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Dear Tegan

Response to Representations, Agency and Council Comments Buckingham Arms – DA24029287

Introduction

This letter provides a response to the public representations received during the formal notification of DA24029287. It also provides a response to the referral advice, comments and/or direction received from agencies and the Corporation of the Town of Walkerville (Council).

The format of this response is as follows:

- Response to recent fire damage
- Background
- Summary of Representations and the Applicant's Response
- Summary of Council and Agency Comments and the Applicant's Response

The following documents are attached:

- Architectural Drawings prepared by SMFA (**Attachment A**)
- Response to traffic and car parking comments prepared by Cirqa (**Attachment B**)
- Stormwater Management Plan prepared by MATTER Consulting (**Attachment C**)
- Fire Damage Evaluation Letter prepared by SMFA (**Attachment D**)
- Structural Analysis prepared by MATTER Consulting (**Attachment E**)

Response to Recent Fire Damage

On Saturday 16th of November 2024, the Buckingham Arms Hotel (The Hotel) was subject to a fire which was primarily in the non-heritage section of the building. The Hotel is a Local Heritage Place and its retention and refurbishment forms part of the proposal currently under assessment.

An inspection for damage has been undertaken by the consultant team. The impacted areas pertaining to the non-heritage section were proposed to be removed in the current development application, therefore we believe no changes to the submitted documents will be required. The proposed development can still proceed in accordance with the proposal plans and no variation of the application is required. Additional detail from the project heritage advisor is provided at **Attachment D** and a structural analysis report is provided at **Attachment E**.

Background and Summary of Planning Merit

The zoning of land within the Planning and Design code (“the Code”) includes land zoned within designated urban corridors. There are four kinds of Urban Corridor Zone: the Urban Corridor (Boulevard) Zone, the Urban Corridor (Business) Zone, the Urban Corridor (Living) Zone and the Urban Corridor (Main Street) Zone. These Zones are essentially mixed use zones which face high frequency public transport corridors. Maximum building heights generally envisaged within each of these zones vary with the tallest buildings being contemplated within the Urban Corridor (Boulevard) Zone and the Urban Corridor (Living) Zone in which the subject land is located.

All of these Urban Corridor zones embrace the concept of “significant development sites”. There are sites within these Zones which are intended to achieve increased development yields within taller buildings which can exceed the general maximum building height limit in certain circumstances. One of those circumstances identified in DTS/DPF 5.1 arises where, by way of example, a development incorporates the retention, conservation and reuse of a local heritage place (in this case, the Buckingham Arms building).

The starting point for the assessment of the proposal must recognise that the site readily qualifies as a “significant development site” within the meaning of the Planning and Design Code (see POs 5.1 and 5.2 for the Urban Corridor (Living) Zone). That is:

1. It has a site with a frontage over 25 metres to a primary road corridor. More particularly, it has a frontage to a State maintained road (Northcote Terrace) of approximately 122 metres and it faces a major intersection where a number of State maintained roads meet which is an important consideration (including Park Road, Robe Terrace and Northcote Terrace).

2. The site exceeds 6200 sqm in area. It very substantially exceeds the minimum area required for a site to qualify as a significant development site (2500 sqm) within the Urban Corridor (Living) Zone.

The Code contemplates that a site in this Zone which exceeds 2,500 square metres and which has a significant frontage to a State maintained road and which faces the intersection of multiple State maintained roads presents an obvious opportunity to accommodate taller built form with increased development yield of the very kind which is proposed. Those who fundamentally oppose this outcome are essentially fundamentally opposed to the policy regime which applies to the future development of this land.

The planning assessment then boils down to a consideration as to whether or not the off-site impacts can be managed and whether or not broader community benefit is achieved. Relevant considerations include design quality and the provision of community services.

With all of this in mind, the proposal has been amended in response to public and agency comments.

Beyond the formal public notification process, the Applicant's pre-lodgement approach included meetings with representatives from the Council, the Walkerville Residents Association (WRA) and the local MP, Lucy Hood. This approach sought to open the lines of communication and understand their concerns so that they could be considered in the re-design process.

The proposal now before the State Commission Assessment Panel (SCAP) for a decision has responded to the previous reasons for refusal by adopting a completely fresh design approach. Significant design modifications have been made to break up the proposed development's scale and mass and respond to the site's local context.

It remains a tall building with increased residential density on a site intended for such purposes under the Significant Development Sites policy of the Code. The proposed development achieves Performance Outcome 5.1 of the Zone which states that Significant Development Sites can:

"...achieve increased development yield provided that off-site impacts can be managed and broader community benefit is achieved in terms of design quality, community services, affordable housing provision, or sustainability features".

(Underlining added)

The proposed development achieves this by managing the off-site impacts and by ensuring the broader community benefit is achieved through retention of heritage, inclusion of affordable housing and integration of sustainability design features.

The position of the Applicant remains that:

- the notion of “*increased development yield*” extends to include both height and density beyond that stipulated in the Zone; and
- when the Significant Development Sites policy is activated, much like the City of Adelaide’s Catalyst site policy, the capacity of the site to accommodate a more intensive form of development than might otherwise be generally encouraged in other locations within the Zone can be realised.

A performance assessment therefore ensues, and Performance Outcome 5.1 and the corresponding Designated Performance Feature (DPF) provide the means for up to 30% additional building height as an applicable guide.

The proposed development achieves the Code policy in DPF 5.1 and 5.2.

In summary, the proposed development will achieve the important provisions of the Code in that:

- The proposed land uses are specifically envisaged in the Zone.
- The intensity of land uses is supported by the Significant Development Site provisions which allow for increased yield beyond that which the Zone otherwise anticipates. The proposed mix of shops, with GLA’s less than 500m², promotes diversity in the food and beverage offering proposed.
- The building height complies with the guideline for maximum building height in metres as per DPF 5.1. Whilst the number of building levels proposed on this site (10) exceeds the maximum number of building levels contemplated in DPF 5.1 (8), in our view, there are no significant consequences which arise from the two extra levels. This is on the basis that:
 - The Applicant has demonstrated that the proposed floor to floor heights can be achieved – refer **Attachment A**, DRAWING A3.11; and
 - No negative planning consequence has arisen from the additional levels – refer to ‘Off-site impacts’, page 8 of this response.

Further, the use of exposed ceilings and soffits results in greater efficiency of space and reduced carbon footprint per apartment through reduced materiality – a whole of building approach to integrating sustainability features.

- The use of two storey ‘terrace’ apartments adjacent the Established Neighbourhood Zone provide an appropriate transition to the taller sections of the building.
- Negligible encroachments into the 45-degree interface occur with the vast majority of the built form sitting well within the 45-degree interface plane.

- The existing Local Heritage Place is retained, refurbished and repurposed using heritage colours and materials to ensure its conservation and on-going use.
- The proposed apartments have very generous internal floor areas, private open space and internal storage and have high levels of amenity.
- The on-site car parking satisfies the demand generated and it has been designed in accordance with Australian Standards (with support provided by Cirqa). The access arrangements will not significantly increase traffic movements to impact adjoining road systems.
- The removal of the regulated and significant trees is supported against the relevant provisions on an individual assessment basis. Six out of eight of the existing established trees at the boundary of the site are proposed to be retained.
- High-quality landscaping is proposed which exceeds numerical standards for deep soil and soft landscaping.

Further, the proposed development responds extremely well to its low-rise context. It celebrates the scale and materiality of the Local Heritage Place.

On this basis, the proposal satisfies the relevant provisions of the Code and warrants Planning Consent.

Summary of Representations and the Applicant's Response

During the public notification of the proposed development 93 representations were received. Seven (7) of these were duplicates. Therefore 86 are valid representations. Twenty of the representors wish to be heard in support of their representation at SCAP.

The key items raised are summarised as follows:

- **Land use intensity, building height and density.**
- **Off-site impacts** including:
 - Privacy
 - Overshadowing
 - Noise
 - Waste management
 - Traffic and car parking
- **Heritage.**
- **Affordable housing.**
- **Sustainable design.**

- Tree removal and landscaping.
- Apartment amenity.
- Wind.

Those items in **bold** are considered fundamental to demonstrating the proposal's consistency with PO 5.1 and DPF 5.1 of the Significant Development Sites policy.

Land use intensity, building height and density

The most cited concerns of the representors relate to land use intensity, building height and density.

The land is in the Urban Corridor (Living) Zone (the Zone) where multi-storey apartments within mixed-use developments are envisaged on primary road corridors as explained in detail above.

The Zone generally seeks medium density development with a 'strong residential focus' and non-residential activities that are contextually appropriate to a compact residential amenity. There are however circumstances where more intensive developments are appropriate, and these are on Significant Development Sites.

PO 3.1 of the Zone guides that "building height" is consistent with DPF 3.1 as follows:

DPF 3.1 Maximum building height is 6 levels

Maximum building height is 24.5m

Given the site area is more than 2,500m², it is eligible for up to 30% uplift beyond the maximum building height listed in DPF 3.1. This increases the maximum building height to:

8 levels / 32 metres.

The proposed development is 31.85m in height, which is below the 32m stipulated in the Code when the uplift is applied. In our view, compliance with the building height in ***metres*** provides a satisfactory outcome for the reasons explained above.

The proposed height is therefore consistent with the Code.

With respect to land use intensity and density, PO 1.2 and DPF 1.2 and PO 1.3 of the Zone are relevant:

PO 1.2 A range of small to medium scale non-residential uses, services and facilities such as shops, offices and consulting rooms that meet the day to day needs for the local community.

DPF 1.2 Shop, office, or consulting room uses not exceeding a maximum gross leasable floor area of 500m².

PO 1.3 Development of diverse medium density accommodation options either as part of a mixed use development or wholly residential development.

Note: no DPF is provided in relation to PO 1.3.

The proposed shop (restaurants) achieve PO 1.2 and DPF 1.2 because:

- The proposed food and beverage offering will provide for the day to day needs of the local community (PO 1.2).
- Each shop is less than 500m² in GLA, with separate GLA's of:
 - 357m² (Buckingham Arms)
 - 244m² (restaurant A)
 - 111m² (restaurant B)
 - 147m² (café); and
 - 398m² (restaurant/bar).

Of note, is that DPF 1.2 does not refer to “groups” of shops, rather it seeks to limit gross leasable floor area to smaller scaled individual tenancies, to limit potential for supermarket development outside of Activity Centres. DPF 1.2 is therefore achieved. Of further note is the General Development Policies for Out of Activity Centre Development. PO 1.1 states:

PO 1.1 Non-residential development outside Activity Centres of a scale and type that does not diminish the role of Activity Centres:

- (a) as primary locations for shopping, administrative, cultural, entertainment and community services***
- (b) as a focus for regular social and business gatherings***
- (c) in contributing to or maintaining a pattern of development that supports equitable community access to services and facilities.***

(Underlining added)

Given the small-scale tenancies proposed and the preference for food and beverage type offerings, the proposed non-residential uses aren't anticipated to diminish the role of nearby Activity Centres. Further, the use of ground floor retail provides the means for achieving Zone DPF 5.1(c)(i)(C) which seeks active uses located to the public street frontages of the building.

In terms of residential density, PO 1.3 of the Zone seeks “medium density accommodation”. However, increased development yield is clearly envisaged on significant development sites as explained above.

A performance assessment therefore ensues and Performance Outcome 5.1 and the corresponding DPF 5.1 becomes one way to achieve the PO. The proposed

development achieves all required tests in DPF 5.1. Indeed, it even goes beyond what is required by achieving more than just (a),(b) or (c):

- The retention, conservation and reuse of a building which is a listed heritage place (DPF 5.1(a)); and
- Inclusion of 15% affordable housing - DPF 5.1(b); and
- High quality open space that is universally accessible and is directly connected to, and well-integrated with public realm areas of the street - DPF 5.1(c)(i)(A); and
- High quality, safe and secure, universally accessible pedestrian linkages that connect through the development site - DPF 5.1(c)(i)(B); and
- Active uses located to the public street frontages of the building - DPF 5.1(c)(i)(C); and
- A range of dwelling types that includes at least 10% of 3+ bedroom apartments - DPF 5.1(c)(i)(D); and
- A communal useable garden integrated with the design of the building - DPF 5.1(c)(ii)(A); and
- A living landscaped vertical garden greater than 50m² - DPF 5.1(c)(ii)(B); and
- Passive heating and cooling design elements including solar shading integrated into the building - DPF 5.1(c)(ii)(C).

Therefore, with the Significant Development Sites uplift applied, the site is afforded increased yield and/or land use intensity. It is wholly eligible for 30% uplift and the resultant increased density as it achieves the required policy in DPF 5.1. As evidenced in similar policy settings, such as the Catalyst site policy for the City of Adelaide, high-density, high-rise buildings are intended in these circumstances.

Off-site impacts

The representors raised concern with management of off-site impacts including: privacy, overshadowing, noise, waste management and traffic and car parking.

Importantly, this forms the second test in PO 5.1 to demonstrate that uplift is suitable with the policy seeking that off-site impacts can be “managed”. A summary of each and whether the off-site impacts are “managed” is provided below:

Table 1 – Management of off-site impacts

Representor item raised	Applicant's Response	Off-site impacts "managed"
Privacy	As demonstrated on page 8 of 8 Attachment A . Privacy to neighbours will be maintained through design of the pool deck and positioning of two storey apartments at the interface with the Established Neighbourhood Zone.	YES
Overshadowing	As demonstrated on page 8 of 8 Attachment A . The extent of overshadowing is negligible as at the Winter Solstice (i.e. 21 st of June, the worst-case scenario), that all neighbours receive the required amount of solar access throughout the day.	YES
Noise	<p>Environmental noise from the development has been assessed to determine compliance with the requirements of the EPA Environmental Protection (Commercial and Industrial) Noise Policy.</p> <p>The proposed development has also been assessed against the Ministerial Building Standard 010. By adhering to the recommendations, the building is predicted to satisfy the relevant provisions of MBS 010. As such, the proposed development is capable of meeting the acoustic requirements under the Environment Protection Act 1993 and the acoustic requirements under the Code.</p>	YES
Waste management	The waste management system complies with Design in	YES



Representor item raised	Applicant's Response	Off-site impacts "managed"
	<p>Urban Areas PO 1.5, PO 11.1 as well as PO 3.1 and PO 4.1 of the Waste Treatment and Management Facilities.</p> <p>Waste collection will be undertaken by a private contractor with associated manoeuvres of a 10-metre-long rigid waste vehicle accommodated on-site (forward-in/forward-out). These vehicles can enter and exit the site from either Northcote Terrace or Walkerville Terrace. Plans illustrating the turn path of a 10m waste collection vehicle accessing the site is attached in the Traffic and Parking Report prepared by Cirqa which was provided at lodgement.</p> <p>All waste storage, collection and manoeuvring of waste collection vehicles will occur on site. Therefore, no off-site impacts are proposed.</p>	
<p>Traffic and car parking</p>	<p>As detailed in the Traffic and Parking Assessment lodged with the Development Application, the proposed development provides adequate resident car and bicycle parking, and vehicle access is safe and convenient. The Development also has support from the Department of Infrastructure and Transport (DIT).</p> <p>A response to the traffic and car parking items raised in the representations is provided at Attachment B.</p>	<p>YES</p>

As demonstrated in **Table 1** the proposed development does not result in off-site impacts as they are appropriately managed and designed for. Of note is that these off-site impacts are capable of being managed even with the uplift in height and density applied. That is, no negative planning consequence has arisen from the inclusion of an additional 2 levels.

Heritage

Numerous representations raised the meaningful refurbishment of the Local Heritage Buckingham Arms and the timing at which the refurbishment works will occur as relevant considerations. Importantly, the design quality of the Local Heritage Place also forms part of the community benefit test in PO 5.1 to demonstrate that uplift is suitable with the policy seeking that “design quality” is achieved.

Heritage advice from Council’s Heritage Advisor confirmed:

“The proposed development has been designed in a responsive and contextual manner that responds appropriately to the massing, scale, form and detailing of the existing Hotel. The proposed colours across the development will complement those proposed on the Hotel.”

(Underlining added)

To this end, the proposed heritage refurbishment is deemed suitable and of adequate design quality. This was further reinforced in the Government Architect’s comments which include the following observations:

I strongly support the project team’s due considerations of the SCAP’s concerns and recognise the significant improvements made in terms of built form massing and composition, architectural expression and the relationship to the Local Heritage Place (LHP).

...

I also support the continuation of the podium treatment to turn the corner behind the retained hotel building, as it assists in improving the new building’s relationship with the heritage fabric and creating a clear entry point for the overall development.

*I strongly support the retention and revitalisation of the former Buckingham Arms Hotel building as part of the development, supported by detailed analysis of the heritage building and development of a considered restoration strategy. While I defer advice relating to the LHP to the Local Heritage Advisor, in my view, the built form relationship of the new development with the retained hotel building has ***improved significantly compared with the previous refused scheme.****

(Underlining added)

In terms of the timing for the works occurring, the Applicant will be required to deliver these prior to occupation of the proposed development.

Broader community benefit is therefore achieved in terms of design quality as it incorporates the retention, conservation and reuse of a building which is a listed heritage place (DPF 5.1(a)).

Affordable housing

The submissions raised affordability of housing in this location and whether the proposed development would safeguard the delivery of affordable housing options.

The Applicant intends to provide housing for sale at an affordable price point and intends to provide this to 15% of the proposed dwellings (excluding the short stay tourist accommodation).

As detailed in the “SA Housing” response section of this letter, the Applicant accepts the condition of consent provided by SA Housing which controls the timing and provision of affordable housing.

Provision of 15% of dwellings as affordable housing demonstrates achievement of DPF 5.1(b).

Sustainable Design

Several representors raise concern about the operational sustainability of the proposed development and the integrity of the proposed sustainability features.

As detailed in the Sustainability Strategy Report (**Appendix H of the Planning Report**) prepared by DSquared, the proposed apartments will be designed to achieve a 7.7 Star NatHERS rating average, demonstrating a 20% improvement over the NCC/BCA average requirement of 6 Star average. 60% of the apartments will be designed to achieve an 8 Star NatHERS rating.

Further, the use of exposed ceilings and soffits results in greater efficiency of space and reduced carbon footprint per apartment through reduced materiality. In addition, the following sustainability features (PO 5.1) are noted:

- A communal useable garden integrated with the design of the building is proposed at the communal pool deck level - DPF 5.1(c)(ii)(A); and
- A living landscaped vertical garden greater than 50m² is proposed at ground level - DPF 5.1(c)(ii)(B); and

- Passive heating and cooling design elements including solar shading integrated into the building with deep balconies to west facing apartments - DPF 5.1(c)(ii)(C).

These design features and NatHERS targets demonstrate how the proposed development seeks to embed sustainability features. In doing so, the proposal achieves broader community benefit in terms of sustainability features.

Tree Removal and Landscaping

Numerous representors raised on-site tree removal as a concern.

Four significant trees and four regulated trees have been identified as requiring removal. These trees have been assessed against the Code provisions accordingly. All existing established Jacaranda street trees are proposed to be retained.

The retention of the trees on site would unreasonably constrain it from achieving the outcomes and yields that align with the Zone. The proposed landscaping strategy, however, does include the retention of established boundary trees – 6 of which are regulated or significant. The retention of these trees provides some offset to the proposed tree removal. 14% percent of the site is designated for deep soil which is double the Code expectations of DPF 13.2 which is 7%.

The proposed landscape response is well considered and of high quality. Following advice from the Government Architect, the landscaped zone at Northcote Terrace has been increased in size and shrub and tree species size have been increased to create an additional buffer and increase amenity at street level. Their recommendation for additional mature trees has also been adopted.

The proposal also includes:

- High quality open space that is universally accessible and is directly connected to, and well-integrated with public realm areas of the street - DPF 5.1(c)(i)(A); and
- High quality, safe and secure, universally accessible pedestrian linkages that connect through the development site - DPF 5.1(c)(i)(B).

The retention of the trees on site would unreasonably constrain it from achieving the outcomes and yields that align with the Zone. The high-quality landscape design response seeks to offset this tree loss and provide a high amenity pedestrian environment for guests, visitors and residents.

Apartment amenity

Apartment amenity was raised in the representations with some stating that they have been designed to achieve minimum amenity standards. This is factually incorrect as:

- Each dwelling provides a minimum floor area in excess of the anticipated area specified in DPF 31.1. Indeed, the proposed dwellings are generally well in excess providing internal floor areas ranging from 53 – 277m².
- All dwelling types provide more POS than the requirements above for private open space.
- Each one-bedroom dwelling provides more than 8m³ of storage. Storage volumes range from 8.88m³ to 14.57m³.
- The two-bedroom dwellings provide storage volumes ranging from 11.62m³ to 19.71m³. This includes the 2 storey terrace apartments, NDIS housing and 2.5-bedroom options which all exceed the volume requirements of the Code.
- Each 3-4 bedroom dwelling has storage volumes exceeding the DPF requirements. These volumes range from 13.84m³ to 53.53m³.
- In accordance with DPF 5.1(c)(i)(D) the proposed development includes a range of dwelling types with 37% of apartments being 3 or more bedrooms, where the DPF seeks 10%.

The proposed dwellings are of sufficient size and will have a high level of living amenity for future occupants.

Wind

The proposed development has been reviewed by VIPAC Engineers. The review concluded that:

“...the proposed development is expected to fulfil:

- *The safety wind criterion at all test locations;*
- *The recommended walking comfort criterion at the footpath areas.*
- *The recommended standing comfort criterion at building entrance areas*
- *The recommended sitting comfort criterion at the ground floor alfresco dining areas.*
- *The recommended walking comfort criterion at the communal terrace areas”.*

The proposed development has suitably designed to minimise the impacts of wind.

Summary of Council and Agency Comments and the Applicant's Response

The Development Application was referred to:

- The Corporation of the Town of Walkerville.
- SA Housing.
- Commissioner of Highways.
- Government Architect.
- Environment Protection Authority.

A summary of the comments received, and the Applicants response is provided below.

The Corporation of the Town of Walkerville

The Corporation of the Town of Walkerville (Council) provided comments and advice to the relevant authority including:

- A street tree assessment.
- Assets and Infrastructure (stormwater and traffic).
- Heritage advice.

Each of these is discussed below.

Street Tree Assessment

Symatree assessed four of Council's regulated street trees in proximity to the site. The assessment confirmed that the street trees *"are in good condition and they offer important character amenity warranting their retention and protection as part of the proposed development"* and that *"the current growing environments are fair poor with significant sealed surfaces. Potential therefore exists for the development to achieve a net improvement of the growing conditions"*¹.

The proposed development seeks to retain and protect all street trees during and post construction.

The Applicant accepts the recommendations of the Symatree Report and has amended the location of the underground stormwater discharge so as to avoid Street Tree Protection Zones. They accept the Tree Protection Plan and adherence to AS4970-2009.

¹ Corporation of the Town of Walkerville comments, Symatree Report, Page 21

As such, the street trees are unlikely to be adversely impacted.

Assets and Infrastructure (stormwater and traffic)

Council's assets and infrastructure team provided technical comments regarding stormwater and traffic on the proposed development. In response, the Applicant engaged a new Engineer to undertake the stormwater design for the site and address Council's comments – the amended Stormwater Management Plan is at **Attachment C**. A tailored response to Council's traffic and car parking comments has also been prepared by Cirqa Traffic Consultants and is provided at **Attachment B**. A summary of Council's comments and the Applicant's technical response is provided in **Table 2**.

Table 2 – Applicant's Response to Council's Technical Comments

Council Comment	Technical Response
Stormwater	
<i>Connection to DIT infrastructure to be confirmed with DIT for Northcote Terrace.</i>	Refer DIT response.
<i>Proposed outlets onto Walkerville Terrace and pits is adequate.</i>	Noted. Confirmed and updated to V-grate pit instead of side entry pit refer to Stormwater Management Plan (Attachment C).
<i>Lack of stormwater retention/detention and is encouraged for re-use throughout the facility, although not mandatory from P&D, is good practice</i>	Refer amended stormwater management plan which includes on site retention/detention.
<i>Lack of WSUD features, could incorporate more raingardens or permeable paving, although not mandatory from P&D code.</i>	The extent of deep soil and soft landscaping is beyond Code requirement with 14% of the site deep soil where 7% is sought by the Code (Attachment A).
<i>Stormwater quality treatment devices in driveway as Atlan Stormstack but no stormwater quality assessment undertaken. (TSS, Nitrogen or Phosphorus).</i>	Confirmed via MUSIC model that the pollutant trap proposed is adequate - Refer Stormwater Report.

Council Comment	Technical Response
<i>Traffic, car parking and manoeuvrability</i>	
The Applicant's Traffic Consultant, Cirqa has provided a direct response to Council's traffic comments at Attachment B .	

The Applicant's technical team have adequately responded to Council's stormwater and traffic comments.

Heritage advice

Sam Hosking, Council's Heritage Advisor provided advice on the Local Heritage Buckingham Arms Hotel. The advice states:

"The proposed development has been designed in a responsive and contextual manner that responds appropriately to the massing, scale, form and detailing of the existing Hotel. The proposed colours across the development will complement those proposed on the Hotel.

We have had a number of discussions with the architectural team during the redesign of the building and believe that the heritage concerns raised with the original (refused) design have been successfully addressed.

One outstanding item was flagged in the advice – which was to confirm the proposed roof sheet material for the existing hotel roof. Since Council's comments have been issued, the Applicants Heritage Advisor Susan McDougall (SMFA) has confirmed directly with Council's Heritage advisor that the chosen roof material – is "HERITAGE GALV. CORRUGATED ROOF SHEETING". It is understood that this material selection was supported by Council's Heritage Advisor.

It is submitted that the proposed development therefore has the support of Council's Heritage Advisor.

SA Housing

SA Housing provided direction that a condition be attached to the decision made on the Development Application. This condition reads as follows:

The applicant must provide a minimum of 15% as 'affordable housing' of all dwellings in accordance with the criteria determined by the Government Architect.

"Condition 1

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”.

The Applicant accepts the wording of the proposed condition directed by SA Housing.

Commissioner of Highways

Commissioner of Highways, Department of Infrastructure and Transport (DIT) provided advice and direction that conditions and notes be imposed to the decision made on the Development Application.

Regarding matters of car parking, access, manoeuvrability, traffic generation and road widening the advice confirmed:

‘DIT considers that the Traffic and Parking Report undertaken by CIRQA (refer Project # 22486, Version 2.4 dated 24 September 2024) has undertaken a comprehensive review of the revised traffic impacts, traffic generation and vehicle distribution to the abutting roads. DIT is satisfied that the proposed left in and left out access to Northcote Terrace and left in, right in and left out movements to Walkerville Terrace access points adequately cater for the development.

...

With regards to traffic generation, the CIRQA report has assessed the likely peak movements associated with the dwellings, serviced apartments and retail/food beverage tenancies and demonstrated that the site will function adequately with the proposed access layout.

In terms of parking, the report identifies that the proposal will provide 246 spaces which will satisfy the requirement of 217 spaces under the Planning Code. It is noted that a 190 bicycle spaces will also be provided throughout the site which is supported.

The report confirms that all service vehicle movements will occur on-site with dedicated loading bays and accessed via the internal common driveway. The report confirms that a minimum head height of 3.8 metres is provided to ensure clear access for commercial vehicles which is supported’.

(Underlining added)

With regards to Stormwater, DIT sought that the proposed development includes on site detention and stated the following:

'DIT considers that the development should be providing a significant detention volume to restrict the 1% AEP post development flow rate to the 10% AEP existing conditions flow rate. The proposed arrangement of no detention is not supported by DIT.

The preference would be to discharge directly to existing side entry pits in lieu of 20 L/s discharges to the kerb. Considering this, a final stormwater plan should be developed in conjunction with DIT and Council.

The Applicant provides an amended Stormwater Management Plan prepared by Matter Consulting (**Attachment C**) to address the requests of DIT. In summary,

- 34m³ of on-site stormwater detention is now proposed to meet 1% AEP post-development vs 10% AEP pre-development –consistent with DIT's request.
- 10m³ of on-site retention is proposed for re-use, which is a reasonable size for reliable on-going use for residential development and irrigation needs. In combination with:
 - the 34m³ on-site detention volumes,
 - 14% of the site dedicated to deep-soil, and
 - 3x JellyFish and GPT treatment pits that will achieve the required WSUD and EPA pollutant reductions for stormwater run-off from the site to DIT drainage system.

The above is consistent with DIT's request. Matter Consulting respectfully submit that the concerns of DIT have been adequately addressed with respect to stormwater management.

The Applicant accepts all remaining conditions and notes directed by the Commissioner of Highways.

Government Architect

Following the Applicant's engagement in the Design Review Process, the Government Architect provided advice on the proposal. The Applicant also sought additional verbal advice from a representative of ODASA following the issue of the written advice.

In response, SMFA, the Project Architects, have provided a response – refer to **Attachment A** – specifically, **Design Response | ODASA Feedback and Referral**. In summary:

- To address concerns raised regarding the amenity of the outdoor space adjacent the café (on Northcote terrace) – the landscaped zone has been increased in size and shrub and tree species size have been increased to create an additional buffer and increase amenity at street level. Refer B2.22 GROUND and B2.50 LANDSCAPE GROUND FLOOR.

- The recommendation for additional mature trees has been adopted, refer: B2.50 LANDSCAPE GROUND FLOOR, B2.51 LANDSCAPE LEVEL 2 and B2.52 LANDSCAPE PLANTING SCHEDULE.
- To address comments regarding the ‘enclosed nature’ of the two storey apartment corridors, the size of the open façade facing the internal driveway has been increased by 50%. An open mesh rather than glazing has been used. Access from the stair into the corridor of these apartments has been maintained to ensure stair access from the basement. Refer to **Figure 1** below and the following architectural drawings: A1.01 DRP FEEDBACK and B2.22 GROUND.

Figure 1 – Internal View of 2-level Apartments



- Further design development of the raised pool has been undertaken to show the configuration and intent of the stairs and lift. Refer: B2.24 LEVEL 2 and B2.51 LANDSCAPE - LEVEL 2.
- To clarify ceiling heights proposed throughout the apartments, ceiling plan diagrams have been incorporated. All living spaces and bedrooms will have a ceiling height of 2700 at a minimum. Refer: A3.11 APARTMENT CONCEPT DETAIL.
- To articulate the long corridor lengths, insets at the apartment entries have been incorporated to create a sense of entry and provide wider corridor lengths at each door. Across apartment levels, the corridor widths are 1500mm wide, with a 500mm inset at the apartment doors. Sun tunnels have also been incorporated to provide natural light. Refer: A3.10 TYP. APARTMENT LAYOUTS, A3.11 APARTMENT CONCEPT DETAIL, B2.25 LEVEL 3, B2.26 LEVEL 4, B2.26A LEVEL 5, B2.26B LEVEL 6, B2.27 LEVEL 7, B2.28 LEVEL 8 AND B2.28 LEVEL 9.

- The material palette has been refined and further detail provided. The design intent for the ‘mid section’ of the built form has been developed and proposed to be coloured concrete. A physical materials board has been delivered to the Government Architect’s office and will be available for SCAP to view prior to the hearing of this Development Application. Refer: B4.00 WEST ELEVATIONS, B4.01 EAST ELEVATIONS, B4.02 SOUTH ELEVATIONS, B4.03 NORTH ELEVATIONS.

To “ensure the most successful design outcome is achieved”² SMFA has made meaningful changes to respond to the Government Architect’s advice. **Table 3** provides a summary.

Table 3 – Response to Government Architect Advice Summary

Government Architect Advice	Achieved
<i>Planting of mature trees to the perimeter deep soil zones to deliver generous and meaningful landscaping along the public realm interface.</i>	YES
<i>Further design development of the level two terrace configuration, including the raised pool arrangement, to improve functionality and accessibility.</i>	YES
<i>Articulation of the narrow corridors on the apartment floors to breakdown the lengths.</i>	YES
<i>Further review of the two storey terrace apartments, including the enclosed corridor, waste transfer path and stair access to the basement.</i>	YES
<i>Refinement of the architectural expression and confirmation of the final external material selections, with consideration given to high-quality integral finishes (including physical samples).</i>	YES

Environment Protection Authority

The EPA provided advice and direction that conditions and notes be imposed in relation to the decision made on the Development Application.

“The EPA understands the development relates to a change in land use to a more sensitive land use, specifically from commercial to mixed use commercial and residential class 1.

² Government Architect’s Advice, 29 October 2024, page 6

The due diligence report indicates that the site contamination identified at the site is limited in nature, posing low risk to future receptors at the site under the proposed land use.

Residual soil impacts which may exist at the site with the potential to impact construction and intrusive maintenance workers during the development phase of the works will be managed through the implementation of the CEMP.

...

Based on the information submitted with the DA and the information held by the EPA, the EPA is satisfied that the site could be made suitable for the proposed use subject to the directed conditions below.

Further to the above, a suitably qualified and experienced site contamination consultant is the most appropriate site contamination professional to determine site suitability.

The Applicant accepts all conditions and notes directed by the EPA.

Table 4 provides a summary of the Applicant’s response to Council and agency referral comments, advice and direction.

Table 4 – Summary of Applicant’s Response to Council and agency referral comments, advice and direction

Referral Body	Referral Type	Outcome
The Corporation of the Town of Walkerville	Comment	Comments provided and approach to stormwater amended to include onsite retention/detention and pipework to avoid Street Tree TPZ. Heritage advisor supportive of works proposed to LHP. Traffic, car parking and access comments responded to.
SA Housing	Direction	Condition accepted.
Commissioner of Highways	Direction	Response to stormwater item provided by

Referral Body	Referral Type	Outcome
		Applicant and conditions accepted.
Government Architect	Advice	Design responses to Government Architect advice provided and positive outcomes achieved.
Environment Protection Authority	Direction	Conditions accepted.

Conclusion

The site comfortably qualifies as a Significant Development Site. The proposed development is consistent with PO 5.1 and DPF 5.1 for the Zone. Importantly, as evidenced, the additional building height and density does not result in a negative planning consequence.

A response to public representations has been provided.

The Applicant’s team has provided a response to the Council and agency comments received during the referral process. Where this advice sought amendments to the design, the Applicant has responded positively with both technical and architectural design changes. All recommended conditions of consent have been reviewed by the Applicant and the proposed wording accepted.

The proposed development responds extremely well to its low-rise context. It celebrates the scale and materiality of the Local Heritage Place.

We are available to attend and speak in support of the proposed development at the SCAP meeting scheduled for the 22nd of January 2024. Please advise on receipt of this response that this matter will be heard on this date.

Yours sincerely



Matthew King
Managing Director



Chelsea Jurek
Principal Consultant

Attachment A

Attachment B

Attachment C

Attachment D

Attachment E