Otello Projects c/- URPS

Construction of a seven-level mixed use building comprising 15 dwellings and a ground-level commercial tenancy with associated car parking

46 Unley Road, Unley SA 5061

Development Application ID: 23012013

OVERVIEW:

DEVELOPMENT ID	23012013
APPLICANT	Otello Projects C/- URPS
PLANNING & DESIGN CODE VERSION	Version 2024.17 12/9/2024
NATURE OF DEVELOPMENT	Construction of a seven-level mixed use building comprising 15 dwellings and a ground-level commercial tenancy with associated car parking
ZONING INFORMATION	**Zones:** • Urban Corridor (Main Street) **Overlays:** • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Affordable Housing • Building Near Airfields • Design • Noise and Air Emissions • Prescribed Wells Area • Regulated and Significant Tree

	• Traffic Generating Development • Urban Transport Routes **Technical Numeric Variations (TNVs):** • Maximum Building Height (Metres) (Maximum building height is 18.5m) • Minimum Building Height (Levels) (Minimum building height is 3 levels) • Maximum Building Height (Levels) (Maximum building height is 5 levels) • Minimum Building Height (Metres) (Minimum building height is 11.5m) • 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 3m above natural ground at the boundary of an allotment)
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
RELEVANT AUTHORITY	State Planning Commission pursuant to Section 94 (1)(a)(ii) of the *Planning, Development and Infrastructure Act 2016* and as prescribed by *Schedule 6 (3)* of the *Planning, Development and Infrastructure (General) Regulations 2017*
STATUTORY REFERRALS	City of Unley Environment Protection Authority Government Architect
DELEGATION	State Commission Assessment Panel (SCAP) – section 5.2.1 of the SCAP Development Delegations Policy dated 18 March 2021.
PUBLIC NOTIFICATION	Yes
SERIOUSLY AT VARIANCE	Not seriously at variance
RECOMMENDATION:	Planning Consent be granted subject to reserved matters and conditions
RECOMMENDING OFFICER	Daniel Marotti Planning Officer

Table 1: Application Overview

CONTENTS:

Attachment 1J - Sustainability Statement by Nathan Lawry
Attachment 1K - Waste Management Plan by Colby Philips Advisory
Attachment 1L - Stormwater Management Report by P&G Structures Pty Ltd
Attachment 1M - Construction Environmental Management Plan by Land & Water Consulting
Attachment 1N - Soil Vapour testing by Land & Water Consulting
Attachment 1Oa - Preliminary Site Investigation by Land & Water Consulting Part 1
Attachment 1Ob - Preliminary Site Investigation by Land & Water Consulting Part 2
Attachment 1Oc - Preliminary Site Investigation by Land & Water Consulting Part 3

ATTACHMENT 2 – REFERRAL AGENCY RESPONSES
Attachment 2A – City of Unley
Attachment 2B - Environment Protection Authority referral comment
Attachment 2C - Environment Protection Authority response to applicant response
Attachment 2D - Government Architect referral comment
Attachment 2E - Government Architect response to applicant response

ATTACHMENT 3 – REPRESENTATIONS

ATTACHMENT 4 – RESPONSE TO REPRESENTATIONS AND AGENCIES
Attachment 4A – Response to representations by URPS
Attachment 4B – Response to agencies by URPS

EXECUTIVE SUMMARY

Otello Projects c/- URPS has applied for planning consent for the construction of a seven-level mixed-use building at 46 Unley Road, Unley. The proposed scheme comprises 15 residential apartments between levels one to six and a ground floor commercial tenancy. The development includes a secured parking area for twenty vehicles and eleven bicycles that is covered by a green roof, as well as an additional uncovered rear parking area for seven cars (27 parking spaces in total). The proposal will retain a significant tree and plant new trees along Irwin Lane and Unley Road.

The State Planning Commission is the relevant authority pursuant to Schedule 6 (4) (1) of the *Planning, Development and Infrastructure (General) Regulations 2017 (the Regulations)* as the proposed development would exceed four storeys within the Design Overlay in the City of Unley.

The subject site is wholly located within the Urban Corridor (Main Street) Zone (Zone). The proposed development is Performance Assessment – Code Assessed, as designated in Table 3 of the Zone. The proposal was publicly notified as it exceeds the Zone's maximum designated building height. The application received fifteen representations - fourteen not in support of the proposal and one either in support or in support with some concerns.

The application was referred to the Government Architect (GA), Environment Protection Authority (EPA) and the City of Unley (Council). The referral agencies provided advice and the imposition of conditions to be included with the decision.

The proposal would result in a mixed-use development envisaged by the Zone and incorporate a high-quality design that is contextual to its locality and Unley Road. The proposal would not unreasonably impact surrounding land uses and sensitive receivers, will provide adequate parking and would not adversely impact on existing infrastructure, services or the receiving road network.

The proposal is considered to respond appropriately to the relevant objectives and policy outcomes of the Code and therefore planning consent with reserve matters and conditions is recommended.

BACKGROUND

The proponent engaged in the Department for Housing and Urban Development's pre-lodgement service as listed below:

- Pre-Lodgement Panel meeting #1 – 19 September 2022.
  - Proposed six-levels (22m tall) with 13 apartments.
- Design Review #1 – 6 October 2022
- Pre-Lodgement Panel meeting #2 – 19 December 2022.
  - Increased to seven-levels (24m tall) with 15 apartments.
- Design Review #2 – 16 February 2023.

DETAILED DESCRIPTION OF PROPOSAL

The applicant seeks planning consent for the proposed construction of a seven-level mixed-use building at 46 Unley Road, Unley.

The building's ground floor will accommodate a 138m^2 commercial tenancy (specific use i.e., office, consulting room, is currently unknown), with the above floors (levels one to six) accommodating fifteen dwellings comprising of five typologies. The proposal's dwelling typologies and floor schedule are listed in Table 2.

Typology	Bedrooms	Internal floor space area (m^2)	Private Open Space* (m^2)	Storage (m^3)	Floor schedule & quantity
Type A	2	96	13.7 8.9 (one apartment)	23	L1 x 2 L2 x 2
Type B	2	106	37.6	27	L2 x 2
Type C	3	123	75.2	26	L1 x 2
Type D	3	160	50.6 (one apartment) 25.7	32	L3 x 2 L4 x 2 L5 x 2
Type E	4	243	99.9	56	L6 x 1

*Only including areas that satisfy Design in Urban Areas Table 1 – Private Open Space minimum width requirements.

Table 2: Proposed dwelling typologies and floor schedule

The proposed building's ground floor footprint abuts the subject site's southern, eastern (Unley Road) and northern boundaries. The building's western facade and covered carpark entrance are respectively setback (approximately) 22m and 12m from the subject site's western boundary (Irwin Lane).

The form of the building comprises a two-level podium abutting the north, east and southern boundaries to define the building base. Above the defined base, Level 2 is set back either 1.2m or 3.05m from its eastern boundary and its northern facade incorporates a 3m setback area to form two distinct balconies. Level 3 to 5's northern facade is entirely set back 3m from its boundary, with Level 6 set back from all edges.

Other vertical articulation is provided to the building's eastern, northern and western facades via balconies, subtle changes to floor plates and inclusion of skeletal verandahs/ arbors.

The building's southern facade constantly remains on boundary, excluding two light wells located either side of the structure's combined lift and stair core. The light wells begin on L1 and form balconies for two L1 apartments.

The roof accommodates air conditioner condensers, hot water plant and solar panels (64 panels shown on the roof floor plan).

The structure's facade materiality incorporates precast concrete with different textures and finishes that help to differentiate/ emphasis the Unley Road podium. The proposal's materiality is displayed below.

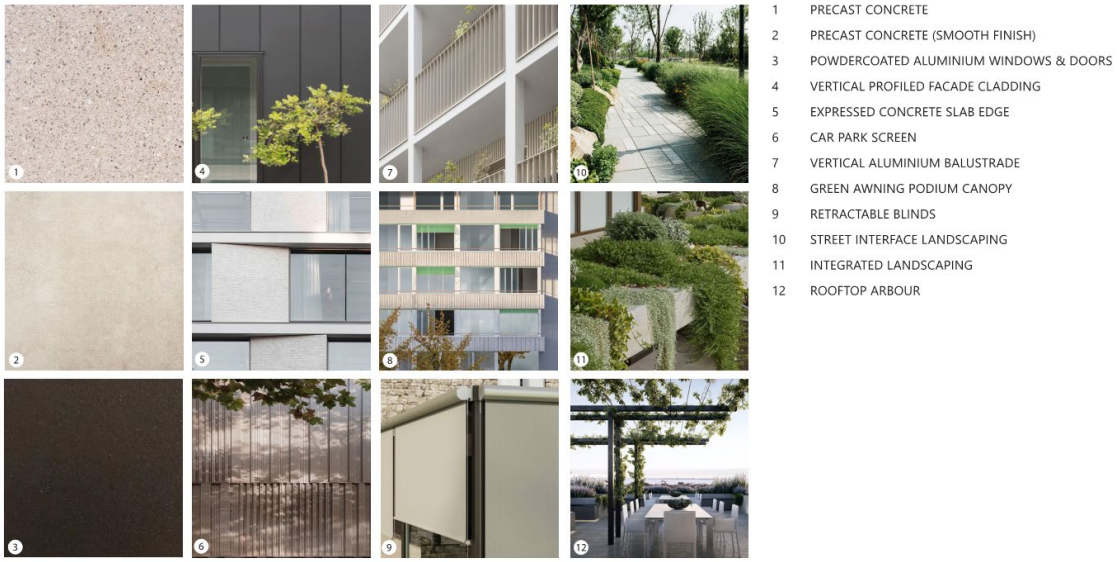

Figure 1: Proposed materiality (Enzo Caroscio Architecture page 26)

Figure 2: Proposed materials and finishes (Enzo Caroscio Architecture RFI response page 6)

The proposal's Unley Road facade provides two distinct access points, one commercial and one recessed residential. Five discrete L1/Ground floor canopies will cover the Unley Road footpath and access points.

A 7m wide vehicle access will be constructed at the midpoint of the site's Irwin Lane boundary (rear entrance). The site's existing southern crossover will be removed and made good.

Twenty-seven ground level carparks will be provided – seven uncovered and twenty covered/ secured. The uncovered spaces are adjacent to the site's Irwin Street entrance, and the covered spaces are accessed via an internal roller door and pedestrian access door. The proposed parking arrangements are:

- Eighteen of the (twenty) covered spaces are for residents;
- Two covered and two uncovered spaces (four in total) are dedicated for staff parking;
- Five uncovered spaces are for visitors; and
- One DDA space provided in the uncovered area.

The covered parking area incorporates storage along its northern boundary. The uncovered parking area will be constructed from permeable paving.

A bicycle storage area with a capacity of eleven bicycles is located within the covered carpark area and adjoins the commercial tenancy's rear wall.

The site's significant tree will be maintained, and an unregulated tree will be removed within the site's Irwin Street frontage. – Important to note that since the application was lodged, the Regulated and Significant Tree criteria in the *Planning, Development and Infrastructure (General) Regulations 2017* was amended on 16 May 2024. If the application was lodged and submitted after this date, the amendment would have classified the tree to be removed as regulated. However, as the application was submitted prior to 16 May 2024, and not lodged until after this date, removing the tree is not considered tree damaging activity. Therefore, this report will continue to classify this tree as unregulated.

Greening is provided across the site's ground floor and vertical plane to include new trees, a green roof, planters, garden beds and creepers/ climbers.

The development will manage stormwater via a combination of permeable paving, a rear drain, detention tank, sump fitted with pollutant controls, installation of inground pipes that connect to Council's existing infrastructure and raising ground floor levels to appropriate freeboard heights.

A waste storage area will accommodate general waste, recycling and organics bins. The waste will be collected via a private contractor.

The development will relocate an existing Irwin Lane Stobie pole and will support the site's transformer.

Land Use/s	Residential Flat Building and Commercial Tenancy
Building Height	26.15m 37.13mAHD- top of lift overrun 24.94m/ 36.15mAHD - top of plant room roof
Description of Levels	Ground Floor: Commercial tenancy, residential lobby, covered & uncovered parking areas, bicycle storage area, cold-water plant room, waste room, lift and stairs, services, mailboxes, rear, central and front landscaping, three rear trees, three Unley Road trees, and five Unley Road canopies. First Floor: 4 x residential apartments, landscaped/ green roof. Second Floor: 4 x residential apartments. Third to Fifth Floor: 2 x residential apartments. Sixth Floor: 1 x residential apartment Roof: air conditioner condensers, solar panels and hot water plant.
Car Parking	Twenty-seven ground floor spaces - twenty covered/ secured and seven uncovered, latter includes one DDA space.
Bicycle Parking	Secured ground floor area accommodating eleven spaces.

Table 3: Proposed Building Overview

LOCATION OF DEVELOPMENT

Location ref.	46 UNLEY RD UNLEY SA 5061				
Title ref.	CT 5564/801	**Plan Parcel**	F13556 AL138	**Council**	CITY OF UNLEY

Table 4: Property Information Summary

Site Description

The subject site is a rectangular shaped allotment that measures approximately 1,115m^2 in size. The site has an 18.29m Unley Road frontage, 18.29m Irwin Lane frontage and 60.96m depth. The site's only vehicle access is via an Irwin Lane crossover.

The site is relatively flat, with only a gradual fall toward its rear/ Irwin Lane boundary.

The site currently accommodates three Unley Road fronting commercial tenancies within one single-storey building and a rear detached single-storey commercial tenancy. The site provides rear and centralised concreted/ paved parking areas that are both accessed via its Irwin Lane crossover.

Two trees, one being a significant tree, are located within an Irwin Lane abutting verge. The unregulated tree will be removed.

A Stobie pole that abuts the site's crossover will be relocated and will support the proposal's transformer.

Figure 3: Aerial Photo of the Site (SAPPA)

Locality Description

The subject site is located within a mixed-use area of Unley and the City of Unley. The area comprises of commercial and retail Unley Road fronting land parcels within the Urban Corridor (Main Street) Zone, and residential allotments located either side of the Unley Road corridor are within the Established Neighbourhood Zone, with Historic Area – Un20 to the west and Historic Area – Un6 to the east.

The Unley Road commercial and retail properties are typically single-storey character buildings with large glass windows, and typically include canopies or verandahs. A few examples of two-storey converted character dwellings and contemporary buildings are scattered along Unley Road.

The residential properties west and east of Unley Road predominately comprise single-storey brick and masonry character dwellings with steel hip and/or gable roofs. The dwellings sit behind vegetated frontages and a manifold of fencing typologies.

Unley Road is a four lane (two lane in each direction) State-maintained road with sealed footpaths and bicycle lanes on either side. Controlled parking is permitted along Unley Road, including in front of the subject site.

Established trees along Unley Road are located north of the subject site, with the locality's residential areas presenting good canopy cover.

The site is within the following walking distances to the respective services, facilities and amenities:

- Two Go-Zone bus stops (Unley Road) – 175m;
- Tram stop (Glenelg to City/ Festival Plaza line) – 850m;
- Reserve/ open space (Adelaide Parklands) – 310m;
- Shopping Centre (Unley Central) – 800m; and
- School (Saint Spyridon College) – 900m.

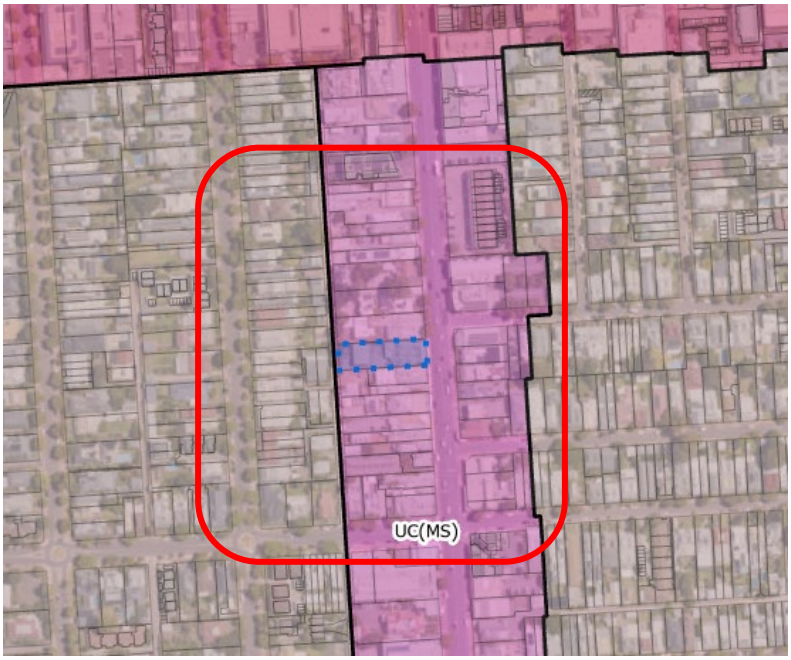

Figure 4: Site and locality zoning (SAPPA)

CATEGORY OF DEVELOPMENT

Element	Assessment Pathway	Reason
Residential flat building	Performance Assessed	Development not classified as accepted, deemed-to-satisfy, restricted or impact assessed will be performance assessed on its merits against the Code.
Office	Performance Assessed	Development not classified as accepted, deemed-to-satisfy, restricted or impact assessed will be performance assessed on its merits against the Code.
Solar photovoltaic panels (roof mounted)	Accepted	Development classified as accepted

Table 5: Development Element(s) and Assessment Pathway(s)

Default Category of Development – Performance Assessed

PUBLIC NOTIFICATION

Generally, all classes of performance assessed development require public notification unless, pursuant to section 107(6) of the Act, the class of development is excluded from public notification by the Code in Table 5 of the relevant zone(s).

Public notification is required in accordance with Urban Corridor (Main Street) Zone Table 5 - Column B 3, as the proposed development consists of a residential flat building and office that exceeds the maximum building height specified in Urban Corridor (Main Street) DTS/DPF 3.1 of 5 levels/ 18.5m.

Public notification was undertaken between 28 November 2024 to 18 December 2024. 67 letters were distributed to the owners / occupiers of adjacent land, with public notification signage installed on the subject site in accordance with Practice Direction 3(12), Section 107(3) of the *Planning Development and Infrastructure Act 2016* and Division 3, Regulation 47 of the *Planning Development and Infrastructure (General) Regulations 2017*.

Representations

A total of fifteen valid representations (seventeen in total, however, three were by the same representor) were received during the notification period, with fourteen not in support of the proposal and one either in support or in support with some concerns.

One representor has expressed their desire to be heard by the SCAP in support of their submission. Note - this representor expressed their desire to be heard three times via their three separate submissions (landowner/ occupant of multiple adjacent properties).

Summary

The representations not in support of the proposed development raised the following concerns:

- Height could set a precedent for buildings over five-storeys.
- Overshadowing onto rear residential properties.
- Inadequate supply of off-street parking.
- Locality's on-street car parking already at capacity.
- Irwin Lane and surrounding road network unable to accommodate development's vehicle movements i.e., residential and commercial users, as well as site construction.
- Would like to see an updated traffic report that considers all site movements e.g., visitor, trade, refuse collection and reflect Salisbury Street's parking provisions.
- Proposal could increase rat running.
- Proposed design/ style not contextually responsive.
- Overlooking privacy concerns for rear residential properties.
- Amenity impacts such as noise, pollution, glare, and interrupt views to Adelaide Hills.
- Concerns with potential impacts to existing infrastructure, such as stormwater.
- Questions the commitment to low-income (affordable) housing.

Copies of all representations can be found in **Attachment 3**.
The Applicant was provided with the representations for consideration following the closure of the notification period. The Applicant's response to representations can be found in **Attachment 4A**.

COUNCIL REFERRAL

Pursuant to regulation 23(2)(b) of the Regulations the proposal was referred to the Chief Executive Officer of the City of Unley for the opportunity to provide a report on the impact of the proposed development on specified technical matters at the local level.

- On 28 October 2024, the Council provided technical comments in regard to stormwater, civil assets, traffic access, waste management, encroachment and urban design/ trees.
- On 27 February 2025, the applicant provided a response to the technical matters raised by Council.
- A secondary response was sought by Council due to the applicant's amendments. The subsequent response supported the stormwater design and retention of the significant tree, however, still raised concern regarding the site's ability to accommodate a 10m long refuse truck.

The Council's report can be found in **Attachment 2A**.

AGENCY REFERRALS

Pursuant to Schedule 9 of the Regulations; and as required by relevant Overlays, the following agency referrals have been undertaken:

Referral Body	Function	Summary of Response
Environment Protection Authority	Direction	The statutory referral response from the EPA was received on 22 October 2024 and follow-up response on 24 March 2025. The EPA required further information, including soil vapour testing, to determine if the site was suitable for its intended use. The applicant undertook the relevant testing and provided the results to the EPA. The EPA is satisfied with the requested information provided, which reasonably demonstrates the site can be made suitable for its proposed use. Should planning consent be granted, the EPA directs the relevant authority to impose three conditions of consent requiring the applicant to obtain a statement of site suitability and for construction works to align with the Construction Environmental Management Plan. The EPA responses are included in **Attachment 2B & 2C.**
Government Architect (GA)	Advice	The statutory referral response from the GA was received on 15 November 2024 and follow-up response on 4 April 2025. The GA's referral response indicates a general level of support for the development. The GA has advised that there are various aspects of the development that would benefit from some further design consideration, predominately materiality and finishes to support the over height development. The GA responses are included in **Attachment 2D & 2E.**

Table 6: Agency Referral(s) Overview

The Applicant's response to agencies can be found in **Attachment 1C & 4B.**

It is noted that the following referrals were not required, despite the land being located within several overlays under Part 3 of the Code:

Minister responsible for the administration of the *Airports Act 1996 of the Commonwealth*: The site is situated within the Airport Building Heights (Regulated) (All structures over 45 metres) Overlay. The proposed scheme's overall building height does not exceed the designated height, and therefore no referral to the Adelaide Airport is required.

Minister responsible for administering the *South Australian Housing Trust Act 1995*: The site is situated within the Affordable Housing Overlay. The proposed scheme does not incorporate any affordable housing products, as well as providing less than 20 dwellings, and therefore no referral to the South Australian Housing Trust is applicable.

The Chief Executive of the Department of the Minister responsible for the administration of the *Landscape South Australia Act 2019:* The site is situated within the Prescribed Wells Area Overlay. The development does not incorporate activities listed under performance outcome (PO) 1.1 of the Overlay, and therefore no referral is required.

Commission of Highways: The site is situated within the Traffic Generating Development Overlay and Urban Transport Route Overlay. The scheme will not be directly accessed via a State Maintained Road or within 25 metres of an intersection with any such road.

PLANNING ASSESSMENT

Seriously at Variance Test

Pursuant to section 107(2)(c) of the Act, a development must not be granted planning consent if it is seriously at variance with the Code.

The proposed development comprises of a mixed-used building, with residential apartments located above a ground floor commercial tenancy. The subject site is within the Urban Corridor (Main Street) Zone. Development of this nature is appropriate within the subject site, zone and locality for the following reasons (underlining added for emphasis):

- The Zone seeks to create:
    - *"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";* and
    - A built form that positively contributes to .... "*a streetscape that is visually interesting at human-scale comprising articulated buildings with a high level of fenestration and balconies oriented towards the street"*, and "*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*."
- *Zone's PO 1.1 and DTS/DPF 1.1 "A vibrant mix of land uses adding to the vitality of the area and extending activities outside shop hours including restaurants, educational, community and cultural facilities and visitor and residential accommodation."*

In light of the above, the proposal is not considered to be seriously at variance with the Code and therefore warrants further assessment against the Code.

Planning and Design Code

The application has been assessed on its merits against the relevant provisions of the Planning and Design Code (the Code), which are contained in **Appendix 1**.

The following is an assessment of the pertinent issues, having regard to the policy hierarchy of the Code.

Quantitative Overview

Design Parameters	P&D Code Guideline	Proposal	Achieved / Not Achieved
Building Height	18.5m	26.15m	Not achieved
Building Levels	5	7	Not achieved
Car Parking (Designated Area)	26 (min) to 29 (max) – 18 residences + 4 residential visitors + 4 (min) / 7 (max) non-residential development.	27 – 18 residential, 4 residential visitor, 4 non-residential & 1 spare.	Achieved
Bicycle Parking	9 – 6 (residents + visitors) + 3 (office + visitors)	11	Achieved
Front Setback	0m	0m	Achieved
Rear Setback	>5m	12.4m	Achieved
Side Setbacks	0m	0m	Achieved
Interface Height	30-degree plane measured from a height of 3m	The area above Level 5's balconies encroach into the interface plane.	Not achieved
Dwelling Floor Areas	One-bedroom dwelling: minimum internal floor area of 50 square metres;	One-bedroom dwellings - N/A	Achieved
	Two-bedroom dwelling: minimum internal floor area of 65 square metres;	Two-bedroom dwellings – minimum area of 96m^2	Achieved
	Three+ bedroom dwelling: minimum internal floor area of 80 square metres and any dwelling over three bedrooms provides an addition 15 square metres for every additional bedroom.	Three-bedroom dwellings – minimum area of 123m^2 Four-bedroom dwellings – minimum area of 243m^2	Achieved Achieved
Private Open Space (Design in Urban Areas Table 1)	Studio (no separate bedroom): 4 square metres / minimum dimension of 1.8 metres	Studio - N/A	N/A
	One-bedroom dwelling: 8 square metres / minimum dimension of 2.1 metres	One bedroom dwelling - N/A	N/A
	Two-bedroom dwelling: 11 square metres / minimum dimension of 2.4 metres	Two-bedroom dwelling - only one dwelling provides less than the desired area - 8.9m^2	Mostly Achieved
	Three + bedroom dwelling: 15 square metres / minimum dimension of 2.6 metres.	Three + bedroom dwelling - Minimum area of 25.7m^2	Achieved

Overlays

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

The Overlay seeks the management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.

The building's proposed height of 26.15m is less than desired by the Overlay and therefore, the proposed height does not pose a hazard to the operation of a certified or registered aerodrome, and in doing so, satisfies PO 1.1.

Affordable Housing Overlay

The Overlay seeks that affordable housing is integrated with residential and mixed use development, and caters for a variety of household structures.

The proposed scheme provides less than 20 dwellings and therefore, in accordance with PO 1.1, was not required to provide affordable housing. As a result, evaluation against the remaining Overlay policies is not applicable to this application's planning assessment.

Building Near Airfields

The Overlay seeks to maintain the operational and safety requirements of certified commercial and military airfields, airports, airstrips and helicopter landing sites through management of non-residential lighting, turbulence and activities that may attract or result in the congregation of wildlife.

The proposal's building height is more than 35 times the distance to the closet runway centreline and its proposed uses would not attract the interest of wildlife or create adverse lighting that would be hazardous to the operational and safety requirements of aircraft. Therefore, the proposal conforms to PO 1.3.

Design Overlay

The Overlay seeks that development comprising medium to high rise buildings positively contributes to the liveability, durability and sustainability of the built environment through high-quality design.

The referral commentary provided by the GA advises that the proposed design is generally acceptable in respect to building height, environmentally sustainable design (ESD) features, landscape design, and built form composition which includes the podium design, articulation, ground plane, internal apartment layout and response to/ activation to the streetscape.

The GA has some concerns in respect to some of the proposed building's design elements, namely, materiality and facade detailing. These matters are however further analysed in various sections this report.

Noise and Air Emissions Overlay

The Overlay seeks that community health and amenity is protected from adverse impacts of noise and air emissions.

The subject site adjoins Unley Road, which is a Designated Road Corridor Type B. The Overlay seeks that sensitive receivers do not adjoin this road type unless measures can be put in place to mitigate the impacts from noise and pollution sources. These design measures can include separation, articulation and materiality.

Sonus have prepared an Environmental Noise Assessment report (dated February 2025) which considered the following (page 3):

1. *Noise ingress to the apartments and open space areas associated with mixed use, road traffic and rooftop bar music.*
2. *Noise emissions associated with mechanical plant and car park activities to the noise sensitive receivers in the vicinity.*

The report provides minimum design criteria for each external dwelling wall (including fenestrations) to attenuate noise to appropriate levels, refer to below figure for an example. The required attenuation criteria are dependent on the distance between the dwelling and road; therefore, the design criteria are less severe for higher floors. Further, Sonus conducted their own noise monitoring (between 31 January and 6 February 2025) to ascertain potential noise levels the proposed scheme may experience, which includes potential noise from the adjacent rooftop bar at 25-27 Unley Road.

Figure 5: Minimum required acoustic rating markup for Level 4 (Sonus)

Based on the above considerations and the scheme's proposed design (which includes noise attenuating measures such as articulated balconies and recessed apartments), Sonus have recommended wall and fenestration details to mitigate intrusive noise levels to acceptable limits, as well as recommend that L1 & L2 Unley Road facing dwellings utilise mechanical ventilation systems.

Sonus further determined that the proposal would not generate noise levels that would exceed recommended guidelines.

From Sonus' analysis and their subsequent recommendations, the proposed scheme can adequately mitigate internal noise levels experienced by its sensitive receivers to recommended levels and protect the amenity of existing sensitive receivers, and in doing so, satisfy PO 1.1 and 1.2.

Sonus' report can be found in **Attachment 1D.**

Regulated and Significant Tree Overlay

The Overlay seeks the conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.

Arborman Tree Solutions prepared an *Arboricultural Impact Assessment and Development Impact Report* (*ATS7209-42-46UnlRdDIR*, dated 5 May 2023) for the scheme. The report demonstrated that the proposed permeable paving would impact the significant tree's roots and require the trees removal.

The scheme has since been amended which includes an increased vegetated curtilage around the significant tree. Tom Richardson (Arborman Tree Solutions) has prepared an *Addendum to report ATS7209-42-46UnlRdDIR* (dated 17 April 2025) that considered the increase curtilage. Consequently, the Addendum is satisfied the proposal can retain the site's significant tree, a Callistemon Viminalis (Weeping Bottle Brush), while still encroaching into its structural root zone. By retaining the significant tree, the proposal satisfies PO 1.2, 1.4 and 2.1.

The Addendum provides a list of construction work recommendations for the proposal, which are reflected in scheme's landscape and civil design outcomes.

Arborman Tree Solution's report and Addendum can be found in **Attachment 1E & 1F**, respectively

Traffic Generating Development Overlay

The Overlay seeks to provide safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users, and safe and efficient access to and from urban transport routes and major urban transport routes.

The proposed development is seeking to maintain access from Irwin Lane and not Unley Road (state-maintained road), and, as a result, evaluation against the Traffic Generating Development Overlay policies is not applicable to the planning assessment of the application.

Urban Transport Routes Overlay

The Overlay seeks safe and efficient operation of Urban Transport Routes for all road users and for the provision of safe and efficient access to and from Urban Transport Routes.

Access - Safe Entry and Exit (Traffic Flow)

Cirqa have prepared a Traffic and Parking Report (dated 11 February 2025) for the proposed scheme. The report comments that the proposal's 7m wide Irwin Lane crossover will accommodate two-way movements for standard sized vehicles and allow these vehicles to enter and exit the site either to the north or south.

Cirqa have provided a sweep path for a 10m commercial vehicle e.g., refuse truck, accessing the site (refer to figure 6). The vehicle will be required to reverse into the site and leave in a forward direction. Cirqa and Council consider the reversing movement appropriate due to Irwin Lane's low traffic speed and volume.

Council believe the 10m sweep path demonstrates the vehicle will conflict the western allotments fencing, while Cirqa believes the vehicle can make this movement without obstruction.

Figure 6: 10m refuse truck sweep paths (part of CIRQA Dwg 22239_01_SH01)

When reviewing the below figure, the sweep path's 300mm clearance appears to slightly conflict with the neighbouring fencing. However, as the vehicle would reverse in, any potential impacts would occur near the driver's cabin, which allows the driver to consider the conflict and perform an additional manoeuvre to realign the vehicle. Further, as the 10m long vehicle is required to collect the site's one 1,100L recycling bin once a week, if the driver requires an additional movement to enter and exit the site to clear any obstacle(s), this would be considered acceptable due to Irwin Lane's low traffic volume, the commercial vehicle will access the site in off-peak times and the time required to adjust the truck would be commensurate to the time required for a refuse truck to empty the site's two general waste bins. Thereby, minimising impacts to the site and Irwin Lane's traffic flow.

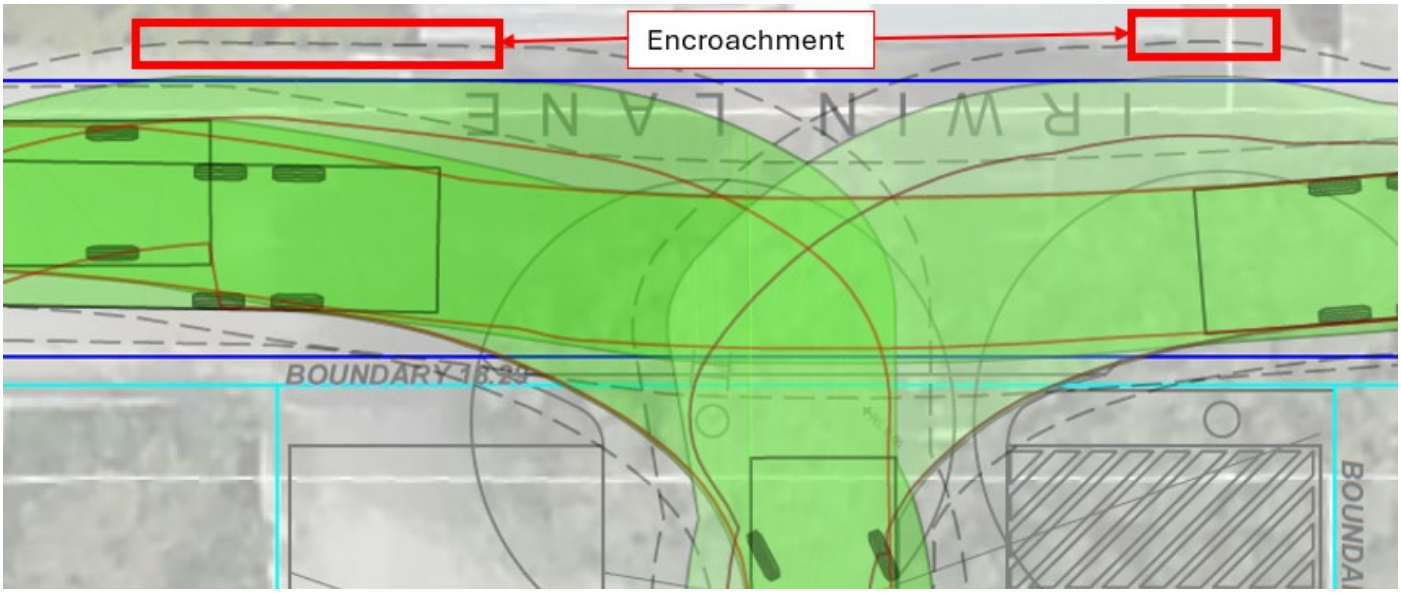

Figure 7 - 10m refuse truck sweep paths (part of CIRQA Dwg 22239_01_SH01, image rotated)

Therefore, the development satisfies PO 1.1 by providing safe entry and exit via a single access, and mitigating impacts to the receiving network's traffic flows via its ability to accommodate the site's required vehicles and two-way movements.

Access - On-Site Queuing

The secured roller door is set back approximately 12.4m from the Irwin Lane boundary, which provides an adequate waiting area within the site for vehicles accessing the covered carpark.

The uncovered carpark area incorporates parking spaces within 6m from the Irwin Lane kerb which is at odds with DTS/DPF 2.1(c)(ii) (Cirqa's report has determined the development will generate 33 peak hour trips – 15 am and 18 pm). However, the proposal mitigates potential queuing impacts onto Irwin Lane due to its covered carpark area located more than 12m from the kerb, thereby accommodating the site's largest vehicle (10m commercial vehicle) or two vehicles accessing the covered carpark area. Further, Cirqa states that commercial vehicles will visit the site outside of peak periods (or opening hours) to minimise disruptions, including vehicles attempting to enter/ exit the covered carpark.

The uncovered parking area will contain 5 visitor parks and 2 staff parks. Therefore, potential visitors traversing Irwin Lane would observe if any parking spaces were available and prevent the need to queue. Further, due to Irwin Lane's low traffic volumes, if a visitor needed to wait on Irwin Lane to access a space, this would have a negligible disruption to the Lane's traffic flow.

Access – Location (Spacing) – New Access Points

The proposed Irwin Lane access will be located further south from Amber Place than the existing crossover, which reduces potential traffic flow impacts. Albeit the locality experiences low traffic volumes and both Amber Place and the site's access allows for both north and south Irwin Lane movements that maintains the safe and efficient operational conditions on Irwin Lane.

Access - Location (Sight Lines)

The scheme provides adequate sight lines due to the proposed landscaping located away from the site's access and no fencing being installed along the site's southern boundary. Further, Irwin Lane's 40km/h speed limit and its narrow and impeded footpaths encourage a shared space that increases vehicle and pedestrian separation and reduces potential conflicts between pedestrians and vehicles leaving the site as desired by PO 5.1.

Access – Mud and Debris

Proposal's sealed parking area and access prevents transport of mud and debris (PO 6.1).

Access – Stormwater

Access won't adversely impact Irwin Lane's underground stormwater (PO 7.1).

Building on Road Reserve

Proposal does not include structures or buildings that impact the road reserve (PO 8.1).

Public Road Junctions

Proposal won't create a new junction (PO 9.1).

Corner Cut-Offs

Proposal does not require corner cut-offs (PO 10.1).

Cirqa's report and minor alterations letter can be found in **Attachments 1G & 1H.**

Urban Corridor (Main Street) Zone

The subject land is located within the Urban Corridor (Main Street) Zone (the Zone).

Land Use and Intensity

The Zone's PO 1.1 contemplates a vibrant mix of land uses that add to the area's vitality.

The mixed-use building includes a commercial and residential flat building, which are both envisaged land uses within the Zone.

The proposal's ground floor commercial tenancy will continue to provide services to the local community and surrounding district, and its use of large fenestrations contributes to a safe, active and vibrant Unley Road (PO 1.2 & 1.3).

The proposal locates dwellings above its ground floor commercial use, which can encourage a fine-grain economy and contribute to an active, safe and walkable place (PO 1.4).

The proposal creates a high-density residential component that ostensibly is at odds with the Zone's DO 1 which speaks of creating "*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".* However, when considering DO 1 against the Zone's PO 1.5 that seeks a *diverse range of medium density accommodation options,* there appears to be a disconnect that requires further scrutiny.

Part 8 of the Code provides "*a list of terms which may be used to assist with the interpretation of policy used in the Planning and Design Code*". The list does not provide a definition for 'medium density residential development' or 'medium density accommodation options', but does provide a definition for 'medium net residential density' (defined as 35 to 70 dwelling units per hectare); however, this definition typically applies to master planned developments and is not specifically mentioned in the Zone's policies. Therefore, the Code does not provide a specific interpretation or metric applicable to this proposal.

When analysing the intent of the Zone's aforementioned DO and PO. It could be interrupted that the Zone intends for development not to satisfy a certain density, but rather provide dwellings that provide high-amenity for its residents and assist in creating a safe, vibrant and economically active area, with these specifics typically encouraging and achieved through higher densities.

In response to the Zone speaking of medium density accommodation options, the proposal provides a range of two-, three- and four-bedroom dwellings that have respective floor areas of 96-106m^2, 123-160m^2 and 243m^2. These floor areas are commensurate to townhouses, semi-detached and detached dwellings found within greenfield developments. Therefore, the proposal achieves the intent of PO 1.5 and provides medium density accommodation options within a mixed-use development that supports an active, safe and economically vibrant area.

Built Form and Character

The proposal reduces bulk and massing through its two-storey podium (approximately 7.7m high), and recessed fenestrations and residential entrance (PO 2.1). The GA supported the podium's design, including its intent to define a base and its commensurate scale with Unley Road's streetscape.

The podium's grid design and use of large fenestrations that sit above baseboards and planters pays homage to and commemorates the locality and subject site's existing clear-gazed narrow shopfront displays. Further, the building's discrete Unley Road canopies and proposed street trees maintain Unley Road's verandah rhythm (i.e., trees imitate verandah posts, PO 2.2).

The scheme provides less than the desired 60% visual connection due to incorporating baseboards that respect the locality; however, the proposal compensates for the shortfall by providing consistent views and visual connections from each facade grid to the public realm (PO 2.3).

Shelter and shade are provided along Unley Road via the building's discrete canopies and proposed street trees, with the trees providing additional cooling benefits that increase amenity and walkability. Albeit discussions between Council and the applicant are recommended to determine appropriate tree species for the proposed location (PO 2.4).

The ground floor's non-residential area and floor height (3.5m floor to ceiling height) can support a variety of uses. Further, future ground floor land uses, e.g., a shop or consulting rooms, are further supported by Unley Road's short-term parking located in front of the site (PO 2.5).

The building creates a consistent frontage via its grid facade and ground floor planters that abut its Unley Road boundary. Visual relief and interest are provided via its recessed windows and entrance lobby, and canopies (PO 2.6, 2.8).

The Zone requires the development be setback a minimum of 5m from its western boundary to minimise negative impacts on the adjoining residential neighbourhood and provide access to natural light and ventilation. The proposal's ground floor covered carpark wall and the building's upper rear wall are respectively 12m and 22m (approximately) from its western/ rear boundary. When considering the separation between the built form and western residential area (which includes Irwin Lane) and the development's eastern location to the residential area (i.e., does not interrupt access to afternoon sunlight), the development minimises potential amenity impacts to the residential neighbourhood and its sensitive receivers (PO 2.9). Further overlooking and overshadowing commentary is provided further on.

The building is appropriately set back from its Irwin Lane access point to provide adequate on-site manoeuvrability for vehicle (PO 2.10).

Building Height

PO 3.1 of the Zone suggests that building height should be consistent with the site's Maximum Building Height (Levels) Technical Numeric Variation (TNV) layer and its Maximum Building Height (Metres) TNV layer, being 5 levels and 18m respectively, or positively responds to the local context, including the site's frontage, depth, and adjacent primary road corridor. As the proposal is seeking to construct a building taller than the maximum level and height as defined in DTS/DPF 3.1, it must positively respond to the local context.

The above *Built Form and Character* assessment has expressed how the proposal's Unley Road frontage design responds to the local character at street level.

The proposal has utilised the site's depth by biasing its built-form toward Unley Road and creating visual relief with the western residential area. This layout, combined with the proposed built-form's articulation, mitigates massing and bulk impacts to the residential area and does not dominate the narrow Irwin Lane. Further, the development's rear carpark positively responds to the local context which incorporates low-amenity parking areas along Irwin Lane's eastern side, through greening (i.e., green roof, retaining a significant tree and planting new trees) and the covered parking area's permeable screening.

The proposal's commensurate two-storey podium and its articulated built-from, including set back upper levels, combined with Unley Road's wide carriageway reduces the proposed building's bulking and massing impacts on pedestrians walking along Unley Road's eastern side and does not dominate the locality.

Further, it is important to highlight two similar examples of contextually responsive seven-level buildings along Unley Road and within the Urban Corridor (Main Street) Zone, being the developments at 105-106, Unley Road (under construction) and 246-248 Unley Road, shown below.

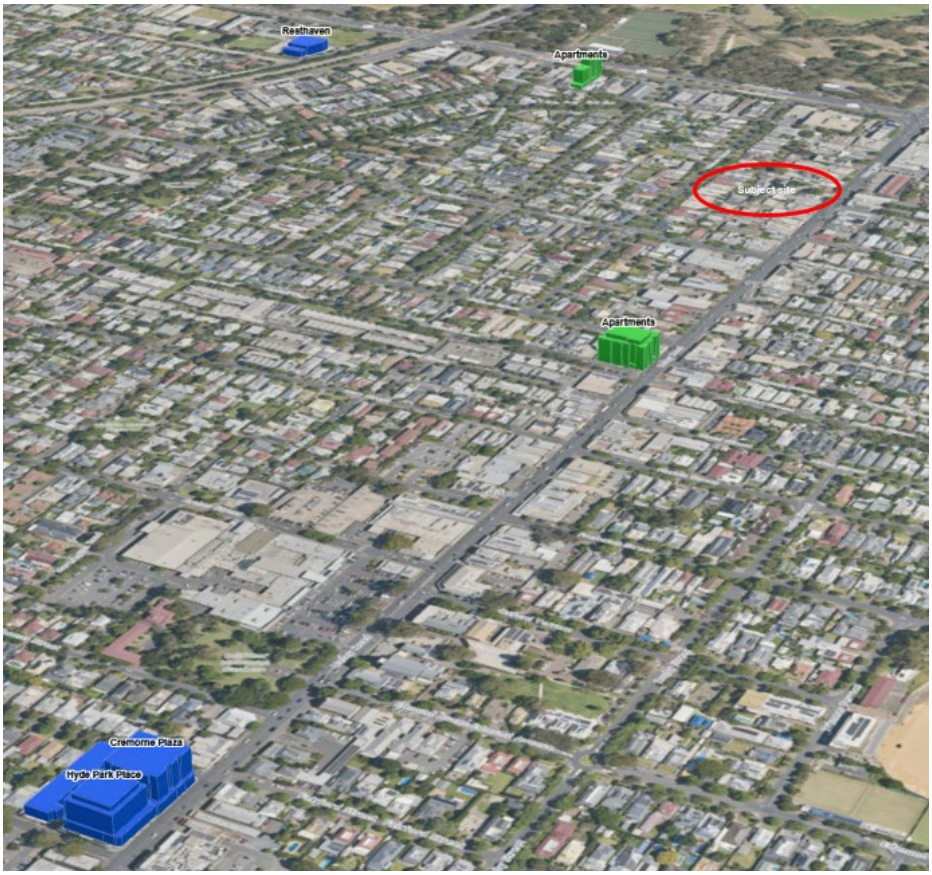

Figure 8: Seven-level developments at 105-106 and 246-249, Unley Road, Unley (PlanSA 3D Development Activity Tracker)

Figure 9: Seven-storey development at 246-248 Unley Road, Unley (Google Maps, photo taken September 2024)

Moreover, the proposal's use of canopies and large ground floor fenestrations with base boards provides a comforting and contextual experience for pedestrians walking along Unley Road's western side (i.e., in front of the subject site).

The GA comments the proposal's positioning of its built form toward Unley Road, articulation, ESD features, and public realm activation provide credence to the building's height. However, additional refinement to the facade materiality and detailing is recommended to further enhance its appearance and to achieve a high-design quality.

Interface Height

PO 4.1 seeks to mitigate the impacts of building massing on residential development within the neighbourhood-type zone, which, in this case, is the adjoining Established Neighbourhood Zone. PO 4.1 informed by DTS/DPF, which provides a desirable building envelope with a 45-degree plane at such interfaces.

The proposal marginally encroaches into 45-degree plane, as shown below.

The proposal first encroaches into the designated interface angle at approximately 29m east from the adjoining residential allotment's boundary, with the level of encroachment remaining relatively consistent up until the building's roof (i.e., the roof encroaches the same amount into the interface as the L5 verandah and L6 balcony). When considering the aforementioned separation distance and the articulation of the proposal's western facade (i.e., balconies and recessed walls) the potential massing impacts i.e., visual dominance, on the residential area is reduced and the intent of PO 4.1 is achieved.

It's worth noting the GA also supports the minor level of encroachment as the applicant has demonstrated that the proposal will have a limited interface impact on the adjacent Zone, which was further supported by the applicant's overlooking analysis (refer below for the overlooking analysis).

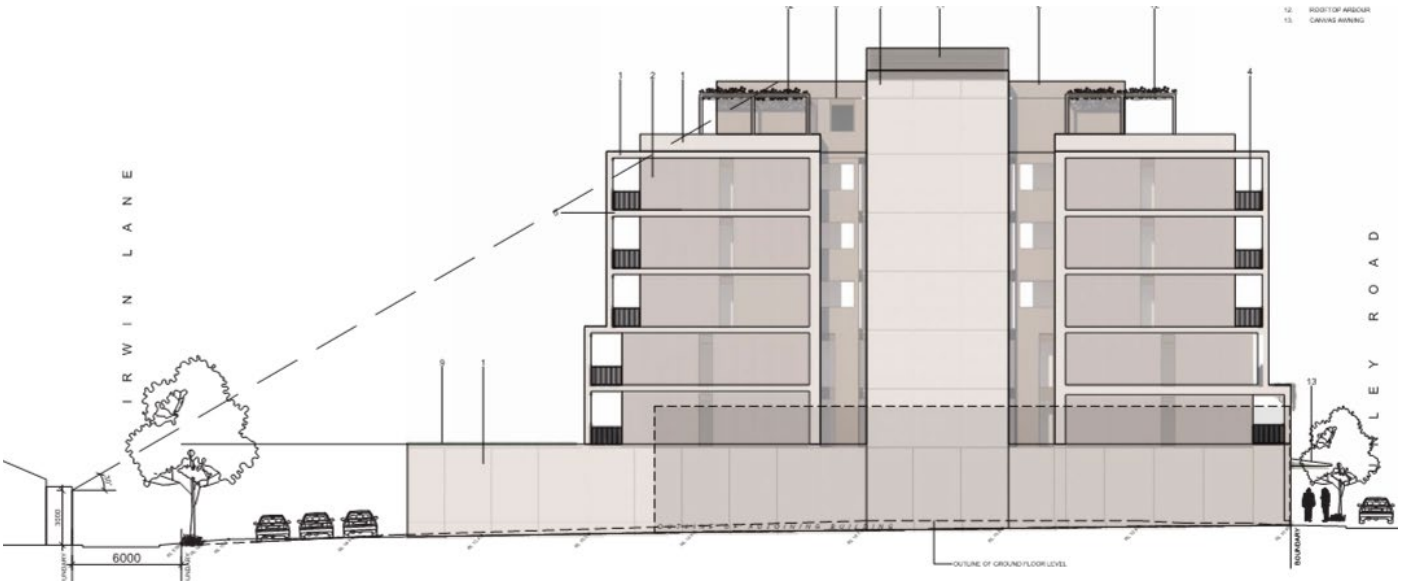

Figure 10: Proposal and interface height (part of Enzo Caroscio Architecture Dwg A3.01revA3)

Movement, parking and access

The proposal will maintain rear access via Irwin Lane, with Cirqa's and Sonus' reports respectively concluding that the proposal will not negatively impact pedestrian and cyclist safety, and residential amenity (PO 6.1 & 6.2).

General Development Policies

Clearance from Overhead Powerlines

The western Stobie pole will be relocated and accommodate the development's transformer. In any event, the proposal's above ground development is adequately set back from Irwin Lane's overhead cables.

The development application includes an Electricity Declaration confirming that the proposed development would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Design in Urban Areas

External appearance

PO 1.1 to 1.5 encourage buildings to incorporate design elements that reinforce corners, provide amenity and create facades that are commensurate with the streetscape and convey purpose. Further, the built form should mitigate amenity impacts from obtrusive visual elements, such as mechanical equipment, and service and waste areas.

The proposal mitigates visual bulk via its dwelling fenestration setbacks and reduction/ articulation in its floor plates, with these reductions corresponding to skeletal verandahs. Further, the use of different tones, finishes and thickening of grid elements are used to distinguish the podium from above floors, with the podium and facade treatments contrasted against the development's use of planters and greening.

Discrete Unley Road canopies are interrupted by proposed street trees that collectively provide pedestrians shade and thermal comfort, including through evapotranspiration. The scheme's residential lobby is set back from the footpath to provide additional room and shelter to groups accessing the site. Further, the canopies sit at a commensurate height with the neighbouring developments to positively contribute to the streetscape rhythm and appearance.

As discussed above, the proposal's ground floor grid facade provides a commensurate appearance to the site's current built form and neighbouring development (i.e., framed shopfronts). The residential lobby entrance is further setback than the commercial entrance and includes different materiality to differentiate the access and provide a welcoming feel. Further, the incorporation of planters and permeable balustrades helps define the elevated dwellings compared to the proposal's ground floor commercial area.

The development's plant, waste and storage areas are adequately shielded from external and internal views and positioned away from sensitive receivers. These elements are either located in dedicated ground floor rooms, within the covered carpark area or located on the building's roof. Where air conditioner condensers are located on balconies, these are either setback from the building line or located behind planters to mitigate their appearance. Further, the condensers would blend into the proposal's use of light tones and finishes.

Loading and unloading, including waste collection, will take place via the development's rear Irwin Lane entrance (noting some smaller deliveries could occur via Unley Road's controlled parking spaces). The development's uncovered area can accommodate commercial vehicles, including a refuse truck, which allows services and deliveries to occur on site.

Safety

PO 2.1 to 2.5 promotes safe design by maximising internal and external passive surveillance, creating perceptible and direct access, and reducing interactions between private, communal and public areas were appropriate.

The proposal incorporates large fenestrations and open balconies that provide surveillance onto Unley Road. The site's rear carpark wall comprises of permeable screening that allows views between the site's covered and uncovered carpark areas, as well as Irwin Lane. The latter areas are further surveyed by the development's rear balconies.

Street lighting along Irwin Lane provides additional illumination to the uncovered car park area and its access.

The residential lobby entrance door incorporates clear panelling to provide views between the lobby and Unley Road.

The residential lobby and commercial tenancy have discrete Unley Road entrances, in terms of visual presentation and separation. Further, these areas also have discrete rear entrances from the common covered carpark area.

Landscaping

PO 3.1 seeks development that incorporates soft landscaping and tree planting to improve amenity (visual appearance and shading), reduce heat absorption and maximise stormwater infiltration.

Landskap have prepared the proposal's landscape design. The scheme's ground floor landscaping consists of:

- Installing planters along Unley Road and within the residential lobby;
- planting three trees within Unley Road's footpath;
- planting three trees within an Irwin Lane verge;
- installing vegetated strips east and west of the uncovered carpark area; and
- removal of a non-regulated rear tree.

Further, the carpark's (green) roof will be covered in a low-lying non-trafficable proprietary garden bed.

The planting of front and rear trees and retaining of the site's significant tree will provide shade and shelter to the site's users, uncovered carpark area and pedestrians.

The incorporation of ground floor landscaped areas and the green roof will maximise stormwater infiltration and minimise heat absorption and reflection. Further, the ground floor landscaping, and balcony planters and vegetation will soften the built form and contribute to the streetscape appearance.

The development further maximises stormwater infiltration via permeable paving (discussed further below).

Landskap's landscape design can be found in **Attachment 1l.**

Environmental Performance

PO 4.1 to 4.5 seeks development which incorporates passive design elements and create a built form that reduces its carbon footprint, including through mitigating its reliance of artificial heating and cooling.

Nathan Lawry (Summation) has prepared a Sustainability Statement for the proposal (dated 5 February 2025). The statement identifies the scheme's following ESD measures, such as:

- Building Fabric – triple glazed windows, access to cross-ventilation, inclusion of low solar absorbance roof materials, improved air tightness, external shading, and minimum 7.5-star energy rating.
- Power - All electric development, use of LED lighting and energy efficient appliances, and implementation of an Embedded Network powered by 15kW(min.) of roof top solar.
- Indoor Environment Quality and Amenity – low emitting materials and minimum 40% visible light transmission.
- Water & Landscaping – 50% use of drought tolerant native plants, and installation of water efficient fixtures & fittings.
- Waste – three stream waste system (i.e., general, recycling and organics) and 90% diversion of construction and demolition waste.

- Materials – reduce concrete and cement usage and preference of sustainable procurement of materials.

The GA supports the development's southern lightwells, balconies and dual aspect apartments that provide the building and its dwellings access to natural light and ventilation. Further, the GA supports the Sustainability Statements ESD measures.

The above ESD measures combined with the building's layout (such as recessed balconies), use of light-coloured tones and incorporation of horizontal and vertical vegetation (promotes cooling via evapotranspiration) reduces the building's heat loading and reliance on mechanical heating and cooling, while providing access to natural light and ventilation.

Nathan Lawry's Sustainability Statement can be found in **Attachment 1J**.

Car parking appearance

PO 7.1 to 7.7 seeks that developments are provided with safe and visually pleasing carparking areas that incorporate appropriate stormwater management techniques.

The development's uncovered carpark will plant three trees within its rear landscape strip, as well as retain the existing significant tree. These trees will provide a pleasant visual appearance between the site's carpark and Irwin Lane. Further, the covered carpark's green roof and permeable wall that sits behind an internal landscape strip will soften the development and enhance its overall visual appearance.

Pedestrians and cyclists can access the covered carpark area via a dedicated door that is located adjacent to the carpark's roller door and external DDA shared space. The access opens to a 1m wide walkway and allows users to traverse the carpark to either the bicycle storage area, commercial tenancy entrance or residential lobby.

The uncovered carpark area will be covered in permeable paving and incorporates a western drain, sump and 800mm/ 1800mm wide landscape strips (the strips are proportionally acceptable to the carpark's provision of 7 spaces, noting the carpark also includes a 900mm wide eastern landscape strip). This combination of soft landscaping including planting/ retention of trees, drainage and permeable paving softens the built form, provides shade and amenity, and contributes to the development's stormwater management.

Earthworks and sloping land

PO 8.1 to 8.5 encourages development to occur on areas that do not require excessive earthworks, including to form the site's access, and avoids geotechnically risky areas e.g., susceptible to landslides.

As demonstrated in P&G Structures' Siteworks and Drainage Plan (dwg C2 issue P6), no excavation works greater than 1m are required across the site to form the development, with the proposal utilising the site's existing topography and fall toward Irwin Lane.

The exception to the above is the excavation required to install the underground detention tank. The tank is set away from the structure's proposed columns and would typically sit above its foundations, thereby not impacting its structurally stability.

The proposal will create a carpark and access with an approximate fall of 1:18, which is considered accessible and trafficable.

Site Facilities / Waste Storage (excluding low rise residential development)

PO 11.1 to 11.5 guides the development to include adequate waste management facilities and for these to not impact sensitive receivers and site amenity.

Colby Philips Advisory have prepared a Waste Management Plan (WMP) for the proposal (dated 26 February 2025). The WMP considered the proposal's varying residential offerings, commercial tenancy and waste service provisions.

The WMP recommends the proposal implements a shared waste collection service to save costs and simplify storage. The WMP recommends the following bins be provided in the ground floor communal bin storage area:

- Two 660L general waste bins;
- one 1,100L dry comingled recycling bin; and
- one 660L food/ garden organics bin.

The WMP has demonstrated the proposed bin storage area can accommodate the four bins.

Dwellings will be supplied with their own general waste, recycling and food organics bins and require residents to will carry their waste to the communal ground floor area. The WMP has calculated the maximum total disposal travel path to be 15m (not including vertical travel) which satisfies South Australian Guidelines.

The site can accommodate a 10m refuse truck reversing into the site from Irwin Lane, as shown in Figure 6. Council considers this access arrangement acceptable due to the site constraints and Irwin Lane's low traffic volumes.

Waste collection will be through a private contractor. A rear-access truck will reverse into the uncovered carpark area, where the operator will retrieve the bins from the internal waste storage area and return them once emptied. All bins will be picked up weekly and a bin emptying movement is envisaged to take between 3-5 minutes. It is recommended the pick-up be scheduled to avoid the carparks' peak times to minimise disruptions.

URPS's planning report notes a bin wash-down area will be provided alongside the communal bin storage area. Further, the WMP recommends the storage area be vented, which can be detailed in the development's design stage.

The WMP provides a suite of waste management implementation and communication measures for the development, such as dictating roles and responsibilities, informing inductions, forming site management systems, manuals etc.

The site does not provide opportunities for on-site management of food waste through waste recovery and/ or composting. This outcome is considered appropriate due to the site's mixed-use, large site coverage, low organic output and availability of organic waste collection.

Colby Philips Advisory's Waste Management Plan can be found in **Attachment 1K**.

All Development - Medium and High Rise

External Appearance

POs 12.1 to 12.8 are similar to POs 1.1 to 1.5 with respect to design intent, however, speak further toward medium and high-rise buildings incorporating durable finishes, and avoiding blank and uninteresting boundary walls.

Further to the previous discussion regarding the building's external appearance, the building's southern boundary wall incorporates different tones and articulation through two lightwells and utilises the building's western and eastern setbacks that collectively provide visual relief, mitigate bulk impacts and help break up the building into distinct elements, such as balconies and floors.

The proposal incorporates precast concrete and pre-finished materials that are durable and require minimal maintenance. Further, the predominate use of light-coloured tones diminishes potential fading impacts to the building's facade, thereby diminishing the development's presentation.

Landscaping

Further to the assessment against PO 3.1, POs 13.1 to 13.4 seeks development that includes soil areas capable of supporting medium to large trees to provide visual screening and soften the built form, with an emphasis of screening between low to high rise development.

The proposal does not include a deep root zone area of dimensions required by DTS/DPF 13.2, however, Tom Richardson's Addendum notes the proposal will improve the significant tree's root zone by increasing its soft landscaping curtilage. Further, Arborman's report notes the significant tree has dimensions comparable to a medium tree (significant tree - height 5-10m and spread 5-10m), therefore, the proposal is increasing the deep root zone of an existing medium sized tree as desired by PO 13.2.

Landskap have identified that the scheme will plant the following trees:

- three Corymbia Citriodora 'Scentuous' (Dwarf Lemon Scented Gum) within an Irwin Lane verge – maturity dimensions of 7m high and 3m wide (i.e., small trees); and
- three Jacaranda Mimosifolia (Jacaranda) within Unley Road's footpath – maturity dimensions of 10m high and 7m wide (i.e., medium trees).

The canopy lost due to the removal of the non-regulated tree will be compensated by planting the aforementioned trees.

Retaining the significant tree and planting three rear trees will provide screening between the site and people traversing Irwin Lane. Further, the combination of the proposed Dwarf Lemon Scented Gum's and Irwin Lane's narrow width will provide adequate and additional screening between the residential area and proposed building.

Environmental

POs 14.1 to 14.3 reaffirms the environmental outcomes sought by POs 4.1 to 4.3, while directing taller buildings to mitigate external wind impacts.

The building's eastern, northern and western facades incorporate articulated features in the form of a podium, green roof, recessed balconies and skeletal verandahs, as well as Unley Road canopies that can diffuse wind.

The building's southern side includes minor articulation; however, this wall does not face onto Unley Road or Irwin Lane and therefore won't impact pedestrians.

Overlooking/Visual Privacy

PO 16.1 seeks that medium to high rise development incorporates measures to mitigate overlooking of the habitable rooms and private open spaces of residential properties in neighbourhood-type zones.

The Planning and Design Code defines direct overlooking from a balcony (the proposal's balconies are its closest viewing areas to the rear residential area as the green roof is not trafficable) as:

"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."

The proposal's built-form is biased toward Unley Road. This built form arrangement, together with the building's generous western (rear) setback, results in the western residential area being located approximately 28m from the proposal's closest (L1) balcony - greater than the 15m required (refer to Figure 11).

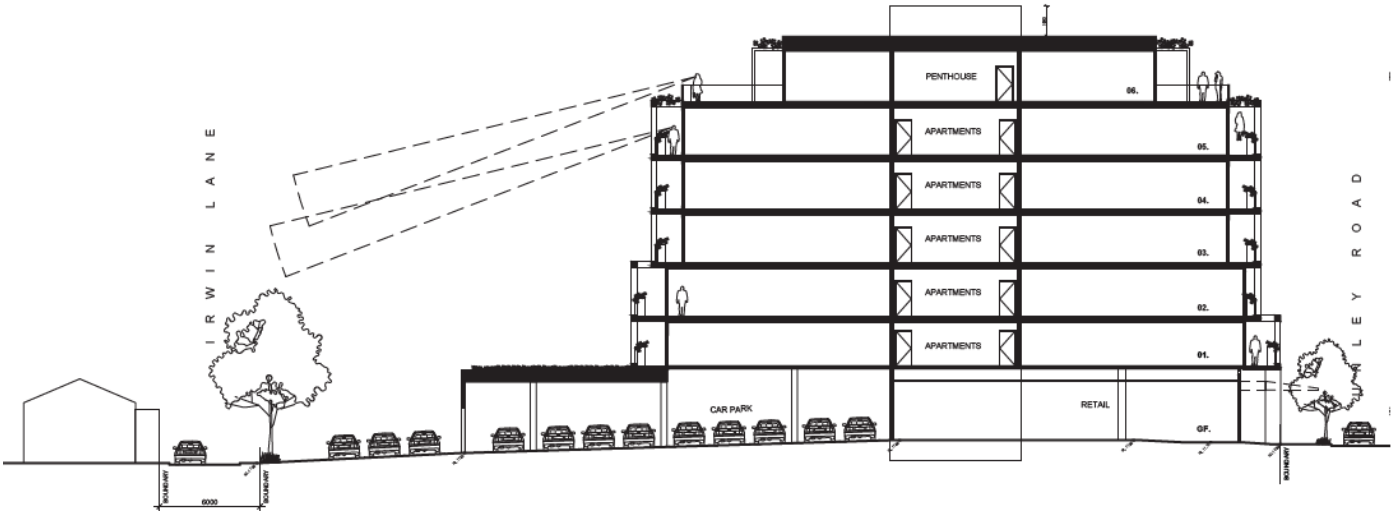

Figure 11: Overlooking analysis (part of Enzo Caroscio Architecture Dwg Height Justification, page 39)

All Residential Development

Front elevations and passive surveillance

As discussed above, the proposal satisfies PO 17.1 & 17.2 by incorporating large fenestrations and balconies that survey and positively contribute to Unley Road, and incorporating Unley Road access points.

Outlook and Amenity

PO 18.1 & 18.2 seeks that living rooms have an outlook onto high amenity areas and for bedroom amenity to not to be compromised by a development's non-living spaces and areas.

Each dwelling's living room is provided with views to their greened balconies. Further, dwelling views beyond the balconies include high-amenity scenes of either the Adelaide Hills (east), parklands and CBD (north) and leafy western suburbs (west).

Bedrooms are elevated and away from the site's communal areas e.g., carpark. As previously discussed, acoustic attenuation measures will be incorporated into the built-form to reduce bedroom noise levels to acceptable levels.

Residential Development - Medium and High Rise (including serviced apartments)

Private Open Space (POS)

PO 27.1 requires dwellings be provided with adequate POS to meet the occupants needs.

As displayed in this report's Table 2 and its *"Quantitative Overview"* only one of the proposal's two-bedroom dwellings does not satisfy *DUA Table 1 – POS* dimensional requirements and has an approximate 2.1m^2 shortfall. The remaining fourteen dwellings provide between 125% to 666% more open space than the required minimum.

The undersupplied apartment is provided with a rectangular shaped balcony that is accessed from its living room, as well as a narrow (below the required minimum width) balcony that is accessed from a bedroom. The shape of the balconies and their continuation from habitable rooms provides suitably sized areas to meet the occupants needs and compensates for the shortfall. Further, increasing the POS to satisfy the desired area would impact the site's internal living areas or require an alteration of the floor plate, with both solutions not considered appropriate to the overall design.

Residential amenity in multi-level buildings

PO 28.1 to 28.7 require dwellings, and associated balconies provide adequate amenity to their occupants by preventing noise impacts, providing thermal/ environmental comfort, natural light, and room for outdoor

living and storage. Further, dwelling and balcony orientations should protect the resident's privacy while providing surveillance to external public areas.

The floor plate design creates outward facing dwellings and balconies and prevents internal overlooking between the development's dwellings. Where abutting balconies share a boundary, a 1.8m high solid screen will be installed to prevent internal overlooking and maintain privacy.

As discussed above, balconies are integrated into the building's grid form, which allows above floors to shade lower dwellings and balconies.

As discussed in the POS section, most dwellings are provided with generously dimensioned balconies that can accommodate outdoor dining/ furniture and thereby, provide outdoor living. Further, balconies are accessed via internal living areas that promote indoor/ outdoor living.

The scheme provides adequate storage areas respective to bedroom sizes (refer to Table 7), with URPS's report confirming more than 50% of each apartment's storage area is within the dwelling. Further, an additional 45m^3 of storage is located within the covered car park area (nine storage units with 5m^3 of volume).

Typology	Bedrooms	Storage (m^3)	Required Storage (m^3)
Type A	2	23	10
Type B	2	27	10
Type C	3	26	12
Type D	3	32	12
Type E	4	56	12

Table 7: Apartment storage sizes

The two 17m high light wells provide solar access to two L1 and L2 bedrooms (as well as L1 to L5 lift lobbies and bathrooms). The light wells have dimensions of 1.9m x 3.4m, which does not satisfy the minimum 3m width requirement. The GA notes however that the wells are open to the south which provides the bedrooms with sufficient access to natural light and ventilation. Further, the minimum dimension runs north to south, therefore, future development south of the subject site would need to consider impacts to the light wells and prevent encroachment into the 3m required width.

Dwelling Configuration

PO 29.1 intends for buildings containing more than 10 dwellings to provide housing diversity through varying dwelling sizes and bedroom quantities.

The scheme provides six two-bedroom dwellings, six three-bedroom dwellings and one four-bedroom dwelling, with the two- and three-bedroom offerings consisting of two typologies that provide different internal and external living areas. Further, the apartment sizes are notably larger than required (refer to Table 8), resulting in the development providing diverse housing with additional amenity.

The GA supports the generous apartment sizes (which do not compromise on providing inadequate POS) and layouts which offer a high level of amenity.

Typology	Bedrooms	Internal floor space area (m^2)	Required area (m^2)	Increase (%)
Type A	2	96	65	148
Type B	2	106	65	163
Type C	3	123	80	154
Type D	3	160	80	200
Type E	4	243	95	256

Table 8: Apartment floor areas

Common Areas

PO 30.1 requires lift, lobby and corridor sizes to have adequate dimensions to accommodate its users and provide amenity.

The lobbies can accommodate their intended users and the quantity of apartments on each floor. Further, amenity is provided to the ground floor lobby via landscaping and the elevated lobbies via access to natural light. URPS's Response to Agencies Comments document mentions natural ventilation to lift lobbies will be further explored in the project's design phase.

Group Dwellings, Residential Flat Buildings and Battle axe Development

Amenity

PO 31.1 to 31.3 restates PO 29.1 and directs development to provide dwellings of adequate space for residents and provide outlooks toward streets and public open space while not compromising the privacy of neighbouring properties.

As discussed above, the proposed dwellings satisfy the minimum internal floor areas based on their respective bedroom size, while providing views into the public realm that do not compromise the privacy of adjoining residents.

Communal Open Space

Communal Open Space has not been provided nor is it necessary as sufficient POS is supplied.

Car parking, access and manoeuvrability

PO 33.1 to 33.5 seek development which provides safe and efficient access to and from the site, while not impacting on-street parking requirements.

The singular Irwin Lane access won't impact Unley Road parking spaces or pedestrian movements along Unley Road or Irwin Lane, noting the latter does not contain footpaths or verges to support pedestrian movements.

Cirqa's report has demonstrated vehicles can enter and exit the site in a safe and convenient manner, further discussion regarding vehicles movements and access are discussed in more detail below.

Soft landscaping

PO 34.1 & 34.2 encourages landscaping to improve outlook amenity from dwellings onto driveways and for driveways to be permeable.

Rear landscaping is provided via 800mm and 1800mm wide landscape strips along Irwin Lane, a 900mm wide strip between the uncovered carpark and rear carpark wall, and the green roof that divides the dwellings and rear carpark. These areas improve visual outlook from residents looking onto the common driveway.

The uncovered carpark area is completely constructed from permeable paving and forms part of the site's stormwater management (discussed above).

Site Facilities / Waste Storage

PO 35.1 to 35.6 seeks development which incorporates areas for waste storage, clothes drying, mailboxes, and services that are convenient and protect amenity.

Mailboxes are conveniently located at the residential lobby entrance.

The dwellings provide adequate area for clothes drying facilities, either through internal dryers or external clotheslines.

Meters and mains are grouped together and do not directly face Unley road.

Water sensitive urban design

PO 36.1 & 36.2 seeks development incorporate stormwater management measures to mitigate peak flows, manage stormwater discharge and maintain water quality.

P & G Structures Pty Ltd have prepared the Stormwater Management Report (dated 25 February 2025) for the proposed scheme. The design applied Council's stormwater detention requirements that restrict post-development 1% AEP flows to 10% pre-development flows adopting a 60% impervious area. To satisfy these requirements, the development will require a 13.5kL detention tank supported by permeable paving.

Collected stormwater will be diverting through a sump fitted with a pollutant filter prior to discharging into Council infrastructure, as discussed above previously.

P & G Structures Pty Ltd Stormwater Management Report can be found in **Attachment 1L**.

Infrastructure and Renewable Energy Facilities

Water Supply

Development will satisfy PO 11.2 and connect to mains water.

Wastewater Services

Development will satisfy PO 12.1 and connect to an approved common wastewater disposal service with adequate capacity.

Interface between Land Uses

General Land Use Compatibility

PO 1.1 seeks that development protects sensitive receivers from adverse impacts generated by lawfully existing land uses.

As discussed previously, the development has considered the potential noise impacts from the nearby rooftop bar and surrounding land uses when designing the development's acoustic treatments.

Hours of Operation

Based on the proposed floor layout and lack of back of house facilities etc., it is anticipated that the commercial tenancy will accommodate a future use that is commensurate with the adjacent residential uses e.g., office or consulting rooms, and operate during core business hours.

Overshadowing

POs 3.1 & PO 3.2 seek development that mitigates overshadowing impacts to habitable rooms and POS in adjacent residential land uses.

The proposal is located east of the adjacent low-lying residential area. This orientation prevents the development from overshadowing adjacent residential habitable rooms and POS areas after 12pm, as shown below.

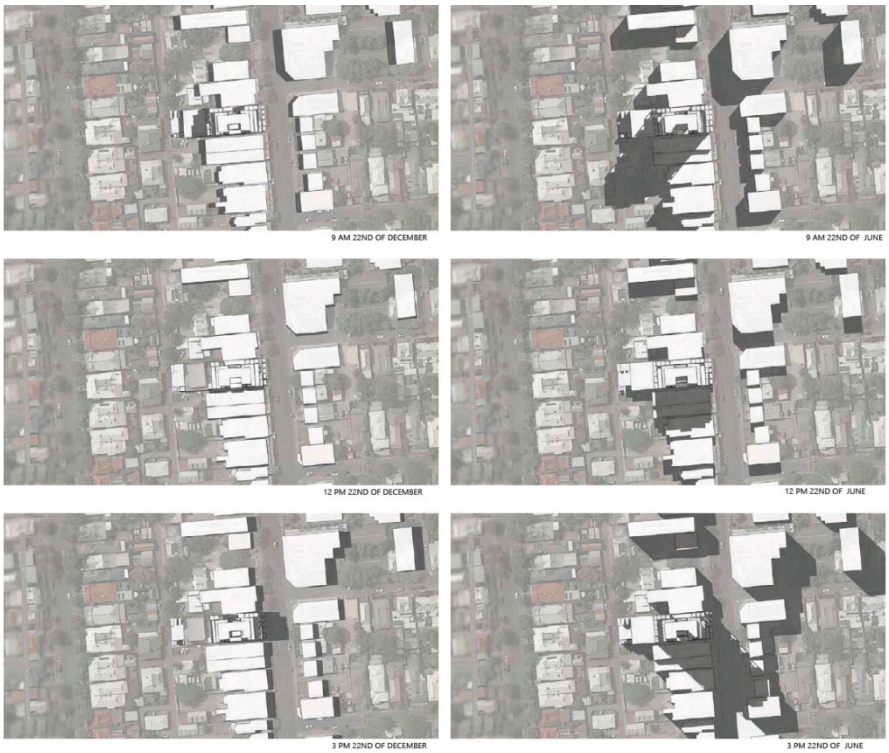

Figure 12: Shadow studies (part of Enzo Caroscio Architecture Dwg Height Justification, page 38)

Reviewing Figure 12, the development's built-form bias toward Unley Road results in only slight overshadowing to the western residential area at 9am on the 22nd of June and no overshadowing to the eastern residential area up until 3pm on the same day. Therefore, potential shadowing impacts after 9am on western dwellings would be minimal and consequently, they would not experience adverse shadowing on Adelaide's "darkest" day.

Further, the proposal's limited shadowing to the residential area would not unduly reduce its rooftop solar generating capacity.

Activities Generating Noise or Vibration

PO 4.3 & 4.4 - as discussed above (Noise and Air Emissions Overlay section) the proposal will not adversely impact adjacent sensitive receivers.

Site Contamination

PO 1.1 ensures land is suitable for its intended use(s) when changing to a more sensitive use.

The site currently accommodates commercial uses, with the proposal seeking the site accommodate dwellings and a commercial use. *Practice Direction 14 (PD 14) – Site Contamination Assessment 2021 table 1: land use sensitivity hierarchy* lists different land uses based on their sensitivities and is used to determine if a proposal is changing a site's land use to a more sensitive use. Residential class 1 (Domestic residential – i.e., the proposal's residential use) is classified as one of the most sensitive uses, with Commercial class 1 (such as, shops, offices, consulting rooms) and Commercial class 2 (Petrol stations, dry cleaners warehouses and other commercial uses (other than Commercial class 1)) considered less sensitive. Further, PD 14 (5)(a) requires a mixed-use building's most sensitive use to dictate the proposal's overall sensitivity. Therefore, the proposal is increasing the site's sensitivity (commercial use to a residential use).

In addition to increasing the site's sensitivity, if the proposal is adjacent to a site that has experienced class 1 or 2 activities that are listed in PD 14 Schedule 1, then the proposal requires a referral to the EPA. Land & Water Consulting identified several class 1 activities that have occurred within 60m of the subject site, such as a dry cleaning facility and service station. Therefore, the proposal was referred to the EPA.

As discussed above, the EPA required further information, including soil vapour testing, to determine if the site could be made suitable for its intended uses.

Land & Water Consulting undertook soil vapour testing (report dated 12 February 2025) and prepared a Construction Environmental Management Plan – version 2 (dated February 2025) for the proposed application.

The testing concluded that there was no soil vapour risk to future site users, as well as to construction/ maintenance workers. Further, the CEMP stated that:

"The assessment scope has concluded that there are no site contamination issues with respect to people using the specific proposed development as there are no vapour risks and no access to soils."

Further, as soils could not be tested (existing development on site impacting access) it is recommended a CEMP be formulated.

The EPA have reviewed the above documentation and is satisfied the site can be made suitable for its proposed use. Refer to referral section for EPA's comments.

Land & Water Consulting Construction Environmental Management Plan, soil testing results and Preliminary Site Investigation can be found in **Attachment 1M, 1N & 1O,** respectively.

Transport, Access and Parking

Sightlines

POs 2.1 & 2.2 seeks development that provides adequate sightlines to ensure safety for all road users and pedestrians.

The rear access is centralised within the site and is not impeded by fencing or dense vegetation, which provides visibility between active users along Irwin Lane and motorists leaving the site. Further, Cirqa have commented that pedestrian sightlines will be provided at this access.

Vehicle Access

POs 3.1 to 3.5 seeks access points which provide safe and convenient access and can accommodate the site's intended users and traffic volume. Further, the access should not impact the external road network and does not interfere with existing street trees, furniture or infrastructure services, thereby maintaining the streetscape appearance and amenity, and minimise the disruption of utility infrastructure assets.

As discussed above, Cirqa have demonstrated the proposed access can support the site's intended users, including refuse trucks and service vehicles, and intended vehicle movements without interrupting Irwin Lane's operation.

The proposed rear driveway requires the relocation of a Stobie pole and removal of a street tree. The former will be relocated and supports the development's transformer, and the latter will be replaced by three trees with both outcomes helping to maintain the streetscape appearance and amenity.

Access for People with Disabilities

PO 4.1 seeks development which provides safe, dignified and convenient access for people with a disability.

The site's rear access, which includes the travel path from the Irwin Lane crossover and DDA space to site's rear residential lobby and/ or commercial tenancy, incorporates an accessible slope with no steps. Further, the site's Unley Road residential access incorporates an accessible ramp which leads to the structure's lift.

The building's lobbies are suitably sized to provide universal access to the site's users and each floors residence.

Vehicle Parking Rates

PO 5.1 seeks development that provides adequate on-site vehicle parking to meet the developments and its land uses needs. The supply of parking should also consider internal and external factors that may support a reduction in required parking.

The proposal is within the Urban Corridor (Main Street) Zone which is classified as a "Designated Area" in the Transport, Access and Parking Module's *Table 2 – Off-Street Car Parking Requirements in Designated Area*s. This table classifies land uses as either residential or non-residential and assigns car parking rates for these specific categories. Further, the table's residential category provides specific parking requirements for the residential component of a multi-storey building based on dwelling bedroom capacities and the table's non-residential category provides minimum and maximum parking requirements based on the land use's gross leasable floor area (GLFA).

The proposal provides 27 parking spaces - 20 covered and seven uncovered, with the latter including one DDA space. Based on the site's residential use, which includes 15 dwellings with two-, three- or four-bedrooms and the ground floor's non-residential GLFA, the site requires at least 26 spaces. Therefore, the proposal satisfies the Code's on-site parking requirements. Further, Cirqa discusses that the commercial tenancy's (weekday working hours) and residential uses (typically Friday evenings and weekends) peak parking periods occur at different times. This provides additional "shared" parking spaces between the proposed uses.

The development will not impact the three controlled Unley Road spaces. These spaces are subject to a Clearway between 7:30-9:00am Monday to Friday and 1 hour parking limit between 9am-5pm Mondary to Friday and 9am-12pm Saturday. Cirqa comment that these periods do not align with peak demands of the development's residential visitors or commercial component, thereby, providing the site with adequate on-street parking. Further, the 1-hour parking spaces are suitable for the site's intended visitors.

Further, the site is within walking distance to high-frequency bus stops and a train station that supports active transportation and a reduction in parking demand.

Vehicle Parking Areas

PO 6.2 seeks parking areas are appropriately located and designed to minimise impacts to sensitive receivers. As discussed above, the rear carpark won't adversely impact sensitive receivers through its use of greening and construction of a permeable screen that increases the area's visual amenity.

Bicycle Parking in Designated Areas

POs 9.1 to 9.3 seek that development provides adequate bicycle parking to meet the development and its land uses needs. Bicycles can be stored in secured areas that are safe, accessible and surveyed. Further, non-residential uses are provided with end of trip facilities to encourage cycling.

The proposal provides 11 bicycle spaces. Based on the site's uses, which includes 15 dwellings and a ground floor commercial tenancy (Cirqa applied an office land use which has a comparatively higher requirement than a shop, also an office is considered acceptable based on the proposal's design layout and lack of back of house facilities) 9 spaces are required. Therefore, the proposal satisfies the bicycle spaces requirement.

The bicycle storage area is located within the secured covered carpark area. The area can adequately store the designated eleven bicycles and is conveniently located next to both commercial tenancy and residential lobby rear doors.

The commercial tenancy area is not provided with end of trip facilities. This is not considered detrimental as the site is provided with adequate vehicle parking and public transport access that prevents a reliance of bicycle transport.

CONCLUSION

The proposed seven-level mixed-use building consisting of 15 dwellings and a ground level commercial tenancy is considered acceptable due to:

- The proposed land uses are envisaged by the Urban Corridor (Main Street) Zone;
- The proposed building height mitigates external impacts such as overshadowing, bulk, massing and overlooking due to its bias toward Unley Road.
- The Environment Protection Authority is satisfied the site can be made suitable for its proposed use.
- The Government Architect is supportive of the proposal's level of amenity, design and ESD features.
- The development can adequately protect its residents from external impacts.
- The site is provided with adequate access and won't adversely impact the surrounding road network.

In light of the above, it is considered that the proposal warrants planning consent subject to the imposition of reserved matters and conditions.

RECOMMENDATION

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

2. Development Application Number 23012013, by Otello Projects, is granted Planning Consent subject to the following reserved matters and conditions:

RESERVED 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:

Reserved Matter 1

The applicant shall submit:

- Final external material selections, including confirmation of high-quality integral finishes, supported by the provision of physical materials; and
- Detailing of grid connections and joints, infill soffits and cladding materials to reinforce the rhythm and expression.

All required information shall be prepared in consultation with the Government Architect to the satisfaction of the State Planning Commission.

CONDITIONS

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

The development shall be undertaken in accordance with the tree protection measures set out in the approved A*rborman Tree Solutions 42-46 Unley Road, Unley – Addendum to report ATS7209-42-46UnlRdDIR* report, prepared by Tom Richardson dated 17 April 2025.

Condition 3

Waste Management shall be undertaken in accordance with the Approved Waste Management Plan prepared by Colby Philips Advisory and dated 26 February 2025.

Condition 4

The recommendations detailed in the Environmental Noise Assessment report, dated February 2025 prepared by Sonus shall be fully incorporated into the development. Such measures shall be made operational prior to the occupation or use of the development and maintained at all times to the satisfaction of the Relevant Authority.

Condition 5

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 6

The planting and landscaping identified on the approved plans granted Planning Consent shall be undertaken in the first planting season concurrent with or following substantial completion of the development. Such planting and landscaping shall be irrigated and maintained thereafter, and any plants which become diseased or die, must be replaced within the next available growing season with suitable species.

Condition 7

The recommendations detailed in the 42-46 Unley Road Place- Summary of Sustainability Initiatives report, dated 5 February 2025 prepared by Nathan Lawry (Summation) shall be fully incorporated into the development. Such measures shall be made operational prior to the occupation or use of the development and maintained at all times to the satisfaction of the Relevant Authority.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 8

Construction works must be undertaken in accordance with the *Construction Environmental Management Plan (Version 2) 4 – 46 Unley Road, Unley, South Australia, Otello Projects* (prepared by LWC and dated 17 February 2025) and must be overseen by a suitably qualified and experienced site contamination consultant.

Condition 9

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability (in the form described by *Practice Direction 14: Site Contamination Assessment 2021)* is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Condition 10

For the purposes of the above condition and regulation 3(6) of the Planning, Development and Infrastructure (General) Regulations 2017, the statement of site suitability must be issued by a **site contamination consultant**.

ADVISORY NOTES

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

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent or Development Approval. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the ERD Court if wishing to appeal. The ERD Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 3

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 4

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

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.

Refer to the City of Unley website for Forms & Applications – Specification Crossover Opening, Kerb & Gutter, Footpath Repair. https://www.unley.sa.gov.au/files/assets/public/v/3/forms-amp-applications/specification-reinstatements-and-modification-to-footpaths-roads-kerb-gutter-works.pdf and https://www.unley.sa.gov.au/Page/Forms-Applications

Advisory Note 6

The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' shall be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.

Advisory Note 7

It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

Advisory Note 8
Residential Parking Permits will not be issued to residents of Community or Strata titled dwellings or other multi dwelling buildings if granted development approval on or after 1 November 2013.

Advisory Note 9

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.

Advisory Note 10

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.

Advisory Note 11

You are advised that it is an offence to undertake tree damaging activity in relation to a regulated or significant tree without the prior consent of Council. Tree damaging activity means:

- The killing or destruction of a tree; or
- The removal of a tree; or
- The severing of branches, limbs, stems or trunk of a tree; or
- The ringbarking, topping or lopping of a tree; or
- Any other substantial damage to a tree, (including severing or damaging any roots).

and includes any other act or activity that causes any of the foregoing to occur but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.

Advisory Note 12
The applicant should engage with the City of Unley in relation to tree plantings within the Unley Road verge.

Advisory Note(s) imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 13

The applicant/owner/operator is reminded of the general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.