

Ref: 24ADL-0313



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2 April 2026

Andy Humphries  
Director, Development  
Planning and Land Use Services  
83 Pirie Street  
Adelaide SA 5000

*Uploaded to the PlanSA Portal*

Dear Andy,

## Variation to Application ID 24029287 – Buckingham Arms

On 22 January 2025, planning consent was issued for:

*‘Construction of a 10-level, mixed use building (comprising commercial/retail tenancies, serviced apartments and dwellings), basement carparking, installation of rooftop solar panels, refurbishment of a Local Heritage Place and the removal of four (4) significant trees and four (4) regulated trees.’*

This application seeks consent to vary the authorisation.

### Introduction

This letter outlines the proposed variations to DA 24029287. An assessment of the variations is also provided below.

This letter is accompanied by the following documents:

- Architectural drawings dated 3 March 2026 prepared by SMFA – **Appendix A**
- Amendment Register prepared by SMFA – **Appendix B**
- Updated Traffic Report dated 11 December 2025 prepared by CIRQA – **Appendix C**
- Updated Waste Management Plan dated 4 December 2025 prepared by Colby Phillips – **Appendix D**.
- Supporting statement from Just SDA – **Appendix E**.

We acknowledge the Kaurna People as the Traditional Custodians of the land on which we work and pay respect to Elders past, present and emerging.

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An itemised list of all variations is detailed in **Table 1** below.

The architectural drawings also respond to Reserved Matter 5:

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

**Table 1: Planning Amendment Register**

Item	Location	Description & Reasoning	Image / Drawing Reference
<b>General Form</b>			
01	Main Building Core	Alteration to main lifts and stair location - to achieve more efficient layout. Scissor stair amended to single stair.	Floor Plans
02	Building Envelope	Alterations to door and window alignments throughout to suit layout amendments following structural redesign. The same design intent has been maintained.	B4.00 West Elevations B4.01 East Elevations B4.02 South Elevations B4.03 North Elevations
03	Building Envelope at Main Entry	Alteration to external form at main entry point. To improve layout and architectural expression as a result of structural redesign (refer apartments 238, 322, 421, 521, 621)	Floor Plans
04	Building Envelope Levels 4 -6	Alterations to external wall alignment on levels 4 -7 (refer apartments 406-407, 506-507, 606-607)	B4.00 West Elevations B4.01 East Elevations B4.02 South Elevations B4.03 North Elevations
05	Plinth Materiality	Sandstone block plinth columns on ground level amended to brick to match ground floor apartments	B4.00 West Elevations B4.01 East Elevations B4.02 South Elevations



**Table 1: Planning Amendment Register**

06	Building Height	Top of parapet increased from 67,850 ASL to 68,050	B4.00 West Elevations B4.01 East Elevations B4.02 South Elevations B4.03 North Elevations																																							
07	Lift Overrun Height	Lift overrun height amended from 1,750mm above parapet to 2,345mm as a result of further detailed design development.	B4.00 West Elevations B4.01 East Elevations B4.02 South Elevations B4.03 North Elevations																																							
08	Setbacks	Minor setback adjustments to accommodate the structural grid. The changes, whether increased or decreased have been clouded and noted on the plans.	Floor Plans																																							
09	Floor to floor amendments	General floor to floor height amendments. Resulting in increased height of 200mm. <table border="1" data-bbox="480 1133 933 1637"> <thead> <tr> <th></th> <th>Approved SL</th> <th>Proposed SL</th> </tr> </thead> <tbody> <tr> <td>G</td> <td>36,000</td> <td>35,730</td> </tr> <tr> <td>L1</td> <td>40,200</td> <td>39,675</td> </tr> <tr> <td>L2</td> <td>43,200</td> <td>43,075</td> </tr> <tr> <td>L3</td> <td>46,200</td> <td>46,075</td> </tr> <tr> <td>L4</td> <td>49,200</td> <td>49,175</td> </tr> <tr> <td>L5</td> <td>52,200</td> <td>52,175</td> </tr> <tr> <td>L6</td> <td>55,200</td> <td>55,175</td> </tr> <tr> <td>L7</td> <td>58,200</td> <td>58,475</td> </tr> <tr> <td>L8</td> <td>61,200</td> <td>61,575</td> </tr> <tr> <td>L9</td> <td>64,200</td> <td>64,575</td> </tr> <tr> <td>L10</td> <td>67,200</td> <td>67,775</td> </tr> <tr> <td>Parapet</td> <td>67,850</td> <td>68,050</td> </tr> </tbody> </table>		Approved SL	Proposed SL	G	36,000	35,730	L1	40,200	39,675	L2	43,200	43,075	L3	46,200	46,075	L4	49,200	49,175	L5	52,200	52,175	L6	55,200	55,175	L7	58,200	58,475	L8	61,200	61,575	L9	64,200	64,575	L10	67,200	67,775	Parapet	67,850	68,050	B4.00 West Elevations B4.01 East Elevations B4.02 South Elevations B4.03 North Elevations
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<b>Ground Floor</b>																																										
10	Ground Floor – End of Trip Facilities	Location changed – to achieve more efficient layout and centralised access	B2.22 Ground																																							



**Table 1: Planning Amendment Register**

11	Ground Floor – Waste Room	Layout amended - to improve functionality	B2.22 Ground
12	Ground Floor – Townhouses waste room	Room relocated – to achieve increased area	B2.22 Ground
<b>Level One</b>			
13	Level One – External Form	Alteration to built form at main entry and Northcote Terrace to suit structural requirements	B2.23 Level 1
14	Level One – Residential Flat Building	24 serviced apartments (hotel rooms) amended to 26 apartments (6x one-bedroom and 20x studio apartments)	B2.23 Level 1
15	Level One – Townhouses	Removal of the 1 Bed Two Storey apartment to provide location for pool pump room and services.	B2.23 Level 1
<b>Level Two</b>			
16	Level Two – Residential Flat Building	33 serviced apartments (hotel rooms) amended to 25 apartments. Cinema, golf simulator, sauna, steam room, private function room and wine room removed.	B2.24 Level 2
17	Level Two – Residential Flat Building	Rooms added to interior of the Northcote wing	B2.24 Level 2
18	Level Two – Pool Deck	Inclusion of free standing patio structure on pool deck	B2.24 Level 2
19	Level Two – Communal Facilities	Gym relocated to location previously nominated as private function room.	B2.24 Level 2
20	Level Two – Pool and Spa	Pool and spa redesigned to suit DDA access	B2.24 Level 2
<b>Level Three</b>			
21	Level Three- Apartments	Apartment layout alterations following structural redesign. 24 apartments amended to 23	B2.25 Level 3



Table 1: Planning Amendment Register			
<b>Level Four</b>			
-	-	-	-
<b>Level Five</b>			
22	Level Five – Apartments	21 apartments amended to 22.	B2.26A Level 5
<b>Level Six</b>			
223	Level Six – Apartments	21 apartments amended to 22.	B2.26B Level 6
<b>Level Seven</b>			
24	Level Seven – Apartments	11 apartments amended to 13.	B2.27 Level 7
<b>Level Eight</b>			
25	Level Eight - Apartments	11 apartments amended to 13.	B2.28 Level 8
<b>Level Nine</b>			
-	-	-	-

In summary, the variation results in the following yield changes:

**Table 2 – Yield Comparison**

Dwelling Type	Current Yield	Variation Yield	Difference
Terrace Apartments	14	13	-1
Apartments	116	172	+56
Serviced Apartments	57	0	-57
Non-residential i.e. shop (restaurant)	1,460m <sup>2</sup>	1,475m <sup>2</sup>	+15m <sup>2</sup>

### Reasons for Variation

The proposed variations to DA24029287 have been made for several reasons as the applicant progresses construction. The primary driver of the changes is the applicant’s commitment to deliver supported accommodation and affordable housing. For this to

occur in the manner approved early funding and firming up a Community Housing Provider (CHP) partnership is required.

The variations to residential apartment sizes and configurations are the direct result of requirements to secure funding via a Housing Australia Future Fund (HAFF) and a \$20million (32 apartments) presale to a CHP. These funding arrangements underpin the project viability but also guarantee the delivery of supported accommodation and affordable housing as committed.

For additional context, there are only a few lenders that will fund such a diverse housing delivery. The proposed variations and removal of serviced apartments increase the number of lending options from 1 to 4. While not contemplated in the Code policy, this means the variations and mix of residential apartment typologies are strongly tied to commercial feasibility. It also allows for the delivery of the approved supported accommodation and affordable housing commitments.

The applicant wants to ensure that the public benefit, funding mechanics, and delivery risks associated with the provision of affordable housing in this locality is well understood by the relevant authority and referral authorities.

Importantly, the variations will continue to deliver 17.2% affordable housing dwellings and 14 supported accommodation/NDIS dwellings, all with access to exemplary communal amenities and in an exceptional location. This exceeds the 15% affordable housing ambition of the Affordable Housing Overlay and satisfies the private and communal open space provisions in the Code.

## Planning Assessment

We provide an assessment against the following planning considerations:

- Land Use.
- Building Height.
- Building Setbacks.
- Residential Amenity.
- Communal Open Space.
- External Appearance.
- Car Parking.
- Affordable Housing.

## Land Use

As above, DA24029287 comprises a 10-level mixed-use building. The uses include commercial/retail tenancies, serviced apartments and dwellings. This is more broadly defined as the following land uses:

- Shop – commercial/retail tenancies.
- Tourist Accommodation – serviced apartments.
- Residential flat building – apartment dwellings.

The variation seeks to remove the tourist accommodation land use. The development will continue to provide a 10-level mixed-use building comprised as a residential flat building with ground-level commercial/retail tenancies.

The mix of land uses continues to be acceptable at the site.

## Building Height

The variation seeks a minimal increase to the overall building height of the development. The height increase is a result of detailed design, primarily the design of plumbing and services between the building levels and further understanding of lift over-run heights.

Part 8 – Administrative Terms and Definitions provides the following:

Term	Definition
<b>Building height</b>	<p><i>Means the maximum vertical distance between the reference point at any point of any part of a building and the finished roof height at its highest point immediately above the reference point, <b>ignoring</b> any antenna, aerial, chimney, flagpole or the like or <b>any lift overruns</b> or stairwell protrusions that are used for maintenance purposes only. For the purposes of this definition, building does not include any of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) flues connected to a sewerage system</i></li> <li><i>(b) telecommunications facility tower or monopole</i></li> <li><i>(c) electricity pole or tower</i></li> <li><i>(d) or any similar structure.</i></li> </ul>

Term	Definition
	<b>NOTE: for the purposes of this definition, reference point means the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency)</b>

Importantly, the building height definition ignores any lift over-runs in the calculation.

**Table 1** below provides a comparison of the proposed variation to building height. Under the Code’s definition this represents a 1.7% increase to the approved height of the building. This increase in height is minor and inconsequential in context of the overall development at the site. It is our view that the overall building height remains acceptable as a result of the variation.

**Table 1 – Comparison of change to building height**

Building Height Measurement	DA Reference	Height (m)	Height change (m)	% change
Measured from tallest part of the building i.e top of rooftop services	DA 24029287	33.743m	0.808m increase	2.4% increase
	Proposed variation	34.551m		
Measured from top of lift overrun	DA 24029287	32.351m	2.45m increase	7.5% increase
	Proposed variation	34.801m		
Measured from top of roof/parapet This responds to the building height definition in Part 8.	DA 24029287	31.944m	0.546m increase	1.7% increase
	Proposed variation	32.49m		

### Building Setbacks

Minor changes to building setbacks are proposed. The changes (both increases and decreases to building setbacks) are required to accommodate the structural grid.

These changes have a minimal impact on how the building is perceived in its context. The siting of the building on the subject land remains acceptable.

## Residential Amenity

The variation seeks to replace serviced apartments (tourist accommodation) with residential apartments (dwellings).

The variation continues to provide a variety of dwelling sizes and bedroom numbers to contribute to the desired housing diversity.

The Design in Urban Areas General Development Policy provides the following provisions relating to private open space and residential amenity for apartments:

**PO 31.5** *Habitable room dimensions ensure functional living spaces with reasonable occupant amenity and accommodate household furniture and fixing needs.*

**DPF 31.5** *Habitable rooms have minimum dimensions (excluding any kitchen/dining space, fixed storage, or cupboards) in accordance with the following table:*

Accommodation type	Habitable room type	Minimum internal dimension
Dwelling	Main bedroom	3m
	Secondary bedroom	3m x 2.5m
	Living room - studio and 1 bedroom dwelling	3.3m
	Living room - 2+ bedroom dwelling	3.6m
Co-living	Living area / studio format	3m
	Separate bedroom	2.5m

The internal building work changes and reconfiguration to apartments has been designed to respond to the above provisions. The apartment designs also provide diversity in housing product to suit the range and needs of future occupants.

The apartments continue to provide functional living spaces with a focus of providing a reasonable occupant amenity to satisfy PO 31.5.

## Communal Open Space

The Code provides the following provisions relevant to communal open space in a medium to high-rise residential flat building:

**PO 27.1** *Dwellings and co-living are provided with suitable sized areas of usable private open space or communal open space to meet the needs of occupants.*

**DPF 27.1** *Private open space or communal open space provided in accordance with Design in Urban Areas Table 1 - Private Open Space or Design in Urban Areas Table 2 - Communal Open Space:*

**Table 2 – Communal Open Space**

Dwelling/Accommodation Type	Minimum Rate
<i>Dwelling in a residential flat building, or mixed use building which incorporate above ground level dwellings</i>	<i>The equivalent private open space rate specified in Table 1 – Private Open Space for the 5 dwellings with the most bedrooms, plus 4m<sup>2</sup> for each additional dwelling above 5, until a total area of 250m<sup>2</sup> is reached.</i>

**PO 27.2** Where possible, dwellings and co-living residences are designed to provide outlook from main living areas to private open space or communal open space.

The development provides over 900m<sup>2</sup> of communal open space at Level 1. This is over four times the minimum rate provided in Table 2 to satisfy DPF 27.1 above.

PO 27.1 provides that dwellings must be provided with suitable sized, usable areas of private open space or communal open space. The variation continues to satisfy this provision with the provision of private open space for each apartment in addition to extensive communal open space within the complex.

### Internal Layout

Internal layout changes are proposed throughout the development, these include:

- Adjustment to stair location within building core.
- Reconfiguration of apartment numbers, sizing and locations.
- Removal of golf simulator, sauna, steam room, private function room and wine room.
- Repurposing private function room as gym.

The proposed internal changes have little to no impact to the overall appearance of the development. Variations continue to support a functional layout and provision of services and amenity beyond private open space for all residents.

### External Appearance

Variations to the external appearance of the building are proposed, these include:

- Sandstone block plinth columns on ground level amended to brick to match ground floor apartments.
- Alterations to door, window and balcony alignments throughout.

The sandstone block plinth is replaced by a textured brick of a similar colour. The proposed changes to external materials continue to provide a high-quality overall appearance of the building.

The changes to external window, door and balcony locations are essential to accommodate the internal layout changes. These adjustments have a limited impact to the overall appearance of the building.

Despite variation, the external materials, finishes and appearance of the development remain high quality.

### Car Parking

The Code provides the following relevant car parking rates within designated areas:

Land Use	Car Parking Rate
Tourist Accommodation	1 space for every 4 bedrooms up to 100 bedrooms (equivalent to 0.25 spaces per room)
Apartment – Studio	0.25 spaces per apartment
Apartment – One bedroom	0.75 spaces per apartment
Apartment – Two bedrooms	1 space per dwelling
Apartment – Three or more bedrooms	1.25 spaces per dwelling

The replacement of serviced apartments with residential apartments (dwellings) requires a revised car parking assessment. This has been completed by CIRQA, see **Appendix C**.

The variation does not propose any changes to the approved two-level basement. The basement provides 120 parking spaces at Level 1 and 131 spaces at Level 2.

CIRQA’s report demonstrates that the development continues to provide a surplus of on-site car parking spaces to support the development.

### Affordable Housing

Condition 7 of DA24029287 confirms the commitment to provide a minimum of 15% as affordable housing. The variation does not seek to amend this condition, nor does it remove or alter the affordable housing commitment by the Applicant. This is further reinforced by a requirement to register an Affordable Housing Land Management Agreement on the title of the land.

The variation results in a total yield of 185 dwellings. This includes 13 terrace apartments and 172 apartments comprised of:

- 14 supported accommodation (NDIS) dwellings (7.5% of total dwelling yield)
- 32 'affordable housing' dwellings (17.3% of total dwelling yield), and
- 126 standard apartments.

The affordable housing and supported accommodation commitments of the project remain unchanged. For clarity, plans confirm the affordable housing and NDIS apartments at Levels 1-8. Cumulatively, this delivers 25% alternative housing options for the community.

Since approval of DA24029287 the applicant has been working diligently to secure the affordable housing and supported accommodation commitments for the development, see **Appendix E**. Delivery of these housing options is a fundamental objective for the Applicant.

### Reserved Matter 5

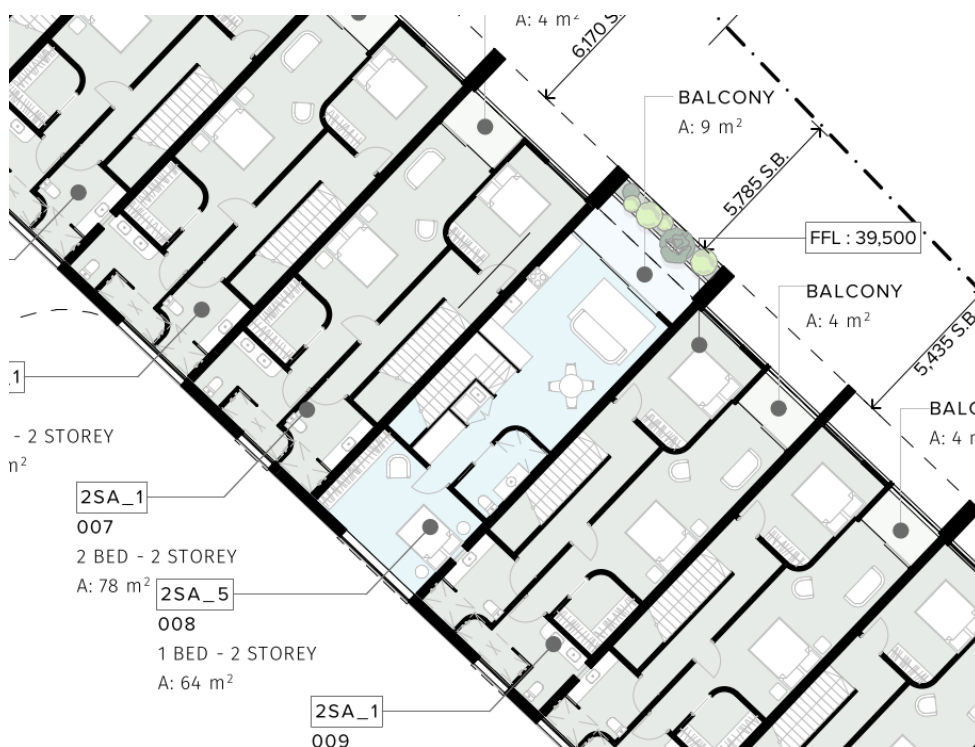
The following reserved matter, Reserved Matter 5, was applied to the planning consent:

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

The terrace apartment (townhouse) referred to as 008 on the original planning consent has been removed. The plant equipment for the swimming pool located above is now located in the space previously occupied by terrace apartment 008. Refer **Figures 1 and 2** below.



**Figure 1: Proposed variation – single level terrace apartment 008 removed, swimming pool plant room now located in place of apartment.**



**Figure 2: Approved plans - single level terrace apartment 008 located above waste storage**

A balustrade schedule is now included on the relevant plans of Appendix A.

Privacy treatments have been applied to balconies internal to the site which face each other and to the north east facing balconies of apartments 307 (previously 308) and 405 and 406 (previously 406).

Reserved Matter 5 is therefore satisfied.

## Conclusion

This variation has ultimately been driven by opportunities to provide additional housing in this prime location. Market analysis has informed the decision to remove the tourist accommodation (serviced apartments) and reconfigure the approved built form. The variation continues to provide a diverse size and range of dwellings as sought by the Code.

The reconfiguration of the approved built form also continues to honour the project commitments to deliver affordable housing and supported accommodation.

Please contact me on 8333 7999 if you have any questions.

Yours sincerely



**Matilda Asser**  
Senior Consultant