

# Buckingham Arms Development PTY LTD

Construction of a 10-level, mixed use building (comprising commercial/retail tenancies, serviced apartments and dwellings), basement carparking, installation of rooftop solar panels, refurbishment of a Local Heritage Place and the removal of four (4) significant trees and four (4) regulated trees.

9 Walkerville Tce Gilberton, 1 Walkerville Tce Gilberton, 12 Northcote Tce Gilberton, 7 Walkerville Tce Gilberton, Lot 56 Northcote Tce Gilberton

Development Application 24029287



## OVERVIEW

<b>DEVELOPMENT NO:</b>	24029287
<b>APPLICANT:</b>	Buckingham Arms Development PTY LTD
<b>ADDRESS:</b>	9 WALKERVILLE TCE GILBERTON SA 5081 1 WALKERVILLE TCE GILBERTON SA 5081 12 NORTHCOTE TCE GILBERTON SA 5081 7 WALKERVILLE TCE GILBERTON SA 5081 LOT 56 NORTHCOTE TCE GILBERTON SA 5081
<b>NATURE OF DEVELOPMENT:</b>	Construction of a 10-level, mixed use building (comprising commercial/retail tenancies, serviced apartments and dwellings), basement carparking, installation of rooftop solar panels, redevelopment of a Local Heritage Place and the removal of four (4) significant trees and four (4) regulated trees.
<b>ZONING INFORMATION:</b>	<b>Zones:</b> • Urban Corridor (Living) <b>Overlays:</b> • Heritage Adjacency

	<ul style="list-style-type: none"> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Local Heritage Place</li> <li>• Major Urban Transport Routes</li> <li>• Noise and Air Emissions</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> <li>• Aircraft Noise Exposure</li> <li>• Airport Building Heights (Regulated)</li> <li>• Advertising Near Signalised Intersections</li> <li>• Affordable Housing</li> <li>• Design</li> <li>• Future Road Widening</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) (Maximum building height is 24.5m)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 6 levels)</li> <li>• Minimum Primary Street Setback (Minimum primary street setback is 0m)</li> <li>• Interface Height (Development should be constructed within a building envelope provided by a 45-degree plane, measured 3m above natural ground at the boundary of an allotment)</li> </ul>
<b>LODGEMENT DATE:</b>	19 Sept 2024
<b>RELEVANT AUTHORITY:</b>	State Planning Commission
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.17 12/9/2024
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Tegan Lewis - Senior Planning Officer
<b>REFERRALS STATUTORY:</b>	Commissioner of Highways Environment Protection Authority Government Architect Minister responsible for the administration of the South Australian Housing Trust Act 1995 The Corporation of the Town of Walkerville
<b>RECOMMENDATION:</b>	Approve with conditions

## CONTENTS:

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### APPENDIX

Appendix 1A – Relevant Planning and Design Code Policies

### ATTACHMENT 1 – APPLICATION DOCUMENTATION

Attachment 1A – Planning Report by URPS

Attachment 1B – Architectural Drawings by SMFA

Attachment 1C – Architectural Response by SMFA

Attachment 1D – Site Survey by Alexander Symonds

Attachment 1E – Stormwater Management Report and Site levels and Drainage Layout Plan prepared by Pt Design

Attachment 1F- Traffic and Parking report by CIRQA

Attachment 1G – Waste Management Plan by Colby Phillips

Attachment 1H – Heritage Impact Statement prepared by SMFA

Attachment 1I – Due Diligence Environmental Assessment prepared by Agon Environmental

Attachment 1J - Sustainability Strategy Report by DSquared

Attachment 1K – Acoustic Report prepared by VIPAC

Attachment 1L Wind Report prepared by VIPAC

Attachment 1M – Construction Environmental Management Plan prepared by Agon Environmental

Attachment 1N – Arborist Report prepared by Project Green

## **ATTACHMENT 2 – REFERRAL AGENCY RESPONSES**

Attachment 2A – Town of Walkerville (Council) referral comment

Attachment 2B - Town of Walkerville (Council) response to applicant response

Attachment 2C – Commissioner of Highways referral comment

Attachment 2D – Government Architect referral comment

Attachment 2E – Government Architect response to applicant response

Attachment 2F – EPA referral comment

## **ATTACHMENT 3 – REPRESENTATIONS**

## **ATTACHMENT 4 – RESPONSE TO REPRESENTATIONS AND AGENCIES**

Attachment 4A – Response to representations and agencies by URPS

Attachment 4B – Response to traffic and parking comments by CIRQA

Attachment 4C – Stormwater management plan prepared by MATTER Consulting

Attachment 4D – Fire damage evaluation letter prepared by SMFA

Attachment 4E – Structural Analysis by MATTER Consulting

## **EXECUTIVE SUMMARY**

The proposed development proposes to Construct of a 10-level, mixed use building (comprising commercial/retail tenancies, serviced apartments and dwellings), basement carparking, installation of rooftop solar panels, redevelopment of a Local Heritage Place and the removal of four (4) significant trees and four (4) regulated trees.

The development is within the Town of Walkerville and proposes a building exceeding 4 storeys. This requires a decision by the State Planning Commission (Commission), which is delegated to the State Commission Assessment Panel (SCAP).

This application is classified as a performance-assessed form of development. Statutory referrals were issued to the Town of Walkerville (Council), the Commissioner of Highways, the Environmental Protection Authority (EPA), The South Australian Housing Trust and the Government Architect. Referral agencies did not object to the proposal.

Pursuant to Table 5 - Procedural Matters of the Urban Corridor (Living) Zone Public notification was required for this development because it doesn't meet the exemptions outlined, specifically due to its proximity to a residential zone and its building height exceeding the maximum guided. A total of 93 representations were received during the notification period, with 8 of these were duplicates, resulting in a total of 85 unique submissions. Many submissions opposed the development.

The Urban Corridor (Living) Zone encourages medium-density residential development in mid-rise buildings and complementing non-residential uses that serve the day-to-day needs of the community. While increased height is permitted on significant development sites, this is conditional on managing negative impacts and providing wider community benefits. This proposal meets these requirements, justifying a 30% uplift to the maximum building height generally permitted by the zone.

For the reasons outlined above, it is recommended that the application be granted planning consent.

## **BACKGROUND**

### Previous application Considered by SCAP

A previous application for a 10-level, mixed use building, four-level office building, group dwelling and refurbishment of a Local Heritage Place was refused planning consent by the State Planning Commission (SPC) on the 7<sup>th</sup> of March 2024. The new application, while independent, seeks to address the concerns raised in the previous refusal.

Application considered by Council The Town of Walkerville Council Assessment Panel granted planning consent for a 29 three storey townhouse application on the 9<sup>th</sup> of December 2024.

### Fire

Following the fire at the Buckingham Arms Hotel on November 16, 2024, which primarily impacted non-heritage sections slated for demolition, the applicant has confirmed the project can proceed as planned. To support this, they have provided a detailed assessment from their heritage advisor and a structural analysis report addressing the fire's impact.

## **PRE-LODGE MENT**

The applicant participated in the pre-lodgement service, attending two pre-lodgement panel (PLP) meetings in July and August. A Design Review, facilitated by ODASA, took place between these two PLP meetings at the start of August.

The initial PLP established the assessment pathway, initiated consultation with relevant agencies and delivered high-level feedback on the proposal. The Design Review provided feedback on the design, and led to refinements in the ground floor layout, residential amenity, and architectural expression. The revised design, informed by feedback provided, was presented in the secondary PLP.

Prior to the lodgement of the application, the proponent team independently engaged with the Town of Walkerville (Council) and the local community. Council staff were consulted on technical matters such as stormwater, traffic, heritage, and tree management and elected members were briefed on the proposal.

The proponent team offered to engage with the Walkerville Residents Association (WRA) community before lodging the application. However, this was declined by the WRA.

### **DETAILED DESCRIPTION OF PROPOSAL:**

The proposal seeks to construct a 10-level, mixed use building (comprising commercial/retail tenancies, serviced apartments and dwellings), basement carparking, the installation of rooftop solar panels, the redevelopment of a Local Heritage Place and the removal of four (4) significant trees and four (4) regulated trees.

Specifically, the proposal consists of the following:

- The removal of four (4) significant trees and four (4) regulated trees on the subject land.
- The restoration of the Buckingham Arms Hotel, a Local Heritage Place (LHP), by:
  - Demolishing non-heritage additions and a small area of the heritage-listed building containing toilets.
  - Removing non-original features, including an awning, signage and the infilling of several non-original windows and openings.
  - Replacing non-original features, including a door in the eastern elevation with a bi-fold window, windows with heritage-style ones (sash windows), tiles along the building plinth with rendering and balustrading on the front balcony.
  - Reinstating lost decorative elements such as post capitals and quoining.
  - Functional upgrades, including gutter replacement, installing new air vents, and replacing a section of roof sheeting.
  - Exterior painting and interior fit-out to maintain the building's use as a restaurant.
- The construction of a 10-level mixed-use building with basement levels, comprising:
  - Four shops (restaurants) on the ground floor with a combined floor area of 1103 square metres.
  - Two basement levels for carparking. Basement 1 will offer 116 spaces for staff and customers of the commercial tenants, service apartment guests, and guests of the residential occupants. Basement 2 will provide 127 spaces exclusively for the use of residents.
  - 130 dwellings comprised of two storey terraced apartments and apartment units.
    - Levels 3 to 9 will house 116 apartments, offering a mix of one-, two-, three-, and four-bedroom units. Of these, 13 will be specifically designed to be accessible for people with disabilities, and a total of 19 will be designated as affordable housing units.
    - The 13 two-storey terraced apartments are grouped along the northeastern boundary and accessed via a common ground floor hallway. This cluster includes one one-bedroom, twelve two-bedroom, and one three-bedroom apartment. All but the one-bedroom apartment have ground-floor private open space. These terraced apartments, while connected to the main building, maintain a degree of independence, with separate waste room, lift to basement level parking and entrances.

- 57 serviced accommodation units (tourist accommodation) on levels 1 and 2. These units will be a mix of studios and one-bedroom accessible units.
- Community amenities, including a pool, terraced area, private function space, gym, steam room, sauna, and wine room, on level 2, accessible to all residents and serviced accommodation guests.
- Loading bay and common waste storage area.
- A central laneway providing vehicle access to the site from Walkerville and Northcote Terrace, connection to the basement levels and three short term parks.
- Rooftop-mounted solar panels and mechanical plant equipment.
- 190 bicycle spaces in secure rooms and on rails.

The supporting Planning Report prepared by URPS and architectural drawings prepared by Stallard Meek Flightpath Architects (SMFA) are contained in **Attachment 1A and 1B** respectively.

## **SUBJECT LAND & LOCALITY:**

### **Subject land:**

The subject land is triangular-shaped, comprises 14 allotments and has an area of 6248m<sup>2</sup>. It is situated at the intersection of Northcote Terrace and Walkerville Terrace and is prominent. It currently features the Buckingham Arms Hotel, a car park, and several trees, 10 of which are regulated and 5 significant. The subject land is highlighted by blue in Figure 1.



**Figure 1:** Subject land (Source: SAPPA)

The technical description of each allotment is as follows:

<b>Location reference:</b> 9 WALKERVILLE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 6290/988	<b>Plan Parcel:</b> D1458 AL6	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

<b>Location reference:</b> 1 WALKERVILLE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 6290/995	<b>Plan Parcel:</b> D1458 AL9	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

<b>Location reference:</b> 1 WALKERVILLE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 5782/735	<b>Plan Parcel:</b> F137113 AL62	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

<b>Location reference:</b> 1 WALKERVILLE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 5611/691	<b>Plan Parcel:</b> D1458 AL1	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

<b>Location reference:</b> 1 WALKERVILLE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 6290/995	<b>Plan Parcel:</b> D1458 AL3	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

<b>Location reference:</b> 1 WALKERVILLE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 5611/691	<b>Plan Parcel:</b> D1458 AL2	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

<b>Location reference:</b> 1 WALKERVILLE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 6290/986	<b>Plan Parcel:</b> D1458 AL4	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

<b>Location reference:</b> 12 NORTHCOTE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 6290/994	<b>Plan Parcel:</b> F137111 AL60	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

<b>Location reference:</b> 7 WALKERVILLE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 6290/992	<b>Plan Parcel:</b> F137109 QP58	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

<b>Location reference:</b> 7 WALKERVILLE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 6290/992	<b>Plan Parcel:</b> F137109 QP59	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

<b>Location reference:</b> 7 WALKERVILLE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 6290/993	<b>Plan Parcel:</b> F137110 AL59	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

<b>Location reference:</b> 7 WALKERVILLE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 6290/987	<b>Plan Parcel:</b> D1458 AL5	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

<b>Location reference:</b> LOT 56 NORTHCOTE TCE GILBERTON SA 5081		
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<b>Title ref.:</b> CT 6290/989	<b>Plan Parcel:</b> F137108 AL57	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE
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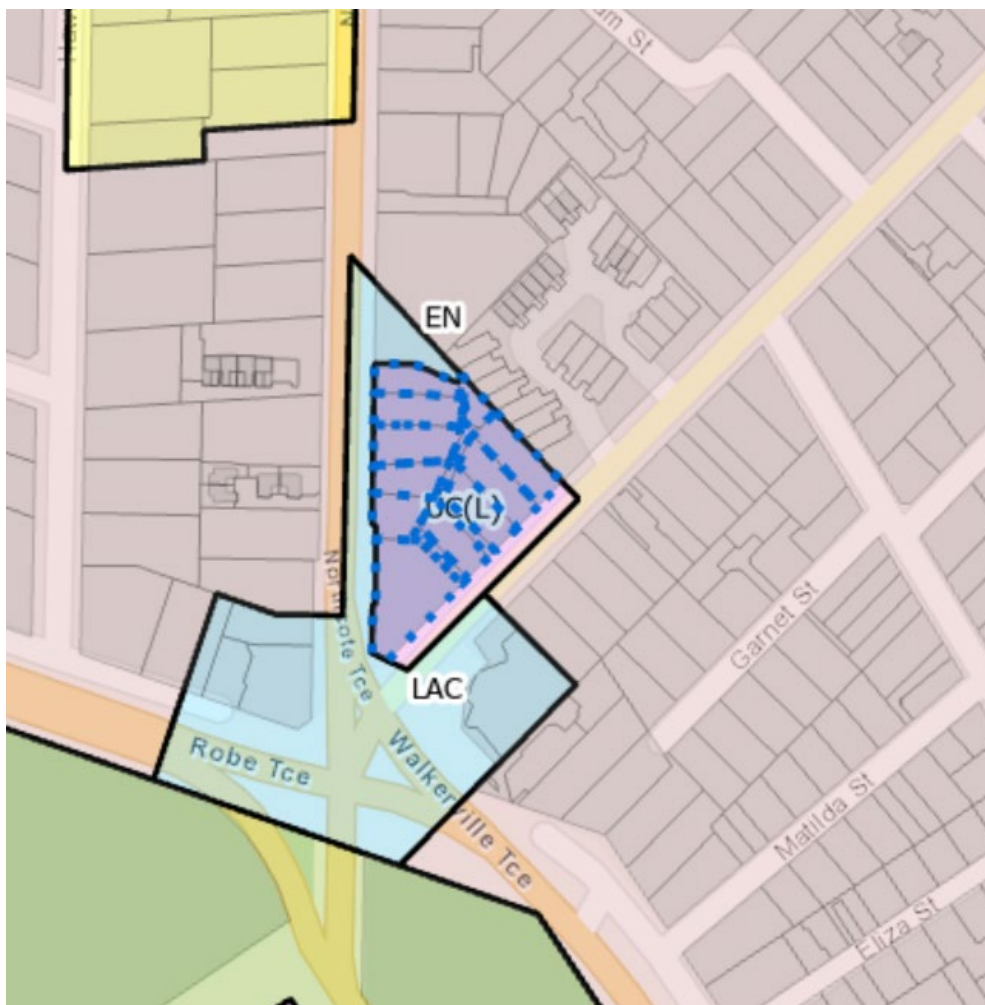
<b>Location reference:</b> LOT 56 NORTHCOTE TCE GILBERTON SA 5081		
<b>Title ref.:</b> CT 5782/220	<b>Plan Parcel:</b> F137107 AL56	<b>Council:</b> THE CORPORATION OF THE TOWN OF WALKERVILLE

## Locality

The locality and its zoning, is shown in Figure 2 and presents a diverse mix of residential and small-scale commercial uses, including consulting rooms.

Residential development predominantly comprises detached dwellings in early housing styles, interspersed with contemporary homes and apartment buildings, generally ranging from one to two storeys in height.

Walkerville Terrace, Northcote Terrace, and Robe Terrace form the main thoroughfares within the locality, with Robe Terrace forming part of the Adelaide Inner Ring Route (a collection of main roads surrounding Adelaide CBD, running along the perimeter of the Parklands to allow traffic to bypass, and move in and out of the city). Walkerville and Northcote Terraces are distinguished by mature street trees, contributing to a leafy character. The southern boundary of the locality adjoins the Adelaide Park Lands, offering expansive green space.



**Figure 2:** Locality and zoning (Source SAPPA)



## CONSENT TYPE REQUIRED:

Planning Consent

## CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Residential flat building: Code Assessed - Performance Assessed

Solar photovoltaic panels (roof mounted): Code Assessed - Performance Assessed

Partial demolition of a building or structure: Code Assessed - Performance Assessed

Tourist accommodation: Code Assessed - Performance Assessed

Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed

Change of use: Code Assessed - Performance Assessed

New housing

Tree-damaging activity: Code Assessed - Performance Assessed

Solar panels

Building Alterations: Code Assessed - Performance Assessed

Shop: Code Assessed - Performance Assessed

Demolition

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

As the proposed development does not meet the accepted, deemed-to-satisfy, or restricted criteria outlined in Tables 1, 2, and 4 of the Urban Corridor (Living) Zone, it will be performance assessed pursuant to Section 107(1) of the Planning, Development and Infrastructure Act 2016 (Act).

## PUBLIC NOTIFICATION

Generally, all classes of performance assessed development are subject to public notification, unless specifically exempted by Table 5 - Procedural Matters – Notification (Table 5) of the relevant zone(s) within the Planning and Design Code (Code).

In this instance, notification was required as the development doesn't fall under any of the exemptions outlined in Table 5 of the Urban Corridor (Living) Zone. Specifically:

- Clause 2 of Table 5 does not apply as the site of the development is adjacent to a site used for residential purposes in the Established Neighbourhood Zone, a zone which is classified as a neighbourhood type zone in Part 8 of the Code.
- Clause 3 of Table 5 does not apply as the building height exceeds the maximum height listed in Urban Corridor (Living) Zone DTS/DPF 3.1.

Public notification was undertaken between October 3 and October 24, 2024. This included direct letters being sent to all owners or occupiers of land adjacent (within 60 metres) of the site of the development, physical signage placed on Walkerville Terrace and Northcote Terrace frontages and application details available for viewing on the PlanSA website and at the principal office of the State Planning Commission.

During the notification period, 93 representations were received. However, 8 of these were duplicates, resulting in a total of 85 unique submissions. Of the 85 unique submissions:

- 73 opposed the development.
- 7 supported the development with concerns

- 5 expressed outright support of the development.
- 20 requested to speak at the SCAP meeting.

Each submission received during the notification period can be found in **Attachment 3**, while the proponents' response is detailed in **Attachment 4**.

The key concerns noted by representors can be summarised to be:

- Planning guidelines
  - Exceeds building height (metres) and medium density guidelines.
  - Preservation of the heritage building used as justification for height and density, despite the preservation work being scheduled for the final stage of the project.
- Design and scale
  - Excessive height and massing.
  - Poor transition to surrounding residential areas.
  - Inadequate public realm interface due to lack of podium.
  - Ambitious floor-to-floor heights may lead to future height increases.
  - Incompatible with the low-rise residential and heritage character of locality.
  - Overwhelms the heritage significance of the Buckingham Arms Hotel.
- Neighbourhood amenity and community impacts
  - Overlooking and overshadowing of neighbouring properties.
  - Increased noise intrusion and air pollution from commercial uses and additional traffic.
  - Overbearing visual impact.
  - Potential for commercial activities of an inappropriate scale.
  - Assumption based waste management practices and potential for increased litter.
  - Limited and uninviting public open space.
  - Construction disruption.
  - Negative impact to property values.
  - The design fails to represent the community's identity which is inappropriate for such a prominent site.
- Amenity of building occupants
  - Poor soundproofing and privacy between units.
  - Lack of high-quality communal open space and green space.
  - Dwellings meet minimum dimension guidelines.
- Trees, soft landscaping and environmental impact
  - Removal of trees and lack of replanting.
  - Increased heat island effect.
  - Potential for increased stormwater run-off.
- Traffic and parking
  - Increased traffic congestion.
  - Insufficient parking on-site and on-street.
  - Access arrangements may redistribute traffic, increasing traffic volumes on less suitable local roads.
  - Increased traffic and access arrangements may lead to safety risks for motorists and cyclists.
  - Traffic management measures may alter access to and from nearby properties (11A Northcote Terrace).

The key benefits of the proposal, as noted by the representors, include:

- Housing supply
  - Addresses housing shortage on an underutilised site.
- Revitalise the site
  - Improves the appearance of the site and contributes to the revitalisation of the local area.
- Economic benefits
  - Increased population stimulates local businesses and contributes to economic growth.

Several representors expressed concern over repeated submissions of development applications. While some outright opposed the current proposal, many acknowledged it as an improvement over the previous plan. Others indicated a preference for a lower-scale development. A small number of opposing representors did not consider the Buckingham Arms worthy of retention.

## AGENCY REFERRALS

Referral Body	Function	Summary of Response
Environment Protection Authority Regulation 41	Direction	No objections with conditions and notes directed.
Commissioner of Highways Regulation 41	Direction	No objections with conditions and notes directed.
Minister responsible for the administration of the South Australian Housing Trust Act 1995  Regulation 41	Direction	No objections with conditions and notes directed.
Government Architect  Regulation 41	Advice	Generally supportive of the proposal.
The Corporation of the Town of Walkerville Regulation 23(2)(b)	Advice	No objection, requested a condition relating to the protection of Street Trees during construction but did make a series of comments, with outstanding matters including: <ul style="list-style-type: none"> <li>• Lack of on-street parking.</li> <li>• Potential rat running through local streets.</li> <li>• Safety concern with right hand turn from Walkerville Terrace</li> <li>• Insufficient detention capacity on site.</li> <li>• Compliance with Tree Protection Plan to ensure street trees are protected.</li> <li>• No concerns from a heritage perspective.</li> </ul>

## **PLANNING ASSESSMENT**

### **Question of Seriously at Variance**

Pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016 (Act), development must not be granted planning consent if it is seriously at variance with the Planning and Design Code (the Code).

The Urban Corridor (Living) Zone typically encourages medium-density, mixed use development in a mid-rise form, with residential uses as the primary focus. Performance Outcome (PO) 3.1 and Designated Performance Feature (DPF) 3.1, guide the maximum building height in the Zone to be 6 levels and 24.5 metres. However, PO 5.1 allows for increased development yields on 'significant development sites' of up to 30% if the development manages its impacts and provides broader community benefits.

This proposal, a 10 storey (31.85 metres) mixed-use building with a predominately residential offering, aligns with the land use objective of the zone, but exceeds the usual height limits. Crucially, the site qualifies as a 'significant development site', which allows for increased development yields and potentially justifies exceeding the standard height limits.

Therefore, a thorough assessment is needed to determine if the proposal's scale is justified, considering its potential impacts and community benefits. While exceeding the height limit warrants scrutiny, it does not determine the proposal to be seriously variance.

As such, the proposal is not considered to be seriously at variance with the Code.

### **Planning and Design Code**

Under section 107(2)(b) of the Act, performance assessed development is to be assessed on its merits against the Code.

The application has been assessed on its merits against the relevant provisions of the Code contained in **Appendix 1A**. The following is a weighted assessment of the relevant issues, considering the Code's policy hierarchy.

### **Overlays**

#### Affordable Housing Overlay

The Affordable Housing Overlay seeks to incentivise the integration of affordable housing into residential and mixed-use projects supplied by the private market.

PO 1.2 guides developments with 20 or more dwellings should include affordable housing for low-to moderate-income households. The companion DTS/DPF guides at least 15% of the total housing units in such developments should be affordable.

PO 1.3 aims to ensure affordable housing units are dispersed throughout the development rather than concentrated in a specific area.

The proposed development aligns with these policies by including 19 affordable one- and two-bedroom apartments, which represents 15% of the total units proposed. The affordable units are spread across levels 3, 4, and 5, ensuring a balanced distribution through the building, as well as catering to various household types.

PO 3.1 to 4.1 encourage the development of affordable housing by offering incentives such as relaxed minimum allotment sizes, increased building heights, and reduced car parking requirements. These concessions aim to make it more economically viable for projects to include affordable housing.

The proponent team indicated they do not wish to utilise the Affordable Housing Overlay and are instead seeking to justify the building height uplift elsewhere. Nonetheless, it's important to recognise the broader policy objective of encouraging the private market to deliver affordable housing through policy concessions.

### Aircraft Noise Exposure Overlay (ANEF 20) and Noise and Air Emissions Overlay

The Aircraft Noise Exposure Overlay seeks developments are situated and designed to minimise noise impact, reduce land use conflict and safeguard human health (DO 1).

The relevant PO's seek buildings accommodating noise-sensitive activities are designed and positioned to reduce aircraft noise intrusion and ensure comfortable interior acoustic conditions. The companion DTS/DPF guides areas with an ANEF value of 30 or more to be generally unsuitable for such developments.

The Noise and Air Emissions Overlay seeks to safeguard community health and quality of life from harmful noise and air pollution and has a focus on noise and air emissions generated by roads, trains and trams (DO 1).

PO 1.1 guides developments accommodating sensitive receivers and adjoining a high noise or air pollution source, are designed and sited to mitigate impacts through appropriate measures such as physical separation, well-considered floorplans that site habitable rooms away from the emission source and building design features that enhance separation.

PO 1.2 guides developments accommodating sensitive receivers and adjoining a high air pollution source leverage architectural responses to improve air circulation and minimise the impact of air pollution.

PO 1.3 guides developments accommodating sensitive receivers adjoining a high noise or air pollution source locates outdoor spaces away from the emission source.

The companion DPF for each of the listed PO's states that sensitive receivers should not be located adjacent to designated roads which are Type A, B or R, train corridors or tram corridors.

Part 8 – Administrative Terms and Definitions defines a “sensitive receiver” as:

- (a) any use for residential purposes or land zoned primarily for residential purposes;*
- (b) childcare facility;*
- (c) educational facility;*
- (d) hospital;*
- (e) supported accommodation;*
- (f) tourist accommodation.*

The subject site is in an area with an Aircraft Noise Exposure Forecast (ANEF) value of 20, adjoins both a Type A (Robe Terrace) and B (Northcote Terrace) road and the development proposes a mix of uses including residential and tourist accommodation. The assessment must therefore consider if the development adequately mitigates adverse impacts of aircraft and road noise, and air emissions to protect the health and amenity of the future occupants of the development.

An Acoustic Design Report (**Attachment 1K**) prepared by ViPAC was submitted and included consideration of the proposal's performance against these overlays. To this end, the report evaluates the developments compliance with Ministerial Building Standard 010 – Construction requirements for the control of external sound (MBS 010).

MBS 1010 establishes specific building design criteria for controlling noise from external sources within habitable rooms of residential buildings situated in areas with significant noise exposure. While it is primarily applied during the building consent assessment to ensure that the proposed building design meets the required acoustic performance standards, it can play a crucial role in a planning assessment. By adhering to MBS 010, the development can demonstrate its ability to adequately attenuate external airborne sound from designated sources, ultimately resulting in acceptable indoor sound levels within habitable rooms of residential buildings. This planning assessment has therefore considered MBS 010

highly relevant to determining whether the proposal performs adequately within the context of these overlays.

The Acoustic Design Report has assigned Sound Exposure Categories (SEC) to all dwellings and tourist accommodation units within the proposed building. These SECs are determined based on factors including the separation distance between a building and the relevant road type, the maximum road speed or the applicable ANEF contour band and Aircraft Noise Reduction (ANR), all in accordance with the criteria specified in MBS 010. The report then outlines the relevant construction requirements consistent with MBS 010 for each unit based on its assigned SEC. While further assessment against MBS 010 will occur during the building consent assessment, the Acoustic Design Report demonstrates that the building can be constructed to effectively mitigate the impact from external sounds, achieving acceptable indoor sound levels within habitable rooms.

Accordingly, the provisions of the Aircraft Noise Exposure Overlay (ANEF 20) and Noise and Air Emissions Overlay are satisfied.

#### Airport Building Heights (Regulated) Overlay (All structures over 110 metres)

Airport Building Heights (Regulated) Overlay PO 1.1 guides the height of a building does not compromise aviation safety. DPF 1.1 establishes a maximum height of 110 metres AHD to fulfil the intent of the parent PO.

The proposed development, with a maximum height of 33.6 metres (measured from finished ground level to the top of the roof plant enclosure), is well below this limit and does not intrude into protected airspace. The development therefore complies with the policies of the Airport Building Heights (Regulated) Overlay.

#### Hazards (Flooding – Evidence Required) Overlay

The Hazards (Flooding – Evidence Required) Overlay seeks for development to take a proactive approach to flood risks.

PO 1.1 guides development to be sited, designed and constructed to minimise the likelihood of flood entry into buildings, particularly where such entry could cause significant damage or disrupt building functions. The companion DPF guides the Finished Floor Levels (FFL) of habitable and commercial buildings to be at least 300mm above the highest point of the top of kerb of the primary street.

The proposed building incorporates FFLs of 36.15 and 36.05, both of which are 300mm above the highest adjacent points of the kerb along Northcote Terrace and Walkerville Terrace. PO 1.1 is therefore satisfied.

#### Design Overlay

The Design Overlay guides high quality buildings that create a desirable living environment, are environmentally sustainable, and built to last (DO 1).

PO 1.1 specifically identifies medium to high rise buildings and state significant developments as necessitating a high standard of design.

The application was referred to the GA for comment, as the site falls within the Design Overlay and the development exceeds four levels. The GA generally supports the proposal, acknowledging its strengths, while identifying areas for improvement. The complete referral response is provided in **Attachment 2D** and summarised below:

- Strengthens:
  - Architectural design: The building exhibits a well-modulated form with effective massing breakdown through articulation. A two-storey masonry podium with large, angled feature columns forms the base. The middle section is textured in maroon render, while the top

section is clad in a light-coloured material to be visually recessive. These distinct materials clearly differentiate the buildings base, middle, and top sections.

- Heritage sensitivity: Retention and revitalisation of local heritage place is strongly supported. The design demonstrates respect for the LHP through appropriate building separation and the continuation of the podium treatment behind the LHP, fostering a visual connection between the new building and heritage place.
- Urban design: The ground floor plan is well-defined, user-friendly, and demonstrates a respectful relationship with the LHP. Below-ground parking minimises visual impact, while ground-floor hospitality tenancies activate the public realm.
- Social and environmental sustainability: The development offers a range of housing options, prioritises natural light and ventilation within apartments, features well-designed lift lobbies, consolidates services and incorporates Environmentally Sensitive Design (ESD) initiatives.
- Balanced support:
  - Floor-to-floor heights are lower than preferred and further refinement is encouraged to confirm sufficient heights can be maintained in habitable areas.
  - The overall public open space strategy is supported, although the open space adjacent to Northcote Terrace may be less enjoyable due to its proximity to the busy road.
- Areas of improvement:
  - The level 2 terrace extends over the terraced and serviced apartments and may comprise their amenity. While the central void has been enlarged, further refinement is encouraged to ensure equitable access to natural light for the terraced apartments. Given the temporary nature of the serviced apartments, their experience is less critical.
  - Ensure the raised pool on the level 2 terrace is fully accessible.
  - The creation of deep soil zones via the placement of the basement car park is not fully capitalised upon, as mature trees have not been nominated for planting.
  - Narrow corridors on the serviced and apartment levels may feel long and should be articulated.
  - Further review of the terraced apartment arrangement including enhancing the experience in the enclosed corridor, optimising pedestrian paths to the entry/lift lobby and waste management room to reduce potential conflict and improving stair access to the basement carpark.
  - Enhancement of architectural expression by further analysis of the LHP to inform the podium's design, reviewing the middle element's materials to align with the lightweight construction intent, and confirming materiality of top elements to ensure appropriate consideration of glare management.

The proponent team has responded to the GA's recommendations with a series of amendments and additional information (**Attachment 4A**), summarised as follows:

- Landscaping:
  - Enhanced greening to the open space adjacent to Northcote Terrace, with a larger garden bed (from 46m<sup>2</sup> to 54m<sup>2</sup>), incorporated mature Ginkgoaceae trees and noted an intention to plant taller shrubs.

- Increased the deep soil area on the ground floor plane from 842m<sup>2</sup> to 850m<sup>2</sup>.
- Confirmed mature Ginkgoaceae trees will be planted along the site perimeter.
- Building amenity:
  - Modified the enclosed corridor of the terraced apartments by increasing the size of openings by 50% and replacing glazing with open mesh.
  - Confirmed common stair access from the terraced apartments to the basement.
  - Provided typical apartment ceiling height diagrams, which demonstrate the arrangement of ceiling bulkheads to ensure a 2.7-metre ceiling height in living spaces and bedrooms.
  - Recessed some apartment entrances on levels 3 to 9 by 500mm from the common corridor.
  - Confirmed common corridors on levels 3 to 9 will be 1.5 metres wide and feature two sun tunnels.
- Accessibility:
  - Confirmed the pool on the level 2 will be DDA compliant and identified a pool lift and stairs on the Landscape – Level 2 plan.
- Material palette:
  - Refined the material palette and prepared a physical material board. The mid-section of the built form will be maroon coloured concrete, and the top element will be clad in warm beige aluminium cladding with white painted steel finishes.

The GA reviewed the amendments and additional information provided by the proponent team. The GA generally supported the proposed changes and clarifications, as outlined in **Attachment 2E**. However, the GA requested confirmation of several external materials. Additionally, the GA requested clarification regarding the onsite location and method of installation of the 34k-litre on-site stormwater detention included in response to the Commissioner of Highways (CoH) referral response.

The discussion above demonstrates the proposal achieves a high standard of design, effectively balancing aesthetic, functional and environmental considerations. Externally, the building design has a clear vertical hierarchy, defined by contrasting materials and colours. This approach not only boosts visual interest, but also effectively mitigates any perceived top-heaviness. Internally, the design prioritises natural light and ventilation, while striving to create visually engaging spaces. The development demonstrates a commitment to sustainability, heritage and the creation of an active and vibrant public realm. This is evident through the incorporation of ESD initiatives, the retention of the LHP, and the provision of ground-floor commercial uses, landscaped open spaces and below grade carparking. While acknowledging the designs respectful treatment of the LHP, the GA suggested that further analysis of the LHP could inform a more nuanced and refined design for the podium. However, consideration of the design from a heritage perspective is provided in the Heritage Adjacency and Local Heritage Place Overlay section of this report.

Addressing the outstanding areas of improvement raised by the GA, the proposal is considered to effectively manage each, as detailed below:

- Overhang of the level 2 terrace: The design of the terraced apartments capitalises on the unobstructed north or north-easterly aspect of each terraced apartment, by strategically orientating habitable rooms towards this aspect, maximising natural light exposure and minimising potential shadowing impact from the overhang. As acknowledged by the GA, the impact to the serviced apartments is considered less critical due to their temporary occupancy and the number of suites impacted is limited.



- Lift and waste management room conflicts in the terraced apartments: This risk is considered minimal. The primary function of the lift is to serve as a dedicated access point between the lobby and basement carpark, but the site's location is anticipated to reduce reliance on private vehicles for daily commutes, minimising associated lift usage for parking access. Finally, waste disposal activities are likely to occur sporadically throughout the day, reducing the likelihood of significant overlap with peak lift usage times.
- Floor-to-floor heights: While the ceiling arrangement may deviate from what is commonly proposed, it achieves sufficient heights in habitable areas, while ensuring apartments are appropriately serviced by locating building services within bulkheads in non-habitable areas.
- Amenity of open space adjacent to Northcote Terrace: While the initial perception of this open space may be that it lacks significant amenity, the height and maturity of shrubs and trees will create a meaningful and immediate landscape buffer between the road and open space. Further detail of heights of plantings can be managed through the Reserved Matter process.
- Hallway experience: The introduction of recessed entries to apartments on levels 3 to 9 adds depth to each hallway, creating a visually interesting space. Furthermore, the width of the hallway and incorporation of sun tunnels contribute to a bright and airy atmosphere. Larger openings and mesh infill in the hallway of the terraced apartments increases light and airiness, creating an open atmosphere.
- Other outstanding matters: Matters such as the selection of external materials and the precise location and/or method of detention, can be addressed and managed through the Reserved Matter process.

As such, the proposal satisfies the provisions of the Design Overlay.

#### Future Road Widening Overlay

The Future Road Widening Overlay seeks to ensure adequate space for future road expansions required to accommodate anticipated traffic growth (DO 1).

The subject site falls within the area designated by the overlay for the potential future road widening of Northcote Terrace. However, the CoH has reviewed the development and confirmed that no land is required from the subject site to accommodate this future road widening. Therefore, the proposed development can proceed without compromising future infrastructure upgrades, and PO 1.1 of the Future Road Widening Overlay is satisfied.

#### Heritage Adjacency Overlay and Local Heritage Place Overlay

The site contains the Buckingham Arms Hotel, identified as a LHP in Part 11 of the Code. The listing describes the extent of the listed place to be the external form, materials and detailing of the hotel, while specifically excluding later additions and alterations.

Given the site includes multiple allotments, some of which don't directly contain the LHP but are adjacent, the Heritage Adjacency Overlay is applicable. However, as the provisions of the Local Heritage Place Overlay more directly address this specific development and its interaction with the LHP, this assessment has given greater weight to these provisions.

The Local Heritage Place Overlay seeks to safeguard the heritage and cultural values of a LHP through careful conservation, ongoing use and adaptive reuse (DO 1). The provisions under this overlay aim to effectively manage the relationship between development and the LHP, while also considering the redevelopment or reuse of the LHP itself. Key themes in the overlay provisions include:

- Architectural form: New development should exhibit appropriate form, massing, scale and detailing, ensuring compatibility with the LHP's architectural character (PO 1.1, 1.2 and 1.3).

- Setting and context: Maintaining appropriate setbacks and ensuring the sensitive placement of new buildings in relation to the LHP (PO 1.4 and 1.6).
- Material and colour palettes: Material and colour palettes should complement the LHP (PO 1.5).
- Retention of significant features: Protecting the features significant to the LHP (PO 1.7)
- Authentic conservation works: Conservation works to a LHP should prioritise original materials and traditional work methods (PO 7.1).
- Preservation of the LHP: Demolition only occurs to non-heritage elements, non-significant heritage elements or when safety concerns necessitate demolition due irreparable structural issues (PO 6.1 and 6.2).

The proponent team submitted a Heritage Impact Statement (**Attachment 1H**) prepared by SMFA. This document analyses the heritage context and listing of the Buckingham Arms Hotel and evaluated the proposed development against the relevant provisions of the Code. The Heritage Impact Statement articulates that the architectural character and setting of the LHP have significantly influenced the proposal, with the key design responses summarised below:

- Podium design: The podium design aligns with the LHP eaves, extends slightly beyond the main building to bridge height differences, and employs sandstone columns spaced to echo the LHP's architectural proportions and facade materiality.
- Articulated mass: The building has three distinct layers with varying setbacks and a diverse material palette to visually break down the building mass and perceived height to sensitively respond to the scale and form of the LHP.
- Placement of development: The removal of later additions and non-significant heritage elements facilitates a building placement that improves the LHP setting, preserves views of the LHP, and retains the remaining heritage fabric while integrating the LHP into the overall scheme. Additionally, the setback of the basement level provides adequate space for additional protection to the LHP during construction.
- Conservation of the LHP: Non-heritage features are replaced with heritage-appropriate alternatives. Where contemporary elements are necessary to accommodate the reuse, they are designed to be visually distinct from the original fabric.

Council administration, through their local heritage advisor consultant, provided advice on the development's impact to the LHP. The advice noted that the proposal enhances the LHP's heritage and cultural values by returning it to a more original form. The 10-storey building demonstrates contextual sensitivity, responding appropriately to the LHP's massing, scale, form and detailing. Further, the building's colour palette complements the colour scheme proposed for the LHP. Council initially raised a query regarding the proposed roofing material for the LHP. This query was satisfactorily resolved following confirmation from the proponent team that corrugated galvanised iron would be used. Consequently, Council administration supported the proposal from a heritage perspective.

The discussion above demonstrates the proposal satisfies the provisions within the Local Heritage Place Overlay. The proposal illustrates a commitment to preserving the heritage significance of the LHP through its restoration, including the removal of later non-heritage significant additions, and the incorporation of modern modifications where necessary to ensure its continued use and functionality. This is further complemented by the new building which, while contemporary, has been designed to relate and respect the LHP through its scale, massing, form and materiality. While the GA did suggest further refinement of the podium expression to better integrate with and complement the heritage features of the LHP, the assessment by the council's local heritage consultant provides confidence in the current design from a local heritage perspective. Therefore, while further refinements of the podium might enhance the design, they are not considered necessary.

Accordingly, the proposal satisfies the provisions of the Local Heritage Place Overlay.

#### Major Urban Transport Routes Overlay and Traffic Generating Development Overlay

The Major Urban Transport Routes Overlay seeks to ensure the smooth and efficient functioning of major transport routes within Metropolitan Adelaide (DO 1 and 2). The relevant policies under this overlay aim to achieve this by:

- Optimising site access by ensuring access to and from the site is designed to function effectively, considering the type and scale of development, road characteristics and the provision of adequate sight lines (PO 1.1, 3.1, 4.1 and 5.1).
- Effectively managing on-site traffic by ensuring sufficient on-site queuing space to accommodate vehicles waiting to exit the site, as well as unimpeded vehicle entry (PO 2.1).
- Minimising road impacts by ensuring access points are designed to minimise the introduction of debris and mud onto the road surface and to avoid negatively impacting roadside drainage (PO 6.1 and 7.1).

The Traffic Generating Development Overlay has a similar intent but broadens the scope of consideration by encompassing both Urban and Major Urban Transport Routes within its ambit (DO 1 and 2). The relevant policies under this overlay aim to achieve its objective by:

- Minimising traffic impacts on the surrounding road network by ensuring that developments with significant traffic generation provide appropriate direct access to a State Maintained Road (PO 1.1 and 1.2).
- Effectively managing the anticipated traffic for the type and scale of development on-site (PO 1.3).

A Traffic and Parking Report (**Attachment 1F**) prepared by CIRQA assessed the potential impacts of the proposed development on traffic and parking. Key findings are summarised below:

- The development provides two vehicle access points: one on Northcote Terrace and one on Walkerville Terrace. Both access points have been located to provide maximum separation from the intersection and feature raised concrete splitter islands with pedestrian refuges to manage traffic flow and enhance pedestrian safety. The Northcote Terrace access is left-in/left-out only, while the Walkerville Terrace access allows for right turns in but left turns out. Angled approaches and clear signage further reinforce safe vehicle movements.
- The development has been designed with a minimum overhead clearance of 3.8 metres in all areas where commercial vehicle movements will occur and can accommodate such vehicles up to 10 metres in length.
- The development includes 246 parking spaces with controlled access to enhance security. A roller door on Basement Level 1 restricts access between residential and non-residential parking areas. Another roller door on the ramp between Ground Level and Basement Level 1 is open during the day and closed at night for security, with access controls for residents and visitors. A total of 190 bicycle parks are provided.
- The development is projected to generate 158 trips in the AM peak hour and 196 trips in the PM peak hour. However, the projections do not account for factors such as non-overlapping peak hours across different uses, the availability of alternative transport methods, and the potential for internal trips within the mixed-use development.

- The proposed access points are designed to handle the expected traffic without causing significant disruption. Restricting right turns out of the site and onto Northcote Terrace will minimise traffic issues. The right turn into the site from Walkerville Terrace is also not expected to be a problem due to the road width and traffic signals at the nearby intersection and is not too dissimilar to that of the Buckingham Hotels existing arrangement.
- The proposed development is not expected to significantly impact traffic at the intersection of Northcote Terrace, Walkerville Terrace, Park Road, Mann Road and Robe Terrace because it will generate less than 2% of the total traffic volume during peak hours.
- The intersection of Northcote Terrace, Walkerville Terrace, Park Road, Mann Road and Robe Terrace can experience traffic queues during peak hours. To ensure the development doesn't worsen traffic, studies were conducted on nearby streets. These studies show that the local streets can handle the expected traffic from the development without any problems.

The application was referred to the CoH to provide technical assessment and direction on the performance of the proposal against both overlays. These referrals were necessary as the proposal included a new access to a State Maintained Road (Major Urban Transport Routes Overlay) and the building contains more than 50 dwellings within 250 metres of a State Maintained Road (Traffic Generating Development Overlay).

The CoH determined that the proposed access points to Northcote Terrace and Walkerville Terrace will adequately manage traffic flow. However, noted that these accesses may require the relocation of existing infrastructure. The relocation is permissible, subject to the approval of relevant authorities (council and the Department of Infrastructure and Transport) regarding the new location, and with all costs being borne by the developer.

Turning to the traffic generation from the proposal, the COH noted that, based on the anticipated generation from the dwellings, serviced apartments and restaurants as outlined in the CIRQA report, the proposed access layout will adequately handle expected traffic volumes from the development. The CoH also confirmed that the number of on-site vehicle and bicycle parks complies with the requirements of the Code and service vehicle movements can and will be accommodated on-site.

Regarding stormwater, the CoH noted no detention storage proposed due to erroneous initial calculations. The CoH therefore requested that a revised stormwater plan be developed in conjunction with DIT and Council. The applicant has now submitted the concept for a stormwater management system that includes an on-site detention capacity based on calculations to manage post-development runoff generated from a 100-year Average Recurrence Interval rainfall event (1% AEP), however the specific methods of detention and their locations are still being finalised. As such, it is suggested that a detailed and final Stormwater Management Plan be requested via Reversed Matter.

Accordingly, the application satisfies both the Major Urban Transport Routes Overlay and Traffic Generating Development Overlay.

#### Regulated and Significant Tree Overlay

The Regulated and Significant Tree Overlay seeks to protect regulated and significant trees for their aesthetic and environmental value and prevent unnecessary tree removal (DO 1).

PO 1.1 establishes the criteria for retaining regulated trees, while PO 1.2 outlines the criteria for retaining significant trees. However, PO 1.4 allows for tree-damaging activity when integrated into a larger proposal and:

- (a) The proposed development outcome reasonably aligns with the relevant zone intent, and
- (b) If involving a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree damaging activity occurring.

There is an inherent tension in the policy framework between conserving trees and enabling reasonable development. While acknowledging the importance of trees within the urban environment, the framework seeks to ensure that the reasonable development of land can proceed, and recognises that in some cases, tree removal may be necessary to facilitate appropriate development outcomes. Given this context, and the connection between the proposed built form and the removal of the eight protected trees, PO 1.4 will serve as the primary assessment criterion to establish if the tree removal is appropriate. If the proposal satisfactorily meets the criteria outlined in PO 1.4, further assessment under PO 1.1 and 1.2 will not be necessary.

Of the trees to be removed, three are clustered in the centre of the site and include two significant trees and one regulated tree. The other five to be removed are adjacent to property boundaries with street frontages and include two significant trees and three regulated. The trees earmarked for removal are located within or adjacent to the proposed building footprint, including areas required for specific design elements such as podium columns, or access points. Seven regulated trees on the site will be retained, with five located along the rear of the site and one on the Northcote Terrace frontage. Seven established street trees located either side of the subject land will be retained and protected during construction.

Turning now to whether the proposed development is considered to reasonably align with the intent of the Urban Corridor Living Zone. While this matter will be discussed in detail further in the body of this report, the proposal is considered to reasonably align with the objective of the Zone. Therefore, the proposed tree damaging activity is considered to satisfy PO 1.4 (a).

Next, is to consider whether alternative design options for this specific proposal could have been explored to retain the significant trees on-site, as required by PO 1.4 (b). Considering the location of the significant trees on the site, established street trees, the need to strategically place access points to manage traffic flow, and designing around the retention of the LHP, alternative design options that would retain the four significant trees appear limited. Therefore, it is considered that the removal of the trees, while regrettable, reasonably satisfies PO 1.4 (b).

As such, the proposed removal of the regulated and significant trees is consistent with the direction of the Regulated and Significant Tree Overlay policy.

#### Other overlays

The remaining overlays do not aid in the assessment of this proposal for the following reasons:

- Prescribed Wells Area Overlay as the development does not require a licence for the taking of water under the Landscape South Australia Act 2019.
- Advertising Near Signalised Intersections as the current proposal does not include advertising.

#### **Zone**

##### Urban Corridor (Living) Zone

The Desired Outcomes (DO) for the Zone are listed below:

- DO 1 A mixed use area with a strong residential focus that provides a diverse range of medium density housing options primarily in multi-level medium rise buildings supported by compatible non-residential land uses oriented towards a primary road corridor (e.g., a State maintained road or a road with similar attributes), high frequency public transport route, activity centre or significant open space.*
- DO 2 Non-residential activities that enhance convenient day to day living for nearby residents and encourage small group and intimate social gatherings that is contextually appropriate to a compact residential amenity.*

These DOs are high-level policy statements that guide the interpretation and application of PO's, articulating the overarching goals and aspirations for that area. When faced with uncertainty regarding the applicability or interpretation of a specific PO, a relevant authority can refer to the DO to inform their decision-making process, as these outcomes help assess whether a proposed development aligns with the overall vision.

With this in mind, the relevant provisions of the Zone are considered below.

#### *Land use*

PO 1.1 seeks to create an area that is lively and engaging beyond typical business hours through a vibrant mix of uses. DPF 1.1 suggests specific uses that would typically achieve this, with shop, dwelling and tourist accommodation listed.

The development proposes a mix of uses which includes dwellings, tourist accommodation and restaurants (shops) aligning with the land uses specified in DPF 1.1. The dwellings and tourist accommodation are expected to generate demand for dining options and other services, while the cafes and restaurants will animate the area in the evenings and weekends. This combination of uses will therefore contribute to creating a vibrant and active neighbourhood, effectively satisfying PO 1.1.

PO 1.2 encourages a range of small to medium scale non-residential uses such as shop, offices and consulting rooms to meet the day-to-day needs of the local community. DPF 1.2 guides that shop, office or consulting room uses not exceed a maximum gross leasable floor area of 500m<sup>2</sup>.

Part 8 of the Code defines gross leasable floor area to mean:

*“the total floor area of a building excluding public or common tenancy areas such as malls, hallways, verandas, public or shared tenancy toilets, common storage areas and loading docks.”*

Part 1 of the Code acknowledges that DPF's are guidelines, not strict requirements, and should not preclude alternative approaches to achieving POs, nonetheless, a disconnect is evident between PO 1.2 and DPF 1.2, which necessitates a closer examination of the PO's intent.

PO 1.2 promotes a diverse mix of businesses serving the local community, specifically encouraging “a range of small to medium scale non-residential uses.... that meet the day-to-day needs to the local community”. In essence, PO 1.2 prioritises the type and function of commercial uses, with the “small to medium scale” qualifier seemingly applying to individual businesses rather than their cumulative impact. Conversely, the companion DPF focuses on restricting the cumulative scale of these uses by imposing a 500m<sup>2</sup> limitation on the gross leasable floor area of a building. This raises a key question regarding the relationship between the DPF and PO, namely what is the purpose of the aggregate floor area restriction, and how does it align with the emphasis on diversity in the PO? The Zone objectives provide crucial context in this instance.

DO 1 establishes that while the zone should encourage a mixture of uses, it has a primary residential focus, while DO 2 encourages activities that enhance the day-to-day living for nearby residents and social gatherings appropriate for a compact residential form. Considered together, these objectives create a hierarchy of uses within the zone, that establishes residential as the foundation and commercial uses playing a supporting role to this function. Therefore, PO 1.2 necessitates a more nuanced interpretation that goes beyond simply encouraging a variety of small to medium scale non-residential uses with an aggregate gross leasable floor area not exceeding 500m<sup>2</sup>.

Compliance with PO 1.2 hinges on achieving a balance of non-residential and residential uses that reflects the desired residential primacy. While the 500m<sup>2</sup> limit in DPF 1.2 might initially appear to be a straightforward measure for achieving this balance, a more context-sensitive approach is necessary. This approach should consider the specific nature of each development proposal, including factors such as the type and purpose of commercial uses (specifically, their role is serving residents day-to-day needs) and the broader residential context, encompassing the scale and density of both the integrated residential component (where applicable) and any surrounding residential areas. For example, a larger residential development might have capacity to accommodate more commercial activity without compromising its primarily residential function. In this example, however, it is important to note that while the total non-

residential floor area may increase, each individual tenancies must still be of a small to medium scale and serve the day-to-day needs of the community.

The restaurant use within the Buckingham Arms building (an individual building) has a gross leasable floor area of 358m<sup>2</sup>. The proposed mixed-use building includes four non-residential tenancies, all in the form of shops (restaurants), with a combined gross leasable floor area of approximately 1037m<sup>2</sup>. While the cumulative gross leasable floor area in the proposed building exceeds the 500m<sup>2</sup> limit guided in DPF 1.2, the uses align with PO 1.2 by providing services that cater to the day-to-day needs of the local community and when considering the proposal holistic, by not compromising the residential primacy of the zone as explained below.

Restaurants and cafes are generally designed to serve day-to-day needs of residents by offering a local dining option and convenient food and drink. Furthermore, the floor area dedicated to apartment living is 90% greater than the proposed commercial floor area (13530m<sup>2</sup> vs. 1037m<sup>2</sup>). This figure only increases when the floor area for the serviced apartments is included (15805m<sup>2</sup> vs. 1037m<sup>2</sup>). It's important to note that this calculation only includes the living areas and excludes balconies and common areas. Therefore, the actual proportion of floor area dedicated to residential uses and the like, is even greater. This demonstrates a clear emphasis on the residential offering of the proposal, with the commercial tenancies playing a supporting role.

It is also important to note that the proposed development maintains a similar level of gross leasable floor area as the existing Buckingham Arms Hotel (with non-heritage additions). If the hotel were still operational, it would have approximately 1300 m<sup>2</sup> of leasable space. This proposal includes 1395 m<sup>2</sup> across the new building and the hotel, which is a difference of just 95 m<sup>2</sup>. More importantly however, the proposal redistributes the commercial offering on the site from one large tenancy to five small to medium spaces. This redistribution better reflects the intent of the PO.

Lastly, a key element to non-residential uses supporting residential uses, is that their potential impacts have been effectively addressed. In this case the proposal has provided ample on-site parking to accommodate both residents and hospitality patrons and a waste management plan that includes regular collection services. Furthermore, while an updated Acoustic Report has been requested via Reserved Matter to ensure a thorough assessment and implementation of appropriate mitigation measures, it is anticipated that the development will fully comply with relevant noise criteria. Each matter is further discussed in the relevant sections of this report.

On balance, this proposal offers convenient dining options within a predominantly residential development, while effectively mitigating impacts to amenity. Importantly, it maintains a similar non-residential offering to the current arrangement but with the added benefit of new housing, thereby satisfying PO 1.2.

### *Intensity and Building Height*

PO 1.3 guides development towards diverse medium density accommodation options, either as part of a mixed-use development or wholly residential development. There is no companion DPF.

The application is for a mixed-use development with residential units offered, fulfilling one aspect of the PO. The next step is to assess whether the proposed development meets the 'medium density' aspect of PO 1.3.

Part 8 of the Code lacks a definition for 'medium density' or 'medium density accommodation', it does offer a definition for 'medium net residential density' defined as 35 to 70 dwellings units per hectare. This definition is unhelpful as this metric is primarily used for master planning purposes, and this specific term does not feature in the Zone policies. This lack of a clear definition creates ambiguity and necessitates attention back to the DOs for assistance.

DO 1 provides valuable assistance in interpreting PO 1.3. It states the Zone aims to provide '*...a diverse range of medium density housing options primarily in multi-level medium rise buildings...*'. So, this Zone generally encourages a more compact medium rise urban character than found in low-rise environments. However, the question remains: what is medium density, and does this proposal achieve it? To address

this, we can turn to the concept of "medium rise" development, a term introduced in DO 1, and important as building height is a key factor in controlling density.

Part 8 of the Code defines medium rise development as having 3 to 6 building levels. Building height within this zone is generally guided by PO 3.1, which states that it should either: (a) align with the maximum height specified in the relevant Technical and Numeric Variation layers, or (b) positively respond to the local context, considering factors such as the site's frontage, depth, interaction/proximity to primary road corridors (like State-maintained roads), and street width. The companion DPF (DPF 3.1), reinforces the medium rise definition, by setting the maximum building height to 6 levels and 24.5 metres.

It is important at this point to return to PO 3.1 and consider the 'or' clause, that allows for flexibility in building height based on local context factors. This clause is considered to ensure that proposed buildings are designed in response to their specific site constraints (given the listed considerations), rather than prioritising conformity with the surrounding built form. In this case, the subject site is substantial as it consolidates many allotments and has a frontage to a State-maintained Road. These characteristics, which align with the listed considerations in PO 3.1, indicate that this site is well-suited to accommodate a building at the higher end of the maximum height guided in DPF 3.1.

This application proposes a building of 10 levels at a height of 31.85 metres, which exceeds the maximum building height guided in PO 3.1. Nonetheless, the site characteristics (frontage greater than 25 metres to a major road and an area over 2500m<sup>2</sup>), means it meets the criteria for a significant development site.

Increased development yields on such sites (significant development sites) are permissible under PO 5.1, so long as any negative impacts on surrounding areas are managed, and the project provides benefits to the wider community. Such benefits are listed as good design, community services, affordable housing, or sustainable features. Importantly, the policy does not explicitly require the development to be of a scale that relates to the surrounding character.

The companion DPF guides that an appropriate uplift on these sites is 30% more than the maximum building height specified in DPF 3.1 (rounded up to the nearest whole number). To justify the increase, the DPF provides greater clarity on what benefits a proposal should supply, guiding development should either:

- (a) Preserve heritage by keeping, conserving and reusing a heritage-listed building or an existing or an existing built form and context that positively contributes to the character of the local area
- (b) Include more than 15% of dwellings as affordable housing, or
- (c) Include at least:
  - At least three of the following:
    - High quality open space that is universally accessible and is directly connected to, and well-integrated with, public realm areas of the street.
    - High quality, safe and secure, universally accessible pedestrian linkages that connect through the development site
    - Active uses are located on the public street frontages of the building, with any above ground car parking located behind a range of dwelling types that includes at least 10% of 3+ bedroom apartments a childcare centre.
  - At least three of the following:
    - A communal useable garden integrated with the design of the building that covers the majority of a rooftop area supported by services that ensure ongoing maintenance.
    - Living landscaped vertical surfaces of at least 50m<sup>2</sup> supported by services that ensure ongoing maintenance.
    - Passive heating and cooling design elements including solar shading integrated into the building.
    - Higher amenity through provision of private open space in excess of minimum requirements by 25% for at least 50% of dwellings.



The permissible uplift is calculated to be 8 levels and 32 metres (30% increase on numerical guideline listed in DPF 3.1). While the proposal adheres to the 32-metres height limit, it does exceed the recommended 8 levels. However, this is reasonable, when considering the following:

- A detailed assessment of potential impacts related to traffic, waste, noise, stormwater, overshadowing, and overlooking has been conducted. The design incorporates mitigation measures to address these concerns, ensuring the additional levels do not create undue burden on the surrounding environment or infrastructure (refer to relevant sections of this report for a full analysis).
- Despite exceeding the level guideline, the proposal remains within the maximum building height, minimising its visual impact and effectively integrating the additional levels.

The next step is to justify the proposed uplift, which requires the development demonstrate that it delivers broader community benefits. The positive contribution of the proposal are listed below:

- The retention, refurbishment, and reuse of an LHP.
- Affordable housing units representing 15% of the dwelling units offered.
- A range of dwelling types and bedroom offerings, including at least 10% that are 3+ bedroom apartments.
- Landscaped open space that is directly connected to, and well-integrated with, public realm areas of the street.
- Pedestrian walkways that are safe, in that they are separated from vehicles, provide clear links, have a width that allows for flow and are generally landscaped.
- Uses located on the public street frontages of the building that will activate the public realm.
- Environmentally considerate design that includes but is not limited to roof top solar, natural ventilation and light access in apartments, high performing double glazing that allows warmth of the sun to enter in the winter while limit summer heat ingress, deep balconies for sun shading, a façade that will be tested for airtightness to minimise energy consumption and a NatHERS rating exceeding the 6-star average required by the building code.
- Communal garden space on the terrace and ground level.
- A 70m<sup>2</sup> green wall system on the exterior walls of the ground-level vehicle access ramp.

As such, the increased development yield is justified against PO 5.1.

Turning back to PO 1.3 and density appropriateness. PO 1.5, which allows for an increased development yield on significant sites, displaces PO 1.3's encouragement of medium density, rendering it irrelevant in this assessment.

### *Built form and Character*

PO 2.2 guides that new buildings should generally follow the existing setback patterns along the street, unless a more prominent and continuous street presence is desired. In those cases, buildings can be built closer to the street edge. The companion DPF designates this location as appropriate for a 0m setback.

PO 2.3 guides buildings to be setback from secondary street boundaries to contribute to a consistent established streetscape. Here, the companion DPF requires a minimum setback of 2 metres.

The building wall of the development is setback 3.2 metres from Walkerville Terrace and 3.8 metres from Northcote Terrace. Meanwhile, the podium columns are positioned closer to the street boundary, creating a more defined street edge. PO 2.2 is satisfied. While the proposal achieves the numerical guideline listed in PO 2.3, the site's context mean that neither Northcote nor Walkerville Terrace are considered to play a secondary street role. Therefore, PO 2.3, does not play an active role in this assessment.

PO 2.4 is not applicable as its primary intent is to manage impacts on neighbouring properties that adjoin either side of a site. Similarly, PO 2.6, relating to rear access loading, is not relevant as the development does not include this feature.

PO 2.5 aims to control the setback of buildings from rear boundaries to minimise impacts of neighbouring properties, provide open space, landscaping and vegetation. DPF 2.5 guides that the building wall should be setback 5 metres for the rear boundary where the subject land abuts an allotment of a different zone.

In this instance, the rear boundary of the subject site adjoins properties within both the Established Neighbourhood Zone and the Local Activity Centre Zone. The terraced apartments and level 2 terrace are the primary building elements interacting with this boundary. The proposal maintains a setback ranging from 4.6 to 6.8 metres from the Established Neighbourhood Zone boundary and 1 to 4.5 metres from the Local Activity Centre Zone boundary. It is also noted that a podium column is located on the boundary; however, its position towards the street and front boundary diminishes its impact on the rear properties.

While acknowledging an intrusion into the suggested 5-metre numerical setback, the context of this development necessitates a more nuanced approach. The 45-degree plane assessment, discussed later in this report, is considered a more responsive method for evaluating the actual impact on neighbouring residential properties. Further, the property within the Local Activity Zone appears to be a non-residential use (consulting room). Therefore, the visual impact and overshadowing will be assessed against other relevant provisions that better address this context.

It is important to highlight that the proposal situates its private open space and landscaped areas of the terraced apartments between the proposed building and the rear boundary. This landscaped buffer, which includes several regulated trees to be retained, not only provides privacy and amenity for residents but also creates a soft transition to the lower-density residential context of the Established Neighbourhood Zone. This approach effectively mimics a traditional residential arrangement, where private open space acts as a rear buffer between dwellings.

PO 3.2 encourages a balance between maximising a site's development potential through height and floor space, while preserving the traditional character and feel of a main street.

As previously discussed, the development maximises its height and floor space by utilising additional height and incorporating a greater-than-typical amount of non-residential use, which is appropriate in this context. The development also reflects a Main Street character by incorporating a human-scale podium, active street frontages, landscaped open space at ground level, and pedestrian-friendly walkways. PO 3.2 is satisfied.

#### *Interface height*

PO 4.1 guides building design to mitigate impacts on nearby residential areas within a neighbourhood-type zone. The corresponding DPF achieves this through a building envelope, defined as a 45-degree plane starting 3 metres above ground level at the property edge. This concept is further emphasised in PO 5.2, which highlights it's the responsibility of developments on a significant developments site to minimise negative effects on neighbouring residential uses. DPF 5.2 reinforces this by requiring compliance with the building envelope (DPF 4.1) and encouraging the placement of taller elements, higher densities and non-residential uses closer to the primary road corridor.

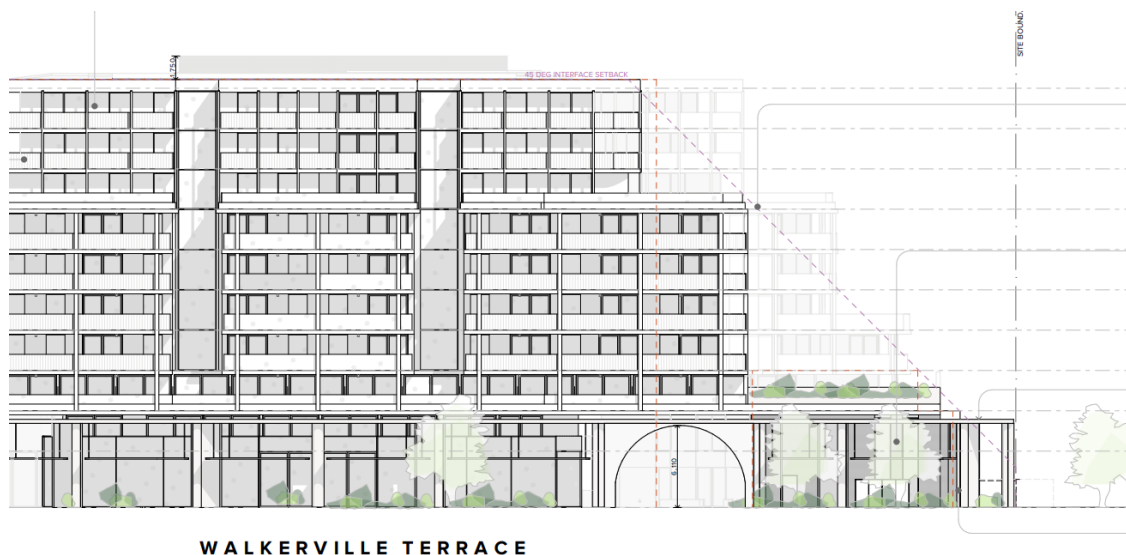
Part 8 of the Code, defines a neighbourhood-type zone to be:

- Business Neighbourhood Zone*
- City Living Zone*
- Established Neighbourhood Zone*
- General Neighbourhood Zone*
- Golf Course Estate Zone*
- Hills Neighbourhood Zone*
- Housing Diversity Neighbourhood Zone*
- Master Planned Neighbourhood Zone*
- Master Planned Renewal Zone*
- Master Planned Township Zone*
- Neighbourhood Zone*
- Residential Park Zone*
- Rural Living Zone*

*Rural Neighbourhood Zone*  
*Rural Settlement Zone*  
*Rural Shack Settlement Zone*  
*Suburban Neighbourhood Zone*  
*Township Zone*  
*Township Neighbourhood Zone*  
*Urban Renewal Neighbourhood Zone*  
*Waterfront Neighbourhood Zone*

The rear boundary of the subject site is shared with properties in the Established Neighbourhood Zone and Local Activity Centre Zone, with only the Established Neighbourhood Zone being considered a neighbourhood type zone.

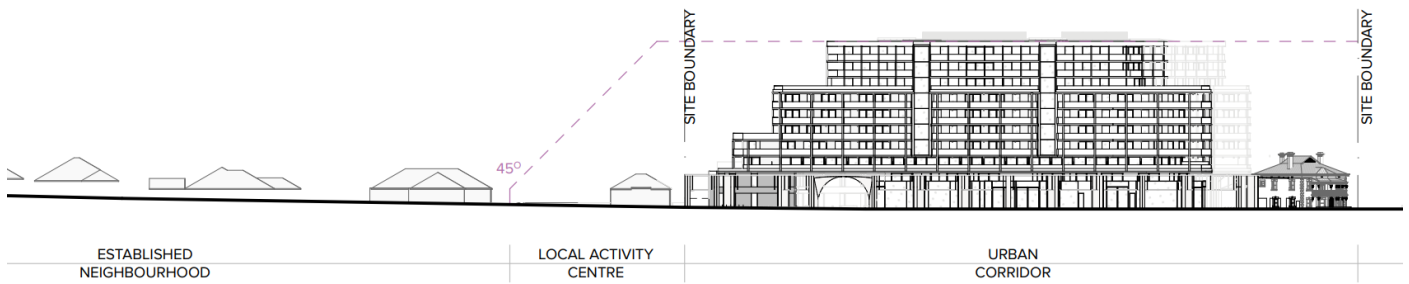
To demonstrate compliance with the 45-degree building envelope requirement, the proponent team submitted elevations and a section view, clearly showing how the building's design mostly fits within the prescribed limits. Figure 3 below illustrates the Walkerville Terrace elevation with the building envelope imposed. Because this rear boundary abuts the Established Neighbourhood Zone (a neighbourhood-type zone), the building envelope originates at the property boundary. It's acknowledged that a small portion of the podium extends beyond the building envelope. However, this is considered a minor encroachment as it occurs near the street frontage and does not continue along the rear boundary, minimising any potential impacts on neighbouring properties in the neighbourhood type zone.



**Figure 3:** Walkerville Terrace elevation with the building envelope-imposed

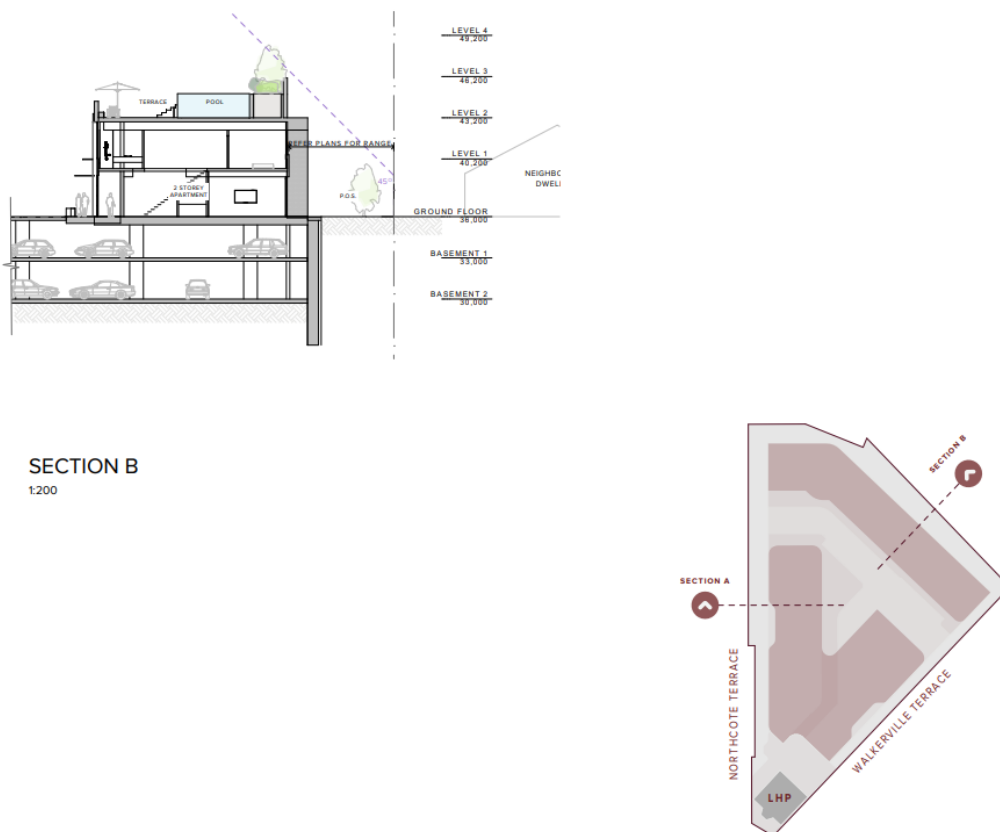
(Source: Architectural Plans prepared by SMFA titled East Elevation)

Figure 4 below illustrates the Northcote Terrace elevation, where the immediate neighbour is in the Local Activity Zone. As the Local Activity Zone is not a neighbourhood-type zone, the 45-degree building envelope is imposed from the further afield established neighbourhood-type zone. While this figure shows the building's form in relation to the Established Neighbourhood Zone boundary, it's important to note that the 45-degree plane should originate at the edge of the subject site boundary. Therefore, the intent of this figure is to illustrate the correct application of the building envelope rather than directly assessing the building's compliance.



**Figure 4:** Northcote Terrace elevation with the building envelope imposed (Source: Architectural Plans prepared by SMFA titled West Elevations).

Lastly, Figure 5 below provides a section view, taken approximately halfway along the rear boundary of the site, with the 45-degree building envelope imposed. This section demonstrates that the building's design complies with the building envelope requirement at this point.



**Figure 5:** section view, taken approximately halfway along the rear boundary of the site (Source: Architectural Plans prepared by SMFA titled Sections)

While a minor encroachment of the building envelope occurs near the street frontage along Walkerville Terrace, the development generally complies with the 45-degree plane, demonstrating that it meets the intent of PO 4.1 to mitigate impacts to residential areas within a neighbourhood type zone.

Turning back to PO 5.2 and DPF 5.2, it has been demonstrated that the development successfully meets the first requirement of complying with the 45-degree building envelope. This proposal satisfies the other tests of the provision by positioning the 10-storey apartment building adjacent to the street frontages, with non-residential uses at ground level. Meanwhile, the two-storey terraced apartments are situated adjacent



(Source Town of Walkerville Draft Transport Strategy 2024 - 2035)

Therefore, while Policy 4.2 applies, the road environment, with its higher traffic volume and function as a collector road, might reduce the potential for differences in building scale to be visually jarring. This is because drivers and pedestrians are likely more focused on navigating the traffic than on observing changes in the streetscape.

Turning now to the built form directly adjoining the subject site on the other side of Walkerville Terrace. These buildings can be classified as low rise and low density. They are predominantly single-storey bungalows, with wall heights of approximately 3 metres with gabled roofs. Common materials include stone and render. Front setbacks range from 6 to 8 metres. Front fences, of mostly metal slats or brush, are present on each property. There is one two-storey contemporary dwelling that contrasts with the prevailing building style.

The proposed development incorporates a two-storey podium, constructed with masonry, which anchors the building to the site and complements the materials of neighbouring homes. The building then employs a tiered design to reduce its apparent height and provide a gradual visual transition to the lower-scale residential context across Walkerville Terrace. This transition is emphasised by a distinct maroon colour for the mid-tier level, visually grounding it, while a lighter colour palette allows the upper level to gently recede. Varying setbacks are also employed, enhancing the visual transition. Each tier increases its distance from the street edge as it rises.

These design choices not only reduce the perceivable height of the building but thoughtfully respond to site constraints, such as responding sensitively to LHP, minimising disruption to traffic flow, retention of trees and meeting the Zone objective. While further refinement could enhance integration with the surrounding low-rise neighbourhood, such changes might compromise the design response to these constraints.

Moreover, the busy Walkerville Terrace context, characterised by reasonable traffic flow, lessens the visual impact of the building's scale.

Overall, the design demonstrates a considered approach to mitigating the visual impact of the increased height. While some may still perceive the building as imposing, the tiered form, setbacks, and colour palette effectively reduce its apparent scale. In the context of Walkerville Terrace, the design is likely acceptable, balancing the need for increased density with the desire to respect the existing neighbourhood character.

#### *Movement, parking and access*

This development, as a consolidated site, proposes to replace three existing crossovers with two, reducing the overall number of vehicle access points. This aligns with PO 6.1, which encourages the consolidation of crossovers to minimise traffic conflicts and improve streetscape character. The CoH has reviewed and approved the proposed access arrangements. Furthermore, the use of an internal laneway under the level 2 terrace canopy integrates the access points into the built form, minimising their visual impact on the streetscape. Accordingly, PO 6.2 is satisfied.

#### *Other*

PO 7.1 and 8.1 are not relevant to this assessment, as the development does not include any free-standing advertising and is not guided by a relevant Concept Plan.

### **General Development Policies**

#### Design in Urban Areas

##### *External Appearance*

The proposal respects the area's low-rise character by anchoring the building with a two-storey podium constructed with masonry materials. This creates a solid base that visually connects the building to the ground plane. The tiered design helps to break down the building's mass, reduce its perceived height, and create a visual transition to the upper levels. The mid-tier level is distinguished by a distinct maroon colour, while the upper level recedes visually by using a light colour palette. This approach ensures the building responds sensitively to the low-rise neighbourhood.

Entrances into the development are clearly visible and accessible from the street, designed to provide easy access to upper levels under the shelter of the deep columns. Access into the terraced apartments is less distinguishable from the street but this will enhance security and privacy for residents. Wayfinding signs will be distributed across the development site to further enhance the pedestrian experience and make it easier for people to navigate the building and its surroundings.

The development incorporates curved corners to create visual contrast with the predominantly straight lines of the street facades, particularly the balconies and podium elements. This design choice softens the building's edges and creates a more fluid transition along the external facade.

Entrances into the development are clearly visible and accessible from the street, designed to provide easy access to upper levels.

To minimise visual impact, the plant equipment has been sited away from roof edges adjacent to the public realm or neighbouring properties. Furthermore, the equipment is to be screened by a noise control barrier, effectively concealing it from view and mitigating any potential visual intrusion.

Furthermore, the GA has reviewed and is supportive of the proposal against the Design Overlay. It is considered to be of a high-level design.

The proposal is considered to satisfy the PO 1.1 to 1.4, 12.1 to 12.3 and 12.5 to 12.8.

### *Safety*

The development prioritises safety and security through several design elements, including the strategic location of active uses (restaurants) on the ground floor, adjacent to the public realm, with extended operating hours to encourage activity beyond traditional business hours. Large windows and balconies overlooking the public realm enhance natural surveillance and contribute to a sense of openness and visual connection with the surrounding environment. Furthermore, the design incorporates a clear hierarchy of spaces to differentiate public, communal, and private areas. This distinction will be further reinforced through wayfinding signage, which will help people navigate the development safely and easily, although such details are not typically required at the planning consent stage. Access to the site from the public realm is direct and logical. Accordingly, PO 2.1 to 2.5 are satisfied.

### *Landscaping*

The proposed landscaping strategy incorporates planting at both ground level and on the level 2 terrace. This multi-layered approach enhances the visual appeal of the development, contributes to the streetscape, and provides general amenity improvements for residents and the public. Deep soil zones are integrated throughout these areas, with 14% of the ground level and 4% of the level 2 terrace level dedicated to supporting healthy plant growth. Several regulated trees within the private open space of the terraced apartments will be retained, further contributing to the greening of the site.

This strategy creates a varied landscape with diverse plantings of different heights. The placement of these plantings softens the visual impact of the built form from the public realm and provides a welcoming and attractive environment for residents. While the specific planting scheme may not achieve the recommended height for a medium or large tree, it presents a well-considered and comprehensive approach to landscaping that successfully fulfills the objectives of the relevant provisions (PO 13.1, 13.2, 13.3 and 13.4).

It is acknowledged that the landscaping may not offer substantial benefits in terms of stormwater infiltration but due to the development's scale and the current site circumstances which are almost entirely a hard surface, it is considered acceptable in conjunction with other measures employed to manage this. As the proposal incorporates alternative solutions to address this PO 3.1 is reasonably met.

### *Environmental*

The development has been designed with a range of ESD techniques to minimise energy consumption, which include but are not limited to:

- **Rooftop Solar:** A rooftop solar array will generate renewable energy to offset the building's electricity consumption.
- **Natural Ventilation and Light:** Apartments are designed to maximise natural ventilation and daylighting, reducing the need for artificial lighting and mechanical ventilation.
- **High-Performance Glazing:** Double-glazed windows with high-performance coatings will allow for solar heat gain in winter while minimising heat ingress in summer, improving thermal comfort and reducing energy use.
- **Deep Balconies:** Deep balconies provide shade to the building facade, reducing solar heat gain and improve energy efficiency.
- **Airtight Facade:** The building facade will be tested for airtightness to minimise energy loss and improve thermal performance.
- **High NatHERS Rating:** The development is targeting a NatHERS rating exceeding the 6-star average required by the building code, demonstrating a commitment to energy efficiency.

The development minimises detrimental micro-climatic impacts on adjacent properties by reducing overshadowing, minimising wind tunnels through appropriate design techniques and promoting natural ventilation.

A wind tunnel test of the development was conducted by ViPAC with their results documented in **Attachment 1L**. This concluded that the development meets wind safety and comfort criteria for all key areas, including footpaths, entrances, dining areas and communal terraces.

Accordingly, PO 4.1 to 4.3 and 14.1 and 14.3 are satisfied.

#### *Car parking, access and manoeuvrability*

The development effectively conceals the basement car park entrance from street view by locating it within an internal laneway beneath the terrace canopy. This design choice minimises the visual impact of the parking area on the public realm and adjacent sensitive receivers.

Access between the basement car parks and the development is provided by lifts and stairwells. Pedestrian paths on the ground floor from the lift or stairwells are landscaped, wide, and safe.

Movement around the basement car park levels for pedestrians is typical of this kind of development, but the restricted access to these areas contributes to a sense of safety. Any street-level parking is short-term, timed, and contained within the internal laneway under the canopy.

PO 7.1 to 7.6 are satisfied.

#### *Earthworks and sloping land*

The proposal will require significant excavation to accommodate the basement parking levels. However, the existing topography and urban context of the land means that it will not compromise the intent of PO 8.1 to 8.5.

#### *Waste*

A Waste Management Plan prepared by Colby Phillips (**Attachment 1G**) details the waste management strategy to ensure efficient handling of on-site waste. This strategy included dedicated waste storage and frequent collection by private contractor.

The specifics of waste management for different unit types are detailed below:

- **Terraced apartments:** Residents will dispose of their waste in a communal waste room, which will then be collected by a private contractor at collection. Building maintenance staff will be responsible for cleaning the waste room
- **Apartments and serviced apartments:** Residents will use chute disposal rooms on each level to direct waste to an enclosed ground floor room. Building maintenance staff will be responsible for relocating full bins and cleaning the waste rooms.



- Commercial tenancies: Restaurant staff will transfer their waste to designated bins in the waste storage room.
- Bins in common areas will be transferred to the communal waste storage area by building maintenance staff.

All waste will be collected by a private contractor using rear-lift trucks. The proposed waste storage capacity and collection frequencies have been designed to cater to the anticipated volume of waste generated.

PO 11.1 to 11.5 are satisfied.

### *Overlooking/Visual Privacy*

While the General Development Policies of the Planning and Design Code include several provisions aimed at protecting privacy and mitigating overlooking, the specific requirements vary depending on whether the neighbouring property is 'adjoining' or 'adjacent'.

PO 10.1 and 10.2, which generally apply to low-rise buildings (i.e. development within the Established Neighbourhood Zone), seeks to mitigate direct overlooking to adjoining residential uses within neighbourhood-type zone. These provisions offer further insight into appropriate screening heights for upper-level windows and balconies:

- Upper-level windows facing a side or rear boundary should incorporate visual mitigation measures up to 1.5 metres high.
- Balconies on upper levels should have screens that are at least 1.5 metres high if not facing a public space at least 15 metres wide. These screens should have a maximum 25% transparency/openings to limit overlooking.

However, it seems that as the building height increase, so does the potential for overlooking. PO 16.1 guides that development mitigates 'direct overlooking' of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones by positioning the building carefully, offsetting balconies and windows, using setbacks to disrupt views and adding screens. This policy uses the term 'adjacent' rather than 'adjoining,' which expands the scope of potentially affected properties beyond those directly abutting the site.

This distinction reflects the understanding that overlooking impacts can change significantly with building height. Developments assessed under PO 16.1 may need to consider overlooking impacts on properties that are not directly adjacent to the site but are still within a reasonable distance. Mitigation measures may include careful building positioning, offsetting balconies and windows, using setbacks to disrupt views, and adding screens. There is no companion DPF for PO 16.1, allowing for greater flexibility in design responses.

Part 8 of the Code defines 'direct overlooking' as:

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

*In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15 metres measured from any point of the overlooking deck, balcony or terrace."*

With this definition in mind, it's important to consider how both provisions aim to protect the privacy of residential uses in neighbourhood-type zones. This is crucial for identifying the properties that require specific consideration in this assessment. As established earlier, the Established Neighbourhood Zone is

the only adjoining zone considered a neighbourhood-type zone, thus requiring specific consideration for overlooking. Therefore, in this assessment particular attention must be paid to potential overlooking impacts on properties within the Established Neighbourhood Zone.

It is also important to note that while PO 10.1 and 10.2 typically apply to low-rise developments, they offer valuable guidance on appropriate privacy measures in this context. Because these two-storey terraced apartments and level 2 terrace will be experienced similarly to a low-rise development, these policies illustrate the expected level of privacy between adjoining properties in such settings. Therefore, these provisions can inform appropriate screening heights to ensure privacy for both residents and neighbours in the adjacent Established Neighbourhood Zone.

Considering the definition of 'direct overlooking,' which is restricted to a 15-metre horizontal radius, and the layout of the development, the only components with the potential for direct overlooking into the adjoining residential properties are the terraced apartments and the level 2 terrace.

The proposal exceeds the screening requirements of PO 10.1 and 10.2 by incorporating:

- Frosted glass to a height of 1.7 metres above the FFL for windows of the second level of the terraced apartments.
- A combination of solid balustrade and 700mm of frosted glass on the perimeter of balconies on the second level of the terraced apartments.
- Landscaping in a garden bed with deep soil on the level 2 terrace. This deep soil garden bed sits above the FFL and effectively creates a solid barrier of 1.7 metres, supplemented by dense shrubs.

These measures effectively mitigate potential overlooking impacts from the terraced apartments and level 2 terrace, ensuring the privacy of residents in the adjoining properties. Therefore, by exceeding the screening requirements of PO 10.1 and 10.2, the development also satisfies PO 16.1, ensuring the protection of privacy and amenity for adjoining residential neighbours.

PO 16.1 does expand the scope of assessment to include adjacent residential properties, such as unit 7, 17 Walkerville Terrace, and 16 Northcote Terrace, which are approximately 13 meters from the north-eastern corner of balconies for apartments 308 and 406. This broader consideration is necessary due to the increased area that may experience potential overlooking in taller developments, although the 15-metre horizontal radius limitation for 'direct overlooking' still applies.

Nonetheless, the actual impact of overlooking from these apartments is not considered significant. Due to the vertical separation, proposed built form arrangement, and the consulting room on the Local Activity Zone site, views will be directed mostly outwards and disrupted, rather than downwards. Additionally, the north-eastern corner of Apartment 308's balcony sits above the level 2 terrace, with dense shrubs further restricting downward views. Despite this, to ensure any privacy concerns are alleviated, a Reserved Matter has been included to address overlooking from 308 and 406 to the northeast from the balcony. This will effectively restrict casual downward views.

The development has been sited and designed to maximise the number of dwellings that face the adjoining public streets to promote active engagement with the public realm. Where dwellings are orientated towards adjoining properties, the design incorporates a combination of setbacks, vertical separation and screening to mitigate impacts of residential neighbours. By prioritising outward-facing dwellings and incorporating effective mitigation measures where necessary, the development achieves a balance between promoting a vibrant public realm and protecting the privacy of neighbouring residents, satisfying PO 31.2 and PO 33.3.

#### *Residential amenity and dwelling configuration*

The architectural plans submitted lack clarity on how privacy will be maintained between apartments. To address this, a Reserved Matter has been imposed, requiring further detail on the privacy screening solution. This solution must maintain the design intent of the proposal while ensuring adequate visual separation between neighbouring units to protect resident amenity. PO 28.1 should be addressed at a later stage.

The balconies are an integral part of the building design, and provide natural light, ventilation, and opportunities for residents to interact with the public realm. Each balcony accessible from a habitable room has a minimum dimension of 2 metres to ensure adequate usable space. While some balconies may have unique configurations in specific locations, such as two larger spaces connected by a narrower walkway (apartment 506 for example), this approach maximises natural ventilation opportunities to bedrooms and ensures the design intent of the building façade is respected.

Furthermore, the design ensures that each balcony is covered by a roof and adequately shaded, providing a comfortable outdoor space throughout the year. All balconies, regardless of their configuration, are designed to provide an appropriate amount of usable space for residents and satisfy PO 28.2 and 28.3.

The apartments provide ample storage space. Storage volumes across the apartments range from 9.82m<sup>3</sup> up to 55m<sup>3</sup>, with each exceeding the volumetric amount guided for its dwelling type in DPF 28.4.

The development provides a diverse range of dwelling types, from 1-bedroom apartments to 4-bedroom apartments, as well as affordable housing and NDIS apartments. This variety caters to a range of needs and preferences within the community, ensuring that the development is inclusive and contributes to a diverse housing stock. This mix of dwelling types satisfies PO 29.1. Furthermore, the floor areas for each apartment exceeds the guidelines listed in DPF 31.1, ensuring comfortable and spacious living environments for residents.

The common corridors and common areas have been designed with recessed entrances for visual interest and are of sufficient width (1.5m) to allow for easy movement. The design of these spaces has been reviewed by the GA and is considered to satisfy PO 30.1.

The level 2 terrace provides a valuable communal outdoor space for residents. It features a variety of amenities, both indoor and outdoor, catering to diverse needs and preferences, making it ideal for group recreation. The terrace has been thoughtfully designed with landscaping that enhances its aesthetic appeal while also mitigating potential overlooking impacts, both within the development (particularly the terraced apartments) and towards neighbouring properties. Accordingly, PO 32.1 to 32.5 are satisfied.

The development has typically designed the bedrooms of dwellings to abut a bedroom in an attached dwelling, nonetheless there are several that abut a living area of an attached dwelling, and some that abut a communal staircase or service area. This matter should be considered and resolved in the building consent assessment but the Reserved Matter relating to the Acoustic Design Report could be expanded to encompass this, requiring a specific assessment of the sound insulation between these bedrooms and the adjoining service areas or living areas. Nonetheless, it is expected that PO 28.6 will be resolved under the building assessment.

## Interface between Land Uses

### *Overshadowing*

An overshadowing analysis prepared by SMFA was submitted to assess the potential impact of the proposed development on neighbouring properties. The analysis demonstrates that adjacent residential land uses in a neighbourhood-type zone will receive at least 3 hours of direct sunlight between 9 am and 3 pm on June 21, the winter solstice. This meets the requirements of PO 3.1 and 3.2, which aim to protect access to direct sunlight for habitable room windows and private open spaces in neighbouring residential properties. The analysis confirms that the proposed development will not cause unreasonable overshadowing and will maintain adequate sunlight access for neighbouring residents.

This outcome also supports compliance with PO 3.3, which seeks to ensure that development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities. By maintaining adequate sunlight access to neighbouring properties, the development minimises any potential negative impact on the performance of existing or future solar panels.

### *Activities generating Noise or Vibration*

An Acoustic Design Report prepared by Vipac was submitted with the application. While the report concludes that the proposed development meets the Environment Protection (Commercial and Industrial

Noise) Policy 2023, this conclusion relies on several assumptions regarding the hours of operation for commercial uses and communal areas, anticipated noise levels, plant equipment and the consistent closure of doors. Furthermore, the Acoustic Design Report does not consider the potential noise impacts of the loading bay and internal laneway on sensitive receivers within the development site. To ensure a comprehensive assessment of potential noise impacts with relevant recommendations, an updated Acoustic Report has been requested via Reserved Matter. This updated report should specifically address the assumptions, recommend appropriate mitigation measures to ensure compliance and provide a detailed analysis of noise impacts from the loading bay and internal laneway on internal occupants to ensure compliance with the relevant noise criteria and satisfy PO 1.1, 1.2, 2.1, 4.1 to 4.3, 4.5, 4.6 and 5.2.

#### Solar Reflectivity/Glare

The upper levels are proposed to be clad in aluminium painted in a warm beige tone. The extensive use of roofed balconies around the perimeter of the building and stepped setback design will help to mitigate potential glare from the cladding. PO 7.1 is met.

#### Out of Activity Centre Development

As discussed in the Zone section of the report, the non-residential uses are of a scale that reflects the residential offering proposed and offer convenient local dining options. These uses primarily serve the needs of residents and visitors within the development and the immediate community, thereby avoiding competition with established Activity Centres. Even if the specific types of businesses were to change, given the floor plan, each of the non-residential tenancies would remain of a small to medium scale. Accordingly, PO 1.1 and 1.2 are satisfied.

#### Site Contamination

Due to the proposed change in land use to a more sensitive use, and the identification of potential site contamination in the submitted Site Declaration Form, the application was referred to the EPA for review.

The EPA has reviewed the provided information and determined that the site can be made suitable for the proposed use, subject to remediation works. The EPA has directed a condition such that a person must not occupy the building for the purpose authorised under the development approval until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use. Accordingly, PO 1.1 is satisfied.

#### Transport, Access and Parking

The CoH has reviewed the traffic, commercial vehicle movements and access arrangements to both Northcote and Walkerville Terraces and is supportive of the proposal. While some concerns have been raised by representors and Council about traffic flow and access arrangements, many of the General Development Policies -Transport, Access and Parking provisions are considered satisfied given the CoH's position. This is based on the CoH expertise in traffic management, and the Code's hierarchy, where Overlay provisions hold greater weight than General Development Policies. The development is considered to effectively integrate with the existing transport system.

Nonetheless, the following topics discussed are considered to go beyond the scope of the CoH referral response and therefore discussed against the General Development Policies -Transport, Access and Parking provisions.

- Walkerville Terrace Access

Council raised concerns about the potential for traffic conflicts arising from right turns into the development from Walkerville Terrace. Specifically, there are concerns about vehicles queuing in the traffic lane while waiting to turn right, potentially impeding through traffic and creating a safety hazard.

The response from CIRQA (**Attachment 4B**) has been accepted in that allowing right turns into the development from Walkerville Terrace won't cause significant traffic problems. This is mainly because of the traffic light at the nearby intersection, which creates breaks in traffic, allowing for easier right turns. Also, other nearby streets don't have special right-turn lanes, so this design is consistent with how traffic is managed in the area.

- Broader impact to road network (rat running)

Moving on to the broader impact on the road network, Council raised concerns that the development may lead to 'rat running' where occupants of the development use residential streets as shortcuts to avoid busier main roads or intersections.

The CoH maintains that the access arrangements, in conjunction with the proposed traffic management measures, will effectively manage anticipated traffic flow. Nonetheless, the CIRQA traffic and parking report, shows that the average traffic volumes on surrounding residential streets are well below their capacity and can accommodate the expected increase in traffic from the development. While this might change the amenity of the street with increased traffic, the volumes will remain well below the maximum capacity, and therefore the amenity change is still within tolerance of what could be expected. Therefore, even if some rat-running does occur, its impact on the surrounding road network is expected to be minimal.

- Parking

The site is located within a designated area, which means the parking requirements are determined by Table 2 – Off-street Car Parking Requirements in Designated Areas. Based on the development's mix of uses (158 for residential, 14.25 for tourist accommodation, and 44 for restaurant), the calculated parking demand is 217 spaces.

The proposal provides a total of 246 parking spaces, exceeding the required amount (PO 5.1). These spaces are distributed across two basement levels:

- Basement 1: 116 spaces for staff and customers of the commercial tenants, service apartment guests, and visitors of the residential occupants.
- Basement 2: 127 spaces exclusively for the use of residents.

Access controls will be available for residents and visitors to access parking areas out of hours (PO 6.7). Parking areas are primarily located underground, limiting the impact on adjoining neighbours and ensuring that movement between parking areas is facilitated internally (PO 6.1 and 6.2). Access between parking areas and the development is facilitated via lifts and stairwells (PO 6.4).

The development also provides end-of-journey facilities for staff and 190 bicycle parking spaces via storage and tethering (when 59 are guided), encouraging bicycle use (PO 9.1 to 9.2). This generous provision of bicycle parking supports sustainable transport options and reduces reliance on private vehicles.

- Basement access ramps

The ramps and internal roads within the development's parking areas are designed to be wide enough for two B99 vehicles to pass each other. PO 3.2 is satisfied.

Having regard to the hierarchy of the Code, the support of the CoH and the discussion above, the applicable provisions of the General Development Policies -Transport, Access and Parking are satisfied.

## **CONCLUSION**

The proposed development reasonably adheres to the relevant provisions of the Code as the development:

- Provides 19 affordable apartments (representing 15% of the total number of units offered), satisfying the provisions within the Affordable Housing Overlay.
- Effectively mitigates external noise sources from aircraft and traffic, satisfying provisions within the Aircraft Noise Exposure Overlay and Noise and Air Emissions Overlay.

- Achieves a high standard of design, balancing aesthetics, functionality, and environmental considerations. It successfully incorporates ESD initiatives, retains a local heritage place, and contributes to an active public realm, satisfying the provision within the Design Overlay.
- Takes a proactive approach to mitigating flood risks by ensuring an FFL with 300mm freeboard above adjoining top of kerb, satisfying provisions within the Hazards (Flooding – Evidence Required) Overlay.
- Is not sited on land required for future road expansions for anticipated traffic growth, satisfying the provisions with the Future Road Widening Overlay.
- Enhances the LHP through restoration and complements it with a new building that is contextually sensitive in its design, satisfying provisions within the Heritage Adjacency Overlay and Local Heritage Place Overlay.
- Has been designed to minimise traffic impacts on major transport routes and the surrounding road network by optimising access points, managing traffic on-site and supplying adequate car parking, satisfying the provisions with the Major Urban Transport Routes Overlay and Traffic Generating Development Overlay and PO 5.1.
- Justifies Tree removal as the development aligns with zoning objectives, and the trees' location necessitates their removal for development feasibility, satisfying the provisions within the Regulated and Significant Tree Overlay.
- The mix of residential, tourist accommodation, and shops aligns with the desired vibrant and active character (Zone PO 1.1).
- Priorities the residential uses while incorporating a diverse mix of small to medium scale commercial tenancies (Zone PO 1.2).
- Minimises impacts on nearby residential areas through a design that generally adheres to the 45-degree building envelope.
- Justifies a 30% uplift in density by providing wider community benefits and mitigating negative off-site impacts (Zone PO 5.1).
- Provides functional amenities such as bicycle storage, convenient waste disposal facilities, and effective wind protection measures (General Development Policies).
- Creates a pleasant pedestrian environment through high quality landscaping, including shaded walkways, and seating areas (General Development Policies).

## RECOMMENDATION

It is recommended that the Council Assessment Panel/SCAP resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24029287, by Buckingham Arms Development PTY LTD is granted Planning Consent subject to the following conditions and reserved matters:

## RESERVED MATTERS

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

### Reserved Matter 1

The applicant shall submit a detailed landscaping plan which nominates the height of plants at the time of planting, to the satisfaction of the State Planning Commission.

### **Reserved Matter 2**

The applicant shall submit a final detailed schedule of external materials and finishes, and a physical samples board prepared in consultation with the Government Architect, to the satisfaction of the State Planning Commission.

### **Reserved Matter 3**

The applicant shall provide a final Stormwater Management Plan, prepared in consultation with DIT and Council, to the satisfaction of the State Planning Commission nominating on-site detention methods.

### **Reserved Matter 4**

The applicant shall provide an updated report should specifically address the assumptions, recommend appropriate mitigation measures and provide a detailed analysis of noise impacts from the loading bay and internal laneway on internal occupants to the satisfaction of the State Planning Commission.

### **Reserve Matter 5**

The applicant shall provide an updated plan nominating privacy screening treatments between apartments which face each other, to restrict views from apartments 308 and 406 to the north-east and the balcony of terraced apartment 008.

## **CONDITIONS**

### **Planning Consent**

#### **Condition 1**

The development authorisation granted herein shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the State Planning Commission, except where varied by conditions below (if any).

#### **Condition 2**

Waste Management shall be undertaken in accordance with the approved Waste Management Plan prepared by Colby Phillips Advisory and dated 26 August 2024.

#### **Condition 3**

The recommendations detailed in Sections 3.2, 3.3 and 3.4 of the Traffic and Parking Report prepared by Cirqa shall be fully incorporated into the development. Such measures shall be undertaken prior to the occupation or use of the development and maintained at all times to the satisfaction of the Relevant Authority.

#### **Condition 4**

Prior to commencement of any site works, a "Tree Protection Zone" shall be established and managed throughout the construction process in accordance with the Tree Protection Plan for 1 to 9 Walkerville Terrace, Gilberton prepared by J. Gary Moran and dated October 2024, File No: 24029287, to the satisfaction of Council. The Tree Protection Plan relates to the four significant Jacaranda mimosifolia - 'Jacaranda' trees located within Councils verge along Northcote Terrace and Walkerville Terrace.

### **Conditions imposed by Minister responsible for the administration of the South Australian Housing Trust Act 1995 under Section 122 of the Act**

#### **Condition 5**

The applicant must provide a minimum of 15% as 'affordable housing' of all dwellings in accordance with the criteria determined by the Government Gazette 2 May 2024 under regulation 4 of the *South Australian Housing Trust Regulations 2010* (or any updates) and Affordable Housing Plan dated 25 September 2024. The applicant has committed to entering into an Affordable Housing Land Management Agreement that will

be registered on the Title of the land within 10 working days of purchase and settlement on the land from the current landowner.

## **Conditions imposed by Commissioner of Highways under Section 122 of the Act**

### **Condition 6**

The Northcote Terrace access and the Walkerville Terrace access points shall be located in accordance with the SMFA Citify, Walkerville Terrace Development, Ground Floor Plan, Drawing No. B2.22, Drawing Issue: Planning, Revision 8 dated 5 September 2024 with traffic movements undertaken as shown in CIRQA, Traffic and Parking Report, Project # 22486, Version 2.4 dated 24 September 2024. The Northcote Terrace access shall operate on a left turn in and left turn out basis only and the Walkerville Terrace access shall cater for left turn in, left turn out and right turn in movements only. The access points shall be suitably signed, and line marked to reinforce the desired traffic flow.

### **Condition 7**

The Walkerville Terrace bus stop shall be relocated (including bus pad, shelter, tactiles and stop, etc) to the satisfaction of DIT and Council with all costs being borne by the applicant.

### **Condition 8**

All road works deemed required to facilitate safe access to the development (including relocation of road signs, bus stops, side entry pits and other road infrastructure) shall be designed and constructed to the satisfaction of the Department for Infrastructure and Transport, with all costs (including design, construction, project management and any changes to road drainage, lighting, vegetation removal, etc. required) being borne by the applicant. All works shall be completed prior to operation of the development.

Note: Prior to undertaking any construction works, the applicant shall contact Mr Narendra Patel, Senior Network Integrity Engineer, Network Management Services on telephone (08) 8226 8244, mobile 0400 436 745 or via email: narendra.patel@sa.gov.au to obtain approval and discuss any technical issues regarding the required road works. The applicant may be required to enter into a Developer Agreement with DIT to undertake and complete this work.

### **Condition 8**

The largest vehicles permitted on-site shall be restricted to a 10-metre service vehicle.

### **Condition 9**

All off-street car parking areas shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009 and all commercial vehicle facilities shall be designed in accordance with AS 2890.2:2018.

### **Condition 10**

Any infrastructure within the road reserve (e.g. road signs, side entry pits, etc) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

### **Condition 11**

All redundant crossovers to Northcote Terrace and Walkerville Terrace shall be reinstated with council standard kerb and gutter prior to the development becoming operational. All costs shall be borne by the applicant.

### **Condition 12**

A final stormwater management plan shall be developed in conjunction with DIT (and Council) and be in accordance with DIT Master Specification RD-DK-D1 Road Drainage Design and other relevant guidelines. All drainage infrastructure is to be to the satisfaction of Council and DIT.



**Condition 13**

All stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Northcote Terrace and Walkerville Terrace. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

**Conditions imposed by Environment Protection Authority under Section 122 of the Act****Condition 14**

Remediation works must be undertaken in accordance with the *Construction Environmental Management Plan, Former Buckingham Arms 1-9 Walkerville Terrace, Gilberton, South Australia - Citify Group*, dated 15 November 2023 prepared by Agon Environmental and must be overseen by a suitably qualified and experienced site contamination consultant.

**Condition 15**

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability (in the form described by *Practice Direction 14: Site Contamination Assessment 2021*) is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

If a certificate of occupancy is not required pursuant to regulation 103 of the *Planning, Development and Infrastructure (General) Regulations 2017*, a person must not occupy the building for the purpose authorised under the development approval until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

**Condition 16**

For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination consultant.

**ADVISORY NOTES****Planning Consent****Advisory Note 1**

The approved development must be substantially commenced within 24 months of the date of Development Approval and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

**Advisory Note 2**

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Relevant Authority).

**Advisory Note 3**

No works, including site works can commence until a Development Approval has been granted.

**Advisory Notes imposed by The Corporation of the Town of Walkerville under Section 122 of the Act****Advisory Note 4**

Conditions of previous consents continue to apply to the subject land unless expressly varied by this consent.

#### **Advisory Note 5**

Encumbrances although not administered by Council may apply to your property. You are therefore advised to check for encumbrances on your Certificate of Title prior to commencing work.

#### **Advisory Note 6**

Your attention is drawn to the EPA *Stormwater Pollution Prevention Code of Practice* which provides for site management practices during the construction process.

#### **Advisory Note 7**

Whilst not administered by Council the provisions of the *Fences Act 1975* may apply to any works proposed affecting boundary fences including requirements for consultation and notification of adjoining owners. It is recommended that your obligations under the Fences Act are confirmed prior to any works affecting boundary fences (existing or proposed).

#### **Advisory Note 8**

Retaining walls constructed to retain a difference in ground levels exceeding (1) metre in height require development approval.

#### **Advisory Note 9**

Your attention is drawn to the provisions of the *Local Nuisance and Litter Control Act 2016* which makes it an offence to undertake an activity that results in a local nuisance including, but not limited to, fixed machine noise, odour, and the collection of waste noise before 9am or after 7pm on any Sunday or public holiday; or after 7pm or before 7am on any other day.

#### **Advisory Note 10**

- If during excavation work, any filling, disturbed soil or soils subject to potential softening or “collapse” are revealed an Engineer’s investigation and recommendation shall be submitted to Council prior to the construction of the swimming pool.
- Your attention is drawn to the requirements for a hydrostatic valve to be located at the base of the swimming pool to alleviate all external water pressure.
- Your attention is drawn to the requirement in the South Australian Additions of the Building Code of Australia for a swimming pool water recirculation and filtration system to comply with AS 1926.3 and have a least two pump intakes not less than 800mm apart.
- Your attention is drawn to the requirements in AS 1926.1 (swimming pool safety) for the fitting of childproof devices to windows and self-latching devices and closers to doors that open into the fenced area around the pool.
- Back flush water from the pool or spa shall be discharged to the sewer, common effluent (CWMS/STEDS) connection point or other method of disposal considered to be acceptable by Council’s Community Health Team pursuant to the South Australian Public Health Act 2011. Back flush water must not be discharged to Council’s stormwater system or a waste control system on the subject site.
- In accordance with the *Planning, Development and Infrastructure (Swimming Pool Safety) (Fencing) Variation Regulations 2021* you are advised that a prescribed swimming pool safety feature must be installed prior to filling the pool. Temporary fencing may only be installed and maintained for a period that does not exceed 2 months following the completion of the construction of a swimming pool. After 2 months has expired, temporary fencing will no longer be permissible and the approved permanent designated safety feature for the pool must be in place

#### **Advisory Note 11**

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

**Advisory Note 12**

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

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

**Advisory Note 13**

Any works undertaken on Council owned land (including but not limited to works relating to reserves crossing places landscaping footpaths street trees and stormwater connections and underground electrical connections) shall require authorisation of Council Further information and/or specific details can be obtained by contacting Council on 8342 7100

**Advisory Note 14**

The applicant shall at their own expense in all things carry out all alterations to any existing inverts, kerbs, water table, footpaths, pavements, or other works in the public roads adjacent to the subject land necessary to give effect to any demolition or construction of buildings or structures, site works or other works forming part of the development approval to the reasonable satisfaction of the Council. The applicant shall also at their own expense in all things repair and make good any damage to any such inverts, kerbs, water table, footpaths, pavements, or other such works to the reasonable satisfaction of the Council.

**Advisory Note 15**

Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment's must be repaired / reinstated to Council's satisfaction at the developer's expense.

**Advisory Note 16**

No trees or shrubs shall be removed or pruned on Council's road verge without Council approval.

**Advisory Note 17**

Excavations for footpath crossovers or any other work undertaken on the public road reserve must not be commenced until approval has been given by Council.

**Advisory Note 18**

The landowner/developer is responsible for ensuring that building work is sited in the approved position. This may necessitate a survey being carried out by a licensed land surveyor. Allotment boundaries will not be certified by Council staff; however, Council may enforce removal of any encroachments over council land.

**Advisory Note 19**

Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.

**Advisory Note 20**

You are further advised that Building Rules consent is required for the application pursuant to the *Planning, Development and Infrastructure Act 2016*.

**Advisory Note 21**

The proponent is reminded of Clause 23 under Part 6 of the *Environment Protection (Noise) Policy 2007*. The clause states that construction activity must not occur on a Sunday or other public holiday; and on any other day except between 7am and 7pm. Exceptions to this requirement are prescribed in Clause 23(1) b of the *Environment Protection (Noise) Policy 2007*.

**Advisory Note 22**

Any food premises must not commence business until a 'Food Business Notification Form' has been completed and submitted to Council's Community Health Team as required by the *Food Act 2001*

**Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act****Advisory Note 23**

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a 4.5m strip of land from the Northcote Terrace frontage for future upgrading of the Northcote Terrace / Robe Terrace / Park Road / Walkerville Terrace intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6.0m of the possible requirement.

As the proposed development is located within the above areas, the attached consent form should be completed by the applicant and returned to DIT (via email [dit.landusecoordination@sa.gov.au](mailto:dit.landusecoordination@sa.gov.au)), together with a copy of the Decision Notification Form and the approved site plan/s.

**Advisory Note 24**

Should traffic flows on Northcote Terrace and Walkerville Terrace be impacted during the construction/demolition works, the applicant shall notify DIT's Traffic Management Centre (TMC) – Roadworks on 1800 434 058 or email [dit.roadworks@sa.gov.au](mailto:dit.roadworks@sa.gov.au) to gain approval for any road works, or the implementation of a traffic management plan during the construction phase.

**Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act****Advisory Note 25**

The applicant/owner/operator is reminded of the general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.