

Special Council Assessment Panel Minutes

29 January 2026

Our Vision

A City which values its heritage, cultural diversity, sense of place and natural environment.

A progressive City which is prosperous, sustainable and socially cohesive, with a strong community spirit.

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 6:00pm

PRESENT

Panel Members
Mr Stephen Smith
Mr Mark Adcock
Mr Ross Bateup
Mr Julian Rutt
Cr Christel Mex

Staff
Geoff Parsons – Assessment Manager
Kieran Fairbrother – Senior Urban Planner
Ned Feary – Senior Urban Planner
Marie Molinaro – Urban Planner
Tala Aslat – Administration Officer

APOLOGIES

ABSENT

1. COMMENCEMENT AND WELCOME

2. APOLOGIES

**3. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 19 JANUARY 2026**

Moved by Mr Rutt and Seconded by Mr Adcock
CARRIES

4. DECLARATION OF INTERESTS

5. DEVELOPMENT APPLICATIONS – PDI ACT

**5.1 DEVELOPMENT NUMBER ID 24040449 – ASPEN GROUP – 24-46 RICHMOND ST
HACKNEY SA 5069, 36 RICHMOND ST HACKNEY SA 5069, LOT 41 RICHMOND ST
HACKNEY SA 5069**

DEVELOPMENT NO.:	24040449
APPLICANT:	Aspen Group
ADDRESS:	24-46 RICHMOND ST HACKNEY SA 5069 36 RICHMOND ST HACKNEY SA 5069 LOT 41 RICHMOND ST HACKNEY SA 5069
NATURE OF DEVELOPMENT:	<p>Torrens Title Land Division creating 47 allotments (from 11 existing), three (3) public roads with associated footpaths and shared use path, public open space reserves, and together with associated earthworks (bank stabilisation works).</p> <p>Construction of a six-storey mixed-use building comprising:</p> <ul style="list-style-type: none">- 78 serviced apartments (in the form of a residential flat building) across all six levels;- associated office and amenities at ground level;- a separate café tenancy at ground level- a basement car park;- a ground level car park;- together with associated earthworks, fencing and landscaping. <p>Partial demolition of 2 Local Heritage Places and a change of use to detached dwellings</p>
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none">• Open Space• Housing Diversity Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none">• Hazards (Flooding)• Prescribed Watercourses• Prescribed Wells Area• Regulated and Significant Tree• Traffic Generating Development• Water Resources

	<ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Heritage Adjacency • Hazards (Flooding - General) • Local Heritage Place • Stormwater Management • Urban Tree Canopy • Local Heritage Place <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 8m; row dwelling is 5m; group dwelling is 18m; residential flat building is 18m) • Minimum Site Area (Minimum site area for a detached dwelling is 330 sqm; semi-detached dwelling is 300 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm) • Concept Plan (Concept Plan 82 - Hackney) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	7 January 2025
RELEVANT AUTHORITY:	<p>Planning Consent:- Assessment Panel at City of Norwood Payneham & St Peters</p> <p>Land Division Consent:- Assessment Manager at City of Norwood Payneham & St. Peters</p>
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.23 19/12/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Kieran Fairbrother, Senior Urban Planner
REFERRALS STATUTORY:	Commissioner of Highways
REFERRALS NON-STATUTORY:	Matthew Cole, City Arborist David Brown, Heritage Advisor Rebecca Van Der Pennen, Senior Traffic Engineer East Waste Tonkin (External), Geotechnical Engineer Tonkin (External), Civil Engineer

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PANEL AS RELEVANT AUTHORITY:

The Panel should note that it is the relevant authority for this development application only in respect of Planning Consent. Legal Advice obtained by Council administration has confirmed that the Assessment Manager remains the relevant authority for Land Division Consent. Accordingly, this report covers only those aspects of the development relevant to a determination of Planning Consent. For example, consideration as to the construction details and widths of the roads and footpaths are matters for Land Division Consent and won't be discussed in this report.

That being said, where considerations for Land Division Consent are relevant to the Panel's determination as to Planning Consent (for example, that the roads are an appropriate width to cater for the required vehicle movements), the Assessment Manager's view on such considerations will be borne out in this report for the Panel's benefit.

CONCEPT PLAN:

The development site is the subject matter of a Concept Plan within the Planning & Design Code, as contained in **Appendix 1**. The Concept Plan envisages the future development of this site as follows:

- The construction of buildings up to four storeys in height, transitioning down to one storey at the interface with Richmond Street and two storeys at the interface with Old Mill Reserve and Twelftree Reserve;
- A shared use path at the northern end of the development linking the two reserves, providing an improved pedestrian and cycling route south of the River Torrens;
- Pedestrian links between the development and the two reserves; and
- Vehicle access from Richmond Street in two locations.

DETAILED DESCRIPTION OF PROPOSAL:

This proposal seeks to undertake the following development:

- Torrens Title Land Division creating 47 allotments (with a stormwater easement in favour of the Council), 3 public roads, 3 open space reserves (to vest in Council), and associated footpaths, on-street parking bays and shared use path, and associated earthworks;
- Bank stabilisation works (bulk earthworks) on the southern bank of the River Torrens (along the northern side of the development site) necessary to facilitate proposed Lots 35-46;
- The partial demolition of two (2) Local Heritage Places (including make-good work following demolition) and a change in their use to detached dwellings;
- Construction of a six-storey mixed-use building comprising:
 - 78 serviced apartments (in the form of a residential flat building) across all six levels;
 - associated office and amenities at ground level;
 - a separate café tenancy at ground level;
 - a basement car park containing 15 parking spaces;
 - a ground level car park containing 26 parking space;
 - together with associated earthworks and landscaping.

The plans for the six-storey building show indicative signage locations for the café and office uses, but these do not form part of this development proposal because sufficient details for the signage have not been provided for a proper assessment to take place. Hence, their location is purely indicative and any future signage will require a separate approval.

Additionally, some of the application documentation includes renders and building footprints for dwellings on proposed Lots 1-46, but these are not being proposed as part of this application – they are purely indicative. This application seeks only to create residential allotments with respect to Lots 1 to 46 by way of a land division; not to construct any dwellings on those allotments.

LAND MANAGEMENT AGREEMENTS (LMAs):

The Panel should be aware that the Council and the landowner have entered into three (3) separate LMAs over the land pursuant to section 192 of the PDI Act. The LMAs are fully executed and noted on the relevant certificates of title of the subject land. The LMAs relate to the future development of the land and specifically apply to three separate groups of the proposed residential allotments. By way of summary, the LMAs provide that:

1. Proposed Lots 1-7 – with frontages to Richmond Street – may be developed with buildings up to three storeys in height, with appropriate setbacks, building envelope plans, design criteria and materiality to complement the Richmond Street streetscape and the two Local Heritage Places on the site.
2. Proposed Lots 23-34 – with frontages to Twelftree Reserve – may be developed with buildings up to three storeys in height, with appropriate setbacks, fencing styles and design guidelines to complement the amenity of the reserve.
3. Proposed Lots 35-46 – which back onto the River Torrens and whose creation and use relies on the proposed bank stabilisation works – may be developed subject to certain geotechnical engineering requirements being met that ensure the structural integrity of the subject allotments and the engineered riverbank slope are not compromised during or after construction.

The LMAs all have a clause that precludes the obligations of the LMAs from taking effect unless and until the development application receives development approval. As such, this information is being provided to the Panel as context for what the future development of the subject land may entail and to also provide some assurance as to the suitability of the proposed allotments and the Assessment Manager's support thereof. The LMAs are by no means, however, a mechanism by which the Panel can be bound to make any particular decision – nor are they intended to be.

SUBJECT LAND & LOCALITY:

Site Description:

The development site (see **Attachment 2**) is comprised by:

- the area bound by the following Certificates of Title, that are collectively known as 24-46 Richmond St, Hackney:
 - Certificate of Title Volume 5923 Folio 342
 - Certificate of Title Volume 5923 Folio 344
 - Certificate of Title Volume 5389 Folio 440
 - Certificate of Title Volume 5624 Folio 154
 - Certificate of Title Volume 5923 Folio 343
 - Certificate of Title Volume 5389 Folio 442
 - Certificate of Title Volume 5389 Folio 439
 - Certificate of Title Volume 5556 Folio 452
 - Certificate of Title Volume 5556 Folio 453
 - Certificate of Title Volume 5389 Folio 441

- Certificate of Title Volume 5187 Folio 275
- and includes Certificate of Title Volume 5459 Folio 79 (north of the current caravan park) that is under the ownership of the Department of Environment and Water and comprises part of the River Torrens and its embankment.

The development site is an irregular shape that extends from Richmond Street and partially into the River Torrens. The site has a total developable area of 13,990m² (1.4 hectares) and frontages of:

- 154 metres to Richmond Street to the south;
- 142.88 metres to Twelftree Reserve to the east;
- 46.35 metres to Old Mill Reserve to the west; and
- Approx. 159 metres to the River Torrens to the north.

The site is currently used as a caravan park (tourist accommodation) for the majority but is also host to two (2) Local Heritage Places, one of which is approved for use as a shop and the other as the office for the caravan park. The caravan park accommodates 45 cabins and villas, 40 powered camping sites, amenity buildings, recreation areas and internal roads throughout. There are a number of non-regulated trees planted throughout and some small areas of lawn and low-lying plantings. The topography of the land is relatively flat, except for the steep embankment to the River Torrens.

Locality

The chosen locality for this assessment is depicted in **Attachment 2**. This locality is intended to capture the streets and sites surrounding that would have a view onto this development (at ground level) and which would be influenced by this development.

The locality is varied both in respect of land use and density. Residential development within this locality is mixed in density: to the east Torrens Street is characterised by low-density dwellings from varying eras, whereas south of the site are medium density, low-rise dwellings of a more historic character (including several Local Heritage Places), see **Attachment 3**. On the opposite side of the River Torrens is a more

recent medium-density development, which is reflective of the convenient location of this CBD-adjacent suburb. Similarly, on the corner of Hackney Road and Richmond Street is the recently-constructed six-storey apartment building on the site of the Hackney Hotel, which includes some commercial uses at ground level and low to medium rise townhouses surrounding.

This locality is hence influenced by a mix of building heights, densities and land uses. Nonetheless, the locality enjoys a very high level of amenity except very close to Hackney Road (west) where very high levels of traffic having a diminishing effect. Consistent street tree plantings, two well-landscaped public reserves, a public playground and the River Torrens Linear Park trail all contribute to this amenity.

CONSENT TYPE REQUIRED:

Planning and Land Division Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Land division: Code Assessed - Performance Assessed
Residential flat building: Code Assessed - Performance Assessed

Detached dwelling: Code Assessed - Performance Assessed
Partial demolition of a building or structure: Code Assessed - Performance Assessed
Shop: Code Assessed - Performance Assessed
Other - Residential - Bank stabilisation works: Code Assessed - Performance Assessed
Other - Infrastructure - Public roads and footpaths: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed

- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
Involves the construction of a building that exceeds 2 building levels in height
Involves partial demolition on the site a Local Heritage Place

- **LIST OF REPRESENTATIONS**

Rep #	First Name	Surname	Address	Position	Wishes to be heard?
1	Rebecca	Madigan		Opposed	No
2	Patrick	Swanson		Support	No
3	Ewan	Stewart		Opposed	No
4	Kerrie	Greve-Golding		Opposed	No
5	Terry	Healey		Support, with concerns	No
6	Derek	Seret		Support, with concerns	No
7	Marysia	Marchant		Opposed	Yes
8	Helen	Goldsworthy		Opposed	No
9	Anne	Mitchell		Support	No
10	David	Elliott		Support, with concerns	No
11	Allan	Green		Support, with concerns	No
12	Helen	Beasley		Opposed	Yes
13	Cuong	Phan		Opposed	Yes
14	Edwina	Hicks		Opposed	No
15	Tom	Hicks		Opposed	No
16	Lynette	Davies		Opposed	Yes
17	<i>Duplicate of above</i>				
18	Bailey	Feltus		Support	No

19	Isaac	Feltus		Support	No
20	Shaghayegh	Koosh		Support	No
21	Yiorgo	Ormsby		Support	No
22	Sarah	Fahlbusch		Support	No
23	Kym	Perks		Support	No
24	Kathryn	Quigley		Support	No
25	Brad	Jackson		Support, with concerns	No
26	Greg	Wilmot		Support, with concerns	Yes
27	Walking SA			Support, with concerns	No
28	St Peters Residents Association Inc			Opposed	Yes
29	Shaun	Cleggett		Opposed	No
30	Martin	McMahon		Support, with concerns	No
31	Chris	Keightley		Support, with concerns	Yes
32	Cathy	Reid		Opposed	No
33	Tom	Duffy		Support	No
34	David	Reid		Opposed	Yes
35	Charlie	Dowling		Support	No
36	Trudi	Newson		Support	No
37	Tim	Moore		Opposed	Yes
38	Evonne	Moore		Opposed	Yes
39	Fay	Patterson		Support, with concerns	No

- **SUMMARY**

As shown in **Attachment 4**, only nine (9) of the 38 representors are within a 300m radius of the site; five (5) of which are within the chosen locality. Nonetheless, the proposed development has the potential for far-

reaching implications due to increased housing supply, increased traffic volumes and the removal of an inner-metropolitan caravan park, hence the public interest generated.

The representations can be read in full in **Attachment 5**, but the concerns raised can be summarised as follows:

- The increase in traffic volumes and movements cannot be supported by the existing road network
- Increased traffic will result in congestion at the Hackney Road intersection
- This increase in traffic also poses safety concerns for users of Twelftree Reserve and a nearby cafe
- The proposed residential density is too high for this locality
- Consequently, the development will detriment the existing character of the neighbourhood
- Not enough 'green space' is provided by the development, and overall tree canopy will reduce as a result

- Not enough car parking is provided for the development
- Consequently, people are likely to use the Old Mill Reserve car park instead
- The building height is too tall and not in keeping with this locality and heritage buildings
- The six-storey building will create unreasonable overshadowing for properties to the south
- The development will result in an unreasonable visual impact on users of the Linear Park
- The shared path would be better located north of all dwelling sites, to avoid potential conflict with vehicles and provide better amenity for users
- The bank stabilisation works will damage the ecosystem of the River Torrens by removing vegetation and habitat
- The loss of an inner-metropolitan caravan park so close to the CBD is a loss for country residents visiting the capital
- The partial demolition of the Local Heritage Places is unjustified
- Overlooking from the development will diminish residential amenity
- This development will be detrimental to the surrounding natural environment
- Continuous construction noise and dust will disrupt the amenity of the area (especially following 6 years of similar disruption from the Hackney Hotel development)
- The closure of roads during construction will cause traffic issues
- The increase in stormwater run-off into the River Torrens is concerning

Those that were in support of the proposal made the following comments:

- The addition of more housing in this locality is needed
- The pedestrian connectivity and public transport available near this development site supports the proposed density
- The rejuvenation of this site is welcomed
- This development will activate Twelfree Reserve better
- General support for a shared use path through the development linking the Linear Trail

AGENCY REFERRALS

- Commissioner of Highways

This is the only statutory referral required for Planning Consent; required because the development involves the construction of more than 50 dwellings within 250m of a State-maintained road (Hackney Road). The Commissioner of Highways issued an RFI to the Applicant and following their response expressed no concerns with the proposal and hence made no comment.

INTERNAL REFERRALS

- Matthew Cole, City Arborist

Council's Arborist has confirmed that no regulated trees exist on the subject land, consistent with the advice of the Applicant's arborist. All trees on the site with a trunk circumference >1m are in fact *Fraxinus angustifolia*, which is an exempt species.

Council's Arborist was also asked to investigate whether there are any regulated/significant trees on the adjacent Council reserves that could be impacted by this work. Advice obtained confirms that no adverse impact should be caused to any of these trees as a result of the proposed and future development of the subject site. Accordingly, "tree-damaging activity" does not form an element of this proposal.

- David Brown, Heritage Advisor

Council's Heritage Advisor supports the partial demolition of the two Local Heritage Places; noting that those elements to be demolished are non-heritage fabric that don't contribute to the heritage values of the place.

- Rebecca Van Der Pennen, Senior Traffic Engineer

To date, traffic concerns have formed a substantial portion of the negotiations with the Applicant to amend their proposal. After several rounds of concerns being expressed, Council's traffic engineer is supportive of the proposed widths and configurations of the roads, shared path and footpaths. Some further negotiations need to occur at the detailed design stage (a matter for Land Division Consent), but the general arrangement is suitable for this development.

Turn path diagrams demonstrate that the roads can cater for the largest vehicle type to access the development (a waste truck) as well as simultaneous movements for a B99 vehicle. Sufficient sight lines have been provided at all intersections. Finally, the interface between the east-west public road (202 Road) and the private car park (bollards) can be sufficiently conditioned and managed to mitigate any potential conflicts.

- East Waste

After some amendments to the plans, East Waste are comfortable with the proposed arrangement for the collection of residential waste throughout this development. Vehicle turn path diagrams demonstrate that the East Waste truck will be able to safely and conveniently move throughout the site, and sufficient kerb room is available for the placement of waste bins.

- Tonkin (External), Geotechnical Engineer

After raising several queries, Tonkin are supportive of the proposed bank stabilisation works. Further, Tonkin are satisfied that Lots 35-46 can be developed in the future for residential land uses without impacting the stability of the slope to the north, provided appropriate controls are put in place for such construction. The Council, the Applicant and the landowner have entered into a Land Management Agreement to this end (discussed further in this report).

- Tonkin (External), Civil Engineer & Council's Assets Manager

With respect to the general stormwater arrangement for the whole of the development site, Tonkin and Council's Infrastructure Department are satisfied that sufficient and appropriate infrastructure is being provided within the development to cater for anticipated stormwater capture and flows. Tonkin are also satisfied that the FFL of the proposed six-storey building provides sufficient freeboard in a 1% AEP event.

PLANNING ASSESSMENT

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

Site Contamination

Performance Outcome 1.1 of the Site Contamination module states:

Ensure land is suitable for use when land use changes to a more sensitive use.

Clause 2A(1) of the *Planning, Development and Infrastructure (General) Regulations 2017* state that where an application for Planning Consent proposes a change in the use of the land to a more sensitive use, then particular site contamination investigations are required to be undertaken and reports provided to the relevant authority.

State Planning Commission Practice Direction 14 (Site Contamination Assessment) sets out that the proposed changes in use of the land (from office, shop and caravan park to shop (café), dwellings and residential allotments) constitute a change in use to a more sensitive use.

Accordingly, the Applicant provided a Site Contamination Declaration Form and Preliminary Site Investigation Report as required by Clause 2A(1) of the Regulations. These documents state that a potentially contaminating activity is not known to have occurred on the land, nor has a class 1 activity been known to occur on adjacent land. Consequently, the land has been deemed suitable for the proposed uses by a site contamination consultant. Per Practice Direction 14, the relevant authority does not need to undertake any further assessment of site contamination on this basis and hence the land can be considered free of any contamination that would preclude the proposed development from occurring.

Land Use

This development seeks to introduce predominantly residential land uses in the form of 44 vacant residential allotments, two residential allotments containing Local Heritage Places converted into dwellings, and a six-storey residential flat building containing 78 serviced apartments. A café (shop) is also proposed at ground level of the six-storey building.

Desired Outcome 1 of the Housing Diversity Neighbourhood Zone states:

Medium density housing supports a range of needs and lifestyles, located within easy reach of a diversity of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

Performance Outcome 1.1 of the Housing Diversity Neighbourhood Zone states:

Diverse range of medium density housing and accommodation complemented by a range of compatible non-residential uses supporting an active, convenient, and walkable neighbourhood.

The corresponding Designated Performance Feature suggests that dwellings, residential flat buildings and shops are all envisaged land uses within the Zone.

The six-storey building provides accommodation by way of 78 one-bedroom, furnished apartments (dwellings) and includes common facilities such as a large lobby entrance, a gym, shared laundry and shared waste facilities. Basement and at-grade parking is provided for occupants. The building is to be owned and operated by Aspen Group and offers a mix of short- and long-term tenancy options – anything from a single day/night to several months. Aspen Group will be responsible for the operation and maintenance of common facilities, cleaning, parking allocation, landscaping and site maintenance and waste management.

In determining how to describe the use of this building (and the land relevantly comprised in proposed Lot 47), two court judgments were considered: *Paradise Developments (Investments) Pty Ltd v District Council of Yorke Peninsula & Anor* [2008] SASC 139 and *The Oaks Hotel & Resorts P/L v City of Holdfast Bay & Anor* [2010] SAERDC 16.

In *Paradise Investments*, the ERD Court was concerned with a question of whether the nature of the proposed development was that of serviced holiday apartments, and whether, if so, that meant that they could not

comprise a residential flat building (in circumstances where the apartments were designed for holiday makers and were serviced). The Court held, at [41]:

One immediate difficulty is that holiday apartments, be they serviced or not, can as a general rule be classified as a residential flat building which in every sense is a building containing apartments. The fact that the apartments are intended for those taking holidays or the fact that they are serviced does not mean they are not apartments in a residential flat building. The fact that an office is provided does not in any respect alter the nature of the development.

At [42] the Court also said ‘...there is no material difference for planning purposes between an apartment and a serviced holiday apartment. Both form part of a residential flat building.’

The Court in *Oaks* was concerned with the question as to whether the use of 69 apartments in a 253-apartment building as serviced apartments for short term accommodation constituted a change of use. In so doing, the Court said, at [27]:

We do not consider that in *Paradise Developments*, Debelle J, intended to say that any kind of serviced apartments will, in all circumstances, be considered to be residential flats and nothing else. As Wells J said in *Prestige Car Sales*, labels are not principles. All of the relevant circumstances need to be taken into consideration.

In *Oaks* the Court considered there to be a change of use in the land, stating at [29]:

There is a commercial element to the use proposed, which requires infrastructure, namely the office, the bag storage area, and the linen store, which are not usual components of a residential flat building. The use proposed includes activities, such as the use of the ground floor reception area and the activities of the cleaners, which are not usual components of a residential flat building.

In light of these two judgments, the use associated with the proposed six-storey building is considered to be most appropriately described as serviced apartments (in the form of a residential flat building). The co-working area, the gym, and cleaners, are all non-standard components of a residential flat building that have a more commercial element to them. This is nonetheless consistent with Performance Outcome 1.1 of the Housing Diversity Neighbourhood Zone, which seeks “*a diverse range of medium density housing and accommodation*”.

The proposed residential flat building and 46 residential allotments are all consistent with the predominantly residential nature sought by the Housing Diversity Neighbourhood Zone and are therefore appropriate land uses. The café proposed at the ground level of the six-storey building is supported in principle by Performance Outcome 1.1 of the Zone, but requires further consideration as to scale, location and amenity impacts.

Performance Outcome 1.2 of the Housing Diversity Neighbourhood Zone states:

Commercial activities improve community access to services are of a scale and type to maintain residential amenity.

Performance Outcome 1.3 of the Housing Diversity Neighbourhood Zone states:

Non-residential development located and design to improve community accessibility to services, primarily in the form of:

(a) Small-scale commercial uses such as offices, shops and consulting rooms...

Performance Outcome 1.5 of the Housing Diversity Neighbourhood Zone states:

Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.

The proposed café has a gross leasable floor area of approximately 164m², including the undefined co-working area and the outdoor terrace area. Proportionate to the balance of the ground floor of the building, this accounts for approximately one-fifth of the floor area. In the context of the building in which it is contained, this land use is considered to be relatively small scale consistent with these Performance Outcomes.

Small scales uses such as cafes and other shops are integral to creating a walkable, pleasant neighbourhood. Located adjacent to a public reserve, overlooking the River Torrens and having access via the proposed shared path that links with a larger active transport network into the CBD, this is an ideal setting for such a land use. The café use complements the residential character of the proposed development as well as the residential character of the neighbourhood and being located at the northern end of the development rather than on Richmond Street enhances this argument. Moreover, this use will complement the dominant residential use of the building in which it is located; a type of mixed-use development that has demonstrated success all over Adelaide. Accordingly, the café use is considered appropriate and supported by Performance Outcomes 1.2, 1.3 and 1.5 of the Zone above.

LAND DIVISION

Density

Performance Outcome 2.1 of the Housing Diversity Neighbourhood Zone states:

Allotments/sites created for residential purposes accommodate a diverse range of low to medium density housing, with higher densities closer to public open space, public transport stations and activity centres.

The corresponding Designated Performance Feature suggests that:

- Detached dwelling sites should have frontages of at least 9m and a minimum site area of 330m²;
- Residential flat buildings should be constructed on sites with a minimum frontage of 18m, with no minimum site area per dwelling stipulated; and
- Row dwelling sites should have a minimum 5m frontage and a minimum site area of 200m².

The six-storey building aside, this proposal inherently seeks to create sites for detached dwellings (i.e. no party wall rights are proposed). In practical terms, however, almost all of these allotments would be expected to accommodate dwellings constructed to both side boundaries (except for a few of the allotments fronting the River Torrens, perhaps). To that end, the Panel should be aware that the Land Management Agreements executed between the Council and the developer provide building envelope plans for proposed Lots 1-7 and Lots 23-34 that would permit dwelling construction to both side boundaries. Notwithstanding the absence of the same for proposed Lots 10-22 and Lots 35-46, the same would be expected there.

Therefore, it is reasonable to consider the proposed land division against the DPF criteria set out for row dwellings, because the ultimate built form pattern is likely to reflect that. The obvious exceptions to this are Lots 8 and 9 which contain the two Local Heritage Places, but these both comply with the DPF criteria for detached dwellings in any event.

In this context, the application proposes the following allotments (excluding public spaces):

- One (1) allotment of 2090m² to accommodate the six-storey mixed-use building;

- Seven (7) allotments facing Richmond Street of 111m² to 116m² site area and with frontages of 4.8m (x6) and 5m (x1);
- Two (2) allotments facing Richmond Street that contain the LHPs (both >9m frontage and >330m²);
- Twelve (12) allotments facing onto Twelftree Reserve, ranging from 145m² to 227m² and with frontages between 6.32m and 19.82m;
- Twelve (12) allotments backing onto the River Torrens, ranging from 158m² to 612m² and with frontages between 8.4m and 14.99m; and
- Thirteen (13) central allotments, ranging from 73m² to 115m² and with frontages between 4.5m and 6.4m

Excluding the allotment for the six-storey residential flat building, the 46 allotments have an average site area of 175m², which is 12.5% short of what DPF 2.1 of the Zone expects for row dwellings. The average frontage width exceeds the 5 metres sought by DPF 2.1.

Performance Outcome 2.1 seeks primarily “low to medium density” housing, but goes on to say that “higher densities” are envisaged “closer to public open space, public transport stations and activity centres”. It is not clear whether this should be interpreted as meaning densities higher than “low to medium” are envisaged in these areas, or whether it simply means that densities closer to the upper limit of medium density are envisaged in such areas.

In any case, at an average of 175m² per site, the 46 proposed residential allotments create a medium net residential density of 57 dwellings/hectare. Accounting for the public roads and reserves, the gross residential density becomes 39 dwellings/hectare, which is still considered to be medium density.

Considering the residential flat building in isolation, this comprises 78 apartments dwellings on a 2090m² site which equates to an average of 27m² per dwelling, or a net residential density of 370 dwellings/hectare – far above the upper limit of medium net density of 70 dwellings/hectare.

Combining the two residential developments together creates a total of 124 dwellings across 10,140m². This results in a net residential density of 122 dwellings/hectare, which is definitionally high density. In terms of gross residential density (i.e. accounting for the public space created by the development), the development proposes 88 dwellings/hectare, which is still considered high density.

Thus, the question turns to how Performance Outcome 2.1 should be interpreted in how it talks to “higher densities”, and what is an appropriate density outcome for this site considering its setting and the locality.

The development is suitably located between two (2) public reserves, being Old Mill Reserve and Twelftree Tree Reserve, and adjacent the River Torrens Linear Park trail. In terms of being “closer to public open space”, this site arguably couldn’t be better positioned.

There is no public transport station close the site, but the site is within walking distance of a bus stop on

Hackney Road which facilitates a high frequency bus service that travels between the CBD and Paradise Interchange (both public transport stations). Furthermore, the site is located adjacent the River Torrens Linear Park trail which provides an active transport route into the CBD just over 1km away; and this development proposes an improvement to this active transport route.

Consequently, the proposed residential density – despite being high – is considered to be appropriate for this development site given its location characteristics and proximity to open space and transport routes. A detailed assessment of the allotment pattern and configuration, and those of the traffic impacts generated by this development, need to be considered before full support can be provided for the proposed density.

Allotment pattern and configuration (including proposed roads)

Desired Outcome 1 of the Land Division module states:

Land division:

- (a) *Creates allotments with the appropriate dimensions and shape for their intended use*
...
- (e) *Creates a compact urban form that supports active travel, walkability and the use of public transport*

Performance Outcome 2.3 of the Land Division module states:

Land division maximises the number of allotments that face public open space and public streets.

Performance Outcome 2.4 of the Land Division module states:

Land division is integrated with site features, adjacent land uses, the existing transport network and available infrastructure.

Performance Outcome 2.7 of the Land Division module states:

Land division results in legible street patterns connected to the surrounding street network.

The proposed land division creates 47 allotments that all have a frontage to an existing or proposed public road; satisfying Performance Outcome 2.3 above. The three (3) proposed roads connect into the existing transport network, with access to the development site obtained from Richmond Street. Two of the roads will act as typical local roads that serve vehicle traffic and waste collection, with footpaths, on-street parking spaces, tree plantings and street lighting to be provided. Proposed “200 Road” will act more akin to a laneway, providing vehicle access to Lots 1-22 and with some street lighting to be provided. Accordingly, Performance Outcomes 2.4 and 2.7 above are considered to be satisfied.

Performance Outcome 3.8 of the Land Division module states:

Roads, open space and thoroughfares provide safe and convenient linkages to the surrounding open space and transport network.

The proposed roads satisfactorily link with the existing road network, as discussed above. In addition, the development includes a shared use path which will provide better connectivity between Torrens St and Old Mill Reserve; something envisaged in the Concept Plan for this site (see **Appendix 1**). The shared use path will provide an improvement to existing cycling and walking routes along the south of River Torrens –

currently, anybody seeking to access Torrens Street or Old Mill Reserve has to either traverse the north side of the River Torrens and use a staircase to Torrens Street, or approach via Richmond Street which currently has no dedicated bicycle lane. The performance of the proposed roads is discussed further in the “Traffic” section of this report.

Performance Outcome 1.1 of the Land Division module states:

Land division creates allotments suitable for their intended use.

Indicative built form plans provided by the Applicant demonstrate that the proposed allotments are of a suitable size and dimension to accommodate the anticipated dwelling form (see the "Site Plan - Proposed Master Plan" by Forum in **Attachment 1.5**).

With respect to Performance Outcome 1.1 above, significant consideration was given to proposed Lots 35-46 and their suitability for their intended use given their proximity to the River Torrens and the bank stabilisation works that are required. This is discussed in greater detail in later sections of this report, but for the purposes of Performance Outcome 1.1, the Assessment Manager has been satisfied that these allotments will be able to be developed for residential dwellings in the future such that this provision is satisfied.

With respect to the proposed public reserve allotments, these have been determined to be acceptable by the relevant delegates of the Council, and vesting of these reserves in the Council would be forthcoming if this development application is approved. Accordingly, the Panel can be satisfied that the proposed reserves are suitable for their intended use.

Performance Outcome 2.1 of the Land Division module states:

Land division results in a pattern of development that minimises the likelihood of future earthworks and retaining walls.

The "Overall Layout Plan" (prepared by WGA) in **Attachment 1.4** demonstrates the design contour levels for the site. This has considered the existing topography of the land and has been designed to minimise the extent of cut and fill required for the initial development (excluding the bank stabilisation works), but with foresight to minimise cut and fill required when the 46 vacant residential allotments are eventually developed also. The design contour levels are subject to detailed design (in consultation with Council staff) but the above Performance Outcome can be considered satisfied.

Performance Outcome 3.1 of the Land Division module states:

Land division provides allotments with access to an all-weather public road.

The construction detail of the public roads is subject to detailed design but Council standards require that the roads are constructed to a standard capable of accommodating the anticipated traffic types and volumes. The initial proposal is for the roads to be constructed of permeable paving, which Council's external civil engineer has confirmed could be a suitable outcome. If permeable paving as a road option proves to be untenable during detailed design, the roads can be constructed of bitumen as typical to Council's standards. Either way, the Panel can be satisfied that this Performance Outcome can be met.

Performance Outcome 9.1 of the Housing Diversity Neighbourhood Zone states:

Development is compatible with the outcomes sought by any relevant Concept Plan contained within Part 12- Concept Plans of the Planning and Design Code to support the orderly development of land through staging of development and provision of infrastructure.

Per Table 3 of the Zone, this policy is applicable to the land division element of this proposal, not for the residential flat building. The Concept Plan does not indicate any desired density or allotment pattern, and so this Performance Outcome is somewhat inapplicable to this assessment. The Concept Plan does identify a shared use path being included in any redevelopment of this site (insofar as the "provision of infrastructure" is concerned), which this proposal does include.

SIX-STOREY “CO-LIVING” BUILDING (HEIGHT, DESIGN AND SETBACKS)

Building Height, Setbacks and Visual Impact (Bulk)

Performance Outcome 3.1 of the Housing Diversity Neighbourhood Zone states:

Building height is consistent with the form expressed in any relevant [TNV] or is generally low rise, or complements the height of nearby buildings.

The corresponding TNV has a maximum building height of 2 levels, whereas the Concept Plan envisages building up to 4 levels on this site.

The proposed building is six levels in height, exceeding the envisaged heights of both the TNV and the Concept Plan. Moreover, the building is six levels in height at the interface with Old Mill Reserve (setback 1.16m), which is inconsistent with the Concept Plan’s suggestion of a maximum of 2 levels at this interface. Thus, the building is neither consistent with the TNV or low rise, and so the only other means by which this Performance Outcome could be satisfied is with respect to its third test: “complementing the height of nearby buildings”.

The locality exhibits predominantly single- and two-storey buildings, but there are some three-storey row dwellings at the west end of Richmond Street and on the opposite side of the River Torrens. The Hackney Hotel (Botaniq) site (southwest) has been developed with a six-storey tower central to the site (set back 19m from Richmond Street), 4-storey apartments facing Hackney Road, 3-storey townhouses facing Richmond Street and 2-storey townhouses facing Bertram Street. The Botaniq site has a maximum building height TNV of 4 levels, similar to the Concept Plan for the subject development site.

The proposed six level building is 22.4m tall, plus 1.1m for the lift over-run (which won’t be visible from the street). By way of comparison, the six-storey building at the Botaniq site is 21.56m tall. Despite the separation between these two sites, the existing six-storey building on the Botaniq site heavily influences the built form character of the locality and cannot be ignored.

The proposed building has an 8.3m tall podium level fronting Richmond Street, equivalent to 2.5 storeys within the building, before recessing further for the four building levels above. The podium level is set back 4.5 metres from the primary street boundary whereas the balance of the building is set back a further 6 metres – both of which satisfy Performance Outcome 4.1 below. Stood at ground level within Richmond Street, the podium level of the building complements the height of nearby buildings and isn’t anticipated to

provide a sense of building mass such that would diminish the amenity or character of the street. The complementary material palette chosen for the building is discussed in the “Design” section below, but the height and setback of the podium level of the building is considered to satisfy Performance Outcome 3.1 above.

The four uppermost levels that are set further back will be visible from Richmond Street as well as surrounding streets and will have a large impact on the character of the locality. Nonetheless, the bulk and mass of the building is somewhat softened by the site’s context. To that end the following policies are relevant.

Performance Outcome 4.1 of the Housing Diversity Neighbourhood Zone states:

Buildings are set back from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.

Performance Outcome 7.1 of the Housing Diversity Neighbourhood Zone states:

Building walls are set back from side boundaries to provide:

- (a) *Separation between buildings in a way that complements the established character of the locality*
- (b) *Access to natural light and ventilation for neighbours*

Performance Outcome 8.1 of the Housing Diversity Neighbourhood Zone states:

Building walls (excluding ancillary buildings and structures) are set back from rear boundaries to provide:

- (a) *Separation between buildings in a way that complements the established character of the locality*
- (b) *Access to natural light and ventilation for neighbours*
- (c) *Open space recreational opportunities*
- (d) *Space for landscaping and vegetation*

The building is adjacent on its western side to Old Mill Reserve, which is home to many tall, established trees that provide visual relief from the building despite it only have a 1.16m setback from this boundary. East of the building will be the ground level car park that serves this building, which provides a good level of separation (over 20m) between the six-storey building and the future townhouses that will front Richmond Street. To the north, the River Torrens also provides separation and visual relief through natural features and established vegetation.

Thus, while there is no doubt that this building will be highly visible in the streetscape and surrounding streets such as Hatswell St and Regent St, the setting of the building provides some justification for its height. The building will influence the streetscape character, but the six level building on the Botaniq site has already had an influence such that this building would not be considered 'out of place' or at odds with the existing character. The use of a podium level to break up the critical mass of the building is important in this respect, aligning the proposal more with Performance Outcome 3.1.

Despite not being consistent with the TNV applicable to the site or the Concept Plan for the site, and despite not being low rise, the proposed six level building is considered to sufficiently complement the height of nearby buildings through its setting and design to not be considered at serious odds with Performance Outcome 3.1 of the Zone. The height of the building certainly does not outrightly satisfy this Performance Outcome, but the design elements discussed below are considered to provide justification for consent.

Furthermore, despite being constructed close to the western side boundary and on the northern rear boundary of proposed Lot 47, the separation provided by the public spaces surrounding, and the car parking area to its east, ensure the outcomes sought in Performance Outcomes 8.1 and 9.1 are not offended.

Design, Appearance, Safety and Passive Surveillance

Performance Outcome 12.5 of the Design in Urban Areas module states:

External materials and finishes are durable and age well to minimise ongoing maintenance requirements.

The building is constructed of a mix of medium tone bricks, concrete, fibre cement sheeting, glass, sheet metal cladding and perforated metal screens; all of which are durable, contemporary material choices consistent with this Performance Outcome.

Performance Outcome 12.2 of the Design in Urban Areas module states:

Architectural detail at street level and a mixture of materials at lower building levels near the public interface are provided to reinforce a human scale.

As previously discussed, the building includes a 2.5-storey podium at street level to help reinforce a human scale for the building; something complementary to the heights of other buildings along Richmond Street. This elevation has been designed with large glass entrance doors and surroundings bounded by tall brick pillars on either side and second level balconies above. The brick sections either side of the glazed façade protrude 1.3m forward of the glass façade, are proposed in a natural earthen colour and include some 'hit-and-miss' brickwork on the second level which will help provide some slight visual relief. The balconies of the upper level protrude to the same extent as the brick pillars, are constructed with off white metal panel balustrades and vertical cladding above in the same colour, hence adding more materiality and visual interest to the podium façade. The building has been designed consistent with Performance Outcome 12.2 above.

Performance Outcome 12.1 of the Design in Urban Areas module states:

Buildings positively contribute to the character of the local area by responding to local context.

Performance Outcome 12.3 of the Design in Urban Areas module states:

Buildings are design to reduce visual mass by breaking up building elevations into distinct elements.

The extent to which Performance Outcome 12.1 is considered with the height of the building has already been discussed in the 'Height' section above. In respect of the architectural detail and materiality and how that responds to the local character, the building is considered to sufficiently satisfy this also. The material palette selected for the building includes traditional materials such as brick, concrete and metal cladding, responding to the traditional dwellings in the locality. The large expanse of glazing at the ground level is not consistent with the traditional character of the area, but the passive surveillance advantages obtained by this and the proportionately low amount of which this comprises the whole building offset this departure.

The upper storeys of the building provide some visual articulation through the design of the balconies. Each apartment's balcony is its own distinct building element meaning space is provided between balconies on the same level of the building. The balconies are designed with open balustrades 1 metre tall and angled timber floor-to-ceiling battens designed to prevent views into an adjacent apartment's balcony. This mix of open and closed styles provides visual interest and further shadowing and articulation throughout the building's elevation to satisfy the abovementioned Performance Outcomes.

One negative aspect of the building design is the large expanse of blank walling on Levels 3 to 6 of the Richmond Street elevation. Approximately 150m² of this elevation is comprised of off-white vertical cladding, broken up only by four central windows; providing little visual interest to reduce the visual mass of the building. That being said, this area comprises approximately one-seventh of the building face, is set further back than the podium level below and is situated between balconies on both sides that wrap around the front elevation for lengths of approximately 3.2m either side. Accordingly, this aspect of the design is considered marginally acceptable.

Performance Outcome 12.8 of the Design in Urban Areas module states:

Building services, plant and mechanical equipment are screened from the public realm.

All plant and services/mechanical equipment associated with this building are contained within the basement, screened from public view. The lift over-runs are sited away from the building's edge to screen them from

public view too. The air conditioning units for each apartment are located on the respective balconies, sufficiently mitigated from public view to warrant satisfaction of this Performance Outcome.

Performance Outcome 1.3 of the Design in Urban Areas module states:

Building elevations facing the primary street (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.

Performance Outcome 2.3 of the Design in Urban Areas module states:

Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.

Performance Outcome 12.7 of the Design in Urban Areas module states:

Entrances to multi-storey buildings are safe, attractive, welcoming, functional and contribute to streetscape character.

The main lobby entrance for the building is located at the front of the building, provided by clear double doors under a canopy, allowing direct access from the primary street frontage and conveying purpose, consistent with these Performance Outcomes.

Performance Outcome 2.4 of the Design in Urban Areas module states:

Development at street level is designed to maximise opportunities for passive surveillance of the adjacent public realm.

Performance Outcome 2.5 of the Design in Urban Areas module states:

Common areas and entry points of buildings (such as the foyer areas of residential buildings), and non-residential uses at street level, maximise passive surveillance from the public realm to the inside of the building at night.

The Richmond Street elevation, at ground level, is comprised of large expanses of glazing that provide great opportunities for two-way passive surveillance between the public realm and the lobby, gym and office areas inside the building, consistent with these Performance Outcomes. The ground level apartments will have views into Old Mill Reserve also, allowing for passive surveillance of the public reserve. Similarly, the outdoor deck associated with the café provides views over the River Torrens and proposed shared use path. Thus, the building has clearly been designed with passive surveillance in mind.

Private Open Space, Communal Facilities and Occupant Amenity

Performance Outcome 4.1 of the Design in Urban Areas module states:

Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.

Performance Outcome 18.1 of the Design in Urban Areas module states:

Living rooms have an external outlook to provide a high standard of amenity for occupants.

Performance Outcome 26.1 of the Design in Urban Areas module states:

Ground level dwellings have a satisfactory short range visual outlook to public, communal or private open space.

The building has been designed with all apartments having outlooks to one of the four cardinal directions to provide natural sunlight access and views consistent with a high amenity for occupants, satisfying Performance Outcome 4.1 above. The main living areas of all the apartments connect to the balconies and hence have a positive external outlook per Performance Outcome 18.1. The ground level dwellings face west towards Old Mill Reserve, and despite there being a car parking area there, views of the larger reserve will be obtainable.

Performance Outcome 18.2 of the Design in Urban Areas module states:

Bedrooms are separated or shielded from active communal recreation areas, common access areas and vehicle parking areas and access ways to mitigate noise and artificial light intrusion.

For the majority of the apartments, the bedrooms are internal to the floor plan with no external outlook from the building. The exceptions to this are the apartments on the north at all building levels and on the south elevation on the first floor only, whose bedrooms all have windows that face out of the building.

Those on the south elevation are setback at least 6m from the front property boundary and are screened behind hit-and-miss brickwork to provide protection from noise and light intrusion. Whereas those on the northern elevation have an outlook towards the River Torrens and not any vehicle areas. Thus, the design of the building satisfies Performance Outcome 18.2.

Performance Outcome 26.2 of the Design in Urban Areas module states:

The visual privacy of ground level dwellings within multi-level buildings is protected.

There are six apartment dwellings on the ground level, that face west towards Old Mill Reserve. These dwellings are proposed with an FFL approximately 1.6m above the adjacent ground level in the Reserve, providing sufficient privacy for the dwellings. The balconies for these dwellings are completed with a 1.2m tall, perforated metal balustrade to assist with occupant privacy further. Hence, this Performance Outcome is considered satisfied.

Performance Outcome 27.1 of the Design in Urban Areas module states:

Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.

Performance Outcome 32.1 of the Design in Urban Areas module states:

Private open space may be substituted for communal open space which is designed to meet the recreation and amenity needs of residents.

Performance Outcome 28.2 of the Design in Urban Areas module states:

Balconies are of sufficient size and depth to accommodate outdoor seating and promote indoor/outdoor living.

Private open space provision for the apartments is detailed in the Areas Schedules in the architectural drawings for the building (see **Attachment 1.2**). By way of summary:

- The ground level studio apartments have internal floor areas of 36-38m² and balconies of 8-10m²
- Studio apartments across the other five building levels have internal floor areas of 36-48m² and balconies of 7-15m²
- Single bed apartments across the five upper building levels have internal floor areas of 37-52m² and balconies of 6-11m²

The balcony areas proposed are considered to be suitable and proportionate to the apartment size. By way of example, the Housing Diversity Neighbourhood Zone permits a DTS dwelling to be constructed on a 300m² allotment with only 24m² private open space (8% of the site). For this development, each apartment is provided with private open space comprising at least 13% of the total floor area.

Moreover, the type of accommodation – being more geared towards shorter-term accommodation – lends itself to accommodation that has a lower need for private open space. As such, the private open space provided for each apartment is considered sufficient to satisfy Performance Outcome 27.1 above. All balconies have a minimal dimension of approximately 2 metres too, which is sufficient to accommodate outdoor seating per Performance Outcome 28.2 above.

Notwithstanding the assessment of private open space, it is worth noting that all apartments will have access to the gym on the ground level of the building, which contributes to the recreation needs of the residents per Performance Outcome 32.1 above. Additionally, while not part of the development site, the proximity of the buildings to Twelftree Reserve, Old Mill Reserve and the River Torrens Linear Park further supports the adequacy of the provision of private open space provided for each apartment within the six-storey building.

Overlooking and Overshadowing

Performance Outcome 16.1 of the Design in Urban Areas module states:

Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:

- (a) *Appropriate site layout and building orientation*
- (b) *Off-setting the location of balconies and windows of habitable rooms or areas with those of other buildings so that views are oblique rather than direct to avoid direct line of sight*
- (c) *Building setbacks from boundaries that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms*
- (d) *Screening devices that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity*

The Planning and Design Code defines “direct overlooking” as:

...limited to an area that falls within a horizontal distance of 15 measures measured from:

- (i) *In respect of a window, the centre line of the overlooking window and not less than 45 degree angle from the plane of that wall containing the overlooking window;*
- (ii) *In respect of a balcony, any point of the overlooking balcony.*

The upper-level window and balconies associated with this building are all more than 20 metres away from any existing dwelling south of the site on Richmond Street and will be more than 20 metres away from any future dwelling on the proposed allotments to the east. Accordingly, Performance Outcome 16.1 (above) is considered to be satisfied and no privacy treatment to the balconies or windows of the six-storey building is considered necessary.

Performance Outcome 3.1 of the Interface Between Land Uses module states:

Overshadowing of habitable room windows of adjacent residential land uses in:

- (a) A neighbourhood-type zone is minimised to maintain access to direct winter sunlight...*

The corresponding Designated Performance Feature states:

North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.

Performance Outcome 3.2 of the Interface Between Land Uses module states:

Overshadowing of the primary area of private open space...of adjacent residential land uses in:

- (a) A neighbourhood-type zone is minimised to maintain access to direct winter sunlight...*

The corresponding Designated Performance Feature states:

Development maintains 2 hours of direct sunlight between 9.00am and 3.00pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:

- (a) For ground level private open space, the smaller of the following:*
 - i. Half of the existing ground level open space*
Or
 - ii. 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m).*

The Applicant has provided shadow diagrams that demonstrate that 25, 27, 29 and 31 Richmond Street will be shadowed by the development at 3pm during the winter solstice, but free from shadow at midday. Thus, at some point between 12pm and 3pm the shadow moves east and begins to shadow the north-facing windows and private open space of these dwellings. Beyond 3pm, it is reasonable to expect that 33, 35, 37 and 39 Richmond Street will be shadowed by this development also.

The extent of shadow cast by this development on residential land uses in a neighbourhood-type zone is limited to the afternoon and complies with the minimum expectations set out in DPF 3.1 and 3.2 of the Interface Between Land Uses module. As such, the corresponding Performance Outcomes are considered to be satisfied and the extent of shadowing produced by this development is considered acceptable despite it being six levels in height.

Soft Landscaping

Performance Outcome 3.1 of the Design in Urban Areas module states:

Soft landscaping and tree planting is incorporated to:

- (a) Minimise heat absorption and reflection*
- (b) Maximise shade and shelter*
- (c) Maximise stormwater infiltration*
- (d) Enhance the appearance of land and streetscapes.*

Performance Outcome 13.1 of the Design in Urban Areas module states:

Development facing a street provides a well landscaped area that contains a deep soil space to accommodate a tree of species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings.

Performance Outcome 13.2 of the Design in Urban Areas module states:

Deep soil zones are provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi-storey buildings.

The (satisfactory) 4.5 metre setback between the building and Richmond Street provides little room for soft landscaping to be implemented as sought by these Performance Outcomes. Notwithstanding, two well-sized landscaping beds are provided in this front setback area as well as smaller landscaping beds in the western setback area.

The Applicant has provided landscaping plans (prepared by Landskap) that indicate five (5) *Ginkgo biloba* trees being planted in front of the building and two (2) more adjacent the southwest corner of the building and visible from the street. The selected trees have a potential mature height of 15m and a spread of 5m. With seven of these between the building and the Richmond Street frontage, the above Performance Outcomes will be satisfied.

Performance Outcome 7.4 of the Design in Urban Areas module states:

Street-level vehicle parking areas incorporate tree planting to provide shade, reduce solar heat absorption and reflection.

Performance Outcome 7.5 of the Design in Urban Areas module states:

Street-level vehicle parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.

Performance Outcome 7.6 of the Design in Urban Areas module states:

Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.

Landscaping beds have been provided around the car parking area – measuring 600mm wide on the west side of the car park and 1.6m wide on the east side. The Landskap landscaping plan indicates more *Ginkgo biloba* trees being planted along the western side and at the front of the car park, and Tuckeroo trees along the eastern side, which have a potential mature height of only 5 metres but a spread of 7 metres.

The proposed extent of landscaping is sufficient to provide shade, reduce solar heat absorption throughout the car park and improve the appearance and amenity of the car park, consistent with the above Performance Outcomes.

Appropriate conditions have been recommended to ensure all proposed landscaping on the site of the six-storey, mixed-use building is implemented and maintained. Landscaping of the public realm is subject to further detailed design, as is the proposed street lighting, and so reserved matters have been recommended that require further discussions with Council to take place during detailed design.

Performance Outcome 1.1 of the Urban Tree Canopy Overlay states:

Trees are planted or retained to contribute to an urban tree canopy.

Pursuant to Practice Direction 12 and section 127(1) of the PDI Act, where a development application includes a new dwelling in an area subject to the Urban Tree Canopy Overlay, a mandatory condition applies that requires either: trees to be planted in accordance with DPF 1.1 of the Overlay, or payment made into an offset fund in lieu of planting trees.

The six-storey residential flat building involves the construction of 78 one-bedroom dwellings and so the Applicant will be required to either plant 78 small trees (per the table in DPF 1.1 of the Overlay) or pay \$500 per tree not planted. The table in DPF 1.1 requires minimum soil areas to be provided for each small tree, and the applicant does not have enough room on the site for 78 trees. Accordingly, they will need to make payment of some amount to offset what they cannot plant. The mandatory condition has been recommended.

TRAFFIC IMPACT, ACCESS AND PARKING

Public Road Network and Residential Allotments

Performance Outcome 1.1 of the Traffic Generating Development Overlay states:

Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.

Performance Outcome 1.2 of the Traffic Generating Development Overlay states:

Access points sited and designed to accommodate the type and volume of traffic likely to be generated by development.

Performance Outcome 1.1 of the Traffic Generating Development Overlay states:

Sufficient accessible on-site queuing provided to meet the needs of the development so that queues do not impact on the State Maintained Road network.

Because the development involves a building containing in excess of 50 dwellings – the six-storey serviced apartment building – a statutory referral to the Commissioner of Highways was required under this Overlay. The Commissioner of Highways issued a Request for Information to the Applicant requiring, among other things, forecast trip generation and turning movements at the intersection between Richmond Street and Hackney Road.

Performance Outcome 1.1 of the Transport, Access and Parking module states:

Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.

An analysis undertaken by the Applicant's traffic engineer determined that there would be an additional 14 traffic movements at this intersection during the afternoon peak hour; less than 0.5% of volumes using the intersection and less than 5% of volumes of traffic along Richmond Street. This satisfied the Commissioner of Highways that no unreasonable impact would be made on Hackney Road, consistent with these Performance Outcomes. Similarly, Council's own Senior Traffic Engineer and BE Engineering Solutions (engaged by Council to undertake an independent review) were satisfied that the volumes of traffic generated by this development will not have an unreasonable impact on the local road network.

Performance Outcome 10.1 of the Transport, Access and Parking module states:

Development is located and designed to ensure drivers can safely turn into and out of public road junctions.

Performance Outcome 3.4 of the Land Division module states:

Road reserves provide for safe and convenient movement and parking of projected volumes of vehicles and allow for the efficient movement of service and emergency vehicles.

Performance Outcome 3.5 of the Land Division module states:

Road reserves are designed to accommodate pedestrian and cycling infrastructure, street tree planting, landscaping and street furniture.

The roads have been designed with sufficient width to cater for expected vehicle movements, accommodate on-street parking, the proposed shared use path, pedestrian footpaths, street tree plantings, waste collection and street lighting. The detailed construction designs of this is subject to further discussions between the Council and the Applicant, but the Panel can be satisfied that the road network has been designed consistent with Performance Outcomes 3.4 and 3.5 above.

With respect to access points, passenger vehicles accessing the mixed-use building site will do so via a 7-metre-wide access point on Richmond Street. This width is sufficient to accommodate simultaneous movements by a B99 vehicle consistent with the relevant Australian Standard, as demonstrated by the turn path diagrams provided by the Applicant's Traffic Engineer, MFY.

Similarly, the intersections of Richmond Street and proposed Road 201 and that of proposed Roads 201 and 202 accommodate simultaneous movements for B99 vehicles, consistent with Performance Outcome 10.1 above. Council's traffic engineer agrees and has no concerns with the future performance of the proposed roads and private car park in this respect.

Furthermore, the Applicant's traffic engineer has also provided turn path diagrams for the largest vehicle anticipated to enter this development – a 10.2m Council refuse truck. The turn path diagrams demonstrate that such a vehicle is able to safely access proposed Road 201 from Richmond Street, turn onto proposed Road 202, undertake a three-point turn in the cul-de-sac in the northwest corner of the site, and mirror the same movements to exit the site back onto Richmond Street.

Alternatively, a refuse or delivery vehicle entering the mixed-use site will need to do so using that site's access point on Richmond Street – not entering from the public road proposed to the north. This requirement will be reinforced by a condition if the application is approved.

The northern end of the car parking area associated with the mixed-use building is enclosed by retractable bollards to prevent vehicles using the private car park as a thoroughfare. This creates the cul-de-sac in the northwest corner of the proposed public road network. In other words, it is Aspen Group's intention that anybody who is not visiting / using the mixed-use building should not be accessing the private car park, which is entirely reasonable. If a service / waste vehicle was to try to enter the site from the north, they would need to temporarily stow in the cul-de-sac area, blocking the shared use path, while they wait for management (within the building) to retract the bollards (presumably via remote operation). This is an undesirable outcome and there are no practical reasons why this would need to occur as a preference to access from Richmond

Street, and hence a condition preventing this from occurring is considered reasonable and serves a proper planning purpose, by minimising the interruption to pedestrian and cycle traffic. Such vehicles will then be able to exit the private car park in a northerly direction via the retractable bollards, and the turn path diagrams provided by the Applicant's engineer demonstrate this is possible.

Performance Outcome 3.7 of the Land Division module states:

Road reserves provide unobstructed vehicular access and egress to and from individual allotments and sites.

The "Site Masterplan" (prepared by Landskap in **Attachment 1.1**) demonstrates indicative building footprints for the 46 residential allotments to be created. Turn path diagrams provided by the Applicant demonstrates that these allotments are all able to be safely and conveniently accessed from the proposed public road network.

Lots 23-46 will obtain access directly from proposed Roads 201 and 202. Vehicles exiting Lots 35, 36, 37 and 38 can undertake a reverse manoeuvre from within the site and onto the raised road section at the northeast corner of the site, without needing to traverse over the shared use path, which is a positive outcome sought by the Council during negotiations with the Applicant.

However, vehicles accessing Lots 33 and 34 will need to traverse the shared path for entry and exit movements. Although not ideal, the expected trip generation for these two dwellings during peak periods is low enough to support this arrangement. Furthermore, some clearance space is provided in the form of a verge between the subject allotments and the shared path, enabling better sightlines for vehicles exiting these Lots.

Performance Outcome 33.4 of the Design in Urban Areas module states:

Residential driveways that service more than one dwelling...are designed to allow passenger vehicles to enter and exit and manoeuvre within the site in a safe and convenient manner.

Although the proposed Road 200 laneway is going to be a public road, its primary function is to facilitate vehicle access for Lots 1-22 and therefore acts akin to the type of residential driveway envisaged by Performance Outcome 33.4 above. This road has a width of 7 metres, consistent with the relevant Australian Standard, which allows a B85 vehicle to enter and exit an on-site parking space in no less than a three-point turn manoeuvre. Ensuring the built-form outcome still permits such movement will be a matter for consideration at the assessment of those future development applications, but the infrastructure will be in place to ensure that there will be no barriers to safe and convenient movements (bar a very poor dwelling design).

Performance Outcome 2.1 of the Transport, Access and Parking module states:

Sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians are maintained or enhanced to ensure safety for all road users and pedestrians.

The Applicant's traffic engineer's reports and RFI responses demonstrate that adequate sightlines are available at all intersections consistent with this Performance Outcome. Negotiations with the Applicant were required to ensure Lot 23 provided a suitable corner cut-off at its southwest corner to accommodate sightlines consistent with the relevant Australian Standard.

Shared Use Path

Performance Outcome 3.5 of the Land Division module states:

Road reserves are designed to accommodate pedestrian and cycling infrastructure, street tree planting, landscaping and street furniture.

Performance Outcome 3.8 of the Land Division module states:

Roads, open space and thoroughfares provide safe and convenient linkages to the surrounding open space and transport network.

A shared use path is proposed to link existing cycling infrastructure in Torrens St and Old Mill Reserve, which will require some works by the Council to link the path provided in this development with the existing paths through our Reserves. Through various rounds of negotiations with the Applicant, the shared use path has been designed to be 2.5m wide – which is consistent with DIT's active design guidelines. Administration tried to negotiate a width of 3.0m (desirable), but 2.5m has been accepted. Importantly, 500mm clearance is provided on both sides of the shared use path to allow for verges, street tree plantings, vehicle door opening clearance and street lighting, consistent with the design guidelines also. As with other roads and footpaths, the construction detail of the shared use path requires further discussions with the Council's Traffic and Infrastructure team, and this is dealt with by way of a condition on the Land Division Consent. For the purposes of Planning Consent, however, the abovementioned Performance Outcomes are considered satisfied.

On-street Parking Provision

Performance Outcome 3.4 of the Land Division module states:

Road reserves provide for safe and convenient movement and parking of projected volumes of vehicles and allow for the efficient movement of service and emergency vehicles.

The Planning & Design Code contains no policy that indicates how many on-street car parking spaces should be provided for developments such as this. However, Designated Performance Feature 23.6 of the Design in Urban Areas module does suggest that where density increases occur, a “*minimum 0.33 on-street spaces per dwelling on the site*” shall be retained. Applying this logic to the proposed division suggests that 15 on-street parking spaces should be provided throughout the development.

As shown on the “Site Masterplan” prepared by Landskap:

- One (1) parallel parking space is provided at the southern end of proposed Road 201;
- Four (4) 90-degree parking spaces are provided at the northern end of proposed Road 201;
- Eight (8) parallel parking spaces are provided on the southern side of proposed Road 202.

To ensure refuse and emergency service vehicles can traverse through the proposed public road network, it is very likely that the eastern side of proposed Road 201 and the northern side of proposed Road 202 will need parking controls that prevent on-street parking occurring in these areas (i.e. yellow-lined). This is something the Council will consider at the detailed design stage, but for the purposes of this assessment the Panel may assume that such controls will be implemented. The Applicant has maximised the number of on-street parking spaces that can be provided for this development while still providing sufficient room for the placement of waste bins, street tree plantings and street lighting. Accordingly, Performance Outcome 3.4 above is considered to be satisfied.

Six-Storey Mixed-Use Building and Associated Car Park

Performance Outcome 1.3 of the Transport, Access and Parking module states:

Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.

Performance Outcome 6.6 of the Transport, Access and Parking module states:

Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.

With respect to delivery vehicles attending the site for the café, the Applicant has indicated that these will typically occur in vans and vehicles that are able to park in one of the on-site spaces, thereby not impeding the function of the car park or vehicle movements at all. As for waste collection and the occasional delivery requiring a larger vehicle (anticipated once or twice a week), however, this is different.

Larger vehicles attending the site for waste collection or deliveries will need to stow within the aisle of the car park while they collect the waste bins from the respective enclosures, load them onto the truck, empty them and then return the bins. Colby Phillips Advisory suggest that this would normally take 3 to 6 minutes per collection, which is realistic given the greatest number of bins any collection will empty is 4 (general waste). Each waste type (general waste, recyclables and organics) is expected to need collection once a week. Thus, for perhaps 30 minutes a week, several of the parking spaces within the car park will be unable to be used while waste collection takes place. The same might be expected for larger deliveries too.

This outcome is at odds with Performance Outcome 1.3 above because it inherently creates conflict between passenger vehicles and service vehicles. However, this conflict will only arise several times a week and management for the building should be able to coordinate collection times to occur outside of peak traffic times for the development to minimise this conflict. As such, despite being at odds with PO 1.3, the proposed collection methodology is considered acceptable.

Performance Outcome 3.2 of the Transport, Access and Parking module states:

Development incorporating vehicular access ramps ensures vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.

Access to the basement car park is provided via a roller door at the top of a ramp on the eastern side of the building. The roller door is located at the building line, meaning there is practically no separation between the ramp and the pedestrian path that runs along the building line perpendicular to the driveway. This has the potential to cause conflict. The paving treatments demonstrated on the plans provide priority to pedestrians and so it is expected that users of the site will adhere to this and exit the basement in a slow and safe manner. Notwithstanding, the number of pedestrian movements expected along this path are very low and so the opportunity for conflict is equally expected to be very low.

The entrance to the basement, before reaching the pedestrian path and roller door, is 6 metres in length which allows a B99 vehicle to safely stow while waiting for the roller door to open without impeding the function of the car parking area or creating an impediment for pedestrians. The Applicant's traffic engineer has confirmed that the basement entrance will have a clearance height of at least 2.2 metres, as will the balance of the basement, consistent with the relevant Australian Standard. Therefore, Performance Outcome 3.2 (above) is considered to be met.

Performance Outcome 5.1 of the Transport, Access and Parking module states:

Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

- (a) *Availability of on-street car parking*
- (b) *Shared use of other parking areas*
- (c) *In relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
- (d) *The adaptive reuse of a State or Local Heritage Place.*

The corresponding Designated Performance Feature suggests that satisfaction of the rates in Table 1 of the module is sufficient to satisfy the Performance Outcome. (The site is not a designated area for the purposes of car parking and so Table 2 cannot apply).

Table 1 of this module suggests that a café should provide 0.4 spaces per seat (a plan of which has not been provided), and that the residential flat building (serviced apartments) should provide 1 space per dwelling. The nature of the building is mixed-use, and it is a common tenet of planning that car parking provisions can overlap for mixed uses where justification exists (for example, where the two uses are sufficiently linked such that they will not always attract independent visitors and/or when the two uses' peak operations occur at different times). The proposed café has a gross leasable floor area of approximately 110m², which includes the outdoor terrace area but does not include the undefined co-working area. It is unclear what the co-working area is intended to be used for, but it is reasonable to expect that this area may be occupied by seats intended for visitors of the café as well as occupants and workers of the co-living building. As such, administration is of the view that parking provisions should be calculated based on the total floor area of these spaces, which is approximately 164m².

The Applicant's traffic engineer has assumed a seating capacity of 50 persons when justifying the parking provision. This is considered to be an underestimation noting the total floor area that can accommodate tables and chairs both within the building and on the outdoor terrace area. The Council's Outdoor Dining Policy suggests that where a standard 1m diameter table is provided, a table with 4 chairs will occupy a space of approximately 2m x 2m: 4m², or one person per 1m². This is used to assess capacities for outdoor dining areas in the Council area, which facilitates a good level of diner amenity without wasting space. Of course, different table styles and dimensions will influence this number, but the formula can be generally applied for assessment purposes.

Using this formula, the 164m² floor area that is potentially able to be used for seats for the café provides a potential capacity of about 160 persons. This accords with Table D2D18 of the National Construction Code also, which suggests a safe occupancy limit for a café is one person per 1m². Thus, using this number of seats, the site would be expected to provide 64 on-site spaces just for the café use. The suitability of this number will be discussed further below.

Table 1 of the module suggests further that the residential flat building should provide one space per dwelling, of which there are 78. Thus, Table 1 of the Transport, Access and Parking module suggests that this building should provide a total of 144 spaces to cater for the residential and commercial uses of the building. This is considered to be a gross overprovision for the reasons expressed below.

The site is provided with a total of 44 spaces, comprised of 29 at ground level and 15 in the basement. The dimensions of the car parking spaces and the aisle widths for both car parking areas are consistent with the relevant Australian Standard and Council's Senior Traffic Engineer is comfortable with the functionality of these areas.

As previously discussed, the site is located very close to a bus stop which facilitates a high frequency public transit route that travels between the CBD and Paradise Interchange. Moreover, an improved pedestrian and cycling shared use path will be provided by the development, providing an alternative active transport route both for occupants of the apartment building and visitors of the café. It is expected that most of the visitors to the café will be people travelling along the shared use path and occupants of the apartment building; hence the parking demand created by this use is lower than typical.

The apartment building is intended to operate as a form of short- to medium-term accommodation, not longer stays typical of residential tenancies. As such, the type of occupants expected are interstate travellers who need short term accommodation, workers and students – all of whom might be unlikely to use a vehicle while staying at the facility (hence why they might choose a CBD-adjacent accommodation). Aspen Group manage a similar facility in NSW and the Applicant's traffic engineer has undertaken a comparative assessment of that facility to justify the car parking provision for this site. In so doing, the Applicant's traffic engineer has forecast a parking demand of 0.2 spaces per apartment – a total demand of 16 spaces.

Furthermore, the Concept Plan for the site suggests that a pedestrian link is provided between the site and the public car park in Old Mill Reserve, indicating that this car park may be partially relied upon to support development of the site. Council's Senior Traffic Engineer has confirmed that the car park in Old Mill Reserve is currently underutilised, and the rejuvenation of the development site will likely change this.

Performance Outcome 5.1 (above) suggests that a reduced on-site parking provision may be supported where on-street parking is available and/or a mixed-use development supports the shared use of parking areas provide on-site. Both factors apply here, and the 44 spaces provided for the development is considered to be justified given the nature of the use of the apartments, the mixed-use nature of the building, and the availability of parking in Old Mill Reserve.

OTHER CONSIDERATIONS

Partial Demolition of Local Heritage Places

Performance Outcome 6.2 of the Local Heritage Place Overlay states:

The demolition, destruction or removal of a building, portion of a building or other feature is appropriate where it does not contribute to the heritage values of the Local Heritage Place.

The “Uniting Church” Local Heritage Place, named on the Applicant’s plans as “Hackney Mission Hall”, is described in its listing as “*original 1906 building fabric fronting Richmond Street including main hall and two classrooms but excluding the rear additions*”.

This application seeks to demolish the non-original northern addition and lean-to, retaining the original main hall and two classrooms that comprise the important heritage fabric of this building. This work complies with Performance Outcome 6.2, as noted by both the Applicant’s Heritage Consultant and Council’s Heritage Advisor, and hence is supported.

The “Park Farm Barn” Local Heritage Place listing describes it as: “*whole of the building, excluding the later porch additions on the eastern elevation, lean-to additions on the western elevation and lower brick and framed structure to the north*”.

This application seeks to demolish all of those excluded additions noted in the LHP listing, as well as a non-original verandah on the eastern side of the building. This work complies with Performance Outcome 6.2, as noted by both the Applicant’s Heritage Consultant and Council’s Heritage Advisor, and hence is supported.

Make good works will be undertaken to both buildings where required post-demolition, which is supported by Performance Outcome 7.1 below. Details of the make good works is recommended to be provided by way of a Reserved Matter.

Conservation works to the exterior of a Local Heritage Place (and other features identified in the extent of the listing) match original materials to be repaired and utilise traditional work methods.

Waste Management

Performance Outcome 23.3 of the Design in Urban Areas module states:

Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for... domestic waste collection...

The 46 proposed residential allotments will naturally expect to have their waste collected by the Council (East Waste). Following some necessary re-design, the Applicant has provided details of where each of these allotments will place their bins for collection by East Waste. This includes the use of a “bin pad” at the northern end of Proposed Road 201 for Lots 35, 36 and 37 to place their bins and similar for some of the

central lots adjacent the Shared Path (see the MFY Traffic Report dated 5 August 2025 in **Attachment 1.5**). Further, Lots 38 and 39 will have to place their bins on Proposed Road 201 for collection also, due to the cul-de-sac nature of the roads at the northeast section of the development site. While slightly inconvenient for the future occupants of these Lots, this is not considered unreasonable for those occupants and thus the collection methodology is supported in principle. All other dwellings have sufficient kerb room in front of their dwellings from where waste bins can be collected.

East Waste are satisfied that they will be able to collect waste from all 46 allotments, subject to appropriate traffic controls being put in place at completion of the development (**Attachment 8**) – which will be determined at the detailed design phase. Accordingly, Performance Outcome 23.3 above is considered to be satisfied.

Performance Outcome 11.2 of the Design in Urban Areas module states:

Communal waste storage and collection areas are located, enclosed and designed to be screened from view from the public domain, open space and dwellings.

The six-storey mixed-use building includes two areas for waste storage. The residential waste room is located on the eastern side of the ground floor of the building, while waste generated by the Café use has a separate storage area adjacent the café and the northern boundary of Lot 47.

The Applicant has provided a Waste Management Plan, prepared by Colby Phillips Advisory, that details the expected waste generation for both uses within this building (see **Attachment 1.5**). This advice has influenced the design of the respective waste storage areas, ensuring sufficient room is provided to accommodate the number and size of bins required to service both uses. Both waste storage areas are of sufficient size and dimension to accommodate the required bins for each land use. Further, these waste storage areas are effectively screened from the public realm and dwellings, consistent with Performance Outcome 11.2 above.

The waste disposal pathway required of occupants of the apartment building involves entering Lift 2 within the building to access the waste storage area via an airlock. Lift 2 services only the waste storage area and has been implemented to ensure that waste disposal does not interfere with the general amenity of the building by maintaining separate lifts for waste as to avoid general travel between floors. This provides a convenient disposal pathway for occupants.

Bank Stabilisation (Geotechnical Engineering) Works

Performance Outcome 8.5 of the Design in Urban Areas module states:

Development does not occur on land at risk of landslip or increase the potential for landslip or land surface instability.

Performance Outcome 1.1 of the Water Resources Overlay states:

Watercourses and their beds, banks, wetlands and floodplains (1% AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.

Performance Outcome 1.8 of the Water Resources Overlay states:

Watercourses, floodplains (1% AEP flood extent) and wetlands are protected and enhanced by stabilising watercourse banks and reducing sediments and nutrients entering the watercourse.

Proposed Lots 35-46 back onto the River Torrens, where the crest of the existing riverbank slope meanders into and beyond the rear boundaries of the existing caravan park site. In other words, there are areas where the rear boundary of the site is beyond the crest of the existing slope. The existing slope is potentially unstable and in order for these proposed Lots to be developed, geotechnical engineering works in the form of bank stabilisation works are required.

To that end, the Applicant provided geotechnical engineering reports by WGA that detail the works proposed to be undertaken (see **Attachment 1.4**). Council separately engaged Tonkin to undertake a review of the proposed works and advise the Council on the suitability thereof and hence the suitability of the proposed allotments for residential purposes. Several queries were raised with the Applicant's engineer through this process, and the responses provided were satisfactory to both Council and Tonkin. The administration is of the view that the proposed works are appropriate and will result in allotments that will be able to be developed for residential land uses.

The works proposed involve a reconstruction of the slope to provide a slope of 1.25H:1V (approximately 40 degrees), which relocates the crest of the river bank approximately 1.8m from its current location. Hence, the rear boundaries of Lots 35-46 will be beyond the crest of the engineered slope. The slope would then be reinforced by five (5) geosynthetic grid layers that extend up to 16m into the engineered slope.

The dwellings constructed on these allotments are likely to need to be supported by piles founded in natural soils below the riverbed (approximately 20m below existing ground levels). The ultimate construction and footing design for each dwelling will depend on the dwelling construction itself, but it has been assumed they will all need piles. The Applicant's engineer was asked to quantify the cost of such a footing system to ensure that the cost was not so prohibitive that the allotments may not be considered suitable for future use; and the response was adequate – approximately \$40-60k per dwelling.

The upper two layers and the bottom layer of the geosynthetic grid layers will be locally compromised by the installation of the piles for each dwelling, but both engineers are comfortable that the thin diameter of the piles and the localised nature of their penetration won't compromise the overall structural stability of the slope or the performance of the geosynthetic grid layers. Small diameter auger testing would be required following installation of the piles for each dwelling, to ensure that this remains the case.

Finally, for the engineered slope to remain stable, it was determined that any dwelling constructed on these allotments must maintain a setback of at least 2.4m from the crest of the engineered slope, and no measurable surcharge load is added within the rear setback area.

One of the LMAs executed between the Council and the developer applies to these allotments and specifically deals with the need for geotechnical engineering requirements both before and during dwelling construction. The geotechnical advice produced by WGA is annexed to the LMA, and the LMA requires any owner to:

- Ensure any dwelling maintains a rear setback of at least 2.4m;
- Not place any structures in the rear setback area that are likely to measurably increase the mass loading on the engineered slope;
- Construct a dwelling using a piled footing system to a depth of at least 20m below ground;
- Subject the first pile installed to either high dynamic strain testing or static load testing, and provide evidence of the results to the Council as soon as possible;
- Assess any localised impact that the constructed piles had on the Geogrid layers by a qualified geotechnical engineer, including confirming that the geogrid layers are not structurally compromised; and
- Not excavate any service or footing trenches through the geogrid layers.

The LMA has been designed to ensure that these allotments are suitable for use without relying on conditions on a development approval, and that future purchasers/owners are aware of the requirements for construction.

It should also be noted that these works predominantly take place on land owned by the Minister for Environment and Water, and so the developer will need to obtain their consent to undertake the work before it can be done. It is not deemed necessary that Consent is provided and evidenced to the Panel or Assessment Manager prior to a determination being made on the development application.

Flooding Considerations and Stormwater Management

The Code identifies that the development site is within both the Hazards (Flooding) and the Hazards (Flooding – General) Overlays. It is only current Lot 100 – to be partly comprised by proposed Lot 600 Reserve – that is within the Hazards (Flooding) Overlay, which is spatially generally limited to the River Torrens and its banks. Since this area is not proposed to be developed, the provisions of this Overlay are considered inapplicable.

Performance Outcome 2.1 of the Hazards (Flooding – General) Overlay states:

Development is sited, designed and constructed to prevent the entry of floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

The corresponding Designated Performance Feature suggests that habitable buildings should have a finished floor level (FFL) at least 300mm above the height of the 1% AEP flood event.

The proposal plans were referred to Tonkin for comment on the proposed design contours and the FFL of the six-storey mixed use building.

Tonkin advised that the flood level in a 1% AEP event is approximately 32.2m AHD at the intersection between proposed Road 201 and Richmond Street and currently flow into the site's existing private road (in the same location).

The design contour levels for the proposed Road 201 show design spot levels of 32.00m AHD at the intersection, but 9.5 metres north of the intersection this rises to 32.20m AHD before lowering again further north. The current internal road to the caravan park has a slight fall away from Richmond Street, hence the ingress.

Tonkin raised no concerns with the design contour levels because: firstly, these levels are largely indicative at this stage and still subject to detailed design and, secondly, Council can be comfortable with allowing its road reserve to contain floodwaters in a 1% AEP storm event providing the future residential allotments remain protected. This is particularly so when the depth of the floodwaters is up to 100mm. The detailed design of the roads will ensure that the proposed residential allotments can be suitably protected from water ingress in a 1% AEP event (and in any case the future dwellings will need to have a suitable FFL). At this stage, though, the proposed design contours for the public road network are considered sufficient to mitigate against flooding of the proposed residential allotments in a 1% AEP flood event, consistent with Performance Outcome 2.1 above.

With respect to the six-storey, mixed-use building, the flood levels in a 1% AEP event are contained largely to the footpath and roadway in front of the site. The lobby for the mixed-use building has an FFL of 31.83m

AHD (approx. 200mm above the highest footpath level adjacent), to which Tonkin raised no concerns about flood risk. More importantly, the dwellings within the building are situated 1.5m above the level of the lobby, giving them an FFL of 33.33m AHD at ground level. This is more than enough to prevent ingress in a 1% AEP event, thereby satisfying Performance Outcome 2.1 above.

Finally, the car park is not expected to experience any flooding in a 1% AEP event, except perhaps a minor amount at the access point on Richmond Street. Consequently, the ramp down for the basement is not expected to experience any ingress in a 1% AEP event except for surface catchment that would be expected from any rainfall event.

Performance Outcome 10.1 of the Land Division module states:

Land division creating 20 or more allotments includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that the development does not increase the peak flows in downstream systems.

Performance Outcome 10.2 of the Land Division module states:

Land division creating 20 or more allotments includes stormwater management systems that minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system, watercourses or other water bodies.

In short, the stormwater management plan for this proposal involves all 47 proposed allotments disposing of stormwater into an underground stormwater management system contained predominantly in land to be vested in the Council. This system carries water towards the north east of the site and beyond, where it will connect into an existing pipe that runs north through Old Mill Reserve and disposes into the River Torrens.

Again, Tonkin's advice was sought on the proposal insofar as these Performance Outcomes are concerned. Council's Infrastructure team were also involved in assessing this aspect of the development. The preliminary stormwater management plan for the entire development site has been deemed suitable in principle. Tonkin have confirmed that the MUSIC modelling used by the Applicant's engineer and the accompanying calculations satisfy these Performance Outcomes. Council's Infrastructure team, and legal advice obtained by the Council, have confirmed that the use of an easement over proposed Lot 47 for the purposes of stormwater infrastructure is a reasonable outcome. This is necessary because of the design levels for the site and, specifically, that the laneway (proposed Road 200) falls from east to west. The Council has negotiated a suitable width for the easement, relative to the dimensions of the required infrastructure, with the Applicant.

Detailed design of the roads and footpaths are still required and through these the Stormwater Management Plan will need to be updated. Variables such as the construction material of the roads and the final design levels for the development will influence the Stormwater Management Plan. Because the stormwater infrastructure within the public realm is a prescribed requirement for Land Division Consent, the requirements for an updated SMP are required by way of a condition imposed on that Consent. For the purposes of Planning Consent, however, the Panel should be satisfied that the general stormwater arrangement is feasible and appropriate.

Question of Seriously at Variance

Having considered the development against the relevant provisions of the Planning & Design Code (version 2024.23, 19/12/2024), and the Concept Plan for the site, 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*, for the following reasons:

- The six-storey building, while exceeding the TNV of 2 levels applicable to the site, is only 2 storeys above the 4 levels envisaged by the Concept Plan, and is the same height as the building at the Hackney Hotel site to the southeast; and hence is not seriously inconsistent with surrounding built form;
- The high residential density proposed is not seriously at odds with the types of densities contemplated in areas that are close to public transport services, public reserves and active transport routes adjacent the CBD;
- The partial demolition of the two Local Heritage Places involves the removal of non-original components of the building;
- The bank stabilisation works may be reasonable anticipated for ensuring the long-term stability of the slope and hence the long-term suitability of the proposed allotments; and
- The general road and allotment configuration is functional and generally complies with Council's standards (subject to detailed design).

CONCLUSION

The proposed development involves, inherently, the division of land resulting in a high residential density, new public roads and footpaths, and a six-storey, mixed-use building containing 78 apartments and a gym.

Although the proposed residential density is higher than what the relevant Zone seeks, the site's setting and proximity to the CBD justifies a higher density – as it did for the Hackney Hotel site to the southwest. The site is sandwiched between two public reserves on either side and the River Torrens to the north – providing ample open space to support a higher density outcome – and will provide an improved cycling route to support active transport methods.

In similar terms, the Hackney Hotel development has provided a built form outcome to this locality that helps justify the height of the proposed development here. The proposed six level building will not appear seriously out of character as a result of three- and six-storey development adjacent (to the southwest and northwest). In fact, the six-storey building has been designed in a manner that reinforces a human scale at ground level before 'stepping back' from the podium level to the four levels above.

Overlooking from the building has been demonstrated to be a non-issue insofar as the Planning & Design Code is concerned, and the shadow cast from the development has similarly been demonstrated to be reasonable. Private open space is provided to all 78 apartments in the form of balconies, which are individually

constructed to provide visual interest. The café use at the ground level will provide important access to services and amenity value for pedestrians and cyclists using the proposed shared use path.

Car parking provision for the mixed-use building is lower than what the Code seeks for this form of development, but the only way the shortfall (against the DPF) can be supported is by adopting a novel approach to calculating the theoretical demand based on the somewhat unique nature of the use and the site's setting, and accepting that use of the car park in Old Mill Reserve is a reasonable outcome. This has been suitably justified by the Applicant's traffic engineer and Council's traffic engineer is not opposed to this outcome.

The road network proposed by the development has been determined to be suitable in principle by Council's infrastructure and traffic team – facilitating necessary vehicle movements, accommodating sufficient pedestrian and vehicle sightlines, supporting on-street parking, street tree planting and street lighting, and accommodating waste collection for the 46 residential allotments to be created. Waste and service vehicles attending the mixed-use building will have to enter from Richmond Street to avoid unreasonable conflict with the shared path from arising, which can be controlled by conditions.

The general stormwater arrangement for the development is also suitable in principle, subject to detailed design with Council's Infrastructure Team; which should give the Panel some confidence that the required infrastructure can be put in place to support the proposed density. Indicative built form plans provided by the Applicant similarly demonstrate that the allotments are capable of accommodating the anticipated dwelling form. The partial demolition of the two Local Heritage Places involves non-heritage elements only and is hence acceptable.

Finally, the bank stabilisation works proposed to ensure the long-term stability of Lots 35-46 have been deemed suitable by both the Applicant's geotechnical engineer and an independent geotechnical engineer engaged by the Council. A Land Management Agreement applicable to these Lots will ensure that necessary geotechnical requirements are met and consistently applied to the development and management of these Lots to ensure the slope's stability is not compromised.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

RECOMMENDATION 1

Not Seriously At Variance

The proposed development is not 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*.

RECOMMENDATION 2

Granting of Planning Consent

Development Application Number 24040449, by Aspen Group is granted Planning Consent subject to the following reserved matters and conditions:

RESERVED MATTER

Planning Consent

Reserved Matter 1

Details of the 'make good' works to be undertaken to the two Local Heritage Places following the herein approved demolition works shall be provided to the reasonable satisfaction of the Assessment Manager. Such details shall include scope of works, methodologies, materials and colours to be used.

Reserved Matter 2

Landscaping is to be undertaken within the road reserves and public reserve areas in general accordance with the herein approved 'Landscape Plan A' and 'Landscape Plan B' plans (prepared by Landskap) and is to comply with Council requirements.

Detailed design of the landscaping works is to be submitted to the Council for approval prior to development approval being issued. Such documentation shall include tree species and groundcovers selections, irrigation infrastructure, any furniture proposed in the public reserve areas, surface treatments and the like.

Reserved Matter 3

Detailed design of the street lighting, including pole locations within the road reserves, shall be provided to the reasonable satisfaction of the Council prior to development approval being granted.

Pursuant to Section 102(3) of the Planning, Development & Infrastructure Act 2016, the above matter(s) shall be reserved for further assessment prior to the granting of Development Approval. Resolution of the reserved matter(s) and the imposition of any additional conditions pursuant to section 127(1) of the Act is delegated to the Assessment Manager.

CONDITIONS **PLANNING CONSENT**

Condition 1

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

The ground floor gym of the "Co Living" building is only to be used by occupants and workers of the building and is not to be separately leased or otherwise made available to members of the public.

Condition 3

All areas nominated as landscaping or garden areas on proposed Lot 47 (the "Co-Living" building and associated car park) shall be planted in accordance with the herein approved 'Landscape Plan A' and 'Proposed Trees' plans (prepared by Landskap, undated) within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager. Appropriate irrigation shall be installed to all landscaping areas, and such plants shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

Condition 4

Any service, delivery or waste vehicles required to access the "Co-Living" Building site shall do so via the Richmond Street access point only. Access from the north of the site (via retraction of the bollards) is not permitted, and this access point shall only be used for vehicle exit movements from the car park.

Reason: to avoid impeding pedestrian and bicycle traffic along the shared use path while retraction of the bollards takes place.

Condition 5

Either:

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

Condition 6

All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, line-marked and fitted with wheel stopping devices in accordance with the herein approved 'Undercroft Floor Plan' and 'Site Plan' (prepared by Grieve Gillett Architects, Job No. 23122, Drawing Nos DA01 and DA21, dated 18.12.24). Line marking and wheel stops shall be maintained in good condition at all times to the reasonable satisfaction of the Council.

Condition 7

All stormwater from the "Co-Living" Building and associated hard-surfaced areas (including the car park) shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.

Condition 8

All external lighting associated with the "Co-Living" Building, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council.

Condition 9

Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.

Condition 10

The retractable bollards associated with the car park of the "Co-Living Building" shall be maintained in good working order and condition at all times to the reasonable satisfaction of the Council.

Condition 11

A Construction Environment Management Plan (CEMP) shall be prepared in consultation with the Department for Environment and Water and the Council.

The CEMP shall be implemented throughout the development and shall incorporate and detail (without being limited to) the following matters:

- Any necessary staging of the geotechnical and bulk earthworks required, including methodologies that ensure the stability of the slope is not compromised during works (e.g. any necessary work platforms);
- How the bank stabilisation works are to be undertaken without contaminating the River Torrens watercourse or otherwise affecting the river's performance or hydrology;

- Nuisance mitigation strategies to be employed on site during construction work, including hoarding to protect adjacent public reserves and sensitive receivers;
- Any communication methods to be employed during construction;
- Traffic management for the site, including heavy vehicle routes and access/egress arrangements;
- Site amenities, including site offices, materials storage and parking for tradespersons; and
- Dilapidation reports of existing infrastructure surrounding the development site and reinstatement of that infrastructure post-development.

Condition 12

The bank stabilisation works shall be undertaken in strict accordance with the "Technical Specification for Earthworks" detailed in Appendix E of the herein approved report prepared by WGA Consulting Engineers titled 'Adelaide Caravan Park Redevelopment – Proposed River Front Dwellings, Hackney' (Report Number WGA230955-RP-GE-0001_A, Revision A, dated 14 May 2024).

ADVISORY NOTES

Planning Consent

Advisory Note 1

The Applicant is reminded of its responsibilities under the *Environment Protection Act 1993*, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.

Advisory Note 2

The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation. The Applicant's attention is particularly drawn to the requirements to obtain consent from the relevant landowner and any other relevant stakeholders with respect to the proposed bank stabilisation works.

Advisory Note 3

The Applicant is advised that construction noise is not allowed:

1. on any Sunday or public holiday; or
2. after 7pm or before 7am on any other day

Advisory Note 4

The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the *Local Government Act 1999* prior to any works being undertaken. Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.

Advisory Note 5

The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to

recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

Advisory Note 6

The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Advisory Note 7

Appeal Rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 8

Consents issued for this Development Application will remain valid for the following periods of time:

1. Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;
2. Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;
3. Works must be substantially completed within 3 years of the date on which Development Approval is issued.

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at townhall@npsp.sa.gov.au. Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

Advisory Note 9

No work can commence on this development unless a Development Approval has been obtained. If one or more Consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 10

To assist in the interpretation of the Urban Tree Canopy condition noted above, where payment into a relevant off-set scheme is not possible or chosen, tree(s) must be planted in accordance with the requirements set out below. Further guidance and information can be obtained by visiting the Landscaping and Development webpage on the Council's website (https://www.npsp.sa.gov.au/planning_and_development/landscaping-and-development) or contacting the Council's Planning Department on (08) 8366 4555.

Lot Size Per Dwelling (m²) // Tree Size and Number Required

<450 // 1 small tree

450-800 // 1 medium tree or 2 small trees

>800 // 1 large tree or 2 medium trees or 4 small trees

Tree Size // Mature Height (minimum) // Mature Spread (minimum) // Soil Area Around Tree Within Development Site (minimum)

Small // 4m // 2m // 10m² and min. dimension of 1.5m

Medium // 6m // 4m // 30m² and min. dimension of 2m

Large // 12m // 8m // 60m² and min. dimension of 4m

Mr Harding addressed the Council Assessment Panel from 6.16pm until 6.18pm

Ms Davies addressed the Council Assessment Panel from 6.19pm until 6.25pm

Ms Marchant addressed the Council Assessment Panel from 6.29pm until 6.34pm

Mr Moore addressed the Council Assessment Panel from 6.35pm until 6.38pm

Mr Cree addressed the Council Assessment Panel from 6.40pm until 6.49pm

Mr Rolfe from URPS addressed the Council Assessment Panel from 6.50pm until 7.03pm

Ms Mellen from MFY addressed the Council Assessment Panel from 7.08pm until 7.09pm

Mr Van Loggem from GGA addressed the Council Assessment Panel from 7.22pm until 7.24pm

Ms Wasley from GGA addressed the Council Assessment Panel from 7.25pm until 7.35pm

Moved by Mr Adcock

Not Seriously At Variance

The proposed development is not 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.

Seconded by Mr Rutt

CARRIED

Moved by Cr Mex

Development Application Number 24040449, by Aspen Group is Refused Planning Consent for the following reasons:

- *The proposed development fails to satisfy Performance Outcome 3.1 of the Zone in that the six-storey building is inconsistent with the relevant TNV for the Zone, is not low rise, and fails to complement the height of nearby buildings.*
- *The proposed development fails to satisfy Performance Outcome 9.1 of the Zone in that the six-storey building is not compatible with the outcomes sought by the relevant Concept Plan for the site.*
- *The proposed development fails to satisfy Performance Outcome 2.1 of the Zone in that the proposed residential density is too high compared to the low to medium densities sought in this Zone.*
- *The proposed development fails to satisfy Performance Outcome 5.1 of the Transport, Access and Parking module in that insufficient car parking spaces are provided for the development.*
- *The proposed development fails to satisfy Performance Outcome 1.3 of the Design in Urban Areas module in that the six-storey building fails to complement the streetscape.*
- *The proposed development fails to satisfy Performance Outcome 12.1 of the Design in Urban Areas module in that the six-storey building fails to respond to the local context and therefore does not positively contribute to the character of the local area.*
- *The proposed development fails to satisfy Performance Outcome 12.3 of the Design in Urban Areas module in that the blank walling on levels 3 to 6 of the six-storey building result in a visual mass inconsistent with the outcome sought by this Performance Outcome.*
- *The proposed development fails to satisfy Performance Outcomes 7.1 and 8.1 of the Zone in that the side and rear setbacks provided for the six-storey building are insufficient and fail to achieve the outcomes sought by these Performance Outcomes.*

Seconded by Mr Adcock

CARRIED

6. DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT

7. REVIEW OF ASSESSMENT MANAGER DECISIONS

8. ERD COURT APPEALS

- *ID 25007549, 3 Goss Court St Peters, site inspection is required before the February 2026 CAP Meeting.*

9. OTHER BUSINESS

- *The Presiding Member thanked Cr Christel Mex for her contribution to the Panel, noting that this was her final meeting as a member of the CAP.*
- *The Presiding Member thanked Marie Molinaro, Urban Planner, for her contribution, advice & assistance to the Panel. Marie will be departing NPS to join the TTG Council.*
- *The Presiding Member confirmed that where agendas are split between hard and electronic copy (given a large extent of attachments) the representations and response to representations should be provided in hard copy.*

10. CONFIDENTIAL REPORTS

11. CLOSURE

The Presiding Member declared the meeting closed at 9.02pm

Stephen Smith
PRESIDING MEMBER

Geoff Parsons
ASSESSMENT MANAGER