

ITEM 7.7 040/2673/07 – NEWPORT QUAYS P/L

Applicant's Name:	Newport Quays P/L Level 2, 60 Hindmarsh Square ADELAIDE SA 5000
Subject Land:	Causeway Road, New Port (East of the Glanville Railway Station)
Proposed Use:	Mixed Use Development Comprising Residential, Retail and Commercial Development, Open Space and a 26 Berth Marina (Precinct 2B of Newport Quays)
Zone:	Port Adelaide Centre
Policy Area:	34B - Newport Quays
Reasons for Report:	Significant development, where the Development Assessment Commission is the relevant authority and Council has a commenting role.

BACKGROUND

In September 2004, the Port Waterfront Redevelopment Plan Amendment Report (PAR) amended the Port Adelaide Enfield Development Plan to create a number of Policy Areas within the Port Adelaide Centre Zone along the foreshore of the Port Adelaide River. The intent of this new Planning Policy was to facilitate the redevelopment of land owned by the Land Management Corporation along the Port Adelaide River.

Schedule 10 Section 5 of the Development Regulation 103 makes the Development Assessment Commission (DAC) the relevant authority for all classes of development within these Policy Areas. The DAC has established the Port Waterfront Redevelopment Committee (PWRC) to determine Development Applications for which DAC is the relevant authority in this area.

The PWRC has granted approval to Stage 1 of the Newport Quays Development (within Policy Area 34A – Avicennia Waters) and Stage 2A (at the southern end of Policy Area 34B – Newport Quays). Both these stages of the Newport Quays development were supported by Council's Development Assessment Panel and are currently under construction.

The Newport Quays Consortium provided Council with details on the proposal for Stage 2B and 2C of the Newport Quays development progressively between January and July 2007. In accordance with Section 8 of the Port Waterfront Redevelopment Project Commitment, Council had 60 days within which to comment on this preliminary proposal. Council provided written comments to the Newport Quays Consortium on four occasions between February and September 2007.

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The City of Port Adelaide Enfield also engaged a team of experienced urban designers, architects and planners from both South Australia and interstate to help provide considered comment on Stage 2B of Newport Quays. This group is referred to as the “Port Waterfront Design Review Panel” (DRP).

At the request of the City of Port Adelaide Enfield, the Newport Quays Consortium presented a summary of the Stage 2B and 2C proposal to the Design Review Panel on Friday 29 July 2007.

The City of Port Adelaide Enfield then wrote to the Newport Quays Consortium on 20 July 2007 raising a number of concerns with the preliminary proposal. The Newport Quays Consortium then made some relatively minor amendments to the proposal. The City of Port Adelaide Enfield then organised a workshop on 21 August 2007 where the Newport Quays Consortium was able to present the amended scheme for Stage 2B of Newport Quays to the Design Review Panel and representatives from Planning SA, the Development Assessment Commission and the Land Management Corporation.

Despite the amendments to the proposal, the Design Review Panel still had some significant fundamental concerns with the proposal. These concerns were expressed verbally at the workshop and were confirmed in writing in a letter from Council to the Newport Quays Consortium dated 3 September 2007.

The Newport Quays Consortium then undertook further minor amendments to the proposal before lodging a formal Development Application with the Development Assessment Commission on 19 September 2007.

SITE AND SURROUNDING LOCALITY

The subject site is located on the western side of the Port Adelaide River, to the north of the Jervois Bridge. The area of the site is approximately 30,460m² or 3.05ha (including the proposed “water room” or inset basin), being roughly square in shape, bounded by the Port Adelaide River to the east and the Railway line to the west. The site is relatively flat and vacant, with a slight fall from west to east.

The locality varies significantly in its form and character. There is a broad mix of existing and emerging residential development, together with existing institutional, commercial, port related industrial and maritime land use activities.

To the south of the subject site is Stage 2A of Newport Quays which is currently under construction. This development includes a pair of six storey residential flat buildings, a variety of 2 and 3 storey row dwellings, some small-scale shops, a 23 berth marina within an inset basin, a public promenade along the foreshore and some public reserves.

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Beyond the rail corridor which abuts the subject site to the west is the predominantly low density, residential suburbs of Ethelton and Glanville which are dominated by single storey detached dwellings fronting a grid pattern street network. On the opposite side of the Port Adelaide River is the historic Harts' Mill precinct.

Land immediately adjoining the subject site to the north forms Stage 2C of Newport Quays, which is the balance of Policy Area 34B – Newport Quays in the Development Plan. Preliminary designs for the redevelopment of this land have been shown on some of the proposal plans for the current application. However, at present this land is predominately vacant, with some warehouse buildings remaining. Land to the north-east of the subject site fronting the Port Adelaide River is characterised by aging industrial buildings that house port related activities such as boat maintenance and repairs, workshops, stores, boat slips and mooring facilities.

DESCRIPTION OF THE PROPOSAL

The proposed development includes the following elements:

- Three, 12 storey residential flat buildings (containing a total of 337 dwellings);
- Twelve, 3 storey row dwellings;
- Fifteen, 2 storey dwellings in residential flat buildings;
- Thirty-seven, 2 storey office/dwellings (referred to as "SOHO" units);
- Two ground floor shops (approximately 250m² each on the northern and southern side of the propose plaza), together with areas for outdoor dining on the proposed promenade;
- An inset basin or "Water Room" containing 26 marina berths;
- 6 marina berths towards the northern end of the site (plus 32 marina berths into the Port Adelaide River to the east of Building E, previously approved by DAC);
- A public plaza (approximately 600m² in area);
- A public promenade (8-12m in width) along the waterfront; and
- 79 on-street parking spaces.

NATURE OF THE DEVELOPMENT

As stated previously, Schedule 10 Section 5 of the Development Regulation 103 makes the Development Assessment Commission (DAC) the relevant authority for all classes of development within these Policy Areas. The DAC has established the Port Waterfront Redevelopment Committee (PWRC) to determine Development Applications for which DAC is the relevant authority in this area.

DAC has determined that the current Development Application is subject to an 'on merit' assessment. It has also determined that Category 2 notification of the Application occur (the following section of this report provides a summary of the written submissions received).

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SUMMARY OF REPRESENTATIONS

A total of 24 written submissions have been received by the Development Assessment Commission as part of the Category 2 notification of the proposed development (from 22 October 2007 to 7 November 2007). A list of the representors is provided below:

1. Kate and David Guerin – 5 Prospect Road, Thorngate
2. David Lazell – 1 Dudley Street, Semaphore
3. Kurt Florimond – PO Robe
4. Kalyna Micenko, Port Adelaide Artists Forum – PO Box 3252, Port Adelaide
5. Bob Daly, Port Adelaide Artists Forum – PO Box 3252, Port Adelaide
6. Lucy Thurley – 8 Charleton Street, Exeter
7. Liz Millington – 26 Claughton Road, Largs Bay
8. Tina Jonas – 19 Hall Street, Semaphore
9. Catherine McMahon – 132 Mead Street, Peterhead
10. Suzanne Laslett – 76 New Street, Queenstown
11. Rose Bowey – 19 Water Street, Semaphore
12. Fiona McConchie – 14 Napier Street, Exeter
13. Jonathon Freeman – PO Box 234 Semaphore
14. Tony Kearney, National Trust (Port Adelaide Branch) – PO Box 63 Port Adelaide
15. Anne Hooper – PO Box 249 Semaphore
16. Andrew DeGaris – 17 Hall Street, Semaphore
17. Mark Chellew , Adelaide Brighton Cement – GPO Box 2155, Adelaide
18. Michael Weir - mikeweir@airnet.com.au
19. Stephen Von Der Borch, Semaphore Main Street Association – 15 Semaphore Road, Semaphore
20. Fiona Pemberton, Port Adelaide Resident's Environment Protection Group – PO Box 3122 Port Adelaide
21. Brett and Julie Duncanson – 30 Hall Street, Semaphore
22. Sean Murphy – 140 Esplanade, Largs Bay
23. John Fitzpatrick – 9 Union Street, Largs Bay
24. Peta O'Donahue – 21 Walcot Street, Largs North

The matters raised in the written representations are summarised below:

Design

- 12 storey residential buildings are too high and will be visible from long distances.
- The shape, location and design of the tall buildings alienates the general community from the waterfront and physically encloses the river from the existing local community.
- The application has five 12 storey and two 7 storey buildings over precinct 2B and 2C. Rather than being narrow 'landmark' buildings the built form is very bulky laterally. This is excessive and will dominate the skyline of the Port.
- The creation of "water rooms" appears to impact upon water access by the public.

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- The references in the Hassell report to the increased public space and lower density of this stage have not been included in the Application. Legibility, access, pedestrian/cycle/vehicle routes and links all segregate the new community from the general public and discourage interaction and relationships.
- The 8 metre promenade is very limited given that the space will be shared with walkers/cyclists and people using the water front.
- The proposed development is inconsistent with the surrounding development and does not integrate with it.
- The proposed development fails to maintain the beauty and heritage attributes of the Port.
- The development offers very few and very narrow 'lines of view' to iconic buildings in the Port, such as Hart's Mill. The view corridor from the public plaza in Precinct 2C is effectively framed by the 12 storey buildings and in the smaller plaza in Precinct 2B, the views will be blocked by the 12 storey buildings.
- The high rise development close to the river and marina berths will constrict navigable areas and will ruin the open space feel of the river and the inner reaches.
- The design fails to achieve a "human-scale" of development.
- The application is inconsistent with the Concept Plan in the Development Plan.
- The development is designed as a 'gated' community – turning its back on the surrounding established area and inwardly facing the river.
- No consideration has been given to the integration of the Glanville Station transport hub and the 'potential' upgrades.
- The lack of an overpass or underpass and associated commercial development in the proposed development is an opportunity missed.
- There is no active gateway to the development when accessed from Semaphore Road and the railway station.
- The proposed development does not incorporate established and recognised urban design principles.
- Concern about the wind tunnelling effect created by the proposed buildings.
- No opportunities for 'recreation or tourist development' have been considered in the Application.
- There are a number of 'dead' walls adjacent to public pathways and roads.

Privacy

- The concave nature of the balconies in building E means that residents will be to see 50 percent of their neighbours balconies on the same level and below.
- The 12 storey towers look down into the front courtyards of the 3 storey townhouses.

Noise

- Concerned about how noise from 26 power boats berthed within the confines of the 'sound shell' created by high rise development surrounding the cut-in marina will be addressed.

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Public Open Space

- The portion of public open space in the development appears too small and has the effect of alienating people from the areas due to the height and size of buildings.
- There is no space for 'congregation areas' or areas that could be used for public festivals or outdoor events.
- The application reduced the public open space implied in the Development Plan and removed the publicly accessible pier.
- The proposed building over the water and partly over the public promenade, compromise unfettered public access to the area.

Overshadowing

- Overshadowing of the waterfront, open space and promenade needs to be investigated.

Public Marina Berths

- There appears to be no marina berths available to the general public in the proposed plans.
- Limited number of public berths may lead to 'boat rage' with people fighting over public berths.

Sustainable Design

- Sustainable design requires further consideration, the orientation of Buildings D & G (east/west) as large glass structures and the extent of rain water capture (significantly reduced via an amendment to the current DA) and reuse need to be considered along with noise impacts from the adjoining marinas.

Public Art

- Expenditure on public art is 0.1% of the development cost. How can this be a reasonable percentage of such a development?

Crime Prevention

- There may be issues for public safety created by the various recesses, nooks and crannies created by the layout and design of buildings.

Traffic and Car Parking

- Lack of car parking for people wanting to access the waterfront. Makes it inaccessible to any non-resident or person with a disability.
- There has been limited consideration given to traffic movement and flows onto Semaphore Road from the development.

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- There has been insufficient consideration of the impact of the development on the Semaphore Road with regard to car parking.
- Joint use of the railway car park 'outside of peak commuting hours' is unclear and is a long way away from the waterfront.
- The additional pressure on car parking along Semaphore Road will undermine the economic viability of the local shopping strip.
- Significant pressure will be placed on already stressed public parking at the Glanville transport hub.

Master Plan

- Each precinct is being planned separately without an overall concept available for comment.
- Nature, form and extent of the buildings are radically different from what was 'negotiated' through the PAR rezoning process and is different from what the community expect on the site.

Heritage

- Concerned that the Port Waterfront redevelopment only plans to save three heritage (listed) structures, with the majority of the evidence that it was a working port destroyed or earmarked for destruction. Five additional structures, not protected under the existing State Heritage Area, have been identified by the National Trust that should be preserved.

ASSESSMENT OF THE PROPOSAL

As indicated in the Background to this report, the City of Port Adelaide Enfield has engaged a team of experienced urban designers, architects and planners, known as the "Port Waterfront Design Review Panel" (PWDRP), to undertake a review of Stage 2B of Newport Quays. A report entitled "Urban Design Analysis of the Proposed Development of Policy Area 34B – Newport Quays within the Port Waterfront Redevelopment" was prepared by the PWDRP to help inform the assessment of this Development Application. A copy of this report is contained in the attachments.

It should also be noted that the City of Port Adelaide Enfield has engaged an independent consultant to prepare a Crime Prevention Through Environmental Design (CPTED) assessment of the proposed development. A copy of this report is also contained in the attachments.

Council has also prepared a three-dimensional, video 'fly-through' of the proposed development to accompany this report.

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Zoning and Land Use

Zone Objectives: 1, 2, 7, 8, 9

Zone Principles of Development Control: 1, 5, 7, 8, 9

Policy Area 34B Objectives: 1

Policy Area 34B Principles of Development Control: 1, 4, 6, 13, 14, 15, 16

The proposed development incorporates a mix of predominantly residential, office/residential (SOHO units), and shop land uses. These are all land uses that are envisaged within the Port Adelaide Centre Zone. Residential and shop land uses are explicitly envisaged in Policy Area 34B. While offices are not explicitly referred to, mixed use development is expressly encouraged within this Policy Area. The proposed SOHO units comprise potential ground level office use and upper storey residential use, which can be described as mixed use development. In summary, it is considered that the proposed land uses satisfy the intent of the Development Plan.

Density of Development

Zoning Objectives: 2, 8

Zoning Principles of Development Control: 4

Policy Area 34B Objectives: 3

Policy Area 34B Principles of Development Control: 6

The Desired Future Character Statement for Policy Area 34B: Newport Quays Policy Area states that this Policy Area will provide “*a medium to high density residential development forming a gateway to the Port...*”. The desire for medium to high density residential development is supported by Objective 3 of the Policy Area.

The Application does not include any clear figures regarding the density of the proposed development. The Applicant has indicated that the variations in built form from those shown in Concept Plan Fig PAC/7 will result in an overall reduction of gross floor area by nearly 50%, a reduction in apartment numbers from 609 to 374 and increase in open space (including the “water rooms”) by some 2.5 times. Such a comparison is considered to be a misinterpretation of the Concept Plan Fig PAC/7, whereby it has been assumed that the ‘areas’ identifying maximum building heights can include complete site coverage to that height. Clearly, this would not be an achievable outcome in design terms as it is logically anticipated that any development requires space between buildings for roads, paths, landscaping, car parking and public open space.

In simple terms, the site area is approximately 30,460m². There are 374 dwellings proposed in this stage of development. Therefore the average gross density is 122 dwellings per hectare. Assuming that 30% of any site is usually unbuilt upon land (e.g. roads, public open space), the average net density is 175 dwellings per hectare. This falls at the upper end of Planning SA’s definition of high density residential development in “Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples” (August 2006). In itself, this proposed density of development is not considered to be ‘at odds’ with the intent of the Development Plan guidelines.

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Marina Berths and the Inset Basin / “Water Room”

Council Wide Objectives: 47, 57

Council Wide Principles of Development Control: 17, 25, 28, 104, 106, 198, 199

Zoning Objectives: 9

Zoning Principles of Development Control: 5, 52, 54, 149-152

Policy Area 34B Objectives: 1, 2, 4

Policy Area 34B Principles of Development Control: 1, 8, 9, 18

Council Wide Objective 47 seeks to:

Objective 47: Encourage and promote the use of waterways for public and private transport in safe and convenient manner that does not interfere with, but compliments, traditional port activities and the character of water-related development. (my underlining)

There are also a number of provisions relating to the development of Marinas in the Port Adelaide Centre Zone including:

Objective 9: The further development of tourism, cultural and recreational facilities related to Port Adelaide's unique maritime and commercial heritage and character, and promotion of the zone as a major State tourism destination, by development supporting attractions including:

- (a) the maritime museum
- (b) the railway museum
- (c) other museums and galleries
- (d) hotel/motel facilities
- (e) fish and growers markets
- (f) convention and exhibition facilities
- (g) boating and touring facilities, and interpretive facilities
- (h) integrating development with the Port Adelaide River to take advantage of it as a major recreational resource. (my underlining)

5 Appropriate recreational and tourism development, such as marinas, maritime museum uses and ferry services, may be developed on Port Adelaide River in locations where boating and harbor activities can be undertaken safely and conveniently. (my underlining)

52 Parts of the waterfront adjacent to the public promenade shown in Fig PAC/1 are to be made available for active public use for tourist related and harbour activities, including the use of small river craft and tourist boats. (my underlining)

54 The development of marinas and restaurants, cafes and other tourism and public recreational uses in appropriately designed structures on the Port Adelaide River and projecting from the waterfront may be developed provided they do not interfere with harbour activities, the free movement of pedestrians and cyclists along the promenade, nor threaten the role of the core centre in policy areas 23 and 26. (my underlining)

Marinas and Wharves

149 Marinas, wharfs, jetties, piers or boat moorings should:

- (a) provide permanent and temporary docking facilities for residents and the public;
- (b) provide moorings suitable to a variety and varying sizes of watercraft and vessels;
- (c) provide a visually stimulating environment;
- (d) add vitality and maritime activity to waterfront areas;
- (e) provide a continuation (literal or thematic) of the historic maritime uses of the Port;

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- (f) *maintain a strong link and physical integration between the Port Adelaide River and land based public reserves, plazas, promenades and other public and private features comprising the waterfront;*
 - (g) *integrate with development built directly on or over the river. (my underlining)*
- 150** *Marinas, wharfs, jetties, piers or boat moorings should be designed and located to avoid or minimise interference to public access to the waterfront, navigation channels, access channels, known diving areas, commercial shipping movement patterns or activities associated with existing jetties and wharves.*
- 151** *Marinas, wharfs, jetties, piers or boat mooring facilities and associated development should:*
- (a) *Avoid or minimise any negative impacts on:*
 - (i) *natural riverine ecology and processes;*
 - (ii) *habitats of conservation significance;*
 - (iii) *dolphin safety within the dolphin sanctuary area;*
 - (iv) *riverine or other water quality; and*
 - (v) *nearby uses, including noise.*
 - (b) *Comply with recognised standards for water quality.*
 - (c) *Have an oil spill contingency plan to minimise the impact and provide for the adequate clean up of any oil/hydrocarbon fuel spillage.*
 - (d) *Have adequate fire protection and fire-fighting facilities. (my underlining)*
- 152** *Marinas, wharfs, jetties, piers or boat mooring facilities and associated development should where appropriate provide for:*
- (a) *serviced moorings to allow for floating retail, activity;*
 - (b) *functional requirements of public transport and water navigation including berthing and wharf facilities for ferry and water taxi stopping points that are coordinated with land based services;*
 - (c) *modal interface with land-based public and private transport services and infrastructure; and*
 - (d) *connection to shore-based service requirements and support facilities such as boat repair and servicing, amenities, accommodation and shelter structures. (my underlining)*

The Concept Plan Fig PAC/7 identifies a “Marina (private use)” and a “Marina with public access” adjacent to the subject site within the Port Adelaide River. It is understood that the marina berths shown extending out into the Port Adelaide River on the proposal plans have already been granted Development Plan Consent by the Development Assessment Commission as part of a separate Development Application numbered 040/2274/05. As part of the current Application, it appears that an additional 26 marina berths are proposed within a “water room”, with an additional 6 berths proposed at the northern end of the site, together with three public jetties.

The proposed “water rooms” are not drawn from the existing pattern of development along the water’s edge. It is considered that this does not enhance the river interface in terms of views and vistas along the river. It is considered that the proposed “water rooms” significantly compromise the development of a clear and legible pedestrian and cycle route along the river foreshore, forcing the public on a circuitous route around these inlets with no viable alternative route. The dominant private marina berths proposed also visually dominate the “water room” and establish this space as almost completely private and not public space.

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The assessment of the visual impact of marinas is largely subjective. It is noted that the Port Adelaide Enfield Development Plan envisages an extensive amount of marina development in some 26 locations in this part of the Port Adelaide River. However, it is considered that the additional marina berths proposed as part of this development will add to the cluttered appearance of the Port Adelaide River in this locality due to the large number of boat moorings (in excess of 600). In this way, the volume of proposed marina berths do not complement the character of the inner harbor as a working port with water related development in this locality.

A key concern regarding the creation of the proposed inset basin or “water room”, and the associated marina berths, is the impact upon the hydrology of the Port Adelaide River. It is considered important to understand the hydrology of the river prior to undertaking such significant modification of the waterfront to ensure that there remains an appropriate flow of water and that the proposed inset basin is flushed. This is particularly important in ensuring an acceptable level of impact upon the habitat of marine life, including the dolphins so recognisable to this area. It is also unclear whether the depth of the river bed is adequate in this location so as to provide adequate draft for vessels. An understanding of any dredging necessary for the proposed marina is essential to the detailed assessment of this Application. A strategy for managing algal blooms is also considered to be necessary.

In the absence of any detail regarding on-shore facilities for users of the marina such as toilets, storage areas and car parking, it is understood that the proposed marina berths will rely completely on facilities within the nearby dwellings. However, there is concern regarding the potential for marina berths to be leased or sold to people who do not live in the Newport Quays development. This has the potential to create significant problems in terms of parking and demand for on-shore facilities such as toilets, storage etc.

It is also noted that the current plans indicate marina berths in the Port Adelaide River that appear to conflict with the location/design of marina berths granted Development Plan Consent by DAC under DA 040/2274/05.

Bulk and Scale

Council Wide Principles of Development Control: 146

Zoning Objectives: 11

Zoning Principles of Development Control: 29, 31, 36, 37, 68, 70-72

Policy Area 34B Objectives: 5

Policy Area 34B Principles of Development Control: 24

There are a number of provisions within the Port Adelaide Centre Zone that guide bulk and scale of development as follows:

Objective 11: *The reinforcement of those parts of the zone which have distinctive and valued architectural and townscape characters with compatibly designed new buildings, where their scale, height, mass, setbacks and materials enhance the character of the zone. (my underlining)*

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- 29 Development in the zone, and in particular development adjacent to, or in close proximity to, a building or places of heritage value:
(a) should respect the historic character and integrity of the locality or particular places of heritage value within its locality; and
(b) should be compatible in respect of its design, siting, scale, building and roof shape, bulk, height, building materials and colours, advertising signs and external illumination. (my underlining)
- 31 The bulk, height or scale of any large buildings which may be required for functional reasons should include careful articulation and composition of building forms and facades. (my underlining)

Height of Buildings

- 36 Development should have regard to the height of adjoining buildings and townscapes within its locality and generally not exceed the height limits stated for each policy area in the zone. (my underlining)
- 37 The development of buildings on landmark sites should be in accordance with the height specified, provided that such development is consistent with the other principles applying to its relevant policy area. (my underlining)

Building Height, Bulk and Separation

- 68 Development should have regard to the desired scale, bulk and character of the streetscape and locality as expressed for the relevant policy area. (my underlining)
- 70 Building height and separation should allow daylight access to all developments and the public domain. (my underlining)
- 71 Buildings should not exceed the number of storeys shown on the relevant Policy Area Concept Plan (Figures PAC/4 to PAC/12). For the purpose of this principle, undercroft car parking constructed partially or wholly below finished ground level with a ceiling height less than 1.5 metres above finished ground level, and plant rooms on top of buildings, is not included as a storey. Any car parking floors constructed wholly above finished ground level are regarded as a "storey". A storey does not include an attic of no more than 50 percent of the building footprint, a mezzanine, roof top plant or mechanical equipment. (my underlining)
- 72 Buildings should be stepped and have variable heights, up to the maximum heights detailed in each Policy Area, provided that a variety in height is achieved. (my underlining)

There are also a number of provisions in Policy Area 34B: Newport Quays Policy Area that relate to bulk and scale of development as follows:

- Objective 5:** Landmark buildings up to 12 storeys high designed to capitalise on their location, terminating vistas from Torrens Road, and act as portals to frame views into and out of the inner harbour. The architectural quality of landmark buildings should recognise their prominent role in the urban identity of this area and the north western metropolitan area more generally.

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Height of Buildings

- 24 Landmark buildings not exceeding 12 Storeys in height may be appropriate adjacent the public plaza with sufficient setbacks on either side of the public plaza to ensure the human scale, amenity and reasonable solar access within the plaza is protected. (my underlining)

Stage 2B of Newport Quays is located diagonally opposite the historic Harts Mill Precinct. While there is some distance between Stage 2B and Harts Mill, the nature of Port Adelaide River in-between means that the relationship in built form is quite significant. The tallest building in the Hart's Mill complex is some 25m in height. The proposed 12 storey buildings on the subject site will have a height up to approximately 50m (49.25RL for Building E) – 24.25m taller than Hart's Mill. Therefore, it is considered that the proposed 12 storey buildings challenge the prominence of Harts Mill within the river scape. Rather than focusing attention on the Mill, the number of tall towers in the proposal focuses attention on the proposed buildings themselves. The height of the proposed towers, in combination with their linear form, and in association with the two, 7 storey towers in Stage 2A of Newport Quays, creates a very dominant built form. This incompatibility with Harts Mill is contrary to Port Adelaide Zone Objective 11 and PDC 29 quoted above.

The Concept Plan for Policy area 34B of the Port Adelaide Centre Zone identifies a maximum building height of 7 storeys in this part of the policy area. Rather than using taller built form to emphasis public linkages and view corridors to Hart's Mill (as envisaged in Concept Plan Fig PAC/7 of the Development Plan), the proposed development includes three, 12 storey buildings that create a 'wall of tall buildings' with a horizontal emphasis spanning from the boundary with Stage 2A through to almost the entire sweep of river frontage to Stage 2C. It is considered that this design approach creates a barrier between the surrounding urban areas and the riverfront. The 12 storey, elongated buildings with relatively flat roof tops emphasises the 'wall effect' of the development proposal. It is also considered that the articulation of these buildings does little to reduce this impact as sought by Port Adelaide Centre Zone PDC 31 quoted above.

The Concept Plan for Policy area 34B of the Port Adelaide Centre Zone envisages a hierarchy of building heights on this site ranging from 3, 5 and 7 storeys. The proposed development contains many more 12 storey towers and 2-3 storey podium buildings, reducing the range of building heights. The effect is to reduce the impact of "landmark" or "icon" buildings envisaged in numerous provisions of the Development Plan (e.g. Objective 5 and PDC 24 of Policy Area 34B), as this diminishes opportunity for open views through the precinct to the river and sky. The large number and length of 12 storey buildings will reduce their "iconic" potential and, instead, create a wall of tall buildings of similar height as described previously in this report. This results in a sense of separation and exclusivity from the existing surrounding neighbourhoods, and will also further reduce activity in the public domain.

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It is also considered that the proposed 12 storey towers do not have due regard for the height of adjoining buildings in Stage 2A of Newport Quays as sought by PDC 26 in the Port Adelaide Centre Zone as quoted above, where the tallest buildings are half the height of the 12 storey towers proposed. PDC's 37 and 71 reinforce the height limits identified on the Concept Plan Fig PAE/7 and it is considered that the Applicant has provided inadequate justification for variation from these height limits in terms of the gains made against other objectives of the Development Plan.

General Building Appearance

Council Wide Objectives: 80, 81

Council Wide Principles of Development Control: 25, 27

Zoning Objectives: 10, 11, 12

Zoning Principles of Development Control: 98, 99

Policy Area 34B Objectives: 5

Policy Area 34B Principles of Development Control: 22, 23

There are a number of key provisions at Council Wide level that guide the general appearance of development on the subject site:

Appearance of Land and Buildings

Objective 80: *The amenity of localities not impaired by the appearance of land, buildings and objects.*

Objective 81: *Enhancement of the townscape and built-form character of the council area generally, and in particular, historic areas, important landmarks and views.*

Design and Appearance of Development

25 *The appearance of land, buildings, and objects should not impair the amenity of the locality in which they are situated.*

27 *Development should be of a high architectural standard and be designed to allow for landscaping where appropriate.*

There are also number of key provisions within the Port Adelaide Centre Zone that guide the general appearance of development on the subject site:

Architectural Expression

98 *In Policy Areas 34B and 34D, buildings in excess of seven storeys in height should be designed as attractive, high quality "landmark" buildings designed incorporating architectural elements characteristic of the Port Adelaide waterfront environment.*

99 *Development should incorporate a high degree of architectural quality with building design adequately addressing:*

- (a) compatibility in terms of form and scale with existing buildings and the Desired Future Character Statements of each Policy Area;*
- (b) interest and diversity;*
- (c) public domain interface;*

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- (d) a high quality streetscapes;
- (e) building height;
- (f) massing and proportion;
- (g) façade articulation; and
- (h) elements such as eaves, sun shading devices, entries and balconies.

These provisions relating to the general appearance of buildings are supported by the following provisions within Policy Area 34B:

Desired Future Character

...The buildings will be bold and contemporary in design and will be sited to take advantage of views across the waterfront and to create an attractive façade to Causeway Road... Landmark buildings of 12 storeys in height will create icon buildings visible from across the river and framing the view corridor from Semaphore Road... (my underlining)

Objective 5: *Landmark buildings up to 12 storeys high designed to capitalise on their location, terminating vistas from Torrens Road, and act as portals to frame views into and out of the inner harbour. The architectural quality of landmark buildings should recognise their prominent role in the urban identity of this area and the north western metropolitan area more generally. (my underlining)*

Appearance of land and Buildings

22 *Development should be robust and bold in character, with articular linear modelled facades and building forms, to take advantage of the waterfront views. (my underlining)*

In terms of building shape, location and configuration it is considered that the proposed buildings offer little or no relationship to the maritime character and history of the river front. The curved form of the tower buildings and their location as part of a “room” around the water’s edge introduce an ‘urban’ theme that does not reinforce the history and culture that is such an important part of the character of the Port Adelaide River and its surrounds. In this way, the proposed development does not satisfy PDC 98 of the Port Adelaide Centre Zone.

The urban area around Stage 2B has a fine grained character, primarily due to its narrow subdivision pattern. The river waterfront historically had a larger massing and lot frontage via the warehouse typologies and smaller overwater structures. These buildings tended to have a high solid to void ratio. The tower buildings proposed do not relate to either of these ‘grains’. Rather, they introduce a high void to solid, ‘commercial’ typology that is in sharp contrast to the character surrounding the site and across the river.

Historically, over water structures included boat sheds or wharf structures. The location and design of proposed tower E over the water is considered to be out of character with the typology of the river and adjoining development. This tower form will block views to the river, including views of Harts Mill, from the small public square in the heart of Stage 2B. This is in contrast to the intent of Council Wide Objective 81, for example.

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The design of the proposed tower buildings is such that 10 levels of each building include balconies that protrude from wall planes on all elevations. This design approach is clearly 'at odds' with PDC 23 of Policy Area 34B quoted above, "...Balconies should be integrated into the overall design and no protrude from wall planes".

Access roads at the northern end of development site and along Karka Cove are dominated by garages and other vehicle access points. This will substantially reduce pedestrian amenity and reduce pedestrian activity in these public streets.

Overshadowing

Council Wide Principles of Development Control: 28, 35, 51, 146, 213

Zoning Principles of Development Control: 41, 77, 79, 141

Policy Area 34B Objectives: DFC

Policy Area 34B Principles of Development Control: 7

There are a number of Provisions within the Council Wide section of the Development Plan that seek to minimise the impact of overshadowing from built form as follows:

- 28** Development should not cause nuisance or hazard arising from:
... (e) overshadowing; (my underlining)
- 35** Development should be designed to minimise energy consumption through the application of a range of techniques, including:
... (d) avoidance of overshadowing of windows on the north and east walls of adjoining buildings and of solar collection panels;... (my underlining)
- 51** Development within centre zones should conform with the following design principles:
(d) Development should not cause nuisance or hazard arising from:
... (v) overshadowing;... (my underlining)
- 146** Development should be designed and located to preserve the character and amenity of adjacent residential areas. In particular, development should:
... (e) minimise impacts on adjacent dwellings having regard to bulk, scale, appearance, overshadowing, overlooking, light spill, and building design... (my underlining)

Preservation of Scenic, heritage, amenity and other values

- 213** Development within urban areas should maintain or improve the amenity of the locality by:
... (b) not overshadowing the foreshore;... (my underlining)

There are also a number of provisions within the Port Adelaide Centre Zone that seek to minimise the impact of overshadowing from built form as follows:

Port Adelaide Centre Zone

Amenity

- 41** Development should be designed to minimise undesirable microclimatic and solar access effects on other land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow. (my underlining)

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- 77 Buildings should be setback from side and rear boundaries to:
(a) minimise the visual impact from adjoining properties;
(b) minimise the overshadowing of adjoining properties;
(c) maintain adequate day light to dwellings and private open space. (my underlining)
- 79 Side boundary walls should be located and designed to:
(a) minimise the visual impact of buildings from adjoining properties;
(b) minimise overshadowing of adjoining properties; and
(c) maintain adequate daylight to adjoining buildings. (my underlining)
- 141 Buildings constructed adjacent to the Public Promenade, Public Plazas, Public Reserves, main roads and edges of public spaces should be designed to:
(a) maintain an 'active' interface through architectural detail and interest in skyline and pedestrian levels,
(b) maintain the continuity of streetscape with streets and public spaces defined by consistent building frontages at the street alignment,
(c) maximise solar access and limit overshadowing of these areas,
(d) protect the amenity of residents at ground level,
(e) protect pedestrian amenity
(f) not result in visual domination, and
(g) provide for varied and attractive building elevations. (my underlining)

The Applicant has provided a series of shadow diagrams with the Application. These shadow diagrams indicate that significant amounts of public space and, in particular, the foreshore area are overshadowed by the proposed development in mid winter, particularly at 3:00pm. This is also the case in autumn and spring. It is considered that the degree of overshadowing does not satisfy the intent of many of the provisions quoted above, but Council Wide PDC 113 and Port Adelaide Centre Zone PDC 141 in particular. Much of the plaza area at the western end of proposed "water room" will be entirely in shadow during mid-winter.

It is also noted that Karka Cove and the dwellings at the northern end of Stage 2A of Newport Quays will be substantially overshadowed by buildings E and G for much of the year so as to significantly reduce the amenity in this street.

The resultant micro-climate, coupled with what is understood to be a challenging soil profile, means that the establishment and long-term health of vegetation that will assist in "softening" a relatively harsh, high density, built environment will be very difficult.

Environmentally Sustainable Development

Council Wide Objectives: 49, 56

Council Wide Principles of Development Control: 29, 35, 51

Zoning Principles of Development Control: 73, 129-133

Policy Area 34B Objectives: DFC

There are a number of provisions within the Port Adelaide Centre Zone that seek ecologically sustainable development including:

- 73 Building depth should enable dual access and views for apartments and promote natural ventilation where possible. (my underlining)

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- 129 Solar access to dwellings should be achieved by incorporating the following principles into the design of the building:
- (a) face living areas to the north where possible;
 - (b) use open plan apartments where possible in east/west alignments as well as south facing blocks to provide for flow through ventilation;
 - (c) maximise the number of 'corner apartments' to maximise solar access. (my underlining)
- 130 Adequate daylight should be available within all habitable rooms, specifically those located adjacent to neighbouring properties. (my underlining)
- 131 Dwellings should provide adequate thermal comfort for occupants while minimising the need for mechanical heating and cooling, by:
- (a) providing an internal day living area with a north facing window where possible;
 - (b) locating, sizing and shading windows to reduce summer heat loads and permit entry of winter sun; and
 - (c) allowing for cross ventilation to enable cooling breezes to reduce internal temperatures in summer. (my underlining)
- 132 The orientation and roof pitch of the building should facilitate the efficient use of solar collectors and photovoltaic cells. (my underlining)
- 133 Where possible, development should be designed, sited and landscaped to facilitate the implementation of best practice water conservation; including to avoid or reduce water use, recycle water, and dispose of water appropriately. (my underlining)

The Desired Future Character statement for Policy Area 34B: Newport Quays Policy Area also seeks energy efficiency in design as follows:

Desired Future Character

...The design of buildings will reflect high environmental standards with acceptable solar and energy ratings...(my underlining)

The Applicant has indicated that, as part of the Port Waterfront Redevelopment Project Commitment Agreement between Newport Quays Pty Ltd, Land Management Corporation and the Port Adelaide Enfield Council a minimum sustainability performance indicator of 35 points is required, measured against the Melbourne Docklands ESD Guide. The Applicant indicates that the proposed development achieves this 35 point rating.

The Applicant has also highlighted some of the ecologically sustainable design features of the proposed development such as:

- Rain water capture and (non-potable) re-use within the dwellings;
- Low energy appliances will be installed in dwellings;
- The absence of grassed areas significantly reduces the development's water use;
- Bicycle and pedestrian routes traverse Precinct 2B and adjacent precincts that will facilitate cycling and walking. Moreover, their connections to both the Glanville Train Station and Ethelton Station (as depicted on the Pedestrian and Cycle Routes Plan) will also encourage a mix of cycling/walking and use of public transport.

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Despite these ESD elements of the proposal, it is considered that there are some significant shortcomings in terms of energy efficiency:

- The dwellings in the 12 storey towers do not have an internal layout that enables natural, cross-ventilation; and
- All three of the 12 storey towers have an east-west orientation (particularly buildings D and G), meaning that many dwellings will be exposed entirely to the western sun creating significant heat loading issues;
- The elongated nature of the proposed 12 storey towers means that there are a large number of dwellings with a westerly orientation within these buildings (i.e. 40 dwellings in both Building D and G);
- A number of dwellings have a southerly, or south-westerly orientation resulting in no access to direct sunlight, including:
 - 3 of the two storey 'town houses' fronting Karka Cove;
 - 10 dwellings in Building G; and
 - 20 dwellings in Building E.

The Applicant states that "...the design of the buildings has been limited, in part, by the desire to orientate dwellings towards the waterfront, resulting in an east-west orientation...". However, this non-compliance with the Development Plan in terms of energy efficiency is magnified by the considerable height, length and orientation of the proposed 12 storey towers. Given the substantial length of river at different angles close to the subject site, it is considered that more energy efficient orientation would still provide expansive views of the river.

Public Access and Public Open Space

Council Wide Objectives: 64-75

Council Wide Principles of Development Control: 129-151

Zoning Principles of Development Control: 48-57, 61, 62

Policy Area 34B Objectives: 4

Policy Area 34B Principles of Development Control: 18

The Public Promenade

There are a number of key provisions within the Port Adelaide Centre Zone that guide the development of a public promenade along the waterfront as follows:

Objective 18: *Development should be able to provide protection from predicted increases in sea level as a result of global warming and associated wave effects as well as land subsidence to 2100. A minimum 8 metre wide promenade will be built as an interface between the suitable flood protection measures to mitigate future potential impacts. The promenade and the waters edge infrastructure will remain in public ownership to facilitate the implementation of these provisions if required. (my underlining)*

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Public Waterfront Access

- 48 Development should create and enhance continuous public pedestrian and cyclist access with a minimum width of 8 metres along the waterfront providing convenient, safe and attractive linkages between policy with and wider sections in areas of high pedestrian or cycle traffic and in front of key tourism uses. (my underlining)
- 49 Access entry points from the broader pedestrian and cyclist network should be safe, functional and clearly defined and incorporated within the waterfront promenade. (my underlining)
- 50 Development should provide, and facilitate access to, a public waterfront promenade. (my underlining)
- 51 Where appropriate development should provide and facilitate access from the public promenade, shown in Fig PAC/1, to the water for fishing and other recreational activities. (my underlining)
- 52 Parts of the waterfront adjacent to the public promenade shown in Fig PAC/1 are to be made available for active public use for tourist related and harbour activities, including the use of small river craft and tourist boats. (my underlining)
- 53 Public promenades, public plazas and reserves should incorporate public art and remnant port related archaeological or industrial infrastructure items which are easily identifiable and fully integrated into the public environment. (my underlining)
- 54 The development of marinas and restaurants, cafes and other tourism and public recreational uses in appropriately designed structures on the Port Adelaide River and projecting from the waterfront may be developed provided they do not interfere with harbour activities, the free movement of pedestrians and cyclists along the promenade, nor threaten the role of the core centre in policy areas 23 and 26. (my underlining)
- 55 Public promenades should also be designed, where appropriate, to accommodate wharf infrastructure, street furniture, alfresco dining and landscaping. (my underlining)
- 56 Public plazas and public reserves should be provided adjacent to the pedestrian promenade to provide for larger outdoor public events and gathering spaces adjacent to the waterfront in accordance with concept plans for Policy Areas 27, 28, 34A, 34B, 34C, 34D 34E, 35 and 36. (my underlining)

There are also a number of provisions in Policy Area 34B: Newport Quays Policy Area that relate to a public promenade along the waterfront as follows:

Desired Future Character

Public recreation areas will be created in the form of a waterfront promenade, a small marina and a public reserve adjacent the Jervois Bridge...A high degree of pedestrian activity will be maintained throughout the Policy Area with a particular focus on the waterfront promenade. Pedestrian activity will be encouraged to link with adjoining policy areas. The waterfront promenade will link Avicennia Waters in the south to North Bank Policy Area and Semaphore Road to the north, in accordance with Fig PAC/1 at the northern end... (my underlining)

Objective 4: The provision of public recreation areas, including a publicly accessible waterfront promenade, for uses such as walking and cycling. (my underlining)

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- 18 A continuous public promenade for pedestrians and cyclists should be created along the waterfront, where possible, with convenient, safe and attractive links to adjoining areas and should:
- (a) be a minimum of 8 metres wide, areas of high pedestrian usage;
 - (b) accommodate pedestrian and cyclist paths varying in width according to anticipated functional use and demand;
 - (c) incorporate clearly defined zones for pedestrians and cyclists;
 - (d) locate the pedestrian zone adjacent the waterfront and provide a variety of waterfront experiences;
 - (e) clearly define destination nodal points which relate to existing site features or contemporary features created by the development;
 - (f) provide pedestrian facilities such as seating, shade and shelter;
 - (g) provide connections for cyclists to the Mead Street bicycle route, the Semaphore Road bicycle route, Glanville Station and the Carlisle Street bicycle route;
 - (h) provide a pedestrian and cyclist connection to the Fletcher's Haven Policy Area promenade;
 - (i) be continuous with the Avicennia Waters Policy Area promenade;
 - (j) extend along the northern side of the proposed over-water finger development where appropriate. (my underlining)

A public promenade is proposed to run along the waterfront in a circuitous manner around the proposed “water room” as part of the proposed development, integrating with the earlier stages of the Newport Quays development to the south of the subject site. Most of the proposed public promenade is 8.0m wide, with a portion expanding to 12.0m in width at the western end of the proposed “water room”. It is considered that the proposed public promenade does not satisfy the intent of the Development Plan for the following reasons:

1. It's width is inadequate to cater for a high degree of pedestrian and cyclist activity. Eight metres is a minimum width nominated in the Development Plan, not some form of permitted entitlement that is the standard width for much of the length of the promenade.
2. The promenade appears to be narrower than 8m near the northern end of the subject site adjacent to the proposed public jetty.
3. The proposed promenade does not clearly define zones for pedestrians and cyclists. There is also no explanation of variation in the width of the promenade according to anticipated functional use and demand as called for in the Development Plan.
4. There appears to be no pedestrian facilities such as seating shade and shelter (other than beneath one of the proposed high-rise buildings).
5. There is relatively little waterfront space for fishing and other public recreational activities through this stage of the Newport Quays development, given the number of marina berths proposed along the water's edge.
6. The location of the portion of the public promenade beneath one of the proposed high rise buildings creates an undercroft area that is overshadowed and likely to be inactive. The residential tower entry on the corner and a communal pool is proposed in this area. Neither use is likely to add to the amenity of this location and the pool will be significantly overshadowed by the

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tower to the north. Given the introduction of a “water room” in this proposal, this corner of the water front is one of the most prominent viewpoints looking down the river to the east and south. The over sailing building form will block the southern view from the promenade adjacent to it and from the nearby plaza area.

It is also considered that the relatively narrow width of the proposed promenade for much of its length and the nature of predominantly private, residential development adjoining, will create a sense that pedestrians and cyclists should keep moving along a circuitous public promenade with little variation, rather than enjoy the space as a comfortable public asset.

Public Access

There are a number of key provisions within the Port Adelaide Centre Zone that guide the development of public access throughout the site as follows:

Objective 13: The establishment of a safe and convenient pedestrian movement network within the zone, incorporating malls, arcades and squares, waterfront promenades and paths, together with increased public access to the waterfront and appropriate links to areas adjoining the zone. (my underlining)

Movement of People and Goods

- 13 Development should have regard to the vehicular, cycling and pedestrian movement system indicated on Fig PAC/1. Development should be designed to provide vehicular, cycling and pedestrian access points to the site of the development which are located in such a way as to minimise traffic hazards, vehicle queuing on public roads, the number of crossing places to a street and to ensure the protection and conservation of existing street trees. Such access should be safe, convenient and suitable for the development and likely future development on the site. (my underlining)
- 14 Development should provide for and facilitate safe and convenient access for cyclists within and between adjoining developments, including provision of appropriate bicycle parking facilities where required. (my underlining)
- 22 Development should provide for, and facilitate, safe and convenient movement of pedestrians and cyclists between compatible adjoining developments where appropriate by means such as arcades, malls and courtyards, or paths through car parking areas. (my underlining)

Public Waterfront Access

- 48 Development should create and enhance continuous public pedestrian and cyclist access with a minimum width of 8 metres along the waterfront providing convenient, safe and attractive linkages between policy with and wider sections in areas of high pedestrian or cycle traffic and in front of key tourism uses. (my underlining)
- 49 Access entry points from the broader pedestrian and cyclist network should be safe, functional and clearly defined and incorporated within the waterfront promenade. (my underlining)

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- 50 Development should provide, and facilitate access to, a public waterfront promenade. (my underlining)
- 51 Where appropriate development should provide and facilitate access from the public promenade, shown in Fig PAC/1, to the water for fishing and other recreational activities. (my underlining)
- 52 Parts of the waterfront adjacent to the public promenade shown in Fig PAC/1 are to be made available for active public use for tourist related and harbour activities, including the use of small river craft and tourist boats. (my underlining)

Desired Future Character

- ...A high degree of pedestrian activity will be maintained throughout the Policy Area with a particular focus on the waterfront promenade. Pedestrian activity will be encouraged to link with adjoining policy areas... (my underlining)
- 18 A continuous public promenade for pedestrians and cyclists should be created along the waterfront, where possible, with convenient, safe and attractive links to adjoining areas and should:
- (a) be a minimum of 8 metres wide, areas of high pedestrian usage;
 - (b) accommodate pedestrian and cyclist paths varying in width according to anticipated functional use and demand;
 - (c) incorporate clearly defined zones for pedestrians and cyclists;
 - (d) locate the pedestrian zone adjacent the waterfront and provide a variety of waterfront experiences;
 - (e) clearly define destination nodal points which relate to existing site features or contemporary features created by the development;
 - (f) provide pedestrian facilities such as seating, shade and shelter;
 - (g) provide connections for cyclists to the Mead Street bicycle route, the Semaphore Road bicycle route, Glanville Station and the Carlisle Street bicycle route;
 - (h) provide a pedestrian and cyclist connection to the Fletcher's Haven Policy Area promenade;
 - (i) be continuous with the Avicennia Waters Policy Area promenade;
 - (j) extend along the northern side of the proposed over-water finger development where appropriate. (my underlining)

Public access from Karka Cove to the Port Adelaide River promenade is via a 10 metre "slot" between the side of a 3 storey row dwelling and a 3 level car parking structure and electrical substation. This is a very poor design outcome compromising pedestrian safety and general amenity.

When the retail facilities are not in operation pedestrian access to the Port Adelaide River promenade is past the blank wall sides of SOHO units, and car parking structures. This space will be dominated by the 12 storey residential towers that will partly overshadow this public space for much of the year and almost entirely in mid-winter. This is a poor design outcome that also creates safety concerns.

North-south pedestrian access to the waterfront promenade from Karka Cove is through a "Public Open Space". This is provided with a degree of passive surveillance from SOHO units placed on the western side. To the east are blank walls and car parking structures. Similarly, the North-south pedestrian access to the waterfront promenade from the Access Road at the northern end of the site is

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through a “*Public Open Space*”. While there are SOHO units on the western side of this public open space to provide for passive surveillance, the western side of a three storey townhouse is on the eastern side of the public open space, reducing the passive surveillance opportunities over this public space.

SOHO units require a high level of visibility to be viable as businesses. Wirra Drive is the ideal location in this proposal for such units. The units located in these “*Public Open Spaces*” will in all likelihood revert to being essentially residential, with ground floors converted to bedrooms. This is not the kind of ground floor activity that will make these active high amenity public spaces. They appear to be left over spaces.
Public Open Space

There are a number of provisions within the Port Adelaide Centre Zone that guide the development of public open space throughout the site as follows:

Public Open Space

- 57** *Public Open Space should be:*
- (a) provided in a variety of forms including a publicly accessible waterfront promenade, public reserves and public plazas; and
 - (b) designed as an integral part of the overall development proposed for each Policy Area. (my underlining)
- 61** Public Plazas should have a minimum of 1500 square metres other than where a public plaza abuts a promenade, where the area of the promenade should be inclusive in the calculation of the area (for the length that the promenade abuts the plaza). (my underlining)
- 62** Public reserves, plazas, promenades and other open space should be designed to include public art and clearly defined nodal points which relate to existing site features and contemporary features and interpretative elements. (my underlining)

Objective 4 of Policy Area 34B also relates to the provision of public open space on this site:

- Objective 4:** The provision of public recreation areas, including a publicly accessible waterfront promenade, for uses such as walking and cycling. (my underlining)

The Applicant has indicated in the supporting documentation to this Application that “...the current proposal for Stage 2B includes 32% of the site (exclusive of road alignments) as open space. This consists of 19% being public open spaces including the proposed promenades, public plazas and public jetties, along with an additional 13% of open space associated with the proposed new ‘water room’ - marina water area”.

The public open space provided within the development includes a public plaza running from the western end of the “water room” to the southern end of the Glanville Railway Station, as well as a public promenade. It is not considered reasonable to classify the proposed “water room” as public open space in the same way it is considered unreasonable to classify a car parking area as public open space, particularly given the large number of private marina berths within this area.

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Concerns regarding the adequacy of the waterfront promenade have been discussed previously in this report. It is considered that the public plaza between the southern end of the Glanville Railway Station and the waterfront is not appropriately linked to existing urban fabric effectively, nor is it located on significant pedestrian desire line. In general, the area acceptable (albeit of minimal standards) for inclusion as public space is limited throughout the proposed development to the promenade.

- The detailed Crime Prevention Through Environmental Design (CPTED) assessment of this Application (see attachments for detailed report), makes some key criticisms of the open space provided as part of the proposed development as follows:
 - The limited amount of public useable open space for a likely future resident population of 600 and visitors to the area is of concern;
 - The key public spaces of the waterfront promenade and the small square linking the southern end of the railway station and the promenade are generally movement routes;
 - The small urban space for future outdoor dining will provide little space for a range of recreation and leisure activities;
 - The public space proposed are of insufficient size to be inviting areas for public recreation with associated furniture and landscaping and, therefore, do not meet the open space requirements of such a high density development;
 - The traditional use of this waterfront for hand line fishing is not acknowledged in this plan nor are there places for children's play or recreational pursuits of young people – the range of users who have traditionally used this area are not well served by the proposed public open space and may be alienated from this area;
 - The design of the waterfront promenade does not meet the requirement for pedestrian and cyclist safety and, as such, is unlikely to be well used or an attractive open space element;
 - The east-west promenade will be overshadowed for much of the day by the 12 storey Building D and 3 storey podium to the north, and is of insufficient width at 20m (ranging down to 6m) to form a major area of public space with sufficient area to accommodate the range of uses that might be expected in such a space; and
 - In summary, the public open space provided in the precinct are insufficient in area and amenity to generate a level of use/activity conducive to the achieving safety for residents and visitors to the site.

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Car Parking and Vehicular Access

Council Wide Objectives: 35-50

Council Wide Principles of Development Control: 80-103

Zoning Objectives: 16

Zoning Principles of Development Control: 3, 15-19, 84-97

Policy Area 34B Objectives: DFC

Policy Area 34B Principles of Development Control: 10

Car Parking

There are a number of provisions within the Port Adelaide Centre Zone relating to car parking as follows:

Principles of Development Control

- 3** *The consolidation and linkage of compatible uses should be achieved by new development through the provision of shared car parking and service areas and pedestrian arcades and paths, the recycling of suitable existing buildings and the integration of development with the zone's historic built form and townscape. (my underlining)*
- 15** *Development should provide sufficient off-street car parking to meet its anticipated parking demand either on the subject land or on another suitable site within the locality. The provision of lesser amounts of car parking with payment in return for the shortfall may be granted in appropriate circumstances, particularly in the Port Adelaide State Heritage Area, Core, McLarens Wharf, Hart's Mill, Dock One and Port Centre Mainstreets Historic (Conservation) Policy Areas. Public car parking should be provided in locations shown on Fig PAC/1 (and as shown on the Concept Plans for Policy Areas 27, 28, 34B, 35 and 36). Provision of off-street car parking should meet Australian standard AS 2890.1. (my underlining)*
- 16** *Car parking areas should be located and designed in such a way so as to not intrude upon, or interrupt the continuity of built-form desired along, major street frontages in the zone. (my underlining)*
- 17** *Consolidated car parks should, where possible, provide for shared use between demands generated by different uses at different times of the day. (my underlining)*
- 19** *Car parking should not detract from areas of architectural and townscape value or interrupt the continuous built form desired for major streets. (my underlining)*

Car parking

- 84** *Public car parking areas/facilities should be provided and located in accordance with relevant Policy Area Concept Plans. (my underlining)*
- 85** *"Open" public car parking areas should be suitably landscaped to provide summer shade and visual amenity. (my underlining)*

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- 86 Multi-level public car parks should be designed as buildings that contribute to the built form character of development within the Policy Area, take account of the desired character in adjacent Policy Areas, particularly the State Heritage Area and the Woolstores Historic (Conservation) Policy Areas, and should include active uses, such as retail, office and tourist activities, adjacent to street frontages wherever possible. (my underlining)
- 87 Setdowns and driveway cross overs in the pedestrian footpath area should maintain the footpath level.
- 88 Development should accommodate required car and bicycle parking on site, where practicable, provided that the safety and amenity of pedestrian areas are not compromised. (my underlining)
- 89 Visitor Parking provided on-site should be clearly marked as for visitor use, and the layout of car parks should facilitate ease of access by visitors to encourage their use. (my underlining)
- 90 Development within Waterfront Development Policy Areas should provide on site car parking in accordance with Table PAdE/3 unless modified by the following table. (my underlining)
- 91 Development within the Waterfront Development Policy Areas should provide on street car parking in accordance with the following table. (my underlining)
- 92 Garages or Carports with direct access and facing the primary street should be avoided. Where there is no practical alternative to their location they should:
(a) not dominate the streetscape;
(b) not dominate views of the dwelling from the street;
(c) provide for adequate on-site car parking. (my underlining)
- 93 Car parking and access ways should not dominate the site and should be screened from view from the street. (my underlining)
- 94 Above ground car parking should not be visible from primary street frontages or public places. (my underlining)
- 95 Half basement or undercroft car parking should be suitably integrated into the building form. Where ventilation is required for half basement car parks, cars should be screened and landscaped adequately. (my underlining)
- 96 Half basement or under-croft car parking should, where possible and practical, be located and designed to enable residential and other land uses to address streets at the footpath level. (my underlining)
- 97 Rear court parking is acceptable provided that it is not visible from the street. (my underlining)

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There are also a number of provisions within Policy Area 34B Newport Quays relating to car parking as follows:

Policy Area 34B: Newport Quays Policy Area

Desired Future Character

...A public transport hub and parking area will focus on the existing Glanville Railway Station... Car parking will be provided to support residential and commercial activities. Car parking for the use of residents will not be visible from the street. (my underlining)

10 *Development should provide adequate car and bicycle parking and service areas on site to cater for employees, visitors and residents. (my underlining)*

The Applicant has provided a “Traffic Assessment Report” as part of this Application. Within this report it is stated that there is demand for 620 car parking spaces in accordance with the Development Plan guidelines referred to above. This assumes:

- Parking at a rate of 1.75 spaces for the SOHO units;
- Parking at a rate of 1 space per 3 marina berths, compared to the Development Plan guideline of 2 spaces per 3 marina berths (the Applicant contends that the sale of the marina berths will be linked to the sale of the dwellings); and

Based on the car parking figures provided by the Applicant, there is a surplus of 2 on-site car parking spaces associated with the proposed dwellings. However, the car parking analysis provided by the Applicant assumes that there will be:

- 15 on-street car parking spaces for the proposed shops (at a rate of 3 spaces per 100m² of floor area across a total of 498m²);
- 4 on-street car parking spaces for the proposed SOHO units; and
- 29 on-street car parking spaces for the proposed marina berths (assuming that 87 marina berths are catered for in this Stage of the Port Waterfront Redevelopment, as proposed by in the Applicant’s traffic analysis).

In accordance with these car parking figures, it appears that there is an on-site car parking shortfall of 48 spaces.

If the car parking rate for marina’s detailed in the Development Plan is to be applied (2 spaces per three marina berths), there will be 58 spaces required. Together with the 15 on-street car parking spaces assumed for the shops and 4 for the townhouses, the proposed development has an on-site car parking shortfall of 77 spaces.

There is a total of 70 on-street car parking spaces designed as part of the proposed development, including:

- 21 spaces along Wirra Drive;

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- 11 spaces in the “Access Road” at the northern end of the site (with an additional 16 on-street spaces on the northern side of this road shown in Stage 2C); and
- 38 spaces in the south-west corner of the site adjacent to the railway line (noting that the boundary of the subject site runs through there).

The Applicant has also indicated that “Trans Adelaide has a requirement for 140 car parks on the western side of Glanville Station on land currently dedicated as railway corridor/easement for freight rail lines servicing the Port of Adelaide. On completion of the Port Adelaide Expressway Stage 3 and opening rail bridge (due for completion end-2007), these freight rail lines/easement will subsequently be removed, opening up the potential of this land for car parking”. The Applicant’s traffic engineer continues by stating that “Newport Quays has designed for 176 car parks adjacent to Glanville Station. Whilst these car parks are expected to be highly utilised during the week (i.e. 7:30 am - 6:00 pm) for commuter parking, they will be available for any spill over parking from Newport Quays during weekends and at nights”.

In summary, if the car parking rates in the Development Plan are applied to the proposed development, there is an on-site car parking shortfall of 77 spaces. The Applicant contends that the shortfall is less than this (48 spaces), assuming that many people using the marina will also live in the proposed development and not require an additional car parking space. The Applicant also contends that on-street car parking can cater for the proposed shortfall in on-site parking, including a substantial amount of car parking that is likely to be constructed adjacent to Glanville Railway Station in the next few years.

While the adjacency of the subject site to the Glanville Railway Station is noted providing opportunities for public transport access to the site, it is considered inappropriate for the proposed development to rely so heavily on on-street car parking, and parking that is yet to be constructed on land that is not controlled by the Applicant, to cater for a shortfall in on-site car parking.

It should also be noted that if the proposed shops are to be use for restaurants (as indicated in the material provided by the Applicant’s Planning Consultant), the car parking rate in the Development Plan changes significantly from 3 spaces per 100m² of floor area to 1 space per three seats. If there is a notional on-street allocation of 15 spaces for these shops/restaurants, then there is only capacity for a 45 seat restaurant (approximately 9 tables), within a total of 498m² of retail space in two tenancies. This will reduce the viability of the proposed shop/restaurant land uses and the associated activity in this key public area. The design therefore is considered to be inadequate with respect to car parking provision for the future uses of these tenancies.

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Vehicular Access

The Applicant's traffic consultant has advised that the vehicular movement system is suitable on the basis that:

- There will be a low impact on the surrounding road network as access is restricted and rationalised to Causeway Road and Semaphore Road;
- There is not anticipated to be any congestion or level of service issues associated with the internal road network for the estimated peak hourly volumes;
- There is not anticipated to be any queuing across the railway level crossings at Causeway Road and Semaphore Road;
- The proposed internal road cross-sections comply with the intent of the Development Plan, and appropriate Australian Standards and guidelines; and
- There is adequate sight distances from all junctions based on minimum requirements provided by the Austroads' guidelines.

Safety and Crime Prevention

Council Wide Objectives: 51

Council Wide Principles of Development Control: 108-115

Zoning Objectives: 13, 14, 17

Zoning Principles of Development Control: 13, 14, 22, 48, 49, 88, 108, 113, 145-148

Policy Area 34B Objectives: DFC

Policy Area 34B Principles of Development Control: 18, 19

The Applicant has indicated that the design of Precinct 2B aims to create a safe public realm in the following way:

- There are no 'dead-end' or closed-in areas.
- Key public areas (the promenade and public square) are easily distinguishable to visitors.
- The absence of mid-level shrubbery minimises concealed areas and creates a more 'open' feel, improving opportunities for surveillance.
- Promotes the feeling of security within the precinct.
- Most building facades are activated by residential or commercial development at the ground level and the design facilitates passive surveillance over public areas.
- A lighting scheme will be implemented to ensure car parks and pathways are appropriately lit.

The City of Port Adelaide Enfield has engaged an independent consultant to undertake a Crime Prevention Through Environmental Design (CPTED) assessment of the proposed development. This CPTED report analyses the proposed development against the relevant CPTED provisions contained in the Port Adelaide Enfield (City) Development Plan at Council Wide Level, as well as within the Port Adelaide Centre Zone and Policy Area 34B – Newport Quays. In doing this, it considers the urban

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context for the proposed development, including Stages 2A and Stage 2C as envisaged in the documentation associated with the proposed development, as well as the adjoining suburbs of Ethelton, Glanville and Semaphore. The report also considers broad crime data. A copy of this report is contained in the attachments.

In summary, the independent CPTED review raises a number of safety issues associated with the proposed development within its wider context, as summarised below:

- there is poor connectivity within and between the development and adjoining urban areas;
- there is insufficient land use mix to facilitate liveliness and activity;
- poor legibility of the development within its wider context will discourage visitors and constrain residents and workers from orientating the site;
- there is poor provision, design, orientation and surveillance of public spaces and facilities;
- walking and cycle movement is constrained within the development and linking to adjoining areas;
- the design of some of the buildings will not be conducive to natural surveillance and use of public spaces;
- the interface between the development and the existing residential precinct to the south is of such a poor design that it will adversely affect the amenity and safety of the adjoining area;
- car park location and design will not result in safety for users and pedestrians accessing key destinations; and
- the design of the interface between the development and the adjoining railway station and transport interchange will not facilitate safe pedestrian movement or good connectivity to the development and adjoining urban areas.

CONSULTATION WITH OTHER AGENCIES/DEPARTMENTS

The Development Assessment Commission is the relevant determining authority that has referred the application to the relevant agencies, including the Coast Protection Board, Environment Protection Authority, Department for Environment and Heritage and the Department of Transport, Infrastructure and Energy.

The application was also assessed by various sections within Council and coordinated via the Urban Projects Coordination Group from an infrastructure perspective, and the Port Waterfront Design Review Panel, consisting of external consultants, from a design perspective (see attached report).

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CONCLUSION

It is considered that the proposed development is seriously at variance with the guidelines contained in the Port Adelaide Enfield Development Plan.

It is acknowledged that a project of this nature and scale is likely to mean variation from the provisions in the Port Adelaide Enfield Development Plan to a certain degree. However, it is considered that the departures from the Development Plan guidelines, including Concept Plan FigPAC/7, are profound. At the same time, it is considered that the nature of degree of variations from the Development Plan guidelines do not result in improved performance against other Development Plan provisions.

In simple terms, it is considered that the proposed development:

- Has little regard for the existing land form and heritage character of the locality in terms of the proposed marinas, relationship to the river and the built form;
- Integrates poorly with the surrounding area in terms of the road/access way alignment and the location, height, length and style of the proposed buildings, creating a wall of tall buildings that act as a barrier to the waterfront, restricting physical access and significant views to the river and the Hart's Mill complex beyond;
- Does little to reinforce the urban structure through built form and fails to maximise energy efficiency;
- Results in a public domain that will be uninviting to visitors and provides inadequate amenity for future residents of the development resulting in an unsafe urban environment; and
- Does not deliver high levels of amenity for either residents or visitors to the site.

The independent review of this Application by the City of Port Adelaide Enfield Port Waterfront Design Review Panel and CPTED consultant reinforces the grounds for refusal.

Given these fundamental concerns with the proposed development, the assessment of this Application has not examined detailed design elements such as landscaping, stormwater management, private open space and bicycle parking.

It is emphasised that the issues of concern regarding this proposal are fundamental and acute. The elements of the proposed development that vary from the Development Plan guidelines cannot be managed through minor amendments to the proposal. As stated previously, it is considered that this Application is seriously at variance with the Port Adelaide Enfield Development Plan and wholesale redesign of the proposal is necessary.

(A copy of the relevant application details has been supplied to all Members and appears as Attachment 7).

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CITY PLAN

An attractive, accessible, safe and vibrant City with high quality public spaces, transport infrastructure, well-designed living environments and precincts designed to stimulate the growth of business and industry. (Goal)

Safe and attractive living areas with distinctive characteristics that provide a range of housing options to the community. (Objective)

Innovative and environmentally sustainable urban development. (Objective)

CORPORATE PLAN

Provide a safe and pleasant public environment. (Strategies/Goal)

Provide useable public open space in response to community needs, trends and other relevant influences. (Strategies/Goal)

Improve the appearance and quality of the area through:

- Maintaining building safety standards;
- Overseeing the protection of amenity of the area through monitoring and enforcement; and
- Ensuring new development meets energy efficiency design standards. (Strategies/Goal).

RECOMMENDATION

That the Port Adelaide Enfield Development Assessment Panel resolves that:

1. Pursuant to Regulation 38 part (2) of the Development Regulations 1993, the Development Assessment Commission be advised that the City of Port Adelaide Enfield's Development Assessment Panel does not support Development Application No. 040/2673/07 by Newport Quays P/L for a mixed use development comprising residential, retail and commercial development, open space and a 26 berth marina at Causeway Road, New Port (east of the Granville Railway Station) and that it be REFUSED Development Plan Consent for the following reasons:
 - 1.1 The proposed inset basin/"water room" is considered to be inappropriate for the following reasons:
 - 1.1.1 It is not drawn from the existing pattern of development along the water's edge and does not enhance the river interface in terms of views and vistas along the river;
 - 1.1.2 It significantly compromises the development of a clear and legible pedestrian and cycle route along the river foreshore;

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- 1.1.3 The private marina berths proposed also visually dominate the inset basin/“water room” and establish this space as almost completely private and not public space;
 - 1.1.4 the additional marina berths will add to the cluttered appearance of the Port Adelaide River in this locality;
 - 1.1.5 The impact upon the hydrology of the Port Adelaide River is unclear, and this is considered particularly important in terms of ensuring an acceptable level of impact upon the habitat of marine life, including dolphins, as well as for managing pollution leading to issues such as algal blooms;
 - 1.1.6 It is unclear whether the depth of the river bed is adequate in this location so as to provide adequate draft for vessels; and
 - 1.1.7 There are no on-shore facilities for users of the marina such as toilets, storage areas and car parking, other than within the nearby dwellings.
- 1.2 The proposed development has an inappropriate bulk and scale for the following reasons:
- 1.2.1 The three proposed twelve storey buildings are considerably taller than the seven storey height limit for this site identified in the Concept Plan Fig PAC/7;
 - 1.2.2 The significant height of the proposed towers, in combination with their linear form, creates a ‘wall of tall buildings’ that creates a barrier between the surrounding urban areas and the riverfront, and challenges the prominence of the historic Hart’s Mill complex;
 - 1.2.3 The large number of very tall and long buildings, compared to the hierarchy of building heights envisaged in the Concept Plan Fig PAC/7, reduces the impact of “landmark” or “icon” buildings envisaged in the Development Plan; and
 - 1.2.4 There will be an inappropriate jump in scale between the two storey dwellings on the northern end of Stage 2A fronting Karka Cove and the 12 storey buildings proposed directly opposite on the northern side of Karka Cove in Stage 2B.
- 1.3 The general appearance of the proposed buildings is inappropriate for the following reasons:
- 1.3.1 The proposed residential towers introduce a high void-to-solid ratio and a ‘commercial’ typology that is in sharp contrast to the character surrounding the site and across the river, where historic built form has a high solid-to-void ratio;
 - 1.3.2 The location and design of proposed tower E over the water is out of character with the typology of the river where, historically, over-water structures included much smaller boat sheds or wharf structures. Tower E is similarly out of character with adjoining development within the Port Waterfront Redevelopment;
 - 1.3.3 Proposed tower E will also block views to the river, including views of the Hart’s Mill complex, from the small public square in the heart of the proposed development;

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- 1.3.4 Access roads at the northern end of development site and along Karka Cove are dominated by garages, vehicle access points and walls/ ventilation to car parking areas. This will substantially reduce pedestrian amenity and reduce pedestrian activity in these public streets; and
- 1.3.5 The design of the proposed tower buildings includes balconies that protrude from wall planes.
- 1.4 A significant amount of public space and, in particular, the foreshore area will be overshadowed by the proposed development in mid winter, particularly at 3:00pm (including much of the plaza area at the western end of proposed “water room” will be entirely in shadow during mid-winter, as well as Karka Cove and the dwellings at the northern end of Stage 2A of Newport Quays). This is also the case in autumn and spring. This amount of overshadowing will greatly reduce the amenity of public and private space, while also making the establishment and long-term health of vegetation that will assist in “softening” a relatively harsh, high density, built environment very difficult.
- 1.5 The proposed development does not adequately address Environmentally Sustainable Development principles in the following way:
 - 1.5.1 The dwellings in the 12 storey towers do not have an internal layout that enables natural, cross-ventilation;
 - 1.5.2 All three of the 12 storey towers have an east-west orientation (particularly buildings D and G), meaning that many dwellings will be exposed entirely to the western sun creating significant heat loading issues;
 - 1.5.3 The elongated nature of the proposed 12 storey towers means that there are a large number of dwellings with a westerly orientation within these buildings (i.e. 40 dwellings in both Building D and G); and
 - 1.5.4 A number of dwellings have a southerly, or south-westerly orientation, with no direct solar access, including:
 - 1.5.4.1 3 of the two storey ‘town houses’ fronting Karka Cove;
 - 1.5.4.2 10 dwellings in Building G; and
 - 1.5.4.3 20 dwellings in Building E.
- 1.6 The proposed public promenade and public access through the site generally is inadequate for the following reasons:
 - 1.6.1 It’s width is inadequate to cater for a high degree of pedestrian and cyclist activity. The relatively narrow width of the proposed promenade for much of its length and the nature of predominantly private, residential development adjoining, will create a sense that pedestrians and cyclists should keep moving along a circuitous public promenade with little variation, rather than enjoy the space as a comfortable public asset;
 - 1.6.2 The promenade appears to be narrower than 8m near the northern end of the subject site adjacent to the proposed public jetty;

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- 1.6.3 The proposed promenade does not clearly define zones for pedestrians and cyclists. There is also no explanation of variation in the width of the promenade according to anticipated functional use and demand as called for in the Development Plan;
- 1.6.4 There appears to be no pedestrian facilities such as seating shade and shelter (other than beneath one of the proposed high-rise buildings);
- 1.6.5 There is relatively little waterfront space for fishing and other public recreational activities through this stage of the Newport Quays development given the number of marina berths proposed along the water's edge;
- 1.6.6 The location of the portion of the public promenade beneath tower E creates an undercroft area that is overshadowed and likely to be inactive;
- 1.6.7 Public access from Karka Cove to the Port Adelaide River promenade is via a very narrow "slot" between the side of a 3 storey row dwelling and a 3 level car parking structure and electrical substation, which is unsafe and unattractive;
- 1.6.8 Public access from Karka Cove at the southern end of the site and the Access Road at the northern end of the site to the Port Adelaide River promenade via public open space is fronted by largely blank walls of the side of a car park and a three storey townhouse that will create unsafe and uninviting spaces for pedestrians and cyclists; and
- 1.6.9 When the retail facilities are not in operation pedestrian access to the Port Adelaide River promenade is past the blank wall sides of SOHO units, and car parking structures, dominated by the nearby 12 storey residential towers.
- 1.7 There is an on-site car parking shortfall of 77 spaces and it is considered inappropriate for the proposed development to rely so heavily on on-street car parking, and parking that is yet to be constructed adjacent to the Glanville Railway Station (land also not owned by the Applicant), to cater for a shortfall in on-site car parking.
- 1.8 The proposed development is inappropriate in the way it addresses Crime Prevention Through Environmental Design (CPTED), by having:
 - 1.8.1 poor connectivity within and between the development and adjoining urban areas;
 - 1.8.2 insufficient land use mix to facilitate liveliness and activity;
 - 1.8.3 poor legibility of the development within its wider context will discourage visitors and constrain residents and workers from orientating the site;
 - 1.8.4 poor provision, design, orientation and surveillance of public spaces and facilities;
 - 1.8.5 constrained pedestrian and cyclist movement within the development and linking to adjoining areas;
 - 1.8.6 some building design that is not conducive to natural surveillance and use of public spaces;

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- 1.8.7 an interface between the development and the existing residential precinct to the south of such a poor design that it will adversely affect the amenity and safety of the adjoining area;
- 1.8.8 car park location and design that will not result in safety for users and pedestrians accessing key destinations; and
- 1.8.9 interface between the development and the adjoining railway station and transport interchange that will not facilitate safe pedestrian movement or good connectivity to the development and adjoining urban areas.