DEVELOPMENT NO.:	26005122
APPLICANT:	Mark Dignan
AGENDA ITEM NO:	3.1
ADDRESS:	28-45 Brougham Place, North Adelaide SA 5006
NATURE OF DEVELOPMENT:	Construction of four light towers, fencing and landscaping associated with new tennis court
ZONING INFORMATION:	**Zone:** • City Living **Subzones:** • North Adelaide Low Intensity **Overlays:** • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Building Near Airfields • Design • Historic Area • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • State Heritage Place • Stormwater Management • Urban Tree Canopy **Technical Numeric Variations (TNVs):** • Concept Plan (Concept Plan 30 – Lincoln College) • Maximum Building Height (Levels) (Maximum building height 2 levels)
LODGEMENT DATE:	25 February 2026
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.3 12/02/2026
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	CA
REFERRALS STATUTORY:	Minister responsible for the administration of the *Heritage Places Act 1993*
REFERRALS NON-STATUTORY:	Arboriculture, Local Heritage, Engineering

CONTENTS:

ATTACHMENT 1:	**Application Documents**	**ATTACHMENT 5:**	**Representations**
ATTACHMENT 2:	**Subject Land & Locality Map**	**ATTACHMENT 6:**	**Response to Representations**
ATTACHMENT 3:	**Zoning Map**	**ATTACHMENT 7:**	**Prescribed Body Responses**
ATTACHMENT 4:	**Representation Map**	**APPENDIX 1:**	**Relevant P&D Code Policies**

All attachments and appendices are provided via Link 1

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Will Gormly of URPS on behalf of Louise Rigoni of 24 Brougham Place, North Adelaide

Applicant

- Kirsten Falt of Holmes Dyer on behalf of the applicant Mark Dignan of Lincoln College

1. DETAILED DESCRIPTION OF PROPOSAL

This application proposes the construction of four light towers and a chainmesh fence associated with a new tennis court to the southeastern portion of Lincoln College at 28-45 Brougham Place, North Adelaide.

The light towers will be 7.5 metres high and have a black finish.

The fence will have a height of 3.6 metres, spanning 17.5 metres along the Brougham Place frontage and 33 metres along the Margaret Street South frontage. It will comprise black posts and black PVC coated chainmesh, typically used for tennis courts.

The fence will have a 1 metre setback from both street frontages and a Murraya Hedge growing to 1.8 metres will be planted between the fence and the existing boundary walls. The nearest fence will be setback approximately 3.7 metres from the State Heritage listed Federation House to the west.

The light towers and court will be limited to operate between 8am and 8.30pm daily. The area will be used for communal recreational sports, primarily tennis and will be limited for use by students and approved guests only.

There are currently 20 on-site car parking spaces and the development will result in the removal of three spaces.

2. BACKGROUND

The land use for Lincoln College is student accommodation in the form of a residential college. Council Administration obtained legal advice regarding various aspects of this development. This advice confirmed the development is ancillary to the student accommodation use and does not constitute a change of use. Notwithstanding, potential amenity impacts incidental to the development are subject to assessment.

Throughout the assessment, the proposal has been interchangeably referred to as ‘tennis court’ and ‘multipurpose sports court’. The nature of development and its assessment refer to the proposal as a tennis court. Markings for netball and basketball are shown on the applicant documents; however, it has been confirmed the primary use of the court will be for tennis.

Regardless, legal advice confirmed any recreational sporting use would not constitute a change of use and its performance against the Planning and Design Code is not expected to differ. Further, the application does not include structures such as basketball hoops.

Application documents have been amended since public notification was undertaken. The proposal has not been substantially altered; rather specific details have been clarified. The scale, siting and materiality of the proposal is consistent with the information provided for public comment. Legal advice confirmed the amended plans and details do not warrant re-notification.

A Hackberry tree listed as a significant tree in Part 9 of the Planning and Design Code is located on the subject site. An arborist assessment provided by the applicant concluded that although the development will encroach into the Notional Root Zone of the tree, substantial damage to the tree is not expected to occur and therefore the proposal does not involve tree-damaging activity as defined in Section 3(1) of the *Planning, Development and Infrastructure Act 2016* (SA).

A Stormwater Management Plan has been provided; however, it has been recommended that an updated plan is required as a Reserved Matter.

3. SUBJECT SITE & LOCALITY

Subject Site

The subject site is the easternmost allotment of the residential college known as Lincoln College with frontages to Brougham Place, Margaret Street South and Ward Street. Lincoln College also extends further west beyond the subject site.

The allotment has a primary frontage to Brougham Place of 43.2 metres, a secondary frontage to Margaret Street South of 64.7 metres and a rear frontage to Ward Street of 43.2 metres. The site has an area of approximately 2,795m^2.

The affected area primarily comprises the southeastern lawn. This lawn is utilised by students for recreation with informal vehicle parking observed during site inspections.

The site contains a two storey State Heritage listed building known as ‘Federation House’. This building is setback approximately 9.1 metres from Brougham Place and approximately 21.5 metres from the secondary boundary. To the rear of the site is a more contemporary four storey student accommodation building setback approximately 3.3 metres from the Ward Street frontage with a secondary street setback of less than one metre. Existing buildings will not be demolished or altered to accommodate the development.

The land falls towards the south by approximately 600mm from Ward Street to Brougham Place.

Vehicle access is obtained via Margaret Street South and there are 20 marked on-site car parks. Pedestrian access to Lincoln College is available via each street frontage.

There is a significant *Celtis occidentalis* (American Hackberry) tree on the site located near the eastern boundary.

Locality

The locality has a predominantly residential character, with student accommodation and dwellings along Brougham Place, Margaret Street South and Ward Street supplemented by small scale commercial uses.

Lincoln College spans an additional three allotments to the west. These also contain State Heritage listed buildings with generous areas of soft landscaping to Brougham Place, with more contemporary four level student accommodation buildings fronting Ward Street.

Five State Heritage Places front Brougham Place beyond the subject site, with four to the west and one to the east. More contemporary dwellings are further east and west. There is also a Local Heritage Place to the west. Four of the State Heritage listed buildings form the Lincoln College site.

The building pattern along Brougham Place is characterised by generous primary frontages with open landscaping. Three allotments along Margaret Street South have buildings addressing either Brougham Place or Ward Street and do not address this secondary street.

The immediate built form context primarily comprises grand two storey buildings along the north side of Brougham Place, with a mix of low to medium-rise building along Ward Street and two high-rise buildings west of Lincoln College.

South of Brougham Place is Brougham Gardens (Tantutitingga – Park 29) which comprises various trees and is devoid of built form.

Figure 3.1 – Subject site from Brougham Place

Figure 3.2 – Subject site from Margaret Street South

Figure 3.3 – Adjacent dwellings to the east from corner of Brougham Place and Margaret Street South

Figure 3.4 – Adjacent built form to west from Brougham Place

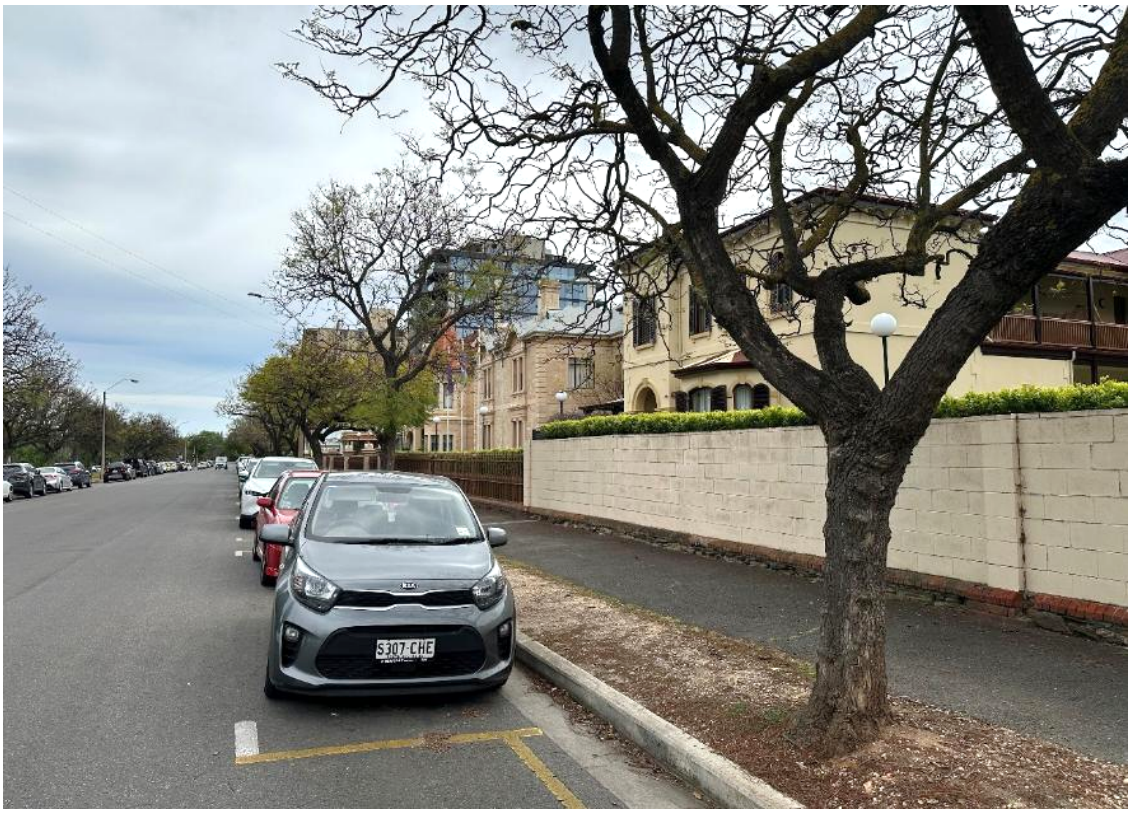

Figure 3.5 – Area of proposed works viewed from north within subject site

Figure 3.6 – Four storey student accommodation building at rear of subject site viewed from Margaret Street South with off-street parking and significant Hackberry tree

Figure 3.7 – View of Brougham Gardens (Tantutitingga – Park 29) from adjacent subject site

4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

PER ELEMENT:

Other - Residential - Tennis court with associated fence and light towers: Code Assessed - Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON:

P&D Code; Development not listed in City Living Zone Tables 1-4, therefore defaults to Performance Assessed – All other code-based assessment.

6. PUBLIC NOTIFICATION

REASON:

Development type is not listed in Table 5 of the City Living Zone and given the structure size and potential for amenity impacts, it is not considered minor in nature.

Table 6.1 – List of Representations		
No.	**Representor Address**	**Request to be Heard**
1	Louise Rigoni, 24 Brougham Place, North Adelaide	Yes – Opposes

Table 6.2 – Summary of Representations
Oppose: • Land use and intensity • Heritage impact • Siting and appearance • Landscaping • Car parking • Impact to significant tree • Stormwater impact

Note: The full representations and the applicant's response to the representations are included in Attachments 5 and 6.

7. AGENCY REFERRALS

Minister responsible for the administration of the *Heritage Places Act 1993* (SA)

- The proposed tennis court development would not adversely affect the recognised heritage values of the State Heritage Place.

8. INTERNAL REFERRALS

Arboriculture

- Support arborist assessment provided by the applicant
- Celtis trees are tolerant to root disturbance and confirms the tree will be sustainable considering existing encroachments.

Local Heritage

- From an Historic Area Overlay perspective, although a primary setback to match the prevailing pattern would be preferred, the development incorporates a setback from boundary walls and will be visually permeable.

Infrastructure

- Stormwater Management Plan requires amendment noting:
    - Minor storm event assessment should be undertaken for the 5% AEP storm event, not the 20% AEP storm event
    - The proposed stormwater management design satisfies the post-development to pre-development peak discharge requirement. However, the calculated kerb outlet velocities exceed the maximum allowable limit of 1.5 m/s for all assessed storm events. Council adopts the DIT Master Specification RD-DK-D1 requirement for kerb outlet velocity control for developments.
- Where compliance with the velocity requirement cannot be achieved through alternative drainage configurations (e.g. kerb adaptor connections or twin kerb outlets), the development shall provide a direct connection to the nearest existing single catchpit located on Margaret Street South.

9. PLANNING ASSESSMENT

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

Question of Seriously at Variance

The Courts have previously determined the assessment of whether a development is seriously at variance with provisions of the Planning and Design Code should focus on the nature of the proposed land use and 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 Planning and Design Code for the reasons detailed as follows.

9.1 Summary of City Living Zone Assessment Provisions

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• 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 2.2	• Structures consistent with low-rise residential character and positively respond to local building heights.	☑	☐
PO 2.3	• Refer Section 9.5.	☑	☐
Building Setbacks			
PO 3.1	• Development inconsistent with front setbacks along Brougham Street.	☐	☒
PO 3.2	• Secondary street setback consistent with existing building at rear of site.	☑	☐
PO 3.3	• Existing built form between development and side boundary.	☑	☐
PO 3.4	• Existing built form between development and rear boundary.	☑	☐
PO 3.5	• No boundary walls proposed.	☑	☐
Ancillary Buildings and Structures			
PO 8.2	• Open space area maintained, however, loss of three car parks.	☑	☒
PO 8.3	• Scale, design and permeability of structures do not detract from streetscape character and views to primary building.	☑	☐

9.2 Summary of North Adelaide Low Intensity Subzone Assessment Provisions

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Predominantly low-rise low-density housing on large allotments in an open landscaped setting.		
DO 2	• An important part of the town plan of Adelaide and the city grid layout, containing large grand dwellings on landscaped grounds.		
Built Form and Character			
PO 1.1	• Development maintains low-density character of the neighbourhood.	☑	☐
Built Form and Character			
PO 2.1	• Development does not seek additional building footprint.	☑	☐

9.3 Summary of Applicable Overlays

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

- Aircraft Noise Exposure Overlay – development sensitive to aircraft noise is not proposed
- Airport Building Heights (Regulated) and Building Near Airfields Overlay – building height below maximum prescribed AHD level of 80 metres
- Building Near Airfields Overlay – not located near airfield
- Design Overlay – not proposing a medium to high rise building with a value over $10 million

- Prescribed Wells Area Overlay – no groundwater concerns
- Stormwater Management Overlay – no residential development proposed
- Urban Tree Canopy Overlay – new dwellings not proposed

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

Hazards (Flooding – Evidence Required) Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.		
Flood Resilience			
PO 1.1	• Addressed through recommended Reserved Matter in Section 11.	☐	☐

Heritage Adjacency Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.		
Built Form			
PO 1.1	• Development does not encroach on adjacent heritage Places. Considering permeability and scale of the built form, it will not dominate the adjacent heritage Places.	☑	☐

Historic Area Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Historic themes and characteristics 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	• Refer Section 9.5.	☑	☐
Built Form			
PO 2.1	• Refer Section 9.5.	☑	☐
PO 2.2	• Fence 3.6 metres in height and light towers 7.5 metres in height.	☑	☐

PO 2.3	• Development comprises simple design typical of sports court fencing.	☑	☐
PO 2.4	• Front setback inconsistent with the immediate context.	☐	☒
PO 2.5	• Black PVC finish minimises streetscape impact.	☑	☐
Ancillary Development			
PO 4.1	• Visual permeability and moderate scale of development will not significantly detract from historic streetscape.	☑	☐
PO 4.2	• Development sited forward of primary building line however does not dominate the building.	☑	☒

Regulated and Significant Tree Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.		
Ground work affecting trees			
PO 2.1	• Development would not substantially impact the health, structure and longevity of the Hackberry tree.	☑	☐

State Heritage Place Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Development maintains heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse consistent with Statements of Significance and other relevant documents prepared and published by the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Heritage Places Act 1993*.		
Built Form			
PO 1.1	• Refer Section 9.5.	☑	☐
PO 1.2	• Refer Section 9.5.	☑	☐
PO 1.3	• Visually permeable design maintains views to Federation House.	☑	☐
PO 1.4	• Sited forward of the building line of Federation House.	☐	☒
PO 1.5	• Refer Section 9.5.	☑	☐
PO 1.6	• Refer Section 9.5.	☑	☒
PO 1.7	• Development does not remove or alter elements contributing to the heritage values of the Place.	☑	☐

Ancillary Development			
PO 3.1	• Refer Section 9.5.	☑	☐
PO 3.2	• Development forward of Federation House building line.	☐	☒

9.4 General Development Policies

The following General Development Policies are relevant to the assessment:

Clearance from Overhead Powerlines

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.		
PO 1.1	• Declaration provided.	☑	☐

Design in Urban Areas

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Development contextual, durable, inclusive and sustainable.		
All Development			
Landscaping			
PO 3.1	• Refer Section 9.5.	☑	☒

Interface between Land Uses

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Development located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.		
General Land Use Compatibility			
PO 1.2	• Interface issues mitigated by limiting hours the light towers can operate.	☑	☐
Hours of Operation			
PO 2.1	• Operational hours of 8am to 8:30pm daily.	☑	☐
Activities Generating Noise or Vibration			
PO 4.1	• Refer Section 9.5.	☑	☐
Light Spill			
PO 6.1	• Light towers not expected to result in unreasonable light spill impact on adjacent sensitive receivers.	☑	☐

PO 6.2	• Light towers not expected to create hazardous conditions for road users.	☑	☐

Site Contamination

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Ensure land suitable for proposed use in circumstances where it is, or may have been, subject to site contamination.		
PO 1.1	• Development does not involve a change to a more sensitive use.	☑	☐

Transport, Access and Parking

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.		
Vehicle Parking Rates			
PO 5.1	• Refer Section 9.5.	☑	☐

9.5 Detailed Discussion

<u>Design and Appearance</u>

Building Height

Zone PO 2.2 seeks development contributing to a predominantly low-rise residential character whilst having regard to the local context. The *Maximum Building Height (Levels) Technical and Numeric Variation* for the site is a maximum of two building levels, noting a metre value is not designated. The proposal does not comprise structures definable by building levels, however PO 2.2 is met as the structures either do not exceed or are close to the height of existing buildings on the subject and neighbouring sites.

Built Form and Siting

The subject site is in the North Adelaide LeFevre Historic Area and contains a State Heritage Place described as '*Lincoln College East Building (former Baker family Dwelling)*', renamed to 'Federation House' in 2001.

The proposal is not specifically contemplated by the corresponding Historic Area Statement; however, low scale of development is generally sought with prominent historic houses set in landscaped grounds and landscaping along street boundaries. The development is low scale and maintains the landscaped setting of Lincoln College while incorporating landscaping to the street, satisfying Historic Area PO 1.1.

Historic Area PO 4.1 seeks ancillary development complementing the historic character of the area and associated buildings. State Heritage Place PO 3.1 seeks ancillary development complementing the heritage values of the State Heritage Place. Zone PO 8.3 seeks non-residential ancillary development that does not detract from the streetscape character or appearance of buildings on the site of the development.

Historic Area PO 2.1 and State Heritage Place POs 1.1 and 1.2 seek a form and scale of new structures consistent with the historic streetscape and that maintain the heritage values of a State Heritage Place.

The proposed fence is typical of the type used for sports courts being simple in its rectangular geometry, corresponding with the existing rear building on the site and not detracting from the heritage value of Federation House. The fencing and light towers will maintain views to the State Heritage Place and are consistent with the built form scale of the locality.

Historic Area POs 2.3 and 2.5 and State Heritage Place POs 1.3 and 1.5 seek the use of design, materials and colours either consistent with or complementary to the historic area and the State Heritage Place. The fence has an open-weave design of visually permeable black chainmesh. This minimises the visual impact to the streetscape and maintains views to Federation House when viewed from the public realm. Similarly, the light towers will have a black finish and will not significantly impact views to the State Heritage Place.

Zone PO 3.1, Historic Area Overlay POs 2.4 and 4.2 and State Heritage Place Overlay POs 1.4 and 3.2 seek siting of ancillary structures behind the primary building line. A deficiency with the proposal is the one metre setback from Brougham Place, being more than eight metres forward of Federation House. Whilst this siting is not ideal, the low scale of the structure, visually inobtrusive materiality, visually permeable design and boundary landscaping lessen the visual impact when viewed from the public realm and maintain views to the State Heritage Place. The light towers are sited behind the primary building line and will not dominate the building.

State Heritage PO 1.6 seeks new buildings and structures not placed between the primary and secondary street boundaries and the façade of a State Heritage Place. The proposal does not seek to place a structure directly between the primary façade of Federation House and Brougham Place. It seeks to maintain the open landscape character forward of the State Heritage Place. Built form will be located between Federation House and the secondary street, however the State Heritage Place does not address this secondary street and this siting is therefore acceptable.

Statutory referral comments received from Heritage South Australia confirm the proposal would not adversely affect the recognised heritage values of the State Heritage Place.

On balance, whilst the fencing will be visible, Historic Area PO 2.1, State Heritage Place PO 3.1 and Zone PO 8.3 are met given the development would not significantly detract from the historic streetscape nor would it encroach on or dominate the State Heritage Place.

<u>Amenity Impacts</u>

Noise

Interface between Land Uses PO 4.1 envisages that development emitting noise does not unreasonably impact the amenity of sensitive receivers. DTS/DPF 4.1 provides guidance towards assessment against *Environment Protection (Commercial and Industrial Noise) Policy 2023* criteria.

However, this policy does not specify acoustic requirements for domestic noise which the student accommodation land use most closely aligns to. Noise resulting in undue amenity impacts generated by court users is instead expected to constitute a local nuisance and be addressed under the *Local Nuisance and Litter Control Act 2016* (SA). Therefore, an acoustic assessment has not been requested and legal advice suggested the representor's acoustic assessment is unclear as it does not identify relevant objective noise criteria.

Notwithstanding, noise generated will be incidental to recreational use of a single court and is not expected to result in significant amenity loss to neighbouring sensitive receivers. This is reinforced by limiting use to students and approved guests only between 8am and 8.30pm daily. Conditions have been recommended in Section 11 to reflect these operating hours and limited users of the court.

Light Spill

Interface between Land Uses PO 6.1 seeks external lighting positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers. The proposed light towers are designed and sited to direct light to the court and will be subject to the same operating hours of 8am to 8.30pm daily. Additionally, operation of light towers shall be cutoff by an automated timer at 8.30pm daily. This has been recommended as a part of a condition in Section 11.

The obtrusive lighting diagram supplied by the applicant has been reviewed. It has been determined there will be no unreasonable light spill, particularly considering the above factors. A desktop peer review provided by the representor forms an opinion that substantial general illumination of the adjoining property is unlikely. There is a condition recommended in Section 11 to ensure all external lighting is designed and installed in accordance with AS 4282-1997. This Australian Standard minimises obtrusive light impacts to neighbouring properties.

<u>Vehicle Parking</u>

Zone PO 8.2 requires ancillary structures do not impede on-site functional requirements such as shared usable space and car parking. Shared usable space provision is maintained however the development would result in the loss of three on-site car parking spaces.

Transport, Access and Parking PO 5.1 envisages sufficient on-site vehicle parking and specifically marked accessible car parking spaces to meet the needs of the development having regard to factors that may support a reduced on-site rate such as availability of on-street car parking and proximity to high frequency transport.

Table 1 - General Off-Street Car Parking Requirements requires a rate of 0.3 spaces per bed for student accommodation. Lincoln College has an advertised maximum capacity of 214 students which requires 64 spaces.

Lincoln College currently has 20 on-site parking spaces accessed via Margaret Street South which is a shortfall of 44 spaces. This existing shortfall predates the introduction of planning controls in the City of Adelaide on 15 June 1972. On-site parking is managed by the college through a permit system. The development would result in the removal of three parking spaces, resulting in 17 spaces and a revised shortfall of 47 spaces.

On-street parking provision is available in the locality, with untimed spaces along Ward Street and Brougham Place south of Brougham Gardens. College students also benefit from 20 Council issued Residential College Permits for on-street parking limited to use along Brougham Place only. Any reduction in car parking at the site will not change this permit allocation which has already reached the capped number.

High frequency bus services are also available approximately 120 metres to the west on O'Connell Street and approximately 260 metres east on Melbourne Street. Additionally, the loss of parking spaces will be factored into Lincoln College's parking permit system and is not expected to significantly increase demand for on-street parking.

<u>Landscaping and Stormwater</u>

Historic Area PO 1.1 seeks development having consideration to the North Adelaide LeFevre Historic Area Statement, which seeks generous, landscaped grounds and a high standard of landscaping to the public realm. Design in Urban Areas PO 3.1 envisages development incorporating soft landscaping and tree planting to minimise heat absorption and reflection, maximise shade and shelter, maximise stormwater infiltration and enhance the appearance of land and streetscapes.

The subject site comprises a substantial grassed area and the development is expected to result in loss of this landscaping. This landscaped area has minimal contribution to the streetscape due to the height of existing masonry walls on the boundary. The development will maintain the open landscaped setting directly forward of primary facades along Brougham Place and will retain adequate soft landscaping across Lincoln College as a whole.

The planting of 1.8-metre-high Murraya hedging along the street frontages will enhance the presentation of the development as sought by PO 3.1.

Noting the development will impact site stormwater infiltration, provision of an updated Stormwater Management Plan has been recommended as a Reserved Matter in Section 11.

Ground Works Affecting Trees

Regulated and Significant Tree Overlay PO 2.1 requires significant trees, including their root systems, to not be unduly compromised by excavation and/or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health. The proposal involves the excavation and filling of land and sealing of surfaces within the Notional Root Zone of a significant Hackberry tree on the site.

The arborist assessment provided by the applicant concludes the extent of encroachment and nature of works would not result in tree-damaging activity affecting the Hackberry tree. Hackberry trees are highly tolerant to root disturbances. The existing growing condition of poor soil and substantial sealed and semi-permeable surfaces means reinstating permeable surfaces under the tree is unlikely to detrimentally impact on its health. Providing a more detailed extent of permeable paving required around the tree has been included as a Reserved Matter in Section 11.

10. CONCLUSION

On balance, the proposal is considered to warrant support as:

- the tennis court is ancillary to the student accommodation use and will be installed in an area already used for recreation
- the siting of the development is sufficiently mitigated through setbacks, landscaping and appropriate materiality
- the design and appearance of the structures will not unreasonably impact the Historic Area
- the development will not materially impact the adjacent State Heritage Place
- there are not expected to be unreasonable impacts to adjacent residential land uses in terms of noise or light spill
- the loss of three off-street car parking spaces is mitigated by availability of on-street car parking and proximity to high frequency bus services
- there will be no tree-damaging activity to the significant tree on site.

11. 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 26005122, by Mark Dignan is GRANTED Planning Consent for the following reserved matters, conditions and advices:

RESERVED MATTERS

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

1. **Amended stormwater management plan demonstrating assessment against a 5% AEP storm event with acceptable kerb outlet velocities**
2. **Amended arboricultural impact assessment detailing the extent of permeable paving to be installed in proximity to the tree per arborist recommendations**

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 Matters 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):**
   - **Plans drafted by Holmes Dyer, titled 'Proposed Tennis Court' and 'Proposed Tennis Court Elevations'**
   - **Letter provided by Holmes Dyer, dated 17 September 2026**
   - **Arboricultural Impact Assessment by Treevolution Arboricultural Consultants, dated 14 September 2026**
   - **Obtrusive light compliance report and floodlight specification by SES Lighting**

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2. **External materials, surface finishes and colours of the development shall be consistent with the description hereby granted consent and shall be to the reasonable satisfaction of the Relevant Authority.**

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3. **The hours of operation for the light towers and use of the tennis court on the land shall be limited only to:**
   - **8am to 8.30pm – Monday to Sunday**

   Additionally, operation of the light towers shall be cutoff by an automated timer at 8.30pm daily.

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4. **The use of the tennis court on the land shall be limited only to students/residents of Lincoln College and authorised guests.**

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5. **The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Relevant Authority. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of the Relevant Authority.**

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6. **Recommendations expressed in the Arboricultural Impact Assessment by Treevolution Arboricultural Consultants, dated 14 September 2026, shall be undertaken to the reasonable satisfaction of the Relevant Authority, as detailed below:**
   - **No tree pruning of aerial parts**
   - **Erection of Tree Protection Zone fencing and signage prior to undertaking development**
   - **Restriction of activities within the Tree Protection Zone as outlined in 11.3 of the report**
   - **Any tree roots found in the area of development to be pruned by the project Arborist back to suitable points**
   - **Supplementation of irrigation during the drier months through deep soaking from dripper type irrigation to assist the tree during the construction stage**

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7. **All external lighting shall be designed and installed in accordance with AS 4282-1997.**

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.

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2. **Expiration of Consent**

   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 operative date of the consent / approval 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.

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3. **Commencement and Completion**

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

4. 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).

5. City Works Permit

Any activity in the public realm, whether it be on the road or footpath (including the Adelaide Park Lands), requires a City Works Permit. This includes activities that have received Development Approval.

The City Works Guidelines detailing the requirements for various activities and fee calculator and online application form can all be found on Council's website at https://www.cityofadelaide.com.au/business/permits licences/city-works/

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan/Site Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate, noting the City of Adelaide as an interested party (minimum cover of $20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

Applications will require a minimum notice period of five business days. For more information, contact cityworks@cityofadelaide.com.au