

Uniting SA Ltd C/- Future Urban

Two-storey residential flat building comprising community housing dwellings (28) and supported accommodation premises (2) and demolition of buildings including one Representative Building with associated car parking and landscaping

105 Gibson Street Bowden
16-18 Market Place Bowden
2-12 Market Place Bowden

Development Application 24024441



Overview

DEVELOPMENT NO.:	24024441
APPLICANT:	Uniting SA Ltd C/- Future Urban
ADDRESS:	105 GIBSON ST BOWDEN SA 5007 16 MARKET PL BOWDEN SA 5007 18 MARKET PL BOWDEN SA 5007 2 -10 MARKET PL BOWDEN SA 5007 2 -10 MARKET PL BOWDEN SA 5007 12 MARKET PL BOWDEN SA 5007
NATURE OF DEVELOPMENT:	Two-storey residential flat building comprising community housing dwellings (28) and supported accommodation premises (2) and demolition of buildings including one Representative Building with associated car parking and landscaping
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> Established Neighbourhood Overlays: <ul style="list-style-type: none"> Regulated and Significant Tree Stormwater Management Traffic Generating Development

	<ul style="list-style-type: none"> • Urban Tree Canopy • Airport Building Heights (Regulated) • Building Near Airfields • Historic Area • Prescribed Wells Area Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 6m) • Minimum Frontage (Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 7m; row dwelling is 6m; group dwelling is 18m; residential flat building is 18m) • Minimum Site Area (Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 250 sqm; row dwelling is 190 sqm; group dwelling is 275 sqm; residential flat building is 275 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level)
LODGEMENT DATE:	27 Aug 2024
RELEVANT AUTHORITY:	Assessment Panel at State Planning Commission
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.15 15/8/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Joanne Reid Planning Officer
REFERRALS STATUTORY:	City of Charles Sturt
RECOMMENDATION	To grant Planning Consent

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EXECUTIVE SUMMARY

Future Urban on behalf of Uniting SA has applied to demolish existing buildings, including a representative building and construct a two-storey residential flat building comprising community housing dwellings (28) and supported accommodation premises (2) with associated car parking and landscaping on land located at 105 Gibson Street and 2-18 Market Place in Bowden.

The development is to be undertaken in partnership with the SA Housing Trust and is part of an agreement with the Commonwealth through the Housing Australia Future Fund (HAFF) to fund housing for women at risk of homelessness, with particular focus on those aged 55 and above.

Pursuant Schedule 6 (1) (a), the State Planning Commission are the relevant authority for development undertaken by a provider registered under the *Community Housing National Law* participating in a program relating to the renewal of housing endorsed by the SA Housing Trust.

The application was referred to the City of Charles Sturt who have indicated they do not support the proposal, however, consider the matters arising, namely regarding waste and stormwater management, to be able to be resolved through consultation.

The site is located within an Established Neighbourhood Zone and Heritage Overlay. The building exceeds the height limit TNV by one level and the density proposed combined with the scale of the built form within the Zone and Heritage Overlay are key assessment issues.

The assessment was informed by the site's location where the building's compatibility with the surrounding environment was influenced by the mixed uses around the site, diminished heritage context, recent contemporary residential development, the large site area and locational attributes of the site, making it suitable for higher density community housing. The architectural expression of the building takes cues from the heritage area and will be a high-quality offering within the neighbourhood and manages the interface impacts through setbacks, landscaping including retention a Significant Tree, car parking provision for every dwelling and appropriate stormwater management.

Following an assessment against the relevant policies of the Planning and Design Code and considering the context of the locality and determining that the proposed development will not result in unreasonable impacts on nearby land uses or the heritage value of the broader locality, conditional planning consent is recommended.

BACKGROUND:

The proposed application was originally lodged for a residential flat building comprising 42 apartments as either social housing or SDA housing, and 6 group dwellings which were set aside for market sale offerings.

Following the first round of public notification, the application was amended to eliminate the dwellings for market sale and proposing 44 dwellings as social housing or SDA housing as well as increasing the number of parking spaces from 24 to 34.

The application was amended for a third time culminating in the proposal, which is before the SCAP today, removing the third level of the building resulting in a reduction in total dwellings to 30 but maintaining the same building footprint.

The dwellings are to be managed by Uniting SA, a registered Community Housing provider in partnership with the South Australian Housing Trust. Uniting SA is a not-for-profit organisation providing affordable housing for communities on low to moderate incomes and Specialist Disability Housing (SDA) to meet the National Disability Insurance Scheme (NDIS) standards.

The proposal is supported by the Federal Government's Housing Australia Future Fund (HAFF) from which the Uniting SA has sourced funding for the project.

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development is for the construction of a two-storey residential flat building comprising thirty (30) dwellings inclusive of two specialist disability accommodation (SDA) with associated car parking and landscaping. The proposed development will require the demolition of one 'Representative Building'.

The building is proposed to be specifically built as community housing, primarily for women aged 55 and over who are currently experiencing homelessness or are at risk of homelessness. This will be delivered in agreement with the Commonwealth which provides structured funding over a 25-year term, with a requirement that Uniting SA provides regular evidence of compliance, including reporting on the cohort being housed.

The residential flat building is one single building which wraps around the corner of Hawker Street and Market Place but designed with separate components.

Fronting Hawker Street will be twenty (20) dwellings over two levels. Six dwellings, closest to Gibson Street are in a more traditional form with gable roof pitches which then transforms into a more vertical form in their appearance with flat roofs and parapets.

The Market Place wing fronting Market Place is the second component, which is separated from the Hawker street component but connected via an elevated walkway on the first level.

The Market Place elevation continues the built form all the way to the end of the roadway, returning around the corner of Market Place. The appearance changes to include a mansard style roof. It will comprise an additional ten (10) apartments along with a lift, bike storage and a waste room on the ground floor.

Each apartment maintains the same typology in varying forms of two bedrooms, one bathroom and laundry provisions with open plan kitchen/living/dining. Apartments 008 (ground floor) and 109 (first floor) are SDA compliant apartments.

A summary of the apartments that make up for each level is as follows:

Level	No. of Apartments	Floor Area range (m ²)	No. Bedrooms	POS range (m ²)
Ground	12	63 - 77	2	10 - 23
1	16	63 - 77	2	10 - 22

The building will be constructed using a combination of brown and white brick, CFC Sheet cladding in white and woodland grey, timber cladding and corrugated steel in woodland grey and pale eucalypt.

The development offers thirty-four (34) car parks in two sections. Six (6) car parks are located on the corner of Gibson Street and Hawker Street with an existing access off Gibson Street to be modified and relocated further away from the intersection and the telecom pit to be made trafficable. Twenty-eight (28) car parks are located to the rear of the apartments, accessible from the north-eastern side of Market Place and extending along the north-western boundary of the site.

The development will require the demolition of a Representative Building at 12-14 Market Place.

The site is proposed to be landscaped around the edges of the site and car park areas as well as incorporate a small, landscaped courtyard with gated entry from the eastern side of Market Place. The existing Significant tree is proposed to be retained.

The Architectural Plans can be found in **Attachment 1**.

SUBJECT LAND & LOCALITY:**Site Description:**

Location reference: 105 GIBSON ST BOWDEN SA 5007		Council: City of Charles Sturt
Title ref.: CT 5785/729	Plan Parcel: D29368 AL1	
Location reference: 16 MARKET PL BOWDEN SA 5007		
Title ref.: CT 5785/728	Plan Parcel: D29368 AL3	
Location reference: 18 MARKET PL BOWDEN SA 5007		
Title ref.: CT 5789/977	Plan Parcel: D29368 AL2	
Location reference: 2 -10 MARKET PL BOWDEN SA 5007		
Title ref.: CT 5731/393	Plan Parcel: F121992 AL45	
Location reference: 2 -10 MARKET PL BOWDEN SA 5007		
Title ref.: CT 5731/392	Plan Parcel: F121991 AL44	
Location reference: 12 MARKET PL BOWDEN SA 5007		
Title ref.: CT 5387/586	Plan Parcel: F121993 AL46	

The site comprises six allotments as described above (aerial shown in Figure 1 below) which form an 'L' shaped boundary around the site at 105 Gibson Street to the west, along Hawker Street to the south and extending to 8-10 Market Place to the east. The total site area equates to 3023.8m².

The sites at 105 Gibson Street and 16-18 Market Place contain single storey detached dwellings whilst dwellings at 12-14 Market Place includes a semi-detached dwelling and 2-10 Market Place maintain terrace housing.

The semi-detached dwelling at 12-14 Market Place is a Representative Building which are buildings that are considered to display characteristics of importance in a particular area.

There are three existing access points, one on Gibson Street which provides access to 105 Gibson, a shared access for 16-18 Market Place and individual access for 14 Market Place within a designated side road off Market Place and a shared access for 2-10 Market Place direct from the north-eastern side of Market Place.

The site has a Significant River Red Gum located at the rear of 2-4 Market Place.

The site is topographically flat in nature with existing sites maintaining soft landscaped areas as well as the front verge on Market Place which has been planted by a local community group.



Figure 1: Aerial photo Subject Site (blue shaded allotments) Source: SAPPA

Locality

The approximate locality as shown in Figure 2 below can be defined by Fourteenth Street to the north, Quin Street to the north-west, Eleventh Street to the west/south-west, and Telford Street over the railway line to the south-east.

The locality is residential to the north, east and north-west of the subject land. Dwellings are predominantly single storey in nature, however dwellings built over two levels can be found in the vicinity of the site which are generally more recent constructions of new dwellings and additions.

As described in the Ovingham Historic Area Statement associated with the Historic Area Overlay which covers the said locality and properties to Torrens Road to the north and Park Terrace to the east, a large proportion of dwellings are in the form of single storey, detached and attached single and double fronted late 19th and early 20th century workers' cottages. More recently constructed dwellings incorporate historic themes within the built form but are modern interpretations that have limited features of the older housing stock to which the historic area was based on.

The dwellings over the railway line are an eclectic mix of dwelling types which include two and three storey town houses where Gilbert and Telford Street meet and, further north and east, single storey bluestone cottages, worker's cottages and bungalows interspersed with 'heritage style' newer dwellings.

Directly opposite the subject site on Hawker Street is a group of three non-residential properties, comprising a restaurant and light industry/service trade premises which co-exist between residential uses.

The locality is zoned Established Neighbourhood with an Historic Area Overlay and changes to Housing Diversity Neighbourhood Zone just south of the said locality.



Figure 2: Approximate Locality (Source: SAPPA)

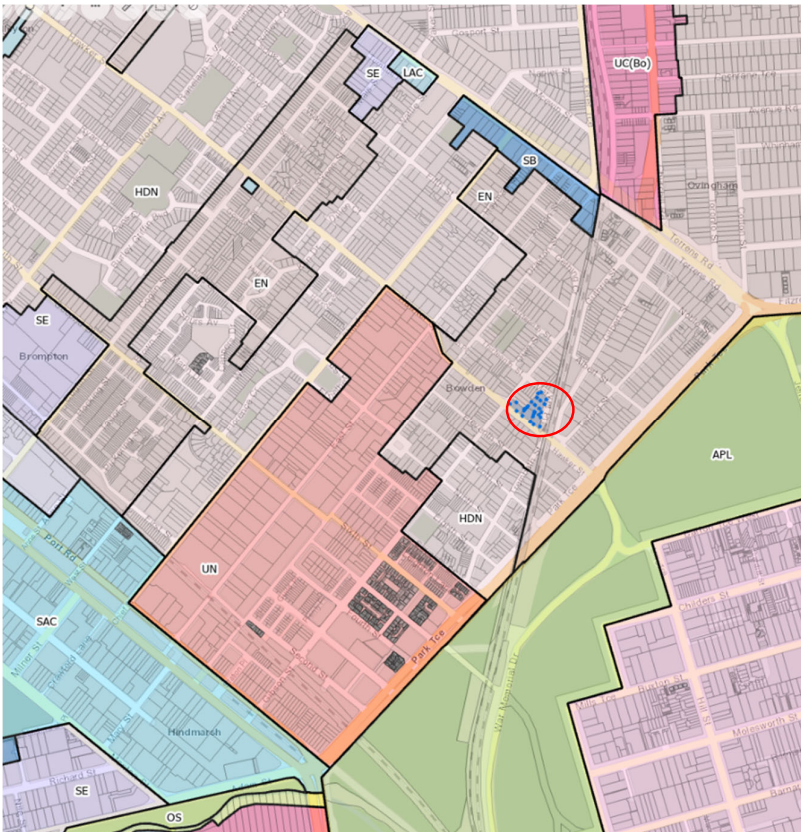


Figure 3: Zoning Map (Source: SAPPA)



Figure 4: Examples of representative buildings along Gibson Street (Google Maps, Jan 2023)



Figure 5: Examples of more recently built dwellings in Market Place (Source: applicant report/Google Maps, Jan 2023)

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

PER ELEMENT:

- Residential Flat Building – Performance Assessed
- Supported accommodation: Code Assessed - Performance Assessed
- Dwelling or residential flat building undertaken by:
 - a) the South Australian Housing Trust either individually or jointly with other persons or bodies; or
 - b) registered Community Housing providers participating in housing renewal programs endorsed by the South Australian Housing Authority: Code Assessed - Performance Assessed
- Demolition: Code Assessed - Performance Assessed
- Dwelling: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

The above elements are listed in Table 3 – Applicable policies for Performance Assessed Developments – Established Neighbourhood Zone or elements are all code assessed.

PUBLIC NOTIFICATION

- **REASON**

Table 5 – Procedural matters for the Established Neighbourhood Zone specifies that all development undertaken by SA Housing Trust (either individually or jointly) involving a residential flat building or 3 or more levels and the demolition of a building in a Historic Area Overlay requires public notification.

Additionally, a residential flat building which exceeds the maximum building height specified in DTS/DPF 4.1 (being one level) in the Established Neighbourhood Zone requires public notification.

- **NOTIFICATION PROCEDURE**

The application was initially publicly notified between 17 September 2024 to 9 October 2024 with the original set of plans.

Following the submission of amended plans reducing the height from three levels down to two, the application was re-notified between 13 May and 2 June.

This included a direct letter being sent to all owners or occupiers of land adjacent (within 60 metres) of the site of the development, physical signage being placed on Gibson Street, Market Place and Hawker Street and application details being made available for viewing on the SA Planning Portal or at the principal office of the State Planning Commission.

- **LIST OF REPRESENTATIONS**

During the first public notification period, a total of seventy-two (72) representations were received with 37 representors indicating that they wish to be heard by the Panel (refer to **Attachment 11**). 3 people were in support with some concerns and the remaining 69 were opposed to the development.

During the second public notification, a total of forty-one (41) representations were received with 20 indicating a desire to be heard by the Panel (**Refer Attachment 10**). Two people were supportive of the development, three supported the development with some concerns and the remaining 36 were opposed to the development.

- **SUMMARY**

The following issues are a summary of what was raised during both consultation periods. The amended proposal still raised a number of similar issues to the original submission albeit many had noted that it was a significant improvement.

Whilst it was noted that less representations were received during the second notification period, it cannot be concluded that the amendments necessarily addressed the original concerns by representors who did not submit a representation in the second round of notification. It was however

encouraged within the adjacent owner letter that a separate representation be lodged to ensure that the concerns raised were focused on the latest set of plans, however representations received in the initial round of consultation were still regarded as valid.

- Proposed density is inconsistent with the Zone and Historic Area Overlay policies
- Overdevelopment of site and height not in keeping with the Zone limits
- Proposed density will compound congestion in an area already experiencing issues of this nature
- The built form is not in keeping with the dwelling type and allotment pattern in the area including setbacks, site coverage and lacks integration within the existing context
- Undersupply of car parking in an area which is already short of car parking and narrow streets will not be able to sustain off-street parking
- Cars clogging streets will impact access and movements of emergency vehicles, council trucks, cyclists, pedestrians and visitors to area
- Increased traffic within a cul-de-sac with a dead end will result in congestion
- Proposed development does not provide a high level of amenity for future residents such as limited privacy, areas for social connection, private open space, social support services
- Opposed to demolition of representative building and development will lead to the erosion of historic character
- Concerns over the health of the Significant Tree
- Results in a reduction in urban greening and tree canopy
- Lacks green space and landscaping
- Noise concerns of roller door
- Single pedestrian access from Market Place is not sufficient to cater for numbers of occupants
- Concerns over waste management and numbers of bins required to be collected
- Concerns of privacy to existing residents from balconies
- Access to public transport and services is overstated
- Concern of use of dwellings for social housing

For those representors who indicated support with concerns, support was contingent on many of the above concerns being addressed.

The applicant's response to representations is provided in **Attachment 12**.

AGENCY REFERRALS

Pursuant to clause 28 (2) (b) *Planning, Development and Infrastructure (General) Regulations 2017*, statutory referrals have been made to the following state agencies:

- City of Charles Sturt

The application was referred a second time following the revision of the proposal from three levels down to two. A response was received on 6 May 2025 and can be found in **Attachment 9**. Note that the response includes the comments from the original submission first with the response to the amended plans shown on page 5 of the referral response.

The City of Charles Sturt did not offer support to the proposal, however considered that the matters of concern could be easily addressed to enable Council's support.

The following comments were provided:

Traffic

- The availability of car parking within Market Place caters for the shortfall of visitor parking
- The 4 visitor carparks in the gated area should be marked as such so they are not allocated to a specific apartment
- There are 26 bike rails in a secure bike storage room, which is a shortfall of 2 bike rails – this is acceptable
- All carparks will require wheel stops to be installed to prevent vehicle overhang over pedestrian access ways and neighbouring fences – suitable for Reserved Matter
- Parking restrictions Thursday 9-3pm to allow waste and recycling collections are acceptable.
- Crossovers supported – all redundant crossovers reinstated to match existing clay pavers

Waste

- Supportive of proposed waste and recycling services as per the report, but has concerns about only using dual chutes and residents must travel to the ground floor to dispose of co-mingled recycling
- The developer needs to consider equal access to all three streams and adjusting the waste room on each level to include a co-mingle disposal option
- Parking restrictions for waste collection is noted
- Apartments will require an active building manager to monitor and manage bin chute system

Stormwater

- Nominated finished floor levels acceptable
- Some additional details requested on stormwater plan – could be suitable for reserved matter

Street Trees

- Street Tree in front of 105 Gibson Street has been approved from removal at a cost of \$738.

Heritage

- In relation to the amended plans:
 - 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.

Responses to the above matters have been addressed throughout the assessment discussion below.

PLANNING ASSESSMENT

Assessment Approach

Part 1 – Rules of interpretation of the Code advises that for each Zone, Table 3 specifies the policies and rules that apply to classes of development within the Zone.

The policies specified in Table 3 constitute the policies applicable to the particular class of development within the zone to the exclusion of all other policies within the Code, and no other policies are applicable.

Whilst it is recognised that the application is for dwellings by a registered provider in collaboration with the SA Housing Trust, the Established Neighbourhood Zone does not recognise this land use for the purposes

of generating the suite of policies considered in the assessment of the application in Table 3, namely policies within the Housing Renewal module of the General Development Policies section.

Whilst the Housing Renewal module can be broadly considered as part of an 'all code assessed' application, the provisions of the overlay and zone prevail over the general development policies as informed by Part 1 – Rules of Interpretation of the Planning and Design Code.

The assessment is undertaken against the performance outcomes relevant to specific factors and in some cases includes a standard outcome (Designated Performance Feature (DPF)) which will generally meet the corresponding performance outcome. A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

Where the policy can be met in another way, this has been articulated within the body of the report.

Question of Seriously at Variance

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

The proposed development comprises residential dwellings for the purposes of community housing in the form of a residential flat building. It is located within the Established Neighbourhood Zone which contemplates residential development.

Both the Zone and the Historic Area seek for new dwellings to be sympathetic to predominant built form and contextually responsive to the existing features and the prevailing character. Whilst it is acknowledged that there are elements of this application that will have variances to Planning and Design Code Policies, these require a nuanced assessment approach and a consideration of the broader issues at hand.

Accordingly, whilst an assessment will take place on matters that will determine the appropriateness of the application, the proposed land use in and of itself, is not deemed to be seriously at variance to the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Planning and Design Code

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

The application has been assessed on its merits against the relevant provisions of the Code, which are contained in **Appendix 1**.

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

Quantitative Provisions

TABLE 1: Quantitative Provisions

Design Parameters	Planning and Design Code Guideline	Proposed	Guideline Achieved
Minimum Site Area Local Variation Technical Numeric Variation (TNV):	Site areas are not less than the following (average site area per dwelling, including common areas, applies for group	Average site area, including common areas = 30 dwellings at 100.8m ² per dwelling	Does not comply

	dwellings or dwellings within a residential flat building): Residential Flat Building = 275m ² (11 dwellings)		
Building Height	Maximum Building Height (levels) = 1 levels. Maximum Building Height (Metres) = 6 metres.	Two (2) levels at 7.9 to top of roof and 9m to top of lift overrun.	Does not comply Building exceeds height limit by 1 level and 2.9m
Site Coverage	50%	61%	Does not comply
Front Setback	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building – No DTS/DPF is applicable	Hawker Street – 1m Market Place – Varies between 0m to 1.2m	N/A - To be assessed against the PO
Secondary Street Setback	900mm	Market Street boundary – 600mm Hawker Street boundary – Between 0m and 7m	Does not comply
Side Setbacks	Wall height up to 3m – 900mm Wall heights >3m – 900mm + 1/3 of the height >3m = 900mm + 1.66 = 2.5m	Setbacks of apartments A011 to A117 to 107 Gibson Street 2.5m	Main building complies Stairwell and landing encroach within desired setback
Rear Setback	4m for the first building level 6m for any second building level	Ground floor: - Between 9.1 and 11.2m Second level – 9.06m	Complies
Dwelling Floor Area	1 bedroom: 50m ² 2 bedrooms: 65 m ² 3+ bedrooms: 80 m ² plus an additional 15 m ² for every additional bedroom	APT 009 and 110 – 63m ² All other apartments have a minimum of 68m ² for 2-bed apartment	Complies except for APT 009 and 110
Private Open Space	Dwellings at ground level: 15m ² with minimum dimension of 3m Dwellings above ground level: 1 bedroom: 8m ² minimum dimension of 2.1m 2 bedrooms: 11 m ² / minimum dimension of 2.4 metres	Dwellings at Ground Level APT 001 = 23m ² APT 002-007 = 13m ² APT 008 = 15m ² APT 009 = 12m ² APT 010 = 10m ² APT 011 – 013 = 13m ² Minimum dimension – Between 2.3m and 3m Dwellings above ground level APT 101 = 20m ² APT 002-007 = 11m ² APT 108 = 1m ²	Does not comply for ground level apartments except for APTs 001 and 008. Minimum dimension does not comply for all except APT 008 Complies for Level 1 apartments

	3 + bedrooms: 15 m ² / minimum dimension of 2.6 metres	APT 109 = 15m ² APT 110 = 13m ² APT 111 = 10m ² APT 112 – 114 = 13m ² APT 115 – 117 = 12m ² Minimum dimension - Between 2.3m - 2.4m	except for APT 111 Minimum dimension complies for all except APT 111
Car parking PO 14.1 of Housing Renewal Overlay Supported accommodation is listed within Table 1: General Off-Street Car Parking requirements	2 or fewer bedrooms = 1 car parking space 3 or more bedrooms = 2 car parking spaces Supported accommodation = 0.3 spaces per bed Visitor parking provided at a rate of 0.25 spaces per dwelling Total spaces required = 29 dwelling spaces + 7.5 visitor spaces (37 total rounded up)	34 car parks provided – 30 spaces allocated to each dwelling and 4 visitor spaces	Does not comply Shortfall of 3 visitor car parking spaces
Bicycle Parking Housing Renewal PO 14.5	1 space per dwellings Total spaces required = 30	26 bike racks	Does not comply Shortfall of 4 bike parks

OVERLAYS

Airport Building Height (Regulated) Overlay

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

The building does not exceed the regulated 45m building height or include any exhaust stacks and is not considered to pose a hazard to the operation of a certified or registered aerodrome.

Building Near Airfields Overlay

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

Historic Area Overlay

The Historic Area Overlay which affects the subject site is shown in Figure 6 below with representative buildings indicated by a red dot on the land.



Figure 6: Historic Area Overlay – Ovingham Historic Area

The Desired Outcome and PO 1 of the Overlay seeks for buildings to reinforce the historic themes and characteristics through contextually responsive development and design which responds to the coherent pattern of land division, site configuration, streetscape, building siting and built scale and form as expressed in the Historic Area Statement (HAS).

POs 2.1 to 2.5 desire new buildings to exhibit the following:

- Form and scale consistent with the prevailing historic characteristics of the area;
- Consistency with prevailing building and wall heights;
- Design and architectural detailing complementary to the prevailing historic characteristics in the area;
- Consistency with the prevailing front and side boundary setback pattern in the historic area; and
- Materials consistent with or complement those within the historic area

POs 6.1 and 6.2 relating to context and streetscape amenity seek for:

- The width of driveways/vehicle accessways are consistent with the prevailing width of existing driveways within the historic area; and
- Development maintains valued landscaped patterns that contribute to the historic area

The applicant has provided a Heritage Impact Statement from Dash Architects (**Attachment 4**) to provide an analysis of the built form and its impact on the Heritage Area Overlay.

The Statement identifies the historic character of the area as 'diluted' as evident from a limited number of Representative Buildings within the immediate locality of the project site. It also considers the adjacent Gawler railway line to dominate the character of the locality on the eastern side, forming the primary setting

and context along this frontage and mentions the prevailing built form character along this section as two and three storey multi-unit social housing on the opposite side of the railway line.

It is considered that more recently two storey dwellings have been accepted as a form of development, providing a reasonable transition to the existing single storey dwellings (for example, on western side of Gibson Street), and the contemporary design of the recently built townhouses on the corner of Market and Gibson Street indicates that there is some flexibility and acceptance of a varied appearance and use of materials.

It has been established that the area has a history of providing social housing in a variety of forms, including the representative building on the subject site, three-storey buildings on the eastern side of the railway line directly opposite the subject site and single storey brick dwellings.

The proposed development takes the form of residential flat building comprising individual dwellings over two levels. Pages 20 and 21 of the Heritage Impact Statement describes a process which underpins the design approach and establishes key design frameworks informed by Overlay provisions and guidelines and page 11 of the architectural plans seeks to address each of the Performance Outcomes.

The design response and analysis is expressed in four sections: height, setbacks and design, architectural detailing and landscaping.

Height

DASH advise the height of the building has been informed largely by the immediate locality and a significant weighting has been placed on the two and three storey development on the opposite side of the railway line and to the rear of the subject site. The railway line to the east and the commercial buildings to the south provide an intervening element within the context of the historic area and contribute to the eclectic mix of buildings in the locality.

The Heritage report makes mention of the limited historic character within the proximity of the subject site and the subject site itself, except for the representative building and two others adjacent the project site on 56 Tembath Street and 118A-118B Gibson Street.

It is agreed that the subject site is not fully reflective of the historic characteristics that are identified in the Overlay, as found in the broader locality. The existing dwellings on the subject site are low scale with pitched roofs but have limited visibility from behind their respective fence lines and do not have any streetscape presence. As observed in the Heritage Statement, any views will generally be restricted to locations of limited, if any historic character and the development will not further restrict views of existing areas where the characteristics of the Heritage Overlay are high.

The POs of the Historic Area Overlay emphasise the prevailing aspects of the historic area, that is, what is most common or prevalent. Whilst single storey dwellings are most common, it is apparent that two storey buildings are becoming an accepted form of development, particularly where their design includes aspects inspired by the historic area. As such, whilst the Character area statement expresses a desire for single storey dwellings, it can be established that the prevailing height of this location within the Historic Area is both single and two storey dwellings and the development is therefore not considered to be at odds with PO 2.2 of the Overlay in this regard.

The two-storey building height is a direct reflection of the height of the surrounding buildings, however, it is noted that the form and scale of the development is not in the same vein as the detached and semi-detached character of the dwellings, predominantly on individual allotments.

PO 2.1 seeks for the form and scale of new buildings and structures that are visible from the public realm to be consistent with the prevailing character of the historic area. The term 'consistent' does not necessarily

mean that the development should match or be undertaken in the same manner, but rather have some compatibility, be harmonious or have similarities. The 'prevailing character' of the historic area in the immediate area bounded by Market Place, Hawker Street and Gibson Street is not strong in historic character, evidenced by the limited presence of representative buildings (ref Figure 6) and the recent redevelopment of sites for contemporary two-storey residences. The assessment of the more recent additions to the areas character, would have considered the obvious tension and appropriateness of those forms in the context of historic overlay, in reaching a decision.

DO 1 of the Overlay, which can be called upon to inform further consideration of the relevance and application of a performance outcome, refers to historic themes being reinforced through contextually responsive development and design which responds to the existing coherent features of the Historic Area and the Historic Area Statement. Again, the term "respond" does not seek to replicate what already exists, but to analyse the surroundings of the area and work with the policy to provide an integrated development which takes on the values of the Historic Area without detracting from or impairing the Historic Area.

As such, the proposed scale is a contextual response to the site and its surroundings but extends upon this with the use of design techniques to manage the integration into the streetscape, mitigate the visual mass of the building and draw from the heritage features in the area.

The Heritage Impact Statement by DASH describes how they consider the design team has responded to the scale, determining that considerable attention has been given to physically and visually mitigating the scale through:

- Providing an articulated built form to visually break up the overall scale of the proposal
- Incorporating a mansard architectural language for the upper floor of the Market Place Building, reducing visual prominence through integration into a 'roofscape' within the locality
- An architectural expression that emphasises the lower storey of the buildings
- Use of balcony and verandah elements to provide visual relief to the built form
- Visual queues that draw alignment with the key features of the historic overlay, including eave height and front verandahs
- Aligning the key heights with the scale of surrounding buildings

The City of Charles Sturt engaged Pip Buckberry from Anaglypta Architecture to provide further analysis on the heritage related assessment provisions relating to the proposed development. It should be noted that the comments were made in relation to the original set of plans which included a three-storey element but were not updated in response to the amendments.

Ms Buckberry considers the development to be a well-considered design response which responds to many of the characteristics of the Overlay. However, she does consider that the scale of the development (at three storeys) fails to recognise that for many of the two storey dwellings, for which have been used as a reference point for the design, have gone to considerable effort to set the second storey back behind a single storey form to minimise its dominance.

Ms Buckberry also considers how the development achieves each of the Historic Overlays performance outcomes:

- PO 1.1 – The design demonstrates consideration to the historic streetscape, except with respect to scale.
- PO 2.1 – The HAS clearly describes single storey development as the defining characteristic and the proposed development is 2 and 3 storeys with no roof forms or verandahs and single storey level.
- PO 2.2 – Ceiling heights of 3m are described within the HAS and roof heights of the proposed development range from 6.8m to 11.5m (now reduced to a roof height of 7.9m).

It is not known whether her opinion has changed in response to the reduction of the building to two stories, however Council in their response to the amended plans state *"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."

In acknowledging the above opinions, it is considered that the height now adequately reflects an emerging prevailing character in this respect, and notwithstanding Ms Blackberry's comments in relation to the second stories being set back to reduce dominance, recent examples indicate that this approach is being applied sporadically.

In terms of the scale and massing of the proposal, the design of the building is sympathetic with the surrounding buildings through its street facing presentation, giving the impression of terraced housing with ground floor entrances and integration of the upper level, resulting in the appearance of a single dwelling.

The change in the facade and materials breaks up the monotony of the built form whilst the common entrance on Market Place offers some separation in the facade, reducing the massing of the built form along the street.

The setbacks and variation in materials provide a well-articulated presentation with visual interest on the street.

As such, it is acknowledged that the built form is not representative of the prevailing development in its dwelling style, however, the development is a considered contextual response to the immediate locality which is compatible with its surroundings and will not seriously erode or detract from the historical qualities that are valued in the area. To this end, PO 2.1 and 2.2 have been addressed.

Setbacks

PO 2.4 states that development is consistent with the prevailing front and side boundary setback pattern in the historic area.

The attributes in the HAS indicate that there is no predominant setback pattern, stating small to generous variable setbacks from the street.

The Heritage Impact Statement by DASH observes that the current development provides a very limited interface, with only one dwelling presenting to the street and the remainder located behind a fence.

The development provides a small setback. The Hawker Street setback has a relatively consistent setback of approximately 1m from the boundary whilst the building maintains a stepped approach to Market Place of between 0m and 1.2m to follow the angled boundary.

DASH's the Heritage Impact Statement provides the following setback rationale in support of the development achieving the PO by:

- Establishing a readily legible rhythm in the facade consistent with widths and side setbacks prevalent within the Historic Area Overlay
- Providing a staggered setback consistent with the prevailing historic character and reducing the appearance of long flat elevations
- Incorporating balconies to the Hawker and Market place frontage, drawing reference from the Historic Area attributes
- Providing landscaping to the street interface to emphasise setback
- Emphasising building articulation through contrasting material use
- Aligning the building with adjacent two storey residential development to the west and north.

Ms Buckberry, in her comments, considers that PO 2.4 has been satisfied, with setbacks consistent or complementary with those in the historic area.

Whilst the setbacks are close to the street, the absence of dwellings immediately adjacent the site provides the opportunity for the development to form its own streetscape.

Setbacks are varied in the locality and the masonry fence along Hawker Street indicates a strong built form presence on the boundary, suggesting that shallow setbacks along this road is not unreasonable. Masonry front fencing along the boundary is also common in the locality, and the proposed development incorporates this design feature in its presentation.

The Market Street setback offers some separation between the built form and the boundary and the verge located in front of the site offers some further relief when viewed from the streetscape.

Whilst further assessment on the side setbacks will be discussed in the Zone assessment, the front setback is considered to achieve consistency with the prevailing setback pattern of the historic area as sought by PO 2.4.

Design and Architectural Detailing

PO 2.3 seeks for the design and architectural detailing such as roof form and pitch, openings and verandahs to complement the prevailing characteristics of the area and PO 2.5 suggests that materials ought to be consistent with those within the historic area.

The HAS identifies the following traits within the area in relation to architectural styles, detailing and built form features:

- Single storey double fronted workers cottages, bungalows, austerity houses and early SA Housing Trust stock
- Gable and hipped roofs
- Separate verandah forms with low wide bungalow style overhang or gable
- Generous roof plans with eave overhang to bungalows

The following design techniques has been applied to development in response to the above characteristics:

- Sloped mansard roof for upper floor of Market Place apartments to integrate with the prevailing roofscape of the locality, offsetting the parapet roof forms which have sought to be minimised
- Hawker Street apartments incorporating gable pitches in a contemporary interpretation of traditional gable end forms
- Integrating balconies to replicate the shadow and visual relief of eave overhangs
- Replicating a high solid to void with generously vertically proportioned openings
- Providing balconies with key alignment heights to replicate verandahs which include finer architectural graining e.g balustrades and providing traditional purpose of shelter, amenity and solar protection

The materials and finishes typical of the historic area as outlined in the HAS are:

- Bluestone, sandstone and pressed metal/corrugated walls
- Red brick walls
- Corrugated galvanised or painted steel roofing with galvanised or painted OG guttering
- Brick, painted or rendered chimneys and piers
- Painted timber windows frames, doors and roof trim

The architectural report provides a summary of the material and colour palette chosen in response to the HAS, this being:

- Brickwork and lighter coloured textural panels to articulate the two lower levels
- Darker coloured corrugated sheeting denotes the recessive upper-level elements
- Timber at junctions to provide a textural break along facades

- Colour scheme takes cues from existing trust homes and stonework of dwellings throughout the locality
- Greens and off-whites inspired by the appearance of the representative building and surrounding character
- The use of painted and natural materials that are textural, such as masonry and weatherboard, and applied to manage the visual mass and scale of the proposal.

It is noted that the development is a contemporary design that seeks to respond rather than replicate the historical features of the historic area.

The design of the Hawker Street residences closest to Gibson Street which includes a gable roof form and a cantilevered upper storey provides a transition to the other Hawker Street dwellings, which are less traditional in their appearance, but utilise colours and materials to blend into their setting, which are light and natural finishes.

The Market Street residences incorporate architectural detailing to reduce the apparent height of the building with the mansard roof and articulation in the built form. The nod to the historic area is in its colour palette and materiality.

Council's heritage advisor, Ms Buckberry, in her advice considers PO 2.3 to be satisfied, stating that the development takes its detailing and design cues from the surrounding development.

In response to whether the design achieves PO 2.5, she determines that the selection of materials adequately responds to the locality with the combination of brickwork, corrugated materials, timber and lightweight cladding choices.

She asserts that the colour choices are bold, subverting more traditional choices, but indicating that due to the 'gritty' urban environment with many varied colours and textures, they are not necessarily going to undermine the character of the Historic Area Overlay.

The approach to the architectural expression of the building demonstrates that consideration of the HAS and the historic features of the locality has occurred in its attempt to blend in with the surrounding landscape. Whilst it is acknowledged that the built form is not a strict interpretation of the historical attributes, it is nonetheless a modern impression that takes in cues and elements of the prevailing character that will be complementary to area and will not take away from the character of the broader area that contain the attributes of the historic area.

Context and Streetscape Amenity

PO's 6.1 and 6.2 seek for the width of driveways to be consistent with the prevailing width of existing driveways, and for landscape patterns to contribute to the historic area.

The access points for the proposed development will be in a similar position to existing driveways. The access from Market Street is via a double driveway, however, it is observed that these driveway widths are becoming more apparent in the immediate locality, including the dwellings on the north-western adjoining site and opposite the site.

The car parking off Gibson Street, also via a double driveway, will result in more hardstanding area exposed to the streetscape than there is at present. However, the existing presentation is not considered to benefit the existing streetscape and given the current examples of exposed car parks in close proximity to the subject site, it is considered that, when combined with landscaping, will not be at odds with the locality.

The landscape pattern in the locality is varied and whilst broadly it includes grasses and plantings in front of the dwellings, in a large number of cases, it is limited in depth due to small front setbacks or often screened by fencing.

The development will incorporate landscaping around the edges of the site, which will include plantings in front of every dwelling, adjacent driveway entries and within the car park. The existing Significant Tree will be retained and protected as part of the development.

The landscaping is a fundamental part of the proposal and contributes to the overall design to soften the built form. Both the applicant's and council's heritage assessment consider the proposal to be consistent with the historic area characteristics for landscaping.

The landscaping is considered to reasonably integrate into the development in a manner that maintains valued landscape patterns and characteristics that contribute to Historic area as sought by PO 6.2.

Demolition of Representative Building

The proposed development requires the demolition of the Representative Building located at 12-14 Market Place.

The building is a symmetrical semi-detached dwelling dated to have been constructed between 1900-1920.

Both heritage consultants consider the attributes of the dwelling to be a combination of federation era and modest bungalow dwellings, but with individual features that are consistent with HAS of the Overlay.

The unusual combination of details, which Ms Buckberry describes as 'conflicting' and the modification of the dwelling in recent times suggests that the building does not contribute highly to the values of the Historic Overlay. The face red brick has since been painted, the roof and masonry gable feature are not typical of the building style, the verandah is not original and the estimated construction date of the building is not captured within the HAS. Large trees also currently obscure the dwelling.

PO 7.1 states that buildings that demonstrate the historic characteristics expressed in the HAS should not be demolished unless the building is in disrepair or the front elevation has been substantially altered in a manner that it cannot be reasonably restored.

Furthermore, PO 7.3 considers that buildings or elements of buildings that do not conform with the values described in the HAS may be demolished.

Ms Buckberry opines that the lack of representative buildings within Market Place and around the subject site suggest there is no historic streetscape or reference points in this specific locality and the demolition of the identified Representative Building within this context therefore becomes a less radical proposition.

As such, given that the entire building is not a prized example of architecture from the era expressed in the HAS, there is scope to suggest that it demonstrates compliance with PO 7.3 to determine its demolition appropriate.

Regulated and Significant Tree Overlay

The subject tree has been identified as a Significant Tree with a trunk circumference greater than 2m. The tree could potentially be a Regulated Tree as per the transitional provisions that were attached to the amended Regulated and Significant Tree which came into effect on 16 May 2024, being activity that is:-

undertaken by or on behalf of the South Australian Housing Trust for the purposes of a development, or in connection with the demolition of a dwelling or residential flat building, before 1 January 2027 (regardless of whether the application for development authorisation is lodged, or development authorisation is granted, in respect of the development before or after the commencement of this clause)

Nevertheless, the tree-damaging activity is not occurring and the provisions within the Overlay which seek to protect the tree are relevant in this circumstance.

The applicant has sought advice from Arborman Tree Solutions and a report which discusses how the development impacts each tree can be found in **Attachment 6**.

The tree, a River Red Gum located to the rear of 2-4 Market Place (identified as Tree 1 in the report) is located to the rear of 2-4 Market Place. The tree is recommended for retention with specialised excavation techniques within the root zone to prevent damage to the tree.

Although the arborist determines the retention rating as moderate, the retention of mature trees, is considered important to provide a softening of the taller built form.

The arborist has identified that the encroachment will be greater than 10% of the Tree Protection Zone (TPZ) which is classified as a major encroachment as defined in AS4970-2009. However AS4970-2009 also identifies factors that indicate the proposed development will not negatively impact the tree, these being:

- The species has a good tolerance to root disturbance
- The tree is semi-mature and displays good health and vitality, indicating it can tolerate the proposed level of encroachment without noticeable impacts
- There is presence of existing encroachments which have been in place for more than 30 years and therefore the proposed encroachment is unlikely to impact the long-term viability of tree
- Tree friendly methodologies and materials have been recommended to ensure the tree is not impacted by the proposal

Should the Panel grant consent to the proposal, a condition which specifies tree protection measures as identified in the recommendations on page 8 arborist report will need be attached to any consent granted.

The retention of the tree and its protection aligns with POs 1.2, 1.3 (b) and 2.1 of the Overlay.

It is noted that the Arborist Report identifies Tree 5 (a Callistemon Viminalis – weeping bottle brush) and Tree 6 (Casurina cunninghamiana – River She Oak) as Regulated. However, as they are below 2m in trunk circumference, they are not deemed regulated under the transitional provisions stated above.

Stormwater Management Overlay

The DPF associated with the Stormwater Management Overlay relates to less than 5 dwellings within a residential flat building. Therefore, the quantitative recommendations of the overlay and the mandatory condition are not relevant in this case and the development should be designed in accordance with PO 1.1 to capture and re-use stormwater to:

- (a) Maximise conservation of water resources
- (b) Manage peak stormwater runoff flows and volume to manage carrying capacities of downstream systems
- (c) Manage runoff quality

To address the PO, the applicant has engaged CPR engineers to provide a Stormwater Management Plan (**Attachment 3**) for the site in consultation with the City of Charles Sturt.

The report outlines the following:

- In order to meet pre-development discharge conditions the following detention is provided:
 - Runoff is directed to 2 x 5KL retention/detention tank with 8.15KL detention and 52.14KL detention directed through 1 x 35KL below ground pump chamber and 1 x 22KL below ground detention tank
 - Retention to be used for garden reuse
 - Detention discharge at rates of 3L/S from above ground tanks and 24L/S for below ground tanks

- Below ground system to be fitted with backup pump and alarm system
- Ocean Protect “Ocean Guard” litter baskets will be provided to each side entry and grated inlet pit on the site to manage water quality. In addition, an Ocean Protect “Jelly Fish JF-900-2-1” will be provided to treat stormwater prior to discharge to the underground tanks.

The Council does not appear to object to the stormwater management of the site, although queries some of the notations on the plan. A reserved matter which seeks for the applicant to consult with Charles Sturt Council on a stormwater management plan which addresses their comments is recommended on the Planning Consent.

Traffic Generating Development Overlay

The Traffic Generating Development Overlay seeks to facilitate safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.

The proposed building will not gain access directly from Park Terrace or Torrens Road and does not propose a development that is listed with the Procedural Matters Section which requires referral to the Commissioner of Highways. Whilst there will be further discussion regarding traffic generation in the relevant section, it is not anticipated that the proposed development will impact the safe and efficient access to and from the State Maintained Road network.

Urban Tree Canopy Overlay

The Urban Tree Canopy (UTC) Overlay seeks to preserve and enhance tree canopy through the planting and retention of mature trees.

Section 127 (1) of the *PDI Act, 2016* pertaining to conditions of approval states that a decision subject to such conditions (if any)

- (a) as a relevant authority thinks fit to impose in relation to the development; or
- (b) as may be specified by any practice direction or otherwise imposed under another provision of this Act.

Pursuant to Part (b) of the abovementioned section, Practice Direction 12 specifies the conditions which must be imposed on a development authorisation issued by the relevant authority.

The Overlay triggers a mandatory condition where an application is for or includes a new dwelling in an area subject to the Overlay, trees must be planted or retained in accordance with DTS/DPF 1.1 of the Overlay.

In regard to the development, DTS/DPF 1.1 would require a 30-dwelling development with site sizes below 450m² to plant 1 small tree per dwelling with a soil area around the tree of 10m² and a minimum dimension of 1.5m. The retention of the River Red Gum would result in a discount of two medium or four small trees.

The proposal includes the planting of 25 trees as well as the retention of the River Red Gum, albeit the Landscape Concept Preliminary Plan within the architectural plans indicate that some soil areas would fail to meet the 10m² requirement.

The proposed development would require the planting of 26 small trees resulting in a 1 tree shortfall on the site itself, which is contrary to the requirements of the Overlay. The applicant has indicated that it is also willing to plant additional trees either on the subject site or on the raised 232m squared Market Place Council road reserve to the east of the site in consultation with Council.

This notwithstanding, the applicant has indicated that borehole testing has revealed that the soil type is likely to be H1-D or H2-D, which is a designated soil type which could allow payment into the Urban Tree Canopy off-set fund.

A reserved matter that clarifies the location of trees to be specifically planted to satisfy the requirements of the Urban Canopy Overlay or a soil report which concludes the soil type specified within the Urban Tree Canopy Off-set scheme should be included should the SCAP consider it appropriate to grant consent to the development.

ZONE ASSESSMENT

Established Neighbourhood Zone

The Zone is predicated on being a neighbourhood that includes a range of housing types sympathetic to the predominant built form, development patterns and streetscape character as expressed in DO 1 of the Zone.

The predominant character is considered to be residential and that of single and two storey dwellings in the form of detached, semi-detached and row or terrace housing, with street facing entrances at ground level, small setbacks with landscaped front gardens, on individual or shared allotments which maintain a road frontage.

The Zone and the Historic Area Overlay work in tandem to maintain the integrity of the attributes which are features of the Zone's character and ensure that development does not diminish or dominate the existing landscape.

This report has covered how the proposed development performs against the provisions of the Historic Area Overlay. The below assessment will consider how the development will integrate into the area when assessed against the policies of the Zone.

Land Use and Intensity

PO 1.1 speaks to residential development being compatible with the established development pattern of the neighbourhood and PO 2.1 seeks for residential sites to be of a suitable size and dimension to accommodate the anticipated dwelling form and are compatible with the prevailing pattern of development in the neighbourhood.

The Planning and Design Code does not define the term 'Neighbourhood' however, the term was further analysed in the matter of *Minnicozzi (Osmond Terrace) Pty Ltd v The City of Norwood, Payneham and St Peters Assessment Panel [2024] SAERDC 18*.

Commissioner Nolan, in their judgement, was ... *'persuaded that, in this instance, the locality and neighbourhood are sufficiently coincident such that the characteristics evident in the locality form a suitable basis for this assessment. Such approach quite properly captures all the relevant policy considerations applicable in this matter. Whether the locality constitutes the whole of the neighbourhood (as per Mr Osborn's oral evidence) or only part of it (as per Mr Thomson's written evidence), areas beyond it are too removed from the Subject Land to assist me given the specific issues and circumstances relevant to this matter.*

It is considered that in this circumstance, the terms locality and neighbourhood could be used interchangeably, however, Commissioner Nolan's interpretation restricts itself to the matter at hand. In this circumstance, there is sufficient characteristics within the locality to render the locality and neighbourhood as being similar for the purposes of this assessment.

The locality or neighbourhood is predominantly residential but contains a small commercial area to the south and the Gawler railway line forms a dividing line between the suburbs of Bowden and Ovingham. Land directly adjoining the site to the north-west and adjacent the subject land to the north contains newer buildings of single and two storey detached and semi-detached dwellings some which incorporate features to blend in with the character of the area, and some quite obviously more contemporary style dwellings. On the opposite side of the railway line, to the east of the site, lies a row of three-storey town houses along with further commercial uses to the south.

The wider locality is more typical of the Zone, incorporating low scale dwellings with historical attributes.

The site presents as somewhat isolated in its own pocket on the edge of a residential enclave, surrounded by land uses in the adjacent quadrants that are separated by Hawker Street and the railway line which are commercial in nature and the two and three-storey community housing with no heritage attributes. The site acts as a screen to the broader locality to the north, which contains a more established character in its historic context.

The proposed building will replace ten single storey detached, semi-detached and row dwellings on six allotments with 30 apartment style dwellings over two levels within one single building.

Whilst the nature of the dwellings is specifically dedicated to community housing and supported accommodation, the use 'Dwellings undertaken by SAHT or partnered provider' as a class of development, which would normally be assessed against the Housing Renewal module (General Development Policies) for the majority of zones, is, in this case, to be assessed predominantly in line with the policies of the Zone in accordance with the Hierarchy of Policies as per the Rules of Interpretation of the Code.

It is recognised that the applicant is not seeking to adhere to the DPF associated with the Zone PO 2.1, which recommends a minimum site area of 275m² and would allow for eleven dwellings on the site. The average allotment size proposed is approximately 101m², resulting in a density nearly three times more than the desired site area. As is accepted as part of the Rules of Interpretation, the DPF is only one way of meeting the PO, and further analysis can be undertaken to determine the merits of the proposal to achieve the PO in another way, which allows for consideration of the context, specific circumstances and other relevant policies.

In the matter of *Parkins V Adelaide Hills Council Assessment Manager [2022]* SAERDC 12 Commissioner Dyer found that *'whilst quantum departure from the terms of a DPF is not, of itself, grounds for refusal, I am not convinced that quantum departure can be completely ignored. It will, if nothing else, be a flag to the relevant authority to carefully ensure that, by way of alternative or the specific facts and circumstances of the matter, the performance outcome is met'*.

In turning to the policy itself, the Zone is seeking sites that accommodate the anticipated dwelling form in a manner which displays compatibility with the established and prevailing character and pattern of development, and for residential sites to be a suitable site and dimension for this purpose.

The Zone, by way of returning policies that are applicable to a performance assessed pathway, envisages residential flat buildings as an anticipated dwelling form. The minimum site area requirement specified in the DPF for Residential Flat Buildings suggests that whilst it is a dwelling type that can be contemplated in the Zone, it is noted that the minimum site area seeks to guide the building's presentation to reflect a dwelling type and allotment pattern that is representative of the broader area.

There are several specific factors in this proposal that demonstrate that PO 2.1 has been achieved as an alternative to satisfying the numerical standards with the associated DPF. Social housing is also an anticipated dwelling form given the proposed development seeks to replace the existing social housing which has reached the end of its useful life. The development seeks to maximise the number of individuals

who can be provided with a home that is suitable for their needs in a building that is considered compatible with the prevailing development pattern in the locality because:

- the locality contains a mixed character of conventional dwellings, commercial buildings and infrastructure and does not display a coherent pattern of development which characterises the Established Neighbourhood Zone;
- the site is located along the edge of a renewed area of Zone with little heritage visible from the site and will not detract from the existing heritage values of the locality;
- the large site area lends itself to be able accommodate the number of dwellings proposed such that the design allows for increased setbacks to manage the scale of development proposed when viewed from adjoining properties; and
- the building has been designed to integrate with its surrounds, taking cues from the historic attributes of the locality in its architectural expression and presenting in the form of terraced housing.

Additionally, the site presents a unique set circumstances in terms of both its extensive size as well as the locational attributes, namely being within an 8 - 15 minute walk to several public transport options including rail, tram and bus, good access to bicycle links and quality open space, all within a 5km radius to the Adelaide CBD.

It is widely accepted that there is a lack of affordable rentals in South Australia. The applicant asserts the project presents an opportunity to provide housing to a vulnerable cohort of the community. Further, the applicant suggests it adheres to recognised planning principles that allow for efficiencies of scale, in a location that supports active transport and can be undertaken in a manner that balances the heritage value through a contextual approach to design as well as management of the interface between existing dwellings.

To this end, the proposed development addresses a recognised need for housing in a location entirely suitable for social housing due to its locational attributes. The ability to meet the PO is presented as contextual when considered against the character of the prevailing locality and the proposal is therefore considered appropriate within its setting.

Site coverage

PO 3.1 requires the building footprint to be consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.

Numerically, the proposal maintains a site coverage of approximately 61% compared to the associated DPF guideline of 50%, however, failure to meet the quantitative outcome is not in itself critical to this component of the assessment.

Site coverage is a reflection of the building's setbacks and their ability to maintain adequate separation from neighbouring properties to manage visual and material impacts.

This will be further considered in the section relating to setbacks which will consider visual outlook and access to light and ventilation.

Building Height and Appearance

PO 4.1 seeks for buildings to contribute to the prevailing character of the neighbourhood and complement the height of nearby buildings.

The associated DPF recommends a maximum building height of one level up to 6m, with the proposed development exceeding this by one level and approximately 2m for the majority of the building (noting it is a 2.9m difference to the lift overrun).

Height has been discussed in the Heritage Area Overlay section of the report and it was determined that within the context of its setting, the two-storey height was considered acceptable.

PO 10.1 seeks for garages to be discreet and not dominate the appearance. This is satisfied by having the car parking located behind a double width roller door which hides the car parking from the street and in a manner similar to the appearance of other newer dwellings in the locality.

PO 10.2, as well as wall height, asks to consider whether the roof form and roof pitches are sympathetic to the predominant housing stock in the locality.

In some sections, the second level is recessed back from the level below and presents as a mansard style giving the appearance the upper level is located within the roof space of the building. In other sections, the wall height is apparent in the form of a parapet style wall with no roof form presenting to the street.

The element of the building which includes a gable pitch is considered to have a roof form symbolic of the pitches of some representative dwellings in the locality.

The remaining dwellings have a shallow roof pitch at 3 degrees which Ms Buckberry concludes is much lower than the 27-degree pitch typical within the locality, however notes that the inclusion of visible roof forms to the proposed apartment blocks to be a positive attribute of the design.

As discussed previously, the design approach and building height is considered in keeping with the immediate locality and exhibits contemporary and traditional elements which will not hinder the broader character of the area.

Setbacks

PO 5.1 encourages the primary street setback to be consistent with the existing streetscape. Given that the building will entirely replace what currently exists and expand across two frontages, there is no quantitative standard to observe in this regard.

The setbacks within the locality can be described as small, ranging from no setback to 5m and may accommodate a small front garden bed.

The proposed primary and secondary street setback of the development is considered to be closer to the street than the emerging setback for newer dwellings in the locality. Market Place however, has a generous verge on the street which is considered to assist in promoting a perceived increase in the front setback.

The Hawker Street presentation, incorporates a small setback within an integrated built form. It accommodates a small amount of landscaping at the front as well as a small masonry wall, which could be described as being consistent with the existing streetscape in accordance with the PO.

The setbacks have been deemed to be satisfactory by both heritage consultants when assessed against both the HAS and the Zone provisions.

Given that there will be no existing streetscape to inform the proposed development, the proposed front setbacks are considered to be satisfactory when against the Code.

As Apartments 11 to 17 on Hawker Street will sit adjacent the side boundary of 107 Gibson Street it is considered reasonable to apply the side boundary setback policies despite the rear of the building presenting in that direction. The dwellings meet the desired setback of 2.5m to the boundary, albeit the stairwell and walkway of the upper floor dwellings encroach within the setback space, however given the unenclosed nature of the structure, it is not considered to be a substantial intrusion.

The rear setback of the building also maintains a distance which abides by the associated DPF and additional 2.8 - 3m above the 6m standard provides a buffer for the building height and massing of the built form.

The proposed side and rear setbacks provide adequate separation so as not to result in a loss of natural light and ventilation to the adjacent properties as required by Zone POs 8.1 and 9.1. The setbacks complement the established character by offering generous setbacks from the boundaries, particularly from the rear to compensate for the expanse and height of the built form and provide protection of the Significant Tree and space for car parking out of view from the street frontage.

To this end, the setbacks are considered to achieve the objectives sought within the policies. The size of the subject site affords the opportunity to provide setbacks commensurate with the scale of the development to minimise impacts on the adjacent dwellings.

GENERAL DEVELOPMENT POLICIES

Clearance from Overhead Powerlines

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

Design in Urban Areas/ Housing Renewal

External Appearance

Whilst it is acknowledged that a building's appearance can be subjective, it is considered that the applicant has attempted a well thought out design which incorporates a range of architectural techniques to articulate and provide visual interest on the street.

The building incorporates a variety of materials and finishes, changes in setback, variation in the façade and minimal blank walls presenting to the street.

The bulk, height and massing have endeavoured to be reduced through the recession of the second storey and mansard building line, darker contrasting colours, reduction in parapet forms, separation between 'wings' to create appearance of multiple smaller building forms and expressed balconies.

The architectural expression of the building attempts to convey the attributes of the Historical Area Statement through materiality and colour, gabled roof form, vertical proportions to reinforce narrow allotments and shallow and staggered setbacks.

The ground floor apartments incorporate front and rear entry including direct access to the street to facilitate walkability and for the upper-level apartments, access is through the building to enter/exit through the zen garden via the lift or stairs for apartments 101 to 114 and for apartments 115 to 117, access through to Gibson Street via the car park.

All plant equipment, storage and services, including waste are integrated into the building and will not be exposed to the street in accordance with Design in Urban Areas PO 1.4 and 1.5.

There has been much discussion throughout this report in relation to the built form and external appearance, including its impact on the heritage and the established character of the area. It is acknowledged that the building provides a different dwelling type to what is dominant in the locality but seeks to do so in way that mimics the appearance of row dwellings on narrow allotments, and it does this through its variation in the upper and lower levels and throughout the built form rather than the repetitiveness normally seen in an apartment style residential flat building.

To this end, the built form is considered to achieve Design in Urban Areas PO 1.1 to 1.3 in relation to its architectural expression.

DO 1 of Design in Urban Areas gives permission for context to form a part of the assessment approach, that is, to consider, recognise and respond to the surrounding built environment and positively contribute to the character of the locality. The location at the edge of a railway interface combined with the commercial character of the immediate area provides that context which supports a bold but considered design approach and will present as a good example of social housing.

Safety

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

- Building incorporates windows, balconies and open space area directly overlooking the street to provide passive surveillance to the public realm;
- Low level fencing provided to differentiate public and private areas;
- Access to dwellings and lobby areas are easily identifiable from street level with perceptible pathways provided to the main entry of the building from the public realm;
- Secured entry for residents; and
- Transparent materials to walkway above entry courtyard for passive surveillance over main public entry.

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

Environmental Performance

The building has been designed so that all windows have access to natural light and ventilation, including apartments 002 to 007 and 102 to 107 which incorporates a light well with windows to bedrooms for these dwellings.

Each portion of the building will have access to the sun at different times of the day. Dwellings fronting Market Place will have access to the morning sun over their POS areas, the internal apartments 112 to 114 will have access to the northern sun, whilst the Hawker Street dwellings will receive sunlight during the late afternoon.

The building is well separated from boundaries to ensure the receipt of natural light and ventilation and the division of the built form along Market Place provides a void over the communal courtyard for light entry.

The roof is pitched and orientated so that solar photovoltaic cells can be placed on the roof for maximum efficiency. Balconies and courtyards have shading integrated into the built form to reduce heat load during the summer months.

The above design techniques are considered to assist in addressing Design in Urban Areas POs 4.1 to 4.3.

Car parking appearance

The proposed development incorporates two car parks, one located off Gibson Street on the corner with Hawker Street and a larger car park nestled behind the dwellings with access off Market Place.

The larger car park will have limited visibility from the street as it will be screened by the dwellings and a garage door and fencing at the Market Place entrance. Some landscaping will be incorporated at the entrance in front of the fenced area and the spaces have been designed around a Significant Tree. The paving is proposed to be permeable or porous around to maintain the root health of the tree.

The Gibson Street car park is fenced and landscaped around the edges to soften its impact when viewed from Gibson Street. Whilst the driveway will be visible from the street, the car parking spaces will be screened by the fence. A masonry fence will limit exposure of the car park from Hawker Street.

Neither car park is considered to form a dominant element on the streetscape and have been satisfactorily designed to achieve the outcomes sought in POs 7.2 to 7.7.

Waste Management

The waste collection area for apartments 001 to 010 and 101 to 114 is integrated into the building and not visible from the street. For the six apartments along Hawker Street (011 to 013 and 115 to 117), the waste area is located in an enclosure behind the white brick fence and is also screened from public view.

A Waste Management Plan provided by Rawtec (**Attachment 6**) outlines how waste would be disposed of, managed and collection arranged.

Residents would dispose of landfill and organic waste using waste chutes for residents on Level 1, or in relation to the ground level apartments, directly into the bins provided. Transfer pathways are identified in section 2.4 of the report and shows that the location of the waste room can be easily accessed from each apartment or from the lift, and similarly, the waste chute room on the upper level.

Comingled recycling will need to be collected loose by each apartment and taken directly to the bins. Council has raised concerns that this may discourage recycling, however no alternative solution has been found. The applicant has indicated that greater storage for recycling will be provided and dual pull-out bins can be provided in apartment kitchens for waste and recycling.

The six Hawker Street apartments will have a standard set of residential kerbside bins and use the Council service of 2 collections per week, across 15 bins. Residents will take the bins to the kerb on Hawker Street ready for collection on the specified day.

The 24 apartments will generate approximately 4100L of waste and recycling per week, requiring approximately 5 bins (2 x 1800L and 1 x 660L) for collection three times a week. This will be serviced by a private contractor via a rear lift collection vehicle from Market Place. The driver will transfer bins to the truck and return them to the waste room.

The waste collection arrangement necessitates the introduction of on-street parking restrictions for a temporary period during waste collection days for the car parks at the end of the Market Place cul-de-sac to enable refuse vehicle turnpaths. This has been deemed acceptable by the City of Charles Sturt. Waste collection vehicle turnpaths provided by CIRQA traffic advisory demonstrates that a vehicle can manoeuvre into the designated area with the car parking restrictions in place which Council has indicated to be Thursdays 9am-3pm.

Notwithstanding the concerns relating to recycling access for the apartments, Council is supportive of the waste management scheme.

The proposed waste management plan sufficiently demonstrates the outcomes sought in POs 11.1 to 11.4.

Outlook/Occupant Amenity/POS

In response to Design in Urban Areas PO 26.1 and 26.2, all dwellings have a short-range visual outlook from their living rooms towards their balconies or courtyards. The ground level dwellings incorporate 1.5m high masonry fencing to provide privacy and offer some mitigation against traffic noise and pollution, particularly in relation to the Hawker Street residences.

Each dwelling is afforded with private open space either in the form of a balcony or ground level space in front of the dwelling. For the ground floor dwellings, all but two dwellings fall between 2m² - 5m² short of the desired 15m² specification in Design in Urban Areas Table 1 – Private Open Space as well as a minor shortfall of between 300-700mm in the minimum dimension. The POS areas have similar dimensions to the upper-level dwellings and given that the dwellings floor area, layout and occupancy will not differ for each apartment, it is not considered unreasonable for the POS areas to provide a minimum area of 11m² with a 2.4m minimum dimension as desired for the upper-level apartments. All apartments except for APT 010 (which has 1m² less) would comply.

The second level POS areas are generally compliant with the 11m² standard for above ground two-bedroom dwellings with the exception of APT 111 which is 1m² below, which on balance, is considered a minor shortfall.

The balconies are integrated into the dwelling and incorporate some roof overhang to provide shelter from the elements. All balconies have an outlook to the public realm, aside from apartment 113 which will need to have screening to maintain the privacy of the neighbours. The dimensions of the balconies, noting some do fall marginally short of the desired minimum dimension in Table 1- POS, are still of a sufficient size to accommodate outdoor seating with the depth of the balconies no less than 2.3m. The balconies are separated from each dwelling for privacy either through physical separation or by including a solid wall between balconies. The balconies are considered to be suitable for the likely occupants and provide a comfortable, usable and private space for the benefit of the occupants and in accordance with Design in Urban Areas POs 27.1, 28.2 and 28.3.

All habitable rooms have access to natural light and ventilation. Ground and upper-level dwellings 2 to 7 on Hawker Street include a courtyard and lightwell to facilitate light access to the bedrooms of those dwellings. Each bedroom is provided with built-in-robres and storage available in the kitchen and bathroom with space for additional storage volume.

The applicant has indicated a commitment to providing appropriate noise attenuation as recommended by the Acoustic Report from Resonate (**Attachment 7**) Whilst the site is not located within a Noise and Air Emissions Overlay, the requirement to acoustically treat the building is not mandatory, however, given the site's location adjacent a railway line and a busy connector road, the methodology of Ministerial Building Standard MBS 010 *Construction requirements for the control of external sound* has been used to apply recommended acoustic treatments for the building.

To this end, the building is considered to provide a high standard of amenity for the occupants of the buildings and achieves Design in Urban Areas POs 28.1, 28.4, 28.5 and 28.6.

Dwelling Configuration and sizes

As the dwellings are catered to a specific cohort of women aged over 55, a mix of dwelling types has not been provided as it is expected that a two-bedroom dwelling will be suitable for a single person with the second bedroom available for children/grandchildren/carers, for example, to stay on an occasional basis.

Each dwelling is provided with 68m² or more in floor area with the exception of two dwellings which falls 2m² short of the 65m² standard of the DPF. Despite the slightly smaller floor area, the dwellings are still able to accommodate the same facilities within these dwellings.

Although the variety of dwellings sought within Design in Urban Areas PO 29.1 has not been satisfied, the floor area is considered appropriate to meet the needs of the occupants to which the dwellings will be dedicated to and provide the high standard of amenity sought in PO 31.1.

Supported Accommodation

There are two SDA apartments proposed within the building, being 008 on the ground floor and 109 on the first floor. The dwellings are positioned with street access and in close proximity to the lift as well as to the accessible car parking spaces. The site is not affected by a slope which would restrict the on-site movements of residents which is an outcome sought by Design in Urban Areas PO 37.1.

The integration of SDA apartments within the building is a positive outcome which will provide a home for someone with limited mobility in a highly accessible location.

Landscaping

The proposal includes a Landscape Concept Preliminary Plan as part of the architectural documentation which incorporates plantings predominantly around the edge of the site and the car parking areas as well as a Zen Garden which doubles as communal open space and a visible entry point.

The approach to the Zen Garden involves creating a welcoming space which includes shade trees, ground covers and potted plants integrated with furniture and textural elements.

The planting around the edges includes a combination of shade trees, ground covers, hedge screening and planter boxes in front of the Market Place residences where deep soil zones are unable to be provided.

The proposal includes the retention of a Significant Tree and incorporates pavers within this portion of the driveway to ensure water permeability and root movement.

Total pervious/permeable surface is indicated to be approximately 14% of the total site which is within the standard set within DPF 12.1 of the Housing Renewal Overlay which seeks for 10% of the site to incorporate soft landscaping where the average site area is 150m² or less.

Whilst some deep soil zones have been provided directly around the building, in areas where it can't be achieved, careful plant selection has been adopted to ensure that the landscaping thrives within the conditions of its chosen location.

Landscaping has been incorporated where it is practically capable of being provided, in a variety of forms which seeks to soften the built form, provide shade, minimise heat absorption and assist with stormwater infiltration which are outcomes desired in Housing Renewal PO 12.1 and Design in Urban Areas 3.1.

Overlooking/Visual Privacy

All windows which face the rear yards of adjacent private properties will incorporate obscure glazing to a height of 1.5m from the finished floor level and any balcony or walkway balustrades will be screened to a height of 1.5m, or in the case of the Hawker Street dwellings, to a height of 1.8m above its respective finished floor level.

Further details of screening will need to be provided, and the applicant has requested that a reserved matter be included should consent be granted in which amended plans be submitted detailing the privacy measures that will be implemented as part of the proposal.

The proposal is considered to adequately address Design in Urban Areas PO 16.1 and Housing Renewal 11.1 and 11.2 to ensure that the privacy of adjacent residences is maintained.

Overshadowing

Overshadowing diagrams provided with the architectural plans demonstrate that the majority of shadow will be directed over Hawker Street and Market Place during the winter months and the development will not affect the ability for adjoining land to maintain direct sunlight for a minimum of 2 hours between 9am and 3pm on June 21 as required by Housing Renewal PO 15.1.

Site contamination

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

Transport, Access and Parking

A traffic and parking report has been provided by CIRQA Pty Ltd in support of the access and parking arrangements proposed in the development and can be found in **Attachment 8**.

Vehicle Access

The proposal will include the modification of two existing access points, one on Gibson Street and one on the northern side of Market Place. The proposed locations will not result in the loss of existing on-street parking.

The Gibson Street access will accommodate vehicles associated with the six apartments directly east of the car park, and will be a 6m wide, two-way crossover where vehicles will be able to enter while another vehicle is stored waiting to exit the site. The proposed crossover will be constructed slightly north of the existing and CIRQA advises that this does not strictly comply with the intersection clearance requirements of AS/NZS 2890.1: 2004. However, the report goes on to say that as the existing crossover also does not comply, the proposed new access further away from the tangent point will be an improvement along with the provisions made for forward entry and exit. Council has not raised an objection to the proposed crossover and supports the driveway dimensions.

The Market Place crossover is also 6m wide and will facilitate two-way movements. The crossover will be constructed slightly to the east of the existing and require the removal of a stobie pole. The applicant will need to go through the process of obtaining consent from SA Power Networks and accepts that the cost of this will be borne by the applicant. The applicant has advised that whilst they can see no reason for SAPN to refuse this request, their traffic consultant is able to support an access point that doesn't require removal of the stobie pole, given the relatively low-traffic movement through the access. A reserved matter which

requires the applicant to provide SAPN's approval of the stobie pole removal or a revised access point can be included should the Panel support the proposal.

The proposed access to both car parks are satisfactory and has the support of both an independent traffic consultant and Council and it can therefore be determined that Transport, Access and Parking POs 3.1 to 3.6 have been met.

Vehicle Parking

PO 14.1 of the Housing Renewal module states that 'on-site parking is provided to meet the anticipated demand of residents, with less on-site parking in areas in close proximity to public transport'.

The associated DPF 14.1 provides the following rates:

- Two bedroom dwellings – 1 space per dwelling

A separate rate is provided for supported accommodation in Table 1 – General Off-street parking requirements of 0.3 spaces per bed.

PO 14.4 which seeks for visitor car parking to be provided for residential flat buildings provides a rate within the DPF of 0.25 spaces per dwelling.

Based on the above rates, the proposal requires 28 car parks for the standard dwellings, 1.2 spaces for supported accommodation and 7.5 visitor car parks, totalling 37 spaces (rounded up) for the development.

The total number of spaces provided is 34, three spaces short of the desired rate which can be attributed to the visitor car parks. As such, a car park can be allocated to each individual dwelling with three on-site visitor parks.

The shortfall in visitor spaces is considered to be acceptable for the following reasons:

- The shortfall can be off-set by on-street car parking where CIRQA identified 81 spaces within a 200m walking distance of the site and surveyed vacant parking spaces during the day for a designated period;
- The site is situated within walking distance of public transport options and in close proximity to cycling and walking infrastructure as well as local services;
- Selection of tenants can be managed, which may include allocation of dwellings to occupants who do not own vehicles;
- Council agrees that that availability of on-street car parking within Market Place caters for the shortfall of visitor parking.

Council has requested that the visitor car parks be identified within the complex and the applicant has advised that the roller door can be opened from an intercom provided to each apartment to enable visitors to utilise these car parks.

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

- parking spaces will be 2.4m wide;
- parking spaces will be 5.4m long;
- parking aisles will be 5.8m wide;
- aisles will be extended by at least 1m beyond the last parking space
- 0.3m clearance will be provided to all objects greater than 0.15m in height and
- Pedestrian sightlines will be provided at the access point on Gibson Street.

The proposed vehicle car parking rates and areas have been designed to cater for the needs of the development and the layout designed so that it complies with the Australian Standards in that vehicles can adequately manoeuvre within the car park and enter and exit the site in a forward direction. The proposal is therefore consistent with Transport, Access and Parking POs 5.1 and 6.1 and Housing Renewal POs 14.1 and 14.4.

Bicycle Parking

Housing Renewal PO 14.5 seeks for residential flat buildings to provide dedicated areas for bicycle parking with the DPF suggesting a rate of one space per dwelling.

A bike storage area with 26 spaces is proposed which is four short of the desired rate.

Given the availability of other transport options within the vicinity of the site, this is considered to be an acceptable outcome and satisfies the relevant PO.

Traffic Generation

The CIRQA traffic report, using the RTA's '*Guide to Traffic Generating Developments*' specifies a rate of 0.53 morning and 0.32 afternoon peak hour trips per dwelling.

This translates to an estimated traffic volume of 16 morning and 10 afternoon peak hour trips compared to the existing 6 morning and afternoon peak trips, resulting in 10 more morning trips and 4 more afternoon trips.

The distribution of these trips would be as follows:

- Market Place Access
 - 3 ingress and 10 egress movements in the am peak hour
 - 6 ingress and 2 egress movements in the pm peak hour
- Gibson Street Access
 - 1 ingress and 2 egress movements in the am peak hour
 - 2 ingress and 0 egress movements in the pm peak hour

The traffic consultant concludes that the additional forecast volumes associated with the proposed development are low and would be readily accommodated on the adjacent road network.

CONCLUSION

The above assessment outlines a number of contributing circumstances which, when combined with a considered design approach, determines the development to be acceptable.

Whilst it acknowledged that the proposed density is not reflective of the Established Neighbourhood Zone, the site lends itself to an increased number of dwellings than what is generally sought in the zone for the following reasons:

- The location is at the edge of a quadrant with the railway interface and the immediate locality is not a strong representation of either the historic area or the established neighbourhood with its mix of land uses, modern and conventionally designed dwellings, lack of historic or representative buildings, and the proposed building will not diminish the broader area which does display those historic attributes.
- Social housing is an anticipated dwelling type and the built form displays compatibility through its design approach with historic themed cues, terrace like appearance and building height which responds appropriately to its surrounds.
- The site is well suited to higher density due to its locational attributes and significant overall site area which aligns with the objectives of the Housing renewal module and represents good planning practice in general.
- The representative building does not display attributes which make it a distinguished example of historic buildings in the historic area.
- The development performs well for occupant amenity and interface management with the majority of dwellings presenting to the public realm with the opportunity for passive surveillance.

The development is considered to be positive and will provide much needed housing to a vulnerable demographic in the community. The assessment is a thorough consideration of the performance outcomes where the qualitative merits and contextual considerations have been presented as an alternative to satisfying the quantifiable design features, using key objectives to further dissect the policies to inform the outcome.

For these reasons, the proposed development would appropriately respond to the relevant objectives and policy outcomes of the Planning and Design code and is considered to display sufficient merit to warrant Planning Consent subject to reserved matters and conditions.

RECOMMENDATION

It is recommended that the SCAP resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24024441, by Uniting SA Ltd C/- Future Urban is granted Planning Consent subject to the following reasons/conditions/reserved matters:

RESERVED MATTERS

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

Reserved Matter 1

The applicant shall submit final details of the privacy treatments to balconies and walkways which addresses overlooking to adjacent residential properties, to the satisfaction of the State Planning Commission.

Reserved Matter 2

The applicant shall provide a final plan detailing the trees to be planted to satisfy the requirements of the Urban Tree Canopy overlay or a soil report which confirms the soil to be a designated soil type specified in the Urban Tree Canopy Off-set Scheme which allows for payment into an Urban Tree Canopy Off-set Fund.

Reserved Matter 3

A final stormwater management plan shall be provided which addresses stormwater management disposal methods and water quality treatments, in consultation with the City of Charles Sturt, to the satisfaction of the State Planning Commission.

Reserve Matter 4

The applicant shall provide approval from SA Power Networks that the stobie pole affecting the Market Place access is able to be removed, or an amended plan which provides alternative access arrangement in the event that the stobie pole's removal is not supported, to the satisfaction of the State Planning Commission.

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained or where provided for by any relevant off-set scheme established under section 197 of the Planning, Development and Infrastructure Act 2016 (as at the date of lodgement of the application), payment of an amount calculated in accordance with the off-set scheme may be made in lieu of planting/retaining 1 or more trees as set out in the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). Payment must be made prior to the issue of development approval.

Condition 3

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

Condition 4

All on-site vehicle parking shall be constructed in accordance with AS/NZS 2890.1:2004 and wheel stop devices shall be installed for each park to prevent vehicle overhang over pedestrian access ways and neighbouring fences.

Condition 5

Waste collection shall be scheduled to occur between the hours of 9am and 7pm on a Sunday or public holiday and 7am and 7pm on any other day.

Condition 6

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

Condition 7

All bicycle parks shall be designed and constructed in accordance with Australian Standard AS2890.3-2015.

Condition 8

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

Condition 9

The development shall be undertaken in accordance with the following tree protection measures set out in the arborist report, prepared by Arborman Tree Solutions to protect the health of the Significant Tree on the site including:

- a) Provide a clearly defined Tree Protection Zone (TPZ) in consultation with a qualified project arborist which precludes development/construction activities including personnel.
- b) Where development activities are required within the TPZ, these activities must be reviewed and approved by the Project Arborist to be certain that the tree will remain viable as a result of the activity.
- c) Protective fencing must be installed around the TPZ and be installed in accordance with AS4687 - 2007 Temporary fencing and hoardings.
- d) If a TPZ exclusion area cannot be established due to practical reasons or construction activities need to be undertaken within the TPZ, protection measures should be compliant with AS4970-2009 and approved by the Project Arborist.

ADVISORY NOTES

Advisory Note 1

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

Advisory Note 2

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

Advisory Note 3

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

Advisory Note 4

All Council, utility or state-agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or state agency specifications. All costs associated with these works shall be met by the proponent.

Advisory Note 5

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

Advisory Note 6

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

- Car parking and access arrangements for tradespersons
- Siting of materials storage
- Site offices
- Work in the Public Realm
- Hoarding
- Site amenities
- Traffic requirements including construction access/egress and heavy vehicle routes
- Reinstatement of infrastructure
- Site contamination management, if required (prepared by a suitably qualified and experienced site contamination consultant in accordance with EPA guidelines)