

**Tranquila Homes/ Adelaide Planning and Development Solutions**

Five level mixed used development comprising Office, Residential Flat Building containing 4 apartments, roof top terrace and ground level parking.

259 Churchill Road, Prospect

Development Application for Planning Consent 21018947



<b>DEVELOPMENT NO.:</b>	21018947
<b>APPLICANT:</b>	Tranquila Homes
<b>ADDRESS:</b>	259 CHURCHILL RD PROSPECT SA 5082
<b>NATURE OF DEVELOPMENT:</b>	Five level mixed used development comprising Office, Residential Flat Building containing 4 apartments, roof top terrace and ground level parking.
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Urban Corridor (Boulevard)</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Design</li> <li>• Future Road Widening</li> <li>• Noise and Air Emissions</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> <li>• Urban Transport Routes</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p>

## OFFICIAL

	<ul style="list-style-type: none"><li>• Minimum Building Height (Levels) (Minimum building height is 2 levels)</li><li>• Maximum Building Height (Levels) (Maximum building height is 4 levels)</li><li>• Minimum Primary Street Setback (Minimum primary street setback is 3m)</li><li>• Building Envelope (Development should be constructed within a building envelope provided by a 45 degree plane, measured 3m above natural ground at the boundary of an allotment)</li></ul>
<b>LODGEMENT DATE:</b>	19 Jul 2021
<b>RELEVANT AUTHORITY:</b>	Assessment panel/Assessment manager at State Planning Commission
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2021.9 15 July 2021
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Karen Ferguson Senior Planner
<b>REFERRALS STATUTORY:</b>	City of Prospect Commissioner of Highways Government Architect
<b>REFERRALS NON-STATUTORY:</b>	Nil

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### EXECUTIVE SUMMARY

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The applicant proposes to construct a five-level mixed use development containing a residential flat building having four apartments, an office, communal roof top terrace and associated car parking (12 spaces) located at ground level. None of the dwellings are for affordable housing.

The application is classified as performance assessed form of development. The State Planning Commission is identified within Schedule 6 of the *Planning, Development and Infrastructure (General) Regulations* as the relevant authority:

4—Metropolitan Area—buildings exceeding 4 storeys (1) Development that involves the erection or construction of a building that exceeds 4 storeys in height in any zone, subzone or overlay in Metropolitan Adelaide identified under the Planning and Design Code for the purposes of this clause.

The Office element of the development would have been classified as 'Deemed to Satisfy' given an office of less than 250sqm on the ground or first floor of a development is identified as such, however the development as a whole is assessed as performance assessed due to the fact that the residential flat building is one level above that expected in the UC(B) Zone).

Initially the applicant also included a 'shop' element and Code provisions were generated for this element, however the proposed shop was removed from amended plans.

Statutory referrals were issued to the City of Prospect (Council), the Government Architect, and the Department of Infrastructure and Transport. Public notification was undertaken on two occasions, and one representation was received in the second round who indicated a desire to be heard at the SCAP meeting.

Council did not support the proposal on a number of grounds including the lack of a civil plan and some inconsistencies between the plans provided. Since that time, the application has been amended to address a number of the concerns raised by council including bin storage and washing/front in and front out movements/accessible parking and a civil plan has been provided for stormwater management.

The Government Architect provided measured support and suggested further improvements.

The applicant has acknowledged the concerns raised, providing responses to the majority of the matters raised and undertaking amendments to the plans. Additional technical reports were also submitted. The amended plans, including a civil plan was lodged on 19 September 2024.

A final civil plan was lodged to address the concerns of the council in relation to stormwater management and the council requested further information of pre and post levels of stormwater output. This information was recently provided, and Council have indicated the supporting calculations meet Council's requirements.

Carparking for 12 vehicles will be provided at grade the design of which has been supported by a consultant traffic engineer. Whilst the number of spaces meet the quantitative requirements of the Code, it is noted that the supporting report does not indicate the layout is meeting the Australian Standard.

The proposal is considered to respond appropriately to the relevant objectives and policy outcomes of the Planning and Design Code (code). On balance, planning consent with conditions is recommended.

## **DETAILED DESCRIPTION OF PROPOSAL:**

The applicant proposes to construct a mixed use development over five levels (18.65m high total building height) which will include a residential flat building comprising four residential units (levels 2 & 3), an office tenancy (Level 1) and roof top terrace. 12 car parks are to be provided at grade with one accessible park included and 2 bicycle parks (see **Attachment 1A** for architectural drawings).

Two of the four dwellings on level 2 and 3 have a single master bedroom (on the northern side of the building whilst the other two units have two bedrooms and a large footprint on the southern side of the building on level 2 and 3. The roof terrace on level 5 includes a common area, a roof terrace and services/plant room with acoustic screening.

The proposal includes:

- Lobby on ground floor with lift, stairs and 12 car parks
- Office tenancy – Level 1
  - 200sqm of GLFA office space (operating hours 7am-9pm weekdays and Saturday 8am-5pm)
  - Lobby 44sqm
  - Balcony 30sqm

Dwelling mix

Level 2

Unit one	One bedroom	78sqm floor area	15sqm balcony
Unit two	Two bedroom	125sqm floor area	30sqm balcony

Level 3

Unit one	One bedroom	78sqm floor area	15sqm balcony
Unit two	Two bedroom	125sqm floor area	30sqm balcony

Level 4 – Communal roof terrace (42sqm)

Landscaping on ground floor level around the car parking area is provided (although this site does not include the Urban tree canopy overlay).

The vehicle crossover will be widened to allow side by side entry and exit. There is an ability to enter and exit in a forward position.

All balconies and windows facing the east will be screening to 1.6m and the building falls within the building envelope provided by a 45-degree plane measured from a height of 3m above natural ground level at the rear boundary within the Established Neighbourhood Zone.

The proposed building would be configured in an east-west orientation with 12 onsite parking spaces including one accessible park to be located on the ground level with access/egress, front in front out for direction of travel, from Churchill Road.

No affordable housing is proposed and none of the apartments are specifically designed for disability housing.

No new transformer is required for energy supply to the building.

The ground floor level is composed of car parks, 2 bicycle racks (enough for 4 bicycles), a lobby and lift/stairs location to the north side of the development, communal bin storage, water service meters, letter boxes and landscaping.

An office space of 200sqm is provided on the Level one with balconies to the rear and north and west of the development.

Four apartments are provided on Level two and three, two apartments on each level.

The two apartments on the northern side of Level two and three are one-bedroom apartments with a galley style kitchen at the entrance with laundry and powder room and combined dining/living room facing east with a balcony. A separate ensuite and walk in robe is provided off the master bedroom.

## OFFICIAL

The two apartments on the southern side of the development on Level two and three are proposed to be two-bedroom apartments with two ensuite bathrooms and a powder room, a combined kitchen/rumpus room/dining and living room is facing to the west. A large alfresco outdoor dining and balcony are facing west and a separate balcony to the east is leading from the bedroom at the rear. A 1.6m screen for privacy is proposed for all rear balconies.

The upper level includes a roof top terrace including a common area, balcony, and terrace area. A space for services plant is also provided. The roof level includes solar panels.

The building's external appearance would feature contrasting colours and materials including precast wall in 'grey' and 'charcoal' with rendered walls in 'vivid white' with vertical sunshades in a natural wooden colour. Interlocking panel style steel walling in 'monument matt' is provided.

The dwellings will be provided with neutral colour glazed windows with charcoal aluminium frames.

A screened area for bins is provided at the front of the building.

A metal panel fold garage door is provided to the front of the ground floor to access the car parking area.

Provision of a 45-degree setback 3m above ground level to the rear of the development is proposed to separate the development from the neighbourhood type zone to the rear of the site.

No street trees exist on Churchill Road to the front of the development. Soft landscaping is to be provided to the front of the development and to the north and west of the open car park area at the rear as shown in the planning documents.

Waste collection would occur via council collection with occupiers transferring the bins to the kerbside for all waste collection. It is proposed that all four dwellings share a combined set of council bins for General waste, Recycling and green waste and the office space has a separate set of council bins for its waste. There is sufficient kerbside space for the collection.

A waste report has been provided from Colby Philips is provided in **Attachment 1B**

Stormwater outlet points would connect to approved kerb outlets, detention tanks are provided to restrict flow rate to outlet points. A civil plan is provided in **Attachment 1D**

Land Use Description	Construction of a five level (including the roof terrace) residential flat building comprising an office, 4 dwellings which includes two one-bedroom dwellings and two two bedroom dwellings and associated car parking
Building Height	Five levels above ground, 18.3m to parapet
Description of Levels	Ground Level: Car parking (12 spaces), bicycle rack (4 bikes), Bin storage lobby/stairs/lift, landscaping. Level 1: Office Level 2 and 3: dwellings (four) Level 4: Roof Terrace and communal area
Apartment Floor Area	One Bedroom 78sqm Two-bedroom 125sqm
Private Open Space	One-bedroom 15sqm Two-bedroom 30sqm

### BACKGROUND:

This application has been the subject of a number of iterations of plans since June 2021. The revised plans have been the subject of further referrals to the council (three times) and to the GA (three times). The application (and amended application) was publicly notified twice.

### SUBJECT LAND & LOCALITY:

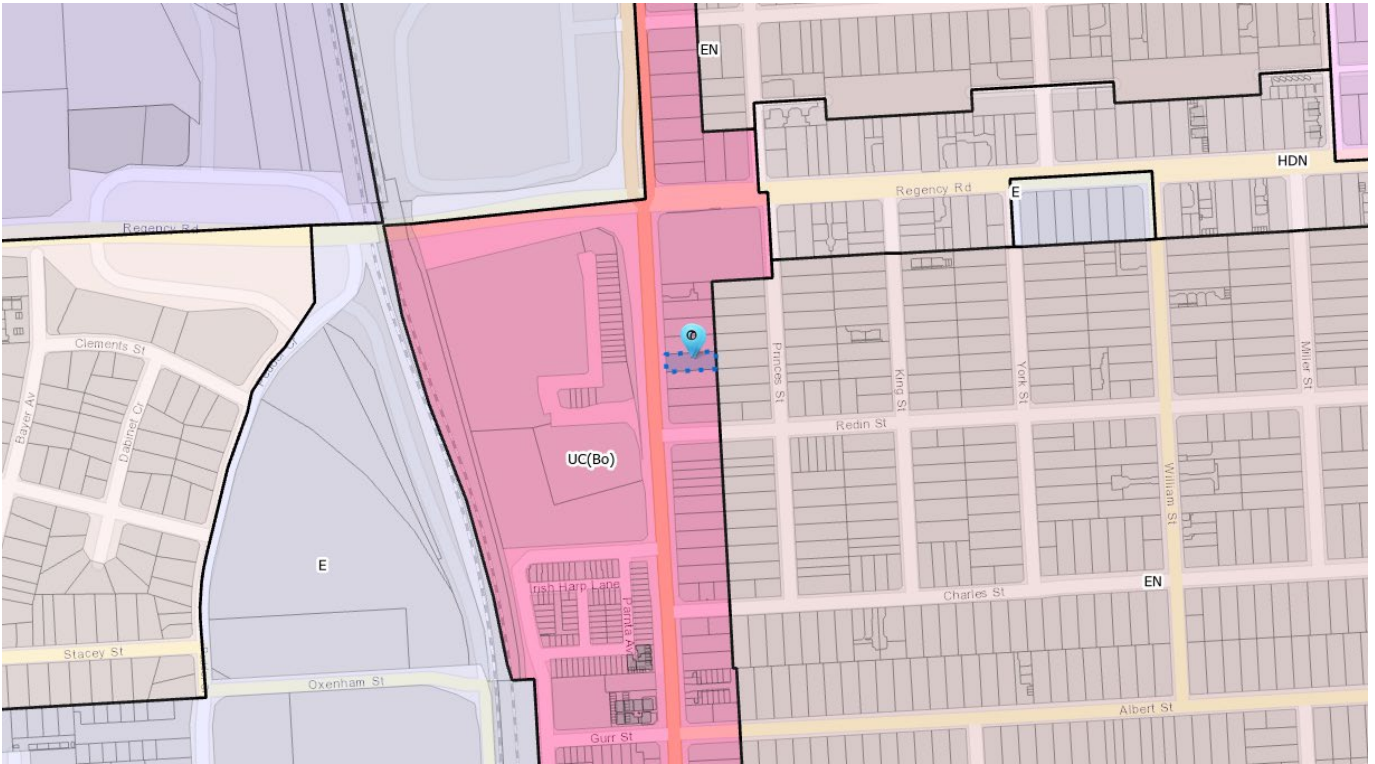


Fig 1 Zoning Map



Fig 2 Google Street View 259 Churchill Road, Prospect

**Site Description:**

The subject land is a regularly shaped rectangle, located on Churchill Road.

A single storey dwelling on the site has been recently demolished and the site is vacant.

The site has an area of 664sqm, with a slope to Churchill Road. The frontage of the site is 15.2m with a length of 24.4m.

One crossover on the southern side of the allotment exists to Churchill Road. No street trees exist to the front of the site only some low-level plantings. No other trees exist on the site.

<b>Location reference:</b> 259 CHURCHILL RD PROSPECT SA 5082		
<b>Title ref.:</b> CT 5835/543	<b>Plan Parcel:</b> D991 AL46	<b>Council:</b> CITY OF PROSPECT

**Locality**

The locality is characterised by predominantly residential land uses. Land to the immediate north, south and west are zoned UC(B), with land to the east is zoned Established Neighbourhood (EN).

The locality is strongly influenced by Churchill Road itself, being an important and active major transport route, and by the volume of traffic that uses it.

On the eastern side of the road, development has predominantly been residential in nature, mainly low single-storey detached dwellings but increasingly of a medium multi-storey density, interspersed with some commercial and retail development.

To the west of the Churchill Road, much of the area is undergoing significant change. Diagonally opposite the subject land including to the west (across Churchill Road) is the partially approved 'Prospect Corner' development by Renewal SA. Dwellings in this area will include two and three storey dwellings as well as an eight storey and five storey residential flat building. This project is being promoted as a well-planned urban space comprising integrated medium density housing designed around a new urban form context/setting.

To the north exist single storey dwellings (mostly used for commercial purposes), to the south is a food business and also to the south (corner of Churchill and Redin Street) is a five-storey residential development which was approved by SCAP in 2019. To the east (in the established neighbourhood zone) are single storey residential dwellings.

Churchill Road further to the south contains numerous three and four storey residential developments.

The proposal is on Churchill Road and readily accessible for public transport (both bus and train).

The subject land is also near the Churchill and Kilburn shopping centres to the north of the site.

Churchill Road is a Department of Infrastructure and Transport (DIT) controlled road and carries high traffic volumes.

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**  
New housing  
Residential flat building: Code Assessed - Performance Assessed  
Office  
Office: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

## **PUBLIC NOTIFICATION**

- **REASON**  
P&D Code - adjoining one level residential and exceeds 4 levels
- **LIST OF REPRESENTATIONS**

The application initially underwent public consultation between 4 Jan 2024 - 24 Jan 2024. Two Valid representations were received during this process from Ms Jill Pratt and Ms Lisa Thursten,

Ms Pratt supported the development but held concerns regarding the inclusion of a car stacker in the development. Ms Pratt indicated a desire to be heard by the Panel.

Ms Thursten also supported the development with some concerns. These were primarily focused on privacy loss for rear neighbouring residents by ability for overlooking of backyards from level 3 and level 4 residence windows facing rear, north and south, and the rooftop. Ms Thursten did not indicate a desire to be heard by the Panel.

The applicant made changes to the development which included a reduction in the number of apartments, removal of the car stacker and introduction of at grade parking and obscured glazing of windows to 1.6m and balcony screening also to 1.6m

The application was subsequently re-advertised between 7 Jun 2024 - 28 Jun 2024 with one representation received, being Ms Pratt. Ms Pratt supported the development noting the removal of the car stacker but still indicated a desire to be heard.

## **AGENCY REFERRALS**

- City of Prospect (multiple referrals following receipt of amended plans)
  1. Council did not initially support the proposal (dated 9 Jan 2024) due to concerns regarding stormwater/civil issues/location of high voltage powerlines/traffic and transport/waste management
  2. Council still did not support amended plans (dated 13 June 2024) as it still did not address fundamental concerns raised earlier
  3. Council still did not support further amended plans (dated 4 September 2024) although there are improvements in these plans. Plans are not consistent, however conceded that SCAP may wish to provide Planning Consent subject to reserve matters.
  4. A new civil plan forwarded to Council 14 October due to Council concern about the stormwater management on the site. Further refinements were made including provision of calculations to



support the SWM Plan (6 November). Confirmation was received that the method of stormwater management would achieve Council's requirements (13 November).

- Commissioner of Highways (two referrals for amended plans)
  1. No Objections with comments dated 12 August 2021
  2. No Objection with comments for amended plans (7 conditions) (dated 10 October 2024)
- Government Architect (two referrals for amended plans)
  1. No Objection with comments (dated 24 June 2024)
  2. No Objection with comments (dated 6 September 2024)

## INTERNAL REFERRALS

Nil

## PLANNING ASSESSMENT

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

### Question of Seriously at Variance

The proposed development comprises an office and residential flat building with car parking. It is in the UC(B) Zone. Development of this nature is appropriate within the site, locality or in the subject UC(B) Zone for the following reason.

This proposal is for office and residential development and the proposed nature of land use is envisaged in the zone.

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*.

### Quantitative Provisions

Technical and Numeric Variations apply to development proposed in this location, recommending minimum and maximum building heights of two levels and four levels (respectively) and that development be constructed within a building envelope provided by a 45-degree plane measured 3m above natural ground level at the boundary of an allotment used for residential purposes and within a residential type zone. An Established Neighbourhood Zone exists to the east of the site.

The proposed five level development (the fifth level being composed of a roof terrace) is considered appropriate for the intended location in proximity to other similar developments on Churchill Road and also to the Churchill Road/Regency Road 'Prospect Corner' development. Although this is above the four levels of development envisaged in the zone, the fifth level is for communal use for the residents of the development as a roof top terrace.

The proposal complies with the 45-degree plane TNV envisaged in the Code.

### Land Use and Character

The DO1 for this zone is seeking buildings that achieve a tall, uniform facade to frame the road corridor and are consistently set back with areas of open space in front. Buildings are to accommodate a mix of compatible residential and non-residential uses including shops and other business activities at ground and lower floor levels with residential above.

'Residential Flat Building' is an envisaged use in the zone (Land Use and Intensity PO 1,1/DTS/DPF1.1) and the proposal would be a suitable form of development in this location. Non-residential uses at ground level are encouraged by Zone DTS/DPF 1.5 to contribute to the activation at street level, however in this circumstance it is considered unrealistic to expect that non-residential uses be introduced at the ground level as Churchill Road is a high-volume traffic road and has cycle lanes and no parking provision.

There are several similar developments to the south of the proposal, including the one shown in Figure 3 below. This residential flat building development is three allotments to the south of the subject land.



**Figure 3 Similar development corner of Churchill Road/Redin Street.**

The developments to the south of the site on Churchill Road display modern contemporary facades.

Built form and character PO 2.1 (Buildings contribute to the framing of the primary road corridor) applies in this case as the development is on a primary road corridor. The proposal is a contemporary building form like other buildings fronting Churchill Road, it is also set back (to allow for road widening) and will frame the primary road edge assuming other developments are proposed to the immediate north and south.

PO2.2 DTS/DPF 2.2 is seeking buildings be flexible and adaptable for a range of residential and non-residential uses. In this case the ground floor ceiling height is 3.5m whilst upper floors have a ceiling height of 2.7m. It would be unlikely that the uses of the building would change in the future due to the limitations of car parking provision and access from Churchill Road.

PO 2.3 is looking for development which is designed to make a connection between the public realm and the development. In this case landscaping to the front of the development is proposed, however due to the need to provide security to the car parking space there is no further 'activation or connection' to the public realm which in this case is a narrow council reserve and footpath.

The front of the building includes glazing and perforated metal screening to the ground floor which reduces the visual connection/potential activation (PO2.3), however this needs to be balanced with the security needs of the residents.

PO 2.4 in the UC(B) Zone seeks a minimum set back to the primary street of 3m, in this case 6.8m is provided due to the road widening requirements in this location. The proposal follows the side and rear boundary requirements within PO2.6 and PO2.7 in the UC(B) Zone.

The proposal is therefore considered acceptable considering the high traffic nature of Churchill Road and the narrow 'public realm' to the front of the development.

### **Building Height**

The TNV for building height is for a building height of a minimum 2 levels and maximum 4 levels on this site, although no maximum height in metres is defined. The proposal is for five level building (18.65m). The proposal does not include any affordable housing which would have provided an allowance for the extra level in the affordable housing overlay. It should be noted, however, that the development for five levels on the corner of Churchill Rd/ Redin Street also does not include affordable housing. The height of the building is considered acceptable considering the fifth level is for a roof top terrace for the use of the residents/office workers and overlooking is mitigated through the design of the terrace and that it is set back from the Established Neighbourhood Zone to the rear of the site.

### **Setbacks, Design & Appearance**

The building is proposed to be built to both side boundaries of the allotment for the first 18m where the building is set back from both side boundaries, providing a setback of 2m from the northern and southern boundaries, consistent with PO 2.6. The rear of the building is set back 10.5m from the rear (eastern) boundary and is consistent with PO 2.7.

PO 2.4/DTS/DPF2.4 seeks a 3m setback from the street frontage, and this is achieved in this proposal, with 6.8m provided for the front setback.

The proposed development is supported by the Government Architect in terms of its materiality and appearance with the exception of the colour palette for the front garage screening.

The materials for the development include blockwork in 'Charcoal' aluminium framed windows in 'Monument' with interlocking steel panel in "Monument Matt." The sunshades will have a timber colour and texture. The balcony privacy screens will be 1.6m high in a proprietary colour 'Harkk'.

The development is of a contemporary design and is similar to other developments further to the south on Churchill Road.

### **Heritage**

There are no local or state heritage items in proximity to the subject land.

### **Traffic Impact, Access and Parking**

ML Traffic Engineers, consulting traffic engineers for the applicant, provided a Traffic and Parking Report (Appendix 1C) which outlines that the proposal is located on Churchill Road which is under the care and control of DIT.

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5m in width from the Churchill Road frontage of this site, for future upgrading of the Churchill Road/ Regency Road intersection. In the case of this application a front set back of 6.8m is provided to potentially provide for the road widening required at some future date.

Churchill Road provides for two lanes in each direction in this section of the road along with cycle lanes on both sides of the road. There is a speed limit of 50km per hour and a solid median requiring movements to be left out and left into the site.

Walking, cycling and public transport (bus and train) are readily available to and from the subject land.

The proposal would provide a new wider crossover of 6.3m to the front of the development, satisfying PO 6.1 and PO 6.2 of the zone.

On-site vehicle parking for 12 car spaces (including one accessible park) is provided on the ground floor of the development. In the UC(B) (Boulevard) Zone Table 2 Off-street Car Parking Requirements in Designated Areas sets out a minimum of 3 spaces and a maximum of 6 spaces per 100sqm of GLFA for the commercial component, and 0.75 spaces per 1 bedroom dwelling, 1 space per dwelling for visitor parking. The requirements are 11 spaces comprising:

- Office: 6 spaces
- Residential: 4 resident spaces and 1 visitor space

The proposal contains 12 car parking spaces (including one accessible park) therefore providing a satisfactory numerical level of car parking to satisfy the Code. It should be noted that the design of the carpark whilst supported by the consultant traffic engineer, the consultant's report does not indicate the layout is meeting the Australian Standard. A cursory review of the Standards raises an element of doubt that the layout is compliant which in turn may lead to a functionality issue. If so, this will result in several spaces (as many as three) not able to be utilised. The development would then be under parked by two spaces.

In the most recent plan set three spaces have been amended to 4.8metres in length and rely on a 600mm overhang of the landscape area to accommodate a vehicle. This in turn would suggest the landscaping cannot be established as shown on the plans. Much of the tension seems to be created by the lack of distance to three of the four parallel parking spaces located adjacent the southern boundary.

Bicycle parking for two spaces is proposed on the ground level of the development. These spaces are not secured. The Code identifies a requirement for provision of 1 bicycle parking space for every 4 dwellings, plus 1 bicycle parking space for every 10 dwellings for visitors, for the residential component of a multi-storey building in an UC(B) (Boulevard) Zone and 1 per 2200sqm of office space. Based on this requirement approximately 2.5 bike spaces would be required.

The ML Traffic Engineers traffic and parking report calculated that the proposal is forecast to generate 6 additional AM and 6 additional PM peak hour trips which would readily be accommodated on the adjacent road network.

It is considered that the proposal achieves the relevant Performance Outcomes for traffic, parking, and access arrangements.

### **Interface Impacts**

The Code's General Development (Design in Urban Areas) policy advocates for development located and designed to mitigate adverse impacts on or from neighbouring and proximate land uses caused by overshadowing, overlooking and generation of noise and/or vibration.

PO 16.1 All Development - Medium and High Rise - Overlooking/Visual Privacy provides guidance regarding overlooking.

*PO 16.1 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 (including building boundary to boundary where appropriate) 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 Report provided by APDS (see Attachment 1) dated 16 July 2024 indicates that direct overlooking is mitigated using screening devices and careful window and balcony placement. Typically screening of balconies is proposed and obscured glazing of applicable windows, both to a height of 1.6metres.

The GA did not raise any issues in relation to external overlooking as part of its consideration of the application.

It is considered that the proposal responds to the potential overlooking of nearby dwellings (to the east in the Established Neighbourhood Zone in particular).

Overshadowing policy is intended to primarily protect existing residences within an adjoining Neighbourhood type zone. Overshadowing diagrams are provided by Cheesman Architects in the Architectural Set (Attachment 1A). These plans show that summer shadows are contained within the site (and a portion of the footpath to the west). The winter shadows will impact a commercial building and one residential building within the UC(B) Zone to the south and the rear yards of dwellings to the rear (to the southwest) of the site (Established Neighbourhood Zone) in the afternoon during winter solstice. The rear yards will still have over 3 hours of solar access during a winter day. This is satisfactory and supported by the Code.

PO 4.1/DPF4.1 in the Zone seeks a building envelope provided with a 45-degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood type zone. The proposal has provided a building envelope taking into account the 45-degree plane at the rear of the site abutting residential dwellings in a Neighbourhood type zone.

### **Occupant Amenity**

The Code encourages development that makes appropriate provision for occupant amenity in terms of outlook, access to natural light and ventilation, sufficient dwelling sizes and functional areas including areas for storage and private open space. A summary of the development's performance is provided below:

- The development provides two types of dwellings on each of the two residential levels (Level two and three), with one and two bedrooms.
- The dwellings would be of a suitable size to provide a high standard of occupant amenity which is sought in Design in Urban Areas (Amenity) PO 31.1.
- The internal structure of the walls considers making the dwellings as usable as possible. (Some changes to the design were made because of comments from the GA including access to the WCs from the living area.
- All apartment living areas are provided with an external outlook in accordance with Design in Urban Areas (Residential amenity in multi-level buildings) PO 28.4 and access to natural light and ventilation is provided to all habitable rooms.

The GA has indicated support for the ground floor configuration, particularly the increased area of soft landscaping. Although a bin wash bay is supported, the GA was concerned about a potential conflict between traffic turning area and the bin wash area. However, this issue is not considered fatal to the successful operation of the ground floor area.

It is considered that the proposal provides a good level of amenity for the occupants of the building including for the office space. The apartments are of a good size and provide a sensible layout including access to generously sized balconies. The apartments have good access to light. Although the GA has still raised some concerns the ground floor pedestrian entry sequence, the entry is through a gate to the centre of the site and through to the lobby and lift and still functions for access purposes.

## **Environmental Factors**

### Crime Prevention

The GA is supportive of the proposed garage door/screening to the under-croft car park from a CPTED point of view. There are no other issues considered to be of concern from a CPTED point of view, there are no hidden corners or trapping points, and the front of the development has surveillance from passing traffic and pedestrians along Churchill Road.

### Noise Emissions

The nature and siting of the proposed use raises no concerns in relation to potential for generation of and/or exposure to excessive noise/air pollution, such that the relevant objectives of the Noise and Air Emissions Overlay would be achieved.

### Waste Management

The Code's General Development (Design in Urban Areas) policy recommends that development address negative visual impact of outdoor storage, waste management. Loading and service areas through screening from public view taking into account the form of development contemplated

### Energy Efficiency

In relation to sustainability the following is proposed:

- Solar Panels are to be provided adjacent to the roof top terrace.
- The building is oriented to maximise natural light and ventilation

#### Site Contamination

The vacant site was previously used for residential purposes and the current application does not change that use and would not trigger a need to undertake a site contamination assessment.

## CONCLUSION

The proposed residential flat building is considered acceptable for the following reasons:

- The proposed residential and office use is envisaged within the UC(B) Zone
- With the exception of height (one additional level) the building would satisfy the TNVs
- The proposals design and appearance are considered to respond positively to key planning and design outcomes outlined in the UC(B) Zone and the GA's tempered support for the development is indicative of its performance when measured against the Design Overlay outcomes.
- Any overlooking and overshadowing issues have been addressed by the applicant including providing a 45-degree plane of separation and treatment of balconies and windows to the rear Established Neighbourhood Zone.
- The quality of occupant amenity is considered satisfactory with acceptable dwelling sizes and private open space balconies.
- Vehicle access and parking is considered acceptable
- Expected traffic generation is expected to be low and the road network should easily be able to accommodate the small increase in traffic generated by the development.
- The proposed building is set back enough to be able to accommodate any potential road widening in this location.
- Waste management arrangements are considered acceptable.
- Landscaping proposals are considered acceptable – the Urban Canopy Overlay does not apply in this location.

Despite Council's objections to various elements, this assessment demonstrates the proposal would respond appropriately to the relevant objectives and policy outcomes of the Planning and Design Code. Planning Consent with conditions is recommended.

## RECOMMENDATION

It is recommended that the SCAP resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

2. Development Application Number 21018947, by Tranquila Homes is granted Planning Consent subject to the following conditions:

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

## **RESERVED MATTER**

A Revised carparking layout that avoids impacting the landscaping scheme and complies with Australian Standards.

A final set of design drawings be submitted and endorsed that ensure all documentation is consistent, prior to Building Consent being sought.

## **CONDITIONS**

### **Planning Consent**

#### Condition 1

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

#### Condition 2

Waste Management shall be undertaken in accordance with the Approved Waste Management Plan prepared by Colby Phillips Advisory and dated 10 July 2024.

#### Condition 3

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

Conditions imposed by Commissioner of Highways under Section 122 of the Act

#### Condition 4

All service infrastructure including meters, fire services or transformers shall be located outside of the 4.5m road widening requirement along the Churchill Road property frontage.

#### Condition 5

All access to the development shall be gained in accordance with the Proposed Site Plan and Location Plan produced by Cheesman Architects, drawing no. 24126\_SD-01, Revision D, dated 10/07/2024.

#### Condition 6

Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath. Accordingly, all fencing and vegetation/landscaping within these areas shall be open in nature or  $\leq 1\text{m}$  in height.

#### Condition 7

All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.



Condition 8

Any sections of redundant crossover on Churchill Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.

Condition 9

Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

Condition 10

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Condition 11

Vehicular access location and configuration to serve the site shall be in accordance with the Site Plan by ET Design (Rev. PD-A, dated 29 May 2021).

Condition 12

All vehicles shall enter and exit the site in a forward direction.

Condition 13

All on-site vehicle manoeuvring areas shall remain clear of any impediments.

Condition 14

Stormwater run-off shall be collected on-site and discharged without impacting the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

ADVISORY NOTES

**Planning Consent**

Advisory Note 1

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

Advisory Note 2

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

Advisory Note 3

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent or Development Approval. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the ERD Court if wishing to appeal. The ERC Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

Advisory Note 4

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Churchill Road frontage of this site for future upgrading of the Churchill Road /

Regency Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement. The attached consent form should be completed by the applicant and returned to the Department for Infrastructure and Transport with a copy of the Decision Notification Form and a copy of the approved site plans via [dit.landusecoordination@sa.gov.au](mailto:dit.landusecoordination@sa.gov.au) for processing.

Advisory Note 5

It is recommended that any proposed signage is consistent with DIT's publication '*Advertising Signs: Assessment Guidelines for Road Safety*'.

Advisory Note 6

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Churchill Road frontage of this site, for future upgrading of the Churchill Road / Regency Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.