

<b>DEVELOPMENT NO.:</b>	23009317
<b>APPLICANT:</b>	Alexandra Stadtkus / Enzo Caroscio
<b>AGENDA ITEM NO:</b>	3.2
<b>ADDRESS:</b>	112-114 Gilles Street, Adelaide SA 5000
<b>NATURE OF DEVELOPMENT:</b>	Demolition of existing buildings and construction of three (3) four storey dwellings in a terrace arrangement
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• City Living</li> </ul> <p><b>Subzones:</b></p> <ul style="list-style-type: none"> <li>• Medium-High Intensity</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• <del>Airport Building Heights (Regulated)</del></li> <li>• Affordable Housing</li> <li>• <del>Building Near Airfields</del></li> <li>• Design</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• <del>Regulated and Significant Tree</del></li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (14 Metres)</li> <li>• Minimum Building Height (2 Levels)</li> <li>• Maximum Building Height (4 Levels)</li> <li>• Minimum Site Area (Minimum site area – 100m<sup>2</sup>)</li> </ul>
<b>LODGEMENT DATE:</b>	5 April 2023
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2023.5 – 30 March 2023
<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>	Environment Protection Authority
<b>REFERRALS NON-STATUTORY:</b>	Local Heritage Engineering/Traffic

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

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representors**

- Kim Webber of 33 Stephens Street, Adelaide
- Paul Halford on behalf of Sue Halford, of 31 Stephens Street, Adelaide

### **Applicant**

- Marcus Rolfe of URPS on behalf of the applicant

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

1.1 The proposal seeks demolition of existing buildings and construction of three, four storey dwellings in a terrace arrangement. It should be noted a 'terrace arrangement' is defined in the Planning and Design Code as:

*'a group of 3 or more detached dwellings erected side by side and abutting each other but not joined by way of a party wall or party walls.'*

1.2 Each dwelling is to comprise:

- ground floor - entry foyer to Gilles Street, home office, store, lift and stair access, garaging areas capable of accommodating two off-street vehicle spaces, accessible via rear common driveway.
- first level - three bedrooms with ensuites and walk in robe/store. Dwelling at 114 Gilles Street will have a varied internal layout to include a laundry, study nook and recessed balcony fronting Stephens Street.
- second level - open plan kitchen, living and dining areas, water closet and associated storage areas and terrace.
- third level - fourth bedroom with ensuite and walk in robe, laundry areas, storage and terrace. Dwelling at 114 Gilles Street will comprise a varied internal layout comprising an open plan rumpus room and bathroom in lieu of the additional bedroom, laundry and storage areas.

1.3 The proposed dwellings will have primary frontages addressing Gilles Street. Dwellings will share a common driveway accessed via an existing crossover in Stephens Street.

1.4 Widening of existing Stephens Street crossover together with the reinstatement of the existing vehicle crossover from Gilles Street is proposed.

1.5 The development proposes a wall height at the street boundaries of 11.75 metres and maximum building height of 14.05 metres measured from ground level.

1.6 A mix of materials, finishes and colours are proposed including masonry brickwork (comprising recessed detailing), painted fibre cement sheeting, aluminium framed glazing, steel balustrading and precast concrete.

## **2. BACKGROUND**

2.1 The existing buildings at the site have existing land use rights as an office and warehouse.

2.2 The applicant sought preliminary advice in relation to the proposal in December 2022.

2.3 A request for information to the applicant sought clarification of proposed title arrangements, rooftop services and lift overruns, overlooking strategies, tree plantings in accordance with the Urban Tree Canopy Overlay and feedback regarding traffic, stormwater and heritage adjacency provisions.

2.4 The following items were clarified and amended in response to this request for further information:

- title arrangement to be Community Title Scheme
- 1.5 metre obscured glass balustrading to second floor terrace at 112a Gilles Street and overlooking sightlines provided
- traffic and Stormwater assessments provided
- documented lift overruns for each dwelling (proposed maximum height of 15 metres). This was subsequently amended to be contained in the roof space.
- raising of ground finished floor levels to satisfy Hazards (Flooding-Evidence Required) Overlay

- inclusion of the negative joint over stairs, in response to feedback from Council's Heritage Advisor
- confirmed three small trees would be planted in accordance with the Urban Tree Canopy Overlay.

2.5 Public notification was undertaken and five representations received. Of these, three are opposed to the development and two are in support with concerns.

2.6 Further amendments were made to the proposal in response to the representations as follows:

- north facing windows at level 1 to be obscured to height from 1.5 metres to 1.6 metres and from 1.5 metres for obscured glazing
- north facing terraces at level 2 to include 1.6 metre high obscured glass balustrading from 1 metre high vertical slat balustrading.

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

#### **Subject Land**

- 3.1 The subject site comprises two allotments located on the northeast corner of the intersection of Gilles and Stephens Streets. The development site has an overall primary frontage of 25.32 metres to Gilles Street and secondary street frontage of 18.39 metres to Stephens Street. The total site area is approximately 465m<sup>2</sup>.
- 3.2 The site is contained in Certificates of Title Volume 5542 Folio 582 and Volume 5501 Folio 454. Both titles have access to a Right of Way over a narrow portion of land (1.22 metres in width) directly north of the subject site. There are no other easements or encumbrances registered against the Certificate of Titles.
- 3.3 The site contains two single storey buildings used as an office and warehouse. The existing buildings are constructed to all allotment boundaries, each with a mirrored indent on northern boundaries.
- 3.4 112 Gilles Street is currently serviced by a crossover to Gilles Street and 114 Gilles Street by a crossover to Stephens Street.

#### **Locality**

- 3.5 The locality is mixed with in terms of building heights and design, allotment sizes, setbacks and land use.
- 3.6 Scale of development varies between low to medium rise, with the locality comprising a range of one, two, three and four storey buildings.
- 3.7 Both non-residential and residential uses are dispersed within the locality, with Gilles Street containing a higher proportion of non-residential uses such as offices, warehouses and shops/cafes/restaurants.
- 3.8 Gilles Street Primary School is located opposite the subject site to the south and Pulteney Grammar School is located further west along Gilles Street.
- 3.9 Allotments north of the subject site include a high proportion of Local Heritage Places that are largely residential in nature. A two storey Local Heritage Place at 110 Gilles Street abuts the subject site and Gilles Street Primary School contains a State Heritage Place.





**Photo 3.1 – Subject site viewed from southern side of Gilles Street**



**Photo 3.2 – Existing development further west on Gilles Street and Gilles Street Primary School on southern side of Gilles Street**





**Photo 3.3 – Existing development further east on Gilles Street**



**Photo 3.4 – Stephens Street looking south with subject site to the right**





**Photo 3.5 – Adjacent dwellings at 122 Gilles Street, Adelaide**



**Photo 3.6 – Dwellings directly north of the subject site on Stephens Street**

**4. CONSENT TYPE REQUIRED:**

Planning Consent

**5. CATEGORY OF DEVELOPMENT:**

**PER ELEMENT:**

Demolition: Exempt and New Housing – Dwelling: Code Assessed – Performance Assessed

**OVERALL APPLICATION CATEGORY:**

Code Assessed – Performance Assessed

**REASON:**

Dwellings not listed in Tables 1 to 4 of the City Living Zone, and therefore default to Performance Assessed, all other code assessed development.

**6. PUBLIC NOTIFICATION**

Pursuant to City Living Zone Table 5 (Procedural Matters) Clause 2, construction of a wall on a boundary exceeding 3 metres in height is proposed and required public notification.

<b>TABLE 6.1 – LIST OF REPRESENTATIONS</b>		
<b>No.</b>	<b>Representor Address</b>	<b>Request to be Heard</b>
1	Marcus Packard – 54 Dunbar Terrace, Glenelg East (owner of 122 Gilles Street, Adelaide)	No – Support with concerns
2	Christina Simms and Mark Reardon – 98 Gilles Street, Adelaide	No – Opposes
3	Brenda Barnett – 12 Swift Avenue, Dulwich	No – Support with concerns
4	Kim Webber – 33 Stephens Street, Adelaide	Yes – Opposes
5	Sue Halford – 31 Stephens Street, Adelaide	Yes – Opposes

<b>TABLE 6.2 SUMMARY OF REPRESENTATIONS</b>
<ul style="list-style-type: none"><li>• Visual privacy/overlooking</li><li>• Amenity impacts from building height</li><li>• Impacts to Stephens Street historic streetscape</li><li>• Noise and vibration</li><li>• Parking supply</li><li>• *Construction impacts</li><li>• **Amenity loss from demolition</li></ul>

*\* Construction impacts not within the ambit of a planning assessment*

*\*\*Demolition not a notified element and therefore, impacts pertaining to demolition cannot be considered.*

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

## 7. **AGENCY REFERRALS**

### Environment Protection Authority

The application was referred to the Environment Protection Authority (EPA) as prescribed by *Practice Direction 14 – Site Contamination Assessment* as a change to a more sensitive use is proposed. The EPA notes the following in relation to the proposal:

- the Preliminary Site Investigations report states no potentially contaminating activities have been undertaken at the site, in accordance with Practice Direction 14.
- there have been no intrusive soil, soil vapour or groundwater investigations at the subject site.
- the consultant has recommended intrusive sampling should be undertaken at the site once soils are made accessible to appraise and quantify inferred environmental risks.
- the EPA holds a notification of site contamination that affects or threatens underground water for an adjacent site, at 95-97 Gilles Street, Adelaide. The notification was for the presence of metals, inorganics, oil and grease, and total recoverable hydrocarbons in groundwater.
- following receipt of the section 83A notification, a Site Contamination Audit Report was issued by an accredited site contamination auditor who concluded that, based on the primary school land use, site contamination of soils and groundwater did not exist at 95-97 Gilles Street.

The EPA notes pre-conditions for an audit do not exist, taking into account:

- site contamination has been determined to not exist
- realistic human health exposure pathways have not been identified based on the proposed land use
- remediation is not or does not remain necessary to mitigate exposure risk based on the proposed land use.

Based on the information submitted and the information held by the EPA, the EPA is satisfied the site could be made suitable for the proposed use subject to a statement of site suitability, using the form required by Practice Direction 14.

The EPA has directed the planning authority to include two conditions of consent and one advisory note (see conditions and advisory note in Section 11).

## 8. **INTERNAL REFERRALS**

### Local Heritage

The application was referred to Heritage Advisors for feedback in relation to the Heritage Adjacency Overlay and the following was received:

- The proposal is generally compatible with the adjacent Local Heritage Place and other built form in the locality. Notwithstanding, it is considered the continuous roof dominates the setting of the adjacent Local Heritage Place.
- It is advised that incorporating a negative joint detail between each dwelling would provide sufficient relief to the adjacent Local Heritage Place. One potential way to limit impacts (without modifying the floor plan) could be to modify the roof with raking sections between residences.

Note: The applicant amended the roof design in accordance with this feedback.

In response to the amended design, the proposal was rereferred and the following response was provided:

- The dwellings proposed include four storey brick faced buildings with recessive sheet clad portions separating the brick frontages. To the west, the building interfaces with a two storey simple gabled Local Heritage Place with rendered facings. To the north is a reasonably low scale area with a mix of Local Heritage Places and more contemporary one and two storey dwellings.
- The northern side of Gilles Street is typically characterised by medium rise residential development, with the southern side being lower scale and includes Gilles Street Primary School which is listed as a State Heritage Place.

#### Heritage Adjacency Overlay - Assessment

##### Desired Outcome 1

- The adjacent Local Heritage Places are good examples of their typology and how they reflect patterns of development within the city generally. The legibility of these heritage values is not lessened through the proposal.

##### Performance Outcome 1.1

- The character of the area is generally taller development on Gilles Street with lower scale residential development to the north. The proposal continues this pattern albeit to the maximum storeys currently allowed within the zone and therefore is not considered to unduly impact the setting of the adjacent Local Heritage Places.
- For the Local Heritage Places to the north, dominating and encroaching impacts to the setting are minimal as there is sufficient clearance and setbacks between the Local Heritage Places and the new development which provides a necessary 'breathing space' to minimise heritage impacts.
- While its acknowledged there is apparent mass to the new proposal, there has been a use of multiple materials and red brick to break down the mass and assist with its integration into existing context. The materiality also provides a clear distinction of historic and contemporary fabric which visually separates the heritage places and the development.

The proposal is supported from a heritage perspective for the above reasons.



## 9. **PLANNING ASSESSMENT**

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

'Dwellings' are not a prescribed element of development in Tables 1 to 4 of the City Living Zone, the assessment pathway defaults to Performance Assessed – all other Code Assessed Development. The planning assessment has therefore closely mirrored applicable policies prescribed to similar Performance Assessed elements 'detached dwellings' and 'row dwellings.'

### 9.1 **Summary of Medium-High Intensity Subzone Assessment Provisions**

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1 & DO 2	<ul style="list-style-type: none"> <li>• Medium rise and medium density residential development.</li> <li>• Redevelopment of non-residential site for residential use.</li> </ul>	✓
Land Use and Intensity PO 1.1	<ul style="list-style-type: none"> <li>• Medium density, residential development in the form of dwellings in a terrace arrangement.</li> </ul>	✓
Interface Height PO 2.1	<ul style="list-style-type: none"> <li>• Site not at the interface of a subzone boundary.</li> </ul>	n/a

### 9.2 **Summary of City Living Zone Assessment Provisions**

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>• Medium rise and medium density residential development within the Medium-High Intensity Subzone.</li> </ul>	✓
Land Use PO 1.1	<ul style="list-style-type: none"> <li>• Achieved.</li> </ul>	✓
Built Form and Character PO 2.1-2.4	<ul style="list-style-type: none"> <li>• Redevelopment of non-residential sites for medium density residential use.</li> <li>• Proposal includes varied building heights.</li> <li>• The maximum building height will only be exceeded by 50mm.</li> <li>• Proposal reflects valued streetscape characteristics and provides a contextual response.</li> <li>• Existing driveway on Stephens Street proposes minor widening to facilitate improved vehicle access.</li> </ul>	✓
Building Setbacks PO 3.1-3.5	<ul style="list-style-type: none"> <li>• Refer Section 9.5.</li> </ul>	✓/✗

Site Dimensions & Land Division PO 4.1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
Car Parking and Access PO 5.1	<ul style="list-style-type: none"> <li>Parking areas and access obtained through common driveway from Stephens Street.</li> <li>Existing crossover on Gilles Street to be reinstated to kerb.</li> </ul>	✓

### 9.3 Summary of Applicable Overlays

The following Overlays are not relevant to the assessment of the proposal:

- Airport Building Heights (Regulated) Overlay – proposed building height of 58.6 metres AHD below regulated 120 metres AHD.
- Affordable Housing Overlay – affordable housing not proposed
- Building Near Airfields Overlay – site not proximate to airfield
- Design Overlay – value of development below \$10 million
- Prescribed Wells Area Overlay – no groundwater water concerns
- Regulated and Significant Tree Overlay – no regulated or significant trees impacted

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

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

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
Flood Resilience PO/DPF 1.1	<ul style="list-style-type: none"> <li>Ground floor internal finished floor levels at 280mm and 390mm above kerb levels on Gilles Street and Stephens Street respectively.</li> <li>Risk of potential floodwater appropriately mitigated.</li> </ul>	✓

#### Heritage Adjacency Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
DO 1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓
Built Form PO 1.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓



### Stormwater Management Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
PO 1.1	<ul style="list-style-type: none"> <li>Each dwelling includes a 2000L rainwater tank contained in garages, achieving the corresponding DPF.</li> </ul>	✓

### Urban Tree Canopy Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
PO 1.1	<ul style="list-style-type: none"> <li>Three small trees are to be planted in accordance with corresponding DPF.</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 by the applicant.</li> </ul>	✓

### Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
<b>All Development</b>		
Site Facilities / Waste Storage PO 11.1 PO 11.2	<ul style="list-style-type: none"> <li>Residential development with conventional waste, recycling and green waste bins.</li> <li>Bins to be stored within the parking areas, however these may also be stored in the rear common driveway at times.</li> </ul>	✓

<b>All Development – Medium and High Rise</b>		
External Appearance PO 12.1-12.8	<ul style="list-style-type: none"> <li>Contextually responsive to prevailing built form with respect to floor to ceiling heights and building setbacks.</li> <li>Building frontages include detailed brickwork and vertical profiled fibre cement sheeting introduced on Stephens Street frontage at upper levels.</li> <li>Brickwork modelled to reinforce prevailing datum heights. Third level has been setback from south, east and north elevations to provide visual relief.</li> <li>External materials of a high quality and will require limited maintenance.</li> <li>Building entries oriented to Gilles Street.</li> </ul>	✓
Landscaping PO 13.1-13	<ul style="list-style-type: none"> <li>Proposal includes limited landscaped areas at the street frontage capable of supporting vegetation but not trees.</li> <li>Landscaped areas will have limited access to direct natural sunlight given the southern orientation.</li> <li>Soft landscaping areas to rear of the site will have access to natural sunlight and opportunity for mature tree planting/growth.</li> </ul>	<p>✗</p> <p>✓</p>
Environmental PO 14.1-14.2	<ul style="list-style-type: none"> <li>Building facades modelled and include varied setbacks, minimising microclimatic impacts.</li> <li>Large expanses of glazing proposed, providing access to light and cross ventilation. North facing windows shielded by balcony overhangs and eaves.</li> </ul>	✓
Overlooking / Visual Privacy PO 16.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	✓
<b>All Residential Development</b>		
Front Elevations & Passive Surveillance PO 17.1-17.2	<ul style="list-style-type: none"> <li>Appropriate solid to void ratios, including large expanses of glazing over public areas and clear, legible entries to Gilles Street frontage.</li> </ul>	✓
Outlook & Amenity PO 18.1	<ul style="list-style-type: none"> <li>All living areas and habitable rooms incorporate windows with an outlook to public and/or private open space areas.</li> </ul>	✓
<b>Residential Development – Medium and High Rise</b>		
Private Open Space PO 27.1	<ul style="list-style-type: none"> <li>Each dwelling includes sufficient private open space areas over and above the 24m<sup>2</sup> minimum designated in the corresponding DPF. <ul style="list-style-type: none"> <li>112a: Recessed balcony at first floor 18.9m<sup>2</sup> and roof terrace 40.5m<sup>2</sup> totalling 59.4m<sup>2</sup></li> <li>112: Recessed balcony at first floor 18.9m<sup>2</sup> and roof terrace 41.5m<sup>2</sup> totalling 60.4m<sup>2</sup></li> <li>114: Recessed balcony at first floor 18.9m<sup>2</sup> and roof terrace 56.4m<sup>2</sup> totalling 75.3m<sup>2</sup></li> </ul> </li> </ul>	✓

	<ul style="list-style-type: none"> <li>112 and 112a Gilles Street include street fronting roof terrace areas and 114 Gilles Street includes additional recessed balcony fronting Stephens Street which are not included in the above POS calculations.</li> </ul>	
Residential amenity in multi-level buildings PO 28.1-28.4	<ul style="list-style-type: none"> <li>Balconies are generous in size and dimensions, providing usable and flexible indoor/outdoor areas.</li> <li>Dwellings comprise a range of formal and informal storage areas at all building levels. Areas exceed the minimums designated in the DPF.</li> </ul>	✓

### Interface between Land Uses

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
Overshadowing PO3.1-3.2	<ul style="list-style-type: none"> <li>Overshadowing impacts on adjacent residential development minimal given orientation of the site.</li> </ul>	✓

### Site Contamination

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
PO 1.1	<ul style="list-style-type: none"> <li>A change to a more sensitive land use proposed with a Preliminary Site Investigation Report provided.</li> <li>Referral to EPA undertaken – refer Section 7.</li> </ul>	✓

### Transport, Access and Parking

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
Sightlines PO 2.1	<ul style="list-style-type: none"> <li>Sufficient sightlines between vehicles and pedestrians achieved from the accessway.</li> </ul>	✓
Vehicle Access PO 3.1 PO 3.3-3.5 PO 3.8-3.9	<ul style="list-style-type: none"> <li>Vehicle access for dwellings will occur via an existing crossover to be widened.</li> <li>Widening of crossover will not impact existing urban elements in the public realm or neighbouring properties.</li> </ul>	✓

	<ul style="list-style-type: none"> <li>Proposed crossover widening to 6 metres exceeds the maximum of 3.5 metres for frontages under 20 metres prescribed in the corresponding DPF. Widening considered to achieve the PO in this instance as: <ul style="list-style-type: none"> <li>frontage width is marginally short of the 20 metre maximum to which 6 metres is permissible</li> <li>crossover will service three sites</li> <li>existing crossover on Gilles Street to be made redundant.</li> </ul> </li> <li>Swept path analysis detail adequate manoeuvring areas for vehicle access/egress and internal circulation.</li> </ul>	✓ / ✗
Vehicle Parking Rates PO 5.1	<ul style="list-style-type: none"> <li>Each dwelling accommodates two covered off-street parking spaces in accordance with the DPF.</li> </ul>	✓

## 9.5 Detailed Discussion

### Design and Appearance

The proposed built form and design demonstrates a high standard of architectural finish and contextual response.

The main building facades will predominantly be sited on the Gilles and Stephens Street frontages, reinforcing the prevailing street setbacks in the locality. Each dwelling will be constructed to respective side boundaries, incorporating a modest 2.5 metre x 1.5 metre setback. These setbacks provide separation between the dwellings, opportunities for informal landscaping and further relief to the adjacent Local Heritage Place to the west.

The proposed building and allotment configurations reflect allotment widths more consistent with the prevailing character, thus achieving City Living Zone (CLZ) PO4.1.

The building largely presents as three storeys, with the development on street boundaries having a parapet height of 11.75 metres. This portion of the building references the parapet height of the adjacent residential flat building at 118 Gilles Street, with Level 3 being setback from both the Gilles and Stephens Street frontages. The upper most level is setback from Gilles and Stephens Street frontages by 1.55 metres and 1.3 metres respectively.



**Figure 9.5.1 – 3D render of proposed buildings**

It is considered the dwellings demonstrate consistent architectural expression and materiality. The Gilles Street frontages include red brickwork modelled to include horizontal banding. This banding is detailed to include rotated brickwork with a mix of recesses and corbelling to add depth to the facades. This detail adds visual interest to the façades and reinforces relevant and prevailing datum height in accordance with CLZ PO 2 and Design in Urban Areas (DiUA) POs 12.1, 12.2, 12.6.

Street level facades will have a commercial presentation, incorporating large expanses of glazing with plans detailing these areas as home offices. Dwelling entries will be separated by a full height gate leading to a small porch and landscaped area. Building entries will be clear and legible whilst balancing privacy and security. Upper levels will include a high degree of window fenestration to Gilles Street, adding visual interest and opportunities for passive surveillance in accordance with DiUA PO17.1 and 17.2.

The Stephens Street frontage will be constructed to the boundary with a street wall height of 11.75 metres. This façade continues the brickwork at ground level reinforcing the human scale and intimate character of Stephens Street in accordance with DiUA PO12.2. This façade also incorporates vertical profiled fibre cement cladding and variation in setbacks and window/balcony fenestrations to 'break-up' the visual mass. This is a notable characteristic of the proposal when compared to adjacent development at 122 Gilles Street, which includes full street wall heights of painted rendered Hebel.

## Building Height and Heritage Adjacency

### *Building Height*

Building height has been a point of contention expressed by representors, both generally and with regards to heritage adjacency and the low rise character of Stephens Street.

City Living Zone DPF 2.1 designates a maximum building height of 4 storeys and 14 metres and minimum building height of two levels. A height of 4 storeys and maximum height of 14.05 metres is proposed, achieving the minimum height/yield desired and exceeding the maximum height by only 50mm.

The corresponding PO states:

*Development contributes to a predominantly low-rise residential character, except when located in the Medium - High Intensity Subzone or East Terrace Subzone where it contributes to a predominantly medium rise residential character, consistent with the form expressed in the Maximum Building Height (Levels)... the Maximum Building Height (Metres)... and positively responds to the local context.*

The proposal is considered to largely achieve the relevant criteria as:

- Medium rise residential development within medium-high intensity subzone proposed
- Subject site not predominantly a medium rise locality, however there is a trend of medium rise at the interface of the site
- Achieves the relevant TNVs for the site, with the exception of minor exceedance of 50mm
- The portions exceeding the height are limited to the upper most level which are recessive given the additional setback.
- Supporting built form and design provisions largely been achieved, thus making a positive contribution to the locality.

### *Heritage Adjacency*

Representors have expressed concern regarding the building height with respect to impacts on the low scale and historic streetscape in Stephens Street. Council's Heritage Architect provided preliminary and ongoing advice during assessment, focussing on the adjacent Local Heritage Places on Gilles Street and Stephens Street.

Heritage feedback in Section 7 acknowledges the apparent mass of the proposal, however, is considered to provide appropriate relief to the adjacent Local Heritage Places by utilising a mix of materials that break down the overall mass and integrate with the established built form. The use of materials in conjunction with the nominated rear setback to 23 Stephens Street, provide sufficient space and will not dominate, encroach on or unduly impact on the setting of the place.

Built form impacts on 110 Gilles Street have been suitably resolved through the negative joint incorporated over the stairwells and setback of 1.5 metres which provides suitable relief. As such Heritage Adjacency Overlay DO1 and PO1.1 are satisfied.

### Building Setbacks

The proposal demonstrates a unique circumstance where all allotment boundaries of the site are defined separately by the Code.

#### *Primary street frontage*

The dwellings will be oriented to Gilles Street which is the primary street frontage. CLZ PO 3.1 seeks continuity of existing frontages to compliment existing character. The proposal achieves a complimentary response to the prevailing street boundary setbacks. This is achieved by aligning the bulk of each dwelling on boundary which incorporate a 1.5 metre full height setback between each dwelling. The negative joint achieved by the setback corresponds to the adjacent two storey Local Heritage Place at 110 Gilles Street, which is setback approximately 1 metre. The proposed primary building setback is considered to achieve CLZ PO 3.1 as it will contextually respond to adjacent and prevailing built form in the locality.

#### *Secondary street frontage*

The secondary street frontage and narrower frontage is oriented east to Stephens Street. Stephens Street is a relatively narrow public road which comprises narrow footpaths and a single northbound only road. The street has an intimate character, informed by a mix of low and medium rise buildings all of which are constructed to the street boundary.

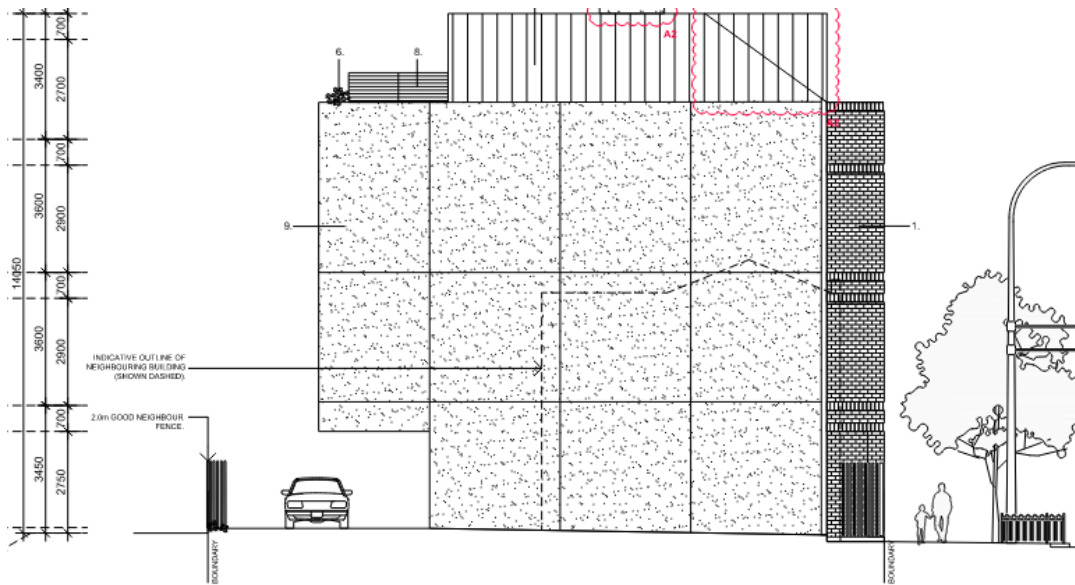
CLZ PO 3.2 seeks '*buildings set back from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and reinforce a streetscape character*'. The corresponding DPF designates a minimum setback of 900mm from secondary street buildings.

The proposed dwelling at 114 Gilles Street is the only dwelling to have a secondary street/frontage to Stephens Street. This wall is proposed on the boundary to a parapet wall height of 11.75 metres. Siting this wall to the secondary street boundary appropriately responds to the prevailing built form along Stephens Street and satisfies PO 3.2. Incorporating a 900mm setback would contradict the PO as it would disrupt the desired intimate streetscape.

### Side Boundary

The building only includes one side boundary in this instance, which is the western boundary abutting 110 Gilles Street. CLZ PO 3.3 seeks separation between buildings consistent with the established streetscape of the locality without limiting access to light and ventilation to neighbours.

Figure 9.5.2 depicts proposed boundary walling which appears imposing on 110 Gilles Street in plan view. However, much of the wall will not be visible from outdoor areas and will only receive negligible shadowing during morning hours. The proposed side setback is considered to conform to established side boundaries in the locality. Whilst the extent of boundary wall extends beyond abutting wall, consequential amenity impacts via visual bulk and overshadowing on neighbours will be limited, thus satisfying CLZ PO 3.2 and PO 3.5.



**Figure 9.5.2 – Western elevation/side boundary**

### Rear Boundary

The site shares a rear boundary with 23 Stephens Street. The existing buildings on the subject site are single storey and built to the rear boundary, except for a minor indent. The PO/DPF 3.4 states:

*DPF 3.4 Building walls are set back from the rear boundary at least:*

- a) 3m for the ground floor level
- b) 5m for first floor building level
- c) 5m plus an additional 1m setback added for every 1m in height above a wall height of 7m.

The proposal departs (above ground level) from the DPF desired (noting the DPF is not a minimum standard but is one way to achieve the corresponding PO), proposing 6 metre setback at ground level, 3 metre at level one, varied setbacks of 3 and 6 metres at level 2 and varied setbacks for the uppermost level.

Notwithstanding the DPF is not satisfied, it is noted the corresponding PO seeks:

*PO 3.4 Buildings are setback from rear boundaries to provide:*

- a) access to natural light and ventilation for neighbours
- b) open space recreational opportunities



*c) space for landscaping and vegetation.*

The interpretation of this policy outcome is that suitability of rear setbacks should be determined by tangible amenity impacts in conjunction with facilitating sufficient private open space for recreation and landscaping.

Part a) considers impacts on access to light and ventilation on neighbours. Shadowing impacts caused by the proposal to the north will not occur considering the orientation and location of the development south of the neighbour to the north. Therefore, PO 3.4 is considered to be achieved.

Parts b) and c) are partially achieved as the rear portion will have an appropriate setback and degree of landscaping. It should be noted the allotment configuration and intended title arrangement does not support more traditional landscaped rear gardens.

There will be a visual impact, however it will be reasonable considering the scale and intensity envisaged in the subzone. The building will also demonstrate meaningful articulation through varied setbacks, external materials and window fenestrations that will 'break-up' the overall visual mass.



**Figure 9.5.3 – 3D render of the subject site as viewed from Stephens Street**

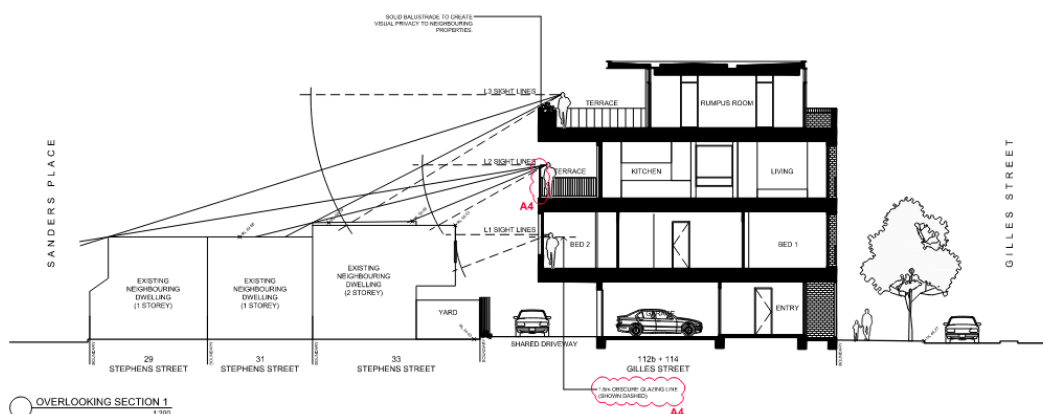
Visual Privacy / Overlooking

Concerns of overlooking have been raised by representors to the north and east of the development. The first involves concerns of views from the proposed roof terrace at 114 Gilles Street into the roof terrace at 122 Gilles Street. This property is located on the opposite side of Stephens Street. Potential for overlooking across the public realm is not addressed in the Code. It is considered further screening would exacerbate the overall building height and limit opportunities for passive surveillance, which is desired for street facing windows and balconies.

Other concerns have been expressed by occupants at 23 Stephens Street, which has private open space areas and habitable room windows at the ground and first floors adjacent the subject site. Obscured glazing is proposed to height of 1.6 metres for north facing windows at Level 1 and 1.6 metre high obscured balustrading for the Level 2 terraces. Fully obscured glazing is proposed for the powder room glazing.



The roof level terraces at Level 3 will have in-built planters with a minimum dimension of 900mm and height of 1 metre, thus limiting ability to look down into proximate private open space areas. Together these treatments will prevent 'direct overlooking' that could otherwise be achievable as demonstrated in Figure 9.5.4 below.



**Figure 9.5.4 – Overlooking sections**

## 10. CONCLUSION

The proposal involves demolition of existing buildings and the construction of three, four storey dwellings in a terrace arrangement at 112 and 114 Gilles Street, Adelaide.

The City Living Zone prioritises residential amenity. In the City Living Zone, emphasis is placed on expected reasonable amenity impacts where increased scale and intensity of development is envisaged. Whilst the proposal will be to the maximum building height and density outcomes sought, the design response is considered contextually responsive and of a high architectural standard. In summary, the proposal is considered acceptable for the following reasons:

- Medium rise and density residential development proposed, achieving MHISZ DO1, PO 1.1 and CLZ DO1, PO 1.1
- Redevelopment of existing non-residential use for residential purposes, achieving Subzone DO 2
- Building heights are appropriate in accordance with CLZ PO 2.2 and 2.3
- Setbacks appropriate in this context, where street and side boundary development are dominant in the locality. Boundary wall heights and setbacks do not unduly limit neighbours access to light and ventilation in accordance with CLZ PO 3.1-3.3 and 3.5
- Rear boundary setbacks are acceptable as visual and overshadowing impacts on neighbours are not unreasonable, achieving CLZ PO 3.4
- Built form demonstrates a compatible relationship with adjacent Local Heritage Places and will not unduly impact on their setting achieving Heritage Adjacency Overlay DO 1 and PO 1.1
- Access arrangements are appropriate, utilising a single access point from a minor road.

The proposal is not considered to be seriously at variance with the relevant provisions of the Planning and Design Code and exhibits sufficient merit to warrant the granting of Planning Consent.

## **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* (SA), 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 23009317, by Alexandra Stadtkus and Enzo Caroscio is granted Planning Consent subject to the following conditions and advices:

### **CONDITIONS**

1. **The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
    - **Plans and details prepared by Enzo Caroscio Architecture – Project No. 22009 – Drawing name/number:**
      - **Site Plan – Existing – A1.10 Rev A1, 29.03.2023**
      - **Site Plan – Demolition – A1.11 Rev A2, 14.06.2023**
      - **Site Plan – Subdivision – A1.12 Rev A2, 14.06.2023**
      - **Site Plan – Ground Floor – A1.20 Rev A2, 14.06.2023**
      - **Site Plan – Level 1 – Rev A3, 17.08.2023**
      - **Site Plan – Level 2 – Rev A4, 17.08.2023**
      - **Site Plan – Level 3 – Rev A2, 14.06.2023**
      - **Site Plan – Roof – A1.24, Rev A3**
      - **Floor Plans – Ground Floor 112a & 112b – A2.20 Rev A2, 14.06.2023**
      - **Floor Plans – Ground Floor 114 – A2.21 Rev A2, 14.06.2023**
      - **Floor Plans – Level 1 112a & 112b – A2.22 Rev A1, 29.03.2023**
      - **Floor Plans – Level 1 114 – A2.23 Rev A2, 14.06.2023**
      - **Floor Plans – Level 2 112a & 112b – A2.24 Rev A2, 14.06.2023**
      - **Floor Plans – Level 2 114 – A2.25 Rev A2, 14.06.2023**
      - **Floor Plans – Level 3 112a & 112b – A2.26 Rev A1, 29.03.2023**
      - **Floor Plans – Level 3 114 – A2.27 Rev A2, 14.06.2023**
      - **Floor Plans – Roof 112a & 112b – A2.28 Rev A3, 17.08.2023**
      - **Floor Plans – Roof 114 – A2.29 Rev A3, 17.08.2023**
      - **South Elevation – A3.00 Rev A3, 17.08.2023**
      - **East Elevation – A3.01 Rev A4, 17.08.2023**
      - **North Elevation – A3.02 Rev A4, 17.08.2023**
      - **West Elevation – A3.03, Rev A3, 17.08.2023**
      - **Streetscape Elevations – A3.04 Rev A4, 17.08.2023**
      - **Section – A3.10 Rev A4, 17.08.2023**
      - **Materials and Finishes – Page 42**
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- 2. The privacy screening as depicted on the plans granted consent described as North Elevation (A3.02) 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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- 3. Windows on the first floor on the northern shall be permanently obscured to a height of 1.6 metres above finished floor level and fixed or not capable of being opened more than 125mm.**
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- 4. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).**
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- 5. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.**
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- 6. All stormwater run-off from the development shall be collected in a system of gutters, pits and pipelines and discharged by gravity to the underground council drainage pipes within Gillies Street and/or Stephens Street in accordance with the National Construction Code, relevant Australian Standards including AS/NZS 3500.3:2021, and AS/NZS 3500.1:2021 for the on-site retention tank (including provision of safe tray) and water reuse system, and Council's City Works Guide Works Impacting City of Adelaide Assets and Urban Elements Catalogue. All downpipes affixed to the Development which are required to discharge the storm water runoff shall be installed within the property boundaries of the Land and the development designed to prevent ingress of surface flows from adjacent public land.**
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- 7. External materials, surface finishes and colours of the Development shall be consistent with the description and sample hereby granted consent and shall be to the reasonable satisfaction of the relevant authority.**
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- 8. The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Relevant Authority. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of the Relevant Authority.**
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9. 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 at the boundary. All transitions to internal levels must occur within site boundaries.
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10. 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.
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### **EPA CONDITIONS**

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

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

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

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#### **2. Appeal Rights**

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

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### **3. Commencement and Completion**

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

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### **4. Building Consent for Approval**

Development Approval will not be granted until Building Rules Consent has been obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

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### **5. Alterations to existing crossover**

There is no objection to the proposed vehicle crossing place(s)/alterations to the existing vehicle crossing place(s), however the work will be undertaken by Council and the cost of the work will be charged to the applicant. Separate application for the crossing place(s) is required and the applicant can obtain a form at Driveway crossover application <https://customer.cityofadelaide.com.au/forms/vehicle-crossing-application/>. A quotation for the work will be provided by Council prior to the work being undertaken.

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### **6. Redundant Assets**

The vehicle crossing place(s) and drainage connections to the council drainage pipes in Gilles Street and Stephens Street made redundant will be undertaken in accordance with Council's requirements including City Works Guide Works Impacting City of Adelaide Assets and Urban Elements Catalogue. A quotation for the work will be provided by Council to the applicant prior to the work being undertaken.

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### **7. Vehicle parking permits**

No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved (unless the subject site meets the relevant criteria).

Please visit <https://www.cityofadelaide.com.au/transport-parking/parking/residential-parking/> or contact the Customer Centre on 8203 7203 for further information.

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### **8. 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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## **9. EPA Advisory - Environmental Duty**

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

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