

Council Assessment Panel of City of Prospect

(Presiding Member: Mr David Cooke)

The meeting of the Council Assessment Panel will be held in the Civic Centre, 128 Prospect Road, Prospect **on Monday 9 October 2017 at 5.30pm.**



Nathan Cunningham
Director Community & Planning

Members: Mr David Cooke, Ms Alison De Backer, Mr Rob Gagetti, Mr Sam Green,
Mr Julian Rutt

A G E N D A

1. **On Leave - Nil**
2. **Apologies**
3. **Council Assessment Panel Procedural Matters**
4. **Confirmation of the Minutes of the Development Assessment Panel held on 14 September 2017.**
5. **Protocol**
 - 5.1 The Panel has adopted the protocol that only those agenda items on the Panel reports reserved by Members on a callover by the Presiding Member will be debated and the recommendations of all other items will be adopted without further discussion.

6. New Development Applications for Decision

- 6.1 204 Churchill Road, Prospect – Four Storey Residential Flat Building Comprising 15 Dwellings with Associated Car Parking and Landscaping (DA 050/65/2017)

(Pages 22-95, Recommendation Page 32)

- 6.2 27-29 Hepburn Street, Broadview – Removal of Two Significant Trees – Schinus Area (Pepper Corn) (DA 050/296/2017)

(Pages 96-145, Recommendation page 101)

7. Deferred or Varied Development Applications for Decision

- 7.1 89 Churchill Road, Prospect - Demolition of Existing Buildings and Construction of a Five Storey Residential Flat Building comprising 12 Dwellings and Roof Terrace, with associated Car Parking, Landscaping, and Retaining Walls and Fencing (DA 050/368/2016)

(Pages 146-189, Recommendation page 149)

8. Information Reports

- 8.1 Summary of Development Assessment Commission (DAC) Decisions and Proposals Greater than \$3 Million called in by the Coordinator-General

(Page 190)

9. Matters Before the Environment, Resources and Development Court

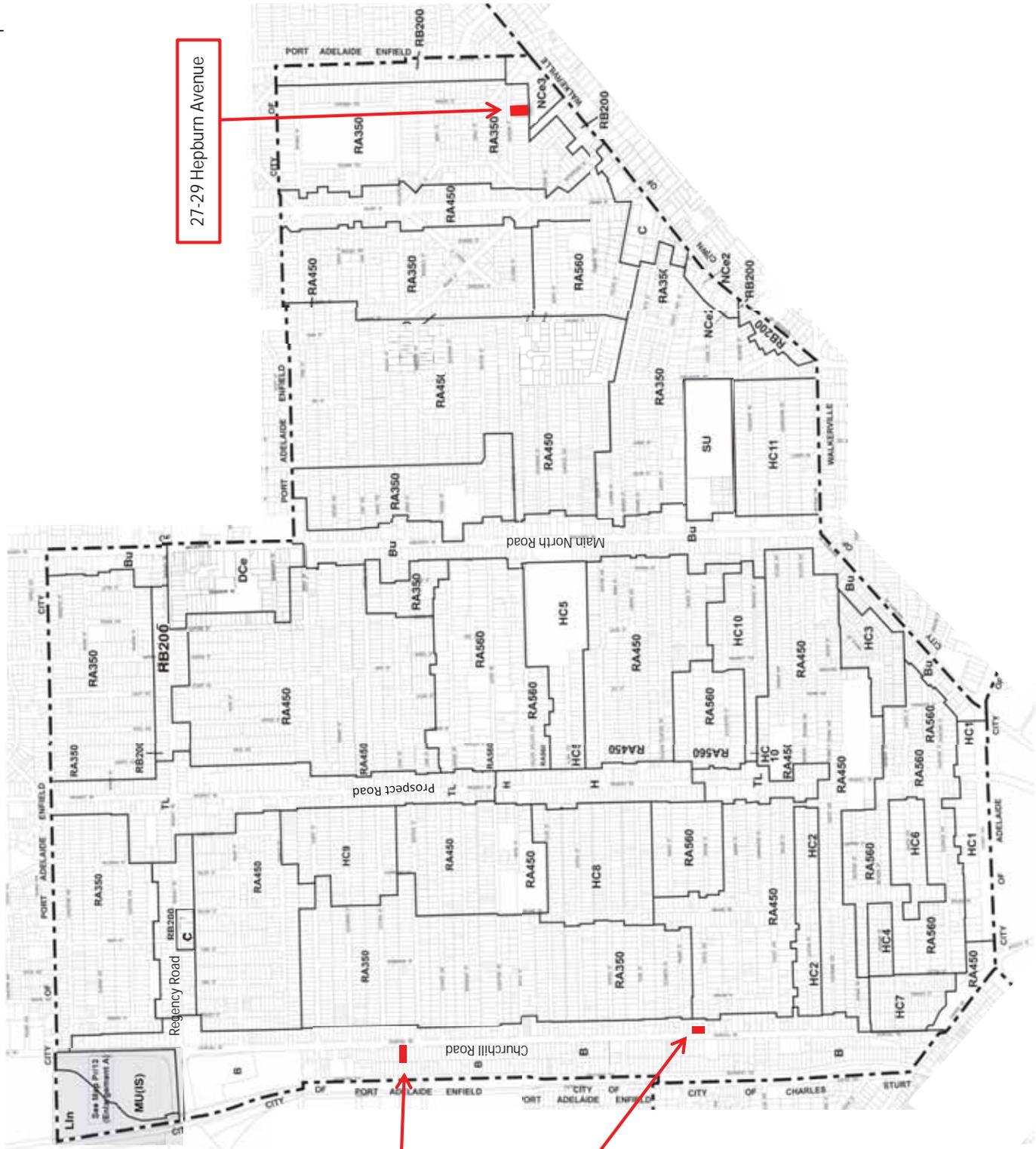
- 9.1 Summary of Court Appeals

(Page 191)

10. Time, date and place of next meeting

5.30pm Monday 13 November 2017 – Civic Centre, 128 Prospect Road, Prospect

11. Closure



27-29 Hepburn Avenue

204 Churchill Road

40 Castle Avenue

Zones and Policy Areas

- B: Urban Corridor Zone Boulevard Policy Area
- Bu: Urban Corridor Zone Business Policy Area
- C: Commercial Zone
- DCe: District Centre Zone
- H: Urban Corridor Zone High Street Policy Area
- HC1: Historic Conservation Zone Policy Area H1
- HC2: Historic Conservation Zone Policy Area H2
- HC3: Historic Conservation Zone Policy Area H3
- HC4: Historic Conservation Zone Policy Area H4
- HC5: Historic Conservation Zone Policy Area H5
- HC6: Historic Conservation Zone Policy Area H6
- HC7: Historic Conservation Zone Policy Area H7
- HC8: Historic Conservation Zone Policy Area H8
- HC9: Historic Conservation Zone Policy Area H9
- HC10: Historic Conservation Zone Policy Area H10
- HC11: Historic Conservation Zone Policy Area H10
- Lin: Light Industry Zone
- MU(I)S: Mixed Use (Islington) Zone
- NCE2: Neighbourhood Centre Zone Policy Area NCE2
- NCE3: Neighbourhood Centre Zone Policy Area NCE3
- RA350: Residential Zone Policy Area A350
- RA450: Residential Zone Policy Area A450
- RA560: Residential Zone Policy Area A560
- RB200: Residential Zone Policy Area B200
- SU: Special Uses Zone
- TL: Urban Corridor Zone Transit Living Policy Area

ITEM NO.: 3

TO: Council Assessment Panel (DAP) on 9 October 2017

FROM: Nathan Cunningham, Director Community and Planning

SUBJECT: Council Assessment Panel Procedural Matters

Introduction

- 1.1 Under the new planning system as enacted through the *Planning, Development & Infrastructure Act 2016* (The Act), Council was required to establish a Council Assessment Panel (CAP) by 1 October 2017, at which date the Development Assessment Panel (DAP) was dissolved.
- 1.2 Consistent with the DAP before it, the new CAP is required to establish its operating procedures by way of a Terms of Reference. Pursuant to Section 83(1)(f) of The Act, these procedures must comply with any requirements prescribed by regulation.
- 1.3 The commencement of the CAP also required Council's Chief Executive Officer to appoint an Assessment Manager. In this first implementation stage of the new planning system, the Assessment Manager is responsible for a range of administrative and procedural matters relating to the CAP. The role and responsibilities of the Assessment Manager will be expanded in future implementation stages of the new planning system.

Terms of Reference

- 1.4 In order to assist the CAP in establishing its procedures, the most recent Terms of Reference of Council's DAP have been updated to address administrative matters arising from the new planning system, and to ensure consistency with regulatory requirements. The attached draft Terms of Reference show such revisions from the original document in red (refer **Attachments 1-14**).
- 1.5 It should be noted that these draft Terms of Reference address the current implementation stage of the planning reforms, and it is anticipated that the Terms of Reference will need to be reviewed further in conjunction with future implementation stages (for example, in relation to the accredited professional scheme the details of which are presently unknown).

Acting Presiding Member

- 1.6 As part of adopting its Terms of Reference the CAP will need to appoint an Acting Presiding Member, who would preside a meeting in the absence of the Presiding Member. It is recommended that the Presiding Member seek nominations and hold a vote if required to appoint the Acting Presiding Member.

Code of Conduct

- 1.7 It is also noted that the Ministerial Code of Conduct for assessment panels was gazetted on 29 September 2017. This Code of Conduct applies to all assessment panels, including the City of Prospect Council Assessment Panel, and is attached (refer **Attachments 15-18**).

Assessment Manager

- 1.8 Council's Chief Executive Officer has appointed Nathan Cunningham to the role of Assessment Manager. It is noted that the role of Assessment Manager is appointed to a person, rather than a position, and further appointments to the role may be necessary during periods of absence. To avoid repeated revisions to the Terms of Reference required to manage any periods of absence, Council Staff recommend that the Terms of Reference remain silent on the appointed Assessment Manager.
- 1.9 All CAP Members will be advised of any further appointment to the role of Assessment Manager at the earliest opportunity, to ensure that the contact person for advice or administrative assistance in relation to the CAP is known at all times.

Recommendation

- 1.10 That the Minutes include the Terms of Reference as adopted by the CAP (inclusive of the appointed Acting Presiding Member).
- 1.11 That the Minutes also reflect the CAP's awareness of the Code of Conduct as gazetted by the Minister for Planning.



City of Prospect
Council Assessment Panel

Terms of Reference

Adopted by the CAP:

Drafted:

22 August 2017

Attachment

Contents

1	INTERPRETATION	1
2	PURPOSE AND ROLE OF THE COUNCIL ASSESSMENT PANEL	1
3	MEMBERSHIP OF THE PANEL	2
4	CONDITIONS OF APPOINTMENT TO THE PANEL	3
5	RESPONSIBILITIES OF THE PRESIDING MEMBER	4
6	RESPONSIBILITIES OF PANEL MEMBERS	4
7	GENERAL OPERATING PROCEDURES	5
8	REPRESENTATIONS	7
9	DECISION MAKING	7
10	MINUTES OF THE MEETING	8
11	NOTICE OF MEETINGS.....	8
12	SPECIAL MEETINGS.....	9
13	APPEAL MATTERS.....	9
14	POLICY FEEDBACK TO COUNCIL	9
15	TRAINING AND INDUCTION	9

Attachment

1 Interpretation

In these terms of reference:

- 1.1 **Act** means the **Planning, Development and Infrastructure Act, 2016**.
- 1.2 **Chief Executive Officer** means the Chief Executive Officer of the Council.
- 1.3 **Assessment Manager** means the person appointed by the Chief Executive Officer pursuant to Section 87 of the Act and who is responsible for providing advice to and managing the operations of the Council Assessment Panel.
- 1.4 **Consensus** means the general agreement of the Panel.
- 1.5 **Council** means City of Prospect.
- 1.6 **Member** means a member of the Panel.
- 1.7 **Panel** means the **Council** Assessment Panel established by the Council pursuant to the provisions of the Act.
- 1.8 **Presiding Member** means the Member of the Panel who is appointed as its Presiding Member.

2 Purpose and Role of the **Council** Assessment Panel

- 2.1 The Panel is the body established by Council to be a relevant authority appointed pursuant to **Section 83 of the Planning, Development and Infrastructure Act, 2016**.
- 2.2 The functions of the Panel (**during the transition phase**) are:
 - to act as a delegate of the Council in accordance with the requirements of the *Development Act 1993*; and
 - to provide advice and reports to Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the *Development Act 1993*; and
 - to perform other functions (other than functions involving the formulation of policy) assigned to the Panel by the Council.
- 2.3 The Panel shall exercise, perform and discharge the following responsibilities on behalf of the Council:
 - The consideration of matters submitted by the Administration relating to assessment and determination of applications for planning consent.
 - The provision of comment or advice to the **State Commission Assessment Panel** on major matters submitted to the Council by the Commission.
 - The consideration of proposals for settlement on matters subject to appeal to the Environment, Resources and Development Court.
 - The consideration of such other assessment matters as may be referred to the Panel by the Administration.

- 2.4 The creation and operation of the Panel shall occur in a manner that confirms and reinforces its independence from the functions of the Elected Council.
- 2.5 The Local Government Act 1999 does not apply to, or in relation to, the Panel (including with respect to its members when acting under **Section 83** or its processes or procedures).

3 Membership of the Panel

- 3.1 The Membership of the Panel shall be comprised of:
- Up to **1 Elected Member** who shall be an elected members of Council;
 - **1 Independent Presiding Member**; and
 - A minimum of 3 Independent Members.
- 3.2 **Council may appoint Deputy Members (both Independent and Elected) who may act as a member of the Panel from time to time in the absence of another panel member.**
- 3.3 The Presiding Member will be appointed by the Council taking into account the following requirements:
- the Presiding Member must be a fit and proper person to be a member of the Panel; and
 - the Presiding Member must be a person who is determined by Council to have a **high level** of knowledge of the operation and requirements of the Development Act, 1993 and appropriate qualifications or experience in a field that is relevant to the activities of the Panel.
- 3.4 The Independent **and Deputy Independent** Members of the Panel shall be appointed by the Council taking into account the following requirements:
- each must be a person who is determined by Council to have a reasonable knowledge of the operation and requirements of the Development Act, 1993 and appropriate qualifications or experience in a field that is relevant to the activities of the Panel; and
 - the qualifications and experience of these members, when considered in conjunction with the qualifications and experience of the Presiding Member, must provide a reasonable balance across the fields that are relevant to the activities of the Panel; and
- 3.5 The following have been appointed as Members of the City of Prospect Council Assessment Panel for 2017 and beyond:
- Presiding Member:
 - Elected Member:
 - **Deputy Elected Member:**

- Independent Members:
- **Deputy Independent Member:**

3.6 A vacancy on the Panel occurs when a member:

- dies; or
- completes a term of office and is not reappointed; or
- resigns from the Panel by written notice addressed to Council; or
- is a member holding the position of Councillor of the City of Prospect, and is not re-elected to the Council in periodic elections; or
- is removed from office by Council **as described by clause 4.8**; or
- becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
- is convicted of an indictable offence punishable by imprisonment.

3.7 On the office of a member of the Panel becoming vacant, a person will be appointed in accordance with the provisions of the Act and the Council's Membership & Conditions of Appointment in the Terms of Reference.

3.8 Council may reappoint all or any members of the Panel for a further term of office at their term's expiry.

3.9 A member of the Panel whose term of office expires may nevertheless continue to act as a Member, for a period of up to 6 months, until he or she is reappointed or a successor is appointed (as the case may be).

4 Conditions of Appointment to the Panel

4.1 The Presiding Member is appointed to the Panel for a maximum period of 2 years.

4.2 **Elected and Deputy Elected** Members are appointed to the Panel for a maximum period of 2 years.

4.3 Independent and **Deputy Independent** Members are appointed to the Panel for a maximum period of 2 years.

4.4 Each Member of the Panel is appointed at the discretion of the Council in accordance with the provisions of the Development Act.

4.5 Appointment to the Panel for Independent Members has an associated payment of **\$450.00** per month for attendance at Panel meetings.

4.6 Appointment to the Panel for the Presiding Member has an associated payment of **\$550.00** per month for attendance at Panel meetings.

4

- 4.7 A **person appointed as a** member of the Panel must disclose his or her financial interests **in accordance with Schedule 1 of the Act.**
- 4.8 The Council may remove a member of the Panel from office for:
- breach of, or failure to comply with, the conditions of appointment;
 - misconduct;
 - neglect of duty;
 - incapacity to carry out satisfactorily the duties of his or her office;
 - non-compliance with the Assessment Panel Code of Conduct as **adopted by the Minister under clause 1(1)(c) of Schedule 3 of the Act;**
 - non-compliance with **Section 83(1)(g) of the Act;** or
 - failure to carry out satisfactorily the duties of his or her office.
- 4.9 Pursuant to Section 56A of the *Development Act 1993*, a member of the Panel incurs no liability for an honest act done in the exercise or performance, or purported exercise or performance, of powers or function under Division 4 Part 4 of the *Development Act 1993*.

5 Responsibilities of the Presiding Member

- 5.1 The role of the Presiding Member (**during the transition phase**) will include, but will not be limited to:
- the conduct of the **business of the Panel** at meetings and ensuring appropriate meeting procedures are followed, including matters relating to the Panel's Code of Conduct and Terms of Reference; and
 - ensuring the Panel properly considers matters in terms of the Development Act 1993 in an efficient and timely manner; and
 - ensuring that members are aware of their role and responsibilities as a Panel member under the **Act** and do not confuse that role with any other role or a role as an Elected Member under the Local Government Act 1999.

6 Responsibilities of Panel Members

- 6.1 **Notwithstanding the provisions of the Planning, Development and Infrastructure (General) Regulations 2017**, the Panel will ensure that **meeting procedures are consistent with the following principles:**
- **Meetings** are fair and contribute to open, transparent and informed decision-making; and
 - **Meetings** reflect the levels of formality appropriate to the nature and scope of responsibilities exercised at that meeting; and
 - **Meeting outcomes** are sufficiently certain to give the community and decision

makers confidence in the deliberations undertaken at the meeting.

- 6.2 The members of the Panel will appoint the **Acting** Presiding Member of the Panel.
- 6.3 **Panel Members shall advise the Assessment Manager of a known absence at the earliest opportunity to ensure that sufficient notice can be provided to Deputy Members in efforts to maximise attendance at all meetings.**
- 6.4 The Panel shall hold meetings in a place open to the public.
- 6.5 The Panel shall determine its ordinary meeting schedule.
- 6.6 The Panel shall ensure that accurate minutes are kept of its proceedings.
- 6.7 The Panel shall provide reasonable access to the Public of both the Agenda for and Minutes of a meeting of the Panel.

7 General Operating Procedures

- 7.1 The Panel shall meet at 5.30pm on the second Monday of each month (unless this date falls on a Public Holiday in which case an alternative date will be selected) at the City of Prospect Civic Centre, 128 Prospect Road, Prospect, unless the Panel determines that an alternative venue is more suitable for the consideration of particular Agenda items, subject to there being business to consider.
- 7.2 In all cases, the Agenda must state the date, time and venue of the meeting, and a minimum of five (5) days' notice must be given to applicants and representors of the date, time and venue of the meeting.
- 7.3 All meetings of the Panel shall remain open to the public at all stages of assessment unless resolved by the Panel to be confidential pursuant to **Regulation 13** of the ***Planning, Development and Infrastructure (General) Regulations 2017***.
- 7.4 Pursuant to **Regulation 13** of the ***Planning, Development and Infrastructure (General) Regulations 2017***, the Panel may exclude the public from attendance:
 - during so much of a meeting as is necessary to receive, discuss or consider on a confidential basis any of the following information or matters:
 - (1) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - (2) information the disclosure of which—
 - (A) could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
 - (B) would, on balance, be contrary to the public interest;
 - (3) information the disclosure of which would reveal a trade secret;
 - (4) commercial information of a confidential nature (not being a trade secret) the disclosure of which—

- (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (B) would, on balance, be contrary to the public interest;
- (5) matters affecting the safety or security of any person or property;
- (6) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- (7) matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (8) legal advice;
- (9) information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place;
- (10) information the disclosure of which—
- (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, the Commission, or another public authority or official; and
- (B) would, on balance, be contrary to the public interest; and
- during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.
- 7.5 A quorum for meetings of the Panel is ascertained by dividing the total number of members of the Panel by 2, ignoring any fraction resulting from the division, and adding 1. **If a quorum is achieved, the meeting must continue as scheduled.**
- 7.6 In the event that a quorum is not present (within 30 minutes of the commencement time for a meeting), or in the event that the Presiding Member becomes aware through the receipt of apologies prior to the meeting that a quorum will not be able to be achieved at that meeting, business listed on the Agenda will be dealt with at the next meeting of the Panel.
- 7.7 In the absence of the Presiding Member, the **Acting Presiding Member** shall preside.
- 7.8 In the absence of the Presiding Member and the **Acting Presiding Member**, the Panel will select another Panel member to preside.

8 Representations

8.1 The Panel will hear only as follows:

- All Category 3 representors who request to be heard (or their nominees);
- All Category 2 representors who request to be heard (or their nominees);
- In any case where representors are heard, the Panel will give the applicant (or nominee) the opportunity to respond.

8.2 Representors and applicants will be allowed 5 minutes each to address the Panel, unless a longer time is allowed by the Presiding Member. The Panel will have the opportunity to question and seek clarification from representors and applicants at the conclusion of their address to the Panel, but not to debate issues with individual representors or applicants.

8.3 Only those members of the Panel who are present at any verbal representation made by representors and the applicant shall participate in the consideration of and decision of that application. The absence of a Panel member **who was present** for the verbal representation of an application does not preclude the remaining members present from proceeding to consider and determine the application.

8.4 At its discretion, the Panel can call for and hear specialist technical/professional advice related to the assessment of any application.

9 Decision Making

9.1 The Panel must use the Prospect (City) Development Plan as the basis for its decisions, having had regard to any written and verbal representations made in accordance with the provisions of the Act **and the *Development Act 1993***.

9.2 The Panel decision making shall be based on consensus, following open discussion, with a formal motion to be moved in the event of failure to reach consensus.

9.3 In the event of failure to reach consensus, each member of the Panel present at a meeting of the Panel is entitled to 1 vote and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.

9.4 The Panel should only defer a decision if it considers that the additional time allowed will create benefits in allowing a thorough decision to be made and provided that the reasons for the deferral are clear to the applicant and any representors that may be involved. Panel Members, however should be aware of the time frames within which certain decisions are required to be made under the *Development Act 1993*.

9.5 When moving to refuse an application, members of the Panel will be required to provide reasons for refusal.

9.6 The Panel shall conduct its meetings without the practice of 'calling of divisions'.

9.7 The Panel will only debate items that are reserved by a member of the Panel for discussion. The remainder of the items on the agenda will be resolved as per recommendation.

10 Minutes of the Meeting

- 10.1 The decisions of the Panel will be recorded in the Minutes of the meeting.
- 10.2 The Minutes of the proceedings of a meeting will record:
- the names of the Panel members present;
 - the name and time of a Panel member entering or leaving;
 - the name of a person who has made a verbal representation to the Panel at the meeting;
 - the consensus decision of the Panel;
 - in the absence of a consensus decision, each motion (and amendment) moved and the outcome of the vote;
 - any disclosure of interest made by a Panel member;
 - the decision of the Panel to exclude public attendance;
 - a notation, describing the confidential nature of the information and matter, in the event that a matter has been excluded from the Minutes.
- 10.3 The Panel may, before it releases a copy of any minutes to the public, exclude from the minutes information about any matter dealt with on a confidential basis by the **assessment panel**.
- 10.4 Minutes shall not be formal Minutes of a meeting until adopted by the Panel at the next meeting of the Panel. However, this does not preclude the issue of Decision Notification under the *Development Act 1993* advising of the determination of the Panel of Development Applications immediately after a meeting at which the Panel determined the particular application.
- 10.5 Upon adoption of the Minutes, the Presiding Member shall authorise the Minutes by signature and date of adoption and by initialling each page of the minutes and sign and date the last page of the Minutes.
- 10.6 Copies of the Draft Minutes of meeting will be available to the public at the Civic Centre **and on the Council's web site within** five (5) working days after the date of the meeting.

11 Notice of Meetings

- 11.1 Public notice of the Panel scheduled meeting will be provided at the Civic Centre and on the Council's website.
- 11.2 A minimum of five (5) working days' notice of meetings shall be given to Panel members.
- 11.3 A copy of the Agenda for every meeting of the Panel shall be available for viewing by the public at the Civic Centre and Library and on the Council's web site for a reasonable period prior to the meeting.

12 Special Meetings

- 12.1 Special meetings of the Panel may be held at any time.
- 12.2 A Special meeting of the Panel may be called at the request of:
- the Presiding Member of the Panel; or
 - the **Assessment Manager**.
- 12.3 A Special meeting will only deal with the business for which the meeting has been called.
- 12.4 A request to call a Special meeting must be accompanied with an Agenda stating the item(s) of business for which the Panel is being requested to convene. If an Agenda is not provided at the time of the request, the Special meeting will not be called.
- 12.5 Each Member of the Panel will be provided verbal and/or sent a notice of a Special meeting at least four (4) hours before the commencement of the meeting, accompanied by the Agenda for the meeting.

13 Appeal Matters

- 13.1 Should an appeal be lodged in relation to a decision of the Panel, the Panel will determine whether any “compromise proposal” is appropriate.
- 13.2 Any decision of the Panel to reach a compromise with an appellant will not require ratification by the full Council. Should no compromise be reached the normal processes associated with defending a decision before a Hearing of the Environment, Resources and Development Court will remain.
- 13.3 To reinforce its primary responsibility to evaluate Development Applications in accordance with their compliance with the Prospect (City) Development Plan, the Panel will not call for reports based on the individual cost of appeals to the ERD Court.
- 13.4 The budget for appeals is a matter for City of Prospect, not the Panel.

14 Policy Feedback to Council

- 15.1 The Panel shall provide regular feedback to Council on trends, issues, or other planning policy matters by way of an annual (12 month) and interim (6 month) report. The annual report shall be presented, in so far as it is practicable, to the July Council meeting for consideration.
- 15.2 Council staff will assist in the preparation of this report, incorporating feedback received from Members during the ordinary course of Panel business or via workshops separate to the formal panel meetings.
- 15.3 Workshops may be called at the agreement of the Presiding Member and the **Assessment Manager**.

15 Training and Induction

- 15.1 An induction process shall be undertaken following the appointment of Members who have not previously, or recently, been a Member of the City of Prospect DAP. Such

induction shall be undertaken at a time and venue jointly agreed by the Member and the **Assessment Manager**, but in any event shall take place prior to the first meeting that Member would be required to attend.

- 15.2 At the agreement of the Presiding Member and the **Assessment Manager**, **Members** of the Panel shall be provided with suitable training addressing policy or legislative changes, **the assessment panel code of conduct**, **the disclosure of financial interests**, or instructive court judgements, on an as needs basis.

Attachment



Assessment Panel Members – Code of Conduct

Introduction

Under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) the Minister may adopt a code of conduct to be observed by members of an assessment panel established under the PDI Act. This code of conduct sets out standards of conduct and professionalism that are to be observed by all members of assessment panels under the PDI Act. This code of conduct must be read in conjunction with the Act.

For the purposes of the PDI Act, a key requirement is that all members of assessment panels must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of development assessment under the Act.

The code is the key tool to ensure that all members of assessment panels act honestly and ethically with a high degree of accountability. If a member of an assessment panel has any doubt in regard to any function they may perform under the Act they should seek the advice of the panel's assessment manager or some other appropriate person.

While some members of an assessment panel may also be bound by other codes of conduct or professional standards issued by their respective professional associations, they have no legal status under the Act. If there is a conflict between a requirement in this code of conduct and any other professional code or standard, this code prevails for the purposes of the Act.

Legislative framework

Under section 15 of the PDI Act, all members of assessment panels are subject to a statutory duty as described in the section as follows:

- (1) *It is expected that a person or body that—*
- (a) *seeks to obtain an authorisation under this Act; or*
 - (b) *performs, exercises or discharges a function, power or duty under this Act; or*
 - (c) *takes the benefit of this Act or is otherwise involved in a process provided by this Act, will—*
 - (d) *act in a cooperative and constructive way; and*
 - (e) *be honest and open in interacting with other entities under this Act; and*
 - (f) *be prepared to find reasonable solutions to issues that affect other interested parties or third parties.*

- (2) *Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must-*
- (a) *exercise professional care and diligence; and*
 - (b) *act honestly and in an impartial manner; and*
 - (c) *be responsible and accountable in its conduct; and*
 - (d) *comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.*
- (3) *The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.*
- (4) *The principles and benchmarks under this section— (a) do not give rise to substantive rights or liabilities; but (b) may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body.*

Code of conduct requirements

In acting as a member of an assessment panel, a member must comply with the following requirements.

General duties

1. A member of an assessment panel must in performing, exercising or discharging a function, power or duty under the PDI Act, act in accordance with the general duties as set out in section 15 of the PDI Act.

Act in the public interest

2. A member of an assessment panel must act in a manner that promotes or protects the public interest.

Procedures

3. A member of an assessment panel must ensure that the procedures specified in the Act or prescribed in the *Planning Development and Infrastructure (General) Regulations 2017* are complied with.
4. A member of an assessment panel must comply with the panel procedures in relation to public comments and communication with the media

Regard for honesty

5. A member of an assessment panel must act with integrity, good faith and equity and must not discriminate toward any person in performing their duties.
6. A member of an assessment panel must advise the assessment manger and the Commission immediately if the member:
 - a. is the subject of a formal investigation into, or have been found to have, breached any other code of conduct, ethical standards or similar, either in another State or through a professional body of which they are a member; or
 - b. has been found guilty of a breach of any Act related to planning, building or a development related matter.

Conflict of interest

7. A member of an assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the council development assessment panel (other than an indirect interest that exists in common with a substantial class of persons)—
 - a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
 - b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.
8. A member of an assessment panel will be taken to have an interest in a matter for the purposes of item 7 if an associate of the member (within the meaning of section 3 (7) of the PDI Act) has an interest in the matter.
9. If an interest has been declared by a member of an assessment panel the nature of the interest must be recorded in the minutes of the meeting.

Making decisions and taking action

10. A member of an assessment panel must take all reasonable steps to obtain all relevant facts and information when making a decision on a matter before the panel.
11. A member of an assessment panel must ensure that the member's decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all relevant facts obtained, and supported by adequate documentation.
12. A member of an assessment panel must not approach or discuss with an applicant or representor any application which is either before the panel or will come before the panel at some future time expect during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the panel.
13. Except where required as part of the assessment of a particular decision such as a formal panel viewing of a site of a proposed development, you should not enter the site even if invited by the land owner or a neighbouring property owner or any other person.
14. A member of an assessment panel must not:
 - a. engage in consultation outside of the panel process with any party on a proposed development application that is likely to be heard by the panel;
 - b. give advice to an applicant or other third party on a development application after it has been lodged outside of a panel meeting;
 - c. speak at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a development application unless required by the Act;
 - d. express an opinion on a development application or a proposed development outside of a panel meeting; and
 - e. engage in any other act or omission which may give rise to a reasonable presumption that you have prejudged a development proposal or application.

Public comment

15. Only the presiding member or another person determined by the panel is permitted to speak publicly to the media and address the public on behalf of the panel. No other panel member may make comment to the media or the public in relation to any matter before the panel or any decision of the panel.

Protection and use of information

16. A member of an assessment panel must maintain the integrity and security of confidential information in their possession and must not use confidential information gained by virtue of the member's official position for the purpose of securing a private benefit for the member or any other person.
17. A member of an assessment panel must not disclose information acquired in the course of their professional work other than if consent of the relevant person has been granted or where there is a legal or professional duty to disclose such information.

Proper exercise of power

18. A member of an assessment panel must not take advantage of the member's position, power or duties for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for the member or any other person.

Gifts and benefits

19. A member of an assessment panel must not seek or accept a gift or benefit that is intended to, is likely to or could be perceived as likely to, cause them to act in an unfair or biased manner in the course of the member's duties.
20. A member of an assessment panel must take all reasonable steps to ensure that a person related to the member does not receive gifts or benefits that could appear to be an attempt to influence or secure or have the effect of influencing or securing a favour from the member of an assessment panel. A person is related to a member of an assessment panel for the purpose of this provision if the person is spouse, de facto partner, sibling, parent or child of the member of the assessment panel.

Bias

21. A member of an assessment panel should always have regard to any affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that they may be biased in carrying out any aspect of their role under the Act.

AGENDA ITEM: 6.1

To: Council Assessment Panel (CAP) on 9 October 2017

From: Scott McLuskey, Senior Development Officer, Planning

Proposal: Four Storey Residential Flat Building Comprising 15 Dwellings with associated Carparking and Landscaping (DA 050/65/2017)

Address: 204 Churchill Road, Prospect (CT 5750/780)

SUMMARY:

Applicant: Aspex Building Designers

Owner: Formia Investments Pty Ltd and WNK Developments Pty Ltd

Planning Authority: Council

Mandatory Referrals: Department of Planning, Transport and Infrastructure

Independent Advice: Design Review by Jenny Newman

Public Notification: Category 1

Representations: Nil

Respondent: Nil

Development Plan Version: Consolidated 21 April 2016

Zone and Policy Area: Urban Corridor Zone (Boulevard Policy Area)

Key Considerations: Materials and finishes, car parking, private open space, waste management

Recommendation: **Approval, subject to conditions**

ATTACHMENTS:

<u>Attachment 1</u>	Development Application Form
<u>Attachments 2-4</u>	Certificate of Title
<u>Attachments 5-6</u>	Locality plans
<u>Attachments 7-14</u>	Amended Proposal plans
<u>Attachments 15-20</u>	Design review comments
<u>Attachments 21-25</u>	DPTI Comments
<u>Attachments 26-34</u>	Supporting Planning Statement
<u>Attachments 35-39</u>	Traffic and Parking Report
<u>Attachments 40-52</u>	Waste Management Plan
<u>Attachments 53-59</u>	Original Proposal Plans

1. EXECUTIVE SUMMARY

- 1.1 A four storey residential flat building comprising 15 apartment style dwellings, with associated carparking and landscaping, is proposed at 204 Churchill Road Prospect. The development is proposed on one existing allotment within the Boulevard Policy Area of the Urban Corridor Zone.
- 1.2 The proposal was referred to the Department of Planning, Transport and Infrastructure (DPTI) who indicated broad satisfaction with the proposal subject to resolution of several identified concerns. A review of the design by Jenny Newman (an independent architectural adviser) revealed that while the overall intent of the proposal was supported, some aspects of the proposal would benefit from further consideration. Revisions to the proposal plans were made by the applicant in response to recommendations provided.
- 1.3 The proposal achieves the minimum housing density, while each apartment would be provided with reasonable private open space, and internal storage. Adequate waste storage, car parking and vehicular access to the site would be provided. Stormwater management would be resolved through the imposition of reasonable conditions. The building design has been independently reviewed and, following improvements made by the application in response to the advice received, the proposal is considered to be of an appropriate design quality. Overall, the proposal would result in development that would reasonably satisfy the Development Plan provisions.

2. LOCALITY AND SUBJECT LAND

2.1 Locality

- 2.1.1 The locality comprises a mix of residential and commercial land uses incorporating dwellings, offices, warehouses, and a nearby electricity substation. Adjacent to the southern boundary of the site is a three storey residential flat building, while a four storey residential flat building is located a short distance to the north of the subject land.
- 2.1.2 Churchill Road is a primary arterial road and a strategic route under the control of the Department of Planning, Transport and Infrastructure. The road is a major transport corridor which links the inner northern metropolitan area with the central Adelaide region.
- 2.1.3 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan is described in **Attachment 6**.

2.2 Subject Land

- 2.2.1 The subject land is located between Kingdom Place and Pym Street on the western side of Churchill Road. The land comprises one allotment with a total area of 711m², with a frontage of 15.24m to Churchill Road and a depth of 46.6m. The land is relatively flat, with a subtle rise in ground level towards its eastern boundary.
- 2.2.2 Existing site improvements include a single-storey detached dwelling with rear additions and a freestanding carport. Existing vegetation on the subject land is generally limited to a grassed front yard and one small tree (not significant) adjacent to the Council verge. The subject land is illustrated on **Attachment 7**.

3. **PROPOSAL**

- 3.1 The applicant proposes the construction of a four storey residential flat building comprising 12 two-bedroom and 3 one-bedroom dwellings with associated carparking, bicycle parking and landscaping. The undercroft carpark would include 16 car parking spaces and 3 bicycle parking spaces, with a further 2 visitor bicycle parking spaces forward of the building. Pedestrian and vehicular access would be gained from Churchill Road.
- 3.2 No other works are proposed. The proposal plans are attached (refer **Attachments 7-14**). Supporting documentation including a planning report (refer **Attachments 26-34**), traffic and parking report (refer **Attachments 35-39**) and waste management plan (refer **Attachments 40-52**) is also attached.

4. **REFERRALS**

4.1 **Internal (Advisory) Referrals**

- 4.1.1 An emphasis on high quality building and landscape design, with consideration of urban design principles is a fundamental component of any new development within the Urban Corridor. Accordingly, the original proposal was referred to Ms Jenny Newman (an independent architectural adviser) for informal design review in accordance with Council's Design Review Process for Higher Density Development.
- 4.1.2 Briefly, the review (refer **Attachments 15-20**) identified that the proposal would benefit from the following:
- Reorganisation of the ground floor to maximise amenity and provide an active use at ground level;
 - Addressing the pedestrian sense of scale at street level;
 - Further modulating the upper level to emphasise the distinction between the middle and top components of the form;
 - Maintaining a clear 2m setback to the northern side;
 - Sustainable design solutions such as rooftop planting, solar panels, water collection systems and/or material selections;
 - A high quality and convincing hard and soft landscaping scheme;
 - The use of sustainable, textured and domestic materials of softer hues which complement the existing site context;
 - Reducing the dominance of the 15m high green fin and reconsidering the use of a strong accent colour throughout;
 - Increasing the size of the balconies proposed and relocating air conditioning condenser units away from balconies;
 - Incorporating solutions for individual or communal external clothes drying for residents which are screened from view;
 - Incorporating noise attenuation measures for apartments fronting Churchill Road;
 - Proposing high lighting levels to the car park and egress from the rear fire exit stair;
 - Providing a physical and visual connection from the car park to the lobby area (and increasing its size);

- Considering the safety of the egress route from the rear fire stair;
- Providing a communal space for all building users.

4.1.3 The comments were provided to the applicant for consideration, following which amended plans were submitted to Council for assessment in response to the recommendations. A supporting planning statement was also provided that responds in detail to each of the matters identified above. Summarised, the response noted:

- Amendments have been made to the ground floor organisation; including improved pedestrian access to and greater visual prominence of the ground floor lobby from Churchill Road.
- The materiality and entrance area have been redesigned to be more domestic in appearance, including the use of a stone veneer and rendered finishes with earthier tones.
- Through the inclusion of a defined roof, the upper level of the building is intended to emphasise the residential purpose of the building while improving articulation and overall form.
- A 2m minimum setback to the northern side boundary is generally complied with above first floor, with the exception of a small protrusion towards the front of the property. While not directly applicable to this application, the new provisions of the Development Plan support greater building width in this proximity to the front of the site.
- Floor plans have been revised to maximise northern exposure to living areas and add planter boxes to first floor balconies.
- Quite extensive landscaping is proposed including a mix of taller tree species and lower level plantings to ensure a good depth of diversity.
- The amended plans illustrate a combination of materials and colours that are more domestic in nature.
- The large green fin has been removed entirely while accent colours have been muted.
- All balconies have been increased in size, with minimum dimensions also increased.
- Air conditioning condenser units have been removed from balconies and relocated to the roof.
- The increased size of the balconies affords an improved opportunity for individual clothes drying areas that are typically screened from public view due to their northern orientation.
- Appropriate noise attenuation will be provided to reduce noise impacts from Churchill Road through the Building Rules assessment.
- Motion sensor lights are to be installed in the car park and rear fire stair in order to achieve Building Rules requirements while minimising the potential for light spill onto adjoining properties.
- For a number of reasons it has proven difficult to achieve direct access from the car park to the lobby area. A personal access door to the northern side of the roller door would provide a separate pedestrian access to the car park.
- Given the improvements to private open space provided for each dwelling, a formal area of communal space is not considered necessary in this instance.

4.2 External (Legislated) Referrals

4.2.1 The proposal was referred to the Commissioner of Highways as required by Schedule 8 of the *Development Regulations 2008*.

Briefly, the DPTI identified the following (refer **Attachments 21-25**):

- It is likely that a strip of land up to 2.13m in width will be required from the frontage of this site for road widening purposes.
- The proposed access location and width are considered generally appropriate.
- Concern is expressed regarding manoeuvrability from some parking spaces.
- Current verge areas of Churchill Road should not be relied on for car parking or waste collection, as such spaces would not be available following road widening activities.
- There is no objection in-principle to the proposed development subject to the imposition of conditions.

4.2.2 The applicant provided amended plans responding to the DPTI commentary, including the following revisions:

- The front setback has been increased to ensure that sufficient setback would be maintained following road widening activities.
- The existing vehicular crossover is to be physically closed and reinstated to paving to achieve additional on-street car parking.
- The traffic and parking report provided confirms the appropriateness of the car park configuration.

5. **PUBLIC NOTIFICATION**

5.1 A residential flat building is a Category 1 development unless it is located on land adjacent to the Residential Zone or Historic (Conservation) Zone and if it would be three or more storeys, or 11.5 metres or more in height, and in excess of the 'Building Envelope - Interface Height Provisions' (UCZ PDC 24).

5.2 The proposal is not located on land adjacent either the Residential Zone or the Historic (Conservation) Zone, and is thus a Category 1 form of development.

6. **PLANNING ASSESSMENT**

6.1 **Site Density**

6.1.1 The Boulevard Policy Area anticipates medium and high density housing. This would primarily be in the form of apartment and terrace style dwellings along with mixed-use buildings to accommodate a diversity housing options within the precinct. In order to achieve this, the minimum residential site density for residential development within the Boulevard Policy Area is 100 dwellings per hectare net, unless varied by the Concept Plan (UCZ PDC 5).

6.1.2 The subject site which has an area of 711m² is not identified within the Concept Plan, therefore the minimum net residential site density would be achieved through the provision of 7 dwellings. The proposal is for 15 apartment style dwellings, therefore satisfying the relevant Development Plan provision.

6.2 Design and Appearance

- 6.2.1 It is anticipated that development within the Urban Corridor Zone will achieve a high standard of architectural design through careful building articulation and fenestration to all visible sides. The design of building facades should contribute positively to the street by articulating the built form and accentuating the building's functions. The design of buildings should also emphasise the distinction between the base, middle and top of buildings and providing vertical elements that create a strong vertical rhythm (UCZ Desired Character Statement).
- 6.2.2 The minimum building height anticipated for the subject land is 2 storeys and a maximum of 4 storeys, and up to 15 metres in height. The proposed building would be 4 storeys, and 14.7m in height, thus achieving the Development Plan provision.
- 6.2.3 The palette of building wall finishes includes a smooth face stone veneer, scyon matrix cladding and a rendered finish that appears to be applied to fibre cement cladding. To some extent the material and colour selections have been detailed on the provided colour schedule, though the specific stone does not appear to have been selected. It is noted that the application and finishes of materials have been revised following the design review commentary.
- 6.2.4 The proposed building would be reasonably articulated through the use of building protrusion and recession, the placement of windows, and variation of materials. The rhythm of solid and void building elements proposed to the northern and southern elevations, would provide visual interest while breaking down the scale of these longer walls.
- 6.2.5 The building's western elevation incorporates substantially less fenestration than other building facades, and uses a more vertical approach to its design language that is generally less desirable. Nonetheless this elevation is considered acceptable in the context of site orientation, substantial outbuildings at the rear of the adjoining property and the four storey building approved to the immediate south west of the subject site.
- 6.2.6 The proposed building, in its amended form, would provide an appropriate level of visual interest and design quality. The proposal is thus considered to be a satisfactory design response to the desired future character of the Urban Corridor Zone.

6.3 Setbacks

- 6.3.1 The minimum setback of buildings (excluding verandahs, porticos and the like) from the primary road within the Boulevard Policy Area is 3m (UCZ PDC 16). There is no minimum setback for the first 2 levels of a building from a side boundary when adjoining another allotment, and a minimum 2m setback is required for all levels above this height (UCZ PDC 18). The minimum setback from the rear allotment boundary at ground level is 3 metres (UCZ PDC 18).
- 6.3.2 The proposed building would be setback 5 metres from the current Churchill Road boundary, thus satisfying the Development Plan provision after allowing for potential future road widening activities by the Department of Planning, Transport and Infrastructure. The building would be setback 3 metres from the rear property boundary, which achieves the relevant Development Plan provision.
- 6.3.3 The ground floor of the building would be built to the northern side boundary and setback 1m from the southern side boundary. The first floor of the building would

have balconies that extend to the northern property boundary, with the remainder of the building setback variously between 1.2m and 3m to the northern boundary. The circulation space of the building at first floor would be setback 2m from the southern property boundary, with storage lockers and screening devices would protrude out to a 1m setback from the southern boundary.

6.3.4 The second and third floors of the building would generally be setback 2m from the northern boundary, though a 4.7m wall section would be setback 1.2m from the northern boundary. With the exception of screening devices, the second and third floors of the building would be setback 2m from the southern property boundary.

6.3.5 Overall, the siting of the building on the allotment is considered appropriate.

6.4 Private open space provision

6.4.1 Private open space should be provided for each dwelling and should be located so that it is accessible directly from internal living areas. Private open space should be located at ground level where possible and should have sufficient area and shape to be functional (Council Wide PDC 148). Above ground level, two bedroom dwellings should provide a minimum of 11m² of private open space and three bedroom dwellings should provide a minimum of 15m² of private open space, with a minimum width of 2 metres (Council Wide PDCs 152 and 153).

6.4.2 Private open space, achieving the functional elements described above, is provided in relation to each dwelling as follows:

Apartment 1.1 (1 bedroom):	11m ²
Apartment 1.2 (2 bedroom):	15.5m ²
Apartment 1.3 (2 bedroom):	15.5m ²
Apartment 1.4 (2 bedroom):	15.5m ²
Apartment 1.5 (2 bedroom):	16m ²
Apartment 2.1 (1 bedroom):	11m ²
Apartment 2.2 (2 bedroom):	10.1m ²
Apartment 2.3 (2 bedroom):	10.1m ²
Apartment 2.4 (2 bedroom):	10.1m ²
Apartment 2.5 (2 bedroom):	10m ²
Apartment 3.1 (1 bedroom):	11m ²
Apartment 3.2 (2 bedroom):	10.1m ²
Apartment 3.3 (2 bedroom):	10.1m ²
Apartment 3.4 (2 bedroom):	10.1m ²
Apartment 3.5 (2 bedroom):	10m ²

6.4.3 It is noted that the 2m minimum dimension would not be maintained for the entire balcony width of the one bedroom dwellings, though it is considered that the greater size of these beyond the minimum dimension results in an appropriate overall amenity outcome.

6.4.4 Two bedroom dwellings at second and third floor levels would be 1m² below the minimum area desired. 6 of these 8 dwellings would have a balcony of 2.6m minimum dimension, which is considered to improve the amenity of these areas desirably. Apartments 2.5 and 3.5 would have the least desirable balcony areas, though the relatively limited extent of the departure is not considered, on balance, to be fatal to the application.

6.4.5 The proposed private open space for the dwellings is considered to sufficiently satisfy the relevant provisions.

6.5 Visual Privacy

- 6.5.1 It is anticipated that a variety of measures should be used to minimise direct overlooking into adjacent internal living and private open space areas. Such measures should be integrated into the overall building design and should have minimal negative effect on the amenity enjoyed by the occupants of neighbouring dwellings (Council Wide PDC 139).
- 6.5.2 It is noted that the commonly used 1.7m and 1.8m high privacy screens for windows and balconies referred to in Council Wide PDC 90 are specifically excluded for buildings that are three or more storeys in height in the Urban Corridor Zone.
- 6.5.3 The proposal generally incorporates screening or high level window sills to a height of 1.5m above floor level to windows and balconies above first floor level. Balconies at first floor abutting the site boundary would have 1.2m high balustrades only, which is considered inappropriate in the context of potential future development on the adjoining site.
- 6.5.4 No privacy treatments are proposed to bedroom 1 of dwellings 1.5, 2.5 and 3.5. These windows are separated from the side boundary by a distance of 3m, which will assist in ameliorating privacy issues following development of the adjoining property. At present however, these windows would provide unobstructed views to the rear yards of two adjoining single storey dwellings, which is considered inappropriate.
- 6.5.5 Given the above, it is anticipated that a varied approach is required to visual privacy treatments throughout the site to achieve the best design outcome. Conditions are proposed that would address the issues identified above. With such conditions imposed, it is considered that visual privacy matters have been satisfactorily addressed.

6.6 Landscaping and Fencing

- 6.6.1 Within the Boulevard Policy Area it is anticipated that landscaping would comprise low-lying shrubs and grass plantings, together with trees that have relatively clean trunks and high canopies. Plantings should provide visual softening of the built form and reflect the scale of landscaping in the public realm (BA PA Desired Character Statement).
- 6.6.2 The building would be setback sufficiently from the front property boundary to allow suitable landscaping to be established. Three ornamental pear trees are proposed within two landscaping beds, along with a mixture of ground covers. Pencil pine plantings and a timber screen are proposed adjacent to the northern property boundary. No front fencing is proposed. A further ornamental pear is proposed in a small courtyard adjacent to the secondary stairwell.
- 6.6.3 A pedestrian pathway would be delineated by a paving finish towards the southern boundary of the site, and would be separated from the driveway which is located towards the northern boundary of the site.
- 6.6.4 It is considered that the proposed landscaping and fencing treatment would suitably respond to the relevant provisions of Council's development plan.

6.7 Energy Conservation Measures

- 6.7.1 The design of a building should enable suitable natural thermal comfort for occupants. Typically, this should be through passive design features such as the

orientation of windows, living areas and private open space, while cross-ventilation opportunities should be maximised (Council Wide PDC 79).

- 6.7.2 The placement of doors and windows, as well as the north-south dwelling orientation, would allow natural light and cross ventilation to all internal living areas and bedrooms. These elements of the proposal were supported by Council's consulting architect. Bathrooms would rely on mechanical ventilation, which would comply with the energy efficiency requirements of the Building Code of Australia.
- 6.7.3 Services are proposed to be located on the roof, adjacent to stairwells but recessed from building edges. These locations are considered appropriate, so long as screening is provided to minimise any visual impact of these services following the development of adjoining properties.
- 6.7.4 Overall, the building design would incorporate features to provide adequate thermal comfort to occupants, which should not impact unduly on adjoining properties.

6.8 Noise Attenuation

- 6.8.1 It is anticipated that noise and air quality impacts are mitigated through appropriate building design and orientation (UCZ Objective 1). Further, residential buildings should feature adequate separation between the habitable room windows and balconies of other buildings (Council Wide PDCs 111 and 161).
- 6.8.2 In addition to the above, the subject land is identified within Map Pr/1 (Overlay 5) for the purpose of noise and air emissions. As a result, the proposal must comply with the Ministers Specification SA78B – Construction requirements for the control of external sound.
- 6.8.3 It is noted that floor to ceiling dividing walls are proposed between adjoining balconies. Further, compliance with the Minister's Specification would be required as part of the Building Code of Australia (BCA). It is considered that such compliance would suitably address the relevant provisions of the Development Plan.

6.9 Car and Bicycle Parking

- 6.9.1 Table Pr/5 of the Development Plan anticipates that 1 car parking space be provided for 1-2 bedroom dwellings, with an additional 0.25 spaces provided per dwelling for visitor parking. Table Pr/6 anticipates that one bicycle park be provided for every four dwellings, and one visitor bicycle park should be provided for every ten dwellings.
- 6.9.2 The proposal would provide a total of 16 car parks within the secured car parking area. While the occupant parking demand anticipated by the relevant Development Plan provisions would be satisfied, a shortfall of 2.75 visitor parking spaces is evident.
- 6.9.3 Five designated bicycle parks are provided for the development, which is a shortfall of 1 space from the minimum desired.
- 6.9.4 A traffic and parking report (refer **Attachments 35-45**) has been provided in support of the proposal, which identifies opportunities for alternative transport methods to be accessed. On this basis, the consultant traffic engineer considers that car parking is adequately catered for on-site.

- 6.9.5 While the report references on-street parking spaces adjacent to the subject land, it is considered that parking spaces on Churchill Road should, in the context of the Metropolitan Adelaide Road Widening Plan, not generally be relied upon to supplement on-site parking. It is noted that the report has also surveyed on-street parking availability on nearby local streets, and concluded that a significant number of spaces are available to mitigate impacts of peak parking demand periods.
- 6.9.6 Council's Development Plan includes the ability for an applicant to offer a contribution to the Off Street Car Parking Development Fund, where development has a shortfall in off street car parking (Council Wide PDC 217). Council has resolved that an amount of up to \$9,000 per space can be contributed. These funds can subsequently be used to improve parking facilities in the Council area, particularly in or near shared parking areas identified in Council's Development Plan (Council Wide PDC 218).
- 6.9.7 While the overall shortfall is 2.75 spaces, the applicant notes (through the traffic and parking report) that there is sufficient capacity within the locality to accommodate the anticipated shortfall. Notwithstanding this, the applicant has offered to contribute \$10,000 to the Car Parking Fund to ameliorate concerns regarding the departure from the Development Plan, which would then be available for Council to apply to parking improvements in accordance with its policy.
- 6.9.8 The applicant has provided expert advice in respect of car parking provision, which concludes that the number of spaces provided is appropriate. A contribution to the Fund is also proposed, with such contributions being a legally recognised means by which a shortfall in parking can be overcome. While the proposed approach to visitor car parking is not considered to be desirable, it is considered on balance that the provision of car parking is sufficient.

6.10 Traffic and Vehicular Movements

- 6.10.1 It is anticipated that new developments minimise the number of access points onto arterial roads by providing vehicle access from side streets, rear access ways, via rights of way or common vehicle parking areas (UCZ PDC 11). Further, development should not generate pedestrian or vehicular traffic onto a public road in such a manner that materially impairs the movement of traffic on that road (Council Wide PDC 209). Car parking areas should minimise conflict between vehicles and pedestrians, while minimising the number of access points and the need for vehicles to reverse onto public roads (Council Wide PDC 212).
- 6.10.2 Vehicular access to the site would be from Churchill Road via the closure of an existing single crossover to the south-eastern corner of the subject land and establishment of a new crossover towards the north-eastern corner. The traffic and parking report provided concludes that all vehicle manoeuvring through the subject land would achieve the relevant Australian Standards.
- 6.10.3 In this context it is considered that vehicular movements associated with the proposed development would achieve the relevant provisions of the Development Plan.

6.11 Stormwater Management

- 6.11.1 The provisions of Council's Development Plan provide that site drainage should be designed to safely direct surplus flows to a public street without causing harm to adjoining properties and that all proposed developments should be designed to

retain as much stormwater as possible, minimising the overflow to the kerb and water table (Council Wide PDC 97 and 98).

- 6.11.2 A stormwater management plan has not been provided. Given that the proposal would result in an increase in stormwater run-off from the subject land, it is fundamental that Council receive and assess a detailed plan including the above information, though it is considered that opportunities for any necessary detention on-site are readily available.
- 6.11.3 It is therefore recommended that the consideration of the stormwater design could be reasonably reserved for further assessment and approval by Council.

6.12 Waste Management

- 6.12.1 New developments should provide a dedicated area for the on-site storage, collection and sorting of recyclable materials and waste that is easily and safely accessible, to the collection point; well screened to prevent vandalism and theft; and designed to reduce odour and discourage vermin (Council Wide PDC 169 and 170). Further, new development should incorporate opportunities for minimising waste and enable waste management options that provide adequate storage while screening these areas from public view (Council Wide PDC 147).
- 6.12.2 With reference to the Zero Waste South Australian *Better Practice Guide – Waste Management in Residential or Mixed Use Developments*; anticipated waste demand rates associated with the proposal are calculated at 870L for general waste, 725L for recyclable waste and 290L for green organic waste per week.
- 6.12.3 A waste management plan (refer **Attachments 40-52**) has been prepared by Veolia Environmental Services which proposes the private collection of one 1,100L bin for general waste, one 1,100 bin for recyclable waste and one 240L bin for green organic waste. It is noted that notwithstanding this recommendation, the applicant has proposed that four green organic waste bins be provided to ensure suitable storage capacity for this waste stream.
- 6.12.4 It is considered that the waste management plan is generally suitable, though a condition should be imposed ensuring that green organic waste capacity is provided as described within the proposal plans.

6.13 Overshadowing

- 6.13.1 The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space areas while minimising the overshadowing of windows and the primary open space area for a dwelling and solar collectors (Council Wide PDC 138).
- 6.13.2 It is apparent that the building will be the cause of shadowing to the property south of the subject land, which has been developed as a three storey residential flat building. It is considered that the proposal would maintain the extent of natural light access to the southern property envisaged through the relevant provisions of the Development Plan.
- 6.13.3 Given the above, the shadow impact is considered acceptable in the context of the Urban Corridor Zone.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The proposal seeks to establish a high density, residential land use on the subject land. The building would be four storeys in height which is the maximum height anticipated within the policy area.
- 7.2 The proposal would generally achieve the required setbacks, have adequate private open space, car parking, and thermal comforts in accordance with Development Plan provisions. The floor plans proposed would provide functional and usable living spaces. Noise impacts would be moderated through noise attenuation techniques.
- 7.3 Vehicular access would be provided from Churchill Road to the satisfaction of the relevant Australian Standards. The shortfall in visitor car parking is not considered fatal to the proposal given the proximity of the site to alternative transport options and on-street parking opportunities. Stormwater management, visual privacy and waste collection may be suitably resolved by the imposition of conditions.
- 7.4 The application is therefore considered to be relatively consistent with the relevant provisions of the Prospect (City) Development Plan and warrants the granting of development plan consent, subject to appropriate conditions reinforcing certain aspects of the proposal.

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/65/2017 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be approved to DA 050/65/2017 from Aspex Building Designers on behalf of Formia Investments Pty Ltd and WNK Developments Pty Ltd for a Four Storey Residential Flat Building Comprising 15 Dwellings with associated Carparking and Landscaping at 204 Churchill Road, Prospect (CT 5750/780), subject to the following reserved matter, conditions and notes:

Reserved Matter:

1. A detailed stormwater management plan shall be provided that, to the satisfaction of Council, provides evidence that all dwellings are suitably protected from 1 in 100 year ARI storm events and that post-development outflow rates from the site will match pre-development rates in 1 in 20 ARI storm events. The location and capacity of any on-site detention tanks, as well as the extent of any cut or fill and associated retaining walls, shall be clearly described.

Conditions:

1. The development shall take place in accordance with plans and details prepared by Aspex Building Designers, Drawing Nos 2-9, marked Revision 'D', and stamped by Council relating to Development Application Number 050/65/2017, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the approved development.
2. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving and maintained to the reasonable satisfaction of Council. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of materials or goods including waste products and refuse. The obsolete crossover and/or any portion of crossover that is not required for the subject development shall be reinstated to Council standard kerb and gutter at the applicant's cost prior to occupation of the completed development.

3. The bedroom 1 windows of dwellings 1.5, 2.5 and 3.5 shall be provided with:
 - a) Minimum window sill heights of 1.5m above finished floor level; or
 - b) Fixed and obscured glass to a minimum height of 1.5m above floor level; or
 - c) An awning window with obscured glass to a minimum height of 1.5m above floor level, with an opening restricted to no more than 100mm; or
 - d) Fixed external screens that provide an effective screening height of 1.5m above the upper floor level and complement the external appearance of the dwelling.

The screening solution(s) shall be established prior to occupation of each dwelling and maintained to the reasonable satisfaction of Council at all times thereafter.

4. Payment of \$10,000 (GST inclusive) shall be made to Council's Off Street Car Parking Development Fund at or before occupancy of the building, as detailed in correspondence dated 24 August 2017 from Ben Green & Associates. Payment may be made by EFT, quoting 'Car park fund' (please contact Council's finance department on 8269 5355 for account details), or cheque payable to 'City of Prospect' marked "Not Negotiable" and sent to PO Box 171, Prospect SA 5081 or in person, at 128 Prospect Road, Prospect.
5. Waste storage capacities within the development shall be provided as follows, and maintained thereafter to the satisfaction of Council:
 - a. 1 x 1,100 Litres for General Waste
 - b. 1 x 1,100 Litres for Recyclable Waste
 - c. 4 x 240 Litres for Green Organic Waste
6. Air-conditioning units and solar hot water heaters shall be provided with screening devices designed to complement the colours, materials and finishes of the building approved herein, and shall be sited to adequately screen the units from view from neighbouring properties and public land (roadways) to the reasonable satisfaction of Council.
7. The landscaping shall be planted prior to occupancy of the development, and maintained at all times to the reasonable satisfaction of Council and to ensure appropriate lines of sight for vehicles and pedestrians. An automated drip irrigation or similar watering system shall be established and maintained to ensure that sufficient water is available to satisfy the needs of the landscaping species selected.
8. During construction of the development approved herein, measures will be implemented to ensure that the construction works do not result in an unreasonable impact on occupiers of adjacent properties or pollution of existing infrastructure through drag-out or stormwater runoff. Measures shall include as necessary:
 - a) A hard surface and controlled washing zone at the entry/exit points to the site, designed to reduce the potential for mud and material dragged out by construction vehicles; and
 - b) Containment of stormwater run-off within the site, which if being discharged into the stormwater system will be filtered to the satisfaction of Council; and
 - c) Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
 - d) The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and

- e) All mechanical equipment shall be used in a manner to minimise the potential for noise pollution and ensure compliance with the requirements of the Environment Protection (Noise) Policy.
9. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.

All works on Council land shall be conducted to Council's specification, with all works to be bunted off safely and pedestrian safety to be maintained throughout the construction period. Plantings will also need to be undertaken in line with council specifications in terms of sight distance interference and safety to the community (thorns/poisonous plantings). Plans displaying all relevant details of the Road/Kerbing/Footpath Works shall be submitted to the Assets and Infrastructure Officer for approval prior to the commencement of any such works.

Advisory Notes:

- (1) Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

- (2) The development plan consent granted herein is effective for a period of twelve (12) months from the date of the decision. Unless Council extends this period, building rules consent is required within this time or the consent will lapse.

Any request for an extension of the operative period of the consent must be submitted to Council in writing, accompanied by the applicable fee.

- (3) Further application pursuant to the Local Government Act shall be made to the Infrastructure Assets and Environment Department for the proposed crossover prior to construction activities occurring.

Road/Kerbing/Footpath Works will need to be inspected by an Assets and Infrastructure Officer to determine they have met all relevant requirements. All work including line marking will be the responsibility of the applicant as will the reinstatement of any damaged Infrastructure / Services related to these works. All works will be carried out at the cost to the applicant.

- (4) Prior to the commencement of construction of the development herein approved, it is strongly recommended that you employ the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.

Failure to correctly site the development on the land in accordance with the plans approved herein would constitute a breach of the *Development Act 1993*. Any amendments required to the approved plans as a result of the survey are to be submitted to Council for approval prior to works commencing.

- (5) You are encouraged to consult with adjoining property owners before commencing any work, to assist in minimising nuisance or inconvenience caused during construction.

- (6) You are required to give formal notification to, and consult with, the adjoining property owner if you are removing, replacing or altering an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence (Section 5 of the *Fences Act 1975*).
- (7) During construction of the development approved herein, measures will be implemented to ensure that the construction works do not result in an unreasonable impact on occupiers of adjacent properties or pollution of existing infrastructure through drag-out or stormwater runoff. Measures shall include as necessary:
 - A hard surface and controlled washing zone at the entry/exit points to the site, designed to reduce the potential for mud and material dragged out by construction vehicles; and
 - Containment of stormwater run-off within the site, which if being discharged into the stormwater system will be filtered to the satisfaction of Council; and
 - Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
 - The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and
 - All mechanical equipment shall be used in a manner to minimise the potential for noise pollution and ensure compliance with the requirements of the Environment Protection (Noise) Policy.
- (8) To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities should only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.
- (9) The construction of the building shall be undertaken in accordance with the Ministers Specification SA78B – Construction requirements for the control of external sound. Compliance with the Minister’s Specification would be required as part of the Building Code of Australia (BCA).
- (10) National Broadband Network (NBN): The National Broadband Network is being rolled out across the City of Prospect. It is recommended that you consider your future connection to the optical fibre network prior to commencing works. Please visit www.nbnco.com.au for further details on how to get connected.



**CITY OF PROSPECT
Development Services**

128 Prospect Road, Prospect SA 5082
Telephone (08) 8269 5355 Facsimile (08) 8269 5834

Development Application Form

Application No.: 050 / 65 / 2017 (Office Use Only)

1. Application Type (select one)

Development Plan Consent only
(Planning Only)

Building Rules Consent only
(Building Only)

Development Approval
(Planning and Building)

2. Location of Proposed Development

Unit #: _____ House #: 204 Street: CHURCHILL Rd.
Suburb: PROSPECT Postcode: _____ CT Volume and Folio: 5750 / 780

3. Details of Parties

Applicant

Name: ASPEX BUILDING DESIGNERS Address: 81 KING WILLIAM ST. KENT TOWN 5067
Contact No.: 8130 3700 Email: gosia.z @ aspedesigners . com . au

Owner as applicant

Name: FORMIA & KENNEDY TRUST Address: 5 WHIMPRESS AVE., FINDON S.A. 5023
Contact No.: 0434 602 907 Email: _____

Builder owner builder as applicant to be advised other

Name: _____ Address: _____
Contact No.: _____ Email: _____

Builders Licence No. _____

4. Proposal Details

Description of Proposal: DEMOLITION OF EXISTING RESIDENCE
RESIDENTIAL DEVELOPMENT, CAR PARKING FENCING

Existing Use of Property: RESIDENTIAL

Estimated Cost of Development: \$ 2,500,000

5. Declarations

- Building Rules Classification sought: 2 Present Class: 1, 10
- Proposed number of employees (for Class 5, 6, 7, 8 or 9): N/A
- Proposed number of persons for whom accommodation is provided (Class 9a only): N/A
- Proposed number of occupants on the premises (Class 9b only): N/A
- Does Schedule 21 or Schedule 22 of the Development Regulations 2008 apply (activities of environmental or major environmental significance)? yes no
- Has the Construction Industry Training Board (CITB) levy been paid? yes no

I acknowledge that Council may make copies of this application and documentation in accordance with the *Development Regulations 2008* and *Development Act 1993*. Details forming part of the application may be included in a Development Assessment Panel agenda published on Council's website.

If published, I request that Council obscures my telephone number and email address. yes no

I have sought permission from the architect/engineer to allow reproduction of the application documents for provision to third parties. yes no

Name: Gosia (ASPEX) Signature: [Signature] Date: 27.02.2017

Applicant Owner Builder



Product	Register Search
Date/Time	06/05/2015 08:22PM
Customer Reference	BOPS
Order ID	20150506011048
Cost	\$26.50

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Registrar-General

Certificate of Title - Volume 5750 Folio 780

Parent Title(s) CT 1419/164
Dealing(s) CONVERTED TITLE
Creating Title
Title Issued 29/03/2000
Edition 1
Edition Issued 29/03/2000

REAL PROPERTY ACT, 1985



Estate Type

FEE SIMPLE

Registered Proprietor

PBJK INVESTMENT CO. PTY. LTD. (ACN: 007 790 365)
OF 64 FINNIS STREET NORTH ADELAIDE SA 5006

Description of Land

ALLOTMENT 49 FILED PLAN 110628
IN THE AREA NAMED PROSPECT
HUNDRED OF YATALA

Easements

NIL

Schedule of Dealings

Dealing Number	Description
3884261	MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

Notations

Dealings Affecting Title

NIL

Priority Notices

NIL



Product	Register Search
Date/Time	06/05/2015 08:22PM
Customer Reference	BOPS
Order ID	20150506011048
Cost	\$26.50

Notations on Plan

NIL

Registrar-General's Notes

CONVERTED TITLE WITH NEXT DEALING LODGE CT 1419/164

Administrative Interests

NIL

* Denotes the dealing has been re-lodged.

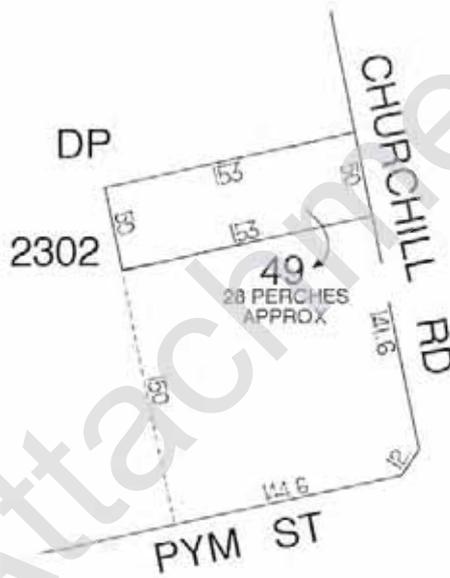
Attachment



Product	Register Search
Date/Time	06/05/2015 08:22PM
Customer Reference	BOPS
Order ID	20150506011048
Cost	\$26.50

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 1419/164

LAST PLAN REF: DP 2302

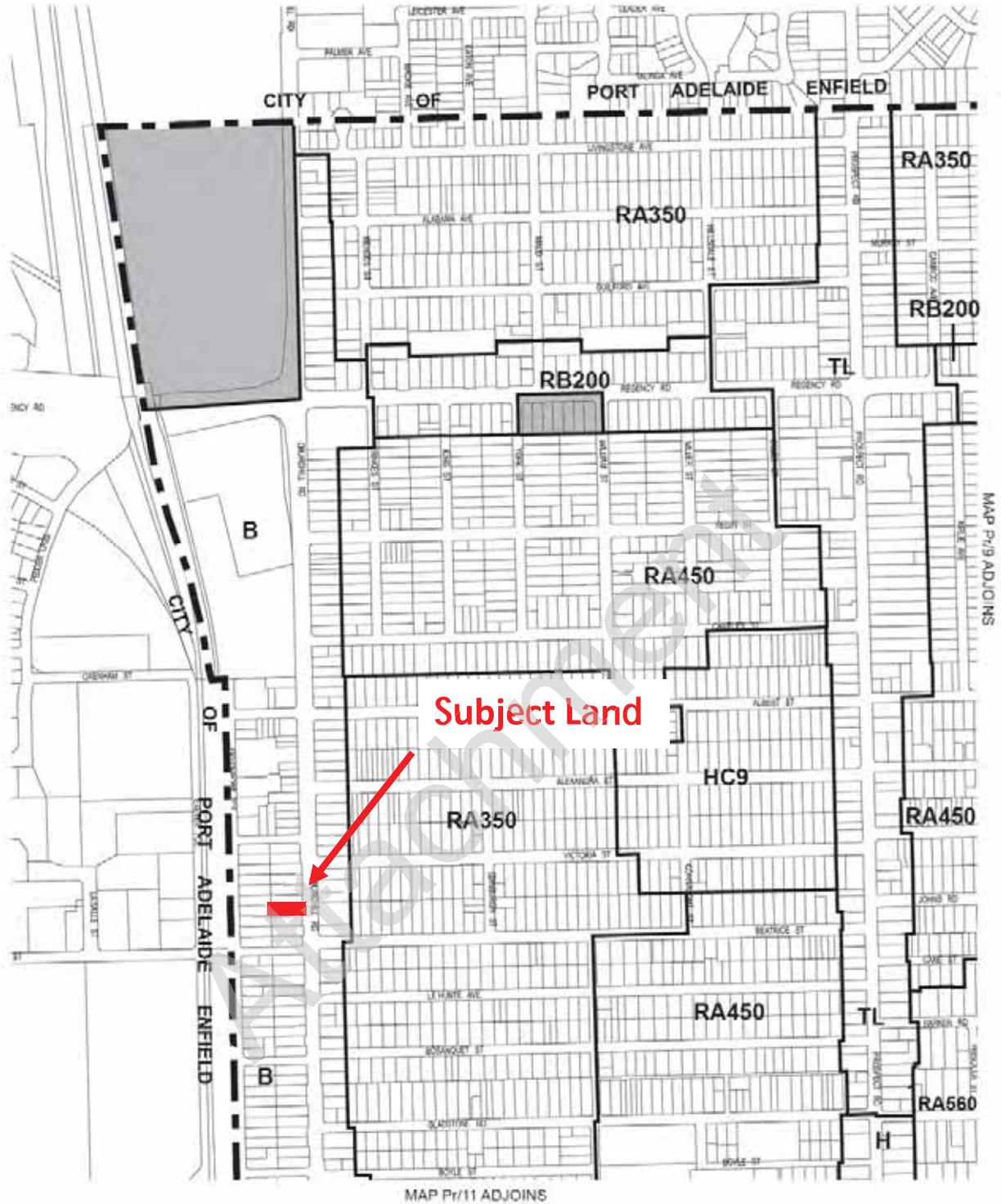


Attachment

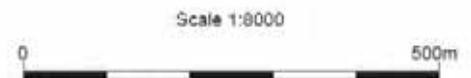


FOR METRIC CONVERSION	
1 FOOT	= 0.3048 METRES
1 INCH	= 0.0254 METRES
1 ACRE	= 0.404686 HECTARES
1 ROOD	= 1011.7m ²
1 PERCH	= 25.29 m ²

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



RA560	Residential Policy Area A650
RA450	Residential Policy Area A450
RA350	Residential Policy Area A350
RB200	Residential Policy Area B200
TL	Transit Living Policy Area
B	Boulevard Policy Area
H	High Street Policy Area
HC9	Historic Conservation Area 9 Policy Area
	Policy Area Boundary
	Development Plan Boundary
	Area not covered by Policy



**PROSPECT COUNCIL
POLICY AREAS
MAP Pr/8**

Consolidated - 30 May 2017



Civic Centre
 128 Prospect Road
 Prospect SA 5082 AUSTRALIA
 Telephone: 08 8269 5355
 Email: admin@prospect.sa.gov.au

204 Churchill Road PROSPECT



Notes

Disclaimer
 This map is a representation of the information currently held by the City of Prospect. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

LEGEND

- st.4 - st.14 1200x1500Wx960D (2.1m²) STORAGE CUPBOARD / ALONG WALKWAY / IN LINE WITH BALUSTRADE ALLOCATED TO: APARTMENTS 2-4 LEVEL 2
- st.1 - st.3 1200x400Wx960D (2.8m²) STORAGE CUPBOARD / ALONG WALKWAY / IN LINE WITH BALUSTRADE ALLOCATED TO: APARTMENTS 1 LEVEL 2,4
- CU SERVICE CUPBOARD
- PS1 FROSTED GLASS PRIVACY SCREEN 1500H
- PS2 LIGHTWEIGHT / SOLID PRIVACY SCREEN 1500H

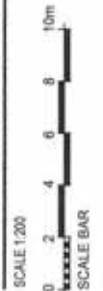
AREAS (m ²)	
CAR PARKING LEVEL	513.90
LEVEL 2	468.15
LEVEL 3	433.20
LEVEL 4	433.20
TOTAL	1852.45
SITE	710.84
SITE COVERAGE	72.3%

LEVEL 2	
APARTMENT 1: LIVING AREA BALCONY	42.46m ² 11m ²
APARTMENT 2: LIVING AREA BALCONY	64.40m ² 15.50m ²
APARTMENT 3: LIVING AREA BALCONY	64.40m ² 15.50m ²
APARTMENT 4: LIVING AREA BALCONY	64.40m ² 15.50m ²
APARTMENT 5: LIVING AREA BALCONY	87.7m ² 18.0m ²

AMENDED PLAN



OVERALL LEVEL 2 PLAN



Boundary information on this drawing has been provided in accordance with the Building Act 2011. It is the builder's responsibility to arrange a boundary identification survey to confirm all dimensions and set out.

REV	AS PER COUNCIL'S REQUEST	DATE
D	REV. AS PER COUNCIL'S REQUEST	27/02
C	REV. AS PER COUNCIL'S REQUEST	10/07
B	REV. AS PER COUNCIL'S REQUEST	19/06
A	PLANNING CONSENT ISSUE	27/02

Rev: details
Issn: Issue



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2181 Long Wilcom Street Kent Town SA 5067
08 8130 3700

admin@aspexdesigners.com.au
www.aspexdesigners.com.au

ABN 73 090 085 037

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This drawing is not to be scaled. Dimensions should be taken immediately to the drawing. This drawing shall be used in conjunction with all other drawings, documents and specifications.

PROPOSED RESIDENTIAL DEVELOPMENT

address
204 Churchill Rd,
PROSPECT, SA

client
FORMIA Trust & Kennedy Trust
sheet size
A3
scale
1:200
drawn
GZ

OVERALL LEVEL 2-4 PLAN

project no
FOR 3214
drawing no
PD03
revision no
D

PLANNING CONSENT ISSUE

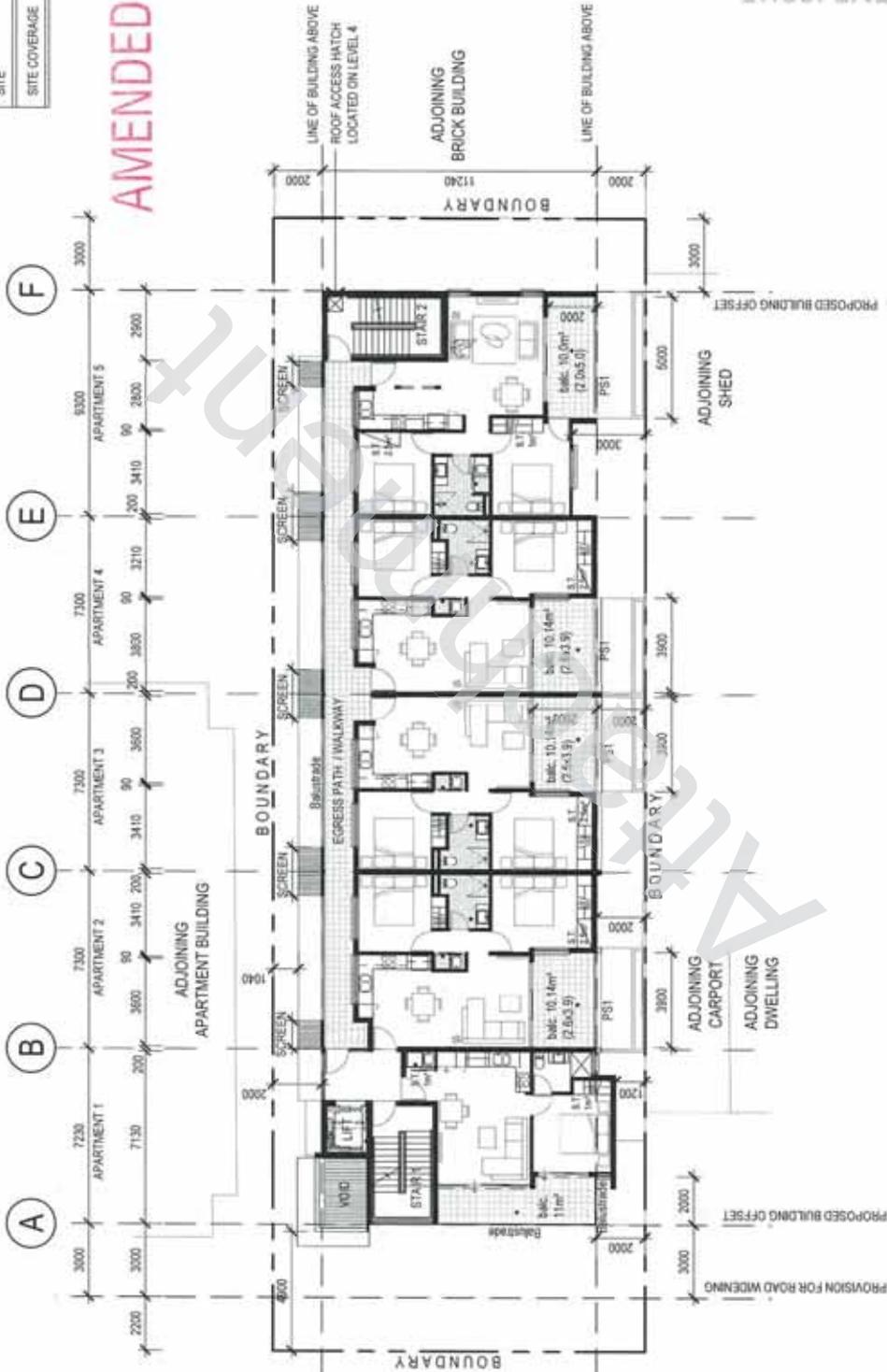
LEGEND

- PS1 FROSTED GLASS PRIVACY SCREEN 1500H
- PS2 LIGHTWEIGHT / SOLID PRIVACY SCREEN 1500H

AREAS (m ²)	
CAR PARKING LEVEL	513.90
LEVEL 2	488.15
LEVEL 3	428.20
LEVEL 4	428.20
TOTAL	1858.45
SITE	710.64
SITE COVERAGE	72.3%

LEVEL 3 & 4	
APARTMENT 1: LIVING AREA BALCONY	42.46m ² 11m ²
APARTMENT 2: LIVING AREA BALCONY	64.4m ² 10.14m ²
APARTMENT 3: LIVING AREA BALCONY	64.4m ² 10.14m ²
APARTMENT 4: LIVING AREA BALCONY	64.4m ² 10.14m ²
APARTMENT 5: LIVING AREA BALCONY	67.7m ² 10.0m ²

AMENDED PLAN



OVERALL LEVEL 3-4 PLAN



Boundary information on this drawing has been provided as detailed survey data. Prior to any building work commencing it is the builder's responsibility to arrange a boundary identification survey to confirm all dimensions and set out.

REV	DATE	DESCRIPTION
D	27/07	REV. AS PER COUNCIL'S REQUEST
C	10/07	REV. AS PER COUNCIL'S REQUEST
B	19/06	REV. AS PER COUNCIL'S REQUEST
A	27/02	PLANNING CONSENT ISSUE
REV	DATE	DESCRIPTION



ASPEX BUILDING DESIGNERS Pty Ltd
2/81 Ferguson Street Level 1A, 3087
GE 8130 3700

admin@aspexdesigners.com.au
www.aspexdesigners.com.au

ASN 73 090 085 037

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PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

address: 204 Churchill Rd, PROSPECT, SA
client: FORMA Trust & Kennedy Trust
sheet size: A3
scale: 1:200
drawn: GZ

OVERALL LEVEL 3-4 PLAN

project no: FOR 3214
drawing no: PD04
revision no: D

PLANNING CONSENT ISSUE

LEVEL 2		
APARTMENT 1: LIVING AREA BALCONY	42.46m ² 11m ²	
APARTMENT 5: LIVING AREA BALCONY	67.7m ² 19.2m ²	
LEVEL 3 & 4		
APARTMENT 1: LIVING AREA BALCONY	42.46m ² 11m ²	
APARTMENT 5: LIVING AREA BALCONY	67.7m ² 19.2m ²	

AMENDED PLAN

Boundary information on this drawing has been provided in detailed survey data. Prior to any building work commencing it is the licensor's responsibility to arrange if boundary identification survey to confirm all dimensions and set out.

REV.	AS PER COUNCIL'S REQUEST	DATE
D	REV. AS PER COUNCIL'S REQUEST	27/02
C	REV. AS PER COUNCIL'S REQUEST	10/07
B	REV. AS PER COUNCIL'S REQUEST	19/06
A	PLANNING CONSENT ISSUE	27/02
rev	details	date



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project
PROPOSED RESIDENTIAL DEVELOPMENT
address
204 Churchill Rd,
PROSPECT, SA
client
FORMIA Trust & Kennedy Trust
sheet size
A3
scale
1:100
drawn
GZ
drawing file
TYPICAL APARTMENT PLANS
project no
FOR 3214
drawing no
PD05
revision no
D

PLANNING CONSENT ISSUE

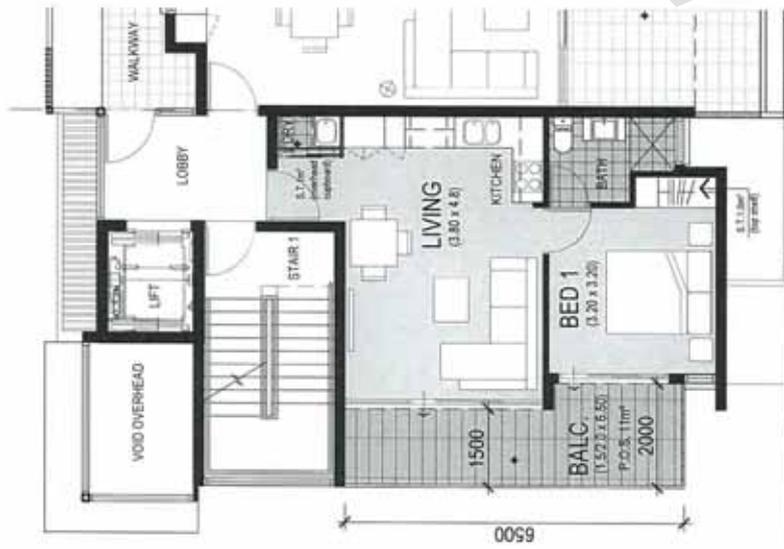
STORAGE FOR APARTMENT 5 (LEVEL 3 & 4)
3.5m² - GARAGE LEVEL - OVERHEAD STORAGE LOCKERS
2.1m² - STORAGE CUPBOARD ON THE WALKWAY
2.5m² - WARDROBE TOP SHELF & STORAGE CABINET IN BEDROOM 1
TOTAL - 8.1m²

STORAGE FOR APARTMENT 5 (LEVEL 2)
3.5m² - GARAGE LEVEL - OVERHEAD STORAGE LOCKERS
4.3m² - STORAGE CUPBOARD ON THE BALCONY
2.5m² - PROVISION FOR STORAGE CUPBOARD IN BEDROOM 2
TOTAL - 10.3m²



TYPICAL APARTMENT 5
SCALE 1:100

STORAGE FOR APARTMENT 1 (LEVEL 2 & 4)
3.0m² - GARAGE LEVEL - OVERHEAD STORAGE LOCKERS
2.0m² - STORAGE CUPBOARD ON THE WALKWAY
1m² - OVERHEAD LAUNDRY CUPBOARD
1m² - WARDROBE TOP SHELF IN BEDROOM 1
TOTAL - 8.3m²



TYPICAL APARTMENT 1
SCALE 1:100



STORAGE FOR APARTMENT 2-4 (LEVEL 2-4)
 3.5m² - GARAGE LEVEL - OVERHEAD STORAGE LOCKERS
 2.5m² - STORAGE CLIPBOARD ON THE WALKWAY
 2.5m² - WARDROBE TOP SHELF & STORAGE CABINET IN BEDROOM 1
 BEDROOM 1
 TOTAL - 8.5m²



TYPICAL APARTMENT 2, 3 & 4
 OPTION 1 (without bath)
 SCALE 1:100



TYPICAL APARTMENT 2, 3 & 4
 OPTION 2 (with bath)
 SCALE 1:100

AMENDED PLAN

Boundary information on this drawing has been provided as indicated survey data. Prior to any building work commencing it is the builder's responsibility to arrange a Boundary Identification Survey to confirm all dimensions and set out.

D.	REV. AS PER COUNCIL'S REQUEST	02	27/07
C.	REV. AS PER COUNCIL'S REQUEST	01	10/07
B.	REV. AS PER COUNCIL'S REQUEST	01	19/06
A.	PLANNING CONSENT ISSUE	01	27/02
rev.	details		gm. table



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 ABR 73 090 085 037

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project
PROPOSED RESIDENTIAL DEVELOPMENT
 address
 204 Churchill Rd,
 PROSPECT, SA
 client
 FORMIA Trust & Kennedy Trust
 sheet size
 A3
 scale
 1:100
 drawn
 GZ
 drawing title
TYPICAL APARTMENT PLANS
 project no.
FOR 3214
 drawing no.
PD06
 revision no.
D

PLANNING CONSENT ISSUE

ROOF
GUTTER SHALL BE PROVIDED WITH THE FOLLOWING UNIFORM MINIMUM FALLS:
EAVES GUTTER 1:500
BOX GUTTER 1:200

BOX GUTTERS TO HAVE OVERFLOW PROVISIONS DESIGNED IN ACCORDANCE WITH ASNZS 3500.3

PROVIDE SWEEP JOINTS TO FLYACROSS DOWN PIPES IN DIRECTION OF FLOW ONLY.

ALL STORM WATER PIPES BELOW & UNDER GROUND MUST BE PRESSURE TESTED.

ACCESS FOR WINDOW CLEANING
WHERE ANY PART OF A WINDOW IN A BUILDING IS MORE THAN 1.5m ABOVE GROUND LEVEL, ACCESS TO THE EXTERNAL SURFACE OF THE WINDOW FOR MINOR MAINTENANCE AND CLEANING MUST BE PROVIDED AS PER BCA SA G7.2

SAFETY ANCHORS SYSTEM MUST BE INSTALLED AS PER ASNZS 5532 AND MANUFACTURERS SPECIFICATION.

AMENDED PLAN

LEGEND

- DIRECTION OF ROOF FALL & PITCH
- HATCH DENOTES EXTENT OF SCREENED PLANT AREA

ROOF PLAN NOTES:

- ROOF LAYOUT IS DIAGRAMMATIC ONLY.
- PROVIDE FLASHING TO SEAL ADEQUATELY ALL PENETRATIONS, JUNCTIONS AND JOINTS. INSTALL ROOF DECK, FLASHING AND FITTINGS IN ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS. ROOF CONTRACTOR TO ENSURE ROOF IS COMPLETE & WATERTIGHT.
- COLORBOND PARAPET CAPPING TO THE TOP OF ALL PARAPET WALLS.
- ALL EXTERNAL EXPOSED FLASHING TO HAVE A COLORBOND FINISH
- CO-ORDINATE INSTALLATION OF ROOF CLADDING WITH ALL SERVICES TO ALLOW FOR ANY PENETRATIONS.
- PROVIDE APPROVED BARKING TO UNDERSIDE OF ROOF CLADDING IN STRICT ACCORDANCE WITH B.C.A. REQUIREMENTS.

Boundary information on this drawing has been provided as a service only. It is the client's responsibility to arrange a boundary identification survey to confirm dimensions and set out.

D	REV. AS PER COUNCIL'S REQUEST	02	27/00
C	REV. AS PER COUNCIL'S REQUEST	01	10/00
B	REV. AS PER COUNCIL'S REQUEST	01	19/04
A	PLANNING CONSENT ISSUE	02	27/02
rev	details		dm ldsb

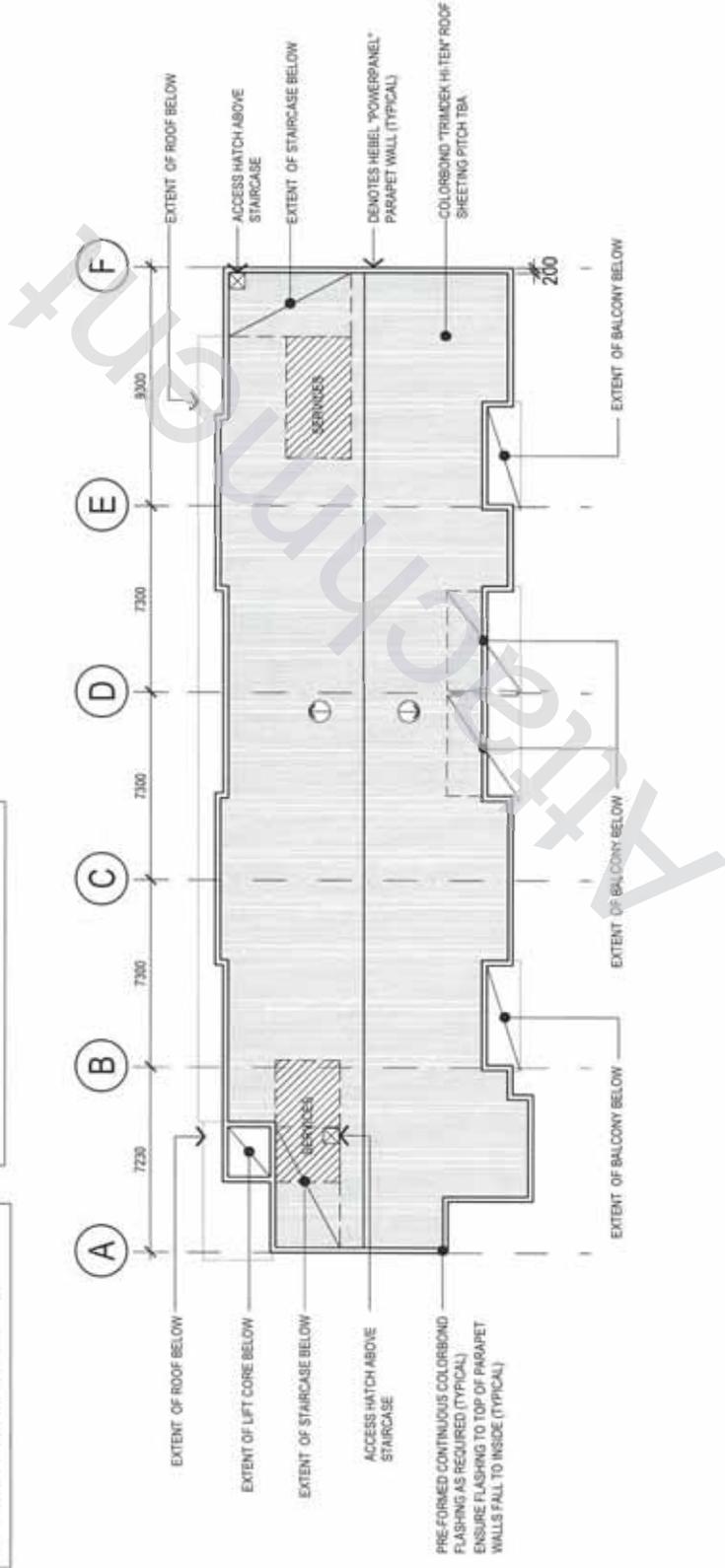


ASPEx BUILDING DESIGNERS Pty Ltd
2/81 King William Street Kent Town SA 5067
08 8130 3700

admin@aspexdesigners.com.au
www.aspexdesigners.com.au
ABN 73 090 085 037

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PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT
address
204 Churchill Rd,
PROSPECT, SA
client
FORMIA Trust & Kennedy Trust
sheet size
A3
scale
1:200
drawn
GZ
drawing title
ROOF & SERVICES PLAN
project no
FOR 3214
drawing no
PD07
revision no
D

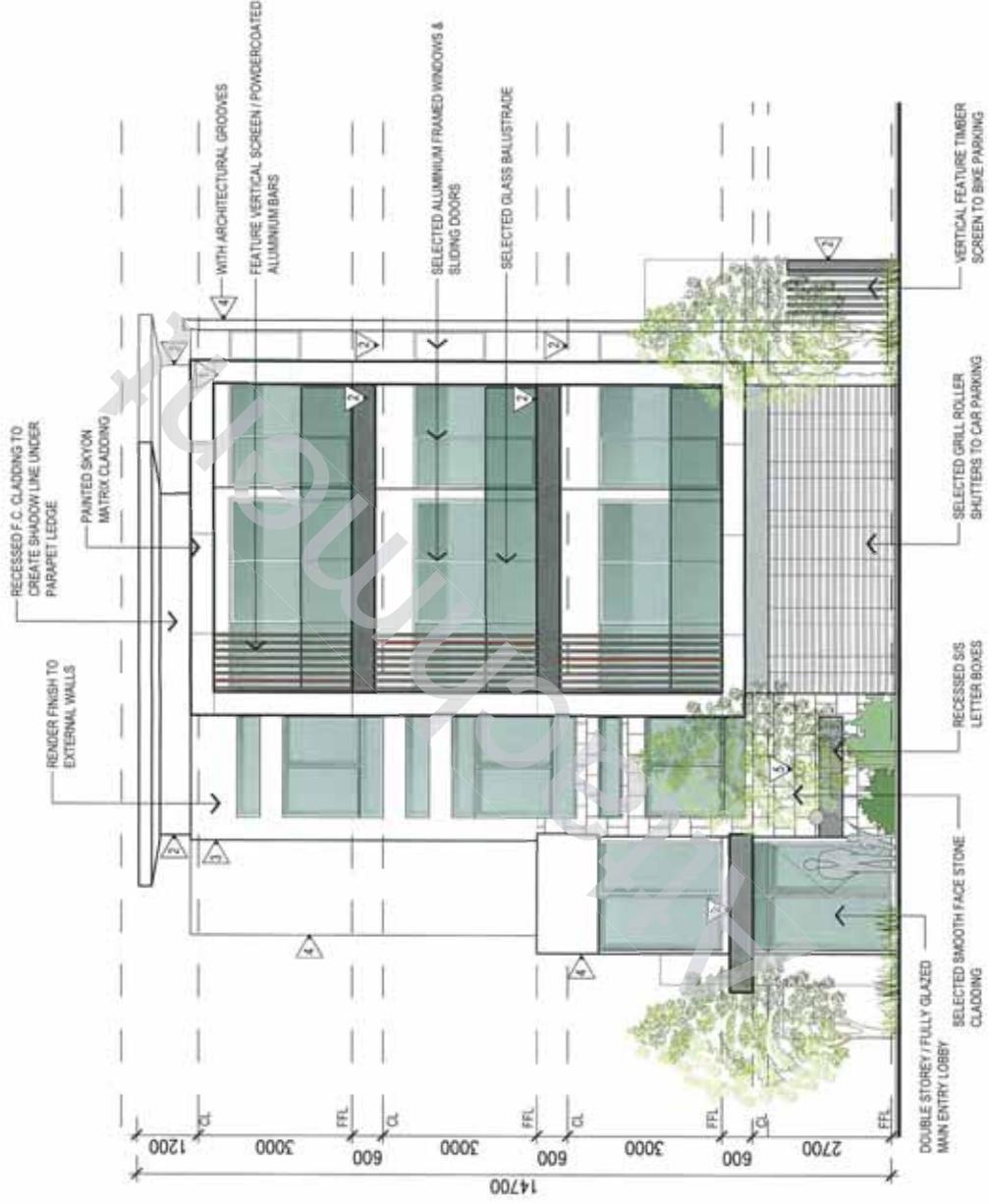


ROOF & SERVICES PLAN



PLANNING CONSENT ISSUE

AMENDED PLAN



FRONT (EAST) FACADE
SCALE 1:100



Boundary information on this drawing has been provided a detailed survey (22/10/20). Note to any building work commencing it is the builder's responsibility to arrange a boundary identification survey to confirm all dimensions and set out.

REV.	AS PER COUNCIL'S REQUEST	DATE
D	REV. AS PER COUNCIL'S REQUEST	27/02
C	REV. AS PER COUNCIL'S REQUEST	10/07
B	REV. AS PER COUNCIL'S REQUEST	19/04
A	PLANNING CONSENT ISSUE	01/27/02
REV.	detail	item



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PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

address: 204 Churchill Rd, PROSPECT, SA

client: FORMIA Trust & Kennedy Trust
sheet size: A3
scale: 1:100
drawn: GZ

ELEVATIONS
drawing file: FOR 3214

project no: PD08
drawing no: D
revision no: 0

PLANNING CONSENT ISSUE

8th April 2017

City of Prospect
Development Services
128 Prospect Road
Prospect SA 5082

Attention: Carly Broadbent

Dear Carly

DESIGN REVIEW: 204 Churchill Road, Prospect

This Design Review has been prepared following an observational site visit undertaken from the street and detailed analysis of the drawings supplied. Comments made relate to design quality in the context of the ten criteria outlined by the City of Prospect Council. It is within this framework that I offer the following comments:

Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

The proposed development is situated in an area of mixed character consisting of old and new single and two storey dwellings with varied pitched roofs and materials. There are also a number of new apartment developments in the locality along Churchill Road which have been built, are being built or for which approval is being sought. Particularly influential in the immediate context are the three storey apartment development to the south of the site on the corner of Churchill and Pym Street and the four storey development three blocks to the north. Therefore in terms of its height, whilst at odds with the prevailing character of the area, it is my opinion that it responds positively to the desired character for Churchill Road which seeks heights of up to four storeys.

Considering context further, it would be fair to say that there is little consistency of materials in the immediate area, however the colour palette of much of the existing lower scaled dwellings is relatively consistent comprising reds, greys and sandstone colours (which the development at 210 Churchill Road also appears to reference to some extent). Whilst it could be argued that the proposal is responding to the colours of the development to the south, it is my opinion that the colours and materials proposed do little to respond to the wider general character and context. By using more subtle colours and colour contrasts and proposing more recognisably residential materials, it is my view that the scheme would achieve a better contextual fit.

A streetscape elevation or reference to adjoining building heights, landscaping, boundary conditions, colours, materials and roof pitches etc would assist in informing design choices

such as materials, roof pitches, heights and window proportions etc and potentially lead to a more successful and sympathetic contextual response.

Scale

Good design provides an appropriate scale in terms of building height relative to width of the street and height of surrounding buildings.

The four storey nature of the development results in an overall scale which is at odds with much of the immediate context, although the developments at 202 and 210 Churchill Road assist in ensuring that the development will not wholly dominate the surroundings. It is important to note however, that although the Development Plan contemplates development at this height, there is a clear desire for the scale of such proposals to be sensitively handled. Scale can be addressed through roof form, the size of building component used, architectural detailing etc, and in this proposal, there has been some consideration of this. The incorporation of a variety of materials is supported, however some of the building components increase the sense of verticality in the façade and overall sense of scale of the development – such as the shading fins, the 15m high green vertical fin on the south eastern corner of the building and the colour and materiality of the escape stair in the south western corner of the site.

In addition, the Development Plan seeks a “pedestrian scale at street level.” The incorporation of an awning, a well resolved landscaping design, textured domestic material (such as brick) and active use at ground level would all assist in improving the sense of pedestrian scale at street level.

Built Form

Good design achieves an appropriate built form for a site and the building’s purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

The built form is a relatively simple four storey block which has been modulated and articulated largely through material application and as a result of the functional requirements of the brief.

The policy area seeks form which has clearly distinguishable base, middle and upper components as well as articulated facades, sheltered human scaled building entrances and form which encourages active street frontages. The proposal goes some way to address these requirements with a distinction between the base and middle elements of the scheme although further modulation of the upper level (by way of recessing or a change in materials) would emphasise the distinction between the middle and top components of the form. Further opportunity for activation at ground level would also assist in the street level presentation and general built form outcome.

Of additional concern is the encroachment into the 2m setback zone on the northern side which has the effect of increasing the size of the overall built form (and its effective sense of scale) and, as will be discussed later, potentially reduces the amenity of the balconies.

Density

Good design has a density appropriate for a site and its context in terms of dwelling yields (or number of units or residents).

The proposal demonstrates a good density for the site with fifteen dwellings proposed and is deemed appropriate for the site and its context.

Resource, Energy and Water Efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

No specific information has been supplied regarding the sustainability of materials proposed, energy use or generation and other sustainable initiatives with very little planting incorporated in the design.

However, living spaces and associated balconies have a northern orientation, all apartments are dual (or triple) aspect and provide the opportunity for cross ventilation and no internal rooms are proposed (except bathrooms). Western windows and openings are limited and the fins on the north and east elevations provide shade and control overlooking. These are all seen as positive aspects of the proposal.

Nevertheless, materials do not appear to have been selected considering their embodied energy or life cycle assessment and it is suggested that the applicant reconsider material selection and propose sustainable design solutions, and also consider the roof which could accommodate planting and solar panels and enable rainwater harvesting etc

Landscape

Good design recognises that together landscape and buildings operate as integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

As mentioned above, little landscaping has been incorporated in the design and this is seen as a negative aspect of the proposal. There is very little space in front of the building between the development and the site boundary for landscaping and the plan is so "tight" that there is little space within the development for residents to grow plants in planters. The private balconies and communal walkways have minimal dimensions (even at apartment entries) and would not easily incorporate both outdoor furniture and planters and there is no communal landscaped space which could provide an opportunity for social interaction, hanging washing, growing plants and the like.

At street level, the policy area seeks low-lying shrubs and grass planting with trees that have relatively clean trunks and high canopies and it is suggested that the area for landscaping between the building and Churchill Road is increased (potentially at least by relocating the bin storage area to within the car park) to support deep soil planting.

In a project such as this where much of the site is effectively sealed and there is little opportunity for ground level planting, it is recommended that the applicant consider high quality hard landscaping and paving options and inventive soft landscaping solutions across the whole development such as vertical planting, rooftop gardens, communal landscaped walkways and gathering spaces as well as private opportunities for planting etc, as described above.

Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development

The general planning of the development is supported with apartments enjoying north facing living areas and dual aspect and one apartment on each floor fronting the street. In addition, it is my view that a good balance has been struck between overlooking and outlook for future residents in the screening, sill heights and balustrading solutions proposed (considering too the potential effects of screening on the built form).

The size of the balconies proposed however, is not ideal and their encroachment (in some instances) on the northern side into the 2m setback zone is of concern, particularly considering potential future adjacent development. Additionally air conditioning units are shown to be located on the balconies and aside from the visual impact, the negative effect on the amenity of the balcony areas and adjacent bedroom windows is not supported.

The ground floor also presents some concern with regards to poor amenity and specifically the lack of opportunity offered for street interaction to occur. There are no apartments or communal spaces provided at ground level (except for a very small lobby area) with much of this ground level frontage given away to inactive uses such as bin storage, vehicular access, escape stair and services' infrastructure and as mentioned previously the extent of landscaping is minimal.

In addition it is recommended that the applicant consider either individual or communal external clothes drying areas for residents (screened from view); the incorporation of noise attenuation measures for apartments fronting Churchill Road; and the aesthetics in resolving the ventilation and fire protection of bedroom windows within 3m of the boundary.

Safety and Security

Good design optimises safety and security both internal to the development and for the public domain.

With little opportunity for ground level street interaction to occur, there is also little opportunity for passive surveillance of the street to occur at ground floor level which means there are no "eyes on the street" and the sense of safety for pedestrians in the public realm is reduced. However passive surveillance of the street from upper levels is provided by way of windows and balconies and this is supported.

It is recommended that high lighting levels be provided to the parking area for increased safety. This is particularly important where the parking area is afforded no passive surveillance, as is the case here. In addition it is suggested that the applicant provide better (physical and visual) connection from the car park to the lobby area for increased permeability and safety, as well as providing detailed design of the pedestrian route from the rear escape stair to the street to show high lighting levels and the security measures proposed for the egress path.

Social dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.

There is little variation in the “product offering” with apartments being similar in size and all being two bedroomed, however considering the size of the development, this is not seen as fatal to the proposal.

It is acknowledged that the lift which serves the development, offers choice for those who might find stairs difficult to negotiate – families with small children and the elderly although the applicant is encouraged to consider the adaptability and flexibility of the apartments and consider providing increased clearances in some apartments (for corridors, bathrooms and in staircases for mobility aids etc).

The applicant is also encouraged to provide communal areas/spaces since they encourage social interaction and help forge a sense of community and ownership. They also assist in creating a sense of community for building users, often resulting in a safer, well looked after development.

Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development.

The palette of materials proposed and resultant overall aesthetic, as alluded to earlier in the discussion around “context,” in my view, is not reflective of the domestic and residential nature of the use, or of much of the surrounding context but presents instead as a commercial development.

The emphasis on the vertical and in particular the green vertical “sign post” on the front elevation as well as the reliance on painted wall finishes (which appear to be black and white) are not supported and the applicant is encouraged to consider more sustainable, textured and domestic materials of softer hues which complement the existing context.

Whilst some other recent developments display bright accent colours, in my opinion this does not reflect the character of the area and results in developments which appear to compete for attention rather than working together to provide a harmonious streetscape reflecting the Development Plan intent of an urban built form which together frames Churchill Road. As such the lime green fin and powder coated fins and window frames and strong colour contrasts are not supported.

In conclusion although the overall intent of the application is supported, the proposal would benefit further from consideration of the following:

- Reorganisation of the ground floor to maximise amenity and provide an active use at ground level and opportunity for street interaction to occur.
- Addressing the pedestrian sense of scale at street level (for example by considering incorporating an awning, a well resolved landscaping design, textured domestic material etc)
- Further modulation of the upper level to emphasise the distinction between the middle and top components of the form
- Maintaining a clear 2m setback to the northern side

- Sustainable design solutions such as rooftop planting, solar panels, water collection systems, material selections etc
- A high quality and convincing hard and soft landscaping scheme for all levels of the building (including the ground floor), incorporating inventive soft landscaping solutions
- Proposing sustainable, textured and domestic materials of softer hues which complement the existing context – textured and/or coloured concrete panels, brick etc
- Reducing the dominance of the 15m high green fin and reconsidering the use of a strong accent colour throughout
- Increasing the size of the balconies proposed
- Relocating air conditioning condenser units away from balconies – potentially providing individual units on the roof (screened from view)
- Incorporating solutions for individual or communal external clothes drying for residents which are screened from view
- Incorporating noise attenuation measures for apartments fronting Churchill Road
- Proposing high lighting levels to the car park and egress route from rear fire stair
- Providing a physical and visual connection from the car park to the lobby area (and increasing its size)
- Considering the safety of the egress route from the rear fire stair
- Providing a communal space for building users

Having reviewed the drawings and assessed the architectural merits of the proposal against the parameters of Council's design review policy, I have support for the intent of the proposal; however, I would recommend that the proposal could be substantially improved through the design amendments as outlined above.

Yours sincerely



Jenny Newman
BA (Hons) Dip Arch (dist) MA SCert Ag

Drawings Reviewed:

Prepared by Aspex building designers

- Existing conditions / demolition PD01A Dated: 27/02/17
- Overall Site Plan PD02A Dated: 27/02/17
- Overall Level 2-4 Plan PD03A Dated: 27/02/17
- Typical Apartment Plans PD04A Dated: 27/02/17
- Typical Apartment Plans PD05A Dated: 27/02/17
- Elevations PD06A Dated: 27/02/17
- Elevations PD07A Dated: 27/02/17

In reply please quote 2017/01916/01, Process ID: 472941
 Enquiries to Vittorio Varricchio
 Telephone (08) 8226 8393
 Facsimile (08) 8226 8330
 E-mail dpti.luc@sa.gov.au



Government of South Australia

Department of Planning,
 Transport and Infrastructure

25/08/2017

Mr Scott McLuskey
 City of Prospect
 PO Box 171
 PROSPECT SA 5082

**SAFETY AND SERVICE –
 Traffic Operations**

GPO Box 1533
 Adelaide SA 5001

Telephone: 61 8 8226 8222
 Facsimile: 61 8 8226 8330

ABN 92 366 288 135

Dear Mr McLuskey,

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	050/65/17
Applicant	Aspex Building Designers / Gosia
Location	204 Churchill Road, Prospect
Proposal	Residential Flat Building

I refer to the above development application forwarded to the Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

THE PROPOSAL

The application proposes to demolish an existing dwelling and construct a four storey residential flat building. DPTI has previously provided comments in a letter dated 05/04/2017.

CONSIDERATION

The subject site abuts Churchill Road, an arterial road under the care, control and management of DPTI. Churchill Road is identified as a High Frequency Public Transport Corridor and Peak Hour Route within DPTI's *A Functional Hierarchy for South Australia's Land Transport Network* in the vicinity of the subject site. This section of Churchill Road carries an AADT of 25,600 vehicles (8.0% heavy vehicles).

The site is located within the Urban Corridor Zone, which extends along Churchill Road from the junction with Torrens Road in the south to Livingstone Avenue in the north. Although development of this intensity is envisaged within the Zone, and indeed DPTI does not object in-principle to higher density development being undertaken along arterial roads, the emerging pattern of new development along Churchill Road is very piecemeal, consisting of small sites being developed individually rather than opportunities being sought for the amalgamation of allotments to accommodate a more consistent and integrated form of development along Churchill Road as sought

by the desired character statement. It should be noted that piecemeal development of small sites along Churchill Road is likely to undermine the safe and efficient operation of this road.

Seeking opportunities for the amalgamation of allotments will assist with the achievement of PDC 11 in the Zone, which seeks to minimise the number of access points to/from Churchill Road and promote co-ordinated/consolidated car parking arrangements across developments. In turn, achieving co-ordinated/consolidated car parking and access arrangements will assist in minimising the potential for vehicular conflict, improve pedestrian safety and comfort, and promote a form of development that supports the role and function of Churchill Road.

Although DPTI would have preferred that the applicant engage with adjoining property owner to the south to try to achieve a co-ordinated/consolidated development outcome or at least a shared access scenario, it is noted that this has not been achievable. Subsequently, DPTI provides the following assessment of the proposed development as referred.

Metropolitan Adelaide Road Widening Plan

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 2.13 metres in width from the Churchill Road frontage of this site for future road purposes. 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.

It is anticipated that a strip of land up to 2.13 metres in width is likely to be required from the Churchill Road boundary of the subject site for future road purposes. Amended plans provided to DPTI show that all building works are clear of this requirement and that the garage has been setback approximately 9.0 metres from the Churchill Road property boundary. Accordingly, DPTI is satisfied that the proposed development has been sufficiently located should the road widening requirements be acquired in the future. It should also be ensured that all meters and services are located outside of the above areas.

As part of the development falls within the above consent area, consent will be required in this instance. Should Council approve the development, the applicant should forward the attached form, along with three copies of the approved plan to DPTI for consent purposes.

Further to the above, Council will need to consider whether an increased setback from the future Churchill Road boundary is required to achieve adequate pedestrian amenity.

Access and road safety

The application proposes to relocate the site access from the southern property boundary to a point 2.0 metres south of the northern property boundary. The proposed access also has a width of 6.0 metres at the Churchill Road property boundary to accommodate simultaneous two-way movements of passenger vehicles. Accordingly, DPTI does not object in-principle to the proposed access point. The applicant may be required to relocate a dedicated vehicle park to facilitate the access location and ensure that the existing crossover is reinstated to Council standard kerb and gutter. All works will be at the applicant's cost. It is also noted that a minimum 1.0 metre separation has been provided between the proposed access and the existing stobie pole.

Although it appears sufficient space is available within the undercroft for a B85 vehicle to enter and exit the site in a forward direction, turn paths produced by DPTI show that vehicle manoeuvrability for vehicles exiting the parallel car parks is constrained. Turn paths also show that proposed car park 16 would not function appropriately. Therefore, it is recommended that Car Park 16 be removed from the application and the bike storage area be relocated in order to allow vehicles to utilise the entire area adjacent the western boundary to conveniently manoeuvre to exit the site.

The Traffic and Parking Assessment produced by Frank Siow & Associates, dated 1 August 2017, nominates that refuse collection would be undertaken by Council verge pickup. It proposes to extend the existing parking bay adjacent the site to merge with a parking bay to the South and to zone this area for refuse pick up for specific periods to allow a refuse vehicle to store off-street. Whilst DPTI acknowledges the intent of kerbside collection (subject to Council approval), it should be noted that this arrangement will not be possible post-widening as these facilities will be removed. Subsequently, it is strongly recommended that the applicant engage a private contractor for on-site waste collection, utilising a vehicle of appropriate size (i.e. one that can enter and exit the site in a forward direction).

Car parking

Council should ensure that sufficient car parking consistent with AS/NZS 2890.1:2004 is provided to serve the proposed use. It should be noted that car parking on Churchill Road adjacent the site cannot be guaranteed, and that visitors may need to utilise the nearby local road network should all on-site car parks be occupied.

CONCLUSION

DPTI does not object in-principle to the proposed development being accommodated on the site. The planning authority is directed to attach the following condition to any approval:

1. All development (including meters, services etc.) shall be kept clear of the 2.13 metres road widening requirement shown on the Metropolitan Adelaide Road Widening Plan.

The planning authority is advised to attach the following conditions to any approval:

2. The site shall be served by a single shared access point direct to/from Churchill Road. No additional vehicular access to/from Churchill Road shall be permitted.
3. The access shall be a minimum of 6.0 metres in width at the property boundary and extend at this width for a minimum of 6.0 metres into the site.
4. A minimum 1.0 metre separation shall be provided between the shared access and the existing stobie pole.
5. The obsolete Churchill Road crossover(s) shall be closed and reinstated with Council specification kerb and gutter at the applicant's expense.
6. The shared access and all on-site manoeuvring areas shall be kept clear of any impediments to vehicle movements (including meters, fences, vegetation, letter boxes and parked vehicles).
7. The access point shall comply with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' as defined in AS/NZ 2890.1:2004

8. All car parking shall be designed in accordance with AS/NZS 2890.1:2004.
9. All vehicles shall enter and exit the site in a forward direction.
10. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Churchill Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

The following note provides important information for the benefit of the applicant and is required to be included in any approval:

- The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 2.13 metres in width from the Churchill Road frontage of this site for future road purposes. 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.

As part of the development falls within the above consent area, consent will be required in this instance. The applicant should forward the attached form, along with three copies of the approved plan to DPTI for consent purposes.

Yours sincerely,



MANAGER, TRAFFIC OPERATIONS

For **COMMISSIONER OF HIGHWAYS**

A copy of the decision notification form should be forwarded to dpti.developmentapplications@sa.gov.au

METROPOLITAN ADELAIDE ROAD WIDENING PLAN ACT, 1972

Government of South Australia
Department of Planning,
Transport and Infrastructure

**APPLICATION FOR CONSENT OF THE COMMISSIONER OF HIGHWAYS
FOR BUILDING WORK**

Owner's Name _____

Applicant's Name _____
(If not owner)

Relationship to Owner (Lessee, Prospective Purchaser, Etc.) _____

Postal Address _____

Postcode _____

Location of Proposed Building Works (Full Details Required):

L.T.O. Plan No.: _____ Allotment No.: _____ Section: _____

Hundred: _____ House No.: _____

Street Name _____ Suburb: _____

Certificate of Title _____

Volume _____ Folio _____

Nature of Proposed Building Work _____

Proposed Location of Building Work on Land:

Distance from existing front road boundary to nearest point of building _____

Distance from existing side boundary (if on corner) to nearest point of building _____

Total estimated cost of proposed building work \$ _____

Estimated cost of proposed building work on land to which the Act applies \$ _____

Signature(s): _____ (Applicant) _____ (Owner or Authorised Agent) _____ Date _____

Notes:

1. Three (3) copies of the approved site plan describing fully the nature and extent of the proposal must be forwarded with this application form together with one copy of the notification of the relevant authority's decision to approve the development under the Development Act 1993.
2. The Act requires that the consent of the Commissioner of Highways must be obtained for any building work on land to which the Act applies.
3. The Act applies to all land shown on the Metropolitan Adelaide Road Widening Plan as possibly required for road widening and all land within six metres of the boundary of that land.

PLEASE RETURN TO:

COMMISSIONER OF HIGHWAYS
DEPARTMENT OF PLANNING, TRANSPORT AND INFRASTRUCTURE
GPO BOX 1533
ADELAIDE SA 5001

For further information regarding the Metropolitan Adelaide Road Widening Plan Act,
please contact DPTI on (08) 8226 8384.



24 August 2017

City of Prospect
Attention: Mr Scott McLuskey, *Senior Development Officer - Planning*
128 Prospect Road
PROSPECT SA 5082

By email: scott.mcluskey@prospect.sa.gov.au

Dear Scott

**AMENDED PLANS & DOCUMENTATION –
RESIDENTIAL FLAT BUILDING (COMPRISING 15 DWELLINGS),
CARPARKING & LANDSCAPING**

204 CHURCHILL ROAD, PROSPECT

DA 050/65/2017

1.0 INTRODUCTION

Further to our meeting regarding the above matter, Ben Green & Associates has been engaged to assist in the progression of this application and work through a response to the Council request for additional information along with the comments of the Design Review Panel and DPTI. As part of the response a set of amended have been prepared, dated 29 April 2017.

In providing this correspondence, I can confirm that I have assisted with the preparation of the amended plans and accompanying documentation and have considered the most pertinent provisions of the Prospect Council Development Plan. I have also inspected the subject land and its locality.

I provide my views and opinions on the amendments below.

2.0 ACCOMPANYING DOCUMENTATION

This correspondence is to be considered in conjunction with the following documentation recently submitted:

- Amended plans – prepared by Aspex Building Designers.
- Waste Management Plan – prepared by Veolia Environmental Services.
- Traffic and Parking Assessment – prepared by Frank Siow & Associates.



3.0 AGENCY REFERRAL COMMENTS

The application was formally referred to the Department of Planning, Transport and Infrastructure – Traffic Operations section (DPTI), which requested a number of amendments in relation to building setbacks and in particular the setback from the front property boundary given the requirements for road widening within the area.

This advice has been considered and the amendments now achieve all of the DPTI's concerns.

The following dot points are a summary of the changes made in response to DPTI's advice:

- The front setback has been increased (including services) to exceed the 2.13 metre requirement from the Churchill Road property boundary. The front setback also exceeds the requirements of the Development Plan.
- The built form has been setback appropriately to ensure safety and efficiency of access in the event that road widening takes place.
- A minimum 1.0 metre separation has been achieved between the proposed access and the existing stobie pole located adjacent the northern allotment boundary.
- The existing vehicular crossover to the subject land is proposed to be physically closed, with all kerbing and paving to be reinstated to achieve additional car parking along the street in a manner consistent with the existing parking to the south.

The amended plans provided therefore satisfy the comments made by DPTI and it is understood that Council staff have forwarded a copy of the amended plans to DPTI for final review.

At the time of lodging this submission BG & Associates have not had the opportunity to consider any further correspondence from DPTI but verbal discussions with the author of the DPTI referral response has confirmed their "in-principle" support for the proposal, as amended.

4.0 DESIGN REVIEW PANEL COMMENTS

The proposal has also been considered by Council's Design Review Panel to ensure quality design outcomes for new development within the Urban Corridor Zone. From the advice received, it is understood that the overall intent of the application is supported, however a number of design recommendations were made to improve the overall development outcome.

I provide a response to each of the issues raised below:



4.1 Comment – *Reorganisation of the ground floor to maximise amenity and provide an active use at ground level and opportunity for street interaction to occur.*

Response – Whilst there is no living space provided on the ground floor, the amendments have resulted in a redesigned pedestrian environment providing a clear walkway delineation and line of sight to the main pedestrian entry point lobby, including sufficient areas for meaningful landscaping and appropriate levels of paving. The lobby area was previously a less dominant feature and was sited behind the stairwell which did not adequately address the street frontage. The amendments have essentially revealed the entrance in a more prominent manner to connect the building to the streetscape and public realm whilst also improving the overall readability/legibility from a pedestrian perspective.

4.2 Comment – *Addressing the pedestrian sense of scale at street level.*

Response – The entrance and canopy have been redesigned to be less 'commercial' in appearance with the changes reflecting a wider, more contemporary residential form offered than there was previously. The materiality has also improved with the inclusion of a stone veneer and rendered finishes in warmer more earthy tones. The redesigned façade and materiality also builds on the notion of creating a more defined podium at the street level with increased side setbacks and lighter weight materials on the upper levels. Importantly, the location of services and storage areas have also been relocated from the front of the site to improve the pedestrian and streetscape amenity and connectivity to the public realm.

4.3 Comment – *Further modulation of the upper level to emphasise the distinction between the middle and top components of the form.*

Response – The upper level of the building and more specifically the inclusion of a defined roof has been added to again emphasise the building is to be used for residential purposes and be less 'commercial' in appearance. In our view the building now has a greater degree of articulation and overall form with a more interesting roof line which frames the overall design.

4.4 Comment – *Maintaining a clear 2 metre setback to the northern side.*

Response – It is understood that this comment is in relation to the two upper levels as the Development Plan affords the opportunity for built form to be located on the boundary for the first two stories on an allotment featuring a frontage of 20 metres or less. In the main this setback requirement has been complied with, except for a small protrusion towards the front of the allotment where the front dwellings are setback 1.2 metres from the northern common boundary, which in our view offers some desired articulation, although this is seemingly at variance with the provisions contained within the current Development Plan. The concept of this setback was further discussed with Council Planning staff who were encouraging given the proposed changes set out in the current Development Plan Amendment (on interim operation) that will potentially vary policies within the Urban Corridor Zone, which allow a greater level of flexibility for side setbacks towards the front of a given site. In my opinion, the side setbacks will assist in providing a degree of articulation



that would otherwise not be achieved if the development was to have consistent rectilinear setback along its northern edge.

4.5 Comment – *Sustainable design solutions such as rooftop planting, solar panels, water collection systems, materials selections etc.*

Response – The floor plans have been updated to maximise solar efficiency by exposure to northern sunlight in living areas. The balconies on the first floor include inbuilt planter boxes that when planted will not only assist in softening the appearance of the built form, but will also provide some shade to the areas of private open space. Although not forming part of this application, the roof form and associated parapet is such that solar panels could be located and situated unobtrusively on the roof adjacent to the proposed screened plant areas.

4.6 Comment – *A high quality and convincing hard and soft landscaping scheme for all levels of the building (including the ground floor), incorporating inventive soft landscaping solutions.*

Response – As indicated above, the balconies on the first floor include inbuilt planter boxes that when planted will assist in softening the appearance of the built form and provide an attractive outlook for the occupiers of those dwellings.

Quite extensive landscaping is also provided at ground level (in the context of its main road setting) between the front property boundary and the built form. This landscaping consists of a good mix of lower/middle and upper level species with grasses, shrubs and three feature trees of a taller species to provide a good depth of diversity of “greenery” at various levels. The feature trees are *Pyrus Calleryna ‘Capital’* (Ornamental Pear) and can mature to a height of 3.0 metres with canopy spread of 2.0 metres each. The number of feature trees and their mature size are considered appropriate given the allotment has an overall frontage of 15.24 metres with 6.0 metres of which utilised as driveway space. The siting of feature trees together with more compact species is considered to soften the overall appearance of the development when viewed from the street and ultimately increase the amenity of this space at the human/pedestrian level.

4.7 Comment – *Proposing sustainable, textured and domestic materials of softer hues which complement the existing context – textured and/or coloured concrete panels, brick etc.*

Response – The amended plans illustrate a combination of materials and colours that are more domestic in nature and in the main includes colours and finishes that are more reflective of other more traditional development examples in the broader locality. The proposal includes a combination of rendered finishes, painted skyon matrix cladding, and smooth face stone cladding to the lower two stories. Full height aluminium framed windows and sliding doors are proposed on the front (east) façade which also includes glass balustrading with feature vertical powered coated aluminium screens.

4.8 Comment – *Reducing the dominance of the 15m high green fin and reconsidering the use of a strong accent colour throughout.*



Response – The large green fin has been removed. Accent colour/s have been muted with the overall concept relying more on the compatibility of various textures rather than providing a bold colour statement.

4.9 Comment – *Increasing the size of the balconies proposed.*

Response – All balconies and areas of private open space have been increased in size. Usability has also improved by limiting narrow and inaccessible areas. Balcony sizes range from 10m² to 16m² with an average balcony size of 11.75m² thereby generally complying with the provisions of the Development Plan and providing useable spaces for apartment living.

4.10 Comment – *Relocating air conditioning condenser units away from balconies – potentially providing individual units on the roof (screened from view)*

Response – Air-conditioning units have been removed from the balconies and relocated to the roof. The roof plan illustrates two service plant areas that are proposed to be screened from view to the streetscape and adjoining properties.

4.11 Comment – *Incorporating solutions for individual or communal external clothes drying for residents which are screened from view.*

Response – The increased size of the proposed balconies affords the opportunity for individual clothes drying areas which in the main are screened from view as they are predominantly located on the northern side of the building.

4.12 Comment – *Incorporating noise attenuation measures for apartments fronting Churchill Road.*

Response – It is the intention of the applicant to provide suitable glazing and additional insulation to these apartments to reduce noise impacts from Churchill Road in accordance with the Building Code of Australia.

4.13 Comment – *Proposing high lighting levels to the car park and egress routes from rear fire stair.*

Response – The applicant intends to install motion sensor lights in the car park and rear fire stair in defined locations, which is considered appropriate for a development of a residential nature whilst meeting the Building Code of Australia and not causing unreasonable light spill on adjoining property owners.



4.14 Comment – *Providing physical and visual connection from the car park to the lobby area.*

Response – Previous plan iterations achieved direct access from the car park to the lobby. In order to maximise the number of car parks on site, ensure compliance with fire egress requirements, and relocate building access points as described above it has been difficult to achieve direct access. Access to the car park is however achieved via either the garage door or adjoining personal access door adjacent to the general storage area.

4.15 Comment – *Providing a communal space for building users.*

Response – Given the proposal achieves sufficient areas of private open space, for all apartments a structured and formal communal space is not considered to be a necessary requirement in this instance.

5.0 PLANNING OFFICER COMMENTS

The correspondence received from Council dated 29 April 2017 sought clarification and refinement of a number of matters, some of which are addressed above whilst others are discussed in further detail below.

5.1 Design and Overall Appearance

Council staff sought improvements to building detailing, materials and finishes with concerns echoing those of the Design Review Panel. Whilst some of the concerns have been addressed in the preceding section, those comments are primarily orientated to the presentation of the built form and its setting within the streetscape. Revisions have also been made to other elevations in an attempt to minimise the visual massing and repetitiveness of the design thereby adding visual interest and a point of difference. The amended plans have a greater emphasis on both horizontal and vertical elements and utilises a combination of external materials to a point which is seen to improve the overall appearance and design of the building to be more residential in nature on all elevations. The horizontal elements achieve a clear distinction between the lower and upper levels. The vertical elements create an improved visual appearance and provide a level of visual diversity among the dwellings.

5.2 Volume and Location of Storage

The Council-wide provisions of the Development Plan seek to ensure that dwellings incorporate adequate areas for the storage of goods either in the dwelling, garage or communal areas. Design Technique 110.1 of the Development Plan suggests a figure of 8m³ as an appropriate sized storage area per dwelling.

The volume and location of storage for each dwelling is stipulated on the amended plans. Each dwelling is provided with 3.5m³ of storage within the car park area, plus between 2.1–2.8m³ of enclosed storage along the egress path / walkway of the first floor (level 2), plus an additional 2–3.5m³ of dedicated storage within each dwelling. Dwelling 5 on the first floor (level 2) also contains 4.3m³ of balcony storage.



The location and amount of storage provided is considered to generally comply with the abovementioned design technique of providing 8m³ of dedicated storage.

5.3 Site Levels and Retaining

The subject land is relatively flat however to achieve a level bench for the building a 250-300mm concrete plinth is proposed along the western portions of both the northern and southern common boundaries and along the western boundary as noted on the amended plans.

5.4 Car Parking Provision

The proposed development comprises 15 dwellings over three levels above an at-grade car park that provides 16 parking spaces. The correspondence received from Council recommended that consideration be given to the shortfall in visitor car parking proposed on-site.

Based on the Development Plan, the parking requirement would be:

- 19 car parking spaces (including visitor parks)(rounded up).
- 5 bicycle parking spaces (rounded down).

The applicant engaged Frank Siow & Associates to prepare a Traffic and Parking Assessment which indicates that it is not uncommon to reduce the parking requirement at locations where public transport is readily available and where there is accessibility to bicycle routes and bicycle lanes would also encourage the use of non-car modes of transport. Assuming a 10% for the proximity to public transport, the parking requirement for the proposed development was identified in the assessment to be 16 to 17 spaces.

The proposal would provide 16 parking spaces, which is within the range indicated above, and 5 bicycles parking rails which would meet the Development Plan requirements.

One on-street parking bay could be reclaimed on the street verge adjacent to the development frontage when the current crossover is removed and kerb reinstated. Such an arrangement would allow visitor parking to occur in front of the development site and therefore provide access to 17 spaces.

Based on the investigations undertaken, Mr Siow confirms adequate parking would be provided for the development.

Nevertheless, in order to expedite the application through Council's Development Assessment Panel, the applicant is also willing to offer a contribution into Council's car parking fund to the sum of \$10,000 to offset the deficiency and departure from strict compliance with the Development Plan requirements on the basis that if deemed required it would be reflected by way of a condition of approval requiring payment prior to occupation of the dwellings.



5.5 Vehicle Manoeuvrability

Concerns were raised by DPTI regarding the proposed layout of the car park and the manoeuvrability of vehicles on site. In particular DPTI was concerned regarding vehicles existing the 90 degree car parks being constrained by the proposed parallel parking.

The Traffic and Parking Assessment by Mr Siow notes that the arrangement is similar to that at 210 Churchill Road (which was accepted by DPTI), and provides a series of diagrams using Autotrack modelling to confirm that access to all parking spaces would be satisfactory.

The assessment indicates that the proposed parking layout would enable convenient and safe access to be provided for the development, and that the proposed parking spaces would be conveniently accessible and would allow all vehicle movements to occur in a forward direction.

5.6 Waste Management

A Waste Management Plan has been provided by Veolia Environmental Services which outlines the capacities provided for each of the three waste streams and the frequency of collection.

A bin refuse is proposed towards the front of the site within the secure car park area and is screened from view so that it is not visible from the streetscape. The refuse area is sited in the proposed location to minimise the time spent on site by the waste contractor when collecting the refuse.

The method of collection is also considered in the Traffic and Parking Assessment. The assessment notes DPTI's referral response indicates that *'DPTI is prepared to tolerate Council undertaking waste collection as per usual arrangements, provided that the largest possible bins are utilised in order to minimise the number of bins requiring collection.'*

The Traffic and Parking Assessment acknowledges that there is an existing on-street parking bay to the south of the subject land that could be merged with the proposed on-street car park at the front of the subject land. The merged parks could then be zoned for refuse pickup from the proposed development during a specific time period and enforced by way of a condition of approval.

The Traffic and Parking Assessment notes that the merged car park arrangement would provide a better opportunity for refuse collection to occur off the Churchill Road carriageway, compared to the outcomes achieved on other nearby sites.

5.7 Visual Privacy

The adjoining land to the south is occupied by a relatively recent three storey residential flat building. The northern façade of that building contains a series of high level glass blockwork windows, and given the impermeable nature of such, there will be little impact on the visual privacy of these dwellings and vice versa.



The proposed dwellings are orientated towards the north to maximise solar orientation. Additional screening above the balustrades is not proposed to ensure adequate amounts of sunlight into the dwellings. It is understood through discussions with council staff that should the adjoining land to the north be developed in a similar fashion to the proposed development then council staff would seek to establish privacy screens on the southern side of that development to maintain privacy of the proposed dwellings.

6.0 CONCLUSION

After careful consideration of the issues raised and addressed herein, it is my view that the application as amended is not 'seriously at variance' with the provisions of the Development Plan.

The proposal has been amended with a height, scale, proportions, material/finishes, landscaping, car parking and waste disposal that is considered to be in-keeping with the intent of the Urban Corridor Zone and the Boulevard Policy Area.

As such, it is my opinion that the revised proposal warrants the issuing of Development Plan Consent and request that the application be presented to the next available meeting of Council's Development Assessment Panel to which we will be in attendance to discuss the proposal.

Yours faithfully

Ben Green & Associates

Ben Green, CPP MPIA
bengreen@bengreen.com.au

Tom Gregory, CPP MPIA
tomgregory@bengreen.com.au

cc: masiellom@banksa.com.au

FRANK SIOW & ASSOCIATES

Traffic and Parking Consultants

P.O. Box 253
Kensington Park SA 5068
Tel/Fax: (08) 8364 1351
Mobile: 0411 445 438
Email: frank@franksiow.com.au

1 August 2017

Mr Ben Green
Ben Green & Associates
PO Box 392
BRIGHTON SA 5048

Dear Mr Green,

204 CHURCHILL ROAD, PROSPECT PROPOSED RESIDENTIAL DEVELOPMENT TRAFFIC AND PARKING ASSESSMENT

As requested, we have reviewed the proposal to construct 15 apartments on the subject site. The site is located on the western side of Churchill Road. The proposal is shown in drawing "Project No. FOR 3214, Drawing No. PD04, Revision D".

Churchill Road is an arterial road under the control, care and management of DPTI. Adjacent to the subject site, Churchill Road has one traffic lane in each direction separated by a painted median. There is a bicycle lane which operates in both directions of the road.

We note that there are bus stops located a short distance to the north and south of the subject site on Churchill Road. The Dudley Park railway station is also in close proximity (approximately 400m). The subject site is therefore located in close proximity to bus and train services.

The subject site is located with the Urban Corridor Zone of the City of Prospect.

The proposal comprises of 15 apartments over three levels above an at-grade car park. The at-grade car park would have 16 parking spaces.

1.0 PARKING ASSESSMENT

The relevant parking requirements for residential apartments in the Urban Corridor Zone are as follows:

TABLE Pr/5

Off-street Vehicle Parking Requirements for Designated Areas

- *Resident: 1 per studio (no separate bedroom), 1 or 2 bedroom dwelling*
- *Visitor: 0.25 per dwelling*
- *A lesser car parking rate than prescribed may be applied where justified based on local circumstances, for example where: (f) the site of the development is located within distances specified in the conditions applicable to Designated Areas for at least two different public transit modes;*

*TABLE Pr/6**Off-street Bicycle Parking Requirements for the Urban Corridor Zones*

- *Employee/resident (bicycle parking spaces): 1 for every 4 dwellings*
- *Visitor (bicycle parking spaces): 1 for every 10 dwellings*

Based on the Development Plan, the parking required would be:

- 19 parking spaces overall (rounded up).
- 5 bicycle parking spaces (rounded down).

At locations where public transport is readily available, it is not uncommon to reduce the parking requirement. In addition, the adjacent bicycle routes and bicycle lanes would also encourage the use of non-car modes of transport for the subject development. Assuming a 10% discount for proximity to public transport, the parking required for the proposed development would be 16 to 17 spaces.

The proposal would provide 16 parking spaces, which is within the range indicated above, and 5 bicycle parking rails, which would meet the Development Plan requirement.

We note also that one on-street parking bay could be retained on the street verge adjacent to the development frontage, when the current crossover is reinstated to kerb. Such an arrangement would continue to allow visitor parking to occur in front of the development site.



Figure 1: Current verge parking

There is an existing parking bay to the south of the subject site. If the above relocated on-street parking bay in front of the subject development were to be extended and 'merged' with the existing parking bay to the south, it would allow a 3-car bay to be provided.

We note that in DPTI's formal referral response to Council, they indicated that "*DPTI is prepared to tolerate Council undertaking waste collection as per usual arrangements, provided that the largest possible bins are utilised in order to minimise the number of bins requiring collection.*"

Importantly, if this 3-car bay were to be zoned for refuse pick up during a specific time period for the development (as a condition of approval by Council), this would assist in addressing the refuse pick up issue on Churchill Road. This 3-car bay would be able to accommodate the infrequent refuse truck to momentarily stop clear of the traffic lane, when picking up the refuse bins during the nominated time. This would address the DPTI requirement about minimising the impact on traffic flows in Churchill Road during refuse collection.

We note that this 3-car bay adjacent to the development site would provide a better opportunity for refuse collection to occur off the Churchill Road carriageway, compared to, for example the apartment building at 210 Churchill Road.

There are up to 14 on-street parking bays constructed on the verge of Churchill Road, between Victoria Street and Beatrice Street.

We have undertaken parking surveys in Churchill Road and adjacent streets over several time periods to assess current on-street parking availability during times when the peak visitor parking for residential land uses would be likely. We have also carried out a count during an early morning period to check overnight parking demands. The Table below summarises the count of vacant spaces in the area.

		Victoria St	Churchill Rd	Beatrice St	
	Capacity	4*	14	4*	22
		vacant	vacant	vacant	Vacant total
Friday 26/5/17	830pm	4	8	4	16
Sat 27/5/17	130pm	4	8	4	16
Sat 27/5/17	730pm	4	6	4	14
Sunday 28/5/17	130pm	3	7	4	14
Fri 16/6/17	700am	4	10	4	18

* note: only the closest spaces at the junction were counted. There were significantly more vacant spaces beyond the junction available.

The above parking surveys show that there are significant numbers of on-street parking spaces available in close proximity to the subject development site.

Having regard to the location of the subject site in an Urban Corridor Zone, its proximity to bus and train services, the encouragement of cycling through provision of bicycle parking facilities, we are of the opinion that the parking provision for the development would be satisfactory.

2.0 PARKING LAYOUT

Following DPTI's referral comments regarding the Metropolitan Adelaide Road Widening Plan (letter dated 5/4/2017), which shows a possible strip of land up to 2.13m being required for future road purposes, the Applicant has relocated the proposed door to the car park 9.1m from the current boundary, in excess of the DPTI requirement.

The proposed parking layout has been designed to the following requirements of AS/NZS 2890.1-2004:

- Space widths are generally 2.4m clear of columns. Parallel spaces are 2.1m in width with 0.3m clearance from the wall.
- Columns are 750mm from the start of the space.
- At the end of the car park, a turning bay has been accommodated to enable convenient 3-point turns to occur in the event the car park is fully occupied, as required by the parking standard.
- A two-way access would be provided at the road frontage to allow concurrent entry and exit movements to occur.
- The proposed security door would be located more than 1 car length inside the boundary (9.1m from the Churchill Road boundary in excess of DPTI's requirement), so that an entering vehicle can queue off the road and footpath.
- The pedestrian sight line requirement at the exit of the driveway would meet the requirements of the parking standard.

We note that DPTI had commented that “vehicles exiting the 90 degree car parks is constrained by the proposed parallel parking”. DPTI then went on to say that the parallel parking should be removed. We note that the proposed 90 degree/parallel layout arrangement is similar to that at 210 Churchill Road, which was accepted by DPTI for that development.

Notwithstanding the DPTI comments, we have assessed the turn paths for access to the 90 degree parking spaces and parallel parking spaces using the Autotrack modelling and confirmed that access to all parking spaces would be satisfactory (see typical diagrams below).

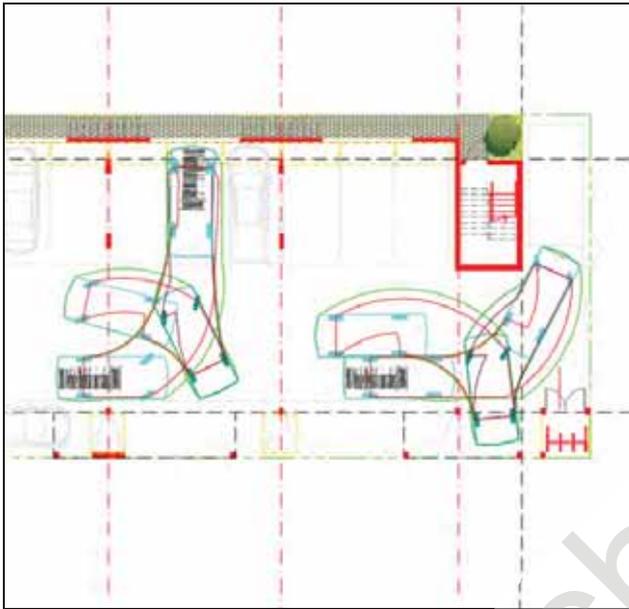


Figure 2: Turning path diagram showing turn around within the aisleway to exit in a forward direction and also showing access to regular space (B85 Vehicle).

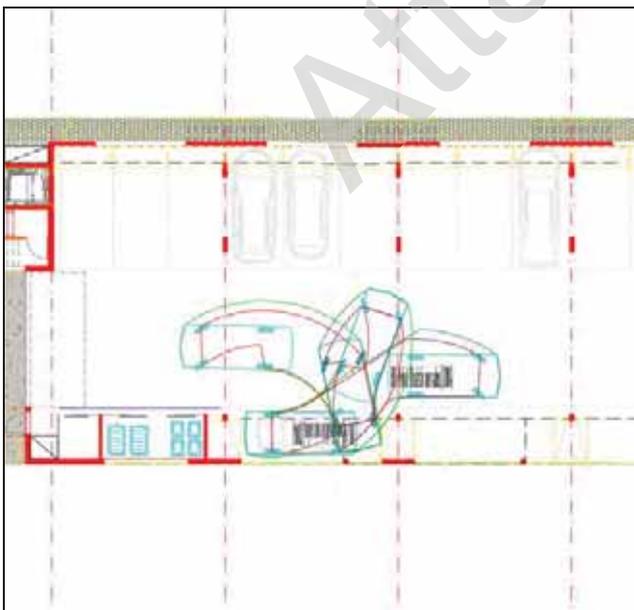


Figure 3: Typical turning path diagram for parallel spaces (B85 Vehicle).

Based on the above assessment, we are satisfied that the proposed parking layout would enable convenient and safe access to be provided for the development.

As the proposed development is a relatively small residential type development, the traffic generation would be relatively low. We are satisfied that the traffic impact of the proposed development on the adjacent road network would be minimal.

3.0 SUMMARY

In summary, based on the above assessment, we are of the opinion that adequate parking would be provided for the development. We also note that there is significant on-street parking opportunity available adjacent to the subject site in the event that some visitors may choose to park on-street.

The proposed parking layout would enable convenient and safe access to be provided for the development. The proposed parking spaces would be conveniently accessible and would allow all vehicle movements to occur in a forward direction.

There is opportunity to extend the on-street parking bay to the south to create a 3-car bay (with the existing parking bay) that would improve visitor parking in the area. Such a 3-car bay would also provide an opportunity to address the refuse pick up issue by allowing the infrequent refuse truck to stop clear of the main road carriageway by using this parking bay.

The proposed residential development would not generate excessive traffic flows and therefore would have minimal traffic impact on Churchill Road.

On the basis of the above assessment, we are of the opinion that the proposed development can be supported on traffic and parking grounds.

Yours sincerely,

Frank Siow

FRANK SIOW

MIEAust MAITPM MIPWEA



Leader in sustainable waste management and recycling solutions

204 Churchill Road, Prospect

Submission for Waste Collection Services

Prepared by Veolia Environmental Services (Australia) Pty Ltd

June 2017





CONFIDENTIALITY CONDITIONS

- (a) All information whether oral, electronic, printed or graphic contained in this document or obtained by you from Veolia (**Information**) is confidential to Veolia and shall not be used by you other than for the purpose of reviewing this document and the proposal contained herein.
- (b) You shall not copy or reproduce any Information except when, and then only to the extent, reasonably necessary for the purpose of reviewing this document and the proposal contained herein.
- (c) Upon receiving notice that our proposal has not been accepted, and if notified by Veolia, you shall destroy, in a secure manner, this document and any Information.
- (d) You shall ensure that any employee or any other person to whom you supply the Information is bound by the terms of these conditions.

Attachment



Gosia Zebrowska-Bogusz
Senior Design Manager
Level 2/81 King William street,
Kent Town

Dear Gosia,

Veolia is pleased to submit the following Waste Management Plan for the proposed development located in 204 Churchill Road, Prospect.

Veolia will have a strong focus on diverting your waste streams to recycling centres to work towards achieving cost minimisation and increasing diversion from landfill by implementing the following systems:

- Liquid Waste – recycled through our liquid plant.
 - Various sizes
- Organics Bin – all food material from kitchens
 - 240ltr MGB
- General Waste – for all contaminated wet waste streams
 - 1100ltr MGB
- Dry recycling – recycled through IWS recycling centre
 - 1100ltr MGB
- Education Material to help reduce contamination

*All these services are in line with the Adelaide City Council residential recycling plan.

Please see a copy of the waste management plan below for your consideration. I am confident Veolia can implement the above services and systems to work towards achieving cost minimisation and supply the waste management services in a safe & environmentally friendly manner.

We look forward to working with you throughout this process and into the future. Should you require additional information or clarification relating to this document, please do not hesitate to contact myself on 0419 301 449.

Regards

Anton Ianni
Account Manager



Executive Summary

Veolia's aim is to deliver viable collection, handling and transport of all waste streams for all sites whilst diverting 90% of its waste streams through a recycling process.

204 Churchill road, Prospect are also mindful of promoting the correct management of its waste by decreasing the amount of waste going to landfill and increasing the quantity of waste that is recyclable through a "value for money" service.

Veolia Environmental Services (Veolia) is Australia's leading provider of environmental waste management services to industry, commerce and the public. We have worked closely with government, industry and commerce for over 42 years to satisfy people's essential daily needs while respecting natural resources. Our strong and stable management team have taken the organisation from a small operation in 1969 to the current Australia-wide and international network generating Australian revenues in excess of \$700 million per annum from in excess of 100 operating sites.

Veolia is the Australian waste management, industrial cleaning and resource recovery division of the global company Veolia Environnement (VE), generating revenue in excess of AUD \$55 billion annually.

The worldwide strength of Veolia is underpinned by a strategy of long-term investment, continuous innovation and mutual partnering with our customers. Veolia works in partnership with nationally aligned accounts such as Coles, Spotless and Health Scope. Locally, Veolia has forged strong working partnerships with ISS, Burnside Village, Makris Corporation and performs municipal services for Councils such as Mt Barker, Pt Augusta, Whyalla and Pt Lincoln. Veolia has significant experience within the Local Government sector throughout Australia in areas of environmentally recognised and sustainable waste management and recycling services.

This experience enables Veolia to provide the suite of services required by 204 Churchill road, Prospect; whilst maintaining the necessary standards of environmental health and safety compliance. Veolia is proud of its commitment and compliance to all aspects of Quality, Occupational Health Safety & Welfare and Environmental Management Systems to support our commitment to sustainable development.

Our proposal recognises the need to address the disposal of all waste streams generated from each area of 204 Churchill road, Prospect development. Our model will focus on effective waste minimisation strategies, including the recycling or beneficial re-use of product wherever appropriate at extremely competitive rates. Veolia has adopted the principle of 'World's Best Practice' and is dedicated to achieving the highest standards in our field.



Reductions in landfill will reduce Carbon Gas Emissions and result in lower costs.

In the waste management sector, disposal of biodegradable waste will ultimately attract a higher landfill cost at poorly run landfill operations. Government and commerce are becoming increasingly aware of the environmental and economic benefits of sorting all waste streams to recover high yields of recyclable waste. The increased recycling of plastics, paper, cardboard, waste oily waters, sludges, greases and other recyclable materials will improve 204 Churchill road, Prospect life-cycle Greenhouse Gas (GHG) Emissions and ecological footprint. Veolia can provide monthly reports on GHG emission savings, in addition to data on volumes and weights diverted from landfill.

A major component of our proposal provides for not only the minimisation of waste, but more importantly for the diversion from landfill to our recycling facility to ensure where possible 100% of your waste streams are diverted through the recycling process. This is the key to supporting 204 Churchill road, Prospect commitment to sustainable development and will also assist in the better management of costs. Veolia believes in conducting regular audits of its waste segregation management system to ensure that it complies with 204 Churchill road, Prospect environmental directives. The evaluation of the effectiveness of this system may be monitored through regular agreed KPI reporting.

The impact of the Australian Carbon Tax on the Adelaide Wine centre's operations, including the area of waste management, will conceivably be significant. In this resource and carbon constrained world, it is important that 204 Churchill road, Prospect develops a waste and recycling management program and aligns with an environmental service provider who is strategically positioned to help 204 Churchill road, Prospect mitigate its environmental footprint.



The key characteristics of our proposal are:

Cost savings.

Deliver Long Term Cost Savings: Through a structured program focusing on waste diversion from conventional landfill, Veolia can deliver cost savings through lower disposal costs across 204 Churchill road, Prospect development. With waste now included in the Australian Carbon Tax, waste sent to conventional landfills will attract a significantly higher carbon emissions penalty than material going through Veolia's resource recovery facilities.

Minimise waste to landfill.

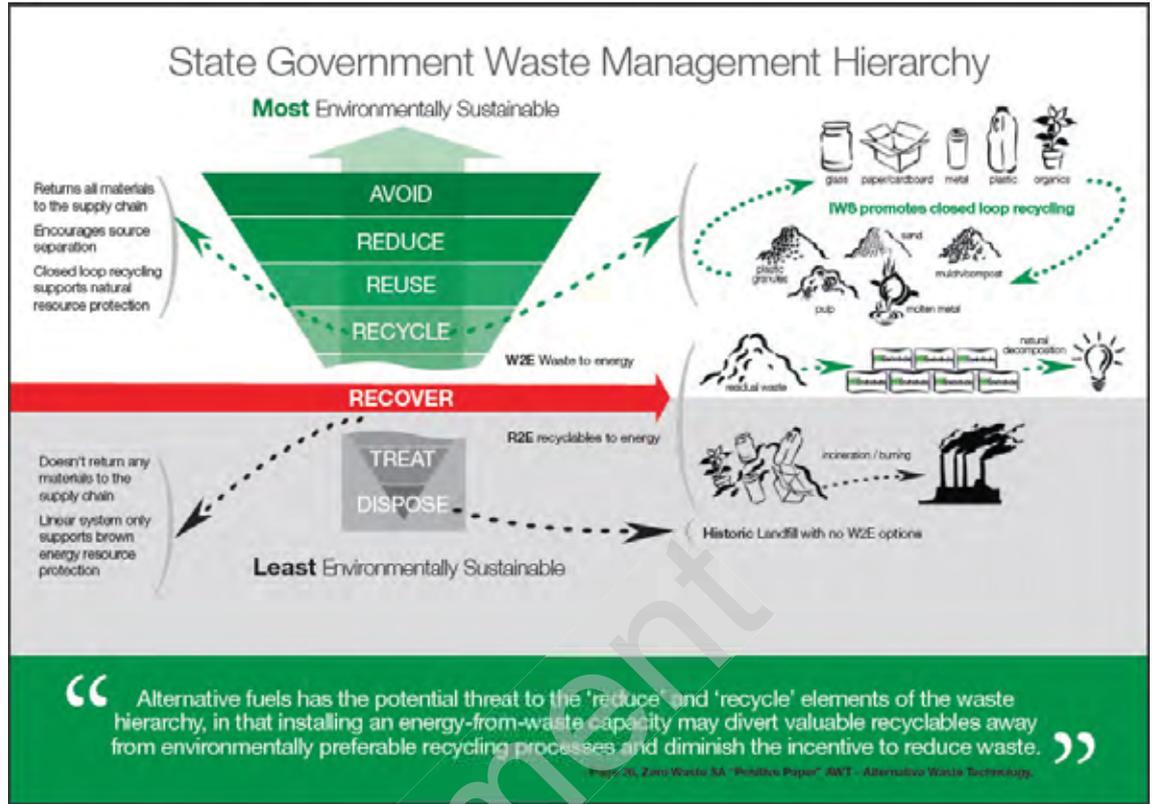
Towards Zero Waste to Landfill: Veolia provides access to various technologies developed both locally and overseas, which are already proven within the Veolia Group. Our proposal offers solutions that address a range of environmental concerns, with the primary focus being the diversion of waste from landfill to a recycling centre. Some sample environmental credentials afforded to 204 Churchill road, Prospect development include:

- Implement Organics Recycling
- Zero Waste Approved Facility
- Implement Dry Recycling (rear lift bins)
- Periodical audits performed to promote best practice

A dedicated contract manager focused on exceeding your expectations

One Contact: Veolia is able to provide a dedicated Waste Services Team and we will assign a major account executive to 204 Churchill road, Prospect development. This provides one point of contact for 204 Churchill road, Prospect development to monitor waste expenditure costs and recycling performance, enabling real improvements in both over the life of the contract. Veolia will provide one phone number to 204 Churchill road, Prospect development for all enquiries and this will be operational 24 hours a day, 7 days a week.

Educational Material: Veolia can supply a full range of educational material to help understand and increase the recycling outcomes.



1. Waste Management Hierarchy

VEOLIA Recyclepak
Maximum diversion of resources from burning alternative fuels and historic landfill disposal.

ASK FOR A SITE TOUR OF IWS TODAY!

Dry Recyclables	Comingled Recyclables	Mixed Paper & Cardboard	Food & Garden Organics	General Waste	Mixed Waste
<p>Process Mechanically pre-sorted and then processed through the IWS Recycling Centre.</p> <p>Recycling Performance 90% of the recyclable content* is extracted by weight. Residual content is largely in garbage bags and is putrescible which cannot be opened due to OHS risks.</p> <p>Presentation to IWS Can contain between 0-30% residual waste by weight due to limited source separation.</p> <p><input checked="" type="checkbox"/> Recyclable Content <input checked="" type="checkbox"/> Zero Waste SA Recycle at work*</p>	<p>Process Directly processed through the IWS Recycling Centre.</p> <p>Recycling Performance 99% of the recyclable content** is extracted by weight. Residual content is dropped out by screen and largely contains broken glass and food fines which are removed before passing through manual sorting room due to OHS risk management.</p> <p>Presentation to IWS Can contain between 0-15% residual waste by weight, limited contamination due to high level of source separation.</p> <p><input checked="" type="checkbox"/> Recyclable Content <input checked="" type="checkbox"/> Zero Waste SA Recycle at work*</p>	<p>Process Directly processed through the IWS Recycling Centre.</p> <p>Recycling Performance 100% of the recyclable content** is processed directly into mixed paper and cardboard baling.</p> <p>Presentation to IWS Required to be 100% paper and cardboard.</p> <p><input checked="" type="checkbox"/> Recyclable Content <input checked="" type="checkbox"/> Zero Waste SA Recycle at work*</p>	<p>Process Processed through the IWS Composting Process.</p> <p>Recycling Performance 98% of the recyclable content** is extracted by weight. Residual content is dropped out by screen and largely contains broken glass and plastic fines.</p> <p>Presentation to IWS Required to be 100% food organics.</p> <p><input checked="" type="checkbox"/> Recyclable Content <input checked="" type="checkbox"/> Zero Waste SA Recycle at work*</p>	<p>Process Putrescible waste processed through carbon efficient Envirobale System.</p> <p>Recovery Performance Compacted into waste bales and placed in a modular bales where methane is extracted and converted to energy.</p> <p>Presentation to IWS Contains mixed general waste, no source separation occurs.</p> <p><input checked="" type="checkbox"/> Envirobale*</p>	<p>Process Mechanically pre-sorted and then processed through the IWS Recycling Centre.</p> <p>Recycling Performance 90% of the recyclable content* is extracted by weight. Residual content is dropped out by screening and is minimal by weight due to the high density of recyclables e.g. brick/dirt.</p> <p>Presentation to IWS Can contain between 0-10% residual waste by weight, limited contamination due to source separation and high density of recyclables.</p> <p><input checked="" type="checkbox"/> Recyclable Content</p>

VEOLIA ENVIRONMENTAL SERVICES
500 Churchill Road
Kilburn, SA 5084
Telephone: 08 8280 2122
Email: ve@veolia.com.au

***Recyclable Content**
(No hidden recycling content in fuels)
C&M: Mixed paper, mixed cardboard, mixed plastic, small timber and green organics, food organics, small metals.
C&D: All CE recyclable content materials listed, large timber and organics, large metals, soil, brick and concrete.

***Zero Waste SA Recycle at Work**
IWS Recycling Centre is a ZWISA Recycle at Work Program Accredited Facility.

INTEGRATED WASTE SERVICES
Lot 254 Cor Fibre and Singletts Freeds
Wingfield SA 5013
Telephone: 0243 2544
Facsimile: 0243 1209
Email: ve@veoliagroup.com.au
www.veoliagroup.com.au

creating a greener world

Printed on 100% recycled paper

2. Recycle Pak – Maximise diversion from landfill with the correct receptacles.



Triple National Certification: 204 Churchill road, Prospect development will have peace-of-mind that their waste is being collected, recycled and disposed of in a safe and environmentally compliant manner. This is backed up by our highly enviable triple certification of ISO 14001 (Environment), ISO 9001 (Quality) and AS 4801 (Safety) management systems.



Award Winning Business: Veolia is the recipient of the Australian Business Award for Environmental Sustainability.



Veolia is also an Australian Quarantine and Inspection Service accredited service provider. The strategic direction of Veolia is one of continuous improvement in environmental technologies for the handling, processing and treatment of waste as well as improvements in education and environmental awareness programs for our customers.

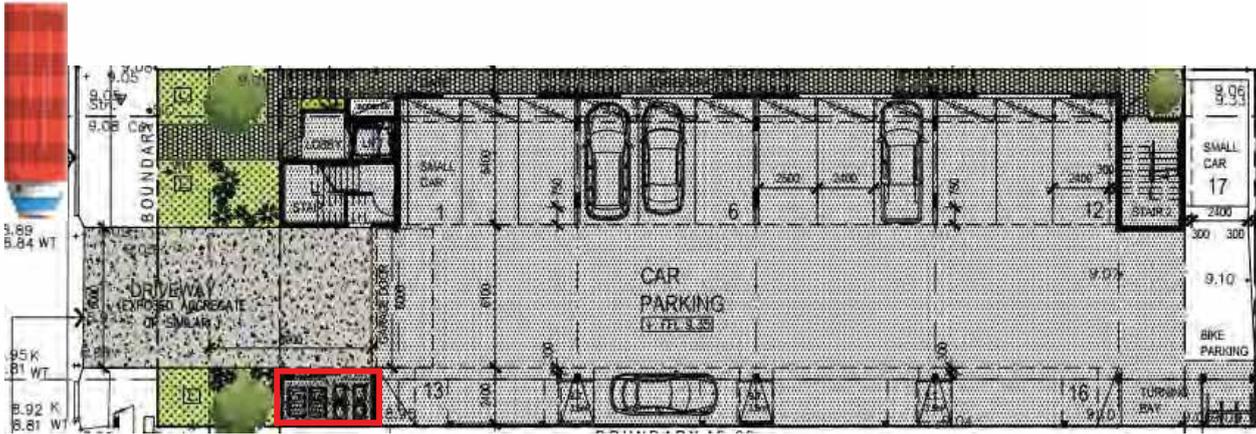
As the organisation has grown, it has earned a reputation for quality, reliability, customer service and commitment to sustainable development based on 'World's Best Practice'. We look forward to working with 204 Churchill road, Prospect development throughout this period and into the future. Should you require additional information or clarification relating to this document, please do not hesitate to contact myself on (08) 8260 2122.

Anton Ianni
Account Manager SA

Waste Management Plan – Residential Refuse Area

204 Churchill Road, Prospect

Subject	Details																																										
Development Details	Residential Apartments 4 levels, 15 Apartments with 27 bedrooms total																																										
Type of waste Streams & Bin Sizes	<p>**Please refer to waste generation table attached</p> <p style="text-align: center;">Bin Dimensions:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th colspan="7">Rear Lift Bins (Size Matrix)</th> </tr> <tr> <th>Bin Size (Ltrs)</th> <th>Wheel Diameter</th> <th>Max weight in Bin</th> <th>Bin Weight</th> <th>Height (mm)</th> <th>Width (mm)</th> <th>Depth (mm)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">140</td> <td style="text-align: center;">200</td> <td style="text-align: center;">48kg</td> <td style="text-align: center;">11.4kg</td> <td style="text-align: center;">920</td> <td style="text-align: center;">535</td> <td style="text-align: center;">640</td> </tr> <tr> <td style="text-align: center;">240</td> <td style="text-align: center;">200</td> <td style="text-align: center;">96kg</td> <td style="text-align: center;">15.5kg</td> <td style="text-align: center;">1060</td> <td style="text-align: center;">580</td> <td style="text-align: center;">730</td> </tr> <tr> <td style="text-align: center;">660</td> <td style="text-align: center;">200</td> <td style="text-align: center;">265kg</td> <td style="text-align: center;">45kg</td> <td style="text-align: center;">1200</td> <td style="text-align: center;">1360</td> <td style="text-align: center;">770</td> </tr> <tr> <td style="text-align: center;">1100</td> <td style="text-align: center;">200</td> <td style="text-align: center;">440kg</td> <td style="text-align: center;">58kg</td> <td style="text-align: center;">1390</td> <td style="text-align: center;">1360</td> <td style="text-align: center;">1090</td> </tr> </tbody> </table>	Rear Lift Bins (Size Matrix)							Bin Size (Ltrs)	Wheel Diameter	Max weight in Bin	Bin Weight	Height (mm)	Width (mm)	Depth (mm)	140	200	48kg	11.4kg	920	535	640	240	200	96kg	15.5kg	1060	580	730	660	200	265kg	45kg	1200	1360	770	1100	200	440kg	58kg	1390	1360	1090
Rear Lift Bins (Size Matrix)																																											
Bin Size (Ltrs)	Wheel Diameter	Max weight in Bin	Bin Weight	Height (mm)	Width (mm)	Depth (mm)																																					
140	200	48kg	11.4kg	920	535	640																																					
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660	200	265kg	45kg	1200	1360	770																																					
1100	200	440kg	58kg	1390	1360	1090																																					
15 Apartments - 27 bedrooms - Service Frequency & Waste Volumes	<p>General Waste (35ltr per bedroom required)</p> <ul style="list-style-type: none"> ○ Volume – 945ltr per week <p>Dry Recycling (30ltr per bedroom required)</p> <ul style="list-style-type: none"> ○ Volume – 810ltr per week <p>Organics (10ltr per bedroom required)</p> <ul style="list-style-type: none"> ○ Volume – 270ltr per week <p>Hard/E Waste – <u>20m3 per year</u>. (Need to allow room for this to be stored. (no bin) Council collection</p>																																										
Total Bins and frequencies needed to service the site	<ul style="list-style-type: none"> ○ General Waste – For all Contaminated waste for landfill Total volume produced = 945ltr per week ● 1 x 1100ltr MGB 1x per week (Capacity 1,100ltr) ○ Dry Recycling – Recycled through IWS recycling centre Total volume produced = 810ltr per week ● 1 x 1100ltr MGB 3x per week (Capacity 1,100ltr) ○ Organics Bin – All food material Total volume produced = 270ltr per week ● 1 x 240ltr MGB 2x week (Capacity 480ltr) 																																										



-  Refuse Room - 1
 - 1x 1100ltr General waste bin
 - 1x 1100ltr Dry Recycling bin
 - 1x 240ltr organics

 Truck parking for bin collection

Attachment

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Attachment

Terms & Conditions

1. Definitions

'**Agreement**' means the agreement and the terms set out in this document.

'**Contract Price**' means the Contract Price as specified in this document or, if no Contract Price is specified, means the total of the Service Fees multiplied by the corresponding quantities of the Services supplied for the term of the Agreement plus all adjustments and costs in accordance with this Agreement.

'**Equipment**' means all containers and other plant and equipment supplied by Veolia for or under this Agreement, all of which remain the property of Veolia.

'**Site**' means those of the Client's premises at which the Services are carried out, and includes any new premises that the Client may relocate to for any reason.

'**Service Fee**' means the specified rate, price or lump sum amount for the performance of each item of the Services, as adjusted in accordance with this Agreement.

'**Services**' means all services of the type and nature as described in this Agreement.

2. Client Responsibilities

The Client agrees:

2.1 Service

(a) that Veolia has the exclusive right to supply all Services to the Site;

(b) to provide Veolia with reasonable opportunity to offer to provide Services to the Client at premises other than the Site;

(c) to promptly inform Veolia of any change in the Client's Services' requirements;

(d) to disclose to Veolia all information in the Client's possession relevant to the provision of the Services;

(e) to comply with all legal requirements and the requirements of all relevant regulatory authorities relating to the Services;

(f) that Veolia has the right to suspend the provision of the Services in the event of non-payment for the same by the Client;

2.2 Equipment

(a) to use the Equipment only for its proper and intended purpose;

(b) to provide Veolia such access to the Equipment and the Site as is reasonably required to enable Veolia to provide the Services safely and in accordance with this Agreement;

(c) to maintain the cleanliness of the Equipment;

(d) not to damage, deface or remove identifying marks from the Equipment;

(e) to report to Veolia immediately any damage to, misuse of, or unsafe, Equipment;

(f) to reimburse Veolia for the cost of any stolen Equipment, whether from the Site or the vicinity of the Site;

2.3 Service

(a) to ensure that all waste supplied for collection is of the type or nature specified in this Agreement and, unless otherwise agreed by Veolia, uncompacted;

(b) not to overload the Equipment (either by weight or volume)

2.4 Payment

(a) to pay Veolia:

(i) the Contract Price as a debt due and payable to Veolia upon signing of the Agreement, such debt to be paid by monthly instalments payable over the term of this Agreement; and

(ii) any adjustments made by Veolia in accordance with this Agreement; and

(b) any and all amounts invoiced in accordance with this Agreement must be paid within 14 days from the date of the invoice; and

(c) if this Agreement is renewed, that the provisions of clause 2.4(a) will apply upon renewal to the Contract Price payable in respect of such renewed period.

2.5 Assignment

not to assign its interest under this Agreement without the prior written consent of Veolia.

3. Veolia Responsibilities

Veolia shall perform the Services in accordance with this Agreement.

4. Liabilities

4.1 Additional Charges and Fee Increases

The Client acknowledges that amounts payable by it to Veolia under this agreement may be adjusted from time to time by Veolia, acting reasonably, as a result of:

(a) Veolia having incurred extra costs or suffered loss and damage as a result of a breach by the Client of its responsibilities under this Agreement;

(b) the actual weight of the waste the subject of the Services exceeding the estimated weight thereof;

(c) a change in the nature, density, quantity or timing of the Services (including any change in the type, density, weight or quantity of the waste the subject of the Services);

(d) any increase in the Service Fees as a result of:

(i) any increase in the Adelaide All Groups CPI;

(ii) any increase in the cost of the performance of Veolia's obligations under this Agreement (including labour costs, fuel, government taxes or charges, disposal fees); or

(iii) any other relevant circumstance.

Veolia undertakes to provide notice to the Client of any such increases.

4.2 Client Indemnity

The Client indemnifies Veolia against loss or damage to Veolia's property and against any claim or action which may be brought or made by any person against Veolia, its employees or agents in respect of personal injury or death of any person or loss of or damage to property caused by a negligent or wrongful act or omission of the Client, its employees, other contractors or agents.

The Client's liability to indemnify Veolia is reduced proportionally to the extent that Veolia, its employees, subcontractors or agents have contributed to the injury, death, loss or damage.

4.3 Veolia Liability

Veolia's liability at law is limited to:

(a) the resupply of the Services; or

(b) at Veolia's option, the payment of the cost of resupply of those Services.

Except for this and to the extent permitted by law, Veolia accepts no liability whatsoever for any claim for loss or damage of any kind without limitation. Veolia will not be liable for the non-performance of the Services caused by an act, omission or event beyond its control.

5. Term

5.1 The offer in this document is valid for fourteen (14) days from the date it is made.

5.2 The operation of the Agreement is subject to Veolia having first obtained a satisfactory credit check of the Client.

5.3 The term of this Agreement:

(a) Is an initial fixed period of three (3) years from the Contract Commencement Date ("Initial Period") specified in this Agreement, and thereafter, shall continue for successive fixed periods of three (3) years each, subject to termination in accordance with clause 6.1; or

(b) where the Services comprise a one-off project, expires upon their completion.

5.4 The term of this Agreement continues regardless of whether the Client moves from one Site to another Site (New Site). In the event of such relocation, Veolia will provide the Services at the New Site, on the terms of this Agreement.

6. Termination

6.1 Either party may terminate the Agreement:

(a) Immediately by written notice to the other where that other:

(i) becomes bankrupt, or insolvent, or becomes subject to external administration; or



Terms & Conditions

(ii) commits a substantial breach or default under the Agreement; or

(iii) repudiates the Agreement; or

(b) by giving to the other party no less than 60 days' written notice of intention to terminate, such notice to take effect at the end of the Initial Period or at the end of any further fixed period pursuant to clause 5.3.

6.2 If the Agreement is terminated by Veolia under clause 6.1(a) or by the Client under clause 6.1(b), the Client must pay Veolia the sum of:

(a) all monies due and payable under any invoices rendered but unpaid; and

(b) as liquidated damages, fifty per cent (50%) of the average monthly revenue for the number of months from termination until expiry of the then current term of the Agreement and which the Client agrees are a genuine pre-estimate of Veolia's loss. 'Average monthly revenue' is the average monthly gross amount paid or payable by the Client to Veolia under the Agreement.

7. Disputes

(a) If any dispute or difference arises between Veolia and the Client, other than pursuant to clause 6, it shall be referred to their respective representatives for resolution. In the event that the representatives are themselves unable to resolve the dispute, the representatives' superiors will attempt to resolve it speedily by negotiation and in good faith.

(b) In the event that Services are terminated or suspended pending resolution of a dispute under this Agreement, at Veolia's sole discretion Veolia's bin/s may remain on the Site and Veolia reserves the right to lock the bin/s until the dispute in question has been resolved or the Agreement terminated. In the event of termination, at Veolia's sole discretion, the bin/s may remain on the Site until payment of all liquidated damages, if applicable, in accordance with clause 6.2(b).

Attachment



DEMOLITION NOTES

- ANY REMOVAL OF ASBESTOS TO BE CARRIED OUT BY AN APPROVED CONTRACTOR.
- ALL DEMOLISHED ITEMS ARE GENERALLY SHOWN DASHED.
- THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, SPECIFICATION AND DETAILED SCHEDULES.

- IF DEMOLITION OR REMOVAL OF ANY ITEM RELATES TO HAVING POSSIBLE STRUCTURAL IMPLICATIONS, CONSULT THE DESIGNER AND /OR STRUCTURAL ENGINEER FOR ADVICE PRIOR TO CARRYING OUT THE WORK.
- LOCATE ALL SERVICES AND ASSOCIATED PIPEWORK, DUCTING, CABLING, FIXTURES etc. VERIFY THEIR REMOVAL AND/OR THEIR RELOCATION BEFORE COMMENCEMENT OF ANY BUILDING WORK.

- PROTECT ALL EXISTING SURFACES TO BE RETAINED AND ENSURE ANY SURFACES AFFECTED BY DEMOLITION WORK MUST BE MADE GOOD TO MATCH EXISTING.
- ERECT NECESSARY HOARDINGS TO PROTECT EXISTING BUILDING ITEMS TO BE RETAINED.
- LIAISE AND CO-ORDINATE WITH PROPRIETOR REGARDING ANY FURTHER ITEMS OTHER THAN THAT SCHEDULED THAT ARE TO BE RETAINED.

LEGEND



--- DENOTES EXTENT OF DEMOLITION
 --- DENOTES DEMOLITION AND/OR REMOVAL OF ITEMS. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER ASSOCIATED DRAWINGS.

BRUSH FENCE NOTE:
 THERE ARE NO EXISTING OR PROPOSED BRUSH FENCES ON THE SITE WITHIN 3m OF PROPOSED DWELLING.

SUPERSEDED

Boundary information on this drawing has been provided via a detailed survey. Note that any building work commencing at the design stage is subject to a further survey to confirm dimensions and levels.

REV	DATE	DESCRIPTION
A	27/02/17	PLANNING CONSENT ISSUE
REV	08/09/16	10% LDRM



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PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

address
 204 Churchhill Rd,
 PROSPECT, SA

client
 FORMIA Trust & Kennedy Trust

sheet no
 A3

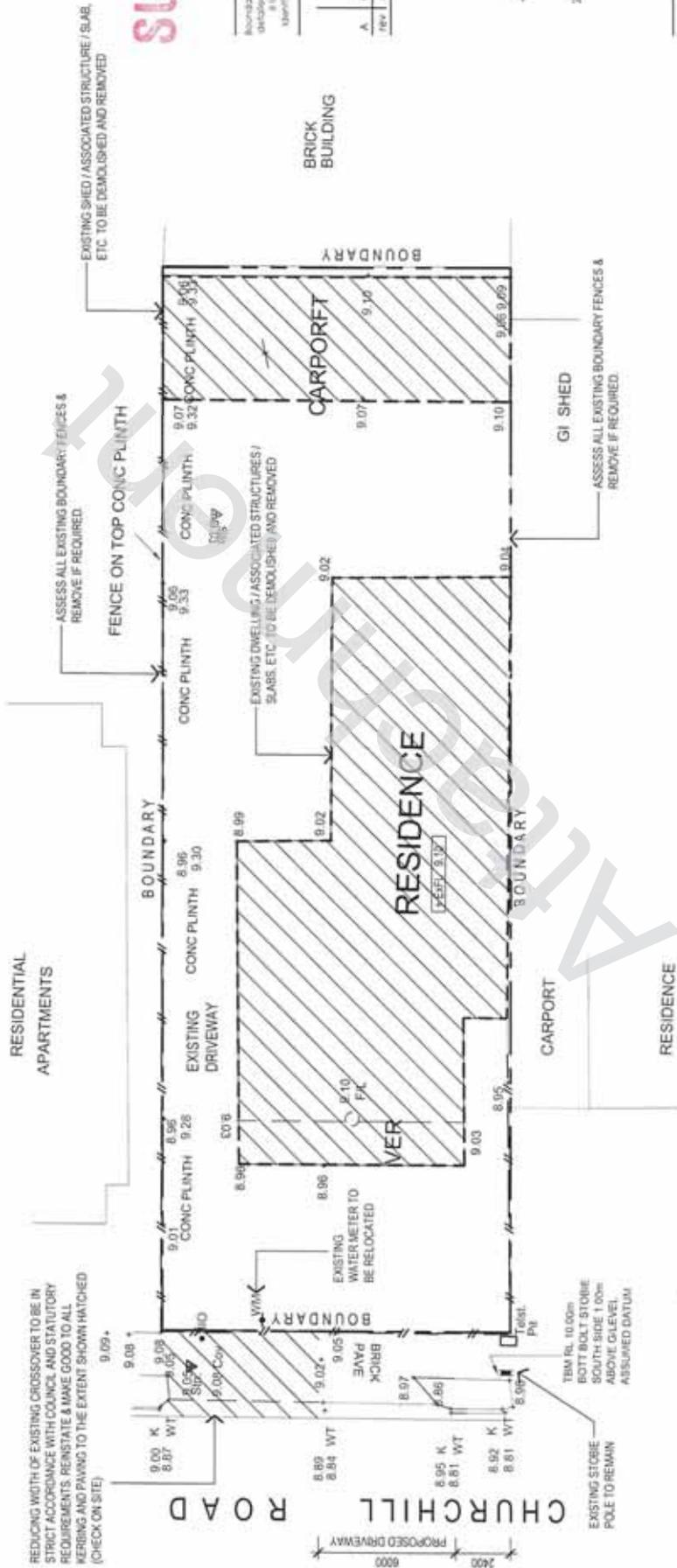
scale
 1:200

drawn
GL

EXISTING CONDITIONS / DEMOLITION
 project no
 FOR 3214

drawing no
 PD01

revision no
 A



OVERALL EXISTING CONDITIONS / DEMOLITION PLAN



SUPERSEDED

AREAS (m ²)	
CAR PARKING LEVEL	534
LEVEL 2	465
LEVEL 3	465
LEVEL 4	465
TOTAL	1929
SITE	710.64
SITE COVERAGE	75%

LEGEND

-  HATCH DENOTES EXTENT OF NEW BUILDING WORK ON GROUND LEVEL
-  HATCH DENOTES EXTENT OF EXPOSED AGGREGATE OR SIMILAR
-  HATCH DENOTES EXTENT OF UNIT PAVERS
-  HATCH DENOTES LANDSCAPING AREA
-  STORMWATER DRAINAGE TO ENGINEERS DESIGN & DETAIL

Boundary information on this drawing has been prepared as a detailed survey 2022. Prior to any building work commencing, the client is advised to confirm all dimensions and set outs. The client is advised to confirm all dimensions and set outs.

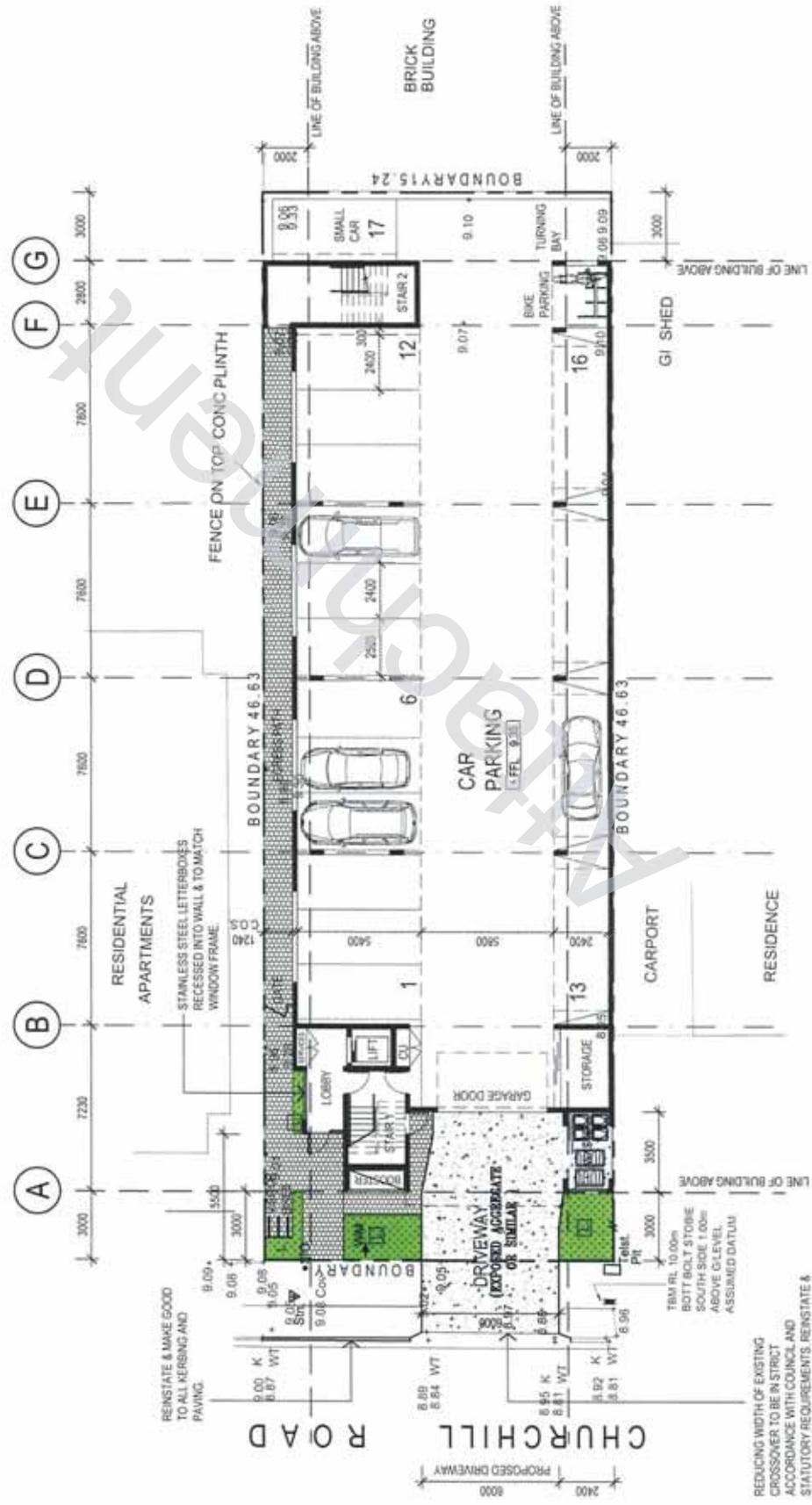
A.	PLANNING CONSENT ISSUE	G2	27/02/17
REV	CHANGES	CH	16/03/16



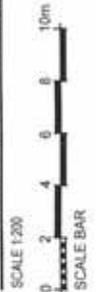
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PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT
 address
 204 Churchhill Rd,
 PROSPECT, SA
 client
 FORMIA Trust & Kennedy Trust
 sheet size
 A3
 scale
 1:200
 drawing file
 GZ
OVERALL SITE PLAN
 project no
 FOR 3214
 drawing no
 PD02
 revision no
 A

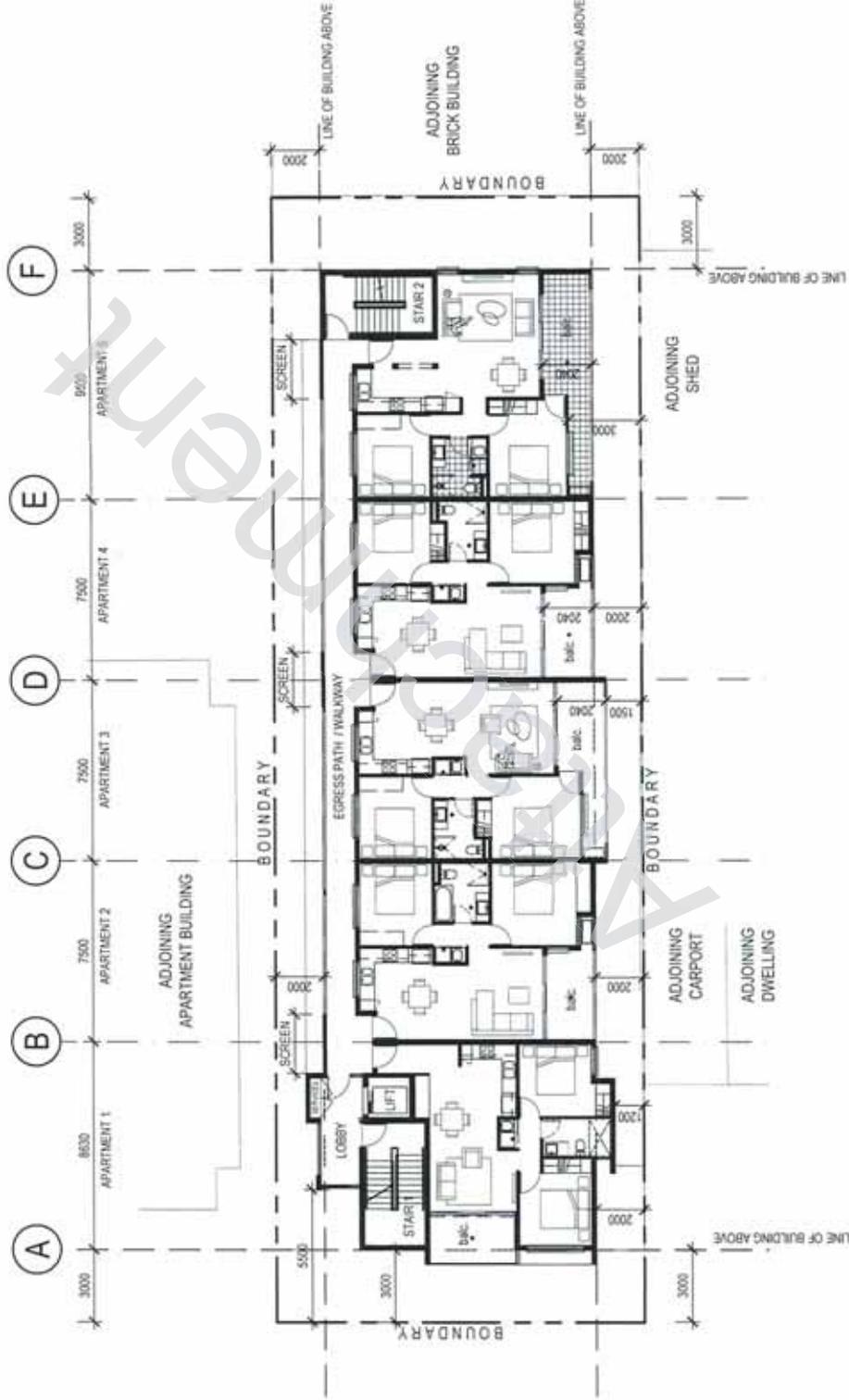


OVERALL SITE / GROUND LEVEL PLAN



REDUCING WIDTH OF EXISTING CROSSOVER TO BE IN STRICT ACCORDANCE WITH COUNCIL AND STATUTORY REQUIREMENTS. REINSTATE & MAKE GOOD TO ALL KERBS AND PAVING AS REQUIRED.

SUPERSEDED



OVERALL TYPICAL LEVEL 2-4 PLAN



Boundary information on this drawing has been provided via a detailed survey 2021. Please verify building line boundaries and dimensions prior to construction. Identification points to confirm all dimensions and set out.

A.	PLANNING CONSENT ISSUE	CS 27/02/17
REV	DETAIL	08/10/20



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PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT
 address
 204 Churchill Rd,
 PROSPECT, SA
 client
 FORMIA Trust & Kennedy Trust
 sheet size
 A3
 scale
 1:200
 drawn
 GZ
OVERALL LEVEL 2-4 PLAN
 drawing file
 project no
 FOR 3214
 drawing no
 PD03
 revision no
 A

SUPERSEDED



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A	PLANNING CONSENT ISSUE	G2	27/02/17
rev	details	am	LOAN



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PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT
 address: 204 Churchill Rd., PROSPECT, SA
 client: FORMIA Trust & Kennedy Trust
 sheet size: A3
 scale: 1:100
 drawn: GZ
 drawing title: **TYPICAL APARTMENT PLANS**
 project no: FOR 3214
 drawing no: PD04
 revision no: A

TYPICAL APARTMENT 5
 SCALE 1:100



TYPICAL APARTMENT 1
 SCALE 1:100



SUPERSEDED



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A.	PLANNING CONSENT ISSUE	CL 27/02/17
REV.	details	am. 18/01/17



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PROPOSED RESIDENTIAL DEVELOPMENT
address 204 Churchill Rd.
PROSPECT, SA
client FORMIA Trust & Kennedy Trust
sheet no A3
scale 1:100
drawing file PD05
TYPICAL APARTMENT PLANS
project no FOR 3214
drawing no PD05
revision no A

TYPICAL APARTMENT 3
OPTION 1
SCALE 1:100

TYPICAL APARTMENT 2 & 4
OPTION 2 (with bath)
SCALE 1:100

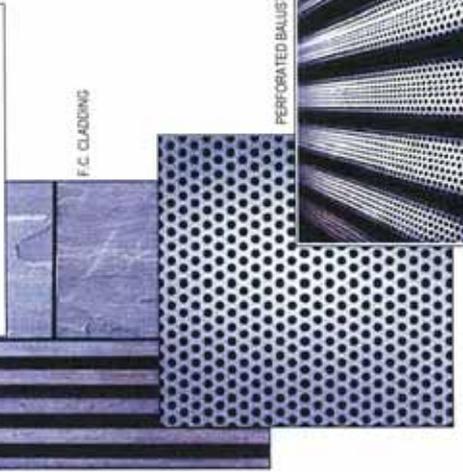
TYPICAL APARTMENT 2 & 4
OPTION 1 (without bath)
SCALE 1:100



SUPERSEDED



FRONT (EAST) FACADE
SCALE 1:100



Boundary information on this drawing has been provided via a detailed survey 2022. The rigidity of the boundary information is subject to a boundary identification survey to confirm all dimensions and set outs.

REV	PLANNING CONSENT ISSUE	DATE
A	PLANNING CONSENT ISSUE	27/02/17



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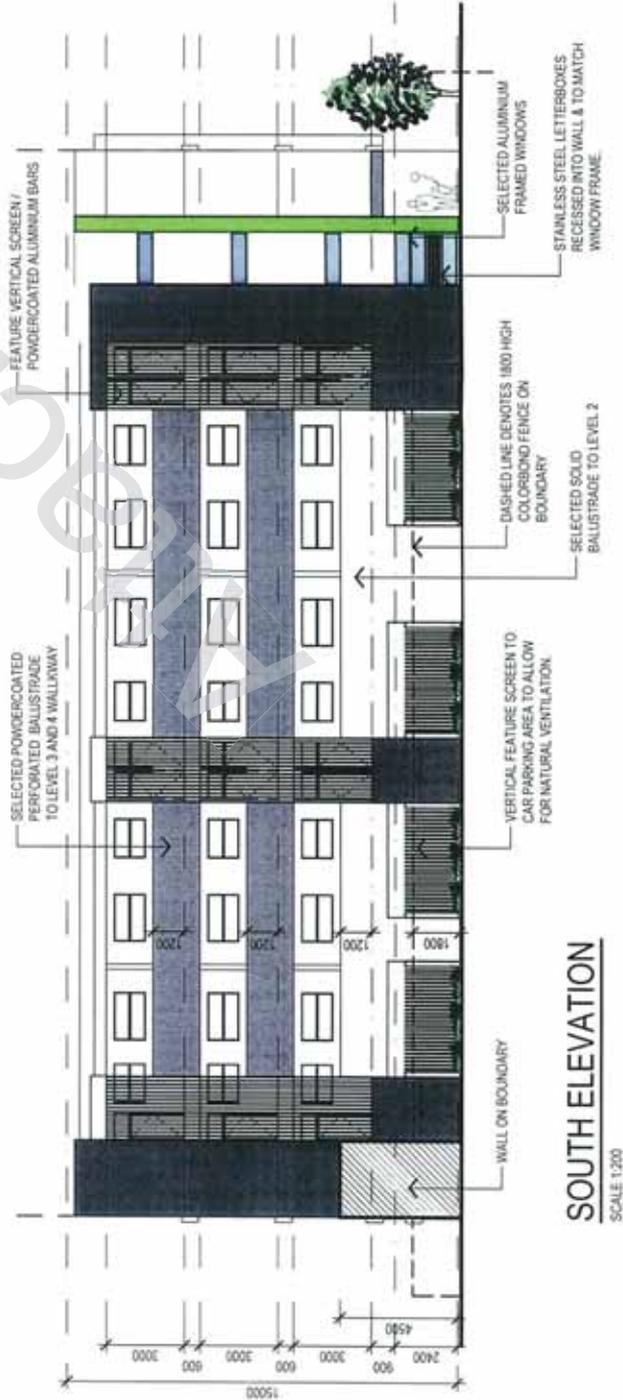
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PROPOSED RESIDENTIAL DEVELOPMENT
address
204 Churchill Rd,
PROSPECT, SA
client
FORMIA Trust & Kennedy Trust
sheet size
A3
scale
1:100
drawing title
ELEVATIONS
project no
FOR 3214
drawing no
PD06
revision no
A

SUPERSEDED

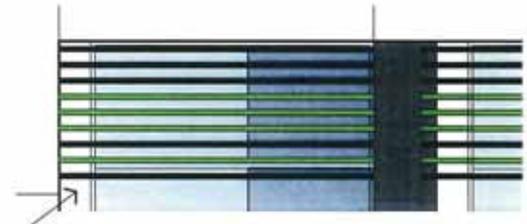


NORTH ELEVATION
SCALE 1:200



SOUTH ELEVATION
SCALE 1:200

WEST ELEVATION
SCALE 1:200



A	PLANNING CONSENT ISSUE	DATE	27/02/17
REV	DETAIL	DATE	05/16



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with all other drawings, documents and specifications.

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT
address
204 Churchill Rd.
PROSPECT, SA
client
FORMIA Trust & Kennedy Trust
sheet size
A3
scale
1:200
drawing file
GI
drawn
GT
project no
FOR 3214
drawing no
PD07
revision no
A

AGENDA ITEM: 6.2

To: Council Assessment Panel (DAP) on 9 October 2017

From: Susan Giles, Development Officer, Planning

Proposal: Removal of Two Significant Trees – Schinus areia (Pepper Corn) (DA 050/296/2017)

Address: 27-29 Hepburn Street, Broadview (CT 5536/180, CT5549/108)

SUMMARY:

Applicant: Renewal SA

Owner: South Australia Housing Trust

Planning Authority: Council

Mandatory Referrals: Nil

Independent Advice: Symatree
Council's Landscape Architect

Public Notification: Category 1

Representations/Submissions: Nil

Respondent: Nil

Development Plan Version: Consolidated 30 May 2017

Zone and Policy Area: Residential Zone (Policy Area A350)

Key Considerations: Amenity value, Contribution to Locality, Future Development

Recommendation: Refusal

ATTACHMENTS:

<u>Attachment 1</u>	Development Application Form
<u>Attachments 2-7</u>	Certificate of Titles
<u>Attachments 8-9</u>	Locality plans
<u>Attachments 10-12</u>	Supporting correspondence from Applicant and neighbour
<u>Attachments 13-23</u>	Arborist Report prepared by The Adelaide Tree Surgery on behalf of the Applicant
<u>Attachments 24-40</u>	Arborist Report prepared by Symatree on behalf of the Council
<u>Attachments 41-43</u>	Assessment prepared by Council Landscape Architect

1. EXECUTIVE SUMMARY

1.1 The proposal is for the removal of two significant trees located at the rear of a residential allotment. An arborist engaged by the applicant outlines that the trees should be

removed as they have limited useful life expectancy, and should be replaced with suitable replacement plantings.

- 1.2 Council's consulting arborist identifies that the trees are in good health and are not providing any risk to the public or private safety. He suggests that the trees should be retained and the future risk would be minimised through pruning work and ongoing management of the tree. Council's Landscape Architect suggests that the trees show no reason for removal at this stage and that future development on the subject land should incorporate the trees. The provisions of the Development Plan seek the retention of significant trees, except where it has been demonstrated that all alternative options have been exhausted.
- 1.3 Within the reports provided to Council from the applicant and independent experts, it has not been adequately demonstrated that all remedial measures have been found to be ineffective. It is therefore recommended that the proposed development is refused.

2. LOCALITY AND SUBJECT LAND

2.1 Locality

2.1.1 The immediate locality is residential in nature, featuring detached dwellings, residential flat buildings and group dwellings. The existing character of Hepburn Street is considered to be a cohesive street presence, with open or low-lying style front fences and established gardens. The street is lined with relatively mature street trees. The Hampstead Hotel and several retail shops are located south-east of the subject land, adjacent North East Road.

2.1.2 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan, is described in **Attachment 8**.

2.2 Subject Land

2.2.1 The subject land is located approximately 208m east of Jellicoe Street and 80 metres to Brooke Street. The land comprises two allotments with a total area of 2116m², with a frontage of 36.54m to Hepburn Street and a depth of 57.91m. The land is relatively flat, has a north-south orientation, and is located on the southern side of Hepburn Street.

2.2.2 The site is vacant, with the previous two dwellings being demolished earlier this year. The dwellings were occupied by Northern Suburbs Housing Co-operative Inc and housed 10 residents. The subject trees are located to the rear of the site, and near the south-east corner. There are two trees located near the south-west corner of the subject land, however neither are regulated or significant trees.

2.2.3 The subject land is illustrated on **Attachment 9**.

3. PROPOSAL

- 3.1 The proposal is for the removal of two significant trees, both of which are *Schinus areia* (Pepper Corn). The trees are located to the rear of the site, with one located adjacent the eastern boundary and one tree located adjacent the southern boundary.
- 3.2 The applicant proposes to redevelopment the subject land, however the trees would significantly impose on the footprint of the proposed development. The applicant also advises that the trees do not make a significant contribution to the character or visual amenity of the local area; nor are they notable visual elements to the landscape of the local area.

- 3.3 The trees are listed in Table Pr/4 of the Prospect (City) Development Plan, and both trees have a circumference greater than 3 metres when measured at 1 metre above the natural ground level. Accordingly, the trees are defined as significant trees.
- 3.4 The applicant has provided correspondence outlining the proposal (refer **Attachments 10-11**), correspondence from an adjoining land owner (refer **Attachments 12**), and a tree inspection report prepared by Mr Mark Elliott from The Adelaide Tree Surgery (refer **Attachments 13-23**), in support of the proposed removal.

4. REFERRALS

4.1 Internal (Advisory) Referrals

- 3.1.1 Council staff sought an independent arboriculture report to confirm the health, life expectancy and risks associated with the tree, along with any possible remedial options that may be available. This report, prepared by Mr Sam Cassar of Symatree Pty Ltd is attached (refer **Attachments 24-40**)
- 3.1.2 The reports prepared by Mr Cassar and Mr Elliott are discussed in further detail within the report.
- 3.1.3 As a result of differing opinions within both arborist reports, the application was referred to Council's Landscape Architect for advice on if the trees make an important contribution to the character or amenity of the local area; or form a notable visual element to the landscape of the local area.
- 3.1.4 The advice outlines that the trees should be retained at this stage and be incorporated into the proposed development of the site. The advice provided (refer **Attachments 41-43**) is discussed in further detail during the report.

4.2 External (Legislated) Referrals

- 4.2.1 No external referral was required.

5. PUBLIC NOTIFICATION

- 5.1 The application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993* and Schedule 9 of the *Development Regulations 2008* as it involves a tree-damaging activity on private land. No public notification was undertaken.

6. PLANNING COMMENTARY

- 6.1 The proposal constitutes a tree-damaging activity and therefore a development application is required. The proposal is neither a complying nor a non-complying development with reference to Principle of Development Control 13 of the Residential Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.
- 6.2 Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.
- 6.3 The definition of significant tree is defined by a tree with a trunk circumference of 3 metres or more, when measured at 1 metre above natural ground level, or any tree declared to be significant within Council's Development Plan. Regulation 6A(5)(b) of the

Development Regulations 2008, lists 24 tree species that are exempt from being defined as a regulated or significant tree. The list includes *Schinus areira* (*Peppercorn Tree*).

- 6.4 However, the subject trees are listed within Table Pr/4 of Council's Development Plan, thus the trees are defined as significant trees pursuant to the *Development Regulations 2008*.
- 6.5 Should the removal of the subject tree be supported, then the following requirements under Section 42 of the *Development Act 1993* relevant to significant trees must be complied with:
- For every significant tree that is removed, 3 trees must be planted and maintained thereafter.
 - The replacement trees cannot be within 10 metres of an existing dwelling or swimming pool.
 - The replacement trees must not be an exempt species.
 - If replacement trees are not able to be provided, then a payment of \$87.50 per tree must be paid to the Planning and Development Fund.
- 6.6 The applicant has advised that Renewal SA would make a contribution to the Planning and Development Fund, rather than plant replacement trees (refer **Attachment 11**).

7. PLANNING ASSESSMENT

7.1 Aesthetic and Environmental Benefits

7.1.1 The provisions of Council's Development Plan anticipate the preservation of significant trees which provide important aesthetic and environmental benefits. It is further anticipated that future development will preserve the attributes of significant trees, especially when the significant tree meets the following criteria (Council-wide PDC 361):

- a) it makes an important contribution to the character or amenity of the local area; or
- b) it is indigenous to the local area and its species is listed under the National Parks and Wildlife Act as a rare or endangered native species; or
- c) it represents an important habitat for native fauna; or
- d) it is part of a wildlife corridor or a remnant area of native vegetation; or
- e) it is important to the maintenance of biodiversity in the local environment; or
- f) it forms a notable visual element to the landscape of the local area.

7.1.2 Mr Elliot advises that the tree's do not have a high amenity value to the wider local area other than the direct neighbouring properties. He states that the amenity value has reduced dramatically as a result of previous pruning development undertaken on adjoining land. However, Mr Cassar advises that the trees are a prominent feature in the landscape due to their size and maturity. He states that the height and spread of the tree's crowns give them strong visual presence within the immediate locality.

7.1.3 Mr Cassar has advised that the trees are not indigenous to the local area, nor listed under the National Parks and Wildlife Act as a rare or endangered native species.

7.1.4 While both Mr Cassar and Mr Elliot identify each tree has a hollow with active bee hives, the trees are not considered to be an important habitat for native fauna,

with no nesting sites identified. Additionally, there is no evidence that the tree is part of a wildlife corridor or part of an area of remnant native vegetation.

- 7.1.5 Within his report, Mr Elliot advises that the trees do not provide a high level of aesthetic value to the locality given the trees are located to the rear of the site, and significant pruning has occurred to both trees which has resulted in a large amount of the crowns being removed. Conversely, Mr Cassar advises that the trees are a notable visual element to the landscape given they can be viewed from a number of vantage points from within the locality. As there are not many trees the locality, the subject trees are clearly visible from the street at surrounding properties.
- 7.1.6 Given the two differing opinions, the application was referred to Council's Landscape Architect, who advised that the trees provide an important contribution to the amenity of the local area due to their size and maturity. They form a notable visual element to the landscape of the immediate area surrounding the trees. Council's Landscape Architect also notes that following development of the subject land, the trees may not be seen from the street thus it is unlikely the trees would provide an important visual contribution to the streetscape once the site has been developed.
- 7.1.7 While the trees are located to the rear of the subject land, they range between 16-18 metres in height and have circumferences greater than 5m, when measured from 1m above natural ground level. It is noted that the trees do not sufficiently demonstrate environmental contributions, however they have been identified by Mr Cassar and Council's Landscape Architect to be a notable element of the landscape, and a prominent feature on the subject land within the locality. It is therefore desirable that the significant trees be preserved and tree-damaging activity avoided if possible (Council-wide Objective 41).

7.2 Removal Criteria

- 7.2.1 The removal of a significant tree is supported by the Development Plan however, (Council-wide PDC 364) on the proviso that:
- a) The tree is diseased and its life expectancy is short; or
 - b) The tree represents an unacceptable risk to public or private safety; or
 - c) The tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area; or
 - d) The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; and
 - e) All other reasonable remedial treatments and measures have been determined to be ineffective.
- 7.2.2 Within his report Mr Elliot advises that due to poor pruning and the development undertaken on an adjoining allotment, the trees have a limited useful life expectancy. However, Mr Cassar advises that the trees are not diseased and are expected to have a long useful life expectancy of approximately 50 years or more, subject to there being no significant changes to their growing environments and with ongoing management and maintenance.
- 7.2.3 Mr Elliott and Mr Cassar identify that the trees have been poorly pruned in the past and that there is dead wood located throughout the tree crowns. Additionally, they both advise that there is evidence of branch failures and identify a split running laterally through one of the trees branches, with Mr Cassar stating that it appears to have been present for some time. Mr Cassar also notes

that the trees appear to be sound and free of any recognisable significant structural flaws or weaknesses and that neither tree present as an unacceptable risk to the public or private safety. With ongoing maintenance, Mr Cassar suggests that the likelihood of future branch failure is considered acceptable at this time.

- 7.2.4 The tree is not within 20 metres of a residential, tourist accommodation or habitable building and is not in a Bushfire Prone Area.
- 7.2.5 While both Mr Elliot and Mr Cassar state that the level of encroachment from the neighbouring development in 2013 exceeds what would be considered acceptable under the Australian Standards for Protection of Trees on Development Sites (AS 4970), Mr Cassar advises that there are no obvious adverse impacts to the subject tree have occurred to date.
- 7.2.6 Both trees display poor pruning and no maintenance or hazard management pruning appears to have been undertaken in the past. However, both trees appear to be in relatively good health with foliage density and vigour normal and typical of the species.
- 7.2.7 Mr Elliot advises that there are limited remedial options available to remediate the dead wood and the damaged lateral branch for one of the trees. Mr Elliot recommends that the trees are removed, with suitable replacement trees being planted within suitable locations on site (refer **Attachment 21**).
- 7.2.8 Mr Cassar agrees that the trees display moderate volumes of dead wood and defective branches that if left unmanaged are likely to fail in the future. However, Mr Cassar also advises that maintenance pruning could be implemented in the next 12-18 months to maintain the risks to acceptable levels and includes recommendations for addressing the defects within his report. Accordingly, Mr Cassar recommends that the trees are retained as they do not meet the relevant criteria listed in Council's Development Plan that would justify their removal at this time (refer **Attachment 38**).
- 7.2.9 Furthermore, while no development application has been lodged, it is noted that the applicant proposes to development the subject land and that the subject trees would significantly encroach the development footprint. Mr Cassar outlines that given the trees are located at the rear of the site, development that is reasonable and expected can still occur with the retention of both trees.
- 7.2.10 Both Council's Landscape Architect and Mr Cassar suggest an alternate design be explored that allows for the retention of the subject trees and provides appropriate development of the subject land.

8. CONCLUSION AND RECOMMENDATION

- 8.1 Council-Wide Principle of Development Control 361 of the Development Plan suggests that it is desirable for a significant tree to be retained if it makes an important contribution to the character or amenity of the area. The *Schinus areia* (Pepper Corn) are considered to form a notable visual element to the landscape of the local area and as such, makes an important contribution to the amenity of the locality due to its size and visibility.
- 8.2 The trees are in good health and has good structure with no significant structural defects that indicate it poses an immediate unacceptable risk. It is acknowledged that the level of risk to private and personal safety may increase over time, however this could be addressed via pruning and ongoing tree management.

- 8.3 It has not been adequately demonstrated that the tree warrants removal due to being diseased, having a limited life expectancy, representing an unacceptable risk to public or private safety or causing or threatening to cause substantial damage to a substantial building or structure of value. Furthermore, it has not been adequately demonstrated that all remedial measures have been found ineffective or that the subject land cannot be reasonably redeveloped.
- 8.4 The application is therefore considered to be inconsistent with the relevant provisions of the Prospect (City) Development Plan and warrants the refusal of development plan consent.

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/296/2017 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be refused to DA 050/296/2017 for Removal of Removal of two Significant Trees - Schinus areia (Pepper Corn) at 27-29 Hepburn Street, Broadview (CT 5536/180, CT5549/108), as the proposal would:

- Result in the removal of two significant trees that are worthy of retention, without giving due regard to all reasonable remedial treatments available.

As such, the proposed development would be at variance with the relevant provisions of the Prospect (City) Development Plan and in particular:

- Council Wide Objectives 44; and
- Council Wide Principles of Development Control 361, 364.

Advisory Notes:

Your Appeal Rights: Pursuant to Section 86(1)(a) of the *Development Act 1993*, you have the right of appeal to the Environment, Resources and Development Court against either:

- a) a refusal of consent; or
- b) any condition(s) that have been imposed on a consent.

Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

DEVELOPMENT APPLICATION FORM

PLEASE USE BLOCK LETTERS

COUNCIL: PROSPECT

APPLICANT: RENEWAL SA (for SAHT)

Postal Address: Level 9, RIVERSIDE CENTRE, N. TERRACE, ADELAIDE

Owner: SAHT SA 5000

Postal Address: AS ABOVE

BUILDER: _____

Postal Address: _____

Licence No: _____

CONTACT PERSON FOR FURTHER INFORMATION

Name: J. Rushforth / P. Mitchell

Telephone: 82070212 [work] _____ [Ah]

Fax: _____ [work] _____ [Ah]

EXISTING USE: Dwelling

FOR OFFICE USE

Development No: 050/296/2017

Previous Development No: _____

Assessment No: _____

<input type="checkbox"/> Complying <input type="checkbox"/> Non Complying <input type="checkbox"/> Notification Cat 2 <input type="checkbox"/> Notification Cat 3 <input type="checkbox"/> Referrals/Concurrences <input type="checkbox"/> DA Commission	Application forwarded to DA Commission/Council on / / Decision: _____ Type: _____ Date: / /
---	--

	Decision required	Fees	Receipt No	Date
Planning:	_____	_____	_____	_____
Building:	_____	_____	_____	_____
Land Division:	_____	_____	_____	_____
Additional:	_____	_____	_____	_____
Development Approval	_____	_____	_____	_____

DESCRIPTION OF PROPOSED DEVELOPMENT: SIGNIFICANT TREES REMOVAL (X2)

LOCATION OF PROPOSED DEVELOPMENT: _____

House No: 27+29 Lot No: 76+77 Street: HEPBURN Town/Suburb: BROADVIEW

Section No [full/part] _____ Hundred: YATALA Volume: 5536 Folio: 180

Section No [full/part] _____ Hundred: _____ Volume: 5549 Folio: 108

LAND DIVISION:

Site Area [m²] _____ Reserve Area [m²] _____ No of existing allotments _____

Number of additional allotments [excluding road and reserve]: _____ Lease: YES NO

BUILDING RULES CLASSIFICATION SOUGHT: _____ Present classification: _____

If Class 5,6,7,8 or 9 classification is sought, state the proposed number of employees: Male: _____ Female: _____

If Class 9a classification is sought, state the number of persons for whom accommodation is provided: _____

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: _____

DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY? YES NO

HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 2008 LEVY BEEN PAID? YES NO

DEVELOPMENT COST [do not include any fit-out costs]: \$ 8900.00

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008.

SIGNATURE: AAH

Dated: 19 / 7 / 2017



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Registrar-General

Certificate of Title - Volume 5536 Folio 180

Parent Title(s) CT 4296/706
Dealing(s) CONVERTED TITLE
Creating Title
Title Issued 20/05/1998
Edition 3
Edition Issued 01/07/2016

REAL PROPERTY ACT, 1886



South Australia

Estate Type

FEE SIMPLE

Registered Proprietor

SOUTH AUSTRALIAN HOUSING TRUST
OF ADELAIDE SA 5000

Description of Land

ALLOTMENT 76 FILED PLAN 111084
IN THE AREA NAMED BROADVIEW
HUNDRED OF YATALA

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title

NIL

Priority Notices

NIL

Notations on Plan

NIL



Registrar-General's Notes

NIL

Administrative Interests

NIL

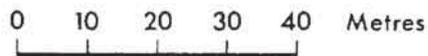
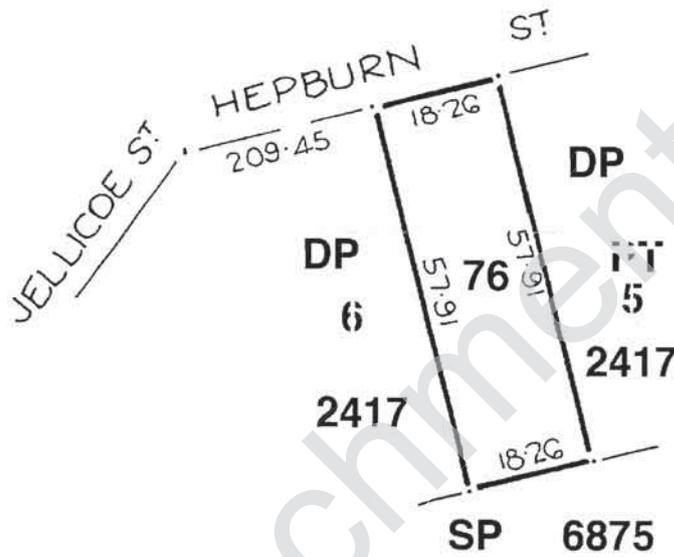
* Denotes the dealing has been re-lodged.

Attachment



THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 4296/706

LAST PLAN REF: DP 2417



NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Registrar-General

Certificate of Title - Volume 5549 Folio 108

Parent Title(s) CT 4400/950
Dealing(s) CONVERTED TITLE
Creating Title
Title Issued 29/06/1998
Edition 3
Edition Issued 01/07/2016

REAL PROPERTY ACT, 1986



Estate Type

FEE SIMPLE

Registered Proprietor

SOUTH AUSTRALIAN HOUSING TRUST
OF ADELAIDE SA 5000

Description of Land

ALLOTMENT 77 FILED PLAN 111085
IN THE AREA NAMED BROADVIEW
HUNDRED OF YATALA

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title

NIL

Priority Notices

NIL

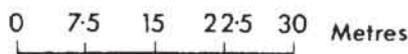
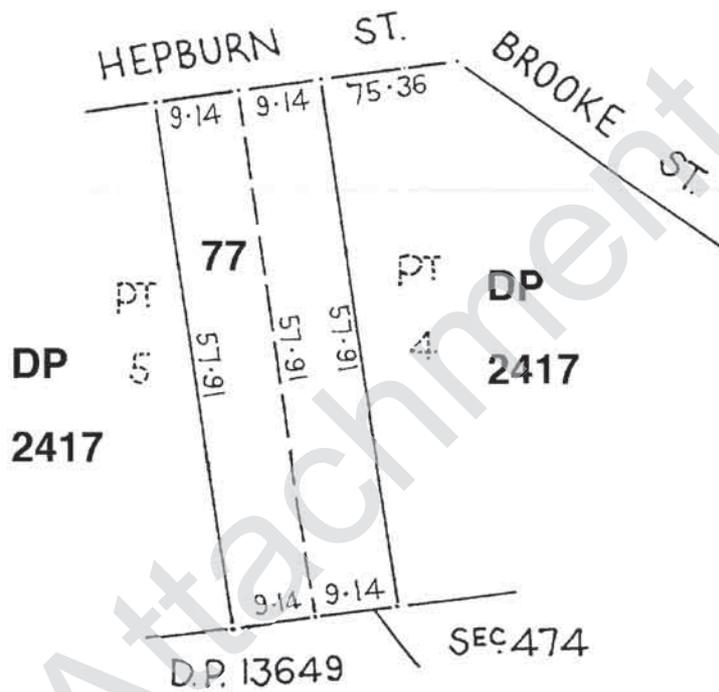
Notations on Plan

NIL



THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 4400/950

LAST PLAN REF: DP 2417



NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



Registrar-General's Notes

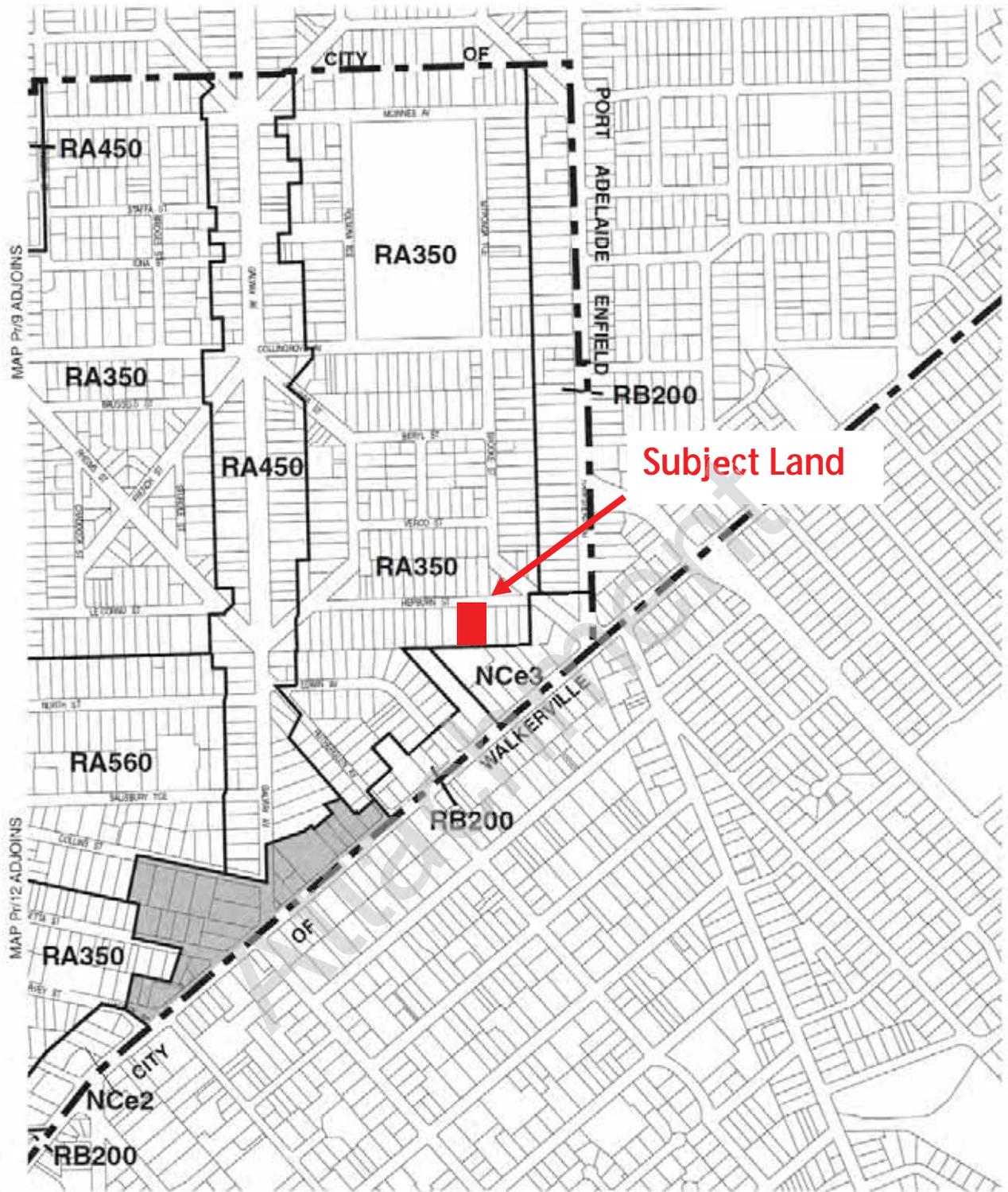
NIL

Administrative Interests

NIL

* Denotes the dealing has been re-lodged.

Attachment



- RA560 Residential Policy Area A560
- RA450 Residential Policy Area A450
- RA350 Residential Policy Area A350
- RB200 Residential Policy Area B200
- NCe2 Collingswood Policy Area
- NCe3 Hampstead Policy Area

-  Policy Area Boundary
-  Development Plan Boundary
-  Area not covered by Policy



**PROSPECT (CITY)
POLICY AREAS
MAP Pr/10**



Civic Centre
 128 Prospect Road
 Prospect SA 5082 AUSTRALIA
 Telephone: 08 8269 5355
 Email: admin@prospect.sa.gov.au

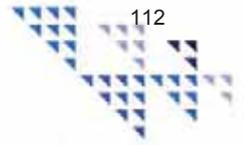
27-29 Hepburn Street BROADVIEW



Notes

Disclaimer

This map is a representation of the information currently held by the City of Prospect. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.



RenewalSA
people partnerships progress

Local Council Authority
Head Office: Renewal SA
Level 6 West Riverside Centre
North Terrace - Adelaide SA 5000
GPO Box 606, Adelaide SA 5001
Tel: 5550 4889 88 882 349 553

T 08 8207 1300
F 08 8207 1300
E renewal@renewal.sa.gov.au
W www.renewal.sa.gov.au

City of Prospect
Development Services
128 Prospect Rd,
Prospect

SA 5082

To whom it may concern

DEVELOPMENT APPLICATION FOR THE REMOVAL OF TWO SIGNIFICANT TREES (PEPPERCORN) in the rear gardens of 27 and 29 (lots 66 & 67) HEPBURN STREET, BROADVIEW.

Please find attached

- a completed development application form for the removal of 2 significant trees
- Arboricultural Assessment and Report
- Cheque for \$101.50 made out to City of Prospect
- CT in the name of SAHT

Renewal SA, on behalf of the South Australia Housing Trust (SAHT), intends redeveloping the abovementioned two properties. This will involve development footprints that impinge significantly on both these two trees which will require their removal.

The attached report and its assessment recommends their removal due to: their limited useful life expectancy; their low amenity value; existing major encroachments into their tree protection zones/and critical root zones; and prior poor pruning.

While both trees are listed as significant, due to their location in the rear yards they do not make a significant contribution to the character or visual amenity of the local area; nor are they notable visual elements to the landscape of a local area. Also, subsequent Ministerial amendments specifically excluded certain tree species from being regulated/significant, and this included Peppercorns.

Please note RSA prefers to make a contribution to P&D fund rather than replacement plantings.

Yours sincerely



John Rushforth

Senior Urban Planner
Project Delivery
P: 08 8207 0212

Attachment

From: website-mail@renewalsa.com.au [mailto:website-mail@renewalsa.com.au]

Sent: Tuesday, 29 August 2017 8:38 AM

To: Renewal SA:Enquiries <RenewalSA.Enquiries@sa.gov.au>

Subject: New submission from Contact Page Form

Subject

29 hepburn street broadview

Your Name

Tony Greven

Daytime Telephone number

[REDACTED]

Email address

[REDACTED]

Message

Hi, I am the owner of the 3 properties at 31 Hepburn street Broadview. I understand you are in the process of applying to the Prospect council to remove the pepper trees on your properties at 29 Hepburn street. I am writing to show my support for their removal, I had been trying many years ago to get them removed , before the new law changes, If you need my support in any way please contact me and I will be there, If you could also keep me informed of your progression it would be greatly appreciated.

regards

Tony Greven

Attachment



THE Adelaide
TREE SURGERY
A division of *tree aware*

3 Ellemsea Circuit
LONSDALE SA 5160
ABN: 33 099 478 994

Phone: 8371 5955 Mobile: 0408 086 774 Fax: 8297 6885 Email: mark@adelaidetreesurgery.com

Arboricultural Assessment and Report

Prepared for
Renewal SA
Dang Minh Nong

Level 9 (West), Riverside Centre
North Terrace
Adelaide SA 5000

Site located at
27 – 29 Hepburn Street
Broadview SA 5083

In Regard to
2 x Significant tree
***Schinus Molle* (Peppercorn Tree).**



Prepared By:
Mark Elliott Consulting Arborist/Diploma Arboriculture



THE Adelaide
TREE SURGERY
 A division of *tree aware*

3 Ellemtsea Circuit
 LONSDALE SA 5160
 ABN: 33 099 478 994

Phone: 8371 5955 Mobile: 0408 086 774 Fax: 8297 6885 Email: mark@adelaidetreesurgery.com

CONTENTS		Page No.
1.0	Introduction	3
2.0	Terms of Reference	3
3.0	Limitations & Constraints (Caveat Emptor)	3
4.0	The Site	3
5.0	The Tree/s <i>Schimus molle</i> (Peppercorn Tree)	4
6.0	Tree Discussion	7
7.0	Legislation	8
8.0	Recommendations	9
Appendix A: References		10
Appendix B: Disclaimer		11

1.0 INTRODUCTION

- 1.1 This report has been commissioned by Mr Dang Minh Nong of Renewal SA and is in relation to two ***Schinus molle* (Peppercorn tree)**, located on a vacant allotment in Broadview, which is proposed for development.
- 1.2 The subject trees are located on the vacant allotment at 27 – 29 Hepburn Street, Broadview, SA 5083.
- 1.3 Both Peppercorn trees are mature specimens and are listed within the City of Prospect Significant Tree List (Table Pr/4, page 202) albeit this species of tree is exempt from the ***Development Regulations 2008***.

2.0 TERMS OF REFERENCE

- 2.1 Instructions were received via email on the 7th July 2017.
- 2.2 The instructions requested a report on the two “**Significant**” trees growing within the vacant allotment 27 – 29 Hepburn Street, Broadview SA 5083.
- 2.3 The instructions request:
 - 2.3.1 An assessment of the subject trees health and condition.

3.0 CAVEAT EMPTOR

- 3.1 This is a stage 1 'Ground report'. The trees were inspected from the ground only.
- 3.2 The report is limited by the time of the inspection.
- 3.3 The report reflects the trees as found on the day of inspection. Any changes to site conditions or surroundings, such as construction works, landscape works or further failures or pruning, may alter the findings of the report.
- 3.4 The report is based on the inspection and the supplied plans for the vacant allotments.
- 3.5 No soil samples were taken for laboratory analysis.
- 3.6 The inspection period to which this report applies is three months from the date of the report.

4.0 THE SITE

- 4.1 The subject trees are growing within a large vacant allotment at 27 – 29 Hepburn Street, Broadview SA 5083.
- 4.2 One of the Peppercorn trees is growing on the eastern boundary line and the other tree is growing in the middle of the rear fence line (southern side).
- 4.3 Broadview is situated within the council boundaries of City of Prospect, which is located approximately 3 - 4 km north from the Central Business District (CBD).



Figure 1 an aerial image of the vacant site at 27 – 29 Hepburn Street, Broadview SA 5083. Both trees are highlighted in red. This aerial shot was before the land was cleared.

- 4.4 Broadview has a variety of trees located throughout the local area. These trees are native and exotic species and are located in private residences, council verges, and reserve areas. These trees vary in maturity from juvenile to very mature tree.

5.0 THE TREE – *Schinus molle* (Peppercorn tree).

- 5.1 **Tree #1** - The Peppercorn tree circumference when measured at 1.0 metre above natural ground level is greater than 3 metres.



Figure 2 Peppercorn tree (Tree #1), Located along the middle of the rear fence line at 27 – 29 Hepburn Street, Broadview.

- 5.2 The tree is located in the middle of the rear southern fence line of the vacant property at 27 – 29 Hepburn Street, Broadview. The tree is located approximately 2 – 2.5 metres from the rear fence line.
- 5.3 The height of the tree is approximately 15 - 16 metres tall and the tree has a broad spreading crown. The dimensions of the crown are approximately 9 metres to north, 8 metres to the east, 4 – 5 metres to the south and 10 metres to the west.

- 5.4 The crown of the tree has been heavily pruned on the southern side. This appears to have been to reduce the amount of overhang from the rear neighbours. This pruning has not been completed in accordance to Australian Standards, Pruning Amenity Trees - AS4373.
- 5.5 The density of the crown at the time of the inspection appeared to be fair – good.
- 5.6 The north-western lateral branch has a split running laterally through the entire branch. Figures 3 and 4 show the lateral branch and the location of the split.



Figure 3 shows the large lateral branch that heads in north-western direction that has split running laterally along branch.

Figure 4 shows the entire large lateral branch that heads in north-western direction that has split running laterally along branch.



- 5.7 A large amount of deadwood is located throughout the crown of the tree. The diameter of this deadwood varied in size from small diameter up to approximately 180mm in diameter.
- 5.8 The tree has previously been pruned with a majority of this pruning been undertaken on the southern side of the crown away from the two-story townhouse on the rear neighboring property. This pruning has not been completed to Australian Standards, as the large branches that have been pruned have been lopped.
- 5.9 The tree also has some failed branches, with evidence of branch tears on the eastern and western side of the tree. These failures have occurred within the low portion of the crown.

- 5.10** Some hollow/cavity within the main trunk on the northeastern side at approximately 3 metres above ground level is present. There is an active beehive within this hollow at the time of the inspection.

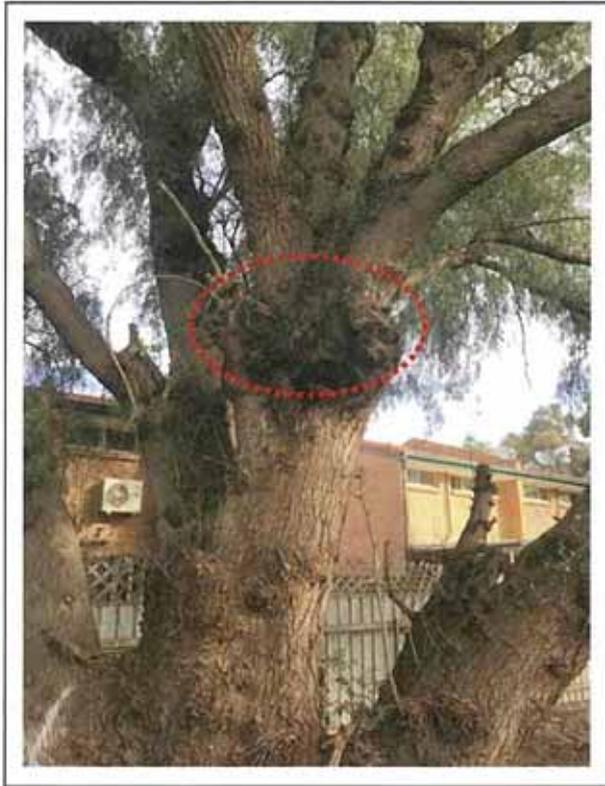


Figure 5 shows hollow/cavity on the main trunk where there is currently an active beehive

- 5.11** **Tree #2** - The Peppercorn tree circumference when measured at 1.0 metre above natural ground level is greater than 3 metres.



Figure 6 Tree #2, located on the eastern boundary line of 27 – 29 Hepburn Street, Broadview.

- 5.12** The tree is located along the eastern side fence line of the vacant property at 27 – 29 Hepburn Street, Broadview. The tree is against the fence and part of the base of the tree is located in the neighbouring property. The neighbouring property is a new development consisting of a number of

properties. I envisage a large amount of work excavation and or disturbance would have been undertaken within the Structural Root Zone (SRZ) and Tree Protection Zone (TPZ) of this tree.



Figure 7 and 8 show the location of the tree on the side eastern fence line and the encroachment that the tree has onto this property. The photo also shows the close proximity of the dwelling to the base of the tree.



- 5.13 The Peppercorn tree has been heavily pruned on the eastern side to accommodate the construction of the properties on the neighboring property. On inspection of the final cuts of the branches that have been removed, they range in size from smaller diameter branches up to large diameter branches between 300 – 400mm.
- 5.14 The pruning of this tree has resulted in a large amount of epicormic growth throughout the crown. This gives the crown of the tree a dense appearance. The over pruning of this tree has also resulted in the crown being biased to the Western side.
- 5.15 Large pieces of deadwood are located throughout the western side of the crown. I envisage any deadwood present on the eastern side would have been removed at the time of pruning.

6.0 TREE DISCUSSION

- 6.1 Both Peppercorn trees are mature specimens and are listed within the City of Prospects Significant Tree List (Table Pr/4, page 202) albeit this species of tree is exempt from the Development Regulations 1998.
- 6.2 Tree #1 has concerns structurally, with a hollow/cavity within the main trunk, an active beehive and the large northwestern lateral branch that has split with minimal remedial options.
- 6.3 Tree #2 has concerns as a result of the development undertaken on the property on the eastern side of 27 – 29 Hepburn Street, Broadview. The large amount of excavation work, evidence of the use of non-permeable material and or disturbance, would have been undertaken within the Structural Root Zone (SRZ) and Tree Protection Zone (TPZ) of this tree.

- 6.4 Due to the type of buildings/dwellings that are located on the neighbouring properties, (eastern and southern side), consisting of double story, both subject trees do not have a high amenity value to the wider local area other than the direct neighbouring properties. The amenity value of Tree #2 has reduced dramatically as a result of the major pruning that has been undertaken to reduce the crown from the development of the neighbouring property. This pruning would have removed at least 25 – 30% of the crown.
- 6.5 I believe the overall amenity of the two Peppercorn trees has dramatically reduced recently as a result of the neighboring property development (eastern side) and also the maturity of the trees.
- 6.6 The development of the neighbouring property on the eastern side of Tree #2 has resulted in major encroachment into the Tree protection Zone (TPZ) and Structural Root Zone (SRZ) of this tree. When encroachment in the Tree Protection Zone occurs, this needs to be undertaken with correct methodology and also the use of certain materials such as permeable paving.
- 6.6.1 *The tree protection zone (TPZ) is the principal means of protecting trees on development sites. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable. The TPZ incorporates the structural root zone (SRZ).*
- 6.6.2 *The SRZ (or CRZ): Structural/Critical Root Zone is the zone around a tree required to protect the tree's stability. Generally, no development activities are permitted within this zone.*
- 6.7 The neighbouring development has covered the Tree Protection Zone and Structural Root Zone of the Peppercorn tree (Tree #2) with hard non-permeable services and there has been a large amount of excavation work within the Tree Protection Zone.
- 6.8 Due to Tree #1 having prior pruning and failed branches on the western and eastern side, this has resulted in voids (change in canopy/sail of tree) and the upper crown of the Peppercorn tree is over extended (eastern side). There are limited remedial options available to remediate these branches and once the damaged northwestern lateral branch is removed, I believe the crown of this tree will have been changed dramatically, then increasing the potential of future decline and or failures within the tree.



Figure 9 shows the northeastern side of Tree #1 where the branches have either been pruned or removed and this has left the upper crown over extended. Also visible are the heavily pruned branches that have been lopped on the southern side.

7.0 LEGISLATION

- 7.1 Both trees can be classified as "Significant Trees" as per the **City of Prospect Development Plan - Significant Tree List (Table Pr/4, page 202)** albeit this species of tree is exempt from the **Development Regulations 2008**.

Objective	Definition	Findings
44	The conservation of significant trees In Metropolitan Adelaide, which provide important aesthetic and environmental benefit.	<p><i>No – I do not believe the two Peppercorn trees provide a high level of aesthetic value as a result of the location and not being visible to the wider local area. Also due to both trees having lost a large amount of their crown due to either prior pruning / “lopping” or branch failure.</i></p> <p><i>The trees are non-native trees to South Australian and I do not believe they provide any important environmental benefit.</i></p>

8.0 RECOMMENDATIONS

- 8.1 Based on the findings, I recommend both subject trees be completely removed, as I do not believe that the limited useful life expectancy warrants retention of the trees.
- 8.2 Suitable replacement trees should be planted within suitable locations on site so that the trees are not going to be affected by any future developments on neighboring properties or as they mature become unsuitable trees on this site.
- 8.3 **Council APPROVAL** from the **City of Prospect**, needs to be granted prior to commencement of removal of the subject trees.

I trust that this information is of assistance and if you require any further information, please do not hesitate to contact me.

Mark Elliott
Consultant Arborist/Diploma Arboriculture

Attachment

APPENDIX A: REFERENCES

The Development Act (1993) South Australian Legislation

The Development Regulations (2008) South Australian Legislation

City of Prospect Development Plan Consolidated 30th May 2017

Attachment

APPENDIX B: DISCLAIMER AND LIMITATIONS

This report only covers identifiable defects present at the time of inspection. The author accepts no responsibility or can be held liable for any structural defect or unforeseen event/situation that may occur after the time of inspection, unless clearly specified timescales are detailed within the report.

The author cannot guarantee trees contained within this report will be structurally sound under all circumstances, and cannot guarantee that the recommendations made will categorically result in the tree being made safe.

Unless specifically mentioned this report will only be concerned with above ground inspections, that will be undertaken visually from ground level. Trees are living organisms and as such cannot be classified as safe under any circumstances. The recommendations are made on the basis of what can be reasonably identified at the time of inspection therefore the author accepts no liability for any recommendations made.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the author can neither guarantee nor be responsible for the accuracy of information provided by others.

Attachment

SYMATREE



Tree Assessments 27-29 Hepburn Street, Broadview

File number: DA050/296/2017

Report prepared for

Ms Susan Giles
Development Officer - Planning
City of Prospect
August 2017

Report prepared by

Sam Cassar

Cert.3 (Hort), Dip. (Hort 5), Dip. (Arb 5), B.App. Sc (Hort), Grad. Dip. Design (Land.)
Member Australian Arboriculture

Table of Contents

Introduction	3
Observations	4
Appraisal	11
Objectives and Principles of Development Control	13
Conclusion	15
Appendix A - Aerial Image	16

Attachment

Introduction

Instructions

I was instructed by Council to assess a two mature Pepper Corn Trees located within a vacant allotment (refer Figure 1). My brief was to undertake the following:

- Assess tree health and structural condition.
- Assess the trees against the relevant provisions of the Development Act 1993.
- Recommend appropriate actions.



Figure 1. Subject trees viewed from the north.

Site Visit

I carried out a site inspection on the 9 August 2017.

Limitations

This report is limited to the time and method of inspection. The trees were inspected from ground level only. Neither a climbing inspection or a below-ground investigation was performed. No soil or plant material samples were taken for laboratory analysis.

This report reflects the state of the trees as found on the day. Any changes to site conditions or surrounds, such as construction works undertaken after the inspection, may alter the findings of the report. The inspection period to which this report applies is three months from the date of the site visit, on the basis that current site conditions remain unchanged.

Date of Report

This report was written on the 9 August 2017.

Tree One - Observations



Figure 2. Tree One, viewed from the north.

Location of tree

Tree One is located within a vacant allotment. The trunk centre is 9.2 metres from the rear boundary fence to the south (refer Figure 2). The trunk is in contact with the southern boundary fence.

The subject trees' approximate location is identified on the aerial image provided in Appendix A.

Observations (cont)

Species

Schinus areria commonly referred to as Pepper Corn.

Crown attributes

Height: 18 metres (clinometer)

Width (from trunk measured out): south 7.6 metres, north 9.3 metres, west 7.8 metres and to the east 5.0 metres.

Circumference at one metre above natural ground level

Multi trunk: 2.43 metres and 2.55 metres

Total: 4.98 Average: 2.49 metres

Tree One is listed in Council's Development Plan, Significant Tree Table Pr/4 (Council identification number 65). The tree is a mature specimen that qualifies as a Significant tree under the Development (Regulated Trees Variation) Regulations 2011.

Trunk Diameter

At 1.4 metres from ground: 0.90 and 0.77 metres. Total: 1.18 metres

Trunk Base: 1.60 metres (estimate direct access was not possible)

Structure/Condition

Tree One consists of a single vertical trunk to a height of approximately 0.70 metres, at which point co-dominant main leader arises to form a near upright crown that has a bias towards the west due to past pruning.

The trunk appears sound, stable with no cavities or evidence of termites. Sounding with a mallet indicates minimal internal decay. Trunk galls exist on both main leaders, this is typical of a mature individual of this species. A minor hollow exist, mid-northern main leader (refer Figure 3). It appears this hollow contains an active bee hive.

Large and medium diameter pruning wounds were evident on the tree's eastern side at 5 and 6 metres from ground. This pruning occurred in late 2013. A number of small diameter pruning wounds are also apparent. It appears these branches had been removed to improve clearances over the neighbouring property. Epicormic growth, in response to this pruning is noted around most of these wound sites.

The canopy appears to be in good to fair health with foliage density and vigour normal and typical of the species. The canopy is free from notable pests and diseases. However moderate volumes of dead wood are apparent, largest of which has diameters in the order of 50 – 60mm.

No form of maintenance or hazard management pruning appears to have occurred to this tree in the past.

Observations (cont)

The primary stem union appears well formed. Secondary branch unions also appear to be sound and free of any recognizable significant structural flaws or weaknesses that can be observed from ground. The tree displays no history of significant branch failure. Minor branch failure is evident.



Figure 3. Minor hollow indicated in red.

Tree Two - Observations



Figure 4. Tree Two, viewed from the north-east.

Location of tree

Tree Two is located within a vacant allotment. The trunk centre is 3.7 metres from the rear boundary fence to the south and 16.2 metres from the eastern boundary fence (refer Figure 4).

The subject trees' approximate location is identified on the aerial image provided in Appendix A.

Species

Schinus areria commonly referred to as Pepper Corn.

Crown attributes

Height: 17 metres (clinometer)

Width (from trunk measured out): south 5.0 metres, north 10.5 metres, west 10.8 metres and to the east 9.3 metres.

Observations (cont)

Circumference at one metre above natural ground level

Single trunk 6.01 metres

Tree Two is listed in Council's Development Plan, Significant Tree Table Pr/4 (Council identification number 66). The tree is a mature specimen that qualifies as a Significant tree under the Development (Regulated Trees Variation) Regulations 2011.

Trunk Diameter

At 1.4 metres from ground 1.45 and 0.55 metres. Total: 1.55 metres

Trunk Base: 1.83 metres

Structure/Condition

Tree Two divides into 4 main leaders between 1.20 to 2.0 metres from ground to form a broad spreading near mushroom shaped crown that has a bias towards the north-west, again due to past pruning.

The trunk appears sound, stable with no evidence of termites. Sounding with a mallet indicates minimal internal trunk decay. Epicormic growth is noted at the base of the tree. Galls exist on trunk and lower scaffolding branching framework; this is typical of a mature individual of this species. A hollow exists on the tree's eastern side, approximately 2.5 metre from ground (refer Figure 5). This hollow contains an active bee hive.

Large and medium diameter pruning wounds were evident on the tree's lower southern side, stubs now remain (refer Figure 6). It appears this pruning was implemented to improve clearance from the rear neighbouring property. This pruning was poorly implemented leaving large diameter stubs. A number of smaller diameter pruning wounds are also apparent.

The canopy appears to be in good health with foliage density and vigour normal and typical of the species. All leaders and lateral branches are healthy and actively growing. The canopy is free from notable pests and diseases. Moderate levels of dead wood are evident, largest of which has a diameter of approximately 60mm.

The primary stem unions appear well formed. Secondary branch unions also appear to be sound and free of any recognizable significant structural flaws or weaknesses that can be observed from ground. The tree displays a minor history of branch failure with two failure points noted (refer Figure 7). Both these failures appear to have occurred sometime ago. Both medium diameter branch failures. Minor branch failure is also evident.

A 300mm crack is noted on the upper face, north-western 1st order branch (refer Figure 8). Sounding within the vicinity of this crack indicates internal decay is apparent. This crack appears to have been present for sometime.

Descending/horizontally orientated branches and some overextension issues are evident. No form of maintenance or hazard management pruning appears to have occurred to this tree in the past.

Observations (cont)



Figure 5. Trunk hollow, active bee hive, circled in red. Tree viewed from the northeast.



Figure 6. Large diameter stubs, lower southern side, circled in red. Tree viewed from the northeast.

Observations (cont)



Figure 7. Old branch failure wound circled in red. Tree viewed from the northeast.



Figure 8. Crack 1st order branch north-western branch, circled in red.

Appraisal

Both trees are considered 'significant' under the Development (Regulated Trees Variation) Regulations 2011. Both trees are listed in Council's Development Plan, Significant Tree Table Pr/4 (Council identification numbers 65 and 66).

Both trees have a strong visual presences/appeal within the locality and are prominent features in the landscape. The subject trees have a high aesthetic value and make an important contribution to the landscape character and amenity of the local area.

It is acknowledged Tree One has been heavily pruned in the past to provide clearance from the neighbouring property which has created a crown bias towards the west. Also noted is the level of encroachment from the eastern neighbouring development which exceeds what would be considered acceptable under the Australian Standard for the Protection of Trees on Development Sites (AS 4970). However this development occurred in late 2013 and no obvious adverse impacts to the subject tree have occurred to date. The tree also has a moderate level of dead wood within its crown and a trunk hollow.

In regards to Tree Two it has also been heavily pruned with stubs evident, particularly on the lower southern side. The tree displays a history of branch failure and a crack is noted on the upper face north-western 1st order branch. Also hollowing is evident on the main trunk with an active bee hive and a moderate level of dead wood within its crown.

No form of maintenance/hazard management pruning has occurred to these trees in the past. Pruning options to address dead wood, improve crown shape and reduce the future failure potential to maintain risk to acceptable levels are available.

Both trees are in relatively good to fair health, both present as stable and pruning options are available to address crown defects and dead wood.

It is expected the subject trees will continue to offer a long useful life expectancy of approximately 50 plus year. However, this is subject to being maintained and management by a qualified arborist on a regular basis and no significant changes to their growing environments occur.

Proposed Site Development

One of the justifications provided by the applicant for the removal of the subject trees is to maximise the number of dwellings that can be constructed on the subject land.

Given the locations of both trees towards the rear of the subject land, development that is reasonable and expected can still occur with the retention of both trees. However, the likely number of dwellings would need to be reduced to accommodate the Tree Protection (TPZ) and Structural Root Zones (SRZ), Tree One (TPZ 14 metres, SRZ 4 metres) and Tree Two (TPZ 15 metres, SRZ, 4.26 metres).

A TPZ is not a sterile area where no activities can occur, rather it defines the area around the tree in which tree sensitive design and construction techniques must be utilised to ensure tree health and stability is maintained if the level of encroachment is to exceed more than the 10% threshold permitted as per the Australian Standard for the Protection of Trees on Development Sites (AS 4970). No encroachment into the SRZ is permitted under AS 4970.

Appraisal (cont)

It is my view alternate design solutions should be explored that allows for the retention of the subject trees and provides appropriate development of the subject land. If alternate design solutions are identified then a detailed protection and management plan will need to be developed by a suitably qualified Arborist for the subject trees.

Pruning Requirements

Specific pruning requirements for the subject trees are beyond the scope of this report. However, the trees do display moderate volumes of dead wood and defective branches that if left unmanaged are likely to fail in the future. Pruning should be implemented in the next 12 – 18 months to maintain risks to acceptable levels.

In general, the following pruning guidelines are recommended to address defects within the crown of the subject tree:

- Prune the over-extended lateral branches in accordance with the reduction pruning method as defined under Australian Standard, AS 4373-2007 *Pruning of Amenity Trees*. The term over-extended branches refers to those secondary lateral branches that protrude from the general outer canopy and overly exposed to excessive wind forces. Pruning of these branches is intended to reduce their length to that of the surrounding canopy.
- Reduction pruning should be restricted to within the outer third of lateral branch extensions. Assess each lateral branch and prune to reduce over-extension growth and prune back to suitable reduction points. Pruning should be performed to encourage good quality branch structure and maintain or enhance the tree's natural habit.
- Thinning crown areas with excessive end weight. Each area is to be assessed and selectively remove or reduce branches to manage load distribution and thin branch density thereby reducing the level of loading.
- Remove dead branches over 30mm in diameter, excess epicormic growth particularly from the inner crown, branch stubs from previous failures or poorly pruned branches.
- Climbing spurs or spikes are not to be used, unless being used for an emergency aerial rescue.
- Avoid splitting or tearing the bark on the trunk or parent branch by pre-cutting limbs that are too heavy to support with one hand.
- Remove cut limbs from the crown of the tree upon completion of pruning.
- No limbs or stems are to be lopped.
- All broken, cracked or severely damaged branches should be removed.
- All pruning must be in accordance with Australian Standard, AS 4373-2007 *Pruning of Amenity Trees* and completed by a suitably qualified Arborist (minimum Level 5). The pruning specified should be carried out under the supervision of the project arborist.

Also it is recommended to monitor tree health and safety. An assessment by a qualified Arborist should be conducted in 2 – 3 years, subject to growth rates.

A pruning plan must be provided for Council's consideration if more than 30% of the overall crowns is to be pruned.

Objectives and Principles of Development Control – Both Trees

Trees One and Two have been identified as Significant Trees. The following comments have been made in regards to the relevant Objectives and Principles of Council's Development Plan:

Principle 361

- (a) Does the Significant Trees make an important contribution to the character or amenity of the local area?

Yes: The height and spread of crowns give them a strong visual presence within the immediate locality. Both trees are large, mature specimens, making them prominent features in the landscape.

- (b) Are the Significant Trees indigenous to the local area and is its species listed under the National Parks and Wildlife Act as a rare or endangered native species?

No: Both trees are exotic species and therefore are not listed under the National Parks and Wildlife Act as a rare or endangered native species.

- (c) Does the Significant Trees represent an important habitat for native fauna?

No: No hollows suitable for nesting are present within the crowns of both trees. Hollows noted have active bee hives.

- (d) Is the Significant Trees part of a wildlife corridor or remnant area of native vegetation?

No: Both trees are exotic species and not part of a wildlife corridor or remnant area of native vegetation.

- (e) Is the Significant Tree important to the maintenance of biodiversity in the local environment?

No the trees are not important to the maintenance of biodiversity in the local environment given they are both exotic species.

- (f) Does the Significant Tree form a notable visual element to the landscape of the local area?

Yes: The trees can be viewed from a number of vantage points from within the locality. The subject trees forms a notable visual element in the landscape of the local area, and are clearly visible from the street and surrounding properties. The locality lacks tree cover.

Objectives and Principles of Development Control (cont)

Principle 364 (a) (1)

Significant trees should be preserved and tree damaging activity should not be undertaken unless one or more of the following applies:

- (i) Are the Significant Trees diseased and their life expectancies short?

No: The trees are not diseased and are expected to have a long useful life expectancy under existing environmental and site conditions and with the on-going management and maintenance by a qualified arborist (level 5 or greater).

- (ii) Does the Significant Trees represent an unacceptable risk to public or private safety?

No: The trees currently represent a low risk to private safety at this time. It is my view, with on-going management and maintenance by a qualified arborist and ongoing monitoring, the likelihood of future branch failure is considered acceptable at this time.

- (iii) Are the Significant Trees within 20 metres of a residential, tourist accommodation or habitable building and is it a bushfire hazard within a Bushfire Prone Area?

Not applicable

- (iv) Are the Significant Tree shown to be causing or threatening to cause substantial damage to a substantial building or structure of value?

No: No evidence exists these trees are shown to be causing or threatening to cause substantial damage to a substantial building or structure of value.

Attachment

Conclusion

The subject trees are both mature *Schinus areria* (Pepper Corns) and are considered to be 'significant' under the Development (Regulated Trees Variation) Regulations 2011. Both trees are listed in Council's Development Plan, Significant Tree Table Pr/4 (Council identification numbers 65 and 66).

It is acknowledged both trees have a range of defects. However these trees are in relatively good health, both present as stable, have no notable defects and pruning options are available to address crown defects and dead wood.

It is my view alternate design solutions should be explored that allows for the retention of the subject trees and allow appropriate development of the subject land.

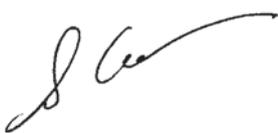
If alternate design solutions are identified then a detailed protection and management plan will need to be developed by a suitably qualified Arborist.

A protection plan must address in detail such things as protective fencing, protection measures and development guidelines including measures to allow variations to the recommended TPZs of if required. A management plan must specify how the subject trees will be managed once the proposed development has been completed, including a regime of ongoing inspections.

These plans will need to be submitted to Council for approval to ensure the subject trees are protected during any proposed development of the subject land and protected once development has been completed.

I therefore advise the subject trees do not meet any of the relevant criteria under Principles of the City of Prospect's Development Plan that would justify their removal at this time. **Therefore the removal of the subject trees cannot be supported.**

Thank you for the opportunity to provide this report. Should you have any questions or require further information, please do not hesitate to contact me.



Sam Cassar

Appendix A Aerial Image

Attachment



Susan Giles

From: Nina Phillips
Sent: Tuesday, 5 September 2017 2:34 PM
To: Susan Giles; Gene Fong
Subject: RE: Advice on two Peppercorn Trees at 27-29 Hepburn Street, Broadview

Hi Susan,

You have asked whether the two trees in question meet the following points:

- (a) make an important contribution to the character or amenity of the local area; or
- (b) form a notable visual element to the landscape of the local area;

Here is my response in regards to your points:

It seems the two trees provide an important contribution to the amenity of the local area due to their size and maturity. It takes a long time for trees to mature and only mature trees (compared to juvenile trees) provide the most effective benefits including from an environmental and aesthetic perspective (please see some points I have added to the end of this email in regards to the benefits of mature trees). The Peppercorns have a large canopy cover which contributes to the amenity of the area. They also provide some contribution to the character of the area as they are similar in species and form to other trees in the area. They form a notable visual element to the landscape of the immediate area surrounding the trees. However, it is unlikely they will provide an important visual contribution to the streetscape as they may not be seen from the street following site development. I recommend incorporating the trees within the design of the site so they can be seen from the street and visually contribute to the streetscape and character of the area.

Also, the trees do not meet the removal criteria from Council's Urban Street Tree Guide for managing trees in our city.

Based on these points I recommend the two Peppercorns are retained at this stage.

Finally, retaining the trees would be in line with our Strategic Plan in terms of a Greener Future.

Here is a excerpt from the draft Urban Street Tree Guide document.

Tree removal criteria

- 1 *Tree is dead, dying, deformed or in declining health beyond the point of recovery.*
- 2 *Tree constitutes an unacceptable safety hazard which cannot be alleviated by pruning.*
- 3 *Tree causing substantial damage to a substantial building or structure of value and this can be demonstrated by the applicant with supporting documentation from a qualified engineer that the tree is the primary cause of the damage.*
- 4 *Tree presents a serious traffic visibility problem which will be recurrent which cannot be alleviated by pruning.*
- 5 *Tree is planted in an unsuitable position.*
- 6 *Work improvements required to be made around the tree that will kill or render the tree a hazard and no alternate design solutions exist.*

Here are benefits that mature trees provide:

- **Reduce Energy Costs:** They shade our streets and homes and cool the air as their leaves evaporate water, block winter winds, maximise winter light into our homes and reduce glare on a sunny day. The City of Brisbane conducted a study showing effective tree location for making shade (3 trees which are about 12 metres high and have a 6 metre canopy diameter) can reduce the internal temperature by approximately 1 degree Celsius between noon and dusk, and save \$11 (Aus) of cooling costs over a 60 day period. It means shade can reduce approximately 15 % of energy costs for cooling. Deciduous trees also allow sun penetration during winter therefore providing a seasonal balance.
- **Reduce Surface Water Runoff and Water Pollutants:** Development increases hard, non-evaporative surfaces which decrease soil infiltration increasing water runoff volume. Urban trees can play an important role in reducing the rate and volume of storm water runoff, and stormwater treatment costs, by intercepting, slowing, evaporating and storing water through normal tree functions. Tree roots remove nutrients harmful to water ecology and quality. They use nitrogen, phosphorus, and potassium and other nutrients which are products of urban living to grow. High Nutrient level, pollute streams and the sea (eg. algae blooms).
- **Reduce Air Pollutants and Improve Air Quality:** Trees remove gaseous pollutants by absorbing them through their stomates (leaf pores) and cleanse the air by slowing street level particulates causing them to fall out. Trust for Public land, Sacramento CA found a 60% reduction of street level

particulates with a tree lined street. The same study showed planting 300 trees can counter balance the amount of pollution one person produces in a life time. (70 years).

- Reduce Atmospheric Carbon: Greenhouse effect - Heat from the earth is trapped in the atmosphere due to CO₂. CO₂ causes about half the greenhouse effect. Trees remove CO₂ from the atmosphere during photosynthesis to form carbohydrates that are used in basic plant functions. Trees therefore act as a carbon sink by removing carbon and storing it as cellulose in their trunk, branches, leaves and roots while realising oxygen back in the air.
- Increase Real Estate Values: Property values increase 5 – 15% when compared to properties without trees (depends on species, maturity, quantity and location). The Eastern suburbs are a good example of the affect mature tree lined streets have on the area.
- Create Habitat for Birds, Animals & Insects: Flowers, fruit, leaves and woody parts are important to the survival for Birds, Animals & Insects, both as food and shelter.
- Create a Pleasant Environment to Live and Work. All Trees provide us with the basic needs of life.

Please let me know if you have any questions.

Thanks,
Nina

Nina Phillips
Landscape Architect

T 08 8269 5355 F 08 8269 5834
128 Prospect Road | PO Box 171, Prospect SA 5082
nina.phillips@prospect.sa.gov.au



AGENDA ITEM: 7.1 (Compromise Proposal)

To: Council Assessment Panel (CAP) on 9 October 2017

From: Scott McLuskey, Senior Development Officer, Planning

Proposal: Demolition of Existing Buildings and Construction of a Five Storey Residential Flat Building comprising 12 Dwellings and Roof Terrace, with associated Car Parking, Landscaping, and Retaining Walls and Fencing (DA 050/368/2016)

Address: 89 Churchill Road, Prospect (CT 5169/442)

SUMMARY:

Applicant: N Walia

Owner: N Walia & T Kaur

Planning Authority: Council

Mandatory Referrals: Department of Planning, Transport and Infrastructure

Independent Advice: Independent Architect (Jenny Newman)

Public Notification: Category 1

Representations: Nil

Respondent: Nil

Development Plan Version: Consolidated 21 April 2016

Zone and Policy Area: Urban Corridor Zone (Boulevard Policy Area)

Key Considerations: Landscaping, Private Open Space, Setbacks, Car Parking, Waste Management, Overdevelopment, Visual Privacy

Recommendation: **Notify the Environment, Resources and Development Court that the compromise proposal is supported**

ATTACHMENTS:

Attachments 1-17 Revised Proposal Plans

Attachments 18-19 Revised Perspective Views

Attachments 20-27 Supporting Planning Report

Attachments 28-37 Previously Refused plans

1. EXECUTIVE SUMMARY

- 1.1 The Development Assessment Panel (DAP) previously considered a proposal for demolition of an existing dwelling and construction of a three storey residential flat building at its meetings of 10 April 2017 and 8 May 2017. The proposal was refused as it was not considered to satisfactorily address setbacks, boundary wall height, visual privacy, car parking, design quality and private open space.
- 1.2 The applicant has provided amended plans which seek to address the reasons for refusal. The amendments include a reduction in design elements to simplify the front, southern and northern facades, as well as a reduction of dwelling floor area to accommodate greater rear setbacks and reduce overshadowing impacts.

2. BACKGROUND

- 2.1 The DAP last considered the proposal at its meeting of 8 May 2017. At that meeting the DAP resolved to refuse the application as the proposal failed to achieve:
- Relevant setback provisions, resulting in unreasonable amenity impacts to adjoining properties;
 - Relevant boundary wall height provisions, resulting in unreasonable amenity impacts to adjoining properties;
 - Appropriate visual privacy solutions, resulting in unreasonable amenity impacts to occupants of the proposed building and adjoining properties;
 - Relevant car parking provisions, resulting in a potential over-reliance on limited public car parking opportunities within the locality with consequential amenity impacts to nearby streets.
 - The architectural design and visual language of a building desired as a residential development within the Boulevard Policy Area.
 - Relevant private open space provisions, resulting in unreasonable occupant amenity, functionality and usability impacts.
- 2.2 The applicant lodged an appeal against the decision to the Environment, Resources and Development Court.
- 2.3 The applicant engaged Mr Josh Skinner of URPS to assist in providing expert advice and assistance. Accordingly, Mr Skinner has provided a Planning Report and amended plans for the CAP's consideration, as part of the appeal process. This approach is usual of Environment, Resources and Development Court proceedings, where the parties seek to resolve the appeal without proceeding to a hearing.
- 2.4 The report from the previous DAP meeting is available for viewing on the City of Prospect website (www.prospect.sa.gov.au).

3. DISCUSSION

3.1 Setbacks

- 3.1.1 The revised proposal would result in the building being setback a minimum of 2m from the southern property boundary above first floor level. The departures from the minimum side setback relating to the southern property boundary were identified within previous reports as giving rise to increased amenity impacts to adjoining properties beyond that anticipated by the Development Plan.
- 3.1.2 Three, 3.8m long sections of building wall would be setback 1m from the northern property boundary above first floor level. This departure from the desired minimum setback distance does not give rise to increased visual privacy

concerns (as outlook from these building elements is directed to the east and west), nor the amenity impacts that were associated with the previous departures to the southern side of the building. The bright green contrast paint treatment previously proposed to these sections of wall has been revised, with these wall sections now proposed to be of a muted paint finish and constructed of scyon matrix cladding.

- 3.1.3 The compromise proposal plans are considered to respond suitably to the previously identified concerns regarding departures from side setbacks.

3.2 **Boundary Wall Height**

3.2.1 The revised proposal would result in the height of boundary walls being reduced from the previously proposed height of 7.6m, to a height of 4.6m. Further, the material of the boundary walls has been altered from precast concrete panels to face brick.

3.2.2 It is considered that both the reduction in size of these walls, as well as the introduction of texture and visual interest through the revised materiality, respond suitably to the concerns previously identified. The compromise proposal plans are supported by planning staff in this respect.

3.3 **Visual Privacy**

3.3.1 The compromise proposal plans include some revisions relating to visual privacy. It is not considered however that these revisions address the previously identified concerns regarding overlooking from lower level rear balconies, or windows which have direct views onto properties to the north and south of the subject site.

3.3.2 It is considered however that conditions can be imposed which will suitably resolve these concerns.

3.4 **Car Parking**

3.4.1 With revisions to the size of some dwellings, the minimum desired on-site quantity of car parking in the compromise proposal would reduce to 17 spaces (rounded up), from the previously desired minimum of 19 spaces. Further, the applicant proposes to increase the number of parking spaces available from the previously proposed 15 spaces to 17 spaces through the use of car stackers.

3.4.2 It is noted also that the compromise proposal plans have reconfigured the layout of the car parking area to provide access to two parallel spaces in compliance with the relevant Australian Standard.

3.4.3 It is considered that the compromise proposal responds suitably to previous concerns relating to both the number of car parking spaces, as well as the functionality of the car parking area itself.

3.5 **Design Quality**

3.5.1 The compromise proposal plans include a substantially revised material palette, now inclusive of ground level brick finishes, rendered hebel panels, scyon matrix cladding and timber screening. The bright colour contrasts of previously proposed painted finishes have also been revised to more muted, complementary tones as demonstrated in the 3d elevations.

3.5.2 The ground level building configuration has also been revised in order to include a meaningful communal lobby area facing Churchill Road. While a designated

commercial space at ground level was a desirable component of the original proposal, the inclusion of the lobby assists in gaining light and ventilation access to the entry corridor, while maintaining activation of the ground level façade. Additionally, the roof terrace has been reconfigured such that it would provide a communal area of open space with outlook towards Churchill Road.

3.5.3 The design qualities of the compromise proposal plans are considered to suitably resolve previous concerns, resulting in a more coherent and contextually appropriate building aesthetically with greater internal occupant amenity.

3.6 Private Open Space

3.6.1 The following table compares the private open space provided by the compromise proposal plans against the refused proposal plans:

Dwelling No.	Refused	Compromise
Apartment 1 (3 bedroom):	15.2m ²	16.26m ²
Apartment 2 (2 bedroom):	8m ²	12.65m ²
Apartment 3 (3 bedroom):	8m ²	12m ²
Apartment 4 (2 bedroom):	15.2m ²	15.4m ²
Apartment 5 (3 bedroom):	15.2m ²	16m ²
Apartment 6 (2 bedroom):	5m ²	12.65m ²
Apartment 7 (3 bedroom):	5m ²	12m ²
Apartment 8 (2 bedroom):	10.6m ²	15.4m ²
Apartment 9 (3 bedroom):	10.6m ²	16m ²
Apartment 10 (2 bedroom):	0m ²	12.65m ²
Apartment 11 (3 bedroom):	0m ²	12m ²
Apartment 12 (4 bedroom):	0m ²	28m ²

3.6.2 As is evident from the table above, private open space outcomes for each dwelling have improved markedly. Further, the previously segmented roof terrace has been reconfigured to provide a genuine communal space with shelter and furniture.

4. CONCLUSION AND RECOMMENDATION

4.1 Summarised briefly, the applicant has:

- Revised the size and internal configuration of the building to maintain a 2m minimum southern boundary setback;
- Reduced the height of previously proposed boundary walls from 7.6m to 4.6m,
- Increased the availability of on-site car parking while decreasing anticipated parking demand;
- Revised the layout of the building at ground and roof levels to provide communal areas for future residents;
- Revised the material palette and colour finishes of building elements; and
- Increased the availability of private open space to each dwelling within the building.

In line with the earlier discussion in this report, the application is considered to be sufficiently consistent with the relevant provisions of the Prospect (City) Development Plan subject to appropriate conditions, and it is thus recommended:

That the Environment, Resources and Development Court be advised that the Council Assessment Panel is supportive of the compromise proposal and Development Plan Consent be granted to DA 050/368/2016 from N Walia for Demolition of Existing Buildings and Construction of a Five Storey Residential Flat Building comprising 12 Dwellings and Roof Terrace, with associated Car Parking, Landscaping, and Retaining Walls and Fencing (CT 5169/442), subject to the following conditions and notes:

Conditions:

1. The development shall take place in accordance with plans and details prepared by Aspex Building Designers, Drawing Nos 2-9, marked Revision 'D', and stamped by Council relating to Development Application Number 050/65/2017, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the approved development.
2. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving and maintained to the reasonable satisfaction of Council. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of materials or goods including waste products and refuse. The obsolete crossover and/or any portion of crossover that is not required for the subject development shall be reinstated to Council standard kerb and gutter at the applicant's cost prior to occupation of the completed development.
3. Prior to the grant of full development approval, a detailed stormwater management plan shall be provided that, to the satisfaction of Council, provides evidence that all dwellings are suitably protected from 1 in 100 year ARI storm events and that post-development outflow rates from the site will match pre-development rates in 1 in 20 ARI storm events. The location and capacity of any on-site detention tanks, as well as the extent of any cut or fill and associated retaining walls, shall be clearly described.
4. Prior to the grant of full development approval, revised elevations plans shall be provided that, to the satisfaction of Council, demonstrate screening or other visual privacy devices with an effective height of 1.5m above each finished floor level to windows and balconies with direct views to the north, east and south of the subject land.
5. Air-conditioning units and solar hot water heaters shall be provided with screening devices designed to complement the colours, materials and finishes of the building approved herein, and shall be sited to adequately screen the units from view from neighbouring properties and public land (roadways) to the reasonable satisfaction of Council.
6. The landscaping shall be planted prior to occupancy of the development, and maintained at all times to the reasonable satisfaction of Council and to ensure appropriate lines of sight for vehicles and pedestrians. An automated drip irrigation or similar watering system shall be established and maintained to ensure that sufficient water is available to satisfy the needs of the landscaping species selected.
7. During construction of the development approved herein, measures will be implemented to ensure that the construction works do not result in an unreasonable impact on occupiers of adjacent properties or pollution of existing infrastructure through drag-out or stormwater runoff. Measures shall include as necessary:
 - a) A hard surface and controlled washing zone at the entry/exit points to the site, designed to reduce the potential for mud and material dragged out by construction vehicles; and
 - b) Containment of stormwater run-off within the site, which if being discharged into the stormwater system will be filtered to the satisfaction of Council; and

- c) Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
 - d) The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and
 - e) All mechanical equipment shall be used in a manner to minimise the potential for noise pollution and ensure compliance with the requirements of the Environment Protection (Noise) Policy.
8. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.

All works on Council land shall be conducted to Council's specification, with all works to be bunted off safely and pedestrian safety to be maintained throughout the construction period. Plantings will also need to be undertaken in line with council specifications in terms of sight distance interference and safety to the community (thorns/poisonous plantings). Plans displaying all relevant details of the Road/Kerbing/Footpath Works shall be submitted to the Assets and Infrastructure Officer for approval prior to the commencement of any such works.

Advisory Notes:

- (1) Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

- (2) The development plan consent granted herein is effective for a period of twelve (12) months from the date of the decision. Unless Council extends this period, building rules consent is required within this time or the consent will lapse.

Any request for an extension of the operative period of the consent must be submitted to Council in writing, accompanied by the applicable fee.

- (3) Further application pursuant to the Local Government Act shall be made to the Infrastructure Assets and Environment Department for the proposed crossover prior to construction activities occurring.

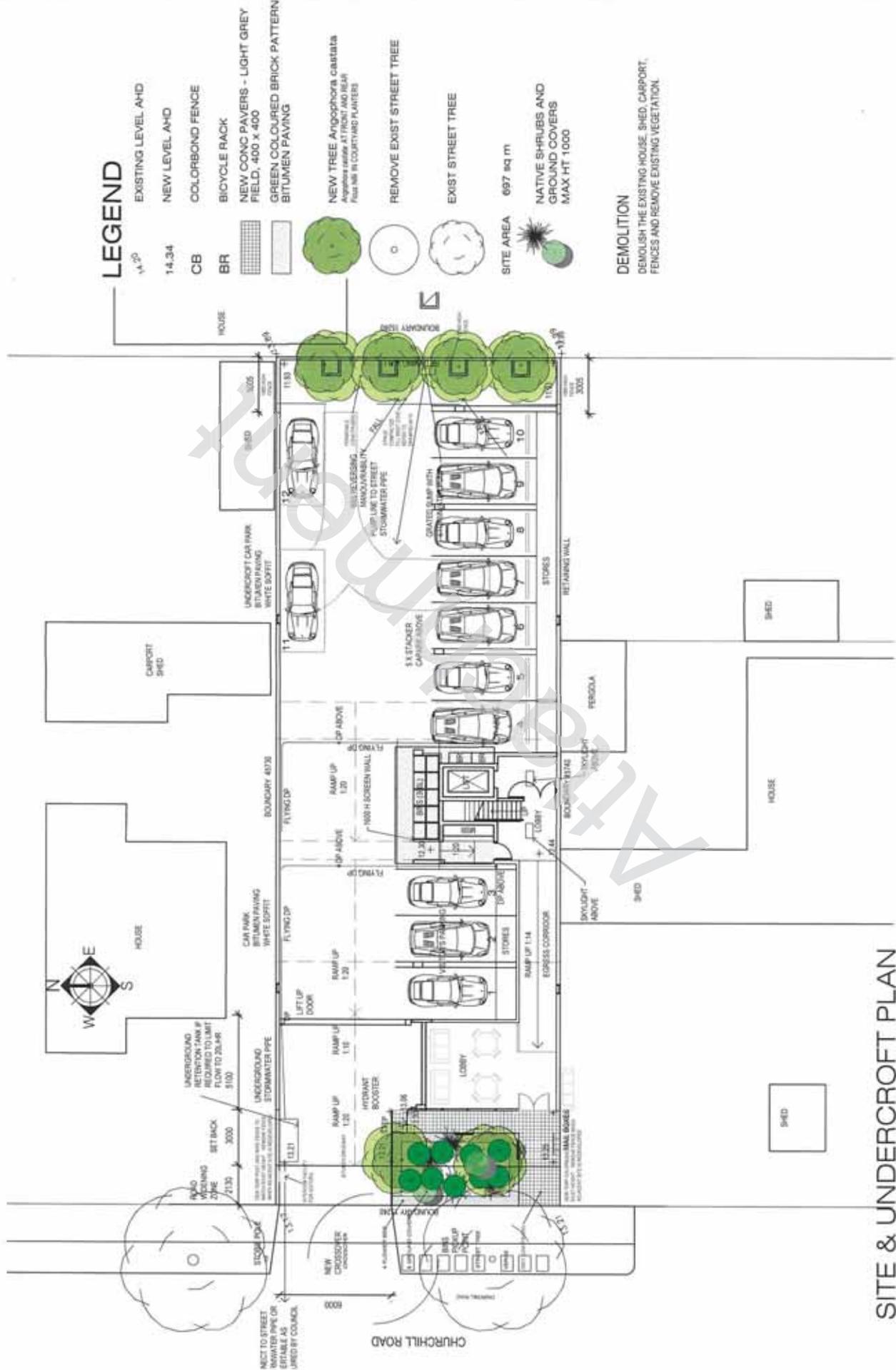
Road/Kerbing/Footpath Works will need to be inspected by an Assets and Infrastructure Officer to determine they have met all relevant requirements. All work including line marking will be the responsibility of the applicant as will the reinstatement of any damaged Infrastructure / Services related to these works. All works will be carried out at the cost to the applicant.

- (4) Prior to the commencement of construction of the development herein approved, it is strongly recommended that you employ the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.

Failure to correctly site the development on the land in accordance with the plans approved herein would constitute a breach of the *Development Act 1993*. Any amendments required to the approved plans as a result of the survey are to be submitted to Council for approval prior to works commencing.

- (5) You are encouraged to consult with adjoining property owners before commencing any work, to assist in minimising nuisance or inconvenience caused during construction.
- (6) You are required to give formal notification to, and consult with, the adjoining property owner if you are removing, replacing or altering an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence (Section 5 of the *Fences Act 1975*).
- (7) During construction of the development approved herein, measures will be implemented to ensure that the construction works do not result in an unreasonable impact on occupiers of adjacent properties or pollution of existing infrastructure through drag-out or stormwater runoff. Measures shall include as necessary:
 - A hard surface and controlled washing zone at the entry/exit points to the site, designed to reduce the potential for mud and material dragged out by construction vehicles; and
 - Containment of stormwater run-off within the site, which if being discharged into the stormwater system will be filtered to the satisfaction of Council; and
 - Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
 - The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and
 - All mechanical equipment shall be used in a manner to minimise the potential for noise pollution and ensure compliance with the requirements of the Environment Protection (Noise) Policy.
- (8) To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities should only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.
- (9) The construction of the building shall be undertaken in accordance with the Ministers Specification SA78B – Construction requirements for the control of external sound. Compliance with the Minister’s Specification would be required as part of the Building Code of Australia (BCA).
- (10) National Broadband Network (NBN): The National Broadband Network is being rolled out across the City of Prospect. It is recommended that you consider your future connection to the optical fibre network prior to commencing works. Please visit www.nbnco.com.au for further details on how to get connected.

AMENDED PLAN



LEGEND

EXISTING LEVEL AHD

NEW LEVEL AHD

COLORBOND FENCE

BICYCLE RACK

NEW CONC PAVERS - LIGHT GREY
FIELD, 400 x 400

GREEN COLOURED BRICK PATTERN
BITUMEN PAVING

NEW TREE *Angophora caustata*
Angophora native AT FRONT AND NEAR
FRONT IN COURTYARD PLANTERS

REMOVE EXIST STREET TREE

EXIST STREET TREE

SITE AREA 697 sq m

NATIVE SHRUBS AND
GROUND COVERS
MAX HT 1000

DEMOLITION

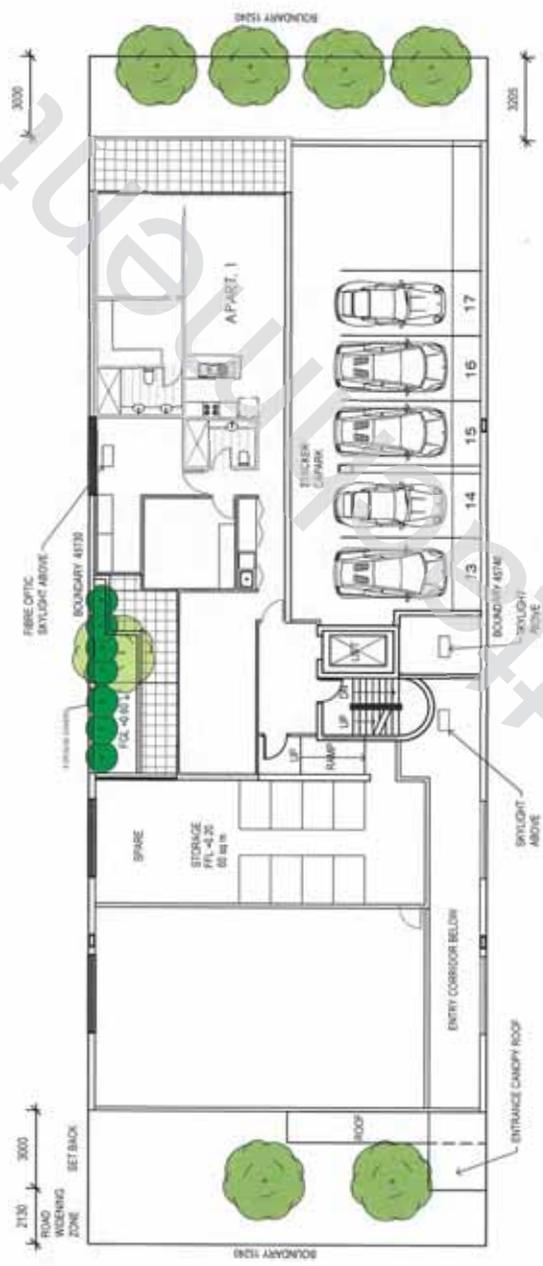
DEMOLISH THE EXISTING HOUSE, SHED, CARPORT,
FENCES AND REMOVE EXISTING VEGETATION.

SITE & UNDERCROFT PLAN

SCALE 1:200

SITE NOTES

- BUILDER TO CHECK AND CONFIRM ALL LEVELS AND DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION
- ANY DISCREPANCIES IN DOCUMENTATION AND / OR ON SITE ARE TO BE REPORTED TO THE DESIGNER BEFORE ANY WORK IS COMMENCED
- ALL WRITTEN DIMENSIONS TO TAKE PREFERENCE OVER SCALED DIMENSIONS
- ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND RELEVANT LOCAL AUTHORITY REQUIREMENTS
- FOUNDATIONS, EXCAVATIONS, REINFORCEMENT PLACEMENT, ETC. TO BE INSPECTED AND APPROVED BY ENGINEER OR BUILDING SURVEYOR PRIOR TO ANY CONCRETE PLACEMENT
- GROUND LEVELS AND FINISHED FLOOR LEVELS INDICATED ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE
- NO VARIATION MAY BE MADE TO THIS DRAWING WITHOUT PRIOR APPROVAL OF THE PROPRIETOR OR DESIGNERS
- REFER TO ENGINEERS DESIGN, DOCUMENTATION, CALCULATION AND SPECIFICATION FOR STRUCTURAL, ELECTRICAL, HYDRAULIC AND CIVIL DETAILS (IF APPLICABLE)
- STORMWATER TO BE DISCHARGED TO STREET WATERABLE OR RAINWATER TANK IN ACCORDANCE WITH COUNCIL REQUIREMENTS AND/OR DIRECTION
- SURFACE WATER RUN-OFF FROM NOT LESS THAN 50sqm OF ROOF CATCHMENT AREA TO BE STORED IN 1000L RAIN WATER TANK AND PLUMBED TO EITHER A TOILET, WATER HEATER OR LAUNDRY COLD WATER TANK
- INLET/OVERFLOW ON RAIN WATER TANK MUST BE FITTED WITH INSPECT PROOF AND NON DEGRADABLE SCREENS



LEGEND

GROUND FLOOR PLAN
SCALE 1:200

SITE NOTES

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- SURFACE WATER RUN-OFF FROM NOT LESS THAN 50sqm OF ROOF CATCHMENT AREA TO BE STORED IN 1000L RAIN WATER TANK AND PLUMBED TO EITHER A TOILET, WATER HEATER OR LAUNDRY COLD WATER TANK. INLET/OVERFLOW ON RAIN WATER TANK MUST BE FITTED WITH INSPECT PROOF AND NON DEGRADABLE SCREENS



THIRD FLOOR PLAN

SCALE 1:200

APRT. 2

AREAS	m ²
Lower Living	78.90
Balcony	12.65
TOTAL	91.55

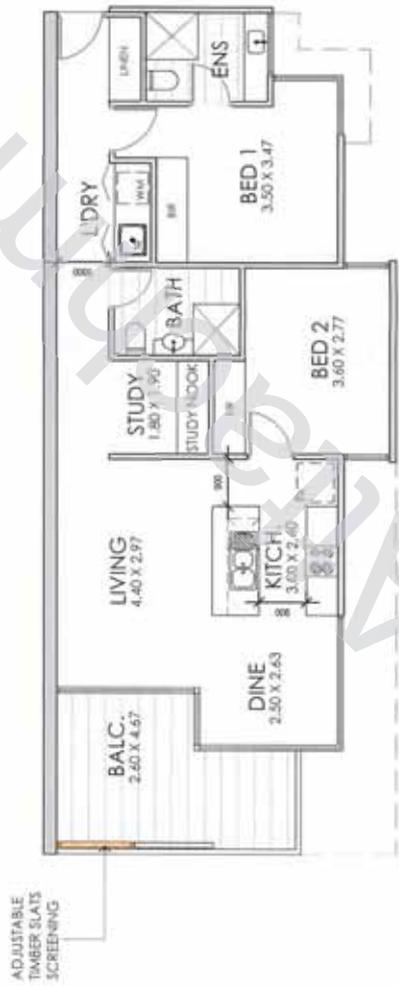
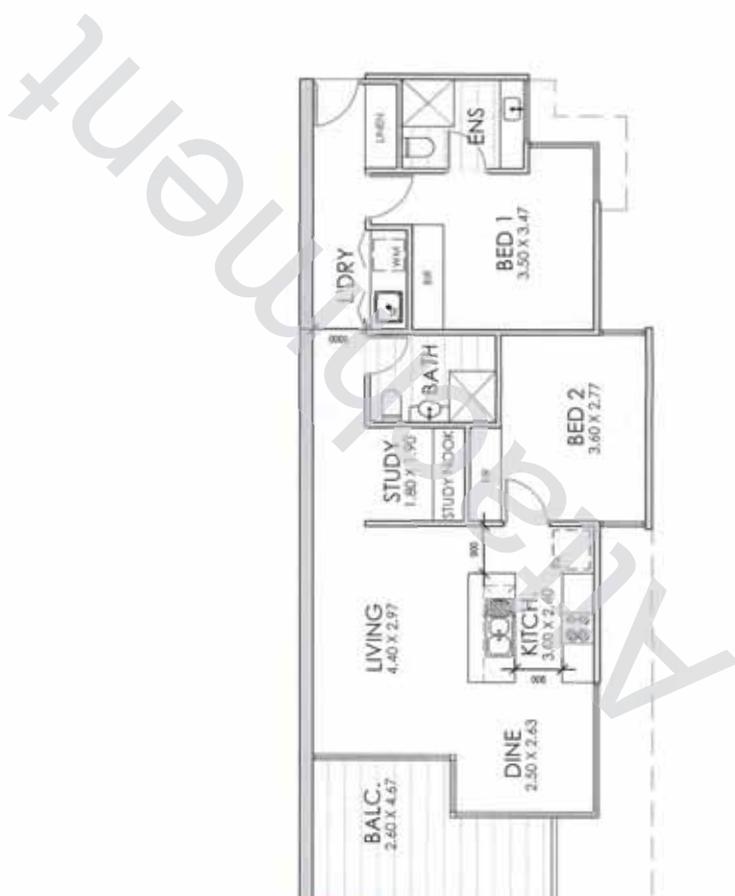
AMENDED PLAN

BUILDING TERMITE PROTECTION IN ACCORDANCE WITH AS 3603.1-2000
 ALL GLAZING WILL BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS 1288-2006 AND/OR AS 2047-2014
 ALL WATERPROOFING IN WET AREAS WILL BE IN ACCORDANCE WITH AS 3745-2004 AND BCA-TABLE 3.8.1.1
 SELF CONTAINED SMOKE ALARMS WILL COMPLY WITH AS 3785, CONNECTED TO CONDUIT/NET MAINS POWER AND WILL BE INTERCONNECTED (IF MORE THAN 1)

ALL MATERIALS AND EQUIPMENT SHALL BE NEW FREE OF DEFECTS OR DAMAGE. ANY DEFECTIVE OR FAULTY EQUIPMENT SHALL BE REPLACED AT THE CONTRACTORS EXPENSE
 ALL WORK SHALL BE CARRIED OUT IN A NEAT TRADESMAN LIKE MANNER AND TO BE CARRIED OUT BY FULLY QUALIFIED AND LICENSED TRADESPERSONS
 ANY DISCREPANCIES IN DOCUMENTS AND/OR ON SITE TO BE REPORTED TO THE DESIGNER BEFORE ANY WORK IS COMMENCED

GROUND LEVELS AND FINISHED FLOOR LEVELS INDICATED ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE PRIOR APPROVAL OF THE PROPRIETOR OR DESIGNER
 NO VARIATION MAY BE MADE TO THIS DRAWING WITHOUT THE PRIOR APPROVAL OF THE PROPRIETOR OR DESIGNER
 ALL STEEL LEVELS ARE TO BE HOT DIP GALVANISED, SIZE AS PER ENGINEERING DETAILS AND DESIGN
 REFER TO ENGINEERS DESIGN, DOCUMENTATION, CALCULATION AND SPECIFICATION FOR STRUCTURAL, ELECTRICAL, HYDRAULIC AND CIVIL DETAILS (IF APPLICABLE)

GENERAL NOTES:
 THE DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, DOCUMENTATION, SCHEDULES AND SPECIFICATIONS
 BUILDER TO CHECK AND CONFIRM ALL IN AN AND SITE SET OUT DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION
 WRITTEN DIMENSION TAKES PREFFERENCE TO SCALE



APARTMENT 2 FLOOR PLAN
 SCALE 1:100

GENERAL NOTES:

- THE DRAWINGS TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, DOCUMENTATION, SCHEDULES AND SPECIFICATIONS
- READER TO CHECK AND CONFIRM ALL PLAN AND SITE SET OUT DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION
- WRITTEN DIMENSION TAKES PRECEDENCE TO SCALE

- GROUND LEVELS AND FINISHED FLOOR LEVELS INDICATED ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE
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- ALL STEEL LEVELS ARE TO BE HOT DIPPED GALVANISED, SIZES AS PER ENGINEERS DETAILS AND DESIGN
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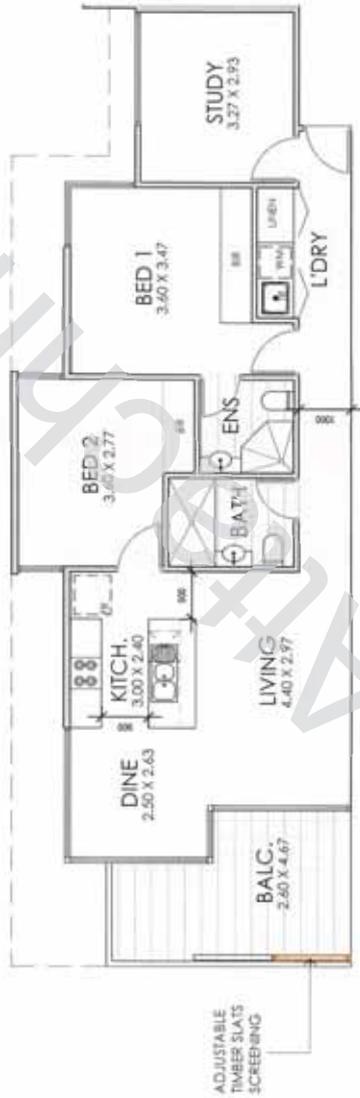
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- ALL WORK SHALL BE CARRIED OUT IN A NEAT, TRADESMAN LIKE MANNER AND TO BE CARRIED OUT BY FULLY QUALIFIED AND LICENSED TRADESPERSONS
- ANY DISCREPANCIES IN DOCUMENTS AND/OR ON SITE TO BE REPORTED TO THE DESIGNER BEFORE ANY WORK IS COMMENCED

- BUILDING TERAPE PROTECTION IN ACCORDANCE WITH AS 3963.1:2009
- ALL GLAZING WILL BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS 1288-3006 AND/OR AS 2047:2014
- ALL WATERPROOFING IN WET AREAS WILL BE IN ACCORDANCE WITH AS 3740:2004 AND BS-1188:3.8.1.1
- SELF CONTAINED SMOKE ALARMS WILL COMPLY WITH AS 3786, CONNECTED TO CONSUMER MAINS POWER AND WILL BE INTERCONNECTED (IF MORE THAN 1)

APRT. 3 & 7 & 11

AREAS	m ²
Lower Living	85.5
Balcony	12.00
TOTAL	97.5

AMENDED PLAN



APARTMENT 3, 7 & 11 FLOOR PLAN

SCALE 1:100

GENERAL NOTES:

- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, DOCUMENTATION, SCHEDULES AND SPECIFICATIONS.
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- ALL STEEL LIFTS ARE TO BE HOT DIP GALVANISED, SIZES AS PER ENGINEERS DETAILS AND DESIGN.
- REFER TO ENGINEERS DESIGN, DOCUMENTATION, CALCULATION AND SPECIFICATION FOR STRUCTURAL, ELECTRICAL, HYDRAULIC AND CIVIL DETAILS (IF APPLICABLE).

- ALL MATERIALS AND EQUIPMENT SHALL BE NEW, FREE OF BLEMISHES OR DAMAGE. ANY DEFECTIVE OR FAULTY EQUIPMENT SHALL BE REPLACED AT THE CONTRACTORS EXPENSE.
- ALL WORK SHALL BE CARRIED OUT IN A NEAT, TRADESMAN-LIKE MANNER AND TO BE CARRIED OUT BY FULLY QUALIFIED AND LICENSED TRADESPERSONS.
- ANY DISCREPANCIES IN DOCUMENTS AND/OR ON SITE TO BE REPORTED TO THE DESIGNER BEFORE ANY WORK IS COMMENCED.

- BUILDING TERMITE PROTECTION IN ACCORDANCE WITH AS 3665.1-2000.
- ALL GLAZING WILL BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS 1288-2008 AND/OR AS 2047-2014.
- ALL WATERPROOFING IN WET AREAS WILL BE IN ACCORDANCE WITH AS 3740-2004 AND BCA TABLE 3.8.1.1.
- SELF-CONTAINED SMOKE ALARMS WILL COMPLY WITH AS 1851. CONSIDERED TO COMBUSTION SMOKE PIONEER AND WILL BE INTERCONNECTED (IF MORE THAN 1).

APRT. 5 & 9

AREAS	m ²
Lower Living	83.80
Bedroom	16.00
TOTAL	99.80

AMENDED PLAN



APARTMENT 5 & 9 FLOOR PLAN

SCALE 1:100

GENERAL NOTES

- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, DOCUMENTATION, SCHEDULES AND SPECIFICATIONS
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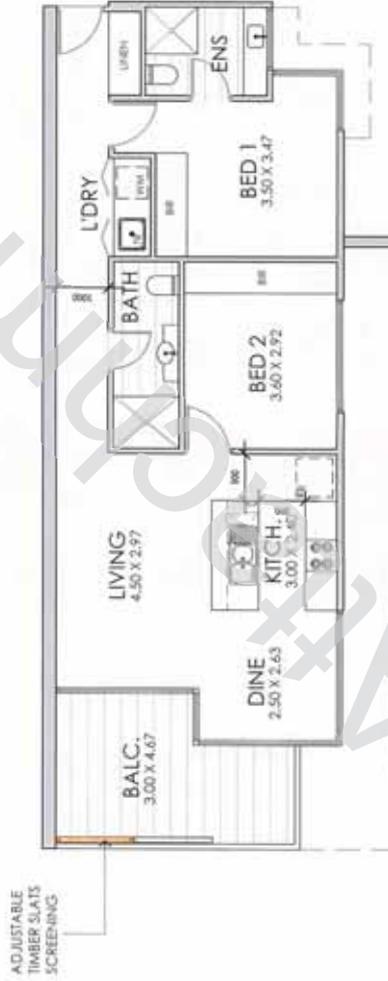
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- ANY DISCREPANCIES IN DOCUMENTS AND/OR ON SITE TO BE REPORTED TO THE DESIGNER BEFORE ANY WORK IS COMMENCED

- BUILDING TERMITE PROTECTION IN ACCORDANCE WITH AS 3660.1-2000
- ALL GLAZING WILL BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS 1288-2008 AND/OR AS 2947-2014
- ALL WATERPROOFING IN WET AREAS WILL BE IN ACCORDANCE WITH AS 3750-2004 AND BOLA-TABLE 3.8.1.1
- SELF CONTAINED BACKUP ALARMS SHALL COMPLY WITH AS 3081. CONNECTED TO ACHS (MAY BE POWER AND WILL BE INTERCONNECTED (IF MORE THAN 1))

APRT. 6 & 10

AREAS	m ²
Lower Living	75.15
Balcony	12.65
TOTAL	87.80

AMENDED PLAN



APARTMENT 6 & 10 FLOOR PLAN

SCALE 1:100

GENERAL NOTES

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, DOCUMENTATION, SCHEDULES AND SPECIFICATIONS.
 BUILDER TO CHECK AND CONFIRM ALL PLAN AND SITE SET OUT DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 WRITTEN DIMENSION TAKES PREFERENCE TO SCALE.

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 REFER TO ENGINEERS DESIGN DOCUMENTATION, CALCULATION AND SPECIFICATION FOR STRUCTURAL, ELECTRICAL, HYDRAULIC AND CIVIL DETAILS (IF APPLICABLE).

ALL MATERIALS AND EQUIPMENT SHALL BE NEW, FREE OF DEFECTS OR DAMAGE. ANY DEFECTIVE OR FAULTY EQUIPMENT SHALL BE REPLACED AT THE CONTRACTORS EXPENSE.
 ALL WORK SHALL BE CARRIED OUT IN A NEAT TRADESMAN-LIKE MANNER AND TO BE CARRIED OUT BY FULLY QUALIFIED AND LICENSED TRADESPERSONS.
 ANY DISCREPANCIES IN DOCUMENTS AND/OR ON SITE TO BE REPORTED TO THE DESIGNER BEFORE ANY WORK IS COMMENCED.

BUILDING TERMITE PROTECTION IN ACCORDANCE WITH AS 3602.1-2000.
 ALL GLAZING WILL BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS 1288-2006 AND/OR AS 2047-2014.
 ALL WATERPROOFING IN WET AREAS WILL BE IN ACCORDANCE WITH AS 3740-2004 AND BCA-TABLE 3.8.1.1.
 SELF-CONTAINED SMOKE ALARMS WILL COMPLY WITH AS 1774, CONNECTED TO COULDER BANKS POWER AND WILL BE INTERCONNECTED (IF MORE THAN 1).

APRT. 8

AREAS	m ²
Lower Living	73.10
BOYCITY	15.40
TOTAL	88.50

AMENDED PLAN



APARTMENT 8 FLOOR PLAN

SCALE 1:100

GENERAL NOTES

- THE DRAWINGS TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, DOCUMENTATION, SCHEDULES AND SPECIFICATIONS
- BUILDER TO CHECK AND CONFIRM ALL PLAN AND SITE SET OUT DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION
- WRITTEN DIMENSION TAKES PREFERENCE TO SCALE

- GROUND LEVELS AND FINISHED FLOOR LEVELS INDICATED ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE
- NO VARIATION MAY BE MADE TO THE DRAWINGS WITHOUT PRIOR APPROVAL OF THE PROPRIETOR OR DESIGNER
- ALL STEEL LEVELS ARE TO BE HOT DIPPED GALVANISED, SIZES AS PER ENGINEERS DETAILS AND DESIGN
- REFER TO ENGINEERS DESIGN, DOCUMENTATION, CALCULATION AND SPECIFICATION FOR STRUCTURAL, ELECTRICAL, HYDRAULIC AND CIVIL DETAILS (IF APPLICABLE)

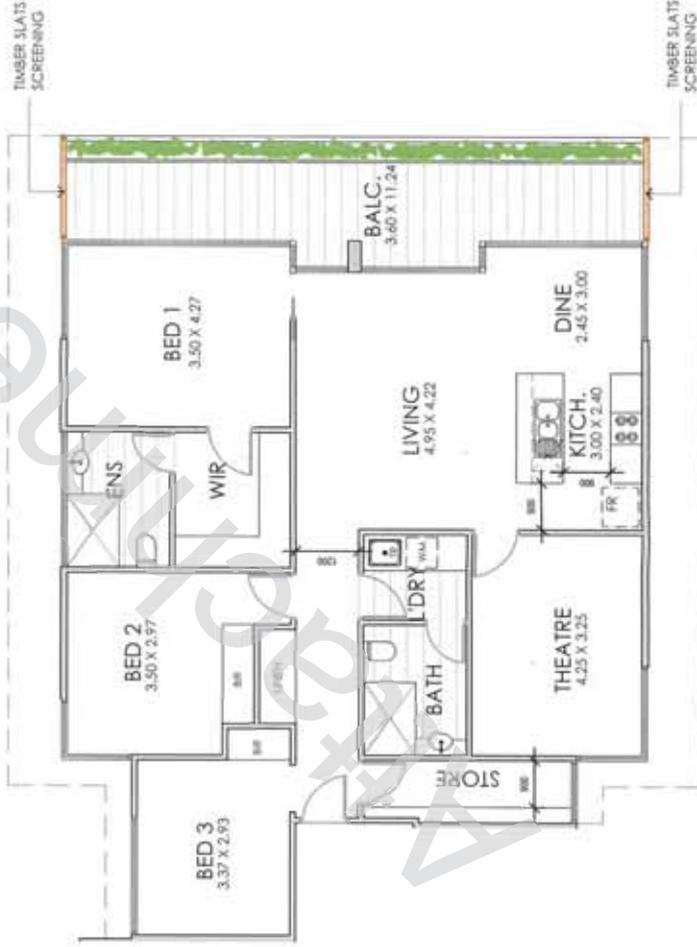
- ALL MATERIALS AND EQUIPMENT SHALL BE NEW, FREE OF BLEMISHES OR DAMAGE. ANY DEFECTIVE OR FAULTY EQUIPMENT SHALL BE REPLACED AT THE CONTRACTORS EXPENSE
- ALL WORK SHALL BE CARRIED OUT IN A NEAT TRADESMAN LIKE MANNER AND TO BE CARRIED OUT BY FULLY QUALIFIED AND LICENSED TRADESPERSONS
- ANY DISCREPANCIES IN DOCUMENTS AND/OR ON SITE TO BE REPORTED TO THE DESIGNER BEFORE ANY WORK IS COMMENCED

- BUILDING TERMITE PROTECTION IN ACCORDANCE WITH AS 3660.1-2000
- ALL GLAZING WILL BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS 1288-2006 AND/OR AS 2047-2014
- ALL WATERPROOFING IN WET AREAS WILL BE IN ACCORDANCE WITH AS 3740-2004 AND BCA TABLE 3.8.1.1
- SELF CONTAINED SMOKE ALARMS WILL COMPLY WITH AS 3786. CONNECTED TO CONSULT A LICENSED FIRE ALARM AND WILL BE INTERCONNECTED (IF MORE THAN 1)

APRT. 12

AREAS	m ²
Lower Living	128.40
Balcony	28.00
TOTAL	156.40

AMENDED PLAN



APARTMENT 12 FLOOR PLAN

SCALE 1:100



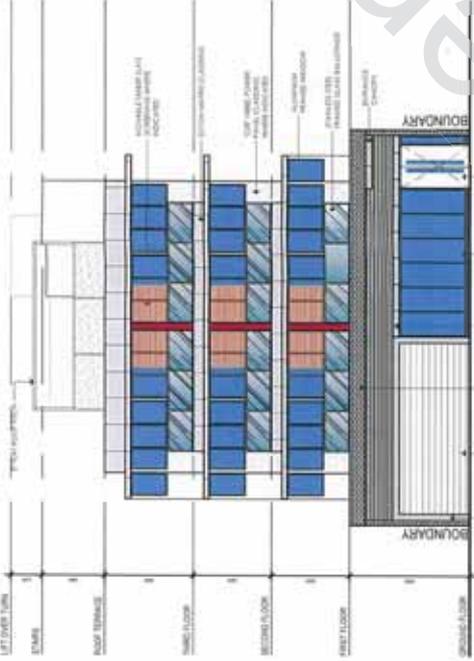
Client: MR N WALIA
Address: 89 CHURCHILL ROAD, PROSPECT

JOB# 249

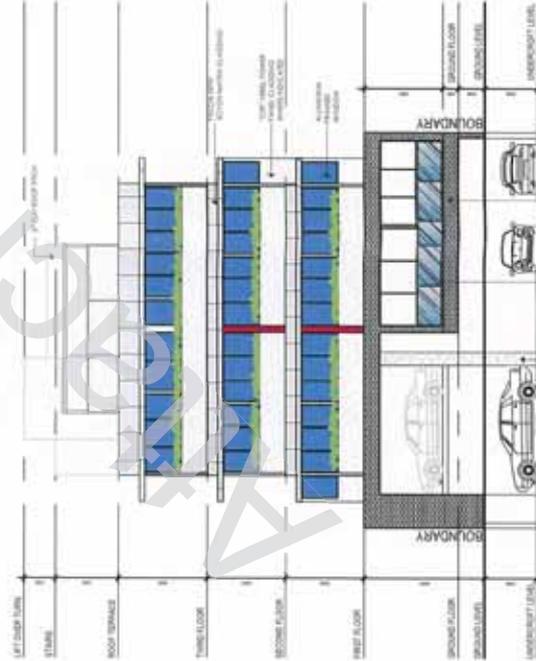


14 of 17

AMENDED PLAN

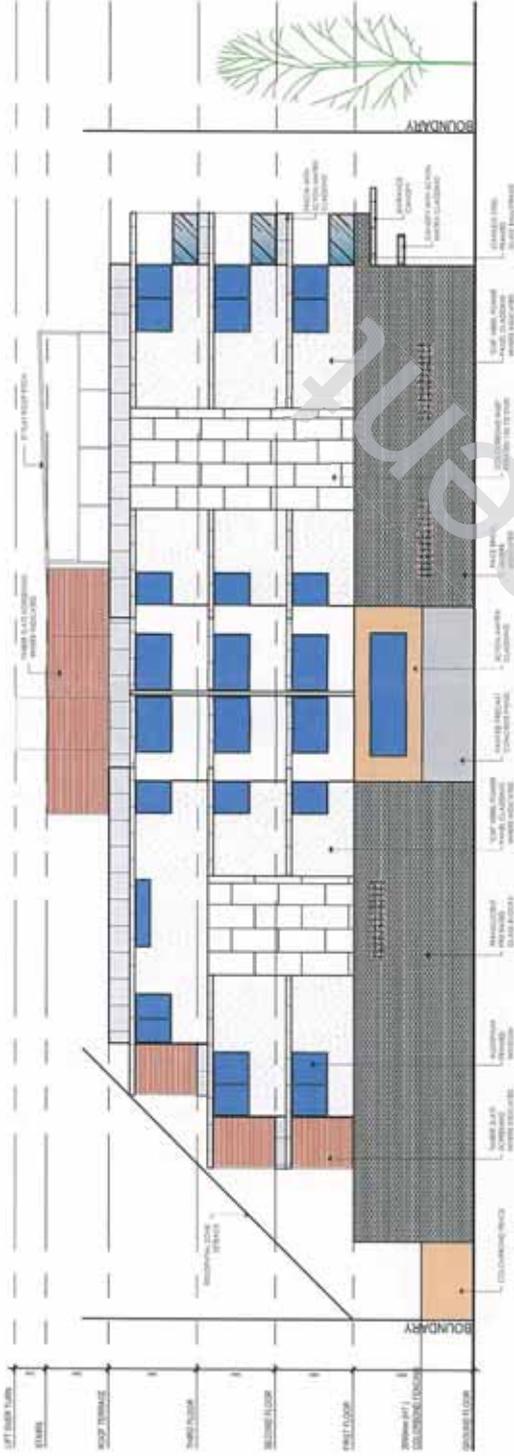


FRONT ELEVATION
SCALE 1:200

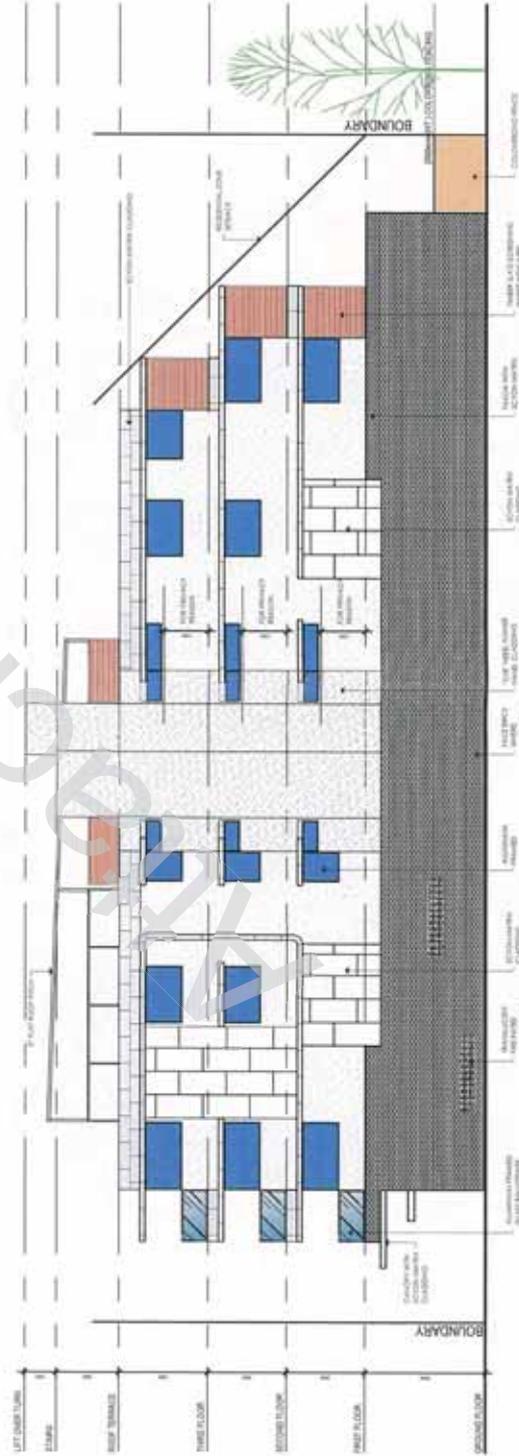


REAR ELEVATION
SCALE 1:200

AMENDED PLAN



FRONT ELEVATION
SCALE 1:200



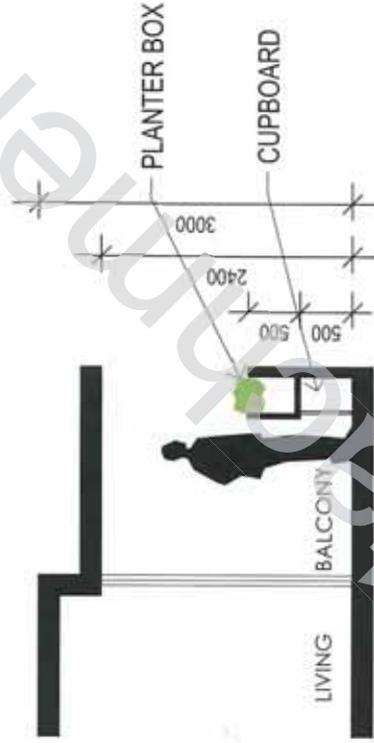
REAR ELEVATION
SCALE 1:200

AMENDED PLAN

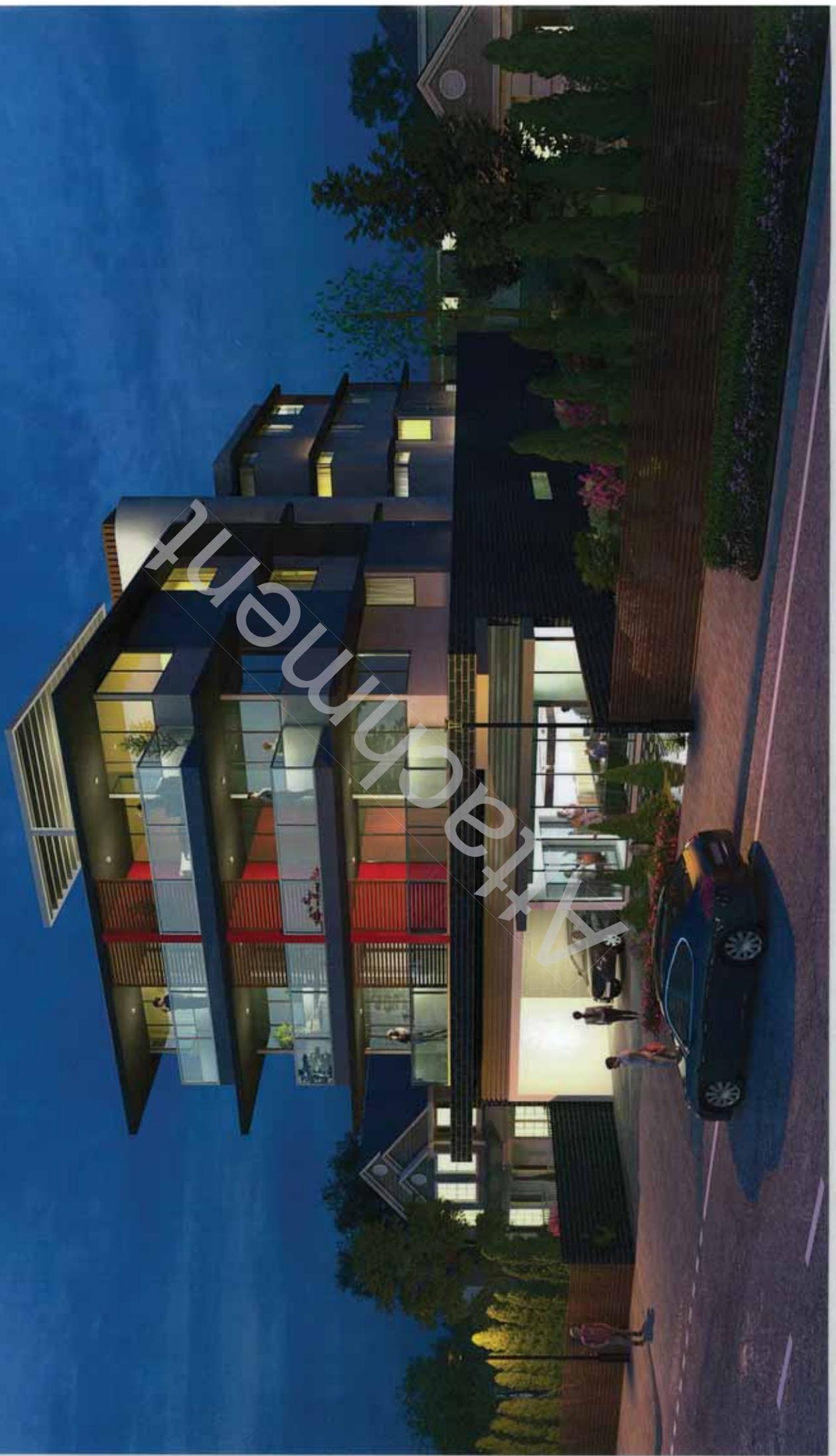


Client: MR N WALIA
Address: 89 CHURCHILL ROAD, PROSPECT

JOB# 249



PLANTER BOX DETAIL
SCALE 1:50







Suite 12
154 Fullarton Road
ROSE PARK SA 5067

08 8333 7999
www.urps.com.au
ABN 55 640 546 010

Ref: 2017-0251

27 September 2017

Mr Scott McLuskey
Senior Development Officer, Planning
City of Prospect
By email: Scott.McLuskey@prospect.sa.gov.au

Dear Scott

Compromise proposal – Proposed apartments at 89 Churchill Road, Prospect

Thank you for meeting with URPS and the designer in regard to this matter.

As you are aware, URPS has been assisting the applicant in preparing a 'compromise' proposal in relation to the above development application, which was refused Development Plan Consent by the Council DAP on 8 May 2017.

In this letter, I provide a summary of the amendments and a response to each of the reasons for refusal. I also discuss other improvements incorporated into this compromise proposal.

Summary of amendments

The **original proposal** was for a five storey apartment building comprising 12 apartments, a ground level commercial tenancy, 15 car parking spaces, associated driveway and landscaping.

This **amended proposal** is for a five storey apartment building comprising 12 apartments, 17 car parking spaces, associated driveway and landscaping.

The appearance of the building has been amended to provide a more residential appearance. The small commercial tenancy has been deleted. Boundary wall heights have reduced through internal layout changes. Parking supply has increased from 15 to 17 car parking spaces. Small side facing balconies of little function have been deleted in favour of providing larger main balconies. The roof top terrace has been consolidated and enhanced with more functional features. Amended bedroom numbers and distribution are summarised as follows:

	2 bedrooms	2 bedroom plus separate study room	3 bedrooms plus additional living room
Apartment Number	Apartments 2, 4, 6, 8, 10	Apartments 3, 5, 7, 9, 11	Apartments 1, 12
Total number apartments	5 x 2 bedroom	5 x 2 bedroom plus study	2 x 3 bedroom plus addition living room

Response to reasons for refusal

Residential design and appearance

The external design of the building has been enhanced to ensure it 'reads' as a residential building rather than commercial building. 3D renders are provided to better illustrate the design merit of the proposal.



I support the proposed changes to the external design and appearance of the development as:

- Brick walling at ground level and timber screens have been introduced. These materials provide a fine-grained and residential texture to the appearance of the development. A reduction of glazing provides a higher solid-to-void ratio which is also more compatible with residential-style development. The proposal thus responds to key residential features of this semi-residential locality, in satisfaction of Council Wide PDC 158.
- The residential lobby has been brought to the front of the site and a ground level commercial tenancy has been deleted. The permeability of the lobby, its generous presentation to the street and the entrance canopy/shelter combine to provide an appealing pedestrian environment which is of a human scale (UCZ Objective 6 and Desired Character). Approximately half of the ground level façade is permeable, in accordance with PA PDC 7. Deletion of the commercial ground level tenancy is completely acceptable as PA PDC 1 envisages "wholly residential buildings."
- The proposal contributes positively to the Desired Character of the Boulevard Policy Area, which seeks "Building facades articulated with elements such as balconies and verandahs, while a diversity of building materials will be carefully used to create a high quality building appearance".
- The "distinction between the base, middle and top of buildings" is emphasised, as sought by the PA Desired Character. A clearly defined podium under 3 storeys high is proposed, satisfying Zone PDC 7.
- The balconies are integrated into the form of the building, as per Council Wide PDC 164. Further, a variety of building elements (balconies, canopies, protruding walls) provide variation to the light, shadow and depth of the building, as per Council Wide PDC 160.
- The simple and uncomplicated architecture of the proposal is considered a positive feature of this development.

Side setback for building components above 2 storeys fell short of 2m

The proposal now involves significantly less boundary development, and less intrusion within the 2m setback area above the two-storey threshold. On the second and third floors, while some small building components are setback 1m rather than 2m, we support these protrusions as:

- These protrusions are very minor in extent, as illustrated by the red highlighting in the images below.
- The shortfalls are isolated to the northern side of the building, so overshadowing is no greater.
- The protrusions, which are to be clad in attractively patterned material (Scyon matrix), will provide articulation and visual interest to the side walls. The Zone Desired Character seeks “a high standard of architectural design through careful building articulation and fenestration to all visible sides.”

Second & Third floors – 1m wide encroachments within the 2m side setback highlighted in red.



Scyon matrix clad protrusions to side wall provide articulation and interest

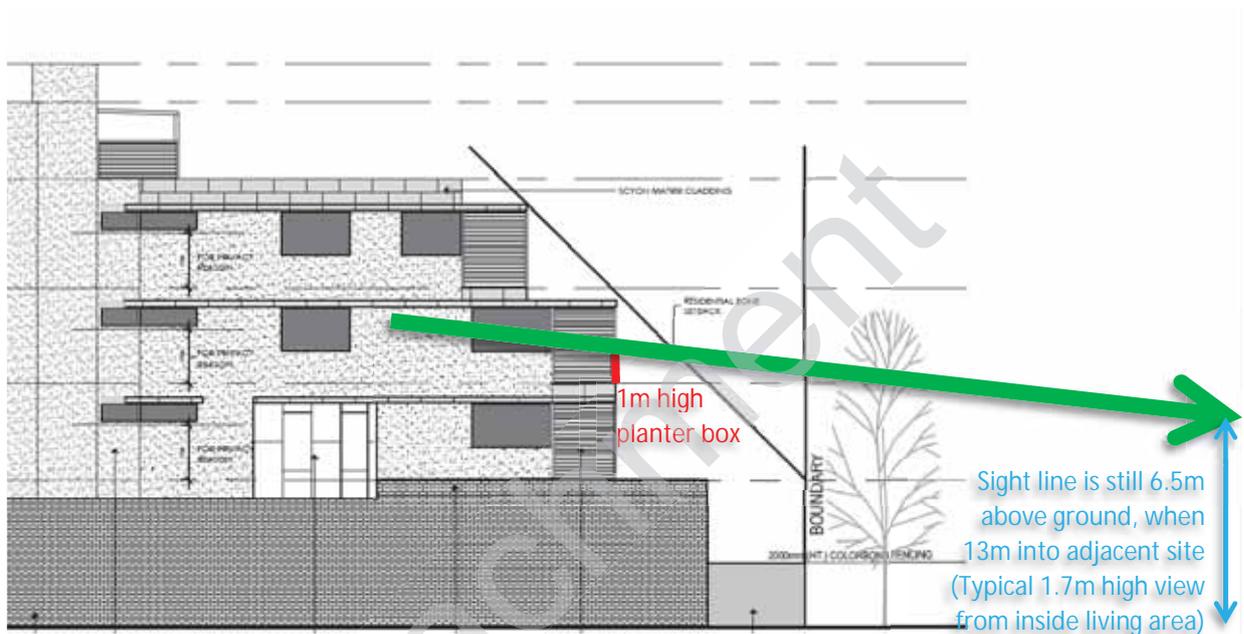


Visual privacy

Small side facing balconies which were shown on the refused proposed have been deleted to minimise overlook of adjoining land to the north and south.

Overlooking from rear balconies is restricted through the use of full-height timber screens to balcony sides, and raised planter boxes to balcony rears. The raised planter boxes provide a pleasant landscaped outlook and maintain horizontal views for the apartments, whilst restricting downward views into neighbouring land. The effect of this screening is demonstrated in the image below.

Typical view from inside living area of second floor apartment



The proposal has been designed in accord with Council Wide PDC 89 which states “Direct overlooking from upper level habitable room windows and external balconies, terraces and decks to habitable room windows and useable private open spaces of other dwellings should be minimised”. While greater views will be available when standing on a balcony, such views would occur anyway, even with 1.7m high screening on the end of the balcony. Thus, this proposal provides a reasonable balance between occupier outlook and visual amenity, and the privacy of neighbouring residents.

Council Wide PDC 90, which suggests the use of 1.7m high screens and frosted glazing, is not applicable to buildings of more than three-storeys high in the Urban Corridor Zone. Council Wide PDC 90 therefore does not apply to this proposal.

Private open space and internal living areas

Small side facing balconies have been deleted, and other POS/balcony areas have increased to achieve compliant sizes (Council Wide PDC 152). Each balcony generally surpasses the minimum POS guideline.

Whilst the Development Plan seeks to improve housing choice and encourages affordable housing, dwellings must still be provided with a high standard of amenity for their occupants (Council Wide Objective 18). The Adelaide City Development Plan and NSW SEPP 65 provides useful quantitative guidance with respect to apartment size and dimensions (in the absence of quantitative guidance in the Prospect

Development Plan). The ACC Development Plan suggests that 2 bedroom apartments be provided with internal floor areas of at least 65m², and 3 bedrooms apartments be provided with at least 80m². This proposal provides generous floor areas in comparison.

The table below assesses the POS and internal living area provision for each dwelling.

Dwelling No.	Development Plan POS guideline	Proposed POS	Proposed living areas
1	15m ² 3 bedrooms plus additional living room	16.26m ²	142.27m ²
2	11m ² 2 bedrooms	12.65m ²	78.90m ²
3, 7, 11	11m ² 2 bedrooms plus study	12.00m ²	85.51m ²
4	11m ² 2 bedrooms	15.4m ²	76.55m ²
5, 9	11m ² 2 bedrooms plus study	16m ²	83.80m ²
6, 10	11m ² 2 bedrooms	12.65m ²	75.15m ²
8	11m ² 2 bedrooms	15.40m ²	73.10m ²
12	15m ² 3 bedrooms plus additional living room	28m ²	128.40m ²

In addition, apartments may be considered to provide high levels of amenity if they provide north facing windows and living areas; natural light and ventilation; bedrooms protected from noise; sufficient private open space; sufficient storage space; and access to communal open space. In these respects:

- 7 of the 12 apartments have a direct northern face.
- All 12 dwellings have at least 2 external faces (ie Apartment 3 faces north and west). Each apartment therefore has opportunity for cross ventilation and reasonable levels of natural light.
- The apartments have been laid out to set back the bedrooms from Churchill Road.

- Each apartment enjoys a pleasant outlook from their living areas, looking either west (Churchill Road) or east (Hills). Future neighbouring development is therefore unlikely to detrimentally restrict the outlook of the proposed apartments.

Car parking shortfall

Car parking supply has increased from 15 to 17 spaces through the use of a vertical stacker system. Vertical stacker systems are becoming common place for apartment developments in Adelaide. 3 visitor spaces are also defined at the front of the car park.

The amended car parking supply is now sufficient for the proposed number of bedrooms, with an overall surplus of 1.5 car parking spaces. The parking assessment is summarised below.

Attribute	Development Plan guideline	This proposal
Resident parking	12.5 spaces 1 space per 2 bedroom dwelling and 1.25 spaces per 3+ bedroom dwelling	14 spaces
Visitor parking	3 spaces 0.25 space per dwelling	3 spaces

Other improvements

Communal open space

The roof top terrace has been modified to provide a smaller but more functional communal roof top terrace, with more features, situated near the road frontage of the site to minimise privacy impacts on other land.

Council Wide PDC 155 theoretically allows private open space to be substituted with communal open space. Even though the proposal provides sufficient private open space, it also proposes approximately 75m² of common open space in the form of the roof top terrace. The roof top terrace provides a functional and high quality recreational space as it is covered, includes seats and tables and a BBQ. The communal open space satisfies Council Wide PDC 155 and is effectively a 'bonus' for this development.

Storage

Generally, each apartment should be provided with 8 cubic metres of storage.

Ample storage remains available within a dedicated storage room with lockers on the ground floor. Furthermore, storage for outdoor items is provided beneath the planter boxes on each balcony. Finally, each balcony is of generous floor space (as previously demonstrated), to allow for convenient storage space within apartments.

Conclusion

In my view, the compromise proposal has effectively responded to the reasons for refusal with appreciable changes to the design. Development Plan consent is warranted accordingly.

Please call the undersigned on 8333 7999 with any questions

Yours sincerely



Joshua Skinner MPA
Associate

Enc

Attachment

AMENDED PLAN

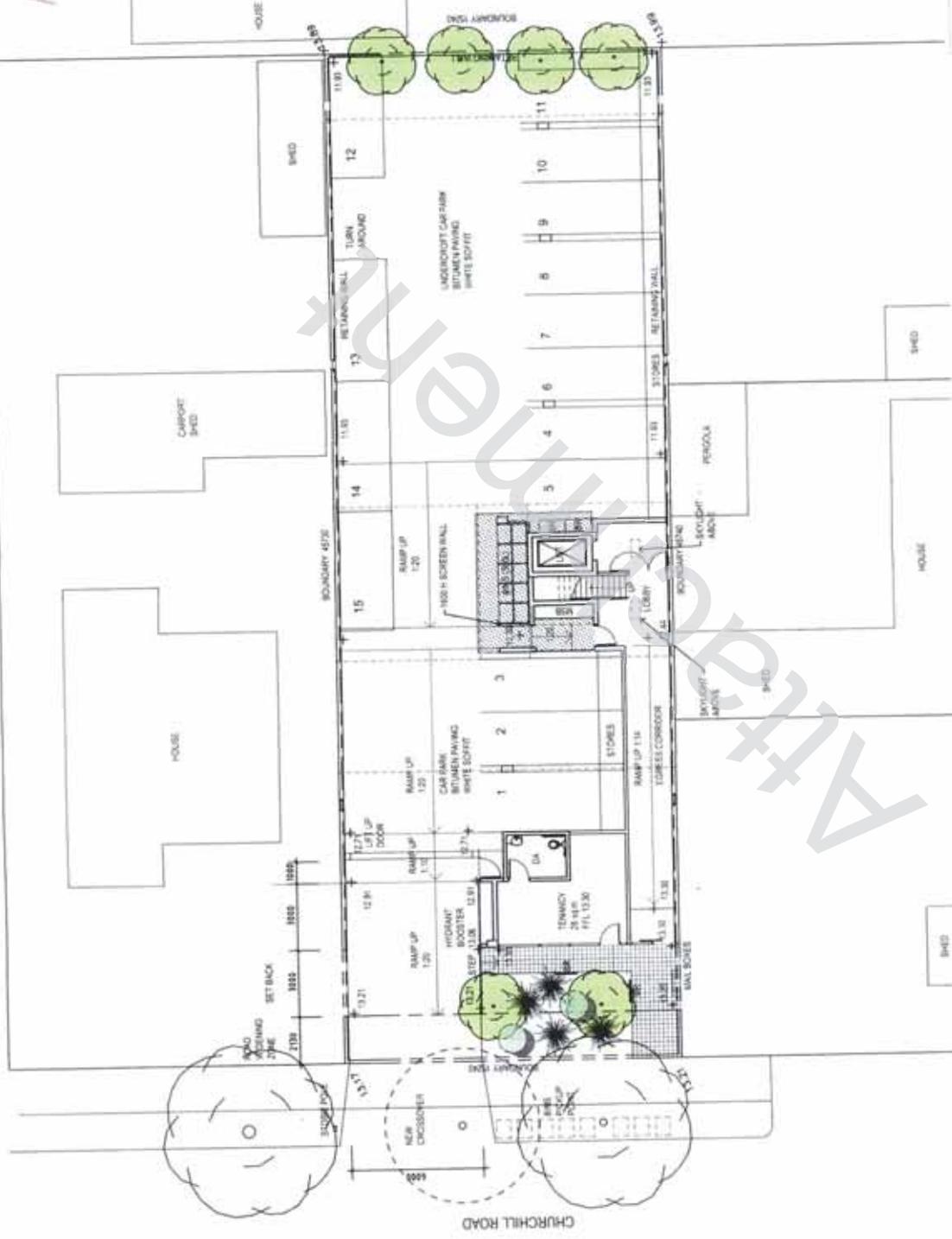
LEGEND

- 14.30 EXISTING LEVEL AHD
- 14.34 NEW LEVEL AHD
- CB COLORBOARD FENCE
- BR BICYCLE RACK
- NEW CONC PAVERS - LIGHT GREY FIELD, 400 x 400
- GREEN COLOURED BRICK PATTERN BITUMEN PAVING
- NEW TREE *Andropogon caryota* PLANTING 1000mm AT FRONT AND REAR FOR NEW IN COURTYARD PLANTING
- REMOVE EXIST STREET TREE
- EXIST STREET TREE
- SITE AREA 597 sq m
- NATIVE SHRUBS AND GROUND COVERS MAX HT 1000

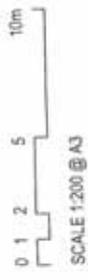
DEMOLITION
DEMOLISH THE EXISTING HOUSE, SHED, CARPORT, FENCES AND REMOVE EXISTING VEGETATION

CITY OF PROSPECT REFUSED
- 8 MAY 2016
DEVELOPMENT ACT 1993

PLANNING



SITE and UNDERCROFT PLAN



APARTMENT DEVELOPMENT

Mr N Walia
89 Churchill Road, Prospect SA

21.4.2017
SK01 | E
1603
CONCEPT DESIGN

Douglas Gardner Architect
7 Hawke Street, Linden Park SA 5005
0400 379 110



CITY OF PROSPECT
 REFUSED
 - 8 MAY 2016
 DEVELOPMENT ACT 1993

PLANNING

FIRST FLOOR PLAN



APARTMENT DEVELOPMENT

Mr N Walia
 89 Churchill Road, Prospect SA

21.4.2017
 SK03 | E
 1503

CONCEPT DESIGN

AMENDED 1.2017



CITY OF PROSPECT
REFUSED
- 8 MAY 2016
DEVELOPMENT ACT 1993

PLANNING

SECOND FLOOR PLAN



SCALE 1:200 @ A3



APARTMENT DEVELOPMENT

Mr N Walia

89 Churchill Road, Prospect SA

20.4.2017
SK04 | E
1603
CONCEPT DESIGN

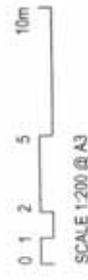
Douglas Gardner Architect
7 Hawke Street, Linden Park SA 5065
0408 379 110



CITY OF PROSPECT
 REFUSED
 - 8 MAY 2016
 DEVELOPMENT ACT 1993

PLANNING

THIRD FLOOR PLAN



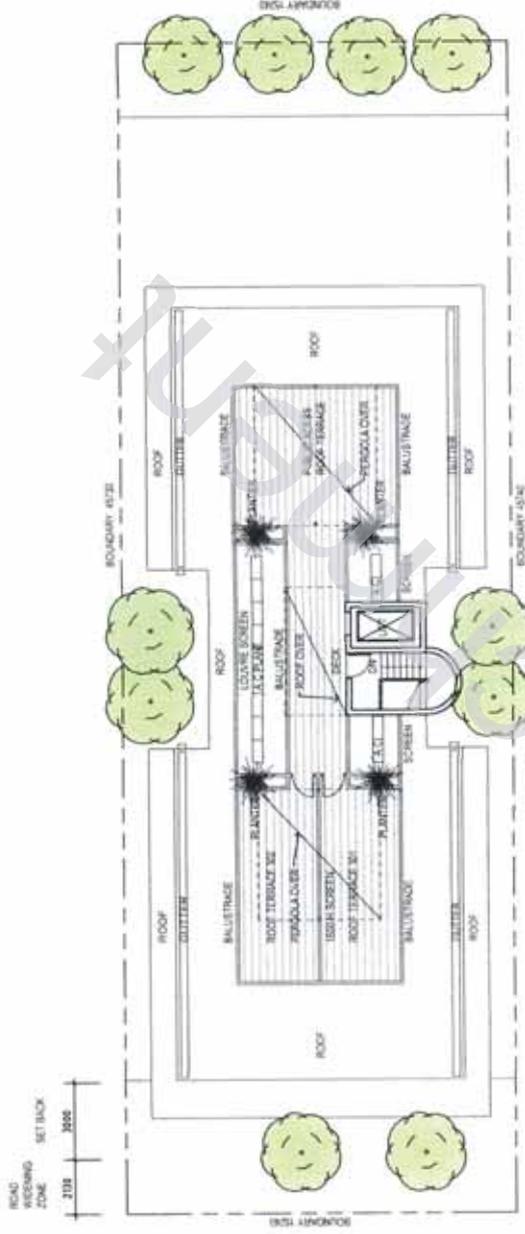
APARTMENT DEVELOPMENT

Mr N Walia
 89 Churchill Road, Prospect SA

20.4.2017
 SK05 | E
 1603
 CONCEPT DESIGN

Douglas Gardner Architect
 7 Hawke Street, Linden Park SA 5065
 0408 379 110

APARTMENT DEVELOPMENT



CITY OF PROSPECT
 REFUSED
 - 8 MAY 2016
 DEVELOPMENT ACT 1993

PLANNING



ROOF PLAN

APARTMENT DEVELOPMENT

For Mr N Walia
 89 Churchill Road, Prospect SA

20.4.2017
 SK06 | E
 1603
 CONCEPT DESIGN

Douglas Gardner Architect
 7 Hawker Street, Linden Park SA 5065
 0408 379 110



LEGEND

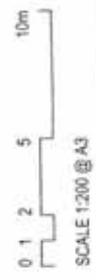
- FIBRE CEMENT SHEET WITH ACRYLIC FINISH - OFF WHITE COLOUR
- PREFINISHED ALUMINUM PANEL - OFF WHITE COLOUR
- PREFINISHED ALUMINUM PANEL - BLUE COLOUR
- BALUSTRADE - WHITE VERTICAL BARS
- CONCRETE - OFF WHITE PREFINISHED
- FASCIA - ALUMINUM PANELS OFF WHITE
- FENCE - COLORBOND PALE EUCALYPT WALL - COLORBOND PALE EUCALYPT
- LOUVRES - OFF WHITE POWDERCOAT
- SIGN
- LIFT UP DOOR AND SURROUND - LIGHT GREY
- DOORS - LIGHT GREY
- WINDOW - NATURAL ANOD ALUM FRAMES CLEAR HIGH PERFORMANCE GLASS
- TRANSLUCENT GLASS TO 1600 AFF.
- TRANSLUCENT FIRE RATED GLASS BLOCKS
- PERGOLA
- STEEL FRAME - OFF WHITE COLOUR WITH WHITE PVC FABRIC ROOF COVERING.

CITY OF PROSPECT
REFUSED
- 8 MAY 2016
DEVELOPMENT ACT 1993

PLANNING

EAST ELEVATION

WEST ELEVATION



APARTMENT DEVELOPMENT

For Mr N Walia
89 Churchill Road, Prospect SA

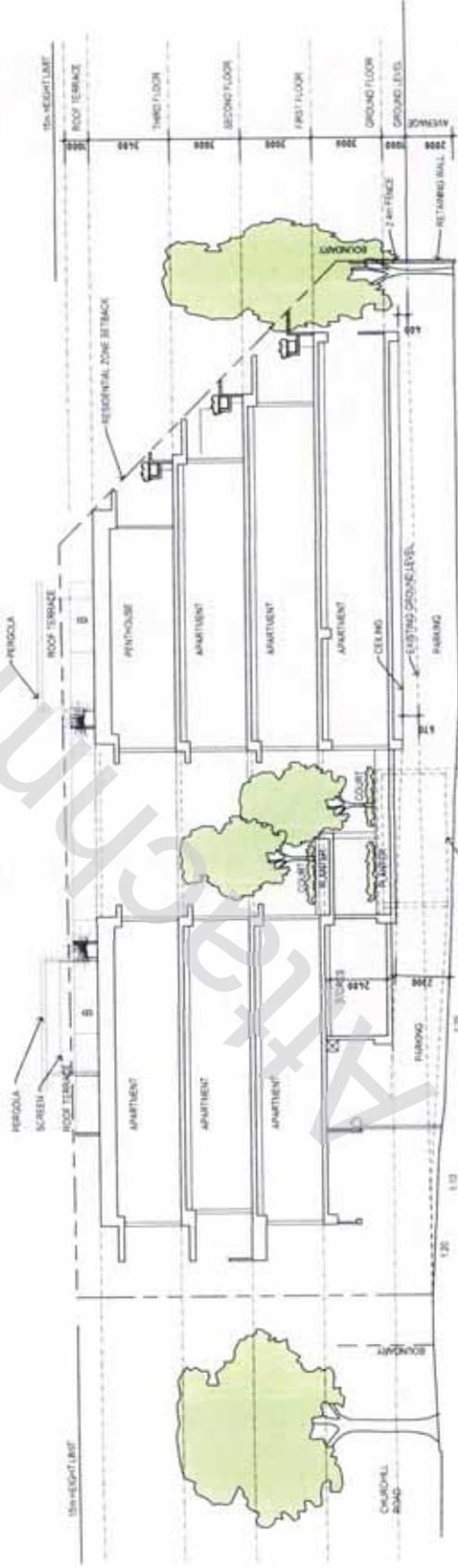
21.4.2017
SK07 | E
1603
CONCEPT DESIGN

WALIA PLANNING

CITY OF PROSPECT
REFUSED
- 8 MAY 2016
DEVELOPMENT ACT 1993



SECTION LOOKING WEST



SECTION LOOKING NORTH

0 1 2 5 10m
SCALE 1:200 @ A3

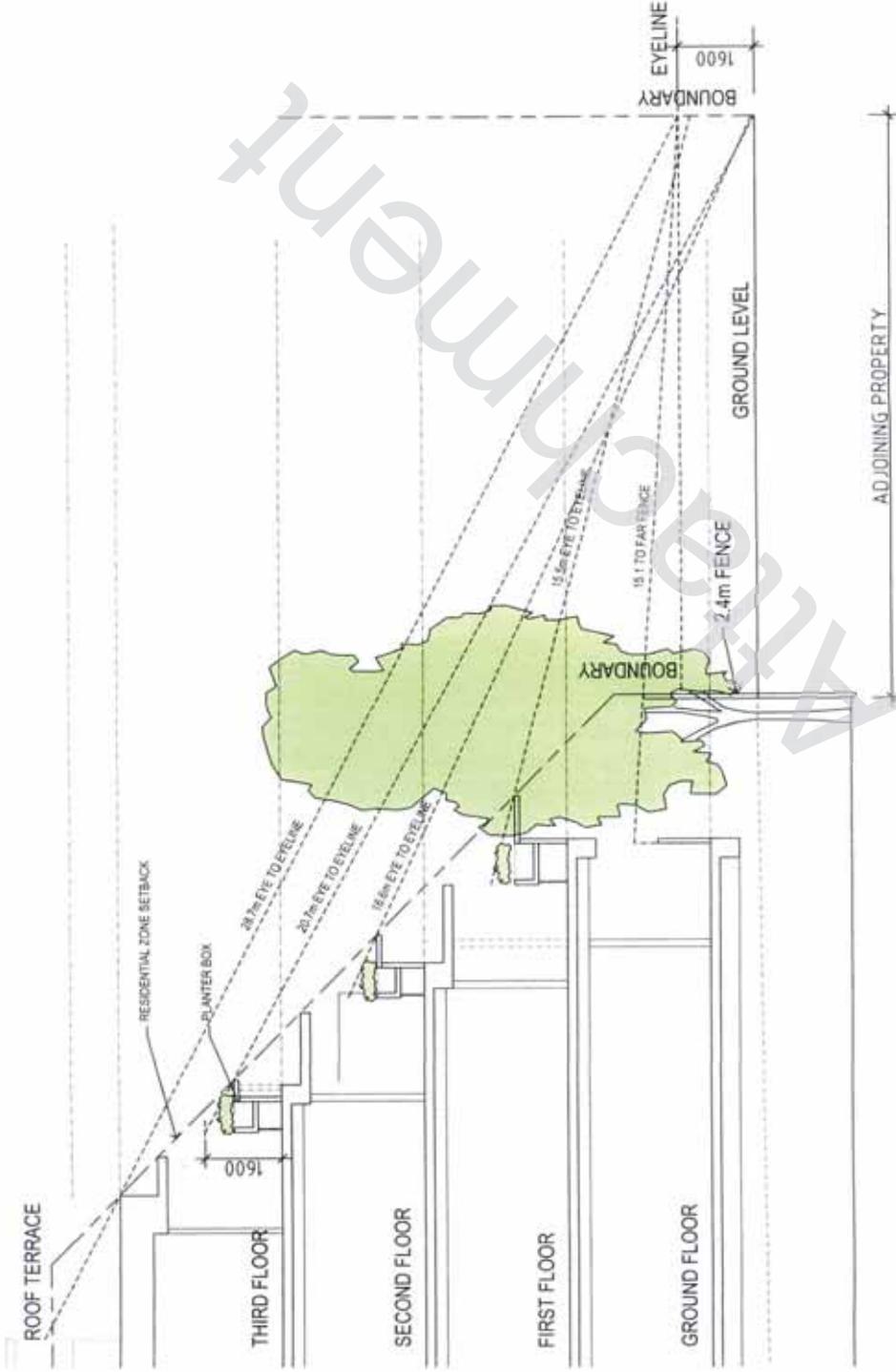
PLANNING

APARTMENT DEVELOPMENT

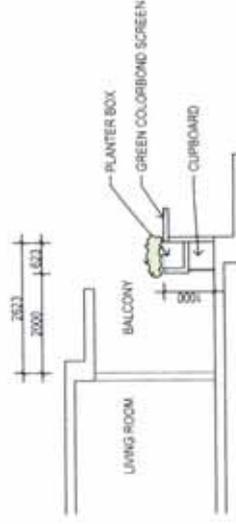
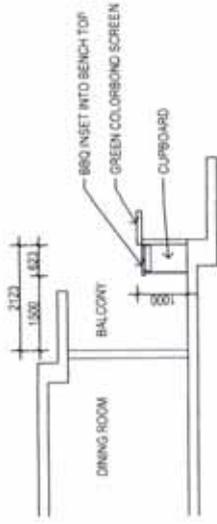
For Mr N Walia
89 Churchill Road, Prospect SA

14.2.2017
SK09 | D
1603
CONCEPT DESIGN

Douglas Gardner Architect
7 Hawke Street, Linden Park SA 5065
0408 379 110

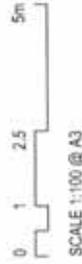


CITY OF PROSPECT
REFUSED
- 8 MAY 2016
DEVELOPMENT ACT 1993



SECTION THROUGH EAST BOUNDARY

PLANNING



21.4.2017
SK13 | D
1603

CONCEPT DESIGN

APARTMENT DEVELOPMENT

Mr N Walia
89 Churchill Road, Prospect SA

Douglas Gardner Architect
7 Hawke Street, Linden Park SA 5065
0408 379 110

ITEM NO.: 8.1

TO: Council Assessment Panel (CAP) 9 October 2017

FROM: Nathan Cunningham, Director Community & Planning

SUBJECT: Summary of State Commission Assessment Panel (SCAP) Decisions and Proposals Greater than \$3 Million called in by the Coordinator-General

The summary of matters before and decisions by SCAP together with proposals called in by the Coordinator-General is provided to the SCAP for information purposes.

For the purpose of this report, the table below also includes matters before, considered or determined by the Inner Metropolitan Development Assessment Commission.

1. MATTERS BEFORE SCAP

Development Application / Address	Nature of development	Process update
DA 050/260/2016 82-84 Churchill Road, Prospect	Five Storey Residential Flat Building comprising 51 Dwellings, and associated site works	The application was considered by the DAP on 8 August 2016. The application is currently being considered by SCAP.
DA 050/199/2017 38-42 Churchill Road and 29 Devonport Terrace, Ovingham	Five Storey Mixed Use Building comprising Four Commercial Tenancies and 67 Dwellings with associated site works	The application was lodged with SCAP on 14 June 2017 and will be considered by the CAP at a future meeting.
DA 050/200/2017 38-42 Churchill Road, Ovingham	Five Storey Residential Flat Building comprising 70 Dwellings with associated site works	The application was lodged with SCAP on 14 June 2017 and will be considered by the CAP at a future meeting.
DA 050/343/2017 218-224 Churchill Road, Prospect	Four Storey Residential Flat Building comprising 20 dwellings	The application was considered by the DAP on 11 September 2017. The application is currently being considered by SCAP.

2. RELEVANT DECISIONS BY SCAP

Nil

3. MATTERS CALLED IN BY THE CO-ORDINATOR GENERAL

No new proposals have been called in by the Co-ordinator General.

ITEM NO.: 9.1
TO: Council Assessment Panel (CAP) on 9 October 2017
FROM: Nathan Cunningham, Director Community & Planning
SUBJECT: Summary of Court Appeals

The status of appeals is provided to the CAP for information purposes. Further clarification may be sought from staff during the meeting.

APPEALS

Development Application / Subject Site	Nature of Development	Decision authority and date	Current status
DA 050/120/2014 13-14 Fitzroy Terrace, Fitzroy	Change of use from Dwelling to Aged Care Facility, and two-storey additions to Aged Care Facility, and Basement Carpark	12/09/2016 By the DAP	Appeal lodged by applicant. <i>Appealing against Refusal.</i> The preliminary conference has been scheduled for 27 November 2017.
050/83/2015 270A Main North Road, Prospect	LED Advertising Display and Mesh Canopy	12/09/2016 By the DAP	Appeal lodged by applicant. <i>Appealing against Refusal.</i> At the request of the applicant the matter has been adjourned, with the preliminary conference now scheduled for 9 October 2017.
050/336/2016 235 Prospect Road, Prospect	Three Storey Residential Flat Building (comprising 7 dwellings)	10/04/2017 By the DAP	Appeal lodged by applicant. <i>Appealing against Refusal.</i> The conciliation conference has been scheduled for 9 November 2017.
DA 050/368/2016 89 Churchill Road, Prospect	Demolition of Existing Buildings and Construction of a Five Storey Residential Flat Building comprising 12 Dwellings and Commercial Tenancy, with associated Car Parking, Landscaping, and Retaining Walls and Fencing	08/05/2017 By the DAP	Appeal lodged by applicant. <i>Appealing against Refusal.</i> Further consideration of this matter is contained in Item 7.1 of this agenda. The conciliation conference has been scheduled for 20 November 2017.

<p>DA 050/103/2017 78 Harvey Street, Collinswood</p>	<p>Two Storey Residential Flat Building Comprising Three Dwellings</p>	<p>14/08/2017 By the DAP</p>	<p>Appeal lodged by applicant. <i>Appealing against Refusal.</i> The preliminary conference has been scheduled for 16 October 2017.</p>
<p>DA 050/54/2017 14 Flora Terrace, Prospect</p>	<p>Removal of a significant tree (Norfolk Island Pine)</p>	<p>10/07/2017 By the DAP</p>	<p>Appeal lodged by applicant. <i>Appealing against Refusal.</i> The preliminary conference has been scheduled for 19 October 2017.</p>
<p>DA 050/206/2016 142-146 Churchill Road, Prospect</p>	<p>Five Storey Mixed Use Building comprising Basement Carpark, Shops and Cafe, Underground Rainwater Tanks, Solar Photovoltaic Panel System, 42 Apartments and associated Common Areas (including Gymnasium and Roof Terraces)</p>	<p>14/09/2017 By the DAP</p>	<p>Appeal lodged by applicant. <i>Appealing against Refusal.</i> The preliminary conference has been scheduled for 16 October 2017.</p>