



COUNCIL ASSESSMENT PANEL

Minutes

for the meeting

Monday, 30 May 2022

at 5.30 pm

in the Colonel Light Room, Adelaide Town Hall



Minutes of the Meeting of the Council Assessment Panel

Held on Monday, 30 May 2022, at 5.30 pm,
Colonel Light Room, Adelaide Town Hall

Present -	Presiding Member -	Nathan Cunningham
	Panel Members -	Councillor Arman Abrahamzadeh Mark Adcock and Colleen Dunn
	Deputy Panel Member -	Prof Mads Gaardboe
Apology -	Panel Member -	Emily Nankivell

Opening and Acknowledgment of Country

At the opening of the Panel Meeting, the Presiding Member stated:

'The City of Adelaide Council Assessment Panel acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

1 Item 1 - Confirmation of Minutes - 2 May 2022

Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 2 May 2022, be taken as read and be confirmed as an accurate record of proceedings.

2 Item 2 - Declaration of Conflict of interest

Development No. 21039762 – Emily Nankivell - Disclosed prior to the meeting electing to be an apology for the meeting enabling the Deputy Presiding Member Prof Mads Gaardboe to attend.

3 Item 3 - Applications assessed under Development Act 1993 (SA) with Representations

Nil

4 Item 4 - One Application assessed under PDI Act 2016 (SA) with Representations

5 **Item 4.1 - Subject Site 100 East Terrace Adelaide SA 5000, Development No. 21039762**

Development No. 21039762 - Declaration of Conflict of Interest

Emily Nankivell having disclosed a pecuniary interest in Development No. 21039762 – 100 East Terrace, Adelaide SA 5000, as she has an employment relationship with Future Urban which is representing a client, was not present in the Colonel Light Room and did not take part in any hearings, deliberations or decision of the Panel on the matter.

The Presiding Member acknowledged an additional piece of correspondence from Representer - Fabian Barone (Future Urban) circulated to Panel Members after the original Agenda as the document failed to append in the Planning Portal.

Representations Listed to be Heard and Heard

Representors:

Fabian Barone (Future Urban) on behalf Rymill Park Apartments Pty Ltd of 2 – 6 Hutt Street, Adelaide

Vic Musolino on behalf of Rymill Coach House and its occupants of 22 Hutt Street, Adelaide [*Photos displayed during address*]

Kerry Teague of Unit 4 25 Hutt Street, Adelaide [*Not present*]

Gary Picton of Unit 8 25 Hutt Street, Adelaide [*Not present*]

Steve McCarthy of Unit 9 25 Hutt Street, Adelaide

Tony Simmons of Unit 7 25 Hutt Street, Adelaide

Garth Heynen (Heynen Planning Consultants) on behalf of Josephine Martin of 315 Flinders Street East, Adelaide

Applicant:

Marcus Rolfe (Director of planning consultancy URPS) accompanied by the design team (Deb Jones from Resonate acoustics noise specialists, Melissa Mellen from MFY Traffic and Parking, Andrew Stevens from Stevens Architects Pty Ltd Heritage Architect and also Enzo Caroscio from Enzo Caroscio Architecture & Design the architect for the project and in the gallery Michael Constantine and family from the Rymill House Foundation) on behalf of Rymill House Foundation Pty Ltd ATF Rymill House Foundation Trust

Decision

That the Council Assessment Panel resolves that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21039762, by Rymill House Foundation Pty Ltd ATF Rymill House Foundation Trust is granted Planning Consent subject to the

following conditions:

Conditions

1. **The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Relevant Authority that are relevant to the consent as listed below:**
 - **Plans as prepared by Enzo Caroscio Architecture, Project No. 21003, as dated 16.11.2021, Drawing No's:**
 - **A1.00, A1.01, A1.02, A1.03, A1.10, A2.00, A2.01, A2.02, A2.03, A2.10, A2.11, A2.12, A2.13, A3.00, A3.01, A3.10, A3.11, A4.01, A4.02, A4.03, A4.10, A4.11, A4.12, A4.13, A4.14, A4.15, A4.16, A4.17, A4.18, A7.00 and A8.00**
 - **Planning Report as prepared by URPS, Project No. 21ADL-0582, as dated 6 December 2021**
 - **Environmental Noise Assessment as prepared by Resonate, Project No. A210614, as dated 2 December 2021**
 - **Heritage Impact Statement as prepared by Stevens Architects, as dated December 2021**
 - **Traffic And Parking Report as prepared by MFY, Project No. MLM/21-0155, as dated 2 December 2021**
 - **Letter from Marcus Rolfe of URPS, Ref: 21ADL-0582, as dated 22 March 2022**
 - **Noise Management Plan Function Facility at Rymill House as prepared by Resonate as dated 22 March 2022.**

to the reasonable satisfaction of the Relevant Authority except where varied by conditions below (if any).

2. **Prior to the issue of Development Approval, the Applicant shall provide the Relevant Authority details of mechanical services noise, including, but not limited to:**
 - **proposed plant locations and associated details to ensure the total noise from patrons and mechanical plant achieves the goal noise levels of the Noise Policy 2007.**
-
3. **The function facility shall operate with a capacity limit of 225 people in standing mode and 140 people in seminar mode and the hours of operation limited to close by:**
 - **Monday to Thursday at 11pm**
 - **Fridays and Saturday at midnight**
 - **Sunday at 10pm.**
-
4. **The function facility shall operate in accordance with the following additional**

noise amelioration requirements:

- a Noise Measurement Register shall be maintained by the Applicant and produced at the request of the Relevant Authority at any time
- no patrons (including smokers) outdoors after 10pm, apart from leaving the venue
- airlock to have one door closed at all times
- only one glazed door to the garden open after 10pm if “background” music is played
- all glazed doors to the garden closed after 10pm if music at a level higher than “background” music is played
- no music outdoors at any time
- music limited to the following level when all glazed doors are closed:

Noise level dB(Lin)							Total dB(A)
Octave band centre frequency, Hz							
63	125	250	500	1000	2000	4000	
80	80	85	90	85	80	80	91

Furthermore prior to operation, the proposed development shall be constructed in accordance with ‘Table 12 Pavilion Construction’ within the Environmental Noise Assessment report as prepared by Resonate, Project No. A210614, as dated 2 December 2021.

-
5. Activities associated with the storage area, including but not limited to, the tipping of bottles or rubbish, shall not occur from 10pm until 7am the following morning.
-
6. At least one security guard shall attend the site during all evening functions to ensure patrons minimise noise emissions to the reasonable satisfaction of the Relevant Authority.
-
7. The vehicular crossing at the Hutt Street frontage of the site shall be closed and the roadway converted to on-street parking designed to be parking for persons with a disability. The redundant vehicular crossing on Hutt Street and any redundant property drainage connections to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council’s City Works Guide Works Impacting City of Adelaide Assets and Urban Elements Catalogue.
-
8. The finished floor level at the boundary of the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary.

-
9. **The connection of any storm water discharge from the Land to any part of the Council's underground drainage system shall be undertaken in accordance with the Council Policy entitled 'Adelaide City Council Storm Water Requirements' to the reasonable satisfaction of the Council.**
-
10. **The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Council. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of Council.**
-

Conditions imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

1. **Final material colour selections for the pavilion and outbuilding wall cladding to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to construction. Current 'black' cladding will be visually dominant and a lighter grey will be less dominant.**
-
2. **Final 'gold' material finish to the pavilion roof to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to construction. Current drawings show a reflective gold surface finish, which will be visually dominant. A matt gold finish will have less dominant visual impact.**
-

Advisory Notes

1. **Development Approval**

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. **Appeal Rights**

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.

3. **Expiration of Consent**

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

4. **Building Consent for Approval**

Development Approval will not be granted until Building Rules Consent has been

obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

5. Boundaries

It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

6. Residential Parking Permits

No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved (unless the subject site meets the relevant criteria). Please visit <https://www.cityofadelaide.com.au/transport-parking/parking/residentialparking/> or contact the Customer Centre on 8203 7203 for further information.

7. Damage to Council's Footpath/Kerbing/Road Pavement

Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs as a result of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage.

8. City Works Permit

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

The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at 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 (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 (minimum cover of \$20 Million required);
 - Copies of consultation with any affected stakeholders including businesses or residents.
-

6 [Item 5 - Applications assessed under Development Act 1993 \(SA\) without Representations](#)

Nil

7 Item 6 - Applications assessed under PDI Act 2016 (SA) without Representations

Nil

8 Item 7 - Other Business

Nil

9 Item 7.1 - Other Business

Nil

10 Item 7.2 - Other Business raised at Panel Meeting

Nil

11 Item 7.3 - Next Meeting

Monday 27 June 2022

12 Closure

The meeting closed at 7.30 pm

Nathan Cunningham
Presiding Member
City of Adelaide Council Assessment Panel

Documents Attached:

Item 4.1 – Development No. 21039762 - Correspondence [Distributed Separately to Panel Members]

Item 4.1 - Development No. 21039762 - Photos displayed by Representor

Ref: 22034|BNW

1 February 2022

Mr Fabian Barone
Future Urban
Level 1, 74 Pirie Street
ADELAIDE SA 5000

Dear Fabian,

**RYMILL HOUSE - PROPOSED FUNCTION AREA
100 EAST TERRACE, ADELAIDE**

I refer to the proposed function area at Rymill House, 100 East Terrace, Adelaide. As requested, I have undertaken a review of traffic and parking aspects of the proposal.

In preparing this review, I have reviewed the development application, including the proposed site layout plans, the URPS planning statement, the heritage impact statement prepared by Stevens Architects and the traffic and parking letter prepared by Ms Melissa Mellen of MFY. I have also undertaken an inspection of the road network surrounding the site.

THE PROPOSAL

Based on application documents, I understand that the proposal comprises the construction of a new 246 m² floor area function facility at the subject site. The existing building ('Rymill House') will be retained as a dwelling (i.e. its current use). No operating hours for the function facility are identified in the development application documents.

The application documents identify a variety of capacities for the proposed facility. Specifically, the architectural plans identify various layout modes with up to 144 patrons and the URPS planning statement identifies the facility could accommodate 168 seated and 336 people standing (it is unclear whether these are mutually exclusive, albeit based on the facility's proposed floor area it is assumed 336 patrons is the maximum physical capacity). Nevertheless, I note the URPS statement also indicates a maximum of 225 patrons is proposed. I also note that the MFY assessment makes no mention of the patronage associated with the facility. For the purposes of my assessment, I have assumed the site capacity is 225 patrons as noted by URPS.

The proposal will utilise the site's existing vehicular access points, namely separate ingress and egress points on East Terrace. A total of four parking spaces are proposed to be provided within a new carport structure. The MFY letter notes that the proposed parking arrangement will not fully conform with the relevant Australian Standard (AS/NZS 2890.1:2004) but that additional width will be provided within the parking spaces. I concur that such an approach is reasonable to meet the intent of the Standards and accommodate manoeuvres into and out of the spaces.

I understand that all of the four parking spaces will be assigned to residents of the dwelling and that none will be provided for the function facility. No other parking spaces are proposed within the site to accommodate any parking demands associated with the function facility.

Pedestrian access will be via the property's exiting pedestrian gate on Hutt Street. The MFY letter identifies that pedestrian access for patrons of the function facility will only be via this gate.

PARKING PROVISION

As noted above, the four parking spaces proposed within the site will be assigned wholly to the existing dwelling and no spaces are proposed on-site to accommodate any parking demands associated with the function facility. The number of spaces associated with the dwelling is considered appropriate (and in line with the requirements of the Planning and Design Code). However, I have further reviewed the requirements of the Code in respect to parking requirements associated with the function facility (given the lack of on-site provision associated with it).

The Planning and Design Code's General Development Policies – Transport, Access and Parking DTS/DPF 5.1 criteria requires that *"Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using ... Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas..."* (my emphasis). The associated Table 2 identifies a minimum parking provision rate of 3 spaces per 100 m² of gross leasable floor area for non-residential development (excluding tourist accommodation). Such a rate is applicable to the proposed function facility for assessment against the DTS/DPF criteria.

Based on the advised gross leasable floor area of 246 m², this would equate to a minimum requirement of 7.38 spaces. I note that Ms Mellen's assessment has rounded this requirement down, however, it is typical industry practice to round up minimum parking requirements. On this basis, there would be a requirement for at least 8 parking spaces for the function component to meet the DTS criteria. The proposal clearly does not meet this requirement.

In lieu of meeting the DTS criteria, it is therefore relevant to consider the associated Performance Objective (5.1) of the Code (as I acknowledge MFY has also done) which states that:

"Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

- (a) availability of on-street car parking*
- (b) shared use of other parking areas*
- (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
- (d) the adaptive reuse of a State or Local Heritage Place."* (my emphases)

Notably, PO 5.1 does not refer to the Table 2 rates but rather seeks that the parking provision meet the needs of the development or land use. Accordingly, it would be appropriate to undertake a realistic assessment of parking demands associated with such a function facility to enable sufficient consideration of potential impacts of the proposal. In my view, this is particularly important given that no on-site parking is proposed for the function facility with all parking demand required to be accommodated elsewhere. I would suggest that Council seek further clarification in respect to the realistic parking 'needs' of the development from the applicant. Noting the capacity for up to 225 attendees, realistic peak parking demands (including patron, staff and taxi/Uber vehicles) would be higher than the 8-space requirement identified by application of the DTS criteria.

In respect to the accommodation of realistic demands on-street, I note that Ms Mellen states that *"...there is available on-street parking during periods when functions at the site are most likely to occur..."*. However, as above, Ms Mellen has provided no quantification of likely demands associated with the function facility nor provided any quantification (survey data) of the availability of spaces surrounding the site.

Noting that no operating hours have been identified, there is clear potential for functions (such as business lunches, seminars, product launches etc.) to be held during typical business hours. I also highlight that Ms Mellen has stated that parking spaces in Hutt Street, East Terrace and Flinders Street East are *"...in high demand during weekday periods..."*. If day-time use of the function facility is proposed, demonstration of the capacity of on-street parking to accommodate a realistic demand should be provided by the applicant.

It is also pertinent to note that parking restrictions apply on the adjacent streets during typical week-day business hours (primarily two-hour restrictions) and, in some sections, on Saturdays. Functions over two hours in length, would require that attendees who have driven either need to 'shift' their vehicle or over-stay the permitted time. This would also apply to function staff who are required to park on-street.

Ms Mellen has also noted the adaptive reuse of the State Heritage Place as justification for the lack of any on-site parking provision for the function facility. However, my understanding is that the State Heritage Place comprises the dwelling (building) itself as well as the southern and western boundary walls. The proposed function facility is a new building and does not appear to comprise a reuse of the State Heritage Place (this would be best confirmed by a planner or planning lawyer). Furthermore, the dwelling itself does not entirely prevent the provision of additional parking within the site (the heritage impact report notes that the building's surrounds have been utilised for parking over the years).

Ms Mellen states that the *"Provision of a small number of visitor spaces would create circulation within the driveway (where visitors would enter and exit the site due to spaces being fully occupied)"*. However, on-site spaces could easily be designated for function staff (caterers, DJ etc.) and/or "VIPs" associated with the function (i.e. an attendee who can be advised they have a designated space on-site for the event with general attendees advised to park off site). This would minimise (or prevent) the circulation issues Ms Mellen has suggested could occur. Similarly, the proposal provides no on-site accessible parking for persons with disabilities which is sought by Performance Objective 5.1.

In addition to parking for staff and patron vehicles, I acknowledge that a proportion of attendees would likely arrive by other means. This would likely include taxis/car share (Uber) vehicles that will need to be stored on-street when dropping off or picking up passengers associated with the site. The quantity of such vehicles nor associated impact on traffic and parking conditions does not appear to have been considered by MFY. Similarly, for some types of functions (such as weddings), private charter buses could be expected to be utilised for access to and from the site. MFY has provided no assessment of the ability of such vehicles to be safely stored on the adjacent roads. Changes to parking controls in the vicinity of the site may be needed to appropriately accommodate such vehicles and minimise impacts on other road users and property occupants.

SUMMARY

The MFY letter suggests that the requirement for all function related parking to be accommodated off-site (on-street) is *"...the optimal solution for the project..."*. However, given the lack of quantification of realistic demands, on-street parking availability nor operating hours, the proposal does not appear to provide an 'optimal solution' for other road users nor neighbouring property owners/occupants (and potentially function staff and patrons). In my view, further assessment and justification of parking conditions (and any associated traffic impacts) is warranted and, desirably, additional parking provision be accommodated on-site.

Please feel free to contact me on (08) 7078 1801 should you require any additional information.

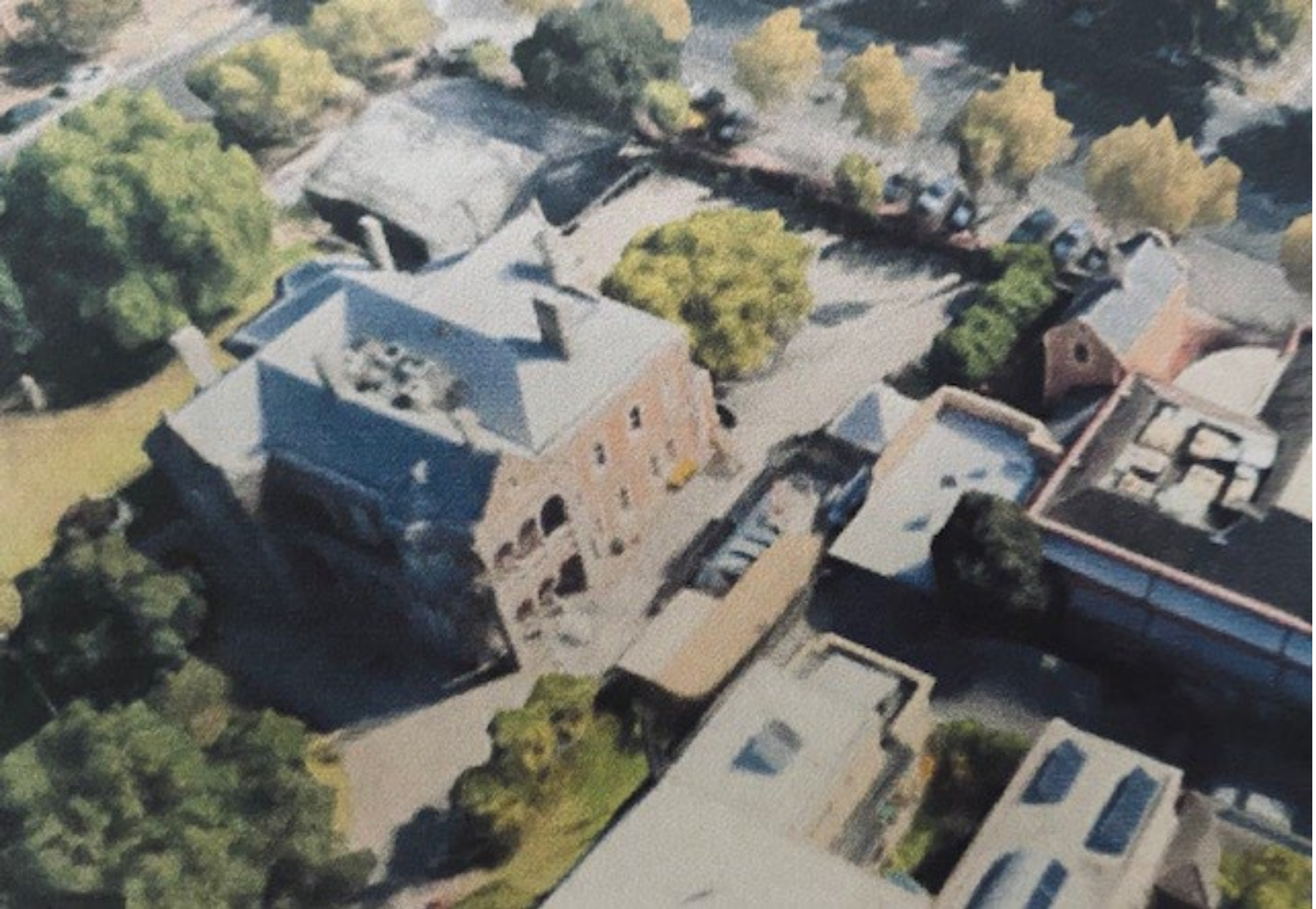
Yours sincerely,

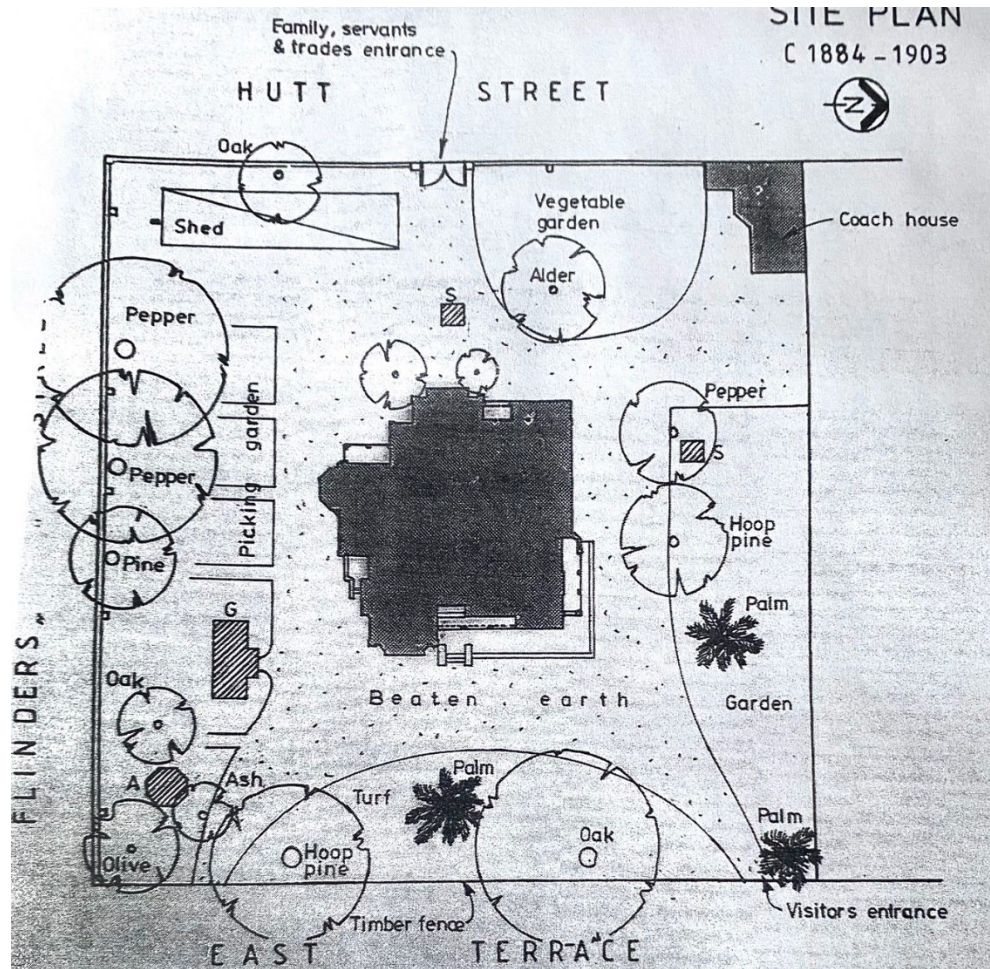


BEN WILSON

Director | CIRQA Pty Ltd

Photo 1





DESCRIPTION: PART CHANGE OF USE TO, AND CONSTRUCTION OF, FUNCTION FACILITY, OUTBUILDING AND CARPORT, AND ALTERATIONS AND ADDITIONS TO A STATE HERITAGE PLACE

Application number:	21039762
Referral received:	10/12/2021
State Heritage Place:	Dwelling ['Rymill House', previously 'The Firs'] including Western and Southern Boundary Walls at 93-100 East Terrace, ADELAIDE
Documentation:	As referred to date of response
<input checked="" type="checkbox"/>	Direct to Impose Conditions of Development Authorisation

The proposed development is considered to be acceptable in relation to the above State Heritage Place for the following reason/s.

- Proposed landscaping framework for the site is complimentary to the era of the dwelling, providing a much needed landscape setting for the State Heritage Place.

Photo 3



Amenity Space
68sq.m

Office Space
87sq.m

