



17th Dec 2025

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

via PlanSA portal

Attention: Daniel Marotti

Dear Daniel

SCAP REFERRAL – Regulation 23(2)(b)
COUNCIL COMMENTS – DA 25036473 – 259-269 Unley Road, MALVERN SA
5061

I write in response to the above matter, which relates to a:

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

The referral provided Council with architectural plans, technical experts reports and a supporting planning statement. The attached report outlines the Council's comments on the application, in accordance with designated matters covered in the Planning, Development and Infrastructure (General) Regulations 2017.

While Council's role is limited to comments on designated matters, observations in relation to planning assessment matters with implications from a local perspective, are also highlighted on key issues that are considered to require further analysis and assessment by PLUS officers and SCAP.

If there are any queries or need for further clarification, please contact Amelia De Ruvo, Senior Planning Officer, by email at aderuvo@unley.sa.gov.au or 8273 8710.

Yours sincerely

Tim Bourner
Assessment Manager
City of Unley

SCAP Referral – Regulation 23(2)(b)

Council Comments: DA 25036473 – 259-269 Unley Road, MALVERN SA 5061
for

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

Council's Comments on Designated Matters

The following summary lists the items that Council considers are critical to addressing the designated Council matters under Regulation 23(3) prior to a decision being made on this proposal.

The full assessment of the development is the role of the Planning & Land Use Services (PLUS) officers and the ultimate planning approval judgement, the role of the State Commission Assessment Panel (SCAP).

It is appreciated Council's role is limited to comments on designated matters but observations in relation to planning assessment matters with implications from a local perspective are appropriate to highlight key issues that require further analysis and assessment by PLUS officers and SCAP.

The following comments raise fundamental concerns with the development, outlines amendments sought, and additional information requested.

Request for second referral

Whilst Council has been provided with a comprehensive suite of plans, the documentation does not include notation of finished floor levels or benched levels in relation to existing site levels, as well as the levels of the verge and water table. These details are critical for assessing the interface between Council land, the subject site, and the proposed built form.

In the absence of this information, Council's comments are limited to the material provided. Council strongly encourages that an opportunity be afforded for further review and comment once these level details have been incorporated into the plans.

Traffic

The following comments relate to the on-site and off-site management of traffic, vehicular manoeuvrability and stormwater design and management on site:

Vehicle access

- Vehicle access to the basement car park and ground level parking spaces is proposed via a new 5.8m wide dual access crossover via Eton Street. With the information currently provided, Council cannot determine if a pedestrian sight triangle has been provided adjacent the exit lane to Eton Street, in accordance with Australian Standards.

Amended Plans are providing clearly showing that pedestrian sight triangle at Eton Street is provided in accordance with Australian Standards.

Car parking spaces

- It is noted that CIRQA provided comments / recommendations for alterations relating to on-site parking spaces, as detailed *Sheet # 01_SH01, Sheet # 01_SH02 & Sheet # 01_SH03*, including:
 - Columns to be adjusted to accommodate car clearance envelope
 - Spaces to be adjusted to accommodate car clearance envelope
 - Ensure all spaces are minimum 5.4m in length
 - Parking spaces removed to provide adequate clearance columns

The plans are to be amended as per the recommendations outlined by CIRQA above.

Headroom and gradient of ramps

- The transport report indicates that the internal ramps will have a maximum gradient of 1:5, with transitions of 1:8 located at the top and bottom of the ramps, which meets Australian Standards and is considered acceptable. Please ensure internal access ramps and height clearances are updated to reflect comments provided in CIRQA report, including:
 - Adjust ramp grades and transition lengths as detailed on Sheet # 01_SH01, Sheet # 01_SH02 & Sheet # 01_SH03.
 - Ground floor slab maximum thickness of 325mm at the edge to accommodate required head clearance, as detailed on Sheet # 01_SH04 & Sheet # 01_SH05

The plans are to be amended as per the recommendations outlined by CIRQA above.

On-Street Parking

- Residents/Staff/visitors of the development will not be eligible for parking permits and will need to abide by all on-street parking restrictions.

Council officers will not change any existing on-street parking restrictions along Unley Road, Eton Street, Fisher Street or any nearby streets to cater for either short-term visitor parking, long-term staff parking or loading and waste collection noting the transport report indicates that an appropriate quantity of on-site parking has been provided for the nature and locality of the subject site.

It is requested that Advisory Note 1, outlined in Appendix A, is recommended to be included as part of an approval.

- Resident/Staff/visitors of the development will not be eligible for parking permits and will need to abide by all on-street parking restrictions.

It is requested that Advisory Note 2, outlined in Appendix A, is recommended to be included as part of an approval.

Loading and Waste Collection

- The Planning and Design Code – PO 1.3 states Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimize potential conflict. As the commercial and service vehicle movements and loading area has not been separated from passenger vehicle car parking areas, all

commercial and residential loading and waste collection activities must occur outside of typical peak staff and visitor movement periods.

It is requested that Condition 1 & 2, outlined in Appendix A, is recommended to be included as part of an approval.

Civil

The following comments relate to the civil works required within the Council verge:

Ground Water

- Various areas within Council have low-lying water tables. Currently insufficient information has been provided to Council to determine whether the development will interfere with ground water. The applicant will be required to undertake further geotechnical investigations to assess potential groundwater levels and will then evaluate the options presented. Discharge of groundwater to the kerb and the water table will not be accepted.

Further investigations are required to be undertaken and to be reviewed by Council. It is requested that Condition 3 and Advisory Note 3, as outlined in Appendix A, is included as part of any approval.

Verge interaction

- Council seeks to ensure that all footpath paving on Unley Road and Eton Street are consistent with Council requirements.
Applications to alter the public realm will require to be lodged with Council. It is requested that Advisory Note 4, as outlined in Appendix A, is included as part of any approval.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the applicant.
It is requested that Advisory Note 5, as outlined in Appendix A, is included as part of any approval.
- All vehicular crossovers / entries should be installed or reinstated to Council's requirements.
It is requested that Advisory Note 6, 7, 8 and 9 as outlined in Appendix A, is included as part of any approval.

Waste

The following comments relate to the on-site and off-site management of waste collection proposed by the development:

- Council's Manager Climate & Sustainability Officer has reviewed the *259-269 Unley Road, Malvern – Waste Management Plan* prepared by rawtec, dated 13 November 2025. As part of the assessment the waste management report has not reviewed Council's Sustainable Kerbside Waste Management Policy.

The Waste Management Report is to be updated to reflect Council's kerb side waste collection policy.

- The architectural plans, prepared by Woods Baggot, do not clearly identify the siting and location of the waste room. The waste room and chutes are only identified within the rawtec Waste Management Report. It is requested that the architectural plans are amended identifying the three chutes for the individual waste streams.

The plans are to be architectural amended to address the above.

- Outlined in Clause 5 – *Other waste management and design advice* under Education and training it is request that signage is included to ensure that correct use of the three waste streams. The signage should be aligned with SA Government 'Which Bin' educational materials.

The Waste Management Report is to be updated to reflect the requested Education signage for residents, tenants and site users.

Public Realm

The following comments relate to the public realm upgrades:

- It is appreciated the applicant's proactive engagement with Council's and willingness to think beyond the confines of the site. The developer and associated technical experts have demonstrated an understanding of the *Unley Road Public Realm Design Guidelines* and Council welcomes the opportunity to expand the design of the development to activate both Unley Road and Eton Street corner. The Council would welcome the opportunity to enter into an agreement with the developer to enhance the capacity and amenity of Eton Street and Unley Road in the reinstatement of public realm post construction. It is noted that the expanded public realm and opportunity to integrate greening (street trees) into Eton Street helps to address the scale of the building front onto Unley Road corner.
- To maintain ease of access and improved pedestrian safety, the Council supports opportunities to narrow the width of the Eton Street intersection with Unley Road. Separated lane for turning left or right from Eton Street onto Unley Road is not supported.
- Council will be seeking the FFL level between the Unley Road footpath and the commercial / retail tenancies are retained at the same level. There should be no step up from the footpath into the tenancies. Currently there is limited information provided to address the above.

It is request that Civil plan detailing verge and site features (including any stobie poles, Telstra pits etc.), Finish Floor Levels, spot levels, stormwater connections at Ground Level is provided.

- The plans appear to show a verandah / canopy over the footpath of Unley Road and would require the development to obtain a new encroachment permit in accordance with Council's encroachment policy.

It is requested that Advisory Note 10, as outlined in Appendix A, is included as part of any approval.

Stormwater Management

The following comments relate to the on-site and off-site management of stormwater management proposed by the development:

- To ensure that stormwater is managed appropriately on site and does not adversely impact on adjoining sites or the adjacent street network, it is requested that a condition of approval are included with any approval.

It is requested that Condition 4 and 5 as outlined in Appendix A is included as part of any approval.

- Council seeks to ensure that debris, soil, soil sediments and litter are maintained within the construction site and does not enter Council's drainage system, road network or neighbouring properties.

It is requested that Condition 6 as outlined in Appendix A is included as part of any approval.

Arboriculture

The following comments relate to Council owned street trees:

- To facilitate the development, the proposal seeks to remove an existing Council street tree, sited on the southern side of Eton Street. As the existing street tree is quite young and recently planted, Council's Arboriculture Officer supports its removal.

The street tree will be removed and replanted by Council.

Referral Conclusion

In principle the nature of the development, being a supported accommodation facility, broadly accords with the Urban Corridor (Main Street) Zone Desired Outcomes and Performance Outcomes as it provides the commercial land uses and residential dwellings.

Notwithstanding, Council is seeking amendments to the proposal, additional information as well as Conditions and Advisory Notes to be included as part of any approval to ensure compliance with Council requirements. Matters of relevance are as follows:

- Council is committed to maintaining and strengthening its working relationship with the developer regarding any works within the public realm, particularly those regarding the Unley Road and Eton Street renewal;
- Updated plans require to incorporate the comments and recommendations outlined by CIRQA;
- Additional information and further investigations required to address concerns of Council regarding ground water;
- Updates to the Waste Management Report to address the matters by Council's Manager Climate & Sustainability Officer;

- That the collection of waste and delivery vehicles are undertaken within a restricted set of hours to minimise the impact regarding the operation of the proposed car park;
- Council will not provide the residents with on-street parking exemption permits for new developments;
- Applications are required for the proposed works in the public realm affecting street trees, crossovers and reinstatements, and upgrades to the verge area; and
- Council would welcome the opportunity to work with the developer to ensure a positive interaction between the commercial tenancies within private land and Unley Road;

It is trusted that the information provided in this report is considered as part of the assessment. Council welcomes the opportunity for the application to be referred again if, or once, the above matters have been addressed to the satisfaction of Council.

If there are any queries or need for further clarification regarding the above matters, please contact Amelia De Ruvo, Senior Planning Officer, by email at aderuvo@unley.sa.gov.au or 8273 8710.

Planning Observations

The following comments refer to matters outside of the scope of Regulation 23(3) of the Planning, Development and Infrastructure (General) Regulations 2017 and are provided as general observations to assist with the assessment of the proposal.

In brief, the following planning observations are made in relation to the proposed mixed-use development:

- We acknowledge that the site is able to be considered a *Significant Development Site* as per PO / DPF 5.1 of Urban Corridor (Main Street) Zone, however the proposal further exceeds the maximum building heights sought. The building height is a concern of Council given that the development does not mitigate the excessive building mass to the adjoining single storey dwellings within the Established Neighbourhood Zone. Additionally, the development does not provide affordable housing, or satisfy the provisions of DPF 5.1(c), to be considered to have a building height 30% above what is detailed in DTS / DPF 3.1 of Urban Corridor Zone.
- As a result of the over height of the development, the built form provides an imposing form overlooking and overshadowing the adjacent residential homes. The Council's established 30degree transition is not achieved in the built form, and the adjoining residents are significantly impacted throughout autumn and winter as a result f the bulk and form of the development.
- The provision of the Communal Terrace is encouraged, however its elevation and close proximity to the neighbouring residents (30 degree not met) raises concerns regarding potential overlooking as well as neighbourhood impacts of sound as a result of upper storey activation
- As all vehicle movements on site (residential, commercial deliveries and waste collection) will obtained via a crossover in close proximity to the eastern boundary immediately adjacent a sensitive receiver. Council supports the retention of the existing boundary wall along the eastern boundary. This will assist with mitigating noise emissions from the development to adjacent residential dwellings.
- Seeking clarification as to the difference between retail and commercial (e.g. does this refer to office and/ or consulting rooms vs shops). *Commercial* and *Retail* are not land use terms within the Planning and Design Code and therefore requires any future tenant to lodge a change of use application;
- In principle the development provides a mixed use building including residential dwellings and commercial spaces which will assist in activating the streetscape and improve upon pedestrian moveability,
- The proposal provides dwellings ranging from one bedroom to four bedrooms dwellings. Ensuring that the development provides a variety of dwelling sizes and contribute to housing diversity within the area;
- The inclusion of solar panels is encouraged and supported as it assists in achieving the environmental performance outcomes sought by the Code. The roof plan shows and area for solar panels however no further detail is provided, nor do they appear on any

other plans. Clarification should be sought as to whether these panels are flat mounted or tilt up and need to be included in the list of assessable elements.

- Residential storage is important, and its inclusion is fully supported. The plans show residential storage areas on each floor of the car parking area however no further detail has been provided. Are these cages / lockable facilities? How are they allocated to each dwelling?

The location of these areas appears to be an afterthought only utilising spaces not available for car parking. Storage areas should be easily accessible and located close to lifts and the respective users parking spaces. Further, having residential storage on the car parking floor that only has public parking is considered to be inconvenient to the users and will discourage their use. The arrangement and distribution of the storage areas should be reconsidered.

- Although the corner shop is not a heritage listed building and does not need to be retained, Council appreciates that the developer has sought to retain a building circa 1900s on the corner of Eton Street and Unley Road. This will assist in retaining the historic character of the locality.
- Confirmation should be sought regarding the accessibility to the promenade and car parking. Specifically, when will the afterhours secure gate(s) will be closed off to the public? Will access to this area be permitted by residents only? How will access be gained when secured? Once this is confirmed a condition of approval is recommended to assure the times are adhered to.
- The design narrative recognises the qualities of Malvern in the materiality of the building and incorporation of greening across the site. The quality of the architecture will make a positive addition to Unley Road and the desired activation of the streetscape.
- The layered integration of greening up the facades, within public, community and private areas is commended. Provision of an informed plant palette with generous soil volumes, taps and automatic irrigation systems is essential to ensure long term, sustainable greening outcomes for the development.

Traffic

Parking provisions:

- The Planning and Design Code *Table 2 – Off-Street Car Parking Requirements in Designated Areas* indicates that parking generation rates for the site. Based on the parking rates identified in Table 2 the proposed 68 apartments and 1,908sqm of non-residential development would generate a minimum requirement of 147 off-street parking spaces, comprising:
 - 73 resident spaces
 - 17 residential visitor spaces
 - 57 Non-Residential (office/retail) spaces.

Plans provided by the applicant indicate that 167 off-street parking spaces will be provided, which exceeds the planning and design code and considered acceptable. However, to ensure there is no shortfall for expected uses across the site, a car parking management plan is required outlining the car park allocation for residents to an apartment, staff and visitors (including appropriate signage and line marking).

A Carparking management plan, to address the above is required to be provided.

Bicycles

- *Table 3 – Off-street bicycle parking requirements* outlined in the Planning and Design Code details the bicycle parking generation rates for the site. Based on the above rates in Table 3 the proposed 68 apartments, 1,355sqm office and 553sqm retail would generate a requirement for 37 off-street bicycle spaces, comprising:
 - 17 resident spaces
 - 7 residential visitor spaces
 - 11 staff spaces
 - 2 commercial visitor spaces.
- Plans provided by the applicant indicate zero off-street bicycle parking spaces have been provided, which represents a short fall of 37 bike parking spaces. This is not considered acceptable, please update plans to ensure bicycle parking is provided in accordance with the planning and design code. In addition, please ensure all resident and staff parking spaces are provided in a centrally located secure compound, and ensure all visitor parking spaces are provided in easily accessible and clearly visible locations for ease of use and safety.

The development is to be updated to include bicycle parking to address the above.

- Council seeks to encourage alternative modes of transport, such as bike riding, for residents / staff. Council would be seeking for bicycle parking to be supplied for the development with the following considerations.

Please ensure suitable end of trip facilities (showers and lockers), secure compound bicycle parking and bicycle parking on Unley Road is provided for visitors / staff to promote use of active transport.

If there are any queries or need for further clarification regarding the above matters, please contact Amelia De Ruvo, Senior Planning Officer, by email at aderuvo@unley.sa.gov.au or 8273 8710.



Amelia De Ruvo
Senior Planning Officer
City of Unley

Appendix A – Conditions & Advisory Notes

Conditions

1. That all loading and unloading of goods shall be carried out upon the subject land and NO loading of any goods shall be permitted to be carried out in public streets.
2. Waste collection and general delivery vehicles shall only service the development, between the hours of 9am – 5pm Monday to Friday. No waste collection is to occur on Saturday, Sunday or Public holidays.
3. No groundwater is to be discharged into Council's stormwater system.
4. All stormwater from the buildings and site shall be disposed of so as not to adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
5. Stormwater run-off shall be collected on-site and discharged without impacting the safety or integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
6. Temporary debris and sediment control measures shall be installed prior to the commencement of work on site, to ensure that debris, soil, soil sediments and litter are maintained within the construction site. At no time shall debris, soil, soil sediments and litter from the construction site enter Council's drainage system, road network or neighbouring properties.

Advisory Notes

1. Parking restriction currently in place along Unley Road, Eton Street, and surrounding street network will not be altered as a result of the development.
2. Residential Parking Permits will not be issued to residents of Community or Strata titled dwellings or other multi dwelling buildings for development approved on or after 1 November 2013.
3. Numerous parts of the Council area have low lying water tables. Where there is sub-surface development occurring, groundwater can be encountered. Issues related to the disposal of this groundwater, either temporarily or permanently, can cause damage to surrounding Council infrastructure and cause problems for adjoining landowners. Where groundwater is encountered during the construction of the development, it will be necessary for measures to be taken to ensure the appropriate containment and disposal of any groundwater.
4. Any works undertaken on Council owned land (including but not limited to works relating to reserves, crossing places, landscaping, footpaths, street trees and stormwater connections and underground electrical connections), shall require a

separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Asset Management department on 8272 5111.

5. That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the applicant.
6. The alteration of the verge to Unley Road and Eton Street shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. Refer to the City of Unley website for Forms & Applications – Specification Crossover Opening, Kerb & Gutter, Footpath Repair.
<https://www.unley.sa.gov.au/Page/Forms-Applications>
7. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to the City of Unley website Forms & Applications – Driveway Crossover Specifications
<https://www.unley.sa.gov.au/Page/Forms-Applications>
8. Driveways Crossovers are not to be constructed from concrete over the footpath area between the kerb to boundary. Driveways and boundary levels at fence line are required to matching existing footpath level at boundary and or between 2% and 2.5% above kerb Height. Crossover is not to exceed 2.5% or 1:40 cross fall gradient over footpath between boundary to verge and not excess 5% from verge to crossover kerb invert.
If a driveway crossover or portion of a driveway crossover is no longer required due to the relocation of a new crossover or alteration to an existing crossover. The redundant driveway crossover or part of, is required to be closed and returned to kerb and gutter, also raising the footpath level to match the existing paved footpath levels at either side of the crossover being closed.
Provisions for Sliding Gate: Note that the high side of concrete plinths / footing for siding gates should not be higher than existing footpath level. Any level adjustments to gradients to achieve a level plinth for sliding gate railing is required to be within the property boundary.
9. All redundant crossovers shall be permanently closed and reinstated with kerb and gutter prior to the commencement of use of the development. All costs are to be borne by the applicant.
10. The proposed development in whole or in part encroaches upon a public place and cannot be lawfully undertaken unless all encroachment/s have been dealt with in a satisfactory manner. In the case of encroachments over a road, an authorisation under Section 221 of the Local Government Act 1999 will be required and an annual fee payable to Council. In the case of encroachments over other public places owned by the Council, an Encroachment Permit from Council may be required- please contact the Council's Property and Assets team for further information.