

Details of Representations

Application Summary

Application ID	25036473
Proposal	Eight-level, mixed use development including dwellings, shop, office, pool and basement parking
Location	-34.95682050848403 138.60838298427927, UNIT 1-15 259 -269 UNLEY RD MALVERN SA 5061

Representations

Representor 1 - Toni Emanuele

Name	Toni Emanuele
Address	202 Fisher Street MALVERN SA, 5061 Australia
Submission Date	24/12/2025 03:33 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons As a resident I take issue with the development noting it will be an eight storey building. The height will affect the privacy of our backyard.	

Attached Documents

Representations

Representor 2 - Jie Wang

Name	Jie Wang
Address	66 eton street MALVERN SA, 5061 Australia
Submission Date	24/12/2025 08:52 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Formal Objection to Development Application – 259–269 Unley Road, Malvern I am an adjoining owner-occupier and formally object to the proposed development at 259–269 Unley Road, Malvern. While I acknowledge the strategic role of Unley Road as a transport and activity corridor, I consider the proposed 8-storey mixed-use development to be excessive, poorly scaled and incompatible with the established residential context immediately adjoining the site. The proposal would result in unacceptable and irreversible impacts on residential amenity.

1. Inappropriate Height, Scale and Built Form The proposed height and bulk represent a significant overdevelopment of the site and would create visual dominance over neighbouring dwellings. The scale is not a sensitive transition between the main road and adjoining lower-scale residential properties, contrary to sound urban design principles.
2. Unreasonable Loss of Residential Amenity The development is likely to result in unreasonable overshadowing, overlooking and loss of privacy for adjoining properties, particularly during winter months when solar access is critical. These impacts cannot be adequately mitigated through minor design changes or conditions.
3. Noise and Activity Impacts The inclusion of mixed commercial uses together with a swimming pool/spa introduces a high likelihood of ongoing noise impacts, especially during evenings and weekends. Given the proximity to existing dwellings, the proposal poses a long-term conflict between residential amenity and non-residential activity.
4. Traffic, Access and Parking Pressure Unley Road and surrounding residential streets already experience congestion and parking stress. The scale and intensity of the proposed development are likely to exacerbate these issues, resulting in spill-over parking and increased traffic impacts on local streets not designed for this level of activity.
5. Cumulative and Precedent Impacts Approval of this development would set an undesirable precedent for excessive height and density adjacent to established residential areas, undermining community expectations and the long-term amenity of the neighbourhood.

For the reasons outlined above, I respectfully request that the application be refused. The impacts of the proposed development are not minor, are not temporary, and cannot be adequately addressed through conditions of approval. Kind regards, Jie Wang

Attached Documents

Representations

Representor 3 - Shaun Campbell

Name	Shaun Campbell
Address	44 ETON STREET MALVERN SA, 5061 Australia
Submission Date	27/12/2025 10:21 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons

The applicant describes an eight-level mixed-use building, and their design summary references 28.5 m (i.e., well beyond the 18.5 m / 5 level benchmark). The height proposed is 50% above what the land is zoned for. This is a step-change in height and mass that is out of context for the area (even taking into account future development) and risks setting a precedent for the residential interface east of Unley Rd (including Eton Street / Historic Area context). The Unley Growth Plan specifies this level of building height being restricted to the Unley Central zone. Secondly, "Significant development site" shouldn't be used as a blanket override for zoning restrictions, and any community benefit must be real. Relevant Code provision: Zone PO 5.1 Significant development sites allows increased yield only where off-site impacts are managed and the development provides broader benefits (design excellence, community services, sustainability, etc.). If Council is minded to support extra yield, require a binding schedule of public realm works for Eton Street in particular (scope, funding, timing, maintenance) as a condition. Lastly, while contemporary architecture is not prohibited, the Historic Area Overlay requires "contextually responsive design" that is consistent and complementary to the Historic Area Statement attributes; on the evidence of the proposal's scale, expression, façade rhythm and material palette (i.e. lack of light natural materials, excessive dark metal screening/cladding), the development reads as cold and generically modern and does not yet demonstrate that it reinforces the historic character in public realm views, particularly from Eton Street.

Attached Documents

Representations

Representor 4 - Tiana Della-Putta

Name	Tiana Della-Putta
Address	192 Fisher St MALVERN SA, 5061 Australia
Submission Date	29/12/2025 06:23 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development

Reasons
Highly support proposed plans. Existing facilities are extremely run down and very unappealing from the street. Recently completed mixed-use developments along Unley Rd have created very positive activation along the main road. Proposed new retail/hospitality venues to the ground floor will drastically improve the current interface and street activation. Happy to provide further support if required, please feel free to contact me at any stage. We received a letterbox drop from a local resident encouraging us to lodge a representation not supporting the proposed plans. Thanks, Tiana

Attached Documents

Representations

Representor 5 - Kalliopi Gilmore

Name	Kalliopi Gilmore
Address	112 Cheltenham Street MALVERN SA, 5061 Australia
Submission Date	29/12/2025 07:11 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Planning consent should not be granted for the proposed 8 storey building. It is significantly taller than any other structure in Malvern. The number of residences which the proposed building will contain is considerably massive compared to the surrounding area. Most homes are on an approximate 700 sq m block. The volume of people and traffic will be significantly increased which will further add to congestion. Rubbish collections and deliveries will also add to traffic. Unley Road is congested at most times anyway and if this proposal is granted it will increase travel time and accidents. There will be an increase in infrastructure concerns including stormwater, which may add to huge amounts of water in a localised area. The shade impact will greatly and permanently impact surrounding residential areas being such a tall structure. Visitor numbers will increase as well adding to parking dilemmas and congestion. A three storey maximum height to match the approximate height of Dan Murphy's and the Walford Gymnasium is more suited to the area. There are many houses built in the late 1800s and early 1900s in Malvern and the 8 storey proposed structure is not in keeping with what Malvern is all about. Changing the plan from an 8 to a 3 storey building will have less impact on the area and match heights to what is already there within its vicinity. Unley Council is strongly pushing their 'The Greening of Unley' policy. A 3 storey building with the planting of many trees surrounding the building will certainly work towards their policy. As a Malvern ratepayer nearby and long term resident, I strongly ask this proposal be changed to a lower height from 8 to 3 storey. Any changes to Unley Road will be permanent and this needs to be carefully considered for its local residents and people who use the area.

Attached Documents

Representations

Representor 6 - William Schirripa

Name	William Schirripa
Address	189 Fisher Street MALVERN SA, 5061 Australia
Submission Date	30/12/2025 08:45 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

This development is completely at odds with the views of residents in our local area. I have lived in Malvern for the past 8 years, and used the local shops many times during my residency. I am outraged that such a development is even being considered to go through, as it is completely at odds with already existing developments of our suburb. Many parts of the Malvern/Unley area are considered to be heritage precincts, and this development completely flies in the face of this. While the architecture is sleek, a building of this kind will completely overshadow and tower over many of the homes in this area, significantly reducing the land value and salability. I oppose this development at all levels.

Attached Documents

Representations

Representor 7 - Peter Simmonds

Name	Peter Simmonds
Address	59 Fairford Street UNLEY SA, 5061 Australia
Submission Date	31/12/2025 07:52 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons

I wish to formally raise serious concerns regarding the proposed mixed-use development at 259–269 Unley Road, Malvern. Notwithstanding two reviews by the State Design Review Panel, it is concerning that the proposal continues to be regarded as “strategically suitable for approval”, subject only to refinement, despite clear and substantive departures from the intended planning framework for this site. In particular: - the proposed height materially exceeds the scale of uplift typically envisaged within the Urban Corridor Zone - the site directly abuts an Established Neighbourhood Zone to the east, requiring a far more sensitive transition in scale and massing and - the development interfaces with long-established character streets, Eton and Fisher Streets, whose amenity and identity would be permanently altered by this proposal. In its current form, the proposed development fails to deliver clear benefits to existing residents within the precinct. Accordingly, the State Design Review Panel should require further substantive amendments, particularly in relation to height, massing, and interface treatment, to achieve an appropriate and respectful balance with the surrounding low scale residential development and the adjoining 2 storey bluestone local heritage building, located on the corner of Unley Road and Eton Street. Full submission attached

Attached Documents

30d514bdf55958c56f1b3602eef8c98c2aa9e6da-1571200.pdf

I wish to formally raise serious concerns regarding the proposed mixed-use development at 259–269 Unley Road, Malvern.

Notwithstanding two reviews by the State Design Review Panel, it is concerning that the proposal continues to be regarded as “*strategically suitable for approval*”, subject only to refinement, despite clear and substantive departures from the intended planning framework for this site. In particular:

- the proposed height materially exceeds the scale of uplift typically envisaged within the Urban Corridor Zone
- the site directly abuts an Established Neighbourhood Zone to the east, requiring a far more sensitive transition in scale and massing and
- the development interfaces with long-established character streets, Eton and Fisher Streets, whose amenity and identity would be permanently altered by this proposal.

The proposed eight storey mixed use building, with its height concentrated along Unley Road, would significantly impinge upon the qualities that underpin South Australia’s internationally promoted reputation for liveability. Adelaide’s standing as one of the world’s most liveable cities is built upon human scale development, strong neighbourhood character, and a sensitive integration of density. Approval of the current proposal for 259–269 Unley Road, Malvern would directly contradict the strategic objectives promoted by the State Government and Planning SA and weaken the credibility of those policies in practice.

Many people choose to live in Unley because of its treelined streets, heritage housing, and cohesive traditional neighbourhood character. The scale and height proposed in this development fundamentally undermine these attributes. Moderate, well integrated density, rather than high rise expansion, is far more consistent with the expectations of existing residents, the established urban character, and likely future occupants of the development itself.

High density development along main streets, which this proposal clearly represents, should reasonably be capped at five storeys to ensure an appropriate transition in scale. An eight storey outcome would establish an irreversible precedent, fundamentally altering the character of Unley Road and its adjoining residential areas.

It needs to be noted that the community is already experiencing unintended and unresolved consequences from existing high rise developments along Unley Road approved by SCAP. These include the underestimation of underground parking requirements, leading to increased on street congestion, driver frustration/aggression and vehicle damage, as well as breaches of the water table that residents are actively seeking to have rectified. In the interim, water continues to flow unabated down Opey Avenue, resulting in persistent drainage issues and sewerage odours as organic material accumulates and decomposes in street gutters.

The City of Unley Council’s strategic principles clearly emphasise:

- protecting historic areas
- strengthening village like main streets
- ensuring high quality, human scale urban design and
- maintaining green space, amenity, and overall liveability.

In its current form, the proposed development fails to meaningfully advance these principles or deliver clear benefits to existing residents within the precinct. Accordingly, the State Design Review Panel should require further substantive amendments, particularly in relation to height, massing, and interface treatment, to achieve an appropriate and respectful balance with the surrounding low scale residential development and the adjoining 2 storey bluestone local heritage building, located on the corner of Unley Road and Eton Street.

Peter Simmonds - 59 Fairford Street, Unley SA 5061 - petersimmondsau@gmail.com

Representations

Representor 8 - Peter Rumbold

Name	Peter Rumbold
Address	58 Eton Street MALVERN SA, 5061 Australia
Submission Date	01/01/2026 02:37 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The following submission is made on the basis of my estimation of the effect that the proposed development will have on the amenity enjoyed by my family and visitors to our home at 58 Eton Street Malvern. Our decision to live and raise a family in Eton Street was based on the amenity of residing in this quiet cul de sac. Some of this amenity is now under threat because of the following: PO 5.1 – DTS/DPF 5.1 and PO 4.1 – DTS/DPF Building Height and lack of recessive upper levels -Northern wing. I acknowledge that the proposed building site is considered a "Significant Development Site" giving the developer the opportunity to increase the building height by 30% to 24 metres. However the proposed building height of 28.5 metres (not including the plant enclosure) would cause this extremely large mass to not only be visually dominant from my house (approximately 100 metres away) but would allow overlooking of my front and rear garden areas. A reduction of height together with stepped back upper levels on the Eton Street wing would to some extent help to mitigate these issues. It is noted that the building does not fit within the "30 degree plane"rule. PO 6.1 – DTS/DPF 6.1 Traffic and Parking. The proposed design allows for a maximum of 1.25 spaces per dwelling with visitor parking 0.25 per dwelling together with some public parking spaces for use by the commercial businesses. It is unclear whether families with two cars will be able to permanently park their vehicles in the non-residential parking spaces . If this is not envisaged I can see that excess vehicles will be permanently parked in Eton street East of the current vehicular barricade. This will impact the amenity that my family and visitors enjoy. Furthermore, while acknowledging the provision of 58 non residential and 17 residential parking spaces which together with residential parking spaces satisfies the code, Eton Street West is already very busy due to the traffic generated by the Car Wash business at peak times together with entry to and exit from the existing site. I consider that visitors wishing to visit either the commercial enterprises or residents would avoid Eton Street West and choose to park in Eton Street East of the barrier. This will impact my amenity once again. Additionally, drivers leaving the site at peak traffic times will find it almost impossible to turn right (North) onto Unley road. The only alternative would be to turn left and then again into Fisher street entering Unley Road at traffic lights at intersections of Unley Road and Wattle or Oxford streets. This will increase local traffic within the now quiet streets in Malvern. I have great concern that the authorities controlling the existing road traffic barrier in Eton Street may be pressured to move the current traffic barrier or in the worst scenario, remove it altogether. We would strongly oppose any alteration to the barrier, noting that nowhere in the proposal is there any mention of change to its location.

Attached Documents

Representations

Representor 9 - christopher milne

Name	christopher milne
Address	187, fisher street MALVERN SA, 5061 Australia
Submission Date	07/01/2026 12:01 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons This development proposal is outrageously high, setting a terrible precedent for this eastern side of Unley Road. A reduced height is imperative.	

Attached Documents

Representations

Representor 10 - Angus Brooks

Name	Angus Brooks
Address	19 commercial Rd HYDE PARK SA, 5061 Australia
Submission Date	07/01/2026 08:22 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons

I consider the proposed development to be generally thoughtful in its design and in the mix of uses it seeks to accommodate, including the provision of on-site car parking. The overall concept has merit and contributes positively to the intended function of the precinct. However, I am concerned that the proposed height of eight above-ground levels is excessive. At this scale, the development would introduce a level of density that is inconsistent with the surrounding built form and would visually dominate nearby developments rather than sit comfortably within the existing urban context. The applicable planning controls clearly provide for a maximum building height of five levels, and this benchmark should not be disregarded without compelling justification. Numerous successful medium-density cities demonstrate that development in the range of three to six storeys achieves an appropriate human scale, balancing density with amenity and ensuring that no single building overwhelms its surroundings. For these reasons, while I support the overall concept and mixed-use intent of the proposal, I do not support the proposed density, and in particular the height of eight levels (and above). A reduction in height to align with the prevailing planning controls would result in a more appropriate and contextually sensitive outcome.

Attached Documents

Representations

Representor 11 - michael jay

Name	michael jay
Address	4 Fashoda Street, hyde Park ADELAIDE SA, 5061 Australia
Submission Date	08/01/2026 07:42 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Although I am supportive of an increase in residential urban developments (as opposed to further spread to the perimeter of suburbs in Adelaide) these should be medium density and not exceed current maximum heights which this one clearly does. I just don't understand why a developer would push this sort of structure other than for financial gain and profit. It will certainly impact on the local amenity and benefit surrounding business activity but it should comply with current regulation.

Attached Documents

Representations

Representor 12 - Dan Stewart

Name	Dan Stewart
Address	6/16 Carlton Stret HIGHGATE SA, 5063 Australia
Submission Date	08/01/2026 12:13 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I am increasingly concerned by the growing number of multi-storey apartment developments along Unley Road, Fullarton Road and Goodwood Road. A consistent issue with these developments is insufficient on-site car parking. While many apartments provide only one car space per dwelling, the reality is that many residents own more than one vehicle. This inevitably leads to excessive overflow parking into surrounding residential streets. This has a direct and negative impact on neighbouring homeowners. Streets become congested, the streetscape and character of the area are diminished, and the amenity and value of nearby homes are affected. Residents are faced with increased traffic, limited parking, and loss of privacy, particularly where apartments overlook neighbouring backyards. For many homeowners, this represents an immediate and unfair loss of value to properties they have worked hard to purchase and maintain. There are already clear examples of these issues in nearby developments, such as the apartments along Fullarton Road in Parkside, where Olive Street and Birks Street are consistently congested with parked vehicles on both sides. These streets have effectively become overflow car parks. Unley Road itself does not have the capacity to absorb additional traffic. The Unley Shopping Centre is already under significant strain and is a challenge to access even at quieter times. It is difficult to understand how it can realistically cater for a substantial increase in residents, vehicles and visitors when it is already operating at or beyond capacity. While alternative shopping locations exist, they are not convenient or practical for many locals. The proposed demolition of the 10–11 existing businesses is also deeply disappointing. These outlets provide quick, affordable and convenient meal options for busy local workers and residents who are time-poor. While the site may not be visually perfect, the diversity and accessibility of these food options are part of what makes the area vibrant and functional. This “fast food corner” is genuinely valued by the local community. I would strongly encourage Council to give greater consideration to the long-term impacts of this development, particularly around traffic management, parking provision, protection of residential amenity, and the nature of the commercial spaces proposed to replace what is being lost. More transparency and stronger planning controls are needed to ensure that increased density does not come at the expense of existing residents and the character of the area.

Attached Documents

Representations

Representor 13 - Susan Mitchell

Name	Susan Mitchell
Address	26 Eton Street MALVERN SA, 5061 Australia
Submission Date	10/01/2026 08:14 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

1. Building too high - only 5 storeys approved for East side Unley Road 2. Lack of parking space, creating congestion in surrounding streets 3. Proposal hardly meets the Malvern Heritage Conservation Zone criteria 4. Waste water issues 5. Concern the developers will want the barrier removed at the end of Eton Street allowing cars to enter from Unley Road to Duthy Street.

Attached Documents

Representations

Representor 14 - Jianli LIn

Name	Jianli LIn
Address	35 Eton Street Malvern MALVERN SA, 5061 Australia
Submission Date	11/01/2026 05:32 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

1. Scale and Character I strongly oppose the proposed multi-storey apartment development, which is incompatible with the low-rise, traditional character of Malvern and surrounding Unley. The building's scale and bulk are excessive and would significantly alter the established streetscape and neighbourhood character.

2. Traffic Congestion and Parking The development, comprising 68 dwellings (13 one-bedroom, 17 two-bedroom, 33 three-bedroom, 5 four-bedroom), totaling 166 bedrooms, will worsen traffic congestion and parking pressures. Assuming one vehicle per bedroom, peak-hour movements could reach 166; if two vehicles per bedroom, this could rise to 332. The provision of only 78 on-site parking spaces is clearly inadequate for this demand, likely increasing on-street parking and congestion.

3. Demolition of Local Shops Demolition of existing local shops would remove valued community hubs and convenience. Proposed "public realm upgrades," such as wider footpaths, do not compensate for the loss of businesses. The eight-storey height is also excessive and inconsistent with Malvern's established character.

4. Community Consultation Residents' voices have not been heard. Unley Council advised that it has no involvement and directed us to PlanSA. However, Page 4 of DA25036473 Notification Documents (Part 1 of 3) includes a "Council Engagement" section, raising concerns about transparency and why local residents were not consulted prior to submission.

5. Use of Council Land The proposal includes ~233 m² of Council-owned land. It is unclear who authorised this and whether public consultation occurred. Residents were only informed via media, suggesting consultation was insufficient or absent.

6. Waste Management Plan The Waste Management Plan is inconsistent and misleading. While 166 bedrooms are proposed, the documents refer to 168. Figure 6.1 calculates waste assuming all apartments are single-bedroom, ignoring the mix of apartment types. Consequently, the reported waste generation is inaccurate and unreliable.

7. Heritage Protection Heritage-listed buildings must not be altered or demolished without Heritage Council approval. I strongly support the protection of historic buildings in the area.

8. Local Businesses and Employment Local business owners and staff, including those at Domino's Pizza, fear job losses and shop closures due to the redevelopment. This threatens local livelihoods and economic vitality.

9. Privacy and Overlooking At 28.5 metres, the building would allow overlooking of private homes and backyards, compromising privacy. Directly opposite is Walford Anglican School for Girls; the proposal raises serious privacy concerns for students, who should be formally consulted.

10. Overshadowing The development's overshadowing is expected to reduce residential amenity and negatively impact property values of surrounding homes.

11. Access and Road Safety The proposal removes two existing two-way access points to Unley Road and one to Eton Street, replacing them with a single two-way access on Eton Street, which is also to be narrowed. This will likely cause congestion at the Unley Road/Eton Street junction and raises significant safety concerns for vehicles entering from both directions.

Attached Documents

Representations

Representor 15 - Yong Kuang

Name	Yong Kuang
Address	1 Ashmore Street GLENUNGA SA, 5064 Australia
Submission Date	11/01/2026 09:27 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

1. Scale and Character I strongly oppose the proposed multi-storey apartment development, which is incompatible with the low-rise, traditional character of Malvern and surrounding Unley. The excessive scale and bulk would significantly undermine the established streetscape and neighbourhood character. 2. Traffic Congestion and Parking The scale of the development will substantially worsen existing traffic congestion and parking pressures. The proposal includes 68 dwellings (13 one-bedroom, 17 two-bedroom, 33 three-bedroom, and 5 four-bedroom apartments), totalling 166 bedrooms. Even at a conservative estimate of one vehicle per bedroom, peak-hour movements could reach 166. If vehicle ownership increases to two vehicles per bedroom, this could rise to 332 movements, significantly exacerbating congestion and on-street parking demand. The provision of only 78 on-site parking spaces is clearly insufficient to accommodate the likely demand generated by 166 to 332 additional vehicles. 3. Infrastructure Capacity The development is likely to require major upgrades to electricity and other infrastructure networks. Peak household electricity demand from common appliances such as heaters, kettles, induction cooktops, and HVAC systems can exceed 10kW per dwelling. The combined peak demand from an additional 68 apartments during morning and evening periods would place significant pressure on the local electricity grid. It is unclear whether SA Power Networks has undertaken a feasibility assessment to address this increased demand. 4. Demolition of Local Shops and Loss of Employments Strong objections are raised to the demolition of existing local shops, which provide everyday convenience and serve as important community hubs. Proposed "public realm upgrades," including wider footpaths, do not compensate for the loss of valued local businesses. The proposed eight-storey height is excessive and would dramatically alter Malvern's established character. 5. Community Consultation Community concerns appear to have been disregarded. Unley Council advised residents that it has no involvement and referred us to PlanSA. However, Page 4 of DA25036473 Notification Documents (Part 1 of 3) refers to "Council Engagement," raising serious questions about transparency and why nearby residents were not consulted prior to submission. 6. Use of Council Land The proposal includes approximately 233 square metres of Council-owned land. It is unclear who authorised this use or whether any public consultation was undertaken. Residents only became aware of the proposal through media reporting, indicating inadequate consultation. 7. Waste Management Plan Errors The Waste Management Plan appears inaccurate and misleading. While the proposal refers to 166 bedrooms, Page 12 of the documents states 168. In addition, Figure 6.1 assumes all apartments are single-bedroom dwellings, ignoring the mix of apartment types. Consequently, waste generation calculations are unreliable. 8. Heritage Protection Heritage-listed buildings should not be altered without Heritage Council approval. I strongly support the protection and preservation of historic buildings within the area. 9. Privacy and Overlooking At a height of 28.5 metres, the development would allow overlooking of neighbouring homes, significantly compromising privacy. Directly opposite the site is Walford Anglican School for Girls, raising serious privacy concerns for students. The school should be formally consulted. 10. Access and Road Safety The proposal removes multiple existing access points to Unley Rd and Eton St and replaces them with a single two-way access on a narrowed Eton Street. Reducing access points while increasing vehicle numbers is likely to cause congestion at the Unley Rd/Eton St intersection and heighten road safety risks.

Attached Documents

Representations

Representor 16 - Chelsea Hobby

Name	Chelsea Hobby
Address	6/564-570 Anzac Highway GLENELG EAST SA, 5045 Australia
Submission Date	12/01/2026 05:57 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The businesses have been blindsided by this development. Many have signed new leases, and are independent, family run businesses. By bulldozing the Malvern Village and building apartment buildings, you are not only removing culture from the area, but are inviting even more traffic issues. Unley road is a nightmare to begin with. Potholes, narrow roads, on street parking. To be adding 60+ apartments to this road will increase congestion , and cause further traffic issues. The car wash next to the proposed site already causes issues down Eaton St, with traffic for the business blocking roadways. Disgusting on behalf of the development company, and Unley Council for blindsiding small businesses, in an already struggling society.

Attached Documents

Representations

Representor 17 - Poppy Sweet

Name	Poppy Sweet
Address	8 Old Belair Road MITCHAM SA, 5062 Australia
Submission Date	12/01/2026 10:18 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I believe the planning should absolutely be refused. This neighbourhood food area is such an integral part of the communities daily lives. It's where people go to gather for lunch, catch up with friends and have a quick meal. Teachers and students rely on it as a familiar and convenient spot to eat due to there being so many schools close by. Losing it would mean losing one of the only locations that fosters a sense of community and promotes local businesses. People won't have access to local food options if it is removed and a significant portion of our community's will be completely devastated, myself being one.

Attached Documents

Representations

Representor 18 - Jemma Turnbull

Name	Jemma Turnbull
Address	72 Cremorne street MALVERN SA, 5061 Australia
Submission Date	13/01/2026 10:17 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons The food court is so good. Has so many different things so it always has what I'm craving. It is also so convenient. There are enough apartment buildings and housing on unley road already	

Attached Documents

Representations

Representor 19 - Maryanne El-Alam

Name	Maryanne El-Alam
Address	Unit 12/444 Audrey St ASCOT PARK SA, 5043 Australia
Submission Date	13/01/2026 04:15 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I believe the planning should not go ahead as it means we would lose our business. My husband and I are one of the tenants in the Malvern complex that they want to redevelop. We were not given any prior notice to a possible redevelopment and they mislead us to believe that we would have a minimum 5 year lease available so that we could sell our business this year. Now, no potential buyer will be interested and they have locked us in to a long lease. There was no transparency- we are absolutely devastated to lose our business that we have worked so hard at building up. Many people will lose their jobs and their main income- I know we will!! We are angry and hurt. They are developers with a conscience and without consideration for any one or any thing except their bank accounts. We are absolutely appalled!!!

Attached Documents

Representations

Representor 20 - Jodie Williams

Name	Jodie Williams
Address	5/16 commercial rd HYDE PARK SA, 5061 Australia
Submission Date	13/01/2026 05:54 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I do not support this development because it threatens the existing local businesses that are the heart of this area. These businesses are not just shops or services — they are run by hardworking people who have invested years of effort, sacrifice, and care into serving the community. Many are small, family-run or independently owned, and they rely on the stability and character of this neighbourhood to survive. An eight-level mixed-use development of this scale risks disrupting their livelihoods through prolonged construction, increased rents, loss of amenity, and changes to foot traffic and accessibility. For small business owners, even temporary disruption can be devastating. I am deeply concerned that this proposal could force valued local businesses to close or relocate, erasing the personal connections and sense of community they have built over time. This area has its own identity because of these businesses and the people who run them. Replacing that with a large, high-density development risks prioritising profit over people. I believe planning decisions should protect and respect the hardworking local business owners who contribute daily to the community, rather than putting their future at risk.

Attached Documents

Representations

Representor 21 - Emma Sweet

Name	Emma Sweet
Address	8 Old Belair Rd MITCHAM SA, 5062 Australia
Submission Date	13/01/2026 06:54 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons I believe the current area & service supports the local community.	

Attached Documents

Representations

Representor 22 - gary champion

Name	gary champion
Address	105 Cheltenham Street, Malvern, South Australia, Australia MALVERN SA, 5061 Australia
Submission Date	14/01/2026 10:23 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons 1-Over shadowing properties to the east 2Loss privacy properties to the east 3 Loss of 10 small businesses 4 Traffic further impacting on Unley Rd 5Car parking to be problem in Eton/Fisher Streets &also likely distant to site 6Proposal to narrow Eton St to impact on successful car wash 7 Traffic from development to impact on local thoroughfares	

Attached Documents

Representations

Representor 23 - anne trengove

Name	anne trengove
Address	182 fisher st MALVERN SA, 5061 Australia
Submission Date	14/01/2026 11:17 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons

The 8 Storey proposed development is too high. The appartments opposite the Cremorne are both 6 storeys high. This is high enough. 8 storeys is disproportionate for Unley Rd and sets a bad precedent for essentially Suburban Rd. 8 Storeys is more appropriate for non suburban roads like nearby Greenhill Rd. The additional apartments created by the additional 2 storeys also puts additional pressure on Fisher and Eton Sts in terms of traffic / parking etc. Agree to 6 storeys - not 8.

Attached Documents

Representations

Representor 24 - Peter Kovac

Name	Peter Kovac
Address	182 Fisher St MALVERN SA, 5061 Australia
Submission Date	14/01/2026 05:44 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons

8 storeys is too high. It's disproportionately too high for the width of Unley Rd. 8+ storeys belongs in the CBD or Greenhill eg. There are 2 current other developments at 6 storeys on Unley Rd which are proportionate height for this residential area. Also, we would miss the many small food shops that we would lose - I would require the developers to have similar food shops return to the ground floor retail area.

Attached Documents

Representations

Representor 25 - Henry Ellis

Name	Henry Ellis
Address	54 Clifton Street MALVERN SA, 5061 Australia
Submission Date	15/01/2026 10:21 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons A high rise, high density appartment complex in Unley is not fitting with the area, will cause severe parking and congestion issues, and worsen traffic on Unley Rd when it is already over capacity during peak hours. The building will cause shadows to obscure sunlight to many surrounding properties, impact value of nearby properties, and as I understand it, the current proposal does not meet council building requirements regarding height.	

Attached Documents

Representations

Representor 26 - Friends of the City of Unley Society Inc.

Name	Friends of the City of Unley Society Inc.
Address	PO Box 373 UNLEY SA, 5061 Australia
Submission Date	15/01/2026 03:31 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Please see attached document for specific reasons. Planning matters raised include: Building Height Excessive building mass Building interface Access to Sunlight and Overshadowing and Overlooking Parking and traffic	

Attached Documents

FocusRepresentation-13254556.pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	Malvern Development SA Pty Ltd
Development Number:	25036473
Nature of Development:	Eight level, mixed use development including dwellings, shop, office, pool and basement parking.
Zone/Sub-zone/Overlay:	Urban corridor (Main Street) Zone
Subject Land:	Unit 1-15, .259-269 Unley Road MALVERN 5061, CT 5151/175, CT 6145/798, CT 5151/176, CT6126/704]
Contact Officer:	Daniel Marotti
Phone Number:	1800752664
Close Date:	21/01/2026

My name*: Mary Rumbold (President of FOCUS)	My phone number: 0450434167
My postal address*: PO Box 373, UNLEY SA 5061	My email: focusonunley@gmail.com

* Indicates mandatory information

My position is:	☐ I support the development
	☐ I support the development with some concerns
	☒ I oppose the development

The specific reasons I believe that consent should be granted/refused are:

Please see attached document for specific reasons.



Government of South Australia

Department for Housing
and Urban Development

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - Click here to enter text. [list any accepted or deemed-to-satisfy elements of the development].

I:	☐ wish to be heard in support of my submission*
	☒ do not wish to be heard in support of my submission
By:	☐ appearing personally
	☐ being represented by the following person: Click here to enter text.

*You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission

Signature:

M. T. [Signature]

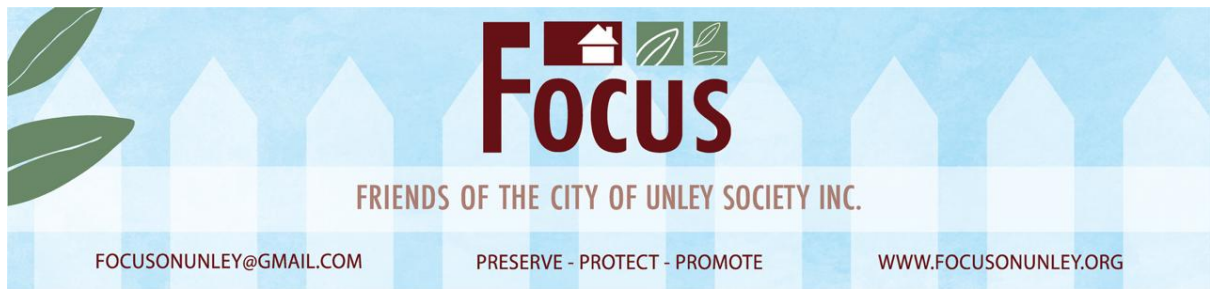
Date: 14/01/2026

Return Address: PO Box 373 UNLEY, SA 5061 [relevant authority postal address] or

Email: focusonunley@gmail.com [relevant authority email address] or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments





The State Commission Assessment Panel
Attention: Daniel Moretti, Planning Officer
daniel.marotti@sagov.au

Re: Development Number 25036473
Applicant: Malvern Development SA Pty Ltd

The Friends of the City of Unley (FOCUS) is concerned with preserving and enhancing Unley's historic buildings and green amenity.

Firstly, FOCUS wants to register its concerns about the lack of good faith shown by Plan SA in releasing this planning application on December 24th 2025, and expecting submissions by January 21st 2026, a time when people are celebrating Christmas and often holidaying away. This unfortunate timing means that residents have had little time to deal with the complex issues involved in this major planning application.

FOCUS opposes this application in its present form based upon directions from the Planning, Development and Infrastructure Act 2016 and the Planning and Design Code for the following reasons.

Building Height

Relevant code provisions
Urban Corridor [Main Street] Zone-DO3, PO2
General Development Policies- Built Form and Scale -PO1

This proposed 8 level development of 28.5 metres is in the Urban Corridor Zone, where the maximum height envisaged in the Planning and Design Code is 5 levels (18.5 metres). It is 3 levels higher than that envisaged for this zone. The proposed building height does not include the roof mounted plant.

The site has been given significant development status, due to its size, and the Code gives a credit of 30% uplift above the maximum zone height. This allows a height of 24.05 metres, which is below that of the proposed development.

The height remains at **significant variance** with the Code. It sets a precedent for Unley Road in the future, so that other higher building proposals can leverage on approval of this proposal. The character of Unley is low rise, leafy, and quiet with limited traffic.

Excessive building mass

Relevant Code provisions

Urban Corridor Zone DO1 PO 4.1

General Development Policies: Interface between land policies and Significant Development sites PO 5.2

The bulk and the mass of this development are huge and will dominate the skyline of the suburb characterised by single storey housing. There will be no visual relief from this structure for local residents as envisaged by the preferred outcomes in the Act.

The northern end of the building facing Eton Street dominates this road, has no transition back and contributes to the massive visual intrusion of the building into a small roadway and the views of residents to the east.

The southern end of the proposal, with its limited transition, presents even more massing and bulk to the adjoining residents and urgently needs reviewing to reduce the intrusion into their light and space.

A solution to the northern over-massing could arise from removal of the swimming pool from the development. The beach is 20 minutes away and there are pools within Unley. This could allow for a more scaled interface on the northeastern side of the development.

The Proposal does not conform to these sections of the Code.

The Building interface

Relevant Code provisions: Building Height and Interface 8.3.2 PO 3.1.3.2. PO 4.1

The Code envisages a 30 degree angle of interface between a high rise development and a neighbourhood zone. Given the setbacks from the upper storeys it appears the 30 degree rule is not met from the eastern boundary to the upper floors.

Screening, planter boxes and landscaping are put forward to address this transition from low rise residential zone but these decorative elements do not compensate for **fundamental failure to comply with the intention of the Code.**

Access to Sunlight and Over Shadowing and Overlooking

Relevant Code Provisions:

Interface between Land Uses Part 8.8.4 PO3.1and 3.2

Interface Between land Uses Design in Urban areas

PO 10.2 Residential Development Medium and High Rise PO 28.1 28.2

The intent of the Code is to preserve resident's access to natural sunlight as measured at the winter solstice. The proposal states tall trees in the gardens of adjoining residences already reduce access, and states that the impact of the development will be negligible, but the shadow drawings do not make this clear.

All indicative guidelines in the Urban Design High Rise Section of the Act highlight development must mitigate direct overlooking of habitable rooms and private open space. The multiple balconies, communal terraces and elevated pool result in direct overlooking of adjoining properties. The proposed planter boxes and partial screening do not adequately address these issues.

The intentions of the Code are not met.

Parking and traffic

Urban Corridor Zone

Significant Development Sites Movement, Parking and Access PO6.1DTS/DPF6.1

167 parking spaces are allocated in the proposal, with 18 on the ground floor for public use and 71 parking spaces in basement 01.

18 carparks are insufficient for ground floor commercial tenancies, which will need parking for employees, shoppers, delivery vehicles etc. It is not clear if basement 01 will be locked to the public at night. Patrons of any night commercial activity e.g. restaurants and bars, as envisaged in the proposal, may have access to only 18 spaces.

Each of the 68 apartments has allocation for one car, but it appears there is inadequate allocation for 2 +car households in the apartments.

Local residents have expressed concerns that Eton Street will be used for parking by families in the apartments, with 2 or more cars and /or patrons of night commercial activities limiting access for residents' visitors.

Eton Street is often used for patrons of the nearby liquor store, which adds to lack of car parks on Eton Street. If the proposal to locate a doctor's surgery at 68 Eton Street is approved by council this will further add to parking problems.

Traffic issues

Unley Road is an arterial road, with a reported 67,000 plus vehicle movements per day. Local residents know it is almost impossible to cross the road at peak hours by foot or car. The traffic report in the proposal states cars will be able to turn right into Unley Road on an opportunistic basis during peak hours, which locals will know is fanciful.

The increased traffic from the apartments will more than likely turn left into Unley and Fisher Streets, Cambridge Terrace and turn into Wattle or Oxford streets to go north along Unley Road. The latter 2 roads are always busy at morning peak hour, as is the eastern end of Eton Street merging into Duthy Street.

The proposal does not address all of these issues and how they will be managed to avoid creating long term problems for residents and local businesses.

As there is no clarity in the proposals about these issues the development proposal does not satisfy the Code

Affordable housing

This is a significant issue for the future growth of Unley, which needs more young families. This development proposal does not appear to incorporate any affordable housing, but rather, appears to offer high end expensive housing. Given its significant development site status, that is of concern.

Unley Planning for Growth document

The Guiding Principles of the Unley Council's draft *Planning for Growth* document include an expanded urban green infrastructure network, more liveable places for all, improved access to green spaces, and strategic infill sites which include additional community facilities and open space. This development fails to meet these principles adopted by Unley Council in 2024.

In conclusion, FOCUS does not support this development proposal in its present form. FOCUS supports development on this site which is lower in height and mass, prevents overlooking and overshadowing, addresses issues of traffic and parking and complies with the principles of the Unley Planning for Growth document.

It respectfully requests SCAP to refuse this application.

Mary Rumbold
President FOCUS

12/1/26

Representations

Representor 27 - Susan Taylor

Name	Susan Taylor
Address	34 Eton Street MALVERN SA, 5061 Australia
Submission Date	15/01/2026 08:32 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I believe that the proposed alteration to the the Eton street access will result in a substantial increase in traffic along Eton street. It is highly unlikely that only 47 extra car movements will occur twice a day given the fact that the removal of the current street closure will definitely increase through traffic between Unley Rd and Duthy Street. It is already evident to all users of Duthy street how busy during peak hours and this proposal,will,undoubtedly increase the traffic. Retaining the current Eton street arrangements ie. no thru road to Unley Rd should remain.

Attached Documents

Representations

Representor 28 - DIANA HARRIS

Name	DIANA HARRIS
Address	38 ETON ST MALVERN SA, 5061 Australia
Submission Date	16/01/2026 09:56 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

My name is Diana Harris. I am a long-term resident of the City of Unley and in particular, Malvern. I am writing to register my protest for the approval of Development Application # 25036473, Unit 1-15, 259-269 Unley Road Malvern. Appalling is the only way to describe this proposed development and the continual avalanche of unacceptable buildings and architecture which are continually lobbied for Unley. The south and south-eastern suburbs and in particular, Unley, should be treasured and recognized for their beauty and glorious heritage buildings, which once demolished, can no longer be replaced. I am sure that future generations will look back on what we have done and be saddened and deeply disappointed that Adelaide is a carbon-copy of Sydney and Melbourne – the ugly development in the 2020's. Why is the Government of South Australia determined to ruin the beautiful village atmosphere of the Unley area? High rise "development" is the way to do this. There are numerous commercial and semi-industrial areas close to the city which do not have the beautiful heritage buildings of which the Unley area is fortunate to enjoy. Commercial and semi-industrial areas should be targeted for high-rise development, allowing areas such as Unley, which enhance our city and state and are drawcards for visitors from within South Australia, interstate and overseas, to remain the envy of all of Australia. Many visitors to Unley enjoy walking it's tree-lined streets and admiring its beautiful architecture. The South Australian Government needs to focus on the well-being of its residents and not the requirements of itself and "developers". We all recognize the need to provide housing for people but instead of finding better ways of doing this, PlanSA/the Government of South Australia is not recognizing the undercurrent of disconnect in the community and blindly following previous development mistakes. This should seriously be considered, as there is an election due shortly. This proposed and any future development should be declined:

- It is destroying the beauty, character and ambience of the village atmosphere for which the City of Unley has long been recognized;
- Increased traffic for Unley's narrow streets;
- Noise pollution;
- Unley Road is a narrow arterial road, already hard to negotiate with the amount of traffic traversing it each day
- Difficulty for parking in narrow streets; [Unley already has wall-to-wall cars lining its streets each day];
- Increased pressure on old and aging infrastructure, i.e. sewage; etc.
- Serious reduction in the quality of life of current residents;
- Additional health and mental health issues for current residents;
- Heritage areas should be recognized for their absolute value, even in monetary terms;
- "Developers" should not be given priority. They are not "developing" for the overall good, they are "developing" to make money;
- Once the "development" is completed, "developers" move on to target and destroy other areas and leave the residents to "live" with what they have left behind;
- We don't need more concrete in our environment;
- Lack of trees and green space;
- The proposed "development" is ugly in the extreme;
- Overlooking of present houses and gardens, providing no privacy for people who moved to this area in good faith – they chose their property for a reason;
- Overshadowing and lack of sunlight by such a large structure, impinging on the adjoining neighbours' natural right to light and privacy; and
- Value of properties is diminished.

Attached Documents

Representations

Representor 29 - Chelsea Hicks

Name	Chelsea Hicks
Address	173 Fisher St MALVERN SA, 5061 Australia
Submission Date	17/01/2026 03:20 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

This 8 story development is simply just too high. Malvern is one of the most beautiful areas in Adelaide due to the heritage nature of buildings, beautiful tree lined streets and peacefulness of Malvern and surrounding areas. This development puts the historic nature of the area and character of the suburb at risk. It will also contribute to significant traffic and noise in the area. I support development and increasing housing but 8 levels and 28.5 metres is simply just too high to be acceptable.

Attached Documents

Representations

Representor 30 - Marco Gleeson

Name	Marco Gleeson
Address	173 Fisher St MALVERN SA, 5061 Australia
Submission Date	17/01/2026 03:29 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons I have no hesitation in the site being developed but I feel that 8 stories is far too high. The recent development on Unley Rd was 5 stories and appears very out of character with the rest of the area. I also have concerns regarding the surround traffic and parking implications given we live on the adjacent Fisher st. Malvern is a highly sought after area due to its heritage nature and lack of elevated development and this would be contradictory to its' current state. This development is not consistent with everything the area represents.	

Attached Documents

Representations

Representor 31 - Peter Hicks

Name	Peter Hicks
Address	322/123 Fisher St FULLARTON SA, 5063 Australia
Submission Date	18/01/2026 06:23 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I object to the proposed 8-storey apartment development on the grounds that it is excessive in height and scale and inconsistent with the established low-rise character of Malvern. An eight-storey building would dominate the streetscape and significantly alter the character of the area. The development raises concerns regarding overshadowing, loss of privacy, increased traffic and parking pressure, and the impact on neighbouring residential amenity. It would also place additional strain on local infrastructure that is already under pressure. While appropriate development is supported, it should be well-scaled, sensitive to its surroundings, and aligned with the existing character of the suburb. This proposal does not achieve that balance. For these reasons, I do not support the application in its current form.

Attached Documents

Representations

Representor 32 - Sally-anne Hicks

Name	Sally-anne Hicks
Address	Unit 322, 123 Fisher St FULLARTON SA, 5063 Australia
Submission Date	18/01/2026 06:26 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I wish to lodge an objection to the proposed 8-storey apartment development. The height and bulk of the building are out of proportion with the surrounding area and do not reflect the prevailing character of Malvern, which is predominantly low-rise and residential in nature. The proposal is likely to result in adverse impacts on neighbouring properties, including loss of sunlight, reduced privacy, increased traffic congestion and insufficient on-street parking. These impacts would negatively affect the amenity and liveability of the local area. Development should be appropriately scaled and carefully designed to respect existing neighbourhoods. In its current form, this proposal does not meet those expectations and should not be supported.

Attached Documents

Representations

Representor 33 - Janet Redmond

Name	Janet Redmond
Address	77 Cambridge Terrace MALVERN SA, 5061 Australia
Submission Date	19/01/2026 01:09 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Excessive Height and Scale: The 8-storey height is too high for the local area, specifically within or adjacent to Residential Historic Conservation Zones, and does not match the surrounding low-rise character of Malvern.

Traffic and Parking Issues: Increase in traffic volume on narrow residential streets (like Eton Street) may lead to overcrowding of public street parking.

Loss of Amenity and Privacy: As a neighbour I have concerns that the scale of the buildings will be visible from Cambridge Terrace, cause significant overshadowing, block sunlight, and overlooking into existing properties- in particular Walford School

Noise and Disruption: Potential for increased noise and light pollution from the development and vehicles at night, Increasing traffic will impact negatively on the bike path on Rugby St, and make local walking and cycling less comfortable for residents

Attached Documents

Representations

Representor 34 - Christine Russell

Name	Christine Russell
Address	81 Cambridge Terrace MALVERN SA, 5061 Australia
Submission Date	19/01/2026 05:01 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns
Reasons The height of the building seems out of keeping with the surrounding area and will cause afternoon shadows for people living on the East side. The traffic portal via Eton Street could similarly impact close neighbours at the rear	

Attached Documents

Representations

Representor 35 - Jock Grummett

Name	Jock Grummett
Address	201 Fisher St MALVERN SA, 5061 Australia
Submission Date	19/01/2026 07:24 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

1. The proposed development has some merit but is excessively tall and will dominate the skyline in the area. There are reasons why the maximum height along the Unley Rd corridor has been set at 5 storeys with only a few exemptions for buildings higher than that. There are no buildings on Unley Road between Cross Road and Wattle Street that exceed 2 storeys. So adding an 8 storey building will absolutely change the character of this section of Unley Road and surrounding areas. Once a single development of this height is approved, then the green light will have been given for more buildings of excessive height along this section of Unley Rd. Ultimately, with both sides of Unley Rd dominated by tall buildings, it will become a dark and uninviting place - for commercial businesses as well as local residents. So if the development is to proceed then the maximum height of 5 storeys (or 18.5 metres) must be adhered to. If this development does not work commercially with 5 storeys then it needs to be re-considered so that it is commercially viable (perhaps more commercial space at ground level and level 1).

2. Eton Street will be the only access point into and out of the development for cars and trucks etc. The analysis of traffic flow provided with the development gives the impression that there will be a regular flow of light traffic in and out of Eton Street. This defies belief. Currently there are three access points into and out of the shopping precinct and the flow of traffic is chaotic at best. I would like to see the crash/collision data for this section of Unley Road i.e. between and including the Fisher St and Eton St intersections. Does this support the analysis provided with the application? Surely there must be consideration of traffic lights at either Fisher St or Eton St - Unley Rd intersections. If this development proceeds without significant changes to the Eton St - Unley Rd intersection then it will only be a matter of time before collisions causing serious injury or death begin to occur.

3. The residents to the East of the proposed development will be adversely affected. Not only will they have the privacy of their back and front yards taken from them, but they will also have the noise coming from the new apartments and outdoor areas to put up with as well as the noise from commercial vehicles (delivery trucks, waste disposal trucks). While an attempt has been made to minimise this effect by grading the height of the building down from West to East, this will not work, because the height of the overall building is too high. Maybe it would be acceptable if the height of the western edge of the buildings was 5 storeys and the height graded down to 2 storeys at the Eastern edge. However as it stands, the development application has already had a devastating effect on the morale of those home owners, as well as reducing the value of their properties.

4. The external appearance of the new building looks nothing like any other building in this area - and is out of character with the heritage building which will be retained at the front of the property. The images provided in the application try and present it in its best light, with ample greenery softening the edges of the stark building edges. We all know in practice that such greenery is rarely planted or maintained in such developments. So what will be left will be a rectangular building with lots of glass and metal dominating the skyline. This is not in character with this area of the city.

Attached Documents

Representations

Representor 36 - Peta Pool

Name	Peta Pool
Address	67 Eton Street MALVERN SA, 5061 Australia
Submission Date	19/01/2026 08:02 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

As the primary affected residence of this development application on the eastern boundary line at 67 Eton Street, Malvern we are opposed to this development, and it ought not to be approved. This submission outlines significant and unresolved concerns regarding the proposed development, directly adjoining our residential property on its Eastern boundary. The scale, design, and siting of the proposal will present significant and unacceptable impacts on our amenity, privacy, safety and structural integrity of our 1800's Victorian home. We oppose this development due to these key concerns: Boundary Wall - Removal of the existing 6.4m wall would severely compromise privacy, security, and noise protection. - Demolition presents high risk of structural damage to our house, which abuts the wall and includes 1880s slate footings. - Demolition and works presents risk to the health of a Common Law protected tree on our property - The wall must be retained, with indemnity protections in place. Excessive Height, Massing & Overlooking - The proposed 8 storey, 28.5m building is inconsistent with surrounding neighbourhood and does not conform to several sections of the code. - Significant overlooking, overshadowing, and loss of amenity will result. - Requires significant height reduction, opaque glazing, and solid balcony screening Plant Equipment, Noise & Traffic - The transformer, OSD tank, pool pump, driveway with significant vehicle traffic, roller doors, and other noise sources are located directly adjacent to our bedroom. Represents health and safety risks and transformer doesn't meet SA Power Network code. - Approximately 500 vehicle movements per day will occur beside our habitable rooms. - Equipment, driveway must be relocated away from the boundary adjacent bedroom, with accurate noise modelling. Basement & Excavation Risks - Two storey basement excavation extremely close to our dwelling and boundary line poses a serious risk to slate footings and vegetation on our property. - Basement is below groundwater table. No detailed section drawings or drainage plans. - Demolition and works presents risk to the health of a Common Law protected tree - Greater setbacks, structural assurances and indemnity contracts required. Trees, Landscaping & Root Impacts - No risk mitigation is provided for the Common Law protected tree on our boundary. See independent Accredited Treesense Consulting Arborist report as an appendix to this submission - Proposed deep soil plantings risk damage to footings, trees and vegetation and reduces light to our property. - Risk mitigation and an indemnity contract must be provided for potential damage to our footings and the health of our protected tree. Overshadowing & Solar Access - Winter overshadowing will reduce sunlight and solar system capacity. - Building height and mass require reduction. On Site Detention Tank - Proposed location directly beside our bedroom wall with inadequate detail about size, placement, or flood mitigation and pump noise impacts. - Must be relocated away from the boundary, with accurate noise modelling. Traffic, Parking & Construction Disruption - Insufficient parking to cause significant overflow onto Eton Street with 24/7 vehicle and pedestrian traffic outside bedroom windows. - Large scale construction will impede access and amenity. - Mitigation of traffic volume with accurate noise modelling, Western end of Eton must remain blocked, permit parking introduced for residential zone and compensation be given for disruption during construction. Accuracy of Plans & Missing Information - Numerous drawings are incorrect or incomplete, preventing a fair assessment of impacts. - Accurate structural drawings, and section plans must be provided, particularly in relation to the impact on our property.

Attached Documents

67-Eton-Street_Response-to-development-submission_FINAL-1576633.pdf

Submission regarding proposed development plans for 259 – 269 Unley Road Malvern – Da25036473

Executive Summary

As the primary affected residence of this development application on the eastern boundary line at 67 Eton Street, Malvern we are opposed to this development, and it ought not to be approved.

This submission outlines significant and unresolved concerns regarding the proposed development at **259–269 Unley Road Malvern**, directly adjoining our residential property at **67 Eton Street Malvern** on its Eastern boundary. The scale, design, and siting of the proposal will present significant and unacceptable impacts on our amenity, privacy, safety and structural integrity of our 1800's Victorian home.

The proposal is characterised by inadequate or unclear information in the development documentation, and insufficiently assesses risks affecting our property. Many impacts arise from excessive height, proximity of plant works and traffic infrastructure, the health of a protected tree under Common Law on our property and the potential removal of the existing 6.4-metre boundary wall.

It is disappointing that the timing of the lodgement of these plans for genuine public consultation coincided with the Christmas holiday period with residents away and professionals unavailable to consult on this submission response if required.

We oppose this development due to these key concerns

- **Boundary Wall**
 - Removal of the existing 6.4m wall would severely compromise privacy, security, and noise protection.
 - Demolition presents high risk of structural damage to our house, which abuts the wall and includes 1880s slate footings.
 - Demolition and works presents risk to the health of a [Common Law protected tree](#)
 - The wall must be retained, with indemnity protections in place.
- **Excessive Height, Massing & Overlooking**
 - The proposed 8-storey, 28.5m building is inconsistent with surrounding residential character and does not conform to several sections of the code.
 - Significant overlooking, overshadowing, and loss of amenity will result.
 - Impacts could only be mitigated through significant height reduction, opaque glazing, and solid balcony screening.
- **Plant Equipment, Noise & Traffic**
 - Transformer, pool pump, driveway with significant vehicle traffic, roller doors, and other noise sources are located directly adjacent to our bedroom. Transformer does not conform to easement standards in SAPN technical specification
 - Approximately 500 vehicle movements per day will occur beside our habitable rooms.
 - Equipment and driveways must be relocated away from the boundary, with accurate noise modelling.
- **Basement & Excavation Risks**
 - Two-storey basement excavation extremely close to our dwelling and boundary line poses a serious risk to slate footings.
 - Basement is below the groundwater table. No detailed section drawings or drainage plans for the basement are provided.
 - Demolition and works presents risk to the health of a Common Law protected tree
 - Greater setbacks and structural assurances or indemnity contracts are required.
- **Trees, Landscaping & Root Impacts**

- No arborist report nor risk mitigation is provided for the Common Law protected tree on our boundary.
 - Proposed deep-soil plantings risk damaging our footings, to our trees and vegetation and reducing light to our property.
 - See Accredited Treesense Consulting Arborist report as an appendix to this submission
 - Risk mitigation and an indemnity contract must be provided for potential damage to our footings and the health of our protected tree.
- Overshadowing & Solar Access
 - Winter overshadowing will reduce sunlight and solar system capacity.
 - Building height and mass require reduction.
- On-Site Detention (OSD) Tank
 - OSD tank is proposed directly beside our bedroom wall with inadequate detail about size, placement, or flood mitigation and pump noise impacts.
 - OSD tank must be relocated away from the boundary, with accurate noise modelling.
- Traffic, Parking & Construction Disruption
 - Insufficient parking within the development will cause significant overflow onto Eton Street with 24/7 vehicle and pedestrian traffic outside bedroom windows.
 - Large-scale construction will impede access and amenity.
 - Mitigation of traffic volume with accurate noise modelling, Western end of Eton must remain blocked, permit parking introduced for residential zone and compensation be given for disruption during construction.
- Accuracy of Plans & Missing Information
 - Numerous drawings are incorrect or incomplete, preventing a fair assessment of impacts.
 - Accurate structural drawings, and section plans must be provided, particularly in relation to the impact on our property.
- Indemnity & Compensation
 - Given the extent of works and risks to our property, indemnity for damage and compensation for prolonged disruption are required.

Summary Table: Development codes this submission pertains to.

Development Code	Pertains to
Part 2 – Zones and Sub Zones Urban Corridor Main Street Significant Development site PO5.2	Boundary Wall Plant works and transformer Building and basement works Onsite detention Landscaping and trees Overshadowing and solar access Building height and design Traffic and parking Existing neighbourhood infrastructure Other
Part 2 – Zones and Sub Zones Urban Corridor Main Street/Built form and character PO2.9 B	Plant works and transformer
Part 2 - Zones and Sub Zones Building Height PO 3.1, 3.2, 3.3, 5.1	Boundary Wall Landscaping and solar access Building Height and design

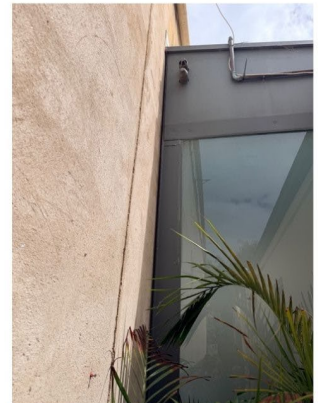
Part 2 – Zones and Sub Zones Urban Corridor Main Street Interface Height PO4.1	Landscaping and solar access Building height and design
Part 2 – Zones and Sub Zones Urban Corridor Main Street PO1.7 - c Part 4 – General Development Policies Interface between land uses PO5.2 (b)	Other
Part 3 – Noise and Air Emissions Overlay Siting and Design PO 1.1 (b)	Plant works and transformer Acoustics and noise
Part 3 – Noise and Air Emissions Overlay Siting and Design PO 1.2	Acoustics and noise
Part 4 – General Development Policies Renewable Energy Facilities Design in Urban Areas Environmental PO14.3	Acoustics and noise Building height and design
Part 4 – General Development Policies Design Urban Areas Outlook and Amenity PO18.2	Acoustics and noise
Part 4 – General Development Policies Design in Urban Areas PO1.4 - c	Acoustics and noise
Part 4 – General Development Policies Design in Urban Areas– PO 4.2 (b and d)	Acoustics and noise
Part 4 – General Development Policies Renewable Energy Facilities PO4.2	Plantworks and transformer Acoustics and noise
Part 4 – General Development Policies Interface between land uses Noise and Vibration PO4.3	Acoustics and noise
Part 4 – General Development Policies Interface between land uses Noise and Vibration PO4.4	Boundary Wall Acoustics and noise
Part 4 – General Development Policies Interface between land uses Light Spill PO 6.1	Boundary Wall
Part 4 – General Development Policies Interface between Land Uses PO 3.3	Landscaping and solar access
Part 4 – General Development Policies Interface between land uses Overshadowing PO3.2	Landscaping and solar access
Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2	Boundary Wall Plantworks and transformer Building and basement works Onsite Detention Acoustics and noise Landscaping and trees Building height and design Traffic and Parking Existing neighbourhood infrastructure Other
Part 4 – General Development Policies Design Amenity Fences and Walls PO9.1	Boundary Wall
Australian Standard AS 4970–2025: Protection of Trees on Development Sites	Boundary Walls Landscaping and Trees Building and basement works Landscaping and trees



Bedroom



Common Law protected tree



Potential damage if wall removed to Front of house and bathroom wall



Loss of privacy/potential damage to hedge

Details of key concerns

1. Boundary Wall

We strongly oppose the removal of the existing boundary wall (height: 6.4m) alongside our shared eastern/western boundary and partially attached to our property.

The Office for Design & Architecture Daniel Marotti in his assessment for the attention of the State Commission Assessment Panel (Document: file No: 2025/03142/01 and Ref no24148138 dated 23 December 2025) has specifically noted on Pages 3 and 4 "I also understand an approximately 6.4 meter high existing wall extending the length of the east boundary is to be retained" in relation to the ongoing consideration of design strategies to reduce the north wing's eastern interface height to mitigate bulk. This assessment is clearly considering that the wall will be retained.

Given the wall is not indicated on most plans with many drawings stating (Fence height TBC), that several structural drawing documents do not address a consideration of how the wall will be retained, particularly with basement works, and the fact there is mention of a 3.3m fence, this clearly indicates the developer is in fact intending to remove the wall after planning approval is granted.

For these reasons this development ought not to be approved, alternatively retaining of the current boundary wall is required to be a condition of planning approval.

In relation to the boundary wall, we require these serious concerns below are documented and if the wall were to be removed post planning, an indemnity contract is in place, reparations are made to the

plans and conditions of planning approval are in place to mitigate each of the following and that a wall of the same height is replaced:

- **Privacy and Overlooking:** The current solid 6.4m solid wall structure provides essential privacy, which was a key factor in purchasing our home. Its removal would drastically reduce privacy, given the proposed 8-story, 28.5-meter structure and potential 3.3m fence replacement mentioned in some of the plans, affecting the use of our backyard and ensuite bathroom and general living conditions. This height is above the uplift maximum zone afforded to a significant development site. With two young adult daughters residing in the property, privacy is of paramount concern. Canopy trees do not provide equivalent screening, and such trees would take years to mature. See photos as part of this submission.

We require a reduction in height of the development to 5 levels. We require all Eastern facing and any north/west facing windows that overlook our property to use opaque materials and balconies are at least 1700mm high using opaque or solid walls. Landscaping screening is inadequate.

- **Security:** The current solid 6.4m wall structure provides our residence with complete security adjacent to a main corridor road. The current wall is not scalable, nor penetrable and is a completely secure environment. If the wall were to be removed and replaced with a temporary wall/fence erected alongside a development of this size would be easily breached, posing a risk for our property and animals.
- **Potential Property Damage:** Removal of the wall is highly likely to cause damage to our property, particularly at the front of the house where our wall and bathroom abuts the boundary wall, the location of our air conditioning unit, external water feature, large hedge in rear yard and the location of a Common Law protected tree close to both the boundary wall and our foundation footings. Current designs do not adequately address this risk, nor is this mentioned in any of the documentation. We would be seeking an indemnity contract to cover any damage caused by the removal of this wall. See photos as part of this submission.
- **Noise and Light Pollution:** Removal or reduction in height of this wall is likely to increase noise pollution, particularly given the current location on the plans of multiple noise emitting elements of the development (such as the transformer, pool pump and large quantity of traffic movements) given the proximity to our bedroom and habitable windows. It will also cause light pollution from cars entering the site at night directly into our bedroom window.
- **Cost Implications:** If the wall is removed, significant reparations would be required, including modifications to our ensuite bathroom, outdoor water feature, and additional privacy measures as a result of the proposed development. Other cost implications are highly likely to property and building structure damage aforementioned. We require compensation to mitigate the unfair cost implications on our existing residential property as a result of this development. See photos as part of this submission.
- **Property Value:** The substantial loss of privacy will have a significant negative impact on our property value.

Part 2 - Zones and Sub Zones Building Height PO 3.1, 3.2, 3.3, 5.1
Part 4 – General Development Policies Interface between land uses Noise and Vibration PO4.4
Part 4 – General Development Policies Interface between land uses Light Spill PO 6.1
Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2
Part 4 – General Development Policies Design Amenity Fences and Walls PO9.1
Part 2 – Zones and Sub Zones Urban Corridor Main Street Significant Development site PO5.2

Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2

Australian Standard AS 4970–2025: Protection of Trees on Development Sites
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2. Privacy and overlooking

It is clear from the plans that our property will be overlooked by the majority of residential dwellings within this development. We would like clarity as the plans appear to contravene interface height at the east massing on Eton Street with rooftop pool appears to extend beyond the 30 degree angle as shown on the plans. The proposed 8 level development of 28.5 meters also contravenes the uplift allowances in the code for a significant development site.

For these reasons this development ought not to be approved. However our concerns could be addressed if the development was reduced to five levels and as conditions of approval, all Eastern facing and any north/west facing windows that overlook our property are required to use opaque materials and balconies are required to be at least 1700mm high using opaque or solid walls and the 6.4m boundary wall is maintained.

Part 2 – Zones and Sub Zones Urban Corridor Main Street Significant Development site PO5.2
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Part 2 - Zones and Sub Zones Building Height PO 3.1, 3.2, 3.3, 5.1
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Part 2 – Zones and Sub Zones Urban Corridor Main Street Interface Height 4.1
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Part 4 – General Development Policies Renewable Energy Facilities Design in Urban Areas Environmental PO14.3
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Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2

3. Plant Works and Transformer Location

The plans indicate that the transformer will be located very close to our bedroom wall, which is highly concerning and does not meet safeguards. It does not appear to adhere to [SAPN Technical Standard TS102 \(Easement Standard\) Appendix A](#) – “11kV/400V Padmount Transformer Easement. This specifies a 3.5 m width easement for the transformer equipment away from walls or dwellings.

The SA Planning code also states that energy and power should be situated as far as practicable away from dwellings. The plans do not adequately clarify how big it is and aside from acoustic casing there is no mention of how the transformer will be housed.

For these reasons this development ought not to be approved. However our concerns could be addressed if there is a condition of the planning approval that required the transformer be relocated further from the boundary of our property, at least 5–10 meters at a minimum as per the [Australian Radiation Protection and Nuclear Safety](#) agency’s recommendations to minimise exposure.

The current proximity raises several concerns:

- **Noise:** Transformers and associated plant works generate constant audible noise, which may negatively affect our wellbeing, particularly sleep. The 3.3m fence suggested in the plans with acoustic measures is not adequate.
- **Physical Safety:** There are concerns about exposure to electric and magnetic fields, especially near sleeping areas. [The Australian Radiation Protection and Nuclear Safety Agency](#) recommends minimising exposure by increasing distance from the source.
- **Risk and Property Value:** Perceptions of these risks will further impact our property value.
- **Fire and Explosion Risk:** Transformers can pose fire or explosion risks, which is particularly concerning given the proximity to a bedroom wall and habitable rooms and non-adherence to SA Power Networks easement requirements.

Part 2 – Zones and Sub Zones Urban Corridor Main Street/Built form and character PO2.9 B
Part 3 – Noise and Air Emissions Overlay Siting and Design PO 1.1 (b)
Part 4 – General Development Policies Renewable Energy Facilities PO4.2
Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2
Part 2 – Zones and Sub Zones Urban Corridor Main Street Significant Development site PO5.2
Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2
SAPN Technical Standard TS102 (Easement Standard) Appendix A – “11kV/400V Padmount Transformer Easement

4. Building and basement works

Our property is of Victorian era, circa 1880's with slate footings as per the historic nature of the residential zone in Malvern.

- Given the age of our property, any deep ground construction works and vibration would likely cause damage to our building structure and instability of the soil around our property's footings, particularly during the excavation works and noise.
- The proposed basement works are two stories deep and are extremely close to our boundary line and therefore our footings. The plans do not clearly articulate the footprint of the basement in relation to our boundary nor the mitigation of impacts during construction. They also do not articulate the retention of the current 6.4m wall in drawings.
- Detailed section drawings are required to ascertain impacts at the front of our property.
- In addition, if excavation works were to damage the roots of our Common Law protected tree on the boundary, this is likely to seriously impact to the health of the tree with possible impact on our footings.
- There is no arborist report associated with these development plans and the plans offer no information regarding avoiding avoid damage to this tree.
- The basement works appear to be under the water table. There is no indication of impacts.
- It is unclear how drainage will be handled within the basement works. If this is a wet basement, this could further impact the stability of the area adjacent to our boundary wall and our footings if drainage fails.

For these reasons this development ought not to be approved. However our concerns could be addressed if basement works were located at a greater distance to our boundary wall, basement

works were not under the water table and if an indemnity contract is in place for any resultant damages as a condition of the approval of this development.

Part 2 – Zones and Sub Zones Urban Corridor Main Street Significant Development site PO5.2

Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2

[Australian Standard AS 4970–2025: Protection of Trees on Development Sites](#)

5. Acoustics and Noise

A large volume of vehicle traffic and several mechanical and plant components are located directly next to our bedroom and habitable rooms. This will directly negatively impact our peaceful living environment. The current plans do not adequately address these in accordance various areas of the code and it is concerning that noise plans are subject to final selection and design post-approval of these plans.

For these reasons this development ought not to be approved. However our concerns could be addressed if the below issues are addressed as a condition of planning approval.

- The existing boundary wall currently reduces traffic noise from Unley Road to almost nothing. We require the retainment of the boundary wall.
- The Noise Model in the acoustics report appears to overstate current ambient traffic noise, and is not measured from within our residence. We require that noise baselines are taken from within our residence for accurate modelling and mitigation.
- The recommended 3.3m fence (figure 12, Noise control measures) is unlikely to be adequate, given the location of our bedroom.
- We require clarification that the pool pump and equipment is located at least 12m from our habitable rooms, including our bedroom and living areas
- The driveway adjacent to our bedroom wall and habitable rooms is the only entry and exit point for 68 apartments and multiple retail/commercial spaces and will cause substantial noise impacts both during the day and at night. The traffic report concentrates on the impact to Unley Road. It does not address the astonishing volume of traffic in this driveway adjacent to our bedroom and habitable areas in relation to our property. Typically, each peak hour represents about 10% of daily traffic. Based on the figures in this report this would equates to approximately 500 vehicle movements a day to and from the site. Our family are home during the day – working from home, studying and my daughter is likely to work substantial night shifts as a paramedic.
- Overflow parking for the new 68 dwellings onto Eton Street will significantly increase the traffic at night with vehicles and pedestrians creating substantial noise and light spill adjacent to our bedrooms.
- In addition to general traffic, Fourteen waste collections per week seem excessive and will increase noise impact
- The transformer plant works, pool pump, OSD tank, and garage roller door (operating 24/7) are all located very close to the boundary of our property and habitable windows
- There is insufficient detail around the use of stormwater pumping requirements associated with the OSD tank particularly as stated in the plans, the OSD tank connected to toilet flushing for 68 dwellings and a number of commercial uses.

- All above-ground parking is located less than one meter from our boundary, including habitable rooms including our bedroom.
 - There is no clarity in the plans of how wind turbulence and noise will be mitigated for our property, particularly given the excessive height of the building.

Part 3 – Noise and Air Emissions Overlay Siting and Design PO 1.1 (b)
Part 3 – Noise and Air Emissions Overlay Siting and Design PO 1.2
Part 4 – General Development Policies Design Urban Areas Outlook and Amenity PO18.2
Part 4 – General Development Policies Design in Urban Areas PO1.4 - c
Part4 – General Development Policies Design in Urban Areas– PO 4.2 (b and d)
Part 4 – General Development Policies Renewable Energy Facilities PO4.2
Part 4 – General Development Policies Interface between land uses Noise and Vibration PO4.3
Part 4 – General Development Policies Interface between land uses Noise and Vibration PO4.4
Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2
Part 4 – General Development Policies Renewable Energy Facilities Design in Urban Areas Environmental PO14.3

6. Landscaping and Trees

Our property has an established Common Law protected tree on the northern west boundary and on the development's eastern boundary line. Our intention is to keep this tree in accordance with advice provided within an inspection report prepared by Adelaide Structural Engineers dated 14 August 2024 that states *"-Tree removal is not recommended to maintain the soil moisture level.*

-Tree removal may increase soil moisture content and may increase movement in the footings, resulting in additional wall cracking. If the tree is removed, it is expected that soil moisture stabilisation may take up to two years."

Given its proximity to the boundary wall, the development plans do not include an arborist report or any plans to ensure this tree is not unduly compromised due to digging and the health of the tree is maintained.

Our own arborist report obtained on 16/1/2026 from Treesense consulting (see attached to this submission) provides information on the significant root span and advises "any root damage or disturbance associated with development works is expected to elevate the risk of whole tree failure to an unacceptable level. Such outcomes would pose significant risks to public and private safety, potentially result in substantial damage to high-value structures, and compromise nearby low-voltage powerlines".

We require that design alterations are made to ensure the health of the existing Common Law protected tree is maintained and that they are a condition of any planning approval.

In addition, deep soil planting is planned as part of the development of Tuckeroo trees (with extensive root systems) on the boundary of our property.

For these reasons this development ought not to be approved. However our concerns could be addressed if the below issues are addressed as a condition of planning approval.

- Construction work, including basement works are set back from the root system of the current Common Law protected tree on our property to ensure the health of the tree is maintained and an indemnity contract is in place.
- We require consideration of alternative trees with shallow root systems and no fruit litter is a condition of any planning approval.
- Tuckeroo trees with extensive root systems pose a significant risk to the stability our slate footings and pipe system as well as the health of the existing trees and hedge within our property. The impact of tree roots on house foundations is a well-known issue, particularly slate footings.
- Tuckeroo trees are known for fruit litter. Given the placement along our boundary line, this will have significant impact with fruit litter in our rear yard.
- In addition, the current Common Law protected tree on the front Northern west end of our property already has an extensive root system. Additional planting of trees next to this Common Law protected tree may impact the health of that tree.
- The extensive 7m tree canopy created by the new plantings in the development will further reduce light in our backyard and impact our solar system, especially during winter solstice which is already impacted by additional overshadowing by the building mass of the development.
- There is inadequate information in the plans as to the maintenance and long-term sustainment of planter boxes and green areas around the pool roof and elsewhere in the development.

Part 2 – Zones and Sub Zones Urban Corridor Main Street Significant Development site PO5.2
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Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2

<u>Australian Standard AS 4970–2025: Protection of Trees on Development Sites</u>

7. Overshadowing and Solar Access

The proposed development will cause additional overshadowing of our property, particularly during the winter solstice from approximately 2pm, reducing the generating capacity of our existing solar system. Given the substantial investment we have made in installing a solar system on our property this has unfair financial implications for ongoing energy costs and will reduce overall light to our property and garden.

For these reasons this development ought not to be approved. However our concerns could be addressed if the building height and massing is significantly reduced, and an alternative tree selection reduces overshadowing as a condition of planning approval.

Part 2 – Zones and Sub Zones Urban Corridor Main Street Significant Development site PO5.2
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Part 2 - Zones and Sub Zones Building Height PO 3.1, 3.2, 3.3, 5.1
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Part 2 – Zones and Sub Zones Urban Corridor Main Street Interface Height PO4.1
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Part 4 – General Development Policies Interface between Land Uses PO 3.3
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Part 4 – General Development Policies Interface between land uses Overshadowing PO3.2

8. On-Site Detention (OSD) Tank

The current plans show the OSD tank located next to our bedroom wall, but does not specify its size or whether it is above or below ground and any mitigation plans if the OSD tank fails or becomes blocked given its location poses a potential flooding risk to our slate footings and garden. There is insufficient detail around the use of stormwater pumping requirements associated with the OSD tank particularly as stated in the plans, the OSD tank connected to toilet flushing for 68 dwellings and a number of commercial uses.

For these reasons this development ought not to be approved. However our concerns could be addressed if the OSD tank location were moved away from our boundary wall as a condition of approval of this development.

Part 2 – Zones and Sub Zones Urban Corridor Main Street Significant Development site PO5.2
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Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2

9. Building Height and Design

The proposed 8-story building height is excessive for this end of Unley Road and Malvern with no other developments anywhere near this height, particularly given its proximity to a very established residential zone. We would like clarity as the plans appear to contravene interface height at the east massing on Eton Street with rooftop pool appears to exceed the 30 degree transition envelope.

The proposed 8 level development of 28.5 meters also contravenes the uplift allowances in the code for a significant development site.

The state planning office currently has a project '[Preserving SA's character](#)' which this development does not align with. Given the development is adjacent to an area full of historical homes, regardless of their heritage status this should be a consideration in the approval of the excessive height of this development.

For these reasons this development ought not to be approved. However our concerns could be addressed if the development was reduced to five levels and as conditions of approval, all Eastern facing and any north/west facing windows that overlook our property are required to use opaque materials and balconies are required to be at least 1700mm high using opaque or solid walls and the 6.4m boundary wall is maintained.

Other issues to note:

- The design is boxy, lacks articulation, and features large sheer walls, particularly on the Eastern corner at 11.3m , which are not in keeping with the local character.

- The eastern corner sheer wall is particularly problematic if the current boundary wall is not retained with massing clearly visible from our property.
- There is not enough landscaping in general throughout the development, particularly on the wall facing Eton Street – it is a sheer wall with no planting except on the pool boundary.
- Plans do not include information on wind impacts to our property

Part 2 – Zones and Sub Zones Urban Corridor Main Street Significant Development site PO5.2
Part 2 - Zones and Sub Zones Building Height PO 3.1, 3.2, 3.3, 5.1
Part 2 – Zones and Sub Zones Urban Corridor Main Street Interface Height PO 3 & 4.1
Part 4 – General Development Policies Renewable Energy Facilities Design in Urban Areas Environmental PO14.3
Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2

10. Traffic and Parking

The number of car parks available for residents and commercial properties within the development is inadequate and will cause significant overflow parking on Eton street east of the development. The plans do not adequately address this increased parking congestion and pedestrian impact for residents of Eton Street.

Overflow parking for the new 68 dwellings onto Eton Street will significantly increase the traffic at night with vehicles and pedestrians creating substantial noise and light spill adjacent to our bedrooms. Current commercial use ceases at around 9pm at night. This will not be the case for residential overflow.

There is also already a known issue of insufficient parking in the Unley Council area with non-residents using Unley's residential streets to park and catch public transport into the city.

There is likely to be significant disruption to parking, road closures and impediments to accessing our property on Eton Street with such a large-scale development during the construction phase.

For these reasons this development ought not to be approved. We require clarity of these impacts in the development plans and would like to ensure the residential end of Eton Road remains blocked off to clearly mark residential zone, permit parking is introduced and retention of current traffic conditions as a condition of planning approval.

Part 2 – Zones and Sub Zones Urban Corridor Main Street Significant Development site PO5.2
Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2

11. Existing neighbourhood infrastructure

Given the size of this development, it is unclear from the plans how the development will impact general existing neighbourhood infrastructure. Noting local stormwater issues already exist (such as the recent sink hole in Hyde Park) and the intention is that the basement will go below the water table.

Infrastructure like:

- Water/water pressure due to increased demands on pipes and pumps

- electricity/energy loads
- internet speeds etc

We require further clarity if these have been considered.

Part 2 – Zones and Sub Zones Urban Corridor Main Street Significant Development site PO5.2
Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2

12. Accuracy of Drawings and lack of detailed information

- In general, the plans lack clarity in many areas with detailed information absent for many elements of the development site. It is difficult to conduct a fair public comment process without this clarity.
- The plans provided are not clear in relation to the relationship between the development and the eastern boundary line, providing little clarity to the impact on our property.
- We would like detailed east/west section drawings that show the relationship of this development to our boundary.
- Some drawings are incorrect or lack detail, including:
 - the misplacement of our Common Law protected tree (Page 72 of plans, northern elevation).
 - Lack of clear sectional drawings at the northern end of the basement plans
- Drawings of our dwelling's location on most plans are factually incorrect – they do not show our house is abutting the boundary wall.
- The certificate of title and survey information was not included in the appendix (appeared to be blank on the document and not included in the other PDF's. These should form part of the application for full disclosure.
- Due to the lack of engineering drawings, structural impacts to our property cannot be ascertained.

13. Indemnity and compensation

Given the significant works on our boundary line including deep earthworks and deep soil planting, and the fact that this development does not meet a number of design principles in the code we require an indemnity contract from the developer for this planned development to cover any financial losses, damages or liabilities arising in relation to our property as a result of any building works associated with this development.

We also require compensation for the significant disruption of the peaceful enjoyment of our property for an extended period of time during the construction of this significant development on our boundary line.

14. Other

- 'Retail' areas do not specify if they will include commercial food (such as restaurants) on premises and if so, where exhaust flues and other elements according to the code will be located in relation to our property. There is also no detail around required consultations with other government agencies such as the EPA.

Part 2 – Zones and Sub Zones Urban Corridor Main Street Significant Development site PO5.2	Minimising impacts
Part 4 – General Development Policies Interface between land uses General Land Use compatibility PO1.1 and PO 1.2	Minimisation of adverse impacts
Part 2 – Zones and Sub Zones Urban Corridor Main Street PO1.7 - c Part 4 – General Development Policies Interface between land uses PO5.2 (b)	Exhaust flues (if a café) in retail space

Representations

Representor 37 - Tanja Dawson

Name	Tanja Dawson
Address	37 Eton Street MALVERN SA, 5061 Australia
Submission Date	19/01/2026 09:40 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I do not support the development for the following reasons The proposed development scale and design will significantly alter and negatively impact the neighbourhoods character and beautifully designed heritage homes Since there will be inadequate parking for all future residents in this building, their visitors and staff working in the proposed retail, this will impact all near by residents and burden all of the near by streets in order to meet the anticipated demand Unley road is already a very difficult road to travel down during peak hours and the increase of residents, visitors and staff that would be travelling to and from the proposed building will only make this issue worse Further overcrowding of a suburb that is already overcrowded Overshadowing and loss of light and sunlight to near by homes and schools The proposed height of the building and its windows and balconies will directly overlook private areas of existing homes and gardens, leading to a loss of privacy The increase of noise nuisance due to the vast increase of residents, visitors and staff Loss of existing small businesses

Attached Documents

Representations

Representor 38 - Joe Dawson

Name	Joe Dawson
Address	37 Eton Street MALVERN SA, 5061 Australia
Submission Date	19/01/2026 09:42 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I do not support the development for the following reasons The proposed development scale and design will significantly alter and negatively impact the neighbourhoods character and beautifully designed heritage homes Since there will be inadequate parking for all future residents in this building, their visitors and staff working in the proposed retail, this will impact all near by residents and burden all of the near by streets in order to meet the anticipated demand Unley road is already a very difficult road to travel down during peak hours and the increase of residents, visitors and staff that would be travelling to and from the proposed building will only make this issue worse Further overcrowding of a suburb that is already overcrowded Overshadowing and loss of light and sunlight to near by homes and schools The proposed height of the building and its windows and balconies will directly overlook private areas of existing homes and gardens, leading to a loss of privacy The increase of noise nuisance due to the vast increase of residents, visitors and staff Loss of existing small businesses

Attached Documents

Representations

Representor 39 - Shaojie Huang

Name	Shaojie Huang
Address	180 Fisher Street MALVERN SA, 5061 Australia
Submission Date	19/01/2026 11:20 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons 1. My main concerns are with the building height and how the project will break the charming vista of the neighborhood. And of course with the height, the neighbors are rightfully worried about their privacy. Please no high rise development in our neighborhood! 2. I'm also concerned with the impact on the small businesses affected. I love them. I want them around. 3. An 8-storey residential building means more residents packed into one small area. Our streets will be crowded and more noisy. In short, I don't think another high rise development is what we need here. Let's keep it low and slow! Thanks!	

Attached Documents

Representations

Representor 40 - Monique Schryer

Name	Monique Schryer
Address	51 MARLBOROUGH STREET MALVERN SA, 5061 Australia
Submission Date	20/01/2026 07:11 AM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I write to lodge an objection to the proposed development at 259 – 269 Unley Road (Application Number 25036473) involving the development of an eight story apartment and office building. I have read through the development material and nothing substantially addresses the question of why this building should be allowed to exceed the five-storey overlay which is applicable. There seems to be an underlying assumption that the proposed size of the building somehow "benefits the community" and should trigger an exception. The construction of a tall building which is planned to include offices and expensive apartments offers little or no tangible benefit to the surrounding community, just the prospect of a looming/hulking presence. In short, I believe that an eight story building of this size is out of all proportion to surrounding buildings, Malvern surrounds and even exceeds the height of those developed closer to the city. If there is to be a development of the site, then I trenchantly believe that it should be more modest in height, and in fact of a lower height than major buildings recently developed along the Unley Road corridor closer to the city. Yours faithfully Monique Schryer

Attached Documents

Mschryer19Jan2026-13279773.pdf

Marotti, Daniel (DHUD)

From: DHUD:SPC Reps
Sent: Monday, 19 January 2026 10:06 AM
To: Marotti, Daniel (DHUD)
Subject: FW: Objection: 259 – 269 Unley Road Development (25036473)

OFFICIAL

Hello Daniel

Please see below representation for DA 25036473.

Kind regards

State Planning Commission - Representations

Planning and Land Use Services

Department for Housing and Urban Development

T 1800 752 664 • E spcapplications@sa.gov.au

Level 10, 83 Pirie Street, Adelaide SA 5000 • PO Box 1815, Adelaide SA 5001



The Department for Housing and Urban Development acknowledges First Nation people as the Traditional Owners of South Australian land and waters and we extend our respect to Elders past, present and emerging. We value and recognise the ongoing cultural heritage, beliefs and relationship First Nations peoples have with these lands and waters and the continuing importance of this today.

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From: Monique Schryer <monique.schryer@gmail.com>
Sent: Monday, 19 January 2026 10:02 AM
To: DHUD:SPC Reps <spcreps@sa.gov.au>
Subject: Objection: 259 – 269 Unley Road Development (25036473)

You don't often get email from monique.schryer@gmail.com. [Learn why this is important](#)

Name: Monique Schryer
Address: 51 Marlborough Street, Malvern, SA, 5061
Application Number: 25036473

I write to lodge an objection to the proposed development at 259 – 269 Unley Road (Application Number 25036473) involving the development of an eight story apartment and office building.

I have read through the development material and nothing substantially addresses the question of why this building should be allowed to exceed the five-storey overlay which is applicable. There seems to be an underlying assumption that the proposed size of the building somehow "benefits the community" and should trigger an exception.

The construction of a tall building which is planned to include offices and expensive apartments offers little or no tangible benefit to the surrounding community, just the prospect of a looming/hulking presence.

In short, I believe that an eight story building of this size is out of all proportion to surrounding buildings, Malvern surrounds and even exceeds the height of those developed closer to the city. If there is to be a development of the site, then I trenchantly believe that it should be more modest in height, and in fact of a lower height than major buildings recently developed along the Unley Road corridor closer to the city.

Yours faithfully

Monique Schryer

Representations

Representor 41 - Nicholas Newland

Name	Nicholas Newland
Address	60 CLIFTON STREET MALVERN SA, 5061 Australia
Submission Date	20/01/2026 07:15 AM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The specific reasons I believe that consent should be refused in its present form are: 1 the development is too high and should be no more than five stories to reduce impact on surrounding dwellings; 2 the heritage building in the NW corner of the development presents an opportunity to feature the new development which can be sympathetic to make this building a feature rather than 'burying' it; 3 traffic management, car egress and entry along with waste management need to be carefully considered and not to impact residential property adjacent.

Attached Documents

Representation-on-application-version-4Janury2026-13279774.pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	<i>[Malvern SA PTY LTD]</i>
Development Number:	25036463 <i>[development application number]</i>
Nature of Development:	Eight level mixed use development including dwellings,shop,pool and basement parting <i>[development description of performance assessed elements or aspects of outline consent application]</i>
Zone/Sub-zone/Overlay:	Click here to enter text. <i>[zone/sub-zone/overlay of subject land]</i>
Subject Land:	259-269 UNLEY ROAD, MALVERN <i>[street number, street name, suburb, postcode]</i> <i>[lot number, plan number, certificate of title number, volume & folio]</i>
Contact Officer:	State Planning Commission <i>[relevant authority name]</i>
Phone Number:	+61 1800752664 <i>[authority phone]</i>
Close Date:	21/01/2026 <i>[closing date for submissions]</i>

My name*: Nicholas Newland and Suzanne Kovacs	My phone number: 0488506387/ 0414827453
My postal address*: 60 Clifton Street Malvern	My email: nnewland48@gmail.com

** Indicates mandatory information*

My position is:	☐ I support the development
	☐ I support the development with some concerns
	☒ I oppose the development



Government of South Australia

Department for Housing
and Urban Development

The specific reasons I believe that consent should be refused in its present form are:

1 the development is too high and should be no more than five stories to reduce impact on surrounding dwellings;

2 the heritage building in the NW corner of the development presents an opportunity to feature the new development which can be sympathetic to make this building a feature rather than 'burying' it;

3 traffic management, car egress and entry along with waste management need to be carefully considered and not to impact residential property adjacent.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - See above. *[list any accepted or deemed-to-satisfy elements of the development]*.

I:	☐ wish to be heard in support of my submission*
	☒ do not wish to be heard in support of my submission
By:	☐ appearing personally
	☐ being represented by the following person: Click here to enter text.

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: NP Newland and Suzanne Kovacs

Date: 19/1/26

Return Address: As provided *[relevant authority postal address]* or

Email: As provide *[relevant authority email address]* or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Representations

Representor 42 - Matt Tamms

Name	Matt Tamms
Address	106 Cheltenham Street MALVERN SA, 5061 Australia
Submission Date	20/01/2026 08:50 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Unley Road simply can not support another mass residential development. Already during the day, there is far too much traffic funnelling down what essentially becomes a single lane transit each way, with one lane each side almost shut down due to roadside parking. The recent change to a 50 kph speed limit is a nod to Unley Road already not coping. To add this development and its associated increase in vehicle volume and ensuing degradation in road safety would be an egregious and permanent error - especially given the proposed development's proximity to Walford Girls School. Furthermore, the proposed 28.5 metre, 8 storey building will result in a massive loss of privacy to residents in the surrounding area, including my family. Giving people such easy access to spying on the surrounding residential area should be unconscionable. This is the sort of development which belongs in the Adelaide CBD. This city is very fortunate to still retain the green, leafy aesthetic of Malvern and the surrounding suburbs. We should be looking to preserve the heritage and village feel of the neighbourhood.

Attached Documents

Representations

Representor 43 - Denby Tamms

Name	Denby Tamms
Address	106 Cheltenham Street MALVERN SA, 5061 Australia
Submission Date	20/01/2026 10:30 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I object to the proposed development for a number of reasons. Firstly, Unley Road simply cannot support the addition of such a large multi-storey dwelling. It is already difficult to drive along, with on street parking making the road essentially one lane in each direction. Recent moves to lower the speed limit to 50 km/h highlights this reality. The additional vehicles and traffic disruptions that such a structure would attract is untenable. Moreover, the proposed development would have a significant impact on surrounding dwellings (including my own) by reducing privacy and degrading the peaceful neighbourhood character and historic feel of Malvern. Once these things are lost, they can never be regained. This would permanently change the character of a much loved suburb. Such a development is far better suited for and in keeping with the Adelaide CBD, not the suburbs of Adelaide.

Attached Documents

Representations

Representor 44 - Dan Noone

Name	Dan Noone
Address	77 Rugby Street MALVERN SA, 5061 Australia
Submission Date	20/01/2026 10:34 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The specific reasons I believe that planning consent should be refused are: The structure is significantly out of scale with the area and will sufficiently impact the views of all the neighbouring houses and shops, and aesthetically it does not fit in with the current look and feel of the area the neighbourhood has a truly historic feel, with many preserved buildings. The additional 68 dwellings will impact the Traffic, on-site parking, street parking and road safety immensely as Unley road is already a very busy road and will place additional pressure on existing intersections and school-related traffic near Walford Girls School. The height and position of the building mean people will be able to look straight into nearby homes and even into the school grounds. This creates obvious privacy issues for resident. The redevelopment risks displacing small, local businesses currently operating on the site. These businesses contribute to the local village identity and support the economic and social vibrancy of the area. For all of the reasons outlined above, I believe this development in its current form is not suitable for the Community in Unley Road. The scale, traffic impacts, parking pressures, loss of privacy, heritage concerns, and the disruption to local businesses collectively pose a significant risk to the character and amenity of the area. I respectfully ask that the State Planning Commission refuse planning consent, or require substantial amendments to ensure the development better aligns with the neighbourhood's established values and the expectations of the local community.

Attached Documents

Representations

Representor 45 - Ruth Hanley

Name	Ruth Hanley
Address	102 Cheltenham Street MALVERN SA, 5061 Australia
Submission Date	20/01/2026 01:06 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Building height: Buildings fronting Unley Road are predominantly single and two-storey. The tallest buildings are the unattractive 7 storey apartment blocks further north where there is a higher concentration of businesses. An 8 storey 28.5 metre building would be completely out of keeping with the surrounding area of the Malvern part of Unley Road. It also raises very worrying privacy concerns as it would overlook multiple surrounding residential properties and especially Walford Girls School across the road which would be wholly inappropriate. Design: Malvern has been an attractive, established suburb of traditional character. Any new development should complement this. The proposed design is yet another unimaginative, flat-roofed, box-like, glass and cement structure which will be an additional blight on the landscape. It's a cookie cutter, so-called "contemporary" design similar to all the townhouse and apartment buildings that are cropping up all over greater Adelaide eg Bowden, St Clair, Glenside - to name just a few. The inclusion of the "two-storey stone building of historic character" on the corner does little to alleviate the overall uninspiring sameness of the building. Traffic and Parking: Unley Road already has serious traffic issues and this proposed development would only exacerbate them with more residents driving into and out of the site, even if the basement car parks are adequate (not sure how the remote-controlled door would work for the general public driving into basement level 01) . Existing Businesses: These play an important role in providing local retail activity and day-to-day services to the surrounding community. They are very popular and well supported as can be seen by the fact that the car park is always busy. If they are forced to move, it would be a blow not only to the business owners themselves, but also to their loyal customers.

Attached Documents

Representations

Representor 46 - Steve Schumacher

Name	Steve Schumacher
Address	13 Royal Avenue HYDE PARK SA, 5061 Australia
Submission Date	20/01/2026 01:59 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Refer attached.	

Attached Documents

Submission-for-259-269-Unley-Road-SCS-20Jan2026-1576898.pdf

Re: Development Number 25036473 - Applicant: Malvern Development SA Pty Ltd

Firstly, I want to register my concerns with the lack of good faith shown by Plan SA in releasing this planning application on December 24th 2025, and expecting submissions by January 21st 2026, a time when people are celebrating Christmas and often holidaying away. This unfortunate timing means that residents have had little time to deal with the complex issues involved in this major planning application.

I oppose this application in its present form as set out below.

Building Height

Relevant code provisions:

Urban Corridor [Main Street] Zone-DO3, PO2

General Development Policies- Built Form and Scale -PO1

This proposed 8 level development of 28.5 metres is in the Urban Corridor Zone, where the maximum height envisaged in the Planning and Design Code is 5 levels (18.5 metres). It is 3 levels and 10 metres higher than that allowed for this zone. Worse still, the proposed building height does not include the roof mounted plant.

The site has been given significant development status due to its size and the Code gives a credit of 30% uplift above the maximum zone height. This allows a height of 24.05 metres, which is significantly below the 28.5 metres of the proposed development.

The height remains at significant variance with the Code.

It sets a precedent for Unley Road in the future, so that other higher building proposals can leverage on approval of this proposal. The character of Unley is low rise, leafy, and quiet with limited traffic.

Excessive building mass

Relevant Code provisions:

Urban Corridor Zone DO1 PO 4.1

General Development Policies: Interface between land policies and Significant Development sites PO 5.2

The bulk and the mass of this development are huge and will dominate the skyline of the suburb characterised by single storey housing. There will be no visual relief from this structure for local residents as envisaged by the preferred outcomes in the Act.

The northern end of the building facing Eton Street dominates this road, has no transition back and contributes to the massive visual intrusion of the building into a small roadway and the views of residents to the east.

The southern end of the proposal, with its limited transition, presents even more massing and bulk to the adjoining residents and urgently needs reviewing to reduce the intrusion into their light and space.

The proposal does not conform to these sections of the Code.

The building interface

Relevant Code provisions:

Building Height and Interface 8.3.2 PO 3.1.3.2. PO 4.1

The Code envisages a 30 degree angle of interface between a high rise development and a neighbourhood zone. Given the setbacks from the upper storeys it appears the 30 degree rule is not met from the eastern boundary to the upper floors.

Screening, planter boxes and landscaping are put forward to address this transition from low rise residential zone but these decorative elements do not compensate for **the proposed development's fundamental failure to comply with the intention of the Code.**

Access to Sunlight and Over Shadowing and Overlooking

Relevant Code Provisions:

Interface between Land Uses Part 8.8.4 PO3.1 and 3.2

Interface Between land Uses Design in Urban areas PO 10.2

Residential Development Medium and High Rise PO 28.1 28.2

The intent of the Code is to preserve residents' access to natural sunlight as measured at the winter solstice. The proposal states tall trees in the gardens of adjoining residences already reduce access, and states that the impact of the development will be negligible, but the shadow drawings do not make this clear.

All indicative guidelines in the Urban Design High Rise Section of the Act highlight development must mitigate direct overlooking of habitable rooms and private open space. The multiple balconies, communal terraces and elevated pool result in direct overlooking of adjoining properties. The proposed planter boxes and partial screening do not adequately address these issues.

The intentions of the Code are not met.

Parking and traffic

Relevant Code Provisions:

Urban Corridor Zone Significant Development Sites Movement, Parking and Access PO6.1 DTS/DPF6.1

167 parking spaces are allocated in the proposal, with 18 on the ground floor for public use and 71 parking spaces in basement 01.

18 carparks are insufficient for ground floor commercial tenancies, which will need parking for employees, shoppers, delivery vehicles etc. It is not clear if basement 01 will be locked to the public at night. Patrons of any night commercial activity e.g.

restaurants and bars, as envisaged in the proposal, may have access to only 18 spaces.

Each of the 68 apartments has allocation for one car, but it appears there is inadequate allocation for 2 +car households in the apartments.

As a result, it is likely that Eton Street will be used for parking by families in the apartments and patrons of commercial activities limiting access for residents' visitors.

Eton Street is often used for patrons of the nearby liquor store, which adds to lack of car parks on Eton Street. If the proposal to locate a doctor's surgery at 68 Eton Street is approved by Unley Council this will further add to parking problems.

Unley Road is an arterial road, with a reported 67,000 plus vehicle movements per day. Local residents know it is almost impossible to cross the road at peak hours by foot or car. The traffic report in the proposal states cars will be able to turn right into Unley Road on an opportunistic basis during peak hours, which locals will know is fanciful.

The increased traffic from the apartments will more than likely turn left into Unley and Fisher Streets, Cambridge Terrace and turn into Wattle or Oxford streets to go north along Unley Road. The latter 2 roads are always busy at morning peak hour, as is the eastern end of Eton Street merging into Duthy Street.

The proposal does not address all of these issues and how they will be managed to avoid creating long term problems for residents and local businesses.

As there is no clarity in the proposals about these issues the development proposal does not satisfy the Code

Unley Planning for Growth document

The Guiding Principles of the Unley Council's draft Planning for Growth document include an expanded urban green infrastructure network, more liveable places for all, improved access to green spaces, and strategic infill sites which include additional community facilities and open space. This development fails to meet these principles adopted by Unley Council in 2024.

In conclusion, I do not support this development proposal in its present form. I support development on this site which is significantly lower in height and mass, prevents overlooking and overshadowing, addresses issues of traffic and parking and complies with the principles of the Unley Planning for Growth document.

I request that SCAP rejects this application.

Steve Schumacher
13 Royal Avenue
Hyde Park SA 5061

20 January 2026

Representations

Representor 47 - Jim Allender

Name	Jim Allender
Address	21 Salisbury Street UNLEY SA, 5061 Australia
Submission Date	20/01/2026 04:52 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons See attached document	

Attached Documents

259-269_UnleyRoadSubmission-Opposing-Development-Application_Jim-1577040.pdf

The State Commission Assessment Panel

Attention: Daniel Moretti, Planning Officer daniel.marotti@sagov.au Re:

Development Number 25036473 Applicant: Malvern Development SA Pty Ltd

**Submission Opposing Development Application – 259–269 Unley Road, Malvern
(Development No. 25036473)**

I submit the following objection to the proposed development at 259–269 Unley Road, Malvern. The proposal is inconsistent with multiple provisions of the Planning and Design Code, including Desired Outcomes (DOs), Performance Outcomes (POs), Deemed-to-Satisfy/Designated Performance Features (DTS/DPFs), and General Development Policies. The development fails to appropriately respond to its Urban Corridor (Business) Zone frontage and to its sensitive interface with the adjoining Suburban Neighbourhood Zone to the east and south-east.

1. Excessive Height and Bulk – Non-Compliance with Zone Height Policies

Urban Corridor (Business) Zone

- **DO 1** seeks *“a medium-rise, mixed-use environment that responds to local context.”*
- **PO 4.1** requires building height to *“reinforce the desired scale of the locality and transition sensitively to adjacent lower-intensity zones.”*

The proposed eight-storey (approx. 28.5 m) building exceeds the scale anticipated for this section of Unley Road and does not provide the required transition to the Suburban Neighbourhood Zone to the east and southeast.

Suburban Neighbourhood Zone

- **DO 1** seeks *“predominantly low-rise residential development.”*
- **PO 2.1** anticipates building heights of **1–2 storeys**.

The proposal’s height and massing are incompatible with the low-rise character of the adjoining residential area and fail to meet the interface expectations between zones.

2. Poor Transition and Overbearing Interface – Breach of Interface Between Land Use Policies

The Planning and Design Code requires development to avoid unreasonable impacts on adjacent residential properties.

Interface Between Land Uses General Development Policies

- **PO 3.1** requires development to *“minimise adverse impacts on the amenity of sensitive receivers.”*

- **PO 4.1** requires *“building massing and setbacks that reduce visual dominance.”*

The proposal presents an abrupt, visually intrusive interface to the east and south-east, where established low-rise dwellings are located. The lack of stepping, inadequate setbacks, and insufficient modulation result in an overbearing built form contrary to the Code’s interface management principles.

3. Overshadowing and Overlooking – Non-Compliance with Amenity Protection Provisions

Design in Urban Areas

- **PO 3.1** requires development to *“maintain adequate daylight to adjacent buildings and private open space.”*
- **PO 3.2** requires overshadowing to be minimised.
- **PO 4.1** requires *“design measures to minimise direct overlooking into habitable rooms and private open space.”*

Suburban Neighbourhood Zone

- **PO 4.1–4.3** require protection of solar access and avoidance of unreasonable overshadowing.
- **PO 5.1–5.3** require privacy protection through separation distances and screening.

The proposed height and siting will cast significant shadows over dwellings to the **east and southeast**, reducing solar access to living areas and gardens. Upper-level balconies and glazing provide direct overlooking at distances that do not meet the Code’s privacy expectations.

4. Inadequate Parking and Unsupported Traffic Assumptions – Breach of Transport and Access Policies

Transport, Access and Parking General Development Policies

- **PO 1.1** requires development to provide *“safe and convenient access and egress.”*
- **PO 2.1** requires *“sufficient on-site parking to meet anticipated demand.”*
- **PO 3.1** requires development to *“avoid unreasonable impacts on the operation of the transport network.”*

The proposal provides on-site parking in proportion to the number of dwellings and commercial tenancies. The assumption of significant modal shift is not supported by current public transport service levels along Unley Road. No robust traffic impact

assessment has been provided to demonstrate that Unley Road and nearby residential streets can safely accommodate the increased traffic volumes.

5. Absence of Affordable Housing – Inconsistency with Affordable Housing Overlay

Affordable Housing Overlay

- **PO 1.1** seeks the inclusion of affordable housing in developments of significant scale.
- **DPF 1.1** typically requires **15% affordable housing** in qualifying developments.

The proposal does not include any guaranteed affordable housing component. Given the scale of the development, this omission is inconsistent with the Overlay's objectives and undermines the public benefit case for the proposal.

6. Strategic Misalignment – Conflict with Council's Planning for Growth Principles

The City of Unley's strategic directions emphasise:

- Context-sensitive infill
- Protection of neighbourhood character
- Appropriate transitions to residential zones
- Concentration of higher-density development in designated nodes and corridors

The proposal's height, bulk, and inadequate interface treatment conflict with these principles and risk establishing an undesirable precedent for out-of-scale development outside clearly defined growth areas.

Conclusion

Based on the above Code-referenced assessment, the proposal:

- Fails to meet key **Desired Outcomes** and **Performance Outcomes** of the Urban Corridor (Business) Zone
- Conflicts with the **Suburban Neighbourhood Zone** interface expectations
- Breaches **General Development Policies** relating to design, amenity, transport, and interface management
- Does not satisfy the **Affordable Housing Overlay**
- Is inconsistent with the City of Unley's strategic planning directions

Accordingly, I request that the application be refused in its current form.

Should the Commission consider approval, it must require:

- Substantial reductions in height and massing
- Improved setbacks and transitions to residential interfaces
- Adequate on-site parking
- Inclusion of an affordable housing component
- Demonstrated compliance with the Planning and Design Code

Jim Allender

21 Salisbury Street, Unley 5061

Representations

Representor 48 - Joanne Fryar

Name	Joanne Fryar
Address	21 Salisbury St UNLEY ADELAIDE SA, 5061 Australia
Submission Date	20/01/2026 06:47 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons MANY MANY REASONS - SEE PDF FILE ATTACHMENT IN SECTION 4 BELOW (Cant copy well into this box)	

Attached Documents

Submission-Opposing-Development-Application-1577093.pdf

Submission Opposing Development Application – 259–269 Unley Road, Malvern (Development No. 25036473) (By Focus member).

I submit the following objection to the proposed development at 259–269 Unley Road, Malvern. The proposal is inconsistent with multiple provisions of the Planning and Design Code, including Desired Outcomes (DOs), Performance Outcomes (POs), Deemed to Satisfy / Designated Performance Features (DTS/DPFs), and General Development Policies. It also fails to align with the **strategic planning directions** that guide development along Unley Road and within the City of Unley.

1. Excessive Height and Bulk – Non Compliance with Zone Height Policies

Urban Corridor (Business) Zone

DO 1 seeks *“a medium rise, mixed use environment that responds to local context.”*

PO 4.1 requires building height to *“reinforce the desired scale of the locality and transition sensitively to adjacent lower intensity zones.”*

The proposed eight storey (approx. 28.5 m) building exceeds the scale anticipated for this section of Unley Road and **does not provide the required transition to the Suburban Neighbourhood Zone to the east and southeast.**

Suburban Neighbourhood Zone

DO 1 seeks *“predominantly low rise residential development.”*

PO 2.1 anticipates building heights of **1–2 storeys.**

The proposal’s height and massing are incompatible with the low rise character of the adjoining residential area and fail to meet the interface expectations between zones.

2. Overbearing Interface – Breach of Interface Between Land Uses Policies

Interface Between Land Uses General Development Policies

PO 3.1 requires development to *“minimise adverse impacts on the amenity of sensitive receivers.”*

PO 4.1 requires *“building massing and setbacks that reduce visual dominance.”*

The proposal presents an abrupt and visually intrusive interface to the **east and southeast**, where established low rise dwellings are located. The lack of stepping, inadequate setbacks, and insufficient modulation result in an overbearing built form contrary to the Code’s interface management principles.

3. Overshadowing and Overlooking – Non Compliance with Amenity Protection Provisions

Design in Urban Areas

PO 3.1 requires development to maintain adequate daylight to adjacent buildings and private open space.

PO 3.2 requires overshadowing to be minimised.

PO 4.1 requires design measures to minimise direct overlooking.

Suburban Neighbourhood Zone

PO 4.1–4.3 require protection of solar access and avoidance of unreasonable overshadowing.

PO 5.1–5.3 require privacy protection through separation distances and screening.

The proposed height and siting will cast significant shadows over dwellings to the east and southeast, reducing solar access to living areas and gardens. Upper level balconies and glazing introduce direct overlooking at distances that do not satisfy the Code's privacy expectations.

4. Parking Shortfalls and Unsupported Traffic Assumptions

Transport, Access and Parking General Development Policies

PO 1.1 requires safe and convenient access and egress.

PO 2.1 requires sufficient onsite parking to meet anticipated demand.

PO 3.1 requires development to avoid unreasonable impacts on the transport network.

The proposal underprovides onsite parking relative to the scale of residential and commercial uses. The assumption of significant modal shift is not supported by current public transport service levels. No robust traffic impact assessment has been provided to demonstrate that Unley Road and nearby residential streets can safely absorb the increased traffic volumes.

5. Absence of Affordable Housing – Inconsistency with Affordable Housing Overlay

Affordable Housing Overlay

PO 1.1 seeks the inclusion of affordable housing in significant residential developments.

DPF 1.1 typically requires **15% affordable housing** in qualifying developments.

The proposal does not include any affordable housing component. Given the scale of the development, this omission is inconsistent with the Overlay's objectives and undermines the public benefit case for the proposal.

6. Misalignment with Strategic Planning Directions

The proposal does not align with the **strategic planning directions** that guide development within the City of Unley and along Unley Road, including:

The need for **context-sensitive infill**

Protection of **neighbourhood character**

Graduated transitions between higher intensity and low intensity zones

Concentration of higher density development in **appropriate nodes and corridors**, with careful management of residential interfaces

Ensuring that development contributes positively to **local amenity, walkability, and public realm quality**

The excessive height, inadequate transition to the Suburban Neighbourhood Zone, and unresolved amenity impacts conflict with these directions and risk establishing an undesirable precedent for out of scale development outside clearly defined growth areas.

Conclusion

Based on the above Code-referenced assessment, the proposal:

Fails to meet key **Desired Outcomes** and **Performance Outcomes** of the Urban Corridor (Business) Zone

Conflicts with the **Suburban Neighbourhood Zone** interface expectations

Breaches **General Development Policies** relating to design, amenity, transport, and interface management

Does not satisfy the **Affordable Housing Overlay**

Is inconsistent with the **strategic planning directions** that guide development in the City of Unley (see points re that made above)

Accordingly, I request that the application be refused in its current form.

If the Commission considers approval, it must require:

Substantial reductions in height and massing

Improved setbacks and transitions to residential interfaces

Adequate onsite parking

Inclusion of an affordable housing component

Demonstrated compliance with the Planning and Design Code and strategic planning directions

Joanne Fryar

C/- 21 Salisbury St Unley SA 5061

Focus (Friends of City of Unley)

Member

Representations

Representor 49 - Ben Wilsmore

Name	Ben Wilsmore
Address	PO Box 1 UNLEY SA, 5061 Australia
Submission Date	20/01/2026 07:39 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns
Reasons To whom it may concern, Please refer to the attached PDF outlining concerns with the development.	

Attached Documents

GM-City-Shaping-25036473-Representation-1577104.pdf



20th January 2026

The Secretary State Commission Assessment Panel
GPO Box 1815
Adelaide SA 5001
via PlanSA portal

Attention: Daniel Marotti

Dear Daniel

REPRESENTATION: DA 25036473 – 259-269 Unley Road, Malvern

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

Malvern Development SA Pty Ltd

I, the General Manager City Shaping of The City of Unley, wishes to submit the following representation on the above application.

In principle we are supportive of the intent of the development, making a positive contribution to the streetscape quality of Unley Road and the anticipated increased activation from the commercial, retail and residential mix of the proposed development.

The Council has appreciated the applicant's early and positive interaction with Council staff to implement the objectives of the *Unley Road Public Realm Design Guidelines* in conjunction with the proposal. The Council looks forward to continuing to work collaboratively with the applicant on such matters to enhance Unley Road and Eton Street. It is noted that the expanded public realm and opportunity to integrate greening (street trees) into Eton Street helps to address the overscale of the built form fronting onto Unley Road corner.

The design is recognised as a quality architectural proposal which references its contextual surrounds. However, there are a number of elements of the proposal's current built form, composition, and massing that require amendment prior to being supported for approval. Of particular concern are the following aspects of the development:

- *The subject land meets the conditions for the site to be considered a Significant Development Site as per PO/DPF 5.1 of the Urban Corridor (Main Street) Zone.*

The development proposes increased development yield on the site while not satisfying any of the provisions of DPF 5.1 or displaying how the intent of PO 5.1 is being met. The disregard for the PO/DPF provisions undermines the intent of *the Code*.

- *PO/DPF 4.1 seeks to ensure that developments have been designed to mitigate interface and massing impacts on adjacent dwellings within the Established Neighbourhood Zone.*

The proposed development results in an imposing built form that fails to adequately respond to this interface, leading to unreasonable visual dominance and amenity impacts on neighbouring properties. Satisfying the DPF of a 30-degree building envelope is

CITY of VILLAGES

Civic Centre 181 Unley Road
Unley, South Australia 5061
Postal PO Box 1
Unley, South Australia 5061

Telephone (08) 8372 5111
pobox1@unley.sa.gov.au
unley.sa.gov.au

considered a critical measure of ensuring compatibility between such corridor development and established housing areas (that are recognised by the application of a Historic Area Overlay). The adjoining residents would be significantly impacted throughout autumn and winter as a result of the excessive bulk and form of the development. The provision of the Communal Terrace is encouraged, however its placement beyond the 30-degree building envelop and in close proximity to the neighbouring residents, raises long term concerns from potential overlooking and impacts of sound as a result of upper storey activation

- The lack of affordable housing provision within the development (when seeking to take advantage of increased yield and height) represents a significant conflict with the aim and policy intent of the Code to deliver broader community benefits through the planning system (particularly given the acknowledged increasing demand for affordable housing).

We recognise that the Code is required to be exercised in a balanced fashion and considered in the whole. However, the above concerns are fundamental matters to be considered.

I confirm that a delegate of the General Manager City Shaping from the City of Unley wishes to be heard in support of this representation when presented to a State Commission Assessment Panel (SCAP) meeting.

We also remain open to exploring with the applicant (and officers of DHUD), potential solutions to the matters raised in this representation prior to the matter being considered by the SCAP.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ben Willsmore', with a long horizontal flourish extending to the right.

Ben Willsmore FAILA
General Manager City Shaping
City of Unley

Representations

Representor 50 - Charlotte Markwick

Name	Charlotte Markwick
Address	53 Eton Street MALVERN SA, 5061 Australia
Submission Date	20/01/2026 08:39 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I do not support the development. 1.) Building Height and Structure - The proposed 8 levels far exceeds the Urban Corridor Code for height. - The Malvern suburb in which this development will reside is a leafy, low rise, green suburb full of heritage buildings. This development is not in keeping with the low rise, calm and quiet suburb. It is at odds with the Unley Council principles of an extended green infrastructure and more liveable places for all. This accommodation is not family friendly or affordable (where is the grass? the playground?). It will be expensive living, high end and not at all suitable for young families. - It sets a precedent for further developments leading to more impact of the above nature on the suburb - This building is huge. It is absolutely not in keeping with the suburb. There is nothing of this size in the area and it should be kept this way, as per the code. - The design also exceeds the 30 degree transition envelope. - Multiple balconies, communal terraces and elevated pool result in direct overlooking 2.) Parking and Traffic - 167 parking spaces is not adequate for a building of this size. The 18 spaces allocated for ground floor tenancies / commercial use when you account for staff and patrons is absolutely going to cause overspill into the local residential areas. In additional, it is unrealistic that each apartment will only have one car. Multiple residents and visitors means that with provisions for only one space for each apartment, there will be enormous overspill into Eton and Rugby street. - Rugby Street is a cycle lane. It is a pathway for children riding to Unley Primary and Walford to keep off Unley Road. Increasing traffic in this area puts children commuting on foot and by bike to and from school at risk. Increasing parked and moving cars in this area is dangerous. - More traffic will be travelling along Wattle Street increasing traffic in front of Unley Primary School. - Unley Road is extremely congested at peak hour. It is impossible to turn right from Fisher Street and traffic already queues from Cross Road back to the proposed development site. There is not enough infrastructure on Unley Road to accommodate the number of residences proposed in this area.

Attached Documents

Representations

Representor 51 - Linda Vivian

Name	Linda Vivian
Address	196 fisher st MALVERN SA, 5061 Australia
Submission Date	20/01/2026 08:51 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

I don't think 8 stories is ok. I oppose the amount of dwellings in this block. It will have a huge impact on parking in our street. I can't get a park out the front of my own home now and bit will be chaos if this huge development goes ahead. Plus how are the developers going to dig down far enough to provide the required amount of parking for the residents and shoppers/ Diners?? The water table is close to the surface, and they will hit water and not be able to dig as deep as they SAY. it's a no for 8 stories. Max 5 stories.

Attached Documents

Representations

Representor 52 - Lucinda Hewitson

Name	Lucinda Hewitson
Address	76 Cambridge Tce MALVERN SA, 5061 Australia
Submission Date	20/01/2026 09:02 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons

My family has the following concerns regarding this development are as follows; Traffic Management once completed – drivers at the new apartment will likely need to take a right-hand turn from Eton Street onto Unley Road to access the CBD. At 8am in the morning, with peak hour traffic on Unley Road, we anticipate this will result in traffic backing up on Eton St and in the apartment building car park, resulting in drivers deciding to take a left turn onto Unley Road and then another left turn onto Fisher Street to access either Unley Road, Duthy St or Fullarton Road to access the CBD as an alternative. As our home is on the corner of Fisher St and Cambridge Terrace (on the roundabout), we anticipate this leading to a considerable increase in traffic on both roads and congestion at the round about before 9am. This extra traffic raises concerns regarding pedestrian safety, traffic noise, traffic accidents at the round about and the ability for us to access Fisher Street with our own vehicles, or cross either Cambridge Tce. Traffic Management during construction – the apartment building will require many vehicles transporting building materials, equipment, and labour to a from the site during the lengthy construction period. Fisher Street and the round about at Cambridge Terrace is not designed to accommodate large vehicles and heavy loads. . This extra traffic raises concerns regarding pedestrian safety, traffic noise, traffic accidents at the roundabout and the ability for us to access Fisher Street with our own vehicles at this time of the morning. Shadow Impact on Eton and Fisher Streets – the architect report omitted shadow drawings for any timings after 3pm. This is a significant omission for the residents on Eton and Fisher Streets who will be overshadowed by the new apartment building in the afternoons. Many residents will be out of their homes before 3pm and more likely to be at home later in the afternoon once school and work conclude. This overshadowing raises concerns for the residents regarding their solar power efficiency and privacy and access to sunlight. While this won't impact our home, we have friends who live more closely to the proposed development who are very distressed by how this over shadowing will effect their homes and well-being. Building Height – the visual impact on Unley Road of the 28-metre-high building will drastically change the visual appearance of the local area. We understand that the maximum allowable height should be 5 stories and do not agree with the proponents reasoning for a design of 7 stories. Best regards, Lucinda

Attached Documents

Representations

Representor 53 - James Geue

Name	James Geue
Address	U 4 22 FIFE AVE TORRENS PARK SA, 5062 Australia
Submission Date	21/01/2026 10:54 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Malvern Village has been an iconic and beloved place to get great food and support family businesses for many people across the southern suburbs for over 3 decades. I currently work on Unley Road as a Building Designer for an architectural firm, I first visited the Malvern Village as early as the late 90s, frequenting the shops from 2008 when I started going to highschool in the area. I believe Malvern village is an established part of Malvern and it is morally wrong to be pushing out families/established businesses to capitalise on personal income, especially when you consider that the owner doesn't even reside in Adelaide. The owner of such an iconic property should be responsible for maintaining a level of community and connection within this area, without profiting off the expense of others. There are currently multiple multi-housing blocks being constructed along Unley Road (108 Unley Rd, 42-46 Unley Rd, 392-394 Unley Rd). One impact that has been occurring particularly since the development of Two Four Six and Hyde Park Place is a major lack of carparking. This would be further exacerbated by the malvern village proposed development, while also pushing unwanted traffic and carparking onto existing residents in the area. Overall it is an unnecessary course of action that will create more problems for Unley/Parkside/Malvern than solve. This proposal should not go ahead, for the wellbeing of our community.

Attached Documents

Representations

Representor 54 - Ailish Battersby

Name	Ailish Battersby
Address	44 Eton St, Malvern SA 5061 MALVERN SA, 5061 Australia
Submission Date	21/01/2026 01:06 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons -taller than the zoning allows in overall height -more floors than the zoning allows -poor quality finishes with exterior not in keeping with historic aesthetic of Malvern	

Attached Documents

Representations

Representor 55 - Maria Kassapis

Name	Maria Kassapis
Address	52 Eton Street MALVERN SA, 5061 Australia
Submission Date	21/01/2026 01:44 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Please refer to supporting documentation	

Attached Documents

Objection-Letter259-269-Unley-Road-Kassapis--1577315.pdf

21 January 2026

Daniel Marotti
State Planning Commission
Level 5, 50 Flinders Street
Adelaide SA 5000

Daniel.Marotti@sa.gov.au

Dear Daniel

Objection to DA 25036473 at 259-269 Unley Road, Malvern

Introduction

I write to formally object to the above-mentioned development application.

The proposed development seeks substantial variations from the Planning and Design Code provisions relating to building height and building envelope. These variations are significant and are outlined in detail below.

Building Height Variation

The Urban Corridor (Main Street) Zone includes the following provisions relevant to building height:

PO 3.1

Building height should be consistent with the form expressed in the Maximum Building Height (Levels) and Maximum Building Height (Metres) Technical and Numeric Variation layers, or positively respond to the local context, including site frontage, depth, and the characteristics of the adjacent primary road corridor or street width.

DPF 3.1

Except where a Concept Plan specifies otherwise, development does not exceed:

- a maximum building height of 5 levels; and
- a maximum building height of 18.5 metres.

The proposed development has a height of 8 levels and 28.5 metres. This exceeds the maximum guideline by 3 levels (approximately 60%) and 10 metres (approximately 54%).

While PO 3.1 allows for departures from the prescribed maximum height where there is a positive response to local context, this must be read in conjunction with **PO 5.1**, which sets out more specific circumstances under which increased height may be supported.

PO 5.1 permits additional height on consolidated significant development sites where off-site impacts are appropriately managed and a broader community benefit is delivered, such as enhanced design quality, community services, affordable housing, or sustainability outcomes.

DPF 5.1 allows an increase of up to 30% above the maximum height in DPF 3.1 where specific criteria are met, including the provision of affordable housing, supported accommodation, community services, or a defined number of high-quality design elements.

The proposed development does not include community services or affordable housing and does not demonstrate compliance with the number or type of key design elements required under DPF 5.1(d). The only aspect of the proposal that directly aligns with DPF 5.1 is the retention, conservation, and reuse of an existing building that contributes positively to local character.

Even if the site were to fully meet the requirements of DPF 5.1, the permissible increase would extend the development to approximately 7 levels and 24 metres. The proposal exceeds this outcome, reaching 8 levels and 28.5 metres.

In my view, the justification provided does not adequately support the additional height sought.

Building Envelope Variation

The following provisions of the Urban Corridor (Main Street) Zone relate to building height. The following provisions apply to development adjacent to the Established Neighbourhood Zone along the eastern boundary:

PO 4.1

Buildings should mitigate the impacts of building massing on residential development within neighbourhood-type zones.

DPF 4.1

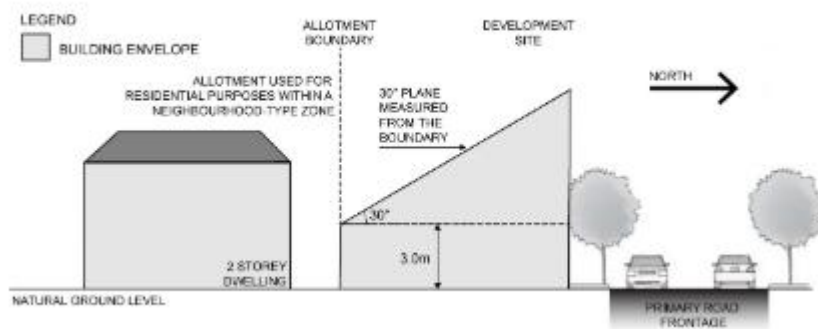
Buildings are to be constructed within a building envelope defined by a 30-degree plane measured from 3 metres above natural ground level at the boundary of residential allotments within a neighbourhood-type zone (excluding street boundaries).

The proposed development extends well beyond this prescribed building envelope, as illustrated in the accompanying images. However, these diagrams do not appear to be included within the Development Application documentation.

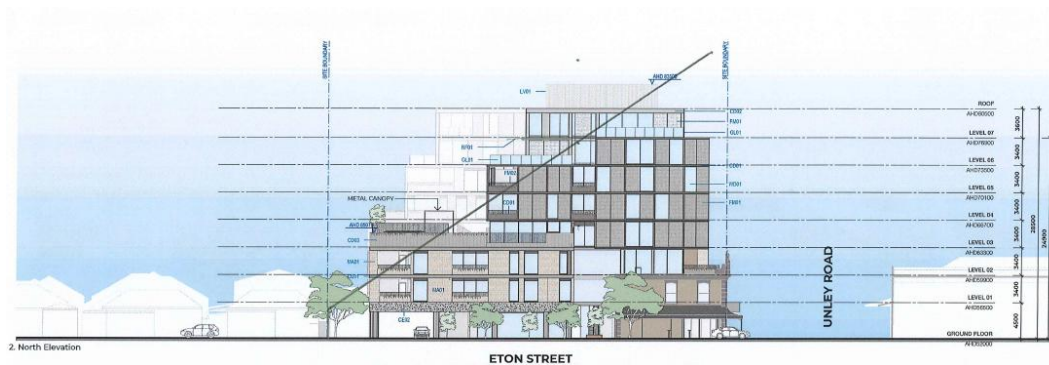
The planning report submitted with the application does not directly address this non-compliance with PO and DPF 4.1. Instead, it suggests that the sculpted and recessed built form reduces perceived scale when compared to a fully compliant 30-degree envelope and that horizontal separation and vertical recession deliver an acceptable amenity outcome.

An existing 6-metre-high wall along the eastern boundary is proposed to be retained. While this wall may partially screen views from immediately adjacent residential properties, its effectiveness diminishes with distance. The development will therefore create an unreasonable sense of enclosure for neighbouring residential properties to the east.

The extent of variation from PO and DPF 4.1 is considerable and, when combined with the excessive overall height of the proposal, is unacceptable.



This diagram shows that even when applying the maximum 30% height incentive contemplated under DPF 5.1, the proposed development exceeds the height that could reasonably be supported. This image highlights that the proposal extends beyond what is envisaged by the Code, even in circumstances where qualifying design or community benefits are provided.



The provided diagrams demonstrate the extent to which the proposed development intrudes beyond the 30-degree building envelope prescribed by DPF 4.1 at the interface with the Established Neighbourhood Zone. The scale of this encroachment is substantial and indicates non-compliance with the intended transition in built form between zones.

The bulk and height of the proposed development remain visually dominant at the eastern interface despite design measures such as recessing and sculpting. The image indicates that these measures are insufficient to adequately mitigate massing impacts on adjoining residential properties, contrary to PO 4.1.

The diagrams illustrate that while a 6-metre-high boundary wall is proposed to be retained, its screening effectiveness is limited. When viewed from residential properties further removed from the boundary, the development remains prominent, contributing to an unreasonable sense of enclosure and reduced residential amenity.



The proposed development is also likely to result in adverse traffic and parking impacts on Eton Street and surrounding residential streets. Given the scale and intensity of the development, it is reasonable to expect an increase in vehicle movements associated with residents, visitors, service vehicles, and deliveries.

Eton Street and nearby local streets are primarily residential in nature and are not designed to accommodate additional through-traffic or increased parking demand. Overflow parking is likely to occur where on-site parking is insufficient or inconvenient, resulting in reduced parking availability for existing residents and increased on-street congestion. This has the potential to compromise traffic safety, pedestrian amenity, and the overall residential character of the area, particularly during peak periods.

Conclusion

Thank you for the opportunity to make this representation. I submit that the proposed development involves significant and unjustified variations from key Planning and Design Code provisions relating to building height and building envelope.

I respectfully request the opportunity to be heard in support of this objection.

Yours sincerely,

Maria Kassapis

52 Eton Street, Malvern SA 5061

mkassapis@bigpond.com

Representations

Representor 56 - Constantine Kassapis

Name	Constantine Kassapis
Address	52 Eton Street MALVERN SA, 5061 Australia
Submission Date	21/01/2026 01:46 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Please refer to the attached letter of objection	

Attached Documents

Objection-Letter259-269-Unley-Road-Kassapis-2-1577317.pdf

21 January 2026

Daniel Marotti
State Planning Commission
Level 5, 50 Flinders Street
Adelaide SA 5000

Daniel.Marotti@sa.gov.au

Dear Daniel

Objection to DA 25036473 at 259-269 Unley Road, Malvern

Introduction

I write to formally object to the above-mentioned development application.

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PO 5.1 permits additional height on consolidated significant development sites where off-site impacts are appropriately managed and a broader community benefit is delivered, such as enhanced design quality, community services, affordable housing, or sustainability outcomes.

DPF 5.1 allows an increase of up to 30% above the maximum height in DPF 3.1 where specific criteria are met, including the provision of affordable housing, supported accommodation, community services, or a defined number of high-quality design elements.

The proposed development does not include community services or affordable housing and does not demonstrate compliance with the number or type of key design elements required under DPF 5.1(d). The only aspect of the proposal that directly aligns with DPF 5.1 is the retention, conservation, and reuse of an existing building that contributes positively to local character.

Even if the site were to fully meet the requirements of DPF 5.1, the permissible increase would extend the development to approximately 7 levels and 24 metres. The proposal exceeds this outcome, reaching 8 levels and 28.5 metres.

In my view, the justification provided does not adequately support the additional height sought.

Building Envelope Variation

The following provisions of the Urban Corridor (Main Street) Zone relate to building height. The following provisions apply to development adjacent to the Established Neighbourhood Zone along the eastern boundary:

PO 4.1

Buildings should mitigate the impacts of building massing on residential development within neighbourhood-type zones.

DPF 4.1

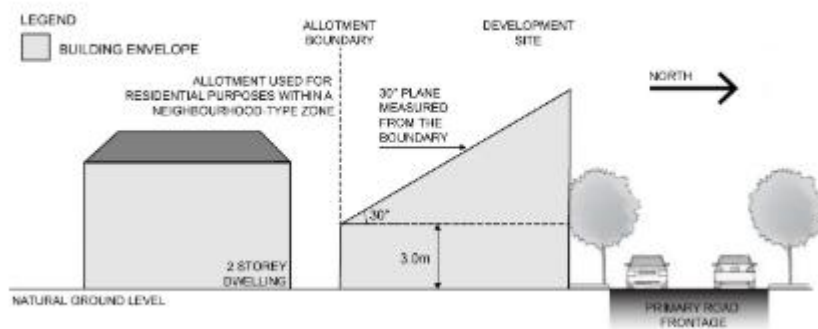
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The proposed development extends well beyond this prescribed building envelope, as illustrated in the accompanying images. However, these diagrams do not appear to be included within the Development Application documentation.

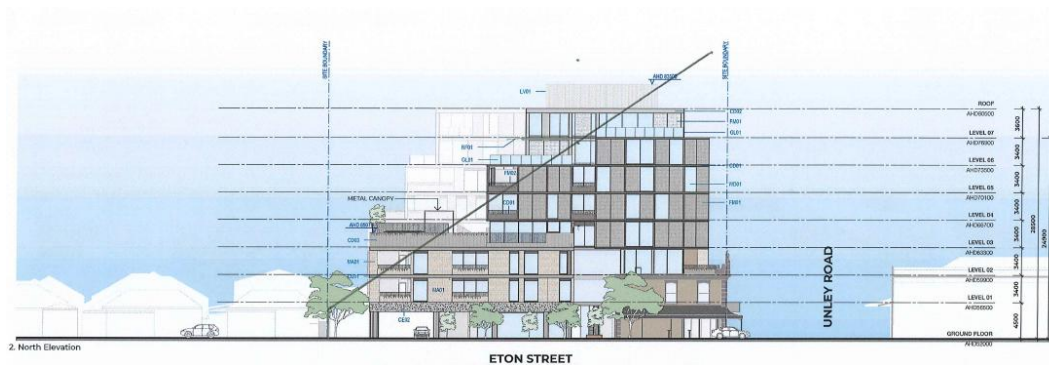
The planning report submitted with the application does not directly address this non-compliance with PO and DPF 4.1. Instead, it suggests that the sculpted and recessed built form reduces perceived scale when compared to a fully compliant 30-degree envelope and that horizontal separation and vertical recession deliver an acceptable amenity outcome.

An existing 6-metre-high wall along the eastern boundary is proposed to be retained. While this wall may partially screen views from immediately adjacent residential properties, its effectiveness diminishes with distance. The development will therefore create an unreasonable sense of enclosure for neighbouring residential properties to the east.

The extent of variation from PO and DPF 4.1 is considerable and, when combined with the excessive overall height of the proposal, is unacceptable.



This diagram shows that even when applying the maximum 30% height incentive contemplated under DPF 5.1, the proposed development exceeds the height that could reasonably be supported. This image highlights that the proposal extends beyond what is envisaged by the Code, even in circumstances where qualifying design or community benefits are provided.



The provided diagrams demonstrate the extent to which the proposed development intrudes beyond the 30-degree building envelope prescribed by DPF 4.1 at the interface with the Established Neighbourhood Zone. The scale of this encroachment is substantial and indicates non-compliance with the intended transition in built form between zones.

The bulk and height of the proposed development remain visually dominant at the eastern interface despite design measures such as recessing and sculpting. The image indicates that these measures are insufficient to adequately mitigate massing impacts on adjoining residential properties, contrary to PO 4.1.

The diagrams illustrate that while a 6-metre-high boundary wall is proposed to be retained, its screening effectiveness is limited. When viewed from residential properties further removed from the boundary, the development remains prominent, contributing to an unreasonable sense of enclosure and reduced residential amenity.



The proposed development is also likely to result in adverse traffic and parking impacts on Eton Street and surrounding residential streets. Given the scale and intensity of the development, it is reasonable to expect an increase in vehicle movements associated with residents, visitors, service vehicles, and deliveries.

Eton Street and nearby local streets are primarily residential in nature and are not designed to accommodate additional through-traffic or increased parking demand. Overflow parking is likely to occur where on-site parking is insufficient or inconvenient, resulting in reduced parking availability for existing residents and increased on-street congestion. This has the potential to compromise traffic safety, pedestrian amenity, and the overall residential character of the area, particularly during peak periods.

Conclusion

Thank you for the opportunity to make this representation. I submit that the proposed development involves significant and unjustified variations from key Planning and Design Code provisions relating to building height and building envelope.

I respectfully request the opportunity to be heard in support of this objection.

Yours sincerely,

Maria Kassapis

52 Eton Street, Malvern SA 5061

mkassapis@bigpond.com

Representations

Representor 57 - Brigid Brown

Name	Brigid Brown
Address	7 Church St HIGHGATE SA, 5063 Australia
Submission Date	21/01/2026 01:54 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

• Incompatible with surrounding scale and character The proposed height is entirely out of keeping with the predominantly single-storey streetscape. An 8-storey building would dominate and overwhelm neighbouring properties, disrupting the established human scale of the area. • Loss of heritage and historic character Malvern and Unley Road are valued for their heritage shopfronts and traditional streetscape. A building of this height would erode the visual coherence and historic charm that define the area and make it attractive to residents and visitors. • Visual dominance and streetscape impact The building would create a visually intrusive presence, casting excessive shadow, blocking sightlines, and diminishing the aesthetic appeal of adjacent heritage buildings. • Precedent for overdevelopment Approval of such a development would set an undesirable precedent, encouraging further high-rise proposals that would progressively erode the heritage and character of the precinct. • Negative impact on local amenity Increased bulk and height would likely result in reduced sunlight, privacy loss, and increased noise and congestion, adversely affecting neighbouring properties and the overall liveability of the area. • Contrary to community expectations and planning intent Residents expect development along Unley Road in Malvern to respect the established heritage character and low-rise nature of the precinct. An 8-storey development is inconsistent with these expectations and the spirit of sensitive, context-appropriate urban development.

Attached Documents

Representations

Representor 58 - May Chen

Name	May Chen
Address	46 ETON STREET MALVERN SA, 5061 Australia
Submission Date	21/01/2026 02:10 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

The specific reasons I believe that consent should be refused are: As a resident of Eton Street, the proposed development plan 25036473 raises significant concerns and I respectfully oppose the application due to the points highlighted below: · The development building height exceeds maximum height allowable by Planning and Design Code. Even if 30% height uplift is granted, the plan still exceeds maximum height. This is a serious deviation from Planning and Design Code that should not be accommodated. · The development backs onto single storey residential areas and encroaches into neighbouring residence's 30 degree envelope. This is a serious deviation that should not be entertained. · Serious concerns around sufficiency of car parks for new residences, retail staff and patrons. The new 246-248 Unley development presents an example of overspill of carparks into neighbouring streets and public carparks. Metro shopping carpark is now consistently full of patrons parking their cars and walking over to cafes in the new development. Cars line up the already narrow Opey Avenue, making it difficult to navigate along this road. It would be very convenient for apartments without carpark allocated to use off street parks along Eton, Fisher, Clifton and Rugby as these streets don't have parking time limits. This should not be allowed to happen. There are great lessons to learn from the 246-248 Unley development. · Serious traffic management concerns around Eton Street and Unley Road junction. Carwash patrons often form a queue along Eton Street. Couple that with cars entering Eton Street from Unley Road to access basement carpark, there is a high likelihood of cars backing up along Unley Road at this junction, creating a traffic hazard. When cars do back up along Unley Road, turning right from Eton Street would be very dangerous, therefore forcing drivers to de-tour to Fisher, Rugby/Cambridge, Wattle/Oxford then Unley Road. Increased traffic in residential area is a real concern. · Although not proposed as part of Development Plan, there are serious concerns over removing Eton Street no through road post Development Application to aid traffic congestion. Removing this no through road will seriously impact neighbourhood privacy and destroy this quiet neighbourhood. Council should not allow any modification to Eton Street dead end. · The development design erodes established streetscape rhythm and heritage character of Unley Road. Bulk and facade articulation are insufficient to visually reduce apparent massing. This intrusive built, predominantly due to size and height creates an unacceptable visual dominance and will be visible from not only nearby residents but residents along Eton and Fisher Street. · Development approval would set a precedent for over-scaled built form along this corridor, undermining council's strategic intent to enhance character, identity and appeal of Unley Road. · Missed opportunity if low level planters and vines are approved along Unley Road. Medium sized trees that thrive in large planters would provide more canopy to the space.

Attached Documents

MayChen20Jan26Full-13297083.pdf

DHUD:SPC Applications

From: May <yumayc@gmail.com>
Sent: Tuesday, 20 January 2026 11:14 PM
To: sprecreps@sa.gov.au; DHUD:SPC Applications
Subject: Representation for Application - Development No. 25036473
Attachments: Representation-on-Application-May Chen.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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The State Commission Assessment Panel,

Please find my representation for application attached.

Thank you.

Regards,
May

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	Malvern Development SA Pty Ltd
Development Number:	25036473
Nature of Development:	Eight-level, mixed use development including dwellings, shop, office, pool and basement parking
Zone/Sub-zone/Overlay:	Click here to enter text. <i>[zone/sub-zone/overlay of subject land]</i>
Subject Land:	Unit 1-15 259-269, Unley Road Malvern, 5061 CT 6126/704 CT 5151/175 CT 5151/176 CT 6145/798
Contact Officer:	State Planning Commission
Phone Number:	+611800752664
Close Date:	21 January 2026

My name*: May Chen	My phone number: 0430 270 373
My postal address*: 46 Eton Street, Malvern 5061	My email: yumayc@gmail.com

** Indicates mandatory information*

My position is:	☐ I support the development
	☐ I support the development with some concerns
	☒ I oppose the development



Government of South Australia
Department for Housing
and Urban Development

The specific reasons I believe that consent should be refused are:

As a resident of Eton Street, the proposed development plan 25036473 raises significant concerns and I respectfully oppose the application due to the points highlighted below:

- The development building height exceeds maximum height allowable by Planning and Design Code. Even if 30% height uplift is granted, the plan still exceeds maximum height. This is a serious deviation from Planning and Design Code that should not be accommodated.
- The development backs onto single storey residential areas and encroaches into neighbouring residence's 30 degree envelope. This is a serious deviation that should not be entertained.
- Serious concerns around sufficiency of car parks for new residences, retail staff and patrons. The new 246-248 Unley development presents an example of overspill of carparks into neighbouring streets and public carparks. Metro shopping carpark is now consistently full of patrons parking their cars and walking over to cafes in the new development. Cars line up the already narrow Opey Avenue, making it difficult to navigate along this road. It would be very convenient for apartments without carpark allocated to use off street parks along Eton, Fisher, Clifton and Rugby as these streets don't have parking time limits. This should not be allowed to happen. There are great lessons to learn from the 246-248 Unley development.
- Serious traffic management concerns around Eton Street and Unley Road junction. Carwash patrons often form a queue along Eton Street. Couple that with cars entering Eton Street from Unley Road to access basement carpark, there is a high likelihood of cars backing up along Unley Road at this junction, creating a traffic hazard. When cars do back up along Unley Road, turning right from Eton Street would be very dangerous, therefore forcing drivers to de-tour to Fisher, Rugby/Cambridge, Wattle/Oxford then Unley Road. Increased traffic in residential area is a real concern.
- Although not proposed as part of Development Plan, there are serious concerns over removing Eton Street no through road post Development Application to aid traffic congestion. Removing this no through road will seriously impact neighbourhood privacy and destroy this quiet neighbourhood. Council should not allow any modification to Eton Street dead end.
- The development design erodes established streetscape rhythm and heritage character of Unley Road. Bulk and facade articulation are insufficient to visually reduce apparent massing. This intrusive built, predominantly due to size and height creates an unacceptable visual dominance and will be visible from not only nearby residents but residents along Eton and Fisher Street.
- Development approval would set a precedent for over-scaled built form along this corridor, undermining council's strategic intent to enhance character, identity and appeal of Unley Road.
- Missed opportunity if low level planters and vines are approved along Unley Road. Medium sized trees that thrive in large planters would provide more canopy to the space.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development].*

I:



wish to be heard in support of my submission*

☐ do not wish to be heard in support of my submission	
By:	☒ appearing personally
	☐ being represented by the following person: Click here to enter text.

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: MC *

Date: 20/01/2026

Return Address: 46 Eton Street, Malvern 5061 or

Email: yumayc@gmail.com or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Representations

Representor 59 - Anne Wharton

Name	Anne Wharton
Address	80 CREMORNE STREET MALVERN SA, 5061 Australia
Submission Date	21/01/2026 02:32 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

1) Excessive height: 8 stories is 3 stories higher than envisaged in the Planning & Design Code - this is completely out of character for the locality where modest high-rise is envisaged with historic houses making up the fabric of the suburb. If this is approved, it sets a precedent for other parts of Unley Road which are similar to this area. The facades proposed in the proposal will completely overwhelm the neighbouring houses in Eton Street, Fisher Street and on the eastern boundary. 2) The resultant overshadowing and overlooking is totally inappropriate and impacts negatively on nearby housing. The bulk and mass of the proposed development are huge and will dominate the skyline of a suburb characterised by single story housing. 3) There are insufficient parking provisions in the proposal and unrealistic traffic expectations, given that Unley Road is a very busy arterial road. 4) The proposal offers no affordable housing and little community benefit. 5) Green space and open space: The Guiding Principles of the Unley Council’s draft Planning for Growth document include an expanded urban green infrastructure network, more liveable places for all, improved access to green spaces, and strategic infill sites which include additional community facilities and open space. This development fails to meet these principles adopted by Unley Council in 2024. This site needs appropriate redevelopment. I oppose this proposal as it stands - it has countless faults and inadequacies and should be refused by the State Commission Assessment Panel.

Attached Documents

AnneWharton20Jan26Full-13297483.pdf

DHUD:SPC Applications

From: Anne Wharton <whartonanne@gmail.com>
Sent: Tuesday, 20 January 2026 5:30 PM
To: DHUD:SPC Applications
Subject: SUBMISSION - Application no. 25036473 - 259-269 Unley Rd, Malvern

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from whartonanne@gmail.com. [Learn why this is important](#)

To whom it may concern

I support redevelopment object to the above application no. 25036473 (proposal for an 8 story development) on the following grounds:

- 1) Excessive height: 8 stories is 3 stories higher than envisaged in the Planning & Design Code - this is completely out of character for the locality where modest high-rise is envisaged with historic houses making up the fabric of the suburb. If this is approved, it sets a precedent for other parts of Unley Road which are similar to this area. The facades proposed in the proposal will completely overwhelm the neighbouring houses in Eton Street, Fisher Street and on the eastern boundary.
- 2) The resultant overshadowing and overlooking is totally inappropriate and impacts negatively on nearby housing. The bulk and mass of the proposed development are huge and will dominate the skyline of a suburb characterised by single story housing.
- 3) There are insufficient parking provisions in the proposal and unrealistic traffic expectations, given that Unley Road is a very busy arterial road.
- 4) The proposal offers no affordable housing and little community benefit.
- 5) Green space and open space: The Guiding Principles of the Unley Council's draft Planning for Growth document include an expanded urban green infrastructure network, more liveable places for all, improved access to green spaces, and strategic infill sites which include additional community facilities and open space. This development fails to meet these principles adopted by Unley Council in 2024.

This site needs appropriate redevelopment. I oppose this proposal as it stands - it has countless faults and inadequacies and should be refused by the State Commission Assessment Panel.

Yours faithfully

Anne Wharton

(2/80 Cremorne St, Malvern, SA 5061)

--

Email: whartonanne@gmail.com

Phone: 0424 425 135

"A society grows great when old people plant trees whose shade they know they shall never sit in." (Greek Proverb)

DHUD:SPC Applications

From: Anne Wharton <whartonanne@gmail.com>
Sent: Wednesday, 21 January 2026 12:56 PM
To: DHUD:SPC Applications
Subject: Re: SUBMISSION - Application no. 25036473 - 259-269 Unley Rd, Malvern

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from whartonanne@gmail.com. [Learn why this is important](#)

I do not wish to be heard.

Thank you.

Anne Wharton

On 20/01/2026 5:48 pm, DHUD:SPC Applications wrote:

OFFICIAL

Dear Anne

Thank you for your email regarding Development Application 25036473.

To complete your formal submission, can you please confirm if you wish to be heard to support your submission, and if so, who the nominated speaker would be.

Alternatively you can submit your representation online at: [Application 25036473 | Submission | PlanSA](#)

Kind regards

State Planning Commission – Applications

Planning and Land Use Services

Department for Housing and Urban Development

T 1800 752 664 • E spcapplications@sa.gov.au

Level 10, 83 Pirie Street, Adelaide SA 5000 • PO Box 1815, Adelaide SA 5001



Government of South Australia

Department for Housing
and Urban Development

The Department for Housing and Urban Development acknowledges First Nation people as the Traditional Owners of South Australian land and waters and we extend our respect to Elders past, present and emerging. We value and recognise the ongoing cultural heritage, beliefs and relationship First Nations peoples have with these lands and waters and the continuing importance of this today.

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From: Anne Wharton <whartonanne@gmail.com>

Sent: Tuesday, 20 January 2026 5:30 PM

To: DHUD:SPC Applications <spcapplications@sa.gov.au>

Subject: SUBMISSION - Application no. 25036473 - 259-269 Unley Rd, Malvern

You don't often get email from whartonanne@gmail.com. [Learn why this is important](#)

To whom it may concern

I support redevelopment object to the above application no. 25036473 (proposal for an 8 story development) on the following grounds:

- 1) Excessive height: 8 stories is 3 stories higher than envisaged in the Planning & Design Code - this is completely out of character for the locality where modest high-rise is envisaged with historic houses making up the fabric of the suburb. If this is approved, it sets a precedent for other parts of Unley Road which are similar to this area. The facades proposed in the proposal will completely overwhelm the neighbouring houses in Eton Street, Fisher Street and on the eastern boundary.
- 2) The resultant overshadowing and overlooking is totally inappropriate and impacts negatively on nearby housing. The bulk and mass of the proposed development are huge and will dominate the skyline of a suburb characterised by single story housing.
- 3) There are insufficient parking provisions in the proposal and unrealistic traffic expectations, given that Unley Road is a very busy arterial road.
- 4) The proposal offers no affordable housing and little community benefit.
- 5) Green space and open space: The Guiding Principles of the Unley Council's draft Planning for Growth document include an expanded urban green infrastructure network, more liveable places for all, improved access to green spaces, and strategic infill sites which include additional community facilities and open space. This development fails to meet these principles adopted by Unley Council in 2024.

This site needs appropriate redevelopment. I oppose this proposal as it stands - it has countless faults and inadequacies and should be refused by the State Commission Assessment Panel.

Yours faithfully

Anne Wharton

(2/80 Cremorne St, Malvern, SA 5061)

--

Email: whartonanne@gmail.com

Phone: 0424 425 135

"A society grows great when old people plant trees whose shade they know they shall

never sit in." (Greek Proverb)

--

Email: whartonanne@gmail.com

Phone: 0424 425 135

"A society grows great when old people plant trees whose shade they know they shall never sit in." (Greek Proverb)

Representations

Representor 60 - Timothy Benny

Name	Timothy Benny
Address	61 ETON STREET MALVERN SA, 5061 Australia
Submission Date	21/01/2026 02:46 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons See attachment	

Attached Documents

HaleyAitkenTimBenny21Jan26Full-13297725.pdf

DHUD:SPC Applications

From: Haley Aitken <haley.aitken@gmail.com>
Sent: Wednesday, 21 January 2026 12:20 PM
To: DHUD:SPC Applications; timbenny@hotmail.com
Subject: Representation on Application - Development Number 25036473
Attachments: Eton Street Representation-on-Application-Version-5.docx - Google Docs.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from haley.aitken@gmail.com. [Learn why this is important](#)

Dear Assessment Panel

RE: Development Number 25036473

Please find attached our Representation on Application regarding Development Number 25036473, due Wednesday 21 January 2026 by 11:59pm. We confirm we are opposed to the Development.

Kind regards

Haley Aitken & Tim Benny

.REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	Malvern Development SA Pty Ltd
Development Number:	25036473
Nature of Development:	Proposed eight-level, mixed use development including dwellings, shop, office, pool and basement parking.
Zone/Sub-zone/Overlay:	Urban Corridor (Main Street) Zone
Subject Land:	-34.956820508403, 138.60838298427927 Unit 1-15 259-269 Unley Road, Malvern SA 5061
Contact Officer:	Assessment Panel/Assessment Manager at State Planning Commission
Phone Number:	1800 752 664
Close Date:	Wednesday, 21 January 2026 at 11:59pm

My name*: Timothy Benny and Haley Aitken	My phone number: 0408 899 838
My postal address*: 61 Eton Street, Malvern SA 5061	My email: timbenny@hotmail.com

* Indicates mandatory information

My position is:	☐ I support the development
	☐ I support the development with some concerns
	☒ I oppose the development

The specific reasons I believe that consent should be refused are:

Building Height and Interface Envelope

Urban Corridor (Main Street) Zone – DO 3, PO 2, Built Form and Scale PO-1

The proposed building comprises 8 levels and a height of 28.50 meters, which exceeds the standard quantitative guidelines expressed in the TNV and DPF.

In relation to local context, the proposed height and scale is not consistent with emerging built form along Unley Road. High-rise mixed-use buildings existing along this corridor remain limited to no more than six levels (for example, Hyde Park Place Luxury Apartments). Malvern is an established character suburb. "Increased housing diversity" by exceeding building height restrictions does not increase or contribute to providing "substantial community benefit". The mixed-use aspect of the proposed building does not deliver substantial community benefit nor does it justify the uplift in height envisaged for the development site (DPF 5.1)

The site has been given significant development status, which affords a credit of 30% uplift to the maximum zone height (which allows up to 24.05 meters). Even with this allowance, the building height exceeds a 30%.



Government of South Australia

Department for Housing
and Urban Development

Building Interface

The Technical and Numerical Variations (TNV) requires that the interface height should be constructed within a building envelope provided by a 30-degree plane, measured 3 meters above natural ground at the boundary of an allotment.

The lack of compliance with the 30 degree interface between the proposed high-rise development and neighbourhood zone does not mitigate the impact of building massing next to a neighbourhood-type zone.

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

Where the code envisages increasing height and yield on sites of this scale, it is permitted on the basis that:

- it delivers broader community benefit;
- provides a high standard of design and quality; and
- manages off-site impacts, particularly in relation to neighbouring residential zones.

Delivers broader community benefit

7 commercial tenancies will not deliver a broader community benefit, where the existing site already provides broader community benefit through many more existing commercial tenancies, in single-storey buildings. The development of the site does not increase broader community benefit above and beyond what currently exists (without impacting neighbouring dwellings in terms of breaching their privacy/passive surveillance).

Manages off-site impacts, particularly in relation to neighbouring residential zones

The proposed development does not adequately address the impacts to parking on Eton Street. Eton Street parking is currently used by residents, visitors of residents, employees of the local car wash (located on Unley and Eton Street), food delivery drivers, employees of the Malvern shops (current site) and patrons of the commercial tenancies/restaurants.

Overshadowing and Sunlight Access

Code provision: Sunlight access – DO 1, PO 2, Interface between land uses – PO 4

Given the height of the building, I have concerns about the overshadowing the building will cause to my property, particularly in the winter. Our garden enjoys/relies on late afternoon sun for the growth and maintenance of plants.

Access and Car Parking

The proposed development will be serviced by a total of 167 parking spaces across three levels:

- 89 parking spaces which will be publicly accessible;
- 18 parking spaces at the rear of the building at grade;
- 71 parking spaces in Basement 01; and
- 78 parking spaces for residents in Basement 02.

The proposal is for a mixed-use development, comprising 68 apartments and 7 commercial tenancies.

Given that the 68 apartments (which includes 33 three-bedroom apartments) will likely comprise of multiple tenants with multiple vehicles per unit, on top of patrons, employees, delivery drivers etc to the 7 commercial tenancies, it seems improbable that there will adequate parking spaces provided.

It is also unclear whether the public can gain access to the basement level 01 during the evening, should the commercial tenancies include hospitality venues, such as restaurants and cafes, which have the potential to dramatically increase traffic and pressure on street level parking spaces on Eton Street.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - N/A

I: ☐ wish to be heard in support of my submission*
☒ do not wish to be heard in support of my submission

By: ☐ appearing personally
☐ being represented by the following person:

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: Timothy Benny

Date: 21 January 2026.

Return Address: [Click here to enter text.](#) *[relevant authority postal address]* or

Email: [Click here to enter text.](#) *[relevant authority email address]* or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Representations

Representor 61 - Caroline Prenzler

Name	Caroline Prenzler
Address	103 Cheltenham Street MALVERN SA, 5061 Australia
Submission Date	21/01/2026 03:21 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The development would not preserve our quiet and peaceful neighbourhood character and the historic feel of Malvern. All the traffic would cause chaos in the area and road safety would be a huge problem for road users and pedestrians.

Attached Documents

Representations

Representor 62 - David Prenzler

Name	David Prenzler
Address	103 Cheltenham Street MALVERN SA, 5061 Australia
Submission Date	21/01/2026 03:27 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The development would not preserve the quiet and peaceful neighbourhood character and the historic feel of Malvern. I have significant concerns around road safety, entry and exit to Unley Road and the potential danger to cyclists and pedestrians from many extra cars. Rubbish bins and garbage trucks are also a major concern regarding cleanliness, safety and noise. Planning consent should be refused.

Attached Documents

Representations

Representor 63 - Elizabeth Palmer

Name	Elizabeth Palmer
Address	41 Eton Street MALVERN SA, 5061 Australia
Submission Date	21/01/2026 03:55 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Refer to attached letter	

Attached Documents

Representation-Letter-259-269-Unley-Road-1577497.pdf

21 January 2026

Daniel Marotti
State Planning Commission
Level 5, 50 Flinders Street
Adelaide SA 5000

Daniel.Marotti@sa.gov.au

Dear Daniel

Objection to DA 25036473 at 259-269 Unley Road, Malvern

Introduction

This representation objects to some elements and supports an element of the development application referred to above.

The variations proposed from the building height and building envelope guidelines in the Code are significant and of concern. The retention of the closure of Eton Street is critical. These issues are explained in detail below.

Building Height Variation

The following provisions in the Urban Corridor (Main Street) Zone relate to building height:

- PO 3.1 Building height is consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer or positively responds to the local context including the site's frontage, depth, and adjacent primary road corridor (e.g., a State maintained road or a road with similar attributes) or street width.
- DPF 3.1 Except where a Concept Plan specifies otherwise, development does not exceed the following building height(s):
- Maximum building height (expressed in levels) of 5 levels; and
 - Maximum building height (expressed in metres) of 18.5 metres. (underlining added)

The proposed development is 8 levels and 28.5m high. This is 3-levels (60%) and 10m (54%) taller than the maximum height guideline in PO and DPF 3.1.

PO 3.1 also states that building height can be different to the maximum building heights in DPF 3.1 if it positively responds to the local context including the site's frontage, depth, and adjacent primary road corridor.

PO 5.1 is more prescriptive about the circumstances where buildings may be taller:

- PO 5.1 Consolidation of significant development sites (a site with a frontage over 25m to a primary road corridor (e.g., a State maintained road or a road with similar attributes) and over 1500m² in area, which may include one or more allotments) to achieve increased development yield, provided that 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.

DPF 5.1 provides for a 30% increase in building height where the development includes the following design elements:

DPF 5.1 Development on significant development sites (a site with a frontage over 25m to a primary road corridor (e.g., a State maintained road or a road with similar attributes) and over 1500m² in area, which may include one or more allotments) up to 30% above the maximum building height specified in DTS/DPF 3.1 (rounded to the nearest whole number) where it satisfies (a), (b), (c) or (d):

- (a) incorporates the retention, conservation and reuse of a building which is a listed heritage place or an existing built form and context that positively contributes to the character of the local area*
- (b) includes more than 15% of dwellings as affordable housing*
- (c) is for the purposes of supported accommodation or retirement facility*
- (d) includes at least:*
 - (i) three of the following:*
 - A. high quality open space that is universally accessible and is directly connected to, and well integrated with, public realm areas of the street*
 - B. high quality, safe and secure, universally accessible pedestrian linkages that connect through the development site*
 - C. active uses are located on the public street frontages of the building, with any above ground car parking located behind*
 - D. a range of dwelling types that includes at least 10% of 3+ bedroom apartments;*
 - E. a child care centre. and*
 - (ii) three of the following:*
 - A. a communal useable garden integrated with the design of the building that covers the majority of a rooftop area supported by services that ensure ongoing maintenance;*
 - B. living landscaped vertical surfaces of at least 50m² supported by services that ensure ongoing maintenance*
 - C. passive heating and cooling design elements including solar shading integrated into the building*
 - D. higher amenity through provision of private open space in excess of minimum requirements by 25% for at least 50% of dwellings.*
(underlining added)

There are no community services and there is no affordable housing in this development. The proposed development does not include the number of key design elements anticipated in DPF 5.1(d). The only element of the development that directly satisfies DPF 5.1 is that it incorporates the “retention, conservation and reuse of an existing building which positively contributes to the character of the local area”.

DPF 5.1 provides opportunity for buildings on the subject site to extend to 7 levels and 24m if the other design elements of DPF 5.1 are satisfied. As stated previously, the proposed development is taller than this at 8 levels and 28.5m high.

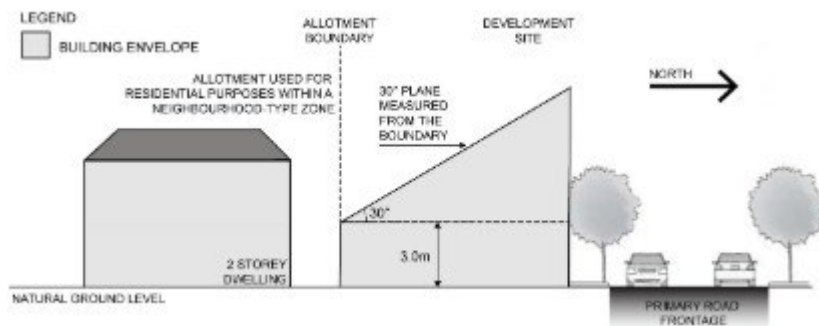
I consider that the case has not been adequately made for the additional height of the proposed development.

Building Envelope Variation

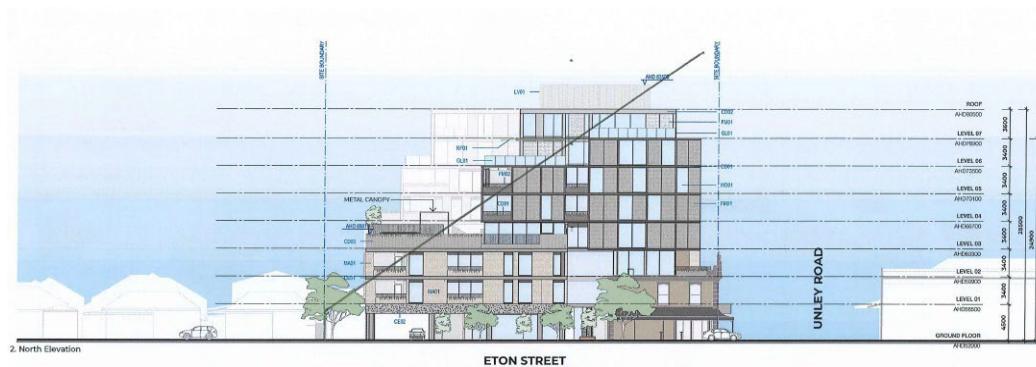
The following provisions of the Urban Corridor (Main Street) Zone relate to building height adjacent to the Established Neighbourhood Zone at the eastern boundary of the site:

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

DPF 4.1 Buildings constructed within a building envelope provided by a 30 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a street boundary).



The proposed development extends through this building envelope by a considerable margin as shown in the images below:



Such diagrams do not appear to have been included in the Development Application documentation.

The planning report accompanying the Application also does not directly address this non-conformance with PO and PDF 4.1. Instead, it states:

The overall height strategy is underpinned by the sculpted and recessed form ensures the perceived scale is noticeably softened when compared to a fully compliant 30-degree interface envelope. The combination of horizontal separation (20.3m void) and vertical recession delivers an amenity outcome that is appropriate at this type of interface.

An existing 6m high wall on the eastern boundary of the site will be retained as part of the development. While this will screen views of the proposed development from adjoining residential properties when standing close to the wall, it be less effective when standing further away. The result will be an unreasonable sense of enclosure created by the proposed development for the residential properties to the east.

The extent of variation from PO and DPF 4.1 is significant and unacceptable, particularly when combined with the overall height of the development.

Closure of Eton Street

Eton Street is on the northern boundary of the site. This street is currently closed next to the north-east corner of the site.

The development proposes upgrades to Eton Street adjacent to the subject site. It also includes the retention of the closure of Eton Street.

I strongly support the retention of this street closure. This prevents through traffic in the adjacent suburban streets which I understand was the original intention of the street closure and remains an important Council initiative.

Conclusion

Thank you for the opportunity to object to the proposed development. I consider that the variations from key Code provisions relating to building height and building envelope are significant and unacceptable. I also consider the continued closure of Eton Street to be critically important to prevent through traffic on neighbouring streets.

I request the opportunity to be heard in support of our representation.

Yours sincerely,

Elizabeth Palmer
41 Eton Street, Malvern SA 5061
palmerlizzy@gmail.com

Representations

Representor 64 - JSR Group Holdings Pty Ltd

Name	JSR Group Holdings Pty Ltd
Address	c/- Mellor Olsson, Level 6, 89 Pirie Street ADELAIDE SA, 5000 Australia
Submission Date	21/01/2026 04:48 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Please see attached	

Attached Documents

Representation-letter-21.01.2026-1577522.pdf

Our Ref: AK:A260096

21 January 2026

State Planning Commission
Via: Plan SA Portal**ALSO BY EMAIL: spcapplications@sa.gov.au**

Dear Sir/Madam

**PROPOSED DEVELOPMENT AT UNIT 1-15 259 - 269 UNLEY ROAD, MALVERN
DEVELOPMENT APPLICATION NUMBER 25036473**

1. We refer to the above development application (**'the Application'**) for Unit 1-15 259 – 269 Unley Road (**'the Subject Land'**), which seeks development approval for an eight-level, mixed use development including dwellings, shop, office, pool and basement parking (**'the Proposed Development'**), and which is currently out on public notification.
2. We act for JSR Group Holdings Pty Ltd and have been asked to lodge a representation on their behalf in respect of the Application. Our client is the owner of 271 – 273 Unley Road which is a single-story, red brick commercial building located on the southern boundary of the Subject Land (**'the Commercial Building'**).
3. Our client is opposed to the proposed development for the reasons set out below.

The development application

4. The development application is described as being for 'the construction of an eight-storey mixed used development incorporating retail, office and residential land uses, together with basement car parking public realm upgrades and landscaping works'.
5. The most pertinent elements of the Proposed Development are as follows:
 - 5.1 The total height of the building will be 28.5 metres plus an unspecified allowance for the lift overrun and plant equipment located on the roof.
 - 5.2 The total number of apartments will be 68.
 - 5.3 The setbacks are:
 - 5.3.1. Nil for the ground floor, which is located on the southern boundary (where the Subject Land adjoins the Commercial Building);

Adelaide
Pirie house, Level 6, 89 Pirie Street
Adelaide SA 5000
GPO Box 74 Adelaide SA 5001
P 08 8414 3400**Port Lincoln**
11 Mortlock Terrace
Port Lincoln SA 5606
PO Box 411 Port Lincoln SA 5606
P 08 8682 3133**Clare**
165 Main North Road
Clare SA 5453
PO Box 671 Clare SA 5453
P 08 8842 1833**Barossa Valley**
41 Tanunda Road
Nuriootpa SA 5355
PO Box 339 Nuriootpa SA 5355
P 08 8561 1000**Regional Offices (By appointment only)** P 1300 414 414 Balaklava, Burra, Bordertown, Ceduna, Cleve, Cummins, Elliston, Kadina, Keith, Kimba, McLaren Vale, Riverton, Streaky Bay, Wudinna

- 5.3.2. 3 metres from the southern boundary for the second floor to the sixth floors; and
- 5.3.3. 6.5 metres from the southern boundary for the seventh floor.
- 6. The Proposed Development discusses changes to Eton Street, but these cannot be considered as part of the Application as they are not on the Subject Land.

The Planning and Design Code ('the Code')

- 7. The Subject Land is located within the Urban Corridor (Main Street) ('the Zone').
- 8. It is accepted that the proposed use as a mixed-use development is an envisaged use within the Zone.
- 9. Relevantly the Zone provides as follows (our emphasis):

9.1 DO 1

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.

9.2 DO 2

Built form positively contributing to:

- 1. a streetscape that is visually interesting at human-scale comprising articulated buildings with a high level of fenestration and balconies oriented towards the street
- 2. 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.

9.3 PO 3.1

Building height is consistent with the form expressed in the *Maximum Building Height (Levels) Technical and Numeric Variation layer* and the *Maximum Building Height (Metres) Technical and Numeric Variation layer* or positively responds to the local context including the site's frontage, depth, and adjacent primary road corridor (e.g., a State maintained road or a road with similar attributes) or street width.

The associated DTS/DPF seeks that development does not exceed a maximum building height of 5 levels or 18.5m

9.4 PO 5.1

Consolidation of significant development sites (a site with a frontage over 25m to a primary road corridor (e.g., a State maintained road or a road with similar attributes) and over 1500m² in area, which may include one or more allotments) to achieve increased development yield, provided that off-site impacts can be managed and broader community benefit is achieved in terms

of design quality, community services, affordable housing provision, retirement facility or supported accommodation provision, or sustainability features.

The associated DTS/DPF states that maximum building height may be up to 30% above the maximum height specified at DTS/DPF 3.1 where it satisfies (a), (b), (c) or (d):

- (a) incorporates the retention, conservation and reuse of a building which is a listed heritage place or an existing built form and context that positively contributes to the character of the local area
- (b) includes more than 15% of dwellings as affordable housing
- (c) is for the purposes of supported accommodation or retirement facility
- (d) includes at least:
 - (i) three of the following:
 - A. high quality open space that is universally accessible and is directly connected to, and well integrated with, public realm areas of the street
 - B. high quality, safe and secure, universally accessible pedestrian linkages that connect through the development site
 - C. active uses are located on the public street frontages of the building, with any above ground car parking located behind
 - D. a range of dwelling types that includes at least 10% of 3+ bedroom apartments;
 - E. a child care centre.
 - and
 - (ii) three of the following:
 - A. a communal useable garden integrated with the design of the building that covers the majority of a rooftop area supported by services that ensure ongoing maintenance;
 - B. living landscaped vertical surfaces of at least 50m2 supported by services that ensure ongoing maintenance
 - C. passive heating and cooling design elements including solar shading integrated into the building
 - D. higher amenity through provision of private open space in excess of minimum requirements by 25% for at least 50% of dwellings.

10. The Code provides the following relevant definitions:

High-rise: In relation to development, means 7 building levels and above.

Medium-rise: In relation to development, means 3 to 6 building levels.

High net residential density: Means greater than 70 dwelling units per hectare.

Medium net residential density: Means 35 to 70 dwelling units per hectare.

11. The Proposed Development is 8 levels and has a site area of 3,388 square metres. This provides an approximate residential density of 201 dwelling units per hectare which defines it as a high-rise, high net residential density development.

Legal Context

12. Before considering any assessment of the Proposed Development against the provisions of the Code, it is important to establish the correct legal framework within which this should occur.
13. The comments made by his Honour Justice Bleby in *Alexandrina Council v Strath Hub Pty Limited*¹ are a reminder of the weight to be attributed to the planning objectives and principles in the then Development Plans and now the Code.² His Honour said as follows:

'[The Development Plan] contains statements of planning objectives and principles to be applied sensibly and flexibly to particular circumstances. However, that does not mean that its objectives and principles may be ignored because it may seem convenient to do so in a particular case.'

14. In this regard we note that the following important matters can be taken from the case law:³
 - 14.1 There is not a presumption in favour or against a development application and it falls to be assessed taking into consideration all relevant issues;
 - 14.2 Even if there is no express conflict between the proposal and the provisions of the Code, it does not necessarily follow that the proposed development warrants consent as there may be factors implicit in the Code which require a planning judgment to be made- that is, it is necessary to look at the intent and purpose of the provisions and the policy behind the principle/performance outcome; and
 - 14.3 Compliance with minimum standards is not the sole relevant criteria and regard must also be had to the qualitative provisions in the Code when deciding whether it is proper to grant development consent. We note the

¹ (2003) 129 LGERA 318 at [27].

² In this regard see *Garden College v City of Salisbury* [2022] SAERDC 10.

³ See, for example, *City of Mitcham v Freckmann & Ors* [1999] SASC 234; *City of Mitcham v Terra Equities Pty Ltd* [2007] SASC 244; *Town of Gawler v Impact Investments* [2007] SASC 356; *AG Building & Developments Pty Ltd v City of Holdfast Bay & Tanti* [2009] SASC 11 and, in respect of the PDI Act, *Rymill Park Apartments Pty Ltd v Rymill House Foundation Pty Ltd & Anor* [2023] SASC 107.

comments of his Honour Justice DeBelle in *City of Mitcham v Terra Equities Pty Ltd*⁴ in which he said that:

‘Prescribed minimum standards are not a statement of desired standards. They are no more than minimum standards... the Commissioner has approached this issue on the footing that, if a proposal complies with the minimum quantitative standards it must be approved. That is not necessarily so. Compliance with minimum standards rarely leads to a grant of development consent, regard must also be had to the qualitative provisions in the Plan when deciding whether it is proper planning to grant development consent.’

15. In terms of the application of the Code, it is instructive to note the following:

15.1 In *Parkins v Adelaide Hills Council Assessment Manager*,⁵ Commissioner Dyer observed that (our emphasis in bold):

69. *To assist with the performance assessment process DPFs have been included in the Code.*

70. *The rules – “Policies – Desired Outcomes and Performance Outcomes, Designated Performance Features” provides the following:*

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

....

73. *A DPF is neither a complying standard nor a Principle of Development Control. It is its own assessment tool to be applied as per the rules.*

...

75. ***The question becomes what guidance does a DPF provide if not met?** The rules are silent on the issue of quantum departure. However, they do provide that a DPF “...does not derogate ... from the need to assess development on its merits against all relevant policies”. [My underlining]*

76. ***A DPF is a relevant policy and must therefore form part of the assessment. On my reading, whilst quantum departure from the terms of a DPF is not, of itself, grounds for refusal, I am not convinced that quantum departure can be completely ignored. It will, if nothing else, be a flag to the relevant authority to carefully ensure that, by way of alternative or the specific facts and circumstances of the matter, the performance outcome is met.***

⁴ [2007] SASC 244 at [13].

⁵ [2022] SAERC 12 at [69]-[77].

77. ***The significance of any departure will depend, as always, on the circumstances of the matter at hand. The preciseness of the correlation between a PO and its corresponding DPF will also have bearing.***

15.2 The Courts have also noted that development is generally expected to make a positive contribution to the desired residential character for a locality. In *Spence v City of Burnside*,⁶ Commissioner Rumsby noted that (our emphasis in bold):

34. ***Development, generally, is expected to make a positive contribution to the desired residential character, the principal elements of which are set out above. Long established, mature, residential areas will invariably exhibit some discordant elements or features which do not sit well with all of the characteristics of neighbouring residential areas, or the features desirably associated with them. In PA 13, relevant in this matter, those general features (above) are not universally found throughout this policy area, as is acknowledged in PA 13 Objective 1. Whilst there are acknowledged significant variations to the generally prevailing and desired residential features, all development is expected to contribute positively to that desired character and not incrementally depart from them, nor worsen any non-conformity.***

Planning Issues

16. On numerous occasions the courts have made it clear that a planning assessment is not one where you look at each of the individual elements in watertight compartments, but rather requires a consideration of those elements as part of an overall planning assessment. When one takes that approach in this instance, it is clear that the Proposed Development does not satisfy the relevant provisions of the Code and should be refused.
17. In considering this application, it is necessary to distil what is sought by the provisions of the Code.
18. The Zone specifically provides that residential development is to be medium density with a height limit of 18.5 metres. There is also a minimum height limit, in PO 3.2, of 3 levels. This makes it clear that what is sought by the Code is higher density development, but not as high as one might expect in, for example, some of the Zones within the Adelaide CBD.
19. The Zone does provide for an increase in the density of development in appropriate circumstances, namely where the site is a 'significant development site'. Where the site is a 'significant development site', the Code allows for up to a 30% uplift (which equals to a theoretical maximum height of 24.05 metres under DPF 5.1).

Height

20. In considering the height provisions, it is important to note the following:
 - 20.1 There is not a presumption in favour or against a development application and it falls to be assessed taking into consideration all relevant issues.

⁶ [2020] SAERDC 17 at [34] and [51].

-
- 20.2 PO 3.1 expresses the maximum building height. It does not mean that this is the starting point- rather it is the end point, if the development 'positively responds to the local context including the site's frontage, depth and adjacent primary road corridor ... or street width'.
- 20.3 DTS/DPF 5.1 provides for an increase of 'up to' 30% above the maximum building height. It is not to be assumed that each and every development automatically gets the full 30% uplift.
- 20.4 PO 5.1 sets out the basis upon which a development might get the benefit of 'up to' a 30% uplift, namely if:
- 20.4.1. off-site impacts can be managed;
- 20.4.2. broader community benefit is achieved in terms of:
- (a) design quality;
 - (b) community services;
 - (c) affordable housing provision;
 - (d) retirement facility; or
 - (e) sustainability features.
- 20.5 The height provisions also need to be considered with the other provisions, such as PO 4.1, relating to building massing.
21. What is sought by these provisions is:
- 21.1 medium density, medium rise development;
- 21.2 mixed-use development; and
- 21.3 buildings which are consistent with the existing streetscape.
22. The Zone is not intended for high density residential accommodation The Proposed Development exceeds the desired medium density parameters by approximately 285% – 570%.
23. The Application suggests that the Proposed Development is consistent with the 'emerging built form character along Unley Road' and makes reference to similar developments along Unley Road.
24. Of note, there are two buildings of a similar design located at 244 – 246 Unley Road and 248 – 252 Unley Road which span between Hart Avenue and Opey Avenue. Notably, they are 24.5 metres tall and 24.3 metres tall and 6 levels.
25. They do not border substantially different and smaller buildings on the Unley Road frontage as does the Proposed Development with respect to the Commercial Building.
26. As will be discussed further below, the similar developments are located on the western side of Unley Road (facilitating left hand turns onto Unley Road and towards the CBD) and are serviced by access points which are not located on roads with permanent closures at one end.

-
27. Those developments were assessed with respect to the previous High Street (Unley Road) Policy Area 20.

27.1 Objective 1 of that policy desired:

A mix of land uses including retail, office, commercial, community, civic and medium and high density residential development that support the economic vitality of the area.

28. The Code now specifies only medium density residential development for the Zone which is clearly distinct from the high-density development previously allowed for.
29. Contrary to the Application, DPF 1.1 does *not* envisage the residential component of the land use to include high density development. The inclusion of 'dwelling' within DPF 1.1 must be read in conjunction with DO 1 which only provides for medium density.
30. The proposed development is 28.5 metres. If the site weren't a significant development site it would exceed the height provisions in this location by 10 metres, being 54 percent over the height limits provided for. With the benefit of the full 30% (and it isn't demonstrated that the applicant is entitled to the full 30%), the Application still exceeds the maximum height limits by 4.45 metres, or 18.5% over the maximum building heights provided for in the Code. When one looks at the criteria for the 30%, the applicant has to demonstrate that the off-site impacts can be managed and there is a community benefit by satisfying one of the criteria stipulated- this is not able to be achieved for the proposed development for these reasons- (set out reasons).
31. However, the Application fails to properly demonstrate a link between the necessity for a height increase beyond the DPF and the overall purpose of the Proposed Development. The eighth floor of the building does not appear to contribute in any positive fashion to the requirements of the Code and causes the building to exceed the maximum height allowance.
32. It is therefore abundantly clear that what is proposed does not achieve any of the pertinent requirements of the Code, in that it:
- 32.1 is not medium density;
- 32.2 is not consistent with the streetscape and built form characteristics of the locality;
- 32.3 does not complement the character and amenity of the neighbourhood which is comprised of generally one and two storey commercial buildings, as it will present as a bulky, oversized building with little in the way of articulation relative to the obvious bulk, height and scale of the proposed development;
- 32.4 fails to consider contextual design with regard to the existing Commercial Building on the southern boundary and will produce a jarring difference in design and height on the Unley Road frontage; and
- 32.5 relies on the development of Eton Street to meet the desired outcomes of the Code for public realm improvements, landscaping and urban design which requires development approval from the City of Unley.

Parking

33. Bicycle parking is referred to but no certain provision for bicycle parking facilities is provided in the Application.
34. The Application calculates that a total of 37 bicycle parking spaces are required and proposes locating bicycle parking on:
 - 34.1 Eton Street;
 - 34.2 within the storage lockers in the basement areas;
 - 34.3 making provision within the end of trip facilities; or
 - 34.4 alternatively, it suggests that residents may prefer to park their bicycles within their dwelling—which is not stipulated or envisaged by the Code.
35. The Application fails to demonstrate how it meets the stipulated requirements for bicycle parking under the Code under PO 9.1 to 9.3 of the Transport, Access and Parking provisions.

Traffic Management

36. The relevant assessment provisions under Transport, Access and Parking are the following:
 - 36.1 DO 1

A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
 - 36.2 PO 3.3

Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.
 - 36.3 PO 3.4

Access points are sited and designed to minimise any adverse impacts on neighbouring properties.
 - 36.4 Additionally, PO 1.1 of the Urban Transport Routes Overlay provides:

Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State maintained roads.

DTS/DPF 1.1 stipulates that for a development in excess of 7 dwellings, access points are to have a width of between 9m and 12m (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 8.8m to 12.5m.
37. The Proposed Development removes two access points which permit access to and from Unley Road and narrows the remaining access point on Eton Street to 5.8m, which is to facilitate all ingress and egress from the building. This includes the residents of the 68 dwellings, commercial tenants, visitors using the basement carpark

and waste management vehicles. It will also remove 10 unrestricted car parks on Eton Street which are to be replaced with 2 loading zones and 2 parks at the end of Eton Street.

38. Eton Street is closed to the east of the building so all ingress and egress from the building must be via Unley Road. The Eton Street and Unley Road intersection is uncontrolled and the Application states that channelised turning lanes will not be provided for vehicles turning from Eton Street onto Unley Road. Whilst Eton Street does not presently have channelised turning lanes, it is wide enough to facilitate vehicles turning left and right onto Unley Road simultaneously without obstructing vehicles entering Eton Street from Unley Road.
39. A hand carwash business operates on the Northern side of Eton Street which does not appear to have any onsite car parking facilities. Vehicles enter via a laneway at the eastern end of the carwash and exit onto Eton Street. It is not stated how these vehicles are managed and whether they are parked in the existing Eton Street carparks once they are cleaned. Whilst the Application traffic modelling indicates that increased traffic on Eton Street will not result in queuing which affects Unley Road, it is unclear whether the modelling considered the removal of the Eton Street carparks where overflow from the carwash is likely to go or whether this will cause delays in vehicles entering the carwash and result in queues to enter from Unley Road.
40. The Traffic and Parking Report (Appendix 4 to the Application) states that:
 - 40.1 in comparison to the existing development, the Proposed Development will generate an additional 20am trips and a reduction of 28 trips in pm peak hour trips;
 - 40.2 drivers turning right from Eton Street and onto Unley Road may experience a low level of service and delays;
 - 40.3 forecasts there will be six vehicles turning right from Eton Street onto Unley Road at peak hour in the morning and 19 vehicles in the afternoon;
 - 40.4 with respect to Eton Street development, the Unley Council prefers to narrow the road width and provide a single egress lane which will share left and right turn movements rather than channelised turning lanes; and
 - 40.5 the site has been designed to accommodate commercial vehicles of up to 10m in length.
41. The modelling and traffic assessment is based upon figures from the RTA's Guide to Traffic Generating Developments (**'the RTA Guide'**). The numbers relied upon to model how many vehicles are likely to travel to and from the building each day are based upon a survey of users in NSW.
42. These figures are likely to significantly underestimate traffic flows in metropolitan Adelaide as the ABS' figures from 2021⁷ show that NSW has the lowest rate of persons driving to work in Australia each day at 43.4% and SA is one of the highest at 64.4%. This difference suggests that traffic flows will be approximately 48% higher than modelled.

⁷ Australia's journey to work | Australian Bureau of Statistics - Proportion of drivers(a) for Greater Capital City and Rest of State areas, 2021.

-
43. Further, the figures used in the Application are based on a calculation of drivers per dwelling rather than the expected occupancy of the dwellings or the parking allocation. The Proposed Development has a disproportionately high number of 3-bedroom dwellings (33 of the total 68) as compared to similar developments (which are predominately 2-bedroom dwellings). This is likely to result in an underestimation of resident traffic flows from the building in the morning.
 44. The Application makes assumptions about drivers acting opportunistically with respect to making a left or right hand turn out of Eton Street and postulates that they would 'likely divert to a left-turn movement and utilise an alternative route' where excessive delays are experienced. The available alternative routes are not considered, nor is the likely scenario that a significant number of drivers will commit to turning right despite long delays and obstruct drivers from making left hand turns.
 45. It is also stated that channelised turning lanes on Eton Street are warranted under the forecast traffic volumes but cannot be accommodated due to inadequate width in the road reserve. Further, that channelised turning lanes are not provided in nearby intersections on Unley Road. This appears to be incorrect as Fisher Street (which is the next intersecting road to the south) does have channelised turning lanes.
 46. The Waste Management Plan (Appendix 5 of the Application) stipulates that collection vehicles will have dimensions of up to 11m in length. The Application states that the turn path for commercial vehicles into the building is based on a 10m rigid vehicle. The access point is 7.8m wide which is significantly narrower than the 9 – 12 metres specified by DTS/DPF 1.1. It is unclear whether larger waste collection vehicles which exceed 10m will be able to safely access the site via the proposed entry.
 47. The Application fails to adequately consider and make provision for:
 - 47.1 the likely volume of vehicles travelling from the building and towards the CBD in the morning (which will need to turn right or take an alternative route);
 - 47.2 the impacts on the carwash with respect to a reduction in nearby parking and how that will affect traffic flows on Eton Street and Unley Road; and
 - 47.3 the cumulative effect of the increased traffic flow on Eton Street with regard to the proposed public realm upgrades, the proposed changes to the width of Eton Street and what impact large waste management or other commercial vehicles may have.

Summary

48. It is plain that the Proposed Development has significant shortcomings when assessed against fundamental, relevant policies within the Code and there is simply no basis upon which it could properly be approved.
49. We consider that the Proposed Development fails to achieve the relevant requirements of the Code, particularly relating to building height, density, traffic management, form and consistency with the streetscape and built form characteristics of the locality.
50. The Proposed Development will present as a blocky, large element and will be an incongruous element in the locality. If approved, it will be a dominant building within the locality and will appear discordant due to its position next to a much smaller commercial building on Unley Road resulting from minimal setbacks and the overwhelming height difference.

21 January 2026

51. The excessive height, which increases the residential development density to a ratio almost three times what is desired under the Code, exacerbates all of the issues described above and does not introduce any positive elements by virtue of its increased height.
52. Eton Street is stated to be a significant aspect of the Proposed Development with respect to public realm upgrades, landscaping (including proposed trees on the northern side adjacent to the carwash which cannot be accommodated by the existing crossover utilised by the carwash), pedestrian accessibility & amenity. Not only is Eton Street predominantly outside the Subject Land, the development and greater pedestrian use of Eton Street is at odds with its primary use as the sole access point for vehicle access to the building.
53. Our client seeks to be heard (either personally and/or through their representatives) in respect of their representations and, accordingly, we ask that you please advise us as to the time and date for the State Commission Assessment Panel ('SCAP') meeting in due course.

Yours faithfully
MELLOR OLSSON



MARTIN NEILSON
Associate
Email: mneilson@molawyers.com.au
Phone: 8414 3407 (Adelaide)

Representations

Representor 65 - VANESSA SCHWARZ

Name	VANESSA SCHWARZ
Address	26 Fashoda Street HYDE PARK SA, 5061 Australia
Submission Date	21/01/2026 09:10 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons

Car Parking - the number of car spaces for residents seems low. Given there is not even enough car spaces for 2 per unit there will be overflow. Where will they park? I would have a concern for the adjoining streets as that is where the extra cars, and visitors will be parking. The number of cars in the vicinity will increase and will impact traffic congestion in the area. Affordable housing - no affordable housing allocated. Height - this building will have a huge visual and physical footprint. It will be higher than any other building on Unley Rd and set a precedent for future developments. A higher building = more apartments, more people and more cars.

Attached Documents

Representations

Representor 66 - Angelo Demasi

Name	Angelo Demasi
Address	PO Box 185 UNLEY SA, 5061 Australia
Submission Date	21/01/2026 09:43 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns

Reasons

CT5151/175 D1153AL272 - CT5151/175 D1153AL273 - CT5151/176 F102954AL3 CT6126/704 D1153AL179 - CT6145/798 F102954AL4 Recommended outcome: Refusal under S107 PDI Act 1. Deep soil & interface landscaping — non-compliance • Claimed deep soil zone at eastern ENZ interface is not physically achievable due to: o Basement retention members ~530mm from boundary o Undocumented retained wall footings o Car park slab overhang into landscape zone • Internal inconsistencies between architectural, civil and landscape documentation. • Fails PO 13.3, PO 13.4 and DTS/DPF 13.4. • Landscaping relied upon for interface mitigation cannot be delivered. 2. Height, massing & transition — unacceptable exceedance • Proposed 8 storeys / ~28.5m vs TNV 5 storeys / 18.5m. • Encroaches into 30-degree envelope at ENZ boundary. • PO 5.1 uplift not justified: o Offsite impacts not managed o No demonstrated community benefit sufficient to offset impacts • Fails UCMS PO 3.1, PO 4.1 and DTS/DPF 4.1. 3. Interface amenity — privacy, overshadowing, dominance • Upper level balconies, pool terrace and communal areas directly overlook ENZ dwellings. • Privacy mitigation relies on future planting and partial screening. • Winter solstice overshadowing impacts not adequately demonstrated. • Fails Privacy PO 2, Sunlight Access PO 2, Interface Between Land Uses PO 2. 4. Traffic & access — unsafe arterial interface • SIDRA modelling shows LoS F, DoS ~ 0.95, queues up to 5 vehicles. • Relies on public street to absorb queues, contrary to Code intent. • Cumulative impacts from adjacent car wash and nearby short-stay uses ignored. • Unley Road arterial conditions render “opportunistic” right turns unrealistic. • Fails Transport, Access & Parking policy outcomes. 5. Unresolved technical matters • Bicycle/EOT provision materially deficient. • Basement below groundwater table with no resolved method or no-discharge strategy. • Public realm works require authorisations not obtained. • Acoustic mitigation relies on a wall system not assessed as compliant with the acoustic report. 6. Referral authority concerns unresolved • ODASA: conditional support only, seeks further massing reduction and privacy mitigation. • City of Unley: height uplift not justified; 30-degree transition not met; traffic, bicycle, groundwater and public realm issues unresolved. Conclusion The proposal fails to demonstrate compliance with multiple mandatory and performance provisions of the Planning & Design Code. The scale of non-compliance, interface impacts, traffic safety risks, and unresolved engineering matters mean the development does not represent orderly and proper planning. Refusal is warranted.

Attached Documents

Development-Application-25036473-Submission-21012026-1577574.pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	Malvern Development SA Pty Ltd
Development Number:	25036473
Nature of Development:	Eight-level, mixed use development including dwellings, shop, office, pool and basement parking
Zone/Sub-zone/Overlay:	Urban Corridor (Main Street) Zone
Subject Land:	UNIT 1-15 259 -269 UNLEY RD MALVERN SA 5061
Contact Officer:	Daniel Marotti
Phone Number:	1800 752 664
Close Date:	21/1/2025

My name*: Angelo Demasi	My phone number: 0450 370 450
My postal address*: PO BOX 185 UNLEY	My email: adel5000@live.com.au

* Indicates mandatory information

My position is:	☐ I support the development ☒ I support the development with some concerns ☐ I oppose the development
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CT5151/175 D1153AL272 - CT5151/175 D1153AL273 - CT5151/176 F102954AL3
CT6126/704 D1153AL179 - CT6145/798 F102954AL4

Recommended outcome: Refusal under S107 PDI Act

1. Deep soil & interface landscaping — non-compliance

- Claimed deep soil zone at eastern ENZ interface is **not physically achievable** due to:
 - Basement retention members ~530mm from boundary
 - Undocumented retained wall footings
 - Car park slab overhang into landscape zone
- Internal inconsistencies between architectural, civil and landscape documentation.
- Fails **PO 13.3, PO 13.4 and DTS/DPF 13.4**.
- Landscaping relied upon for interface mitigation cannot be delivered.

2. Height, massing & transition — unacceptable exceedance

- Proposed **8 storeys / ~28.5m** vs TNV **5 storeys / 18.5m**.
- Encroaches into **30-degree envelope** at ENZ boundary.
- PO 5.1 uplift not justified:
 - Offsite impacts not managed
 - No demonstrated community benefit sufficient to offset impacts
- Fails **UCMS PO 3.1, PO 4.1 and DTS/DPF 4.1**.

3. Interface amenity — privacy, overshadowing, dominance

- Upper level balconies, pool terrace and communal areas directly overlook ENZ dwellings.
- Privacy mitigation relies on future planting and partial screening.
- Winter solstice overshadowing impacts not adequately demonstrated.
- Fails **Privacy PO 2, Sunlight Access PO 2, Interface Between Land Uses PO 2.**

4. Traffic & access — unsafe arterial interface

- SIDRA modelling shows **LoS F**, DoS ≈ 0.95 , queues up to 5 vehicles.
- Relies on public street to absorb queues, contrary to Code intent.
- Cumulative impacts from adjacent car wash and nearby short-stay uses ignored.
- Unley Road arterial conditions render “opportunistic” right turns unrealistic.
- Fails Transport, Access & Parking policy outcomes.

5. Unresolved technical matters

- Bicycle/EOT provision materially deficient.
- Basement below groundwater table with no resolved method or no-discharge strategy.
- Public realm works require authorisations not obtained.
- Acoustic mitigation relies on a wall system not assessed as compliant with the acoustic report.

6. Referral authority concerns unresolved

- **ODASA:** conditional support only, seeks further massing reduction and privacy mitigation.
- **City of Unley:** height uplift not justified; 30-degree transition not met; traffic, bicycle, groundwater and public realm issues unresolved.

Conclusion

The proposal fails to demonstrate compliance with multiple mandatory and performance provisions of the Planning & Design Code.

The scale of non-compliance, interface impacts, traffic safety risks, and unresolved engineering matters mean the development does not represent orderly and proper planning.

Refusal is warranted.

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:

I:	☒ wish to be heard in support of my submission*
	☐ do not wish to be heard in support of my submission
By:	☒ appearing personally
	☐ being represented by the following person: Click here to enter text.

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: *Angelo DeMasi*

Date: 21/01/2025

Return Address: PO Box 185 Unley SA 5061

Email: adel5000@live.com.au

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Submission under the PDI Act and the Planning & Design Code (UCMS)

Summary (Executive Position)

The current application for 259–269 Unley Road contains material documentation errors, internal inconsistencies (architecture ↔ landscape ↔ civil), and departures from the Planning & Design Code that go to the heart of amenity protection for the Established Neighbourhood Zone (ENZ) and safe operation of the Unley Road arterial. In particular:

- Deep soil and interface landscaping claimed along the eastern boundary are not capable of being achieved given the retained wall, basement retention members, and carpark slab overhang contrary to PO 13.3/PO 13.4 and DTS/DPF 13.4 (deep soil zone/6 m boundary setback for ≥3 storeys).
- Height and massing exceed the site's Technical & Numeric Variation (TNV) (5 levels / 18.5 m) and breach the 30° interface envelope, with insufficient landscape mitigation failing UCMS PO 4.1 (massing mitigation to neighbourhood type zones) and not satisfying the discretion under PO 5.1 for uplift.
- Traffic & access: SIDRA shows LoS F and DoS≈0.95 for the right turn egress from Eton Street (with cumulative pressure from the adjacent car wash and other short stay businesses ignored), contrary to the Transport/Access policy intent for onsite queue containment and safe sightlines (and contrary to City of Unley's referral requirements for geometric changes, sight triangles, and strict operating windows).
- Bicycle parking shortfall (≈37 spaces) remains unaddressed; groundwater management and public realm authorisations are unresolved; ODASA support is conditional on further massing relief (south wing) and privacy mitigation.

Relief sought (consistent with s107 PDI Act): either refuse the application in its present form, or defer with directions requiring—

- (i) redesign to 5 storeys at the interface and 30° envelope compliance;
- (ii) verified deep soil feasibility and landscape basement coordination;
- (iii) privacy controls;
- (iv) onsite queuing + sight triangles + carpark management;
- (v) bicycle/EOT compliance; and
- (vi) retention of Eton Street's no-through-road configuration.

Key evidence/references already on the record: ODASA/State Design Review Chair letter (23 Dec 2025), City of Unley referral (17 Dec 2025), CIRQA traffic report, Woods Bagot architectural set (6 Nov 2025), Landskapt landscape set (11 Nov 2025), Echo Acoustic report (24 Oct 2025), ADP daylight report (12 Nov 2025).

1) Architectural documentation (Woods Bagot, 6 Nov 2025) — Fundamental errors

Findings

- I. The outline of the basement extents is not correctly illustrated on the site plan.
- II. No details for the acoustic fence / “retained wall” (height, construction, footing, lateral stability).
- III. No obscure balustrading at L1/L2 to prevent overlooking into adjoining residential properties.
- IV. The impact of the retained wall on the boundary landscaping has not been considered.

Further compounding point (iii) and (iv), the documentation erroneously does not align with the landscaping plan prepared by the landscape architect and civil documentation.

Code implications

- Design in Urban Areas PO 13.3/PO 13.4 and DTS/DPF 13.4 expect genuine deep soil with access to light along boundaries with neighbourhood type zones where building elements are ≥ 3 levels; obstructed or nominal strips under slabs/retention do not satisfy policy intent.
 - Visual privacy requirements at sensitive interfaces are not met where L1/L2 balconies/terraces overlook ENZ without obscure balustrading/screens.
-

2) Landscape documentation (Landskapt, 11 Nov 2025) — Inconsistencies

Findings

- On review of the landscape documentation prepared by Landskapt, the site plan illustrates no retention of the retained wall. I also note the general inconsistency with the architectural site plan on the east and southern side of the boundary of the site.
- Proposes a 1.02 m “deep soil” strip at the eastern boundary without depicting retention members/footings.

Code implications

- The Code’s Soft landscaping definition requires pervious areas capable of supporting plant growth; a strip constrained by structural footings/retention and overshadowed by a 6 m wall may not qualify.
 - For ≥ 3 storeys, DTS/DPF 13.4 expects 6 m building setback from the zone boundary to incorporate deep soil; a ~ 1 m obstruction affected strip cannot reasonably support medium trees for screening.
-

3) Acoustic report (Echo Acoustic, 24 Oct 2025) — Unmet performance

Findings

- On review of the acoustic report prepared by Echo Acoustic, the report specifies that a wall with a minimum noise reduction coefficient of 0.8 is necessary. Noting that the retained wall is a concrete wall system, understood to have a noise reduction coefficient of 0.05, the engineer has not assessed this wall system as satisfying the acoustic engineers report.

Implications / remedy

- Without an absorptive barrier, reflected noise at the interface risks breaching amenity objectives (Interface Between Land Uses).
 - Condition: require acoustic lining/system ($NRC \geq 0.8$) to the interface extents, with engineer sign off at detailed design.
-

4) Code departures and urban design interface

4.1 Deep soil & landscaping at the zone boundary — Not achievable as drawn

As-drawn conflicts

A review of the planning documentation accompanying the development at 259-269 Unley Road, Malvern confirms that the application displays inconsistency regarding the retained 6-metre-tall eastern side boundary wall which impacts the following planning matters:

- (i) the civil documentation specifies that there will be vertical strips for the basement to be installed behind the basement retention wall, and 530mm from the eastern side boundary; and
- (ii) the landscaping documentation does not illustrate the retained wall or the vertical strips for the basement, and specifies the eastern boundary landscaping strip as being 'deep soil area' of 1.02 metres from the eastern side boundary;
- (iii) the architectural documentation illustrates a car parking overhang of 600mm into the garden bed along the eastern side boundary.

To accommodate the 'deep soil zone' for a medium size tree Part 4: Design in Urban Area provides the following guidance:

Part 4: Design in Urban Areas

PO 13.3 Deep soil zones with access to natural light are provided to assist in maintaining vegetation health.

PO 13.4 Unless separated by a public road or reserve, development sites adjacent to any zone that has a primary purpose of accommodating low-rise residential development incorporate a deep soil zone along the common boundary to enable medium to large trees to be retained or established to assist in screening new buildings of 3 or more building levels in height.

DTS/DPF 13.4 Building elements of 3 or more building levels in height are set back at least 6m from a zone boundary in which a deep soil zone area is incorporated.

The Commission may recall the recent decision and assessment documentation accompanying 135 Greenhill Road, for a multi-storey development which was refused on heritage grounds. Within that application a consultant engineer advised the Commission to retain a wall system on boundary that the basement required to be inset 2.15 metres from the wall for structural stability. With a basement inset 530mm from the boundary, there would be insufficient space for a 'deep soil zone'. The below annotated diagram from the landscape architect is now provided for the Commissions benefit.

Given the structural constraints at the eastern interface (retained wall footings and basement retention members $\approx$ 0.53 m off the boundary, plus a $\sim$ 0.6 m carpark slab overhang) and reduced solar access, *Cupaniopsis anacardioides* (Tuckeroo) is not suitable for this location. Tuckeroo is a medium canopy species that typically requires $\geq 12\text{--}20\text{ m}^3$ of unimpeded rootable soil with wider bed dimensions to reach healthy maturity; it also produces fruits/seed pods that create maintenance issues along tight boundaries. (Deep soil policy requires unimpeded soil above and below with minimum dimensions sized to tree maturity; nominal $\sim$ 1.0 m strips constrained by structural elements are not equivalent to deep soil.)

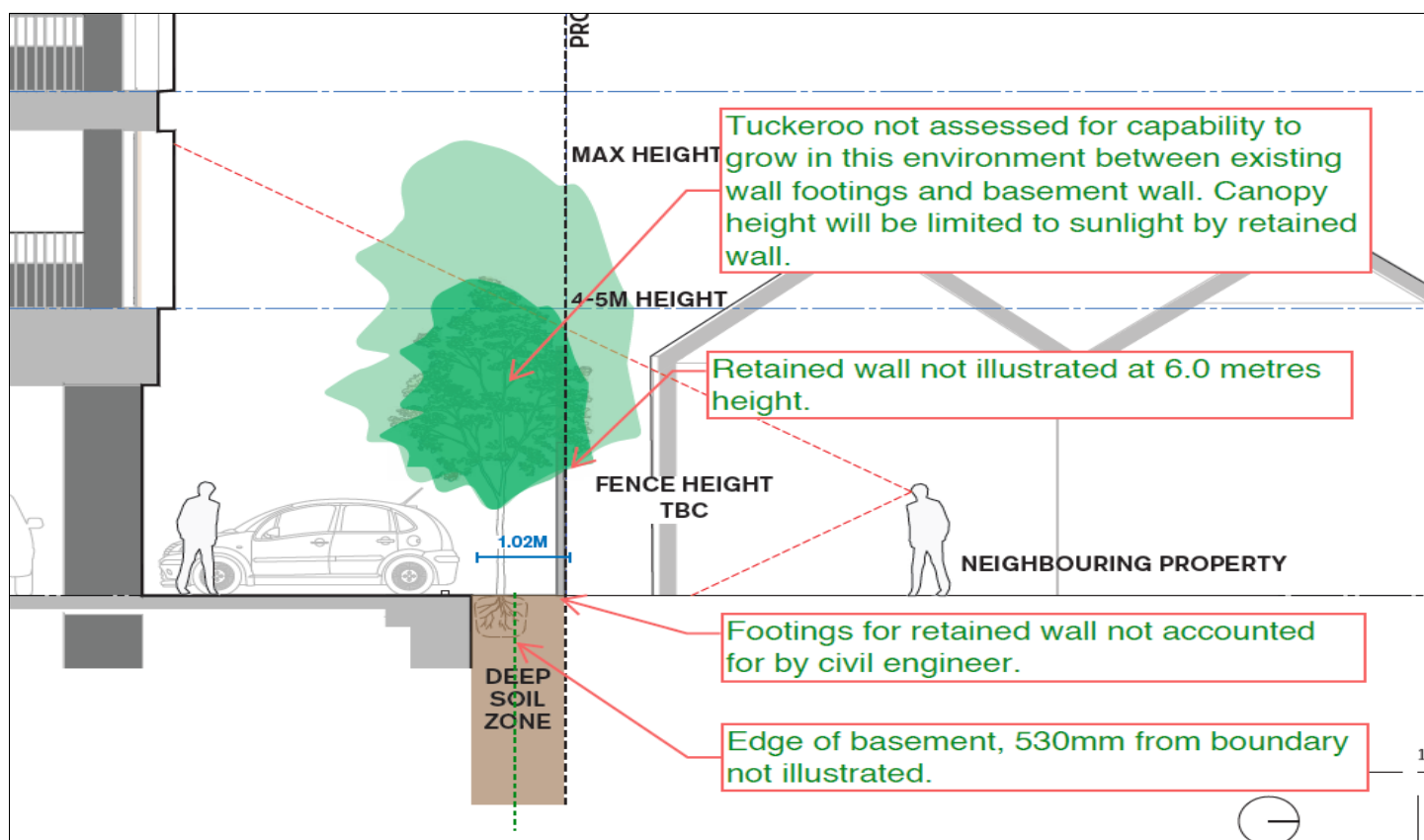


Figure 1: Annotated Diagram of Landscape Architects Detail

Put simply, the actual capacity to support landscaping at the boundary of the Established Neighbourhood Zone (ENZ) and the Urban Corridor (Main Street) Zone (UCMS) is legitimately questioned. It is obstructed by ‘basement walls’, the ‘retained wall’ and its undocumented footings, and car parking overhang. Upon this basis of the civil documentation, landscaping documentation and architectural documentation, the landscaping area does not satisfy the definition of ‘soft landscaping’, within Part 8 of the Code (my underlining).

Part 8: Administrative Terms and Definitions Table

Term	Definition
Soft landscaping	<u>Means landscaped areas that are pervious and capable of supporting the growth of plant species.</u> It does not include artificial turf or any form of pervious paving or paved/hardstand areas used for pedestrian and/or vehicle movement.

4.2 Building height, massing & 30° envelope — Exceeds TNV; inadequate transition

The proposal, at eight stories, will exceed the maximum building height recommended at this location by 3 building levels and 10 metres to the top of the roof top enclosure.

The policy of the UCMS is structured to achieve an interface whereby the scale of development has a transitional set down in building height to low-rise residential development within ENZ. Noting that the locality of the development comprises an established built form of single storey development, the transition to a development which exceeds this building height is not consistent with the pattern of development at the zone boundary.

Urban Corridor (Main Street) Zone

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

PO 5.1 Consolidation of significant development sites (a site with a frontage over 25m to a primary road corridor (e.g., a State maintained road or a road with similar attributes) and over 1500m² in area, which may include one or more allotments) to achieve increased development yield, provided that off-site impacts can be managed and broader community benefit is achieved in terms of design quality, community services, affordable housing provision, retirement facility or supported accommodation provision, or sustainability features.

Turning to the development encroaching within the 30-degree envelope contained within UCMS DTS/DPF 4.1, an increase in yield is only supported within UCMS PO 5.1, if “off-site impacts can be managed”. The full extent of the encroachment within the 30-degree envelope is illustrated within Figure 2. Relevantly, the applicant has not included this envelope within the submitted architectural documentation



Figure 2: 30 Degree Envelope of Impact

Noting that the landscaping at the zone boundary cannot support meaningful landscaping, the impacts of the development to residential development within a neighbourhood type zone is one of a concrete wall, and then a reduced setback eight storey development which “breaches” the 30-degree envelope.

Patently, guidance within the Code seeks landscaping to mitigate the appearance of multi-storey developments at the boundary of the zone. Noting that Tuckeroo has a mature canopy spread of 5 metres, this means that half the canopy will be obstructed and at the ground level, no landscaping will be evident to residential development to mitigate the buildings massing.

The proposed height of a five-storey development five metres setback from the zone boundary does not reflect an effective transition in built form scale and massing to the interface of the ENZ and would be viewed as a departure from the Code’s expectations regarding built heights at the zone boundary and is not considered an acceptable outcome.

Fundamentally, the proposed development reflects a scale of development that is too tall at the zone boundary and is not sufficiently staggered with respect to the expected boundary setbacks to the east.

Overweight Development and Inappropriate Setbacks

The development of an eight-storey building, with a total building height of 28.5 metres, as opposed to five levels and 18.5 metres as contained within UCMS DTS/DPF 3.1, and the corresponding Technical and Numerical Variation. From my reading of Part 1 of the Rules of Interpretation within the Code, a departure from the designated performance feature does not prevent the performance outcome from being achieved by another manner.

On this matter, the corresponding “intended outcome” of the Code with respect to the UCMS, is expressed within UCMS PO 3.1:

Urban Corridor (Boulevard) Zone

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

Noting UCMS PO 3.1, requires the proposal to “positively respond to the local context”, this includes the single storey residential development to the east, being the ENZ. The ENZ locality represents a dominant ‘low-rise’ character, of federation and post war housing, with interspersed contemporary houses all of a consistent residential appearance at a single storey scale, and some scattered two storey dwellings.

In this regard, within the ENZ, the applicable policy at ENZ PO 4.1 and ENZ DTS/DPF 4.1 provide guidance that expects a scale of residential development anticipated by the Code.

Established Neighbourhood Zone

PO 4.1 Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.

DTS/DPF 4.1 Building height (excluding garages, carports and outbuildings) is no greater than:

(a) the following:

Maximum building height is 6m

Maximum building height is 1 level

The transition from a five-storey building setback 5 metres, to a single storey residential development reflects a transition change which is not contextual. From the perspective of residential development within Eton Street, the introduction of a building at this height, relative to all the other buildings, will dominate the locality. This will introduce a negative visual impact, and is further reinforced by the failure of the design to accommodate the following:

(a) lack of adequate landscaping to the zone boundary consistent with Part 4: Design in Urban Areas PO 13.3 and 13.4;

(b) failure to adequately setback the building to the context sought to be considered by UCMS PO 4.1 and O 5.1; and

(c) insufficient compliance with the 30-degree envelope contained within UCMS DTS/DPF 4.1 which results in a lack of contextual set down of the building to the adjoining residential development within the ENZ.

Code implications

- TNV: 5 levels / 18.5 m vs proposed ~28.5 m a significant exceedance. PO 5.1 allows uplift only where offsite impacts are managed and broader community benefit is demonstrated.
- UCMS PO 4.1: requires massing mitigation to neighbourhood type zones; DTS/DPF 4.1 (30° envelope) illustrates the expected step down. The envelope has not been documented, and the east interface is over height with insufficient landscaping.

Referrals on the record

- ODASA: support is conditional seek further south wing reduction and privacy improvements at the interface.
- City of Unley: notes 30° transition not met, height uplift not justified (no Affordable Housing under DPF 5.1(c)), and requests bicycle/EOT, traffic geometry/sight triangles, groundwater method, public realm permits, and waste service windows.

5) Traffic & Access — consolidated position

- Modelled performance: LoS F (right turn Eton St), DoS≈0.95, queues up to 5 vehicles, with reliance on street absorbed queues contrary to the Code's expectation of onsite queue containment and safe sightlines.
- Cumulative impacts: adjacent carwash (~180 trips/day) + other short stay businesses materially elevate congestion and risk (pedestrians/cyclists).
- Arterial reality: Unley Road carries > 67,000 vpd and is heavily congested at peaks. The Traffic Report's premise of "opportunistic" right turns from Eton St is not realistic in peak conditions.
- Local network protection: Eton Street must remain a no-through-road; any increased east-west permeability would induce rat running and compromise ENZ amenity/safety.

City of Unley referral: adopt CIRQA's geometry fixes, demonstrate pedestrian sight triangles, provide a carpark management plan, and impose strict service hours (weekday 9:00–17:00), onsite loading only.

See Appendix A for more information

6) Other material deficiencies

- Bicycle/EOT: ~37 spaces required; none shown contrary to Code tables and City referral.
 - Groundwater/basement: basement below groundwater; no discharge to Council stormwater; geotechnical method selection (dry/tanked vs drained) required pre-consent.
 - Public realm/encroachments: verge works, crossovers, canopies require separate authorisations and full FFL/water table spot levels not supplied.
-

7) Recommendations & directions to SCAP (s107 PDI Act)

Refuse the application or defer with directions requiring the applicant to:

1. Height & interface: Redesign to TNV 5 levels/18.5 m at the interface, comply with the 30° envelope, and implement ODASA's requested south wing massing reduction and privacy mitigation.
 2. Deep soil feasibility: Provide coordinated sections (civil/arch/landscape) locating the retained wall, footings, retention members, and slab overhang to prove PO 13.3/PO 13.4 & DTS 13.4 compliance and that the "deep soil" zone can sustain medium trees (e.g., Tuckeroo) with adequate width/volume and solar access.
 3. Acoustics: Certify an NRC ≥ 0.8 solution at the boundary and re-run predictions for echo/reflection, with detailing endorsed by the acoustic engineer.
 4. Privacy: Add obscure balustrades/screens to L1/L2 facing ENZ; verify sightline offsets; relocate/reshape communal terrace exposures as needed.
 5. Traffic: Redesign access to contain queues onsite; show sight triangles at Eton St; submit a carpark management plan (allocation/peak controls); adopt weekday 9:00–17:00 waste/deliveries, no street loading; retain Eton St as a no-through-road.
 6. Bicycle/EOT: Provide Code compliant resident/staff spaces in
 7. A secure compound, visible visitor racks, and end of trip facilities.
 8. Groundwater: Provide geotechnical reporting and a no discharge basement method statement pre-consent.
 9. Public realm: Supply FFLs/water table levels and obtain DIT/Council authorisations for all encroachments/verge works.
-

8) Specialist questions

Landscape architect

- According to the DIT tree species attached (which is a good yardstick for garden bed provisions / sizes for healthy tree growth) the tuckeroo requires 0.8m Lateral setback from face of tree trunk to vertical face of kerb (in this case the driveway) to minimise damage. Adding the trunk diam, the recommended min width of the garden bed is 1.9m. Considering we have 0.53m, I do not recommend Tuckeroo.
- The Tuckeroo also drops fruit which may stain the driveway surface (+ vehicles) and increase maintenance.
- The Tuckeroo is not known to be overly invasive, but root growth habit can be vigorous and potentially lift adjacent concrete if planted too close.

Alternative species:

Pyrus calleryana 'Capital' - this deciduous tree has a more upright nature with minimal spread which is more suitable to the restricted width on offer along the fenceline / driveway. It has been well recommended for narrow garden beds and is drought tolerant once established. They possess a fibrous root system that primarily spreads laterally and requires approx 0.9m deep soil for healthy growth. They grow well in full sun and will tolerate the heat emanating from the adjacent driveway.

Civil/structural

- What footing dimensions/lateral bracing are required to retain a ~6 m concrete tilt-up wall on the boundary adjacent to the basement?

- Can retention + carpark overhang be reconciled with a continuous deep soil profile?

Acoustic

- Confirm NRC of the existing concrete wall and quantify reverberation risk.
- Endorse a practicable NRC ≥ 0.8 lining system (extent/height/maintenance).

See Appendix C for RFI

9) Interface, overshadowing, privacy (supplementary policy notes)

- Interface & transition: *Interface Between Land Uses* (DO 1; PO 2) and UCMS PO 4.1 require a graduated response; current upper levels exceed what the typical interface envelope would produce. Mitigation by planting alone does not resolve scale.
- Sunlight access: *Sunlight Access* (DO 1; PO 2) expects protection of solar access to adjoining residential private open spaces; definitive winter solstice analysis is absent and cannot be assumed acceptable at this height/massing.
- Privacy: *Privacy* (DO 1; PO 2) requires measures effective at occupation—not reliant on future planting growth; current overlooking from upper level balconies, L3 pool terrace, and communal areas is not adequately controlled.

See Appendix B for more information

10) Weight given to advisory processes

While Design Review and voluntary ESD initiatives are welcome, they are advisory and cannot override mandatory Code provisions around height, interface, and amenity. Any uplift under PO 5.1 is contingent on demonstrated impact management and community benefit, which are not presently evidenced to a satisfactory level.

11) Precedent & strategic outcomes (UCMS DO 1; Principles of Good Planning)

Approving 8 levels where 5 levels are envisaged would undermine the strategic intent of UCMS and erode confidence in the Code's interface controls. The cumulative consequences for Unley Road require a cautious, policy led approach.

Conclusion

Under s107 PDI Act, the development fails to demonstrate compliance with relevant provisions of the Planning & Design Code.

The extent of non-compliance and unresolved amenity, interface, traffic and engineering matters means the proposal does not represent orderly and proper planning.

Approval would set an undesirable precedent, undermining Code integrity and strategic outcomes for Unley Road.

The height, bulk, interface and privacy impacts would diminish value, amenity and character for adjoining residents in the ENZ.

Accordingly, I request SCAP to refuse the application in its current eight storey form or defer with directions as set out in Section 7 of this submission.

Traffic & Access – LoS F, unsafe egress, cumulative impacts, arterial constraints, Fisher Street conflict, and failure to contain queues onsite

1.) Modelled performance and onsite containment failure

CIRQA's SIDRA modelling records Level of Service F for right turn movements from Eton Street, with Degree of Saturation ≈ 0.95 and queues up to five vehicles at the Unley Road intersection. The proposal relies on the public street to absorb these queues, contrary to the Transport, Access & Parking policy intent for onsite queuing, safe sightlines, and minimal interference with an arterial corridor. Concentrating all site generated movements adjacent to sensitive receivers and within proximity of a school zone and activated footpaths significantly heightens pedestrian safety risks, notably for nearby school children and other vulnerable users.

2.) Cumulative impacts (car wash and short stay businesses)

The traffic assessment omits cumulative demand from the adjacent car wash (up to ~ 180 vehicles/day) and nearby short stay uses (frequent short duration trips). These combined movements lengthen queues beyond Eton Street, exacerbate peak period congestion, and amplify conflict risk for pedestrians and cyclists. Any credible assessment must explicitly account for cumulative turning movements and gap availability at the arterial interface.

3.) Arterial road conditions (Unley Road)

Unley Road functions as a major arterial corridor and is heavily congested at peak hours. Against that context, the Traffic Report's premise that drivers can complete "opportunistic" right turns from Eton Street into Unley Road during peaks is not realistic. In practice such turns require:

- large gaps in fast moving arterial traffic (scarce in peaks),
- sustained queuing capacity (yet the model already shows LoS F with ~ 5 vehicle queues), and
- predictable flow (contradicted by short stay churn and the car wash throughput).

Local experience confirms those right turns are effectively impracticable in peaks, drive queue build up, block sightlines, and spill back into the residential interface contrary to the Code's expectation for safe, efficient, predictable movements on and around arterials.

4.) Fisher Street (Malvern) intersection – additional critical constraint

The Fisher Street $\times$ Unley Road intersection (immediately south of the site frontage) is busy and high conflict at peak periods. Its operation materially reduces usable gaps for vehicles attempting right turn egress from Eton Street and increases platooning along Unley Road.

Key concerns:

- Gap acceptance & blocking: Peak hour platoons from signalised nodes and turning activity at Fisher Street compress gap availability, making right turns from Eton Street even less feasible and prolonging queues.
- Pedestrian conflict: Fisher Street is a pedestrian desire line to Unley Road stops/shops. Increased turning pressure (from development + cumulative uses) heightens near side and far side crossing risks, especially with nearby school time peaks.
- Network interaction: Short cycle blocking at Fisher Street can induce back of queue interactions across Eton Street, elevating the likelihood of turning violations or unsafe assertive manoeuvres.

Given these realities, any assertion that Eton Street right turns can be "opportunistic" in peaks fails to reflect network effects introduced by the Fisher Street intersection. A conservative assessment must treat Eton Street right turn as functionally constrained in peak periods and design access accordingly (i.e., onsite containment and operational restrictions).

5.) Eton Street “No-Through-Road” – retain as a condition

Eton Street (Malvern) is a designated no-through-road that protects residential amenity, safety and function east of the site by preventing rat running and limiting volumes. Any new east–west permeability would invite shortcuts, increase local risk, and degrade ENZ amenity particularly under added demand from residents, commercial tenancies, service vehicles, and cumulative trips (including the car wash). The closure must remain in full, with all barriers/devices/landscape controls protected by condition.

6.) Directions sought (refusal or, at minimum, redesign and conditions)

Refusal is warranted on traffic grounds alone. If SCAP is minded to defer, the following **minimum directions/conditions** are requested:

- a) **Access geometry** redesigned to **demonstrably contain queues onsite** (no reliance on street absorption).
 - b) **Verified pedestrian sight triangles** at the **Eton Street** egress (to current Australian Standards).
 - c) A **carpark management plan** (resident/staff/visitor allocation, peak period controls, wayfinding, enforcement).
 - d) **Strict operational controls: onsite loading only; waste/deliveries limited to 9:00–17:00 Monday–Friday; no street loading.**
 - e) **Retention of Eton Street’s no-through-road** configuration in full (traffic control devices, barriers, landscaping).
 - f) **Cumulative assessment addendum** capturing car wash throughput, nearby short stay turnover, and **Fisher Street** intersection effects on **gap availability, platooning, pedestrian risk, and back-of-queue** interactions.
 - g) (If warranted by the addendum) **DIT liaison** for updated **turning counts and peak hour vpd** validation, and **SAPOL/CrashMap** extract for recent **crash history** around **Eton Street / Fisher Street / Unley Road** to inform final conditions.
-

Interface and Transition to Residential Development

Relevant Code provisions:

- Interface Between Land Uses – DO 1
- Interface Between Land Uses – PO 2
- Building Height and Massing – PO 3

The eastern boundary of the site directly interfaces with established low rise residential development. Building sections and elevations demonstrate that the proposed upper levels extend beyond what would be achieved by a compliant interface envelope, including the commonly applied 30 degree transition plane.

The proposal relies on screening, planters and landscaping to address interface impacts. These measures do not address the fundamental issue of built form scale and do not achieve the Code's intent for a graduated and sympathetic transition between zones.

Overshadowing and Sunlight Access

Relevant Code provisions:

- Sunlight Access – DO 1
- Sunlight Access – PO 2
- Interface Between Land Uses – PO 4

The submitted daylight and shadow material does not provide a clear assessment of winter solstice overshadowing impacts on adjoining residential properties.

Given the excessive height, overshadowing will materially reduce sunlight access to adjoining private open spaces, contrary to PO 2 of Sunlight Access policies.

In the absence of this analysis, the authority cannot reasonably conclude that acceptable residential amenity outcomes will be achieved.

Overlooking and privacy impacts inadequately resolved

Relevant Code provisions:

- Privacy – DO 1
- Privacy – PO 2
- Interface Between Land Uses – PO 5

The proposal includes extensive upper level balconies, communal terraces and an elevated pool area. These elements result in direct overlooking into adjoining residential properties.

The proposal includes:

- Multiple upper level balconies
- Pool terrace at Level 3
- Communal areas overlooking eastern neighbours

Mitigation relies on:

- Planting
- Balustrades
- “Planting to mature over time”

Planning law is clear:

- Future planting growth is not a reliable privacy control
- Upper level direct lines of sight into private dwellings remain

Proposed mitigation measures, including partial screening and future planting, do not adequately address overlooking at the proposed height and scale.

The Code requires privacy measures to be effective at the time of occupation, not reliant on future vegetation growth. The proposed design does not meet this standard.

The development therefore fails to maintain reasonable levels of visual privacy for existing Eton & Fisher Street residents.

Basement Construction and Groundwater Management**Relevant Code provisions:**

- Design Quality – PO 1
- Environmental Protection – PO 3
- Hazards – PO 2

The documentation confirms that basement levels extend below the groundwater table and that the final groundwater and dewatering strategy has not been resolved.

Given the scale of excavation, the proximity of adjoining residential properties (including properties with bluestone footings & cellars), and the potential for offsite impacts, this represents a significant unresolved constraint.

Approval should not be granted where fundamental engineering and environmental matters remain outstanding.

Appendix C – SCAP Reserve Matters: Request for Information (RFI)

Project: DA 25036473 – 259–269 Unley Road, Malvern

Date: 11 January 2026

To: Design Team – Landscape Architect; Civil/Structural Engineer; Acoustic Engineer

Purpose

Provide coordinated, evidence based responses required for matters under s107 of the PDI Act, demonstrating compliance with the Planning & Design Code for the Urban Corridor (Main Street) Zone (UCMS), particularly PO 13.3/13.4 & DTS/DPF 13.4 (deep soil), UCMS PO 4.1 & DTS/DPF 4.1 (30° envelope), and transport/access expectations.

a) Landscape Architect – Deep Soil & Medium-Canopy Viability at Eastern Boundary

- **Soil volume & dimensions:** Quantify the minimum rootable soil volume (m^3 per tree) and minimum width $\times$ depth $\times$ length needed for a medium canopy Tuckeroo (*Cupaniopsis anacardioides*) to achieve screening function in this location. Reference accepted urban forestry guidance indicating typical targets of $\geq 12\text{--}20 \text{ m}^3$ for medium canopies and justify any deviation.
 - **Unimpeded deep soil test:** Confirm whether the $\sim 1.0 \text{ m}$ strip with retained wall footings and basement retention $\sim 0.53 \text{ m}$ off boundary, and a $\sim 0.6 \text{ m}$ car-park slab overhang meets the “unimpeded above and below” deep soil test. If not, provide the net achievable planted soil volume after deducting structural encroachments and shading impacts.
 - **Solar access & canopy projection:** Provide winter solstice and equinox shadow/insolation checks to demonstrate whether daily solar access is sufficient for healthy growth to expected canopy spread (typically $\sim 5\text{--}10 \text{ m}$ for medium canopy in urban guides).
 - **Engineered alternatives (if needed):** If unimpeded deep soil cannot be achieved, propose engineered equivalence (e.g., structural soil/cells/soil vaults, contiguous rootable zones) sized to the same rootable volume, with detail sections and maintenance implications.
 - **Species strategy & staging:** If Tuckeroo is marginal, recommend alternates with lower soil-volume thresholds, and specify interim privacy controls until maturity (screen heights, planter/balustrade combinations).
-

b) Civil/Structural – Boundary Wall, Basement Retention & Deep-Soil Continuity

- **Footing geometry & lateral stability:** Provide preliminary footing dimensions (width, depth, toe/heel) and any lateral bracing (buttresses, pilasters, tie-backs) for a $\sim 6 \text{ m}$ concrete tilt-up/retained wall at the boundary, including encroachment distances into the proposed planting strip, under ultimate wind/seismic and earth pressures.
- **Basement retention & capping beams:** Show vertical retention members ($\sim 0.53 \text{ m}$ from boundary), capping beams, drainage/waterproofing and confirm whether these interrupt or reduce the rootable soil. Include a soil–structure interaction note addressing groundwater drawdown and capping-beam effects.
- **Serviceability & movements:** Quantify expected lateral/vertical ground movements during excavation and long-term (seasonal groundwater variation). Confirm clearances between structural elements and any proposed structural soil-cell systems.
- **Conflict audit & options:** Overlay all structural elements vs the deep-soil corridor. Where conflicts exist, test options (move retention inboard; reduce slab overhangs; step the basement) and tabulate the resultant rootable soil volumes for each option.
- **Documented infeasibility (if applicable):** If continuity cannot be achieved, provide a signed statement of minimum structural offsets required and the residual maximum rootable volume available, to allow the landscape team to pivot to engineered soil vaults.

c) Acoustic – Boundary Absorption & Echo Control

- **NRC performance:** Confirm the NRC of the existing concrete (typically ~0.05) and provide a lining/system achieving $\text{NRC} \geq 0.8$ over the necessary extents; re-run predictions for echo/reflection at the interface and provide construction details demonstrating how the required acoustic performance would be achieved and maintained.

Representations

Representor 67 - John Abbott

Name	John Abbott
Address	44a Eton Street MALVERN SA, 5061 Australia
Submission Date	21/01/2026 10:43 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

We believe a Planning Consent should not be granted for this project in its current form. Our objections are : 1. There are already very significant existing traffic problems on Unley Road without adding more by allowing the construction of more large buildings. We note the proposal suggests traffic will be able to exit right into Unley Road from Eton Street - a statement obviously made by someone who has not lived the experience. 2. The proposed massive building will steal the sky and no doubt privacy of the adjacent neighbours in Eton Street (despite whatever the developers say), reducing their current living experience and amenity and no doubt reducing the value of their properties and potentially their saleability. 3. We are curious how sewerage and drainage can be effectively handled, given SA Water already frequently visits Eton Street and other close-by streets to rectify problems. Can the developer guarantee any new construction will be designed in a manner to avoid the problems our friends in Opey Ave are experiencing with faulty drainage and sewer odours from the apartments at Opey Str & Unley Road, a proposal approved by SCAP. 4. This proposal sits outside the Unley council's strategy to provide residents a high quality, liveable lifestyle - after all that is why the current community chooses to live here. 5. There is no necessity to authorise construction of an eight storey apartment as is proposed. A four or five storey construct would be much more sensitive and would place less strain on already taxed existing infrastructure. We can hear the developers crying it will not be financially feasible but they are not the ones who will have to live with the consequences. Approval for eight storeys then opens the possibility of approval of even higher constructions in the future. Whilst we are not opposed to development in our area, it must be considered and considerate of the existing Unley residents, who will live with the future consequences of your decisions. John Abbott and Jill Morey, 44a Eton Street, Malvern SA 5061

Attached Documents

Representations

Representor 68 - Christopher Kneebone

Name	Christopher Kneebone
Address	63 ETON STREET MALVERN SA, 5061 Australia
Submission Date	27/01/2026 01:20 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Refer to representation form.	

Attached Documents

ChristopherKneebone21Jan26-Full-13330968.pdf
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DHUD:SPC Applications

From: Christopher Kneebone <ckneebon@bigpond.net.au>
Sent: Wednesday, 21 January 2026 4:14 PM
To: DHUD:SPC Applications
Subject: Representation of Application Development number 25036473
Attachments: Representation on Application Malvern Development Jan 26.docx

You don't often get email from ckneebon@bigpond.net.au. [Learn why this is important](#)

Dear Assessment Panel,

Re: Development Application Number 25036473

Please find attached our Representation On Application regarding the above development due at 11.59pm Wednesday 21st January 2026. Please note that we are opposed to the proposed development.

Kind regards

Chris Kneebone and Libby Bamford

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	Malvern Development SA Pty Ltd
Development Number:	25036473
Nature of Development:	Proposed eight-level, mixed use development including dwellings, shop, office, pool and basement parking.
Zone/Sub-zone/Overlay:	Urban Corridor (Main Street) Zone
Subject Land:	-34.956820508403, 138.60838298427927 Unit 1-15 259-269 Unley Road, Malvern SA 5061
Contact Officer:	Assessment Panel/Assessment Manager at State Planning Commission
Phone Number:	1800 752 664
Close Date:	Wednesday, 21 January 2026 at 11:59pm

My name*: Christopher Kneebone	My phone number: 0411618440
My postal address*: 63 Eton Street, Malvern SA 5061	My email: ckneebon@bigpond.net.au

* Indicates mandatory information

My position is: ☐ I support the development
☐ I support the development with some concerns
☒ I oppose the development

The specific reasons I believe that consent should be refused are related to the arguments of the development that it will

- Deliver wider community benefit
- Manage off site impacts in relation to neighbouring residential zones.
- Deliver Architectural merit

We do not believe the current development does the above.

More specifically our areas of concern are:

Building Height and Interface Envelope

Urban Corridor (Main Street) Zone – DO 3, PO 2, Built Form and Scale PO-1

The maximum building height for this area as per the relevant code is 5 levels and this building of 28.5 metres height exceeds this by an additional 50%. Whilst the site has been given significant development status, which affords a credit of 30% uplift to the maximum zone height (which allows up to 24.05 meters), even with this allowance, the building height exceeds the limit.

This means an increase in the number of apartments which in turn increases the number of people accessing and leaving the site, increases shadowing, increases the need for services to be provided such as waste management, increased parking requirements and increased noise production.



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It also would have a negative visual impact on the area which is largely prime residential. This property will be unacceptably imposing and jarringly discordant with the character of the area. Eton St would generally be acknowledged as one of the finer suburban avenues south of the CBD and this development will adversely affect the desirability of this address. The authorised 5 storey height limit appears a more acceptable compromise between the desire for development and maintaining the character of the area.

Interface with Residential Development

There is a clear lack of the required interface of land use by the relevant code (Interface Between Land Uses) which stipulates a 30 degree angle in the building where it meets residential areas. On the eastern boundary whilst there is some set back of levels they do not meet the 30 degree angle required. On the southern boundary this is even more of an issue with the building being at a height of levels when immediately adjoining residential properties.

The feature of U-shaped form as proof of mitigating visual impacts does not take into account that there is still an excessively high interface on the southern border of the development. Whilst there are northern wing setbacks, these do not meet the 30 degree requirement.

The arguments that the existing masonry wall remains, and the planting of the Tuckeroo trees or the upper level planters will soften and reduce the mass at the residential interface are not realistically going to soften the impact of the development. They will not counteract the lack of a 30 degree angle at the interface of the development on eastern and southern residential areas.

This has significant impacts of shadowing and lack of privacy for neighbouring properties which is unacceptable.

Decreased sunlight and shadowing

The height and size of the building, and the proximity to homes means it has a very significant impact on homes to the east and south of the development.

The decreased hours of direct sunlight into homes, back yards and onto solar panels on the western sides of homes is a significant issue.

The proposal suggests that the trees in current residential yards provides shadow and therefore the overshadowing of the development is incremental. The current trees are fortunate for the homes that have them as they provide a screen of the proposed development but they are not permanent and should not be considered as such. The trees will at some stage die so cannot be used by the developer as an argument regarding shadowing.

The proposal also reports that shadowing would occur in the early afternoon from 2pm in winter. This is a significant number of sunlight hours to lose, especially in winter when maximising light to solar panels is most important. This has a financial cost to homes and is unacceptable.

Privacy and Overlooking

The developer states that there will be instances of direct overlooking on the eastern side with planter boxes designed to compensate so vision is outward not downward. These boxes would assist but do not stop the ability to look directly into backyards and as Malvern and in particular Eton and Fisher Streets are considered some of the finer suburban avenues south of the CBD, this lack of privacy would adversely affect the desirability of the area.

Traffic and Access

Unley Road is a major arterial thoroughfare that does not flow well and has no ability to include turning right lanes into Eton Street as acknowledged in the proposal. The number of dwellings and therefore cars in the area would lead to more traffic. As turning right onto Unley Road at peak times is already difficult resident's leaving Eton Street going north will turn left onto Unley Road and then onto Fisher Street and down Cambridge Terrace to Wattle Street and Oxford Terrace to traffic lights or proceed to Duthy Street making the local streets much busier than they are already. This is a significant concern.

Car Parking

The current allowance for resident's car parking is glaringly inadequate and concerns us for many reasons.

The residents are likely to be single, or couples or retirees - many or most households are likely to have at least two cars. The allowance is 75 residential car parks – this is totally inadequate and would result in many residents parking in neighbouring streets. There are only 2 disability car parks – but as there are likely to be elderly people in some of the apartments and customers visiting the commercial sites requiring disability parking, only 2 spaces is inadequate.

Visitor parking – there are 17 spaces. For the number of residents living in the development this will be an inadequate number.

Non residential parking – 50 spaces. This needs to cater for staff at the commercial and retail spaces, customers to these businesses, trades people and others providing services to people in the apartments. This again appears inadequate.

Commercial businesses – if there are cafes/ restaurants on the northern end of the development on Eton Street, customers will want to use Eton Street for parking as it provides easier access than parking underground and dealing with traffic when turning onto Unley Road. As a resident of Eton Street where parking is already quite limited throughout the day and evening this deeply concerns us and if this were to occur it would be unacceptable.

Noise

The number of people living and working in the development and movement of cars and traffic would create noise. We are particularly concerned that the waste removal is proposed to occur 14 times a week and would be collected at ground level from the eastern side of the development. The trucks and the movement of recycling rubbish is very noisy and would be a significant negative effect on residences nearby.

Lack of Benefit to Local Community

The “broader community benefit” as presented as a reason for the development to qualify as a Significant Development Site is not met. Currently there are cafes and take away food sites that are heavily frequented throughout the day and evening. The number of food outlets, the number of takeaway sites, the ease of access with plenty of parking that is close to the shops are all part of what makes it a heavily frequented and popular spot in Unley. We have heard many people speak with regret at losing these shops. The number of retail and businesses proposed will not be able to generate the atmosphere, the access and the range of food outlets that people enjoy at the current site. Currently the parking is at the front of the site so as Eton street residents we are not greatly affected by the number of commercial businesses. This is not the case with the proposed development.

Unley already has plenty of shops, cafes, restaurants and retail- we have yet to understand what is the “broader community benefit” produced by this development.

Concern for Precedent

As residents of Eton Street and Malvern /Unley area we are deeply concerned by the precedent the proposed development would set should this current proposal be approved. Unley and Malvern are recognised for their low rise, leafy and prestigious side streets. Developments that exceed the 5 stories approval will have a lasting and negative impact on the character of the area and once lost cannot be regained. Whilst it is hard to put a monetary value on the loss to the area, it is likely that property values will be adversely affected. Balancing development whilst maintaining what is valued in the area is an extremely important responsibility when considering the appropriate scope for this development. We believe that maintaining the limited height to 5 stories is a way of trying to limit the adverse impact of an excessively imposing structure and get a balance of desirable development and residential living.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development]*.

I:	☐ wish to be heard in support of my submission*
	☒ do not wish to be heard in support of my submission
By:	☐ appearing personally
	☐ being represented by the following person: Click here to enter text.

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: Christopher Kneebone

Date: 21/1/2026

Return Address: [Click here to enter text.](#) *[relevant authority postal address]* or

Email: [Click here to enter text.](#) *[relevant authority email address]* or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Representations

Representor 69 - Haley Aitken

Name	Haley Aitken
Address	61 ETON STREET MALVERN SA, 5061 Australia
Submission Date	27/01/2026 01:53 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Refer to representation form	

Attached Documents

HaleyAitkenTimBenny21Jan26Full-13331809.pdf

DHUD:SPC Applications

From: Haley Aitken <haley.aitken@gmail.com>
Sent: Wednesday, 21 January 2026 12:20 PM
To: DHUD:SPC Applications; timbenny@hotmail.com
Subject: Representation on Application - Development Number 25036473
Attachments: Eton Street Representation-on-Application-Version-5.docx - Google Docs.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from haley.aitken@gmail.com. [Learn why this is important](#)

Dear Assessment Panel

RE: Development Number 25036473

Please find attached our Representation on Application regarding Development Number 25036473, due Wednesday 21 January 2026 by 11:59pm. We confirm we are opposed to the Development.

Kind regards

Haley Aitken & Tim Benny

.REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	Malvern Development SA Pty Ltd
Development Number:	25036473
Nature of Development:	Proposed eight-level, mixed use development including dwellings, shop, office, pool and basement parking.
Zone/Sub-zone/Overlay:	Urban Corridor (Main Street) Zone
Subject Land:	-34.956820508403, 138.60838298427927 Unit 1-15 259-269 Unley Road, Malvern SA 5061
Contact Officer:	Assessment Panel/Assessment Manager at State Planning Commission
Phone Number:	1800 752 664
Close Date:	Wednesday, 21 January 2026 at 11:59pm

My name*: Timothy Benny and Haley Aitken	My phone number: 0408 899 838
My postal address*: 61 Eton Street, Malvern SA 5061	My email: timbenny@hotmail.com

* Indicates mandatory information

My position is:	☐ I support the development
	☐ I support the development with some concerns
	☒ I oppose the development

The specific reasons I believe that consent should be refused are:

Building Height and Interface Envelope

Urban Corridor (Main Street) Zone – DO 3, PO 2, Built Form and Scale PO-1

The proposed building comprises 8 levels and a height of 28.50 meters, which exceeds the standard quantitative guidelines expressed in the TNV and DPF.

In relation to local context, the proposed height and scale is not consistent with emerging built form along Unley Road. High-rise mixed-use buildings existing along this corridor remain limited to no more than six levels (for example, Hyde Park Place Luxury Apartments). Malvern is an established character suburb. "Increased housing diversity" by exceeding building height restrictions does not increase or contribute to providing "substantial community benefit". The mixed-use aspect of the proposed building does not deliver substantial community benefit nor does it justify the uplift in height envisaged for the development site (DPF 5.1)

The site has been given significant development status, which affords a credit of 30% uplift to the maximum zone height (which allows up to 24.05 meters). Even with this allowance, the building height exceeds a 30%.



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Building Interface

The Technical and Numerical Variations (TNV) requires that the interface height should be constructed within a building envelope provided by a 30-degree plane, measured 3 meters above natural ground at the boundary of an allotment.

The lack of compliance with the 30 degree interface between the proposed high-rise development and neighbourhood zone does not mitigate the impact of building massing next to a neighbourhood-type zone.

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

Where the code envisages increasing height and yield on sites of this scale, it is permitted on the basis that:

- it delivers broader community benefit;
- provides a high standard of design and quality; and
- manages off-site impacts, particularly in relation to neighbouring residential zones.

Delivers broader community benefit

7 commercial tenancies will not deliver a broader community benefit, where the existing site already provides broader community benefit through many more existing commercial tenancies, in single-storey buildings. The development of the site does not increase broader community benefit above and beyond what currently exists (without impacting neighbouring dwellings in terms of breaching their privacy/passive surveillance).

Manages off-site impacts, particularly in relation to neighbouring residential zones

The proposed development does not adequately address the impacts to parking on Eton Street. Eton Street parking is currently used by residents, visitors of residents, employees of the local car wash (located on Unley and Eton Street), food delivery drivers, employees of the Malvern shops (current site) and patrons of the commercial tenancies/restaurants.

Overshadowing and Sunlight Access

Code provision: Sunlight access – DO 1, PO 2, Interface between land uses – PO 4

Given the height of the building, I have concerns about the overshadowing the building will cause to my property, particularly in the winter. Our garden enjoys/relies on late afternoon sun for the growth and maintenance of plants.

Access and Car Parking

The proposed development will be serviced by a total of 167 parking spaces across three levels:

- 89 parking spaces which will be publicly accessible;
- 18 parking spaces at the rear of the building at grade;
- 71 parking spaces in Basement 01; and
- 78 parking spaces for residents in Basement 02.

The proposal is for a mixed-use development, comprising 68 apartments and 7 commercial tenancies.

Given that the 68 apartments (which includes 33 three-bedroom apartments) will likely comprise of multiple tenants with multiple vehicles per unit, on top of patrons, employees, delivery drivers etc to the 7 commercial tenancies, it seems improbable that there will adequate parking spaces provided.

It is also unclear whether the public can gain access to the basement level 01 during the evening, should the commercial tenancies include hospitality venues, such as restaurants and cafes, which have the potential to dramatically increase traffic and pressure on street level parking spaces on Eton Street.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - N/A

I: ☐ wish to be heard in support of my submission*
☒ do not wish to be heard in support of my submission

By: ☐ appearing personally
☐ being represented by the following person:

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: Timothy Benny

Date: 21 January 2026.

Return Address: [Click here to enter text.](#) *[relevant authority postal address]* or

Email: [Click here to enter text.](#) *[relevant authority email address]* or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments