Council Assessment Panel
Agenda & Reports

20 October 2025

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 /cityofnpsp @cityofnpsp

City of Norwood Payneham & St Peters

14 October 2025

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)

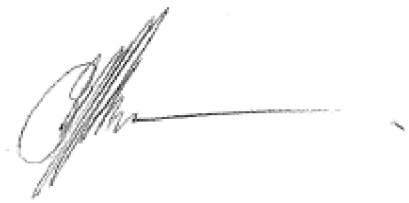
NOTICE OF MEETING

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 20 October 2025, commencing at 6.30pm.

Please advise Daniella Hadgis on 8366 4508 or email dhadgis@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

Page No.

VENUE	Council Chambers, Norwood Town Hall
HOUR	6.30PM
PRESENT	
Panel Members	Mr Stephen Smith Mr Mark Adcock Mr Ross Bateup Cr Kester Moorhouse Mr Julian Rutt
Staff	Kieran Fairbrother – Acting Manager Ned Feary – Senior Urban Planner Daniella Hadgis – Administration Officer
APOLOGIES	Cr Christel Mex
ABSENT	

1. COMMENCEMENT AND WELCOME

2. APOLOGIES

3. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 15 SEPTEMBER 2025

4. DECLARATION OF INTERESTS

5. DEVELOPMENT APPLICATIONS – PDI ACT

5.1 DEVELOPMENT NUMBER – ID 25015527 - HBC HOMES C/- FUTURE URBAN PTY LTD - 7 STEPHEN TCE ST PETERS SA 5069

DEVELOPMENT NO.:	25015527
APPLICANT:	HBC Homes C/- Future Urban Pty Ltd
ADDRESS:	7 STEPHEN TCE ST PETERS SA 5069
NATURE OF DEVELOPMENT:	Demolition of a detached dwelling (Representative Building) and associated ancillary structures
ZONING I NFORMATION:	**Zones:** • Established Neighbourhood **Overlays:** • Airport Building Heights (Regulated) • Future Road Widening • Historic Area • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Transport Routes • Urban Tree Canopy **Technical Numeric Variations (TNVs):** • Minimum Frontage (Minimum frontage for a detached dwelling is 18m) • Minimum Site Area (Minimum site area for a detached dwelling is 600 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	3 Jun 2025
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.10 29/05/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Edmund Feary - Senior Urban Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	Heritage Advisor Consultant Structural Engineer

CONTENTS:

DETAILED DESCRIPTION OF PROPOSAL:

The proposal involves the demolition of the whole of the existing building on the site. The building is a Representative Building identified in The Avenues Historic Area Overlay (NPSP20). The building has been described by Council's Heritage Advisor as, "a sandstone fronted Victorian Italianate Villa with a bay window to the gable, bluestone side walls, and a later bullnose verandah." There is also a later addition to the rear. Data from the Valuer-General indicates that the building was constructed circa 1900.

The proposal also intends to demolish ancillary structures, which are generally not considered representative of the historic character which the Historic Area Overlay seeks to protect.

BACKGROUND:

The site was also subject to a separate application for the removal of a regulated tree, a Brush Cherry (*Syzygium paniculatum*). This separate application was approved by the Assessment Manager on 3 July 2025, noting that it did not require public notification. It is understood that the applicant intends to remove much of the vegetation on the site, but this was the only regulated tree among them.

As part of the subject application, the applicant provided a report prepared by Trevor John of Fyfe Engineers, a qualified and experienced structural engineer. His stated opinion in that report is that the building is "beyond reasonable repair", for reasons which will be elaborated upon in the Planning Assessment below.

Council engaged the services of a structural engineer to conduct a peer review of the report provided by the applicant, and John Bowley was duly engaged. He, along with the assessing planner, conducted an inspection of the site on 2 July 2025, and he provided his report shortly afterwards.

Public notification of the application occurred between 1 July and 21 July 2025, with two representations received. Both representations were opposed to the development and wished to be heard, thus requiring that the Panel makes the decision on the application.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 7 STEPHEN TCE ST PETERS SA 5069

Title ref.:	**Plan Parcel:**	**Council:**
CT 5218/327	F125083 AL1	THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Shape:	Mostly rectangular, but with a wider primary street front, and an angular change in boundary alignment slightly beyond the building line
Frontage width:	17.75m
Area:	669m^2
Topography:	Mostly flat
Existing structures:	Detached dwelling (Representative Building), outbuilding and verandah
Existing vegetation:	Grass in the front and rear yards, with a variety of small/medium trees and shrubs mostly along the fence lines

Locality

A locality is outlined in **Attachment 2.** It extends approximately 100m northwest along Stephen Tce, 120m southeast along the same, includes sites on the opposite side of Stephen Tce (but not further along the relevant avenues), and approximately 50m northeast along Second Lane.

The locality consists mostly of historic villas and cottages constructed around 1890-1910. The Historic Area Overlay identifies many of these as Representative Buildings, which can be seen in **Attachment 3**. Many of these dwellings are oriented to face Stephen Terrace, though access is predominantly from laneways. These laneways were traditionally "night-cart lanes", and have since evolved for use by private motor vehicles, despite their narrow width (approximately 4.5m).

Land use in the locality is entirely residential, though there is an aged care facility on the northern end of the locality.

Many of these dwellings with frontages to Stephen Tce incorporate high fencing along this boundary as an acoustic barrier, but this is not universal, and several sites do have low/open fencing.

In general, the relatively high traffic volumes and high speeds along Stephen Tce diminish the otherwise high level of residential amenity in the locality.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
  Demolition: Code Assessed - Performance Assessed
  Demolition

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

- **REASON**
  P&D Code; No other pathway (Historic Area Overlay)

PUBLIC NOTIFICATION

- **REASON**
  Demolition of a Representative Building

- **LIST OF REPRESENTATIONS**

First Name	Surname	Address	Position	Wishes to be Heard?
		Norwood	Opposed	Yes
St Peters Residents' Association		N/A	Opposed	Yes

- **SUMMARY**
  Representations generally disputed the notion that the building was beyond reasonable repair, including suggestions for alternative methods of repair, which they believed to be more reasonable. These representations are provided in **Attachment 4.**

AGENCY REFERRALS

None

INTERNAL REFERRALS

- Heritage Advisor, David Brown

The application was referred to Council's Heritage Advisor to provide advice on both the contribution of the building to the Historic Area, and interpretation of the engineering advice, given his extensive experience in the management of restoration projects. His advice is provided in **Attachment 6**, which also includes consideration of points made by representors.

- Consultant Structural Engineer, John Bowley

In order to confirm the views outlined in the report provided by the applicant's structural engineer, Council sought the services of a structural engineer to conduct a peer review of the applicant's report. Council's Heritage Advisor noted that Mr Bowley had extensive experience in working with heritage buildings, and it was considered that his experience would bring a valuable perspective to the proposal. His advice is also provided in **Attachment 6.** Mr Bowley agrees with the assessment provided by Mr John for the applicant, that the building is beyond reasonable repair.

PLANNING ASSESSMENT

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

Question of Seriously at Variance

The proposed development comprises the demolition of the whole of a building and associated ancillary structures. It is located in the Established Neighbourhood Zone and the Historic Area Overlay. Development of this nature may be appropriate within the site, locality or in the subject Zone and Overlay, noting Performance Outcomes 7.1, 7.2 and 7.3 of the Historic Area Overlay. These policies envisage circumstances where development of this kind may or may not be appropriate within this Overlay.

Noting the information below, there is, at least, reasonable evidence to suggest that the criteria outlined in these Performance Outcomes may be satisfied.

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

Ancillary Structures and Later Addition

The assessment below relates only to original portion of the building (i.e. the front four rooms of the villa). The outbuildings and the later addition are not considered representative of the historic character of the area, and their demolition is acceptable as per Performance Outcome 7.3 of the Historic Area Overlay.

Structural Condition

The photographs provided in the application documentation show the unstable walls, both with respect to cracking and having formed a wave like form around the tie-rods. The engineering advice outlines the impact of reactive clay soils given the limited footings for the building, and that having had such a dry summer, soil movement has increased substantially.

While the weather had been very dry prior to the application being submitted, the inspection conducted by administration occurred after a period of rain, where soil moisture had increased, but cracks had shown no sign of closing. It is noted that while it had been wetter, soil moisture would not have increased so substantially as to achieve this outcome.

Notwithstanding this, section 7.5 of the applicant's engineering report considers the potential for greater soil moisture to improve the structural condition of the building. At 7.5.5, the opinion is provided that having had such significant damage occur, and with inadequate footings, the walls will not respond to increased soil moisture in such a manner as to "bring the building into any reasonable state of structural integrity."

It is noted that this combination of reactive soils, lack of moisture and limited footings, is present in almost every historic building in South Australia. Council's Heritage Advisor outlines examples in his report where cracking has occurred even in buildings which had recently been repaired. That said, this site is unique due to the nature and extent of the damage. While buildings which had been in a better structural condition prior to the drought would have experienced some cracking, this cracking could be repaired; whereas in this case, the already poor condition of the building would mean that this additional weather induced soil movement has resulted in movement of the building that is beyond an easily repairable solution.

It is evident that without intervention, the building will suffer from a structural failure, though when that may be is unknown. To quote Council's Heritage Advisor:

"In my experience some walls eventually lose their ability to remain as a bonded masonry element that is able to function as a structural part of a building. This is usually due to excessive and continuous movement over time, moisture entry, and usually neglect. This is more common in random stone walls, as brick walls tie together more strongly due to the modular elements and less reliance on large mortar joints. There are engineering solutions available (stainless steel bars, underpinning, etc), but the knock-on effects of only repairing some walls mean the rest of the house still moves with the seasonal changes in soil moisture. This is why many engineers will not get involved in underpinning, as it is not a strict engineering science unless every wall is underpinned to a depth greater than the depth of the reactive clay soil (usually between 2-4m)."

This is further supported by the opinion of Council's consultant Structural Engineer:

"I concur with the opinion expressed in the original report that strengthening the existing footings is not practical, and underpinning of the weak footings on the highly reactive clays is also inappropriate and unlikely to be successful.

Repairing the badly deformed and cracked masonry walls by rebuilding on the existing footings is most likely to result in walls with similar problems in time and also not considered appropriate."

Therefore, repairs to the building's structural condition are necessary, and this will need to involve work to the building's foundations.

Necessary Repairs

Section 13.2 of the Applicant's Structural Engineering Report outlines the opinion that the only manner by which the walls can be returned to an appropriate level of structural integrity is by carefully demolishing the relevant walls, constructing new footings, and then rebuilding the walls. As above, Council's Consultant Structural Engineer agreed that the only practical solution was to construct new footings.

Both representors submit that urethane injection could be used as an alternative method of stabilising the footings, and then allow plastering or the like to repair the cracking.

In their response to representations, the Applicant's Structural Engineer suggests that such a method would not be appropriate in this instance, due to the reactivity of the soil. It is noted that this is followed by an AI summary, but such summaries are generally not to be relied upon given the propensity for large-language models and other machine learning/AI tools to "hallucinate" and produce answers which are not supported by evidence (it is noted that one representation also included such an AI summary). In this instance however, the engineer's professional opinion is clearly provided, and this is considered more reliable. Noting that the representors do not have such engineering expertise, the view of the applicant's engineer is preferred.

Council's Heritage Advisor remarked that he has also used urethane injection as a repair method previously but did not provide further commentary on its use in this particular case. He noted that his previous use was done at the suggestion of an engineer. In this case, no engineer has put this forward as a suggestion.

One alternative mentioned by Council's Heritage Advisor as having occurred previously was to build a dwelling addition to the side of the building, allowing the (now internal) walls to be demolished.

In this case however, serious cracking and instability has occurred to all dwelling walls. While the front wall is less severely damaged than the side walls, it is still clearly in a poor condition and, to quote the Applicant's Structural Engineer, "would require demolition to rectify" (from 13.2.2 of the initial report). Therefore, this solution is not considered applicable to this scenario.

A series of other suggestions are provided in Representation 2, including the use of lime mortar, removal of the "railway irons" and the use of specialist tradespeople to straighten the walls. Each of these points are addressed in both Council's Heritage Advisor's report and the Response to Representations. In general, the views expressed by the Applicant's engineer are preferred, noting his experience as a Structural Engineer, and his having inspected the site and considered its unique circumstances.

Reasonableness of Repairs

As outlined above, the necessary repairs would require the demolition of much (if not all) of the existing structure of the building and then reconstructing this with modern footings. Doing so would negate much of the heritage value of the building - in the manner of the "grandfather's hammer" or "ship of Theseus" thought experiments. Council's Heritage Advisor expands on this:

"Reconstruction of demolished buildings come with its own problems of interpretation, historical understanding, and assessment of the value of the building as to whether it is worthy of reconstruction. Once the original historic fabric has been dismantled, the heritage value is gone, and so would the heritage listing (though difficult from an administrative perspective). The building then becomes a reconstruction using salvaged materials, and is not the same building with the same history, technology or character. Hence the usual approach with suburban dwellings is once they are demolished, to construct a sympathetic new dwelling for the context."

Council's Heritage Advisor concluded that, *"It would be a pity to lose another stone Villa in St Peters. Though this one is hiding behind a high fence on a busy road, so its level of contribution is somewhat diminished currently. The condition of the building is such that it would be extremely difficult to repair, and to have that repair remain permanent without a significant cost."*

The high fence does diminish the extent to which the building can contribute to the historic streetscape, and it should be noted higher fencing in this location is envisaged in the Historic Area Statement given the traffic conditions on Stephen Terrace. This limits the significance and contribution of this dwelling to the Historic Area more broadly.

Case law does suggest that the extent of a building's contribution to the Historic Area is relevant to the reasonableness of repairs, particularly in Ikkaj Pty Ltd v District Council of the Copper Coast [2010] SASC 38 at [63] where White J opines:

The evaluation of whether a structurally unsound building can be economically repaired for the purposes of Principle 4 will also usually require an evaluation of a number of other matters. Those matters include the nature and extent of contribution which the structure makes to the value (including the heritage value) of the property on which it is located, or to its neighbouring properties, or to the heritage character of the Zone generally. If the structure in question is of particular historical significance, or is, for example, of iconic status in its street or in the Zone generally, the conclusion may more readily be reached that its renovation, despite the expense, can be reasonably expected. Conversely, it may not be reasonable to require the expensive renovation of a structurally unsound building which contributes in only a minor way to the heritage character of an area.

While no clear cost is provided in this instance, it would be expected that the works would incur a significant cost, which, combined with the reduced heritage value, diminishes the reasonableness of such repairs, in the context of Historic Area Overlay PO 7.1.

Considering the already limited contribution to the area's historic character, and that this contribution would be further reduced by the necessary repairs, the bar for what is a "reasonable repair" is somewhat lower than may otherwise be the case. Given the extent of work necessary, it is considered that this bar is "cleared" in this instance, and administration is supportive of the demolition.

CONCLUSION

Considering the evidence provided by both engineers, the extent of repair work required to return the building to a safe and sustainable condition is substantial. While representors have suggested alternative methods of repair, the Applicant's Structural Engineer has reviewed these and has outlined why these are not suitable for the circumstance at hand.

On the basis that the only appropriate repair method is the careful demolition of the existing walls, construction of new footings, and then rebuilding of new walls using the existing materials, this is considered to have a disproportionate cost to the heritage value of the building. Therefore, the building is considered to be "beyond reasonable repair", and its demolition is consistent with the principle outlined in Historic Area Overlay PO 7.1, and thus sufficiently accords with the Planning and Design Code to warrant consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

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

2. Development Application Number 25015527, by HBC Homes C/- Future Urban 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).

ADVISORY NOTES
PLANNING CONSENT

Advisory Note 1
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.

Advisory Note 2
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 3
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 4
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 5
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 6
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 7
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 8
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 9
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 10
If excavating, it is recommended you contact Before You Dig Australia (BYDA) (www.byda.com.au) to keep people safe and help protect underground infrastructure.

Address: **7 STEPHEN TCE ST PETERS SA 5069**

To view a detailed interactive property map in SAPPA click on the map below

Property Zoning Details

Zone

Established Neighbourhood

Overlay

Airport Building Heights (Regulated) *(All structures over 110 metres)*
Future Road Widening
Historic Area *(NPSP20)*
Prescribed Wells Area
Regulated and Significant Tree
Stormwater Management
Traffic Generating Development
Urban Transport Routes
Urban Tree Canopy

Local Variation (TNV)

Minimum Frontage *(Minimum frontage for a detached dwelling is 18m)*
Minimum Site Area *(Minimum site area for a detached dwelling is 600 sqm)*
Maximum Building Height (Levels) *(Maximum building height is 1 level)*
Site Coverage *(Maximum site coverage is 50 per cent)*

Demolition - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Established Neighbourhood Zone

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome

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.

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.

Class of Development (Column A)	Exceptions (Column B)
1. Development which, in the opinion of the relevant authority, 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.	None specified.
2. All development undertaken by: (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.	Except development involving any of the following: 1. residential flat building(s) of 3 or more building levels 2. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
3. Any development involving any of the following (or of any combination of any of the following): (a) ancillary accommodation (b) dwelling (c) dwelling addition (d) residential flat building.	Except development that: 1. exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 or 2. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and: (a) the length of the proposed wall (or structure) exceeds 8m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or

	(b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).
4. Any development involving any of the following (or of any combination of any of the following): (a) consulting room (b) office (c) shop.	Except development that: 1. does not satisfy Established Neighbourhood Zone DTS/DPF 1.2 or 2. exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 or 3. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and: (a) the length of the proposed wall (or structure) exceeds 8m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).
5. Any development involving any of the following (or of any combination of any of the following): (a) air handling unit, air conditioning system or exhaust fan (b) carport (c) deck (d) fence (e) internal building works (f) land division (g) outbuilding (h) pergola (i) private bushfire shelter (j) recreation area (k) replacement building (l) retaining wall (m) shade sail (n) solar photovoltaic panels (roof mounted) (o) swimming pool or spa pool and associated swimming pool safety features (p) temporary accommodation in an area affected by bushfire (q) tree damaging activity (r) verandah (s) water tank.	None specified.
6. Any development involving any of the following (or of any	Except where not undertaken by the Crown, a Council or an

combination of any of the following) within the Tunnel Protection Overlay: (a) storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres (b) temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres (c) excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level.	essential infrastructure provider.
7. Demolition.	Except any of the following: 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
8. Railway line.	Except where located outside of a rail corridor or rail reserve.

Placement of Notices - Exemptions for Performance Assessed Development
None specified.

Placement of Notices - Exemptions for Restricted Development
None specified.

Part 3 - Overlays

Historic Area Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

	Desired Outcome
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.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
PO 1.1 All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.	DTS/DPF 1.1 None are applicable.
Demolition	

PO 7.1 Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless: (a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style or (b) the structural integrity or safe condition of the original building is beyond reasonable repair.	DTS/DPF 7.1 None are applicable.
PO 7.2 Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.	DTS/DPF 7.2 None are applicable.
PO 7.3 Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.	DTS/DPF 7.3 None are applicable.
Ruins	
PO 8.1 Development conserves and complements features and ruins associated with former activities of significance.	DTS/DPF 8.1 None are applicable.

Historic Area Statements

Statement#	Statement
Historic Areas affecting City of Norwood, Payneham and St Peters	
	The Avenues Historic Area Statement (NPSP20) The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality. These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area. The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.

Eras, themes and context	Between the late 1870s and 1900, between the 1900s and the 1920s, and inter-war. Detached dwellings.
Allotments, subdivision and built form patterns	Historic streetscape created by the regularity of the avenues and the development patterns that have formed around them. Primary dwelling frontages to streets, not lanes.
Architectural styles,	Predominantly single-storey, detached, late Victorian Italianate villas of reasonably substantial proportions.

Statement#	Statement	
NPSP20	detailing and built form features	Elsewhere - the consistent styles of detached late Victorian Italianate villas of reasonably substantial proportions. Double fronted asymmetrical dwellings are the most common dwelling type, although there are a range of symmetrical dwellings, East Adelaide Company dwellings and some larger villas and mansions. The double fronted symmetrical and asymmetrical dwellings are an elegant, larger version of the simple colonial cottage with the addition of a projecting wing (in the case of the asymmetrical dwelling), a more elaborate verandah and increased detailing in plaster and render work around openings. The pitch and size of the roof makes this an important design element. Verandahs along the front elevation are another important element of both the double fronted symmetrical and asymmetrical dwelling. Some Edwardian style housing (such as Queen Anne and Art Nouveau styles), generally located within the later subdivided areas or on blocks which were re-subdivided from larger allotments. Joslin portion of this Policy Area - reflects general character, some of the dwelling stock, particularly towards the Lambert Road boundary, graduates into the 1920s style of housing, introducing with it a component of inter-war housing such as bungalows.
	Building height	Predominantly single-storey, up to two storeys in some locations.
	Materials	Bluestone or sandstone dressed and coursed.
	Fencing	Low, open fencing that reflects the period and style of the dwellings. Front fencing (including any secondary street frontage up to the alignment to the fain face of the dwelling) generally low in height up to 1.2m (masonry), 1.5m (wrought iron, brush, timber and or wire or woven mesh) and 2m (masonry pillars), allowing views to dwelling. Timber picket, timber dowelling, masonry and cast iron palisade, or corrugated iron or mini orb within timber framing for cottages, villas and other dwellings built during the Victorian period. Timber picket, timber pailing, woven crimped wire, or corrugated iron or mini orb within timber framing for Edwardian dwellings. Timber pailing, wire mesh and timber or tube framing, woven crimped wire, or masonry with galvanised steel ribbon for bungalows, Tudors and inter-war dwellings. Side and rear fences in traditional materials such as timber, corrugated iron or well-detailed masonry.
	Setting, landscaping, streetscape and public realm features	Landscaping around a dwelling, particularly in the front garden, is an important design element. In St Peters, wide tree lined streets, with mature street trees and rear lanes used for vehicular access and garages
	Representative Buildings	Identified - refer to SA planning database.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It

sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

May 27, 2025

Mr Ned Feary
City of Norwood, Payneham and St Peters
Via: The PlanSA Portal

Dear Ned,

7 STEPHEN TERRACE, ST PETERS

We act for NIC Design Studio (**Proponent**). The Proponent seeks planning consent (**consent**) from the City of Norwood, Payneham and St Peters (**Council**) to demolish the existing dwelling and ancillary structures at 7 Stephen Terrace, St Peters (**site**).

The purpose of this statement is to describe the proposed development and the site to which it relates, and to explain why the proposed development warrants consent.

The Site

The site (formally referred to as Allotment 1 on Filed Plan 125083) has a primary frontage to Stephen Terrace of 17.75 metres, a secondary frontage to Second Lane of 45.34 metres and an area of 665 square metres or thereabouts.

The site currently contains a single storey detached dwelling. The original portion of the existing dwelling (**original building**) was constructed in the early 1900s, with later additions assembled over time. Vehicular access to the site is presently gained via Second Lane. Two trees, which appear to be significant, are located on the site, namely a Brush Cherry (Syzygium paniculatum) that is located in the southern corner and a European Nettle Tree (Celtis australis) that is located adjacent the site's secondary frontage.

The locality is predominantly made up of single storey dwellings which exhibit a variety of architectural styles and appear to have been constructed over differing time periods.

Zoning

The site is in the Established Neighbourhood (**EN**) Zone and captured by the following Overlays:

- Airport Building Heights (Regulated);
- Future Road Widening;
- Historic Area Overlay;
- Prescribed Wells Area;
- Regulated and Significant Tree;
- Stormwater Management;
- Traffic Generating Development;
- Urban Transport Routes;
- Urban Tree Canopy.

The Proposed Development

The Proponent intends to demolish the existing dwelling and ancillary structures on the site. The purpose of the proposed development is to facilitate the construction of a new detached dwelling that better aligns with the relevant policies of the Historic Area Overlay (**HAO**).

The Planning and Design Code

At the time of preparing this statement, the relevant version of the Planning and Design Code (**Code**) was consolidated on May 15, 2025 (Version 2025.9).

Due to ongoing amendments, the version of the Code used to prepare this statement may not be the relevant version at the time of lodgement of the application. To the extent of any inconsistency, the version of the Code at the time of lodgement will be relevant for the processing and assessment of the application.

Verification

For the purposes of Regulation 31(1)(a), (b) and (c) of the *Planning, Development and Infrastructure (General) Regulations 2017* (***PDI (General) Regulations***), the following applies:

Table 1 *Verification snapshot*

Verification matter	**Comment**
Nature of Development	Demolition of the existing dwelling and ancillary structures
Elements	Demolition
Category of Development	Code assessed – Performance assessed
Relevant Authority	Council Assessment Panel at the City of Norwood, Payneham and St Peters

Notification

Pursuant to Section 107(6) of the *Planning, Development and Infrastructure Act 2016*, the Code may exclude specified classes of development from the requirement to undergo notification. Accordingly, Table 5 of the EN Zone specifies classes of performance assessed development that are excluded from notification, as follows:

Table 2 *Table 5 – Procedural Matters (excerpt) of the EN Zone*

Class of Development (Column A)	**Exceptions (Column B)**
7. Demolition	Except any of the following: 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building); 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).

As outlined in Table 5 above, the demolition of a building that is captured by the HAO is subject to notification unless that building is classified as an "excluded building." In this case, the existing dwelling to be demolished was originally constructed in the early 1900s and takes on the form of a "villa", a form specifically referenced in the relevant Historic Area Statement (**HAS**), namely *The Avenues Historic Area Statement (NPSP20)*. Accordingly, the application must be notified unless it is determined by the relevant authority that the proposed development is of a minor nature and would not unreasonably impact the owners or occupiers of land within the locality of the site.

Referrals

No statutory referrals are required in this instance.

The Merits

Performance Outcome (**PO**) 7.1 of the HAO provides clear guidance in relation to, and permits, the demolition of buildings that exhibit historic characteristics, as described in the relevant HAS. For clarity, PO 7.1 of the HAO states:

PO 7.1 *Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:*

(a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style

or

(b) the structural integrity or safe condition of the original building is beyond reasonable repair.

[Emphasis added]

For the purposes of addressing Clause (b) of PO 7.1 of the HAO, a report has been prepared by Mr Trevor John of FYFE, a qualified, experienced and independent structural engineer. As part of this report, Mr John has assessed whether the original building is beyond reasonable repair and ultimately determined that:

- extensive cracking is present throughout the original building, indicating a systemic failure of the footings due to highly reactive clay soils;
- the external walls are beyond repair, with every room exhibiting significant cracking and bowing (classified as Damage Category 4 – Severe under AS 2870). Internal and external repairs have previously been attempted but have failed. Ongoing soil movement would necessitate repeated and substantial repairs;
- strengthening or underpinning the footings is not a viable solution, as this would require the demolition and complete reconstruction of the roof, walls, floors, and related structural elements; and
- the combined effects of footing failure and reactive soil movement have severely compromised the structural integrity of the original building.

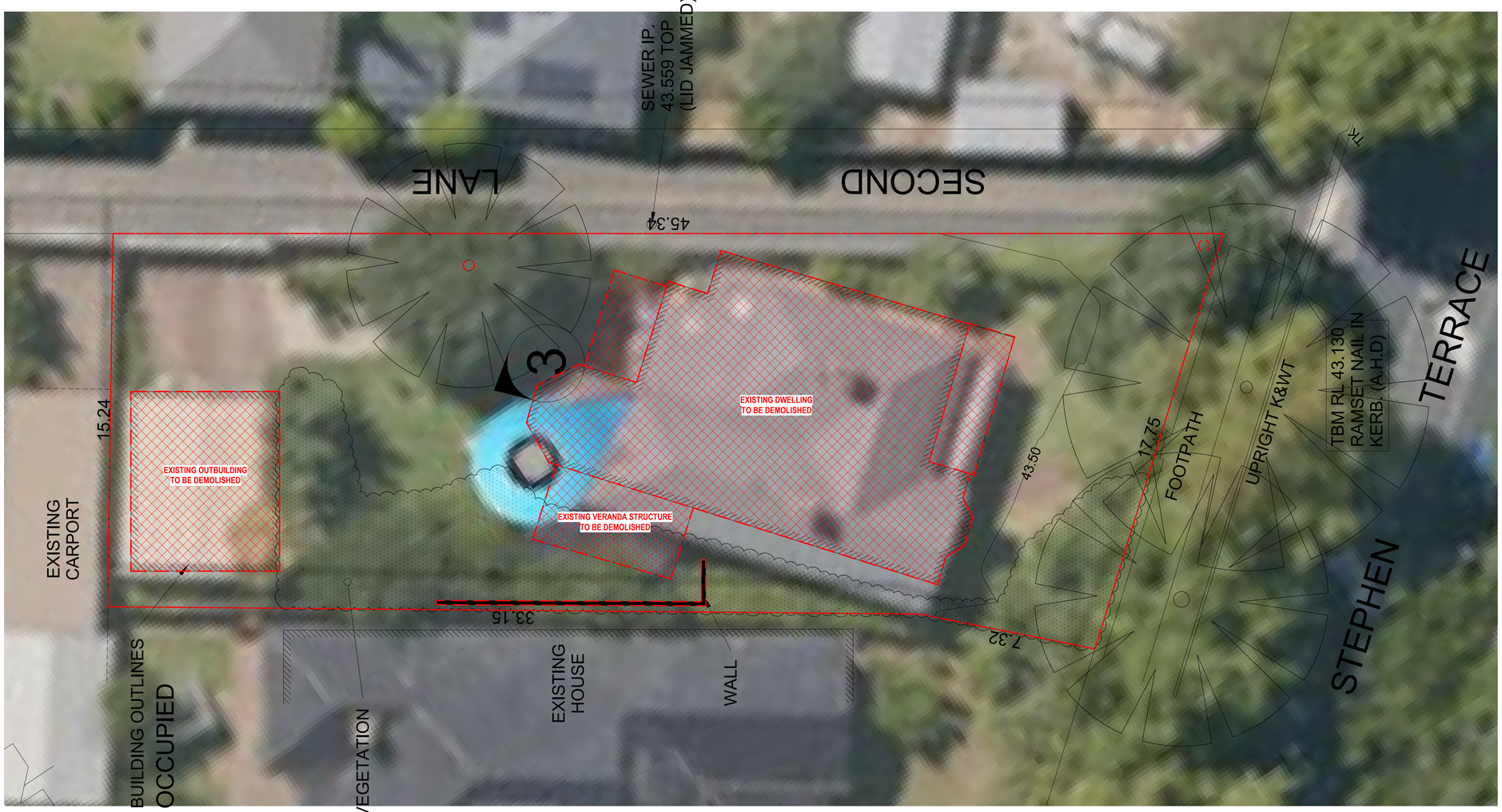
Based on these findings, it is evident that the structural integrity of the original building is beyond reasonable repair, and that demolition and reconstruction represent the only practical solution to address the systemic structural issues that have been identified by Mr John.

If you have any queries or concerns regarding the proposed development, please do not hesitate to contact me.

Yours sincerely,

Mark Troncone
Senior Consultant

Attachment 1



PROPOSED DEMOLITION PLAN

DEMOLITION NOTES

1. ALL DEMOLITION WORK TO COMPLY WITH AS 2601.

2. THIS DRAWING TO BE READ IN CONJUNCTION WITH SITE SURVEY, STRUCTURAL, CIVIL AND SERVICES ENGINEERS DOCUMENTATION

3. THE CONTRACTOR IS TO DEMOLISH EXISTING STRUCTURE TO EXTENT SHOWN ON THE DOCUMENTS. ALL MATERIALS AND WASTE (NOT TO BE RE-USED, UNLESS NOTED OTHERWISE) TO BE REMOVED AND DISPOSED OF OFF SITE.

4. THE CONTRACTOR SHALL ALSO REFER TO OTHER CONTRACT DOCUMENTS, STAGING PROGRAM, REGULATIONS, CODES OF PRACTICE, ETC. IN REGARD TO THE EXTENT AND MANNER IN WHICH THE DEMOLITION IS TO BE CARRIED OUT.

5. CAP AND SEAL REDUNDANT EXISTING SERVICES. SERVICES TO BE CUT AND SEALED IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS AND REGULATORY / S.A.A. CODES FOR THAT TRADE.

6. THE CONTRACTOR SHALL PROTECT ROADWAYS, FIXTURES, FITTINGS, ETC. THAT ARE TO REMAIN THROUGHOUT THE PERIOD OF THE WORKS.

7. MAKE GOOD TO ALL SURFACES AFTER DEMOLITION HAS TAKEN PLACE IN PREPARATION FOR NEW FINISHES TO BE APPLIED.

8. CONTRACTORS TO INSPECT & CHECK ON SITE PRIOR TO DEMOLITION.

9. FOR INFORMATION ON OR ABOUT EXISTING SERVICES REFER RELEVANT CONSULTANTS & SURVEY DRAWINGS.

10. MAKE GOOD OR PROVIDE NEW AS REQUIRED TO ALL EXISTING ADJOINING SURFACES TO BE RETAINED, THAT ARE AFFECTED BY THE WORKS.

11. PEOPLE (CONTRACTORS,VISITORS AND GENERAL PUBLIC) AND NEIGHBORING PROPERTY ADJACENT THE WORKS TO BE PROTECTED FROM HARM AND DAMAGE AT ALL TIMES.

12. BURIED SERVICES DO EXIST IN THE IDENTIFIED AREA FOR EXCAVATION. THE CONTRACTOR IS REQUIRED TO LOCATE ANY SERVICES AND INFORM THE ARCHITECT AND SERVICE ENGINEER BEFORE PROCEEDING WITH THE WORKS.

PERSONS EXCAVATING ARE REQUIRED TO EXERCISE EXTREME CARE IF PIPE OR CABLES ARE FOUND WITHIN THE VICINITY OF WORK TO BE EXECUTED.WHERE SUCH WORK IS IN CLOSE PROXIMITY TO EITHER TELSTRA , ETSA, WATER OR GAS UNDERGROUND PLANT. MACHINE EXCAVATIONS SHOULD NOT BE USED. MANUAL EXCAVATION ONLY SHOULD BE UTILIZED WITH ALL UTILITY PLANT BEING PHYSICALLY IDENTIFIED (POT HOLED - REFER TO POT HOLE SURVEY) PRIOR TO ANY FURTHER EXCAVATION OR OTHER ACTIVITY WHICH MAY DESTROY, DAMAGE OR OTHERWISE AFFECT SUCH PLANT AND EQUIPMENT, PERSONS EXCAVATING WILL BE RESPONSIBLE FOR ANY DAMAGE CAUSED.

13. REDIRECT, REPOSITION OR REMOVE EXISTING BURIED SERVICES IN THE VICINITY OF NEW WORKS AS REQUIRED. REFER SERVICE AND CIVIL ENGINEERS DOCUMENTATION FOR DETAILS.

14. MAKE GOOD TO ALL EXISTING ADJACENT SURFACES AFFECTED BY THE NEW WORKS, TO THE SATISFACTION OF THE ARCHITECT AND PROJECT MANAGER.

15. EXISTING WALLS OR OTHER STRUCTURES MADE UNSTABLE DUE TO DEMOLITION SHOULD BE TEMPORARILY PROPPED-UP UNTIL NEW SUPPORTS ARE INSTALLED.

AREA OF DEMOLITION.
ALL EXISTING TREES, LANDSCAPE, STRUCTURE, FOOTPATH AND ASSOCIATED SERVICES TO BE DEMOLISHED AND REMOVE FROM SITE

NOTE:

REFER TO ENGINEER ADVISE AND COMMENTS IN RELATION TO DEMOLITION THAT MAY AFFECT NEIGHBOURING EXISTING STRUCTURES

7 STEPHEN TCE ST PETERS - PROPOSED NEW DWELLING

drawing: PROPOSED DEMOLITION PLAN

scale: As Indicated @A1

date: 2025-05-19

drawing no.: N-25004_ SD001PA

revision: _A

NIC DESIGN STUDIO

7 STEPHEN TERRACE, ST PETERS, SOUTH AUSTRALIA STRUCTURAL ENGINEERING REPORT

PROJECT REF.: 53601-1
CLIENT ISSUE, REV. 0

Prepared for	Nic Wong, Nic Design Studio		
Prepared by **ABN**	Fyfe Pty Ltd 57 008 116 130	**Contact**	Trevor John Principal Structural Engineer
Address	L2 124 South Terrace	**Telephone**	61 8 8407 9444
	Adelaide, SA 5000	**Email**	trevor.john@fyfe.com.au
Date	14/05/2025	**Reference**	53601-1

VALUE THROUGH INTEGRATION

Proprietary Information Statement

Document Information

Prepared by: Trevor John FIEAust CPEng NER APEC Engineer IntPE(Aus) Date: 14/05/2025
Principal Structural Engineer

Revision History

Revision	Revision Status	Date	Notes
0	Client Issue	14/05/2025	

1. INTRODUCTION

1.1. This is an expert report prepared at the request of Mr Nic Wong of Nic Design Studio relating to the condition of the existing house at 7 Stephen Terrace, St Peters, South Australia.

Photo courtesy of realestate.com

1.2. My instructions are to advise if *the structural integrity or safe condition of the original building is beyond reasonable repair* - ref PO 7.1 of the Historic Area Overlay.

1.3. This report represents my considered opinions based on the following: -

- My engineering assessments based on my knowledge and experience in residential building construction and performance.
- My review of other relevant documents.
- My site inspection.

1.4. For the purposes of clarity in reviewing this and other documents note that AS 2870 provides the following definitions:-

- "*Foundation*" means the "*Ground that supports the footing system*."
- "*Footing*" means the "*Construction that transfers the load from the building to the foundation*."

2. EXECUTIVE SUMMARY

2.1. The extensive cracking of the walls throughout all rooms of the original house indicates a systemic failure of the footings to resist seasonal movements of the highly reactive clay.

2.2. The external walls are beyond repair.

2.3. Any attempts to repair cracks in the internal walls will result in only short-term improvement and extensive cracking would inevitably re-occur.

2.4. Strengthening the footings is not a viable solution as it would require demolition and reconstruction of the roof, walls, floors and footings, and related services.

2.5. Underpinning of weak deficient footings on highly reactive clays is inappropriate and could exacerbate failure of the footings between the underpins.

2.6. Based on my review of the relevant Australian Standards and other relevant publications, my site inspection, and my investigations, it is my considered professional opinion that the structural integrity or safe condition of the original building is beyond reasonable repair.

3. THE PROPERTY

Aerial view of the property (courtesy of Nearmap)

3.1.

Street view of the property (courtesy of Google Earth)

4. DOCUMENTS

I have reviewed the following documents in preparing this report: -

- Australian Standard AS 2870 Residential slabs and footings. (***AS 2870***)
- "*Soil Association Map of the Adelaide Region*" published by the Department of Mines and Energy S.A.
- "*The Soils and Geology of the Adelaide Area*" published by the Department of Mines.
- Climate data published by Bureau of Meteorology.
- "*Foundation Maintenance and Footing Performance: A Homeowner's Guide*" published by CSIRO.

5. SITE INSPECTION

5.1. I undertook and inspection of the property on 6 May 2025.

5.2. I inspected the external walls of the building and the internal walls of the Entry, Sitting Room, and 3 Bedrooms.

5.3. I note your advice that the later room additions at the rear of the property were not subject to any conditions of the Historic Area Overlay.

5.4. A photographic record of the damage to the building is included in Appendix A.

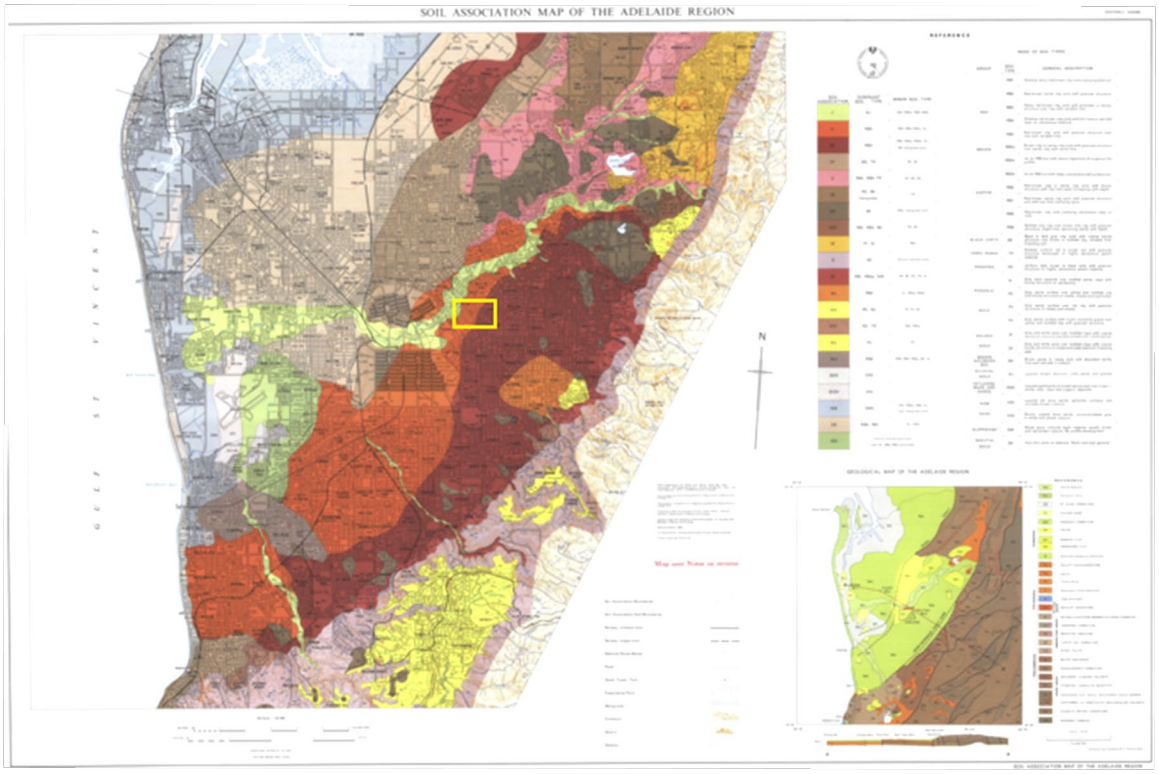
5.5. The condition of the house at the time of my inspection are included in Section 9 and Appendix A.

6. SOIL CONDITIONS

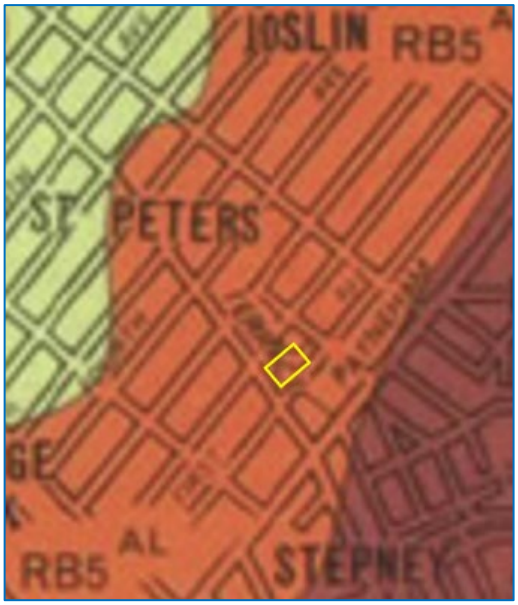
6.1. I have given consideration to the soil at the site in order to assess whether the soil types are such that any recommended repairs are unreasonable.

6.2. I have not undertaken any soil investigations at the site, but I have assessed the soil conditions based on previous testing undertaken in the general area and from soil maps.

6.3. The Department of Mines and Energy S.A. have produced the "*Soil Association Map of the Adelaide Region*" - refer below.



Site enlargement shown below



6.4. The soil type is a *Red Brown Earth (RB5),* which is described as "*Red-brown clay soils of granular structure.*"

6.5. I have referred to the publication "*The Soils and Geology of the Adelaide Area*" prepared by the Department of Mines, which describes the soil as follows: -

Type RB5

Clay horizons are subject to moderate shrinking and swelling movements, but the total movement at the surface is usually small. Bearing capacity of soil horizons is adequate for footings of domestic buildings. All gradations between Types RB5 and RB3 occur. Internal drainage moderate to rapid.

6.6. Reactive soils are typically classified as S, M, H1, H2, E in order of increasing reactivity.

6.7. The Site Classification for an RB5 soil is “H2-D” to “E-D” shown in AS 2870 Table D4 – see extract below: -

TABLE D4

SITE CLASSIFICATION BASED ON LOCATION AND TYPICAL PROFILE—ADELAIDE

Soil group	Typical soil types	Classification
Silts sands and gravels	Sand A1, DS EMS	A to S
Shallow clays (over rock)	SR	S
Silty and sandy clays (less reactive)	Clayey A1, RZ, TR, P4, SW	M-D
Podsolic and solodic soil	P1, P2, P3 and S	S to H2-D
Red brown soils Profiles with shallow layers of less reactive clay Profiles with deeper layers of more reactive clay	 RB2, RB4, RB6, RB7, RB9 RB1, RB3, RB5, RB8	 M-D to H2-D H2-D to E-D

6.8. The *characteristic surface movement* (i.e., the vertical movement of the surface of a reactive site caused by moisture changes from characteristic dry to characteristic wet condition) can be estimated in accordance with AS 2870 Clause 2.2.3 and Table 2.3 – see extract below: -

2.2.3 Site classification based on characteristic surface movement

The characteristic surface movements (y_s) estimated in accordance with Clause 2.3 shall be used to determine the site class by applying the limits in Table 2.3. In areas of deep-seated moisture change, the site classification shall be modified by the addition of '-D' as specified in Clause 2.1.2.

TABLE 2.3

CLASSIFICATION BY CHARACTERISTIC SURFACE MOVEMENT (y_s)

Characteristic surface movement (y_s) mm	Site classification in accordance with Table 2.1
$0 < y_s \leq 20$	S
$20 < y_s \leq 40$	M
$40 < y_s \leq 60$	H1
$60 < y_s \leq 75$	H2
$y_s > 75$	E

6.9. For 7 Stephen Terraced the *characteristic surface movement* would be in the order of 75mm

6.10. That amount of movement is assessed for "*normal sites*" defined in AS 2870 1.3.2: -

1.3.2 Normal sites

Normal sites are those that are classified as one of Classes A, S, M, H1, H2 and E in accordance with Section 2 of this Standard and where foundation moisture variations are those caused by seasonal and regular climatic effects, effect of the building and subdivision, and normal garden conditions without abnormal moisture conditions (see Clause 1.3.3).

6.11. AS 2870 1.2.3.(ii) includes the following: -

Examples of abnormal moisture conditions developing after construction include the following:

(A) The effect of trees too close to a footing.

(B) Excessive or irregular watering of gardens adjacent to the building.

(C) Failure to maintain site drainage.

(D) Failure to repair plumbing leaks.

(E) Loss of vegetation from near the building.

7. ENVIRONMENTAL CONDITIONS

7.1. FACTORS

Significant factors which affect the ground moisture conditions and therefore the amount of swelling and shrinkage of the clay soils include:-

- rainfall,
- temperature,
- trees and large shrubs,

7.2. RAINFALL

7.2.1. The following is an extract from the records from the Bureau of Meteorology for the Felixstow (Payneham) Weather Station (Number: 23101) which is the closest Weather Station to the property that records rainfall.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Graph													
2024	48.0	0.0	3.0	14.4	14.2	98.6	58.4	43.8	28.4	15.4	19.2	11.8	355.2
2025	3.4	2.0	6.2	13.8									

Summary statistics for all years

Information about climate statistics

Statistic	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Mean	22.9	18.8	20.8	36.2	62.0	68.0	62.9	64.2	46.5	29.0	29.2	25.3	486.2
Lowest	0.0	0.0	2.2	0.4	7.4	8.2	19.8	14.6	18.4	0.2	3.8	0.0	262.8
5th %ile	3.2	0.2	3.0	8.6	13.5	9.4	28.9	16.5	23.4	1.7	10.3	1.3	327.5
10th %ile	5.7	0.4	4.3	9.2	32.0	21.2	33.7	23.1	23.6	7.9	11.0	4.8	375.9
Median	18.9	9.0	16.5	26.5	57.2	65.6	58.0	65.4	47.4	24.5	20.0	17.8	485.6
90th %ile	46.9	39.3	44.8	74.3	92.5	114.6	102.3	97.3	68.2	61.9	67.9	44.9	560.8
95th %ile	48.1	48.4	57.6	95.9	107.4	128.6	103.8	101.1	73.0	71.4	76.5	73.2	616.8
Highest	49.4	109.4	68.8	105.8	208.4	129.6	119.2	122.0	123.6	93.6	78.8	84.2	733.0

7.2.2. A review of the rainfall over the last 12 months indicates the following:-

Year	2024									2025		
Month	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Actual	14.4	14.2	98.6	56.4	43.8	28.4	15.4	19.2	11.8	3.4	2.0	6.2
Mean	36.2	62.0	68.0	62.9	64.2	46.5	29.0	29.2	25.3	22.9	18.8	20.8
%	40	23	145	90	68	61	53	66	47	15	11	30

(% is actual/mean)

2024 had an annual rainfall of only 73% of the mean.

7.2.3. Conclusion – the last 12 months have been significantly drier than average years, contributing to shrinkage of the soils around the house.

7.3. TEMPERATURE

7.3.1. The following is an extract from the records from the Bureau of Meteorology for the West Terrace, Adelaide Weather Station (Number: 23000) which is the closest Weather Station to the property that records temperature.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2024	29.3	30.1	29.9	21.1	20.8	15.8	15.7	19.1	19.5	24.6	26.7	28.9	23.5
2025	30.8	31.5	30.3										

1887 Go View a year of daily data

Summary statistics for all years

Information about climate statistics

Statistic	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Mean	28.7	28.6	26.1	22.2	18.6	15.8	15.0	16.1	18.4	21.4	24.5	26.9	21.8
Lowest	24.9	23.6	23.2	19.0	15.7	13.8	13.5	14.1	15.5	17.4	20.2	21.4	20.6
5th %ile	25.8	25.7	24.1	19.8	16.7	14.6	13.9	14.5	16.5	19.0	21.7	24.0	20.9
10th %ile	26.3	26.2	24.4	20.1	17.1	14.8	13.9	14.9	16.9	19.8	22.4	24.4	21.1
Median	28.6	28.7	26.0	22.0	18.6	15.6	14.9	16.0	18.4	21.4	24.2	27.0	21.8
90th %ile	31.1	31.3	27.9	24.2	20.7	17.1	16.1	17.4	19.9	23.3	27.0	29.3	22.7
95th %ile	31.9	31.8	28.4	24.9	20.9	17.7	16.5	18.1	20.5	23.7	27.8	29.8	23.0
Highest	34.2	33.0	31.3	26.9	22.0	20.4	17.5	19.9	22.1	26.8	28.8	31.6	23.6

7.3.2. A review of the maximum temperature over the last 12 months indicates the following:-

Year	2024											
Month	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Actual	21.1	20.8	15.8	15.7	19.1	19.5	24.6	26.7	28.9	30.8	31.5	30.3
Mean	22.2	18.6	15.8	15.0	16.1	18.4	21.4	24.5	26.9	28.7	28.6	26.1
%	95	112	100	105	119	106	115	109	107	107	110	116

(% is actual/mean)

7.3.3. Conclusion – the last 12 months have been significantly warmer than average years, resulting in greater evaporation of moisture from the soil and contributing to shrinkage of the exposed soils around the house.

7.4. TREES AND LARGE SHRUBS,

7.4.1. Many factors determine the extent of drying of clay soils by trees, mainly the soil type, the size and number of trees, and their species. Trees obtain moisture from roots that spread sideways, and the drying zone is influenced by the extent of these roots. For single trees, the drying zone is usually one-half to twice the tree height, but the zone may be larger for groups or rows of trees. The effect of tree drying on the amount of movement is also related to the reactivity of the clay. To minimize the risk of damage, trees (especially groups of trees) should not be planted near the house on a reactive clay site.

7.4.2. The distance of a tree or shrub from the house should be at least 1.0 "h" for Class H-D sites, and 1.5 "h" for Class E-D sites, where "h" is the mature height of the tree. The distance for a group of trees or shrubs should be at least 1.5 "h" for Class H-D sites, and 2.2 "h" for Class E-D sites.

7.4.3. Some trees and shrubs are located on the property and on the adjoining property closer than the distances nominated above.

7.5. FOOTING REACTION TO IMPROVEMENT OF THE NATURAL ENVIRONMENT

7.5.1. I have considered the future site environmental conditions when they return to more “normal” conditions.

7.5.2. When the rainfall and temperature return to the mean, or become wetter with less evaporation, the soils around the house will undergo some heave.

7.5.3. Similarly, removal or controlled watering of trees and shrubs will also result in the soils around the house to undergo some heave.

7.5.4. With new homes with compliant raft slab footings, such changes will result in a natural re-leveling of the building.

7.5.5. The significant damage that has occurred to the subject house, and the total inadequacy of the footings, will not allow the footings and walls to respond to the conditions to bring the building into any reasonable state of structural integrity.

8. FOOTINGS

8.1. The footings for homes typical of the subject house constructed in that location and in that era (circa 1900) are either: -

- Bluestone slabs, or
- Small unreinforced concrete, or
- Small lightly reinforced concrete.

Those footings would be substantially inferior to the strength and stiffness requirements required by today's standards.

8.2. In addition, importance of the current requirement for constructing footings in a grid pattern, extending from one external wall to the opposite external wall, which has been the standard requirement since circa 1980, was unknown at the time of the original build.

Constructing additional footings to overcome that deficiency and provided continuity of the footings is virtually impossible.

As such, ongoing soil movements, even due to normal seasonal affects, would result in differential soil movements sufficient to cause continued extensive cracking of the existing walls.

8.3. The walls of the house are "non-articulated full masonry" (which is the most brittle form of construction) and not even the largest standard strip footings in AS 2870 (which are 400mm wide x 1100mm deep) would be adequate, and those footings would be in the order of twenty times the stiffness of concrete footings typical at the time of construction.

8.4. The presence of trees and shrubs on the property and on the adjoining property exacerbates the shrink-swell nature of the soils, drawing out moisture from the clay during the summer months increasing settlement of the footings within an area of influence of the trees and shrubs and thereby increasing the movement in the walls.

9. WALLS

9.1. I have assessed the condition of the walls in accordance with AS 2870 Table C1 – see below.

9.2. In assigning a "Damage Category" to the photographs included in Appendix A I have considered the width of the crack, the extent of the cracking, the location of the crack and the other cracks in the proximate area.

TABLE C1

CLASSIFICATION OF DAMAGE WITH REFERENCE TO WALLS

Description of typical damage and required repair	Approximate crack width limit (see Note 1)	Damage category
Hairline cracks	<0.1 mm	0 Negligible
Fine cracks that do not need repair	<1 mm	1 Very slight
Cracks noticeable but easily filled. Doors and windows stick slightly	<5 mm	2 Slight
Cracks can be repaired and possibly a small amount of wall will need to be replaced. Doors and windows stick. Service pipes can fracture. Weather tightness often impaired	5 mm to 15 mm (or a number of cracks 3 mm or more in one group)	3 Moderate
Extensive repair work involving breaking out and replacing sections of walls, especially over doors and windows. Window frames and door frames distort. Walls lean or bulge noticeably, some loss of bearing in beams. Service pipes disrupted	15 mm to 25 mm but also depends on number of cracks	4 Severe

NOTES:

1 Where the cracking occurs in easily repaired plasterboard or similar clad-framed partitions, the crack width limits may be increased by 50% for each damage category.

2 Crack width is the main factor by which damage to walls is categorized. The width may be supplemented by other factors, including serviceability, in assessing category of damage.

3 In assessing the degree of damage, account shall be taken of the location in the building or structure where it occurs, and also of the function of the building or structure.

9.3. The most significant cracking to the walls is categorized as being up to "*Category 4 - Severe*" for which the "*Description of typical damage and required repair" is "Extensive repair work involving breaking out and replacing sections of walls, especially over doors and windows. Window frames and door frames distort. Walls lean or bulge noticeably, some loss of bearing in beams. Service pipes disrupted*."

9.4. The cracking is significant in all rooms in the house (other than the Family room, Laundry, Bath, and Shower which form an addition constructed more recently than the original house).

9.5. Some of the internal walls have bulged, in both the vertical and horizontal planes.

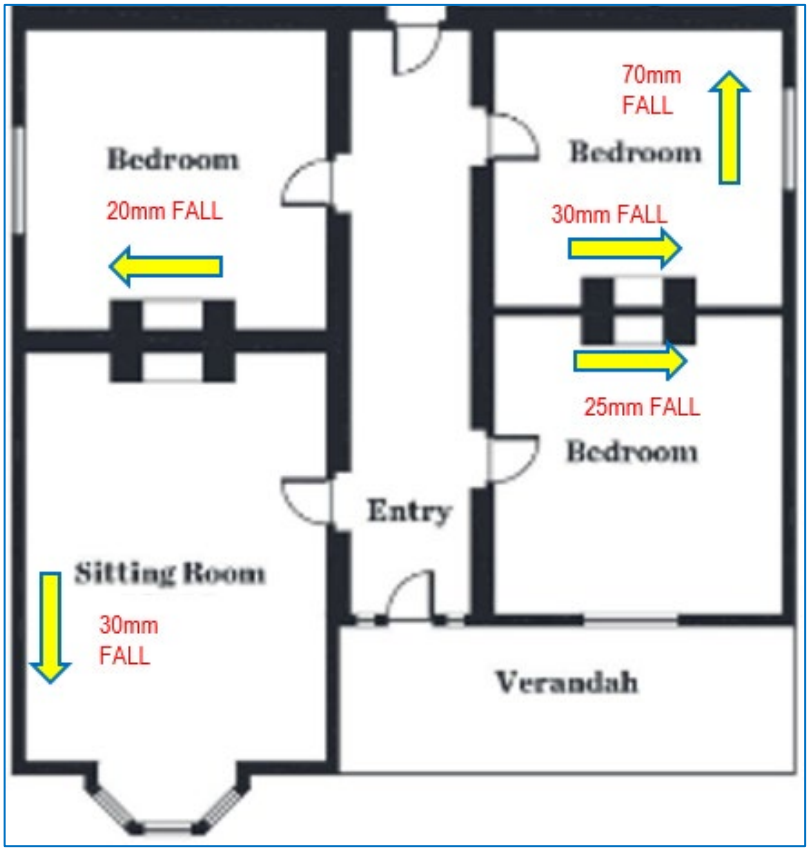
9.6. There was evidence of previous repairs to both the external and internal walls.

9.7. I opine that Damage Category 4 is "*beyond reasonable repair*."

10. FLOORS

10.1. While the floors are not damaged, or beyond reasonable repair, the slope of the floors was noticeable and quite significant in that they demonstrate the degree of differential movement between the interior of the house and the external walls.

10.2. The slope of the floors as indicated by a spirit level is shown below.



11. REASONS FOR BUILDING DAMAGE

11.1. The fundamental reason is the significant differential soil movement caused by the factors outlined in 6 & 7 above, resulting in significant differential vertical movements in the footings and walls, especially around the perimeter of the house.

11.2. The soil in the interior of the house is subjected to far less moisture variation (to state the obvious - no rainfall, no sunshine, and no trees) than soil around the perimeter of the house.

11.3. The footings have negligible strength and stiffness in resisting the movements, and the movements have resulted in significant stresses in the brick walls.

11.4. One of the prominent characteristics of brick is its low elongation and reduction percentages, indicating a brittle material with low ductility (unlike steel which is highly ductile).

This means that when subjected to stress or pressure, brick is more likely to crack rather than bend or stretch.

This brittleness is a result of the material's atomic structure and internal bonding, which makes it unable to dissipate stress effectively, hence when the stresses induced by soil movement exceed the tensile strength of the brickwork it simply cracks.

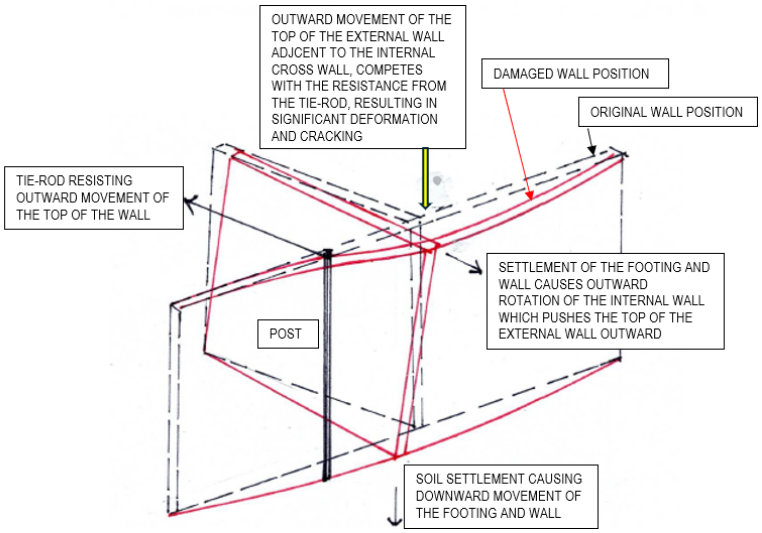
11.5. One of the noticeable features of the house is the very significant differential horizontal movements at the top of the external walls.

11.6. Vertical steel posts have been fixed on the outside of the walls (see photographs) which are typically connected by a steel tie-rod fixed to another post on the opposite side of the house.

The posts are not an uncommon feature on old houses and are intended to stop the top of the walls bowing outward.

The posts and tie-rods have resisted the outward movement, but the consequential effect is that when the internal cross wall rotates outwards due to footing movement of the external wall the external wall is pushed outwards at the top but a short distance away at the steel post the top of the wall is prevented from moving outwards.

A schematic of the effect is shown below (also refer to the photographs).



12. STRUCTURAL INTEGRITY

12.1. The PlanSA Property and Development Policies do not include a definition of structural integrity.

12.2. An accepted definition is "*Structural integrity is the ability of a structure to withstand an intended load without failing due to fracture, deformation, or fatigue*."

12.3. The walls and footings have not had, and do not have, the ability to withstand the loads applied to them and have failed due to fracture and deformation.

13. REPAIRABILITY OF THE WALLS.

13.1. INTERNAL WALLS.

13.1.1. The internal walls can be repaired by removing sections of brickwork, installing steel tie rods in brick courses, fixing a strip of metal mesh/lath to the face of each side of the wall over the cracked section, re-plastering, and painting.

13.1.2. Photograph *Internal 03* shows that previous repairs have been undertaken, incorporating a steel mesh, but the wall has cracked again at the edge of the mesh. I opine that the mesh would have been positioned over the original crack, and a new crack has formed.

13.1.3. Irrespective of any repairs to the cracks, the internal walls are built integrally with the external walls and the future movement of the soils around the perimeter of the house will adversely affect the structural integrity of internal walls, requiring significant ongoing repairs in the future.

13.1.4. I opine that the requirement for significant ongoing repairs is not reasonable.

13.2. EXTERNAL WALLS

13.2.1. The movement, both vertical and horizontal, and associated cracking in the external walls is so significant that they could not be reasonably repaired and would require demolition and re-building of both side walls of the house for their full extent.

13.2.2. The front wall is less severely damaged but has a significant slope as a result of footing movement and would require demolition to rectify.

13.2.3. Due to the inadequacies of the existing footings, and the soil conditions, I opine that it would be inevitable that new constructed walls would undergo significant cracking in the future unless new footings are constructed.

13.2.4. I opine that a requirement for demolition of the walls and footings is not reasonable.

13.3. CONCLUSION

Based on the matters outlined in this report I opine that *the structural integrity or safe condition of the original building is beyond reasonable repair.*

APPENDIX A – SITE PHOTOGRAPHS 13 NOVEMBER 2024

Plan of photo locations - internal

Front wall 01 (Damage category 3)

Significant settlement of right hand end of the wall

Window sill cracked and sloped due to movement

Cracked plastered plinth, wall, and window sill

Front wall 02 (Damage category 3)

Significant settlement of right hand end of the wall

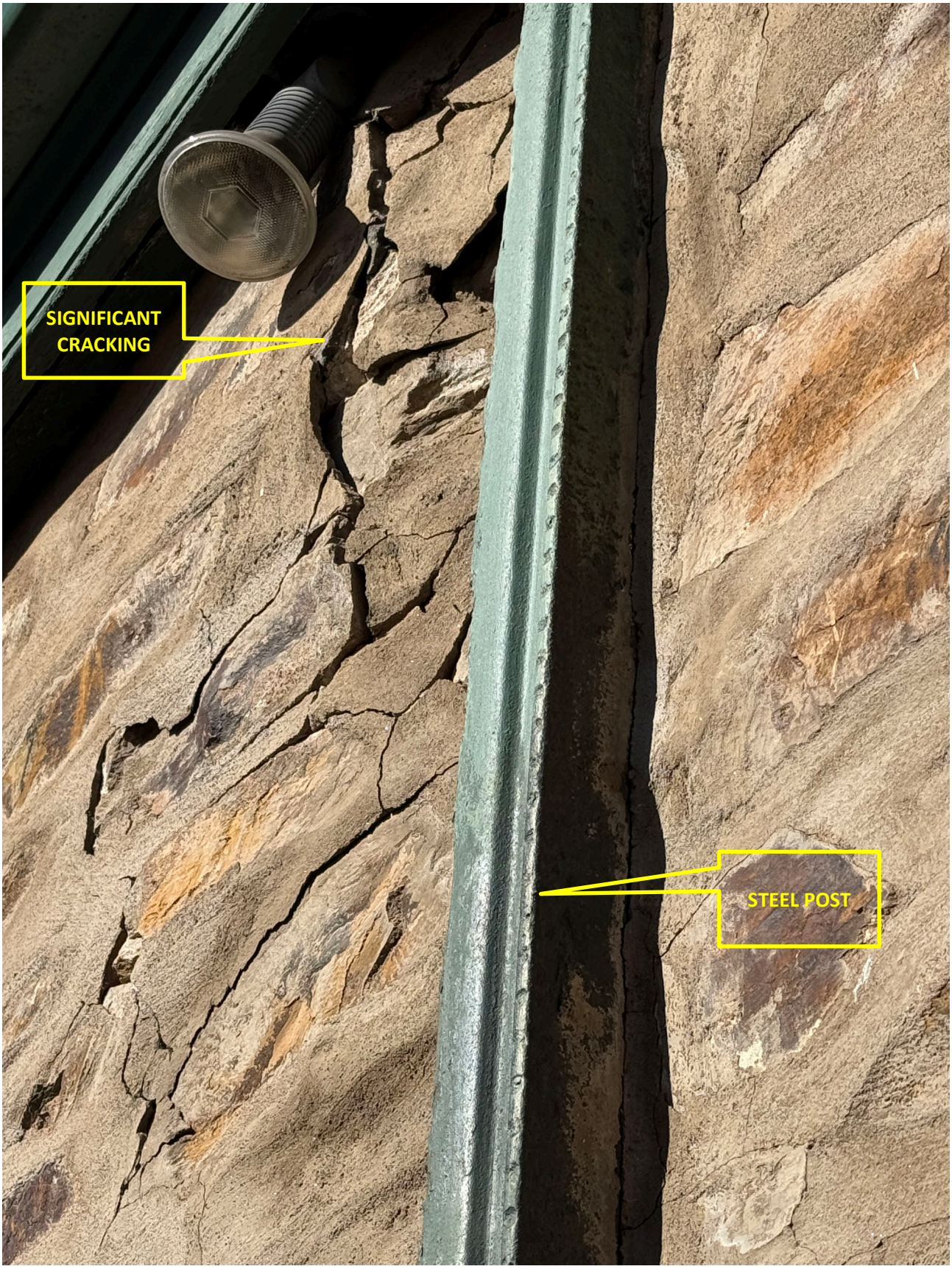
Window sill cracked and sloped due to movement

Cracked plastered plinth, wall, and window sill

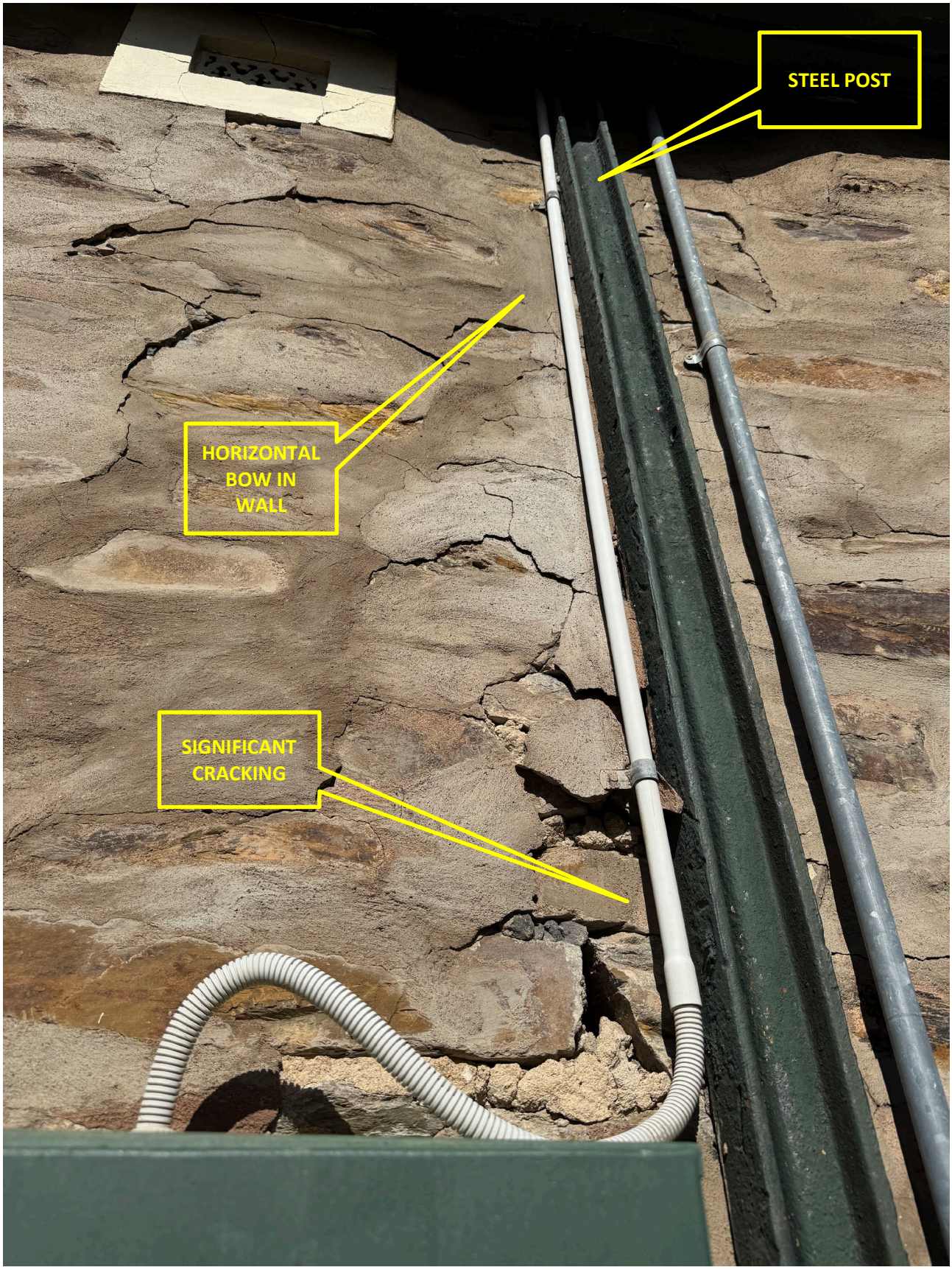
North western wall 01 (Damage category 4)

North western wall 02 (Damage category 4)

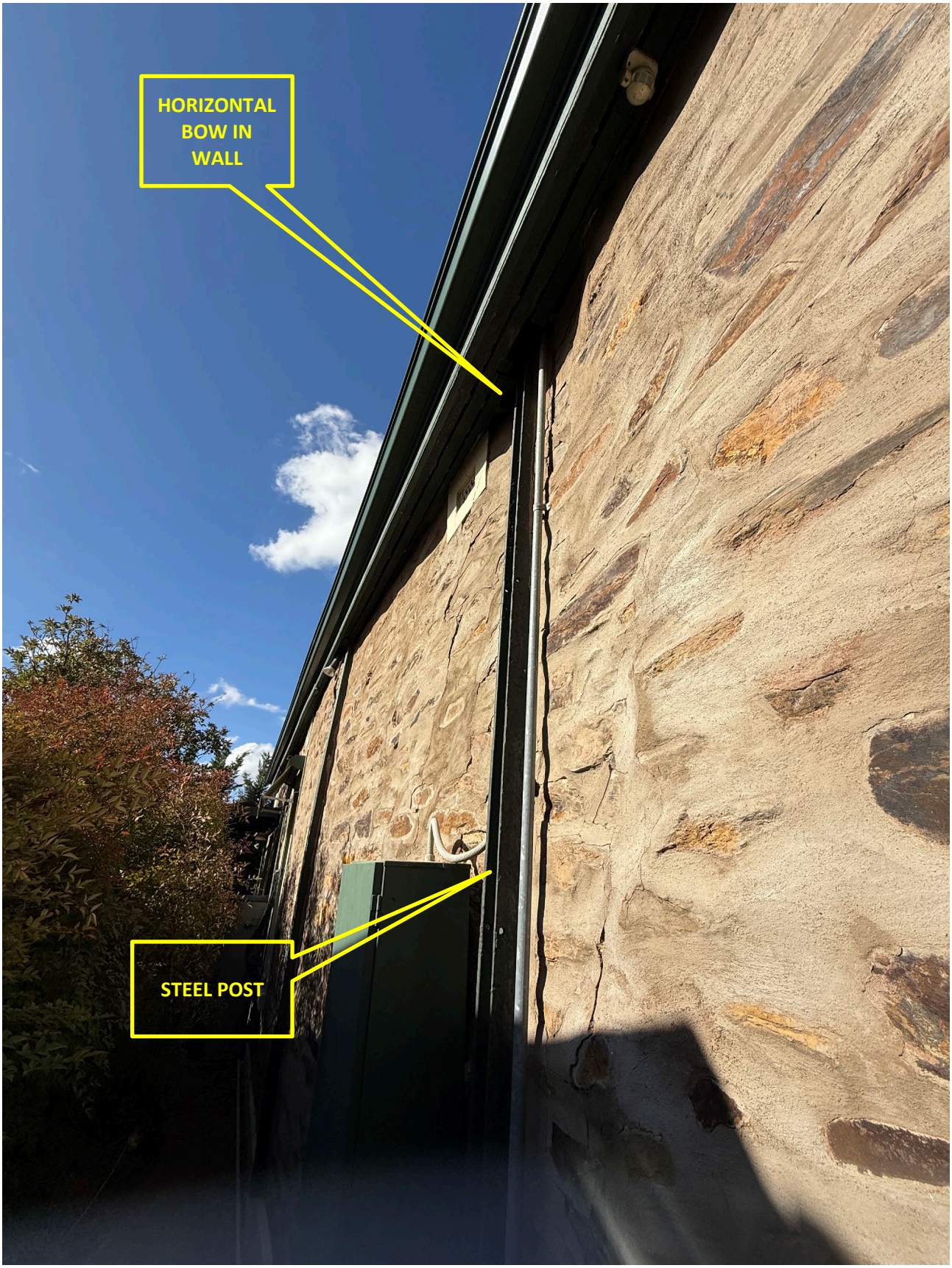
North western wall 03 (Damage category 4)



North western wall 04 (Damage category 4)



North western wall 05 (Damage category 4)

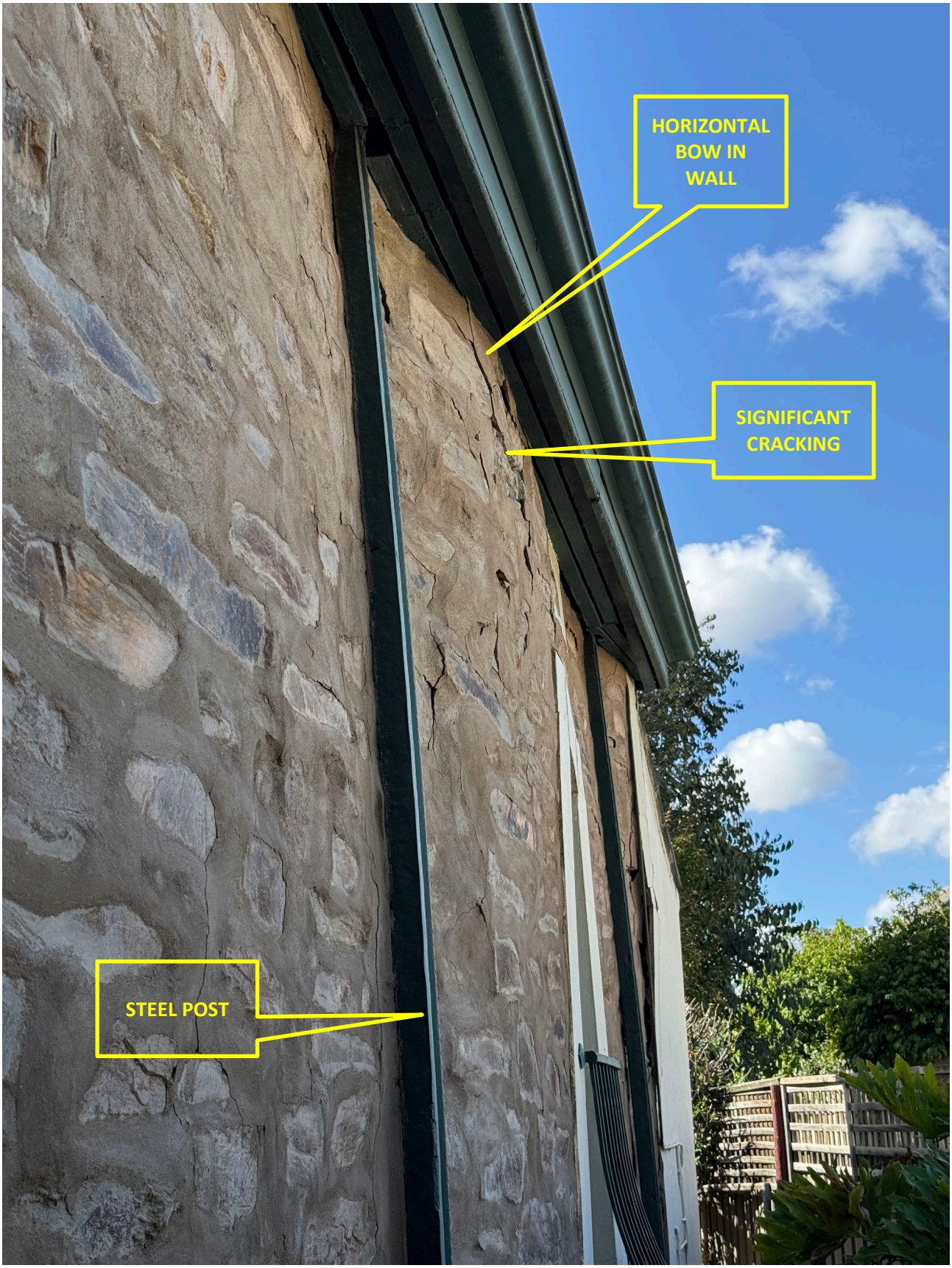


North western wall 06 (Damage category 4)

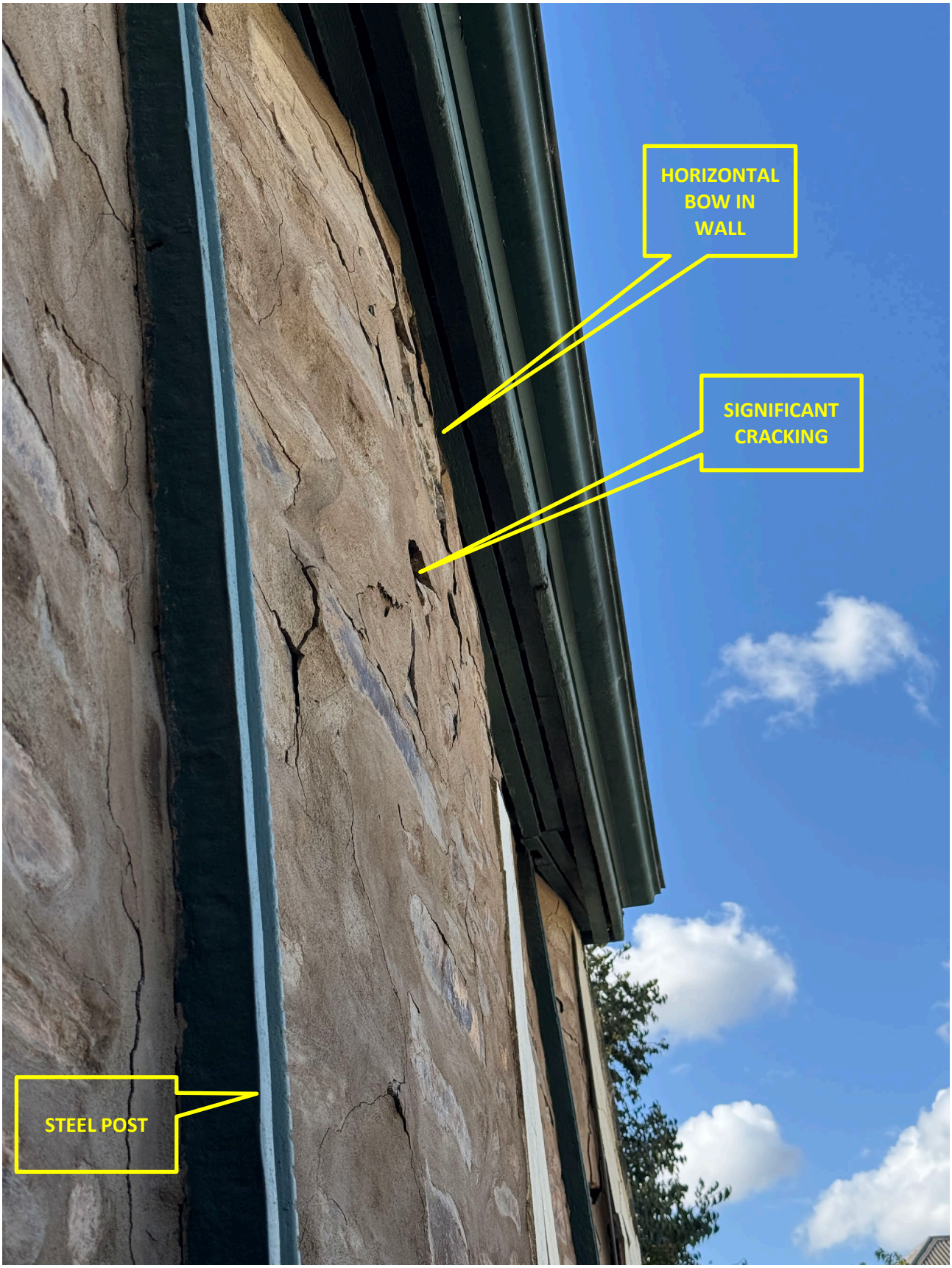
North western wall 07 (Damage category 4)

North western wall 08 (Damage category 4)

North western wall 09 (Damage category 4)



South eastern wall 01 (Damage category 4)



South eastern wall 01 (Damage category 4)

South eastern wall 01 (Damage category 4)

South eastern wall 01 (Damage category 4)

South eastern wall 01 (Damage category 4)

South eastern wall 01 (Damage category 4)

South eastern wall 01 (Damage category 4)

Internal 01 (Damage category 2)

Internal 02 (Damage category 4)

Internal 03

Internal 04 (Damage category 4)

Internal 05 (Damage category 3)

Internal 06 (Damage category 3)

Internal 07 (Damage category 2)

Internal 08 (Damage category 3)

Internal 09 (Damage category 4)

Internal 10 (Damage category 4)

Internal 11 (Damage category 4)

Internal 12 (Damage category 4)

Internal 13 (Damage category 2)

Internal 14 (Damage category 4)

Internal 15 (Damage category 3)

Internal 16 (Damage category 3)

APPENDIX B – TREVOR JOHN C.V.

TREVOR JOHN

Principal Structural Engineer

SUMMARY/KEY SKILLS

Trevor currently holds the position of Principal Structural Engineer for Fyfe's infrastructure team which forms part of the Property Services Business Unit. He has gained extensive and diverse experience over the last 40 years in civil/structural engineering. Trevor owned and operated his own consulting engineering firm from 1976 until 2012, and under his overall management he has managed over 20,000 projects. His roles have included:

- Managing multiple concurrent projects undertaken by the consultancy.
- Management of project accounting for the interests of all stakeholders including the client, government authorities (federal, state, local), the community, contractors and sub-contractors.
- Management for project delivery within budget, and within agreed timelines.
- Mentoring graduate and junior engineers.

Trevor's areas of expertise include:

- Industrial steel structures
- Aluminium structures
- Cold formed steel structures
- Reinforced concrete
- Wind engineering
- Earth retaining structures
- Pavements and ground slabs
- Water retaining structures
- Forensic engineering
- Expert witness

CAREER HISTORY

- 2014 – Present: Principal Structural Engineer, Fyfe Pty Ltd, Adelaide
- 2012 – 2014: Manager, Structural Division, Fyfe Pty Ltd, Adelaide
- 1976 - 2012: Managing Director and Principal Structural and Civil Engineer, Trevor John & Associates Pty Ltd, Consulting Engineers, Adelaide
- 1971 - 1976: Structural Engineer, A.E. Huefner & Associates Pty Ltd, Consulting Engineers, Adelaide

BOARDS / ASSOCIATIONS (CURRENT OR PAST)

- Institution of Engineers, Australia – Fellow
- Institution of Engineers, Australia – Member of the Structural College
- Institution of Engineers, Australia – Member of the Civil College
- Engineering New Zealand - Chartered Member
- Cement Concrete & Aggregates Australia
- Australian Steel Institute – Committee Member

PAPERS

- Analysis of free-headed piles under lateral loading in non-homogenous soils (co-author with Dr. IR. U.F.A. Karim and R. Damhuis)
- Steel Framing and Certification – Construction Industry Training Board
- Steel Framing and the Approval Process – Australian Institute of Building Surveyors

QUALIFICATIONS

- Bachelor of Technology Degree in Civil Engineering, University of Adelaide, 1971
- Chartered Professional Engineer

PROFESSIONAL AFFILIATIONS

- Registered on the National Engineers Register (NER3 106278)
- Registered Professional Engineer – Queensland (RPEQ3664)
- Registered Professional Engineer – Victoria (PE000400)
- Registered Engineer – Northern Territory Building Practitioners Board (12178ES)
- Registered Building Practitioner – Tasmanian Compliance Corporation (CC43745 F)
- Chartered Member – Engineering New Zealand (197736)
- Registered APEC Engineer – Asia-Pacific Economic Cooperation

TREVOR JOHN

Principal Structural Engineer

PROJECT EXPERIENCE

Overview

Trevor owned and operated a Civil/Structural Engineering firm (Trevor John & Associates Pty Ltd) and under his overall management as Principal Engineer he had responsibility for the cost effective and on budget delivery for over 20,000 projects undertaken since 1976. In 2012 Trevor and his team became part of Fyfe Pty Ltd. Today, Trevor is the Principal Structural Engineer for Fyfe's South Australian structural engineering team, but undertaking projects throughout Australia and overseas.

Committees

During the last 30 years, service has been rendered as a member on various technical and engineering committees, over varying lengths of time.

- Institution of Engineers, Australia (SA Division):
  - Past Chairman - Footings Group
  - Past Committee Member - Footings Group
- Founding editor - "Special Provisions for the Design of Residential Slabs and Footings for South Australian Conditions", published by the Institution.
- Steering Committee for the "South Australian Housing Code": Committee Member - appointed by The Office of Planning and Urban Development and representing the Institution of Engineers, Australia.
- Australian Steel Institute – Shed Group: Committee Member
- National Association of Steel Framed Housing: Committee Member
- Housing Industry Association:
  - State Councillor
  - Member - Technical Committee
  - Member - Documentation Committee

Experience

General types of projects undertaken include:

- Residential developments ranging from single dwellings, medium density housing and large Architect-designed homes
- Commercial buildings
- Industrial structures and buildings
- Infrastructure facilities
- Marine structures
- Structures for the mining, quarrying, and processing industries

Clients include:

- Federal, state, and local government authorities
- Statutory authorities
- Not-for-profit organizations
- National development companies
- Legal practitioners
- National builders
- Local building companies
- Manufacturers of building products
- Architectural practices
- Private clients

TREVOR JOHN

Principal Structural Engineer

Personally, extensively involved in the following fields

- Geotechnical investigations
- Foundations and footings
- Timber framing
- Steel framing
- Masonry – clay, concrete, AAC
- Concrete – site cast, pre-cast
- Site works – paving, retaining structures, stormwater management
- Residential projects
- Project homes
- Individual homes
- Medium and high density developments

Commercial projects

- Low-rise and multi-story offices
- Shopping complexes
- Aircraft hangers

Industrial projects

- Manufacturing
- Food processing
- Warehousing
- Stormwater treatment

Institutional projects

- Schools
- Colleges
- Aged care facilities
- Day-care centres
- Hospitals

Product development

- Analysis and testing of building products

Forensic investigations

- Investigations, testing, preparation of expert reports and giving evidence in numerous court cases involving:
  -
  - Site management
  - Building movement and cracking
  - Performance of footings
  - Structural failures
  - Performance of masonry
  - Significant tree effects
  - General building construction

Specific areas of personal expertise include

- Residential developments
- Industrial steel structures.
- Aluminium structures
- Cold formed steel structures.
- Reinforced concrete.
- Wind engineering.
- Earth retaining structures.
- Pavements and ground slabs
- Water retaining structures
- Swimming pools (domestic and commercial)
- Forensic engineering
- Expert witness

TREVOR JOHN

Principal Structural Engineer

Examples of project expertise

- Undertaking and/or supervision of geotechnical investigations, site wind analyses, design, documentation, and specification for over 20,000 residential buildings.

  Clients: Numerous Architects, project builders, government authorities.

- Site wind analyses, design, documentation, and specification for steel-frames Class 1 and Class 10 buildings throughout Australia.

  Clients: Stratco Australia
  Olympic Industries
  Qikframe

- Design, documentation, specification, and contract administration for large steel mill manufacturing facilities.

  Projects: Ormeau manufacturing, Queensland
  National headquarters, Gepps Cross, SA
  Huntingwood, NSW
  Client: Stratco Australia

- Structural support systems for multi-level pipework systems

  Project: Desalination Plant, Adelaide, SA
  Client: Acciona Agua

- Production facility support structures and overall building structures - food processing and breeding facilities, up to 20,000 m^2 of facilities.

  Project: Inghams, Bolivar, SA
  Wannerro, WA
  Cleveland, Qld
  Hoxton Park, NSW
  Client: Badge Constructions

- Assessment of NTD profiles, corrosion and associated structural degradation, recommendations for structural remediation, for large surge bins - ore processing facilities.

  Project: Olympic Dam Expansion, Olympic Dam, SA
  Client: Priority Engineering Services

- Design, documentation, specification, and contract administration for large steel mill manufacturing facilities.

  Projects: Ormeau manufacturing, Queensland
  National headquarters, Gepps Cross, SA
  Huntingwood, NSW
  Client: Stratco Australia

- Investigations into water leakage and recommendations for remediation.

  Projects: Norwood Swimming Centre & Payneham Swimming Centre
  Norwood & Payneham, SA
  Huntingwood, NSW
  Client: City of Norwood, Payneham & St. Peters

- Design, documentation, specification and contract administration for schools and colleges.

  Projects: 21 developments under BER scheme
  45 non-BER developments
  Clients: Federal Government
  Catholic Education
  Various architectural practices

TREVOR JOHN

Principal Structural Engineer

- Product development, full scale testing, assessment, and certification of structural building components for compliance with Australian Standards.

  Clients: Hills Industries
  Stratco Australia
  Fielders
  Electrolux

- Structural adequacy assessments for furnace towers for ore processing facilities.

  Project: Olympic Dam Expansion, Olympic Dam, SA
  Client: Priority Engineering Services

- Product development, design, documentation, and specification for stormwater gross pollutant traps – projects for private and state government authorities.

  Projects: Over 200 individual projects in Australia, New Zealand, and Malaysia
  Clients: Ecosol
  Sydney Water

- Design, documentation, and specification for marina structures, including floating pontoons, gangway access and piling, and for floating pump pontoons.

  Projects: River Murray Waste Disposal Stations
  Magnetic Island, Qld
  Urangan Boat Harbour, Qld
  Goolwa Marina, SA
  Askar & Muharraq Marinas, Bahrain
  Marasy Marina, UAE
  Al Gurm Marina complex, UAE
  Clients: DTMR, Major Infrastructure Projects Division, Queensland Government
  Department of Environment, Water & Natural Resources
  Superior Marinas, UAE
  Atlas Marine
  Benchmark Marine

- Design, documentation, and specification for steel-framed residential developments.

  Projects: Over 400 projects throughout Australia, Sirjan Special Economic Zone, Iran
  Kerman, Iran
  Clients: Quickframe Technologies
  Stratco

- Site wind analyses and design, documentation, and specification for aircraft hangers.

  Projects: Southern Aust. Airlines, Launceston, Tasmania
  RFDS, Broken Hill, NSW
  RFDS, Dubbo, NSW

- Design, documentation, and specification for aboriginal medical facilities.

  Projects: Hettie Perkins, Alice Springs, NT
  Sid Ross, Alice Springs, NT

- Design, documentation, and specification of heavy duty concrete industrial floors/paving.

  Clients: Hills Industries
  Stratco Australia

TREVOR JOHN

Principal Structural Engineer

- Site wind analyses and Investigations into the structural failure of a 110m anemometer mast
  Woomera, South Australia

  Client: Department of Defence Science & Technology

- Site wind analyses and Investigations into the structural compliance of Range Control Centre building, Explosive Storage facilities, Testing facilities
  Woomera, South Australia

  Client: Department of Defence
  RAAF

- Site wind analyses and Investigations into the structural failure of agricultural facility.
  Wynarka, South Australia

  Client: Kerr

- Forensic analysis of buildings, preparation of expert engineering reports for projects which are the subject of legal disputes.
  Clients: Gilchrist Connell
  Lynch Meyer
  Finlaysons
  Clelands Lawyers
  Fisher Jeffries
  Minter Ellison
  Norman Waterhouse
  Botten Levinson
  HWL Ebsworth
  Fenwick Elliott Grace

- Expert evidence
  Provision of Expert reports and evidence in numerous court cases involving:-
  - Site management
  - Building movement and cracking
  - Performance of footings
  - Structural failures
  - Performance of masonry
  - Significant tree effects
  - General building construction

SAPPA Report

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

Attachment 2

Date created: September 1, 2025

Government of South Australia
Department for Housing and Urban Development

Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report.The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

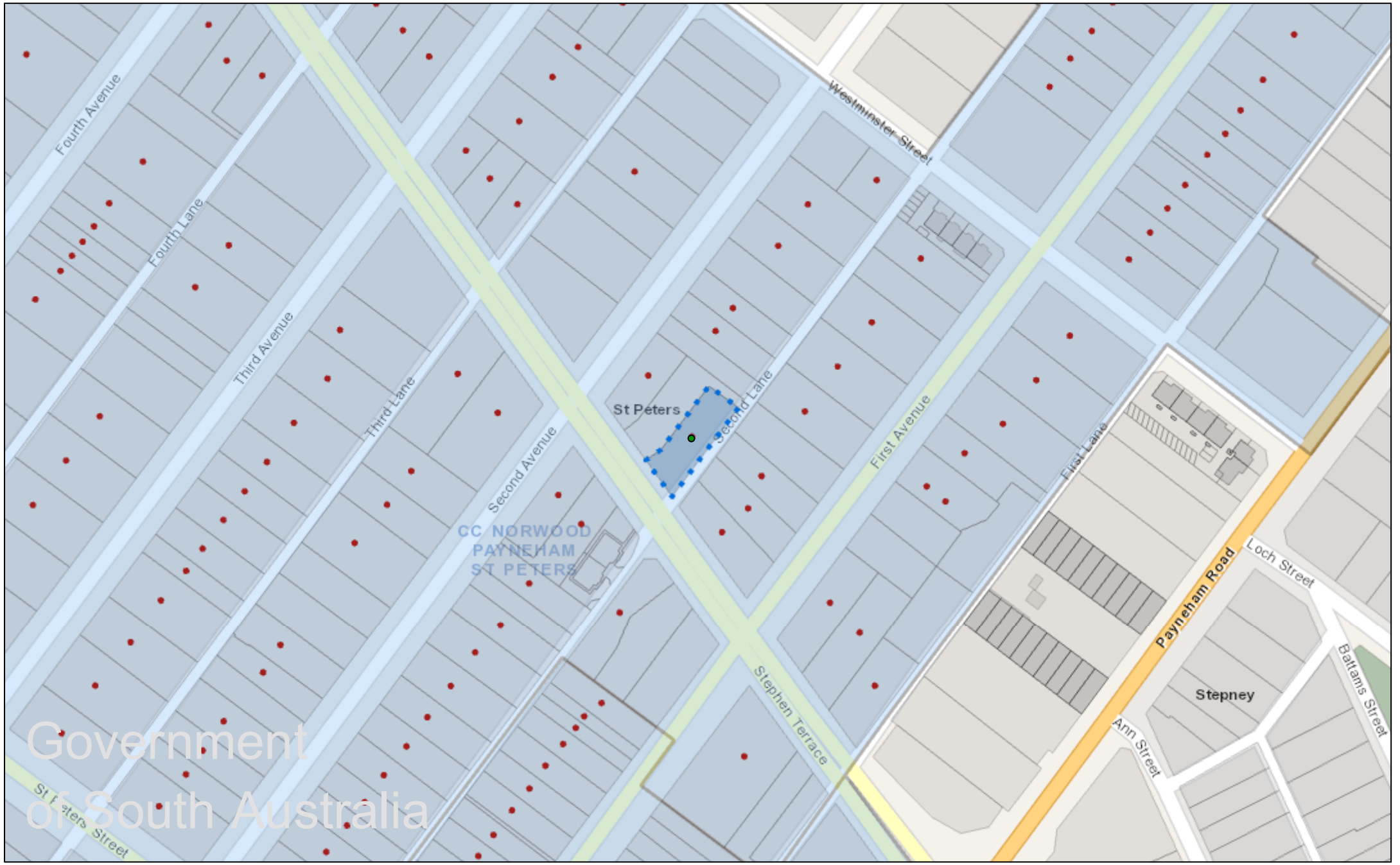
SAPPA Report

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

Attachment 3

Date created: September 1, 2025

Government of South Australia
Department for Housing and Urban Development



Details of Representations

Attachment 4

Application Summary

Application ID	25015527
Proposal	Demolition of a detached dwelling (Representative Building) and associated ancillary structures
Location	7 STEPHEN TCE ST PETERS SA 5069

Representations

Representor 1 - David Cree

Name	
Address	ST PETERS SA, 5069 Australia
Submission Date	20/07/2025 03:31 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 See the attached document	

Attached Documents

DA-25015527-7-STEPHEN-TCE-ST-PETERS-1523866.pdf

ST PETERS RESIDENTS ASSOCIATION INC.

E-mail : info@stpeters.asn.au **ABN 86 794 177 385**

Representing the Residents of St Peters, College Park, Hackney, Stepney, Maylands, Evandale & Joslin.

The Authorised Planning Officer,
City of Norwood Payneham and St. Peters
17 July 2025

Dear Sir,

Re: Development Application 25015527 Demolition of 7 Stephen Terrace St. Peters, a Representative Building., and ancillary structures.

This dwelling sits in the Established Neighbourhood Zone, Historic Area Overlay, the Avenues Historic Area Policy Area.
It is a sandstone villa built in the early 1900s. and presents to the streetscape as an attractive substantial villa, with handsome chimneys, in a generously landscaped setting with substantial trees. No doubt some of these trees will be removed by the applicant in the lead-up to the Panel considering this application for demolition approval.

The Planning and Design Code Historic Area Statements state: -

The Avenues Historic Area Statement NPSP20
The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic, and/or social theme of recognised importance.

Eras, themes and context:
Between the late 1870s and 1900, between the 1900s and the 1920s, and inter-war.

Detached dwellings Architectural styles, detailing and built form features
Predominantly single storey, detached, late Victorian Italianate villas of reasonably substantial proportions. Elsewhere - the consistent styles of detached late Victorian Italianate villas of reasonably substantial proportions.

Double fronted asymmetrical dwellings are the most common dwelling type …

The double fronted symmetrical and asymmetrical dwellings are an elegant, larger version of the simple colonial cottage with the addition of a projecting wing (in the case of the asymmetrical dwelling), a more elaborate verandah and increased detailing in plaster and render work around openings. The pitch and size of the roof makes this an important design element.

Materials:
Bluestone or sandstone dressed and coursed.

Our Association submits that the substantial historic asymmetrical sandstone villa at 7 Stephen Terrace is a valuable contributor to the historic character of this locality which is reasonably intact despite a small number of more recent dwellings.

The Historic Area Overlay: Demolition: Performance Outcome 7.1 states

Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless

1. *The front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style, or*
2. *The structural integrity or safe condition of the original building is beyond reasonable repair. (underlining added)*

Debate on granting or refusing permission to demolish hinges on what is "reasonable repair". This dwelling, which is 100 or more years old, has many cracks and appears to have been neglected for a number of years. As we have recently stated before, in our representations to the Panel in similar cases, Council's Heritage Architect David Brown has given lectures to residents on how to care for protected historic dwellings. His advice is that cracks in such dwellings should be repaired every five years.

In the case of 7 Stephen Terrace, it would appear that little effort has been made to repair the cracks in the walls of this house for several decades. Cracks that are not repaired or remedied grow bigger over time. However, the issue to focus on is the extent to which repair of these cracks would constitute "reasonable repair".

Virtually all the protected historic houses in the eastern suburbs were built with minimal foundations on highly reactive soils. As a result, most of these historic houses have experienced cracking and will continue to do so. These houses need on-going maintenance which most home-owners do out of love of and pride in their houses and neighbourhoods as well as interest in maintaining the value of their investment.

Trevor John in the Fyfe Pty Ltd report on the building's condition says: -

> *strengthening or underpinning the footings is not a viable solution, as this would require the demolition and complete reconstruction of the roof, walls, floors, and related structural elements.*

Rather than complete demolition and rebuilding it is suggested that the applicant look at the alternative of using the urethane resin injection system to re-establish the structural integrity of the home's foundations (https://www.urathanesolutions.com.au/residential/). This may be found to be a less expensive solution than traditional underpinning and would save the dwelling from demolition.

It is noteworthy that Adelaide was in the middle of a bad drought in early 2025 when this property was inspected and the garden around this dwelling was exceptionally dry. An untended garden would contribute to the dwelling's cracking.

EXTERIOR CRACKS ANALYSIS AND COMMENTS

Is the structural integrity of this dwelling at risk? No.
Is this dwelling likely to fall down? No.
Is this dwelling unsafe to live in? No.
So, are we really talking about the aesthetics of living with cracked walls rather than "structural integrity" or the "safe condition" of the dwelling?

The report dated 14/5/2025 by Trevor John of Fyfe Pty. Ltd. assessed this dwelling and concluded that the "extensive cracking of the walls throughout all rooms of the original house indicates a systemic failure of the footings to resist seasonal movements of the highly reactive clay". We question how long this house has remained empty and how long its garden has not been watered in an attempt to minimise the drying out of soil in summer.

The second conclusion of Mr John is that "the external walls are beyond repair".
However, the photographs of the external walls show that most of these walls are in quite good condition for a house that is over 100 years old. The sandstone external walls largely show cracks where plaster has fallen off and not been replaced.
Photographs of the north western exterior wall, photos 01, 02, 03, 04, 05, 06, 07, 08, and 09 are all classed as Damage Category 4 or "Severe" according to Table C1 on page 13 of the Fyfe report. This wall does not appear to have been repaired in decades, in our opinion.

The steel posts on this wall were commonly attached to exterior walls after the 1950s earthquake. Furthermore, the photos seem to concentrate on cracks in the half of the wall towards the front of the house.
While John has numbered the photos of the northwestern exterior wall, the seven photos of the south-eastern exterior wall from page 29 to page 34 are all allocated the number 01. This wall too is classed as Damage Category 4. However, it appears to us that these photos appear to be concentrating on a patch of cracks largely limited to the upper part of the south east wall. The rest of this wall looks largely intact.

INTERIOR HOUSE CRACKS

The extent of interior cracking, and the fallen plaster debris lying on floors as shown in several photos, appear to indicate that neglect of this dwelling has gone on for a considerable time.
John's claim of evidence of attempts at repairs of wall cracks is shown in the photo 03 where a small amount of steel mesh is exposed where plaster has fallen off a wall. However, this could have been decades ago and is not evidence of a sustained attempt to keep the property in good repair.

While we are not engineers, we do consider that some of the cracks classed as Category 4 or Severe do not appear to be that bad.
We submit that Council should employ its own independent certified engineer to assess the cracks in this dwelling to ensure that a balanced and independent assessment is carried out without fear or favour.

We submit that the structural integrity or safe condition of this historic dwelling is not beyond reasonable repair. This house could have the walls stabilised by the urethane injection method, and the cracks plastered and painted. The total cost would likely be much less than a total demolition and rebuild, as well as being considerably less than the price this house, once repaired, is likely to attract."

A house of this quality, once this work had been carried out to a high standard, could be expected to sell for two million dollars or more. This is a good area in the heart of leafy St. Peters. Despite the traffic on Stephen Terrace, it is a highly desirable location.

In view of this, the cost of repairing this dwelling is not unreasonable and we submit that the Council Assessment Panel should refuse the applicant permission to demolish this Representative Building.

We advise that we wish to speak to this submission when it is considered by the Council Assessment Panel.

Yours faithfully,
Evonne Moore
St Peters Residents Association Inc

Representations

Attachment 4

Representor 2 - Sandy Wilkinson

Name	
Address	NORWOOD SA, 5067 Australia
Submission Date	21/07/2025 09:06 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 Refer to attached submission	

Attached Documents

7-Stephen-Tce-Submission	1524418.pdf

Attachment 4

21 July 2025

Assessment Manager
City of Norwood Payneham & St Peters
Town Hall
175 The Parade Norwood SA 5067

per email: gparsons@npsp.sa.gov.au

Planning + Heritage Submission

Application ID 25015527

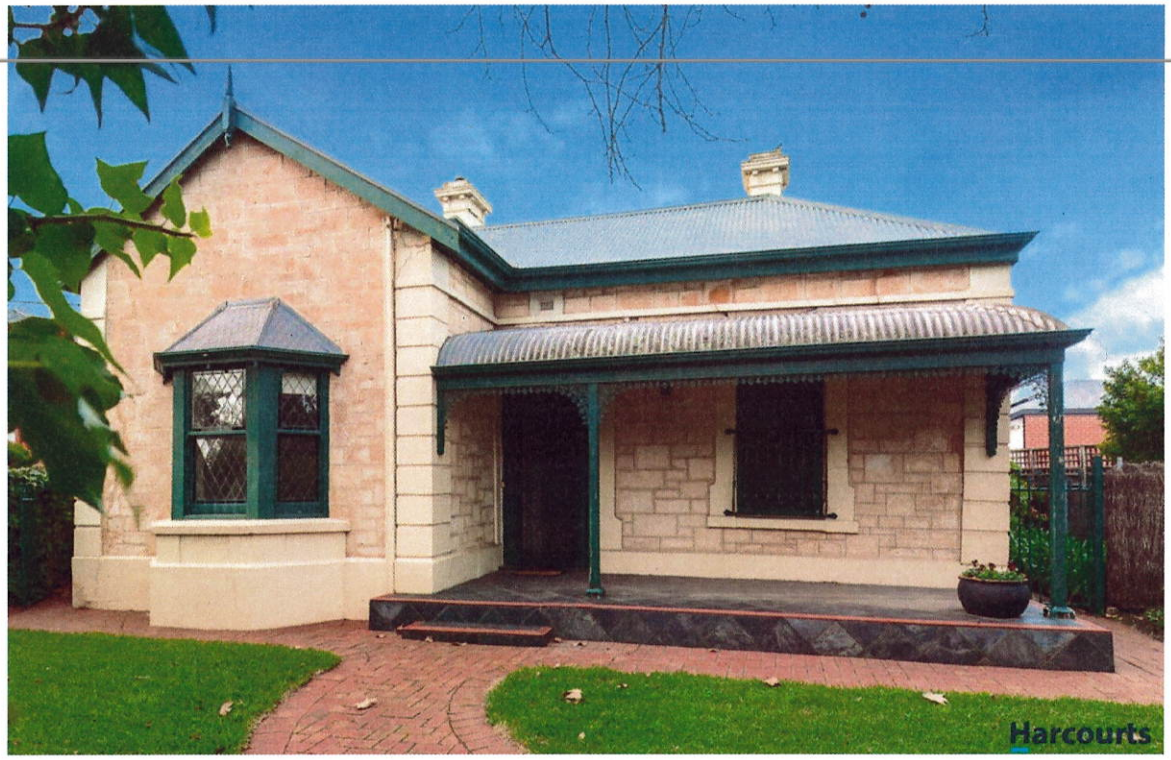
Proposed demolition of a dwelling (Representative Item)

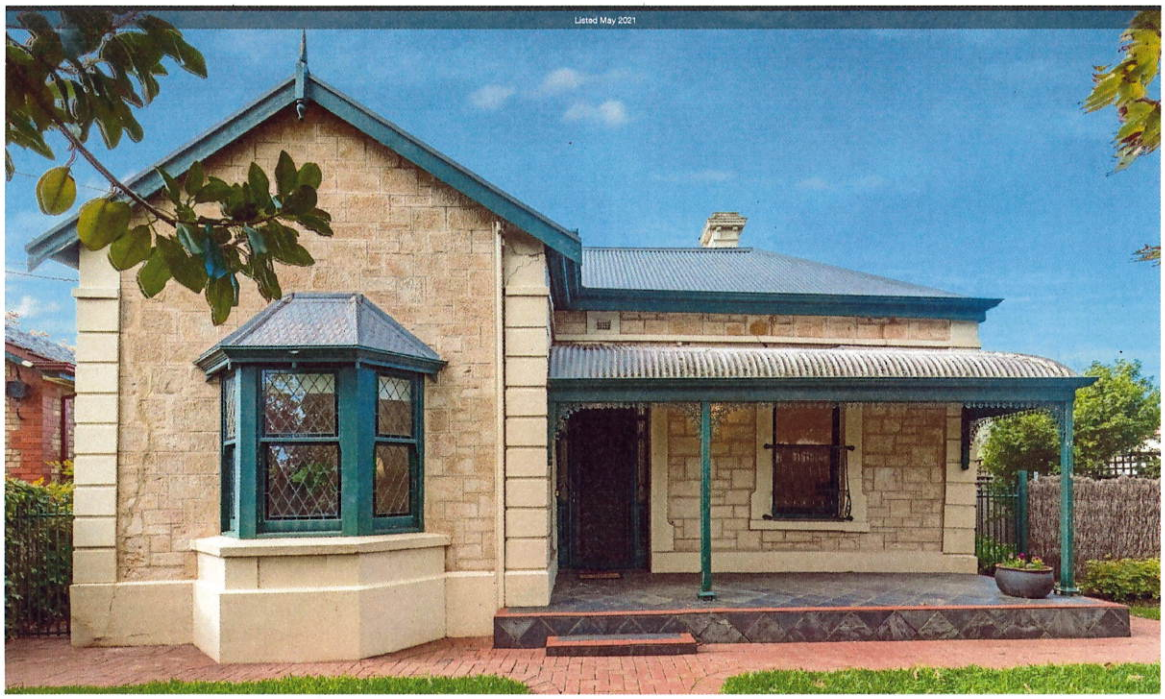
ALEXANDER WILKINSON
design + planning by design
112 Osmond Terrace
Norwood, SA, 5067
Mobile 0407 493 192
sandy@alexanderwilkinson.com.au
www.alexanderwilkinson.com.au

Introduction

As a heritage consultant residing in this area, I am concerned about the proposed demolition of this Representative Item in St Peters and the relatively recent trend of typically new home building companies seeking to demolish historic homes in highly desirable historic areas like this.

These photos were taken from the Real Estate listing when this property was last sold, presumably to the current owner, for about $2m in 2021.





The proposed demolition of this 1890's sandstone villa is predicated on satisfying PO7.1 (b)

Demolition	
PO 7.1 Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless: (a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style or (b) the structural integrity or safe condition of the original building is beyond reasonable repair.	DTS/DPF 7.1 None are applicable.

The question is to whether the structural integrity or safe condition of the original building is beyond reasonable repair.

FOOTINGS

The engineering report provided by the applicant notes the following about this building that could be said of any Victorian era stone building, the sort that are identified by the Historic Area Overlay as the sort of buildings sought to be protected from demolition:

8.1 bluestone footings
8.2 non grid pattern footing introduced in 1980.
8.3 non- articulated masonry, ie no control joints
8.4 presence of trees and shrubs

In response to these points I would respond as follows:

8.1 every Representative item in Adelaide dating to the 19th century has bluestone footings. Small unreinforced or lightly reinforced concrete footings as refered to by the applicant's engineer did not exist in the 1890's.
8.2 a historic building cannot be condemned for not having modern engineered footings as became practice in the 1980's, about 80-90 years after this villa was built circa 1890.
8.3 the engineering report discusses the brittleness of masonry walls requiring rigid footings, but does not discuss the fact that lime mortar wall construction, as distinct from cement mortar construction has intrinsic capacity to accommodate movement without cracking.*
Emil Witzenmann was considered the inventor of expansion joints in 1920 and they didn't come into common practice in Adelaide until after WWII.

7 STEPHEN TERRACE, ST PETERS, SOUTH AUSTRALIA
STRUCTURAL ENGINEERING REPORT

PROJECT REF.: 53601-1
CLIENT ISSUE, REV. 0

FYFE

8. FOOTINGS

8.1. The footings for homes typical of the subject house constructed in that location and in that era (circa 1900) are either: -

- Bluestone slabs, or
- Small unreinforced concrete, or
- Small lightly reinforced concrete.

Those footings would be substantially inferior to the strength and stiffness requirements required by today's standards.

8.2. In addition, importance of the current requirement for constructing footings in a grid pattern, extending from one external wall to the opposite external wall, which has been the standard requirement since circa 1980, was unknown at the time of the original build.

Constructing additional footings to overcome that deficiency and provided continuity of the footings is virtually impossible.

As such, ongoing soil movements, even due to normal seasonal affects, would result in differential soil movements sufficient to cause continued extensive cracking of the existing walls.

8.3. The walls of the house are "non-articulated full masonry" (which is the most brittle form of construction) and not even the largest standard strip footings in AS 2870 (which are 400mm wide x 1100mm deep) would be adequate, and those footings would be in the order of twenty times the stiffness of concrete footings typical at the time of construction.

8.4. The presence of trees and shrubs on the property and on the adjoining property exacerbates the shrink-swell nature of the soils, drawing out moisture from the clay during the summer months increasing settlement of the footings within an area of influence of the trees and shrubs and thereby increasing the movement in the walls.

The following couple extracts from the internet discuss the flexibility of lime mortar constructions, the reason why lime mortar walls don't require expansion joints.

The use of traditional lime mortars has been with us for quite some time, I'm not talking a century or two, I'm talking thousands of years!

A material that has been used for such a lengthy period of time has to have major significance, right? Of course it does, our ancestors didn't get it wrong. They knew that building with materials such as Stone and Bricks required a sacrificial mortar which is soft, breathable, flexible and porous.

There are various important reasons for this and micro movement is one of them. This can occur in any building, particularly older buildings where footing depths may not be as deep or foundation settlement, moisture level changes and other changing conditions may have had an impact on the building over time. Being soft and flexible lime mortar has an excellent ability to cope with micro movement, so if a building wants to move, lime mortar will usually let it.

If the mortar is less flexible and harder, as is the case with most cement based mortars, when the building wants to move, cracks will usually form, taking the weakest path which is often through the masonry stone or brick unit itself.

When micro movements occur in a building built or repaired with lime mortar, the movement tends to occur through the mortar joints. Lime mortars generally also have an amazing ability to chemically react and repair themselves through a process called 'self healing'. Cement based mortars do not have the same 'self healing' ability and the cracks tend to stay open and expose the masonry to further exposure and deterioration.

AI Overview

Lime mortar is known for its flexibility, allowing buildings to naturally shift and settle without cracking. This is a key advantage over rigid cement-based mortars, especially in older structures where movement is common due to temperature changes or settling. Lime's flexibility, combined with its breathability, helps prevent moisture buildup and related damage.

Here's a more detailed look at the flexibility of lime mortar:

Accommodates Movement:

Lime mortar's flexibility allows it to absorb minor movements in a building, such as those caused by expansion and contraction due to temperature fluctuations or settling.

Prevents Cracking:

Unlike cement mortar, which can crack under stress, lime mortar's flexibility allows it to move with the building, preventing cracks and preserving the structural integrity of the masonry.

Self-Healing Properties:

Lime mortar can also self-heal to some extent, as it can chemically react and repair minor cracks over time, a property not found in cement-based mortars.

Breathability:

Lime mortar is highly porous and breathable, allowing moisture to escape from the structure, preventing dampness and related issues.

Historical Context:

Virtually all masonry structures built before the 1930s used lime mortar, highlighting its long-standing role in construction and its ability to withstand the test of time.

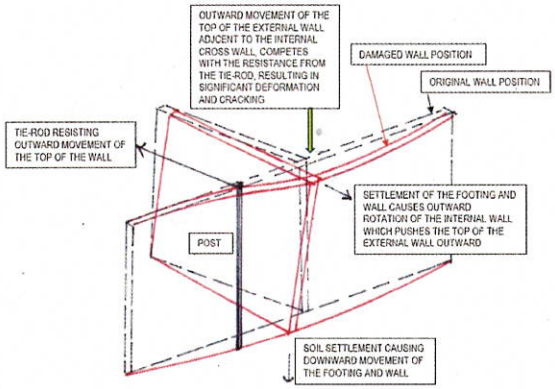
The applicant's engineer has discussed the vertical steel posts (or often referred to as railway irons) that have been fixed to the outside.

11.6. Vertical steel posts have been fixed on the outside of the walls (see photographs) which are typically connected by a steel tie-rod fixed to another post on the opposite side of the house.

The posts are not an uncommon feature on old houses and are intended to stop the top of the walls bowing outward.

The posts and tie-rods have resisted the outward movement, but the consequential effect is that when the internal cross wall rotates outwards due to footing movement of the external wall the external wall is pushed outwards at the top but a short distance away at the steel post the top of the wall is prevented from moving outwards.

A schematic of the effect is shown below (also refer to the photographs).



These vertical steel members are quite common in Adelaide from my observation over the last 30 years.

I have been told that there used to be 'door to door sales people' selling them to home owners.
In any event they are quite common, whether their installation was necessary or not.

The method of installing these entailed having a connecting steel rod that connected the vertical posts on the outside of the wall. The vertical irons and steel rods were typically aligned on the inside face of the front and rear walls of the house and aligned with the internal cross walls to hold or pull the outer side walls in.
The rod was heated, and then the nuts were tightened to such an extent that when the rod cooled it pulled or held the walls to plumb.

In this case, it appears that this vertical tie rod installation was improperly installed on two counts:

Firstly the vertical posts were not aligned to the inside face of the front and back walls and internal cross walls, but rather were installed mid span away from the cross walls.

Secondly the connecting rods appear to have been overtightened when these rods were heated up and installed, such that when they cooled and shrank to normal temperature/size they pulled the unsupported walls in causing the inward bowing and outward cracking at the cross wall location.

I have dealt with many houses with these tie rods and railway irons over the years.

On this occasion I would suggest that these vertical irons are one of the main causes of the structural problems evident, that could, and in my opinion, should be removed and the walls straightened.

I have had Peter Russell Stonework straighten walls like this on my own house in North Adelaide as well as clients' houses.

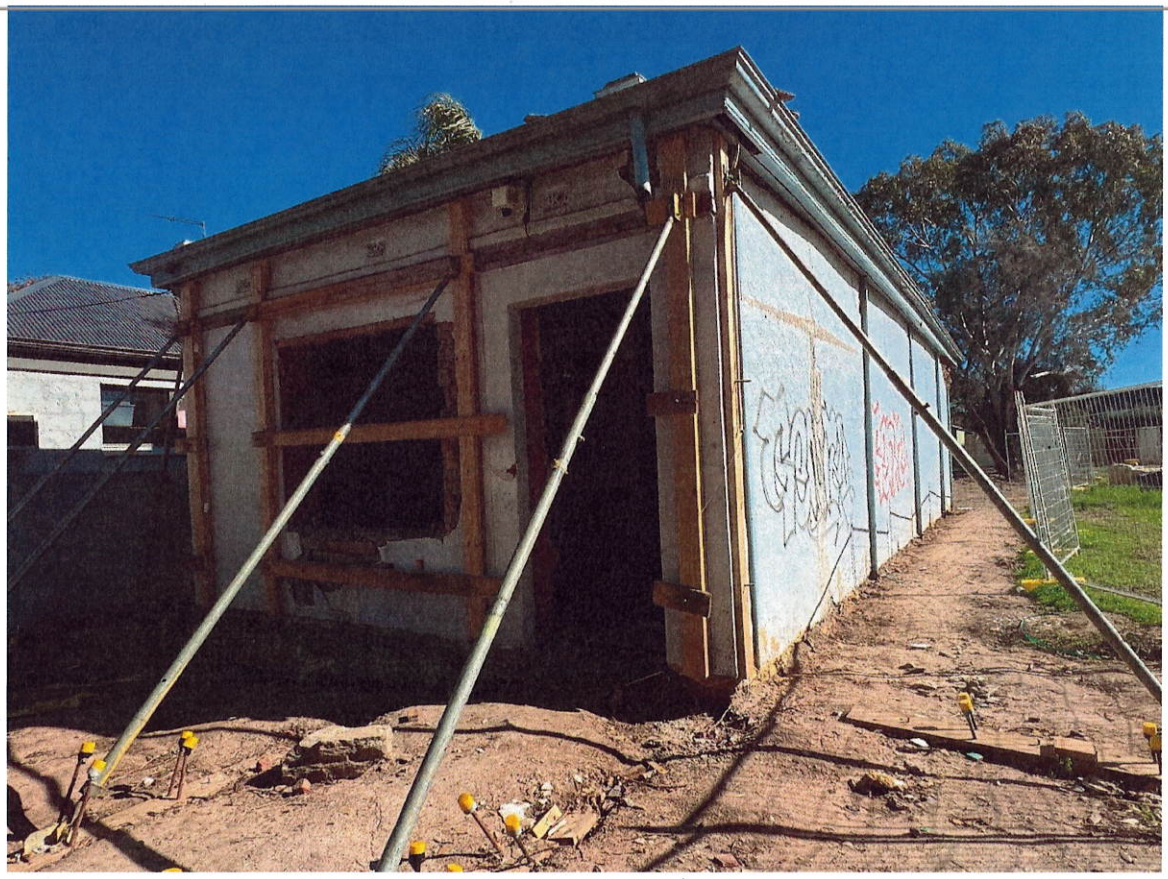
Peter Russell who repairs ruins throughout South Australia for Heritage SA has always said that once you push a wall back to plumb it stays there.

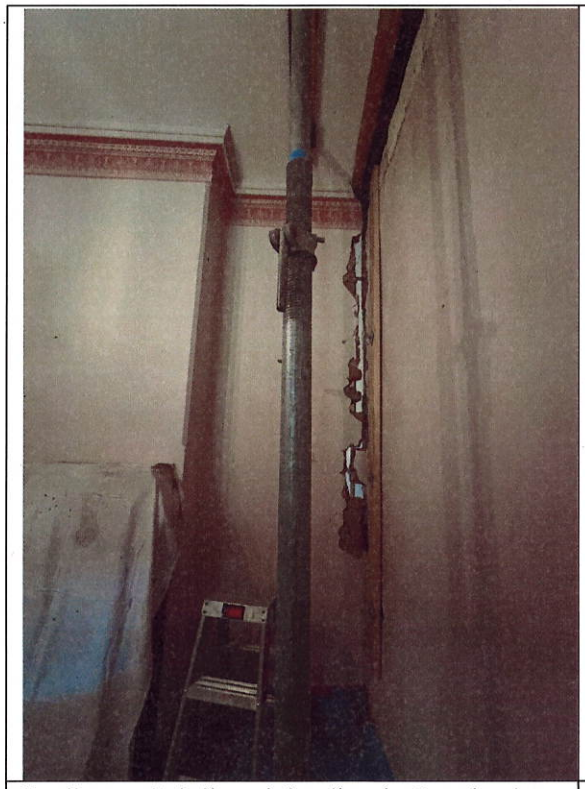
PETER RUSSELL STONEWORK AT WORK

MY HOUSE BEFORE

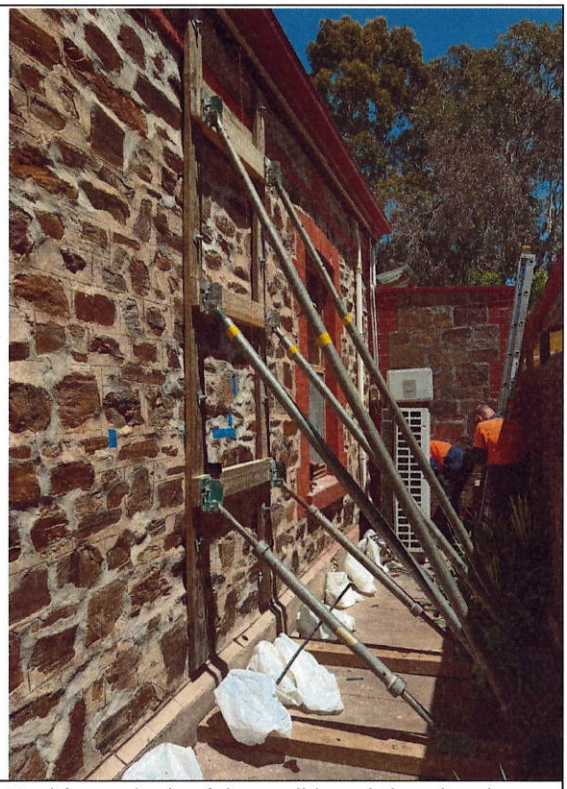
MY HOUSE AFTER

I have in recent times become aware of the capability of **Urathane Solutions** to straighten walls like this example being undertaken presently around the corner from this property at 205 Payneham Road.





Urathane Solutions injecting in Kensington Park



Pushing whole side wall back to plumb. Cost $20K

Urathane Solutions repairing wall in Dawesley, Adelaide Hills

Urathane Solutions pushing wall back to plumb in Oakbank

WHAT IS REASONABLE?

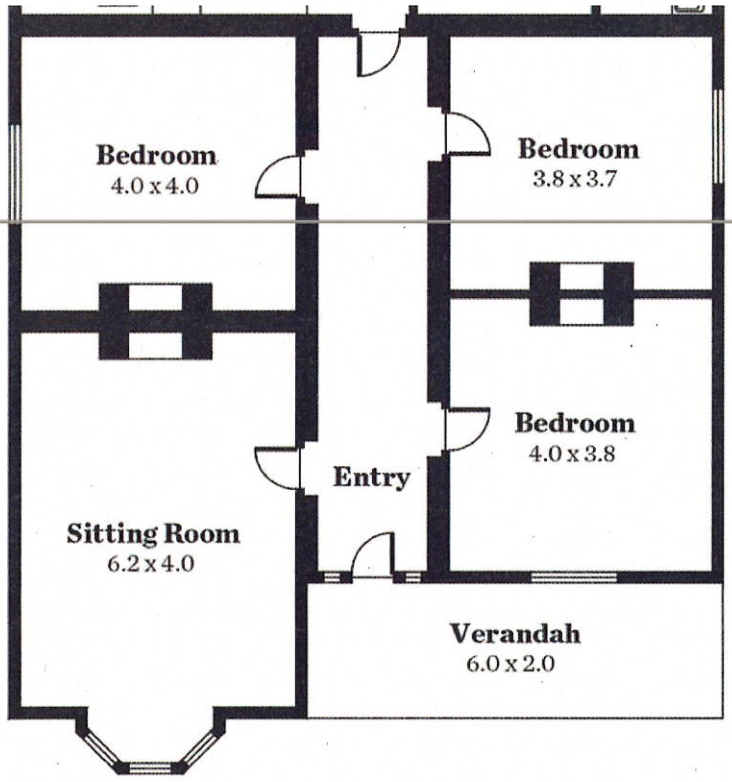
The original 4 rooms of this 1890 villa is nominally about 100m2.

The cost to undertake the structural repair the walls of this house might cost $100K.
Beyond that cost is the cost to undertake internal works such as relevelling or relaying the timber floors, plastering, ceilings, painting etc.
These are all things that would be done with a new construction anyway.

To demolish and rebuild a new house would cost in the order of $5k per m2, so this extent would be $500K.
To build a total new house or 200m2 would be considerable, over a million.
So the cost of repairing the original front four (4) rooms would need to be substantially more than the cost of building the equivalent new floor area with matching 3.67m (12') high ceilings etc.

The test for reasonableness should be considered, relative to what would need to be spent on building a new home that would be approvable in this location, as opposed to a Sunday Mail project home.

If the cost of renovating and doing additions is the same or even a bit more than the cost of building a new home, then the intention of the historic area overlay zoning should be considered as the objective, ie to retain rather than replace the historic houses like this within the zone.



Conclusion

The subject property, whilst having significant distortion of the walls due to the improperly installed railway irons, and perhaps recently compounded by lack of garden watering to maintain the soil moisture equilibrium is nonetheless an important component of the historic streetscape and area and is not beyond reasonable repair.

The villa could be restored with a contemporary addition added to the rear.
The cost of this exercise must be considered relative to the considerable cost of demolition and construction of an entirely new building, which could be considerably more expensive.

As the applicant, gauging from their website, is a new home building company, I suspect that they may not be in the business of restoring old houses.

I think it is often the case with DA's to demolish historic buildings such as this, that the applicant simply doesn't have the will or otherwise the knowledge to know how to repair damage such as can be seen with this example.

I wish to speak at the Council Assessment Panel.

If you have any questions or queries, please feel free to contact me.

Yours Faithfully

ALEXANDER WILKINSON
B.A(Planning)B.Arch.hons(Conservation) M.ICOMOS MPIA

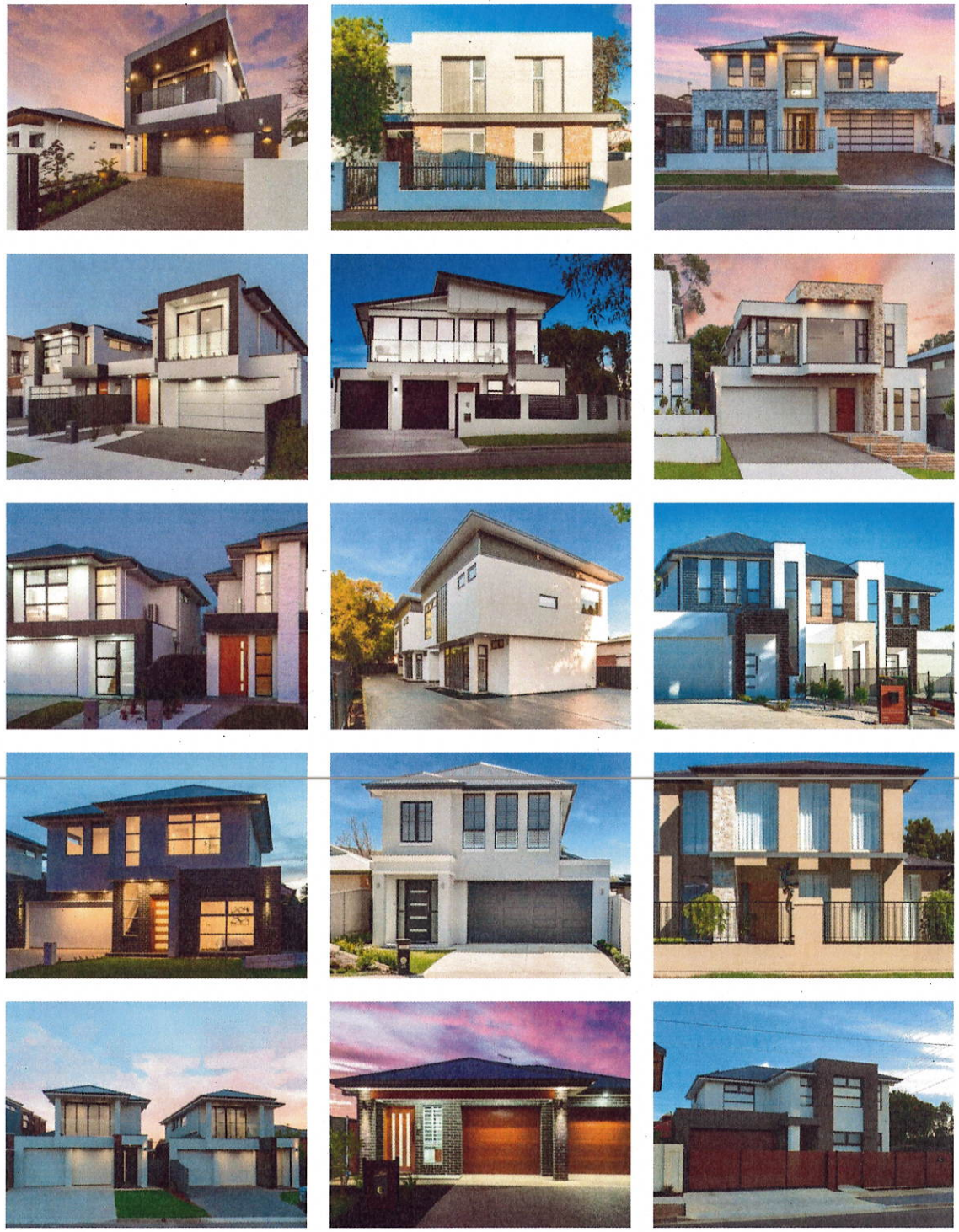
ALEXANDER WILKINSON DESIGN PTY LTD

ACCREDITED
PROFESSIONAL
Planning, Development and Infrastructure Act 2016

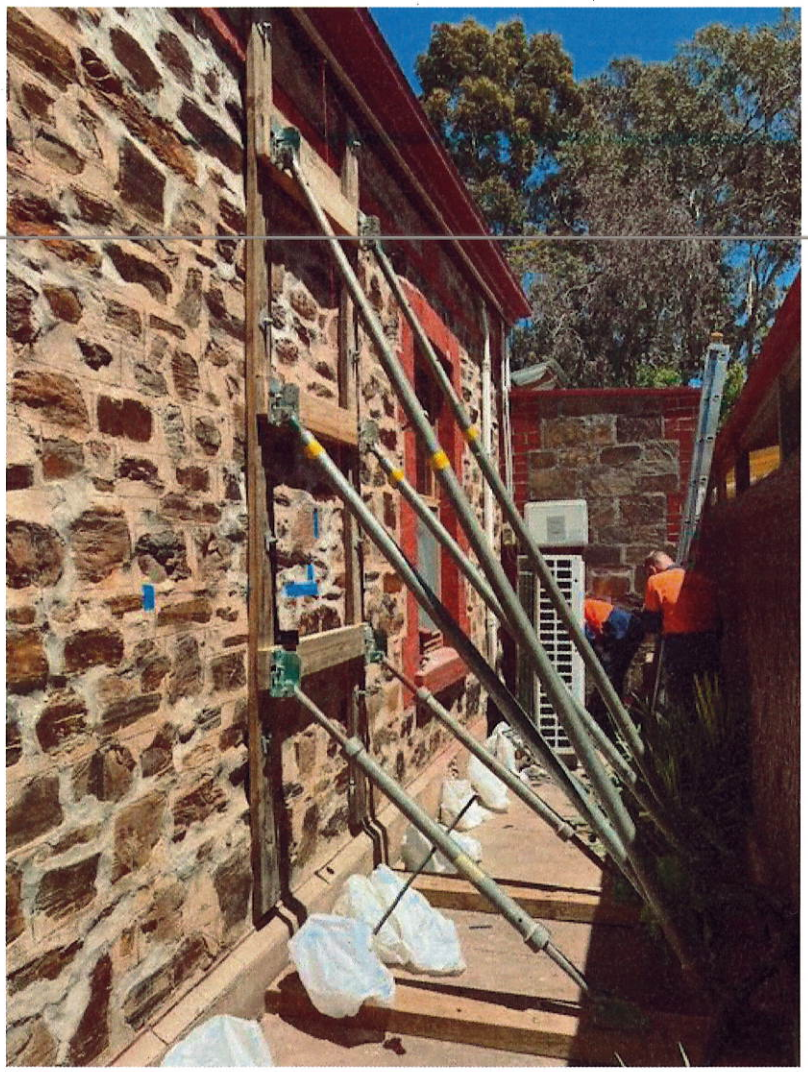
Attachment 4

HBC HOMES

HOME ABOUT CUSTOM HOMES PORTFOLIO BLOG CONTACT



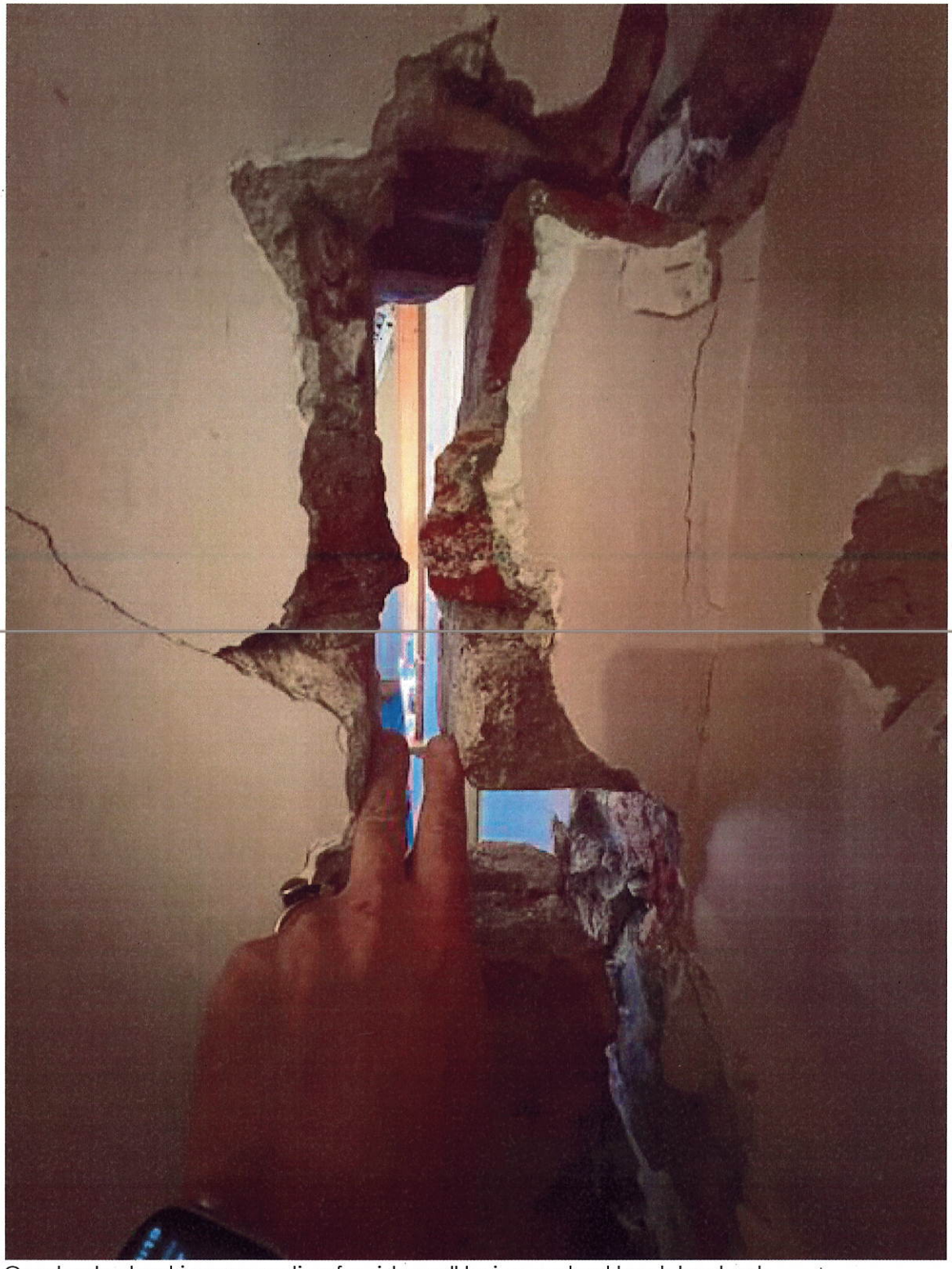
Appendix 2: photos I took of Urathane Solutions straightening wall in Kensington Park.



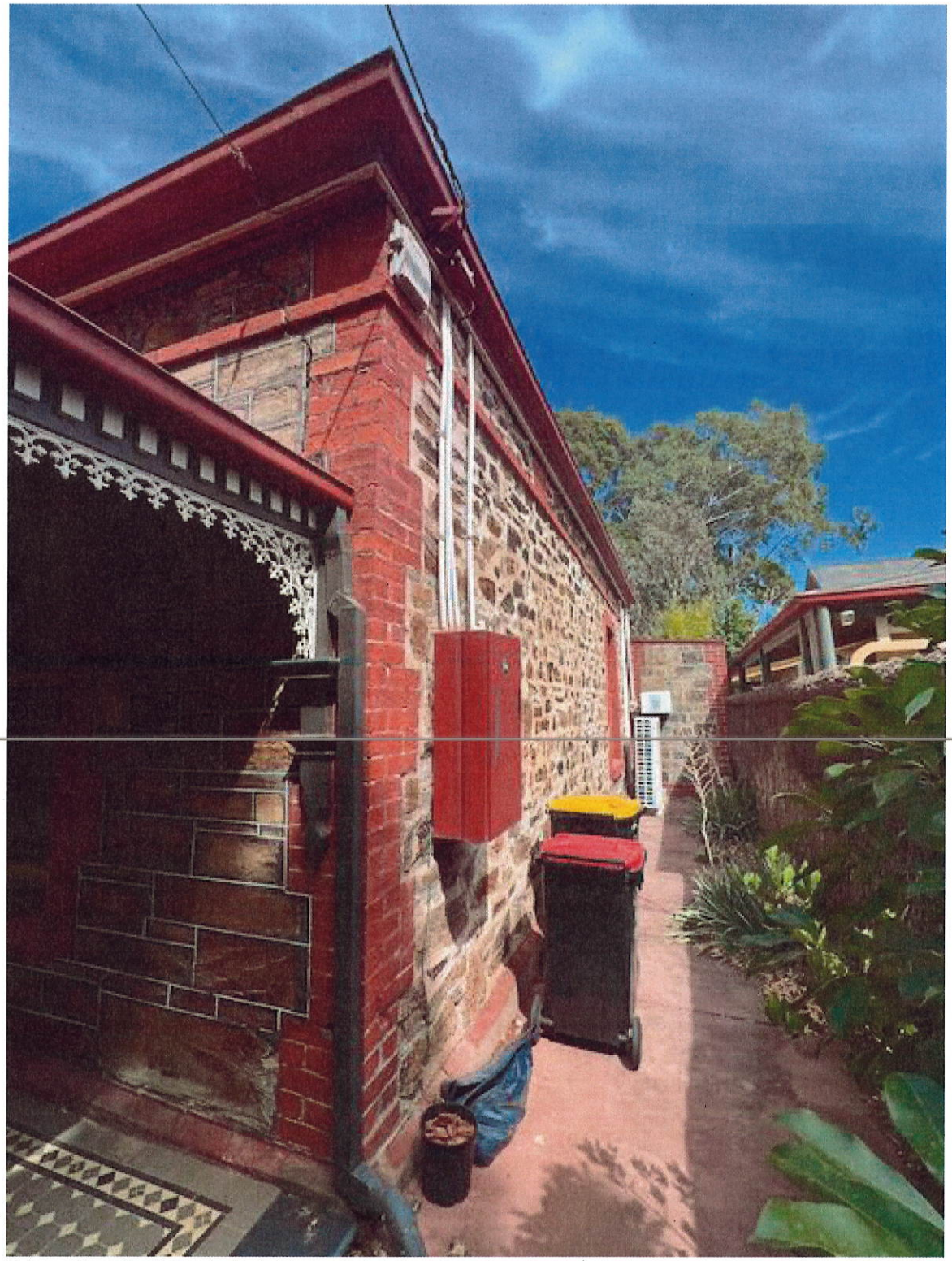
Urathane Solutions undersetting and straightening wall

Crack raked out in front room in preparation for side wall being pushed back to plumb.

Crack raked out in second room in preparation for side wall being pushed back to plumb.



Crack raked out in preparation for side wall being pushed back to plumb.



Side wall underpinned, straightened and plumbed for about $20K by 'urathane solutions'

Representations

Attachment 4

Representor 3 - Sandy Wilkinson

Name	
Address	NORWOOD SA, 5067 Australia
Submission Date	21/07/2025 11:00 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
Refer to submission, just making sure that I had nominated that I wish to be heard in support of my representation as I couldn't go back to check.

Attached Documents

September 9, 2025

Ned Feary
City of Norwood, Payneham & St Peters
Via: The PlanSA Portal

Dear Ned,

RE: DA 25015527 – RESPONSE TO REPRESENTATIONS

I have been instructed by the Applicant, HBC Homes, to respond to the assertions made, and the concerns raised, by the following representors:

- on behalf of the St Peters Residents' Association Inc, who is opposed to the proposed development (**Representor 1**); and
- Norwood, who is also opposed to the proposed development (**Representor 2**).

Both representors wish to be heard by the Council Assessment Panel (**CAP**) despite the fact that:

- they cannot see the site of the proposed development (**site**) from their principal place of residence;
- Representor 1 resides close to 330 metres to the south-west of the site; and
- Representor 2 resides in another suburb and more than 2.0 kilometres to the south-east of the site.

As detailed in our Planning Statement that was submitted at the time of lodgement, the Applicant seeks to demolish the existing dwelling on the site on the grounds that "the structural integrity or safe condition of the original building is beyond reasonable repair", as permitted by Performance Outcome (**PO**) 7.1 of the Historic Area Overlay (**HAO**).

A thorough Structural Engineering Report, prepared by Trevor John of Fyfe, was also submitted with the application at the time of lodgement and included as part of the notification documentation which the representors have reviewed and since commented on.

The comments raised by the representors can be summarised as follows:

- **Representor 1:**
  - » Cracking and movement are typical for historic homes on reactive soils. As such, regular maintenance is required but does not justify demolition.
  - » Urethane resin injection or underpinning are feasible repair options, potentially cheaper and less destructive than rebuilding.
  - » The existing dwelling is not unsafe, is not at risk of collapse and some cracks have been overstated in severity.
  - » The Council should obtain an independent engineering assessment, arguing that restoration is possible and cost-effective.

- **Representor 2:**
  - » The existing dwelling should be repaired rather than replaced.
  - » The accuracy of the structural assessment should be questioned, utilising methods such as wall straightening and underpinning can restore the integrity of the existing dwelling.
  - » Lime mortar construction (where present) offers flexibility and self-healing properties, reducing long-term cracking issues.
  - » Past installation of metal tie rods was a common practice for heritage dwellings and does not condemn the structure.
  - » The demolition of the dwelling would result in the loss of irreplaceable heritage fabric, which should be remediated and retained.

A supplementary Structural Engineering Report, prepared by Trevor John of Fyfe, accompanies this response. The Report directly addresses the assertions made regarding the existing dwelling's structural condition. In summary, it provides the following responses to each representor:

- **In response to Representor 1:**
  - » The suggestion, drawn from the Heritage Impact Report, that cracks can be repaired every five years is an oversimplification, as it fails to account for soil conditions, crack size, cause and long-term performance.
  - » Whilst cracks in reactive soils do worsen over time, repairs undertaken on such foundations also fail, often transferring damage to adjacent sections.
  - » Urethane injection may be effective in some soil types, but in highly expansive clay soils it is not a reliable long-term solution.
  - » Garden watering is irrelevant to structural integrity, as seasonal moisture cycles will continue to destabilise the foundations.
  - » The existing dwelling no longer possesses the structural safety of its original form and is beyond reasonable repair, notwithstanding the contrary view of the representor.
- **In response to Representor 2:**
  - » Whilst lime mortar is more flexible than cement mortar, the presence of Category 4 cracking demonstrates its inability to accommodate the level of movement occurring at this site.
  - » It is acknowledged that railway irons contributed to wall distress, however; simply removing them and pushing walls back to plumb would not restore structural adequacy.
  - » Straightening severely cracked walls would likely result in further cracking, given the poor and unstable footing conditions.
  - » The repair estimate is manifestly inadequate, lacking both a detailed scope and recognition of the full extent of work required.
  - » The structural damage far exceeds what could reasonably be repaired, irrespective of mortar type or wall-straightening techniques.

It should be emphasised that neither representor provided any expert evidence or advice to dispute the findings of the Structural Engineering Report.

Further to the above, it is also noted that Council's Heritage Advisor arranged for the Structural Engineering Report to be peer reviewed, and, to the best of our knowledge, the peer reviewer did not disagree with the original engineering advice submitted with the application.

In addition, as the site is captured by the HAO, any future development application for a new dwelling will be subject to a comprehensive planning assessment to ensure it appropriately reflects the established context and the character of both the adjoining properties and the wider area. That application would also likely be referred to the Council's consultant heritage advisor for review and comment. As such, any replacement dwelling will be required to deliver a high-quality outcome that makes a meaningful and positive contribution to the historic streetscape.

Summary

Given that both representors have indicated their intention to address the CAP in relation to this matter, please note that I have been instructed by the Applicant to attend the forthcoming meeting and to speak on their behalf.

Yours sincerely,

Mark Troncone
Senior Consultant

7 STEPHEN TERRACE, ST PETERS, SOUTH AUSTRALIA STRUCTURAL ENGINEERING REPORT

PROJECT REF.: 53601-1
CLIENT ISSUE, REV. 1

Prepared for	Nic Wong, Nic Design Studio		
Prepared by **ABN**	Fyfe Pty Ltd 57 008 116 130	**Contact**	Trevor John Principal Structural Engineer
Address	L2 124 South Terrace	**Telephone**	61 8 8407 9444
	Adelaide, SA 5000	**Email**	trevor.john@fyfe.com.au
Date	9/05/2025	**Reference**	53601-1

VALUE THROUGH INTEGRATION

Proprietary Information Statement

Document Information

Prepared by:	Trevor John FIEAust CPEng NER APEC Engineer IntPE(Aus) Principal Structural Engineer	Date: 03/09/2025

Revision History

Revision	Revision Status	Date	Notes
0	Client Issue	14/05/2025	
1	Client Issue	03/09/2025	Addendum to Revision 0

1. INTRODUCTION

1.1. This is an expert report prepared at the request of Mr Nic Wong of Nic Design Studio relating to the condition of the existing house at 7 Stephen Terrace, St Peters, South Australia.

1.2. This report is my response to the following reports/representations which have been provided to me: -

- Report from St Peters Residents Association Inc. dated 17/07/2025
- Report from Alexander Wilkinson dated 21/07/2025
- Report by John Bowley dated 10/07/2025

1.3. This report is an addendum to my original report dated 14/05/2025 and shall be read in conjunction with that report.

1.4. My opinions, as stated in the Executive Summary of my original report, have not changed.

2. STRUCTURAL SAFETY

2.1. I have given consideration to "*The Minister's Specification SA - Upgrading health and safety in existing buildings*" (***The Minister's Specification***). Published by the Minister for Planning, Government of South Australia,

2.2. The following applies to my review of the Minister's Specification

2.2.1. The specification Clause 104 includes the following: -

> **Primary building element** means a structural element of a building designed specifically to withstand design loads or actions and includes a column or other supporting element, a roof, ceiling, floor, balcony, stairway or ramp, load-bearing wall and wall framing (including bracing members designed for the specific purpose of acting as a brace to those members).

> **Structurally unsound** in relation to an existing building or part of an existing building means that the structure or individual structural members are no longer able to fully resist the loads and other actions to which they may reasonably be subjected. This could be because-
>
> (a) *alterations* have been made that have affected the structural capacity of the structure or individual structural members; or
>
> (b) additional loads have been placed on the structure or on individual structural members that exceed their design loads; or
>
> (c) the structural capacity of individual structural members or *primary building elements* has been reduced by termite damage, salt attack, corrosion, moisture ingress, earthquake, fire, foundation movement, deterioration or other adverse occurrence.

2.2.2. The specification Clause 201 includes the following: -

PART 2 STRUCTURAL SAFETY

Structure

201 Performance standards for structural safety

PS 2.1 *Primary building elements* in an existing building must continue to be able to withstand the combination of loads and/or actions that they were designed to resist and to which they may reasonably be expected to be subjected.

2.2.3. Masonry walls are subjected to both horizontal loads (including human impact and wind) and vertical loads due to foundation movement.

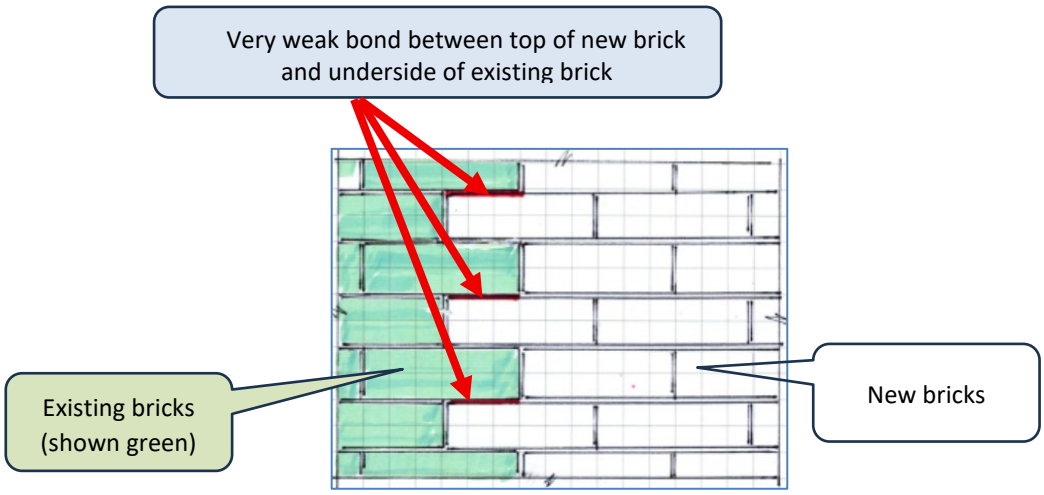
2.2.4. Cracking of the walls which are classified as Category 3 or 4, especially those which incorporate a door or window, are no longer able to withstand the reasonable actions that may be applied and have significantly less structural adequacy than the walls as originally constructed.

2.3. The extent of "*breaking out and replacing sections of walls*" required to achieve structural integrity and safety.

2.3.1. I have assessed the extent of walling which would need to be removed and replaced to achieve "*the structural integrity or safe condition of the original building".*

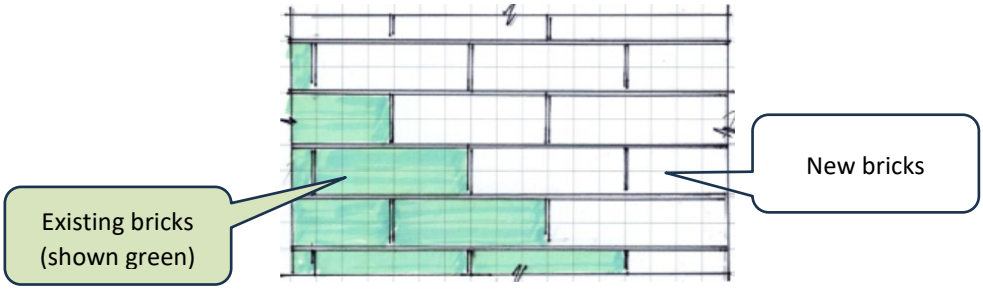
2.3.2. My assessment has given consideration to the following: -

- Where damage to a section of the internal face of wall in a particular room is less than Category 3, but the damage to the section of the internal face of the same wall in the adjacent room is Category 3 or 4 it is obvious that the wall in total is the greater of the Categories – it is not possible to only break out and replace only one face.
- Where a section of a wall which requires replacement is near the bottom of the wall, the whole wall section above the damaged section must be replaced – it is not feasible to support an upper section and only repair the lower section and ensure structural integrity at the interface of the upper and lower sections.
- Due to the inability of the existing footings to resist foundation movement of the highly expansive clays, I consider that breaking out sections of a brick wall on a vertical alignment and toothing in new bricks will not restore the full strength of the wall due to a lack of a full bond between the upper face of a new brick and the lower face of a retained brick, and will lead to cracking at the junction due to the inevitable foundation movement.
- The following details are applicable to brick walls - similar consideration must be given to restoring the full bond between adjacent stones in the external walls.



"TOOTHED" WALL JOINT – NOT STRUCTURALLY ADEQUATE

- The bricks will need to be removed to provide horizontal surfaces on top of which new bricks can be placed to ensure full bedding.



"STETCHER BOND" WALL JOINT – STRUCTURALLY ADEQUATE

- At corners where one wall requires sections to be replaced it may be necessary to break out and replace sections of the adjacent wall to achieve full bedding of the new bricks for the same reason as stated above.

2.4. Summary

The degree of movement and cracking the extent of demolition and reconstruction to achieve "*the structural integrity or safe condition of the original building"* is "*beyond reasonable repair*."

3. RESPONSE TO REPORT FROM ST PETERS RESIDENTS ASSOCIATION INC. DATED 17/07/2025

3.1. The report (Page 2) states that David Brown's "*advice is that cracks in such dwellings should be repaired every five years*."

That opinion is a generalization and over-simplification that appears to give no consideration to: -

- The cause of the cracking.
- The soil conditions applicable to the site.
- The size and extent of the cracks.
- The proliferation of the cracks.
- How the cracks are to be repaired.
- The longevity of the repairs.

3.2. The report (Page 2, paragraph 4) opines that "*Cracks that are not repaired or remedied grow bigger over time*."

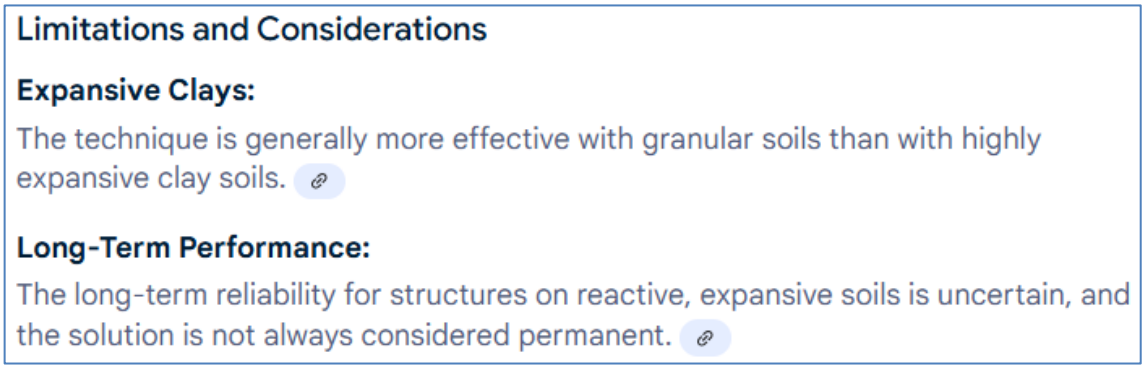
I agree that cracks resulting from inadequate footings founded on highly expansive clays typically do grow bigger over time, but repaired walls built on inadequate footings founded on highly expansive clays typically also grow bigger over time, or if the repair is stronger than the original wall, the wall will crack in a proximate location of unrepaired wall.

3.3. The report (Page 2, paragraph 7) suggests that "*the applicant look at the alternative of using the urethane resin injection system to re-stablish the structural integrity of the home's foundations*."

I have specified urethane resin injection on numerous projects to re-level houses and commercial premises where settlements have occurred.

In the right application they are successful, but in my opinion urethane resin injection is not suitable for the subject site which has clay soils which are highly to extremely expansive .

The following are extracts from an AI Overview do not support urethane injection as being a reliable long-term permanent solution.



Limitations and Considerations

Expansive Clays:

The technique is generally more effective with granular soils than with highly expansive clay soils.

Long-Term Performance:

The long-term reliability for structures on reactive, expansive soils is uncertain, and the solution is not always considered permanent.

Considerations and Limitations

Limited Research:

While promising, there are relatively few studies specifically focused on the long-term effects of polyurethane on expansive soils, and a complete theoretical understanding is still developing.

Mechanism for Swelling:

Urethane foam may not completely eliminate the inherent swelling and shrinking potential of expansive soils, as the soil itself can still absorb and release moisture.

Complementary Solution:

For severely problematic expansive soils, deep foundation techniques like drill piers or helical piers may be necessary to bypass the unstable layers.

3.4. The report (Page 3, paragraph 1) states "*Is the structural integrity of this dwelling at risk? No*."

I opine that the existing dwelling does not have the structural integrity or safety of the original building.

3.5. The report (Page 3, paragraph 2) states "*We question how long this house has remained empty and how long its garden has not been watered in an attempt to minimise the drying out of soil in summer*."

I agree that garden watering will reduce perimeter drying of the soils, but the moisture migration from perimeter to internal areas will continue due to sub-floor ventilation and the expansion / shrinkage cycle will still occur.

Whether the garden has been watered or not, has no relevance as to whether "*the structural integrity or safe condition of the original building is beyond reasonable repai*r".

3.6. The report (Page 3, paragraph 3) states that my conclusion is "*the external walls are beyond repair*".

I acknowledge that comment, and I made an error in not including the term "*reasonable*" - the other 5 places in my report all refer to "*beyond reasonable repair*."

Clause 2.2 of my previous report should have been "*The external walls are beyond reasonable repair*".

3.7. With reference to the comment (Page 3, paragraph 3) "*This wall does not appear to have been repaired in decades, in our opinion*."

I acknowledge that may be the opinion of the Association, but it has no relevance as to whether "*the structural integrity or safe condition of the original building is beyond reasonable repair*".

3.8. I acknowledge the paragraphs (Page 3, paragraph 4) relating to the steel posts.

The photographs in my report show examples of the damage that has been caused.

3.9. With reference to the comment (Page 3, paragraph 5) that the repairs to the internal walls "*could have been decades ago and is not evidence of a sustained attempt to keep the property in good repair*."

I confirm I do not know when the repairs were carried out (and it appears to me neither does the Association).

The use of steel mesh over cracks is often successful in repairing cracked walls in houses built on appropriate footings, but the failure where the steel mesh is exposed is indicative that the previous repairs has not resulted in a sound and crack-free wall.

3.10. With reference to the comment (Page 3, paragraph 6) to "*we do consider that some of the cracks classed as Category 4 or Severe do not appear to be that bad*."

I am unaware of the basis on which Mr Wilkinson categorizes the severity of the cracks, and he offers no basis for changing the categories.

4. RESPONSE TO REPORT FROM ALEXANDER WILKINSON DATED 21/07/2025

4.1. With reference to Item 8.1 (page 3)

> 8.1 every Representative item in Adelaide dating to the 19th century has bluestone footings. Small unreinforced or lightly reinforced concrete footings as refered to by the applicant's engineer did not exist in the 1890's.

I agree with Mr Wilkinson's response.

4.2. With reference to Item 8.2 (page 3)

> 8.2 a historic building cannot be condemned for not having modern engineered footings as became practice in the 1980's, about 80-90 years after this villa was built circa 1890.

I am not condemning a building for not having modern engineered footings.

I am stating that, in my opinion, *the structural integrity or safe condition of the original building is beyond reasonable repair.*

4.3. With reference to Item 8.3 (page 3) relating to lime mortar.

I agree that lime mortar wall construction can accommodate more movement than cement mortar construction without cracking.

I do not agree that lime mortar wall construction "*has an intrinsic capacity to accommodate movement without cracking*".

The AI Overview quoted includes: -

> **Prevents Cracking:**
> Unlike cement mortar, which can crack under stress, lime mortar's flexibility allows it to move with the building, preventing cracks and preserving the structural integrity of the masonry.

The fact that the building has undergone distress up to "*Damage Category 4*", even with lime mortar, is evidence that the lime mortar has not been successful in "*preventing cracks and preserving the structural integrity of the building*."

The amount of movement and consequential cracking that has occurred has adversely affected *the structural integrity or safe condition of the building.*

I agree that lime mortar has self-healing properties, is more flexible than cement mortar, and has a greater ability to absorb micro movements and self-repair micro-cracks.

Even with those benefits it is evident that the cracking is far greater than the ability of lime mortar to control.

4.4. With reference to the Railway Irons (Page 5).

I concur with Mr Wilkinson's comments on the installation of the railway irons.

They have contributed to the significant distress in the walls.

I do not agree that removing the railway irons and straightening the walls (see 4.5 below) will result in restoring *the structural integrity or safe condition of the building.*

4.5. With reference to pushing the walls back to plumb (Page 7).

I do not concur the with the opinion attributed to Peter Russell that "*once you push a wall back to plumb it says there*".

That statement may have some validity if the wall was constructed on appropriate footings on stable ground, without any external forces.

The subject walls are not constructed on appropriate footings, they are not on stable ground, and they are subject to external forces resulting from footing movement, wind, and human impact.

If a significantly cracked wall is "*pushed back to plumb*" it remains a significantly cracked wall, as is no longer able to withstand the reasonable actions that may be applied and will have significantly less structural adequacy than the walls as originally constructed.

It is probable that being pushed back results in even more cracking in the wall.

Mr Wilkson does not address what, if any, work needs to be undertaken to restore the strength of the walls after they have been "*pushed back to plumb*" even though they would still be significantly cracked.

4.6. With reference to Urathane Solutions (Page 8).

Mr Wilkinson advises that he has "*in recent times become aware of the capability of Urathane Solutions to straighten walls*" but provides not comment as to it would be suitable or unsuitable for the subject house.

4.7. With reference to "*What is reasonable ?*" (Page 11).

I note Mr Wikinson's estimate "*to undertake the structural repair (to sic) the walls of this house might cost $100k.*"

It appears that this estimate was not based on any specification that adequately details the extent of work required to restore the walls to a condition where they would be able to withstand the reasonable actions that may be applied and have the same structural adequacy to the walls as originally constructed.

Simply removing the railway rails and "*pushing the walls back to plumb*" is manifestly inappropriate to achieve structural integrity and safety, and I opine that the estimate significantly underestimates the cost.

5. RESPONSE TO REPORT JOHN BOWLEY DATED 10/07/2025

I note that John Bowly confirms that: -

- "*Cracking up to Damage Category 4 was observed in all external walls*".
- "*Repairing the badly deformed and cracked masonry walls by rebuilding on the existing footings is most likely to result in walls with similar problems in time and also not considered appropriate*."

And agrees *"with the assessment made in the original report that the structural integrity of the original building is beyond reasonable repair."*

JOHN BOWLEY

consulting engineer

3 Stonyrise Road, Ashton, 5137
Phone : (08) 8390 1332
Email : jkbowley@bigpond.com

DEVELOPMENT APPLICATION ENGINEERING REVIEW

STRUCTURAL REPORT

RESIDENCE AT 7 STEPHEN TCE, ST PETERS

Prepared for: **CITY OF NORWOOD PAYNEHAM & ST PETERS**

Prepared by: **JOHN BOWLEY** **Consulting Engineer**

Document Information **Project No. 22512**

Inspected by: John Bowley Director John Bowley Consulting Engineer

Document History

Document	Issued to	Date
Review Report	Ned Feary, City of Norwood Payneham & St Peters	10/7/2025

1. Introduction

I have been engaged by the City of Norwood, Payneham and St Peters, to prepare a review of a structural assessment report on the residential building at 7 Stephen Tce, St Peters.

The original report was prepared by Trevor John from Fyfe Pty Ltd, and the conclusion expressed therein was that "*the structural integrity or safe condition of the original building is beyond reasonable repair".*

An inspection of the property was undertaken by myself, in the presence of Ned Feary, Senior Planner, of the City of Norwood, Payneham and St Peters, on 2/7/2025. Only the original old villa building was inspected, as the more recent rear addition was considered sound not investigated in the original report.

This report briefly presents the observations from my inspection, with reference to the original report prepared by Trevor John, and also my conclusions on the structural assessment made in that original report.

The inspection was of a visual nature only.

2. Observations

The original structure consists of solid masonry external walls, with sandstone and bluestone blocks predominant, and a basic lime mortar throughout, which has been extensively repaired with cement mortar over time.

Both external side walls have vertical steel restraint posts, with tie rods across the building, and there is one also at the front gable bay widow opening. Photos 1, 3 - 5.

Cracking up to Damage Category 4 was observed in all external walls. Photos 2, 6.

It was observed that significant deformation in the form of vertical and horizontal bowing has occurred in both side walls, which is particularly noticeable adjacent to the steel posts, and with associated cracking to Damage Category 4. Photos 3-5.

Internally cracking was also observed in all rooms of the original villa, with crack widths up to Damage Category 4.

All the cracking observed at this inspection was also noted in the original report, and the crack widths observed for this report appeared the same. Photos 7-12.

The timber floor has also deformed significantly, with typical internal falls towards the external walls. Examination of the falls with a spirit level confirmed the results noted in the original report, although in some cases they were slightly less, possibly due to recent heavy rain swelling the clay soil under the footings of the external walls.

There is villa nearby on the same side of Stephen Terrace of very similar construction, with stone masonry walls and steel restraining posts. It was observed that this structure appears to be in much better condition than the one in question, with no apparent bowing or cracking in the walls visible from a distance. This suggests that the site conditions at 7 Stephen Tce are more reactive.
Photos 13, 14.

3. Conclusions

Generally the structural condition of the original building is considered poor to very poor, particularly with reference to the masonry walls, and the floors.

There is extensive cracking in the walls throughout all rooms of the house, along with significant bowing deformations in the masonry of both side walls.

The cracking generally is classified as Damage Category 4, and most likely results from inadequate footings unable to resist the excessive seasonal movements caused by variations in the soil moisture of the reactive clay soils. These movements have impacted the inflexible masonry walls which are supported on the weak footings, and caused the cracking and the bowing deformations observed.

I concur with the opinion expressed in the original report that strengthening the existing footings is not practical, and underpinning of the weak footings on the highly reactive clays is also inappropriate and unlikely to be successful.

Repairing the badly deformed and cracked masonry walls by rebuilding on the existing footings is most likely to result in walls with similar problems in time and also not considered appropriate.

Based on the evidence from my site inspection, it is my opinion that I agree with the assessment made in the original report that the structural integrity of the original building is beyond reasonable repair.

If you have any questions on the contents of this report please contact me.

Kind regards

JOHN K. BOWLEY, BE, MIE Aust, CP Eng

Consulting Engineer

APPENDIX A: PHOTOGRAPHS

1. Front elevation, facing main road. Cracking adjacent to steel restraining post

2. Major cracking below front window with sill cracked and sloping

3. South east wall. Steel posts. Severe bowing deformation of masonry wall

4. South east wall. Severe bowing and cracking deformation of masonry wall

5. North west wall. Steel posts. Horizontal and vertical bowing in masonry

6. North west wall. Severe cracking in masonry wall

7. Internal view, front room. Cracking in internal wall and cornice.

8. Damage category 4 cracking in internal wall.

9. Internal view. Major cracking and deformation

10. Internal view Major cracking and deformation

11. Internal view Major cracking and deformation

12. Internal view Major cracking and deformation

13. Adjacent villa of similar construction with steel restraining posts. Good condition

14. Adjacent villa of similar construction with steel restraining posts. Good condition

HERITAGE IMPACT REPORT

bbarchitects

PROPERTY ADDRESS:	**7 Stephen Terrace St Peters**
APPLICATION NUMBER:	**25015527 7 Stephen Tce St Peters**
DATE:	29 July 2025
PROPOSAL:	Demolition
HERITAGE STATUS:	REPRESENTATIVE BUILDING THE AVENUES HISTORIC AREA OVERLAY
HERITAGE ADVISOR:	David Brown, BB Architects
PLANNER:	Ned Feary

City of Norwood Payneham & St Peters

ADVICE SOUGHT

No pre Planning Consent advice has been sought from Council's Heritage Advisor by the applicant.

DESCRIPTION

The building is a sandstone fronted Victorian Italianate Villa with a bay window to the gable, bluestone side walls, and a later bullnose verandah. The site is in the Established Neighbourhood Zone within the Avenues Historic Area Overlay.

PROPOSAL

The proposal is to demolish the existing building on the site. The applicant has provided a thorough engineering report, which has been reviewed by John Bowley, a notable engineer with significant heritage experience. There is no commentary provided on possible or potential repair works, or a costing for these works.

COMMENTS

As with the demolition of most historic structures Council is seeing lately, the reasons noted are structural integrity. As I am not a trained engineer I cannot pass comments from an engineering perspective. However, having worked with old buildings in South Australia for the last 35 years I have some experience in what goes wrong and what can be repaired, and the best ways to achieve that.

From my perspective there are virtually no buildings that are too far gone that cannot be repaired. With the right client and trades, almost everything is salvageable.

RECONSTRUCTION

There are some exceptions to the above situation, where the damage is so severe, that demolition and reconstruction are the only options, and that is extremely rare. Reconstruction of demolished buildings come with its own problems of interpretation, historical understanding, and assessment of the value of the building as to whether it is worthy of reconstruction. Once the original historic fabric has been dismantled, the heritage value is gone, and so would the heritage listing (though difficult from an administrative perspective). The building then becomes a reconstruction using salvaged materials, and is not the same building with the same history, technology or character. Hence the usual approach with suburban dwellings is once they are demolished, to construct a sympathetic new dwelling for the context.

SALES HISTORY

No 7 Stephen Terrace seems to have struggled to retain an owner occupier for a long period of time. Online sales history shows the property was sold in 1987, 1989, 2002, 2003, 2008, an attempted sale in 2015, but rented out instead, sold in 2021 and rented out, and sold again this year in February.

Granted Stephen Terrace is a busy road with a lot of traffic noise, so this would make it a less desirable dwelling for some people. The high fence and solid construction would assist in keeping the noise down somewhat, so potentially the structural and constant repair issues have also been a problem for past owners.

There are historic images online dating back to 2007 which show the house in what appears to be good condition. There are images from 2021 that show some internal cracking, but nothing like the condition the house is in now.

As the house has been rented out at least for the last 10 years, maintenance and repairs would have been at a minimum. Garden maintenance could have been lacking, impacting the soil moisture level around the dwelling. That said, some of the images from the 2021 sale show the house freshly painted and in excellent condition, as one would expect before a sale of a building subject to cracking. There are no images from the 2025 sale online.

COMMENTS ON CRACKING AND RECENT SITE VISITS

This last summer has been one of the driest in years. I have been called out to visit many rate payers' houses to discuss cracking. I have also been called out to some of my own past projects that have also had severe cracking occurring that had not been seen in the last 10 years. On one of those visits I took the engineer involved in the project with me. His comments were similar to the engineers involved in this application, that this last summer has been unseasonally dry, and the soil moisture level is very low at great depth, causing more cracking this year than has typically been seen in many years. The conclusion by the engineer was to wait until a few months after the rains start, and the deep soil moisture level will build up again, then it would be a better time to repair the house.

I have been involved with another rate payer with a severely cracked dwelling in St Peters. I met with an engineer at this site, and they recommended underpinning or urethane injection. In the interest of not damaging already restored parts of the building the owner went with the injection method, but chose the more economical option to not have the cracks closed up, as in this case the corners of the dwelling needed to be rebuilt anyway. At this stage the house is now stable, and a builder is being engaged to rebuild the front corners of the house. This is a case of someone who loves their house, and wants to save it, and is willing to spend money on it. In this case probably in the order of $250,000 to stabilise the walls, and carry out the external and internal repairs.

REPRESENTATION COMMENTS

In Mr Wilkinsons representation there are some inaccuracies that are worth pointing out, both in terms of my fact checking, and based on my experience.

The sale price of $2 million mentioned was from February 2025. The 2021 sale price was $1.1m.

Mr Wilkinson claims the metal support bars were incorrectly installed. I do not know of any engineering that took place when these were installed over 100 years ago. Tie rods and some sort of plate, bracket or support column were common elements the world over in masonry buildings before adequate footings and stormwater management were developed. There are examples throughout Europe and the United States of similar solutions, with the origins of this technology dating back to Roman times.

The adjacent dwelling with the same iron post installation does not have the same problems, despite the posts being in similar positions to No 7. Being a Villa, the internal walls do not line up across the dwelling, so it is not possible to align the tie rod with internal walls on both external side walls, hence there is no "correct" way to install these elements. It was a matter of trying to stop the house moving so much, and often more than one attempt would have been needed.

As to whether these rods were over tightened back in the late 1800s is impossible to say. That is an assumption from Mr Wilkinson, as certainly the old photos of the building do not show the walls with the current level of movement or evidence of this over tightening. Google Street View images dating back to 2013 show the eastern wall relatively intact with minimal movement. The western wall back at a similar time had some bowing, but nothing like what is present now. So, it appears the tie rods and supports did a reasonable job until sometime between 2013 and 2020. See the imagery on the following page.

2013 Google Street View image of the eastern wall

2020 Google Street View image of the eastern wall

2024 Google Street View image of the eastern wall

To suggest that the rods be removed without any engineering documentation is irresponsible. Straightening the walls is not as simple as Mr Wilkinson suggests. Certainly, with walls that have rotated out of vertical, I have seen great success with Peter Russell's work and have worked with him on several projects. In my experience, there needs to also be some work to the footings to ensure the wall does not rotate back out of vertical. The walls to No 7 are not rotating out of vertical as a whole, they are bowing in an uncontrolled manner along the length of the wall. Pushing them back into place with timber and props, and hoping they stay there is not an engineered outcome, nor something any reasonable engineer will certify as being safe or permanent without new footings and thorough strengthening.

Mr Wilkinson's comments on lime mortar and its flexibility are important too. No 7 has been repaired with hard cement mortar, which highlights cracking in the building far more than the original lime mortar. This makes the cracks appear far worse than they would have been had the building not

been inappropriately repaired in the past. This hard cement can, and should be removed and replaced with lime mortar to allow the building to move more easily.

I admire Mr Wilkinson's enthusiasm for saving old buildings. However, he consistently suggests costs that are not based on facts or the complete scope, nor does he understand the whole picture, not having had access to the interior or the property.

Certainly, almost everything can be saved as I have mentioned above. I could suggest multiple ways of attempting to resolve the issues with this dwelling, but without decent footings, and some large areas of reconstruction, the solutions available to this building are not in any way permanent, and the building will continue to crack and move over time.

In my experience some walls eventually lose their ability to remain as a bonded masonry element that is able to function as a structural part of a building. This is usually due to excessive and continuous movement over time, moisture entry, and usually neglect. This is more common in random stone walls, as brick walls tie together more strongly due to the modular elements and less reliance on large mortar joints. There are engineering solutions available (stainless steel bars, underpinning, etc), but the knock-on effects of only repairing some walls mean the rest of the house still moves with the seasonal changes in soil moisture. This is why many engineers will not get involved in underpinning, as it is not a strict engineering science unless every wall is underpinned to a depth greater than the depth of the reactive clay soil (usually between 2-4m).

In response to the St Peters Residents Association comments, I tend to agree that what they suggest is possible, as mentioned above, very few buildings are too far gone. There are no costings provided and no scope of works for repairs to comment on whether this is reasonable or not.

I have seen another house on this stretch of road that was in similar condition, and the way around the bowing walls in that case was to construct a side addition on the dwelling for an ensuite, allowing the offending wall to be removed completely.

CONCLUSION
It would be a pity to lose another stone Villa in St Peters. Though this one is hiding behind a high fence on a busy road, so its level of contribution is somewhat diminished currently. The condition of the building is such that it would be extremely difficult to repair, and to have that repair remain permanent without a significant cost.

5.2 DEVELOPMENT NUMBER – ID 25003913 – JOHN & HALEY MILLER - 69 HIGH STREET KENSINGTON SA 5068

DEVELOPMENT NO.:	25003913
APPLICANT:	John Miller Haley Miller
ADDRESS:	69 HIGH ST KENSINGTON SA 5068
NATURE OF DEVELOPMENT:	Demolition of a dwelling (Local Heritage Place)
ZONING INFORMATION:	**Zones:** • Established Neighbourhood **Overlays:** • Airport Building Heights (Regulated) • Historic Area • Heritage Adjacency • Hazards (Flooding - General) • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy **Technical Numeric Variations (TNVs):** • Minimum Site Area (Minimum site area is 400 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	17 Feb 2025
RELEVANT AUTHORITY:	Assessment panel at City of Norwood Payneham & St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.3 13/2/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Kieran Fairbrother, Senior Urban Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Structural Engineer, Imparta Engineers (third-party)

CONTENTS:

DETAILED DESCRIPTION OF PROPOSAL:

This application is for the demolition of a Local Heritage Place and ancillary structures, on the grounds that the building is structurally unsound and is unable to be redeemed. This application does not propose any replacement building; nor is it required to for the demolition proposal to be considered and determined.

BACKGROUND:

At its meeting on 19 May 2025, the Council considered this development application and resolved as follows:

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

2. *Development Application Number 25003913, by John Miller and Hayley Miller is deferred for further information regarding the following matters:*
   - *Costing estimates for repair work to make the building safe and compliant with the current building code (to the extent necessary for this building).*
   - *Specialist engineering advice regarding restoration options and integrity of such, while maintaining the heritage values of the place.*

3. *Should the agreement of the Applicant to place the Application on hold be revoked, the Assessment Manager is delegated to refuse DA 25003913.*

In responding to these reasons for refusal, the Applicant has provided:

- A quote from Finch Constructions to address the first request for information pursued through the deferral;
- A legal opinion by Felicity Niemann of Wallmans Lawyers; and
- A town planning opinion by Phillip Brunning of Phillip Brunning & Associates.

The Applicant has not procured any further engineering advice as requested by the Panel. Instead, the Applicant has requested that the Panel consider the additional information presented herein and determine this development application. This additional information is contained within **Attachment 2**.

PLANNING ASSESSMENT

The previous planning assessment undertaken by the administration is contained within **Attachment 3**. This report will discuss only the additional information provided in the Applicant's Response (**Attachment 2**) before making a recommendation to the Panel.

By way of reminder, Performance Outcome 6.1 of the Local Heritage Place Overlay states:

> *Local Heritage Places are not demolished, destroyed or removed in total or in part unless:*
>
> *(a) The portion of the Local Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value*
> *Or*
>
> *(b) The structural integrity or condition of the Local Heritage Place represents an unacceptable risk to public or private safety and is irredeemably beyond repair.*

At its meeting on 19 May 2025, the Panel was not satisfied that criterion (b) above had been satisfied to justify the demolition of the subject Local Heritage Place; hence the reason for deferral.

Finch Constructions were engaged by the Applicant to provide a cost estimate for repair works to this dwelling, based on the information provided in the engineering reports previously completed by OB Engineering and Imparta Engineers. The Panel should note that the quoted work involves complete demolition and reconstruction of the front southern wall and the side western wall, consistent with the works recommended by both engineers. The total cost of the works quoted for by Finch Constructions is $616,762.30.

The Applicant's town planner and lawyer both suggest that a third engineering report, as requested by the Panel, is not required for the reasons explained below.

Firstly, it is argued that there should be no doubt that the structural integrity or condition of the Local Heritage Place represents and unacceptable risk to public or private safety, per Performance Outcome 6.1(b) of the Local Heritage Place Overlay, as evidenced by the fact that the Council has closed off the footpath and road area in front of this building. This same opinion was provided by the administration to the Panel in the meeting in May.

Secondly, it is suggested that the two existing structural engineering reports provide sufficient evidence that the building is irredeemably beyond repair. Specifically, OB Engineering recommended demolition of the southern and western external walls due to their severe rotation and risk of collapse, whereas Imparta Engineers suggested that underpinning of these walls is unlikely to be successful and reconstruction of these two walls is likely to be the only solution.

The lawyer engaged on behalf of the Applicant has quoted relevant case law that suggests that the demolition and reconstruction of original parts of a Local Heritage Place do not constitute 'redemption' of the building in the sense sought by Performance Outcome 6.1 above. A summary of one of these cases, *Klemich v City of Norwood Payneham & St Peters* [2002] SAERDC 10, was provided to the Panel in the previous report (**Attachment 3**).

The other case quoted was the more recent decision of *Om Holdings (SA) Pty Ltd v Minister for Climate, Environment and Water & Ors* [2025] SAERDC 14. This case considered the removal of an upright neon box sign attached to the façade of a State Heritage Place. In considering whether the structure was "irredeemably beyond repair", the Court (at [105]) reaffirmed the reasoning in *Klemich*: that 'redeeming' includes 'the restoration, repair and rehabilitation of the original building fabric of heritage value. It [does] not include full replacement with new materials; being "rectification"'. In this case, the Court did not have sufficient evidence before it to conclude whether the extent of work required 'would effectively require a new sign to be constructed' (at [116]) and therefore whether the sign was irredeemable.

With respect to this subject application, however, two structural engineering opinions have been obtained that both suggest that any attempt to repair the front and side walls of the building (e.g. by underpinning) would likely be unsuccessful. Contrarily, it was complete demolition, underpinning and reconstruction of these two walls that both engineers were comfortable to recommend as being a solution for salvaging this building. In this event, the building would no longer be the same original building and, as advised by Council's Heritage Advisor, the Local Heritage Place listing should accordingly be removed.

Contrasted to the decision in *Om Holdings*, the Applicant's lawyer suggests that the Panel has sufficient evidence before it to conclude that the building is irredeemable and therefore its demolition should be supported. For the same reasons as those expressed in the original report provided to the Panel (**Attachment 3**), the administration agrees with this suggestion.

Question of Seriously at Variance

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2025.3, dated 13/02/2025), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code because the demolition of a Local Heritage Place is anticipated in certain circumstances.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

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

2. Development Application Number 25003913, by John Miller and Haley Miller is granted Planning Consent subject to the following conditions:

CONDITIONS
PLANNING CONSENT
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).

ADVISORY NOTES
PLANNING CONSENT
Advisory Note 1
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 2
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 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.

Advisory Note 4
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 5
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 6
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 7
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.

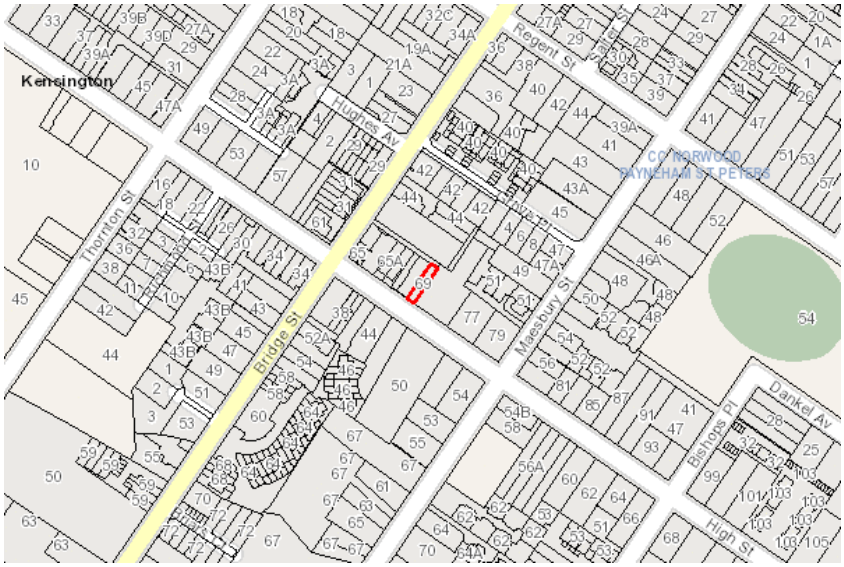
Advisory Note 8
The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of 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 9
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 10
If excavating, it is recommended you contact Before You Dig Australia (BYDA) (www.byda.com.au) to keep people safe and help protect underground infrastructure.

Address: **69 HIGH ST KENSINGTON SA 5068**

To view a detailed interactive property map in SAPPA click on the map below



Property Zoning Details

Zone

Established Neighbourhood

Overlay

Airport Building Heights (Regulated) *(All structures over 45 metres)*
Historic Area *(NPSP5)*
Heritage Adjacency
Hazards (Flooding - General)
Local Heritage Place *(5790)*
Prescribed Wells Area
Regulated and Significant Tree
Stormwater Management
Urban Tree Canopy

Local Variation (TNV)

Minimum Site Area *(Minimum site area is 400 sqm)*
Maximum Building Height (Levels) *(Maximum building height is 2 levels)*

Demolition - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Established Neighbourhood Zone

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
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.

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.

Class of Development (Column A)	Exceptions (Column B)
1. Development which, in the opinion of the relevant authority, 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.	None specified.
2. All development undertaken by: (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.	Except development involving any of the following: 1. residential flat building(s) of 3 or more building levels 2. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
3. Any development involving any of the following (or of any combination of any of the following): (a) ancillary accommodation (b) dwelling (c) dwelling addition (d) residential flat building.	Except development that: 1. exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 or 2. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and: (a) the length of the proposed wall (or structure) exceeds 8m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than

	where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).
4. Any development involving any of the following (or of any combination of any of the following): (a) consulting room (b) office (c) shop.	Except development that: 1. does not satisfy Established Neighbourhood Zone DTS/DPF 1.2 or 2. exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 or 3. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and: (a) the length of the proposed wall (or structure) exceeds 8m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).
5. Any development involving any of the following (or of any combination of any of the following): (a) air handling unit, air conditioning system or exhaust fan (b) carport (c) deck (d) fence (e) internal building works (f) land division (g) outbuilding (h) pergola (i) private bushfire shelter (j) recreation area (k) replacement building (l) retaining wall (m) shade sail (n) solar photovoltaic panels (roof mounted) (o) swimming pool or spa pool and associated swimming pool safety features (p) temporary accommodation in an area affected by bushfire (q) tree damaging activity (r) verandah (s) water tank.	None specified.
6. Any development involving any of the following (or of any combination of any of the following) within the Tunnel Protection Overlay: (a) storage of materials, equipment or vehicles	Except where not undertaken by the Crown, a Council or an essential infrastructure provider.

(whether temporary or permanent) over an area exceeding 100 square metres (b) temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres (c) excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level.	
7. Demolition.	Except any of the following: 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
8. Railway line.	Except where located outside of a rail corridor or rail reserve.

Placement of Notices - Exemptions for Performance Assessed Development
None specified.

Placement of Notices - Exemptions for Restricted Development
None specified.

Part 3 - Overlays

Historic Area Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

	Desired Outcome
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.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
PO 1.1 All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.	DTS/DPF 1.1 None are applicable.
Demolition	
PO 7.1 Buildings and structures, or features thereof, that demonstrate	DTS/DPF 7.1 None are applicable.

the historic characteristics as expressed in the Historic Area Statement are not demolished, unless: (a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style or (b) the structural integrity or safe condition of the original building is beyond reasonable repair.	
PO 7.2 Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.	DTS/DPF 7.2 None are applicable.
PO 7.3 Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.	DTS/DPF 7.3 None are applicable.
Ruins	
PO 8.1 Development conserves and complements features and ruins associated with former activities of significance.	DTS/DPF 8.1 None are applicable.

Historic Area Statements

Statement#	Statement
Historic Areas affecting City of Norwood, Payneham and St Peters	
NPSP5	**Kensington 1 Historic Area Statement (NPSP5)** The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality. These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area. The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.

Eras, themes and context	1838-1860; 1861-1880; 1881-1900; 1901-1915; 1916-1939. Residential urban village characterised by buildings, settings street patterns and natural features. Range of dwelling types.
Allotments, subdivision and built form patterns	Original historic pattern.
Architectural styles, detailing and built form features	Larger Victorian-style brick and stone buildings, Federation era brick and stone buildings and bungalow-styled buildings of the post-1918 period. Significant corner buildings contribute to the character.
Building height	Up to two storeys.

Statement#	Statement	
	Materials	Pise, stone or brick.
	Fencing	Generally low, reflecting the traditional period, style and form of the associated building.
	Setting, landscaping, streetscape and public realm features	The unique diagonal street pattern of Kensington is an important part of its character.
	Representative Buildings	Identified - refer to SA planning database.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Local Heritage Place Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

	Desired Outcome
DO 1	Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Landscape Context and Streetscape Amenity	
PO 5.1 Individually heritage listed trees, parks, historic gardens and memorial avenues are retained unless: (a) trees / plantings are, or have the potential to be, a danger to life or property or (b) trees / plantings are significantly diseased and their life expectancy is short.	DTS/DPF 5.1 None are applicable.
Demolition	
PO 6.1	DTS/DPF 6.1

Local Heritage Places are not demolished, destroyed or removed in total or in part unless: (a) the portion of the Local Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value or (b) the structural integrity or condition of the Local Heritage Place represents an unacceptable risk to public or private safety and is irredeemably beyond repair.	None are applicable.
PO 6.2 The demolition, destruction or removal of a building, portion of a building or other feature or attribute is appropriate where it does not contribute to the heritage values of the Local Heritage Place.	DTS/DPF 6.2 None are applicable.
Conservation Works	
PO 7.1 Conservation works to the exterior of a Local Heritage Place (and other features identified in the extent of listing) match original materials to be repaired and utilise traditional work methods.	DTS/DPF 7.1 None are applicable.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

HERITAGE SURVEY : KENSINGTON & NORWOOD

Item/Place:	House	Survey No.:	69highst
Address:	69 High Street, Kensington	C.T. No.:	1908-85
Present Status:	Character Item	Date:	June 1994

Description: An early single-storey Victorian building with gable roof. Notable for its simple design and intimate character. Appears to be in reasonable condition for its age, although it has been extensively rendered.

History: Appears to be 1850's-1860's.

Streetscape Contribution: The building forms part of an important concentration of early Victorian buildings and contributes to the early Victorian streetscape of High Street.

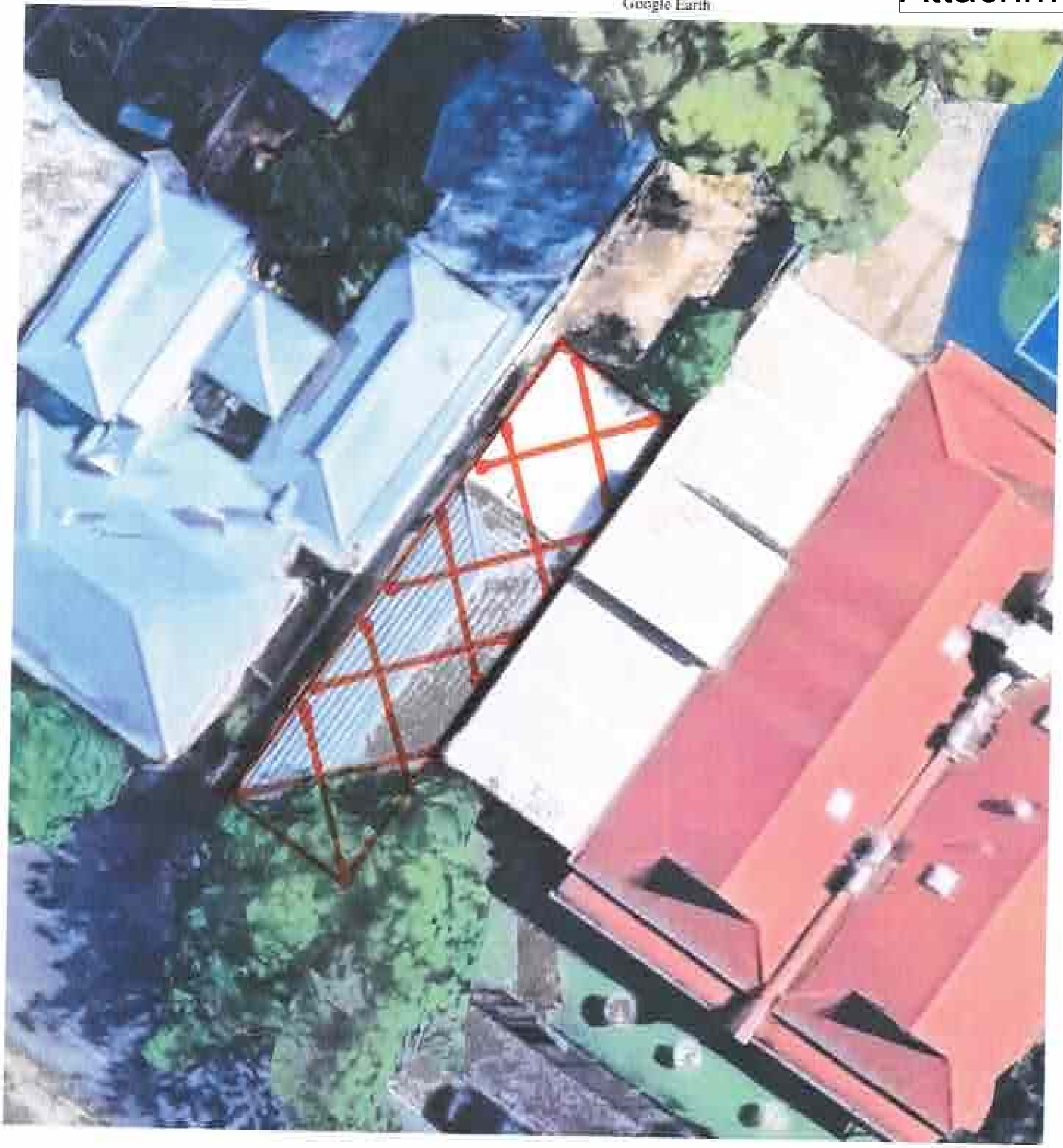
Significance: (Relevant Development Act Criteria (Section 23(4)): (a),(b)): This building is a good example of a simple early Victorian masonry residence. It is associated with the early 1850's-1860's settlement of Kensington (4a) and is indicative of the way of life of early settlers in Kensington at that time (4b). It contributes to the early Victorian character of High Street.

Development Implication: Retention and protection of the original form of the building, its setting and all associated original building fabric, as viewed from the road.

RECOMMENDATION: Local Heritage Place

References:

Attachment 1



CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Structural Engineer's Report

Client: John Miller

Attn: John Miller

Site Address: 69 High St, Kensington SA 5068

REF: OBCS0176

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

22nd February 2025

Dear John Miller,

RE: CRACKING IN EXISTING DWELLING - 69 High St, Kensington SA 5068

OB Engineering Group was engaged by John Miller owner of the above property to undertake assessment of cracking and building movement at 69 High St, Kensington SA 5068. This report aims to:

- Observe and document the existing damage.
- Record relevant site information.
- Present an expert opinion on the probable causes.
- Suggest appropriate remedial measures.

On the 8th of February 2024, a qualified Civil and Structural Engineer from our office visited the site to inspect the defects raised by the client. The ensuing report provides a comprehensive overview of our findings from the assessment, our discussion of the findings and recommendations for remedial works.

The inspection undertaken was visual only and no fixtures or fittings were removed as part of the inspection. Inspections were performed externally and internally.

We remain at your disposal to provide any further information or clarification you may require. Our team is committed to assisting you and addressing any queries you may have.

Yours sincerely,

OB ENGINEERING GROUP PTY LTD

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Disclaimer

This report has been prepared solely for John Miller in accordance with the scope provided by the client and for the purpose(s) as outlined throughout this report.

OB Engineering Group Pty Ltd accepts no liability or responsibility for or in respect of any use or reliable upon this report and its supporting material by anyone other than the client.

Project Name:	69 High St, Kensington SA 5068
Client	John Miller
Project No:	OBCS0176
Date	22/02/2025
Revision	0
Prepared By: A.O, *B.Eng (Honours)*	**Reviewed By:** A.B, *B.Eng (Honours)*

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

List of Contents

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Site Information

The building located at 69 High St, Kensington SA 5068, consists of a single-storey building facing south west onto High Street. The building appears to have been built circa 1910 and is of a double brick construction, likely founded on strip footings and has a tiled roof. An extension of a cladded veneer construction and sheet roof was added to the northeastern end of the property at a later date. The extension is not included in the scope of this report. The current owner has leased the property to tenants since purchasing the property in early 2014. The front building line is situated on the front boundary, and there is a footpath directly in front. There is a childcare centre to the east of the building.

Figure 1: Aerial view of 69 High St, Kensington SA 5068

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

The client proposes to undertake repairs to the building now that the tenants have moved out of the property. The client reported that all cracking to the building was repaired shortly after the property was purchased, in early 2014.

The client provided OB Engineering with two reports that were undertaken around the time of purchase of the property. On the 18th of November 2013, a structural report from Jim Wilson Consulting Engineers reported the following regarding the condition of the front wall of the building:

- The report references a report prepared by Mr Dennis Sandery (consulting engineer) on the 12th of August 2012 stating that the front wall was not unstable.
- The report indicated that at the date of inspection (11th of November, 2013), the movement at the top of the wall was approximately 40mm to 50mm based on measurement of crack widths at the top of the side walls.
- The report expressed that the wall was stable when inspected and is not in imminent danger of collapse.
- The report suggested that the wall be reconstructed as unusual loads such as earthquake loads may result in wall failure. The report goes on to say that remedial work would be promptly required if crack widths at the top of the wall continue to expand.

A report prepared by Dennis Sandery Consulting Engineers on the 12th of September 2012 after inspecting on the 23rd of July and 10th of September 2012 expressed the following information about the building:

- The front wall of the dwelling has rotated to a considerable degree and has separated structurally from both side walls of the dwelling.
- The front wall was not unstable at the time of inspection, however sudden forces such as earthquake actions may destabilise the wall, resulting in collapse.
- Recommends rebuilding the wall as it will eventually collapse. Suggests 400mm wide x 600mm deep concrete footings with 3N16 rods top and bottom and 1m ligatures @ 1m cts. At each end and at the centre of the footing beam, a pier 1200mm long is to be excavated to a depth of 1m below the underside of the footing to prevent future rotation of the wall. The piers are to be reinforced with 6N12 vertical rods extending up into the footing beam.
- Recommends the new stonework or brickwork is keyed into the two side walls.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Inspection

The below notes and photographs were recorded during the site inspection. Photos have been provided to assist in explaining the extent and location of the damage and to provide insight into the cause of the damage and defects.

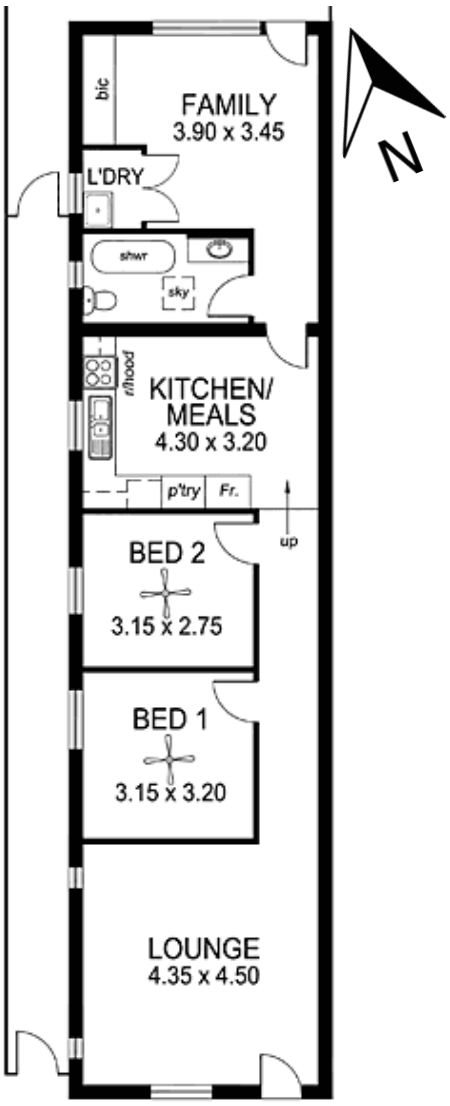


Figure 2: Floor Plan

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

External Inspection

Eastern End

- 6-7mm diagonal cracking.
- 3-4m vertical cracking.
- Gutter was noted to be filled with debris.

Southern End (facing Street)

- 1-3mm horizontal cracking above entry door on eastern end.
- 8-10mm diagonal cracking above entry door to gable.
- 1-4mm horizontal cracking above entry door.
- 4 x 1-2mm vertical cracking above window.
- 1mm vertical cracking below window.
- 2-3mm horizontal cracking on western end of wall.

Western End

- Wall on southern end rotated 30mm/m to the west. Part of wall to the south of northern lounge room window rotated 34mm/m.
- Trench drain, near side entry gate was noted to be clogged.
- Fascia at southwestern corner of building rotted. Gutter was also noted to be clogged on southwestern corner of building.
- External wall rotated 26mm/m to the west near bed 1 window.
- External wall rotated 22mm/m to the west near bed 2 window.
- External wall rotated 6mm/m to the west, north of bathroom window.
- 1-2mm vertical cracking near window.
- <1mm vertical cracking to the north of southern lounge room window.
- 1-3mm diagonal cracking below northern lounge room window.
- Separation of fascia board to the south of bed 1 window.
- 4-6mm vertical cracking to the north of bed 2 window.
- 2mm diagonal cracking above kitchen window.
- 5mm vertical cracking to the south of kitchen window.
- Cracked render above water heater.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Eastern End

6-7mm diagonal cracking and 3-4mm vertical cracking on eastern boundary wall (from childcare side).

Debris in gutter.

Southern End

Vertical cracking above entry door.

Horizontal cracking west of entry door.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Horizontal and vertical cracking above southern living room window.

Vertical cracking below southern living room window.

Rotation of southern wall on eastern end.

Rotation of southern wall on western end.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Western End

Significant leaning of front wall. Gutter filled with debris.

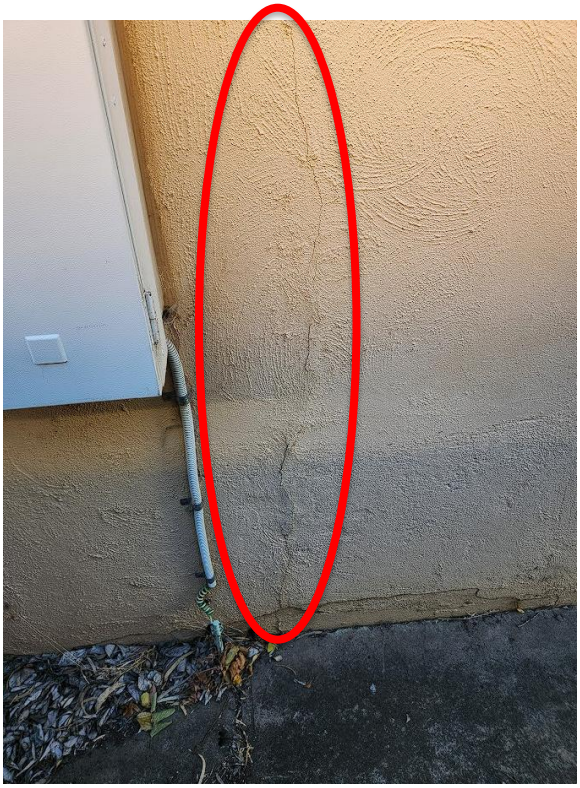
Damaged downpipe and clogged trench drain near side entry door.

Separation of fascia from wall near southwestern corner of building.

Cracking above western lounge room window.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304



Hairline vertical cracking near meter box.

Holes in fascia board.

Diagonal cracking and debonded render near air conditioning unit.

Vertical cracking below northern lounge room window on western wall.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Vertical cracking to the north of bed 2 window.

Diagonal cracking above kitchen window.

Vertical cracking to external wall near bathroom.

Cracking to render above water heater.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Measurement of separation between render and southern wall.

Fall of western perimeter paving away from building.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Internal Inspection

Bathroom

- 1mm vertical cracking in southwestern corner.
- Southern wall was leaning 10mm/m to the north. The wall appears to have been an external wall historically due to it being double brick.

Kitchen/Meals

- Western wall was leaning 25mm/m to the west to the south of the kitchen window.
- 8mm separation between kitchen benchtop and wall near kitchen window, indicating movement of the western wall to the west. Separation was noted to be 17mm near southwestern corner of room.
- Separation of cornice from wall near kitchen window.
- 10mm vertical cracking in southwestern corner. Bed 2 was visible through the cracking.
- 1mm horizontal cracking to ceiling at entry to kitchen from corridor.
- Plaster debonded from wall in northeastern corner of room.
- Separation of cornice from wall in northeastern corner of room.

Bed 2

- 4-25mm vertical cracking in northwestern corner of room.
- Northern part of wall was noted to be leaning to the west 22mm/m.
- 1-3mm diagonal and vertical cracking above window.
- 20-25mm separation between cornice and wall to the south of window.
- Southern part of wall was noted to be leaning to the west 36mm/m.
- 25mm diagonal cracking in southwestern corner of room.
- 13mm vertical cracking to bottom part of the wall in southwestern corner of room.
- Floor was noted to be out of level 9mm/m (lower on western end) on northern end.
- Floor was noted to be out of level 4mm/m (lower on western end) on southern end.

Bed 1

- 4-40mm vertical and diagonal cracking behind plaster.
- 25-30mm separation of cornice from wall.
- Hairline cracking around window.
- 25mm separation of cornice from wall on southern end.
- 10-25mm vertical cracking in southwestern corner of room.
- Southern wall was noted to be rotating 7mm/m to the north.
- Floor was noted to be out of level 12mm/m (lower on western end).
- <1mm vertical cracking in cornice in southeastern corner of room.
- 1mm vertical cracking above door.

Lounge Room

- 8-15mm vertical cracking in northwestern corner of room.
- 1-2mm diagonal cracking above northern window on western wall.

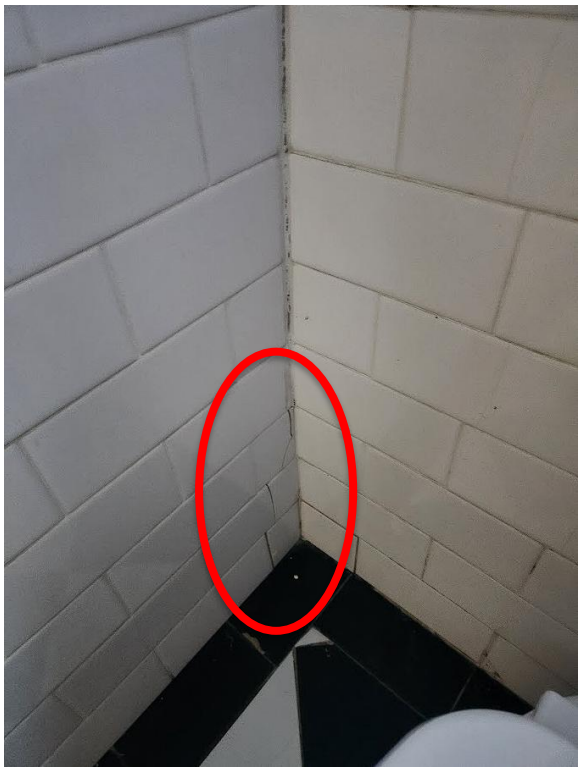
CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

- 1mm vertical cracking to the south of northern window on western wall.
- Western wall was noted to be rotating 31mm/m to the west measured to the south of the northern window on the western wall
- 7mm separation of cornice from wall.
- 1mm diagonal cracking above southern window on western wall.
- Western wall was noted to be leaning 32mm/m on southern end.
- 1mm vertical cracking in southwestern corner of room.
- 20mm separation of cornice near southwestern corner of room.
- Western end of southern wall was leaning 45mm/m to the south.
- 10mm separation of cornice from wall above southern window.

Bathroom

Vertical cracking in southwestern corner of room.



Broken tiles in southwestern corner of room.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Vertical cracking in northeastern corner of room.

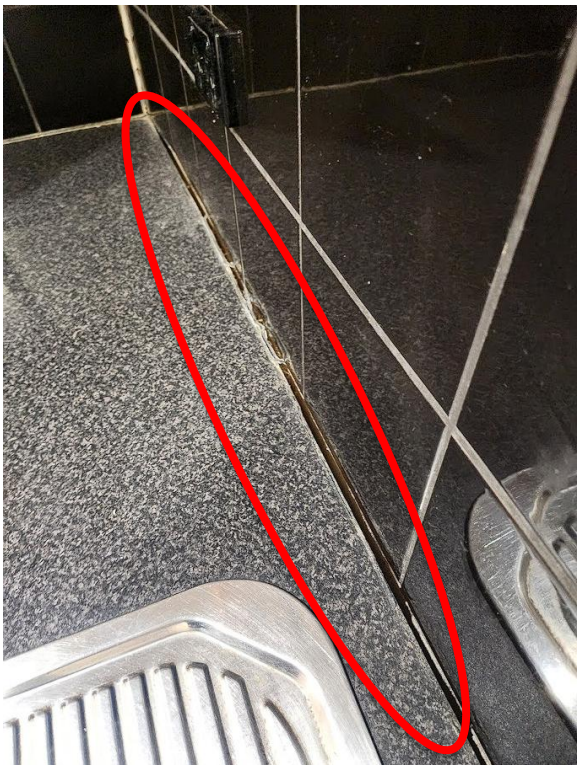
Kitchen/Meals Room

Vertical cracking in northeastern corner of room.

Vertical cracking to northern wall of room.

CIVIL AND STRUCTURAL

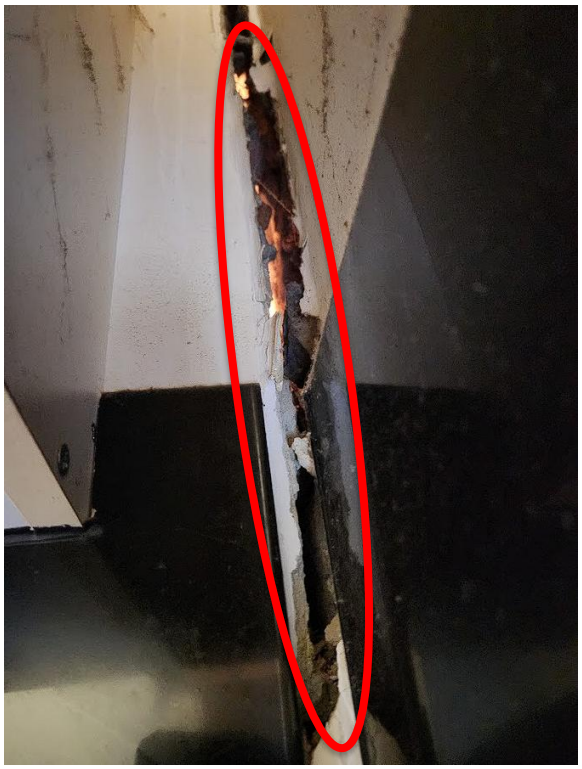
0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304



Separation of kitchen benchtop from western wall, indicating rotation of wall.

Separation in southwestern corner of room, indicating rotation of wall.

Vertical cracking in southwestern corner of room.



Vertical separation in southwestern corner of room.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Separation of cornice from western wall, indicating rotation of wall.

Separation of cornice from western wall was less on northern end.

Bed 2

Vertical and diagonal cracking in southwestern corner of room.

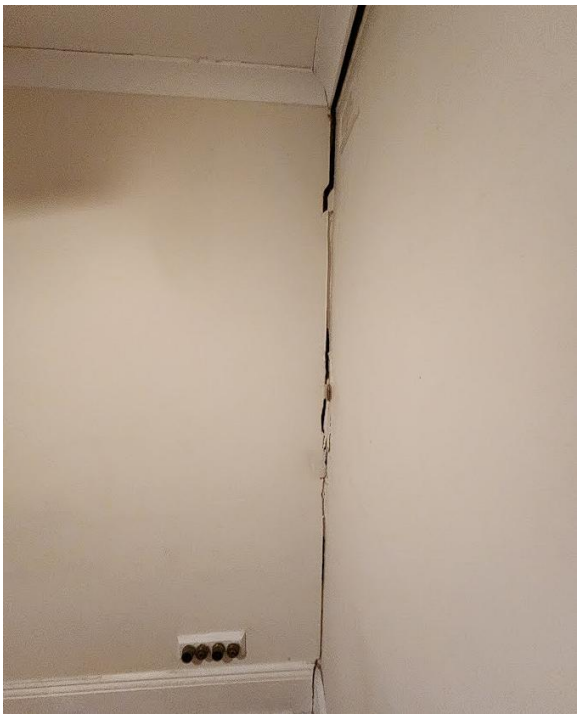
Separation of cornice from western wall on southern end.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Vertical cracking in northwestern corner of room, indicating rotation of western external wall.

Bed 1



Vertical cracking in southwestern corner of room and separation of cornice from wall.

Separation of cornice from wall.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Diagonal cracking to northwestern corner of room.

Vertical cracking above door.

Lounge Room

Vertical cracking and separation of cornice in southwestern corner of room.

Separation of cornice from southern wall.

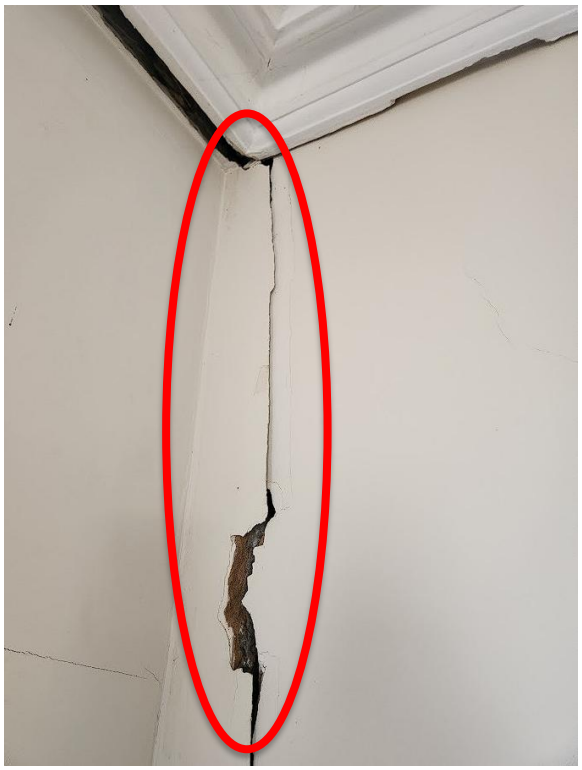
CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Diagonal cracking above southern window on western wall.

Separation of cornice from western wall.

Vertical cracking and debonded render above northern window on western wall.



Severe cracking in northeastern corner of room and separation of cornice from wall.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Separation of cornice from northern wall.

Vertical and diagonal cracking on eastern wall of lounge room.

Water damaged in southeastern corner of room, above entry door.

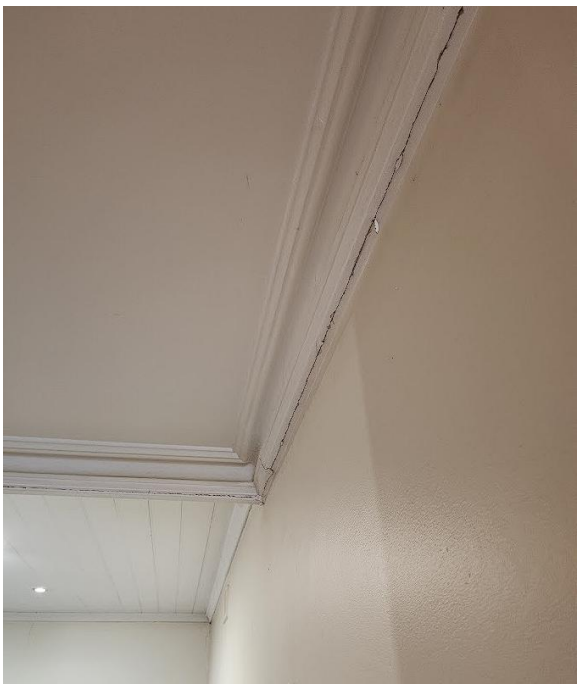
Separation of cornice from southern wall.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Diagonal cracking on eastern wall, near entry door.

Corridor



Horizontal cracking at bottom of cornice in northeastern corner of room.

Diagonal cracking above bed 2 door.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Diagonal cracking above bed 1 door.

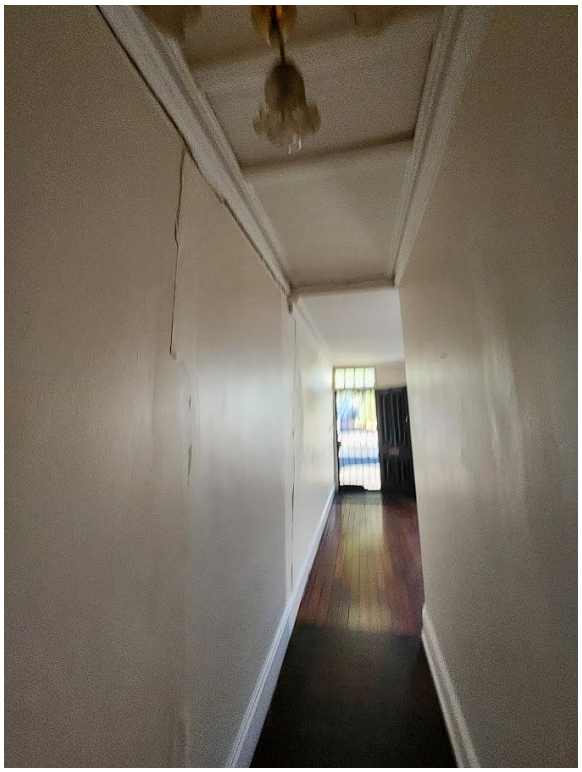
Horizontal cracking to ceiling between lounge room and corridor.

Horizontal cracking to cornice in southeastern corner of corridor.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Horizontal cracking to cornice on eastern wall.



Vertical cracking to eastern corridor wall.

Discussion

According to Table C1 of AS2870, the observed cracking at 69 High St, Kensington SA 5068 are classified as slight to severe. Cracking is often a result of soil movement underneath the building's footings. Soil movement occurs due to the wetting and drying of the soils, especially around the building's perimeter. The main causes of soil drying are:

- Seasonal drying effects, particularly in summer, which can be exacerbated by inadequate or poorly constructed paving around the building edges.
- Drying effects caused by nearby trees.

On the other hand, the primary causes of soil wetting are:

- Leaking sewer pipes.
- Leaking water supply pipes.
- Inadequate roof stormwater management, which leads to excessive water infiltration into the soil, near the building footings.

The property at 69 High St, Kensington SA 5068, is located on highly reactive clayey soils generally classified as RB3: red-brown sandy clay soils with granular structure according to the Soil Association Map of The Adelaide Region published by Department of Mines and Energy in 1969. The soils that are characteristic of this area exhibit a natural tendency to undergo volume alterations in response to changes in moisture content. These soils expand when subjected to moisture and contract during dry periods. This inherent characteristic leads to movement of subsurface soils, and over time, may lead to bending and subsequent cracking of the footings over.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

The building at 69 High St, Kensington SA 5068 is of a full masonry construction without articulation joints, likely built on strip footings. Compared to modern raft slab footings, strip footings are relatively flexible, and due to the reactive nature of the soils in the area, this type of construction may be prone to cracking. The absence of articulation joints combined with the inherent flexibility of strip footings makes this structure particularly vulnerable to cracking, especially when founded on highly reactive soils. The perimeter paving around the dwelling was noted to exhibit adequate fall and width to allow stormwater to drain away from the footings of the building. The footpath at the front of the property was noted to be pavers with suitable fall away from the building.

The perimeter paving on the eastern (childcare) side of the building comprised pavers for approximately 600mm, then synthetic grass. Furthermore, there appeared to be inadequate fall away from the building to facilitate the discharge of stormwater away from the building footings, this may be resulting in movement of the footings and wall on the eastern end, resulting in the observed cracking. A water tap located within the childcare centre and adjacent to the eastern building wall was noted to discharge water directly onto the soil. The gutter on the southeastern end of the building was noted to be clogged with leaves during the inspection. Street view imagery from July 2017 confirms the gutter was filled with leaf debris from the nearby tree, which may lead to overflowing of the gutter and subsequent soaking of the ground adjacent to the building or entry of water into the building envelope under the roof tiles. Gutters shall be cleaned to ensure stormwater flows freely to the street water table. A large tree approximately 7m in height was noted near the southeastern end of the building. As mentioned previously, trees have a drying effect on the surrounding soils, causing soil within the influence zone of the tree (equal to the height of the tree) to settle.

Severe rotation in a southerly direction of up to 59mm/m was noted on the eastern end of the southern wall, facing the street, indicating that the top of the wall has displaced 177mm to the south. The causes of this rotation are numerous and may include:

- Presence of large street tree in close vicinity of the southern building wall.
- Inadequately sized footings resulting in settlement and rotation of the footings and wall over.
- Plumbing defects in vicinity of the wall.

The engineer's report dated to 18th November 2012 by Jim Wilson Consulting Engineers expresses that the top of the wall had moved to the south 40-50mm. This was measured to be 177mm with a digital spirit level during the inspection undertaken by OB Engineering in February 2025. It is not clear if the measurements of rotation by Jim Wilson Consulting Engineers was undertaken by a digital spirit level or other measurement instrument. It was noted that the gable end was not rotated to the same degree as the wall, and this may be due to the restraint provided by the roof structure at the top of the gable end. The rotation of the wall is considered severe, and the wall may collapse at any time, resulting in extensive damage to the building itself, to the footpath and is a safety risk to pedestrians using the footpath.

The inspection revealed that internal cracking classified as severe was localised to the western end of the building. The diagonal cracking, and separation of the western wall from the kitchen benchtop indicate that the western wall has rotated. This rotation was measured to be 34mm/m to the west in vicinity of the lounge room and 26mm/m to the west near the kitchen. Given that the cracking to the internal walls was repaired 10 years ago, as reported by the client, the redevelopment of the internal cracking localised to the western end of the building indicates that the western wall and footing is

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

actively rotating. This is unlikely to be caused by inadequate drainage of stormwater away from the building footings, as the perimeter paving was noted to perform adequately, furthermore no leaks or plumbing issues were reported by the client. Therefore, the likely explanation for the rotation of the western wall is inadequately sized footings, resulting in the rotation of the footings and the wall over and diagonal cracking to the return walls.

Based on the damage categorisation of the structure (in accordance with AS2870) and the fact that the southern wall has rotated significantly, OB Engineering recommends that the client consider demolition of the southern and western external walls of the building. The western wall has rotated to a lesser extent, and the footings on the western end of the building have settled notably. However, the rotation of the wall and settlement of the footings is beyond the point where underpinning will be effective, hence this wall should also be demolished.

The decision to undertake a partial demolition and rebuild to the failed external walls or undertake a full rebuild of the property should be subject to an economic feasibility assessment. Should the cost to repair the building exceed the cost to demolish and rebuild a new structure, the latter option should be taken.

Recommendations

Due to the points stated above, it is our opinion that the remedial works to the building will be extensive. Extensive remedial works will be required to bring the footings, floors and walls to safe and structurally adequate condition. These remedial works are not economically feasible, and therefore it is our recommendation to demolish and rebuild the building. Note this will be subject to Council approval, and a development application including a demolition plan shall be lodged to Council prior to the works being undertaken. OB Engineering will be able to assist in the design of the new building.

Though the remedial works are extensive and likely to outweigh the cost of rebuilding, shall the client decide to retain the structure, contact OB Engineering for further recommendations on remediating the building, including specifications for the replacement of the southern and western building walls, and other defects identified during the site inspection.

CIVIL AND STRUCTURAL

0480 632 951
info@obengineering.com.au
1A Tarton Road, Holden Hill SA 5088
ABN 69 661 191 304
ACN 661 191 304

Conditions of the Report

This document is and shall remain the property of OB Engineering Group Pty Ltd. The document is specific to the Client and site detailed in the document. Use of the document must be in accordance with the Terms of Engagement for the commission and any unauthorised use of this document in any form whatsoever is prohibited. No part of this document including the whole of same shall be used for any other purpose nor by any third party without the prior written consent of OB Engineering. The opinions expressed in this document are based upon a visual inspection conducted with reasonable care. Areas not reasonably accessible and not readily viewed without disturbing the existing structure, finishes or furnishings have not been inspected, unless noted otherwise. OB Engineering Group has not carried out a review with respect to combustibility, fire resistance or fire safety provisions of the external insulation and finishing system, wall panelling, cladding or façade material or any associated fixing system that is to be or that may be applied to this project. Cladding systems must comply with the Building Code of Australia, the NCC, relevant Australian Standards and any other applicable regulations and test requirements. OB Engineering Group advises that project specific advice with respect to fitness for purpose and statutory compliance of any proposed cladding materials shall be sought from a suitably qualified and experienced Materials or Fire Services Engineer. OB Engineering Group reserves the right to append, amend and/or modify the contents of this document upon receipt of additional

Kensington 2883 001A

29 August 2025

Town Planning
Development Advice
Strategic Management

Mr Geoff Parsons
Assessment Manager
City of Norwood Payneham & St Peters
175 The Parade
NORWOOD SA 5067

gparsons@npsp.sa.gov.au

Dear Geoff,

Development Application 25003913 – Demolition – 69 High Street, Kensington

I refer to the above-mentioned development application by Mr John & Mrs Haley Miller seeking planning consent for the demolition of a dwelling, being a local heritage place, on land at 69 High Street, Kensington.

I note from the minutes of the meeting held on 19 May 2025, that the City of Norwood Payneham & St Peters Council Assessment Panel resolved to defer consideration of this application to enable the following information to be provided:

- *cost estimates for repair work to make the building safe and compliant with the current building code (to the extent necessary for this building); and*

- *specialist engineering advice regarding restoration options and integrity of such, while maintain the heritage values of the place.*

also note:

- provision of a Structure Report by OB Engineering which concludes that remedial works will be extensive to bring the footings, floors and walls to a safe and structurally adequate condition, and likely to outweigh the cost of rebuilding

- an independent structural assessment by Imparta Engineers, commissioned by Council which concludes that it is highly likely that both the southwestern (front) and north western (side) walls would need to be wholly reconstructed;

- Imparta Engineers went on to say that any attempt to retain and realign these walls through underpinning and other structural remediation is likely to be unsuccessful;

- commentary by Council's Heritage Advisor to the effect that if it were necessary to reconstruct the front and side wall, the heritage value would be significantly, if not completely, diminished no matter how convincing the replication;

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

- a number of representations including that by the Kensington Residents Association in opposition to the demolition, suggesting that the building may be salvaged through chemical resin injection underpinning; and

- a detailed assessment of this proposal undertaken by Mr Kieran Fairbrother, Council's Senior Urban Planner, addressing relevant provisions of the Planning & Design Code with a recommendation to planning grant.

Our client has more recently obtained a quotation from Finch Constructions that is informed by a site inspection, review of the above documents and the reconstruction of the front and side wall (considered necessary) amongst other make good works.

I note that this quotation is on the amount of **$616,762** and sets out an extensive list of exclusions, that in my opinion, would ordinarily be necessary to make a building habitable as a dwelling. I can therefore only expect that the resultant cost will be higher.

In the context of this information, I provide my town planning opinion with respect to the proposal for demolition of this dwelling (a local heritage place) having regard to relevant provisions of the Planning & Design Code.

That which is most relevant to the consideration of this proposal is as follows.

Local Heritage Place Overlay

Demolition

PO 6.1 Local Heritage Places are not demolished, destroyed or removed in total or in part unless:
- **a) the portion of the Local Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value or**
- **b) <u>the structural integrity or condition of the Local Heritage Place represents an unacceptable risk to public or private safety and is irredeemably beyond repair.</u>**

The first test set out by this policy provision is whether the structural integrity or condition of the building represents an unacceptable risk to public or private safety. In answering this question, I note that:

- according to the documentation reviewed, I am of the view that the building is not in a condition suitable to be used as a dwelling in so far as it presents as an unacceptable risk to any occupant – the dwelling has been vacated;

- in terms of risk to the public, this has been acknowledged by the Council in its actions to cordon off the public footpath immediately to the front of the building on High Street given the hazard posed by the collapse of this front wall; and

- on advice from Mr & Mrs Miller's insurer, they would not be covered should this building collapse (increasingly likely) and result in damage to third party property or injury to a member of the public.

To my mind, there can be no reasonable suggestion that the current condition of this building does not presents an *unacceptable risk to public or private safety.* This has clearly been acknowledged by Council in its action to cordon off the footpath area.

I also note that this building is adjacent to land used as a primary school.

With respect to the second part of the test, *irredeemably beyond repair*, it is informative to have regard to the decision of the Court in Klemich v City of Norwood, Payneham & St Peters where the meaning of *irredeemable* is explored:

35. The remainder of the test revolves around consideration of the word "irredeemable" in clause (a) of Principle 47. Choice of this word is not considered to be ideal for the concept that I understand is sought to be achieved. Dictionary definitions include references to not redeemable, beyond redemption, incapable of being bought back or paid off; and redeemable being capable of being redeemed; and to redeem to include to make up for, to obtain the restoration of or to pay off, to bring the item back to original condition or its presence. Hence, in a planning sense, I find that it is intended to include the restoration, repair and rehabilitation of existing original building fabric of heritage value, but not to include its full replacement with new materials, nor necessarily include the term or works comprising 'rectification'.

As you will see attached, I have also taken advice from Ms Felecity Neimann, Partner at Wallmans Lawyers on this consideration. I ask that this advice is provided to Council's Assessment Panel when this application is represented for determination.

On my review, the extent of the works necessary to rectify the current condition of this building go well beyond restoration, repair and rehabilitation, and require replacement of original building fabric with new materials.

It was suggested by one representor that chemical resin (urethane) may be used to underpin and straighten walls, however the expert engineering advice indicates that this method may only be suitable for moderate rotation and settlement.

The severity of rotation and level of structural defect in this instance is of a magnitude such that this methodology would only likely stabilise the wall in its current position and would not be sufficient to restore the walls to plumb and rectify their structural integrity.

It is clear to me that the structural condition of these original walls is beyond repair (including by means such as urethane injection) with the only feasible approach being to rebuild these walls which is replacement rather than repair.

I therefore conclude that this local heritage Place is *irredeemably beyond repair.*

As noted by Council's Heritage Advisor, reconstruction (replacement) of these walls would significantly, if not completely diminish the heritage value of this building no matter how convincing the replication may be.

To remove the front and side walls to then reconstruct them means that the application process would be similar to what is proposed, but with the added step of needing to approve a replica or interpretation of the existing cottage. From a purely heritage perspective that means the building would no longer be the same Local Heritage Place, so the listing should be removed.

I also think it informative to note the commentary provided by Council's Heritage Advisor with respect to the likely success of underpinning walls on existing footings and/or reconstruction on new footings.

Reconstructing walls on the same footings would be a waste of time and money, so new strip footings would be the better outcome. If the existing footings are underpinned and retained, the rest of the walls on the dwelling would then move differently with the seasonal soil moisture changes resulting is cracking and ongoing maintenance. The same result would be seen if the two reconstructed walls were on new footings.

<u>The sensible approach is then full demolition and a removal of the heritage listing.</u> If that decision is adopted, the argument moves to whether to reconstruct the cottage or not? My advice would be not to reconstruct as the building is not of such significance that it warrants a full reconstruction, in whatever form.

Mr Brown, a recognised expert in the field of heritage architecture and conservation, goes on to characterise the heritage value of this building in the Kensington context, describing it as somewhat *unusual* that has been *altered significantly* over its life.

The existing building has been altered significantly over its life, so much so that it would be difficult to determine what it once looked like when originally constructed. So, would it be reconstructed as it is, a fully rendered, unusual single fronted cottage reusing doors and windows, or would there be some interpretation, and conjecture and a more original looking building based partly on what is found when the demolition occurs, and partly based on other similar local dwellings? This is a somewhat unusual dwelling, even in the Kensington context, so there is little precedent to adopt to assist with the outcome.

Accordingly, I conclude the relevant tests have been satisfied and that there should be no impediment to the demolition of this building, which I suggest should occur sooner rather.

Indeed, I recommend that a special meeting of the Panel be called to deal with this development application as matter of urgency given the risks involved.

Yours faithfully

PHILLIP BRUNNING & ASSOCIATES PTY LTD

PHILLIP BRUNNING RPIA
Registered Planner
Accredited Professional – Planning Level 1

WALLMANS
LAWYERS

Expert advice,
human approach.

L5, 400 King William St
Adelaide SA 5000

GPO Box 1018
Adelaide 5001

Tel (08) 8235 3000
Fax (08) 8232 0926

general@wallmans.com.au
www.wallmans.com.au

ABN 98 802 494 422

Adelaide - Sydney

Our Ref: FJN:CAW:151911

29 August 2025

Phillip Brunning & Associates
27 Halifax Street
ADELAIDE SA 5000

By email: phil@phillipbrunning.com

Dear Mr Brunning,

DEVELOPMENT APPLICATION 25003913 – DEMOLITION – 69 HIGH STREET, KENSINGTON

Wallmans Lawyers act for John and Hayley Miller in relation to the above application for demolition of their Local Heritage listed dwelling at 69 High Street, Kensington (**Dwelling**).

I am instructed that their regretful decision to apply for demolition of the Dwelling arose due to their concerns over the serious risk to safety arising from structural integrity of the building and that it is now irredeemably beyond repair.

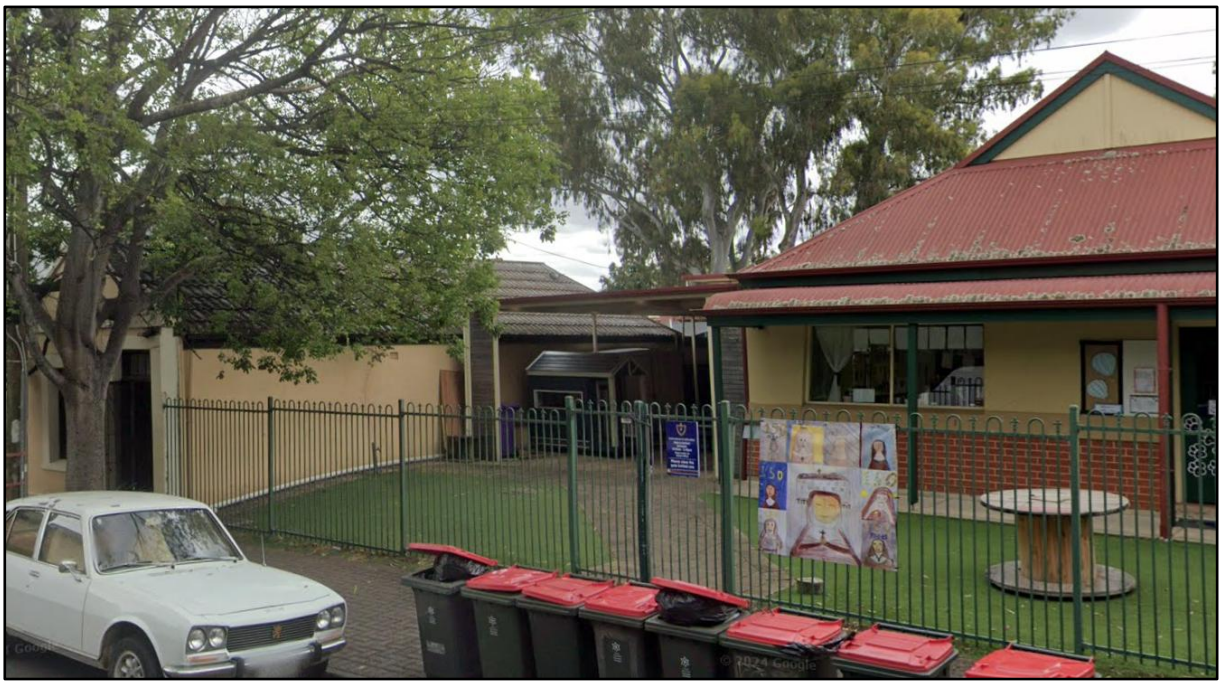
I have read and reviewed the City of Norwood, Payneham and St Peters Council Assessment Panel (**NPSP CAP**) agenda report dated 19 May 2025 including the engineering and other expert reports submitted with the application. I have also read the Council's engineering report and heritage advice annexed to the agenda, representations and minutes of that meeting.

I have been instructed to undertake a legal review of the proposal and make recommendations following the resolution of the NPSP CAP at their meeting on 19 May 2025. This letter together with your planning report is to be submitted to the CAP as part of the application and in response to that resolution.

BACKGROUND

The Dwelling is within the Established Neighbourhood Zone and under Heritage Overlays, including the Local Heritage Overlay. It is a single fronted cottage which abuts the boundary of the council road reserve and footpath. The Dwelling has no setback and entry to the dwelling and living room is from the front access door that also abuts the street.

The eastern wall of the Dwelling is also on the boundary and abuts St Joseph's Memorial School which is for preschool to primary school aged students. The eastern and southern wall is shown below in the extract from Google Street View. The area immediately adjacent the eastern wall appears to be well used by the school and shows what appears to be a back access gate to a small playground area, possibly for the preschool.



According to the heritage survey, the Dwelling was constructed circa 1850-1860. The Dwelling has been rendered numerous times over its lifetime.

The Dwelling was purchased as an investment property by John and Hayley for their self-managed-super-fund (**SMSF**). They had hoped that it would continue to be profitable and used as a rental investment for their future retirement.

The Dwelling has been leased out for several years. The rental income from the property was used to invest back into their SMSF. At the end of the last lease period, it was observed at the post rental inspection that serious and dangerous cracking in the walls had spread throughout, but particularly on the western and southern walls, both internally and externally.

John and Hayley immediately sought expert advice from structural engineering firm, OB Engineering[1] to inspect the property and prepare a detailed report on its condition. The report appears at Attachment 1 of the Council Assessment Panel Agenda.

OB Engineering advised, among other things, that:

> *"The rotation of the wall is considered severe, and the wall may collapse at any time, resulting in extensive damage to the building itself, to the footpath and is a safety risk to pedestrians using the footpath"*[2]

and that:

> *"Based on the damage categorisation of the structure (in accordance with AS2870) and the fact that the southern wall has rotated significantly, OB Engineering recommends that the client consider demolition of the southern and western external walls of the building. The western wall has rotated to a lesser extent, and the footings on the*

[1] OB Engineering Report dated 22 February 2025 page 28 of 88 of the CAP Agenda
[2] OB Engineering Report dated 22 February 2025 page 28 of 88 of the CAP Agenda

> *western end of the building have settled notably. However, the rotation of the wall and settlement of the footings is beyond the point where underpinning will be effective, hence this wall should also be demolished.*[3]

(my emphasis)

John and Hayley immediately notified the Council, who had separately commissioned their own engineering report from Imparta Engineers.[4] Imparta Engineers reached similar conclusions and made similar recommendations to OB Engineering, such as:

> *"The rotation and damage to the southern and western elevations is such that it is unlikely this wall could be repaired without reconstructing it to a large degree (if not fully). Realignment of the existing wall could be attempted by underpinning the existing footing and jacking / "pushing" the walls back into alignment. However, due to the building's age and the extent of rotation, the success of such an attempt is not guaranteed."*[5]

The Council administration also commissioned its own heritage architect, David Brown of bbarchitects to provide a short report[6] which advised:

> *"The engineers recommend underpinning and or reconstruction of the front and side walls. While this is understandable from an engineering perspective, it is a concern from a heritage perspective. To remove the front and side walls to then reconstruct them means that the application process would be similar to what is proposed, but with the added step of needing to approve a replica or interpretation of the existing cottage. From a purely heritage perspective that means the building would no longer be the same Local Heritage Place, so the listing should be removed."*
>
> *"Reconstructing walls on the same footings would be a waste of time and money, so new strip footings would be the better outcome. If the existing footings are underpinned and retained, the rest of the walls on the dwelling would then move differently with the seasonal soil moisture changes resulting is cracking and ongoing maintenance. The same result would be seen if the two reconstructed walls were on new footings."*
>
> *"The sensible approach is then full demolition and a removal of the heritage listing."*

(my emphasis)

Given the level of risk identified, the Council administration also took steps to block the footpath and all access to the front of the Dwelling. Restricted access to the front of the dwelling has been in place since February 2025.

[3] OB Engineering Report dated 22 February 2025 page 29 of 88 of the CAP Agenda
[4] Imparta Engineers Report dated 15 April 2025 page 82 of 88 of the CAP Agenda
[5] Imparta Engineers Report dated 15 April 2025 page 82 of 88 of the CAP Agenda
[6] bbarchitects report by David Brown dated 28 April 2025 at page 88 of 88 of the CAP Agenda

The risk that arises from the imminent collapse of the wall as well as the blocking of a footpath in the vicinity of a busy school access, forcing students and parents to walk onto the road to avoid the hoarding. This is an unacceptable risk that cannot be left lingering without a resolution.

The level of concern raised by their own engineers and Council's engineers prompted John and Hayley to follow the advice of the NPSP Council administration to immediately submit a development application for demolition of the Dwelling.

The application then went before NPSP CAP at its meeting on 19 May 2025 with the structural engineering reports attached and a strong recommendation from Council's planner that the planning consent for the Dwelling to be demolished be approved.

The engineering reports clearly stated that the Southern and Western walls of the Dwelling were at a severe risk of collapse at any time and that they were beyond repair and should be demolished. Despite this the CAP resolved at the 19 May 2025 meeting that:

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

2. *Development Application Number 25003913, by John Miller and Haley Miller is deferred for further information regarding the following matters:*
   - *costing estimates for repair work to make the building safe and compliant with the current building code (to the extent necessary for this building)*
   - *specialist engineering advice regarding restoration options and integrity of such, while maintaining the heritage values of the place.*

3. *Should the agreement of the Applicant to place the Application on hold be revoked, the Assessment Manager is delegated to refuse DA 25003913.*

As a result of the resolution at the last meeting, John and Hayley Miller find that they are in a completely untenable and unworkable situation. They are simply unable to respond to these requests for further information from the NPSP CAP.

Engineers and heritage architects have already advised that the Dwelling is beyond repair and that any work required will require demolition which would lose the heritage value of the place.

Nevertheless, they have engaged a Finch Constructions to quote on the work to bring the building up to code, which is enclosed. The builder advises that the works will require demolition of the both the Southern and Western Elevations and replacement of the footings and walls to make it compliant with the building code. As observed by Council's Heritage Architect consultant, removal of the Southern and Western Elevations *"means the building would no longer be the same Local Heritage Place, so the listing should be removed".*[7]

In response to the request for information, John and Hayley Miller rely on the reports already included with the 19 May 2025 CAP Agenda report and the Finch Construction quote in satisfaction of the resolution.

PLANNING ASSESSMENT

The most relevant policy that applies to this application has been correctly identified as follows:

> ***Local Heritage Place Overlay***
> *Demolition*
>
> *PO 6.1 Local Heritage Places are not demolished, destroyed or removed in total or in part unless:*
>
> *a) the portion of the Local Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value; or*
>
> *b) the structural integrity or condition of the Local Heritage Place represents an unacceptable risk to public or private safety and is irredeemably beyond repair.*

(*my emphasis*)

Performance Outcome 6.1 presents two planning considerations that must be satisfied with respect to an application for demolition. Those requirements are:

1. Does the structural integrity or condition of the Local Heritage Place represent an unacceptable risk to public or private safety? AND

2. Is the Local Heritage Place irredeemably beyond repair?

[7] bbarchitects report by David Brown dated 28 April 2025 at page 88 of 88 of the CAP Agenda

Unacceptable risk to public or private safety

The first requirement is a question of fact and degree and is met by reference to the engineering reports and recommendations by both OB Engineers and Imparta Engineers. According to the OB report referenced above, the risk of collapse is imminent and the "*wall may collapse at any time*".

The addendum to the OB Engineer report in response to the representation have also advised:

> *"The structural condition as assessed poses a significant and immediate safety risk to the public and property occupants. The ongoing structural movement indicates instability, and remedial actions such as mere propping or grouting do not permanently mitigate the underlying structural inadequacies or safety hazards identified in our professional assessment."*

This risk is particularly concerning given the proximity of the school and playground bordering the property. Although the reports the eastern wall is not the focus of concern, it is unknown how it will perform if the Southern and Western wall were to collapse.

As it is located next door to a school, that area is also very busy with children and parents at peak periods such as school drop off and pick up.

Irredeemably beyond repair

The Planning and Design Code requires the Dwelling must be irredeemably beyond repair to allow its removal.

The deliberate use of the word "repair" is important to observe when considering the second consideration in PO6.1. It is distinguishable in that it seeks for "repair" of the Local Heritage Place and not "replacement".

It is accepted by the Court that replacement of a Local Heritage Place will affect the Heritage Value of the building. This is supported in the decision of *Klemich v Norwood, Payneham & St Peters Council [2002] SAERDC 10.*

The Court in Klemich found that included the restoration, repair and rehabilitation of the original building fabric of heritage value. Klemich concluded that it did not include full replacement with new materials; being 'rectification'.

The more recent decision in *Om Holdings (SA) Pty Ltd v Minister for Climate, Environment And Water & Ors [2025] SAERDC 14 considered the* Macquarie Dictionary meaning of *"'irredeemable' as meaning 1. not redeemable; incapable of being bought back or paid off; 3. beyond redemption; irreclaimable; 4. irremediable, irreparable, or hopeless."*

The Court in Om Holdings said that *we "consider that to be irredeemable the sign must have reached a point of deterioration whereby no other options for repair are available."*

In my experience, it would be unusual for circumstances to come together whereby the point of deterioration has reached a point where no other options for repair are available. It is why the test set out in PO 6.1 is so high.

However, the Dwelling at 69 High Street is a scenario that PO 6.1 has been specifically drafted to contemplate. Repair is simply not an option available for the Dwelling.

The engineer reports have concluded that only the replacement of the western and southern walls is available to Hayley and John Miller.

OB Engineers further opined that:

> *"Based on the severity of structural rotation, internal and external cracking, and associated safety risks as identified in our report, it remains our professional engineering recommendation that the demolition and reconstruction of the entire building is the most appropriate and economically feasible course of action."*

The Council's Imparta engineer report also recommends that:

> *"However, in our opinion, the best structural solution for mitigating against movement in reactive clay foundation soils and the deleterious effects of that movement would be to construct a new dwelling using more flexible modern building methods on a footing specifically designed to withstand expected movements in the foundation soils at this site."*

And that:

> *"For the purposes of making a decision on this application, all stakeholders should anticipate that an attempt to retain and realign the existing southern and western walls may be unsuccessful. Consequently, if the decision maker is to compel the applicant to attempt to realign the existing structure, that decision should also consider the likely additional costs and disruption (including to the structure's heritage value, if applicable) associated with abandoning realignment works and proceeding with demolition and reconstruction of the southern and western elevations."*

(my emphasis)

Other planning considerations

While PO 6.1 is regarded as the most applicable policy consideration for the demolition of a Local Heritage Place, relevant authorities must also consider the Planning and Design Code as a whole.

I draw your attention to the General Development Policies.

Design
Assessment Principles

DO 1
Development is:

1. *…*
2. *durable - fit for purpose, adaptable and long lasting*

Any application for the 'repair' of the Dwelling will be incapable of meeting this requirement. It has been clearly stated that any attempt to repair the walls is "not guaranteed" and won't be "successful".

Relevant authorities must also have regard to "principles of good planning" under section 14 of the *Planning, Development and Infrastructure Act 2016 (**PDI Act**)* when performing their functions and furthering the Objects of the PDI Act.

Section 14(c)(ii) of the PDI Act requires that regard should be given to the principles and that:

> *"built form should be durable, designed to be adaptive (including in relation to the reuse of buildings or parts of buildings) and compatible with relevant public realm"*

Representor Concerns

While the concerns of the representors and residents may be well meaning and legitimate, those concerns are limited to the impact of the loss of a Local Heritage dwelling from the streetscape and are not relevant planning considerations[8].

This application is an exceptional scenario made more urgent and complex due to the risks and inability of the applicants to be able to successfully repair the Dwelling. While the reports submitted with the representations may suggest an alternative option, that option is qualified, limited in scope and unable to satisfy the requirement for a long term and lasting repair solution.

The quotation attached to one of the representations by a urathane supplier and salesperson, with no apparent structural engineering qualifications, should not be relied upon as an alternative option.

Nevertheless, the applicant's response to the representations by OB Engineering directly addressed this option and advised:

> *"While chemical underpinning and straightening via urethane injection may be suitable in less severe cases, the extent of the movement that has occurred to the front wall at 69 High Street is beyond the effective limits of such methods. As mentioned by Urathane Solutions, chemical underpinning of the wall will require significant structural modifications including substantial alterations to the roof structure with no guarantee of returning the wall to a stable and plumb condition."*[9]

CONCLUSION

The application before the Council Assessment Panel to be decided upon is for the demolition of a Local Heritage Listed Dwelling on the basis that the Dwelling is (a) a risk to safety; and (b) irredeemably beyond repair, as required by PO 6.1.

[8] Local residents who are accustomed to a building on a site as an element in the streetscape may wish it to remain, however this is not a relevant planning consideration in an application for the demolition of the building. *Cheltenham Park Residents Association Inc v City of Charles Sturt [2011] SAERDC 33 at [47].*

[9] OB Engineering Addendum and response to representation dated 18 April 2025 (Attachment 7) page 71 of 88 of the CAP Agenda

The application documents and details submitted with the application support that determination based on urgent recommendations by their own and Council's engineering and Heritage consultants.

The quote from Finch Constructions provides an estimate for reconstruction of the dwelling and replacement of the Southern and Western walls. The bbarchitect heritage report recommends that the Dwelling be removed from the Local Heritage if replacement walls are required. The bbarchitect report recommends that *"Ultimately, some form of demolition is required, either 50% or more of the external walls, or the entire building. The existing building should be fully recorded before demolition either way."*

Hayley and John have instructed that they are prepared to work with Council's heritage consultants (within reason) to assist in the recording of the heritage of the Dwelling prior to demolition.

On this basis John and Hayley Miller ask that the NPSP CAP proceed to make a decision on the application for demolition that is before it.

Yours sincerely
WALLMANS LAWYERS

FELICITY NIEMANN
Partner
Direct Line: 08 8235 3032
Email: felicity.niemann@wallmans.com.au

Finch Constructions
Unit 1/9 Oaklands Rd Somerton Park SA 5044
Ph: (08) 8295 8175
www.finchconstructions.com.au
Email: admin@finchconstructions.com.au
ABN: 41585285284
Builders Licence 288607

Q2181 - 69 High Street, Kensington

John Miller
69 High St
Kensington
SA 5068
M: 0404 610 330

Quote Number: Q2181
Quote Valid for 30 days
Building Type: Renovation & extension
Quote Date: 7/8/2025

Dear John,

Thank you for the opportunity to provide you with an estimate price quotation for your home alterations & additions project.

This quote is based on the plans & documents provided:

- Site inspection 5th August 2025
- Heritage Survey: Kensington & Norwood dated June 1994
- Engineering report by Imparta Engineers dated 15th April 2025. Ref 1180225JAC(1)
- Engineering report by OB Civil & Structural dated 22nd February 2025. Ref OBCS0176
- Response to Representations for Proposed demolition dated 18th April 2025

Please feel free to call me if you have any questions or matters you would like to discuss as you review the quote.

We look forward to hearing from you soon.

Kind Regards

Finch Constructions

Finch Constructions
Unit 1/9 Oaklands Rd Somerton Park SA 5044
Ph: (08) 8295 8175
www.finchconstructions.com.au
Email: admin@finchconstructions.com.au
ABN: 41585285284
Builders Licence 288607

Quoted Items

	Description of items	
1	**Preliminaries**	
	1.1	Builders Indemnity Insurance
	1.2	Supervision
	1.3	Administration
	1.4	Site Labour
	1.5	Engineering Inspections
	1.6	Council Permit
2	**Site Hire Items**	
	2.1	Site Toilet Hire
	2.2	Bin Hire
	2.3	Scaffold Hire
	2.4	Temporary Fence Hire - South Elevation
3	**Services**	
	3.1	Dial before you dig
	3.2	Foot path services to south elevation
4	**Demolition**	
	4.1	INTERNAL ROOF FRAME PROPING - KITCHEN, BED 1, BED 2 AND LOUNGE
	4.2	Ceiling and floor penetrations
	4.3	Excavate pad footings and install concrete
	4.4	Remove and install roof rafter timber supports
	4.5	Remove and install props
	4.6	RENDERED DOUBLE BRICK WORK WEST ELEVATION - KITCHEN, BED 1, BED 2, LOUNGE
	4.7	Remove window and store on site to reuse
	4.8	Remove double brick work to ground level
	4.9	Remove pathway
	4.10	Excavate footings
	4.11	Mobile scaffold hire
	4.12	Wastage
	4.13	RENDERED DOUBLE BRICK WALL SOUTH ELEVATION
	4.14	Remove gable and prop lower wall
	4.15	Remove ground level lower wall
	4.16	Excavate existing footing
	4.17	Mobile scaffold hire
	4.18	Wastage
5	**Concrete**	
	5.1	FOOTINGS - SOUTH AND WEST ELEVATION
	5.2	Excavate footings and piers
	5.3	Supply and install reinforcement
	5.4	Supply and install concrete
	5.5	CONCRETE PATHWAY WEST SIDE

Finch Constructions
Unit 1/9 Oaklands Rd Somerton Park SA 5044
Ph: (08) 8295 8175
www.finchconstructions.com.au
Email: admin@finchconstructions.com.au
ABN: 41585285284
Builders Licence 288607

Quoted Items

	Description of items		
5	**Concrete**		
	5.6	Excavate to correct levels	
	5.7	Supply and install base	
	5.8	Supply and install concrete	
6	**Carpentry 1st Fix**		
	6.1	ROOF FRAMEWORK	
	6.2	Rework rafters, purlins, collars and ties	
	6.3	Supply and install timber	
	6.4	Supply and install anchor straps	
	6.5	Supply and install fascia	
7	**Brickwork**		
	7.1	SOUTH WEST ELEVATION	
	7.2	Supply and install bricks	
	7.3	Control joints and caulking	
	7.4	Window sills	
	7.5	Scaffolding	
	7.6	Upper and lower wall vents	
8	**Salt Damp**		
	8.1	Eastern wall and internal walls	
	8.2	Remove and replace skirtings	
	8.3	Wall plastering above floor level	
9	**Roofing**		
	9.1	CLADDING	
	9.2	Demo aluminium roof tiles	
	9.3	Remove timber battens	
	9.4	Remove existing corrugated roof cladding	
	9.5	Remove gutters	
	9.6	Wastage	
	9.7	NEW GALVANIZED ROOF CLADDING	
	9.8	Supply and install galvanized roof	
	9.9	Supply and install gutters and downpipes	
10	**External Windows & Doors**		
	10.1	WEST AND SOUTH ELEVATION	
	10.2	Rework and repair existing timber frame	
	10.3	Rework and install existing windows, entry door and screen	
11	**Electrical**		
	11.1	Disconnect single phase to front facade	

Finch Constructions
Unit 1/9 Oaklands Rd Somerton Park SA 5044
Ph: (08) 8295 8175
www.finchconstructions.com.au
Email: admin@finchconstructions.com.au
ABN: 41585285284
Builders Licence 288607

Quoted Items

	Description of items	
11	**Electrical**	
	11.2	Disconnect main switch board and reconnect on completion of west wall
	11.3	Rewire internal lounge, bedrooms and kitchen, hall and external lights
	11.4	Sub board to remain
	11.5	Disconnect and reconnect NBN
12	**Plumbing**	
	12.1	Rework stormwater along south west wall
	12.2	Rework kitchen hot and cold waste
	12.3	WALL MOUNT GAS HOT WATER SERVICE
	12.4	Remove existing gas HWS and reinstate after completion
13	**Heating & Cooling**	
	13.1	Remove existing outdoor unit, store on site and reinstate after works complete
14	**Internal Linings**	
	14.1	LOUNGE, BED 1, BED 2, KITCHEN, LOUNGE AND HALL
	14.2	Rework ceiling penetrations
	14.3	Flush and sand where required
	14.4	Remove and replace cornices to match existing
15	**Carpentry 2nd Fix**	
	15.1	Supply and install skirtings
	15.2	Rework floorboards
	15.3	Supply and install floorboards to match existing
16	**Hard Plaster**	
	16.1	INTERNAL WEST AND SOUTH WALL - LOUNGE, BED 1, BED 2 AND KITCHEN
	16.2	Render and set new brick wall
	16.3	Render and set cracked single brick walls
	16.4	EXTERNAL WEST AND SOUTH WALL
	16.5	Hard plaster brick walls
	16.6	Render band around window and door
	16.7	Gable facade to match existing south elevation
17	**Joinery**	
	17.1	KITCHEN - INTERNAL WEST WALL
	17.2	Remove cupboards, bench tops and over heads
	17.3	Reinstall cupboards, bench tops and over heads when wall is completed
18	**Tiling**	
	18.1	KITCHEN SPLASHBACK TILES

Finch Constructions
Unit 1/9 Oaklands Rd Somerton Park SA 5044
Ph: (08) 8295 8175
www.finchconstructions.com.au
Email: admin@finchconstructions.com.au
ABN: 41585285284
Builders Licence 288607

Quoted Items

	Description of items		
18	**Tiling**		
	18.2	Hard plaster where tiles removed	
	18.3	Supply splashback tiles - porcelain tiles only	
	18.4	Lay tiles	
	18.5	Silicone	
19	**Painting**		
	19.1	INTERNAL LOUNGE, HALL, BED 1, BED 2 AND KITCHEN	
	19.2	Walls, ceilings and timber work	
	19.3	EXTERNAL - WEST, SOUTH AND EAST ELEVATIONS	
	19.4	Plastered walls (west)	
	19.5	Plastered walls and render bands (south)	
	19.6	Windows and fascia	
20	**Builders Clean**		
	20.1	Builders clean to all work areas	
	20.2	Note: this is not a domestic clean	

Finch Constructions
Unit 1/9 Oaklands Rd Somerton Park SA 5044
Ph: (08) 8295 8175
www.finchconstructions.com.au
Email: admin@finchconstructions.com.au
ABN: 41585285284
Builders Licence 288607

Terms and Conditions

Exclusions

- Building Documentation & Approvals
- Asbestos removal
- Removal of unclean fill at time of excavation
- Rock digging or breaking at time of excavation
- Services Upgrades - Water, Electrical, Gas
- Light Supply E.g., Wall Lights, Pendants
- Appliances, Gas Fireplace & BBQ
- Landscaping - Reinstate or make good pavers, concrete, grass areas affected by construction works (this can be worked through during construction)
- Bathroom western wall
- Plumbing to existing bathroom
- Gas plumbing pipework
- Electrical sub board to remain
- Ceiling insulation
- Floor coverings
- No allowance to remove pavers and soil to eastern elevation
- Roof insulation
- Footings engineering
- Windows and doors supply
- Works not listed in this scope of work

Recommendations

- The southern facade (front of house) is beyond repair due to its structural condition and non-compliance with current standards. It is not feasible for preservation; demolition is therefore recommended.

Contract Details

- HIA SA Building Contract for Alterations & Additions

Payment Terms

- Deposit: 5% of the contract amount for contract works $20,000.00 or more
- 7 days on all invoices
- Variation Fee is $220.00 + GST each
- Variation Builders Margin 20%

Finch Constructions
Unit 1/9 Oaklands Rd Somerton Park SA 5044
Ph: (08) 8295 8175
www.finchconstructions.com.au
Email: admin@finchconstructions.com.au
ABN: 41585285284
Builders Licence 288607

Quote Total:	$560,693.00
Tax (GST):	$56,069.30
Total:	**$616,762.30**

DEVELOPMENT NO.:	25003913
APPLICANT:	John Miller Haley Miller
ADDRESS:	69 HIGH ST KENSINGTON SA 5068
NATURE OF DEVELOPMENT:	Demolition of a dwelling (Local Heritage Place)
ZONING INFORMATION:	**Zones:** • Established Neighbourhood **Overlays:** • Airport Building Heights (Regulated) • Historic Area • Heritage Adjacency • Hazards (Flooding - General) • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy **Technical Numeric Variations (TNVs):** • Minimum Site Area (Minimum site area is 400 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	17 Feb 2025
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.3 13/2/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Kieran Fairbrother Senior Urban Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Structural Engineer, Imparta Engineers (third-party)

CONTENTS:

DETAILED DESCRIPTION OF PROPOSAL:

This application is for the demolition of a Local Heritage Place and ancillary structures, on the grounds that the building is structurally unsound and is unable to be redeemed. This application does not propose any replacement building; nor is it required to in order for the demolition proposal to be considered and determined.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 69 HIGH ST KENSINGTON SA 5068

Title ref.: CT 6120/310	**Plan Parcel:** F139023 AL43	**Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Shape:	regular
Frontage Width:	approximately 5.98 metres
Area:	approximately 173m^2
Topography:	relatively flat
Existing structures:	a single storey Victorian building with gable roof (LHP) built to the front boundary, and a later rear addition
Existing vegetation:	nil

Locality

The locality is considered to comprise the area extending 100m northwest and southeast of the subject land along High Street, and includes the first few properties with frontages to Bridge Street and Maesbury Street in both directions from High Street.

This locality is characterised predominantly by single-storey residential dwellings, with a significant proportion of those being State or Local Heritage Places or Representative Buildings (see **Attachment 3**). A couple of non-residential uses exist in the locality, most notably the preschool immediately next door and behind the subject land. Nonetheless, the locality enjoys a very high level of amenity and continues to exhibit a relatively intact part of Adelaide's history through its architecture and road network.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
  Demolition: Code Assessed - Performance Assessed

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

- **REASON**
  P&D Code

PUBLIC NOTIFICATION

- **REASON**

Proposal involves the demolition of a Local Heritage Place

- **LIST OF REPRESENTATIONS**

Nine valid representations were received during the public notification period.

First Name	Surname	Address	Position	Wishes to be heard?
		High Street KENSINGTON	Opposed	Yes
		Bridge Street KENSINGTON	Support, with concerns	Yes
		Dudley Road MARRYATVILLE	Support, with concerns	No
		Stanley Street LEABROOK	Opposed	No
		High Street KENSINGTON	Opposed	No
		High Street KENSINGTON	Opposed	No
		High Street KENSINGTON	Support, with concerns	Yes
Kensington Residents' Association		Regent Street KENSINGTON	Opposed	Yes
		Osmond Terrace NORWOOD	Opposed	Yes

- **SUMMARY**

The representors' concerns can be summarised as follows:

- General opposition to the demolition of the Local Heritage Place and the loss of a mid-1840s building in Kensington;
- Concern that the building is not completely beyond salvation and reparation works could occur in lieu of demolition. This includes a suggestion that chemical resin injection underpinning could be used to salvage the building;
- Concerns that the neglect of a building over many years could lead to its eventual demolition;
- How security of the adjacent preschool site will be maintained during demolition;

Some representors also suggested that the current proposal should not be approved without a satisfactory replacement building also being proposed that would fit into this historic area. The Panel should note that a replacement building does not need to be proposed for this demolition application to be considered and determined.

INTERNAL REFERRALS

- Structural Engineer (Independent, third party – *Imparta Engineers*)

Imparta Engineers undertook their own assessment of the condition of the building and are of the view that it is highly likely that both the southwestern (front) and northwestern (side) walls would need to be wholly reconstructed to salvage this building. Any attempt to retain and realign these walls through underpinning and other structural remediation is likely to be unsuccessful; notwithstanding that whole dwelling underpinning may not be possible because of site constraints.

- Heritage Advisor

Council's Heritage Advisor was not asked to comment on the merits of the proposed demolition, because that relies on the expertise of a structural engineer. Instead, the Heritage Advisor was asked to comment on the effect that reconstructing the front and side walls would have on the heritage value of the building. They are of the view that once these walls are demolished the building no longer has any heritage value and should have its listing removed, even if these walls were to be reconstructed.

PLANNING ASSESSMENT

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

Demolition

Performance Outcome 6.1 of the Local Heritage Place Overlay states:

> *Local Heritage Places are not demolished, destroyed or removed in total or in part unless:*
> *(a) The portion of the Local Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value*
> *or*
> *(b) The structural integrity or condition of the Local Heritage Place represents an unacceptable risk to public or private safety and is irredeemably beyond repair.*

This application seeks to demolish the whole of the Local Heritage Place and therefore criterion (a) in PO 6.1 is not applicable. Thus, the success or otherwise of the application rests on whether criterion (b) can be satisfied.

By way of background, on 10 February 2025 Council's Senior Building Officer and a consulting engineer attended the site out of concern that the building may pose a risk to public safety. As a result, the Council chose to cordon off the footpath area immediately in front of the building in case the front wall of the building collapsed. The footpath remains closed off in the area in front of the subject building.

In support of their application, the applicant provided a Structural Engineer's Report completed by *OB Engineering* (**Attachment 1**). A qualified structural engineer from *OB Engineering* attended the site on 8 February 2025 and undertook a visual inspection for the purposes of their report – no fixtures or fittings were removed as part of their inspection. *OB Engineering* also had consideration to two earlier structural engineering reports (dated 2012 and 2013).

In their report, *OB Engineering* said the following about the condition of the building:

- The building is founded on reactive clayey soils, which are subject to expansion and contraction due to moisture changes throughout the year. Conditions on both the subject land and on neighbouring land are conducive to facilitating significant moisture changes throughout the year.
- The building 'is of full masonry construction without articulation joints, likely built on strip footings', and is therefore vulnerable to differential movements and consequent cracking.
- Cracking was observed in many areas, both internally and externally, most of which could be classified as 'slight to severe' (between Category 2 and 4) in accordance with Table C1 of AS2870 *Residential slabs and footings*.

- Severe rotation of the southwest street-facing wall was observed. Using a digital spirit level, the rotation of the eastern end of this wall was measured to be 59mm/m (177mm total). 'The rotation of the wall is considered severe, and the wall may collapse at any time…'
- The gable end above this wall was not rotated to the same degree, which may be because of restraint provided by the roof structure.
- The northwestern side wall has also rotated and separated from some internal fixtures. Using a digital spirit level, the rotation was measured to be 34mm/m near to the front of the building and 26mm/m near to the rear of the building.
- Internal cracking was repaired 10 years ago, according to the building owner, and has redeveloped since, which indicates the northwestern side wall is actively rotating.

In conclusion, *OB Engineering* suggested that the rotation of the southern and western walls 'is beyond the point where underpinning will be effective'. They did intimate that partial demolition and reconstruction of the failed external walls might be an option but should be subject to an economic feasibility assessment – they did not comment on the feasibility of such works, only that they would be extensive and not economically feasible. Consequently, *OB Engineering* opined that the building should be demolished.

The Council engaged an independent structural engineer (*Imparta Engineers*) to undertake an inspection of the building and to assess its structural condition. More specifically, *Imparta Engineers* were asked to consider what, if any, reparation works might be available to redeem the building (consistent with the wording of Performance Outcome 6.1(b), above).

Imparta Engineers agreed with *OB Engineering* in respect of the soil profile of the land, the construction methodology of the building and consequently the likely explanation for the observed differential movement.

Imparta Engineers said the following about the condition of the building:

- Cracking was observed throughout the building similar to that of *OB Engineering*.
- The cracking to the front southwestern wall and the side northwestern wall was classified as being Category 4 or beyond (severe, 15 -25mm wide) per Table 1 of AS2870.
- The front southwestern wall was measured with a digital spirit level as being between 2.7^{o} and 3.3^{o} out of vertical alignment.
- The side northwestern wall was measured with a digital spirit level as being between 0.8^{o} and 2.8^{o} out of vertical alignment, increasing towards the front of the building.

With respect to potential reparation works, *Imparta Engineers* opined that local repair work (e.g. removing wall plaster, repairing cracked mortar and replacing cracked bricks) would be 'difficult and hazardous to undertake' and the extent and feasibility of such works is difficult to quantify based on a visual inspection alone – this might only be ascertainable once local repair works have commenced. Instead, *Imparta Engineers* suggested that local repair of the front and side walls of most concern is unlikely to be successful 'without reconstructing [these walls] to a large degree (if not fully)'.

Imparta Engineers consulted with specialist underpinning contractor during their assessment to determine the feasibility of underpinning the dwelling and realigning the existing walls. This contractor held a view that if underpinning was to be attempted then the front and side walls would need to be reconstructed in full notwithstanding. Further, because of access issues around the dwelling, it may not be possible to completely underpin the building.

Imparta Engineers held the view that, on the balance of probabilities, retention of the existing building through the underpinning of the dwelling and the realignment of the front and side walls would be unsuccessful.

Contrarily, they held the view that the most appropriate remedial option would be the full reconstruction of the front and side walls (see Figure 3 in **Attachment 7**). In such an event, these walls would likely need to be founded on new footings or deep underpins; and this would likely lead to different instability issues because of the different foundation conditions throughout the whole of the building. In such circumstances, underpinning of the whole dwelling may be necessary, but this may not be feasible due to site constraints.

Performance Outcome 6.1(b) (above) requires satisfaction of two elements:

1. That the structural integrity or condition of the building represents an unacceptable risk to public or private safety; and
2. That the structural integrity or condition of the building is such that it is irredeemably beyond repair.

The condition of the building has been established by both *OB Engineers* and *Imparta Engineers* as being structurally unsound, particularly in relation to the front southwestern wall and the side northwestern wall. This wall has significantly rotated out of vertical alignment and is separating from the gable roof structure, as evidenced in photos by both engineers. Council's Senior Building Officer and separate consulting engineer evidenced a concern that the front wall of the building may collapse by cordoning off the footpath in this area. Accordingly, the first part of Performance Outcome 6.1(b) has been satisfied because the building does evidently pose an unacceptable risk to public and private safety (although the house is currently uninhabited).

Thus, the question to be answered is whether the building is "irredeemably beyond repair". The word "irredeemable" was considered by the Environment, Resources and Development Court in *Klemich v City of Norwood Payneham & St Peters*[1] where, at [35], the Court said:

> Choice of this word is not considered to be ideal for the concept that I understand is sought to be achieved. Dictionary definitions include references to not redeemable, beyond redemption, incapable of being brought back or paid off; and redeemable being capable of being redeemed; and to redeem to include to make up for, to obtain the restoration of or to pay off, to bring the item back to original condition or its presence. Hence, in a planning sense, I find that it is intended to include the restoration, repair and rehabilitation of existing original building fabric of heritage value, but not to include its full replacement with new materials, nor necessarily include the term or works comprising 'rectification'.

This case involved the proposed demolition of a Local Heritage Place, and the question considered was whether the building was 'so structurally unsound as to be unsafe and irredeemable' – wording taken from the Development Plan in force at the time which is akin to the wording in Performance Outcome 6.1(b) of the Local Heritage Place Overlay (above).

In that case, the engineering evidence accepted by the Court indicated that significant portions of the original external walls, which were of particular heritage importance, would need to be removed to a height of 1 metre or up to 1.8 metres and wholly reconstructed and underset. On that basis, the Court concluded that the whole local heritage place was considered to be irredeemable. In other words, it was the Court's view that demolishing significant original external sections of the building and then reconstructing those sections with new materials does not constitute redemption of the building.

The engineering opinion provided for consideration of this application – by *OB Engineering* and *Imparta Engineers* – both suggest that the front southwestern wall and the side northwestern wall cannot be redeemed through local repair work. Instead, if any salvaging was to be attempted, it would require the demolition and reconstruction of these walls in their entirety, as well as the complete underpinning of the dwelling (which comes with its own uncertainties).

[1] [2002] SAERDC 10.

Once these two walls are demolished, the heritage value of the place will be significantly diminished (if not completely). Any replacement walls will not constitute original building fabric (no matter how convincing a replication attempt may be) and therefore will have no heritage value. Council's Heritage Advisor agrees with this view, stating that 'from a purely heritage perspective that means the building would no longer be the same Local Heritage Place, so the listing should be removed' (see **Attachment 7**).

Accordingly, consistent with the reasoning in *Klemich*, the Local Heritage Place is considered to be irredeemably beyond repair and its demolition is justified by virtue of satisfaction of Performance Outcome 6.1 of the Local Heritage Place Overlay.

Question of Seriously at Variance

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2025.3, dated 13/02/2025), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code because:

- Demolition of a Local Heritage Place is anticipated in certain circumstances.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

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

2. Development Application Number 25003913, by John Miller and Haley Miller is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

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).

ADVISORY NOTES

Planning Consent

Advisory Note 1

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 2
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 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.

Advisory Note 4
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 5
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 6
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 7
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 8
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 9
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.

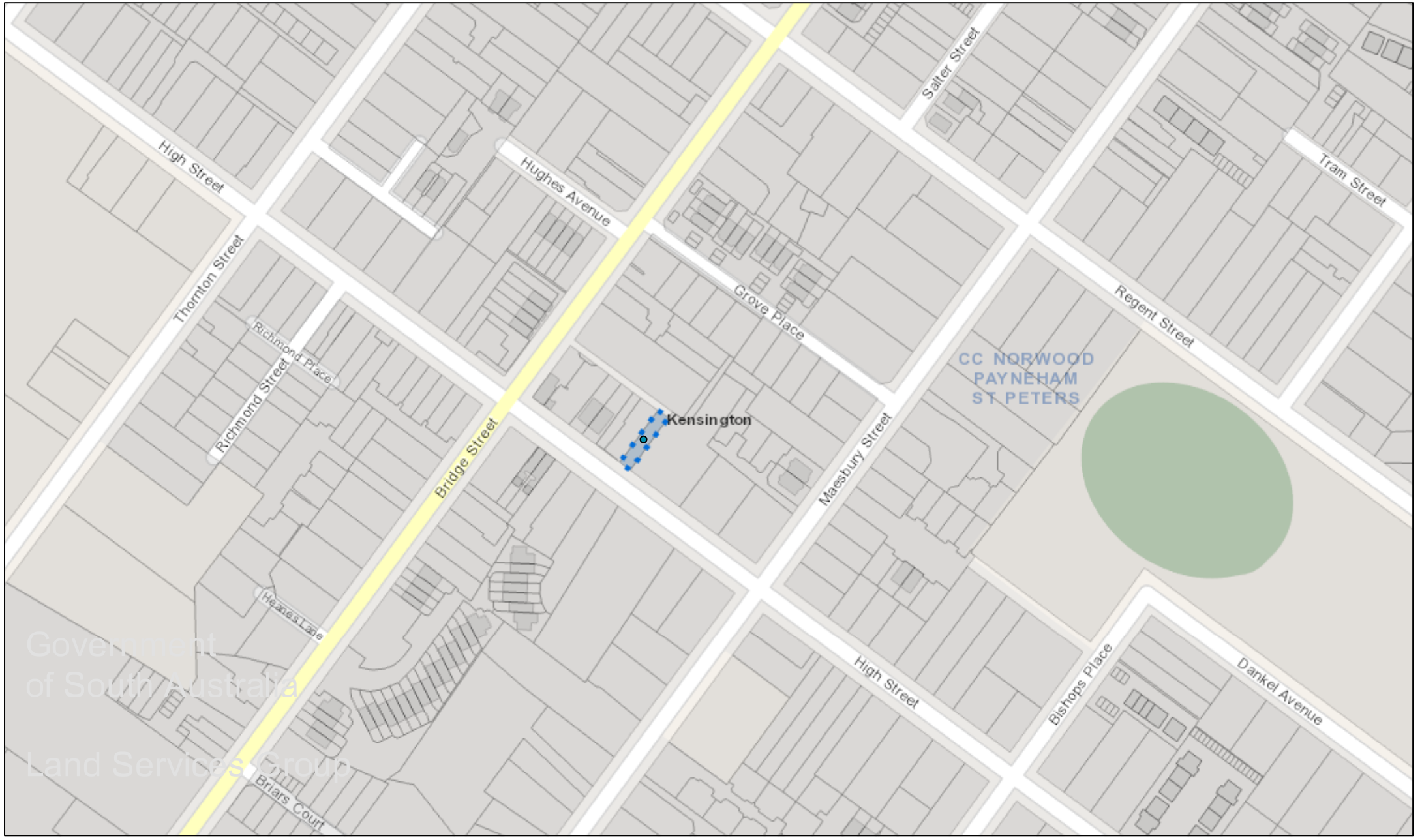
Advisory Note 10
If excavating, it is recommended you contact Before You Dig Australia (BYDA) (www.byda.com.au) to keep people safe and help protect underground infrastructure.

SAPPA Report

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

Attachment 4

Subject Land Map



Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

SAPPA Report

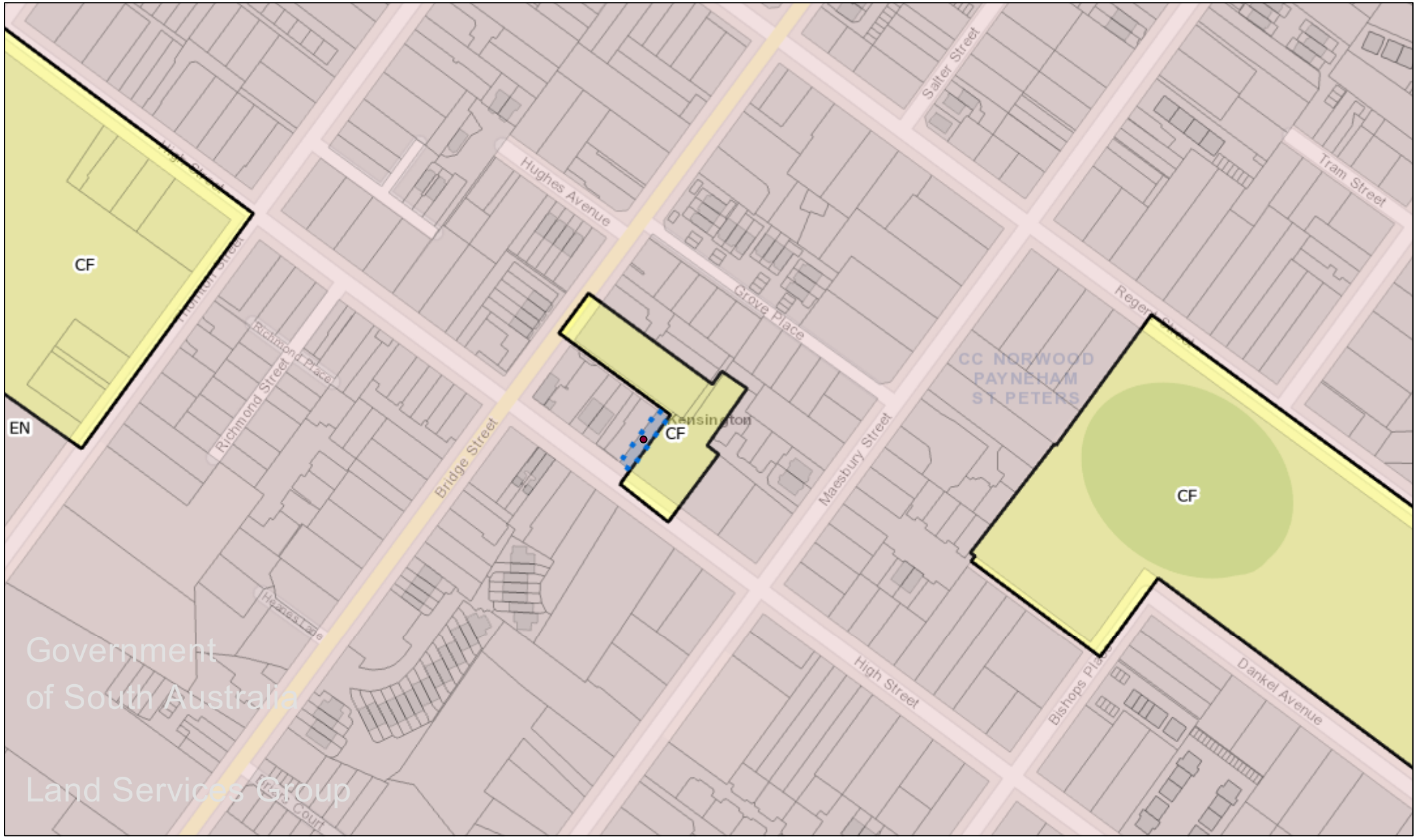
The SA Property and Planning Atlas is available on the Plan SA website: https://sappa.plan.sa.gov.au

Zoning Map

LEGEND:

EN - Established Neighbourhood
CF - Community Facilities

Attachment 5



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 (including LHP and SHP)

LEGEND:

State Heritage Place
Local Heritage Place
Representative Building

Attachment 5

Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

SAPPA Report

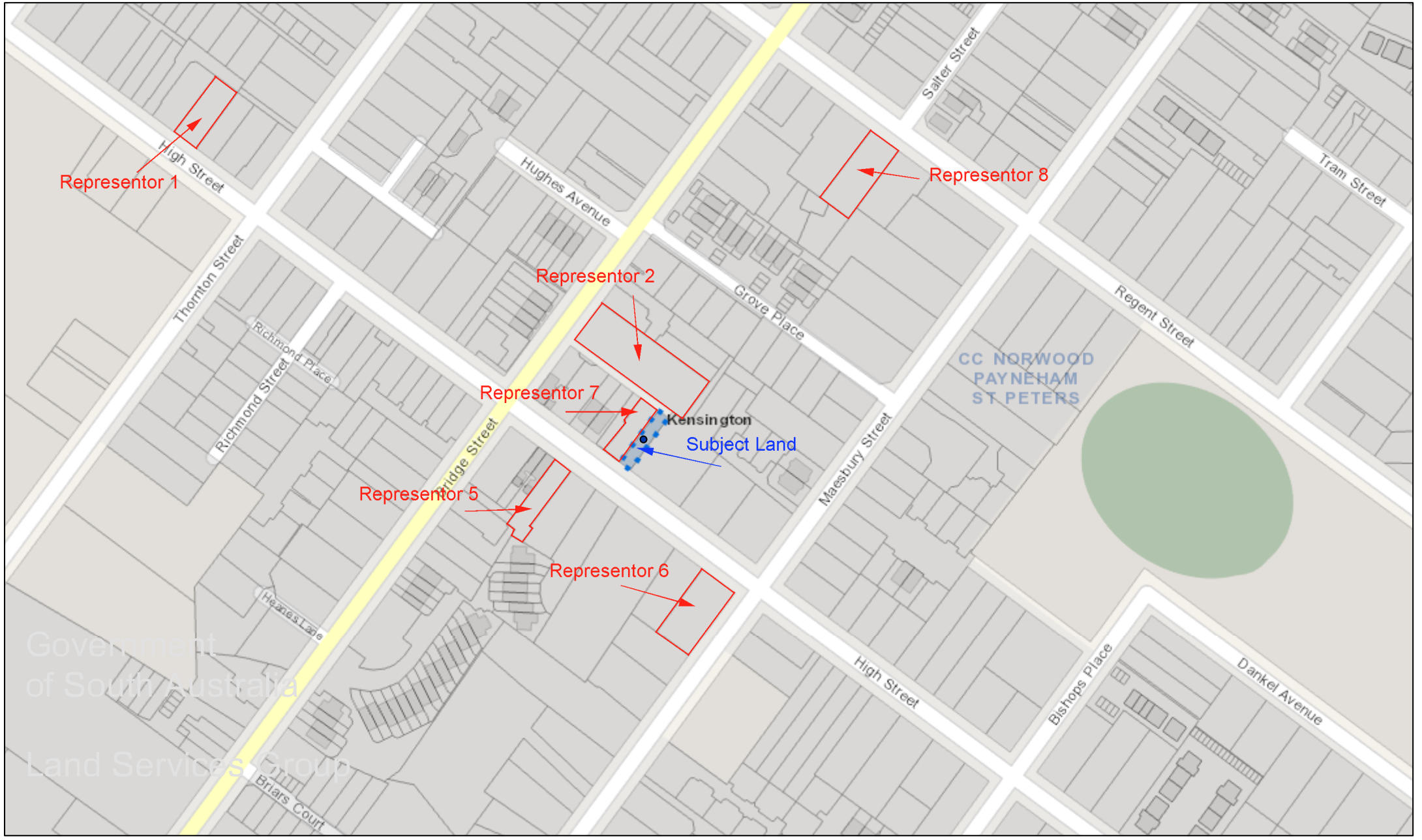
The SA Property and Planning Atlas is available on the Plan SA website: https://sappa.plan.sa.gov.au

Representation Map

Outside of Map Range:

Representor 3:
Representor 4:
Representor 9:

Attachment 6



Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

Details of Representations

Application Summary

Application ID	25003913
Proposal	Demolition of a dwelling (Local Heritage Place)
Location	69 HIGH ST KENSINGTON SA 5068

Representations

Representor 1 - Peter Duffy

Name	
Address	KENSINGTON SA, 5068 Australia
Submission Date	24/03/2025 10:08 AM
Submission Source	Email
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

My wife and I are residents of High Street, in this Historical Conservation Zone within Council, and object strongly to the proposition that 69 High Street should be demolished. We have restored our ~1885 villa, number , with guidance from Council recommended Architect, David Brown over 2016/17 to much of its former glory. I can attest that it does not necessarily cost more to undertake a sensitive restoration to these beautiful old buildings that contribute significantly to the local amenity and add much value to our unique suburb. However, we know what it's like to live next to a property that was inappropriately demolished, most likely with the best of intentions, during the late 1980s. Incidentally, we are on very good terms, personally, with our neighbour! The colonial style home does not sit well between its older neighbours.....the home it replaced was built as a sister to our home, and to number 41, by the same builder over a three-year period. I have observed the steady deterioration of number 69 over the last 7-8 years and was not surprised to see the "footpath closed" signs appear. It is, however an important piece of the very heart of the commercial centre of the Kensington village, centred on the High Street/Bridge street intersection along with the Feltus building, the original Rising Sun building, the chemist and Doctor Borthwick's home. In fact, I would not be surprised its much older than the 1920 era as mooted on the application.....one of my neighbours suggested that Mother Mary McKillop used this small home as part of the school she established, St Josheph's Memorial School. Unquestionably the front wall has a tilt on it of some 3-4 degrees, to my eye, towards the street. This is a is text book "demonising" of a building that should have been better maintained by its owners and, whilst I am not claiming expert status , I believe could be rectified for less than 5% of the improved value of the property. A thorough investigation of the dry-stone foundation by excavation, after stabilising scaffolding was installed, may even reveal the front wall could be saved in its entirety. At worst, it could be rebuilt by a competent stone mason using much of the original material, therefore restoring its safety, longevity and natural street appeal. I implore the Council to reject the application for demolition of this "heritage listed property".

Attached Documents

Rep-	10723939.pdf

14th March 2025

Submission to Norwood Payneham St Peters Council

69 High Street Kensington SA 5068

My wife and I are residents of High Street, in this Historical Conservation Zone within Council, and object strongly to the proposition that 69 High Street should be demolished.

We have restored our ~1885 villa, number , with guidance from Council recommended Architect, David Brown over 2016/17 to much of its former glory. I can attest that it does not necessarily cost more to undertake a sensitive restoration to these beautiful old buildings that contribute significantly to the local amenity and add much value to our unique suburb.

However, we know what it's like to live next to a property that was inappropriately demolished, most likely with the best of intentions, during the late 1980s. Incidentally, we are on very good terms, personally, with our neighbour!

The colonial style home does not sit well between its older neighbours……the home it replaced was built as a sister to our home, and to number 41, by the same builder over a three-year period.

I have observed the steady deterioration of number 69 over the last 7-8 years and was not surprised to see the "footpath closed" signs appear.

It is, however an important piece of the very heart of the commercial centre of the Kensington village, centred on the High Street/Bridge street intersection along with the Feltus building, the original Rising Sun building, the chemist and Doctor Borthwick's home.

In fact, I would not be surprised its much older than the 1920 era as mooted on the application……one of my neighbours suggested that Mother Mary McKillop used this small home as part of the school she established, St Josheph's Memorial School.

Unquestionably the front wall has a tilt on it of some 3-4 degrees, to my eye, towards the street.

This is a is text book "demonising" of a building that should have been better maintained by its owners and, whilst I am not claiming expert status , I believe could be rectified for less than 5% of the improved value of the property.

A thorough investigation of the dry-stone foundation by excavation, after stabilising scaffolding was installed, may even reveal the front wall could be saved in its entirety.

At worst, it could be rebuilt by a competent stone mason using much of the original material, therefore restoring its safety, longevity and natural street appeal.

I implore the Council to reject the application for demolition of this “heritage listed property”.

High Street

Kensington SA 5068

Representations

Representor 2 -

Name	
Address	KENSINGTON SA, 5086 Australia
Submission Date	04/03/2025 01:33 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 support the development with some concerns

Reasons

As Principal of the adjoining property which is the St Joseph's Memorial Preschool, OSHC and school for young children (aged 4-7), my concern is what level of fencing will replace the existing wall once it is demolished to ensure the students are safe and secure. We have a fence in place that covers approximately half of the connected properties, yet if the house was demolished we will have an open space and we need to better understand how the demolition is to take place and what protection measures are to be implemented (hoardings, not just temp fence, and exclusion zones), and then once the building is down what fence is going to be put up in the interim (I'm recommending the same height as our other divisional fences). We would like to know the details of the contractor undertaking the work (if known or at least before they start) asking for relevant licence, insurance details, SWEMS as it is better to be forewarned. Our main concerns are; how will the site be secured during the works, and what will the new fenceline/boundary be to ensure the safety of our students?

Attached Documents

Representation-on-Application-Version-5-1478897.pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	**John Miller & Hayley Miller**
Development Number:	25003913
Nature of Development:	Demolition of property *[development description of performance assessed elements or aspects of outline consent application]*
Zone/Sub-zone/Overlay:	Zone *[zone/sub-zone/overlay of subject land]*
Subject Land:	69 High Street Kensington SA 5068
Contact Officer:	City of Norwood, Payneham and St. Peters
Phone Number:	0883664530
Close Date:	25/03/2025

My name*:	My phone number:
My postal address*:	My email:

* *Indicates mandatory information*

My position is:

- ☐ I support the development
- ☒ I support the development with some concerns (detail below)
- ☐ I oppose the development

The specific reasons I believe that consent should be granted/refused are:

As Principal of the adjoining property which is the St Joseph's Memorial Preschool, OSHC and school for young children (aged 4-7), my concern is what level of fencing will replace the existing wall once it is demolished to ensure the students are safe and secure.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
  - Click here to enter text. [*list any accepted or deemed-to-satisfy elements of the development]*.

I:	☒ wish to be heard in support of my submission*
	☐ do not wish to be heard in support of my submission
By:	☒ appearing personally
	☐ being represented by the following person: Click here to enter text.

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature:  Date: 4/3/2025

Return Address: 46 Bridge St, Kensington *[relevant authority postal address]* or

Email: *[relevant authority email address]* or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Representations

Representor 3 -

Name	
Address	MARRYATVILLE SA, 5068 Australia
Submission Date	06/03/2025 04:45 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 support the development with some concerns

Reasons
As long as new development respects the character of the surrounding buildings, it is obvious the current dwelling is beyond remediation and needs to be demolished.

Attached Documents

Representations

Representor 4 -

Name	
Address	LEABROOK SA, 5068 Australia
Submission Date	13/03/2025 05:18 PM
Submission Source	Email
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 See attached submission	

Attached Documents

RepresentationFrom	-10644205.pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	John miller *[applicant name]*
Development Number:	25003913 *[development application number]*
Nature of Development:	demolition *[development description of performance assessed elements or aspects of outline consent application]*
Zone/Sub-zone/Overlay:	Click here to enter text. *[zone/sub-zone/overlay of subject land]*
Subject Land:	69 HIGH ST KENSINGTON SA 5068 *[street number, street name, suburb, postcode]* *[lot number, plan number, certificate of title number, volume & folio]*
Contact Officer:	Assessment Panel/Assessment Manager at City of Norwood, Payneham and St. Peters *[relevant authority name]*
Phone Number:	0883664530 *[authority phone]*
Close Date:	Tuesday 25 March 2025 at 11:59 pm Australia/Adelaide *[closing date for submissions]*

My name*:	My phone number: Click here to enter text.
My postal address*: Street Leabrook SA 5068	My email: Click here to enter text.

** Indicates mandatory information*

My position is:

- ☐ I support the development
- ☐ I support the development with some concerns (detail below)
- ☒ I oppose the development

The specific reasons I believe that consent should be refused are:

I have limited knowledge of the property mentioned in the application and the only mention of any action or result of any action is the word "demolition". There are no details of any plans beyond that one action. The application is therefore very very simple and despite this there appear to be some fairly clear contradictions in the application to the nature of heritage listings and the intention of that register.

The property in question is a Heritage listed building. I understand the purpose of Heritage listings includes the retainment of the feeling of a locality. Without including the details of any plans or actions for the current property after the demolition, there is no way to confirm the retainment of the feeling of the location, especially given the absence of any mention of a partial nature to the demolition. The property has structural challenges, including the face of the building leaning towards the street side. This leaning appears to be managed and the building has stood in its current form for a very long time now. As a result public safety does not appear to be an issue, although there are some limitations put in place to direct pedestrians around the property without walking adjacent to it, suggesting possible structural problems. Given the lack of details describing any problems, there is no way to know exactly what might cause a definite need to remove the current structure. i can only guess that previous engineering works have been sufficiently successful to give the property many years of useful existence, and further engineering works might be successful in returning the property to full safety. It might be decided that the property in question is a fairly small property, and it's disappearance and the property's total transformation might not have a significant impact on the locality in question, however the nature of the heritage listing seems to be similar to all other properties in the vicinity, meaning that a decision and acceptance of the application to demolish that property would be tantamount to accepting the demolition of practically all properties within relatively close range. As such, with no other information regarding the alteration to the property beyond the desire to demolish it, the application in question appears to fly completely in the face of all purposes attributed to the listing of Heritage properties. I am a regular visor to the area, walking through at least once a week, and the location of the property in question, along with my direction of travel as I walk through, means that almost any change that takes place in that property will be seen and have a significant impact on my view of the locality. i believe there is a significant value in the older buildings of that area and they appear to retain a connection with the locations history, possibly back to the original village that stood in the area before the merging of the suburbs. This means that there is significant value in retaining the current structure which is the subject of the application. I'm a bit surprised there is the need for public submissions given the heritage listing and the many years of this property's current configuration. if the property were deemed unsafe there are a variety of strategies that might be employed to satisfy the intention of the heritage label.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
  - Click here to enter text. [*list any accepted or deemed-to-satisfy elements of the development]*.

I:	☐	wish to be heard in support of my submission*
	☒	do not wish to be heard in support of my submission
By:	☐	appearing personally

☐ being represented by the following person: Click here to enter text.

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: Date: 12/03/2025

Return Address: Click here to enter text. *[relevant authority postal address]* or

Email: Click here to enter text. *[relevant authority email address]* or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Representations

Representor 5 -

Name	
Address	KENSINGTON SA, 5068 Australia
Submission Date	25/03/2025 07:27 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 See attached letter	

Attached Documents

Objection-to-69-High-Street-demolition-240325-1485448.pdf

24 March 2025

Assessment Panel/Assessment Manager
City of Norwood, Payneham and St. Peters
175 The Parade,
NORWOOD SA 5067
AUSTRALIA

Dear Sir/Madam,

Application ID: 25003913
Proposed Development: Demolition of a dwelling (Local Heritage Place)
Notified Elements: Demolition
Subject Land: 69 HIGH ST KENSINGTON SA 5068

I write as the owner of High Street, as a registered architect, an architectural historian, and senior lecturer in architecture & urbanism, to object to this proposal.

Demolition of a contributory item in a conservation zone should not be permitted on any grounds, and never without a proposal for replacement.

The applicant has presented a mainstream strucural engineer's report concluding that the building's northwest and southwest walls should be demolished and rebuilt. The report shows inter alia that the building has been very poorly maintained in the last 13 years and that guttering and drainage is blocked and very likely contributed to the problems now visible. While thorough and professional, the report shows little understanding of the specific realities of traditional buildings, which were designed and built using lime-based mortars to allow some movement over time, including minor cracking, which was not considered serious due to the ability of lime mortars to 'heal' over time, an important property that extensive recent research has revealed. At some point in its history, the house has been crudely rendered in hard cement render, which has reduced its ability to move over time and made any movement very visible and alarming. Most of the cracks shown in the report are minor, but made very visible by the hard cement mortar.

In terms of the leaning walls, the building facade could simply be propped and re-aligned and grouted back to the side walls as has been done many times in the past for historic buildings. This should clearly be done urgently, at the cost of the owner, to prevent any collapse or danger to the public.

Most importantly, the applicants have not included a proposal for replacement. "Creative neglect" is a problem with heritage around the world and building owners must never be allowed to profit from it by allowing deterioration with a view to demolition of contributory items.

Finally, as President of the Kensington Residents Association in the late 1980s, we were instrumental in convincing the then City Kensington & Norwood to create the Kensington Local Heritage Area. As an association we drafted the conservation rules that were then put in place by the Council. These were intended to be flexible and permit changes as required to keep places in use, as the Australia ICOMOS Burra Charter requires. The rules we drew up also recognised the valid contributions of all periods in Kensington's history, from its foundation in the late 1830s to the present day. Though small, this house has an important role to play in a section of the street that has lost many of its contributory items over time. The engineer's report also claims that the building dates from the 1920s, whereas the true date is more likely to be the 1880s, when much infill development was carried out in Kensington, and stone facades like this were the fashion. It is my view as a registered architect, architectural historian, and senior lecturer in architecture & urbanism, that this building can readily be repaired and brought back into use, and that the local heritage designation makes this an urgent requirement. This application must therefore be refused.

Yours faithfully,

.

Representations

Representor 6 -

Name	
Address	KENSINGTON SA, 5068 Australia
Submission Date	25/03/2025 08:26 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 Please see uploaded file	

Attached Documents

Objection-to-the-proposed-demolition-of-69-High-Street2-1485462.pdf

I wish to object to the proposed demolition of 69 High Street, Kensington. I understand that any demolition in Historic Areas will be assessed against:

- The building's existing heritage values
- The structural condition of the building and risk to safety.

The building quite clearly makes a significant contribution to existing heritage values as outlined in the heritage related policy for this area of Kensington. In relation to context and streetscape amenity, PO 6.2 states that "Development maintains the valued landscape patterns and characteristics that contribute to the historic area". Demolition should be avoided due to the house's heritage value to the character of this historic area including its location on a main diagonal access street, its heritage architectural qualities, its historic siting on the street alignment, and contribution to enhancing the heritage streetscape character of a low rise, human scaled, outdoor room.

Demolition within Historic Areas will be assessed against a building's historic characteristics and whether the proposal is reasonable. The proposed demolition does not seem to be necessary in structural terms from the information provided. It has not been demonstrated that the structural integrity or safe condition of the original building is beyond reasonable repair. PO 7.1 states that in these circumstances "buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished". An earlier engineer's report from 2012 cited in the application raised some issues for repair and the question arises as to why these remedial works were not undertaken. Heritage policy in planning covers a situation in which a building has been allowed to deteriorate in order to argue for demolition and consent should be refused in these circumstances.

In summary, the building clearly has historic characteristics and also contributes to enhancing character of the local heritage area more widely. Desired Outcome according to the council's policy (DO 1) is that "Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse." not that historic buildings are demolished. The proposal is particularly unreasonable because no proposal is being made to develop a new building which would meet the requirements of the policy in the historic overlay. Consent to demolish this valued local heritage building should be refused.

Representations

Attachment 7

Representor 7 -

Name	
Address	KENSINGTON SA, 5068 Australia
Submission Date	25/03/2025 01:41 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 support the development with some concerns

Reasons

We live next door to the proposed development. Though we understand that the building may need to be demolished, we are concerned about what might be allowed to be erected on the land. If it is to be demolished, we want to ensure that it is supervised and done properly, accounting for any potential asbestos in the building, as well as dust, and any other contaminants. We have young children, and are concerned for their welfare. In the event of a sale, we will strongly oppose any attempt to rezone the land. The neighbouring school may want this land to expand their footprint, but it should be preserved for residential use to ensure the character of the street remains, to keep traffic lower, and prevent further noise. If a new residence is to be built, we have strong concerns about the nature of the design. The character of many suburbs around Adelaide are being ruined by new homes with design choices unsympathetic to the area. Kensington has such a rich history, and such fantastic historic buildings. Any new home should be architecturally designed and vetted by a third party with an understanding of the local character. It should be sympathetic to the houses around it. Finally, as this application progresses, we request that we are kept up to date, and continue to have the opportunity to make submissions about any plans as they develop. Thank you

Attached Documents

Representations

Representor 8 - Kensington Residents Association

Name	Kensington Residents Association
Address	42 REGENT STREET KENSINGTON SA, 5068 Australia
Submission Date	25/03/2025 04:20 PM
Submission Source	Email
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 find attached Submission	

Attached Documents

Submission-KensingtonResidentsAssociation-10745127.pdf

KENSINGTON RESIDENTS ASSOCIATION
INCORPORATED
Ph: 8331 9654
Email: contact@kra.org.au
Website: **www.kra.org.au**

Serving the community since 1977

Mr Mario Barone,
Chief Executive,
City of Norwood, Payneham & St Peters,
175 The Parade,
Norwood, 5067.

The Secretary,
Kensington Residents' Association Inc.,
Mr A Dyson,
42, Regent Street,
Kensington, 5068.
25th March 2025.

Re: **Development Application ID: 25003913**

Attention: **NP&SP Assessment Panel**

Dear Sir,

Our Association is very strongly opposed to the proposed demolition of the Local Heritage listed building at 69 High Street, Kensington.

The building was assessed as suitable for Local Heritage listing in June 1994. The heritage survey for the property described it as:

> *"An early single-storey Victorian building with gable roof. Notable for its simple design and intimate character. Appears to be in reasonable condition for its age, although it has been extensively rendered."*

In assessing its age, it suggested the building was constructed in:

> *"1850's – 1860's".*

Its significance was described as:

> *"Relevant Development Act Criteria (Section 23(4)); (a), (b)); This building is a good example of a simple early Victorian masonry residence. It is associated with the early 1850's-1860's settlement of Kensington (4a) and is indicative of the way of life of early settlers in Kensington at that time (4b). It contributes to the early Victorian character of High Street."*

In terms of development implications, it stated:

> *"Retention and protection of the original form of the building, its setting and all associated original building fabric, as viewed from the road."*

Subsequently, Council's former heritage adviser, Denise Schumann stated in the *Kensington Village Historical Walk* brochure compiled in 2007 when referring to this building:

> *"the building next door (to No 67) was a schoolroom built by John Roberts dating from the 1840's"*

Kensington has very few remaining 1850's and 1860's buildings and even less from the 1840's. To preserve the integrity of the Kensington Historic Conservation Zone, or as it is now known, the heritage overlay under the Planning Code, all such important heritage buildings from this early colonial period must be preserved.

The loss of this building would have a negative impact on the heart of Kensington Village. By the 1850's the intersection of High and Bridge Streets *had become the bustling centre of village life*. Today we have three significant heritage buildings on this intersection. The first street tramway

system in Australia was a horse drawn tram that ran from Kensington to Adelaide. It travelled up Regent Street to its depot and back down High Street towards the city.

Within the vicinity of 69 High Street, we have not only the three buildings mentioned above but also Dalton's Chemist at No 67 and across the road leading up to Maesbury Street: Terence Feltus Architects; the doctors house and surgery at 50 High Street (Cypress House); and the cottage and chemist shop at 54 High Street. The loss of any of these heritage building would have an adverse impact upon the overall heritage integrity of this area.

Unfortunately, the building has been allowed to deteriorate in recent years and the front wall does bulge out. However, we have been advised by an expert in heritage restoration that Urathane Solutions Pty Ltd can undertake *"Chemical Resin Injection Underpinning"* using their highly effective and patented technology that has been proved to be effective. After successful underpinning, the walls are straightened to return them to the vertical.

Urathane Solutions have conducted an exterior inspection of the building and advised that the building is repairable. They have provided an indicative costing for this work of about $50K. If this work is carried out the building would no longer be a potential safety risk to the public

In the Planning Code, demolition of a listed building is only permitted if its classed as unsafe or proved to be a poor representation of heritage character or irredeemably beyond repair. Underpinning and straightening of the walls of 69 High Street would return the building to a stable and safe building. Finally, although the front wall has been inappropriately rendered and the front windows have been replaced, the removal of the render and replacement of the windows are both relatively straight forward and would restore the building's original heritage characteristics.

Sensitive restoration of heritage properties increases their value and in turn the overall values of properties in the area. In the 1970's and 1980's Kensington was a run down and neglected area. Only through the protection of Kensington's heritage and the steady restoration of properties has the character of Kensington changed and it has become a very desirable place to live.

There have been other examples of unsuccessful attempts to demolish local heritage listed buildings in Kensington over the years. For example, the 1840's cottage at 63 Maesbury Street was in a very poor state of repair having been neglected, occupied by squatters and other vandals and was in much worse condition than 69 High Street. Eventually it was successfully restored by new owners. The precedent has been set for the preservation and restoration of neglected and run down heritage buildings.

We request that a representative of our Association is given the opportunity to speak when this application is considered by the Assessment Panel.

Kensington's In conclusion, our Association urges the panel to refuse this application to demolish one of important heritage buildings.

Yours faithfully,

Roger Bryson
President

Andrew Dyson
Secretary

Representations

Representor 9 -

Name	
Address	NORWOOD SA, 5067 Australia
Submission Date	25/03/2025 05:22 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 Objection to demolition of Local Heritage Item Please Refer to submission.	

Attached Documents

2025.03.25-69-High-Street-Kensington-AO-Submssion-1485686.pdf

ALEXANDER WILKINSON

design + planning
by design

112 Osmond Terrace
Norwood, SA, 5067

Mobile 0407 493 192

sandy@alexanderwilkinson.com.au
www.alexanderwilkinson.com.au

25 March 2025

Assessment Manager
City of Norwood Payneham & St Peters
Town Hall
175 The Parade Norwood SA 5067

per email: gparsons@npsp.sa.gov.au

Planning + Heritage Submission
on behalf of Kensington Residents Association

Application ID 25003913

Proposed demolition of a dwelling (Local Heritage Place)

Introduction

I have been asked by the Kensington Residents Association to provide my opinion as a heritage consultant with respect to the proposed demolition of this Local Heritage Item in High Street Kensington.

Background/History

The subject property at 69 High Street, Kensington is a Local Heritage item within the Kensington Historic Area Overlay.

I am advised by Denise Schumann, Council's former Historian, that this property is a very early1840's-1850's former School House.
From my observation, is it likely constructed of stone with red brick parapet detailing and quoins, similar to the Chemist Building next door seen in the photo above.

It is a particularly important historic building in Kensington because it is one of the very first buildings to have been built by John Roberts in the village of Kensington, a School House to educate the first generation of children who settled into the village, likely as early as the 1840's. Kensington was established in 1838.

Thus, whilst its appearance from the street is modest, its historical importance is paramount to the history of the area.

Part 11 – Heritage Places

Local Heritage Places

Norwood Payneham and St Peters

Property Address	Description and/or Extent of Listed Place	Section 67(1) Criteria	Heritage NR
69 High Street KENSINGTON	Victorian Dwelling	a b	5790

Current Condition/Alterations

The building has been modified cosmetically over its 180+ year life.
Importantly the building was Local Heritage listed as a dwelling, which was its use at the time of listing, as it currently is seen today.

The walls have been rendered in past decades and the building appears to have been 'renovated' in the 1980's or thereabouts.
The gothic style lancet windows and security grills on the front window and door would have been added at this time.
The roof of this very early building would originally have been timber shakes, per the ones visible in the archival photo of the chemist shop of the same era, that were inevitably covered over with corrugated iron, and then the corrugated iron subsequently covered over with the 'Alutile' aluminium tiles which were popular in the 1960's/70's.

The original front window would have also been a casement window like on the front of the Chemist next door at 67. The original casement windows can still be seen down the side of the building. Very early Adelaide buildings had casement windows before sash windows became the predominant window type.


View down side


Original casement windows

Archival photo of CHEMIST DRUGGIST at 67 with timber shakes and casement windows

Photo* of CHEMIST building being restored and partially rebuilt in 2005,

*which I took when I was working on the restoration & additions to 1/65 High Street on the corner of Bridge Street.

CHEMIST building adjacent the subject site as it stands fully restored today in 2025.

Demolition

It is proposed to demolish the whole of the building.

Demolition	
PO 6.1 Local Heritage Places are not demolished, destroyed or removed in total or in part unless: (a) the portion of the Local Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value or (b) the structural integrity or condition of the Local Heritage Place represents an unacceptable risk to public or private safety and is irredeemably beyond repair.	DTS/DPF 6.1 None are applicable.

It would appear that since 2005 the front façade has rotated outwards.
The lean is significant, but not irredeemably beyond repair.

I sought opinion from a company that I know that undertakes chemical underpinning, and wall straightening, **urathane solutions**.

I have appended their email to me, which indicates a cost of about $50K to structurally underpin and straighten the wall to plumb including taking out the kink and a further $30-$50K to undertake associated roof and plasterwork.

To satisfy this provision for demolition of a Local Heritage Place requires that a Local Heritage Place represent an unacceptable risk to public or private safety **and** is irredeemably beyond repair.
Whilst the current state of the wall clearly presents as a potential risk to public safety due to the lean over the footpath, the question as to whether or not the structural integrity of the Local Heritage place is 'irredeemable' is based on assumption that works are undertaken to make the wall safe and so no longer present a risk to public safety.

Therefore, the initial $50K is the expenditure that is required in order to make this wall safe for the purposes of consideration of PO 6.1(b).
Naturally if one was going down a path of restoring the wall it would make sense to undertake the further associated works.
However, it would not be a requirement, for example, to remove the cement render to expose and repoint the stone and brick quoins and parapet, however this would be highly desirable and a logical course of action, as was done in 2005 at 67.

This cottage at 34 Elizabeth Street, Norwood, an 1856 Local Heritage Item, was the recent subject of a demolition application which was refused. It is now being restored.

The S. HEANES boot shop had also been the subject of a demolition attempt many years ago I recall. It too has since been successfully restored with a modern addition done to the rear. It shares a similar parapet detail to 69 High Street with the acroteria details at the base of the pediment.

Conclusion

The subject property, whilst a modest building in need of significant repair, is a very important part of Kensington's history, being one of its earliest buildings and the only original School House dating to the 1840's.

The building could be restored based on the information provided by urethane solutions, The cost of this exercise must be considered relative to the considerable cost of demolition and construction of an entirely new building, which would be considerably more expensive.

I wish to speak at the Council Assessment Panel.

If you have any questions or queries, please feel free to contact me.

Yours Faithfully

ALEXANDER WILKINSON
B.A(Planning)B.Arch.hons(Conservation) M.ICOMOS MPIA

ALEXANDER WILKINSON DESIGN PTY LTD

ACCREDITED
PROFESSIONAL
Planning, Development and Infrastructure Act 2016

Appendix 1: email from Urathane Solutions

Re: 69 High Street, Kensington

TK

Trent Kuchel <trent@urathanesolutions.com.au>

Yesterday at 9:55 pm

To: Sandy Wilkinson; contact@kra.org.au; Denise Schumann; Michael Pilkington

Thank you for the opportunity to have a look at 69 High St.

As discussed, I attended site to inspect externally on 17 March. I am confident the footing settlement and resulting rotation forward can be rectified. Interestingly, the gable appears to be held back towards to the top, resulting in quite a kink in the wall when viewed from side. Correcting this would not be as straight forward as stabilising and realigning the footings. By removing previous repairs to the façade (where cracks have been filled) and using several props and bracing, we expect to be able to achieve significant recovery towards plumb. We would likely need significantly modify the roof structure to achieve this and then secure once complete.

In estimating the cost to repair, we have made several assumptions. Please appreciate we would need to inspect internally, including the roof space, to understand what alterations have been made over the years and what is required to repair.

ESTIMATES

- Stabilise existing footing of front room and realign, tie façade back to external walls - $45-55K
- Make good roof structure following works $10-20K
- Making good ceiling and plaster internal walls - $8-18K
- Re-render façade $7-10K
- Carpentry – Estimating this is difficult with external inspection only. Depending on how these items have been adjusted overtime to and how much lift and rotation is achieved, the existing timber framed window, front door and internal doors may need new frames.

Hopefully, this is of assistance in your submission. Please do not hesitate to contact me with any queries.

Kind Regards
TRENT KUCHEL

P 1300 924 420
E trent@urathanesolutions.com.au

SOUTH AUSTRALIA 22 King William St, Kent Town SA 5067
VICTORIA Level 3, 480 Collins St, Melbourne VIC 3000

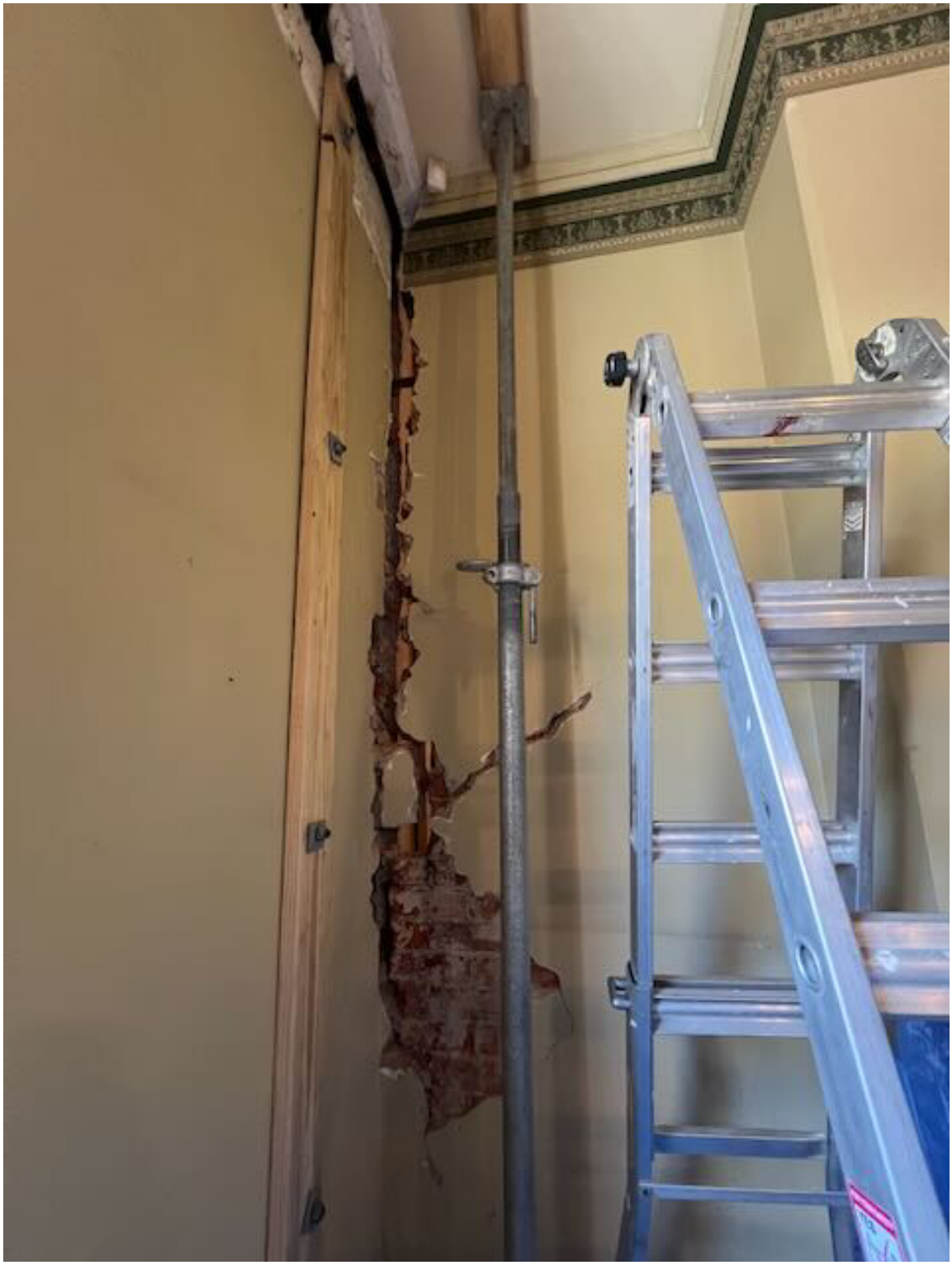
urathanesolutions.com.au

urathane solutions PTY LTD. THE STRUCTURAL REPAIR SPECIALISTS

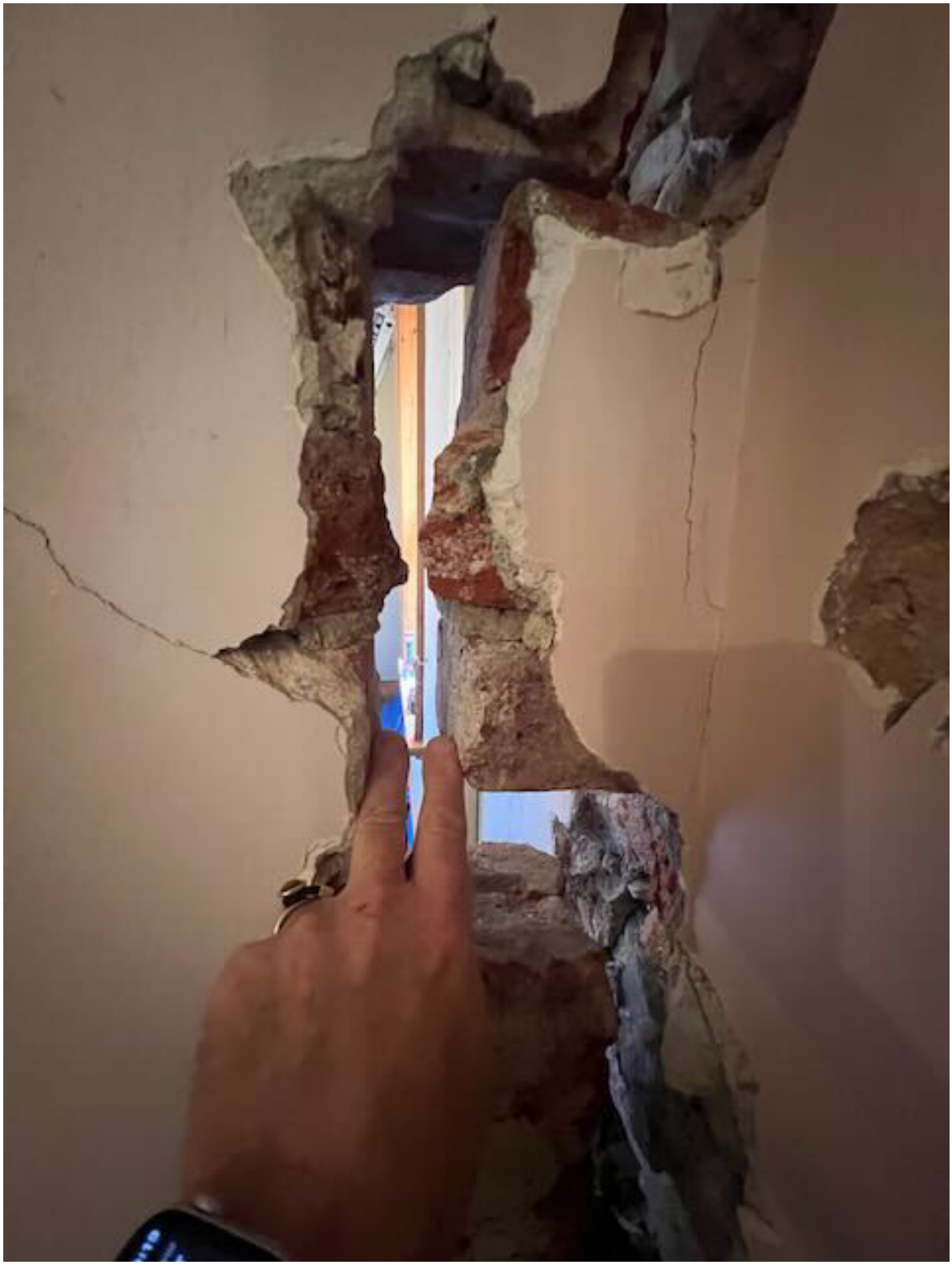
Appendix 2: photos I took of Urathane Solutions straightening wall in Kensington Park.

Urathane Solutions undersetting and straightening wall

Crack raked out in front room in preparation for side wall being pushed back to plumb.



Crack raked out in second room in preparation for side wall being pushed back to plumb.



Crack raked out in preparation for side wall being pushed back to plumb.

Side wall underpinned, straightened and plumbed for about $20K by ‘urathane solutions’

The owner of 69 High St, Kensington, SA 5068 acknowledges the current heritage listing as per the 1994 Heritage Survey.

The owner of 69 High St has applied to demolish a dwelling via the PlanSA portal. The application has been made under the Planning and Design Code regarding Demolition of Local Heritage Places. The owner has applied for demolition under part 6.1 (b).

PO 6.1

Local Heritage Places are not demolished, destroyed or removed in total or in part unless:

(a) the portion of the Local Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value or

(b) the structural integrity or condition of the Local Heritage Place represents an unacceptable risk to public or private safety and is irredeemably beyond repair.

The demolition application was lodged asap once I was made aware that ***"the wall may collapse at any time"***, resulting in extensive damage to the building itself, to the footpath and is a safety risk to pedestrians using the footpath.

Structural engineers have recommended demolition to mitigate unacceptable risks to public safety.

The owner of High St has sought guidance and advice from the council's Building Officer, Structural Engineer and Heritage Advisor at every step of the process. On the 10th Feb 2025, the council engineer and builder had discussions with the structural engineering consultant and the footpath and car parks in front of the property were closed off by Council on or before Tuesday 11th Feb 2025.

OB Engineering Group was engaged to

- Observe and document the existing damage.
- Record relevant site information.
- Present an expert opinion on the probable causes.
- Suggest appropriate remedial measures.

On the 8th of February 2024, a qualified Civil and Structural Engineer visited the site to inspect the defects raised by the client. The ensuing report provided a comprehensive review. The full Engineering report was received on 24th Feb 2025 and was immediately sent to council.

The footpath has remained closed out of public safety concerns.

The report has recommended demolitions and we agree that demolition is the best way forward, given the compromised structural integrity of the building and the timelines and risk of failure of alternative actions.

Time pressures regarding public safety concerns has dictated the appropriateness of the Demolition application, especially when considering public safety with a Primary School next door with high volume drop off and pick up traffic.

We would also like to thank all respondents for your interest and for expressing your points of view regarding the development proposal.

The owner would like to make everyone aware that structural engineering advice and inspection was obtained in 2014 after purchase of the property, at which time a renovation and structural remedial works were performed to address known concerns at this time. All historical engineering reports (pre and post purchase) were provided to engineers and council.

The owners are gutted and would also like notify to all Representors that

- the property is the anchor asset for our SMSF retirement fund,
- the property has an almost 100% occupancy rate over the past 10 year until the present tenant terminated the lease and vacated on 5th February 2025
- the vast majority of all visible damage occurred in the preceding 18 months during which time we had no communication with the tenant (who was always great at notifying us of issues and kept the rent current). We called in engineers immediately
- the insurance company has deemed this as an unlisted event (ie not covered) under our landlords insurance policy.

We would like to thank all adjoining neighbours (Respondents 2 and 7) for your support and understanding for the urgent need for the Development. As direct neighbours, we would like to inform you that we plan to engage professionals to perform the works, and we will ensure collaboration regarding securing the entire site during works with safety for the School, neighbours and public front of mind.

We would like to thank Respondent 3 for your support and understanding of the need for the approval of the development proposal.

With respect to genuine concerns regarding “confirming the retainment of the feeling of the location”, please understand that any potential future planning applications after demolition will require appropriate planning approvals. The rigorous planning application process will of course include full consideration of all Historic Area Overlay guidelines and planning requirements to be assessed by Council with full public consultation.

The public consultation process will enable everyone the opportunity to contribute to the goals of retaining of the feeling of the location. I strongly believe that such additional planning deliberations should not delay mitigating present unacceptable risks to the public.

We are very disappointed with Representor 1 claim that this is textbook “demonising”. We vehemently rebut these ill-founded accusations, and would like to draw the Representors attention to the extensive investments made to prepare the property for rental.

The owners are gutted and believe this to be a “straw that broke the camels” back scenario, resulting in simultaneous failures of the western wall and southern wall. Inadequate foundations and poor soils conditions further exasperate any potential risky remedial work – as evident with the past remediations of the southern wall that have failed.

We are deeply alarmed and concerned with some representations made by Representors 8 & 9. We believe that you may be unaware of the extent of the damage given you have only focused on the southern wall, and we also believe you may be unaware of all the structural engineering advice and inspections (past and current), and the efforts to maintain the property that were performed based on past said advice.

Given all our advice to date, we understand that there is a risk of failure of any remediation attempts, thus we felt it necessary to engage Engineers to document a response to your representations. I have forwarded a letter to Council from OB Engineering responding to your claims around Urethane Solutions remedial actions, as I felt unqualified to respond to personally. The letter is supportive of demolition and states

- “While chemical underpinning and straightening via urethane injection may be suitable in less severe cases, the extent of the movement that has occurred to the front wall at 69 High Street is beyond the effective limits of such methods”,
- and “Considering the age of the building and its unreinforced masonry construction, attempting to realign the wall also poses a high risk of failure and further damage”

As owners, given how unstable the building currently is, we stand by our current course of action and continue to seek approval of the Development application to avoid any further delays in mitigating present unacceptable risks to the public.

CIVIL AND STRUCTURAL

18 April 2025

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

Re: Response to Representations for Proposed Demolition - 69 High Street, Kensington SA 5068

Dear Chair and Members of the Assessment Panel,

OB Engineering Group Pty Ltd has been engaged by Mr John Miller, the owner of the property and dwelling located at 69 High Street, Kensington. Our professional response is based on expert structural assessment evidence, undertaken in accordance with relevant Australian Standards (AS2870) and the National Construction Code (NCC). This response specifically addresses structural engineering considerations raised. We acknowledge the representations and submissions regarding the proposed demolition and structural integrity of the property located at 69 High Street, Kensington.

We acknowledge that the client provided OB Engineering with two previous structural reports dating from 2012 and 2013, undertaken by Jim Wilson Consulting Engineers and Dennis Sandery Consulting Engineers respectively. Both reports, conducted approximately 13 years ago, identified considerable rotation and movement of the front wall, facing High Street. Specifically, the 2013 report by Mr. Jim Wilson Consulting Engineers recommended prompt reconstruction of the wall if further cracking occurred, citing *concerns over stability under unusual loads such as earthquakes.* Similarly, the 2012 report by Mr. Dennis Sandery recommended extensive foundational reinforcement and rebuilding due to severe rotation and potential instability.

Our comprehensive structural assessment (Report Ref: OBCS0176, dated 22 February 2025) clearly identifies severe structural rotation and displacement of the southern and western external walls. The southern wall facing High Street has rotated significantly outwards, measuring up to 59mm/m, resulting in an approximate horizontal displacement of 177mm at the top of the wall. This degree of rotation indicates there has been significant movement in the footings of the building to such an extent that rectification through realignment is not possible without the full reconstruction of the wall and footings.

Internal wall cracking has also been classified as severe per the guidelines stipulated in AS2870. This internal cracking is predominantly attributed to the rotation of the western wall, measured at 34mm/m near the lounge room and 26mm/m to the north near the kitchen. The client has advised that this cracking has been repaired historically, but the cracking consistently reappears, indicating that the movement and rotation of the western wall is active.

While representations to the public notification mention the successful use of urethane chemical underpinning for straightening walls at other locations, such methods may only be suitable for moderate rotation/settlement cases. However, given the severity of rotation and the level of structural defects observed at 69 High Street, urethane injection would likely only stabilise the wall in its current position and would not be sufficient to restore the front wall to a plumb alignment or restore the structural integrity of the wall. Additionally, significant internal structural remediation and rebuilding

CIVIL AND STRUCTURAL

would be necessary following underpinning to address the resultant misalignment and damage, greatly increasing overall costs and complexity of the project. Considering the age of the building and its unreinforced masonry construction, attempting to realign the wall also poses a high risk of failure and further damage. Given the extent of the works required, the overall cost of such repairs would not be economically viable for the client.

The severity of cracking, wall separation, and displacement substantially surpasses typical minor cracking expected from buildings of this age. Such movements, although permissible for minor adjustments and settlements, are categorically different from the structural failures noted in our original report on the building (OBCS0176). The structural condition as assessed poses a significant and immediate safety risk to the public and property occupants. The ongoing structural movement indicates instability, and remedial actions such as mere propping or grouting do not permanently mitigate the underlying structural inadequacies or safety hazards identified in our professional assessment.

Based on the severity of structural rotation, internal and external cracking, and associated safety risks as identified in our report, it remains our professional engineering recommendation that the demolition and reconstruction of the entire building is the most appropriate and economically feasible course of action. While chemical underpinning and straightening via urethane injection may be suitable in less severe cases, the extent of the movement that has occurred to the front wall at 69 High Street is beyond the effective limits of such methods. As mentioned by Urathane Solutions, chemical underpinning of the wall will require significant structural modifications including substantial alterations to the roof structure with no guarantee of returning the wall to a stable and plumb condition.

For any further clarification or additional details required, please contact our office.

Yours sincerely,
OB Engineering Group Pty Ltd

IMPARTA ENGINEERS

ADELAIDE
P: +61 8 8150 5500

BRISBANE
P: +61 7 3555 2699

HOBART
P: +61 3 8351 4944

MELBOURNE
P: +61 3 8351 4944

SYDNEY
P: +61 2 9509 0700

Our ref: 1180225JAC(1)

15 April 2025

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

Attention: **Mr Kieran Fairbrother**

Dear Sir

Site: **69 High Street KENSINGTON SA 5068**
Applicant: **John Miller**
Reference: **25003913**
Subject: **Structural assessment in relation to demolition application**

In accordance with your instructions, our Mr James Cibich attended the above site in company with the applicant, Mr John Miller, on 3 March 2025. You requested we report on the structural condition of the dwelling as part of an assessment for a demolition application. We are pleased to present our findings and opinions.

BUILDING & SITE DESCRIPTION

The single storey building is of masonry construction with timber floors and a tiled roof. The footings are expected to be either bluestone slabs or shallow / under-reinforced concrete strips. The roof is expected to be conventionally timber framed. The wet area has a concrete slab floor.

The building comprises two dwellings. The front dwelling includes two bedrooms, a front lounge, a kitchen / meals area and a bathroom. The rear dwelling was not presented for our inspection (as it is not in the area of concern for the applicant). The front elevation is positioned on the property boundary and directly adjacent to the Council footpath.

The building faces south-west onto High Street. For the purposes of this report, we refer to the building as facing south onto High Street.

The dwelling is surrounded by adjacent properties, including a primary school to the east and a laneway to the north (rear). The roof downpipes terminate beneath ground level and, assumedly, discharge into sub-surface stormwater pipework. There is tree in the High Street verge in front of the building.

An aerial image of the dwelling from the SA Property and Planning Atlas (SAPPA) is provided as Figure 1.

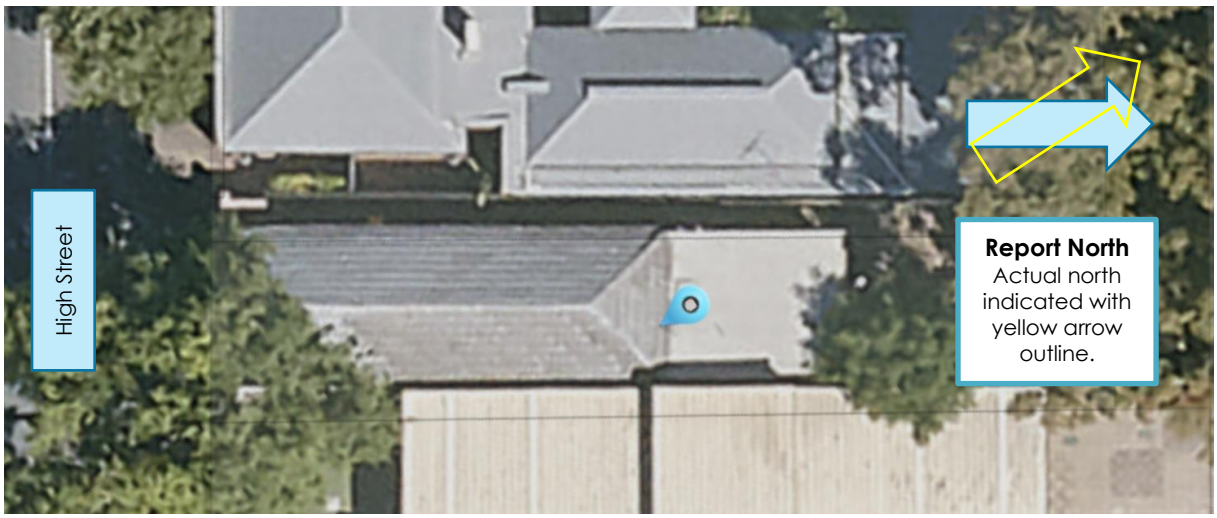


Figure 1 – Aerial image of site from the SAPPA

BUILDING CONDITION

In the following, references to 'damage categories' are to those defined by Table C1 in Appendix C of AS 2870 *Residential Slabs and Footings*. We acknowledge that the Standard has regard mostly to dwellings with modern footings constructed in accordance with the Standard and that it cannot necessary be applied to a more historic building (such as the dwelling at this site). However, in our opinion, it is the most appropriate objective reference for categorising damage in dwellings suffering from differential footing movement.

Due to the number of instances of damage identified, we have not included each in our written report. We have included the most significant items for your consideration in the photographic catalogue below. We note that it is difficult to capture the building's condition in photographs. Should a full appreciation of the condition to this dwelling be required, an inspection may be required.

Evidence of previous footing movements (such as crack repairs) as well as evidence of recent movements were observed throughout the interior and around the exterior. We have included a copy of our site notes, which shows the instances of internal damage marked up on a floor plan of the building, as Figure 2 below. Should a more comprehensive catalogue of cracking be required, we would be pleased to provide it upon receipt of your further instructions.

The most severe cracking, and that which we understand causes the applicant concern, was observed to the front lounge and along the western elevation (including the wall/ceiling junctions and the intersections between the western wall and internal return walls).

The southern (front) and western elevations' verticality was measured at various locations using a digital spirit level. The southern elevation was measured to be between 2.7° and 3.3° out of vertical alignment relatively consistently across its width. The western elevation was measured to be between 0.8° and 2.8° out of vertical alignment, with the severity of misalignment increasing from the rear to the front.

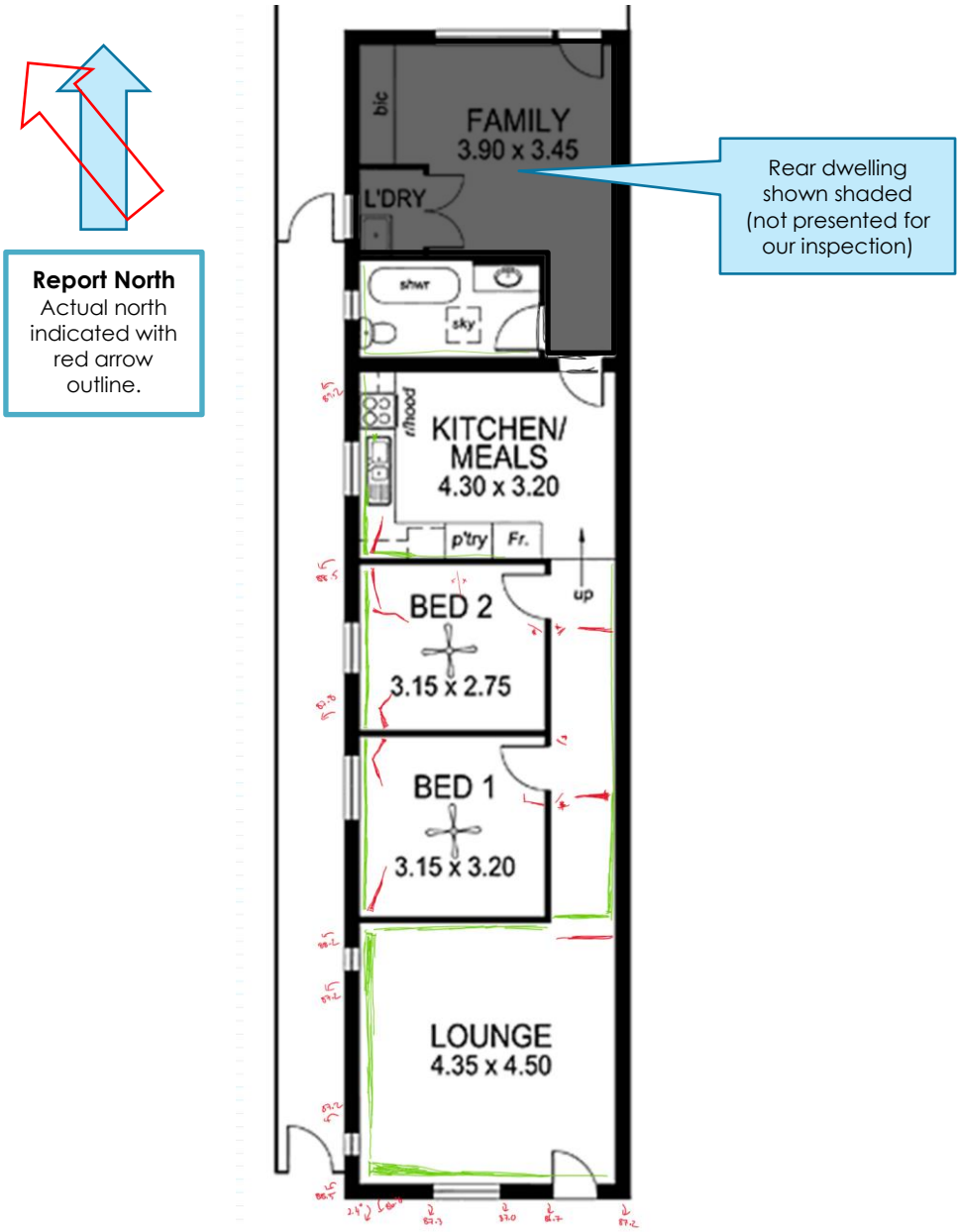


*Figure 2 – **Red** is damage to walls, **green** is damage to ceilings & cornices, numbers and arrows externally indicate measured rotations*

The severity of the currently observable damage within the building interior varied. Damage in the area of the applicant's concern was Damage Category 3 or beyond (cracks equal to or greater than 5mm in width). Damage Categories 0 – 2 are described by Table C1 as "Negligible", "Very Slight" and "Slight" respectively. In contrast, Damage Categories 3 and 4 are described as "Moderate" and "Severe" respectively. Damage Category 4 is described in Table C1 as:

> *Extensive repair work involving breaking out and replacing sections of walls, especially over doors and windows. Window frames and doors distort. Walls lean or bulge noticeably…*

The instances of previous repair to the masonry and/or plaster finish around some cracks indicates the currently observable cracking is only a portion of the movement that has occurred. Consequently, the damage descriptions in Table C1 should be interpreted with an understanding of the history of movement that has occurred.

Examples of the crack and footing movement observed throughout the dwelling are shown in the following photographs.

Photo 1 – General view of northern elevation showing lean towards Council footpath and cracking towards top of gable

Photo 2 – Cracking in front gable, top of gable leans back towards the applicant's property (oppisite to base of wall) creating a "bow" in the wall

Photo 3 – Side view of top of gable attempting to capture horizontal bow in wall

Photo 4 – Cracking at eastern end of front elevation

Photo 5 – Railway section positioned against front elevation and assumedly tied through dwelling is indicative of past attempts to stabilise dwelling's front

Photo 6 – Tapered separation between railway section and front elevation indicitive of worsening in external wall rotation over time

Photo 7 – Spirit level placed against front elevation showing lean towards footpath

Photo 8 – Close up of spirit level gauge in position shown in Photo 7

Photo 9 – Spirit level placed against southern end of western elevation showing outward lean towards the adjacent property

Photo 10 – Spirit level placed against front elevation and over gable cracking at ceiling level – gap between top of level and wall indicative of inwardly directed rotation of wall above ceiling level and "bow" in wall (refer Photo 3)

Photo 11 – Separation between western elevation and fascia

Photo 12 – Example of cracking and previous repair to cracking to western elevation (dislodged render on LHS makes cracking appear more severe)

Photo 13 – Bubbling / blistering of lower paint finish along western elevation indicative of rising damp

Photo 14 – General view of front lounge room's western elevation

Photo 15 – Gap between front elevation and cornice as well as previous filling, note also separation between corner beading and wall – beading evidence of past attempts to conceal gapping at this wall junction

Photo 16 – View of cornice separation along front elevation

Photo 17 – Broader view of gapping between front elevation and cornice, and at western / front elevation intersection (as shown in closer image in Photo 15)

Photo 18 – Western elevation / cornice separaton, cracking between western elevation and intersecting internal wall of front lounge room

Photo 19 – Cornice separation along western wall, prevoius crack repairs and recent cracking above window

Photo 20 – Example of prevoius repairs to cracking typically seen to internal walls

Photo 21 – Example of typical severity of cracking away from area of concern, hallway's eastern wall and cornice / ceiling shown

Photo 22 – General view of bed 1's western elevation

Photo 23 – Separation at bed 1's western wall / cornice junction and intersecting wall

Photo 24 – Close up of separation between bed 1's wall and cornice, showing possible evidence of timber deterioration

Photo 25 – Cracking to bed 1's northern wall, dislodged of plaster at top of wall makes cracking appear more severe, note also separation of western wall/cornice visible

Photo 26 – Separation and missing filler showing possible evidence of timber deterioration

Photo 27 – General view of bed 2's western elevation and intersecting walls

Photo 28 – Separation of bed 1's western wall / cornice, and cracking between western elevation and intersecting wall

Photo 29 – Cracking to bed 2's southern wall near intersection with western wall, note also separation of western wall / cornice junction

Photo 30 – General view of the kitchen area

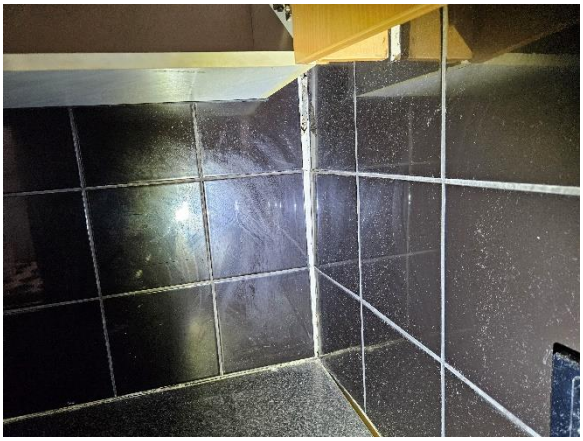


Photo 31 – Tapered vertical cracking in south-western corner of kitchen

Photo 32 – Top of cracking shown in Photo 31, as well as separation of the western wall / cornice junction (including previous filling material)

Photo 33 – General view of bathroom layout and floor

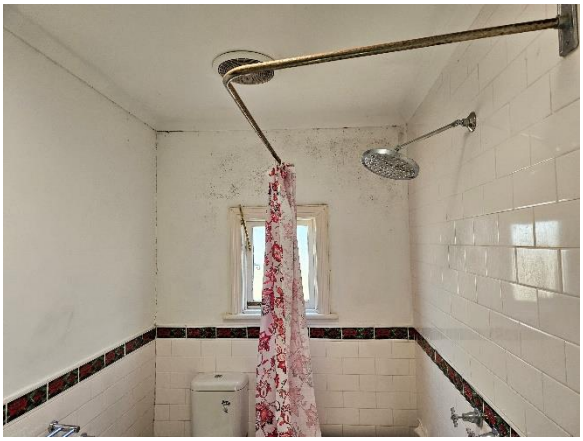


Photo 34 – General view of bathroom ceiling

Photo 35 – Tapered wall plate forming part of side gate indicative of past movements to wall (plate thicker at bottom)

Photo 36 – Tapered wall plate forming part of side gate indicative of past movements to wall (plate thinner at top)

SOIL CONDITIONS

No site-specific soil information has been obtained. According to the *Soils Association Map of the Adelaide Region* (the Map), published in 1989 by the CSIRO and the South Australian Department of Mines and Energy (as it was then), the site is likely founded on a Red Brown Earth soil profile (either Type 3 (RB3) or Type 5 (RB5)).

Red Brown Earth soil profiles are known to contain layers of highly plastic clay (also commonly referred to as "reactive clay") to considerable depth. The profiles are generally "highly reactive" in accordance with the classification of the relevant Australian Standard, AS 2870 *Residential Slabs and Footings*.

The actual foundation soil conditions at this site can be determined by recovering soil borehole samples and assessing them. If you would like us to arrange this, we would be pleased to do so upon receipt of your further instruction.

The implications of this soil profile are that when soil moisture changes occur, the footings will be subjected to pressure from vertical soil movements. If differential deflections occur, these may cause cracking in brittle materials such as face and plastered masonry.

In the case of older houses such as the subject dwelling, the footings are either bluestone slabs or under-reinforced concrete strips. Both of these footing types are of low strength and are quite shallow. These footings are rarely able to control footing movements to non-damaging proportions when normal seasonal soil movements occur due to Adelaide's Mediterranean climate of hot, dry summers and cool, wet winter/springs.

When larger soil movements occur, due to poor drainage or the soil drying effect of trees, it is very likely that larger, more widespread cracking will occur.

A characteristic of strip footings when they are subjected to seasonal soil moisture changes is that they also undergo lateral rotation. Over time, the outside of the footing drops relative to the inner edge and this movement is translated to the walls which develop an outward lean. Whilst roof and ceiling framing can resist this outward lean to some extent, the common result is gaps along the wall/ceiling joint or cornice, and bowing of walls between ceiling and floor. This movement is consistent with that observed to the southern (front) and western elevations, and the intersecting walls / attached cornices.

DISCUSSION

Repair of Footing Movement Related Damage

In our opinion, the damage to this dwelling is consistent with differential footing movement (as described in the previous section of this report). The movement is most severe to the front (southern) and western elevations. From the damage pattern, it appears the dwelling is settling towards the south-western corner. The front and western elevations are also suffering from external lateral rotation as a result of the same settlement.

Much of the currently observable cracking to these areas of the dwelling is within or beyond Damage Category 4 (Severe, 15 – 25mm wide) of Table C1 of AS 2870 *Residential Slabs & Footings*. In our opinion, the severity of the damage is such that the affected walls require repair to ensure their structural integrity in the short to medium term. The extent of work required to repair the walls is difficult to determine definitively from a visual inspection alone.

A local repair could be attempted in some areas (such as the internal walls), which would include removing wall plaster, repairing cracked mortar and replacing cracked bricks. However, due to the age and likely composition of the masonry (likely being a 'softer' clay brick and mortar considering the era of construction) it is possible a local repair of the wall would be difficult and hazardous to undertake. The extent of repair may need to be expanded as the repair is attempted if the masonry around the damaged areas is found to be unsuitable for receipt of repair materials.

The rotation and damage to the southern and western elevations is such that it is unlikely this wall could be repaired without reconstructing it to a large degree (if not fully). Realignment of the existing wall could be attempted by underpinning the existing footing and jacking / "pushing" the walls back into alignment. However, due to the building's age and the extent of rotation, the success of such an attempt is not guaranteed. As part of our assessment, we have consulted a specialist underpinning contractor for their opinion as to the constructability challenges that may be faced with this method. It was their preliminary view (formed from review of our photographs and a telephone discussion) that stakeholders should be prepared to reconstruct the affected walls if underpinning was to be attempted. They also noted that it appeared access around the affected walls was limited, which may make installation of deep underpins using mechanical equipment unfeasible.

Therefore, in our opinion, for the purposes of the assessment of this application, it would be reasonable for stakeholders to allow for the affected walls to be reconstructed. The approximate extent of reconstruction works that we expect would be required is shown on Figure 3 on the following page. The reconstruction of these walls would also allow them to be underset with a damp proof course (refer also to further discussion regarding damp in the relevant sub-section of this report below).

That is, for the purposes of making a decision on this application, all stakeholders should anticipate that an attempt to retain and realign the existing southern and western walls may, on the balance of probabilities, be unsuccessful. Consequently, if the decision maker is to compel the applicant to attempt to realign the existing structure, that decision should also consider the likely additional costs and disruption (including to the structure's heritage value, if applicable) associated with abandoning realignment works and proceeding with demolition and reconstruction of the southern and western elevations.

If a reconstruction method is being contemplated, the southern and western elevations could be reconstructed upon the existing footings, on the existing footings that have been underpinned, or on entirely new footings. The method of reconstruction must consider the longevity of repairs – refer to further discussion regarding this in the following sub-section of this report.

There is distortion to decorative and operable elements within the other areas of the dwelling (such slopes in the floor diaphragm, misalignment of architraves, shaving of doors, and gap filling of cornices). These issues can be resolved relatively simply by an experienced tradesperson by replacing distorted elements or adjusting the floor frame. However, distortion will likely return with the passage of time unless the building's foundation is stabilised.

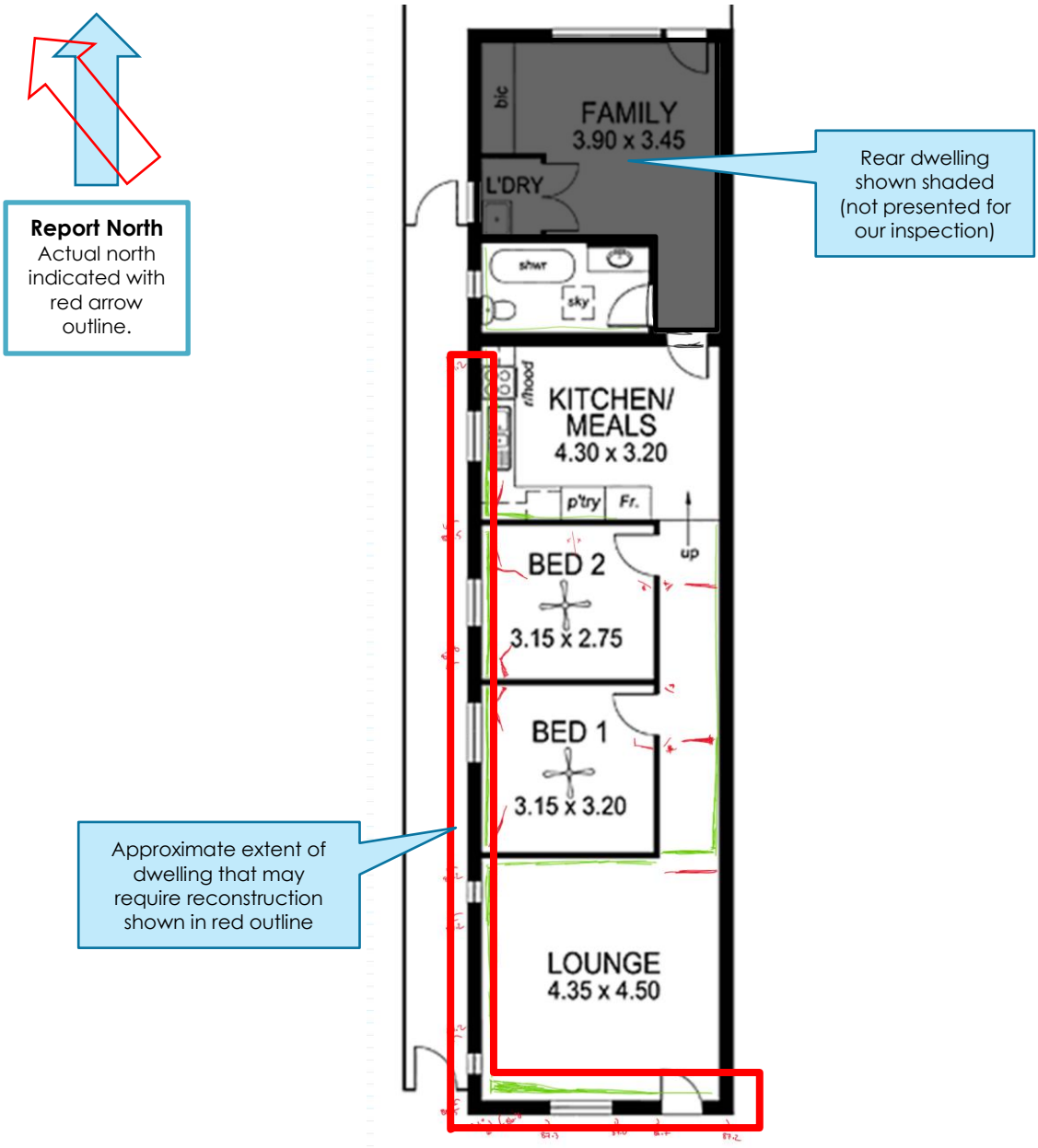


Figure 3 – Approximate extent of structure that may require reconstruction

Longevity of Any Repairs and Building Stability

From the extent of previous crack repairs observed both externally and internally as well evidence of previous mitigation measures (such as the railway section and beading placed at internal wall corners), it appears footing movement has been an ongoing problem for this building. This is not unexpected for dwellings of this age and construction founded on reactive clay. This is because the footings offer little resistance to movement in the foundation (as discussed in the previous section of this report) and the unarticulated masonry superstructure does not tolerate differential footing movements well.

In many buildings of a similar age and foundation soil type to this one, the occurrence of cracking can be mitigated with good landscape maintenance (such as appropriate selection and placement of vegetation, and regular watering during dry months) and plumbing maintenance (including stormwater management). These strategies are relatively inexpensive and simple to implement (such as removal of trees / vegetation that are too close to the building, or the installation of dripper systems or concrete perimeter pavements), although they require regular review and appraisal.

However, in this instance, it appears that little improvement can be made to the environmental conditions around the dwelling in the area of most severe movement (i.e. the front (southern) and western elevations). This means that there may be little the applicant can do to improve the stability of the dwelling strictly through the control of soil moisture. In fact, the factors that are influencing the foundation's moisture state may be outside of the property boundaries. A more detailed investigation would need to be undertaken to understand the various influences that may be affecting the movement to this dwelling.

If the applicant was to retain the existing dwelling with its current footing arrangement, it will require greater diligence and maintenance than if they were to construct a new dwelling. This would most likely result in the more regular appearance of wall and ceiling cracking (compared to a new dwelling), even if site moisture management could be improved and repairs are completed to the superstructure.

We have insufficient information to determine how long it would take for damage to return to the dwelling if it were repaired utilising the existing footings because it depends on several factors. Monitoring the building over a period of months or, preferably, years may provide further insight into the rate of movement.

If the applicant wished to implement a more assured method of improving the dwelling's stability, it might be necessary to consider underpinning the entire dwelling. We expect underpinning the building would be successful in mitigating the most severe movements without requiring wholesale reconstruction of the dwelling (apart from the areas nominated on Figure 3). However, in our opinion, the best *structural solution* for mitigating against movement in reactive clay foundation soils and the deleterious effects of that movement would be to construct a new dwelling using more flexible modern building methods on a footing specifically designed to withstand expected movements in the foundation soils at this site.

Ceilings & Roof

Neither the roof cladding nor the roof void were inspected during our site attendance. Consequently, we cannot provide comment on the condition of the roof tiles or the roof / ceiling framing. However, we did observe evidence of what could be deterioration of the ceiling and/or roof frame through gaps in the western wall / cornice joint in various rooms.

The roof and ceiling frame perform an important structural function of restraining the tops of walls to ensure their lateral stability (particularly if those walls are suffering external rotations from differential footing movement). If the roof and/or ceiling frame has deteriorated such that it is no longer performing as a wall restraint, the stability of the external walls would be further compromised. If the applicant was required to retain the existing dwelling, it would be important to ensure the integrity of the roof and ceiling frames as part of managing the dwelling's overall stability.

If required, an opinion as to the structural condition of the roof frame could be formed by an inspection of the roof space.

Bathrooms & Plumbing

The bathroom appeared to be in a serviceable condition. Although, due to its apparent age, it may not be fully compliant with the current requirements of Volume 2 of the National Construction Code (NCC).

The sewer and waste pipework were not inspected. However, based on the apparent age of the house, we expect the original pipework is of iron and/or earthenware material (unless it has been replaced). Earthenware pipework is notorious for leaking when buried in reactive clay, because the brittle construction is vulnerable to breaking or separating at joints from differential movement. Leaking sewer and waste pipes contribute to differential movement. As part of strategies to mitigate movement, it would be necessary to inspect the sewer and waste pipes and, in all likelihood, replace them with PVC (with the provision of flexible connections).

If required, the existing plumbing could be assessed by a licensed plumber.

Sub-floor Ventilation

We expect there is inadequate sub-floor ventilation to this building according to the current provisions of the National Construction Code (NCC). This could lead to elevated humidity in the sub-floor space and moisture related issues, such as rot of framing or floorboards. We expect additional sub-floor vent bricks will be required to all accessible sides of the dwelling (noting the eastern wall is partially a retaining wall).

Rising Damp

Evidence of rising damp was observed during our inspection. To mitigate the re-occurrence of rising damp, it would be necessary to treat the affected wall with some form of damp proofing measure. Chemical treatments (such as resin injection of the lower mortar joints) are available, however, their success is dependent on achieving penetration of the chemical across the entire mortar joint, and ensuring the treatment is not bridged by render or plaster finishes. A more assured method of treatment is physically undersetting each wall with a plastic damp proof course (DPC), which requires reconstructing the lower courses of each wall.

Damp affected masonry elements would need replacing or repointing (as applicable). However, more severely affected masonry may require local rebuilding. The extent of damp affected masonry that requires the most attention is within the extent suggested be allowed for reconstruction in Figure 3 above.

We also note that the eastern elevation is partially a retaining wall. The ground surface of the adjacent school yard rises from street footpath level and is directly against this dwelling's eastern elevation. From our discussion with the applicant, there have been ongoing dampness issues with the internal finishes of the eastern wall, which, in our opinion, is associated with an absence of waterproofing system protecting the wall from the retained soil. If the existing dwelling is to be retained, we expect a waterproofing system would need to be installed along the eastern elevation (ideally from the school's property, which would require that property be disturbed and reinstated) to more permanently resolve this issue.

Electrical Services

Assessment of electrical services is beyond our area of expertise. However, given the age of the dwelling, it is possible the electrical installations do not comply with the current wiring rules. If required, the existing electrical services could be assessed by a licensed electrician.

SUMMARY

As a result of our investigation, we provide the following opinions.

1. The building has undergone differential footing movement throughout its past, resulting in severe cracking and rotation of walls and other structural elements.

2. It may be necessary to reconstruct the southern (front) and western elevations and local parts of the return walls to remediate the more severe movement that has occurred to these areas (refer to Figure 3 above and the associated discussion regarding realigning the existing walls).

3. For the purposes of making a decision on this application, all stakeholders should anticipate that an attempt to retain and realign the existing southern and western walls may be unsuccessful. Consequently, if the decision maker is to compel the applicant to attempt to realign the existing structure, that decision should also consider the likely additional costs and disruption (including to the structure's heritage value, if applicable) associated with abandoning realignment works and proceeding with demolition and reconstruction of the southern and western elevations.

4. Reconstruction of the walls could be undertaken on the existing footing arrangement (with or without underpinning) or on new footings, depending on the performance required of the dwelling. However, if the existing footings are retained, the dwelling will likely continue to suffer damage (including severe damage) from differential footing movements. (Note, also, that an assessment by a Building Surveyor of any application to rebuild walls may require new footings to be constructed as a condition of approving that application.)

5. If the southern and western walls are reconstructed on new footings or deep underpins and the rest of the dwelling is retained, different instability may occur in the dwelling due to the different foundation conditions. Consequently, it may be necessary to underpin the entire dwelling in those circumstances.

6. It would be the best structural solution to construct a new dwelling using more flexible modern building methods on a new reinforced concrete 'raft' footing specifically designed to withstand expected movements in the foundation soils at this site.

7. Dampness is an issue for the building. Damp proofing measures (such as undersetting, chemical damp proof treatment and/or waterproofing systems) will be required to permanently resolve the issue.

8. The sub-floor ventilation is inadequate and will require upgrading.

9. The stormwater, sewer and waste pipework may require replacement with modern PVC pipework (at the very least, it requires investigation).

10. The electrics and wiring may need to be upgraded (this could be confirmed by an electrician as it is beyond our area of expertise).

We have also reviewed the report prepared by OB Engineering Group Pty Ltd (the applicant's engineer) dated 22 February 2025 (the OB Report). The OB Report includes references to earlier engineering reports obtained by the applicant, which the applicant also provided to us. In our opinion, the findings of the OB Report are mostly aligned with our assessment and, consequently, we consider the contents of that report are reasonable.

We trust this report is sufficient for your present requirements. If you have any further queries regarding this matter, please do not hesitate to contact the undersigned.

Yours faithfully

James Cibich BE(Hons) LL.B, MIEAust CPEng NER
Imparta Engineers
Phone: (08) 8150 5500
james@impartaengineers.com.au

The conclusions reached in this report have been based on opinions derived from site observations and our experience in understanding the causes of building damage. If you consider that the circumstances in this matter justify any additional testing or measurement, please contact the undersigned so that we can discuss whether any appropriate testing or procedure may be available at this time.

Kieran Fairbrother

From: David Brown <david@bbarchitects.com.au>
Sent: Monday, 28 April 2025 6:20 PM
To: Kieran Fairbrother
Subject: Re: Demolition Application for 69 High St, Kensington

Hi Kieran

Something like this?

I have visited the site, and inspected the building inside and out with the owner.

The engineers recommend underpinning and or reconstruction of the front and side walls. While this is understandable from an engineering perspective, it is a concern from a heritage perspective. To remove the front and side walls to then reconstruct them means that the application process would be similar to what is proposed, but with the added step of needing to approve a replica or interpretation of the existing cottage. From a purely heritage perspective that means the building would no longer be the same Local Heritage Place, so the listing should be removed. Reconstruction is a recognised response to removed historic structures under the Burra Charter. However, it is rarely used (Notre Dame, some of Frank Lloyd Wright's buildings), and even less so in cases like this where the building is only important to the context of the local area.

The other concern with partial demolition is supporting the remaining structure while these two walls are rebuilt. It is just not practical to support the remaining internal single skin brick walls on stone footings, and support the roof, and not expect further collapse and damage. Reconstructing walls on the same footings would be a waste of time and money, so new strip footings would be the better outcome. If the existing footings are underpinned and retained, the rest of the walls on the dwelling would then move differently with the seasonal soil moisture changes resulting is cracking and ongoing maintenance. The same result would be seen if the two reconstructed walls were on new footings.

The sensible approach is then full demolition and a removal of the heritage listing. If that decision is adopted, the argument moves to whether to reconstruct the cottage or not? My advice would be not to reconstruct as the building is not of such significance that it warrants a full reconstruction, in whatever form. If this approach was taken, the new dwelling should have a date on the front, and interpretive signage to assist with understanding its context in the streetscape.

The existing building has been altered significantly over its life, so much so that it would be difficult to determine what it once looked like when originally constructed. So, would it be reconstructed as it is, a fully rendered, unusual single fronted cottage reusing doors and windows, or would there be some interpretation, and conjecture and a more original looking building based partly on what is found when the demolition occurs, and partly based on other similar local dwellings? This is a somewhat unusual dwelling, even in the Kensington context, so there is little precedent to adopt to assist with the outcome.

Ultimately, some form of demolition is required, either 50% or more of the external walls, or the entire building. The existing building should be fully recorded before demolition either way.

Regards

David Brown

bbarchitects

217 Gilbert Street Adelaide SA 5000
p. +618 8410 9500
APBSA Architect Registration 2294
david@bbarchitects.com.au
www.bbarchitects.com.au

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