

18 December 2024

The Secretary
State Commission Assessment Panel
GPO Box 1815
Adelaide SA 5001

via PlanSA portal

Attention: Adnan Khan

Dear Adnan

**SCAP REFERRAL – Regulation 23(2)(b)
COUNCIL COMMENTS – DA 24037925 – 290 Unley Road, HYDE PARK SA
5061**

I write in response to the above matter, which relates to a:


Five-level mixed-use building comprising residential flat building (10 dwellings), café, car parking and removal of one Regulated Tree and one Significant Tree.

The referral provided Council with architectural plans, technical experts reports and a supporting planning statement. The attached report outlines the Council's comments on the application, in accordance with designated matters covered in the Planning, Development and Infrastructure (General) Regulations 2017.

While Council's role is limited to comments on designated matters, observations in relation to planning assessment matters with implications from a local perspective, are also highlighted on key issues that are considered to require further analysis and assessment by PLUS officers and SCAP.

If there are any queries or need for further clarification, please contact Amelia De Ruvo, Senior Planning Officer, by email at aderuvo@unley.sa.gov.au or 8273 8710.

Yours sincerely



Tim Bourner
Assessment Manager
City of Unley

SCAP Referral – Regulation 23(2)(b)

Council Comments: DA 24037925 – 290 Unley Road, HYDE PARK SA 5061

for

Five-level mixed-use building comprising residential flat building (10 dwellings), café, car parking and removal of one Regulated Tree and one Significant Tree.

Council's Comments on Designated Matters

The following summary lists the items that Council considers are critical to addressing the designated Council matters under Regulation 23(3) prior to a decision being made on this proposal.

Council has not been able to undertake an assessment regarding some of the specified matters of PDI (General) Regulations 2017 Regulations 23(3) as no technical documents in support of these items have been provided.

The following comments raise fundamental concerns with the development, outlines amendments sought, and additional information requested.

Right of Way

The proposed development seeks to obtain vehicular access via a Right of Way from Esmond Street. The subject land does not have right to access to the right of way.

In addition to this, Section 3 of the URPS Planning Report outlines the applicant's intention to upgrade the right of way, however the parcel of land has not been included as part of the development site.

The applicant should be requested to:

- clarify the ability to legally use the land in question;
- include the land as part of the application (if the above is satisfactorily resolved); or
- alternatively, amend the proposal to gain access directly from Esmond Street.

If the proposal is required to modify an existing crossover, or create a new crossover, Council must be provided the opportunity to consider the impact of any new or modified access point via a second referral.

Waste

The following comments relate to the on-site and off-site management of waste collection proposed by the development:

- The Waste Management Plan, prepared by SALT, dated Nov 7, 2024, indicated that Council Service (East Waste) will be collecting both the residential and commercial waste.

Council will not support kerbside collection for the proposed development. It should be noted that Council's waste service does not make collections for 1,100L bins. The development will require to be designed to support private

waste collection, with all waste collection to occur wholly within the site and waste collection vehicles to enter and exit the site in a forward direction.

- The Planning and Design Code – PO 1.4 states that the development should be sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.
- The Planning and Design Code – PO 1.3 states industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimize potential conflict.

Any loading and/or waste collection activities are to be scheduled outside of typical peak periods, noting that there is no dedicated loading/waste collection area provided that is separate from the shared car parking area.

Stormwater Management

- Section 5.11 of the Planning Report and Appendix F of the Planning Report prepared by URPS does not provide Council with the stormwater drainage plan or report prepared by Gama Consulting.

Council is not able to undertake an assessment regarding stormwater management, which is specified matter under Regulation 23 (3) of the PDI (General) Regulations 2017. This document must be provided to Council to enable consideration of the impact that the development may have on Council stormwater infrastructure.

Traffic

The following comments relate to the on-site and off-site management of traffic, vehicular manoeuvrability and provision of car parking:

Vehicle Movement and Parking

- The Traffic Report prepared by SALT does not reference the collection of waste or its loading.
- Vehicle access to the at-grade car park is proposed to be obtained via a right of way onto Esmond Road, that is not subject to access rights by the land.

Parking Provisions

- Based on the rates outlined in Table 2 – Off-Street Car Parking Requirements in Designated Areas of the Planning and Design Code – Traffic, Access and Parking, the proposed 10 apartments and 43sqm cafe space would generate a minimum requirement of 15 and maximum requirement of 16 off-street parking spaces, comprising:
 - 15 covered spaces:

- 11 car parks (Residential – rounded down)
- 3 car parks (Visitor - rounded up)
- 1 minimum or 2 maximum (Commercial)

The plans provided indicate that the overall minimum 15 car parking spaces will be provided. It is recommended that these car parks are allocated and sign marked for users.

On Street Parking

- Residents/visitors/staff of the development will not be eligible for parking permits and will need to abide by all on-street parking restrictions.

The following Advisory Note is to be included as part of the decision.

1. Residential Parking Permits will not be issued to residents of Community or Strata titled dwellings or other multi dwelling buildings for development approved on or after 1 November 2013.

- The applicant should not rely on any change any existing on-street parking restrictions along Unley Road or any nearby local streets (i.e. Young St, Clyde St, etc) to cater for either short term visitor parking, long term resident/staff parking or waste/loading activities.

The site must appropriately cater for all parking, loading and waste collection activities wholly within the site.

Loading and Delivery

- The Planning and Design Code – PO 1.3 of Transport, Access and Parking states industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimize potential conflict.

Any loading and/or waste collection activities are to be scheduled outside of typical peak periods, noting that there is no dedicated loading/waste collection area provided that is separate from the shared car parking area.

- The Planning and Design Code – PO 1.4 of Transport, Access and Parking states that the development should be sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.

All loading and unloading of goods should be undertaken within the boundaries of the subject site and are to be scheduled outside of typical peak periods, noting that there is no dedicated loading/waste collection area provided that is separate from the shared car parking area.

Arboriculture

- To allow for the construction of the mixed-use building, the applicant seeks to prune the three street trees sited on Esmond Street. Council's Arborist is supportive of the pruning as outlined in *Regulated Tree and Protection Zone Report*, prepared by Urbans Arboriculture, dated 11, Nov 2024.

The following Advisory Note is to be included if granted approval.

2. **Any works undertaken on Council owned land (including but not limited to works relating to reserves, crossing places, landscaping, footpaths, street trees and stormwater connections and underground electrical connections), shall require a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Asset Management department on 8272 5111.**

Civil Assets

The following comments relate to the civil works required within the Council verge:

- Council seeks to ensure that all footpath paving on Unley Road and Esmond Street is consistent with '*Unley Road Public Realm Design Guidelines*,' 2022.

The following Advisory Note is to be included as part of the decision.

3. **The alteration of the verge to Unley Road and Esmond Street shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. Refer to the City of Unley website for Forms & Applications – Specification Crossover Opening, Kerb & Gutter, Footpath Repair.**

<https://www.unley.sa.gov.au/files/assets/public/v/3/forms-amp-applications/specification-reinstatements-and-modification-to-footpaths-roads-kerb-gutter-works.pdf>

- All vehicular crossovers / entries should be installed or reinstated to Council's requirements.

The following Advisory Note is to be included as part of the decision.

4. **The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to the City of Unley website Forms & Applications – Driveway Crossover Specifications**

<https://www.unley.sa.gov.au/Page/Forms-Applications>

Encroachment

- Although an existing encroachment over the Unley Road footpath exists, the new development if approved, should obtain a new encroachment permit in accordance

with Council's encroachment policy. Council will not support an encroachment less than 3m in height when measured from the foot path.

The following Advisory Note is to be included as part of the decision.

- 5. The proposed development in whole or in part encroaches upon a public place and cannot be lawfully undertaken unless all encroachment/s have been dealt with in a satisfactory manner. In the case of encroachments over a road, an authorisation under Section 221 of the Local Government Act 1999 will be required and an annual fee payable to Council. In the case of encroachments over other public places owned by the Council, an Encroachment Permit from Council may be required- please contact the Council's Property and Assets team for further information.**

Referral Summary

In principle, the nature of the mixed-use development broadly accords with the Urban Corridor (Main Street) Zone Desired Outcomes and Performance Outcomes. However, Council has concerns that are fundamental to the operation of the proposed mixed-use development.

Council is seeking amendments to the proposal to deal with the following matters of concern:

- Establishing rights of way over the lane way that is integral to the proposal or amending the proposal to provide vehicular access direct from Esmond Street.
- Waste collection must occur wholly within the site, with waste collection vehicles able to enter and exit the site in a forward direction. Council will not support kerb-side waste collection for the proposed development.

In addition, it should be noted that:

- The stormwater management plan and report by Gama Consulting was not provided to Council for comment or assessment;
- Council will not provide the residents with on-street parking exemption permits;
- An application for an encroachment permit is to be submitted to Council;
- Applications are required for the proposed works in the public realm affecting street trees, crossovers and reinstatements, and upgrades to the verge area.

Advisory Notes should be included as part of any approval to ensure compliance with Council requirements.

Council would welcome the opportunity to provide further comments for future amendments to the application.

Planning Observations

The following comments refer to matters outside of the scope of Regulation 23(3) and are provided as general observations to assist with the assessment of the proposal:

- The mixed-use building has been designed in a manner that has considered the amenity of residents with all habitable rooms provided with direct access to balconies or natural light;

- The size and functionality of the POS exceeds the minimum quantitative requirements of the Code and is a positive outcome for residents;
- The design and appearance of the building has been well articulated to provide visual interest when viewed from the public realm. Landscaping to further soften the built form should be considered;
- It is requested that the plans are updated to annotate each residential car park to a dwelling; and
- Acoustic treatments should be installed to the front façade to reduce the emissions of noise from Unley Road. It is noted in Section 4.4 of the ViPAC Noise Assessment Report, an assessment against MBS 010 has not been undertaken;

Waste Comments

- The Waste Management Report, prepared by SALT, indicated that residential and commercial waste will be managed separately. The Bin Store for residents has not been shown in accordance with the Waste Management Report requirements. The Residents should have access to 1 x 1100L garbage bin, 1 x 1100L co-mingled recycling bin, 1 x 660L organics bin and a 2m² hard waste area.
The Residential Bin Store does not provide the organics bin or the temporary hard waste area. For reference the bin colours are identified in the SALT Waste Management Report.
- Notwithstanding the above, the residential dwellings are provided with a dual chute for garbage and commingled recycling, with residents required to manually dispose of the food organics within the Bin Store.
This is inconvenient and will likely result in the organics being disposed of within the general waste garage bin.

Traffic Comments

Bicycles

- No bicycle parking spaces, or end of trip facilities are available for the commercial use.
To encourage more people to ride for transport purposes including commuting to work/office space, it is recommended including bicycle parking and improved end of trip facilities.
- No ground level bicycle parking has been provided, with all bicycle parking for the dwellings sited on the associated floor. The siting and location of the dwelling bicycle parking is not considered to be convenient for residents as it results in them having to use the only on-site lift to transport the bike to the ground level.

Carparking

- Council has major concerns with the multi point vehicular turn-paths required to access the car parks, as outlined in the SALT Traffic Impact Assessment report. The multi-

point vehicular turn paths are impractical and unsafe, with the likely outcome of drivers reversing out of the site into the right of way and Esmond Street.

Urban Design Comments

- Although it is not the existing case in this section of Unley Road, shop fronts with verandah posts with climbers (when awnings don't allow space for street trees) are an integral and encouraged part of the shopping strip's character. With the proposed cantilevered awning, climbing plants would not be possible.
Consider verandah posts to allow for climbing plants (deciduous species to allow for winter sun). This would create a more intimate and attractive spaces for outdoor table and chairs and help to define the Unley Road footpath edge from the traffic.
- Consider a second side entry for the commercial space, as there is potential for the footpath to be extended in Edmond Street to create an outdoor dining / kerb outstand space in the future.

Regulated and Significant Trees

- To mitigate the negative effects of Urban Heat Island effect and to meet long-term State Government targets, the City of Unley is aiming for 31% canopy cover by 2045 (which includes trees 3m in height or greater) on both public and private land. Council is already close to meeting this target on public land, however 80% of tree canopy cover on private land is only around 22%. The City of Unley is working closely with its residents and private businesses to help facilitate tree retention and planting of trees on private land.

The removal of regulated and significant trees on both public and private land that are protected under State Legislation or are of a height of 3m or taller, is counterproductive to meeting these targets.

If there are any queries or need for further clarification regarding the above matters, please contact Amelia De Ruvo, Senior Planning Officer, by email at aderuvo@unley.sa.gov.au or 8273 8710.

Prepared by:



Amelia De Ruvo
Senior Planning Officer
City of Unley

24037925: Unit 1-3 290 Unley Rd Hyde Park SA 5061

From Amelia DeRuvo <Aderuvo@unley.sa.gov.au>

Date Tue 14/01/2025 12:54 PM

To Khan, Adnan (DHUD) <Adnan.Khan@sa.gov.au>

 1 attachment (933 KB)

20241219240888stormwaterreport-10087553 (1).pdf;

Hi Adnan,

I hope you are well.

I am contact you in regards to application 24037925 for *Five-level mixed-use building comprising residential flat building (10 dwellings), café, car parking and removal of one Regulated Tree and one Significant Tree* at Unit 1-3 290 Unley Rd Hyde Park SA 5061

During Councils initial referral response for the above mentioned application, the application did not provide a Stormwater Management plan. The applicant has since sent through the attached report, I'm not sure if you have a copy.

In addition to Council's formal Reg 23 referral response, we provide the following commentary regarding the prescribed matters:

- Section 2.4 – existing impervious runoff coefficient should be corrected. Only a small area has been applied at 0.3.
- No pollutant filter has been nominated for surface water collected via the GIP per the planning report. Oil and sediment removal to be demonstrated.
- To what degree does this strategy minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system. Will EPA Water quality targets be achieved.
- Planning report notes the rainwater tank will be underground, however I understand the SMP was outstanding at the time. Please confirm, the tanks will be above ground and flow via gravity to the kerb outlet (overflow outlet as well as 43mm orifice outlet).
- With respect to FFL's, surrounding footpath levels are to be max 2.5% in order to meet DDA compliance.

Please note that this information has not been forwarded to the applicant, I Instead have initially sent it through to yourself.

Let me know if you have any further questions.

Kind Regards

Amelia DeRuvo
Senior Planning Officer
Development Services
City of Unley
Kaurna Country
P: (08) 8273 8710
unley.sa.gov.au

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DHUD:SPC Applications

From: Amelia DeRuvo <Aderuvo@unley.sa.gov.au>
Sent: Wednesday, 19 February 2025 10:01 AM
To: t.fountain@sa.gov.au
Cc: DHUD:SPC Applications
Subject: FW: Request for Feedback on Revised Plans – DA 24037925
Attachments: Automatic reply: Request for Feedback on Revised Plans – DA 24037925

You don't often get email from aderuvo@unley.sa.gov.au. [Learn why this is important](#)

OFFICIAL

Good Morning Troy,

I hope you are well.

Sorry to email you out of the blue. Adnan requested follow up comments for application 24037925 at 290 Unley Road, Hyde Park. I've responded today as requested however have received the attached out of office message. Could I please ask that you forward my email below to the relevant officer looking after this application.

Please let me know if you require anything further.

Kind Regards



Amelia DeRuvo
Senior Planning Officer
Development Services
City of Unley
Kaurna Country
P: (08) 8273 8710
unley.sa.gov.au

From: Amelia DeRuvo
Sent: Wednesday, 19 February 2025 9:56 AM
To: Khan, Adnan (DHUD) <Adnan.Khan@sa.gov.au>
Subject: RE: Request for Feedback on Revised Plans – DA 24037925

Hi Adnan,

Thank you for the opportunity to review the updated information submitted regarding application 24037925 for the development at 290 Unley Road, HYDE PARK.

Councils administration and technical officers have now had the opportunity to review the updated plans and associated reports and we provide the following commentary to assist with your assessment:

- **Right of Way**
The Certificate of Title has since been updated to reflect the subject sites access to the Right of Way as shown on Filed Plan 11716. Councils concerns regarding the sites ability to legally use the land has been addressed;
- **Waste**
Council have previously held a meeting with the applicant, members from URPS and their technical experts regarding Councils concerns with waste collection. To facilitate on-site waste collection, Council have agreed to allow a private collector to reverse into the site and exit in a forward motion. This has been supported on this site (only) as all vehicular access is obtained from the Right of Way.
The updated Transport response by SALT has indicated that waste collection will be undertaken on site via a private contractor, with a swept path assessment that shows a 6.4m Long SRV waste truck (Garwood Miner or similar) can access the site via a reverse movement in and exit the site in a forward direction (all via ROW Laneway), with suitable clearance and number of corrective manoeuvres. This waste collection manoeuvres /

arrangement is considered acceptable in this case when taking into consideration the site constraints, narrow width of ROW Laneway and low traffic volumes.

Please ensure all height clearances in carpark can cater for expected waste collection vehicles (as indicated in updated traffic memo).

- **Traffic**

Headroom and gradient of ramps - The Australian Standards (AS2890.1-2004 – Section 5.3) states that to permit access for both cars and light vans, the height between the floor and an overhead obstruction shall be a minimum of 2.2m. This currently has not been shown on the Plans.

Please ensure all height clearances in carpark either meets or exceeds relevant Australian Standards to cater for expected waste collection vehicles.

- **Stormwater Management**

The updated SMP and responses have addressed the concerns previously raised by Council;

- **Advisory Notes**

All Advisory Notes provided in Council's original submission, dated 18 December 2024 are requested to be included as part of any decision, noting that URPS *Response to Council, DIT and ODASA comments – DA 24037925*, dated 5 Feb 2025 have committed to meet the requirements. For Ease, please see below the requested Advisory Notes:

1. *Residential Parking Permits will not be issued to residents of Community or Strata titled dwellings or other multi dwelling buildings for development approved on or after 1 November 2013.*
2. *Any works undertaken on Council owned land (including but not limited to works relating to reserves, crossing places, landscaping, footpaths, street trees and stormwater connections and underground electrical connections), shall require a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Asset Management department on 8272 5111.*
3. *The alteration of the verge to Unley Road and Esmond Street shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. Refer to the City of Unley website for Forms & Applications – Specification Crossover Opening, Kerb & Gutter, Footpath Repair. <https://www.unley.sa.gov.au/files/assets/public/v/3/forms-amp-applications/specification-reinstatements-and-modification-to-footpaths-roads-kerb-gutter-works.pdf>*
4. *The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to the City of Unley website Forms & Applications – Driveway Crossover Specifications <https://www.unley.sa.gov.au/Page/Forms-Applications>*
5. *The proposed development in whole or in part encroaches upon a public place and cannot be lawfully undertaken unless all encroachment/s have been dealt with in a satisfactory manner. In the case of encroachments over a road, an authorisation under Section 221 of the Local Government Act 1999 will be required and an annual fee payable to Council. In the case of encroachments over other public places owned by the Council, an Encroachment Permit from Council may be required- please contact the Council's Property and Assets team for further information.*

I trust the above will assist with your assessment, please contact me if you have any further concerns.

King Regards



Amelia DeRuvo
Senior Planning Officer
Development Services
City of Unley
Kaurna Country
P: (08) 8273 8710
unley.sa.gov.au

From: Khan, Adnan (DHUD) <Adnan.Khan@sa.gov.au>

Sent: Thursday, 6 February 2025 3:26 PM

To: Amelia DeRuvo <Aderuvo@unley.sa.gov.au>

Subject: Request for Feedback on Revised Plans – DA 24037925

CAUTION: This email originated from outside the organisation. Do not act on instructions, click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL

Good afternoon Amelia,

I am writing to you regarding DA 24037925, which proposes a five-level mixed-use building comprising a residential flat building (10 dwellings), a café, car parking, and the removal of one regulated tree and one significant tree at Unit 1-3, 290 Unley Road, Hyde Park.

In your referral response dated 18 December 2024, you indicated non-support for the application based on the issues outlined in your feedback. The applicant has since revised the plans and provided a response to the RFI we issued, addressing your concerns. These updated documents were uploaded to the DAP portal by the applicant yesterday.

I would also like to confirm that the stormwater management plan, ESD report and titles had already been uploaded to the portal earlier.

I kindly request your review of the applicant's response and the revised plans. Your feedback by Wednesday, 19 February 2025 would be greatly appreciated, as it will assist us in finalising our assessment report.

Please do not hesitate to contact me if you have any questions or require further clarification.

Best regards,
Adnan

Adnan Khan

Planning Officer

Planning and Land Use Services

Department for Housing and Urban Development

T 08 7133 2372

W dhud.sa.gov.au

Level 10, 83 Pirie St, Adelaide SA 5000



Government of South Australia

Department for Housing
and Urban Development

The Department for Housing and Urban Development acknowledges First Nation people as the Traditional Owners of South Australian land and waters and we extend our respect to Elders past, present and emerging. We value and recognise the ongoing cultural heritage, beliefs and relationship First Nations peoples have with these lands and waters and the continuing importance of this today.

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