



PLANNING REPORT

Mixed-Use Development

259-269 Unley Road, Malvern

Prepared for:
Hygge Property Pty Ltd

Date:
17.11.2025

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1. OVERVIEW

Subject Land	259-269 Unley Road, Malvern SA 5061
Current Land Use	Mixed-use commercial
Zone	Urban Corridor (Main Street) Zone
Overlays	Affordable Housing Airport Building Heights (Regulated) (All structures over 45m AHD) Design Noise and Air Emissions Prescribed Wells Area Regulated and Significant Tree Traffic Generating Development Urban Transport Routes
Technical and Numeric Variations (TNV)	Maximum Building Height (Metres) 18.5 metres Maximum Building Height (Levels) 5 levels Minimum Building Height (Levels) 3 levels Minimum Primary Street Setback 0 metres Interface Height (Development should be constructed within a building envelope provided by a 30 degree plane, measured 3m above natural ground at the boundary of an allotment)
Development	Mixed-use development comprising the construction of an eight-level building incorporating retail uses, office accommodation and residential apartments with communal facilities and swimming pool, together with basement and at-grade car parking, landscaping and associated public realm works.
Elements	Dwelling (in the form of a residential flat building) Shop Office Pool
Assessment Pathway	Code Assessed – Performance Assessed
Public Notification	Yes
Referrals	Commissioner of Highways Environment Protection Authority Government Architect City of Unley
Planning and Design Code Version and Date	V 2025.20 – October 23, 2025
Relevant Authority	State Planning Commission

2. INTRODUCTION

This report has been prepared to accompany a development application by Hygge Property Pty Ltd (**the Proponent**) to construct a mixed-use building at 259-269 Unley Road, Malvern (**the site**).

In preparing this report, we have:

- inspected the site and its locality;
- identified and subsequently reviewed what we consider to be the most pertinent provisions of the Planning and Design Code (**the Code**);
- had regard to:
 - » the *Planning, Development and Infrastructure Act 2016* (**the Act**);
 - » the *Planning, Development and Infrastructure (General) Regulations 2017* (**the Regulations**);
 - » the Certificates of Title in **Appendix 1**;
- reviewed the supporting documents, including the:
 - » architectural drawings prepared by Woods Bagot in **Appendix 2**;
 - » landscape plan prepared by Landskap in **Appendix 3**;
 - » traffic and parking assessment prepared by Cirqa in **Appendix 4**;
 - » waste management plan prepared by Rawtec in **Appendix 5**;
 - » noise assessment by Echo Acoustic Consulting in **Appendix 6**;
 - » ESD statement prepared by ADP Consulting in **Appendix 7**;
 - » stormwater management plan and civil drawings prepared by Matter Consulting in **Appendix 8**;
 - » Preliminary Site Investigation report prepared by Fyfe in **Appendix 8**; and
 - » Site Contamination Declaration Form in **Appendix 9**.

This report contains our description of the site and locality, the nature proposal, and our assessment of the proposal against what we consider to be the most relevant provisions of the Code.

Based on our assessment, it is our opinion that the proposed development is not seriously at variance with the Code and warrant the granting of planning consent.

3. EXECUTIVE SUMMARY

The proposed redevelopment of Malvern Village represents a major reinvestment in a strategically located site along the Unley Road urban corridor. The land, formerly occupied by a long-established neighbourhood shopping centre, has historically played an important role in supporting local retail activity and providing day-to-day services to the surrounding community.

The Proponent has identified a unique opportunity to revitalise this key site by delivering a contemporary mixed-use development that enhances commercial offerings while introducing high-quality apartment living. The residential component will contribute meaningfully to housing choice and diversity within the City of Unley, particularly for long-term local residents seeking to “right size” into more convenient, low-maintenance accommodation without leaving the neighbourhood.

The redevelopment will re-establish important local retail and service functions on the site, reducing the need for residents to travel outside the locality for essential shopping needs. It will also stimulate ongoing economic activity and strengthen the vibrancy of the Unley Road corridor.

The proposal has been carefully designed to respond to its surrounding context, respect the established character of Malvern, and sensitively manage interface considerations. It achieves improved pedestrian and vehicle access arrangements, incorporates significant public realm upgrades, and delivers a high-quality landscaped environment that enhances the amenity and attractiveness of Eton Street and Unley Road.

4. PRE-LODGEEMENT

4.1 Pre-Lodgement Panel and Design Review Panel

The Proponent, together with their representatives, participated in the Department for Housing and Urban Development's Pre-Lodgement Panel (**PLP**) service, as well as the Office for Design and Architecture South Australia's (**ODASA**) Design Review Panel (**DRP**) service.

All in all, there were:

- two PLP meetings (one on April 4, 2025 and the other on August 15, 2025);
- two DRP sessions (one on May 29, 2025 and the other on September 4, 2025); and
- informal meetings with the City of Unley to discuss public realm upgrades to Eton Street.

The PLP meetings involved collaboration with multiple stakeholders to inform the ongoing design development and, ultimately, the final proposal package. Likewise, the DRP sessions provided invaluable direction with respect to many design-related matters.

The DRP #2 recommendations letter dated September 12, 2025 commended the Proponent for their willingness to engage and the positive progression of the design between sessions, including refinements to built form, resident amenity, the ground plane, and landscaping. The letter also expresses in-principle support for the proposed building height, noting that additional height is appropriate on this site provided it is concentrated towards Unley Road with a clear, recessive transition to the residential interface.

Key outcomes of the design review process included improvements to building massing and transitions, enhanced ground-floor activation, greater clarity in site permeability and circulation, upgrades to communal and public realm spaces, and a more refined architectural expression and landscape strategy. These refinements have been incorporated into the final design, demonstrating a transparent and iterative design evolution.

4.2 Council Engagement

The Project Team has undertaken early and ongoing engagement with the City of Unley regarding the proposed Eton Street public realm upgrades and associated access arrangements.

A preliminary meeting was held with Council on August 4, 2025, during which staff expressed in-principle support for the proposed Eton Street improvements and requested additional traffic investigations to better understand existing car wash access arrangements, queueing behaviour and local movement patterns.

Following completion of the requested traffic review, the landscape concept was refined to address Council's feedback, including adjustments to lane widths, line-marking, parking layouts and increased tree planting opportunities on the northern side of Eton Street.

A further meeting was held with Council on October 29, 2025 to present the revised traffic and landscape concept. Council staff were broadly supportive of the updated design and recommended several refinements, including a single shared left/right turn lane onto Unley Road, provision of two short-term drop-off spaces, and the use of printed pavement treatments to enhance pedestrian safety. All recommendations have since been incorporated into the proposal.

This engagement demonstrates a collaborative design process and reflects the proponent's commitment to delivering a coordinated public realm outcome consistent with Council's expectations.

5. SITE AND LOCALITY

5.1 Site

The site comprises five allotments, commonly known as Units 1-15, 259-269 Unley Road, Malvern and described more formally as:

Table 5.1 *Certificate of Title details*

Street No.	Lot	Deposited/Folio Plan	Street	Volume	Folio
1-15	3	F102954	Unley Road	5151	176
1-15	179	D1153	Unley Road	6126	704
1-15	273	D1153	Unley Road	5151	175
1-15	272	D1153	Unley Road	5151	175
1-15	4	F102954	Unley Road	6145	798

When combined, the allotments provide a total site area of approximately 3,405 square metres, with a frontage of approximately 68.27 metres to Unley Road and a secondary frontage of approximately 49.88 metres to Eton Street. The site is regular in shape and generally level.

The site currently accommodates a mix of low-scale commercial buildings and associated at-grade car parking areas, most of which are of dated presentation and limited activation to the Unley Road frontage. Existing improvements include:

- a single-storey commercial building containing eleven tenancies and associated business signage, extending along the eastern and southern boundaries of the site in an "L"-shaped configuration;
- a two-storey stone building of historic character, featuring quoin and parapet detailing, which, while not heritage-listed, contributes a degree of local visual interest through its traditional materials and façade composition;
- a car parking area accommodating 51 parking bays and two 4.5 metres tall flood lighting poles

- a free-standing pylon sign measuring approximately 4.0 metres tall; and
- an entrance 'arbor' framing the centremost Unley Road site access

Vehicle access is presently provided via multiple existing crossovers, including two two-way access points to Unley Road and one two-way access to Eton Street. These arrangements result in fragmented pedestrian connections and a poor-quality streetscape, particularly along Eton Street, which also accommodates an unscreened waste bin storage area.

The site is not subject to flooding or significant constraints, nor is it affected by heritage listings or easements that would materially restrict future development.

The site is identified in Figure 5.1 below.

Figure 5.1 *Subject Site*



As the development is inclusive of public realm upgrades, the 'site' also extends to include the portion of Council land subject to these works. This area includes 233 square metres of additional area, further increasing the overall area of the site to 3,638 square metres.

5.2 Locality

The locality is characterised by a diverse main street environment that reflects the evolving urban form and mixed-use character of the Urban Corridor (Main Street) Zone. Development along Unley Road comprises a mix of retail, hospitality and office tenancies at ground level, with upper-level commercial and residential uses evident in more recent redevelopments.

Upon undertaking an inspection of the subject site and its locality, the following was observed:

- buildings fronting Unley Road are predominantly single and two-storey with zero or minimal setbacks and active street frontages;
- land uses along Unley Road comprise retail, cafés, restaurants, medical suites, consulting rooms, offices, gyms, educational establishment and a variety of local services;
- Eton Street currently presents as a low-amenity streetscape dominated by car wash access, queuing lanes and hardstand areas;
- to the east, low-density residential development exhibits traditional character and consistent setbacks within the Established Neighbourhood Zone and Historic Area Overlay; and

The site in relation to its immediate surroundings, is captured in Figure 5.3 below.

Figure 5.2 *Locality plan*



6. PROPOSED DEVELOPMENT

6.1 Overview

The proposal seeks Planning Consent for the construction of an eight-storey mixed-use development incorporating retail, office and residential land uses, together with basement car parking, public realm upgrades and associated landscaping works.

The development will replace the existing strip retail buildings and surface car parking with a contemporary, design-led mixed-use building that contributes to the ongoing transformation of Unley Road as a vibrant, higher-density main street corridor. The ground floor will accommodate a range of retail and commercial tenancies to activate both Unley Road and Eton Street frontages and improve the public realm through high-quality landscaping, widened footpaths and improved pedestrian connections. Retail and office accommodation is proposed on the Ground Floor and Level 1 to support employment and activity within the precinct, while upper levels will accommodate a range of residential apartments, offering a mix of dwelling sizes and high levels of internal and external amenity.

Vehicle access will be provided from Eton Street, leading to two levels of basement car parking and additional at-grade parking concealed to the rear of the site. The proposal integrates deep soil planting and extensive landscaping, including a landscaped pedestrian link through the site, communal outdoor spaces, and a high level of greening across multiple levels of the building. The retained character building on the Unley Road and Eton Street corner will be adaptively reused and integrated into the new building form, contributing to the established streetscape character and providing a tangible link to the site's historic context.

The proposal represents a significant opportunity to deliver a high-quality, sustainable mixed-use development on a strategic 'Significant Development Site' within the Zone, supporting increased residential density, employment activity and public realm enhancements in a location well served by existing services, transport and community infrastructure.

The proposal is further summarised below.

6.2 Land Use

The proposal is for a mixed-use development comprising:

- 68 apartments, including:
 - » 13 x one-bedroom dwelling;
 - » 17 x two-bedroom dwellings;
 - » 33 x three-bedroom dwellings; and
 - » 5 x four-bedroom dwellings.
- 7 commercial tenancies are provided at Ground Floor and Level 1, with proposes uses (subject to tenants), including the following floor areas:
 - » retail tenancies ranging from 86 square metres up to 115 square metres;
 - » office tenancies ranging from 584 square metres up to 771 square metres;

The apartments are intended for owner-occupier market sale and have been designed based on current market demand and trends relative to the Malvern area and surrounds.

The commercial tenancies have been designed with flexibility and adaptability in mind and have the ability to support a range of tenant needs, together with equitable access to shared amenities.

6.3 Design and Appearance

6.3.1 Design Philosophy

The architectural response adopts a contemporary yet contextually grounded design philosophy that draws inspiration from Malvern's transition from its agricultural origins to its current role as a refined established character suburb. This evolution is reflected through a layered composition of built form, natural materiality and integrated landscaping, resulting in a high-quality mixed-use development that contributes meaningfully to the Unley Road main-street character.

The design embraces the duality of Malvern's identity, where the activity and vibrancy of the high street meet the calm, leafy qualities of the surrounding residential areas. Through the use of warm, natural materials, fine-grain detailing and a carefully modulated façade, the building bridges past and present while maintaining a strong human scale.

At ground level, the development is conceived as an extension of the public realm, enhancing permeability and activation. A sequence of retail, café and lobby spaces is supported by substantial upgrades to the Eton Street frontage, encouraging community interaction and reinforcing the main street's pedestrian-focused environment.

6.3.2 Built Form and Composition

The building is expressed as a distinct base, middle, and top, establishing a clear architectural hierarchy that mediates between the main street and adjoining low-scale development.

- **Base:** A highly transparent ground floor provides active street frontages to Unley Road and Eton Street, framed by deep awnings, fine-grain shopfronts, and textural materials that reflect traditional main-street character.
- **Middle:** Upper podium levels are articulated through recessed terraces and horizontal modulation, incorporating planting and outdoor communal areas to create visual relief.
- **Top:** The upper residential levels adopt lighter tones and a refined architectural expression to reduce perceived mass and maintain a human scale within the streetscape.

6.3.3 Material and Colour Palette

The material palette is deliberately restrained and natural, drawing from Malvern's historic suburban character and architectural cues from existing commercial buildings along Unley Road:

- **Base:** Textured masonry and natural stone treatments that reference the materiality of nearby character buildings.
- **Middle Levels:** Light-grey precast concrete with subtle recesses and patterned insets to create depth and shadow play.
- **Top Levels:** Softer neutral tones with lighter cladding and metal detailing to provide contrast and delicacy.
- **Balconies and Terraces:** Incorporation of planter boxes and green edges to promote a verdant appearance and reinforce the garden-suburb narrative.
- **Canopies and Shopfronts:** Steel and glass awnings designed for pedestrian comfort while aligning with existing street-tree canopies.

Together, these elements achieve a refined, cohesive aesthetic that complements the established character of Unley Road while establishing a forward-looking architectural identity for the site.

6.3.4 Public Interface and Activation

The design establishes a highly permeable and engaging ground plane that strengthens the relationship between the building and the public realm. Generous glazing, multiple legible entry points and active tenancies along both Unley Road and Eton Street ensure strong visual and physical connections, promoting continuous pedestrian activity and enhancing passive surveillance.

Eton Street is re-imagined as a shared, landscaped public edge featuring widened footpaths, new street tree planting, and opportunities for outdoor dining. These upgrades extend the vibrancy of the Unley Road main street into the side street environment, creating a cohesive and activated public interface that supports the mixed-use character sought for this precinct.

The proposed building is designed to a high architectural standard and its architectural plans are contained in **Appendix 2**.

6.4 Building Height

The proposed building includes eight building levels over a vertical height of 28.50 metres.

6.5 Access and Car Parking

The Traffic and Parking Report prepared by Cirqa is contained in **Appendix 4**.

6.5.1 Access and Traffic

Vehicle access to the site will be provided via a new crossover on Eton Street which is sited approximately 40 metres from the Eton Street and Unley Road junction.

The proposed access is designed to facilitate simultaneous movements including access, egress and turning movements, as well as entry and exit in a forward motion, for all light vehicles and service vehicles (as demonstrated by the swept path diagram prepared by Cirqa in **Appendix 4**).

6.5.2 Car Parking

The proposed development will be serviced by 167 car parking spaces across three levels, being:

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

All car parking spaces are designed to comply with the requirements of the Australian/New Zealand Standard '*Parking Facilities Part 1: Off-street car parking*' (AS/NZS 2890.1:2004) and '*Parking Facilities Part 6: Off-street parking for people with disabilities*' (AS/NZS 2890.6:2004).

The basement level car parking areas will be secured via a remote-controlled roller door (noting that the door to the at-grade parking area will remain open during business hours).

6.6 Sustainable Design

The proposal has been designed in order deliver a combination of well-designed features and facilities that focus on wellbeing, and includes:

- achievement of passive design principles through:
 - » extensive access to views, noting that the building has been designed in the round, and each apartment is afforded access to natural light;
 - » access to natural ventilation to all apartments, and direct access from main living areas to generously sized balconies for private open space, and satisfies criteria for Green Star and WELL ratings;
 - » the use of high-performance facades and thermal insulation and double glazing to all apartments;
- high-performance building fabric exceeding NCC Section J requirements and an average NatHERS rating of 7.5 stars;
- all-electric design supported by a ~30 kW rooftop solar PV system, future-proofing the building in line with net-zero objectives;
- efficient water management, including 25 kL rainwater harvesting for toilet flushing and irrigation, ~12 kL on-site detention achieving ~40% peak flow reduction, and MUSIC-verified stormwater quality compliance;
- enhanced indoor environmental quality, with natural ventilation opportunities, low-VOC finishes, and strong daylight performance, including 100% daylight access to Level 3 communal areas;
- support for sustainable transport, including provision for EV charging, high-quality bicycle facilities, and extensive landscaping that also functions as WSUD infrastructure.

The full extent of design measures is detailed within the ESD report prepared by ADP is contained in **Appendix 7**.

6.7 Landscaping

The landscape plan prepared by Landskap (**Appendix 3**) provides a cohesive and integrated approach to planting, public realm improvements and interface management. Landscaping is a central component of the design response, contributing to site legibility, activation, residential amenity and the broader landscape character that defines Malvern. The strategy integrates planting into all levels of the development to soften built form, reinforce human scale and elevate the pedestrian experience.

6.7.1 Site Landscaping

The proposed on-site landscape design includes a comprehensive suite of measures that enhance amenity, improve privacy, and support a strong green framework across the development. Key features include:

- Deep soil zones along the eastern boundary, allowing for medium-to-large canopy trees (e.g., Tuckeroo) to provide year-round screening and improve the residential interface.
- Integrated planter boxes on balconies and upper levels, designed for privacy attenuation, micro-climate comfort and ongoing greenery across the façade.
- A curated mixed-species tree palette, with larger feature trees at ground level and smaller accent trees on podium and upper terrace levels.

- Landscaped communal areas, including the Level 3 resident terrace, incorporating shade trees, planting buffers and irrigated garden beds to enhance resident amenity.
- A coordinated irrigation and maintenance strategy, ensuring long-term plant health and visual quality.

This landscape framework delivers a soft, green, pedestrian-friendly edge to the development, contributing positively to the character of both Unley Road and Eton Street.

6.7.2 Public Realm Landscaping / Improvements

The proposal incorporates extensive public realm upgrades to enhance pedestrian amenity and visual quality along Eton Street, forming an integral part of the broader place-making strategy for the development. The works include:

- Narrowing of Eton Street by approximately 2.9 metres, providing a 6.6 metre dual-lane carriageway and a 2.5 metre wide queuing bay for car-wash patrons, thereby increasing the available verge width for a shared path and landscaping;
- Planting of eleven (11) new trees within the widened southern verge to improve shade, comfort and the attractiveness of outdoor dining areas, contributing to the overall streetscape amenity; and
- Planting of five (5) new trees along the northern verge to soften the visual impact of the adjoining car-wash site and reinforce the landscaped character of the street.

The design outcome represents a significant uplift in public realm quality and aligns with the project's broader place-making objectives. The scope and detailing of these works will continue to be refined in consultation with the City of Unley.

For clarity, these public realm works do not require a separate authorisation under Section 221 of the *Local Government Act 1999*, as the works are proposed pursuant to the *Planning, Development and Infrastructure Act 2016*.

6.8 Stormwater

Matter Consulting has prepared a stormwater management plan, contained within **Appendix 8**, which confirms the following:

- the existing buildings and car parking area occupy nearly 100 percent of the site, meaning the site is almost entirely impervious;
- with respect to flood protection:
 - » the proposed finished floor levels are set at a minimum 300 millimetres freeboard above modelled flood levels;
- with respect to stormwater management:
 - » the Legal Point of Discharge will be via the existing SEP on Eton Street with a DN300 Reinforced Concrete Pipe; and
 - » post-development stormwater discharge rates will not exceed the capacity of the downstream systems;
 - » Water Sensitive Urban Design (**WSUD**) will be integrated into the stormwater system to meet current requirements;
 - » Stormwater detention and retention tanks are included to reduce the amount, and peak flow rate discharge to the Council system downstream and contribute to the improvement of the stormwater runoff quality;

Groundwater monitoring undertaken in the locality indicates that the proposed basement finished floor level is below the surrounding groundwater table. This requires careful consideration of basement water management.

At this stage of the project, both potential basement design solutions remain available, being:

- A sealed, fully tanked basement (dry basement) designed to prevent groundwater ingress; or
- A drained basement system (wet basement) with controlled discharge to the Council stormwater network.

The Proponent acknowledges that the suitability of either approach will depend on further geotechnical investigation and detailed engagement with the City of Unley. Accordingly:

- The Proponent does not seek to lock in a final basement water management method at the planning stage.
- Further technical investigations will be undertaken following planning consent to determine the most appropriate and feasible approach.
- The final design solution will be developed in consultation with Council to ensure that groundwater management, structural integrity, stormwater performance and downstream network capacity are satisfactorily addressed.

This approach ensures that all feasible engineering solutions remain available, while allowing the planning authority to be confident that the site can be developed responsibly in accordance with the Code.

6.9 Waste

The Waste Management Plan (**WMP**) prepared by Rawtec is contained in **Appendix 5**. The WMP has been developed in consultation with the project architect (Woods Bagot), traffic consultant (Cirqa), and project manager, and is consistent with the *South Australian Better Practice Guide – Waste Management in Residential or Mixed Use Developments* (Green Industries SA, 2014).

Waste generation has been based on the 168-bed residential component of the development as well as envisaged future tenants of the seven commercial tenancies, on the assumption that five are used as a café/restaurant and two as offices or consulting rooms in accordance with the Zero Waste SA Guidelines.

Theoretical waste generation rates are shown in Figure 6.1 below which is an extract from the Rawtec report:

Figure 6.1 Theoretical waste generation rates

Estimated waste generation volumes (litres per week)					
Land use type	Residential	Commercial	Commercial	All Commercial Land Uses	Total
Development land use	Apartments	Commercial	Retail	Total All Commercial	
WRGR classification	Residential (High Density)	Offices or Consulting Rooms	Café/Restaurant	All Commercial Land Use Types	
General waste	5,000	2,000	11,500	13,500	18,500
Comingled recycling	4,200	900	1,900	2,800	7,000
Organics recycling	1,700	300	15,300	15,700	17,300
Cardboard recycling	NE	NE	5,700	5,700	5,700
Paper recycling	NE	1,000	NE	1,000	1,000
Confidential paper recycling	NE	100	NE	100	100
Hard waste	1,200	NE	NE	NE	1,200
E-waste	200	NE	NE	NE	200
Total site volume	12,300	4,300	34,400	38,800	51,000

A comprehensive on-site waste system is proposed, featuring:

- Separate waste streams for general waste, comingled recycling, organics, cardboard, and paper, with additional provisions for hard waste, e-waste, batteries, and lighting.
- Dual waste rooms with a northern chute-termination room (receiving waste from residential levels) and a southern central storage/collection area accessible to commercial tenants, residents and the waste contractor.
- Building caretaker management, including rotation of bins under chutes, transfer of full bins, and oversight via remote-access CCTV.
- Private waste collection, undertaken by a single contractor servicing all tenancies to minimise vehicle movements.

Bin collection will occur on-site from the rear loading area, with vehicles entering and exiting in a forward direction consistent with the swept-path analysis prepared by Cirqa. Up to 14 collection movements per week are anticipated, with capacity for reduced frequency subject to operational refinement. All transfer routes are a minimum of 1.25 metres wide, step-free, and compliant with AS 2890.2-2002 vehicle access standards.

6.10 Site Suitability

The proposed development is considered to involve a 'change to a more sensitive use' for the purposes of *Practice Direction 14 – Site Contamination Assessment 2021*.

Further to the conclusions of the Preliminary Site Investigation (**Appendix 9**), the Site Contamination Declaration Form (**Appendix 10**) signed by Fyfe indicates that the risk of significant contamination being present at the site is low, although further investigation is required in the areas of the site currently covered by buildings.

7. PROCEDURAL MATTERS

At the time of preparing this report, the relevant version of the Planning and Design Code was gazetted and subsequently consolidated on October 23, 2025 (Version 2025.20).

7.1 Zoning and Overlays

7.1.1 Zone

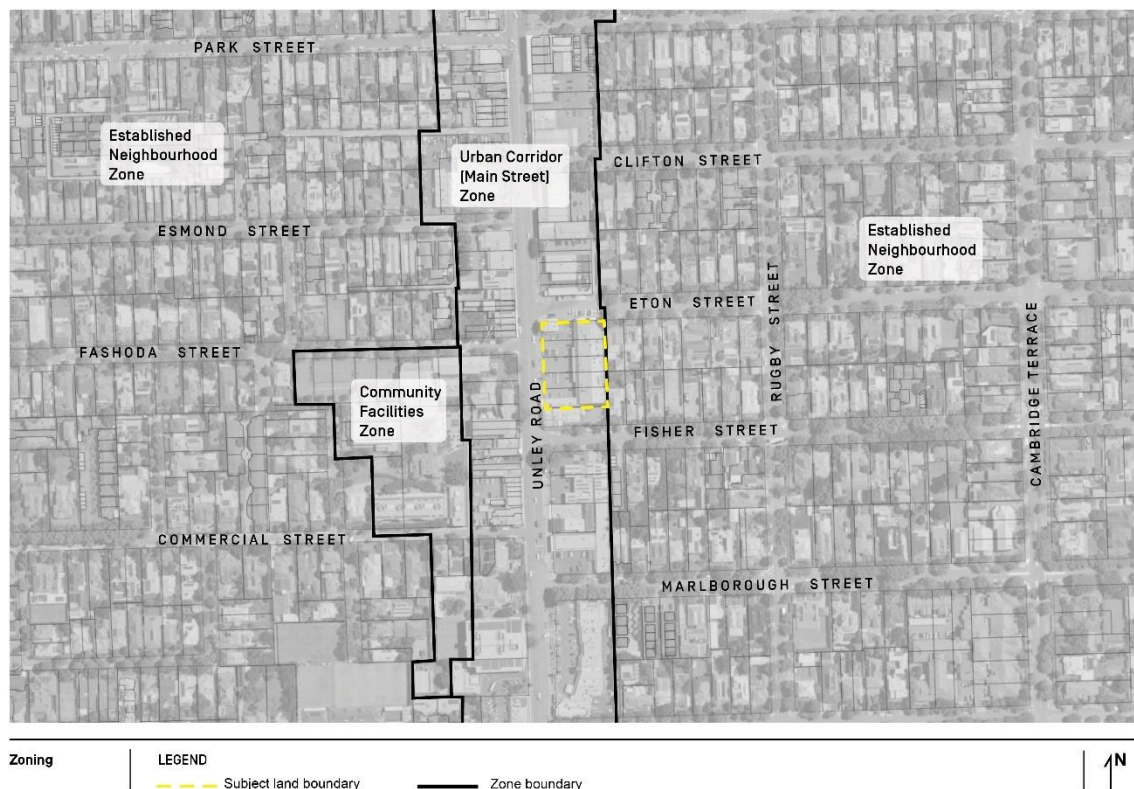
The site is situated within the Urban Corridor (Main Street) Zone (**the Zone**).

The Desired Outcomes of the Zone state:

- 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.*
- DO 2** *Built form positively contributing to:*
- a)** *a streetscape that is visually interesting at human-scale comprising articulated buildings with a high level of fenestration and balconies oriented towards the street*
 - b)** *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.*

The subject site zoning, shown in context of surrounding zones, is demonstrated in Figure 7.1 below.

Figure 7.1 Subject Site and Locality zoning



7.1.2 Overlays

The subject site is within the following Overlays:

- Affordable Housing
- Airport Building Heights (Regulated) (All structures over 45 metres)
- Design
- Noise and Air Emissions
- Prescribed Wells Area
- Regulated and Significant Tree
- Traffic Generating Development
- Urban Transport Routes

7.1.3 Technical and Numeric Variations

The following Technical and Numeric Variations (**TNV**) apply to the site:

- Maximum Building Height (Metres) (Maximum building height is 18.5m)
- Minimum Building Height (Levels) (Minimum building height is 3 levels)
- Maximum Building Height (Levels) (Maximum building height is 5 levels)
- Minimum Building Height (Metres) (Minimum building height is 11.5m)
- Minimum Primary Street Setback (Minimum primary street setback is 0m)
- Interface Height (Development should be constructed within a building envelope provided by a 30 degree plane, measured 3m above natural ground at the boundary of an allotment)

7.2 Verification

For the purposes of regulation 31(1)(a), (b) and (c) of the Regulations, the following applies:

Table 7.1 *Verification snapshot*

Verification matter	Comment
Nature of Development	Mixed-use development comprising the construction of an eight-level building incorporating retail uses, office accommodation and residential apartments with communal facilities and swimming pool, together with basement and at-grade car parking, landscaping and associated public realm works.
Elements	Residential flat building Shop Office
Category of Development	Code Assessed – Performance Assessed
Relevant Authority	State Planning Commission

7.2.2 Category of Development

According to Tables 1, 2 and 4 respectively of the Zone, the proposed redevelopment is not 'accepted', 'deemed-to-satisfy' or 'restricted' and is, therefore, to be 'performance assessed' pursuant to Section 107(1) of the Act.

7.2.3 Relevant Authority

The State Planning Commission (**the Commission**) is the relevant authority for determination of the application as the development is over four levels in height and the site is subject to the Design Overlay within the City of Unley, in accordance with:

- section 94(1)(a)(ii) of the Act;
- regulation 23(1) and clause 4 of Schedule 6 of the Regulations; and
- Table 1 in Part 5 of the Code.

7.3 Referrals

7.3.1 Council

Pursuant to regulation 23(1)(b) of the Regulations, the application requires referral to the City of Unley (the Council) for comments on technical matters as prescribed in regulation 23(3) which includes:

(a) the impact of the proposed development on the following at the local level:

- (i) essential infrastructure;*
- (ii) traffic;*
- (iii) waste management;*
- (iv) stormwater;*
- (v) public open space;*
- (vi) other public assets and infrastructure;*

(b) the impact of the proposed development on any local heritage place;

(c) any other matter determined by the Commission and specified by the Commission for the purposes of subregulation (2)(b).

In the absence of a Practice Direction being issued by the Commission, we submit that no other matters are prescribed for the purposes of subregulation (2)(b) and as such, any commentary provided by the Council on matters not prescribed should be disregarded.

7.3.2 Overlay Referrals

The site is subjected to the following overlays that may require a referral, pursuant to Section 122(1) of the Act, in accordance with regulation 41(1) to a body prescribed in Schedule 9 of the Regulations.

We submit the following comments in relation to the relevant referral triggers of each overlay:

Table 7.2 *Referral triggers*

Overlay	Referral (Y/N)	Comment
Affordable Housing	No	The proposal does not include affordable housing
Airport Building Heights	No	The proposal does not include a class of development as listed in the procedural matters table of the overlay.
Design	Yes	The proposal involves the erection or construction of a building that exceeds 4 building levels
Prescribed Wells Area	No	The proposal does not include a class of development as listed in the procedural matters table of the overlay.
Traffic Generating Development	Yes	The proposal is less than 250m from a State Maintained Road and proposes a building containing in excess of 50 dwellings
Urban Transport Routes	No	The proposed access on Eton Street is greater than 25 metres from the intersection with Unley Road

7.3.3 The Code Part 9 – Referrals

Part 9.1 of the Planning and Design Code identifies where referrals are required to the Environment Protection Authority (EPA) as stipulated by Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

In the case of the proposed development, the proposal involves a change of use to a more sensitive use, as identified by *Practice Direction 14 – Site Contamination (v5)* thereby triggering a referral to the EPA.

7.4 Public Notification

Pursuant to section 107(6) of the Act, the Planning and Design Code may exclude specified classes of development from the requirement to undergo public consultation. Accordingly, Table 5 of the Zone provides the following:

Table 7.3 Table 5 – Procedural Matters (excerpt)

Class of Development (Column A)	Exceptions (Column B)
3. Any development involving any of the following (or of any combination of any of the following): a) <i>advertisement</i> b) <i><u>dwelling</u></i> c) <i><u>office</u></i> d) <i><u>residential flat building</u></i> e) <i><u>shop</u></i>	Except development that: 1. <i>exceeds the maximum building height specified in Urban Corridor (Main Street) DTS/DPF 3.1 or</i> 2. <i>does not satisfy Urban Corridor (Main Street) DTS/DPF 4.1 or</i> 3. <i>involves the construction of a building of 4 or more building levels and the site of the development is:</i> a) <i>adjacent land to a neighbourhood-type zone and</i> b) <i>adjoins an allotment containing an existing low-rise building used for residential purposes.</i>
4. Any development involving any of the following (or of any combination of any of the following): ... (n) <i>swimming pool or spa pool and associated swimming pool safety features</i>	None specified.

The proposal fails to satisfy the applicable Column B exemption criteria for Item 3 and, as such, the application is captured by the public notification requirements under Section 107(3) of the Act.

8. ASSESSMENT AGAINST PLANNING AND DESIGN CODE

8.1 Assessment Approach

The applicable policies include Desired Outcomes (DO) which “*automatically apply in relation to a performance assessed development*” and Performance Outcomes (PO). It is also worth noting that some POs have a standard outcome that is considered to satisfy the corresponding PO, referred to as Designated Performance Features (DPFs). The Rules of Interpretation within Part 1 of the Code state the following in relation to DPFs (underlining our emphasis):

“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.”

It is noted the ERD Court has recently provided guidance with respect to the interpretation of the Planning and Design Code, more particularly the manner in which DPFs are to be viewed in the context of a planning assessment. In *Garden College v City of Salisbury [2022] SAERDC 10*, the full Court held;

“That said, it must not be overlooked that the way in which the DTS/DPF criteria serve a procedural function is through the intermediary of a procedural table specifying classes of development excluded from public notification and exceptions to such exclusions that incorporate such criteria by reference. It does not follow where the satisfaction of DTS/DPF criteria excludes performance assessed development from public notification, a relevant authority would be prevented from deciding not to grant planning consent on the elements of a development requiring a merits assessment against the Code. Indeed, s107(8) and the Code Rules of Interpretation make it plain that satisfaction of DTS or DPF criteria does not derogate from the relevant authority’s discretion to determine the outcome on a merits assessment against all relevant provisions of the Code, including any relevant corresponding POs and DOs.”

As a result of the above, the assessment below focusses on the applicable DOs and POs and may only refer to the DPF in instances where it assists in the exercise of discretion.

8.2 Land Use and Intensity

The Urban Corridor (Main Street) Zone anticipates a vibrant, mixed-use environment that supports a range of complementary residential and non-residential activities. The following Desired Outcomes and Performance Outcomes are particularly relevant.

- 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.*
- DO 2** *Built form positively contributing to:*
- a) *a streetscape that is visually interesting at human-scale comprising articulated buildings with a high level of fenestration and balconies oriented towards the street*
 - b) *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.*
- PO 1.1** *A vibrant mix of land uses adding to the vitality of the area and extending activities outside shop hours including restaurants, educational, community and cultural facilities and visitor and residential accommodation.*
- PO 1.3** *Ground floor uses contribute to a safe, active and vibrant main street.*
- PO 1.4** *Dwellings developed in conjunction with non-residential uses to support business, entertainment and recreational activities that contribute to making the main street locality and pedestrian thoroughfares safe, walkable, comfortable, pleasant and vibrant places.*
- PO 1.5** *Development of diverse medium density accommodation options either part of a mixed-use development or wholly residential development.*

The proposed mix of land uses aligns strongly with these envisaged outcomes as follows:

- Active Ground Floor uses
 - » the Ground Floor is designed to accommodate shops, café/restaurants as well as office or consulting room tenancies including a portion of Level 1. These uses are all envisaged land uses under DPF 1.1, directly supporting the outcomes sought by PO 1.1 and 1.3 by activating the main street and improving passive surveillance.
- Residential Integration and Density
 - » the residential component of the land use is also envisaged by DPF 1.1, and is located at level 1 and above so as to not conflict with non-residential uses, whilst providing support to those businesses within the development site, aligning with PO 1.4; and
 - » measuring 3,388 square metres in area, the site is more than double the site area threshold required to qualify as a *Significant Development Site* (1,500 square metres), as provided in Zone PO 5.2. Accordingly, the Zone encourages increased density, intensity and height in this context, provided external impacts to adjacent residential uses can be minimised. The management of impacts is addressed further on in this report (refer to Sections 8.3 and 8.4).

8.3 Design and Appearance

8.3.1 Built Form and Character

The Zone seeks a built form that contributes positively to the streetscape, provides visual interest, and maintains a human scale. The following Performance Outcomes are particularly relevant:

- PO 2.1** *Buildings sensitively frame the main street and public spaces, provide overall visual relief from building height and mass, and maintain a human scale for pedestrians.*
- PO 2.2** *Buildings and structures designed to complement and respond to the established fine-grained main street character by:*
 - a) *ensuring the verandah profile and materials of construction are consistent with and positively respond to adjacent traditional main street buildings*
 - b) *complementing the traditional shop-front elements, such as narrow buildings and tenancy footprints, with frequently repeated frontages, and clear-glazed narrow shop front displays above raised display levels and recessed entries*
- PO 2.3** *Buildings designed to create visual connection between the public realm and ground level interior, to ensure an active interface with the main street and maximise passive surveillance.*
- PO 2.4** *Buildings provide a high amenity pedestrian environment by providing shelter and shade over footpaths.*
- PO 2.5** *Buildings are adaptable and flexible to accommodate a range of residential and non-residential land uses on the ground floor.*

In addition to the above, the Design Overlay envisages development that contributes to the liveability, durability and sustainability of the built environment through high-quality design (DO 1 and PO 1.1).

The proposed development achieves a high architectural standard and presents a well-considered design response to its main street and residential interfaces, as summarised below:

- the siting and design of the building is a sensitive response to the local context, through the incorporation of a two-storey podium form, fine-grain detailing at ground level and retention of the existing character building which is prominently sited on the corner of Unley Road and Eton Street (PO 2.1);
- the inclusion of planted canopies and awnings that overhang the public footpath provide visual relief from the building height and mass, and contribute to an inviting and comfortable pedestrian environment with activated street frontages by incorporating glazing to shop fronts which enhance the amenity of the traditional main street character and emphasising human scale and context (PO 2.2, 2.3 and 2.4); and
- the ground floor level is of an appropriate height and design to be adaptable to future functional needs (PO 2.5);
- the at grade car park is appropriately sited to avoid negative impacts on the main street rhythm and activation and includes deep soil zones to support the health and ongoing vitality of trees and ground covers to provide visual interest and enhance amenity (PO 6.2).

Furthermore, the design meets the intent of the Design Overlay, including the matters referred to the Government Architect, in that it:

- (a) Responds to its surrounding context and contributes to the quality and character of the place by:
 - » presenting a contextually scaled podium and a contemporary upper-level form that respects both the established main street character and nearby residential areas;
 - » retaining and incorporating the existing character building as part of the architectural expression.

- (b) Contributes to inclusiveness, connectivity, and universal design of the built environment by:
 - » delivering accessible public realm interfaces and equitable access throughout the building;
 - » providing a mix of dwelling types that cater to diverse needs and stages of life.
- (c) Enables buildings and places that are fit for purpose, adaptable and long lasting by:
 - » adopting high-quality materials and detailing;
 - » providing flexible tenancy spaces that can evolve over time.
- (d) Adds value by positively contributing to places and communities by:
 - » reactivating a prominent site with high-quality retail, public realm upgrades and improved pedestrian connections;
 - » enhancing safety and amenity through passive surveillance and improved streetscape conditions;
- (e) Optimises performance and public benefit by:
 - » incorporating landscaped areas, deep soil zones and substantial enhancements to the Eton Street public realm.
- (f) Supports sustainable and environmentally responsible development because:
 - » • integrating passive design principles, generous natural light and ventilation, and a high performing building envelope;
 - » Achieves a NatHERS star rating of 7.5 stars.

Overall, the architectural response delivers a well-resolved built form that complements the evolving main street character while significantly enhancing the public realm. The proposal balances activation, adaptability, sustainability and visual interest, achieving a high-quality outcome consistent with the objectives of the Zone and the Design Overlay.

8.3.2 Building Height and Interface Envelope

In relation to the building height and interface policies that apply to the site, the following are relevant:

PO 3.1 *Building height is consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer 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.*

DTS/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.*

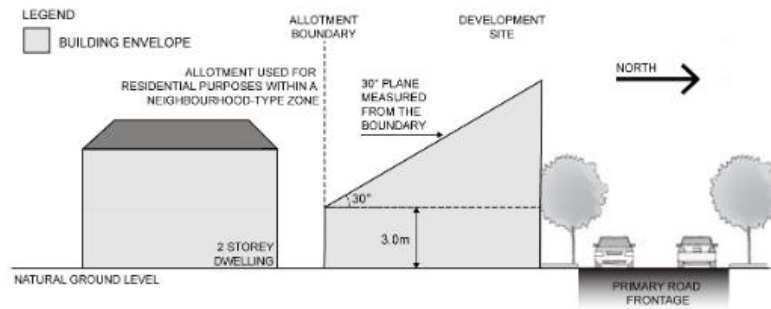
PO 3.2 *Buildings designed to achieve optimal height and floor space yields, and maintain traditional main street form.*

DTS/DPF 3.2 *New development is not less than the following building height:*

- *Minimum building height (expressed in levels) of 3 levels; and*

PO 4.1 *Buildings mitigate impacts of building massing on residential development within 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 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):*



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.

The proposed building comprises 8 levels and a height of 28.50 metres, which exceeds the standard quantitative guidelines expressed in the TNV and DPF. However, the site clearly qualifies as a *Significant Development Site* (frontage of 68.27m to Unley Road and total area of ~3,405m²). Accordingly, the Code expressly envisages **increased height and yield** on sites of this scale where the development:

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

The proposal has been carefully designed to respond to its local context and mitigate the visual and amenity impacts of building massing through a combination of strategic building form, façade articulation, and spatial separation, as outlined below:

- A defining feature of the proposal is the adoption of an initial “U-shaped” built form at podium level, transitioning to an “L-shaped” built form at upper levels. This delivers an appropriate interface outcome through:
 - » two distinct eastern-facing wings, separated by 20.3 metres;
 - » a central open void, resulting in a setback of 24.6 metres from the eastern boundary at this portion of the building, substantially reducing perceived bulk when viewed from the Established Neighbourhood Zone;
 - » a spatial arrangement that improves solar access, visual permeability, and sky views for neighbouring dwellings to the east.

In combination with the U-shape / L-shape form, the building further incorporates progressive upper-level setbacks to soften the vertical scale and further moderate massing, noting that:

- the northern wing setbacks increase more rapidly with height, deliberately opening the northern sky plane, improving winter solar access for eastern neighbours, and reducing visual dominance from Eton Street and Fisher Street.
- 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.

The eastern boundary condition is further strengthened by several design elements, including:

- Retention of the substantial existing masonry boundary wall, maintaining the established ground-level interface and ensuring no additional impact to primary private open space areas.
- High-quality façade articulation, including textured materials, recessed forms, glazing modulation and vertical breaks to visually reduce massing.
- Integrated landscaping, including deep soil planting with Tuckeroo trees (achieving ~7m height, 5m canopy spread) and upper-level planters providing year-round visual filtering and contributing to the mitigation of direct overlooking and softened bulk and mass at the residential interface.

Collectively, these measures deliver an appropriate transition to the Established Neighbourhood Zone, and demonstrate a high level of compliance with the qualitative outcomes sought by PO 4.1 and the broader urban design intent of the Zone.

The proposal further satisfies the intent DPF 5.1 through the delivery of substantial community benefit and high design quality, including:

- Retention and adaptive reuse of the existing character building on the Unley Road/Eton Street corner, preserving valued streetscape character;
- Significant public realm upgrades to Eton Street, including narrowing of the carriageway, improved pedestrian amenity, increased landscaping and new tree plantings;
- Active frontages to both Unley Road and Eton Street, with commercial uses sleeving parking areas and strengthening main street vibrancy;
- A diverse unit mix, including one-, two- and three-bedroom dwellings, with over 10% three-bedroom apartments;
- Integrated balcony landscaping, shaded canopies and passive design elements;
- High internal amenity standards, including generous balcony sizing and high natural ventilation rates.

These measures collectively deliver substantial community benefit and justify the uplift in height envisaged for *Significant Development Sites*.

In relation to the local context, we also suggest that the proposed height and scale is consistent with the emerging built form character along Unley Road. Several developments along the Unley Road corridor demonstrate similar upper-level massing and contribute to the evolving medium to high-rise mixed-use character sought for this strategic transport corridor where there are limited opportunities for general infill development and increased housing diversity within the surrounding established character suburbs.

As such, the proposed design has gone above and beyond to achieve community benefit, whilst also balancing and appropriately managing the residential interface to the west. We further highlight that:

- it is expressly anticipated for a *Significant Development Site*;
- it satisfies the qualitative design and interface outcomes of the Zone;
- it delivers substantial community benefit, public realm upgrades and high architectural quality; and
- it appropriately manages residential interface impacts through separation, setbacks, façade articulation and landscaping.

8.3.3 Setbacks

In relation to setbacks, the following policies from the Zone are of relevance:

- PO 2.6** *Buildings sited on the primary street boundary to achieve a continuity of built form frontage to the main street, with the occasional section of building set back to create outdoor dining areas, visually interesting building entrances and intimate but vibrant spaces.*
- PO 2.7** *Buildings with no setback from the secondary street boundary to contribute to a consistent established streetscape.*
- PO 2.8** *Buildings with no side boundaries setback to achieve a continuity of street façade to the main street.*
- PO 2.9** *Buildings set back from rear boundaries (other than street boundaries) to minimise negative impacts on neighbouring properties, including access to natural sunlight and ventilation.*

Design in Urban Areas module:

- PO 28.1** *Residential accommodation within multi-level buildings have habitable rooms, windows and balconies designed and positioned to be separated from those of other dwellings and accommodation to provide visual and acoustic privacy and allow for natural ventilation and the infiltration of daylight into interior and outdoor spaces.*

The proposed development represents an appropriate and contextually sensitive response to these policy outcomes, as summarised below:

Primary and Secondary Street Setbacks

- at ground level, the building reinforces the predominant zero metre setback character of Unley Road, particularly where there are buildings displaying heritage character attributes (such as the existing building on site to be retained), frontage which while incorporating areas of relief and activation consistent with PO 2.6;
- the zero metre setback along Eton Street supports integration with the proposed public realm works which will significantly improve streetscape character and amenity through high quality urban design that includes new landscaping and opportunities for outdoor dining that contribute to the pedestrian experience and broader community benefit (PO 2.7).

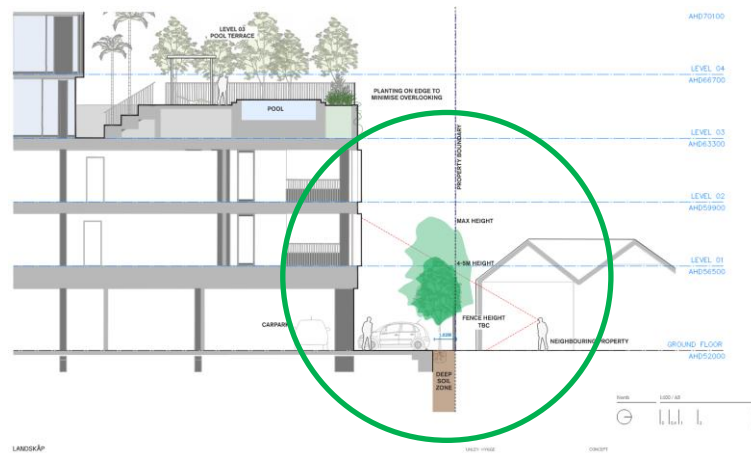
Side Boundary

- the southern boundary side set back of zero metres to the Ground Floor and portion of Level 1 achieves continuity of the street façade to Unley Road, as sought by PO 2.8;
- from Level 1 to Level 8, upper-level terraces and windows are set back a minimum of 3.0 metres from the southern boundary. This setback preserves internal amenity and privacy for future occupants and ensures an appropriate spatial separation in accordance with Design in Urban Areas PO 28.1, should the adjoining land to the south be redeveloped in the future.

Rear Boundary

- the building adopts a graduated setback that increases along with the building height to effectively moderate visual and overshadowing impacts to the west;
- importantly, the existing boundary wall treatment will be retained thereby largely maintaining the existing built form interface for existing residents;
- as shown in Figure 8.1, the interface is further moderated by a 1.02 metres wide deep soil zone which will be planted with nine Tuckeroo (*Cupaniopsis anacardioides*) which grow to a mature height of 7 metres with a canopy extending 5 metres, ensuring the rear form is neither unreasonable in scale nor visually dominant when viewed from neighbouring residential properties.
- shadow analysis confirms that minimum sunlight access (3 hours between 9 am–3 pm at the equinox) is maintained for dwellings within adjacent residential zones, satisfying the objectives of PO 2.9.

Figure 8.1 Cross section of tree plantings on residential interface



In this regard, the proposal delivers an equitable, human-scale street interface to all boundaries, strengthening Unley Road's active edge, improving public realm accessibility along Eton Street, and ensuring sensitive transitions to surrounding development.

8.3.4 Passive Surveillance

The proposed development maximises opportunities for passive surveillance in accordance with PO 2.1–2.5 of the Design in Urban Areas module which state:

- PO 2.1** *Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use of visually permeable screening wherever practicable.*
- PO 2.2** *Development is designed to differentiate public, communal and private areas.*
- PO 2.3** *Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.*
- PO 2.4** *Development at street level is designed to maximise opportunities for passive surveillance of the adjacent public realm.*
- PO 2.5** *Common areas and entry points of buildings (such as the foyer areas of residential buildings) and non-residential land uses at street level, maximise passive surveillance from the public realm to the inside of the building at night.*

The proposal positively responds to the above policies because:

- the development is sited and oriented to address Unley Road and Eton Street, incorporating extensive glazing to shopfronts and the residential lobby to maintain clear sightlines between internal and external spaces;
- the design avoids areas of concealment by ensuring that accessways, corners and building recesses are well-lit and overlooked by active uses;
- apartment layouts across all building levels are oriented to achieve outward views in multiple directions, contributing to 360-degree passive surveillance of surrounding streets and the public realm;
- resident access to the basement car parks is provided via secure lift lobbies directly connected to the ground-floor foyer, ensuring safe, legible and controlled entry to private areas;

Collectively, these measures promote a safe, active and well-supervised environment, aligning with best-practice urban design principles for safety, visibility and activation.

8.4 Interface Management

8.4.1 Overshadowing

The *Interface Between Land Uses* module seeks to ensure development does not unreasonably restrict access to northern sunlight to habitable room windows and areas of private open space for dwellings within neighbourhood-type zones. The relevant policies to consider are:

PO 3.1 *Overshadowing of habitable room windows of adjacent residential land uses in:*

- (a) *a neighbourhood-type zone is minimised to maintain access to direct winter sunlight*
- (b) *other zones is managed to enable access to direct winter sunlight.*

PO 3.2 *Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:*

- (a) *a neighbourhood-type zone is minimised to maintain access to direct winter sunlight*
- (b) *other zones is managed to enable access to direct winter sunlight.*

Having regard to the site's context and orientation, together with the shadow diagrams prepared by Woods Bagot (**Appendix 2** – Sheet No. 880 Revision B and Sheet No. 8801 Revision B), the following observations are made:

- The proposal retains the existing solid eastern boundary wall, ensuring the development does not exacerbate existing overshadowing conditions at ground level and, in many respects, maintains the baseline impacts experienced by adjoining residents.
- Both adjoining eastern neighbours have mature, evergreen trees within their primary private open space areas that already cast appreciable shadow over rear gardens and façades. The additional overshadowing generated by the proposal is therefore incremental and contextually negligible.
- Overshadowing to residential properties within the Established Neighbourhood Zone to the east is minimal, occurring only in the early afternoon from around 2:00pm on 21 June and limited to portions of west-facing windows, roof forms and sections of private open space. Importantly, no north-facing habitable room windows are impacted for several daylight hours. This satisfies the qualitative intent of POs 3.1 and 3.2.
- The quantitative benchmarks in DPF 3.1 and DPF 3.2 are comfortably achieved, noting that all relevant north-facing habitable room windows and primary private open space areas receive more than 3 hours of direct sunlight between 9:00am and 3:00pm on the winter solstice.

Figure 8.2 Nearmaps image showing evergreen trees growing in rear yards of adjoining dwellings



Overall, the overshadowing impacts are well within the performance expectations of the Code, and the design appropriately responds to the interface with the Established Neighbourhood Zone.

8.4.2 Overlooking

The *Design in Urban Areas* module contains the following suite of policies addressing overlooking and visual privacy. Relevant provisions include:

Low rise buildings:

PO 10.1 Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.

PO 10.2 Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.

All Development – Medium and high rise buildings

PO 16.1 Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:

- (a) Appropriate site layout and building orientation
- (b) Off-setting the location of balconies and windows of habitable rooms or areas with those of other buildings so that views are oblique rather than direct to avoid direct line of sight
- (c) Building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms
- (d) Screening devices that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.

Residential Development – Medium and High Rise

PO 28.1 *Residential accommodation within multi-level buildings have habitable rooms, windows and balconies designed and positioned to be separated from those of other dwellings and accommodation to provide visual and acoustic privacy and allow for natural ventilation and the infiltration of daylight into interior and outdoor spaces.*

PO 28.2 *Balconies are designed, positioned and integrated into the overall architectural form and detail of the development to:*

- (a) respond to daylight, wind, and acoustic conditions to maximise comfort and provide visual privacy*
- (b) allow views and casual surveillance of the street while providing for safety and visual privacy of nearby living spaces and private outdoor areas*

While POs 10.1 and 10.2 apply specifically to *low-rise* buildings which are defined in *Part 8 – Administrative Terms and Definitions (Part 8)* as up to two building levels. Comprising 8 building levels, the proposal constitutes *high-rise* development pursuant to the definition provided in Part 8. Accordingly, PO 16.1 (medium and high-rise development) together with POs 28.1 and 28.2 (residential development in multi-level buildings) form the primary policy framework for assessing overlooking in this instance.

Collectively, these policies seek to mitigate, not eliminate, direct overlooking of habitable rooms and private open space in neighbourhood-type zones through measures such as:

- appropriate building siting and orientation;
- off-setting of balconies and windows to ensure oblique rather than direct lines of sight;
- building setbacks that interrupt or soften overlook relationships; and
- integrated screening devices where necessary.

Importantly, the Code does not prescribe 1.5m high balcony screening as a default outcome for medium or high-rise buildings. Instead, the policy framework adopts a qualitative approach, recognising that in urban environments, particularly at interfaces between zones with differing height and density expectations, some level of direct overlooking is both anticipated and unavoidable. It is therefore also important to highlight that the subject site occupies a transition point between:

- the Urban Corridor (Main Street) Zone, which envisages medium-rise development and supports increased height and intensity on *Significant Development Sites* (such as this one); and
- the Established Neighbourhood Zone to the east, which accommodates low-density, low-rise residential dwellings.

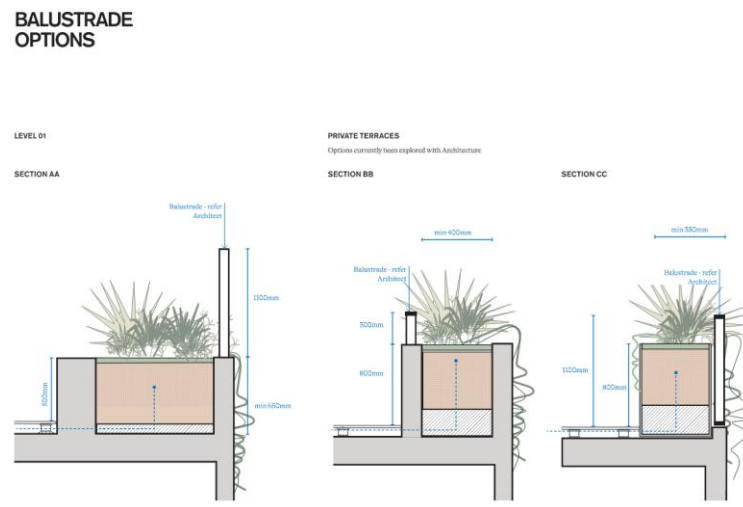
Given this juxtaposition of envisaged built form outcomes, it is expected that a level of visual interaction will occur, including instances of direct overlooking, consistent with the policy intent of the Code.

The proposal includes apartments with north, south and west orientations which address only land within the Urban Corridor (Main Street) Zone or public realm and therefore do not interface directly with sensitive receivers.

The primary sensitivity exists along the easter interface, where a setback of 5 metres is provided to the nearest residential properties. In this context, the proposal incorporates several design measures to reasonably and appropriately mitigate overlooking, including:

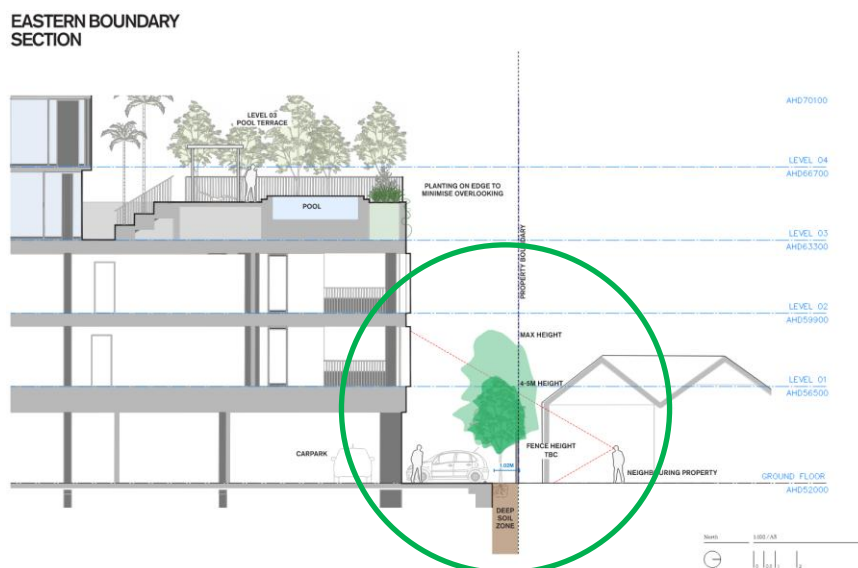
- off-setting and integrating planter boxes to all terraces, designed to redirect sightlines outward rather than downward, thereby reducing potential for direct overlooking into adjoining private open spaces and habitable rooms (refer to Landskap – Balustrade Options and Figure 8.2 below).

Figure 8.3 *Balustrade detail for terraces*



- A continuous deep soil planting zone extending along the eastern boundary accommodates Tuckeroo (*Cupaniopsis anacardioides*) trees, capable of reaching approximately 7m in height with a 5m canopy spread. As these evergreen trees mature, they will provide effective year-round visual filtering and contribute to a softer residential interface.

Figure 8.4 *Cross section showing eastern boundary deep soil zone and tree plantings*



These measures meaningfully reduce the potential for direct views into habitable rooms or private open spaces of dwellings within the Established Neighbourhood Zone and achieve a level of privacy mitigation consistent with POs 16.1, 28.1 and 28.2 as well as responding to the qualitative intentions of POs 10.1 and 10.2.

8.5 Sustainable Design

The proposed development incorporates comprehensive sustainable design measures that collectively achieve a high level of environmental performance. These outcomes directly respond to the following policies of the Design in Urban Areas module:

- PO 4.1** *Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.*
- PO 4.2** *Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.*
- PO 4.3** *Buildings incorporate climate responsive techniques and features such as building and window orientation, use of eaves, verandahs and shading structures, water harvesting, at ground landscaping, green walls, green roofs and photovoltaic cells.*

In addition, Zone PO 5.1 for Significant Development Sites expressly encourages increased development intensity where proposals demonstrate high-quality sustainability outcomes. The subject proposal responds strongly to this policy intent.

A Sustainability Management Plan (**SMP**) prepared by ADP Consulting (**Appendix 7**). The SMP confirms that the development adopts a best-practice Ecologically Sustainable Development (**ESD**) framework aligned with the South Australian Government's Net Zero Strategy, the City of Unley's Climate & Energy Plan, and industry benchmarks such as NCC Section J, Green Star Buildings and Water Sensitive Urban Design (**WSUD**) principles.

In relation to Efficiency and Building Performance, the SMP confirms that the built form has been designed to significantly improve operational performance and reduce greenhouse gas emissions through:

- a building envelope, glazing system and services strategy that exceeds NCC Section J requirements
- NatHERS thermal modelling demonstrating an average rating of 7.5 stars, with no dwelling below 6 stars
- a ~30 kW rooftop solar PV array covering approximately 20% of the roof area
- an all-electric building, future-proofed for grid decarbonisation
- provision for electric vehicle charging infrastructure within the basement.

These measures collectively deliver a thermally efficient, low-energy and future-ready building in accordance with the Code's sustainability objectives.

Regarding Integrated Water Management and WSUD Performance, the proposal adopts an integrated stormwater and water-efficiency strategy consistent with the WSUD policy framework. Key initiatives include:

- water-efficient fixtures achieving 3–5 star WELS ratings
- a 25 kL rainwater harvesting system for toilet flushing and irrigation
- ~12 kL of on-site detention (OSD), resulting in a ~40% reduction in peak post-development flows
- MUSIC modelling confirming compliance with stormwater quality targets (95% TSS and 93% TP reduction)
- extensive landscaping, irrigated planter boxes and deep soil zones that perform a WSUD function.

Collectively, these measures ensure stormwater quality and quantity outcomes are significantly improved relative to the pre-development condition.

We further note that high levels of internal resident amenity are achieved through:

- natural ventilation opportunities to habitable rooms
- low-VOC materials and environmentally preferable finishes
- daylight modelling indicating 60% of assessed spaces exceed Green Star daylight criteria, with 100% daylight access to the Level 3 communal areas
- considered acoustic design enhancing internal comfort.

These outcomes ensure the development delivers a healthy, comfortable and high-amenity internal living environment.

Overall, the SMP demonstrates that the proposal meets, and in many respects exceeds, the qualitative environmental performance outcomes of the Code. The development integrates a balanced suite of energy, water and resource efficient measures, together with high-quality landscaped and communal areas, improved indoor environment quality, and design features that support active transport.

These sustainability outcomes ensure the development makes a meaningful, measurable and enduring contribution to environmentally responsible built-form within this strategic urban corridor, consistent with the intent of PO 4.1 – 4.3 and the expectations for Significant Development Sites under PO 5.1.

8.6 Landscaping and Public Realm

The proposed landscaping plans prepared by Landskap are contained within **Appendix 3**. The proposed landscape strategy forms an integral part of the design response, improving the interface to Unley Road and Eton Street, enhancing residential amenity, and contributing positively to the broader character of Malvern.

The Design in Urban Areas module seeks high-quality soft landscaping outcomes within mixed-use urban environments. In particular:

PO 3.1 *Soft landscaping and tree planting are incorporated to:*

- a) maximise heat absorption and reflection*
- b) maximise shade and shelter*
- c) maximise stormwater infiltration*
- d) enhance the appearance of land and streetscapes*

PO 13.2 *Deep soil zones are provided to retain existing vegetation or provides areas that can accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi-storey buildings*

The proposal achieves the intent of these policies and responds appropriately to the expectations of the Urban Corridor (Main Street) Zone, which seeks a framed street edge, high-intensity built form, and active public interfaces. Key landscaping outcomes include:

- Deep soil zones along the eastern boundary, enabling the planting of medium-to-large evergreen canopy trees (i.e., Tuckeroo) that will soften the transition to the Established Neighbourhood Zone and provide year-round screening.
- Integrated planter boxes on terraces that deliver greenery throughout the façade, contribute to privacy attenuation, assist with microclimate management and visually soften the upper levels.
- Retention and reinforcement of the green character along Unley Road, with new ground-level planting incorporated into setback areas, podium edges and the building frontage.
- Extensive public realm upgrades along Eton Street, including the planting of eleven (11) new street trees on the southern verge and five (5) trees on the northern verge, providing shade, improving pedestrian amenity and softening views toward the adjoining carwash.
- Landscaped communal open space on Level 3, including shade trees, irrigated garden beds and planting buffers to improve resident amenity and provide visual relief.
- A coordinated irrigation and maintenance strategy to ensure long-term plant health and visual quality.

Collectively, the landscaping and public realm works deliver a high-quality green framework that enhances the pedestrian experience, contributes to the local garden-suburb character of Malvern, softens the building form, and supports environmental performance outcomes such as shading and stormwater infiltration. The proposal clearly satisfies the landscaping objectives and performance outcomes of the Code.

8.6.1 Public Realm Upgrades

The proposal includes a coordinated suite of public realm improvements along Eton Street, forming an integral part of the development's urban design response. These works support the intent of the Design in Urban Areas module, particularly:

PO 12.6 *Street-facing building elevations are designed to provide attractive, high quality and pedestrian-friendly street frontages.*

The above supplements the intent of Zone PO 5.1 which incentivises additional height and yield where development include improvements to the public realm.

The development delivers a substantial uplift in public realm quality, with **over 230m² of public space** outside the allotment boundaries being upgraded. These works materially enhance pedestrian amenity, safety and streetscape character, and are considered to deliver wide community benefit. Key outcomes include:

- Widened pedestrian realm along Eton Street, created through the narrowing of the carriageway by approximately 2.9m, resulting in improved walkability and safer pedestrian connections between Unley Road and surrounding residential streets.
- Introduction of eleven (11) new street trees along the southern verge and five (5) new trees on the northern verge, delivering meaningful canopy cover, shade, heat-island mitigation and a more attractive pedestrian environment.
- Integrated landscaped verges and footpaths adjoining the southern elevation of the building, providing a soft, green interface and supporting outdoor dining opportunities consistent with a vibrant mixed-use main street precinct.
- Improved pedestrian safety measures, including revised lane widths, a defined queuing bay for carwash patrons and Council-supported pavement treatments at the intersection with Unley Road.
- Enhanced east-west permeability, facilitating safer, more legible movement between the Established Neighbourhood Zone to the east and the activity focus of Unley Road.

These upgrades significantly exceed standard public realm expectations for private development and deliver a high-quality, landscaped and pedestrian-friendly streetscape that strengthens the interface between the development, the local community and the wider Unley Road corridor. The works clearly satisfy the qualitative expectations of the Code, achieving a public benefit consistent with the role of the site as a *Significant Development Site*.

8.7 Residential Amenity

8.7.1 Apartment Design

The proposal has been designed to deliver a high standard of residential amenity, consistent with the Design in Urban Areas module, which seeks well-lit, well-ventilated and liveable apartments that provide privacy, acoustic protection, functional layouts and a diversity of dwelling types.

The following policies are particularly relevant:

- PO 18.1 Living rooms have an external outlook to provide a high standard of amenity for occupants.*
- PO 18.2 Bedrooms are separated or shielded from active communal recreation areas, common access areas and vehicle parking areas and access ways to mitigate noise and artificial light intrusion.*
- PO 28.1 Residential accommodation within multi-level buildings have habitable rooms, windows and balconies designed and positioned to be separated from those of other dwellings and accommodation to provide visual and acoustic privacy and allow for natural ventilation and the infiltration of daylight into interior and outdoor spaces.*
- PO 28.2 Balconies are designed, positioned and integrated into the overall architectural form and detail of the development to:*
 - (a) respond to daylight, wind, and acoustic conditions to maximise comfort and provide visual privacy*
 - (b) allow views and casual surveillance of the street while providing for safety and visual privacy of nearby living spaces and private outdoor areas.*
- PO 28.3 Balconies are of sufficient size and depth to accommodate outdoor seating and promote indoor / outdoor living.*
- PO 28.4 Dwellings are provided with sufficient space for storage to meet likely occupant need*
- PO 28.6 Attached or abutting dwellings are designed to minimise the transmission of sound between dwellings and, in particular, to protect bedrooms from possible noise intrusions.*
- PO 28.7 Dwellings are designed so that internal structural columns correspond with the position of internal walls to ensure that the space within the dwelling/apartment is useable.*
- PO 29.1 Buildings containing in excess of 10 dwellings provide a variety of dwelling sizes and a range in the number of bedrooms per dwelling to contribute to housing diversity.*
- PO 30.1 The size of lifts, lobbies and corridors is sufficient to accommodate movement of bicycles, strollers, mobility aids and visitor waiting areas.*
- PO 31.1 Dwellings are of a suitable size to provide a high standard of amenity for occupants.*
- PO 31.2 The orientation and siting of buildings minimises impacts on the amenity, outlook and privacy of occupants and neighbours.*
- PO 31.3 Development maximises the number of dwellings that face public open space and public streets and limits dwellings oriented towards adjoining properties.*
- PO 32.2 Communal open space is of sufficient size and dimensions to cater for group recreation.*
- PO 32.3 Communal open space is designed and sited to:*
 - (a) be conveniently accessed by the dwellings which it services*
 - (b) have regard to acoustic, safety, security and wind effects.*
- PO 32.4 Communal open space contains landscaping and facilities that are functional, attractive and encourage recreational use.*
- PO 32.5 Communal open space is designed and sited to:*
 - (a) in relation to rooftop or elevated gardens, minimise overlooking into habitable room windows or onto the useable private open space of other dwellings*

(b) *in relation to ground floor communal space, be overlooked by habitable rooms to facilitate passive surveillance.*

In regard to apartment design and occupant amenity, we conclude that the proposal achieves a high standard of internal and external amenity through the following measures:

Housing Diversity and Floor Areas:

The proposal satisfies PO 29.1 by including a variety of apartment sizes and bedroom configurations as shown in Table 8.1 thereby contributing to housing choice and diversity and catering for a range of lifestyle needs and preferences. Furthermore, all dwellings exceed the minimum internal floor area benchmarks under DPF 29.1 and DPF 31.1, ensuring the living rooms and bedrooms are suitably sized, functional and capable of supporting a high standard of amenity, consistent with PO 31.1.

Table 8.1 *Dwelling bedroom configurations and floor areas*

Bedroom Configuration	Number of Apartments	Total Floor Area Range*
One-bedroom	13	57m ² up to 98m ²
Two-bedroom	17	103m ² up to 138m ²
Three-bedroom	33	132m ² up to 180m ²
Four-bedroom	5	202m ² up to 297m ²
TOTAL / RANGE	68	57m² up to 297m²

*Note: Total floor area excludes POS / balcony areas

Optimised orientation, daylight and ventilation:

Habitable rooms and balconies are orientated to maximise natural light, cross-ventilation and outlook, and off-set from nearby balconies to provide visual and acoustic privacy in accordance with PO 18.1 and PO 28.1. The design ensures each apartment benefits from an external aspect rather than relying on internalised light sources.

Privacy and acoustic protection:

The internal layout ensures bedrooms are located away from communal areas, access corridors and other potential noise sources, reducing the risk of acoustic intrusion and satisfying PO 18.2 and PO 28.6.

Functional balconies and indoor–outdoor living:

All balconies exceed minimum dimension and area requirements, enabling genuine outdoor use and contributing to casual surveillance of the public realm, as envisaged by PO 28.3. Although visual privacy and overlooking will be discussed further in this report, the orientation of balconies, coupled with integrated planters for soft landscaping ensure the development provides visual privacy for adjoining residential uses to the east.

Adequate storage:

In addition to the 246m² square metres of residential storage provided in Basement 1 and Basement 2 (3.6m² per dwelling), each dwelling is provided with walk-in or built in robes as well as joinery throughout the kitchen, laundry, bathroom and living areas such that internal storage will meet the likely needs of occupants thereby satisfying PO 28.4, and exceeding the cubic-metre standards provided in DPF 28.4.

Well-designed circulation areas:

Lift lobbies and corridors are of sufficient width to accommodate mobility aids, bicycles and prams (PO 30.1), and benefit from natural daylight where possible.

High-quality communal open space:

The communal residential amenity areas on Level 1 and Level 3 are conveniently located and designed to support passive recreation while protecting the privacy of apartments through integrated landscaping and orientation, consistent with PO 32.2–32.5.

8.7.2 Private Open Space

The Design in Urban Areas module recognises balconies as the primary form of private open space for dwellings in multi-level buildings. Regarding the appropriate provision of private open space for each dwelling, the following policy is relevant:

PO 27.1 Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.

Further to the above, *Table 1 – Private Open Space* identifies standard minimum rates and dimensions relative to apartment typologies, being:

- *One-bedroom dwelling – 8 square metres and a minimum dimension of 2.1 metres;*
- *Two-bedroom dwelling – 11 square metres and a minimum dimension of 2.4 metres; and*
- *Three + bedroom dwelling – 15 square metres and a minimum dimension of 2.6 metres.*

We confirm that all proposed dwellings meet or exceed these standard minimum (many by a substantial margin), ensuring private terraces that are functional, well-proportioned, and capable of supporting high levels of outdoor amenity consistent with PO 27.1.

In addition to private terraces, the proposal includes a high-quality Resident Amenity Area on Level 3, comprising:

- an internal gym / fitness space;
- outdoor swimming pool;
- steam room and sauna;
- bathroom and changeroom facilities; and
- integrated landscaping designed to provide visual privacy for both users and adjoining residents to the east.

This communal space meaningfully supplements private terraces, offering additional recreational opportunities and contributing to a high level of residential amenity across the development.

8.8 Traffic, Access and Car Parking

8.8.1 Access and Traffic

The site is located within both the Urban Transport Routes Overlay and the Traffic Generating Development Overlay and is subject to the envisaged access and movement outcomes of the Urban Corridor (Main Street) Zone. The following Code policies are particularly relevant to this proposal:

Urban Corridor (Main Street) Zone:

- PO 6.1** *Development does not result in additional crossovers on the main street, except where rationalising existing crossovers on consolidated sites and is designed to minimise conflicts with pedestrians and cyclists and minimise disruption to the continuity of built form.*

Traffic Generating Development Overlay:

- PO 1.1** *Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.*
- PO 1.2** *Access points sited and designed to accommodate the type and volume of traffic likely to be generated by development.*

The Urban Transport Routes Overlay:

- PO 1.1** *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.*
- PO 2.1** *Sufficient accessible on-site queuing adjacent to access points is provided to meet the needs of development so that all vehicle queues can be contained fully within the boundaries of the development site, to minimise interruption on the functional performance of the road and maintain safe vehicle movements.*
- PO 4.1** *New access points are spaced apart from any existing access point or public road junction to manage impediments to traffic flow and maintain safe and efficient operating conditions on the road.*
- PO 5.1** *Access points are located and designed to accommodate sight lines that enable drivers and pedestrians to navigate potential conflict points with roads in a controlled and safe manner.*

Transport, Access and Parking module:

- PO 2.1** *Sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians are maintained or enhanced to ensure safety for all road users and pedestrians.*
- PO 3.1** *Safe and convenient access minimises impact or interruption on the operation of public roads.*
- PO 3.2** *Development incorporating vehicular access ramps ensures vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.*
- 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.*

The Traffic and Parking Assessment prepared by Cirqa (**Appendix 4**) confirms the proposal achieves the outcomes sought by the above policy framework and can be safely accommodated within the surrounding transport network. Key outcomes are summarised below.

- The proposal removes the two existing crossovers to Unley Road, replacing them with a single two-way access on Eton Street which represents a substantial road safety benefit, directly supporting Zone PO 6.1 and POs 1.1 and 1.1 (Traffic Generating Development) by eliminating conflict points on the arterial road and improving continuity of the main street frontage;
- Streetscape upgrades to Eton Street, including narrowed carriageway, planting and public realm improvements which are supported in principle by the City of Unley and will enhance the pedestrian environment which also supports the outcomes sought by Zone PO 6.1;

- The development is forecast to generate approximately 46 AM peak and 47 PM peak hour vehicle movements. Compared to the existing site conditions, this represents:
 - » +20am peak trips;
 - » –28pm peak trips, i.e., an overall reduction during the evening peak;
- SIDRA modelling confirms the Unley Road / Eton Street intersection will continue to operate within acceptable capacity parameters, with acceptable Degrees of Saturation for all movements except the right-turn out of Eton Street, an expected condition for local roads intersecting arterial corridors;
- Queues on Eton Street remain five vehicles or fewer, which can be readily accommodated within the available carriageway width;
- The single two-way access point on Eton Street is of sufficient width and sight distance to safely accommodate expected vehicle volumes, satisfying POs 1.1, 4.1 and 5.1 of the Urban Transport Routes Overlay;
- All car parking, ramp gradients, aisle widths, headroom clearances and turning areas meet AS/NZS 2890.1, 2890.6 and commercial vehicle access requirements.
- The internal layout enables all vehicle, including service vehicles, to enter and exit in a forward direction, consistent with best-practice design expectations.

The proposal also incorporates streetscape upgrades to Eton Street, including carriageway narrowing, landscaping, tree planting, outdoor dining opportunities and pedestrian circulation. These upgrades enhance the pedestrian environment and support safer movement patterns and the movement function of local streets.

8.8.2 Car Parking

The subject site is identified as being within a Designated Area, therefore the rates as per *Table 2 – Off-Street Car Parking Requirements in Designated Areas* of the Transport, Access and Parking module are applicable to the assessment of this development. Accordingly, the following policies are relevant:

- PO 5.1** *Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:*
- a) *availability of on-street car parking*
 - b) *shared use of other parking areas*
 - c) *in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
 - d) *the adaptive reuse of a State or Local Heritage Place.*

The corresponding DPF 5.1 references the rates specified in *Table 2 – General Off-Street Car Parking Requirements* which suggests a theoretical demand as follows:

- non-residential development:
 - » minimum of 3 spaces per 100m² of gross leasable floor area; and
 - » maximum of 5 spaces per 100m² of gross leasable floor area
- Residential component of a multi-storey building:
 - » Dwelling with no separate bedroom - 0.25 spaces per dwelling
 - » 1 bedroom dwelling - 0.75 spaces per dwelling
 - » 2 bedroom dwelling - 1 space per dwelling
 - » 3 or more bedroom dwelling - 1.25 spaces per dwelling
 - » 0.25 spaces per dwelling for visitor parking.

While we largely defer to the detailed assessment provided by Cirqa in **Appendix 4**, we highlight the following:

- the Code sets a theoretical car parking rate as follows:
 - » non-residential uses minimum 58 spaces and maximum of 96 spaces
 - » residential 75 spaces including visitor spaces
- total theoretical parking demand for the proposal is 133 (minimum) and 171 (maximum) spaces.
- providing a total of 165 parking spaces within the confines of the site (Basement 1 and 2, and at grade), the proposal exceeds the theoretical minimal demand by 32 spaces, and provides marginally (6 spaces) less than the theoretical maximum.
- the proposed Eton Street public realm improvements support the provision of 4 on-street parking spaces.

Having considered the above, we conclude that the proposed parking provision and design meets the forecast parking demands of the development with an overall parking strategy that is well resolved, and appropriate for a mixed-use development that contributes to a walkable neighbourhood, and has convenient access to other modes of transportation.

It is further highlighted that car park spaces, internal traffic aisles and ramps are all designed in accordance with relevant standards, and satisfy the relevant performance outcomes of the Transport, Access and Parking module.

8.8.3 Bicycle Parking

The Code specifies varied rates for bicycle parking for residents and visitors and commercial uses (office and shop) of mixed use developments. The following policies are particularly relevant.

- PO 9.1** *The provision of adequately sized on-site bicycle parking facilities encourages cycling as an active transport mode.*
- PO 9.2** *Bicycle parking facilities provide for the secure storage and tethering of bicycles in a place where casual surveillance is possible, is well lit and signed for the safety and convenience of cyclists and deters property theft.*
- PO 9.3** *Non-residential development incorporates end-of-journey facilities for employees such as showers, changing facilities and secure lockers, and signage indicating the location of the facilities to encourage cycling as a mode of journey-to-work transport.*

Based on the intensity of proposed land uses, the development has a theoretical demand for 9 staff, 4 customer, 17 resident and 7 visitor bicycle parking spaces (total of 37 spaces).

Bicycle parking is not shown on the current plans; however, the development is readily able to accommodate compliant bicycle parking outcomes at detailed design stage. There is ample opportunity to incorporate short-stay bicycle parking within the upgraded Eton Street public realm for customers and visitors, and secure long-stay bicycle parking can be accommodated within the building's designated amenities and end-of-trip areas. It is also acknowledged that, in mixed-use apartment developments of this nature, a portion of residents typically store bicycles within their apartments or within their secure storage cages, particularly for higher-value bicycles, thereby reducing overall demand for formal long-stay bicycle spaces.

These provisions ensure that safe, convenient and accessible bicycle parking can be delivered in accordance with the qualitative intent of POs 9.1, 9.2 and 9.3 as reference above.

8.9 Waste

The proposed waste management strategy outlined in the report prepared by Rawtec (**Appendix 5**), appropriately responds to the management of waste and refuse from the various waste streams generated by the mix of uses within the proposed development.

It is highlighted that:

- waste management across the various land uses has been considered with respect to the nature of activities, expected waste generation and frequency of collection, so as to ensure the development site is adequately serviced (Design in Urban Areas PO 11.1);
- waste storage and management are integrated within the overall building design such that waste storage areas are fully screened from public view (Design in Urban Areas PO 1.5 and PO 11.2);
- waste collection vehicles will access the site from Eton Street which is consolidated with other service vehicles access, and is in a location that is of minimal visual impact to residents of the proposed development, and is screened from the interface with sensitive receivers located in adjacent residential zones or Unley Road (Design in Urban Areas PO 11.2)
- the development incorporates a dedicated area for the storage of waste which is commensurate to the amount of waste generation expected across the intensity of land uses proposed (Design in Urban Areas PO 11.1); and
- waste collection vehicles can safely and efficiently enter and exit the site in a forward gear (Design in Urban Areas PO 11.4).

The proposed waste management system provides an efficient, adaptable and compliant framework for on-site collection, storage and disposal. It integrates effectively with the development's architectural and traffic design, achieving alignment with the relevant Code policies, and best-practice waste minimisation principles.

8.10 Stormwater

The Stormwater Management Plan (**SMP**) prepared by Matter Consulting is contained in **Appendix 6**.

The Design in Urban Areas module encourages water sensitive design principles and seeks to mitigate impacts resulting from stormwater discharge from the building and surface water such that the impacts are equivalent to, or better than its pre-developed state.

PO 42.2 *Water discharged from a development site is of a physical, chemical and biological condition equivalent to or better than its pre-developed state.*

PO 42.3 *Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that development does not increase peak flows in downstream systems.*

With respect to the management of stormwater, we highlight that following implementation of the proposed development:

- post-development stormwater discharge does not exceed the capacity of the downstream systems, noting that the existing site is 100% impervious at present;
- water sensitive urban design measures are incorporated within the system to achieve requirements, through the use of detention, retention and reuse within the site (for irrigation of landscaping);
- improvement of stormwater quality water runoff and consideration of groundwater sensitive design;
- A detention tank with a capacity of 11.9 kL will limit post-development discharge rates to below pre-development levels (5% AEP inflow 63 L/s → outflow 52 L/s);
- A 25 kL roofwater retention tank will supply non-potable uses (e.g. toilet flushing), achieving approximately 60% reuse;
- Integration of Atlan FlowFilter 400/2 devices and rainwater reuse meets or exceeds Water Sensitive Urban Design (**WSUD**) pollutant removal targets — 95% TSS, 93% TP, and 67% TN, exceeding guideline minimums;
- Connection to the existing Side Entry Pit (SEP) on Eton Street via a DN300 reinforced concrete pipe, subject to Council approval;
- The site is not subject to mapped flooding. Basement and ground levels are designed with appropriate freeboard (≥ 300 mm above kerb level) and graded surfaces to prevent overland flow ingress.

The SMP confirms that the proposed system:

- Is designed to achieve compliance with the City of Unley's requirements;
- Provides an integrated, low-impact stormwater solution through detention, reuse, and treatment measures; and
- Ensures the post-development hydrology will not adversely affect downstream infrastructure or the surrounding environment.

In summary, the proposed stormwater strategy is well-resolved, sustainable, and consistent with contemporary best practice in stormwater management and WSUD design, supporting the project's implementation and ongoing operation.

9. CONCLUSION

Based on our detailed assessment of the proposal against the relevant provisions of the Planning and Design Code, it is our professional opinion that the development is deserving of planning consent.

While the overall height of the proposal exceeds the standard maximum building height under DTS/DPF 3.1, the subject land is properly defined as a *Significant Development Site*, where increased development intensity, height and yield are expressly encouraged, provided off-site impacts are appropriately managed and broader community benefit is achieved. In this instance, the proposal satisfies those expectations, responding positively to its corner location, wide street frontages and strategic position along a key urban corridor.

Further, the proposal substantially accords with all other relevant provisions of the Code, and in particular:

- delivers an appropriate density and intensity of development, given the site's location on a major transit corridor with excellent access to public transport, services, amenities and employment;
- provides a mix of land uses (retail, café/restaurant, commercial and residential), that are both envisaged by, and actively encouraged within, the Urban Corridor (Main Street) Zone;
- re-establishes activation and vibrancy along Unley Road through high-quality shopfronts, a human-scaled podium, generous glazing and fine-grain architectural detailing;
- enhances the public realm through significant upgrades to Eton Street, including widened footpaths, landscaped verges, integrated street trees and improved pedestrian safety—representing substantial community benefit well beyond the expectations for private development;
- presents a strong architectural response, with a contemporary, layered built form that respects both the evolving Unley Road main-street character and the lower-scale suburban character to the east;
- appropriately manages residential interface impacts, including overshadowing, visual bulk and overlooking, achieving (and in several cases exceeding) the qualitative and quantitative benchmarks of the Code;
- integrates substantial landscaping, including deep soil zones, medium-to-large canopy trees along the eastern boundary and extensive integrated planter boxes throughout the building;
- delivers high levels of apartment amenity, with generous private open space, excellent natural light and ventilation, a diverse mix of dwelling types and a high-quality communal Level 3 resident terrace;
- incorporates robust sustainability measures, including a 7.5-star average NatHERS rating, an all-electric building, solar PV system, WSUD initiatives and water-efficient design;
- provides compliant car parking, clear and efficient access arrangements and a safe single access point from Eton Street, consistent with the Traffic Generating Development and Urban Transport Routes Overlays;
- ensures pedestrian and vehicle movements operate safely, supported by the detailed traffic assessment and SIDRA modelling;
- accommodates bicycle parking and end-of-trip facilities, to be finalised at detailed design stage; and
- delivers safe, secure and legible building access, supported by CPTED principles and clear wayfinding.

When viewed as a whole and having regard to the site's strategic location, size and zoning, the proposal represents a well-considered, high-quality mixed-use development that will reinforce the evolving urban character of Unley Road, deliver meaningful public realm and community benefits, and contribute positively to housing choice and economic activity within Malvern.

Accordingly, we conclude that the proposal has strong planning merit and is worthy of planning consent.

Report prepared by:

A handwritten signature in black ink, appearing to read 'Jason Cattonar', followed by a long horizontal flourish.

Jason Cattonar
Associate Director

APPENDIX 1. CERTIFICATE OF TITLE

APPENDIX 2. ARCHITECTURAL DRAWINGS

APPENDIX 3. LANDSCAPE PLANS

APPENDIX 4. TRAFFIC AND PARKING ASSESSMENT

APPENDIX 5. WASTE MANAGEMENT PLAN

APPENDIX 6. NOISE ASSESSMENT REPORT

APPENDIX 7. ESD REPORT

APPENDIX 8. STORMWATER MANAGEMENT PLAN

APPENDIX 9. PRELIMINARY SITE INVESTIGATION REPORT

APPENDIX 10. SITE CONTAMINATION DECLARATION FORM