

DEVELOPMENT NO.:	24020254
APPLICANT:	Ormond Nominees Pty Ltd
AGENDA ITEM NO:	3.1
ADDRESS:	75-76 South Terrace, Adelaide
NATURE OF DEVELOPMENT:	Construction of an 11 level residential flat building
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Capital City <p>Sub Zones:</p> <ul style="list-style-type: none"> • City Frame <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (All structures over 70 metres AHD) • Affordable Housing • Building Near Airfields • Design • Hazards (Flooding - Evidence Required) • Noise and Air Emissions • Prescribed Wells Area • Regulated and Significant Tree <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 36m)
LODGEMENT DATE:	15 July 2024
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	Version 2024.12 – Consolidated 4 July 2024
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	SB
REFERRALS STATUTORY:	The Secretary of the relevant Commonwealth Department responsible for administering the Airports Act 1996 (Adelaide Airport)
REFERRALS NON-STATUTORY:	Waste Infrastructure Arboriculture

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Representations
ATTACHMENT 2:	Subject Land & 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

- Joanne Roomes of 469 Morphett Street, Adelaide
- Craig McCarthy of PO Box 6118 Halifax Street, Adelaide
- Jeffrey Collins of 17 Halls Place, Adelaide
- Susan Collins on behalf of Community Corp 20242, 17 Halls Place, Adelaide
- Andrew Cannon of 30-32 Halls Place, Adelaide
- Aaron Malcolm Gray of PO Box 7236 Hutt Street, Adelaide

Applicant

- Simon Grose of Advantage Planning on behalf of the applicant, Ormond Nominees Pty Ltd

1. DETAILED DESCRIPTION OF PROPOSAL

The application proposes the construction of an 11 level residential flat building.

The ground level is comprised of a lobby and common room, lift, storage units, bicycle parking, bin storage area and services.

Levels one through ten comprise a mix of single and double storey apartments.

The roof comprises a communal rooftop terrace with landscaping, plant equipment and services with associated screening.

A total of fifteen apartments are proposed comprising ten, two-bedroom apartments and five, three-bedroom apartments.

The building proposes a maximum building height of 42 metres.

Various materials will be used, including glass windows and balustrades to the front and rear elevations, and concrete precast panels and aluminium cladding to the eastern and western elevations.

2. BACKGROUND

The site once formed part of a larger site which included 73-76 South Terrace and 11-15 Halls Place. In April 2003, Development Approval was granted under DA/980/2002 for the demolition of existing office building and the construction of eleven, three storey dwellings. The application was staged to include demolition, and this was undertaken in 2003, however, the construction was not completed.

In 2003, DA was granted to construct five three storey dwellings fronting South Terrace and three, two storey dwellings fronting Halls Place under DA/1020/2003 (with associated variations). All development associated with this application was completed apart from 75 and 76 South Terrace, the subject site, which has remained vacant.

Several other development applications have been made for the site between 2006 and 2017, none of which have been enacted.

Recently, Council's Assessment Panel refused to grant planning consent to development application 22034970 at its 26 June 2023 meeting for the construction of a 12 level mixed use building comprising offices at ground and level one, dwellings on levels two to twelve and a rooftop terrace. This refusal was appealed to the Environment, Resources and Development Court but was eventually withdrawn as a new application (DA 23036522) for the construction of a 10 level (below maximum building height) residential flat building was subsequently granted planning consent by the Council's Assessment Manager on 21 December 2023.

3. SUBJECT LAND & LOCALITY

Subject Land

The site comprises two allotments, formally known as Allotments 5 and 6 in Deposited Plan 69382, contained in Certificates of Title Volume 5956, Folio 772 and Volume 5956, Folio 773 respectively.

Several easements exist to the rear of the site relating to rights of way and services.

The subject site comprises a frontage to South Terrace of 11.1 metres and a total site area of 338m². Access is obtained via the right of way to the rear of the site.

The site is currently vacant and devoid of any vegetation, however, a small regulated tree is located on the South Terrace footpath adjacent the site frontage.

Locality

The locality is mixed in nature being predominantly residential with small scale shops and offices interspersed along South Terrace and Morphett Street.

The Adelaide Park Lands form a notable landmark in the locality, providing a large, landscaped area to the south.

Buildings in the locality vary in height. Buildings of two and three storeys front South Terrace and Morphett Street, with a few notable buildings up to seven storeys. Buildings of one to three storeys in height predominate in surrounding laneways. The locality is in transition as medium to high-rise development continues to be introduced.

Site areas are typically small, with setbacks also typically small to the front and sides. Boundary to boundary builds contribute to a strong medium density character along the northern side of South Terrace.

The locality has a moderate level of amenity which is positively impacted by the natural backdrop of the Park Lands but is compromised by the width and traffic generated by South Terrace and Morphett Street.

Figure 3.1 – Subject site looking north from South Terrace



Figure 3.2 – Subject site looking north from South Terrace



Figure 3.3 – Looking east along South Terrace



Figure 3.4 – Looking west along South Terrace



Figure 3.5 – Looking west along rear laneway



Figure 3.6 – Looking north towards Halls Place



Figure 3.7 – Looking south towards subject site from the rear laneway



4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

PER ELEMENT:

Residential flat building: Code Assessed - Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON:

Residential flat building is listed in Table 3 of the Capital City Zone and therefore has a performance assessed pathway.

6. PUBLIC NOTIFICATION

REASON:

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

Table 6.1 – List of Representations		
No.	Representor Address	Request to be Heard
1	Patrick & Jennifer Opie, 11 Halls Place, Adelaide	No - Opposes
2	Darren White, 73A South Terrace, Adelaide	No – Supports with some concerns
3	Joanne & Mark Roomes, 469 Morphett Street, Adelaide	Yes - Opposes
4	Jack Holmes, 13 Todd Place, Adelaide	No - Supports
5	Kathleen Muirhead Kern, 285 Gilbert Street, Adelaide	No - Opposes
6	Craig Douglas McCarthy, PO Box 6118 Halifax Street, Adelaide	Yes - Opposes
7	Jeffrey & Susan Collins, 17 Halls Place, Adelaide	Yes - Opposes
8	Ishani Kaluthotage, 71 South Terrace, Adelaide	No - Opposes
9	Thomas Ladewig, 29 Halls Place, Adelaide	No - Opposes
10	Sarah Ladewig-Jones, 29 Halls Place, Adelaide	No - Opposes
11	Marjon Martin, 14A Weil Street, Adelaide	No - Opposes
12	Community Corp 20242, 17 Halls Place, Adelaide	Yes - Opposes
13	Aaron Drogemuller, 73 South Terrace, Adelaide	No – Supports with some concerns
14	Andrew Cannon, 30-32 Halls Place, Adelaide	Yes - Opposes
15	Bob Huxtable, 35 Halls Place, Adelaide	No - Opposes
16	Aaron Malcolm Gray, PO Box 7236 Hutt Street, Adelaide	Yes - Opposes

Note: Submission 17 was marked as invalid as it was a duplicate.

Table 6.2 – Summary of Representations	
<p><u>Support</u></p> <ul style="list-style-type: none"> • Appropriate bulk and scale • Materials and design <p><u>Oppose</u></p> <ul style="list-style-type: none"> • Height, bulk and scale • Overshadowing • Construction impacts including traffic, parking and crane placement • Bin collection from Halls Place • No off-street car parking • Impact to streetscape character • Access for fire trucks • Overlooking from balconies • Domestic noise • Building sustainability and impact on biodiversity • Use for short-term rental • Encroachment of balconies onto rear laneway • Impact to TV, mobile and WI-FI signals 	

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

7. **AGENCY REFERRALS**

The Secretary of the relevant Commonwealth Department responsible for administering the Airports Act 1996 (Adelaide Airport)

- Response not received within the timeframe prescribed by the Regulations. Pursuant to Section 122(1)(b) of the Act it is presumed the agency does not desire to make a response.

8. **INTERNAL REFERRALS**

Waste

- Requirements of Council waste collection service have been met as there is on-site capacity to store a weeks' worth of waste and collection can be safely undertaken by Council's contractors without impact to safety or access.

Infrastructure

- Finished floor levels do not satisfy requirements of the Hazards (Flooding – Evidence Required) Overlay and should be raised.
- Stormwater drainage details including proposed point of connection to Council drainage system is required.
- Ramp from South Terrace entrance required considering difference in levels.
- Offset between encroaching front canopy over footpath and light pole on South Terrace is supported given under canopy lighting is proposed.
- Under canopy lighting to meet Council's lighting standards.

Arboriculture

- A one metre offset between street tree trunk and canopy over footpath unlikely to significantly impact on street tree directly adjacent the site on South Terrace.
- No impact to regulated street tree on South Terrace adjacent 77 South Terrace.

9. PLANNING ASSESSMENT

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

9.1 Summary of City Living Zone Assessment Provisions

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> A zone that is the economic and cultural focus of the state supporting a range of residential, employment, community, educational, innovation, recreational, tourism and entertainment facilities generating opportunities for population and employment growth. 		
DO 2	<ul style="list-style-type: none"> High intensity and large scale development with high street walls reinforcing the distinctive grid pattern layout of the city with active non-residential ground level uses to positively contribute to public safety, inclusivity and vibrancy. Design quality of buildings and public spaces is a priority in this zone. 		
Land Use			
PO 1.1	<ul style="list-style-type: none"> Residential flat building envisaged land use. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Activation			
PO 2.1	<ul style="list-style-type: none"> Non-residential uses not proposed. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> Ground floor façade comprises high percentage of glass to allow visual permeability, with front door easily identifiable. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Built Form and Character			
PO 3.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.4	<ul style="list-style-type: none"> Positively contributes to a continuous built form to frame Park Lands and city edge. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.6	<ul style="list-style-type: none"> Constructed boundary to boundary to avoid a gap in built form along a public road. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.13	<ul style="list-style-type: none"> Ground floor does not have a minimum floor to ceiling height of 3.5 metres. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Building Height			
PO 4.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 4.2	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.3	<ul style="list-style-type: none"> Achieves the minimum building height of 4 levels and 15 metres. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Movement			
PO 6.1	<ul style="list-style-type: none"> Building accessible from the footpath. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Realm			
PO 10.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.2 Summary of City Frame Subzone Assessment Provisions

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Primarily medium to high-rise residential development supported by a mix of ground level shops, personal services, restaurants and community and hospitality uses, to create an active and visually continuous edge to the Adelaide Park Lands Zone. 		
Land Use			
PO 1.1	<ul style="list-style-type: none"> Residential flat building is an envisaged land use. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Design and Appearance			
PO 2.1	<ul style="list-style-type: none"> Encourages a uniform streetscape. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> Ground floor primary frontage provides 76% visually permeable/clear glazed street frontage. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.3 Summary of Applicable Overlays

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

- Affordable Housing Overlay – no affordable housing and less than 20 dwellings
- Building Near Airfields Overlay – not located near airfield
- Design Overlay – value of the development does not exceed \$10 million
- Noise and Air Emissions Overlay – sensitive receivers do not adjoin a Type A, B or R road, or a train or tram corridor
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree – no trees affected

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

Airport Building Heights (Regulated) Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites. 		
Built Form			
PO 1.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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 is at >300mm above the highest top of kerb level at the primary street frontage. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.4 General Development Policies

The following General Development Policies are relevant to the assessment:

Clearance from Overhead Powerlines

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines. 		
PO 1.1	<ul style="list-style-type: none"> Declaration provided for the purposes of the <i>Electricity Act 1996</i>. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Design in Urban Areas

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development is contextual, durable, inclusive and sustainable. 		
All Development			
External Appearance			
PO 1.2	<ul style="list-style-type: none"> Canopy provided over footpath. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	<ul style="list-style-type: none"> Building identifiable from streetscape. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> Plant and mechanical equipment screened on rooftop and away from public roads and spaces. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	<ul style="list-style-type: none"> Waste storage area located inside building and screened. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Safety			
PO 2.1	<ul style="list-style-type: none"> Glass façade at ground level and upper level balconies provides for passive surveillance of the public realm. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> Front glass façade and entrance door differentiates public and private areas. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> Front access door readily identifiable for safe and direct access from South Terrace frontage. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PO 2.4 & 2.5	<ul style="list-style-type: none"> Front glass façade with communal meeting/waiting room and lobby provides for passive surveillance opportunities. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscaping			
PO 3.1	<ul style="list-style-type: none"> No soft landscaping or tree planting. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Performance			
PO 4.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.2	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.3	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site Facilities/Waste Storage (excluding low-rise development)			
PO 11.1	<ul style="list-style-type: none"> On-site waste storage area provided. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 11.2	<ul style="list-style-type: none"> Communal waste storage area screened from public view. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 11.3	<ul style="list-style-type: none"> Communal waste storage area located away from habitable rooms and able to be ventilated. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All Development – Medium and High-rise			
External Appearance			
PO 12.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 12.2	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.3	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.4	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.5	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 12.6	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.7	<ul style="list-style-type: none"> Entrance door oriented towards street, located close to lift, with canopy providing shelter and façade built to the front boundary eliminating creation of entrapment area. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.8	<ul style="list-style-type: none"> Plant and mechanical equipment located on roof and screened from public view. Gas and water meter located to the rear and not visible from public view. Fire hydrant and booster cabinet located to front elevation. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscaping			
PO 13.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental			
PO 14.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 14.2	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 14.3	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Overlooking/Visual Privacy			
PO 16.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

All Residential Development			
Outlook and Amenity			
PO 18.1	<ul style="list-style-type: none"> Living rooms incorporate windows with an external outlook to the Park Lands. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 18.2	<ul style="list-style-type: none"> Bedrooms separated from communal recreation and access areas to mitigate noise and light intrusion. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Residential Development – Medium and High-rise			
Private Open Space			
PO 27.1	<ul style="list-style-type: none"> Suitable sized areas of private open space provided. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Residential amenity in multi-level buildings			
PO 28.1	<ul style="list-style-type: none"> Habitable rooms and balconies of dwellings are adequately separated from other dwellings in the building to allow for visual and acoustic privacy. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.2	<ul style="list-style-type: none"> Balconies provide green walls and partially shaded by levels above to maximise comfort, provide visual privacy and will allow casual surveillance of the street. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.3	<ul style="list-style-type: none"> Balconies open directly from habitable rooms and front balconies of each apartment promote indoor/outdoor living. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.4	<ul style="list-style-type: none"> Storage units provided for two bedroom apartments. Three bedroom apartments have storage internally and larger floor area to allow for greater storage. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.6	<ul style="list-style-type: none"> All bedrooms located to north and not abutting living rooms or activity areas of adjacent dwellings to protect from noise. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.7	<ul style="list-style-type: none"> Dwelling layouts useable and not constrained by structural elements of the building. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dwelling Configuration			
PO 29.1	<ul style="list-style-type: none"> Dwelling diversity provided, however no studio or one bedroom dwellings. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Group Dwellings, Residential Flat Buildings and Battle axe Development			
Amenity			
PO 31.1	<ul style="list-style-type: none"> Floor areas suitable to provide a high standard of amenity. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 31.2	<ul style="list-style-type: none"> North-south orientation and Park Lands frontage will not result in unreasonable overshadowing. Direct overlooking mitigated. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 31.3	<ul style="list-style-type: none"> Dwellings facing public open space maximised as all dwellings have outlook to the Park Lands. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Communal Open Space			
PO 32.1	<ul style="list-style-type: none"> Communal open space provided to roof terrace to supplement private open space of each dwelling. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 32.2	<ul style="list-style-type: none"> Suitable size and dimension to cater for use by residents. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 32.3	<ul style="list-style-type: none"> Located to roof and accessible by all dwellings. Located to front of building towards Park Lands to provide acoustic privacy. Screened to edges and mechanical plant equipment for safety. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 32.4	<ul style="list-style-type: none"> Provides landscaping and features to encourage use. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PO 32.5	<ul style="list-style-type: none"> Overlooking into private open space and habitable rooms of other dwellings prevented due to the siting and screening. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site Facilities/Waste Storage			
PO 35.1	<ul style="list-style-type: none"> Mailbox facilities provided at front of building close to entrance. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 35.2	<ul style="list-style-type: none"> Balconies large enough for discreet clothes drying. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 35.3	<ul style="list-style-type: none"> Waste storage area provided with access to all dwellings and screened from public view. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 35.4	<ul style="list-style-type: none"> Waste storage area located on ground floor away from dwellings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 35.6	<ul style="list-style-type: none"> Gas and water meters are located to rear of the building and screened from public view. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Infrastructure and Renewable Energy Facilities

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity. 		
PO 11.2	<ul style="list-style-type: none"> Dwellings connected to mains water. 	<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"> Sensitive receivers (dwellings) compatible with surrounding residential and small scale commercial land uses. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Overshadowing			
PO 3.1	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> Refer Section 9.5. 	<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 proposed use in circumstances where it is, or may have been, subject to site contamination. 		
PO 1.1	<ul style="list-style-type: none"> The allotments were created for residential purposes. 	<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. 		
Bicycle Parking in Designated Areas			
PO 9.1	<ul style="list-style-type: none"> Adequate provision of bicycle parks with a minimum of 22 spaces achieved. 	☑	☐
PO 9.2	<ul style="list-style-type: none"> Bicycle parking accessible from main lobby and has secure access. 	☑	☐

9.5 Detailed Discussion

Land Use

The Capital City Zone is a mixed use zone encouraging a range of land uses including high intensity and large scale residential development. The City Frame Subzone envisages primarily medium and high-rise residential development creating an active and visually continuous edge to the Adelaide Park Lands. The proposed high-rise residential flat building is therefore an appropriate land use and scale of development for the site, satisfying Capital City Zone PO 1.1 and City Frame Subzone PO 1.1.

Design and Appearance

Both the Capital City Zone and Design in Urban Areas module of the Planning and Design Code comprise provisions to ensure buildings appropriately recognise and respond to their context and exhibit a high standard of design.

The building is located to the boundary at ground, however it will be setback from level two and above, with only the front balconies protruding forward of the building facade. An additional front setback is also proposed from level nine up, with the roof terrace setback 3 metres from the front boundary. When combined with the change in eastern and western façade materials from concrete precast panels (ground level to level 8) to aluminium cladding (levels 9 and 10), the proposal attempts to reduce visual mass by breaking up building elevations into distinct elements. The eastern and western side boundary walls will be visible from South Terrace given the height of the building compared to the surrounding low to medium rise context. However, the change in materials increases visual interest and breaks up what could be large, blank elevations. Design in Urban Areas PO 12.3 and 12.4 are considered achieved.

The side walls will comprise concrete precast panels with a fine white quartz aggregate finish. The upper portion of these walls will comprise colour treated aluminium cladding in a dark grey tone. Specific information has not been provided regarding these materials, although typically they have a long-life span provided appropriate maintenance occurs. A reserved matter is recommended to clarify further details regarding chosen external materials and finishes should consent be granted. On balance, Design in Urban Areas PO 12.5 is achieved.

The design and materials will exhibit a vertical composition, especially when viewed from a distance. The front façade is strongly modelled through extensive glazing and balcony placements which add visual interest. At street level, the aluminium cladding and precast concrete panels above will read strongly compared to the aluminium cladding at the upper levels. The canopy will be located 2.9 metres above the footpath and extend 1.8 metres south which will create a sheltered footpath and contribute to an attractive and pedestrian friendly street frontage. Capital City Zone PO 3.3 and 10.1, and Design in Urban Areas PO 12.2 and 12.6 are therefore achieved.

Contextual Response

The lower scale and inconsistency in architectural style of adjacent buildings makes it difficult for the proposed building to reinforce a prevailing datum height and parapet levels in the locality. Figure 9.5.1 demonstrates references have been taken from adjacent buildings on South Terrace to inform the datum heights of the proposed building. The ceiling heights of the ground floor and levels one and two align reasonably well and provide a visual link with the corresponding datum heights of the adjacent building to the west.



Figure 9.5.1 – Prevailing Datum Heights of Adjacent Buildings on South Terrace

The front side wall of the ground floor and level 1 extends to the front boundary, while the remainder of the side walls will have a small setback. This takes references from the wall and roof heights of the adjoining two storey building to the east, roughly aligning with the front wall and roof heights of that adjacent building as shown in Figure 9.5.1. Further, this design element comprises aluminium cladding in a dark grey tone to assist in differentiating it from the white side walls above. Consequently, an attempt has been made to create a podium which reflects the prevailing height of adjacent street level buildings so that Capital City Zone PO 3.2 is considered achieved.

The difference in scale and building proportions is more difficult to manage to the rear given the low-rise context of buildings on Halls Place. The proposal does employ a slightly larger rear setback from level 9 up but does not transition down to a lower height at its rear. Despite this, a lesser importance has been placed on the contextual response, or lack of, employed to the rear as it faces a 6.5 metre wide right of way which is not a public road. Additionally, the site does not adjoin the City Living Zone and there is opportunity for future development along the southern side of Halls Place and western side of Morphett Street that provides a transitional height to the low-rise development in the City Living Zone to the north of Halls Place.

While high-rise buildings are not out of character in the locality, the existing pattern of development remains largely low-rise. The proposal will be visually prominent in the existing low-rise locality until medium and high-rise development predominates. Notwithstanding this, the design response, on balance, is adequately contextual and employs several design techniques to ensure the visual mass is not unreasonable in what is a mostly low-rise locality in transition, satisfying Capital City Zone PO 3.1 and Design in Urban Areas PO 12.1.

Environmental Performance

A key consideration of the Desired Outcome of the Design in Urban Areas module is sustainable development. Sustainable design techniques, including the design and siting of the building and measures to minimise energy consumption, have been implemented to provide for a substantial additional gain in sustainability.

The siting of the building will be north-south oriented. This allows for habitable rooms to be located at either end of the building with access to natural sunlight. Windows are not incorporated on the eastern or western sides as the building will be constructed to both side boundaries and balconies are mostly screened to the east and west.

Therefore, morning or afternoon sun will not directly penetrate windows and solar loads can be more effectively controlled. As each apartment spans the full north-south length of the building, large sliding doors have been incorporated to both the northern and southern facades of each apartment, opening onto balconies which provide shade for these large windows. This provides for cross ventilation which reduces reliance on mechanical ventilation and minimises energy consumption. Design in Urban Areas PO 4.1 and 4.2 are achieved.

A sustainability report has been provided detailing building and design measures implemented to increase the environmental performance of the building. Additional measures implemented to increase energy performance include a solar panel array proposed to the roof of the building covering a minimum of 20% of the roof area, energy efficient lighting, motion-controlled/timer-controlled lighting to common areas and an energy efficient lift. Each apartment can achieve the Nationwide House Energy Rating Scheme (NatHERS) rating of more than the National Construction Code (NCC) minimum of 6 stars, with the average rating across all dwellings at just over 7 stars.

Other climate responsive techniques and features incorporated include green walls to each balcony and to the rooftop communal open space area and water harvesting for use in toilet flushing throughout the building. On balance, Design in Urban Areas PO 4.3 and 14.2 are achieved.

Detrimental micro-climatic impacts on adjacent land and buildings, especially wind, will be mitigated through a canopy over the footpath and a wind blade to the rear. Additionally, the tower is aligned with the street. Design in Urban Areas PO 14.1 and 14.3 are achieved.

Landscaping

The development will not provide well landscaped, deep soil areas capable of accommodating trees as sought by Design in Urban Areas PO 13.1. This performance outcome is inconsistent with several zone and subzone performance outcomes which seek uniform streetscapes and no front setbacks to reinforce the city grid pattern and establish a strong built form edge. To incorporate a large, landscaped area would prejudice achievement of the zone and subzone Desired Outcomes. As per Part 1 – Rules of Interpretation of the Planning and Design Code, in the event of any inconsistency between the provisions of a zone or subzone and general development policy, provisions of the zone and subzone will be taken to prevail over the general development policy.

Building Height

Capital City Zone PO 4.1 seeks building heights consistent with the maximum building height applicable to the site, or for building heights to positively respond to the local context and achieve the desired outcomes of the zone. A technical and numeric variation (TNV) for a maximum building height of 36 metres applies to the site. There is no applicable maximum building height for levels. The building will have a height of 42 metres. This exceeds the maximum building height by 6 metres or 16% of the maximum building height. The first part of PO 4.1 is not achieved.

In consideration of whether the proposed building can satisfy the second part of PO 4.1, that is, the building height positively responds to the local context and achieves the desired outcomes of the zone, the 'contextual response' section discussed above contains relevant points. The building height is considered to positively respond to the local context due to the design techniques used to reduce its visual impact on the surrounding locality. This includes changes in setback and materiality to break up large, blank facades and reduce the apparent height of the building. Additionally, the locality is in a state of transition as further medium and high-rise development is introduced. The introduction of medium and high-rise development and resulting gradual move away from a low-rise locality is key to meeting the desired outcome of the zone that seeks high intensity and large-scale development to reinforce the grid pattern of the city.

The glass balustrades to the rooftop communal area and top of the lift shaft are the elements exceeding the maximum height. The height to the top of level 10 is 38.3 metres. As the glass balustrades and lift core are set in from the edges of the building, they will not be as immediately visible from within the locality. On balance, Capital City Zone PO 4.1 is therefore achieved.

Over height development is not contemplated in the zone unless the building incorporates measures that provide for a substantial additional gain in sustainability and at least four elements of Capital City Zone PO 4.2(b) are met. The substantial additional gain in sustainability provided by the building is discussed above in the *Environment Performance* section. As the design and siting takes advantage of cross ventilation, north-south orientation and the increased energy performance of the building, along with other sustainability measures detailed in the sustainability report, it is considered the development provides for a substantial additional gain in sustainability.

The development also meets four of the required criteria in PO 4.2(b) as follows:

- On-site car parking is not provided
- At least 75% of the ground floor fronting South Terrace is an active frontage
- The building has frontage to a public road abutting the Adelaide Park Lands
- The impact on adjacent properties is no greater than a building of the maximum height in relation to sunlight access and overlooking.

The building height proposed is considered to positively respond to the local context considering the context of the locality as one that is in transition and the tallest elements of the building are set in from the boundaries. Further, the development provides for a substantial additional gain in sustainability. In this regard, it is considered that the over height development is acceptable as meets the criteria prescribed by PO 4.2.

Airport Impacts

Despite the application being referred to The Secretary of the relevant Commonwealth Department responsible for administering the Airports Act 1996 (Adelaide Airport), a referral response has not been received within the prescribed timeframe. It is assumed Adelaide Airport does not desire to make a response and the building height does not pose a hazard to the operation of a certified or registered aerodrome. Airport Building Heights (Regulated) Overlay PO 1.1 is achieved.

It is the responsibility of the applicant to investigate and apply to the relevant Commonwealth Authority for any permits required for any crane that may breach the Adelaide Airport Obstacle Limitation Surface (OLS) airspace protected for aircraft operations.

Interface Impacts

Overlooking

Design in Urban Areas PO 16.1 seeks development that mitigates direct overlooking of habitable room windows and private open spaces of adjacent residential uses in neighbourhood-type zones. It should be noted that to mitigate direct overlooking does not imply a right to absolute privacy for neighbouring properties. Direct overlooking is defined in Part 8 of the Planning and Design Code:

In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15 metres measured from any point of the overlooking deck, balcony or terrace.

Figure 9.5.2 demonstrates the nearest residential land use in a neighbourhood-type zone is 19 Collins Street which is a dwelling in the City Living Zone. The distance between the rear of the proposal to the private open space of 19 Collins Street will be approximately 45 metres. This is a distance more than three times what could be considered within the scope of direct overlooking.

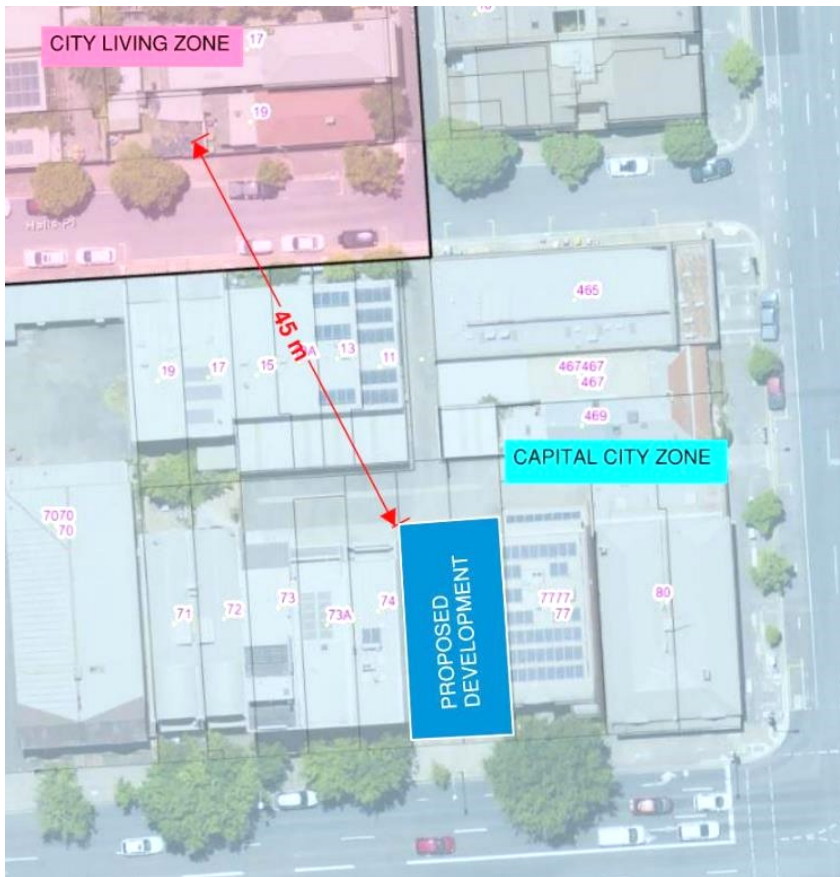


Figure 9.5.2 – Distance between Proposed Development and Nearest Residential Land Use in a Neighbourhood-Type Zone

Balconies fronting South Terrace comprise screening to both sides, allowing views only southward toward the Park Lands. It is not possible to directly overlook the habitable room windows or private open spaces of adjacent residential uses in neighbourhood-type zones.

Figure 9.5.2 demonstrates all adjoining properties within 15 metres of the site are in the Capital City Zone, where there is no policy requiring direct overlooking to be mitigated as this zone is not a 'neighbourhood-type zone'. Nonetheless, the rear balconies on levels 1, 2 and 3 will comprise obscure glazing, with views from level 4 upwards likely to be over the top of adjacent dwellings to the north and toward the northern horizon.

The development therefore mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones. Design in Urban Areas PO 16.1 is achieved.

Overshadowing

Shadow diagrams provided by the applicant demonstrate the most extensive overshadowing from the development will occur to the south, extending over South Terrace and the Park Lands. The diagrams demonstrate that on 21 June, overshadowing of the adjacent dwellings to west will occur in the morning hours and will largely cease by midday allowing for direct sunlight access in the afternoon. Conversely, overshadowing of the adjacent dwellings to the east will occur in the afternoon but allowing for direct sunlight access in the morning. The extent of overshadowing is not considered excessive and is suitably managed. Interface between Land Uses PO 3.1 and 3.2 are achieved.

It is noted the adjoining building to the east at 77 South Terrace has solar panels on its roof. As this building is two storeys, overshadowing from the development is inevitable given its height. This is a consequence of being a low-rise building in a zone where higher development is expected.

Medium to high-medium rise development is envisaged in the zone, with minimum height limits of four storeys envisaged along South Terrace. Notwithstanding this, shadow diagrams supplied indicate overshadowing of these solar panels will occur in the afternoon hours only, therefore allowing the panels a reasonable opportunity for sunlight access for more than half of the day. On balance, the development will not unduly reduce the generating capacity of adjacent solar energy facilities, satisfying Interface between Land Uses PO 3.3.

Seriously at Variance

As residential land uses are envisaged at a relatively high intensity in both the zone and subzone, it is considered the proposal is broadly acceptable in the context of the zone and subzone and therefore is not seriously at variance.

10. **CONCLUSION**

While several quantitative provisions of the Planning and Design Code are not achieved by the proposal, it achieves a majority of the relevant performance outcomes and warrants support as:

- The residential land use is envisaged in the zone and appropriate for the site
- High scale and intensity development is encouraged in the zone to frame the city grid pattern and the Adelaide Park Lands
- The design and appearance of the building is high quality and the building height adequately responds to the local context
- The proposed building provides a substantial additional gain in sustainability to justify the maximum building height not being achieved
- Interface impacts in terms of overlooking and overshadowing created by the development are not unreasonable and will be appropriately mitigated.

11. RECOMMENDATION

It is recommended the Council Assessment Panel resolve that:

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

It is recommended the Council Assessment Panel resolve that:

2. Development Application Number 24020254, by Ormond Nominees Pty Ltd is granted Planning Consent for 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(s) shall be reserved for further assessment prior to the granting of Development Approval:

1. An amended roof plan confirming that the solar panel array is proposed to cover at least 20% of the roof area in accordance with Appendix A of the Sustainability Report by Lucid Consulting Australia, doc. no. LCE102408-002, dated 23 August 2024.
2. A full schedule or sample of external materials, finishes and colours of the development.

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).
 - Site Plan by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A03, Rev. 04.
 - Floor Layouts by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A04, Rev. 03.
 - Floor Layouts by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A05, Rev. 02.
 - Level Setout by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A06, Rev. 04.
 - Elevations by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A08, Rev. 03.
 - Elevations by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A09, Rev. 02.
 - Sections by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A10, Rev. 02.
 - Sections by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A11, Rev. 02.
 - Facade Legend by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A12, Rev. 03.
-

2. The green walls 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 shall be replaced forthwith to the reasonable satisfaction of the Relevant Authority.

3. A 4,000L rainwater tank shall be installed to collect water from 200m² of roof area and used for the flushing of toilets throughout the building in accordance with Appendix A of the Sustainability Report by Lucid Consulting Australia, Doc. No. LCE102408-002, dated 23 August 2024.

4. The balustrade glazing of the balconies on levels 1, 2 and 3 as depicted on the northern, eastern and western elevations shall be obscured to a minimum height of 1.5 metres above the finished floor level of the respective floors. Such glazing 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.

5. The applicant or the person having the benefit of this consent shall ensure that all storm water run-off from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the development which are required to discharge the storm water run-off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Relevant Authority.

6. The finished floor level at the boundary of the site at all pedestrian access locations must match the existing back of footpath levels at the boundary.

ADVISORY NOTES

1. Development Approval Required

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

2. Expiration of Consent

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

3. Commencement and Completion

Pursuant to Regulation 93 of the Planning, Development and Infrastructure (General) Regulations 2017, the Council must be given one business 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 or phone 8203 7185.

4. Appeal Rights

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

5. Right of Way

The applicant should ensure that any right of way on the land is not blocked or access restricted during the construction of the development herein approved.

6. Fences Act 1975

The applicant is reminded of the requirements of the *Fences Act 1975*. Should the proposed works include work involving a shared boundary, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555.

7. Crane Operations

Any crane operations associated with the construction of the development will need to be undertaken with prior consultation with Adelaide Airport Limited.

8. City Works Permit

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

The City Works Guidelines detailing the requirements for various activities and fee calculator and online application form can all be found on Council's website at <https://www.cityofadelaide.com.au/business/permits-licences/city-works/>

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

- A Traffic Management Plan/Site Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;

- A copy of your Public Liability Insurance Certificate, noting the City of Adelaide as an interested party (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

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

9. Encroachment Permit

An Encroachment Permit will be separately issued for the proposed encroachment into the public realm when Development Approval is granted. In particular your attention is drawn to the following:

- An annual fee may be charged in line with the Encroachment Policy.
- Permit renewals are issued on an annual basis for those encroachments that attract a fee.
- Unauthorised encroachments will be required to be removed.
- Lighting under the canopy over the footpath is to be provided to Council standards (PP3-AS1158). The lighting must not be obtrusive and should be designed so that it does not shine into any adjoining residences and shall be operational during the hours of darkness at all times to the reasonable satisfaction of Council.

Please contact Permits on 8203 7421 or permits@cityofadelaide.com.au for further information.