## ITEM 6. DEVELOPMENT APPLICATIONS - PERSONAL REPRESENTATION

### ITEM 6.1 040/2335/15 - MICHAEL CALABRO PTY LTD

<table>
<thead>
<tr>
<th>Development Application No.</th>
<th>040/2335/15</th>
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<tbody>
<tr>
<td>Applicant’s Name</td>
<td>Michael Calabro Pty Ltd</td>
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<tr>
<td>Applicant’s Address</td>
<td>C/- Masterplan SA Pty Ltd 33 Carrington Street ADELAIDE SA 5000</td>
</tr>
<tr>
<td>Subject Land</td>
<td>360 Prospect Road and 83, 85, 87 &amp; 89 Kintore Avenue, Kilburn SA 5084</td>
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<tr>
<td>Description of Development</td>
<td>Mixed use retail and residential development including demolition of existing buildings, ten (10) x two (2) storey dwellings and associated carports and driveway areas, and a six level building comprising 61 residential apartments, ground level retail tenancy and associated parking and driveway area, landscaping, earthworks and fencing</td>
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<tr>
<td>Application Type</td>
<td>Merit, Category 3</td>
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<tr>
<td>Relevant Development Plan</td>
<td>Consolidated 8 October 2015</td>
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<tr>
<td>Zone</td>
<td>Neighbourhood Centre / Residential</td>
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<tr>
<td>Policy area</td>
<td>Blair Athol Policy Area 22 / Residential East Policy Area 64</td>
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<tr>
<td>Properties notified</td>
<td>33</td>
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<tr>
<td>Representations received</td>
<td>14</td>
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<tr>
<td>Representors to be heard</td>
<td>6</td>
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<tr>
<td>Recommendation</td>
<td>Refusal</td>
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### REPRESENTATION TO DEVELOPMENT ASSESSMENT PANEL

<table>
<thead>
<tr>
<th>Representors wishing to be heard by the Panel</th>
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<tr>
<td>Dawn &amp; Michelle Cain</td>
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<tr>
<td>Ruth Ziegeler &amp; Cheryl Ziegeler</td>
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<tr>
<td>Kate &amp; Simon Hollitt</td>
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<td>Ganifalia Milochis</td>
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<td>Sonia Bateman</td>
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<td>John &amp; Iryna Milochis, to be represented by Shelley Cain</td>
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<th>Representors not wishing to be heard by the Panel</th>
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<tr>
<td>Barbara Clayton</td>
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<td>Trent Clayton</td>
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<td>Michael Wozniak</td>
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<td>Zofia Wozniak</td>
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<td>Michael Burgess</td>
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<td>David Seal</td>
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<td>Kay Hooper</td>
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<td>Pantelis Syrianos</td>
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<th>Applicant and/or representative to be heard by the Panel</th>
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<td>Graham Burns, Masterplan</td>
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SITE AND SURROUNDING LOCALITY

The subject land consists of five (5) regular contiguous allotments fronting the south side of Kintore Avenue for a length of 83m and the west side of Prospect Road for a length of 50m. The combined land area is approximately 4150sqm in area.

The eastern portion of the subject land abutting Prospect Road is situated in Blair Athol Policy Area 22 of the Neighbourhood Centre Zone. The land within this zone extends westwards from Prospect Road along Kintore Avenue for a depth of approximately 37.5 m.

The subject land area extends further westwards into the Residential East Policy Area of the Residential Zone for 46m along Kintore Avenue.

The subject land situated in the Neighbourhood Centre Zone is Allotment 49, 87 Kintore Avenue, and Allotment 50, 360 Prospect Road. Both properties currently accommodate old commercial buildings of a single storey height with walls abutting the street frontages and a corner cut off at the intersection. 'Star Supermarket' and 'Uyghur Nava Café and Restaurant' is situated on the corner at Allotment 50 and includes a two way driveway and off-street parking area off Prospect Road and a one way egress point onto Kintore Avenue. The building at Allotment 49 further to the west along Kintore Avenue appears to have been most recently used as a Jewellery shop, with external signage in Google street view referring to 'Marcasites' and 'Diamonds'. Its driveway crossover to Kintore Avenue is residential in scale and appearance.

The subject land situated in the Residential Zone includes a two storey dwelling at 85 Kintore Avenue, a single storey dwelling at 83 Kintore Avenue, and a single storey dwelling at 81 Kintore Avenue. These dwellings are relatively well setback from the Kintore Avenue frontage and their side and rear building setbacks and landscaping are generally consistent with the spacious, suburban quality that predominantly characterises the Residential East Policy Area (as referenced in the Desired Character Statement for the area).

A 3m wide stormwater drainage easement runs in a north-south direction along the west boundary of 85 Kintore Avenue.

The site generally slopes down from Prospect Road in the east to the line of the north-south running easement that is situated closer to the western boundary of the subject land. The slope is greatest closer to Prospect Road.

The surrounding locality consists of:

North

- Predominantly single storey detached dwellings on regular shaped allotments (in the order of 720sqm in area) situated in the Residential East Policy Area of the Residential Zone.
- Some examples of residential infill development having occurred accommodating smaller dwellings on allotments in the order of 300sqm in area.
• Commercial development along Prospect Road situated in the Blair Athol Policy Area 22 of the Neighbourhood Centre Zone (to the west of Prospect Road) and the Commercial Zone (to the east of Prospect Road) consisting of a mix of land uses including restaurants and auto repairs immediately adjacent.

East
• Commercial development along Prospect Road situated in the Commercial Zone to the east of Prospect Road including an auto repair business, a jewellery store, a medical centre, dwellings, a butcher and bakery, and a kitchen and cabinet business.

• Residential dwellings situated in the Residential East Policy Area of the Residential Zone situated behind the strip of Commercial Zoned land along Prospect Road.

South
• Dwellings situated in the Comprehensive Development Policy Area 55 of the Residential Zone. Abutting properties to the south include semi-detached dwellings on allotments in the order of 560sqm in area. A residential flat building is also situated immediately abutting to the south-east, on the corner of Prospect Road and Moorang Street.

West
• Predominantly single storey detached dwellings on regular shaped allotments situated in the Residential East Policy Area of the Residential Zone (in the order of 720sqm in area).

• Some examples of residential infill development accommodating smaller dwellings on smaller allotments (in the order of 300sqm in area and smaller).

*an additional representor address is 1/17 The Crescent, Blair Athol
DESCRIPTION OF THE PROPOSAL

The application was lodged with Council in October 2015 proposing a five storey building containing 98 apartments, 648sqm of retail floor space at ground level, and ground level and basement car parking.

In response to queries raised, and further information requested, by Council Staff in November 2015, revised plans were provided to Council in June 2016 proposing sixty one (61) residential apartments over five levels, 326.25sqm of retail space, ground level and basement car parking, and 10 x 2 storey townhouses. Updated planning, stormwater management, traffic, and noise reports were received by Council in September 2016 and the application underwent Category 3 public notification in October 2016.

In December 2016 the applicant submitted further revised plans to Council in response to stormwater and traffic related comments provided by Council Staff. The modifications included a reduction in the proposed retail floor area to 201.31sqm and the provision of eight (8) additional ground level parking spaces and seven (7) additional bicycle parking spaces for the mixed use apartment/retail building.

Elements of the proposal in its current form are summarised in more detail as follows:

- The demolition of existing buildings.

- The construction of a five (5) storey building at the corner of Prospect Road and Kintore Avenue including:
  
  - A maximum building height of 22.285m.
  
  - A 201.31sqm retail tenancy at ground level fronting portions of both Prospect Road and Kintore Avenue.

- Sixty-one (61) residential apartments ranging in area from 50.72sqm to 78.1sqm (average floor area of 67.96sqm) and including a combined total floor area of 4145.94sqm:
  
  - Two (2) ground floor apartments fronting Kintore Avenue to the north (including an average private open space (POS) area of 22.1sqm).
  
  - Thirteen (13) first floor apartments facing north, south and east (including an average balcony POS area of 15.1sqm).
  
  - Thirteen (13) second floor apartments facing north, south and east (including an average balcony POS area of 10.2sqm).
  
  - Thirteen (13) third floor apartments facing north, south and east (including an average balcony POS area of 10.2sqm)
  
  - Ten (10) fourth floor apartments facing north, south and east (including an average balcony POS area of 10.4sqm).
Ten (10) fifth floor apartments facing north, south and east (including an average balcony POS area of 10.4sqm).

- Seventy-one (71) x 90 degree angled sealed and line-marked parking spaces servicing the apartment building including 15 at first floor level, accessible via a ramp adjacent to the south site boundary. Two disability parking spaces are designated in the ground level parking area.

- The main entry and foyer facing Kintore Avenue providing access to two lifts, a staircase, a switchboard, bike racks, and the vehicle parking area to the rear.

- Four doors from the ground level retail tenancy to Prospect Road and windows from the retail tenancy facing both Prospect Road and Kintore Avenue.

- A timber batten waste enclosure abutting Kintore Avenue adjacent a designated bin pick up zone on Kintore Avenue and a new concrete bin crossover.

- Dedicated storage bays ground level adjacent the vehicle parking spaces for 41 of the apartments, 8 storage cubicles at first floor level, 5 storage cubicles at second floor level, 5 storage cubicles at third floor level, one storage cubicle at fourth floor level and one storage cubicle at fifth floor level. The volumes for each range from 4.35 to 10.51 cubic metres (most are around 7 to 8 cubic metres).

- A second internal staircase accessible from within the ground level parking area and available to all floors.

- Ground level roof canopy encroachment by 1.5m over Prospect Road reserve and Kintore Avenue road reserve footpath land, providing shelter to pedestrians.

- An approximate 46m length concrete wall along the south site boundary, ranging in height from approximately 3.2m to 4.3m and in addition a 1.3m to 1.8m privacy fence on top for a length of approximately 26m. A dulux ‘snowy mountains’ white paint finish is proposed for the wall.

- A mix of external materials and finishes including black and white paint over concrete panels, ‘spotted gum’ horizontal panels, colorbond metal wall cladding, colorbond custom orb ‘monument roof sheeting, and timber slatted horizontal fencing.

- 1m high glass balustrades are proposed for west, north and east facing balconies and common corridor areas. 1.7m high opaque glass balustrades are proposed for south facing balconies.

- Four (4) different apartment floor plans, including one (1) and two (2) bedroom layouts.

The construction of ten (10) x two (2) storey townhouse style dwellings:

- Ranging in site area, excluding common roadway area, from 129.4sqm to 179.6sqm (and including an average site area of 145.7sqm).

- Each with an identical floor layout, consisting of living room, kitchen and laundry at ground level and three (3) bedrooms at the upper level.
• With a 6.3m width common vehicle access proposed via a shared private roadway (situated over the Council drainage easement that runs north-south through the site).

• With carports for each dwelling each providing for two (2) cars parked in a tandem arrangement.

• Two (2) x two (2) way vehicle crossover points to Kintore Avenue, one servicing the apartment building and one servicing the townhouses. No crossovers are proposed to Prospect Road and the removal of existing crossovers and the reinstatement of kerbing for existing Kintore Avenue crossovers to Council specifications is designated on the plans. An existing stobie pole on Kintore Avenue is earmarked for relocation by SA Power Networks to make way for the new crossover to service the townhouses.

• Earthworks including a maximum depth of cut of approximately 1.2m adjacent Prospect Road and a maximum depth of fill of approximately 500mm in the centre of the site area so as to create a level finished ground height of 8.6 throughout the site area. The ground level retail tenancy, at a nominated finished floor level of 9.6, is proposed in line with the height of the Prospect Road footpath.

NATURE OF THE DEVELOPMENT

The proposal comprises a type of development that is neither complying or non-complying in the Residential Zone and the Neighbourhood Centre Policy Area. The proposal therefore requires an on-balance merit planning assessment, taking into account the relevant provisions of the Development Plan and in accordance with Section 33 of the Development Act 1993.

The application has been processed as a Category 3 development for public notification purposes, on the basis that it does not encompass a form of development that is listed under public notification categories 1 or 2 in either the Development Plan or in Schedule 9 of the Development Regulations 2008.

Fourteen (14) representations were received during the period of notification.

SUMMARY OF REPRESENTATIONS AND APPLICANT’S RESPONSE

Traffic Concerns

Congestion in peak hour already on Kintore Avenue from restaurants and Churchill Centre development

Slow points have recently been built on Kintore Avenue to try to reduce traffic so to propose such a large number of apartments seems ridiculous.

Adequate parking should be provided for residents (minimum 2 parks per resident).
Separate parking should be provided for the retail tenancy to avoid further congestion on Prospect Road and Kintore Avenue. There should be no more restaurants in the area.

Traffic flow is already compromised when cars park on both sides of Kintore Avenue as nearby restaurants (ie Ghan Kebab House) have very little or no on-site parking. The street is already full most evenings.

The proposed development will compromise traffic flow, increasing traffic and congestion to a dangerous level.

Parking for residents may be provided on site but visitor parking provision may not be adequately provided for on-site. Visitor parking needs will add congestion to Prospect Road and Kintore Avenue.

There should be no restaurants within the development.

Permit only parking spaces would need to be introduced for the entire street if the development was to go ahead.

A development of this size would need over 200 parking spaces to accommodate residents, guests, and visitors using the retail shops and employees. Kintore Street is not a wide street.

ABS statistics indicate that 54% of households have more than one car.

**Response from Applicant**

It is accepted that the proposal will generate additional traffic. It will not however result in Kintore Avenue or any other nearby road being congested.

GTA Traffic Consultants have conducted a SIDRA analysis of the morning peak period and have determined that the additional traffic generated by the proposal could not be expected to compromise the safety or function of the surrounding road network.

GTA Traffic Consultants is satisfied that sufficient parking spaces will be available for the apartment residents, the townhouses and the retail component.
GTA have noted that the expected 12 spaces required for visitor parking purposes could be shared with the 10 spaces allocated for the retail component on the basis that demand for visitor parking is likely to occur on weekday evenings and on weekends when the demand for retail car parking will be low. In the event that some of the retail parking spaces are occupied by retail customers, the shortfall could be accommodated in Kintore Avenue where at least seven (7) on street parking spaces immediately adjacent the subject land could be accommodated.

**Character & Amenity Concerns**

A six storey dwelling would look so out of place, particularly in a residential area. It does not fit in with the character of the area. There are no other 6 level buildings in the area. Six levels is well beyond the height of other apartment blocks in the area. The building will stand out for miles around.

10 x 2 storey dwellings with 1 to 2 storeys of retail tenancies along Prospect Road would be more appropriate.

There should be no two storey walls on boundaries.

The proposal should be reduced to 3 levels.

The traffic congestion issues caused by the development would be unfair to residents.

From 323 Prospect the view of the street will be a ‘concrete jungle’.

There should only be 2 – 3 storeys along Prospect Road, only 1 storey along Kintore Avenue, and no large walls.

**Response from Applicant**

The tallest and therefore most dense component of the development is confined almost entirely to the Neighbourhood Centre Zone and graduates down in height across the site.

The Development Plan is silent in relation to dwelling density and height in the Neighbourhood Centre Zone but clearly anticipates residential development above retail development.

The site is well serviced with public transport, shops and a supermarket, therefore making the site well suited for higher residential densities. The two storey townhouses are also consistent with the Residential Zone’s objective of increasing dwelling densities in close proximity to services and centres. The Zone also provides for a wide range of housing types.
Housing Supply & Zoning Concerns

There are already many high rise apartment buildings being built on Prospect and Churchill Roads that are not selling. It is therefore questionable whether there is a need for an apartment building of the size proposed.

There are also already many retail shops in the area, including at the Churchill Centre, which is still being developed.

Response from Applicant

The retail component is wholly situated in the Neighbourhood Centre Zone which calls for a variety of uses. Market demand will determine whether the retail area is occupied by shops, a café, a restaurant, or any combination of these uses.

Overshadowing & Health Concerns

The height is too great and will cause overshadowing of 8 Moorang Street. The resident requires sunlight in winter months for health. The development will also affect solar panels at 8 Moorang Street.

High density living has the potential to affect people’s health and longevity while increasing crime and social isolation.

Response from Applicant

The shadow diagrams submitted with the application indicate that at the winter solstice every residence in Moorang Street will be unaffected by shadow until at least 3.00pm at the winter solstice. These properties would be exposed to progressively more sunlight at all other times of the year.

The proposal comfortably satisfies the requirement for north facing windows to habitable rooms of adjacent dwellings and at least half of the ground level open space of adjacent dwellings to receive at least 3 hours of sunlight between 9.00am and 5.00pm on 21 June.

Privacy Concerns

The development will impede on the privacy of the residents of 8 Moorang Street & other existing residences on the southern side of the development. You can see a long way when up 6 stories.

Response from Applicant

The south elevation drawing indicates all south facing apartments will be fitted with 1.7m high opaque glass balustrades to prevent direct overlooking.

The townhouses will have high level windows facing south to avoid direct overlooking.
Rubbish Provision Concerns

The provision of rubbish bins is inadequate and unlikely to meet the ‘Better Practice Guide’ published by the SA Government. On collection day bins would extend and impact beyond site boundaries. Adequate space is needed for 3 bins per apartment.

Response from Applicant

The proposal includes an enclosed and gated bin store area at ground floor level adjacent to the Kintore Avenue driveway entrance. Each townhouse will furthermore have sufficient room in the rear yard for bin storage. The bins will be collected by a private contractor. This will not necessitate individual bins per apartment being lined up alon

Infrastructure Concerns

No additional infrastructure is proposed to accommodate the increase in population (ie local schools).

Response from Applicant

The subject land is located in close walking distance to Mapleton Reserve, Kilburn Community Centre, the park at the corner of Jersey Avenue and Denver Terrace, a supermarket, shops, restaurants, medical facilities, and bus stops.

The area is well served with community infrastructure to support the kind of development proposed.

Property Value Concerns

The value of properties will decrease by at least 20% as a result of the development.

Response from Applicant

The issue of devaluation is not a relevant planning matter. If it was, the proposal would be expected to have a positive effect on property values

Construction Impact Concerns

Concern raised about the length of time it may take to build the development. Associated noise and dust will cause an inconvenience to local residents. A query raised about who will compensate residents for this.

Response from Applicant

There can be expected to be some traffic, noise and dust during construction. These issues can best be addressed at the Building Rules Consent stage via appropriate conditions of approval requiring any such impacts to be minimised.
**Crime & Safety Concerns**

The crime rate will rise

Street lighting is poor at the moment.

**Response from Applicant**

It is not clear what evidence exists to support claims that the proposal will cause the crime rate to rise.

Medium density development of the nature proposed is being actively promoted by all levels of government with similar developments now under construction throughout the metropolitan area.

Strategic planning documents promote a diverse range of socially appropriate housing to meet community needs and expectations.

**CONSULTATION WITH OTHER AGENCIES/DEPARTMENTS**

**Renewal SA**

The application was referred to the Affordable Housing Division of Renewal SA under Schedule 8 of the *Development Regulations 2008*.

The Department has advised that a commitment to provide affordable housing must be secured by a legally binding agreement such as a Land Management Agreement. The Department has requested that the proponent contact it to discuss affordable housing criteria and the entering into of an affordable housing Land Management Agreement.

**Commissioner of Highways**

The original plans and documentation received by Council were referred to the Commissioner of Highways for a response under Schedule 8 of the *Development Regulations 2008* as they included a vehicle crossover from Kintore Avenue within 25m of the intersection of Kintore Avenue and Prospect Road.

A final formal referral response was not provided to Council however Departmental Staff advised Council via email of initial concerns with the proximity of the main ground level car park access to Prospect Road and the potential for vehicular queuing and conflict adjacent Prospect Road. An additional separation distance of the proposed driveway crossover to Kintore Avenue from Prospect Road was recommended.
The email also advised that the corner of Prospect Road/Kintore Avenue is affected by a 4.5m x 4.5m corner cut off and noted that the proposed design does not provide any corner cut off. DPTI considers a minimum 3m x 3m corner cut off should be provided at this location given that this frontage is the retail interface with Prospect Road. The email advises that the consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6m of the possible requirement.

The email also recommends the applicant be made aware that the Integrated Transport and Land Use Plan identifies Prospect LINK (a tram line running from Grand Junction Road along Prospect Road and O'Connell Street) as a medium to long term project. The exact timing of the proposed project is yet to be determined and the details of the road and tram track layout along Prospect Road will be subject to further investigation.

The updated plans received by Council in June 2016 include an increased setback distance of the Kintore Avenue crossover more than 25m from the Prospect Road/Kintore Avenue intersection. No change was made though in response to the concerns raised in relation to the lack of a corner cut off at the Prospect Road/Kintore Avenue intersection.

Council Staff re-referred the combined updated plans and consultant reports received in September 2016 to the Transport Division of the Department of Planning, Transport and Infrastructure. A formal referral response has not been received at the date of preparation of this report. Council Staff have followed up a response with Departmental Staff and will endeavour to provide this to Panel Members prior to the Panel Meeting.

**SA Water and SA Power Networks**

No application referral has been undertaken to other service authorities as this is not required for a land use/building application under Schedule 8 of the Development Regulations 2008. The existing properties would need to be consolidated to meet Building Rules requirements and it is also anticipated that a land division application would be lodged to create separate allotments for each proposed dwelling and common property for shared areas. The Development Assessment Commission usually refers land division applications to service authorities for comment following electronic application lodgement via the EDALA database.

Given the scale of the proposal, it is recommended that any planning consent be subject to a reserved matter requiring the applicant demonstrate measures proposed to address any particular SA Water and SA Power Networks infrastructure requirements relating to the development.
Traffic Section

The comments of the Traffic Section within the Department of Technical Services are summarised as follows in relation to the application:

- Table PADE/5 of the Development Plan states the off-street parking requirement should be 2 spaces per dwelling regardless of the sizes and number of bedrooms for each dwelling. The Traffic Impact Assessment prepared by GTA uses the rates stated in the RTA Guide to Traffic Generating Developments. This is not necessarily though an appropriate source for a development in Metropolitan Adelaide, especially as there is another document specifically designed for Adelaide using surveys and examples in Adelaide, being the ‘Parking Provision for Selected Land Uses (Metropolitan Adelaide)’ document.

- The ‘Parking Provision for Selected Land Uses (Metropolitan Adelaide)’ document recommends parking rates of 1.25 spaces per 1 bedroom apartment, 1.75 spaces per 2 bedroom apartment, 0.5 spaces per apartment for visitors, and 7 spaces per 100sqm for retail. On this basis, the proposal would require 147 on-site vehicle parking spaces. Applying the maximum discounts specified in the document reduces the required number of spaces down to 94.55. The maximum discount can be applied considering this section of Prospect Road is a Go-Zone for bus services. With 71 on-site spaces proposed for the residential apartment/retail development component, this represents a significant shortfall of 24 on-site vehicle parking spaces (albeit an improvement from the originally submitted plan).

- With the maximum discount rate applied to all land use, it will not be appropriate to assume that the retail area could share parking spaces with visitors. If the retail space is to be used as a café/restaurant, the number of parking spaces required will be determined by the number of tables and seats proposed for this space.

- Parking space Number 10 is located too close to the ramp.

- The stacked arrangement of the carports for the town houses is not supported. This sort of arrangement, from experience, usually results in underutilisation of the car parking spaces and could potentially lead to additional on-street parking demand. Some of the carports also appear to be too short.

- The locations of the two access points on Kintore Avenue are satisfactory. It is unclear on the plan if the access points will be secured. It is important to ensure that the visitors can gain access to the spaces allocated for them.

- Loading arrangements for the retail space should be further addressed.

Stormwater Section

Civil Engineering Staff of the Stormwater Section of the Department of Technical Services initially requested additional information concerning detention system controls and detention storage volumes. They also raised concerns with the proposed building encroachment over the Council stormwater easement that runs through the land.
Following updates to the proposed design and additional information from the applicant's engineering consultants, the Department has advised it is generally supportive of the proposal from a stormwater perspective subject to the following conditions and notes:

- Prior to full development approval, the applicant is required to submit a detailed Engineering Siteworks Plans prepared by a suitably qualified Civil Engineer in accordance with Council Development Guide DG15 and Wallbridge and Gilbert Stormwater Report WAD150135 revision C (1st Dec 2016) to the reasonable satisfaction of Council.

- Prior to full development approval granted, the applicant shall submit an engineering design to convert Council's existing stormwater side entry pit to a trafficable junction box or grated inlet and install a new double side entry pit in an alternative location to the reasonable satisfaction of Council. All works shall be designed and constructed in strict accordance with Council requirements. All works shall be at the expense of the developer and completed prior to occupation of the new building work.

- Driveway crossovers should be located a minimum 1.0 metres away from stormwater side entry pits. The layout of proposed crossovers must meet the minimum dimensions outlined on Council standard detail SK1010.

- All works proposed over the easement shall be designed and constructed in strict accordance with Council requirements. The Applicant is required to review and if necessary, submit an Easement Encroachment Application form to Council. The Easement Encroachment Application form can be obtained from Council’s website.

- Where a development is proposed over separate land parcels, Land Owners should ensure that appropriate service easements and/or rights of way are provided, or allotments merged into a single title to ensure that all infrastructure and movement systems are legally protected for the life of the development.

Property Section

Due to the proposed encroachment of the ground level retail tenancy roof and canopy by a width of 1.5m into the Prospect Road and Kintore Avenue road reserve, Council's Property Officer has recommended the following note on any consent issued:

- Work on the proposed (Development) is unable to be commenced until the Applicant has obtained an Authorisation and Permit in accordance with Sections 221 & 222 of the Local Government Act, 1999, respectively from Council as owner of (Street, Suburb), for the proposed (Development) encroachment.

Section 33(1)(e) of the Development Act 1993 requires that an ‘Encroachment Consent’ only be granted by Council once any encroachment of a building over a public place has been dealt with in a satisfactory manner.
Council's Waste Officer

Council's Waste Officer has advised a waste management plan is critical to ensure the development is a good development. In response, the applicant’s planning consultant provided some further information in their subsequent planning report however it is recommended that any planning consent be subject to a reserved matter or condition requiring a more detailed waste management plan.

ASSESSMENT OF THE PROPOSAL

When determining if a proposed development is a reasonable form of development for a subject site, an assessment is required against the relevant provisions of the Development Plan. The appropriateness of a proposal is reliant on sufficiently satisfying such provisions and having no unreasonable impact on adjoining properties and on the amenity and character of the locality.

Zoning and Land Use

Neighbourhood Centre Zone Objectives: 1, 2, 3, 4
Neighbourhood Centre Zone Principles of Development Control: 1, 2, 3, 4
Blair Athol Policy Area 22 Objectives: 1, 2
Blair Athol Policy Area 22 Principles of Development Control: 1, 5, 6
Residential Zone Objectives: 1, 2, 3, 4
Residential Zone Principles of Development Control: 1, 2, 3, 13
Residential East Policy Area Objectives: 1, 2
Residential East Principles of Development Control: 1
General Section – Centres and Retail Development Objectives: 1, 2, 4, 9
General Section – Centres and Retail Development Principles of Development Control: 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 17, 18
Affordable Housing Overlay Objectives: 1, 2
Affordable Housing Overlay Principles of Development Control: 1

The Development Plan provides the following relevant land use related guidance for the Neighbourhood Centre Zone and the Blair Athol Policy Area 22:

- Objective 3 of the Neighbourhood Centre Zone encourages mixed use development.

- Neighbourhood Centre Zone Objective 4 and Principle of Development Control (PDC) 4 provide for a variety of uses “including dwellings in the appropriate policy areas.”

- PDC 1 of the Neighbourhood Centre Zone lists ‘dwelling sited above a non-residential use’ as an envisaged form of development.

- Blair Athol Policy Area 22 Objective 1 promotes “shopping, office, commercial, and community” development in the area.

- General Section Centres and Retail Development Objective 4 promotes the “Introduction and integration of housing in suitable locations for increased vitality and activity.”
The proposed retail component of the mixed use apartment building is situated wholly in the Neighbourhood Centre Zone and the relevant Centre Zone provisions do provide for shop top housing.

In relation to the form and density of development, the Neighbourhood Centre Zone guidelines do not provide specific quantitative guidance regarding the height or density of development, including residential development, envisaged in the Zone. They do, however, advise that development in the area should be mindful of its potential interface impact on alternate and adjacent uses and areas. The Desired Character Statement for the Zone, for example, advises as follows:

“A significant proportion of the zone shares an interface with residential areas. Activity needs to be considerate of this and development will use appropriate means of screening the activity of the centre from adjacent residential areas.”

Other such Centre Zone related interface related guidance includes the following:

*Blair Athol Policy Area 22 PDC 6:*

“land adjacent to a residential area should be densely landscaped and thereby provide a visual buffer.”

*General Section Centres and Retail Development Objective 9:*

“development having regard to its location and compatibility with adjoining and/or surrounding land uses including nature of goods and noise levels of vehicles and plant and its effect on adjacent residential development, increased use of local and arterial roads, and adequacy of vehicular access and car parking”

*General Section Centres and Retail Development PDC 1:*

“acceptable micro climatic conditions and degree of exposure in designing and orientating buildings and car parking areas and locating landscaping within and on the periphery of the centre.”

*General Section Centres and Retail Development PDC 2:*

“centres designed to be compatible with adjoining areas, landscaping, orientation, buffers, transitional use areas.”

*General Section Centres and Retail Development PDC 18:*

“residential development located within centres should have access and parking areas separate from the access and car parking areas serving the other centre facilities.”
The adequacy of the proposed design in relation to the above-mentioned interface related guidelines are discussed in the 'Design and Character' and 'Environment' Sections of this Report.

In relation to the Residential Zoned land, the proposed 10 (ten) townhouses take up the majority of the subject land area that is situated in this zone. In this regard, the proposed residential land use can be said to be consistent with the broad land use intent envisaged for the Residential Zone. The proposed townhouses are though at a higher density (average 145.7sqm) than the minimum 300sqm site area (excluding common areas) promoted by Residential East Policy Area PDC 4. Objective 2 for the Policy Area arguably specifically allows for higher densities in specific circumstances with the Policy Area as follows:

“Medium density housing located within 500m of centres and shops or public transport routes or areas of public open space.”

Residential East Policy Area Objective 1 also provides the following guidance:

A policy area accommodating a variety of dwellings on a range of allotment sizes but with a predominance of single-storey detached dwellings.

The subject land is in close proximity to the Neighbourhood Centre Zone and Prospect Road. The applicant has also highlighted in a Locality Plan submitted with the application that Mapleton Reserve is situated approximately 250sqm to the south west of the subject land. Accordingly, “medium density housing” is certainly potentially envisaged for the subject Residential Zoned land.

What constitutes “medium density” as opposed to “low” or “high” density is not specifically defined in either the Development Plan or in the Development Act or Regulations. Guidance is however provided in the Department of Planning, Transport and Infrastructure’s ‘Understanding Residential Densities’ handbook, first published in 2006 and amended in 2011. It defines ‘medium density’ as residential development incorporating a net density of between 35 and 70 dwelling units per hectare. Irrespective, the general principle being promoted is understood to be that there be a positive relationship between development densities and geographical proximity to services, facilities and features such as public transport, centres and open space.

Council’s Policy Planners have advised that a previous version the Development Plan in existence prior to the creation of the current ‘Residential East Policy Area’ included the following Residential Zone Objective No. 2 that was applicable to the Enfield area including Kilburn and Blair Athol:

“Medium density housing (average site area per dwelling between 300sqm and 350sqm) located within 500m of centres and shops or public transport routes or areas of public open space.”

This would suggest that the current reference in the Residential East Policy Area guidelines to “medium density housing” being within 500m of centres and shops or public transport routes or areas of public open space may have not been originally intended at drafting stage to have been at odds in any way with the Policy Area guidance contained in PDC 4 regarding a “minimum site area per dwelling of 300sqm, excluding common areas.”
Whereas the broader Zone guidelines, the General Section Residential Development provisions, and General Section Medium and High Density (3 Storeys or More) PDC 1 on the one hand promote a greater diversity of housing stock, alternate types of housing and employment opportunities to provide for the wide ranging needs of the community (which the proposal certainly complies with), the more locality specific Residential East Policy Area Desired Character Statement, while promoting medium density housing within 500m of centres and shops or public transport routes and open space areas on the one hand, also emphasise a need to respect the existing spacious, suburban character generated from ample street and side boundary setbacks. The Policy Area guidelines promote mainly single storey detached dwellings with extensive landscaping and suggest infill redevelopment opportunities should be limited to small pockets of land where such development gives due recognition to the character of the area in which it is located.

Overall, while the proposed development is generally consistent with the relevant planning guidelines from a broad land use perspective, the appropriateness of the development is considered to depend more so on the finer grained proposed design detail in the context of the locality, the locality character, and the interface and amenity impact upon adjacent development. These aspects will be discussed further in the next section.

**Design, Amenity, Character, Visual Impact**

*Residential Zone Objectives:* 3, 4  
*Residential Zone Principles of Development Control:* 6, 7, 8, 9, 10, 11, 12  
*Residential East Policy Area Objectives:* 3  
*Residential East Policy Area Principles of Development Control:* 2, 3, 4  
*General Section – Crime Prevention Objectives:* 1  
*General Section – Crime Prevention Principles of Development Control:* 1, 2, 3, 4, 5, 6, 7, 8, 10, 13, 14, 15, 16  
*General Section – Crime Prevention Principles of Development Control:* 1, 2, 3, 4, 5, 6, 7, 8, 10, 13, 14, 15, 16  
*General Section – Design and Appearance Objectives:* 1, 3  
*General Section – Design and Appearance Principles of Development Control:* 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21  
*General Section – Energy Efficiency Objectives:* 1, 2  
*General Section – Energy Efficiency Principles of Development Control:* 1, 2  
*General Section – Landscaping, Fences and Walls Objectives:* 1, 2  
*General Section – Landscaping, Fences and Walls Principles of Development Control:* 1, 2, 3, 4, 5, 6, 7, 9, 10  
*General Section – Medium and High Rise Development (3 or More Storeys) Objectives:* 1, 2, 3, 4  
*General Section – Medium and High Rise Development (3 or More Storeys) Principles of Development Control:* 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14  
*General Section – Orderly and Sustainable Development Objectives:* 1, 2, 3, 4  
*General Section – Orderly and Sustainable Development PDCs:* 1, 5, 7  
*General Section – Residential Development Objectives:* 1, 2, 3, 4, 5  
*General Section – Residential Development Principles of Development Control:* 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 20, 21, 22, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41  
*General Section – Sloping Land Objectives:* 1  
*General Section – Sloping Land Principles of Development Control:* 1, 2
The proposed apartment building is, on the whole, considered to incorporate a good degree of articulation and a good variety of external materials and colours into its design.

The scale and height of the building is certainly much greater than any other building in the immediate locality and would therefore be expected to be quite a visually dominant element in the locality.

The applicant’s planning consultant has emphasised that the tallest building component is located entirely within the Neighbourhood Centre Zone and that the building height graduates from east to west and from north to south in recognition of the height of adjacent residential dwellings facing Kintore Avenue and Prospect Road.

The Neighbourhood Centre Zone and relevant General Section Centre provisions do not specifically provide quantitative guidance regarding building heights. On this basis, combined with the broad intent of the relevant guidelines for shop top housing in centre zones, more alternate housing types, and higher densities closest to main public transport routes and centres, it is considered that the proposed built form may reasonably be contemplated subject to a satisfactory degree of compliance with other relevant planning guidelines relating to, for example, vehicle parking provision, but also design related guidelines relating to building setback distances, overshadowing, overlooking, and appropriateness of impact upon existing character and amenity.

Buildings abutting road frontages are generally supportable in Centre Zones where active frontages are desired. The proposed apartment building would abut both the Kintore Avenue and Prospect Road frontages and the proposed canopy over part of the footpath area would assist to shelter pedestrians from the elements. Existing buildings to be demolished are also situated abutting both street frontages.

The originally submitted plans incorporated a wall and fence to a first floor common deck area along the south site area property boundary and part of the west site property boundary of up to 6.1m in height adjacent to existing residentially zoned dwellings to the south. The revised plans submitted to Council reduced the length of the proposed first floor walling to the south property boundary but did not further set the wall back from the boundary. As a consequence, while the greatest extent of the height and bulk of the south site boundary wall is now more so limited to the site area land within the Neighbourhood Centre Zone (therefore directly impacting fewer dwellings to the south), it nevertheless is still expected to unduly adversely impact the abutting Residential Zoned semi-detached dwelling at 4 Moorang Street and the abutting Residential Zoned rear most residential flat building situated at 358 Prospect Road (corner of Prospect Road and Moorang Street). The small rear private open space area for the rear most residential flat building at 358 Prospect Road would have an approximate 5m to 5.4m high combined wall and privacy fence running along almost the entirety of its approximately 19m length north rear property boundary.
The minimum 13.4m high wall of the southern apartment building wall (up to level 3) is also proposed to be setback only 0.9m from a small portion of this shared boundary. While it is acknowledged that the owners and occupants of Residential Zoned land abutting a Centre Zoned boundary cannot reasonably expect the same level of residential amenity as that which may be present in the centre of a Residential Zone, for example, the visual impact of the proposed scale and bulk of the wall and fence, in particular, proposed along this boundary upon the amenity of users of the adjacent dwelling private open space area is expected to be unreasonable taking into account the relevant planning guidelines. General Section Design and Appearance PDCs 2 and 4 seek to avoid extensive areas of uninterrupted walling and seek to minimise the length and height of side boundary walls to minimise the visual impact when viewed from neighbouring properties. The proposed development is not expected to satisfactorily conform to these guidelines with respect to the visual impact in particular expected to the users of the private open space area belonging to the rear most residential flat building at 358 Prospect Road.

The shadowing impact from the proposed development is also expected to unduly adversely impact the amenity of the occupants of the rear most residential flat building at 358 Prospect Road and the semi-detached dwelling at 4 Moorang Street. The shadow diagram submitted by the applicant shows the entirety of the private open space area for the rear most residential flat building at 358 Prospect Road being shadowed at the winter solstice on the 21 June, including at 9am, 12pm, 3pm and 5pm. It also shows the majority of the rear private open space area for the semi-detached dwelling at 4 Moorang Street being shadowed on the 21 June. It should also be noted that the shadow diagram submitted does not accurately show the property boundaries of the Moorang Street dwellings. The two residences of detached dwelling appearance shown in the diagram as abutting the proposed development to the south are in fact semi-detached dwellings accommodating four dwellings in total. Thus the shadowing impact on the dwelling situated at 4 Moorang Street is greater than appears the case in the shadow diagram. Accordingly, the proposal is not considered to comply with General Section Residential Development PDCs 9 and 11 as the ground level private open space of two existing residences to the south will not receive direct sunlight for a minimum of two hours between 9.00am and 3.00pm on 21 June to at least the smaller of:

- half of the existing ground level open space; or
- 35sqm of the existing ground level open space (with at least one of the areas dimensions measuring 2.5m).

The shadowing and visual impact of this development adjacent the south site property boundary is also considered unreasonable in the context of the proposal's lack of compliance with the following interface related centre provision and the other interface related ones listed in the preceding section of this report:

*Blair Athol Policy Area 22 PDC 6:*

“land adjacent to a residential area should be densely landscaped and thereby provide a visual buffer.”
There are existing solar panels on the roof of the dwelling at 8 Moorang Street to the south. The shadowing diagram indicates that these panels would be shadowed on 21 June at 9am but not at 12pm, 3pm or 5pm. In relation to other adjacent dwellings and the potential for any solar panels proposed in the future to be impacted, it is the roof of the rear most residential flat building of 358 Prospect Rd that would be most adversely impacted by the proposal.

The applicant has revised their proposal since initial lodgement to incorporate 1.7m high opaque glass windows to south facing apartment balconies. There may nevertheless still may be the potential for some direct overlooking to occur from the first, second and third floor bedroom windows, in particular, of Units 1.9, 2.9, and 3.9, into the private open space areas of the existing dwellings to the south. The proposed 1.8m high privacy fence along the south boundary of the first floor car park area would assist to reduce direct overlooking of the dwellings to the south. It is anticipated that were this one of the only outstanding issues of concern to the Panel, the applicant may be willing to update their plans to incorporate opaque glass to these windows as a condition of planning consent.

Most of the upper level balconies and upper level external common walkways are set far enough back from the west and south site boundaries to minimise the likelihood of direct overlooking (albeit not necessarily precluding the ability for some more limited indirect overlooking). More direct overlooking to the adjacent dwellings to the south would be most likely to be still able to potentially occur from the west elevation external common walkway for the upper levels situated immediately adjacent Units 3.8 and 3.9 (third floor), Unit 4.7 (fourth floor), and Unit 5.7 (fifth floor). It is also anticipated that were this one of the only outstanding issues of concern to the Panel, the applicant may be willing to update their plans to incorporate a 1.7m high opaque glass balustrade to the west facing external common walkways in these locations as a condition of planning consent.

In other respects the proposed mixed use apartment building is considered to have a greater level of merit from a design perspective, albeit not necessarily achieving perfect compliance with all relevant planning guidelines.

The height of the proposed mixed use apartment building can also be expected to cause shadowing and visual impacts to other buildings and dwellings in the locality (e.g. other than those adjacent properties at 4 Moorang Street and 358 Prospect Road specifically mentioned above) and cause it to be at variance to the character and scale of other buildings in the locality. Were it not though for the unreasonable impacts mentioned above to the adjacent properties at 4 Moorang Street and 358 Prospect Road, the remaining shadow, bulk and character impacts upon other properties would not be expected to be to such degree that would necessarily outweigh the more positive aspects of the proposed mixed use apartment building (e.g. from a housing variety and employment perspective). Other than the combined south boundary wall and privacy fence height and bulk related concerns previously mentioned, the proposed apartment building is generally well articulated and contemporary in design with a variety of external materials and colours to assist in breaking up visual mass and bulk.
Each apartment unit includes either one or two bedrooms. The townhouses propose three bedrooms. There is therefore some variety in provision of bedrooms. There could be greater variety in dwelling sizes but this is not of itself a particular concern.

A dedicated area for the on-site collection and sorting of recyclable materials and refuse is proposed adjacent to Kintore Avenue. The applicant has not provided a more detailed breakdown of how this area will accommodate sufficient space for rubbish generated. It is recommended therefore that any planning consent be subject to the provision of a more detailed waste management plan either as a reserved matter or condition.

Most apartments provide a minimum of 8sqm balcony area to satisfy upper level private open space guidelines and a minimum dimension of 2m. Apartments 2.9 & 3.9 incorporate balcony areas of 7.25sqm.

The originally submitted plans incorporated a common open space deck area at the first floor level for use by apartment residents. This was removed from the revised plans and hence the proposal no longer incorporates dedicated communal open space for above ground dwellings. General Section Residential Development PDC 31 desires 25sqm of communal open space per above ground dwelling.

Storage areas for each apartment have been allocated throughout the development, almost achieving the desired 8 cubic metres of storage space per dwelling.

With respect to General Section Medium and High Density (3 or more storeys) PDCs 8 to 10, the applicant has not demonstrated any particular merit with respect to the adaptability or sustainability of the development, or included ‘green roofs’ within the design. The proposal would be required, as a minimum, to meet the current Building Code requirements with respect to energy efficiency.

The proposal is not considered to demonstrate any particular merit with regard to landscaping provision. The apartment building does not incorporate any substantial common open space that could include planting of mature trees. Space for limited landscaping would however be available within the townhouse development area. The applicant has advised they propose to plant 6 additional trees at regular intervals along Kintore Avenue.

In relation to the proposed townhouses, the front building setback is generally in line with the existing commercial building to be demolished at 87-89 Kintore Avenue but slightly forward of the other existing dwellings and those dwellings situated to the west of the subject land. The approximately 6.2m to 6.9m two storey high wall abutting the west side boundary for ‘Townhouse 1’ for a length of approximately 8.2m combined with its siting forward of the adjacent existing dwelling to the west is not considered to conform well to relevant planning guidelines that promote, for the Residential Zone, a maximum side boundary wall height and wall length of 3m and 8m respectively (Zone PDC 9) and that promote consistent front setback distances with adjacent buildings (PDC 7). The front setback of the adjacent existing single storey dwelling to the west is approximately 8m to Kintore Avenue while a 3m front setback for Townhouses 1 to 4 is proposed.

The two rear townhouses incorporate two storey high walls setback from the rear boundary by 3m and 3.9m. This is at substantial variance to the 8m rear setback guideline specified in Residential Zone PDC 7.
Six (6) of the ten (10) proposed townhouses achieve the minimum 50sqm private open space area desired for site areas of less than 250sqm in area as specified in General Section Residential Development PDC 30. Four (4) of the ten (10) townhouses do not.

The combination of variances that the townhouses exhibit to private open space, setback, and standard Residential East Policy Area density guidelines is considered to suggest an overdevelopment of the site. They are not considered to incorporate particular design features or obvious alternate meritorious aspects such that there may be obvious outstanding reasons from a qualitative assessment perspective as to why the extent of quantitative shortfalls may be supported.

**Access, Car Parking and Manoeuvring Areas**

*General Section – Residential Development Principles of Development Control: 50, 52, 53, 54, 55, 56, 57, 58, 59, 60*

*General Section – Transportation and Access Objectives: 2*

*General Section – Transportation and Access Principles of Development Control: 1, 8, 9, 11, 12, 13, 19, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56*

Based upon the parking generation rates specified in Table PAdE/5 of the Development Plan the proposed retail area of 201.31sqm, at a shop generation rate of 7 spaces/100sqm floor area, would require 14 on-site car parking spaces. The proposed 71 dwellings would require 142 spaces at the specified ratio of 2 on-site spaces per dwelling. Thus, 156 on-site parking spaces would be required to achieve compliance with Table PAdE/5.

The application proposes 71 spaces in total for the mixed use apartment building and 20 spaces for the 10 townhouses, thus proposing a total of 91 spaces and a shortfall of 65 spaces.

The applicant’s planning consultant has also referred to Table PAdE/5A of the Development Plan relating to ‘Off Street Vehicle Parking Requirements for Designated Parking Areas’. This table specifies a minimum parking requirement of 3 spaces per 100sqm and a maximum of 6 spaces per 100sqm for non-residential (retail) development rather than 7 spaces per 100sqm as detailed in Table PAdE/5 of the Development Plan. Table PAdE/5A is currently relevant for development proposed in the Neighbourhood Centre Zone, however the table was only introduced to the current Development Plan on 21 April 2016 with the approval of the ‘Ministerial Existing Activity Centres Policy Review DPA’. While still being worthy of some consideration, it is not therefore specifically applicable to the current application given the application was lodged in October 2015 and prior to the introduction of Table PAdE/5A to the Development Plan. Even were the rates in Table PAdE/5A to be incorporated into the assessment and a ratio of 3 spaces per 100sqm rather than 7 spaces per 100sqm was applied to the proposed 201.31sqm retail area, there would still be a resultant shortfall in on-site provision of parking spaces.
The Development Plan provides for shortfalls to specified parking rates to be accepted in some instances, including where shared uses may peak in demand at different times. The applicant’s planning and traffic consultants have placed considerable weight on this being the case. They have also referred to the alternate parking rates specified in the ‘RTA Guide to Traffic Generating Development,’ which promotes a substantially lower parking rate for unit development. Council’s Traffic Engineering Staff have advised that a better alternate guide for consideration, if an alternate guide is to be considered at all, is the ‘Parking Provision for Selected Land Uses (Metropolitan Adelaide)’ document. Applying the maximum discounts specified in this document reduces the required number of spaces down to 94.55, thus still representing a significant shortfall of 24 on-site vehicle parking spaces.

Council’s Traffic Engineering Staff have raised concerns with assuming demand between shared uses will peak at different times. Were the proposed retail area to be a restaurant, for example, its peak may be more likely to be at the same time as that of the dwellings on-site (e.g. during evening hours outside of normal business hours).

In relation to the townhouse development, Council Planning and Traffic Staff have raised concerns with the stacked arrangement proposed for the carports within the development. The applicant’s planning consultant has advised that Table PAdE/5 of the Development Plan explicitly provides for the stacked parking arrangement proposed for the ten (10) townhouses, advising that where two on site spaces per dwelling containing up to three bedrooms are required, one of which is to be covered, the “2nd space can be tandem.” This is certainly the case for ‘dwelling’ development (in the singular) and it is accepted that most ‘single dwelling’ developments do incorporate tandem parking. The specified rates however for all alternate types of dwelling in Table PAdE/5 (ie group dwellings, multiple dwellings, residential flat buildings) promote visitor spaces that are independently accessible and grouped for shared use. Regardless, the proposed stacked arrangement, even if considered acceptable, is not considered optimal for such a development in the format proposed and is not considered to enhance the convenience of the proposed parking arrangement or the merit of the proposal.

Centres and Retail Development PDC 18 advises that residential development located within centres should have access and parking areas separate from the access and car parking serving the other centre facilities. The current proposal incorporates shared on-site parking for both the retail and residential development.

The applicant’s traffic consultant has reported in more detail on other aspects of the parking arrangement including loading arrangements, bicycle parking, and anticipated traffic volumes through the Kintore Avenue/Prospect Road intersection.
Council’s Traffic Engineering Staff consider that the proposal has improved from the time of initial lodgement with Council but still hold substantial reservations regarding the ability for the development to satisfactorily cater for parking demand generated and also some reservation regarding the adequacy of loading area arrangements for the retail component and the suitability of the parking space number 10.

**Hazards, Stormwater, Noise & Infrastructure**

*General Section – Hazards Objectives: 2, 4*
*General Section – Hazards Principles of Development Control: 1, 2, 3, 4, 5, 6, 23*
*General Section – Infrastructure Principles of Development Control: 1, 2, 3, 4, 5, 8*
*General Section – Interface between Land Uses Objectives: 1, 2*
*General Section – Interface between Land Uses Principles of Development Control: 1, 2, 3, 4, 6, 7*
*General Section – Land Division Objectives: 1, 2, 3, 4*
*General Section – Natural Resources Objectives: 1*
*General Section – Natural Resources Principles of Development Control: 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 23*
*General Section – Orderly and Sustainable Development Objectives: 1, 3, 4, 6*
*General Section – Orderly and Sustainable Development Principles of Development Control: 1, 5, 6*
*General Section – Residential Development Principles of Development Control: 42, 43, 45, 46, 47, 48, 49*

No specific contamination related concerns have been identified in relation to sensitivities from past land uses.

Council’s Technical Services is satisfied that the proposed stormwater management arrangements will adequately address water quality and quantity provisions subject to further review of final details at Building Rules Consent stage. A condition is recommended on any planning consent requiring the stormwater related points specified in the ‘Technical Services Department’ section of this report be addressed at Building Rules Consent stage.

The applicant has engaged an acoustic consultant that has recommended treatments to protect the apartments and townhouses from traffic noise on Prospect Road. Further assessment of mechanical equipment has been suggested for the detailed design stage. Proposed acoustic treatments to meet the requirements of SA78B are:
• All east facing windows on Level 1 of the apartment building to be 10.38mm thick laminated glass with acoustic seals.
• All east facing windows on Levels 2 to 5 of the apartment building to be 6.38mm thick laminated glass with acoustic seals.
• All other windows to be 6mm thick annealed glass with acoustic seals.
• All east facing sliding doors in the apartment building to be 10.38mm laminated glass with acoustic seals.
• All other sliding doors in the apartment building to be 6.38mm minimum glass with acoustic seals.

The acoustic report recommends that a suitable condition of Development Plan Consent would be that the mechanical plant for the project, including the base building retail area plant, should be designed to achieve the relevant goal noise levels provided by the Environment Protection (Noise) Policy 2007. The report also recommends that ancillary activities such as deliveries to the proposed commercial premises, movement of private waste bins, goods, empty bottles and the like, and waste collection, should only occur between the hours of 9.00am and 7.00pm on a Sunday or public holiday, and 7.00am and 7.00pm on any other day.

Some representations raised concerns regarding potential adverse impacts from construction activities. Given the scale of the development, it is recommended that any planning consent be subject to a condition requiring a Construction Environment Management and Staging Plan be provided to the satisfaction of Council at Building Rules Consent stage and prior to Development Approval.

The application has not been accompanied by a separate application for a plan of land division and SA Water and SA Power Networks have not reviewed the current proposal from an infrastructure provision perspective as no such formal application referral is required under Schedule 8 of the Development Regulations 2008 for a building/land use application as is currently proposed. Given the scale of the proposal, it is recommended that any planning consent be subject to a reserved matter requiring the applicant to satisfactorily demonstrate any measures proposed to address SA Water and SA Power Networks infrastructure requirements.

CONCLUSION

The proposed development would assist to provide desirable alternate and affordable housing options to the area and the architectural form of the mixed use apartment building generally presents a good level of visual interest in terms of the level of articulation and the variety of external colours and materials proposed.
The development is nevertheless considered to be an overdevelopment of the subject land, particularly having regard to the undersupply of vehicle parking spaces, the extent and height of building on and adjacent the south side site boundary and resultant undue visual bulk and shadowing impacts, and the degree of variance from the existing character of the area.

Refusal of the application is recommended based on an overall on balance merit planning assessment. The relevant application details have been provided to all Members. (Refer Attachments)

CITY PLAN

Economy – A City of opportunity.

Community – A City that supports community wellbeing.

Environment – A City which cares for its natural environment and heritage.

Place Making – A City where people love to be.

Leadership – A City confident in its leaders.

RECOMMENDATION

That the Port Adelaide Enfield Development Assessment Panel resolves that:

1. Pursuant to Section 35(2) of the Development Act 1993, the proposal is NOT considered to be seriously at variance with the relevant provisions of the Port Adelaide Enfield (City) Development Plan, however there is such a departure from the policies that the development does not warrant consent.

2. Pursuant to Section 33 of the Development Act 1993, Development Application No. 040/2335/15 by 33 Carrington Street for a Mixed use retail and residential development including demolition of existing buildings, ten (10) x two (2) storey dwellings and associated carports and driveway areas, and a six level building comprising 61 residential apartments, ground level retail tenancy and associated parking and driveway area, landscaping, earthworks and fencing at 360 Prospect Road and 83, 85, 87 & 89 Kintore Avenue, Kilburn SA 5084 be REFUSED Development Plan Consent for the following reasons:
2.1 Incompatibility with adjacent residential zoned dwellings due to overshadowing and visual bulk amenity impacts

*General Section Centres and Retail Development Objective: 9*
*General Section Centres and Retail Development PDCs: 1, 2*
*General Section Design and Appearance PDCs: 2, 3, 4*
*General Section Energy Efficiency PDC: 2*
*General Section Interface between Land Uses: Objective 2*
*General Section Residential Development Objectives: 1*
*General Section Residential Development PDCs: 9, 11, 20, 21, 28*
*Blair Athol Policy Area 22 PDC: 6*

The bulk of the south property boundary wall of the mixed use apartment building, due to its height and length in proximity to the private open space of the adjacent Residential Zoned dwellings to the south, would be expected to unduly adversely impact the amenity of the abutting semi-detached dwelling at 4 Moorang Street and the abutting rear most residential flat building situated at 358 Prospect Road (corner of Prospect Road and Moorang Street).

The shadowing impact from the proposed mixed use apartment building would be expected to unduly adversely impact the amenity of the occupants of the rear most residential flat building at 358 Prospect Road and the semi-detached dwelling at 4 Moorang Street. The shadow diagram submitted by the applicant shows the entirety of the private open space area for the rear most residential flat building at 358 Prospect Road being shadowed throughout the day at the winter solstice on 21 June. It also shows the majority of the rear private open space area for the semi-detached dwelling at 4 Moorang Street being shadowed throughout the day.

The development would be less likely to impact the adjacent properties in this manner if landscaping was proposed at the south side boundary between the Blair Athol Policy Area 22 and the Residential Zone in compliance with PDC 6 for the Blair Athol Policy Area 22.

2.2 Shortfall in provision of on-site vehicle parking spaces

*General Section – Interface between Land Uses PDCs: 1, 2, 3*
*General Section – Residential Development PDCs: 52*
*General Section – Transportation and Access Objectives: 2*
*General Section – Transportation and Access PDCs: 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56*
The development proposal does not incorporate off-street vehicle parking to meet anticipated demand in accordance with Table PAdE/5 (Off-Street Vehicle Parking Requirements). There is a substantial shortfall in the provision of on-site vehicle parking spaces and this is expected to contribute towards traffic conditions that are not sufficiently safe or convenient for users of the development, for users of the street network in proximity of the development, and for nearby occupiers of land in the vicinity.

2.3 **Overdevelopment of the subject land**

*Residential Zone Objectives: 4*

*Residential Zone PDCs: 6, 7, 8, 9, 12*

*Residential East Policy Area 64 Objectives: 1, 2, 3*

*Residential East Policy Area 64 PDCs: 1, 2, 3, 4*

*Neighbourhood Centre Objectives: 4*

*Neighbourhood Centre PDCs: 4*

*Blair Athol Policy Area 22 PDCs: 6*

*General Section Orderly and Sustainable Development Objectives: 1, 4*

*General Section Design and Appearance PDCs: 19, 20*

*General Section Residential Development Objectives: 1*

*General Section Residential Development PDCs: 20, 21, 28*

The shortfalls and impacts outlined in refusal reasons 1 and 2 together with other shortfalls in building setback distance, dwelling density and desired character guidelines for the ten x two storey townhouses contribute overall to what is considered to be an overdevelopment of the subject land and not a sufficiently orderly development for the locality or a sufficiently convenient and pleasant environment in which to live.