

DEVELOPMENT NO.:	25031055
APPLICANT:	Mr Domenic Condina
AGENDA ITEM NO:	3.1
ADDRESS:	71 - 75 Tower Street North, North Adelaide SA 5006
NATURE OF DEVELOPMENT:	Variation to DA 24005521: Partial demolition of an existing dwelling (Local Heritage Place), the demolition of an existing dwelling and ancillary structures, alterations and a two storey addition to an existing dwelling (Local Heritage Place), a swimming pool and associated safety fence, and the construction of three (3) two-storey row dwellings and fences - VARIATION: Demolish internal and external walls of Local Heritage Place (retrospective) and rebuild; carport roof height adjusted for vehicle lift with parapet reduced and gable wall retained
ZONING INFORMATION:	Zones <ul style="list-style-type: none"> • City Living Sub Zones <ul style="list-style-type: none"> • North Adelaide Low Intensity Overlays <ul style="list-style-type: none"> • Aircraft Noise Exposure (ANEF 25) • Airport Building Heights (Regulated) • Building Near Airfields • Design • Historic Area (Adel2) • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Local Heritage Place (17480) • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy Technical Numeric Variations (TNVs) <ul style="list-style-type: none"> • Minimum Frontage • Minimum Site Area • Maximum Building Height (2 Levels)
LODGEMENT DATE:	7 October 2025
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	Version 2025.18 – 25 September 2025
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	SB
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Local Heritage

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 4:	Representation
ATTACHMENT 2:	Subject Land & Locality Map	ATTACHMENT 5:	Response to Representation
ATTACHMENT 3:	Zoning Map	APPENDIX 1:	Relevant P&D Code Policies

All attachments and appendices are provided via [Link 1](#)

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Elbert Brooks on behalf of The North Adelaide Society Inc.

Applicant

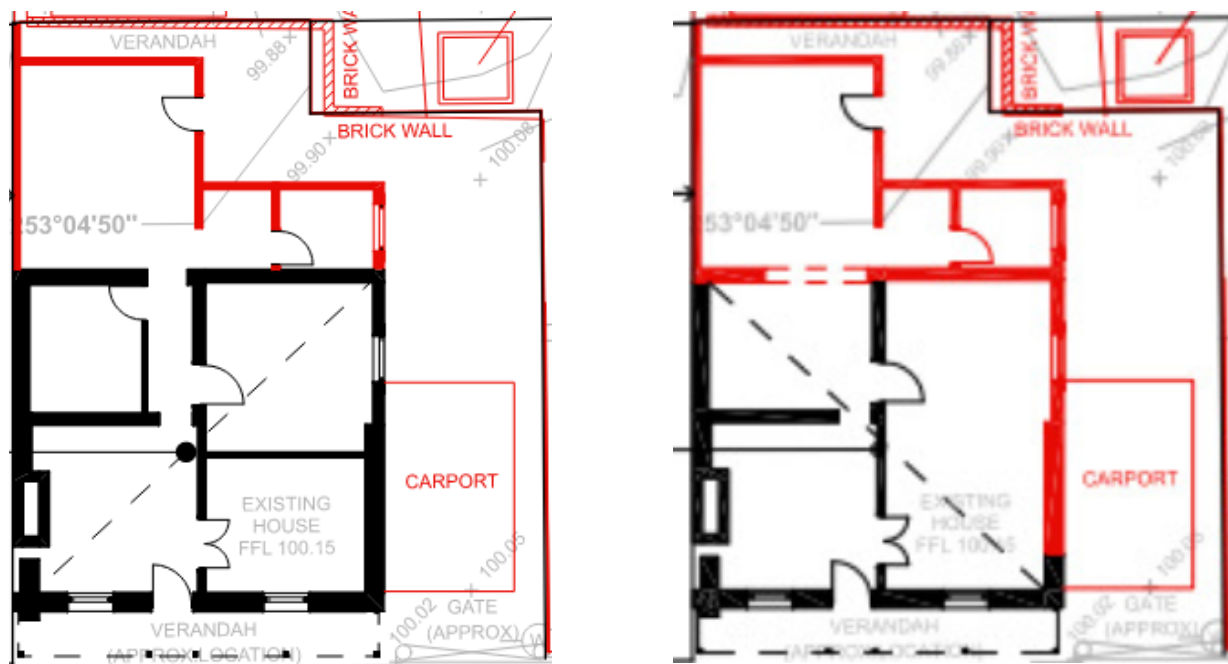
- Domenic Condina

1. DETAILED DESCRIPTION OF PROPOSAL

The application proposes to vary an existing authorisation (DA 24005521) for the partial demolition of an existing dwelling (Local Heritage Place), the demolition of an existing dwelling and ancillary structures, alterations and a two storey addition to an existing dwelling (Local Heritage Place), a swimming pool and associated safety fence and the construction of three two storey row dwellings and fences.

The proposed variation comprises an increase in the extent of partial demolition of the existing Local Heritage Place by demolishing the northern and western walls of this dwelling which collapsed during initial construction activity on the site. The walls are proposed to be reconstructed in a lightweight material to replicate the appearance of the existing walls.

A comparison of the extent of demolition between the approved and proposed versions is highlighted in red in Figure 1.1.



Partial Demolition Approved in DA 24005521 *Proposed Partial Demolition*

Figure 1.1: Approved and Proposed Demolition Extent Comparisons

The variation also comprises an increase in the height of the approved carport to the side of the existing dwelling. This is required to accommodate a car stacker rising to a wall height of 2.87 metres and a total height of 3.95 metres (originally approved at a total height of 3.5 metres). The car stacker formed part of the original approval, however detailed design has identified the need for 450mm increase in the total height. The colour of the carport is proposed to change from dark grey to a near black tone.

Despite some of the development already having taken place unauthorised (discussed further below), Regulation 39 of the *Planning, Development and Infrastructure (General) Regulations 2017* prescribes that an application for consent or approval can be made notwithstanding the development has been commenced or been undertaken in contravention of the Act.

2. BACKGROUND

DA 24005521 for the partial demolition of an existing dwelling (Local Heritage Place), the demolition of an existing dwelling and ancillary structures, alterations and a two storey addition to an existing dwelling (Local Heritage Place), a swimming pool and associated safety fence, and the construction of three two storey row dwellings and fences was granted planning consent on 21 February 2025.

While Council's Assessment Panel was the Relevant Authority, the application was determined under delegation as there were no representors who wished to be heard in person to support their representations. A front elevation which shows the development approved in DA 24005521 and the Local Heritage Place is shown in Figure 2.1.



Figure 2.1: Front Elevation of Development Approved in DA 24005521

In September 2025, Council was made aware of works being undertaken at the site, notably demolition involving the rear of the Local Heritage Place at 71 Tower Street North. These works were determined to be unauthorised as Development Approval had not yet been granted and the scope of the Local Heritage Place partial demolition was also greater than what was approved.

Development Approval for Stage 1 of the development was granted on 28 October 2025. This comprised all works except the additional partial demolition of the Local Heritage Place and changes to the new carport at 71 Tower Street North which is the subject of this variation application.

It was determined the additional partial demolition to the Local Heritage Place and amendments to the new carport to the Local Heritage Place should be processed as a variation to the original planning consent, principally as there are procedural implications with public notification being triggered.

Development Approval for a land division on the site was also granted on 30 October 2025. This approved division of the land into four allotments that reflect the site areas, reciprocal party wall rights and right of way approved in DA 24005521.

3. SUBJECT LAND & LOCALITY

Subject Land

The site comprises three allotments, formally known as:

- Allotment 420 in Filed Plan 183692, contained in Certificate of Title Volume 5535, Folio 996 in the area named North Adelaide, Hundred of Yatala
- Allotment 419 in Filed Plan 183691, contained in Certificate of Title Volume 5808, Folio 236 in the area named North Adelaide, Hundred of Yatala
- Allotment 701 in Filed Plan 258432, contained in Certificate of Title Volume 6293, Folio 370 in the area named North Adelaide, Hundred of Yatala.

The site is more commonly known as 71 and 75 Tower Street North, North Adelaide.

An easement exists along the northern portion of the site relating to a right of way created decades ago when the extension of Lombard Street was closed.

The subject site comprises a frontage of 35.98 metres to Tower Street North, and a total site area of 983m². Access is obtained via an existing crossover to 71 Tower Street North and via the right of way to the north of the site.

The site is now largely vacant, containing only a partially demolished 1840s - 1860s Victorian symmetrically fronted dwelling (Local Heritage Place) in the southeastern corner.

Locality

The locality is residential in nature, comprising a range of low-rise detached and semi-detached dwellings, as well as residential flat buildings.

The pattern of development on the minor streets of Tower Street North and Lombard Street differs to Childers and Gover Streets as the former minor streets comprise later dwellings on smaller and often narrower sites. Childers and Gover Streets are wider, with greater tree canopy cover and larger, historic dwellings on more substantial, wider sites resulting in a more open, landscaped character.

The residential amenity along Tower Street North is slightly reduced as several side walls and garages also front this street. Building setbacks from the street are minimal, contributing to an enclosed, intimate character. The character of the immediate locality along Tower Street North is not an open, landscaped setting.

Figure 3.1 – View of subject site with Local Heritage Place from Tower Street North



Figure 3.2 – View of the subject site with Local Heritage Place from Tower Street North



Figure 3.3 – View of the subject site with Local Heritage Place from Tower Street North



Figure 3.4 – View of Tower Street North looking south



Figure 3.5 – View of Tower Street North looking north



4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

PER ELEMENT:

Partial demolition: Code Assessed - Performance Assessed

Carport: Code Assessed - Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON:

Both above elements fall out of Table 1 – Accepted Development and/or Table 2 – Deemed-to-satisfy Development as the Local Heritage Place Overlay applies. Neither element is listed in Table 4 – Restricted Development and it is noted both elements are listed in Table 3 – Performance Assessed Development. The development is therefore categorised as Performance Assessed development.

6. PUBLIC NOTIFICATION

The proposed partial demolition does not satisfy Table 5 (7) of the City Living Zone as it involves the partial demolition of a Local Heritage Place and therefore is not exempt from public notification.

Table 6.1 – List of Representations

No.	Representor Address	Request to be Heard
1	The North Adelaide Society, PO Box 295, North Adelaide SA 5006	Yes – Opposes

Table 6.2 – Summary of Representations

Oppose:

- The Code does not contemplate demolition of Local Heritage Places.
- Conservation works to the Local Heritage Place should be undertaken.
- Various legal submissions.

Note: The full representations and the applicant's response to the representations are included in Attachments 4 and 5.

7. **INTERNAL REFERRALS**

Senior Heritage Advisor

- Proposal supported as demolished walls are unable to be constructed to original details and the visual impact of the proposed will largely be the same as the original authorisation.
- Heritage Impact Statement identifies the structural integrity of the demolished walls was beyond reasonable repair, was a risk to safety and irredeemable considering current requirements of National Construction Code.
- Works maintain the historic appearance of the built form.
- Proposed colour of the carport is not in keeping with the Historic Area and should be lighter.
- Carport is reasonably setback from the building line and lower than the ridge of the dwelling despite the additional height required for the car stacker.

8. **PLANNING ASSESSMENT**

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

8.1 **Summary of City Living Zone Assessment Provisions**

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none">• Predominantly low-rise, low to medium-density housing, with medium-rise in identified areas, that supports a range of needs and lifestyles located within easy reach of a diversity of services and facilities that support city living. Small-scale employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.		
Built Form and Character			
PO 2.3	<ul style="list-style-type: none">• Carport consistent with height and single width of carports in area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ancillary Buildings and Structures			
PO 8.1	<ul style="list-style-type: none">• Design and siting of carport does not detract from the appearance of the dwelling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8.2 **Summary of Applicable Overlays**

The following Overlays are not considered relevant to the assessment of this application:

- Aircraft Noise Exposure Overlay – no sensitive receivers proposed
- Airport Building Heights (Regulated) and Building Near Airfields Overlay – building height below maximum prescribed AHD level of 120 metres
- Building Near Airfields Overlay – not located near airfield
- Design Overlay – not proposing a medium to high rise building

- Hazards (Flooding – Evidence Required) Overlay – no habitable buildings proposed
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree Overlay – no trees affected
- Stormwater Management Overlay – no new dwellings proposed
- Urban Tree Canopy Overlay – no new dwellings proposed.

The following Overlays are considered relevant to the assessment of the application:

Heritage Adjacency Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> • Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places. 		
Built Form			
PO 1.1	<ul style="list-style-type: none"> • Partial demolition and reconstruction of the northern wall and increase in carport height will result in minimal visual difference. Sufficient distance to not dominate, encroach on or unduly impact on setting of adjacent heritage places. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Historic Area Overlay (Adel2)

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> • 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. 		
All Development			
PO 1.1	<ul style="list-style-type: none"> • Reconstructed walls and carport do not offend Historic Area Statement. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Built Form			
PO 2.1	<ul style="list-style-type: none"> • Single width form and reasonable height of carport is consistent with the prevailing character of historic area. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.5	<ul style="list-style-type: none"> • Refer Section 8.4. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ancillary Development			
PO 4.1	<ul style="list-style-type: none"> • Refer Section 8.4. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 4.2	<ul style="list-style-type: none"> • Carport setback from building line of dwelling. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Demolition			
PO 7.2	<ul style="list-style-type: none"> • Contribution to the streetscape provided by front façade of the Victorian symmetrically fronted residence to be retained and not the demolished side and rear walls to be largely hidden by approved dwelling addition. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Local Heritage Place Overlay (17480)

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse. 		
Built Form			
PO 1.1	<ul style="list-style-type: none"> Refer Section 8.4. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> Refer Section 8.4. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	<ul style="list-style-type: none"> Materials used in new walls and carport sufficiently complementary to Local Heritage Place, however carport colour too dark. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 1.6	<ul style="list-style-type: none"> Carport setback from building line of dwelling. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.7	<ul style="list-style-type: none"> Front façade of the Victorian symmetrically fronted residence to be retained. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ancillary Development			
PO 3.1	<ul style="list-style-type: none"> Refer Section 8.4. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> Carport setback from building line of dwelling. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Demolition			
PO 6.1	<ul style="list-style-type: none"> Refer Section 8.4. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 6.2	<ul style="list-style-type: none"> Refer Section 8.4. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Conservation Works			
PO 7.1	<ul style="list-style-type: none"> Refer Section 8.4. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8.3 General Development Policies

The following General Development Policies are relevant to the assessment:

Design in Urban Areas

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development is contextual, durable, inclusive and sustainable. 		
Ancillary Development			
PO 19.1	<ul style="list-style-type: none"> Design and siting of the carport does not detract from the appearance of the dwelling. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8.4 Detailed Discussion

Partial Demolition

The existing dwelling at 71 Tower Street North, North Adelaide is a Local Heritage Place. The listing per Part 11 of the Planning and Design Code extends to the '*House; Victorian symmetrically fronted residence*'. The dwelling was constructed circa 1850s and it is understood construction elements of 1850s structures typically include minimal binder to masonry walls, minimal foundations, limited tiebacks through roof framing and the indeterminate condition of materials under any later finishes such as render.

PO 6.1 and 6.2 of the Local Heritage Place Overlay provide guidance regarding the demolition and partial demolition of Local Heritage Places.

The Heritage Impact Assessment provided by the applicant states portions of the building noted for retention in the original authorisation collapsed during construction works on the site. The report details the compromised structural integrity of the building resulting from the minimal roof framing, very weak mortar used in the construction of the walls and absence of any footings uncovered following the partial collapse.

The report notes the wall materials have been cleared from the site and therefore the walls cannot be reconstructed using these materials. Despite this material being removed, it is unlikely this material could have been reused as the reconstruction of these walls would be subject to current requirements of the National Construction Code including footings, flooring, ceiling and roofing. Further, the proper reconstruction of the walls will be crucial to ensuring the stability of the remainder of the Local Heritage Place.

On balance, the current compromised structural integrity of the Place is considered to represent an unacceptable risk to public or private safety and the condition of the walls that collapsed is considered irredeemably beyond repair, adequately satisfying PO 6.1(b) of the Overlay.

While the collapsed northern and western walls strictly form part of the Local Heritage Place listing as they are part of the dwelling, the main heritage values of the Place are its primary façade visible from the streetscape. Furthermore, most of the northern wall and the entirety of the western wall would already be hidden from view from the streetscape due to the approved dwelling addition.

Consequently, PO 6.2 of the Overlay will not be entirely satisfied, as the demolition of a portion of a building that contributes to the heritage values of the Local Heritage Place has occurred. However, the additional partial demolition will not unacceptably impact on the heritage values of the Place and will retain the primary heritage values of the front façade that will remain largely unaltered.

Reconstruction of Walls

As previously discussed, the collapsed northern and western walls of the Local Heritage Place are irredeemably beyond repair due to the compromised structural integrity of the building. There is a requirement for new walls to comply with the current National Construction Code. Consequently, this variation proposes to reconstruct these walls in a lightweight material.

Original materials and traditional work methods cannot be used in this instance as the materials have been cleared from the site and new construction needs to comply with current building standards.

Despite this, the proposed walls will remain largely hidden from view of the streetscape by the approved dwelling addition and carport. The reconstruction of these walls will also not substantially impact on the primary heritage values of the front façade of the dwelling.

The applicant was encouraged to explore options for further restoration of the Local Heritage Place in response to suggestions by the representor including removing non-original render from the front wall and replacing the front fence with a more sympathetic fence. However, the applicant confirmed they wished to proceed with without exploring these options further.

On balance, Local Heritage Place Overlay PO 1.7 is achieved.

Carport

The carport to 71 Tower Street North is to be increased in height, rising to a wall height of 2.87 metres and a total height of 3.95 metres. This represents an overall 450mm increase compared to the originally approved height. The setback of the carport from the dwelling building line will remain at 600mm and 1.5 metres from the front of the verandah as approved in the original approval.

Despite the increase in height, the proposed carport retains a lower ridge height than the dwelling as well as a single width. The reasonable massing, scale and siting of the carport therefore ensures it will not dominate the appearance of the Local Heritage Place and maintains its heritage values.

While the carport will obscure the view of much of the northern wall of the Place, this siting was already supported as part of the original approval and it will not unacceptably increase this visual impact.

The massing, form and siting of the carport is considered to achieve Local Heritage Place Overlay POs 1.1, 1.2 and 3.1.

The colour of the carport roof and roller door is proposed to be 'near black'. Council's Senior Heritage Advisor considers this is a relatively unsympathetic colour in the context of the historic area and the visual impact of this colour could be reduced by choosing a lighter tone. To rectify this, a reserved matter is proposed to ensure the chosen colour is complementary to the historic area. The sheet metal material (Colorbond) is considered suitably complementary in the context of the historic area. PO 2.5 and 4.1 of the Historic Area Overlay are only considered partially achieved.

Seriously at Variance

The Courts have previously determined that the assessment of whether a development is seriously at variance with the provisions of the Planning and Design Code should focus on the nature of the proposed land use and the relevant performance outcomes concerning this matter.

Having undertaken an assessment of the application against the Planning and Design Code, the application is not seriously at variance with the provisions of the Code as it forms part of a residential development in a zone that anticipates this form of development.

9. CONCLUSION

The partial collapse of the northern and western walls of Local Heritage Place during construction is regrettable. While the proposed variation is not capable of fully restoring the Place to its original state, there are reasons why this is not possible. On balance, the proposed warrants support as:

- partial demolition is required to remove an unacceptable risk to public or private safety
- reconstruction of the walls is critical to ensure the remainder of the original Local Heritage Place can be stabilised
- there will only be a negligible increase in the visual impact of the development to the streetscape and to the Local Heritage Place as a result of this variation
- the proposed carport is reasonable in its form, massing and siting despite its colour being too dark and needing to be amended.

10. RECOMMENDATION

It is recommended the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

It is recommended the Council Assessment Panel resolve that:

2. Development Application Number ID 25031055, by Mr Domenic Condina is granted Planning Consent subject to the following reserved matter, conditions and advices:

RESERVED MATTER

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

1. Updated Elevation Plans nominating a lighter shade of grey for the proposed carport in consultation with Council's Senior Heritage Advisor.

Pursuant to Section 127 of the *Planning, Development and Infrastructure Act 2016*, Council's Assessment Manager reserves a decision on the form and substance of any further condition/s of Planning Consent considered appropriate to impose in respect of the Reserved Matter outlined above.

CONDITIONS

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):
 - Site Plan - Demolition, Project No. DA234451, Rev A, dated 30 September 2025
 - Ground Floor Plans by New Dimension Design and Drafting, Drawing No. 2023/501/02A, dated 29 September 2025
 - East Elevation and Section Detail by New Dimension Design and Drafting, Drawing No. 2023/501/12A, dated September 2025
 - Heritage Impact Statement – Variation by Dash Architects, dated 22 October 2025.
 2. The applicant or the person having the benefit of this consent shall ensure that all stormwater run-off from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the stormwater run-off shall be installed within the property boundaries of the land to the reasonable satisfaction of the Relevant Authority.
-

ADVISORY NOTES

1. Development Approval Required

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.

2. Expiration of Approval (Variation)

Pursuant to the provisions of Regulation 67 of the *Planning, Development and Infrastructure (General) Regulations 2017*, this consent / approval will lapse at the expiration of 2 years from the original operative date (21 February 2025) of the consent / approval (as granted in DA 24005521) unless the relevant development has been lawfully commenced by substantial work on the site of the development within 2 years, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

3. Variation applications / Previous consent

All previous stamped plans and documentation, including conditions, for Development Application ID 24005521 remain valid except where varied by this application and conditions.

4. Commencement and Completion

Pursuant to Regulation 93 of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Council must be given one business days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via d.planner@cityofadelaide.com.au or phone 8203 7185.

5. Appeal Rights

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone 8204 0289).