

## Tranquila Homes

### 259 Churchill Road, Prospect

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

### DA 21018947 (Deferred Item)



<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>	<b>Zones:</b> <ul style="list-style-type: none"><li>• Urban Corridor (Boulevard)</li></ul> <b>Overlays:</b> <ul style="list-style-type: none"><li>• Airport Building Heights (Regulated)</li><li>• Affordable Housing</li><li>• Design</li><li>• Future Road Widening</li></ul>

	<ul style="list-style-type: none"> <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> <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 (on original application) one rep to be heard
<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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**ATTACHMENT 1: Revised Architectural Plan Set**

**ATTACHMENT 2: Previous SCAP report from 6 December 2024**

**ATTACHMENT 3: Architectural Set from 6 December 2024 meeting**

**ATTACHMENT 3: Further advice from Government Architect.**

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## EXECUTIVE SUMMARY

At its meeting held on 6 December 2024, the State Commission Assessment Panel (SCAP) resolved to defer determination of application 21018947 for a five-level mixed used development comprising office, residential flat building containing four apartments, roof top terrace and ground level parking. The SCAP's determination was deferred to enable the applicant to further consider matters relating to landscaping, amenity and balcony functionality, Australian Standards for car parking, review of driveway and crossover width and front pedestrian path location.

The applicant submitted revised plans (**Attachment 1**) and information in response to the matters referenced in the SCAP's deferral motion. The proposed amendments are considered to have improved the quality of the development application.

Consistent with the previous recommendation to the SCAP, the proposed development is not considered to be *seriously at variance* with the Planning and Design Code and overall, it is considered that the revised proposal displays sufficient merit to warrant the granting of conditional planning consent.

### BACKGROUND:

The reasons for deferral were to seek:

- The submission of a landscaping plan demonstrating the feasibility and selection of landscaping including the communal deck areas
- Review the apartment layouts with consideration given to occupant amenity, access to sunlight and balcony functionality
- Confirmation of compliance of all carpark areas with Australian Standards
- Review of the driveway and crossover width and extent of landscaping within the verge area and front yard of the site; and
- Front pedestrian path location.

### DETAILED DESCRIPTION OF AMENDED PROPOSAL:

The applicant submitted amended plans in response to the SCAP's deferral (see **Attachment 1**).

The revised plans show amendments to the ground floor level with a 6.3m crossover entry/exit point, instead of a 7.1m crossover, a revised pedestrian walkway to the northern side of the entry driveway and changes to the landscaping to the front of the building and to the tree planting to the rear and northern side of the building (5 Magnolia trees to the rear, these are large trees 4-6m tall and 3m wide) .

Level one (office) and two (apartment level) now have 1.6m high obscured glass to the rear balconies and office/bedroom windows facing east. The side 'blades' to the balconies have been removed on both levels.

Level three (apartment level) has obscured glazing to the rear balcony and glazing to the east. In addition, there is to be provided obscured privacy window between the lobby and balcony on level three.

Level 4 (Roof Terrace) include a 1.8m high acoustic and visual screen to the roof plan and roof terrace. A fixed decorative planter box to be placed to the immediate west of the screen to prevent any overlooking to the rear.

The details of the original proposal considered by the SCAP are provided in **Attachment 3**.

## AGENCY REFERRALS

Informal referral was made to the Government Architect (GA) who was supportive of the amended plans except for the reduced number of trees to the rear of the property and the location of the pedestrian access to the building.

In response the applicant countered that the magnolia trees will be significant in size (4-6m tall and 3m wide) and five trees will be sufficient in that location to allow tree spread. The applicant provided amended plans which changed the pedestrian access location to the northern side of the subject land as suggested by the GA.

A further referral was made to the City of Prospect, who advised they were not opposed to the amendments under consideration.

## PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning and Design Code.

It is not proposed to 're-assess' the amended proposal against the Planning and Design Code as this was detailed in the Assessment Report presented to the SCAP meeting on 6 December 2024 and is attached to this report.

### The deferred items are discussed as follows:

- The submission of a landscaping plan demonstrating the feasibility and selection of landscaping including the communal deck areas.

*The applicant has responded by providing amended drawings showing magnolia trees to the rear and side of the development. Five trees are to be planted (4-6m tall and 3m wide for full grown plants). A solid wall is to be provided to the rear of the roof terrace to provide privacy to the rear and fixed decorative planter boxes are now proposed to the western side of the wall to preclude overlooking to the rear (see drawing SD06 of the architectural set in **Attachment 1**). The front landscaping has been amended and discussed below in relation to the driveway and pedestrian path.*

- Review the apartment layouts with consideration given to occupant amenity, access to sunlight and balcony functionality.

*A change has been made to provide obscured glass to the rear balconies and rear facing windows (see the eastern elevation shown on SD05 of the architectural set) and obscured glass is also to be provided between the lobby and the alfresco balcony attached to the balcony on Level 2. No further changes were made to the apartment layouts by the applicant as they believe the current layout addresses satisfactorily the access to sunlight and occupant amenity.*

- Confirmation of compliance of all carpark areas with Australian Standards.

*A letter was received on 11 December 2024 from ML Traffic Engineers on behalf of the applicant indicating that the proposed car park layout for 259 Churchill Road, Prospect complies with Australian standards. This letter is in **Attachment 1**.*

- Review of the driveway and crossover width and extent of landscaping within the verge area and front yard of the site.

*The driveway width remains at 6m by 6m with the crossover reduced in width from 7.1m to 6.3m. There is no change to the verge landscaping. Modification of the front yard landscaping providing 2 small trees and low-level plantings with the pedestrian path relocated to the northern side of the subject land.*

- Front pedestrian path location.

*The front pedestrian path has been relocated to the northern side of the subject land to not intersect with the reversing vehicles from the disabled parking spot or in the location of the waste bins.*

## **CONCLUSION**

The refinements in matters referenced in the SCAP's deferral motion are considered to improve the overall quality of the development application.

The assessment and considerations outlined in the Planning Report presented to SCAP on the meeting of 6 December 2024 are still relevant to the amended proposal and the proposed development, in its revised form, is not seriously at variance to the relevant policy provisions and displays sufficient merit to warrant support.

Accordingly, planning consent is recommended, subject to the conditions below:

## **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 Tranquilla Homes is granted Planning Consent subject to the following reserved matters and conditions:

## **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 / Development Approval 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.

#### Condition 4

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

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

#### Condition 5

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 6

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 7

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 8

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 9

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 10

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 11

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 12

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 13

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

#### Condition 14

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

#### Condition 15

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.