

Council Assessment Panel Agenda & Reports

17 June 2024

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au
Socials [f /cityofnpsp](https://www.facebook.com/cityofnpsp) [@cityofnpsp](https://www.instagram.com/cityofnpsp)



City of
Norwood
Payneham
& St Peters

12 June 2024

To all Members of the Council Assessment Panel:

- Mr Stephen Smith (Presiding Member)
- Mr Julian Rutt
- Cr Christel Mex
- Mr Paul Mickan (Deputy Member)
- Mr Mark Adcock
- Mr Ross Bateup
- Cr Kester Moorhouse (Deputy Member)

NOTICE OF MEETING

I wish to advise that pursuant to Clause 1.5 of the Meeting Procedures, the next Ordinary Meeting of the Norwood Payneham & St Peters Council Assessment Panel, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 17 June 2024, commencing at 7.00pm.

Please advise Tala Aslat on 8366 4530 or email taslat@npsp.sa.gov.au if you are unable to attend this meeting or will be late.

Yours faithfully



Geoff Parsons
ASSESSMENT MANAGER

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au
Socials  /cityofnpsp  @cityofnpsp



City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOOR

PRESENT

Panel Members

Staff

APOLOGIES

ABSENT

1. **COMMENCEMENT AND WELCOME**
2. **APOLOGIES**
3. **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 20 MAY 2024**
4. **DECLARATION OF INTERESTS**

5. DEVELOPMENT APPLICATIONS – PDI ACT

**5.1 DEVELOPMENT NUMBER 24003919 - PROSKE ON BEHALF OF G&A
– 18 TRINITY STREET, COLLEGE PARK**

DEVELOPMENT NO.:	24003919
APPLICANT:	Proske on behalf of G&A
ADDRESS:	18 TRINITY ST COLLEGE PARK SA 5069
NATURE OF DEVELOPMENT:	Single storey alterations and additions to existing dwelling (Local Heritage Place) including the construction of a basement (with associated earthworks), a swimming pool and new side and rear boundary fencing
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Established Neighbourhood Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Historic Area • Hazards (Flooding - General) • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Minimum Site Area (Minimum site area for a detached dwelling is 900 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Site Coverage (Maximum site coverage is 40 per cent)
LODGEMENT DATE:	29 Feb 2024
RELEVANT AUTHORITY:	Assessment panel at City of Norwood Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.3 15/02/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Kieran Fairbrother, Senior Urban Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Council Heritage Advisor City Arborist Consultant Hydrological Engineer

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APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 5:	Representations
ATTACHMENT 1:	Application Documents	ATTACHMENT 6:	Response to Representations
ATTACHMENT 2:	Subject Land & Locality Maps	ATTACHMENT 7:	Internal Referral Advice
ATTACHMENT 3:	Zoning & Overlay Maps	ATTACHMENT 8:	Public Notification Documents
ATTACHMENT 4:	Representation Map		

BACKGROUND:

By way of development application 22020951, the applicant has development authorisation for alterations and additions to the dwelling, including the construction of the freestanding fireplace and the front fence as shown on the plans in **Attachment 1**. Some of the representations make reference to these structures and so it is important to highlight that these do not form part of the subject application, but in fact are already approved structures.

DETAILED DESCRIPTION OF PROPOSAL:

This proposal involves:

- The demolition of side and rear boundary fencing and the existing garage/outbuilding;
- The construction of a large single storey dwelling addition that includes a double garage, linked to the existing dwelling by a glazed walkway;
- The construction of a large basement under the dwelling addition that extends a length of 33.7m 600mm from the southern side boundary;
- The construction of a swimming pool and associated outbuilding with a sauna and toilet;
- The construction of new boundary fencing along the rear and side boundaries; and
- Associated earthworks and landscaping

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 18 TRINITY ST COLLEGE PARK SA 5069

Title ref.: CT
5282/931

Plan Parcel: F136330
AL79

Council: THE CITY OF NORWOOD PAYNEHAM AND
ST PETERS

Shape:	regular
Frontage width:	approx. 28.8 metres
Area:	approx. 1200m ²
Topography:	relatively flat, with a slight gradient from east to west
Existing Structures:	a large single-storey dwelling (Local Heritage Place) and an outbuilding at the rear of the site
Existing Vegetation:	very little

Locality

The locality chosen for this assessment is shown in **Attachment 2** and includes all of Trinity Street and part of the grounds of St Peter's College. Trinity Street is characterised by low density living in the form of predominantly single storey detached dwellings on large, spacious allotments with generous gardens. This, combined with the wide, tree-lined street provides a high level of amenity to this locality.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Dwelling addition: Code Assessed - Performance Assessed
 - Building Alterations: Code Assessed - Performance Assessed
 - Fence: Code Assessed - Performance Assessed
 - Demolition: Code Assessed - Performance Assessed

Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed
Outbuilding: Code Assessed – Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
The proposal involves the construction of boundary walls that exceed 8m in length and 3.2m in height
- **LIST OF REPRESENTATIONS**

First Name	Family Name	Address	Position	Wishes to be heard?
Phillip	Brunning	On behalf of the occupiers of 16 Trinity Street, College Park	Opposed	Yes
Nick	LeMessurier	PO Box 2643 KENT TOWN DC 5071	Opposed	No
Dianne	Craddock	13 Trinity Street COLLEGE PARK 5069	Opposed	No
Leanne	Dibbens	14 Trinity Street COLLEGE PARK 5069	Opposed	Yes
Anna	van den Broek	9 Trinity Street COLLEGE PARK 5069	Support, with concerns	Yes
James	Cudmore	15 Trinity Street COLLEGE PARK 5069	Opposed	Yes

- **SUMMARY**

The concerns raised by the six (6) representors can be generally summarised as follows:

- Whether the proposed additions can be considered additions or as a second dwelling on the land;
- The potential damage for the proposed development to constitute a tree-damaging activity with respect to the regulated street tree adjacent the front boundary of the subject land;
- The proposed building footprint being too large and leaving little room for landscaping;
- The proposed building footprint and setbacks are inconsistent with the valued streetscape characteristics of the historic area;
- The proposed boundary development will negatively impact neighbouring visual outlook and access to sunlight and is at odds with the quantitative measures in the DPFs of the Established Neighbourhood Zone;
- The loss of vegetation on neighbouring land as a consequence of the boundary development proposed;
- Concerns regarding structural instability to neighbouring land resulting from the proposed basement excavation;
- Concerns about excavating into the water table;
- The garage being too dominant in the streetscape and dominating the Local Heritage Place;
- The picket front fence shown on the renders as being out of character (*note: the fence does not form part of this application*);
- The basement being out of character with the street.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

- David Brown, Heritage Advisor
 - Council's Heritage Advisor is supportive of the proposal.
- Matthew Cole, City Arborist
 - Council's City Arborist is supportive of the proposal, subject to appropriate conditions that mitigate any potential adverse effects being caused to the regulated street tree.
- Tonkin, Hydrological Engineer (external consultant engaged by the Council)
 - The consultant at Tonkin is supportive of the proposal from a flooding and stormwater perspective.

PLANNING ASSESSMENT

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

Land Use

Several representors, in their submissions, raised the question of whether this proposal can accurately be described as involving dwelling additions. Conversely, the representors submitted that the development involves the construction of 'ancillary accommodation' rather than a dwelling addition by virtue of the addition containing all necessary elements to constitute 'ancillary accommodation', or alternatively that it was a second dwelling on the land. One representor suggested the development may constitute an outbuilding, but definitionally that cannot be the case since an outbuilding is 'non-habitable'.

Council administration have turned their mind to this question, and specifically to whether the proposal is for a second dwelling on the land and therefore whether it also involves the conversion of the existing detached dwelling into a residential flat building containing two dwellings.

By way of background, the following definitions are relevant:

Ancillary Accommodation:

Means accommodation that:

- (a) *Is located on the same allotment as an existing dwelling; and*
- (b) *Can be (but need not be) a self-contained residence; and*
- (c) *Contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and*
- (d) *Is subordinate to and does not have separate connections to utilities and services... to those servicing the existing dwelling.*

Dwelling:

Means a building or part of a building used a self-contained residence.

Detached dwelling:

Means a detached building comprising 1 dwelling on its own site and has a frontage to a public road...

Residential flat building:

Means a single building in which there are 2 or more dwellings.

The proposed development cannot be ancillary accommodation because it includes more than “2 bedrooms or rooms or areas capable of being used as a bedroom”. Thus, the question is whether the proposed development constitutes a dwelling in its own right and therefore involves the conversion of the existing detached dwelling into a residential flat building, or whether the proposed development is simply additions to the existing detached dwelling as described by the applicant.

Relevantly, the proposed development includes all things necessary to be a self-contained residence. The building has: 2 bedrooms (plus other rooms capable of being used as bedrooms), an open-plan living area that includes a lounge room, a kitchen and a dining area, a double garage, a laundry, a pantry, and an outdoor alfresco. The existing dwelling has 3 bedrooms, each with their own bathroom, an open-plan living area including a lounge room and kitchen/dining area, a study, a ‘music room’, but no separate laundry. Notably, the site is served by two vehicle crossovers also, so it is reasonable to view the proposed development as involving the construction of a second dwelling on the land. However, it is the applicant’s submission that this development be considered and assessed as, amongst other things, additions to an existing detached dwelling, and not as a second dwelling on the allotment.

In determining the nature of this development, it is important to consider case law on this point. Wells J in *Prestige Car Sales Ltd v Town of Walkerville and Shuttleworth* (1979) 20 SASR 514 said at [520], in respect of the use of land:

the object of the survey should be to decide whether, having regard to the purpose of the former use of the subject building, and to the purpose of the use that would be made of it after execution of the proposals, there would, as a matter of fact and degree, be a change in the essential nature of the existing use if consent were granted.... No one factor is necessarily decisive. There should be no resort to a convenient, but indiscriminating and over simplified, formulae.

The ERD Court in *Stewart v McQuade* [1997] EDLR 267 held, at [11], that whilst the form of a building may considerably influence its use, form cannot be decisive in determining use. For example, a building may look like a dwelling but be used as an office.

This case concerned alterations to an existing outbuilding to include a stove and sink, which the Council submitted amounted to a change in use to a dwelling. However, there was an existing and valid condition on the use of the existing outbuilding which prevented it being used as a separate place of habitation (e.g. a dwelling), which would still apply after the installation of the stove and sink. In its decision, the Court held that while this building contains all things necessary to be considered a self-contained residence, it remained an outbuilding because existing and continuing planning conditions prevented otherwise.

In *Cairo v The Corporation of the City of Norwood Payneham & Anor* [2018] SAERDC 11, the Court considered whether a room that appeared as a garage (with a roller door) was a garage by matter of fact or law, despite the approved plans describing it as a “store/games room”. The Court held, at [58]:

... I am not persuaded that these rooms are in fact ‘garages’. The rooms are approved as ‘store/games rooms’. There is nothing inherently deficient with respect to the dimensions or functionality of these rooms which dictates that they cannot be utilised for and function as a store/games rooms. It does not matter, in my opinion, whether they look like garages or can, in certain circumstances, function like garages. Importantly, the approval which the Council has granted contains an express condition precluding the rooms from being used as garages.

With respect to the subject proposal, the form of the proposed development lends itself to being viewed as constituting a second dwelling on the land and therefore involving a change of use of the existing detached dwelling to a residential flat building. The fact that there is no separate private open space for what could be considered to be two separate dwellings does not derogate from this perception, nor does the absence of a second, separate covered car parking structure.

Nonetheless, the application was described by the applicant as being for additions to the existing dwelling, and while it is up to the relevant authority to determine the nature of the development, some weight must be

placed on that sought by the applicant. In this case there is no intention by the landowner/applicant to seek to have the proposed development separately occupied by lease or other agreement, nor has the landowner/applicant applied for the division of the land either. Further, there is nothing in the definition of 'dwelling' or 'self-contained residence' that prevents such from having more than one kitchen or more than one living area or more than a certain number of bedrooms. Whether or not the multiplicity of such constitutes a different use of the land will be a matter of fact and degree.

With respect to this development, consistent with the decision in *Prestige Car Sales*, the use of the land, and the whole building upon completion of the development will, *prima facie*, remain as a detached dwelling. Accordingly, the proposed development is, among other things, additions to the existing dwelling and not the construction of a second dwelling.

If the Panel is inclined to grant consent to this application (after consideration of all other pertinent matters), it may wish to impose a condition restricting the separate lease or occupation of these additions. Recent changes to the *State Planning Commission Practice Direction 12 (Conditions) 2020* prohibits the imposition of a condition that prevents the leasing, renting or occupation of ancillary accommodation (my emphasis), but not for detached dwellings, or part thereof. Accordingly, Council administration is of the view that a condition to the following effect would be valid and enforceable, if the Panel felt so inclined to impose it:

"The dwelling additions herein approved shall only be used in conjunction with the existing dwelling and by persons resident therein and shall not be separately occupied, rented or leased."

Demolition

Performance Outcome 7.3 of the Historic Area Overlay states:

"Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished."

Performance 6.2 of the Local Heritage Place Overlay states:

"The demolition, destruction or removal of a building, portion of a building or other features is appropriate where it does not contribute the heritage values of the Local Heritage Place."

The proposal involves the demolition of the existing garage/outbuilding and boundary fencing. Neither of these buildings contribute to the heritage values of the Local Heritage Place or conform with the values described in the Historic Area Statement and therefore may be demolished.

Building Height

Performance Outcome 4.1 of the Established Neighbourhood Zone states:

"Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings."

The corresponding Designated Performance Feature includes a Technical and Numeric Variation of 2 levels for maximum building height.

Performance Outcome 1.1 of the Historic Area Overlay states:

"All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement."

In respect of building height, the Historic Area Statement says: *"single storey, two storey in some locations"*.

Performance Outcome 2.1 of the Historic Area Overlay states:

“The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.”

Performance Outcome 2.2 of the Historic Area Overlay states:

“Development is consistent with the prevailing building and wall heights in the historic area.”

Performance Outcome 1.2 of the Local Heritage Place Overlay states:

“Massing, scale and siting of development maintains the heritage values of the Local Heritage Place.”

The existing dwelling is single storey in height with an unusual front elevation comprising asymmetrical gables and steeply pitched roofs (50°). The existing dwelling is approximately 6.4m tall to the highest ridge, with external street-facing wall heights of approximately 3.5m.

The proposed garage has 3.5m external wall heights, a 40° pitched gable roof and measures 6m tall to the ridge. The gable structure is sympathetic to the gable roofs of the Local Heritage Place and with slightly shorter wall and roof heights is a contextually appropriate response.

The remainder of the additions are flat-roofed and have varying wall heights of between 2.25m and 4.8m. The taller of these walls are set well back into the property such that they do not diminish the heritage values of the Local Heritage Place, and the balance of the additions are consistent with the building and wall heights in this historic area per the above Performance Outcomes.

Site Coverage, Setbacks, and Impacts on Neighbouring Properties

Performance Outcome 3.1 of the Established Neighbourhood Zone states:

“Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.”

The corresponding Designate Performance Feature suggests a maximum of 40% site coverage might be one way to satisfy the Performance Outcome.

Performance Outcome 21.1 of the Design in Urban Areas module states:

“Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.”

This development proposes a site coverage of approximately 51.7%, above the 40% suggested by DPF 3.1 of the Zone. Notwithstanding, as will be explained in following sections, the proposed footprint does not detract from the streetscape appearance of the site nor the opportunity to provide meaningful soft landscaping and private open space. In fact, approximately 310m² of private open space and 334m² of soft landscaping will be provided for this site upon completion of this development. The consequent visual impact will be discussed further below, but the footprint of the building is not considered to be at variance with PO 3.1 of the Zone, and PO 21.1 of the Design in Urban Areas module is equally considered to be satisfied.

Performance Outcome 7.1 of the Established Neighbourhood Zone states:

“Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.”

Performance Outcome 8.1 of the Established Neighbourhood Zone states:

“Buildings are set back from side boundaries to provide:

- (a) *Separation between buildings in a way that complements the established character of the locality*
- (b) *Access to natural light and ventilation for neighbours.”*

Performance Outcome 9.1 of the Established Neighbourhood Zone states:

“Buildings are set back from rear boundaries to provide:

- (a) Separation between buildings in a way that complements the established character of the locality*
- (b) Access to natural light and ventilation for neighbours*
- (c) Private open space*
- (d) Space for landscaping and vegetation.”*

Performance Outcome 2.4 of the Historic Area Overlay states:

“Development is consistent with the prevailing front and side boundary setback pattern in the historic area.”

Performance Outcome 20.3 of the Design in Urban Areas module states:

“The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.”

The proposed dwelling additions are predominantly contained to the south of the subject land and so it is the neighbours to the south and the west that will be most impacted by this development.

With respect to the rear boundary, the proposal involves a boundary wall measuring 4.7m in height and 7m in length abutting a smaller wall of 3.2m tall and 900mm wide. These walls are located adjacent the tennis court on the neighbouring allotment. These walls do not unreasonably impact the neighbour's solar access or ventilation, nor do they produce an unreasonable visual outlook given their distance from the main areas of private open space and habitable windows on the neighbouring land.

As discussed in a later section of this report, this zero rear boundary setback does not preclude sufficient private open space and soft landscaping being provided on the subject land and accordingly the development is considered to sufficiently align with Performance Outcome 9.1 of the Zone. Further, the minimal setback to the rear boundary is not inconsistent with the pattern of development in this historic area per Performance Outcome 2.4 of the Historic Area Overlay.

With respect to the southern side boundary, the proposal includes:

- A 3.34m tall and 6.5m wide boundary wall for the garage;
- A 2.25m tall and 2.8m wide boundary wall adjacent the lightwell for the basement;
- A 3.69m tall and 13.5m wide boundary wall for the balance of the additions; and
- The balance of the additions being set back between 840mm and 1.75m.

The Site Plan on page 2 of **Attachment 1** demonstrates the relationship between these walls and the neighbouring site and building. The garage wall abuts the driveway of the neighbouring dwelling and consequently maintains approximately 4.2m of separation from the neighbouring dwelling. As such, there is no direct visual outlook onto this wall from the neighbouring dwelling except possibly from the one window that is within the front section of the dwelling. In this context, the garage wall satisfies Performance Outcome 7.1 of the Zone.

As for the remaining 16.3m length of boundary walling, this similarly abuts the neighbouring driveway as well as the neighbouring carport and approximately 3.8m of the rear yard behind the carport. Although the wall is taller and longer than typically expected of boundary development, it is conveniently sited adjacent to the neighbour's driveway and carport, and conveniently away from most of their private open space. While the neighbour does have two habitable room windows facing this boundary, according to their representation,

the impact of this wall on their outlook and solar access is considered acceptable because this side boundary is currently heavily vegetated by tall trees/shrubs that would limit solar access into these windows to an extent and the carport roof similarly limits solar access and outlook. The small section of the wall that extends into the rear yard area of the neighbouring property is not considered to pose an unreasonable outlook to the neighbour nor detrimentally affect the amenity of their private open space. Notably, this proposal is afforded the benefit of abutting the neighbour's driveway and carport rather than proximate habitable room windows and/or private open space – if the latter was the case then the extent of proposed boundary development may be problematic. Notwithstanding, the proposal is considered to sufficiently satisfy the abovementioned Performance Outcomes in respect of the proposed boundary development.

The outbuilding located in the north corner of the site involves a boundary wall measuring 2.75m in height and 7.3m in width. This is unlikely to produce any unreasonable visual impact to the neighbour nor will it inhibit solar access due to its siting south of the neighbouring dwelling. Accordingly, this wall is acceptable.

Heritage, Design & Appearance

Performance Outcome 4.2 of the Established Neighbourhood Zone states:

“Additions and alterations do not adversely impact on the streetscape character.”

Performance Outcome 10.2 of the Established Neighbourhood Zone states:

“The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.”

Performance Outcome 10.2 of the Established Neighbourhood Zone states:

“Garages and carports are designed and sited to be discreet and not dominate the appearance of the associated dwelling when viewed from the street.”

Performance Outcome 1.1 of the Local Heritage Place Overlay states:

“The form of new buildings and structures maintain the heritage values of the Local Heritage Place.”

Performance Outcome 1.2 of the Local Heritage Place Overlay states:

“Massing, scale and siting of development maintains the heritage values of the Local Heritage Place.”

Performance Outcome 1.3 of the Local Heritage Place Overlay states:

“Design and architectural detailing (including but not limited to roof pitch and form, openings, chimneys and verandahs) maintains the heritage values of the Local Heritage Place.”

Performance Outcome 1.5 of the Local Heritage Place Overlay states:

“Materials and colours are either consistent with or complement the heritage values of the Local Heritage Place.”

Performance Outcome 2.1 of the Local Heritage Place Overlay states:

“Alterations and additions complement the subject building and are site to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Local Heritage Place or its setting.”

Although the Planning & Design Code provides no context in this respect, it is the view of the administration that more weight should be placed on an assessment against the provisions of the Local Heritage Place Overlay than the Historic Area Overlay, which is why the Performance Outcomes of the former Overlay have been listed above and not those of the latter Overlay (notwithstanding they take similar forms anyway).

This application was referred to the Council's Heritage Advisor for comments on the design approach taken by the applicant, in the context of the Local Heritage Place and the historic area more generally. Council's

Heritage Advisor, like Council administration, is supportive of this aspect of the proposal for the following reasons.

The garage is the only element of this proposal that will be readily visible from the street. The garage will be set back approximately 4.7m behind the building line of the Local Heritage Place, being the southern projecting gable-ended wall, with 3m of separation between the two buildings. Although standing at 6m tall to the ridge, the garage has been designed sympathetic to the Local Heritage Place with a similar gable roof and the use of pale stone cladding. The timber-clad tilt up door is not a traditional material or element but is not considered to be detrimental to the Local Heritage Place or the streetscape. Accordingly, the design and appearance of the garage is considered acceptable in the context of the Local Heritage Place and is not at odds with the abovementioned Performance Outcomes.

The balance of the additions are sufficiently separated from the Local Heritage Place to not be considered obtrusive or dominant over the Local Heritage Place, aided further by the fact that the overall height of the additions is lower than that of the existing dwelling. Aside from the garage, the additions maintain a contemporary flat roof design, and will be finished in a light render colour and shale grey roofing. This provides clear visual separation between 'old' and 'new' in a manner complementary to the Local Heritage Place and without diminishing the heritage values of the Place, in accordance with the above Performance Outcomes.

Overshadowing

Performance Outcome 3.1 of the Interface Between Land Uses module states:

"Overshadowing of habitable room windows of adjacent residential land uses in a neighbourhood-type zone is minimised to maintain access to direct winter sunlight."

The corresponding Designated Performance Feature suggests that one possible way of satisfying this Performance Outcome might be:

"North-facing windows of habitable rooms of adjacent residential land uses in neighbourhood-type zone receives at least 3 hours of direct sunlight between 9:00am and 3:00pm on 21 June."

Performance Outcome 3.2 of the Interface Between Land Uses module states:

"Overshadowing of the primary area of private open space of adjacent residential land uses in a neighbourhood-type zone is minimised to maintain access to direct winter sunlight."

The corresponding Designated Performance Feature suggests that one possible way of satisfying this Performance Outcome might be:

"Development maintains 2 hours of direct sunlight between 9:00am and 3:00pm on 21 June to adjacent residential land uses in a neighbourhood-type zone:

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

(i) half the existing ground level open space, or

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

Overshadowing diagrams provided by the applicant (**Attachment 1**) show both the existing overshadowing conditions during the winter solstice (21 June) and the resultant overshadowing conditions following completion of the proposed development. These diagrams demonstrate that during the winter solstice, more than half of the neighbouring private open space will retain direct sunlight for at least 3 hours between 9:00am and 3:00pm, consistent with PO/DPF 3.2 above.

With respect to the north-facing windows of the neighbouring dwelling, the shadow diagrams are of limited assistance as they only show the horizontal shadowing onto this property, and not shadowing along a vertical plane. Accordingly, it is difficult to determine whether the proposed overshadowing is any worse than the existing overshadowing. However, a comparison between the horizontal depth of the shadow cast pre-development versus post-development shows not significant difference between the two and therefore the administration is satisfied that the proposed development does not result in an unreasonable extent of overshadowing in accordance with PO 3.1 above.

Access and Parking

Access will be obtained via the existing vehicle crossover.

Performance Outcome 5.1 of the Transport, Access and Parking module states:

“Sufficient on-site vehicle parking...is provided to meet the needs of the development or land use having regard to [a variety of] factors that may support a reduced on-site rate...”

Table 1 of this module, which sets the standard approach to car parking provisions, states that a detached dwelling with 2 or more bedrooms should provide 2 on-site car parking spaces, 1 of which must be covered. This development provides space for 2 vehicles within the double garage, while also leaving space for an additional 2 vehicles to be parked, 1 on the driveway in front of the garage and 1 on the driveway adjacent the northern boundary of the site. Thus, the development provides sufficient on-site parking in accordance with PO 5.1 above.

Landscaping and Regulated Tree Impacts

Performance Outcome 22.1 of the Design in Urban Areas module states:

“Soft landscaping is incorporated into development to:
(a) Minimise heat absorption and reflection
(b) Contribute shade and shelter
(c) Provide for stormwater infiltration and biodiversity
(d) Enhance the appearance of land and streetscapes.”

The corresponding Designated Performance Feature suggests that 25% of the total site should be comprised of soft landscaping and at least 30% of the front setback area should be the same.

Performance Outcome 6.2 of the Historic Area Overlay states:

“Development maintains the valued landscape patterns and characteristics that contribute to the historic area, except where they compromise safety, create nuisance, or impact adversely on building or infrastructure.”

The Historic Area Statement references *“open landscape character to front garden, which enhances dwelling and streetscape quality.”*

The proposal includes a total of 334m² of soft landscaping, which equates to 28.6% of the total site, and includes 57% of the front setback area. The landscaping plan provided with the application shows meaningful landscaping being implemented across the whole of the site, including numerous trees, shrubs and hedges. The existing dwelling is constructed closer to the primary street boundary than other dwellings along the street, and so the opportunity to provide the same extent of expansive front garden landscaping on this site is lesser than others. Notwithstanding, the proposed areas of landscaping and the proposed plantings therein are sufficient to satisfy the abovementioned Performance Outcomes.

Concerns were raised by several representors that the proposed development, and the garage in particular, may cause damage to the regulated street tree in front of this site. Council's Arborist has visited the site to determine whether the proposed garage will have any effect on this tree. Per the Arborist's assessment (see **Attachment 7**), the tree has an estimated Tree Protection Zone of 10.44m and the garage is proposed to be located just on the edge of this TPZ. Council's Arborist is of the opinion that the proposed development will not adversely affect the health or structure of this tree, and more specifically that the construction of the garage is not of concern. The Arborist did opine, however, that the driveway should be constructed of permeable paving to allow continued stormwater infiltration into the root zone of this tree, to best ensure its ongoing health, and a condition to this effect has been recommended if the Panel chooses to grant planning consent to this proposal.

Basement

Representor 1 raised concerns regarding the basement excavation and the likely loss of vegetation along the shared boundary between 16 and 18 Trinity Street as well as the potential of this excavation and consequent construction to affect the soil moisture profile and therefore affect the structural stability of neighbouring land. The vegetation that may be lost is not comprised of any regulated or significant trees and so, as regrettable as their loss may be, do not require consideration from a planning perspective (that is not to say however, that there are not considerations from a civil perspective between the two parties). Similarly, any structural or geotechnical assessment required for the excavation of the basement is an engineering consideration to be undertaken during building consent, not planning consent. Accordingly, as valid as the representor's concerns are, they are not planning considerations.

Consideration of 'Seriously at Variance'

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2024.3, 15.02.2024), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code for the following reasons:

- The proposal involves additions to an existing detached dwelling, a land use envisaged within the Established Neighbourhood Zone per DO1 and PO 1.1;
- The additions are single storey in height, consistent with the surrounding pattern of development and the associated Local Heritage Place;
- The additions do not unreasonably impact streetscape character, or the setting of the associated Local Heritage Place per PO 2.1 of the LHP Overlay; and
- The site maintains sufficient private open space and soft landscaping provision in accordance with POs 21.1 and 22.1 of the Design in Urban Areas module respectively.

CONCLUSION

The proposed development is a well-conceived, sympathetic addition to the existing Local Heritage Place. The garage will not be a dominant feature in the streetscape and will not impact the setting of the Local Heritage Place. The additions have been sympathetically designed to respond to the existing dwelling, and they warrant support in this respect. Although extensive, the overall site coverage and extent of boundary development is higher than might normally be anticipated or permissible, but in the context of this site and the siting of buildings and private open space on neighbouring allotments, is acceptable. Sufficient private open space is maintained for the occupants of the dwelling and ample room remains for meaningful landscaping to contribute to both streetscape character and the environmental performance of the site.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 24003919, by Proske on behalf of G&A is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

The new driveway for the garage shall be constructed of permeable pavers. Details of such pavers shall be provided with the documentation for Building Consent to the reasonable satisfaction of the Assessment Manager.

Condition 3

All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Assessment Manager or its delegate.

Condition 4

All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.

ADVISORY NOTES

Planning Consent

Advisory Note 1

The Applicant is reminded of its responsibilities under the *Environment Protection Act 1993*, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.

Advisory Note 2

The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.

The Applicant's attention is particularly drawn to the requirements of the *Fences Act 1975* regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.

Advisory Note 3

The Applicant is advised that construction noise is not allowed:

1. on any Sunday or public holiday; or
2. after 7pm or before 7am on any other day

Advisory Note 4

The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the *Local Government Act 1999* prior to any works being undertaken.

Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.

Advisory Note 5

The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council

prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

Advisory Note 6

The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Advisory Note 7

Appeal Rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 8

Consents issued for this Development Application will remain valid for the following periods of time:

1. Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;
2. Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;
3. Works must be substantially completed within 3 years of the date on which Development Approval is issued.

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at townhall@npsp.sa.gov.au. Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

Advisory Note 9

No work can commence on this development unless a Development Approval has been obtained. If one or more Consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

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23.013 G+A
18 Trinity Street, College Park

PROJECT STATUS

DATE

DPC Issue

10.04.2024

SHEET NO	SHEET NAME	REV
PL00	Cover	B
PL01	Site Plan	B
PL02	Demolition	-
PL03	Proposed Floor Plan	B
PL04	Roof Plan	-
PL05	Proposed Elevations	A
PL06	Proposed Fencing Elevations	A
PL07	Summer Sun Studies	-
PL08	Winter Sun Studies	-
PL09	Summer Sun Studies Elevations	-
PL10	Winter Sun Studies Elevations	-

Courtyard Residence



BUILDING AREA SCHEDULE

AREAS ARE TAKEN FROM EXTERNAL FACE OF EXTERNAL WALL LINE, UNLESS OTHERWISE SPECIFIED.

TOTAL ALLOTMENT AREA = 1200m2

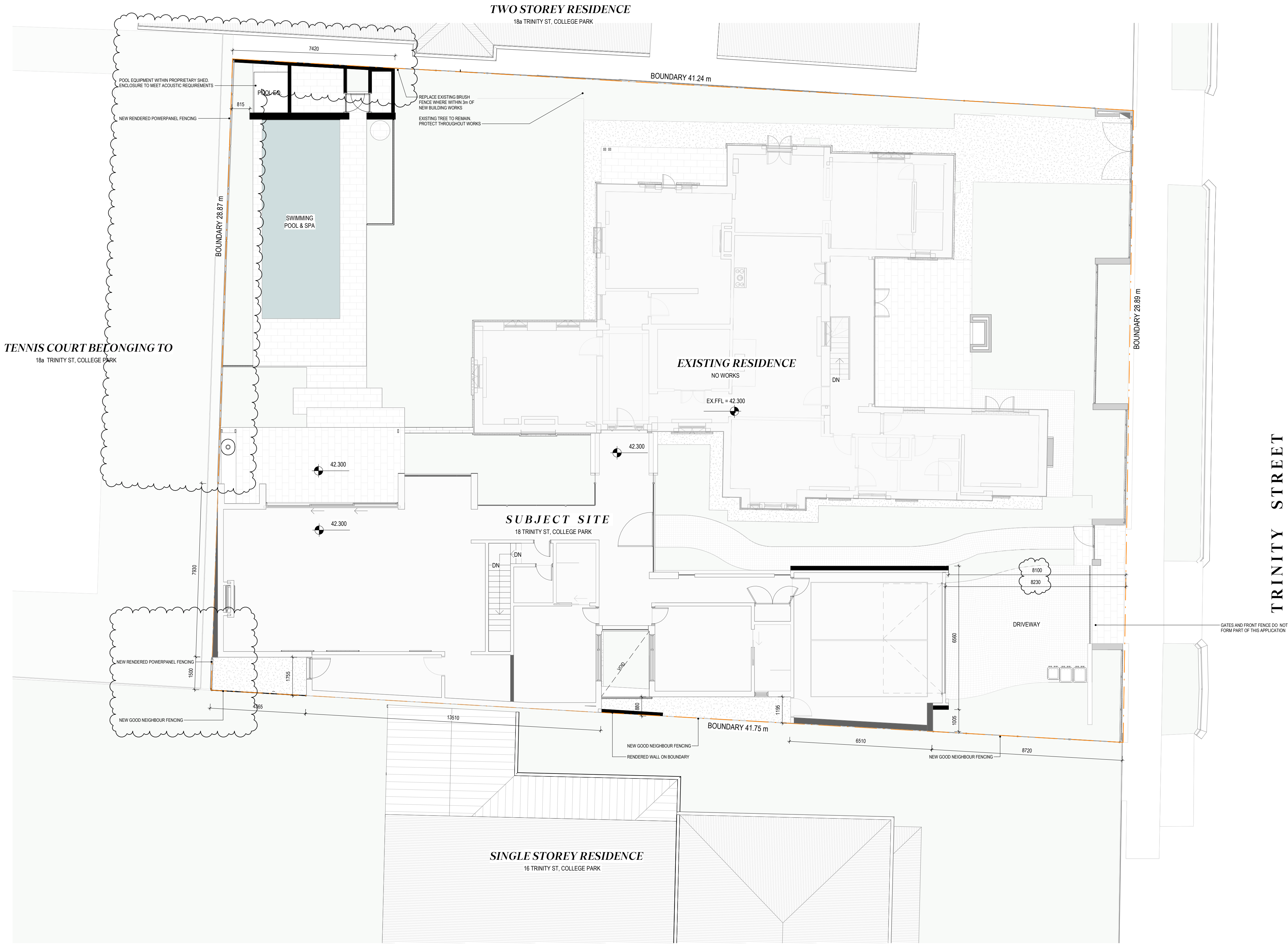
DESCRIPTION	AREA
Existing Residence	261 m²
Proposed Ground Floor	260 m²
Services	8 m²
Terrace	24 m²
	554 m²

PRIVATE OPEN SPACE

NAME	AREA
PRIVATE OPEN SPACE	366 m²

SITE COVERAGE

DESCRIPTION	AREA	PERCENTAGE (%)
Building Area	532 m²	44%
Open Space	664 m²	56%



SITE PLAN - PROPOSED
SCALE 1:100

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DATE
10.04.2024

SCALE
1:100

PAPER SIZE
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CLIENT
G+A

PROJECT
Courtyard Residence

PROJECT ADDRESS
18 Trinity Street, College Park

DRAWING TITLE
Site Plan

PROJECT N°

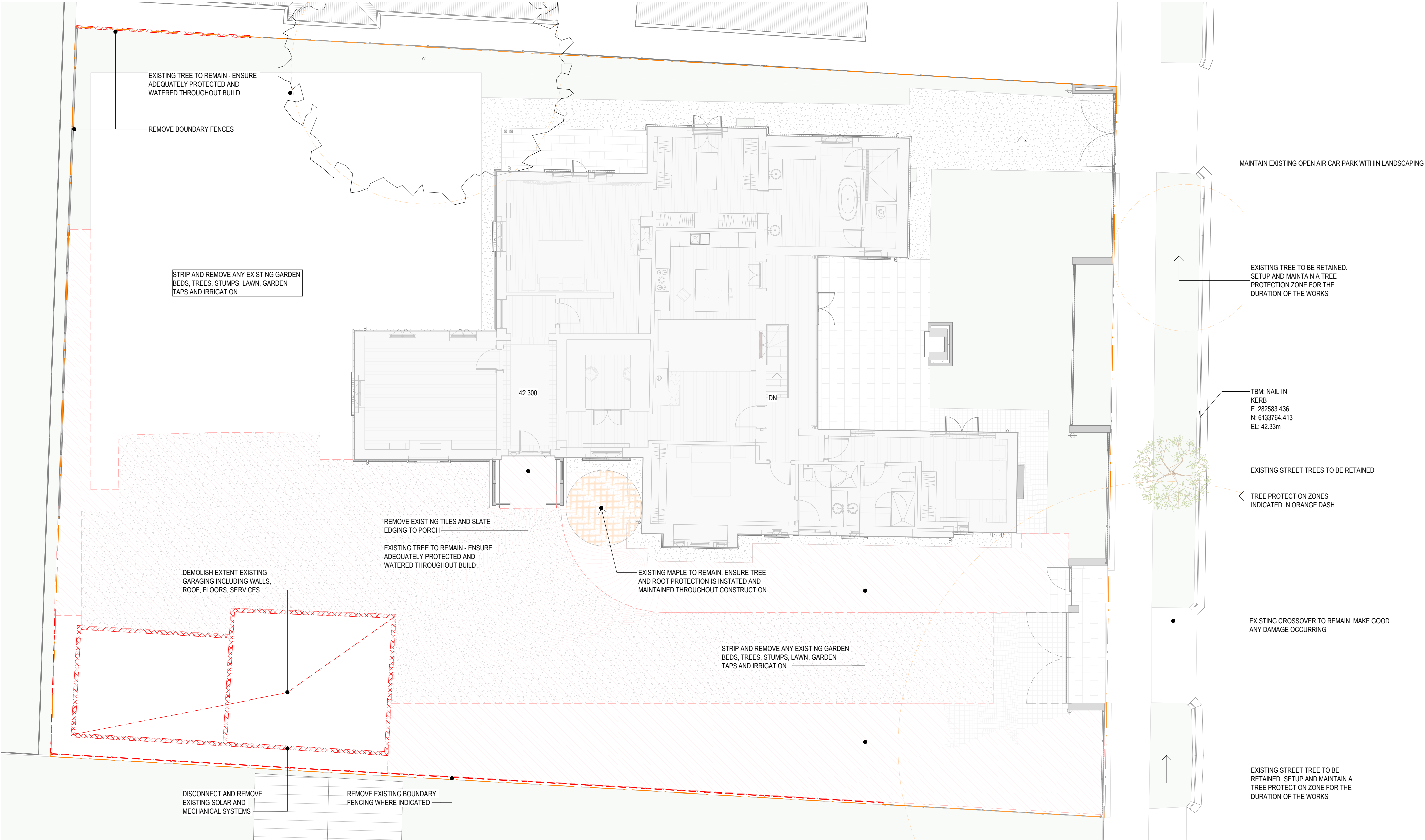
23.013

DRAWING N°

PL01.B

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DEMOLITION PLAN - DPC
SCALE 1:100

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PAPER SIZE
A1



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PROJECT
Courtyard Residence

PROJECT ADDRESS
18 Trinity Street, College Park

DRAWING TITLE
Demolition

PROJECT N°

23.013

DRAWING N°

PL02.-

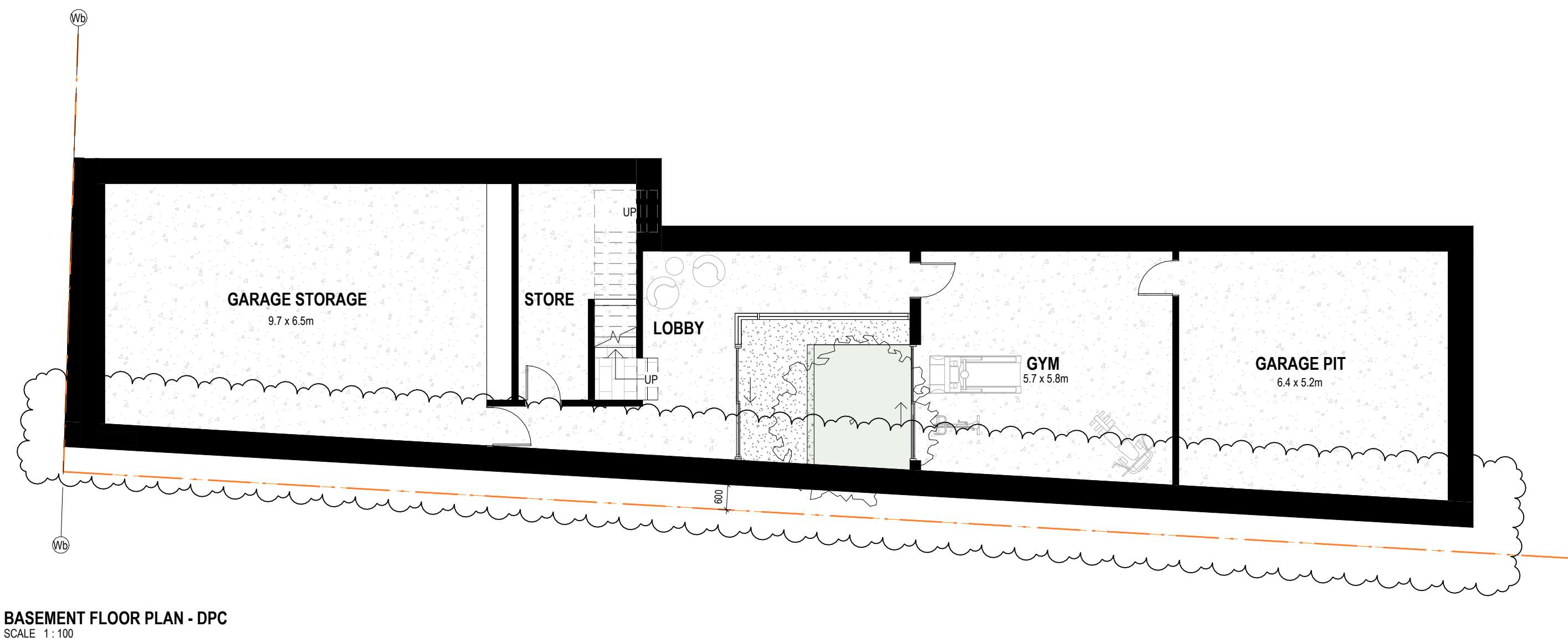
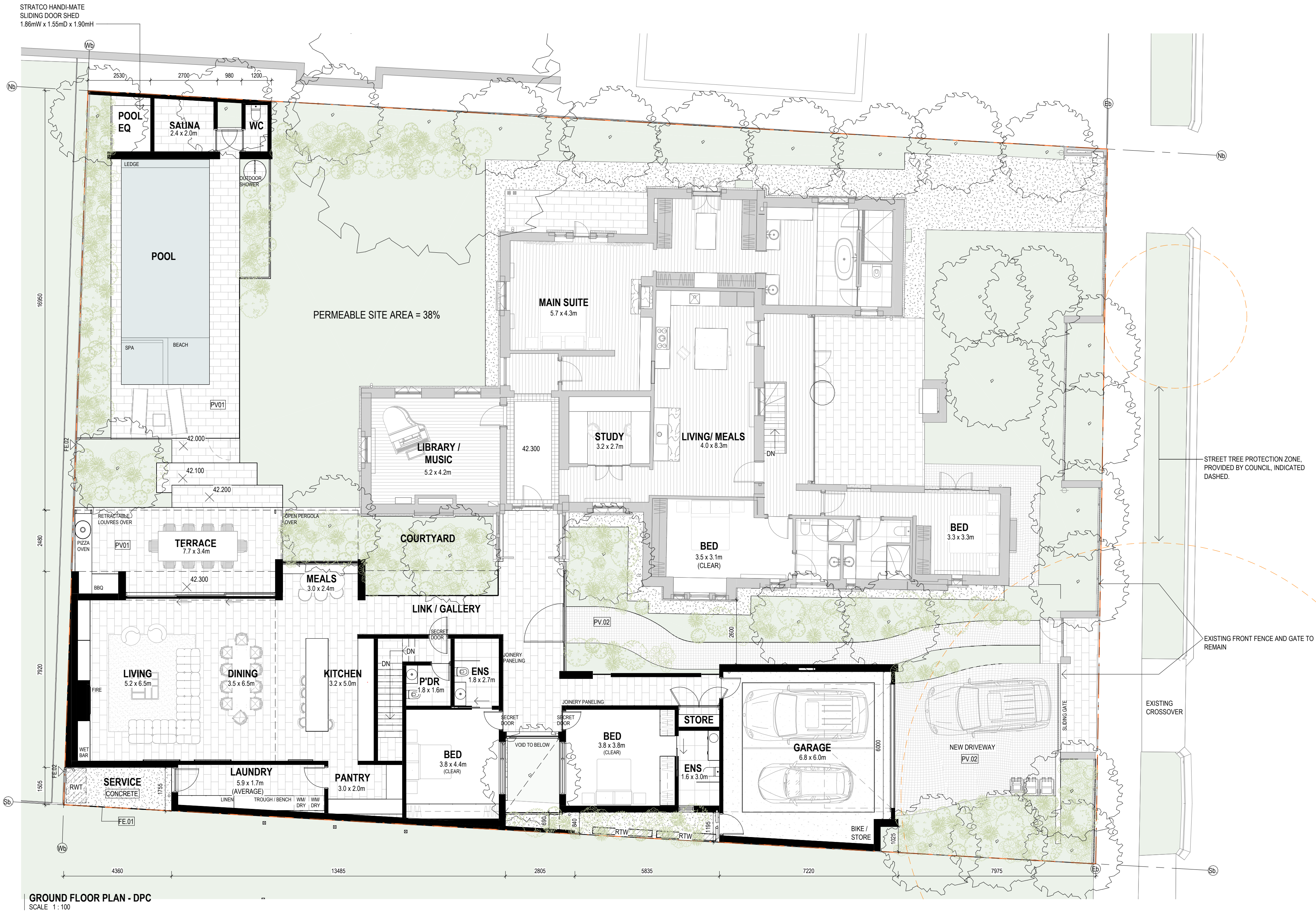
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BUILDING AREA SCHEDULE

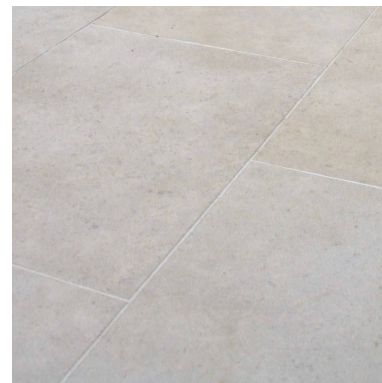
AREAS ARE TAKEN FROM EXTERNAL FACE OF EXTERNAL WALL LINE, UNLESS OTHERWISE SPECIFIED.

TOTAL ALLOTMENT AREA = 1200m2

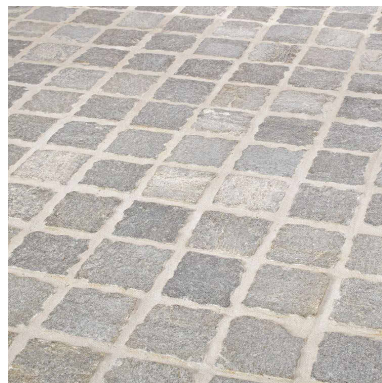
DESCRIPTION	AREA
Existing Residence	261 m²
Proposed Ground Floor	250 m²
Services	8 m²
Terrace	24 m²
	554 m²



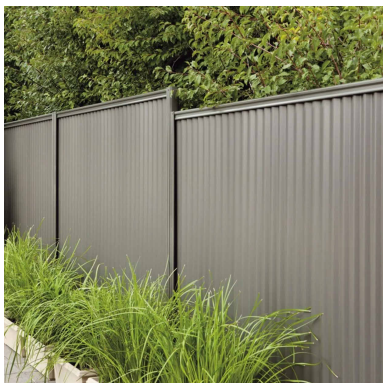
EXTERNAL FINISHES



PV.01 - ECO OUTDOOR LAGE FORMAT PAVERS
COLOUR: MID GREY
SELECTION: T.B.C



PV.02 - ECO OUTDOOR COBBLESTONE PAVERS
COLOUR: MID GREY
SELECTION: T.B.C



FE.01 - STRATCO GOODNEIGHBOUR CORRUGATED FENCING
COLOUR: WOODLAND GREY

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SCALE
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PAPER SIZE
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PROJECT
Courtyard Residence

PROJECT ADDRESS
18 Trinity Street, College Park

DRAWING TITLE
Proposed Floor Plan

PROJECT N°

23.013

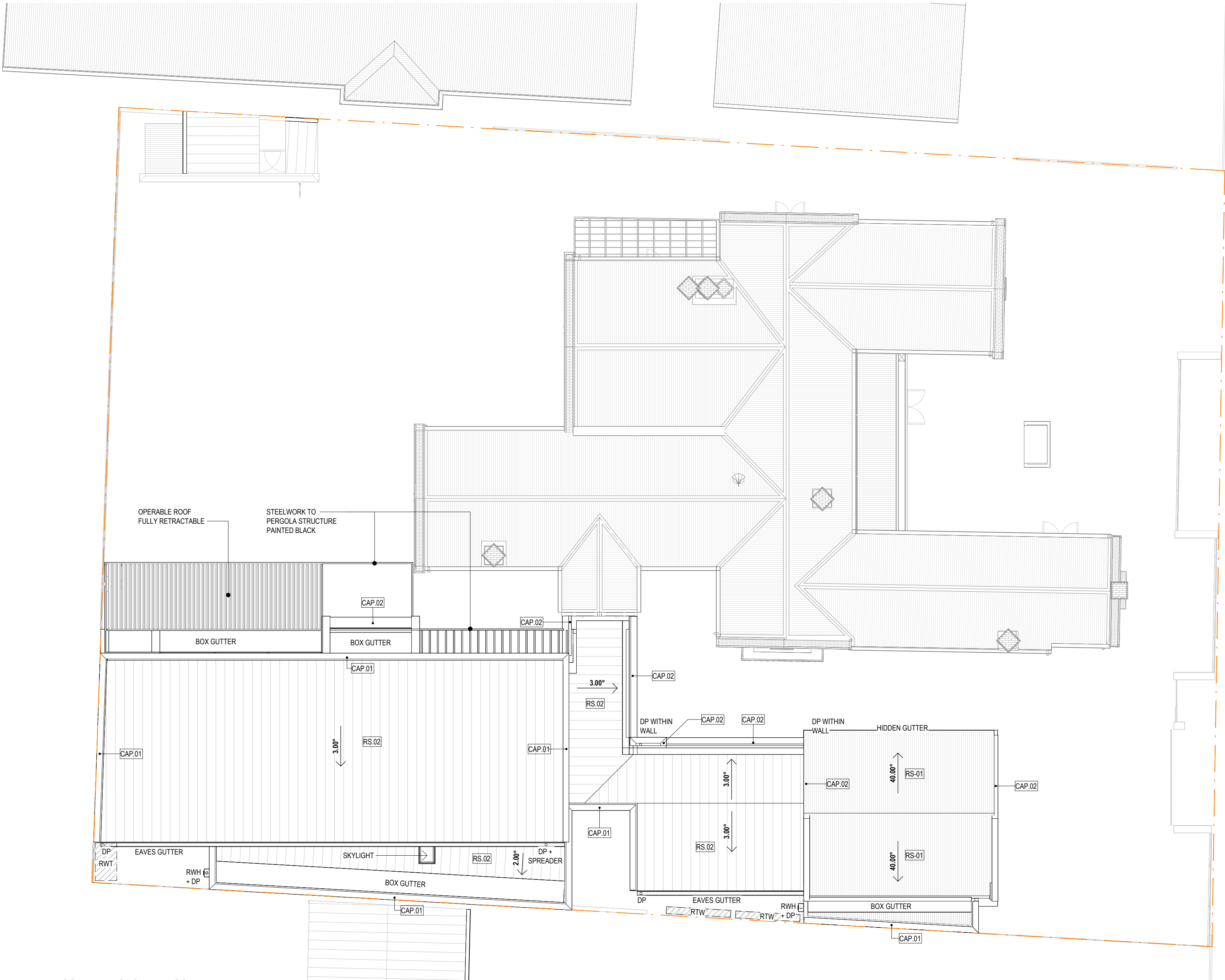
DRAWING N°

PL03.B

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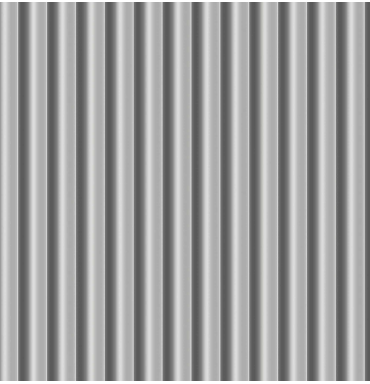
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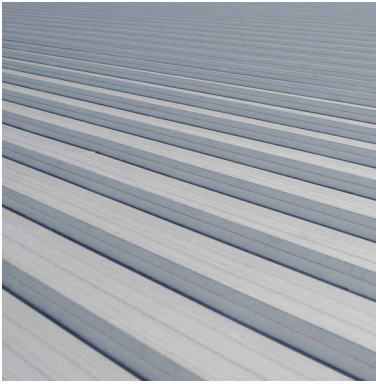


ROOF PLAN - GROUND FLOOR
SCALE 1:100

EXTERNAL FINISHES



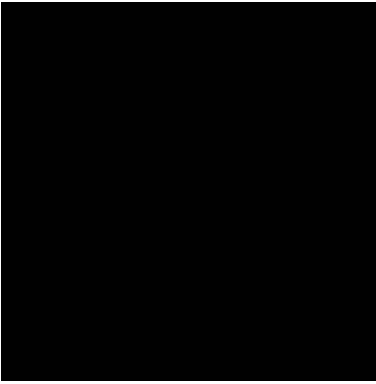
RS.01 - STRATCO CGI CORRUGATED ROOF
COLOUR: SHALE GREY



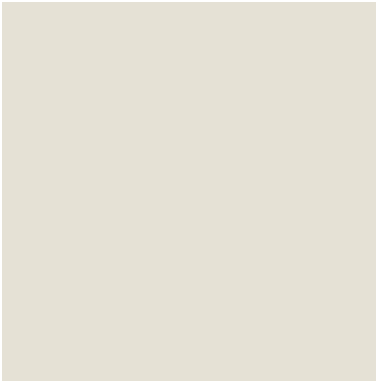
RS.02 - STRATCO PRODEK ROOF
COLOUR: SHALE GREY



OPERABLE ROOF - LOUVRETEC
OPERABLE ROOF
COLOUR: BLACK



CAP.01 - CAPPING / FLASHING
COLOUR: BLACK



CAP.02 - CAPPING / FLASHING
COLOUR: TO MATCH RE.01

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PROJECT
Courtyard Residence

PROJECT ADDRESS
18 Trinity Street, College Park

DRAWING TITLE
Roof Plan

PROJECT N°

23.013

DRAWING N°

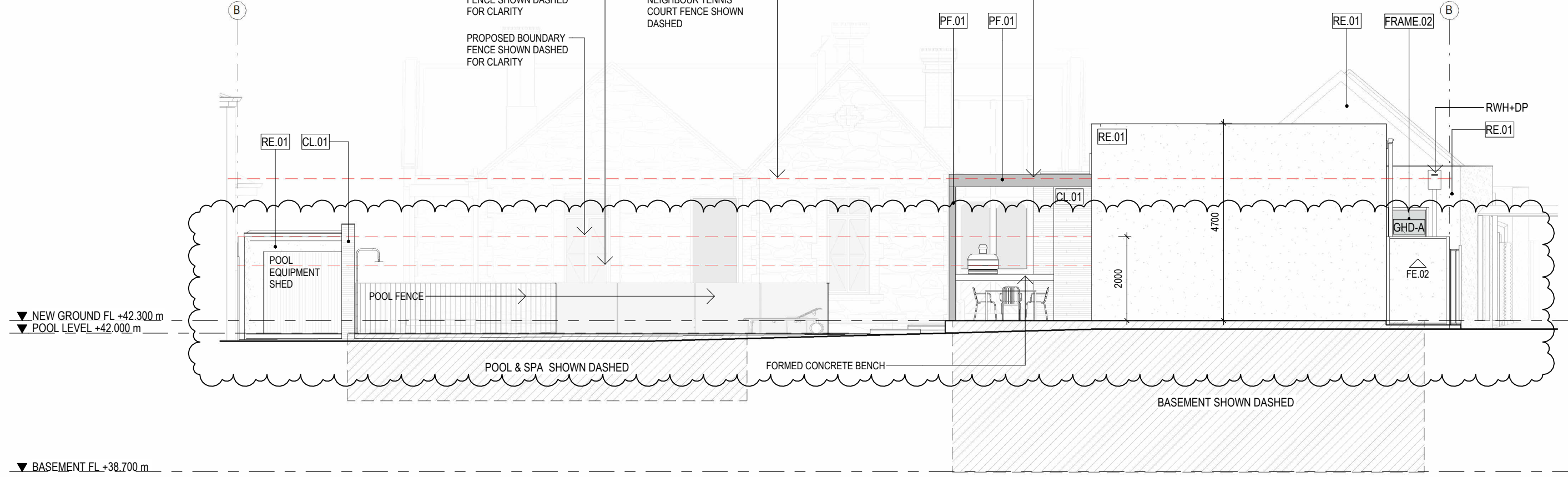
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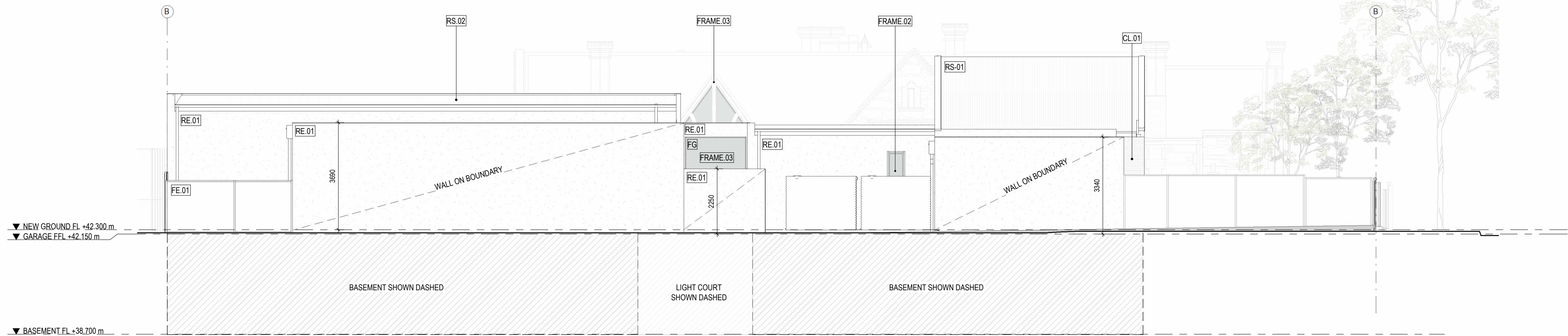
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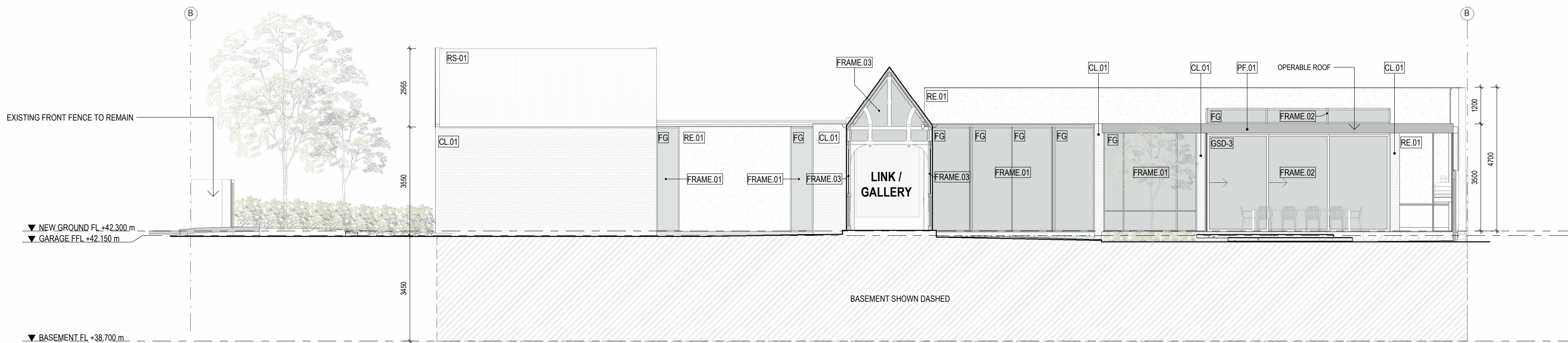
EAST ELEVATION
SCALE 1: 100



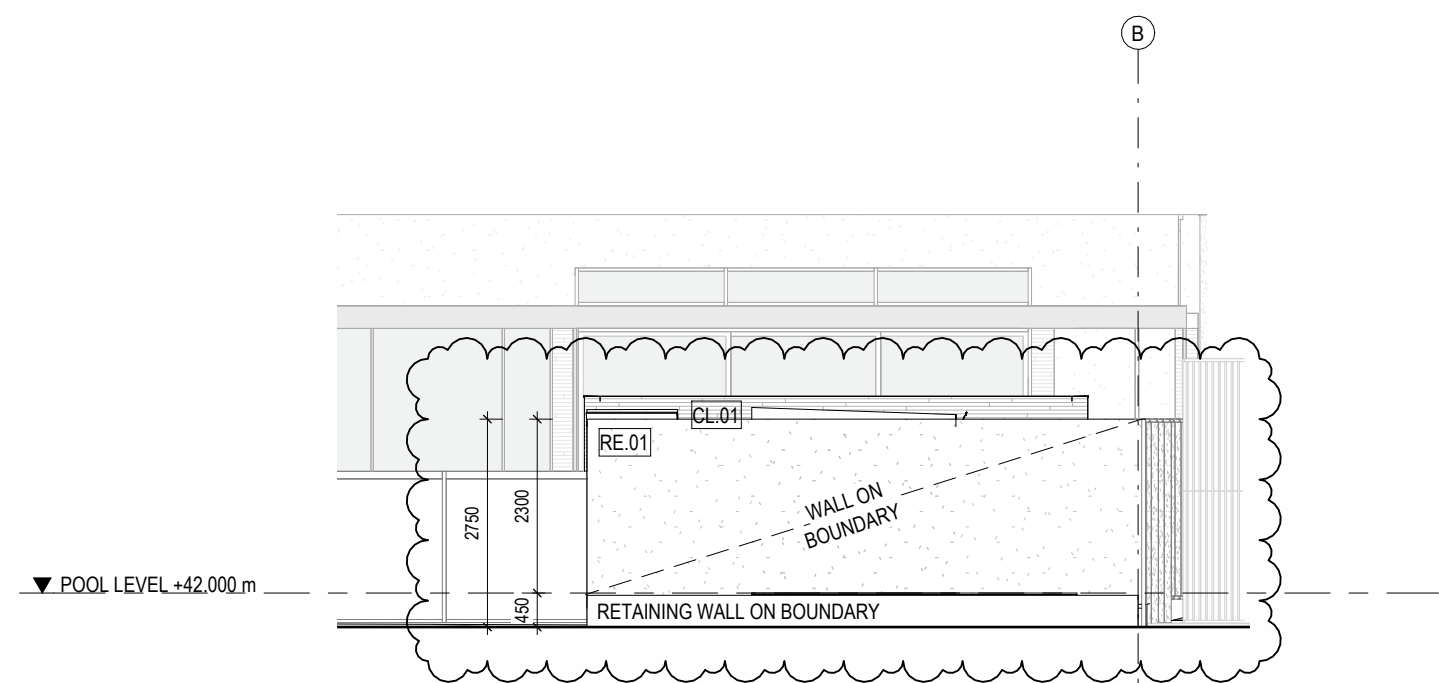
WEST ELEVATION
SCALE 1: 100



SOUTH ELEVATION
SCALE 1: 100



NORTH ELEVATION
SCALE 1: 100



NORTH ELEVATION - SERVICES ENCLOSURE
SCALE 1: 100

DOOR / WINDOW LEGEND

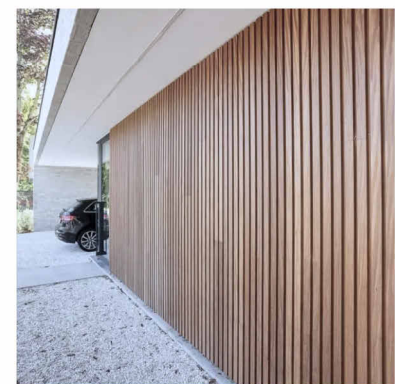
ALC - ALUMINIUM COVER PLATE FINISHED TO MATCH FRAME
SBJ - SILICONE BUTT JOINT (TO SINGLE GLAZING ONLY)

CODE	DESCRIPTION
FG	FIXED GLAZING
GHD-A	GLAZED HINGED DOOR
GSD-2	GLAZED SLIDING / STACKING DOOR - 2 PANEL
GSD-3	GLAZED SLIDING / STACKING DOOR - 3 PANEL

EXTERNAL FINISHES



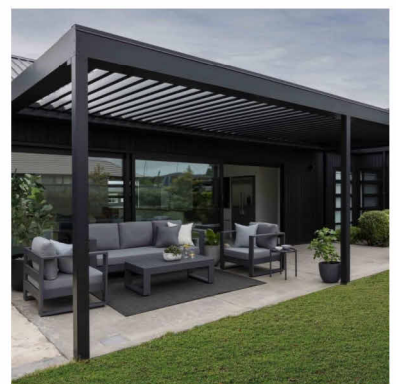
CL 01 - ECO OUTDOOR STONE WALL
CLADDING - VARIED COURSE HEIGHTS
SELECTION: DALY



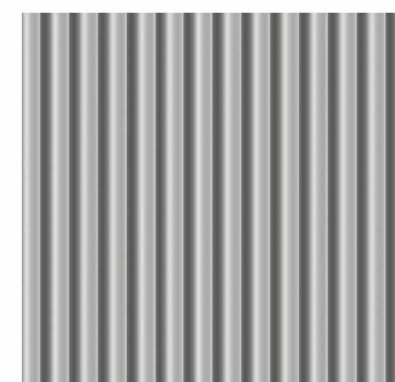
CL 02 - MORTLOCK TRENDPLANK TIMBER
CLADDING - 50 x 30mm
SPECIES: SPOTTED GUM OR SIMILAR



RE 01 - TEXTURE COAT RENDER WITH
PAINT FINISH
COLOUR: OFF WHITE



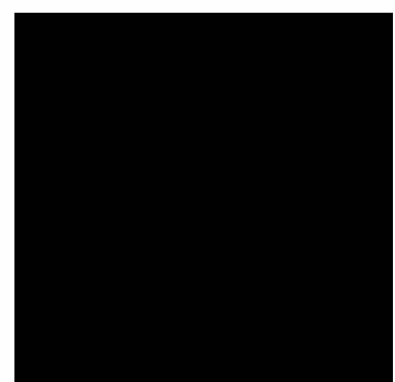
OPERABLE ROOF - LOUVRETEC
OPERABLE ROOF
COLOUR: BLACK



RS 01 - STRATCO CGI CORRUGATED ROOF
COLOUR: SHALE GREY



RS 02 - STRATCO PRODEK ROOF
COLOUR: SHALE GREY



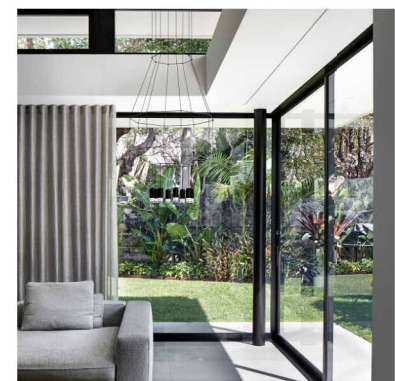
CAP 01 - CAPPING / FLASHING
COLOUR: BLACK



CAP 02 - CAPPING / FLASHING
COLOUR: TO MATCH RE 01



FRAME 01 - STEEL FRAMED WINDOWS
AND DOORS, POWDERCOATED
COLOUR: BLACK



FRAME 02 - SEMI-COMMERCIAL ALUMINIUM
FRAMED DOORS, POWDERCOATED
COLOUR: BLACK



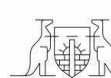
FRAME 03 - 25mm ALUMINIUM CHANEL
GLASS INSTALLED FLUSH WITHIN TIMBER
TO APPEAR FRAMELESS
COLOUR: BLACK



PF 01 - POWDERCOATED STEELWORK
COLOUR: BLACK

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CLIENT G+A

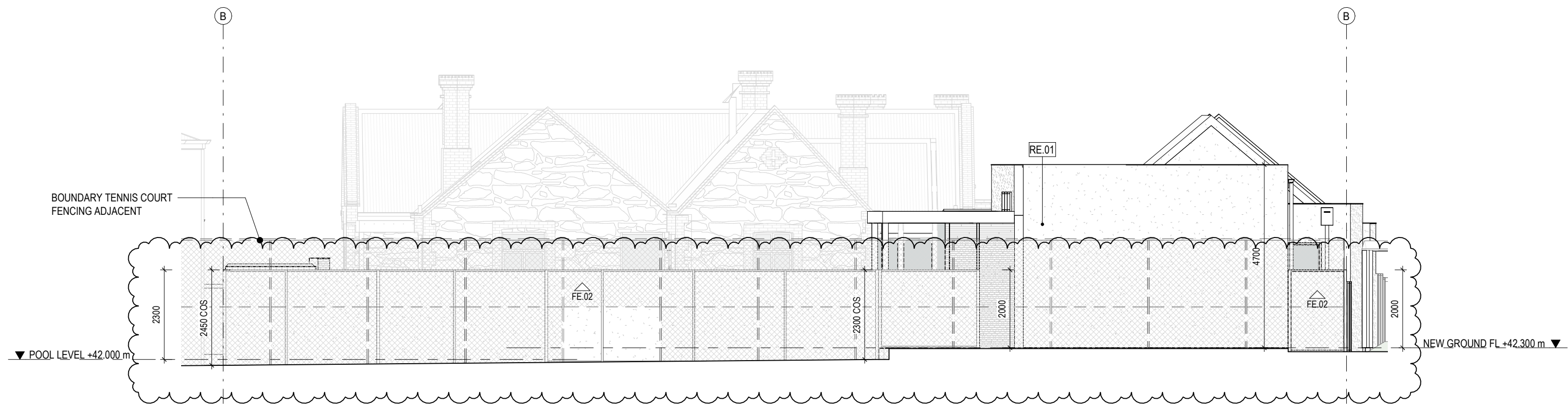
PROJECT
Courtyard Residence

PROJECT ADDRESS
18 Trinity Street, College Park

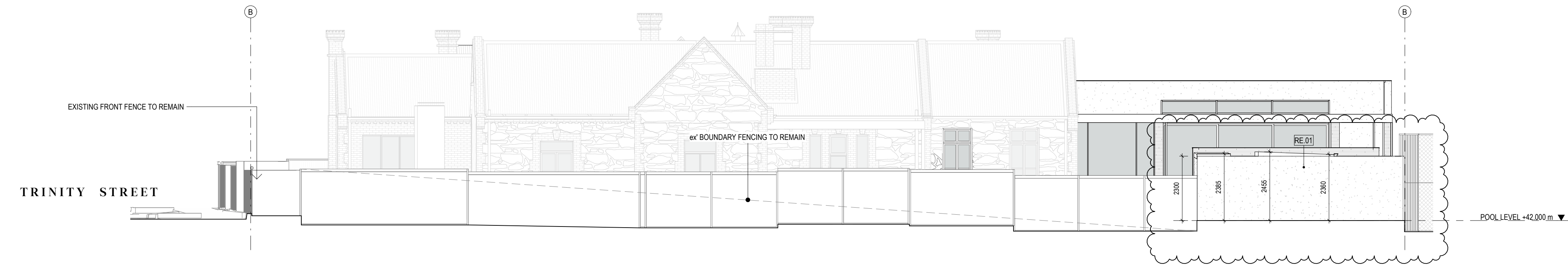
DRAWING TITLE Proposed Elevations

PROJECT N°
23.013

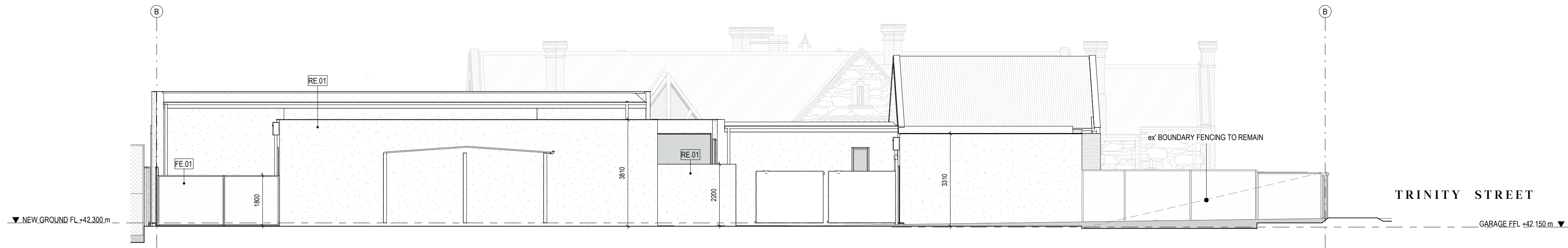
DRAWING N°
PL05.A



WEST FENCING ELEVATION
SCALE 1:100



NORTH FENCING ELEVATION
SCALE 1:100



SOUTH FENCING ELEVATION
SCALE 1:100



RE.01 - TEXTURE COAT RENDER WITH
PAINT FINISH
COLOUR: OFF WHITE



FE.01 - CUSTOM ORB GOOD NEIGHBOUR
FENCE
COLOUR: COLORBOND WOODLAND GREY



FE.02 - HEBEL POWERFENCE
75mm THICK
PAINTED RENDERED FINISH

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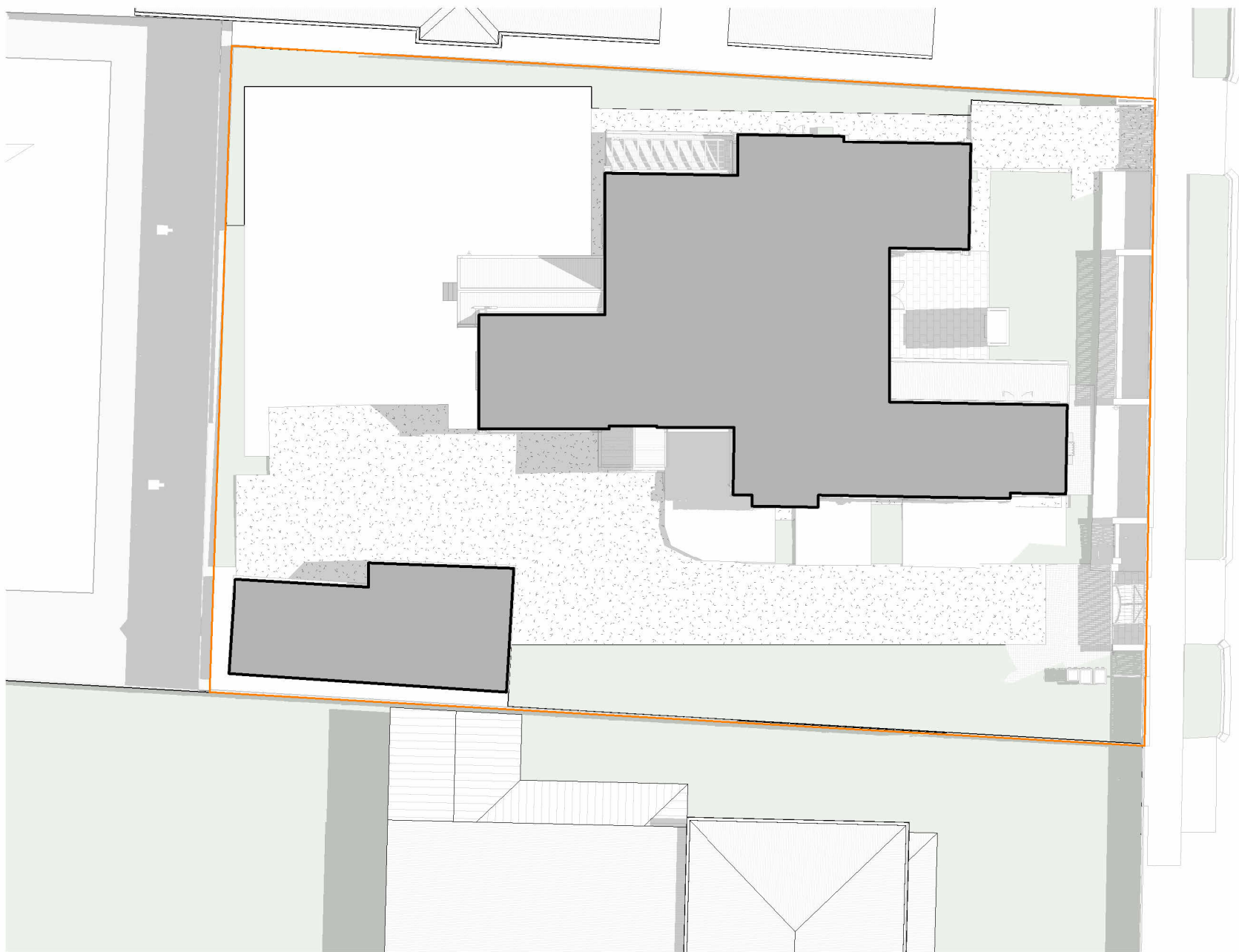
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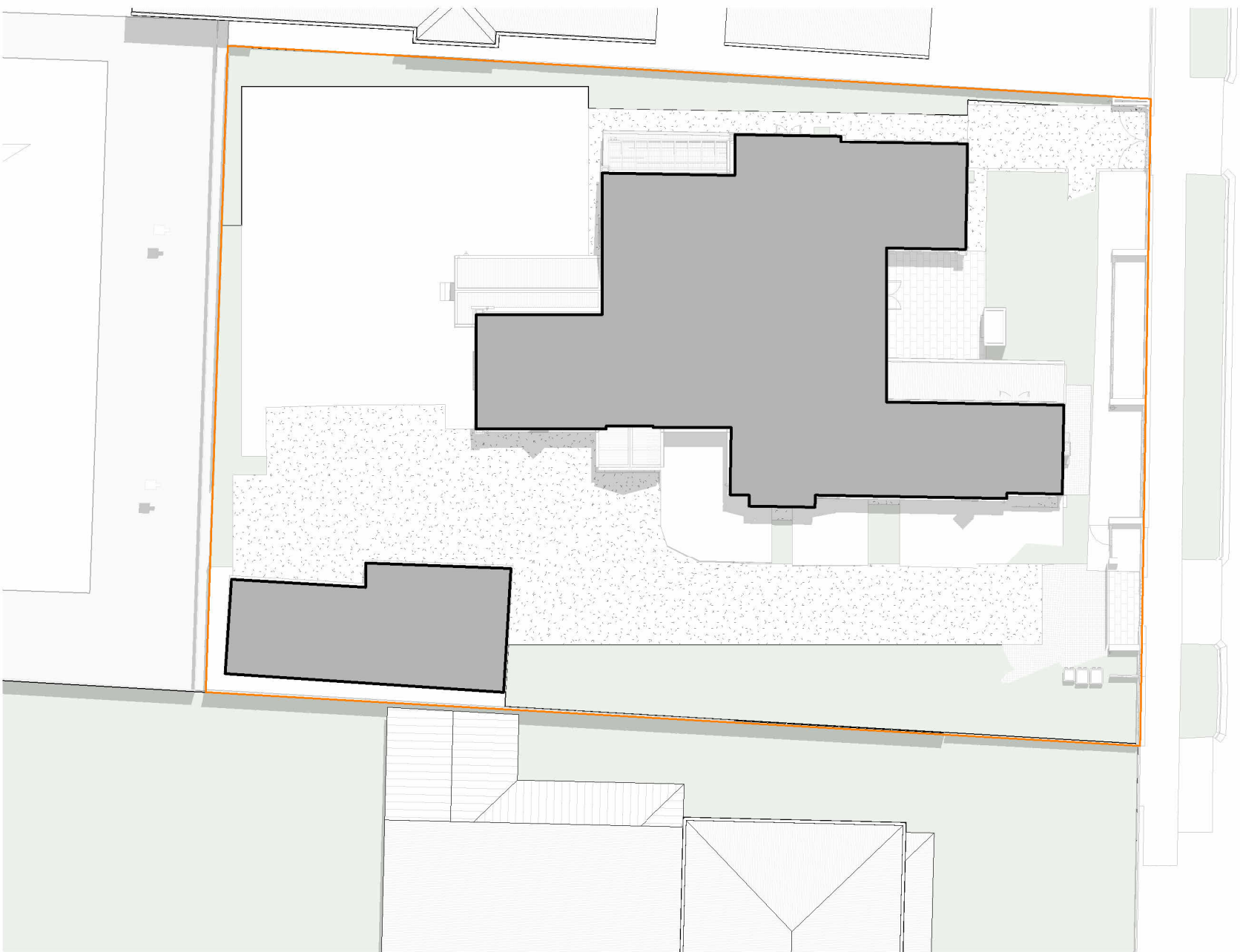
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CLIENT G+A	PROJECT Courtyard Residence	PROJECT ADDRESS 18 Trinity Street, College Park
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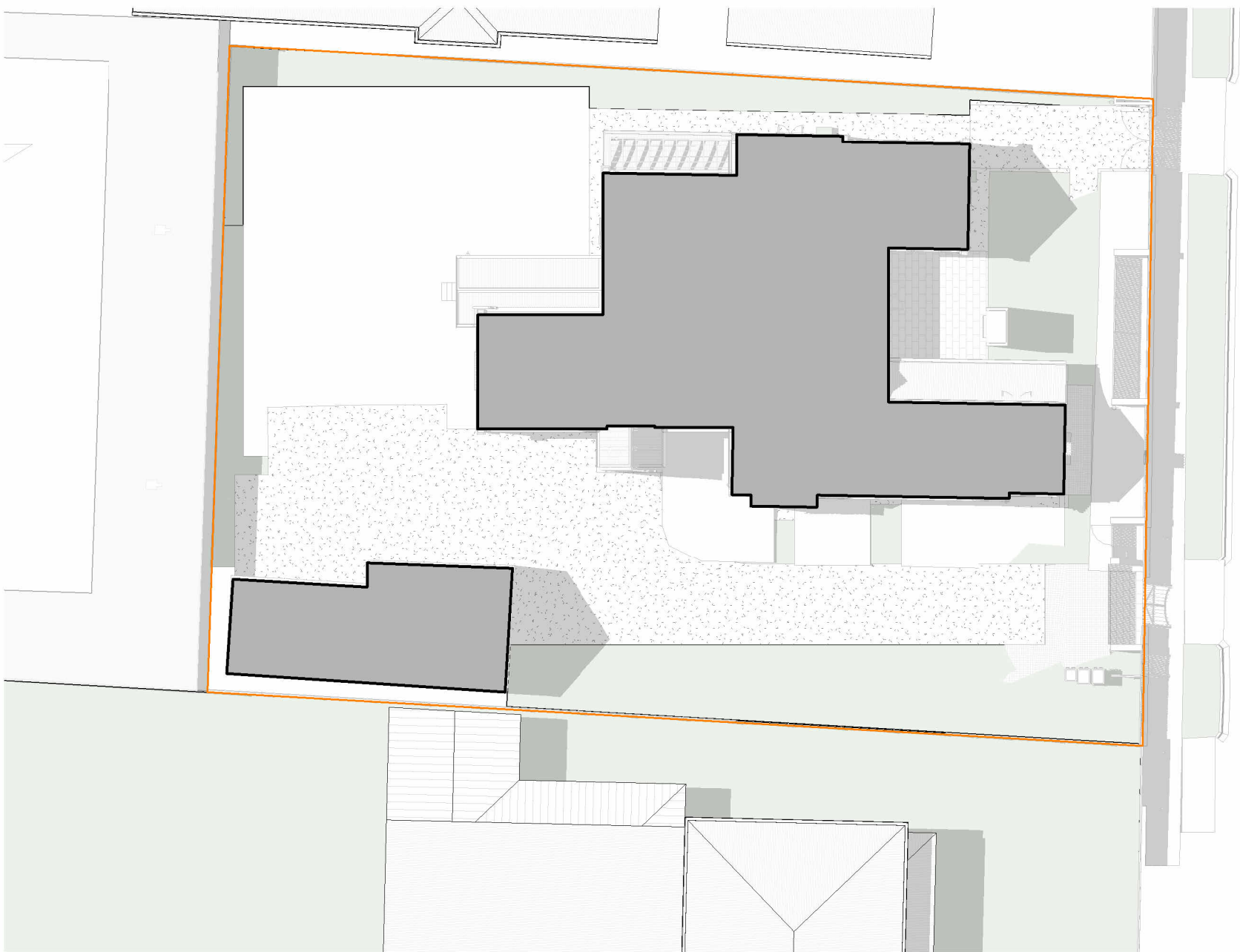
DRAWING TITLE Proposed Fencing Elevations	PROJECT N° 23.013	DRAWING N° PL06.A
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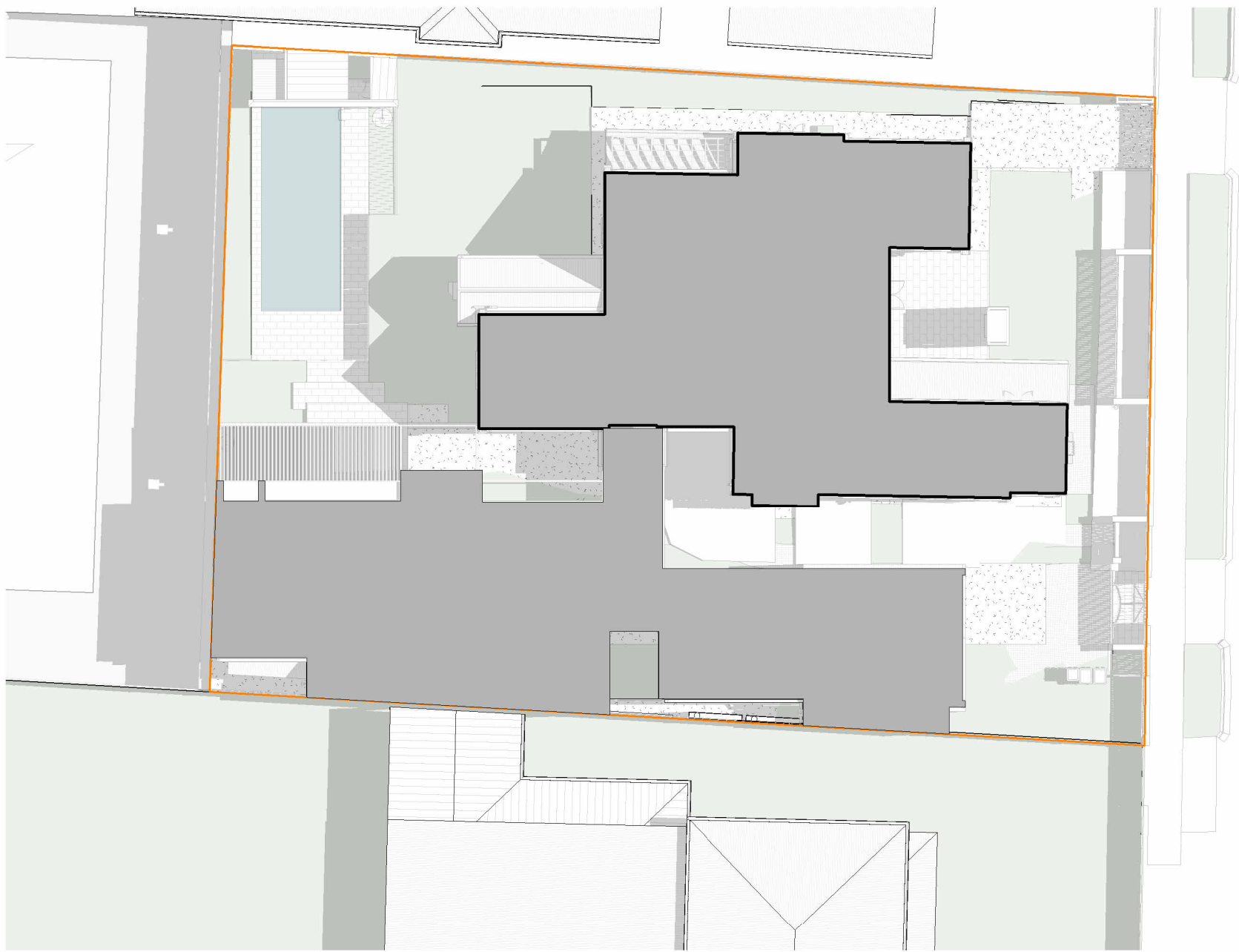
SUN STUDY 9AM SUMMER EXISTING



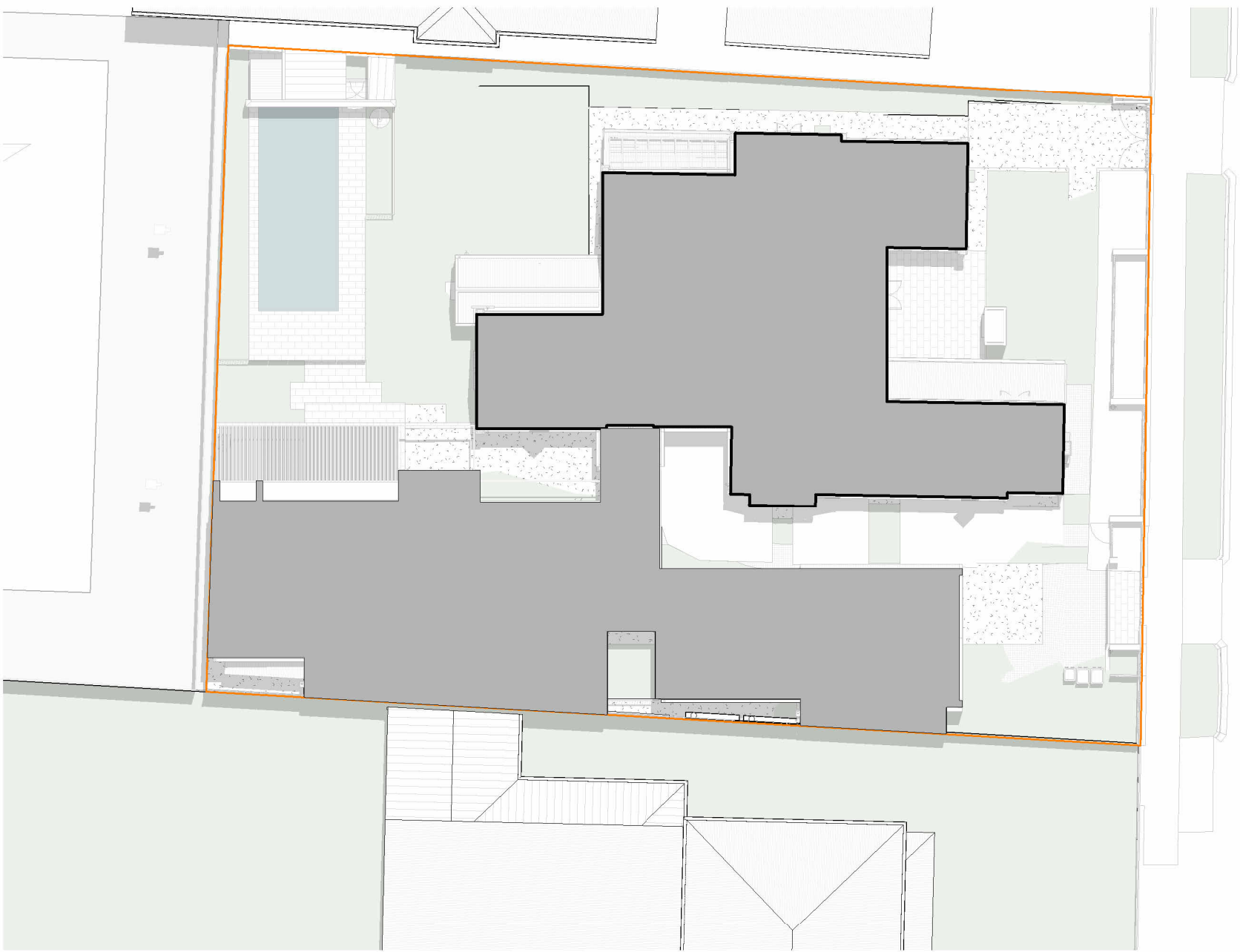
SUN STUDY 12PM SUMMER EXISTING



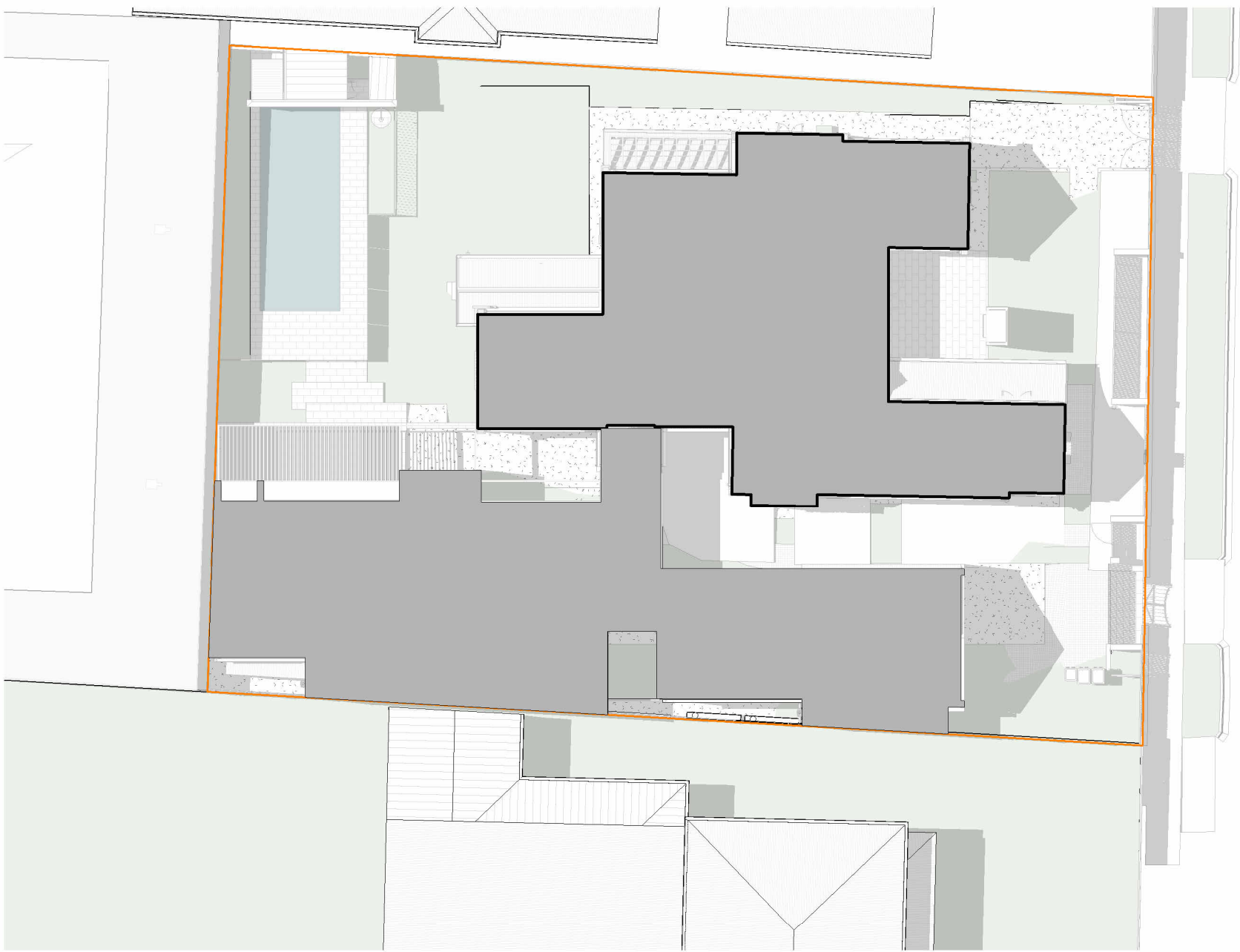
SUN STUDY 3PM SUMMER EXISTING



SUN STUDY 9AM SUMMER



SUN STUDY 12PM SUMMER



SUN STUDY 3PM SUMMER

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PROJECT
Courtyard Residence

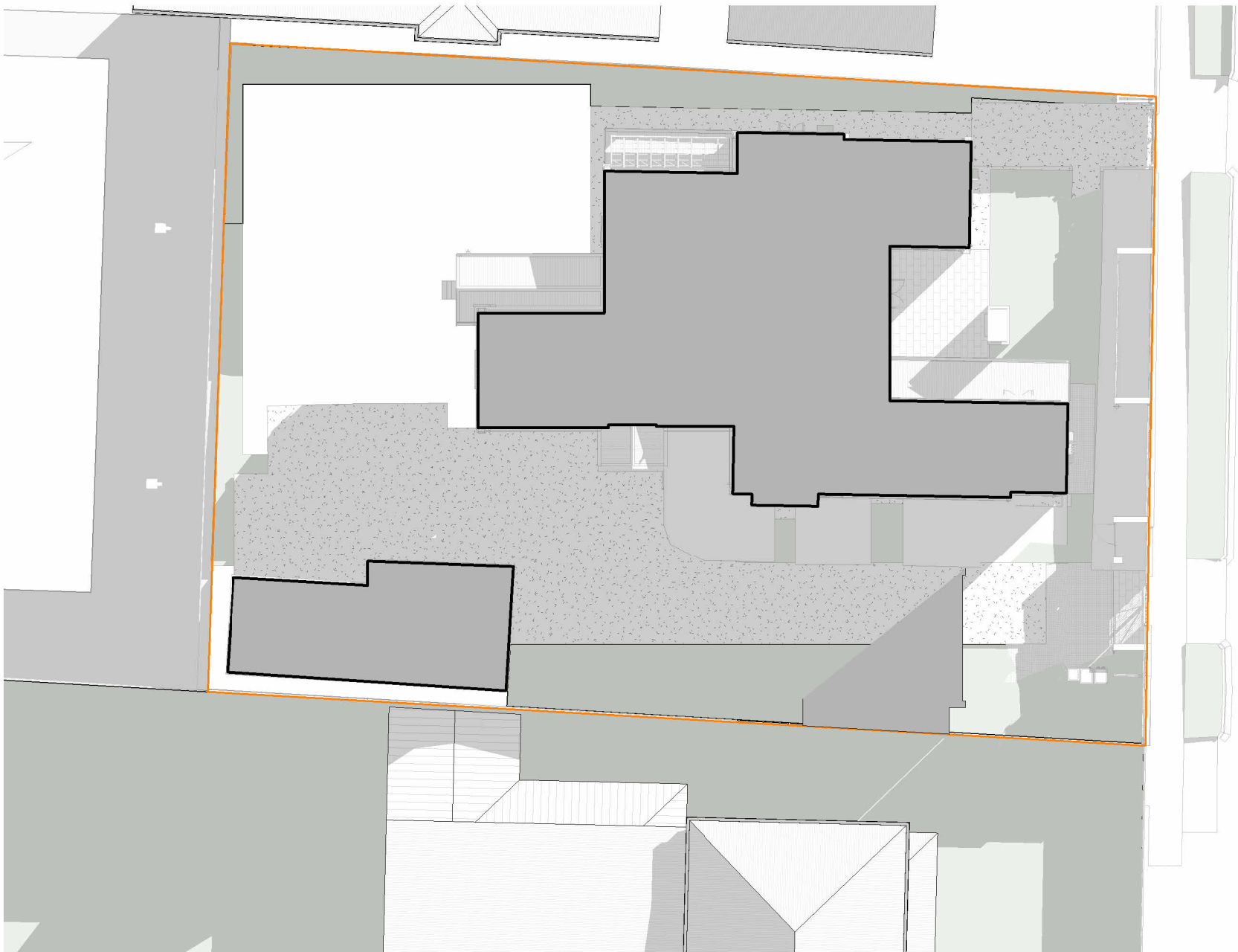
PROJECT ADDRESS
18 Trinity Street, College Park

DRAWING TITLE
Summer Sun Studies

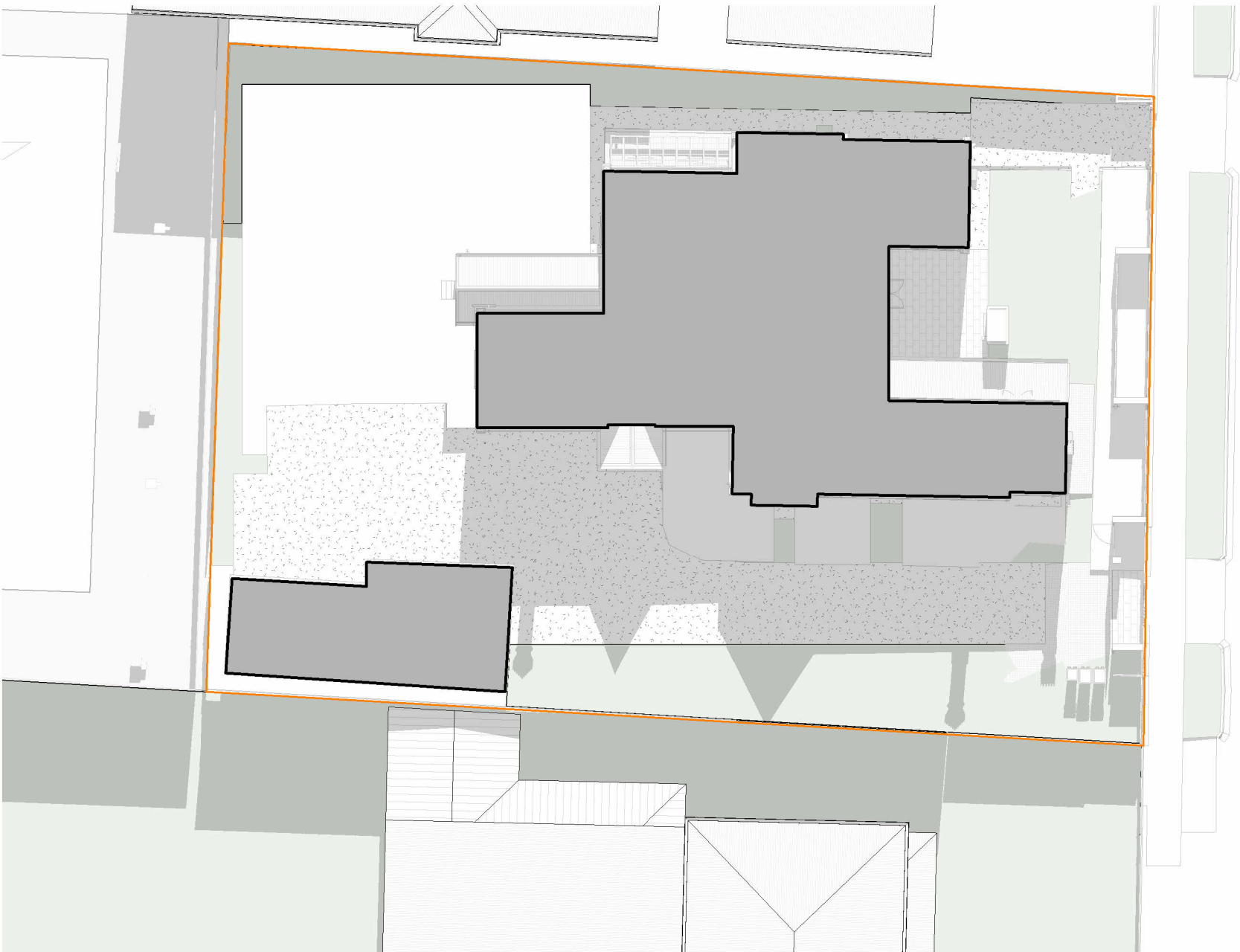
PROJECT N°
23.013

DRAWING N°
PL07.-

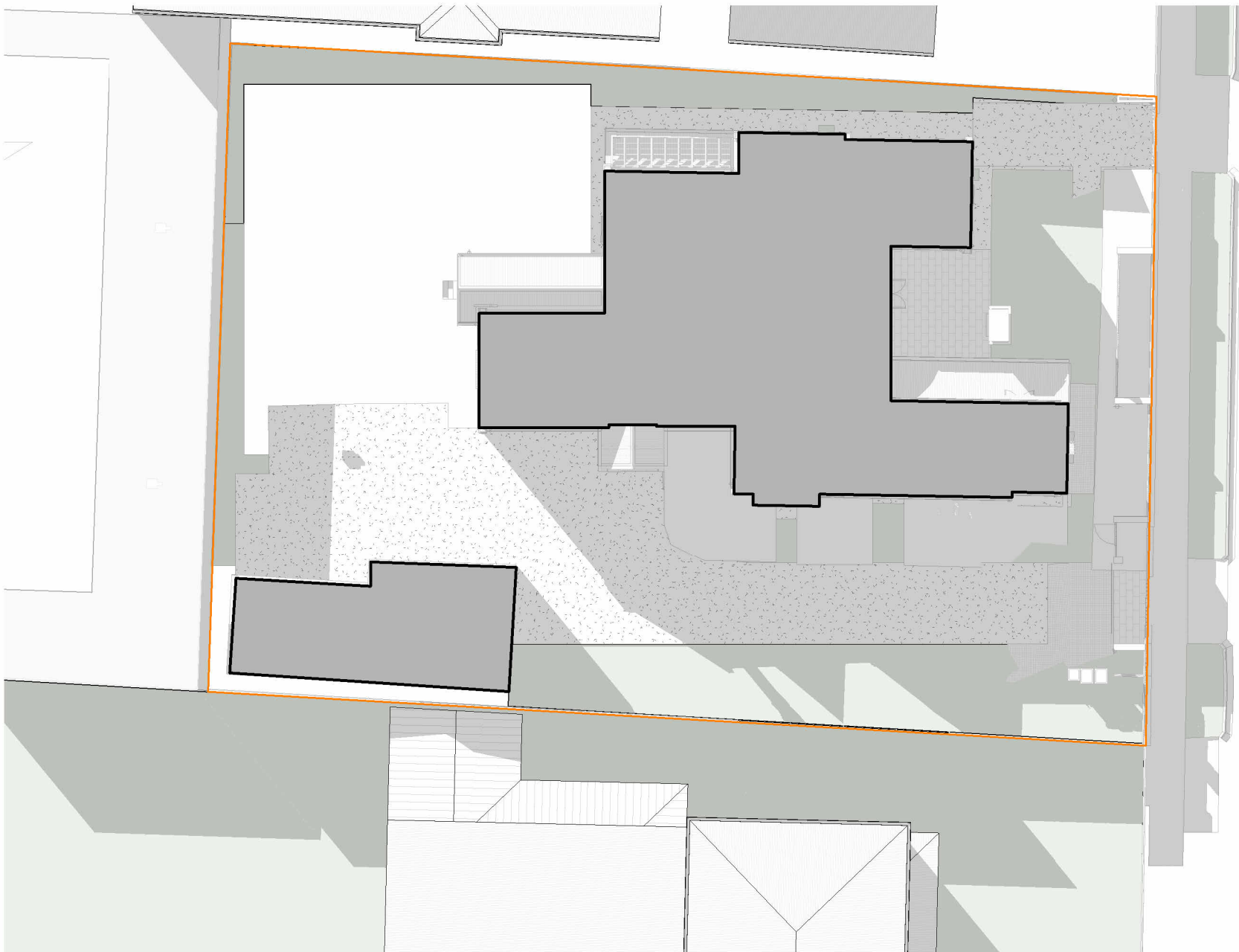
COPYRIGHT RESERVED PROSKE ARCHITECTS 2023
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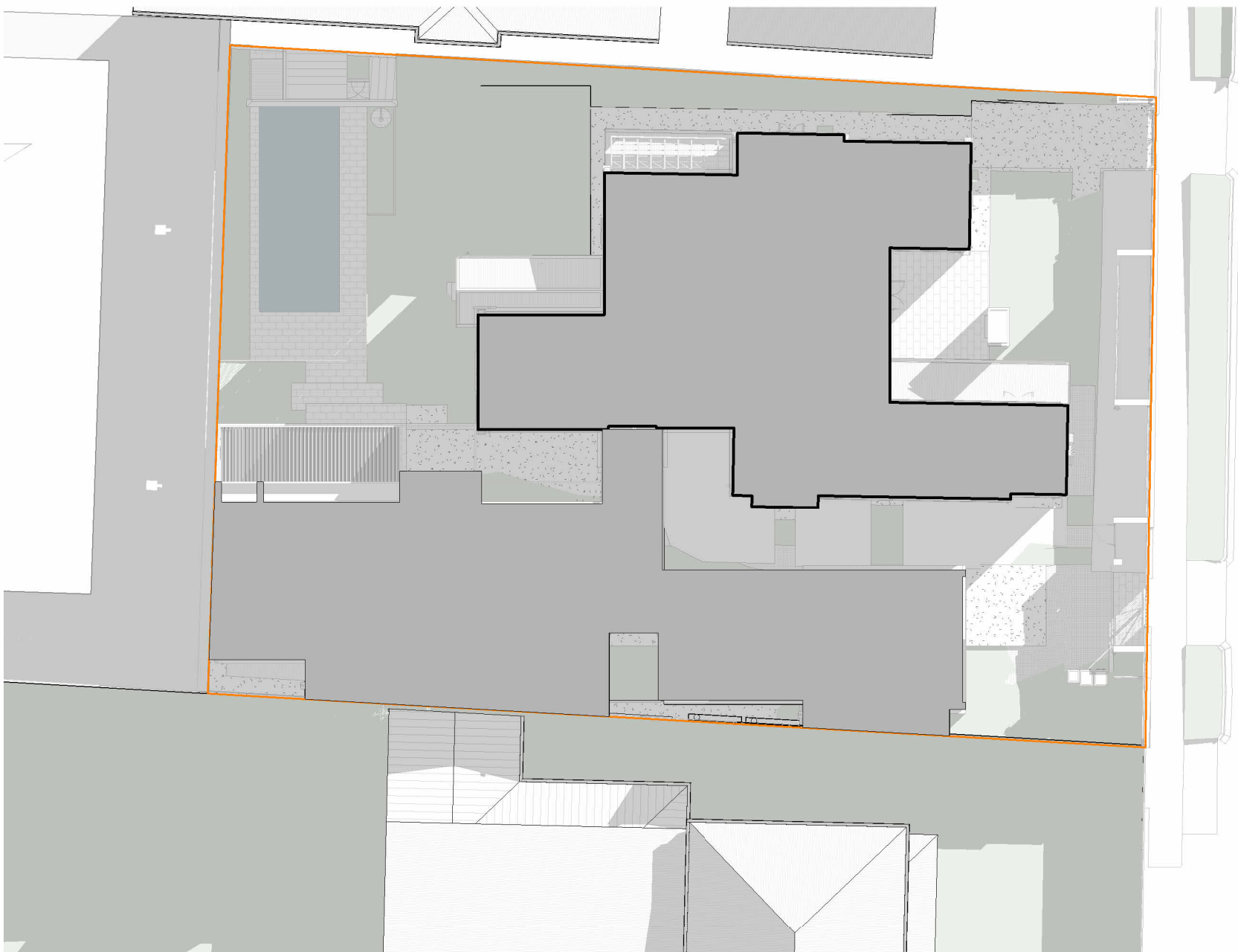
SUN STUDY 9AM WINTER EXISTING



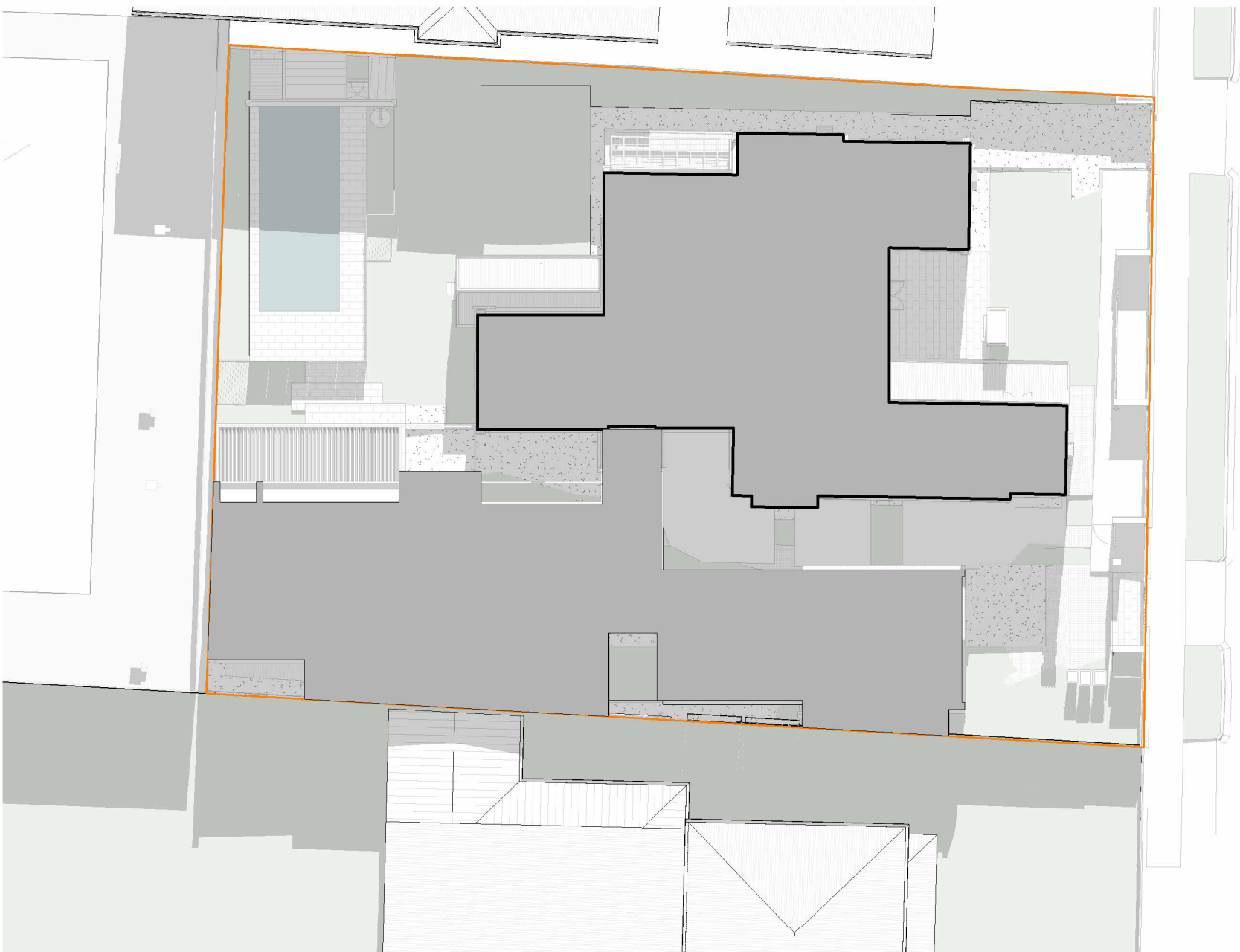
SUN STUDY 12PM WINTER EXISTING



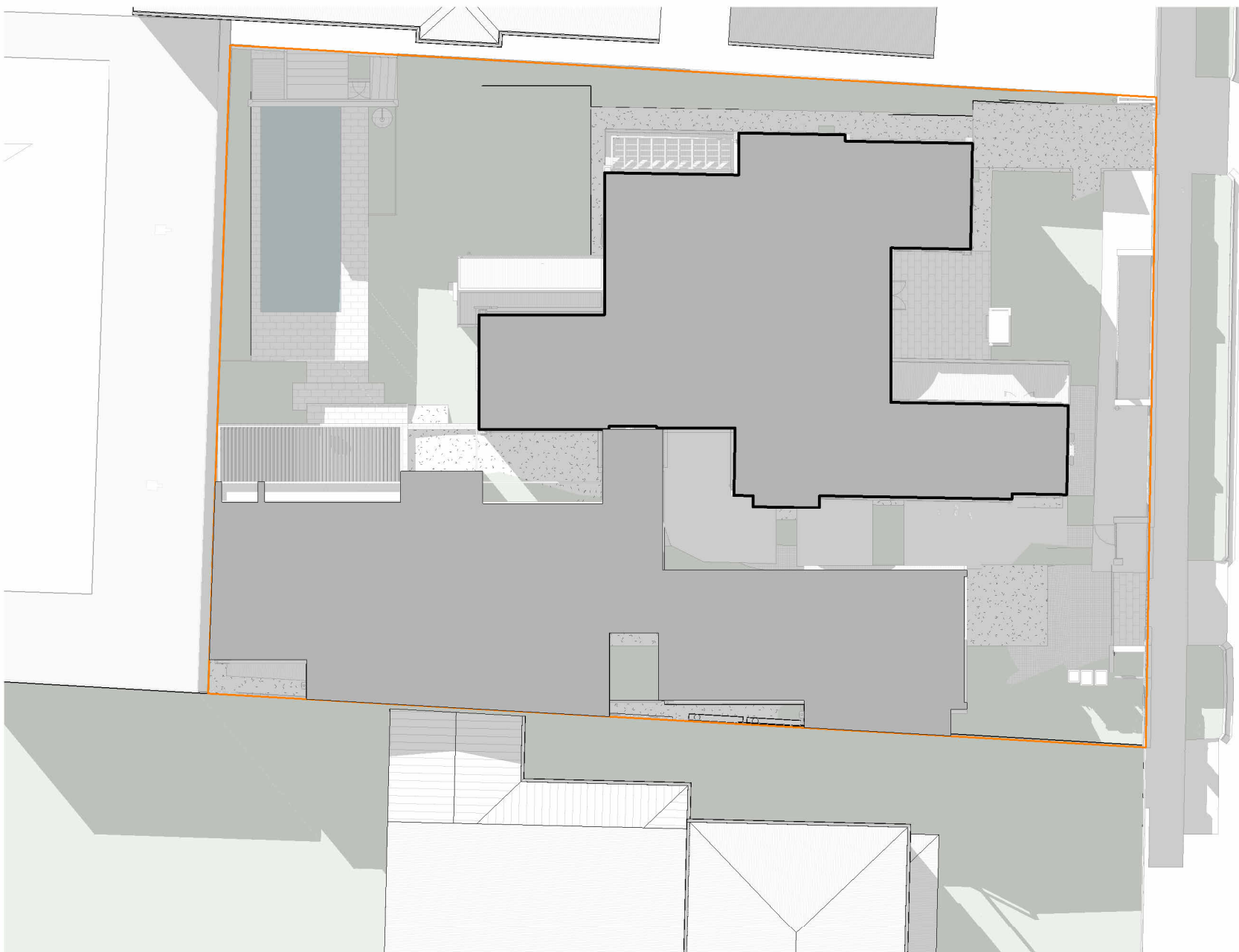
SUN STUDY 3PM WINTER EXISTING



SUN STUDY 9AM WINTER



SUN STUDY 12PM WINTER



SUN STUDY 3PM WINTER

Proske

LEVEL 1, 27 HALIFAX STREET,
ADELAIDE SA 5000
08 8271 0100
PROSKE.COM.AU



DPC Issue

DRAWN
WTD

CHECKED
WC

DATE
27.05.2024

SCALE
1: 250

PAPER SIZE
A1



CLIENT
G+A

PROJECT
Courtyard Residence

PROJECT ADDRESS
18 Trinity Street, College Park

DRAWING TITLE
Winter Sun Studies

PROJECT N°

23.013

DRAWING N°

PL08.-

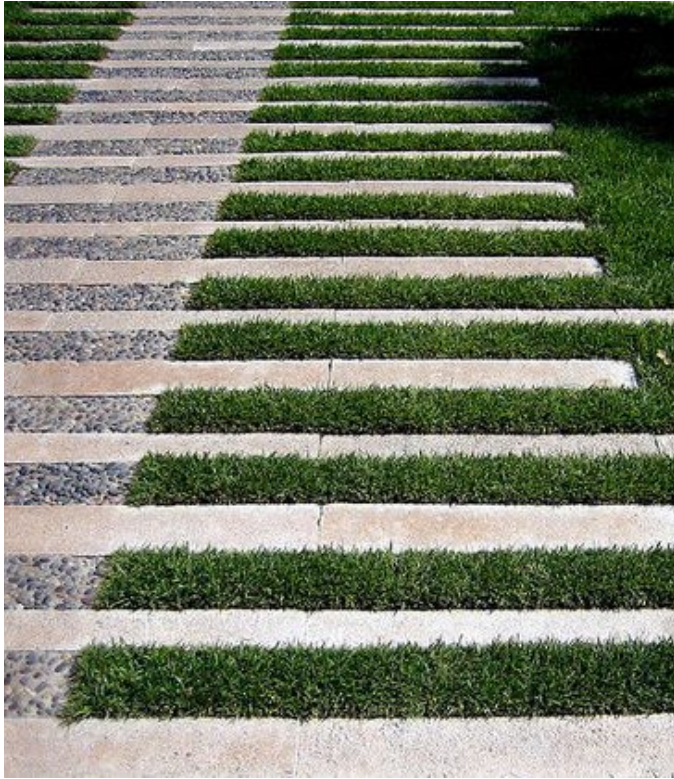
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18 TRINITY STREET
COLLEGE PARK

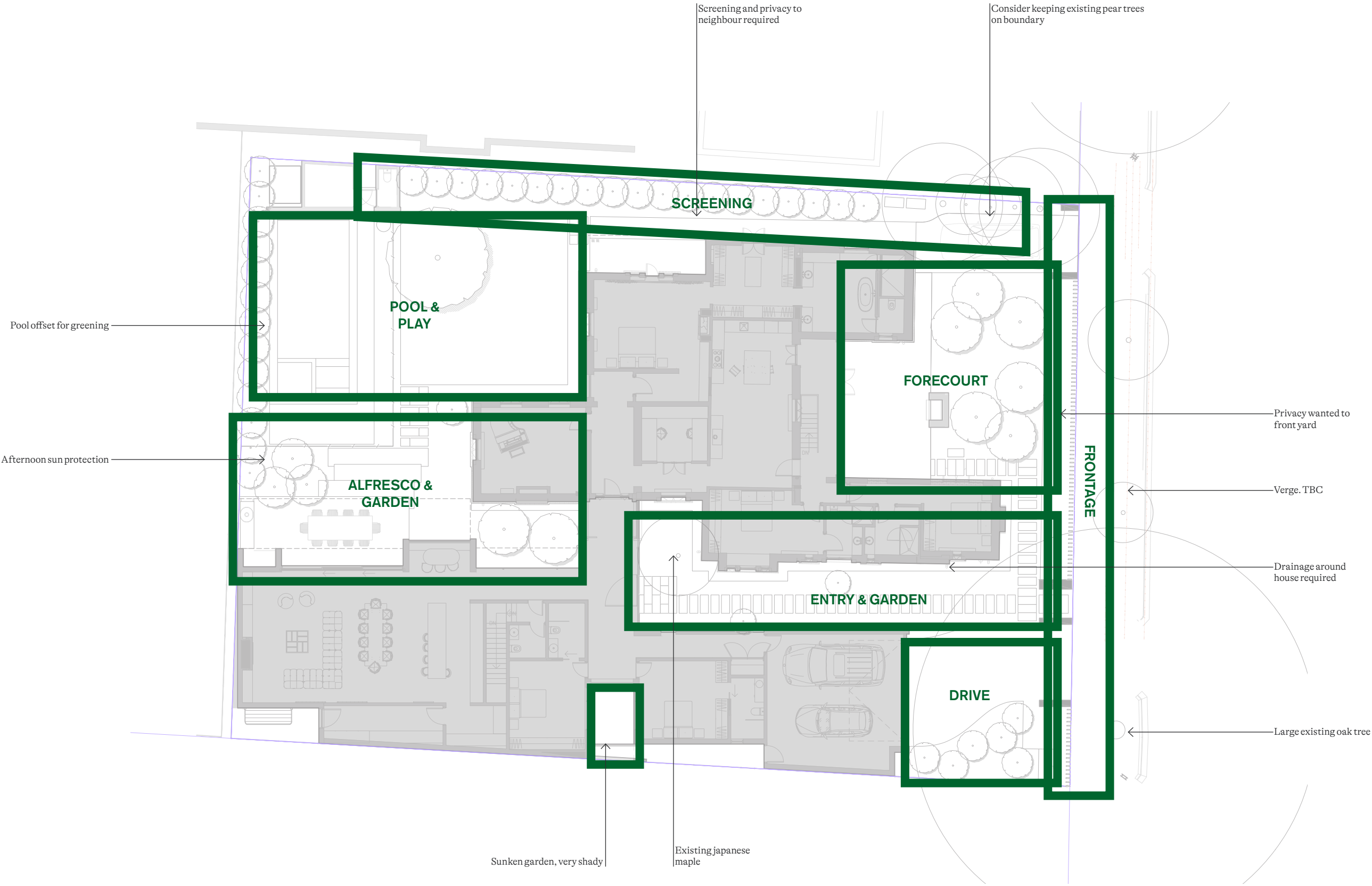
Project	Balalis House
Ref No.	23.033
Client	Balalis Family
Date	27.05.2024
Issue	Planning

LANDSKAP

LANDSCAPE
CHARACTER




LANDSCAPE ZONES



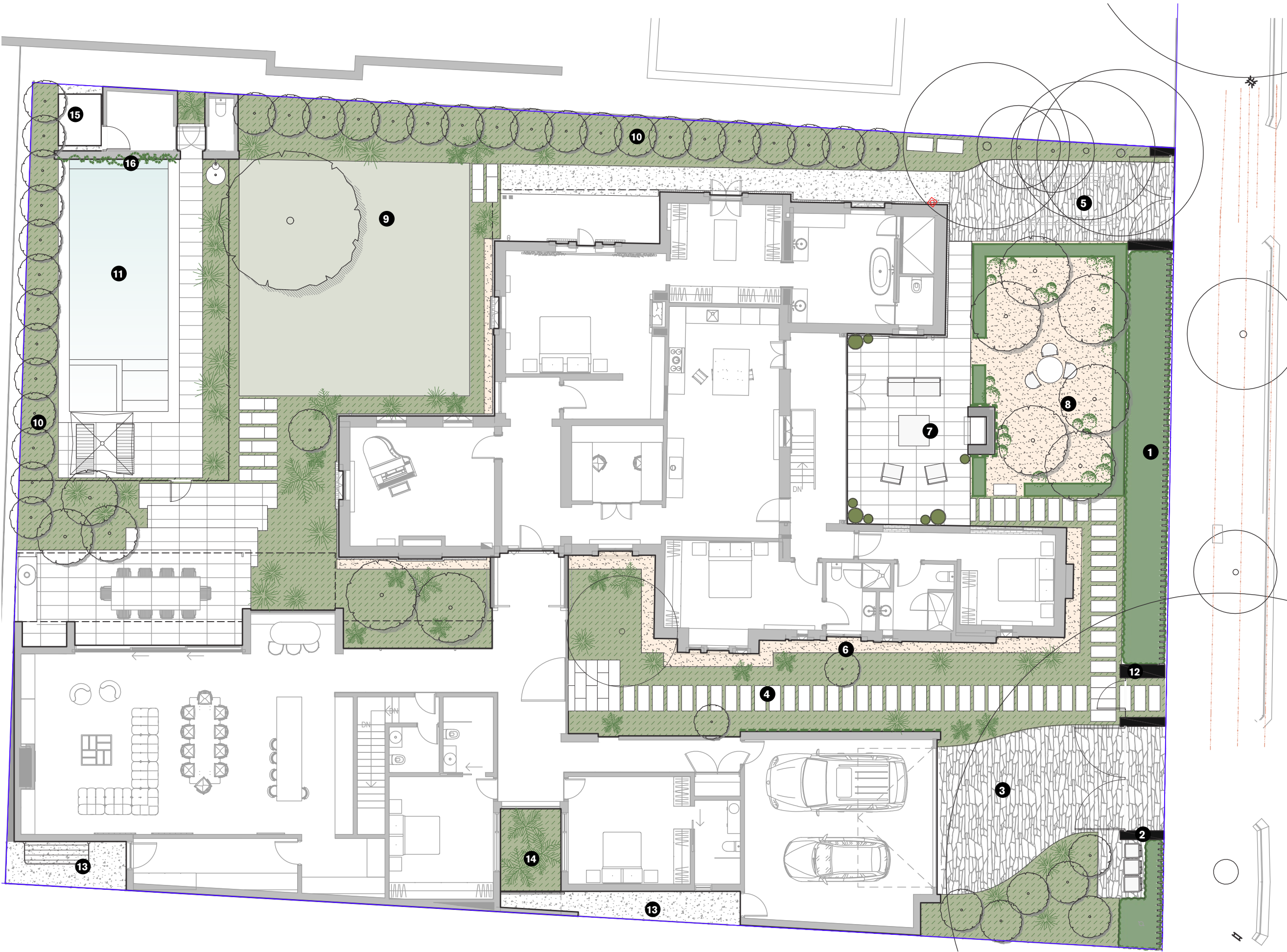
CONCEPT

- 1 Hedge to front boundary
- 2 Plinth walls
- 3 Porphyry filetti paving
- 4 Entry pathway
- 5 Gravel driveway
- 6 Gravel skirt to building
- 7 Alfresco area
- 8 Forecourt
- 9 Lawn area
- 10 Hedging to boundary
- 11 Pool
- 12 Letter box w/ parcel drop
- 13 Service yard
- 14 Sunken garden
- 15 Pool Equipment
- 16 Rooftop planter above

North



NTS



MATERIALS & ELEMENTS



↑ STONE PAVING



↑ FILLETTI



↑ STONE STEPPERS



↑ STONE STEPS



↑ GRAVEL



↑ STEEL EDGE



↑ TIMBER PALING FENCE



↑ COLORBOND FENCE



↑ ROD POOL FENCE



↑ TURF

TREES

FEATURE TREE OPTIONS



↑ ACER FREEMANII

Acer 'Jeffersred' Blaze
H 12m W 5m



↑ GINKGO BILOBA

Fruitless Ginkgo
H 15m W 5m



↑ CUPRESSUS SEMPERVIRENS

'Glauca' / Italian Pencil Pine
H 8m W 0.5-1m



↑ BETULA PLATYPHYLLA

Japanese White Birch
H 12m W 3m



↑ BETULA PENDULA

'Moss White' Silver Birch
H 8m W 4m



↑ ACER PALMATUM

Japanese Maple
H 5m W 4m



↑ LAGERSTROEMIA 'NATCHEZ'

Crepe Myrtle 'Natchez'
H 5m W 4m



↑ COTINUS COGGYGRIA

Smoke Bush
H 4m W 3m

DRIVEWAY OPTIONS



HEDGES, SCREENING & VERTICAL GREENING



↑ VIBURNUM ODORATISSIMUM

'Dense Fence'



↑ BUXUS JAPONICA

Japanese Box



↑ PARTHENOCISSUS TRICUSPIDATA

Boston Ivy



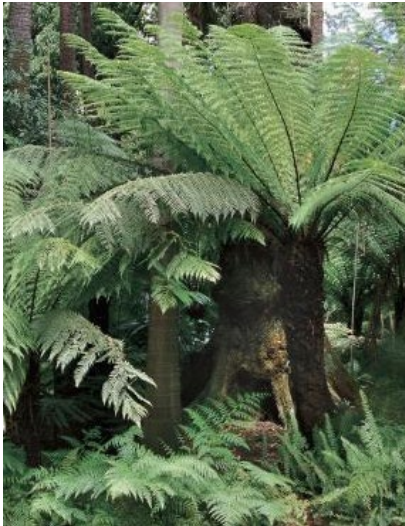
↑ FICUS PUMILA

Self Climbing Fig



↑ FICUS MICROCARPA HILLII

'Ficus Flash'



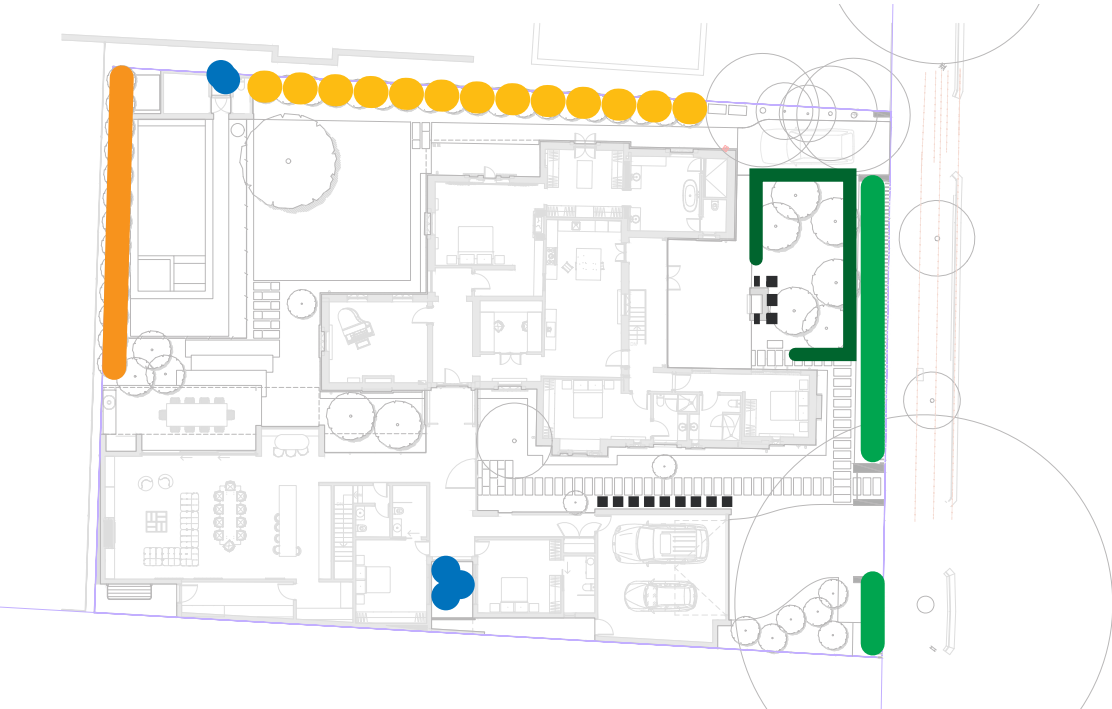
↑ CYATHEA AUSTRALIS

Rough Tree Fern

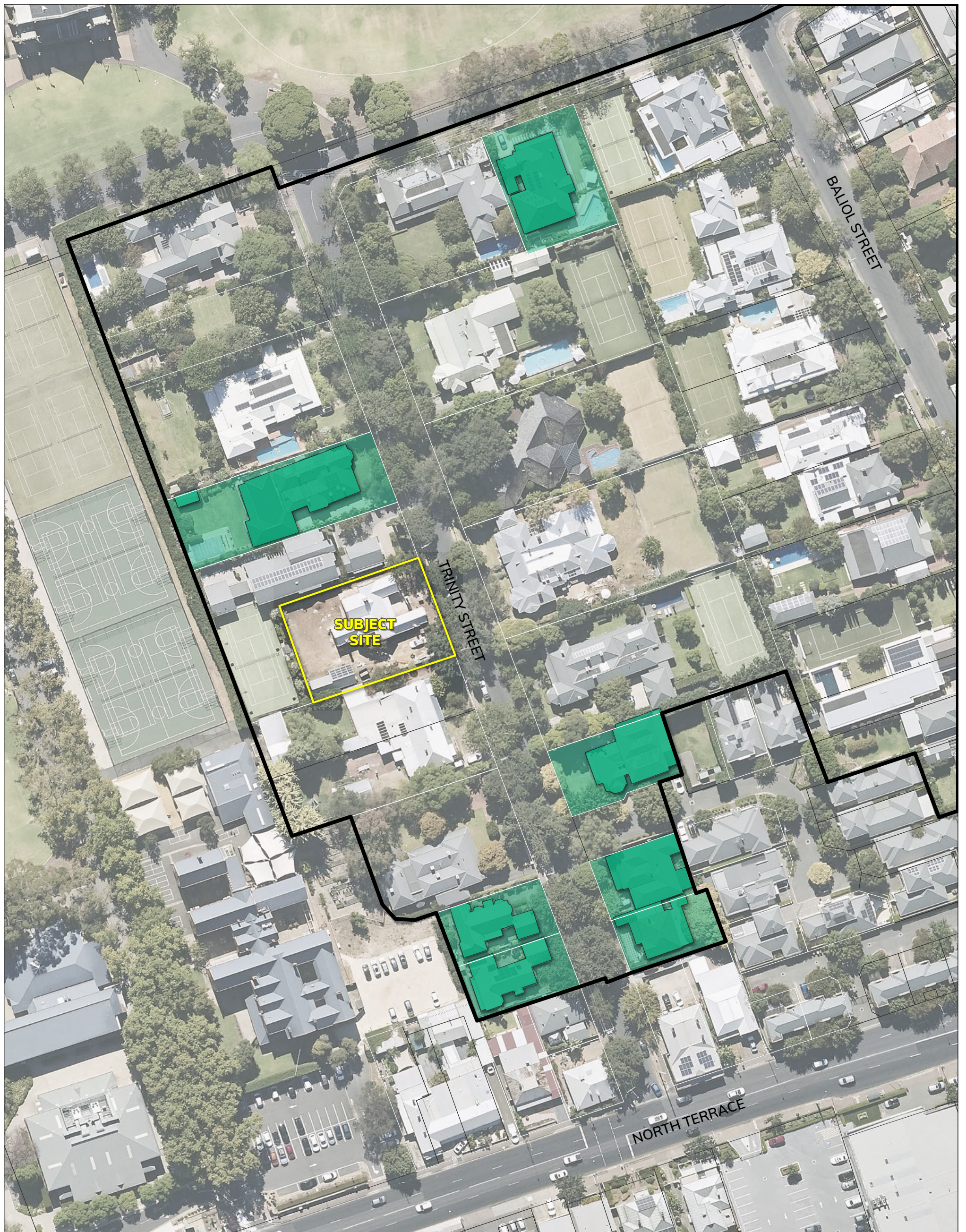


↑ PYRUS NIVALIS 'SNOW PEAR'

Snow Pear



LANDSKAP



SITE COVERAGE ANALYSIS 18 Trinity Street, College Park

JOB REF. 22ADL-0532
 PREPARED BY. MP
 DATE. 28.05.24
 REVISION. 2



0 10 20 40m

SCALE: 1:1,000 @ A3

Legend

- Maximum site coverage TNV(40%)
- Site coverage exceeding 40%



1745-001

NOTES

- This is an Engineering detail survey with the boundaries shown being indicative only. It is not, and should not be used as a boundary identification survey.
- Soil Classification for this site is 'E-D/P'. Flexible stormwater and sewer connections **are required** for this site. Refer to attachment FCD for detail. Where a site is classed as a problem site 'P' due to excessive fill and increased movement due to trees, flexible stormwater connections are always to be used.
- Provide lagging to all pipe penetrations through footing beams as follows:
 - i) soil classification S, M, H: 20mm
 - ii) soil classification H2, E: 40mm
- All perimeter paving and stormwater drainage to be completed by owner/builder within 6 months of the completion of the building.
- All stormwater pipes subject to pedestrian traffic to have minimum 150mm cover, with pipes subjected to vehicular load to have 300mm. If required cover cannot be achieved, pipe to be encased in 100mm thick concrete or covered with a 5mm thick galvanised RHS sleeve or plate.
- Stormwater pipes to have a minimum fall of 1:200 with sewer pipes having minimum 1:60 fall.
- It is the responsibility of the owner/builder/plumber to ensure that there is sufficient fall from the dwelling/s to the street sewer connection point based on the finished floor levels on this plan, prior to the beginning of works on site. All care but no responsibility taken by design Engineer.
- Stormwater disposal to be in accordance with council stormwater guidelines.
- Where excavating on or near boundaries, care is to be taken as to not undermine the existing structure. Refer to Engineer if in doubt.

LEGEND

DESIGN

- 100.00 Design contour
- 100.00 Design spot level
- 90 uPVC stormwater pipe
- >> 100 uPVC sealed stormwater pipe (refer to 'SSD')
- Sewer pipe
- Direction of flow
- PDP 75 PVC downpipe
- DP Selected downpipe
- Grated trench
- (top) Max 1:2 batter
- 100K 100 high barrier kerb
- Retaining wall
- Borehole
- 250 sq grated sump (un)
- 100 dia. grated inlet
- Inspection point
- Paving (refer to 'PD1')

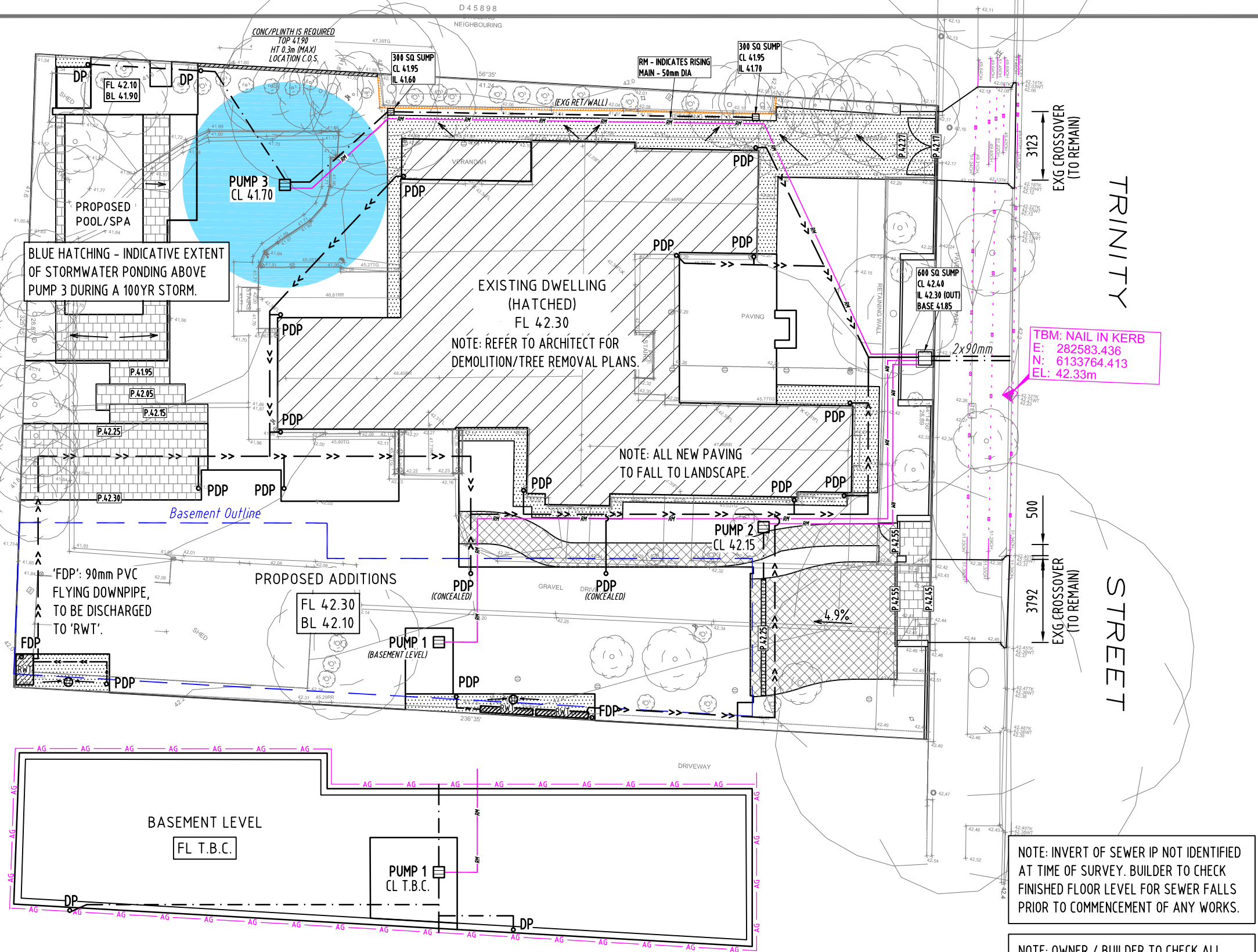
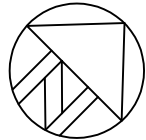
SURVEY/EXISTING

- 100 Contour
- x 99.97 Spot level
- TBM (Temporary Bench Mark)
- Stobie pole
- Sewer IP
- WM (Water Meter)
- ETSA
- GM (Gas Meter)
- Telstra/Comms pit
- SEP (Side Entry Pit)
- Peg

ABBREVIATION

- FL Floor level
- BL Bench level
- DL Design level
- P Paving level
- TK Top of kerb
- WT Watertable
- TRW Top of ret.wall
- BRW Bottom of ret.wall
- RWH Retaining wall height
- CL Sump cover level
- IL Pipe invert level

PLANNING APPROVAL
NOT FOR CONSTRUCTION



PUMP/SUMP 1
REQUIRED STORAGE: 1000L
PUMP RATE SET @ 90 LPM

PUMP/SUMP 2
REQUIRED STORAGE: 300L
PUMP RATE SET @ 90 LPM

PUMP/SUMP 3
REQUIRED STORAGE: 1000L
PUMP RATE SET @ 120 LPM

■ DENOTES RAINWATER TANK(S) WITH A MINIMUM
COMBINED VOLUME OF 4000L FOR RETENTION
PURPOSES. REFER TO ATTACHMENT 'RWT'.

NOTE: INVERT OF SEWER IP NOT IDENTIFIED
AT TIME OF SURVEY. BUILDER TO CHECK
FINISHED FLOOR LEVEL FOR SEWER FALLS
PRIOR TO COMMENCEMENT OF ANY WORKS.

NOTE: OWNER / BUILDER TO CHECK ALL
EXISTING SERVICES AND ALLOW FOR
RELOCATION AS REQUIRED PRIOR TO
COMMENCEMENT OF CONSTRUCTION.

NOTE: LEVEL SURVEY PROVIDED BY CLIENT.

ISSUE	DATE	COMMENTS/REMARKS
P2	27.05.2024	Updated to match architectural changes. Issued for planning approval
P1	05.02.2024	Issued for planning approval

KP
AUSTRUCT
Consulting Engineers

6 CRITTENDEN ROAD,
FINDON SA 5023
PH: 08 8448 2900

PROSKE
PROPOSED ADDITIONS FOR: G. & A. BALALIS
AT: No.18 TRINITY STREET COLLEGE PARK

DRAWING TITLE SITE AND DRAINAGE PLAN				
SCALE 1:200	DRAWN S.T.	ENGINEER S.T.	DATE FEB'2024	
CHECKED -	PROJECT No. 23/485	DRAWING No. SD1	ISSUE P2	SHEET SIZE A3



ABN: 50 663 097 229
6 Crittenden Road Findon
Phone: (08) 8448 2900
Email: admin@kpastruct.au

STORMWATER CALCULATIONS

Job Number: 23/485

Client: PROSKE

For: G. & A.

Site Address: No. 18 TRINITY STREET, COLLEGE PARK

Design: S.T.

Date: FEB'2024

Date: -

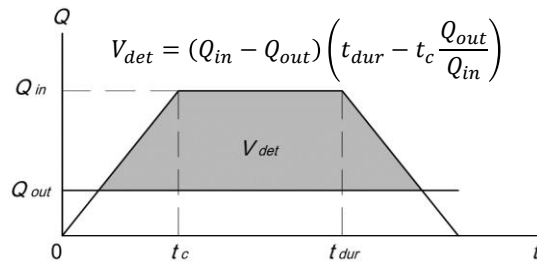
Job: 23/485
 Design: S.T.
 Date: FEB'2024
 Sheet: SW1

PUMP COMPUTATION - PUMP 1

Design AEP: 1%
 Impervious = 45 m² C = 1.00
 Time of concentration (t_c) = 1 mins

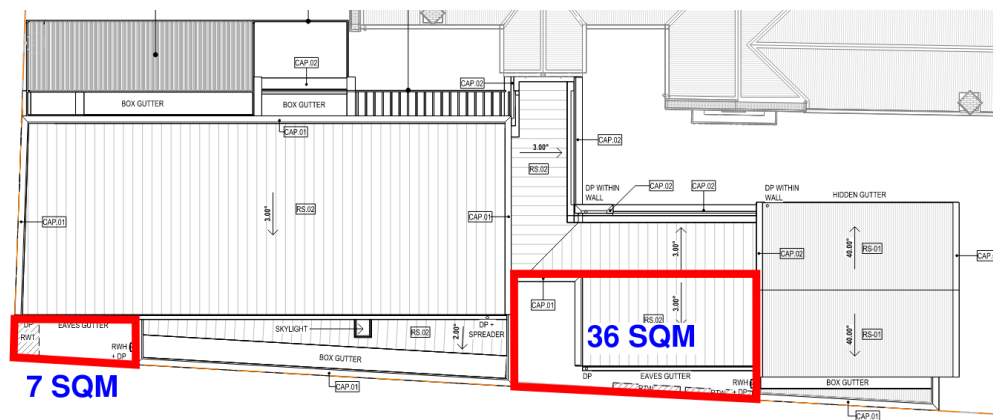
Select Q_{out} = 1.5 l/s

t _{dur} mins	I mm/hr	Q _{in} l/s	V _{det} cbm
5	174.0	2.18	0.17
10	126.0	1.58	0.04
15	102.0	1.28	-
20	86.4	1.08	-
25	75.8	0.95	-
30	67.8	0.85	-
35	61.6	0.77	-
40	56.6	0.71	-
45	52.5	0.66	-
50	49.1	0.61	-
55	46.1	0.58	-
60	43.5	0.54	-
90	33.1	0.41	-
120	27.1	0.34	-
180	20.3	0.25	-
240	16.5	0.21	-

**EMERGENCY STORAGE**

Design AEP: 20%
 Duration: 60 mins
 Intensity = 20.4 mm/hr
 Required storage = 0.92 cbm

Provide 1000L pump chamber, and pump with pumping capacity of 90 lpm.



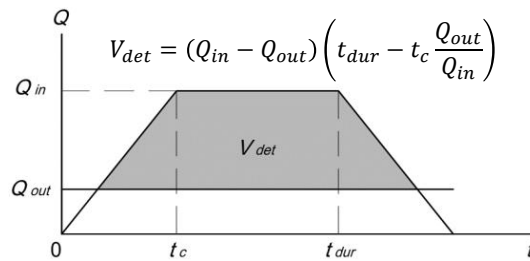
Job: 23/485
 Design: S.T.
 Date: FEB'2024
 Sheet: SW2

PUMP COMPUTATION - PUMP 2

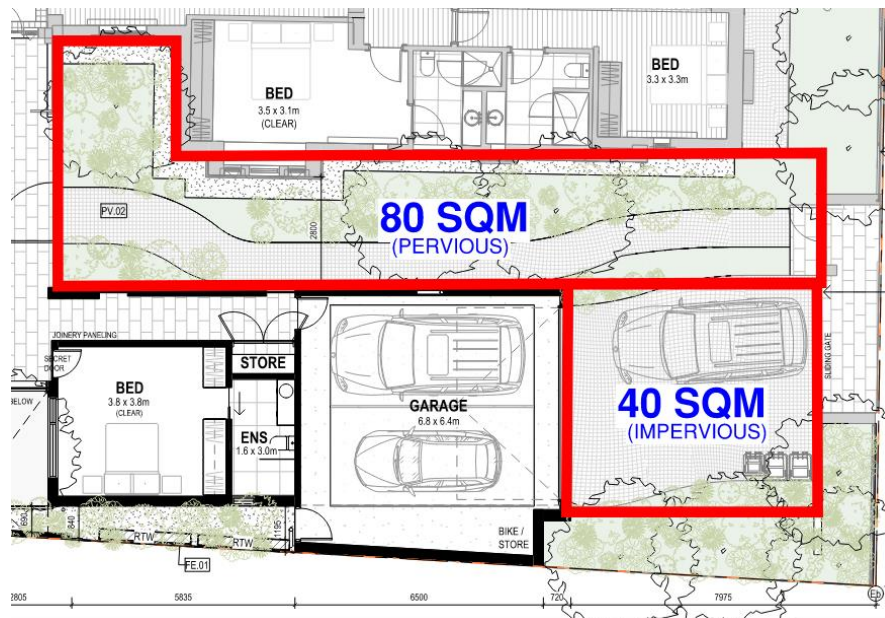
Design AEP: 1%
 Impervious = 40 m² C = 1.00
 Pervious = 80 m² C = 0.15
 Time of concentration (t_c) = 1 mins

Select Q_{out} = 1.5 l/s

t _{dur} mins	I mm/hr	Q _{in} l/s	V _{det} cbm
5	174.0	2.51	0.27
10	126.0	1.82	0.18
15	102.0	1.47	-
20	86.4	1.25	-
25	75.8	1.09	-
30	67.8	0.98	-
35	61.6	0.89	-
40	56.6	0.82	-
45	52.5	0.76	-
50	49.1	0.71	-
55	46.1	0.67	-
60	43.5	0.63	-
90	33.1	0.48	-
120	27.1	0.39	-
180	20.3	0.29	-
240	16.5	0.24	-



Provide 300L pump chamber, and pump with pumping capacity of 90 lpm.



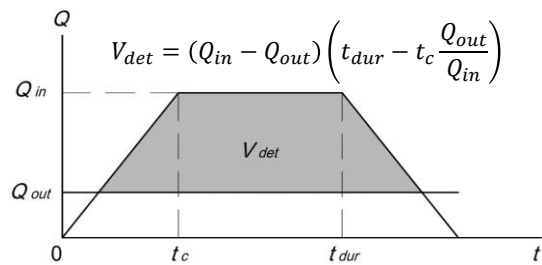
Job: 23/485
 Design: S.T.
 Date: FEB'2024
 Sheet: SW3

PUMP COMPUTATION - PUMP 3

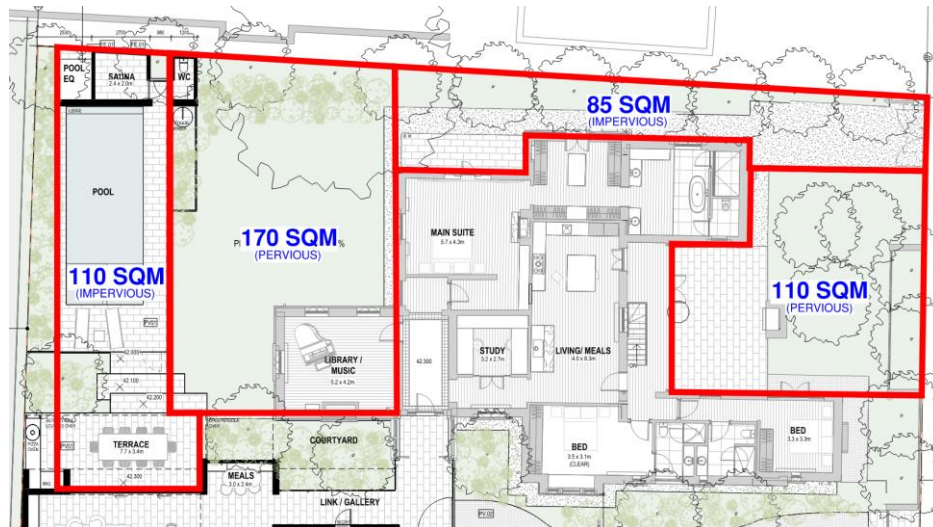
Design AEP: 20%
 Impervious = 195 m² C = 1.00
 Pervious = 280 m² C = 0.15
 Time of concentration (t_c) = 5 mins

Select Q_{out} = 2.0 l/s

t_{dur} mins	I mm/hr	Q_{in} l/s	V_{det} cbm
5	81.4	5.36	0.63
10	59.3	3.90	0.85
15	47.8	3.15	0.81
20	40.5	2.67	0.65
25	35.5	2.34	0.42
30	31.7	2.09	0.13
35	28.8	1.90	-
40	26.5	1.74	-
45	24.6	1.62	-
50	23.0	1.51	-
55	21.6	1.42	-
60	20.4	1.34	-
90	15.6	1.03	-
120	12.9	0.85	-
180	9.8	0.64	-
240	8.0	0.53	-



Provide 1000L pump chamber, and pump with pumping capacity of 120 lpm.



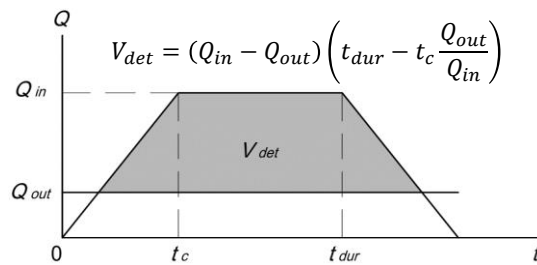
Job: 23/485
 Design: S.T.
 Date: FEB'2024
 Sheet: SW4

PUMP COMPUTATION - PUMP 3 (CONT.)

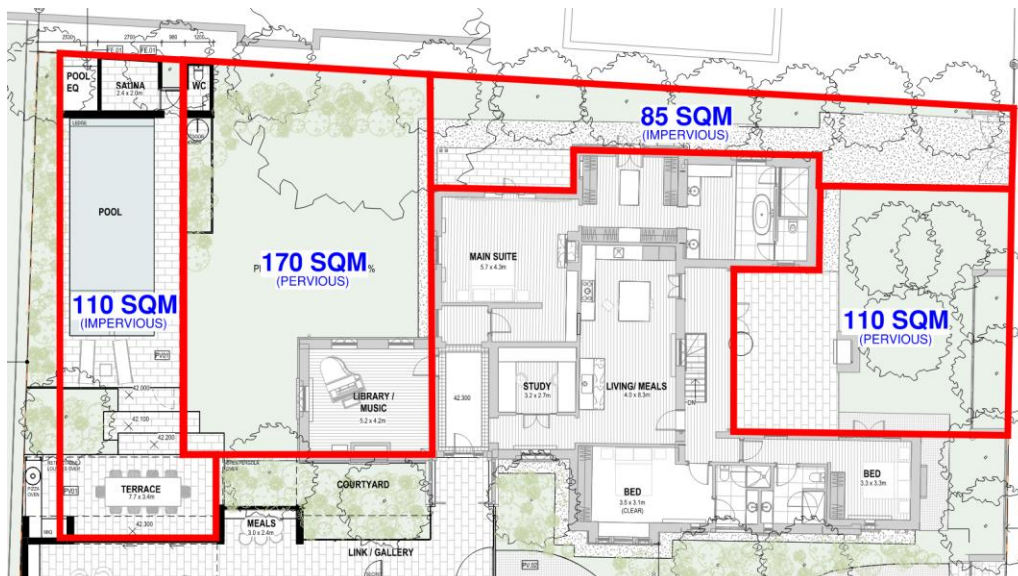
Design AEP: 1%
 Impervious = 195 m² C = 1.00
 Pervious = 280 m² C = 0.15
 Time of concentration (t_c) = 5 mins

Select Q_{out} = 2.0 l/s

t _{dur} mins	I mm/hr	Q _{in} l/s	V _{det} cbm
5	174.0	11.46	2.34
10	126.0	8.30	3.32
15	102.0	6.72	3.82
20	86.4	5.69	4.04
25	75.8	4.99	4.13
30	67.8	4.46	4.10
35	61.6	4.06	4.01
40	56.6	3.73	3.86
45	52.5	3.46	3.68
50	49.1	3.23	3.47
55	46.1	3.03	3.21
60	43.5	2.86	2.93
90	33.1	2.18	0.92
120	27.1	1.78	-
180	20.3	1.34	-
240	16.5	1.09	-



Surface ponding's approximate volume 3500L + 1000L pump station



SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

Subject Land Map



SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

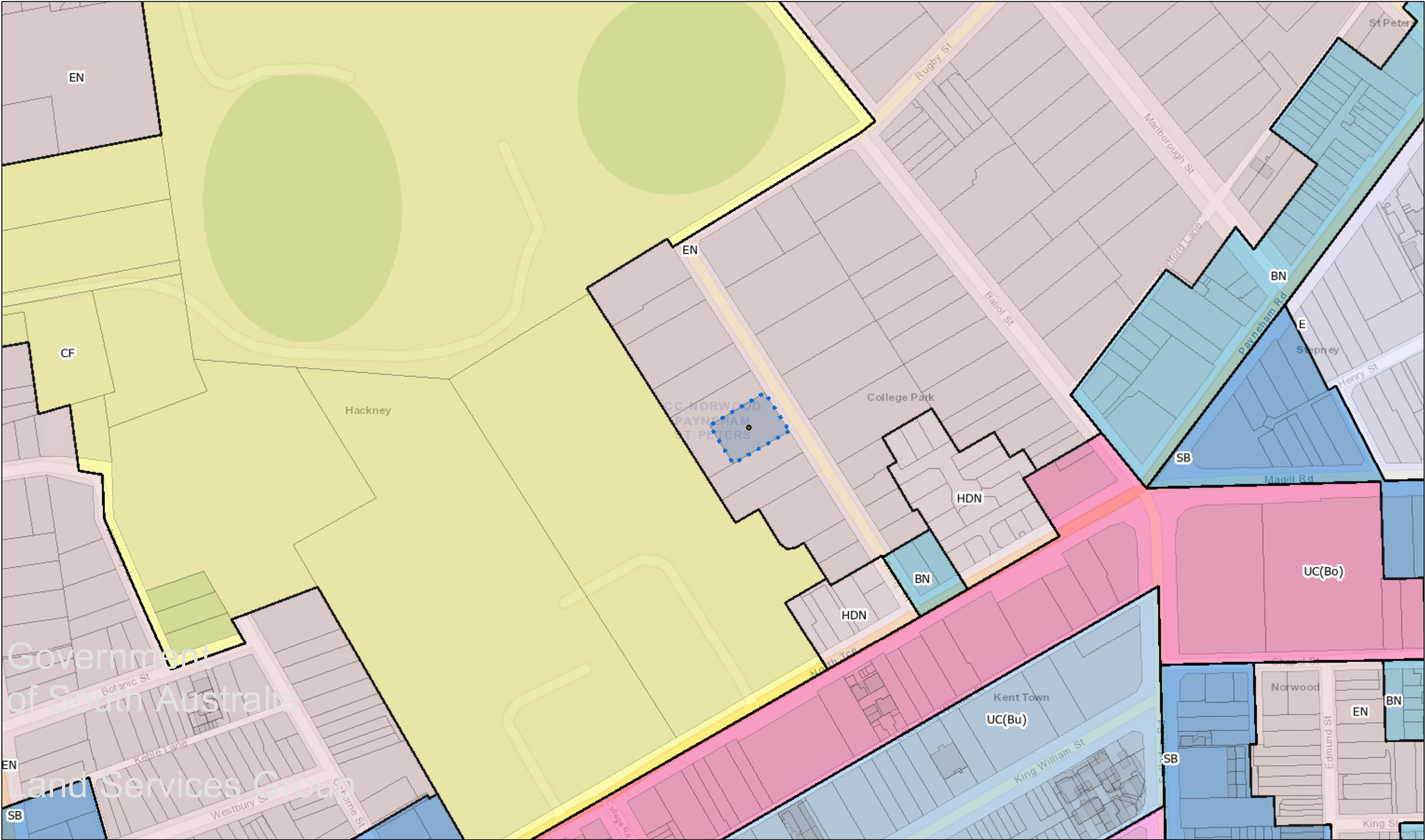
Locality Map



SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

Zoning Map



SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

Historic Area Overlay Map



SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

Representation Map

Out of Map Area:

- Representor 2: PO Box 2643, Kent Town DC



Details of Representations

Application Summary

Application ID	24003919
Proposal	Single storey alterations and additions to existing dwelling (Local Heritage Place), a swimming pool and new boundary fencing
Location	18 TRINITY ST COLLEGE PARK SA 5069

Representations

Representor 1 - Phillip Brunning

Name	Phillip Brunning
Address	Level 1, 27 Halifax Street ADELAIDE SA, 5000 Australia
Submission Date	07/04/2024 07:15 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Please refer to PBA letter of 7 April 2024	

Attached Documents

College-Park-2721-001-1354185.pdf

College Park 2721 001

7 April 2024

Mr Terry Mosel
Presiding Member
Council Assessment Panel
Via the Plan SA Portal



Town Planning
Development Advice
Strategic Management

Attention: Kieran Fairbrother, Senior Urban Planner

Dear Mr Mosel & Members,

DEVELOPMENT APPLICATION 24003919 – REPRESENTATION

I refer to the development application by Proske Architects that seeks planning consent for the construction of additions and alterations to an existing dwelling (a local heritage place) on land at 18 Trinity Street, College Park.

I make the following representation in relation to this development application on behalf of Mr Jonathan & Mrs Carloyn Harry of 16 Trinity Street, College Park being the owners and occupiers of the adjoining dwelling to the south.

For reasons that I outline below, the proposed development ought not proceed in the manner current presented. Indeed, unless meaningful amendments are made to the design, the application should be refused consent.

In summary, the concerns held with this proposal include:

- the extent and height of on-boundary construction;
- consequent impacts on character and amenity; and
- the loss of existing vegetation arising from excavation.

Accordingly, I call upon the Applicant to review the design of the proposed development with concerns in mind, and make necessary adjustments to moderate the planning impacts that would otherwise result.

1. Preliminary

The public notice displayed for this development application reads '*single storey alterations and additions to existing dwelling (Local Heritage Place), a swimming pool and new boundary fencing*'.

I respectfully submit that this description is insufficient in so far as it fails to reference the extensive basement level proposed and the associated excavation required along the shared property boundary.

Further, I would not describe the proposal as being alterations and additions to an existing dwelling in that the structure is effectively freestanding and constitutes an *outbuilding*, if not *ancillary accommodation* in the meaning provided under the Code.

Phillip Brunning & Associates

ABN 40 118 903 021

Level 1, 27 Halifax Street
Adelaide SA 5000
Mobile 0407 019 748
phil@phillipbrunning.com
www.phillipbrunning.com

I also question whether this proposal constitutes a *tree damaging activity* in that work is proposed within the likely tree protection zone of the mature oak street, a regulated tree (if not significant) to the front of the land on the Council road verge.

The presence of this substantial tree is conspicuous by its absence on the architectural plans, albeit the proposed driveway adopts a curvilinear alignment no doubt to avoid the presence of this tree.

While the site and drainage plan provided by the applicant does identify the presence of this tree, I suggest that the extent of the canopy shown is indicative and not an accurate presentation of the actual extent.

The application documents do not include a report from a consulting arborist.

I also note that the subject land has been ostensibly cleared of all existing vegetation, most notably mature trees around the perimeter of the property. While these trees may not have been regulated, their loss is nonetheless regrettable.



2. Proposal

Can I first say that the extensive renovation of this local heritage place by the owner is commended. The works that have been undertaken appear to have been undertaken with great care and attention to detail.

That said, I note the rather unusual inclusion of a 'firepit' within the front garden, the associated chimney of which I expect to be a prominent feature in the streetscape presentation.

There is also a front fence and gates notated as 'existing' on the proposal plans. On my inspection of the property, the existing low level brush fence and palisade gates appears to be somewhat different to that which is shown.

Noting that a previous approval has been granted by council for a front fence (DA 22020951) amongst other works, the notation should more acutely be worded as 'approved' fence yet to be implemented, if indeed this is one and the same.



The proposed building along the southern boundary which is shared with my client, is to have an area of some 260 m², presumably not included the floor area of the basement below. By way of comparison the existing dwelling has an area of 261 m².

The proposed building is comprised of:

- a garage to the front with a wall height of 3.55 m (ridge dimension not specified);
- two bedrooms each with ensuite bathrooms;
- a lobby/gallery area with a front door accessed via a pathway from the street;
- a kitchen, meals, dining and living area with adjacent laundry and pantry;
- a terrace to the north of this living area with an operable roof above;
- a swimming pool and associated sauna room and toilet; and
- paving surrounding buildings and landscaping (species not specified).

...and at basement level:

- a garage pit (presumably with a car lift)
- a gym
- a sunken courtyard area
- an associated lobby and stair to ground level; and
- extensive storage

I note that the existing dwelling is comprised of:

- 3 bedrooms and associated ensuite bathrooms;
- a study and library/music room; and
- a kitchen, living and meals area.

On the face of it, what we have here may be two dwellings.

Of particular relevance, and concern to my client is:

- ground level construction of 20 m (48%) along this side boundary;
- basement wall construction of 33 m (79%) along this side boundary;
- excavation to a depth not less than 3.45 m (no doubt greater depth required for construction);
- on boundary wall heights up to 3.81 m
- walls set back between 0.84 m to 1.5 m from this side boundary in the order of 5 m in height (not clearly dimensioned)

3. Planning & Design Code

The land is located within the Established Neighbourhood Zone of the Planning & Design Code. The land is subject to a number of policy Overlays including that for an Historic Area (College Park Historic Area).

The existing building is identified as a local heritage place.

In addition to the provisions for the Zone and Overlays, a range of General Development Policies are applicable in the assessment of this proposal, including that in relation to design and interface.

Where relevant, I make reference to specific provisions of the Code.

4. Assessment Considerations

The following matters are most relevant in the assessment of this proposal.

4.1 Regulated Trees

The mature oak tree to the front of the land on the council road verge is on my review a regulated tree in the meaning of such provided by Regulation 3F of the Planning, Development & Infrastructure (General) Regulations 2017.

Code policies seek the conservation and protection of regulated trees:

DO 1 Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.

PO 1.1 Regulated trees are retained where they:

- a) make an important visual contribution to local character and amenity
- b) are indigenous to the local area and listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species
- c) provide an important habitat for native fauna.

PO 1.4 A tree-damaging activity in connection with other development satisfies all the following:

- a) it accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise be possible
- b) in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

PO 2.1 Regulated and significant trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health.

Putting to one side the extensive, if not profound clearance of existing vegetation including mature trees from this land, it is appropriate to consider the impact that the proposed development may have on the health of this oak tree.





It is my expectation that the large roof form, if not the excavation necessary to construct the garage to the front of this property will have an impact on this tree, both in terms of its root system and canopy.

I am of the view that the planning authority should be provided with advice from a qualified expert in the field of arboriculture with respect to the potential for impact on this tree prior to determining this development application.

In the absence of such advice, I fail to see how an informed assessment may occur.

4.2 Built Form & Character

The Code expresses the following in relation to built form and character.

- DO 1 A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.
- DO 2 Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.
- PO 3.1 Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.
- PO 4.1 Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.
- PO 4.2 Additions and alterations do not adversely impact on the streetscape character.

These policies call for appropriate regard to be given to existing built form character, the footprint of and space around buildings as experienced from the streetscape and neighbouring properties.

In addition, the following policy provisions for the Historic Area reinforce the manner in which built form should respond to the character of this area with respect to side setbacks, space around buildings and landscaped setting.

- DO 1 Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.
- PO 1.1 All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.

College Park Historic Area Statement (NPSP1)

Allotments, subdivision and built form patterns	Consistent pattern of prestigious single-storey detached dwellings on very large, spacious allotments fronting wide, tree-lined streets. Very low density. <u>Side and rear setbacks providing large separation distances between dwellings.</u>
Setting, landscaping, streetscape and public realm features	Dwellings have <u>sizeable setbacks from all boundaries and are typically set in large landscaped grounds</u> with front boundaries defined by fencing of various styles. Open landscape character to front garden, which enhances dwelling and streetscape quality. Wide streets lined with mature trees.



- PO 2.1 The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.
- PO 2.2 Development is consistent with the prevailing building and wall heights in the historic area.
- PO 2.4 Development is consistent with the prevailing front and side boundary setback pattern in the historic area.
- PO 6.2 Development maintains the valued landscape patterns and characteristics that contribute to the historic area, except where they compromise safety, create nuisance, or impact adversely on buildings or infrastructure.

With reference to the local heritage place, the following provisions are relevant.

- DO 1 Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.
- PO 1.1 The form of new buildings and structures maintains the heritage values of the Local Heritage Place.
- PO 1.2 Massing, scale and siting of development maintains the heritage values of the Local Heritage Place.
- PO 1.3 Design and architectural detailing (including but not limited to roof pitch and form, openings, chimneys and verandahs) maintains the heritage values of the Local Heritage Place.
- PO 1.4 Development is consistent with boundary setbacks and setting.
- PO 2.1 Alterations and additions complement the subject building and are sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Local Heritage Place or its setting.

More generally, the Code seeks the following outcomes with respect to design.

- DO 1 Development is:
 - a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area
 - b) durable - fit for purpose, adaptable and long lasting
 - c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors
 - d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
- PO 9.1 Fences, walls and retaining walls are of sufficient height to maintain privacy and security without unreasonably impacting the visual amenity and adjoining land's access to sunlight or the amenity of public places.
- PO 15.1 The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.
- PO 16.1 Dwelling additions are sited and designed to not detract from the streetscape or amenity of adjoining properties and do not impede on-site functional requirements.
- 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.



Having reflected on these policy provisions, I am of the view that:

- a defining characteristic of this locality is generous space between buildings, in particular as such relates to side property boundaries as experienced from not only the streetscape, but as importantly adjoining properties;
- space between buildings and their respective property boundaries affords visual relief in the streetscape and opportunities for landscaping that softens the built form relationship between buildings;
- not only has the applicant laid waste to the majority of trees on the land, but now seeks a built form that does not provide for landscaping along this shared boundary in manner very much at odds with the landscape setting sought by the Code;
- space and landscaping between buildings contributes to a discernible rhythm in the streetscape of Trinty Street, a characteristic which is acknowledged and sought to be reinforced by Code policy;
- by contrast, the proposal adopts an external perimeter of buildings that effectively internalises amenity for the sole enjoyment of the occupants of this building to the detriment of the streetscape and those who live adjoining;
- this is not only inequitable, but serves to erode an established pattern of development in this locality and therefore may not reasonably be described as a *contextual* design sought by the Code;
- in so far as reference may be made to the side setback of the existing building to the north (clearly atypical, if not an anomaly) I do not consider this to be justification for further departure from clearly expressed planning policy; and
- the resultant site coverage of buildings on this land will exceed the measure of 40% provided for by the Code, which in combination with the design approach adopted leaves little opportunity for landscaping; and
- to the extent that landscaping may be undertaken on the land, this will make little if any meaningful contribution to the landscape character of Trinty Street and this historic area more generally.

4.3 Siting & Setbacks

More specifically with respect to setbacks, the Code provides the following.

PO 7.1 Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

DPF 7.1 Dwellings do not incorporate side boundary walls where a side boundary setback value is returned in (a) below:

- b) where no side boundary setback value is returned in (a) above, and except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below:
 - i. side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height
 - ii. side boundary walls do not:



- A. exceed 3.2m in wall height from the lower of the natural or finished ground level
- B. exceed 8m in length
- C. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary
- D. encroach within 3m of any other existing or proposed boundary walls on the subject land.

PO 8.1 Buildings are set back from side boundaries to provide:

- a) separation between buildings in a way that complements the established character of the locality
- b) access to natural light and ventilation for neighbours.

DPF 8.1 Other than walls located on a side boundary in accordance with Established Neighbourhood Zone DTS/DPF 7.1, building walls are set back from the side boundary:

- b) in all other cases (i.e., there is a blank field), then:
 - i. where the wall height does not exceed 3m measured from the lower of natural or finished ground level - at least 900mm
 - ii. for a wall that is not south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level
 - iii. for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.

PO 9.1 Buildings are set back from rear boundaries to provide:

- a) separation between buildings in a way that complements the established character of the locality
- b) access to natural light and ventilation for neighbours
- c) private open space
- d) space for landscaping and vegetation.

DPF 9.1 Other than in relation to an access lane way, buildings are set back from the rear boundary at least:

- a) 4m for the first building level
- b) 6m for any second building level.

The Code provides clear and unambiguous guidance with respect to building setbacks to side and rear property boundaries. The quantitative measures provided are informative, if not directive in nature and should reasonably be observed.

The proposal is plainly divergent from these measures which are expressed with a conscious planning purpose. The applicant ought to review its proposal and make the necessary adjustments to bring the design into conformity.

What is proposed is considered to be not only uncharacteristic of this locality, but oppressive to such an extent that will prejudice the continued enjoyment by my client of their property with respect to visual outlook and access to sunlight.

While not impacting my client directly, the proposed building is to be sited on the rear property boundary in manner that is clearly contrary to Code policy, further suggesting that this is an inappropriate design approach.

DO 1 Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Acknowledging that my clients' back yard, their primary area of private open space will continue to enjoy suitable access to sunlight during winter months, I expect that the proposed development will reduce sunlight to north facing rooms in their dwelling.

Windows on the north facing elevation of my clients' dwelling relate to a bedroom/study and family living area, all of which derive considerable amenity from direct sunlight during winter months.

I can only expect that a building of height and extent proposed, on and adjacent to this shared side property boundary will project a shadow into my clients' property diminishing their amenity considerably.

This is not only regrettable but otherwise avoidable if planning policy is observed.



The following photograph above shows the current relationship of my client's home to the shared boundary in terms of north facing habitable room windows and existing landscaping on their property.

Given the depth and extent of excavation required to form the large basement proposed, it is unlikely that vegetation along this fence line will survive, exacerbating not only the stark outlook from my client's property, but also from the street.

Excavation of this magnitude also risks altering soil moisture, putting the structural stability of my client's home in jeopardy. If this proposal is to proceed, a dilapidation report should be provided to establish a base line by which to assess any future damage.

This angst may be avoided if a more respectful design approach were to be taken.

5. Conclusion

The proposal on my review is divergent from Code policy to such an extent that does not warrant approval. Exceedance of the quantitative measures expressed by the Code will result in a form of development that will:

- threaten the long-term health of the mature oak tree to the front of the land;
- compromise the heritage character of this area both in terms of streetscape presentation and the landscape setting of this local heritage place;
- give rise to a boundary wall condition that will unreasonably prejudice the amenity currently enjoyed by my clients on their property; and
- place the structural integrity of my clients' home at risk due to changed soil moisture conditions over time.

I seek the opportunity to address the Panel when this application is considered.

Yours faithfully

PHILLIP BRUNNING & ASSOCIATES PTY LTD



PHILLIP BRUNNING RPIA

Registered Planner

Accredited Professional – Planning Level 1

Representations

Representor 2 - Nick and Denise LeMessurier

Name	Nick and Denise LeMessurier
Address	PO Box 2643, KENT TOWN DC SA, 5071 Australia
Submission Date	08/04/2024 05:23 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

We are concerned for the future health of the large and very old oak tree directly in front of the proposed development. The leaf canopy reaches well into the property that would indicate the size of the trees' root system. We estimate that the root system will be directly effected by the subfloor construction which could lead to the demise of this wonderful heritage tree that provides an enormous shade canopy for many in the street.

Attached Documents

Representations

Representor 3 - Diane Craddock

Name	Diane Craddock
Address	13 Trinity St COLLEGE PARK SA, 5069 Australia
Submission Date	09/04/2024 11:09 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

in regards to the almost certain death of all fenceline trees (btw 16/18) at 16 Trinity Street, due to excavation so close to the fence line. It should be noted that the extensive and attractive garden that existed with the previous owners has all been removed. In addition damage would be done to the longstanding oak street tree that stands outside 18 Trinity St, very close to 16 Trinity St, between the two properties due to its extensive root system. Finally, the percentage area of open space on the block appears to be severely reduced and not in keeping with the area. The beautiful bluestone house appears to have been restored very well so far but threatens to be lost amongst the proposed new building.

Attached Documents

Representations

Representor 4 - Professor Leanne Dibbens

Name	Professor Leanne Dibbens
Address	14 Trinity St COLLEGE PARK SA, 5069 Australia
Submission Date	11/04/2024 03:15 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

the building works are occurring in a historic heritage area which has successfully retained its heritage and green character for over 130 years with character homes and established trees and vegetation. The proposed building plans do not align with maintaining the character and greenery of the historic area. Specific concerns: Lack of free land space and water soakage on the block of land. Where will all the storm water go? Buildings and concrete are known to contribute to raising air temperature, the proposed development is not consistent with being environmentally responsible. Concerns with digging deep into the water table, likely to cause disruptions and damage to underground water flows, the natural environment and neighbouring properties. Construction of a new building on a neighbour's boundary and 'urban infill' is inconsistent with buildings in the area and will diminish the character of the area.

Attached Documents

Representations

Representor 5 - Anna van den Broek

Name	Anna van den Broek
Address	9 Trinity Street COLLEGE PARK SA, 5069 Australia
Submission Date	15/04/2024 10:13 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns

Reasons

I believe that the proposed garage and dwelling are not in keeping with sections of the Established Neighbourhood Zone and the Local Heritage Overlay. For example, site coverage, building height, boundary walls and side boundary setbacks all exceed Established Neighbourhood Zone guidelines. Further the appearance of the garage is not discreet and will dominate the appearance of the associated dwelling when viewed from the street. Also the garage appearance is not in keeping with Local Heritage Overlay by being sited to be obtrusive, will conceal and will obstruct heritage elements and detailing, and will dominate the Local Heritage Place and its setting. Finally, the proposed garage will not complement the heritage values of the Local Heritage Place. For these reasons

Attached Documents

18-Trinity-Street-Representation-April-2024-1356862.pdf

11.4.2024

Norwood, Payneham & St. Peters

Representation for Application ID 24003919

Single storey alterations and additions to existing dwelling (Local Heritage Place), a swimming pool and new boundary fencing

To the Planner,

With regards to the above-mentioned application, I wish to lodge the following representation:

Generally, I have some concerns regarding the character and scale of the proposed development, in particular the Garage. The current design appears to detract from the heritage elements of the existing dwelling, and the rich Heritage amenity of the existing streetscape.

I also feel that the garage should be set back, in line with the music room, and the new additional residence set along the back-boundary fence.

I have noted some areas of concern in relation to the Planning requirements below, in blue below.

Established Neighbourhood Zone

PO3.1 Site Coverage

The proposed development exceeds the maximum allowable site cover of 40%.

PO 4.2 Building Height

Additions and alterations do not adversely impact on the streetscape character.

The proposed garage (which consists of a 6.0m high gable street-facing façade) impacts the existing character of the streetscape and surrounding area and exceeds Council's height requirements.

There are many Local and State Heritages Places within the vicinity of the subject site, and I believe it would be a detriment to the amenity of the area to allow such a dominating, non-traditional element (Garage) to be so prominent along the streetscape.

PO 7.1 Boundary Walls

Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

Side boundary walls do not:

- exceed 3.2m in wall height from the lower of the natural or finished ground level

Proposed Garage wall height exceeds maximum allowable height.

Proposed Laundry, Pantry & Bed wall height exceeds maximum allowable height.

- exceed 8m in length

Portion of wall on the boundary to the rear (Laundry, Pantry & Bedroom) exceeds the maximum allowable length of wall to boundary.

- when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary

South Eastern boundary walls comprise of approx. 48% of total boundary length (to the boundary adjoining No.16 Trinity Street) and therefore, exceeds the maximum allowable length of wall to boundary.

- encroach within 3m of any other existing or proposed boundary walls on the subject land.

The walls located on North Western boundary containing the Sauna and WC (adjoining No. 18a Trinity Street) encroach within 900mm of each other.

PO 8.1 Side Boundary Setbacks

Buildings are set back from side boundaries to provide:
separation between buildings in a way that complements the established character of the locality
access to natural light and ventilation for neighbours.

The proposed side boundary setbacks located along the South Eastern boundary (excluding walls located on boundaries) are very minimal, ranging from 880mm to 1755mm.

The minimal side boundary setbacks could restrict natural sunlight to the adjoining dwelling and rear yard at 16 Trinity Street for a reasonable portion of the day.

PO 10.1 Appearance

Garages and carports are designed and sited to be discreet and not dominate the appearance of the associated dwelling when viewed from the street.

Although the proposed Garage appears to meet the DTS criteria for PO 10.1, I believe the Garage is not discreet, but rather a dominating structure, viewed from the street.

The materials of the proposed façade of the Garage, I believe do not enhance the existing character of the existing Local Heritage Place.

Local Heritage Overlay

Historic Overlay NPSP1

Local Heritage Place 6380

SECTION 23 INFORMATION

Section 23	<p><i>a - it displays historical, economic or social themes that are of importance to the local area</i></p> <p><u>d - it displays aesthetic merit, design characteristics or construction techniques of significance to the local area</u></p> <p><i>e - it is associated with a notable local personality or event</i></p>
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Alterations and Additions

PO 2.1

Alterations and additions complement the subject building and are sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Local Heritage Place or its setting.

I believe the proposed alterations and additions obstruct some of the heritage elements of the existing Local Heritage Place, in particular, the view from Trinity Street, along the South Eastern elevation of the existing dwelling.

The subject site is located directly opposite a State Heritage Place. No 9 Trinity Street, College Park, Former Airlie Hostel. Therefore, the proposed alterations and additions shouldn't detract from the significance of the adjacent State Heritage Place.

Heritage Places in the vicinity which have had Garages recently constructed, have either provided a large setback from the front boundaries, which do not detract from the streetscape, or obstruct the existing dwellings.

Examples of Garages associated with Heritage Places (within the vicinity) with large street set backs;

1. 4 Marlborough Street, College Park – Local Heritage Place (Kados)

Existing Double carport constructed to the side of the existing dwelling, with similar characteristics of the existing dwelling.

2. 6 Marlborough Street, College Park – Local Heritage Place (Glenfillian)

Existing carport located behind existing building line, with an enclosed Garage located towards the rear of the property.

3. 9 Trinity Street, College Park – State Heritage Place (Former Airlie Hostel)

Plans recently approved for Garage to rear of property, with characteristics sympathetic to the existing State Heritage dwelling and surrounding character of the area.

4. 8 Marlborough Street, College Park – Local Heritage Place (Munburnie)

Existing carport structure located to the rear of the dwelling.

Trinity Street is a narrow street and setting the garage close to the front of the residence will result in it being the dominating feature of No. 18 Trinity Street.

Ancillary Development**PO 3.1**

Ancillary development, including carports, outbuildings and garages, complements the heritage values of the Local Heritage Place.

The Heritage values of the existing Local Heritage Place is listed as the whole of the exterior, for the reasons listed as 'A', 'D' & 'E' stated in Section 23 being;

a - it displays historical, economic or social themes that are of importance to the local area

d - it displays aesthetic merit, design characteristics or construction techniques of significance to the local area

e - it is associated with a notable local personality or event

Due to the significance of the Architectural detailing of the existing Local Heritage place, stated in 'd' above, it would be preferred to see that the proposed alterations and additions (in particular the Garage) sympathise with existing aesthetics and siting at the exterior of the existing Local Heritage Place.

Kind Regards,

Anna van den Broek and Ramsay Sallis
9 Trinity Street,
COLLEGE PARK S.A.

Representations

Representor 6 - James M and Catherine T Cudmore

Name	James M and Catherine T Cudmore
Address	15 Trinity Street COLLEGE PARK SA, 5069 Australia
Submission Date	15/04/2024 10:13 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

Dear Representative Assessment Panel Chief Planning and Development Officer City of Norward, Payneham and St Peters We are strongly opposed to the development as disclosed in the materials relevant to the application. Please see attached document setting out our grounds of opposition. Yours faithfully James M and Catherine T Cudmore 15 Trinity Street, College Park SA 5069

Attached Documents

Letter-to-City-of-Norwood-Payneham-and-St-Peters-15-April-2024-1357142.pdf

St.-Peters-A-Suburban-Town-by-Elizabeth-Warburton-1357143.pdf

Your Ref: Application 24003919

By email: developmentassessment@npsa.gov.au

15 April 2024

City of Norwood Payneham & St Peters
175 The Parade
NORWOOD SA 5067

Dear Manger

Assessment Pannel

**Single storey alterations and additions to existing dwelling (Local Heritage Place), a swimming pool and new boundary fencing
18 Trinity Street, College Park**

We, James M and Catherine T Cudmore strongly oppose the development application and set out our reasons and grounds in this letter and the attachments to which we refer.

Standing

James and Catherine Cudmore have resided at 15 Trinity Street since 2003. James Cudmore has an intimate knowledge of the street, and the locality having attended St Peters College Preparatory (now Junior) School during 1967 - 69, and the senior school during 1970 to 74, one of those years spent as a boarder on the school grounds. James understands the historical and precious significance of the amenity of the whole of College Park, and particularly Trinity Street.

Amenity

In her excellent book 'St Peters, A Suburban Town', Elizabeth Warburton devotes 7 pages, pp 39 to 45 to Trinity Street (extract enclosed), and writes:

'TRINITY STREET at the heart of College Town is an avenue of only 292 yards (267 metres) semi-enclosed by the grounds of St Peter's College and a small road leading to Baliol Street. This arrangement gives the street an air of quiet seclusion that has been enjoyed by successive generations of residents. Another contributor to an impression of serenity is the unchanging character of the precinct as a whole. Within ten years of 1868 tis first fifteen houses were built, since when there have been only three additions and three demolitions...'

The Assessment Panel has an obligation to preserve the historic amenity of Trinity Street. It has a rare and important responsibility to be the guardian of this 'unchanging character of the precinct as a whole...' and not to be the facilitator of ill-considered and expedient development that the owners appear to wish to pursue.

When you buy a house in Trinity Street, it comes at a price. It is one of the oldest and most beautiful residential streets in the whole of the City's remit. If you buy a house in this street, and you wish to undertake a development of that house then you do not have the right to detract from and destroy the character, charm, beauty and amenity that has been carefully maintained and protected for 150 years.

Development as such is not a bad thing, and speaking generally a person should be free to undertake such work as he or she chooses to develop their residence. But that cannot be unchecked so as to allow an ill-considered and wholly unsympathetic blight on this beautiful street. The beauty of the street is depicted in the attached snips from Google earth.

Grounds of Opposition

There are a number of matters which detract from the amenity by the current application.

First, the 'street view' as depicted in the render is of pale coloured imitation picket fence set in rendered concrete posts. This is entirely inconsistent with the age, character and charm of the street. It would not be out of place in a modern housing development, but is wrongly out of place in this street.

Second, the ill- defined and concealed work to the south- east of the existing charming house, it entirely unsuited to the beautiful historic architecture, and building of the existing residence that was so lovingly preserved by its previous owner. To allow this building on the boundary would be to allow an irretrievable blight which cannot be undone.

Third, the underground car park (denoted as a garage pit) and access to Trinity Street is entirely inappropriate and inept for this narrow street. No other residence in the whole of College Park has an underground carpark with street access. This is for the obvious reason that it is entirely out to character with the historic amenity of the locality. Further it is entirely impractical. The street carries huge pedestrian traffic, largely students and others travelling to and from the school. The existence of this cross over driveway presents a hazard and a danger to those pedestrians. The street is narrow, and it carries a lot of traffic during school hours. This should not be allowed.

Fourth, the plan reveals the construction of what appears to be a whole second residence on the existing title. This development which is tantamount to subdivision by stealth. What is proposed encompasses effectively a whole second living area. This is far too dense for this already small block of land that comprises No 18 Trinity Street.

Fifth, the proposed work right to the south- eastern boundary is not in keeping with the spacious feel and touchstone of this part of College Park. This part of College Park needs to enhance and preserve, not lose its spacious amenity. It presents a real hazard to the amenity of the neighbours to the southeast boundary, and their garden and trees.

Sixth, the excavation and building work so proximate to the beautiful and very old Oak in the street presents a real threat and hazard to the well-being and survival of that beautify tree with its long bough extending over the footpath and onto the title of No 18.

We would be pleased to address and amplify on these submissions in opposition to this development at any meeting the Assessment Panel wishes to convene.

Yours faithfully

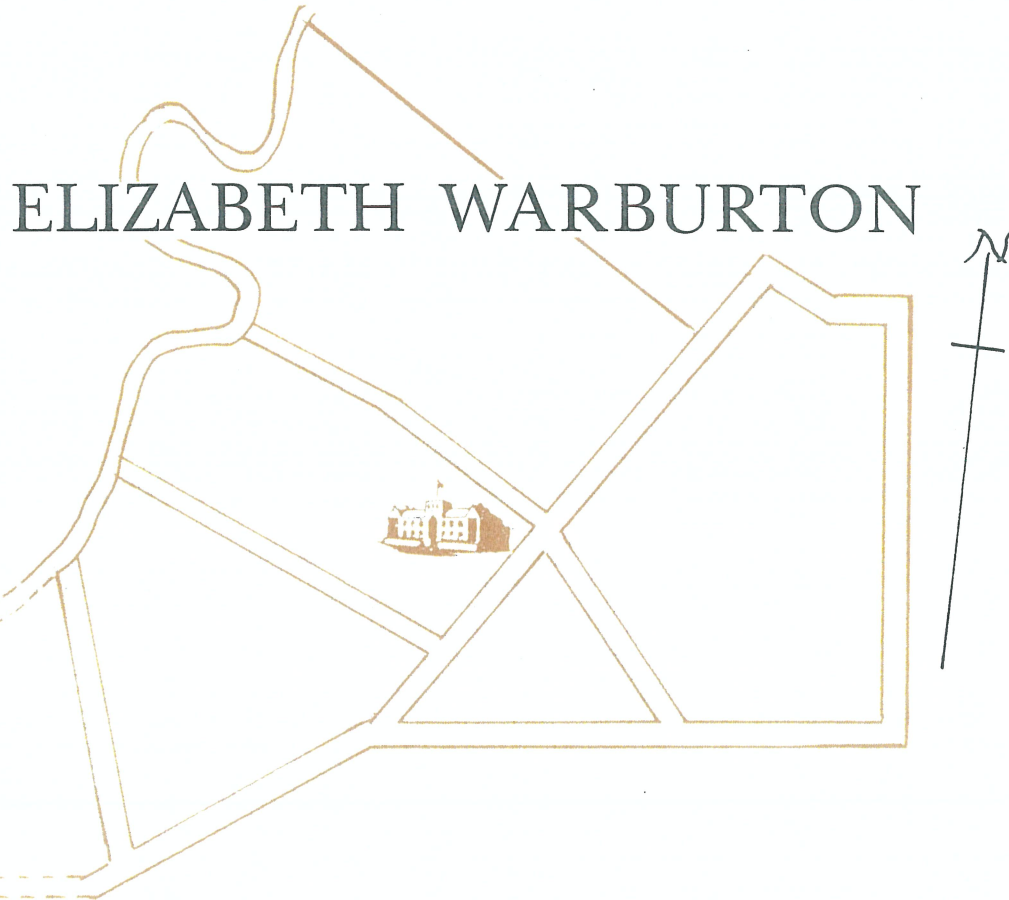
James M and Catherine T Cudmore

Enclosure:

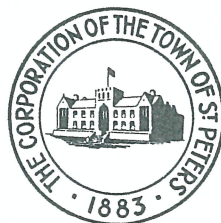
ST. PETERS

A Suburban TOWN

ELIZABETH WARBURTON



THE CORPORATION OF ST. PETERS
SOUTH AUSTRALIA



Henry Mosedale (1823–99), a builder of Stepney—originally, it seems, from the English Midlands—took five College Town allotments and covered them according to his habit. At no. 6 Baliol Street, swathed in flowers, stands the last survivor of a row of his attractive cottages. He sold no. 4 to John Anderson Hartley, Director of Education, whose widow lived there until her death in 1910. With only one child in this five-roomed house, a whole room could be set aside for a library, which Mrs Hartley shared with book-starved young neighbours. Mosedale also built a pair of semi-detached houses at nos 14 and 16 Trinity Street, and a single cottage opposite at no. 7 which, enlarged several times, became one of the finest villas in the street. These were all solid structures, built on heavy bluestone slabs with brick footings of unusual height and strength; a cellar and good ventilation were provided underneath so that salt-damp has not been a problem.

Friedrich Schulze (1822–99) arrived from Germany in 1845, probably trained already as a carpenter. His terrace of four stone cottages on the Payneham Road adjoining the College grounds was well situated for city workers. Nicholas Trudgen (1840–92), son of a Cornish carpenter, bought a corner allotment facing Trinity Street and Payneham Road (or Belgrave Terrace as this portion was more grandly known), where he built two or three cottages to let and one for his future family to which he later added an ornate gabled wing.

For the rest, College Town was mainly a collection of villas in the style of the 1870s—one-storeyed, iron lacework above a tiled verandah, one or two bay windows and a front door opening into a fairly wide hall or passage leading past rooms of comfortable size to a kitchen-laundry-bathroom wing at the back. A two-storeyed house, built for Emanuel Spiller (1824–88), Government Printer, was built to face the main road, as was usual with the more imposing homes. All were made of stone and brick and varied in size from seven to twelve rooms. Beautiful gardens were cultivated around them, renowned even in that era of fine gardens. For forty or fifty years their average market value was about £1,200, rising to perhaps twice as much until the high inflation after the Second World War. In Trinity Street, the capital value of properties assessed by the Valuation Department in 1981 ranged up to \$218,000 and averaged \$102,000.

*4 Trinity Street.
Built in two stages
by Nicholas Trudgen*



TRINITY STREET at the heart of College Town is an avenue of only 292 yards (267 metres) semi-enclosed by the grounds of St. Peter's College and a small road leading to Baliol Street. This arrangement gives the street an air of quiet seclusion that has been enjoyed by successive generations of residents. Another contributor to an impression of serenity is the unchanging character of the precinct as a whole. Within ten years of 1868 its first fifteen houses were built, since when there have been only three additions and three demolitions (the Trudgen house and the pair above it, owned by St. Peter's College).

Some early sale notices add a little detail to these households and show how quickly they blossomed. The villa at no. 22 Trinity Street was built in 1869 for John Paxton (1839–77), Secretary of the S.A. Gas Company. In 1875 he moved to Glenelg, advertising the house to let—‘a choice Villa residence, 11 rooms, large Verandah, Cellar and detached washhouse; $\frac{1}{2}$ -acre land, good Garden planted with orange and fruit trees and grass lawn’. After Paxton's death it was sold to the tenant, Colonel M. F. Downes, Commandant of the South Australian Military Forces, who transferred to the Victorian Defence Department and re-sold for £1,150 ‘... a superior well-finished residence ... dining room, drawing room, four bedrooms, two kitchens, servants' room, two-stall stable, coachhouse and other outbuildings, splendid Garden’. For more than fifty years this garden was tended by Burgo Morphet Mair (1870–1956), retired pastoralist, whose displays of flowers and loving care are mentioned by everyone who knew the street in his time. To conclude its history, the property was bought in 1963 by St. Peter's College, and in 1981 as two staff residences, its assessed capital value was \$119,600.

Number 24 Trinity Street, beautifully placed in the corner next to the College, was built at the same time as no. 22. In February 1886 the departure of Edward Gamble, Murray River steamboat agent, led to an auction of household furniture and other accompaniments to prosperous suburban life: ‘... Mr Gamble, who has let his house and is removing to the hills. ... Piano, cabinet organ, couches ... &c ... aviary and birds, garden croquet’. Mr Gamble's tenant was James H. Lindon, Second Master at the College, who left for North Adelaide in 1891 to open a school of his own. During the twentieth century the Lloyds' ownership of more than fifty years paralleled that of the Mairs next door; and like it, after Sir Howard Lloyd's death in 1955 and two intervening occupancies, the property was acquired by St. Peter's College and is now a residence for its Deputy Headmaster.

*13 Trinity Street. Built
1870 for George Wyatt,
ironfounder (Sold for
Wyatt estate, 1943)*

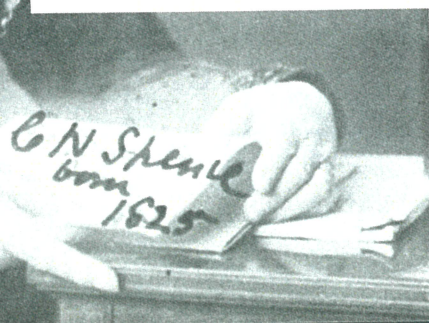


Trinity Street has always been something of an adjunct to St. Peter's College, literally so in the five properties the school acquired on its boundary, but also in other ways. In 1875 Headmaster Francis Williams responded to Mosedale's offer of an 'Eligible Investment, two genteel residences in College Town' and obtained in nos. 14 and 16 an income for life and a retreat for his widow in her old age. Frank Wyatt, who entered the College in 1878 and retired as Second Master in 1933, lived at *Trinity House* (no. 13) all his life; and George Gardner, who lived at *Airlie* (no. 9), was connected with the school from 1893 to 1935 as scholar, head prefect, organist and choirmaster. Thomas A. Caterer, sometime Second Master of the College, rented no. 3 for a year or two. Residents themselves have kept close ties with the College, maintaining friendships with headmasters and staff, worshipping in its Chapel on Sundays, being married and christened there, helping to organise College functions and taking particular interest as old scholars or parents of current scholars.

An associated feature of Trinity Street is the extent to which its houses have been tenanted. The owners were well-to-do people who might vacate their homes to visit Europe or to combat mortality on Adelaide's hilltops and seafronts; or they might be forced to let an expensive house because it failed to sell; or, like anyone else, they might fall on hard times. A significant increase in letting occurred during the depression of the 1890s, peaking in 1895 with ten of the fifteen houses being rented.

From the tenants' point of view, Trinity Street was a good address close to town and college, with comfortable family homes. Rentals were near the top of the range at £100 a year for the larger properties and £55-£56 for the smaller, but these were within the means of some country families and newcomers to Adelaide, as well as others moving up the social scale but not yet ready to finance a permanent establishment. Between 1890 and 1910 at least eight tenants rented accommodation there while sons attended the College, and four or five such families bought houses in Trinity Street.

Daughters and younger sons could be sent to local elementary schools which, depending on the period, could be found within the street itself. From 1894-99 Clifton House Preparatory school was run at no. 20 by A. W. Gosnell, M.A, who had taught at the College; and from 1905/6 to 1911 at the same address by the Misses Overbury; also, from c. 1883 to 1905/6 at no. 18 by the Misses Kay. One of the Miss Wyatts at no. 13 taught music for years, as did numbers of other piano and singing teachers in College Town, including Signor Savrini from Florence, one of several Italian professors of music in the Australian colonies, whose vibrato techniques—however useful for their more gifted pupils—were of such awful consequence for generations of amateur music-making. At 12 Baliol Street Miss Kepert kept a school for young children, and within easy walking distance of College Town were several full-scale girls schools of good repute. No wonder that the censuses of 1881 and 1911 (which give figures for suburbs) indicate a female population of 64 per cent in College Town, higher even in College Park. The census picture of St. Peters shows that for women intent upon marriage, working-class suburbs were the most propitious; those with a preference for teaching or paid domestic service were better off in College Town.



Catherine Helen Spence,
1901

Suitably, therefore, the first Trinity-street resident of renown was a woman. Catherine Helen Spence (1825–1910) was known internationally as a novelist, journalist, social reformer and propagandist for the Hare-Spence system of proportional voting. She lived at 9 Trinity Street, opposite the Kays at 18, who were friends and fellow Unitarians. Their houses were made of the same stone and red-brick, although quite different in design. Mrs Helen Brodie Spence planned her house forty years before it took actual shape; although she thought it somewhat absurd to build so late as her 79th year. Fate allowed her eighteen more years after they moved there in January, 1870. Because Mrs Spence's widowed daughter was fatally ill and had two children needing care, the house was made large enough for all. If ever there was an ideal aunt for sensible kindly foster-parenthood it was Catherine Spence, who in the same years was a leading spirit in the movement to board wards of the State in family homes rather than institutions.

It was a warm and pleasant household. Adam Adamson, a neighbour in Marlborough Street, mentioned it in a letter home to Scotland: 'You speak of your mother as "a specimen old lady". We have another such here—a Mrs Spence from Melrose, now over 90 years of age and a perfect picture of happy old age; she has a daughter whom, if you knew her, you would consider a kindred spirit . . . author of two or three novels and a work on politics'. In her younger days Mrs Spence was more than a quiescent specimen of benignity, but at the end of forty years of widowhood out of forty-eight as a colonist, she prompted nothing more interesting than the stereotyped fitting-helpmate obituary. Her daughter, although not much more informative, at least placed her in a more appropriate background: 'The capacity for business of my Aunt Margaret,' she wrote of the most successful farmer in their part of Scotland, 'the wit and charm of my brilliant Aunt Mary, and the sound judgment and accurate memory of my own dear mother, showed me early that women were fit to share in the work of this world'.

Catherine Spence's life changed considerably after her mother's death. The quiet years had been good for her writing and thinking, but now she was free to roam the world lecturing, travelling and enjoying the free-masonry among those who worked in the literary and political fields. She met the famous in Britain and North America and was fêted as a famous woman herself; and the 'Return of Miss Spence' to Adelaide was always worth a few columns in the newspapers. She was the first woman appointed by the South Australian Education Department to a Board of Advice, the first to run for Parliament—and equally the first to lose—and in 1893 she was appointed Government Commissioner and delegate to the Great World's Fair Congresses in Chicago.

Miss Spence's home circumstances altered too, as she left Trinity Street in 1889 for 'a smaller and more suitable house I had in another part of East Adelaide'. This was 35 Stephen Terrace, not much smaller but perhaps more suitable in its low capital cost of £400 paid to a bankrupt builder in 1884, about half its normal market value. Into this she moved with an entourage typical of her: three children and their widowed mother who was once her ward, and a faithful companion whom she had brought out from Scotland.



Meanwhile she received rent of £100 a year for the house in Trinity Street, first from her nephew and then from two families with sons at the College. Lastly, she sold it to another such family, who named it *Airlie* and made it their home for thirty years.

During this regime the house entered upon a new kind of eminence. Miss Spence was no stranger to Adelaide notables but life at *Airlie* in the sunlit years before the First World War achieved a brilliance to which she did not aspire. The newcomers were Gavin Forrest Gardner (1848–1919), share-broker, and his wife Mary Josephine; their sons George Forrest and John Forrest, and daughters Catherine, Edith, Mary, Rita and Ethel. Despite their descent from the Rev. John Gardner, a Free Church Presbyterian preacher of influence in three Australian colonies, they were the truest Blue-and-Whites who ever gave heartfelt support to St. Peter's College. The parents became close friends of Canon Henry Girdlestone, a great headmaster of the years 1894–1915, and he educated their sons, married their daughters and christened their grandchildren.

Dr John Gardner's marriage to Dr Hilda Florey was celebrated in her church at Mitcham, but five times Gavin Gardner led his daughters up the aisle of St. Peter's College chapel while his son George at the organ played 'The Voice that Breathed o'er Eden'; and five times Mrs Gardner and her daughters prepared a wedding reception at *Airlie*. The guests might try to bring their carriages into Trinity Street but most of the 250 or more walked across the College lawns. Dressed in full Edwardian elegance, they must have made a splendid sight, the men heightened by their gleaming black top hats and the women by ostrich plumes towering even higher. No rainbow could outshine their gowns of gold and ivory satin, their black lace and glittering jet on white, brown and cream silk poplin, primrose charmeuse over ninon, peach and grey crêpe de chine, black brocade with royal blue trimmings, taffetas in pale green and ciel blue, Russian embroidered net, exquisite laces—Brussels, d'Alençon, Limerick, Valenciennes—pearl trimmings, shining buttons, gay pom poms. Moving along en masse, they would shimmer like the sea waves in their flowing skirts—flounced, ruched, braided and tucked—and their frothy tulle hats lined with silk, beflowered and bejewelled, ribbons fluttering and white feather boas floating behind.

The hosts and bridal party received in the drawing room, a bower of asparagus fern and flowers, while guests processed through the magnificent array of gifts in the dining room out to a marquee on the tennis lawn. Tables were adorned with flowers and laden with good things to eat. Mrs Gardner and her daughters, women of intelligence and energy, were superb banquet-cooks; and no account of their activities ever failed to mention the food. Then came champagne handed round with wedding cake and Mr Girdlestone's witty proposal of health to the bride and groom. In 1909 when Mr and Mrs Gordon Sunter departed on their honeymoon, it was in a motor car lent by his uncle, Alexander Moncrieff, but the novelty was gone by 1916 when Dr and Mrs Keith McEwin simply 'left for a three-week motoring tour'.

Of all the entertainments enjoyed at *Airlie*, perhaps Mrs Gardner's Melbourne Cup Bridge parties shine most vividly from the columns of *Ariel* in

the *Observer*—or in other words, Miss Edith Aird, who grew up in and around College Park and was no mean organiser herself. Year after year on the first Tuesday in November, forty ladies would come to *Airlie* dressed as for the Flemington racecourse. Absolutely no one may be late, for there is a sweep to get up, Bridge hands to fight out and luncheon to eat, as everybody tenses for the ring of the telephone and word of the result. The rest is turmoil, shrieks and mirth and—in 1909 at least—handsome Bridge prizes of a silver glove-stretcher and silver buttonhook, with a silver-mounted cut-glass salts bottle for the booby.

An era ended with the passing of the Gardners, as it had ended all over the world. In 1926 *Airlie* was sold for £3,000 and used as flats for nearly thirty years; then in 1959 it was allotted a new role, one that would have pleased Miss Spence. The Lutheran Church, concerned for girls coming down from the country to work, acquired it to provide a hostel. The church still owns the property but closed the hostel in 1980 for lack of occupants at a time when few young people prefer institutional life to freer arrangements of their own.

A very different set of five sisters lived opposite the Gardners. A generation older than they and less gregarious, the Misses Kay give the impression of having lived entirely within their remarkable garden and their romantic imaginations. A summerhouse overgrown with creepers still stands where they are said to have lingered with their volumes of poetry, and the exterior of the house itself speaks of a striving for an individual expression of beauty. Any superficial observer of the time could see that here were five good women who took care of their parents, loved their garden and ran a small school for twenty years. That is a true picture, but the fuller truth is more interesting.

Robert Kay (1826–1904), the father from whom they received much in temperament and training, was a literary man, a violinist and choral singer, an imaginative and intelligent gardener, a student of ideas—chemistry was a particular interest—and in congenial company an excellent conversationalist. His charities were like himself, sensitively and sympathetically inclined. Regarded by nieces and nephews as being quaint in manner and amusingly precise of speech, he would finger a word delicately, at times with distaste, and pronounce upon it: “Singlet”, that somewhat absurd term used by drapers’, he might say, a pedant who undoubtedly died none too soon.

Each day he walked to town wearing top hat, gloves and spats exactly as he had done in Newcastle-on-Tyne when he worked in his father’s counting house. But Robert Kay had adventured in his time and shown independence of spirit. Selling out a partnership in an ironfoundry immediately upon inheriting it, he set off with his brother William for the colonies. He rolled gold in the Adelaide assay laboratory, took a fling at the diggings themselves, made a dismal attempt at farming on Mount Bold and endured life as a cashier in a law office, all before finding his niche as Secretary to the South Australian Institute and subsequent Director of the Public Library, Art Gallery and Museum. No traditionalist in religion either, he was a Unitarian, one of a small intelligentsia which Adelaide was fortunate enough to attract in its formative years.

This was the father of Florence, Sarah, Christina, Margaret and Mary Kay—tiny women yet indefatigable gardeners, bookish yet practical, shy and retiring yet able to manage schoolchildren, and fired by such passion for Italian culture that they organised their lives around visits to that country, accepting the most rigorous travelling conditions and other stringencies imposed by lack of money. Christina spent twenty-five years as companion to a rich woman and perhaps saw the world in that capacity; the others went off in pairs every second year to Italy. They travelled third-class, £35 return, and for reasons of economy and preference they lived mainly in one place each time.

Even in this a touch of the unexpected colours their preferences. Siena, that town of fabulous beauty in the Tuscan hills, might well be their favourite choice, but what particularly drew them there was the sweaty drama and gaudy spectacle of the *Palio alla Tonda* held each August at the celebrations for the Assumption of the Madonna. In the Piazza del Campo, a huge semicircle surrounded by picturesque houses and palaces with every window and balcony for hire, a ferocious horse race is held with all the Italian accompaniments of bands, banners, brilliant costumes, crowds, noise and joy. Afterwards, for the Misses Kay, it was back to another world and another season of reading, working and waiting. Mrs Shearer, of today's Trinity Street, treasures two colourful plates from Siena which they gave to her great aunt who lived there through the 1920s. Born between 1854 and 1862 the ladies then were growing old but not, evidently, too old for their biennial pilgrimage.

In later life four of the sisters joined All Souls Anglican Church, only Sarah holding to the Unitarian beliefs of their youth. But there was no difference in their pious devotion to good works and charitable causes. In 1936, after Florence and Mary had died, the other three built in their memory Kay Hall, an adjunct to All Souls of real usefulness ever since; and a plaque in the church honours the memory of all five sisters.

* * *

Nearly 120 years have passed over Trinity Street while several thousand people have made it their home. In 1983 its residents' links with early colonial times are faint, but a hundred years ago all of the adults were first- or second-generation South Australians. The pretty bluestone cottage at no. 3 was built by Charles Ohlson, tailor, who arrived from Sweden in 1865. Next door at no. 5, Mrs Cornelius Mitchell had been Emily Hack, daughter of John Barton Hack who arrived in 1837, a member of Adelaide's original Quaker community.

Emanuel Solomon, M.H.A. 1862–65 and M.L.C. 1867–71, who was the father of Mrs Rosetta Moss at no. 7, could hardly have been an earlier settler, having arrived in South Australia in 1836 before its proclamation as a British colony, and in New South Wales even earlier, where he and his brother were transported as convicts. Joel Moss, her husband, was an arrival of 1854, a hawker, travelling auctioneer and finally, owner of 'The Monster Clothing company' at Moss's Corner (King William and Hindley Streets), where standard trousers could be had for a guinea and standard units for

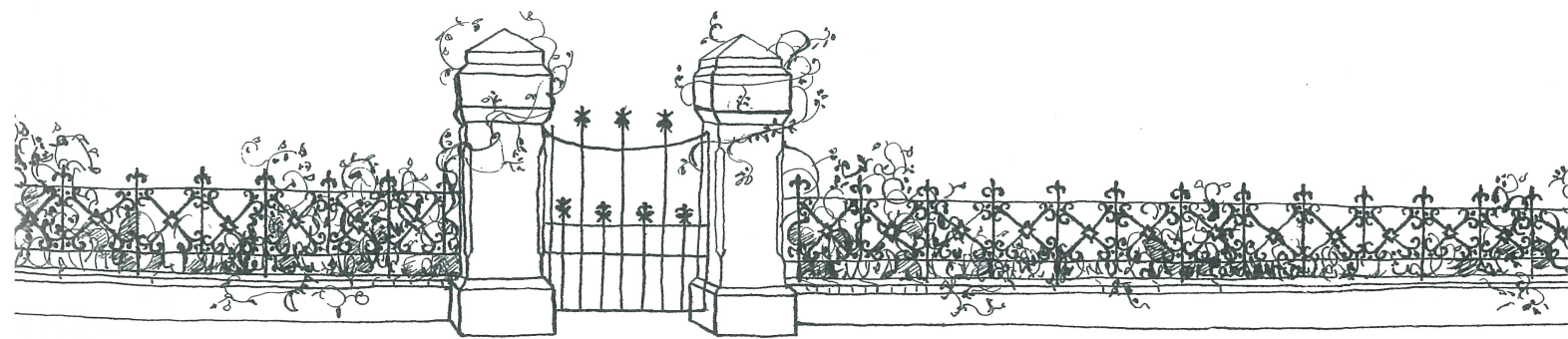


£3.5s. It appears from the records that they made handsome additions to the house in 1880. In 1909 it sold for £1,435 to Arthur Searcy (Chairman of the Harbours Board and President of the Marine Board) who added improvements costing £450. His father was a police trooper before and during the gold rush of the 1850s, when the Adelaide hills were rough places for policemen.

Early in 1874 William Bacon Carter (1820–97), Registrar-General of South Australia, built no. 15 at the end of the street, but he moved to the seafront at Semaphore during a long illness towards the end of his life. One of the tenants, whose sons in the early 1890s attended their father's old school, was Ronald Egerton Warburton, son of the well-known explorer and Commissioner of Police, Colonel Peter Egerton Warburton.

Along the western side of the street a hundred years ago, one would have found Nicholas Trudgen, master builder, who became Mayor of St. Peters. At no. 10 was the Hon. Boyle Travers Finniss, first Premier of South Australia. The Rev. Mr Williams' tenants were occupying 14 and 16; next came the Kays, and then no. 20 which was a school for twenty years, a hospital for twice as long, and now is a guest house. In 1883 no. 22 had just been bought by the Misses Bertha and Mary Ellen Williams, aunts of Mrs Burgo Mair, the next owner. Mr Gamble was still living in the house next the College, but was about to move up to Mount Lofty.

Those who were residents of Trinity Street sixty or seventy years ago knew their neighbours, some better than others, and remember them in the usual unaccountable, fitful way. Old Mrs So-and-so comes suddenly to mind, who modelled her deportment on Queen Alexandra's, walking along with parasol or umbrella and nodding graciously from side to side whether anyone was there or not . . . Mrs Hartley, too, trailing her long black skirts in the dust well after hemlines had been raised to the ankle . . . and Miss Spence, with her powerful presence and a large wart on her chin. Sounds come back sharply to the ear—the rattle and crunching of the milkman's early morning cart on gravel, the peacocks in someone's garden, the jam-factory whistle at eight in the morning. The young played tennis together, took their music to one another's parties, ran into Miss Kay's to buy eggs, watched parents and neighbours sharing plants and garden lore. 'It was a very *simple* world,' they say now. 'We didn't do very *much*. But for us it was a very happy world.'



Ref: 22ADL-0532

**URPS**

Adelaide
 27 Halifax Street
 Enter via Symonds Pl
 Adelaide SA 5000

08 8333 7999

Melbourne
 Level 3
 107 Elizabeth Street
 Melbourne VIC 3000

03 8593 9650

urps.com.au

28 May 2024

Kieran Fairbrother
 Senior Urban Planner
 City of Norwood Payneham & St Peters

Uploaded to PlanSA Portal

Dear Kieran

24003919 – Response to Representations

URPS continues to act for the landowners, the applicant for the above development application.

We have prepared this written response to the representations received by the Council during the public notification period.

Summary of Representations

The following 6 representations were received:

Name	Representor's Address	Position	Wishes to be heard
Phillip Brunning on behalf of Mr Jonathan & Mrs Carloyn Harry	16 Trinity Street, College Park	Oppose	Yes
Nick and Denise LeMessurier	PO Box 2643, Kent Town	Oppose	No
Diane Craddock	13 Trinity Street, College Park	Oppose	No
Professor Leanne Dibbens	14 Trinity Street, College Park	Oppose	Yes
James M and Catherine T Cudmore	15 Trinity Street, College Park	Oppose	Yes
Anna van den Broek	9 Trinity Street, College Park	Support with concerns	Yes

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.

https://urpsau.sharepoint.com/sites/Synergy/Shared Documents/Projects/22ADL/22ADL-0532 - 18 Trinity Street, College Park/Working/URPS Planning Advice/240528_C1_V2_Response to Representations.docx

Summary of Concerns

One representation was received that supported the development with concerns and five representations were received in opposition to the development.

The issues raised in the opposing representations can be summarised into four key topics:

- Nature of Development.
- Protected Street Tree.
- Built form and Character.
- Basement Excavation.

Approach to Assessment

Part 1 – Rules of Interpretation provides guidance on how the Code is to be read and applied to development assessment. The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO, meaning the outcome can be met in another way:

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcomes (a designated performance feature of DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

A DPF provision should not be interpreted as quantitative requirements, instead it simply presents one way in achieving the corresponding PO. There can be variation from DPF policies, and not just in a minor way. Emphasis should be placed on satisfying the qualitative Performance Outcome in the circumstances where a specified DPF is not met. This view has recently been reinforced by the Courts¹, whereby Commissioner Dyer observed that:

- A DPF is its own thing and is “advisory”, it is one way to satisfy a PO. “If a DPF was the only way a PO was to be satisfied, the PO has no work to do”.
- A DPF is only part of the assessment – the application needs to be assessed on its merits against all relevant policies.

¹ Parkins v Adelaide Hills Council Assessment Manager [2022] SAERD 12 and Adelaide Hills Council Assessment Manager V Parkins [2023] SASCA 66

- The significance of any departure from a DPF will depend on the circumstances of the matter at hand.

It is with the above approach that the application is to be assessed by the relevant authority and informs the following response to representations.

Response to Representations

In response to the representations the following amendments and further information have been provided to address the concerns raised:

- Amended plans prepared by Proske Architects and KP Austruct:
 - Tree Protection Zone plotted.
 - Basement setback 600mm off the boundary
 - Consistent boundary wall and fencing heights and material on the shared boundary with 18A Trinity Street.
- Landscaping plan prepared by Landskap
- Shadow diagrams prepared by Proske Architects.

Below is a response to the concerns raised.

Nature of Development

Two representors queried whether the proposal forms two dwellings.

The proposed dwelling includes:

- One main living/kitchen/dining area.
- A supplementary living/meals area.
- Five bedrooms (with ensuite).
- One study and music room.
- One laundry.
- One undercover car parking space.
- Basement with additional parking, storage, and gym.

The floor plan proposed is unique and flexible in order to accommodate a variety of family dynamics and living needs. Importantly, the floor plan allows people to live together, while also providing opportunities for privacy and independence to be maintained. This type of living is particularly attractive to families with teenage children, adult children, or grandparents at home.

The Code contains the following relevant definitions:

Residential Flat Building (RFB) means a single building in which there are 2 or more dwellings.

Dwelling means a building or part of a building used as a self-contained residence (this definition excludes Ancillary Accommodation)

Detached Dwelling means a detached building comprising 1 dwelling on its own site and has a frontage to a public road, or to a road proposed in a plan of land division that is the subject of a current development authorisation.

Ancillary Accommodation means accommodation that:

- (a) is located on the same allotment as an existing dwelling; and***
- (b) can be (but need not be) a self-contained residence; and***
- (c) contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and***
- (d) is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling.***

The proposed building is not a residential flat building, as it does not contain 2 or more “self-contained” residences. The entire dwelling is integrated and accessible through internal doors.

The proposed building is not ancillary accommodation, as both the existing home and proposed addition have more than 2 bedrooms or rooms that are capable of being used as a bedroom.

In my view, the proposal simply continues to be a detached dwelling, as the dwelling has its own site and frontage to a public road. The fact the proposal involves a generous floor area and multiple living areas does not preclude it from this definition.

There are many examples of large detached dwellings, old and new, throughout Adelaide, that exhibit such features.

Protected Street Tree

Numerous concerns were raised about the protection and retention of the protected Oak Street Tree.

The proposal has been designed to not encroach on the Tree Protection Zone (TPZ), as was conditioned in a previous approval (22020951) on the site (see figure 1 below). This was deemed appropriate by the Council's City Arborist.

For complete clarity, this TPZ has been included in the amended plan set.

Additionally, it is my understanding that the City Arborist has reviewed this application and is comfortable with the proposal. It is proposed that a decision would include the below conditions to ensure construction methods are safe for the tree.

Condition 2

The authority notes the three street trees on the Trinity Street frontage, with incursions into the Tree Protection Zones of the northernmost and southernmost of these trees. The southernmost tree has a Tree Protection Zone of radius 10.5m, and a Structural Root Zone of radius 3.1m, measured from the centre of the tree trunk. The northernmost tree has a Tree Protection Zone of radius 2.9m, with no incursion into the Structural Root Zone anticipated.

The pruning of any roots within the Structural Root Zone should be avoided where possible, and any root with diameter of 50mm or greater requires inspection by a Level 5 Arborist prior to pruning. Within the Tree Protection Zone (including the area within the Structural Root Zone), the footings for the fence shall be excavated by a non-destructive method (e.g. Hydro vac, Air spade or by hand) in order to ensure the continued health of the tree, with care to not sever any roots with a diameter of greater than 50mm.

Figure 1 - Condition of approval on DA 22020951

It continues to be the intention of the applicant to ensure the health and longevity of this street tree that enhances the streetscape of Trinity Street, remains.

Built form and Character

A common theme raised in the representations were concerns around built form and character, specifically:

- Interface with the Local Heritage Place (LHP),
- Site coverage,
- Boundary walls,
- Space around buildings, and
- Lack of space for landscaping and stormwater infiltration.

The proposal has been designed to respect the LHP while providing a larger modern living space for the occupants.

It is contended that the proposal continues to sympathetically locate the addition to the side/rear of the LHP, with appropriate building separation to minimise impact on its heritage value.

The proposal exceeds the site coverage DPF guideline by a minor 4%. In addition to being a small variation from the policy, we note:

- The existing locality includes variation in site coverage policies – refer attached map. From our review we note that of the 18 dwellings in the locality, 7 have site coverage locality such that a further deviation from the policy (which in this case is minor) will not be detrimental to the locality, and
- Ample private open and soft landscaping are provided for the occupants of the site.

Concerns of the extent and height of boundary walls were specifically raised by the representors at 16 Trinity Street. Shadow diagrams have been prepared by Proske Architects to understand the extent of shadow created by the proposed development.

This analysis compares the existing conditions against the proposed shadow. These indicate that the winter time shadows are largely caused by fencing which suggests that the impact on north-facing windows will largely experience the same conditions as they do now (see figure 2). The private open space to the rear will continue to receive ample sunlight.



Figure 2- Comparison of existing shadow and proposed shadow on the north facing windows of 16 Trinity Street.

Additionally, the extent and height of boundary walls are appropriate for the following reasons:

- The boundary development includes open areas and varying heights of walls/fences to ensure access to natural light and ventilation is provided.
- It aligns with the existing character of the streetscape where dwellings generally have garages or portion, of dwellings along (or very close to the boundary).

Over 340m² of high-quality soft landscaping is provided for the site. This has been expertly designed by Landskap. 180m² of soft landscaping is incorporated within the front yard of the site. This ensures that the development maintains the valued landscaping patterns within the historic area (PO 6.2). Further, this ensures that there is ample space for stormwater infiltration.

The proposed additions have been designed and sited in a manner which responds appropriately to its contextual setting and do not adversely impact on the streetscape character of the historic area.

Basement Excavation

Concerns over boundary development, impact on landscaping, and basement excavation were raised by numerous representors.

It is my understanding that any concerns with the engineering and construction regarding the basement are not a relevant consideration of the planning assessment.

Nevertheless, our client has engaged a leading Adelaide architect. They work with some of the best and most skilled builders in Adelaide and our clients intend to ensure they engage high quality and experienced builders to execute this project.

The project team has engaged with the neighbour at 16 Trinity Street to better understand the concerns raised. As a direct result of this discussion, the basement has been moved off the boundary. It is now setback 600mm from the boundary.

Additionally, the potential loss of landscaping along the shared boundary with 16 Trinity was also raised as a concern. It is my understanding that none of these trees are protected under the Code. Landscaping as proposed by Landskap will provide a high level of amenity and attractive outlook over the shared boundary (see figure 3).

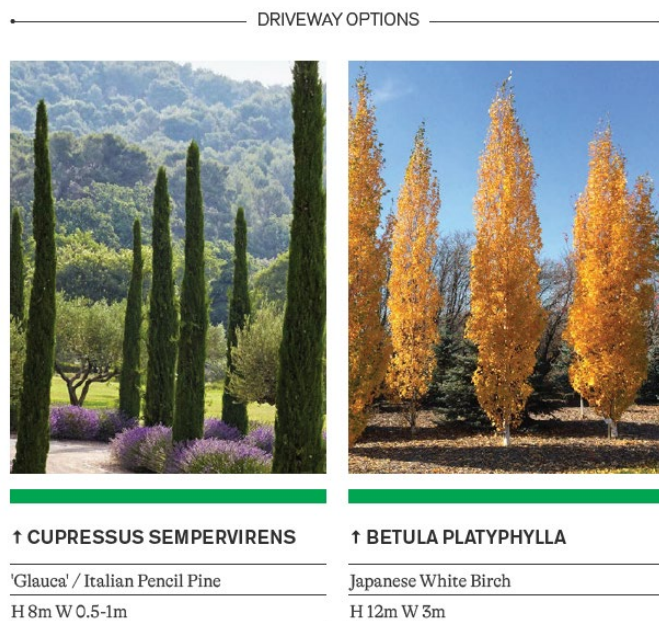


Figure 3 - Two options for plantings along the shared boundary with 16 Trinity Street

Conclusion

In summary, the proposed development:

- Continues to be used as a detached dwelling.
- Ensures the longevity of the protected Oak Street Tree.
- Sympathetically locates the addition to the side of the LHP, with building separation to minimise impact on the heritage value.
- Provides a well-considered design response that responds to the existing streetscape character and picks up positive elements identified in the LHP Overlay.
- Has an acceptable impact on neighbours in terms of overshadowing, that largely means unchanged.



- Provides meaningful landscaping treatments to soften the massing of built form and improve the appearance of common areas.

For these reasons, planning consent should be granted.

I believe the concerns from the representors have been adequately summarised and responded to. I also confirm I will be available to appear in support of this development at the relevant Council Assessment Panel meeting.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'MK', enclosed within a circular scribble.

Matthew King
Managing Director



SITE COVERAGE ANALYSIS 18 Trinity Street, College Park

JOB REF. 22ADL-0532
PREPARED BY. MP
DATE. 28.05.24
REVISION. 2



0 10 20 40m

SCALE: 1:1,000 @ A3

- Legend**
- Maximum site coverage TNV(40%)
 - Site coverage exceeding 40%



HERITAGE IMPACT REPORT

bbarchitects

PROPERTY ADDRESS: **18 Trinity Street College Park**
 APPLICATION NUMBER: **24003919**
 DATE: 13 March 2024
 PROPOSAL: Alterations and Additions
 HERITAGE STATUS: LOCAL HERITAGE PLACE
 HERITAGE ADVISOR: David Brown, BB Architects
 PLANNER: Kieran Fairbrother



City of
Norwood
Payneham
& St Peters

ADVICE SOUGHT

I met with the architects on site, and at their offices to discuss development potential, design responses, fencing, etc. More recently I met again with the architects to discuss revised designs, which form the basis for this application.



DESCRIPTION

The building is a Local Heritage Place in the Established Neighbourhood Zone within the College Park Historic Area Overlay. The house was constructed in 1869 and is one of the earliest buildings in College Park. An unusual design with the front courtyard between the house, former school room and the stables.

PROPOSAL

The proposal is for a free standing pavilion style addition to the eastern side of the existing building, connected to the old house with just a glazed corridor. The visible portion of the addition facing the street is a gable roofed garage structure, with the glazed corridor and entry set further back on the site. None of the rest of the proposed addition will be visible from the street.

All work to the existing building is covered under a previous application and is current under construction.

COMMENTS

The proposed addition is a good outcome for the old building, as it is difficult to add on to, being such a rambling structure. The glazed link through to the original side entry (facing North Terrace when it was constructed) is a good way to utilise the front door, as well as create a new entry.

The gable structure is relatively large but generally well set back, and sympathetic to the dominant gable roofs of the old house. The garage is set back around 8m from the front boundary, and around 4m behind the forward most projecting wing of the old building.

The proposed materials are relatively conservative, with brick sized stone cladding in a pale sand colour to the façade of the garage, corrugated metal roofing in a light grey, and a slatted timber garage door. The garage door is the only element that raises a slight concern as a material not seen typically in this historic area. However, in the scale of the site, and given the setback, landscaping and fencing, this will not be an overly dominant element.

The front fencing shown on the drawings was all part of the previous application, and will assist in screening the garage to a certain extent.

Overall the proposed addition an acceptable design as it is visually and physically separated from the historic building, is sympathetic in its form, and has understated materials and finishes.

Kieran Fairbrother

From: Ken Schalk
Sent: Thursday, 14 March 2024 10:37 AM
To: Kieran Fairbrother
Subject: RE: Development Application Referral - 18 Trinity Street College Park

Hi Kieran

The floodplain mapping indicates that this allotment is only partly affected by a 1% AEP flood, with shallow inundation (<100 mm deep) shown in the north-western corner.

The proposed building in this area is to be constructed at a level approximately 500 mm above the surrounding ground levels and as a result will have sufficient protection against flooding. The remainder of the site appears to be outside the floodplain and hence the proposed FFLs for the main extension are satisfactory.

Given the size of the proposed development, I also had a quick look at the site drainage plan. This looks to be broadly OK. However, I note that it is proposed to drain the new extension roof to some rainwater tanks on the southern boundary. The drainage plan shows that these are to be a 4kL retention storage, (ie they are not expected to empty after a rainfall event), and there is a note on the drawing that refers to an attachment 'RWT' which has not been provided. The DTS provisions for a detached dwelling on a >400 m² allotment are that a 4000kL retention tank is provided plumbed to toilet and the laundry or hot water, with an additional 1kL detention tank for sites with less than 35% pervious area (which this will have).

Suggest that the applicant be requested to provide details confirming that the rainwater tanks conform to the requirements of the DTS provisions of the Planning and Design Code for a detached dwelling on a >400 m² allotment with pervious area < 35%.

Regards

Ken Schalk

Principal - Hydrology & Hydraulics

Level 2, 170 Frome Street
Adelaide SA 5000
Tonkin.com.au | [LinkedIn](#)

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From: Kieran Fairbrother
Sent: Wednesday, February 28, 2024 8:23 AM
To: Ken Schalk
Cc: Josef Casilla
Subject: Development Application Referral - 18 Trinity Street College Park

Good morning Ken,

I am assessing an application for additions at 18 Trinity Street College Park, which is located within the Hazards (Flooding – General) Overlay.

Can you please advise if the proposed FFLs are suitable to provide sufficient freeboard in a 1% AEP event?

Regards,

Kieran Fairbrother
SENIOR URBAN PLANNER

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Community Well-being is...

Social Equity

Economic Prosperity

Cultural Vitality

Environmental Sustainability



City of
Norwood
Payneham
& St Peters

Think before you print.

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Kieran Fairbrother

From: Plan SA Admin <dap@plan.sa.gov.au>
Sent: Thursday, 18 April 2024 3:36 PM
To: Kieran Fairbrother
Subject: Internal Referral Response Received | Application ID: 24003919 | Council Area: The City Of Norwood Payneham And St Peters | Address: 18 TRINITY ST COLLEGE PARK SA 5069



Internal Referral Response Received | Application ID: 24003919 | Council
 Area: The City Of Norwood Payneham And St Peters
 Applicant: Proske on behalf of G&A
 Address: 18 TRINITY ST COLLEGE PARK SA 5069



An internal referral response has been received from Matthew Cole for the Planning Consent for application with ID 24003919

Details of Response: Hi Kieran I have completed the attached VTA that briefly discusses the current health, condition and shape of the Regulated tree in front of 18 Trinity Street. There are an additional two juvenile oak street trees also in front of this address, I can confirm the tow juvenile trees will not be adversely affected by the development. As you will see in the VTA, the large oak tree is Regulated and has previously (currently) been afforded a large undisturbed root growing environment. As such it will be important to maintain some permeable area within the TPZ, namely, I would recommend the proposed driveway should consist of a permeable driveway surface that can be constructed without necessitating any type of compaction of the soil within the TPZ. The permeable driveway design and construction technique should be approved by staff prior to approving the DA if possible, and should not involve any excavation i.e. the new driveway should be constructed above grade. By my calculations the garage will be entirely outside of the TPZ so no concerns there. Some minor pruning may be required to reduce the length of branching into the private property to avoid damage to the tree during construction of the garage. As the branching extends approx. 10m into the property, and the garage will be located at approx. 9.5m from the

boundary, the pruning requirement would be minor and would not constitute a tree damaging activity- if only the parts of the tree that require pruning are removed. i.e. about 5% of the western extending branch could be tip pruned to avoid conflict with works and new structure. Fence construction should also be conditioned to ensure any roots with a diameter of over 30mm are not damaged or severed. Any large roots exposed during gentle excavation techniques must have L5 Arb assessment prior to pruning or post holes should be relocated. I trust the above is of assistance but please let me know if I can elaborate or provide any additional information. Kind regards Matt

View the [Development Application](#).

Please do not reply to this email as it is automatically generated. If this email is in relation to a development application, please contact your Relevant Authority or Assessing officer.



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[Terms and Conditions](#)

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Date of Inspection & Staff:		18 April 2024. City Arborist, Matthew Cole				
Customer / CRM / Concerns:		Street tree information relevant to DA 20993919				
Address / Location:		18 Trinity Street, College Park				
Tree No.	Genus	Species	Common Name	Height	Spread	Trunk Circumference
1	<i>Quercus</i>	<i>robur</i>	English oak	12m	23m	2.75m @ 1m
Age Class		Veteran				
Health		Good				
Structure		Good				
Shape & Form		Fair				
Quantified Tree Risk Assessment		Broadly Acceptable				
Legislative Controls		Regulated Tree				
Recommendation		Retain				
No. & Replacement Species		N/A				
Comments						
<p>This street tree has a single stem up to 2m before dividing into many primary branches in a mostly lateral arrangement with some branches extending horizontally as far as 15m from the trunk. The trees upright and central branches have been systematically removed to meet power line clearance requirements and as such the tree is considered to have fair form.</p> <p>Broad spreading branches are well attached and show good taper typical for this species. The crown of the tree has been pruned to provide 3-4m clearance under the tree at all sides.</p> <p>This includes branching that extends 10m into the private property. The deciduous tree shows good health evidenced by leaf colour and size, as well as pruning wound occlusion.</p>						
 <p>Image above shows the trees primary structure and location. The tree is planted in the typical location for a street tree and is approx. 1.5m from the property boundary (not measured). Images below show the trees broad spreading crown form, including where branches extend into and over the private property, it is reasonable to suggest the trees root system would be similar orientation to that of the trees crown in all areas excluding under the road. The tree has an SRZ of 3.21m . TPZ = 10.44m</p> 						



Ref: 22ADL-0532



13 February 2024

Geoff Parsons
Assessment Manager
City of Norwood, Payneham and St Peters

Adelaide
27 Halifax Street
Enter via Symonds Pl
Adelaide SA 5000

08 8333 7999

Melbourne
Podium, Level 7
530 Collins Street
Melbourne VIC 3000

03 8593 9650

urps.com.au

Uploaded to PlanSA Portal

Dear Geoff

Proposed Dwelling Addition at 18 Trinity Street, College Park

Introduction and Proposal

URPS has been engaged by the landowners to provide planning advice in support of a proposed dwelling addition including basement on the site 18 Trinity Street, College Park.

A swimming pool, fencing and various landscaping treatments are also proposed.

We have prepared this planning statement following our assessment of:

- The subject land and locality.
- Architectural drawings prepared by Proske Architects (**Appendix A**).
- Site and drainage plan prepared by KP Austruct Consulting Engineers (**Appendix B**).
- The Planning and Design Code (version 2023.18, 7 December 2023)

The Subject Land and Locality

The subject land is located on the southwestern side of Trinity Street. It is large rectangular shaped allotment with a frontage of 28.89m and site area of 1,200m².

Existing on the land is a single storey dwelling. The dwelling is identified as Local Heritage Place (LHP), the listing forms the whole of the building's exterior.

The LHP is characterised as an....

Unusual, single storey, asymmetrical, multi-fronted building generally forming a Ushape. The slate roof is steeply pitched with many gables. The building is constructed of bluestone with brick quoins, dressings, chimneys, some gable ends and parapet

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.

https://urpsau.sharepoint.com/sites/Synergy/Shared Documents/Projects/22ADL/22ADL-0532 - 18 Trinity Street, College Park/Working/URPS Planning Advice/231121_C1_V1_Planning Advice.docx



copings. This building is an unusual early residence from the earliest settlement period of college park.¹

Most dwellings in the locality are turn of the 20th Century, detached, single-storey villas and cottages. Several buildings on Trinity Street are identified as Representative Buildings, many include contemporary additions at the rear of their respective sites.

Adjacent the subject site on north-eastern side of Trinity Street is a 9 Trinity Street, is listed as a Local Heritage Place. The site is separated from St Peters College by the tennis court and fencing of 18A Trinity Street. St Peters College is listed as an LHP.



Image 1: The subject land – 18 Trinity Street, College Park

¹ <https://data.environment.sa.gov.au/Content/heritage-surveys/2-St-Peters-Heritage-Review-2002.pdf>



The Proposal

The proposal involves:

- Demolition of the existing rear outbuilding, side and rear fencing.
- Construction of an addition to the side of the LHP comprising open plan kitchen and dining area, study, 2 bedrooms, garage and basement level.
- In ground swimming pool and carefully selected landscaping and vegetation to complement the new works.

Zoning and Overlays

The land is in the Established Neighborhood Zone. The Historic Area Overlay (NPSP1) applies to dwelling additions on the subject site.

Pursuant to Section 105 of the *Planning, Development and Infrastructure Act 2016* (the Act) the proposed development falls into the category of 'code assessed development'.

Assessment Pathway and Relevant Authority

Demolition, dwelling additions, and fencing are subject to the performance assessed pathway (i.e. assessed on its merits against the Planning and Design Code) within the Zone. The relevant authority is the City of City of Norwood, Payneham and St Peters.

Public Notification

Pursuant to Table 5 – Procedural Matters – Notification of the Zone, the application will require public notification due to the boundary walls exceeding 3.2m in height/8m in length.

Approach to Assessment

Part 1 – Rules of Interpretation of the Code provides clarity on how to interpret the policies in the Code.

In relation to DPF's, the Rules of Interpretation state that:

"A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies."

Performance Outcomes (PO's) on the other hand, are:

“Policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation”

(my emphasis)

This interpretation is adopted by the Courts² whereby Commissioner Dyer recently observed that:

- *A DPF is not the same as a complying standard or a Principle of Development Control under the previous planning system.*
- *A DPF is its own thing and is “advisory”, it is one way to satisfy a PO. “If a DPF was the only way a PO was to be satisfied, the PO has no work to do”.*
- *A DPF is only part of the assessment – the application needs to be assessed on its merits against all relevant policies.*

It is with the above approach in mind we have assessed this proposal.

Planning Assessment

The key planning consideration with the proposed development are:

- Land use.
- Demolition.
- Heritage impact.
- Building height.
- Boundary walls.
- Site coverage.
- Private Open Space.
- Vehicle Access and Parking.
- Landscaping.

The proposal's merits in these areas with reference to the most relevant provisions of the Code is considered in more detail below.

In this section Performance Outcomes and Designated Performance Features are abbreviated as POs and DPFs respectively.

² Parkins v Adelaide Hills Council Assessment Manager, SAERD 12 (2022).



Land Use

The residential use of the site will not change as a result of this application and is appropriate in the Established Neighborhood Zone.

Demolition

The proposal involves the demolition of the existing outbuilding built circa 1980 as well as existing fencing.

The following provisions of the Historic Area Overlay are relevant to demolition:

- PO 7.2** *Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.*
- PO 7.3** *Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.*

No section of the existing dwelling contributing to the historic character of the streetscape, as identified in the Historic Area Statement (NPSP1), is to be demolished. The elements proposed for demolition are also not visible from a historic streetscape context. This satisfies the provisions quoted above.

Heritage Impact

The DO's of the Established Neighbourhood Zone seek:

- DO 1** *A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.*
- DO 2** *Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.*

The relevant provisions of the Local Heritage Place Overlay seek:

- DO 1** *Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.*
- PO 1.2** *Massing, scale and siting of development maintains the heritage values of the Local Heritage Place.*
- PO 1.4** *Development is consistent with boundary setbacks and setting.*
- PO 1.6** *New buildings and structures are not placed or erected between the primary or secondary street boundaries and the façade of a Local Heritage Place.*
- PO 2.1** *Alterations and additions complement the subject building and are sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Local Heritage Place or its setting.*

The proposed development satisfies these provisions in the following ways:



- The proposed development protects and preserves the identifiable historic themes of the LHP and maintains its contribution to the streetscape.
- The proposed works occur in a modest but complementary way, behind the building line of the LHP (PO 1.6). This assists in preserving the existing historic elements of the LHP visible from the street.
- Sufficient space is provided between the LHP and the new addition, to not dominate the LHP or its setting – instead it will present more as a supplementary building (PO 1.2 and PO 2.1).
- The alterations and additions complement the LHP and are sited to not conceal or obstruct heritage elements.
- The wall heights and roof pitch have been designed to echo the LHP.
- The proposed additions adopt a well-conceived mix of materials, colours and finishes which are consistent with and complementary to the LHP and established buildings within the historic area.

Building height

The Established Neighborhood Zone seeks:

DPF 4.1 Maximum building height is 2 levels.

The proposed additions meet DPF 4.1 as the dwelling remains to be single storey in form.

The proposed basement is not a building level as is located 1.5m or more below finished ground level.

The proposed additions have been designed and sited in a manner which responds appropriately to its contextual setting and do not adversely impact on the streetscape character of the historic area.

Boundary walls

PO 7.1 of the Zone states:

PO 7.1 Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

The proposal includes:

- A boundary wall associated with the addition (laundry, pantry, and bedroom) measuring 3.69m in height and 13.5m in length.
- A boundary wall associated with the garage measuring 3.34m in height and 6.5m in length.

- A boundary wall associated with the sauna & outdoor bathroom is 2.8m in height for a distance of 2.7m and 1.2m in length.

While the extent of boundary development exceeds the height and length of boundary walls, the site conditions, their visual impact and overshadowing affect is mitigated by several factors including:

- The orientation of the land. This limits the risk of unreasonable overshadowing.
- The setback of the dwelling on the adjoining property at 16 Trinity Street and the generous area of private open space that cushions their dwelling from the proposed addition.
- Access to natural light and ventilation for neighbours is maintained as a result of the proposed development with an open areas proposed along the boundary and varying heights of walls/fences.
- Balancing siting the addition to maintaining the heritage value of the LHP and mitigating off site impacts. This is contended to have been achieved.

Site coverage

PO 3.1 of the Zone seeks:

PO 3.1 Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.

One way of achieving the above is to limit site coverage to 40 per cent, per the associated Designated Performance Feature (DPF).

The proposed development exceeds this by an insignificant amount of 4%.

The proposed site coverage satisfy PO 3.1 because:

- There remains sufficient space around the building to maintain the character and pattern of built form in the neighbourhood.
- From the streetscape the space around the building will be largely retained to preserve the heritage value of the LHP.
- Over 340m² of the allotment is retained as soft landscaping this will provide an attractive outlook from the streetscape.
- The reasonable wall heights mean there is reasonable access to natural light and ventilation.

PO 23.5 of the Design in Urban Areas section of the General Policies section seeks:

PO 23.5 Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.

The proposed garaging replaces an existing garage to the rear. The proposed development maintains the existing access on Trinity Street.

Table 1 - General Off-Street Car Parking Requirements in the Code states that detached dwellings with two or more bedrooms should provide two on-site parking spaces. The development features a double car garage and thereby satisfies the requirements of Table 1.

Landscaping

DPF 22.1 of the Design in Urban Areas section of the General Policies section seeks the following minimum percentage of soft landscaping for allotments greater than 450m²:

DPF 22.1 25% of site area

This DPF is met as the proposal includes 28% (344m²) of soft landscaping on the site. This soft landscaping includes a mix of types and heights of vegetation to provide shade and amenity.

Conclusion

In summary, the proposal:

- Is envisaged in the Zone.
- Proposes the demolition of built form elements that are of no heritage value.
- Enhances the functionality and liveability of the existing historic dwelling for its occupants.
- Sympathetically locates the addition to the side of the LHP, with building separation to minimise impact on the heritage value.
- Has been executed to a high design standard and incorporates a sensible mix of materials, colours and finishes to respond to the site's historic context.
- Has an acceptable impact on neighbours in terms of outlook and overshadowing.
- Provides functional private open space areas that are directly accessible from living areas.
- Provides meaningful landscaping treatments to soften the massing of built form and improve the appearance of common areas.

In this context, I contend that the proposed development satisfies the relevant provisions of the Code and warrants Planning Consent.

Please contact me on 0409 701 595 if you have any questions.

Yours sincerely



Brigitte Williams
Consultant

Proske

23.013 G+A
18 Trinity Street, College Park

PROJECT STATUS

DATE

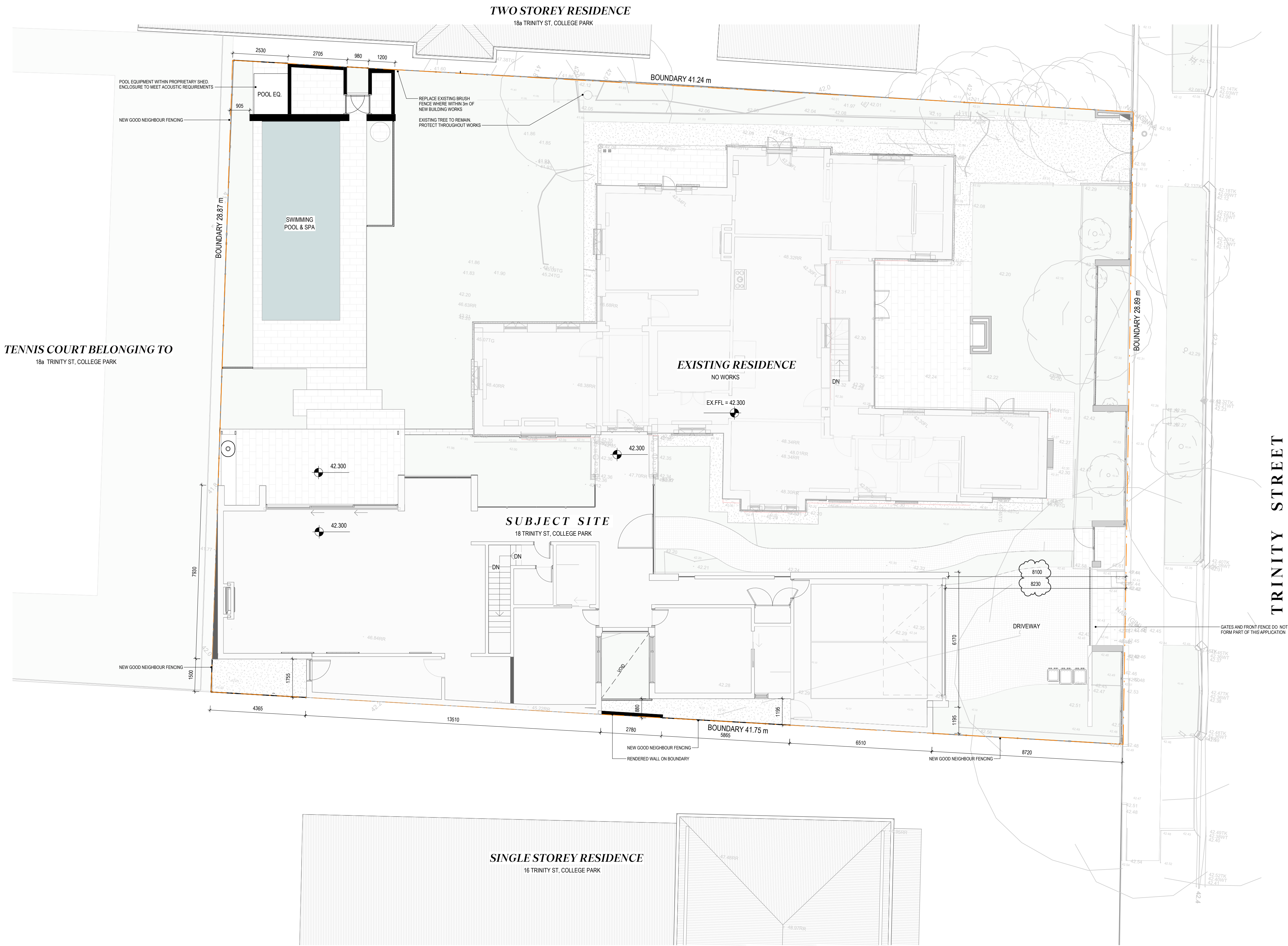
DPC Issue

22.02.2024

SHEET NO	SHEET NAME	REV
PL00	Cover	A
PL01	Site Plan	A
PL02	Demolition	-
PL03	Proposed Floor Plan	-
PL04	Roof Plan	-
PL05	Proposed Elevations	-
PL06	Proposed Fencing Elevations	-

Courtyard Residence





BUILDING AREA SCHEDULE

AREAS ARE TAKEN FROM EXTERNAL FACE OF EXTERNAL WALL LINE, UNLESS OTHERWISE SPECIFIED.

TOTAL ALLOTMENT AREA = 1200m²

DESCRIPTION	AREA
Existing Residence	261 m ²
Proposed Ground Floor	260 m ²
Services	8 m ²
Terrace	24 m ²
	554 m ²

PRIVATE OPEN SPACE

NAME	AREA
PRIVATE OPEN SPACE	366 m ²

SITE COVERAGE

DESCRIPTION	AREA	PERCENTAGE (%)
Building Area	532 m ²	44%
Open Space	664 m ²	56%

SITE PLAN - PROPOSED
SCALE 1:100

Proske

LEVEL 1, 27 HALIFAX STREET,
ADELAIDE SA 5000
08 8271 0100
PROSKE.COM.AU



DPC Issue

DRAWN
BXD

CHECKED
EC

DATE
22.02.2024

SCALE
1:100

PAPER SIZE
A1



CLIENT
G+A

PROJECT
Courtyard Residence

PROJECT ADDRESS
18 Trinity Street, College Park

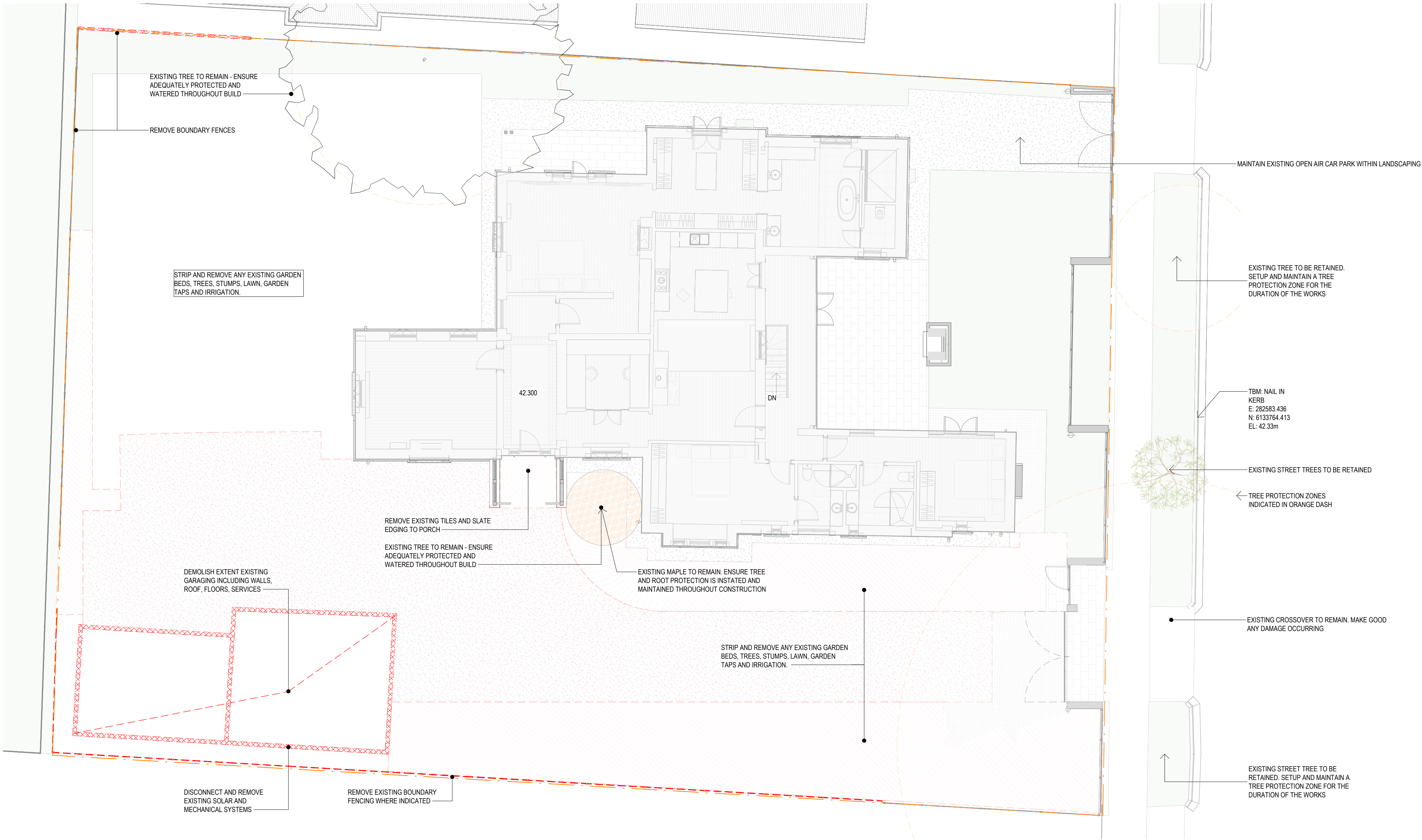
DRAWING TITLE
Site Plan

PROJECT N°
23.013

DRAWING N°
PL01.A

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DEMOLITION PLAN - DPC
SCALE 1:100

Proske

LEVEL 1, 27 HALIFAX STREET,
ADELAIDE SA 5000
08 8271 0100
PROSKE.COM.AU



DPC Issue

DRAWN EC	CHECKED -	DATE 05.12.2023
SCALE 1:100	PAPER SIZE A1	

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CLIENT G+A	PROJECT Courtyard Residence	PROJECT ADDRESS 18 Trinity Street, College Park
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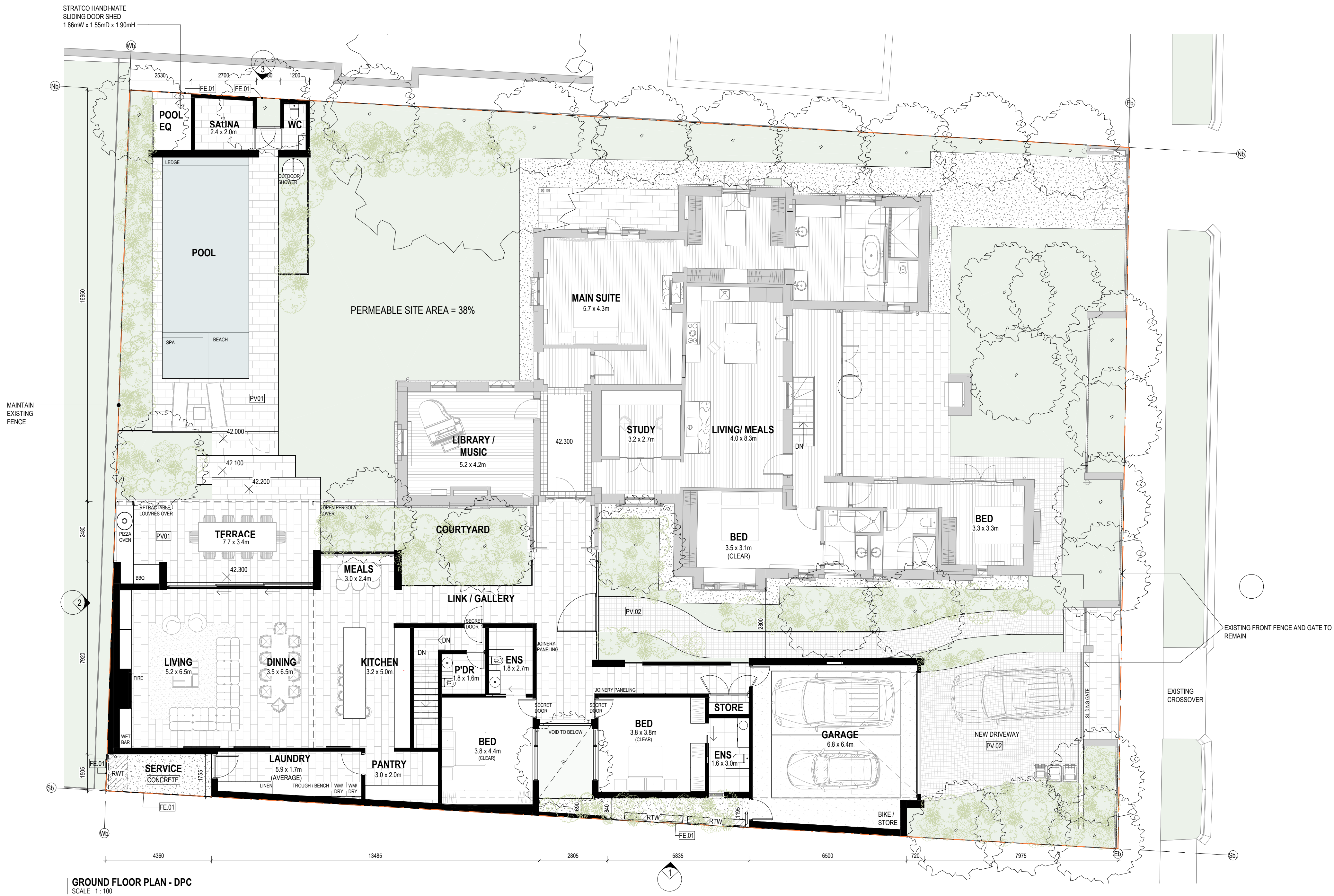
DRAWING TITLE Demolition	PROJECT N° 23.013	DRAWING N° PL02.-
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BUILDING AREA SCHEDULE

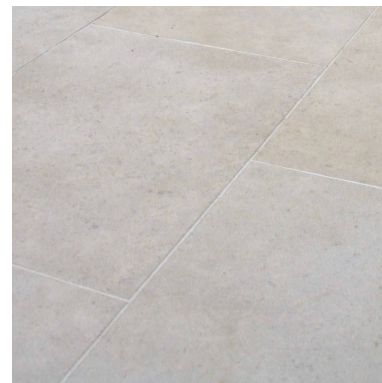
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TOTAL ALLOTMENT AREA = 1200m2

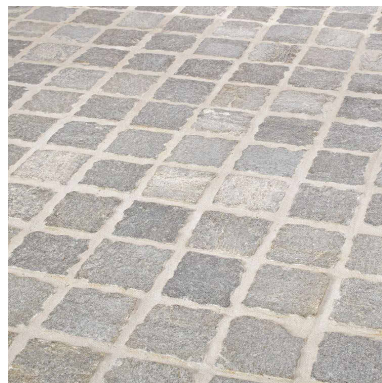
DESCRIPTION	AREA
Existing Residence	261 m²
Proposed Ground Floor	250 m²
Services	8 m²
Terrace	24 m²
	554 m²



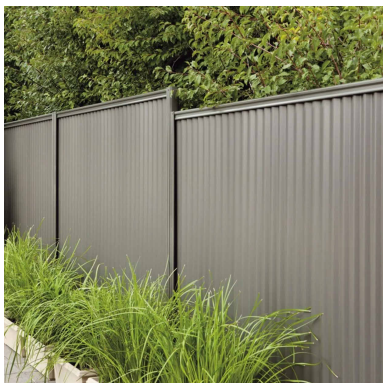
EXTERNAL FINISHES



PV.01 - ECO OUTDOOR LAGE FORMAT PAVERS
COLOUR: MID GREY
SELECTION: T.B.C



PV.02 - ECO OUTDOOR COBBLESTONE
COLOUR: MID GREY
SELECTION: T.B.C



FE.01 - STRATCO GOODNEIGHBOUR CORRUGATED FENCING
COLOUR: WOODLAND GREY

Proske

LEVEL 1, 27 HALIFAX STREET,
ADELAIDE SA 5000
08 8271 0100
PROSKE.COM.AU

DPC Issue

DRAWN
BXD

CHECKED
EC

DATE
05.12.2023

SCALE
1:100

PAPER SIZE
A1

CLIENT
G+A

PROJECT
Courtyard Residence

PROJECT ADDRESS
18 Trinity Street, College Park

DRAWING TITLE
Proposed Floor Plan

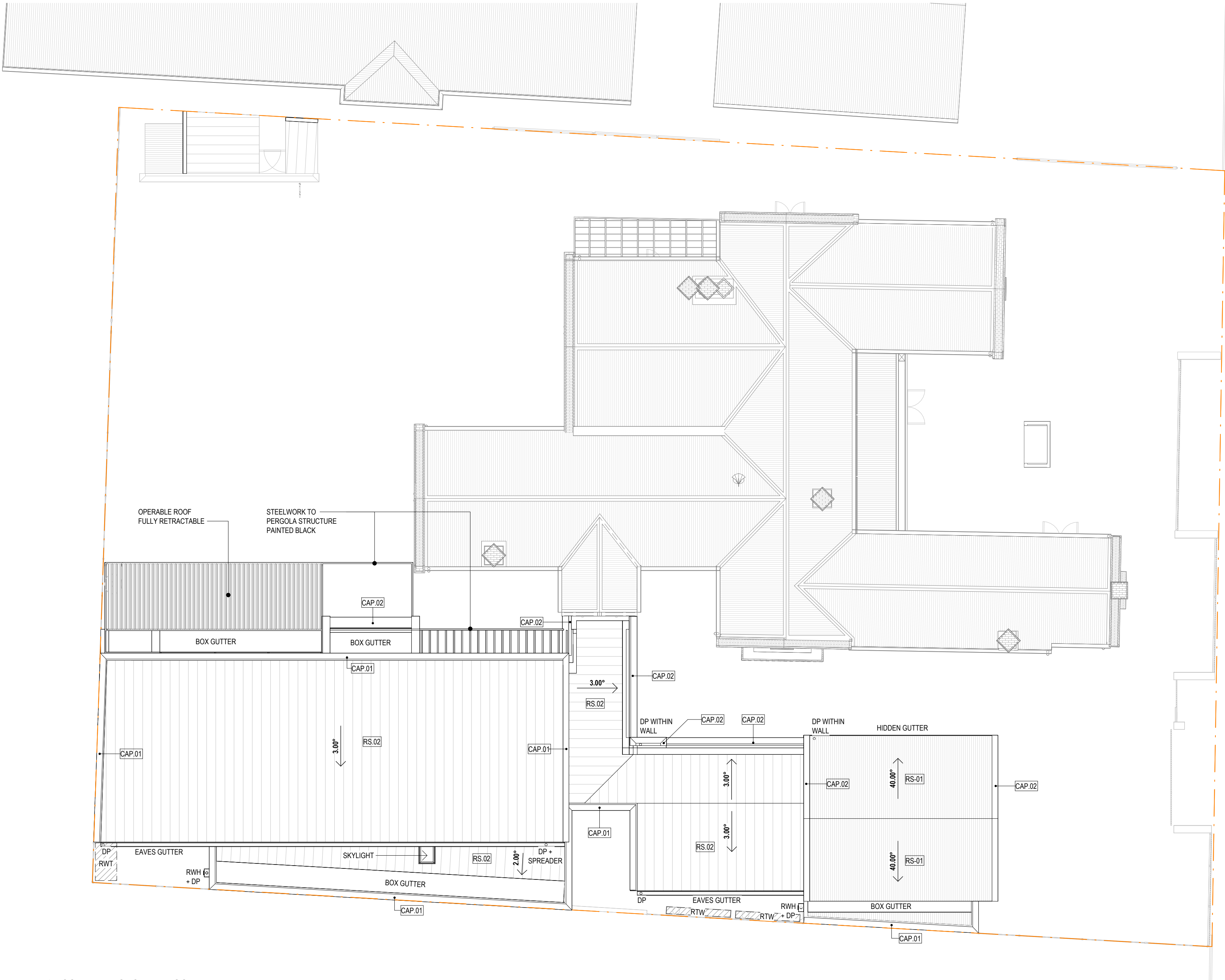
PROJECT N°
23.013

DRAWING N°
PL03.-

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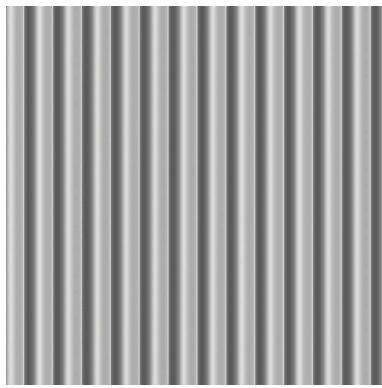
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ROOF PLAN - GROUND FLOOR
SCALE 1:100

EXTERNAL FINISHES



RS.01 - STRATCO CGI CORRUGATED ROOF
COLOUR: SHALE GREY



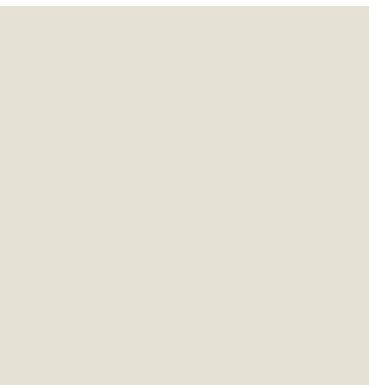
RS.02 - STRATCO PRODEK ROOF
COLOUR: SHALE GREY



OPERABLE ROOF - LOUVRETEC
OPERABLE ROOF
COLOUR: BLACK



CAP.01 - CAPPING / FLASHING
COLOUR: BLACK



CAP.02 - CAPPING / FLASHING
COLOUR: TO MATCH RE.01

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BXD

CHECKED
EC

DATE
05.12.2023

SCALE
1:100

PAPER SIZE
A1



CLIENT
G+A

PROJECT
Courtyard Residence

PROJECT ADDRESS
18 Trinity Street, College Park

DRAWING TITLE
Roof Plan

PROJECT N°

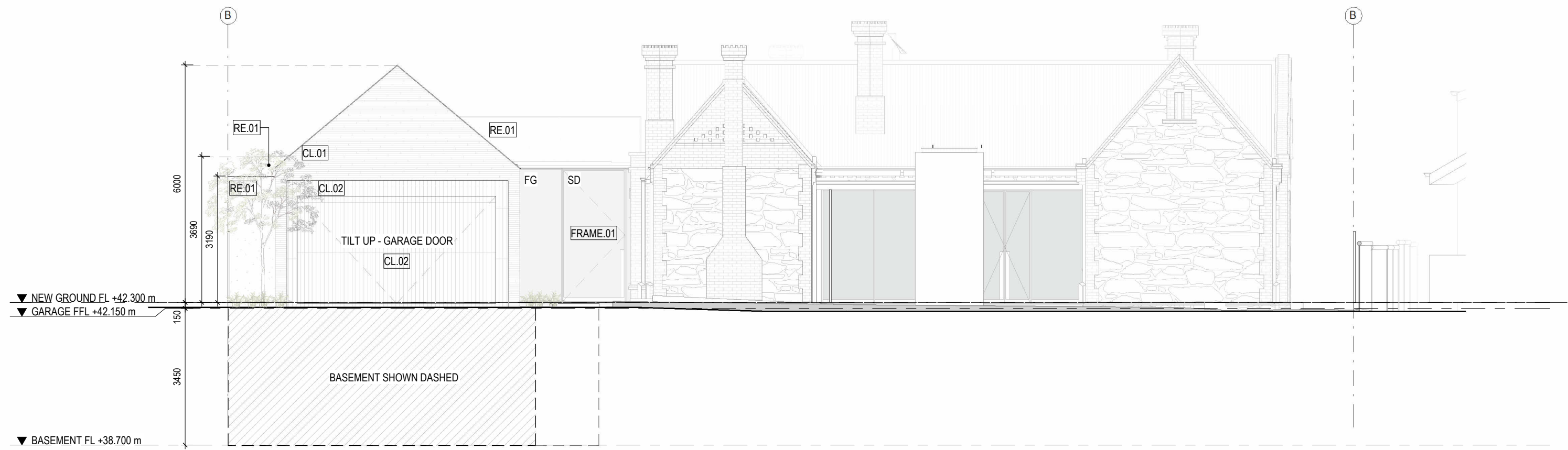
23.013

DRAWING N°

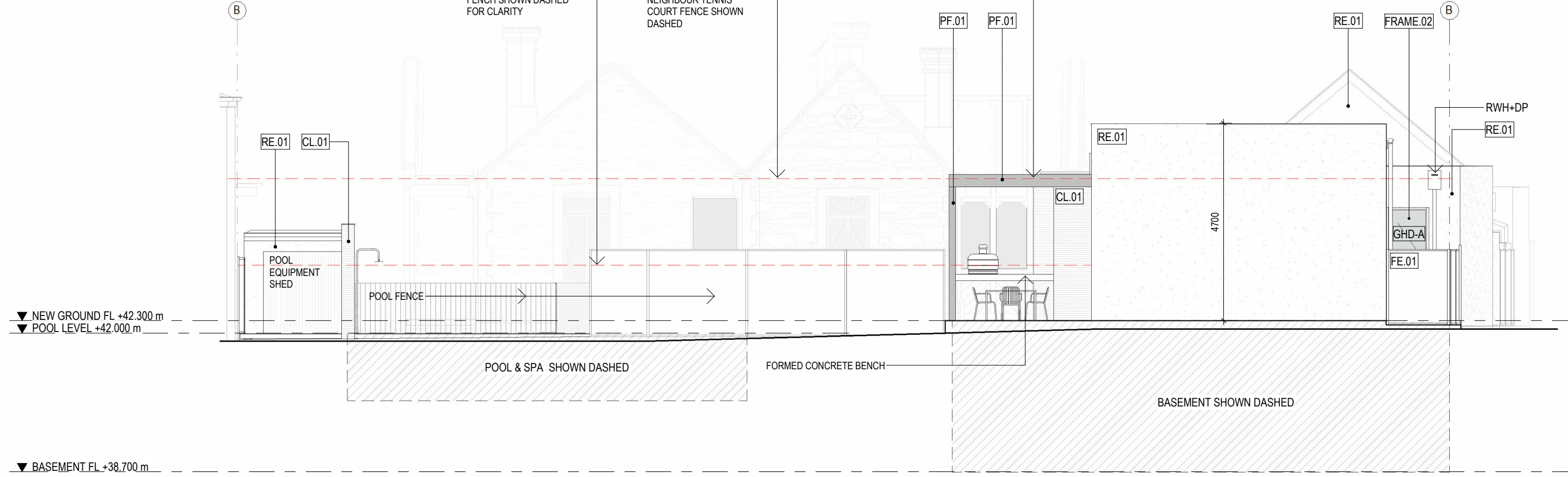
PL04.-

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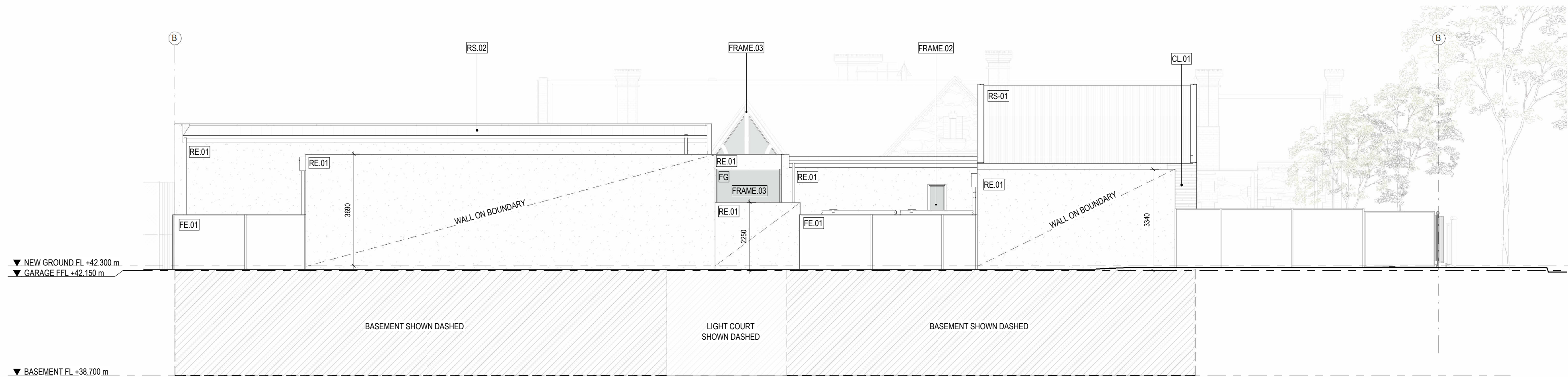
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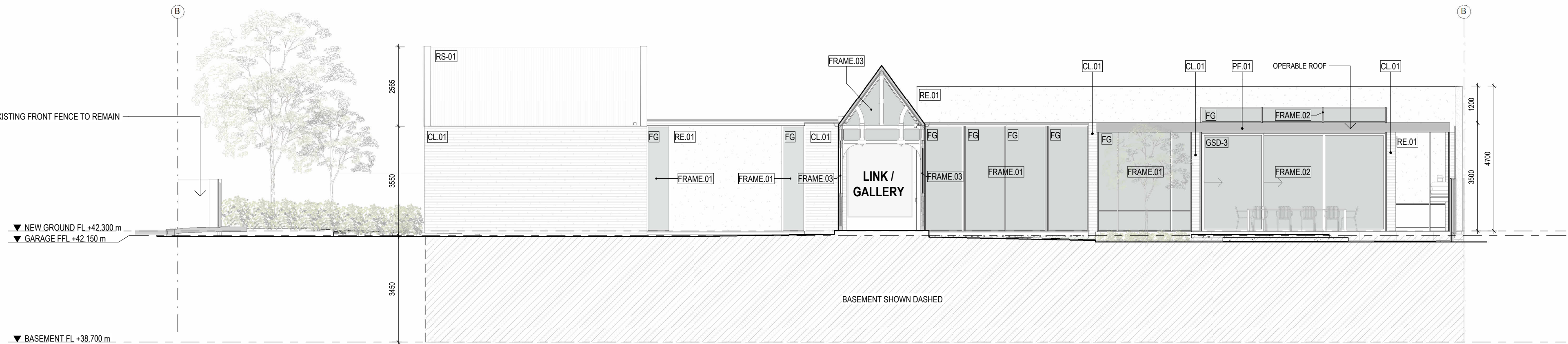
EAST ELEVATION
SCALE 1: 100



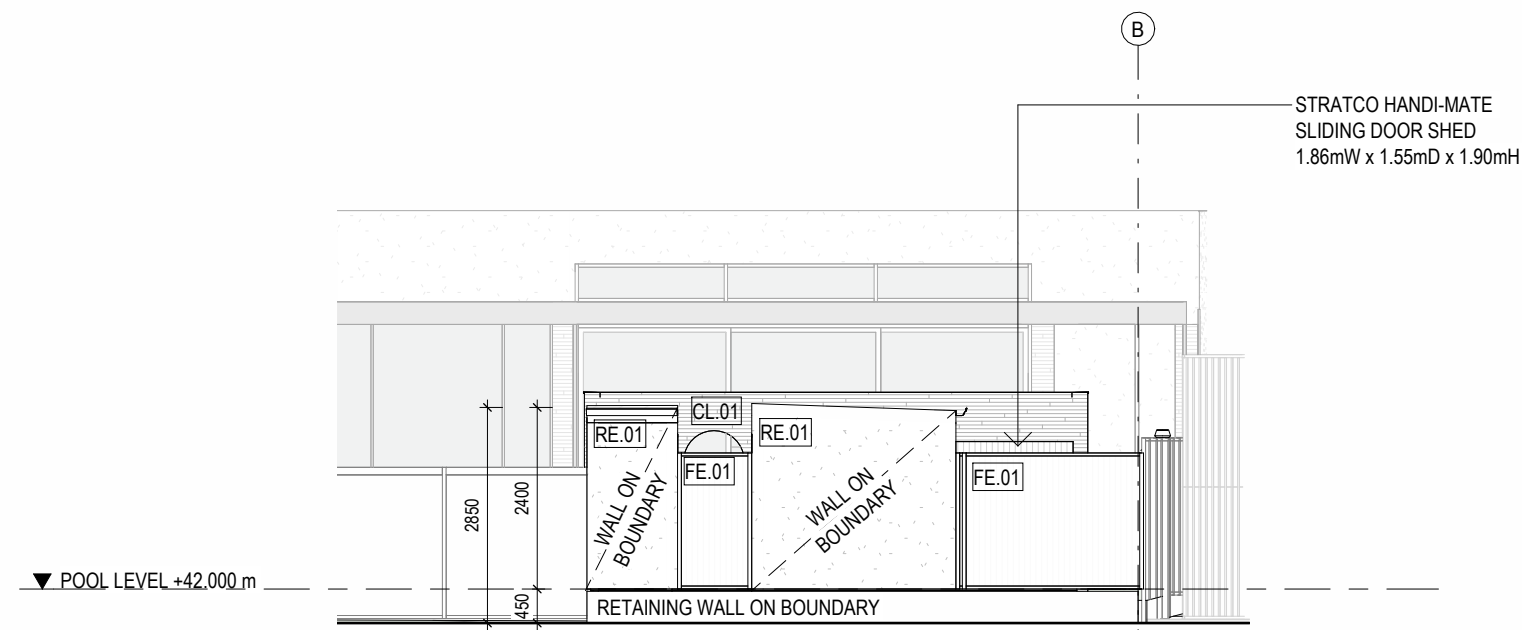
WEST ELEVATION
SCALE 1: 100



SOUTH ELEVATION
SCALE 1: 100



NORTH ELEVATION
SCALE 1: 100



NORTH ELEVATION - SERVICES ENCLOSURE
SCALE 1: 100

DOOR / WINDOW LEGEND

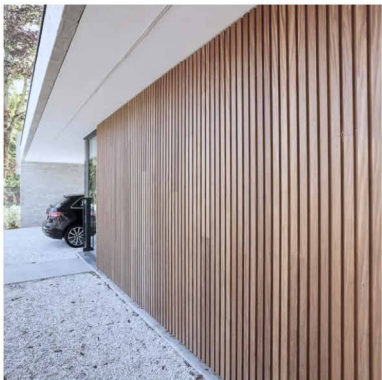
ALC - ALUMINIUM COVER PLATE FINISHED TO MATCH FRAME
SBJ - SILICONE BUTT JOINT (TO SINGLE GLAZING ONLY)

CODE	DESCRIPTION
FG	FIXED GLAZING
GHD-A	GLAZED HINGED DOOR
GSD-2	GLAZED SLIDING / STACKING DOOR - 2 PANEL
GSD-3	GLAZED SLIDING / STACKING DOOR - 3 PANEL

EXTERNAL FINISHES



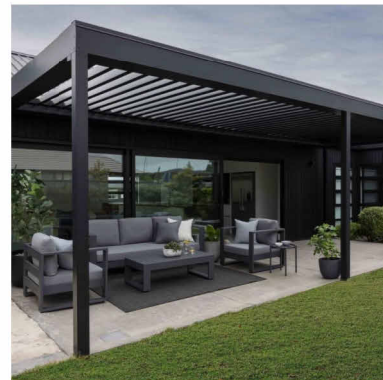
CL.01 - ECO OUTDOOR STONE WALL
CLADDING - VARIED COURSE HEIGHTS
SELECTION: DALY



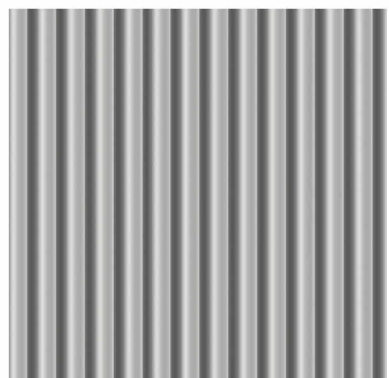
CL.02 - MORTLOCK TRENDPLANK TIMBER
CLADDING - 50 x 30mm
SPECIES: SPOTTED GUM OR SIMILAR



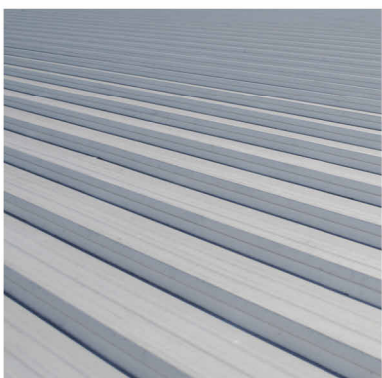
RE.01 - TEXTURE COAT RENDER WITH
PAINT FINISH
COLOUR: OFF WHITE



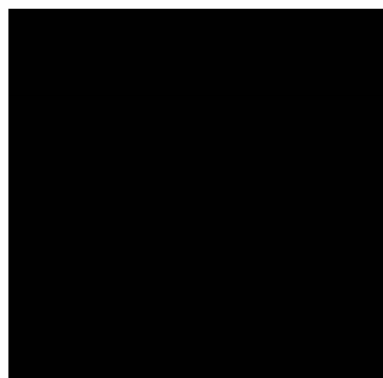
OPERABLE ROOF - LOUVRETEC
OPERABLE ROOF
COLOUR: BLACK



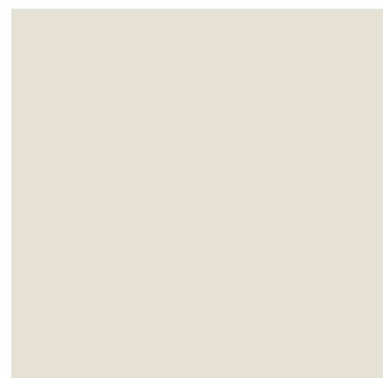
RS.01 - STRATCO CGI CORRUGATED ROOF
COLOUR: SHALE GREY



RS.02 - STRATCO PRODEK ROOF
COLOUR: SHALE GREY



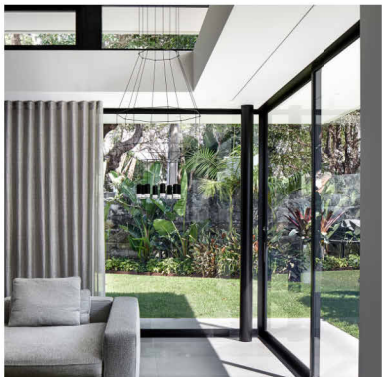
CAP.01 - CAPPING / FLASHING
COLOUR: BLACK



CAP.02 - CAPPING / FLASHING
COLOUR: TO MATCH RE.01



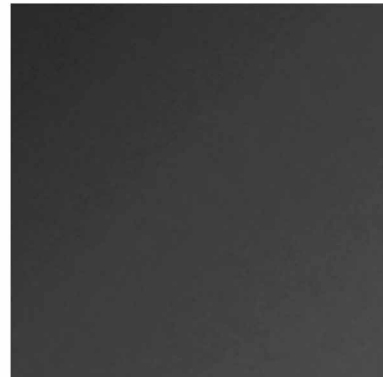
FRAME.01 - STEEL FRAMED WINDOWS
AND DOORS, POWDERCOATED
COLOUR: BLACK



FRAME.02 - SEMI-COMMERCIAL ALUMINIUM
FRAMED DOORS, POWDERCOATED
COLOUR: BLACK



FRAME.03 - 25mm ALUMINIUM CHANNEL
GLASS INSTALLED FLUSH WITHIN TIMBER
TO APPEAR FRAMELESS
COLOUR: BLACK



PF.01 - POWDERCOATED STEELWORK
COLOUR: BLACK

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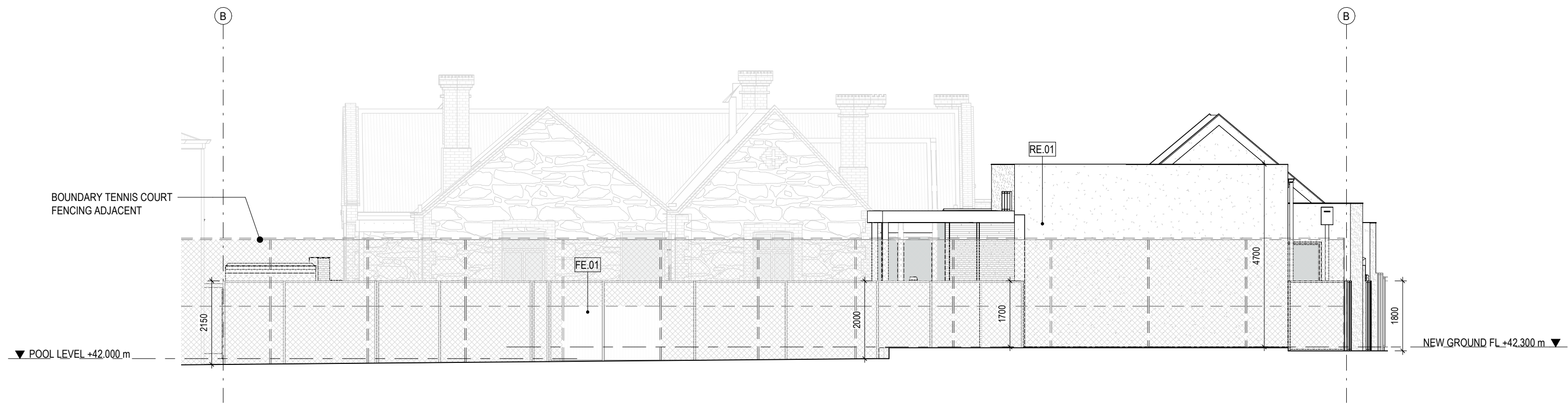
PROJECT
Courtyard Residence

PROJECT ADDRESS
18 Trinity Street, College Park

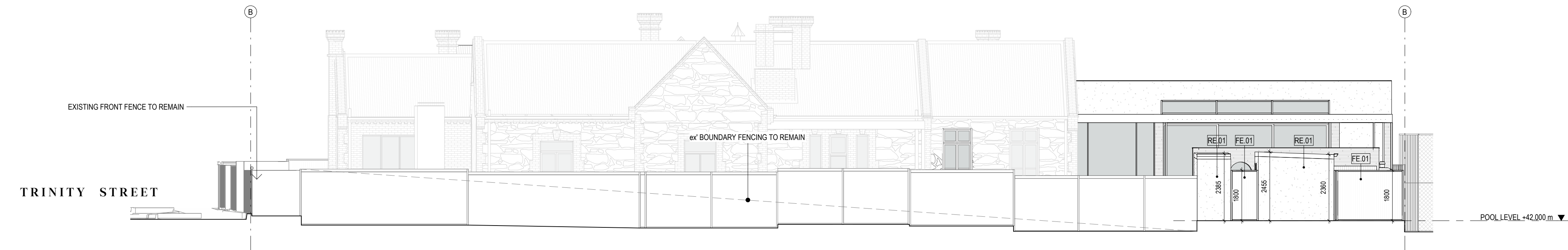
DRAWING TITLE
Proposed Elevations

PROJECT N°
23.013

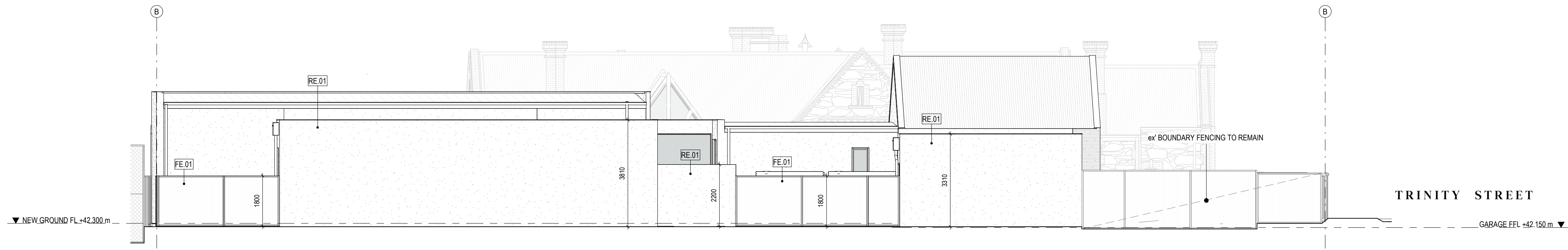
DRAWING N°
PL05.-



WEST FENCING ELEVATION
SCALE 1:100



NORTH FENCING ELEVATION
SCALE 1:100



SOUTH FENCING ELEVATION
SCALE 1:100



RE.01 - TEXTURE COAT RENDER WITH
PAINT FINISH
COLOUR: OFF WHITE



FE.01 - CUSTOM ORB GOOD NEIGHBOUR
FENCE
COLOUR: COLORBOND WOODLAND GREY

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SCALE 1:100	PAPER SIZE A1	

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CLIENT G+A	PROJECT Courtyard Residence	PROJECT ADDRESS 18 Trinity Street, College Park
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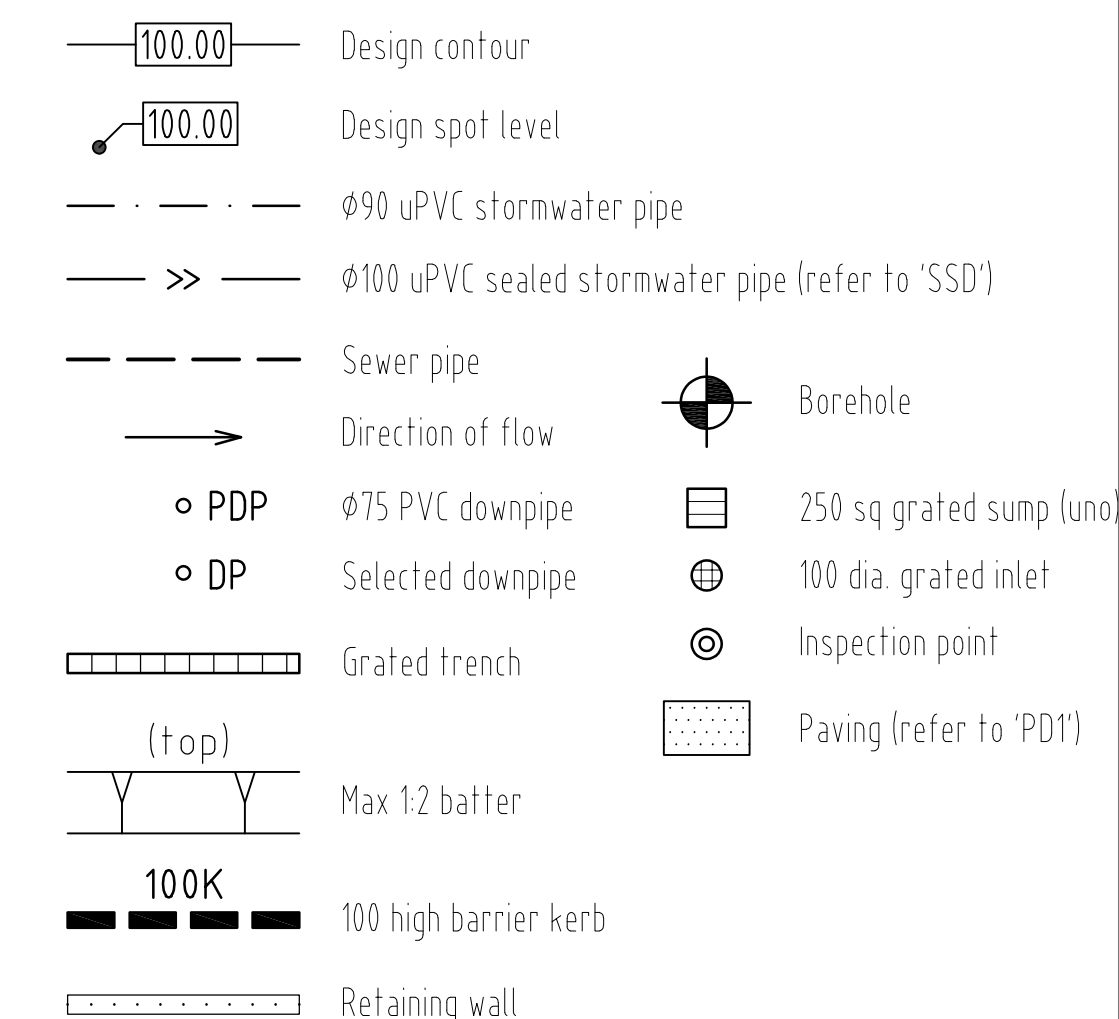
DRAWING TITLE Proposed Fencing Elevations	PROJECT N° 23.013	DRAWING N° PL06.-
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1. This is an Engineering detail survey with the boundaries shown being indicative only. It is not, and should not be used as a boundary identification survey.
2. Soil Classification for this site is "E-D/P" flexible stormwater and sewer connections are required for this site. Refer to attachment FCD for detail. Where a site is classed as a problem site "P" due to excessive fill and increased movement due to trees, flexible stormwater connections are always to be used.
3. Provide lagging to all pipe penetrations through footing beams as follows:
 - i) soil classification S, M, Ht: 20mm
 - ii) soil classification H2, E: 40mm
4. All perimeter paving and stormwater drainage to be completed by owner/builder within 6 months of the completion of the building.
5. All stormwater pipes subject to pedestrian traffic to have minimum 150mm cover, with pipes subjected to vehicular load to have 300mm. If required cover cannot be achieved, pipe to be encased in 100mm thick concrete or covered with a 5mm thick galvanised RHS sleeve or plate.
6. Stormwater pipes to have a minimum fall of 1:200 with sewer pipes having minimum 1:60 fall.
7. It is the responsibility of the owner/builder/plumber to ensure that there is sufficient fall from the dwelling/s to the street sewer connection point based on the finished floor levels on this plan, prior to the beginning of works on site. All care but no responsibility taken by design Engineer.
8. Stormwater disposal to be in accordance with council stormwater guidelines.
9. Where excavating on or near boundaries, care is to be taken as to not undermine the existing structure. Refer to Engineer if in doubt.

LEGEND

DESIGN



SURVEY/EXISTING

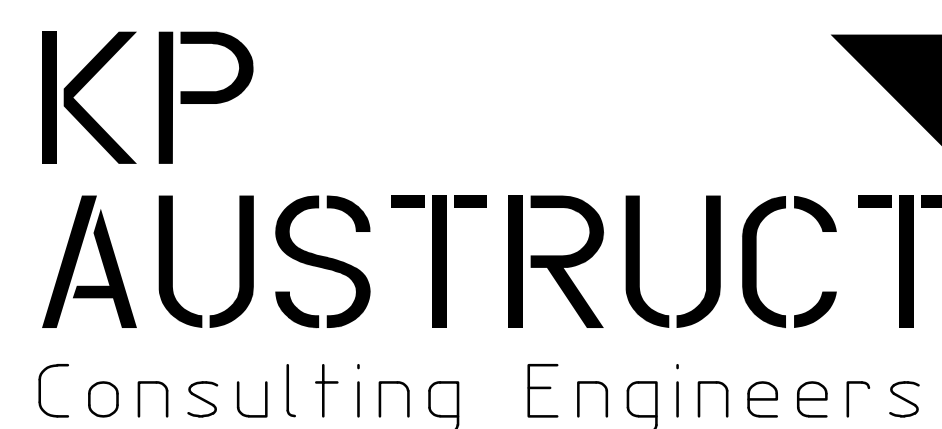


ABBREVIATION

FL	Floor level
BL	Bench level
DL	Design level
P	Paving level
TK	Top of kerb
WT	Watertable
TRW	Top of ret. wall
BRW	Bottom of ret. wall
RWH	Retaining wall height
CL	Sump cover level
IL	Pipe invert level

PLANNING APPROVAL
NOT FOR CONSTRUCTION

ISSUE	DATE	COMMENTS/REMARKS
P1	05.02.2024	Issued for planning approval



6 CRITTENDEN ROAD,
FINDON SA 5023
PH: 08 8448 2900

PROSKE

PROPOSED ADDITIONS FOR: G. & A. _
AT: No.18 TRINITY STREET COLLEGE PARK

DRAWING TITLE	SITE AND DRAINAGE PLAN
---------------	------------------------

SCALE 1:200	DRAWN S.T.	ENGINEER S.T.	DATE FEB'2024	
CHECKED -	PROJECT No. 23/485	DRAWING No. SD1	ISSUE P1	SHEET SIZE A3



ABN: 50 663 097 229
6 Crittenden Road Findon
Phone: (08) 8448 2900
Email: admin@kpastruct.au

STORMWATER CALCULATIONS

Job Number: 23/485

Client: PROSKE

For: G. & A.

Site Address: No. 18 TRINITY STREET, COLLEGE PARK

Design: S.T.

Date: FEB'2024

Date: -

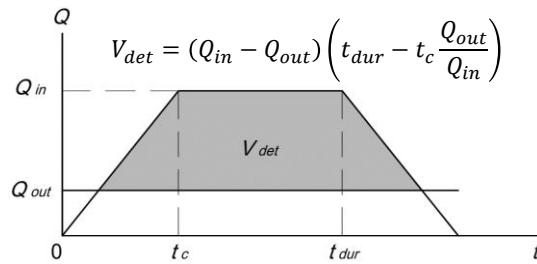
Job: 23/485
Design: S.T.
Date: FEB'2024
Sheet: SW1

PUMP COMPUTATION - PUMP 1

Design AEP: 1%
Impervious = 45 m2
Time of concentration (t_c) = 1 mins
 $C = 1.00$

Select $Q_{out} = 1.5$ l/s

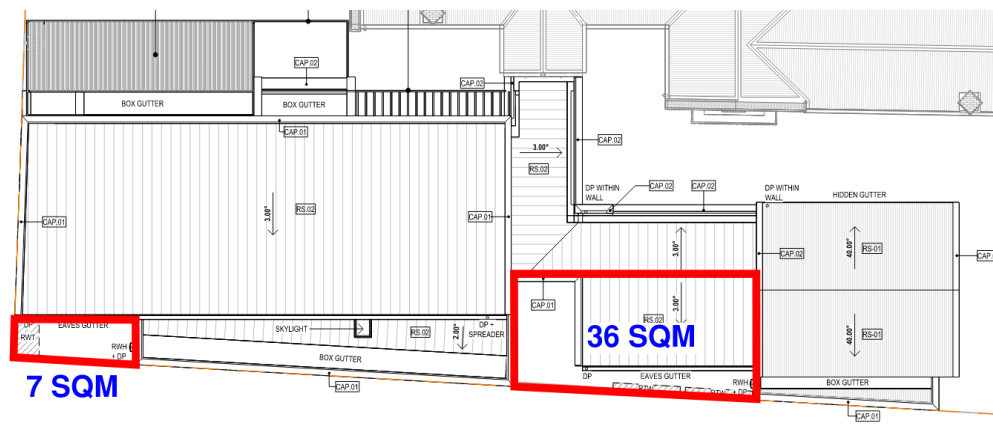
t_{dur} mins	I mm/hr	Q_{in} l/s	V_{det} cbm
5	174.0	2.18	0.17
10	126.0	1.58	0.04
15	102.0	1.28	-
20	86.4	1.08	-
25	75.8	0.95	-
30	67.8	0.85	-
35	61.6	0.77	-
40	56.6	0.71	-
45	52.5	0.66	-
50	49.1	0.61	-
55	46.1	0.58	-
60	43.5	0.54	-
90	33.1	0.41	-
120	27.1	0.34	-
180	20.3	0.25	-
240	16.5	0.21	-



EMERGENCY STORAGE

Design AEP: 20%
Duration: 60 mins
Intensity = 20.4 mm/hr
Required storage = 0.92 cbm

Provide 1000L pump chamber, and pump with pumping capacity of 90 lpm.



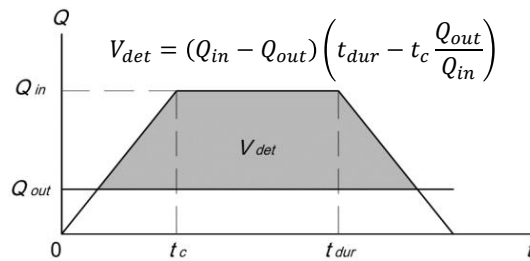
Job: 23/485
 Design: S.T.
 Date: FEB'2024
 Sheet: SW2

PUMP COMPUTATION - PUMP 2

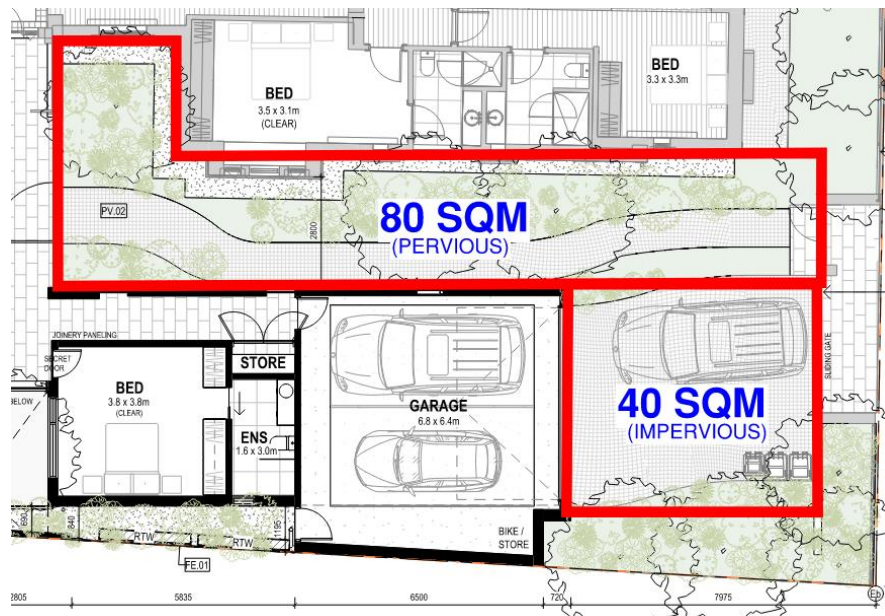
Design AEP: 1%
 Impervious = 40 m² C = 1.00
 Pervious = 80 m² C = 0.15
 Time of concentration (t_c) = 1 mins

Select Q_{out} = 1.5 l/s

t _{dur} mins	I mm/hr	Q _{in} l/s	V _{det} cbm
5	174.0	2.51	0.27
10	126.0	1.82	0.18
15	102.0	1.47	-
20	86.4	1.25	-
25	75.8	1.09	-
30	67.8	0.98	-
35	61.6	0.89	-
40	56.6	0.82	-
45	52.5	0.76	-
50	49.1	0.71	-
55	46.1	0.67	-
60	43.5	0.63	-
90	33.1	0.48	-
120	27.1	0.39	-
180	20.3	0.29	-
240	16.5	0.24	-



Provide 300L pump chamber, and pump with pumping capacity of 90 lpm.



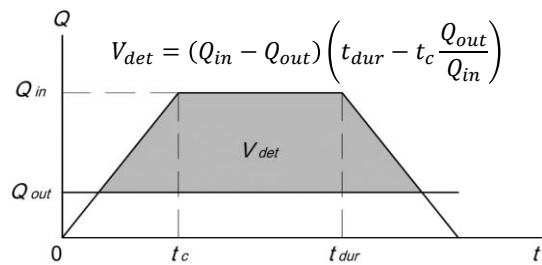
Job: 23/485
Design: S.T.
Date: FEB'2024
Sheet: SW3

PUMP COMPUTATION - PUMP 3

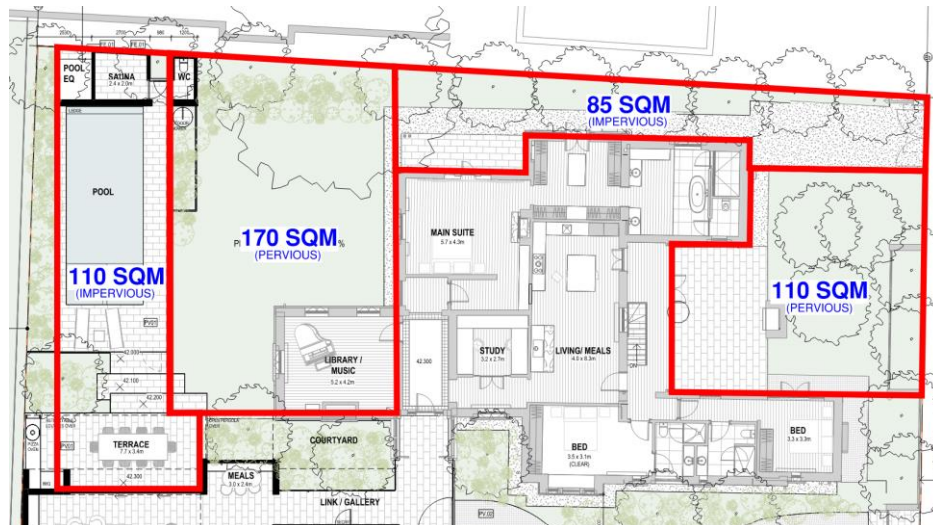
Design AEP: 20%
Impervious = 195 m² C = 1.00
Pervious = 280 m² C = 0.15
Time of concentration (t_c) = 5 mins

Select Q_{out} = 2.0 l/s

t _{dur} mins	I mm/hr	Q _{in} l/s	V _{det} cbm
5	81.4	5.36	0.63
10	59.3	3.90	0.85
15	47.8	3.15	0.81
20	40.5	2.67	0.65
25	35.5	2.34	0.42
30	31.7	2.09	0.13
35	28.8	1.90	-
40	26.5	1.74	-
45	24.6	1.62	-
50	23.0	1.51	-
55	21.6	1.42	-
60	20.4	1.34	-
90	15.6	1.03	-
120	12.9	0.85	-
180	9.8	0.64	-
240	8.0	0.53	-



Provide 1000L pump chamber, and pump with pumping capacity of 120 lpm.



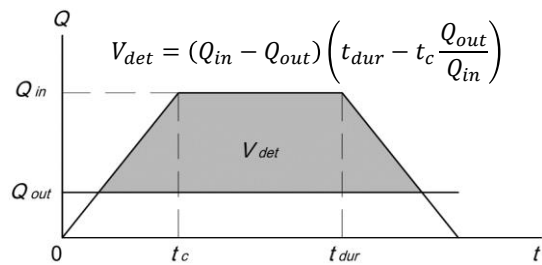
Job: 23/485
Design: S.T.
Date: FEB'2024
Sheet: SW4

PUMP COMPUTATION - PUMP 3 (CONT.)

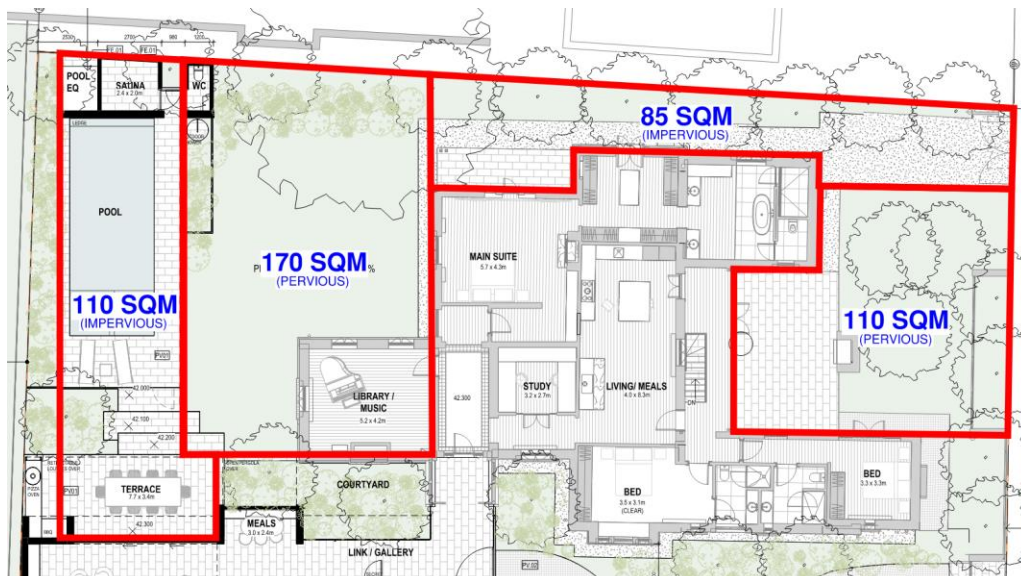
Design AEP: 1%
Impervious = 195 m² C = 1.00
Pervious = 280 m² C = 0.15
Time of concentration (t_c) = 5 mins

Select Q_{out} = 2.0 l/s

t _{dur} mins	I mm/hr	Q _{in} l/s	V _{det} cbm
5	174.0	11.46	2.34
10	126.0	8.30	3.32
15	102.0	6.72	3.82
20	86.4	5.69	4.04
25	75.8	4.99	4.13
30	67.8	4.46	4.10
35	61.6	4.06	4.01
40	56.6	3.73	3.86
45	52.5	3.46	3.68
50	49.1	3.23	3.47
55	46.1	3.03	3.21
60	43.5	2.86	2.93
90	33.1	2.18	0.92
120	27.1	1.78	-
180	20.3	1.34	-
240	16.5	1.09	-



Surface ponding's approximate volume 3500L + 1000L pump station



**5.2 DEVELOPMENT NUMBER 24011283 – AUSTRALIAN VENUE COMPANY C/- URPS PTY LTD
– 319 – 327 PAYNEHAM ROAD ROYSTON PARK**

DEVELOPMENT NO.:	24011283
APPLICANT:	Australian Venue Company (AVC), c/- URPS Pty Ltd
ADDRESS:	319-327 PAYNEHAM RD ROYSTON PARK SA 5070
NATURE OF DEVELOPMENT:	Variation to Application ID 22042866 to: - Relocate the 'children's play area' from the northern beer garden to the southern beer garden - Install 3 internal walls within the proposed southern beer garden - Update condition 3.7 of the planning consent to accurately reflect the new location of the 'children's play area'
ZONING INFORMATION:	Zones: • General Neighbourhood • Suburban Business Overlays: • Airport Building Heights (Regulated) • Affordable Housing • Heritage Adjacency • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Transport Routes • Urban Tree Canopy Technical Numeric Variations (TNVs): • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	30 Apr 2024
RELEVANT AUTHORITY:	Assessment panel at City of Norwood Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.7 18/04/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Kieran Fairbrother, Senior Urban Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 3:	Zoning & Locality Map
ATTACHMENT 1:	Application Documents	ATTACHMENT 4:	Approval Documents DA 22042866
ATTACHMENT 2:	Subject Land Map		

BACKGROUND:

By way of development application ID 22042866, the applicant obtained planning consent for “additions and alterations to existing hotel comprising partial demolition, the construction of two beer gardens, the removal of 10 car parking spaces and the construction of illuminated signage”.

This development application was originally refused by the Council Assessment Panel in July 2023 for the following reasons:

1. The proposed development does not satisfy Performance Outcome 1.3 and 1.4 of the General Neighbourhood Zone; and
2. The proposed development does not satisfy Performance Outcomes 1.2 and 4.5 of the Interface Between Land Uses module.

In essence, the Panel was of the view that the then-proposed development would detriment existing residential amenity through noise emissions from the beer gardens and kids play area.

The applicant appealed this decision through the Environment, Resources and Development Court. A compromise proposal was then put to the Panel in September 2023 which included:

- 2.1m high fencing along the southwest boundary (to mitigate noise impacts to those adjoining dwellings);
- Full enclosure of the children’s play area in the northern beer garden to reduce noise emissions;
- A reduction in capacity of the northern beer garden from 151 persons to 130 persons;
- The installation of an audio noise limiting device in both beer gardens to ensure continued compliance with the relevant noise criteria; and
- The provision of a Hotel Management Plan.

This compromise proposal was accepted by the Panel and consequently endorsed and granted planning consent by the ERD Court. The documents approved by the ERD Court are contained in **Attachment 4**, along with a copy of the acoustic report that accompanied those plans.

This variation now seeks to relocate the children’s play area from the northern beer garden to the southern beer garden. Because the application does not involve a change of use and the “building work” involved is internal building work (which is Accepted development), the proposal does not involve “development” that requires planning consent, per the definition in section 3(1) of the *Planning, Development and Infrastructure Act 2016*. Therefore, this application does not require public notification for the purposes of section 107(3) of the Act. However, as the original relevant authority was the Council Assessment Panel (CAP), they must remain the relevant authority for this variation per section 128(2)(b) of the Act; hence why this Application is being presented to the CAP.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 319-327 PAYNEHAM RD ROYSTON PARK SA 5070

Title ref.: CT	Plan Parcel: F103917	Council: THE CITY OF NORWOOD PAYNEHAM AND
6127/587	AL3	ST PETERS

Location reference: 319-327 PAYNEHAM RD ROYSTON PARK SA 5070

Title ref.: CT	Plan Parcel: F103920	Council: THE CITY OF NORWOOD PAYNEHAM AND
6127/586	AL6	ST PETERS

Location reference: 319-327 PAYNEHAM RD ROYSTON PARK SA 5070

Title ref.: CT	Plan Parcel: F125980	Council: THE CITY OF NORWOOD PAYNEHAM AND
6127/589	AL1	ST PETERS

Location reference: 319-327 PAYNEHAM RD ROYSTON PARK SA 5070

Title ref.: CT 6286/541 **Plan Parcel:** F257313 AL50 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Location reference: 319-327 PAYNEHAM RD ROYSTON PARK SA 5070

Title ref.: CT 6192/816 **Plan Parcel:** F3832 AL81 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Shape:	irregular
Frontage width:	approx. 101.3 metres
Depth:	varying between 42.5 metres and 95.4 metres
Area:	approx. 7884m ²
Topography:	relatively flat
Existing Structures:	single-storey hotel together with attached drive-through bottle shop (with a total floor area of approx. 1620m ²), freestanding advertisements, bitumen car park, perimeter sheet metal fencing
Existing Vegetation:	low-level vegetation across the site's frontage and a number of large (including regulated) trees around the site and throughout the car parking area

Locality

The locality considered for the purposes of this assessment is depicted in **Attachment 3**. It can be described particularly as the area bound by Battams Road to the north, First Avenue to the west, Salisbury Avenue to the south, and extending approximately 50m east of the subject land.

This locality can be divided into two distinct areas of character. The first, Payneham Road, is characterised by a mix of land uses and building types. More specifically, the eastern side of Payneham Road contains a mix of single- and two-storey commercial buildings comprising a mixture of uses including offices, consulting rooms and shops. Behind (east of) these uses are low-to-medium density housing. Similarly, the western side of Payneham Road contains the subject tavern, a two-storey office building, consulting rooms, a shop and some single-storey dwellings in the form of residential flat buildings. The second area of character within this locality is to the north and west of the subject land along First Avenue and Battams Road, which is comprised solely of low-density detached dwellings, most of which are historic dwellings identified as Representative Buildings.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Other - Commercial/Industrial - Variation: Code Assessed - Performance Assessed
Building Alterations: Accepted
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

AGENCY REFERRALS

None required.

INTERNAL REFERRALS

None required.

PLANNING ASSESSMENT

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

Pursuant to section 128(2)(b) of the Act, this assessment is necessarily limited to the extent of the proposed variation and does not provide consideration for elements or aspects of the development that are not proposed to be amended (for example, land use, traffic and parking impacts, soft landscaping, etc).

Setbacks, Design & Appearance

The proposed variation does not include any changes to the external appearance of the building and/or its materiality. Specifically, the northern beer garden will retain the solid roof over the corner portion that included the children's play area, as well as the floor-to-ceiling acoustic glazing around this corner. The southern beer garden was already roofed, which will remain so, and the external acoustic glazing remains per the original development application. Thus, the only building changes involved in this proposal is the relocation of the three walls that internally surround the children's play area from the northern beer garden to the southern beer garden.

Noise Emissions

Thus, the only planning consideration in respect of this variation proposal is any consequent changes to noise emissions as a result of the relocation of the children's play area.

Performance Outcome 1.4 of the General Neighbourhood Zone states:

"Commercial activities improve community access to services are of a scale and type to maintain residential amenity."

Performance Outcome 1.2 of Interface Between Land Uses module states:

"Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts."

Performance Outcome 4.1 of the Interface Between Land Uses module states:

"Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers)."

Performance Outcome 4.5 of the Interface Between Land Uses module states:

"Outdoor areas associated with licensed premises (such as beer gardens or dining areas) are designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers (or lawfully approved sensitive receivers)."

This variation does not seek to amend the hours of operation or patronage limits of the two respective beer gardens/outdoor dining areas.

The applicant once again engaged Sonus Pty Ltd to undertake acoustic modelling of the development following relocation of the children's play area to the southern beer garden, to predict the consequent noise levels emitted for this development. As demonstrated by their report in **Attachment 1**, the predicted noise levels for the whole development remain unchanged as a result of this variation.

Council administration did not consider it necessary to engage their own acoustic engineer to undertake their own modelling because the external building, acoustic protection, hours of operation and patronage are not changing. It was therefore anticipated that the modelling would likely produce the same results. Because the previous modelling undertaken by Sonus was accepted by the Panel and the ERD Court as part of the compromise proposal, those results should be relied upon. Thus, the new modelling undertaken by Sonus that consider this variation can equally be relied upon.

With there being no change in the predicted noise levels for the development as a result of this variation, the abovementioned Performance Outcomes are considered satisfied.

Consideration of 'Seriously at Variance'

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2024.3, dated 25/02/2024), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code for the following reasons:

- The variations do not change the use of the land;
- The variations do not alter the footprint or external appearance of the approved development; and
- The variations do not change the outputs derived from the acoustic modelling undertaken for the approved development.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

3. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
4. Development Application Number 24011283, by Australian Venue Company (AVC), c/- URPS Pty Ltd is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

The development granted planning consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any), noting that all previous stamped plans and documentation, including conditions previously granted planning consent for Development Application ID No. 22042866 are still applicable except where varied by this authorisation.

Condition 2

Condition No. 3.7 previously granted planning for Development Application ID No. 22042866 is hereby deleted and replaced as follows:

The hours of operation of the beer garden additions and children's play area shall be restricted to the following times:

Southern beer garden and children's play area:

- Sunday to Thursday: 07:00am to 10:00pm
- Friday and Saturday: 07:00am to 12:00am

Northern beer garden:

- 07:00am to 10:00pm, 7 days a week

Condition 3

Condition No. 3.8.8 previously granted planning for Development Application ID No. 22042866 is hereby amended to read as follows:

- 3.8.8 installation of a solid roof over a portion of the Bistro beer garden as shown on the approved plans

ADVISORY NOTES

Planning Consent

Advisory Note 1

Appeal Rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 2

This approval varies the original consent / approval to which it applies, but it does not extend nor vary the operative date of the original consent / approval. The consent / approval must be acted upon within the operative date applicable, unless extended by the relevant authority via separate submission.

Advisory Note 3

No work can commence on this development unless a Development Approval has been obtained. If one or more Consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Ref: 23ADL-0845



URPS

Adelaide
27 Halifax Street
Enter via Symonds Pl
Adelaide SA 5000

08 8333 7999

Melbourne
Level 3
107 Elizabeth Street
Melbourne VIC 3000

03 8593 9650

urps.com.au

19 April 2024

Kieran Fairbrother
Senior Planning Officer
City of Norwood Payneham & St Peters
175 The Parade
Norwood SA 5067

Uploaded to PlanSA Portal

Dear Kieran

Variation to DA 22042866 – Payneham Tavern, Royston Park

Introduction and Background

URPS acts for Australian Venue Company (AVC) in relation to the re-development of the Payneham Tavern. The site is located at 319-327 Payneham Road, Royston Park.

This site has an operative Planning Consent approved under application ID 22042866. This was granted on the 29 September 2023.

AVC seek to vary this consent. This letter addresses the merits of this variation.

Amended Proposal

The variation seeks to:

- Relocate the “kids play area” from the northern beer garden to the southern beer garden.
- Install 3 internal walls within the proposed southern beer garden.
- Update condition 3.7 of the planning consent so that the word ‘children’s play area’ is associated with the correct beer garden as a result of its relocation (i.e. from 3.7.2 to 3.7.1).

The proposed works are internal. There will be no change to the approved external appearance, floor area or use of the building. This includes the rear noise attenuation measures associated with the original children’s play area.

The balance of the development (including conditions) are to remain unchanged.

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.

<https://urpsau.sharepoint.com/sites/Synergy/Shared Documents/Projects/22ADL/22ADL-0845 - 319 Payneham Rd, Payneham - Payneham Tavern/Working/URPS Planning>

SHAPING
GREAT
COMMUNITIES



The variation is accompanied by:

- Architectural drawings by Red (**Annexure A**).
- A legal opinion from Botten Levinson Lawyers (**Annexure B**).
- A review of the change in noise impact by Sonus (**Annexure C**).

Procedural Matters

Assessment Pathway

The proposed variation constitutes a performance assessed form of development. This reflects the assessment pathway of the original application (22042866).

Statutory Referrals

No statutory referrals will be triggered by the variation. The approved vehicle access and movement arrangements are unchanged.

Public Notification

Public notification is not required. This has been confirmed by Botten Levinson Lawyers within **Annexure B**. Their advice identifies:

- Any application which does not involve “development” cannot be the subject of public notification.
- The “kids play area” is an ancillary use to the dominant use of the land. The hotel is the principal use. No change in land use occurs.
- If the three internal walls constitute development, they amount to ‘building work’. Internal alterations are excluded from the definition of “development” by Schedule 4 of the Regulations.
- Building alterations are also ‘Accepted Development’. They do not require planning consent and cannot be subject to public notification.
- The Planning and Design Code provides exclusions from public notification for certain classes of Performance Assessed development. The scope of works is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development. They are therefore an excluded class of development for public notification by the Planning and Design Code.



Noise Impact

The relocation of the children's play area will have no change on the previous noise modelling and anticipated impact. That is to say, the predicted noise levels for all adjoining noise sensitive receivers will remain the same. This has been confirmed by Sonus within **Annexure C**.

Given there is no change to the predicted noise levels, compliance with the relevant provisions of the Interface Between Land Uses General Development Policies module is maintained.

Conclusion

The proposed variation seeks to change the location of the children's play area. It involves the installation of three internal walls and minor update to condition 3.7 of Planning Consent.

The proposed variation will not:

- Result in a change in land use.
- Alter the external appearance of the development previously approved.
- Result in any change to the predicted noise levels for all adjoining noise sensitive receivers.

For the reasons set out above, I consider the proposed variation to be acceptable and to warrant Planning Consent.

Please contact us on 08 8333 7999 if you wish to discuss.

Yours sincerely

Corey Polyak
Consultant

Scott Twine
Senior Consultant



Annexure A
Proposed Plans

Attachment 1
EXISTING FLOOR AREA SCHEDULE

NAME	AREA
AIRLOCK 1	5 m²
AIRLOCK 2	1 m²
AIRLOCK 3	1 m²
AIRLOCK 4	8 m²
AIRLOCK 5	8 m²
AIRLOCK 6	12 m²
AIRLOCK 7	9 m²
AV/ COMMS	3 m²
BISTRO	300 m²
BOTTLE SHOP	85 m²
COLDROOM 1	5 m²
COLDROOM 2	38 m²
DOSA 1	18 m²
DOSA 2	16 m²
DOSA 3	12 m²
DRIVE THROUGH	127 m²
FEMALE	11 m²
FREEZER	4 m²
GAMING ROOM	238 m²
KEG ROOM	13 m²
KITCHEN	49 m²
LOBBY	12 m²
MALE	14 m²
OFFICE	23 m²
PWD ROOM	4 m²
SPORTS BAR	230 m²
STAFF ROOM	41 m²
STO.	3 m²
STORE 1	6 m²
STORE 2	6 m²
STORE 3	52 m²
STORE 4	13 m²
STORE 5	30 m²
STORE 6	12 m²
TAB	15 m²
UTILITY AREA	69 m²
WC 1	3 m²
WC 2	4 m²
YARD	121 m²
Grand total: 39	1620 m²

Rev	Description	By	Date
1	PRELIMINARY DA ISSUE	QT	25.02.2022
2	FOR APPROVAL	JC	03.06.2022
3	FOR APPROVAL	DO	09.11.2022
4	FOR APPROVAL	DO	24.11.2022
5	FOR APPROVAL	DO	28.03.2023
6	FOR APPROVAL	DO	19.04.2023
7	DA FOR APPROVAL	DO	15.09.2023

Key Plan

Client
Australian Venue Co.
Red.
<small>Australia Level 12, 101 Dandenong Rd Melbourne VIC 3207 Phone: 1300 555 555 Fax: 03 9593 2500 Email: info@red.com.au</small>
<small>Vietnam Level 5, Empire Tower 280/282 Nguyen Trai St Ho Chi Minh City Phone: 090 11 11 11 Fax: 090 11 11 11 Email: info@red.com.au</small>

Project Name	PAYNEHAM TAVERN SA
Site Address	319 PAYNEHAM ROAD, PAYNEHAM, SA 5070
Drawing Title	EXIST. CONDITIONS & DEMOLITION PLAN
Project number	AVC0011
Drawn	QT
Date	08/10/11
Checked	AC/DO
Scale	1 : 100 @ A1
Certified	
Approver	
Drawing Number	TP03
Revision	7

Stage 2

Stage 1

DEMOLITION LEGEND
EXISTING TO BE DEMOLISHED, ALTERED OR RELOCATED SHOWN DASHED
AREA OF EXISTING TO BE DEMOLISHED
EXISTING CONDITION TO REMAIN
SHADED AREA DENOTES NO ARCH WORKS

0 0.5 2.0 4.0 5.0
SCALE IN METRES

PRELIMINARY
NOT FOR CONSTRUCTION

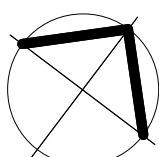
Rev	Description	By	Date
1	PRELIMINARY DA ISSUE	QT	25.02.2022
2	FOR APPROVAL	JC	03.06.2022
3	FOR APPROVAL	DO	09.11.2022
4	FOR APPROVAL	DO	24.11.2022
5	FOR APPROVAL	DO	15.03.2023
6	FOR APPROVAL	DO	29.03.2023
7	FOR APPROVAL	DO	19.04.2023
8	FOR APPROVAL	DO	31.07.2023
9	FOR APPROVAL	DO	04.08.2023
10	DA FOR APPROVAL	DO	15.09.2023

Key Plan

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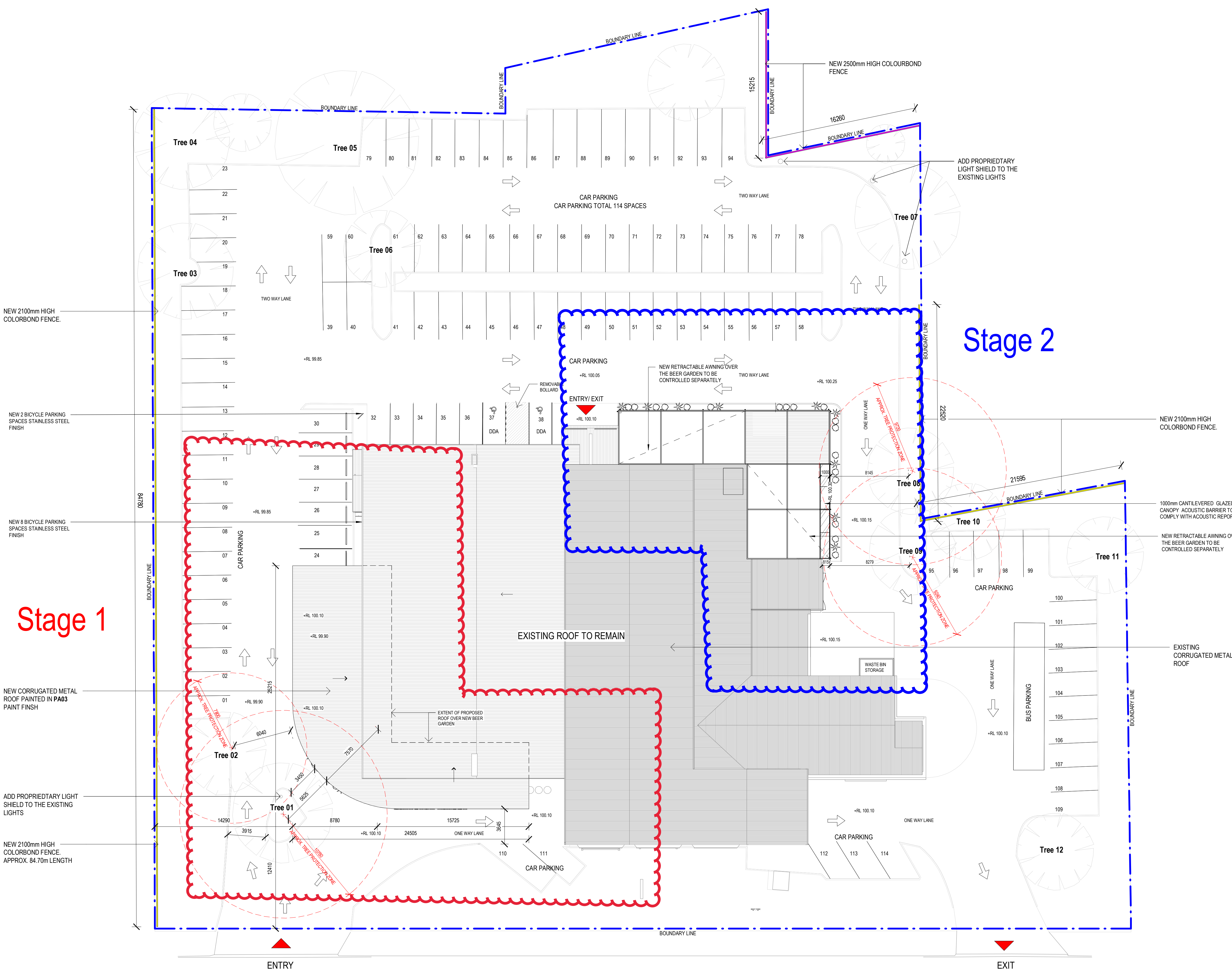
Client


	<small>Australia Level 12, 101 Casser St Melbourne VIC 3000 T +61 3 9603 2000 F +61 3 9603 6141</small>	<small>Vietnam Level 5, Empire Tower 250/26 Hiep Nghia St District 1, Ho Chi Minh City T +84 28 558 5851 BC 03 474 99902</small>
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North


Project Name	PAYNEHAM TAVERN SA
Site Address	319 PAYNEHAM ROAD, PAYNEHAM, SA 5070
Drawing Title	PROPOSED SITE PLAN

Project number	AVC0011	Drawn	QT
Date	12/27/21	Checked	AC/DO
Scale	1 : 200 @ A1	Certified	Approver
Drawing Number	TP05	Revision	10



1 PROPOSED SITE PLAN
A104 1:200

PAYNEHAM ROAD

PRELIMINARY
NOT FOR CONSTRUCTION

Rev	Description	By	Date
1	PRELIMINARY DA ISSUE	QT	25.02.2022
2	FOR APPROVAL	JC	03.06.2022
3	FOR APPROVAL	DO	09.11.2022
4	FOR APPROVAL	DO	24.11.2022
5	FOR APPROVAL	DO	06.02.2023
6	FOR APPROVAL	DO	15.03.2023
7	VE CHANGES FOR APPROVAL	DO	24.03.2023
8	FOR APPROVAL	DO	29.03.2023
9	FOR APPROVAL	DO	19.04.2023
10	FOR APPROVAL	DO	31.07.2023
11	FOR APPROVAL	DO	03.08.2023
12	FOR APPROVAL	DO	04.08.2023
13	DA FOR APPROVAL	DO	15.09.2023
14	DA FOR APPROVAL - STAGING	DO	06.04.2024

Key Plan

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Client

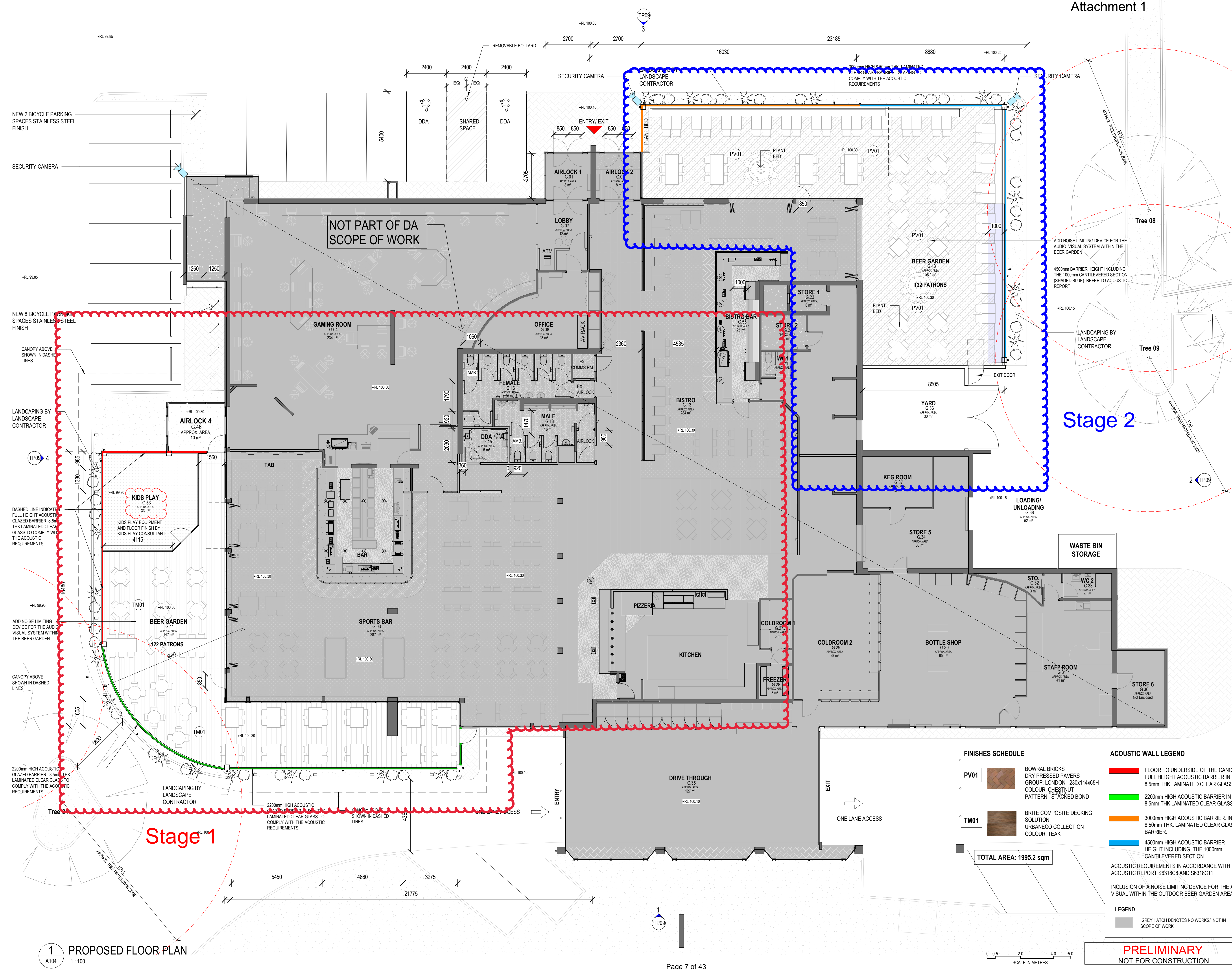
Australian Venue Co.

Red.

North

Project Name PAYNEHAM TAVERN SA
Site Address 319 PAYNEHAM ROAD, PAYNEHAM, SA 5070
Drawing Title PROPOSED FLOOR PLAN

Project number AVC0011	Drawn QT
Date 08/10/11	Checked AC/DD
Scale As indicated @ A1	Certified Approver
Drawing Number TP06	Revision 14



Rev	Description	By	Date
1	PRELIMINARY DA ISSUE	QT	25.02.2022
2	FOR APPROVAL	JC	03.06.2022
3	FOR APPROVAL	DO	09.11.2022
4	FOR APPROVAL	DO	24.11.2022
5	FOR APPROVAL	DO	29.03.2023
6	FOR APPROVAL	DO	19.04.2023
7	FOR APPROVAL	DO	31.07.2023
8	FOR APPROVAL	DO	03.08.2023
9	FOR APPROVAL	DO	04.08.2023

Key Plan	
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Client	Australian Venue Co.
	Red.

North	
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Project Name	PAYNEHAM TAVERN SA	Drawn	QT
Site Address	319 PAYNEHAM ROAD, PAYNEHAM, SA 5070	Checked	AC/DO
Drawing Title	PROPOSED EXTERIOR ELEVATIONS	Approved	
Project number	AVC0011	Scale	As indicated @ A1
Date	08/10/11	Revised	
TP09		9	

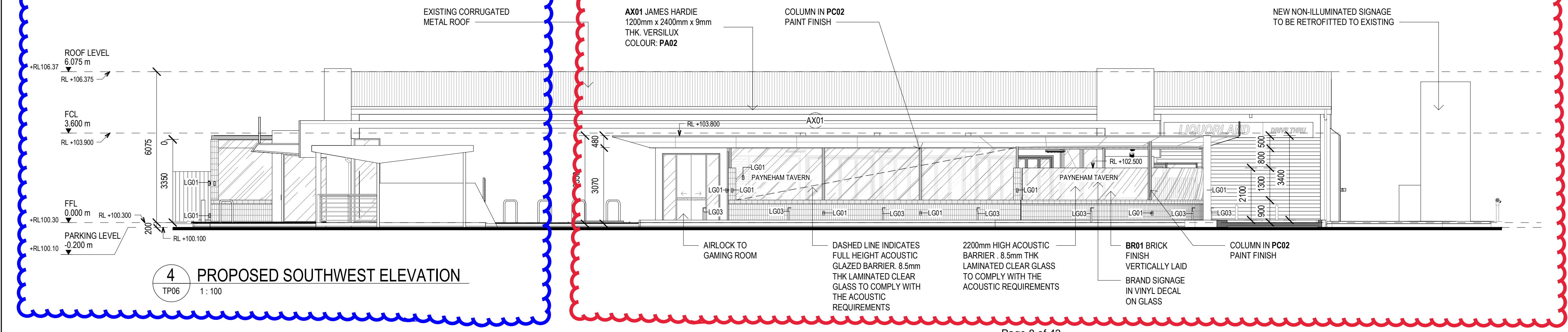
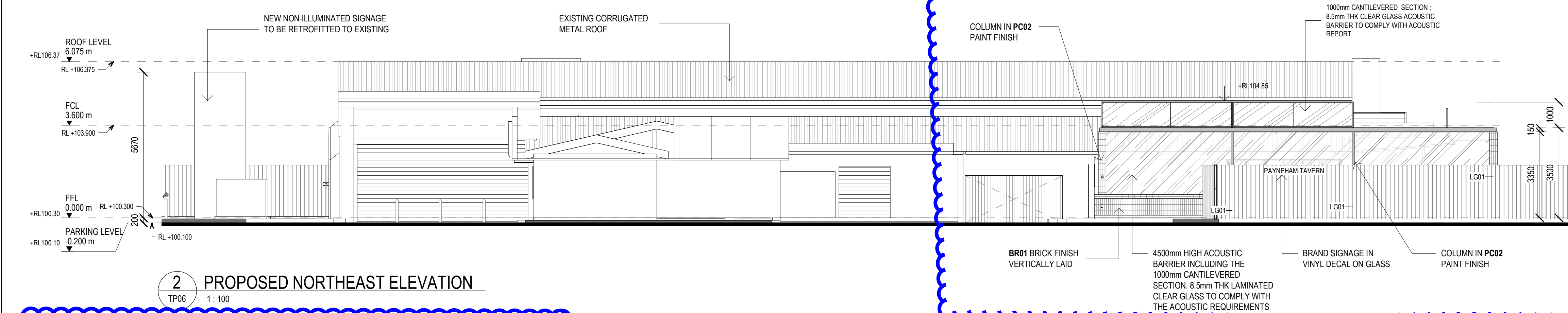
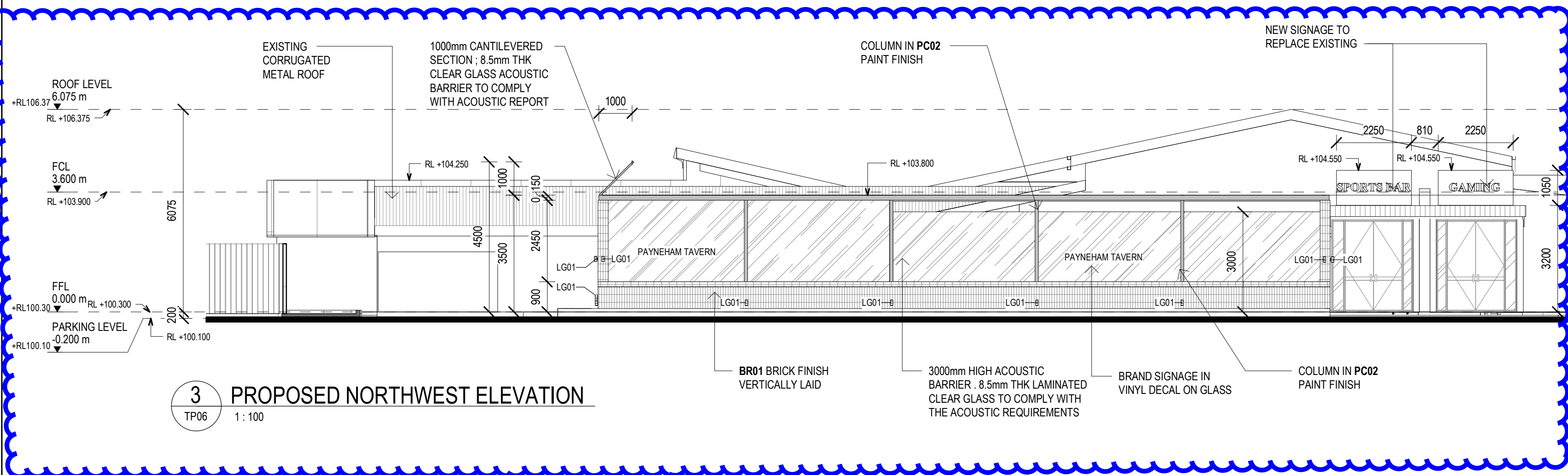
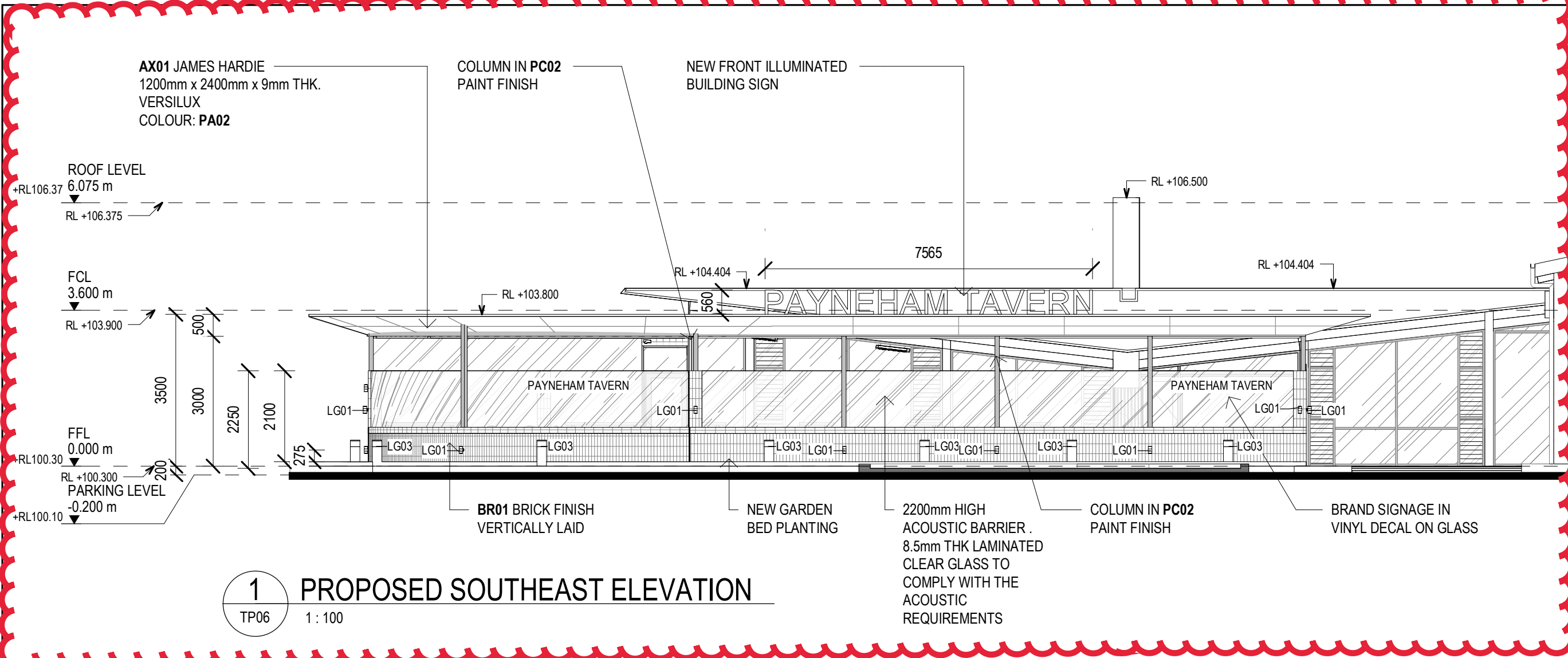
FINISHES SCHEDULE

- PA02** DULUX: FINISH: FLAT
COLOUR: ANTIQUE WHITE
- PA08** DULUX: PROFESSIONAL INTERIOR TINTABLE
FINISH: FLAT
COLOUR: COLOURBOND MONUMENT
- TM01** BRITE COMPOSITE DECKING SOLUTION
DIMENSIONS: 5.4m X 138mm X 24mm
SLIP RATING: p4/R10
COLOUR: TEAK
- BR01** BOWRAL BRICKS
GROUP: BOWRAL
COLOUR: BOWRAL BROWN/ TAN
PAVING PATTERN: FLEMISH BOND
- PC02** DULUX: POWDER COAT
NAME: MIDNIGHT BLACK
- AX01** JAMES HARDIE
1200mm x 2400mm x 9mm THK. VERSILUX
SHEETING
COLOUR: PA02

LIGHTING SCHEDULE

- LG01** BEACON LIGHTING
WANAKA 2 LIGHT UP/ DOWN
EXTERIOR WALL LIGHT IN BLACK
SKU 246111
- LG03** BEACON LIGHTING
LEDLUX NATIONAL LED 12V
BOLLARD IN TIMBER/BLACK
SKU 240822

PRELIMINARY
NOT FOR CONSTRUCTION





Annexure B
Legal Opinion

Our ref: SM/223233

18 April 2024

Mr Kieran Fairbrother
Senior Urban Planner
City of Norwood, Payneham and St Peters
175 The Parade
NORWOOD SA 5067

By email: kfairbrother@npsp.sa.gov.au

Dear Kieran

DA No. 22042866 – 319-327 Payneham Road, Royston Park - proposed variation

This firm acts for Australian Venue Company Limited regarding its redevelopment of the Payneham Tavern on the above land.

On 29 September 2023, our client obtained planning consent for the development comprised in DA 21010244, namely for development described as “*additions and alterations to an existing hotel comprising partial demolition, the construction of two beer gardens, the removal of 10 car parking spaces, the construction of illuminated signage and associated fencing*” at 319-327 Payneham Road, Royston Park (**Development**).

Our client wishes to seek authorisation to vary the Development by relocating the “kids play area” from the northern beer garden to the southern beer garden (**proposed variation**). The proposed variation will necessitate the erection of 3 internal walls within the proposed southern beer garden.

We write to address the question of whether an application for the proposed variation requires public notification.

For the reasons which follow, such an application is **not** publicly notifiable.

The law

1. Any application which does **not** involve “*development*” as defined in the *Planning Development and Infrastructure Act 2016* (**Act**) cannot, of course, be the subject of public notification.¹

¹ *Hannon v Adelaide Hills Council* [2010] SAERDC 57

2. Further, it is only applications for “Performance Assessed” and “Restricted” developments which can be the subject of public notification.
3. It must also be noted that the Planning and Design Code provides exclusions from public notification for certain classes of Performance Assessed development.

Application of the law

4. The “kids play area” is an ancillary use to the dominant use of the land, namely, a hotel. The kids play area therefore takes on the character of the hotel land use.² It follows that the relocation of the authorised kids play use will **not**:

4.1 involve “*development*” on the basis that it is “*change in the use of land*”; and

4.2 require public notification accordingly.

5. The question then arises about whether the erection of the three internal walls of the kids play area within the southern beer garden comprises “*development*” on the basis that they amount to “*building work*”.

- 5.1 Section 4 of the Act relevantly provides that:

“***development*** means—

...

(b) *building work*;

... *but does not include an act or activity that is declared by or under the regulations not to constitute development for the purposes of this Act.*”

- 5.2 Regulation 3C of the *Planning, Development and Infrastructure (General) Regulations 2017* (**Regulations**) relevantly provides that:

“***Exclusions from definition of development—general***

(1) *Subject to this regulation, an act or activity specified in Schedule 4 is declared not to constitute development for the purposes of the Act.*

...”

- 5.3 Schedule 4 of the Regulations relevantly provides that:

“***Schedule 4—Exclusions from definition of development—general***

An act or activity specified in this Schedule is declared not to constitute development for the purposes of the Act, ...

...

² *Eliza Jane Investments v City of Playford* [2009] SASC 260

4—Sundry minor operations

...

(4) ... the ... internal alteration of a building—

- (a) *that does not involve demolition of any part of the building (other than the removal of fixtures, fittings or non load-bearing partitions); and*
- (b) *that will not adversely affect the structural soundness of the building or the health or safety of any person occupying or using it; and*
- (c) *that is not inconsistent with any other provision of this Schedule.”*

6. Having regard to the above, the erection of the walls within the southern beer garden are excluded from the definition of “*development*”. It therefore follows that the act of erecting those internal walls will not trigger public notification.
7. For the avoidance of any doubt, the above is not to say that the proposed variation will not trigger the need for a variation application to be lodged, or an assessment of the variation to be undertaken against the relevant planning policies. Rather, it is to say that an application for the proposed variation will not require public notification on the basis no “*development*” is proposed.

Alternative basis for the erection of the internal walls of the kids play area not triggering public notification

8. If the relevant authority/its delegate takes the view that erection of the internal walls within the southern beer garden do comprise “*development*” (to be clear, this is not conceded and may be contested by appeal or review application), such walls amount to building alterations. Building alterations on the subject site are an “Accepted Development” (i.e. they do not require planning consent) in circumstances where the alterations do not:
 - 8.1 increase the floor area of the building
 - 8.2 exceed the existing wall height
 - 8.3 exceed the existing overall building height
 - 8.4 alter the roof profile
 - 8.5 alter an approved privacy screening arrangement or window treatment.
9. The proposed variation will not increase the floor area of the building, exceed the existing wall height, exceed the existing overall building height, alter the roof profile or alter an approved privacy screening arrangement or window treatment. Accordingly, if the relevant authority takes the view that the internal walls do involve “*development*”, the erection of such walls will **not** require planning consent and, therefore, cannot be the subject of public notification.

Further alternative basis for the erection of the internal walls of the kids play not triggering public notification

10. Further, and in the alternative to the grounds set out above, if the internal walls are “*building works*” which are not “Accepted Development”, they are an excluded class of development for public notification on the basis that they are:
- 10.1 internal building works; and/or
 - 10.2 of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

Please contact me if you have any queries or wish to discuss.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Syd McDonald', with a stylized flourish at the end.

Syd McDonald
BOTTEN LEVINSON
Mob: 0411 554 253
Email: sm@bllawyers.com.au



Annexure C
Noise Impact Review



URPS
27 Halifax Street
Adelaide SA 5000

S6318C18

Attention: Corey Polyak

10 April 2024

Dear Corey,

**PAYNEHAM TAVERN REDEVELOPMENT
PLAY AREA RELOCATION**

Sonus previously conducted an environmental noise assessment for the redevelopment of the Payneham Tavern at 319-327 Payneham Road, Royston Park SA (development number 22042866). Sonus' environmental noise assessment was detailed in reports S6318C8 and S6318C12 dated November 2022 and August 2023 respectively (collectively comprising the **Sonus Assessment**). The redevelopment was granted Planning Consent on 29 September 2023.

Subsequent to Planning Consent being granted, it is proposed to relocate the children's play area from the northern corner of the northern (rear) outdoor dining terrace to the southern (front) beer garden at the location shown in Appendix A. The total number of patrons within each area will remain unchanged as a result of the relocation.

Based on the above, noise from redevelopment has been predicted considering the proposed relocation of the children's play area. Table 1 presents the predicted noise levels at noise sensitive receivers surrounding the Payneham Tavern site. The predicted noise levels for the relocated children's play area have been compared with the noise criteria and predicted noise levels for the previously approved development, as outlined in the Sonus Assessment.

Table 1: Predicted noise levels

Location:	Day (7:00 am to 10:00 pm)			Night (10:00 pm to 7:00 am)		
	Predicted Noise Levels [dB LAeq]		Criteria [dB LAeq]	Predicted Noise Levels [dB LAeq]		Criteria [dB LAeq]
	Predicted noise levels for approved development ¹	Predicted noise levels with play area relocated to Front Beer Garden		Predicted noise levels for approved development ¹	Predicted noise levels with play area relocated to Front Beer Garden	
1 Battams Rd	47	47	49	35	35	42
3 Battams Rd	45	45	49	34	34	42
5 Battams Rd	45	45	49	34	34	42
185 First Avenue	42	42	49	32	32	42
183 First Avenue	43	43	49	32	32	42
181 First Avenue	46	46	49	36	36	42
179 First Avenue	47	47	49	39	39	42
177 First Avenue	47	47	49	39	39	42
175 First Avenue	42	42	49	38	38	42
5/317 Payneham Rd	42	42	49	40	40	42
4/317 Payneham Rd	43	43	49	40	40	42
3/317 Payneham Rd	43	43	49	41	41	42
2/317 Payneham Rd	44	44	49	43	43	44
1/317 Payneham Rd	46	46	49	44	44	46

Note 1: Predicted noise levels for the approved development as per the Sonus Assessment.

Based on the above, relocation of the play area is predicted to result in no change to the noise levels as presented in the Sonus Assessment, at all adjoining noise sensitive receivers. As such, noise from the proposed relocation of the children's play area is not expected to result in an adverse impact to the approved development.

If you have any questions or require clarification, please call me.

Yours faithfully
Sonus Pty Ltd



Simon Moore
 Associate
 0402 857 579
 smoores@sonus.com.au

Attachment 1
EXISTING FLOOR AREA SCHEDULE

NAME	AREA
AIRLOCK 1	5 m ²
AIRLOCK 2	1 m ²
AIRLOCK 3	1 m ²
AIRLOCK 4	8 m ²
AIRLOCK 5	8 m ²
AIRLOCK 6	12 m ²
AIRLOCK 7	9 m ²
AV/ COMMS	3 m ²
BISTRO	300 m ²
BOTTLE SHOP	85 m ²
COLDROOM 1	5 m ²
COLDROOM 2	38 m ²
DOSA 1	18 m ²
DOSA 2	16 m ²
DOSA 3	12 m ²
DRIVE THROUGH	127 m ²
FEMALE	11 m ²
FREEZER	4 m ²
GAMING ROOM	238 m ²
KEG ROOM	13 m ²
KITCHEN	49 m ²
LOBBY	12 m ²
MALE	14 m ²
OFFICE	23 m ²
PWD ROOM	4 m ²
SPORTS BAR	230 m ²
STAFF ROOM	41 m ²
STO.	3 m ²
STORE 1	6 m ²
STORE 2	6 m ²
STORE 3	52 m ²
STORE 4	13 m ²
STORE 5	30 m ²
STORE 6	12 m ²
TAB	15 m ²
UTILITY AREA	69 m ²
WC 1	3 m ²
WC 2	4 m ²
YARD	121 m ²
Grand total: 39	1620 m ²

Rev	Description	By	Date
1	PRELIMINARY DA ISSUE	QT	25.02.2022
2	FOR APPROVAL	JC	03.06.2022
3	FOR APPROVAL	DO	09.11.2022
4	FOR APPROVAL	DO	24.11.2022
5	FOR APPROVAL	DO	28.03.2023
6	FOR APPROVAL	DO	19.04.2023
7	DA FOR APPROVAL	DO	15.09.2023

Key Plan

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Client	Australian Venue Co.
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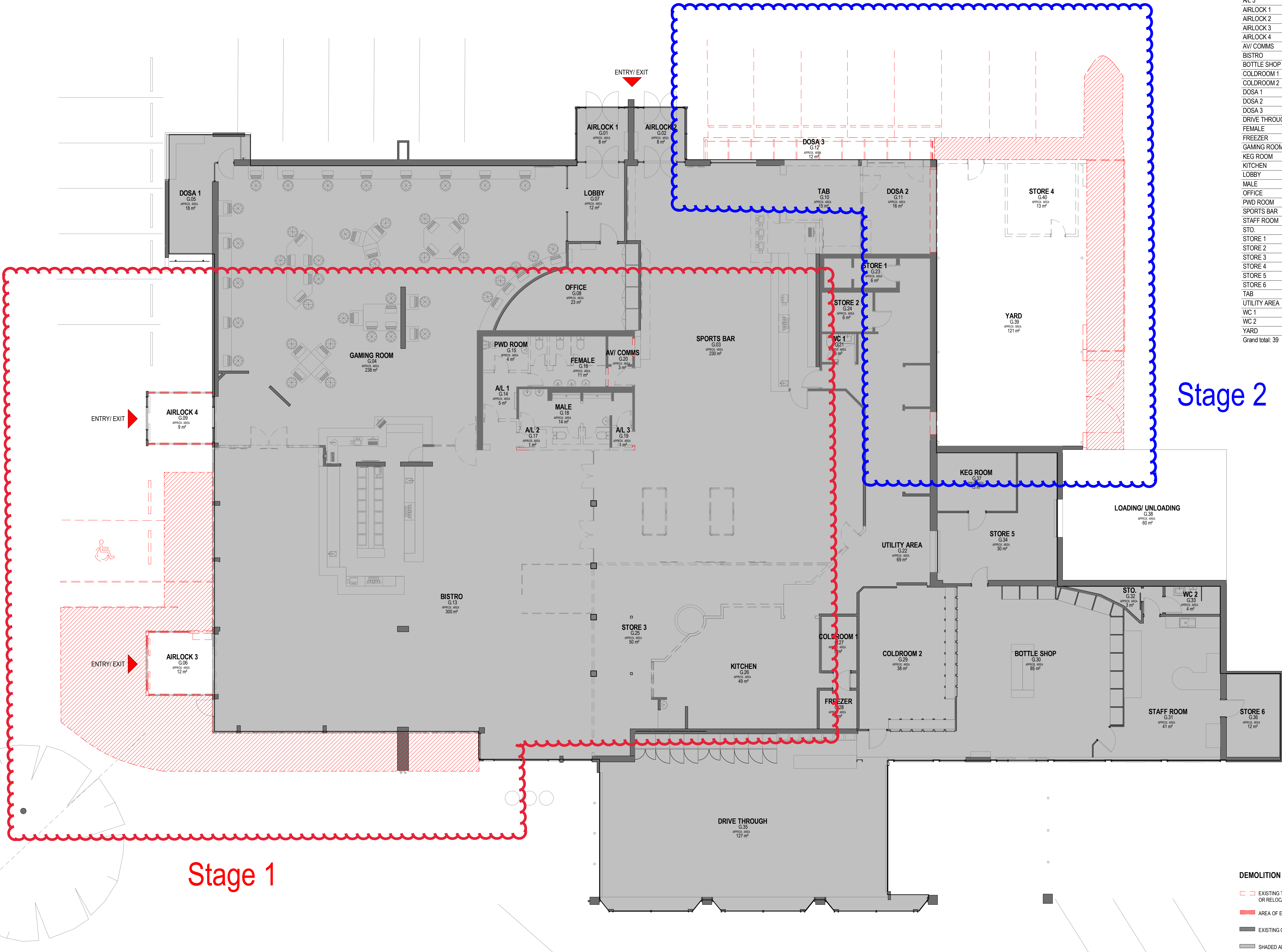
Red.	Australia Level 12, 101 Dandenong Rd Melbourne VIC 3207 T +61 3 9593 2500 F +61 3 9593 8511 E info@red.com.au www.red.com.au	Vietnam Level 5, Empire Tower 200-201 Westgate Rd Singapore 111609 T +65 6595 9851 F +65 6595 9851 E info@red.com.sg www.red.com.sg
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North	
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Project Name	PAYNEHAM TAVERN SA
Site Address	319 PAYNEHAM ROAD, PAYNEHAM, SA 5070
Drawing Title	EXIST. CONDITIONS & DEMOLITION PLAN
Project number	AVC0011
Date	08/10/11
Scale	1 : 100 @ A1
Drawing Number	TP03

Drawn	QT
Checked	AC/DO
Approved	
Revision	
7	



EXISTING TO BE DEMOLISHED, ALTERED OR RELOCATED SHOWN DASHED
AREA OF EXISTING TO BE DEMOLISHED
EXISTING CONDITION TO REMAIN
SHADED AREA DENOTES NO ARCH WORKS

0 0.5 2.0 4.0 5.0
SCALE IN METRES

PRELIMINARY
NOT FOR CONSTRUCTION

Rev	Description	By	Date
1	PRELIMINARY DA ISSUE	QT	25.02.2022
2	FOR APPROVAL	JC	03.06.2022
3	FOR APPROVAL	DO	09.11.2022
4	FOR APPROVAL	DO	24.11.2022
5	FOR APPROVAL	DO	15.03.2023
6	FOR APPROVAL	DO	29.03.2023
7	FOR APPROVAL	DO	19.04.2023
8	FOR APPROVAL	DO	31.07.2023
9	FOR APPROVAL	DO	04.08.2023
10	DA FOR APPROVAL	DO	15.09.2023

Key Plan

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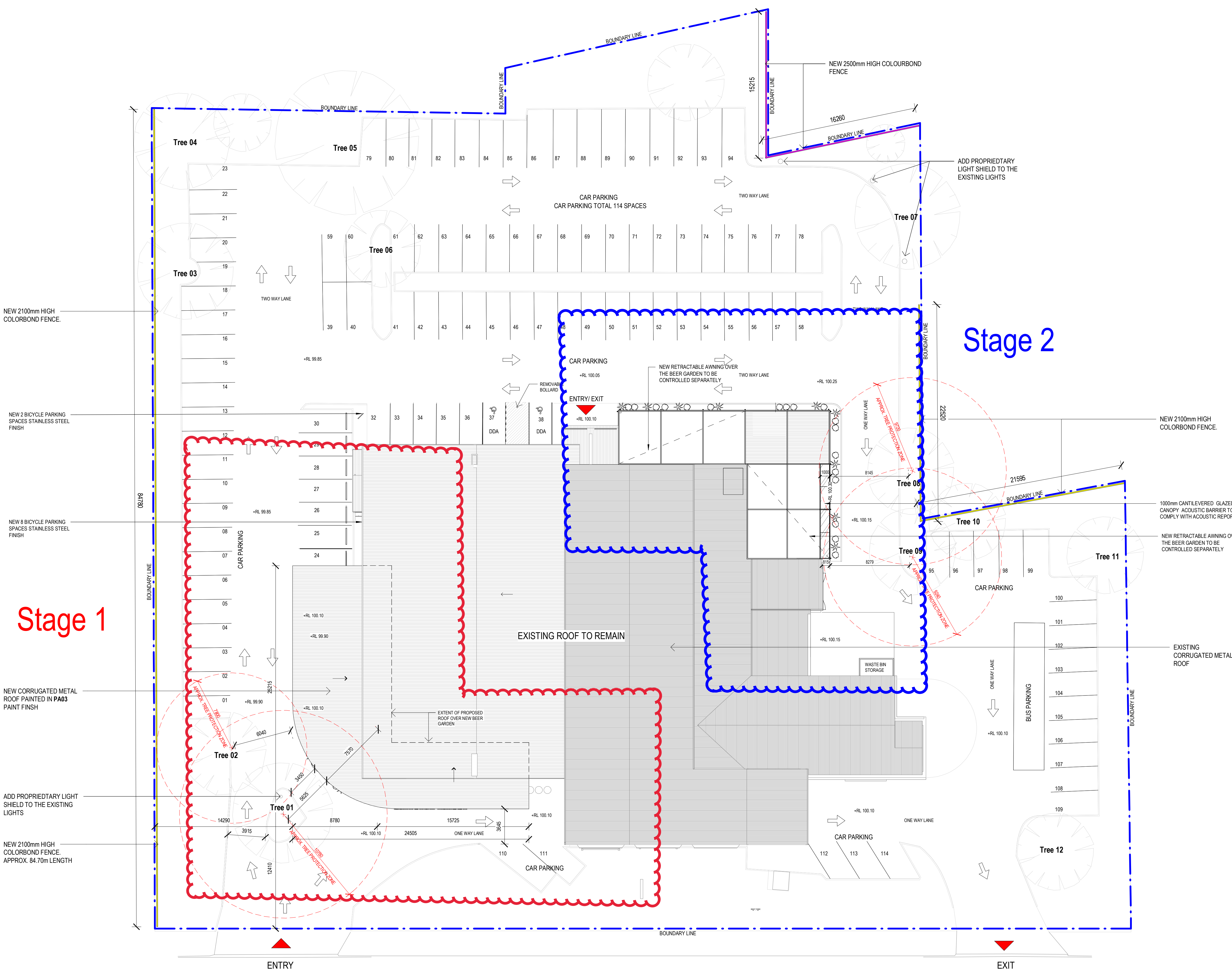
Client
Australian Venue Co.

Red.
<small>Australia Level 12, 101 Corner St Melbourne VIC 3000 T +61 3 9603 2500 F +61 3 9603 8414</small>
<small>Vietnam Level 5, Empire Tower 250/26 Nguyen Trãi District 1, Ho Chi Minh City T +84 28 558 5851 BC 03 474 99902</small>

North

Project Name	PAYNEHAM TAVERN SA
Site Address	319 PAYNEHAM ROAD, PAYNEHAM, SA 5070
Drawing Title	PROPOSED SITE PLAN

Project number	AVC0011	Drawn	QT
Date	12/27/21	Checked	AC/DO
Scale	1 : 200 @ A1	Certified	Approver
Drawing Number	TP05	Revision	10



1 PROPOSED SITE PLAN
A104 1:200

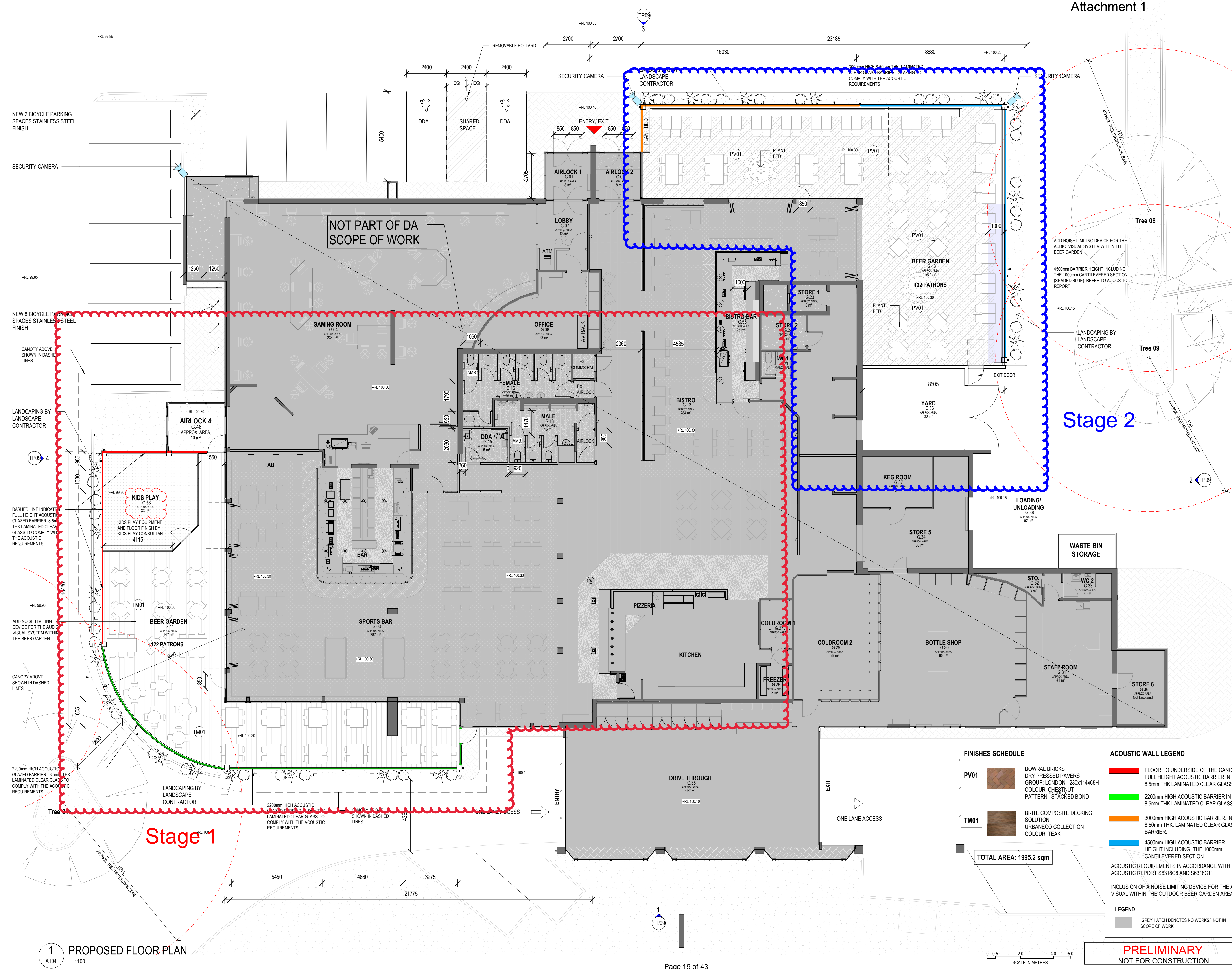
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NOT FOR CONSTRUCTION

Rev	Description	By	Date
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2	FOR APPROVAL	JC	03.06.2022
3	FOR APPROVAL	DO	09.11.2022
4	FOR APPROVAL	DO	24.11.2022
5	FOR APPROVAL	DO	06.02.2023
6	FOR APPROVAL	DO	15.03.2023
7	VE CHANGES FOR APPROVAL	DO	24.03.2023
8	FOR APPROVAL	DO	29.03.2023
9	FOR APPROVAL	DO	19.04.2023
10	FOR APPROVAL	DO	31.07.2023
11	FOR APPROVAL	DO	03.08.2023
12	FOR APPROVAL	DO	04.08.2023
13	DA FOR APPROVAL	DO	15.09.2023
14	DA FOR APPROVAL - STAGING	DO	06.04.2024

Key Plan

Client
Australian Venue Co.
Red.
<small>Australia Level 12, 101 Clarendon St Melbourne VIC 3000 T +61 3 9603 2500 A/CN 102 860 844 BC 03 447 99902</small>
<small>Vietnam Level 5, Empire Tower 250/4 Ha Nghi St District 1, Ho Chi Minh City T +84 939 581 771 BC 03 447 99902</small>
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North

Project Name PAYNEHAM TAVERN SA	Drawn QT
Site Address 319 PAYNEHAM ROAD, PAYNEHAM, SA 5070	Checked AC/DD
Drawing Title PROPOSED FLOOR PLAN	Certified Approver
Project number AVC0011	Drawn QT
Date 08/10/11	Checked AC/DD
Scale As indicated @ A1	Certified Approver
Drawing Number TP06	Revision 14



Rev	Description	By	Date
1	PRELIMINARY DA ISSUE	QT	25.02.2022
2	FOR APPROVAL	JC	03.06.2022
3	FOR APPROVAL	DO	09.11.2022
4	FOR APPROVAL	DO	24.11.2022
5	FOR APPROVAL	DO	29.03.2023
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7	FOR APPROVAL	DO	31.07.2023
8	FOR APPROVAL	DO	03.08.2023
9	FOR APPROVAL	DO	04.08.2023

Key Plan	
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Client		Australian Venue Co.	
Project Name		PAYNEHAM TAVERN SA	
Site Address		319 PAYNEHAM ROAD, PAYNEHAM, SA 5070	
Drawing Title		PROPOSED EXTERIOR ELEVATIONS	
Project number	AVC0011	Drawn	QT
Date	08/10/11	Checked	AC/DO
Scale	As indicated @ A1	Certified	Approver
Drawing Number	TP09	Revision	9

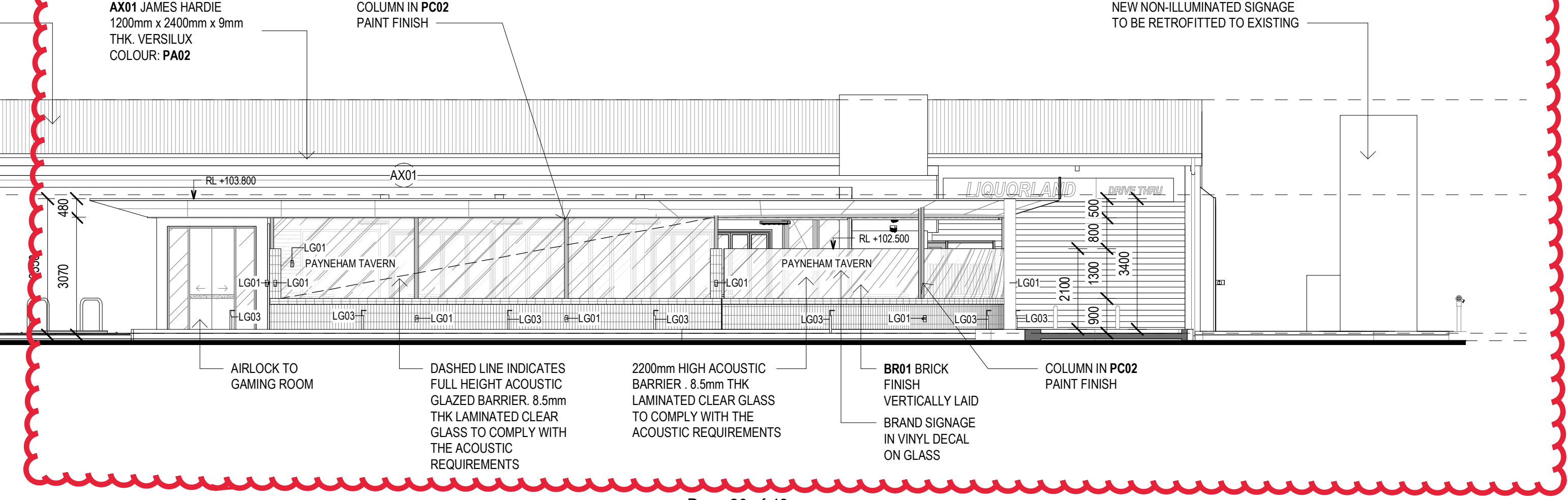
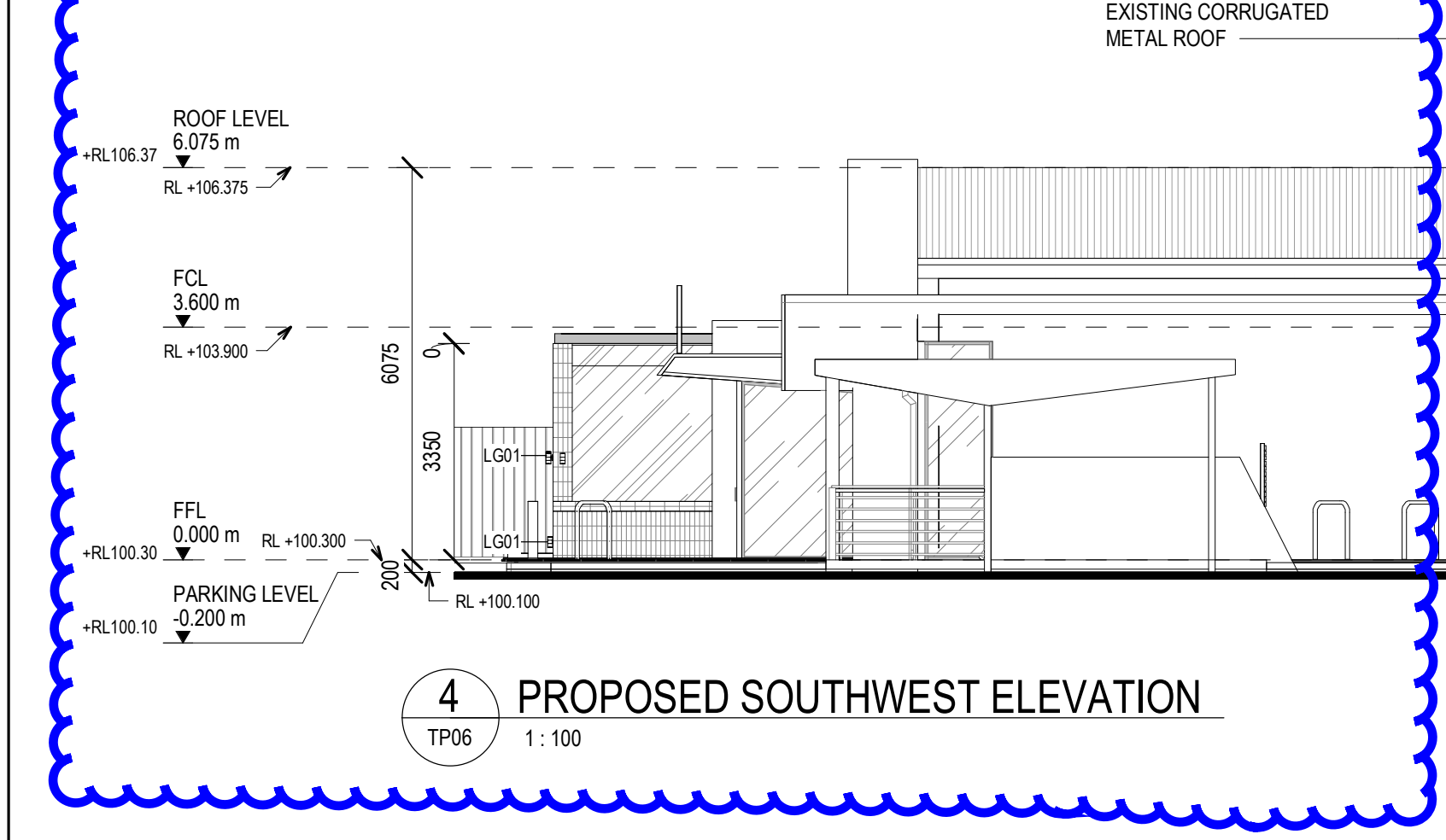
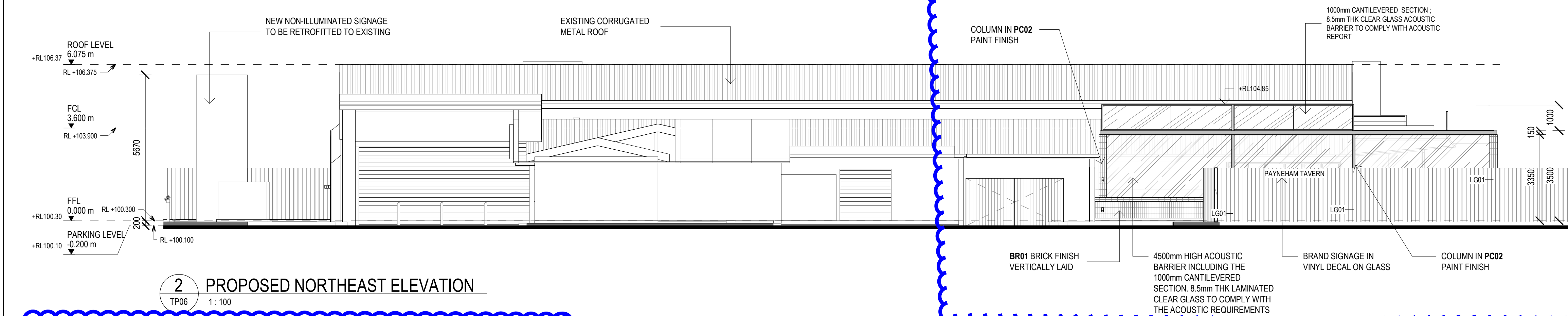
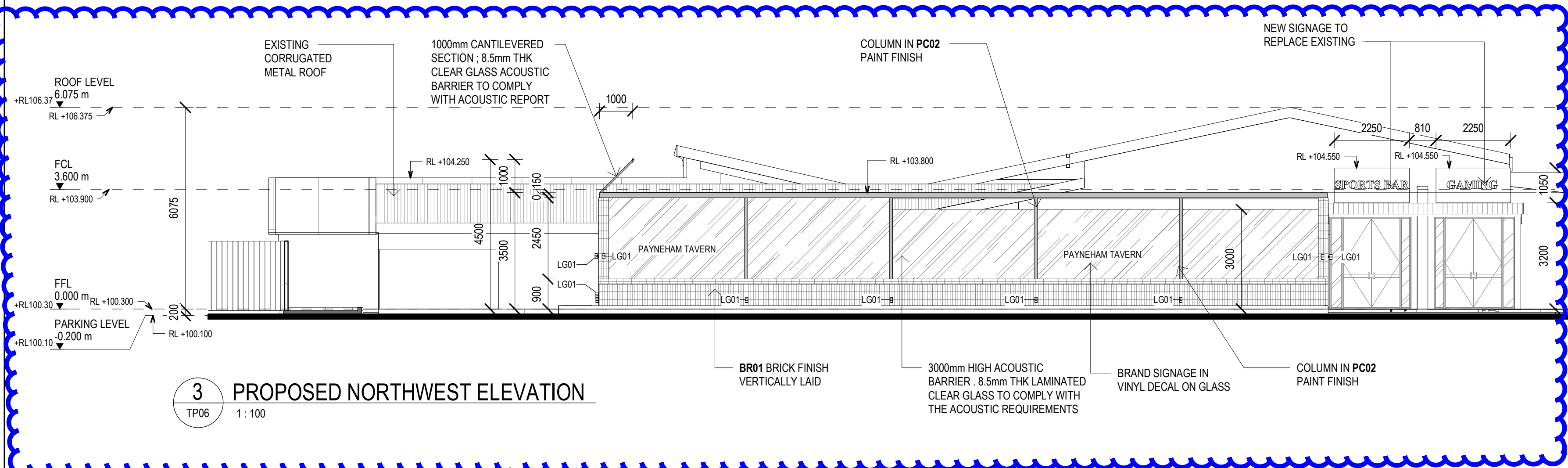
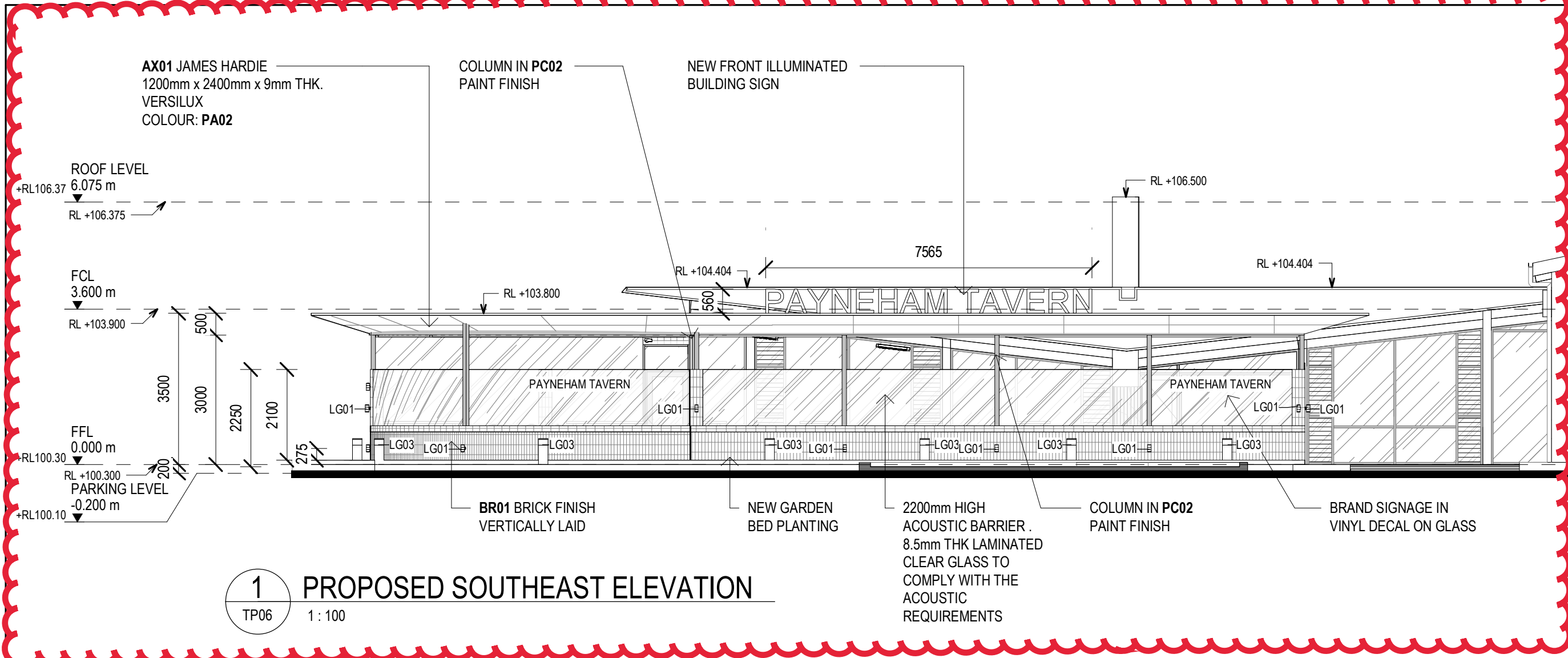
FINISHES SCHEDULE

- PA02** DULUX: FINISH: FLAT
COLOUR: ANTIQUE WHITE
- PA08** DULUX: PROFESSIONAL INTERIOR TINTABLE
FINISH: FLAT
COLOUR: COLOURBOND MONUMENT
- TM01** BRITE COMPOSITE DECKING SOLUTION
DIMENSIONS: 5.4m X 138mm X 24mm
SLIP RATING: p4/R10
COLOUR: TEAK
- BR01** BOWRAL BRICKS
GROUP: BOWRAL
COLOUR: BOWRAL BROWN/ TAN
PAVING PATTERN: FLEMISH BOND
- PC02** DULUX: POWDER COAT
NAME: MIDNIGHT BLACK
- AX01** JAMES HARDIE
1200mm x 2400mm x 9mm THK. VERSILUX
SHEETING
COLOUR: PA02

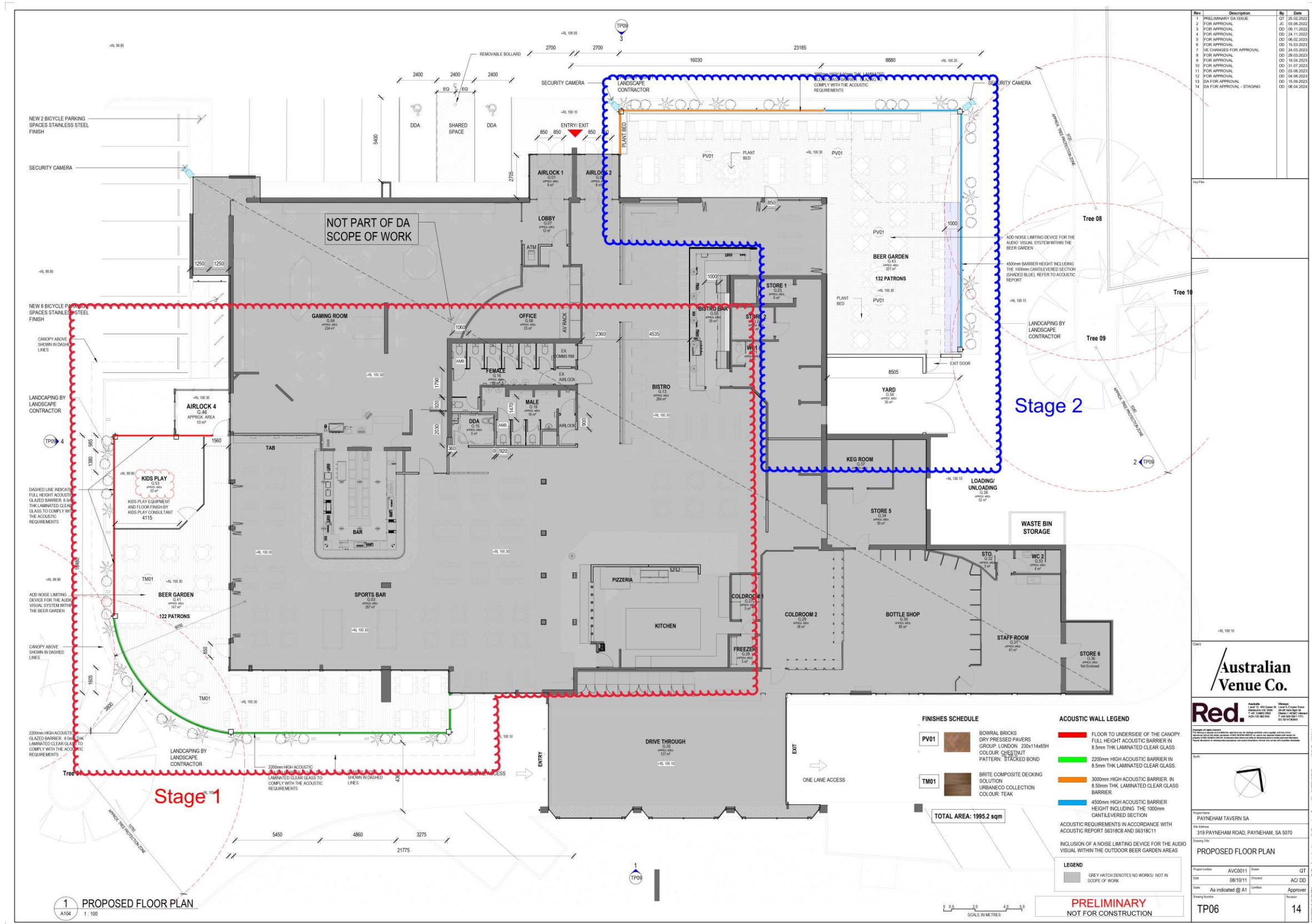
LIGHTING SCHEDULE

- LG01** BEACON LIGHTING
WANAKA 2 LIGHT UP/ DOWN
EXTERIOR WALL LIGHT IN BLACK
SKU 246111
- LG03** BEACON LIGHTING
LEDLUX NATIONAL LED 12V
BOLLARD IN TIMBER/BLACK
SKU 240822

PRELIMINARY
NOT FOR CONSTRUCTION

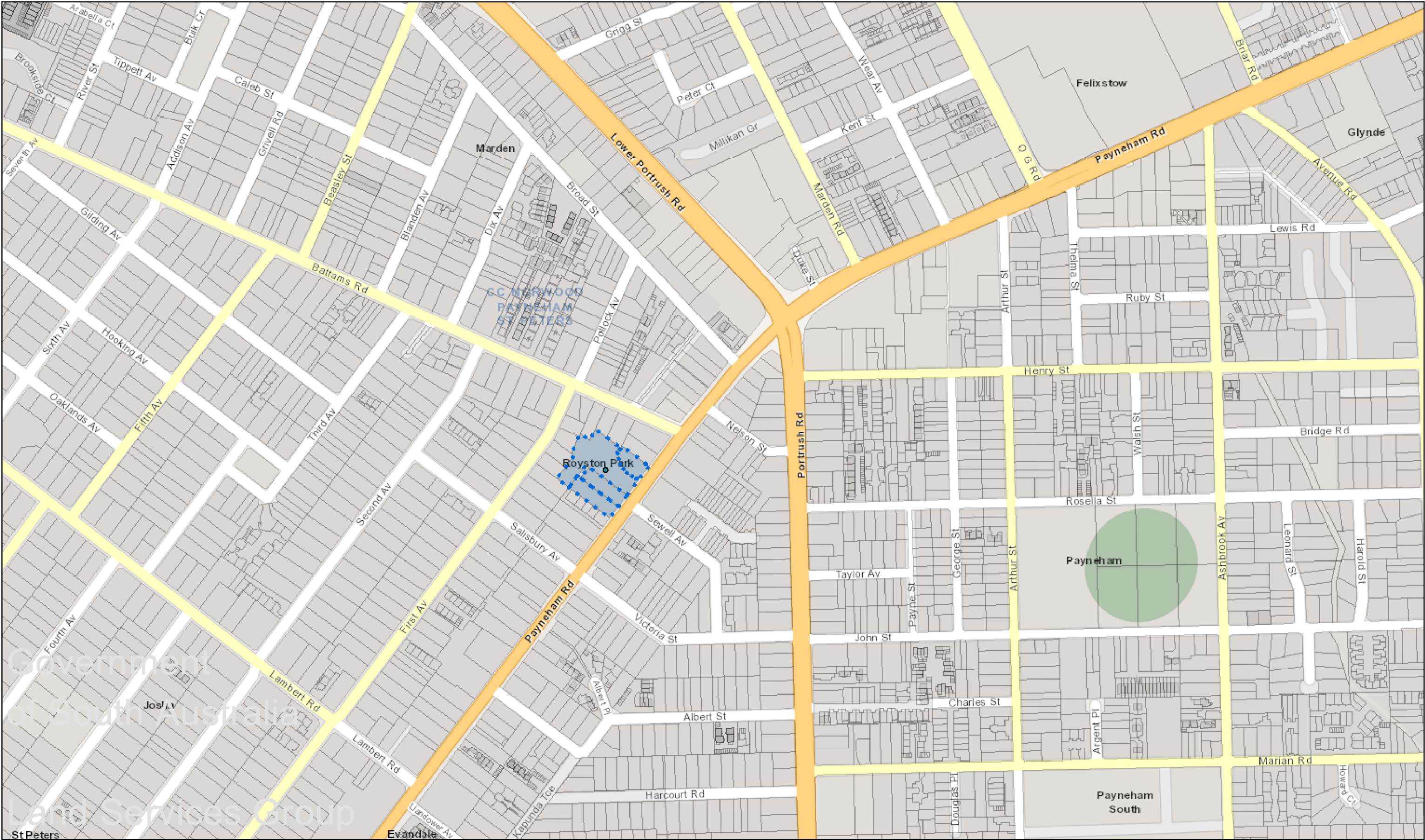


APPENDIX A: SITE PLAN – PROPOSED PLAY AREA RELOCATION



The SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

Subject Land Map



SAPPA Report

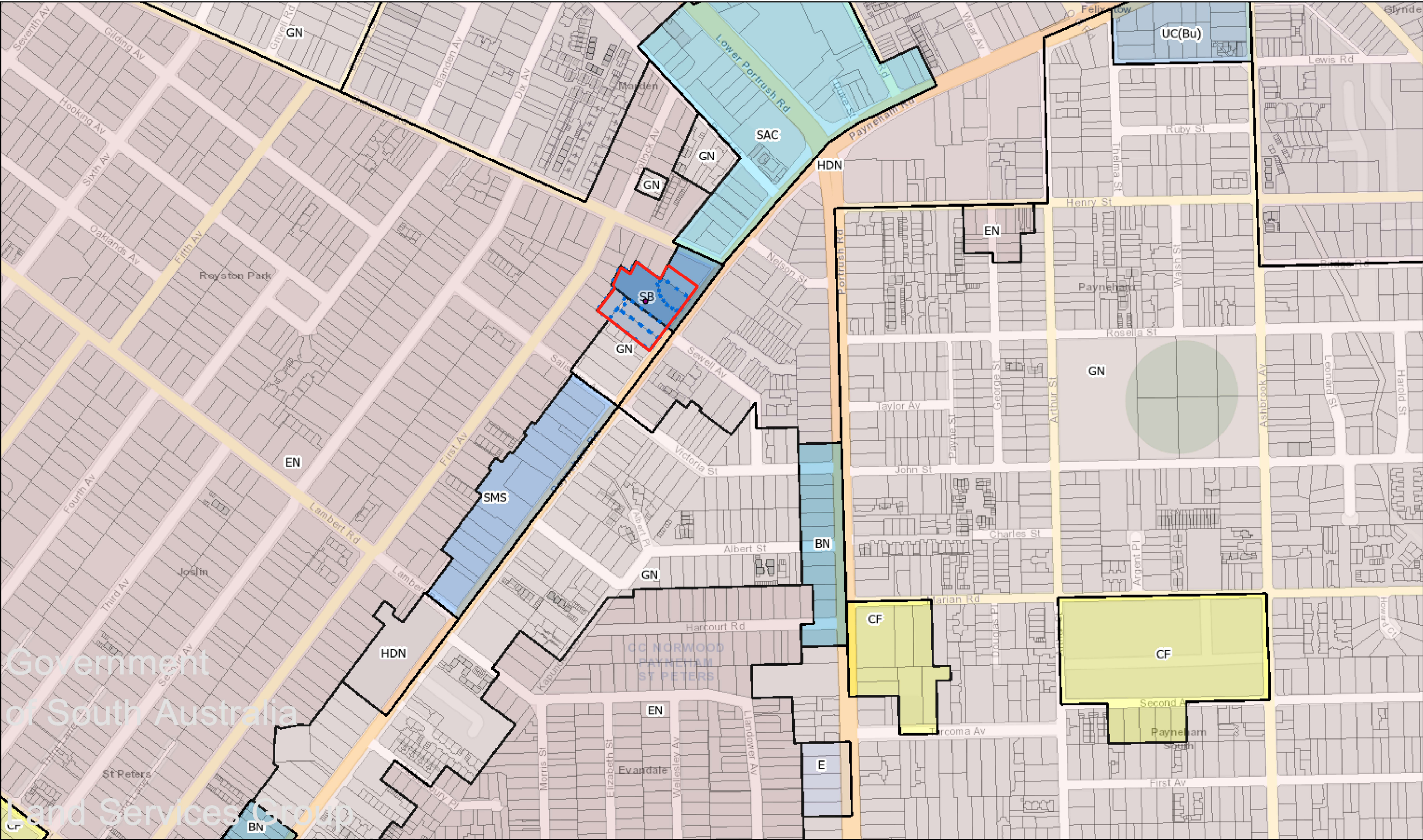
The SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

Zoning Map

Zone Legend:

- SAC Suburban Activity Centre
- SB Suburban Business
- GN General Neighbourhood
- EN Established Neighbourhood
- SMS Suburban Main Street
- HDN Housing Diversity Neighbourhood
- BN Business Neighbourhood

Attachment 3



SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

Locality Map



Government
of South Australia
Land Services Group

OFFICE USE ONLY

Case Number: 22042866

Date Filed: 29 September 2023

FDN: F1



ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA

No. 86 of 2023

BETWEEN

AUSTRALIAN VENUE COMPANY (AVC)
Appellant

and

ASSESSMENT PANEL AT THE CITY OF NORWOOD, PAYNEHAM AND ST PETERS
Respondent

ORDER

Judicial Officer: Commissioner Dawson
Date of Order: 29 September 2023

THE COURT ORDERS that:

1. The appeal is allowed.
2. The decision of the Respondent to refuse Planning Consent to DA No. 22042866 is reversed.
3. Planning Consent under the Planning, Development and Infrastructure Act 2016 is granted for Development Application ID. 22042866 for additions and alterations to an existing hotel comprising partial demolition, the construction of two beer gardens, the removal of 10 car parking spaces, the construction of illuminated signage and associated fencing at 319-327 Payneham Road, Royston Park, being the land comprised in Certificates of Title Volume 6127 Folio 585, Volume 6127 Folio 586, Volume 6127 Folio 589 and Volume 6192 Folio 816, subject to the following conditions:
 - 3.1 Except where varied by conditions below, the development granted Planning Consent shall be undertaken and completed in accordance with the plans which form **Exhibit A** to this Order, comprising:
 - 3.1.1 Existing Site Plan prepared by Red Design Group – Drawing No. TP02, Revision 5, dated 19 April 2023;
 - 3.1.2 Exist. Conditions & Demolition Plan prepared by Red Design Group – Drawing No. TP03, Revision 6, dated 19 April 2023;

- 3.1.3 Existing Conditions & Demolition Elevations prepared by Red Design Group – Drawing No. TP04, Revision 6, dated 19 April 2023;
 - 3.1.4 Proposed Site Plan prepared by Red Design Group – Drawing No. TP05, Revision 9, dated 4 August 2023;
 - 3.1.5 Proposed Floor Plan prepared by Red Design Group – Drawing No. TP06, Revision 12, dated 4 August 2023;
 - 3.1.6 Proposed Roof Plan prepared by Red Design Group – Drawing No. TP07, Revision 9, dated 4 August 2023;
 - 3.1.7 3.1.7 Reflected Ceiling Plan prepared by Red Design Group – Drawing No. TP08, Revision 7, dated 4 August 2023; and
 - 3.1.8 Proposed Exterior Elevations prepared by Red Design Group – Drawing No. TP09, Revision 9, dated 4 August 2023.
- 3.2 The recommendations made and measures identified by Arborman Tree Solutions in the extract which is **Exhibit B** to this Order, excluding fencing of trees, shall be strictly implemented and adhered to at all times during construction. Further:
- 3.2.1 there shall be no changes to ground levels within the Tree Protection Zones; and
 - 3.2.2 there shall be no storage or dumping of materials, substances, equipment, machinery or vehicles within the Tree Protection Zones; and
 - 3.2.3 no persons shall enter the Tree Protection Zone without consent of the Project Arborist; and
 - 3.3.4 nothing shall be attached to any trees on the subject land.
- If, during construction, observations made on site differ to the assumed circumstances on which Arborman Tree Solutions' report was based, and the Project Arborist is of the opinion that further arboriculture assessment is required in respect of the development, the Assessment Manager or its delegate shall be notified immediately and construction should cease until such further assessment has taken place.
- 3.3 All existing and proposed external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Assessment Manager.
- 3.4 All waste collection from the site shall be restricted to the following times:
- 3.4.1 Monday to Saturday, 07:00am to 07:00pm
 - 3.4.2 Sunday and Public Holidays, 09:00am to 07:00pm.
- 3.5 Lighting associated with the "Payneham Tavern" sign shall not be so bright as to cause an unreasonable nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of the Assessment Manager. Further, this sign shall not flash, scroll, fade or otherwise move.
- 3.6 No live music is permitted to be played within the two beer gardens. Any music played in these areas is to be limited to background music only, the volumes of which shall be maintained at a level that does not cause an unreasonable nuisance to adjacent occupiers of land, to the reasonable satisfaction of the Assessment Manager.

- 3.7 The hours of operation of the beer garden additions and children's play area shall be restricted to the following times:
- 3.7.1 Southern beer garden:
 - (a) Sunday to Thursday: 07:00am to 10:00pm
 - (b) Friday and Saturday: 07:00am to 12:00am
 - 3.7.2 Northern beer garden and children's play area:
 - (a) 07:00am to 10:00pm, 7 days a week

3.8 All acoustic treatments recommended by Sonus:

- 3.8.1 on pages 8 and 9 of their Environment Noise Assessment at **Exhibit C** to this Order; and
- 3.8.2 in their supplementary report at Exhibit D to this Order

shall be installed and maintained at all times to the reasonable satisfaction of the Assessment Manager. Details of such treatments shall be included in the documentation for building consent.

These treatments include:

- 3.8.3 two thirds of the south-west facing bi-fold doors and half the south-east facing bi-fold doors into the southern beer garden must remain closed after 10:00pm;
- 3.8.4 construction of barriers surrounding the southern outdoor beer garden and northern dining terrace areas as shown on plan TP06;
- 3.8.5 the barrier to the north-east side of the northern dining terrace area must incorporate a section which cantilevers over the dining terrace area by at least 1 metre;
- 3.8.6 the barriers (including the cantilevered section) may be constructed from a combination of minimum 6.38mm laminated glass and solid materials such as brick, concrete or fibre cement sheeting, provided the screen achieves an overall surface density of at least 14kg/m²;
- 3.8.7 the full extent of the underside of the roof canopy proposed over the front beer garden area, and all available non-glazed portions of walls and screens within the front beer garden and rear dining terrace areas must incorporate acoustic absorption with a Noise Reduction Coefficient (NRC) of at least 0.8. Examples of weather-proof acoustic absorption options which achieve the above NRC include the following:
 - Minimum 50mm thick Pyrotek "Reapor";
 - Minimum 50mm thick Stratocell "Whisper";
 - Minimum 50mm thick 32kg/m³ insulation protected by a perforated facing material (such as profiled sheet metal) with an open area of at least 15%;
- 3.8.8 installation of a solid roof over a portion of the Bistro beer garden, including the children's play area, as shown on the approved plans;
- 3.8.9 2.1m fencing to a portion of the south-western site boundary in accordance with Condition 3.9; and
- 3.8.10 installation and operation of a noise limiting device for the audio visual system within the outdoor beer garden areas to ensure that music and television noise is limited to background noise levels at all times (namely, 75 dB(A)(Leq,15min) when measured at 5 m or more distant from any loudspeaker).

- 3.9 The acoustic boundary fence along the South Western boundary as shown on the Sonus supplementary report at **Exhibit D** shall be constructed such that it is sealed airtight with the ground and shall be maintained in good condition at all times subject to the reasonable satisfaction of the Assessment Manager.
- 3.10 All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Assessment Manager.
- 3.11 All car parking spaces shall be line marked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
- 3.12 Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
- 3.13 All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.
- 3.14 The maximum number of patrons to be in the hotel at any one time will be in accordance with the following:
- 3.14.1 Northern Beer Garden - 132 patrons
 - 3.14.2 Southern Beer Garden - 122 patrons
 - 3.14.3 Internal - 635 patrons
 - 3.14.4 Total 889 patrons

Condition imposed by Commissioner of Highways under Section 122 of the Act

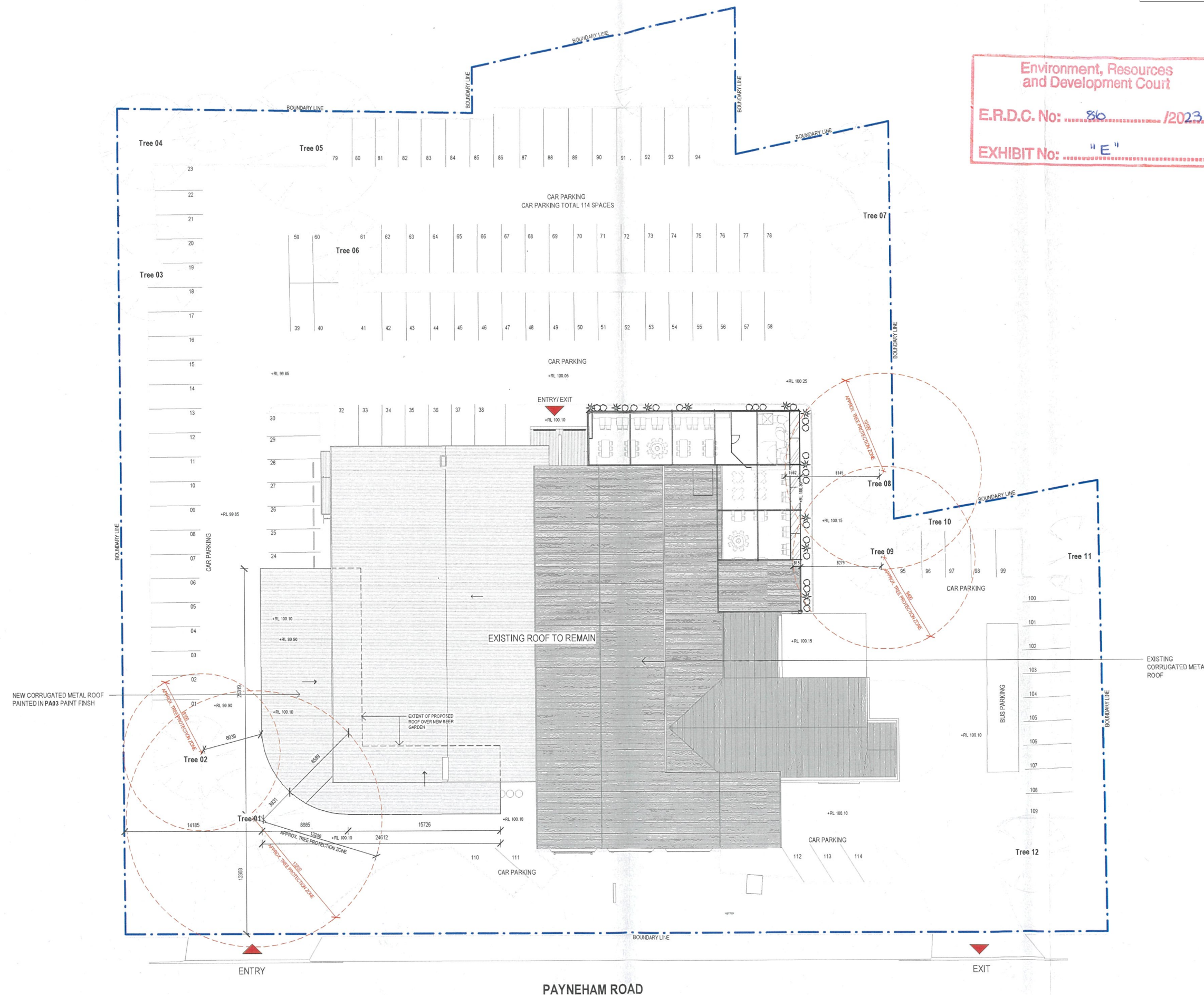
- 3.15 All access shall be in accordance with Proposed Site Plan, Project No AVC0011, Revision 4, dated 24/11/2022 at **Exhibit E** to this Order.



DEPUTY REGISTRAR

No.	Description	By	Date
1	PRELIMINARY DA ISSUE	QT	25.02.2022
2	FOR APPROVAL	JC	03.06.2022
3	FOR APPROVAL	DD	08.11.2022
4	FOR APPROVAL	DD	24.11.2022

Key Plan



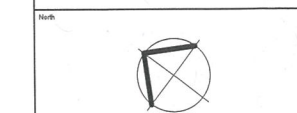
1 PROPOSED SITE PLAN
A104 1:200

PAYNEHAM ROAD

PRELIMINARY
NOT FOR CONSTRUCTION

Client
Australian Venue Co.

Red.
Australia
Level 12, 110 Queen St
Melbourne VIC 3000
T +61 3 9663 2000
F +61 3 9663 2000
A/CN 107 867 864

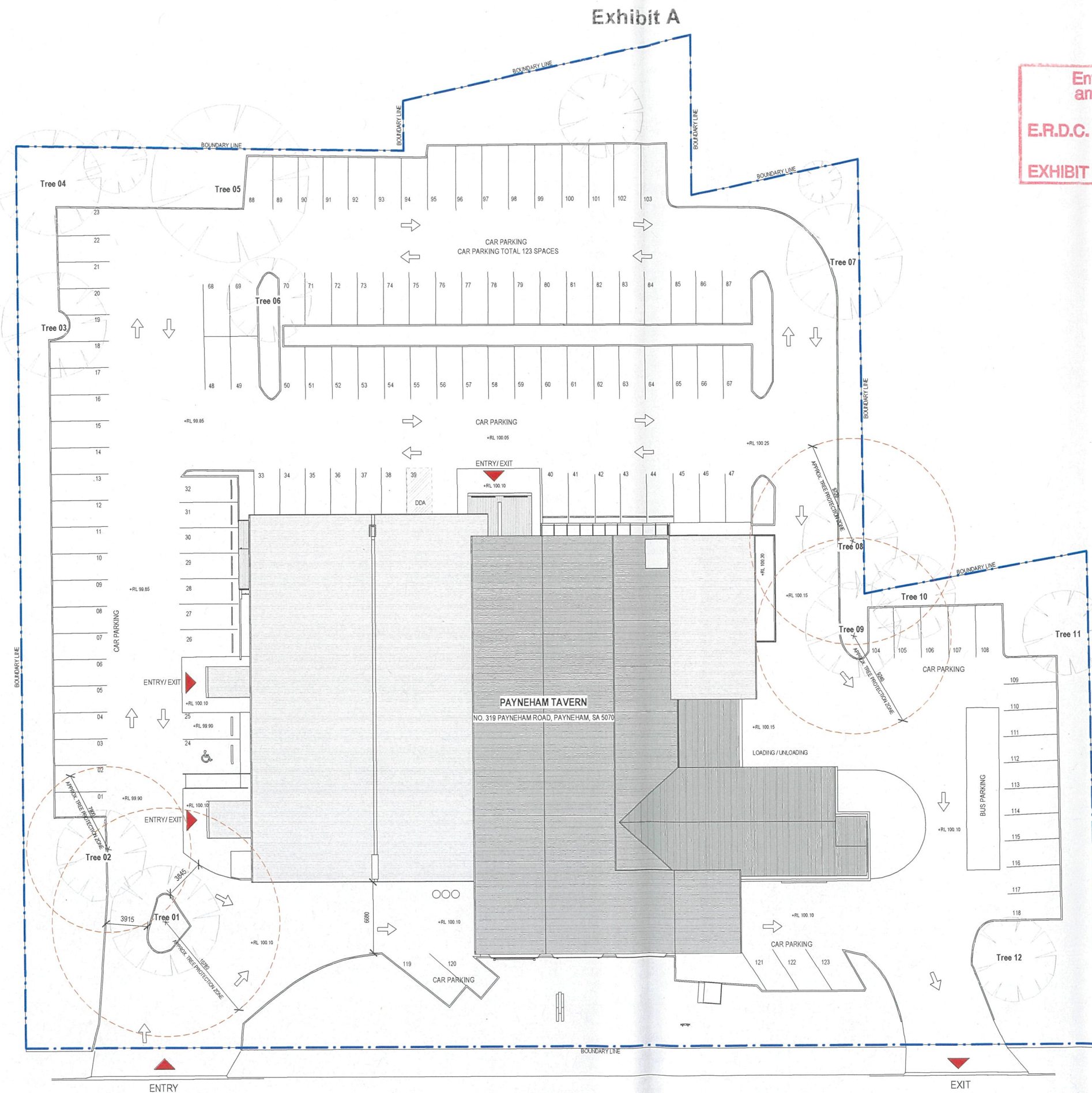


Project Name
PAYNEHAM TAVERN SA
Site Address
319 PAYNEHAM ROAD, PAYNEHAM, SA 5070
Drawing Title
PROPOSED SITE PLAN

Project number	AVC0011	Drawn	QT
Date	12/27/21	Checked	AC/DD
Scale	1:200 @ A1	Certified	Approver
Drawing Number	TP05	Revision	4

By	Date
1. PRELIMINARY DA ISSUE	01/02/2022
2. FOR APPROVAL	03/06/2022
3. FOR APPROVAL	09/11/2022
4. FOR APPROVAL	24/11/2022
5. FOR APPROVAL	19/04/2023

Key Plan



**Environment, Resources
and Development Court**

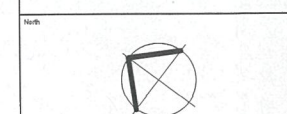
E.R.D.C. No: 86 /2023

EXHIBIT No: "A"

**Australian
Venue Co.**

Red.

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Project Name
PAYNEHAM TAVERN SA

Site Address
319 PAYNEHAM ROAD, PAYNEHAM, SA 5070

EXISTING SITE PLAN

Project number AVC0011 **Drawn** QT

Date 08/10/11 **Checked** AC/DD

Scale 1:200 @ A1 **Certified** Approver

Drawing Number TP02 **Revision** 5

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SCALE IN METRES

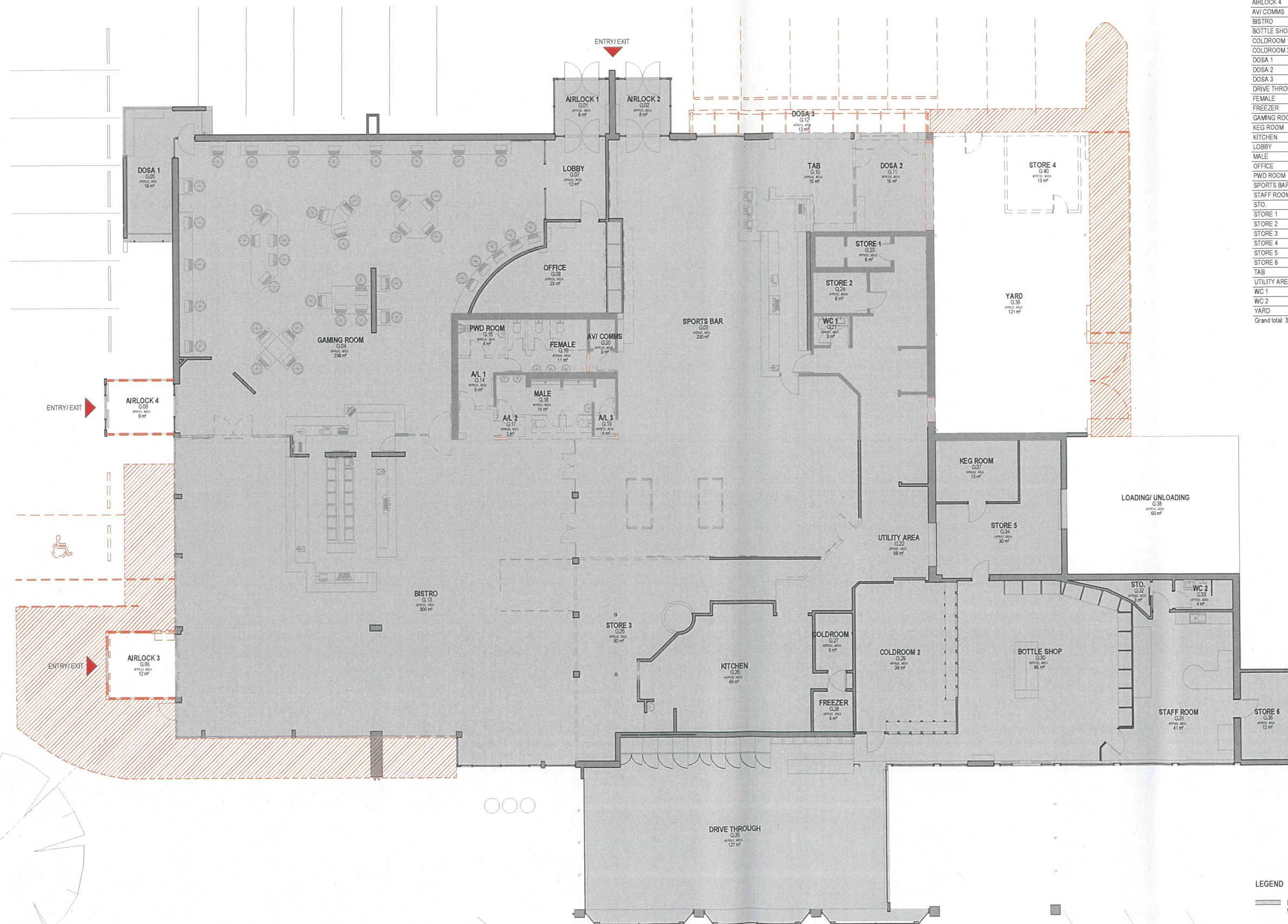

PRELIMINARY
NOT FOR CONSTRUCTION

Attachment 4


EXISTING FLOOR AREA SCHEDULE	
NAME	AREA
AL 1	5 m ²
AL 2	1 m ²
AL 3	1 m ²
AIRLOCK 1	8 m ²
AIRLOCK 2	8 m ²
AIRLOCK 3	12 m ²
AIRLOCK 4	9 m ²
AVI COMMS	3 m ²
BISTRO	300 m ²
BOTTLE SHOP	85 m ²
COLDROOM 1	5 m ²
COLDROOM 2	38 m ²
DOSA 1	18 m ²
DOSA 2	16 m ²
DOSA 3	12 m ²
DRIVE THROUGH	127 m ²
FEMALE	11 m ²
FREEZER	4 m ²
GAMING ROOM	238 m ²
KEG ROOM	13 m ²
KITCHEN	49 m ²
LOBBY	12 m ²
MALE	14 m ²
OFFICE	23 m ²
PWD ROOM	4 m ²
SPORTS BAR	230 m ²
STAFF ROOM	41 m ²
STO.	3 m ²
STORE 1	6 m ²
STORE 2	6 m ²
STORE 3	52 m ²
STORE 4	13 m ²
STORE 5	30 m ²
STORE 6	12 m ²
TAB	15 m ²
UTILITY AREA	69 m ²
WC 1	3 m ²
WC 2	4 m ²
YARD	121 m ²
Grand total	39 1620 m ²

	Description	By	Date
1	PRELIMINARY DA ISSUE	QT	25.02.2022
2	FOR APPROVAL	JC	03.06.2022
3	FOR APPROVAL	DO	09.11.2022
4	FOR APPROVAL	DO	24.11.2022
5	FOR APPROVAL	DO	29.03.2023
6	FOR APPROVAL	DO	19.04.2023

Key Plan



LEGEND

- DENOTES NOT PART DA OF SCOPE OF WORK
 DENOTES EXISTING STRUCTURE, WALLS, COLUMNS ETC. TO BE DEMOLISHED

0 0.5 2.0 4.0 5.0
SCALE IN METRES

PRELIMINARY
NOT FOR CONSTRUCTION

1 EXISTING CONDITIONS/ DEMOLITION GROUND PLAN
A104 1:100

Red.

Australia
Level 12, 168 Queen St
Melbourne VIC 3000
T +61 3 9617 7000
ACN 157 865 644

Vietnam
Level 5, Empire Tower
29-26 Nam Nghi St
District 1 HCMC
T +64 596 3891 1711
EC 0514730649

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Project Name	PAYNEHAM TAVERN SA
Site Address	319 PAYNEHAM ROAD, PAYNEHAM, SA 5070

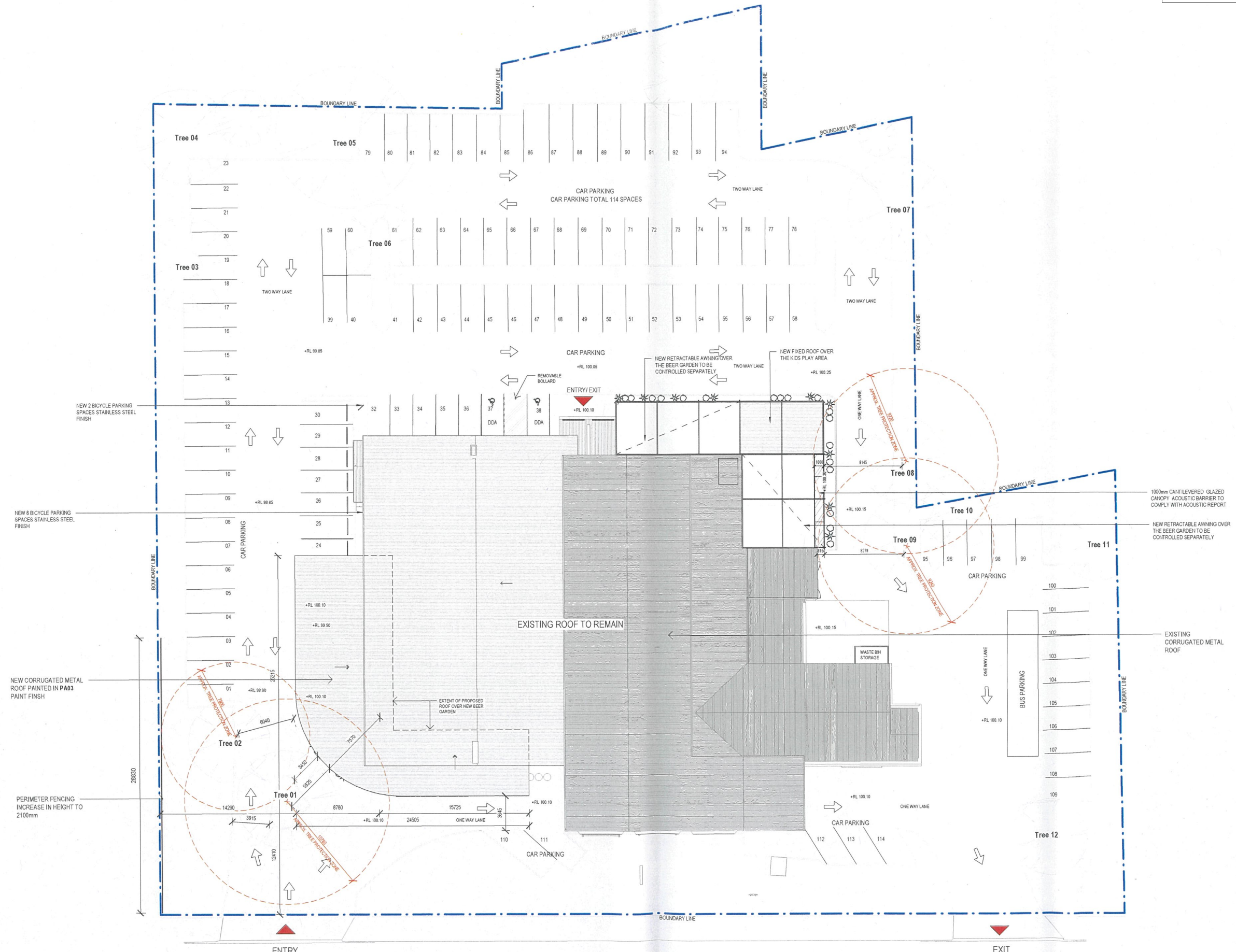
EXIST. CONDITIONS &
DEMOLITION PLAN

Project number	AVC0011	Drawn	Q
Date	08/10/11	Checked	AC/DI
Scale	1 : 100 @ A1	Certified	Approved

Drawing Number	Revision
TP03	6



PRELIMINARY
NOT FOR CONSTRUCTION



1 PROPOSED SITE PLAN
A104 1:200

PAYNEHAM ROAD

PRELIMINARY
NOT FOR CONSTRUCTION

nt 4

Description		By	Date
1	PRELIMINARY DA ISSUE	QT	25.02.2022
2	FOR APPROVAL	JC	03.06.2022
3	FOR APPROVAL	DO	09.11.2022
4	FOR APPROVAL	DO	24.11.2022
5	FOR APPROVAL	DO	15.03.2023
6	FOR APPROVAL	DO	29.03.2023
7	FOR APPROVAL	DO	19.04.2023
8	FOR APPROVAL	DO	31.07.2023
9	FOR APPROVAL	DO	04.08.2023

Key Plan

Client

Australian Venue Co.

Australian Venue Co.
Level 1, 105 Collins St
Melbourne, VIC 3000
T +61 3 9653 2000
ACN 102 862 644

Vietnam
Level 1, 105 Collins St
20-28 Upper South St
Sydney, NSW 2000
T +61 2 9215 3811
GST 50 74 786648

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The content is provided for your information only and does not constitute an offer or any other financial product or service.

North

Project Name

PAYNEHAM TAVERN SA

Site Address

319 PAYNEHAM ROAD, PAYNEHAM, SA 5070

Drawing Title

PROPOSED SITE PLAN

Project number

AVC0011

Drawn

QT

Date

12/27/21

Checked

AC/DO

Scale

1 : 200 @ A1

Certified

Approver

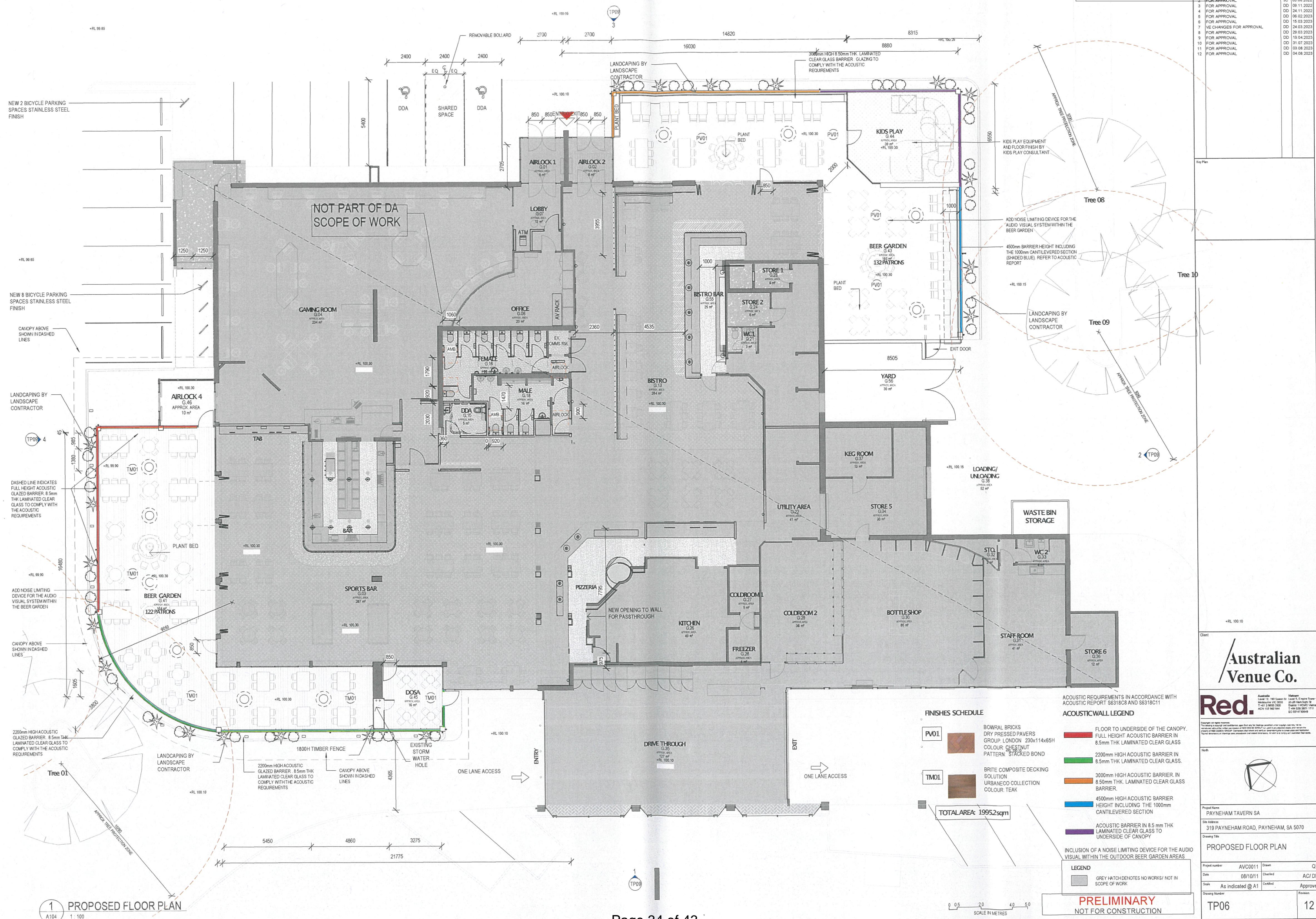
Drawing Number

TP05

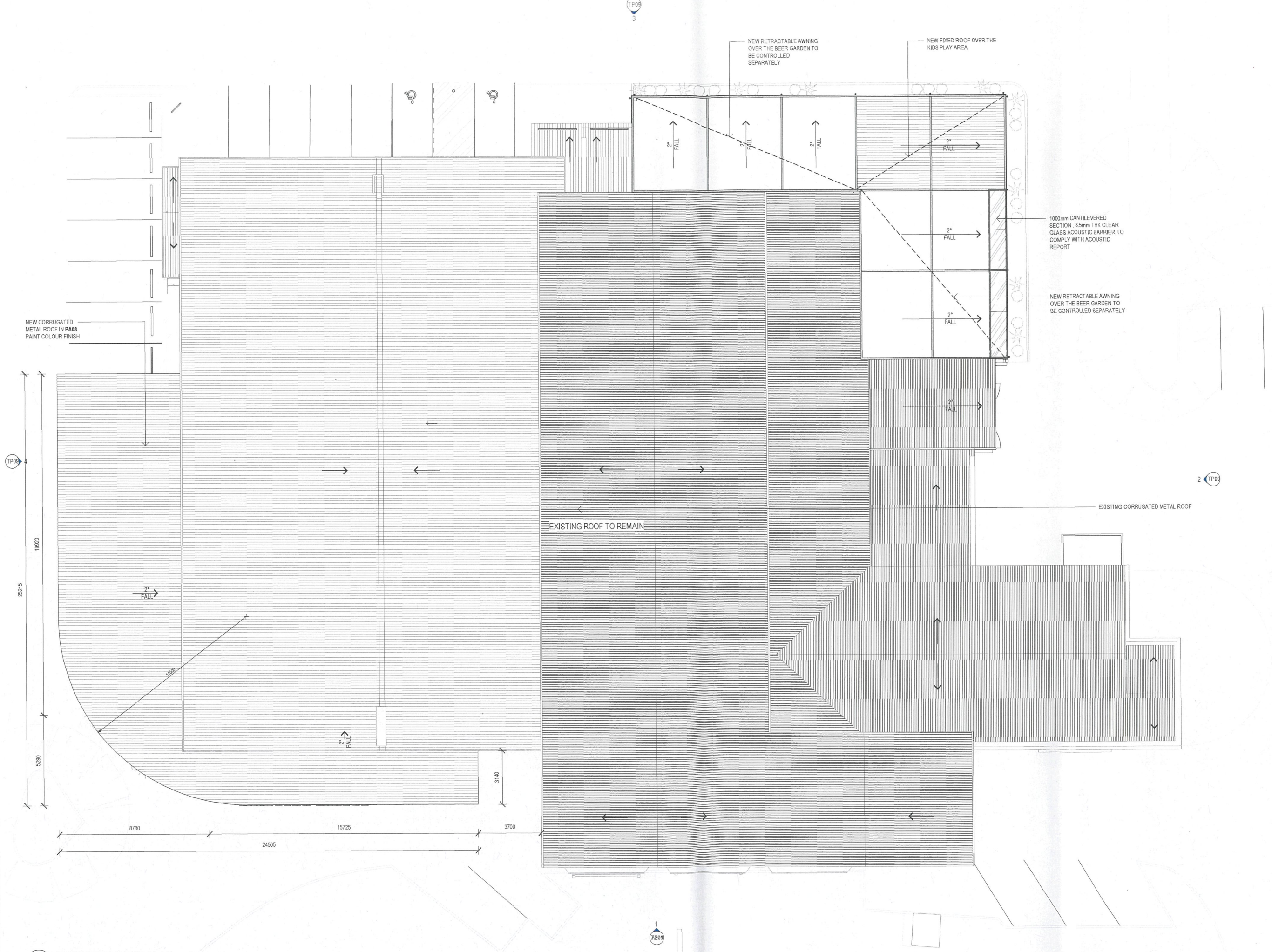
Revision

9

Version	Description	By	Date
1	PRELIMINARY DA ISSUE	JC	25.02.2022
2	FOR APPROVAL	JC	03.06.2022
3	FOR APPROVAL	DO	08.11.2022
4	FOR APPROVAL	DO	24.11.2022
5	FOR APPROVAL	DO	06.02.2023
6	FOR APPROVAL	DO	15.03.2023
7	VE CHANGES FOR APPROVAL	DO	24.03.2023
8	FOR APPROVAL	DO	29.03.2023
9	FOR APPROVAL	DO	19.04.2023
10	FOR APPROVAL	DO	31.07.2023
11	FOR APPROVAL	DO	03.08.2023
12	FOR APPROVAL	DO	04.08.2023



Description	By	Date
PRELIMINARY DA ISSUE	QT	25.02.2022
FOR APPROVAL	JC	03.05.2022
FOR APPROVAL	DO	09.11.2022
FOR APPROVAL	DO	04.11.2022
FOR APPROVAL	DO	29.03.2023
FOR APPROVAL	DO	19.04.2023
FOR APPROVAL	DO	31.07.2023
FOR APPROVAL	DO	03.08.2023
FOR APPROVAL	DO	04.08.2023



1 PROPOSED ROOF PLAN
A104 1:100

PRELIMINARY
NOT FOR CONSTRUCTION

Client

Australian Venue Co.

Red.

Project Name
PAYNEHAM TAVERN SA

Site Address
319 PAYNEHAM ROAD, PAYNEHAM, SA 5070

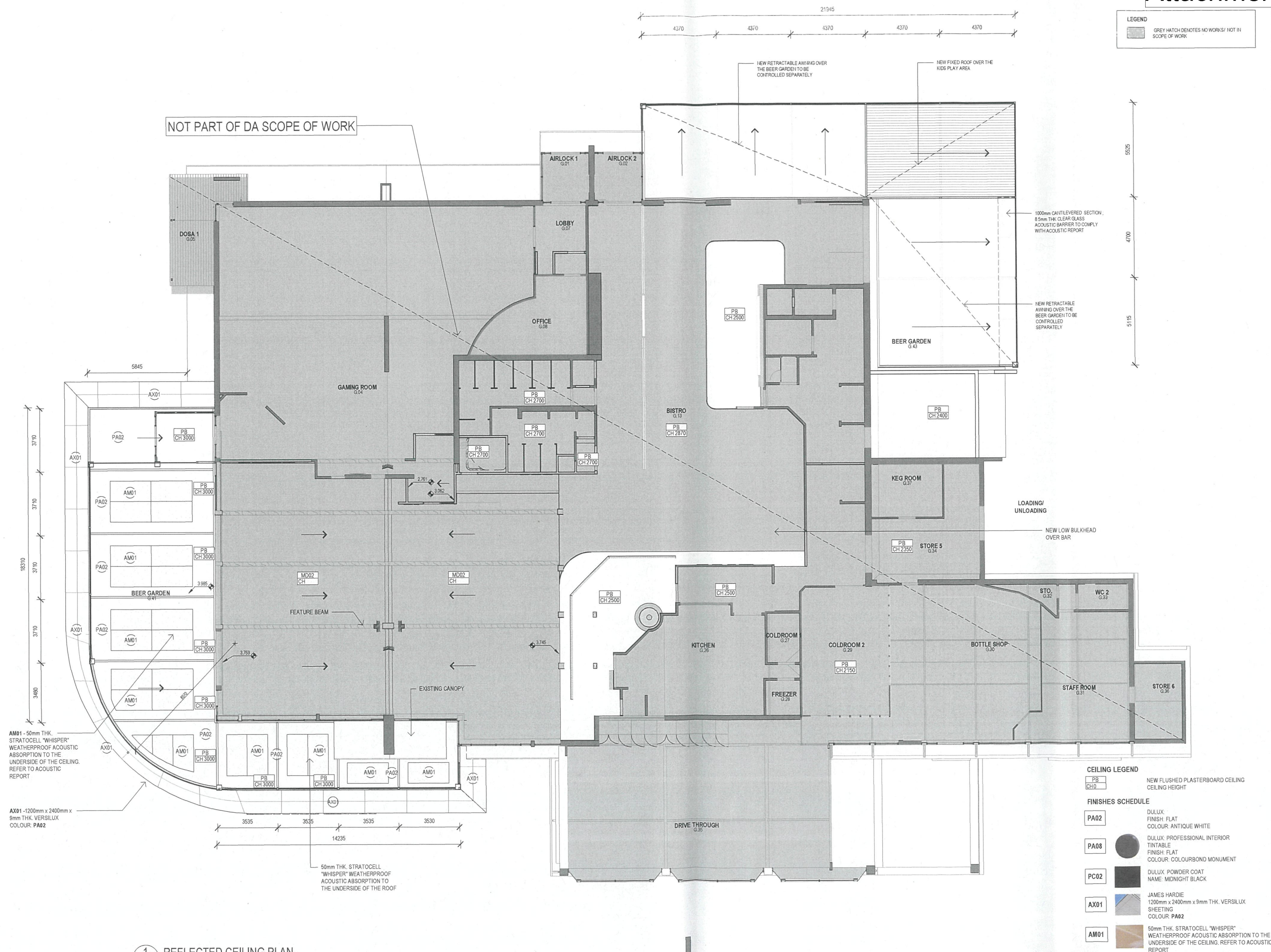
Drawing Title
PROPOSED ROOF PLAN

Project number	AVC0011	Drawn	QT
Date	02/17/22	Checked	ACI/DD
Scale	1:100 @ A1	Credited	Approver
Drawing Number	TP07	Revision	9

Description	By	Date
PRELIMINARY DA ISSUE	QT	26.02.2022
FOR APPROVAL	JC	03.06.2022
FOR APPROVAL	DD	09.11.2022
FOR APPROVAL	DD	24.11.2022
FOR APPROVAL	DD	29.03.2023
FOR APPROVAL	DD	19.04.2023
FOR APPROVAL	DD	04.08.2023

LEGEND

GREY HATCH DENOTES NO WORKS/ NOT IN SCOPE OF WORK



Australian Venue Co.

Red.

Payneham Tavern SA

319 PAYNEHAM ROAD, PAYNEHAM, SA 5070

REFLECTED CEILING PLAN

Project Name: PAYNEHAM TAVERN SA

Site Address: 319 PAYNEHAM ROAD, PAYNEHAM, SA 5070

Drawing Title: REFLECTED CEILING PLAN

Project number: AVCO011

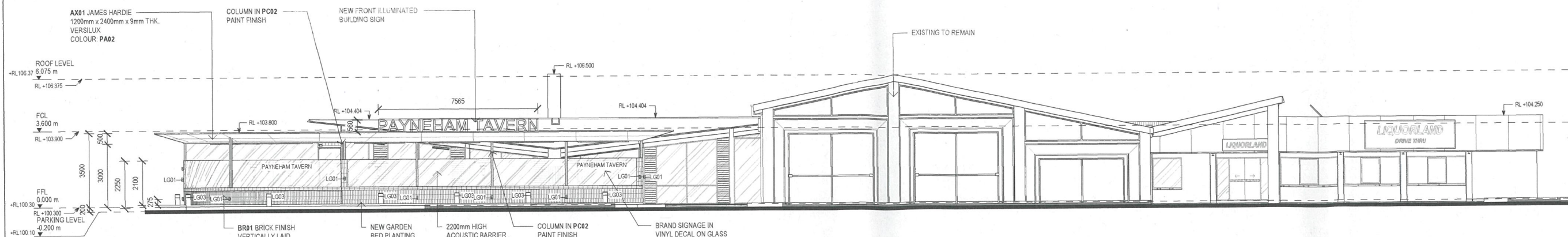
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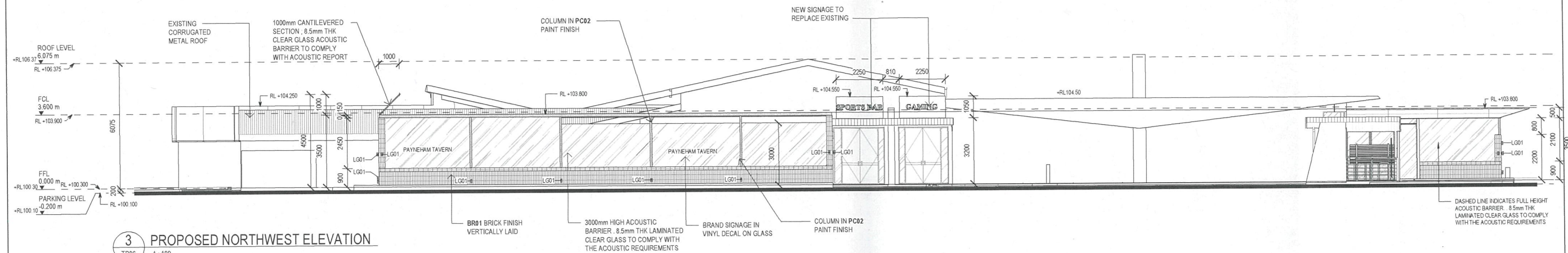
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PRELIMINARY
NOT FOR CONSTRUCTION

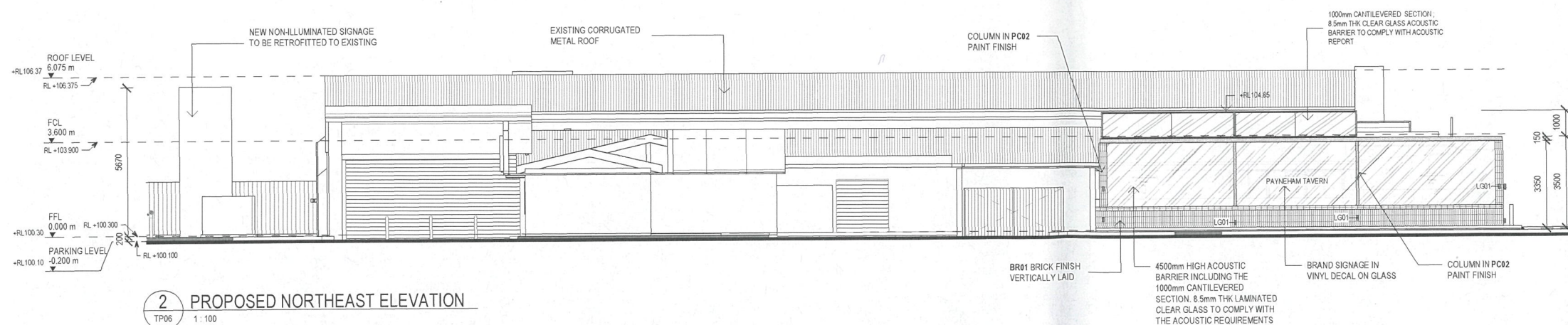
Description	By	Date
PRELIMINARY DA ISSUE	QT	25.02.2022
FOR APPROVAL	JC	03.06.2022
FOR APPROVAL	DO	09.11.2022
FOR APPROVAL	DO	24.11.2022
FOR APPROVAL	DO	29.03.2023
FOR APPROVAL	DO	19.04.2023
FOR APPROVAL	DO	31.07.2023
FOR APPROVAL	DO	03.08.2023
FOR APPROVAL	DO	04.08.2023



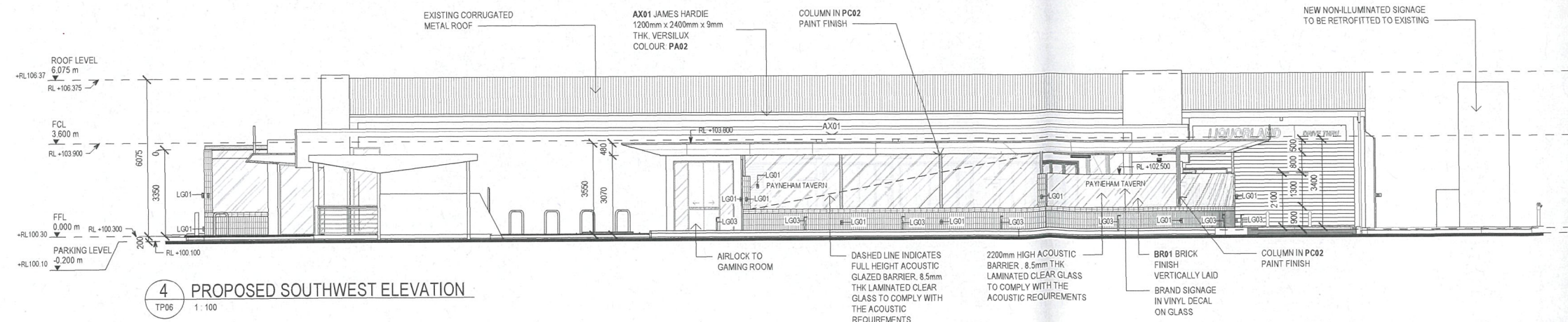
1 PROPOSED SOUTHEAST ELEVATION
TP06 1:100



3 PROPOSED NORTHWEST ELEVATION
TP06 1:100



2 PROPOSED NORTHEAST ELEVATION
TP06 1:100



4 PROPOSED SOUTHWEST ELEVATION
TP06 1:100

FINISHES SCHEDULE

PA02	DULUX FINISH: FLAT COLOUR: ANTIQUE WHITE
PA08	DULUX: PROFESSIONAL INTERIOR TINTABLE FINISH: FLAT COLOUR: COLOURBOND MONUMENT
TM01	BRITE COMPOSITE DECKING SOLUTION DIMENSIONS: 5.4m X 138mm X 24mm SLIP RATING: p4R10 COLOUR: TEAK
BR01	BOWRAL BRICKS DRY PRESSED BRICKS GROUP: BOWRAL COLOUR: BOWRAL BROWN/TAN PAVING PATTERN: FLEMISH BOND
PC02	DULUX POWDER COAT NAME: MIDNIGHT BLACK
AX01	JAMES HARDIE 1200mm x 2400mm x 9mm THK. VERSILUX SHEETING COLOUR: PA02

LIGHTING SCHEDULE

LG01	BEACON LIGHTING WANAKA 2 LIGHT UP/DOWN EXTERIOR WALL LIGHT IN BLACK SKU 246111
LG03	BEACON LIGHTING LEDLUX NATIONAL LED 12V BOLLARD IN TIMBER/BLACK SKU 240822

PRELIMINARY
NOT FOR CONSTRUCTION

Australian
Venue Co.

Red.

Project Name: PAYNEHAM TAVERN SA
Site Address: 319 PAYNEHAM ROAD, PAYNEHAM, SA 5070
Drawing Title: PROPOSED EXTERIOR ELEVATIONS
Project Number: AVC0011
Date: 08/10/11
Scale: As indicated @ A1
Drawing Number: TP09

Project Name: PAYNEHAM TAVERN SA
Site Address: 319 PAYNEHAM ROAD, PAYNEHAM, SA 5070
Drawing Title: PROPOSED EXTERIOR ELEVATIONS
Project Number: AVC0011
Date: 08/10/11
Scale: As indicated @ A1
Drawing Number: TP09

Project Name: PAYNEHAM TAVERN SA
Site Address: 319 PAYNEHAM ROAD, PAYNEHAM, SA 5070
Drawing Title: PROPOSED EXTERIOR ELEVATIONS
Project Number: AVC0011
Date: 08/10/11
Scale: As indicated @ A1
Drawing Number: TP09

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Project Number: AVC0011
Date: 08/10/11
Scale: As indicated @ A1
Drawing Number: TP09

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Site Address: 319 PAYNEHAM ROAD, PAYNEHAM, SA 5070
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Drawing Title: PROPOSED EXTERIOR ELEVATIONS
Project Number: AVC0011
Date: 08/10/11
Scale: As indicated @ A1
Drawing Number: TP09

sonus.

URPS
Suite 12/154 Fullarton Road
Rose Park 5067

S6318C12

Attention: Scott Twine

4 August 2023

Dear Scott,

**PAYNEHAM TAVERN REDEVELOPMENT
ADDITIONAL NOISE TREATMENTS**

Sonus was engaged to conduct an environmental noise assessment for the proposed redevelopment of Payneham Tavern at 319-327 Payneham Road, Royston Park, SA (development number 22042866). The proposed redevelopment comprises establishment of a beer garden at the front of the premises (associated with the Sports Bar), a second beer garden (outdoor dining terrace) and children's play area (associated with the Bistro) at the rear of the premises, internal alterations within the building and associated landscaping and other works.

Sonus' environmental noise assessment of the redevelopment demonstrating compliance with the objective requirements of the *Planning and Design Code* (the **Code**) relating to noise emissions was detailed in report S6318C8 dated November 2022 (the **Sonus Report**).

As part of the development application process, representations were received from adjoining landholders, including an acoustic peer review as part of one of the submissions. A response to specific concerns raised in the representations (and the acoustic peer review) regarding the environmental noise from the proposed development was detailed in Sonus letter S6318C9. The response considered the following amendments to the proposed redevelopment made in response to the representations:

- The proposed total patronage following the redevelopment to be reduced to 1,025 from the previously proposed 1,300 (the existing capacity being 625)
- The front outdoor beer garden area (adjacent Payneham Road) associated with the sports bar is proposed to close at midnight.

Notwithstanding the proposed amendments to the redevelopment, and compliance with the objective criteria of DTS/DPF 4.1 of the *Interface between Land Uses* module of the Code (which would typically be considered sufficient to address the other requirements of the Code relating to noise impacts), planning Consent for the

redevelopment was refused by the City of Norwood, Payneham and St. Peters (**NP&SP**) Council Assessment Panel (**CAP**) at the meeting held on 18 July 2023 for the following reasons:

- The proposed development does not satisfy Performance Outcomes 1.3 and 1.4 of the General Neighbourhood Zone.
- The proposed development does not satisfy Performance Outcomes 1.2 and 4.5 of the Interface Between Land Uses module.

It is understood that the Applicant (Australian Venue Co.) intends to appeal the decision by the NP&SP CAP. In support of the appeal, it is understood that the Applicant proposes the following additional amendments to the proposed development to further address the reasons for refusal of Planning Consent for the development:

- Further reduction in total patronage following the redevelopment from 1,025 to 994, with the reduction occurring within the Bistro beer garden.
- Installation of a solid roof over a portion of the Bistro beer garden, including the children's play area. A retractable awning will be installed over the balance of the Bistro beer garden (as previously proposed).
- Increase in the height of the perimeter fencing along a portion of the south-western site boundary such that compliance with the more onerous night-time noise criteria of the Policy can be achieved with all bi-fold doors open.
- Inclusion of a noise limiting device for the audio visual system within the outdoor beer garden areas to ensure that music and television noise is limited to background noise levels at all times.
- Inclusion of a facility management plan.

The extent of the above proposed changes is shown in Figure 1 below.

This letter provides a discussion of the impact of the additional amendments to the proposed development in terms of noise levels at the surrounding residences.

BISTRO BEER GARDEN AMENDMENTS AND INCREASED FENCE HEIGHT

The predicted noise levels associated with the development have been updated based on the following:

- The proposed increase in capacity from an existing 625 patrons to 994 patrons following the redevelopment, including 122 patrons within the southern beer garden (adjacent the sports bar), 120 patrons within the northern beer garden (dining terrace) adjacent to the bistro and the balance of patrons located within internal spaces of the venue.

- Installation of a solid roof over a portion of the Bistro beer garden and children's play area (as shown in Figure 1 below).
- An increase in the height of the perimeter fence along part of the south-western boundary (to 2.1 metres) as described above and shown in Figure 1 below¹



Figure 1: Site Plan showing extent of revised treatments

In addition, the predictions have been updated to consider all doors between the bistro and the northern beer garden (dining terrace) being closed from 10:00 pm onwards (matching the proposed operating hours of this area), resulting in a further reduction to the predicted noise levels compared with those presented in the Sonus Report and Response to Representations letter (which conservatively assumed that these doors may remain open).

¹ noting that this is the minimum fence height which would achieve compliance with the Policy with all bi-fold doors open, including those marked as "closed after 10pm" on Figure 1 below

Noise levels have been predicted based on the above, and are presented in Attachment A. Noise levels both with the bistro doors open and closed after 10:00 pm, and the previously predicted noise levels (i.e. not incorporating the proposed amendments) are presented for comparison purposes.

Based on the above, lower noise levels are predicted at all nearby noise sensitive receivers when considering the proposed changes, and in some cases a significant noise reduction is achieved.

NOISE LIMITING DEVICE

One potential concern raised by representors was the potential for music and television broadcasts (such as live sports) to be played at high volumes within the beer garden areas. The proponent has committed to installing noise limiting devices within these areas to ensure that music and sound associated with television broadcasts is maintained at a background level. That is, a level which does not require patrons within these areas to raise their voices to carry on a conversation and is inaudible at nearby noise sensitive receiver locations. For the purpose of the assessment, the amplified noise limit within the beer garden would be set to not exceed 75 dB(A) ($L_{eq,15min}$) when measured at any location within the beer garden that is not closer than 5 metres to any speaker.

FACILITY MANAGEMENT PLAN

Other potential concerns raised by representors included a perceived difficulty in enforcing a requirement for external doors to be closed by 10:00pm (and to remain closed until the close of trade), and the potential for antisocial behaviour to occur within the car parking areas (particularly where an increase in patronage would result in the potential for such activity to occur closer to residences). These potential issues can be managed by implementing a facility management plan which includes a training component that ensures duty managers and staff are aware of the requirement for relevant external doors to be closed (and to remain closed until the close of trade), a requirement for security patrols within the carpark area to ensure that antisocial behaviour does not occur within this area, and additional signage encouraging patrons to be mindful of nearby residences and to leave the premises quietly.

PAYNEHAM TAVERN REDEVELOPMENT
ADDITIONAL NOISE TREATMENTS
4 August 2023
Page 5 of 6

sonus.

If you have any questions or require clarification, please call me.

Yours faithfully
Sonus Pty Ltd



Simon Moore
Associate

+61 402 857 759
smoore@sonus.com.au

ATTACHMENT A: Predicted Noise Levels (Incorporating Proposed Amendments)

Report Receiver:	Description:	Predicted L_{eq} Noise Levels with Proposed Amendments [dB(A)]			Previously Predicted L_{eq} Noise Levels [dB(A)]		Improvement (Noise Reduction) [dB(A)]		Criteria [dB(A)]	
		Day*	Night (All Doors Open)*	Night (Doors Closed)**	Day	Night	Day	Night (Doors Closed)	Day	Night
A	1 Battams Road	47	38	35	49	39	2	4	49	42
-	3 Battams Road	45	40	34	48	41	3	7		
B	5 Battams Road	45	40	34	49	42	4	8		
-	185 First Avenue	42	38	32	46	40	4	8		
-	183 First Avenue	43	37	32	45	38	2	6		
C	181 First Avenue	46	40	36	49	40	3	4		
-	179 First Avenue	47	42	39	49	42	2	3		
D	177 First Avenue	47	42	39	49	42	2	3		
-	175 First Avenue	42	39	38	43	39	1	1		
E	5/317 Payneham Road	42	40	40	43	40	-	-		
-	4/317 Payneham Road	43	40	40	43	40	-	-		
-	3/317 Payneham Road	43	41	41	43	41	-	-		
-	2/317 Payneham Road	44	43	43	45	44	1	1		44
F	1/317 Payneham Road	46	45	44	47	46	1	2		46

Notes:

* predictions include all bi-fold doors open, including those marked as "closed after 10pm" on Figure 1 of this report

** predictions include all bi-fold doors marked as "open after 10pm" being open, and all bi-fold doors marked as "closed after 10pm" being closed

6. **DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT**
7. **REVIEW OF ASSESSMENT MANAGER DECISIONS**
8. **ERD COURT APPEALS**
9. **OTHER BUSINESS**
(Of an urgent nature only)
10. **CONFIDENTIAL REPORTS**
11. **CLOSURE**