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19 May 2026

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Uploaded to the PlanSA Portal

Dear Ben

Response to Representations, Agency and Council Comments – DA 26010577

Introduction

This letter provides a response to the public representations received during notification of variation application DA 26010577. The public notification period concluded on 14 May 2026.

This letter also provides a response to comments received from referral agencies and the Town of Walkerville (Council).

The letter is accompanied by:

- Additional overlooking and overshadowing analysis prepared by SMFA (**Annexure A**).
- Roof plan prepared by SMFA (**Annexure B**).
- Height comparison overlay prepared by URPS (**Annexure C**).

Scope of Variation Application

This application seeks to vary the existing development authorisation. The variations can be summarised as:

- Removal of 57 serviced apartments (tourist accommodation) in the 10-level building.

- Addition of 56 residential apartments in the 10-level building.
- Removal of 1 terrace apartment.
- A 15m² floor area increase to shop tenancies at the ground level of the 10-level building.
- Increase (0.546m) to building height of the 10-level building.
- Internal layout changes, primarily relating to the change to apartment configurations.
- Minor variations to façade details and external materials.

The variation application has been formally described as:

“Variation to authorised development no. 24029287 for reconfiguration of residential apartments, removal of serviced apartments and associated internal changes to provide additional residential apartments, external changes to form and materials, addition of privacy screening details and removal of one terrace dwelling.”

Summary of Representations

A total of 53 representations were received during the public notification of the variation application. Three of these were duplicates. Therefore, 50 are valid representations.

- 43 oppose the variation.
- 6 support the variation with some concerns.
- 1 supports the variation.

A total of 13 representors wish to be heard at the upcoming SCAP meeting.

The key concerns raised by the representors can be summarised as follows:

- Development scale and density.
- Traffic and parking.
- Building height.
- Affordable Housing provision.
- Off-site impacts, typically:
 - Overlooking
 - Overshadowing

A significant number of representations include comments relating to the existing development authorisation and the nature of the approved development. Several representations also include comments about current construction activity at the site. This construction is being undertaken in accordance with the existing authorisation.

As noted above, this application seeks to vary the existing development authorisation. Our response addresses only comments relating to the proposed variations under assessment by the State Planning Commission.

Development scale and density

The most cited concern of the representors relates to the presumed increase in scale and density.

The Urban Corridor (Living) Zone seeks mixed-use development “with a strong residential focus”. Despite the variation, the development will continue to comprise a mixed-use development, providing both residential and non-residential land uses.

While representors frequently describe the variation as providing an additional 55 residential apartments, this misinterprets what is sought by the variation – a reconfiguration of existing apartment numbers, not 55 new apartments.

The existing approval provided 57 studio, serviced apartments and 116 residential apartments, or a total of 173 apartments within the residential flat building. This variation reduces the overall apartment numbers to 172. What the variation primarily seeks is the removal of tourist accommodation, replacing serviced apartments which occupied 33% of the residential flat building, with residential apartments.

This means that the building no longer requires the additional layout and functionality to accommodate the comings and goings of tourists. It does not require a 24-hour concierge desk, shared parking for hotel guests or other tourism-based facilities. Instead, all apartments within the building will be occupied by residents. Residents who will access the site and interact within the existing community in a typically residential manner.

The variation provides a stronger residential focus, as sought by the Zone. It does this by reconfiguring 57 serviced apartments as 56 residential apartments. The variation supports this without increasing the approved density of apartments within the mixed-use, residential flat building.

Traffic and parking

Several representors raised concerns with the potential changes to traffic volumes and the provision of on-site car parking for residents. Some concerns specifically queried the anticipated impacts of traffic to the adjoining road network.

As demonstrated in the revised Traffic and Parking Report prepared by CIRQA, the variation is supported by sufficient on-site resident and visitor car parking to continue to meet the needs of the development. Adopting the car parking rates in the Code, the variation has a parking demand of 245 spaces. The development is supported by 251 basement parking spaces and 3 parking spaces at ground-level (a total of 254 spaces on-site). This means the development continues to provide a surplus of on-site parking spaces (9 space surplus).

CIRQA has also considered the change in traffic volumes resulting from the apartment reconfiguration and removal of serviced apartments. Their assessment demonstrates a negligible change to peak vehicle movements to and from the site, changes which can be comfortably accommodated by the adjoining road networks.

This assessment is reinforced by the support of the variation by the Commissioner of Highways and continued application of existing consent conditions.

Building height

The representators raised concerns with the proposed height increase to the 10-level building.

We acknowledge that the intricacies of defining building height may not be well-known by the public. Importantly, lift overruns are excluded from the definition of building height in the Code.

The additional height is observed at two points:

- Building parapet – 546mm (1.7%) increase
- Rooftop services – 808mm (2.4%) increase

A roof plan has been prepared for completeness, see **Annexure B**. This plan shows the centralised location of rooftop services relative to the building parapet and boundaries of the site. The rooftop services are inset from the edge of the building and a minimum of 5.6m from the Walkerville Terrace boundary and 7.4m from the Northcote Terrace boundary. These setbacks mean that the rooftop services are not seen from ground level.

We have also prepared a height comparison overlay for the western elevation, see **Annexure C**. This shows a comparison between the stamped plans for DA 24029287 (shown in red) and the proposed variation (shown in blue).

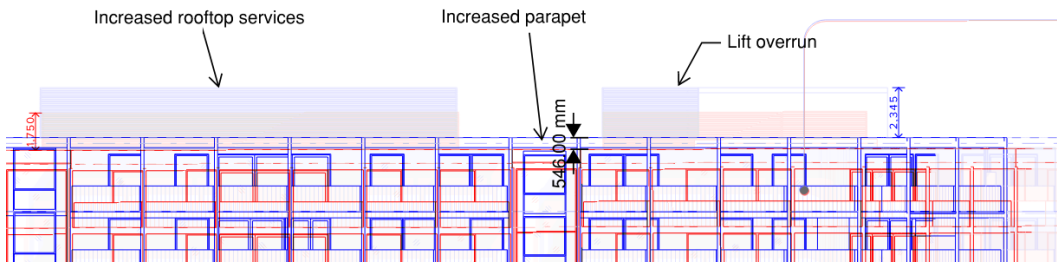


Figure 1 – Height comparison overlay showing stamped plans (red) and proposed variation (blue)

Figure 1 shows the comparative height of the existing authorisation and what is proposed by this variation. This increased height is minor in the context of the 10-level building. Due to its location, the rooftop services will not be easily observed outside the site.

Much like the minimal change to shadowing, the minor increase in height will be inconsequential when viewed external of the site and in the context of the building itself.

Affordable Housing Provision

Several representors, and notably the representation submitted by the Mayor of Walkerville, raised concerns with the continued commitment to delivering Affordable Housing within the development.

Representors made reference to Condition 12 of DA 24029287, included below:

“The applicant must provide a minimum of 15% as ‘affordable housing’ of all dwellings in accordance with the criteria determined by the Government Gazette 2 May 2024 under regulation 4 of the South Australian Housing Trust Regulations 2010 (or any updates) and Affordable Housing Plan dated 25 September 2024. The applicant has committed to entering into an Affordable Housing Land Management Agreement that will be registered on the Title of the land within 10 working days of purchase and settlement on the land from the current landowner.”

Representors have queried the status of the Affordable Housing Land Management Agreement (LMA).

Since the approval of DA 24029287 in January 2025, the Applicant has been in continued communication with the Affordable Housing Team at the Department for Housing and Urban Development (DHUD). This includes their review of an Affordable Housing delivery model and draft terms of the LMA.

On 10 April 2026 DHUD staff supported the current status and anticipated timeframe for the Affordable Housing LMA.

This demonstrates the Applicant's commitment to deliver Affordable Housing and DHUD's support for an extension to register the LMA on title.

As a variation application, the requirements and conditions of the existing development authorisation DA 24029287 remain valid. This includes the requirement to enter into an Affordable Housing LMA and register the agreement on title.

Off-site impacts

Representors raised concerns with the management of off-site and amenity impacts. This is primarily contained to overshadowing and overlooking.

The Interface between Land Uses General Development Policy provides the following relevant to overshadowing:

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.

DPF 3.2 Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:

(a) for ground level private open space, the smaller of the following:

(i) half the existing ground level open space

or

(ii) 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)

(b) for ground level communal open space, at least half of the existing ground level open space.

(Underlining added)

The variation proposes to increase the parapet height by 546mm and the tallest portion of rooftop services by 808mm. The variation also seeks to relocate the lift-overrun.

Shadow analysis prepared by SMFA (see **Annexure A**) shows the additional shadows cast by the variation. This demonstrates that additional shadows are contained to public roads or the adjacent public reserve between the hours of 9am and 1.30pm on 21 June.

At 1.30pm an additional 18m² of shadowing is experienced within the private open space of 6 Walkerville Terrace. Despite this, the private open space receives at least 5 hours of unencumbered sunlight to satisfy DPF 3.2 above.

By 3pm there is no additional shadowing to private open space within 60m of the development (definition of adjacent land).

The variation does not introduce new overlooking opportunities. This matter has been considered under the existing authorisation. However, the documents submitted with the variation seek to resolve reserved matter 3 of DA 24029287 which considers overlooking to adjacent neighbourhood-type zone land.

Reserved matter 3 states:

“The applicant shall provide an updated plan nominating privacy screening treatments between apartments which face each other, to restrict views from apartments 308 and 406 to the north-east and the balcony of terraced apartment 008.”

The Design in Urban Areas General Development Policy provides the following relevant to overlooking from balconies or terraces:

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

DPF 10.2 One of the following is satisfied:

(a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve (or combination of) that is at least 15m wide in all places faced by the balcony or terrace

or

(b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of:

(i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land

or

(ii) 1.7m above finished floor level in all other cases

(Underlining added)

Direct overlooking by definition, occurs within 15 metres of a window or balcony. The additional documents prepared by SMFA demonstrate the extent of direct overlooking from Level 3 and 4. Sectional diagrams have also been provided to confirm screening measures within the terrace dwellings and the balcony for apartment 307, see **Annexure A**.

The variation satisfies the above provisions and resolves reserved matter 3 because:

- 0.75m² of the Established Neighbourhood Zone is within 15m of the apartment 406 balcony. Sightlines to this portion of land would be obstructed by boundary fencing. This means additional screening measures are not required at Level 4.

- 29m² of the Established Neighbourhood Zone is within 15m of the apartment 307 balcony. 1.5m high opaque balustrades have been applied to the portion of the balcony within 15m. As demonstrated in Section F, this screening sufficiently mitigates overlooking of the adjacent private open space areas of Unit 5, 6 and 7 17 Walkerville Terrace.
- Terrace apartment 008 has been removed by the variation. Remaining terrace dwellings continue to provide sufficient screening measures to mitigate overlooking as shown in Section E and D.

Statutory Referrals

Government Architect

The Government Architect referral response was received on 14 May 2026. This response confirms support for the majority of the proposed variations. The Government Architect offers more detailed comments on the following elements:

- Residential amenity.
- Provision of private open space.
- Privacy screening and overlooking measures.

The variation continues to provide diversity in dwelling sizes and bedroom configurations. The apartment layouts have been designed to respond to this diversity while also providing functional and suitably sized spaces for residents.

The Government Architect acknowledges the provision of communal open space provided by the development. Despite the significant area of communal open space, all apartments are also provided with private balconies. This ensures a diversity of private and shared spaces for each resident.

Additional plans and analysis have been prepared by SMFA (see **Annexure A**) to further demonstrate the development's compliance with overlooking and overshadowing provisions. These documents identify the need for the development to consider overlooking of some units within the neighbouring Established Neighbourhood Zone. This requirement was further emphasised through the inclusion of reserved matter 3 in DA 24029287. The response to the reserved matter has been detailed above.

Commissioner of Highways

The Commission of Highways referral response was received on 13 May 2026. This response confirmed support of the variation application subject to the direction to

include nine conditions of consent. These conditions are the same as those that form part of the existing authorisation (DA24029287).

Regulation 23(2)(b) Notification

The variation application was issued to the Town of Walkerville in accordance with Regulation 23(2)(b). A supportive response was received from the Chief Executive Officer on 4 May 2026. It included comments primarily related to the changes in car parking demand and traffic volumes resulting from the removal of serviced apartments. A response to these matters is provided above and supported by CIRQA's expert assessment which accompanied the application.

Council's response also included a comment relating to the operating hours of the approved non-residential land uses at the ground level. The variation does not propose any changes to the land use or operation of these retail tenancies, therefore this comment is beyond the scope of this variation.

Conclusion

In summary, I note the following in response to the representors submissions:

- The variation does not increase the density or number of apartments within the residential flat building; it simply repurposes 57 serviced apartments as 56 residential apartments.
- The variation is supported by sufficient on-site car parking spaces and does not result in unreasonable traffic volume impacts to the adjacent road networks.
- The minor increase to the building height (of 808mm at most) is inconsequential when considered in the context of the overall building or the observation of the additional height beyond the site.
- The variation continues the commitment to provide significant provision of Affordable Housing, the delivery of which continues to be enforced by consent conditions.
- The variation demonstrates that off-site impacts such as overshadowing and overlooking have been appropriately mitigated. Additional documentation demonstrates that sufficient measures have been included to mitigate overlooking and resolve reserved matter 3.
- The variation application continues to be supported by the expert consultant team, with revised assessments of the proposed variations, including a revised Waste Management Plan and Traffic and Parking Report.

- The development provides diverse housing configurations with functional internal amenity as well as private and communal open space.

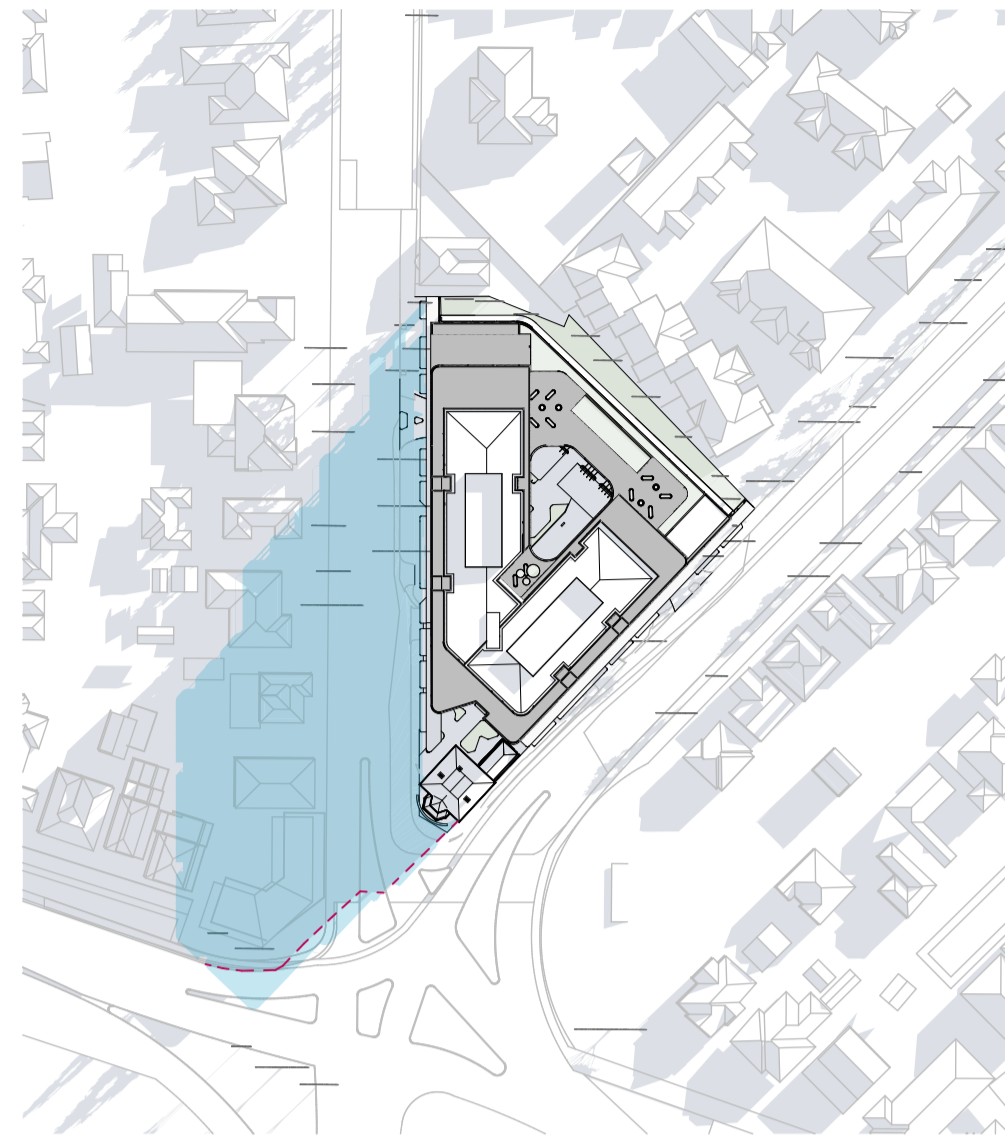
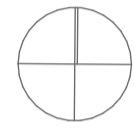
We confirm we will be available to appear in support of this variation at the relevant SCAP meeting. Please confirm the date and time of the meeting once this is confirmed.

I can be contacted on 8333 7999 if you have any questions.

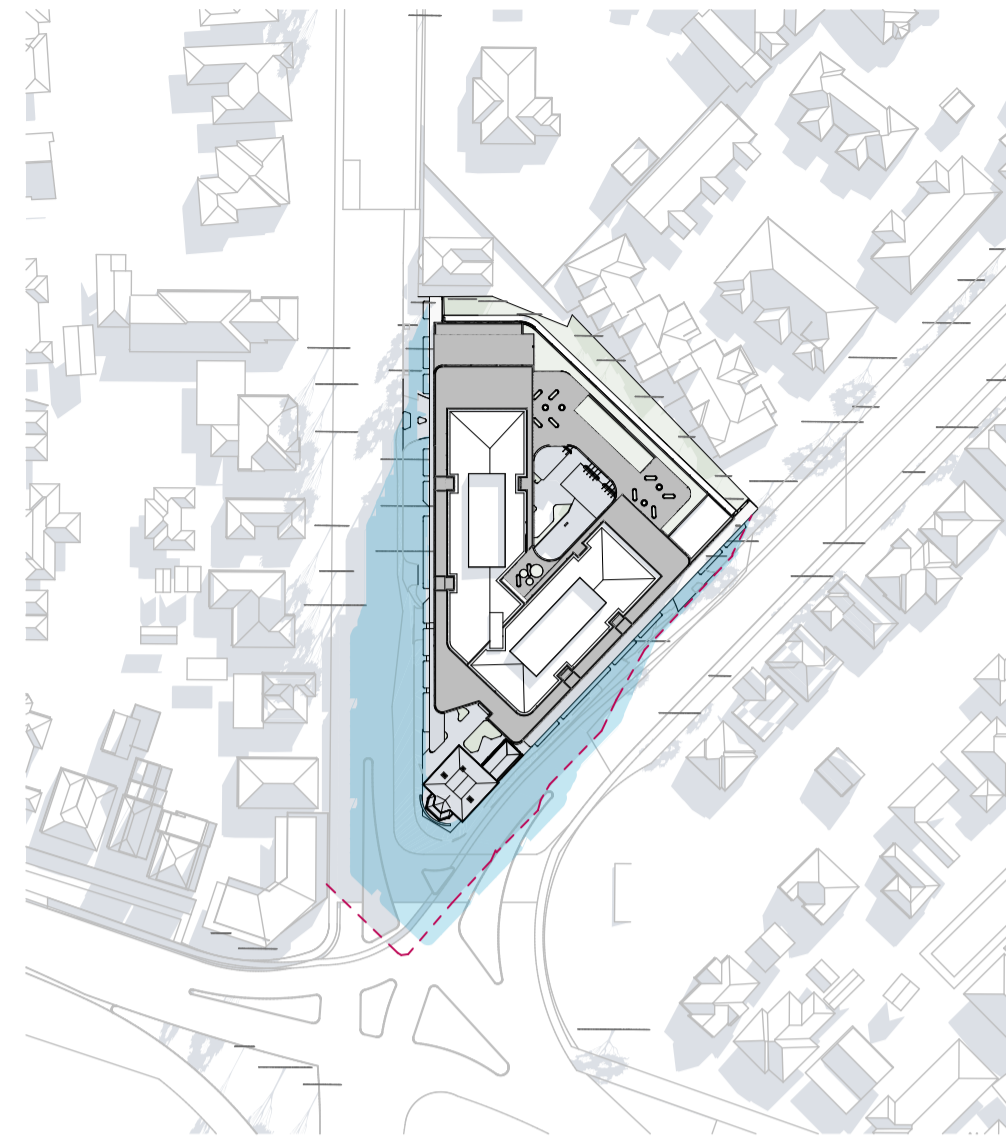
Yours sincerely



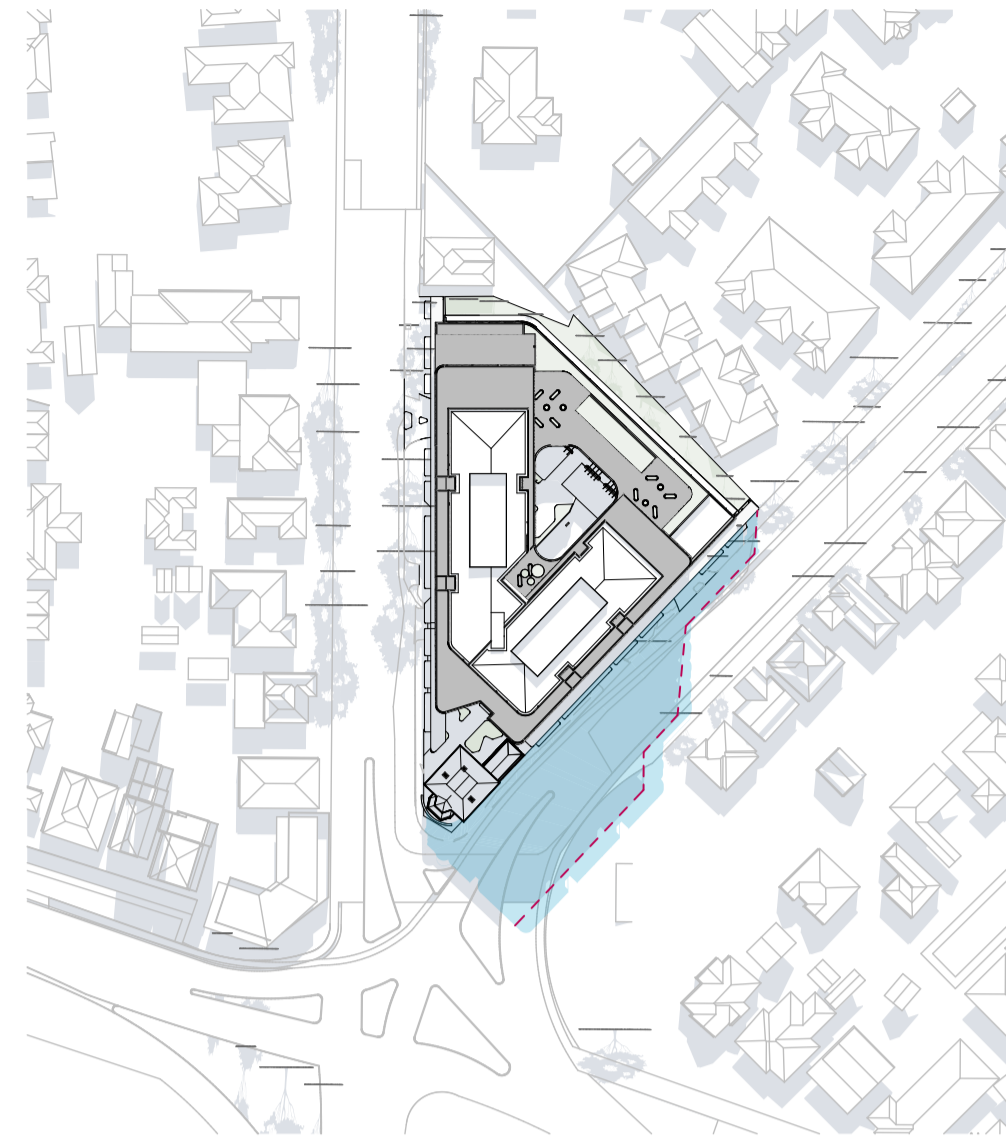
Matilda Asser
Senior Consultant



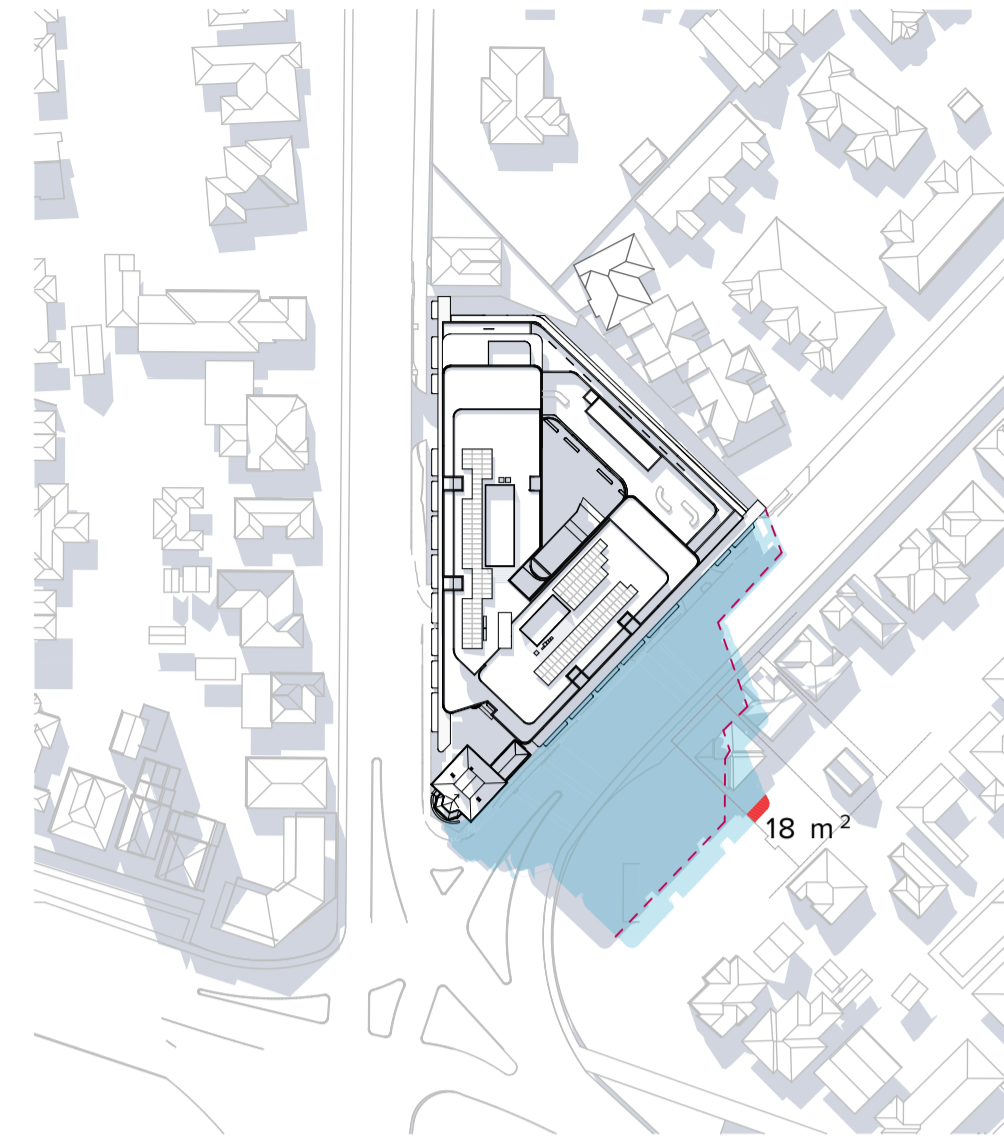
WINTER 9AM



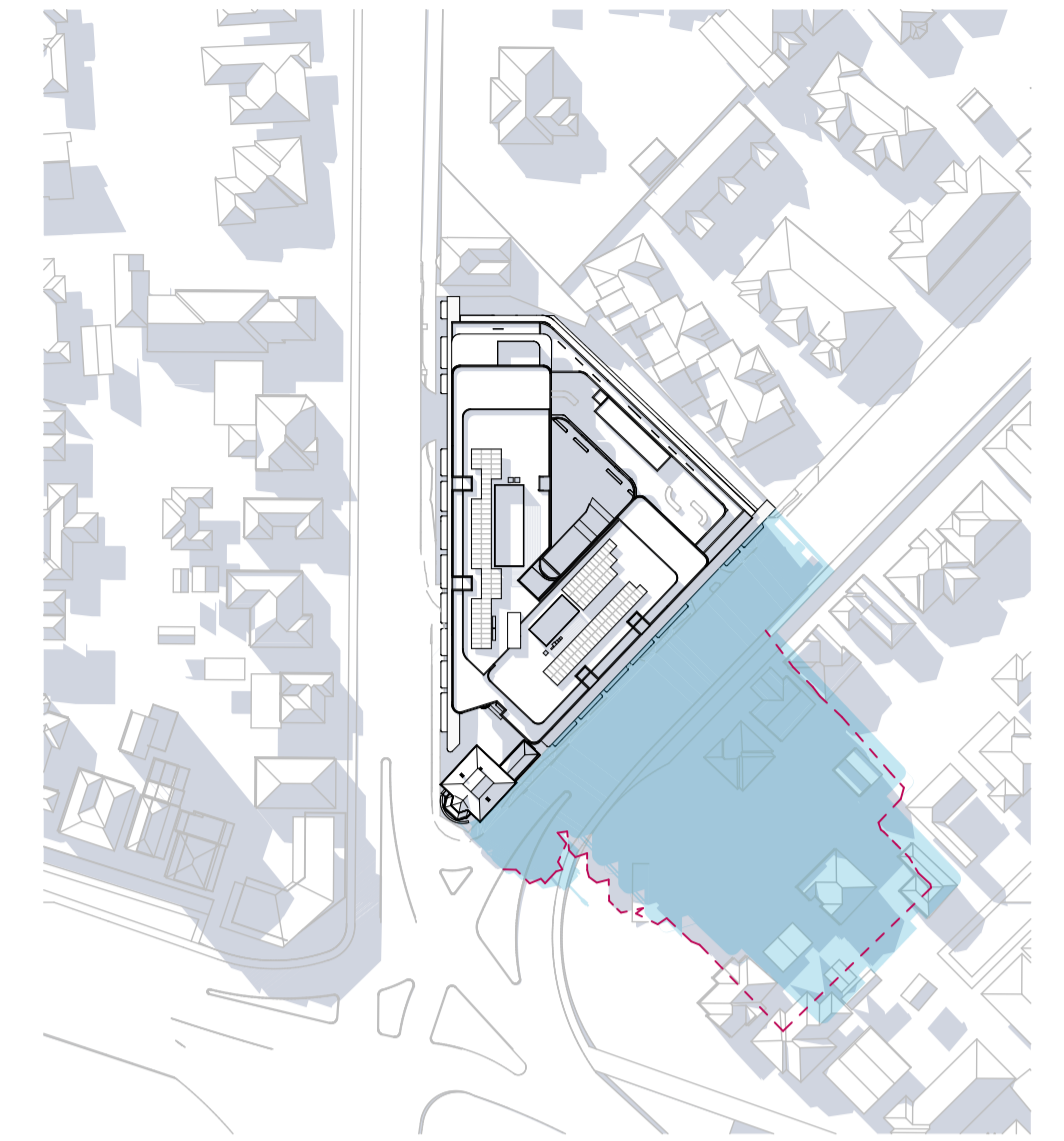
WINTER 10.30AM



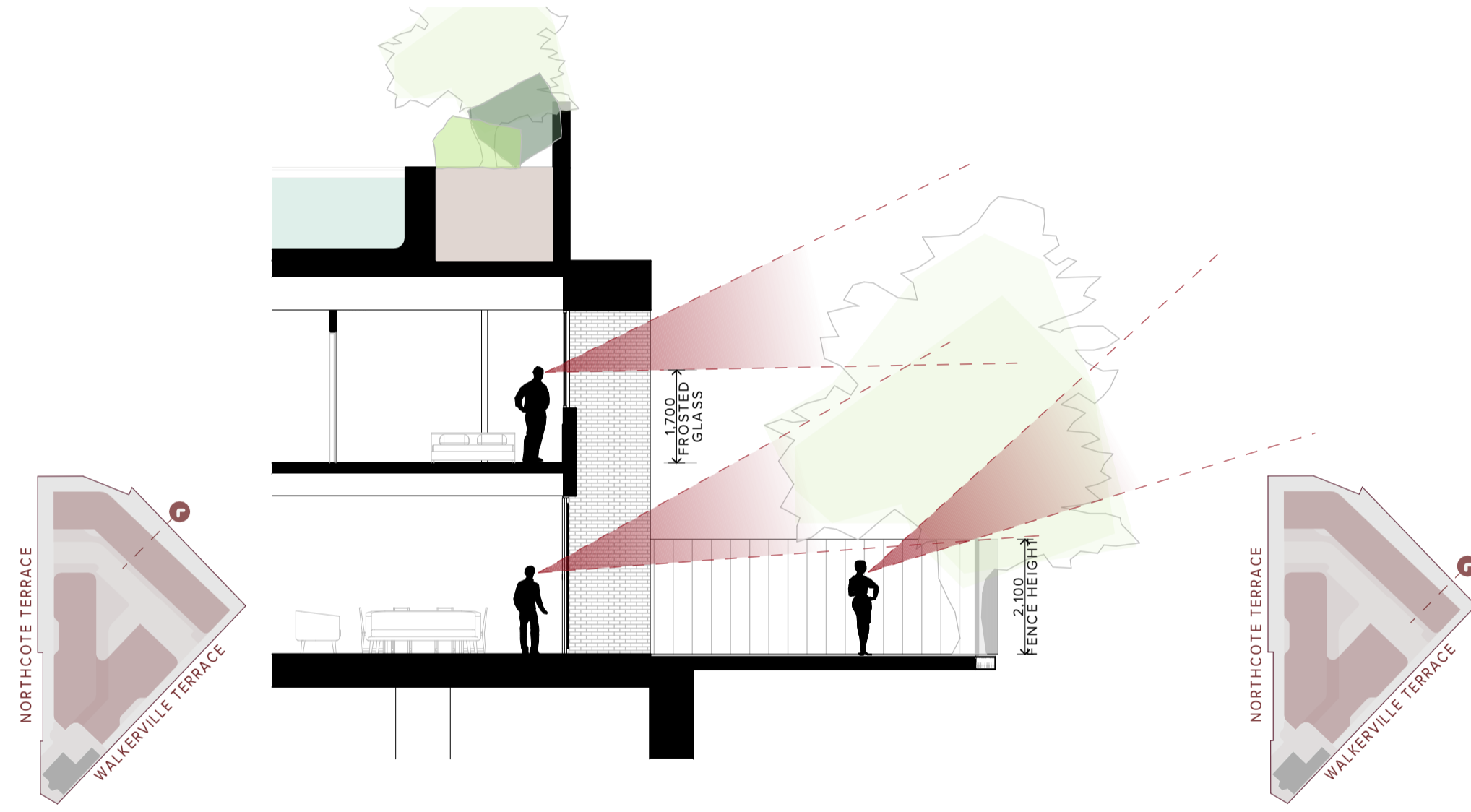
WINTER 12PM



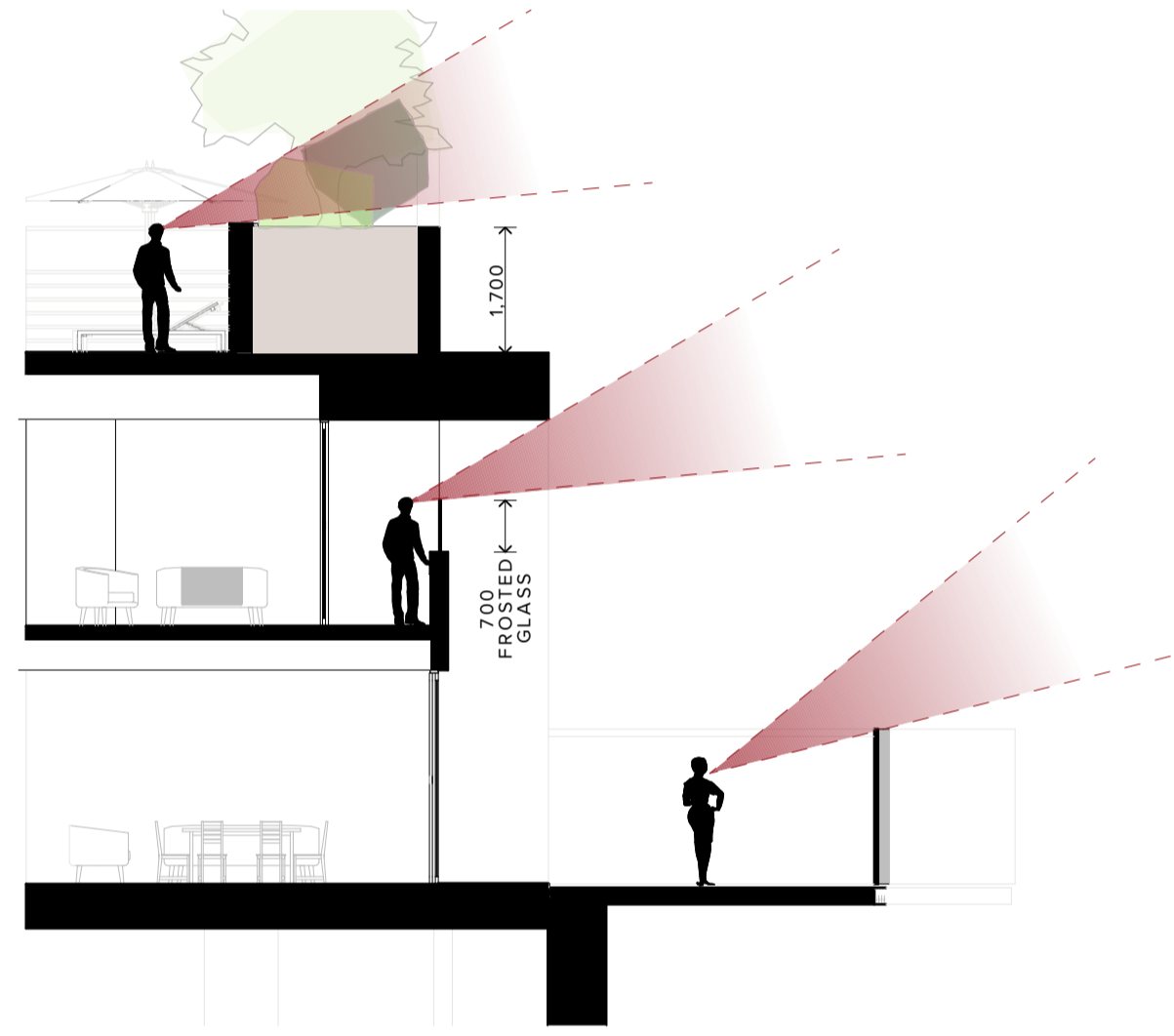
WINTER 1.30PM



WINTER 3PM

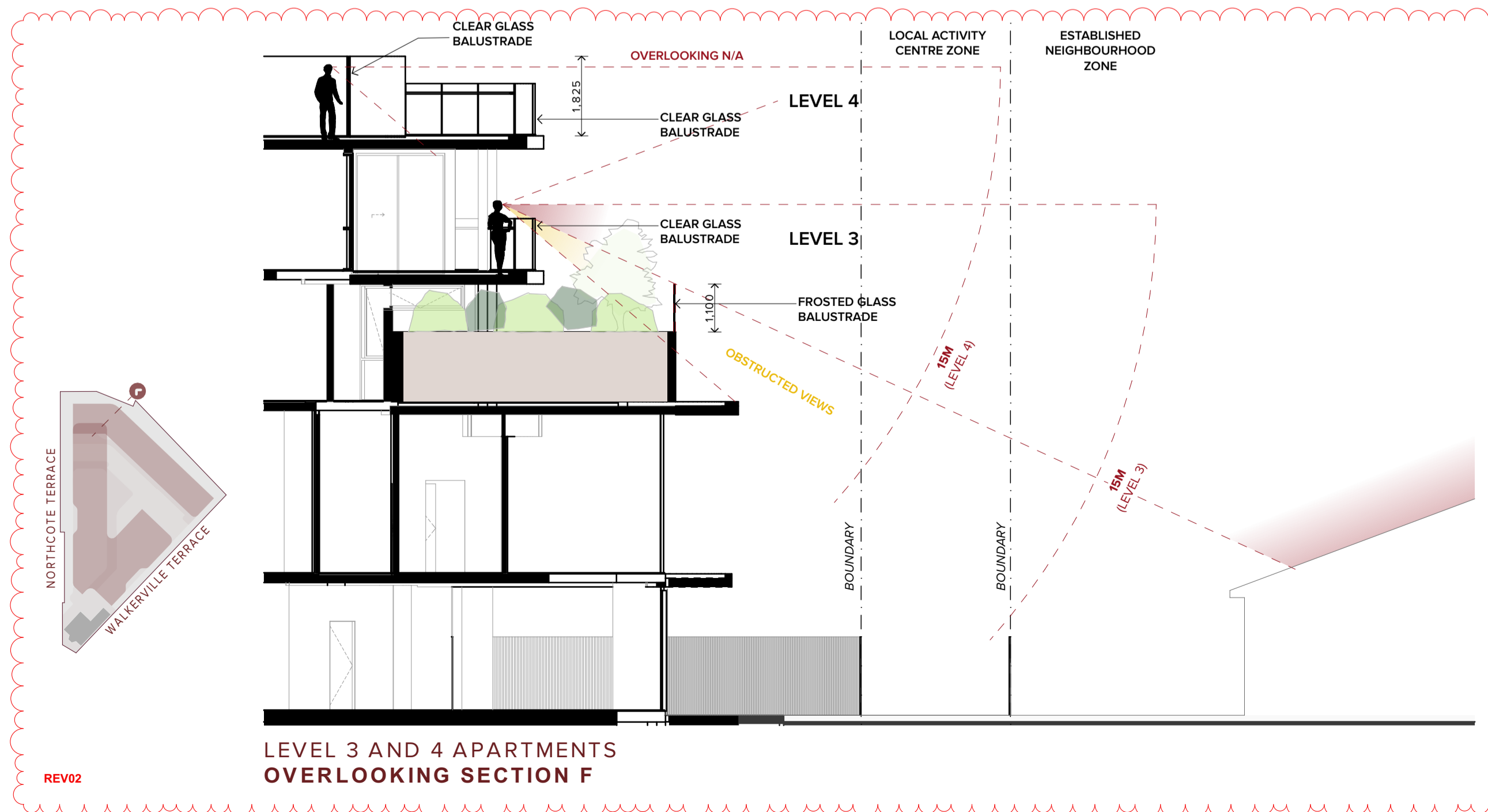


GROUND FLOOR APARTMENTS OVERLOOKING SECTION E

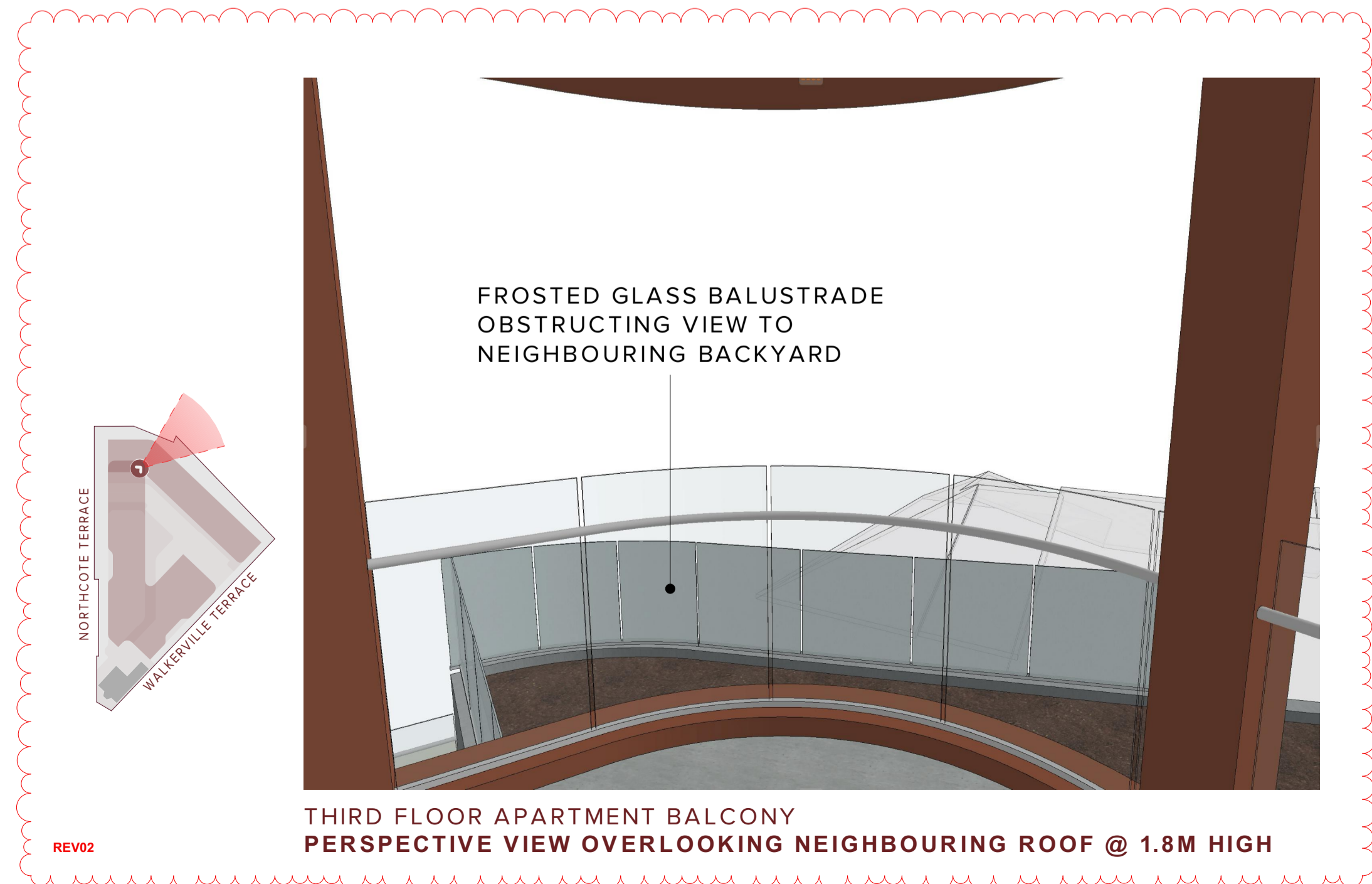


GROUND FLOOR APARTMENTS OVERLOOKING SECTION D

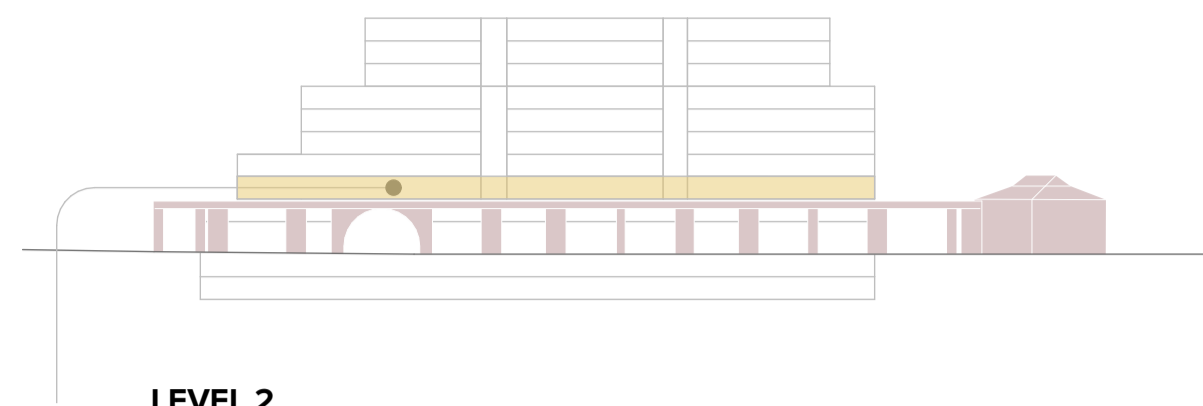
UPDATED SHADOW CAST (WINTER)
 OUTLINE OF ORIGINAL SHADOW CAST
 REV02



LEVEL 3 AND 4 APARTMENTS OVERLOOKING SECTION F

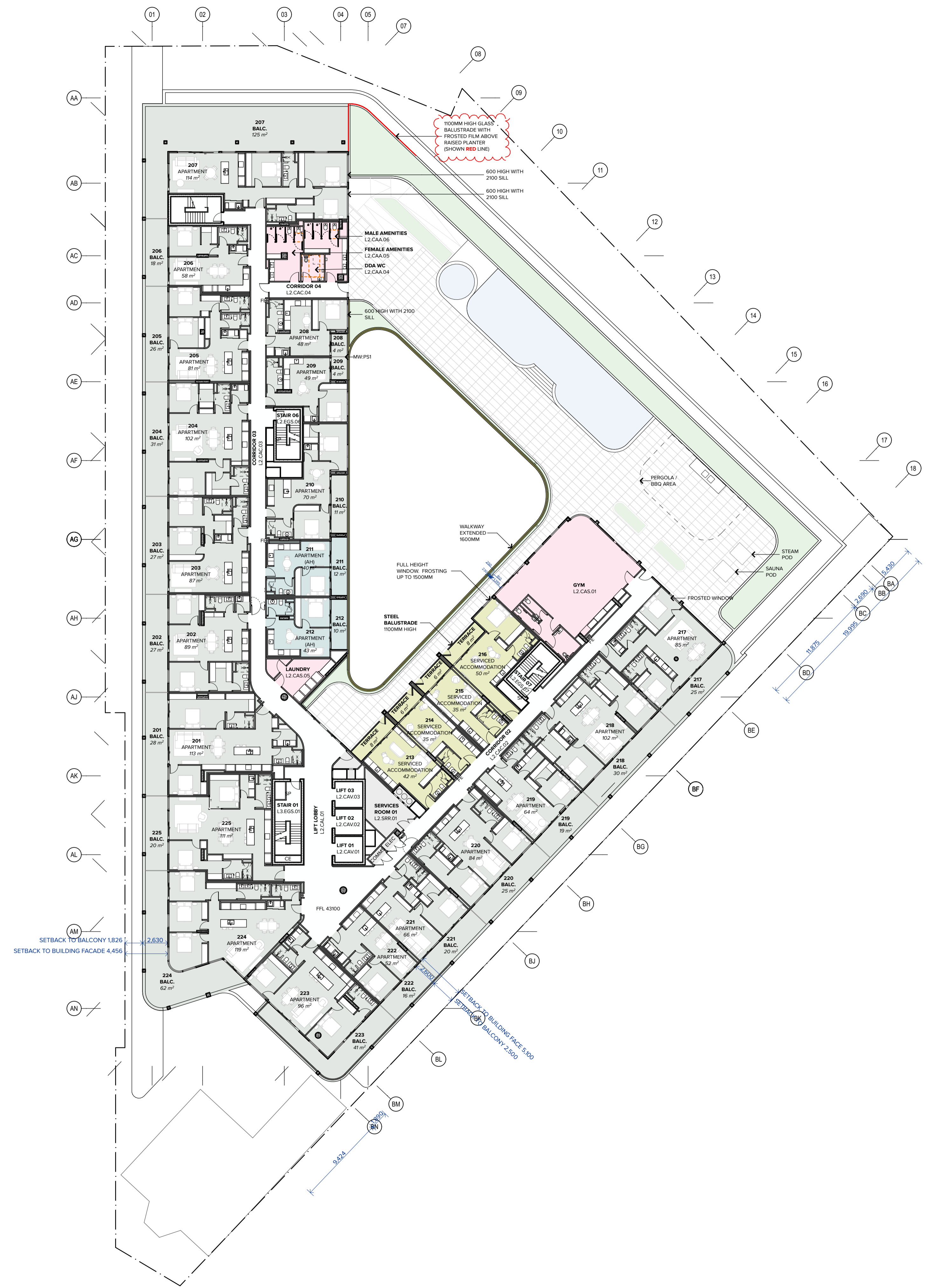


THIRD FLOOR APARTMENT BALCONY PERSPECTIVE VIEW OVERLOOKING NEIGHBOURING ROOF @ 1.8M HIGH

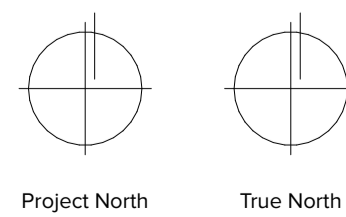


LEVEL 2

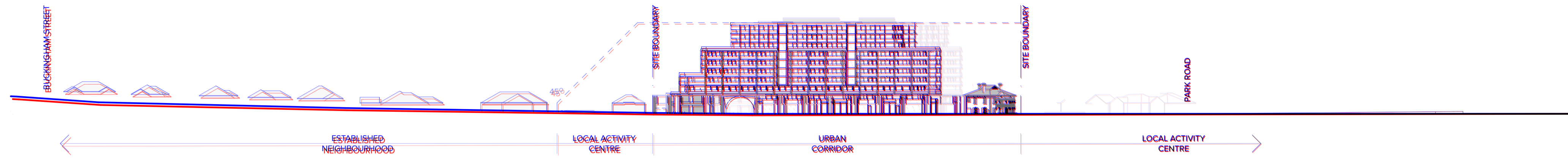
- APARTMENT
- APARTMENT (NDIS)
- APARTMENT (AFFORDABLE HOUSING)
- SERVICED ACCOMMODATION



S M F A



Annexure B



WEST STREET ELEVATION (NORTHCOTE TERRACE)

1:1000

WEST STREET ELEVATION (NORTHCOTE TERRACE)

1:1000

CL03
WALL CLADDING
(LEVEL 2-6)

RF01
COLUMNS, SLAB
EDGE AND SOFFITS
(LEVEL 2-6)

BRK01
GROUND FLOOR
APARTMENTS

CNC01
PLINTH TOP

BRK01
PLINTH COLUMNS

10 ROOF
+67.235 F
+67.200

9 LEVEL 9
+64.200
+64.200

8 LEVEL 8
+61.200
+61.200

7 LEVEL 7
+58.200
+58.200

6 LEVEL 6
+55.200
+55.200

5 LEVEL 5
+52.200
+52.200

4 LEVEL 4
+49.200
+49.200

3 LEVEL 3
+46.200
+46.200

2 LEVEL 2
+43.200
+43.200

11 LEVEL 11
+39.679

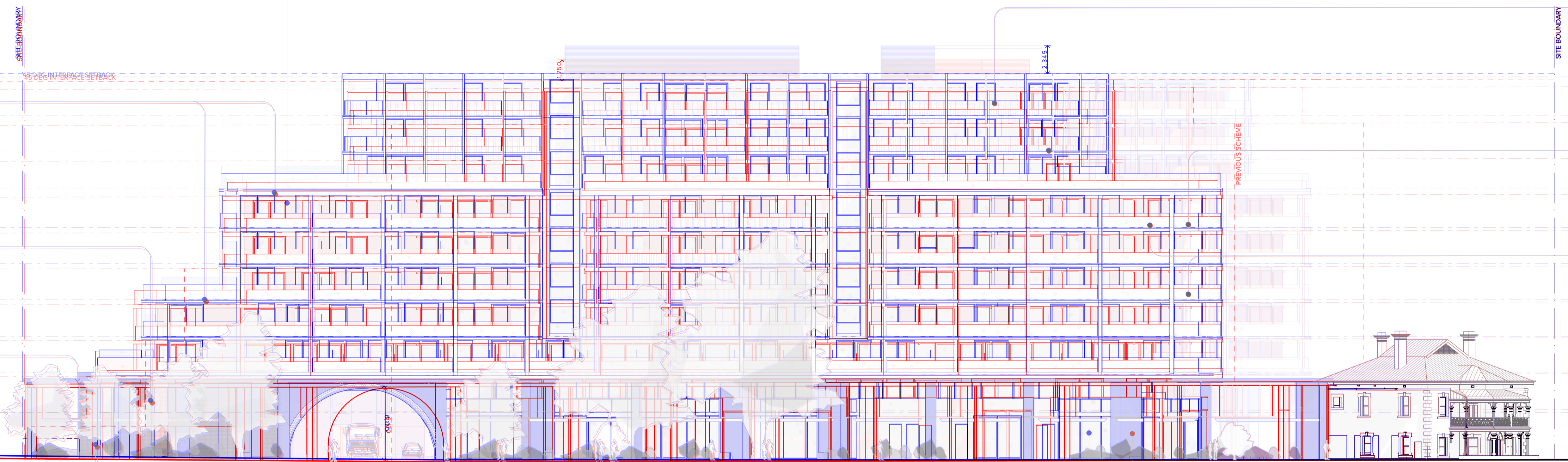
0 GROUND FLOOR
+36.780

CL02
WALL CLADDING
(LEVEL 7-9)

GL01
BALUSTRADE

PF01
STEEL
BALUSTRADE

GL01
DOOR & WINDOW



NORTHCOTE TERRACE

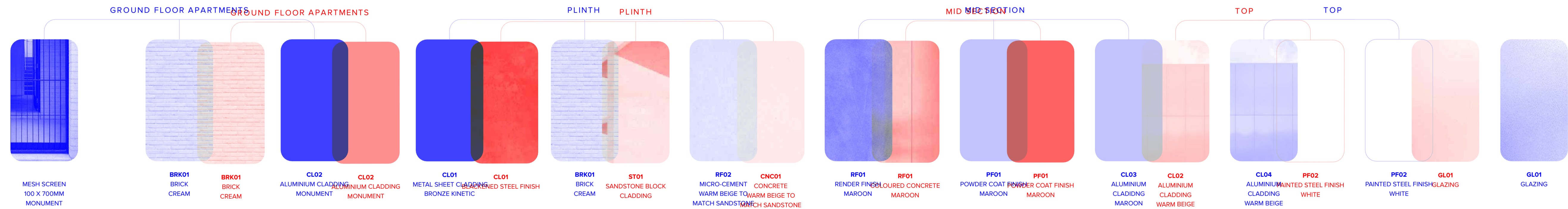
WEST ELEVATION

1:200

MATERIALS

MATERIALS

MATERIALS



WEST ELEVATIONS

