

DEVELOPMENT NO.:	23037864
APPLICANT:	Chris Diamantis
AGENDA ITEM NO:	3.1
ADDRESS:	185 Melbourne Street, North Adelaide
NATURE OF DEVELOPMENT:	Change the use of existing single storey building fronting Melbourne Street to office, demolish existing building to the rear and construct four storey residential flat building to the rear
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Business Neighbourhood Subzone: <ul style="list-style-type: none"> • Melbourne Street West Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Design • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height – 14 metres
LODGEMENT DATE:	5 March 2024
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	Version 2024.4 – consolidated 29 February 2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	PC
REFERRALS STATUTORY:	None required
REFERRALS NON-STATUTORY:	Traffic Heritage Engineering

CONTENTS:

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

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

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Jason Hughes of 21 Edith Place, North Adelaide
- Damian Marriott of 21A Edith Place, North Adelaide
- Victoria Soden of 15/19 Edith Place, North Adelaide

Applicant

- Marc Duncan of Future Urban on behalf of applicant, Chris Diamantis

1. DETAILED DESCRIPTION OF PROPOSAL

This application proposes a change of use to an existing single storey building fronting Melbourne Street to an office, construction of a carport to provide undercover parking for the proposed offices, demolition of an existing building to the rear and construction of a four storey residential flat building containing five dwellings with the following:

- ground level – lift/stairs, garage, bin/storage areas and entry area
- first level – lift/stairs, study, ensuite, shower, master bedroom and bedroom
- second level – lift/stairs, laundry, powder room and open space dining/kitchen/family area
- third level – lift/stairs, storage space, powder room, air conditioning plant and roof terrace area for outdoor living, including barbeque and solar panel array

Conservation works to the existing Local Heritage Place and demolition of an existing masonry wall at the front boundary are also proposed.

2. BACKGROUND

The applicant sought pre-lodgement advice from Council Administration prior to lodgement. The original proposal comprised a four to six storey tourist accommodation/serviced apartment building. Advice to the applicant expressed concern regarding the height, setbacks and impacts to the Local Heritage Place.

The revised proposal, to which this application relates, was subsequently lodged with no further advice from Council. Further amendments have been made since lodgement to address planning and heritage concerns and in response to representations.

3. SUBJECT LAND & LOCALITY

Subject Land

The subject site is located on the southern side of Melbourne Street, approximately 82 metres west of its intersection with Jerningham Street.

The site is currently developed with a single storey Local Heritage Place at the front and a two storey addition to the rear. The site was previously used as consulting rooms for the Cora Barclay Centre.

The site is rectilinear with a frontage to Melbourne Street of approximately 14.65 metres, side boundaries approximately 64.72 metres in length and a site area of approximately 948m².

The site is relatively level. There are two mature Jacaranda trees located in front of the existing Local Heritage Place. One Jacaranda tree is significant (listed in the Planning and Design Code) and the other is regulated (by virtue of its trunk circumference).

Locality

The locality comprises of a mix of building types, ranging from single to three building levels with differing eras of construction. There are several Local and State Heritage Places.

There is a mix of residential and non-residential land uses. Residential land uses are generally located to the south in the adjacent City Living Zone.

There is also a tourist accommodation building located to the southeast of the subject site and mix of other non-residential land uses includes medical rooms, consulting rooms, offices, shops and a hotel in the locality.

Melbourne Street is a busy thoroughfare providing access to North Adelaide and the city via Park Road and Robe Terrace to the north-east. It also serves as a key bus route to the city.

Figure 3.1 - Subject site viewed from northern side of Melbourne Street



Figure 3.2 – Existing single storey Local Heritage Place



Figure 3.3 – Existing two storey rear addition looking north



Figure 3.4 – Existing two storey rear addition looking north



Figure 3.5 – Residential development to the west of subject site



Figure 3.6 – Extent of boundary development to the south of the subject site



Figure 3.7 – View of adjacent buildings to the west including rear of 22 Edith Place



Figure 3.8 – View of existing two storey building, viewed from Edith Place



Figure 3.9 – Development in locality directly east of the subject site



Figure 3.10 – Development in locality directly west of the subject site



4. **CONSENT TYPE REQUIRED**

Planning Consent

5. **CATEGORY OF DEVELOPMENT**

PER ELEMENT:

Carport: Code Assessed - Performance Assessed

Partial demolition of a building or structure: Code Assessed - Performance Assessed

Fence: Code Assessed - Performance Assessed

Residential flat building: Code Assessed - Performance Assessed

Office (Change of use): Code Assessed - Deemed to Satisfy

Conservation works to the existing Local Heritage Place: Code Assessed - Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON:

Most elements identified (aside from the change of use to office) default to Performance Assessed due to the applicable Local Heritage Place Overlay, which precludes elements that may otherwise be Accepted or Deemed to Satisfy.

6. **PUBLIC NOTIFICATION**

REASON:

The development exceeds the maximum building height specified in Business Neighbourhood Zone DTS/DPF 3.1. Table 5 identifies residential flat buildings that are over height as not being exempt from public notification.

In addition, the proposal involves partial demolition of a Local Heritage Place. Consequently, the application was publicly notified and the following representations were received:

Table 6.1 – List of Representations		
No.	Representor Address	Request to be Heard
1	Nastasja Agerman, 29 Swallowtail Street, Mount Barker	No – support with some concerns
2	Kwan Wai Lee, 22 Edith Place, North Adelaide	No – support with some concerns
3	Jason Hughes, 21 Edith Place, North Adelaide	Yes – Opposes
4	Nick Tridente, 203 Melbourne Street, North Adelaide	No – Supports
5	Cynthia Loo, 6/74 Ward Street, North Adelaide	No – Supports
6	Stephen Hedges, 202 Melbourne Street, North Adelaide	No – Supports
7	Damian Marriott, 21A Edith Place, North Adelaide	Yes – Opposes

8	Shuk Kwan Miranda Lum, 22 Edith Place, North Adelaide	No – Support with some concerns
9	Elias Koukos, PO Box 1142, North Adelaide	No – Supports
10	MRS Property on behalf of Mount Olympus Pty Ltd, 195 Melbourne Street, North Adelaide	No – Supports
11/12	Victoria Soden, 15/19 Edith Place, North Adelaide	Yes – Opposes

Table 6.2 – Summary of Representations

Support

- Adds to range of residential options
- Sensible and considered proposal of an appropriate scale
- Significant upgrade to existing built form
- Does not detract Melbourne Street streetscape
- Maintains Local Heritage Place
- Consistent crossover to Melbourne Street
- Creates a safer environment

Oppose

- Over maximum height with associated impacts
- Does not sufficiently blend with other buildings surrounding the site
- Overshadowing including of solar panels
- Lack of green space
- Overlooking
- Tree planting sought along boundary adjacent Edith Place
- Construction impacts including dust and noise
- Structural damage with removal of trees on site near boundary

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

7. AGENCY REFERRALS

None required.

8. INTERNAL REFERRALS

Assets and Infrastructure

Initial referral comments sought clarification regarding site levels, pedestrian access and parking. Further information subsequently provided by the applicant has addressed these initial comments.

Local Heritage

The applicant has addressed previous concerns and the amended design is suited to the existing context.

The eastern boundary wall will remain, however incorporates sufficient design elements to reasonably reduce its impact.

The proposal does not unduly impact upon the presentation of the Local Heritage Place. The proposed demolition and conservation work detailed in the heritage impact statement are appropriate.

Traffic

The application was amended to ensure the length of the car park dimensions meet the relevant Australian Standard and the proposal is supported.

9. **PLANNING ASSESSMENT**

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

9.1 **Summary of Business Neighbourhood Zone Assessment Provisions**

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> A variety of housing and accommodation types and compatible employment-generating land uses in an environment characterised by primarily low-rise buildings. 		
DO 2	<ul style="list-style-type: none"> Buildings of a scale and design that complements surrounding built form, streetscapes and local character and provide for landscaping and open space. 		
Land Use and Intensity			
PO 1.1	<ul style="list-style-type: none"> Residential flat building and office envisaged. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> Office use for existing building an appropriate scale not exceeding 250m². 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	<ul style="list-style-type: none"> Reuse of existing commercial premises supporting local access to a range of services compatible with the locality. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Built Form and Character			
PO 2.1	<ul style="list-style-type: none"> Proposal does not detract from surrounding built form and local character. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> Existing landscaping to front of property with additional planting. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> Site coverage of 492m² not exceeding 60%. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Height and Setbacks			
PO 3.1	<ul style="list-style-type: none"> Maximum building height of 14 metres and 14.85 metres proposed. Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> New built form setback behind existing Local Heritage Place. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.4	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.6	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

PO 3.7	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ancillary Buildings and Structures			
PO 7.2	<ul style="list-style-type: none"> Office carport does not impede on-site functional requirements. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 7.3	<ul style="list-style-type: none"> Carport ancillary and subordinate to non-residential use. Does not exceed 80m² floor area at approximately 40m². 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.2 Summary of Melbourne Street West Subzone Assessment Provisions

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> A mixed use area accommodating low-impact employment-generating activities and a range of low to medium density housing. 		
Land Use and Intensity			
PO 1.1	<ul style="list-style-type: none"> Residential flat building and offices envisaged. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Built Form and Character			
PO 2.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> Front landscaping maintained and enhanced. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> New built form setback behind existing Local Heritage Place. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.4	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 2.5	<ul style="list-style-type: none"> No construction over public footpath. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Access and Parking			
PO 4.1	<ul style="list-style-type: none"> No additional crossover proposed. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.2	<ul style="list-style-type: none"> No change to existing. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.3	<ul style="list-style-type: none"> As above. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.3 Summary of Applicable Overlays

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

- Affordable Housing Overlay – affordable housing is not incorporated into the proposal
- Airport Building Heights (Regulated) Overlay – development does not exceed prescribed height of 153.5 metres AHD
- Design Overlay – value of the development is below \$10 million
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree Overlay – no regulated or significant trees impacted – noting that originally a significant tree was proposed to be removed but is now being retained.

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

Hazards (Flooding - Evidence Required) Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development. 		
Flood Resilience			
PO 1.1	<ul style="list-style-type: none"> Finished floor level 300mm above top of kerb of Melbourne Street. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Heritage Adjacency Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places. 		
Built Form			
PO 1.1	<ul style="list-style-type: none"> Proposal does not unduly impact upon the presentation of the Local Heritage Place and separation between the curtilage of the State Heritage Place to the east means the proposal will not dominate, encroach on or unduly impact its setting. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Local Heritage Place Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse. 		
Built Form			
PO 1.1	<ul style="list-style-type: none"> Design will maintain heritage value of Local Heritage Place. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2 & 1.3	<ul style="list-style-type: none"> Eastern boundary wall incorporates elements to reduce its impact. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> Setbacks in accordance with Local Heritage Place setting. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	<ul style="list-style-type: none"> Colours and materials sympathetic to Local Heritage Place. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.6	<ul style="list-style-type: none"> No development forward of Local Heritage Place. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.7	<ul style="list-style-type: none"> Local Heritage Place retained, including features contributing to its heritage value. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alterations and Additions			
PO 2.1	<ul style="list-style-type: none"> No alterations or additions to Local Heritage Place. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> Adaptive reuse of existing Local Heritage Place. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Ancillary Development			
PO 3.1	• Carport does not impact on Local Heritage Place.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	• Located at rear of Local Heritage Place.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Conservation Works			
PO 7.1	• Conservation works as detailed are appropriate and supported.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.4 General Development Policies

Clearance from Overhead Powerlines

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.		
PO 1.1	• Declaration provided under Clause 6(1) of Schedule 8 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Design in Urban Areas

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Development is contextual, durable, inclusive and sustainable.		
All Development			
External Appearance			
PO 1.1	• Building not located on street frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	• Not relevant as built behind existing Local Heritage Place.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	• No frontage to primary street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.4	• Air conditioning plant adequately screened.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	• Waste storage screened from public view.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Safety			
PO 2.1	• As setback from frontage, minimal opportunities for passive surveillance of public realm.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 2.2	• Communal and private areas adequately defined.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	• Safe access from parking areas provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.4	• Not at street level.		
PO 2.5	• Existing building to house offices will result in passive surveillance of Melbourne Street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Landscaping			
PO 3.1	<ul style="list-style-type: none"> Landscaping at front of site maintained. Minimal landscaping at rear of development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Performance			
PO 4.1	<ul style="list-style-type: none"> Site and design results in dwellings facing west. Access to natural sunlight and ventilation for each dwelling. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.2	<ul style="list-style-type: none"> Access to light and ventilation. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.3	<ul style="list-style-type: none"> Proposal incorporates climate responsive features such as window reveals, ground level landscaping, landscaping to, second and third levels and photovoltaic cells. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water Sensitive Design			
PO 5.1	<ul style="list-style-type: none"> No negative impact on ground water quality and quantity. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Car Parking Appearance			
PO 7.1	<ul style="list-style-type: none"> Parking does not face street. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 7.2	<ul style="list-style-type: none"> Driveway area has some landscaping. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 7.3	<ul style="list-style-type: none"> Safe access from parking to development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 7.4	<ul style="list-style-type: none"> Parking area adequately sheltered. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 7.5	<ul style="list-style-type: none"> Not facing street. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 7.6	<ul style="list-style-type: none"> Some landscaping incorporated into driveway. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 7.7	<ul style="list-style-type: none"> Permeable paving within common drive. 	<input type="checkbox"/>	<input type="checkbox"/>
Fences and Walls			
PO 9.1	<ul style="list-style-type: none"> Fence sufficient height to maintain privacy. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 9.2	<ul style="list-style-type: none"> Landscaping included on common driveway adjacent existing retaining wall. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site Facilities / Waste Storage (excluding low rise residential development)			
PO 11.1	<ul style="list-style-type: none"> Each dwelling has a dedicated waste area. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All Development – Medium and High Rise			
External Appearance			
PO 12.1	<ul style="list-style-type: none"> Medium rise sufficiently contributing to character of local area. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.2	<ul style="list-style-type: none"> Not at street level. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.3	<ul style="list-style-type: none"> Mass reduced through elevations being broken into distinct elements. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.4	<ul style="list-style-type: none"> Boundary wall not highly visible from public realm. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.5	<ul style="list-style-type: none"> Materials include painted brick, Sculptform cladding, concrete off-form finish, render. Materials appropriate as durable. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.6	<ul style="list-style-type: none"> No street facing elevations. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.7	<ul style="list-style-type: none"> Entries located off main street and adjacent driveway. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PO 12.8	<ul style="list-style-type: none"> Plant and mechanical equipment adequately screened 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscaping			
PO 13.1	<ul style="list-style-type: none"> Existing landscaping to front of site to remain. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 13.2	<ul style="list-style-type: none"> No deep soil zones. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 13.3	<ul style="list-style-type: none"> No deep soil zones. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 13.4	<ul style="list-style-type: none"> Refer to Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental			
PO 14.1	<ul style="list-style-type: none"> No unreasonable impacts on adjacent land and buildings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 14.2	<ul style="list-style-type: none"> Development incorporates sustainable design techniques and features such as shading reveal structures to western windows, photovoltaic cells. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Overlooking/Visual Privacy			
PO 16.1	<ul style="list-style-type: none"> Applicant has demonstrated no direct overlooking. Mitigation techniques such as obscure glazing, planter balustrading and recesses for planters. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All Residential Development			
Front elevations and passive surveillance			
PO 17.1	<ul style="list-style-type: none"> No street frontage. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 17.2	<ul style="list-style-type: none"> Access is via driveway. Entrance canopies to each dwelling signify entry points. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Outlook and Amenity			
PO 18.1	<ul style="list-style-type: none"> External outlook for each dwelling. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 18.2	<ul style="list-style-type: none"> No communal creation area etc. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Residential Development - Medium and High Rise (including serviced apartments)			
Outlook and Visual Privacy			
PO 26.1	<ul style="list-style-type: none"> No ground level dwellings. Each dwelling has parking and utility uses at ground. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 26.2	<ul style="list-style-type: none"> As above. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Private Open Space			
PO 27.1	<ul style="list-style-type: none"> Two bedroom in residential flat building should provide 11m² with minimum dimension of 2.4 metres. Roof terraces will have areas of 40m². 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Residential amenity in multi-level buildings			
PO 28.1	<ul style="list-style-type: none"> Appropriately separated to allow privacy and access to light and ventilation. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.4	<ul style="list-style-type: none"> 10m³ required. Adequate storage available. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.6	<ul style="list-style-type: none"> Depth and construction of wall will provide adequate protection from noise intrusions. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PO 28.7	<ul style="list-style-type: none"> Internal configuration of space useable. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Group Dwellings, Residential Flat Buildings and Battle axe Development			
Amenity			
PO 31.1	<ul style="list-style-type: none"> Two bedroom dwellings should have a minimum internal floor area of 65m². All five dwellings exceed minimum. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 31.2	<ul style="list-style-type: none"> Impacts on amenity, outlook and privacy of occupants and neighbours appropriate. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 31.3	<ul style="list-style-type: none"> No dwellings face public open space or public streets due to site orientation and dimensions. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Car parking, access and manoeuvrability			
PO 33.1	<ul style="list-style-type: none"> No impact to on-street parking arrangements. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 33.2	<ul style="list-style-type: none"> Utilising existing crossover. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 33.3	<ul style="list-style-type: none"> Existing driveway adjacent Local Heritage Place is two metres wide, short of the three metre requirement. The common driveway will be 5.2 metres adjacent the residential flat building providing sufficient room for vehicle manoeuvring. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 33.4	<ul style="list-style-type: none"> Appropriate access to enter and exit in a safe manner. Turntable incorporated for southern residence. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 33.5	<ul style="list-style-type: none"> Sufficient distance from entry doors to common driveway to ensure safe exit for occupants. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Soft Landscaping			
PO 34.1	<ul style="list-style-type: none"> Some landscaping incorporated to common driveway. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 34.2	<ul style="list-style-type: none"> Common driveway permeable. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site Facilities/Waste Storage			
PO 35.1	<ul style="list-style-type: none"> Mailboxes located at entrance to driveway. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 35.2	<ul style="list-style-type: none"> Adequate space for clothes drying on roof terraces. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 35.3	<ul style="list-style-type: none"> Waste areas are located at ground away from habitable rooms. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water Sensitive Urban Design			
PO 36.1	<ul style="list-style-type: none"> Existing common driveway comprising brick pavement and gravel replaced with permeable driveway with cobblestone edging. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 36.2	<ul style="list-style-type: none"> Stormwater discharged from residential flat building via common driveway. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Interface between Land Uses

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development located and designed to mitigate adverse effects on or from neighbouring and proximate land uses. 		
General Land Use Compatibility			
PO 1.1	<ul style="list-style-type: none"> Residential flat building will not be impacted by surrounding lawful uses or new office. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> Office considered a compatible land use. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Overshadowing			
PO 3.1	<ul style="list-style-type: none"> Shadow diagrams indicate adjoining properties receive the requisite three hours of sunlight between 9am and 3pm on 21 June. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> Private open space of adjoining properties not impacted by proposal. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> Will not unduly reduce the generating capacity of adjacent rooftop solar energy facilities. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Site Contamination

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination. 		
PO 1.1	<ul style="list-style-type: none"> Declaration provided. PSI indicates a potentially contaminating activity not known to have occurred on subject site. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Transport, Access and Parking

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users. 		
Movement Systems			
PO 1.1	<ul style="list-style-type: none"> Will not impact existing transport system. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2, 1.3	<ul style="list-style-type: none"> Will not result in commercial or industrial vehicle movements. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> Vehicle manoeuvring on site. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sightlines			
PO 2.1 & 2.2	<ul style="list-style-type: none"> No impact on sightlines. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicle Access			
PO 3.1 – 3.9	<ul style="list-style-type: none"> Existing crossover to Melbourne Street maintained. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Access for People with Disabilities			
PO 4.1	<ul style="list-style-type: none"> Adequate access. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicle Parking Rates			
PO 5.1	<ul style="list-style-type: none"> No minimum rate prescribed. Two parking spaces provided for the office and two spaces per dwelling. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicle Parking Areas			
PO 6.1	<ul style="list-style-type: none"> No impact upon public roads. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 6.2	<ul style="list-style-type: none"> Appropriately located. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 6.3	<ul style="list-style-type: none"> Office parking at rear can be utilised as visitor parking when office closed. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 6.4	<ul style="list-style-type: none"> Safe access from office parking spaces to office use. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bicycle Parking in Designated Areas			
PO 9.1	<ul style="list-style-type: none"> Two for every dwelling over 150m² should be provided. Whilst not indicated on plans there is adequate space in each dwelling for the storage of bicycles. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 9.2	<ul style="list-style-type: none"> Secure bicycle parking can be achieved. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.5 Detailed Discussion

Land Use

The proposed residential and office land uses are envisaged in the Melbourne Street West Subzone of the Business Neighbourhood Zone. The scale of the office use meets DTS/DPF 3.1 which states shops, offices and consulting rooms should not exceed 250m² in gross leasable floor area.

Built Form and Character

Height

The subject site is located within the Melbourne Street West Subzone of the Business Neighbourhood Zone, where buildings are to be of a scale and design complementing surrounding built form, streetscapes and the local character. Zone DTS/DPF 3.1 prescribes a maximum building height of 14 metres, which equates to roughly four to five building levels. This conflicts with the corresponding PO, which seeks *buildings generally of low-rise construction, with taller buildings positioned towards the centre of the zone and away from any adjoining neighbourhood-type zone to positively contribute to the built form character of the locality.*

The proposed building has a maximum height of 14.85 metres, exceeding Zone DPF 3.1 by 850mm. Only a portion of the development will be at this height, with taller built form sited on the eastern boundary and a section of the northern façade. The majority of the built form will have a height of 13.05 metres, providing a more orderly transition to adjacent built form and to the street.

The proposal is considered to appropriately respond to the prevailing context, with taller built form sited towards non-residential uses and away from Melbourne Street. The substantial setback from Melbourne Street achieves Zone PO 3.1 and minimises dominance over the Local Heritage Place. Whilst not as tall as the proposed residential flat building, there are other buildings of a larger, more imposing scale in the locality and therefore the proposal will not appear incongruent. It is noted catalyst site provisions also apply in the Subzone, whereby taller built form is contemplated for sites exceeding 1,500m². Adjacent sites to the east at 183 Melbourne Street and 161-175 Melbourne Street (Lion Hotel) have site areas of approximately 1,800m² and 3,200m² respectively.

Setbacks

The proposal will be setback behind the existing Local Heritage Place which is aligned towards its eastern boundary. The existing driveway runs along the western boundary and the existing building has a large extent of built form on the eastern boundary. The proposal will increase this by a length of approximately 12 metres and a further two building levels. There is also a two level, 10.37 metre portion of wall located on the southern boundary. No built form is proposed on the western boundary apart from a 2.5 metre high fence.

The Code recommends setbacks for the purpose of ensuring streetscape patterns are preserved, so established character is complemented, there are opportunities to incorporate landscaping and to ensure adequate access to sunlight and ventilation to adjoining sites. Zone DPF/DTS 3.4 states:

Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:

- a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height*
- b) side boundary walls do not:*
 - i. exceed 3.2m in height from the lower of the natural or finished ground level*
 - ii. exceed 11.5m in length*
 - iii. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary*
 - iv. encroach within 3m of any other existing or proposed boundary walls on the subject land.*

Zone PO 3.4 is of most relevance and seeks walls on boundaries to be limited in height and length to manage visual and overshadowing impacts on adjacent residential properties. These impacts are appropriately managed by the proposal.

Subzone PO 2.1 seeks buildings setback from side boundaries to complement the pattern of development and Subzone PO 2.4 seeks development setback from the boundary of an adjacent zone to maintain residential amenity.

The proposal does not achieve several setback provisions. Whilst not ideal, the extent of boundary development is considered acceptable for the following reasons:

- there is a large extent of existing development located on the eastern boundary of the site and the majority of this boundary adjoins a commercial property
- the development on the southern boundary is adjacent an existing two level boundary wall on the neighbouring site
- the locality includes other buildings located on or near boundaries
- visual and overshadowing impacts on adjoining residential properties (in the City Living Zone to the rear) are adequately managed

- visual and overshadowing impacts on adjacent residential properties to the west (in the Business Neighbourhood Zone) are minimised by siting the residential flat building on the eastern boundary
- the established character is not diminished by the extent of boundary development
- the siting is respectful of the existing Local Heritage Place on the site

Landscaping

Landscaping to property frontages forms part of the character of development fronting Melbourne Street. PO 2.2 of both the Zone and Subzone seek attractive landscaping to the Melbourne Street and/or primary street frontage. DTS/DPF 2.2 of the Subzone seeks a landscape strip at least 2.3 metres wide on the Melbourne Street frontage. For medium and high rise development, PO 13.1 seeks a well landscaped area facing the street. The proposal maintains an existing 11.8 metre wide landscaped area to the front of the site. This area is approximately 7.9 metres deep and incorporates two mature Jacaranda trees, as well as proposing additional landscaping.

Unless separated by a public road or reserve, development sites adjacent to any zone that has a primary purpose of accommodating low-rise residential development should incorporate a deep soil zone along the common boundary to enable medium to large trees to be retained or established to assist in screening new buildings of three or more building levels.

Zone PO 3.7 seeks a setback from the rear boundary to allow space for landscaping. For residential flat buildings, PO 34.1 in Design in Urban Areas seeks soft landscaping between dwellings and common driveways to improve the outlook for occupants and appearance of common driveways.

A strip of landscaping is proposed along the common driveway as sought by Design in Urban Areas PO 34.1. Whilst there is no setback for a portion of the southern boundary, a small strip of landscaping is proposed where there is no built form.

Residential Amenity

Design in Urban Areas PO 27.1 seeks dwellings be provided with suitably sized areas of usable private open space to meet the need of occupants. DTS/DPF 27.1 seeks a minimum area of 15m² (with a minimum dimension of 2.6 metres). Roof terraces will be approximately 40m² and provide sufficient space for an undercover barbeque and alfresco area.

Each dwelling has sufficient space for storage in accordance with PO 28.4. The dwellings are also designed to minimise sound transmission in accordance with PO 28.6. A three bedroom dwelling should have a minimum internal floor space of 80m². With internal floor areas of between 193m² and 199m², each dwelling achieves the recommended minimum.

Regarding overlooking and visual privacy for Medium and High-Rise development PO 16.1 seeks:

Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:

- appropriate site layout and building orientation*
- off-setting the location of balconies and windows of habitable rooms or areas with those of other buildings so that views are oblique rather than direct to avoid direct line of sight*
- building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms*
- screening devices that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.*

The applicant has included measures to mitigate potential overlooking, including obscured glazing to selected windows, planter/balustrading on level two and planters on the roof terraces. These techniques will reduce the potential for direct overlooking and are supported by sightline studies.

A reserved matter has been recommended to ensure landscaping is subject to further consideration during the detailed design stage to ensure plantings will adequately restrict views into proximate private open space areas.

Overshadowing objectives in Interface Between Land Uses PO 3.1 – 3.2 relate to adjacent residential land uses only. The property directly to the south is used for tourist accommodation. Overshadowing diagrams illustrate there will be additional shadowing at midday, affecting the dwelling to the west. Whilst the shadowing is acknowledged, it is not considered unreasonable in this context. Similar shadowing impact would be seen for a low scale development, with a reduced side setback than that proposed.

PO 3.3 relates to the impact on the generating capacity of adjacent rooftop solar energy. Whilst there will be an increase in overshadowing of the solar panels on the roof of the tourist accommodation to the south, it is considered acceptable given the form of development contemplated in the zone and the degree to which the panels are already shadowed by existing development.

Seriously at Variance

The application is not considered to be seriously at variance with the relevant provisions of the Planning and Design Code as the Business Neighbourhood Zone envisages medium rise residential flat buildings as being appropriate in the zone.

10. CONCLUSION

This proposal seeks to change the use of the existing single storey building fronting Melbourne Street to office, demolish the existing two storey building to the rear and construct a four storey residential flat building to the rear. The proposal is considered to achieve relevant provisions of the Planning and Design Code as follows:

- the scale, form and siting are considered appropriate in context of the locality
- will not negatively impact upon the setting of the Local Heritage Place
- incorporates high quality materials and finishes that will be durable
- residential amenity will be high with good access to light and ventilation
- achieves required minimum private open space areas
- maintains privacy of adjoining properties protected through various mitigation techniques

It is acknowledged the proposal does not achieve all relevant provisions, however it is considered to warrant support for the following reasons:

- only a portion of the residential flat building exceeds the maximum height by 850mm, this section is limited to the east boundary which abuts non-residential development
- boundary walling is largely concentrated to the east boundary, which abuts a non-residential use and provides greater separation to the low rise dwellings to the west of the subject site
- amenity impacts are reasonable given the prevailing land use and built form context on balance with the scale of development contemplated in the zone/subzone

The proposal is considered to exhibit sufficient merit to warrant the granting of Planning Consent.

11. RECOMMENDATION

It is recommended the Council Assessment Panel resolve that:

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

It is recommended the Council Assessment Panel resolve that:

2. Development Application Number 23037864, by Chris Diamantis is granted Planning Consent subject to the following reserved matter, conditions and advices:

RESERVED MATTER

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

- Landscape plan providing further details of plant species for screening at level 2 and the roof terraces to ensure views into adjacent properties will be adequately mitigated in accordance with the sightline sections

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 drafted by Genworth Group, job no. R0093, drawing nos. SK01 to SK14 inclusive dated 27/6/2024

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2. First floor windows facing the side or rear boundaries shared with a residential use or lawfully approved residential use shall be permanently obscured to a height of 1.5 metres above finished floor level and be fixed or not capable of being opened more than 125mm.

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3. 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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4. The privacy screening and measures depicted on the plans granted consent 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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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.

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).

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 planning@cityofadelaide.com.au or phone 8203 7185.

4. Boundaries

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

5. Building Site Management Plan

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

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

6. Residential 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 vehiclepermits@cityofadelaide.com.au for further information.

7. 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.

8. Residential 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.
