Planning Report

Multi-Storey Residential Apartment Building

212 Churchill Road,
Prospect, SA 5082

For: Heather Pinder
November 2024

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November 2024

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Draft	3 July 2024	53860REP01	JW	SAH
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1 Introduction

MasterPlan Pty Ltd has been engaged by Heather Pinder to assist with the preparation of a development application for the construction of a multi-storey mixed-use residential flat building comprising of ground-level laundromat (shop), twenty-one upper-level apartments and a rooftop common area, contained within a five-storey building.

In the preparation of this report, we have had consideration for the particularities of the subject land and locality and the information contained in the documentation accompanying the lodgement of the application in forming our professional opinion on this matter.

We have concluded that the proposal sufficiently accords with the relevant provisions of the Planning and Design Code (the 'Code) and warrants planning consent from the City of Prospect (the 'Council') for the reasons set out herein.

This report has been prepared in collaboration with the applicant and the project team identified in **Table 1** below and contains a description of the subject land, the locality and the proposed development, as well as our assessment of the proposed development against the relevant provisions of the Code.

Table 1: Project Team

Project Team	
Applicant	Heather Pinder
Planner	Masterplan SA Pty Ltd
Contact Person	Stewart Hocking
List of Other Contributors	
• Architect/Designer	3D Design & Drafting Australia
• Traffic Engineer	ML Traffic Engineers Pty Ltd
• Services Engineer	Structural Stability Consulting Pty Ltd

This planning report has been informed by, and should be read in conjunction with, the following documentation:

Table 2: Supporting Documentation.

Drawing Number	Description	Date
A0.1, REV. E	Cover Sheet	18 October 2024
A0.2, REV. E	Index And Notes	18 October 2024

Drawing Number	Description	Date
A1.0, REV. E	Site Plan EXISTING	18 October 2024
A1.10, REV. E	Landscaping Plan Gf	18 October 2024
A1.11, REV. E	Overshadowing Plan	18 October 2024
A1.12, REV. E	Roofing Plan	18 October 2024
A1.13, REV. E	Typ Wall Layouts	18 October 2024
A1.14, REV. E	Fire Stair 1 – Sections	18 October 2024
A1.15, REV. E	Fire Stair 1 – Plan	18 October 2024
A1.16, REV. E	Fire Stair 2 – Plan	18 October 2024
A1.17, REV. E	Fire Stair 2 – Elevations/Sections	18 October 2024
A1.18, REV. E	Landscaping Plan Roof	18 October 2024
A1.19, REV. E	Exit Travel Distances	18 October 2024
A1.1, REV. E	Site Plan PROPOSED	18 October 2024
A1.2, REV. E	Ground Floor Plan	18 October 2024
A1.3, REV. E	First Floor Plan	18 October 2024
A1.4, REV. E	Second Floor Plan	18 October 2024
A1.5, REV. E	Third Floor Plan	18 October 2024
A1.6, REV. E	Rooftop Floor Plan	18 October 2024
A1.7, REV. E	Studio Partition Plan	18 October 2024
A1.8, REV. B	1 Bedroom Partition Plan	18 October 2024
A1.9, REV. B	2 Bedroom Partition Plan	18 October 2024
A2.1, REV. B	Elevations	18 October 2024
A2.2, REV. B	Elevations	18 October 2024
A5.3, REV. B	External Finishes	18 October 2024
A2416832S	Transport Statement	18 October 2024
A2416832S	Type 7 Median	19 September 2024
LBS29501	Principal's Project Requirements – ESD	28 October 2024

2 Background

This application was lodged via the South Australian Planning Portal (Application ID 24003161) for the construction of a five-storey mixed use building. The application is currently being assessed by the State Planning Commission (SPC), with this report forming part of the response to further information requested by SPC.

3 Subject Site and Locality

3.1 Subject Site

Table 3 provides a summary description of the subject site, being the whole of the land.

Table 3: Project Site

Project Site	
Address	212 Churchill Road, Prospect, South Australia
Local Government Area	City Of Prospect
Certificates Of Title (CT) or Land Parcels	CT5410/647, Filed Plan 110640, Allotment 61
Encumbrances	Nil
Easements	Nil
Site Dimensions and Area	Area: 710.702 square metres Street Frontage: 15.24 metres
Existing Use/Built Form	Single Storey - Office

The subject site is of rectangular shape with a Churchill Road frontage width of approximately 15.24 metres (m) and depth of 46.634m. The land is relatively flat with a slight fall towards the road level (western to eastern boundary). The site currently contains a single-storey brick bungalow style dwelling, constructed circa 1930, with a gable iron roof form. A single-storey addition to the original dwelling exists at the rear of the site along with a covered parking area. The site has minimal areas of landscaping save a mature multi-trunk tree located in the north-eastern corner of the site and some sporadic ground plantings near the front property boundary and alongside the sealed driveway. The subject site is depicted in **Figure 1** below:

Figure 1: Site Plan.

3.2 Locality

The subject site is located approximately 2.4 kilometres (km) north of the Adelaide Central Business District (CBD), 9.0km east of the coast, and 1.6km west of Prospect Road, and could be considered to be in the heart of the City of Prospect.

The locality (**Figure 2**) is in-transition, such that Churchill Road is being redeveloped from low-rise, low-density residential with some sporadic commercial uses to a mixture of medium-density multi-storey residential apartments with more organised and grouped commercial uses, particularly around the Regency Road intersection and further north along Churchill Road. The locality is characterised by mixed density residential uses, commercial uses (including shops), warehouses and the Prospect Substation which is located directly adjacent the subject site on the corner of Churchill Road and Victoria Street. The rail corridor is also a dominant feature within the locality and sits approximately 80m to the west of the subject site.

Figure 2: Locality Plan.

There are a broad range of residential dwelling types within the immediate locality, including single and two-storey detached dwellings, residential flat buildings and multi-storey apartment buildings of up to five storeys in height. The low-rise low-density residential dwellings are predominantly located behind those buildings with frontages to Churchill Road and are more prevalent east and south of the subject site within the Established Neighbourhood, General Neighbourhood, and Housing Diversity Neighbourhood Zones.

Commercial uses within the immediate locality of the site are typically contained within one to two-storey buildings, within former residential dwellings, or at the ground level of mixed-use buildings.

The land immediately north of the subject site contains a single-storey building used as an office/public service depot for the sale and provision of gas (LPG) products.

Directly adjoining the rear of the site is Allstone natural stone specialists, who specialise in the display, sales and distribution of stone products for use in walling, paving, coping and tiles. The site is contained in a large warehouse/office building of some 2,000 square metres.

The adjoining property to the south, consists of a four-storey residential flat building that incorporates car parking on the ground floor and apartments on the upper 3 levels, each with balconies. Access stairs are located on the southern side of the building, while vehicle access, mailboxes, utility services (i.e. fire hydrants, water metres etc) and soft landscaping are located forward of the building line.

The broader locality (**Figure 3**) consists of a range of zones, most notably:

- The Urban Corridor (Boulevard) Zone captures the allotments either side of Churchill Road and spans from Torrens Road to just north of Regency Road.
- The Urban Corridor (Living) Zone and Urban Corridor (Main Street) Zone encapsulate the allotments either side of Prospect Road.
- The Established Neighbourhood Zone lies between Churchill Road and Prospect Road and contains a number of Local Heritage and Representative Buildings.
- West of the subject site lies the Employment and Strategic Employment Zones, as well as the Community Facilities Zone (which contains Dudley Park) and the General Neighbourhood Zone.
- The Housing Diversity Neighbourhood Zone is located towards the south-western end of the Urban Corridor Zone.

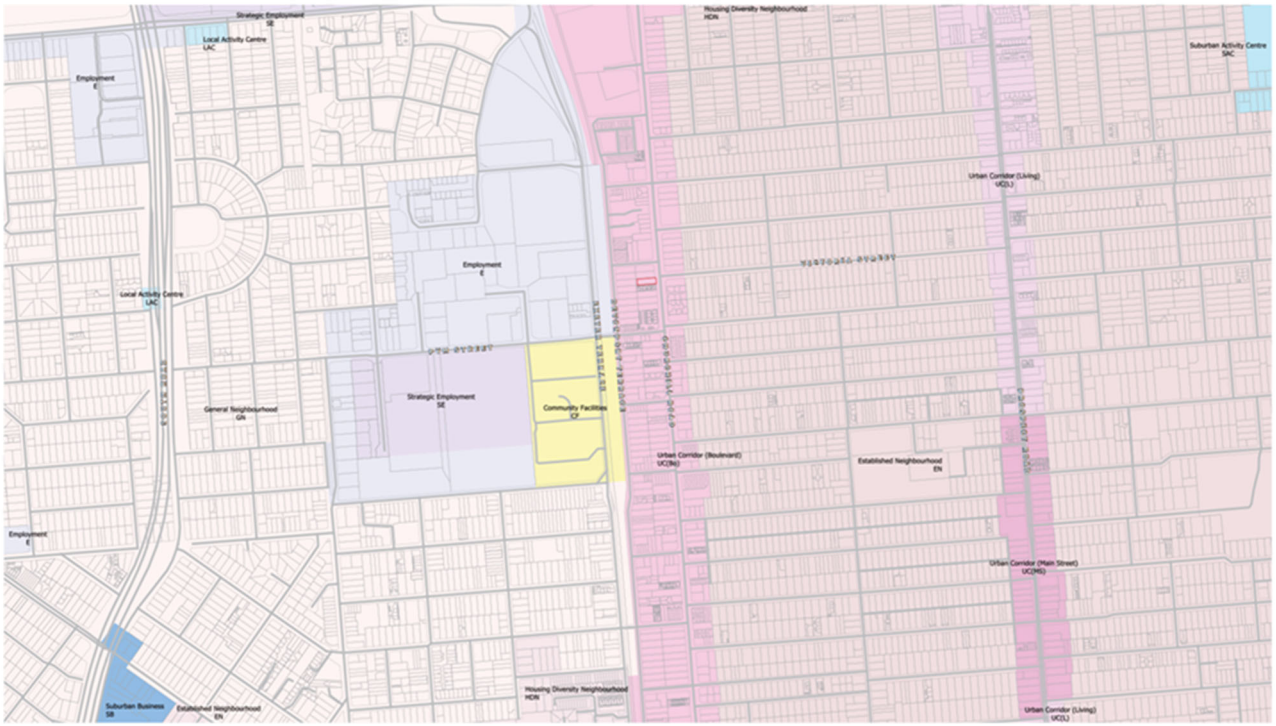

Figure 3: Broader Locality and Zoning Plan.

4 Proposed Development

The proposed development is summarised in **Table 4** below, with a more detailed description of the proposed works outlined in the following sections.

Table 4: Proposed Development Summary.

Proposed Development Summary	
Summary Description	Demolition of an existing building, Regulated tree removal and construction of a new 5-storey mixed-use residential flat building.
Development Elements	• Demolition of the existing buildings • Construction of a 5-storey mixed-use residential flat building including a laundrette on the ground floor, on-site car parking, balconies, landscaping, and a rooftop garden. • Tree damaging activity – removal of one (1) regulated tree.

The full extent of the proposed works is illustrated in the compendium of architectural drawings that accompany the application prepared by 3D Design and Drafting Australia (attached), and as previously identified in **Table 3** of **Section 2** of this report.

The proposed development incorporates a mixed-use residential flat building comprising a laundrette and on-site parking on the ground floor, a mixture of studio, 1- and 2-bedroom apartments on levels 1 to 3, and plant storage, solar panels and a rooftop garden on the upper-most level. A breakdown of each level is contained in **Table 5** below:

Table 5: Breakdown of proposed uses by building level.

Level	Description
Ground Floor	• Laundrette. • Electrical utilities store. • Bin storage. • Residential entrance including stairwell and lift. • Vehicle access and driveway. • Thirteen (13) car parking spaces, including 1 accessible space. • Eight (8) bicycle parks. • Landscaping.
Level 1	• 4x studio apartments and balconies. • 2x 1-bedroom apartments and balconies. • 1x 2-bedroom apartment and balcony. • Access corridor, external staircase, internal stairwell and lift. • Sunshade Awning.

Level	Description
Level 2	• 4x studio apartments and balconies. • 2x 1-bedroom apartments and balconies. • 1x 2-bedroom apartment and balcony. • Access corridor, external staircase, internal stairwell and lift. • Sunshade Awning.
Level 3	• 4x studio apartments and balconies. • 2x 1-bedroom apartments and balconies. • 1x 2-bedroom apartment and balcony. • Access corridor, external staircase, internal stairwell and lift. • Sunshade Awning.
Roof top	• External staircase, internal stairwell and lift. • Rooftop solar panels. • Plant equipment and storage (screened). • Rooftop garden (203.33m²) – covered with open sides and glass balustrades.

4.1 Building Appearance

The proposed building is of a contemporary design, with the use of robust materials such as precast concrete walls,' Cemintel Surround Blackish' cladding, aluminium windows, Steel Arch Powder coated, vertical aluminium slats and Colorbond roofing. The building will be finished in pre-cast concrete and grey cladding of different shades to create a point of difference, not dissimilar to the design of emerging multi-storey development along Churchill Road. The majority of the building incorporates four levels, with a fifth building level of some 200 square metres (m²) being located centrally on the fourth building level roof. The building will reach a maximum height of 17 metres.

The building is predominantly rectangular in shape and reduces massing with the use of horizontal and vertical lines to separate building levels, creating a break in large expanses of walls. The building façade is recessed behind balconies, further reducing massing. Windows and doors will have frontage to the street, where possible, to maximise opportunity for casual surveillance and to create an interface with the public realm.

The proposed building provides for soft landscaping forward of the building line, including a semi-mature tree (Pyrus calleryana 'Cleveland Select') which is deciduous and will be maintained at a height of 6.0 metres.

4.2 Residential Apartment Types

The proposed development will incorporate a mixture of studio, 1-bedroom and 2-bedroom apartments as nominated in **Table 5** above and as detailed in the proposed plans **attached**.

Each apartment will be fully functional consisting of an open plan kitchen, dining, living area with direct access to private open space (in the form of a balcony), and appropriate internal storage space. The floor, balcony and storage areas for each apartment are outlined in **Table 6** below.

Table 6: Floor Areas, Private Open Space and Storage Areas.

Dwelling Type	Floor Area (m^2)	Private Open Space (m^2)	Storage Area (m^3)
Level 1-2, 1-bedroom	57.32m^2	25.67m^2	9.4m^3
Level 1-3, 2-bedroom	69.34m^2	33.12m^2	14.84m^3
Level 1-4, 1-bedroom	50.02m^2	7.97m^2	8.1m^3
Level 1-5, studio	40.26m^2	4m^2	6.08m^3
Level 1-6, studio	40.26m^2	4m^2	6.08m^3
Level 1-7, studio	40.26m^2	4m^2	6.08m^3
Level 1-8, studio	39.12m^2	4m^2	6.26m^3
Level 2-9, 1-bedroom	57.55m^2	11.91m^2	9.4m^3
Level 2-10, 2-bedroom	69.25m^2	12.15m^2	14.84m^3
Level 2-11, 1-bedroom	50.02m^2	7.97m^2	8.1m^3
Level 2-12, studio	40.26m^2	4m^2	6.08m^3
Level 2-13, studio	40.26m^2	4m^2	6.08m^3
Level 2-14, studio	40.26m^2	4m^2	6.08m^3
Level 2-15, studio	39.12m^2	4m^2	6.26m^3
Level 3-16, 1-bedroom	57.55m^2	14.9m^2	9.4m^3
Level 3-17, 2-bedroom	69.25m^2	14.75m^2	14.84m^3
Level 3-18 1-bedroom	50.08m^2	7.97m^2	8.1m^3
Level 3-19, studio	40.26m^2	4m^2	6.08m^3
Level 3-20, studio	40.26m^2	4m^2	6.08m^3
Level 3-21, studio	40.26m^2	4m^2	6.08m^3
Level 3-22, studio	39.12m^2	4m^2	6.26m^3

Studio apartments will be approximately 40 square metres and will typically consist of an open plan design with a self-contained bathroom and balcony of some 4.0 square metres. The studio apartments will be located towards the rear of the building optimising northern aspect for their balcony and main living space.

The 1-bedroom apartments will be located as such that they are either orientated towards the northern site boundary or towards the primary street frontage on the southern side of the proposed building. The latter apartment type will incorporate a return balcony that will afford morning light to the main internal living spaces.

The 2-bedroom apartments will have frontage to the primary street boundary and will be located on the northern side of the building. A return balcony will allow suitable access to morning light, while the balcony will be enclosed on the northern side to provide shade during the summer months.

4.3 Commercial Use

The proposed development will incorporate a commercial element of some 52.55m² in the form of a 'personal services establishment' (laundrette) located on the ground floor of the building. Part 7 of the Planning and Design Code defines a 'personal services establishment' as [underline added for emphasis]:

> *...premises used for the provision of services catering to the personal or domestic needs of customers. Examples- The following are examples of services that may be available at personal and domestic services establishments:*
>
> *(a) clothing repair and alterations;*
> *(b) cutting, trimming and styling hair;*
> *(c) domestic pet grooming; manicures and pedicures;*
> *(d) non-surgical cosmetic procedures;*
> *(e) personal care procedures;*
> *(f) <u>self-service clothes laundering;</u>*
> *(g) shoe repair; watch repair.*

For the purposes of the provisions above, a personal services establishment falls under the definition of a 'shop'. In addition, the proposed laundrette will be located on the ground floor of the building with frontage to Churchill Road and incorporating glass windows and doors to encourage passive surveillance and contributing to an active primary street frontage.

4.4 Services

Site mailboxes, electrical utilities and fire hydrant will be located at ground level towards the front of the building and will be contained within the building itself or screened by suitable landscaping. Rooftop plant facilities (i.e., air conditioning compressors) are proposed towards the west above the fourth building level, with visual screen surrounds.

Receptacles of 770-litre capacity are provided for the communal storage of general waste (one bin), recycling (two bins) and organic waste (one bin). Collection is to be undertaken by private contractor, with access provided for a 6.4-metre-long bidirectional SRV refuse truck to access the ground floor level car park. Collection is to be undertaken between 7.00 am and 9.00 am on any given day.

The refuse truck will require the use of three visitor car parking spaces to be made available to enable turning movements. Parking restriction signs and line markings are proposed to be incorporated in the design to ensure the car parks remain vacant during the waste collection time of 7.00 am and 9.00 am.

4.5 Vehicle and Bike Parking

On site vehicle parking is to be provided at ground level, with 19 car parking spaces, including one disabled space. Ten of the spaces are contained within car stackers. Three of the visitor spaces will not be available during the waste collection time of 7.00 am and 9.00 am. The clearway will be sign posted and there will be line markings on the spaces.

Six (6) bicycle parks are provided on the ground level inside the carpark area directly adjacent the waste storage facility.

5 Planning and Design Code

Table 7 below, provides a summary of the applicable zone, sub zone, overlays and general development policy sections that have been identified as applying to the subject land.

Table 7: Planning and Design Code Summary.

Planning and Design Code Summary	
Version and Date	2024.6 – 4 April 2024
Zone	Urban Corridor (Boulevard) – UC(Bo)
Sub Zone	N/A
Overlays	• Airport Building Heights (Regulated) – All structures over 110 metres • Affordable Housing • Design • Future Road Widening • Hazards (Flooding – General) • Noise and Aie Emissions • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes
Technical Variations (TNV)	• Minimum building heigh - 2 levels • Maximum building height - 4 levels • Minimum primary setback - 3m • Interface height – development should be constructed within a building envelope provided by a 45-degree plane, measures 3m above natural ground at the boundary of an allotment

6 Procedural Matters

The zones, subzones, overlays and general development policies that apply may contain sections headed 'Procedural Matters', including the requirement to notify certain applications for planning consent, and referrals to prescribed bodies.

Table 8 below provides a summary of the procedural matters associated with the identified assessment pathway.

Table 8: Procedural Matters Summary.

Procedural Matters Summary	
Relevant Authority	State Commission Assessment Panel (SCAP)
Assessment Pathway	Code Assessed – Performance Assessed
Statutory Referrals	• Government Architect or Associated Government Architect pursuant to Design Overlay, Procedural Matters (PM) – (c) Development within all other areas of the overlay that involves the erection or construction of a building that exceeds 4 building levels. • Commissioner of Highways pursuant to Future Road Widening Overlay, Procedural Matters (PM) – 'development that is within or may encroach within a Future Road Widening Area'. • Commissioner of Highways pursuant to Urban Transport Routes Overlay, Procedural Matters (PM) – (a)(b) and (c).
Public Notification	Public notification is required pursuant to Urban Corridor (Boulevard), Table 5(3)(d) – Procedural Matters (PM) – Notification of the Planning and Design Code.

7 Planning Assessment

Our assessment of the policy relevant to the specific changes forming the proposed variation are detailed below, with the following assessment against those relevant Desired Outcomes (DO), Performance Outcomes (PO) and Designated Performance Feature (DPF) prescribed within the Planning and Design Code.

7.1 Building Height

The site is subject to a maximum building height TNV of four (4) levels, which is exceeded by the inclusion of a verandah structure on the rooftop level, representing a fifth building level. The fifth level incorporates a modest floor area of some 200 square metres incorporated under a structure that is open sided on the northern and eastern elevations.

Urban Corridor (Boulevard) Zone, PO 3.1 refers to the height TNV provisions, however, also makes exception where the height positively responds to its local context:

Urban Corridor (Boulevard) Zone	
PO 3.1	Building height is consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer or positively responds to the local context including the site's frontage, depth, and adjacent primary road corridor (e.g., a State maintained road or a road with similar attributes) or street width.

Notwithstanding the exceedance of 1 building level, we consider that the proposed development is contextually appropriate as it is consistent in height and scale with the existing (new) built form within the sites immediate locality and responds to the building hierarchy that is forming along the zone corridor, with high-rise to low-rise development extending from north to south along Churchill Road. We note in this context that development approval has recently been granted for residential development of up to 8 levels at the corner of Churchill Road and Regency Road, which is located in the Urban Corridor (boulevard) Zone.

The proposed building effectively presents as four (4) building levels, with active and enclosed living and commercial spaces being located within those levels. The proposed fifth building level rooftop garden will incorporate an open sided skillion roof which is intended to provide additional amenity to future residents. With the exception of the transparent glass balustrades, the skillion roof will incorporate generous setbacks from each end of the building, most notably some 7.6m from the building's façade and 22.68m from the rear site boundary. Similarly, the plant equipment will be located on the rooftop, also with generous setbacks from the building's edges to reduce impacts of bulk and scale.

In consideration of the above, we are of the view that the building height exceedance does not significantly impact the streetscape amenity, significantly contribute to visual bulk or scale, and will not unreasonably impact upon the amenity of adjoining residential sites. The proposed development is of a type that is envisaged within the Urban Corridor (Boulevard) Zone and the additional level is not considered out of character, rather it is sympathetically designed to reduce visual impact and contribute to the on-site amenity of residents of the apartments below.

7.2 Setbacks, Design and Landscaping

The proposed development will be setback 3.0 metres from its primary street frontage, consistent with the TNV affecting the site. This will allow for suitable landscaping in front of the building line and continuity with the newer / envisaged development present along Churchill Road, including the residential building directly adjacent the subject land, which also has a setback of 3.0 metres from its Churchill Road boundary.

Levels 1 to 3 are designed to frame the adjacent road corridor by incorporating horizontal elements which clearly delineate the building levels. The first floor includes a return corner which draws focus to this level of the building. Levels 2 and 3 are open ended and setback further from the northern side boundary than the ground and first floors. They also incorporate balconies at the front to appear further separated from the primary street frontage.

A variety of materials and finishes are used to reduce the visual bulk of the building at street level. Glass windows and doors are incorporated at ground level on the laundrette façade to allow for passive surveillance and to create interface with the public realm.

The ground level of the proposed building will incorporate elements located on the boundary, particularly the laundrette which will be located on the northern site boundary for a distance of some 9.93 metres and the ground floor plant, waste storage, stairwell and lift will be located on the southern site boundary for a length of approximately 17.1 metres. These boundary walls comply with Urban Corridor (Boulevard) Zone, DPF 2.6, which has no restrictions on boundary walls within the first 18 metres from the front property boundary for any building level:

Urban Corridor (Boulevard) Zone	
PO 2.6	Buildings are: (a) sited on side boundaries for parts of the building located towards the front part of the allotment to achieve a continuity of street façade to the street (b) setback from side boundaries for parts of the building located behind the street facing elements, to enable building separation to provide access to natural ventilation and sunlight.

The upper building levels also comply with this DPF with regards to boundary walls within the first 18m of the front property boundary along the northern site boundary. The boundary wall on the southern site boundary extends beyond the first 18m of the site resulting in a shortfall of 2.1m. Impacts on the adjoining land are minimised by the fact that the ground floor is directly adjacent a parking garage, and the first, second, third and roof level boundary walls are reduced in length to comply with DPF 2.6.

The proposed development will be setback 3m from the rear site boundary in accordance with Urban Corridor (Boulevard) Zone DPF 2.7, which seeks:

Urban Corridor (Boulevard) Zone	
DTS/DPF 2.7	Building walls setback from rear boundaries as follows: (a) 5m or more where the subject land directly abuts an allotment of a different zone or (b) 3m or more in all other cases, except where the development abuts the wall of an existing or simultaneously constructed building on the adjoining land.

The subject land does not directly abut an allotment of a different zone at the rear of the site and as such, a minimum setback of 3.4m (excluding the external staircase) from the rear boundary is suitable. It is also noted that the building located on the adjacent site to the west is constructed on the common boundary.

The fifth level of the proposed development consists of an internal and external stairwell and lift access that continues up to the rooftop, the plant equipment which will be stored on the roof and screened, and a covered rooftop garden area which will be open sided and will include low level glass balustrades. Notwithstanding, the following setbacks should be noted:

- The stairwell will be located on the southern site boundary for 6.5m, continuing the boundary wall formed by the stairwell from the ground floor and up.
- The plant area will be setback approximately 14m from the rear site boundary, 2.7m from the northern and southern side boundary, and 29m from the primary street frontage and 26m from the building's façade.
- The rooftop garden area will be setback approximately 30m from the rear site boundary, 5m from the southern side boundary, 3m from the northern side boundary, and 9.7m from the primary street frontage and 7.6m from the building's façade. The rooftop garden will be open sided with the exception of where it abuts the stairwell wall. The glass balustrades will extend to the building façade but are transparent in nature and will be of minimal height. In addition, the balconies associated with the apartments of the lower floors project forward of the building façade thus increasing the offset appearance of the rooftop structures.

In consideration of the above, we are of the view that the proposed boundary setbacks, overall built form and landscaping are consistent with what is anticipated for the zone and in keeping with the similarly constructed built form within the locality. The proposed development will not significantly impact on visual bulk or scale and will not unreasonably impact upon the amenity of adjoining residential sites.

7.3 Amenity Impacts

Pursuant to the Planning and Design Code, the subject land adjoins a Designated Road Type A (Churchill Road). The land is also affected by the Noise and Air Emissions Overlay which seeks that:

Noise and Air Emissions Overlay	
DO 1	Community health and amenity is protected from adverse impacts of noise and air emissions.
PO 1.1	Sensitive receivers adjoining high noise and/or air pollution sources are designed and sited to shield sensitive receivers from the emission source using measures such as: (a) placing buildings containing non-sensitive receivers (such as retail and commercial) between the emission source and sensitive receivers (b) within individual buildings, placing rooms more sensitive to air quality and noise impacts (such as living rooms and bedrooms) further away from the emission source (c) providing appropriate separation or erecting noise attenuation barriers, provided the requirements for safety, urban design and access can be met the use of building design elements such as podiums and jutting, deep or enclosed balconies (including with solid balustrades).

Notwithstanding, the proposed development has minimised the number of dwellings with frontage to the adjacent road network and incorporates the commercial element on the ground floor, closest to the noise source. In addition, internal living spaces are setback from the primary frontage some 4m and are separated by a balcony and balustrade.

The proposed development seeks to ensure that residents have access to suitable amenity and as such have provided a sizeable rooftop area of communal open space which is setback from the building edges and accessed via the internal lift / stairwell. The building provides an appropriate level of residential amenity in the context of the Urban Corridor Zone, which encourages residential densities consistent with that proposed.

7.4 Regulated and Significant Trees

A multiple trunk tree (the 'subject tree') located in the north-eastern corner of the subject site, within proximity to the northern site boundary, that meets the criteria of a 'Regulated Tree' pursuant to Section 3(1) of the Planning, Development and Infrastructure Act 2016 and Section 3F(1) of the Planning, Development and Infrastructure (General) Regulations 2017, which defines Regulated trees as:

> *...trees within a designated regulated tree overlay that have a truck with a circumference of 2m or more or, in the case of trees that have multiple trunks, that have trunks with a total circumference of 2m or more and an average circumference of 625mm or more, measured at a point 1m above natural ground level.*

The subject tree has two (2) trunks joined at ground level. Each trunk has been measured at 1m above natural ground level to be approximately 118 and 148 centimetres (cm) respectively, resulting in a total circumference of 2.66m, and an average circumference of 1.33m. In addition, the subject tree does not appear to be an exempt species, pursuant to Section 3f(4) of the Planning, Development and Infrastructure (General) Regulations 2017, and as such the tree is considered a 'Regulated Tree'.

The following desired and performance outcomes are relevant in considering the proposal to remove the subject tree:

Regulated and Significant Tree Overlay	
DO 1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss..
PO 1.4	A tree-damaging activity in connection with other development satisfies all the following: (a) It accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise be possible (b) In the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

With regard to the subject tree's aesthetic benefit, it contributes to the urban tree canopy and is highly visible from the street, particularly when combined with the larger maple tree located within close proximity on the adjoining site.

The trees growth has been somewhat constrained by its proximity to boundary fencing and stobie poles, and as such its trunk has developed at an almost 45-degree angle, leaning towards the subject lands' southern boundary, as depicted in the following photographs:

Figure 4: Subject tree.

Figure 5: Subject tree trunk.

In considering the merits of removing the Regulated Tree, the development intentions of the relevant zone is important. The Urban Corridor (Boulevard) Zone envisages development of a scale and land use intensity similar to that proposed, noting PO 1.1 provides for 'residential flat buildings' and DO 1 envisages *'...buildings [that] accommodate a mix of compatible residential and non-residential uses including shops and other business activities at ground and lower floor levels with residential land uses above'*. In addition, the zone seeks development that frames the adjacent road corridor and provides a consistent streetscape edge, allowing for a minimum primary street setback of 3m.

Reasonable development of the site to achieve the above form which is anticipated within the zone is not able to be achieved on the subject land without the removal of the Regulated Tree. The residential density, on-site carparking, vehicle manoeuvrability, provision of on-site services and more detailed and contextually appropriate landscaping (including replacement planting with a 6m high semi-mature tree) could not be realised without the tree's removal.

In consideration of the above, we have formed the view that the subject Regulated Tree does make some contribution to the aesthetic quality of the streetscape, but only in combination with the maple tree located on the adjoining site, which is a larger, well-formed and more prominent tree. In addition, reasonable development of a scale and form envisaged for the Urban Corridor (Boulevard) Zone could not be achieved without the tree's removal. Removal of the Regulated Tree is consistent with the intentions of PO 1.4 (a) in that 'it accommodates the reasonable development of land'.

7.5 Transport, Access and Parking

7.5.1 Vehicle Access

In accordance with the Transport Statement prepared by ML Traffic Engineers, the proposed development facilitates efficient vehicle access/egress to the adjacent road network. The proposed development incorporates a bidirectional two-lane / two-way driveway which can accommodate:

- Bi-directional 5.2m long B99 car entry and exit
- Bi-directional 6.4m long SRV refuse truck entry and exit

Due to the Type 7 median in the public road directly adjacent the sight, vehicle access is restricted to left-in and left-out manoeuvres.

With regard to sight lines, the Transport Statement suggests that clear sightlines for vehicles are achieved for a distance of 83m, which is appropriate for a site adjacent a 60km per hour road. Sight-triangles are not required on the 'entry' side of the driveway as the driveway is configured for two-way traffic, however a sight-triangle has been provided on the 'exit' side of the driveway to ensure adequate sightlines to pedestrians.

Each car parking space is provided with the opportunity for vehicles to undertake a three-point turn, facilitating forward egress from the site. We note that the waste truck requires use of three (3) visitor car parking spaces to undertake a three-point turn. The spaces will be sign posted and line marked to advise of this limitation.

Alternate waste collection options have been reviewed and discussed with Prospect Council Planners and Engineers. Given the characteristics of the surrounding road network, there is no opportunity for waste pick up external of the site. To realise the development intentions along Churchill Road of providing medium density residential within a strategically important Urban Corridor Zone, the pragmatic approach of utilising visitor spaces is considered reasonable in the context of the site and locality. The sign posting and line marking of these spaces to remain clear during waste pick up time of 7.00 am to 9.00 am is an effective strategy to provide for the required turning movements.

It is noted that the vehicle swept paths conflict with the ground level detention tanks, impacting turning movements. In consideration of this, we understand that the tanks will be installed underground and supported with pumps so as not to conflict with turning movements.

7.5.2 Parking

The Transport Statement concludes that the on-site vehicle parking spaces provided are sufficient given that 19 parking spaces are required, and 19 spaces are provided (see Table 9 below).

Table 9: Carparking Summary.

Land Use	Parking Rate (Table 2 – Off-Street Car Parking Requirements in Designated Areas)	Parking Spaces Required	Parking Spaces Provided
Laundrette (Shop 52m²)	Min. 3 / Max. 5 spaces per 100m² GLFA	2	3
Studio Apartments (x12)	0.25 spaces per dwelling	4	3 (2x spaces are provided in a stacker arrangement)
1-Bedroom Apartments (x6)	0.75 spaces per dwelling	4.5	5 spaces provided in a stacker arrangement
2-Bedroom Apartments	1 space per dwelling	3	3 spaces provided in a stacker arrangement
Visitor Spaces	0.25 spaces per dwelling	5.25	5

The proposed development also allows for six (6) bicycle parks within the ground floor carparking area, located by the bin storage area.

7.6 Encroachments and Public Realm Works

The subject land is affected by the Future Road Widening Overlay, more particularly the area within 3m of the primary frontage, as depicted in the following image.

Figure 6: Future Road Widening Requirements.

There is no development proposed at ground level that is within this designated road widening area, however the upper levels cantilever over the 3m declaration area. Performance Outcome 1.1 of the Future Road Widening Overlay seeks that:

Future Road Widening Overlay	
PO 1.1	Development does not compromise or is located and designed to minimise its impact on future road widening requirements.

The modest upper-level encroachment is not anticipated to compromise the future road widening requirements of Churchill Road, as will be considered by the Commissioner of Highways.

7.7 Overlooking

A key interface effect typically associated with taller building forms is the potential for overlooking, and the privacy and amenity implications this can have on adjacent and nearby sensitive uses. The General Development Policies within the Code provide guidance seeking that development mitigates direct overlooking from upper-level windows to habitable rooms and private open spaces of adjoining residential uses and utilises design techniques such as screening to achieve this:

> **Design in Urban Areas PO 10.1**
>
> **Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.**
>
> **Design in Urban Areas, DPF 10.1**
>
> **(a) Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone: are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm**
> **(b) have sill heights greater than or equal to 1.5m above finished floor level**
> **(c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.**
>
> **Design in Urban Areas PO 16.1**
>
> **Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:**
>
> **(a) appropriate site layout and building orientation**
> **(b) off-setting the location of balconies and windows of habitable rooms or areas with those of other buildings so that views are oblique rather than direct to avoid direct line of sight**
> **(c) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms**
> **(d) screening devices that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.**

We note that the relevant provisions of the Code, focus on sensitive development within 'neighbourhood-type zones'. Adjoining development, whilst sensitive, is located within the Urban Corridor (Boulevard) Zone which is not considered a neighbourhood-type zone. As articulated in Urban Corridor (Boulevard) Zone DO 1, the overarching purpose of the Zone, is to facilitate development with a strong medium-density residential focus, *"primarily in multi-level medium rise buildings"*. This policy intent accepts the possibility for a degree of overlooking between developments, as is common in higher-density residential forms. The policy seeks to mitigate the degree of this effect to the extent that overlooking is not deemed unreasonable.

In order to maintain visual privacy between the development and adjoining uses, the design has sought to meet the relevant setback requirements. In the context of the Zone intent, we find that the development has met the expectation of the Code in respect of mitigating the impact of overlooking.

7.8 Overshadowing

The other key interface effect typically associated with taller building forms is that of overshadowing. Some overshadowing is common within built form and policy contexts where higher density development is contemplated to occur. The General Development Policies within the Code seek that the overshadowing effects are appropriately mitigated and restrained specifically in their effect on private open space areas and habitable rooms:

Interface between Land Uses PO 3.1

Overshadowing of habitable room windows of adjacent residential land uses in:

(a) a neighbourhood-type zone is minimised to maintain access to direct winter sunlight
(b) other zones is managed to enable access to direct winter sunlight.

Interface between Land Uses PO 3.2

Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:

(a) a neighbourhood type zone is minimised to maintain access to direct winter sunlight
(b) other zones is managed to enable access to direct winter sunlight.

Interface between Land Uses PO 3.3

Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:

(a) the form of development contemplated in the zone
(b) the orientation of the solar energy facilities
(c) the extent to which the solar energy facilities are already overshadowed

Similarly, most of the Code policies relating to Overshadowing pertain to circumstances where the adjoining development is located within a 'neighbourhood-type zone'. Therefore, adjoining development in this circumstance is not afforded the same degree of policy protection from the effects of overshadowing as would typically apply in a low-rise residential context.

For example, there is no quantitative policy guidance on the number of hours of direct winter sunlight which should be achieved for dwellings in the Urban Corridor (Boulevard) Zone. The policy (Interface between Land Uses PO 3.2 (b)) is more qualitative in nature for these zones, and seeks that overshadowing is "managed", taking a more flexible position reflective of the intention to facilitate more intensive residential development forms outside of low rise residential (neighbourhood-type) areas.

The subject site to the south incorporates a recently constructed four level apartment building with similar orientation and design characteristics to this proposal. Notably, there are no apartments located at ground level, the level of which would result in the greatest overshadowing impact. All apartments are above ground level.

The relevant overshadowing assessment test relevant to the Urban Corridor (Boulevard) Zone is consistent to that in terms of overlooking. The zone encourages the provision of four storey buildings to accommodate residential development, with relevant setbacks stipulated to address overshadowing impacts. The proposal complies with the southern boundary setback provisions, representing an anticipated building form within the zone. While there is a fifth building level, exceeding the Zone height expectations, the overshadowing impacts of this small structure in modest in the context of the entire development. As such, the degree of overshadowing which will occur is contemplated by the relevant policy.

7.9 Refuse Waste Management

The Code provides policy guidance on the storage, management, and collection of refuse waste for new development. The key policies relevant to this issue for the proposal are as follows:

Relevant Refuse Waste Management Policies General Development Policies - Design in Urban Areas	
PO 1.5	The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form), taking into account the form of development contemplated in the relevant zone.
PO 11.1	Development provides a dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.
PO 11.2	Communal waste storage and collection areas are located, enclosed and designed to be screened from view from the public domain, open space and dwellings.
PO 11.3	Communal waste storage and collection areas are designed to be well ventilated and located away from habitable rooms.
PO 11.4	Communal waste storage and collection areas are designed to allow waste and recycling collection vehicles to enter and leave the site without reversing.
PO 11.5	For mixed use developments, non-residential waste and recycling storage areas and access provide opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
PO 35.3	Provision is made for suitable household waste and recyclable material storage facilities which are: (a) located away, or screened, from public view, and (b) conveniently located in proximity to dwellings and the waste collection point.
PO 35.4	Waste and recyclable material storage areas are located away from dwellings.
DTS/DPF 35.4	Dedicated waste and recyclable material storage areas are located at least 3m from any habitable room window.
PO 35.5	Where waste bins cannot be conveniently collected from the street, provision is made for on-site waste collection, designed to accommodate the safe and convenient access, egress and movement of waste collection vehicles.

Waste storage will be located within ground floor parking area in a secure bin room. This will accommodate storage for separate general, recycling and organics bins. The waste storage capacity has been provided to accommodate the following waste volume estimates:

Waste Stream	Residential Demand	Required Per Week	Waste Bins Provided
General waste	35 litres per bed	840 Litres	1540 Litres
Recyclable	30 litres per bed	720 Litres	770 Litres
Green organics	20 litres per bed	480 Litres	770 Litres

The location of bin storage within a ventilated room internally located within the parking area meets the intentions of the Design in Urban Areas PO 1.5 and PO 11.2 in relation to impact minimisation for these facilities. Waste storage is conveniently located adjacent the central circulation area, accessible to both residents and the laundrette.

Waste collection is proposed to occur by a private waste collection contractor. Each waste stream is proposed to be collected once per week, resulting in the potential for three (3) individual truck movements on any given week. The associated movements will be undertaken between the hours of 7.00 am and 9.00 am in accordance with relevant requirements under the *Environment Protection (Noise) Policy 2007*. During collection, the waste contractor will access the bin storage room and transfer the relevant waste receptacle to the aisle within the parking area.

8 Conclusion

In summary, we have formed the view that the proposed development is in accordance with the intent of the policy set out in the associated Overlays, Zoning and General Policies of the Planning and Design Code for the following reasons:

The proposed residential flat building and ancillary shop is of a form and type envisaged for the Urban Corridor (Boulevard) Zone.

The building design responds appropriately to its context and minimises impacts of bulk and scale through its setbacks, variations of horizontal and vertical elements, external materials and colour schemes.

Notwithstanding the overall height of the building, the uppermost level is recessed adequately from the edges of the building, is predominantly open sided, and is limited in its extent. The proposed building is of a similar scale to other like development within the immediate locality and the design of the rooftop is such that it is contextually moderate for the site and will not negatively impact upon visual bulk and scale.

The proposed development interfaces appropriately with the adjacent road network and the public realm, providing satisfactory vehicle access/egress and opportunities for passive surveillance.

The proposed development provides suitable amenity for future occupiers of the site and maximises the northern aspect where possible.

The removal of the regulated tree located at the front of the site is reasonable given that the proposed development is of a scale and form envisaged for the zone and could not be achieved without the tree's removal.

The proposed development allows for adequate provision of car parking, vehicle access/egress and manoeuvrability and is able to accommodate a refuse truck to service the site.

Having regard to the nature of the subject site and locality, the proposed development and relevant policy identified in the Planning and Design Code, we are of the opinion that the proposal demonstrates substantial planning merit to warrant Council's favourable consideration.

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