

<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:

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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 ✗
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 ✗
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 ✗
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

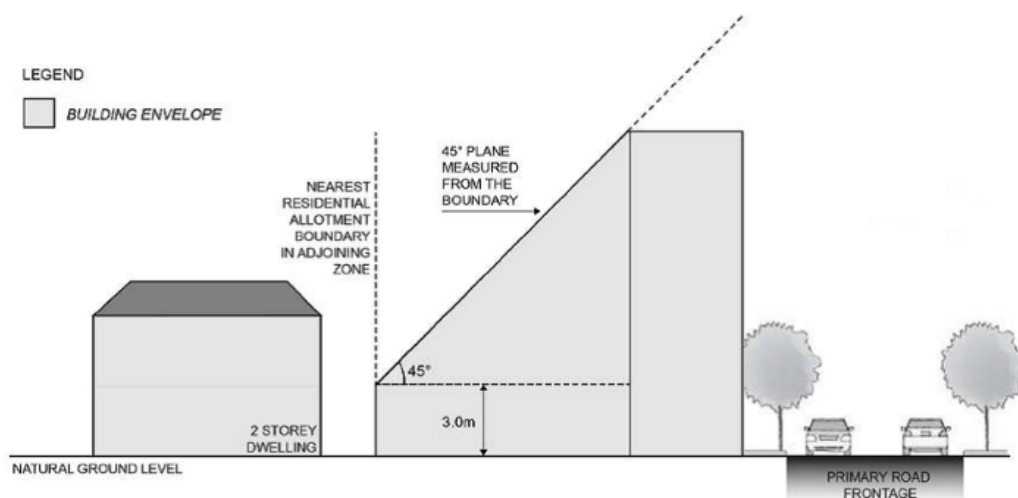
The subject site is located within the City Main Street Zone, where dwellings are envisaged among a range of commercial and recreational uses. City Main Street Zone DPF 1.4 calls for dwellings to be located at upper levels of buildings with non-residential uses located at ground level or behind non-residential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

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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.

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**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.

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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.

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**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.

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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.

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## **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.
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## **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.
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### **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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