

Samaras Construction & Developments

Five (5) level mixed-use building comprising residential flat building (10 dwellings), office, car parking and removal of one (1) Regulated Tree and one (1) Significant Tree

Unit 1-3 290 Unley Road, Hyde Park

Application ID 24037925



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OVERVIEW

DEVELOPMENT NO.:	24037925
APPLICANT:	Samaras Construction & Developments
CONSENT SOUGHT:	Planning Consent
ADDRESS:	Unit 1-3 290 Unley Road Hyde Park
NATURE OF DEVELOPMENT:	Five (5) level mixed-use building comprising residential flat building (10 dwellings), office, car parking and removal of one Regulated Tree and one Significant Tree
ZONING INFORMATION:	<p>Zones</p> <ul style="list-style-type: none"> • Urban Corridor (Main Street) <p>Overlays</p> <ul style="list-style-type: none"> • 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 <p>Technical Numeric Variations (TNVs)</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 18.5m)

	<ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 5 levels) • Minimum Building Height (Levels) (Minimum building height is 3 levels) • Minimum Primary Street Setback (Minimum primary street setback is 0m) • Interface Height (Development should be constructed within a building envelope provided by a 30 degree plane, measured 3 metres above natural ground at the boundary of an allotment used for residential purposes in a Neighbourhood Type Zone)
LODGEMENT DATE:	28 November 2024
RELEVANT AUTHORITY:	State Planning Commission pursuant to Section 94 (1) (a) of the <i>Planning, Development and Infrastructure Act 2016</i>
PLANNING & DESIGN CODE VERSION:	Version 2024.21 (dated 21 November 2024)
CATEGORY OF DEVELOPMENT:	Performance Assessed
APPEAL RIGHTS:	None
NOTIFICATION:	Yes – 7 representors, 3 wishing to be heard
RECOMMENDING OFFICER:	Ben Scholes, Senior Planning Officer
REFERRALS STATUTORY:	City of Unley, Commissioner of Highways, Government Architect
DELEGATION:	Development Delegations Policy – Items 5.2.1 and 5.2.5

EXECUTIVE SUMMARY:

The applicant proposes to demolish an existing building and construct a five-level residential flat building with a ground floor office tenancy and associated car parking. No affordable housing is to be included in the proposed mix of 10 residential apartments.

The application is classified as a performance-assessed form of development. Statutory referrals were issued to the City of Unley (Council), the Government Architect and the Commissioner of Highways pursuant to Regulations 23 and 41 of the *Planning, Development and Infrastructure (General) Regulations 2017*. Public Notification was undertaken in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016*.

Concerns raised by the community involve potential for diminished residential amenity caused by tree damaging activity, vehicle access arrangements and implications for community safety, architectural expression and built form presentation and potential for disruption during any future construction. Referral agencies have offered general support for the proposal with recommendations made for further refinement and review of various matters, some of which are intended to be reserved for further assessment.

On balance, the development concept is considered appropriate within the Urban Corridor (Main Street) Zone with respect to the intended land use, built form height and scale, interface conditions, vehicle access arrangements, occupant amenity, public realm contributions and service arrangements.

Subject to satisfactory responses to the proposed reserve matters and the applicant's adherence to conditions assigned to any Planning Consent, the proposal is supportable and worthy of endorsement.

DETAILED DESCRIPTION OF PROPOSAL:

The applicant proposes to demolish an existing single level building historically used as a shop with three tenancies for construction of a five-level residential flat building comprising 10 dwellings, a ground floor office tenancy encompassing 37m² in area with associated ground level car parking (15 spaces), bicycle parking (10 spaces) and perimeter landscaping.

The residential entry lobby is proposed at the southeast corner of the development allowing access from the Unley Road frontage, and the entry to the office tenancy would be at the northeast corner. An interior service area would be concealed from public view by a fire booster cabinet and a portion of the proposed office tenancy, and a transformer enclosure would be oriented to the north towards Esmond Street (enabling direct access by SA Power Networks).

The remainder of the ground floor area would be dedicated to the 15 car parking spaces and associated manoeuvring, back-of-house areas including waste storage, rainwater tank, bicycle parking room, lift core, fire stair and circulation areas oriented along the building's southern boundary. Sections of the development's frontages to Unley Road and Esmond Street would include canopy elements positioned 3 metres above ground level.

Upper levels would include a mix of single, two and three-bedroom dwellings all with external balconies providing private open space. Waste chutes accessible in upper-level circulation spaces would connect with the ground floor waste storage room and the rooftop would contain a lift overrun, stormwater drainage infrastructure, a photovoltaic solar panel array and mechanical plant enclosure.

External materials would include precast concrete panels in smooth-finish and decorative configurations, masonry walls finished 'Cream', feature sandstone cladding, aluminium cladding finished 'Brushed Copper', 'White' and 'Cream', painted steel finished 'White', steel balustrades with perforated mesh for balcony edges finished 'White' and clear glazing.

Vehicle access to the land would be provided from the west via a reciprocal right of way established over an adjacent (unnamed) no-through private laneway benefiting the owners of several adjacent properties. Application details suggest the applicant intends to upgrade the laneway through the installation of permeable paving, although the details of any intended upgrade are not documented at this stage.

The development would require the removal of one Significant *Lophostemon confertus* (Queensland Box) tree and one Regulated Queensland Box tree from the rear car park at the west of the existing building. One unregulated *Jacaranda mimosifolia* (Jacaranda) tree is also intended to be removed from the same car parking area.

The applicant has confirmed it intends to make a financial contribution to the Urban Tree Fund to compensate for the removal of the Significant and Regulated trees referred to above.

Three Regulated Queensland Box street trees would be retained in locations along the southern side of Esmond Road. Tree pruning and tree protection measures would be necessary to ensure these trees' viability should the development be undertaken given proposed built form encroachment into each trees' structural root zone and canopy spread.

Landscaping would be integrated with vertical surfaces comprising trellis structures installed along sections of the north and west elevation of the ground floor car parking area with climbing planting and low-level shrubs at the trellis base intended to assist in screening views of the car park and transformer from the public realm.

Narrow planter beds would also be planted in three sections along the Unley Road frontage, which the applicant calculates would result in a total of 85m² of new landscaping surfaces. A summary of the proposal is provided in the table below, and architectural and landscape plans are included in **Attachment 1**.

Land Use Description	Five level mixed-use building comprising residential flat building (10 dwellings), office tenancy, car parking and removal of one Regulated Tree and one Significant Tree
Building Height	5 levels above ground, 18.5 metres to the rooftop parapet (total height of 19.7 metres to the top of the rooftop mechanical plant enclosure)
Description of Levels	<u>Ground Floor</u> : Car parking (15 spaces), bicycle parking room (10 spaces), lift lobby, waste storage areas, miscellaneous service enclosures and circulation spaces, transformer, office tenancy and assorted landscaping

	<u>First Floor:</u> 1 x single bedroom apartment, 2 x 2 bedroom apartments and 1 x 3 bedroom apartment <u>Second Floor:</u> 1 x 2 bedroom apartment and 2 x 3 bedroom apartments <u>Third Floor:</u> 2 x 3 bedroom apartments <u>Fourth Floor:</u> 1 x 3 bedroom apartment <u>Rooftop:</u> Mechanical services enclosures, lift overrun, solar photovoltaic panels
Apartment floor area	Single bedroom apartment: 70m ² 2 bedroom apartments: ranging in size from 83m ² to 88m ² 3 bedroom apartments: ranging in size from 101m ² to 216m ²
Private Open Space	Single bedroom apartment: 31m ² 2 bedroom apartments: ranging in size from 14m ² to 40m ² 3 bedroom apartments: ranging in size from 15m ² to 58m ²
Apartment storage area	Single bedroom apartment: 19.6m ² 2 bedroom apartments: ranging in size from 20.84m ² to 20.96m ² 3 bedroom apartments: ranging in size from 22.59m ² to 40.09m ²
Site Access	Western laneway (via reciprocal Right of Way)
Car and Bicycle Parking	Vehicles – 15 spaces (14 dedicated to residents and 1 dedicated for commercial use) Bicycles – 10 spaces

SUBJECT LAND & LOCALITY:**Site Description:**

Location reference: UNIT 1-3 290 UNLEY RD HYDE PARK SA 5061

Title ref.: CT 6302/523

Plan Parcel: F11716 AL67

Council: CITY OF UNLEY

The subject land is a rectangular allotment detailed in the corresponding Certificate of Title (included as **Attachment 1J**) which encompasses approximately 673m² in area with frontages to Unley Road and Esmond Street of 15.77 metres and 42.67 metres respectively. The subject land is situated approximately 2.35 kilometres south of Adelaide's CBD, and the topography of the land is flat.

The subject land accommodates a single level commercial building divided into three tenancies used previously as consulting rooms (chiropractor) and separate shops for shoe sales and bicycle sales. There is no heritage significance attributed to the building.

Vehicle access to the land is currently available via a 5.7-metre-wide crossover on Esmond Street at the northwest corner of the subject land, connecting to a paved open lot private parking area. A portion of the land is also accessible to vehicles via the private laneway to the west.

Car parking for 12 vehicles is available across a portion of the private parking areas, separated by a raised kerb with landscaping including the substantial trees proposed for removal in this application.

A representor has indicated the parking area to the west of the building has been made available for access to parking areas operated by adjoining businesses to the south, based on an informal agreement reached with the previous owner of the subject land. The representor concedes that most vehicle traffic accessing the adjacent businesses in question currently utilise the existing crossover on Esmond Street, traversing private land now owned by the applicant.

The private laneway abutting the subject land to the west (designated as Allotment 115 Esmond Street, Hyde Park) is part of a historical subdivision of land in the locality originating in 1839. The laneway incorporates a

north-south section of trafficable road extending 45.95 metres and connected to an east-west section extending 89.08 metres (as indicated in the property title information included in **Attachment 1J**).



Figure 1 – Subject Land and Locality

Vehicle access to the laneway is available via a 4.57 metre-wide crossover to Esmond Street, with the north-south section currently appearing to be in a poor condition. The connecting east-west section is secured by a gate constructed approximately 27 metres along its length.

Surrounding and nearby development includes a mix of land uses in buildings of single and 2 levels in scale, summarised in the following table:

Direction	Development (and Land Use Description)
North	<ul style="list-style-type: none"> Stillwell Ford sales and service trade premises Single and two-level dwellings along the north side of Esmond Street
East	<ul style="list-style-type: none"> First Choice Liquor Market shop Car wash facility
South	<ul style="list-style-type: none"> Single level building separated into two consulting rooms (BreastScreen SA and dentist) and office, accessed via the western car park Five two-level Local Heritage places at the south end of the row of commercial tenancies, recognised for the external form, materials and detailing of the c1880 shops
West	<ul style="list-style-type: none"> Single level dwellings in various configurations

Locality

Unley Road is characterised by a mix of commercial uses established along most of the roadway frontage, generally consisting of multi-tenanted facilities used as offices, shops, and consulting rooms used for a variety of professional services, food purchase and other commercial sale opportunities.

Unley Road is a state-maintained arterial road managed by the Commissioner of Highways extending in a north-south alignment along the eastern boundary of the subject land, providing two traffic lanes in each direction and on-road bicycle lanes on each side of the roadway. Unley Road is serviced by several high-frequency AdelaideMetro bus routes providing options to access the Adelaide CBD and southern suburbs.

Two multi-level residential flat buildings have been developed approximately 300 metres to the north of the subject land at 244-246 Unley Road and 248-252 Unley Road, respectively known as Cremorne Plaza (seven levels / 24.5 metres above ground) and Hyde Park Place (seven levels / 21 metres above ground). These developments were endorsed by the Commission in 2018 and were completed in 2021.

Nearby community facilities include Unley Primary School, Walford Anglican School for Girls, Hyde Park Nursery and Early Learning Centre and Unley Park Sports Club.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Residential flat building / New housing: Code Assessed - Performance Assessed

Tree-damaging activity: Code Assessed - Performance Assessed

Other - Commercial/Industrial - Office: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code: "Residential flat building" and "Office" are classified as Performance Assessed forms of development within Table 3 - Applicable Policies for Performance Assessed Development of the Planning and Design Code's Urban Corridor (Living) Zone, and "Tree Damaging Activity" is not classified as an accepted, deemed-to-satisfy, restricted or impact assessed form of development within the Urban Corridor (Living) Zone and as such this element of the proposal defaults to the Performance Assessed pathway.

PUBLIC NOTIFICATION

- **REASON**

The proposal would not satisfy the Planning and Design Code's Urban Corridor (Main Street) DTS/DPF 4.1 which anticipates development constructed within a building envelope provided by a 30-degree plane measured 3 metres above natural ground at the boundary of an allotment used for residential purposes in a neighbourhood type zone.

The application was publicly notified between 20 December 2024 and 17 January 2025 by posted mail sent to all owners or occupiers of land located within 60 metres of the site of the development, physical signage being placed on the subject land frontage to Unley Road and application details being made available for online viewing on the SA Planning Portal and at the principal office of the State Planning Commission.

A total of seven valid representations were received during the notification period (excluding two duplicates), with five not in support of the proposal and two in support of the proposal with some concerns. Three representors have expressed their desire to be heard by the State Commission Assessment Panel (SCAP) in support of their submission.

It should be noted that one representor considers the public notification process to be invalid as an adjacent property owner was not directly notified by mail due to incorrect address details provided to

the State Planning Commission (Commission) by the City of Unley for public notification purposes. That representor was still able to make a valid submission during the notification period.

To address this irregularity, the Commission offered the landowner in question an additional 10 business days (after the close of the public notification period) to submit further information to supplement their representation, to inform further the Commission's assessment. No further submission was received.

• SUMMARY

Concerns raised by representors relate to potential for diminished residential amenity and impacts on commercial activity expected to be caused by:

- tree damaging activity and consequential reduction of tree canopy in the locality;
- vehicle access arrangements including diminished manoeuvrability and physical condition of the intended access point / laneway, resulting in vehicle congestion and potential hazards;
- excessive on-site car parking;
- pedestrian safety and accessibility to existing businesses;
- architectural expression and built form presentation (blank facade over the southern elevation);
- overdevelopment of the land and intensification of use resulting in an increase in traffic volumes; and
- uncertainty and disruption anticipated during any future construction.

The applicant engaged URPS, SALT and Hilditch Lawyers to prepare responses to representations, copies of which are included in **Attachments 4B-4D**. The matters raised by representors are considered to have been adequately addressed as discussed .

AGENCY REFERRALS

Referral Body	Function	Summary of Response
Commissioner of Highways <i>Regulation 41</i>	Direction	Support, subject to directed conditions involving: <ul style="list-style-type: none"> • provision of a 3 metre x 3 metre ground floor corner cutoff at the Unley Road / Esmond Street corner • adherence to proposed access arrangements and relevant Australian Standards • pedestrian canopy setbacks from street frontages • stormwater management
Government Architect <i>Regulation 41</i>	Advice	General support, with recommendations given regarding: <ul style="list-style-type: none"> • final external material selections • additional articulation for south boundary wall • confirmation of screening strategies (transformer / solar panels) • review of arrival sequence at ground floor • provision of landscaping irrigation • integration of ESD initiatives and sustainability targets
City of Unley <i>Regulation 23(3)(a)</i>	Advice	Concerns regarding: <ul style="list-style-type: none"> • vehicle access / right of way over western laneway • waste collection • stormwater management • tree removal

In response to referral agency feedback the applicant made amendments to its proposal and provided further information to address the matters raised, as discussed in the following sections. Amendments to the corner of Unley Road and Esmond Street are intended to be reserved for further assessment, should any Planning Consent be granted.

INTERNAL REFERRALS

N/A

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Question of Seriously at Variance

Pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* (Act), a development must not be granted planning consent if it is seriously at variance with the Code. The proposal is for a five-level building comprising 10 dwellings and an office tenancy at ground level, each of which are specifically envisaged in the Urban Corridor (Main Street) Zone.

The subject land site is in proximity to public transport and essential services and is considered capable of supporting the proposed dwelling density, examples of which have been constructed along Unley Road in the broader locality. Development of this nature is appropriate within the site, locality and in the Urban Corridor (Main Street) Zone for the following reasons.

- the development's height, scale, siting and density of intended dwellings would be consistent with policy expectations established for this location;
- the built form proposal would offer appropriately high levels of design quality and external appearance;
- on-site vehicle parking provision would be adequate to service needs of future occupants; and
- proposed vehicle access arrangements would be consistent with lawful (right of way) arrangements established over a private laneway to the immediate west of the subject land.

Accordingly, the proposed development is not considered to be seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the Act.

Quantitative Provisions

Design Parameters	Planning and Design Code Guideline	Proposal	Achieved / Not Achieved
Minimum Building Height	3 levels	5 levels / 18.5 metres (19.7 metres to the top of the rooftop mechanical plant enclosure)	Achieved
Maximum Building Height	5 levels / 18.5 metres	As above	Achieved
Car Parking	15 car parking spaces (rounded up)	15 car parking spaces	Achieved
Bicycle Parking	5 bicycle parking spaces	10 bicycle parking spaces	Achieved
Front Setback	No boundary setback	No boundary setback for most of the Unley Road frontage	Achieved

Land Use and Character

The Urban Corridor (Main Street) Zone anticipates 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.

"Residential flat building" and "Office" are envisaged land uses in the Zone's (Land Use and Intensity) DTS/DPF 1.1 and accordingly, the proposal would be an appropriate form of development in this location

meeting expectations of the Zone's PO 1.1. The proposal would also positively contribute to the following outcomes recommended by the Zone:

- the intended ground floor commercial office use would assist in maintaining pedestrian activity at the main street frontage and provide services to the local community and broader district;
- the mix of medium density apartments would enable passive surveillance of the public realm, contributing to safety and vibrancy of the main street locality; and
- the combined office and residential use would promote activity during daylight and evening hours, and enable efficient reuse of a former commercial premises.

As such the proposal would substantially satisfy POs 1.2-1.7 of the Zone's (Land Use and Intensity) policy. While the applicant does not intend to provide affordable housing products within its mix of dwelling types, this is not considered a deficiency against the Affordable Housing Overlay's recommended policy outcomes as less than 20 dwellings are proposed.

Building Height and Massing

Technical and Numeric Variations (TNV) apply to development proposed in this location, recommending a maximum building height of 5 levels or 18.5 metres (and a minimum height of 3 levels), a minimum setback from the primary street frontage of zero metres and that development be constructed within a building envelope provided by a 30 degree plane measured 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a residential-type zone.

The five-level development would reach 18.5 metres to the rooftop parapet concentrated towards the east of the subject land, and the additional 1.2-metre height attributed to the centrally positioned rooftop mechanical equipment enclosure is not considered unreasonable in this setting. The building would also be constructed to the full extent of the subject land's boundary with the Unley Road footpath, satisfying the TNV expectation of there being no setback from the primary street frontage.

The considerable decrease in built form scale over the western portion of the proposed development would substantially satisfy the interface expectations of the corresponding TNV, without fully adhering to 30-degree plane recommended to contain the proposed building envelope as shown in Figure 2.

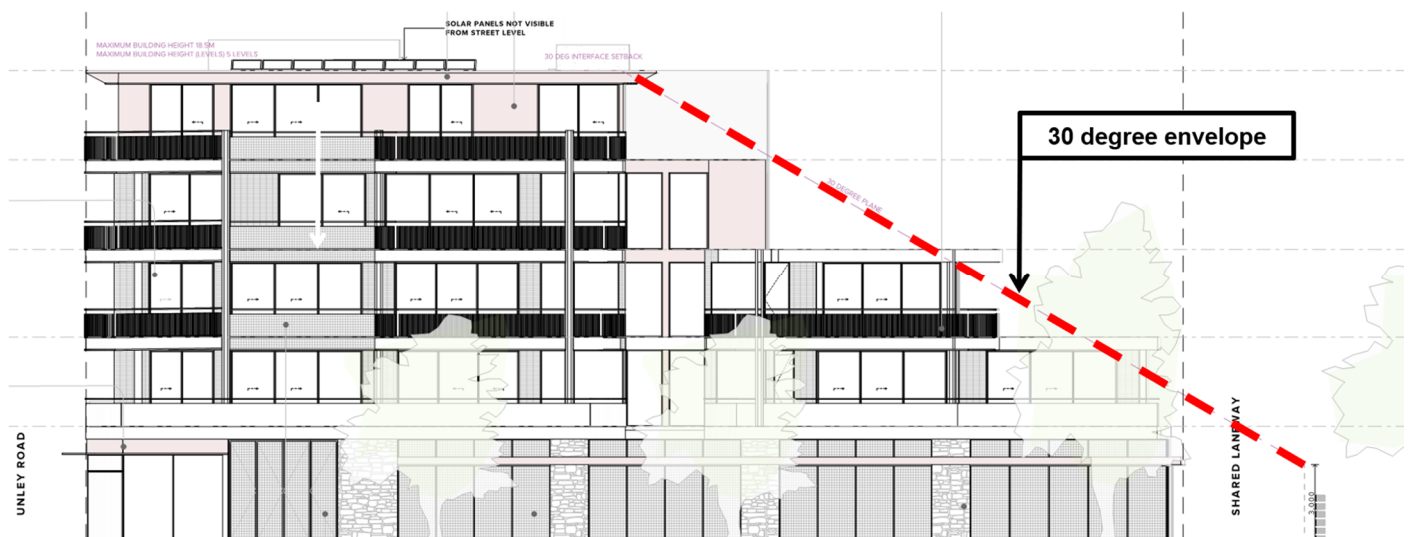


Figure 2 – North Elevation (including recommended 30-degree plane for built form envelope)

Despite the marginal encroachment of built form into the 30 degree plane shown above, the development is considered to perform acceptably against all TNVs applicable to development in this location.

Design & Appearance

Design Overlay PO 1.1 expects that medium to high-rise buildings demonstrate high-quality design which positively contributes to the liveability, durability and sustainability of the built environment. The Zone anticipates development that sensitively frames the main street, provides visual relief from building height and mass and maintains a human scale, whereas the Design in Urban Areas policy module provides guidance regarding external appearance, landscaping, occupant amenity, environmental performance and interface impacts.

The development would incorporate a substantial 5 level building constructed to the south and east boundaries of the subject land, with minor setbacks along the north and west facades intended to enable ground level strip planting.

The base of the building would be characterised by glazed facades along most of the Unley Road frontage and screening devices with sections of sandstone cladding and integrated vertical planting along Esmond Street intended to conceal views of the ground level car park from public view. A canopy structure (clad in brushed copper aluminium) affixed to the north and east facade 3.5 metres above the Unley Road and Esmond Street footpaths would extend 1.3 metres over public realm to provide pedestrian shelter and further define the building's base.

A podium element reaching 5.4 metres in height terminating at the balustrade edge of first level apartment balconies (and approximately matching the height of the abutting building to the south) would be expressed by steel cladding painted white, with tapered balconies incorporating curved corners and steel bar balustrades finished white over levels three to five.

Cream finished brick walls incorporating extensive glazing would be setback between 1.1 metres and 4.3 metres from the site's north and east boundaries with portions of perforated mesh and aluminium cladding finished brushed copper positioned over the north elevation, collectively providing articulation which would distinguish the building's base from the upper residential levels.

Upper levels at the western portion of the development would be set back from the opposing property boundary, with separation distances varying between seven metres (at the second floor) to 21 metres (at the fourth floor) to diminish impacts of mass and scale between the proposed building and existing single level dwellings beyond.

The combination of glazing, articulated facades and material composition would result in a development expressing repetitive horizontal forms with inset areas expected to introduce a contemporary architectural form and create visual interest. The GA is supportive of the proposed built form proposition including the:

- proposed building height, rear setbacks, building base and distinction between the base and upper levels;
- use of a collection of limited materials and colours, including the use of feature masonry for sections of the building base; and
- intent to reinforce built form modulation using contrasting bronze coloured cladding for recessive elements, opposed to transparent and light coloured materials above.

In recognition of the intended use of precast concrete for the largely solid south boundary wall, the GA recommended consideration be given to the finish of fibre cement cladding in this location including provision of additional articulation given its likelihood to be highly visible. Further, the GA suggested confirmation of screening arrangements for the transformer along Esmond Street and rooftop solar panels to deliver the design intent for a finely expressed roof form.

Representors have criticised the proposed architectural expression and the south elevation's built form presentation, suggesting the latter would present as an excessively blank facade similar to development constructed recently along Churchill Road, Prospect.

In response, the applicant amended its plans (included in **Attachment 1A**) to:

- articulate the south elevation by providing irregularly dispersed 'decorative' grooved patterns for precast concrete panels, as an alternative to the predominantly smooth precast finish;
- provide sections of aluminium white cladding and additional glazing over inset / recessed areas to provide further visual interest;

- add perforated mesh screening to obscure the transformer;
- confirm the rooftop solar panels would not be visible from street level; and
- confirm the proposed final external material selections, which would be supported by a physical material sample board.

In recognition of this, the proposal is considered to respond positively to Code policy as it relates to building design and appearance including Zone (Built Form and Character) PO 2.1 and PO 2.2, which anticipate development that appropriately frame the street, provide visual relief from mass and scale impacts and complement the established fine-grained main street character.

The GA's support for the proposal is indicative of its acceptable performance against the expectations of the Design Overlay and the development would also satisfy various objectives of the Design in Urban Areas policy module including (All Development – External Appearance) PO 1.1 - PO 1.4, (Car parking appearance) PO 7.1 - PO 7.3 and (All Development – Medium and High Rise) PO 12.2 - PO 12.8.

Accordingly, the proposed development's design and appearance are considered to respond positively to key planning and design outcomes and are worthy of support.

Interface Impacts

The Code's (Interface between land uses) policy advocates for development located and designed to mitigate adverse impacts on or from nearby land uses caused by overshadowing and generation of noise and/or vibration. The Code's (Overlooking/Visual Privacy) policy emphasises the desire for mitigation of direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as building orientation, window and balcony off-sets, boundary setbacks and use of screening devices.

The proposal would satisfy the Interface Height TNV which advocates for buildings constructed within a 30-degree building envelope relative to the boundary of an adjacent residential property. In combination with the expectation of development in the Zone achieving a minimum of 3 levels in scale, the built form setbacks proposed above the building's first floor would ensure potential for overlooking of private open space of adjacent residences would be limited as demonstrated by the Section and sightline notes (Drg 3.20) included in **Attachment 1A**.

Shadow diagrams prepared by the applicant indicate the adjoining residences would receive sufficient access to daylight during the winter solstice, and commercial properties to the south are not susceptible to interface impacts caused through overlooking or overshadowing on the basis of their function and location in the Urban Corridor (Main Street) Zone.

The GA supports the applicant's consideration of the expected building scale impact including provision of an overlooking analysis, which demonstrates the impact on the adjacent zone would be reasonably mitigated. The GA believes the proposal reflects the development scale envisaged for the subject land and would manage interface issues with neighbouring small scale residential properties.

The land is subject to the Code's Noise and Air Emissions Overlay which anticipates protection of community health and amenity from adverse noise and air emission impacts, and the achievement of requirements prescribed by the [*Ministerial Building Standard MBS 010 – Construction requirements for the control of external sound*](#) for buildings used for residential purposes. For Building Rules Consent purposes, residential development proposal must adhere to the Ministerial Standard's mandatory provisions, ensuring that noise conditions within the development would be suitable for residential use.

Assessments prepared by VIPAC had regard to construction specifications and methods to control noise ingress into the proposed development, and to sensitive uses nearby. VIPAC has made recommendations concerning construction and external materiality which (if adhered to) would satisfy requirements of the *Environmental Protection (Commercial and Industrial Noise) Policy 2023*. An appropriately worded condition

would be assigned to any Planning Consent granted, to ensure VIPAC's recommendations are adhered to and that noise impacts associated with the development would be acceptable.

The nature of the proposed mix of use raises no concerns in relation to potential for generation of and/or exposure to excessive air pollution, noting the proposed car parking arrangements would be contained in a partially enclosed but naturally ventilated environment.

Overall and subject to adherence to the recommended condition of any consent granted, the proposal would be expected to satisfy policies relevant to interface conditions recommended in this location including the Noise and Air Emissions Overlay (Siting and Design) PO 1.1 - PO 1.2, the Zone's (Interface Height) PO 4.1 - PO 4.2 and the General Development section Interface between Land Uses (General Land Use Compatibility) POs 1.1 - 1.2 and (Overshadowing) PO 3.1 - PO 3.3.

Tree Damaging Activity

The Code's Regulated and Significant Tree Overlay anticipates conservation of Regulated and Significant trees to mitigate tree loss and provide aesthetic and environmental benefits. The Code's General Development (Design in Urban Areas) policy promotes the provision of quality of spaces integrated with the public realm which help optimize accessibility, comfort and safety for the community.

Vehicle access arrangements and the building's ground floor car park would necessitate the removal of one Significant and one Regulated Queensland Box trees and one unregulated Jacaranda tree, currently located within the car park at the west of the existing building. The applicant engaged Urbans Arboriculture to prepare a Regulated Tree and Protection Zone Report included in **Attachment 1K**, which indicated that all the subject trees are in good health and have medium retention value.

Urbans Arboriculture concludes that the Significant and Regulated trees in question can only be endorsed for removal should such tree damaging activity satisfy Overlay (Tree Retention and Health) PO 1.4 which anticipates tree-damaging activity in connection with other development satisfying the following:

- (a) it accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise be possible; and
- (b) in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

The applicant contends that:

- retaining the trees would not be practical, as they could not be reasonably sustained as part of the applicant's proposal to achieve the development outcome anticipated by the Urban Corridor (Main Street) Zone;
- each tree does not make an important contribution to the character and amenity of the locality through visual amenity or provision of shade;
- the trees do not form part of a wildlife corridor or a remnant area of native vegetation, nor are they essential for maintenance of biodiversity of the local environment.

Council does not support the removal of these trees on the basis it would be counterproductive to the Council's target for increasing tree canopy cover within the Council area. Representors have also objected to this proposed activity.

The applicant's design concept would prevent retention of the trees due to the intent to establish built form to the west of the existing building footprint, accessible via the adjacent laneway. The applicant is understood to have considered alternative development options to prevent tree damaging activity but has chosen to proceed with its proposal on the basis it intends to make a financial contribution to the Urban Tree Fund to compensate for the removal of the Significant and Regulated trees in question.

While removal of the trees would be unfortunate, the proposal would be expected to achieve the fundamental outcomes sought for development within the Urban Corridor (Main Street) Zone which would not be possible without the trees being removed. As such the proposed tree damaging activity would adequately satisfy

Overlay (Tree Retention and Health) PO 1.4 (a) and (b), such that tree removal should be acceptable, subject to the appropriate payment being made to the Urban Tree Fund.

Urbans Arboriculture considers that three street trees on the south side of Esmond Street would need to be protected should development of the land be undertaken, as any future root damage would be unlikely to fully self-repair. Council's Arborist is reportedly supportive of the pruning outlined in **Attachment 1K**, and an appropriately worded condition would be assigned to any Planning Consent granted to ensure appropriate protection measures are implemented during any future development activity.

Public Realm

The Code's General Development (Design in Urban Areas) policy promotes provision of quality spaces integrated with the public realm which help optimise accessibility, comfort and safety for the community. The development's ground floor frontages would introduce various public realm improvements including:

- vertical and low-level landscaping (equating to in 85m² in landscaped area supported by an unspecified irrigation system) intended to improve visual amenity and screen views of car parking and transformer infrastructure from the public realm;
- legible entry points to the residential lobby and office tenancy from the Unley Road frontage, with canopies extending over portions of the Unley Road and Esmond Street frontages; and
- concealed car parking and waste storage areas accessible via the western laneway.

The GA supports the intent for a commercial tenancy at ground level as an opportunity for further streetscape activation, and the provision of canopies over the Unley Road footpath to provide shade, shelter and amenity. In response to the GA's concerns regarding the originally proposed residential entry arrangement, the applicant has marginally increased the width and area of the residential lobby space.

Projecting canopies along the Esmond Street and Unley Road frontages would combine with other architectural details and external materials to reinforce a human scale and provide shelter along the primary frontage consistent with Zone (Built Form and Character) PO 2.4 and Design in Urban Areas (External Appearance) PO 12.2.

The canopies, projecting balconies, built form articulation and avoidance of tall, sheer external walls adjacent to public spaces would also assist in minimising wind impacts by deflecting downward travelling wind flows over pedestrian areas, as sought by Design in Urban Areas (Environmental) PO 14.3. In summary the expected contributions to the public realm are considered to exhibit sufficient quality and are supported.

Occupant Amenity

Code policy anticipates development that would feature appropriate occupant amenity in terms of residential outlook, access to natural light and ventilation, sufficient dwelling sizes and functional areas including adequate storage facilities and private open space. A summary of the development's performance against relevant Code policy is provided below:

- all dwellings would exceed the minimum floor areas recommended by Design in Urban Areas (Amenity) DTS/DPF 31.1 to provide a high standard of amenity and flexible living areas, satisfying (Amenity) PO 31.1;
- internal structure has been positioned to ensure all dwellings would be functional and useable as recommended by Design in Urban Areas PO 28.7;
- all apartment living areas would have an external outlook in accordance with Design in Urban Areas PO 18.1;
- bedrooms would be separated from circulation spaces and vehicle parking areas to limit noise and artificial light intrusion, as sought by Design in Urban Areas PO 18.2;
- each dwelling would be provided with adequate private open space in the form of a functional balcony accessible from a habitable room as recommended by Design in Urban Areas PO 27.1 and PO 28.3;
- waste transfer to the ground floor storage area would be enabled by waste chutes positioned over upper levels; and

- all apartments would be provided with at least 19m³ of dedicated storage space exceeding the area recommended under DTS/DPF 28.4.

The GA supports the generous apartment sizes and layouts and private open space allowances. The GA suggested residential amenity could be further improved by provision of windows to the west elevation of levels three and four to improve access to natural light and ventilation, however the applicant has not pursued this opportunity.

Overall, the intended residential offering is considered appropriate and in alignment with Code policy expectations related to occupant amenity.

Traffic Impact, Access and Parking

Transport-related Overlays applicable to the subject land advocate for the efficient operation of major urban transport routes including safe and convenient access to the road network for all road users, adequate provision of on-site vehicle parking and acceptable generation of traffic. The Design in Urban Areas policy module also provides guidance regarding appearance of car parking.

The applicant engaged SALT to prepare a transport impact assessment (included in **Attachment 1C**) which included a survey of parking, swept path analysis and consideration of traffic and parking implications as discussed in the following sections.

Vehicle Access

The development would be accessed through a 6.2 metre wide access point at the western facade allowing two-way vehicle movement along a no-through private laneway to the immediate west of the subject land (Allotment 115 Esmond Street, Hyde Park), which incorporates a reciprocal right of way benefiting various parties including the subject land's current owner.

Representors have raised concerns regarding site access, traffic and parking arrangements, claiming the development would result in traffic congestion, compromised safety and difficulty in accessing commercial premises to the south which have been accessed in the past by traversing the western portion of the subject land via the existing crossover of Esmond Street. This arrangement is understood to have been based on an informal agreement between adjoining landowners / business operators and the previous owner of the subject land.

SALT's swept path analysis identifies that passenger or light commercial (B85) vehicles would be capable of entering the site in a forward direction, park and exit the site in a forward direction using the private laneway. The Council has also confirmed it has agreed to waste collection arrangements involving a private waste contractor to reverse into the subject land from the laneway for collection purposes and exit the site along the laneway in a forward direction.

A representor suggests the applicant's proposed reliance on the use of the laneway would be unlawful on the basis it would result in an unreasonable and excessive overburden, contending that vehicle use of the intensity proposed was not contemplated at the time of granting of the right of way in 1977. Concerns have also been raised regarding the need for occasional visitation to the adjacent consulting rooms by ambulances, believing these vehicles would be unable to turn to enter or exit the consulting room carpark via the western laneway.

The applicant has responded by confirming the existing Esmond Street crossover may be restricted at any time irrespective of whether the proposed development occurs, and that the only reliable vehicle access to commercial properties at 292-294 Unley Road is along the laneway afforded by the reciprocal right of way established over the laneway. This view is considered reasonable noting that the laneway currently provides vehicle access opportunities for several adjacent residences, such that this accessway cannot be discarded as a viable route for users of several properties in the locality.

The Council has indicated its initial concerns regarding access to the site of the proposed development have been addressed. The Council has requested confirmation that all height clearances in the proposed car parking area either meet or exceed relevant Australian Standards to cater for entry and exit by expected waste collection vehicles (anticipated to be a 6.4 metre-long small rigid waste truck or similar).

The Commissioner of Highways has also considered application details and is supportive of the proposal, subject to the applicant providing a 3 metre x 3 metre corner cutoff at the Unley Road / Esmond Street corner at ground floor level to maximise pedestrian safety and circulation.

The facades of the intended commercial tenancy that would be affected by this alteration are currently proposed to be fully glazed, and while implementation of the requirement imposed (via condition) assigned by the Commissioner of Highways would noticeably alter the built form of this portion of the ground floor, the applicant has reportedly reached an agreement with the Department for Infrastructure and Transport (DIT) for this matter to be considered in future as a reserve matter, recognising the corresponding condition would remain assigned to any Planning Consent granted.

Accordingly, the detailed design of the car parking area and built form at the ground floor adjacent the junction of Unley Road and Esmond Street are proposed to be reserved for further assessment, the latter requiring approval by the DIT on the Commissioner of Highways' behalf to ensure pedestrian safety and circulation would be maintained.

DIT has also agreed to remove an element of a directed condition (that previously stipulated all vehicle movements must occur in a forward direction) as it was not aware the Council had given its endorsement for waste vehicles to reverse into the land to collect waste, before entering in a forward direction.

The proposed vehicle access arrangements are considered to offer adequate safety and convenience for vehicles to enter and exit the development in accordance with the Code's Transport, Access and Parking policy module, namely (Movement Systems) PO 1.1 and PO 1.4, (Sightlines) PO 2.1 and PO 2.2 and (Vehicle Access) PO 3.1 and PO 3.4.

The proponent is also proposing to upgrade the relevant portion of the private laneway needed to access the subject land through resurfacing with permeable paving. The extent of this work has yet to be documented, and this matter would need to be resolved with the agreement of other beneficiaries of the right of way such that it cannot be subject to a condition or matter reserved for further assessment assigned to any future Planning Consent.

Vehicle Parking

The development would provide at-grade parking for 15 cars at ground floor, one of which would service the proposed commercial tenancy, satisfying the expected user demand predicted by the Code's Transport, Access and Parking module's Table 2 - Off-Street Car Parking Requirements in Designated Areas

10 bicycle parking spaces would be provided in a secure storage room at ground floor, exceeding the five spaces recommended for the anticipated use by the Code's Transport, Access and Parking module's Table 3 - Off-Street Bicycle Parking Requirements. As such, the intended on-site vehicle parking is considered appropriate and supportable.

Traffic Generation

SALT's assessment had regard to New South Wales Road and Maritime Services Technical Direction TDT 2013/04a in determining the development would generate approximately nine trips in the morning period and seven trips in the evening period. SALT believes this would be a very low quantity of traffic equating to an average of less than one vehicle every seven minutes during both peak hours.

A representor asserts the forecast peak hour traffic volume of vehicle movements applied by SALT documented in application details is fundamentally incorrect, and that the development would result in there being approximately 65 trips along the laneway during peak periods. It should be noted the same representor

concedes the major traffic generator along the laneway would be the existing office and consultancy rooms located to the south of the subject land.

In its response to representations (included in **Attachment 4C**) SALT collected traffic movement data on 5 February 2025 between 4pm and 6pm and on 6 February 2025 between 7.30am and 9.30am. SALT's survey recorded 12 vehicle movements in and out of the laneway via Esmond Street and 14 movements in and out of the crossover traversing the subject land at 290 Unley Road.

SALT allowed for an additional two vehicle movements during each peak hour in recognition of the vacant bicycle sales shop existing on the subject land, concluding post-development traffic generation along the laneway would equate to 37 vehicle movements, combined with up to three visits per week by a waste collection vehicle (involving entry and exit movements).

SALT's assessment concluded that:

- the private laneway has always been intended to provide lawful access for shared users, and remains capable of doing so;
- the anticipated traffic generation associated with the proposal is generally equivalent to the limit suggested recommended in the Australian Standard for which a single lane access can be used to provide vehicle access;
- safety concerns raised by representors in relation to safety along the private road have been over-stated, and the associated theoretical traffic generation presented is grossly overestimated.

Noting that any future additional traffic movements would be expected to occur in a low-speed environment that would be likely to experience a marginal increase in the frequency of traffic movements, the proposed vehicle access arrangements, vehicle parking and predicted traffic generation are considered acceptable and in accordance with policy objectives of the Traffic Generating Development Overlay, the Urban Transport Routes Overlay and the General Development (Transport, Access and Parking) module. The Council has also indicated it is supportive of the proposal.

Environmental Factors

The Code's Design in Urban Areas (Environmental) policies encourage development that minimises detrimental micro-climatic impacts on adjacent land and buildings and incorporates design techniques and features that would contribute to ecologically sustainability outcomes regarding community health, urban heat, environmental performance, biodiversity and energy consumption.

Stormwater Management

Code policy advocates for development that implements water sensitive urban design techniques and that minimises potential impacts from flood risk through appropriate design and siting.

GAMA Consulting was engaged to prepare a stormwater management report (included as **Attachment 1H**) which was updated following comments received from the Council. GAMA asserts the proposal will manage stormwater as follows:

- 70 percent of water collected from the proposed roof area would be detained in an above-ground tank located at ground floor;
- any stormwater overflow would be directed to kerbs at street frontages to drain into the Council's stormwater system; and
- arrangements for treatment of surface water (incorporating two 'AtlanFilter' baskets connected to a grated pit and channel to grated drain) are designed to satisfy the Environment Protection Authority (EPA)'s water quality targets for stormwater runoff.

GAMA concluded the proposed stormwater management arrangements demonstrate that estimated quantities of run-off from the proposed development would have no detrimental impact on the existing drainage system, and that run-off leaving the site would be limited to pre-development flow rates required.

The updated stormwater management plan has addressed the concerns previously raised by Council, and as such these arrangements are considered to satisfy the Code's recommendations and align with the Council's technical requirements.

Waste Management

The Code's General Development (Design in Urban Areas) policy recommends that development addresses any negative visual impact of outdoor storage, waste management, loading and service areas through screening from public view considering the form of development contemplated in the relevant zone.

The applicant commissioned SALT to prepare a Waste Management Plan which predicted the development would result in generation of general, recyclable and organic waste equating to 4,584 litres, the residential component of which would be directly transferred to the enclosed ground floor waste storage area via waste chutes which would connect directly to 1,100 litre bins for general waste and recycling. The conventional waste generated would require collection up to three times per week, and the ground floor would also include a dedicated hard waste storage room for occasional use and scheduled collection.

The Council initially indicated it would not support kerbside collection for the proposed development, as the Council's waste service does not make collections for 1,100L bins. The Council subsequently agreed to allow a private waste contractor to reverse into the site and exit using a 6.4 metre small rigid vehicle in a forward motion for collection purposes, noting all vehicular access would be obtained from the western laneway.

While the proposed reversing vehicle manoeuvre would be contrary to the expectations of Design in Urban Areas (Site Facilities / Waste Storage (excluding low rise residential development)) PO 11.4, the proposed waste management arrangements are considered to adequately satisfy the intent of Design in Urban Areas policy expectations and particularly the outcomes expressed in PO 11.1 - PO 11.3.

The Council has advised that it considers the waste management proposal to be acceptable when taking into consideration the site constraints, narrow width of the western laneway and expectation of low traffic volumes. The Council has recommended that any loading and/or waste collection activities are 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.

An appropriately worded condition would be assigned to any consent granted requiring that any commercial waste collection from the car park area should be restricted to only occur outside of peak periods, to suit the Council's preferences and avoid potential exceedance of the maximum noise criteria as recommended by VIPAC.

Energy Efficiency

The applicant engaged Living Building Solutions (LBS) to prepare a report detailing Ecologically Sustainable Development (ESD) requirements intended for the development (included as **Attachment 1G**) to reduce the proposal's impact on the environment during construction and operation.

The development would include the following features intended to achieve a 6-star rating under the Green Star Buildings v1.0 and ESD outcomes:

- engagement of an ESD professional to provide sustainability advice during detailed design stages;
- preparation of a Construction Environmental Management System (EMS) to provide a formalised, systematic and methodical approach to planning, implementing, and auditing during construction;
- preparation and implementation of an Environmental Management Plan (EMP) to manage the performance and impact of excavation and construction activities;
- preparation and implementation of a Site Management Plan prepared in accordance with the Victorian EPA's publication "*Construction Techniques for Sediment and Pollution Control*";
- provision of utility meters (electricity, water & gas if applicable) for all individual dwellings and sub-meters for all major common areas;
- use of efficient fitting and fixtures to reduce consumption of mains water, and introduction of drought tolerant plants in all landscaped areas supported by a drip or under-mulch irrigation system;

- use of high efficiency LED lighting for lifts and external lighting incorporating occupancy sensors and daylight control, with all outdoor lighting to be compliant with AS/NZS 4282:2019 (Control of the obtrusive effects of outdoor lighting) to minimise the building's light pollution;
- use of air-cooled condenser components within the intended heating, ventilation and air conditioning system with 80 percent of water used during fire protection system testing targeted to be collected for reuse;
- achievement of NatHERS 7.0 Stars and minimum 6.0 Stars for each sole-occupancy residential unit including insulation throughout the development, double glazing (or equivalent) to all windows and doors and adjustable shading devices to all west facing glazing;
- installation of a roof mounted 10kW solar photovoltaic panel system with an 8kW inverter to reduce total electricity consumption of the site;
- achievement of total volatile organic compound or formaldehyde limits specified by the Green Star system for 95 percent of proposed paints, adhesives, sealants (by volume) and carpets (by area);
- appropriate access to natural light and ventilation for residential areas, with shading provided by projecting balconies assisting in managing thermal comfort; and
- provision of opportunities for sustainable transport (bicycles) and convenient access to high frequency public transport services;

LBS concluded that if the development is constructed in accordance with application details, the proposed development would meet and/or exceed the objectives of LBS' recommendations. If undertaken in accordance with application details, the proposal would be expected to satisfy Code policy expectations of relevance to achievement of ESD outcomes.

Site Contamination

The Code's General Development (Site Contamination) policy recommends that land is confirmed to be suitable for the proposed use in circumstances where the land is, or may have been, subject to site contamination.

The applicant commissioned GAMA Consulting to prepare a Preliminary Site Investigation (**Attachment 1L**), a Site Contamination Declaration (**Attachment 1M**) and Statement of Site Suitability (**Attachment 1N**), with GAMA concluding that potentially contaminating activities (PCA) have not been found to have occurred at the site, although, historical businesses operating with 60 metres of the site, have been shown to have conducted PCAs on those properties.

GAMA considered the nature of these activities and considers that they are unlikely to impact the subject land, such that site contamination is unlikely to exist on the proposed development site. No referral was issued to the EPA on this basis, and Code policy expectations regarding more sensitive use of land are considered to have been adequately satisfied.

CONCLUSION

Following a detailed assessment, the proposal is considered acceptable and worthy of conditional Planning Consent (with certain matters reserved for further assessment) in recognition of the following:

- the intended combination of land uses is envisaged within the Urban Corridor (Main Street) Zone, despite the absence of affordable housing products that might be included within the proposed dwelling mix;
- the building would adequately satisfy technical and numeric variations applicable to building height and interface conditions anticipated in this location;
- the proposal's design and appearance are considered to respond positively to key planning and design outcomes expected in the Urban Corridor (Main Street) Zone, and the in-principle support for the proposal registered by referral agencies is indicative of its acceptable performance against Code policy expectations;

- interface impacts on adjacent land would meet the tolerances afforded by Code policy, noting that residences located to the west of the site would achieve the recommended exposure to direct sunlight and not experience unreasonable overlooking should the development occur;
- the proposal must achieve the requirements prescribed by the *Ministerial Building Standard MBS 010 – Construction requirements for the control of external sound* at the building rules consent stage, ensuring acoustic protection of future residents would be ensured;
- legible entry points to the intended land uses and peripheral landscaping supported by an irrigation system;
- a high standard of occupant amenity would be offered in the design and planning of residential apartments;
- vehicle access arrangements are acceptable, and expected traffic generation would be low and within the capacity of the local road network;
- a 3 metre x 3 metre corner cutoff at the southeast corner of Esmond Street and Unley Road is required by the Commissioner of Highways, and the corresponding design amendments would be reserved for further assessment;
- waste collection and stormwater management arrangements are considered appropriate and are acceptable to the Council; and
- unresolved technical matters are proposed to be addressed through conditions of any planning consent granted.

The proposal is considered to respond adequately to relevant objectives and policy outcomes of the Planning and Design Code, and the development is unlikely to result in unacceptable impacts on nearby sensitive uses. On balance, conditional planning consent is recommended.

RECOMMENDATION

It is recommended that the SCAP resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24037925, by Samaras Construction & Developments is granted Planning Consent subject to the following conditions and reserved matters:

RESERVE MATTERS

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval

1. Final design of the ground floor confirming the following:
 - adequate height clearance within the ground level car parking area to safely accommodate the dimensions of all vehicles intended to access the parking area for any purpose (including emergency services vehicles); and
 - provision of a 3 metre x 3 metre corner cutoff at the southeast corner of the junction of Unley Road and Esmond Street, for approval by the Department for Infrastructure and Transport to ensure pedestrian safety and circulation would be maximised.
2. Final external material selections, including confirmation of high-quality integral finishes supported by the provision of physical samples.
3. Final details of the proposed irrigation system intended to sustain soft landscaping areas.

CONDITIONS

Planning Consent**Condition 1**

The development authorisation granted herein shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the State Planning Commission, except where varied by conditions below (if any).

Condition 2

Refuse collection must be scheduled to occur during the following periods:

Monday to Friday	07:00am to 08:30am or 17:30pm to 19:00pm
Saturday	07:00am to 19:00pm
Sunday or Public Holiday	09:00am to 19:00pm

Any variation to these hours of operation will require a further consent.

Condition 3

The three *Lophostemon confertus* (Queensland Box) trees existing along the south side of Esmond Street shall be protected during construction in accordance with recommendations made in the Regulated Tree and Protection Zone report prepared by Urbans Arboriculture (reference 83966) dated 11 September 2024. Any tree damaging activity (including tree pruning) will require the consent of the City of Unley.

Condition 4

All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2018 (Part 3) to ensure that stormwater does not adversely affect any building, adjoining property or public road.

Condition 5

Payment of an amount calculated in accordance with the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* be made into the relevant urban trees fund (or if an urban trees fund has not been established for the area where the relevant tree is situated, or the relevant authority is the Commission or an assessment panel appointment by the Minister or a joint planning board, the Planning and Development Fund) in lieu of planting 1 or more replacement trees. Payment must be made prior to the undertaking of development on the land.

Condition 6

Noise attenuation measures (including review of specified mechanical services plant and equipment) documented in the Noise Assessment Report prepared by VIPAC Engineers and Scientists Limited (reference 50B-24-0095-TRP-75454-0) dated 27 September 2024 shall be undertaken and adhered to prior to operation of the development, to ensure compliance with the relevant environmental noise criteria is verified.

Conditions imposed by the Commissioner of Highways under Section 122 of the Act**Condition 7**

All access to/from the development shall be gained in via the right of way from Esmond Street accordance with the site plan produced by SMFA, Drawing No. 2.20, Rev. P3, dated 3.2.2025.

Condition 8

A 3 metre x 3 metre corner cutoff shall be provided at the Unley Road/Esmond Street corner at ground floor level to maximise pedestrian safety and circulation.

Condition 9

All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2022.

Condition 10

Any canopies extending into the road reserve of Unley Road and Esmond Street shall have a minimum setback of 600mm from back of kerb to minimise the potential for conflict with commercial vehicles.

Condition 11

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

ADVISORY NOTES

Planning Consent

Advisory Note 1

The approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Advisory Note 2

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Relevant Authority).

Advisory Note 3

No works, including site works can commence until a Development Approval has been granted.

Advisory Note 4

The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

Advisory Note 5

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

Advisory Note 6

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

Advisory Note 7

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.

Advisory Note 8

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.

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-reinstatementsand-modification-to-footpaths-roads-kerb-gutter-works.pdf>

Advisory Note 9

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>

Advisory Note 10

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