

July 1, 2025

Teagan Lewis  
Acting Team Leader  
State Planning Commission

Via PlanSA Portal / email: [tegan.lewis@sa.gov.au](mailto:tegan.lewis@sa.gov.au)

Dear Teagan,

## RESPONSE TO REPRESENTATIONS (ID 24042402)

We act for, Obenox Pty Ltd as Trustee for Sue Crafter (**Applicant**) in relation to the abovementioned development application at 8 Hocking Place, Adelaide (**subject site**).

The purpose of this letter is to summarise and respond to the assertions made, and concerns raised during the notification period. We have since reviewed the representations and note that:

- 78 representations were made;
  - » 3 of the representors have offered unequivocal support for the proposed development;
  - » 6 of the representors have offered qualified support for the proposed development; and
  - » 70 of the representors are opposed to the proposed development;
    - 19 of the representors that are opposed to the development are adjoining land owners / occupiers.

We further summarise key matters raised by opposing representors below:

- building height
- affordable housing / social housing
- community safety and crime
- activation and vibrancy
- lack of on-site parking (cars and bicycles)
- overlooking
- overshadowing
- impacts on heritage buildings
- sustainability

When considering the matters raised by third parties it is instructive to keep in mind, as a general rule, that no development will be perfect, and a development does not need to be so in order to warrant planning consent. The task for the relevant planning authority is to assess whether the outcome is acceptable having regard to the relevant planning policies. In this regard, we say that it is.

Our responses are set out, in no particular order, below and should be considered together with:

- **Appendix 1:** updated compendium of drawings assembled by Tectvs;
- **Appendix 2:** letters in support provided by SAHT and various community housing providers;
- **Appendix 3:** updated sustainability report prepared by Summation;
- **Appendix 4:** updated traffic and parking assessment prepared by Cirqa;
- **Appendix 5:** updated waste management plan prepared by Colby Phillips Advisory;
- **Appendix 6:** updated civil / stormwater plan prepared by Structural Systems; and
- **Appendix 7:** wind impact assessment prepared by Vipac.

Our consolidated response is set out below.

### **Affordable / Social Housing**

The representation made by PBA contains several factual inaccuracies and demonstrates a lack of technical rigour. It is possible that the author may not be fully aware of the content of The South Australian Government Gazette (**Gazette**) dated 2 May 2024, or of the definition of affordable housing as it applies under the current planning frameworks. For clarity, affordable housing includes social housing provided by a community housing provider. In this regard, it is important to proceed to assess the proposal with the correct information regarding affordable / social housing.

Having established the above, we confirm that the development application is made on the basis that the proposal will satisfy the following requirements of Regulation 4 of the *South Australian Housing Trust Regulations 2010 - Determination of Criteria for the Purposes of Affordable Housing*:

#### **2. Determination of Criteria**

- (1) Land or a dwelling that is the subject of an application or policy to which this Notice applies will fall within the concept of affordable housing for the purposes of Regulation 4 of the Regulations if the developer/owner of the land or dwelling has a Legally Enforceable Obligation in place to ensure:
  - (b) that the land or dwelling will be sold to an Eligible Rental Provider for the purpose of that Eligible Rental Provider making the land or dwelling available for affordable lease or rent;

**"Eligible Rental Provider" means:**

- (b) a community housing provider (however described) that is registered under a law of, or under a scheme administered by, a State or Territory of the Commonwealth of Australia, including the Community Housing Providers National Law set out in Schedule 1 of the Community Housing Providers (National Law) (South Australia) Act 2013 (SA); or
- (c) a person (natural or corporate) approved to provide affordable rental under the 'National Rental Affordability Scheme'; or

The Applicant intends for this to be a commitment made via a "Legally Enforceable Obligation" which includes either a Land Management Agreement or a condition of planning consent.

We further note that the Minister responsible for administering the *South Australian Housing Trust Act 1995* has power of *direction* in relation to the imposition of a condition should the State Planning Commission issue planning consent. Given the above framework, the Applicant has expressly

requested the imposition of a "Legally Enforceable Obligation" to secure the applicants expressed commitment to 100% social (affordable) housing within the proposed building.

We further note that many representors have queried the suitability of the proposed land use, suggesting that community housing is not expressly envisaged within the Zone or Subzone. However, it is important to clarify that the Zone and Subzone include land use policies that state the following:

#### City Frame Subzone

**DO 1** *Primarily medium to high rise residential development supported by a mix of ground level shops, personal services, restaurants and community and hospitality uses, to create an active and visually continuous edge to the Adelaide Park Lands Zone.*

**PO 1.1** *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.*

#### Capital City Zone

**DO 1** *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.*

**PO 1.1** *A vibrant mix of residential, retail, community, commercial and professional services, civic and cultural, health, educational, recreational, tourism and entertainment facilities.*

In this context, community housing is a form of residential development—a point reinforced by the fact that such housing currently exists in the locality. We further highlight that the Salvation Army has been a part of the local community since 1899 (126 years).

The suggestion that social housing is not contemplated within the Zone or Subzone or at the density / concentration proposed misrepresents the intent of the Subzone, Zone and Code more generally. Social housing is clearly a form of residential accommodation and is envisaged by the provisions of the Subzone and Zone. We further direct attention to the many letters of support (**Appendix 2**) provided by the following community housing providers and state agencies that speak to the need for social housing:

- SA Housing Trust
- St Vincent de Paul Society Housing Australia
- Toward Home South Australian Alliance To End Homelessness
- The Salvation Army Australia Territory
- Housing Choices South Australia
- Hutt Street Centre

Accordingly, the proposed development is consistent with the intended land use outcomes of the Zone and Subzone, and there is simply no reasonable basis to conclude otherwise.

Lastly, we respectfully submit that decisions regarding the provision of social housing should align with the principles of equity, inclusion and community responsibility. While there is often strong and widespread support for social and affordable housing in principle, it is not uncommon for this support to become more tentative when specific proposals are brought forward within established neighbourhoods.

In this context, it is important to ensure that planning decisions do not inadvertently reinforce social disadvantage by limiting opportunities for diverse and inclusive communities. The intent of this proposal is to provide safe, secure and sustainable housing for those most in need — a goal that is consistent with broader societal and policy commitments to social equity and housing accessibility.

## Community Safety and Crime

Several representations raised concerns relating to antisocial behaviour and community safety, particularly in association with the proposed use of the development for social housing. While it is acknowledged that such concerns reflect genuine experiences and perceptions held by some members of the local community, it is important that planning assessments are informed by evidence-based policy rather than assumptions about particular demographic groups.

Experience and research consistently indicate that social disadvantage is shaped by a complex set of factors, including housing affordability, access to services, intergenerational disadvantage, and systemic inequality. It is therefore critical not to draw direct or causal links between social housing and community safety without careful consideration of historical context, local service provision, and the built environment's role in shaping outcomes.

The statutory assessment regime should avoid perpetuating harmful stereotypes and instead support inclusive, well-designed environments that foster safety, social connection, and equitable access to housing. In this context, the provision of on-site support services for residents, passive surveillance, and ground-floor activation are considered positive design features that can assist in creating a safe and supportive living environment for all residents.

We again draw attention to the letters of support provided by several community housing providers (refer **Appendix 2**), whose collective experience in working directly with vulnerable populations should be given meaningful weight in understanding the challenges faced by disadvantaged members of our community and the most effective strategies to improve their wellbeing.

While we acknowledge the concerns raised by representors, we respectfully note that matters relating to theft, crime, or anti-social behaviour fall within the remit of the South Australian Police (SAPOL), in collaboration with the Department of Human Services (DHS) and the Adelaide City Council. These agencies provide a coordinated and evidence-based response to homelessness and associated social issues within the City, including in the vicinity of the subject site.

## Traffic and Access

In response to concerns about on-site parking for cars and bicycles, and impacts to sightlines in Hocking Place, we provide the following response.

- the subject site is within the Capital City Zone and pursuant to Table 2 – Off-Street Car Parking Requirements in Designated Areas (**Table 2**) the subject site is in a Designated Area for the purposes of determining theoretical parking rates for classes of development;
  - » Table 2 specifies that no minimum / no maximum rate applies for on-site car parking;
  - » the provision of no on-site parking is an incentive (see Zone PO 4.2 (b)(v)) for more intense development that exceeds the maximum building height TNV;
  - » social housing is intended for individuals experiencing significant financial hardship, many of whom may not have the means to afford private vehicle ownership. As such, car ownership rates among this resident cohort tend to be low;

- bicycle parking is provided on the Ground Floor for 6 bicycles, and we note the following:
  - » many people that rely on a bicycle as their primary / only mode of transport prefer to keep their bike inside their apartment for safety and peace of mind. For this reason, bicycle storage provision has been made on balconies if needed;
  - » administering communal bike storage can involve ongoing costs, including access control, maintenance, and abandoned bikes left by former residents.
  - » in this instance, the Ground Floor space is better utilised for higher-value functions, such as the communal area for residents, and the resident support services operating from the consulting room, rather than for bike storage.
  - » while Transport, Access and Parking PO 5.1 talks about 'on-site parking that meets the needs' of the development, PO 9.1 talks about 'encouraging cycling as an active transport mode';
    - the intended outcomes of these policies are different, one being about meeting a need and the other about encouraging a mode of transport;
    - to again consider the resident cohort that will live in the building, we are satisfied there is adequate bicycle storage provision.
- the proposal has been amended to include a corner cut-off at the intersection between Hocking Place and the laneway to maintain the existing sightline conditions for pedestrians and motorist.

## Sustainability

Several representors endeavoured to cast doubt on the sustainability credentials of the proposal suggesting that occupant amenity is of a poor standard and the buildings overall environmental performance is questionable. While we remain confident the proposal achieves a substantial additional gain in sustainability, Nathan Lawry, a suitably qualified, experience and well respected sustainability consultant from Summation has prepared an updated Summary of Sustainability Initiatives statement (**Sustainability Report**) which is appended as **Appendix 3**.

Having undertaken a Whole-of-home energy assessment, Summation confirms that the proposal demonstrates **an 80% improvement over National Construction Code reference benchmarks**, with a performance score of 75/100 (where 100 equates to net-zero energy). In summary, the Sustainability Report confirms the proposed development is designed to provide a substantial additional gain in sustainability by delivering on the following outcomes in relation to the building construction and operation:

- achieving an average 8 Star NatHERS rating for all dwellings;
  - » originally an average of 7.5 Star NatHERS rating;
- 100% electric, gas free development which supports long-term decarbonisation in lieu of fossil-fuel reliance, as renewable energy contributions to the grid increase over time;
- 100% renewable electricity to be supplied for the first three years thereby making the building Net Zero Energy from day one (State Government has announced a 100% net renewable electricity grid target by 2027).
- a minimum 20kw system of solar panels will be installed on the roof of the building and will provide renewable energy directly into the building's electrical systems;
  - » originally 15kw system;
- water efficient fittings with the minimum WELS ratings (inc. 6 star taps, 4 star toilets, >7.5L/min 3 star showers);

- reduce embodied carbon emissions by selecting suitable materials and specifying low carbon products;
- providing flexible floor plates that can be readily adapted to other residential typologies (1 and 2 bedroom apartments) should the need ever arise;
- use high-performance double glazing to reduce heat ingress, and include shading and screens to control glare and indoor environmental quality; and
- targeted 90% construction waste diversion, and materials with reduced embodied carbon.

It must also be said that the Applicant's commitment to delivering a social housing outcome directly addresses the acute shortage of affordable and social housing across South Australia. The project responds to current and projected housing needs by providing safe, stable, and secure accommodation for individuals and families at risk of housing stress or homelessness. Research cited within the Sustainability Report (e.g. AHURI, ABS) confirms the critical need for such housing, and the associated social benefits which include:

- improved health, education, and employment outcomes;
- greater life stability and satisfaction for residents;
- reduced incarceration rates and crime; and
- reduced pressure on emergency and community services

We are confident that the proposal demonstrates best-practice outcomes across social, environmental and economic domains. The elevated sustainability standards achieved — particularly in the context of a constrained social housing model — represent a highly positive and sustainable planning outcome.

### Activation and Vibrancy

Several representors have expressed concern about the perceived lack of ground floor activation and opportunities for casual surveillance at street level. In this regard, the following Zone policies are relevant:

**PO 2.1** *Non-residential land uses at ground floor level such as shops and restaurants support and maximise pedestrian activity to provide visual interest and positively contribute to public safety, walkability and vibrancy.*

**PO 2.2** *Development:*

- contributes to the activation of the public realm by presenting an attractive human scaled pedestrian-oriented frontage at ground level that adds interest and vibrancy;*
- maintains a sense of openness to the sky for pedestrians and allow sunlight access to the public realm;*
- provides a clear sense of address to each building.*

**PO 2.3** *Land uses typically open during night time hours incorporate activities along street frontages at ground level that encourage day time activation compatible with surrounding land uses.*

The ground floor of the proposed building incorporates a communal area designed to enhance resident amenity and contribute positively to the streetscape by visually permeable materials, promoting street-level activation and enabling passive surveillance to improve safety and engagement with the public realm.

While access to these common areas will be restricted to building residents and their guests, the design and transparency of the Ground Floor façade system ensures a high degree of visual interaction with the surrounding street environment, supporting broader urban design objectives such as active uses at street level.

In addition, a consultation room is proposed at ground level, intended as a dedicated space for use by healthcare professionals, support workers, and other service providers. This facility will allow residents to attend on-site appointments, improving access to essential services and supporting tenant wellbeing.

We further highlight that no public footpath is currently provided along Hocking Place. Despite the assertions made by representors, the provision of a Ground Floor setback of 1400mm to Hocking Place will improve pedestrian comfort and safety creating a walkway that is separate from vehicle traffic and may support future public realm upgrades and integration by the City of Adelaide.

## Building Height

A number of representors, including a submission prepared by the PBA, have raised concerns that the proposed building height is inconsistent with the Code, and by extension, incompatible with the established and envisaged character of this part of the City.

It is important to clarify several factual inaccuracies contained within these representations, particularly in relation to the Bohem development located at 165 Wright Street. While the PBA submission correctly identifies that the Bohem site is not located within a designated subzone, it incorrectly states that the development is within a 53-metre maximum building height Technical and Numeric Variation (TNV).

The correct information regarding the Bohem site is that its located within a 22-metre TNV area. Furthermore, Bohem is not adjacent to any land within a 53-metre TNV; the closest such TNV is located approximately 100 metres away. All immediately adjacent land to the Bohem site is instead subject to a TNV of 22, 29, or 43 metres.

It is also evident that several submissions conflate the TNV as a prescriptive height limit, rather than its intended function as a guideline. Within the Capital City Zone, we further highlight that PO 4.2 explicitly envisages building heights that exceed the TNV, stating that additional building height is “*generally not contemplated* [note: this does not mean *never* contemplated] *unless*” a development can demonstrate a substantial additional sustainability outcomes and meet at least four other specific criteria. In such cases, no absolute height cap applies.

Accordingly, while the proposal exceeds the 29-metre TNV applicable to the subject site, this does not in itself render the development contrary to, or seriously at variance with the Code. The appropriateness of building height must be assessed holistically, having regard to the design quality, contextual fit, and achievement of performance-based planning outcomes.

In this regard, we highlight the many points made in *Section 7.4.1 Building Height* in our original planning report which remain relevant and highlight the following:

- the building will not breach the nominated PANS–OPS height threshold;
- there is no prescribed ‘maximum height’ for buildings that achieve the ‘over height’ criteria in Zone PO 4.2 and we further note that;
  - » the proposal achieves a substantial additional gain in sustainability (discussed elsewhere in this response); and
  - » at least 4 of the criteria in PO 4.2 (b) which are;
    - criterion (v) in that no on site car parking is provided;

- criterion (vi) in that the development provides at least 75 percent of the ground floor street fronts of the building being active frontages through the use of visually permeable materials;
- criterion (vii) in that the building has frontage to a public road that abuts the Adelaide Park Lands; and
- criterion (viii) in that the proposal includes **100% affordable housing** which will be offered as social housing.
- as custodians providing expert advice regarding impacts to Local Heritage Places, the Council has reviewed the proposal, including its height, and formed the opinion that  
*“The proposal is a reasonable design response to the adjacent Local Heritage listed Place.”*
- as custodians providing expert advice regarding impacts to State Heritage Places, Heritage SA has reviewed the proposal, including its height, and formed the opinion that:  
*“The proposed development is considered to be acceptable in relation to the above State Heritage Place for the following reason/s.  
“...there is no direct impact on the State Heritage Place.”  
“The proposed apartment building is considerably taller than the adjacent State Heritage Place. Adverse visual impact is not of major heritage concern ... the blue/grey brick podium visually reduces the scale of the proposed development ... the brick podium matches the height of the heritage place and other abutting buildings within the locale, providing visual continuity of development within the streetscape of the Square.”*

## Overshadowing

Several representors expressed concern about the overshadowing caused by the proposal. In relation to overshadowing, the following Code policies are relevant:

### General Development Policies – Interface Between Land Uses

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

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

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

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

**PO 3.3** – *Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:*

- (a) *the form of development contemplated in the zone*
- (b) *the orientation of the solar energy facilities*
- (c) *the extent to which the solar energy facilities are already overshadowed.*

It is important to note that several adjacent residential uses to the south and east of the subject site are within the Capital City Zone which is not a ‘neighbourhood-type’ zone as defined in Part 8 of the Code. Notwithstanding, several other properties to the east and southeast of the subject site are within the City Living Zone which is a ‘neighbourhood-type zone’ as defined in Part 8 of the Code.



The shadow diagrams prepared by Tectvs (as well as those prepared by representor 'Tropo') demonstrate that adjoining residential properties to the south and east of the site will experience some additional overshadowing during the mid to late afternoon on the Winter Solstice. Notwithstanding, direct sunlight access is maintained on the Winter Solstice for more than 3 hours during the morning portion of the day to north facing windows and private open space areas. The objective facts demonstrate that, on the 'worst day of the year', the proposal will clearly maintain access to direct winter sunlight in excess of that which is envisaged by PO 3.1 and PO 3.2.

Based on our observations using Nearmaps imagery dated 11 May 2025, we also suggest that the proposal will have minimal impact to the generating capacity of the existing rooftop solar arrays mounted on the Salvation Army building at 150 Gilbert Street, and we note the general absence of roof mounted solar arrays on other buildings to the south of, and in the general vicinity of the subject site as shown in Figure # below.

**Figure 1** Nearmap image dated 11 May 2025



## Outlook and Privacy

Overlooking was an issue raised by several representors.

### General Development Policies – Design in Urban Areas – Residential amenity in multi-level building

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

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

On the basis that the subject site is wholly contained within the Capital City Zone and adjoins the Park Lands, the proposal has been designed to promote views:

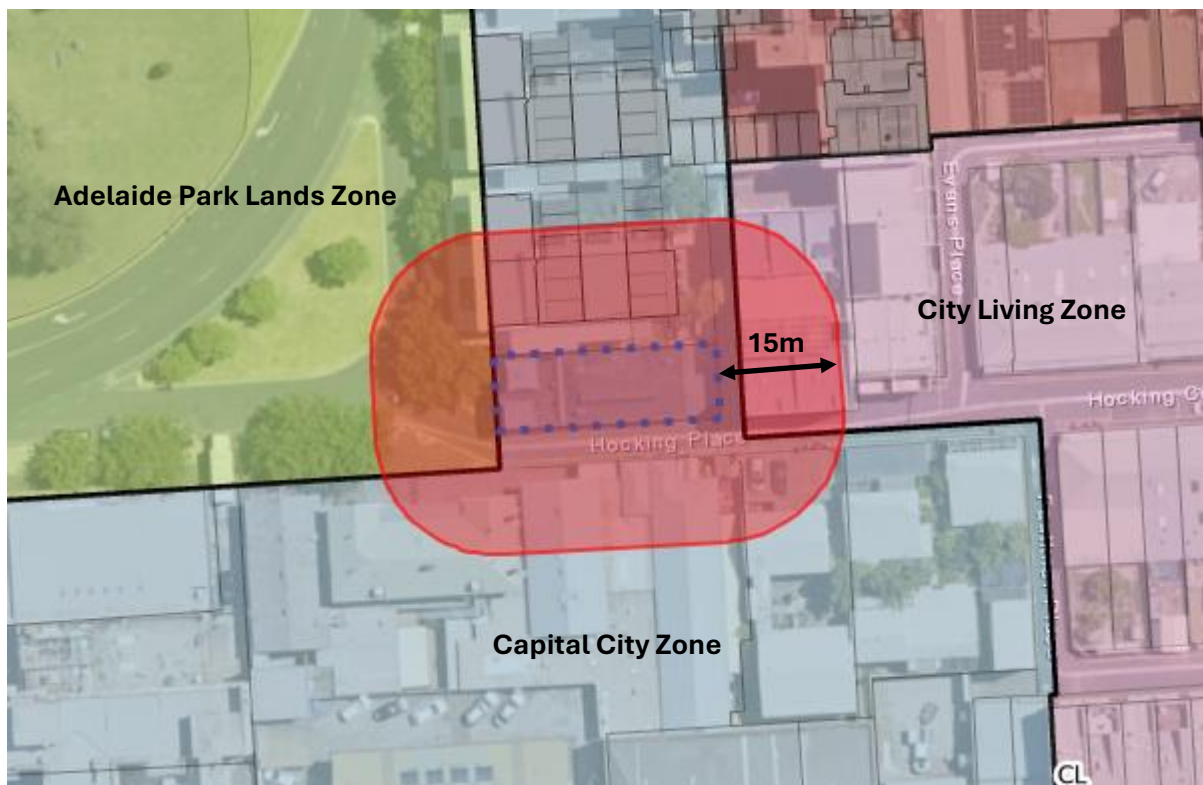
- Level 1 to Level 10:
  - » across Whitmore / Iparrityi Square from Apartment 01;

- » the south from Apartment 02 on Level 1 to Level 10; and
- » the south and south-eastern from Apartment 03 type.
- Level 11 to Level 13:
  - » across Whitmore / Iparrityi Square and to the north from Apartment 01; and
  - » to the north and east from Apartment 02.

Having considered these features of the building, we suggest that the proposal achieves an appropriate balance between the amenity provided to building occupants by gaining visual outlook and the reasonable privacy of neighbours (and occupants of the building) because:

- the Code expects occupants of high-rise buildings to have a satisfactory short-range outlook;
- the adjoining land to the north and south are within the Capital City Zone.
- adjacent land (immediately east – 12 Hocking Place) is used for residential purposes and sited within the ‘neighbourhood-type’, however, the dwellings are orientated such that there are no habitable room windows or private open space areas that will be impacted by direct overlooking; and;
- all other land within a 15 metres radius of the Site is within the Capital City Zone meaning that no residential properties will be impacted by *direct overlooking*.

**Figure 2** Direct overlooking range – 15m from property boundary.



## Heritage

The subject site is within the Heritage Adjacency Overlay for 70 Whitmore / Iparrityi Square, which includes a State Heritage Place and a Local Heritage Place as detailed below:

- State Heritage Place:
  - » Salvation Army Hostel (former Bushmen's Club) (State heritage place 13450)
    - the two-level red brick building facing Hocking Place and the two bluestone buildings.
- Local Heritage Place:
  - » William Booth Home (Local Heritage Place 1601 and part of State Heritage Place 13450)
    - the two-level red brick building facing Hocking Place; and

Pursuant to Section 122 of the Act, the application was referred to the Minister responsible for the administration of the *Heritage Places Act 2003*. Noting that the Minister has the power of *direction* in this instance, we draw attention to the written advice from the Minister's delegate which stated as follows:

*"The proposed development is considered to be acceptable in relation to the above State Heritage Place for the following reason/s.*

- *The building is proposed to be located opposite the subject State Heritage Place, 'Salvation Army Hostel, former Bushmen's Club', on the other side of Hocking Place. Therefore, there is no direct impact on the State Heritage Place.*
- *The proposed apartment building is considerably taller than the adjacent State Heritage Place. Adverse visual impact is not of major heritage concern though, as there is sufficient open space between the buildings to maintain views of the heritage place within the streetscape. Further, the blue/grey brick podium visually reduces the scale of the proposed development within the streetscape, as the brick podium matches the height of the heritage place and other abutting buildings within the locale, providing visual continuity of development within the streetscape of the Square."*

### Local Heritage Place

Pursuant to regulation 23(1)(b) of the Regulations, the proposal was referred to the Chief Executive Officer of the City of Adelaide (**Council**) to provide a report on technical matters as prescribed in regulation 23(3) (b) which states:

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

As the referral body responsible for providing technical comments regarding the impact of a proposed development on any local heritage place, on 2 April 2025, the Council provided the following advice:

*"The proposal is a reasonable design response to the adjacent Local Heritage listed Place."*

As provided above, both authorities on heritage are not opposed to the proposed development and are satisfied with the level of impact the proposal will have on the contextual setting of the State and Local Heritage Place that adjoin the subject site.

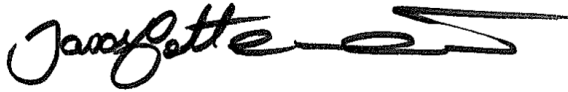
## **Conclusion**

We trust this adequately responds to the referral responses and written representations received by the State Planning Commission and remain firmly of the view that the proposal is deserving of planning consent.

We wish to confirm our attendance at the next available State Commission Assessment Panel hearing to respond to any third-party submissions. If you could kindly confirm the date of the meeting it would be greatly appreciated.

If, in the interim, you have any queries or concerns whilst finalising your assessment of the application, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jason Cattonar', followed by a long, horizontal, slightly wavy line that extends to the right.

**Jason Cattonar**  
Associate Director

*APPENDIX 1: architectural drawings*

*APPENDIX 2: letters in support*

*APPENDIX 3: sustainability*

*APPENDIX 4: traffic and parking assessment*

*APPENDIX 5: waste management plan*

*APPENDIX 6: civil / stormwater plan*

*APPENDIX 7: wind impact assessment*

**APPENDIX 1: *architectural drawings***

**APPENDIX 2: *letters in support***

### **APPENDIX 3: *sustainability***

## **APPENDIX 4:** *traffic and parking assessment*



## **APPENDIX 5:** *waste management plan*

**APPENDIX 6:** *civil / stormwater plan*

## **APPENDIX 7:** *wind impact assessment*