

CITY OF ADELAIDE COUNCIL ASSESSMENT PANEL ON 28/3/2022

Item No	3.1
Address	266 Melbourne Street, North Adelaide SA 5006
Proposal	Demolish existing building and construct four level residential flat building containing 15 apartments with ground level car parking, DA/174/2021 [DA], EP)
Applicant	THE SUNSHINE LIFE P/L
Relevant Development Plan	30 April 2020
Lodgement Date	17 March 2021
Zone / Policy Area	Mixed Use (Melbourne West) Zone
Public Notification	Category 2
Application Type	Application Assessed on Merit
Delegations Policy	Unresolved Representations
Recommendation	Development Plan Consent Be GRANTED

ATTACHMENTS

Plans and Supporting Information

- Plans and 3D Images 1 - 28
- Planning Report 29 – 57
- Design Statement 58 – 59
- Arborist Report 60 - 100
- Certificate of Title 101 - 102

Comments from Public Notification 103 - 111

Applicant Response to Representations 112 - 123

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Ms Cate Cheetham, 98 Old Street, North Adelaide

Applicant

- Mr Christopher Webber, Future Urban for The Sunshine Life Pty. Ltd.

1. **DESCRIPTION OF PROPOSAL**

1.1 Planning consent is sought for demolition of a single storey building accommodating a medical consulting practice and construction of a four level mixed use building comprising:

- ground level (Melbourne Street) car parking for 15 resident vehicles and 2 visitor parking spaces
- ground level (Old Street) car parking for 2 resident vehicles
- 15 two bedroom apartments on three levels.

2. **DEVELOPMENT DATA**

DESIGN CHARACTERISTICS	GUIDELINE	PROPOSED
Site Area: 780m²		
Building height - Metres (ceiling height)	14 metres (max.)	14 metres
Private Open Space (POS) - m ²	2 bedroom - 11m ²	10m ² - 30m ²
Landscaped Open Space (LOS) - % of total site area	20%	11.8%
Car parking and Access - Number of spaces	15 Spaces	15 Spaces
Bicycle Parking	15 Spaces	13 Spaces

3. **BACKGROUND**

3.1 A medical consulting room was established on the subject site circa 1981 and this use continues presently.

3.2 Plans and details for the development were formally lodged in March 2021 just prior to implementation of the planning reforms. Discussions with the applicant and feedback from public consultation has resulted in amendments to the proposal.

These amendments relate to:

- the architectural expression of the Old Street and Melbourne Street facades in respect of visual interest and compatibility with surrounding built form
- the separation distance between the central apartments and the rear of the apartments facing Melbourne Street
- the upper-level setback distance from Melbourne Street
- protection of views of the City from properties along Stanley Street and Brougham Place.

3.3 The applicant subsequently provided amended plans which largely addressed the matters raised. However, there is still some concern with respect to the treatment of the front forecourt area. This is discussed in further detail below in Section 9.4.

4. SITE

4.1 The site is rectangular in shape with a frontage of 12.19 metres to Melbourne Street, 12.19 metres to Old Street and a depth of 64 metres. The site has an area of approximately 780m².

4.2 The site slopes downwards from Old Street to Melbourne Street with a fall of approximately 3 metres.

4.3 The site currently contains a single storey building which is set back 10 metres from the Melbourne Street boundary. The front yard is landscaped with lawn and small shrubs, located behind a two metre high Besser brick wall.

4.4 There is vehicular access from Old Street with nine car parking spaces available onsite. The car park surface is treated with bitumen and line marked. A carport provides shelter for five vehicles.

5. LOCALITY

5.1 The site is located adjacent Ronald McDonald House at 271 Melbourne Street.

5.2 The Melbourne Street streetscape is predominantly characterised by commercial land uses in the form of offices, medical consulting rooms and travel agencies, with some residential uses.

5.3 Built form character along Melbourne Street is varied, comprised of a mix of low scale historic built form and multi-storey contemporary buildings of two to four storeys. Contemporary buildings are typically composed of tilt-up concrete, large expanses of glazing and aluminium and steel, with the ground level comprised mostly of car parking.

5.4 Building setbacks are varied, ranging from historic buildings with generous front gardens, to smaller landscaped areas where multi-level buildings have been constructed.

5.5 Old Street at the rear has a mixed character consisting of small scale dwellings of one to two storeys, primarily on the north side of the street, with the south side of the street characterised primarily by open lot car parks associated with commercial premises on Melbourne Street.

5.6 There are a number of State and Local Heritage Places within the locality, however there is only one heritage place adjacent to the site, located directly at the rear at 96-98 Old Street.








KEY			
	Subject Site		Local Heritage Place
PA10	Stanley West Policy Area 10		State Heritage Place
MS(MW)	Main Street (Melbourne West) Zone		Policy Area Boundary
R	Representor		Locality

Photo 1 – Site viewed from Melbourne Street



Photo 2 – Site viewed from Old Street



Photo 3 – Site viewed from upper level at 228-229 Brougham Place / Stanley Street level looking south-west



Photo 4 – Site viewed from upper level at 227 Brougham Place / Stanley Street level looking south-east



Photo 5 – South side of Melbourne Street opposite the subject site



Photo 6 – Vista of north side of Old Street opposite the subject site



6. **PUBLIC NOTIFICATION**

Category of Notification	Category 2
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<i>Representor's Address</i>	<i>Request to be heard</i>
Mr D. Manuel 94 Old Street, North Adelaide SA 5006	No
Ms Cate Cheetham 98 Old Street, North Adelaide SA 5006	Yes

Summary of Representors Comments	
Concerns	Applicant response
<ul style="list-style-type: none"> Tree damaging activity due to excavation has not been addressed 	<ul style="list-style-type: none"> An arborist has examined the trees in the locality The Jacaranda tree located at 264 Melbourne Street is a regulated tree and will suffer a 25% intrusion into its critical root zone, however it is in good health, and it is expected it can tolerate the proposed encroachment without noticeable impacts The Jacaranda tree located at the rear of 264 Melbourne Street will suffer an 8% intrusion into its critical root zone. The impact is expected to be low given the separation distance, presence of landscaped beds and low likelihood of major root growth beneath the subject site given its sealed surface Low impact methodologies and materials are recommended to minimise impact on the trees
<ul style="list-style-type: none"> Height, bulk and scale of the proposed building is at odds with the conditions in the locality and with Zone provisions PDC 4 to 7 inclusive Overly large development in the setting of Old Street Proximity and height of the building relative to the existing buildings on Old Street Insufficient setback to Old Street 	<ul style="list-style-type: none"> The proposed building is not required to match the height of existing development in the adjacent residential zone, but to manage a gradual decrease in scale at the interface PDC 15 of the Zone contemplates buildings over 3 storeys can be accommodated at the zone interface provided increased setbacks are incorporate

<ul style="list-style-type: none"> Does not respond to the character of Old Street / Interface of the North Adelaide Historic (Conservation) Zone 	
<ul style="list-style-type: none"> Does not Satisfy Zone PDC 14(a) regarding setback angles 	<ul style="list-style-type: none"> A correct reading of Principle 14(a) locates the start of the 45 degree setback as being at the front property boundary of dwellings fronting Old Street on the northern boundary of Old Street The proposed development thus satisfies Zone PDC 14(a)
<ul style="list-style-type: none"> The proposal represents overdevelopment of the site: <ul style="list-style-type: none"> - some apartments have poor amenity in terms of outlook and open space - no setbacks from side boundaries - no useable communal open space - excessive height given the local setting 	<ul style="list-style-type: none"> Redesign has resulted in only three apartments falling below the minimum private open requirement, the shortfall being only one square metre Balconies have adequately sized areas for tables and chairs notwithstanding that some have narrow spaces Balconies are directly accessible from living areas
<ul style="list-style-type: none"> No loading/unloading spaces are provided on site 	<ul style="list-style-type: none"> Visitor parking spaces can be used by small commercial vehicles
<ul style="list-style-type: none"> Insufficient car parking provided 	<ul style="list-style-type: none"> The proposal exceeds the minimum car parking requirement, having 16 spaces instead of 15
<ul style="list-style-type: none"> Overlooking into 98 Old Street 	<ul style="list-style-type: none"> The apartments are setback over three metres from adjacent residential sites in compliance with Council Wide PDC 67

6.1 Seven representations were received from nearby properties however they are not abutting and are therefore invalid. The applicant has however responded to all of the matters raised by the representors. For the applicant's detailed response please refer to the attachments.

7. **REQUIRED EXTERNAL REFERRALS**

7.1 Nil

8. SPECIALIST ADVICE

8.1 Local Heritage

- A built form with greater setback from Old Street, particularly at the upper level, would be more appropriate given the relatively low scale residential character on the northern side of Old Street.
- Proposed landscaping is minimal and there is limited potential to soften the visual appearance of the proposed development.

8.2 Infrastructure

- The applicant will be responsible for all costs associated with the construction of the crossing, including adjustment to footpath, kerb and gutter, road pavement, stormwater drainage and service utilities.
- As the proposal includes significant excavation within the zone of influence of the adjacent road reserve and adjacent land, an integrated Structural and Geotechnical Engineering report shall be submitted and be prepared by suitably qualified engineer.

8.3 Traffic

- The crossover to Melbourne Street should be reduced to minimum width to ensure that there is no impact to the one remaining on-street parking space.
- The design of the access and car parking facilities must comply with AS/NZS 2890. 1: 2004 Parking Facilities Part 1: Off-street car parking, AS/NZS 2890.6-2009 *Off-street parking for people with disabilities* and boundary level requirements.

9. DETAILED ASSESSMENT

9.1 Summary of Zone Objectives & Principles

Subject DP Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Character	<ul style="list-style-type: none"> The proposal is of contemporary design that contributes to an attractive streetscape sympathetic to the existing historic built form and diverse character of the precinct. 	✓
Objectives O1-4	<ul style="list-style-type: none"> The proposal is a desired medium-density land use, contributing to the mix of uses in the Zone. The building is contemporary although lacking in sufficient landscaping to Melbourne Street. 	✓
Land Use P11-3	<ul style="list-style-type: none"> Achieved. 	✓
Form and Character P4-6	<ul style="list-style-type: none"> See Section 9.4. 	✓
Built Form and Public Environment P7-11	<ul style="list-style-type: none"> The building does not satisfy the desired setbacks from side boundaries. The façade designs are contemporary and sufficiently interesting to contribute towards a pleasant public environment. Balconies and windows overlook public roads, promoting safety through passive surveillance and connection to the public realm. External materials are varied and do not include dark, reflective and brightly coloured materials. Landscaping to Melbourne Street and Old Street is comparable to adjacent sites. Landscaped open space comprises 11.8% of the site, below the desired minimum of 20%. 	✓/✗
Building Height P11	<ul style="list-style-type: none"> The building does not exceed the maximum height of 14 metres. 	✓

Setbacks

P12-15

- The setback at ground level is similar to existing nearby developments.
- The setback of the upper levels, at 5 metres is below the 6-10 metres desired.
- The setback on Old Street complies with Figure 1 below (Figure 1 is an excerpt from the Development Plan).

✓/✗

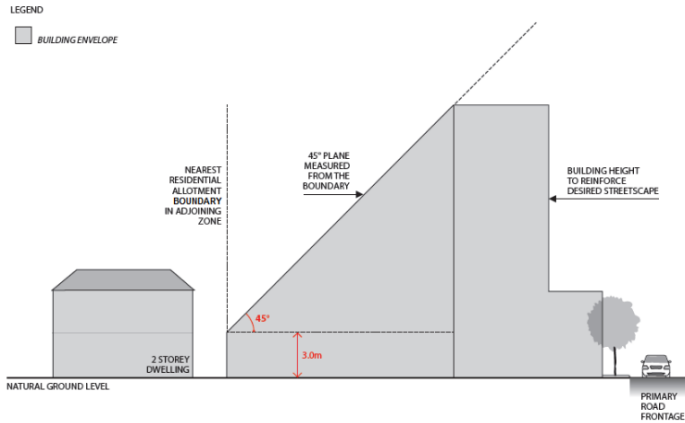
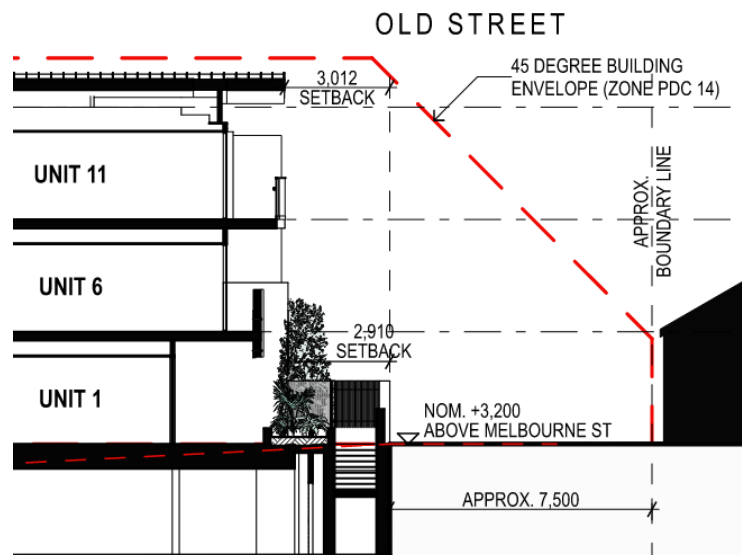


Figure 1



Car Parking

P24-26

- Access from Melbourne Street will not affect existing built form and landscaping.
- The impact upon residential amenity on old Street is minimised by having access from Melbourne Street.
- Residential parking at ground level will not be readily visible from Melbourne Street.

✓

9.3 Summary of Council Wide Objectives & Principles

Subject DP Ref	Assessment	Achieved ✓ Not Achieved ✗
Housing Choice O6-8 P5-10	<ul style="list-style-type: none"> All dwellings are two-bedroom and therefore offering limited housing choice. 	✗
MEDIUM TO HIGH SCALE RESIDENTIAL DEVELOPMENT		
Objectives O22	<ul style="list-style-type: none"> Dwellings are functional with reasonable amenity however some apartments have poor outlook and access to natural light and ventilation. 	✓/✗
Building Entrances P48-49	<ul style="list-style-type: none"> The entrance is not oriented towards the street and is not sufficiently visible and identifiable. Minimal area exists around the entry to create a sense of place and arrival. 	✗
Daylight, Sunlight & Ventilation P50-58	<ul style="list-style-type: none"> See Section 9.4. 	✓/✗
Private Open Space P59-65	<ul style="list-style-type: none"> Achieved. 	✓
Visual Privacy P66-67	<ul style="list-style-type: none"> Achieved. 	✓
Noise & Internal Layout P68-69	<ul style="list-style-type: none"> Achieved. 	✓
Minimum Unit Sizes P70-71	<ul style="list-style-type: none"> Achieved. 	✓
Adaptability P72	<ul style="list-style-type: none"> Achieved. 	✓
Outlook P73-74	<ul style="list-style-type: none"> See Section 9.4. 	✓/✗

Onsite Parking & Fencing O23 P75-79	<ul style="list-style-type: none"> Achieved. 	✓
Storage P80-81	<ul style="list-style-type: none"> Achieved. 	✓
ENVIRONMENTAL		
Crime Prevention through Urban Design O24 P82-86	<ul style="list-style-type: none"> Surveillance of the Melbourne Street entrance is adequate, with a proposed tree and low shrubs in the landscaped area providing clear lines of sight from the public realm. The car park entry will be secured at all times by the roller door to be operated via remote control by residents. 	✓
Noise Emissions O26-27 Noise Sources P89-94 Noise Receivers P95-100	<ul style="list-style-type: none"> Roof mounted plant will be located centrally, minimising the potential impact to adjacent premises. The car park will be located below ground level relative to adjacent residential land uses, therefore minimal noise emissions from this source are expected. 	✓
Waste Management O28 P101-104	<ul style="list-style-type: none"> Collection will be via Melbourne Street by private contractor. Detailed information has not been supplied therefore a reserve matter is recommended requiring the provision of a Waste Management Report. 	✓
Energy Efficiency O30 P106-112 Residential Development P113-114	<ul style="list-style-type: none"> See Section 9.4. 	✓
Micro Climate and Sunlight O33-34 P119-125	<ul style="list-style-type: none"> The building will reduce sunlight access to the central courtyard playground of Ronald McDonald House and north-facing windows looking into the space, however overshadowing will cease from approximately 1pm on 22 June. This area is already overshadowed by existing shade sails, rendering the increase in overshadowing to be minimal. 	✓

<p>Stormwater Management</p> <p>O35-39 P126-131</p>	<ul style="list-style-type: none"> • Runoff from impervious surfaces will be detained in two 2,000 litre tanks. • On-site reuse for irrigation of landscaping areas is proposed. 	<p>✓</p>
<p>Infrastructure</p> <p>O40-41 P132-135</p>	<ul style="list-style-type: none"> • Area for a potential transformer has been nominated fronting Old Street. 	<p>✓</p>
<p>Heritage & Conservation – North Adelaide</p> <p>General P149-155 Development Adjacent a Heritage Place P162-166</p>	<ul style="list-style-type: none"> • See Section 9.4. 	<p>✗</p>
<p>Built Form & Townscape</p> <p>O46-48 P167</p>	<ul style="list-style-type: none"> • The building is of a scale that reinforces the main street character of Melbourne Street. • The upper level is setback to provide a reasonable balance of openness and enclosure. • The palette of materials and colours together with the restrained design language results in a reasonable quality design. 	<p>✓</p>
<p>Height, Bulk and Scale</p> <p>P168-174</p>	<ul style="list-style-type: none"> • The building is of a scale commensurate with the role of Melbourne Street as a main street and primary transport route. • The building maintains consistent floor to ceiling heights of neighbouring buildings on Melbourne Street. • The building maintains the subdivision pattern of neighbouring building frontages with a satisfactory level of visual interest through variation. • The interrelationship with the single storey Local Heritage Place at the rear is arguably not well executed, with additional setback from Old Street desired. • Conversely, the proposal satisfies the Main Street (Melbourne West) Zone PDC14 Figure 1 setback envelope at the zone boundary with the North Adelaide Historic (Conservation) Zone. 	<p>✓</p>

Landscape Open Space P177	<ul style="list-style-type: none"> A minimum of 20% is sought and the development provides 11.8%. 	✘
Building Setbacks P178-179	<ul style="list-style-type: none"> See Section 9.4. 	✓/✘
Composition & Proportion P180-181	<ul style="list-style-type: none"> Achieved. 	✓
Articulation & Modelling P182-186	<ul style="list-style-type: none"> Achieved. 	✓
Materials, Colours & Finishes P187-190	<ul style="list-style-type: none"> See Section 9.4. 	✓
Sky & Roof Lines O49 P192-195	<ul style="list-style-type: none"> The flat roof minimises bulk and scale and ensures the loss of City views for dwellings on Stanley Street / Brougham Place is minimised. The metal cladding of the uppermost level with angled walls creates an illusion of a mansard roof which both breaks up the mass of the building and creates an appearance of a reduced height. 	✓
Landscaping O55 P207-210	<ul style="list-style-type: none"> Indigenous species incorporated. 	✓
Access & Movement O60 P224-225	<ul style="list-style-type: none"> Loss of one on-street car parking space on Melbourne Street accepted. Access to and from the site will be in a forward manner. Access via Melbourne Street prevents an unreasonable amount of vehicle movements in Old Street. 	✓
Pedestrian Access O61-63 P226-232	<ul style="list-style-type: none"> Crossover widths are minimised, reducing interruption to footpaths. 	✓
Bicycle Access O64-65 P233-238	<ul style="list-style-type: none"> 13 secure bicycle storage spaces are provided at ground level in cages above the residential car parks. 	✓

<p>Traffic and Vehicular Access</p> <p>O68-70 P241-250</p>	<ul style="list-style-type: none"> • The vehicle entrance on Melbourne Street is considered safe. • The new crossover to Melbourne Street results in a loss of one on-street car park. 	<p>✓</p>
<p>Car Parking</p> <p>O71-762 P251-265</p>	<ul style="list-style-type: none"> • 15 resident car parking spaces are required, however 13 spaces are provided within the garage. Two visitor spaces are located at the front of the site, although not required. These spaces will relieve on-street car parking demand to an extent and facilitate deliveries. 	<p>✓/✗</p>

9.4 Detailed Discussion

Desired Character

The Desired Character Statement seeks the development of low to medium scale mixed use buildings with setbacks complementary to the historic siting of buildings. It also seeks a high level of pedestrian amenity and accessibility with attractive landscaped front setbacks and the achievement of a high quality residential living environment.

The proposal is considered to satisfy the desire for medium scale mixed use development with an appropriately scaled residential development proposed. Whilst the Desired Character Statement refers to the '*historic siting pattern of buildings setback from boundaries in a landscaped setting*' this is not reflected in the existing pattern of development in the locality. Adjoining developments have limited landscaping and setbacks from the front boundary and no setback from side boundaries. Within this setting the scale and siting of the building is complimentary to adjoining development and the general character of development along Melbourne Street.

The ground floor façade is located behind two visitor car parking spaces. Whilst the proposed landscaping and forecourt areas provide for a general level of pedestrian amenity, the interface with Melbourne Street is not considered to be optimal for the following reasons:

- The façade is setback too far from Melbourne Street, not contributing to the creation of a continuous built form to the street
- The residential entrance is not readily identifiable
- The landscaped area, if not maintained, could provide a space for anti-social activities and reduces safety.

Views

The Desired Character Statement of the adjoining North Adelaide Historic (Conservation) Zone and Policy Area (Stanley West) contains specific policy requiring the protection of views of the City from Stanley Street and Brougham Place properties from the uppermost levels of dwellings.

The topography of the locality sees Stanley Street slope downwards from west to east. Given the topography and height restrictions, most buildings at this western end of Stanley Street have views towards to the City from their uppermost levels.

Site inspections from adjacent residential properties on Stanley Street (see Images 9.4.1 to 9.4.3 below) show that, in this instance, views of the City and the Adelaide Hills from the upper levels (i.e. Stanley Street / Brougham Place level) will largely be maintained. Views from the dwellings at the lower levels to the City and Adelaide Hills will however be lost.

It is pertinent to refer to the decision of the ERD Court in the matter of the Appeal of St Ann's College Inc v The Corporation of the City of Adelaide where the College proposed the addition of two levels of student accommodation atop the existing Kennedy Brooks Enterprise Deck building bringing the total height to 14.3 metres above ground level.

In this Appeal the Court resolved to quash Council's refusal to grant Planning Consent, with a major issue being the loss of views from the dwellings on Stanley Street.

The Court concluded that where the Development Plan anticipates the undertaking of development, there will be some consequences of that development. Given the policy change in 2014 (Residential and Main Street DPA (Part 1)) permitted construction of buildings up to 14 metres in height, it is difficult to conclude that impacts on views would not be an expected outcome of the Plan.

In this instance, it is estimated the remaining view will be long distance towards the Adelaide Hills and the City (buildings in the square mile). The remaining views are the subject of the Stanley West Policy Area Desired Character and thus their retention indicates that the proposed development is not unreasonably high.



Image 9.4.1 – View from uppermost level of 228 Brougham Place, North Adelaide with the expected building bulk shaded



Image 9.4.2 – View from uppermost level of 227 Brougham Place, North Adelaide



Image 9.4.3 – View from lower level of 228-229 Brougham Place

Built Form and Design

Building composition along Melbourne Street is varied with a mix of low scale historic buildings and newer medium to high scale commercial and residential buildings of two to six storeys.

The new building is a contemporary design using lightweight concrete panels with angled facets to create a visually interesting façade to Melbourne Street. Application of a portal to the façade at the first and second floors serves to de-emphasize the appearance of the uppermost level from Melbourne Street. Cladding of the uppermost level in ribbed Maxline cladding with angled elements creates a reference / illusion of a mansard roof and de-emphasises the buildings four-level height.

The liberal use of stone and timber to the north façade on Old Street provides a more residential appearance, appropriate to its location.

The materials and treatments are consistent with other new buildings in the locality, particularly those located opposite on the south side of Melbourne Street.

The proposal is similar in form to adjacent premises, being built to their side boundaries, with similar small setbacks accommodating landscaped gardens. Their facades are contemporary in nature, with large expanses of glazing and ground level car parking accessed from Melbourne Street.

Presentation to Old Street is more domestic in nature. Firstly, the building is three levels, with car parking being underground relative to Old Street. The use of stone and timber at the lower level, Maxline Cladding at upper level and the 3 metre setback de-emphasises the scale of the building, satisfying Zone PDCs 15 and 16.

Setbacks

The building presents as three storeys to Old Street as the car parking level is effectively underground. The three metre setback to the edge of the balconies and six metres to the façade, satisfies Mixed Use Melbourne West Zone PDC 14, where the built form lies within a 45 degree angle (See page 21 of the report). Furthermore, this setback accommodates a garden and car parking space, satisfying Zone PDC 9.

Although the building will have an unprecedented large form on the south side of Old Street, it is noted there are many existing examples of two storey dwellings in the low-scale City Living Zone on the opposite side of Old Street that are located on or close to the street frontages.

It is noted the building opposite at 96-98 Old Street is a single storey Local Heritage Place and the proposal fails to satisfy Zone PDC13 in that it does not adequately respect the character of the low-scale established dwellings in Old Street.

On balance, whilst there is an unprecedented divergence in built form scale on Old Street between the Mixed Use Zone and residential zone, the proposal adequately satisfies the relevant criteria.

Residential Amenity

The expected level of residential amenity for residents within the proposed apartments is varied. The six apartments located centrally have adequate levels of natural light and ventilation but with no medium to long range outlook. Their central location means they all depend on the large south-facing windows opening to the central void and communal garden on level 1. At the uppermost level, access to sunlight and breezes is reasonable.

At first floor level (Old Street level) the amount of light and ventilation is significantly reduced, affecting internal amenity. This is offset to a degree by having access to the 66 square metres of communal open space shared by two apartments. The applicant has provided a six metre separation between apartments which is equivalent to the minimum possible between high-density residential towers. Given only three residential building levels are affected, the resultant access to sunlight and ventilation on levels one and two, whilst not of a high standard, are adequate.

The apartments are well dimensioned and exceed minimum unit sizes, enabling the spaces to be used flexibly. With the exception of three, which have balconies of 10 square metres (below the desired minimum of 11m²), the apartments have balconies over the minimum size.

The design of the entrance to the residential foyer is problematic from a legibility and crime prevention perspective due to the solid nature of the front wall and landscaping bed along the Melbourne Street frontage. It is recommended, via a condition, that this area always be illuminated during the hours of darkness and that landscaping be maintained to provide clear lines of sight between the public realm and the building entrance.

Several dwellings are located to the north on the opposite side of Old Street. The proposal has the potential to impact upon the amenity of these dwellings on account of visual impact, overlooking and noise.

The potential visual impact is adequately reduced by a 6 metre rear setback and the extent of articulation and modulation provided within the façade. A level of development and subsequent building height is to be anticipated within the zone. As such, some visual impact and enclosure due to the three storey height is to be expected. In this instance, whilst the proposal will increase the scale of development upon the site, it is not considered to result in an unreasonable impact on adjoining properties.

The north facing windows and balconies on Old Street do not require any features to prevent overlooking as this aspect fronts a public road.

Overall, the level of internal residential amenity is fair, with large, flexible spaces. Of the 15 apartments, those located in the centre of the building have a generally lower degree of amenity, with the four located on levels 1 and 2 having the least favourable amenity, with reduced access to natural light, ventilation and outlook.

Environmental

The proposal incorporates a range of energy efficiency measures including:

- high performance double glazing, access to daylight and natural ventilation of the apartments to reduce energy demand
- designing and certifying the apartments and common areas to achieve an energy performance that achieves NCC/BCA Section J, JV3 methodology
- zoned air conditioning systems within the apartments with automatic and manual controls. They will be rated to the highest available Energy Star rating and include the option to operate in fan mode providing low energy air circulation
- provision of a roof mounted solar photovoltaic array. The array will provide renewable energy equivalent to 100% of the common area power needs, including car park ventilation
- daylight control to lighting systems in common areas
- use of energy efficient, LED lighting fittings
- use of light coloured external finishes (in particular roof coverings) to reflect heat, reduce solar gain, and reduce the "heat island effect"
- in areas where access to natural ventilation is not possible, the car parking will be mechanically ventilated with a carbon monoxide monitoring system utilising variable speed fans to reduce fan energy use by 80% when compared to a conventional system
- providing apartment owners with retractable clothes racks in their apartments, to minimise electric clothes drier use. These facilities will also minimise the incidence of clothes drying on exposed balconies
- reuse of retained stormwater for the irrigation of landscaped areas
- selection of landscaping species that minimise water consumption
- use of water efficient fittings of 6 Star WELS rating for taps, 4 Star for WCs and 3 Star showers

Heritage and Conservation

The zone provisions recognise the interface between the Mixed Use (Melbourne West) Zone and the North Adelaide Historic (Conservation) Zone and seek to manage the interface between the two. The subject land abuts the Historic Conservation Zone, having an impact on the Desired Character of that zone and heritage places within it.

One Local Heritage Place (cottage) is located directly opposite the rear of the site, on the northern side of Old Street. This dwelling is sited on the front boundary with no front garden and features a single storey rear addition. The heritage place and the proposed building are separated by Old Street and the front garden of the apartment building, providing a 11 metre buffer to the balconies and 12 metres to the façade.

Whilst it is acknowledged there is a juxtaposition in scale and architectural style/detailing between the proposal and the single storey heritage places, the setback between the two is considered to provide a sufficient visual buffer and separation between the two distinct elements.

Ultimately, the scale of development envisaged within the zone must be acknowledged as being significantly greater than the single storey heritage places.

The end result is a distinct and noticeable variation in bulk and scale between new and old. In this instance the proposed separation between the proposal and the heritage places is sufficient to adequately mitigate this change in scale.

Transport, Access and Parking

The proposal seeks to locate access at Melbourne Street level, effectively being underground relative to Old Street. The Development Plan seeks to minimise disruption to Melbourne Street by providing vehicular access via Old Street. In this instance, access from Melbourne Street will result in the creation of an additional vehicle crossover and loss of one on-street car parking space. Whilst this is not a desirable outcome for Melbourne Street, it has the benefit of reducing traffic movements in Old Street from 10 vehicles to one, thereby greatly improving amenity for the two dwellings which are sited directly opposite the site at 94 and 96 Old Street, located on the street frontages.

The level of on-site car parking is acceptable, with the provision of 14 spaces for 15 dwellings being a negligible shortfall. Although not required by the Development Plan, the proposal incorporates two visitor spaces located at the front of the building accessible at all times from Melbourne Street. This compensates for the loss of the single on-street parking space.

Bicycle storage is located in a cage located above each resident car parking space and together with providing purchasers with the option to install EV charging points for every parking space, the proposal promotes a transition to more sustainable movements.

Conclusion

The proposal is considered to achieve the outcomes sought by the Desired Character Statement and relevant principles as it:

- presents a desired land use
- proposes a building that will provide medium scale residential development which supports the attainment of the desired future character and the broader requirements of the Council Wide Objectives and Principles
- will be of an acceptable quality of architectural design and scale, achieving a reasonable quality urban design outcome
- will reinforce the role and image of the Zone as an attractive mixed use area of low to medium scale
- proposes floor to floor heights of 3.2 metres and floor to ceiling windows and doors to living areas to maximise internal sunlight and daylight penetration
- incorporates materials and finishes that are durable and of a high quality with the use of pre-finished materials in lieu of painted finishes
- will have landscaped areas of a sufficient size to provide landscaping at ground level resulting in acceptable impacts on Melbourne and Old Streets
- has a small shortfall in car parking, however this is considered acceptable with the presence of public transport on Melbourne Street and the availability of on-street, public and private off-street car parks.

The proposed development does not perform as well with regards to its ground level presentation to Melbourne Street and the amenity of some apartments located centrally, but this is acceptable for the following reasons:

- The entrance is recessed and not oriented to face Melbourne Street, like other recent medium density developments. This arrangement fails to create a cohesive building alignment to Melbourne Street, does not maximise an active frontage and creates a potential safety concern. It is proposed to apply conditions requiring lighting to this space during the hours of darkness and maintenance of the landscaping to ensure clear lines of sight at all times. Such measures should address these concerns.
- Four of the six apartments located centrally have reduced internal amenity. The apartments at first and second levels have reduced access to light and ventilation, facing south into the courtyard which is partially built out to the west and east. The generous six metre separation and only three building levels ensures a reasonable level of amenity.

Whilst it is acknowledged the proposal will impact upon the existing views from dwellings on Brougham Place and Stanley Street, and that it will create a dichotomy of scale at the zone interface in Old Street, it adequately satisfies the relevant provisions of the Development Plan in both respects. Long range views to the City from the upper levels of dwellings are preserved and the sense of openness/enclosure to Old Street is assessed as being reasonable.

For the above reasons, the proposal is not considered to be seriously at variance with the provisions of the Development Plan as it proposes a land use and form of development desired in the Zone and Policy Area.

It has been determined that, on balance, the proposal warrants Development Plan Consent.

10. RECOMMENDATION

That the development, the subject of the application from The Sunshine Life P/L to demolish the existing building and construct a four level residential flat building containing 15 apartments with ground level car parking at 266 Melbourne Street, NORTH ADELAIDE SA 5006 as shown on plans designated DA/174/2021:

1. Is not seriously at variance with the provisions of the Development Plan and
2. Be GRANTED Development Plan Consent, subject to the following reserved matters, conditions and advices:

Reserved Matters

Pursuant to Section 33(3) of the Development Act 1993, a decision on the following matters is reserved for further assessment pending the provision of additional information (and must be resolved prior to granting of Development Approval):

1. The applicant or the person(s) having the benefit of this consent is/are requested to provide a Waste Management Report from a recognised waste management company which details how waste will be stored and collected. Council reserves the right to impose further conditions in relation to this reserved matter following receipt of the said report.
2. Details of the material, colour and design of the perforated roller door shall be provided and shall be of a high quality, and incorporate decorative elements to the reasonable satisfaction of Council.

Conditions

1. **The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent as listed below:**
 - Drawings prepared by Dash Architects numbered 02 (Rev A), 03 (Rev D), 04 (Rev C), 05 (Rev C), 06 (Rev C), 07 (Rev B), 10 (Rev B), 11 (Rev B), 12 (Rev B), 13 (Rev C), 16 (Rev D), 17 (Rev D), 18 (Rev B), 19 (Rev B), 20 (Rev B), 21 (Rev B), 22 (Rev A), 23 (Rev A).
 - Letter from Future Urban dated February 2 2022.
 - Design Statement from Dash Architects dated 28.01.22 Issue A
 - Arborman Tree Solutions Report ATS522-266MeIStDIR R1 dated 2 February 2022
-
2. **A Structural and Geotechnical Engineering report shall be submitted prior to seeking Development Approval. The Report shall be prepared by a suitably qualified Engineer and shall address the excavation within the zone of influence of the adjacent road reserve and adjacent land.**

3. External materials, surface finishes and colours of the Development shall be consistent with the description hereby granted consent and shall be to the reasonable satisfaction of the Council.

4. The finished floor level of the ground floor level at the entry points to the development including the car park entry and exit points shall match the existing footpath unless otherwise agreed to by the Council in writing.

5. Clear sight lines for users of the car park entry shall be provided to ensure pedestrian safety along the Melbourne Street footpath and at all times in accordance with AS/NZS 2890.1:2004 Off-street Car Parking.

6. All line marking for car park spaces and traffic signs on the Land shall conform to AS/NZS 2890.1:2004 Off-street Car Parking.

7. Where stormwater disposal is required, the following requirements shall be complied with:

- All car parks, driveways and vehicle manoeuvring areas shall be graded to ensure that no surface water or rubble from within the property is transported across the footpath**
- The applicant must ensure that storm water run-off is contained within the property boundaries, collected and discharged to either the Melbourne or Old Street road reserve**
- Collected drainage water from any landscaped areas, planter boxes, seepage collection systems, water features, swimming pools and/or air conditioning units shall be discharged to the sewer.**

8. The connection of any storm water discharge from the Land to any part of the Council's underground drainage system shall be undertaken in accordance with the Council Policy entitled 'Adelaide City Council Storm Water Requirements' to the reasonable satisfaction of the Council.

9. External lighting shall be provided to building entries and shall be operational during the hours of darkness at all times and/or fitted with motion detectors to the reasonable satisfaction of Council

10. Ancillary activities such as deliveries, collection, movement of private waste bins, goods, empty bottles and the like shall not occur:

- I. after 10.00pm any day; and**
 - II. before 7.00am Monday to Saturday or before 9.00am on a Sunday or Public Holiday.**
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11. Photovoltaic panels located on the roof shall not be elevated on tilt frames and shall only be laid flat, parallel to the roof.

12. Landscaping at the Melbourne entrance and fronting Old Street shall be comprised of significant groundcover and tree species that provide shade and visual amenity for occupants and visitors to the reasonable satisfaction of Council and shall be maintained to provide visibility and safety to the residential foyer from Melbourne Street at all times.

Advisory Notes

1. 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.

2. Expiration Time of Approval

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

3. 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.

4. Residential Parking Permits

Residential parking permits to allow parking on-street, adjacent the proposed development will not be considered as an appropriate means of providing parking for residents staying in the apartments.

5. Building Site Management Plan

A Building Site Management Plan is required prior to or at the time of application for Development Approval. 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
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6. Damage to Council footpath / kerbing / road pavement / verge

Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs as a result of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage.

7. Vehicle Crossing Place

There is no objection to the proposed vehicle crossing place however, due to the presence of stone kerbing, the work shall be undertaken by Council and the cost of the work will be charged to the applicant. A separate application for the crossing place(s) is required and the applicant can obtain a form from Customer

Service, 25 Pirie Street, Adelaide, telephone 8203 7236. A quotation for the work will be provided by Council prior to the work being undertaken.

8. City Works Permit

Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. 48 hours notice is required before commencement of any activity.

The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at www.adelaidecitycouncil.com

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

- A Traffic Management Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

Please note: Upfront payment is required for all city works applications.

Applications can be received by Council via the following:

Email: cityworks@adelaidecitycouncil.com

Fax: 8203 7674

In Person: 25 Pirie Street, Adelaide

