

CITY OF WEST TORRENS



Confidential Report Items 21.1

of the

COUNCIL MEETING

of the

CITY OF WEST TORRENS

will be held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 2 JULY 2019
at 7.00pm**

Pursuant to Section 83 (5) of the *Local Government Act 1999* the Confidential Item for the Council meeting is delivered to the Council Members upon the basis of my recommendation that the matters to which the Agenda relates be received, considered and discussed by the Council in confidence under Part 3 of the Act.

**Terry Buss PSM
Chief Executive Officer**

City of West Torrens Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

INDEX

21 Confidential..... 1
21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park 1

Released

21 CONFIDENTIAL

21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(b)(i) and (b)(ii) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b)(i) information the disclosure of which - could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.
- (b)(ii) information the disclosure of which - would, on balance, be contrary to the public interest.

RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(b)(i) and (b)(ii) because it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested. In addition, Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to secure the best possible price for the land for the benefit of the Council and its community and consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest.
2. At the completion of the confidential session the meeting be re-opened to the public.

Brief

This report summarises the response to the marketing campaign undertaken by commercial agents CBRE acting for Council for the divestment of Council's Marion Road Depot site at 108-120 Marion Rd, Brooklyn Park, together with providing Council options on the future of the local Heritage Building located on the site.

RECOMMENDATION(S)

It is recommended to Council that:

1. Council note the report from its heritage advisor and maintain an open mind in regard to any potential redevelopment on the site and while Council does not have any firm view on whether the local heritage listed item should be retained or not, it recognises that a potential purchaser of the site is free to submit a development application for assessment independent of the Elected Council for any proposed redevelopment including complete or partial demolition of the local heritage listed item and that Council would not unreasonably oppose or necessarily support such a development application if it is made.
2. The current sales process continue for the short term given there is still interest being expressed by several parties however, the current sale process will conclude on 31 August 2019 if nothing further results from this process that is satisfactory to Council.

3. If Council has not accepted an in-principle offer for the site by 31 August 2019 then the site be withdrawn from sale, Council continue to hold the site and the CEO be authorised to seek a tenant to lease the site under a commercial lease arrangement following which Council can consider re-offering the property for sale in a year or two with a lease in place and with other identified resistance points to the sale having been dealt with.
4. The Administration continue to monitor and deal with identified site contamination issues around groundwater testing and the underground fuel tanks; that absent a contract it take no action to remove the underground fuel tanks and remediate the surrounding soil until after 31 August 2019 at which stage Council will have a better idea as to the potential future use of, and its continued involvement, with the site; and that, in the interim, Council indicate its willingness to consider a contract for sale subject to it removing the underground tanks.

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park, the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(b)(i) and (b)(ii), be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, on the basis that it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested. In addition, Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to secure the best possible price for the land for the benefit of the Council and its community and consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest..
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

Introduction

At its meeting on 19 February 2019, Council was informed of the progress of preparatory works for the divestment of the former Council Works Depot located at 108-120 Marion Road, Brooklyn Park.

Members were advised that commercial agents CBRE were appointed to manage the sale of the property and that certain matters may require consideration on preparing the property for sale:

- Zoning for the site is Commercial (specifically 'Policy Area 2 - District Commercial') although one allotment on Marion Road is zoned Residential;
- A portion of the former West Torrens Council Chambers on Marion Road frontage dates back to 1888 and is subject to a Local Heritage Listing;
- Environmental investigations revealed soil contamination on the site and a potential for groundwater contamination. It was recommended to the Administration that the primary source of the contamination (underground fuel storage tanks) be removed and Council retain liability for groundwater contamination by virtue of the Council's long ownership and use of the land.

The resolutions from the meeting held 19 February 2019 were that Council:

1. Notes the work undertaken by the Administration in preparing the Marion Road Depot site at 108-120 Marion Rd, Brooklyn Park for sale in the 2018/19 financial year.
2. Provides its endorsement of the Expression of Interest documentation to be used by commercial agents CBRE acting for Council for divestment of the property.
3. Delegates authority to the Chief Executive Officer to make amendments of an editorial nature to the Expression of Interest documentation that assist in giving effect to Council's decision to finalise sale of the property.
4. Appoints Mayor Coxon, the Chief Executive Officer and Councillors Vlahos, Pal, Reynolds and Woodward to a Panel to discuss and consider and recommend to Council an appropriate outcome resulting from the Expression of Interest call for divestment of the Marion Road Depot site.

Discussion

Status of Expression of Interest (EOI)

As per the resolution of Council from 19 February 2019, the former works depot site at 108-120 Marion Road, Brooklyn Park was put to the market by commercial sales agents CBRE. An Expression of Interest (EOI) campaign commenced on 27 February and closed on 28 March 2019. A range of marketing materials were deployed, including press advertisements, internet listings and both direct mail-outs and direct approaches by the agent.

The EOI generated moderate interest from a range of both commercial and residential developers. At close of the EOI period there were several interested parties at the table, but no firm offers for Council to consider.

The discussion on price was in the range of \$4.50 mill to \$5.00 mill.

Since the close of the EOI, discussions have continued with interested parties. Two parties had provided indicative prices through the EOI process and subsequently provided the following offers:

- Party 1 - Offer \$3,400,000 (attached)
- Party 2 - Offer \$3,320,000 (attached)(offer subsequently revised to \$3,400,000)

Each of these parties envisages a degree of residential development on the site. One further party had expressed interest during the EOI and is still in discussions with the sales agent however has not provided an indicative price, nor offer at this time.

Following the close of the EOI, an additional (non-residential) party emerged and is presently considering its position. Its late arrival and the need to complete its own due diligence may mitigate against this party if reasonable offer(s) are received in the meantime.

The above detailed information was presented formally and discussed in detail with the Council 'Working Party' appointed to consider this EOI. The 'Working Party' convened twice on the 16th April 2019 and 14th May 2019.

Resistance Points

The sales agent has reported to the Working Party that the principal points of resistance during the EOI process relate to the heritage listing of the former West Torrens Council Chambers and, for the residential developers, uncertainty around development approval matters on account of the current Commercial zoning. Environmental matters also came into play during the EOI period.

Zoning Concerns

Through the EOI process, the identified interested parties (with residential interest on site) cited concerns regarding the assessment of future development applications given the current 'Commercial' zoning of the site. It is not possible for the Administration to provide a clear indication of how a development application will be assessed until the detail of such application is known – which is not the case at present. Residential development is not 'seriously at variance' with the zoning and while residential development is not envisaged under Commercial zoning, it is also not expressly discouraged. The situation is further complicated by the site's location beneath the flightpath for Adelaide Airport (and, specifically, within the Australian Noise Exposure Forecast 35 zone, which is at the threshold of permissible noise levels for residential development).

The sales agent has advised the Working Party that the prospect of an offer being subject to approval for residential development remains a real possibility.

Environmental Matters

As Elected Members have been previously advised, early site contamination investigations were undertaken by AECOM in late 2018 and subsequent specialist legal advice was sought. Following this action, the agreed approach to environmental matters during the sale process was to:

- deal with soil contamination by removing the underground fuel tanks and other elements of identified contamination at Council's cost; and
- accept any liability associated with groundwater contamination (for non-residential uses only), on the basis that Council was likely the polluter (as it has owned and used most of the site for over 100 years) and that, in the event there is groundwater contamination (which is not currently known), it could only be managed rather than remediated, particularly after the fuel tanks had been removed as a possible source.

As a result of the investigations, a unilateral 'Section 83' notification was made to the Environment Protection Authority (EPA) by AECOM that there was potential for contamination (leading to public health risks) on the site. This has resulted in the site being entered on a public register as "potentially affected". Council is therefore required to manage environmental matters in a way that satisfies and does not attract undue attention from the EPA.

Groundwater testing is now being conducted in the road reserves to the west and east of the site to improve Council's understanding of the situation in local aquifers. Investigations into the best and most cost-efficient way of removing the underground tanks and dealing with any contaminated soil are also ongoing. Removal of these tanks, as originally envisaged, may prove to be the best means of addressing the EPA's concerns and, in light of the notification, may even be required by the EPA.

The current estimate for the removal of the underground fuel tanks is in excess of \$300,000 and the Administration is of the opinion that the price received for the site will be significantly reduced should the removal of tanks not proceed, if indeed the EPA will allow this.

Heritage Matter

The former City of West Torrens Council Chambers constructed in approximately 1888, which holds Local Heritage significance (and is listed as a Local Heritage Place) sits on the centre of the site along the Marion Road frontage.

If the building is to remain largely 'as is', it will likely constrain the redevelopment of the land for most parties by not allowing a free hand in how a design solution can be achieved for certain uses – with flow-on effects on both the visibility of future development and access arrangements. It also mitigates against the future division of the land on the Marion Road frontage (because the heritage building would have to remain in single ownership), meaning that the substantial site area on offer can effectively only really be developed as one parcel (unless it were to be divided along a north-south axis to create one parcel fronting Marion Road and one parcel fronting Edwin Street at the rear).

The Working Party has been advised by the sales agent that the prospect of an offer being subject to approval for demolition of the heritage building remains a real possibility.

In response, a Heritage Consultant was commissioned to undertake investigations into the listing of the Local Heritage Place on the site of the former Works Depot, and to provide options to Council in order for an informed decision (on retention, removal or demolition) to be made moving forward.

The Consultant's Assessment report is attached for Elected Members' information. The area of Primary Heritage Value (Primary Significance) is limited to the original two front rooms and chimney of the 1888 Chambers, which are incorporated under the original hipped roof line and face Marion Road. There is also an original rear lean-to portion, however as this has been modified, it is considered of secondary significance by the Heritage Consultant. An associate office addition exists to the west and is of little or no significance.

The former Ambulance Station at the southern end of the building dates from 1949 and is considered of Secondary Significance.

The *City of West Torrens Development Plan* description of the Former West Torrens Council Chambers refers to the earliest sections of the building in the Local Heritage Listing, which is consistent with the area of Primary Significance identified in the attached report from the Heritage Consultant. The Development Plan excludes later additions and extensions:

Former West Torrens Council Chambers; Extent of earliest sections of building including rendered mouldings to window and door openings and parapeted frontages to Marion Road, and masonry sections of buildings behind including early chimneys, walls and other original elements. Later additions and extensions do not form part of the listing.

The Development Act Section 23(4) Criteria fulfilled by the building are points a, c and d:

- a) it displays historical, economic and social themes that are of importance to the local area, indicating growth of Local Government in West Torrens;
- c) it has played an important part in the lives of local residents as the focus of local government from the 1880's to the 1930's;
- d) it displays aesthetic merit and design characteristics of significance to the local area as it is a small but significant example of the work of architects Wright, Reid and Beaver (also architects for Parliament House).

The Heritage Consultant has provided five options for consideration by Council in order for Elected Members to make an informed decision on retaining the local heritage listing (wholly or in some other form) or on its removal which, in turn, would open the way for its demolition.

The options, which focus on outcomes that could eventuate, are:

- Option 1: No demolition (do nothing)
- Option 2: Demolition of portions of Little of No Significance
- Option 3: Demolition of portions of Little or No Significance and the former Ambulance Headquarters (1949 addition to the southern end).
- Option 4: Demolition of portions of Secondary Significance and Little of No Significance
- Option 5: Demolition of all buildings on site

The Heritage Consultant considers Options 3 and 4 as actions that would satisfy a heritage outcome and maximise the area for development (refer to pages 17-19 of the Heritage Consultant report for a Benefits and Risks table of each option).

On the basis of the Heritage Consultant's report, both of these options could be achieved under the current heritage listing.

If Council or a future owner sought to undertake alterations or demolition works to the areas of Primary Heritage Value of the Former West Torrens Council Chambers, as described by the Heritage Consultant, there are two processes that may be considered to gain approval under the Development Act 1993:

1. **Undertake a Development Plan Amendment (DPA) to amend/remove the local heritage listing in the West Torrens Development Plan.** This process would be required to be informed by a suitable report from a heritage specialist assessing the existing listing against the local heritage places criteria set out in the Development Act 1993, supporting the amendment or removal of the listing. From its recent report, it is not clear that Council's current Heritage Consultant would support such a change.

The DPA process would require both Council and the Minister for Planning's approval to initiate the DPA and also finally approve the DPA. The DPA process also involves a statutory public consultation period of four to eight weeks. It is understood that the Minister for Planning is currently only considering heritage Development Plan Amendments that facilitate the transition of existing contributory items to the Planning and Design Code in the new Planning System. Therefore, for a number of reasons this may not be an option in practice.

2. **Seek Development Approval to undertake building works and complete or partial demolition to the local heritage listing.** This process would involve submitting a development application for the proposed works including complete or partial demolition of the local heritage listing. The Council would likely be the relevant authority for the assessment of this application. Alternatively, if the application is for development valued more than \$5 million (such as the redevelopment of the entire site and partial demolition), the applicant could seek the State Commission Assessment Panel (SCAP) to be the relevant authority to assess the application.

Further the Minister for Planning may declare the SCAP to be the relevant authority to assess the application if in the Minister's opinion the council has demonstrated a potential conflict of interest in the assessment of the development because of a publicly stated position on the particular development (pursuant to Section 34 (1) (b)(vi)(A) of the Development Act 1993).

Council's public position of seeking to sell the land may also be a potential conflict of interest, however this would be for the Minister to determine.

The heritage provisions in the Development Plan seek the conservation of local heritage places and do not support the demolition of local heritage, except in two specific circumstances, being that:

- the portion of the place to be demolished, destroyed or removed is excluded from the extent of the places identified in the listing, which is not currently the case for the primary heritage elements; or
- the structural condition of the place is seriously unsound and cannot reasonably be rehabilitated.

The Administration can report that the structural condition (albeit without a detailed assessment) of the Local Heritage Place is considered sound.

As identified in the attached report, the local heritage listing for the Former West Torrens Council Chambers clearly distinguishes which parts of the building form the primary part of the listing and which parts do not. This would be considered as part of any assessment of a potential application for partial demolition.

The Development Plan seeks development of local heritage places or new development to be compatible with the heritage value of the place. This means that any future development of the local heritage place or within its curtilage would be assessed against the provisions of the Development Plan on this topic. This is important considering the proposed future uses indicated by potential purchasers.

This report cannot pre-empt the outcome of any assessment of a potential development application for building works to the Former West Torrens Council Chambers, however it provides some information on the potential assessment pathways and the type of work that might be acceptable on the local heritage place.

Working Party Actions

At a Marion Road Working Party meeting on 14 May 2019, the following actions were agreed:

1. The Administration was to seek heritage advice on the local heritage item in terms of:
 - a. Exactly how much of the building is required to be retained as a result of the listing;
 - b. Benefits of retaining or otherwise;
 - c. If retained, options available to do so in some form, built or otherwise;

These matters are addressed above.

2. Agents to advise bidders that Council will determine its position on the local heritage item at the earliest opportunity.

The bidders have been advised that Council will be considering this matter at its meeting on 18 June.

3. Agents to continue to pursue a bid from Budget Direct.

The agents have maintained dialogue with all known prospects.

4. Agents to ask the two (2) bidders their position if Council insists that the local heritage item remains, including whether their price will change and if so by how much, or whether they would walk-away from their bid.

In response to this question, one bidder indicated that its interest would be 'zero' if the entire building has to be retained but has subsequently indicated a willingness to consider working with a reduced heritage footprint. The other simply continues to indicate reticence towards having to retain the building 'as is'. One party has even indicated that it may look to relocate the structure further along on the Marion Road frontage, although the cost would clearly be significant and would presumably have a negative effect on sale price.

As to the possible dollar value diminution in the sale price on account of the heritage listing, no definitive answer has been provided – beyond the party which (as above) indicated that its offer of \$3.4 mill would be withdrawn altogether if the entire heritage item has to remain.

While no definitive answer can be given, it can be stated with reasonable confidence that retention of all or any of the heritage item will probably come at a cost to Council – although the affect will be ameliorated if only the Primary Heritage Areas have to be retained. From this, it can be presumed that value diminution of +/- \$500,000 might be the outcome, depending on the extent of retention and the capacity of the purchaser to successfully integrate the retained building into its future development plans (if indeed it chose to continue with the negotiation in the first place).

Equally clear, sale price would be maximized if total demolition was to be allowed or approved.

5. The Administration to seek in-house advice on the process to remove the local heritage item from Council's Development Plan and/or the process to make application for demolition of the local heritage item.

This advice is included above.

6. The Administration present a report to Council once they have information from the above listed actions seeking Council's position on retaining the local heritage item (wholly or in some other form) or are they open to it being removed or demolished.

This report meets this requirement.

Moving Forward

The appointed CBRE Sales Agent has provided a number of potential sales options on moving forward for Council consideration.

Options include:

- continue to market the property on a general agency basis, with a nominated asking price – noting that, to date, Council has not revealed its hand as regards price;
- withdraw the property from the market for a period, perhaps under the cover of dealing with the resistance points, and then re-offer it in 6 – 12 months; or
- lease the property out for a period – if a tenant for the unusual configuration on offer can be secured (which is unlikely to involve a term of less than 3 years if a commercial arrangement is to be entered into) – and re-offer the property for sale in a year or two, with a lease in place and, possibly, with other resistance points having been dealt with.

The sales agent recommends that the current sale process be allowed to continue for the short-term on account of the fact that there is still interest being expressed by several parties.

In the event that a sale cannot be secured on terms acceptable to Council within the next few months, then the property could continue to be marketed for sale, because there are few clear benefits from either trying to lease out such an unusual site or from delaying the sale for an extended period without there being some clear direction that the market situation will be improved by holding off for a year or so.

Council is also asked to consider the options provided by the Heritage Consultant regarding the Heritage Listing of the former West Torrens Council Chambers and subsequent advice from the Administration regarding the processes that may be considered to gain future development approval under the Development Act 1993.

In addition, the Administration does not believe action is required relating to the Zoning concerns of interested parties, and the process of removing the underground fuel tanks on site should continue in order to minimise the environmental concerns of future purchasers and to deal with the issues raised by the Section 83 notification in a manner that is satisfactory to the EPA.

Conclusion

As per the resolution of Council, the former works depot site at 108-120 Marion Road, Brooklyn Park was put to the market by commercial sales agents CBRE with an Expression of Interest (EOI) campaign commencing on 27 February and closing on 28 March 2019.

At close of the EOI period there were several interested parties at the table with two firm offers for Council to consider and discussions are continuing to take place with interested parties.

A number of principal points of resistance were identified during the EOI process, relating to environmental matters, the heritage listing of the former West Torrens Council Chambers and, uncertainty around development approval matters on account of the current Commercial zoning.

Council is asked to provide direction to the Administration regarding the future marketing of the site as well as action (or not) to be undertaken to address the points of resistance outlined in the report, in particular to its position on the local Heritage Building.

Attachments

- 1. Heritage Assessment of Significance for the Former West Torrens Council Chambers**
- 2. Formal offer to purchase from Accord**
- 3. Formal offer to purchase from Ben Fitzsimons**
- 4. Marion Road drawings**

Released

flightpath

Heritage Assessment of Significance:

Options, Benefits and Risks

For the

Former West Torrens Council Chambers

Marion Road, Brooklyn Park

Prepared for City of West Torrens

June 2019

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Executive Summary

Flightpath Architects were commissioned to undertake sufficient investigations to provide clarity to the extent of listing of the Local Heritage Place contained within the Subject Land, at 112-114 Marion Road, Brooklyn Park.

The City of West Torrens is considering the sale of the former Council Depot located on the Subject Land and is seeking heritage advice in the form of options that relate to the retention, modification or removal of the local heritage item in terms of:

- a. Benefits of retaining or otherwise;
- b. If retained, options available to do so in some form, built or otherwise.

This report or options paper is to be presented to Council along with other inputs from planning, property and assets to provide all options to the (Elected) Members, so Council can make an informed decision (or determine Council's position) on retaining the local heritage item (wholly or in some other form) or it being removed or demolished.

This report:

- Identifies the original fabric and the development sequence of the site;
- Includes diagrams that identify stages of development;
- Confirms the extent of listing and identifies buildings and portions of buildings that may be removed;
- Includes a recommended area for redevelopment;
- Provide comments on the integrity of the extant original fabric;
- Make suggestions on potential conservation works to the extant original fabric.

The report references early aerial photographs and historic streetscape photographs that clearly identify the original portion of the building.

The area of Primary Heritage Value or Primary Significance is limited to the original front two rooms and chimney of the 1888 West Torrens Council Chambers, incorporated under the main hipped roof line and facing Marion Road. The original rear lean-to portion has been modified and is considered to be of secondary significance. It is associated with a more recent office addition to the west, which is of little or no significance.

The former Ambulance Headquarters to the southern end is also considered to be of secondary significance, because this 1949 addition has also been altered and is a later addition that is specifically excluded from the Development Plan listing.

The later addition to the South of the site with parapet frontage to Marion Road is considered to have little to no significance.

The City of West Torrens Development Plan description of the Former West Torrens Council Chambers describes in its Local Heritage listing, the earliest sections of building, consistent with the area of Primary Significance identified in this report. The Development Plan listing excludes later additions and extensions.

Retention of the portion of Primary Heritage Value would ensure that Development Act Section 23(4) Criteria are not diminished especially if associated with conservation works to reconstruct the original main roof.

The following Five Options are considered:

- Option 1: No demolition or do nothing
- Option 2: Demolition of portions of Little or No Significance
- Option 3: Demolition of portions of Little or No Significance and the former Ambulance Headquarters
- Option 4: Demolition of portions of Secondary Significance and Little or No Significance
- Option 5: Demolition of all Buildings on Site

The following options are not recommended:

- Option 1: No demolition or do nothing;
- Option 5: complete removal.

Option 2 is considered a mediocre Option that would retain the current assemblage of additions that will continue confuse the earliest and most significant part of the 1888 Former West Torrens Council Chambers.

Options 3 and 4 are considered to strike the best balance of:

- Satisfying a heritage outcome;
- Maximising the area for development.

Recommendation:

- this report be received and considered;
- that Guideline sketches be prepared to more fully demonstrate the benefits of Options 3 or 4.

Contents

- 1
- Executive Summary..... 2
- Contents 4
- List of Figures..... 5
- Introduction..... 6
- Objectives of Report..... 6
 - 1. Description of Site 6
 - 2. Existing Heritage Listing 6
- Historical Outline 8
 - 3. History and Description 8
 - 4. Chronology of Development 8
 - 5. Historic photographs 8
- Existing Complex 10
 - 6. Summary of Alterations 10
- Heritage Value..... 12
 - 7. Heritage Value..... 12
 - 8. Grading of Heritage Value 13
 - 9. Suggested Curtilage..... 13
 - 10. Integrity of Fabric and Conservation Actions 14
 - 11. Development Plan provisions 15
- Options and Benefits..... 17
- Conclusion 20
- Appendix 1:..... 21

Released

List of Figures

Figure 1: Location Plan 7

Figure 2: Site Plan..... 7

Figure 3: Photograph of Original Council Chambers Façade to Marion Road
1930 9

Figure 4: Photograph of c.1951 addition to Council Chambers Façade to
Marion Road (with indicative original roof line)..... 9

Figure 5: Current Photograph of Former Council Chambers Façade and
Additions to Marion Road (with indicative original porch) 9

Figure 6: Diagram identifying Original 1888 and Early fabric (as per 1935 aerial
photograph, Appendix 1)..... 10

Figure 7: Diagram identifying development between 1935-1949 (as per 1949
aerial photograph, Appendix 1)..... 11

Figure 8 Diagram identifying development between 1949-1959 (as per 1959
aerial photograph, Appendix 1)..... 11

Figure 9: Delineation of Significant Fabric 12

Figure 10 Diagram indicating Curtilage and Area for Development 14

Released

Introduction

Objectives of Report

This report identifies the extent of a Local Heritage Place contained within the Subject Land, 112-114 Marion Road, Brooklyn Park (Figure 1) and owned by City of West Torrens. The Subject Land is the former Council Depot, is currently vacant and for sale.

The following tasks have been undertaken in order to develop an understanding sufficient to identify the extent of the Local Heritage Place:

- Identify the original fabric and the development sequence of the site;
- Preparation of diagrams that identify stages of development;
- Confirm the extent of listing;
- Provide comments on the integrity of the extant original fabric;
- Considers Development Plan Provisions
- Make suggestions on potential conservation works to the extant original fabric.

Having established a position on Heritage Value this report assesses:

- a. Benefits of retaining and the potential risks in complete site clearance;
- b. If retained, options available to do so in some form, built or otherwise.

This report provides comparative options for consideration by Council so Council can make an informed decision (or determine Council's position) on retaining the local heritage item (wholly or in some other form) or are they open to it being removed or demolished.

1. Description of Site

The Subject Land comprises a series of buildings that have frontage to Marion Road that were until recently the City of West Torrens Council Depot. There are buildings of various eras, styles and functional purpose throughout the site. There are also carparking and vehicle movement areas.

2. Existing Heritage Listing

The Subject Land contains a Local Heritage Place described in the City of West Torrens Table WeTo/4 as:

Former West Torrens Council Chambers; Extent of earliest sections of building including rendered mouldings to window and door openings and parapeted frontages to Marion Road, and masonry sections of buildings behind including early chimneys, walls and other original elements. Later additions and extensions do not form part of the listing.

The Development Act Section 23(4) Criteria fulfilled are: a,c,d, which are

(a) it displays historical, economic and social themes that are of importance to the local area, indicating the growth of Local Government in West Torrens.

(c) it has played an important part in the lives of local residents as the focus of local government from the 1880s to the 1930's.

(d) it displays aesthetic merit and design characteristics of significance to the local area as it is a small but significant example of the work of architects Wright, Reid and Beaver

(also architects for Parliament House).



Figure 1: Location Plan
Source: Flightpath Architects, 2019



Figure 2: Site Plan
Source: Flightpath Architects, 2019

Historical Outline

3. History and Description

The District Council of West Torrens was proclaimed in 1853. The former Council Chambers were designed by Wright, Reid and Beaver in 1885 and then erected in 1888. These Council Chambers were used until new Council buildings were constructed at the City of West Torrens Civic Centre in 1935.

Alterations to the original and former Council Chambers were made to accommodate the Ambulance Headquarters which occupied the site from around 1951. The site has since been used as a museum and works depot, and is currently vacant.

The 1998 Heritage Survey observed the building has been altered significantly over time. Originally an elegant symmetrical design, the initial width of frontage being seen by the position of its chimney and the later section added to the south.

4. Chronology of Development

The development of the main former Council Chambers building is summarised in the following chronology. The works are indicated graphically on the sequence of development diagrams included in chapter 3.

- 1888 Constructed and opened as West Torrens Council Chambers
- c. 1951 Opened as Ambulance Headquarters West Torrens Div.
- c.1951 Additions/Alterations to Former Council Chambers (Brick rendered, Façade + Roof Form Extended, Fence Removed) Second Façade to Marion Road Constructed (South)
- c.1960s Change of use to City of West Torrens Works Depot
- c.1960s Removal of original porch to Former Council Chambers

5. Historic photographs

The following historic photographs of the Former West Torrens Council Chambers have identified the following:

- Figure 3: The 1930 photograph shows a symmetrical frontage to Marion Road on the most northern portion of the existing building, which incorporates an elevated, rendered arched front portico and a gambrel roof behind a parapet, rendered quoins to arched windows and face brick walls;
- Figure 4: The 1951 photograph shows the Ambulance Station addition to the south side and the extension of the main roof line. This also indicates the rendering over of the face brickwork and the original chimney less prominent due to the new roof line. In this photograph the;
- Figure 5: The current photograph indicates the removed front portico and the rendered façade. Also the former wide garage door to the former Ambulance Headquarters have been replaced by matching arched windows.



Figure 3: Photograph of Original Council Chambers Façade to Marion Road 1930
Source: City of West Torrens council records

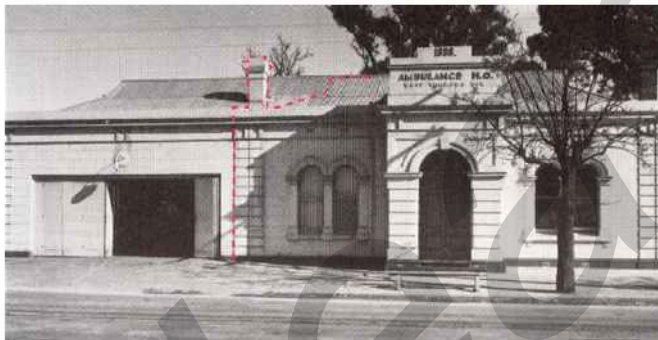


Figure 4: Photograph of c.1951 addition to Council Chambers Façade to Marion Road (with indicative original roof line)
Source: City of West Torrens council records, Flightpath Architects, 2019



Figure 5: Current Photograph of Former Council Chambers Façade and Additions to Marion Road (with indicative original porch)
Source: City of West Torrens council records

Existing Complex

6. Summary of Alterations

The following aerial photographs identify distinct stages of development and the portion of the site that matches the description of the Local Heritage Place.

Figure 6 below clearly shows the former West Torrens Council chambers in 1935. The building was originally constructed with a symmetrical frontage and projecting portico towards Marion Road.



Figure 6: Diagram identifying Original 1888 and Early fabric (as per 1935 aerial photograph, *Appendix 1*)

Source: Flightpath Architects, 2019

Figure 7 overleaf indicates the former West Torrens Council Chambers in the 1940's prior to the addition to the south, as shown in Figure 8.



Figure 7: Diagram identifying development between 1935-1949 (as per 1949 aerial photograph, *Appendix 1*)

Source: Flightpath Architects, 2019



Figure 8: Diagram identifying development between 1949-1959 (as per 1959 aerial photograph, *Appendix 1*)

Source: Flightpath Architects, 2019

Heritage Value

7. Heritage Value

This Heritage Survey (1998), Ref. BP04, includes the following statement:

“The former Council Chambers is an important physical indication of the growth of the role of local government in the West Torrens district and it is an elegant example of a small purpose-built Council Chambers in the 1880s.”

The area in blue in Figure 9 below designates the area of Primary Significance, considered to best represent the most integral portion of the former West Torrens Council Chambers. The diagram includes a Grading of Heritage Value, described in Section 1.9.



8. Grading of Heritage Value

Figure 9 above diagrammatically represents the recommended grading of Heritage Value and the corresponding conservation policy:

- Primary Significance should be retained (Dark blue);
- Secondary Significance may be retained or removed (Light Blue);
- Little or No Significance can be removed (Light brown or unshaded).

Primary Heritage Value or Primary Significance is considered to be limited to the original front two rooms and chimney of the 1888 West Torrens Council Chambers, incorporated under the main hipped roof line.

The original rear lean-to portion has been modified and is considered to be of secondary significance. It is associated with a more recent office addition to the west, which is of little or no significance. Ideally the original lean-to portion could be retained but it is not considered fundamental to the listing.

The former Ambulance Headquarters to the southern end is also considered to be of secondary significance and somewhat confuses the listing, due to the matching style adopted, which in itself is not original.

The later addition to the South of the site with parapet frontage to Marion Road is considered to have little to no significance, being of later construction.

The City of West Torrens Development Plan description of the Former West Torrens Council Chambers which identifies the earliest sections of building is also considered to include the area of Primary Significance in dark blue above.

The Development Plan listing excludes later additions and extensions which are considered to be the light blue, light brown and unshaded areas.

Retention of the dark blue portion would ensure that Development Act Section 23(4) Criteria are not diminished especially if associated with conservation works to reconstruct the original main roof.

In this way the remaining portion of the building would continue to demonstrate the historical, economic and social themes that are of importance to the local area, indicating the growth of Local Government in West Torrens (Criterion a) and the part the original building has played in the lives of local residents (Criterion c) as the focus of local government from the 1880s to the 1930's. Also the portion retained and restored would continue to display aesthetic merit and design characteristics of significance to the local area (Criterion d).

9. Suggested Curtilage

Figure 10 overleaf indicates the recommended retained portion of the former West Torrens Council Chambers and the redevelopment of the remainder of the Subject Land. This is Option 4 of the five options to be considered.

The diagram indicates:

- the Heritage Value to be best preserved by conservation actions to reconstruct the altered portions of the original building (Dark Blue);
- an approximate 5m curtilage to the original 1888 fabric (red hatch);
- the opportunity for redevelopment of the site (green).



Figure 10 Diagram indicating Curtilage and Area for Development
Source: Flightpath Architects, 2019

10. Integrity of Fabric and Conservation Actions

The façade to the original portion has undergone change that includes:

- Rendering over original face brickwork;
- Removal of the front rendered portico and parapet;
- Alterations to the original roof line;
- Concrete slab to the Ambulance building and plastering and painting of original external walls (south and west).

While the removal of the portico has reduced the integrity of the original building, the removal is not considered to significantly diminish the Heritage Value of the original symmetrical portion. Removal of the Ambulance Headquarters addition and the reconstruction of the original main roof line would sufficiently recover the original Council Chambers.

The following actions assume the removal of areas of Secondary Significance and Little or No significance and are recommended to best conserve and enhance the Heritage Value of the retained original portion of the Former West Torrens Council Chambers:

- Reconstruct and re-sheet the original roof line;
- Remove concrete slab adjacent to and return original external walls (south and west) to brickwork.

The following actions are ideal but may be cost prohibitive and impractical due to road widening:

- Removal or rendering over original face brickwork;
- Reconstruction of the front rendered portico and parapet.

11. Development Plan provisions

Activities such as demolition and reconstruction of original elements are considered to be Development requiring approval under the Development Act.

The following Heritage Places provisions are considered of relevance and would form part of the assessment:

OBJECTIVES	COMMENT
1 The conservation of State and local heritage places.	Satisfied through the retention of the original main front portion of the Former Council Chambers and undertaking works to conserve the building, particularly the reconstruction of the original roof line.
2 The continued use, or adaptive reuse of State and local heritage places that supports the conservation of their cultural significance.	Satisfied through the retention of the original main front portion of the Former Council Chambers and incorporating uses such as meeting rooms, offices, training areas or the like.
3 Conservation of the setting of State and local heritage places.	Satisfied through the including a Curtilage to the original building.
PRINCIPLES OF DEVELOPMENT CONTROL	
<p>1 A heritage place shown on Overlay Maps - Heritage and more specifically identified in Table WeTo/4 - Local Heritage Places should not be demolished, destroyed or removed, in total or in part, unless any of the following apply:</p> <p>(a) that portion of the place to be demolished, destroyed or removed is excluded from the extent of the places identified in the Table(s)</p> <p>(c) in the case of a local heritage place, the structural condition of the place is seriously unsound and cannot reasonably be rehabilitated.</p>	<p>Satisfied because the portion of the place to be removed is not considered to be fundamental to the Heritage Value.</p> <p>Ideally the original lean-to portion could be retained, but this is considered of Secondary Significance and not fundamental to maintaining the listing.</p> <p>The structural condition of the Local Heritage Place is considered sound and therefore PDC 1(c) is not of relevance.</p>
2 Development of a local heritage place should retain those elements contributing to its heritage value, which may include (but not be limited to):	<p>Retention of the front two main rooms, main roof and chimney will ensure that principal elevations, albeit without the portico, will be retained and that important vistas and views to and from the place will be preserved.</p> <p>The adoption of a curtilage will also ensure respectful set-backs and adjacent</p>

(a) principal elevations (b) important vistas and views to and from the place (c) setting and setbacks	development to consider the Local Heritage Place.
3 Development of a local heritage place should be compatible with the heritage value of the place.	It is considered the removal of the areas of Secondary Significance and Little or No Significance will retain, conserve and enhance the original portion and not diminish Heritage Value.
9 The division of land adjacent to or containing a State or local heritage place should occur only where it will: (e) enable the local heritage place to have a curtilage of a size sufficient to protect its setting.	The curtilage will satisfy PDC 9(e) should it be decided to undertake a Land Division to retain in public ownership, the Former West Torrens Council Chambers.

Options and Benefits

The following Options are considered:

Option 1: No demolition

Option 2: Demolition of portions of Little or No Significance

Option 3: Demolition of portions of Little or No Significance and the former Ambulance Headquarters

Option 4: Demolition of portions of Secondary Significance and Little or No Significance

Option 5: Demolition of all Buildings on Site

-
- The following table assesses the Benefits and Risks of each option:

Option	Description	Benefits	Risk
1	No demolition	Heritage listed buildings retained	Heritage listing remains confused by later additions; Redevelopment opportunities very limited to establishing mixed uses to suit existing buildings Market opportunities limited; no sale; buildings remain vacant
2	Demolition of portions of Little or No Significance	Heritage listed buildings retained Redevelopment opportunities and area less limited	Heritage listing remains confused by later additions; ie the Former Council Chambers cannot be distinguished from Ambulance Headquarters addition Conservation works may not be as successful as beneficial Options 3 and 4 Loss of some floor space and toilets may require new amenities
3	Demolition of portions of Little or No Significance and the former Ambulance Headquarters	The entire original Former West Torrens Council Chambers including the original lean-to rooms to remain: This is the preferred Development Plan outcome	A use for the entire original Former West Torrens Council Chambers including the original lean-to rooms would need to be found Loss of some floor space and toilets may require new amenities

		Redevelopment opportunities less limited and area for redevelopment increased	Need to explain to community the portion being demolished is excluded from the listing
4	Demolition of portions of Secondary Significance and Little or No Significance	<p>The important front portion of two rooms of the original Former West Torrens Council Chambers under the main roof to remain:</p> <p>This is considered to satisfy the Development Plan and achieve a balanced outcome</p> <p>A use for the smaller retained portion of the original Former West Torrens Council Chambers may be easier to identify, noting that toilet areas may be required</p> <p>Redevelopment area increased and Heritage Value retained</p> <p>Positive community response for saving West Torrens heritage</p>	<p>Cost of reconstruction of original roof and other identified conservation works</p> <p>Loss of some floor space and toilets</p> <p>Need to explain to community the portion being demolished is excluded from the listing</p>
5	Demolition of all Buildings on Site	Maximum redevelopment area	<p>Adverse community response for allowing West Torrens heritage to be removed</p> <p>Highly unlikely to receive Development Plan consent.</p> <p>Council's Heritage Advisor would recommend application be refused</p> <p>High risk of Council refusing application to demolish</p>

Based on the above it is considered:

- Option 1 is not desirable from a Commercial perspective because the site is encumbered by many buildings that no longer have a relevant use;

- Option 5 is a high risk Option in that while the redevelopment area will be maximised, the proposal to demolish the entire Local Heritage Place is unlikely to receive Development Approval;
- Option 2 retains the current assemblage of later additions, which confuses the Heritage listing and places area and access limitations on the redevelopment opportunities;
- Option 3 will recover the entire original Former West Torrens Council Chambers including the original lean-to portion by removing the former Ambulance Headquarters; this is the best heritage outcome in terms of the Development Plan description of the 1888 portion;
- Option 4 retains the most significant portion of the original Former West Torrens Council Chambers under the main roof, retaining the prominence to Marion Road. A contemporary addition to the building would be possible. Conservation works would return the front two rooms under the main roof to its original symmetrical form.

Conclusion

This report:

- Identifies the original fabric and the development sequence of the site;
- Includes diagrams that identify stages of development;
- Confirms the extent of listing and identifies buildings and portions of buildings that may be removed;
- Includes a recommended area for redevelopment;
- Provide comments on the integrity of the extant original fabric;
- Make suggestions on potential conservation works to the extant original fabric.

The report incorporates aerial photographs and streetscape photographs that clearly identify the original portion of the building.

The area of Primary Heritage Value or Primary Significance is limited to the original front two rooms and chimney of the 1888 West Torrens Council Chambers, incorporated under the main hipped roof line and facing Marion Road.

The original rear lean-to portion has been modified and is considered to be of secondary significance. It is associated with a more recent office addition to the west, which is of little or no significance.

The former Ambulance Headquarters to the southern end is also considered to be of secondary significance, because this 1949 addition has also been altered.

The later addition to the South of the site with parapet frontage to Marion Road is considered to have little to no significance.

The City of West Torrens Development Plan description of the Former West Torrens Council Chambers which identifies the earliest sections of building is considered to be consistent with the area of Primary Significance.

The Development Plan listing excludes later additions and extensions.

Five Options have been considered.

The following options are **not recommended**:

- **Option 1:** do nothing;
- **Option 5:** complete removal.

Option 2 is considered a **mediocre** Option that would retain the current assemblage of additions that confuse the earliest and most significant part of the Heritage Place and limit redevelopment opportunities.

Options 3 and 4 are considered to strike the **best balance** of:

- Satisfying a heritage outcome;
- Maximising the area for development.

It is recommended that Sketches be prepared to more fully demonstrate the benefits of Options 3 or 4.

Appendix 1:

Aerial photographs of subject site and surrounding context showing sequential development:



City of West Torrens Disclaimer: The City of West Torrens accepts no liability for any reliance placed on the validity and accuracy of data in this publication. While care and effort has been taken in the presentation of this data it is only to be used for demonstration purposes. **NORTH**

Aerial photograph, 1935
Source: City of West Torrens, 2018



City of West Torrens Disclaimer: The City of West Torrens accepts no liability for any reliance placed on the validity and accuracy of data in this publication. While care and effort has been taken in the presentation of this data it is only to be used for demonstration purposes. **NORTH**

Aerial photograph, 1949
Source: City of West Torrens, 2018



Aerial photograph, 1959
Source: City of West Torrens, 2018



Aerial photograph, 1969
Source: City of West Torrens, 2018

Released



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Adelaide SA 5000

5 May 2019

Harry Einarson
Associate Director
Level 5, 151 Pirie Street
Adelaide SA 5000

Dear Harry,

RE: Purchase Proposal – 102 & 120 Marion Road, Brooklyn Park

As discussed, we have provided headline terms for the purchase of the abovementioned property.

- **Purchase:**
\$3,400,000 + GST (if applicable)
Based on a total site area of 8,306sqm.
- **Subject to a 6-month period to (Special Conditions):**
 - Obtain satisfactory Planning Approval;
 - Obtain a satisfactory Agreement to Lease;
 - Conduct Environmental Investigations for suitable Land Use;
 - Subject to the option to extend by an additional 3-month period if the above Special Conditions are not satisfied in this timeframe.
- **Other:**
Subject to vacant possession, clear and level site with all necessary remediation (front portion commercial use and rear portion residential use), all necessary services and infrastructure being supplied to the site and clear title.
- **Refundable Deposit payable after 30 days:**
\$35,000
- **Settlement:**
30 days after satisfaction of the Special Conditions.

Please note that this does not form a binding offer. We are happy to meet to discuss the next steps.

Look forward to hearing from you.

Kind Regards,

Sam Morris
Director

Adelaide Nominees Pty Ltd (ACN 620 377 077).

Offer to purchase 108-120 Marion Rd Brooklyn Park

Offer is made to purchase the property known as 108 -120 Marion Road Brooklyn Park.

Conditions are:

- 1) Settlement to take place 90 days after issuance of clearance certificates from the EPA that the site is suitable for commercial development
- 2) Deposit of \$20,000 paid 7 days after the issuance of certificate referenced in point 1
- 3) Development approval and demolition approval gained that will necessitate the removal of the local heritage buildings on site
- 4) Separate contracts for each title are preferred. Separate contracts will be settled contemporaneously.

Offer is \$3,320,000 for the property plus GST if applicable.

Purchasing entity will be provided upon acceptance of the offer



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3/5/19.

