

28 October 2024

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

via PlanSA portal
Attention: Mollie O'Connor

Dear Mollie

**SCAP REFERRAL POST PUBLIC NOTIFICATION – Regulation 23(2)(b)
COUNCIL COMMENTS – DA 23012013 – 46 Unley Road, UNLEY SA 5061**

Thank you for the follow-up referral on 4 October 2024 for comment regarding application 23012013 at 46 Unley Road, UNLEY, for:

Mixed use building, comprising 15 dwellings, office and car parking and removal of one significant tree

The referral provided Council with architectural plans, technical experts reports, and a supporting planning statement.

Council appreciates the opportunity to provide comment to assist the planning assessment process by the State Commission Assessment Panel (SCAP).

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.

Council has delegated to the Chief Executive Officer, or his nominee(s), the authority to negotiate appropriate outcomes regarding street trees, crossovers, verge and future public realm upgrades, in the event the application is approved.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Tsokas', with a long horizontal line extending to the right.

Peter Tsokas
Chief Executive Officer

Discussion

The full assessment of the development is the role of the Planning & Land Use Services (PLUS) officers and the ultimate planning approval judgement the role of the State Commission Assessment Panel (SCAP).

It is appreciated that Council's role is limited to comments on designated matters; however, observations in relation to planning assessment matters with implications from a local perspective have been provided to highlight key issues that require further analysis and assessment by PLUS officers and SCAP.

Council's Comments over Designated Matters

The following comments provide support with some minor amendments and additional information sought:

Stormwater Management

The following comments relate to the stormwater design and management on site.

- The stormwater calculations have an outflow of 12.8L/s and assessed against the 20-year event.

The stormwater calculations are to be updated to a 10% Annual Exceedance Probability (AEP) pre-development flows.

- The Finished Floor Level of 11.22mm is currently 300mm above the maximum Top of Kerb (TOK) at Unley Road, however the site is subject to 100mm of flooding.

The proposal must provide a FFL 300mm freeboard above the anticipated maximum flood depth. Evidence that this has been achieved is to be provided to Council.

- The proposal currently proposes to connect into Council's network through a 300mm reinforced concrete pipe (RCP) beneath Irwin Lane. Due to on-going maintenance issues, this will not be supported by Council

A minimum diameter of 375mm RPC with an orifice is to be used at the outlet of S1.

- The proposal has indicated the anticipated depth of the stormwater pipe to Irwin Lane.

Stormwater pipe in Irwin Lane to be physically located during design to confirm adequate depth and pipe cover can be achieved. The pipe location must be shown on amended plans.

The above stormwater matters can be addressed via amended plans providing the required information, or alternatively via a Reserved Matter where the information can be provided to the satisfaction of Council prior to approval.

Civil Assets

- We seek to ensure that all vehicular crossovers / entries are installed or reinstated to Council's requirements. The following Advisory Note is to be included as part of the decision.

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>

Traffic

Vehicle Movements and Parking

- Vehicle access to the at-grade car park is proposed via a new crossover to Irwin Lane. Access driveway dimensions have been provided in accordance with the Planning and Design Code and is considered acceptable.
- Plans provided by the applicant indicate that a pedestrian sight triangle has been provided in accordance with Australian Standards, and this is considered acceptable. Noting that no dedicated pedestrian path is provided along Irwin Lane.

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 15 apartments and 221sqm office space would generate a minimum requirement of 28 off-street parking spaces, comprising:
 - 18 covered spaces:
 - 17 being for residential use; and
 - DDA park.
 - 7 open-air car parks:
 - 4 Visitor car parks; and
 - 3 commercial car parks.

Given that the plans provided indicate that only 25 car parking spaces will be provided, this does not meet the Planning and Design Code and equates to a shortfall of 3 parking spaces.

- The transport report indicates that the 18 secure spaces will be allocated to residents, which exceeds the Planning and Design Code and is considered acceptable. However, a dedicated DDA space required for the commercial use cannot be allocated for residential use.

Further clarification is required around how this space will be managed, or it will need to be relocated to the open-air section of the car park.

- The transport report indicates that the 7 open air spaces can be shared between the commercial land use and residential visitor land use, which equates to a short fall of 4 parking spaces. The traffic report indicates that given the mixed-use nature of the site, the peak office use demands will occur at different times to the peak residential visitor use. As typical residential visitor peak periods occur outside of business hours (after 6pm), sharing of the spaces between commercial use and residential visitors is considered acceptable in this case.

In order to ensure that residents (and their visitors) do not monopolise the at-grade parking at the rear of the site, restrictions should be incorporated into the building's by-laws (or similar) and enforced by the building's strata manager to ensure that during business hours at least 7 spaces are allocated to the commercial use and outside of business hours the spaces are allocated to the buildings general visitors.

It is requested that a condition re-enforcing the use of the rear car park for commercial use during its operation hours is included as part of an approval.

On Street Parking

- The site bounds two street frontages, with the following on-street parking conditions.
 - Irwin Lane (Laneway)
 - Both sides of Irwin Lane are 'No Parking' at all times, with the majority of the laneway comprising mostly driveway crossovers to commercial properties and residential garages.
 - Unley Road (Arterial Road – DIT)
 - Parking along site frontage is a Bicycle Lane / Clearway that operates between 7.30-9am Monday to Friday and 1 Hour parking between 9am-5pm Monday-Friday and 9am-12Noon Saturday. Outside of those times, kerb-side parking is unrestricted adjacent the site.
- 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 to ensure that future owners/occupiers are aware that this option is not available to them, should they have additional vehicles beyond the on-site spaces provided

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

- Council officers will not 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. Noting that the site must appropriately cater for all parking, loading, and waste collection activities wholly within the site.

Bicycles

- Based on the rates outlined in Table 3 – Off-street bicycle parking requirements of the Planning and Design Code – Traffic, Access and Parking, indicates that bicycle parking generation rates for the following uses as follows:
 - 4 resident spaces.
 - 2 residential visitor spaces.
 - 3 employee spaces.
 - 1 commercial visitor space.

The Transport Report and Plans indicate that 11 bicycle parking spaces will be provided within a secure compound at ground level, to be shared between all uses (staff, residents and visitors). This exceeds the planning and design code for amount of parking however AS2890.3:2015 – Section 2.1 (e) states that bicycle parking facilities shall be designed to include a minimum of 20% of ground level (horizontal) BPDs in any bicycle parking facility. Visitor parking is not located in a visible and easily accessible location

Review the bicycle storage area to ensure at least 20% of spaces are ground level BPD's and ensure that any visitor parking spaces are located in clearly visible and easy to access locations (i.e. verge area along Unley Road frontage). All bicycle parking is designed and installed in accordance with Australian Standard AS2890.3:2015.

Loading and Waste Collection

- 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 minimise 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. A condition, similar to the below, is requested to be included as part of the approval:

Waste collection vehicles shall only service the development between the following hours:

- **Monday to Friday – 7:00am-8:30am or 5:30pm-7:00pm**
- **Saturday – 7:00am-7:00pm**
- **Sunday (and Public Holidays) – 9:00am-7:00pm**
- 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 Traffic Report has indicated that waste collection will be undertaken on site via a private contractor, with a turn path assessment indicating that a 10m long rear lift Waste Truck accessing the site via a reverse movement in and forward movement out of the site (all via Irwin Lane).

Reversing into the site is considered acceptable in this case when taking into consideration the site constraints and low traffic volumes along Irwin Lane. The turn path assessment provided does not include any clearance lines for the 10m refuse vehicle, with the assessment indicating there is little to no clearance provided at all between the waste vehicle and the property/fence line on the west side of Irwin Lane. Unless a minimum clearance width of 300mm can be provided between the waste vehicle and any obstruction, a smaller waste vehicle will be required.

Once the matter raised above has been resolved, Council would recommend that the waste collection is reinforced via a condition restricting the size of the waste collection vehicle.

Traffic Generation and Impact

- Based on the Traffic Generation rates adopted by the Traffic Report, the expected peak hour traffic generation rates are low and can be readily accommodated via Irwin Lane and distributed to Young and Salisbury Street. The traffic generation will have minimal impact on the operation of Irwin Lane and nearby local road network, which is considered acceptable.

Encroachment

- Acknowledging that there is an existing encroachment over Unley Road footpath, and given that this is a new development, a new encroachment permit is required to be lodged and assessed against Councils Encroachment Policy, found via Policy Template. Council will not support an encroachment less than 3m in height when measured from the footpath. The following Advisory Note is requested to be included as part of the decision.

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 will be required - please contact the Council's Property and Assets team for further information.

Urban Design

The following Urban Design comments address the trees proposed to be planted within the verge of Unley Road.

Landscape Design Plans

- The proposal seeks to plant three trees within the Unley Road footpath, as shown in the landscape plans and architectural elevations. In these indicated spaces the trees would struggle to find space with the proposed awnings over the footpath.

Plans demonstrating that adequate space has been provided for the three trees proposed to be planted in the Unley Road footpath. Refer to Enzo Caroscio Architecture Plans, Elevation – South, Project No 22006, Drawing No. A3.01 and Section, Project No 22006, Drawing No. A3.10. The three trees are not supported as compensation for the removal of the significant tree to the rear of the site.

Conclusion

Large development proposals are of great interest to Unley residents and businesses, particularly those near the site.

The Council is not the assessing planning authority, and as a referral agency only, we are able to make comments on direct impacts on local public infrastructure. We note that the local implications are of interest to the ongoing long-term success of the development and locality.

The nature of the mixed-use development broadly accords with the Urban Corridor (Main Street) Zone Desired Outcomes, however, there are highlighted areas of concern with vehicle movements, waste collection, stormwater design and management, and the public realm.

In summary this advice addresses the following.

- Updated flood management and stormwater design provided to the satisfaction of Council to address the following:
 - That the FFL is sited above the anticipated flood depth;
 - Stormwater calculations are updated to a 10% Annual Exceedance Probability (AEP) pre-development flows; and
 - Stormwater connection is of a sufficient width to accommodate the anticipated flows released to Council infrastructure.
- Concerns with the size of the waste vehicle proposed to access the site, and that no clearance lines have been provided. A smaller waste vehicle is recommended unless further evidence is provided in support of the 10m waste vehicle, showing minimum clearance widths;
- Street-trees proposed to be planted within the Unley Road verge is appropriately managed with sufficient space;
- A specific note that no on-street parking exemption permits are granted for new developments (City of Unley On-street Parking Exemption Policy);
- Encroachment permit is submitted to Council for an assessment; and
- Application and approvals for council infrastructure impacts, reinstatement, and proposed works.

It is trusted that the information provided in this report is considered as part of the expected comprehensive assessment, and in case of approval, inclusion of suitable conditions, notes and/or Reserved Matters as appropriate by SCAP.

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.

Planning Policy Observations

Following the above assessment by Councils internal departments, Council planners have reviewed the plans against the relevant provisions. The following comments refer to matters that go beyond the scope of Regulations 23(3) of the Planning, Development and Infrastructure (General) Regulations 2017; however, we have provided general observations regarding the development for your consideration.

The proposal reflects the broad intent of the Urban Corridor (Main Street) Zone seeking for a mixed-use area with a strong emphasis on creating a vibrant shopping, entertainment and commercial main street precincts supported by medium density residential development.

In brief, the following planning observations are made in relation to the proposed mixed-use development:

- 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 / natural light;
- The size and functionality of the POS exceeds the minimum quantitative requirements of the Planning and Design Code and is a positive outcome for residents;
- The design and appearance of the building has been well articulated to provide visual interest and the use of climbing plants softens the built form when viewed from the public realm;
- To provide access to the car park a stobie pole will require to be re-located at the expense of the applicant / landowner / developer;
- The site is not considered a 'Significant Development Site' and is proposed exceeding the maximum building height of DPF 3.1 of Urban Corridor (Main Street) Zone. This gives rise to concerns regarding bulk and scale and interface impacts with surrounding residential allotments. Further justification should be provided;
- It is requested that the plans are updated to identify / annotate each residential car park to a dwelling;
- Acoustic treatments should be installed to the front façade to reduce the emissions of noise from Unley Road;
- There should be a clear delineation between residential parking and commercial / visitor parking;
- The carparks satisfy the minimum length and width, satisfying the relevant Australian Standards;
- The required DDA car park is sited undercover within the secure residential parking area. Details regarding how the DDA parking space will be accessible should the commercial tenancy require access. Additionally, Australian Standard (AS2890.6-2009 – Section 2.4) states that headroom above each dedicated space and adjacent shared area, shall be a minimum of 2.5m; and
- The permeable paving product information for the uncovered carpark area has not been specified. Council recommends the use of clay brick pavers (such as Littlehampton permeable brick pavers).

- Plans provided by the applicant indicate that no End of Trip facilities will be available for the commercial use, with only toilets provided adjacent the bicycle parking spaces.
- Council does not support the removal of the Significant Weeping Bottlebrush (*Callitstemon Viminalis*) Tree, and this should be carefully considered. To assist in the retention of the significant tree, Council would support a reduction in visitor car parks to allow for a garden bed to cater for the retention of the tree.
- Significant lack of ground level soft landscaping is a major concern for the Council.
- Deeper / wider planter containers should be considered to provide a more meaningful range of plants such as kitchen herbs and edible plants alongside the aesthetic climbing plants proposed.
- The proposed green roof to the covered carparking area is supported; however, the green roof is western facing and there are doubts about its ongoing success due to the maximum solar access.
- The designers should consider more emphasis on the horizontal elements of the building frame through a change in materials or colour for the vertical uprights. Refer to the image to the right below.



Summary

Following the above assessment by Council's internal departments, Council planners have reviewed the plans against the relevant provisions. The following comments refer to matters that go beyond the scope of Regulations 23(3) of the Planning, Development and Infrastructure (General) Regulations 2017; however, we have provided general observations regarding the development for your consideration.

Council appreciates the opportunity to provide generalised planning commentary regarding the proposed development at 46 Unley Road, UNLEY.

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.

