

DEVELOPMENT NO.:	21037088
AGENDA ITEM NUMBER	4.2
APPLICANT:	Buik Holdings
ADDRESS:	5 Albert Lane Adelaide SA 5000
NATURE OF DEVELOPMENT:	Construct four level residential flat building including car parking on basement, ground and level one and apartments on levels two and three
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • City Living <p>Subzones:</p> <ul style="list-style-type: none"> • Medium-High Intensity <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Design • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	17 February 2022
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	17 February 2022 - 2022.3
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dylan Grieve Senior Planner, Development Assessment
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Traffic and Infrastructure Waste Heritage

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PERSONS SPEAKING BEFORE THE PANEL

Representors

- Daniel Hains of 320 Angas Street, Adelaide
- Sam and Margo Hill-Smith of 335 Wakefield Street, Adelaide
- Tom Game on behalf of Trevor Wright of 315a Wakefield Street, Adelaide
- Melissa Melon on behalf of Michelle Roesler of 318 Angas Street, Adelaide
- Clive Huggan on behalf of Luke Stradwick of 318 Angas Street, Adelaide
- Elizabeth Rushbrook of 317 Wakefield Street, Adelaide
- John and Sally Gamble of Unit 1 / 326 Angas Street, Adelaide

Applicant

- Matthew King (URPS) on behalf of Buik Holdings

1. DETAILED DESCRIPTION OF PROPOSAL

- 1.1 This development application proposes the construction of a four level residential flat building including car parking on basement, ground and level one and five apartments on levels two and three.
- 1.2 The proposal will have a setback of 1.3 metres for a length of 15.8 metres from northern boundary, will be located on the eastern boundary at ground and first floor with 1 metre from the eastern boundary for third and fourth floors and up to 5.3 metres from the western boundary.
- 1.3 The proposal will have an overall building height of 14.5 metres measured from finished ground level.
- 1.4 A total of 41 car parks are proposed over three levels, including 10 car parks reserved for the apartments (within the basement) and 31 car parks which will be ancillary to an existing office at 118-120 Hutt Street. A bicycle store will be provided in the basement along with additional storage for each apartment.
- 1.5 Vehicle access is proposed via a new crossover from Albert Lane located near the south western corner of the allotment. Movement within the car park will be controlled via automatic sensors and signals.
- 1.6 A mix of materials, finishes and colours are proposed as follows:
 - precast concrete in a range of finishes and colours
 - James Hardie Scyon axon cladding
 - Colorbond Roller Shutter
 - perforated mesh screen
 - frameless glass balustrading
- 1.7 Landscaping is proposed within a series of narrow garden beds along the northern and western frontages to Albert Lane and within portions of the setback from the eastern boundary.

TABLE 1.1 – DEVELOPMENT DATA		
DESIGN CHARACTERISTICS	GUIDELINE	PROPOSED
Site Area: 676m²		
Building Height	3 levels	4 levels
Building Height	11m	14m
Soft Landscaping	20%	5%
Car Parking	Dwellings with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling	41 undercover spaces 2 undercover spaces allocated to each dwelling
Private Open Space	Two bed dwelling in residential flat building	Between 15m ² and 30m ²

	11m ² / minimum dimension 2.4m	
Front Setback	Average setback to the building line of existing buildings on adjoining sites	Varied between on boundary, 1m, 1.6m and 5.3m
Secondary Street Setback	Building walls are no closer than 900mm to secondary street boundary.	1.35m
Rear Setback	Building walls are set back from the rear boundary at least: a. 3m for ground floor b. 5m for first floor c. 5m plus additional 1m setback for every 1m in above a wall height of 7m	Ground floor – on boundary Second storey – on boundary Third storey – Between 1 and 3m setback Fourth storey – Between 1 and 3m setback
Side Setback	Building walls setback from side boundary not less than the nearest side setback of the primary building on adjoining allotment	Side building walls are on boundary on the adjoining allotments

2. **BACKGROUND**

- 2.1 On 26 April 2021, the City of Adelaide Council Assessment Panel (CAP) considered DA/564/2020 for the construction of a four level residential flat building including car parking on basement, ground and level one, as well as apartments on levels two and three on the subject land.
- 2.2 The CAP refused the application for the following reasons:
- *The proposal does not satisfactorily comply with the plot ratios, height and landscaped open space provision relevant to the subject land and will consequently have a detrimental impact on the amenity of existing residential development in the locality. In particular, the proposal fails to achieve the following provisions:*
 - *South East Policy Area 31*
 - *Desired Character Statement*
 - *Principles of Development Control 2, 3, 5, 6 and 7*
- 2.3 The representors lodged Section 86(1)(f) proceedings (ERD-21-43) and the applicant appealed the CAP refusal of the application (ERD-21-93).
- 2.4 The applicant commenced negotiations with the representors aimed at reaching a compromise. The main areas of concern for the owners to the south related to the proximity of the proposed built form to the southern boundary and potential overshadowing and outlook impacts. For the owners to the east, the proposed setback of the eastern wall off the eastern boundary was of concern.
- 2.5 The applicant has amended the proposal and lodged a new development application with a number of amendments to address the reasons for refusal of the original application including:
- Building height reduced by a further 500mm (combined 200mm reduction in ground floor clear car park height & 300mm reduction in level 1 clear car park height)
 - East external wall located on eastern boundary for all car park levels (basement, ground and level 1)
 - Additional 1 metre width in the internal car park layouts to provide wider vehicle aisle (increased from 5.8 to 6.2 metres) and an additional 600mm wide area between eastern parking spaces and vehicle ramp
 - Rebated geometric pattern proposed to visible sections of east wall on boundary (wall finish 'PC3' ground floor & level 1) as viewed from the private open space area to the east. The concrete tone has changed to dark grey
 - Upper level (levels 2 and 3) eastern external concrete walls (wall finish 'PC4') changed to light grey finish
 - Upper level (levels 2 and 3) southern external concrete walls (wall finish 'WF-02') changed to lightweight vertical groove cladding in light grey painted finish
 - Amended layout to level 2 Apartment 2.03 (reduced area) resulting in increased southern setback to level 2
 - Amended layout to level 3 Apartment 3.02 (reduced area) resulting in increased southern setback to level 3
 - Roof mounted plant platform shifted further north

- 2.6 On 24 May 2022 Council received notification from the Environment Resources and Development (ERD) Court of an application to review the Council's characterisation of the nature of the proposed development of the subject application, including the continuation of an existing use, namely ancillary car parking. This matter is ongoing.
- 2.7 The review was sought by John Gamble, Erica Gamble, Elizabeth Rushbrook, Trevor Wright, Daniel Hains, Susan Hains, Michelle Roesler and Lucas Stradwick.
- 2.8 The grounds of review are as follows:
- The nature of the proposed development should not have been characterised as a continuation of an existing use or as car parking ancillary to the office
 - The provision of 31 car parking spaces as part of the proposed development is not car parking which is, in fact, ancillary to the office
 - The proposed development therefore involves a change of use to a car park which is not ancillary to the office
 - As the car park is not ancillary to the use of land it is in the nature of a public car park
 - The manner in which the 31 car parking spaces will be used is relevant to the assessment of the proposed development by the Respondent.
- 2.9 Since the original application was considered by CAP another application (DA 21017974) has been approved and is currently under construction for an office refurbishment at 120 Hutt Street.
- 2.10 The condition that joined the open lot car parking located at 5 Albert Lane to the office use at 120 Hutt Street was removed as there is now no minimum car parking requirement for an office use in the Capital City Zone.
- 2.11 Council Administration obtained legal advice during the assessment of DA 21017974 which confirmed the car parking condition should not be carried across to DA 21017974. However, it should be noted, the removal of the condition does not alter the existing use rights for this car park.

3. SUBJECT LAND & LOCALITY

Subject Land

- 3.1 The subject land is a rectangular allotment with frontage to Albert Lane of 29.43 metres along the western boundary and 22.98 metres along the northern boundary with a total site area of approximately 676m².
- 3.2 The subject land has rights of way over a portion of land adjoining the south western corner, adjacent to Albert Lane.
- 3.3 The site is currently an open lot car park with a total of 31 car parks ancillary to the office building at 118-120 Hutt Street. One space originally designated as a bin store is currently used as a car parking space.
- 3.4 The site has three non-regulated trees located along the western portion of the land.
- 3.5 Vehicle access is provided from Albert Lane within the north eastern portion of the land as well as along the length of the western boundary.
- 3.6 The subject is relatively level and finished predominantly with a bitumen seal.

Locality

- 3.7 The locality is characterised by a mix of residential and commercial uses.
- 3.8 The commercial uses are predominantly located to the west and northwest of the subject land fronting Hutt Street and Wakefield Street. Residential development is generally located to the east and south fronting Angas Street, Angas Court and Albert Lane.
- 3.9 The immediate locality is characterised by two storey row dwellings abutting the eastern boundary, two storey dwellings and commercial buildings to the north, IGA Supermarket to the southwest, 2 to 3 storey offices to the west and single and two storey detached dwellings to the south, two of which are identified as Local Heritage Places.

Photo 3.1 - Subject site viewed from Albert Lane looking southeast



Photo 3.2 – Albert Lane looking south towards Angas Street



Photo 3.3 – Albert Lane looking east

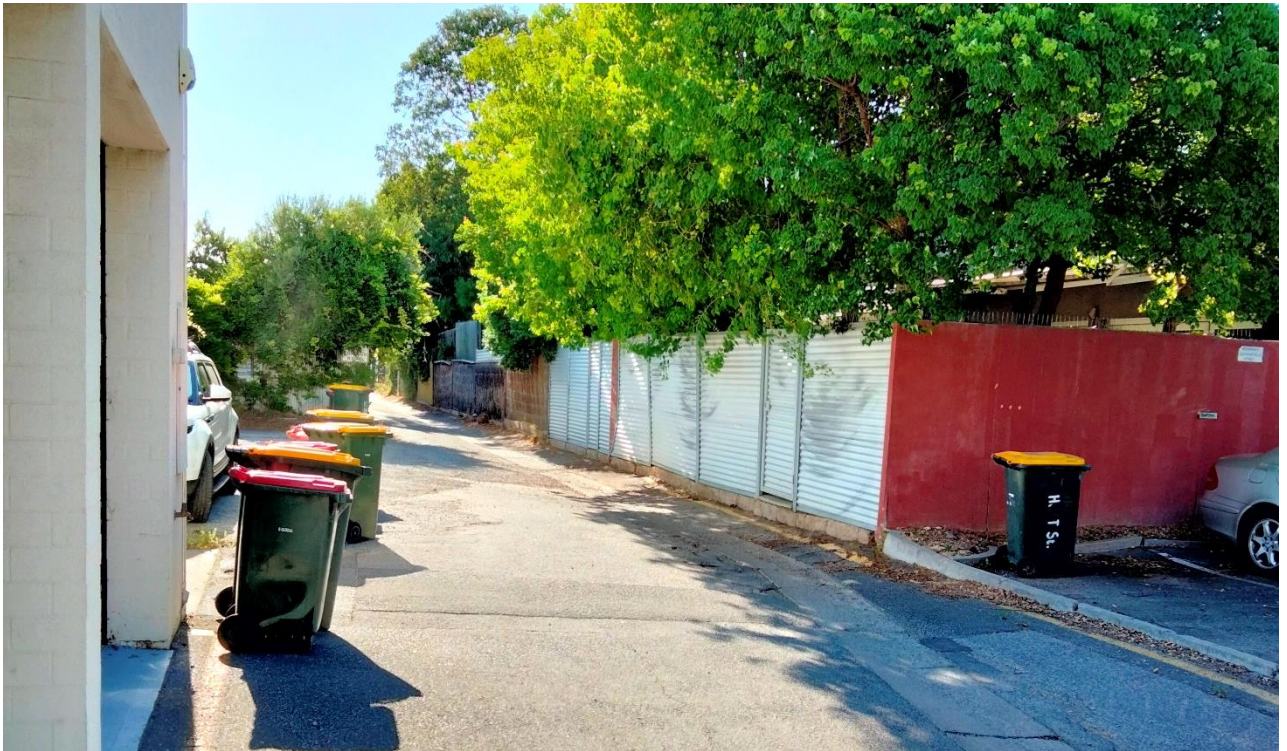


Photo 3.4 – Adjoining residential dwellings to the east



Photo 3.5 - Adjoining residential dwellings to the south



Photo 3.6 – Subject site looking north with rear of adjacent dwellings opposite Albert Lane



Photo 3.7 – Adjacent commercial buildings to the west of the subject site



4. **CONSENT TYPE REQUIRED**

Planning Consent

5. **CATEGORY OF DEVELOPMENT**

- **PER ELEMENT:**

New housing

Other - Commercial/Industrial - Car parking ancillary to 118-120 Hutt Street: Code Assessed - Performance Assessed

Residential flat building: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

No assessment pathway has been identified for this development. Development not classified as accepted, deemed-to-satisfy, restricted or impact assessed will be performance assessed on its merits against the Code.

6. PUBLIC NOTIFICATION

• REASON

The proposal was subject to notification, pursuant to Zone Table 5 for the Zone as the proposed height of 14.4 metres exceeds the maximum building height of 11 metres specified in City Living Zone DTS/DPF 2.2.

• LIST OF REPRESENTATIONS

Ten representations were received during the public notification period. Nine representors oppose the development, and one supports the proposal but with concerns. One of the representors has provided four submissions. A summary of the representation concerns, and the applicant's response is detailed in Table 6.2.

TABLE 6.1 – SUMMARY OF REPRESENTATIONS		
No.	Representor Address	Request to be Heard
1	Daniel Hains of 320 Angas Street, Adelaide	Yes – opposed
2	Sam and Margo Hill-Smith of 335 Wakefield Street, Adelaide	Yes – supports with concerns
3	Trevor Wright of 315a Wakefield Street, Adelaide	Yes – opposed
4	Michelle Roesler of 318 Angas Street, Adelaide	Yes – opposed
5	Luke Stradwick of 318 Angas Street, Adelaide	Yes – opposed
6	Elizabeth Rushbrook of 317 Wakefield Street, Adelaide	Yes – opposed
7	John and Sally Gamble of Unit 1 326 Angas Street, Adelaide	Yes – opposed
8	Richard Edwards of 2 Albert Lane, Adelaide	No – opposed
9	Susan Hains of 320 Angas Street, Adelaide	No – opposed
10	Hon Rachel Sanderson MP	No – opposed

TABLE 6.2 – SUMMARY OF REPRESENTATIONS	
Summary of Representations	Summary of Applicant Response
Building Height	<ul style="list-style-type: none"> Will be almost 3 metres taller than maximum height of 11 metres. The site is located within the Medium-High Intensity Subzone. This subzone seeks “medium rise” buildings to increase the residential population and vibrancy of the area. At four storeys and 14 metres in height, the proposal is “medium rise” as per Part 8 of the Code. The taller building elements are located closer to Albert Lane to address the road frontages, with significant recesses/stepping to minimise the building bulk adjacent to the existing Local Heritage Places on the southern side.

	<ul style="list-style-type: none"> • While the proposal exceeds the zone's building height guideline, the total volume/mass/floor area of the building is considered appropriate given the site is immediately adjacent to the Capital City Zone which allows for significantly larger buildings of up to 22 metres. Level 1 setbacks have been increased by 830mm from the western side and 1.3 metres from the northern side to reduce bulk and scale. • The finished ground floor level has been raised by 130mm to meet stormwater requirements of CPR Engineers, however the floor to ceiling height of level 1 has been reduced.
Overlooking/Visual Privacy	<ul style="list-style-type: none"> • Overlooking will not occur into the private open space of representors located on the opposite side of Albert Lane as: <ul style="list-style-type: none"> ○ There is significant separation between the proposed building and the private open space of the properties directly east ○ There are no rear balconies on this side, except for a side balcony where screening is provided. • Building will have an ascending rear setback to provide generous southern setbacks. The rear of the building is designed to address overlooking, overshadowing, bulk and scale. • The car parking levels have been appropriately screened to address overlooking concerns.
Amenity Impacts	<ul style="list-style-type: none"> • Overshadowing diagrams confirm the proposal will not result in significant overshadowing of surrounding properties between 9am-3pm on the Winter solstice. A relatively small amount of shadow will cast over the private open space of the adjoining properties to the east and south around midday and in the late afternoon. The amount of overshadowing is well within the parameters outlined in the Code. • An increase in northern setback by 1.3 metres on level 1 and a reduction to the height of the two storey wall on the eastern boundary by 130mm will further reduce the impact on the eastern neighbour.
Design, Heritage and Character	<ul style="list-style-type: none"> • Design and materials are attractive and contextual given the site abuts a Capital Zone. The building comprises textured, contemporary and durable materials. • The development will increase and enhance landscaping. • The substantial amount of screening on the lower and ground floor levels minimises visibility of the parking and improves the appearance of the site and adjacent public realm. • The facade is articulated with balconies and fenestrations integral to the form of the building. The external facades are broken down into distinct visual elements to manage the mass of the building.

<p><i>Transport, Access & Corner Cut-Offs</i></p>	<ul style="list-style-type: none"> • Representors are concerned with potential traffic congestion, manoeuvrability issues, and the scale of the car parking levels. • The updated plans have accommodated a 4.5 x 4.5 m corner cut-off by: <ul style="list-style-type: none"> ○ reducing the extent of basement at the north-western side ○ bicycle parks were relocated to the north-western corner at ground level by deleting a car parking space ○ dedicated apartment car parking spaces have not been reduced. • Additionally, this provides a significant increase in head clearance to the overhead structure across the north-western corner to mitigate any risk of trucks impact to the building when manoeuvring in the laneway. • Albert Lane being a public road does not need to strictly comply in terms of width and MFY concurs with the design of the proposed car park and driveway. • CIRQA has reviewed available crash data which identifies that there have been no reported pedestrian crashes at the Albert Lane intersection with Angas Street nor any reported crashes at the 90 degree bend. Both of these locations have been treated with convex mirrors to assist with vision between road users. • Given the extremely low traffic generation, there would effectively be no change in the impacts of commercial vehicles associated with any commercial activity. • The potential likelihood/extent of significant trauma or injury resulting from a vehicle conflict (a crash) on a high speed (80 km to 110 km/h) road would be much higher than that associated with conditions in Albert Lane. • The rates from the RMS/RTA Guide applied by CIRQA related to regional locations. CIRQA has undertaken recent surveys of traffic movements at the Hurtle & Co. Stage 3 development (high density apartment building) which have identified a peak traffic generation rate of 0.11 peak hour trips per dwelling (which occurred in the pm peak hour, with a lower rate in the am peak). • There will be few additional movements (if any) distributed to Albert Lane as a result of the proposal. • The very low number of residential trips would oppose the primary existing flows in Albert Lane, however no acknowledgement has been given to the ability for drivers to utilise the northern section of Albert Lane to connect to Hutt Street which mitigates these impacts.
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7. AGENCY REFERRALS

Nil

8. INTERNAL REFERRALS

Traffic and Infrastructure

- No specific upgrade works are required by the developer to public lighting.
- There is an overhead cable to public lighting in proximity to the site along northern boundary and this should be reviewed for any construction impacts.

Waste

- Council waste contractors currently access Albert Lane from Angas Street and return to Angas Street. Council preference is for this to occur forward in and forward out for safety reasons, however larger service vehicles would need to reverse into Albert Lane.
- Regarding services, considering there is only five apartments, a kerbside collection would be the most suitable as there is already an established service.
- Sufficient room is required to store the following bins and place on kerbside for collection:
 - 5 x 140L waste bins
 - 5 x 240L recycling bins
 - 5 x 240L green organics bins

Heritage

- There will be no direct physical impact on the adjacent Local Heritage Places. As such the heritage and cultural values are maintained and the Desired Outcome DO 1 is therefore satisfied.
- Performance Outcome PO 1.1 states

‘Development adjacent to a State or Local Heritage Place does not dominate, encroach on or unduly impact on the setting of the Place.’
- The proposal will be visible behind the Local Heritage Places when viewed from Angas Street. However, will not dominate or overly detract from the streetscape appearance of the Places. This visual impact is considered acceptable.
- There will be some impact upon the setting of the Local Heritage Places from within those sites. However, given the degree of physical separation between the listed built form of the Local Heritage Places and the proposed development, this impact relates more to amenity rather than impact upon the heritage or cultural values. Performance Outcome PO 1.1 is considered satisfied.

9. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix 1.

9.1 Summary of City Living Zone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Land Use & Intensity PO 1.1-1.4	<ul style="list-style-type: none"> • Increase in the number of residents living within and activating the city, through quality infill. • Proposal will add to housing choice and diversity of residential accommodation within the zone. 	✓
Built Form & Character PO 2.1-2.5	<ul style="list-style-type: none"> • At four storeys the proposal is a greater scale than surrounding buildings. • The proposal exceeds building height (14 metres compared to 11 metres) and is under the desired landscape open space requirement of 20% (5% proposed). 	✗
Building Setbacks PO 3.1-3.5	<ul style="list-style-type: none"> • The proposed building is proposed on the eastern boundary at ground and first floor. • A one metre setback from the eastern boundary is proposed for the second and third floors to provide separation to the adjoining townhouse to the east with additional setbacks of the upper levels adjacent to the rear yard of the townhouses to the east and dwellings to the south. • The upper level is located 6.3 metres from the southern boundary and 3.2 metres from the eastern boundary within the south eastern corner of the subject land. The proposed setbacks and form of the building is such that the visual impact, whilst not insignificant, is not unreasonable within an inner city setting. 	✓/✗
Car Parking and Access PO 5.1	<ul style="list-style-type: none"> • The 31 car parks on the site currently used by the office at 118-120 Hutt Street are proposed to be retained with an additional ten residential car parks (two proposed per apartment). 	✓

9.2 Medium-High Intensity Subzone

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1 DO 2	<ul style="list-style-type: none"> Redevelopment of existing non-residential sites into integrated medium rise, mixed use development to increase the residential population and vibrancy of the area. 	✓
Land Use & Intensity PO 1.1	<ul style="list-style-type: none"> Medium density living. 	✓
Interface Height PO 2.1	<ul style="list-style-type: none"> Northern and western boundary setbacks and landscaping. 	✓

9.3 Summary of Applicable Overlays

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

- Airport Building Heights (Regulated) - proposed building under 153.5 metres AHD
- Affordable Housing - proposal comprises less than 20 dwellings or residential allotments
- Design - development cost is less than \$10m
- Prescribed Wells Area - proposal does not require water to be taken in addition to any allocation already granted under the Landscape South Australia Act 2019
- Regulated and Significant Tree - site does not contain any regulated or significant trees.
- Hazards (Flooding – Evidence Required) - finished floor level at least 300mm above the highest point of natural ground level at primary street boundary

Hazards Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Performance Outcome PO 1.1	<ul style="list-style-type: none"> Finished ground floor level at least 300mm above the highest point of top of kerb of Albert Lane and to be reinforced by condition. 	✓

Heritage Adjacency Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Performance Outcome PO 1.1	<ul style="list-style-type: none"> • Proposal will be visible behind the Local Heritage Places when viewed from Angas Street. However, this will not dominate or overly detract from the streetscape appearance of the Places. • Some impact upon the setting of the Local Heritage Places from within those sites. However, given the degree of physical separation between the listed built form and the proposal this impact relates more to amenity rather than impact upon the heritage or cultural values. 	✓

Stormwater Management Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> • Proposed stormwater discharge to connect with existing stormwater network. 	✓
Performance Outcome PO 1.1	<ul style="list-style-type: none"> • A stormwater management and drainage plan provided that addresses: <ul style="list-style-type: none"> ○ 2/3000L reuse tanks on level 3 ○ on site detention provided to reduce the amount of stormwater runoff, to assist with the flooding issue in the lane. This will be done via 9000L of detention tanks (2 rectangular tanks) below ramp in basement ○ ground floor level has been raised to achieve at least 150mm freeboard, relative to pavement levels in laneway ○ two separate outlets from the pump chamber will discharge into the two separate spoon drains ○ drainage plan will enable overload flows from 1:100 ARI storm events to exit the site in an appropriate manner ○ most of the surface stormwater runoff will be from roof areas and hence will have less chemical pollutants, when compared with the current surface stormwater from the exposed bitumen carpark 	✓

	<ul style="list-style-type: none"> ○ existing sub-surface groundwater will be captured via a series of vertical strip drains to the external face of the basement pile walls and will discharge to a concrete spoon drain to the perimeter of the basement ○ stormwater pits in the spoon drain will discharge to the pump chamber via in-ground stormwater system within the basement and pumped to the street water table. 	
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Urban Tree Canopy Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Performance Outcome PO 1.1	<ul style="list-style-type: none"> • The subject site is 676m² with five dwellings proposed. This requires one small tree per dwelling, so a total of five small trees. • Extent of development means tree planting is not possible. Consequently, a payment will be required into the Urban Tree Canopy Off-set Fund in lieu of planting trees. This is included as a condition in Section 10. 	✓/✗

9.4 Summary of General Development Policies

The following General Development policies are relevant to the assessment:

Design

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Design DO 1	<ul style="list-style-type: none"> • Proposal displays a high level of design and will be constructed from high quality materials and finishes. 	✓
External Appearance PO 1.1 – 1.5	<ul style="list-style-type: none"> • Apartments sufficiently removed from the eastern and southern boundaries to provide setback to adjacent development. • The location of the pedestrian entrance on Albert Lane and passive surveillance from the upper levels provides a sufficient degree of interaction. 	✓
Landscaping PO 3.1 – 3.2	<ul style="list-style-type: none"> • Landscape plantings proposed on north western corner. • Plantings will be up to 800mm wide on the western side and 1.3 metres on the northern side to screen car parking and storage areas 	✓

	<p>from public view and minimise impacts on adjacent sensitive receivers.</p> <ul style="list-style-type: none"> • Low plantings specified for north western corner to ensure no visual obstruction to the corner cut-off and sightlines maintained. 	
<p>Environmental Performance PO 4.1 – 4.3</p>	<ul style="list-style-type: none"> • Amenity for future residents in the apartments expected to be high on account of the large unit sizes, generous balconies and natural light and ventilation. All units have an outlook over Albert Lane with all but the southern apartment on level two having access to direct northern light. 	✓
<p>Water Sensitive Design PO 5.1</p>	<ul style="list-style-type: none"> • Refer to Stormwater Management Overlay Section 9.3. 	✓
<p>Massing PO 15.1</p>	<ul style="list-style-type: none"> • Facade articulated with balconies and fenestrations integral to the form of the building. External facades broken into distinct elements. 	✓
<p>Outlook and Amenity PO 16.1</p>	<ul style="list-style-type: none"> • Limited potential for overlooking into sensitive areas on adjacent land. • The eastern and southern facing windows will have obscured glazing to 1.5 metres above finished floor level. The east facing opening of the balcony is proposed with a frameless glazed balustrade etched glazing for resident privacy. • The north facing windows and balconies will overlook onto the public street. The Code does not restrict the views from windows and balconies overlooking a public street. 	✓
<p>Waste Storage PO 20.1</p>	<ul style="list-style-type: none"> • At grade bin storage area on ground floor with direct access from Albert Lane. Will accommodate separate general, recycling and organics bins for residential uses. • Waste associated with the apartments will be transported to each bin area by residents. Bins will then be presented on Albert Lane for collection by Council's contractor. 	✓
<p>Private Open Space PO 21.1 – 21.2</p>	<ul style="list-style-type: none"> • Each apartment will be provided with a balcony of varying sizes. • All apartments provided with suitable sized areas of usable private open space to meet the needs of occupants. 	✓
<p>Soft Landscaping PO 22.1</p>	<ul style="list-style-type: none"> • Soft landscaping proposed on north and western boundaries between the building and the street. • Soft landscaping proposed is approximately 4%, under the 10% sought for dwellings with an average site area under 150m². 	✗

Car Parking, Access and Manoeuvrability PO 23.1 – 23.6	<ul style="list-style-type: none"> AS/NZS 2890.1:2004 will generally be met as the car park design provides appropriate manoeuvrability into and out of the spaces, with an aisle width that is greater than the minimum required. Turn path diagrams provided that demonstrate that adequate manoeuvrability within the parking area will be achieved. 	✓
Residential Amenity in Multi-level Buildings PO 28.1 – 28.7	<ul style="list-style-type: none"> Design and configuration of each apartment provides amenity, outlook and privacy for residents. Proposed development incorporates 10m³ of basement storage and built-in storage for each apartment. 	✓
Dwelling Configuration PO 29.1	<ul style="list-style-type: none"> Two-bedroom dwellings are a minimum of 124m². 	✓
Common Areas PO 30.1	<ul style="list-style-type: none"> Common lobby areas on each level suitably designed to provide easy to navigate circulations between lift core/stairwell and apartments. The lobby and lift are spacious enough to accommodate the movement of mobility aids, strollers or bicycles, noting however most bicycle storage will occur on the ground and basement levels. 	✓

Interface between Land Uses

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
General Land Use Compatibility PO 12.1 – 12.8	<ul style="list-style-type: none"> Refer Section 9.5. 	✓
Overshadowing PO 3.1 – 3.4	<ul style="list-style-type: none"> Refer Section 9.5. 	✓/✗

Site Contamination

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
General Land Use Compatibility PO 1.1	<ul style="list-style-type: none"> Site Contamination Declaration Form provided. 	✓

9.5 Detailed Discussion

Land Use

The proposal seeks to retain the existing ancillary car parking use associated with office at 120 Hutt Street and introduce a residential use to the site in the form of a residential flat building atop the car parking.

The proposal has two land use elements including the retention of the car park which is proposed to remain ancillary to the existing office use at 120 Hutt Street and a residential flat building. These land use elements are proposed within the building, with the car parking at ground level and the apartments above.

Whilst ancillary car parking is not specifically supported or encouraged within the zone it is a long standing use connected to the office use at 120 Hutt Street. The 31 car parks proposed within the building is the same number currently accommodated on the site. One of the spaces currently used, was originally designated as a bin store area.

There is not considered to be a change in the intensity of the ancillary parking upon the land. The car parking achieves the intent of Zone Objective 3 given the enclosure of the parking within the building is likely to reduce the impact the open lot parking has upon the locality.

Built Form

The proposal exceeds the envisaged maximum building height requirement by one building level and 3 metres. The proposal is also under the desired landscape open space requirement of 20% with 5% proposed. These departures from the quantitative provisions are not insignificant and require careful consideration as to what, if any, resulting impacts occur on the character of the locality and amenity of adjoining properties.

The proposal exceeds the desired building height by one storey (3 metres) and the general building height in the locality by one to two storeys. Whilst this will be notable from within Albert Lane and surrounding properties and private open spaces, it will not be readily evident from the surrounding major streets or locality more broadly on account of the site being located generally at the rear of surrounding development.

The additional height is broadly supported by the location of the subject land adjacent to, and at the interface with, the Capital City Zone. The portion of the Capital City Zone along Hutt Street to the west allows for development up to 22 metres in height. Whilst there are no examples of development to this height within the locality it is regularly recognised that potential building heights are a relevant consideration and that a transition and graduation in building heights between zones is desirable. The proposal provides this transition in height within a setting removed from Angas and Wakefield Streets at the rear of commercial and residential properties.

The proposal displays a high level of design merit and is proposed to be constructed from high quality materials and finishes. A suitable level of detailing and articulation is proposed for the car parking levels. The residential apartments are sufficiently removed from the eastern and southern boundaries to provide a setback to adjacent residential development.

The proposal adequately addresses the Albert Lane frontages. Whilst an increased level of activation and passive surveillance from the lower levels is desired, the location of the pedestrian entrance on Albert Lane and passive surveillance from the upper levels provides a sufficient degree of interaction and interest.

The extent of landscape open space and landscaping in general, is limited and under the requirements of the Zone. Whilst an increase in landscaping would be beneficial to the proposal and locality more broadly, the inclusion of landscaping along both western and northern frontages to Albert Lane façades is supported. The generous balconies provide additional opportunity for pot plants and planter boxes.

Overall, whilst it is recognised the proposal exceeds several quantitative provisions, it is the location of the site at the interface with the Capital City Zone, at the rear of adjoining properties, that lends support to the proposal. The overall quality of the design and proposed upper-level setbacks from adjoining residential properties also lends support to the overall bulk and scale of the development.

Residential Amenity

The level of residential amenity for the residents of the proposed apartments is expected to be high given the large unit sizes, generous balconies and natural light and ventilation. All apartments have an outlook over Albert Lane, with all but the southern apartment on level two having access to direct northern light.

In relation to the potential impact of the proposal upon the amenity of surrounding residential properties, consideration has been given to the level of overshadowing, noise and visual appearance/bulk and scale of the building.

The applicant has amended the proposal and lodged a new development application with amendments to improve the amenity for neighbouring properties as follows:

- Building height reduced by a further 500mm (combined 200mm reduction in ground floor clear car park height & 300mm reduction in level 1 clear car park height)
- East external wall located on eastern boundary for all car park levels (basement, ground and level 1)
- Additional 1 metre width in the internal car park layouts to provide wider vehicle aisle (increased from 5.8 to 6.2 metres) and an additional 600mm wide area between eastern parking spaces and vehicle ramp
- Rebated geometric pattern proposed to visible sections of east wall on boundary (wall finish 'PC3' ground floor & level 1) as viewed from the private open space area to the east. The concrete tone has changed to dark grey
- Upper level (levels 2 and 3) eastern external concrete walls (wall finish 'PC4') changed to light grey finish
- Upper level (levels 2 and 3) southern external concrete walls (wall finish 'WF-02') changed to lightweight vertical groove cladding in light grey painted finish
- Amended layout to level 2 Apartment 2.03 (reduced area) resulting in increased southern setback to level 2
- Amended layout to level 3 Apartment 3.02 (reduced area) resulting in increased southern setback to level 3
- Roof mounted plant platform shifted further north

The proposed amended setbacks and general design and form of the building is such that the visual impact, whilst not insignificant, is not unreasonable within an inner city setting.

Overlooking

Overlooking into adjoining properties has been addressed by using high level windows and obscure glazing to the eastern and southern elevations. Etched glass screening to a height of 2.4 metres is also proposed for the southern portion of the balcony for apartment 2.03 to prevent overlooking to the neighbouring properties to the south. A condition of approval is proposed to ensure the abovementioned methods to prevent overlooking are enforced.

Overshadowing

The applicant has provided detailed overshadowing plans and 3D images for the rear yards of the properties to the south at 316, 318 and 320 Angas Street. The extent of overshadowing is also outlined within the response to representations.

It is noted the minimum extent of sunlight is provided to the living windows and private open space at 316 and 320 Angas Street between 9am and 3pm on 21 June. The most impacted dwelling is the dwelling at 318 Angas Street which will not receive two consecutive hours of sunlight to either the living room windows or private rear yard between 9am and 3pm on 21 June. It is understood 316 and 318 Angas Street have been combined into a single dwelling. As such the 316 Angas Street component receives a sufficient level of daylight, however the 318 Angas Street portion does not.

Case Law for another development in the City of Adelaide that resulted in overshadowing of neighbouring properties, referred to the duration of overshadowing, on months either side of 21 June, as being a relevant consideration in determining whether overshadowing has been minimised to an acceptable level.

The applicant has reduced the height of the proposal by 900mm compared to the original application to minimise the overshadowing impact. Additional details as to the level of overshadowing at the autumn and spring equinox (21 April and 21 August) have also provided clarity as to the extent of overshadowing throughout the year. At these times, the ground floor living windows are not overshadowed from 9am to 3pm with two hours of sunlight to 20% of the private rear yard.

The extent of overshadowing of the central portion of the dwelling at 316-318 Angas Street is significant on 21 June. Either side of this date the extent of overshadowing decreases. On balance, it is considered the level of overshadowing over adjoining residential properties is not unreasonable in the context of the locality.

The applicant has also provided shadow diagrams demonstrating development to the three storey/11 metre height limit would result in similar overshadowing impacts.

Transport, Access and Parking

The 31 car parks on the site currently used by the office at 120 Hutt Street are proposed to be retained with an additional ten residential car parks also proposed.

The ten car parking spaces are proposed for the residential component of the development. The proposed car parking provision exceeds the minimum requirements of Table 1 - General Off-Street Car Parking Requirements.

The carpark is to be accessed via a new crossover from Albert Lane near the southwestern corner of the subject land. This access will be adjacent to the driveway associated with the dwelling at 316-318 Angas Street to the south. The subject site has a right of way over a portion of the adjoining driveway but does not exercise that right within this proposal. The location and arrangement of the access is acceptable with sufficient sightlines to both the north and south along Albert Lane.

Council's Traffic Engineer has not raised concerns with the proposal and a supportive traffic report has been provided by the applicant. An addendum to that report was provided as part of the response to representations. The addendum confirmed the internal control of vehicles within the carpark via a series of signals and sensors would not impact upon traffic within Albert Lane.

In effect the proposal seeks to introduce up to ten additional cars to Albert Lane and the surrounding road network. Whilst it is acknowledged Albert Lane is a narrow lane, the additional residential movements are not expected to alter traffic movements significantly or detrimentally within the locality.

The internalisation of the existing open lot car park is a positive outcome with reduced impacts upon adjoining properties from workers accessing vehicles and manoeuvring them within the existing car park.

10. **CONCLUSION**

This application proposes the construction of a four-level residential flat building including car parking on basement, ground and level one, and apartments on levels two and three.

The proposal is considered to achieve the desire of City Living Zone Objective 2 for '*low to medium density housing, with medium rise in identified areas*'. The proposed introduction of dwellings upon the site is positive in terms of passive surveillance within Albert Lane and increased residential opportunities in the city.

The incorporation of the parking within the building raises the overall height with the inclusion of two levels of residential above. On balance, the additional height is supported, predominately on account of the location of the site mid-block, removed from any established character streetscape or heritage places and the interface with the Capital City Zone.

Whilst the scale and bulk of the building exceeds the predominately two storey character of the locality, the quality of the design and materials, level of articulation and setback of the upper levels on the southern and eastern sides is sufficient to warrant a departure from the quantitative requirements.

The proposal is at odds with the desired requirements relating to building height and landscape open space. However, it generally satisfies the broader intent of the Planning and Design Code as it will provide:

- an increase in residential development
- high quality design, materials and finishes
- a transition in height and intensity of development between the Capital City Zone and City Living Zone
- high level of residential amenity.

The impacts of the proposal upon adjoining residential uses will be notable to adjoining occupants given the long-standing open nature and character of the subject land. On balance, the impacts are not considered unreasonable within this portion of the City Living Zone which directly abuts the Capital City Zone where a greater intensity of development is anticipated.

The proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code as it proposes an appropriately designed infill residential development that achieves the desired character of the Zone and Policy Area without unreasonably impacting upon the amenity of adjoining residential properties.

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

11. **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 21037088, by Buik Holdings is granted Planning Consent subject to the following conditions and advices:

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 Proske Architecture and Interiors, Project Number: 19.048 as follows:

- **Proposed Site Plan – PL04 dated 04.11.2021**
- **Proposed Floor Plan 01 – PL05 dated 04.11.2021**
- **Proposed Floor Plans 02 – PL06 dated 04.11.2021**
- **Proposed Floor Plans 03 – PL07 dated 04.11.2021**
- **Elevations – PL08 dated 04.11.2021**
- **Design Sections – PL09 dated 04.11.2021**
- **Planning Report as prepared by URPS, Project No. 19ADL-0334, as dated 21 January 2022**
- **Traffic And Parking Report as prepared by Cirqa, Project No. 19266 V1.2, as dated 12 November 2021**
- **Preliminary Site Investigation (PSI) as prepared by Kleinfelder, Document Number: ADL22R135276, as dated 15 January 2022**

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2. **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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3. **The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Council. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of the Council.**

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

5. The existing levels in Albert Lane shall not be modified to suit the levels of the pedestrian or vehicle entry points to the development, unless otherwise agreed to by Council in writing.

6. Where provided for by any relevant off-set scheme established under section 197 of the Planning, Development and Infrastructure Act 2016 (as at the date of lodgement of the application), payment of an amount calculated in accordance with the off-set scheme may be made in lieu of planting/retaining 1 or more trees as set out in the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). Payment must be made prior to the issue of development approval.

7. The obscured glazing and screening on the southern and eastern elevations depicted on the plans granted consent described as PL06.B and PL08.B, dated 30 March 2021, shall be installed prior to the occupation or use of the development and thereafter shall be maintained to the reasonable satisfaction of the Council at all times.

8. The 31 car parking spaces not designated for the apartments shall only be used by persons associated with the office at 120 Hutt Street, Adelaide. The 31 car parking spaces are not to be used for non-ancillary parking at any time.

9. A dilapidation survey recording the condition of the northern portions of the neighbouring buildings to the south (316, 318 and 320 Angas Street) and the portions of buildings adjacent the eastern site boundary (various units at 326 Angas Street) shall be provided to Council prior to the issue of Development Approval, to the satisfaction of Council. As well as recording fabric in good condition, the survey shall also record the location, type and dimensional extent of any existing physical damage to the dwellings that might be affected by the proposed works.

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

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 Customer Centre on 8203 7203 for further information.

5. Damage to Council's Footpath/Kerbing/Road Pavement

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.

6. City Works Permit

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

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.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 (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.

Applications will require a minimum notice period of two to five business days, depending on the nature of work, and can be lodged online via <https://www.cityofadelaide.com.au/business/permits-licences/city-works/>

