Ref: 22ADL-0240

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25 February 2025

Daniel Marotti
Planning Officer
State Planning Commission
Level 10, 83 Pirie Street
Adelaide SA 5000

Submitted via PlanSA portal

Dear Daniel

Response to Representations – Application ID 23012013 42-46 Unley Road, Unley

Introduction

URPS continues to act for Otello Projects (the applicant).

As instructed, we have reviewed each of the representations received during public notification of the proposal and provide a response to the key planning concerns below.

This response is to be read in conjunction with:

- Revised plans from Enzo Caroscio Architecture dated 22/01/2025.
- An updated letter of advice from CIRQA regarding traffic.
- An updated letter of advice from Summation regarding ESD initiatives.
- An updated stormwater management plan by P & G Structures Pty Ltd.

Summary of Representations

A total of 15 valid representations were received during public notification (3 from the one person) A list of the representors is in the table below. The location of representors within the locality is shown within **Figure 1.**

No.	Representor	Representor's Address	Position	Wishes to be heard
1	Catherine Davies	31 Salisbury Street, Unley	Oppose	No
2	Nastasja Agerman	29 Swallowtail Street, Mount Barker	Oppose	No
3	Lesley Kelly	5 Salisbury Street, Unley	Oppose	No
4	Henry Myszka	9 Salisbury Street, Unley	Oppose	Yes
5	Ian Tucker	32 Unley Road, Unley	Support with some concerns	No
6	Deanna Temme	49 Salisbury Street, Unley	Oppose	No
7	Cathy Jervis	7 Salisbury Street Unley	Oppose	No
8	Alistair Loose	53 Salisbury Street, Unley	Oppose	No
9	Christopher Merrigan	51 Salisbury Street, Unley	Oppose	No
10	Matthew Gliddon	43 Salisbury Street, Unley	Oppose	No
11	Isabelle Gatley	47 Salisbury Street, Unley	Oppose	No
12	David Vidler	12 Liston Street, Parkside	Oppose	No
13	Terry Nicholls	1a Salisbury Street, Unley	Oppose	No
14	Marie Chance	23 Salisbury Street, Unley	Oppose	No
15	Jim Allender	21 Salisbury Street, Unley	Oppose	No

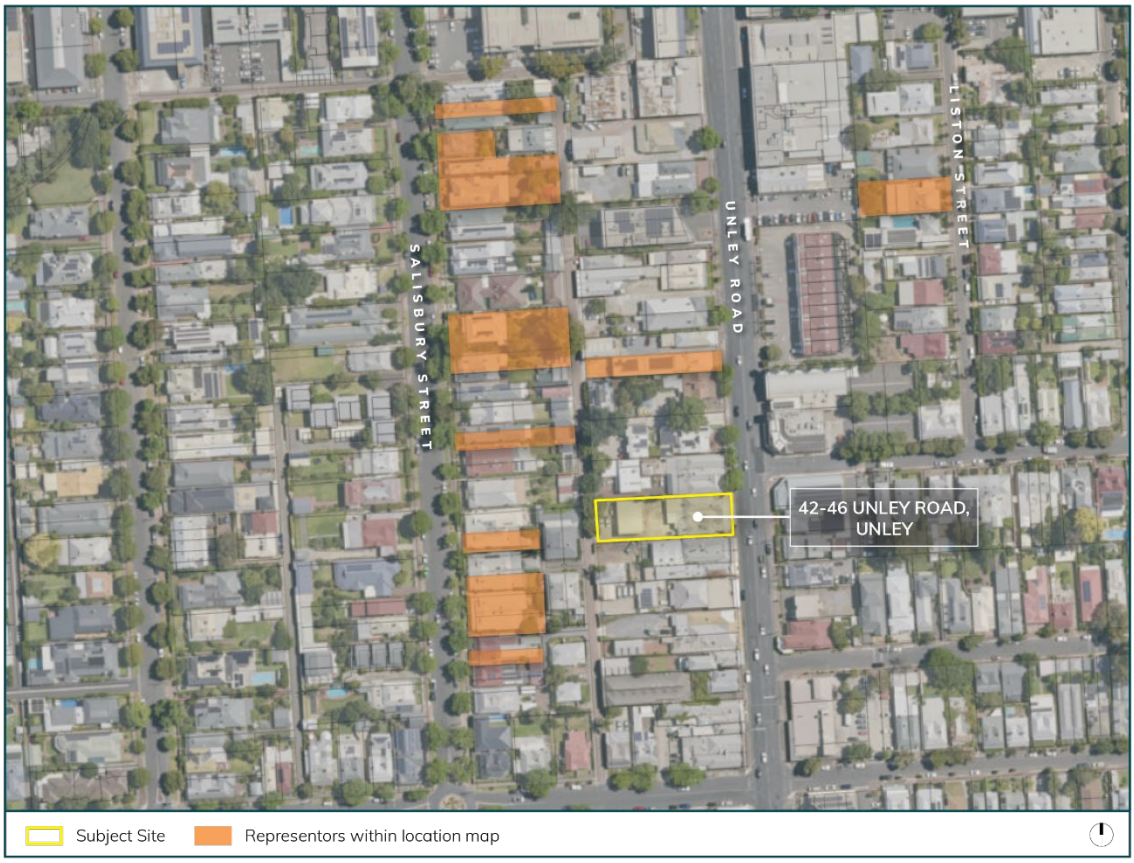


Figure 1 – Representation map

Generally, the following concerns were raised in the representations:

- Building height.
- Traffic, car parking & waste.
- Tree removal.
- Overlooking & overshadowing.
- Construction management.
- Adjoining development.

Response to Representors

Building Height

A number of the representations raised concerns regarding the proposed building height.

In relation to these concerns, the following Code provisions are relevant:

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

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

Maximum Building Height (Levels) is 5 levels

Maximum Building height (Metres) is 18.5 metres

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

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

Minimum Building Height (Levels) is 3 levels

The proposed building height of 24.5 metres exceeds the Deemed-to-Satisfy building height by 6 metres. However, as highlighted in the Planning Report on pages 20-23 by URPS, the building achieves the relevant corresponding Performance Outcomes because:

- The building's facade incorporates fine-grain architectural features that enhance the main street character, while the podium maintains a human scale.
- The design is highly articulated to break down perceived mass, with a footprint that decreases as the height increases. Its scale is further reduced through varied setbacks, materiality, and a low roof form, with the bulk of the mass contained within levels 1 to 6.
- The upper level is recessed, minimising its visibility from pedestrian viewpoints, particularly along Irwin Lane. The rear setback also increases with height to further reduce visual impact.
- The proposal does not result in adverse external interface impacts (refer to Section 5.5 of this report).
- The development aligns with PO 5.1, effectively managing off-site impacts while delivering broader community benefits through high-quality design and sustainability initiatives.
- Passive design strategies include balcony and terrace shading, roof landscaping, irrigated planter boxes, and an expected 7.0-Star NatHERS rating, reflecting a 27% improvement over the 2019 National Construction Code 6-Star standard.
- The Zone provisions support increased building height in appropriate circumstances, reinforcing the proposal's suitability.

The proposal positively responds to the existing and future context of the zone accommodating a visually interesting and articulated building form of high design quality. The design of the building reinforces and contributes to the zone's envisaged built form (DO 2 and PO 3.1). The exceedance of height above the applicable TNV will not result in a detrimental impact on the adjoining uses or streetscape character. The desired local context is reinforced in satisfaction of PO 3.1 (building height).

Traffic, Car Parking & Waste

Most of the representors raised concerns regarding traffic movement, car parking and waste collection in their representations.

It is important to have regard to the provisions dealing with "Movement, Parking and Access" within the provisions for the Urban Corridor Zone in which the land is situated. The proposal demonstrably does not offend any of these provisions (in particular PO 6.1 and 6.2). The fundamental design of the building, which accommodates all access and parking to its rear and away from Unley Road, is encouraged and supported by the Code. Access will be accommodated via an existing two-way public laneway. This approach is contemplated and supported by the provisions for the relevant Overlays with respect to traffic movements and access.

The applicant has updated the ground floor plan layout which has subsequently increased parking numbers and reduced the area of the commercial tenancy. The applicant's traffic engineer, CIRQA, has provided a detailed updated letter which states:

"Parking Assessment

- *The proposed development meets the Planning and Design Code requirements for residential parking, providing 18 secure spaces, which matches the theoretical requirement.*
- *For commercial and visitor parking, the Code suggests eight spaces (four for each component).*
- *The proposal allocates two surplus secure spaces for staff.*
- *Seven visitor spaces are provided within the unsecured parking area, resulting in a surplus of one space.*
- *The mixed-use nature of the development supports shared parking, as:*
  - *Commercial demand peaks during business hours.*
  - *Residential visitor demand is highest in the evening and weekends.*
  - *This ensures efficient parking use without reliance on on-street parking.*
- *Three on-street spaces are available outside clearway hours, but the proposal does not rely on them.*

- *The proposed parking provision exceeds Code requirements and effectively manages demand through complementary land uses.*

Traffic Movement

- *As illustrated in the traffic analysis, the forecasted peak hour traffic volumes at the site access point are low and will be readily accommodated via Irwin Lane.*
- *Traffic will distribute effectively between Young Street and Salisbury Street, ensuring that there is no significant impact on their function or hierarchy.*
- *The existing site already generates traffic, and since the calculations do not factor in existing traffic levels, the actual increase in peak period traffic will be lower than forecasted.*
- *Given these factors, the proposed development is expected to have a negligible impact on Irwin Lane and the surrounding road network.*

Waste Collection

- *Waste collection will service the site between the advised times listed by Unley Council.*
- *10m refuse vehicle turn path plans have been supplied within the CIRQA report to show no obstructions with the 600mm clearance line for waste collection.*
- *Site waste collection has been designed to accommodate the safe and convenient access, egress and movement of waste collection vehicles in accordance with PO 35.5."*

Tree Removal

Some of representations queried the need to remove the one protected tree on the land.

The original proposal sought to remove a 'significant' Weeping Bottlebrush (*Callistemon viminalis*) adjacent to Irwin Lane, along with one non-regulated Weeping Bottlebrush.

The design has been amended to retain the significant tree (*Callistemon viminalis*) within the car park, ensuring its preservation as an important natural asset. This decision enhances the site's environmental sustainability, contributes to urban biodiversity and provides natural shading. Additionally, the retained tree will help soften the built form, enhance the visual appeal of the development, and maintain a sense of greenery within the urban setting.

Overlooking & Overshadowing

A number of representors of raised concerns regarding overlooking and overshadowing.

Performance Outcome	Designated Performance Feature
PO 10.1 ***Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.***	***DPF 10.1*** ***Upper-level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone:*** ***(a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm*** ***(b) have sill heights greater than or equal to 1.5m above finished floor level*** ***(c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.***
PO 10.2 ***Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.***	***DPF 10.2*** ***One of the following is satisfied:*** ***(a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace*** ***or*** ***(b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of:*** ***(i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land*** ***or*** ***(ii) 1.7m above finished floor level in all other cases***

The rear-facing (western) apartments do not include screening along their western extent. Design in Urban Areas PO 10.1 and PO 10.2 provide the following policy guidance for overlooking and visual privacy:

Part 8 of the Planning and Design Code (the Code) provides the following definition for "Direct overlooking" from a balcony or terrace:

In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15 metres measured from any point of the overlooking deck, balcony or terrace.

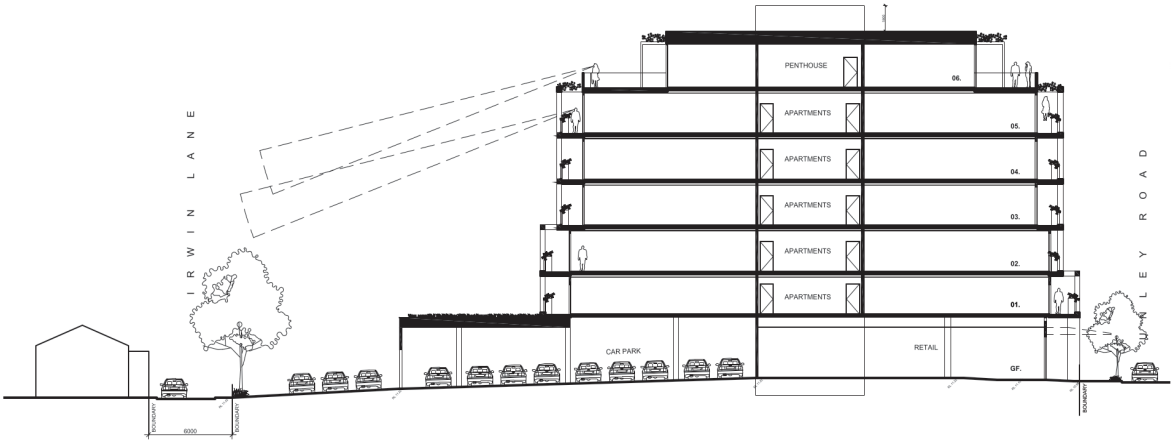
(Underlining added)

In consideration of the above definition, the proposal eliminates direct overlooking to the western residential allotments and satisfies PO 10.1 and 10.2 because:

- Proposed windows and the east-facing balcony are located greater than 15 metres from the private open space and habitable room windows of residential properties on Salisbury Street.
- The upper-level setbacks further reduce the potential for direct sightlines into private spaces of nearby dwellings.
- 1.1m-high planter boxes are integrated along balcony edges to provide a natural privacy buffer, further mitigating potential overlooking into adjacent residential properties.

This is strengthened by the overlooking analysis provided by Enzo Caroscio Architecture which shows the viewing span distances in **Figure 2** below.

The dashed tapered sections in this figure represent a 15-metre distance from the viewer, and demonstrates that these do not extend past the rear (western) boundary of the subject land.



ENZO CAROSCIO ARCHITECTURE

Figure 2 – Overlooking Analysis

URPS undertook a further overlooking analysis which involved the use of a drone to capture views from each level at each of these vantage points.

This photographic analysis demonstrates the minimal near-field views.

The design has been carefully considered to minimise overshadowing impacts on nearby residential properties.

The Enzo Caroscio Architecture Overshadowing Studies Plan in **Figure 3** below demonstrates that the proposed development will not impede adjoining properties' access to natural light during winter.

The assessment confirms that neighbouring properties will receive sufficient direct sunlight between 9:00 AM and 3:00 PM on June 21, in line with PO 3.1 and 3.2 of the *Interface Between Land Uses* provisions.

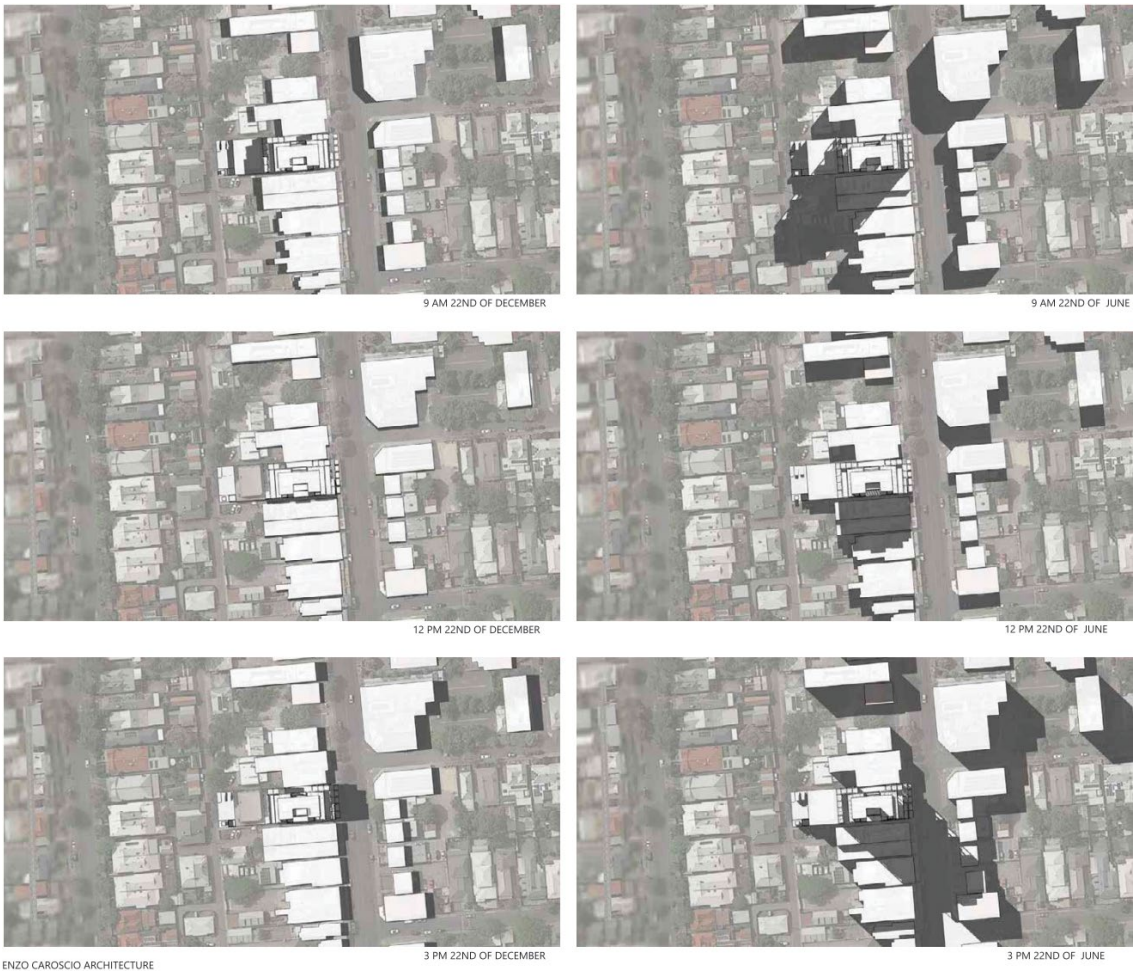


Figure 3 – Overshadowing Analysis

Construction Management

Some of the representors raised concern over the construction impacts to adjoining and nearby landowners.

We are advised that construction activities will be undertaken in accordance with the Local Government Act 1999 and the EPA guidelines, ensuring that all activities adhere to established standards for noise, dust, and environmental management.

These regulations are designed to minimise the impact of construction on surrounding properties while promoting responsible development. By following these guidelines, the construction process aligns with the same local government controls that apply to any

ordinary development across South Australia, maintaining consistency in regulation and enforcement.

These controls help ensure that construction activities during weekday hours remain within acceptable limits, safeguarding public health and environmental quality. They also provide clear frameworks for addressing any complaints or issues that may arise, ensuring accountability throughout the development process.

In addition to these guidelines, a Construction Environment Management Plan prepared by Land & Water Consulting acts to safeguard against potential disruption.

Adjoining Development

One of the representors raised concerns around the impacts of construction restraints to adjoining properties.

In the event that a development is built adjoining the northern or southern boundaries in the future, the balustrades can be replaced by a solid wall or privacy screening. This would be dependent on the design and if the proposed development did not have a solid fixed wall or screening to its adjoining boundaries.

We cannot pre-empt or account for future adjoining developments. The flexibility in the proposed design allows for appropriate adaptations to maintain privacy and amenity as and if required. Any future modifications would be assessed in response to the specific built form and interface conditions at the time of development.

Conclusion

Thank you for the opportunity to address the concerns of the representors. For the reasons outlined above, the proposed development satisfies the relevant provisions of the Code to warrant Planning Consent.

I confirm my attendance in support of the proposal at the State Commission Panel meeting.

I can be contacted on 0403 903 130 or by email – wgormly@urps.com.au – if you have any questions.

Yours sincerely

Will Gormly
Senior Consultant