

DEVELOPMENT NO.:	21041709
AGENDA ITEM NUMBER	4.3
APPLICANT:	Forme Projex
ADDRESS:	193 Angas Street, Adelaide SA 5000
NATURE OF DEVELOPMENT:	Retain external walls of existing building and construct nine storey mixed use building with office, car parking and ancillary services at ground level and 37 dwellings at upper levels
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Capital City Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Design • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Noise and Air Emissions • Prescribed Wells Area • Regulated and Significant Tree Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height (Metres) – 22 metres
LODGEMENT DATE:	10 January 2022
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	16 December 2021 - 2021.17
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dylan Grieve Senior Planner, Development Assessment
REFERRALS STATUTORY:	Environment Protection Authority Minister responsible for the administration of the Heritage Places Act 1993
REFERRALS NON-STATUTORY:	Traffic and Infrastructure Waste Local Heritage

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PERSONS SPEAKING BEFORE THE PANEL

Representors

- Debbie Rumere of Unit 6/16 Hume Lane, Adelaide
- Elizabeth Rushbrook on behalf of South East City Residents Association

Applicant

- Greg Vincent (Masterplan) on behalf of Forme Projects

1. DETAILED DESCRIPTION OF PROPOSAL

- 1.1 This development application proposes to retain the external walls of existing building and construct a nine storey mixed use building with office, car parking and ancillary services at ground level and 37 dwellings at upper levels.
- 1.2 The external walls of the existing building are proposed to be retained as the ground floor podium. The existing building footprint is constructed to the allotment boundaries, with the side walls located abutting the adjoining land.
- 1.3 At the upper levels the building is proposed to be recessed from the ground floor and setback from the allotment boundaries to various extents. Generally, across all upper building levels the following setbacks will be achieved from each respective boundary:
 - North (Angas Street) – 1 metre
 - East (Regent Street) – 800mm
 - South – 4 metres
 - West – 1.5 metres
- 1.4 The proposed building will be nine storeys and have a maximum height of 29.12 metres from ground level to the top of the parapet.
- 1.5 Onsite vehicle parking is proposed within the southern portion of the ground floor. An automated car stacking system is proposed to maximise the number of on-site vehicle parking spaces. A total of 28 car parking spaces are proposed.
- 1.6 A dedicated area for bicycle storage is proposed at ground level, providing secure parking for a total of 44 bicycles. The bicycle storage area will be accessible from the ground level car park, which can be accessed via the apartment lobby entrance from Angas Street or the via the roller door access on Regent Street North.
- 1.7 An office with an area of 201m² is proposed within the northern portion of the ground floor.
- 1.8 The proposal utilises the existing building materiality and design elements in the fenestration and openings at the ground floor which comprises brick construction and a new rendered finish.
- 1.9 The upper levels are proposed to consist of precast concrete panels finished in a cream toned paint. The specific materiality will comprise the following:
 - black aluminium framed glass (grey toned) balustrade to the upper-level balconies
 - black aluminium framed glass (grey toned) privacy screens between balconies and to the western edge of south facing balconies on levels 2 to 7
 - black aluminium framed doors & windows (grey toned)
 - precast concrete to upper-level walls finished in a light broken stone tone over a high quality off-form finish
 - ground floor garage door with black powder coat finish.

TABLE 1.1 – DEVELOPMENT DATA		
DESIGN CHARACTERISTICS	GUIDELINE	PROPOSED
Site Area: 614m²		
Building Height	22 metres	29 metres
Car Parking	No minimum	28 undercover spaces
Private Open Space	Between 4m ² to 11m ²	Nil to 21m ² areas provided for 4m ² requirement 8.5m ² to 9.6m ² areas provided for 11m ² requirement

2. BACKGROUND

- 2.1 The longstanding use of the building on the subject site is an embroidery business established by Valerie Travers in 1966 which continues to operate from this building today. The subject building was constructed in 1966 for use as an embroidery business that continues to operate from this building today.
- 2.2 In 1979 air-conditioning units were added with internal alterations including glass doors and partitions.

3. SUBJECT LAND & LOCALITY

Subject Site

- 3.1 The subject site is an irregular shaped allotment with frontage to Angas Street of 17.07 metres and 32.06 metres along the Regent Street North boundary with a total site area of approximately 614m².
- 3.2 The subject site is free of any easements or rights of way.
- 3.3 A single storey building having an industrial/warehouse appearance is located on the site. The building has historically been used in association with an embroidery business and occupies the site in its entirety being constructed to all site boundaries.
- 3.4 The site is free of any vegetation including regulated or significant trees.
- 3.5 Vehicle access is provided from Regent Street North via an existing crossover.
- 3.6 The subject site is relatively level.

Locality

- 3.7 The locality is characterised by a mix of residential, commercial and uses.
- 3.8 There is a broad range of dwelling types within the immediate locality, including single and double-fronted character homes, heritage row houses and contemporary two storey terrace homes and apartment buildings.
- 3.9 Commercial uses within the locality generally comprise of one to three-storey buildings. These uses are predominantly constrained to the south western quadrant of the locality on the opposite side of Regent Street North. A café and hotel are located to the west.

- 3.10 Regent Street North and Angas Street are both two-way roads. Angas Street is relatively wide with footpaths, landscaped verges, bicycle lanes and carparking along both sides of the road. Regent Street North which also presents a wide road reserve. A recent streetscape upgrade included the installation of dedicated bicycle lanes and landscaping along both road verges.
- 3.11 State and Local Heritage Places are present within the immediate locality including the Seven Stars Hotel located on the adjoining allotment to the west.

Photo 3.1 - Subject site viewed to the corner of Angas Street and Regent Street North



Photo 3.2 – Existing crossover on Regent Street North



Photo 3.3 – Angas Street frontage



Photo 3.4 – Adjoining residential dwellings to the south



Photo 3.5 - Adjoining hotel to the west



4 **CONSENT TYPE REQUIRED**

Planning Consent

5. **CATEGORY OF DEVELOPMENT**

- **PER ELEMENT:**

New housing

Other - Residential - Residential flat building: Code Assessed - Performance Assessed

Office / Shop: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

Performance Assessed assessment pathway has been identified for these development elements.

6. PUBLIC NOTIFICATION

• REASON

The proposal was subject to public notification, pursuant to Zone Table 5 as the site is adjacent land used for residential purposes in a neighbourhood-type zone and exceeds the maximum building height specified in Capital City Zone DTS/DPF 4.1. The maximum building height is 22 metres and the proposed height is 29.12 metres.

• LIST OF REPRESENTATIONS

Eleven representations were received during the public notification period. Nine representors oppose the development and two support the proposal but with concerns. A summary of representor concerns, and the applicant's response is detailed in Table 6.2.

No.	Representor Address	Request to be Heard
1	Gary Swarbrick of 25/177 Angas Street, Adelaide	Withdrawn
2	Debbie Rumere of Unit 6 / 16 Hume Lane, Adelaide	Yes – opposed
3	Elizabeth Rushbrook on behalf of South-East City Residents Association	Yes – opposed
4	Nikki Johnston of Unit 36C, 18 Bewes Street, Adelaide	No – opposed
5	Fran Knight of 214 Angas Street, Adelaide	No - supports with concerns
6	Ricardas Samulis of 33/17 Eden Street, Adelaide	No – opposed
7	Ian Brown of Unit 17a 188 Carrington Street, Adelaide	No – opposed
8	Dorothy Dunne of 70 Corryton Street, Adelaide	No - opposed
9	Doug Boothey of 19 Regent Street North, Adelaide	No - opposed
10	Marie Wise of 21 Regent Street North, Adelaide	No - opposed
11	Simon Frost of 207 Angas Street, Adelaide	No - supports with concerns

TABLE 6.2 – SUMMARY OF REPRESENTATIONS

Summary of Representations	Summary of Applicant Response
Building Height and Character	<ul style="list-style-type: none">• Proposed height exceeds guideline by 7.12 metres.• Height exceedance considered acceptable as follows:<ul style="list-style-type: none">○ retains a building providing positive contribution to character of the area○ provides orderly transition to maximum height in an adjacent zone○ approximately 40 percent of the apartments affordable○ substantial proportion of dual frontages considered activate○ impact on adjacent properties no greater than what would occur with a building of 22 metres in height.• Positioned to minimise potential for overlooking into adjacent and nearby land. Some views may occur but at a reasonable distance.• Overshadowing impacts largely consistent with what already occurs in the locality.
Built Form and Materiality	<ul style="list-style-type: none">• An error noted on the plans in respect to the Juliette balconies has been reconciled and an updated plan package provided.• Predominant external material will comprise pre-cast concrete with a painted finish. Pre-cast concrete is a highly durable long-lasting material.
Traffic and Parking	<ul style="list-style-type: none">• Development conveniently located in proximity to bus routes and provides 44 on-site bicycle parking spaces.• No minimum car parking rate in the Capital City Zone for all classes of development. Provision of 28 on-site parking spaces in excess of the requirements.• Traffic and Parking Assessment indicates proposed access arrangements are suitable to provide safe and convenient access for the low frequency of vehicle movements expected.• Regent Street North or Angas Street have capacity to accommodate the low number of additional traffic movements.
Environmental Impact	<ul style="list-style-type: none">• Passive environmental design techniques utilised.• Windows will be low-e coated and double glazed to improve thermal performance with solar reducing glass to east and west facing windows.• Natural temperature control through cross-ventilation.• Will achieve an average 8.1 star rating, in excess of the minimum 6 star rating requirement.

	<ul style="list-style-type: none"> • Solar panels proposed on the roof. • Opportunities for roof water collection and reuse have been incorporated.
Acoustic Impacts	<ul style="list-style-type: none"> • Noise impacts are not expected to be unreasonable or unexpected within the locality. • Air-conditioning units to be distributed throughout the building to minimise potential noise impacts associated with clustering this plant. • An Acoustic Design Report demonstrates compliance with MBS 010 and makes various recommendations for mitigation treatments to attenuate noise intrusion from the Seven Stars Hotel. The applicant has adopted these recommendations and exceeded them through the provision of “Hush” laminated glass and double glazing.
Servicing	<ul style="list-style-type: none"> • Loading for service vehicles and bin collection can be accommodated via minor alterations to one parking bay to re-designate this from a timed limited parking space to a timed loading zone. • In respect to bin washing, this will occur via a private contractor in a mobile purpose-built cleaning facility (vehicle) which is entirely self-contained. Bin cleaning will occur infrequently within the parking area with residents in the building notified prior to it occurring.
Crime	<ul style="list-style-type: none"> • Strongly disagree with the assertion there is a correlation between crime increase and the provision of lower cost housing. • Provision of a diversity of dwelling types to cater for a variety of household structures and socio-economic statuses is critically important to the on-going function of the city. • An increase in residential density typically decreases crime and anti-social behaviour by greater opportunity for passive surveillance.
Construction Impacts	<ul style="list-style-type: none"> • Concerns relating to construction activity are not typically accepted grounds for objection to a development proposal. Nevertheless, if approved the construction activity will occur in accordance with all regulatory requirements.
Property Value	<ul style="list-style-type: none"> • The issue of property values is not a valid planning consideration.

7. **AGENCY REFERRALS**

Environment Protection Agency

The Environment Protection Agency (EPA) recommends Council reserve its decision on the matter of detailed site investigations and any subsequent requirements for remediation.

If Council agrees to the imposition of a reserve matter, the EPA requests it be provided with a copy of any DSI report and potential SRP and/or CEMP (provided by the applicant to address the reserve matter) as an informal agency referral.

In this circumstance, the EPA would undertake a regulatory review of the DSI report and any SRP and/or CEMP and complete its referral role to determine the most appropriate site contamination practitioner to determine site suitability.

It is anticipated, following the EPA's advice about the most suitable site contamination practitioner, Council would impose an additional condition on the planning consent that states whether a site contamination consultant or a site contamination auditor must issue the statement of site suitability.

The relevant authority is advised to reserve the following matter for further assessment under Section 57 of the *Environment Protection Act 1993* (SA):

Reserved Matter

The following information must be submitted for further assessment by the Environment Protection Authority ('EPA') under section 57 of the *Environment Protection Act 1993* (SA):

- (i) a report of detailed site investigations ('DSI') prepared by an appropriately qualified and experienced site contamination consultant in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 and the EPA publication Guidelines for the assessment and remediation of site contamination (2019).

The DSI must be sufficient to identify:

- a) the nature and extent of any site contamination present or remaining on or below the surface of the land
- b) the likely suitability of the land for the proposed use, and
- c) what remediation (if any) is necessary for the proposed use.

Where remediation is identified as being necessary in the DSI, a Site Remediation Plan ('SRP') and/or a Construction Environmental Management Plan ('CEMP') must be prepared by a site contamination consultant to the reasonable satisfaction of the EPA as per the guidance contained in the EPA Guidelines for the assessment and remediation of site contamination (2019).

The EPA reserves its advice on the form and substance of any further conditions of planning consent considered appropriate to impose in respect of the reserved matter in accordance with regulations 3(6) and 103C and of the *Planning, Development and Infrastructure (General) Regulations 2017* (SA).

Heritage South Australia

The proposal is considered acceptable in relation to the adjacent State Heritage Place for the following reasons.

- The proposal does not directly affect the land parcel of the Place. There is no direct impact on fabric of heritage value. The heritage and cultural values of the Place insofar as they are embodied in its physical fabric are not affected
- The impact of the proposed nine storey building on the setting of the two storey Place is moderated by the setback of the Place approximately 5.8 metres from the common side boundary. Although the development is proposed close to the western boundary, the Place is protected to some extent by its own site configuration from visual domination by the new building
- The side setback zone of the hotel has been used for some time as an open beer garden, with recent approval to upgrade the area with a new semi-enclosed roofed structure. From within the hotel site, the new beer garden structure will mitigate any sense of the new building being visually overbearing and it is anticipated there will be minimal impact on the continuing use of the area
- The retention of the existing perimeter walls on the site means there is little change to the immediate streetscape context of the hotel, as the retained walls are similar in height to the hotel itself
- Beyond the immediate streetscape context, the significant views of the Seven Stars Hotel fall within a 180 degree arc from west to east. The additional levels proposed above the retained base will be a prominent new presence in these views but are not expected to obstruct or diminish these views.

The following advice should be incorporated into any consent or approval.

- The former Valerie Travers building is of interest as a 1950s building in the Modernist style. Elements that embody its architectural style include the face brickwork external walls, the use of concrete/render to boldly frame openings and as mullions for vertical articulation within these perimeter frames, as well as what appear to be steel-framed windows in carefully proportioned banks of four panes
- To regain the design integrity of the retained facades, removal of the paint to return to unpainted red brick face masonry is strongly encouraged. The concrete/rendered perimeter frames and mullions between windows should be retained (or reconstructed to the same proportional spacing and cross-sections), and replacement steel-framed windows and doors considered in place of the proposed aluminium windows without intervening mullions as currently documented.

8. INTERNAL REFERRALS

Traffic and Infrastructure

- Council's waste team confirmed acceptance of a walk-in walk-out service, with Council staff/contractor walking into site and wheeling bins out to truck on-street and wheeling bins back into the site
- Any loading related to the site could occur on-street using temporary parking control application process or a (smaller) service vehicle may be able to access and park within the facilities proposed. Any on-street loading area is subject to a future application to modify on-street parking
- Stormwater requirements to be addressed by condition.

Waste

- The site will be able to access a Council waste service with one weeks' worth of waste being able to be stored on-site
- There is safe access and egress into the premises to wheel bins in and out
- There is suitable bin storage capacity to store the required number of bins.

Local Heritage

- The proposal retains the external walls of the existing building. As such there is no real change or direct impact on the adjacent heritage places
- The proposed tower is set off the southern and western boundaries which provides an adequate curtilage
- The existing painted brick building provides an element of fine grain detail at street level. Modifications are proposed to the east and north facades with a painted render finish. The paint should be stripped from the (presumably) red brick to emphasise this fine grain and provide a greater reinforcement of the texture at streetscape
- Some recognition of the streetscape design issues has been acknowledged and incorporated into the design of the retained façade elements.

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 Capital City Zone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Land Use & Intensity PO 1.1 & 1.2	<ul style="list-style-type: none"> Proposed land use supported in the zone. 	✓
Activation PO 2.1 - 2.4	<ul style="list-style-type: none"> Non-residential land uses at ground floor level will support and maximise pedestrian activity to provide visual interest and positively contribute to public safety, walkability and vibrancy. 	✓
Built form and Character PO 3.1 - 3.3, 3.5, 3.6, 3.11, 3.13	<ul style="list-style-type: none"> Refer to Section 9.5. 	✓
Building Height PO 4.1-4.3	<ul style="list-style-type: none"> Refer to Section 9.5. 	✓/✗
Interface PO 5.1 & 5.2	<ul style="list-style-type: none"> Refer to Section 9.5. 	✓/✗
Movement PO 6.1	<ul style="list-style-type: none"> Access within site accommodates movement of mobility aids, strollers and bicycles. 	✓
Access PO 7.1 & 7.2	<ul style="list-style-type: none"> Vehicle access utilises an existing crossover. 	✓
Public Realm PO 10.1	<ul style="list-style-type: none"> Does not present a safety risk to pedestrians or other users of the public road. Does not interrupt pedestrian movement. Does not interfere with existing infrastructure or services on the street. Positively contributes to the vibrancy of the area. 	✓

9.2 Summary of Applicable Overlays

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

- Airport Building Heights (Regulated) (All structures over 140 metres AHD) - proposed building under 140 metres AHD
- Affordable Housing - affordable housing not proposed, however 15 studio apartments will likely satisfy the affordable price criteria set by the SA Housing Authority ($\leq \$419,750$) at point of sale
- Building Near Airfields – does not contain non-residential lighting, turbulence and activities that may attract or result in the congregation of wildlife
- Design - development cost is less than \$10 million
- 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 Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Performance Outcome PO 1.1	<ul style="list-style-type: none"> • Ground floor finished floor level at least 300mm above the highest point of top of Angas Street kerb. 	✓

Heritage Adjacency Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Performance Outcome PO 1.1	<ul style="list-style-type: none"> • Tower will be setback from southern and western boundaries to provide an adequate curtilage on the adjacent heritage places. • Proposal will not directly affect the land parcel of the State Heritage Place. There is no direct impact on fabric of heritage value. • Refer to referral comments in Sections 7 and 8. 	✓

Noise and Air Emissions Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Performance Outcome PO 1.1	<ul style="list-style-type: none"> The site is located immediately adjacent to the Seven Stars Hotel, with windows (including bedroom windows) orientated towards the Hotel. The Hotel incorporates outdoor areas on the footpath and immediately adjacent to the common boundary with the development. The Hotel also holds functions, incorporating music. These circumstances provide potential for significant conflict between the existing Hotel operation and future residents. A reserve matter is recommended to provide further information on façade treatments to include noise attenuation measures to ensure that the lawful operation of the Hotel can continue, when COVID restrictions are not in place. 	✓

9.4 Summary of General Development Policies

The following General Development policies are relevant to the assessment:

Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
External Appearance PO 1.1 - 1.5	<ul style="list-style-type: none"> Refer to Section 9.5. 	✓
Safety PO 2.1 - 2.5	<ul style="list-style-type: none"> Opportunities for passive surveillance will be provided at ground level and upper levels. 	✓
Landscaping PO 3.1	<ul style="list-style-type: none"> None proposed. 	✗
Environmental Performance PO 4.1 - 4.3	<ul style="list-style-type: none"> Building will achieve energy efficiencies largely through utilisation of passive environmental design techniques. Windows to be low e-coated and double glazed to improve thermal performance. 	✓

	<ul style="list-style-type: none"> • Cross-ventilation through use of large operable windows and doors at upper levels. 	
Car Parking Appearance PO 7.1 - 7.7	<ul style="list-style-type: none"> • Car park entry proposed to be widened, however will have no additional street impact as it integrated into building structure. 	✓
Site Facilities / Waste Storage PO 11.1 – 11.5	<ul style="list-style-type: none"> • No service or waste vehicles required to enter the site. • All waste collection is proposed to occur on-street. • Bins stored within buildings and wheeled out to Regent Street North for weekly collection via Council kerbside collection services. 	✓
Medium and High Rise External Appearance PO 12.1 – 12.8	<ul style="list-style-type: none"> • Refer to Section 9.5. 	✓
Landscaping PO 13.1 – 13.4	<ul style="list-style-type: none"> • None proposed. • Retention of the existing building does not provide the opportunity for landscaping at ground level. • Refer to Section 9.5. 	✗
Environmental PO 14.1 – 14.3	<ul style="list-style-type: none"> • Satisfied. 	✓
Outlook and Amenity PO 16.1	<ul style="list-style-type: none"> • Refer to Section 9.5. 	✓
Private Open Space PO 21.1 – 21.2	<ul style="list-style-type: none"> • Refer to Section 9.5. 	✗
Soft Landscaping PO 22.1	<ul style="list-style-type: none"> • None proposed. • Retention of the existing building does not provide the opportunity for landscaping at ground level. 	✗

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 greater than the minimum required. Turn path diagrams provided demonstrating adequate manoeuvrability in the parking area. 	✓
Waste Storage PO 26.1 – 26.6	<ul style="list-style-type: none"> A dedicated waste storage area for residents and the office tenancy will be provided. 	✓
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 the future residents. Proposal incorporates between 11.5 and 23.5m³ built-in storage to each dwelling. 	✓
Dwelling Configuration PO 29.1	<ul style="list-style-type: none"> Studio dwellings are a minimum of 46m² Two bedroom dwellings are a minimum of 90m² 	✓
Common Areas PO 30.1	<ul style="list-style-type: none"> Common lobby areas on each building level suitably designed to provide easy to navigate circulations between the lift core and/or stairwell and the apartments. 	✓

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"> Overlooking impacts are minimal. Positioning of the development in relation to adjoining sensitive uses. 	✓
Overshadowing PO 3.1 – 3.4	<ul style="list-style-type: none"> Refer to 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"> A detailed Site Investigation (DSI) Report has not been provided. Refer to Section 9.5. 	✗

9.5 Detailed Discussion

Building Height

The maximum envisaged building height for the site is 22 metres. The proposed building will have a height of 29 metres, resulting in an exceedance of the Technical Numerical Variation (TNV) requirement by 7 metres.

The Capital City Zone contemplates exceeding the maximum building height in certain circumstances as outlined in PO 4.2. The proposed development satisfies PO 4.2 (a)(ii):

- retention, conservation and reuse of a building that provides a notable positive contribution to the character of the local area

The proposed building utilises and retains the existing Valerie Travers building as the ground floor podium. This building is a notable building in the locality and although not a heritage listed item, is an important component of the contextual built form and historic fabric of the local area.

The existing built form makes a notable positive contribution to character of the area, built to the street alignment and defining the south western corner of the Angas Street and Regent Street North intersection.

The proposed 7 metre building height exceedance does not exacerbate impacts on adjoining properties that would not be apparent for a development of 22 metres height, particularly if it were constructed to the property boundaries.

Built Form

The proposed building incorporates an acceptable design that appropriately responds to its local context to manage the difference in scale between the proposal and adjacent built form.

The design achieves a clear distinction between the podium level, which follows the prevailing datum line and the recessed upper levels that project above the prevailing parapet levels.

The retention of the existing building on the land as the podium, maintains the existing streetscape context and street wall heights and form at ground level. The existing building is suitable for retention as it provides a well-defined and continuity of frontage, and definition of the street corner. The proposed re-use and adaption of the existing building at ground level for an office use will improve the permeability and visual interest at ground level.

The overall building form is considered to achieve an acceptable standard of design. The upper level design exhibits a façade with vertical and horizontal articulated elements and varied external wall setbacks. The upper levels are also enhanced by horizontal grooves within the façade that emphasise the window treatments.

Interface – Overlooking and Overshadowing

The proposal has upper floors positioned with setbacks from the site boundaries to minimise potential for overlooking into adjacent land. Some views may be possible to some of the rear open spaces for the row dwellings to the south, however these will be at a reasonable distance from the proposal. Privacy screens on the western edge of south facing balconies on levels 2 to 7 will assist in mitigating any direct line of sight into adjacent rear yards.

To prevent potential overlooking, the upper level balconies on the southern side have been setback within the allotment by approximately 4 metres to further reduce potential overlooking impacts.

During the winter months, shadows are expected to be cast across adjacent residential uses to the south in the morning period. However, the private open space areas are expected to receive direct sunlight from the middle of the day and will have no shadow by the mid to late afternoon.

It is noted the existing building on the subject land already casts shadow on the immediately adjacent land during morning hours. This prevailing condition will not be altered by the proposal.

It should also be recognised building heights between a minimum of 11.5 metres and a maximum 22 metres are envisaged for this site. A degree of overshadowing is therefore to be expected from development on this land. The building height exceedance is not considered to result in overshadowing impacts with a building that met the quantitative building height limit for the adjoining properties.

Private Open Space

Each apartment will have a balcony for private open space able to be accessed directly from a living area. The balconies for each apartment will have varied minimum dimensions.

Many of the apartments do not satisfy the minimum private open space requirement based on the exclusion of the portion of the balcony area not meeting the minimum dimension.

A majority of the studio apartments will have balconies with dimensions of between 700 to 960mm an total areas between 2 to 4.6m². Despite not meeting the minimum 1.8 metre dimension, the provision of balconies for each apartment is considered acceptable.

In the context of the scale and nature of the proposal, the outdoor balcony configurations and areas can appropriately meet the private open space needs of the occupants and is acceptable despite the quantitative shortfall with the relevant provisions of the Code.

Site Contamination

A Preliminary Environmental Site History and Screening Level Soil and Vapour Assessment has been provided. A Site Contamination Declaration Form has also been provided which states site contamination may exist below the surface, however:

“preliminary screening soil vapour assessment which did not indicate a material issue as well as the nature of the end development in that the residential component would not be at ground level.”

“It is important to consider that the final development would have comprised works which include soil and groundwater assessment, removal of soils and ground level carparking and office space with no access to subsurface soils once developed.”

Post development, the site is proposed to be fully capped with an engineered concrete slab over a waterproof membrane barrier and compacted rubble base. Lift and car stacker pits will be constructed using a waterproofing additive in the concrete, with an underlying waterproof membrane, and water-stop barriers to the structural engineer’s specification. The ground floor will primarily comprise car parking and services and an office use.

Residential land use will be confined to Levels 1 to 8 with Level 1 commencing approximately 4.9 metres above ground level.

The EPA recommends Council reserve its decision on the matter of detailed site investigations and any subsequent requirements for remediation. This is included in Section 11.

In this circumstance, the EPA would undertake a regulatory review of the DSI report and any SRP and/or CEMP and complete its referral role to determine the most appropriate site contamination practitioner to determine site suitability.

10. **CONCLUSION**

This application proposes to retain the external walls of the existing building and construct a nine storey mixed use building with office, car parking and ancillary services at ground level and 37 dwellings at upper levels.

The proposal achieves the desire of Capital City Zone Objective 2 for high intensity and large scale development with high street walls reinforcing the distinctive grid pattern layout of the city with active non-residential ground level uses to positively contribute to public safety, inclusivity and vibrancy.

The exceedance of the envisaged building height by 7 metres is considered acceptable in this instance given the design contribution, and the reuse and retention of a building of characteristic value to the immediate locality.

The proposal is at odds with the desired requirements relating to private open space. However, it is considered the balcony design and indoor/outdoor space configuration will appropriately meet the needs of the occupants.

The impacts of the proposal upon adjoining residential uses will be notable to adjoining occupants given the long standing single storey building character of the subject land. On balance, the impacts are not considered unreasonable within this portion of the Capital City Zone and overshadowing and overlooking impacts are generally acceptable, due to the design response and the positioning of the development in relation to adjoining sensitive uses.

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 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 21041709, by Forme Projex is granted Planning Consent subject to the following reserved matter, conditions and advices:

Reserved Matters

Pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016* (SA), the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval (or select stage of Development Approval):

1. The following information must be submitted for further assessment by the Environment Protection Authority ('EPA') under section 57 of the *Environment Protection Act 1993* (SA):
 - i. a report of detailed site investigations ('DSI') prepared by an appropriately qualified and experienced site contamination consultant in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 and the EPA publication Guidelines for the assessment and remediation of site contamination (2019).

The DSI must be sufficient to identify:

- a) the nature and extent of any site contamination present or remaining on or below the surface of the land
- b) the likely suitability of the land for the proposed use, and
- c) what remediation (if any) is necessary for the proposed use.

Where remediation is identified as being necessary in the DSI, a Site Remediation Plan ('SRP') and/or a Construction Environmental Management Plan ('CEMP') must be prepared by a site contamination consultant to the reasonable satisfaction of the EPA as per the guidance contained in the EPA Guidelines for the assessment and remediation of site contamination (2019).

The EPA reserves its advice on the form and substance of any further conditions of planning consent considered appropriate to impose in respect of the reserved matter in accordance with regulations 3(6) and 103C and of the Planning, Development and Infrastructure (General) Regulations 2017.

2. The following information must be submitted for further assessment to demonstrate the proposed apartments:
 - i. include noise attenuation measures to achieve a music noise level in any bedroom exposed to music noise (L10) less than:
 - a) 8 dB above the level of background noise (L90,15 min) in any octave band of the sound spectrum; and

- b) 5 dB(A) above the level of background noise (LA90,15 min) for the overall (sum of all octave bands) A-weighted levels.
- ii. include noise attenuation measures to ensure that the lawful operation of the Hotel can continue, when Covid restrictions are not in place.

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 Locus Architecture, Project Number: Valerie Living as follows:

- **Site – DPC.002 dated 23.11.2021**
- **Locality – DPC.005 dated 23.11.2021**
- **Streetscape – DPC.005a dated 22.02.2022**
- **Ground – DPC.006 dated 04.04.2022**
- **Waste – DPC.006a dated 21.02.2022**
- **Level 1 – DPC.007 dated 04.04.2022**
- **Levels 2-5 – DPC.008 dated 04.04.2022**
- **Levels 6-8 – DPC.008 dated 04.04.2022**
- **Roof – DPC.010 dated 23.11.2021**
- **Section – DPC.011 dated 21.02.2022**
- **North – DPC.012 dated 04.04.2022**
- **East – DPC.013 dated 04.04.2022**
- **South – DPC.014 dated 21.02.2022**
- **West – DPC.015 dated 04.04.2022**
- **Type 3 – DPC.016 dated 23.11.2021**
- **Type 2 (type 1 mirrored) – DPC.017 dated 21.02.2022**
- **Type 6 (type 7 mirrored) – DPC.018 dated 21.02.2022**
- **Areas – DPC.019 dated 04.04.2022**
- **Planning Report as prepared by MASTERPLAN, Project FORME PROJEX, as dated December 21**
- **Hydrological Analysis as prepared by Structural Systems, Project Number DT 220301, as dated 4 April 2022**
- **Traffic And Parking Report as prepared by Cirqa, Project No. 21422 V1.2, as dated 20 December 2021**
- **Preliminary Site Investigation (PSI) as prepared by A.M. Environmental Consulting, Document Number: 2071 R1, as dated 15 December 2021**

- **Acoustic Design Report as prepared by Resonate, Project No. A210739RP1 Revision B, as dated 16 December 2021**
- **Mechanical Services Reports as prepared by BESTEC, Project No. 57078/1/0, as dated 17 December 2022**

2. The awning shall include pedestrian lighting (Category P2-AS1158) and shall be maintained and owned by the property owner(s). The lighting shall operate dusk until dawn and not be obtrusive or shine into any adjoining residences.

3. The finished floor level at the boundary of the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary.

4. Prior to the issue of Development Approval or any demolition, the Certifying Authority shall be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

5. All components of the stacker carparks shall comply with Australian Standard AS5124:2017 Safety of machinery - Equipment for power driven parking of motor vehicles - Safety and EMC requirements for design, manufacturing, erection and commissioning stages (EN 14010:2003, MOD) and all other relevant Australian Standards.

6. The design of the vehicular access and off-street parking facilities shall comply with Australian Standards AS/NZS 2890.1-2004 *Parking Facilities - Off-Street Car Parking* and AS 2890.3-2015 *Parking Facilities - Bicycle parking facilities*. The off street parking facilities shall be constructed in accordance with the approved design and relevant Australian Standards prior to the occupation of the building.

7. Prior to any occupation or use of the building, the Certifying Authority must ensure that all redundant vehicular crossings and property drainage connections to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's City Works Guide Works Impacting City of Adelaide Assets and Urban Elements Catalogue.

8. All collected drainage water from any bin rooms, carwash areas, internal vehicle parking areas, seepage collection systems, groundwater seepage systems, other internal areas, water features, swimming pools and/or spas located on the Land shall be discharged to the sewer system. Details demonstrating compliance with the requirements of this condition shall be submitted to the Certifying Authority prior to the occupation of the development.

9. **Prior to any occupation or use of the building all Council maintained infrastructure that is removed or damaged during construction works shall be reinstated to Council requirements and specifications. The Certifying Authority shall be provided with written evidence from Council that all works on the Road Reserve have been completed in accordance with Council requirements. All costs associated with these works shall be met by the Applicant.**
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Advisory Notes

1. **Heritage Advisory Note**

The former Valerie Travers building is of interest as a 1950s building in the Modernist style. Elements that embody its architectural style include the face brickwork external walls, the use of concrete/render to boldly frame openings and also as mullions for vertical articulation within these perimeter frames, as well as what appear to be steel-framed windows in carefully-proportioned banks of four panes.

To regain the design integrity of the retained facades, removal of the paint to return to unpainted red brick face masonry is strongly encouraged. The concrete/rendered perimeter frames and mullions between windows should be retained (or reconstructed to the same proportional spacing and cross-sections), and replacement steel-framed windows and doors considered in place of the proposed aluminium windows without intervening mullions as currently documented.

2. **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.

3. **Expiration Time of Approval**

Pursuant to the provisions of Regulation 48 under the Development Act 1993, this consent / approval will lapse at the expiration of 24 months 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 24 months, 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.

4. **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.

5. **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.

6. 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.

7. 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/>
