24ADL-0738
8 NOVEMBER 2024

290 Unley Road, Hyde Park

Proposed five-level mixed use building

SAMARAS GROUP

URPS

290 Unley Road, Hyde Park

8 November 2024

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Document history and status

Revision	Date	Author	Reviewed	Details
V1	10/10/2024	C. Polyak	C. Jurek	Initiation of report
V2	30/10/2024	C. Polyak	M. King	Finalised report

Contents

We acknowledge the Kaurna People as the Traditional Custodians of the land on which we work and pay respect to their Elders past, present and emerging.

Executive Summary

Applicant and Owner:	Samaras Group
Property Location:	290 Unley Road, Hyde Park
Site Area:	687m²
Council:	City of Unley
Planning and Design Code version:	2024.18 (10 October 2024)
Zone:	Urban Corridor (Main Street)
Relevant Authority:	State Planning Commission
Assessment Pathway:	Performance Assessed with Public Notification
Current Land Uses:	Retail Commercial
Description of Development:	Proposed five-level mixed use building comprising of a residential flat building (10 dwellings), café, car parking and removal of one Regulated and Significant Tree

1. Introduction

URPS has been engaged by Samaras Group to provide planning advice, liaise with the relevant authority and prepare this supporting planning statement in relation to a proposed 5-level mixed-use building comprising residential flat building on levels 1-5 and ground floor commercial tenancy.

In addition to this planning statement, the following supporting documents are attached:

- Certificate of Title (**Attachment A**).
- Architectural drawings prepared by SMFA (**Attachment B**)
- Traffic and car parking, waste management reports prepared by Salt3 (**Attachment C**).
- Noise assessment report prepared by Vipac (**Attachment D**).
- Arboricultural impact assessment and development impact report prepared by Urban Environs (**Attachment E**).
- Preliminary site investigation, stormwater drainage plan and report prepared by Gama Consulting (**Attachment F**).

2. Subject Land and Locality

2.1 Subject Land

The subject land (the land) is located on the western side of Unley Road, Hyde Park at number 290. It is formally described as:

- Allotment 67 in Filed Plan 11716 being the whole of the land contained in Certificate of Title volume 6302 folio 523 (Attachment A).

The land has an existing right of way over Allotment 115 abutting the land to the west.

The land is rectangular shaped, with a frontage to Unley Road of 15.80 metres and frontage to Edmond Street of 42.67 metres. It is approximately 687m² in area.

The land is occupied by a single storey commercial building, containing 3 tenancies. The building features a distinct bullnose verandah and raised corner façade element.

Car parking for 12 vehicles is provided in an open lot area to the rear of the building. The land benefits from rear access via a laneway, providing opportunities for deliveries and off-street parking. Vehicular access is provided via the rear laneway and a 5.7-metre-wide crossover on Esmond Street.

Figure 1 provides a photograph of the existing built form from Unley Road.

Figure 1 - Existing built form

2.2 The Locality

The locality extends to include both the northern and eastern sides of Unley Road and Esmond Street, to Park Street in a northerly direction and Fisher Street in a southerly direction.

To the north, the single storey Stillwell Ford service trade premises.

To the east of the land is the single storey First Choice Liquor Market shop and The Wash (car wash).

To the south lies a single storey consulting room and further south, lies a two-storey commercial building complex which is a local heritage place. These uses sit within a Federation-style building of red brick construction with terracotta-tiled roofing and ornate timber detailing. A distinctive feature of this style is the wide verandah with decorative timber fretwork and turned timber posts.

To the west of the land, on the southern side of Esmond Street are single storey residential flat, detached and semi-detached dwellings.

Elsewhere in the locality, buildings are generally used for commercial activities (office, shops, consulting rooms and the like). These activities are undertaken in multi-tenanted buildings, small shopfronts or in original dwellings. There are also schools, childcare and community centres nearby, enhancing the attractiveness of the area for both commercial and residential purposes.

Public transportation is readily accessible, with multiple bus routes operating along Unley Road, providing efficient connectivity to the city and surrounding suburbs. The area also offers good vehicular access via Unley Road and Cross Road, both key arterial routes in Adelaide's southern suburbs. Ample on-street parking and nearby off-street parking facilities support the commercial activity in the precinct.

The site and its surrounds are depicted on the Locality Plan overleaf. Figures 2-10, provide photographs of the locality.

Figure 2 – Subject Land looking east from Esmond Street

Figure 3 – North of the subject land (Unley Road)

Figure 4 – First Choice Liquor on the East Side of Unley Road (east of the land)

Figure 5 – Ford Dealership warehouse north of the land

Figure 6 – Southern building footpath and verandah features

Figure 8 – Streetscape of Esmond Street facing East to Unley Road

Figure 9 – Subject land access point and carpark

Figure 10 – Rear laneway abutting the land to the west (Allotment 115)

3. Proposed Development

The proposal seeks to construct a five-storey mixed-use building containing:

- 10 dwellings within a residential flat building, including:
  - 1 x one-bedroom (level 1).
  - 3 x two-bedroom (levels 2-3).
  - 5 x three-bedroom (levels 3-4).
  - 1 x Penthouse (level 5).
- A café at ground floor (43m²).
- At grade car parking accessible from the rear private lane (15 spaces).
- Bike Storage area for 10 bicycles.
- One pedestrian lobby and lift.
- Communal collection waste area at ground level.
- Upgrades to the rear private lane way (Allotment 15) with permeable paving.

In addition, the removal of one Significant tree (Queensland Box) and one Regulated tree (Queensland Box) are required as part of the development.

Figure 11 provides a 3D perspective of the built form to Unley Road.

Figure 11 – 3D perspective (Unley Road)

4. Procedural Matters

4.1 Zone

The land is located in the Urban Corridor (Main Street) (the Zone) and is subject to the following Overlays and Technical and Numerical Variations (TNV's) of the Planning and Design Code (the Code).

Overlays:

- Airport Building Heights (Regulated) - All structures over 45 metres.
- Affordable Housing.
- Design.
- Noise and Air Emissions.
- Prescribed Wells Area.
- Regulated and Significant Tree.
- Traffic Generating Development.
- Urban Transport Routes.

TNV's:

- Minimum Building Height – 3 levels.
- Maximum Building Height – 18.5 metres and 5 levels.
- Minimum Primary Street Setback – 0 metres.
- Interface Height – within a building envelope provided by 30-degree plane measured at 3 metres above natural ground level.

Figure 12 – Zone Map

4.2 Assessment Pathway

The Planning, Development and Infrastructure Act 2016 (the Act) prescribes three categories of development:

- Accepted development.
- Code assessed development.
- Impact assessed development.

The Planning and Design Code (the Code) classifies development into the above categories. These categories are found within the relevant Zone of a site. The subject land is within the Urban Corridor (Main Street) Zone. It is not covered by a Subzone.

The proposed development is not prescribed as "accepted", "deemed to satisfy" or "restricted" development in the Zone and, as such, it is "performance assessed" pursuant to Section 107(1) the Act. It will be assessed on its merits against the relevant provisions of the Code.

4.3 Relevant Authority

The relevant authority is the Commission pursuant to Part 4, Schedule 6 of *the Planning, Development and Infrastructure (General) Regulations 2017*, being:

Schedule 6—Relevant authority—Commission
4-Inner Metropolitan Area – building exceeding 4 storeys

(1) Development that involves the erection or construction of a building that exceeds 4 storeys in height in any zone, subzone or overlay in Metropolitan Adelaide identified under the Planning and Design Code for the purposes of this clause.

Where Part 5, Table 1 of the Planning and Design Code (Specified matters and areas identified under the *Planning, Development and Infrastructure (General) Regulations 2017*) provides:

Areas identified for the purposes of clause 4(1) of Schedule 6 of the Regulations - Buildings exceeding 4 storeys	***Those parts of the Design Overlay within the following areas:*** ***City of Burnside*** ***The Corporation of the City of Norwood Payneham and St Peters*** ***City of Prospect*** ***The Corporation of the City of Unley*** ***City of West Torrens*** ***City of Holdfast Bay***

The Commission is the authority because the proposal is in the Corporation of the City of Unley, the Design Overlay applies to the site and the proposed building height exceeds 4 storeys.

4.6 Public Notification

Table 5 of the Zone identifies classes of development that are excluded from notification.

The land is adjacent to a neighbourhood zone and exceeds Zone DPF 4.1.

This development requires public notification as the exceptions outlined by within Table 5, points 2 and 3 are not fulfilled.

4.4 Referrals

The table below identifies referrals that apply and are required to be undertaken in relation to this application:

Table 1 Referrals during the Assessment

Planning and Design Code reference	Referral Body	Referral Trigger
Part 9, Environment Protection Authority	Environment Protection Authority	Site Contamination - Change in the use of land to a more sensitive use
Design Overlay	Government Architect or Associate Government Architect	Development within all other areas of the overlay that involves the erection or construction of a building that exceeds 4 building levels.

In addition to the statutory referrals required for the purposes of Section 122 of the Act, a referral to the City of Unley is also required pursuant to Regulation 23(1)(b) of the Regulations.

This referral is for the purposes of obtaining comments on technical matters as prescribed in Regulation 23(3). These matters include and are limited to:

23—State Planning Commission (section 94)

The following matters are specified for the purposes of a report under sub regulation (2)(b):

(a) the impact of the proposed development on the following at the local level:

i. essential infrastructure;
ii. traffic;
iii. waste management;
iv. stormwater;
v. public open space;
vi. other public assets and infrastructure;

(a) the impact of the proposed development on any local heritage place;

(b) any other matter determined by the Commission and specified by the Commission for the purposes of sub regulation (2)(b).

It is acknowledged that no other matter(s) have been determined by the Commission for the purposes of sub regulation (2)(b) above.

The following statutory referrals are not required to be undertaken:

- Commissioner of Highways (Traffic Generating Development Overlay and Urban Transport Routes Overlay), as the proposal does not:
  - Alter existing access or provide new access via or within 25 metres of a State Maintained Road. Access to the land will remain via Esmond Street to the private lane.
  - Propose a building, or buildings, containing in excess of 50 dwellings, Commercial development with a gross floor area of 10,000m^2 or more and retail development with a gross floor area of 2,000m^2 or more.
- Minister responsible for administering the South Australian Housing Trust Act 1995 (Affordable Housing Overlay), as the proposal does not:
  - Involve the provision of more than 20 dwellings.

  - Seek or intend to provide affordable housing for the purposes of this overlay.
- The Adelaide Airport operator (Airport Building Heights (Regulated) Overlay), as the proposal does not:
  - Exceed a height of 45 metres.
  - Result in any exhaust stack that may generate plumes above 45 metres.

5. Development Assessment

The key planning considerations include:

- Land Use.
- Building Height
- Siting, Design and Character.
- Interface Impacts.
- Residential Amenity.
- Access and Parking.
- Waste Management.
- Removal of Regulated and Significant Tree.
- Landscaping.
- Stormwater Management.
- Site Contamination.

The proposal's performance against the above matters with reference to the relevant Code provisions is discussed below.

5.1 Land Use

The following Zone provisions are relevant under this sub-heading:

DO 1 ***A safe, walkable and vibrant shopping, entertainment and commercial main street precinct with an active day and evening economy supported by medium density residential development.***

PO 1.1 ***A vibrant mix of land uses adding to the vitality of the area and extending activities outside shop hours including restaurants, educational, community and cultural facilities and visitor and residential accommodation.***

DPF 1.1 ***Development comprises one or more of the following:***

...

(i) Residential Flat Building

(k) Shop

PO 1.3 ***Ground floor uses contribute to a safe, active and vibrant main street.***

DPF 1.3 ***Shop, office, or consulting room uses located on the ground floor level of buildings fronting the primary street frontage***

DPF 1.4 ***Dwellings developed in conjunction with non-residential uses, and sited:***

at upper levels of buildings with non-residential uses located at ground level

PO 1.4 ***Dwellings developed in conjunction with non-residential uses to support business, entertainment and recreational activities that contribute to making the main street locality and pedestrian thoroughfares safe, walkable, comfortable, pleasant and vibrant places.***

Shops, and dwellings within a residential flat building, are appropriate uses in this Zone and for this site because:

- Desired Outcome 1 seeks for a combination of commercial 'main street' style uses supported by residential development.
- The proposed uses are expressly contemplated by DPF 1.1.
- The residential element is desirably located above the ground level shop use, consistent with DPF 1.4.
- One, two and three-bedroom dwellings are accommodated within this mixed-use development providing housing diversity as sought by PO 1.5.
- The ground floor café can be adaptive due to its versatile layout, which is designed with open floor plans, accessible entry points, and infrastructure that can be modified to meet the requirements of different commercial operations as sought by PO 1.3.

Collectively, the building and its uses, including their locations, will contribute to the vibrant mix of land uses sought to be accommodated within the Zone and activates the street while providing new housing in this well serviced location.

5.2 Building Height

The following provisions of the Code are relevant under this sub-heading:

Urban Corridor (Main Street) 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 and otherwise positively responds to the local context including the site's frontage, depth, and adjacent primary corridor or street width.***

DPF 3.1 ***Except where a Concept Plan specifies otherwise, development does not exceed the following building height(s):***

Maximum Building Height (Levels) is 5 levels

Maximum Building height (Metres) is 18.5 metres

PO 3.2 ***Buildings designed to achieve optimal height and floor space yields, and maintain traditional main street form.***

DPF 3.2 ***New development is not less that the following building height:***

Minimum Building Height (Levels) is 3 levels

Airport Building Heights (Regulated) (All structures over 45 metres)

The Zone suggests minimum and maximum heights of 3 levels and 5 levels (or 18.5 metres) respectively. The proposed building height is 18.5m. This is within the maximum height listed in DPF 3.1. The proposed building height is therefore consistent with what is envisaged for the land in this part of the Urban Corridor (Main Street) Zone.

5.3 Siting, Design & Character

The following provisions of the Code are relevant under this sub-heading:

DO 2 ***Built form positively contributing to:***

(a) a streetscape that is visually interesting at human-scale comprising articulated buildings with a high level of fenestration and balconies oriented towards the street.

(b) a fine-grain public realm comprising buildings with active frontages that are designed to reinforce the street rhythm, that consider the facades, articulation and massing of existing buildings and any spaces between them, and provide narrow tenancy footprints at ground level.

PO 2.1 Buildings sensitively frame the main street and public spaces, provide overall visual relief from building height and mass, and maintain a human scale for pedestrians.

PO 2.2 Buildings and structures designed to complement and respond to the established fine-grained main street character by:

(a) ensuring the verandah profile and materials of construction are consistent with and positively respond to adjacent traditional main street buildings

(b) complementing the traditional shop-front elements, such as narrow buildings and tenancy footprints, with frequently repeated frontages, and clear-glazed narrow shop front displays above raised display levels [base stall boards] and recessed entries.

PO 2.3 Buildings designed to create visual connection between the public realm and ground level interior, to ensure an active interface with the main street and maximise passive surveillance.

PO 2.4 Buildings provide a high amenity pedestrian environment by providing shelter and shade over footpaths.

PO 2.6 Buildings sited on the primary street boundary to achieve a continuity of built form frontage to the main street, with the occasional section of building set back to create outdoor dining areas, visually interesting building entrances and intimate but vibrant spaces.

PO 2.7 Buildings with no setback from the secondary street boundary to contribute to a consistent established streetscape.

The proposal satisfies the guidelines summarised above because:

- Built Form and Articulation
  - The building's façade is characterised by the strong horizontal lines that emphasize its multi-story design (DO2).
  - The design of the building is heavily articulated featuring projected balconies, high level glazing and verandah/canopy feature (DO 2).
  - The footprint of the building decreases as the building height increases, reducing mass. The building mass is further reduced by its materiality, varied setbacks, and its low roof form (PO 2.1)
  - Materials and finishes comprise of durable finishes that provide visual interest, softens mass and are reflective of high-quality design to the public realm (PO 2.2).
  - The buildings podium maintains a human scale with its detailed façade and verandah/canopy feature creating street level interest and shelter for pedestrians (PO 2.4).
- Active Streetscape
  - The clear-glazed shop front and lobby facilities provides an active interface with Unley Road and accommodates passive surveillance of the public realm (PO 2.3).
- Siting
  - The siting of the building maintains continuity of the built form along Unley Road (PO 2.6).

- The setback from the secondary street, Esmond Street, is consistent with established streetscape patterns (PO 2.7).

For the reasons provided above, the proposal positively responds to the existing and future context of the zone accommodating a visually interesting and articulated building form of high design quality.

5.4 Interface Impacts

The following provisions of the Code are relevant under this sub-heading:

PO 2.9 ***Buildings set back from rear boundaries (other than street boundaries) to minimise negative impacts on neighbouring properties, including access to natural sunlight and ventilation.***

PO 4.1 ***Buildings mitigate impacts of building massing on residential development within a neighbourhood-type zone.***

DPF 4.1 ***Buildings constructed within a building envelope provided by a 30 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone.***

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.***

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.

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.

Code seeks to ensure development is sited and designed to mitigate adverse effects on neighbouring and proximate land uses. The proposal satisfies the relevant code provisions in this respect, as:

- This rear setback increases with the building height, ranging from 0 metres (rear boundary) to 13 metres (level 5). This excludes the additional 6 metres provided by the private lane, which adds further separation (PO 2.9).
- Building mass is minimised by its separation from the adjoining residential properties and through the use of materiality, articulation and a low roof form. The elevations display varied wall lines and setbacks. The clearly defined grid and balconies soften the building appearance (PO4.1).
- The height of the building is predominately contained within the 30-degree plane when measured 3 metres above ground level at the boundary of the adjacent land used for residential purposes. The exceedance primarily relates to open terracing to balconies and in our view is a minor incursion which will not impede excessively on the visual conditions of adjoining land (PO4.1).

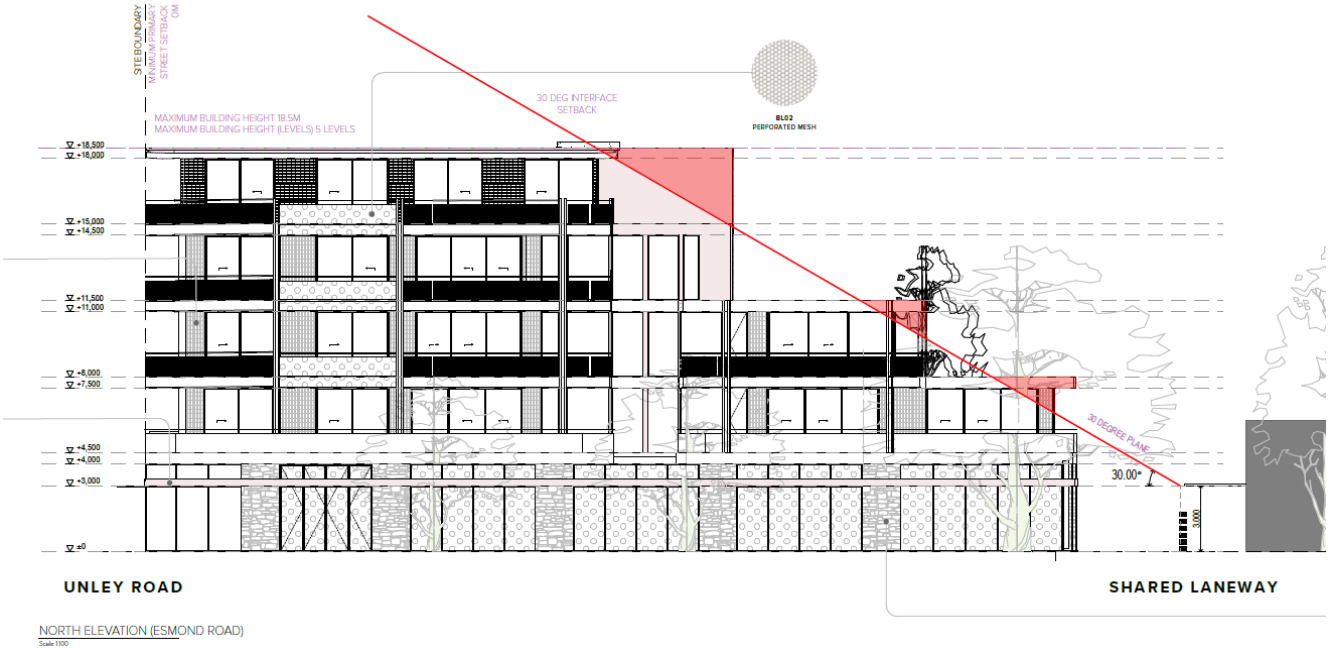

Figure 13: 30-Degree Plane Building Height Comparison (measured from Private Lane), Source: SMFA

- The windows and balconies associated with the second level 1-bedroom apartment will feature 1.7m screening from the FFL. The third level 3-bedroom apartment will not feature any screening given the sightline diagram (SMFA DRG NO 3.20) shows views looking west, will not overlook into residential yards or habitable rooms. The 4th and 5th level apartments will not have windows or balcony features facing west to residential properties. Therefore, no direct overlooking for the purposes of Design in Urban Areas PO 16.1 results from this proposal.
- The shadow cast by the development is generally limited to adjoining roads and commercial buildings rather than main areas of private open space or habitable room windows. The limited shadow cast onto adjoining residential development is for a duration not exceeding 3 hours during the winter solstice. No shadow impact during the summer solstice occurs (SMFA Sun Study DRG No: 5.00) (PO 3.1 & 3.2).

The analysis demonstrates that no direct or unreasonable views into adjoining residential properties results from the proposal.

5.5 Residential Amenity

The General Development Policies (Design in Urban Areas) of the Code includes policies with respect to good design for residential amenity.

A high residential amenity is achieved for the proposed dwellings, noting:

- The proposal seeks for a low yield, limited to 10 dwellings.
- The design maximises the number of dwellings facing public space and northern views.
- All habitable rooms have direct access to daylight.

Private Open Space is provided in the form of balconies to all dwellings. These areas are summarised as follows:

Table 2: Private Open Space Provision

Type	Number of Bedrooms	Area defined as POS (m^2)
A	1	33
B	2	16-20
C	3	40
D	3	16
E	3	36
Penthouse - E	3	63

All dwelling types significantly exceed the minimum Code requirements for Private Open Space.

Dwellings are provided with storage areas exceeding the Code's minimum. The storage areas comprise:

Table 3: Apartment Storage Capacity

Location/Bedrooms	Apartment Typology	Storage (m^3)
1 Bedroom Dwelling	Type A	19.6m^3
2 Bedroom Dwelling	Type B	20.8m^3
3+ Bedroom Dwelling	Type C Type D Type E Penthouse – Type F	28.5-31.4m^3 37.8m^3 22.6m^3 40m^3

All dwellings provide for storage exceeding 12m^3 per dwelling, with at least 50% contained within that dwelling. DPF 28.4 is met.

The building comprises of varied setbacks from ground level and above and incorporates verandahs and balconies which assist in deflecting wind.

The building has been designed to ensure energy consumption and greenhouse gas emissions are substantially reduced from a day-to-day operations approach. This is coupled by the provision of roof mounted solar panels, landscaping, retractable blinds, external sun shading and cross ventilation to ensure the proposal incorporates suitable environmentally sustainable design techniques. On this basis, a 7.0-Star NatHERS rating is anticipated.

5.6 Noise and Air Emissions

The following provisions are relevant to the noise impacts and criteria:

DPF 4.1 ***Noise that affects sensitive receivers achieves the relevant Environment Protection (Commercial and Industrial Noise) Policy criteria.***

PO 4.1 ***Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).***

PO 4.2 ***Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or awfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including:***

- ***(a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers***
- ***(b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers***
- ***(c) housing plant and equipment within an enclosed structure or acoustic enclosure***
- ***(d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.***

PO 4.4 ***External noise into bedrooms is minimised by separating or shielding these rooms from service equipment areas and fixed noise sources located on the same or an adjoining allotment.***

PO 4.5 ***Outdoor areas associated with licensed premises (such as beer gardens or dining areas) are designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers (or lawfully approved sensitive receivers).***

A Noise Assessment was undertaken by Vipac which finds the development acceptable in regard to these provisions if:

- All external air-conditioning condenser units are located on balconies, the condensers should be located on the Unley Road and Esmond Street sides of the building, and not on the side closest to the residents at 1 Esmond Street.
- Any commercial waste collection from the car park area should be restricted to 7am – 10pm, to avoid potential exceedance of the maximum noise criteria.

The development site is located within the Noise and Air Emissions Overlay and Unley Road is a scheduled Type B Road, therefore the site is subject to the requirements of Ministerial Building Standard 010 (MBS 010) [5], with regard to traffic noise intrusion. MBS 010 provides minimum construction specifications and methods to control noise ingress to residential buildings for occupant amenity.

Assessment of the development with regard to the requirements of MBS 010 in the Traffic Noise Intrusion Report by Vipac with recommendations of construction to be implemented.

5.7 Access, Car & Bicycle Parking, Rear Laneway

The relevant provisions in the Traffic, Access and Parking section of the General Development Policies state:

PO 5.1 ***Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:***

(a) availability of on-street car parking

(b) shared use of other parking areas

(c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared

(d) the adaptive reuse of a State or Local Heritage Place.

DPF 5.1 ***Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:***

(a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area

(b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply

(c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.

A total of 15 car parking spaces are provided by the proposed development. Access to this car park is obtained from the private lane at the rear of the site via a 6-metre-wide crossover. This access will service vehicles associated with the residential and café components of the development.

Of the 15 car parking spaces provided, 2 spaces are within an enclosed garage, with the remaining 13 spaces comprising open-range undercover parking. The theoretical car parking requirements for the site is 15 meaning there will be no shortfall. In addition, the existing crossover on Esmond Street will be closed, reinstating 2 additional on-street parks.

As per DPF 5.1, the car parking spaces provided on site are sufficient. Furthermore, the development will further align with the PO because:

- It is expected that during day hours, the visitor parks will be used by café staff which will reduce any overflow onto the adjoining streets. Visitor car parking demand typically occurs outside daytime hours meaning they can be used by the café use. of the commercial element of the development which allows for these marked free spaces during these hours.
- The on-street parking is capable of accommodating customers visiting the café, which is typical for businesses within the Unley Road precinct.
- The closure of the existing crossover on Esmond Street will create up to an additional new on-street car parking space.

In addition to the car parking numbers, the provisions of the Traffic, Access and Parking section of the General Development Policies are achieved because:

- The proposed car parking and access layout is designed to meet relevant Australian Standards.
- The development is expected to generate 9 trips in the AM peak and 7 trips in the PM peak. This low traffic volume will have minimal impact on the safety or efficiency of the laneway or surrounding road network.

- Bicycle parking within the building will provide multiple racks capable of storing 10 spaces. The Code requires five bicycle parking spaces, including three secured spaces for residents and three to four unsecured spaces for visitors and café use. The development achieves this.
- The rear private laneway will be upgraded to allow for safe and convenient access at the cost of the developer. The current state of the laneway makes it difficult for local and visiting traffic to utilise with this upgrade providing benefits for the adjoining businesses on Unley Road and the residential dwellings to the west.

The above comments are reflective of the Car Parking and Traffic Assessment undertaken by Salt 3 traffic consultants. This assessment is contained within Attachment C.

5.8 Waste Management

The development incorporates 10 dwellings and a café. Waste is proposed to be stored on-site and collected via Esmond Street. Waste collections are to occur by a Council waste services (East Waste) for residential dwelling and a private waste contractor for commercial areas.

A communal waste management system for the building has been designed in consultation with Salt 3 using waste rates determined by the "Better Practice Guide – Waste Management for Residential and Mixed-Use Development" by Zerowaste SA.

The anticipated waste generation rates, storage and collections have been summarised below:

Table 5: Waste storage and bin schedule

Source	Storage Location	Routine Service	Estimated Volumes (Litres/week)	Collection Frequency (Events/week)	Provider	Bin Number and Size
Residential	Ground Level Waste Room	General Waste	845	1	Council	1 x 1,100L
		Recycling	750	1		1 x 1,100L
		Organics	250	0.5		1 x 660L
Commercial	In Tenancy	General Waste	903	1	Private	1 x 1,100L
		Recycling	602	1		1 x 660
		Organics	1,204	2		5 x 240

Source: Salt

In relation to waste storage, we note the following:

- All waste bins would be stored within the onsite bin storage areas provided on the ground level.
- Waste collections would occur between 7am to 7pm on Mondays to Fridays and between 9am to 7pm on Sundays and public holidays, in accordance with EPA SA *Local Nuisance and Litter Control Act* (2016). This is to ensure minimal noise impacts to the neighbouring properties.

- Waste collections would occur via a standard medium rigid (MRV) waste collection vehicle.
- Hard waste collections would be performed by a utility vehicle or AustRoads B99 design or the Council service vehicle equivalent.
- Waste vehicles would prop legally on Esmond Street. Vehicle operators would ferry bins from the ground level bin storage area to the collection vehicle and return upon emptying. Before continuing in forward motion along Esmond Street.
- Building management would ensure that waste vehicle operators are able to access the bin room.

With the implementation of the above, the relevant Planning and Design Code Policies are satisfied. These provisions seek for:

- Waste storage areas to be conveniently located and screened from public view.
- Storage facilities to be located away from dwellings and well ventilated.
- Collection areas to be designed to allow for collection vehicles to enter and leave the site without reversing.

5.9 Tree Removal

The development has been sited to retain the Council Street trees with all trees on the subject land proposed for removal.

There is one Regulated and one Significant Tree on the subject site which have been assessed by the Arborist.

An Arboricultural Impact Assessment and Development Impact Report (the Arborist's report) (Attachment E) has been prepared. The relevant trees are referred to as Tree 1 (*Lophostemon confertus* – Queensland Box) and Tree 3 (*Lophostemon confertus* – Queensland Box) in the Arborist's report.

There is a two-part test for development assessment to determine whether a Regulated or Significant Tree can be removed:

1. If the Significant Tree satisfies test 1, is it a Significant Tree worthy of retention (assessed against PO 1.2 in the Regulated and Significant Tree Overlay in the Code)?
2. If the Significant Tree satisfies test 2, are there reasons why the Significant Tree should be removed (assessed against PO 1.4 in the Regulated and Significant Tree Overlay in the Code)?

The respective tests are considered below.

5.9.1 Trees worthiness of retention:

Performance Outcome 1.1 and 1.2 of the Regulated and Significant Tree Overlay in the Code provides the details of test 1 outlined above:

PO 1.1 Regulated trees are retained where they:

(a) make an important visual contribution to local character and amenity

(b) are indigenous to the local area and listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species

and / or

(c) provide an important habitat for native fauna.

PO 1.2 Significant trees are retained where they:

(a) make an important contribution to the character or amenity of the local area

(b) are indigenous to the local area and are listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species

(c) represent an important habitat for native fauna

(d) are part of a wildlife corridor of a remnant area of native vegetation are important to the maintenance of biodiversity in the local environment

and / or

(e) form a notable visual element to the landscape of the local area.

The performance of the Regulated and Significant Trees to be removed against the various elements of PO 1.1 and 1.2 is as follows:

- Trees 1 and 3 do not make an important contribution to the character and amenity of the local area or form notable visual elements to the landscape of the local area because:
  - Views of them from surrounding properties are restricted by their location towards the centre of a parking area at the rear of the building and the orientation of adjoining dwellings typically facing away from these trees.
  - Their location and habitat are such that they do not provide important amenity in terms of shade i.e. they only partially shade some car parking spaces within the site at different times of day.
  - The existing street trees situated on Esmond Street are far more impressive in terms of their height and canopy which restricts views of the subject trees from Unley Road and Esmond Street.
- Tree 1 and 3 (Queensland Box) are not indigenous to the local area and are not listed as rare or endangered in the National Parks and Wildlife Act 1972.
- Tree 1 and Tree 3 (Queensland Box) are likely to provide some habitat for native fauna, but not to an important level because of their location within a car park behind the existing building. There is also minimal/no growth beneath these trees.
- Tree 1 and Tree 3 (Queensland Box) are not part of a wildlife corridor or a remnant area of native vegetation. These trees are likely to have been planted at the time of construction of the existing building.
- Tree 1 and Tree 3 (Queensland Box) are not important to the maintenance of biodiversity of the local environment on the basis that they are planted trees in a heavily modified/urban landscape (a carpark) with minimal/no undergrowth.

Therefore, Tree 1 and Tree 3 satisfy PO 1.1 and 1.2 (Test 1) for the removal of Regulated and Significant Trees. There is no need to assess the significant tree (Tree 3) against the Test 2.

In addition to the above we also hold the view that the trees warrant removal because:

- The development of the land is reasonable in accordance with the envisioned built form and land use Zone provisions.
- The retention of these trees would not be reasonable given they constrain development due to their central position which would unreasonably alter the design and yield outcome.

5.9.2 Tree Pruning – Council trees:

Council trees identified in the verge have been referred to as A, B and C. All three of these trees have been identified as the Queensland Box species and have the legislated status of Regulated.

These mature trees in good condition relative to their locations and provide visual amenity to Esmond Street. These trees are proposed to be retained as part of the development.

As per the Urbans Arboriculture report, it is recommended:

- Protection during both demolition and construction is crucial, particularly for the roots of Trees A, B, and C, as Queensland Box trees are unlikely to recover from root damage. Following the guidelines in AS4970-2009 (Protection of trees on development sites) will ensure effective tree protection (see Appendix B for details).
- Pruning of the tree crowns is likely necessary to accommodate the building installation. Queensland Box trees respond well to pruning, and all pruning should adhere to Australian Standard 4373-2007 (Pruning of amenity trees). Estimated pruning requirements are provided in Appendix C of the Urban Arboriculture report.

5.10 Landscaping

The following provisions are relevant to soft landscaping:

PO 3.1 ***Soft landscaping and tree planting are incorporated to:***

- ***(a) minimise heat absorption and reflection***
- ***(b) maximise shade and shelter***
- ***(c) maximise stormwater infiltration***
- ***(d) enhance the appearance of land and streetscapes.***

PO 7.5 ***Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.***

PO 13.1 ***Development facing a street provides a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings.***

PO 13.2 ***Deep soil zones are provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi-storey buildings.***

DPF 13.2 Multi-storey development provides deep soil zones and incorporates trees at not less than the following rates, except in a location or zone where full site coverage is desired.

Site Area - 300-1500m2

Minimum deep soil Area - 7% site area

Minimum dimension - 3m

Tree - 1 medium tree / 30 m2

The proposed development does not meet the quantitative measures in the DPF 13.2 for soft landscaping. However, in relation to the PO's and the context of the site we consider the amount of soft landscaping acceptable because:

- The site's compact, urban location limits available space for substantial soft landscaping. Unley Road is characterized by dense, mixed-use developments, making soft landscaping less feasible and not critical to maintaining the area's character.
- The development incorporates alternative greening methods such as green walls to improve the visual outlook of the building.
- The architectural style and hardscaping reflect the established urban character of the locality. The design aligns with the streetscape and is visually consistent with neighbouring properties.
- The development has been designed to maintain the existing mature street trees which will continue to present adequate shade and soften the appearance of the building. See **Figure 14** below for street tree perspective.

Figure 14: Street trees on Esmond Street

5.11 Stormwater Management

The proposal will collect and manage stormwater as follows:

- Roof and surface water will be collected and directed to an underground tank.
- The sump collecting surface water will be fitted with a proprietary pollutant filter.
- The building will be constructed with a finished floor level accommodating a 150mm freeboard.

The adopted approach results in a reduction of existing hardstand areas and satisfies the codes intent for stormwater systems to:

- Mitigate peak flows and manage the rate and duration of stormwater discharges from the site.

- Minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system.

The assessment of the development with regard to requirements of stormwater management will be provided after the submission of this report by Gama Consulting.

5.12 Site Contamination

In reference to Practice Direction 14, the proposal will result in a more sensitive land use.

Gama Consulting undertook a preliminary site investigation for the land. This investigation identified that site contamination may exist on adjacent land. A referral to the EPA will subsequently be required in accordance with Part 9 of the Code.

While a referral to the EPA is required, the preliminary site investigation contends that no potentially contaminating activities (PCAs) have been identified as having occurred on the site. The potential for any site contamination is therefore limited to potential groundwater contamination, originating from adjacent Class 2 activities.

The report concludes that PCAs have not been found to have occurred at the site, although, historical businesses operating with 60m of the site, have been shown to have conducted PCAs, have been assessed and viewed as unlikely to impact the site (Refer to CSM). Therefore, Gama is of the opinion that site contamination is ***unlikely*** to exist.

6. Conclusion

The proposed development comprises a high quality and architecturally designed mixed use building which importantly satisfies the relevant provisions of the Planning and Design Code because:

- A shop and residential flat building within a mixed-use development are expressly contemplated uses by the Zone. The non-residential use will occupy the ground floor as encouraged by the Zone.
- The building provides for a high quality and contextually responsive design that incorporates articulation to all elevations that increases with the building scale.
- The building height is acceptable to the Code DPF 3.1, 3.2. The height is further minimised by materiality, articulation, and a low roof form. This is aided by the varied horizontal wall lines and setbacks to the external elevations.
- The proposed building height is complemented by the Zone and will not unreasonably detract from adjoining residential uses by way of overlooking or shadow impacts.
- All dwellings provide a high degree of residential amenity, exceeding the minimum requirements for floor space, private open space, and storage capacity. Additionally, all apartments are designed to maximize access to northern light, offer views of public spaces, and ensure effective natural ventilation.
- Noise emissions to the adjoining sensitive receivers are well within acceptable levels and traffic noise intrusion will be mitigated appropriately as confirmed by the Vipac Noise and Traffic Intrusion Assessment Reports.
- On-site car parking can satisfy the demand generated and it has been designed in accordance with Australian Standards (with support provided by Salt 3).
- Waste management practices has been proven to be appropriately managed, stored and removed from the site as per the waste management report.
- The removal of Tree 1 and Tree 3 satisfy PO 1.1 and 1.2 (Test 1) for the removal of Regulated and Significant Trees. Test 2 would also be passed on the grounds of restricting reasonable development.
- Site contamination is unlikely to exist as per Gama Consulting Report.

Therefore, we believe Planning Consent is warranted.

Attachment A

Certificate of Title.

Attachment B

Architectural drawings prepared by SMFA.

Attachment C

Traffic and car parking, waste management reports prepared by Salt3.

Attachment D

Noise assessment report prepared by Vipac.

Attachment E

Arboricultural impact assessment and development impact report prepared by Urban Environs.

Appendix F

Preliminary site investigation, stormwater drainage plan and report prepared by Gama Consulting.

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