Obenox Pty Ltd as trustee for Sue Crafter

14 level residential flat building

8 Hocking Place, Adelaide

Development Application 24042402

OVERVIEW:

DEVELOPMENT ID	24042402
APPLICANT	Obenox Pty Ltd as trustee for Sue Crafter
ADDRESS	8 HOCKING PL ADELAIDE SA 5000
NATURE OF DEVELOPMENT	14 level residential flat building containing 36 dwellings, all of which are to be offered as affordable housing (social housing)
ZONING INFORMATION	**Zones:** • Capital City **Subzones:** • City Frame **Overlays:** • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Design • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Noise and Air Emissions • Prescribed Wells Area • Regulated and Significant Tree **Technical Numeric Variations (TNVs):** • Maximum Building Height (Metres) (Maximum building height is 29m)
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
RELEVANT AUTHORITY	State Planning Commission – Schedule 6 – 3 (1) of the Planning, Development and Infrastructure (General) Regulations 2017
STATUTORY REFERRALS	(Adelaide Airport) The Secretary of the relevant Commonwealth Department responsible for administering the Airports Act 1996 City of Adelaide Government Architect Minister responsible for the administration of the Heritage Places Act 1993 Minister responsible for the administration of the South Australian Housing Trust Act 1995
DELEGATION	State Commission Assessment Panel - Section 5.2.1 of the SCAP Development Delegations Policy dated 11 December 2024.
PUBLIC NOTIFICATION	Yes
SERIOUSLY AT VARIANCE	No
RECOMMENDATION	Grant planning consent subject to conditions
RECOMMENDING OFFICER	Tegan Lewis - Team Leader (Acting)

CONTENTS

EXECUTIVE SUMMARY

The proposal is for a 14-level residential flat building containing 36 dwellings, all of which are to be offered as affordable housing (social housing).

The application was referred to several bodies, including the City of Adelaide Council on technical matters, Heritage SA due to the site's proximity to a State Heritage Place, the Government Architect's office regarding the building's design, the Adelaide Airport Authority concerning the proposed height, and the Affordable Housing and Market Solutions unit within the Department of Housing and Urban Development (DHUD) as it falls within the Affordable Housing Overlay and offers affordable housing.

Public consultation generated 78 valid representations, with the majority opposing the development (69 opposed, 4 supported, and 5 supported with concerns) and a number wishing to be heard by the State Commission Assessment Panel (SCAP).

The key matter identified during the assessment related primarily to the building's height. While the proposed height exceeds a numerical guideline, the primary question is whether this height is appropriate in the context of the city's desired high-rise form and character. Other matters included the building's design merit and whether the development should be a mixed-use building instead of purely residential. These matters will be addressed in detail in the following sections of this report.

The assessment ultimately concluded that the development has sufficient merit to warrant consent. While it does not meet all prescriptive numerical guidelines, such as height, its strong alignment with the Subzone and Zones intent and its substantial community benefit, specifically the provision of 100% social housing, are considered to outweigh these departures. The development's overall merit is considered to warrant planning consent being issued, and it is therefore recommended that the SCAP grant approval subject to reserved matters and conditions.

BACKGROUND

The applicant engaged in the pre-lodgement service, attending two Pre-lodgement Panel (PLP) meetings in September and October 2024. The PLP meetings facilitated discussions on:

- Internal building layout and occupant amenity.
- Building materiality, design and its impact on adjoining State and Local Heritage Places.
- Provision of affordable housing as social housing.
- The specific policy provisions for justifying a building of over-height.

Based on feedback from the PLP process, the applicant made the following design changes:

- Improving ground floor activation by enhancing the interaction between the ground level and the public realm and by widening the pedestrian space around the building.
- Occupant amenity was improved by reorienting balconies for better sunlight access, increasing balcony areas, and incorporating soft landscaping.
- The architectural design was amended to include a defined podium that references the scale of adjacent buildings. The material palette was updated, and some upper-level balconies were reoriented to reduce the perceived bulk of the building.

DETAILED DESCRIPTION OF PROPOSAL:

The proposal seeks to construct a 14-level residential flat building containing 36 dwellings, all of which are to be offered as affordable housing (social housing).

The building has a total height of 47.5 meters, consisting of the main roof at 46.3 meters and a 1.2 metre lift overrun.

The ground level is designed to accommodate resident and service amenities, which include a communal area, a consultant room for mobile support services for residents, a lobby with lift access, bike store and essential service areas like a waste room. The communal area functions as a community space for residents organised and unorganised activities even though it is not directly connected to the lobby.

Levels 1 to 3 and 5 to 10 have an identical layout, each featuring three single-bedroom apartments with balconies. Level 4 has the same layout but includes integrated planter boxes on the balconies. Levels 11 to 13 each feature two, two-bedroom apartments, also with balconies.

The building’s façade incorporates a four-level podium, distinguished by a change in material. Blue glazed brick is used on the ground floor up to Level 3, while the upper levels are finished in precast concrete. Terracotta-painted steel forms a ground-floor canopy, and precast concrete lintels in the same terracotta colour cap the balcony balustrades and wrap around the building, visually separating each level. The ground-level façade will also feature artwork on perforated material, which will screen the service areas.

A 20kw photovoltaic panel system is proposed on the roof.

LOCATION OF DEVELOPMENT

Site Description

The subject land, identified in Figure 1, is formally identified as Allotment 355 Filed Plan 182817 in Certificate of Title Volume 6052 Folio 749, or otherwise commonly known as 8 Hocking Place, Adelaide. It is a rectangular lot with an area of 250m2. It has three frontages: an 8.94m primary frontage to Whitmore Square, a 27.25m secondary frontage to Hocking Place, and an 8.94m rear frontage to a public laneway.

The site contains a building that, while previously used as an office, showroom, and warehouse, was converted to a single dwelling in 1999 under application DA/1043/1999. The building occupies most of the site, is primarily single storey with a small second level providing access to a terrace and has vehicle access from Hocking Place.

Figure 1: *Subject land (Source: SAPPA)*

Locality Description

The locality has been defined to the area from Sturt to Gilbert Streets, extending from the end of Hocking Place to the western side of Whitmore Square (Iparrityi) as depicted in Figure 2. The land uses in the area range from residential, shops, community uses, and open space, with Whitmore Square (Iparrityi) being a main influence on the locality's character due to its large expansive open space.

Building heights range from one to four levels. The building materials in the area are varied, including bluestone, brick, and rendered walls. There is an openness within Whitmore Square and Sturt Street, where soft landscaping is also prevalent, which is in contrast with Hocking Place, which has a more intimate, enclosed, and hardscape feel. The building grain on the eastern side of the square has a wider and more horizontal emphasis, containing apartment buildings of four levels. In contrast, the grain on the western side is finer in scale, containing dwellings of one to two storeys, each with a narrower frontage to the road.

Figure 2: Locality (Source: SAPPA)

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
  Residential flat building: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
  Code Assessed - Performance Assessed

- **REASON**
  The proposed development requires a performance assessment under Section 107(1) of the Planning, Development and Infrastructure Act 2016. This is because the application does not meet the accepted, deemed-to-satisfy, or restricted criteria outlined in Tables 1, 2, and 4 of the Capital City Zone.

PUBLIC NOTIFICATION

All performance-assessed developments are subject to public notification unless specifically exempted by Table 5 – Procedural Matters – Notification of the relevant zone within the Planning and Design Code (the Code). In this instance, notification was required for this proposal due to the following reasons:

- The site is adjacent to land used for residential use in a neighbourhood zone (City Living).

- The proposed development exceeds the maximum building height outlined in Capital City Zone DTS/DPF 4.1.

Public notification was conducted from the 28th of March until the 17th of April 2025. This process involved:

- Letters issued to property owners within 60 meters of the site.
- Signage posted on the Whitmore Square and Hocking Place frontages
- Availability of application details on the PlanSA website and at 83 Pirie Street, Adelaide

During the notification period, a total of 78 valid representations were received. Of these, 69 opposed the development, 4 were in support, and 5 supported it with some concerns.

The key concerns noted by representors can be summarised as follows:

- Height, scale and design
    - The building height exceeds the applicable height guidelines.
    - The height, mass and bulk of the building is excessive, disproportionate, and out of character with the surrounding context, including adjacent heritage sites.
    - The building is dominant and overbearing and will detract from the heritage value of the area and negatively affect the open feel of Whitmore Square.
    - The design, particularly the blank northern façade, is visually overbearing, poorly composed, and lacking architectural merit.
    - Overdevelopment of a small site.
- Social housing and community safety
    - Concentration of social housing in a single building is not a responsible or supportive solution for vulnerable people.
    - Concentration of social housing around Whitmore Square will exacerbate existing public health and safety issues in the area, including drug use, violence and anti-social behaviour.
- Environmental performance and amenity impact
    - Lack of environmentally sustainable principles in the proposal which detract from the environmental performance of the building and occupant amenity.
    - Design and height will have a negative impact on adjoining properties due to overshadowing, loss of privacy and a detrimental effect on the microclimate, including wind.
- Parking and Traffic
    - The development provides no on-site car parking for 36 dwellings and six bicycle spaces, which is seen as inadequate and unrealistic.
    - The lack of parking will increase pressure on an existing circumstance and cause traffic hazards and inconvenience for residents and local businesses.
- Community and Economic Contribution

- No active ground-floor frontage and a commercial or community space that would contribute to the vibrancy and safety of the public realm.
- Exclusive focus on rental-based social housing fails to promote affordable homeownership.
- Increased social issues in the area could negatively impact business operations, reducing economic activity.

Of the representations that indicated support for the proposal, this was based on:

- Need for housing.
- Revitalising the Southwest of the CBD.
- Potential for positive impact if managed correctly.

A complete list of all representations received is available in Attachment 3A, and the applicant's official response can be found in Attachment 4A. The applicant's response also included several letters of support from various community housing providers.

Additionally, Lucy Hood MP supplied an addendum to her original representation (Attachment 3B). This addendum was provided after she was briefed on the building's operational model, and she requested this update be noted on the public register (Attachment 4B).

AGENCY REFERRALS

The application was referred to the following agencies for comment:

- (Adelaide Airport) The Secretary of the relevant Commonwealth Department responsible for administering the Airports Act 1996:

  The application was referred to Adelaide Airport Authority as the development is in the Airport Building Heights Overlay and will exceed the nominated height. This agency raised no objection and directed an advisory note be placed on the consent (Attachment 2F).

- City of Adelaide:

  The application was referred to the City of Adelaide for comment on matters outlined in regulation 23(2), as the development is within the Council's jurisdiction. This agency raised no objection but provided comments.

  Council's initial response (contained in Attachment 2A), raised several key concerns:

  - Traffic and pedestrian safety: Concerns were raised regarding sightlines and manoeuvrability in the laneway due to the proposal extending to the southeastern corner. It was noted that the lack of a continuous pedestrian path on Hocking Place and the insufficient setback in the southwestern corner could force pedestrians into the road. The agency also highlighted potential safety issues with the site's levels matching the roadway.
  - Access and site management: Council requested further information on site loading and noted that access to the bin and bike stores should be via a pedestrian path on the site, not the roadway.

- Infrastructure and design: Concerns included the encroachment over a public roadway from the gas enclosure, the need for a continuous footpath from Whitmore Square to Hocking Place, and issues with the proposed stormwater management plan.

- Bike parking: Council noted that the amount of bicycle spaces was inadequate.

In response the applicant amended the proposal. A continuous pedestrian path was created along Hocking Place and the building footprint was adjusted to mimic the existing corner cutoff in the south-eastern corner. The encroachment from the gas enclosure was removed from the roadway, and the stormwater management plan was amended to address the levels of the site and updating specifications of the system.

Following a review of these amendments, the Council provided updated comments, contained in Attachment 2B. To summarise, bike parking remained inadequate, there was a recommendation that a final stormwater management plan be reserved, and a suggestion that the public realm details be removed from the plans.

While it would have been ideal to remove the public realm details, as they require a separate section 221 approval and didn't impact the merits of the proposal, the assessing officer didn't request this.

Bike parking and stormwater details are discussed further in the report.

- Government Architect:

  The application was referred to the Government Architect (GA) as the development cost exceeds 10 million dollars and is located within the Design Overlay.

  This agency raised no objection but provided comments (contained in Attachment 2C) which are discussed in the Design Overlay section of this report.

- Minister responsible for the administration of the Heritage Places Act 1993:

  The application was referred to Heritage South Australia as the development is within the Heritage Agency Overlay as it is adjacent to the location of a State Heritage Place.

  This agency raised no objection but provided comments (contained in Attachment 2D) which are discussed in the Heritage Agency Overlay section of this report.

- Minister responsible for the administration of the South Australian Housing Trust Act 1995:

  The application was referred to the Affordable Housing and Market Solutions unit in the Department of Housing and Urban Development (DHUD) as the development is within the Affordable Housing Overlay and the application proposes affordable housing.

  This agency raised no objection but provided comments (contained in Attachment 2E) which are discussed in the Affordable Housing Overlay section of this report.

AMENDMENTS

In response to feedback from the public and referral agencies, the applicant amended the application. The changes focused on reconfiguring the ground floor layout, increasing the sustainability details and revising several technical details.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Question of Seriously at Variance

The proposed development is not seriously at variance with the Planning and Design Code (The Code) for the following reasons:

- The building form is properly characterised as a residential flat building, which is a form envisioned in both the Capital City Zone and the City Frame Subzone. These buildings, by their nature, contain multiple residences, making them a residential use. While the proposal is for 100% affordable housing (social housing), this is a category of residential use, not a separate land use.

- While the building's height exceeds the numerical guideline, the Code provides provision for additional height in this location if certain criteria is satisfied. Additionally, the proposal being of a high-rise form, is explicitly sought in both the City Framing Sub Zone and implied in the Capital City Zone. Therefore, the specific height is a matter for a detailed merits assessment, considering its potential impact and community benefits, not a reason for outright rejection at the seriously at variance test.

For these reasons, the proposed development is not seriously at variance with the Planning and Design Code pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.

OVERLAYS

Affordable Housing Overlay

Affordable housing is defined in Part 7 of the Code as housing that meets the criteria determined by the Minister under the South Australian Housing Trust (SAHT) Act 1995. The SAHT Act requires a legally enforceable obligation to provide the dwellings for affordable lease or rent by an Eligible Rental Provider, such as a community housing provider, to be considered affordable housing.

Before beginning the assessment, it is important to understand the role of Desired Outcomes (DOs) in the Planning and Design Code. DOs are high-level policy statements that set a general agenda for a zone, subzone, or overlay. These outcomes guide the interpretation and application of Performance Outcomes (POs) by articulating the overarching goals and aspirations for an area.

The Affordable Housing Overlay aims to integrate affordable housing into residential and mixed-use developments and to accommodate a variety of household structures (DO 1 and 2).

Turning now to the POs, which when read collectively, provide a policy framework designed to achieve a dual objective: incentivise the provision of affordable housing in developments of a certain scale but also ensure that the occupants of that housing have a quality life. The policy framework establishes where affordable housing should be set and starts with PO 1.1, which sets the threshold for the scale of development where affordable housing should be sought. Additionally, PO 1.2 seeks affordable housing be included as a goal of catering to a range of incomes within the development. Then, POs 3.1 and 3.2 permit concessions to minimum allotment sizes and building heights, acknowledging the reduced market profit from these units.

The application proposes 36 dwellings, a scale that meet the threshold for which affordable housing is sought. The application proposes all units to be provided as affordable housing and has entered into a Land Management Agreement (LMA) with the Affordable Housing and Market Solutions unit in DHUD to ensure this is delivered. The proposal therefore satisfies PO 1.1. While the development is over-height, this is better considered under the Zone and Subzone provisions, and the allotment size concessions are not applicable in this instance.

PO 1.2 encourages the provision of affordable housing to ensure developments as a whole cater to a variety of incomes, including low to moderate incomes. The companion DPF guides the minimum extent of affordable housing that should be included in a development. PO 1.3 seeks to have affordable housing distributed throughout a development to avoid an overconcentration.

When considering these two provisions, a question arises as to whether the policy is intended to oppose a building dedicated entirely to affordable housing. As established in the DOs, the intent of the Overlay is to promote the integration of affordable housing and incentivise its inclusion in private developments. It also seeks to prevent occupants within a larger mixed-tenure development from being isolated and having a lesser experience, thereby ensuring that developers who gain incentives associated with affordable housing provide a genuinely integrated and quality outcome. A standalone, 100% affordable housing building avoids this problem entirely by providing a uniformly quality outcome for all residents. It doesn't violate the spirit of the policy, as it offers a comprehensive and equitable housing solution that provides a high-quality living environment for all occupants, even if it doesn't align with the exact letter of theses PO's (i.e. affordable housing within mixed-tenure projects). Lastly, the provision of social and support services, while critical for the long-term success of the residents, is not a matter for this planning assessment.

Similarly, PO 2.1 builds on the intent of an integrated built form solution for affordable housing by requiring that this type of housing fit in from a physical perspective. While the specific design merits will be assessed in a later section, generally a high-rise building within the Adelaide CBD is not considered inherently out of place, achieving PO 2.1.

PO 4.1 requires that sufficient car parking be provided to meet the needs of affordable housing occupants. The proposal's inclusion of no car parking is an acceptable approach when considering non-affordable housing in the city is not required to have parking, due to the availability of public transport options. Furthermore, a review of the car parking guidelines in the DTS/DPF suggests that the intent of the PO is to guide minimal car parking as an incentive to encourage this type of development, as the quantitative parking guidelines are less than what would ordinarily be sought if this development were occurring outside of the city context.

Accordingly, the development is for affordable housing in the form of social housing and the Affordable Housing Overlay is satisfied.

Airport Building Heights (Regulated) Overlay
The Airport Building Heights (Regulated) overlay aims to manage the potential impacts of buildings to maintain the operational and safety requirements of airfields (DO 1). PO 1.1 guides that building height should not compromise aviation safety, with DPF 1.1 establishing a maximum height of 80 metres AHD to fulfill this intent.

The proposed development has a building height of approximately RL 88.8 metres AHD, which penetrates the Adelaide Airport Obstacle Limitation Surfaces (OLS) by approximately 8.8 metres. For this reason, the application was referred to the Adelaide Airport Authority for assessment.

The Adelaide Airport Authority had no objection to the application. However, they advised that the development would require final approval from the Department of Infrastructure, Transport, Regional Development, Communication and the Arts, in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996.

Therefore, with the guidance of the Adelaide Airport Authority, the proposal satisfies the provisions within the Airport Building Heights (Regulated) Overlay.

Building Near Airfields Overlay
The Building Near Airfields overlay aims to manage potential impacts on registered and certified airfields,

airports, airstrips, and helicopter landing sites, specifically addressing non-residential lighting, turbulence, and the congregation of wildlife.

PO 1.3 requires buildings to be separated from runways and other take-off and landing facilities to minimise the potential for building-generated turbulence and windshear, which could pose a safety hazard to aircraft. The DTS/DPF guides that the distance from any part of a runway centreline to the closest point of a building should be no less than 35 times the building height.

The closest aerodrome to the subject land is Adelaide Airport, located approximately 4.7 km from the runway centreline. To fulfil the intent of PO 1.3, the distance from a building to the runway must be not less than 35 times the building's height. Given the proposed building height of 47.5 meters, the minimum required distance is calculated to be 1.62 km. Since the actual distance to the runway (4.7 km) exceeds this minimum requirement, the development is considered to not pose a safety hazard related to turbulence or windshear.

PO 1.3 of the Building Near Airfields overlay is met.

Design Overlay
The Design Overlay seeks high quality buildings that create a desirable living environment, are environmentally sustainable and built to last (DO 1).

PO 1.1 guides that medium to high rise buildings and state significant developments exhibit a high standard of design.

The application was referred to the GA for expert design advice on the development's positive contributions to context, inclusivity/connection, adaptability, community, and sustainability, as the project's cost exceeds $10 million and the site is within the Design Overlay and the City of Adelaide Local Government Area. The entire response from the GA is contained in Attachment 2C. The following assessment, therefore, uses the GA's advice as a key reference point to determine if the proposal meets PO 1.1

It's important to first establish that a high standard of design is defined by a proposal's relationship to its specific circumstances, rather than a universal set of criteria. A high standard of design in one location may be inappropriate in another. Therefore, a high design standard for this site is defined by the proposal's holistic design, in terms of liveability, durability, and sustainability, and how it relates to its unique context. The site's primary frontage on Whitmore Square is on a somewhat tucked-away corner that is less prominent due to the large grassy verge area in front of it. This provides the building some visual distance from the main streetscape of Whitmore Square, allowing for a tolerance of additional building height and design standard that may differ from a more prominent site. This is consistent with the GA's qualified support for the building's height in the context of Whitmore Square.

The buildings design demonstrates a high standard by responding thoughtfully to its context through a four-storey podium that wraps around the entire building, a design choice supported by the GA.

On the Whitmore Square frontage, the podium design and general articulation successfully relate to the streetscape scale. The ground-floor design, featuring a 3.5-meter floor-to-ceiling height and transparent materials, creates an active and open street presence. This, combined with the communal area and consulting room, provides both amenity and services for residents while promoting passive surveillance and public safety.

The design for the Hocking Place frontage is appropriately tailored to its tight, laneway feel, where a high design standard is defined by the human-scale experience. The proposal achieves this by creating a pedestrian space with a sheltering canopy and a ground-floor façade with transparent elements for the

communal area. These features promote public safety and represent a significant improvement over the current building.

This approach was validated by the GA, who supported the activation of both primary and secondary frontages and the provision of canopies. While the GA recommended reconfiguring the fire egress strategy, the design promotes a human-scale, pedestrian-focused environment that is a clear positive contribution to the site. The four-story podium also provides an appropriate scale transition to the three-story residential flat building at 12 Hocking Place.

To address the building's height as you travel along Hocking Place, the design incorporates shifts in window placement and balcony openings. The GA's positive comments on the built form composition and architectural expression validate this approach, confirming that these features articulate the massing, create gaps and voids, and break down the visual bulk of the over-height portion of the development.

On the northern elevation, the expression is somewhat plainer, but it incorporates glass block windows and some balcony openings on the upper levels to break up the facade. The GA supported this approach, including the use of visually interesting glass block windows, which also do not pose fire compliance issues

The GA suggested that details of the geometric patterning on the northern boundary wall be provided to further increase articulation. This will be dealt with as a reserved matter. On balance, this design response is considered reasonable from a pragmatic standpoint, as this side is on the boundary of an adjoining site, allowing that site to be developed in the future at the lower levels. This approach (plainer walls on boundaries) is also not uncommon in the city.

From a sustainability perspective, the development incorporates:

- An average 8-star NatHERS rating.
- As an all-electric building that runs on 100% renewable energy for at least 3 years.
- High-performance glazing with shading to reduce heat ingress and control indoor environmental quality.
- A focus on air tightness to improve energy efficiency of the building.
- A 20-kw solar panel system on the roof.
- A commitment to reducing embodied carbon by at least 100 tonnes of CO2 using low-cement concrete.

The GA supported these measures but strongly encouraged the exploration of additional strategies to further enhance the project’s environmental performance. While additional sustainability measures could be considered, the existing commitment is satisfactory, as it represents a commendable and pragmatic balance of environmental performance and project feasibility for a 100% social housing model.

From a resident amenity perspective, the GA noted the apartments are efficiently planned and feature well-proportioned terraces. Apartments on levels 11 to 13 are configured to provide living areas with a desirable northern aspect, maximising daylight and warmth.

The improvements to residential amenity recommended by the GA, and the assessing officers comments follow:

- Operable windows: The confirmation of operable windows for each apartment has been placed as a reserved matter as this directly ties to measures outlined in the sustainability report.

- Landscaping: While additional landscaping is a positive goal, the large terraces provide an opportunity for residents to incorporate their own landscaping.

- Accessible apartments: The provision of accessible apartments is a commendable, it's acknowledged that its delivery would be more dependent on the needs of the market and service arrangements with community housing providers than on a design decision.

- Overlooking concerns: Overlooking concerns are noted but considered further in the assessment.

These improvements are therefore considered minor refinements to the overall outcome rather than fundamental to the merits of the proposal.

The design is largely supported by the GA, which confirms the development is of a high standard and satisfies PO 1.1 of this overlay.

Hazards (Flooding – Evidence Required) Overlay
The Hazards (Flooding – Evidence Required) overlay seeks for development to take a proactive approach to flood risks.

PO 1.1 guides development to be sited, designed and constructed to minimise the likelihood of flood entry into buildings, particularly where such entry could cause significant damage or disrupt building functions. The companion DTS/DPF guides the Finished Floor Levels (FFL) of habitable and commercial buildings to be at least 300mm above the highest point of the top of kerb of the primary street.

The proposal's finished floor level of 42.6m exceeds the highest point of the top of the primary street kerb (42.25m) by 0.35m (350mm). This is consistent with and exceeds the numerical guideline of 300mm listed in DPF/DTS 1.1, demonstrating a proactive approach to mitigating flood risk.

While Council has requested an updated stormwater management plan to enable assessment against the 1% AEP flood level to comply with its Infrastructure Design Guidelines, the relevant Overlay does not relate to the 1% AEP. It is accepted that an argument could be made that the PO is the assessment tool and due to its broadness, it can capture the 1% AEP. However, other flood-related overlays within the Code explicitly refer to a 1% AEP event. Given this, it is considered that a higher-level flooding overlay would apply if a 1% AEP assessment was required. The proposal complies with the FFL requirements of the current Overlay, and therefore, a final stormwater management plan has not been considered to be a reserved matter to comply with the 1% AEP.

The proposed stormwater management plan does incorporate an underground tank with a pump, which is necessary to move water from the lower elevation of the tank to the street water table. The pump is also designed to discharge at a controlled rate, which is a key part of the stormwater management plan. While the sump's purpose is to filter pollutants before discharge, the final movement of the water to the street is explicitly managed by the pump connected with the tank. Given the Council's request for gravity discharge to the street, a final stormwater management plan has been reserved.

The proposal satisfies PO 1.1 of the Hazards (Flooding – Evidence Required) Overlay.

Heritage Adjacency Overlay
The Heritage Adjacency Overlay aims to safeguard the significance of nearby heritage places. This is relevant to the proposal due to the adjacent State Heritage Place of the former Bushmen's Club and the Local Heritage Place of the William Booth Home at 62-70 Whitmore Square.

The Bushmen's Club listing applies to the bluestone wings to the east and west of the William Booth Memorial Home. However, only a portion of the western wing is listed due to non-heritage additions that have compromised its integrity (Heritage of the City of Adelaide: An Illustrated Guide, Adelaide City Council, 1996). These heritage places are identified in Figure 3.

PO 1.1 guides that development must avoid dominating or unduly impacting the setting of these places.

Both Heritage South Australia and the Council considered the proposal and advised the design response doesn't unduly impact these matters.

Heritage SA provided detailed commentary, noting that while the new building is considerably taller than the adjacent State Heritage Place, an adverse visual impact is not of major concern. This is due to several design factors that protect the heritage place's setting:

- Open Space: There is sufficient open space between the buildings to maintain views of the heritage place within the streetscape.
- Podium Scale: The blue/grey brick podium visually reduces the scale of the proposed development to match the height of the heritage place and other abutting buildings.
- Visual Continuity: The design provides visual continuity within the streetscape of the Square, thereby avoiding a dominating impact.

Councils' commentary was briefer only noting that the design response was reasonable.

A heritage impact statement was not requested given the physical separation of the subject site from the heritage items.

Accordingly, the proposal achieves PO 1.1 of the Heritage Adjacency Overlay.

Figure 3: Adjacent Heritage Places (Source: Heritage of the City of Adelaide: An Illustrated Guide, Adelaide City Council, 1996)

Noise and Air Emissions Overlay

The Noise and Air Emissions Overlay seeks to safeguard community health and quality of life from harmful noise and air pollution (DO 1).

PO 1.1 guides developments accommodating sensitive receivers and adjoining a high noise or air pollution sources are designed and sited to mitigate impacts through appropriate measures such as physical separation, well-considered floorplans that site habitable rooms away from the emission source and building design features that enhance separation.

PO 1.2 guides developments accommodating sensitive receivers and adjoining a high air pollution source leverage architectural responses to improve air circulation and minimise the impact of air pollution.

PO 1.3 guides developments accommodating sensitive receivers adjoining a high noise or air pollution source locate outdoor spaces away from the emission source.

The companion DTS/DPF states that sensitive receivers shouldn't be located adjacent to designated roads (Type A, B, or R), train, or tram corridors. It also lists developments incorporating music as a potential noise source for DTS/DPF 1.1 and 1.3.

Part 8 – Administrative Terms and Definitions defines a sensitive receiver as:

(a) any use for residential purposes or land zoned primarily for residential purposes.
(b) childcare facility.
(c) educational facility.
(d) hospital.
(e) supported accommodation.
(f) tourist accommodation.

The development accommodates sensitive receivers, but the site doesn't adjoin a designated Type A, B, or R road. The Overlay is triggered as the site is in a mixed land use zone, where noise from neighbouring commercial activities could be impactful. Therefore, PO 1.1 and PO 1.3 are relevant, and PO 1.2 isn't, as there's no high air pollution source adjoining the site.

An Acoustic Assessment wasn't supplied or requested, as the site isn't subject to a specific high-noise source. This assessment instead relies on the application of the Ministerial Building Standard 010 (MBS 010), which is triggered by this overlay, and will ensure adequate acoustic performance of the proposed building to protect the occupants. Further, Under MBS 010, a building in mixed-use zone is automatically assigned the lowest Sound Exposure Category (SEC) 1. While the detailed assessment against MBS 010 will occur during the building consent stage, this provides a strong level of confidence in the planning assessment that the development can satisfy PO 1.1.

Given that the overlay is triggered by the zone rather than a specific noise source, a direct assessment against PO 1.3 (which requires locating outdoor spaces away from a noise source) is not applicable.

While a detailed acoustic assessment is not required at this stage, the reliance on MBS 010 provides confidence that the development can satisfy PO 1.1 of the Noise and Air Emissions Overlay.

SUBZONES

City Frame Subzone

The City Frame Subzone seeks to create a vibrant, active transition between the city and the Adelaide Park Lands. It achieves this by encouraging medium to high-rise residential development supported by a mix of ground-floor uses, such as shops, restaurants, personal services, and community uses, to create an active and visually continuous edge to the Park Lands Zone (DO 1).

PO 1.1 guides medium to high rise residential development and other forms of accommodation supported by a mix of shops, personal services, restaurants and community and hospitality uses. The accompanying DTS/DPF offers flexibility by stating that the PO can be achieved by a medium or high-rise building that includes one or more of land uses listed. The list includes non-residential uses, such as shops and consulting rooms, confined to the ground floor, as well as residential uses that are not confined to a specific component of a building. A tension between the PO and the accompanying DTS/DPF is evident, raising the question of whether a mixed-use model is mandatory, or if a single-use residential building can be satisfactory.

As previously established, DO's set the agenda for the subzone and therefore play a role in aiding the interpretation of POs. As such, we turn back to the DO for clarification.

DO 1 states "Primarily medium to high rise residential development supported by a mix of ground level shops, personal services, restaurants".

The way the DO is structured indicates that the subzone's overarching intent is to increase the residential population within the city and a building form that is primarily medium to high-rise. The phrase "supported by" defines the role of ground-floor uses as a complementary element, intended to enhance the growing residential community and create a vibrant urban environment, but not necessarily mandated on every development. A purely residential building can still be considered supported by the commercial uses and amenities that exist in the broader subzone. Therefore, a strict site-by-site requirement for mixed-use does not appear to be the intent of the subzone.

With this clarity, the PO is now understood to primarily guide medium to high rise residential development, while also seeking a land-use mix across the subzone as a whole, rather than requiring each individual development to have a mix of uses. Therefore, the appropriateness of a wholly residential proposal versus mixed land use, is best determined by considering the specific context and location of the site within the subzone.

The development is wholly residential, proposing 36 dwellings in a high-rise form. This is consistent with the intent of promoting greater population density and influencing building form. When considering whether a non-residential land use should be incorporated, the surrounding context is key. The Adelaide Central Market is a 10-minute walk (650 metres) away, while Gouger and Wright Streets, both hubs for cafes and restaurants, are a 7- and 3-minute walk away, respectively. Other services, such as a coffee shop (Gilbert Street Social), is located just 190 metres away (a 3-minute walk), and the IGA on Gilbert Street is a 6-minute walk away (450 metres). Given this strong network of nearby amenities, the vicinity is already well-supported by non-residential uses, making a residential-only building on this site a consistent with the subzone's intent and achieves PO 1.1.

PO 2.1 encourages a uniform streetscape through a largely consistent setback, with allowance for minor variations to soften the built form, reinforce the sense of address and provide a higher amenity streetscape and pedestrian environment.

The proposed development achieves PO 2.1. The building has a zero setback, which is consistent with the neighbouring property to the north (Troppo apartments), thus maintaining a continuous edge to the streetscape. The development also incorporates a canopy that extends into the public realm, over the walkway. It creates a clear transition between the public footpath and the building's façade and provides shelter for pedestrians.

PO 2.2 guides buildings to create visual interest and active street frontages to maximise passive surveillance of the street and the Adelaide Park Lands Zone. The accompanying DTS/DPF 2.2 provides a numerical guideline for this, stating that the ground floor primary frontage of buildings should provide at least 70% of the street frontage as visually permeable, transparent, or clear glazed.

An argument could be made that the intent of the PO is to mandate commercial ground-floor uses to create a busy and dynamic streetscape with a variety of facades. However, this interpretation would disregard the complete statement within the PO which is "Buildings create visual interest and active street frontages to maximise passive surveillance of the street and Adelaide Park Lands Zone". The functional outcome of the policy, therefore, is to create a connection between the inside of a building and the street and/or parkland to improve passive surveillance. This can be achieved through a high degree of transparency regardless of the specific land use.

A frontage-by-frontage assessment has been determined to be the most appropriate way to assess how the development performs against the PO. A cumulative figure (overall calculation) has not been considered to be an accurate way to assess compliance with PO 2.2. This is because the policy seeks to guide the design of frontages to a street and Adelaide Park Lands Zone to maximise passive surveillance of public spaces. A single calculation would obscure the nuanced and context-specific design responses of each frontage and wouldn't really provide information about whether the proposal was creating an active frontage in the appropriate place.

On the Whitmore Square frontage, the building is 8 metres wide and provides 6 metres of glazing on the ground level. However, 1 metre of this glazing is in front of the fire booster, which is separated from the communal area and does not create an opportunity for passive surveillance. This leaves 5 metres of effective glazing, which equates to 62.5% of the façade. While this does not meet the 70% guideline of DTS/DPF 2.2, the 5 metres of large, uninterrupted glazing along a narrow frontage for an urban context, with a clear outlook onto Whitmore Square, creates a strong visual connection between the communal area and the street. This successfully achieves the PO's intent of maximising passive surveillance.

Along the Hocking Place frontage, the building is 27 meters long with 20 meters of glazing at ground level. This provides approximately 74% facade transparency, which achieves the numerical guideline for the DTS/DPF. While the bike storeroom's treatment might change in the future to address security risks, this is not a change that would fundamentally alter the merits of the proposal.

The facade along the rear laneway features no glazing along the ground level, as this area is for services to support the building. While it could be considered an idealistic improvement to incorporate glazing, the placement of necessary infrastructure and waste in the least active of the three street frontages is a pragmatic solution.

The proposal meets PO 2.2.

ZONES

Capital City Zone

The Capital City Zone is the economic and cultural focus of the state, supporting a diverse range of residential, employment, community, and recreational facilities to generate population and employment growth (DO 1). Development is guided to be high-intensity and large-scale with high street walls to reinforce the city's distinctive grid pattern. A priority is placed on design quality, with active non-residential ground-level uses that contribute positively to public safety, inclusivity, and vibrancy (DO 2).

PO 1.1 seeks a vibrant mix of land uses and lists general themes for appropriate uses. The companion DTS/DPF is more specific, guiding the types of uses envisioned such as dwellings, residential flat buildings, hotels, education facilities, and shops, and allows for them to be provided singularly or in combination.

There's minimal tension between the PO and DTS/DPF in this case. The PO's intent is for a zone wide mix of uses, not a site-by-site requirement. The long and diverse list of uses, from residential and retail to health and educational facilities, is clearly a description of the character for the zone, not a requirement for one development. It would be impractical for a single development to include a 'vibrant mix' of all the listed uses, as many are large-scale. While such developments might include a small café, that use primarily services the main function of the building (e.g., hospital staff and visitors) rather than creating the kind of dynamic street-level activity envisioned by the policy. Instead, the mix of uses envisioned by the policy is to contribute to the city's overall vibrancy and collective function at the zone level, rather than be delivered at each development site.

Furthermore, according to Part 1 – Rules of Interpretation, Hierarchy of Policies/Modification of Provisions, the provisions of a subzone take precedence over the provisions of a zone. As the analysis for the subzone has already established, the proposal's land use is considered a consistent and appropriate response to applicable land use policy in the subzone.

With the above in mind, the development, a residential flat building, is considered to achieve PO 1.1 of the Capital City Zone. However, the positive assessment against the subzone provisions provides the ultimate justification for the proposal's land use, as those policies take precedence under the Rules of Interpretation.

PO 2.1 seeks to support pedestrian activity through non-residential ground-level uses to provide visual interest and contribute to public safety and vibrancy.

It is acknowledged that while a residential building provides a valid contribution to streetscape activity, it does not contribute to the same degree of vibrancy as a non-residential use. Nonetheless, the transparency of the communal space to the public realm directly contributes to the PO's intent. The visibility of activity inside the building creates a human-scaled, active interface that engages pedestrians and contributes to the vibrancy of the street. It also promotes passive surveillance, which directly addresses the policy's goal of contributing to public safety.

Concerns may be raised regarding the frequency of use of the communal space, particularly given its separation from the main lobby. However, the value of the communal area's transparent facade for public safety isn't dependent on constant occupancy. Instead, the design itself creates a sense of eyes on the street that can deter antisocial behaviour. This means the large windows with a street outlook fulfill the policy's intent for public safety even during periods of low use.

PO 2.2 is focused on the design of the development itself and its contribution to the public realm, seeking an attractive human scaled frontage at the ground level that adds interest and vibrancy, openness to the sky and sunlight access to the public realm and a clear sense of address.

Starting with whether the proposal contributes to activating the public realm, the design presents an attractive, human-scaled frontage at ground level by respecting the fine-grained nature of an active street.

Unlike wider buildings that may require a division of a large floor plate to prevent a monolithic streetscape, this building's limited width inherently provides a fine-grained visual interest. Therefore, the focus is not on creating a fine-grained street experience, as that is already present, but on ensuring the ground floor provides a strong and positive connection to the street. The proposal, with its large windows and entry points, is sufficient to generate the required activation in a way that is human-scaled and adds interest and vibrancy to the public realm. Moving to the building's height, canopies and upper-level overhangs create a lower ceiling over the public walkway, providing both visual and physical relief that makes the space feel more intimate and comfortable for pedestrians.

The development allows for appropriate openness to the sky and sunlight access to the public realm. The shadow diagrams illustrate that the building's shadow moves around and does not unreasonably impact the public realm.

The impact on the Whitmore Square frontage is minimal during both the winter and summer solstices. The large, open nature of this space ensures it receives ample sunlight, and the building's shadow has only a temporary effect.

While the impact on Hocking Place is greater, it's considered reasonable given the laneway's context. As a narrow laneway, its primary function is for vehicle movement rather than passive use like sitting. Therefore, the shadowing is consistent with the established urban character of the laneway and does not unreasonably detract from its amenity.

The proposal provides a clear sense of address, primarily through its signage. A large, circular sign on the building's corner unambiguously displays both the street number and name, making the address immediately identifiable to pedestrians and vehicles. While the entrances are designed to create a sense of

connection between the public and private realms, their specific design does not serve as the main contributor to the building's address. Nonetheless, the highly visible sign is sufficient for meeting this policy.

PO 2.2 is achieved.

PO 3.1 requires a contextual design response that is sensitive to its urban setting. The policy seeks the effective management of differences in scale and building proportions between the proposed building and the existing streetscape. The objective is to avoid a jarring transition, thereby creating a cohesive streetscape and ensuring the building effectively frames the city streets.

Firstly, it is important to note that the effective management of scale does not require a new building to be the same height as its neighbours but rather be designed to allow for a harmonious transition. The proposal handles the height difference to the existing streetscape by employing a podium with a strong, grounding colour that contrasts with its lighter upper-level facade. The podium's height directly aligns with an abutting neighbour and is one level higher than another. This provides a street-level base that effectively breaks up the mass of the taller building, creating a lower component that respects the established streetscape and allows the upper tower to rise without a jarring impact.

While the building is still higher than its neighbours, its overall height is appropriate when viewed within the broader urban context. Taller buildings are a consistent feature in the backdrop of the site, meaning the tower is not out of place. It is noted that the northern elevation, in its somewhat blankness, could be improved to further reduce the bulk and better relate to surrounding properties. However, because this elevation is primarily visible from a distance, its form is seen within the existing backdrop of taller buildings, making it less obtrusive.

PO 3.1 is met.

PO 3.2 sets out a prescriptive design approach for buildings, with the policy's two parts requiring that developments:

- PO 3.2(a) Reinforce the prevailing datum height and parapet levels of the street through design elements that provide a clear distinction between levels above and below the datum line.

- PO 3.2(b) Where located in an existing low-rise context, are designed to include a podium/street wall height and upper-level setback to manage the transition from the lower streetscape to the taller building.

The proposal achieves PO 3.2(a) by reinforcing the prevailing datum height through its podium design. The podium's height aligns with surrounding properties, respecting the established street-level scale, while the change in colour and materials provides a clear distinction between the levels below and above the datum line, as the policy requires.

PO 3.2(b) requires both a podium and an upper-level setback in low-rise contexts. While this part of the policy does not explicitly apply, as the site is not in a wholly low-rise context, the assessment acknowledges the character of Whitmore Square includes low-rise pockets and medium/high-rise forms. Therefore, the policy has been considered.

In a strictly low-rise context, both a podium and an upper-level setback are critical for a harmonious transition to a taller building. This is because the visual shift from the predominant streetscape height to the higher form occurs close to ground level, where pedestrians experience the street (a low-rise context is defined as 1 to 2 building levels). However, in this specific context, the podium's alignment with the adjacent four-story building effectively moves the height transition further away from the ground level, making the building height less imposing and the transition less jarring. This makes an upper-level setback less necessary. Furthermore, the two-level buildings across the street have a perpendicular orientation and

are separated by Hocking Place, which lessens their influence on the proposal's immediate frontages. Therefore, an upper-level setback is not warranted, as its purpose has been achieved through the podium's design.

Turning back to the podium, its height directly aligns with the four-level neighbouring building, providing a clear and consistent street wall that respects the established streetscape of Whitmore Square and is reasonably consistent with the 3-level neighbouring building to its rear. This design effectively manages the scale transition and serves the purpose of a setback in this unique context.

As has already been established in earlier sections of the assessment, the proposal meets elements (i) to (iii) and (v). The proposal also meets (iv) as the building's design gives a clear and positive emphasis to the street corner. The podium's continuous façade wraps around the corner, which is highlighted by a prominent, circular sign that displays the street number and name. This design reinforces the corner as a key point of orientation for pedestrians and effectively defines the intersection within the street grid.

The development achieves PO 3.3. The GA supported the development's modelled facades and vertical composition, which are created through a distinct podium and upper level. This approach reflects the proportions of the streetscape at the human-scale level. This tailored approach to each orientation, was also supported by the GA and ensures that architectural detailing is consistently applied around corners and along minor streets like Hocking Place, thereby reinforcing a cohesive streetscape.

PO 3.4 does not apply to this assessment as the subject site is not located on one of the Terraces.

PO 3.5 and 3.7 do not apply as the development is not along a city boulevard as identified in the Capital City Zone Table 5.1.

The development achieves PO 3.6 as it involves the construction of a new building that will fully occupy the site, thereby avoiding a gap in the built form and contributing to streetscape continuity.

PO 3.8 seeks to ensure a comfortable pedestrian and recreation environment on Whitmore Square by enabling direct sunlight to a majority of the Square. The accompanying DTS/DPF 3.8 provides a specific guideline, stating that development must enable direct sunlight to a minimum of 75% of the landscaped part of the Square at the September equinox.

The proposal is considered to satisfy PO 3.8 as it maintains sufficient sunlight to the public realm. While a specific diagram for the September equinox was not provided, a reasonable assessment can be made. Shadows at the September equinox are less extensive than those during the solstices. The diagrams for the summer and winter solstices show that the building's shadow does not extend to the landscaped area of the Square. The subject site's physical separation from the Square by the perimeter road further reinforces this conclusion.

Therefore, the proposal meets the 75% guideline of DTS/DPF 3.8 and satisfies the PO.

The proposal does not incorporate upper-level setbacks and reinforces a continuous built form at the street level. PO 3.9 is achieved.

The development does not include a café at the ground level. PO 3.10 does not contribute to this assessment.

The proposal is considered to satisfy PO 3.11, as its design is informed by the local context of Hocking Place. While its high-rise form is a departure from the prevailing built form, the assessment requires a balance between maintaining the prevailing form and other provisions in the Code. Given the subject site's primary frontage to Whitmore Square, greater weight is placed on its relationship with the main streetscape.

Despite this, the design for Hocking Place still achieves the core intent of the policy. The subject sites inherent narrowness for a site in the city provides fine-grained visual interest and an opportunity for the creation of minor tenancies at street level (if the communal space is retrofitted for a commercial use as market conditions change). These human-scaled attributes, along with the canopies, windows and a walkway, create an intimate, active, and walkable public realm, which aligns with the objectives of PO 3.11.

PO 3.12 does not apply to this assessment.

PO 3.13 seeks to ensure that buildings are adaptable and flexible to accommodate a range of land uses. The companion DTS/DPF provides a clear guideline for this, stating that the ground floor must have a minimum floor-to-ceiling height of 3.5m.

The proposed ground floor's 3.5m floor-to-ceiling height enhances the versatility and adaptability of the communal space. This high ceiling makes the area suitable for a wider range of uses, such as future commercial or retail, thereby ensuring the building's long-term flexibility and achieving PO 3.13.

PO 4.1 guides that building height should be consistent with numeric guidelines, or it should positively respond to the local context and achieve the desired outcomes of the Zone. The companion DTS/DPF lists the maximum building height at 29 meters, but it does not specify a level guideline.

PO 4.2 states that development exceeding the building height listed is generally not contemplated unless a specific set of criteria are met.

The proposed development has a height of 46.3 meters to the main roof, with the lift overrun extending an additional 1.2 meters, for a total height of 47.5 meters. This exceeds the maximum building height of 29 meters listed in the companion DTS/DPF. This height also represents a clear departure from the immediate low-to-mid-rise context of the locality.

To begin, we need to understand the meaning of "local context." This term is critical because a building's height can be justified by either a numeric guideline or by how it "positively responds to the local context." The term, however, is not defined in the Code.

We can however turn to the Environment, Resources and Development Court of South Australia (the Court) CANNING AND LAYCOCK PTY LTD v STATE PLANNING COMMISSION [2025] SAERDC 7 (22 April 2025) judgement for guidance. The court broadened the term "local context" due to the policy's use of "including," which signalled that the listed elements were not exhaustive. While PO 4.1 does not have this same phrasing, it provides an equally, if not more, compelling reason for a broad interpretation.

If we turn back to the qualitative test within PO 4.1, it links the requirement for 'positively respond to the local context,' to ‘achieve the desired outcomes of the Zone' by using the word “and”. This dual requirement establishes that a proposal's height must be assessed against its contribution to the long-term vision and purpose of the zone. This doesn’t render the numeric guideline irrelevant; it just means that TNV’s are a general rule of thumb for a building height that is assumed to be a good fit. However, the qualitative test serves as an alternative for situations where a higher building could be sited and still achieve the DOs for the zone.

So now we turn back to the DOs to understand how we will define the local context.

DO 1 states:

> *A zone that is the economic and cultural focus of the state supporting a range of residential, employment, community, educational, innovation, recreational, tourism and entertainment facilities generating opportunities for population and employment growth.*

DO 2 states:

> *High intensity and large- scale development with high street walls reinforcing the distinctive grid pattern layout of the city with active non-residential ground level uses to positively contribute to public safety, inclusivity and vibrancy. Design quality of buildings and public spaces is a priority in this zone.*

Given that these DOs articulate a vision for the city as a whole, with a clear state-wide focus, a strict, literal interpretation of "local context" as only the immediate locality is fundamentally incompatible with the intent of the qualitative test.

Therefore, this assessment takes the position that when evaluating a proposal's height, 'local context' should be interpreted by its district function and how it serves the broader urban structure of Adelaide. This approach ensures a proposal is judged on its positive contribution to the city's form and function, a strategically contextual fit, rather than being limited to a numerical guideline and its relationship with its immediate surroundings and its micro-level impacts.

To start, we therefore need to understand the height distribution of the city to understand if there is a pattern that relates to its form and function.

A review of the height distribution across the city (Figure 4), shows a discernible, non-uniform pattern.

The tallest buildings, which are large in both height and width and typically accommodate offices, are concentrated in the central core. This area, located in the northern half of the city and clustered around King William Street, represents the city's economic hub and defines the character of its commercial heart.

As you move to the east and west of the city's core, an emerging urban character becomes evident. Here, taller buildings of considerable height are interspersed with lower buildings. Here, taller buildings of considerable height are interspersed with lower buildings. These taller buildings often appear as initial intrusions that punctuate the streetscape, rather than defining its entire character. They are also predominately residential, with supporting uses on the lower level, and are located near landscaped open spaces. This pattern indicates a city undergoing significant transformation, a sense that is especially palpable in the area between Waymouth and Franklin Streets, where walking around you can have the feel like a city under construction.

As you move to the southern half of the CBD, the density of taller buildings lessens. High-rise buildings are still present, but they are not as tall or intense as those in the northern section. They are strategically placed near the city's squares, main thoroughfares, and edges. Outside of these locations, the southern portion of the city is predominantly in the City Living Zone and features a low-to-medium rise-built form with a finer-grained character.

This analysis confirms that the distribution of building height in the city is not random but follows a clear pattern related to its different functions and urban forms.

Figure 4: Height distribution across the Adelaide CBD (Source: Metropolitan development activity tracker)

Now, we need to review the building height policies to see if the pattern of building height noted is generally supported and guided by policy.

There are two relevant zones to this point: the Capital City Zone, which generally applies to strategic locations (squares, main thoroughfares, and city edges), and the City Living Zone, which applies to most other areas (Figure 5). The City Main Street Zone and Adelaide Park Lands Zone also apply but are not central to this assessment.

The City Living Zone is governed by both a Building Height (Levels) and Building Height (Metres) guideline (Figure 7 and Figure 8). In contrast, the Capital City Zone is governed by only a maximum building height in metres (Figure 8). A review of the Building Height (Meters) pattern shows that in general, higher metre limits are permitted in the strategic locations previously identified than the more internal areas.

A further distinction between strategic and non-strategic sites in the southern portion of the CBD occurs at the subzone level. The City Framing Subzone, which generally applies to the strategic areas in the Capital City Zone, is intended for a medium-to-high-rise form (DO 1). Conversely, the non-strategic areas in the City Living Zone fall under the Multi-Level High Intensity Subzone, which generally seeks medium-rise residential development (DO 1).

The policy direction appears to provide concentrated nodes of high-rise development in strategic locations and a broader, more uniform medium-rise residential fabric in other areas. It directs growth to areas, while maintaining a more manageable scale for local infrastructure in the City Living Zone.

To be clear, this argument is not an advocacy for the southern portion of the CBD to compete with the northern commercial core. It is accepted that the policy context, as evidenced by the zoning and subzone pattern, shows the two halves have different purposes and envisioned urban landscapes. The zoning in the south, where the City Living (CL) zone is concentrated, does not support the intensity, form, scale, or uses of the economic hub. Placing a building appropriate for the core area in the south could compromise the function and form of the city as a whole. Instead, the argument is that a high-rise residential building (designed to avoid monolithic scales with narrow floor plates and greater façade articulation) can be a positive response to the local context (considering the broader understanding of the term for this context) in the southern CBD. This is particularly true if it's placed in a strategic location, like a main thoroughfare, square, or edge, even if it's notably higher than buildings in its immediate locality.

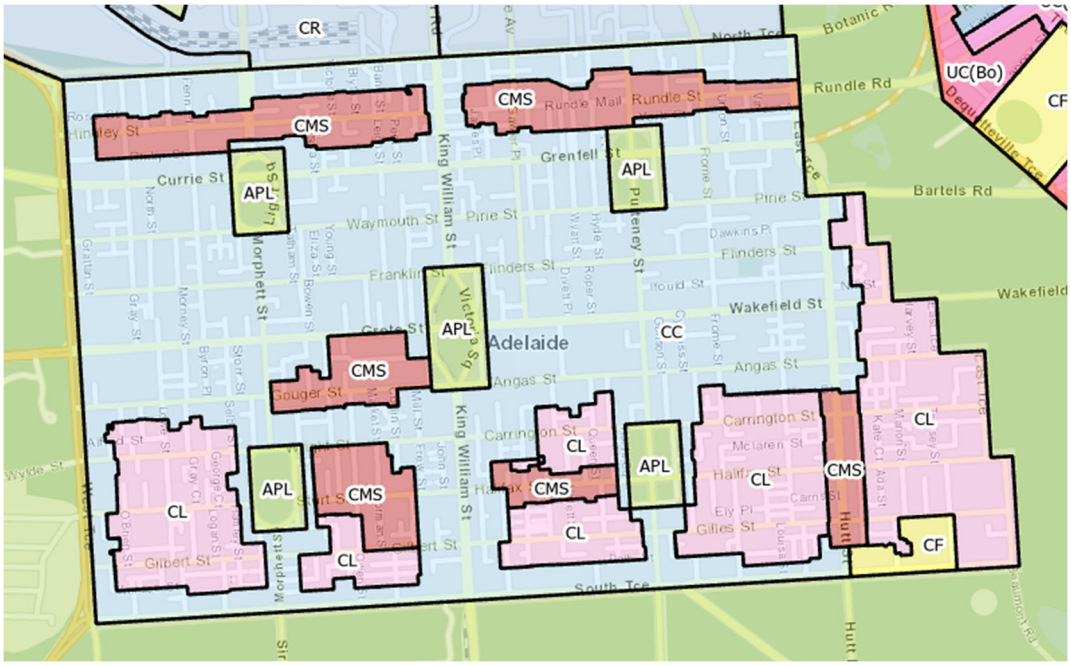

Figure 5 – Zoning of Adelaide CBD (Source: SAPPA)

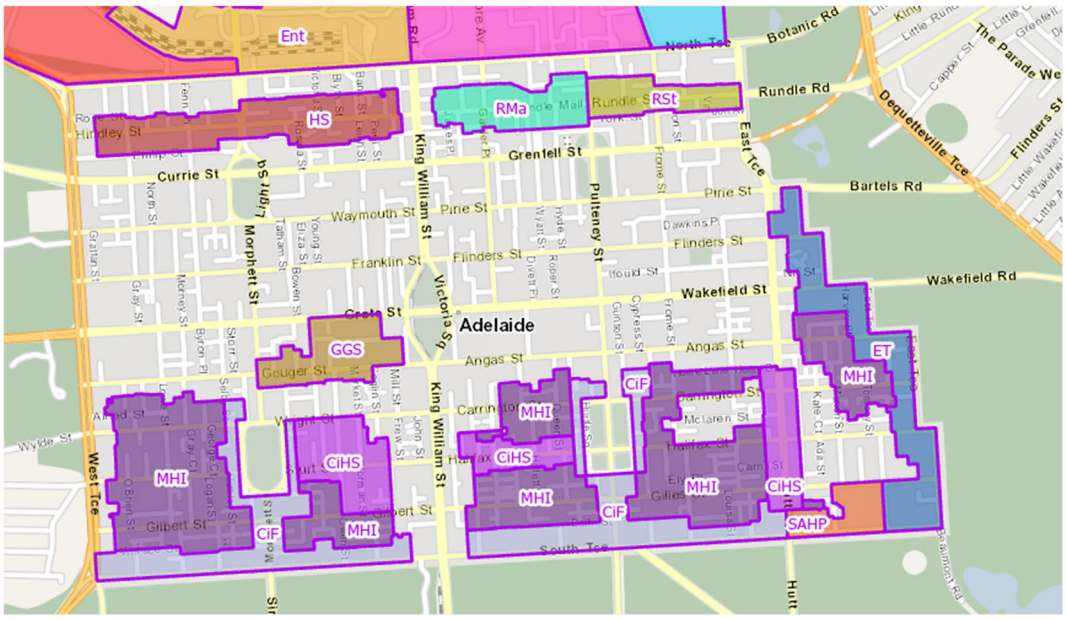

Figure 6 – Sub zones of Adelaide CBD (Source: SAPPA)

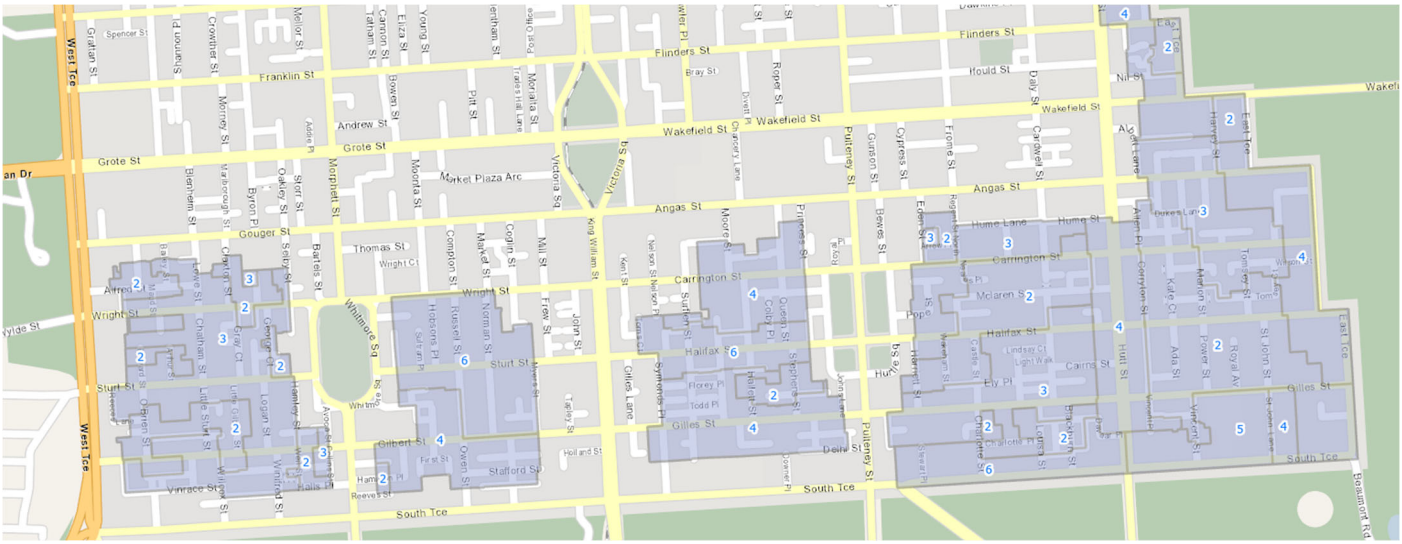

Figure 7 – Maximum Building Height (Levels) as applied to the CBD (Source: SAPPA)

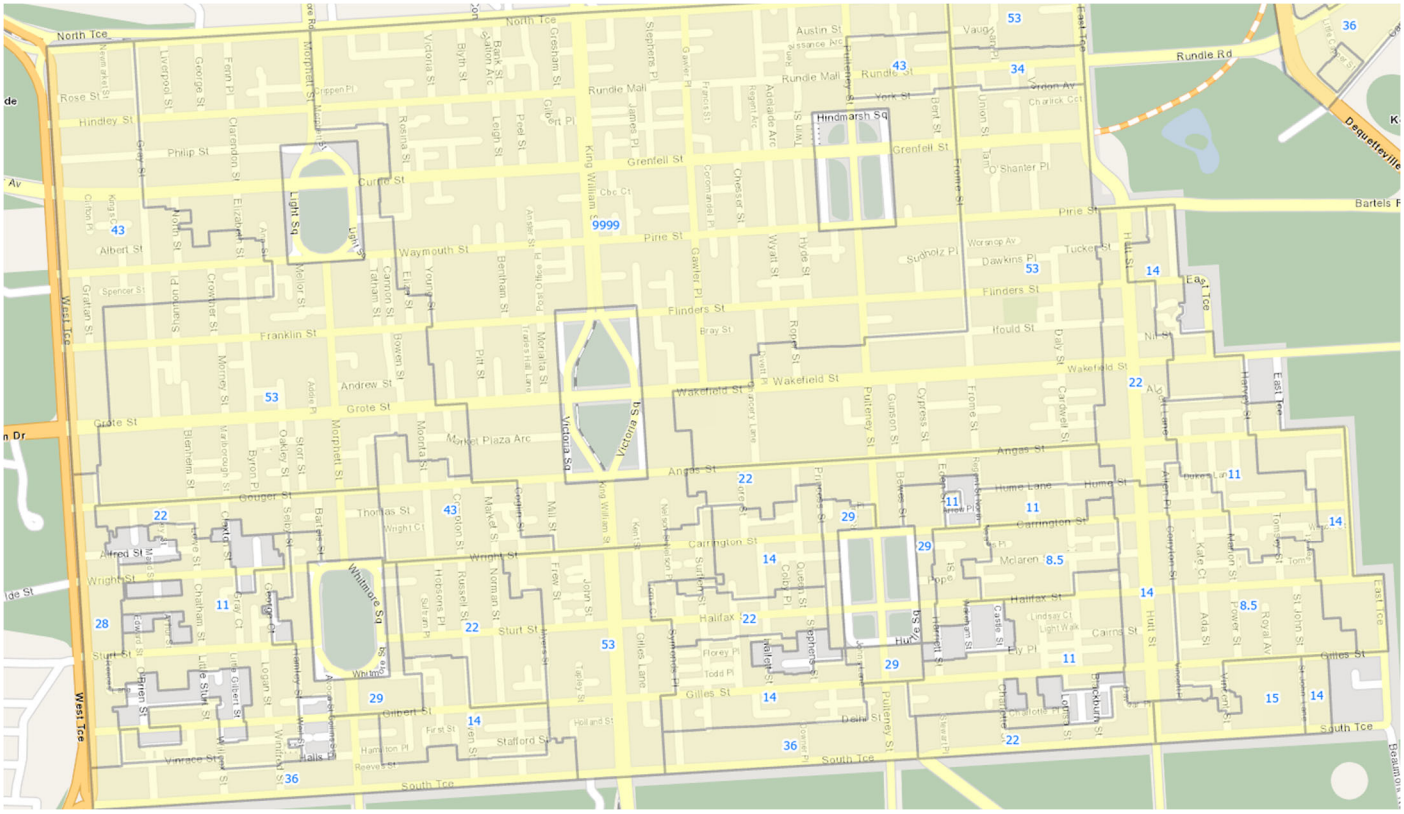

Figure 8: Maximum Building Height (Metres) as applied to the CBD (Source SAPPA)

Figure 9: Heritage Places around Whitmore Square (Source SAPPA)

Now we've established a pattern of tall buildings in strategic locations (including around the city's squares) and a policy context that guides taller buildings to strategic locations, it's appropriate to consider the specific character and context of Whitmore Square.

Whitmore Square is predominantly low-rise, however its character is not uniform. Most low-rise buildings are on the western side of the square, with some two-level heritage buildings on the eastern side between Wright and Sturt Streets (Figure 9). Mid and high-rise buildings are located on the eastern side of the square, with a four-level apartment building immediately north of the subject site and the 74-meter-tall Bohem Apartments to the northeast. The Bohem building, given its height, serves as a key visual reference point for building height around the square. Further, there is an ongoing strategic review of the Salvation Army's significant landholding on the corner of Gilbert and Morphett Streets and Whitmore Square. Given the size of that landholding, a building of height is also anticipated there.

It could be argued that the height and scale of the Bohem Apartments are justified only by their proximity to the CBD's core, and therefore a strict application of the TNV should apply to the subject site, given its location towards the south of the square. This perspective, however, overlooks the broader urban pattern of placing buildings of height in other strategic locations. The argument does raise a valid point: the scale and height of a building, and how it sits within the visual backdrop, are crucial to determining its acceptability. A building of a similar height and bulk to the Bohem may indeed be inappropriate in other locations around Whitmore Square.

The proposed building is not of the same considerable scale as the Bohem, given its slender form and lower height. Furthermore, when viewing the square, the backdrop of tall buildings to the east and northwest is a significant visual element that reinforces the context of a transitional area. The proposed building, therefore, aligns with this established visual context rather than creating a new one. As a result, the proposed building, while higher than its immediate neighbours, is not an unreasonable intrusion into the square's character. Instead, it represents the likely future of increased height around the square.

On balance, the proposal is considered to provide a positive response to the local context, given its alignment with the broader city function and the zone's Desired Outcomes. This approach acknowledges the emerging character of Whitmore Square as the appropriate measure of context.

Turning to PO 4.2, the development does not involve any work on a heritage building, so part (a) of the policy is not applicable. The proposal's commitment to delivering 100% social housing represents a substantial additional gain in sustainability, which is a key social sustainability outcome. The assessment must now consider how the proposal satisfies at least four of the other criteria listed in the policy. The development, which provides no on-site carparking and has frontage to a public road that abuts the Adelaide Park Lands (Whitmore Square), also satisfies the affordable housing criteria, as its 100% social housing model far exceeds the 15% minimum threshold.

It is acknowledged that it might be perceived that the proposal's affordable housing component is being used to satisfy two separate criteria. However, the policy framework of PO 4.2 has a dual objective: it seeks a substantial additional gain in sustainability (a broad, qualitative outcome) while also providing a list of criteria to measure that gain (a specific, quantitative threshold). The proposal's commitment to delivering 100% social housing satisfies both. The provision of 100% social housing is a substantial additional gain that goes far beyond the policy's minimum intent, and it simultaneously meets the specific criteria for providing more than 15% affordable housing.

The applicant has put forward that the proposal achieves the active frontages criteria of PO 4.2. Given the policy's wording, a collective assessment of the ground-floor street frontages is considered the most appropriate measure. To ensure an accurate assessment of the policy's intent, the rear service laneway and fire booster area have been excluded from the calculation, as they do not contribute to an active frontage. Based on the frontages of Whitmore Square and Hocking Place, the total transparent frontage is 25m over a total width of 35m, resulting in a collective transparency of 71.43%, which falls just short of the 75% guideline.

Nonetheless, the development incorporates a high-quality, safe, and universally accessible pedestrian linkage that connects through the site to the surrounding pedestrian network. The creation of a canopied walkway along the entire length of the Hocking Place frontage represents a significant enhancement to the public realm, providing a new, sheltered pedestrian path where one did not previously exist. The path is elevated above the road, physically distinguishing it as a pedestrian space and enhancing safety by reducing potential conflicts with vehicles. Given its context as a narrow lane with no existing path, this contribution to the public realm is highly significant.

The development qualifies for over-height consideration by satisfying multiple criteria in PO 4.2. The proposed building's form is consistent with the height distribution pattern across the city, as strategic locations, including those around squares, are intended to and observably home to taller buildings. This alignment is also consistent with the intent of the zone and subzone.

Given the discussion above, PO 4.2 is satisfied.

Turning to PO 5.1 it is acknowledged that a public rear laneway separates the subject land from the immediate neighbour (12 Hocking Place) in the City Living Zone, providing a natural buffer. In relation to building proportions, massing, and overshadowing, the proposal is considered to manage the interface

effectively, but it could be improved. The overshadowing diagrams have also demonstrated that the building's shadow impact is managed. The proposed use being a residential use and does not involve a commercial use, which would be more likely to cause adverse impacts. PO 5.1 is met.

The assessment of PO 5.2 is only applicable to the portion of the building that exceeds the 29m height limit, which is levels 09 to 13. The neighbouring residential building (12 Hocking Place) is already of a medium-rise scale and is oriented away from the subject site. Given this existing context, the scale and height of the proposed development, and its articulated design, are not considered to have an unreasonable visual impact. The overshadowing diagrams also demonstrate that the building's shadow impact is managed. Overlooking from these levels would be directed to the roof of the adjoining property, with all other residential buildings in the City Living Zone further than 15-metres from the subject site and therefore cannot experience direct overlooking as defined by Part 8 of the Code. On balance, the proposal is considered to manage the interface effectively and minimise negative visual and amenity impacts.

The development, which provides no on-site car parking, is designed with a clear emphasis on pedestrians. This is demonstrated through the creation of a new, canopied walkway along Hocking Place, which enhances safety and comfort for pedestrians by providing a new, sheltered path and promoting passive surveillance. PO 6.1 is satisfied.

PO 7.1, 7.2 and 10.1 do not apply.

GENERAL DEVELOPMENT POLICIES

Clearance from Overhead Powerlines

PO 1.1 is met as a declaration has been provided by the applicant, confirming the development would not be contrary to the regulations of the Electricity Act 1996.

Design in Urban Areas

All Development

External Appearance

PO 1.4 to 1.3 relate to the building’s external appearance and its contribution to the public realm, are all achieved. The building’s design for the corner of Hocking Place and Whitmore Square gives a clear and positive emphasis to the street grid via a continuous façade and prominent signage (PO 1.1). The creation of a canopied walkway on Hocking Place and a canopy at the main entrance on Whitmore Square directly addresses the need for pedestrian shelter and comfort (PO 1.2). The overall design of the ground floor elevation, with its large windows and access points, conveys the building's purpose and complements the streetscape (PO 1.3).

PO 1.4 and 1.5 are about minimising the visual impact of unattractive elements, and they are both satisfied. The development does not require rooftop plant equipment as it proposes the use of individual air-conditioning units on each balcony, which is an effective way of ensuring plant is not visible from the public realm (PO 1.4). Additionally, the waste management room and service area are integrated into the building on the ground floor and are not visible from the public realm (PO 1.5).

Safety

PO’s 2.1, 2.4 and 2.5 collectively seek to maximise opportunities for passive surveillance. The development’s ground-floor design, with its large, transparent windows and communal area, directly addresses these requirements. The design provides clear lines of sight from inside the building to the public

realm, and at night, the interior lighting allows people on the street to see into the common areas (communal space and lobby). This mutual visibility contributes to a safer and more secure public realm.

PO 2.2 and 2.3 relate to clarity and safety of buildings spaces. The proposal's design successfully differentiates its areas (PO 2.3), as follows:

- The public area is the street and footpath, defined by the building's external facade.
- The communal area is the ground-floor space with large windows, which is accessible to residents and their visitors but is not fully private, nor is it a public space.
- The private areas are the individual apartments located above the ground floor.

The design of the building, with its two distinct entry points, meets the policies intent for safe, perceptible, and direct access (PO 2.3).

The lobby entrance on Hocking Place, while not as prominent as the one on Whitmore Square, is still a clearly defined point of access to the residential component of the building. This access point will likely be supported by wayfinding strategies to further enhance its perceptibility. The Whitmore Square entrance, which leads to the public-facing communal area, is reasonable and serves to engage the streetscape. The design effectively uses these two entrances to differentiate the public, communal, and private areas of the building, and together they ensure that a person can safely and directly access both the public-facing and private-facing parts of the development from the street frontage.

Soft Landscaping

The proposal features minimal soft landscaping however this is not considered fatal to a favourable assessment. The ability to incorporate soft landscaping and tree planting is constrained by the site's high-density urban context, which is a direct result of the zone's primary purpose. Therefore, while the policy's intent is understood, the overarching strategic goals of the zone, to facilitate medium-to-high-rise residential development, take precedence over the lower order General Development Policies. Compliance with the zone's higher-order goals, such as increasing residential density and activating the streetscape, is given greater weight in this assessment (PO 3.1).

Environmental Performance

The proposal is designed to maximise passive environmental performance and minimise energy consumption. The project targets an average NatHERS star rating of 8 stars, with each apartment achieving a minimum of 6 stars, improving heating and cooling loads. The design also incorporates features that maximise natural sunlight and ventilation, such as operable windows for crossflow ventilation to reduce reliance on mechanical cooling. The project also aims to achieve best-practice natural ventilation criteria.

The building will be all-electric to significantly reduce lifetime carbon emissions by utilising South Australia's rapidly decarbonizing grid. The developer has also committed to contracting all energy from 100% renewables for at least the first three years. To ensure these two matters are met, the sustainability report has been conditioned. Overall, the development is presented as achieving at least a 30% reduction in energy efficiency compared to a standard building of the same size and type that meets the minimum requirements of the National Construction Code (NCC) 2022.

The building incorporates a range of climate-responsive techniques and features to enhance its environmental performance. These include:

1. A low solar absorptance roof and external shading to reduce solar gains and the urban heat island effect.

- A minimum 20kW common Solar PV system will be installed.
- The design incorporates drought-tolerant, low-water-requiring native species for landscaping and water-efficient fixtures and fittings with high WELS ratings.
- The design aims for improved air tightness to provide both better energy efficiency and health benefits.
- A commitment to reducing embodied carbon by using concrete with a 30% reduction in Portland cement content and post-tensioned slabs to reduce the volume of concrete and reinforced steel.

PO 4.1 to 4.3 are satisfied.

On-site Waste Treatment Systems

The proposal will be connected to the sewerage network and does not require an on-site waste treatment system. PO 6.1 is not applicable.

Car Parking Appearance

The development incorporates no carparking, therefore PO 7.1 to 7.7 do not apply.

Earthworks and Sloping Land

The proposed development will require some earthworks; however, the extent is minor and serves to level the site in a way that minimises disturbance to the natural topography (PO 8.1).

The remaining policies (PO 8.2, 8.3, 8.4, and 8.5) are not in conflict with the proposal's design. This is because the subject site is not on sloping land, which is a condition precedent for these policies to be applicable.

Overlooking/Visual Privacy (low rise building)

Neither this proposal, nor its neighbour, are low-rise buildings. As the City Living Zone is a neighbourhood-type zone that does not fit the low-rise criteria, policies designed specifically for low-rise buildings are not applicable.

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

The ground-level plan has provision for a waste room, which is designed to store the recommended number and type of bins for general waste, comingled recycling, and food waste. This room also includes an on-site bin wash area and is enclosed and screened from the public domain (PO 11.1 and 11.2).

The communal waste storage area is designed to be well-ventilated and located away from habitable rooms. The Waste Management Plan specifies that the room would have mechanical extraction to provide negative pressure for odour control (11.3).

Waste will be collected via Council collection service, with the rear-lift collection truck needing to reverse into Hocking Place. While this may not fully meet the PO to avoid reversing, it is consistent with how Council's existing kerbside collection trucks already operate on Hocking Place. Council have not raised any concerns.

All Development – Medium to High Rise

External Appearance

The proposal's design achieves PO 12.1 and 12.3. The use of a podium, contrasting materials, and facade articulation serves to reinforce a human scale, reduce visual mass, and positively contribute to the local context. This has been established in prior sections of the report.

Similarly, PO 12.6 to 12.7 are achieved, as established prior. These policies, which focus on the pedestrian experience at the ground floor, are also met. The street-facing elevations provide an attractive and high-quality frontage, and the entrances are safe, welcoming, and functional.

The arguments for PO 12.4 and 12.5 were covered in the assessment of PO 1.4, which addressed the screening of plant and equipment, and PO 1.5, which confirmed that waste management and service areas are integrated and screened from view.

The proposed external materials and finishes are durable and designed to age well by utilising masonry and pre-finished materials (glazed bricks and pre-cast concrete) (PO 12.8).

Landscaping

The proposal does not incorporate much soft landscaping. However, the prescriptive requirements for deep soil zones in PO 13.1 to 13.4 are challenging to meet on a constrained, high-density site. This is a direct result of the zone's primary purpose, which is to facilitate medium-to-high-rise residential development. Therefore, while the intent is understood, the ability to incorporate deep soil zones is limited by the context. While these POs are not satisfied, they are not given an extensive amount of weight in this assessment.

Environmental

The development minimises detrimental micro-climatic impacts through design choices that address both wind and solar gain. A wind impact assessment, based on experience and not on experimental data, found that the design ensures wind conditions in ground-level pedestrian areas and entrances would be expected to be within comfort and safety criteria. The project’s sustainability statement also addresses micro-climatic impacts by specifying a low solar absorptance roof (PO 14.1).

The development incorporates a wide range of sustainable design techniques and features. The project targets an average NatHERS star rating of 8 stars, uses high-performing double glazing, and optimises operable windows for crossflow ventilation to reduce reliance on mechanical systems. The building will be an all-electric development, powered by a minimum 20kW solar PV system and energy from 100% renewables. Other features include water-efficient fixtures, a low solar absorbance roof, and reduced embodied carbon in construction materials (PO 14.2).

As the building exceeds 5 levels, it is designed to minimise wind impacts. The project uses a podium at the base of the tower and a canopy at the west and a setback footpath at Hocking Place to protect against adverse wind impacts. The wind impact assessment concluded that these design features would ensure wind conditions meet the walking and standing comfort criteria for the ground level and balconies, and that overall conditions would be within the safety criterion (PO 14.3). Although the assessment acknowledges that it is based on professional experience rather than experimental data, it does not identify any complex flow scenarios that would warrant further, more detailed testing. Given that the report's findings confirm the design's effectiveness, the current assessment has been accepted.

Overlooking

PO 16.1 is worded to mitigate direct overlooking, not to eliminate it entirely. This is a crucial distinction from the policy that applies to low-rise contexts, as a complete absence of overlooking is often unrealistic in a dense, multi-storey urban context. With this in mind, the only land that could be impacted by direct overlooking from the proposal is immediately east, at 12 Hocking Place. The adjacent building, which is used for residential purposes and is in a neighbourhood-type zone, is oriented in such a way that there are

no habitable room windows or private open space areas that will be impacted by direct overlooking from the proposal. Further, a rear public laneway at the rear creates separation between the two buildings. Therefore, PO 16.1 is achieved.

All residential development

Front elevations and passive surveillance

The proposal meets PO 17.1 as each dwelling facing a primary street frontage, such as Whitmore Square or Hocking Place, incorporates a window or balcony. This ensures that every dwelling provides an opportunity for passive surveillance and makes a positive contribution to the streetscape, which is the core intent of the policy.

PO 17.2 does not apply to this proposal.

Outlook and Amenity

The proposal meets PO 18.1 as the living room of each dwelling incorporates a window with an external outlook.

The bedrooms in each dwelling are adequately separated and shielded from common access areas to mitigate noise and artificial light intrusion, which aligns with PO 18.2. The floor plans show that the bedrooms are located on the opposite side of the apartment from the core, which contains the lifts and stairwell. The living areas and bathrooms act as a buffer between the bedrooms and the active common areas, effectively mitigating noise and light intrusion.

Residential Development – Low Rise

PO 20.1 to 24.1 do not apply.

Residential Development – Medium and High Rise (including serviced apartments)

Outlook and Visual Privacy

PO 26.1 and 26.2 do not apply as the proposal does not include any dwellings on the ground level.

Private Open Space

PO 27.1 is met as all apartments are provided with a suitable sized area of private open space in accordance with the numerical guideline listed in Design in Urban Areas Table 1 - Private Open Space.

Residential amenity in multi-level buildings

The proposal meets PO 28.1 as the habitable rooms and balconies are adequately separated from and do not face other dwellings within the development.

The balconies are designed and integrated into the overall architectural form of the development. The elevations show that the balconies are recessed and covered, which helps to respond to environmental conditions like sun and wind. By facing the street, the balconies also allow for casual surveillance of the public realm while providing a sense of privacy from the street below due to their height (PO 28.2).

The balconies are of sufficient size and depth to accommodate outdoor seating, promoting indoor-outdoor living. The floor plans show that all balconies have a minimum dimension of at least 2m, which aligns with the DTS/DPF 28.3.

While the exact storage volumes for each dwelling have not been provided, the proposal provides adequate space to meet occupant needs. Each dwelling is provided with built-in storage components that are

consistent with a modern dwelling. Additionally, there is adequate space within each dwelling for occupants to have their own independent storage solutions, demonstrating that the intent of PO 28.4 is met.

None of the dwellings require a light well and therefore PO 28.5 does not apply.

The proposal meets PO 28.6 as the design minimises the transmission of sound between dwellings. The bedrooms are generally separated from the common access areas and other dwellings by bathrooms, storerooms, or ducts, which act as a buffer to mitigate noise intrusion.

The proposal meets PO 28.7 as structural columns will be integrated into the internal and external walls of the building, ensuring that the usable space within each dwelling is not compromised.

Dwelling Configuration

The proposal provides a mix of 30 one-bedroom and 6 two-bedroom apartments. As such, it does not meet the prescriptive guideline of DTS/DPF 29.1, which requires at least one of each of the four dwelling types. Nonetheless, the proposal does provide a mix of dwelling sizes, which satisfies the intent of the policy to contribute to housing diversity. This degree of non-compliance is not considered a fatal flaw in the application.

PO 29.2 does not apply.

Common Areas

The floor plans show that the corridors provide access to either two or three apartments per level, which is well within the DTS/DPF 30.1(b) guideline of providing access to no more than eight dwellings. The floor-to-floor height is shown as 3.2 metres, which will achieve a ceiling height of at least 2.7 metres, meeting the minimum required in DTS/DPF 30.1(a). The corridor length does not extend more than 12 metres from the core, which means the requirement for a wider section at apartment entries is not applicable. The low number of dwellings per floor indicates that the size of the common areas is likely sufficient to accommodate the movement of bicycles, strollers, and mobility aids as intended by the policy.

Group Dwellings, Residential Flat Buildings and Battle axe Development

Amenity

The internal floor areas of the 1-bedroom dwellings, ranging between 46 to 47m², is less than the quantitative guideline listed in DTS/DPF 31.1, which guides such dwellings to have a minimum area of 50m². Nonetheless, this is considered a minor departure, especially when considering that each has an adequate balcony and there is communal space on the ground level. The two-bedroom apartments, with a minimal internal area of 77m², comply with the numerical guideline. On balance, the proposal achieves PO 31.1.

The proposal is designed to maximise the number of dwellings that face public streets and open spaces, while limiting those that are oriented towards adjoining properties. The apartments are oriented to face either Whitmore Square or Hocking Place, and the bedrooms are separated from the core and other apartments, which minimises impacts on the amenity, outlook, and privacy of occupants (PO 31.2 and 31.3).

This policy is not applicable to the proposal as the site is a corner allotment and not a battle-axe development (PO 31.4).

Communal Open Space

The communal space on the ground floor is not open and therefore PO 32.1 to 32.5 do not apply.

Car parking, access and manoeuvrability

PO 33.1 to 33.5 do not apply.

Soft landscaping

PO 34.1 and 34.2 do not apply.

Site Facilities/Waste Storage

Letter boxes will be on the ground floor in the lobby, and clothes drying facilities are expected to be accommodated on the balconies (PO 35.1 and 35.2). The communal waste storage area is located on the ground floor, where it is screened from public view. The plan provides a dedicated area for the collection and sorting of waste and recycling that is located away from the residential dwellings, as the apartments are on the floors above. The Waste Management Plan also details a safe and convenient access plan for collection vehicles (PO 35.3 to 35.5). Finally, the water service metre is contained within the building and is therefore screened from the public view (PO 35.6).

Laneway development

PO 44.1 does not apply as the primary frontage is not a laneway.

Infrastructure and Renewable Energy Facilities

The proposal is connected to mains water and wastewater systems (PO 12.1 and 12.2).

Interface between Land Uses

General Land Use Compatibility

As a residential building, the proposal is a sensitive receiver, and it will need to comply with MBS010 to protect occupants from noise intrusions (PO 1.1)

Overshadowing

The overshadowing diagram confirms that the proposal meets the timeframe guideline for sunlight access to adjacent residential uses and public open spaces during the winter solstice. The overshadowing from the development is appropriately managed to maintain a reasonable level of sunlight to the public realm (PO 3.1 and 3.2). It is therefore reasonable to conclude that it will be compliant with PO 3.3.

Activities Generation Noise or Vibration

PO 4.3 is not applicable.

The design has no on-site car parking, which is a major source of noise and vibration. Additionally, the bedrooms are separated from service equipment areas and fixed noise sources, such as the lifts, as they are located away from the central core of the building (PO 4.4).

Site contamination

The site contains a building that was converted from an office, showroom, and warehouse to a single dwelling in 1999 under application DA/1043/1999.

The proposed development therefore does not involve a change of use of the land.

Traffic, Access and Parking

PO 2.1 is achieved as the retention of the existing corner cut-off and the provision of an internal footpath will result in improvements to sightlines between Hocking Place and Whitmore Square.

The proposal meets PO 4.1 as the building is designed to provide safe and convenient access for people with a disability. The design, as previously established, includes a level entrance and a canopied walkway along Hocking Place that is 1.2 metres wide, which is a standard path width.

The proposal does not meet the prescriptive DTS/DPF 9.1 requirement for bicycle parking, as 45 spaces (36 resident and 9 visitor) would be required to satisfy the criteria. However, the proposal provides only 6 on-site spaces. Nonetheless, there is still adequate space to meet the likely demand, as residents can store bicycles within their dwellings, and the building's location in the city is well-connected to public transport, reducing the reliance on bicycle parking (PO 9.1 and 9.2).

PO 10.1 is satisfied as the ground level footprint incorporates the existing physical corner cut-off at the intersection of Hocking Place and the public laneway at the rear. This ensures that drivers can safely turn into and out of the public road junction without obstruction. While the laneway at the rear is a dead end and has a limited capacity to function as a road, the corner cut-off still serves its purpose in maintaining clear sightlines and promoting safety at the intersection.

None of the other provisions apply as the development does not propose vehicle access points.

CONCLUSION

The proposed development is considered an appropriate and high-quality response to the site and the wider context, despite exceeding the maximum building height of 29m listed in the TNV. The departure from the prescriptive height guideline is justified by the proposal's strong alignment with the objectives of the Sub Zone and Zone, its consistency with the broader city pattern of height distribution in strategic locations and the envisioned character around Whitmore Square.

The development provides a substantial additional gain in sustainability by providing 100% social housing. This social outcome, alongside the project providing no carparking, a canopied walkway along Hocking Place, fronting the parklands and more than 15% affordable housing, allows the development to achieve at least four criteria and qualify for over-height consideration.

The application has been assessed against all relevant policies, and while the development does not meet all prescriptive numerical guidelines (e.g., height, dwelling size, and bicycle parking), the development's overall merit is considered to warrant planning consent being issued. It is therefore recommended that the SCAP grant Planning Consent subject to the reserved matters and conditions detailed in this report.

RECOMMENDATION

It is recommended that the SCAP resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

2. Development Application Number 24042402, by Obenox Pty Ltd as trustee for Sue Crafter is granted Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

Pursuant to section 102 (3) of the *Planning, Development and Infrastructure Act of 2016*, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval:

1. Final architectural detailing and external material selections (supported by provision of physical material samples) including the geometric patterning on the northern facade prepared in consultation with the Government Architect, with appropriate consideration given to material finishes, durability and environmental performance.

2. A comprehensive stormwater management plan prepared in consultation with Adelaide City Council. The plan must demonstrate a gravity-fed system that effectively manages all on-site stormwater without discharging or pumping runoff onto public roads or footpaths, except if otherwise endorsed by the Council.

3. An updated and coordinated set of architectural plans, including floor plans, elevations, and sections, which demonstrate:

    a) Design Consistency: A consistent and final location and sizing for all windows and external openings across all apartment types and building elevations.

    b) Operability: A clear legend or schedule identifying which windows are fixed, hinged, or otherwise operable, and providing details on their operation type.

CONDITIONS

Planning Consent

1. The development authorisation granted herein shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the State Planning Commission, except where varied by conditions below (if any).

2. The recommendations detailed in the Sustainability Planning Statement dated 27 June 2025 prepared by Summation shall be fully incorporated into the detailed design and operation of the development as stated.

ADVISORY NOTES

Planning Consent

Advisory Note 1

The approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Advisory Note 2

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Relevant Authority).

Advisory Note 3

No works, including site works can commence until a Development Approval has been granted.

Advisory Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

Advisory Note 4

Please note the following requirements of the *Aboriginal Heritage Act 1988.*

(a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Advisory Note 5

Please note the following requirements of the *Heritage Places Act 1993.*

(a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.

(b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

Advisory Notes imposed by (Adelaide Airport) The Secretary of the relevant Commonwealth Department responsible for administering the Airports Act 1996 under Section 122 of the Act
Advisory Note 6
The application has been assessed and the development with a building height of approximately RL 88.8 metres Australian Height Datum (AHD) the application will penetrate the Adelaide Airport Obstacle Limitation surfaces (OLS) which is protected airspace for aircraft operations.

The application will require approval in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 with final approval by the Department of Infrastructure, Transport, Regional Development, Communication and the Arts.

The development will infringe the OLS by approximately 8.8 metres.

Crane operations associated with construction require approval in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996.