

ASSESSMENT REPORT

Malvern Development SA Pty Ltd c/- Future Urban

Eight-level, mixed use development including dwellings, shop, office, pool and basement parking

Unit 1-15 259-269 Unley Road Malvern

Development Application ID: 25036473



OVERVIEW

DEVELOPMENT ID	25036473
APPLICANT	Malvern Development SA Pty Ltd
LODGEMENT DATE	26 Nov 2025
PLANNING & DESIGN CODE VERSION	2025.20 23/10/2025
NATURE OF DEVELOPMENT	Eight-level, mixed use development including dwellings, shop, office, pool and basement parking
ZONING INFORMATION	Zones: • Urban Corridor (Main Street) Subzones: • N/A Overlays:

	• Airport Building Heights (Regulated) • Affordable Housing • Design • Noise and Air Emissions • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes Technical Numeric Variations (TNVs): • 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) • 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)
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
RELEVANT AUTHORITY	State Planning Commission
STATUTORY REFERRALS	City of Unley Environment Protection Authority Government Architect Department for Infrastructure and Transport
DELEGATION	State Commission Assessment Panel – Section 5.2.1 of the SCAP Development Delegations Policy
PUBLIC NOTIFICATION	Yes
SERIOUSLY AT VARIANCE	No
RECOMMENDATION	Planning Consent be granted subject to reserved matters and conditions
RECOMMENDING OFFICER	Daniel Marotti Planning Officer

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EXECUTIVE SUMMARY

Malvern Development SA Pty Ltd c/- Future Urban has applied for planning consent for the construction of an eight-level mixed-use building at Unit 1-15 259-269 Unley Road, Malvern. The proposed scheme comprises 70 residential apartments between levels one and seven and seven commercial tenancies - six on ground floor and one on level 1. The development includes two levels of basement car parking and a ground level openair carpark that collectively accommodate 167 spaces, with six bicycle parking spaces provided in the rear car park. Communal residential areas are provided on level 1 and level 3, with the latter including an outdoor pool. The proposal will repurpose an existing two-storey character building and undertake public realm upgrades to Eton Street.

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 73 representations - 62 not in support of the proposal and 11 either in support or in support with some concerns.

The application was referred to the Government Architect (GA), Environment Protection Authority (EPA), Commissioner of Highways and the City of Unley (Council). The referral agencies provided advice and the imposition of conditions and reserved matters 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 a level of high amenity to its residents 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 reserved 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 – 4 April 2025:
 - Proposed eight level building (additional two-level basement, approximately 30.2m tall) comprising:
 - 76 apartments (none offered as affordable),
 - Retention of two-storey character building.
 - Basement – 2-levels of basement parking.
 - Ground floor – Unley Road and Eton Street fronting retail and commercial uses, rear access/ driveway, basement carpark ramp, lobby, and back of house and loading areas.
 - Level 1 - dwellings, communal areas and commercial tenancy.
 - Level 2 – 7 - dwellings.
- Design Review #1 – 13 June 2025:
 - Decreased to 71 dwellings.
 - Introduced a ground floor east-west pedestrian connection.
 - Increase rear setback for Levels 5, 6 and 7.

- Provided external materiality and finish details.
- Pre-Lodgement Panel meeting #2 – 4 April 2025:
 - Decreased to 68 dwellings.
 - Increased ground floor rear setback and introduced rear parking.
 - Landscaping further incorporated into the design.
 - Detailed Eton Road public realm upgrade.
 - Installation of pool and residential amenity area into Level 3's northeast corner.
 - Increased northeast corner setback above Level 3.
- Design Review #2 – 13 June 2025:
 - Consistent materiality for upper-levels fronting onto Eton Street.
 - Identified location of roof top solar.
- Post-lodgement amendments:
 - Notable changes to the scheme:
 - Increase to 70 dwellings.
 - Increase in southeast corner setback.

DETAILED DESCRIPTION OF PROPOSAL

The application proposes to construct an eight-level mixed-use building which comprises of ground and first floor commercial tenancies and 70 above ground dwellings. Carparking is located on two basement levels and along the site's rear ground floor boundary. Communal residential areas are located on Level 1 and Level 3, with the latter provided with an outdoor pool. Plant and services are located on the ground floor and in an open roof top plant area. An existing two-storey character building will be repurposed into a ground floor retail use and level 1 dwelling.

The proposed eight-level high building fronts onto both Unley Road and Eton Street. The building forms a C-shape at ground level, with its north and south 'wings' unevenly retreating from the site's rear boundary, as the building ascends to eventually form an L-shape footprint. The proposal incorporates a variety of materiality, including masonry, glass, steel and concrete, which also express different finishes and forms to highlight different building elements and datums. Majority of the proposal's external facade comprises of masonry and concrete, with its elevated northern wing emphasising glass and steel.

Vehicle access (including passenger, refuse, service and maintenance vehicles, etc.) will occur from a new two-way Eton Street crossover. Pedestrian access occurs across the proposal's ground floor plain, with an east-west and north-south pedestrian path/ corridor provided and are controlled after hours via access gates.

The ground floor consists of six discrete non-residential uses that vary in size from 95m² to 584m², with an additional 771m² non-residential use accommodating Level 1's southern side. Non-residential uses (proposes offices, retail shops and eateries) are accessed from either

street frontage and have no direct access from the proposal's ground floor residential/ pedestrian paths.

70 dwellings are located above the proposal's ground floor, as below.

	Size (m ²)	L1	L2	L3	L4	L5	L6	L7	Total (%)
1-bed	57-96	1	3	2	2	2	2	0	12 (17)
2-bed	90-138	3	5	4	4	4	2	0	22 (32)
3-bed	126-177	4	6	5	6	6	2	2	31 (44)
4-bed	187-297	0	0	0	0	0	2	3	5 (7)

Table 2: Proposed dwelling typologies and floor schedule

Landscaping is incorporated across the development's floor plans and elevation, and a row of Tuckeroo trees will be planted along the site's ground floor eastern boundary.

The proposal includes Eton Street public realm works, including:

- Widening and upgrading the existing footpath – intend to provide outdoor dining for the proposal's ground floor non-residential uses.
- Altering existing parking arrangements.
- Providing greening.
- Provision of four bicycle parking spaces (two racks).

Land Use/s	Residential flat building, shop and office.
Building Height	28.5m (31.5m including uncovered roof top plant area).
Description of Levels	<u>Basement 2</u> – Carparks, plant and residential storage <u>Basement 1</u> – Carparks and residential storage. <u>Ground floor</u> – Five shops totalling 554m² of retail and 584m² of office/commercial areas, rear parking, residential access and foyer/lobbies, two centralised lift cores and stairs, two-way vehicle access, waste storage areas, fire pump room, back of house area, fire booster, on-site detention tank, amenities and end of trip area, transformer, carpark ramp. <u>Level 1</u> – 771m² office/ commercial area with outdoor terrace, residential communal area, eight dwellings. <u>Level 2</u> – 14 dwellings. <u>Level 3</u> – 11 dwellings and communal residential area with outdoor pool. <u>Level 4</u> – 12 dwellings. <u>Level 5</u> – 12 dwellings. <u>Level 6</u> – 8 dwellings. <u>Level 7</u> – 5 dwellings.

	<u>Roof</u> – Plant deck and solar panels.
Car Parking	167 carparks split across three levels, as below: • Basement 2 – 78 spaces • Basement 1 – 71 spaces • Ground floor – 18 spaces, including 2 DDA spaces.
Bicycle Parking	Design intends for majority of bicycles to be stored internally, with six and four spaces respectively provided in the site's rear parking area and Eton Street public realm upgrades.

Table 3: Proposed Building Overview

LOCATION OF DEVELOPMENT

Location ref.	UNIT 1-15 259 -269 UNLEY RD MALVERN SA 5061				
Title ref.	CT 5151/175 CT 6126/704 CT 5151/176 CT 5151/175 CT 6145/798	Plan Parcel	D1153 AL272 D1153 AL179 F102954 AL3 D1153 AL273 F102954 AL4	Council	City of Unley
Location ref.	-34.95682050848403, 138.60838298427927				
Additional location information	Portion of Eton Street road reserve			Council	City of Unley

Table 4: Property Information Summary

Site Description

The subject site comprises of five parcels that form a rectangular allotment measuring approximately 3,418m² in size. The amalgamated allotment has respective Unley Road and Eton Street frontages of 69m and 50m. The site is accessed via three double wide crossovers - two on Unley Road and one on Eton Street.

The site currently accommodates two discrete commercial buildings, a two-storey character building on the site's Eton Street and Unley Road corner, and an L-shaped single-storey building known as Malvern Village. Shops constitute the site's existing land use. The L-shaped building sits along the site's eastern and southern boundary with carparking accommodating the rest of the site. The site incorporates an Unley Road gateway/ entrance element and advertisement pylon and is void of vegetation.

The site is relatively flat, with a gradual fall toward its northwest corner.

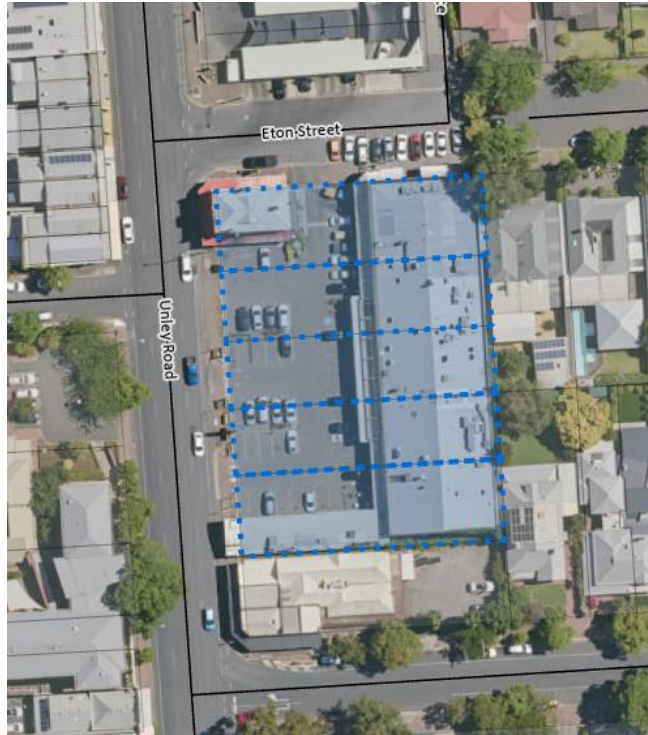


Figure 1: Aerial photo of the site and locality (SAPPA)

Locality Description

The area comprises commercial, educational and retail Unley Road fronting land parcels that sit within the Urban Corridor (Main Street) Zone. Either side of the Unley Road corridor consists of low-density residential areas that are in the Established Neighbourhood Zone, with Historic Area – Un7 to the west and Historic Area – Un13 to the east. Further, Local Heritage Places are found near the subject site, as shown below (these Places do not trigger the Heritage Adjacency Overlay for the proposal).

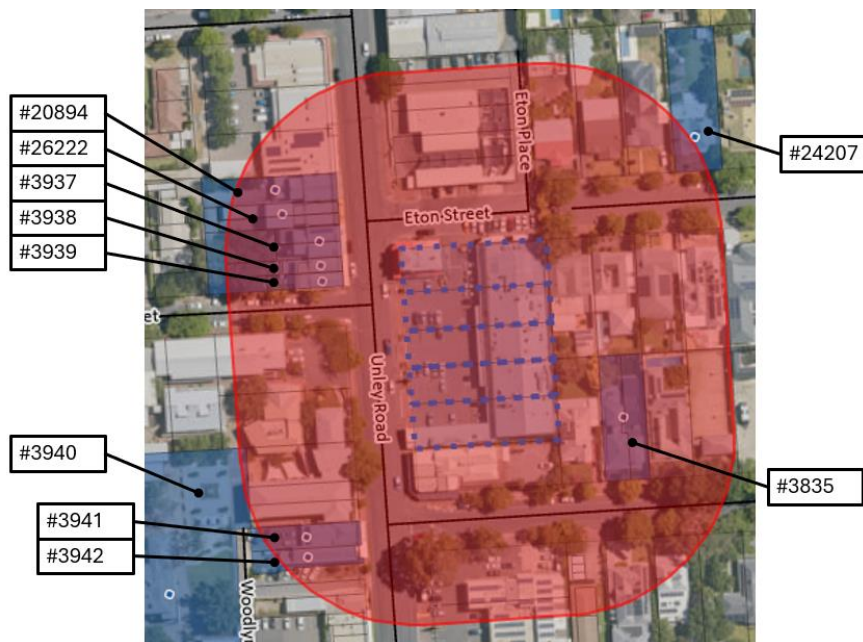


Figure 2: Adjacent Local Heritage Places (SAPPA)

The Unley Road commercial and retail properties are predominately single-storey buildings, with some two-storey examples located near the subject site. There is no consistent pattern of development or design characteristic along this section on Unley Road, with a mixture of architectural eras, materialities, setbacks and building forms present.

The residential properties west and east of Unley Road predominately comprise of 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.

Eton Street is a dead-end road formed by a vegetated median which permits pedestrian and cyclist movements. The median aligns with the subject site's eastern boundary and provides a visual and physical barrier between the locality's commercial and residential areas.

Some established trees are located on Unley Road's western side, 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:

- School (Walford Anglican School for Girls) – 20m.
- Two Go-Zone bus stops (Unley Road) – 60m;
- Shopping Centre (Unley Central) – 600m;
- Reserve/ open space (Unley Oval and Heywood Park) – 1,000m; and
- Tram stop (Belair line) – 1,600m



Figure 3: Subject site - corner of Eton Street and Unley Road (Google Maps, Aug 2025)



Figure 4: Unley Road frontage (Google Maps, Aug 2025)



Figure 5: Eton Street dead-end (Google Maps, Sept 2024)



Figure 6: Looking west from Eton Street's residential area that abuts the site (Google Maps, Sept 2024)

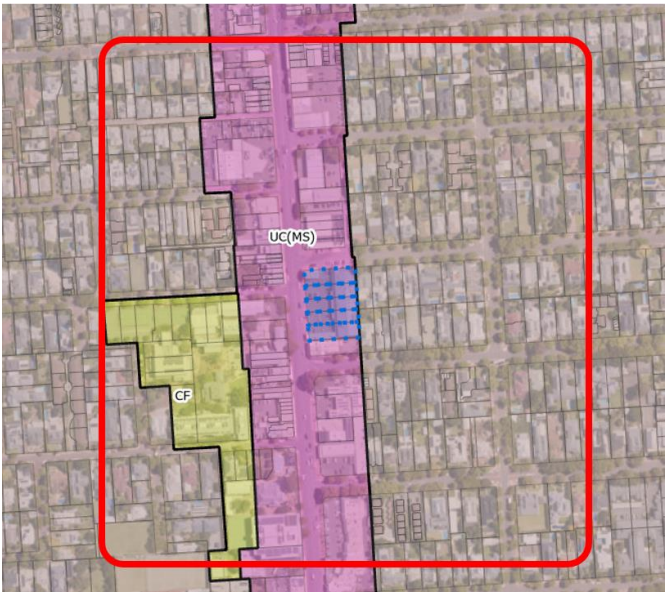


Figure 7: Locality (red box) and zoning (SAPPA)

CATEGORY OF DEVELOPMENT

Element	Assessment Pathway	Reason
Shop	Performance Assessed	Development not classified as accepted, deemed-to-satisfy, restricted or impact assessed will be performance assessed on its merits against the Code.

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.
Swimming pool or spa pool and associated swimming pool safety features	Performance Assessed	Development not classified as accepted, deemed-to-satisfy, restricted or impact assessed will be performance assessed on its merits against the Code.

Table 4: 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, shop 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 24 December 2025 to 21 January 2026. 49 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 73 valid representations were received during the notification period, with 62 not in support of the proposal and 11 either in support or in support with some concerns.

11 representors have expressed their desire to be heard by the SCAP in support of their submission.

Summary

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

Building height, bulk, and scale

- The building is incompatible with the surrounding area, especially its transitioning, scaling and massing response to the established neighbourhood area.
- Building above technical numeric variation height limit.
- Too high and dense.

Land use conflicts

- Noise - land uses, third floor pool, external communal areas, increased traffic movements and waste collection.
- Light pollution – increased vehicle movements.
- Potential flood risk.
- Impacts to adjacent school.

Amenity impacts

- Impacts to visual amenity.
- Overshadowing, including to solar panels.
- Impact existing active transportation trips.
- Overlooking – loss of privacy.

Traffic, access, and parking

- Increase traffic congestion – including through residential area.
- Parking could overspill onto surrounding streets.
- Increase danger for vehicles accessing and leaving Unley Road.
- Inadequate parking supply.
- Shortfall in bicycle parking and lack of End-of-trip facilities.

Safety and security

- Proximity of transformer to dwellings.
- Increased fire risk.
- Wind impacts.

Landscaping

- Lack of green spaces and canopy cover.
- Question ability to maintain proposed greening, including the viability of the proposed eastern tree line – lack of soil area and intrusion of below ground structural elements.
- Concerned with proposed tree pollution – dropping fruit and seed pods.

Established Area and Heritage Impacts

- Proposed design does not complement the established neighbourhood area.
- Impacts the City of Unley's and Malvern's heritage values.
- Creates a visually dominate element that does not complement existing character.
- Impacts the site's two-storey character building.

Inconsistent with Code policy:

- The development is at odds with the relevant provisions of the Code – notably over height criteria, not mitigating off-site impacts or providing substantial community benefit (Significant Development Site requirements) and not adhering to the 30-degree interface angle.

Other

- Sets a precedent for future overdevelopment – over height and increased densities.
- Reduced property values.
- Removing the site's existing shops will deplete the sense of community it offers and impact current employees and employment opportunities.

- Any 'community benefit' provided by the proposal will be offset by removing the benefits provided by the existing shops.
- Concerned the Eton Street road closure barrier will be removed.
- Impacts onto the adjacent carwash.
- Concerned that no affordable housing is offered.
- Exacerbate infrastructure demand.
- Development does not align with Council's *Planning for Growth* document.
- Impacts to existing residents' health and wellbeing.
- Damage to neighbouring properties and trees.
- Concerns with ability to manage and collect waste.

The representations in support of the proposed development referenced the following matters:

- Improves the site's current amenity, design and activation.
- Cites the success of other mixed-use developments along Unley Road.
- Supports the mixed-use intent.

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.

A summary of Council's response, dated 17 December 2025 is contained below:

Traffic

- Sought confirmation that the Eton Street crossover incorporated a pedestrian slight line.
- Plans to be updated to include Cirqa's access and parking recommendations.
- Inform the applicant that on-street parking conditions won't be altered, and site users will not be provided with parking permits.
- Commercial and residential loading and waste collection activities must occur outside of typical peak staff and visitor movement periods.

Civil

- Informed applicant of potential to encounter ground water.
- Verge works to meet council standards.
- Sought a second response to clarify finish floor levels – this will be sought through a reserved matter seeking a final stormwater management plan.

Waste

- Required the Waste Management Plan (WMP) be upgraded to reflect Council's kerb side waste collection policy and incorporate education signage for occupant.
 - Updated WMP was sent to Council who confirmed initial referral response have been addressed (email dated 7 July).
- Clarify waste chutes on architectural drawings.

Public Realm

- Supportive of approach to Eton Street upgrades.
- Informed applicant of permit requirements.

Stormwater Management

- Recommended standard conditions placed on application.

Arboriculture

- Support removal of juvenile street tree

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 EPA reviewed Fyfe's <i>Preliminary Site Investigation Report</i> (24 September 2025) which identified the existence of Class 1 and 2 activities to have occurred both on and near the site. Consequently, the EPA required further information, which included a Detailed Site Investigation and Site Remediation Plan, be provided to demonstrate the site can be made suitable for the proposed use. The EPA reviewed Fyfe's <i>Detailed Site Investigation Report</i> (dated 1 June 2026) and considered that: • Site contamination is not considered to exist. • Exposure pathways have not been identified. • Remediation is not required. Consequently, the EPA has no objection to the proposal and issued one standard condition and advisory note on the application. Response is found in Attachment 2B.
Commissioner of Highways	Direction	No objection and issued six conditions and one advisory note on the application. • Conditions and note are standard, with the conditions confirming all access from Eton Street and vehicles no longer than a 10m rigid vehicle can service the site.
Government Architect	Advice	23 December 2025 referral advice advised the following: • Massing approach considered appropriate, including reduction of northern wing. However, sought further

		reduction of massing, notably the southern wing, to effectively mitigate off-site impacts. • Supportive of building height, including taller elements positioned toward Unley Road and stepping down to the east. • Acknowledge use of materiality to soften built form. • Further considerations to mitigate overlooking. • Acknowledge material response to local context and lower-level design to contribute to the streetscape. • Further refinement to Eton Street's upper-level design. • Support ground floor pedestrian focus and relocating parking to the rear, noting need to mitigate noise impacts. • Supportive of integrated landscaping and Eton Street upgrades. • Concerned with basement impacting the Tuckeroos' health. • Acknowledge setbacks to future proof site's solar access. • Support elevated sustainability targets. Response is found in Attachment 2C. 31 July 2026 referral response advised the following: • Acknowledges the revised south-eastern interface achieves a more graduated transition. However, seek further detailing provided and coordinate design with the landscape design. • Seeks additional information that demonstrates overlooking concerns have been addressed. • Recommend external screen details be resolved to maintain amenity. • Extend paving treatment from the 'outdoor lane' to the rear carpark. Response is found in Attachment 2D.
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Table 6: Agency Referral(s) Overview

The applicant subsequently amended the proposal and provided a written response, supported by architectural drawings, in response to the agency referrals and is contained in **Attachments 1C, 4B & 4C**.

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 subject site is within the Urban Corridor (Main Street) Zone. The proposed mixed-use development with above ground dwellings 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	31.5m	Not Achieved*
Building Levels	3 (min) / 5 (max)	8	Not achieved*
Car Parking	151 (min) to 189 (max) – 76 residences + 18 residential visitors + 57 (min) / 95 (max) non-residential.	167	Achieved
Bicycle Parking	36 – 25 (residents + visitors) + 8 (office staff + visitors) + 3 (shop staff + visitors)	6 (not including Eton Street)	Not achieved
Front Setback	0m	0m	Achieved
Rear Setback	5m	5m	Achieved
Side Setbacks	0m	0m	Achieved
Interface Height	30-degree plane measured from a height of 3m	Encroaches	Not achieved
Dwelling Floor Areas	One-bedroom dwelling: minimum internal floor area of 50 square metres;	Minimum area 57m ²	Achieved
	Two-bedroom dwelling: minimum internal floor area of 65 square metres;	Minimum area 90m ²	Achieved

	Three-bedroom dwelling: minimum internal floor area of 80 square metres	Minimum area 126m ²	Achieved
	Four-bedroom dwelling: minimum internal floor area of 95 square metres	Minimum area 187m ²	Achieved
Private Open Space	One-bedroom dwelling: 8 square metres / minimum dimension of 2.1 metres	Examples of undersized POS areas	Not achieved
	Two-bedroom dwelling: 11 square metres / minimum dimension of 2.4 metres	Examples of undersized POS areas	Not achieved
	Three + bedroom dwelling: 15 square metres / minimum dimension of 2.6 metres.	Examples of undersized POS areas	Not achieved

*A Significant Development Site does not specifically need to satisfy maximum height TNVs.

Overlays

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 Overlay further seeks that developments comprising of 20 or more dwellings incorporate affordable dwellings that can cater for a range of incomes.

Whilst the development provides a variety of dwelling typologies that could cater for people of different socio-economic backgrounds, none of the proposed dwellings will be offered as affordable housing through a Land Management Agreement between the proponent team and the Minister responsible for administering the South Australian Housing Trust Act 1995.

As the proposal is not providing affordable housing, the Overlay's affordable housing incentives are not available to the proposal.

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 31.5m height is less than specified 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.

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, its bias toward Unley Road, environmentally sustainable design (ESD) features (including repurposing of character building), incorporated landscape

design, and built form composition which includes the ground plane, access arrangements, internal apartment layout and response to/ activation to the streetscape and public realm.

The GA does however have some concerns in respect to some of the proposed building's design elements, namely, overlooking and external detailing. These matters are 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 from 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.

Echo Acoustic Consulting have prepared a Noise Assessment Report (dated 24 October 2025) which considered that noise ingress to the apartments is suitably managed and the apartments do not unreasonably constrain the operation of existing commercial land uses.

The report provides minimum design criteria for each external dwelling wall (including fenestrations) to attenuate noise to appropriate levels. Further, the required attenuation criteria are dependent on the distance between the dwelling and road; therefore, the design criteria are less severe for higher floors, refer to below figure for an example.



Figure 8: Level 1's minimum required acoustic rating markup (Echo)

Based on the above considerations and the scheme's proposed design (which includes noise attenuating measures such as articulated balconies and recessed apartments), Echo have recommended wall, fenestration and ceiling details to mitigate intrusive noise levels to acceptable limits, as well as mechanical ventilation systems.

Echo does confirm however that the design and its final componentry are not finalised, which is common for development of this nature. Consequently, Echo has applied operational assumptions to assist in determining and recommending the following noise control measures:

- Construct a 3.3m high boundary fence – noting the applicant is seeking to retain the existing 6.4m high masonry boundary wall.

- Acoustic absorption material installed on selected soffit areas of the carpark ramp, loading area and car park.
- Install eastern roof top screens to match mechanical plant heights. Screens not to contain any gaps.
- Fans incorporate attenuators.
- Ground covers (e.g., grates, drains) in vehicle areas are well fitted.

Echo comments that “... *future mechanical plant and equipment design achieving the Policy can be reasonably and practicably complied with subject to suitable placement and noise control measures*” and concludes that “... *the external noise criteria will be achieved at the receivers and all other dwellings further away from the development*”.

Further, Echo conducted a site observation assessment and determined that Unley Road generated noise will dominate over neighbouring commercial uses. Therefore, the proposal’s internal noise criteria must satisfy *MBS (Ministerial Building Standard) 010* requirements and have recommended conditions for the proposal.

From Echo’s analysis, including subsequent recommendations and conditions, 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 commercial uses, and in doing so, satisfy PO 1.1 and 1.2.

Echo’s 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.

The proposal will not impact any regulated or significant trees.

Traffic Generating Development Overlay

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

The proposal achieves the desires of the Overlay as it will provide access from Eton Street rather than Unley Road (state-maintained road), which is at odds with the Overlay’s policies.

Notwithstanding, the proposal was required to be referred to the Commissioner of Highways (CoH) as the proposed development comprises more than 50 dwellings and is location within 250m of a State Maintained Road. As expected, the CoH supported the proposal’s Eton Street access.

To support the access arrangement, Cirqa prepared a Traffic and Parking Report (See **Attachment 1E**). The report notes the development will result in up to five vehicles queuing on Eton Street to access Unley Road, which can be accommodated by the street.

The report opines that anticipated future traffic volumes are conservative, as current traffic volumes from the site’s existing development would have been captured in the traffic survey and

therefore, the Eton Street/ Unley Road intersection would perform better than determined. Importantly, the intersection will operate within capacity (Degree of Saturation less than 1).

Cirqa conclude that the proposed development and changes to Eton Street will have a minimal impact on Unley Road's existing operation and the closure of two Unley Road access points and thereby, the removal of conflict points, results in a positive outcome to Unley Road's operational conditions and safety. Therefore, the proposed development satisfies the overlay by minimising potential impacts on the safety, efficiency and functional performance of the State Maintained Road network.

Cirqa's report can be found in **Attachment 1E**.

Urban Transport Routes Overlay

The Overlay seeks to provide safe and efficient operation of, and access to and from urban transport routes for all road users

Access - Safe Entry and Exit (Traffic Flow)

The proposal will consolidate site access to a two-way Eton Street crossover. The access and site layout will allow vehicles to enter and exit the site in a forward direction.

Access via Eton Street can only occur through right hand turns; however, with Eton Street being a closed road beyond the subject land, this mitigates conflicts with vehicles entering the site and thereby, allows for efficient access that would not impact Unley Road (PO 1.1).

Access - On-Site Queuing (Traffic Flow)

The Eton Street access will be free and unrestricted and can accommodate the anticipated 5-vehicle queue length. As above, minimal queuing is anticipated for vehicles entering the site due to Eton Street's road closure (PO 2.1).

Access - Location (Spacing) - New Access Points

The proposed Eton Street access is located approximately 40m from Unley Road, which mitigates impediments to traffic flow, and maintains safe and efficient operating conditions for Unley Road and Eton Street.

Access – Location (sight Lines)

A 2.5m x 2m pedestrian sightline is provided at the site's Eton Street crossover for vehicles leaving the site (PO 5.1).

Access – Mud and Debris

The proposal's sealed parking area and access prevent transport of mud and debris (PO 6.1).

Access – Stormwater

Access won't adversely impact Eton Street's stormwater (PO 7.1).

Building on Road Reserve

The proposal does not include structures or buildings that impact the road reserve – noting the Level 1 Eton Street canopy soffit is approximately 3.2m off ground (PO 8.1).

Public Road Junctions

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

Corner Cut-Offs

Proposal does not require an Eton Street/ Unley Road corner cut-off (PO 10.1).

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 an office(s), shops and residential flat building, which are envisaged land uses within the Zone.

The proposed commercial tenancies will continue to provide services to the local community and surrounding district, and their large fenestrations contribute to a safe, active and vibrant Unley Road, as well as Eton Street (PO 1.2 & 1.3).

The proposal locates dwellings above its ground floor commercial uses, 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*" (underline added). 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, it encourages development that provides residential development with high occupant amenity and which assists in creating a safe, vibrant and economically active area.

In response to the Zone speaking of medium density accommodation options, the proposal provides a range of one-, two-, three- and four-bedroom dwellings that have respective floor areas of 57-98m², 103-148m², 126-177m² and 187-297m². These floor areas are commensurate with dwelling types typically found within medium density residential development and areas.

Built Form and Character

The proposal reduces bulk and massing impacts onto Unley Road through its two-storey podium (approximately 7.9m high), as well as its use of canopies, recessed ground floor fenestrations and open residential paths/ corridors (PO 2.1).

The GA supports the proposal's lower-level facade treatments, including shopfront glazing, canopies and integrated landscaping that contribute to the streetscape and public realm. Further,

the recessed glazing and canopies pay homage to the adjacent two-storey LHP, with the proposed canopies also complimenting the retained corner building's canopy (PO 2.2).

The proposal's Unley Road and Eton Street frontages provide more than the desired 60% visual connection via floor to ceiling fenestrations and pedestrian walkways, thereby, the proposal provides an active interface with the main street and maximises passive surveillance. (PO 2.3).

Shelter and shade are provided along Unley Road via the building's discrete canopies and retention of the corner building's canopy. Further shade and shelter will be provided along Eton Street via canopies and public realm landscaping (PO 2.4).

The ground floor's non-residential tenancies and floor height (3.5m floor to ceiling height) can support a variety of uses (PO 2.5).

The building creates a consistent frontage via its grid facade and recessed fenestrations along its Unley Road boundary. Further, visual relief and interest is provided via pedestrian pathways/ corridors, and canopies. Whilst the existing corner building will not incorporate recessed fenestrations, the abutting pedestrian pathway/ corridor breaks the proposal's streetscape rhythm to provide a complementary streetscape presentation (PO 2.6).

The proposal satisfies the Code via having no side or secondary street (Eton Street) setbacks (PO 2.7, 2.8).

The proposal has a minimum rear/western setback measuring at 5m, which indiscriminately increases with the building height (PO 2.9).

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.

Notwithstanding PO 3.1, as the subject land is classified as a 'Significant Development Site' as it has an Unley Road frontage greater than 25m and a site area greater than 1,500m², the building height can exceed the imposed TNV values, provided it satisfies PO 5.1's provisions. The assessment of the building will therefore be interrogated in the 'Significant Development Sites' section below.

Interface Height

PO 4.1 seeks to mitigate the impacts of building massing on residential development within neighbourhood-type zones, which, in this case, is the adjoining Established Neighbourhood Zone (ENZ) to the rear (east). DTS/DPF 4.1 provides guidance with how the PO's massing criteria can be satisfied, seeking development sit within a 30-degree plane (measured from 3m off ground). Importantly, this is not a design obligation but rather a way to mitigate massing and guide designs, and this is evident by 45-degree interface angles applied to other locations in South Australia where Corridor Zones interface with ENZ in lieu of the 30-degree angle.

To analyse how the proposal is addressing the PO, the proposed building will be divided into three elements – north wing, central element and south wing, and their massing impacts assessed accordingly.

North wing

Architectural elevation drawing of the proposed building. The drawing shows a multi-story structure with various levels labeled: LV01, CD00, FM01, GL01, CD01, WD01, FM01, MA01, and CE02. A red diagonal line runs across the building, possibly indicating a boundary or a slope. A scale bar at the bottom right indicates 5000 units. The drawing also includes a 'METAL CANOPY' and a 'SIGNA ZONE'.

As shown in the below figure, the existing building at 67 Eton Street's extends further south than the north wing's footprint, as well as abutting the shared 6.4m high masonry boundary wall (which intends to be retained). Therefore, the proposed and current site arrangements/ layouts will result in 67 Eton Street's occupants having minimal if any visibility to the proposal's north wing and consequently, any potential massing impacts would be nullified. Further, massing impacts imposed on 204 Fisher Street's residents are mitigated via their separation and presence of an existing mature tree that limits their visibility to the wing. Therefore, the north wing's massing impacts to the ENZ are mitigated.

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Central Element

The central element encapsulates the structure's 'tower' section that sits between both wings and fronts onto Unley Road i.e., eight-level element. From the below image the element encroaches into the theoretical interface angle.



Figure 11: Interface angle imposed (added by author) on section through structure's approximate centre (part of Woods Bagot dwg Sections A and B 3203revF)

The central element is located approximately 25m from the ENZ boundary, this distance, which is approximately equivalent to 1.5 property widths, mitigates massing impacts imposed on the abutting properties. Further, the proposal's Level 1 terrace (which also encroaches the interface plan) sits below the 6.4m high boundary wall and therefore is not visible from abutting properties. Therefore, the central element mitigates massing impacts via its separation distance to abutting properties and shielding from the boundary wall.

South Wing

The south wing encapsulates the structure's southern facade that steps down from eight to four levels when approaching the ENZ from Unley Road. From the below image the south wing encroaches into the theoretical interface angle.

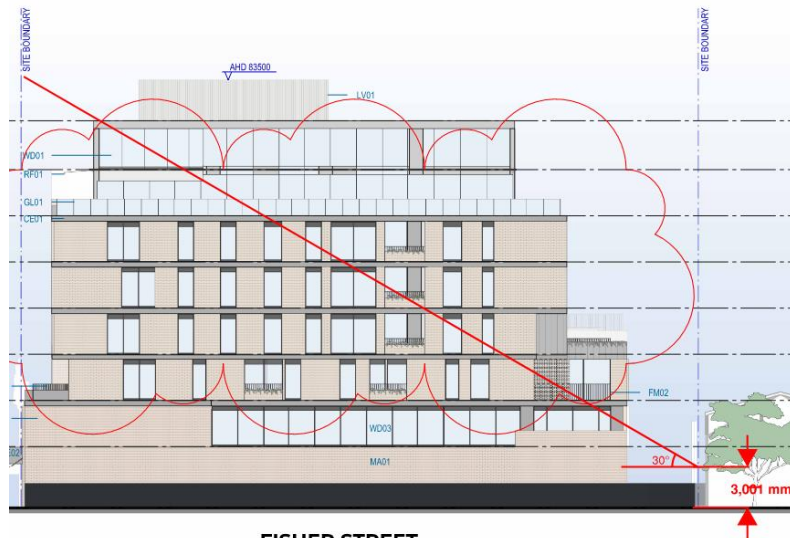


Figure 12: Interface angle (added by author) imposed on southern elevation (part of Woods Bagot dwg elevations 3202revF)

Unlike the north wing, the onsite arrangements of the two adjoining ENZ properties result in the south wing being visible from both rear yards. To soften the visual impact of building mass to these properties, the proposal applies the following design techniques:

- Increased setbacks as the building ascends,
- use of an articulated eastern facade,
- applying darker tones; and
- addition of greening/ landscaping.

Further, the Government Architect opines the south-eastern interface has been refined to achieve “.... a more graduated transition to the adjoining residential interface, particularly in reducing the perceived scale and mass of the building in the area closest to, and most visible from, the neighbouring dwelling”.

Finally, whilst the abutting residential properties will see the proposed south wing above the boundary wall, although obscured via their established trees, it could be argued that the proposed building’s form does not exacerbate the massing impacts imposed by the boundary wall on these properties.

In summary, whilst the building mass will encroach within to the 30 degree plane, the sensible design of the development, including the increased ground floor setback, facade articulation, receding built form, Unley Road bias (i.e., locating taller elements toward Unley Road which is specifically sought by the policy), the use of effective materiality and landscaping, and combined with the existing conditions, namely the boundary wall and the onsite arrangement of the adjoining ENZ properties and their existing trees, the development will not tangibly increase existing massing impacts imposed onto the ENZ.

Significant Development Sites

Pursuant to PO 5.1, the site is classified as a Significant Development Site (SDS) due to its 3,418m² area and 69m wide Unley Road frontage. Consequently, the proposed development can increase anticipated yields if “.... off-site impacts can be managed and broader community

benefit is achieved in terms of design quality, community services, affordable housing provision, or sustainability features". 'Managed' has been underlined to highlight that the policy does not seek a development prevent impacts from occurring but rather mitigate and soften potential impacts.

Similar to the interface height assessment, the policy's corresponding DTS/DPF provides ways to satisfy the PO, and in doing so, envisages development can increase its designated maximum height by up to 30%. In this instance, the proposed development intends to retain and reuse the site's existing two-storey building which "*.... positively contributes to the character of the local area*" (underline added). This designation is supported via representors who considered the building to be of heritage value.

Whilst the DTS/DPF permits a 30% increase in height, which in this case, equates to an increased maximum allowable height of seven levels and/ or 24.05m. The 30% value can be considered arbitrary as it does not consider a site's specific characteristics, including site depth, frontage and area, noting this site's frontage and depth are respectively 2.26 and 2.76 times that of what constitutes an SDS. Therefore, the proposed height, as well as increased yield, are justified if it can satisfy the PO's provisions, i.e., the proposal manages off-site impacts, and broader community benefit is achieved. Regarding the former, the off-site impacts which the proposal needs to manage are provided via PO 5.2 and include massing/ bulk, overshadowing, overlooking/ privacy and intensity of use. As massing was discussed above, the following is an assessment of how the proposal is managing overshadowing, overlooking and intensity impacts.

Overshadowing

The Code's *Interface between Land Uses* PO 3.1 and 3.2 provide quantitative guidance in how a development can manage overshadowing impacts. The respective policies seek the following:

- ENZ north facing habitable rooms receive at least 3 hours of direct sunlight between 9am-3pm on June 21.
- 35m² of the ENZ private open space areas are provided with 2 hours of direct sunlight between the same time period (the abutting properties open space areas are greater than 70m², so (i) does not apply).

The proposed development is found west of the ENZ, and therefore won't create a shadow until after 12pm, as shown below. Consequently, the proposal won't prevent the eastern properties from accessing 3 hours of direct sunlight between 9am-12pm.



Figure 13: 12pm and 3pm, June 21 shadow diagrams (part of Woods Bagot dwg Shadow Diagrams 8800revD)

Overlooking/ privacy

The Code defines direct overlooking 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.” Therefore, the proposal’s Level 1 centralised terrace, the north wing’s pool area, and the south wing and north wing east facing windows must be designed to mitigate overlooking onto the abutting residential properties.

The following are the proposed overlooking provisions:

- East facing windows are fitted with 1.5m high obscure glazing.
- Balconies are fitted with planter boxes topped with louvred balustrades that measure 1.5m to 1.7m high.
- Planter boxes are between 0.58m to 1.1m wide to prevent occupants from standing hard up against the balustrades and prevent overlooking.
- Level 1 terrace’s balustrades are 1.75m high, which prevents internal (between balconies) and external (neighbouring properties) overlooking.
- Level 3 pool area is fitted with louvred screens, with the adjoining landscaping providing an additional layer of screening.

Some of the proposed provisions are shown below



Figure 14: Proposed overlooking provisions (part of Woods Bagot dwg SK-005FrevA)

Whilst the above provide good overlooking provisions, conditions that consider the Level 3 hedge screening, existing boundary wall and inward facing windows will be imposed to cover all overlooking situations.

Intensity of use

Impacts to nearby residential amenity caused by the increased vehicle and passenger movements will be negligible due to the closed nature of Eton Street restricting movements east of the subject site. Cirqa’s report notes Fisher Street maybe experiencing some additional vehicle movements due to vehicles not attempting to turn right onto Unley Road, however, this

would occur in events of excessive delays and the quantity of vehicles using this route would not create noticeable impacts.

Internal to the development, associated noise impacts generated by vehicle movements into and out of the site and along the eastern at-grade car parking area, will be mitigated via the retention of the existing boundary wall.

From the above assessment, the proposed development is managing off-site impacts to acceptable and practical levels. Thereby, the following assessment seeks to demonstrate that “.... *broader community benefit is achieved in terms of design quality, community services, affordable housing provision, or sustainability features*”.

Design Quality

The Government Architect has expressed their general support for the proposal in respect to its overall presentation and design quality.

Affordable Housing

No agreement will be entered between the proponent and Minister South Australian Housing Trust to deliver affordable housing. However, the proposal will provide a range of dwellings to cater for differing social economic groups and family/ living dynamics.

Sustainability Features

ADP have prepared a Sustainability Management Plan (dated 12 November 2025) for the proposed development, which include the following sustainability measures:

- Energy efficient building that achieves an average 7.5-star NatHERS rating;
- High-quality indoor environment aligned with Green Star best practice;
- Water Sensitive Urban Design strategies for stormwater quality management and reuse of captured stormwater.
- Supports active and healthy lifestyles through high amenity areas, and connection to active and public transport networks.
- Use of greening and communal areas increases social cohesion and improves wellness through biophilia.

A full list of the proposal’s sustainability measures is listed in ADP’s report, which can be found in **Attachment 1F**.

Further, by repurposing the site’s two-storey character building, the proposal will retain its embodied energy, and thereby, add to its sustainability provisions.

Summarising the above, the proposal has demonstrated that it will manage off-site impacts and provide broader community benefit via its design quality and sustainability features, thereby supporting its increased density/ yield and height.

Movement, parking and access

As above, the proposal will limit access to Eton Street and incorporates measures to mitigate residential impacts (PO 6.1).

All parking is located either behind the building line or underground which avoids negative impacts to Unley Road’s rhythm and activation (PO 6.2).

General Development Policies

Clearance from overhead powerlines

The applicant has declared, under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to regulations prescribed for the purposes of section 86 of the *Electricity Act 1996*.

Design in Urban Areas

External appearance

POs 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 articulated built form, including its Unley Road frontage, its recessing eastern elevation, its articulated facades that incorporate balconies and setbacks, and use of angled screens on its east facing windows that provide architectural articulation and reduce the visual expanse of glazing to the neighbouring properties. Further, the use of glazing, black elements/ materials and greening help reduce visual massing and soften the built form.

Discrete Unley Road and Eton Street canopies, combined with the proposal's recessed commercial entrances and residential lobbies provide shade, thermal comfort and promote walkability. Further, the site's north-south and east-west pedestrian paths provide additional surveillance, and their afterhours access gates will increase site safety.

The proposal's ground floor commercial facades provide a commensurate appearance to the nearby local heritage places (row of two-storey shops on the opposite side of Unley Road) framed shopfronts with recessed entrances, and the site's residential lobby entrances are wider and landscaped, with these design approaches differentiating the two land uses' while still provide a welcoming feel.

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 basement and ground floor areas or located on the building's rooftop plant area.

Loading and unloading, including waste collection, will take place via the development's rear access (noting some smaller deliveries could occur via Unley Road's controlled parking spaces). Further, the development's uncovered rear area can accommodate commercial vehicles, thereby allowing 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 and Eton Street. The site's rear carpark is visible and accessible from Eton Street and its internal pedestrian paths/ corridors. Further, these paths provide additional external and internal surveillance.

The residential lobby/ corridors and commercial tenancies have discrete entrances, in terms of visual presentation and separation. Further, the corridors are intended to be fitted with time controlled and permeable access gates that will provide additional surveillance and safety to the site's residents.

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 design integrates landscaping and greening across the site's floors and facades. Key greening elements include:

- Landscaped ground floor pedestrian corridors;
- Eton Street public realm upgrades, including tree planting and planter boxes;
- Green terraces and balconies; and
- Planting a row of trees along the site's eastern/ residential interface boundary.

The planting of vegetation across the site's horizontal and vertical planes reduces heat absorption and reflection, and enhances the site's streetscape appearance, notably through the above ground planters, public realm upgrades and the internal pedestrian corridors. Further, the inclusion of the rear carpark landscaping increases the site's permeability, and the trees will provide screening between the site and residential area.

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

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.

As discussed above, ADP's Sustainability Management Plan identifies the proposal's environmental performance provisions.

The GA supports the proposal's commitments to energy performance, integrated water management, indoor environment quality, waste, transport, designing for people and nature, and intention to achieve higher than the minimum requirements for sustainability.

Additional to the measures identified in ADP's plan, the building's layout (such as recessed balconies) and incorporation of horizontal and vertical vegetation reduces the building's heat loading and therefore reliance on mechanical heating and cooling, while providing access to natural light and ventilation.

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 rear uncovered carpark will plant trees along the site's eastern boundary and landscape the southern boundary. The combination of trees and low-level planting will soften the carpark's appearance when viewed internally and from Eton Street.

Pedestrians and cyclists can access the rear carpark and its southern parking racks through an Eton Street path or via the site's internal corridors. Further, a southern staircase provides access between the site's above and below ground parking areas.

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.

Excavation works are required to construct the underground parking. However, as demonstrated by Cirqa, the development will construct accessible and trafficable parking areas and access ramps, as well as provide universal pedestrian access across the site.

The basement design and construction must prevent damages to abutting properties, and this will be considered during building consent (should the proposal progress).

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

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

Rawtec have prepared a Waste Management Plan (WMP) for the proposal (see **Attachment 1H**). The WMP considered the proposal's varying residential offerings, commercial tenancies and waste service provisions.

The WMP recommends the following bins and collection rates be provided in the ground floor communal bin storage area:

	Residential				Commercial			
	Bin size (L)	No. of bins required	Collections per week	Collection Vehicle	Bin size (L)	No. of bins required	Collections per week	Collection Vehicle
General waste	1,100	3	2	Rear-lift	1,100	4	4	Rear-lift
Comingled recycling	1,100	2	2	Rear-lift	1,100	2	2	Rear-lift
Organics recycling	660	3	1	Rear-lift	660	5	5	Rear-lift
Cardboard recycling					1,100	2	3	Rear-lift
Paper recycling					240	2	On Call	Rear-lift
Confidential paper recycling					240	2	On Call	Rear-lift
Total		8	5			17	14	

Figure 15: Estimated bin requirements and collections per week (Rawtec)

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

Residents will dispose of general, organic and recycling waste through dedicated chutes on each level (two locations per level) and carry bulkier waste to the ground floor's central waste storage area. The southern waste storage area will be supplied with a bin wash area.

The site can accommodate a 10m refuse truck driving into the site from Eton Street, reversing into the waste collection area and then leaving the site in a forward direction.

Waste collection will be via a private contractor.

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, and availability of organic waste collection.

Rawtec's Waste Management Plan can be found in **Attachment 1H**.

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.

As discussed above, the locality does not present an established character. However, the proposal responds to locality's character elements by retaining the site's corner building and designing its ground floor tenancies to incorporate large fenestrations with setbacks that respond to the adjacent LHP's frontages. Further, these design elements better respond to the Zone's policies and therefore, shift the locality to what is envisaged.

The proposal's highly articulated walls that comprise a variety of materials prevent blank and uninteresting expressions. Further, the use of canopies provides further visual interest and reinforces the human scale along Unley Road and Eton Street.

The proposal incorporates masonry, concrete and pre-finished materials that are durable and require minimal maintenance.

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-rise and high-rise development.

Sufficiently deep soil areas are incorporated across the development, including along the site's eastern boundary, within the ground floor's pedestrian corridors, on Level 1's centralised balconies and on Level 3's communal terrace. The scattering of landscaping softens the built form, enhances its visual appearance and provides shade to its residents. Further, the eastern boundary treeline (proposed Tuckeroo's have a mature height of 7m and canopy width of 5m, which are within DTS/DPF 13.2 respective medium tree ranges of 6-12m and 4-8m) will contribute to screening the proposed building when viewed from the low-scale residential area (see **Attachment 1G**).

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.

A wind study has not been sought, due to the proposed facades incorporating articulated features in the form of a podium, recessed balconies and retreating eastern face, as well as Eton Street and Unley Road canopies that can diffuse wind at the pedestrian level.

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.

As discussed above, the proposal mitigates overlooking and visual privacy impacts.

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 Eton Street and Unley Road, as well as incorporate Eton Street and 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 not to be compromised by a development's non-living spaces and areas.

Dwellings are provided with pleasing views to either their greened balconies, the Adelaide Hills (east and south), leafy suburbs (west and east) or the CBD (north).

Bedrooms are elevated, screened and/or positioned away from the site's rear carpark and communal areas, including the Level 1 and Level 3 terraces. Further, as previously discussed, acoustic attenuation measures will be incorporated into the built form to reduce bedroom noise levels to acceptable levels, including from the Level 3 pool.

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.

Not all dwellings satisfy Table 1 – Private Opens Space's minimum dimensions requirements i.e., balcony widths and areas do not satisfy the requirements sought for their respective bedroom quantities. However, their rectangular shape and continuation from the dwelling's internal living areas provides a useable space for its residents. Further, the proposal provides additional amenities via its Level 1 communal area that is fitted with a lounge, bar wine room and dining rooms, and terrace, and Level 3's communal area that is fitted with a gym, bath and sauna, and outdoor pool area.

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 layouts create outward facing dwellings and balconies, with internal balconies located either 6m away from neighbouring balconies or are divided by screens per Level 1's outdoor terraces. Further, a condition will be placed on the applicant seeking all inward facing windows to be obstructed up to 1.5m from finish floor levels where windows are 6m from each other.

As discussed above, balconies are integrated into the building's form, which allows some balconies to be shaded from above floors.

POS areas are at least 2m deep which can accommodate outdoor seating. Further, balconies are accessed via internal living areas that promote indoor/ outdoor living.

The generous sized dwellings, combined with external storage (e.g., located within the basement carpark levels) provides adequate storage space.

Dwelling Configuration

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

As displayed in Table 2, the scheme provides single, two, three and four-bedroom dwellings that provide different internal and external living areas. Further, the apartment sizes are notably larger than required, resulting in the development providing diverse housing with additional amenity.

Common Areas

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

The residential lobbies can service their intended users and apartments (maximum of six dwellings serviced by a lift core). Further, amenity is provided to the ground floor lobby via landscaping and adjacency to the centralised pedestrian corridor.

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 sizes, while providing views into the public realm that do not compromise the privacy of adjoining residents.

Communal Open Space

PO 32.1 to 32.5 seek a development can substitute POS areas via adequately size areas to meet the resident's needs. Further, these areas should protect residential amenity, be surveyed, and be a pleasant place to visit/ utilise.

Further to the above, the residential communal areas serve different functions with Level 1 providing additional lounging and dining experiences and the Level 3 area providing additional recreational opportunities. These areas are adequately sized to accommodate their expected visitation and are also provided with landscaping to increase their amenity and protect external privacy.

Level 1's commercial area is also provided with an adequately sized and landscaped area to provide additional amenities for its users.

Car parking, access and manoeuvrability

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

The Eton Street access won't impact Unley Road's parking spaces, or pedestrian movements along Unley Road and Eton Street. Whilst the proposal is reducing Eton Street's on-street parking, adequate on-site parking is provided as discussed further below. Additionally, Council is supportive of the public realm upgrades.

Cirqa's report has demonstrated vehicles can enter and exit the site in a safe and convenient manner.

Vehicle 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.

As discussed above, landscaping is provided within the rear carpark area, as well as the pedestrian corridor that services this area.

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 in the residential lobbies.

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

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.

Matter have prepared the Stormwater Management Report (SMR, dated 28 October 2025) for the proposed scheme. The design applied Council's stormwater detention requirements that seek post-development peak discharges must not exceed the pre-development for 5% AEP event.

The proposal has sized a 12kL (11.8kL) detention tank based on a 1% AEP event that will drain within a 6-hour period.

The development proposes to capture and retain roof water via a 25kL rainwater tank and reuse this water in non-potable applications i.e., flushing of toilets.

Collected stormwater will be diverting through a treatment node prior to discharging into Council infrastructure.

A final SMR will be required via a reserved matter, as there is a discrepancy between the SMR's calculation findings and drawings, as well as Council seeking finished floor levels.

Matter's Stormwater Management Report can be found in **Attachment 11**.

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 surrounding land uses when designing the development's acoustic treatments.

Hours of Operation

The proposal's ground floor and level 1 non-habitable uses include retail and commercial tenancies. As the actual uses are not specified i.e., cafe, office etc, and due to the site's proximity to residential uses and potential for outdoor dining along Eton Street, standard trading hour conditions will be imposed on the application to protect residential amenity.

Overshadowing

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

As discussed above, the proposal does not prevent adjacent residences from receiving at least 3 hours of sunlight. Further, the proposal's limited shadowing to the residential area would not unduly reduce their rooftop solar generating capacity.

Activities Generating Noise or Vibration

PO 4.3 & 4.4 seek the proposal will not adversely impact adjacent sensitive receivers.

Echo's report has considered noise emissions associated with the site's mechanical plant, loading and waste collection, land uses and car park activities, and have found these do not unreasonably interfere with the amenity of existing or proposed dwellings.

Regarding the proposed pool, as the proposal's dwellings are closer to the pool than adjacent sensitive receivers, the design would need to attenuate noise levels to satisfy the former and consequently, protect the amenity of the latter.

As concluded by Echo, the proposal will not adversely impact adjacent sensitive receivers.

Out of Activity Centre Development

PO 1.1 & 1.2 seeks that non-residential development outside of Activity Centres are of a scale and type that does not diminish the role of Activity Centres, and these developments complement the Activity Centres.

The proposal's non-residential uses, particularly the retail uses, are of a comparable scale to the site's existing uses. Further, the proposed commercial uses are commonly located outside of Activity Centres (in this case, Unley Shopping Centre which is approximately 520m north of the site) and contribute to providing additional services and facilities to the community.

Site Contamination

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

Pursuant to Practice Direction 14 (PD 14) – Site Contamination Assessment 2021 table 1: land use sensitivity hierarchy, the proposal is seeking to increase the site's sensitivity from Commercial Class 1 (such as, shops, offices, consulting rooms) to Residential Class 1 (domestic residential). Noting PD 14 (5)(a) requires a mixed-use building's most sensitive use to dictate the proposal's overall sensitivity.

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. Fyfe identified several class 1 activities to have occurred within

60m of the subject site, as well as occurring on the subject site, such as a dry-cleaning facility and service station. Therefore, the proposal was referred to the EPA.

As discussed previously, the EPA required further information, including a Detailed Site Investigation Plan, to determine if the site could be made suitable for its intended uses.

Fyfe prepared a DSI (dated 1 June 2026), which included analysing soil bores and groundwater monitoring wells. The analysis concluded that concentrations of CoPC in soil and groundwater do not pose an unacceptable risk to human health or the environment, and site contamination was not identified, and therefore, the site is considered suitable for its intended use.

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

Fyfe's Preliminary Site Investigation and Detailed Site Investigation can be found in **Attachment 1JA, 1JB, 1JC & 1K**, respectively.

Transport, Access and Parking

Movement Systems

PO 1.4 seeks that unloading, loading and turning of all traffic avoids the interruption and queueing on public roads and pedestrian paths.

As above, the development allows for non-passenger vehicles (e.g., refuse trucks, delivery trucks) to directly access the site from a rear entrance and undertake their duties from internally located service bays/ areas. Further, passenger vehicle parking is located away from the Eton Street crossover, including via a centrally placed ramp, and therefore, the proposal avoids interrupting the operation of and queuing on public roads and pedestrian paths.

Sightlines

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

Code compliant corner cut-off areas have been incorporated into the exit lanes of the passenger vehicle ramp and Eton Street crossover. Further, only low-lying vegetation will be planted in these cutoffs to maintain clear sightlines.

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 proposal can support the site's intended users, including refuse trucks and service vehicles, and intended vehicle movements without interrupting Eton Street's operation. Further, Eton Street's road closure separates the site from the residential area and therefore, the proposal's access arrangement minimises impacts on adjacent properties.

The proposal will create a new crossover and undertake public realm upgrades which improves the amenity and accessibility along Eton Street for pedestrians.

Access for People with Disabilities

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

FFLs have not yet been confirmed, however, when considering the sites relatively flat area, reduced flood risk and long internal pedestrian paths/ corridors. It is anticipated that the site can support universal access, including from its rear DDA parking spaces and Eton Street's parking spaces.

Further, the building's lobbies are suitably sized to provide universal access to the site's users and each floor's 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 Areas. 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 167 parking spaces, as follows:

- Basement 2 – 78
- Basement 1 – 71
- Ground floor – 18, including with the latter including two DDA spaces.

Based on the site's residential use, which includes 70 dwellings with one-, two-, three- or four-bedrooms, and the ground floor and Level 1's non-residential GLFAs, the site requires at least 151 spaces. Therefore, the proposal satisfies the Code's on-site parking requirements. Further, based on each dwelling's bedroom capacities, 76 residential spaces are required, which can all be accommodated within Basement 2. This can increase the site's useability and privacy by locating all staff and visitor parking on Basement 1 and the ground floor.

Further, the site is within walking distance to high-frequency bus stops 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 retaining the site's masonry boundary wall.

PO 6.4 seeks that safe and convenient pedestrian links are provided to carparking areas.

As above, the proposal's internal pedestrian corridors, as well as basement level lift cores create a safe and convenient environment.

PO 6.6 seeks that service vehicle loading areas and parking areas are located on site.

As above, these parking areas are located within discrete bays/ areas on-site.

Undercroft and Below Ground Garaging and Parking of Vehicles

PO 7.1 seeks underground carparking does not impact on pedestrian and vehicle safety.

As above, the proposal incorporates adequate sightlines at the ramp entrance/ exit to enable safe entry and exit from the underground carpark area.

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 10 external bicycle parking spots - six within the rear parking area and four along Eton Street. Based on the site's uses, which includes 70 dwellings and ground floor and Level 1 non-residential tenancies (shop and office) 36 spaces are required. In response to the shortfall of parking provisions, the applicant's "response to RFI/ Referral" letter clarifies that bicycles intend to be stored in dwellings and stores (non-residential tenancies). Further, 10 visitor spaces are required across the entire development which can be accommodated by the external spaces. Therefore, the proposal satisfies the intent of bicycle spaces requirement.

End of trip facilities are provided on the ground floor and near the site's parking and residential lobbies.

CONCLUSION

Eight-level, mixed use development including dwellings, shop, office, pool and basement parking is considered acceptable due to:

- The proposed land uses and intensity are envisaged by the Urban Corridor (Main Street) Zone;
- The proposed building height mitigates external impacts such as overshadowing, bulk, massing and overlooking to surrounding sensitive receivers.
- 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 built-form, design and ESD features.
- The development can adequately protect the amenity of its residents and external sensitive receivers.
- The proposal would deliver high amenity apartments and communal open space areas.
- Commissioner of Highways is supportive of the Eton Street access.
- The proposal will not adversely affect the operation of Unley Road.

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 25036473, by Malvern Development SA Pty Ltd c/- Future Urban, is granted Planning Consent subject to the following reserved matter(s) and condition(s) / reasons:

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 to the satisfaction of the State Planning Commission and prior to the granting of Development Approval:

Reserved Matter 1

Final external material selections, with consideration given to high-quality integral finishes supported by the provision of physical samples shall be provided in consultation with the Government Architect, for review and approval by the State Planning Commission.

Reserved Matter 2

A final Stormwater Management Plan detailing stormwater quantity and quality measures and finish floor levels shall be prepared in consultation with the City of Unley and for review and approval by the State Planning Commission.

Reserved Matter 3

Details of the landscaping and balustrades to levels 1 to 6 balconies of the south wing and level 3 pool terrace of the north wing, including spacing and configuration of vertical elements, to provide effective overlooking mitigation measures in consultation with the Government Architect and for the review and approval by the State Planning Commission

Reserved Matter 4

Detailed design of the proposed external metal and hit-and-miss brick screening to ensure delivery of the design intent, with consideration given to maintenance, access to glazing, durability and operation, as well as internal amenity, outlook and solar control shall be provided in consultation with the Government Architect and for review and approval by 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

Waste Management shall be undertaken in accordance with the Approved Waste Management Plan prepared by Rawtec and dated 15 April 2026.

Condition 3

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 4

The recommendations detailed in the Sustainability Management Plan, dated 13 April 2026 prepared by ADP 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

The recommendations detailed on page 34 in the 259-269 Unley Road Noise Assessment report, dated 24 October 2025 prepared by Echo Acoustic Consulting shall be fully incorporated into the development. Such measures shall be implemented prior to the occupation or use of the development and maintained at all times to the satisfaction of the Relevant Authority.

Condition 6

The existing eastern boundary wall shall be retained and maintained thereafter.

Condition 7

Inward facing habitable room windows shall incorporate minimum 1.5m high obscure glazing if located within 6m of a habitable room window of any adjoining or adjacent dwelling.

Condition 8

The hours of operation for the herein approved are as follows:

Retail tenancies:

- *Monday to Friday* *7 am to 9 pm*
- *Saturday* *8 am to 5 pm*

- *Sunday* 8 am to 5 pm
- *Public holidays* 8 am to 5 pm

Commercial tenancies

- *Monday to Friday* 7 am to 9 pm
- *Saturday* 8 am to 5 pm

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

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

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 by a site contamination consultant certifying the land is suitable for the proposed use.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 10

All access to/from the development shall be gained via Eton Street in accordance with the Ground Floor Plan produced by Woods Bagot, Project No. 140697, Sheet No. 2203, Revision E, Dated 6.11.2025.

Condition 11

All vehicles shall enter and exit the site in a forward direction. The largest vehicle permitted on-site shall be restricted to a 10 metre rigid vehicle.

Condition 12

All off-street car parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2022*. All manoeuvring areas for commercial vehicles shall be designed and constructed in accordance with *AS 2890.2:2018*.

Condition 13

The redundant crossovers on Unley Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to the habitation of the dwellings or operation of the commercial land use, whichever comes first.

Condition 14

Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

Condition 15

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

ADVISORY NOTES

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/specificationreinstatements-and-modification-to-footpaths-roads-kerb-gutter-works.pdf> and <https://www.unley.sa.gov.au/Page/Forms-Applications>.

Advisory Note 6

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 7

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 8

Any works undertaken on Council owned land (including but not limited to works relating to reserves, crossing places, landscaping, footpaths, street trees and stormwater connections and underground electrical connections), shall require a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Asset Management department on 8272 5111.

Advisory Note 9

Parking restriction currently in place along Unley Road, Eton Street, and surrounding street network will not be altered as a result of the development.

Advisory Note 10

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 11

Numerous parts of the Council area have low lying water tables. Where there is sub-surface development occurring, groundwater can be encountered. Issues related to the disposal of this groundwater, either temporarily or permanently, can cause damage to surrounding Council infrastructure and cause problems for adjoining landowners. Where groundwater is encountered during the construction of the development, it will be necessary for measures to be taken to ensure the appropriate containment and disposal of any groundwater.

Advisory Note 12

The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from

concrete unless approved by council. Refer to the City of Unley website Forms & Applications – Driveway Crossover Specifications <https://www.unley.sa.gov.au/Page/Forms-Applications>.

Advisory Note 13

Driveways Crossovers are not to be constructed from concrete over the footpath area between the kerb to boundary. Driveways and boundary levels at fence line are required to matching existing footpath level at boundary and or between 2% and 2.5% above kerb Height. Crossover is not to exceed 2.5% or 1:40 cross fall gradient over footpath between boundary to verge and not excess 5% from verge to crossover kerb invert. If a driveway crossover or portion of a driveway crossover is no longer required due to the relocation of a new crossover or alteration to an existing crossover. The redundant driveway crossover or part of, is required to be closed and returned to kerb and gutter, also raising the footpath level to match the existing paved footpath levels at either side of the crossover being closed. Provisions for Sliding Gate: Note that the high side of concrete plinths / footing for siding gates should not be higher than existing footpath level. Any level adjustments to gradients to achieve a level plinth for sliding gate railing is required to be within the property boundary.

Advisory Note 14

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 15

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

Advisory Note 16

The applicant/owner/operator are reminded of its 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.

Advisory Note imposed by Commissioner of Highways under Section 122 of the Act

Advisory Note 17

In the event that traffic flows on the abutting roads are impacted during construction of the development the applicant shall notify DIT's Traffic Management Centre (TMC) – Roadworks on 1800 434 058 or email dit.roadworks@sa.gov.au to gain approval for any road works, or the implementation of a traffic management plan.