

<b>DEVELOPMENT NO.:</b>	25035892
<b>APPLICANT:</b>	Datay Pty Ltd
<b>AGENDA ITEM NO:</b>	3.1
<b>ADDRESS:</b>	1-7 Cairns Street, Adelaide SA 5000
<b>NATURE OF DEVELOPMENT:</b>	Partial demolition of existing building and the construction of a 4 level mixed-used building comprising offices (ground level) and dwellings (levels 1-3) with associated car parking
<b>ZONING INFORMATION:</b>	<p><b>Zones</b></p> <ul style="list-style-type: none"> <li>• City Living</li> </ul> <p><b>Sub Zones</b></p> <ul style="list-style-type: none"> <li>• Medium-High Intensity</li> </ul> <p><b>Overlays</b></p> <ul style="list-style-type: none"> <li>• <del>Airport Building Heights (Regulated) (All structures over 150 metres AHD)</del></li> <li>• <del>Affordable Housing</del></li> <li>• Design</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• <del>Prescribed Wells Area</del></li> <li>• <del>Regulated and Significant Tree</del></li> <li>• <del>Stormwater Management</del></li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs)</b></p> <ul style="list-style-type: none"> <li>• Minimum Site Area residential flat building 120m<sup>2</sup></li> <li>• Maximum Building Height 3 levels and 11 metres</li> </ul>
<b>LODGEMENT DATE:</b>	20 November 2025
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Version 2025.20 – 23 November 2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed – Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	SB
<b>REFERRALS STATUTORY:</b>	Environment Protection Authority
<b>REFERRALS NON-STATUTORY:</b>	Local Heritage, Traffic, Engineering, Waste, Acoustic Engineer

## CONTENTS:

<b>ATTACHMENT 1:</b>	Application Documents	<b>ATTACHMENT 5:</b>	Representations
<b>ATTACHMENT 2:</b>	Subject Land & Locality Map	<b>ATTACHMENT 6:</b>	Response to Representations
<b>ATTACHMENT 3:</b>	Zoning Map	<b>ATTACHMENT 7:</b>	Prescribed Body Response
<b>ATTACHMENT 4:</b>	Representation Map	<b>APPENDIX 1:</b>	Relevant P&D Code Policies

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

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representors**

- Elizabeth Rushbrook of 317 Wakefield Street, Adelaide

### **Applicant**

- Sean Elliott of URPS on behalf of the applicant

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

The application proposes the partial demolition of an existing building with an existing electricity transformer to remain and the construction of a four level mixed-use building.

The ground floor will comprise two office tenancies with ancillary storage, car parking in the form of car stackers and other services including lifts, bin storage and hydrant booster.

The upper levels will comprise dwellings, with two and three bedroom dwellings to levels two and three, and a three bedroom dwelling to level four. Level four includes two roof terraces with planters.

The building is a relatively simple cubic form with square cutout windows to the north, south and west facades. Windows are limited to the eastern façade, with rebated brickwork to mimic the pattern of windows around the rest of the building.

The building will be constructed to the northern, eastern and western boundaries, with a small setback to the southern boundary. The upper level will be set in generously from the northern and southern facades.

Face brick masonry walls in a warm, earthy tone will comprise the majority of the building.

## 2. **BACKGROUND**

Amendments were made to the proposal following public notification including:

- louvres added to second and third level windows
- planters added to Cairns Street frontage
- solar panels added to roof
- air conditioning units added to rear
- rebated brickwork to eastern façade.

Administration continued to raise concerns with the applicant post-notification, however the applicant elected to proceed with the current proposal.

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

### **Subject Land**

The site is formally known as:

- Allotment 512 in Filed Plan 182164, contained in Certificate of Title Volume 5487, Folio 304, Hundred of Adelaide
- Allotment 511 in Filed Plan 182163, contained in Certificate of Title Volume 5487, Folio 302, Hundred of Adelaide
- Allotment 510 in Filed Plan 182162, contained in Certificate of Title Volume 5487, Folio 298, Hundred of Adelaide
- Allotment 509 in Filed Plan 182161, contained in Certificate of Title Volume 5487, Folio 300, Hundred of Adelaide.

Together these allotments are commonly known as 1-7 Cairns Street, Adelaide.

The site has a frontage of approximately 24.64 metres to Cairns Street, secondary frontages of 24.38 metres to Cardwell Street and 24.64 to Saunders Lane and a total area of approximately 600m<sup>2</sup>.

A single level building exists on the site and was previously used as a mechanic. The building is of simple cream brick construction with a sawtooth roof. An electricity transformer exists to the rear of the site on the corner of Cardwell Street and Saunders Lane.

Access is obtained via two crossovers to Cairns Street and one to the rear from Saunders Lane. The site is relatively level and contains no vegetation.

### **Locality**

The locality has a predominantly residential character. Along Cairns Street, single level cottages with front verandahs and picket fences are located amongst other more contemporary two level dwellings. The shallow front setbacks of the dwellings and narrow width of Cairns Street contribute to an intimate residential character.

To the west, two and three level dwellings are constructed along Cardwell Street.

The junction of Cairns and Cardwell Streets is marked by two non-residential uses, being the former mechanic building on the subject site and the two level offices to the north that front Halifax Street but run through to Cairns Street. These two buildings stand in contrast to the otherwise residential character of the locality.

The locality is generally level, with typically narrow side streets and few street trees to provide an extensive tree canopy cover.

**Figure 3.1 – Subject site from Cairns Street**



**Figure 3.2 – Subject site from Cardwell Street**



**Figure 3.3 – View along Cairns Street looking west**



**Figure 3.4 – View along Cairns Street looking east**



**Figure 3.5 – View of rear of site looking west along Saunders Lane**



**Figure 3.6 – View along Cardwell Street looking north**



**4. CONSENT TYPE REQUIRED**

Planning Consent

**5. CATEGORY OF DEVELOPMENT**

**PER ELEMENT:**

Partial demolition: Accepted

Office: Code Assessed - Performance Assessed

Dwelling: Code Assessed - Performance Assessed

**OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

**REASON:**

Partial demolition: Listed in Table 1: Accepted Development and is therefore accepted development.

Office: Not listed in Table 1: Accepted Development, Table 2: Deemed-to-Satisfy Development, Table 3: Performance Assessed Development or Table 4: Restricted Development. It therefore defaults to performance assessed development.

Dwelling: Not listed in Table 1: Accepted Development, Table 2: Deemed-to-Satisfy Development or Table 4: Restricted Development. It is listed in Table 3: Performance Assessed Development and is therefore performance assessed development.

## 6. PUBLIC NOTIFICATION

### REASON:

- The proposed partial demolition satisfies Table 5(5) of the City Living Zone and this element was excluded from public notification
- The office does not satisfy Table 5(4) of the City Living Zone as the building exceeds the maximum building height specified in DTS/DPF 2.2 (3 building levels and 11m) and this element required public notification.
- The dwellings do not satisfy Table 5(2) of the City Living Zone as the building exceeds the maximum building height specified in DTS/DPF 2.2 (3 building levels and 11m) and this element required public notification.

Table 6.1 – List of Representations		
No.	Representor Address	Request to be Heard
1	Andrew Dawson, 1 Southcott Walk, Adelaide	No – Support with concerns
2	Anthony Brown, 20 Southcott Walk, Adelaide	No – Opposes
3	Paul Bradley, 9 Cairns Street, Adelaide	No – Opposes
4	Brooke Locke, 21 Cairns St, Adelaide	No – Support with concerns
5	Angela and David Stuart, 284-286 Gilles Street, Adelaide	No – Support with concerns
6	Barbara Krajewska, 14 Light Walk, Adelaide	No – Support with concerns
7	Elizabeth Rushbrook, 317 Wakefield Street, Adelaide	Yes – Support with concerns
8	Peter Walsh, PO 6776 Halifax Street, Adelaide	No – Support with concerns

Table 6.2 – Summary of Representations	
<u>Oppose:</u> <ul style="list-style-type: none"><li>• Building height</li><li>• Traffic and parking</li><li>• Noise</li><li>• Visual privacy</li><li>• Streetscape character</li><li>• Visual bulk</li></ul>	
<u>Support with concerns:</u> <ul style="list-style-type: none"><li>• Building height</li><li>• Traffic and parking</li><li>• Domestic noise</li><li>• Impact to adjacent Local Heritage Place</li><li>• Lack of soft landscaping</li><li>• Environmental sustainability</li></ul>	

*Note: The full representations and the applicant's response to the representations are included in Attachments 4 and 5.*

## 7. **AGENCY REFERRALS**

### Environment Protection Authority

- No objections with conditions imposed.

## 8. **INTERNAL REFERRALS**

### Senior Local Heritage Advisor:

- Will not dominate adjacent Local Heritage Place to the south considering the heritage value of the Place is in its external form visible from the front and sides.

### Traffic and Transport:

- Swept paths for vehicles entering/exiting from Saunders Place should be provided
- Redundant crossovers should be reinstated
- There is an opportunity for on-street parking spaces to be created on Cairns Street
- The car stackers should incorporate a basement to operate without drivers being required to queue on Saunders Lane
- The headroom and length of the car stackers appear insufficient
- Booster hydrant location will not impact on-street parking on Cardwell Street as confirmed by the Metropolitan Fire Service.

### Stormwater:

- Requirements relating to stormwater connection, quality and quantity requirements including maximum runoff, calculations for 1% and 5% AEP minimum finished floor level. To be finalised at detailed design stage
- The finished floor level of the building should be at least 300mm above the top of kerb level.

### Waste:

- Weekly Council collection of residential waste available.

### Acoustic Engineer:

- Concern raised with air conditioner noise to adjacent sensitive receivers
- Recommend an acoustic report be provided detailing acoustic screening.

## 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
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Predominantly low-rise, low to medium-density housing, with medium rise in identified areas, that supports a range of needs and lifestyles located within easy reach of a diversity of services and facilities that support city living. Small-scale employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.</li> </ul>		
<b>Land Use and Intensity</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Built Form and Character</b>			
PO 2.1	<ul style="list-style-type: none"> <li>The proposed will redevelop an existing underutilised building in discord with the DOs of the zone.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 2.4	<ul style="list-style-type: none"> <li>Vehicle access primarily from rear laneway, with only one crossover to Cardwell Street. Crossovers on Cairns Street to be removed.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Building Setbacks</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.4	<ul style="list-style-type: none"> <li>While access to light and ventilation for neighbours, as well as POS for occupants is provided, minimal rear setback does not provide any area for soft landscaping.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.5	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Site Dimensions and Land Division</b>			
PO 4.1	<ul style="list-style-type: none"> <li>Sites of a suitable size and dimension for residential purposes.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Car Parking and Access</b>			
PO 5.1	<ul style="list-style-type: none"> <li>Vehicle access primarily from rear laneway, with only one crossover to Cardwell Street.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 9.2 Summary of Medium-High Intensity Subzone Assessment Provisions

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Medium rise, medium density housing in a variety of forms with an eclectic mix of supporting non-residential land uses interspersed (including mixed-use development) that complement the area's urban residential amenity.</li> </ul>		
DO 2	<ul style="list-style-type: none"> <li>Redevelopment of existing non-residential sites into integrated mixed-use developments to increase the residential population and vibrancy of the area.</li> </ul>		
<b>Land Use and Intensity</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Medium-density residential development.</li> </ul>	☑	☐

## 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 proposed and no requirement to provide affordable housing
- Airport Building Heights (Regulated) and Building Near Airfields Overlay – building height below maximum prescribed AHD level of 150 metres
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree Overlay – no trees affected
- Stormwater Management Overlay – only applies to residential development and the proposal is mixed-use.

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

### Design Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development positively contributes to the liveability, durability and sustainability of the built environment through high-quality design.</li> </ul>		
<b>General</b>			
PO 1.1	<ul style="list-style-type: none"> <li>While the building is of a contemporary appearance and comprises a range of high-quality materials, there are issues with the compatibility of the building in its context and resulting impacts.</li> </ul>	☐	☒

## Hazards (Flooding – Evidence Required) Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>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.</li> </ul>		
<b>Flood Resilience</b>			
PO 1.1	<ul style="list-style-type: none"> <li>To be confirmed in a stormwater management plan at detailed design stage.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Heritage Adjacency Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development adjacent State and Local Heritage Places maintains the heritage and cultural values of those Places.</li> </ul>		
<b>Built Form</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Does not dominate the adjacent Local Heritage Place to the south as the heritage value of the Place is in its external form visible from the front and sides.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Urban Tree Canopy Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Trees planted or retained to contribute to an urban tree canopy.</li> </ul>		
<b>Built Form</b>			
PO 1.1	<ul style="list-style-type: none"> <li>No trees planted in accordance with DPF 1.1, however the site qualifies for payment into the Urban Tree Canopy Offset Scheme in lieu of planting trees.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" 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
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.</li> </ul>		
PO 1.1	<ul style="list-style-type: none"> <li>The applicant has provided a declaration in accordance with Section 86 of the <i>Electricity Act 1996</i>.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Design in Urban Areas

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development is contextual, durable, inclusive and sustainable.</li> </ul>		
<b>All Development</b>			
<b>External Appearance</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Corners reinforced with no corner cutoffs.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	<ul style="list-style-type: none"> <li>Building entry points identifiable from the street.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> <li>Air conditioners to the rear and screened from view.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	<ul style="list-style-type: none"> <li>Bin storage contained within the building.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Safety</b>			
PO 2.2	<ul style="list-style-type: none"> <li>Front doors and roller doors provide a differentiation between public and private spaces.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> <li>Pedestrian access available from Cairns and Cardwell Streets.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.4	<ul style="list-style-type: none"> <li>Offices at ground level have restricted views of the public realm due recessed facades and landscaping in front of the windows.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 2.5	<ul style="list-style-type: none"> <li>Offices do not provide night time activation and the recessed façade to Cairns Street with landscaping in front further reinforces the lack of visibility into the building.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Landscaping</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Environmental Performance</b>			
PO 4.1	<ul style="list-style-type: none"> <li>Natural sunlight access maximised through habitable rooms with north-facing windows and windows facing north and south to allow cross ventilation.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.2	<ul style="list-style-type: none"> <li>Energy consumption and reliance on mechanical ventilation generally minimised through shaded windows, inset balconies and cross ventilation.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.3	<ul style="list-style-type: none"> <li>Climate responsive techniques include solar panels, light coloured external finishes, rooftop garden and no gas connection.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Water Sensitive Design</b>			
PO 5.1	<ul style="list-style-type: none"> <li>To be confirmed in a stormwater management plan at detailed design stage.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Site Facilities/Waste Storage (excluding low rise residential development)</b>			
PO 11.1	<ul style="list-style-type: none"> <li>Communal bin storage room provided at ground.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 11.2	<ul style="list-style-type: none"> <li>Communal bin storage area located within the building and obscured from the public realm.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>All Development – Medium and High Rise</b>			
<b>External Appearance</b>			
PO 12.1	<ul style="list-style-type: none"> <li>While the building is of a contemporary appearance and comprises a range of high-quality materials, there are issues with the compatibility of the building in its context and resulting impacts.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 12.2	<ul style="list-style-type: none"> <li>Sheer walls to boundaries with no articulation of built form or setbacks to reinforce a human scale.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 12.3	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 12.4	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 12.5	<ul style="list-style-type: none"> <li>Masonry main building material.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.6	<ul style="list-style-type: none"> <li>While building entry points visible from the street, recessed façade and landscaping in front of the offices reduces activation to Cairns Street.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 12.7	<ul style="list-style-type: none"> <li>Entry doors identifiable and provide shelter for entrants.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 12.8	<ul style="list-style-type: none"> <li>Air conditioners to the rear and screened from view.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Landscaping</b>			
PO 13.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 13.2	<ul style="list-style-type: none"> <li>No deep soil zones provided.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PO 13.3	<ul style="list-style-type: none"> <li>No deep soil zones provided.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Environmental</b>			
PO 14.1	<ul style="list-style-type: none"> <li>Micro-climatic impacts on adjacent buildings minimised through management of overshadowing and not restricting ventilation access.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 14.2	<ul style="list-style-type: none"> <li>Sustainable design techniques include natural sunlight access through habitable rooms with north-facing windows, windows facing north and south to allow cross ventilation, light coloured external finished and rooftop garden.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Overlooking/Visual Privacy</b>			
PO 16.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>All Residential Development</b>			
<b>Outlook and Amenity</b>			
PO 18.1	<ul style="list-style-type: none"> <li>All living rooms have external outlook to the public realm.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Residential Development – Medium and High Rise (including serviced apartments)</b>			
<b>Private Open Space</b>			
PO 27.1	<ul style="list-style-type: none"> <li>All dwellings provided with private open space exceeding minimum requirements to meet the needs of occupants.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Residential Amenity in Multi-Level Buildings</b>			
PO 28.1	<ul style="list-style-type: none"> <li>Dwellings have windows and balconies separated from each other.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.2	<ul style="list-style-type: none"> <li>Balconies integrated into design of the building</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PO 28.3	<ul style="list-style-type: none"> <li>Balconies large enough to accommodate outdoor seating and accessed directly from living rooms.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.4	<ul style="list-style-type: none"> <li>Dwellings can accommodate domestic storage needs with further storage located on the ground level.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.6	<ul style="list-style-type: none"> <li>Dwellings have abutting bedrooms to minimise transmission of noise.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 28.7	<ul style="list-style-type: none"> <li>Structural columns do not impact the useability of dwellings.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Common Areas</b>			
PO 30.1	<ul style="list-style-type: none"> <li>Size of lifts and corridors sufficient to service five dwellings.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Interface between Land Uses

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</li> </ul>		
<b>General Land Use Compatibility</b>			
PO 1.1	<ul style="list-style-type: none"> <li>The site is not adjacent a major road or any high-impact land uses.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> <li>While overshadowing impacts are acceptable, the adverse impacts created by air conditioning units not minimised.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Hours of Operation</b>			
PO 2.1	<ul style="list-style-type: none"> <li>Hours of operation could be controlled via a condition if consent granted.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Overshadowing</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Activities Generating Noise or Vibration</b>			
PO 4.1	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Site Contamination

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Ensure land is suitable for proposed use in circumstances where it is, or may have been, subject to site contamination.</li> </ul>		
PO 1.1	<ul style="list-style-type: none"> <li>EPA satisfied site could be made suitable for the proposed use subject to directed conditions.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Transport, Access and Parking

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.</li> </ul>		
<b>Movement Systems</b>			
PO 1.4	<ul style="list-style-type: none"> <li>Refer Section 9.5.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Vehicle Access</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Crossovers do not interfere with public road intersections.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> <li>Crossovers appropriate for traffic generated.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.4	<ul style="list-style-type: none"> <li>Crossovers have little impact on neighbouring properties.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.5	<ul style="list-style-type: none"> <li>Crossover do not interfere with street trees or infrastructure.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.6	<ul style="list-style-type: none"> <li>While new crossover to Cardwell Street will reduce on-street parking, the removal of the crossover on Cairns Street will allow for creation of on-street parking.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.8	<ul style="list-style-type: none"> <li>Crossovers suitable for domestic vehicles.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Vehicle Parking Rates</b>			
PO 5.1	<ul style="list-style-type: none"> <li>Demand for 12 spaces with 14 spaces provided.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Corner Cut-Offs</b>			
PO 10.1	<ul style="list-style-type: none"> <li>Corner cutoffs not provided but maintains existing situation.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 9.5 Detailed Discussion

### Land Use and Intensity

PO 1.1 of the City Living Zone envisages diverse housing and accommodation complemented by a range of compatible non-residential land uses. PO 1.1 of the Medium-High Intensity Subzone also envisages medium density accommodation.

The development proposes dwellings and offices, with offices at ground level and dwellings on three levels above. As both dwellings and offices are envisaged in the zone, both uses are supportable in principle achieving PO 1.1 of the zone. The proposed dwellings also achieve PO 1.1 of the subzone. Further, as the offices serve to improve community accessibility to services, PO 1.2 of the zone is also achieved. While non-residential land uses such as offices are envisaged in the zone, it is also important to balance these uses with the scale, design and siting of these uses envisaged in the zone per POs 1.3 and 1.4.

The proposed offices are designed to appear commercial and lack delineation between the office and residential uses above. This is at odds with the predominantly residential character of the locality comprising traditional dwellings east of Cardwell Street to more contemporary dwellings to the west of Cardwell Street. The proposed building is not residential in its appearance. However, offices are sited on the ground floor only, to ensure the upper levels remain residential. PO 1.3 is therefore only partially achieved.

PO 1.4(a) and (b) provide guidance on the scale and location of non-residential uses in the zone, suggesting these should primarily be in the form of home-based business activities and the reuse of existing commercial premises. The proposed is neither.

Further, PO 1.4(c) suggests they should be located along street frontages with an established mixed-use character (particularly along several main streets in the Medium-High Intensity Subzone, none of which apply to the subject site). It is notable other neighbourhood-type zones in the Planning and Design Code (e.g. General Neighbourhood Zone) do not contain policy to control non-residential uses to the same extent as the City Living Zone. This suggests while non-residential uses are desired in the zone, their scale and siting are more strictly and deliberately controlled to minimise intrusion into streets with a predominantly residential character.

The site is within the Medium-High Intensity Subzone, however is not within any of the streets listed in PO 1.4(c)(i). It then needs to be considered if Cairns Street has an 'established mixed-use character'.

Abutting the eastern end of Cairns Street are the sides of two low-scale commercial uses which appear as dwellings. Looking west along Cairns Street from this point, the low-scale residential character of the street is evident. Single level cottages with front verandahs and picket fences sit amongst several more contemporary two level dwellings. Shallow front setbacks and the narrow width of Cairns Street contribute to an intimate residential character.

At the western end of Cairns Street the rear of the existing former Southcott Engineering site, now offices, is in stark juxtaposition to the residential character established to the east. The subject site too also appears out of place, although its low scale helps it stand out less than the offices to the north. Further west, along the western side of Cardwell Street, two and three level dwellings of more contemporary design further strengthen the residential character.

While it is acknowledged the subject site and adjacent offices to the north somewhat disrupt the otherwise strong residential character of Cairns Street, their presence in the streetscape is not considered so disruptive that Cairns Street could be considered as having an established mixed-use character.

On balance, PO 1.4 is not achieved, and the proposed office land use is not considered appropriate for the subject site.

## Built Form and Design

### *Building Height*

PO 2.2 of the zone desires development contribute to a medium-rise residential character, be consistent with the building height TNVs that apply to the site and positively respond to the local context.

Part 8 of the Code provides that 'medium rise', *'in relation to development, means 3 to 6 building levels'*.

Given the variance in building levels in the medium rise definition and the vastly different impacts buildings of this height can have, the Code carefully manages the maximum building height of medium-rise development throughout the City Living Zone through the application of TNVs. For example, those parts of the zone where up to three building levels are envisaged, including the subject site, have the corresponding maximum building height (levels) TNV applied. Other parts of the zone envisaged for the upper range of medium rise (six building levels) are relatively limited.

It is also worth noting 'catalyst site' policy within the zone envisaging over-height development is only contemplated within the East Terrace Subzone. Further, there is no affordable housing proposed in the development that makes it eligible for over-height dispensation.

The proposed building will have a maximum height of four building levels and 14.4 metres. While this does satisfy the medium rise definition, this is inconsistent with the maximum building height (levels) TNV of three levels and 11 metres that apply to the site.

It then needs to be considered whether the proposed height positively responds to the local context.

As previously discussed, the locality predominantly comprises buildings in the range of one to two levels east of Cardwell Street and buildings of two to three levels west of Cardwell Street.

Considering the large floor to ceiling heights of the offices to the north of the subject site, this building also has the typical bulk expected of a three level building.

The proposed building sets in the fourth building level generously from the northern and southern boundaries, reducing its apparent visibility and resulting bulk. The building therefore appears from some views as a three level building.

It is also considered the zone and subzone envisage change in identified areas. The policies applicable to the site do not seek to preserve the predominantly low-rise character but instead seek to increase residential densities and increase building heights while maintaining residential amenity.

While the proposed building height of four levels will appear in contrast to the established character of the streetscape, especially along Cairns Street, this is largely in response to the medium rise built form outcomes sought by the Code for the locality. The proposal attempts to manage impacts caused by the additional level.

On balance, PO 2.2 of the zone is achieved.

### *Streetscape Impacts*

PO 2.3 of the zone desires new buildings visible from the public realm are consistent with the valued streetscape characteristics of the area and the prevailing built form characteristics. PO 3.1 of the zone desires buildings setback from primary street boundaries to complement the existing streetscape character.

The cottages that predominate along Cairns Street typically have shallow front setbacks in the order of 1 or so metres. This is sufficient to allow for small front porch areas usually covered by a front verandah, with the main roof then sloping away from the front boundary. It is this traditional form that contributes to the intimate residential character that typifies Cairns Street.

As observed earlier, this pattern is broken by the two buildings at the western end of Cairns Street, the subject site and offices directly north, comprised of sheer brick walls built to their Cairns Street boundaries.

The proposed building appears to take the approach of the latter, that is, sheer brick walls constructed to the front boundary, rather than taking cues from the valued streetscape characteristics of the cottages. The resulting visual impact to Cairns Street is therefore greater.

While the difference in front setback may not be great, the visual impact created to the established streetscape character of Cairns Street becomes more apparent given the proposed height as well as the solid form that does not attempt to break up the building into distinct elements as desired by Design in Urban Areas PO 12.3. On balance, PO 2.3 and 3.1 of the zone and Design in Urban Areas PO 12.3 are not achieved.

In contrast to the character of Cairns Street, Cardwell Street is largely comprised of buildings that have only their side walls addressing the street, with walls up to three levels abutting the street. The nil setback to Cardwell Street reinforces this streetscape character and therefore achieves PO 3.2 of the zone.

### *Boundary Walls*

PO 3.5 of the zone seeks boundary walls limited in height and length to manage impacts on adjoining properties, with the corresponding DPF suggesting a maximum boundary wall height of 3 metres and maximum boundary wall length of 11.5 metres (maximum 45% of the length of the boundary).

The development does not propose any setback for its eastern wall, resulting in a boundary wall to a maximum height of 14.4 metres and a maximum length of 23.3 metres to the eastern boundary of the site (96% of the length of the eastern boundary).

Directly adjoining the site is a single level dwelling. The proposed wall on this boundary will be significant adjacent this dwelling with no visual relief provided.

The proposed eastern wall will have limited windows to the northern extent of this façade and only rebated brickwork to articulate what would otherwise be a blank elevation. This is at odds with Design in Urban Areas PO 12.4 which seeks visible boundary walls broken up by visually interesting treatments. Noting there are structures covering much of the rear yard of this property, the proposed boundary wall will still significantly impact on the amenity offered to this property, particularly if the occupants desire an uncovered open area.

There will be complete overshadowing of this neighbouring property in the afternoon, however it is acknowledged the adjacent dwelling will still have access to direct sunlight in the morning hours.

There appears to be tension between PO 3.5 of the zone and PO 3.3(a) which seek separation between buildings in a way that is consistent with the established streetscape. In this instance, buildings along Cairns Street, for the most part, are constructed to both side boundaries and the proposed would therefore seem to be in accord with PO 3.3(a) while simultaneously being in discord with PO 3.5. However, it is important to consider PO 3.3(a) in the context of other POs throughout the Code which seek good design outcomes including Design in Urban Areas PO 12.3 and 12.4 as discussed earlier.

While increased building heights are envisaged in the zone, the zone seeks to carefully control built form impacts and maintain residential amenity for existing dwellings through provisions including PO 3.5 of the zone and Design in Urban Areas PO 12.3 and 12.4. PO 3.5 is not achieved given the extensive visual impacts to the adjacent dwelling from the proposed boundary wall.

### Amenity Impacts

#### *Overlooking*

Design in Urban Areas PO 16.1 desires development mitigate direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones. The development is adjacent residential uses to the east, west and south.

It should be noted to mitigate direct overlooking does not imply a right to absolute privacy. Direct overlooking is defined in Part 8 of the Planning and Design Code:

*In relation to direct overlooking from a window, is limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than 45 degree angle from the plane of that wall containing the overlooking window.*

*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.*

Fixed horizontal louvres are proposed to the south and east facing windows of the second and third levels. Diagrams supplied by the applicant suggest a person standing at the window and attempting to look down into the private open space and/or habitable room windows of the adjacent residential uses will have around three quarters of their view screened (maximum openings of 24 to 28%). This is largely consistent with other visual privacy requirements of the Design in Urban Areas module and is considered to suitably mitigate direct overlooking.

Louvres are also proposed to the west-facing windows of the second and third levels, although these are not fixed and are retractable. The private open space (balconies) of the dwelling to the west comprises clear balustrading which makes this space somewhat visible from the public realm. Direct overlooking of these adjacent balconies from the proposed west-facing windows of the subject building will be worse than the view obtained at ground level in the public realm. There is some tension here between the visual privacy sought by the Code and the lack of visual privacy that already exists.

The fourth level of the building is setback generously from the north and south, with no windows proposed to the east or west. From inside the building, there will be no direct overlooking of adjacent residential uses.

However, the fourth level also contains two large roof terraces designed for recreational purposes. The balustrade of the terraces will have a height of 1.1 metres. This raises visual privacy concerns for dwellings to the south with private open space and/or habitable room windows that can be directly overlooked.

There is less concern for the visual privacy of dwellings to the east with rear yards are largely covered by structures, and for dwellings to the west, with private open space areas (balconies) largely visible from the public realm due to clear balcony balustrading.

While some effort has been incorporated to mitigating direct overlooking of adjacent residential uses, not all direct overlooking impacts are mitigated, and PO 16.1 is only partially satisfied.

### *Soft Landscaping*

Design in Urban Areas PO 3.1 and 13.1 seek soft landscaping and tree planting for environmental and aesthetic reasons including to minimise heat absorption and reflection, maximise stormwater infiltration and to soften the appearance of the building.

Part 8 of the Code defines soft landscaping as:

*'Landscaped areas that are pervious and capable of supporting the growth of plant species. It does not include artificial turf or any form of pervious paving or paved/hardstand areas used for pedestrian and/or vehicle movement.'*

The development provides raised steel planters on the ground level and rooftop, with the rooftop also comprising mounded soil. This landscaping is not considered soft landscaping as planters are not pervious, that is, water cannot pass through into the ground.

The environmental and aesthetic benefits provided by the landscaping proposed are questionable. At ground level, the planters are setback behind the front of the building and covered by the roof above. Therefore, they cannot contribute to stormwater infiltration, provide any shade or shelter, or minimise heat absorption. Visibility of any plantings will only be from immediately in front of the building and the growth of the plants into the public realm is not desirable given the narrow width of the Cairns Street footpath.

At roof level, the plantings may contribute to minimising heat absorption, and the soil will be capable of assisting with stormwater infiltration although not to the same extent as a deep soil area at ground level. However, at three levels above ground the ability of the plantings to soften the appearance of the building and enhance the appearance of the streetscape is questionable. The landscape plan also suggests some trees will grow to as high as 7 metres in soil with a depth of 750mm. There is concern the impacts of wind and drying of the soil due to its relative shallowness may impact on the viability of these trees, although it is acknowledged with careful management it may be possible.

While there are some benefits provided by the proposed landscaping, there is ultimately no soft landscaping proposed. On balance, the intent of Design in Urban Areas PO 3.1 and 13.1 is not achieved.

### *Noise*

Air conditioning units are proposed to the rear of the building, above the entrance to the garages. Specifications relating to noise have been supplied by the applicant although these are generic and a specific acoustic assessment has not been undertaken.

Council's consulting acoustic engineer has raised concerns with the information provided and suggested it is likely the air conditioning units would have an unacceptable impact on adjacent sensitive receivers if they were all operating, especially in heating mode. This could be explored further through the provision of a detailed acoustic report as a reserved matter should consent be granted.

On this basis, Interface between Land Uses PO 4.1 is not achieved and further consideration of how to manage the noise impact created by the air conditioning units would be required.

### *Overshadowing*

Interface between Land Uses PO 3.1 envisages overshadowing of habitable room windows of adjacent residential uses in neighbourhood-type zones is minimised to maintain access to direct winter sunlight.

The shadow diagrams indicate that on the winter solstice, north-facing windows of the adjacent boarding house to the south at 288-292 Gilles Street are likely to be shaded from midday, while having some sunlight access in the morning hours.

North-facing windows of the adjacent dwelling to the south at 284-286 Gilles Street are unlikely to be shaded as they are already covered by verandahs to the rear. It is acknowledged shading will occur from the third level given the fourth level is setback from the rear and will therefore not have any impact on the shading created by the proposed building. Three level buildings are anticipated in the locality and so some shading, especially to the south, is inevitable. PO 3.1 is achieved.

Interface between Land Uses PO 3.2 desires overshadowing of the primary area of private open space of adjacent residential land uses be minimised to maintain access to direct winter sunlight.

The shadow diagrams indicate the private open space of 284-286 Gilles Street will be shaded by the development in the morning hours to 12.00pm. Sunlight access though will be maintained in the afternoon. Dwellings to the east at 9 and 11 Cairns Street will be shaded in the afternoon although it is acknowledged direct sunlight access will be maintained in the morning hours. On balance, Interface between Land Uses PO 3.2 and PO 3.3(b) of the zone are satisfied.

Interface between Land Uses PO 3.3 desires overshadowing not unduly reduce the generating capacity of adjacent rooftop solar panels. The shadow diagrams indicate solar panels at the rear of 284-286 Gilles Street will be shaded for virtually the whole day on the winter solstice. This will undoubtedly have an impact on the generating capacity of these panels.

Buildings up to three levels are anticipated in the zone and the adjacent solar panels are located to the northern extent of the adjacent site where they will be most impacted by any three level building to the north. It appears there may be options for the panels to be relocated further south on the adjacent dwelling where they would be less shaded or not shaded at all. While not desirable for the adjacent site, on balance the proposed development is not considered to unreasonably impact on adjacent solar panels, achieving PO 3.3. As acknowledged above, it is also considered acceptable as the overshadowing of the solar panels does not stem from the fourth level due to its large setback from the rear boundary of the subject site.

### Traffic and Access

Transport, Access and Parking PO 1.4 desires development sited and designed to avoid interrupting the operation of and queuing on public roads. While the development provides car stackers for vehicle parking in excess of the minimum rate, the stackers do not incorporate a basement level. This means a car at the bottom must be removed before the top space can be accessed. This has the potential to cause queuing on adjacent roads and does not meet the Australian Standards (AS/NZS2890.1 - Off-Street Car Parking) requirement for queuing areas and access to mechanical parking installations. Transport, Access and Parking PO 1.4 is not achieved.

### **Seriously at Variance**

The Courts have previously determined the assessment of whether a development is seriously at variance with the provisions of the Planning and Design Code should focus on the nature of the proposed land use and the relevant performance outcomes concerning this matter.

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 noting the proposed land uses and built form are broadly envisaged in the zone.

## 10. **CONCLUSION**

The City Living Zone envisages predominantly residential development at low-to-medium density, with medium-rise and medium-to-high density development in identified areas. Through the application of the Medium-High Intensity Subzone and a maximum building height (levels) TNV of three levels, it is clear the subject site is identified as being suitable for increased height and density.

The proposed development is predominantly residential and achieves the desire for medium-rise development, albeit at a height and form inconsistent with the height TNVs for this site.

The Code also acknowledges introducing change through increased building heights and density to streetscapes with an established character has the potential to impact on residential amenity. Provisions throughout the Zone, including those relating to land use, building height and setbacks seek to facilitate this desired change while at the same time ensuring residential amenity and the valued characteristics of the streetscape are maintained.

The proposed development fails to carefully manage change in this locality through its design and siting which increase its impact on adjacent sensitive receivers and the locality. There has been minimal attempt to setback the building from its boundaries resulting in significant visual impacts. The architectural form is strong with minimal articulation to break up the building or provide visual relief for adjacent dwellings. The development provides full site coverage thereby eliminating opportunities for soft landscaping. The proposed offices at ground level represent an intrusion of a land use not envisaged in this locality.

The assessment of the proposal against the Code is finely balanced, however ultimately it is not considered to adequately satisfy key provisions and therefore is recommended for refusal.

## 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 ID 25035892, by Datay Pty Ltd is REFUSED Planning Consent for the following reasons:
  - City Living Zone PO 1.4 is not achieved as the proposed commercial activities are not of a scale and type to maintain residential amenity.
  - City Living Zone PO 2.3 is not achieved as the new building is not consistent with the valued streetscape characteristics of the area or prevailing built form characteristics.
  - City Living Zone PO 3.1 is not achieved as the building is not setback from the primary street boundary to complement the existing streetscape character.
  - City Living Zone PO 3.5 is not achieved as boundary walls are not limited in height and length to manage impacts on adjoining properties.
  - Design Overlay PO 1.1 is not achieved as the medium rise building does not demonstrate high quality design.
  - Design in Urban Areas PO 2.4 is not achieved as the development at street level does not maximise opportunities for passive surveillance of the public realm.

- Design in Urban Areas PO 2.5 is not achieved as the entry points of the building and non-residential land uses at street level do not maximise passive surveillance from the public realm to the inside of the building at night.
- Design in Urban Areas PO 3.1 is not achieved as soft landscaping and tree planting are not incorporated to minimise heat absorption and reflection, maximise shade and shelter, maximise stormwater infiltration and enhance the appearance of the land and streetscape.
- Design in Urban Areas PO 12.1 is not achieved as the building does not positively contribute to the character of the local area by responding to the local context.
- Design in Urban Areas PO 12.2 is not achieved as architectural detailing at street level and a mixture of materials at lower building levels near the public interface are not provided to reinforce a human scale.
- Design in Urban Areas PO 12.3 is not achieved as the building is not designed to reduce visual mass by breaking up building elevations into distinct elements.
- Design in Urban Areas PO 12.4 is not achieved as boundary walls visible from public land do not include visually interesting treatments to break up large blank elevations.
- Design in Urban Areas PO 13.1 is not achieved as the development does not provide a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of the building.
- Design in Urban Areas PO 13.2 is not achieved as deep soil zones are not provided to accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi storey buildings.
- Design in Urban Areas PO 13.3 is not achieved as deep soil zones with access to natural light are not provided to assist in maintaining vegetation health.
- Interface between Land Uses PO 1.2 is not achieved as the development is not designed to minimise adverse impacts to adjacent sensitive receivers.
- Interface between Land Uses PO 4.1 is not achieved as noise emitted by the development unreasonably impacts on the amenity of sensitive receivers.
- Transport, Access and Parking PO 1.4 is not achieved as the development is not sited and designed so that traffic avoids queueing on public roads.

## **ADVISORY NOTE**

### **1. Appeal Rights**

The applicant has a right of appeal against this decision. 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).