Otello Projects
22ADL-0240
8 November 2023

Planning Report

Unley Road Development

Seven-Storey Mixed Use Building and Removal of a Significant Tree

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Planning Report – Unley Road Development

8 November 2023

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Contents

Contents ii

Executive Summary 1

1. Introduction 2
   - 1.1 Purpose of this Report 2
   - 1.2 Background 2
   - 1.3 Design Philosophy 3

2. Subject Land and Locality 4
   - 2.1 Subject Land 4
   - 2.2 Locality 5

3. The Proposal 7

4. Procedural Matters 8
   - 4.1 Planning and Design Code 8
   - 4.2 Category of Development 8
   - 4.3 Relevant Authority 9
   - 4.4 Interpretation of the Planning and Design Code 9
   - 4.5 Applicable Policies 10
   - 4.6 Notification 10
   - 4.7 Referrals 11

5. Planning Assessment 13
   - 5.1 Land Use 13
   - 5.2 Siting, Design & Character 14
   - 5.3 Building Height, Scale and Mass 16
   - 5.4 Residential Amenity 18
   - 5.5 Interface with adjoining properties 20
   - 5.6 Access & Parking 22
   - 5.7 Waste Management 23
   - 5.8 Tree-Damaging Activity 25
   - 5.9 Landscaping 27

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

5.10 Stormwater Management 28
5.11 Site Contamination 29
6. Conclusion 30
7. Appendices 31

Executive Summary

Applicant and Owner:	Otello Projects
Property Location:	42-46 Unley Road, Unley
Description of Development:	Construction of a seven-storey mixed use building comprising of a residential flat building (15 dwellings), office and carparking and removal of one Significant Tree
Planning and Design Code:	Version 2023.15 (26 October 2023)
Zone:	Urban Corridor (Main Street) Zone
Relevant Authority:	State Planning Commission
Assessment Pathway:	Performance Assessed with Public Notification
Statutory Referrals:	Government Architect and EPA
Elements:	Residential flat building (dwellings) Office Tree-damaging activity
Site Area:	1,115 square metres
Height:	Seven Storeys or 25.40 metres (24.10 metres excluding plant)
Setbacks:	0.6m to Unley Road, 12.04m to Irwin Lane and 0m to side boundaries.
Regulated/Significant Trees:	Removal of one Significant Tree, replacement trees planted in lieu.
Car Parking:	25 at grade car parking spaces
Bicycle Parking:	11 parking spaces
Waste:	Internal waste room to accommodate the required 8 bins with collection occurring onsite via 10m waste refuse vehicle via Irwin Lane

1. Introduction

1.1 Purpose of this Report

URPS has been engaged by Otello Projects (Otello) to provide planning advice and to prepare this planning report. This report supports a development application for the construction of a seven-storey mixed use building containing 15 dwellings, an office and at grade carparking, which requires the removal of a Significant Tree.

The development is proposed on a large allotment situated on the western side of Unley Road, Unley. The land contains two single storey buildings, being an office and retail showroom.

The report is to be read together with:

- Architectural drawings and contextual analysis prepared by Enzo Caroscio Architecture (ECA)- Annexure A.
- Stormwater drainage plan and report prepared by P&G Structures – Annexure B.
- Landscaping plans prepared by Landskap – Annexure C.
- Waste (refuse) management plan prepared by Colby Phillips – Annexure D.
- Traffic and car parking report prepared by CIRQA – Annexure E.
- A sustainability statement prepared by Stantec – Annexure F.
- Arboricultural impact assessment and development impact report by Arborman Tree Solutions – Annexure G.
- Preliminary site investigation and soil assessment report by Land and Water Consulting – Annexure H.

1.2 Background

Otello is an award winning, boutique developer with a focus on mixed-use precinct scale developments in key Adelaide locations. Of note, these projects include:

- Thirteen architecturally designed townhouses at Daly Street, Kurralta Park. This project was a recent recipient of the National UDIA Award for Affordable Housing.
- Trento, Mile End, comprising of 12 bespoke apartments, 8 townhouses and a café tenancy on the fringe of the Adelaide Parklands. This project is registered with Homes for Homes Australia.
- Five contemporary dwellings within McLaren Street, Torrens Park. The design provided a site-specific solution for a four-bedroom family home where the lands natural topography was embraced to maintain the existing sloped character of the site.
- A 10-storey mixed use development at Kent Town comprising a range of residential, hospitality, health, and commercial uses.

ECA has prepared a comprehensive suite of architectural drawings and contextual analysis. Reflective of ECA's reputation and values the proposed development offers a high performing, architecturally designed building.

Design of the proposed building commenced mid-2022. The Applicant and their project team attended two (2) Pre-lodgement Planning (PLP) meetings and Design Review Panels with SPC planning staff, and representatives from ODASA and Council.

The proposal now submitted has been modified to better address PLP and Design Review feedback. Otello Projects has engaged the technical services of several consultants in support of this application.

1.3 Design Philosophy

The architect has described the buildings as comprising Manhattan and Parisian inspired elements while having regard to the existing history and built form context of Unley Road. This local context features a transformation from low scale shopfronts to medium scale mixed use developments.

The built form activates the Unley Road frontage with a two-storey podium. The podium follows the street pattern of square proportions with framed openings. At pedestrian level, the building provides fine grain main street character to achieve a high amenity pedestrian environment. The design is supplemented by the ground floor commercial use and residential lobby.

Above, the building is highly articulated with varied setbacks. These setbacks typically increase with building height. A 3-metre northern setback accommodates daylight to external terraces and facilitates city skyline views. Significant setbacks from Irwin Lane assist in transitioning building scale on the site to the neighbouring residential context.

Building mass is minimised using materiality, articulation, and a low roof form. The elevations have varied wall lines and setbacks. The proposed materials and finishes are durable and facilitate visual interest while softening mass to achieve a high-quality design. This is supplemented by cascading landscape plantings to balconies and rooftop plantings.

2. Subject Land and Locality

2.1 Subject Land

The subject land is located on the western edge of Unley Road within a mixed-use locality. The land is a regular shaped allotment situated at the northern end of Unley Road between Greenhill Road and Young Street. It is contained within Allotment 138 of Certificate of Title (Volume/Folio) 5564/801 within Filed Plan 13556.

The land comprises an area of 1,115 square metres, with a primary frontage of 18.28 metres to Unley Road and 18.29 metres to Irwin Lane. It has a gentle slope grading towards Irwin Lane and currently contains two single storey buildings, being an office and a retail showroom.

Two established Weeping Bottlebrush (*Callistemon viminalis*) trees are situated within the site adjacent to the Irwin Lane frontage, one of which is a Significant Tree.

The image below identifies the land (outlined yellow) in relation to the wider locality:

Figure 1: The Land

Figure 2: Street Frontages

Unley Road

Irwin Lane (North)

Irwin Lane (South)

2.2 Locality

This locality comprises a mixture of commercial and residential land uses, recognisant of the two zones contained within it, being the Urban Corridor (Main Street) Zone and Established Neighbourhood Zone.

The commercial uses in the locality are typically contained to Unley Road, with residential uses evident to Salisbury Street and Irwin Lane to the west and Clyde and Townsend Street to the East.

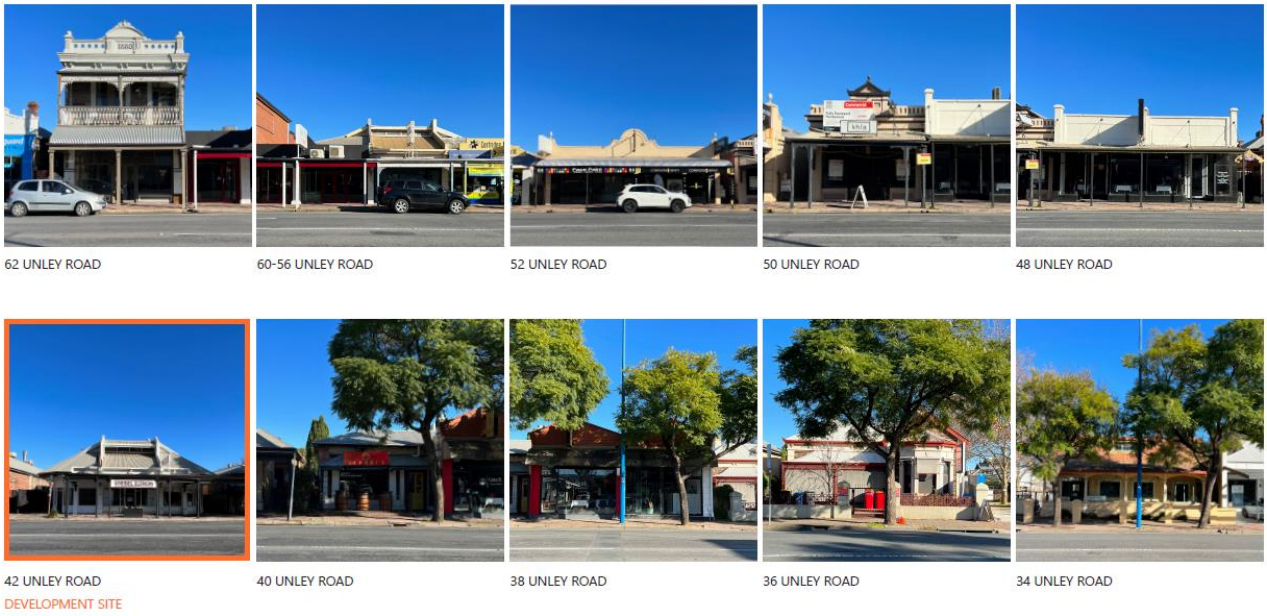
The residential component of the locality is characterised by detached dwellings at a low density. Built form is predominately low rise and consists of various forms and eras of construction.

Unley Road is characterised by predominately single or two storey high built form. No buildings of heritage value immediately abut the site.

Unley Road, as an arterial road, is a notable feature of the locality, carrying in the order of 28,000 vehicles per day.

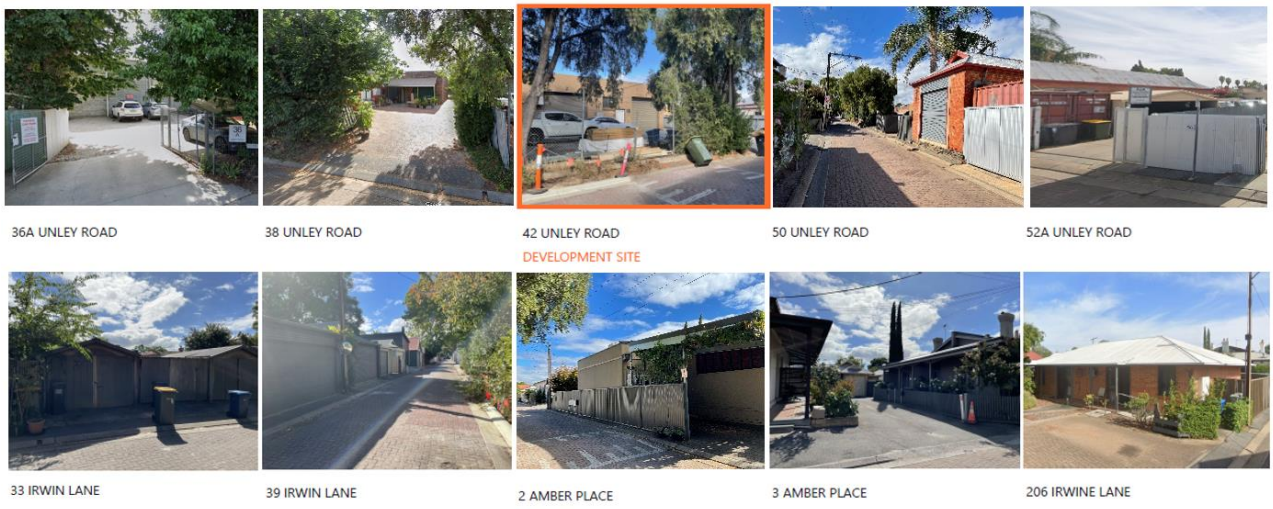
Figure 3: The Locality

Figure 4: Unley Road Street Context



Source: Enzo Caroscio Architecture

Figure 5: Irwin Lane Street Context



3. The Proposal

The proposal seeks to construct a seven-storey mixed-use building and remove a significant tree.

The building has a total height of 25.40 metres (24.10 metres excluding plant) and contains:

- An office at ground level (221m^2 including amenities).
- 15 dwellings within a residential flat building, including:
  - 6 x two-bedroom (levels 1 and 2)
  - 8 x three-bedroom (levels 1, 3-5)
  - 1 x four-bedroom penthouse (level 6)
- At grade car parking accessible from Irwin Lane, including:
  - 18 secure undercover car parks
  - 7 open air car parks
- Bike storage areas for 11 bicycles
- One pedestrian lobby and lift
- Storage units within the enclosed car park (totalling 45m^3 additional storage)
- Communal collection waste room at ground level
- Internal plant room
- Roof and balcony mounted plant
- Roof-mounted solar panels
- Roof, balcony, and ground level landscaping provision

Figure 6: Proposed South Eastern Perspective

Source: Enzo Caroscio Architecture

4. Procedural Matters

4.1 Planning and Design Code

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

Overlays:

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

TNV's:

- Minimum Building Height – 11.5 metres and 3 levels
- Maximum Building Height – 18.5 metres and 5 levels
- Minimum Primary Street Setback – 0 metres
- Interface Height – within a building envelope provided by 30-degree plane measured at 3 metres above natural ground level.

4.2 Category of Development

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

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

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

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

4.3 Relevant Authority

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

Schedule 6—Relevant authority—Commission

4-Inner Metropolitan Area – building exceeding 4 storeys

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

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

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

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

4.4 Interpretation of the Planning and Design Code

Designated Performance Features (DPFs) assist authorities to interpret Performance Outcomes (POs). The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO i.e. the outcome can be met in another way:

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

A DPF provision should not be interpreted as quantitative requirements, instead it simply presents one way in achieving the corresponding PO. There can be variation from DPF policies, and not just in a minor way.

Emphasis should be placed on satisfying the qualitative Performance Outcome in the circumstances where a specified DPF is not met. This view has been reinforced by the Courts[1], where the following was observed:

- A DPF is not the same as a complying standard or a Principle of Development Control under the previous planning system. A DPF is its own thing and is "advisory", it is one way to satisfy a PO. "If a DPF was the only way a PO was to be satisfied, the PO has no work to do". They are not 'requirements' and do not determine compliance with a PO.
- A DPF is only part of the assessment – the application needs to be assessed on its merits against all relevant policies. The significance of any departure from a DPF will depend on the circumstances of the matter at hand.
- As Technical and Numeric Variations (TNVs) appear in DPFs, they are merely part of the guidance provided and are not strict requirements.

It is with the above approach that the application has been assessed in this report.

The Code also notes[2] that where there is an inconsistency between provisions in the relevant policies for a particular development, then:

a) The provisions of an overlay will prevail over all other policies applying in the particular case, and
b) A subzone policy will prevail over a zone policy or a general development policy, and
c) A zone policy will prevail over a general development policy.

4.5 Applicable Policies

Table 3 of the Zone identifies applicable policies to performance assessed classes of development.

Both an office and residential flat building are identified in Table 3 of the Zone. Therefore, the relevant policies applicable to the assessment of the proposal are listed by Table 3 and no other policies apply[3].

4.6 Notification

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

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

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

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[1] Parkins v Adelaide Hills Council Assessment Manager [2022] SAERD 12 and Adelaide Hills Council Assessment Manager v Parkins & Anor [2023] SASCA 66
[2] Part 1, Rules of Interpretation – Policies, Desired Outcomes and Performance Outcomes, Hierarchy of Policies
[3] Part 1 – Rules of Interpretation, Application of Policies to Performance Assessed Classes of Development

4.7 Referrals

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

Table 1 Referrals during the Assessment

Planning and Design Code reference	Referral Body	Referral Trigger
Part 9, Environment Protection Authority	Environment Protection Authority	Site Contamination - Change in the use of land to a more sensitive use – Class 1 activity on adjoining land
Design Overlay	Government Architect or Associate Government Architect	Development within all other areas of the overlay that involves the erection or construction of a building that exceeds 4 building levels.

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

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

> ***23—State Planning Commission (section 94)***
>
> ***The following matters are specified for the purposes of a report under subregulation (2)(b):***
>
> ***a) the impact of the proposed development on the following at the local level:***
> ***i. essential infrastructure;***
> ***ii. traffic;***
> ***iii. waste management;***
> ***iv. stormwater;***
> ***v. public open space;***
> ***vi. other public assets and infrastructure;***
> ***b) the impact of the proposed development on any local heritage place;***
> ***c) any other matter determined by the Commission and specified by the Commission for the purposes of subregulation (2)(b).***

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

The following statutory referrals are not required to be undertaken:

- Commissioner of Highways, as the proposal does not:
  - Alter existing access or provide new access via a State Maintained Road. Access to the land is obtained via Irwin Lane (being a Local Road).
  - Propose advertising displays. A referral for the purposes of Advertising Near Signalised Intersections Overlay is therefore not required.

- Minister responsible for administering the South Australian Housing Trust Act 1995 (Affordable Housing Overlay), as the proposal does not:
  - Involve the provision of more than 20 dwellings.
  - Seek or intend to provide affordable housing for the purposes of this overlay.
- The Adelaide Airport operator (Airport Building Heights (Regulated) Overlay), as the proposal does not:
  - Exceed a height of 45 metres.
  - Result in any exhaust stack that may generate plumes above 45 metres.

5. Planning Assessment

In our view the key planning considerations for the proposed development are:

- Land Use
- Siting, Design and Character
- Building Height, Scale and Mass
- Residential Density and Amenity
- Access and Parking
- Waste Management
- Removal of the Significant Tree
- Stormwater Management
- Site Contamination

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

5.1 Land Use

The 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 (DO 1).

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

- These land uses and built form types are expressly contemplated by DPF 1.1.
- Desired Outcome 1 seeks for a combination of commercial main street uses supported by residential development.
- The residential element is located above the ground level commercial use, consistent with DPF 1.4.
- Two-, three- and four-bedroom dwellings are accommodated within this mixed-use development providing housing diversity as sought by PO 1.5.
- The ground floor office can accommodate a range of alternative commercial uses as sought by PO 2.5.

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

5.2 Siting, Design & Character

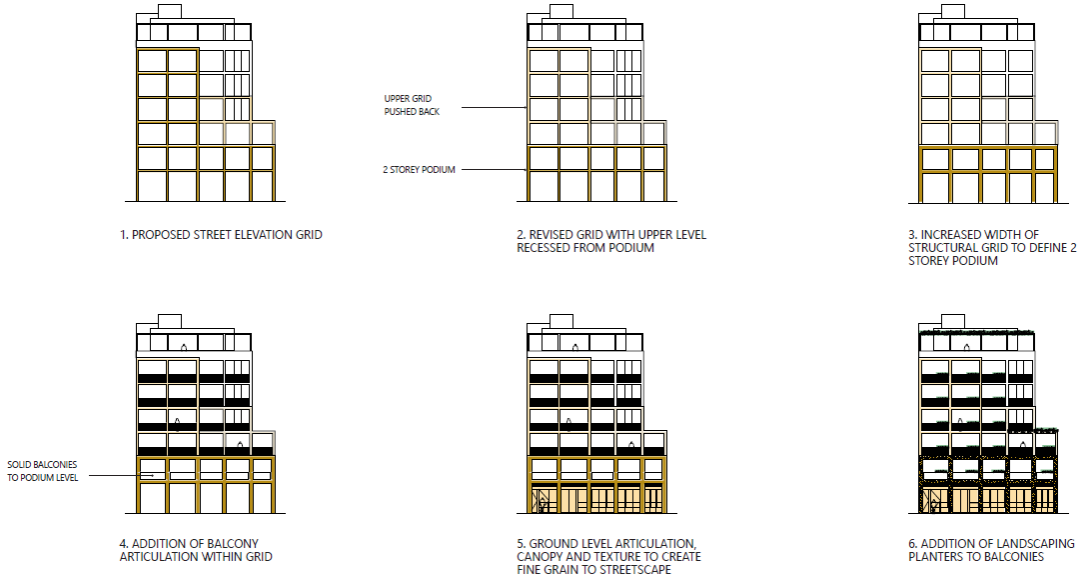
The Code contains a range of provisions that seek to ensure development is appropriately designed and sited. These provisions seek to ensure that development/buildings:

- Achieve a suitable human scale and podium that frames the main street, complements fine gain main street character, facilitates passive surveillance, and provides overall visual relief from building height and mass (Zone PO 2.1-2.4, 2.6 and 2.8).
- Comprises of suitable and durable materials which do not stain or discolour (Design in Urban Areas PO 12.5).
- Incorporates a suitable tower design above which demonstrates a high-quality design and reduces visual mass (Design Overlay PO 1.1 and Design in Urban Areas PO 12.3, 12.4 and 12.5).
- Integrates, screens, and minimises impacts resulting from plant, services, or deliveries (Design in Urban Areas PO 1.4 and 1.5).

On our assessment, the proposal satisfies the guidelines summarised above because:

- The building is sited on the Unley Road primary frontage. Where setback, this setback is to facilitate the recessed entry, emphasised podium and to provide landscaped plantings, all of which provide visual interest to the appearance of the building.
- The building provides for a clearly defined two-level podium which is incorporated into the Unley Road frontage. The podium is clearly defined by a projecting two-storey grid of increased width. This design intent and evolution is shown below.

Figure 8: Podium Evolution



Source: Enzo Caroscio Architecture

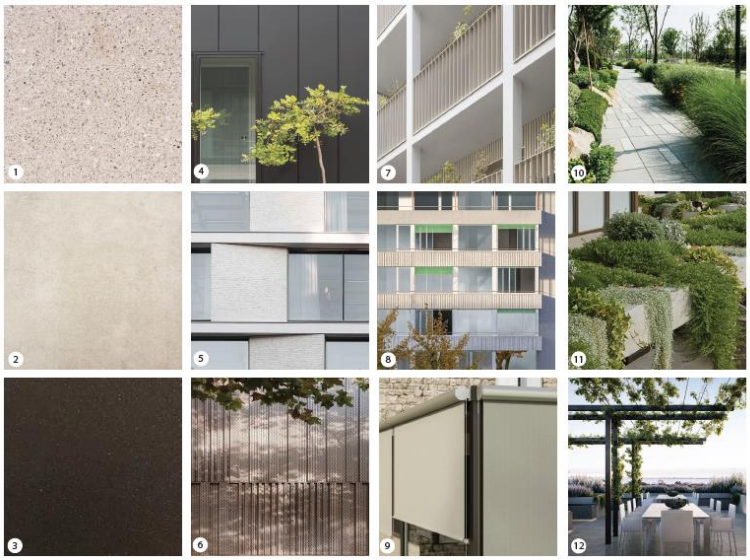
- Clear glazing, base stall boards and a recessed lobby entry is integrated into the Unley Road façade to achieve the desired fine-grained main street character. The clear glazing to the commercial tenancy and lobby facilities an active interface with Unley Road and accommodates passive surveillance of the public realm. This design approach is supplemented with the inclusion of the projecting canopy awnings and solid landscape planters to the first level balcony.

Figure 9: Eastern Façade (Unley Road)

Source: Enzo Caroscio Architecture

- Materials and finishes comprise of durable finishes that provide visual interest, softens mass and are reflective of high-quality design. The proposed materials are identified below.

Figure 7: Materials and Finishes



1 PRECAST CONCRETE
2 PRECAST CONCRETE (SMOOTH FINISH)
3 POWDERCOATED ALUMINIUM WINDOWS & DOORS
4 VERTICAL PROFILED FACADE CLADDING
5 EXPRESSED CONCRETE SLAB EDGE
6 CAR PARK SCREEN
7 VERTICAL ALUMINIUM BALUSTRADE
8 GREEN AWNING PODIUM CANOPY
9 RETRACTABLE BLINDS
10 STREET INTERFACE LANDSCAPING
11 INTEGRATED LANDSCAPING
12 ROOFTOP ARBOUR

Source: Enzo Caroscio Architecture

- The building provides for a high quality and contextually responsive design that incorporates articulation and fenestration to all elevations that increases with the building scale.
- Building mass is minimised using materiality, articulation, and a low roof form. The elevations have varied wall lines and setbacks. The clearly defined grid and balconies soften building surfaces. This is supplemented by cascading landscape plantings.
- A 12.04 metre setback to the rear laneway reduces building mass when viewed from adjoining residential properties and accommodates on-site waste vehicle movements and on-site carparking.
- The appearance of roof plant equipment from the public realm is minimised due to its internal or central roof location. Condensers associated with each dwelling's air conditioner unit are contained within balcony areas and away from external views.
- Communal waste is stored within the building rather than outdoors, removing the potential negative visual impacts typical of waste areas.

5.3 Building Height, Scale and Mass

The Zone suggests minimum and maximum heights of 3 levels and 5 levels (or 18.5 metres) respectively. These are identified in the form of TNV's.

The proposal satisfies the minimum height and maintains a traditional main street form.

Regarding the 5 level and 18.5 metre TNV, we note that:

- TNV's form part of a DPF and are a guide. They are not complying standards.
- Development over 5 storeys or 18.5 metres is contemplated by the Zone (PO 5.2).
- This Zone's Desired Outcomes (DO) do not seek to limit building heights to medium rise. In our view, it is with a conscious purpose the authors of the Code did this, which differs to the Desired Outcomes of other Urban Corridor Zones[4] which do refer to medium rise.

The proposal does not achieve the 'significant development site criteria', however, there are several compelling reasons to support the proposed building height, namely:

- The building's façade is characterised by fine grain built form features that reinforce the positive main street character. The buildings podium maintains a human scale.
- The design of the building is heavily articulated to reduce mass. The footprint of the building decreases as the building height increases. Its mass is further reduced by its materiality, varied setbacks, and its low roof form. The mass is largely contained to levels 1 to 6.

[4] Urban Corridor (Business) Zone and Urban Corridor (Living) Zone

- The upper level is inset and has limited visibility at pedestrian level (particularly when viewed from Irwin Lane). The proposed rear setback also increases with the building height.
- No external interface impacts result from this proposal (refer Section 5.5 of this report).
- The additional building height does not result in any tangible planning impacts.
- The building is consistent with the intent of PO 5.1 as the off-site impacts are suitably managed and the development provides for a broad community benefit through the provision of high-quality design and sustainability features.
- The passive design principles include shading by balcony/terrace projections, roof landscaping, irrigated planter boxes for soft landscaping, and an expected average 7.0-Star NatHERS rating. This demonstrates a 27% reduction from the 2019 National Construction Code 6 Star requirements.
- The Zone would otherwise incentivise an increased building height in such circumstances.

Figure 10: Unley Road and Irwin Lane Façade

Source: Enzo Caroscio Architecture

For the reasons provided above, the proposal positively responds to the existing and future context of the zone accommodating a visually interesting and articulated building form of high design quality. The design of the building reinforces and contributes to the zone's envisaged built form (DO 2 and PO 3.1).

The exceedance of height above the applicable TNV will not result in a detrimental impact on the adjoining uses or streetscape character. The desired local context is reinforced in satisfaction of PO 3.1 (building height).

The following provisions of the code are therefore sufficiently satisfied:

Urban Corridor (Main Street) Zone

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

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

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

PO 3.1 ***Building height is consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer and otherwise positively responds to the local context including the site's frontage, depth, and adjacent primary corridor or street width.***

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

Maximum Building Height (Levels) is 5 levels

Maximum Building height (Metres) is 18.5 metres

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

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

Minimum Building Height (Levels) is 3 levels

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

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

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

PO 1.1 ***Building height does not pose a hazard to the operation of a certified or registered aerodrome.***

Building Near Airfields Overlay

PO 1.3 ***Buildings are adequately separated from runways and other take-off and landing facilities within certified or registered aerodromes to minimise the potential for building-generated turbulence and windshear that may pose a safety hazard to aircraft flight movement.***

5.4 Residential Amenity

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

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

- The proposal seeks for a low yield, limited to 15 dwellings.
- The design maximises the number of dwellings facing public space and northern views.
- All habitable rooms have direct access to daylight.
- The southern elevation incorporates a lightwell to ensure any future development on the adjoining land will not negate access to external light.
- 11 of the 15 dwellings achieve north-facing access to daylight for private open space and internal living areas.

- Featuring clear glazing to the Unley Road frontage and 360 degree balconies above, the building maximises opportunities for passive surveillance.
- Private Open Space[5] is provided in the form of balconies to all dwellings. These areas are summarised as follows:

Table 2: Private Open Space Provision

Type	Number of Bedrooms	Minimum Dimension (m)	Area defined as POS (m^2)	Total Balcony Area (m^2)
A	2	2.32	10	14
A.1	2	2.07	28	28
A.2	2	1.98	23	23
B	2	2.90	47	47
C	2	3.05	81	81
D	3	1.80	43	48
D.1	3	3.00	69	69
Penthouse	4	1.80	159	171

- All bar one dwelling satisfies Design in Urban Areas DPF 27.1. Dwelling 'Type A' seeks for a minor shortfall of 1m2 (area) and 8mm (dimension). The balance of dwelling types all significantly exceed the minimum Code requirements for Private Open Space.
- This shortfall sought is minor. The area remains suitably sized to accommodate the needs of the occupants consistent with PO 27.1.
- Dwellings are provided with storage areas exceeding the Code's minimum. The storage areas comprise:

Table 3: Apartment Storage Capacity

Location/Bedrooms	Apartment Typology	Storage (m^3)
Ground level carpark	Storage Units	• 9 units at $5m^3$
2 Bedroom Dwelling	Apartment A	• $23m^3$

[5] Part 8 of the Code provides that a minimum dimension of 1.8 metres is required for the area to constitute private open space.

Location/Bedrooms	Apartment Typology	Storage (m^3)
	Apartment A.1 Apartment A.2 Apartment B Apartment C	• 46m^3 • 23m^3 • 54m^3 • 52m^3
3+ Bedroom Dwelling	Apartment D Apartment D.1 Penthouse	• 64m^3 • 32m^3 • 56m^3

- All dwellings provide for storage exceeding 12m^2 per dwelling, with at least 50% contained within that dwelling. DPF 28.4 is met. A storage schedule is provided within Annexure A.
- The building comprises of varied setbacks from ground level and above and incorporates verandahs and balconies which assist in deflecting wind.
- The building has been designed to ensure energy consumption and greenhouse gas emissions are substantially reduced from a business-as-usual approach. This is coupled by the provision of roof mounted solar panels, a roof garden, cascading landscaping, retractable blinds, and cross ventilation to ensure the proposal incorporates suitable environmentally sustainable design techniques. On this basis, a 7.0-Star NatHERS rating is anticipated.
- Vehicles can enter and exit the apartment building in a forward direction.

5.5 Interface with adjoining properties

The Code seeks to ensure development is sited and designed to mitigate adverse effects on neighbouring and proximate land uses. This includes consideration of direct overlooking[6], management of building mass and overshadowing.

The proposal satisfies the relevant code provisions in this respect, as:

- The shadow cast by the development is generally limited to adjoining roads and commercial buildings rather than main areas of private open space or habitable room windows. The limited shadow cast onto adjoining residential development is for a duration not exceeding 3 hours during the winter solstice. No shadow impact during the summer solstice occurs.
- Building mass is minimised by its separation from the adjoining residential properties and through the use of materiality, articulation and a low roof form. The elevations display varied wall lines and

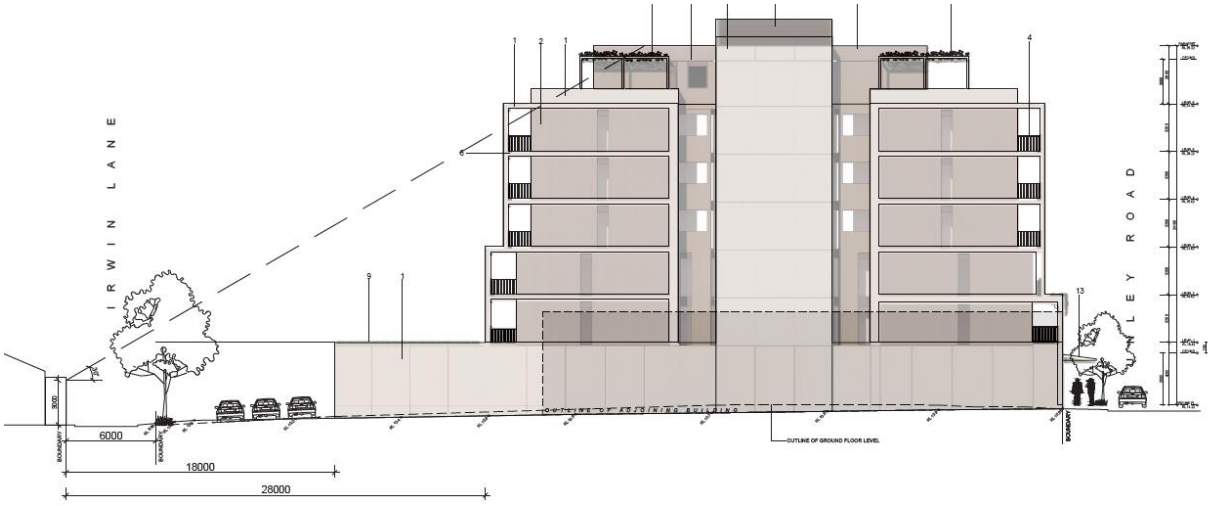
[6]Direct overlooking is defined by Part 8 of the Code as:

> ***In relation to direct overlooking from a window, is limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than 45 degree angle from the plane of that wall containing the overlooking window.***
>
> ***In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15 metres measured from any point of the overlooking deck, balcony or terrace.***

setbacks. The clearly defined grid and balconies soften building surfaces. This is supplemented by cascading landscape plantings.

- This rear setback increases with the building height, ranging from 12.04 metres (garage) to 22.17 metres (level 1) to a maximum of 25.16 and 28.21 metres (level 6). This excludes the additional 6 metres provided by Irwin Lane, which adds further separation.
- The height of the building is predominately contained within the 30-degree plane when measured 3 metres above ground level at the boundary of the adjacent land used for residential purposes. The exceedance primarily relates to open terracing to balconies and in our view is a minor incursion.

Figure 11: 30 Degree Plane Building Height Comparison (measured from Irwin Lane)



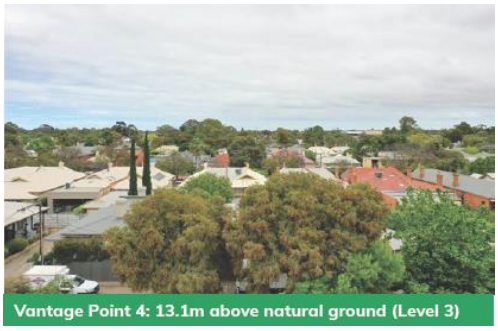
Source: Enzo Caroscio Architecture

- The windows and balconies associated with the dwellings contained within the residential flat building are all sited with a horizontal distance exceeding 15 metres. No direct overlooking for the purposes of Design in Urban Areas PO 16.1 results from this proposal. PO 16.1 is therefore not applicable, and overlooking has been appropriately managed by interface separation.

Notwithstanding the above, an overlooking analysis has been undertaken. This analysis provides vantage points at various heights recognisant of a person standing upon one of the proposed balconies.

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

Figure 12: Overlooking Analysis (Extract – Levels 1 to 6)



The proposed siting and design of the building together with its local context, ensures that neighbouring dwellings are not unreasonably impacted by the proposed built form.

5.6 Access & Parking

A total of 25 car parking spaces are provided by the proposed development, with access obtained from Irwin Lane via a 7-metre-wide crossover. This access will service passenger and refuse vehicles associated with the development.

Of the 25 car parking spaces provided, 18 spaces are within an enclosed garage, with the remaining 7 spaces comprising open-air visitor parking.

A non-regulated tree and existing stobie pole are proposed to be removed/relocated to facilitate the proposed access.

Transport, Access and Parking in the General Development Policies section of the Code seeks for:

- Walls, fencing and landscaping adjacent to driveways to be designed to provide adequate sightlines between vehicles and pedestrians (PO 2.2).
- Safe and convenient access that minimises impact or interruption on the operation of public roads (PO 3.1).
- Access points to be sited and designed to accommodate the type and volume of traffic generated by the development (PO 3.3) and minimise any adverse impacts on neighbouring properties (PO 3.4).
- Safe, dignified and convenient access for people with a disability be provided (PO 4.1).
- Sufficient on-site parking and specifically marked accessible car parking places to be provided to meet the needs of the development (PO 5.1).
- Car parking areas be appropriately designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as landscaping, fencing, and the like (PO 6.2).

The proposal is consistent with this desire, noting:

- A landscaped buffer comprising a 3-metre width is provided between the egress point to Irwin Lane and the pad mounted transformer to preserve sightlines.
- All weather vehicle access is achieved from a public road. No access from the Unley Road (arterial road) is proposed.
- CIRQA confirms the Irwin Lane access point will accommodate simultaneous two-way movements.
- The crossover is provided to accommodate passenger vehicles and waste collection vehicles accessing the site. All passenger vehicles can manoeuvre on site to egress the land in a forward direction.
- Commercial vehicle movements associated with the site will be undertaken outside of peak periods to minimise disruption to the site's parking area.
- The building has been setback from the Irwin Lane frontage to accommodate waste collection on-site. This preserves the flow of traffic on Irwin Lane.

The above comments are reflective of the Car Parking and Traffic Assessment undertaken by CIRQA traffic consultants. This assessment is contained within Annexure E.

5.7 Waste Management

The development incorporates 15 dwellings (consisting of a total of 40 bedrooms) and an office. Waste is proposed to be stored and collected on-site via Irwin Lane. Waste collections are to occur by a private waste contractor.

A communal waste management system for the building has been designed in consultation with Colby Phillips using waste rates determined by the "Better Practice Guide – Waste Management for Residential and Mixed-Use Development" by Zerowaste SA. The anticipated waste generation rates have been summarised below:

Table 5: Estimated waste and recycling volumes (Litres/week)

Waste/Recycling Service	Residential	Commercial
General waste	1,200	170
Dry Comingled Recycling	1,000	130
Confidential Paper	-	30
Food/Garden Organics	400	50
Hard waste	168	5
E-waste	20	1
Total	**2,788**	**386**

Source: Colby Phillips

The above waste is anticipated to be distributed, stored, and collected as follows:

Table 6: Waste storage and bin schedule

Source	Storage Location	Routine Service	Estimated Volumes (Litres/week)	Collection Frequency (Events/week)	Provider	Bin Number and Size
Combined Residential and Commercial	Ground Level Waste Room	General Waste	1,370	1	Private Rear Lift	2 x 660L
		Dry Comingled Recycling	1,130	1		1 x 1,100L
		Food/Garden Organics	450	1		1x 660L
Commercial	In Tenancy	Confidential Paper	30	0.25	Private	1x 140L

Source: Colby Phillips

In relation to waste storage, we note the following:

- Proposed waste storage is predominately residential waste only, with 12% of the waste attributable to the commercial tenancy.
- The combined anticipated general/recycling/organic waste rates are identified above.
- Suitable kitchen bins will be provided within apartments to enable easy carriage to the ground level waste room.

- The waste storage room is readily accessible to all commercial and residential tenancies.
- Bins would be collected directly from the bin room by the Private waste contractor (pull in / pull out service).
- The laneway is two-way and the building has been sufficiently setback from Irwin Lane to accommodate the manoeuvring of the private rear-lift waste collection vehicle.
- The waste collection vehicle will reverse into the site and egress in a forward direction. Collection will be limited to 3 to 5 minutes for each service so as to not unreasonably detract from the use of Irwin Lane or the car park.
- Timeframes for collection are to be scheduled so as to avoid peak times for tenants and occupants.
- A graded bin wash-down area will be provided alongside the ground level bin storage area to ensure bin odour is mitigated.

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

- Communal waste storage areas to be conveniently located and screened from public view.
- Storage facilities to be located away from dwellings and well ventilated.
- Collection areas to be designed to allow for collection vehicles to enter and leave the site without reversing.
- A dedicated wash bay facility of on-going maintenance to be provided.

5.8 Tree-Damaging Activity

The proposal seeks to remove one Significant Tree, being a Weeping Bottlebrush (Callistemon viminalis) located adjacent to Irwin Lane.

This tree is not a naturally occurring flora and has been planted. The tree is proposed to be removed to accommodate a centrally located access point to the land.

While the applicant intended to retain the tree, removal is considered necessary following an assessment by the consulting arborist, Arborman Tree Solutions (**Annexure G**)

In summary their assessment identified:

Table 4: Significant Tree Summary

Aspect	Assessment Finding
Legal Status	Significant
Health, Structure, Form	Good, Fair, Good
Structural Root Zone	2.90 metres

Aspect	Assessment Finding
Tree Protection Zone	6.87 metres
Retention Rating	Moderate
Development Impact	Conflicted
Observations	This tree is in good health however has fair overall condition due to the presence of stable included bark in the primary trunk division. There is deadwood within the crown but not at a level that would indicate reduced health and is typical of the species. The growing environment of the Trees includes the adjacent compacted road reserve, kerbing, and current concrete car park area. The existing root system is expected to be highly restricted.
Assessment	The encroachment is greater than 50% and will cause tree damaging activity. This level of encroachment impacts the structural root zone and trunk and as such they will be destabilised by the required work, and are therefore considered to be Conflicted by the proposed development
Arborist Recommendation	Removal Required

Having regard to the expert advice of the project arborist and when assessed against the relevant provisions of the Regulated and Significant Tree Overlay, removal is considered appropriate, in that:

- The tree does not make an important visual contribution to local character and amenity, being that its importance is not beyond the normal level that might be expected for a Significant Tree.
- Visual contribution to the tree is limited to Irwin Lane. The tree has minimal visibility from the adjoining Unley Road, Young Street and Park Lane. It does not form a notable visual element to the landscape of the area.
- The tree is not indigenous to the local area or listed as a rare or endangered species.
- It does not represent an important habitat for native fauna or to the biodiversity of the local environment. Being that it its contribution is not beyond the normal level that might be expected.
- The removal of the tree is required:
  - To enable the construction of the car park to proceed.
  - To accommodate the reasonable development of land in accordance with the relevant zone, which seeks to provide a commercial main street precinct supported by medium density residential development.

- To facilitate the safe and convenient access and manoeuvring of waste and passenger vehicles to service development envisaged by the zone (including provision of sealed parking areas).
- Given the existing extent of encroachment and limited contribution of the tree, other development options and design solutions are not considered reasonable.

Performance Outcome 1.2 and 1.4 of the Overlay has been met by the proposal.

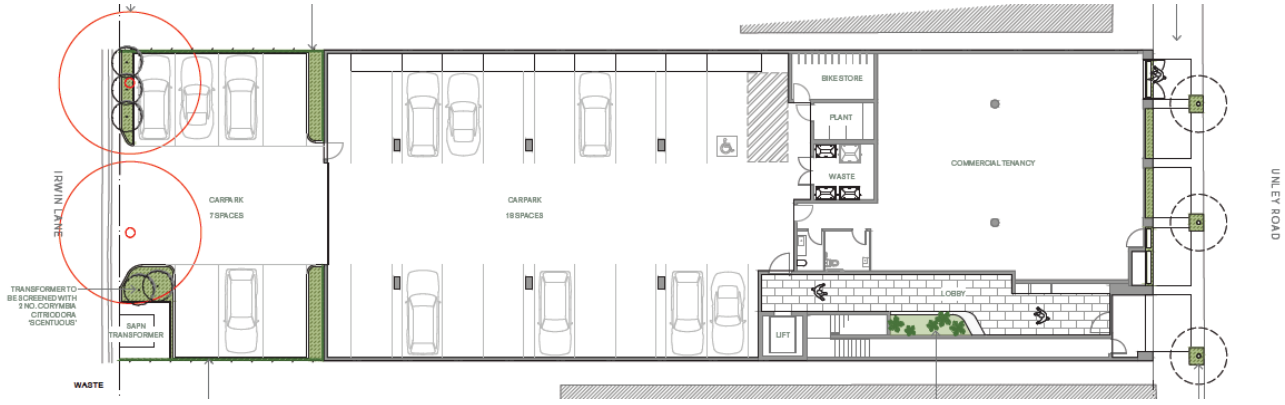
To fulfill the requirements of Section 127(6) of the Act, the proponent seeks to provide for replacement tree plantings in lieu of a financial contribution. Proposed replacement trees comprise of Lemon-scented gums (x3) (Corymbia Citridora) to be planted adjacent to the Irwin Lane frontage. The location of these plantings is reflected within the Ground Level Concept Plan prepared by Landskap.

5.9 Landscaping

To complement the proposed built form, a landscaping concept has been prepared by Landskap (Annexure 3). This concept seeks to provide:

- Indicative locations for future street plantings and paving provision (subject to discussions with Council) within the Unley Road verge.
- Irrigated ground level plantings to the Irwin Lane frontage, side boundaries and rear elevation of the enclosed car park. This is inclusive of the three (3) replacement tree plantings, located within deep soil zones.
- Timber paling with landscaped creepers to the rear elevation of the enclosed carpark and to visible side boundary fencing of the open-air carpark.
- Internal amenity plantings to lobby.

Figure 13: Ground Level Landscape Concept



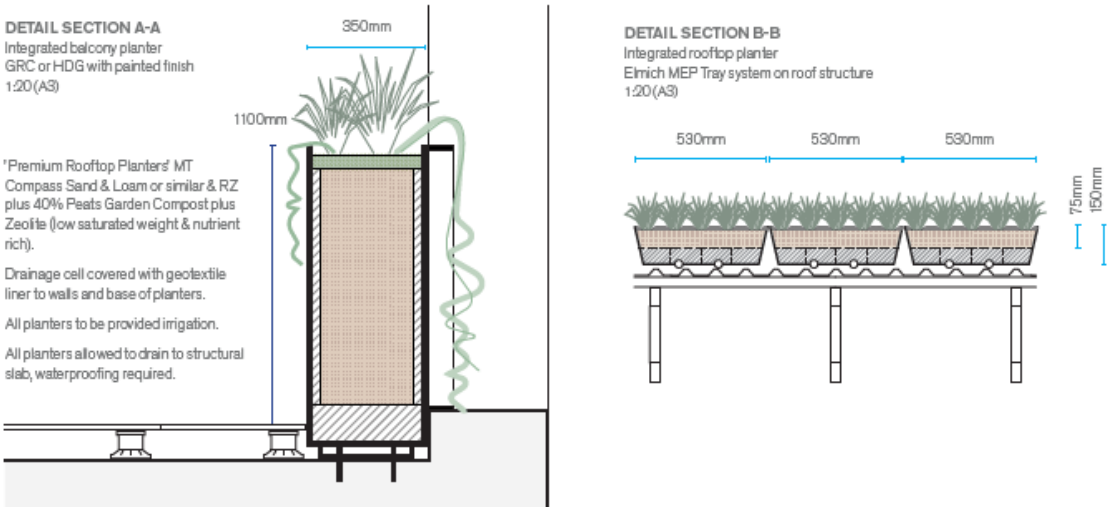
Source: Landskap

Figure 14: First Level Landscape Concept

Source: Landskap

- Irrigated plantings to carpark roof (within a proprietary green roof system).
- Loose pots and irrigated cascading planters to terraces.

Figure 15: Integrated Balcony and Rooftop Planters



Source: Landskap

The landscaping plan prepared by Landskap demonstrates the relevant Design in Urban Areas general development policies of the code are satisfied.

5.10 Stormwater Management

The proposal seeks to collect and manage stormwater as follows:

- Roof and surface water will be collected and directed to an underground tank.
- The sump collecting surface water will be fitted with a proprietary pollutant filter.
- The underground detention tank will accommodate a volume of 13.5kL.
- The tanks outlet will be discharged to the existing 375mm diameter pipe situated beneath Irwin Lane.

- All paved areas that are not covered by a roofed area are to comprise of permeable paving. This is limited to the open-air car park adjacent to Irwin Lane.
- The building will be constructed with a finished floor level accommodating a 150mm freeboard.

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

- Mitigate peak flows and manage the rate and duration of stormwater discharges from the site.
- Minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system.
- Comprise areas of soft landscaping to maximise stormwater infiltration.

5.11 Site Contamination

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

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

While a referral to the EPA is required, the preliminary site investigation contends that no potentially contaminating activities (PCAs) have been identified as having occurred on the site. The potential for any site contamination is therefore limited to potential groundwater contamination, originating from adjacent Class 1 activities.

The following recommendations were put forward as a result of the PSI:

- A passive soil vapour assessment be undertaken with specific consideration of future indoor air spaces.
- A Construction Environment Management Plan be prepared and investigated.

It is considered that such measures would be appropriate dealt with by a reserved matter and condition of consent.

6. Conclusion

The proposed development comprises a high quality and architecturally designed mixed use building. It satisfies the relevant provisions of the Planning and Design Code and warrants Planning Consent because:

- An office and residential flat building within a mixed-use development is expressly contemplated by the Zone. The non-residential use will occupy the ground floor as encouraged by the Zone.
- The building provides for a high quality and contextually responsive design that incorporates articulation and fenestration to all elevations that increases with the building scale.
- Building mass is minimised using materiality, articulation, and a low roof form. This is aided by the varied wall lines and setbacks to the external elevations.
- The proposed building height is complemented by the Zone and will not unreasonably detract from adjoining residential uses by way of overlooking or shadow impacts.
- All dwellings exhibit a high degree of residential amenity.
- The removal of the significant tree will not unreasonably detract from the character or amenity of this area. Its removal will be offset by replacement tree plantings more suitable to the sites developed conditions.
- The development provides sufficient off-street vehicle and bicycle parking.
- Adequate waste management practices are proposed as an integral part of this development.
- Stormwater will be suitably collected and managed.
- The risk of site contamination is low. Investigations into groundwater contamination resulting from the adjoining Class 1 uses can be managed by a reserved matter and conditions of consent.

7. Appendices