

DEVELOPMENT NO.:	21039762
APPLICANT:	Rymill House Foundation Pty Ltd ATF Rymill House Foundation Trust
ADDRESS:	100 East Terrace, Adelaide SA 5000
NATURE OF DEVELOPMENT:	Part change of use to function facility with associated construction of outbuilding, carport and alterations and additions to State Heritage Place
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • City Living <p>Subzones:</p> <ul style="list-style-type: none"> • East Terrace <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Design • Heritage Adjacency • Hazards (Flooding – Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • State Heritage Place • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) • Minimum Building Height (Levels) • Maximum Building Height (Levels)
LODGEMENT DATE:	10 December 2021
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	4 November 2021 – 2021.16
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dylan Grieve Senior Planner, Development Assessment
REFERRALS STATUTORY:	Minister responsible for the administration of the <i>Heritage Places Act 1993</i>
REFERRALS NON-STATUTORY:	Infrastructure Traffic Waste

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PERSONS SPEAKING BEFORE THE PANEL

Representors

- Mr Fabian Barone (Future Urban) on behalf of 2 – 6 Hutt Street, Adelaide
- Mr Vic Musolino of 22 Hutt Street, Adelaide
- Ms Kerry Teague of Unit 4 25 Hutt Street, Adelaide
- Mr Gary Picton of Unit 8 25 Hutt Street, Adelaide
- Mr Steve McCarthy of Unit 9 25 Hutt Street, Adelaide
- Mr Tony Simmons of Unit 7 25 Hutt Street, Adelaide
- Mr Garth Heynen (Heynen Planning Consultants) on behalf of Josephine Martin of 315 Flinders Street East, Adelaide

Applicant

- Mr Marcus Rolfe (URPS) on behalf of Rymill House Foundation Pty Ltd ATF Rymill House Foundation Trust

1. **DETAILED DESCRIPTION OF PROPOSAL**

1.1 The proposed development is described as follows:

1.2 Function facility

1.2.1 A single-storey, free-standing, primarily glazed pavilion structure located in the north western portion of the site parallel to Hutt Street. It will have a height of approximately 5 metres. A small kitchen and amenities area is proposed at the northern end of the building.

1.2.2 The floor area of the function facility will be 246m² with an area for patrons of 168m². The facility could accommodate up to 336 people standing and 168 people seated in accordance with the Building Code of Australia.

1.2.3 The capacity of the function facility is proposed to be limited to 225 people in standing mode. Four different seating configurations are proposed, with the maximum being 140 people in seminar mode.

1.3 Outbuilding (carport and storage)

1.3.1 An outbuilding incorporating a carport is proposed for four vehicles associated with the existing dwelling. Storage spaces/rooms are proposed at either end. This outbuilding will be setback 5 to 6 metres from the northern façade of Rymill House. It will have an area of approximately 114m² and will be open on the southern side for vehicular access. It will have a height of approximately 3.6 metres.

1.3.2 The outbuilding will have a simple, low-pitched roof form and be sited behind the front façade of Rymill House. The walls of the building, where visible from within the site or the public realm, will be clad in a textured material of a relatively dark colour.

1.4 Alterations and additions to the existing detached dwelling (State Heritage Place)

1.4.1 The installation of a lift is proposed within the State Heritage listed Rymill House and the conversion of an existing window on the northern elevation to a doorway. The lift will serve the basement, ground floor and first floor. It will be located within an existing alcove at basement level, a small pantry within a storeroom at ground floor level and the north-eastern corner of a bedroom at first floor level.

1.4.2 A new door is proposed on the northern elevation of Rymill House. The door is to be created by extending an existing window opening. It will be contained within the colonnade which encloses the eastern part of the northern elevation and supports a balcony above. The door will provide access into the dwelling from the carport and store, which will also contain the bin enclosure. It will be configured to match the existing tradesmen's door and fanlight in the western elevation.

Table 1.1 – DEVELOPMENT DATA		
DESIGN CHARACTERISTICS	GUIDELINE	PROPOSED
Site Area: 3,690m²		
Building Height	4 levels	1 level
Soft Landscaping	25%	>35%
Site Coverage	50%	22%
Car Parking	Detached Dwelling: 2 spaces per dwelling, 1 of which is to be covered Function Facility: 3 spaces per 100m ² of gross leasable area	4 undercover spaces
Private Open Space	60m ² Min. directly accessible from a living room: 16m ² / with a minimum dimension 3m	>60m ² POS directly accessible from living area with min. dimension achieved
Front Setback	Average setback to the building line of existing buildings on adjoining sites	Function facility 2.3m from Hutt Street boundary
Side Setback	Building walls setback from a side boundary not less than the nearest side setback of the primary building on adjoining allotment	Function facility setback 900mm from northern side boundary. Portion of the coach house on the adjacent allotment sits in the common side boundary The proposed outbuilding sits on the northern side boundary

2. BACKGROUND

- 2.1 Rymill House and the adjacent former coach house were constructed in 1884 for Henry Rymill. The buildings were designed in the English Queen Anne style. The 1884 dwelling replaced an earlier house built for Henry Rymill around the time he acquired the property in the early 1860s.
- 2.2 Rymill House is the most elaborately detailed of the parkland frontage town mansions and the only one to have continuity of grandeur and consistent detailing for all facades. The relatively large scale, stylistic qualities and location of Rymill House afford it a substantial presence in the locality.
- 2.3 Rymill House has incorporated numerous uses. From 1884 to 1950 it was the residence of Henry Rymill and his family. The Commonwealth Government purchased the property in 1950. It was then used as offices by the Post Master General until 1982. Rymill House then fell into disrepair. After a period of economic growth and property speculation, sub-division of the Coach House and north boundary parcels occurred.
- 2.4 The current owners acquired Rymill House in 1998. They have kept the existing site intact, returned Rymill House to its original use as a detached dwelling and opened the property and grounds for temporary function uses including during racing car events, heritage conferences, various fundraising events and an occasional wedding.
- 2.5 The applicant met with Council Administration and Heritage South Australia officers in 2021 to obtain preliminary advice regarding the proposal. A number of issues raised at this time were addressed once the application was submitted.

3. SUBJECT LAND & LOCALITY

Subject Land

- 3.1 The subject site is formally described as Allotment 10 in Deposited Plan 14079 in the Area Named Adelaide, Hundred of Adelaide.
- 3.2 It is rectangular in shape with a 55 metre frontage to Hutt Street a 65 metre frontage to Flinders Street and a 55 metre frontage to East Terrace and has an area of approximately 3,690m².
- 3.3 The site is relatively flat.
- 3.4 A large two storey State Heritage listed detached dwelling with expansive grounds surrounding and a combination of stone and wrought iron fencing on the street facing boundaries is located on the site.

Locality

- 3.5 The surrounding locality contains a mix of land uses including:
- offices adjoining to the north fronting Hutt Street
 - consulting rooms and offices to the south fronting Hutt Street
 - offices, consulting rooms and a residential flat building on the western side of Hutt Street
 - dwellings adjoining to the north fronting East Terrace
 - dwellings to the south fronting Flinders Street.
- 3.6 The built form character of the locality is mixed and of varied architectural styles and heights ranging from one to four storey buildings.
- 3.7 Flinders Street is closed adjacent to the southwest corner of the site, creating areas for 90 degree on-street parking on both sides of the street near the site. There is also 90-degree parking near the site on Hutt Street.
- 3.8 Overall, the locality has a mix of land uses, built form, is heavily impacted by passing vehicle traffic and contains a substantial amount of nearby on-street parking.

Photo 3.1 - Subject site viewed from Hutt Street



Photo 3.2 – Site frontage to Hutt Street



Photo 3.3 - Subject site viewed from the corner of Hutt Street and Flinders Street



Photo 3.4 - Rymill House viewed from East Terrace



Photo 3.5 - Location of proposed Outbuilding viewed from Cleo Lane



Photo 3.6 - Rymill House viewed from Cleo Lane



4. **CONSENT TYPE REQUIRED**

Planning Consent

5. **CATEGORY OF DEVELOPMENT**

- **PER ELEMENT:**

Carport or garage: Code Assessed - Performance Assessed

Change of use: Code Assessed - Performance Assessed

Function Facility: Code Assessed - Performance Assessed

Outbuilding: Code Assessed - Performance Assessed

Alterations and additions: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

No assessment pathway has been identified for this development. Development not classified as accepted, deemed-to-satisfy, restricted or impact assessed is performance assessed on its merits against the Code.

6. PUBLIC NOTIFICATION

- **REASON**

The proposal was subject to public notification, pursuant to Zone Table 5 as the use is not listed as being exempt from notification nor is it considered minor.

TABLE 6.1 – LIST OF REPRESENTATIONS		
No.	Representor Address	Request to be Heard
1	Mr Fabian Barone (Future Urban) on behalf of 2 – 6 Hutt Street, Adelaide	Yes – opposed
2	Withdrawn (see note below)	-
3	Mr Vic Musolino of 22 Hutt Street, Adelaide	Yes – opposed
4	Ms Kerry Teague of Unit 4 25 Hutt Street, Adelaide	Yes – opposed
5	Mr Gary Picton of Unit 8 25 Hutt Street, Adelaide	Yes – opposed
6	Mr Steve McCarthy of Unit 9 25 Hutt Street, Adelaide	Yes – opposed
7	Mr Tony Simmons of Unit 7 25 Hutt Street, Adelaide	Yes – opposed
8	Mr Garth Heynen (Heynen Planning Consultants) on behalf of Josephine Martin of 315 Flinders Street East, Adelaide	Yes – opposed
9	Mr Peter Wood of 313 Flinders Street, Adelaide	No - opposed
10	Ms Anne Burgess of 317A Flinders Street, Adelaide	No – opposed
11	Ms Crystal Monro-Ford of 102 East Terrace, Adelaide	No – opposed
12	Mr Thomas and Mrs Madeleine Osborn of 4 Frearson Place, Mitcham	No – opposed
13	Mr Lois Manolakos of Unit 5/25 Hutt Street, Adelaide	No – opposed
14	Ms Silvana Rositano of 101 East Terrace, Adelaide	No – support with concerns
15	Mr Michael Pilkington of 165 MacKinnon Parade, North Adelaide	No – support

Note:

Representation 2 (indicated above) has withdrawn since the Applicant provided their response to representations.

TABLE 6.2 – SUMMARY OF REPRESENTATIONS

Summary of Representations	Applicant Response
Heritage Impact	<ul style="list-style-type: none"> • Function facility compatible with existing residential use and underpins the ongoing use of the Place which supports ongoing maintenance and conservation of historic Rymill House (State Heritage Place Overlay DO1 and PO 2.2). • Pavilion and the outbuilding will not physically impact on Rymill House or the former coach house (State Heritage Place Overlay DO 1 and PO 1.1, Heritage Adjacency Overlay DO 1 and PO 1.1). • Pavilion compatible with the historic Rymill House and nearby former coach house due to its lower scale and simplicity of form that defers to the more substantial scale of the historic buildings (State Heritage Place Overlay PO 1.2, 1.3 and 1.4). • Materials and finishes of the pavilion appropriately differentiate new from old in a simple subtle way (State Heritage Place Overlay PO 1.5). • Pavilion proposed in the most unobtrusive part of the site and the location identified for future development in the Conservation Management Plan (State Heritage Place Overlay PO 1.4 and 1.6). • Ancillary outbuilding is discreetly located, low scale and unobtrusive with minimal impact on the context and setting of the Place (State Heritage Place Overlay PO 3.1 and 3.2). • Proposal will not impact on the important views from the two adjacent street intersections (East Terrace and Flinders Street and Hutt Street and Flinders Street) and from the visitor’s approach from north-east, identified in the Conservation Plan as being fundamental to appreciation of the three-dimensional qualities of Rymill House (State Heritage Place Overlay PO 1.7). • Important visual connection between Rymill House and the former coach house, when viewed in the Hutt Street streetscape and from within the site, is maintained (State Heritage Place Overlay PO 1.7 and Heritage Adjacency Overlay DO 1 and PO 1.1). • Lift installation and new door are relatively unobtrusive and will not unreasonably conceal or obstruct heritage features and detailing nor dominate the State Heritage Place (State Heritage Place Overlay PO 2.1).
Land Use	<ul style="list-style-type: none"> • Some representors raised concerns the proposed function facility use is inappropriate and that it is not an expressly anticipated land use in the City Living Zone. • One of the initial steps in the assessment of an application is the characterisation of the proposed land use. The Land Use

Definitions Table within Part 7 of the Code provides a list of defined land uses. Not all proposed land uses will be expressed in these definitions and Case Law suggests a proposal should not be corralled by such definitions.

- A “restaurant” is defined in the Land Use Definitions Table in the Code as “land used primarily for the consumption of meals on the site”. The proposal is not simply a restaurant. Some functions will not serve meals e.g. seminars. Unlike a typical restaurant, patrons will not be able to make a booking simply for a meal.
- A “function facility” best describes the proposed land use, despite this not being a defined land use term in the Land Use Definitions Table in the Code. None of the representors appear to contest this.
- Hutt Street, the primary frontage for the proposed function facility, has a mixed use character. The existing adjoining development to the north, south and west of the subject site fronting Hutt Street is a mix of offices, shops and consulting rooms. Dwellings are the exception, with only one residential flat building on the opposite side of Hutt Street.
- Catalyst Sites are defined in the East Terrace Subzone as being sites with an area greater than 1,500m². The subject site is a Catalyst Site. The function facility will assist in the desired transformation of the locality anticipated in DO 2 of the East Terrace Subzone.
- Some of the representors consider the proposal does not satisfy these provisions as is not compatible use with nearby residential development and is not small in scale. They also contend it is not integrated with the existing residential land use on the site.
- From a built form perspective, the proposed function facility is single storey and only 246m² in floor area. It is lower in height than almost all existing surrounding buildings. It will have a smaller floor area than the primary existing structure on the site, Rymill House, which has a floor area exceeding 1000m².
- From a built form perspective, the pavilion will be single storey and only 246m² in floor area. It will be lower in height than most existing surrounding buildings. It will have a smaller floor area than the primary existing structure on the site, Rymill House.
- The function facility satisfies the Code provisions by being a sufficiently compatible non-residential land use in terms of character and amenity while also assisting in the transformation of the locality.

<p>Integration, Ownership and Adaptive Reuse</p>	<ul style="list-style-type: none"> • Some representors claim the proposal is not “integrated” but two separate land uses. One representor raises concern that <i>“there is no legal mechanism proposed tying the existing residence and proposed function centre together or preventing the latter from being excised and placed on an allotment of its own in future”</i>. Another representor states the proposal does not involve the “adaptive reuse of a State Heritage Place”. • Function facility is clearly integrated with the existing dwelling as the uses: <ul style="list-style-type: none"> ○ are on one Certificate of Title, the same site and a land division is not proposed ○ share driveway and service access from East Terrace (the function facility would not be operational without this access) ○ share pedestrian access from Hutt Street. • There is no intention to subdivide the site to separate parcels for the dwelling and the function facility. It is also anticipated any subdivision application is unlikely to satisfy the provisions of the Code relating to heritage conservation, nor the Heritage Places Act and Burra Charter i.e., the risks of any future subdivision are very low. As noted, the nature the proposal in itself maintains integration. • Integration of the existing residential land use and the proposed function facility also creates desirable self-regulation in terms of noise impact as the residents of Rymill House will need to ensure the function facility is relatively quiet for their own residential amenity. • The entire allotment on which Rymill House sits is listed as a State Heritage Place. The Place includes the existing dwelling structure and surrounding grounds. • Proposal introduces an additional/new land use to the Place as acknowledged in section 5.1 of the initial planning report by URPS. It clearly constitutes the adaptive reuse of the grounds of the Place.
<p>Parking Impact</p>	<ul style="list-style-type: none"> • “Table 2 – Off-Street Car Parking Requirements in Designated Areas” in the Code states that non-residential development (excluding tourist accommodation) in the City Living Zone requires a minimum of 3 spaces per 100m² of gross leasable floor area. • The gross floor area of the proposed function facility is 246m², excluding the eaves/overhang (or verandah). • MFY has undertaken on-street parking surveys of on-street parking within 100 metres and 300 metres of the site. This confirms there are the following amount of longer stay (at least 2 hours) on-street parking available at any one time: <ul style="list-style-type: none"> ○ 50 spaces within 100 metres of the site ○ 220 spaces within 300 metres of the site

- Review of historic aerial photography indicates data collected from the street surveys is appropriate to use to assess the availability of parking on the adjacent street network. Therefore, there is ample on-street parking within walking distance of the proposed function facility sufficient to accommodate the 7 (or 10) parking spaces anticipated by the Code for the proposed function facility.
- This approach satisfies the intent of Performance Objective 5.1 in the Transport, Access and Parking section of the Code to “*support a reduced on-site rate (in circumstances where there is)...(a) availability of on-street car parking*”.
- Performance Objective 5.1 also anticipates reduced on-site parking where development involves “...(d) the adaptive reuse of a State or Local Heritage Place”, as is the case here.
- Even if the relevant parking provisions of the Code relating to parking for the proposed function facility were ignored, it is typical for a function facility of this nature in other settings to generate parking at a rate of 1 space per 5 patrons. This means the proposed function facility could theoretically generate up to 45 parking spaces for up to the 225 maximum number of patrons. This amount of parking can be readily accommodated on-street within 100 metres of the subject site and PO 5.1 is satisfied. Most functions at the proposed function facility will have much fewer patrons and much less demand for parking.
- The zoning configuration along Hutt Street and its relationship to on-site parking guidelines is also relevant. The site at 100 East Terrace is the only site within the City Living Zone that has frontage to Hutt Street. All other allotments with frontage to Hutt Street within the locality are in the Capital City Zone.
- It is anticipated the zoning approach to 100 East Terrace is different to that taken for all other sites as 100 East Terrace is a large, single allotment extending from East Terrace through to Hutt Street. This is in contrast to other smaller allotments along Hutt Street i.e. there was no cadastre to continue the zoning approach across 100 East Terrace.
- The difference between the Capital City Zone and the City Living Zone is significant in terms of on-site parking. There is no minimum on-site parking guideline for all types of development in the Capital City Zone in the Code i.e. development can have no on-site parking. In contrast to this, dwellings of the size of Rymill House should have at least 1.5 on-site parking spaces and non-residential development should have 3 on-site parking per 100m² of gross leasable floor area when located in the City Living Zone.
- It is emphasised that if the proposed function facility was located on any other site fronting Hutt Street, it would not need any on-site parking in accordance with the Code.

Noise Impact	<ul style="list-style-type: none"> • The Resonate Environmental Noise Assessment (ENA) for the proposal is conservative as it assumes the noisiest scenarios for the proposed function facility being 150 – 225 patrons in the outdoor structured garden talking in raised voices and a maximum of 225 patrons inside the pavilion with music at a level of 91 dB(A) L10. • In summary, the ENA demonstrates: <ul style="list-style-type: none"> ○ 150 patrons in the outdoor structured garden talking in raised voices satisfies the EP Noise Policy criteria at the nearest residence. If the number of patrons outside increases to 225, the noise created will exceed the EP Noise Policy by 2dB. A 2db difference in sound level from the EP Noise Policy criteria is just perceptible and is unlikely to adversely affect the amenity of any nearby residents who are currently exposed to high noise levels from traffic along Hutt Street and other ambient city noise. ○ 225 patrons inside the function facility with background music and one door open to the south (for people entering and exiting that building), will exceed the night-time criterion by 1dB at 33 Hutt Street (a commercial receiver). A 1dB exceedance the EP Noise Policy criteria is not perceptible. Noise impact on nearby residents will be within the EP Noise Policy criteria in this scenario. ○ 225 patrons inside the function facility with amplified music require the music noise level to be limited to L10 91 dB(A) measured at least 5 metres from the speakers. The air-lock entry-exit in the north-west corner of the pavilion will also be used when amplified music is played inside that building. • On this basis, the predicted noise emissions from the proposed function facility will comply with the Environmental Protection (Noise) Policy requirements and, in turn, the relevant provisions of the Planning & Design Code. • At least one security guard will attend the site during all evening functions to ensure that patrons minimise noise emissions. • The Constantine family will continue to reside at Rymill House. The proposal includes enhanced residential amenities (e.g. a lift and carport/garaging) as evidence of this. The continued use of Rymill House as a dwelling will also ensure the operation of the proposed function facility does not generate noise that is disruptive to the residential amenity of the occupants of Rymill House now and in the future. • Plant and equipment associated with the proposed development will comply with all relevant EPA noise guidelines.
Anti-Social Behaviour	<ul style="list-style-type: none"> • The nuisance/annoyance/anti-social behavioural impacts from patrons of the function facility on residential amenity in this locality is a subjective assessment.

	<ul style="list-style-type: none"> • The pedestrian exit from the site is on Hutt Street. Those walking to nearby parked vehicles in, say, Flinders Street East and East Terrace will do so with designated drivers. It is anticipated these designated drivers will help minimise anti-social behaviour and rapid departure from the locality. • Others leaving the site are likely to catch taxis from the Hutt Street frontage or walk towards public transport stops in westerly, northerly and southerly directions. The Hutt Street frontage interfaces with the Capital City Zone where a range of non-residential land uses operating at night are anticipated. This means any nuisance noise from patrons departing the site, for example, is not unreasonable in this context. • The nature of the function facility and its targeting of organised functions also reduces potential for anti-social behaviour by patrons when compared to individuals/groups leaving, say, licenced hotels. • At least one security guard will attend the site during all evening functions to ensure that patrons leave the site in an orderly manner to further minimise potential for nuisance behaviour. • Integration of the existing residential land use and the proposed function facility also creates desirable self-regulation in terms of noise impact i.e. the residents of Rymill House will need to ensure that the function facility does not result in any nuisance behaviour to protect their own residential amenity.
Waste Management	<ul style="list-style-type: none"> • The unique nature of the development, the heritage status of the Place and the scale of the development means waste collection for will occur in East Terrace via private contractor collecting up to two 660L wheelie bins. • Bin collection will be programmed to occur after each function and caterers will manage the bins so they are positioned for collection and stored back on-site in a timely manner. Consistent with the recommendation from Resonate, refuse collection will occur between 7am and 7pm on any day, except for Sundays and public holidays when it will be between 9am and 7pm.
Tree Removal	<ul style="list-style-type: none"> • None of the existing trees proposed for removal are regulated or significant trees. They are also of no specified heritage value. Therefore, removal is appropriate, particularly given the upgrade of the landscaping across the site that forms part of the proposal.
Devaluation of Neighbouring Properties	<ul style="list-style-type: none"> • Perceived impact on land values, positive or negative, is not a relevant planning consideration in a planning assessment.

7. **AGENCY REFERRALS**

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

The subject site is a State Heritage Place and is affected by the State Heritage Place Overlay of the Planning and Design Code. The proposal is considered acceptable in relation to the above State Heritage Place for the following reasons:

- it will be located as recommended in the Conservation Management Plan for the Place, clear of building fabric and significant views of heritage value associated with the Place. Further, the scale, footprint and restrained use of detailing and materials minimises visual dominance within the setting of the State Heritage Place
- the location of the garage/outbuilding is clear of significant views of heritage value associated with the State Heritage Place – from the west, south and east of the site. The scale and low scale of the outbuilding further reduces adverse visual impact
- the proposed lift is proposed in ancillary areas of Rymill House and minimal fabric of heritage value will be altered. The screening of a ground floor window is reversible in the future. The proposed lift is also supported, as it allows flexibility in the ongoing use of the dwelling as a residence, ensuring continuing maintenance of the Place
- the proposed doorway to the north elevation is supported, as the door utilises an existing window opening and will be mostly concealed from view, behind existing colonnade wall screening
- the 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.

8. INTERNAL REFERRALS

8.1 Traffic and Infrastructure

- The vehicular crossing at the Hutt Street frontage is redundant and shall be closed. This will create additional on-street parking. Noting the site does not provide parking for the commercial component of the development, the new on-street parking should be designed as parking for persons with a disability.
- The waste collection for the commercial component of the development should be collected from the designated loading area. This is appropriate as the loading area is immediately adjacent the waste storage area and will be collected during daytime hours and can occur under similar arrangements to deliveries.

8.2 Waste

- The proposed arrangement for waste management provisions for non-residential component (waste from the function facility) are satisfactory.

9. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix 1.

9.1 Summary of City Living Zone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Land Use & Intensity PO 1.1 to 1.4	<ul style="list-style-type: none"> Non-residential land use, while not explicitly sought in the zone, is complementary to the character and amenity of the neighbourhood. 	✓/✗
Built Form & Character PO 2.2 & 2.3	<ul style="list-style-type: none"> Function facility will be single storey and with a maximum building height approximately 5 metres above natural ground level. 	✓
Building Setbacks PO 3.1 to 3.5	<ul style="list-style-type: none"> Function facility proposed in the northwest corner of the site between Rymill House and the stone wall on the Hutt Street boundary. It will be setback 2.3 metres from East Terrace and 900mm from the northern side boundary. 	✓
Ancillary Buildings and Structures PO 8.1 & 8.2	<ul style="list-style-type: none"> Outbuilding will be located on the northern side boundary and will replace an existing shipping container. 	✓

9.2 Summary of East Terrace Subzone

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1 & DO 2	<ul style="list-style-type: none"> Development of a catalyst site maintaining an open landscaped setting. Function facility, outbuilding and dwelling share common services and access. 	✓

9.3 Summary of Applicable Overlays

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

- *Affordable Housing*
- *Airport Building Heights (Regulated)*
- *Building Near Airfields*
- *Design*
- *Hazards (Flooding – Evidence Required)*
- *Heritage Adjacency*
- *Prescribed Wells Area*
- *Regulated and Significant Tree*

State Heritage Place Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> • Function facility compatible with existing residential land use and underpins ongoing use of the Place which, in turn, supports maintenance and conservation of the Place. 	✓
PO 1.1 – 7.1	<ul style="list-style-type: none"> • Refer Section 9.5. 	✓

Stormwater Management Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> • Proposed stormwater discharge will connect with the existing stormwater network. 	✓
PO 1.1	<ul style="list-style-type: none"> • Achieved. 	✓

Urban Tree Canopy Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> • Grounds to the west and southwest of Rymill House currently devoid of established landscaping except for isolated trees. 	✓/✗
PO 1.1	<ul style="list-style-type: none"> • Existing trees proposed for removal are not regulated or significant. • Proposed landscaping comprises the following elements: <ul style="list-style-type: none"> ○ forecourt entry to the east ○ formal gardens to the south ○ structured garden in the south-western corner 	✓

9.4 Summary of General Development Policies

The following General Development policies are relevant to the assessment:

Design

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Design DO 1	<ul style="list-style-type: none"> Refer Section 9.5. 	✓
External Appearance PO 1.1 – 1.5	<ul style="list-style-type: none"> Refer Section 9.5. 	✓
Interface between Land Uses PO 2.1	<ul style="list-style-type: none"> Refer Section 9.5. 	✓/✗
Landscaping PO 3.1 – 3.2	<ul style="list-style-type: none"> Landscaping will provide a more appropriate setting for Rymill House as a pleasant function space with subtle separation between public and private sections of the garden. 	✓
Environmental Performance PO 4.1 – 4.3	<ul style="list-style-type: none"> Achieved. 	✓
Water Sensitive Design PO 5.1	<ul style="list-style-type: none"> Achieved. 	✓
Garage Appearance PO 14.1	<ul style="list-style-type: none"> Outbuilding low in scale, simple in form and discreetly sited with low visual impact when viewed from the public realm. Will not extend forward of the front façade of Rymill House viewed from East Terrace and is relatively concealed on the northern side of the house. Outbuilding does not extend forward of the western façade of Rymill House when viewed from the grounds. 	✓
Massing PO 15.1	<ul style="list-style-type: none"> Massing of the single storey glazed pavilion in the north western portion of the site and outbuilding comprising carport and store on the northern boundary of the site is satisfactory. 	✓

<p>Waste Storage PO 20.1</p>	<ul style="list-style-type: none">• Waste storage proposed in outbuilding.• Waste collection will occur via private contractor.• Waste to be collected in two 660L wheelie bins on-street adjacent the dwelling.• Collection programmed to occur after each function and caterers will manage bins to be positioned for collection and stored back on-site in a timely manner.• Consistent with the recommendation from the Acoustic Engineer, refuse collection should occur between 7am and 7pm on any day except for Sundays and public holidays when it should be between 9am and 7pm.	<p>✓</p>
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9.5 Detailed Discussion

Land Use

The function facility is proposed on a site located within the City Living Zone and the East Terrace Subzone. The Desired Outcome of the City Living Zone seeks:

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.

The Desired Outcome does not specifically envisage a function facility nor does DPF 1.1 which provides specific guidance as to appropriate land uses compatible with residential uses to support an active and convenient neighbourhood. Whilst a function facility is not expressly anticipated in the City Living Zone or the East Terrace Subzone, it is appropriate as:

- the locality contains a mix of non-residential land uses including offices and consulting rooms
- the site has a frontage to Hutt Street and proximity adjoining the Capital City Zone where there is a distinct commercial character
- the function facility provides a scale of activity appropriate in this locality which contains a mix of non-residential land uses
- potential noise impact to dwellings in the locality has been considered and satisfies relevant EPA noise guidelines. The inclusion of an air-lock and noise limiter will mitigate noise impact from any amplified music associated with functions such as weddings
- the availability of parking on the adjacent streets will assist with a reduced parking provision on the site
- the function facility is integrated with the existing use of the dwelling and the uses will share site access and services (power, water, sewer)
- it proposes the adaptive reuse of a Heritage Place consistent with its heritage value and will assist to support its retention and conservation.
- the use will provide opportunity for members of the public to appreciate, interpret and understand the historical place.

The proposed function facility supports the initiatives of the Rymill House Foundation. In the past, this has often necessitated installation of a marquee in the grounds on a temporary basis. The proposal will facilitate functions in a permanent building and will support the charitable work of the Rymill House Foundation and provide an income source that assists the preservation, management and enhancement of Rymill House.

The intent is to integrate Rymill House as not only a dwelling but a pleasant and attractive location for public functions, while improving the spatial experiences of the garden setting. This expands upon and formalises the current arrangement where events have been held in the grounds of Rymill House since 2000.

On balance, while a function facility is not an expressly anticipated land use in the City Living Zone nor the East Terrace Subzone, it is an acceptable land use when considering the outcomes the relevant provisions seek to achieve.

Built Form

The proposed pavilion will be low in scale and simple in its form.

The main function area will be in the southern portion of the structure which will have fully glazed walls on the southern, eastern and western sides. A small kitchen and amenities area will be located at the northern end of the structure.

The design is deliberately restrained with the new structure conceived as a simple, glass box. The supporting structure will be concealed to a large degree by glass curtain walls capped in a slender, minimalistic roof that projects and cantilevers at the southern end to form an uplifting entry statement that will frame views of the main western gable of Rymill House.

The proportions of the pavilion are compatible with the proportions of historic Rymill House. The design has a strong horizontal emphasis which will be counter balanced by a vertical emphasis in the fenestration pattern.

The simplicity of the simple glass pavilion with a floating, cantilevered roof defers to the highly articulated and detailed facades of historic Rymill House. The pavilion will be perceived as an independent and low-key element in the context of the historic building and in the surrounding streetscapes particularly the Hutt Street streetscape.

The proposed outbuilding is a secondary building, which is low in scale, with a simple, low-pitched roof form.

Heritage and Conservation

The Applicant and their representatives have used Rymill House Conservation Plan prepared by Bruce Harry & Associates in 1993 to inform the understanding of heritage value and guide decisions relating to the proposed development while being mindful of potential heritage impact.

The design of the pavilion is restrained with the new structure being a simple, glass box. The supporting structure will be concealed by glass curtain walls capped in a slender, minimalistic roof that projects and cantilevers at the southern end to form an uplifting and dramatic entry statement that frames views of the main western gable of Rymill House.

The prominence of Rymill House will be maintained together with the relative prominence of the former coach house in the Hutt Street streetscape and the visual connection between Rymill House and the former coach house.

The outbuilding is low in scale, simple in form and discreetly sited. It will not extend forward of the front façade of Rymill House as it is viewed from East Terrace and is relatively concealed on the northern side. The impact of the outbuilding on the context and setting of Rymill House is minor and acceptable.

The Rymill House alterations and additions including a lift will have minimal impact on the historic fabric of the Place.

Heritage South Australia is supportive of the proposal as outlined in Section 7 of this report.

Noise

The function facility will include an enclosed pavilion and outdoor structured garden. The facility will be used for seminars, small conferences, weddings and the like. Expected noise sources associated with the proposal are as follows:

- patrons in the outdoor structured garden
- patrons and music within the function facility
- externally located mechanical plant
- deliveries
- rubbish removal.

An Environmental Noise Impact Assessment report and a Noise Management Plan have been provided. The assessment report and management plan have been peer reviewed by an Acoustic Consultant engaged by Council. The peer review recommended the following:

- no patrons (including smokers) outdoors after 10pm
- 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

A condition has been recommended in Section 11 with the above requirements included, as well as the noise mitigation measures detailed in Table 12 of the acoustic assessment report. This will ensure the proposal will comply with the relevant environmental noise criteria of the Planning and Design Code and Environmental Protection (Noise) Policy.

Anti-social Behaviour and Crime Prevention

The Applicant has demonstrated an appreciation of the need to manage the function facility to minimise potential disturbance to neighbours. Function facility management will adopt practices to ensure patrons behave in an appropriate manner when leaving the premises as follows:

- extensive use of signage adjacent the exits, requesting patrons to respect neighbours when leaving the venue
- at least one security guard during all evening functions to ensure patrons minimise noise on premises and when exiting including monitoring of the immediate surrounds.

Whilst it is not possible for function facility management to control patrons once they are off premises, or passers-by, regard needs to be given to the proximity of the site to the Capital City Zone, where a range of non-residential activities are anticipated.

Hours of Operation

The applicant has not proposed hours of operation. Instead, the plan is to operate without limitation initially to facilitate the establishment of the new business and to ascertain the days and times of function demand.

Interface between Land Uses PO 2.1 requires non-residential development to not unreasonably impact the amenity of sensitive receivers through its hours of operation having regard to:

- the nature of the development
- measures to mitigate off-site impacts
- the extent to which the development is desired in the zone
- measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.

Council's peer review of the Applicant's noise assessment has determined the function facility can operate within EPA and Planning and Design Code guidelines without requiring restriction of hours. This is based on including recommendations of the acoustic assessment and peer review within a condition in Section 11 of this report. Consequently, hours of operation have not been conditioned.

Traffic and Parking

On-site car parking is not proposed for patrons and staff of the function facility, however there is availability of nearby on-street car parking which is generally limited to a 2 hour duration.

Transport, Access and Parking DTS/DPF 5.1 criteria requires a development provide a number of car parking spaces on-site at a rate no less than the amount specified in Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas. This table identifies a minimum parking provision rate of three spaces per 100m² of gross leasable floor area for non-residential development which results in a demand of seven car parking spaces.

The intent of Performance Outcome 5.1 is to consider situations where a relaxation of parking provision should occur when other factors, such as retention of a Heritage Place, are considered higher and better use of the land than construction of parking spaces. The relative comparison in considering any reduction in the number of spaces applicable is the rate of three spaces/100 m² floor area referred to in DPF 5.1(b).

The reference to a Heritage Place in Performance Outcome 5.1 provides the flexibility to consider reducing parking to facilitate the adaptive. There is merit to applying a reduced parking provision on this site to preserve the amenity of the Place. This will preserve the circular driveway and its relationship to the building, while maintaining the ability for vehicles to use this driveway as per the existing situation.

The proposed lack of on-site car parking is acceptable for the following reasons:

- there is available on-street parking during periods when functions at the site are most likely to occur
- land uses in close proximity to the subject site include a number of offices and consulting rooms which are not operational during weekends and evenings when functions will occur
- the proposal includes an adaptive reuse of a State Heritage Place.

Parking for visitors attending the function facility will occur external to the site. Existing on-street spaces are available in Hutt Street, East Terrace and Flinders Street East. Parking in these spaces is in high demand during weekday periods but the existing demand is significantly decreased during the evenings and on weekends. This is suitable for the proposal as functions at the site will primarily occur during periods when on-street parking is available.

Caterers for the function facility will typically arrive in a catering van which will access the site to unload prior to a function.

The Applicant's representative has undertaken on-street parking surveys of on-street parking within both 100 metres and 300 metres of the site. This revealed there are longer stay (at least 2 hour) on-street parking available at any one time:

- 50 spaces within 100 metres of the site
- 220 spaces within 300 metres of the site.

In relation to use of other transport modes, parking for other staff who have cycled to work can be accommodated on the site and good pedestrian connectivity is available along footpaths within Council's public road network to and from public transport facilities.

It is acknowledged a proportion of attendees would likely arrive by other means. This would include taxis/car share (Uber) vehicles that will need to be stored on-street when dropping off or picking up passengers.

The zoning configuration along Hutt Street and its relationship to on-site parking guidelines is also relevant. The subject site is the only site within the City Living Zone that has frontage to Hutt Street. All other allotments with frontage to Hutt Street within the locality are in the Capital City Zone. If the proposed function facility was located on any other site fronting Hutt Street, it would not require any on-site car parking.

10. **CONCLUSION**

Whilst a function facility is not specifically envisaged in the East Terrace Subzone and City Living Zone, the proposal is considered to achieve the relevant principles of the Planning and Design Code for the following reasons:

- proposes a land use complementary to the existing mix of land uses within the locality
- compatible with the existing dwelling and will support the preservation, management and conservation of Rymill House
- located as recommended in the Conservation Management Plan for the Place, clear of building fabric and significant views of heritage value associated with the Place
- will have a scale, footprint and restrained use of detailing and materials minimises visual dominance within the setting of the State Heritage Place
- proposes a location of the garage/outbuilding clear of significant views of heritage value associated with the State Heritage Place. The low scale of the outbuilding will further reduce adverse visual impact
- landscaping framework for the site is complimentary to the era of the dwelling, providing an improved landscape setting for the State Heritage Place
- adaptive reuse of Heritage Places in ways consistent with heritage value which supports their retention and conservation. In this instance, the function facility underpins the ongoing use of the Rymill House and grounds and supports the conservation and maintenance of the historic house
- use also provides opportunity for members of the public to appreciate, interpret and understand the historical place.

The proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code as it proposes a land use and form of development that is generally in accordance with the relevant provisions.

11. **RECOMMENDATION**

It is recommended that the Council Assessment Panel resolve that:

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

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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.**
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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.

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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.
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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.