

Square Mile Properties Pty Ltd

Mixed-use building up to 16 levels and 56.6 metres in height, comprised of 107 dwellings with podium car parking and three (3) ground level shops.

162-166 and 168 Gouger Street, Adelaide SA 5000

Development Application: 24029819



OVERVIEW:

DEVELOPMENT NO.:	24029819
APPLICANT:	Square Mile Properties Pty Ltd
NATURE OF DEVELOPMENT:	Mixed-use building up to 16 levels and 56.6 metres in height, comprised of 107 dwellings with podium car parking and three (3) ground level shops.
RELEVANT ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Capital City <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields

	<ul style="list-style-type: none"> • Design • Hazards (Flooding - Evidence Required) • Heritage Adjacency • Noise and Air Emissions • Regulated and Significant Tree <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 53m)
LODGEMENT DATE:	30 September 2024
RELEVANT AUTHORITY:	State Planning Commission – pursuant to Schedule 6, Item 3 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> (the Regulations)
PLANNING & DESIGN CODE:	P&D Code (in effect) Version 2024.17 12/9/2024
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	No – the development is excluded from notification under Table 5 of the Capital City Zone.
REFERRALS STATUTORY:	Adelaide Airport Environment Protection Authority Government Architect City of Adelaide
DELEGATION:	State Commission Assessment Panel (SCAP) – section 5.2.4 of the SCAP Development Delegations Policy dated 11 December 2024.
RECOMMENDING OFFICER:	Mollie O'Connor – Senior Planning Officer

CONTENTS

APPENDIX

Appendix 1A – Relevant Planning and Design Code Policies

ATTACHMENT 1 – APPLICATION DOCUMENTATION

Attachment 1A – Architectural Plans by Bibbo Architects

Attachment 1B – Planning Report by Masterplan

Attachment 1C – Heritage Impact Statement by Dash Architects

Attachment 1D – Sustainability Statement by Stantec

Attachment 1E – Waste Management Plan by Colby Phillips

Attachment 1F – Traffic and Parking Report by Phil Weaver and Associates

Attachment 1G – Stormwater and Civil Documentation by Structural Systems

Attachment 1H – Preliminary Site Investigation by Environmental Projects

Attachment 1I – Services Summary Advice by Trinamic Consultants

Attachment 1J – Wind Impact Assessment by Vipac Engineers

Attachment 1K – Tree Assessment Report by Neoxena Research

Attachment 1L – Response to Request for Information by Masterplan 1

Attachment 1M – Supplementary Letter for the Wind Impact Assessment by Vipac Engineers

Attachment 1N – Response to Request for Information by Masterplan 2

ATTACHMENT 2 – REFERRAL AGENCY RESPONSES

Attachment 2A – Adelaide Airport Response

Attachment 2B – Environment Protection Authority Response

Attachment 2C – Government Architect Response

Attachment 2D – City of Adelaide Response 1

Attachment 2E – City of Adelaide Response 2

EXECUTIVE SUMMARY:

Square Mile Properties Pty Ltd has applied for Planning Consent for the construction of a mixed-use building up to 16 levels and 56.6 metres in height, comprised of 107 dwellings with podium car parking and three (3) ground level shops at 162 to 166 and 168 Gouger Street, Adelaide.

The proposed development is Performance Assessment – Code Assessed, as defined in Table 3 of the Capital City Zone of the Planning and Design Code (the Code).

The development cost exceeds \$10 million in the City of Adelaide. This requires assessment and determination by the State Planning Commission, which is delegated to the State Commission Assessment Panel (SCAP).

The application was referred to the Adelaide Airport, Government Architect, Environment Protection Authority, and the City of Adelaide. The referral agencies provided no objections, with comments.

The proposal will facilitate a mixed-use development that will contribute to residential and employment-generating opportunities in the Adelaide Central Business District. It is recommended that Planning Consent be granted by the SCAP.

DETAILED DESCRIPTION OF PROPOSAL:

The development proposes a mixed-use building up to 16 levels and 56.6 metres in height, comprised of 107 dwellings with podium car parking and three (3) ground level shops at 162 to 166 and 168 Gouger Street, Adelaide.

The proposed layout is detailed, as follows:

- Podium –
 - Ground level – three shops fronting Gouger to Oakley Street, residential lobby access, bicycle parking and car parking access from Oakley Street, and bin storage, services, waste and service truck manoeuvring from Storr Street;
 - Levels one and two – 68 car parking spaces total (32 on level one and 36 on level two), residential storage units, car parking ramp, manoeuvring area, and services;
- Tower –
 - Level three – outdoor and indoor communal area for residents including meeting areas, dining areas, library, gym, and landscaped terrace;
 - Levels four to 15 – 107 dwellings, including:
 - 12x studio dwellings
 - 16x one-bedroom dwellings

- 64x two-bedroom dwellings
- 12x three-bedroom dwellings
- 3x four-bedroom dwellings; and
- Rooftop – plant, services, solar panels, and lift overrun.

The development proposes a high-end offering within the Adelaide City, with ground level lobby and views to the Adelaide Parklands, Adelaide Hills and the Adelaide Coastline.

Noted that prior to submission of the application, the development underwent two Pre-lodgement Panel Meetings and a Design Review. In response to feedback from the relevant authority and agencies, the development reduced the building height from 25 levels and 86 metres to 16 levels and 56.6 metres to better align with the TNV for the site, reduced the podium height from four to three levels to address the surrounding built form, and improved the articulation, materiality and response to the Local heritage place.

LOCATION OF DEVELOPMENT:

Site Description

The site comprises five allotments (refer **Technical Description**) with a combined site area of approximately 1,400m². The site includes buildings from one to two levels in height, used for restaurants, offices and car parking (**Figures 1-2**).

The site adjoins Gouger Street to the south, Oakley Street to the west, Storr Street to the east, and an allotment containing an office building to the north, which is a Local Heritage Place (Heritage Number: 25491).

Gouger Street and Oakley Street have established street trees adjacent the site, two of which are regulated trees within Oakley Street. Storr Street has a narrow verge and is used primarily as a service road to the site and the neighbouring properties.



Figure 1: Aerial of the Site (SAPPA)



Figure 2: View of site showing uses and built form from Gouger Street (Google Maps)

Locality Description

The site and locality have an emerging mix of development in the Capital City Zone (**Figures 3-5**). Land uses within the locality are primarily comprised of shops, offices, and residential uses, commensurate with the mixed land uses encouraged within the Capital City Zone.

Although the Capital City Zone encourages high-rise and large-scale development, low to medium rise buildings are predominant in the immediate context, including the established local heritage listed dwellings to the north of the site, adjacent Oakley Street (**Figure 4**).

The built form in the broader locality is reflective of the high-rise and large-scale development contemplated within the Capital City Zone, including approvals at:

- 152-160 Grote Street (Central Adelaide Apartments) – 18 levels and 58 metres in height to the north of the site;
- 237 Grote Street (Grote and Gouger) – Gouger Street tower up to 15 levels and 50.8 metres in height to the west of the site; and
- 150 Wright Street (Bohem) – 22 levels and 74 metres in height to the south-east of the site (**Figure 5**).

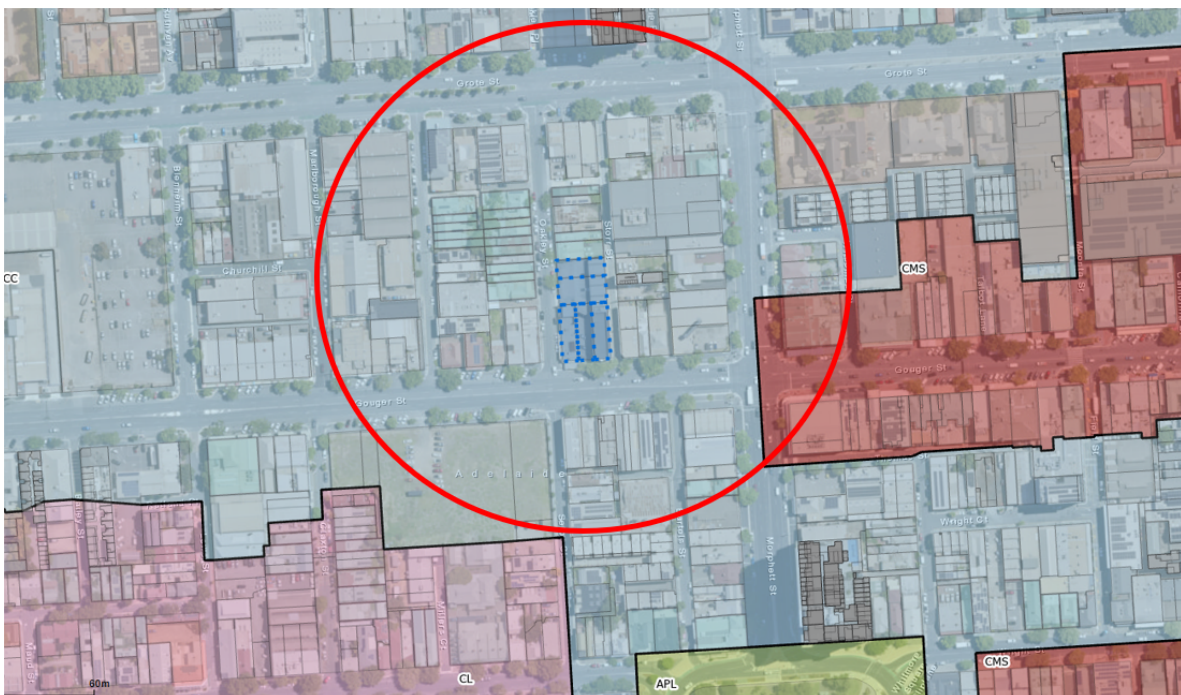


Figure 3: Zoning of the Site and Locality and Heritage Place mapping (Annotated from SAPPa)



Figure 4: View of Oakley Street facing north with local heritage places to the left (Google Maps)



Figure 5: 3D Development Activity Tracker (Annotated from PlanSA)

The development site is not adjacent land (within 60 metres) to a site or land used for residential purposes in a neighbourhood-type zone, with the City Living Zone approximately 95 metres to the south of the site (**Figure 3**). The City Main Street Zone is further west of the site over Gouger Street, and Adelaide Park Lands further south over Whitmore Square.

Technical Description

Location reference: 162 to 166 and 168 Gouger Street, Adelaide SA 5000

Title ref.: CT 5604/494	Plan Parcel: F181106 AL264	Council: ADELAIDE CITY COUNCIL
Title ref.: CT 5604/493	Plan Parcel: D178 AL15	Council: ADELAIDE CITY COUNCIL
Title ref.: CT 5604/492	Plan Parcel: D178 AL18	Council: ADELAIDE CITY COUNCIL
Title ref.: CT 5604/495	Plan Parcel: F181105 AL263	Council: ADELAIDE CITY COUNCIL
Title ref.: CT 5083/168	Plan Parcel: D178 AL21	Council: ADELAIDE CITY COUNCIL

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Shop: Code Assessed - Performance Assessed

New housing: Dwelling: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

Planning and Design Code; Not Deemed-to-Satisfy or Restricted Development – Performance Assessed.

PUBLIC NOTIFICATION

No – the site is not adjacent land to a site or land used for residential purposes in a neighbourhood-type zone under Table 5, Item 2 of the Zone of the Planning and Design Code.

AGENCY REFERRALS

Pursuant to Regulation 23(2)(b), the proposal was referred to the Chief Executive Officer of the City of Adelaide to provide a report on the impact of the proposed development on technical matters at the local level (see detailed responses in **Attachment 2D-E**).

Referral Body	Function	Summary of Response
City of Adelaide (Council) – Regulation 23(3)(b)	Report	No objection, with conditions and advisory notes to ensure matching levels at the site boundary and lighting for awnings in the public realm. The applicant provided a response to matters raised by Council (Attachments 1G, 1L and 1N) which is considered to resolve public realm, waste, traffic, flood and stormwater matters.

The following agency referrals were undertaken pursuant to Schedule 9 of the Regulations and as required by relevant Overlays of the Planning and Design Code. The detailed responses are provided in **Attachments 2A-2C**.

Referral Body	Function	Summary of Response
Adelaide Airport – Schedule 9, Clause 3, Item 1	Direction	No objection, with advice regarding separate Commonwealth and crane approvals.
Environment Protection Authority (EPA) – Schedule 9, Clause 3, Item 9	Direction	No objection, with conditions regarding the statement of suitability to be provided prior to the certificate of occupancy.
Government Architect (GA) – Schedule 9, Clause 3, Item 22	Advice	No objection, with comments. The building height, site layout, internal layout, architectural response, materiality, and Environmentally Sustainable Design (ESD) initiatives were generally supported. The applicant provided amended plans and response letter to suggestions raised by the GA (Attachments 1L and 1N). The provision of final materials has been included as a reserved matter.

Noted a referral was not required to the South Australian Housing Trust for development within the Affordable Housing Overlay, as the development does not propose affordable housing.

PLANNING ASSESSMENT

Question of Seriously at Variance

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

The site is in the Capital City Zone, which seeks mixed-use development that will contribute to residential and employment-generating opportunities in the Adelaide City, with high intensity and large-scale development with non-residential ground level uses and design quality.

The development proposes 107 dwellings with ground level shops, which will deliver high-density residential development with a non-residential use at the ground-level. The development has also been supported by the Government Architect in contributing to high quality design.

Given the above, the proposed nature of the land use is not considered to be seriously at variance with the Planning and Design Code, as relevant to section 107(2)(c) of the Act.

Planning and Design Code

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

The application has been assessed on its merits against the relevant provisions of the Code. The following is an expansion of the pertinent issues, having regard to the hierarchy of the relevant policies of the Code.

All relevant Code policies that apply to the site, including the relevant excerpt from the Regulated and Significant Tree Overlay, are included in **Appendix 1A**.

Overlays

Airport Building Heights (Regulated)

The site is in the Airport Building Heights (Regulated) Overlay due to proximity to the Adelaide Airport. Performance Outcome (PO) 1.1 of the Overlay determines that building height does not pose a hazard to the operation of a certified or registered aerodrome. The Designated Performance Feature (DPF) 1.1 prescribes a 70 metre Australian Height Datum (AHD) height maximum for all structures within the site.

The building height measured from ground is 56.6 metres. Given the ground is 42 metres AHD, the building height is 98.6 metres in AHD. This exceeds the 70 metre AHD prescribed by DPF 1.1.

The application was referred to the Adelaide Airport, who advised that the building would penetrate the protected Obstacle Limitation Surfaces (OLS) by 24.6 metres. The Adelaide Airport noted the separate Commonwealth approvals required for the encroachment into the OLS and provided no objections to the proposed development overall.

In light of the referral advice received, the building height is not considered to pose a hazard to the Adelaide Airport, achieving PO 1.1 of the Overlay.

Affordable Housing

The development proposes over 20 dwellings and is in the Affordable Housing Overlay.

The Affordable Housing Overlay seeks that when over 20 dwellings are proposed, affordable housing is incorporated (PO 1.1) and provides housing suited to a range of incomes including households with low to moderate incomes (PO 1.2). This corresponds to the desired outcomes of the Overlay, which seeks that affordable housing is integrated with residential and mixed-use development (DO1) and caters for a variety of household structures (DO2).

The proposed dwellings incorporate a mix of one, two, three, and four bedroom dwellings over varied sizes, to cater for different household structures. Although affordable housing has not been proposed, the 12 studio dwellings are proposed to be brought to the open market at an affordable housing price threshold.

Given the above, the development does not achieve PO 1.1, however the development provides an offering for low-income households and a variety of household structures as contemplated by PO 1.2 of the Affordable Housing Overlay.

Building Near Airfields

The building height is supported by the Adelaide Airport, with no outdoor floodlighting and being the shop and residential use, is not a use that would not likely attract the congregation of wildlife. Accordingly, the development is considered to achieve PO 1.1-3 of the Building Near Airfields Overlay.

Design

The desired outcome for the Design Overlay seeks development that will result in a positive contribution to the liveability, durability and sustainability of the built environment through high-quality design (DO1). PO 1.1 seeks that medium to high rise buildings and state significant development demonstrate high quality design.

The application was referred to the GA, who provided general support for the functionality and activation of the site, landscaping of the common area, access to natural light for occupants, and inclusion of ESD initiatives such as double glazing and solar panels. The GA queried whether shading devices would be applied to the east and west facing facades, however the applicant justified that solar glazing would be sufficient in managing potential solar loads (**Attachment 1L**).

The GA noted the importance of a high-quality design outcome, given the high-rise development is proposed within the immediate low to medium rise context. The GA encouraged facade articulation with the three-level podium, mix of materials including vertically oriented brick, precast concrete and steel columns, and expressed structural grid to provide order to the upper built form. The recessed rooftop plant was encouraged to minimise visual impact. Overall, the architectural expression and materiality was considered appropriate in responding to the heritage and streetscape context.

The GA queried the durability in the materials for integrated finishes rather than the painted concrete finish as proposed. In response to the Further Information Request, the applicant advised that the external concrete is proposed to be finished in mineral silicate paint to prevent the deterioration caused by moisture ingress (**Attachment 1N**). The decision includes a reserved matter for the provision of final materials in consultation with the GA, to ensure these finishes are appropriate for the high-quality outcome.

On balance, the development is considered to positively contribute to the liveability, durability and sustainability of the built environment as envisaged by PO 1.1 of the Design Overlay.

Hazards (Flooding - Evidence Required)

PO 1.1 of the Hazards (Flooding – Evidence Required) Overlay seeks that development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

Notwithstanding DPF 1.1, Council sought that the minimum Finished Floor Level (FFL) be 300mm above the 1% Annual Exceedance Probability (AEP) flood levels within the site to minimise potential flood hazard risk.

In response to Council advice, the amended Stormwater and Civil Documentation (**Attachment 1G**) provided FFLs that were 160mm to 210mm above the modelled 1% AEP levels. The dwellings completely avoided the 1% AEP, being on levels four and above.

Although less than the 300mm freeboard sought by Council, the levels are proposed to minimise the need for ramping into the site within shop tenancies and improve universal access to the public realm, as contemplated by the Capital City Zone. Further, the Council raised no objections to the development and the layout ensures that shops and dwellings are above 1% AEP flood levels.

On balance, the development is considered to achieve PO 1.1 by being sited and designed to minimise the risk of entry of potential floodwaters into buildings that is likely to result in undue damage or compromise ongoing activities.

Heritage Adjacency

The site is within the Heritage Adjacency Overlay, given the northern boundary adjoins the Local Heritage Place at 22-24 Oakley Street, Adelaide (Heritage Number: 25491). The Local Heritage Place is listed in the Code as a former dwelling in providing a valuable contribution from its external appearance, including the fabric and detailing of the Oakley Street façade.

PO 1.1 of the Heritage Adjacency Overlay seeks that development, where adjacent a State or Local Heritage Place; does not dominate, encroach on or unduly impact on its setting.

The development proposes an increased front boundary setback at the northern boundary to align with the Local heritage place, a three-level podium to provide a transition from low-rise Oakley Street to the high-rise tower, facade articulation with stepped panels at the northern interface, and use of common materials such as red brick and metal cladding. The applicant provided a Heritage Impact Statement by Dash Architects (**Attachment 1C**) to support this proposed response to the Local heritage place setting and context.

The application was referred to Council for their advice on Local heritage place matters (**Attachment 2D**). The Council supported the front boundary setback, tower setback and materiality to assist in the response to the heritage setting. The Council suggested that an additional setback be provided at the second level of the podium, to further reduce the height disparity from the heritage place to the three-level podium. However, given the adjustment would compromise vehicular movements, ramping, and the siting of structural columns, the podium was not amended (**Attachment 1L**).

Overall, the development is considered to provide sufficient visual relief from the Local heritage place setting with front and upper-level setbacks, transition of scale with the three-level podium, facade articulation and materiality. The Council provided no objections, and the GA supported the development in providing a positive response to the heritage context. It is considered that the development is sited and designed such that it does not dominate, encroach on or unduly impact on the setting of the Local heritage place, achieving PO 1.1.

Noise and Air Emissions

The site does not adjoin a Designated Road, train or tram corridor and does not adjoin a music venue. This is considered to achieve PO 1.1-3 of the Noise and Air Emissions Overlay.

Regulated and Significant Tree

PO 2.1 seeks that regulated trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree, to support their retention and health. PO 1.4 refers to tree-damaging activities associated with development.

The applicant provided a Tree Assessment Report by Neoxena Research (**Attachment 1K**) which identified two regulated trees adjacent the site on the Oakley Street frontage as a *Honey Locust (Gleditsia triacanthos)* species. The Report noted the two *Chinese Nettle Tree (Celtis sinensis)* trees on Gouger Street adjacent the site as an exempt species from the Regulated and Significant Tree Overlay, pursuant to the Minister's Notice under Regulation 3F(4)(b).

The Tree Assessment Report determined that the groundworks and trimming of the southern regulated tree canopy would unlikely impact upon the structural root health, cause damage, or impact on the structural integrity or longevity of the trees. The report included recommendations to protect root zones in accordance with *AS4970-2009 Protection of trees on development sites*, which has been included as a condition of approval.

Council raised no concerns with regard to street trees. Given the negligible impact on street trees and no tree damaging activity proposed to occur, another referral to the Council was not considered necessary. An advisory note has been included to remind the applicant of the approvals required from Council under the *Local Government Act 1999*.

Given the above, the development is not considered to result in a tree-damaging activity as contemplated by PO 1.4 and can be carried out to protect tree room systems, in achieving PO 2.1.

Capital City Zone

The site is in the Capital City Zone (Zone).

The desired outcomes (DO 1 and 2) of the Zone seek high intensity and large-scale development that reinforces the grid pattern of the city, with high quality design, and a positive contribution to public safety, inclusivity, and vibrancy. The Zone is the economic and cultural focus of the state, supporting a range of residential, employment, recreational, and tourism generating facilities that would facilitate population and employment growth.

The relevant policies are assessed below.

Land Use and Activation

The development proposes above-ground dwellings with ground-level shops. The ground plane includes large windows and universal access points via Gouger Street and Oakley Street. The mix of residential and commercial uses, and activation of the ground plane, is considered to achieve PO 1.1, PO 2.1 and 2.3 of the Zone.

PO 2.2 of the Zone seeks integration with the public realm with presentation of a human-scaled frontage, openness to the sky for pedestrians, and buildings that provide a clear sense of

address. The development provides ground-level glazing to the Gouger and Oakley Street frontages for a sense of openness and a three-level podium with a pedestrian canopy to address the human scale. The Oakley Street entry is recessed and articulated to provide a clear sense of address for residents entering the lobby to the lifts. Accordingly, the development is considered to achieve PO 2.2 of the Zone.

Built Form and Character

Massing/scale

The Zone seeks a contextual design response that manages differences in scale and building proportions to maintain a cohesive streetscape and frame city streets (PO 3.1). The Zone also seeks development that provides a podium that responds to adjoining built form in an existing low-rise context (PO 3.2).

The site adjoins an existing low-rise building to the north. The site is opposite low-rise buildings to the west of Oakley Street and low to medium-rise buildings to the east of Storr Street and to the south of Gouger Street.

To provide a transition of scale, the development proposes a three-level (medium-rise) podium adjacent Oakley Street, Storr Street, and Gouger Street frontages, and 16-level building height (high-rise) set back from site boundaries. This is acknowledged by the GA as being generally responsive to the local context, whilst providing a large-scale development contemplated by the Zone. The articulation, mix of materials, podium setback at the northern boundary, and recessed corners of the upper levels, assists in managing the differences in scale and adjoining built form on Oakley Street.

The proposed massing and scale of the development is therefore considered to achieve PO 3.1-2 of the Zone.

PO 3.3 of the Zone seeks that building façades are strongly modelled, incorporate a vertical composition which reflects the proportions of existing frontages, and ensures that architectural detailing is consistent around corners.

The development proposes vertical panelling, precast concrete, and steel columns to the podium, with an expressed structural grid to the upper built form, which is continuous around each corner of the building. The architectural expression has been generally supported by the GA as discussed under the Design Overlay.

Given the above, PO 3.3 is achieved.

Interface with streets

The development proposes a continuous built form adjacent the public roads, to maintain and improve streetscape continuity to achieve PO 3.6.

Flexibility of land uses

The development provides a ground floor to ceiling height of 4.8 metres, achieving the minimum 3.5 metres prescribed by DPF 3.13. This is considered to provide a ceiling height that is adaptable for a range of land uses at the ground level, per PO 3.13.

Building Height

The Zone prescribes a 53 metre maximum building height over the site, as it relates to the Maximum Building Height (Metres) Technical and Numeric Variation (TNV) layer (DPF 4.1). The Minimum Building Height is prescribed as half this height, at 26.5 metres (DPF 4.3).

The related POs seek that building height is consistent with the TNV or positively responds to the local context and achieves the desired outcomes of the Zone (PO 4.1). Further, that a building height which exceeds the TNV is generally not contemplated, unless providing for a substantial gain in sustainability and meets at least four of the criteria in PO 4.2(b). Lastly, that buildings are designed to achieve optimal height and floor space yields (PO 4.3).

The development is proposed up to 56.6 metres in height. Although 3.3 metres above the maximum building height TNV, the main mass and bulk of the building to the roof parapet achieves the 53 metre TNV height. Only the rooftop plant would encroach above the TNV height, which is set back from the roof parapet and in a dark colour to minimise potential visual impact. The development is further sited and designed to respond to the existing context, with a three-level podium, and optimises the large-scale development envisaged by the Zone and DPF 4.3.

Having regard to PO 4.2, the 3.3 metre exceedance is not considered to offend the intent of the policy. The building provides sustainability gains, including an energy efficiency (NatHERS) average star rating of 7.5 stars and landscaping within the site per PO 4.2(b), activates ground floor frontages to Oakley Street and Gouger Street, provides an orderly transition to the plant within the site, exceeds private open space requirements for all dwellings, and does not increase overlooking or overshadowing impact on adjacent properties from the TNV height.

The proposed building height is considered to achieve POs 4.1 and 4.3. Whilst not meeting PO 4.2, the development is considered appropriate in context of the rooftop plant encroachment and remaining POs and Desired Outcomes of the Zone, which seeks high-intensity and high-scale development.

Movement

PO 6.1 determines that access to, and movement within the Zone is to be universally accessible, easy, safe, comfortable, convenient and legible for people of all abilities, with priority given to pedestrians and cyclists.

The development provides a gentle grade within the site for pedestrians and cyclists entering from the main Oakley Street entrance to the lobby and lifts and bicycle store. Pedestrian ramps are provided within the site for equitable access to shop tenancies from Oakley Street and Gouger Street (**Attachment 1G**). Car parking access is separated from the main entry via Oakley Street, with service and waste access separated further via Storr Street. The central lifts are within proximity to the on-site parking spaces within levels one and two. As requested by Council, the decision includes a condition of approval such that the ground level matches the adjacent footpath level.

Given the above, the development is considered to achieve PO 6.1.

Access

PO 7.1 determines that vehicular access points associated with multi-level car parks are located to minimise disruption to traffic flow. PO 7.2 determines that development should be designed so that vehicle access points for parking, servicing or deliveries, and pedestrian access to a site, are located to minimise interrupting the operation of and queuing on public roads and pedestrian paths.

The development provides two access points and manoeuvring areas, one with two-way movements for car parking access from Oakley Street and the second for waste truck and

service access from Storr Street. As per the Traffic and Parking Report (**Attachment 1F**) vehicular movements to and from the site are forecasted to have a negligible impact on the surrounding road network, with all passenger movements to occur within the site and maximum 10 waste truck visits per week which require reversing into the site via Storr Street. The Council provided no objections to this arrangement.

Accordingly, the development is considered to achieve PO 7.1-2.

Public Realm

PO 10.1 seeks that the development in the public realm does not present a safety risk to pedestrians or road users, does not interrupt pedestrian movements, does not interfere with street services, contributes to the vibrancy of the area, and is consistent with the outcomes of the Zone.

The development proposes a canopy over the adjacent footpath for shading of the footpath and footpath improvements to Gouger Street. This is considered to improve pedestrian movements within the public realm and contribute to the outcomes of the Zone for pedestrian activation.

The Council provided no objections and recommended a condition regarding lighting of the canopy. Given the canopy is subject to Council approval for works in the public realm under the *Local Government Act 1999* and is outside of the development site, the lighting requirements for works in the public realm has been included as an advisory note.

The development is considered to achieve PO 10.1.

General Development Policies

Design in Urban Areas

External Appearance

The development has been designed to identify the main access points, with the building lobby oriented to Oakley Street and shop entrances from Oakley Street and Gouger Street. The vehicular accesses have been located at the north-western and eastern parts of the site to encourage pedestrian activity on the primary street.

Plant, waste storage and service areas are reasonably concealed from public view by being set back, screened, or integrated into the building design.

In addition to the assessment provided under the Zone and Design Overlay sections, the development reinforces site corners, facade articulation, visual impact, and integrates with the public realm. This is considered to achieve POs 1.1-5 and 12.1-12.8.

Safety and Passive Surveillance

The development has been designed to maximise passive surveillance through the lobby and ground-level shops with large windows overlooking all adjoining streets. Dwellings include habitable room windows and balconies that encourage passive surveillance to the street.

Public, communal and private areas are separated from each other. The publicly accessible lobby and shared resident, staff, and visitor bicycle parking is located at the ground level, with communal spaces and car parking area on levels one to three. Private open space is provided exclusively per room, on levels four and above.

The car parking area provides reasonable access to the building via the central lift core, on levels one and two. The pedestrian access into the site is perceptible for residents, with the recessed entry and glazing from Oakley Street into the lobby and lifts. Shop tenancy access is

obtained from Oakley Street and Gouger Street. This is considered to encourage direct and perceptible access.

The development is considered to achieve PO 2.1-2.5 and PO 17.1-2.

Landscaping

The development proposes landscaping to the communal open space on level three as shown on the Architectural Plans (**Attachment 1A**). The proposal includes garden beds and planter boxes with small trees, shrubs, and climbers to enhance the communal space and soften the podium facade. The landscaping proposed is considered to minimise heat absorption, contribute to shade and streetscape appearance, and stormwater infiltration as contemplated by PO 3.1 and maintaining vegetation health per PO 13.3.

A condition has been included to ensure that the landscaping is carried out and maintained in accordance with the proposed arrangement.

Environmental Performance

The applicant provided a Sustainability Statement by Stantec on ESD initiatives (**Attachment 1D**).

The Sustainability Statement referred to passive design techniques, such as operable windows for natural ventilation and low solar absorptance roof to minimise urban heat. Glazing to the central corridor is noted to facilitate natural light and ventilation.

Climate responsive techniques have been incorporated into the development, including balconies for shading, rooftop solar panels, landscaping and climber plants for green walls.

The development includes a podium to deflect wind away from the street and at ground level, and balconies and ground level canopy to assist in the deflection of downwash winds over pedestrian areas and the street. The application is supported by a Wind Impact Assessment by Vipac Engineers (**Attachment 1J**) which determined that the site is exposed to winds from all directions. The assessment recommended mitigation strategies, including podium treatment and the provision of a final wind tunnel test, to confirm appropriate wind control measures. A final Wind Impact Assessment has been included as a reserved matter, in this instance.

It is noted that the Wind Impact Assessment recommended mitigation measures for the level three communal area balustrading, to achieve the standing criterion. However, the Supplementary Letter by Vipac (**Attachment 1M**), removed this requirement, noting the standing criterion as onerous and instead applied the walking comfort criterion without the need for mitigation measures. The report determines this as commonly applied to communal open areas.

Given the above, the proposal is considered to incorporate sufficient environmental performance initiatives to achieve PO 4.1-3 and 14.1-3.

Car Parking Appearance

The proposed car parking area is integrated into the podium levels of the building, with solid walls and louvres applied only to sections of the southern, south-east and south-west elevations. Direct and legible access is proposed to each car parking level by centrally located lifts. This is considered to minimise potential negative impacts on neighbouring residential properties to the north, north-east, and north-west, integrate within the streetscape, and enhance pedestrian access to and from the car parking area.

This achieves POs 7.2-7.3 and 15.1-15.2.

Earthworks and Sloping Land

The development does not require fill or excavation exceeding one metre, achieving PO 8.1.

Overlooking

The site is not within or adjoining land in a neighbourhood-type zone. Accordingly, PO 16.1 which addresses overlooking from high rise developments is not applicable. Notwithstanding, the development provides setbacks from neighbouring residents to the north, east, and west and is on levels four and above to minimise the potential for direct overlooking.

Waste Management

The application is supported by a Waste Management Plan by Colby Phillips Advisory (**Attachment 1E**) which calculated the requirements for waste for the proposed dwellings and shops. The development provides a dedicated on-site waste storage and collection area on the ground floor for refuse, organics, and recyclable bins and the commercial bins. Within the bin room there is capacity for bin washing. The bin area is enclosed within the building, concealed from the public view, and is set back from dwellings and open space, as desired by the Code.

It is noted that the waste collection vehicle is required to reverse into the site, rather than enter and exit in a forward direction as envisaged by the Code. The applicant provided a Traffic and Parking Report by Phil Weaver and Associates (**Attachment 1F**) and Waste Management Plan by Colby Phillips Advisory (**Attachment 1E**) that confirmed that the waste collection will occur within the site and reversing via Storr Street to occur no greater than 10 times per week. Given the frequency and that waste collection will occur on-site, the development is considered to appropriately minimise the movement of waste collection vehicles to and from Storr Street, for safety and efficiency of the street.

The Council endorsed the proposed waste strategy, subject to the provision of a 4 metre-high headroom for the required waste truck vehicle. The applicant amended plans and confirmed waste truck vehicle heights to resolve this matter (**Attachment 1N**).

A condition is proposed to ensure waste management and collection are undertaken in accordance with the Waste Management Plan. In light of the above and adherence to the condition, the development achieves POs 11.1-5, 35.3-5 and 43.1.

Outlook and Amenity

The dwellings have been oriented to each external boundary, to optimise an external outlook to the Adelaide Parklands, Adelaide Hills and their respective proposed private open space, to optimise an external outlook for occupant amenity, as well as encouraging passive surveillance to the adjoining streets.

The development provides balconies for private open space per dwelling, directly accessible from the adjoining habitable room. The balcony sizes exceed the minimum 2 metre depth and private open space policies prescribed by the Code. This includes a 2.45 metre dimension for all housing types (exceeding the 1.8 metres for studio, 2.1 metres for a one bedroom, and 2.4 metres for a two bedroom dwelling; and is considered a minor variation of 0.15 metres from the 2.6 metre dimension prescribed for three and four bedroom dwellings).

The development well exceeds the minimum private open space areas of the Code, including 13m² for studio (exceeding 4m²), 13m² for one bedroom dwellings (exceeding 8m²), 13-19m² for two bedroom dwellings (exceeding 11m²) and 25-64m² for three to four bedroom dwellings (exceeding 15m²). Overall, the balconies and private open spaces are considered a sufficient size to promote indoor and outdoor living and be functional for use. The balconies designed to

respond to the natural environment, as discussed in Design in Urban Areas: Environmental Performance.

The development is sited and designed to minimise potential amenity intrusions from common areas and dwellings on and off-site. The development separates dwellings on levels four and above, from the ground level commercial uses, podium car parking, and common spaces on the third level. The dwellings are set back from neighbouring dwellings and boundaries by over 6 metres and 2.6 metres respectively, to enable ventilation and daylight infiltration.

In terms of the internal layout, each dwelling is provided with storage volume that exceeds DPF 28.4, including 11m³ for a studio (exceeding 6m³) and 17-69m³ for other dwellings (exceeding the 8-12m³). Each dwelling will also exceed the Code's minimum floor areas under DPF 29.1, including 39m² for a studio (exceeding 35m²), minimum 59m² for a one bedroom dwelling (exceeding 50m²), minimum 69m² for a two bedroom dwelling (exceeding 65m²), minimum 137m² for a three bedroom dwelling (exceeding 80m²), and minimum 250m² for a four bedroom dwelling (exceeding 95m²).

The internal common areas are provided with a generous 3.15 metre floor to ceiling height, and corridors that service up to six dwellings, less than the prescribed 8 of DPF 30.1. The internal columns align with internal walls for dwelling functionality.

Given the above, development is considered to achieve the relevant policies for outlook and amenity, being POs 18.1-2, 27.1, 28.1-7, 30.1, and 31.1-3.

Dwelling configuration

PO 29.1 determines that buildings containing in excess of 10 dwellings provide a variety of dwelling sizes and a range in the number of bedrooms per dwelling to contribute to housing diversity. DPF 29.1 refers to studio with one, two and three bedroom dwellings, which are incorporated throughout the 107 dwellings proposed. Four-bedroom dwellings are also proposed to further housing diversity. This achieves DPF 29.1 and PO 29.1.

Communal open space

The proposal provides 700m² of communal open space for the width and length of the site on the third level, exceeding Code policies. The communal open space is landscaped and set back from external boundaries to provide amenity, encourage recreational use, and minimise the potential for overlooking and acoustic impacts on proposed and neighbouring dwellings. The communal space is conveniently and securely accessed from the third level. The outdoor area is supported by a Supplementary Letter from Vipac to confirm that wind impacts are appropriately managed as proposed. Accordingly, the siting and design of the communal open space is considered to achieve PO 32.1-5.

Services

The development provides mailbox facilities that are easily accessible from the lobby. There is space on residential balconies for external drying, if required. As discussed under Design in Urban Areas: External Appearance, the plant and services are incorporated into the building, setback or screened to minimise public view. This achieves PO 35.1-2 and 35.6-7.

Car Parking, Access and Manoeuvrability

The development proposes to relocate vehicular access to Oakley Street to the north, increase the width of the vehicular access for services to Storr Street, and close the access point from Gouger Street. The proposed access arrangement would remove an on-street car park to the

north of the Oakley Street street tree, however with the closure of the southern access, this provides an opportunity for relocation of the removed car parking space to further south on Oakley Street or on Gouger Street. The proposed width will facilitate two-way movements to and from the site for residents via Oakley Street.

The Council provided no objections to the proposed access points and on-street car parking.

Given the above, PO 33.1-4 is achieved.

Water sensitive design

The development is supported by Stormwater and Civil Documentation (**Attachment 1G**), which determines the layout would improve stormwater quality and decrease the stormwater quantity that is discharged from the site, during minor and major storm events.

The Council noted that the existing outlet pipe would not having sufficient capacity to support peak flow in 1% AEP storm event. However, given the proposed arrangement mitigates peak flows to decrease from the existing scenario, this achieves the relevant policy of PO 42.3 related to stormwater quantity.

The Stormwater and Civil Documentation is recommended to be included in the decision documentation. This is considered to achieve PO 42.1-3.

Interface between Land Uses

Land Use Compatibility and Hours of Operation

The development includes residential uses, which are defined by the Code as sensitive receivers. PO 1.1 determines that sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by existing land uses and land uses desired in the Zone.

The development separates the proposed sensitive receivers from commercial uses on the ground level. Noted that the site is opposite a motorcycle repair shop, however hours of operation are during 9 to 5 on weekdays, which is not considered to result in adverse impacts noting the existing interface with residences to the north.

Given the above, PO 1.1 is satisfied.

PO 2.1 seeks that non-residential land uses do not unreasonably impact on the amenity of sensitive receivers, having regard to the nature of development and expectations of the Zone.

The development proposes shops within proximity of residential land uses to the north and east. This is considered compatible with existing shops on the site, sharing an interface with residents in the locality. The hours of operation, although not confirmed, are not considered unreasonable for this land use, given the mix of land uses would generate activity and vibrancy of the streetscape, as desired by the Zone.

Accordingly, PO 1.2 is satisfied.

Overshadowing

PO 1.1-3 seeks that adjacent residential land uses are provided with direct winter sunlight and that development does not unduly impact on the generating capacity of rooftop solar panels. The application included overshadowing diagrams (**Attachment 1A**) which confirmed sunlight access

to southern neighbouring properties and solar panels throughout the day. Given the above, and that the building height to the parapet meets the expectations of the Zone, overshadowing is not considered unreasonable, achieving PO 1.1-3.

Activities Generating Noise or Vibration

The on-site manoeuvring of service and waste trucks are proposed occur to the east of the site, with access via Storr Street and loading within the building. The access and building opening are set back from the closest sensitive receiver at 28 Storr Street, by approximately 10 metres. As mentioned under waste management policies, the use of this area is to occur infrequently for waste collection and for a limited time during the week. Given the above setback and Waste Management Plan is included as a condition of approval, the noise impacts are not considered unreasonable, to achieve PO 4.2.

Air Quality

Should the proposed shops include restaurants and cafes in future, the land uses are considered to be adequately separated from proposed sensitive receivers in the tower above, and existing sensitive receivers adjacent Storr Street and to the north of the site. The proposed plant is to be integrated within the built form and shops oriented to Gouger Street, away from sensitive receivers. This is considered to encourage the dispersion of exhaust emissions from neighbouring sensitive receivers, achieving PO 5.2.

Light spill

The development includes internal lighting, as required for the proposed land uses. This is not considered to cause unreasonable light spill or nuisance to sensitive receivers to achieve PO 6.1.

Glare

The external materials are predominantly light in colour and comprised of masonry, steel and glazing for windows and on the ground level. This is considered to minimise potential for reflective solar glare and unreasonable heat loading, achieving PO 7.1.

Site Contamination

PO 1.1 seeks that land is suitable for use when land use changes to a more sensitive use.

The development will change the use of the land from commercial to residential, which under the land use sensitivity hierarchy of *Practice Direction 14 – Site Contamination Assessment 2021* (practice direction), is a change to a more sensitive land use.

The application is supported by a revised Site Declaration and Preliminary Site Investigation (**Attachment 1H**), which determined that site contamination may exist on the land. The documentation was reviewed and accepted by the EPA subject to the conditions, including the provision of a statement of site suitability to certify that the land is suitable for the proposed use, prior to the certificate of occupancy.

This is considered to demonstrate that the land will be appropriate for the proposed use, to achieve PO 1.1 of Site Contamination.

Transport, Access and Car Parking

Movement Systems

PO 1.4 seeks that development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.

The development seeks to remove the vehicular access from Gouger Street to encourage pedestrian movements, provides on-site manoeuvring for passenger vehicles so that vehicles can enter and exit the site in a forward direction, and provides an on-site loading area for waste trucks and service vehicles. Although the waste collection vehicle is required to reverse into the site, as discussed under Design and Urban Areas, the timing and frequency is not considered to adversely impact on the operation of Storr Street.

The applicant submitted a Traffic and Parking Report (**Attachment 1F**) and Supplementary Letter (**Attachment 1L**) by Phil Weaver and Associates, which assessed the existing and proposed impacts on the surrounding network. The documentation determined that the development would reduce vehicular movements to and from the site during peak periods, noting the existing site is used for car parking. The Supplementary Letter determined there to be an increase in traffic movements at the intersections of Oakley Street to Grote Street and Gouger Street, however, the increase is forecasted to be very minor and result in no discernible change to the operation of either intersection. This is considered to resolve matters raised by the Council in ensuring the efficient operation of nearby intersections (**Attachment 2D**).

Given the above, PO 1.4 is met.

Sightlines and Corner Cut-offs

The Traffic and Parking Report by Phil Weaver and Associates (**Attachment 1F**) confirms that the parking areas achieve *AS/NZS 2890.1:2004*, which includes requirements for sightlines. Although corner cut-offs will not be provided at the Oakley Street and Storr Street intersections with Gouger Street, the development will not worsen existing sightlines. The existing and proposed setbacks are both built to boundary. The Council raised no objections with regard to sightlines. Given the above, sightlines and setbacks from corners are considered to satisfy PO 2.1-2 and PO 10.1.

Vehicular Access

The vehicular access points are sited and designed minimise interruption on surrounding streets and infrastructure as assessed under Design in Urban Areas. The access points are designed to the Australian Standards for the required vehicles and provides for on-site circulation for vehicles per the Traffic and Parking Report and Supplementary Letter. Council had no objections to the proposed arrangement, and the headroom of the waste loading area was increased in height to meet Council's advice. This is considered to achieve POs 3.1-7.

Car Parking Provision

The development proposes 68 on-site car parking spaces for residents. The site is located in a Designated Area, but outside of the Primary Pedestrian Area, meaning neither a minimum nor maximum onsite parking rates are applicable. Accordingly, the development achieves DPF 5.1 and PO 5.1.

Car Parking Area

The submitted Traffic and Parking Report (**Attachment 1F**) and Supplementary Letter in Response to Request for Information (**Attachment 1L**) determined that the revised layout achieves Australian Standards. In addition to matter addressed under Design in Urban Areas for landscaping, pedestrian linkages and legibility, and loading areas, this is considered to achieve PO 6.1-6.

Bicycle Parking

PO 9.1 seeks that on-site bicycle parking encourages cycling as an active transport mode. DPF 9.1 prescribes 130 on-site bicycle parking spaces, including one space for shop visitors, two spaces for shop staff, 11 spaces for dwelling visitors, and 116 spaces for dwelling residents.

The development proposes 56 bicycle parking spaces on the ground level for shared use between residents, visitors, and shop employees, resulting in a departure of 74 spaces.

Notwithstanding this, the Traffic and Parking Report (**Attachment 1F**) referred to storage capacity for an additional 20 bicycles in the car parking area and storage capacity within each of the 107 dwellings. This would equate to 127 resident spaces, and 183 bicycle spaces overall. Given the generous storage provided on-site bicycle parking storage is considered sufficient in encouraging cycling as an active transport mode per PO 9.1.

The secure storage of bicycle parking at the ground level, in storage units on levels one and two, and dwellings on levels four and above, is considered to deter property theft, achieving PO 9.2. Although end of trip facilities are not provided within the development, the applicant indicated space within tenancies for a future change facility, should there be a demand. Given two staff spaces are prescribed by the Code, this is considered sufficient to achieve PO 9.3.

CONCLUSION

The development proposes the construction of a mixed-use building up to 16 levels and 56.6 metres in height, comprised of 107 dwellings with podium car parking and three (3) ground level shops at 162 to 166 and 168 Gouger Street, Adelaide. The proposal has been performance assessed against the Planning and Design Code dated 12 September 2024.

The development reasonably complies with the relevant provisions of the Code, because the development:

- is a mixed-use development that will support residential and employment-generating opportunities in the Adelaide Central Business District;
- demonstrates high quality design that responds appropriately to the locality;
- provides a development that is contextual, inclusive and sustainable;
- mitigates impacts on or from neighbouring and proximate land uses;
- manages potential stormwater, interface, noise, flooding and traffic impacts; and
- is on land that is suitable for the more sensitive use.

The proposal is part of the mixed-use development that will contribute to residential and employment-generating opportunities in the Capital City Zone. On this basis, the development is not considered to be seriously at variance with the Code.

Referral advice has been provided from the Adelaide Airport, Environment Protection Authority, Government Architect and the City of Adelaide. The referral agencies have provided no objections, with comments.

In light of the above, it is considered that the development warrants planning consent subject to the recommended reserved matters and conditions.

RECOMMENDATION

It is recommended that the State Commission Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 24029819, by the Square Mile Properties Pty Ltd is granted Planning Consent subject to the following reserved matters and conditions:

RESERVED MATTERS

Planning Consent

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

Reserved Matter 1

A final detailed schedule of high quality and durable external materials and finishes and a physical samples board prepared in consultation with the Government Architect and submitted to the satisfaction of the State Planning Commission.

Reserved Matter 2

A final Wind Impact Assessment to confirm appropriate wind control measures prepared and submitted to the satisfaction of the State Planning Commission.

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

The development shall be undertaken in accordance with the tree protection measures set out in Section 4 of the approved Tree Assessment Report, prepared by Neoxena dated 3 February 2025.

Condition 3

Waste Management shall be undertaken in accordance with the Approved Waste Management Plan prepared by Colby Phillips and dated 12 September 2024.

Condition 4

The planting and landscaping identified on the stamped and approved plans granted Planning Consent shall be undertaken in the first planting season concurrent with or following substantial completion of the development. Such planting and landscaping shall be irrigated and maintained thereafter with any plants which become diseased or die must be replaced within the next available growing season with suitable species, to the satisfaction of the State Planning Commission.

Condition 5

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

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

Condition 6

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that any required remediation has been undertaken and the land is suitable for the proposed use.

Condition 7

For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination auditor, informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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

Advisory Note 2

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

Advisory Note 3

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

Advisory Note 4

All City of Adelaide (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. This includes closure of redundant vehicle crossovers and stormwater outlets, and reinstatement of kerb and gutters including the stormwater connection for the existing canopy over the footpath. All costs associated with these works shall be met by the proponent.

Advisory Note 5

The applicant is advised that the works in the public realm requires approval from the City of Adelaide (Council), as relevant to Section 221 of the *Local Government Act 1999*.

The canopy within the public realm shall comply with the Council's Encroachment Policy, including the provision of pedestrian lighting (Category PP2-AS1158). The lighting shall not be obtrusive and shall be designed so that it does not shine onto any adjoining residences and be operational during the hours of darkness at all times, to the reasonable satisfaction of the Council.

Advisory Notes imposed by (Adelaide Airport) The Secretary of the relevant Commonwealth Department responsible for administering the Airports Act 1996 under Section 122 of the Act

Advisory Note 6

The application has been assessed and the development with a approx. building height of RL 98.6 metres Australian Height Datum (AHD) the application **will** penetrate the Adelaide Airport Obstacle Limitation surfaces (OLS) which is protected airspace for aircraft operations.

The application will require approval in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 with final approval by the Department of Infrastructure, Transport, Regional Development, Communication and the Arts.

The development will infringe the OLS by approximately 24.6 metres.

Crane operations associated with construction require approval in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996.

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

Advisory Note 7

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