#13758124

**Deferred Item from 28/03/19**

**Kaufland Australia - Prospect**

Construction of a retail complex, comprising a supermarket (4052sqm), stockroom and amenities (1607sqm combined), a food hall (280sqm) and three (3) supporting tenancies (245 sqm combined) and associated car parking and landscaping. Internally illuminated signs and one (1) pylon sign, solar roof panels (up to 3,000sqm) is proposed (not staged).

**250 Churchill Road, Prospect**

DA 050/E003/18

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OVERVIEW

Application No 050/E003/18
Unique ID/KNET ID 13020724
Applicant Kaufland Australia
Proposal Construction of a retail complex, comprising a supermarket (4052sqm), stockroom and amenities (1607sqm combined) food hall (280sqm) and three (3) supporting tenancies (245sqm combined) and associated car parking and landscaping. Internally illuminated signs and one (1) pylon sign, solar roof panels (up to 3,000sqm) is proposed (not staged).

Subject Land 250 Churchill Road
Zone/Policy Area Urban Corridor Zone/Boulevard Policy Area
Relevant Authority State Commission Assessment Panel – Schedule 10, 20(1)
Lodgement Date 12/06/18
Council City of Prospect
Development Plan City of Prospect Development Plan (consolidated 13 February 2018)
Type of Development Merit
Public Notification Category 2
Representations One – does not wish to be heard
Referral Agencies DPTI (Transport), City of Prospect
Report Author Karen Ferguson, Senior Planning Officer
RECOMMENDATION Grant Development Plan Consent

EXECUTIVE SUMMARY

At the SCAP meeting of 28 March 2019 this item was deferred for a second time. The resolution of the SCAP was that the item be deferred “To enable the applicant to submit a revised plan for the landscaping adjacent to Churchill Road. In addition to what has been proposed, further landscaping to guarantee a strong boulevard effect (in the absence of built form) that takes into account the potential for road widening in the future.”

Details have been received in response to SCAP’s deferral.

On balance, it is considered that the proposed development demonstrates sufficient merit overall to warrant consent and will ensure the re-development of a key, underutilised site in the inner metropolitan area.

ASSESSMENT REPORT

1. BACKGROUND

The SCAP at its meeting on 28 March 2019 resolved to defer this item pending reconsideration of the landscape approach for the portion of the site fronting Churchill Road.
2. DESCRIPTION OF AMENDMENTS

In response to the SCAP deferral, the applicant has submitted amended landscape plans which remove one row of car parks located within the site (14 in total) to extend the depth of the landscaping on the applicant’s land by approximately 2.7m. Within the expanded landscaping area an extra row of trees (tuckeroos) will be planted. A section plan is also provided to indicate the potential height and position of all of the landscaping along Churchill Road.

The updated landscape plan set incorporating the amendments in response to SCAP’s deferral are contained in Attachment 1.

3. Referral comments

The City of Prospect made comment in relation to the previous application and its comments in relation to landscaping are clear. In this case it was not deemed necessary to re-refer the amended landscaping plans and additional information.

4. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the City of Prospect Development Plan, and can be found in previous assessment reports that are contained in Attachment 2. The following discussion therefore focuses on the revised elements of the proposal.

4.1 Design and Appearance – Landscaping

Churchill Road frontage

The amendment provides a significant improvement to the overall landscape approach to the Kaufland application. The greater majority of landscaping is primarily on land owned and maintained by the applicant.

Two rows of trees and the arbour structure will provide a stronger sense of enclosure to provide a ‘Boulevard effect’ along Churchill Road as sought by the Panel.

Supplementary planting is also proposed on adjacent land owned by the Commissioner of Highways. A letter of agreement for the licencing or deed of agreement for this landscaping has been received.

4.2 Car Parking

The number of car parks will be reduced to 306 from 320. This will still maintain a number of parking spaces in excess of what the Development Plan requires.

CONCLUSION

The amendments provided in the new landscape plans have responded to the issues raised by the SCAP in the second deferral item.

A double ‘avenue’ of trees is to be provided along Churchill Road on the applicants own property.

A condition is proposed (number 21) which requires the applicant to provide a deed of agreement or licence to DPTI on behalf of the Commissioner of Highways for landscaping, albeit of a reduced scale, on DPTI land adjoining the subject land. This agreement or licence needs to be executed to the reasonable satisfaction of SCAP before development occurs on the site.
The applicant’s most recent amendments form a direct reflection of what the SCAP were seeking by way of strengthening and improving the ‘boulevard effect’ fronting Churchill Road.

In light of the above, and noting the previous recommendation to grant the proposal Development Plan consent it is concluded that, on balance, the proposal exhibits sufficient merit to warrant Development Plan Consent subject to conditions.

5. RECOMMENDATION

It is recommended that the State Commission Assessment Panel:

1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.

2) RESOLVE that the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the City of Prospect Development Plan.

3) RESOLVE to grant Development Plan Consent to the proposal by Kaufland Pty Ltd for Construction of a retail complex, comprising a supermarket (4052sqm), stockroom and amenities (1607sqm combined) and three (3) supporting tenancies (2455 sqm combined) and associated car parking and landscaping. Internally illuminated signs and one (1) pylon sign, solar roof panels (up to 3,000sqm) is proposed (not staged) at 250 Churchill Road, Prospect, subject to the following conditions of consent.

PLANNING CONDITIONS

1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

2. The acoustic attenuation measures recommended in the acoustic report, dated 7 February 2019 by Resonate, shall be fully incorporated into the building rules documentation to the reasonable satisfaction of the SCAP. Such acoustic measures shall be made operational prior to the occupation or use of the development.

3. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with relevant Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the State Commission Assessment Panel prior to the occupation or use of the development.

4. All bicycle parks shall be designed and constructed in accordance with relevant Australian Standards and be made available for use at all times during operating hours.

5. There shall be a maximum of one (1) delivery at night (between 10PM and 7AM) which requires a 19m articulated refrigerated plant and sound supressing, broadband reversing alarm or spotter shall be used.
6. All car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of the State Commission Assessment Panel.

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

8. The access points shall be located and constructed in general accordance with Site Plan Project Number 201809 2Dwg TP-02, Revision r, and dated December 2018.

9. The new Churchill Road junction shall be located and designed in general accordance with Site Plan Project Number 201809 2Dwg TP-02, Revision r, and dated December 2018. As part of this work, the median opening opposite Redin Street shall be closed and replaced with a solid median. The design of the median shall consider the provision of a pedestrian refuge to facilitate pedestrian movements across Churchill Road.

10. All required roadworks associated with the Churchill Road junction shall be designed and constructed in accordance with Austroads Guides/Australian standards and to Department of Planning, Transport and Infrastructure’s (DPTI) satisfaction. All associated costs (including project management and any necessary road lighting and draining upgrades) shall be borne by the applicant. These road works shall be completed, including the vesting of any land required to accommodate the left turn deceleration land and replacement footpath (to the same depth as the existing footpath) as road prior to occupation of the development.

11. The applicant shall contact DPTI’s, Traffic Operations Section, Network Planning Engineer, Ms Teresa Xavier on (08) 8226 8389 or via email at Teresa.Xavier@sa.gov.au, to discuss the proposed road works prior to undertaking any detailed design. Furthermore, the applicant shall enter into a “Developer Agreement“ to undertake the above works.

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

13. The largest vehicle permitted on-site shall be restricted to a 19-metre articulated vehicle (AS 2890.2-2002). These vehicles shall only be permitted to exit onto Churchill Road via left turn. Appropriate signage shall be installed at the exit to reinforce this requirement.

14. Any excavation adjacent to roads or rail corridors shall be designed and undertaken in a manner that does not impact on the structural stability or safety of the roads or rail corridors. Any damage to transport assets caused by the development shall be repaired to the satisfaction of the relevant authority at the applicant’s cost.

15. Any obsolete crossovers/accesses shall be closed and reinstated to Council’s kerb and gutter standards at the applicant’s cost. The work shall be completed prior to the operation of the development.

16. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. All commercial vehicle facilities shall be designed in accordance with AS 2890.2-2002.

17. Signage on this site visible from the adjacent roads shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device.
18. All illuminated signs visible from Churchill Road and Regency Road shall be limited to a low level of illumination (i.e. < 150Cd/M²).

19. The illuminated signage shall be permitted to use LED lighting for internal illumination of a light box only.

20. All mechanical services plant and equipment shall be located within the designated areas on the roof of the building and behind the mechanical plant screen to the extent shown in the Architectural Plans.

21. Prior to construction a Deed of Agreement or licence to occupy land held in the name of the Commissioner of Highways along the Churchill Road frontage, which identifies that the landscaping proposed in the Outer Space landscape drawings OS654_SK01,02,03,04,05,06 and 07 pertaining to the Churchill Road frontage be provided to the reasonable satisfaction of SCAP.

22. A watering system shall be installed at the time landscaping is established and operated so that all plants receive sufficient water to ensure their survival and growth, with any dead or dying plants removed and replaced to the satisfaction of the State Commission Assessment Panel.

23. The recommendations detailed in the traffic management report dated 22 January 2019 by GTA consultants, forming part of this consent shall be fully incorporated into the development to the reasonable satisfaction of the State Commission Assessment Panel. Such measures shall be made operational prior to the occupation or use of the development.

24. All trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.

25. Waste service vehicles only to visit the site between: 7.00am and 7.00pm Monday to Saturday (excluding public holidays) and 9:00am to 5:00pm Sundays (or public holidays).

26. All external lighting of the site, including car parking areas, advertising signs and buildings shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site as advised in Obtrusive Lighting Memorandum by bca engineers dated 24 January 2019.

27. Subject to legislative requirements for operating hours of large format retail businesses, the maximum hours of operation of the premises shall be restricted to the following times:

   Monday – Friday: 12am- 9pm
   Saturday: 12am to 5pm
   Sunday: 11am to 5pm

28. Final detailed plans for Stormwater Management shall be submitted, in consultation with Prospect Council to the satisfaction of the State Commission Assessment Panel. The details of the plan shall be incorporated within the Building Rules Consent documentation, submitted for Development Approval, and be implemented prior to occupation or use of the development.

ADVISORY NOTES
a. Building Rules Consent must be obtained for the development within 12 months of the date of this notification, unless this period has been extended by the SCAP.

b. In the event that the right turn movements at the new Churchill Road junction negatively impact the safety and operation of the adjacent road network, DPTI reserves the right to review the median arrangement and make modifications where necessary.

c. The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.

d. The applicant has a right of appeal against the conditions which have been imposed on this consent.

e. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Environment Protection Authority information sheets, guidelines documents, codes of practice technical bulletins etc. can be accessed on the following web site: http://www.epa.sa.gov.au

f. The applicant is reminded the emission of noise from the premises is subject to control under the Environment Protection Act and Regulations 1993, and the applicant (or person with the benefit of this consent) should comply with those requirements.

g. The Metropolitan Adelaide Road widening Plan shows a possible requirement for land along the Churchill Road and Regency Road alignment for future road purposes. 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 6 metres of the possible requirement. As no building works are proposed within the above areas, consent is not required in this instance.

h. A Construction Environment Management Plan (CEMP) shall be prepared (in consultation with the City of Prospect) for the construction phase of the redevelopment and any additional works relating to the identified contamination area will inform this CEMP. The CEMP shall be implemented in accordance with current industry standards – including the Local Nuisance and Litter Control Act 2016, the EPA publications “Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition” to minimise environmental harm and disturbance during construction.

The management plan should incorporate, without being limited to, the following matters:

- timing, staging and methodology of the construction process and working hours;
- traffic management strategies;
- control and management of construction noise, vibration, dust and mud;
- management of infrastructure services during construction;
- management of stormwater and groundwater during construction;
- site security, fencing and safety and management of impacts on local amenity for residents, traffic and pedestrians;
- disposal of any refuse in an appropriate manner according to the nature of the waste;
- protection and cleaning of roads and pathways; and
- overall site clean-up
i. The applicant or any person with the benefit of this consent, must ensure that any consent/permit from other authorities or third parties that may be required to undertake the development, have been granted by that authority prior to the commencement of the development.

j. The applicant is reminded of their obligations under the Local Nuisance and Litter control Act 2016 and the Environment Protection Act 1993, in regard to the appropriate management of environmental impacts and matters of local nuisance. For further information about appropriate management of construction site, please contact the Prospect Council.

k. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.

l. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.

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

SENIOR PLANNER
PLANNING AND LAND SERVICES
DEPARTMENT OF PLANNING, TRANSPORT and INFRASTRUCTURE