

<b>DEVELOPMENT NO.:</b>	22034970
<b>APPLICANT:</b>	Carlisle Developments Pty Ltd
<b>AGENDA ITEM NO:</b>	3.4
<b>ADDRESS:</b>	76 South Terrace, Adelaide SA 5000
<b>NATURE OF DEVELOPMENT:</b>	Construct twelve level mixed use building comprising offices at ground and level one, dwellings on levels 2 to 12 and rooftop terrace
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"> <li>• Capital City</li> </ul> <b>Subzones:</b> <ul style="list-style-type: none"> <li>• City Frame</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Design</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Noise and Air Emissions</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> </ul> <b>Technical Numeric Variations (TNVs):</b> <ul style="list-style-type: none"> <li>• Maximum Building Height (36 metres)</li> <li>• Minimum Building Height (4 levels)</li> </ul>
<b>LODGEMENT DATE:</b>	18 October 2022
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.19 – 13 October 2022
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Phil Chrysostomou Senior Planner - Development Assessment
<b>REFERRALS STATUTORY:</b>	(Adelaide Airport) The Secretary of the relevant Commonwealth Department responsible for administering the Airports Act 1996
<b>REFERRALS NON-STATUTORY:</b>	Engineering/Traffic Cleansing/Waste

## CONTENTS:

<b>ATTACHMENT 1:</b>	Application Documents	<b>ATTACHMENT 5:</b>	Representations
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<b>ATTACHMENT 3:</b>	Zoning Map	<b>ATTACHMENT 7:</b>	Statutory Referral Response
<b>ATTACHMENT 4:</b>	Representation Map	<b>APPENDIX 1:</b>	Relevant P&D Code Policies

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

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representors**

- Joanne Roomes, 469 Morphett Street, Adelaide (indicated will not be speaking)
- Thomas Ladewig – 29 Halls Place, Adelaide
- Andrew Cannon – 32 Halls Place, Adelaide
- Susan Collins on behalf of Community Corporation No. 20242 Inc – 17 Halls Place, Adelaide
- Jeffrey Collins – 17 Halls Place, Adelaide
- Zachary Barnard – 13 Halls Place, Adelaide
- Dominic Rugari – 77 South Terrace, Adelaide
- Craig McCarthy – 74 South Terrace, Adelaide
- Tessa Muscardin – 19 Halls Place, Adelaide

### **Applicant**

- John Mason of Planning Chambers on behalf of the applicant

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

- 1.1 Planning consent is sought for the construction of a twelve level mixed use building comprising:
- Ground level – apartment and office entry lobby and lift, office tenancy, dedicated storage area for dwellings, waste and services area and a secure bicycle store area
  - Level 2 – office tenancy including associated balcony fronting South Terrace
  - Levels 3-12 – each floor contains a single two bedroom dwelling, comprising of lounge/dining area, kitchen with adjacent laundry, two bathrooms and associated balconies
  - Roof level – communal roof garden and building services.
- 1.2 The proposal includes ten two bedroom dwellings, two office tenancies and provision for 14 bicycle parking spaces.
- 1.3 The main entry to the building will be located on the southern side addressing South Terrace.
- 1.4 Each floor will be directly accessible via communal lift and fire stair.
- 1.5 A mix of materials, finishes and colours are proposed including precast concrete (with varied finishes), glass, vertical aluminium batten screening and glazed balustrading.

## **2. BACKGROUND**

- 2.1 The site once formed part of a larger site which included 73-76 South Terrace and 11-15 Halls Place. In April 2003, Development Approval was granted to DA/980/2002 for the demolition of existing office building and the construction of 11, three-storey dwellings. The application was staged to include demolition, and this was undertaken in 2003. The remaining works were not completed.
- 2.2 Approval was later granted to construct five three storey dwellings fronting South Terrace and three two storey dwellings fronting Halls Place under DA/1020/2003 (with associated variations). This approval and subsequent land division approvals detailed the existing right of way arrangement. All developments were completed apart from 75 and 76 South Terrace which currently remain vacant.
- 2.3 Other relevant development applications relating to the subject site are as follows:

<b>TABLE 2.1 – DEVELOPMENT APPLICATIONS RELATING TO SUBJECT SITE</b>		
<b>DA Reference</b>	<b>Description</b>	<b>Status</b>
DA/340/2006	Construct three storey dwelling on vacant land	Withdrawn – incomplete submission
DA/163/2013	Construct five level residential building containing three apartments with studio on ground floor and roof top garden	Development Plan Consent Granted (lapsed)
DA/1003/2014	Construct five level dwelling on vacant land	Withdrawn
DA/906/2015	Construct a three level building with roof top terrace	Planning Consent Granted (lapsed)
DA/424/2017 DA/424/2017/A	Construct a three level dwelling with roof top terrace (level 4) on vacant land.	Development Approval Granted (lapsed)

- 2.4 The current application was originally submitted as a ten level mixed use building, comprising an office at ground and nine dwellings on the upper levels with balcony encroachments over South Terrace.
- 2.5 In response to a request for further information, the applicant amended the proposal to include an additional two building levels, with an additional office tenancy at first floor and an additional dwelling. The roof terrace was also included as part of the amendments.
- 2.6 Further amendments were made including changes to the design and finishes, balconies, the ground floor layout and clarification of technical matters.
- 2.7 Public notification was undertaken and 40 representations were received. Five representations were duplicate submissions, with a total of 35 valid representations received. Of these, 33 are opposed to the development and two are in support with concerns.

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

#### **Subject Land**

- 3.1 The subject site is located on the northern side of South Terrace, opposite the Park Lands, approximately 25 metres west of the intersection of South Terrace and Morphett Street.
- 3.2 The site consists of a single rectangular shaped allotment. It has a frontage to South Terrace, and a rear boundary to a right of way, measuring approximately 5.6 metres. Side boundaries measure approximately 30.5 metres, equating to an overall site area of approximately 171m<sup>2</sup>.
- 3.3 The site is relatively flat, vacant and does not include any substantial vegetation.
- 3.4 The right of way to the rear provides access to the site. Section 9.5 provides further details regarding site easements.

#### **Locality**

- 3.5 The locality comprises distinct and varied elements with the Adelaide Park Lands Zone located on the opposite side of South Terrace to the south and the City Frame Zone within the Capital City Subzone where the subject site is located.
- 3.6 The City Living Zone is located approximately 21 metres to the northwest of the subject site.
- 3.7 Land in the locality presents as a mix of non-residential and residential uses, the non-residential uses generally being offices.
- 3.8 Scale of development varies between low-rise to medium to high-rise, with the highest building being seven storeys.





**Photo 3.1 – View of subject site and adjacent sites looking north**



**Photo 3.2 – View of subject site (outlined in red) and 75 South Terrace looking south**





**Photo 3.3 – View of adjacent Adelaide Park Lands looking south**



**Photo 3.4 – View from South Terrace looking north west**





**Photo 3.5 – View from South Terrace looking east**



**Photo 3.6 – View of RoW access via Halls Place**





**Photo 3.7 – View of RoW and adjacent sites**



**Photo 3.8 – Private road leading to Morphett Street, looking east**





**Photo 3.9 – View of adjacent dwellings fronting Halls Place looking south west**



**Photo 3.10 – View of Halls Place looking west**



**4. CONSENT TYPE REQUIRED:**

Planning Consent

**5. CATEGORY OF DEVELOPMENT:**

**PER ELEMENT:**

Residential flat building: Code Assessed - Performance Assessed

Office: Code Assessed - Performance Assessed

Advertisement: Code Assessed - Deemed to Satisfy

**OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

**REASON**

P&D Code; Elements of development are listed in Table 3 of the Capital City Zone and is therefore performance assessed

Advertisement qualifies as Deemed to Satisfy per Table 2 of the Capital City Zone

**6. PUBLIC NOTIFICATION**

**REASON**

The proposed development does not satisfy Clause 3 of Capital City Zone, Table 5 (Procedural Matters) as it will exceed the maximum building height specified in Capital City Zone DTS/DPF 4.1.

TABLE 6.1 – LIST OF REPRESENTATIONS		
No.	Representor Address	Request to be Heard
1	Aaron Parker – 2a Fifth Avenue, St Peters	No – Opposes
2	Chris James – 1605/203 North Terrace, Adelaide	No – Support w/concerns
3	Jamie Manto – 19 Halls Place, Adelaide	No – Opposes
4	Greg Biddolph – 302/135 South Terrace, Adelaide	No – Opposes
5	Sherry Perry – 5/32 Bishops Place, Kensington	No – Support w/concerns
6	Joanne Roomes – 469 Morphett Street, Adelaide	Yes – Opposes
7	Angus Tulloch – 2/459 Morphett Street, Adelaide	No – Opposes
8	Jenny Opie – 11 Halls Place, Adelaide	No – Opposes
9	Jane Hawkes – 57A Lascelles Avenue, Warradale	No – Opposes
11	Helen Stacey – 73A South Terrace, Adelaide	No – Opposes
12	Tony Stacey – 73A South Terrace, Adelaide	No – Opposes
13	Aaron Drogemuller – 73 South Terrace, Adelaide	No – Opposes
14	Thomas Ladewig – 29 Halls Place, Adelaide	Yes – Opposes
15	Andrew Cannon – 32 Halls Place, Adelaide	Yes – Opposes
16	Community Corporation No. 20242 Inc – 17 Halls Place, Adelaide	Yes – Opposes
17	Jeffrey Collins – 17 Halls Place, Adelaide	Yes – Opposes
18	Marjon Martin – 14A Weil Street, Adelaide	No – Opposes
19	John McGrath – 15 Halls Place, Adelaide	No – Opposes

20	Terence Crawford – 706/62 South Terrace, Adelaide	No – Opposes
21	Louise MacMahon – 62 South Terrace, Adelaide	No – Opposes
22	Rosamund Lam – 17 Colby Place, Adelaide	No – Opposes
23	Man Hin Matthew Lui – 17 Colby Place, Adelaide	No – Opposes
24	Autumn Ladewig – 29 Halls Place, Adelaide	No – Opposes
27	Victoria Ladewig – 29 Halls Place, Adelaide	No – Opposes
28	Miles Ladewig – 29 Halls Place, Adelaide	No – Opposes
30	Zachary Barnard – 13 Halls Place, Adelaide	Yes – Opposes
31	Tess Gieroba – 291 Gilbert Street, Adelaide	No – Opposes
32	Sarah Ladewig-Jones – 29 Halls Place, Adelaide	No – Opposes
34	Virginia Munro – 17 Stephens Street, Adelaide	No – Opposes
35	Joan Huxtable – 35 Halls Place, Adelaide	No – Opposes
36	Dominic Rugari – 77 South Terrace, Adelaide	Yes – Opposes
37	Toni Richardson – 41 Halls Place, Adelaide	No – Opposes
38	Craig McCarthy – 74 South Terrace, Adelaide	Yes – Opposes
39	Ethan Allen – 41 Halls Place, Adelaide	No – Opposes
40	Tessa Muscardin – 19 Halls Place, Adelaide	Yes – Opposes

Representation 10, 25, 26, 29 and 33 are duplicate submissions and have been removed from Appendix 5.

**TABLE 6.2 SUMMARY OF REPRESENTATIONS**

- Building height
- Built form and design
- Overshadowing of public and private land
- Access impacts to right of way
  - Operational impacts/servicing
  - Built form limiting movement
- Parking (insufficient bicycle parking and no provision for off-street parking)
- Construction impacts

Note: A full version of the representations and the response to representations are included in Attachments 5 and 6.

## **7. AGENCY REFERRALS**

### **Adelaide Airport – Airports Building Heights (Regulated) Overlay**

- The application has been assessed having a height of RL 93.250m Australian Height Datum (AHD). The development will penetrate the Adelaide Airport Obstacle Limitation surfaces (OLS) by 20 metres which is protected airspace for aircraft operations.
- There is no objection to the development.

The full referral response is included in Attachment 7.

## 8. **INTERNAL REFERRALS**

### Engineering

1. The development is unable to provide safe and convenient access as follows:
  - a) a universally accessible path of travel has not been provided from the upper floors to the bike store/resident store/bin room (e.g. no lift access)
  - b) access path from upper floors to the bin room has not been provided internally within the building
  - c) access path from the ground floor office to the bin room has not been provided within the site.
2. Subject to addressing the above, the following further information is required:
  - a) site survey including surface levels at the front and rear of the site and public infrastructure
  - b) how and where loading activities related to the site would occur and any proposed changes to on-street parking arrangements
  - c) stormwater Drainage Concept Plan/Report prepared by a suitably qualified engineer addressing requirements of Planning and Design Code including Hazards (Flooding – Evidence Required) Overlay, SA WSUD Policy and Council, including provision of on-site detention and on-site retention systems.

Note: apart from 2(a), the above items have been resolved during the assessment process.

### Waste

The applicant was requested to provide a Waste Management Plan, however this has not been provided.



## 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 Frame Subzone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>High rise residential development including office use at ground and first floor.</li> <li>Active frontage at ground.</li> </ul>	✓
Land Use PO/DPF 1.1	<ul style="list-style-type: none"> <li>Office and residential land uses proposed.</li> </ul>	✓
Design and Appearance PO 2.1 PO/DPF 2.1, 2.2	<ul style="list-style-type: none"> <li>Setbacks vary in locality.</li> <li>Proposal does not allow for landscaping to front and will not provide a higher amenity streetscape and pedestrian environment.</li> <li>Doors proposed to open outwards which does not meet Council's Encroachment Policy.</li> <li>Includes active frontage to South Terrace.</li> </ul>	✓/✗

### 9.2 Summary of Capital City Zone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1 DO 2	<ul style="list-style-type: none"> <li>Provides residential and commercial uses to support economic and cultural focus of the state.</li> <li>Proposes high intensity and large-scale development.</li> <li>Active use at ground level.</li> <li>Design quality not considered to meet the high standards set for the Capital City Zone.</li> </ul>	✓/✗
Land Use PO/DPF 1.1	<ul style="list-style-type: none"> <li>Mix of offices and residential uses proposed.</li> </ul>	✓
Activation PO 2.1-2.3	<ul style="list-style-type: none"> <li>Shops or restaurants not proposed. These uses are considered inappropriate given adjacent residential land uses.</li> <li>Office proposed which is a non-residential use with daytime activation.</li> </ul>	✓/✗
Built form and Character PO 3.1-3.7 PO/DPF 3.13	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓/✗

Building Height PO/DPF 4.1 PO 4.2 PO/DPF 4.3	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓/✗
Interface PO 5.1 PO/DPF 5.2	<ul style="list-style-type: none"> <li>Development does not adequately manage interface with residential uses in terms of proportions and massing.</li> <li>Not designed to minimise negative visual impacts to residential living areas through additional setbacks and avoidance of sheer walls.</li> </ul>	✗
Movement PO 6.1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
Access PO/DPF 7.1 PO7.2	<ul style="list-style-type: none"> <li>Vehicle access points not proposed.</li> <li>Servicing for deliveries will require use of public road.</li> </ul>	n/a ✓/✗
Advertisements PO 8.1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
Public Realm PO 10.1	<ul style="list-style-type: none"> <li>Balcony encroachment over South Terrace will provide appropriate shelter over footpath without presenting risk to safety or interrupting movement.</li> <li>Minor pruning of street tree required with no impact to other services.</li> </ul>	✓

### 9.3 Summary of Applicable Overlays

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

- Affordable Housing – under 20 dwellings proposed
- Building Near Airfields – not located near airfield
- Design – development does not exceed \$10 million in value
- Prescribed Wells Area Overlay - no groundwater concerns
- Regulated and Significant Tree Overlay – no regulated or significant trees impacted
- Noise Air and Emissions – not proposing an activity that will impact community health or amenity

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

#### Airport Building Heights (Regulated)

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"><li>• Achieved.</li></ul>	✓
Built Form PO1.1 & 1.2	<ul style="list-style-type: none"><li>• Application referred to Adelaide Airports and no objection to proposal raised.</li><li>• No exhaust stacks proposed.</li></ul>	✓

#### Hazards (Flooding – Evidence Required) Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1 PO1.1	<ul style="list-style-type: none"><li>• Achieved.</li></ul>	✓
Flood Resilience PO1.1	<ul style="list-style-type: none"><li>• Whilst not detailed in the assessment documents, the applicant states the ground floor finished floor level will be 250mm above natural ground.</li></ul>	✓

### 9.4 Summary of General Development Policies

The following General Development policies are relevant to the assessment:

#### Clearance from Overhead Powerlines

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"><li>• Achieved.</li></ul>	✓
PO/DPF 1.1	<ul style="list-style-type: none"><li>• Declaration provided on submission of application.</li></ul>	✓

#### Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓/✗
<b>All Development</b>		
External Appearance PO 1.2 PO 1.3 PO/DPF 1.4 PO 1.5	<ul style="list-style-type: none"> <li>Shelter over South Terrace footpath in the form of a balcony at level 1.</li> <li>Plant equipment located on roof top and appropriately screened.</li> <li>Waste store contained within the building and not visible from public view.</li> </ul>	✓
Safety PO 2.1 – 2.5	<ul style="list-style-type: none"> <li>Passive surveillance can occur from both the office and residential land uses.</li> <li>Entry point and offices achieve passive surveillance.</li> </ul>	✓
Landscaping PO 3.1	<ul style="list-style-type: none"> <li>No landscaping or tree planting proposed.</li> </ul>	✗
Environmental Performance PO 4.1 – 4.3	<ul style="list-style-type: none"> <li>Site is boundary to boundary east/west.</li> <li>Each dwelling has access to northern and southern light.</li> <li>Windows recessed behind building line.</li> <li>No rainwater harvesting.</li> <li>Solar panel array on roof with details not provided.</li> <li>Roof terrace does not include formal landscaped areas.</li> </ul>	✓/✗
On-site Waste Treatment Systems PO/DPF 6.1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
Site Facilities / Waste Storage PO 11.1 – 11.4	<ul style="list-style-type: none"> <li>Proposal utilises waste chute from each dwelling to waste facilities located on ground floor.</li> <li>Communal waste areas are located away from dwellings.</li> <li>Access to storage cage on ground floor and in each unit.</li> <li>Private waste collection proposed, with collection via the right of way using a medium rigid vehicle.</li> </ul>	✓
<b>All Development – Medium and High Rise</b>		
External Appearance PO 12.1-12.4 PO/DPF 12.5 – 12.7 PO 12.8	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓/✗
Landscaping PO13.1 – 13.3	<ul style="list-style-type: none"> <li>Landscaping and tree planting not proposed.</li> </ul>	✗
Environmental	<ul style="list-style-type: none"> <li>Overshadowing to adjoining sites not unreasonable.</li> </ul>	

PO 14.1 – 14.3	<ul style="list-style-type: none"> <li>Solar panels proposed.</li> <li>Windows/doors to north and south recessed so provide a level of weather protection.</li> <li>Portion of north facing balconies undercover.</li> <li>Impact of wind not minimised through use of a podium.</li> <li>Verandahs to deflect downward travelling wind flows over pedestrian areas with setbacks. Tall sheer elevations may create windy conditions at street level.</li> </ul>	✓/✗
Overlooking / Visual Privacy PO 16.1	<ul style="list-style-type: none"> <li>Balconies on north elevation setback from main building alignment and partially contained by full height concrete panels. Portion of balconies cantilever over the RoW and contained by 1.1 metre high glazed balustrading.</li> <li>Given the interface with a high proportion of residential land uses in the City Living Zone, the design response is unsatisfactory with respect to impacts on visual privacy.</li> </ul>	✓/✗
<b>All Residential Development</b>		
Front Elevations and Passive Surveillance PO/DPF 17.1 – 17.2	<ul style="list-style-type: none"> <li>All dwellings able to undertake passive surveillance to the north and south.</li> <li>Entry to lobby for dwellings addresses the street and provides a legible entry point for visitors.</li> </ul>	✓
Outlook and Amenity PO/DPF 18.1 PO 18.2	<ul style="list-style-type: none"> <li>All dwellings incorporate glazing to living areas, except for 'Bed 2' which will not have direct access to natural light, rather relying on 'switch glass' for borrowed light/privacy.</li> </ul>	✓/✗
<b>Residential Development – Medium and High Rise</b>		
Outlook and Visual Privacy PO/DPF 26.1-26.2	<ul style="list-style-type: none"> <li>Dwellings not located at ground level.</li> </ul>	n/a
Private Open Space PO/DPF 27.1	<ul style="list-style-type: none"> <li>Each dwelling has approximately 16.5m<sup>2</sup> of private open space in the form of balconies, exceeding the requirement of 11m<sup>2</sup> for two bedroom dwellings.</li> </ul>	✓
Residential amenity in multi-level buildings PO/DPF 28.1-28.5	<ul style="list-style-type: none"> <li>Achieves separation from other dwellings with one dwelling per floor.</li> <li>Balconies partially recessed on northern elevation and southern balconies integrated.</li> <li>Balconies oriented to the north of sufficient size meeting minimum of 2 metres for above ground dwellings.</li> <li>Balconies accessible from living areas.</li> <li>Light wells not proposed.</li> <li>All dwellings provided with 13m<sup>3</sup> of storage (4m<sup>3</sup> at ground and 9m<sup>3</sup> within the dwelling) thereby exceeding the requirement of 10m<sup>3</sup>.</li> </ul>	✓
Dwelling Configuration PO/DPF 29.1	<ul style="list-style-type: none"> <li>Two bedroom typologies only. Variation in dwelling configuration not required for residential development containing ten or less dwellings.</li> </ul>	n/a

Common Areas PO/DPF 30.1	<ul style="list-style-type: none"> <li>Common areas appropriate size to accommodate various needs of occupants.</li> <li>Single access to more than eight dwellings not desired.</li> </ul>	✓/✗
<b>Group Dwellings, Residential Flat Buildings and Battle axe Development</b>		
Amenity PO/DPF 31.1 PO 31.2-31.3	<ul style="list-style-type: none"> <li>All dwellings have an approximate floor area of 90m<sup>2</sup>, exceeding the requirement of at least 65m<sup>2</sup>.</li> <li>Building oriented north/south maximising views of Park Lands to the south, however overlooking strategies have not been incorporated to north.</li> </ul>	✓ ✗
Communal Open Space PO32.1 PO/DPF 32.2 PO 32.3 – 32.5	<ul style="list-style-type: none"> <li>Communal Open Space (COS) in the form of a roof garden provided.</li> <li>COS achieves dimension of 5.4 metres. Location on the roof and proximity to services, may result in wind and acoustic impact and associated reduction of amenity.</li> <li>Artificial lawn does not constitute landscaping. Roof terrace contained by full height glass panels, providing attractive views, but minimal weather protection.</li> <li>No screening, with views largely directed towards the Park Lands. Applicant amenable to further screening if required.</li> </ul>	✓ ✓ ✗ ✗ ✓/✗
Soft Landscaping PO/DPF 34.1 – 34.2	<ul style="list-style-type: none"> <li>Soft landscaping not proposed.</li> </ul>	✗
Site Facilities / Waste Storage PO 35.1 & 35.2 PO 35.3 PO/DPF 35.4 PO 35.5-35.6	<ul style="list-style-type: none"> <li>Mailbox facilities contained in ground floor lobby.</li> <li>Provision for suitable external clothes drying facilities not proposed, however could be accommodated.</li> <li>Waste store contained in dedicated area at ground, away from dwellings and screened from public view. Collection to occur via rear ROW.</li> <li>Ground floor services not detailed, expected to require street frontage, limiting active frontage and usable floor area.</li> </ul>	✓ ✓/✗ ✓ ✓/✗

### Interface between Land Uses

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
General Land Use Compatibility PO 1.1	<ul style="list-style-type: none"> <li>Locality generally residential in nature, with a mix of low impact commercial uses.</li> </ul>	✓

Hours of Operation PODPF 2.1	<ul style="list-style-type: none"> <li>Hours of operation for office tenancies not provided.</li> </ul>	x
Overshadowing PO/DPF 3.1-3.2 PO 3.3	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓
Activities Generating Noise/Vibration PO/DPF 4.1 PO 4.2	<ul style="list-style-type: none"> <li>Plant equipment proposed on the roof.</li> </ul>	✓

### Site Contamination

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
PO/DPF 1.1	<ul style="list-style-type: none"> <li>Allotment established for residential purpose. Pursuant to Practice Direction 14 Clause 5(d)(ii), proposal not taken to be a change to a more sensitive use.</li> </ul>	✓

### Transport, Access and Parking

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>No on-site car parking proposed.</li> <li>Proposal incorporates 14 bicycle parks in the ground floor bicycle dock.</li> </ul>	✓
Movement Systems PO 1.2 PO/DPF 1.4	<ul style="list-style-type: none"> <li>Car parking not proposed, however development requires servicing for waste collection via rear ROW.</li> <li>Utilises rear ROW for waste collection which is not considered a residential 'street'.</li> </ul>	x
Vehicle Parking Rates PO/DPF 5.1	<ul style="list-style-type: none"> <li>No requirement to provide off-street parking, as the Capital City Zone is identified as a 'designated area'.</li> </ul>	n/a
Bicycle Parking in Designated Areas PO/DPF 9.1	<ul style="list-style-type: none"> <li>Office use generates a requirement of three bicycle parking spaces (1 per 200m<sup>2</sup> leasable floor area and 2 visitor parking spaces).</li> </ul>	

	<ul style="list-style-type: none"> <li>Residential flat buildings do not generate bicycle parking demand per Table 3 of Capital City Zone. Theoretical demand of 11 spaces (1 per dwelling and 1 visitor space).</li> <li>The proposal incorporates 14 bicycle spaces which exceeds the minimum requirement.</li> </ul>	✓
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## 9.5 Detailed Discussion

### Land Use

The proposed office and residential land use mix proposed is acceptable and envisaged in Capital City Zone PO 1.1, with non-residential land uses at ground level specifically sought in City Frame Subzone PO 1.1. This is reinforced by the Desired Outcomes of the Zone and Subzone which specifically seek high scale, mixed use development.

The relationship between the land uses is acceptable, providing communal access for the above ground uses via the foyer. The building accommodates shared waste storage areas to the rear of the site. A 20m<sup>2</sup> office tenancy is proposed at ground level with a frontage to South Terrace. It is proposed adjacent the foyer and will achieve activation in accordance with Subzone PO/DPF 2.2 and Design in Urban Areas PO 17.2.

Hours of operation for the office use has not been provided, however this is not fatal as policy guidance in Interface between Land Uses PO 2.1 could be conditioned if the proposal was granted consent.

### Building Height

The policy framework for building height is largely focussed on satisfaction of applicable Performance Outcomes (PO). The Capital City Zone includes three POs relating to building height.

PO 4.1 guides maximum building height, stating '*Building height is consistent with the maximum height expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer and Maximum Building Height (Metres) Technical and Numeric Variation layer or otherwise positively responds to the local context and achieves the desired outcomes of the Zone.*' 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. CCZ DPF 3.2 specifies a maximum building height of 36 metres. With a proposed building height of 51.4 metres, the proposal exceeds the guideline by 15.4 metres or 43%.

PO 4.3 guides minimum building height, seeking to optimise building height and floor area yields and to avoid underdevelopment in the zone. DPF 4.3(b) states '*within the City Frame Subzone: 3 building levels (with a minimum of 11.5m), or 4 building levels (with a minimum of 15m) on sites fronting South Terrace.*' With a building height of 51.4 metres and 12 building levels, PO 4.3 is achieved.

The proposal seeks to take advantage of over height concessions in PO 4.2(b), *where the building incorporates measures that provide for a substantial additional gain in sustainability, and it demonstrates at least four of the following are met* by achieving the following criteria:

- iv. provides higher amenity through provision of private open space in excess of minimum requirements by 25 percent for at least 50 percent of dwellings
- v. no on site car parking provided
- vi. at least 75% of the ground floor street fronts of the building are active frontages
- vii. the building has frontage to a public road that abuts the Adelaide Park Lands.



Irrespective of the deviation from over height criteria, further interrogation of how the building positively responds to the local context and achieves the desired outcomes of the Zone in PO 4.1 is required. This will be further discussed throughout this section. Given the high rise nature of the proposal, CCZ DO2 and CFSZ DO1 are achieved with respect to building height.

Building heights in the locality are mixed. The northern side of South Terrace is generally low to medium rise, comprising a mix of one, two and three storey buildings. The exceptions are a seven storey development at 83 South Terrace, a seven storey development at 62-65 South Terrace and a five storey development at 59-60 South Terrace.

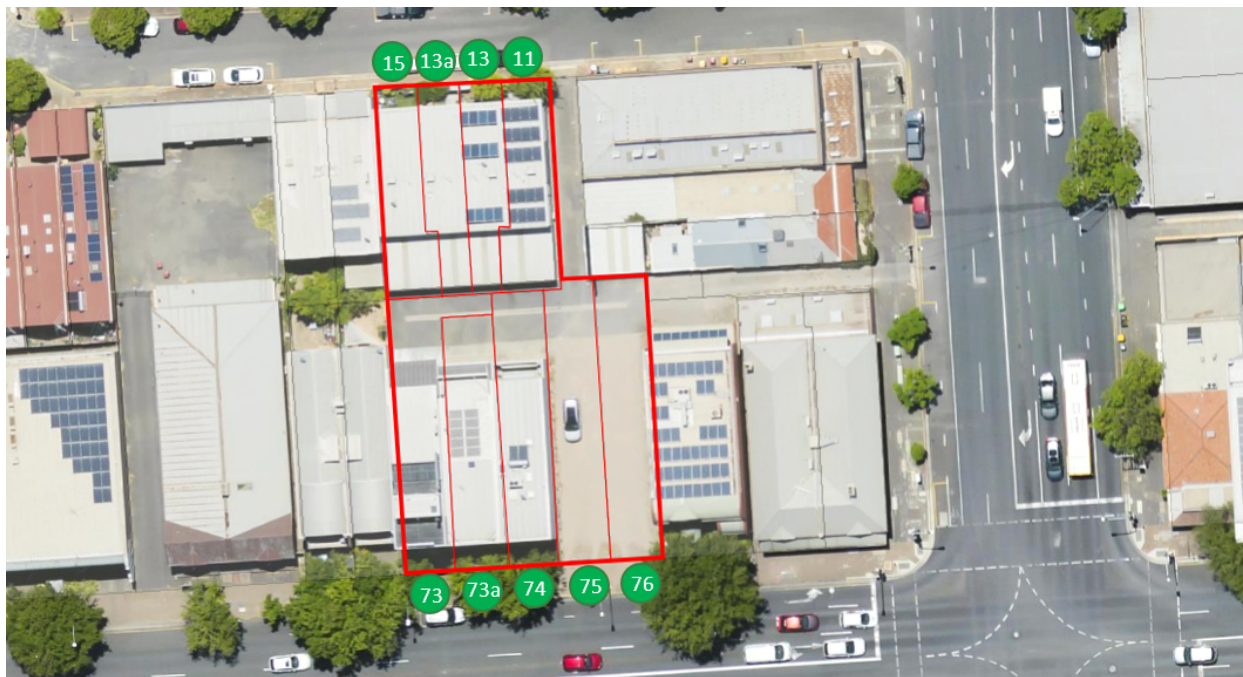
Considering prevailing low to medium rise context of the locality, the architectural renders in Figure 9.1 highlight the lack of contextual response with respect to differences in scale and building proportions sought by Zone PO 3.1.



This is a consequence of the narrow width of the site, which is further exacerbated by the overall building height. The proportions of the building are enhanced through substantial floor to ceiling heights of 4 metres per level. Table 9.1 details comparable developments in the locality, all of which have lower heights and wider frontage widths compared to the proposal.

TABLE 9.1 – COMPARABLE DEVELOPMENTS IN THE LOCALITY			
Address	Height (levels)	Height (m)	Frontage Width (m)
62-65 South Terrace	7	25.6	32
83 South Terrace	7	24.6	21.5
59-60 South Terrace	6	22.4	14.5
76 South Terrace (proposal)	12	51.4	5.6

Allotments of similar width to the subject site in the locality have more proportionate heights, ranging from one to three levels. As detailed in Section 2 of this report, the site once formed part of larger parcel of land, with a built form and land division approved which informed the immediate context in Figure 9.2. Sites at 17 and 19 Halls Place and 71 and 72 South Terrace have similar proportions, however they were developed separately to those in Figure 9.2.

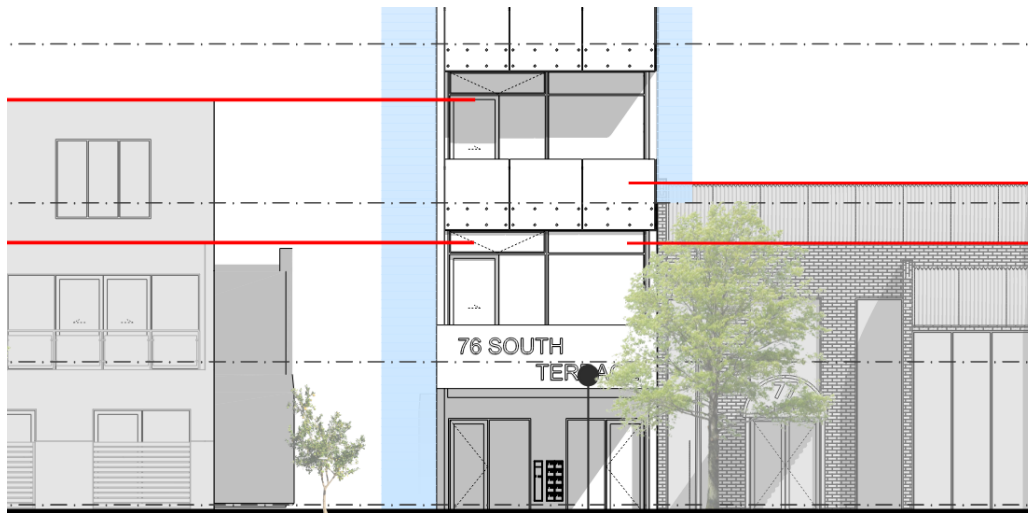


**Figure 9.2 – Allotments and built form established and developed as part of DA/980/2002 DA/1020/2003**

A significant degree of deviation from the prevailing context is proposed in terms of scale and the proposal is considered at variance at Zone PO 3.1 and PO 5.1, despite ‘framing’ the city street.

#### *Design and Appearance*

There are several key design elements expected to result in a poor urban design outcome, specifically relating to street presentation. The established built form and character adjacent the site is mixed in terms of height and form. Figure 9.3 illustrates the varied and established datum heights of adjacent low and medium rise developments, which are not incorporated into the architectural expression of the proposal. Consequently, the building will not reinforce prevailing datum heights and parapet levels on South Terrace expressed in Zone PO 3.2.



**Figure 9.3 – Ground floor elevation highlighting neighbouring datum heights in red**

The proposal also includes a ground floor setback from South Terrace. Prevailing setbacks in the locality are mixed and therefore lack of conformity to adjacent setbacks is not fatal. A further shallow 1.1 metre setback is incorporated from levels 2 to 12, utilising this setback for balconies. However, the visual relief and beginnings of a podium are lost as the building incorporates a full height vertical element limiting outlook and passive surveillance to the west. This element is highlighted in red in Figure 9.4.

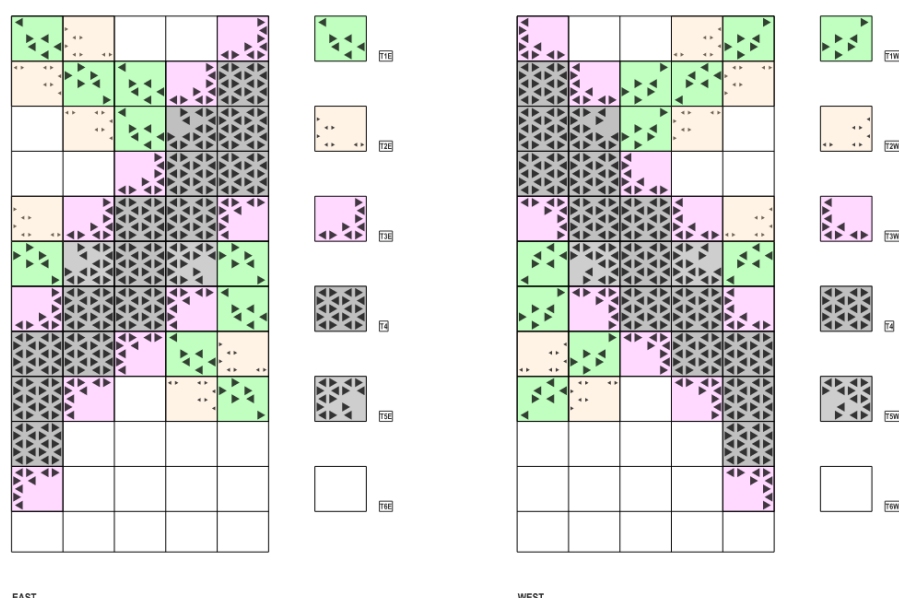


**Figure 9.4 – Architectural render of buildings lower levels looking north east**

The façade treatment exhibits an appropriate degree of modelling through minor changes in setback and protruding balconies, however this is impacted by the western vertical element.

The boundary walls include large expanses of precast concrete panels with etched geometric patterns as illustrated in Figure 9.5. Site constraints limit opportunities to reduce the visual bulk of sheer walls. This occurs as meaningful articulation to the building facades is not achievable through variation in setback, fenestration and other external treatments.





**Figure 9.5 – East and west façade diagrams**

The etched panels provide visual interest and relief, however on balance with the overall height and massing proposed, Design in Urban Areas PO 12.3 and 12.4 are not met. The lack of articulation or ability to provide articulation to the building applies to the building elements above the maximum building height in Zone PO 4.1. CCZ PO 5.2 specifies elements above the maximum building height include additional setbacks, avoid tall sheer walls, centrally locate taller elements, and provide variation of light and shadow through articulation which are not incorporated.

Considering the contextual response and design and appearance assessment, together with the significant degree to which the proposal exceeds the maximum building height, the proposal fails to positively respond to the local context and is at variance with CCZ PO 4.1.

#### Park Lands Frontage

The design achieves key performance criteria for a site with a Park Lands frontage as follows:

- establishes built form on a vacant site and achieves a shallow front setback in accordance with Zone PO 3.4
- ground floor includes a desired land use and frontage activation with an office tenancy and entry foyer in accordance with CFSZ PO 2.2 and Design in Urban Areas PO 1.3 12.6 and 12.7
- provides shelter over the footpath in accordance with CCZ PO 10.1 and Design in Urban Areas PO 1.2
- maximises views to the Park Lands through expanses of glazing and balcony orientation for dwellings and first floor office in accordance with Zone PO 3.7
- balcony and window orientation provides opportunities for passive surveillance over the Park Lands and proximate public realm in accordance with Design in Urban Areas PO 2.1 to 2.5
- balconies are designed, positioned and appropriately integrated into the overall architectural form in a manner that provides relief from wind conditions in accordance with Design in Urban Areas PO 28.2
- building services are appropriately screened from public view as per Design in Urban Areas PO 12.8.

## Residential Amenity

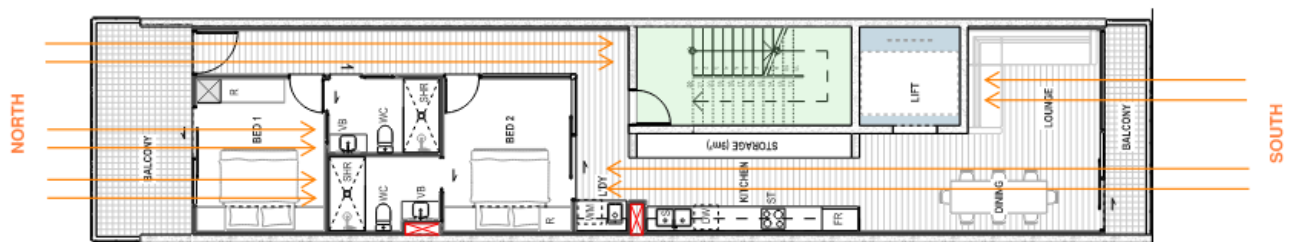
Two bedroom apartments are proposed across levels 2 to 12. Each floor is occupied by a single apartment with a floor area of 92m<sup>2</sup>. Apartments include two bedrooms and associated bathrooms, kitchen, living/dining, storage and two balconies.

Apartments will be accessed directly by the lift and fire stair located in the structural core. The lift and stairs will occupy 25m<sup>2</sup> of area per floor. The core will be positioned on the eastern boundary and setback 4.6 metres from South Terrace. The kitchen, store and living areas surrounding will surround the core. The apartments achieve and exceed quantitative and performance criteria as follows:

- generous floor areas of 92m<sup>2</sup>, largely exceeding the requirement of 65m<sup>2</sup> for two bedroom dwellings in Design in Urban Areas PO/DPF 31.1
- two useable balconies with combined areas exceeding the requirement of 11m<sup>2</sup> in Urban Areas PO/DPF 27.1
- additional communal open space at roof level for residents, achieving Design in Urban Areas PO/DPF 32.1 and 32.2
- providing a total 13m<sup>3</sup> of storage (4m<sup>3</sup> at ground and 9m<sup>3</sup> within the dwelling), exceeding the requirement of 10m<sup>3</sup> and achieving Design in Urban Areas PO 28.4.

Despite the functional and amenity achievements detailed above, the built form and internal layout exhibit shortcomings, largely due to the narrowness of the site. The 5.6 metre width presents limited opportunity to adapt a functional internal floor plan whilst optimising internal amenity.

Bed 1 will have a high quality outlook, with a large expanse of glazing oriented north unlike Bed 2 which will have no direct access to sunlight. The design seeks to replace two bedroom walls with 'switch glass,' which enables switching between a clear window panel and a non-transparent opaque panel. Whilst an innovative approach, Figure 9.6 demonstrates the intent to rely on borrowed light for 50% of the bedrooms departs from Design in Urban Areas PO 18.1.



**Figure 9.6 – Schematic diagram of light access to apartments**

Another concern with respect to residential amenity is the potential for poor environmental performance with large expanses of sheer walls on the eastern and western facades. This is an expected design response where boundary development is envisaged, however the high surface area to volume ratio is expected to generate considerable thermal loads.

Passive design techniques such as openable windows for cross ventilation and balcony projections are likely to be inadequate. Building occupants are expected to rely on mechanical systems for heating and cooling. The building height, siting and orientation is therefore considered to be at variance with Design in Urban Areas DO1(c) and PO 4.1.

### Amenity Impacts

Despite the height and scale of the proposal, overshadowing impacts are expected to be relatively minor, which can be attributed to the Park Lands frontage.

Representors in the locality have raised concerns regarding shadowing. However, the shadowing diagrams demonstrate impacts will be limited to the morning hours for adjacent sites at 73, 73A and 74 South Terrace. As per Figure 9.7, this is attributed to these sites capitalising on access to northern light, ensuring sufficient access to natural sunlight in the afternoon.

There will not be overshadowing to the north and northwest of the site as suggested in some representations. Accordingly, the proposal will achieve Interface between Land Uses PO 3.1 and 3.2.



**Figure 9.7 – Rear of 73, 73A and 74 South Terrace looking south west**

It is acknowledged adjacent solar panels on the roof of 77 South Terrace will be impacted during the afternoon hours. However, the degree of shadowing is reasonable given the scale of development contemplated in the Capital City Zone in Interface between Land Uses PO 3.3(a) noting even development constructed to the maximum building height is expected to result in overshadowing.

The proposal includes provision for private open space areas in the form of balconies. Balconies will be sited on the northern and southern elevations to capitalise on Park Lands and city views. Cantilevering balconies over the right of way responds to site constraints and limitations imposed by the City of Adelaide Encroachment Policy, which discourages balcony encroachments (above first floor) over the public realm.

Design in Urban Areas PO 31.3 encourages outlook over public streets away from adjacent allotments. The proposal includes large expanses of glazing on the northern elevation for occupant amenity. During the assessment, the applicant was requested to demonstrate mitigation of direct overlooking. In response, balconies were recessed and contained within full height walls on east and western boundaries to direct views to the north. The approach is satisfactory given the medium high rise nature of the development and residential properties directly to north of the site being located in the Capital City Zone.

Use of the right of way has been raised by representors who benefit from a right to freely pass over this land. Concerns include impacts on existing vehicle movements, potential damage and use of shared land during construction and waste collection.

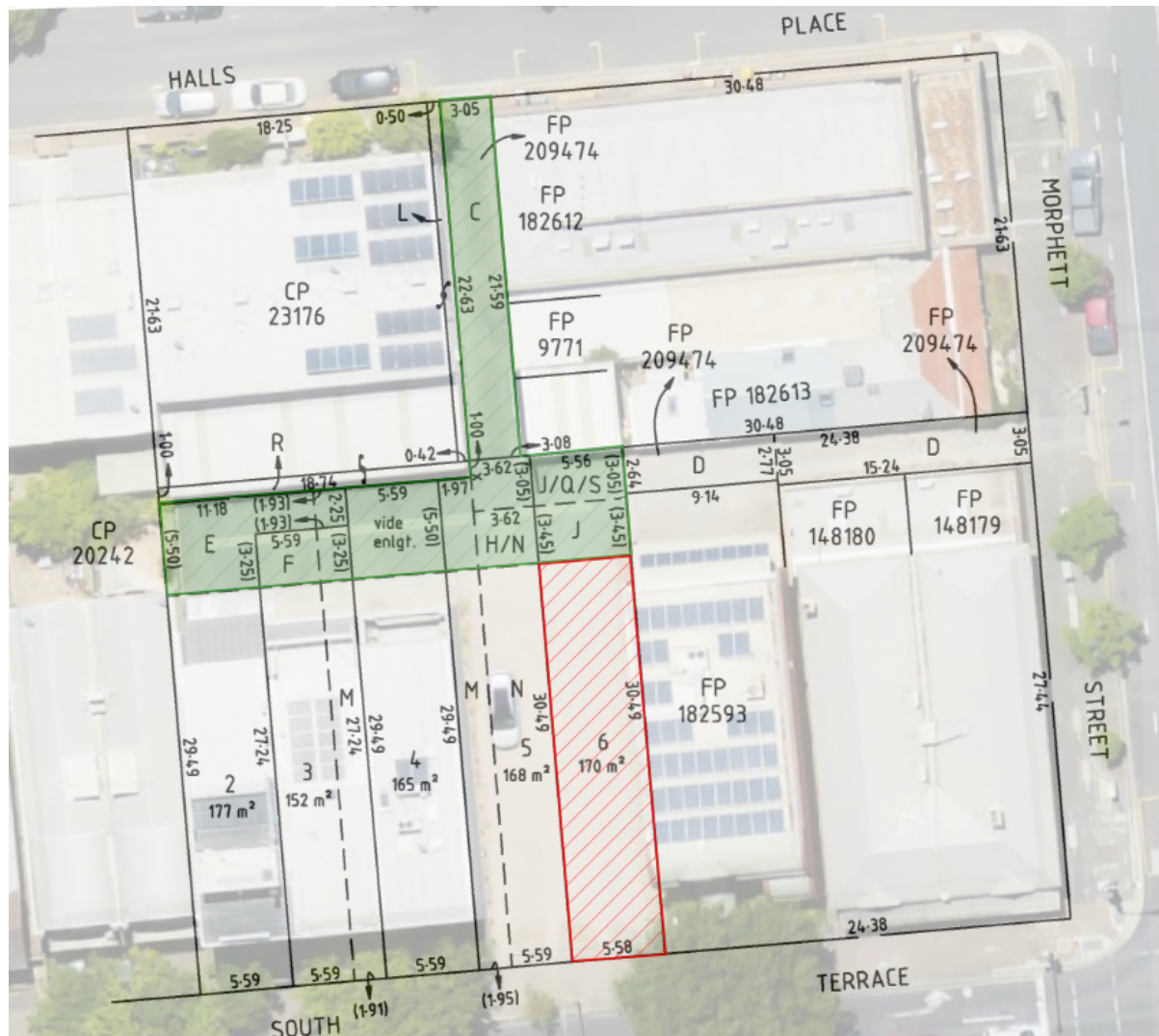


Figure 9.8 details areas where the site has rights of way highlighted in green, with the subject site highlighted in red. According to Certificate of Title Volume 5956 Folio 773, the site is subject to the following:

- The site does not have rights of way over the land marked D to Morphet Street.

Representors have raised concerns regarding the lack of a 2 metre setback from the land marked J, as building setbacks were encouraged as part of the previous built form approvals to ensure sufficient manoeuvrability for vehicles into and out of garaging areas.

Adjacent sites rely on use of the right of way for ingress/egress into vehicle parking areas. Development of the subject site would not restrict land for vehicle manoeuvring for adjacent properties.

The proposal includes a modest setback of 800mm from the land marked J, however as the proposal does not include on site access or parking, a further setback is not required.

The applicant has advised that waste collection via a smaller collection vehicle is intended to utilise the RoW. However, specific details regarding proposed ingress and egress of waste vehicles have not been provided.

Further to the above, ongoing use of the right of way and impacts from construction do not fall within the ambit of a planning assessment.

## **10. CONCLUSION**

The proposal involves construction of at twelve level mixed use building comprising offices at ground and level one, dwellings on levels 2 to 12 and rooftop terrace, inclusive of balcony encroachments and rooftop terrace.

The proposal seeks to capitalise on the Park Lands frontage and high scale development is anticipated in the Zone. Several Desired and Performance Outcomes of the Capital City Zone and City Frame Subzone are achieved, however the overall height and form of development fails to satisfy key built form and design provisions exacerbated by site constraints that will result in undesirable outcomes as follows:

- exceeds the maximum prescribed building height and does not positively respond to the local context with respect to building proportions and massing and therefore at variance with CCZ PO 4.1
- insufficient ground floor active frontage provided, not meeting over height criteria designated in CCZ PO 4.2
- will not satisfactorily manage interface with residential uses in terms of building proportions and massing in accordance with CCZ PO 5.1
- site limits opportunities to minimise negative visual impacts to residential living areas through additional setbacks and avoidance of sheer walls, and therefore at variance with CCZ PO 5.1 and Design in Urban Areas PO 12.3 and 12.4
- portions of the building above the maximum building height are not recessive in form or design and therefore at variance with CCZ PO 5.2
- will not reinforce prevailing datum heights and parapet levels on South Terrace expressed in Zone PO 3.2
- siting, orientation and design will rely on mechanical systems for heating and cooling and therefore variance with Design in Urban Areas DO1(c) and PO 4.1 and 4.2

The proposal is not 'seriously at variance' with the relevant assessment provisions of the Planning and Design Code, however it is not considered to exhibit sufficient merit to warrant the issuing of Planning Consent and it is recommended that Planning Consent be refused.



## 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 22034970, by Carlisle Developments Pty Ltd is Refused Planning Consent subject to the following reasons:
  - exceeds maximum prescribed building height and does not positively respond to the local context at variance with CCZ PO 4.1
  - insufficient ground floor active frontage not meeting over height criteria designated in CCZ PO 4.2
  - not satisfactorily manages interface with residential uses in terms of building proportions and massing in accordance with CCZ PO 5.1
  - negative visual impacts to residential living areas at variance with CCZ PO 5.1 and Design in Urban Areas PO 12.3 and 12.4
  - portions of building above maximum building height not recessive in form or design and at variance with CCZ PO 5.2
  - will not reinforce prevailing datum heights and parapet levels on South Terrace expressed in Zone PO 3.2
  - siting, orientation and design will rely on mechanical systems for heating and cooling at variance with Design in Urban Areas DO1(c) and PO 4.1 and 4.2.