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Representing the Residents of St Peters, College Park, Hackney, Stepney, Maylands, Evandale & Joslin.

DEVELOPMENT APPLICATION 24040449 ASPEN GROUP RICHMOND STREET HACKNEY

The St Peters Residents Association Inc (SPRA) requests that this submission be considered in connection with this Development Application

This submission is based on the Planning Report prepared for the Aspen Group by UPRS dated 6th December 2024, and other supporting consultant reports.

Zoning

Most of the site is in the Housing Diversity Neighbourhood Zone.

This Zone anticipates: -

DO 1 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.

PO 1.1 Diverse range of medium density housing and accommodation complemented by a range of compatible non-residential uses supporting an active, convenient, and walkable neighbourhood.

Aspen Planning Report (APR) pages 10-11

4.2 Build-to-Rent Co-living Design

The Residential Flat Building (Build-to-Rent Co-living building) with associated car parking and landscaping will be developed within Lot 47. The Build-to-Rent Co-living building has been designed by Grieve Gillett Architects (GGA).

The building has a primary frontage to Richmond Street. There is an existing public car park and shared access path with linkage to the River Torrens Linear Park path to the west of the proposed building. The north-east corner of the building adjoins a proposed public road, open space reserve and the open-air car park is adjacent to the eastern facade.

The Residential Flat Building has a maximum building height of 6-storeys and 23.6m. Its height takes precedent from the the 6-storey Botaniq development diagonally opposite the site.

The 6 level Botaniq development nearby should not be used as a precedent for the proposed Residential Flat Building to also be 6 levels. This will be discussed later in this submission.

6.2 Residential Density

Performance Outcome 1.1 of the Housing Diversity Neighbourhood Zone quoted in the previous section of this report anticipates "medium density housing".

Part 8 – Administrative Terms and Definitions of the Code provides the following relevant definition:

Term	Definition
Medium net residential density	Means 35 to 70 dwelling units per hectare.
Net residential density	Is calculated by dividing the total number of dwellings by the area of residential land that they occupy (excluding other land uses, roads, public open space and services) and expressed as dwelling units per hectare (du/ha)

The SPRA interpretation of the desired Performance Outcome 1.1 is that: -

35du/ha equals an average site area of 286 m²

70 du/ha equals an average site area of 143 m²

and that a mid-level medium net residential density of 50 du/ha yields an average site area of 200 m²

All of these are net of other land uses.

It appears that the applicant's calculations are incorrect.

Areas occupied by "other land uses, roads, public open space and services" must be subtracted to determine a net residential density value as expressed by the Code.

It is common practice for 30% of each hectare to be dedicated to "other land uses, roads, public open space and services".

The 78 dwellings within the Residential Flat Building and 46 residential allotments are proposed across the 13,990m² site. This equates to a gross density of 113 dwellings per hectare (13,990m² divided by 124).

This should read

"This equates to a gross area of 113 square metres per dwelling (13,990m² divided by 124)".

An average site area of 113m² for the whole development can in no way be considered to be 'medium density'. It is clearly high density.

Additionally

The formula to convert this to a per hectare net density figure is as follows:

$$10,000\text{m}^2 / (13,990\text{m}^2 + 30\%) \times 124 \text{ dwellings} = 68.2 \text{ dwellings per hectare.}$$

On this basis, the proposal achieves a net residential density that satisfies PO 1.1.

This is incorrect as the applicant has calculated the dwellings per hectare by adding the 30% allowed for other land uses instead of subtracting to get the net site area.

The correct calculation therefore should be: -

$10,000\text{m}^2 / (13,990\text{m}^2 - 30\%) \times 124 \text{ dwellings} = 126.6 \text{ dwellings per hectare.}$

On this basis the proposal clearly fails to achieve a net residential density that satisfies the medium density intent of PO 1.1.

SPRA has considered the proposal in other ways: -

Ignoring the 2106m² area of the Residential Flat Building on lot 47, as this is a stand-alone element of the proposal, the total site area of allotments 1 to 46 is 8090m².

This gives a net residential density of 56.9 du/ha or an average site area of 176m². This is at the higher end of the medium density range.

If the larger, low-density, lots 8, 9 & 35 (total 1527m²) are taken out of the calculation, then the remaining smaller 43 allotments have a net residential density of 65.5 du/ha and an average site area of only 153m². This is at the top end of the medium density range.

DPF 2.1 specifies the following: -

Allotments/sites for residential purposes accord with the following:

(a) site areas (or allotment areas in the case of land division) are not less than the following:

Minimum site area for a detached dwelling is 330 sqm; semi-detached dwelling is 300 sqm.

and

(b) site frontages (or allotment frontages in the case of land division) are not less than:

Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 8m;

All of the 43 smaller allotments fail to meet the requirements of DPF 2.1, being between 73m² to 255m². Most also fail the 8m or 9m frontage requirements being between 4.5m to 8.4m.

APR Page 21 has the following statement: -

- "Medium net residential density" is defined by the Code as 35 to 70 dwellings per hectare. Applying the same equation as earlier, a net density of 35 to 70 dwellings equates to lot areas of 100m² to 200m². Low net residential density is defined by the Code as less than 35 dwellings per hectare or lot areas greater than 200m².

SPRA contends that the use of the earlier noted incorrect equation results in the wrong figures.

6.3 Non-Residential Intensity

The Zone provides the following provisions relating to non-residential development:

- PO 1.2** Commercial activities improve community access to services are of a scale and type to maintain residential amenity.
- DPF 1.2** A shop, consulting room or office (or any combination thereof) satisfies any one of the following:
- ...
- (a) is located more than 500m from an Activity Centre and satisfies one of the following:
- (i) does not exceed 100m² gross leasable floor area (individually or combined, in a single building) where the site does not have a frontage to a State Maintained Road...

The proposed shop / café at the rear of the Residential Flat Building has a gross leasable area, including the outdoor terrace, of 251m². This is 250% greater than the area permitted in DPF 1.2.

6.4 Building Height

The Zone provides the following provisions relevant to building height:

- PO 3.1** Building height is consistent with the form expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer and Maximum Building Height (Metres) Technical and Numeric Variation layer or is generally low rise, or complements the height of nearby buildings.
- DPF 3.1** Building height (excluding garages, carports and outbuildings) is no greater than: Maximum building height is 2 levels... (Underlining added)

PO 3.1 provides flexibility in building heights. Buildings can be 2 levels as identified in the relevant TNV Layer, or be "low rise" (2 levels as defined in the Code), or complement the height of nearby dwellings.

The site is also identified in Concept Plan 82: Hackney under Part 12 of the Code (see Figure 7 below). This provides a "building height range" of 1 to 4 storeys.

The Code provisions for the site include four options relating to the building height.

1. A TVN maximum of 2 levels should apply to the Residential Flat Building. This should be the height of the development.
2. Low Rise as defined by the Code is two levels.
3. The application proposes that the building can "complement the height of nearby buildings", specifically the Botaniq development.
The 6 level Botaniq development nearby should not be used as a precedent for the proposed Residential Flat Building for the following reasons: -
 - The Housing Diversity Neighbourhood Zone has a Maximum Building Height TVN of 2 levels and therefore does not satisfy DPF 3.1 of the Zone.
 - The Botaniq development site is zoned Urban Corridor (Boulevard) which encourages a greater height and density.
 - The Botaniq was approved by the Development Assessment Commission in 2021, and not by the NPSP CAP or the earlier DAP, and under different planning rules.
 - The DAC took other factors into account when allowing 6 levels.
 - The Botanic current UC(B) zoning has a 4 level /15 metre height TVN.

- The UC(B) TVN has an interface envelope of 30 degrees measured at 3m above natural ground at the boundary. The effect of a similar TVN on this site is illustrated in Appendix A, with 6 storeys only being achieved in the back third of the building.
 - The Botaniq six level building is in the centre of the site, some 20 metres distance from the surrounding Richmond Street, Hatswell Street and Hackney Road. This proposal has the higher component only 10.5m from Richmond Street
 - The closest corner of the 6 level Botaniq is some 80 metres from the closest corner of the proposed Residential Flat Building.
4. Concept Plan 82 Hackney has some bearing on this proposal inasmuch as it gives a Building Height Range of 1 to 4 storeys.

Maximum building height for 24-46 Richmond Street, Hackney is 4 storeys, except dwellings fronting Richmond Street, which should not exceed 1 storey and dwellings fronting Twelftree and Old Mill Reserves, which should not exceed 2 storeys.

This range is clearly designed to have the higher buildings in the centre of the site and towards the River Torrens frontage.

The Residential Flat Building has its stated frontage to Richmond Street and so should only be one storey. Alternatively, if it is to be considered as fronting Old Mill Reserve then it can only be up to two storeys. In either case the Concept Plan does not envisage six stories.

APR page 28

6.7 Dwelling Configuration and Amenity

The Design in Urban Areas General Development Policy provides the following provisions:

PO 27.1 *Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.*

DPF 27.1 *Private open space provided in accordance with Design in Urban Areas Table 1 - Private Open Space.*

Table 1 – Private Open Space

Dwellings at ground level	15m ² / minimum dimension 3m
Dwellings above ground level:	

Table 1 – Private Open Space

Studio	4m ² / minimum dimension 1.8m
One bedroom dwelling	8m ² / minimum dimension 2.1m

The ground floor dwellings of the Residential Flat Building do not satisfy DPF 27.1 as they have only an 8m² balcony rather than 15m² of open space.

While the upper floor Studio Apartments appear to satisfy the Code, half of the one bedroom apartments have open space of less than the required 8m².

6.9 Local Heritage Places

6.9.1 Partial Demolition and Works

Lot 39 F18091 and Lot 99 F212352 are subject to the Local Heritage Overlay. Each allotment contains a Local Heritage Place (LHP) being the former Uniting Church building and Former Park Farm Barn.

The Association is very pleased that the two Local Heritage places will be retained on suitably sized allotments, and that the work proposed in this application only involves the removal of the non-contributory additions.

6.10 Concept Plan

The site is subject to Concept Plan 82: Hackney (shown in Figure 7 above) and the Housing Diversity Neighbourhood Zone provides the following policy guidance on its consideration:

PO 9.1 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.

SPRA supports the aims of the concept plan.

In Particular: -

- The development height objectives.
- Pedestrian/Cycle Path to link with the existing River Torrens Linear Park Pedestrian/Cycle Path.
- Future pedestrian links.
- Vehicle access points.

6.11 Traffic, Access and Parking

6.11.1 Transport and Access

The land is subject to the Traffic Generating Development Overlay which seeks (no underlining has been used given the relevance of all provisions):

PO 1.1 Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.

The proposed development will generate significant additional traffic movements. The Lot 47 development proposes 44 (inadequate) car parks, and together with vehicles from the 46 subdivided allotments at least 100 vehicles will need to enter and exit the narrow and already congested Richmond Street and then proceed onto the State maintained Hackney Road.

6.11.2 Car Parking – Residential Flat Building

The Code anticipates development that provides sufficient on-site car parking via the following provisions:

Table 1 – General Off-Street Car Parking Requirements provides the following varied parking rates for land uses defined by the Code:

Class of Development	Car Parking Rate
Residential Flat Building	Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.

0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.

Tourist accommodation (other than a Caravan and Tourist Park)	1 car parking space per accommodation unit / guest room.
Shop (no commercial kitchen)	5.5 spaces per 100m ² of gross leasable floor area where not located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-

The Residential Flat Building contains 78 dwellings and therefore there should be at least 104 parking spaces (1.33/ dwelling). The development proposes only about one third of the requirement.

The Residential Flat Building is, in part, to be available for tourist accommodation and other short-term rentals in an Airbnb fashion. The Code calls for one space per unit for this activity. The proposed spaces for this is inadequate.

The shop has a gross area of 251m² and so should provide about 14 spaces for patrons. There are only three dedicated spaces for the shop.

The parking provision for the Residential Flat Building and the shop is clearly insufficient.

6.13 Public Open Space

Open space contributions are controlled by Section 198 of the *Planning, Development and Infrastructure Act 2016* (the Act) which states:

198 – Open space contribution scheme

- (1) Where an application for a development authorisation provides for the division of land into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area—
- (a) the council in whose area the land is situated; or
- (b) if the land is not situated within the area of a council—the Commission,
- may require—
- (c) that up to 12.5% in area of the relevant area be vested in the council or the Crown (as the case requires) to be held as open space; or

The development plans show three areas as reserves.

Reserve 500 - 154m² Reserve 600 - 478m² Reserve 700 - 131m²

These three areas have a total area of 763m², which is only 5.45% of the total site area, well under the 12.5% desired by the Act.

Even allowing for the adjacent public reserves this is a meagre contribution.

Reserve 500

It should be noted that the site survey shows this reserve to be 154m², however the APR (page 41) says incorrectly that it is 279m²

A reserve area of 154m² is less than most front gardens of detached dwellings in the area.

The planning report says that –

This reserve is to be developed as an urban forest as detailed in Landskap's Richmond St. Masterplan. The urban forest will be established with large canopy trees and dense understory that require minimal maintenance.

The applicant must have a sense of humour, as there is no way that 154m² could be construed as being capable of being an 'urban forest'!

Reserve 600

This strip of land extending from the top of the riverbank to the centreline of the river is an anomaly.

Historically the titles of land that backed onto the river extended to the centreline of the river. In about the 1980s the area from the top of the riverbank to the river centreline in these titles were transferred to the State Government. In 1985 the then owner of the Adelaide Caravan Park transferred all of the river front titles, with the exception of this portion of his land which he retained in order to preserve access rights to river water for irrigating the park. Refer to Certificates of Titles 1335/133, 4035/891 & 4255/290.

To include this section of land as part of the public open space is a little ridiculous as it is mostly inaccessible having a 45-degree slope down the bank to the river and then into the river itself.

Street Naming

While not forming a part of this DA, SPRA would like to suggest that the new Eastern public road proposed be named Bruton Street, this being name of the original road that now forms the entrance to the Adelaide Caravan Park, and that the Western road be named Park Street which was the historic name for this portion of Richmond Street.

Summary.

The St Peters Residents Association does not support this development application in its current form and requests that it be refused.

There are a number of significant areas where the application fails to satisfy the relevant Planning & Design Code policies including, but not limited to: -

- The proposed development is clearly high density and not medium density as anticipated in the Zone provisions.
- The sizes and dimensions of the majority of the proposed allotments fail to meet the Zone provisions.
- The Residential Flat Building of 6 levels, and located in the proposed position, is not consistent with the land use anticipated in the Diversity Neighbourhood Zone.
- The use of the Botaniq development central building height as a precedent for the Residential Flat building is not supported.
- The area of the ground floor shop and café greatly exceeds the Zone provisions.
- The car parking proposed for the Residential Flat Building is grossly below the level anticipated for the Zone.
- The proposal will create additional congestion on the surrounding local streets and on Hackney Road
- The proposal is not compatible with the outcomes sought by Concept Plan 82 Hackney for the Adelaide Caravan Park site.
- The proposed Public Open Space proposed is neither functional nor adequate.

A representative of the St Peters Residents Association would like to speak to this submission when the Development Application is considered by the Council Assessment Panel

