

<b>DEVELOPMENT NO.:</b>	25024778
<b>APPLICANT:</b>	Adelaide Development Corporation
<b>AGENDA ITEM NUMBER:</b>	3.1
<b>ADDRESS:</b>	42 Melbourne Street, North Adelaide SA 5006
<b>NATURE OF DEVELOPMENT:</b>	Construct five level mixed-use building comprising shop, lobby and ancillary carparking at ground, upper level dwellings and swimming pools with associated safety features
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• City Main Street</li> </ul> <p><b>Subzones:</b></p> <ul style="list-style-type: none"> <li>• City High Street</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• <del>Airport Building Heights (Regulated)</del></li> <li>• <del>Affordable Housing</del></li> <li>• <del>Design</del></li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• <del>Noise and Air Emissions</del></li> <li>• <del>Prescribed Wells Area</del></li> <li>• Regulated and Significant Tree</li> <li>• <del>Traffic Generating Development</del></li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height – 14 metres and 4 levels</li> </ul>
<b>LODGEMENT DATE:</b>	28 August 2025
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Version 2025.15 – 14 August 2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	HD
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Local Heritage, Traffic, Infrastructure

## CONTENTS:

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**ATTACHMENT 1:** Amended Plans & Supporting Information

**ATTACHMENT 2:** Report to CAP on 27 April 2026 and associated documentation

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Attachments are provided via [Link 1](#)

## 1. **BACKGROUND**

On 27 April 2026, Council's Assessment Panel (CAP) considered application 25024778 to construct a five level mixed-use building comprising shop, lobby and ancillary carparking at ground, upper level dwellings and swimming pools with associated safety features at 42 Melbourne Street, North Adelaide.

At the meeting, CAP deferred the application and requested the following further information:

1. How proposal adequately mitigates visual impacts of building massing on adjacent residential development in the City Living Zone, particularly the 45 degree plane requirement in City High Street Subzone PO 3.1
2. Reduction of direct overlooking of habitable rooms and private open space of adjacent residential properties as sought by Design in Urban Areas PO 16.1
3. Ensuring driveway is designed to allow safe and convenient movement as sought by Design in Urban Areas PO 33.3
4. Further details of landscaping adjacent the rear boundary, particularly in terms of maintenance and limiting impacts to neighbouring properties.

The applicant has provided additional information including amended plans.

## 2. **INFORMATION ADDRESSING REASONS FOR DEFERRAL**

### 1. Visual Impacts of Building Massing

The applicant has reiterated Interface within the City High Street Subzone DTS/DPF 3.1 is only one way of achieving PO 3.1 which seeks to mitigate visual impacts of building massing on residential development in the City Living Zone.

The applicant has decreased the incursion into the 45 degree plane by reducing the extent of built form for level 3 by 300mm. The visual impacts of the building will also be mitigated through articulation, sympathetic use of materials and landscaping.

Two sections have been provided showing the level of incursion for different portions of the building. It should be noted the grey curved element only represents the western boundary wall.

### 2. Direct Overlooking

The applicant has increased the extent of screening on levels 1, 2 and 3 to incorporate the entire northern façade, including return screens to the eastern façade, at a height of 1.7 metres from finished floor level. The screening will provide privacy to adjacent properties whilst still allowing for access to light and ventilation for building occupants.

### 3. Safe and Convenient Movement

Further details have been provided regarding traffic flow management. It has been confirmed that any vehicles entering from Melbourne Street will not be delayed by an exiting vehicle. Movements will be controlled using a traffic light system to hold vehicles on site until safe egress can occur. Additional details regarding signage, line marking, signals and visibility aids have also been provided.

The applicant sought a peer review from another traffic engineer which concludes the traffic control arrangements are appropriate and proportionate given the low levels of traffic generation associated with the development.

Council's traffic team also reviewed the additional details and advised the methods proposed to manage traffic flow are acceptable.

#### 4. Landscaping

Further details for the landscaping to the northern boundary have been provided. The species selected is *Pyrus Calleryana Chanticleer* which is common for screening ability and tolerance to the urban environment. The species is known for its narrow, upright, tidy, conical shape and relatively low maintenance. The 2 metre wide area where the trees are to be planted will be adequate for maintenance purposes.

### 3. **RECOMMENDATION**

It is recommended that 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
2. Development Application Number ID 25024778, by Adelaide Development Corporation is GRANTED Planning Consent subject to the following reserved matters, conditions and advices:

#### **RESERVED MATTERS**

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

1. **A Stormwater Management Plan prepared by a suitably qualified engineer demonstrating:**
  - a. **Post-development stormwater runoff rates do not exceed pre-development rates for the 1 in 5 year and 1 in 100 year ARI storm events**
  - b. **Details of all on-site detention, retention, or infiltration systems (including deep soil zones, rooftop planters, and landscaped terraces) with supporting calculations**
  - c. **Compliance with Council's stormwater management requirements and relevant Australian Standards**
  - d. **Connection details to Council's stormwater infrastructure (if applicable)**
2. **Details of the treatment to the western wall visible above the existing adjacent development.**

Pursuant to Section 127 of the *Planning, Development and Infrastructure Act 2016*, Council's Assessment Manager reserves a decision on the form and substance of any further condition/s of Planning Consent considered appropriate to impose in respect of the Reserved Matter outlined above.

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## **CONDITIONS**

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any):
    - Plans drafted by JPE Design Studio, project no. 24121, drawing nos. SK-002 revision E, SK-003 revision F, SK-004, SK-005, SK-007 all revision D, SK-008 revision C, SK-009 revision D, SK-010 revision F, SK-011 revision C, SK-015 revision E, SK-016 revision D, SK-018 revision C and SK-019 revision B
    - Landscaping Plans drafted by JPE Design Studio
    - External Materials Schedule drafted by JPE Design Studio
    - Civil Plan drafted by Bentley Consulting Job no. BC2502110-DR-CV-0100 Rev. B
    - Traffic Impact Assessment Report by Sproutt dated July 2025 and response to request for further information by Sproutt dated 20 March 2026, reference 25-0047\_ADC\_NY\_001
    - Acoustic Report compiled by Resonate A260064RP1 Revision 0, dated 13 March 2026
    - Sproutt Waste Management Plan, dated July 2025
    - Arboricultural Impact assessment and Development Impact Report ATS8242-042MeIStDIR-R1, dated 23 October 2025
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2. The privacy screening depicted on the plans granted consent described as northwest elevation and northeast elevation, drawing no. SK-010 shall be installed prior to the occupation or use of the development and thereafter shall be maintained to the reasonable satisfaction of the Relevant Authority at all times.
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3. An internal traffic management system shall be installed at both ends of the driveway to maintain conflict free traffic movement through the driveway in accordance with “Detailed Access Protocol Methodology and Turnpath and Access Operation Plan” prepared by Sproutt Consulting dated 14 May 2026, reference: 26-0047\_ADC\_R02.

Priority shall be given to ingressing vehicles. The system shall be designed and certified by a suitably qualified professional and maintained in an operational state at all times to the reasonable satisfaction of the Relevant Authority.

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4. External materials, surface finishes and colours of the development shall be consistent with the description and sample hereby granted consent and shall be to the reasonable satisfaction of the Relevant Authority.
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5. The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Relevant Authority. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of the Relevant Authority.
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6. For the regulated street tree in Melbourne Street, all work requirements/activities in the vicinity shall be discussed and designed in consultation with the Project Arborist, i.e. no machinery operation in the vicinity of these trees without a Tree Protection Plan.

A Tree Protection Zone (TPZ) fence shall be erected to ensure access to the main trunk are restricted. The fence is to be installed prior to the commencement of all other site works including demolition.

If machinery access is required within the TPZ, ground protection shall be installed in consultation with the Project Arborist to ensure tree roots are not damaged. Pruning shall remove only the sections necessary to facilitate the demolition and construction of the proposed building, including any required construction buffer.

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7. The acoustic attenuation measures proposed for installation within the development as detailed in the report prepared by Resonate dated 13 March 2026 forming part of this consent shall be installed within the development to the reasonable satisfaction of the Relevant Authority. Such acoustic attenuation measures shall be operational prior to occupation or use of the development.
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8. The connection of any stormwater discharge from the land to any part of the Council's underground drainage system shall be undertaken in accordance with the City of Adelaide City Works Guide # 2: 'Works Impacting Council Assets' which can be located on Council's website <https://www.cityofadelaide.com.au/> and shall be to the reasonable satisfaction of the Relevant Authority.
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9. The hours of operation for the shop on the land shall be limited to:

- 7.00am to 9.00pm – Monday to Friday
  - 8.00am to 5pm – Saturday and Sunday
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10. Prior to the issue of Development Approval or any demolition, the Relevant Authority shall be provided with a dilapidation report including colour photos showing the existing condition of the neighbouring Local Heritage Place adjacent to the site.
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11. The glazed portion of the side wall of the driveway access shall remain clear glazed at all times to ensure sightlines are maintained to the reasonable satisfaction of the Relevant Authority.
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**12. Any convex mirrors shall be installed wholly within the subject site.**

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**ADVISORY NOTES**

**1. Development Approval Required**

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

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**2. Expiration 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.

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**3. Commencement and Completion**

Pursuant to Regulation 93 of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Council must be given one business day's notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via [Planning@cityofadelaide.com.au](mailto:Planning@cityofadelaide.com.au) or phone 8203 7185.

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**4. Appeal Rights**

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

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**5. Vehicle Crossing Place (redundant)**

The vehicle crossing place(s) made redundant as a result of this development will be closed by Council and the applicant will be charged directly for the work. A quotation for the work will be provided by Council to the applicant prior to the work being undertaken.

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**6. New Vehicle Crossing Place**

There is no objection to the proposed vehicle crossing place however the work will be undertaken by Council and the cost of the work will be charged to the applicant. Separate application for the crossing place is required and the applicant can obtain a form at Driveway crossover application <https://customer.cityofadelaide.com.au/forms/vehicle-crossing-application/> A quotation for the work will be provided by Council prior to the work being undertaken.

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## **7. 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.

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## **8. Public Utilities**

The applicant should ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense. In addition, the applicant is advised that the installation of an SA Power Networks transformer within the building may require the submission of a variation application. Furthermore, any proposal to install electricity infrastructure including a transformer or switching cubicle within the public realm will require the consent of Council and may not be forthcoming.

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## **9. Building Site Management Plan**

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

- Work in the Public Realm
  - Street Occupation
  - Hoarding
  - Site Amenities
  - Traffic Requirements
  - Servicing Site
  - Adjoining Buildings
  - Reinstatement of Infrastructure
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## **10. Consultation with Adjoining Owners**

In addition to notification and other requirements under the *Planning, Development and Infrastructure Act 2016* and *Fences Act 1975*, it is recommended that the applicant / owner consult with adjoining owners and occupiers at the earliest possible opportunity after Development Approval, advising them of proposed development work so as to identify and discuss any issues needing resolution such as boundary fencing, retaining walls, trees/roots, drainage changes, temporary access, waste discharges, positioning of temporary toilets etc.

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## **11. Works adjacent Existing Street Trees**

In relation to street trees, the proposal shall meet the following requirements:

- The proposed verandah shall be designed to ensure that a minimum clearance of 600mm is maintained between the structure and the nearest significant limb of the street tree.
- Site works shall be affected in such a manner so as not to damage the existing street tree(s).
- The sewerage serving the development shall be laid out and designed in such a manner which ensures retention of the existing street tree(s) notwithstanding the requirements of the Regulations under the *Sewerage Act 1929*.
- The existing street tree(s) will not be pruned to maintain lines of sight to the proposed sign or to the building façade.

- The street tree(s) will not be removed. Any pruning of the tree(s), necessary to maintain the clearance between the tree(s) and the verandah/development, shall only be carried out by Council.
  - A minimum clearance of 1 metre shall be maintained between the proposed crossing place and the existing street tree.
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## **12. Residential Parking Permits**

No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved (unless the subject site meets the relevant criteria). Please visit <https://www.cityofadelaide.com.au/transport-parking/parking/residential-parking/> or contact the [vehiclepermits@cityofadelaide.com.au](mailto:vehiclepermits@cityofadelaide.com.au) for further information.

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## **13. Construction Noise**

Construction activities and associated noise are typically permitted to occur between the hours of 7.00am and 7.00pm Monday to Saturday (excluding public holidays). A construction activity that does not have an adverse impact on amenity is not specifically restricted by the identified times. See Environment Protection Authority noise guideline for more information: [www.epa.sa.gov.au/files/4773\\_info\\_noise\\_construction.pdf](http://www.epa.sa.gov.au/files/4773_info_noise_construction.pdf).

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## **14. City Works Permit**

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

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

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

- A Traffic Management Plan/Site Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
  - Description of equipment to be used;
  - A copy of your Public Liability Insurance Certificate, noting the City of Adelaide as an interested party (minimum cover of \$20 Million required);
  - Copies of consultation with any affected stakeholders including businesses or residents. Applications will require a minimum notice period of five business days. For more information, contact [cityworks@cityofadelaide.com.au](mailto:cityworks@cityofadelaide.com.au)
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## **15. Light Pole and Pit**

The existing light pole located at the front of the property services the Council's lighting category. Any impact to this pole during construction must be addressed, and the pole reinstated to Council standards V3 for Roadway lighting and PP2 for Footpath lighting.

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**16. Tree Bud Lighting Connection**

The street light pole also supplies power to the bud lighting installed on the adjacent tree. Any alterations to this connection must be carried out safely during construction. Any damage to the lighting or associated infrastructure must be reinstated in accordance with City of Adelaide standards upon completion of works.

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**17. Temporary Lighting Requirements**

Temporary lighting measures must be implemented throughout the construction period to ensure adequate illumination and public safety. All electrical points are to be reinstated post-construction in accordance with City of Adelaide standards.

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**18. B85 Vehicles**

The proposed development has been designed for B85 type vehicles. Any potential occupant should be aware B99 type vehicles may not be able to access the parking areas.

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