

Okin Capital C/- Enzo Caroscio Architecture

Five-level residential flat building containing 14 dwellings, basement car parking and landscaping

3 Patawalonga Frontage, Glenelg

Development Application 25040461



DEVELOPMENT NO.:	25040461
APPLICANT:	Okin Capital C/- Enzo Caroscio Architecture
ADDRESS:	3 PATAWALONGA FRTG GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Five-level residential flat building containing 14 dwellings, basement car parking and landscaping
ZONING INFORMATION:	Zones: • Urban Renewal Neighbourhood Overlays: • Aircraft Noise Exposure • Airport Building Heights (Regulated)

	• Affordable Housing • Building Near Airfields • Coastal Flooding • Design • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Signif Retirement Facility Supported Accom Sites • Urban Tree Canopy Technical Numeric Variations (TNVs): • Finished Ground and Floor Levels (Minimum finished ground level is 3.2m AHD; Minimum finished floor level is 3.45m AHD) • Maximum Building Height (Metres) (Maximum building height is 11.5m) • Maximum Building Height (Levels) (Maximum building height is 3 levels)
LODGEMENT DATE:	21 Jan 2026
RELEVANT AUTHORITY:	State Planning Commission
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.1 15/01/2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Joanne Reid Senior Planning Officer
REFERRALS STATUTORY:	City of Holdfast Bay Government Architect
RECOMMENDATION:	To grant conditional Planning Consent subject to reserved matters

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EXECUTIVE SUMMARY

Okin Capital C/- Enzo Caroscio Architecture has applied to construct a five-level residential flat building containing 14 dwellings, basement car parking and landscaping.

The State Planning Commission is the relevant authority pursuant to Schedule 6 (4) (1), of the *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations) for developments that exceed 4 storeys in the City of Holdfast Bay. The proposed scheme is a 'performance assessed' category of development. Fifty-eight (58) representations were received during the public notification period, with fifty-six (56) in opposition and two (2) in support (with concerns) of the proposed development.

Referrals were issued to the Government Architect (GA) and City of Holdfast Bay. Both agencies offered support for the proposal. The GA supported the design approach and ambition to provide a high-quality design outcome.

The application was referred to the City of Holdfast Bay (Council) who were satisfied with the technical elements of the application.

The subject site is located within the Urban Renewal Neighbourhood Zone, which has a technical and numerical variation (TNV) of 3 levels or 11.5 metres. The proposed development exceeds the desired height limit by 2 levels and 6.25m.

The proposed building height is a key consideration. The assessment is focused on the quality of the design, its contribution to the public realm, how it integrates with the existing landscape, its impact on the surrounding buildings and its strategic location.

Other assessment matters included stormwater management, resident amenity, interface between land uses, traffic and access and waste management. These matters were determined to be acceptable when assessed against the relevant Performance Outcomes of the Planning and Design Code.

Following an assessment against the relevant policies of the Planning and Design Code and having determined that the building's massing and impacts have been appropriately managed in the context of the locality, the proposed development is considered to warrant support and conditional planning consent is recommended.

PRE-LODGEEMENT:

The applicant participated in the Department for Housing and Urban Development's pre-lodgement service, attending one pre-lodgement panel (PLP) meeting in August 2025 and two design review panel meetings facilitated by ODASA, between September and November 2025.

Feedback provided by representatives of statutory referral agencies, Council and the Department's Planning and Land Use Services division contributed to the applicant's concept development including generally positive refinements to design quality and streetscape presentation, consideration of pedestrian permeability and access and improvements to resident amenity.

DETAILED DESCRIPTION OF PROPOSAL:

The proposed application seeks the construction of a five-level residential flat building (ground plus four levels) with associated ground floor communal areas, fourteen dwellings, basement car park and landscaping.

The architectural drawings can be found in **Attachment 1A**.

The ground floor area consists wholly of communal and service areas, namely a spacious lobby with area for a concierge, private gym and yoga studio, waste and store rooms.

The remaining levels include a central lobby area which disperses into four apartments on levels 1 to 4 and two apartments on level 4.

Pedestrian access to the entry lobby is via stair and ramp access due to the variance in levels from the street. A landscape strategy is proposed around the building which includes hard standing communal spaces and plantings with deep soil zones around the boundaries of the site.

Vehicle access is gained directly from Patawalonga Frontage using the existing crossover and leads to a basement car park that provides 20 car parks and 9 bicycle parks.

The building is designed with a single level podium constructed of etched (or similar) precast fluted concrete, framed with a steel entry canopy and feature entry door. The upper levels comprise a combination of pre-cast concrete, fluted screens and glazed windows and balconies.

A summary of the proposal is as follows:

Building Height	5 levels, 17.75m to top of parapet				
Description of levels	Basement: Car park, bike parks, plant room, lift and stairwell access Ground Floor: Lobby, private gym, private yoga studio, waste room, store rooms, outdoor seating areas, stair and lift access Levels 1-3: Central lobby, 4 x 2-bedroom dwellings with balconies (12 dwellings in total) Level 4: Central lobby, 2 x 2-bedroom dwellings (2 dwellings in total) Total Apartments: 14				
Accommodation Mix	ACCOMMODATION TYPE	LEVEL	UNIT SIZE (M²)	POS (M²)	TOTAL
	Apartment 2A	1, 2 and 3	90	15	3
	Apartment 2B	1, 2 and 3	90	14	3
	Apartment 2C	1, 2 and 3	90	15	3
	Apartment 2D	1, 2 and 3	90	14	3
	Apartment 2E	4	176	34	1
	Apartment 2F	4	167	43	1
	TOTAL				14
Building Floor Areas	Building Footprint = 421m ² Total Building Area = 1,277m ²				

Site Access	Patawalonga Frontage for vehicle and pedestrian
Car and Bicycle Parking	20 car parks 9 bike parks

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 3 PATAWALONGA FRTG GLENELG NORTH SA 5045		
Title ref.: CT 5842/93	Plan Parcel: F1091 AL41	Council: CITY OF HOLDFAST BAY

3 Patawalonga Frontage, Glenelg as described above and shown in Figure 1 is an 854m² allotment with an angled frontage width of 21.32m, southern boundary length of 41.28m, northern boundary length of 43.24m and rear western boundary width of 18.29m.

The site currently contains a single storey detached dwelling with associated outbuildings with double driveway access off Patawalonga frontage.

The land is variable in its topography and descends from east to west approximately 1.6m from the street to the rear of the site. There are no significant or regulated trees on the site and there is an existing street tree in front of the land.



Figure 1: Subject Site (Source: SAPPA)

Locality

The immediate locality as shown in Figure 2 can be defined as Patawalonga Frontage as well as the Patawalonga River and Holdfast Quays Marina to the east, Cygnet Court to the south inclusive of the dwellings at the edge of the River, North Esplanade and North Glenelg Beach to the west and King Street to the North.

The locality is predominantly residential and includes a wide variety of dwelling types, many of which have replaced the original housing stock except for two or three allotments such as the subject site and neighbouring property to the south.

Residential flat buildings are prevalent in the area and range in height from two and three levels on Patawalonga Frontage and up to four to five levels for buildings on North Esplanade. Holdfast Towers is a twelve-level building located on King Street.

Dwellings located on Patawalonga Frontage have an outlook over the River. There is a small reserve across the road with some car parking for users of the Marina. Dwellings on North Esplanade generally have views of the beach with some dwellings currently having the benefit of both an outlook to the beach and the River.

The subject site and surrounding dwellings are zoned Urban Renewal Neighbourhood with the adjacent beach and river areas zoned Open Space. The dwellings around Cygnet Court are Zoned Waterfront Neighbourhood Zone. Holdfast Towers is located in a Suburban Neighbourhood Zone and the remaining dwellings on the northern side of King Street are Zoned General Neighbourhood.



Figure 2: Zoning and Locality Plan (Source: SAPPA)

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
New housing
Residential flat building: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed

- **REASON**

P&D Code; The development does not satisfy Accepted or DTS criteria and is therefore performance assessed.

PUBLIC NOTIFICATION

The application was publicly notified between 13 February to 5 March, 2026. This included a letter being sent to all owners or occupiers of land adjacent (within 60 metres) of the site of the development, physical signage being placed on Patawalonga Frontage and application details being made available for viewing on the SA Planning Portal or at the principal office of the State Planning Commission.

- **REASON**

While a Residential Flat Building is listed as an exempt development type in Table 5, Column A (3) of the Urban Renewal Neighbourhood Zone, the proposal is not eligible for notification exclusion under this clause as the building height exceeds the numerical guideline prescribed in DTS/DPF 2.1.

- **REPRESENTATIONS**

During the public notification period, a total of fifty-eight (58) representations were received with three representors indicating that they wish to be heard by the Panel (refer to **Attachment 3A**). Two representations were in support with some concerns and the remaining fifty-six were opposed.

- **SUMMARY**

The issues contained in the representations opposed to the development are summarised as follows:

- Concerns over proposed building height exceeding the 3-level height limit for the Zone
- Building height out of character with height transitioning in area i.e lower heights on Patawalonga Frontage
- Dominance of building in its setting and increased visual bulk
- Concerns of density and potential impacts
- Does not comply with setback and boundary wall requirements
- Overlooking concerns
- Overshadowing concerns
- Heights set out in submission are inaccurate and misleading and references buildings in different zones
- Site does not meet anticipated frontage and size anticipated for higher densities
- Significant overdevelopment of the site
- Insufficient car parking for residents, visitors and access and bike parking concerns
- Would block out sunlight to gardens at 5 North Esplanade
- Risks associated with underlying water table
- Issues with low water pressure/water pressure unable to cope
- Concerns with ability to transfer waste to street
- Will impact on rear views for Esplanade properties
- Would create precedent for No. 2 Patawalonga Frontage
- Lack of adequate landscaping
- Landscaping will not survive coastal environments
- Stormwater and drainage impacts due to the extent of hard surfaces and contribute to localised flooding
- Question - Will there be a roof plant which will further increase height?
- Private open space does not comply with Code requirements

- Air conditioning not shown – where will it be placed?

The applicant's response to representations is provided in **Attachment 3B**.

AGENCY REFERRALS

Pursuant to the Planning and Design Code and Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017*, statutory referrals have been made to the following state agencies and Council:

TABLE 1: Statutory referrals undertaken:

Referral Body	Function	Response
Government Architect (GA)	Advice	The referral response from the GA was received on 4 March 2026. The GA has offered support to the proposal, acknowledging the complexity of the site which presents a significant opportunity due to its location opposite the Patawalonga River (Pathawilyangga) and its proximity to the Glenelg retail precinct and coast. The proposal has the potential to set a precedent for future development in this location as an emerging typology of this scale and has a responsibility to deliver a high-quality outcome. The GA recommends some areas for further refinement to achieve an optimal outcome and areas that would benefit from protection as part of the planning permission including: • Review stair arrangements to provide convenient access between the ground floor and apartments to promote an active lifestyle • Consider fenestration to the lounge/sitting area for visual connection to landscaped forecourt and outlook to streetscape • Consideration of visitor bike parks at ground level • Review of plantings and feasibility of cascading planting on balconies • Provision of a lighting strategy • Review configuration of apartments • Ongoing consideration and development of ESD initiatives through next stages of design development • Provision of a colours, materials and finishes schedule and samples board The GA referral response is included in Attachment 2A.
City of Holdfast Bay	Advice	The referral response from City of Holdfast Bay was received on 13 February 2026. The Council's initial comments raised concerns in relation to: • Flooding and stormwater • Traffic and access

		• Waste operations Updated information was presented to the Council who advised that, on balance, the information adequately addresses previously raised concerns. Waste collection and traffic movement remains the least certain, however are sufficiently resolved such that it would not warrant maintaining a technical objection from an engineering perspective. The Council's response is included in Attachment 2B.
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The applicant's response to matters raised by referral authorities is provided in **Attachment 2C and 2D**.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Appendix 1**.

Question of Seriously at Variance

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

The Zone envisages residential development and identifies residential flat buildings as a dwelling typology that is contemplated in the Zone.

The policies support taller buildings than the 2-3 levels desired in the Zone providing consideration is given to how the building design manages its massing and impacts on adjoining residential development.

As such, the development is therefore entitled to further consideration with regard to its design, context and impacts on adjacent land uses.

Given the above, the proposed development is not considered to be seriously at variance with the Planning and Design Code, as relevant to section 107 of the Act.

Planning and Design Code

Under section 107 of the Act, Performance Assessed Development is to be assessed on its merits against the Planning and Design Code.

The following is an expansion of the pertinent issues, having regard to the hierarchy of the relevant policies of the Code.

Quantitative Provisions

TABLE 2: Qualitative Assessment

Design Parameters	Planning and Design Code Guideline	Proposed	Guideline Achieved
Building Height Local Variation Technical Numeric Variation (TNV):	Urban Renewal Neighbourhood Zone (URNZ) DPF 2.1 Maximum Building Height (Levels) = 3 Levels Maximum Building Height (Metres) = 11.5m	Five (5) Levels 17.75m to the top of the roof	Does not comply Building exceeds height limit by 2 levels and 6.25m
Net Residential Density	URNZ PO 8.2 Sites with a net residential density over 70 dwellings per ha – Min site area 1200m ² with a frontage of 35m	Net Residential Density = 164 dwellings per ha Site area = 856m ² Site frontage – 21.273m	Does not comply
Front Setback	URNZ DPF 3.1 3m	7.045m	DPF satisfied
Side Setbacks	URNZ DPF 6.1 Wall height up to 3m = 900mm Wall height exceeding 3m – at least 900mm plus 1/3 of the height above 3m <u>DPF requirement</u> Ground floor = 1.2m Level 1 – 2 = 2.18m Level 2 – 3 = 3.21m Level 3 – 4 = 4.25m Level 4 = 8.8m	<u>Northern side</u> Ground floor – 1.26m Levels 1- 4 – 1.25m <u>Southern side</u> Ground floor – 1.19m Levels 1 – 4 – 1.21m	Ground floor – satisfied Levels 1 to 4 – Does not comply
Rear Setback	URNZ DPF 7.1 (a) 3m for first building level (b) 5m for second building level (c) 5m plus any increase in wall height over 7m for buildings of 3 or more levels <u>DPF requirement for 3 + levels</u> Level 2 – 7.95m Level 3 – 11.05m Level 4 – 15m	- Ground floor – 4.75m minimum - Level 1 – 5.53m to dwelling, 3.565m to balcony - Level 2 – 3 – 6.565 to dwelling, 3.565m to balcony - Level 4 – 8.415 to dwelling, 3.565m to balcony	Ground to Level 1 – satisfied Level 2 to 4 – does not comply
Habitable Room minimum dimensions	Design in Urban Areas DPF 31.5 Main bedroom – 3m	<u>Type 2A, 2B, 2C, 2D</u> Main bedroom – 3.2m Secondary bedroom – 3.1m x 2.9m Living room – 4m	DPF Satisfied

	Secondary bedroom – 3m x 2.5m Living room – 3.6m	<u>Type 2E</u> Main bedroom – 4m Secondary bedroom – 3.6m x 3.2m Living room – 4.5m <u>Type 2F</u> Main bedroom – 3.9m Secondary bedroom – 4.5m x 3.6m Living room – 5.5m		
Private Open Space	Design in Urban Areas DPF 27.1 Dwellings above ground level: 2 bedrooms: 11 m² / minimum dimension of 2.4 metres			DPF Satisfied for balcony areas Minimum dimension satisfied for apartments 2E and 2F, not satisfied for Apartments 2A, 2B, 2C and 2D
		Apartment 2A	15m²	
		Apartment 2B	14m²	
		Apartment 2C	15m²	
		Apartment 2D	14m²	
		Apartment 2E	34m²	
		Apartment 2F	43m²	
Car parking	Table 1 - Off-Street Car Parking Requirements in Designated Area <u>Residential Component of a multi-storey building</u> 2-bedroom = 1 space per dwelling Visitor parking = 0.33 spaces per dwelling	• 14 x 2-bed = 14 spaces • 14 x 0.25 visitor spaces = 4.62 spaces Total Spaces Required = 19 (rounded up) Provided = 20		DPF satisfied
Bicycle Parking	No requirement in the URNZ	9 bicycle parks provided		Surplus of 9 parks

OVERLAYS

Affordable Housing Overlay

The proposed development does not offer any affordable housing as part of the proposal and the DPF associated with PO 1.1 encourages this for buildings that provide 20 dwellings or more. Whilst it noted that it does not use the affordable housing incentives to exceed the Zone's desired height standards, the proposal is not at odds with PO 1.1 of the Affordable Housing Overlay as it does not provide more than 20 dwellings.

Aircraft Noise Exposure Overlay

The site has an ANEF value of 20 as specified in the SA Property and Planning Atlas. The DPF associated with PO 1.1 states that buildings accommodating sensitive receivers are not located in an area having an ANEF value of 30 or more, which the proposal therefore satisfies.

PO 1.1 states that buildings are designed to minimise aircraft noise intrusion. The acoustic report prepared by Sonus advises the ANEF 20 value requires the building to incorporate acoustic treatments for the residential component in accordance with MBS 010 to ensure noise from aircraft is adequately reduced.

The report specifies the sound insulation will meet MBS 010 requirements which will be assessed during the Building Consent stage.

Airport Building Heights (Regulated) Overlay

The Airport Building Heights (Regulated) Overlay seeks the management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.

The building does not exceed the regulated 44m building height or include any exhaust stacks and is not considered to pose a hazard to the operation of a certified or registered aerodrome.

Building Near Airfields Overlay

The building is adequately separated from runways and other take-off areas and will not impact the operational and safety requirements of aviation landing sites or to aircraft flight movement. If

Coastal Flooding Overlay

The Coastal Area flooding Overlay seeks to protect properties from sea level rise and recommends a minimum finished ground level of 3.2m AHD and a finished floor level of 3.45 AHD. Whilst the finished floor level falls slightly short of this requirement at 3.25 AHD, the extent of the Overlay is limited to the rear boundary of the site and there are no other flood overlays that affect the site.

The proposed development is also to be constructed above the water table.

The applicant's stormwater engineer confirms that the site is not subject to flooding and this is also demonstrated by the flood mapping shown on SAPPa when the Coastal Flooding and Hazards (Flooding - General) cadastres are activated, shown in Figure 3 below.

The proposed development is therefore not considered to be at risk of flooding and the floor levels proposed are considered adequate for its location.



Figure 3: Coastal and Hazard (Flooding – General) Overlays relative to the subject site

Design Overlay

The Design Overlay seeks development that provides a positive contribution to the liveability, durability and sustainability of the built environment through high-quality design. The design composition of the proposed building is addressed in various sections of the planning assessment, along with the statutory referral comments provided by the Government Architect.

Stormwater Management Overlay

The Stormwater Management Overlay seeks the capture and re-use of stormwater to manage peak use and stormwater quality to ensure that the stormwater infrastructure can accommodate the flows and discharge rates and not overload the system downstream.

The DPF only applies to residential development that has 5 dwellings or less and will not be subject to the mandatory condition in Practice Direction 12.

A Stormwater Management Plan prepared by Innovis has been provided in **Attachment 1B**.

The plan specifies that the development will incorporate an 11m³ on-site detention tank to restrict the 1% AEP post-development flow rate to the 20% AEP pre-development flow rate.

Council, in their comments, requested that the stormwater design must ensure that the maximum allowable discharge to the kerb be no more than 10 L/s during a 10 year ARI event. The applicant's stormwater consultant has confirmed that the proposed measures will achieve this requirement.

Additionally, Council has requested the driveway to be at least 100mm above top of kerb and the stormwater consultant has confirmed that the proposed driveway exceeds the minimum clearance requirement at 300mm above the top of kerb.

Stormwater quality will be managed using an OceanSave gross pollutant trap and Jellyfish filter to reduce suspended solids, phosphorous, nitrogen, pollutants and oils/hydrocarbons from downstream flows.

It has therefore been demonstrated that PO 1.1 of the Stormwater Management Overlay has been adequately addressed.

Urban Tree Canopy Overlay

The landscape plan identifies 16 trees to be planted on the site which exceeds the one tree per dwelling minimum for the Overlay. The trees would satisfy or exceed the minimum height requirements of the Overlay, however, it is noted that the deep soil zones are limited in width and may not comply.

Payment into the Urban Tree Canopy Off-set Scheme is an available option in Zone if the deep soil zones available do not accommodate all the trees. Although the selection of trees were chosen to adapt to smaller soil areas, it is accepted that this may not satisfy the mandatory condition for tree planting and payment into the fund may be necessary and therefore has been conditioned accordingly.

ZONE ASSESSMENT

Urban Renewal Neighbourhood Zone

Land Use and Intensity

The proposed development satisfies PO 1 to provide a predominantly residential development that supports an active, convenient and walkable urban neighbourhood. The site's location is walking distance to the beach and the Glenelg business and recreational district and the ground floor uses of a yoga studio and gym for residents only complement the active setting to offer a wellbeing and lifestyle component to the development.

Building Height

PO 2.1 states that the Zone generally seeks for buildings of 2-3 levels, however taller buildings can be contemplated on sites that are a suitable size and dimension to manage massing and impacts on adjoining residential development.

As a guide, there is a Technical and Numerical Variation (TNV) of 3 levels and 11.5m and the proposed development proposes to exceed this by two levels and 6.25m.

The location is surrounded by residential flat buildings of various heights, some of which exceed the TNV and that has contributed to the rationale for the proposal's building height. The adjacent properties located within the Urban Renewal Neighbourhood Zone on the Esplanade, to the rear of the subject site were developed on land sized similarly to subject site and include the following:

- 6 North Esplanade – Five building levels
- 7 North Esplanade – Four building levels
- 8-9 North Esplanade - Five building levels
- 10 North Esplanade - Five building levels
- 11-12 North Esplanade - Five building levels

It is noted that the buildings along North Esplanade are subject to the same TNV as the buildings fronting the Patawalonga River and the development of the above sites suggests that buildings of five storeys can be developed in a manner where the building's massing can be suitably managed.

The buildings on Patawalonga frontage are two to three storeys in height with a four-storey building situated at the corner of Patawalonga frontage and King Street, albeit the fourth storey is subtly recessed in. The building will therefore be the tallest building on Patawalonga frontage and ultimately its justification

will come from whether the development suitably manages massing and impacts on adjoining residential development, particularly in the context of its setting.

The building has been designed with curvature and varied setback to achieve articulation and a softer presence. The existing larger scale buildings in the locality are considered to maintain a building footprint which have a more rectangular appearance and while higher levels tend to recess in, the sides of the building are generally more rigid and have less variation in their setback. The setbacks of the proposed development are considered to maintain consistency with similar height buildings in the locality, however, goes further in managing the impacts by 'carving out' portions to provide visual relief in the façade.

Of note, the Government Architect, in recognition of the height of the building exceeding three levels, opines that the sculptural and articulated building form successfully breaks down the massing and is supported.

In acknowledging the height variation to the dwellings on Patawalonga Frontage, it is contended that the site's central location on the street provides a reasonable transition to existing and emerging development on the street. The single storey base provides a relationship to and reinforces the datum height of existing lower scale development. The upper levels maintain a steady height increase to the medium rise-built form and, combined with the design techniques proposed are not considered to appear dominant in its setting and will provide some variation in the streetscape.

The site is located opposite an open area and fronts the Patawalonga River and is not a typical street as it does not have dwellings located on the opposite side. The sense of openness on Patawalonga Frontage provides more balance to a taller building when viewed from the east, particularly from further away on the other side of the river and will obscure the existing taller buildings on North Esplanade which are currently seen in that context.

Whilst the impacts are sought to be managed through variation and setbacks it is acknowledged that it will change the visual outlook to the dwellings on Levels 4 and 5 of the apartments of the western adjoining site at 6 North Esplanade, particularly from the terrace level. The impacts are however, reciprocated along the same boundary between the properties on Patawalonga Frontage and North Esplanade and those along Patawalonga Frontage are exposed to similar impacts of a taller building adjacent the rear boundary.

Whilst it is acknowledged that the visual outlook to the rear would be impacted, this would be minimised by the separation between the buildings and furthermore, the balconies on the western side provide occupants with uninterrupted views over the coast and the dwellings have been designed to make the most of that view. Further it is acknowledged that the proposed development is considered to satisfy PO 7.1 (rear boundary setback) which manages the interface conditions from the proposed development on this property.

PO 2.2 seeks for an orderly transition to the built form scale in that zone where buildings are at the interface with a different neighbourhood-type zone, however, this is the same zone and therefore where there are allotments that maintain similar characteristics, it is contended that a development of a similar scale can be anticipated.

The building is considered to have a design that reasonably manages the building's bulk and massing within the context of its setting. Whilst further consideration of the design and interface issues are still to be discussed in the report, it is considered that the building has an overall positive contextual response, will provide for a more interesting urban form to the Patawalonga Frontage streetscape within an existing and evolving landscape and it will be demonstrated that the building's siting and design will suitably manage the impacts on neighbouring properties.

Primary Street Setback

PO 3.1 seeks for buildings to be setback from the primary street boundary to contribute to the existing/emerging pattern and integrate development with public open space and recommends a DPF of 3m as one way of achieving the outcome.

The ground floor is setback approximately 7m from the primary street frontage and the main face of the upper levels achieve the 3m desired setback. The balconies of the southern apartments do encroach within the 3m setback, however this is not considered to be out of character with the streetscape as there are several upper level balconies that protrude into the ground level into the setback area, particularly due to the angled boundary frontage which forces the setback closer to the street.

The proposed development maintains the existing setback pattern of the street to satisfy the performance outcome.

Side Boundary Setbacks

The same side setback is maintained for each building level and therefore the upper levels do not satisfy the numerical standard associated with PO 6.1 of the Code, where the setback ought to increase with building height.

PO 6.1 seeks for buildings to be set back from side boundaries in a way that minimises visual impact and provides access to natural light and ventilation for neighbours.

On the northern side, the building recesses in generously at the lobby, providing some visual relief adjacent the private open space of the adjoining property, then increases again adjacent to the existing garage. The setbacks have been managed to minimise the visual impact to the neighbouring property to the north by responding to on ground conditions of the neighbouring property. The building will not impact on the natural light to the neighbouring dwelling due to it being located on the southern side.

The building has been designed so that the sunlight from the north is received into the building and although the building does recess in on the southern side, the increased setback is not as profound. It is acknowledged that recessing the two over-height levels would further minimise the impact, however, potentially at the expense of its uniform and symmetrical appearance and the residential amenity of the apartment and therefore would not necessarily be a superior outcome.

As will be discussed further in the report, the difference in overshadowing between a 3-level building and the proposed building is negligible.

The taller buildings in the locality maintain a similar southern setback to the proposed development and have adopted an approach of using architectural treatments in tones, materials and variation in the façade to minimise visual impact as opposed to a blank upright façade. As such, there is again a contextual approach to the setback where uniformity in its setback distance had been applied, however the wall is not a sheer wall and offers visual relief through its waved face. Additionally, the impacts can be managed for a future development on the neighbouring property where the dwelling is at the end of its useful life.

Rear Boundary Setback

Levels 3 and 4 encroach within the desired numerical setback requirement for the Zone, however when considering the requirements of PO 7.1, the setback should achieve the following:

- Separation between buildings to minimise visual impact
- Access to natural light and ventilation for neighbours
- Open space and recreational opportunities
- Space for landscaping and vegetation

It is evident that the proposed setback provides space for landscaping and vegetation as well as private and communal open space. Whilst it is noted that the balconies encroach into the setback area, they are open with planter boxes and are not considered to be visually imposing at the interface.

The setbacks are consistent with the buildings in the locality and the visual impact invoked by the building to the adjoining property will be matched due to the similarities in height. The subject building has sought to lessen the visual bulk by articulating and softening the built form through curved edges and a varied façade, incorporating textured finishes with a light material palette and providing landscaping around the edges.

The level of separation provided will still enable light and ventilation to enter the neighbouring property, including during the winter months as there is 16m between the two buildings (excluding balconies).

The proposed rear setback is considered to be satisfactory in this regard and reasonably satisfies PO 7.1.

Site Dimensions and Land Division

The Code seeks a density of development that is suitable for the site that it is situated. Whilst PO 8.1 references a diverse offering of medium density development, PO 8.2 contemplates high density development that is located on sites that of a suitable site and dimension to achieve a high standard of amenity for occupants and neighbours.

The 14 dwellings provided equate to a net residential density of 165 dwellings per hectare, which is determined by the Code to be high density and does not meet Zone DPF 8.2 which sets a standard site area of 1200m² for development with a net residential density over 70 dwellings per hectare.

Each dwelling is a two-bedroom dwelling and the density could be reduced by providing, for example 7, three and four-bedroom dwellings within the same building. The smaller dwellings are likely to house a maximum of two, potentially three people whilst a three- and four-bedroom dwelling could contain four to five people in each. Therefore the number of dwellings would make little difference to the number of occupants within the building.

As identified by PO 8.2, what is important is whether the dwellings are able to be sited on the allotment without unreasonably impacting the neighbouring property and provide a high standard of amenity for occupants and neighbours.

The assessment discusses the matters of the building's siting and the amenity for occupants and neighbours. The building has a footprint and height that is represented in the Zone and immediate locality and seeks to manage building massing and occupant amenity through various design solutions to deliver on the Performance Outcomes of the Code. Therefore the question of density and the satisfaction of this performance outcome will be embedded in the overall considerations on whether the building is suitable for the site in the context of its surroundings. The density is reflective of examples of buildings in the locality with similar site areas, indicating that this density is common in the area and provides high standard of amenity for occupants and neighbours which is discussed in more detail in the report.

GENERAL DEVELOPMENT POLICIES

Clearance from Overhead Powerlines

The applicant has provided a declaration to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the *Electricity Act 1996*.

Design in Urban Areas

External Appearance

The building is designed with a single level podium in pre-cast fluted concrete and a feature door entry to the lobby. It is framed by a steel canopy across the face and sits above street level with stair and ramp access with a forecourt entry and raised concrete beds incorporating soft landscaping.

The towers above incorporate a central vertical recess feature in the form of a perforated fluted screen separating the building into two sections that angle into a 'v' shape. The base of each level is formed with a precast slab which are curved at the corners and balconies that cantilever over the ground floor.

The materiality of the façade continues to the sides of the building which includes a combination of pre-cast concrete in different colours and textures, further broken up with fenestration and central vertical recesses that, when viewed from above, forms a shape that depicts a butterfly. Tones are light and neutral and have a coastal feel.

The architectural expression presents uniquely amongst its surroundings and displays a number of positive elements sought in Design in Urban Areas POs 1.1, 1.2 and 1.3, including setback changes to the tower, curved details that reinforce corners, provide articulation and reduce the overall massing; and a bold façade to the Patawalonga Frontage which offers a focal point and conveys a sense of identity and address for the building, positively contributing to the public realm.

The GA notes the project ambition to deliver a high-quality, premium apartment offering in this location that has the potential to contribute positively to the Streetscape and the Patawalonga River.

In particular, the following elements are supported:

- the design considerations to mitigate visual and amenity impacts through setbacks and the site organisation that orientates most of the rooms to the east and west, with the intent to minimise interface issues and optimise available views
- The geometry of the built form, stacked and vertically expressed design approached with curved, dynamic corners as an appropriate and sophisticated response to the coastal location
- Delivery of a high-quality design with a refined material palette.

The high-quality design and street level and difference in materiality and presentation of the ground to level 5, as well as the façade treatments to the exterior reinforce the outcomes sought in Design in Urban Areas PO 12.1 to 12.4 and 12.6 to 12.7 being buildings designed to:

- Positively contribute to the local area by responding to local context;
- Provide architectural detail at street level and mixture of materials at lower level to reinforce a human scale at the public interface;
- Reduce visual mass by breaking up building elevations into distinct elements;
- Use of natural and non-painted pre-finished materials;
- Provide visually interesting treatments to boundary walls to break up large blank elevations;
- Provide attractive, high quality and pedestrian friendly street frontages; and
- Provide safe, attractive, welcoming and functional entrances to multi-storey buildings and contribute to streetscape character.

The GA acknowledges the applicant's commitment to high quality durable materials that provide a textural outcome and considers that the quality of the refined architectural expression and detailing of materiality will be critical to the success of the project. A reserved matter requiring final material selections, colours and finishes in consultation with the GA through the detail designed process will seek to ensure this outcome is achieved, therefore addressing Design in Urban Areas PO 12.5.

Waste rooms and building services are integrated into the building on the ground floor as is the plant room which is located in the basement to address Design in Urban Areas PO 1.4, 1.5 and 12.8.

Safety

The building provides the following features to maximise safety and provide passive surveillance to the public realm:

- Building incorporates windows, balconies directly overlooking the street to provide passive surveillance to the public realm;
- Access to dwellings and lobby areas are easily identifiable from street level with perceptible pathways provided to the main entry of the building from the public realm;
- Ground floor concierge and activated spaces at ground level;
- Clear lines of sight around the building and publicly accessible sections of the site.

The proposed building is considered to provide suitable design techniques to satisfactorily address POs 2.1 to 2.5.

Landscaping

The application plans include a landscape plan and schedule from Landskap (**Attachment 1C**) which incorporates plantings within the primary street setback area and around the edge of the site.

The landscaping is a key feature of the development and is integral to the development's design outcome being fully realised.

The landscape plan identifies curated areas around pathways and seating areas to provide inviting spaces, assist with privacy screening and enhance and soften the built form on the streetscape.

The garden bed at the front incorporates Palm Trees up to 10-20m in height and smaller European Fan Palms. These are located within raised planters and larger palms will be within a deep soil zone outside of the basement area.

The planting along the northern side comprises Tuckeroo trees, coastal banksia and Kanooka Gum which grow to heights of 5m to 8m. The trees will be planted within raised planters and a deep soil zone along the fenceline.

The western boundary planting will contain a variety of species including Palm Trees, Kanooka Gum and Tuckeroo Tree. There is deep zone area along the fenceline and trees will be planted within a raised bed with steel edging.

Additionally, irrigated plants and planters are proposed to be integrated into each balcony with climbing plant species and there are a variety of ground covers to be placed around the base of the trees.

While the deep soil zones may not equate to the areas desired in PO 13.2 of 10m² with minimum 1.5m dimension, it is nonetheless a good spread of trees with large canopies with the ability to receive natural light that assists in providing shade, reducing heat load and importantly, enhancing the appearance of the built form.

The trees selections are small-rooted varieties that are low maintenance and hardy within the coastal environment.

The proposed landscaping is considered to satisfactorily achieve POs 3.1, 13.1, 13.2 and 13.3.

Environmental Performance

DIUA POs 4.1 to 4.3 and 14.2 seeks for the building's orientation and design to maximise passive environmental performance to minimise energy consumption and reliance on mechanical systems such as heating and cooling.

A sustainability response has been provided (page 24 of the Architectural Plans) which reviews the passive design opportunities and sustainable initiatives that will be incorporated into the design, construction and operation of the proposed development.

The following features are provided which seeks to address DIUA POs 4.1 to 4.2 and 14.2:

- Positioning of apartments to ensure all apartments get at least 3 hours of natural daylight
- Energy efficient LED Lighting and WELS rated Sanitary Fixtures to all apartments
- Ability for natural cooling through cross-ventilation in all apartments
- Rainwater retention from roof for irrigation
- Electrical hot water systems to each apartment
- Double glazing to all external doors and windows
- Overhanging balconies to provide shade in summer but let sun in during winter

The GA, in acknowledging that an ESD report has not been provided has recommended ongoing consideration of ESD aspects through the next stage of design development with a specialist consultant and a reserved matter has been included to that affect.

Car Parking Appearance

The proposal incorporates basement parking which is located below street level, including the access door, and its visibility on the street minimised. Lift and stairwell to the lobby and dwellings are directly accessible from the car park as well as pedestrian access to the front of the site.

The proposal suitably achieves Design in Urban Areas POs 7.1 to 7.3.

Waste Management

The waste storage area is located on the ground floor building and screened from public view. It should incorporate ventilation and is located away from habitable rooms in accordance with Design in Urban Areas POs 11.2 and 11.3.

A Waste Management Plan undertaken by CIRQA (**Attachment 1F**) outlines how waste would be disposed of, managed and collection arranged.

A single chute on each level would accommodate general waste disposal. Residents would collect and separate recycling and organic waste within their own premises and transfer the waste to the bin storage room on the ground floor via the lifts and walkways, or potentially would be collected by a cleaning contractor.

The following volume of waste is estimated to be generated (based on the *Zero Waste SA Guidelines*)

Table 2: Estimated volume of waste generation volumes (Litres per week)

Waste Type	(L/Week)
General Waste	840
Comingled recycling	700
Organics	280

Total	1820
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The above waste amounts would require the following bin volumes and collection frequencies:

Table 3: Estimated bin requirements and collections per week

Waste Type	Bin Size (L)	No. of bins required	Capacity (L)	Service Rate
General Waste	240	4	960	Once per week
Comingled recycling	240	6	1440	Once per fortnight
Organics	240	3	720	Once per fortnight

It is proposed that residential waste will be collected by the Council's waste collection service. The bins will be transferred using the southern walkway of the property and front ramp to the kerbside waste collection zone, and will be replaced with empty bins in the waste room.

The report highlights that the site is capable of storing specified number of bins on the kerbside and notes the eastern side of Patawalonga Frontage would also be available if additional space was required, which is identified to be occurring presently by other apartments in the street.

Council have advised that they don't have any significant issues with the proposed arrangements.

The proposed waste management plan sufficiently demonstrates the outcomes sought in POs 11.4, 11.5 and POs 35.3 to 35.5.

Overlooking/Visual Privacy

The proposal incorporates a variety of screening techniques to mitigate overlooking between neighbouring properties.

The lobby window incorporates a glass frit to obscure views and some side windows to apartments 2C, 2D and 2F will incorporate a perforated fluted screen to limit views to those sides.

The fluted screening is applied to the windows that are adjacent the private open space of the adjoining land and remain open where the adjacent building has windows that are either high-level or obscured, or where adjacent the front yard of the adjoining land.

The rear balconies have sills to a height of 1.1m with planter boxes to a minimum of 400mm wide with the intention to keep occupants away from the balcony edge avoiding downward views. Page 30 of the architectural plans demonstrate the rear terrace and courtyard line of sight. Additional planting with taller tree species along the rear boundary is proposed to further screen views, albeit this will not take immediate affect given plants need time to grow and landscaping can't be relied upon as a foolproof method of mitigation.

There is agreement with the applicant that privacy screening has been discretionally applied to the surrounding buildings. The adjoining property to the west has unobscured windows and an open terrace. The north-western building at 7 North Esplanade has a rear open balcony and the building at 8-9 North Esplanade has slat screening that maintains outward views to the north, south and east.

The proposed screening strikes a balance to limit direct views into adjoining properties and maximising natural light into the dwellings as well as providing additional landscape opportunities to soften and enhance the building's appearance.

The GA is also supportive of the apartment planning and the design testing of the privacy measures and acknowledges the challenging interface conditions in relation to overlooking whilst balancing solar access to habitable spaces.

The development applies a design-led approach to privacy mitigation as sought in Design in Urban Areas PO 16.1 which supports measures such as off-setting windows to avoid direct line of sight and integrated screening devices that will minimise the impact to resident amenity whilst minimising views to neighbouring properties, however there is also an acknowledgement that there is inherent overlooking in the immediate vicinity of the site.

Accordingly, it is considered that the proposed screening techniques are acceptable and offer a reasonable balance between minimising direct overlooking and protecting the integrity of the design and amenity for occupants given the existing conditions within the locality.

Outlook/Occupant Amenity/ POS

The east-west orientation of the apartments and balconies allows for maximum separation between boundaries to ensure the best possible visual outlook for occupants. The development maximises the outlook over the Patawalonga River, ensuring that dwellings on this side incorporate generously sized balconies, conveniently separated by the central recess of the building. The western balconies have 11m of separation from the habitable rooms of the nearest residential property to provide sufficient visual and acoustic privacy as well as natural light and ventilation into the indoor and outdoor areas which addresses Design in Urban Areas 18.1 and 28.1.

The balconies are an integral part of the buildings architectural expression and are shaded by the slab of the balcony above or the roof overhang for Level 4 dwellings as well as being responsive to environmental conditions including receipt of sunlight, wind mitigation, acoustic privacy and casual surveillance of the street to satisfy Design in Urban Areas PO 14.3 (wind mitigation) and 28.2.

Each dwelling is afforded with private open space that comply with Design in Urban Areas Table 1 – Private Open Space. Whilst some balconies do not satisfy the minimum dimensions in some sections due to the narrowing of the curved features, the shortfalls are minor, and can be offset by the building offering communal open space and being located adjacent recreational open space. The proportions of the balconies for each dwelling are still considered to have dimensions which will offer the occupant a high level of amenity and can meet the likely needs of the occupant as sought in PO 27.1 and 28.3 as well as incorporating shading and allowing casual surveillance as per PO 28.2.

The dwellings have been designed with an open plan design with direct access to the balcony from living rooms and all habitable room have dimensions that will ensure functional living spaces for occupant amenity, furniture placement and household storage. Half of the apartments will face public open space and the street whilst the remaining dwellings have sought to minimise the impacts on the amenity, outlook and privacy of neighbours within the existing parameters that have been afforded to medium and high density developments in the immediate locality. Design in Urban POs 28.4, 31.1, 31.2, 31.3 and 31.5 have been reasonably addressed in this regard.

Dwelling configurations

The building only provides two-bedroom apartments, despite PO 29.1 seeking a range in the number of bedrooms per dwelling to be provided. The dwellings do provide size options with apartments 2E and 2F on level 4 being a larger product than the dwellings on levels 1 to 3.

Despite this, two-bedroom dwellings are a low maintenance option suitable for busy and active lifestyles that the location appeals to and can cater to a range of demographics such as downsizers, small families, single persons and couples without children.

The GA did not raise concerns about the apartment offering, only asking the applicant to consider refining the alignment of the lobby/north recessed glazed facade to minimise the circuitous/dog-legged entry arrangements and the bedroom access door to the living room, as well as improve light into the building's stairwell to improve amenity and encourage daily use of the stairs.

The applicant has advised that the apartments have been carefully designed to maximise access to natural daylight, outlook and residential amenity through the arrangement and orientation of living spaces and bedrooms and that incorporating windows to the stairwell would not comply with NCC fire regulations.

While the proposal does not fully comply with PO 29.1, it is not considered to be to the detrimental outcome when considering that it contributes to a mix of dwelling types within the wider marketplace and is suitable for the site's location.

Common Areas and Communal Open Space

The development incorporates generous communal spaces with a ground floor dedicated solely to being an accessible, activated space and incorporating a private gym and yoga studio for the benefit of the resident. The common area satisfies Design in Urban Areas PO 30.1 in its lift size, lobby areas, corridors and visitor waiting areas to accommodate the movements of people and mobility devices.

The communal open space includes area located at the rear and northern side of the building. The area is accessible from the ground floor corridor and available to all residents and their guests. The area is shown depicted with outdoor furniture.

The area is not a substitute for open space as all dwellings provide the required amount, however, it does provide a more open landscaped area for residents and visitors to meet.

The location is in close proximity to two dwellings and therefore its use may need to be managed, potentially through rules of use by facility management.

As such the proposed communal area is considered to offer a reasonable space that is functional and attractive for the added wellbeing of residents and satisfies Design in Urban Areas POs 32.1 to 32.8.

Site Facilities

Regarding Design in Urban Areas PO 35.1 and 35.2, a mailbox facility will be provided within the ground floor lobby. External clothes drying facilities are capable of being provided, however, if deemed necessary, its location will need to be determined by facilities management.

The location of the transformer and fire booster presented challenges with regards to its presentation on the street. These services need to be accessible and clear from vegetation and while the transformer will be placed in the north-eastern corner, the fire booster can be more conspicuous with exposed booster pipes rather than being within an enclosure.

Air conditioning is to be located within an acoustic barrier near the lift on each level with pipework accommodated within an area of the ceiling slab and will therefore not be exposed.

PO 35.6 is partially addressed noting the regulatory requirements for the positioning of the transformer and the fire booster.

Infrastructure and Renewable Energy Facilities (IREF)

Water supply

The proposed development will be connected to a mains water supply with proposed measures in place to meet the capacity of the development.

It is noted that some representors have raised a concern regarding the water supply and water pressure in the area.

In response the applicant has advised that the development will incorporate water storage tanks with a dedicated booster pump in the basement which allows water to be stored during periods of low demand on the network and pumped for use in the building during high demand.

This will ensure adequate water pressure for the development without placing any additional demand or pressure on the existing water supply network.

IREF PO 11.2 has been satisfactorily addressed.

Interface Between Land Uses

General Land Use Compatibility

Interface Between Land Uses (IBLU) PO 1.1 states that sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses and land uses desired in the zone.

An acoustic report provided by Sonus (**Attachment 1G**) reviews the potential noise emissions at the surrounding noise sensitive receivers and assesses impacts from predicted noise sources from mechanical plant equipment and car parking.

The predictions are based on assumed activity within any 15-minute period of the following:

- 15 vehicle movements into or out of the basement parking lot
- Continuous operation of all mechanical plant equipment

The World Health Organisation (WHO) recommends the allowable noise levels to be 35 dB(A) inside and 50dB(A) outside during the day and maximum noise level of 45 dB(A) inside and 60dB(A) outside at nighttime.

In relation to the plant services, the report states that in order to achieve the recommended criteria, full height acoustic louvres will need to be installed externally at all levels in the location of the plant services area south of the lift shaft. A vertical aluminium louver screen is shown on the plan on the southern elevation in the recommended location and this will enable the criteria to be met at the nearest sensitive receivers.

The assessment considering vehicle movements was undertaken using the application of the *ISO 9613-2: 2024-01* prediction method as implemented by *SoundPLAN* noise software which considers the noise level

generated by each source, the shielding effect provided by barriers and topography and the meteorological conditions conducive to noise generation.

Table 4 provides a summary of the noise modelling in comparison to the achieving the relevant noise goal requirements of the *WHO* guidelines and in accordance with the hierarchy of selection measurement location of the EPA Noise Policy.

Table 4: Predicted Noise levels assessed against WHO noise goal requirements

Location	Average Noise Level (L_{eq})		Maximum Predicted Noise Level (L_{max})	
	Outdoor	Indoor	Outdoor	Indoor
Criteria	45dB(A)	30dB(A)	60dB(A)	45 dB(A)
South (2 Patawalonga Frontage)	45 dB(A)		50 dB(A)	
North (4 Patawalonga Frontage)		10 dB(A)		37 dB(A)
West (along North Esplanade)	36 dB(A)		44 dB(A)	

The noise goal requirements have been satisfied for outdoor noise criteria for daytime and nighttime requirements for properties 2 Patawalonga Frontage and along North Esplanade and inside requirements for 4 Patawalonga Frontage which has had acoustic treatments to the dwelling, and therefore IBLU PO 1.1 has been reasonably satisfied.

Overshadowing

POs 3.1 and 3.2 seeks for overshadowing of habitable room windows and private open space areas of adjacent properties to be minimised to maintain access to direct winter sunlight. This is measured through the provision of at least 3 hours direct sunlight between 9am and 3pm on 21 June.

Overshadowing diagrams provided by the applicant demonstrate that there will be an increase in shadow in all directions as a result of the proposed building. The diagrams show overshadowing generated by the proposed building at the height proposed and that of the anticipated building height of the Zone. The diagrams also show the extent of shadow of the proposed building and the shadow of a 3-level building on the site on 21 June. This shows that there is additional impact as a result of the increased building height.

For the neighbouring property at 2 Patawalonga Frontage, the extent of shadow will impact the building similarly to a building that satisfies the 3-level/11.5m DPF. The shadow will start to recede over the POS area from approximately 1pm during the winter months, however the dwelling will be in shadow for the majority of the day from approximately 10am for a building of 3 levels. The existing medium rise buildings would have a similar impact on their southern side as a result of their setbacks and height.

The extended building height will have an impact on the property at 1C Patawalonga Frontage, however this is predominantly at ground level. This is demonstrated by the Axonometric shadow diagrams which shows that a future building on the adjoining site that is built to the DPF criteria of 3 levels/ 11.5m high would also produce shadow that would impact the ground level and may reduce sunlight over their POS areas in the winter months, however sunlight would still be received at roof level and would not unduly impact the rooftop panels as sought by IBLU PO 3.3. Therefore the proposed building, at the proposed height, will have a similar impact to a 3 level building on 2 Patawalonga Frontage.

This notwithstanding, the building at 1C Patawalonga Frontage does not contain any low-level habitable windows on the affected side and furthermore, the shadow will start to recede from 1pm and will have at least 3 hours of sunlight over the POS during the winter months.

Accordingly, the development will not unreasonably overshadow the habitable rooms and POS of neighbouring properties as desired by IBLU POs 3.1 and 3.2.

Transport, Access and Parking

Access

Vehicle access to the basement car park will be provided via a 6m wide, two-way crossover on Patawalonga Frontage and will require the re-alignment of the existing driveway by 80mm.

The proposed access point does not result in the loss of on-street car parking or street trees. The applicant will reinstate any redundant crossovers to upright kerb.

Vehicles can enter and exit simultaneously onto Patawalonga Frontage at the entry/exit point as demonstrated by the vehicle turnpath diagrams as shown in Figure 4. The driveway narrows to 3.6m at the base of the entry ramp and vehicles will need to store at the entry if a vehicle is coming up the ramp to exit.

Council requested further details around the one-way section of the ramp and how it will be managed in regards to priority direction, signage, control systems and potential conflicts. CIRQA advised that the proposed arrangement is conformant with the standard as the traffic movements will be significantly less than the 30 peak hour movements that requires two-way passing provisions. CIRQA further advises that the need for controls can be reviewed at detailed design stage, for example convex mirrors, detector senses and warning lights.

Regarding sightlines, the placement of the transformer will result in a minor intrusion into the pedestrian sightline triangle due to providing a two-way driveway rather than the minimum width of 3m and this is demonstrated on the plans that the encroachment is marginal. CIRQA advises that this would have no material impact on safety at the access point, however, can be addressed in response to the condition for the carpark to be compliant with AS/NZ 2890.1.

Overall, the proposed access is considered to provide safe and convenient access for vehicles associated with the site and is consistent with Traffic, Access and Parking POs 2.1, 2.2 and 3.1 to 3.6.

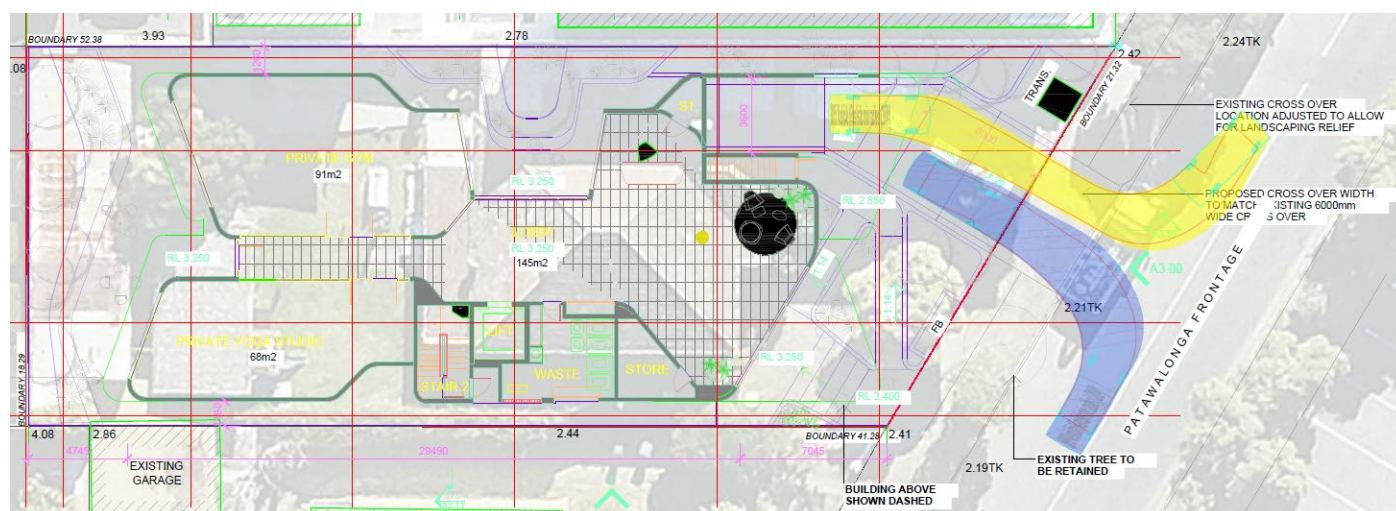


Figure 4: Vehicle turnpaths at entry

Vehicle Parking

The following car parking rates relate to the proposed development as specified in Table 1 – Off-Street Car Parking Requirements:

- Two-bedroom dwellings – 1 space per dwelling (14 spaces)
- Visitor parking – 0.33 spaces per dwelling (4.62 spaces)

Based on the above rates, the proposal requires 19 car parks (rounded up).

The proposal provides 20 car parks and therefore satisfies the Planning and Design Code Requirements identified in Transport, Access and Parking PO 5.1.

Each of the tandem car parks will be allocated to the one apartment to ensure that vehicles are not 'double parked' and can be accessed in the event that a vehicle needs to be shifted. CIRQA considers that this will not be a frequent occurrence as it is expected that there will be low traffic movements. This notwithstanding, the basement is capable of accommodating the shifting of vehicles within the aisles without impeding other parking spaces as demonstrated by the turn path assessment in Figure 5.

In providing three apartments with 2 car parks, the car park will be two visitor car parks short. This could be off-set by the on-street car parks in front of the site which visitors are generally inclined to use given that the gate entry often requires security access.

The car park layout is supported by the traffic consultant, stating that the car park will be designed in accordance with AS/NZS 2890.1:2004 in that:

- Regular Parking spaces will be 2.4m wide and 5.4m long;
- Parking aisles will be a minimum of 5.8m wide;
- The basement ramp will have a maximum gradient of 1:4, with transitions at least 2m at 1:8 at the top and bottom of the ramp;
- A clearance height of 2.2m will be provided within the entire car park including associated access ramp;
- A 1m end-of-aisle extension will be provided beyond the last parking space in the aisle;
- 0.3m clearance will be provided to all objects greater than 0.15m in height.

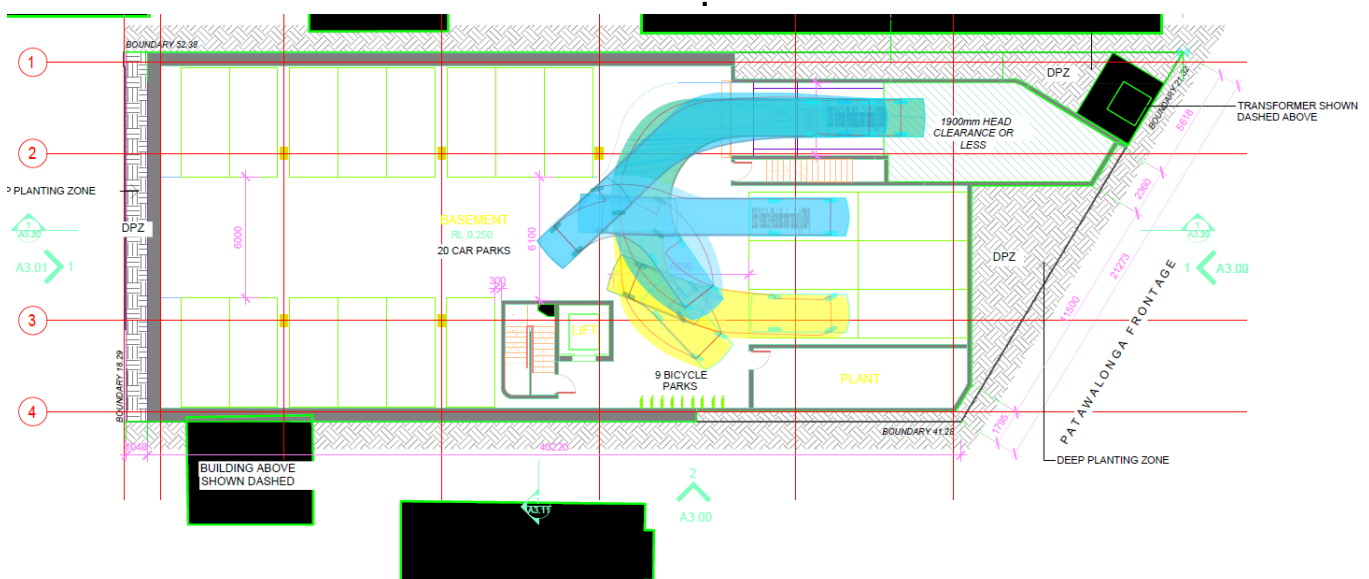


Figure 5: Vehicle turnpaths from tandem spaces

Bike Parking

There are no bike parking requirements identified in the Planning Design Code for this site, however the proposal provides 9 bicycle parks in the basement for the benefit of the occupants.

Traffic Generation

CIRQA has forecast traffic generation using the Transport for NSW's "*Guide to Transport Impact Assessment*" which identified a peak period generation rate for medium density residential dwellings of 0.39am and 0.37pm peak hour trips (the guide states 'medium density' to be less than 20 dwellings).

The report goes on to say that on the basis of the proposed development yields, the proposal is forecast to generate in the order of 6am and 6pm peak hour trips, which is considered to be low and will be readily accommodated on the adjacent road network with minimal impacts upon its operation.

The proposal is therefore considered satisfactory with regard to maintaining a sustainable, efficient and convenient integrated transport system that is accessible to all users as sought by Transport, Access and Parking DO 1.

Site Contamination

The proposed development does not involve a change of use to the land to a more sensitive land use and does not trigger procedural actions pursuant to Practice Direction 14.

CONCLUSION

The proposed development satisfies the Zone objectives of providing a residential development with uses that support an active, convenient and walkable neighbourhood.

It is acknowledged that that the building exceeds the Zone's desired building height standard by two levels and requires careful consideration. The relevant policy does not rule out exceeding the height limit, only that its consideration is given to the site's size and dimension and its ability to manage massing and impacts on adjoining residential development.

The proposed development is a contextual response and seeks to satisfy the relevant performance outcomes by using design responses rather than meeting the numerical standards that are seen as one way of satisfying the planning objectives.

The proposed development seeks to mimic the existing medium rise development in the locality through its building footprint and siting, however, brings with it a high-quality design that allows it to blend in with its surroundings and limit its impact on the streetscape.

It is considered that the development, with its height and siting is acceptable on a site of its size and dimensions for the following reasons:

- The height of the tower is managed through its articulated design, soft and transparent finishes, recessed built form, horizontal emphasis of the upper levels and slender massing as a proportion of the overall built form.
- The locality has evolved into a medium to high density area and a standard has been set with regard to building height relative to land size in terms of setbacks, visual appearance, overlooking and overshadowing.
- The visual impacts to western properties will be reciprocated and their uninterrupted outlook to the coast maintained.

- The building will reasonably transition in height relative to existing and future buildings on Patawalonga Frontage and will not appear out of character in its setting, particularly when viewed from a wider vantage point.
- Buildings to the south will not be affected by overshadowing from the development for at least 3 hours during the afternoon in the winter months nor will it affect the efficiency of existing solar panels.
- The design has received support from Government Architect, particularly in regards to its architectural expression and response to breaking down the massing and softening the appearance of the built form to manage the height and scale.

Additionally, the building responds appropriately to the Performance Outcomes of the Code with regard to resident amenity, sustainability, stormwater, landscaping, water supply, waste management, traffic and access as identified in the above commentary.

Despite the identified deviations from recommended policy outcomes, the application is not considered to be one that could reasonably be determined to be seriously at variance to the relevant policy provisions. Accordingly, conditional planning consent is recommended, subject to the reserve matters and conditions listed below:

RECOMMENDATION

It is recommended that the SCAP resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 25040461, by Okin Capital C/- Enzo Caroscio Architecture is granted Planning Consent subject to the following conditions and reserved matters:

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

Reserved Matter 1

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

Reserved Matter 2

The applicant shall submit a sustainability report in consultation with the Government Architect, 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

All on-site vehicle parking be constructed in accordance with AS/NZS 2890.1:2004 and AS 5124:2017

Condition 3

All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2018 (Part 3) to ensure that stormwater does not adversely affect any building, adjoining property or public road.

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

Where provided for by any relevant off-set scheme established under section 197 of the Planning, Development and Infrastructure Act 2016 (as at the date of lodgement of the application), payment of an amount calculated in accordance with the off-set scheme may be made in lieu of planting/retaining 1 or more trees as set out in the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). Payment must be made prior to the issue of development approval.

Condition 6

Measures to protect the privacy of adjacent residential dwellings shall be erected in accordance with the approved plan prior to the commencement of use and shall be maintained as an effective privacy screen to the satisfaction of the Relevant Authority thereafter.

Condition 7

The acoustic measures identified in the Sonus Acoustic Report S8707C3 to satisfy the identified noise levels shall be installed prior to the commencement of use and shall be maintained for the life of the development to the satisfaction of the Relevant Authority thereafter.

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

The gym and yoga studio are for residents' private use only and are not to be used for commercial purposes. Any commercial use would require the lodgement of a development application for consideration of a change of use.

Advisory Note 5

The applicant is reminded of their obligations under the Local Nuisance and Litter Control Act 2016 and the Environment Protection Act 1993, in regard to the appropriate management of environmental impacts and matters of local nuisance. For further information about appropriate management of construction site, please contact the relevant Local Government Authority.

Advisory Note 6

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 by the proponent.

Advisory Note 7

A Construction Environmental Management Plan (CEMP) should be prepared in collaboration with, and to the satisfaction of, the Local Government Authority prior to the issue of Development Approval. The approved CEMP shall be implemented throughout the development and should incorporate, without being limited to, the following matters:

- Car parking and access arrangements for tradespersons
- Siting of materials storage
- Site offices
- Work in the Public Realm
- Hoarding
- Site amenities
- Traffic requirements including construction access/egress and heavy vehicle routes
- Reinstatement of infrastructure

- Site contamination management, if required (prepared by a suitably qualified and experienced site contamination consultant in accordance with EPA guidelines)