

June 4, 2025

Joanne Reid
Senior Planner
Planning and Land Use Services
State Planning Commission

Via PlanSA Portal

Dear Joanne,

RESPONSE TO REPRESENTATIONS | APPLICATION 24024441 – UNITING SA, BOWDEN

As you are aware Future Urban acts for Uniting SA (the Applicant) in relation to the above development application.

The revised application is for a two-storey residential flat building accommodating 28 community housing dwellings and two supported accommodation premises and was redesigned in response to feedback provided through the public notification process and the State Planning Commission on a previous scheme.

Uniting SA is committed to housing women aged 55 and over as stated in its funding Project Agreement with the South Australian Housing Trust. This agreement specifically requires housing to be provided to older women at risk of homelessness.

The reduced scale proposal was re-notified and generated a response from 40 representations, two of which are in favour, three which support with concerns, and 35 opposed to the development. Matters raised by representation generally relate to:

- Building height;
- Density;
- Demolition;
- Building design;
- Parking; and
- Tree removal and loss of canopy.

This letter responds to the various matters raised in representations. We have grouped the various matters raised by the numerous representors under the generic rubric of headings that are germane to a planning assessment.

Response

Building Height

On our review, the established dwelling building height is largely two-storey within this locality. We note nearby two-storey dwellings are in the same Zone and covered by the same Historic Area Statement as the site of the development.

We also note the State Planning Commission is proposing to apply the Affordable Housing Overlay to the Established Neighbourhood Zone, among other zones, through the Affordable Housing Overlay Code Amendment. This is a short-term action identified in the GARP. This essentially translates to additional building height and density incentives for social housing in the Zone.

The proposed, revised scheme both physically and visually addresses the matters raised during public notification and the feedback from the State Planning Commission ('SPC').

Future Urban maintains the previous iteration/s of the application at three levels is contextually appropriate given the existing built-form outcomes of three levels in the same Zone as the current application however, given the feedback from the SPC, a reduced built-form scale is now provided.

DASH Architects have also provided an amended heritage impact statement confirming the proposed two storey apartments are generally consistent with the surrounding context and setting of the site. It is noted that most, if not all, more recent (post inter-war period) developments in the immediately locality have two building levels. This is a product of land economics given the location of the site in close proximity to the CBD, parklands, services and facilities and excellent access to public transport that maximisation of built-form is necessary to secure a return on investment in the land that supports it.

Density

The issue of density was raised through representations.

We note the relevant Performance Outcome in the Zone is silent on density. In addition, the Desired Outcomes of the Zone do not speak to density. Conversely, other zones in the Code specifically speak to low, low-to-medium, or high density.

The Established Neighbourhood Zone simply states:

PO 2.1 Allotments/sites for residential purposes are of suitable size and dimension to accommodate the anticipated dwelling form and are compatible with the prevailing development pattern in the locality.

This assessment rests on the proposal's ability to be compatible with the prevailing development pattern as the Zone is silent on desired, specific density.

The prevailing development pattern is eclectic. We contend there is no dominant development pattern. The locality is characterised by commercial development and residential development of varying building heights and architectural detailing. Further, this locality is dominated by the Gawler and national freight railway lines, a major landmark. It is noted that higher density residential outcomes exist directly to the east, across the railway line in the form of three-level social housing dwellings, in the same zone as the subject land.

The notion of 'compatibility' does not require the development to be the same as, rather, for the purposes of a planning assessment it is to be "*capable of existing together in harmony*"¹. Conversely, many zones within the Code seek to have development that is "consistent" with the nearby buildings. That provision does not apply in this zone.

The proposal's ability to exist in harmony with the existing character is a question that needs to be considered in the context of the locality, a varied locality that includes an interstate freight train line, and higher impacting commercial uses immediately adjacent the site.

¹ PC Infrastructure Pty Ltd v City of Mitcham Council Assessment Panel [2023] SAERDC 14

Given PO 2.1 is beneath the heading ‘site and intensity’ we consider the policy is a reference to intensity of any proposed development, which is a test of planning impact.

In support of the proposal and its impact, particularly with respect to a two-level dwelling outcome to exist in harmony with existing development in the locality, we note:

- the proposed building height is 8m high, and two-storeys, which is consistent with the adjacent building height of nearby dwellings and lower in height than the Housing Trust dwellings that exist directly across the freight train line (in the same Zone);
- the tallest part of the proposal is positioned away from adjoining residential land, limiting visual impact and overshadowing impact to abutting residential land;
- car parking provides a buffer between existing dwellings, further reducing perceived building bulk and scale;
- it is a land use that is clearly envisaged in a neighbourhood-type-zone and has significantly less external planning impacts than the freight train line and the commercial uses that already exist to the south of the site in terms of noise and odour emissions and traffic generation;
- the proposal maintains lower site cover than most existing development in the locality;
- residential land uses generally have low noise impact; and
- traffic and parking impact studies confirm the proposal will provide safe and convenient access and can accommodate the anticipated type and volume of traffic.

The intensity of the proposal is acceptable noting the Zone is silent on density, and it has reasonable impacts, as detailed above.

Demolition

On review of Council’s initial referral comments, we note Council outlined *“there are no significant concerns from a heritage perspective with the proposed development”*. We understand the Council commissioned heritage report informed this response.

The Council heritage report confirmed the representative building:

- does not represent the eras, themes and context of the Historic Area, noting it was likely constructed in 1900-1920; and
- is an unusual maisonette (or semi-detached) design with curious and conflicting details.

The report also acknowledged that the extent to which there is a consistent, historic streetscape in a locality is a relevant consideration and that such consistency does not exist within the whole block bounded by Market Place, the railway tracks, Hawker Street and Gibson Street.

DASH also contemplated the value of the representative building. Its report notes:

- 12-14 Market Place is a symmetrical semi-detached dwelling that includes several styles and construction attributes;
- it is difficult to accurately date the era of construction, however concurs with Council that it is not within the eras defined in the Historic Area Statement;
- the nomination of the building as a representative building is simply due to its former identification as a Contributory Item under the previous planning scheme, which was likely classified without proper analysis;

- the demolition of 12-14 Market Place is not considered to erode or impact on the historic qualities of the locality; and
- it is relevant to consider the extent to which there is a consistent and historic streetscape in the specific locality;
 - » demolition of this building will not erode or impact on the historic qualities of the locality identified by the Historic Area Statement.

It is therefore agreed by both Council's heritage advisor and the Applicant's heritage architect that the subject representative building does not represent the eras, themes and context of the Historic Area, and to repeat Council's heritage advice "demolition of the identified Representative Building within this context therefore becomes a less radical proposition."

The matters raised by the representors in respect to demolition therefore, do not concur with the expert opinions offered by both the Applicant and the Council.

Building Design

The Historic Area Overlay seeks for new buildings to be consistent with the prevailing building and walls heights in the historic area, and that building design complements the prevailing characteristics.

On our assessment, the proposed development is consistent with prevailing building heights and results in appropriate architectural expression and scale in the context of this locality. Of relevance:

- the building aligns with the height of two-storey townhouses on abutting land;
- the mass of the building is reduced through architectural details, and the architectural expressing complements the historic area by including:
 - » a stepped façade to Market Place;
 - » open elements to all apartments facing Hawker Street, i.e. balconies rather than solid walls present to the street;
 - » reinforced vertical elements created by exposed brickwork contrasting deep setbacks to building walls in vertical cladding, including slender columns forward of the main building wall creating slender facades referencing workers cottages;
 - » minimal parapet reforms located closer the railway line on Hawker Street, mansard-style roofing to Market Place and gable ends to western apartments on Hawker Street, all of which create visual interest, articulation, and include traditional roof forms;
 - » contrasting material and low pitched roofing to Market Place providing a recessive upper-level element;
 - » ground level landscaping (Market Place) and landscaping in planter boxes (Hawker Street) improving streetscape amenity;
 - the low-level plantings enhance the streetscape and the development generally in terms of overall attractiveness, introduction of additional textures, and softening of hard urban surfaces created by the road and footpath; and
 - » three distinct buildings wings created by deep separation.

In addition to the above we note that DASH Architects considers that the proposed architectural expression articulates a building form that complements the historic area by including:

- roof forms that reference prevailing roof forms;

- high solid to void proportions and vertically proportioned openings; and
- verandahs providing shadow, depth and visual relief, and finer architectural graining detail.

DASH considers the architectural detailing responses to the prevailing historic character of the locality are sophisticated yet not overly cluttered that is absent from many recent surrounding developments.

Council also commissioned advice from an independent heritage advisor who provided the following comments:

“The design quality of the proposed development is high, and the amended scale of the proposed development helps to integrate the proposal into the surrounding Historic Area Overlay and the Established Neighbourhood Zone. The density, mass, scale have all been adjusted to better reflect the locality”.

To summarise the above, the proposed two-storey development is the same height as most buildings on adjoining land, noting the significant majority are two-storey buildings. Furthermore, DASH Architects and Council’s heritage advisor also confirms that the prevailing scale of development in this locality is two and three storeys, and that the architectural design measures demonstrate a clear contextual design response to the locality and broader Overlay.

Traffic and Parking

Traffic impact and parking has been discussed in depth within the application details. To reiterate CIRQA’s previous advice, the forecast traffic volumes are low and are readily accommodated on the adjacent road network, with minimal impact on its operation.

Following the two-storey resubmission we note that the Council also provided supportive comments regarding the application with respect to traffic and parking. Council advised that:

- sufficient resident car parking is provided;
- the availability of 3 visitor parks within Market Place caters for the shortfall of 3 visitor spaces;
- the shortfall of 2 bicycle spaces is acceptable; and
- parking restrictions Thursday 9-3pm to allow waste and recycling collections are acceptable.

We also note that following implementation of the Affordable Housing Overlay Code Amendment, significantly reduced parking requirements will apply², such that the site will have a surplus in on-site parking.

The proposed development therefore has acceptable impact with respect to traffic impact and availability of parking.

Urban Tree Canopy

Arborman Tree Solutions was engaged to review all trees on the site, including Council trees on adjoining land. This report confirms that while the level of encroachment is more than 10% for the River red gum on the subject site, the encroachment is unlikely to result in tree damaging activity. Regulated Council trees will not be impacted by the level of encroachment.

² Provided current Affordable Housing Overlay incentives apply

Very minor pruning to the significant River red is required to facilitate the development. This pruning will be undertaken in accordance with the Australian Standard, indicating it will not impact the long-term amenity value of the tree.

With respect to the two Regulated trees proposed for removal, a Weeping Bottlebrush and a River she oak, they are not considered important with respect to biodiversity or amenity value and therefore do not warrant retention.

We also wish to advise that previous borehole analysis at the site revealed varying clay types beneath the site fill level. Engineering advice further revealed that the site classification is likely to be HI-D or H2-D, which is a designated soil type³. Highly reactive soil types can complicate plant growth, and the Act recognises this by allowing payment into funds in lieu of Urban Tree Canopy Overlay conditions.

The proposal includes landscaping at the street front, largely in the form of planter boxes, to ensure that it has the most impact in terms of visual enhancement and improved irrigation to support healthier plant growth. It includes additional landscaping at the Hawker Street and Gibson Street interfaces to soften the appearance of the small parking area. In addition, communal garden areas provide enhanced resident amenity.

The proposal retains a significant River red gum and strategically locates landscaping to enhance the site generally and appearance of the proposed development.

Privacy

Upper level, rear elevation windows associated with the Market Place fronting dwellings include obscure glazing to the lower, fixed portion of window, preventing overlooking to the rear yards of adjoining land.

Some of these apartments include balconies, and the 1.5m high balustrades will include material between posts to mitigate direct overlooking. We ask that this detail be provided via a condition of planning consent or a reserved matter as the materials for balustrades and screening have not been selected.

The above features ensure reasonable privacy of adjoining residents in accordance with the expectations of the Code.

Summary

The proposal is an important project that will positively affect the lives of homeless women aged 55 and over by providing improved social housing in an area close to services. Planning authorities have a social responsibility to ensure community housing is provided in appropriate locations. Solving the housing crisis is not something that “can be kicked down the road” for some other tier of government to resolve.

Housing affordability and homelessness are the crucible that must be faced head on for real solutions and outcomes. We in the planning industry collectively have an opportunity to make a difference to this problem right here and right now with the assessment of this proposal.

The site is already used for social housing, albeit at a lower density. The only way to increase this much needed housing product is to increase the density of housing on the site. The relevant policy in the Zone does not directly speak to ‘density’, rather it speaks to intensity, which is a measure of impact.

³ Clause 4 (1) Urban Tree Canopy Off-set Scheme

On our assessment the development has reasonable impacts given:

- the representative building to be demolished does not represent the eras, themes and context described in the Historic Area Statement;
- the existing and eclectic built form environment supports two storey development on the site;
- the proposal is entirely consistent with the State Government's "Housing Roadmap" providing housing to people who need it most;
- the development protects a Significant tree; and
- sufficient parking has been provided to meet the demand of the development.

Feel free to contact me if you have any further queries.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M. Duncan", with a stylized flourish at the end.

Marc Duncan
Director