

PRD Project Management C/- Intro Design

Multi-storey mixed use development incorporating ground level commercial tenancy, 2-storey decked car park, 9-storey residential flat building, four 3-storey residential flat buildings and associated ground floor car parking, vehicle loading, open space and landscaping.

79 Port Road, Thebarton

211/M022/17

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OVERVIEW

Application No	211/M022/17
KNET ID	2017/17670/01
Applicant	PRD Project Management C/- Intro Design
Proposal	Multi-storey mixed use development incorporating ground level commercial tenancy, 2-storey decked car park, 9-storey residential flat building, four 3-storey residential flat buildings and associated ground floor car parking, vehicle loading, open space and landscaping.
Subject Land	79 Port Road, Thebarton
Zone/Policy Area	Urban Corridor Zone, Boulevard Policy Area 34
Relevant Authority	State Commission Assessment Panel
Lodgement Date	31 July 2017
Council	City of West Torrens
Development Plan	West Torrens Council consolidated 30 May 2017
Type of Development	Merit
Public Notification	Category 1
Referral Agencies	Government Architect, Commissioner of Highways, State Heritage Unit and Adelaide Airport Limited
Report Author	Ben Scholes, Project Officer
RECOMMENDATION	Development Plan Consent subject to conditions

EXECUTIVE SUMMARY

The applicant seeks approval for demolition of an existing single storey building for construction of a 12 storey mixed-use development incorporating ground level retail tenancy, 2 storey decked car park with 9 storey apartment tower above, four 3 storey residential flat buildings comprising 28 townhouses and associated ground floor car parking, vehicle loading, roadway modifications, circulation space and landscaping.

The current proposal is a merit, Category 1 kind of development that triggers statutory referrals to the Government Architect, the Commissioner of Highways, the State Heritage Unit and Adelaide Airport Limited.

The application is materially different to a mixed-use development approved on the subject land by the then Inner Metropolitan Development Assessment Commission on 23 February 2017, which will not proceed in its approved form, due in part to constraints the applicant asserts are related to the viability of that proposal's underground car park.

The application has been assessed afresh, although some regard has been given to the nature of the approved development to the degree that certain elements of the approved proposal are generally retained in the new version, with only moderate modification (eg vehicle access from Port Road).

The proposal is largely consistent with envisaged land uses within the Urban Corridor Zone, although at approximately 39.9 metres in height (to upper-most parapet) the proposed apartment tower would exceed the Zone's maximum height by 7.4 metres. Referral agencies have generally identified elements and features which are both supportable and undesirable, the latter of which, on balance, are not considered to outweigh the overall merits of the proposal.

The application is supported as an envisaged collection of land uses presented in a satisfactory configuration as encouraged by the Development Plan and accordingly, conditional consent is recommended.

ASSESSMENT REPORT

1. BACKGROUND

1.1 Strategic Context

In October 2013, the Housing Diversity DPA (Part 1) – Port Road Corridor was gazetted. This coincided with the implementation of the Inner Metropolitan Growth Development Plan Amendment/s intended to encourage mixed-use forms of development complemented by well-designed, contemporary housing types in proximity to public transport and employment opportunities, enabling a new form of urban living and inner-city lifestyle.

1.2 Approved Development

On 16 December 2016 the then Inner Metropolitan Development Assessment Commission (IMDAC) resolved to defer its determination of the applicant's original proposal (application 211/M014/16) to demolish the existing building on the subject land and construct 3 mixed use buildings comprising residential apartments comprising 90 dwellings, office tenancy, hotel accommodation with 105 rooms, commercial tenancies and underground car parking and landscaping.

The deferral was premised on IMDAC's desire for further consideration of proposed loading and unloading facilities, hotel guest drop off/pick up arrangements, waste management strategies and mitigation of potential impacts on the road network. The deferral also provided an opportunity for the Department of Planning, Transport and Infrastructure (DPTI) to make an offer to the land owner to acquire land required for potential road widening purposes.

The applicant provided further details and undertook design amendments which were considered to constitute a reasonable response, and on 23 February 2017 IMDAC granted condition Development Plan Consent for application 211/M014/16. The applicant subsequently advised that the project would not proceed in its approved form, due in part to constraints related to the viability of the approved underground car park.

1.3 Pre-Lodgement Process

The approved proposal was reviewed at 1 pre-lodgement meeting and 1 Design Review session in 2016, however the applicant has chosen to not participate in the Department of Planning, Transport and Infrastructure's pre-lodgement service for the current application.

2. DESCRIPTION OF PROPOSAL

Application details are contained in the Attachment 1. A summary of the proposal is as follows:

Land Use Description	12 storey mixed-use development incorporating ground level retail tenancy (1,136m ² gross leasable floor area), 2 storey decked car park with 9 storey apartment tower above, four 3 storey residential flat buildings comprising 28 townhouses and associated ground floor car parking, vehicle loading and landscaping.
Building Height	12 storeys (11 levels above ground), 39.9 metres to upper parapet (42.39 metres to top of rooftop equipment)
Description of levels	<u>Ground level</u> – 28 three-storey townhouses, 28 private car parks, 48 retail / visitor car parks, apartment building foyer, retail tenancy incorporating back of house, waste storage and loading

	<p>dock, landscaped 'urban square', bicycle parking enclosure (approximately 50 bicycle parks), 24 freestanding bicycle rails, site services (transformer, fire booster cabinet and gas meter, stormwater detention tank, public rubbish bins), internal roadways and circulation areas</p> <p><u>Level 1</u> – 52 resident parking spaces, 22 visitor parking spaces</p> <p><u>Level 2</u> – 81 resident parking spaces</p> <p><u>Level 3</u> – 14 apartments (3 x single bedroom dwellings, 9 x 2 bedroom dwellings), communal terrace and landscaping</p> <p><u>Level 4</u> – 14 apartments (3 x single bedroom dwellings, 9 x 2 bedroom dwellings)</p> <p><u>Level 5</u> – 14 apartments (3 x single bedroom dwellings, 9 x 2 bedroom dwellings)</p> <p><u>Level 6</u> – 14 apartments (3 x single bedroom dwellings, 9 x 2 bedroom dwellings)</p> <p><u>Level 7</u> – 14 apartments (3 x single bedroom dwellings, 9 x 2 bedroom dwellings)</p> <p><u>Level 8</u> – 14 apartments (3 x single bedroom dwellings, 9 x 2 bedroom dwellings)</p> <p><u>Level 9</u> – 14 apartments (3 x single bedroom dwellings, 9 x 2 bedroom dwellings)</p> <p><u>Level 10</u> – 14 apartments (3 x single bedroom dwellings, 9 x 2 bedroom dwellings)</p> <p><u>Level 11</u> – 14 apartments (3 x single bedroom dwellings, 9 x 2 bedroom dwellings)</p> <p>Rooftop – hot water plant and stair pressurisation plant</p>
Apartment floor area (excluding balconies)	<p>Townhouses – floor area ranges from 157m² to 166m²</p> <p>Apartments – floor area ranges from 54m² to 76m²</p>
Site Access	Left turn only entry from Port Road (deceleration lane), 3 x dual-lane access points from Walsh Street
Vehicle Parking	<p>231 parking spaces (comprised of 133 apartment parking spaces, 28 townhouse spaces, 70 retail / visitor parking spaces)</p> <p>74 bicycle parks</p>
Encroachments	<p>Canopies proposed to overhang the property boundaries at Port Road and Phillips Street frontages where pedestrian access is available.</p> <p>2 left turn only deceleration lanes on Phillips Street and Port Road (the latter providing site access) are proposed to cut into Council verges and substitute existing footpaths with portions of the subject land.</p>

3. SITE AND LOCALITY

3.1 Site Description

The development site comprises 11 contiguous allotments of approximately 7,000 square metres in area, collectively referred to as 79 Port Road, Thebarton. Legal descriptions of these allotments are presented in the following table:

Lot No	Plan No	Street	Suburb	Hundred	Title
3	FP 120022	Port Road	Thebarton	Thebarton	5259/467
4	FP 120023	Port Road	Thebarton	Thebarton	5259/468
91	FP 120010	Port Road	Thebarton	Thebarton	5259/471
218-223	DP 1038	Port Road/Walsh Street	Thebarton	Thebarton	5259/470
224-247	DP 1038	Walsh Street	Thebarton	Thebarton	5259/472

The subject land has 3 road frontages being Port Road of 75.5 metres to the east, Phillips Street of 92 metres to the south and Walsh Street of 75.5 metres to the west. The subject land is rectangular and features a gradual slope down from Port Road to the west by approximately 1 metre.

A predominantly single-storey red brick industrial/commercial building constructed to all property boundaries exists on the land, formerly used as the processing plant of E.S. Wigg & Son Ltd Stationers and Manufacturers, shown below.



Figure 1 – Former Premises of E.S. Wigg & Son Ltd

A portion of the existing building is setback from the corners of Phillips and Walsh Streets where vehicle access to a landscaped car park is located via the Walsh Street frontage, with an additional 2 vehicle crossovers located further north along Walsh Street. A portion of the building's north elevation is also setback approximately 3 metres from the northern boundary providing access to a lean-to shed structure.

The subject land's curtilage comprises an existing paved footpath along Port Road, a bituminised footpath along Phillips Street and partially landscaped / compacted gravel verge along Walsh Street. Several street trees located along each of the road frontages are unregulated species and are not considered to make significant amenity contributions to the area.

No Land Management Agreements, encumbrances or infrastructure easements are identified on the relevant Certificates of Titles, and no heritage conservation listing exists over the subject land in any form.

3.2 Locality

The subject land is located at the northwest corner of Phillips Street and Port Road as shown in the location map provided overleaf in Figure 2.

The surrounding locality is characterised as predominantly commercial in nature with the State Heritage-listed Southwark Hotel and two small commercial premises directly adjoining to the south, miscellaneous commercial properties to the west, and a car park and commercial properties to the north.

The signalised intersection of Port Road, Phillips Street and an access road to Bonython Park is located immediately east of the subject land. Port Road is a major strategic transport route and primary arterial road forming part of the Adelaide CBD Ring Route and including a dual light rail line and a tram stop at the centre of the combined road / rail corridor.



Figure 2 – Location Map.

The Development Plan identifies Phillips Street as a Secondary Road – Bike Lane and public transport connector to South Road, approximately 1 kilometre to the west of the subject land.

Bonython Park provides a continuous Park Land frontage on the opposite side of Port Road and delineates the Council area boundary between the City of West Torrens and the City of Adelaide. The subject land is strategically located, approximately half-way along the length of the Bonython Park frontage.

4. STATUTORY REFERRAL BODY COMMENTS

Copies of the separate responses provided by Referral Agencies are included in **Attachment 4** with the applicant's response documents provided in **Attachment 6**.

4.1 Commissioner of Highways

Through DPTI's Safety and Services Division (SSD), the Commissioner of Highways is a mandatory referral in accordance with Schedule 8 of the *Development Regulations 2008*. The Panel must have regard for the Commissioner's response, which highlights the following key points:

- proposed access arrangements are generally supported, including provision of a left turn-in access from Port Road with deceleration lane at the subject land's north east corner, although the land required for realignment of the Port Road footpath must be vested as road for potential future road widening;
- relocation of the proposed loading dock away from the Port Road access and internal road junction is recommended to minimise potential for conflicting vehicle movements and compromised sightlines for heavy vehicle operators in this location;
- an additional eastbound left-turn deceleration lane on the Phillips Street approach to the intersection of Phillips Street and Port Road would assist in increasing the intersection's capacity and reduce the likelihood of queuing impacting the local road network; and
- land for this purpose can only be acquired from the subject land due to the presence of a State Heritage place (Southwark Hotel) on the opposite corner of

Phillips Street and Port Road, and as such no structure associated with the application can occupy the area required for the proposed lane; and

- a 4.5m x 4.5m corner cutoff may be required at the Port Road / Phillips Street (south east) corner of the subject land, and the Commissioner's consent will be required for all new building work located on or within 6.0m of the potential cutoff requirement.

The Commissioner recommends a series of conditions and advisory notes related to technical matters be assigned to any consent granted.

4.2 State Heritage Unit (DEWNR)

The Minister for the time being administering the *Heritage Places Act 1993* is a mandatory referral in accordance with Schedule 8 of the *Development Regulations 2008*. The Panel must have regard for the Minister's response.

Despite noting generally positive elements of the proposed development's interface with the Southwark Hotel (State heritage Place) at 77 Port Road, Thebarton, the Minister's delegate considers the proposal adversely affect the context of the State heritage place and it is not supported in its current form.

The Minister's delegate recommends the following matters be addressed to the Panel's satisfaction in order to achieve an acceptable contextual response:

- height of the Port Road building;
- bulk and massing of the Port Road elevation;
- setbacks of the apartment levels, in particular the southern setback;
- architectural design of the southern elevation to the Port Road building's apartment levels; and
- design of the podium element at the Port Road and Phillips Street corner.

4.3 Commonwealth Secretary for the Department of Transport and Regional Services

Through Adelaide Airport Limited, the Secretary is a mandatory referral in accordance with Schedule 8 of the *Development Regulations 2008*. The Secretary has power of direction over the Panel's determination of the application and the following key points are provided:

- the application will penetrate the Adelaide Airport Obstacle Limitation surfaces which is protected airspace for aircraft operations;
- the application will need to be assessed in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*; and
- crane operations associated with construction, if approved, will also be subject to a separate application.

4.4 Government Architect (or Associate Government Architect)

The Associate Government Architect (AGA) is a mandatory referral in accordance with Schedule 8 of the *Development Regulations 2008*. The Panel must have regard for the AGA's response.

The AGA has provided in-principle support for the following elements of the application:

- proposed mix of land uses including sleeving of at-grade car parking;

- proposed boundary setbacks;
- apartment tower orientation and apartment layouts generally;
- podium element referencing the adjacent Southwark Hotel in terms of height, materiality and composition;
- overall design intent to reference industrial forms and character present within the context of the subject land; and
- internal layout of north and south townhouse blocks.

Despite the above, the AGA does not offer support for the proposal in its current form, encouraging review and reconsideration of the following main areas of concern:

- proposed building height of 42.3 metres (exceeding the maximum height of 32.5 metres recommended for this location);
- consider removal of Port Road slip lane and reconsider above ground parking;
- stair and lift core arrangement to improve outlook from apartment building foyer;
- apartment building circulation strategy and apartment entry locations;
- fundamental rethink of townhouse typologies combined with holistic review of ground floor site organisation to improve amenity levels overall;
- townhouse built form and programming at the Walsh Street frontage to provide visual interest;
- open space strategies including 'urban square' concept to develop functional communal open space and public realm contributions; and
- more effective application of Ecologically Sustainable Development principles.

5. COUNCIL COMMENTS or TECHNICAL ADVICE

5.1 City of West Torrens

Council has raised various concerns within its referral response, nominating a number of issues which it recommends be considered and addressed further:

- the proposal exceeds the recommended maximum building height;
- arrangements for public footpath adjacent Port Road slip lane should be preserved on land under public ownership and control (prior to formal approval);
- waste collection by private contractor will be necessary for the entire site (Council policy precludes the Council's waste management contractor from servicing the development as proposed);
- a 4.5m x 4.5m corner cutoff should be provided at the north east corner of the Phillips / Walsh Street intersection to enable the provision of appropriate public facilities (Australian Standard-compliant kerb ramps);
- development of a detailed stormwater management plan addressing opportunities for stormwater harvesting, detention, re-use and water quality improvement should be a matter reserved for further assessment (or similar);
- potential for vehicle conflict at the loading bay access point exacerbated by lack of traffic control systems;
- siting of the townhouses should be modified to provide a minimum 1m setback from the western property boundary to enable future widening of Walsh Street to accommodate anticipated traffic impacts.

Other concerns raised by Council are considered to have been addressed by details provided subsequently by the applicant, as discussed in Section 8.

6. PUBLIC NOTIFICATION

As a form of development considered ancillary to and associated with residential development, the application is assigned to Category 1 for public notification purposes in accordance with Urban Corridor Zone procedural matters listed in the West Torrens Council Development Plan consolidated 30 May 2017. No public notification was required.

7. POLICY OVERVIEW

The subject site is within the Urban Corridor Zone, Boulevard Policy Area 34 as described within the West Torrens Council Development Plan consolidated 30 May 2017. Relevant planning policies are contained in **Attachment 7** and are summarised below.

7.1 Boulevard Policy Area 34

Redevelopment of existing commercial and industrial allotments into medium-to-high scale mixed-use development is envisaged within the Policy Area at a scale that is proportionate to the width of Port Road, with non-residential uses located at lower levels and dwellings other than detached dwellings being the predominant form of residential development.

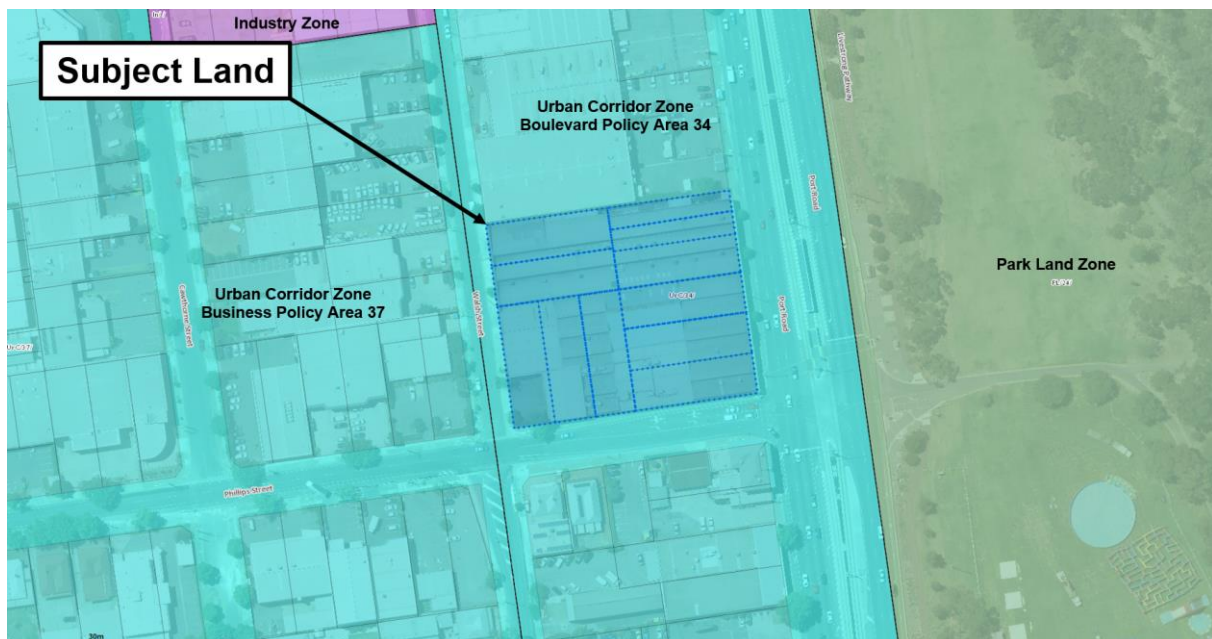


Figure 3 – Zoning Map

Buildings of up to 8 storeys will have a strong presence to Port Road, and development on corner allotments will enhance the gateway function of such corners by providing strong, built-form edges combined with careful detailing at a pedestrian scale to both street frontages. On-site vehicle parking will not be visible from Port Road by locating parking areas behind building façades and shielding under croft parking areas with landscaping and articulated screens.

7.2 Urban Corridor Zone

An innovative mix of medium and high density residential development, together with community and employment land uses are anticipated. The Zone will accommodate a transformation in built form producing new buildings recognised for design excellence

and an interesting pedestrian environment through careful building articulation and fenestration, verandahs, balconies, canopies and landscaping.

The function of arterial roads in the Zone as major transport corridors will be protected by providing access to allotments from secondary road frontages and rear access ways as much as possible. Parking areas will be consolidated, shared (where possible) and screened from the street or public spaces.

Interface impacts including overlooking and overshadowing will be moderated through careful design and transition in building height, scale and setbacks in proximity to sensitive uses in adjoining Zones, although noise and amenity within the Zone is not expected to be equivalent to that expected from living in a purely residential Zone.

7.3 General Section

The Development Plan generally encourages new buildings sited in appropriate locations featuring a high standard of design and appearance which reinforce positive aspects of the local environment.

Relevant General Section policies relate to maintaining the integrity of the transport network, building height restrictions for aircraft operations, adequate vehicle parking, design and appearance, interface with the public realm and sensitive land uses, stormwater management and environmental sustainability. Development will also integrate and, if necessary, supplement existing infrastructure to ensure cohesive and well executed development outcomes within the surrounding locality.

7.4 Overlays

7.4.1 Affordable Housing

The proposal is subject to the affordable housing overlay, which anticipates affordable housing integrated with residential and mixed-use development to provide a range of dwelling types catering for a variety of household structures.

7.4.2 Noise and Air Emissions Designated Area

The subject land is located within the designated area for the Noise and Air Emissions Overlay.

Development sensitive to noise and air quality impacts in this location should be designed to provide effective means of screening from noise and air pollutant emission sources, or otherwise be configured to minimise impacts of excessive noise and air pollution.

7.4.3 Strategic Transport Routes Designated Area

In recognition of the strategic importance of Port Road, development upon the subject land should not impede traffic flow or create hazardous conditions for pedestrians, cyclists or motorists, including emergency services vehicles.

7.4.4 Development Constraints Overlay (Airport Building Heights)

The application proposes development that would exceed the Airport Building Height limit of 15 metres above existing ground level established within Zone C of the Development Plan's Overlay Map WeTo/5 (Development Constraints).

8. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the West Torrens Council Development Plan, which are contained in **Attachment 7**.

8.1 Quantitative Provisions

	Development Plan Guideline	Proposed	Guideline Achieved	Comment
Land Use	Innovative, mixed use development with residential uses preferred above ground floor	Mixed-use building (dwellings and retail tenancy), residential flat buildings, retail tenancy, at-grade vehicle parking	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL <input type="checkbox"/>	
Building Height	<u>Minimum</u> – 4 storeys (for land facing Park Land) <u>Maximum</u> – 8 storeys and up to 32.5 metres	12 storeys (39.9 metres to upper parapet, 42.39 metres to top of rooftop equipment)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> PARTIAL <input type="checkbox"/>	Refer to section 8.3
Car Parking	<u>1 b/r dwelling</u> – 0.75 spaces <u>2 b/r dwelling</u> – 1 space <u>Visitor parking</u> – 0.25 spaces per dwelling <u>Non-residential</u> – minimum 3 spaces per 100m ² floor area 220 spaces	231 parking spaces (133 for apartment residents, 28 for townhouse spaces, 70 for retail / visitors) 5 designated as disabled parking spaces	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL <input type="checkbox"/>	
Bicycle Parking	<u>Residential use</u> – 1 space per 4 dwellings <u>Visitors</u> – 1 space per 10 dwellings <u>Employees</u> – 1 space per 300m ² floor area <u>Shoppers</u> – 1 space per 600m ² floor area 58 spaces	74 bicycle parks (50 enclosed)	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL <input type="checkbox"/>	
Boundary Setbacks	Zero setback from Port Road (primary road frontage) Zero setback from secondary road (where access way is 6.5m wide or more)	Zero setback from Port Road (setbacks vary at upper levels) Zero setback from Walsh Street (access way)	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL <input type="checkbox"/>	

8.2 Land Use and Character

Development in the Policy Area should predominantly comprise mixed-use buildings with non-residential development at the ground and first floor and residential development above, and wholly residential buildings. Residential development should create a medium-to-high density urban environment incorporating residential flat buildings and dwellings within mixed-use buildings

The proposed land uses align with the nature of activities anticipated in this portion of the Policy Area and Zone. The substantial retail tenancy would provide local employment opportunities and a convenient shopping option currently lacking in the locality, and the residential component would offer a mix of apartment and more

conventional living options in an attractive location in close proximity to Adelaide's Park Lands.

The proposed ground floor retail tenancy incorporates a floor-to-floor ceiling height of 5 metres introducing potential for future adaptation of the ground floor use, consistent with Policy Area PDC 7.

Development comprising 20 or more dwellings in this location should include a minimum of 15 percent affordable housing, requiring the provision of 28 affordable housing outcomes in this instance. The application is considered deficient in this regard as no affordable outcomes are proposed, however a total of 27 single bedroom dwellings would be included within the apartment offering which could conceivably achieve the affordable price point. Despite this deficiency, the proposed land use mix is supported.

8.3 Building Height

Except where airport building height restrictions prevail or interface height provisions require a lesser height, Urban Corridor Zone (Building Height) PDC 13 recommends building heights – excluding rooftop plant and equipment – for development on the subject land to be a minimum of 3 storeys (4 storeys for land facing Park Lands) and a maximum of 8 storeys, up to 32.5 metres.

The subject land is located within Airport Building Height Zone C of Development Plan Overlay Map WeTo/5 (Development Constraints) which requires all proposed structures exceeding 15 metres above existing ground level to undergo a safety analysis to determine whether the building/structure poses a hazard to aircraft operations.

At 12 storeys (11 levels above ground) and 39.9 metres to the upper parapet, the proposed apartment tower would exceed the recommended maximum height for this location by 7.4 metres, which represents approximately 25 percent of the recommended maximum. The applicant asserts the additional height sought relates directly to the applicant's preference for deletion of the approved basement parking levels, and that the difference between building height approved in Development Authorisation 211/M014/16 and this proposal equates to some 5.6 metres.

The applicant argues the spatial scale of Port Road and Bonython Park provide capacity for the additional height proposed, and that due to the absence of sensitive uses in the locality, the proposed apartment tower would not impact on the ability of adjoining premises to achieve qualitative aspects of the Development Plan.

The AGA's and State Heritage Unit's objection to, and the Council's recognition of, excessive building height sought by the applicant are acknowledged views. It should be noted the West Torrens Council Development Plan does not include over-height policy provisions or offer concessions that would enable favourable consideration of additional building height in exchange for more qualitative benefits.

In recognition of the quantitative departure from Zone PDC 13, the following points are relevant in respect of the assessment of proposed building height:

- the scale of the apartment tower to its upper parapet is proportionate to the approximate 40 metre width of Port Road, as encouraged for medium-and-high density development envisaged in the Policy Area (noting the additional height required to accommodate rooftop plant and equipment);
- the Zone anticipates transformation in built form to provide medium-to-high density development where the greatest height, mass and intensity is

focussed at the main road frontage, the intent of which the proposal would likely satisfy;

- interface provisions encouraging development contained within a prescribed building envelope resulting in reduced building height do not apply to the subject land, which is not adjacent another (Residential) Zone;
- General Section (Medium and High Rise Development) Policy encourages buildings that reinforce the primacy of corner sites through changes in setback, materials, colour, roof form or height which the proposal would, arguably, not satisfy;
- the 3 storey residential flat buildings incorporating 28 townhouses proposed on the western portion of the subject land would satisfy the minimum height requirement of Urban Corridor Zone PDC 13; and
- the Department of Transport and Regional Services' assessment under the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996* would substitute for the safety analysis required under General Section (Building Near Airfields) policy referenced above, should consent be granted.

Panel members are advised to give due regard to the then IMDAC's approval of Development Authorisation 211/M014/16 whilst recognizing the nature of the current application being materially different to the approved use.

Overall, despite the building height sought being contrary to Urban Corridor Zone policy and introducing potential for overbearing bulk and scale, the proposed apartment tower would likely result in a satisfactory high-density mixed-use outcome providing a strong built form edge at the Port Road frontage and prominent gateway to an important corner site as envisaged within the Policy Area.

8.4 Design and Appearance

Buildings recognised for design excellence are envisaged within the Zone, as is a uniform streetscape edge established through a consistent front setback and tall, articulated façades providing an interesting pedestrian environment and human scale at ground level. Careful composition of articulation, podium elements, fenestration, balconies, canopies and landscaping is desirable.

The apartment tower would introduce an imposing built form to the Port Road frontage and feature angled fenestration and glazed balconies exhibiting a high solid to void ratio, with extensions of internal walls providing introducing expression to interrupt the emphasis of horizontal elements.

A 2 storey red brick podium and colonnade structure would frame the corner of Phillips Street / Port Road in an attempt to reference the scale of the Southwark Hotel. The building's base is characterised by perforated metal panels coloured bronze screening 2 parking levels, partially framed by the brick podium at the south and steel frame structure with vertical fins to the north.

Upper level setbacks are intended to relieve the apartment tower's mass scale, and differentiate built form to reinforce the development's corner presence and contribute to the desired gateway function. A substantial external terrace above the podium car park would provide generous communal open space at the apartment tower's western base softened by landscaping.

The townhouse component would provide 28 2-bedroom dwellings over 3 storeys within 4 residential flat buildings oriented in a north-south configuration, separated by internal roadways providing vehicle access to Walsh Street.

The AGA has offered in-principle support for the applicant's overall design intent to reference industrial forms and character within the locality including the podium referencing the adjacent Southwark Hotel in terms of height, materiality and composition. The apartment tower orientation and sleeving of at-grade car parking with active uses at the primary road frontage are generally supported, as is the internal layout of the north and south townhouse blocks.

Despite these favourable views, the AGA believes the apartment tower proposal does not offer significant merit in terms of public realm contribution or residential amenity to justify height in excess of Urban Corridor Zone policy as discussed in Section 8.3. Apartments within the tower would nonetheless provide dwelling sizes and feature private open space and storage space generally exceeding minimum dimensions recommended by General Section policy. Further concerns raised by the AGA concerning adjacency of apartment entry points have been adequately addressed through redesign of apartment layouts such that the entry points are now staggered.

Furthermore, the AGA does not support the proposed site configuration including site access from Port Road, townhouse typologies and open space strategies which in the AGA's view have the collective potential to compromise pedestrian safety, occupant amenity, public realm contributions and sustainability outcomes. In response, the applicant revised the proposed western townhouse elevations to introduce a wider variety of materials to interrupt building mass and provide visual interest when viewed from Walsh Street, as shown below.



Figure 4 – Townhouses - Original West Elevation



Figure 5 – Townhouses – Amended West Elevation

The applicant also prepared a perspective section diagram demonstrating the predicted entry of natural light and natural ventilation to internal habitable rooms

within the central block of 14 townhouses, through the use of operable light wells with dimensions of 1800mm by 2400mm.



Figure 6 – Central Townhouse Perspective Section

Concerns related to townhouse amenity and upper level views into adjacent habitable rooms and balconies are not precluded by General Section (Medium and High Rise Development (3 or More Storeys)) PDC 14 which recommends separation of habitable room windows or balconies by at least 6 metres from one another where there is a direct 'line of sight' between them, which all townhouses would satisfy.

The State Heritage Unit does not support the proposed interface between the proposed development and the Southwark Hotel due to the modified separation distance between the apartment tower and the proposed podium edge and colonnade structure on Phillips Street, reduced to approximately 2.4 metres, down from the considerable separation of some 8.8 metres within the approved application as depicted below.



Approved Podium & Colonnade Structure



Amended Podium & Colonnade Structure

In combination with the effect of additional built form mass in closer proximity to the heritage place and other design deficiencies discussed in Section 8.5, the State Heritage Unit considers the current proposal would be an unsupportable outcome requiring of further review and design resolution to deliver a more appropriate contextual response.

In summary the current proposal displays several shortcomings related to overall design and appearance when compared to the endorsed development in application 211/M014/16 including increased mass and scale of the apartment tower exceeding recommended policy, diminished extent of functional landscaped open space and public realm improvements, and compromised heritage interface.

It should be noted that the current proposal would involve removal of each of the 8 storey hotel and office buildings approved on the western portion of the site (31.4 metres and 37.1 metres above ground respectively), which would constitute a significant reduction in the scale of development on the subject land to be replaced with 3 storey townhouses, which could be considered a positive change.

8.4.1 Interface

General Section policy envisages development located and designed to minimise adverse impact and conflict between land uses. Urban Corridor Zone policy provides guidance for managing built form at interfaces with sensitive development in adjoining Zones to address impacts arising through anticipated mass and scale, and consequential overshadowing and overlooking.

Policy requiring development contained within a building envelope to protect sensitive development outside of the Urban Corridor Zone does not apply to the proposal, as it not adjacent a separate Zone as identified in section 8.3.

Anticipated interface impacts are likely to be acceptable in recognition of the predominantly commercial nature of surrounding development and absence of sensitive uses which would be more susceptible to incidences of overlooking and overshadowing.

8.4.2 Public Realm

The Zone anticipates a safe, comfortable and appealing street environment for pedestrians that is sheltered from weather extremes, is of a pedestrian scale and optimises views and outlook onto spaces of interest. Pedestrian areas will be enhanced to maximise safety and provide strong links to public transport opportunities and Bonython Park.

While the use and address of buildings will be designed to be easily interpreted by motorists, the footpath will be sheltered with awnings, verandahs and similar structures.

Although the proposal generally assigns priority to motor vehicle movements within the development, proposed conditions at the site's periphery include opportunities for improved pedestrian safety and amenity in the form of canopies and sheltered walkways over portions of Phillips Street and Port Road, low-level bollards, 24-hour overhead lighting at the Port Road frontage, a continuous safety balustrade delineating the realigned Port Road footpath, and a raised 'wombat' crossing of the proposed slip lane with tactile indicators as required.

Over 60 percent of the retail tenancy at the Port Road frontage would incorporate clear glazing to promote active street frontages and maximise passive surveillance, exceeding the expectations of Policy Area PDC 7.

An 'urban square' concept at the Phillips Street frontage would incorporate integrated planting and landscaped arbours framing gathering spaces, with

climbing plants bordering retail break-out space at the subject land's south east corner which the applicant suggests could provide for outdoor dining areas.

To compensate for relatively narrow footpath widths likely to eventuate along the Phillips Street frontage, SSD recommends that detail design of the urban plaza concept proceed to remove level differences to enable seamless integration with existing public realm to maximise pedestrian safety and accessibility. The applicant asserts it is comfortable with the Panel reserving the detail landscape design of this area for future assessment.

The east elevation of the townhouse blocks and blockwork barriers enclosing the internal roadways provide opportunities for large-scale urban artwork as indicated in the figure below, which could assist in improving outlook and general appearance of the area from ground level.



Figure 7 – Townhouse East Elevation / Urban Art Opportunities

Delineation between paved hardstand and bitumen roadway areas adjacent the townhouses will assist in designating the 4.8m wide driveway from pedestrian-priority areas and also provide sight distance requirements in accordance with the relevant Australian Standard.

8.5 Heritage Interface

The Development Plan's General Section (Development Adjacent Heritage Places) encourages multi-storey buildings sited and designed to reinforce the historic character of adjacent places of heritage significance, maintain their visual prominence and not detract from their form and materials.

Development that materially affects the context in which Heritage Places are situated should be compatible with the Place and feature appropriate responses in terms of scale and bulk, materiality width of frontage, boundary setbacks, proportion and composition.

Having acknowledged the applicant's generally positive approach to establishing an appropriate response to the Southwark Hotel at 77 Port Road, Thebarton, the State Heritage unit has noted the following perceived deficiencies which it considers should be further developed to secure an acceptable design solution:

- the colonnade structure is disconnected at the corner of Phillips Street and Port Road, reading as 2 separate elements with a negative interface which fails to present a confident 3 dimensional form;
- minimal setbacks between the colonnade structure and upper levels at each road frontage contribute to a token visual effect which does not overcome the building's dominant presence at the corner;
- vertical articulation of the apartment building is only partially successful in mitigating overall mass; and

- a more architecturally coordinated response is preferred at the south elevation including reduction in precast panels and greater articulation and glazing to better address the corner and the Southwark Hotel.



Figure 8 – Podium and Colonnade Structure adjacent the Southwark Hotel

The State Heritage unit has recommended what would constitute a substantial review of the apartment building's height, massing, upper level setback, south elevation and podium / colonnade configuration to offer an improved contextual response. In reply, the applicant argues:

- additional height sought does not significantly depart from Development Plan policy and has the potential to be offset by the scale of surrounding areas and land uses
- bulk and massing of the Port Road elevation and the design of the south elevation have the support of the AGA
- setbacks from the south boundary cater for potential road widening requirements; and
- the podium / colonnade element is configured to accommodate a 4.5 metre x 4.5 metre corner cutoff at the junction of Phillips Street and Port Road.

Where elements of the proposal appear to have attracted contradictory views of referral agencies, the applicant invites the Panel to consider these based on their respective merits.

In its current form, the applicant's development concept does not adequately achieve a sympathetic interface with the Southwark Hotel and would likely result in an overly dominant built form at the subject land's south east corner.

Although a strong presence to Port Road is encouraged, in this instance additional separation of built form from the Phillips Street frontage would likely contribute to a more appropriate spatial relationship between the proposed development and the Southwark Hotel, and design development of this nature would likely be readily achievable within a pre-lodgement setting.

It should be noted that both the Urban Corridor Zone and Boulevard Policy Area 34 are generally silent on desirable heritage interface outcomes in this location, with emphasis assigned to heritage matters included only in the Zone's High Street and Transit Living Policy Areas.

General Section policy provides some guidance for development that materially affects the context of Heritage Places, however the established Objectives and Principles of Development Control relevant to direct development of Heritage Places outnumber the former, suggesting greater emphasis may be warranted in cases where heritage fabric is proposed to be developed or modified, rather than its setting.

On this basis, and in circumstances where certain development outcomes would be supported by other Development Plan policy (eg street corner prominence/gateway function), deficiencies related to proposed heritage interface conditions are considered tolerable, on balance.

8.6 Access, Vehicle Parking and Traffic

Development Plan policy provides guidance on the importance of maintaining the function of strategic transport routes within the Council area by minimising new access points onto arterial roads, managing vehicle congestion and maintaining the effectiveness of the light rail corridor. Emphasis is placed upon development that ensures convenience of movement and safety for pedestrians, cyclists and motorists alike, whilst providing adequate provision for off-street vehicle parking.

It should be noted that the Development Plan Table WeTo/6 (Off-street Vehicle Parking Requirements for Urban Corridor Zone) allows a lesser number of car parking spaces under certain circumstances, some of which would likely apply to the proposal (eg peak parking demand occurring at different periods within a mixed use development). The applicant engaged Tonkin Consulting to advise on car parking and site access strategies and assess traffic impacts likely to arise from the proposal, as discussed in the following sub-sections.

8.6.1 Site Access

The applicant's proposed access arrangements include the following alterations to the road network:

- left-turn only deceleration lane and reconfigured pedestrian footpath on Phillips Street's eastern approach to the signalised intersection of Port Road;
- left-turn only deceleration lane from Port Road and reconfigured pedestrian footpath providing vehicle access at the north east of the site; and
- 3 dual-lane access points providing vehicle access from Walsh Street.

The Phillips Street slip lane is intended to increase the capacity of the Port Road intersection and mitigate risk of vehicle queuing on Phillips Street, and the Port Road slip lane would primarily service the retail use and enable access to upper level parking for apartment tower residents. Each of the proposed lanes would encroach on over 50 metres of the subject land's southern and eastern boundaries, mainly to substitute for existing footpath space to be claimed for the road modifications.

It should be noted the approved land use under Development Authorisation 211/M014/16 incorporates the Port Road slip lane and future provision for a Phillips Street slip lane in near identical configuration to that proposed now, including a 4.5 metres x 4.5 metres cutoff of the southeast corner to accommodate potential future requirements established within the Metropolitan Adelaide Road Widening Plan.

Two access points from Walsh Street would service the proposed townhouses alone, and the third would connect to an internal carriageway aligned with the

north property boundary leading to the base of the podium car park ramp and ground level parking areas.

The retail tenancy would be serviced by medium rigid vehicles (MRV) which would access the loading dock after entering the site via the Port Road slip lane. In response to concerns raised by Council and the Commissioner of Highways via SSD, the applicant has detailed its intended means of managing traffic and controlling rights of way within the site, as follows:

- sight distances for road users adjacent the car park ramp will be maintained via an open portion of barrier against the east lane;
- a give way holding line at the base of the ramp will assign right of way to east and west-bound traffic;
- a service vehicle detection system utilising laser technology within the loading dock and internal roadway will:
 - identify entry of an MRV through the Port Road slip lane (red line below);
 - trigger red (stop) lights to hold other vehicles until the MRV enters the loading bay via a reversing manoeuvre or passes through to Walsh Street;
 - identify when an MRV has entered the loading dock (orange line below) releasing the hold point and enabling traffic flow; and
 - identify when the loading dock is already occupied by an MRV, instructing a second oncoming MRV to pass through to Walsh Street (signal would be visible at the green line below).

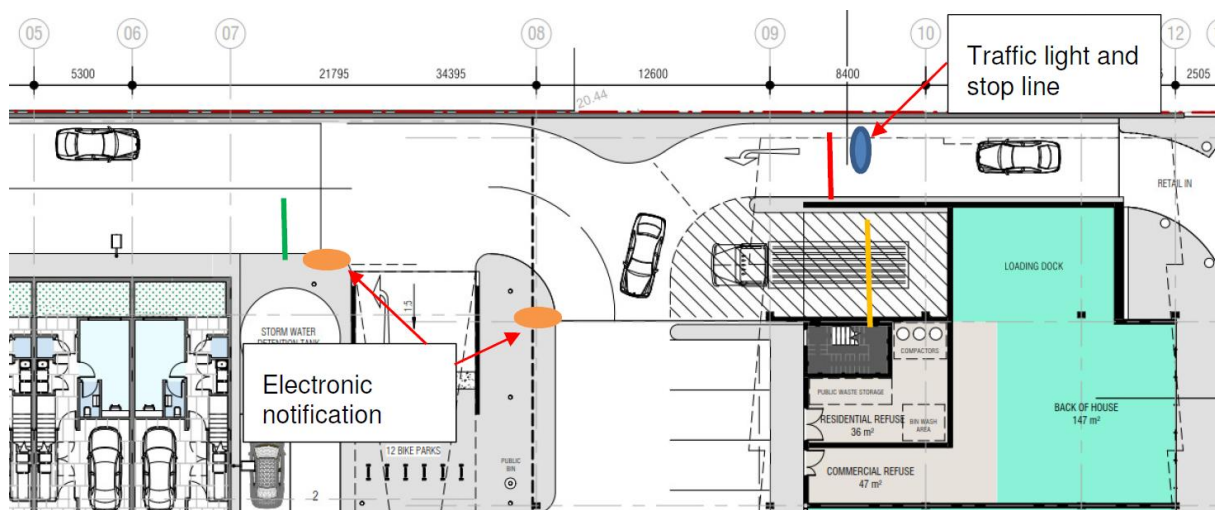


Figure 8 – Traffic Control Strategies adjacent the Loading Dock

- the detection mechanism would be complemented by an electronic notification system providing warning of a manoeuvring or exiting MRV to motorists approaching the base of the car park ramp (from upper levels) and exiting the ground floor car park.

The notification system would only operate when the MRV detection mechanism is active. In combination with the restricted (off peak) times which service deliveries would be programmed to occur, the detection and notification systems are expected provide sufficient means of managing traffic and minimising risks of vehicle conflict in this location.

Provided the technical requirements recommended by the Commissioner of Highways can be satisfied via conditions of any consent granted, proposed site access arrangements would likely provide an adequate access solution consistent with Development Plan policy.

Safety concerns raised by referral agencies regarding pedestrian use of this modified Port Road footpath are considered to have been adequately addressed through amended design of the roadway modification including additional pedestrian safety features for the footpath and pedestrian crossing.

The applicant has responded to Council's concerns related to maintaining a substitute pedestrian footpath on Port Road on land under public ownership by indicating its willingness to make that land available for unfettered public use.

A condition reflecting the applicant's stated commitment and requiring the applicant to enter into a binding agreement with Council ensuring the land will be made available for unfettered public use as a footpath, including (but not limited to) appropriate consideration of public liability issues, may provide a suitable means of addressing the Council's concern in this regard.

Alternatively, this scenario may be resolved to Council's satisfaction through a boundary realignment sought via land division application in the near future, although this would not likely be achievable prior to the Panel determining the proposed land use.

8.6.2 Vehicle Parking

The applicant proposes on-site car parking in the form of a dual-deck car parking facility above the ground floor retail use accessible via a ramp internal to the site connecting with the east-west carriageway and screened with perforated metal cladding panels with a bronze finish. Additional carparks would be located at ground level beneath and adjacent the base of the podium car park and apartment tower to service the retail tenancy and visitors.

Vehicle parking would be concealed from the Port Road frontage and partially screened from view from Phillips Street as encouraged by Urban Corridor Zone PDC 21(a), with the use of landscaped arbours adjacent the southern site boundary. Additional residential parking would be provided at the ground floor of each of the 28 townhouses to the west of the subject land.



Figure 9 – Landscaping at Phillips Street frontage

Development Plan Tables WeTo/6 and WeTo/7 provide guidance for off-street car and bicycle parking requirements (respectively) within the Urban Corridor

Zone, Boulevard Policy Area 34. The applicant proposes to provide a total of 231 car parks and 74 bicycle parking spaces in the following configuration:

- 155 above-ground spaces over levels 1 and 2 intended for the 126 dwellings within the apartment building (residents and visitors);
- 48 at-grade spaces intended to service the retail use;
- 28 spaces integrated with the townhouses (1 space per dwelling); and
- a secure storage area for approximately 50 bicycles at the apartment building's ground floor and 2 freestanding bike racks in the public realm, each capable of storing up to 12 bicycles.

This provision exceeds the Development Plan's recommended minimum of 220 car parking spaces and 58 bicycle parking spaces.

Although dedicated bicycle storage is not provided within each of the townhouses, it is likely the ground floor 'flexi' space provided adjacent each dwelling's garage would provide an ideal, secure storage space for occupant and visitor bicycles.

8.6.3 Traffic Impact

Tonkin Consulting has estimated the proposal would generate up to 1,500 daily vehicle trips including 140 trips in the PM peak hour, although it considers a lesser traffic generation in the order of 1,000 daily trips and 100 peak hour trips to be the more likely outcome.

Tonkin's assessment of predicted traffic distribution throughout the local road network including analysis with SIDRA software indicates only minor impacts on overall traffic operation through minor increases in delay and congestion caused by traffic volumes generated by the proposed development. SSD has not objected to or otherwise contested the conclusions of Tonkin's assessment.

'Keep Clear' line marking provided on Phillips Street's eastbound section at the Walsh Street intersection and restrictions to on-street parking along the eastern side of Walsh Street north of Phillips Street to the north western shared access point are recommended to assist in ease of vehicle movement.

The Council has encouraged the applicant to reposition the proposed townhouses to provide a minimum 1m setback from the subject land's western property boundary to enable future widening of Walsh Street to accommodate anticipated traffic impacts arising from further high density development within the locality.

Although the applicant does not intend to modify the townhouse locations as encouraged, it has suggested any future road widening could occur through acquisition of land on the west side of Walsh Street in recognition of the prevailing building setback conditions within the locality (zero setback prevalent on the east side, considerable setbacks evident on the west side). Overall, traffic impacts are considered acceptable and Tonkin's short term recommendations to assist in minimising traffic impacts are considered reasonable, but would be subject to the Council's discretion.

8.7 Environmental Factors

Development within the Council area should be designed to ensure that community safety and security are maintained, micro-climatic impacts are minimised and the development is compatible with the long term sustainability of the environment.

8.7.1 Noise and Air Emissions

The site is located within the designated area for the Noise and Air Emissions Overlay. Where sensitive development is located within the overlay, the *'Minister's Specification 78B for Construction Requirements for the Control of External Sound'* applies. The objective of the Minister's Specification is to protect community health and amenity from adverse impacts of noise and air emissions.

It should be noted that due to the proximity to Port Road and nearby industrial uses including Thebarton brewery, noise and air amenity with the Urban Corridor Zone is not expected to be equivalent to that expected from living in a purely residential Zone.

The applicant engaged Resonate Acoustics to undertake an analysis likely noise impacts and any corresponding acoustic attenuation and measures that are required to ensure building occupants would be maintained to acceptable levels. Resonate's assessment concluded the proposed development would satisfy the provisions of the West Torrens Council Development Plan applicable to noise emission and intrusion control, provided the minimum construction requirements outlined in the assessment report are incorporated.

The Council has advised the subject land is located within an area depicted in Australian Standard 2021 *Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* and would be affected by an Australian Noise Exposure Forecast of 20 or higher. Accordingly and to satisfy General Section (Building near Airfields) PDC 6, a condition requiring additional acoustic attenuation consistent with AS2021 requirements is recommended to be assigned to any consent granted.

The applicant also engaged Vipac Engineers and Scientists Ltd to carry out an air quality assessment for the development, considering the cumulative air quality impacts from the nearby brewery facility and Coca Cola boiler emissions.

Sensitive receptor locations on the development site were selected at heights representative of each level of the proposed buildings. Vipac's modelling results show that all predicted air pollutant concentrations would comply with the relevant criteria as defined in the Environment Protection Authority's *Air Quality Impact Assessment Guidelines*. Vipac's assessment determined that the proposed development will comply with all pollutant criteria at all assessable receptor points.

8.7.2 Waste Management

The applicant engaged Colby Industries to prepare a waste management plan based on a waste management system designed to achieve regulatory and design objectives and align with Zero Waste SA's Better Practice Guide for Waste Management in Residential or Mixed-Use Developments (2014, Appendix D).

Colby Industries has reviewed the proposed development metrics including number of dwellings, total quantity of bedrooms, areas dedicated to circulation and communal space and gross leasable floor area associated with the ground floor retail tenancy. A common waste contractor would be used to service the needs of the apartment tower occupants and retail tenant, with collection from

the enclosed refuse areas at the ground floor of the apartment building's northwest corner.

Although the applicant originally intended to the townhouse portion of the development to be serviced by the West Torrens Council's kerbside collection service, the Council has indicated this service would be precluded for the townhouse portion by Council's Waste Management policy noting the collection of organic waste would utilise a bin size that could not be accommodated by the equipment used for kerbside collection.

Also, the anticipated number of bins to be presented at Walsh Street would take up the majority of the street frontage and not reflect the level of amenity desired for development of this nature and accordingly, collection by private waste contractor via direct pickup from the internal roads would be the only viable alternative to service the townhouse portion of the development.

Tonkin Consulting has determined that waste service vehicles would be capable of reversing into the townhouse laneways off Walsh Street to collect waste bins from property frontages before exiting in a forward direction. Collection events are to be scheduled to occur outside of peak access hours to minimize traffic impacts on resident access to the development and manage congestion or disruption of the local road network.

Collection times would be determined before the development becomes operational based on advice from the Traffic Engineer in consultation with Council, selected waste contractor and other relevant stakeholders. Council considers this to be the most appropriate means of managing waste collection from the subject land and accordingly the strategy is supported.

8.7.3 Stormwater Management

The applicant has resubmitted the stormwater management report undertaken by PT Design which formed part of the application details provided within Development Authorisation 211/M014/16.

The Council notes this plan is conceptual in nature and, given the similarity of outcome sought from a stormwater management perspective within the previous and current applications, the resubmitted report is considered to have relevance and reflects the necessary regard the applicant has given for the Council's conditions facilitating total discharge from the site during 1 in 5 year and 1 in 50 year ARI storm events.

PT Design has indicated that given the nature of the development, there is potential for roof stormwater to be harvested and reticulated back into the building. Harvesting and reticulation of stormwater will be considered as the proponent proceeds into detailed design development.

Council has recommended that development of a detailed stormwater management plan addressing opportunities for stormwater harvesting, detention, re-use and water quality improvement should be a matter reserved for further assessment (or similar). The Council's preference in this regard is proposed to be dealt with as a condition to be assigned to any consent granted.

8.7.4 Energy Efficiency

The applicant engaged Lucid Consulting Australia to prepare a Building Services Design Report to define the scope of works for Mechanical, Electrical, Hydraulic, Fire and Vertical Transportation Services associated with the proposed uses.

This report provides the following summary of Environmentally Sustainable Development opportunities and initiatives which the applicant intends to explore during design development:

- Provision of air to air heat recovery equipment to reduce the amount of energy used associated with heating/cooling outdoor air where appropriate;
- Provision of natural ventilation or mixed mode ventilation to above ground carparks to reduce the amount of energy used associated with running exhaust fans when not required;
- High efficiency light fittings utilising day light harvesting where appropriate;
- Provision of high efficiency air conditioning systems utilising economy cycles where appropriate to provide "free cooling" to retail tenancy;
- As part of water saving initiatives, install high water efficient and time controlled tapware all sanitary fixtures where appropriate;
- Capture and reuse of rain water on site;
- Provision of solar photovoltaic panels to offset electrical energy usage;
- Provision of combined heat and power plant to provide power with low carbon footprint and site wide heating hot water; and
- Review of control strategies for all powered mechanical equipment to help reduce energy usage.

Furthermore, the applicant has stated the development is designed to achieve a 6 Stars NABERS rating for each dwelling and a 5 Stars NABERS rating overall and as such, the information provided demonstrates the proposal would likely satisfy the Development Plan's energy efficiency policy.

8.7.5 Wind Analysis

Multi-storey buildings within the Council area should minimise detrimental micro-climatic impacts on adjacent land and buildings including unwelcome effects of wind. Vipac Engineers and Scientists Ltd were engaged to undertake a Wind Impact Assessment for the ground level areas adjacent to the proposed development. The findings of Vipac's study can be summarized as follows:

- pedestrian footpaths in the surrounding area would be expected to have wind levels within the walking comfort criterion.
- the landscaping proposed at the south western corner of the tower would assist in decelerating wind speeds within the recommended comfort criteria: standing comfort criterion for the entrances, and walking comfort criterion for the adjacent pedestrian walkways.
- wind conditions of the proposed design at the other main entrance areas would be expected to be within the recommended criterion for standing comfort.
- the Level 2 communal terrace is expected to have wind levels within the recommended walking comfort criterion.

Vipac recommends occupants of the apartment building receive guidance to provide an understanding of wind conditions at the communal terrace and private balcony areas during high-wind events, and that any loose or lightweight furniture incorporated with occupant use of the communal terrace

be fixed or appropriately secured to prevent these items becoming airborne in high winds.

8.7.6 Crime Prevention

General Section policy recommends development designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers, in association with materials that are resistant to vandalism and graffiti.

The public realm, car park and buildings will have 24 hour per day, 7 day per week video surveillance. A site lighting plan has been prepared to indicate lighting levels of all public areas which are designed to enable facial recognition in support of closed-circuit television surveillance.

Built form has been designed to maximise visual connections between the internal and external spaces with all residential apartments, townhouses and retail spaces have external outlook and the retail tenancy providing surveillance opportunities for active and passive surveillance of the public realm.

The applicant also asserts its robust and simple material palette proposed throughout the development, in conjunction with the passive surveillance strategies described above, will assist in discouraging vandalism and anti-social behaviour upon the subject land.

8.7.7 Site Contamination

Some parts of the Zone, including allotments in Thebarton, are potentially contaminated because of previous and current industrial activities. In these circumstances, development is expected to occur on a precautionary basis if site contamination investigations identify potential site contamination, particularly where it involves sensitive uses such residential development.

The applicant engaged Tierra Environment as part of due diligence activities for the proposal to undertake a preliminary site history investigation and gain an appreciation of the subject land's soil and groundwater conditions.

Tierra's review revealed there may be issues with noise and odour at the site due to the proximity of the West End brewery and that residential development should be avoided unless interface mitigation measures have been implemented. The current uncertainty surrounding the potential for groundwater or soil contamination is proposed to be addressed through a standard condition of any consent granted.

9. CONCLUSION

The applicant proposes a substantial mixed-use development including an alternative land use mix to that included an existing development authorisation approved in February 2017. The nature of the amendments sought is materially different to the approved application and the current concept has been assessed anew.

The proposed land use mix is supported and consistent with the Urban Corridor Zone's desired future character. Whilst increased height of 12 storeys for the apartment tower exceeds the maximum recommended height for this location by some 25 percent and introduces potential for overbearing bulk and scale in the locality, this is considered to be adequately offset by the removal of two 8 storey buildings at the western portion of the land, to be replaced with four 3 storey residential flat buildings, constituting a significant reduction in the scale of development on the subject land and a positive outcome overall.

Further separation between the apartment tower and the adjacent Southwark Hotel, a State Heritage place at 77 Port Road, is preferred as is further refinement of the podium and colonnade structure at the subject land's southeast corner to better define the corner and achieve a more sympathetic spatial relationship and interface with the hotel. In the absence of substantive policy regarding heritage interface within the Urban Corridor Zone's Boulevard Policy Area, on balance these deficiencies are not considered fatal to the proposal's overall merit.

Potential for impacts on the local road network and incidence of vehicle conflict within the subject land are considered to have been appropriately addressed and are manageable. Technical requirements of the Commissioner of Highways and certain preferences of the West Torrens Council are proposed to be dealt with as conditions of any consent granted.

Balancing the deficiencies of interfaces with an adjacent heritage place, potential for excessive bulk and scale and preferences for a more appealing ground plane treatments and site configuration, the proposal is supported as an expressly envisaged collection of uses presented in an adequate configuration as encouraged by relevant Development Plan Policy. Conditional consent is recommended.

10. RECOMMENDATION

It is recommended that the State Commission Assessment Panel:

- 1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) RESOLVE that the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the West Torrens Council Development Plan.
- 3) RESOLVE to grant Development Plan Consent for the demolition of an existing buildings and construction of a multi-storey mixed use development incorporating ground level commercial tenancy, 2-storey decked car park, 9-storey residential flat building, four 3-storey residential flat buildings and associated ground floor car parking, vehicle loading, open space and landscaping at 79 Port Road, Thebarton subject to the following reserved matter and conditions of consent.

RESERVED MATTERS

1. Pursuant to Section 33(3) of the *Development Act 1993*, the following matters shall be reserved for further assessment, to the satisfaction of the Development Assessment Commission, prior to the granting of Development Approval:
 - a. The detail design of the pedestrian and public realm elements of the application, to be undertaken in consultation with the West Torrens Council and the Associate Government Architect, in order to:
 - remove level differences;
 - enable seamless integration with existing public realm; and
 - maximise pedestrian safety and accessibility.

PLANNING CONDITIONS

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and following plans submitted in Development Application No 211/M022/17:

Plans by Intro Design

Drawing Title	Drawing No.	Revision	Date
Site Plan	SK01	A	October 2017
Demolition	SK05	-	July 2017
Ground Floor Plan	SK10	B	October 2017
3D – Residential Tower	SK100	-	July 2017
3D – Public Realm	SK101	A	October 2017
3D – Town Houses	SK102	A	October 2017
Townhouse Perspective Section	SK106	-	-
Townhouse Perspective Section	SK107	-	-
Level 1	SK11	A	October 2017
Level 2	SK12	A	October 2017
Level 3	SK13	A	October 2017
Tower Terrace Level	SK14	A	October 2017
Tower Typical Upper Level	SK15	A	October 2017
Townhouse Type 1 & Type 2	SK17	A	October 2017
Townhouse Type 3 & Type 4	SK18	-	10 October 2017
Roof Plan	SK20	-	July 2017
Shadow Studies	SK21	-	July 2017
Slip Lane	SK22	A	October 2007
Elevations	SK30	B	October 2017
Elevations	SK31	B	October 2017
Elevations	SK32	B	October 2017
Elevations	SK33	C	October 2017
Elevation Details – Residential Tower	SK34	-	July 2017
Elevation Details – Town House	SK35	A	October 2017
Sections	SK60	A	October 2017
Sections	SK61	A	October 2017
Site Lighting Plan	SK70	-	July 2017
Slip Lane with Traffic Overlay	SK200	-	19 October 2017
Landscape Concept – Overall	0316-0402-10-D001	01	7 July 2017
Landscape Concept – Ground Floor	0316-0402-10-D002	00	7 July 2017
Landscape Concept – Podium	0316-0402-10-D003	00	7 July 2017

Site Contamination

2. Prior to the operation of the development, the applicant shall submit a statement by a suitably qualified professional that demonstrates that the land is suitable for its intended use (or can reasonably be made suitable for its intended use) to the State Commission Assessment Panel.

Stormwater Management

3. Prior to Development Approval for substructure works, the applicant shall submit, in consultation with the West Torrens Council, and to the reasonable satisfaction of the State Commission Assessment Panel, a detailed stormwater management plan specifying means of achieving the following outcomes within the development:
 - harvesting, detention and re-use of stormwater on the subject land; and

- water quality improvement strategies including removal of gross pollutants, sediment and dissolved pollutants such as nitrogen and phosphorous.

Acoustics

4. The development shall incorporate acoustics attenuation measures constructed in accordance with requirements of Australian Standard 2021 - *Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*.

External Materials

5. Prior to Development Approval for superstructure works, the applicant shall submit, in consultation with the Government Architect, and to the reasonable satisfaction of the State Commission Assessment Panel, a final schedule of external materials with manufacturer's details confirming material selections will not result in glare or other effects that will result in discomfort or impairment of road users.

Port Road Pedestrian Pathway

6. Prior to the operation of the development the applicant shall enter into a binding agreement with the West Torrens Council formalising the unfettered public use of the modified pedestrian pathway adjacent the proposed left-turn only access point from Port Road and associated deceleration lane. The agreement shall establish suitable arrangements for public use of the pathway having appropriate regard for (but not limited to):
 - public liability obligations;
 - requirements of the *Disability Discrimination Act 1992*; and
 - relevant Australian Standards.

Commissioner of Highways

7. Prior to Development Approval, the applicant shall submit, in consultation with the West Torrens Council and the Department of Planning, Transport and Infrastructure, and to the reasonable satisfaction of the State Commission Assessment Panel, a Traffic Management Plan for the construction period of the development detailing the means of managing the types, volumes and distributions of traffic anticipated.
8. The Port Road access shall be limited to left turn entry movements only and shall be provided with a left turn deceleration lane. All other vehicular ingress and egress shall be via Walsh Street.
9. All required road works associated with the Port Road access (including the Port Road footpath) shall be designed and constructed in accordance with Austroads Guides/Australian Standards and to the satisfaction of the Department of Planning, Transport and Infrastructure. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the applicant. These road works shall be complete, including the vesting of any land required to accommodate the left turn deceleration lane and replacement footpath (to the same depth as the existing footpath) as road prior to occupation of the development.

The applicant shall contact the Department of Planning, Transport and Infrastructure Traffic Operations Section, Network Integrity Engineer, Mrs Christina Canatselis on (08) 8226 8262 or via email christina.canatselis@sa.gov.au to discuss the proposed road works prior to undertaking any detailed design.

10. All service vehicle movements associated with the development shall be undertaken outside of peak traffic hours on the adjacent roads and peak times of site operation.

11. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009) and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the State Commission Assessment Panel prior to the occupation or use of the development.
12. All bicycle parks shall be designed and constructed in accordance with Australian Standard 2890.3-2015.

Construction Activity

13. A Construction Environment Management Plan (CEMP) shall be prepared and implemented in accordance with current industry standards – including the EPA publications “Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition” and, where applicable, “Environmental Management of On-site Remediation” – to minimise environmental harm and disturbance during construction.
14. All Council, utility or state-agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or state agency specifications. All costs associated with these works shall be met in full by the applicant.

ADVISORY NOTES

- a. The Metropolitan Adelaide Road Widening Plan indicates that a 4.5 metres x 4.5 metres cut-off may be required at the Port Road / Phillips Street corner of the site. The consent of the Commissioner of Highways is therefore required for all new building works located on or within 6.0 metres of the possible requirement.

The structural elements of the development have been located clear of the 4.5 metres x 4.5 metres cut-off and the potential future road widening area identified in conjunction with Development Authorisation 211/M014/16. Accordingly, the Commissioner of Highways’ consent under the Metropolitan Adelaide Road Widening Plan Act can be anticipated for the subject development. The applicant is advised to complete the attached consent form and return it to the Commissioner of Highways, Department of Planning, Transport and Infrastructure at GPO Box 1533 Adelaide SA 5001 with three (3) copies of the approved plans.

- b. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department of Environment, Water and Natural Resources, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example:
 - (a) an application to vary the planning consent, or
 - (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
- c. The applicant should be aware of the following requirements of the *Heritage Places Act 1993*:
 - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified; and

- (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department of Environment, Water and Natural Resources.

- d. The applicant should be aware of the following requirements of the *Aboriginal Heritage Act 1988*:
 - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.
- e. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the Development Assessment Commission.
- f. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- g. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan 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 (08) 8204 0289).



Ben Scholes
Project Officer
PLANNING AND DEVELOPMENT DIVISION
DEPARTMENT OF PLANNING, TRANSPORT and INFRASTRUCTURE