale (DS) Pty Ltd and Skremscin 99 Portrush Road Evandale (GS) Pty Ltd and the Minister for Planning, requiring 15% affordable housing to be delivered at the subject land. The LMA must also be registered on the Title of the property, which remains incomplete and due to occur within 10 business days
- An Affordable Housing Plan provided by the Applicant outlining that the project will deliver approximately 15 per cent of the total number of dwellings as affordable housing.

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

As affordable housing will be secured via an affordable housing LMA, no conditions are directed.

Note: Full referral responses are included in Attachment 7.

8. **INTERNAL REFERRALS**

Traffic and Transport

- Traffic report reviewed and no off-site issues, subject to standard conditions and advices.

Cleansing and Waste

- Waste Management Plan sufficient and development qualifies for Council collection as part of residential waste services.

Infrastructure

- No issues subject to a suggested reserve matter regarding stormwater management.

9. **PLANNING ASSESSMENT**

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

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

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• A safe, walkable and vibrant shopping, entertainment and commercial high street precinct with an active day and evening economy supported by medium density residential development.		
DO 2	• Development along a city high street that contributes to an intimate public realm with active streets.		
DO 3	• Integrated developments on catalyst sites to assist in the transformation of a locality and facilitate an increase in the residential population of the city, while also activating the public realm and creating a vibrant main street feel.		
Land Use and Intensity			
PO 1.1	• Provides residential accommodation.	☒	☐
Built Form and Character			
PO 2.1	• Does not include a clearly defined podium, however use of varied materials, articulation and design features provides a contribution equivalent to a base or podium.	☒	☒
PO 2.2	• Does not front the main street.	☒	☐
Interface			
PO 3.1	• Whilst located on the boundary of the City Living Zone to the west, this DPF/DTS requires the building envelope to provide a 45-degree plane measured from closest allotment used for residential purposes. • The closest allotment within this zone is located at 30 Walter Street, approximately 24 metres to the west.	☒	☐

	- Allotments to the south, east and north are all located in the same zone as the subject site. - Proposal meets the recommended building envelope requirement.		
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9.2 Summary of City Main Street Zone Assessment Provisions

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	A mixed-use zone providing important shopping, hospitality, commercial, community, cultural and entertainment facilities for the city supported by medium to high-density residential development. Non-residential activities including shops, restaurants and licensed premises positively contribute to the day and evening economies, public safety, walkability and city vibrancy.		
DO2	- The built form positively contributes to: - a streetscape that is visually interesting at human-scale, comprising articulated buildings with a high level of fenestration and balconies oriented towards the street - a fine-grain public realm comprising buildings with active frontages that are designed to reinforce the street rhythm and intimate character, that consider the facades, articulation and massing of existing buildings and any spaces between them and provide narrow tenancy footprints at ground level.		
Land Use and Intensity			
PO 1.1	Residential flat buildings envisaged land use.	☒	☐
PO 1.4	- Proposal does not incorporate non-residential land uses. - Acceptable given site is not located on the main street. - Will provide greater vibrancy than current use.	☐	☒
PO 1.5	Residential development and appropriate level of design.	☒	☐
PO 1.6	- Ground level will not generate high levels of pedestrian activity or contribute to an active and vibrant main street. - Not highly trafficked so of lesser significance.	☐	☒
Built Form and Character			
PO 2.1	Refer Section 9.5.	☒	☐
PO 2.2	- Not adjacent traditional main street buildings. - Design sufficient to respond to main street character.	☒	☐
PO 2.3	- Street frontage lacks activity. - Narrow site means active frontage difficult to achieve incorporating vehicular access and a fire booster. - Non-residential uses unlikely to be viable in this location away from O'Connell Street.	☒	☐
PO 2.4	No pedestrian shelter proposed.	☐	☒

PO 2.5	• Floor to ceiling height not 3.5 metres (2.7 metres proposed). Acceptable as locality not typical of main street.	☒	☐
PO 2.11	• Removes existing gap in built form on Walter Street.	☒	☐
Building Height			
PO 3.1	• Building height exceeded by three building levels and 6.6 metres, however additional height allowances via Affordable Housing Overlay.	☒	☐
PO 3.3	• Achieves optimal yield.	☒	☐
Movement, Parking and Access			
PO 4.1	• Utilises existing crossover to Walter Street.	☒	☐
PO 4.3	• Vehicle movements limited with seven onsite car parks.	☒	☐

9.3 Summary of Applicable Overlays

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

- Aircraft Noise Exposure Overlay – is not located in an area with an ANEF value of 30 or more (ANEF 20)
- Airport Building Heights (Regulated) and Building Near Airfields Overlay – building height below maximum prescribed AHD level of 80 metres
- Building Near Airfields Overlay – not located near airfield
- Design Overlay – not proposing a medium to high rise building with a development cost exceeding \$10 million
- Noise and Air Emissions Overlay – sensitive receivers do not adjoin a Type A, B or R road, or a train or tram corridor.
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree – no regulated or significant trees affected on the subject site, or adjacent sites.

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

Affordable Housing Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Affordable housing integrated with residential and mixed-use development.		
DO 2	• Affordable housing caters for a variety of household structures.		
Land Division			
PO 1.1	• Additional dwellings proposed.	☒	☐
PO 1.2	• Proposal allocates one bedroom apartments on levels 1 to 4 for affordable housing (16.7% of overall housing stock), meeting minimum 15% sought.	☒	☐
PO 1.3	• Affordable housing dispersed over each level.	☒	☐

Built Form and Character			
PO 2.1	Design is relatively consistent with the design and character of residential development in locality.	☒	☐
Affordable Housing Incentives			
PO 3.2	Building height can be increased by 30% which allows for a building height of 28.6 metres as proposed.	☒	☐
Movement and Car Parking			
PO 4.1	- No minimum or maximum provision for this Zone. - Site located within 200 metres of O'Connell Street, a high frequency public transit service route.	☒	☐

Hazards (Flooding – Evidence Required) Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.		
Flood Resilience			
PO 1.1	Achieves 300mm above highest point of top of kerb.	☒	☐

9.4 General Development Policies

The following General Development Policies are relevant to the assessment:

Clearance from Overhead Powerlines

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Protection of human health and safety when undertaking development in vicinity of overhead transmission powerlines.		
PO 1.1	Declaration provided.	☒	☐

Design in Urban Areas

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Development should be contextual, durable, inclusive and sustainable.		
All Development			
External Appearance			
PO 1.2	No shelter to footpath. Challenging given narrowness of the footpath and not a highly pedestrianised location.	☐	☒
PO 1.3	Entrance identifiable and faces street frontage.	☒	☐
PO 1.4	Mechanical plant and equipment on roof will be screened.	☒	☐

PO 1.5	Waste area suitably screened from public view.	☒	☐
Safety			
PO 2.1	Whilst landscaping either side of the driveway, sightlines are sufficient. Perforated screening will achieve visibility.	☒	☐
PO 2.2	Communal and private areas adequately differentiated.	☒	☐
PO 2.3	Safe, perceptible and direct access from street frontage and parking area achieved.	☒	☐
PO 2.4	Limited opportunities for passive surveillance at street level.	☐	☒
PO 2.5	Entry for residential use only.	☒	☐
Landscaping			
PO 3.1	Soft landscaping proposed on either side of driveway.	☒	☐
Environmental Performance			
PO 4.1	- Development uses northern and southern orientation to provide light and ventilation. - One bedroom apartment located in centre of the building relies on western daylight only.	☒	☒
PO 4.2	Sited and designed considering site constraints.	☒	☐
PO 4.3	- Balconies covered by levels above and windows shaded. - Limited north facing windows, which are slightly recessed. - Water harvesting proposed.	☒	☒
Car Parking Appearance			
PO 7.2	Parking adequately screened from view.	☒	☐
PO 7.3	Direct access to lift lobby from car park.	☒	☐
Site Facilities/Waste Storage (excluding low rise development)			
PO 11.1	Dedicated waste area and no on-site collection possible given site constraints.	☒	☒
PO 11.2	Screened from view.	☒	☐
PO 11.3	Ventilated and not located near habitable rooms.	☒	☐
All Development – Medium and High Rise			
External Appearance			
PO 12.1	Refer Section 9.5.	☒	☐
PO 12.2	Base of building assists in reinforcing human scale.	☒	☐
PO 12.3	Built form broken into elements horizontally and vertically.	☒	☐
PO 12.4	Eastern boundary wall visible from public realm if development on adjacent site does not proceed. Design incorporates panel grooves to break up this façade.	☒	☒
PO 12.5	Masonry proposed.	☒	☐
PO 12.6	No active frontage.	☐	☒
PO 12.7	- Entry orientated to street and identifiable. - Minimal shelter with no canopy.	☒	☒

	Lift and lobby access close to entrance.		
PO 12.8	Air conditioning located on balconies and screened to a height of one metre.	☒	☐
Landscaping			
PO 13.1	- Limited landscaping and current site devoid of landscaping. - Setbacks from street to allow for landscaping generally not supported in this location.	☒	☐
PO 13.2-13.4	- Site is approximately 356m² meeting area criteria of between 300 and 1,500m². Fails to achieve stipulated 7%, minimum dimension of 3 metres and provision of 30m² deep soil zone for a medium tree. - Amount of landscaping in PO 13.2 is for site areas of up to 1,500m² which are vastly different to an area of 356m². - Despite lack of landscaping, planter beds proposed to Walter Street frontage (levels 1-3) and landscaping to driveway entrance.	☒	☒
Environmental			
PO 14.1	Will cast shadows over adjacent properties however, they will still achieve the requisite two hours on 21 June.	☒	☐
PO 14.2	- Most west facing windows afforded shading due to setback behind balconies. - Northern windows include a small recess from exterior of wall providing some shading. - Stormwater directed to and retained in ground floor tank. - Minimal landscaping at ground level. - Wind report suggests acceptable levels of comfort.	☒	☒
PO 14.3	No podium or substantial verandahs.	☐	☒
Overlooking/Visual Privacy			
PO 16.1	- Closest dwellings in the City Living Zone approximately 32 metres to the west of subject site. - Balconies generally to the south and west. - Most western balconies setback additional three metres from that boundary. - Glazing limited on western elevation.	☒	☐
All Residential Development			
Front elevations and passive surveillance			
PO 17.1	Apartments incorporate windows facing Walter Street.	☒	☐
Outlook and Amenity			
PO 18.1	Living rooms of apartments all have a window with an external outlook.	☒	☐
Residential Development – Medium and High Rise			
Private Open Space			
PO 27.1	- All apartments have an area of private open space in the form of a balcony. - Minimum requisite areas achieved for each apartment.	☒	☐

Residential Amenity in Multi-level Buildings			
PO 28.1	• No direct line of sight between apartments.	☒	☐
PO 28.2	• Balconies integrated into overall architectural form.	☒	☐
PO 28.3	• Balconies accessible from living areas. • Most achieve 2 metre minimum dimension and balconies for Apartment 01 (3 bedroom) slightly under 2 metre minimum dimension.	☒	☒
PO 28.4	• All dwellings provided with sufficient storage areas either meeting or exceeding requirement.	☒	☐
Dwelling Configuration			
PO 29.1	• Range of dwelling areas proposed.	☒	☐
Group Dwellings, Residential Flat Buildings and Battle axe Development			
Amenity			
PO 31.1	• All apartments meet requisite minimum internal floor areas.	☒	☐
PO 31.2	• Impacts on amenity, outlook and privacy acceptable.	☒	☐
PO 31.3	• Each level has one apartment overlooking Walter Street.	☒	☐
Car Parking, Access and Manoeuvrability			
PO 33.1	• Will not impact on-street parking.	☒	☐
PO 33.2	• Maintains existing access to site.	☒	☐
PO 33.3	• Does not achieve minimum width of 5.5 metres. • Site constrained due to frontage and pedestrian access.	☒	☒
PO 33.4	• Appropriate access achieved.	☒	☐
Soft Landscaping			
PO 34.1	• Minimal landscaping provided either side of the driveway.	☒	☐
Site Facilities/Waste Storage			
PO 35.1 to 35.6	• Facilities for mail delivery within lobby. • Waste screened and located away from dwellings. • No provision for clothes drying facilities.	☒	☒

Interface between Land Uses

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Development located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.		
General Land Use Compatibility			
PO 1.1	• Acoustic report recommends mitigation measures such as glazing and condition to be imposed with any consent.	☒	☐
Overshadowing			
PO 3.1 and 3.2	• Some shadow impacts on adjacent residential land uses within the City Living Zone however, studies indicate the proposal will maintain access to winter sunlight on 21 June.	☒	☐

PO 3.3	Some overshadowing to solar panels at 32 and 43 Walter Street at 9am in the morning and potentially 162 Ward Street after 9am and before 12pm however, all will be unaffected between 12 and 3 pm.	☒	☐
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Site Contamination

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.		
PO 1.1	- Proposes a change to a more sensitive use. - Site contamination exists or may exist. - EPA reasonably satisfied site can be made suitable through further review by undertaking and completing a site contamination audit.	☒	☐

Transport, Access and Parking

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.		
Sightlines			
PO 2.1	Adequate sightlines.	☒	☐
Vehicle Access			
PO 3.1	Utilising existing crossover.	☒	☐
PO 3.4	No adverse impact on neighbouring properties.	☒	☐
PO 3.5	No impact to street trees or existing street furniture.	☒	☐
Access for people with disabilities			
PO 4.1	Proposal can provide safe and convenient access for people with a disability. DDA parking spaces not proposed.	☒	☐
Vehicle Parking Rates			
PO 5.1	No requirement to provide off-street parking, as City Main Street Zone identified as a designated area, however, incorporates seven off-street parking spaces.	☒	☐
Vehicle Parking Areas			
PO 6.1	Appropriate and acceptable movement.	☒	☐
Bicycle Parking in Designated Areas			
PO 9.1	- One for every dwelling and three visitor spaces sought. - Parking for three bicycles in a common parking area in the lobby of each floor. Eight spaces located at ground level.	☒	☐

9.5 Detailed Discussion

Land Use

A nine level residential flat building is proposed providing 24 apartments. Four apartments on levels 1 to 4 are designated as affordable housing, thereby achieving the 15% minimum recommended. Residential flat buildings are an envisaged use in the City Main Street Zone (CMSZ). The City High Street Sub Zone (CHSS) also seeks residential development.

Built Form and Character

Height

The policy framework for building height largely focuses on satisfying the applicable Performance Outcome (PO) which is City Main Street Zone (CMSZ) PO 3.1 which 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.' (emphasis underlined)

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.

CMSZ DPF 3.2 specifies a maximum of building height of six levels and 22 metres. The proposed building will have a height of nine levels and 28.6 metres (excluding plant screening) thereby exceeding the criteria by three levels and 6.6 metres.

Considering the degree of departure from Zone DPF 3.1, the applicant was advised early in the assessment process this height was significant and over-height concessions should not be relied upon 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.'

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% which equates to an additional 6.6 metres or total height of 28.6 metres.

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

- proposes residential development of high net density, satisfying CMSZ DO 1
- built form positively contributes to the streetscape being highly articulated, incorporating a high level of fenestration and orientates balconies to the street where possible, in accordance with CMSZ DO 2. 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 it 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
- building envelope conforms to the 45-degree plane interface requirement in accordance with CHSSZ PO 3.1 as shown in Figure 9.5.1



Figure 9.5.1 – Building Envelope Plan

- site is in a transitional area of the CMSZ/CHSS and the City Living Zone Medium-High Intensity Subzone. The Subzone is subject to the Archer West Concept Plan in Figure 9.5.2, which illustrates built form up to six building levels (concentrated centrally) and lower scale-built form up to three levels to the street



**Concept Plan 26
ARCHER WEST**

Figure 9.5.2 – Concept Plan 26 – Archer West

- minimal shadowing impacts on adjacent residential land uses within the City Living Zone. Overshadowing plans 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 DO 1, PO 3.1 and

3.2. Proximate solar panels at 32 and 46 Walter Street will be unaffected by the development, satisfying Interface between Land Uses PO 3.3

- views from habitable rooms and balconies will be directed away from adjacent residential uses, mitigating overlooking and achieving Design in Urban Areas PO 16.1.

Consequently, the proposed height is considered acceptable and satisfies CMSZ PO 3.1.

Design and Appearance

The CMSZ provides overall desired outcome guidance per DO 2 seeking *“built form which positively contributes to:*

- a) a streetscape that is visually interesting at human-scale, comprising articulated buildings with a high level of fenestration and balconies oriented towards the street*
- b) a fine-grain public realm comprising buildings with active frontages that are designed to reinforce the street rhythm and intimate character, that consider the facades, articulation and massing of existing buildings and any spaces between them, and provide narrow tenancy footprints at ground level.”*

CMSZ PO 2.1 provides further design guidance seeking buildings that are:

- a) designed to reinforce the street edge and grid pattern of the city streets*
- b) designed to include a podium/street wall and upper level setback that responds to local context, including the scale and context of adjacent built form, to ensure a cohesive and consistent streetscape and positively contribute to a sense of enclosure*
- c) of a rich visual design that has regard to above street level fenestration, balconies, parapets, architectural detailing and ornamentation.*

The proposed building reinforces the street edge and whilst it does not incorporate an upper-level setback, it does introduce a podium-like base appearance through varied materials and building treatments including curved elements, balconies and planter box structures.

The development will not provide an active frontage at street level. As the site does not front the main street (O'Connell Street), there is limited foot traffic and reduced opportunity, or desire given the location is adjacent the City Living Zone to the west, for active land uses. Consequently, minimal emphasis has been placed on achieving POs which specifically relate to a main street location.

The importance of activity and connection to the street, as well as shelter, is not as relevant for the same reasons. However, there will be an increased level of interaction between the built environment and the public realm at the upper levels with balconies overlooking Walter Street. The existing land use is relatively passive and inactive, with little interaction or surveillance between the site and public realm.

CHSSZ seeks buildings informed by the local context and providing overall visual relief from building mass at ground level. DTS/DPF 2.1 suggests this can be achieved with a clearly defined podium or street wall with a maximum building height of two building levels and having levels above setback three metres or more further from the street wall. The other built form guidance (POs 2.2 and 2.3) relates to sites fronting the main street, which this site does not.

The proposal does not set the built form back three metres above the podium base. Considering the constraints of the site, this is acceptable. This lack of a setback is offset by the base appearance with variation in built form and materials, defining separation of levels 1 to 3 from those above. The incorporation of this base element to the building is positive.

General external appearance requirements in Design in Urban Areas (DiUA), specifically POs 1.2 to 1.5, include provision of shelter over footpaths, identifiable entrances, screened mechanical plant and equipment and waste areas. The proposal mostly achieves these requirements aside from shelter over the footpath. Given the narrowness of the footpath in this location, provision of shelter is difficult as a canopy is not expected to meet Council's Encroachment Policy in terms of setbacks.

In assessing its merits, the proposal:

- is for a residential development of high net density, satisfying CMSZ DO 1
- provides a built form which positively contributes to the streetscape with adequate articulation and fenestration in accordance with CMSZ DO 2
- proposes a design which is adequately modelled and articulated
- provides a base serving as a podium and incorporates various materials and vertical/horizontal elements breaking up the overall visual mass of the building.

The proposal largely achieves the broader built form outcomes of the Zone as it proposes a considered and contextualised design response. With respect to built form, design and character, the building is considered to satisfy relevant provisions 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 level of fenestration, architectural detailing and modelled balconies oriented to the street, achieving Zone DO 2, PO 2.1 and PO 2.2 and Subzone PO 2.1
- incorporates a base podium reinforcing the continuity of built form on the main street, despite not fronting the main street per Zone PO 2.3
- reinforces the intimate setting of Walter Street with minimal setback from the boundary sought for buildings 'off the main street' per Zone PO 2.9
- establishes built form on a site currently devoid of built form, satisfying Zone PO 2.11
- is not in accordance with prevailing character of Walter Street, which is generally low scale, however existing built form does not conform with desired outcome for the Zone and Subzone.

Residential Amenity

Subject Site

The proposal will provide an acceptable level of amenity as follows:

- apartment living rooms will all have a window with an external outlook per Design in Urban Areas (DiUA) DTS/DPF 18.1
- all apartments achieve the recommended minimum area of private open space per DiUA DTS/DPF 27.1
- balconies will be accessible from living areas and most will achieve the recommended two metre minimum dimension (with Apartment 01 balconies being slightly under). The proposal is considered to sufficiently meet DiUA PO 28.3
- all apartments will be provided with sufficient storage areas either meeting or exceeding requirements of DiUA PO 28.4
- all apartments meet the requisite minimum internal floor area stipulated in DiUA DPF/DTS 31.1.

Adjoining Sites

There will be overshadowing from the proposal. However, shadow diagrams indicate adjacent residential development will maintain the requisite two hours of direct sunlight at the winter solstice. Some overshadowing to solar panels at 32 and 43 Walter Street at 9am and potentially at 162 Ward Street after 9am and before 12pm will occur, however, all will be unaffected between 12 and 3 pm.

In terms of overlooking, the closest dwellings in the neighbouring City Living Zone are located approximately 32 metres west of the subject site. Proposed balconies will predominately face south and west, with the western balconies setback an additional three metres from that boundary. Glazing will be limited on the western elevation. With a distance greater than 15 metres, direct overlooking from habitable rooms and balconies to residential land uses in the City Living Zone will not occur, satisfying DiUA PO 16.1.

Parking, Traffic Movement and Access

The CMSZ is identified as a designated area as per Table 2 – Vehicle Parking Rates, where there are no minimum or maximum parking requirements. There are 10 car parks existing on the site. The development will provide seven parking spaces, in a similar format to that currently provided on site.

The traffic report provided by the applicant forecasts 23 daily vehicle trips, including two to three morning peak hours vehicle trips and two afternoon peak hour vehicle trips. It suggests volumes are very low and are not expected to have an adverse impact on the adjoining road network.

Access will be via a 3.25 metre wide crossover to Walter Street (utilising the existing location) splaying to 4.25 metres at the kerb. This will accommodate single-width two-way vehicular access.

The access point will be offset two metres from the western boundary and with no obstructions on the eastern side. A 2.5 metre setback is proposed to maintain sight lines for pedestrian safety. There will also be 1.1 metre offset between the crossover and the adjoining stobie pole. The internal driveway will be at least 3.6 metres in width over a length of approximately 10 metres, before widening to a two-way width within the on-site car parking area.

Provision of vehicular parking, including movement and access is considered appropriate for the following reasons:

- an existing crossover will be utilised in accordance with Zone DTS/DPF 4.1 and Transport, Access and Parking DTS/DPF 3.1
- a single common driveway will be utilised in accordance with DiUA PO 33.2 - 33.3
- safe and convenient egress/ingress for vehicles will occur with two-way vehicle movements, in a forward direction, achieving DiUA PO 33.4
- the access point will be sited and designed to accommodate the type and volume of traffic generated, achieving Transport, Access and Parking PO 3.3
- the vehicle access point will be setback and will provide adequate sightlines per PO 2.1
- bicycle parking spaces provided in accordance with Transport, Access and Parking PO 9.1.

Seriously at Variance

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

Considering medium to high scale residential development is envisaged in both the Zone and Subzone, the proposal is acceptable in this context and therefore is not seriously at variance.

10. **CONCLUSION**

While several provisions of the Planning and Design Code are not achieved, the proposal ultimately achieves a majority of provisions and warrants support as:

- a residential flat building is proposed with a high net density envisaged per Zone DO 1, PO 1.1, 1.5 and Subzone PO 1.1
- it incorporates 15% affordable housing with a good level of amenity in accordance with the Affordable Housing Overlay
- the building height will not result in unreasonable amenity impacts or interface issues, satisfying CHSSZ PO 3.1 and Interface between Land Uses PO 3.1-3.3
- the built form will provide a positive contribution to the CMSZ with an articulated and contextually responsive design, setback from the main street
- the apartments will be an acceptable quality, comprising a mix of dwelling sizes/typologies and an appropriate degree of internal amenity and external outlook in most instances
- provides appropriate vehicle access and functionality
- whilst there is a deficiency in the provision of landscaping, this is acceptable considering the constraints of the site.

11. RECOMMENDATION

It is recommended the Council Assessment Panel resolve that:

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

It is recommended the Council Assessment Panel resolve that:

2. Development Application Number ID 24024973, by Eastern Building Group c/- Future Urban is granted Planning Consent for the following reserved matters, conditions and advices:

RESERVE MATTER

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:

1. Prior to the issue of a Development Approval, the applicant shall submit a detailed stormwater management plan for the development prepared by a suitably experienced Engineer demonstrating discharge to Council's drainage system complies with the conditions of this consent, SA Water Sensitive Urban Design Policy, and Council standards and guidelines, and the works on public land have been approved by Council.
2. Prior to the issue of a Development Approval for the superstructure, the applicant shall submit further details in relation to the proposed external materials to ensure they are of sufficient quality, particularly for the eastern elevation, to the reasonable satisfaction of the Relevant Authority.

Pursuant to Section 127 of the *Planning, Development and Infrastructure Act 2016*, Council's Assessment Manager reserves a decision on the form and substance of any further condition/s of Planning Consent considered appropriate to impose in respect of the Reserved Matter outlined above.

CONDITIONS

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
 2. The finished floor level at the boundary of the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels.
 3. All stormwater run-off from surface areas of the development shall be collected in a system of gutters, pits and pipelines and discharged, via any detention and/or water retention reuse tanks, by gravity to Council's kerb and gutter. The site drainage system shall comply with requirements of the National Construction Code, AS3500.3, SA Water Sensitive Urban Design Policy, Council's Infrastructure Design Guidelines, City Works Guide #2 and Standard Drawings and be maintained in operational state at all times.
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4. 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.

5. A bin wash area shall be provided within the development waste room. To ensure wastewater is treated to an acceptable degree, the bin wash area shall be designed and constructed to ensure that wastewater is discharged to the sewer in accordance with SA Water requirements.

6. 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 and AS 2890.3-2015 Parking Facilities - Bicycle parking facilities.

7. Acoustic attenuation measures proposed for installation within the development as detailed on pages 6 to 8 of the Sonus Pty Ltd report dated June 2024, ref. S7951C1 forming part of this consent shall be installed within the development to the reasonable satisfaction of the Relevant Authority. Such acoustic attenuation measures shall be operational prior to the occupation of the development.

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

8. A certificate of occupancy must not be granted in relation to a building on the relevant site until a Statement of Site Suitability (in the form described in Practice Direction 14: Site Contamination Assessment 2021) is issued certifying that any required remediation has been undertaken and the land is suitable for the proposed use.

9. 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 auditor informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.

ADVISORY NOTES

1. Development Approval Required

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

2. Expiration of Consent

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

3. Commencement and Completion

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

4. Appeal Rights

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

5. Building Services and Pipes

All building services and pipes including electrical earthing pins, water meters etc must be located within the property boundaries of the site.

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.

7. Council Assets and Public Realm

Any proposed alterations to Council infrastructure and works within Council land is subject to consent from Council.

8. 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.

9. Building Site Management Plan

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

- Work in the Public Realm
 - Street Occupation
 - Hoarding
 - Site Amenities
 - Traffic Requirements
 - Servicing Site
 - Adjoining Buildings
 - Reinstatement of Infrastructure
-

10. City work permit

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

The City Works Guidelines detailing the requirements for various activities and fee calculator and online application form can all be found on Council's website at

<https://www.cityofadelaide.com.au/business/permits-licences/city-works/>

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan/Site Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate, noting the City of Adelaide as an interested party (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

Applications will require a minimum notice period of five business days. For more information, contact cityworks@cityofadelaide.com.au

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

11. The applicant/owner/operator is reminded of the 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.