

CITY OF ADELAIDE COUNCIL ASSESSMENT PANEL ON 2/05/2022

Item No	5.1
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 Details 1 - 65

Previous CAP Report – 28 March 2022 66 - 219

PERSONS SPEAKING BEFORE THE PANEL

The applicant and the representors addressed the Council Assessment Panel at its meeting held on 28 March 2022.

1. BACKGROUND

- 1.1 The application was presented to Council's Assessment Panel on 28 March 2022. At this meeting, the Panel resolved to defer the application for the following reasons:
1. *provide further information in relation to light and ventilation for the centrally located apartments*
 2. *increase amount of private open space provided for the apartments*
 3. *reconsider the front presentation including landscaping, car parking and entrance accessibility and visibility*
 4. *reconsider provision of car parking for unit 1 in respect of landscaping shortfall and to reduce visual impact to Local Heritage Place in Old Street.*
- 1.2 Since the previous Panel meeting, Council Administration discussed the deferral with the Applicant's contact. The Applicant has worked through options to satisfy the requirement for additional information including resolution of the amenity of the centrally located apartments.
- 1.3 As the 'essential nature' of the development has not changed, there is no requirement to renotify the application.

2. DESCRIPTION OF PROPOSAL

- 2.1 Planning consent, as amended, 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 13 resident vehicles and 1 visitor parking space
 - ground level (Old Street) car parking for 2 resident vehicles
 - 15 two bedroom apartments on three levels.
- 2.2 The changes made to the original proposal include:
- reduction of visitor car parking from two spaces to one space
 - expansion of foyer
 - removal of one car park and transformer on Old Street frontage with enlargement of adjacent private open spaces and amended fencing
 - removal of third bedroom from units 3 and 8
 - enlargement of courtyard on the eastern side of the building and addition of small balconies
 - addition of storage bench underneath raised planter bed in common courtyard
 - inclusion of high level windows and corner sliding glass doors to bedrooms
 - realignment of balconies to Old Street
 - glass brick windows for portions of boundary walls.

3. ASSESSMENT

3.1 The changes made above have sought to resolve the reasons for deferral as follows:

3.1.1 *Reconsideration of the presentation to Melbourne Street including landscaping, car parking and entrance accessibility and visibility.*

The enlarged foyer now has space for chairs and will be highly glazed, thus visible from Melbourne Street. This has been gained at the expense of removal of one visitor car parking space.

The landscaping planter bed on Melbourne Street has been altered by removal of intermediate height shrubs to enhance the line of sight to the foyer for surveillance.

The above amendments notably improve the safety and legibility of the building entrance. Users can survey their surroundings before exiting the building whilst visitors can readily observe the location of the entrance from Melbourne Street. Extension of the lobby closer to Melbourne Street has the benefit of reducing the negative space previously dominated by the larger visitor car parking space.

3.1.2 *Increase the amount of open space provided to the apartments.*

At ground level on Old Street the single at-grade car parking space and transformer have been removed. This results in the enlargement of private open space for apartments 1 and 2 to achieve 33.5m² and 38.5m² respectively.

At Levels 2 and 3, the balconies have been realigned and enlarged to run parallel to Old Street. This has increased balcony sizes by 3m². Balconies are now 19.3m² and 22.5m², exceeding the minimum requirement of 11m².

Creation of a light court on the eastern side of the building will ensure the centrally located apartments now have 16m² of private open space, where previously they had 10m² below the desired minimum of 11m².

The communal garden area has been improved by increasing the soil area from 10m² to 12m² and the soil depth to 1 metre enabling planting of one small tree to provide improved amenity to the space.

All apartments now have private open space areas exceeding the desired minimums.

3.1.3 *Provide further information in relation to light and ventilation for the centrally located apartments.*

Access to air and light to second bedrooms on the eastern side of the building is improved through creation of a 13.5m² light well. On the western side of the building, four glass brick windows are proposed in the boundary walls, aligned with the windows of the bedrooms.

Bedrooms adjacent to living areas for units 2, 3, 7, 8 and 12 feature sliding opaque glass doors opening to kitchens and living rooms. Bedrooms adjacent to living areas for units 1, 4, 6, 9, 11 and 14 feature high-level windows facing living areas. These modifications will moderately increase light to bedrooms.

The second bedroom to units 3 and 8 has been deleted and replaced with enlarged bathrooms.

The applicant advises floor to ceiling heights in the apartments range from 2.9 metres to 3.2 metres, exceeding Design Technique 52.1 which seeks at least 2.7 metres.

The applicant has provided overshadowing diagrams illustrating the degree of sunlight penetration to the central communal courtyard and eastern light court. Although the courtyard will experience a high degree of shadowing in winter, overall light penetration through the year is fair. Furthermore, light penetration to the eastern light well occurs from morning to at least 2pm in the afternoon, in excess of the 2-hour minimum.

The changes made improve the access to light and ventilation to centrally located apartments such that their internal amenity is notably improved in comparison to the previous version presented to the Panel.

3.1.4 *Reconsider provision of car parking for unit 1 in respect of landscaping shortfall and to reduce visual impact to the Local Heritage Place in Old Street.*

At ground level on Old Street, the single at-grade car parking space, and transformer have been removed. SA Power Networks has confirmed a transformer is not required for the building. This results in the enlargement of private open space for apartments 1 and 2 which will be landscaped. Fencing will consist of 1.8 metre high palisade timber and low sandstone walls that will be visually permeable allowing for surveillance to and from Old Street.

The planting of a small tree in the central communal garden space on level 1 and green wall will enable the space to be used for passive recreation. This allows this area to be considered landscaped open space although it is suspended above the ground.

The changes made above increases the landscaped area to approximately 20%, eliminating the shortfall (when including the communal garden space).

4. CONCLUSION

The amended application is considered to warrant Planning Consent as the Applicant is considered to have sufficiently addressed the reasons for deferral with an improved proposal. The reasons for deferral are considered to have been resolved as follows:

1. Light and ventilation, particularly to the centrally located apartments, is improved through the provision of light wells, glass block windows to boundary walls, high level bedroom windows and double-sliding bedroom doors such that internal amenity is significantly improved.
2. The amount of open space, both private and landscaped has been increased. Every apartment now has useable balconies which significantly exceed the desired minimums.
3. The presentation to Melbourne Street at ground level is visually legible and has improved safety, with clear lines of sight and no obscuring vegetation.
4. Removal of the car park and transformer to Old Street has resulted in the provision of landscaped open space that will be vegetated, with visually permeable fencing that allows surveillance.

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 that is in accordance with the relevant provisions.

5. RECOMMENDATION

That the recommendation, the subject of the application from The Sunshine Life Pty Ltd 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

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 (Revision B), 03 (Revision E), 04 (Revision A), 05 (Revision D), 06 (Revision D), 07 (Revision D), 08 (Revision C), 11 (Revision C), 12 (Revision C), 13 (Revision C), 14 (Revision D), 17 (Revision E), 18 (Revision E), 19 (Revision C), 20 (Revision C), 21 (Revision C), 22 (Revision C), 23 (Revision B), 24 (Revision B).**
 - **Letter from Future Urban dated February 2 2022**
 - **Letter from Future Urban dated April 7 2022**
 - **Letter from Future Urban dated April 14 2022**
 - **Design Statement from Dash Architects dated 28.01.22 Issue A**
 - **Arborman Tree Solutions Report ATS522-266MelStDIR R1 dated 2 February 2022**
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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 Street or Old Street road reserves**
 - 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.**
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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**
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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.**
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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.**
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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