Mr Chris Pascoe; Mrs Heather Pinder & Mr Barrie Pinder

Five-level residential flat building with associated carparking and ground level shop. Removal of regulated tree

212 Churchill Road, Prospect SA 5082

Development Application 24003161

OVERVIEW

DEVELOPMENT NO.:	24003161
APPLICANT:	Chris Pascoe Heather Pinder Barrie Pinder
ADDRESS:	212 CHURCHILL RD PROSPECT SA 5082
NATURE OF DEVELOPMENT:	Five-level residential flat building with associated carparking and ground level shop Removal of regulated tree
ZONING INFORMATION:	**Zones:** • Urban Corridor (Boulevard) **Overlays:** • Airport Building Heights (Regulated) • Affordable Housing • Design • Future Road Widening • Hazards (Flooding - General) • Noise and Air Emissions

	• Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes **Technical Numeric Variations (TNVs):** • Minimum Building Height (Levels) (Minimum building height is 2 levels) • Maximum Building Height (Levels) (Maximum building height is 4 levels) • Minimum Primary Street Setback (Minimum primary street setback is 3m) • Interface Height (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)
LODGEMENT DATE:	16 Feb 2024
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at State Planning Commission
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.3 15/02/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Callum Hastie Para Planner
REFERRALS STATUTORY:	City of Prospect Commissioner of Highways Government Architect
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

EXECUTIVE SUMMARY:

Mr Chris Pascoe, Mrs Heather Pinder and Mr Barrie Pinder have submitted a development application for a five-level mixed use building at 212 Churchill Road, Prospect. The proposal includes 21 apartments, a ground floor shop and removal of a significant tree.

The building exceeds the height limit TNV of four levels specified in the Planning and Design Code for the Urban Corridor (Boulevard) Zone. 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, requires a decision from the State Planning Commission (Commission), which is delegated to the State Commission Assessment Panel (SCAP).

The application was referred to the Government Architect, Commissioner of Highways and the City of Prospect (the Council). The Council originally advised that it did not support the development and raised concerns regarding stormwater, traffic, street trees and landscaping. The Government Architect provided in principle support for the development and provided several recommendations to refine and improve the design. The Commissioner of Highways supports the traffic related elements of the proposal, subject to several conditions to minimise impact on the road network.

The applicant acknowledged concerns raised by referral agencies and the Council and subsequently amended the plans. Other design matters are proposed to be reserved for further assessment, should any planning consent be granted.

The Commissioner of Highways has no objection to the proposal.

It is considered to respond appropriately to the relevant objectives and policy outcomes of the Planning and Design Code.

Conditional planning consent is recommended, subject to assignment of matters to be reserved for further assessment.

DETAILED DESCRIPTION OF PROPOSAL:

The proposed building will have 21 apartments consisting of 3 two-bedroom, 6 one-bedroom and 12 studio apartments, each with a balcony and internal storage. A shop is proposed at ground level and intended for use as a laundromat. Level 5 (rooftop) will consist of a common area, landscaping, plant equipment and solar panels.

The ground level will primarily consist of pre-cast concrete walls. This material will also be used for the stair and lift core which will sit on the southern boundary. The upper levels will consist of a mix of materials including glass balconies, cement cladding in multiple colours, and aluminium screening. A small, illuminated sign is proposed above the laundromat entrance.

Waste collection would occur via a private contractor entering the ground level carpark. A single stormwater outlet is proposed to Churchill Road.

Landscaping is proposed along Churchill Road, including tree planting.

The development requires removal of a significant tree. The tree is a White Cedar, approximately 8.8m in height sitting on the northern boundary of the site.

The proposal will require work in the public realm to establish the new driveway crossover and remediate the existing access point.

A summary of the proposal is provided in the table below, and architectural and landscape plans are included in **Attachment 1**.

Land Use Description	Five-level residential flat building with associated carparking and ground level shop Removal of significant tree

Building Height	5 levels above ground, 16.8 metres to the rooftop parapet (total height of 17.5 metres including rooftop plant enclosure)
Description of Levels	Ground level: Shop (laundromat), parking area, vertical bike parking, waste bin storage, electrical/comms room, small lobby, lift and stair access Levels 2-4: 1 x two-bedroom apartment, 2 x single bedroom apartments, 5 x studio apartments Rooftop: Lift overrun, mechanical plant enclosure, rooftop garden and communal open space
Apartment floor area	Studio apartments: ranging in size from $39m^2$ to $40m^2$ Single bedroom apartments: ranging in size from $50m^2$ to $57m^2$ Two-bedroom apartments: $69m^2$
Private Open Space	Studio apartments: $4m^2$ Single bedroom apartments: ranging in size from $8m^2$ to $26m^2$ Two-bedroom apartments: ranging in size from $12m^2$ to $33m^2$
Occupant Storage	Studio apartments: $6m^3$ Single bedroom apartments: ranging in size from $8.1m^3$ to $9.4m^3$ Two-bedroom apartments: $14.8m^3$
Site Access	All access provided from state-maintained road east of the site
Car and Bicycle Parking	Motor Vehicles – 19 spaces at ground level, including 10 spaces in a car stacker Bicycles – 9 secure spaces

SUBJECT LAND & LOCALITY:

Site Description:

The subject site is located on the western site of Churchill Road, Prospect. It comprises a single rectangular allotment with a frontage of 15.24m and a depth of 46.63m, the total site area is $710.6m^2$. The topography of the site is flat.

The site currently accommodates a single storey commercial building and ancillary structures are the rear. The existing building is used as an office and for sign printing. All existing structures will be removed as part of the proposed development. The street frontage includes a stobie pole which will be retained. There is also a large street tree to the north in front of 214 Churchill Road, this will be retained and protected.

The property is within the Urban Corridor (Boulevard) Zone. The Established Neighbourhood Zone is located more than 60m to the east.

Figure 1: Site, shaded in blue, and locality (source: SAPPA)

SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: https://sappa.plan.sa.gov.au

Date created:
February 10, 2025

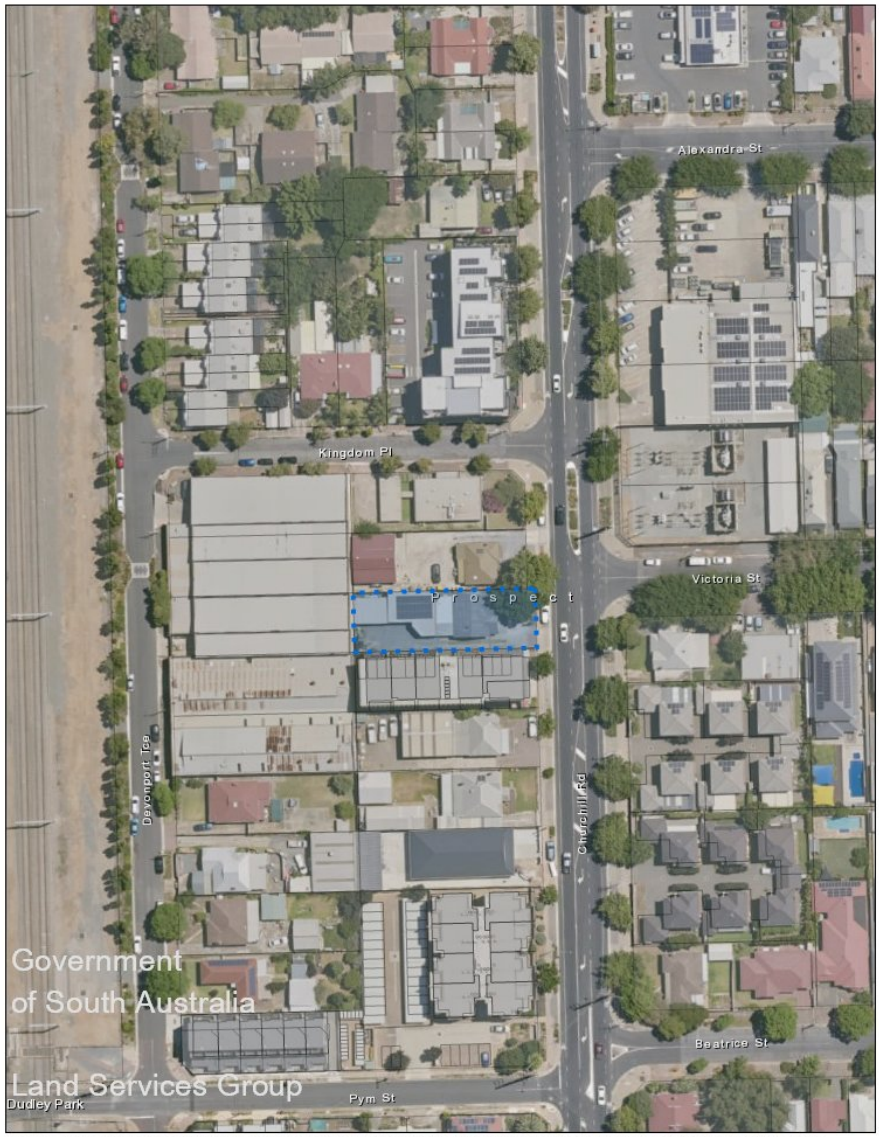


Figure 2: Streetview of site, September 2024 (source: Google Maps)

Figure 3: Site context – Zones

The legal description of the allotment is as follows:

Location reference: 212 CHURCHILL RD PROSPECT SA 5082		
Title ref.: CT 5410/647	**Plan Parcel:** F110640 AL61	**Council:** CITY OF PROSPECT

Locality

The locality consists of diverse built forms and uses. On the abutting property to the south there is a four-storey residential flat building of comparable scale to this proposal. To the north and west are low-rise commercial buildings. Recent infill along Churchill Road has significantly increased heights and density over the last decade, with older, low-rise residential and commercial filling the gaps between new residential flat buildings. There is also an electrical substation northwest of the site.

Infill projects are concentrated on the western side of Churchill Road and are typically 4-5 storeys in height. They typically have minimal setbacks from side boundaries and create a consistent frontage where they abut buildings of similar scale. Buildings on the eastern side of the road are smaller in scale and have greater setbacks from rear boundaries to manage the interface with the adjacent Established Neighbourhood Zone.

Essential services are available nearby, primarily concentrated around the Churchill Centre, approximately 2km north of the site and easily accessible via public transport.

The nearest Adelaide Metro stop is approximately 150m to the north and provides a high-frequency bus service to the CBD. The Dudley Park Railway Station is 500m to the south and is serviced by the Gawler Line. The Gawler Greenway runs alongside the trainline, providing opportunities for active transport and recreation.

Figure 4: Public and active transport connections (source: LocationSA)

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
  Advertisement: Code Assessed - Performance Assessed
  New housing
  Tree-damaging activity: Code Assessed - Performance Assessed
  Shop: Code Assessed - Performance Assessed
  Residential flat building: Code Assessed - Performance Assessed

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

- **REASON**
  As none of the of the elements meet the accepted, deemed-to-satisfy, or restricted development criteria outlined in Tables 1, 2, and 4 of the Urban Corridor (Boulevard) Zone the application will be performance assessed pursuant to Section 107(1) of the *Planning, Development and Infrastructure Act 2016*.

PUBLIC NOTIFICATION

- **REASON**
  Public notification was not required in accordance with Table 5 – Procedural Matter – Public Notification of the Code's Urban Corridor (Boulevard) Zone as the site of the proposed development is not adjacent to land used for residential purposes in a neighbourhood-type zone and does not involve demolition of a heritage place.

AGENCY REFERRALS

Pursuant to Regulation 23(2)(b) and Schedule 9 of the Regulations the proposal was referred to the following bodies:

- City of Prospect
- Commissioner of Highways
- Government Architect

The below table summarises their responses and subsequent amendments made by the applicant. For detailed responses refer to Attachment 3.

Referral Body	Function	Summary of Response
City of Prospect	Comment	**Council:** The Council provided an initial response opposing the development, raising concerns related to stormwater management, waste management, landscaping, on-site car parking and traffic flow. The specific concerns highlighted by the Council are as follows: • **Stormwater/Civil:** o Council noted a discrepancy between the site and civil plan regarding the location of underground rainwater tanks o The pre- and post-development stormwater flow calculations do not meet the Council's

		requirement for the 5% AEP. The applicant must: ▪ Submit revised stormwater assessment and layout plans that meet the 5% AEP criteria ▪ Confirm discharge rates, including those for detention tanks and undetained areas ▪ Review and update impervious and pervious area percentages in calculations ▪ Ensure that the drainage plan does not encroach on landscaping areas o Council supports addressing stormwater concerns via a reserved matter • **Traffic and Transport:** o The Transport Statement from ML Traffic Engineers provides incorrect calculations for required parking o The vehicle stacker system should accommodate a B99 vehicle rather than a B85 vehicle as proposed o The applicant has not detailed how parking restrictions will be managed to allow waste collection vehicles to manoeuvre within the site o It is unclear how visitor parking will be accessed o The proposed crossover should be constructed to satisfy Council design standards o Work in the road reserve will require a permit pursuant to Section 221 of the *Local Government Act 1999* • **Waste Management:** o Limited information is provided regarding waste management o The plans do not provide dedicated bin was facilities o It is recommended that was collection only occur in off-peak periods • **Trees/Landscaping:** o The planting species on the landscape plan are cut off and full species names cannot be seen o The landscaping plan does not provide details for the rooftop garden and/or how it would be established and maintained o The species nominated are not considered suitable for the following reasons ▪ Mature height of the understory species should be <600mm to avoid impacting sightlines

		▪ High planting around doorways and footpaths limit crime prevention through environmental design o The canopy of the proposed tree will conflict with the first-floor balcony overhang o All ground-level landscaping is within the future road widening strip and may be lost if DIT acquire the land o No arborist report is provided in support of tree removal • **Impact on Local Heritage Place:** o There are no adjacent local heritage places
		Applicant's Response to Council's Concerns: The applicant has addressed the Council's concerns by providing clarifications and amendments in the following areas: • **Stormwater/Civil:** o Rainwater tank locations will be finalised during detailed design stage and can be addressed via a reserved matter • **Traffic and Transport:** o Parking calculations have been revised to accurately reflect Code requirements o The vehicle stacker system can accommodate B99 vehicles on the lower level o Details provided regarding visitor parking access and associated management strategies • **Waste Management:** o A dedicated wash bay for bin maintenance has been provided o The applicant has consulted with a private waste collection contractor to confirm that waste bins are of sufficient size and can be collected onsite • **Trees/Landscaping:** o The landscaping plan has been updated with full species details and rooftop landscaping o Alternate tree species selected with a narrower canopy to prevent conflict with first floor balcony o Arborist report provided to justify tree removal
		Council's Feedback on the Applicant's Response: In response to the applicant's amendments, the Council advised that their previous concerns have not been adequately addressed, and they remain opposed to the development.
Commissioner of Highways	Direction	**Commissioner of Highways (CoH):** The CoH supports the proposal subject to several conditions. During the assessment they requested several amendments to address requirements of the Future Road Widening Overlay and the Urban Transport Routes Overlay. The key points raised by the CoH were as follows:

		• The proposed access point must be at least 5.8-6m wide at the property boundary • There must be no parking spaces within 6m of the access point • The applicant must provide turn path drawings demonstrating that vehicles can enter and exit the site in a forward direction • The on-site carparks must be compliant with Australian Standard AS 2890:2004 • The applicant must provide details of waste collection • The proposal does not provide adequate sightlines between vehicles and pedestrians • The applicant must complete a Metropolitan Adelaide Road Widening Plan Act Consent Form and return it to CoH before commencing work
		Applicant's response to CoH: • The applicant has provided a transport statement from ML Traffic Engineers that satisfies CoH requirements and Australian Standards • This has been reviewed by CoH and is supported subject to conditions

Government Architect	Advice	**Government Architect:**
		The Government Architect reviewed the proposal and supports the intent to provide medium-density housing in this location. However, they identified several design and technical issues that require further consideration. The key issues identified were:
		• **Ground Plane and Access:**
		  ○ Sense of arrival and address for apartment residents and visitors, especially for pedestrians given the lack of an entrance lobby
		  ○ Location of services (fire hydrant and booster) and reducing their impact on visual amenity and pedestrian access
		  ○ Access to natural light and ventilation for the commercial tenancy
		  ○ Potential impact of new service connections on the public realm
		  ○ Confirmation of waste management strategy
		  ○ Confirmation that escape provisions are compliant
		  ○ Confirmation of the number and location of bicycle parking spaces
		  ○ Provision of an arborist report justifying tree removal
		  ○ Viability of ground level landscaping
		• **Building Height and Form**
		  ○ Consideration of amenity impacts on the existing residential flat building to the south and if side boundary setbacks can be

		increased to provide better access to natural light and ventilation
		• **Architectural Expression and Materiality**
		  o Further refinement of the design with the view to:
		  ▪ Clearly define the base element
		  ▪ Increase visual permeability and activation of the street frontage
		  o Demonstrate the interface conditions from balconies, windows and rooftops including strategies to mitigate overlooking
		• **Apartment Amenity**
		  o Provision of affordable apartments
		  o Provision of accessible apartments or incorporation of Liveable Housing Design standards
		  o Opportunities for cross ventilation in apartments
		  o Direct Connections between wet areas and living areas
		  o 2.5m width for typical one-bedroom apartment
		  o For apartments facing Churchill Road:
		  ▪ Proposed strategies to mitigate noise impacts
		  ▪ Lack of a bedroom window for the second and third floor one-bedroom apartments
		  ▪ Access to the bathroom via a bedroom in the one-bedroom apartments
		  ▪ Rationale for the smaller (2.1m) sliding door in the first floor one-bedroom apartment
		  ▪ Efficiency of circulation space in the one and two-bedroom apartments
		  o Drawing inconsistencies including:
		  ▪ Locations of window shade hoods
		  ▪ Accuracy of useable area on balconies
		  ▪ Location of fridge and hot water service in studio apartments
		  ▪ Access into bathroom of the typical one-bedroom apartment
		• **Communal Amenity**
		  o Lift access is not provided to the rooftop garden, it is strongly recommended that equitable access is provided to all parts of the building
		  o The shade structure covering parts of the rooftop garden may impact the viability of landscaping
		  o Natural ventilation to the communal corridors is recommended
		• **Environmentally Sustainable Design (ESD)**

		○ Some north-facing windows do not have external shade hoods, a consistent external shading strategy is recommended ○ It is recommended that the applicant engage a sustainability consultant to integrate ESD initiatives into the design and confirm any thermal performance targets
		Applicant's Response to Government Architect Comments: • **Ground Plane and Access** ○ Plans have been amended to create a small ground floor lobby including letterboxes ○ Fire Hydrant `Booster has been integrated within the building ○ Commerical premises has been amended to increase natural light and ventilation ○ Further information provided regarding waste management ○ Bicycle parking refined ○ Arborist report provided ○ Ground level landscaping refined • **Building Height and Form** ○ No amendments made • **Architectural Expression and Materiality** ○ Additional windows added to laundromat to increase visual permeability ○ Window treatments have been clarified • **Apartment Amenity** ○ Apartment layouts have been improved and inconsistencies rectified • **Communal Amenity** ○ Lift access provided to the rooftop garden ○ Landscaping plan provided for rooftop planting • **Environmentally Sustainable Design (ESD)** ○ ESD report provided with thermal performance targets and design recommendations
		Government Architect's Feedback on Applicant's Response: • **Ground Plane and Access** ○ Acknowledged refinements made to ground plane and access ○ Continued to recommend consideration of the following ▪ Strategies to mitigate visual impact and improve the development's streetscape presentation ▪ Confirmation of any potential conflict with the transformer location and future road widening ▪ Confirmation provisions for escape are compliant

		▪ Support for removal of the regulated tree • **Building Height and Built Form** o Comments from previous referral are unchanged • **Architectural Expression and Materiality** o Acknowledged improvement to visual permeability and arrival experience o Recommend confirmation of the material treatment for the vehicle entry door o Other comments remain as per previous referral • **Apartment Amenity** o Acknowledged provision of acoustic assessment o Recommend amending the assessment to be consistent with materials in architectural documentation o Acknowledged refinement of apartment design with the intent to improve amenity o Consideration of the value of newly introduced openings from apartments into communal corridors and impacts on amenity and privacy o Other comments as per previous referral response • **Communal Amenity** o Do not support removal of natural light from communal corridors o Support amendment to the lift to provide equitable access to the rooftop o Support reorganisation of the rooftop terrace to consider soft landscaping access to sunlight o Other comments as per previous referral response • **Environmentally Sustainable Design (ESD)** o Support consideration of consistent shading strategy o Continue to recommend engagement of a sustainability consultant

INTERNAL REFERRALS

N/A

PLANNING ASSESSMENT

Question of Seriously at Variance

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

The site in in the Urban Corridor (Boulevard) Zone, which seeks tall, uniform development that can comprise entirely residential uses.

The proposed development is seeking to construct a medium rise, mixed use building along an urban corridor. The proposal is in keeping with the emerging character of the locality and will add to the vibrancy of the area. The proposed uses are compatible with the area and are explicitly sought within the Zone.

In light of the above, the proposal is not considered to be seriously at variance with the Code and therefore warrants further assessment against the Code.

Planning and Design Code

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

The following is an assessment of the pertinent issues, having regard to the policy hierarchy of the Code.

Quantitative Overview

Design Parameters	P&D Code Guideline	Proposal	Achieved / Not Achieved
Building Height / levels	TNV – Maximum building height of 4 levels Minimum building height of 2 levels	17.5m / 5 Levels	Not Achieved
Car Parking	Residential Flat Building within a designated area: 0.25 per studio – 3 0.75 per one-bedroom – 4.5 1 per two-bedroom – 3 0.25 per dwelling for visitor parking – 5.25 Non-residential development within a designated area: 3 spaces per 100m^2 of gross leasable floor area – 3 Total required – 18.75	19 spaces provided (includes 1 accessible)	Achieved
Bicycle Parking	Residential Flat Building: 1 space for every 4 dwellings for residents, plus 1 for every 10 dwellings for visitors: 5.25 resident spaces 2.1 visitor spaces Shop: 1 space for every 300m^2 of gross leasable floor area plus 1 space for every 600m^2 of gross leasable floor area for visitors: 1 staff space 1 visitor space Total required – 9.35 spaces	9 spaces provided	Achieves intent
Front Setback	3m	3.0m (2.0m for upper-level balconies)	Achieved

Rear Setback	3m	3m (not including fire escape)	Achieved
Side Setbacks	no minimum on the boundary, within the first 18m from the front property boundary for any building level no minimum for remaining length for ground level only 2m for 1st level and above for building parts more than 18 metres from the front property boundary	0m – ground level 0m – upper-levels within 18m of primary street boundary 2m – remainder of upper-levels	Achieved
Interface Height	N/A - subject site and adjoining properties are not within a neighbourhood type zone	N/A	N/A
Dwelling Floor Areas	Studio apartment with a floor area of at least 35m^2 1 bedroom apartment with a floor area of at least 50m^2 2-bedroom apartment with a floor area of at least 65m^2	Studio apartments have minimum floor area of 39.12m^2 1-bedroom apartments have minimum floor areas of 50.02m2 2-bedroom apartments have minimum floor areas of 57.32m^2	Achieved
Private Open Space (areas exclude 0.8m^2 for clothesline and A/C condenser)	Studio – 4m^2 and 1.8m minimum dimension 1-bedroom – 8m^2 and 2.1m minimum dimension 2-bedroom – 11m^2 and 2.4m minimum dimension	<u>Studios</u> 4m^2/minimum dimension 1.9m <u>1-bedrooms (4 types)</u> North-facing - 8m^2/minimum dimension 2.6m Level 1, east-facing – 26m^2/minimum dimension 2.0m Level 2/3, east-facing – 12m^2/minimum dimension 2.0m <u>2-bedrooms (2 types)</u> Level 1 – 33m^2/minimum dimension 1.8m Level 2/3 – 12m^2/minimum dimension 2.3m	Not Achieved for: East facing 1-bedroom apartments and all 2-bedroom apartments

<u>Overlays</u>

Affordable Housing Overlay

PO 1.1 and 1.2 of the Overlay seek that development compromising of 20 or more dwellings incorporate affordable housing. 21 dwellings are proposed however none of these are intended to be sold as affordable housing.

While the Overlay is not satisfied, failing to provide affordable housing does not sufficiently detract from the merits of the proposal to warrant refusal. Note that the application is not eligible for any affordable housing incentives provided by the Overlay.

Airport Building Heights (Regulated) Overlay

The proposed building will have a maximum height of 17.5m above the natural ground level, below the 110m limit set by the Overlay.

Design Overlay

The desired outcome for the Design Overlay seeks that development will result in a positive contribution to the liveability, durability and sustainability of the built environment through high-quality design (DO1).

PO 1.1 seeks that medium to high rise buildings demonstrate high quality design. The proposed five level mixed-use building would be constructed from precast concrete walls, visible on the ground level and building core. The upper levels are articulated with a mix of materials and varied setbacks from the front and side boundaries.

The proposal was referred to the Government Architect for advice, they provided in-principal support for the development however they identified several opportunities to refine the design. The applicant has taken feedback on board and integrated many of the recommendations into the proposal, improving the appearance of the building and significantly increasing occupant amenity. The advice from the Government Architect is summarised above.

Overall, the proposal demonstrates a quality of design to satisfy PO 1.1.

Future Road Widening Overlay

The proposal involves construction of a new building within the 6m Consent Area and therefore it was referred to the Commissioner of Highways (CoH) for direction. The CoH have advised that they support the development subject to the applicant completing the relevant consent form under the *Metropolitan Adelaide Road Widening Plan Act*. An advisory note has been added reminding the applicant of this requirement.

Hazards (Flooding – General) Overlay

The Overlay applies to a small section at the rear of the site that is covered by the proposed carpark. Vulnerable areas of the ground floor including the laundromat, waste bin storage, access points and vehicle stackers will be outside of the area subject to flood risk.

The City of Prospect have not raised any concerns regarding flood risk. A reserved matter is proposed requiring the applicant to provide an amended civil plan and stormwater calculations in consultation with the Council, this will ensure that car park is sufficiently protected from flood risk via a combination of earthworks and stormwater detention.

Noise and Air Emissions Overlay

The Overlay applies due to the site fronting Churchill Road, a Type A designated road corridor. The site is also located in proximity to the Gawler passenger and freight logistics train line; however, this is not within 60m and none of the proposed apartments will face towards it. All the proposed studios and half of the one-bedroom apartments will face north away from the designated road and therefore, the impact of noise and air emissions is expected to be reduced.

The remaining 6 apartments will face the road, and the balconies will be within 2m of the front boundary. To improve amenity, the applicant has located bedrooms away from the building line and orientated them to face north or south, away from the road. The living rooms will sit between the bedrooms and the road. These are offered some protection by the balconies. The applicant has provided an acoustic report from National Noise and Vibration that recommends several design measures to mitigate noise within the dwellings and ensure compliance with Ministerial Building Standard 010. A condition is recommended that the comply with the recommendations in the acoustic report.

The greatest impact therefore will be on the balconies themselves as the closest part of the dwellings to the road. On the first floor, the balconies will wrap around the side of the apartments. This provides an area of private open space that is somewhat sheltered from the road. This is not provided on levels 2 and 3. The lower-level balconies will also be partially screened by tree planting between them and the road.

The front elevation of the building is articulated via the use of cladding and aluminium screening to increase wind turbulence and the dispersion of air pollutants. Therefore, PO 1.2 is met.

The dwellings are reasonably protected from noise and air emissions through design and building materials. The relevant provisions of the Overlay are considered to be met.

Traffic Generating Development Overlay

DTS/DPF 1.1, 1.2, and 1.3 of the Overlay seek that development creating more than 50 dwellings provides access directly from a state-maintained road. This proposal is for 21 dwellings and access is provided via a state-maintained road.

Given that all DTS/DPF criteria are met, the Overlay is satisfied, and the Code does not require a referral to the Commissioner of Highways for this matter.

Urban Transport Routes Overlay

The Overlay intends for development to continue the safe and efficient operation of Urban Transport Routes for all users, including access to and from the route.

Access - Safe Entry and Exit (Traffic Flow)

The proposed development satisfies DTS/DPF 1.1(c) by:

- Providing a 6m wide crossover (i, iv);
- Proposing a painted median with pavements bars that will prevent right hand turns onto Churchill Road (ii);
- Allowing vehicles to enter and exit the site via forward movements (iii);
- Permitting simultaneous two-way movements at the access (viii).

The CoH questioned if a new median treatment would be required to prevent drivers leaving the site from turning right onto Churchill Road. The applicant provided a response from ML Traffic Engineers confirming that the existing median treatment is sufficient.

ML traffic engineers have also provided turn path drawings demonstrating the vehicles can enter and exit the site in a forward direction. This includes access for the anticipated waste collection vehicle, a 6.4m long small rigid vehicle (SRV).

Figure 5: Turn path drawing demonstrating two-way entry/exit movement for B99 vehicle

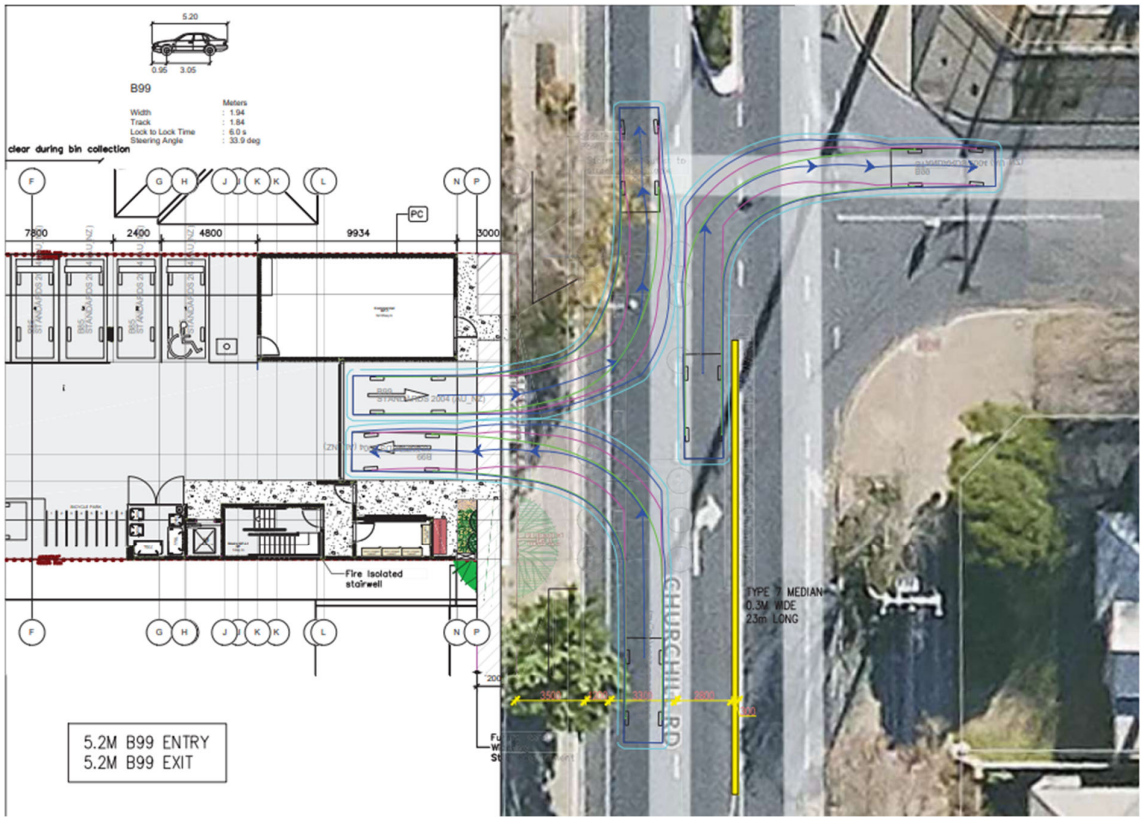
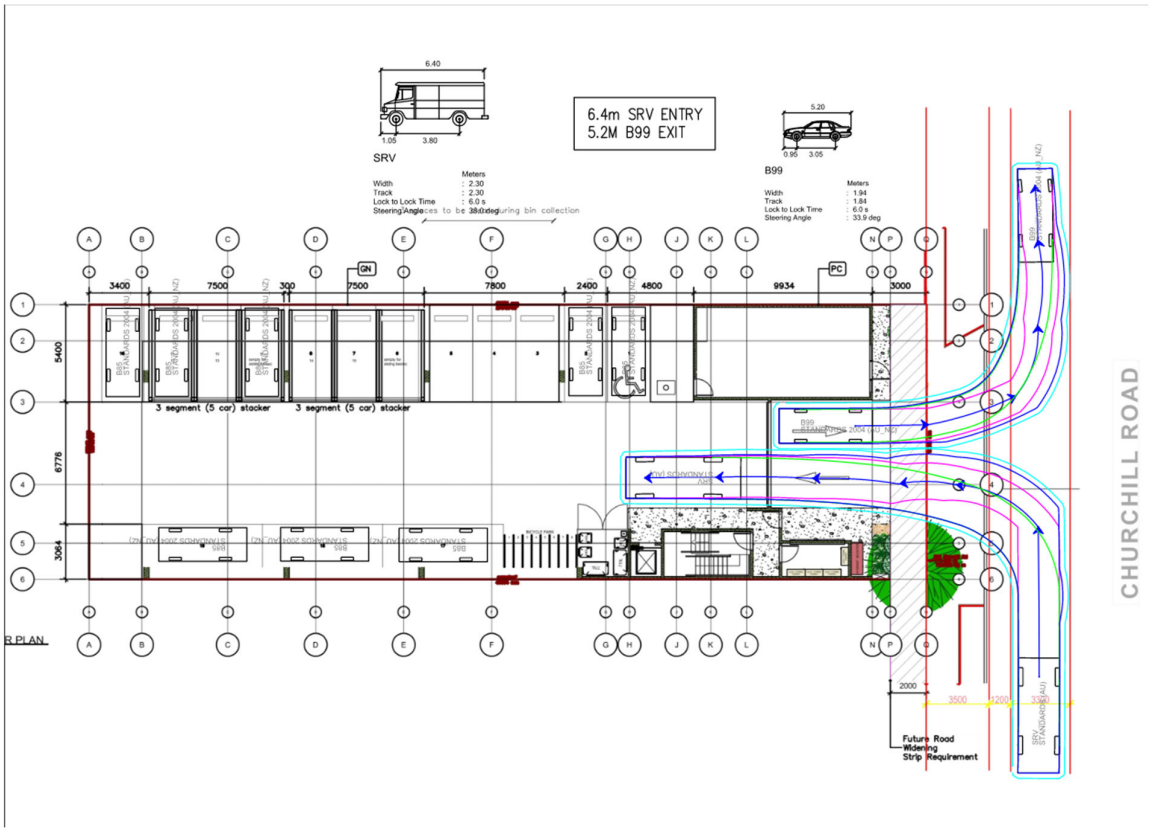


Figure 6: Turn path drawing showing SRV entry movement



Access – On-Site Queuing

The roller door to access the carpark will be setback 9.5m from the building line. This will prevent queuing onto Churchill Road and satisfies DTS/DPF 2.1(b).

The first parking space within the car park will be set back 6.5m from the roller door to limit internal queuing.

Access – Location (Spacing) – New Access Points

The proposal does not satisfy DTS/DPF 1.4 due its proximity to the intersection between Churchill Road and Victoria Street.

As noted above, the existing median ensures that drivers can only exit the site via a left turn onto Churchill Road. There is a right turn lane to access Victoria Street that splits from Churchill Road south of the access point. ML Traffic Engineers have confirmed that vehicles exiting the site will not conflict with vehicles waiting in the right turn lane.

ML Traffic Engineers expect a peak of 11 trips per hour twice a day (once in the morning and once in the afternoon). This can be accommodated by the existing road network and will not result in adverse impacts to other road users. The access point is separated by more than 10m from access points on adjacent sites as sought by the DPF.

Access - Location (Sight Lines)

Churchill Road has a speed limit of 60km/h and therefore, DTS/DPF 5.1 seeks an unobstructed sightline of 123m. ML Traffic Engineers have confirmed that the proposal will provide a sightline in excess of 83m. While this does not direct satisfy the DPF, it allows for a 5 second gap in traffic suitable for vehicles to safely exit the site and the provided sightline has been accepted by the CoH.

As the access point allows for two-way movement, pedestrian sightlines do not need to be maintained to the right of vehicles exiting the site. A sight triangle 2.0m and 2.5m deep is provided to satisfy the DPF and the associated Australian Standard. Some landscaping is proposed within the sight triangle, low ground cover (max 45cm) is proposed to ensure that the sightline remains clear.

Access – Stormwater

Stormwater systems will be constructed to Council standards and will not impact existing drainage points.

Regulated and Significant Tree Overlay

There are two large trees that will/may be impacted by the development.

There is a mature street tree adjacent to the site in front of 214 Churchill Road and its tree protection zone overlaps with the development site. The tree has a trunk greater than 1m in circumference and therefore is considered to be regulated. However, this development application was submitted prior to the regulation amendments that made this tree regulated. Under the transitional provisions, the tree will not be considered regulated if the application is approved and the tree damaging activity is undertaken by 16 May 2025. Therefore, impacts to the street tree have not been considered.

After 16 May 2025 development approval will be required for any tree damaging activity and an advisory note has been added to alert the applicant they may need to submit an application to the City of Prospect for tree-damaging activity not considered here.

The second tree is a mature White Cedar (Melia Azedarach) consisting of 2 leaders. The combined circumference 1m above the ground is 2.65m. Due to the lodgement date of the application, it is considered to be regulated. Note that from 16 May 2025 it will become significant and a new application to the City of Prospect would be required if work is not undertaken by then. The tree is located along the northern boundary of the site near the boundary. In the arborist report provided by Comphort Technical Services, the calculated tree protection zone (TPZ) is 7m in radius. The tree is approximately 8.8m in height and is in an average condition. The arborist report confirms that the tree is structurally sound and in reasonable health with a useful life expectancy of more than 30 years. The report has not identified any risk to the public or private property from the tree. A copy of the arborist report can be found in Attachment 1h.

PO 1.1 of the Overlay states:

Regulated trees are retained where they

a. make an important visual contribution to local character and amenity
b. are indigenous to the local area and listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species

And/or

c. provide an important habitat for native fauna

The tree is easily visible from the street however it provides limited visual contribution due to its poor form with multiple leaders. It does not significantly contribute to the character of the area and provides limited amenity. The species is not native to South Australia and the arborist report did not identify any native fauna using it as habitat.

PO 1.4 of the Overlay states:

A tree-damaging activity in connection with other development satisfies all the following:

a. it accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise be possible
b. in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring

Due to the location of the tree, its TPZ covers a significant amount of the frontage and therefore it would prevent the continuous ground level-built form sought by the Zone. The also has a wide canopy that would likely require significant pruning to allow the taller built form that is desired in the area. Retention of the tree would require reducing the footprint of the building and thereby reducing the apartment yield. Therefore, removal of the regulated tree is supported as it will accommodate reasonable development of the land in accordance with the relevant zone.

The applicant has not presented design alternatives that would allow for the tree to be retained. This is not required as the tree is regulated for the purposes of this assessment. This may need further consideration by the Council if development approval is not obtained and the tree removed prior to 16 May 2025.

Zone

Urban Corridor (Boulevard) Zone

Land Use and Intensity

The proposal is for a mixed-use building consisting of dwellings and a shop, both of which are uses envisioned within the Zone. The proposed laundromat will be located at ground level to contribute to an active street frontage.

Built Form and Character

PO 2.1 seeks that buildings contribute to a consistent framing of the primary road corridor. Due to road widening and access depth requirements, this proposal has the upper levels jut forward from the ground level. However, the first level balcony is framed by dark cladding.
This, along with the concrete building core, concentrate visual mass closer to the ground. The second level has no cladding to create a clear visual separation between the levels. While it has the same setback as the first level, the lack of cladding creates a podium like effect. The third level has cladding but it is much narrower than the first level. The lift core is then significantly setback from the building line to limit its visual impact. The wide balconies and cladding of the first level create a podium-like effect within the constraints of the site. The design helps frame the road corridor and reduces the mass of the building to satisfy PO 2.1.

The ground floor laundromat will have a ceiling height of 3.5m and allow for the ground floor to be adapted to other uses to satisfy PO 2.2.

Much of the front elevation is taken up by the access point and roller door which limits opportunities for ground level windows. However, passive surveillance is maximised by providing glass doors for both the lobby and laundromat doors. A second window is proposed on the side wall of the laundromat, which will increase visual connection with the public realm, though it is unlikely to contribute to passive surveillance given that it does not face the street. Overall, sufficient connection is provided between the ground level interior and the public realm to satisfy PO 2.3.

PO 2.4 seeks that buildings are setback from the primary street to provide a streetscape edge. The associated DPF seeks a setback of 3m, which this proposal satisfies. The setback is also consistent with the adjacent apartment building to the south.

Three sections of boundary wall are proposed at ground level. The building core and shop will both sit on the boundary and will be visible from the primary street. A boundary wall is also proposed along the

northern boundary and will support the vehicle stacker. The upper levels will mostly be setback 2m from the side boundaries except for the lift core which sits directly on the boundary for its entire height. This satisfies DTS/DPF 2.6 as the lift core is within 18m of the front boundary. Despite the DTS/DPF criteria being met, it must be noted that the development will likely have a significant amenity impact on the existing building to the south. First floor balconies of this building project within 1.5m of the boundary. The forwardmost north-facing apartments will have a direct outlook to the lift core of the proposed building, though only for a small part of their length. The remaining apartments will have increased separation from the proposed building. Possible alternatives were discussed with the applicant, including moving the rear of the building closer to the northern boundary. However, this would not meaningfully increase the separation between the buildings to improve amenity for existing residents. Furthermore, a reduced setback to the northern boundary could constrain future development on abutting sites or cause significant amenity impacts to residents of the proposed building if surrounding sites are developed. The applicant has provided shadow diagrams demonstrating that the balconies of the existing building will have effectively no access to direct sunlight. All apartments are overshadowed to the same extent so relocating the lift core to the northern boundary would not address the issue. Consistent setbacks from the northern and southern boundaries best achieve the objectives of the Zone and ensure that future development is not constrained. Given the above, and noting that there is no reasonable design alternative, the proposed side boundary setbacks are sufficient to satisfy PO 2.6.

The proposed building will be setback 3m from the rear boundary. The abutting site to the west covers the entirety of its site and is used for commercial purposes, therefore the proposed building would have no negative impact on it. The 3m setback provides sufficient separation that future development of the abutting site will not be constrained by this building.

Building Height

PO 3.1 seeks that building height is consistent with the form expressed in the maximum building height technical and numeric variation layer or otherwise responds positively to the local context. A maximum building height TNV of 4 levels applies to the site. The 5th level of the building consists of the rooftop garden and shade structure, both of which have an increased setback from the street boundary. From the street, the proposed building will not appear significantly larger than others in the locality. With the extra level, the proposed building is approximately 3m higher than the existing one to the south, notably it is nearly identical in height aside from the lift core and rooftop shade structure. The shade structure will not be readily visible from the street. The lift core will be visible, but it is setback further from the street than the rest of the building to minimise its mass. It will also be partially screened by tree planting with a tall, narrow species selected to screen the core without interfering with the balconies. Given the limited scale of the fifth level, the proposal does not cause additional impacts relative to a four-storey building and is consistent with the form expressed in the TNV. Therefore, PO 3.1 is considered to be met.

The building achieves an optimal height and floor space yields within the limits set by other policies to satisfy PO 3.2.

Figure 7: Render of building from street level

Interface Height

PO 4.1 does not apply as the site is not adjacent to a site used for residential purposes in a neighbourhood-type zone.

PO 4.2 is also not applicable as the building does not front a road other than a primary road corridor.

Movement, Parking and Access

The proposal will replace the existing crossover to satisfy DTS/DPF 6.1.

The car parking area will be significantly setback from the building line to reduce it's visual impact on the primary corridor streetscape. While the roller door will be open during the day, parked vehicles will be hidden behind the laundromat or building core to limit their visibility from the street.

Advertisements

The proposed sign for the laundromat does not exceed 6m in height above the natural ground level and is less than 4m^2 in area to satisfy DTS/DPF 7.1.

General Development Policies

Advertisements

Appearance

The proposed signage will be located above the laundromat entrance. It will be limited in area and integrated into the building. It will serve its intended purpose without detracting from the appearance of the building or impacting the streetscape.

Proliferation of Advertisements

A single small sign is proposed to advertise the laundromat. It will not cause visual clutter or untidiness.

Advertising Content

The advertisement contains information limited to a proposed us on the same site to satisfy DTS/DPF 3.1.

Amenity Impacts

The sign will have white internal lighting. This will be limited in brightness and will not impact the amenity of adjacent sensitive receivers. Light to the apartments above will be blocked by cladding between the sign and the balconies.

Safety

The sign will not pose a hazard to pedestrians and the illumination is limited enough that it will not distract drivers.

Clearance From Overhead Powerlines

The applicant has declared that the proposed development will not be contrary to regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Design in Urban Areas

External Appearance

The proposed building uses cladding to reinforce corners and create articulation across the elevation.

At ground-level, there is a defined pedestrian lobby and vehicle entrance. The laundromat will have a glass door to create connection with the streetscape and easily identify its use. The use of cladding along the front elevation clearly defines each level of the building and breaks up its visual mass. At ground level, the elevation is partially screened by landscaping and tree planting. With clearly defined entrances reinforcing a human scale.

As noted in the Zone assessment, the proposed building is similar in scale to other residential buildings along Churchill Road. The building will help frame the corridor and positively contribute to the emerging character of the area. The ground floor laundromat will also assist in activating the building and encourage connections with existing residents in the locality.

PO 1.4 seeks that technical equipment be integrated into the building design to minimise visibility and negative visual impacts on the public realm. Rooftop plant equipment is significantly setback from the building line and will not be easily visible from the street. The ground level fire booster will be integrated into

the building and screened by landscaping. The transformer will sit between the building and the street boundary. While this is undesirable, it maximises space behind the building line for parking, waste bins and the laundromat. To minimise its impact, the transformer is located as close to the northern boundary as possible, so it does not obscure any of the building entrances. Landscaping is proposed around the transformer pad which will help soften its appearance, noting that the landscaping will have a maximum height of 45cm so it will not effectively hide the transformer. While better integration of the transformer is desired, other plant equipment is suitably screened to satisfy PO 1.4.

Safety

Windows are provided within the laundromat to connect it with the public realm and encourage passive surveillance. A glass door is also provided to the lobby for this purpose.

Pedestrian paths are provided to connect the building with the street and provide a safe, direct path into and out of the site.

Landscaping

Landscaping is limited at ground level with approximately 13m2 provided. A single tree is proposed in front of the lobby entrance and an 8m2 deep soil area is provided for it. The selected species (Lombardy Poplar) grows to a maximum height of 20m with a narrow spread of 4m. The applicant has advised that the tree will be maintained at 6-8m in height. The narrow canopy is necessary to prevent conflict with the upper-level balconies. However, it will limit the amount of shade that the tree provides to the public realm. The tree will help to screen the lift core and soften the appearance of the building from the street. The rooftop landscaping is evenly distributed, and drought tolerant native species have been selected. No deep soil zones are proposed so the landscaping is primarily to improve the appearance of the roof and provide amenity for residents. The landscaping will provide some stormwater benefits; however, it does not cover enough of the roof to make a material difference. Biodiversity of the garden will be improved by providing non-living structures such as logs, bee hotels, etc to offer habitat for fauna. Some landscaping is proposed under the shade structure on the roof. The Council have questioned the viability of this however only a small amount of landscaping is proposed, and shade tolerant species can be planted as required. The applicant has provided a landscaping plan confirming species selection, establishment and maintenance of the landscaping.

The provided landscaping is insufficient to achieve the objectives of the Code, particularly regarding shade and stormwater management. However, it still provides reasonable benefits to the appearance of the building and amenity for residents. The lack of landscaping does not sufficiently detract from the merits of the proposal to warrant refusal.

Environmental Performance

The applicant has provided an ESD report from Living Building Solutions including thermal performance targets and design recommendations. 15 of the 21 apartments will have a northern aspect to maximise access to natural light. All apartments will have shade awnings over their windows.

The rear half of the roof will have solar panels to power the building and feed into the electricity grid.

Cladding is used to break up the elevation and limit windy conditions at street level.

Car Parking Appearance

The ground level car park will be located behind the building line and will have minimal impact on the streetscape.

The car park is almost entirely covered with no landscaping proposed or permeable surfaces are proposed. Stormwater will instead be captured from the roof above and directed to underground detention tanks.

Earthworks and Sloping Land

Minimal earthworks (max 300mm) are proposed. The driveway and parking area will have a minimal gradient.

Site Facilities/Waste Storage

A dedicated waste bin storage area is provided behind the building line and screened from public view. The storage area is large enough to accommodate the expected amount of waste generated. A dedicated bin wash area is provided for ongoing maintenance.

The transport statement from ML Traffic Engineers demonstrates that the proposed waste collection vehicle can enter and exit the site in a forward direction. The vehicle will need to complete a three-point turn to exit the site and turn path drawings have confirmed that this is possible.

Mailbox facilities are provided within the lobby to satisfy PO 35.1.

Dedicated clothes drying facilities are not provided, however there is sufficient space available on balconies for this and residents can make use of the laundromat.

Overlooking/Visual Privacy

The site is not adjacent to land used for residential purposes in a neighbourhood-type zone and therefore, the Code does not require consideration of overlooking. However, the applicant has proposed privacy measures on any south-facing windows to preserve privacy for existing residents on the abutting site. Due to the limited distance between the buildings, residents using the rooftop garden would look over the existing building rather than down onto the balconies. A railing and planters will prevent residents from standing at the edge of the building where they could look down onto balconies.

Outlook and Amenity

All dwellings have a direct outlook from their living area to their balcony. The east-facing apartments will have an outlook to the primary street. The north-facing apartments have an outlook over the abutting site. A reasonable setback is provided from the boundary to maintain amenity should the adjacent land be developed in the future.

The internal floor areas of the dwellings are of sufficient dimensions to satisfy DTS/DPF 31.1.

Private Open Space/Communal Open Space

Dwellings are provided with balconies of sufficient area to satisfy private open space (POS) requirements in Table 1, however the one and two-bedroom apartments have a minimum dimension of 2.0m which does not meet the Code requirement. Despite this, the POS will be functional and will provide a high level of amenity for residents. The minimum dimension still allows for some outdoor furniture to help residents activate their balconies.

Residents seeking a larger outdoor space can access the rooftop garden. This will include seating and barbeque facilities to encourage outdoor dining. The railing and planters surrounding the rooftop are setback from the building line and will ensure that the common area remains private for residents.

The cooking and seating areas on the rooftop are located under a shelter structure to improve amenity for residents. The building core will divide this higher-activity area from the abutting building to the south to limit noise impacts on existing residents.

Residential Amenity in Multi-Level Buildings

Balconies on the northern elevation will be separated from each other by at least 3m to satisfy DTS/DPF 28.1. No setback is provided between balconies on the eastern elevation. Instead, a 2.7m wide aluminium screen is provided where two balconies meet. This provides visual privacy and discourages residents from using parts of the balcony where they would be most disruptive to other residents.

All balconies will be shaded by the level above them. For the two east-facing apartments on the first level, parts of their balconies extend beyond the footprint of the upper levels. In those areas, pergolas are provided to ensure that they are partially shaded.

All apartments are provided with sufficient storage volume to meet the likely needs of residents and satisfy DTS/DPF 28.4.

Bedrooms within the dwellings are located to minimise impact from noise in abutting apartments. The apartments will be designed to satisfy noise insulation requirements under the National Construction Code with additional noise insulation required in some apartments due to the adjacent road corridor.

Dwelling Configuration

The proposal provides a mix of studios, one- and two-bedroom apartments. No three-bedroom apartments are proposed, primarily due to the narrow allotment size. The development would result in a variety dwelling sizes to increase housing diversity and choice in the locality.

Common Areas

Common hallways will have a ceiling height of 2.7m and will be wider around the lift core to provide a waiting area. The hallways are of sufficient dimension to accommodate movement of bicycles, strollers and mobility aids.

Car parking, Access and Manoeuvrability

There is currently a single indented on-street park available in front of the site, this will be lost to create the new access point. While the Code seeks retention of on-street parking, the narrow frontage means that there is no design alternative that would allow this. The loss of on-street parking can be easily accommodated by the local road network. Notably, there is a significant amount of on-street parking just west of the site along Davenport Terrace.

A single access point is proposed which satisfies requirements under the Urban Transport Routes Overlay and is supported by the CoH.

Water Sensitive Urban Design

Rainwater tanks are proposed below ground and will provide stormwater detention and retention for reuse within the building. The exact capacity and location of the tanks will be confirmed, in consultation with Council’s engineering staff, during the detailed design phase and a reserved matter is proposed regarding this.

Infrastructure and Renewable Energy Facilites

The dwellings can be connected to a mains water supply and will not encroach on land used for a sewerage or waste control system.

Interface Between Land Uses

As discussed previously, the dwellings will be reasonably protected from noise and air emissions arising from the road corridor.

The provided acoustic report also considers the impact of the laundromat on the dwellings. It assumes that the laundromat will operate 24 hours per day and up to 30 machines may be used simultaneously. The report confirms that in this scenario internal noise within the apartments will remain within acceptable criteria and there will be no impact on residents. The laundromat is located on the northern boundary ensuring that its operation will not impact residents of the existing building to the south.

Site Contamination

During the assessment, it was identified that the sign printing business currently on the site would be considered a class 1 potentially contaminating activity per Schedule 1 of Practice Direction 14. However, the preliminary site investigation (PSI) provided by the applicant notes that no hazardous chemicals were used in the printing process. Prior to the sign printing business, the site was used exclusively for residential purposes.

Section 11(3) of Practice Direction 14 allows a relevant authority to reserve the issue of site contamination where there is a low likelihood of it impacting a proposed development. In doing so, the relevant authority may rely on information in the PSI.

The PSI confirms that there is a low likelihood of site contamination. Therefore, at the applicant's request, it is recommended that this matter be reserved. A copy of the PSI is available in attachment 1i.

Transport, Access and Parking

Sightlines
The proposed access point provides adequate sightlines between vehicles and pedestrians. Sight triangles are provided to the satisfaction of the CoH.

Vehicle Access

The new access point is sufficiently setback from existing street trees and infrastructure.

The design satisfies requirements under the Urban Transport Routes Overlay and is supported by the CoH. The crossover will be constructed to satisfy Council design standards.

Access for People with Disabilities

Pedestrian paths with a minimal gradient allow safe, dignified and convenient access to the building for people with a disability.

Vehicle Parking Rates

The site is within a designated area and therefore, the Code offers reduced parking requirements. In total, the Code requires 19 parking spaces, and the proposal successfully meets this.

10 of the parking spaces will be within a vehicle stacker. The upper level of the stackers (total 6 spaces) is designed to accommodate a b85 vehicle, with the ground level able to accommodate a b99 vehicle.

Notably, three of the visitor parking spaces will need to be vacant to allow the waste collection vehicle to turn around within the site. The applicant intends to place timed parking restrictions on these parks. Waste collection will occur within a 2-hour window on weekdays and within a 4-hour window on weekends to minimise disruption to visitor parking. A condition is recommended to limit waste collection outside of peak periods.

All parking will be located behind a roller door. This will remain open during the day to allow access for visitors and laundromat patrons. The door will be closed at night but can be opened from a control panel within apartments, so it remains accessible for visitors. Anyone using the laundromat at night will have to use on-street parking nearby, however this will be outside of peak periods and the laundromat is expected to be primarily used by residents. Given these factors, the slight reduction in the amount of parking at certain times is acceptable and the proposal satisfies PO 5.1.

Vehicle Parking Areas

The vehicle parking area is almost entirely covered and screened by boundary fencing to ensure that it has minimal impact on adjacent sensitive receivers.

Bicycle Parking

As the site is in a designated area, the Code seeks that 10 bicycle parks are provided. Currently 9 are proposed. The shortfall is justified noting that the laundromat will not be staffed, and it is anticipated that it will be primarily used by residents. The development provides sufficient bicycle parking for residents and therefore PO 9.1 is met.

Bicycle parking will consist of a vertical bike rack behind the building lobby. This will be secure at night but can be accessed by the public when the roller door is open during the day. While more secure bike parking is desired, the proximity of the parking area to the lobby and lift will encourage passive surveillance during the day.

The vertical parking may prevent certain types of bicycles (e.g. ebikes or cargo bikes) from being used. A horizontal park would be easier to use, but it would also reduce the number of parking spaces below Code requirements and therefore the applicant has elected to use the vertical rack instead.

CONCLUSION

The proposed mixed-use building consisting of 21 dwellings and a ground level shop is considered acceptable in light of the following:

- The intended uses are expressly envisioned within the Urban Corridor (Boulevard) Zone;
- The height of the building is in keeping with the form expressed in the applicable technical and numeric variation;
- The proposal's design and appearance respond positively to key planning and design outcomes anticipated within the Urban Corridor (Boulevard) Zone, and the Government Architect's measured support for the development is indicative of its performance against the expectations of the Design Overlay;
- Overshadowing impacts are expected within the Urban Corridor (Boulevard) Zone and the proposal does not have an interface with a neighbourhood-type zone;
- The development provides a reasonable level of amenity to occupants;
- Vehicle access arrangements are considered to be acceptable and are supported by the Commissioner of Highways;

- The applicant has proposed sufficient measures to maximise on-site parking without limiting waste collection.

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

Conceptual landscaping and stormwater management arrangements have been endorsed in the authorised plan of division, and it is recommended that final details be submitted in consultation with referral agencies for further assessment via assignment of two reserve matters.

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 24003161, by Chris Pascoe, Heather Pinder and Barrie Pinder is granted Planning Consent subject to the following reasons/conditions/reserved matters:

RESERVED MATTERS
Planning Consent
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 1
A final stormwater management plan and civil drawings, prepared in consultation with the City of Prospect, demonstrating the following:

1. Details of the rainwater tank, including their location, type and retention/detention capacity
2. Calculations that satisfy the below requirements from the City of Prospect

- Pre-development flows are to be calculated for the 5% AEP storm event.
- Post-development flows are to equal the pre-development flows, for the 5% AEP storm event, or a maximum of 20L/s, whichever is lesser (that is, if the pre-development flow is less than 20L/s, then adopt the pre-development flow).

Reserved Matter 2

A final landscaping plan identifying ground surface treatments, lighting infrastructure, design and location of seating, screening treatment/s of external service infrastructure (including fire booster and transformer), planting selection (and location) and details of maintenance strategies intended for all on-site planting including integrated irrigation systems in consultation with the Government Architect.

Reserved Matter 3

An updated Preliminary Site Investigation report and if relevant having regard to Practice Direction 14, advice from the EPA on any requirements with respect to site remediation.

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

Payment of an amount calculated in accordance with the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 be made into the relevant urban trees fund (or if an urban trees fund has not been established for the area where the relevant tree is situated, or the relevant authority is the Commission or an assessment panel appointment by the Minister or a joint planning board, the Planning and Development Fund) in lieu of planting 1 or more replacement trees. Payment must be made prior to the undertaking of development on the land.

Condition 3

The recommendations detailed in the DA Acoustic Assessment report, dated 6 February 2025 prepared by National Noise and Vibration shall be fully incorporated into the development. Such measures shall be made operational prior to the occupation or use of the development and maintained at all times to the satisfaction of the Relevant Authority.

Condition 4

To maximise availability of visitor parking, waste bin collection will only occur between the following hours:

- Between 10am and 12pm Monday to Friday
- Between 10am and 4pm on Saturday or Sunday

The three parking spaces required for waste collection vehicles to manoeuvre will remain clear during these periods.

Condition 5

The recommendations detailed in the ESD report, dated 28 October 2024 prepared by Living Building Solutions shall be fully incorporated into the development. Such measures shall be made operational prior to the occupation or use of the development and maintained at all times to the satisfaction of the Relevant Authority.

Condition 6

The recommendations detailed in the transport statement, dated 20 June 2024 prepared by ML Traffic Engineers shall be fully incorporated into the development. Such measures shall be undertaken prior to the occupation or use of the development and maintained at all times to the satisfaction of the Relevant Authority.

Condition 7

The development shall be undertaken in accordance with the tree protection measures set out in the approved tree assessment, prepared by Comphort Technical Services dated 23 August 2024.

Condition 8

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 9
All built form, services infrastructure (including transformers, meters and fire boosters) shall be located clear of the 2.13m road widening requirement along the Churchill Road property frontage.

Condition 10
All access to the development shall be gained in accordance with the Ground Floor Plan produced by 3D design and drafting Australia, Project no. 123456789, Planning Rev B, dated 11/7/2024, uploaded on the portal on 10/09/2024. A solid median shall be installed on Churchill Road in accordance with the ML Engineers Traffic Report uploaded on the portal on 04/10/2024 to limit access to left turn in and left turn out only.

Condition 11
All required road works associated with the access and solid median shall be designed and constructed in accordance with the Austroads Guides, Australian Standards and the Department for Infrastructure and Transport (DIT) Master Specifications. All associated costs (including but not limited to project management and any necessary road lighting and drainage upgrades) shall be borne by the applicant. All works shall be completed to the satisfaction of DIT prior habitation of the dwellings.

Note: The applicant shall contact DIT's Network Management Services, Senior Network Integrity Engineer, Mr Narendra Patel on telephone 08 7133 3208, mobile 0400 436 745, or via email at Narendra.Patel@sa.gov.au, to discuss the proposed road works prior to undertaking any detailed design. The developer shall enter into a Developer Agreement to undertake the above works.

Condition 12
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 adjacent to the access points 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 ≤1m in height.

Condition 13
All vehicles shall enter and exit the site in forward direction only. All on-site vehicle manoeuvring areas shall remain clear of any impediments.

Condition 14
The redundant crossover on Churchill Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to habitation of the dwellings.

Condition 15
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.

ADVISORY NOTES
Planning Consent
Advisory Note 1
The approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Advisory Note 2
This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Relevant Authority).

Advisory Note 3
No works, including site works can commence until a Development Approval has been granted.

Advisory Note 4
All Council, utility or state-agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or state agency specifications. All costs associated with these works shall be met by the proponent.

Advisory Note 5
A Construction Environmental Management Plan (CEMP) should be prepared in collaboration with, and to the satisfaction of, the Local Government Authority prior to the issue of Development Approval. The approved CEMP shall be implemented throughout the development and should incorporate, without being limited to, the following matters:
· Car parking and access arrangements for tradespersons
· Siting of materials storage
· Site offices
· Work in the Public Realm
· Hoarding
· Site amenities
· Traffic requirements including construction access/egress and heavy vehicle routes
· Reinstatement of infrastructure
· Site contamination management, if required (prepared by a suitably qualified and experienced site contamination consultant in accordance with EPA guidelines)

Advisory Note 6
The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a ‘Notice of Intention’ shall be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.

Advisory Note 7
It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

Advisory Note 8
This approval has not considered impacts to the street tree in front of 214 Churchill Road as it was unregulated at the time of lodgement.

From 16 May 2025 transitional provisions will expire, and the tree will become regulated. Any tree damaging activity may be considered development and require a new application.

Work within the TPZ should be discussed with the City of Prospect as the asset owner.

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act
Advisory Note 9
The Metropolitan Adelaide Road Widening Plan shows that a strip of land up to 4.5 metres in width may be required from the XXXXXXXX frontage of this site along with additional land at the XXXXXX Road / XXXXXXX Road corner for future road purposes. The works in the subject development is clear of this requirement.

Advisory Note 10
Should traffic flows on Prospect Road be impacted during the construction works, the applicant shall notify DIT's Traffic Management Centre (TMC) – Roadworks on 1800 434 058 or email dit.roadworks@sa.gov.au to gain approval for any road works, or the implementation of a traffic management plan during the construction phase.