

12 February 2025

Adnan Khan
Planning Officer
State Planning Commission
Level 10, 83 Pirie Street
Adelaide SA 5000

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Dear Adnan

Response to Representations – DA 24037925

URPS continues to act for Samaras Construction and Developments (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 SMFA dated 04/02/2025.
- A letter of advice from Salt3 (a traffic and waste engineering consultancy).
- A letter from James Hilditch (Hilditch Lawyers).

Summary of Representations

A total of 7 valid representations were received during public notification. 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	Nastasja Agerman	29 Swallowtail Street, Mount Barker	Supports with concerns	No
2	Anthony Marshall	70 Northgate Street, Unley Park	Oppose	No



No.	Representor	Representor's Address	Position	Wishes to be heard
3	Rosemary Beaven	9 Esmond Street, Hyde Park	Oppose	Yes
4	Dennis Burford	PO Box 157, Surrey Downs	Supports with concerns	No
5	Syd McDonald	C/- Botten Levinson Lawyers GPO Box 1042 Adelaide 292-294 Unley Road, Hyde Park	Oppose	Yes
6	Roger Antoniazzi (3 representations submitted).	3 Mitcham Avenue, Lower Mitcham	Oppose	No
7	Basil Jeffrey	9 Esmond Street, Hyde Park	Oppose	Yes

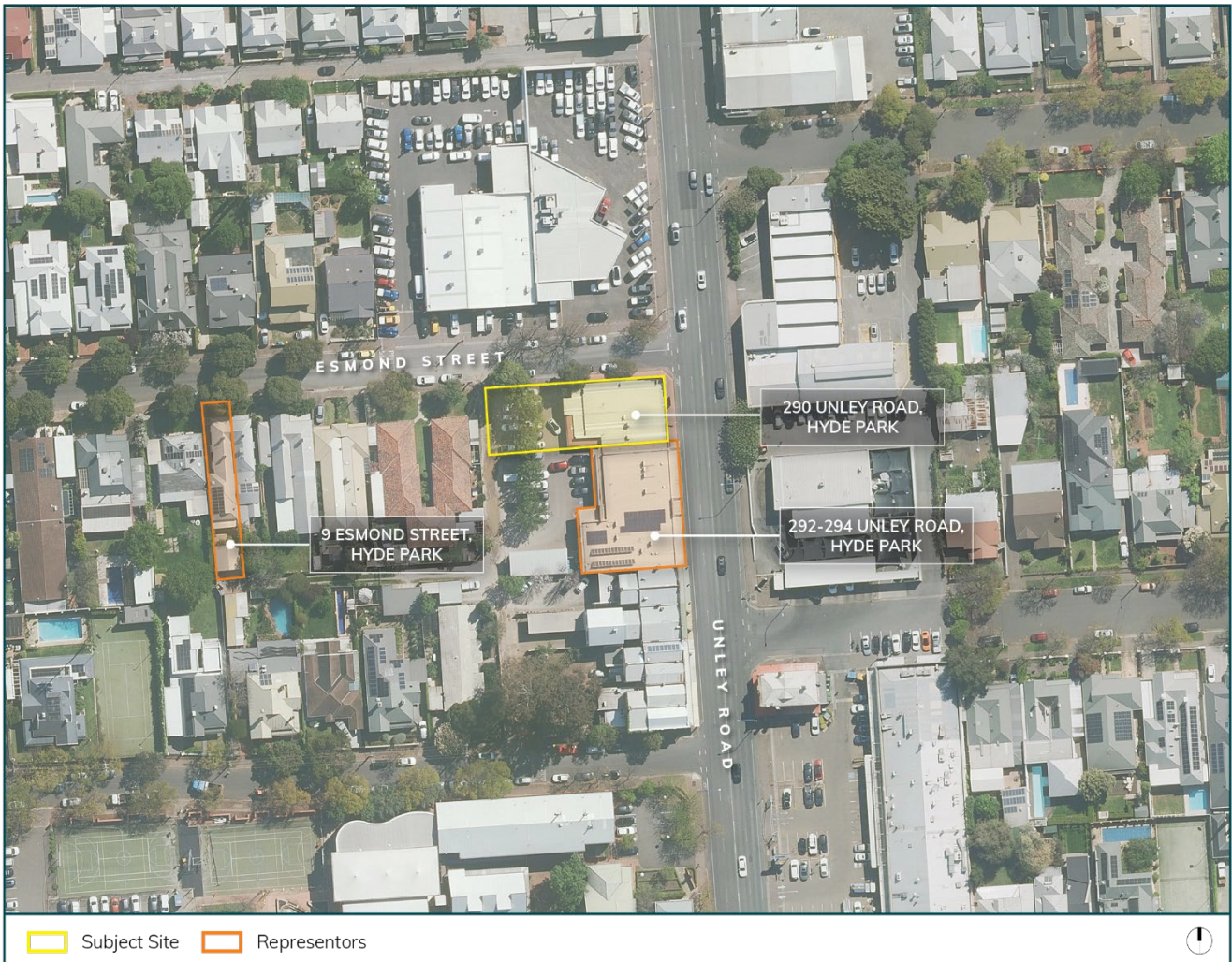


Figure 1 - Representation Map

The following items were raised in the representations:

- Legal Matters
- Traffic Movement
- Waste Collection
- Tree Removal
- Frontage Width & Blank Southern Façade
- Construction Management

Response to Planning Matters

Legal Matters

The representor of 292-294 Unley Road, Hyde Park, represented by Botten Levinson Lawyers, submitted a letter outlining various legal matters regarding:

- The Public Notification process.
- The access rights provided by the Right of Way (ROW).
- The removal of a Significant Tree.

We defer to the response to these matters detailed in the attached legal advice from James Hilditch of Hilditch Lawyers, dated February 12.

Traffic Safety

Concerns regarding the potential traffic generation within the right of way along Lot 115 have been raised.

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 clearly 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 private road and the relevant section which will be utilised in association with the proposed development will be upgraded. Furthermore, an existing crossover to Esmond Street is to be removed. This approach is supported by the provisions for the relevant Zone and it’s practical. This approach is also contemplated and supported by the provisions for the relevant Overlays dealing with traffic.

Salt3 has provided a detailed response which in summary states:

- The proposed development will only generate a small increase in traffic movement to and from the land at 290 Unley Road, Hyde Park. Salt3’s analysis indicates that the proposal will increase traffic by a modest 9 vehicles during peak AM/PM periods. Salt3 has also undertaken additional surveys of traffic movement into and out of the right of way and the Esmond Street Crossover (which include visitors entering and exiting the rear car parks for 292-294 Unley Road) which indicated that pre-development levels are in the order of 26 vehicle movements during peak AM and PM periods. The overall anticipated traffic generation of the proposal plus existing movements is therefore in the order of 34 vehicle movements during peak AM and PM periods. This is well below the 65 vehicle movements anticipated by MFY. The right of way will continue to support two-way traffic movements. The slight increase in movements resulting from the development remains well within acceptable limits for a private road that can support two-way movement.

Preliminary discussions have been held with staff at the City of Unley about the existing condition of the private road (Lot 115) along which the right of way extends. Whilst the proposal currently involves the upgrade of the relevant portion of the right of way by the proponent, the approval of the proposal would not prevent the exploration of a proposal to convert the entire right of way to a public road by the City of Unley. This will potentially have many benefits for all current and future users of the right of way, particularly with respect to the upgrading and ongoing maintenance of its entire surface by the Council. The approval of the proposal is more likely to facilitate this outcome which could produce benefits for all users and the proponent will be happy to cooperate with other users of the right of way to explore such an outcome if that is preferred (which could lead to substantial improvements over and above the current position for all concerned).

Waste Collection

Concerns have also been expressed about the ability of a waste truck to service the development. The original application details indicated that the proposal could be serviced by a Medium Rigid Vehicle from Esmond Street.

Given the low frequency of collections for the proposed apartment building and the fact that collections occur outside of peak hours, and the fact the development will create space on the street by closing an existing crossover, this was considered an acceptable approach.

- After discussions with the City of Unley and further consideration of the proposal it was decided to amend the proposal to have waste collected from the site. It is now proposed that the site is serviced by a 'Garwood Minor' which is a Small Rigid Waste Truck which is under 2.2m in height.
- The City of Unley has indicated their support for this approach. As noted in the Salt3 response *"this will be a practical arrangement that will occur in a low-speed environment 3 times a week"*.

Tree Removal

Some of representations queried the need to remove the two protected trees on the land.

Both trees are not native to South Australia. As per the submitted Arborist report, Tree 1 is a *Lophostemon confertus* – Queensland Box and Tree 3 is a *Lophostemon confertus* – Queensland Box.

As was indicated within our planning report, the trees are not:

- Indigenous to the local area and are not listed as rare or endangered in the National Parks and Wildlife Act 1972.

- Providing an important level of habitat for native fauna due to their location within the car park.
- Part of a wildlife corridor or a remnant area of native vegetation.
- Important to the maintenance of biodiversity of the local environment on the basis of their heavily modified/urban location.
- Making a positive construction to character and amenity – see Figure 2-3 below.



Figure 2 - Subject trees facing east towards subject land.



Figure 3 - Streetscape appearance of trees from Esmond Street.

In addition, retaining the trees is not practical. The trees cannot be reasonably kept whilst still ensuring the land achieves the development outcome sought which is squarely consistent with the land use, siting and building form expectations of the zone.

On balance, given their central location toward the rear of the site, we are of the opinion that the removal of the trees should be supported to accommodate the proposed development. Having regard to PO 1.4(a) for the Regulated and Significant Tree Overlay we would suggest that it can be readily concluded that the removal of these trees will accommodate the reasonable development of the land in accordance with the relevant provisions for the Urban Corridor (Main Street) Zone.

Frontage Width & Blank Southern Facade

The representator at 70 Northgate Street, Unley Park (which is well outside of the locality) expressed concerns with:

- The frontage width of the site being too narrow.
- The southern façade being too blank.

In response to these concerns:

- There is no minimum frontage policy applicable to the site in the Zone. Further, the site is not so narrow that it compromises the design. In this respect, the proposal satisfies the primary street and secondary street setback policies (i.e. DPF 2.6 and 2.7).
- SMFA has made amendments to the design to improve the appearance of the southern elevation. The revised plans (see updated 3.01 South Elevation) now include enhanced articulation to improve the visual interest of this elevation. Specifically, there is precast concrete which provides texture and durability, aluminium white cladding to which provides a sleek and modern look, and glazing which provides light and transparency. Further, the white steel elements provide for a clean and contemporary finish. With these further amendments the southern elevation in our view has appropriate visual interest.

Construction Management

One of the Representors raised concern over the construction impacts to adjoining residential landowners.

We are advised that construction 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.

Conclusion

Thank you for the opportunity to address the concerns of the representors. For the reasons outlined herein, 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 relevant State Commission Panel meeting.

Yours sincerely



Corey Polyak
Consultant