



Port Augusta
CITY COUNCIL



Port Pirie
Regional Council



UNEARTH
WHYALLA

AGENDA

UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

**Tuesday 28 March 2023, Council Chamber,
Whyalla City Council, Darling Terrace,
Whyalla, commencing at 5pm.**



AGENDA

UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

Notice is hereby given that a meeting of the Upper Spencer Gulf Regional Assessment Panel will be held on Tuesday 28 March 2023, Whyalla Council Chamber, Whyalla City Council, Darling Terrace, Whyalla, commencing at 5pm.

Jodie Perone
ASSESSMENT MANAGER
23 March 2023

1. **Welcome – Stewart Payne, Presiding Member**

2. **Present**

3. **Apologies**

4. **Confirmation of Minutes**

That the minutes of meeting held on 14 March 2023 be received and adopted.

5. **Business Arising from the Previous Minutes**

6. **Conflict of Interest Declarations**

7. **Hearing of Representations – Planning, Development and Infrastructure Act applications**

Refer Item 8.1 – no representation.

8. **Officer Reports**

8.1 Development application 22040761 – Partial demolition and carpark, 1-3 Forsyth Street, Whyalla

DEVELOPMENT NO.:	22040761
APPLICANT:	EDP Hotels
ADDRESS:	1-3 Forsyth St Whyalla Sa 5600
NATURE OF DEVELOPMENT:	Partial demolition and new carpark
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Township Main Street <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Flooding - Evidence Required) • Native Vegetation • State Heritage Place
LODGEMENT DATE:	9 Dec 2022
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Upper Spencer Gulf Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	2022.23
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Lucas Trevisan Planning Officer
REFERRALS STATUTORY:	Minister responsible for the administration of the Heritage Places Act 1993
REFERRALS NON-STATUTORY:	None

ATTACHMENTS:

- ATTACHMENT 1: Certificate of Title**
 - ATTACHMENT 2: Final Plans**
 - ATTACHMENT 3: Heritage Impact Assessment**
 - ATTACHMENT 4: Letter of Planning Support**
 - ATTACHMENT 5: Representation**
 - ATTACHMENT 6: Referral Response**
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DETAILED DESCRIPTION OF PROPOSAL:

The proposed development seeks the demolition of two buildings contained within the site 1-3 Forsyth Street, otherwise known as the Spencer Hotel. The application additionally proposes the formation of seven new, at-grade vehicle parking spaces.

Neither the demolition of the two buildings, nor the construction of new vehicle parking spaces are restricted forms of development within the Township Mainstreet Zone and as such, are to be Code Assessed, Performance Assessed.

BACKGROUND:

The Spencer Hotel site was listed as a State Heritage Place on 3 December 2010. The State Heritage listing occurs over two allotments, CT 5228/854 and CT 5228/855, and was assigned State Heritage Number 26028 and ID 26319.

SUBJECT LAND & LOCALITY:

Subject Site

The subject site is comprised of two allotments with a combined site area of 1971m², Certificate of Title 5228/854 and Certificate of Title 5228/855. The site is in a trapezoid shape with primary street frontage to Forsyth Street (45.9m), secondary frontage to Darling Terrace (40.6m), and tertiary frontage to Balnaves Lane (53.4m).

The Spencer Hotel occupies the subject site and offers standard hotel amenities such as bars, restaurants, gaming areas, and accommodation.

Locality

The locality features a predominantly commercial character with most sites facilitating a shop or office land use.

Image 1 – Aerial view of the site



Image 2 – Primary street frontage



Image 3 – Two-storey hotel for demolition

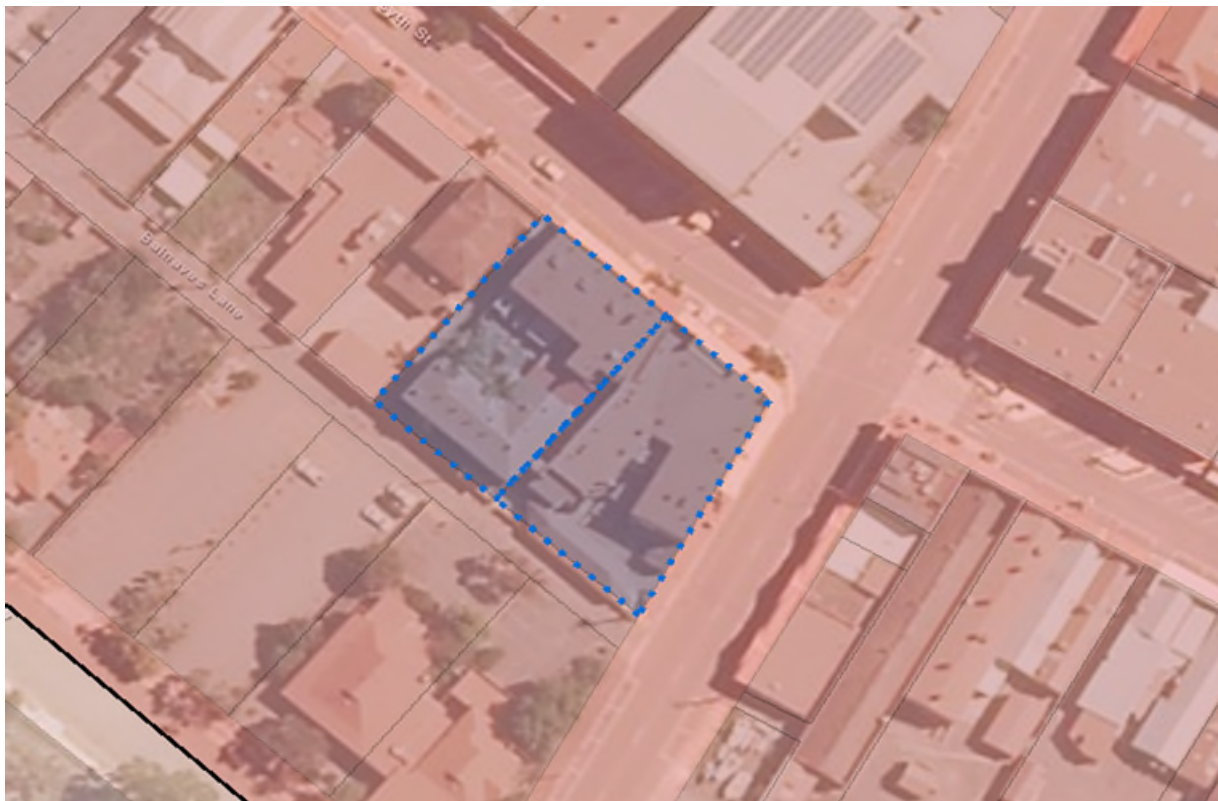


Image 4 – Rear garage for demolition



Zoning

The subject site is located within the Township Mainstreet Zone. The Township Mainstreet Zone encapsulates all adjoining allotments of the subject site.



PROCEDURAL MATTERS:

Relevant Authority

The Upper Spencer Gulf Regional Assessment Panel is the relevant authority for this planning application under the *Planning, Development and Infrastructure Act 2016*. This is due to the application being declared as a development of major significance to the Council area by the Assessment Manager.

It should be noted that a single representation was received during the public notification process, however, this was in support of the development.

Consent required

Planning Consent

Category of development

- **Per Element:**
Demolition: Code Assessed - Performance Assessed
Partial demolition of a building or structure: Code Assessed - Performance Assessed
Car Parking: Code Assessed - Performance Assessed
- **Overall Application Category:**
Performance Assessed
- **Reason**
P&D Code; Pursuant to Section 107 of the PDI Act 2016.

PUBLIC NOTIFICATION:

Reason for notification

The notification criteria found within table 5 of the Suburban Neighbourhood Zone excludes the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

For the purposes of this application, the demolition requires notification as it fell within the corresponding Column B, being a State Heritage Place. While the 7 vehicle parking spaces do not require notification (having met item 1 exclusion in Column A), as it was a Performance Assessed element, the notification of the demolition has additionally meant the vehicle parking spaces would be subject to notification.

Representations

1 representation was received during the notification period.

Support with no concerns

No. of representation	Name	Address	Matters raised	Requests to be heard
1	Deidre McAlinden	57 Hincks, Whyalla Norrie	<ul style="list-style-type: none">• "Great development for the town of Whyalla"	No

Complete representation can be found within the attachments.

Applicant’s response:

Applicant has acknowledged the received representation. Representation did not prompt a further response.

REFERRALS:

Agency Referrals

As the development proposes the demolition and partial demolition of a State Heritage Place, referral was made to the Minister for the Administration of the *Heritage Places Act 1993* in accordance with the Planning and Design Code.

The Minister has responded that they have no objections to the proposal with comments. Two conditions are required to be placed on the consent should approval be granted. They are included as part of the recommendation. In addition, three advisory notes have been recommended, also forming part of the below recommendation.

Internal Referrals

Internal referrals not required.

PLANNING ASSESSMENT:

The application has been assessed against the relevant provisions of the Planning & Design Code.

Overlays

Overlay	Desired Outcome	Performance Outcomes	Assessment
Hazards (Flooding – Evidence Required)	DO 1 Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.	N/A	Not applicable. Development proposes no new structures which may introduce contaminants, or which require assessing against potential flood risk.
Native Vegetation	DO 1 Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.	N/A	The applicant has signed a declaration stating that no native vegetation is to be removed.

State Heritage Place	DO 1 Development maintains the heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse consistent with Statements of Significance and other relevant documents prepared and published by the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Heritage Places Act 1993.	DO 1 PO 1.7 PO 3.1 PO 6.1	The Minister for Climate, Environment and Water have provided support for this development. Performance Outcomes of the State Heritage Place Overlay are discussed further under the 'Planning Assessment' heading, below.
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The development achieves the Performance Outcomes of the applicable overlays.

7 Vehicle Parking Spaces

Applicable Performance Outcomes and Designated Performance Features relating to the vehicle parking spaces extracted from the Township Main Street Zone and General Development Policies are as follows:

Zone – PO 4.1

Development minimises the need for vehicle crossovers on the main street to reduce conflicts with pedestrians and avoid disruption to the continuity of built form.

Zone – PO 4.2

Vehicle parking is located behind buildings away from the primary main street frontage and designed to minimise impacts on residential amenity.

Zone – DPF 4.2

Vehicle parking areas are located behind the building line of the associated building.

Transport, Access and Parking – PO 3.1

Safe and convenient access minimises impact or interruption on the operation of public roads.

Vehicle parking spaces forming part of this application are proposed to be constructed within the demolished footprint of the rear single storey shed.

The siting of the parking spaces to the rear of the Spencer building minimises the need for additional vehicle crossovers as all vehicle movements will be contained to the existing Balnaves Lane.

The parking spaces will be formed of seven 60° angled bays. Bays will be 5.4m deep, by 2.4m wide, complying with Australian standards, AS/NZS 2890.1:2004.

Balnaves lane is a single direction laneway with a signed road speed of 40 km\h and a road reserve width of 6.2m.

The proposed 60° angled parking bays are appropriately sited abutting Balnaves Lane as the angle provides full view of oncoming traffic when egressing.

The application meets the applicable policies of the Planning and Design Code.

Demolition of Buildings

Applicable Desired Outcomes and Performance Outcomes relating to the demolition of a State Heritage Place extracted from the Overlay are as follows:

State Heritage Place – DO 1

Development maintains the heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse consistent with Statements of Significance and other relevant documents prepared and published by the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Heritage Places Act 1993.

State Heritage Place – PO 1.7

Development of a State Heritage Place retains elements contributing to its heritage value.

State Heritage Place – PO 3.1

Ancillary development, including carports, outbuildings and garages, compliment the heritage values of the State Heritage Place.

State Heritage Place – PO 6.1

State Heritage Places are not demolished, destroyed or removed in total or in part unless either of the following apply:

- a) the portion of the State Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value*
or
- b) the structural condition of the State Heritage Place represents an unacceptable risk to public or private safety and results from actions and unforeseen events beyond the control of the owner and is irredeemably beyond repair.*

The proposed demolition of the two storey hotel rooms and the single storey shed will not impact the Heritage and cultural values of the Heritage place as the primary item of the Heritage listing is the originally constructed Spencer building.

The proposed vehicle parking spaces are to be constructed to the rear of the Spencer building and will not detract from the heritage values of the site.

As has been declared within the referral response from Heritage South Australia, “With reference to PO 6.1(a) (State Heritage Place Overlay), it is considered that the proposed ‘portions of the State Heritage Place to be demolished’ are not considered part of the ‘extent of listing that is of heritage value’ and as such their removal is not contested.”

The application meets the applicable policies of the Planning and Design Code.

CONCLUSION:

The application proposed the demolition of a two-storey dormitory hotel and single-storey shed, with 7 vehicle parking spaces to be formed in the footprint of the demolished shed. Neither the demolition nor the formation of new parking spaces will negatively impact the Heritage and cultural values of the site.

During the public notification of the application a single representation was received supporting the development. No representations were submitted opposing the development.

Overall, the development satisfies the Performance Outcomes of the Planning and Design Code and has received the appropriate support of Heritage South Australia. As such, it is in my professional opinion that this proposal warrants the granting of Planning Consent, subject to the recommended conditions and advisory notes, below.

RECOMMENDATION:

It is recommended that the Upper Spencer Gulf Regional 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 22040761, by EDP Hotels is granted Planning Consent subject to the following reasons/conditions:

CONDITIONS:

Conditions imposed by the planning authority

Condition 1

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

In order to maintain and protect council assets, any cost associated with the damage to any roads, signs, road ways, footpaths and medium strips or any other Council property or device, by any machinery or vehicle operated while demolishing the building, shall be borne by the applicant.

Condition 3

All vehicle parks shall be set out, sealed, and line marked in accordance with the approved plans and in accordance with Australian Standards.

Condition 4

That all practical measures shall be employed to ensure that no nuisance is created to the general public as a result of wind blown dust during demolition. Such measures may include the use of water truck, water sprinkling or airborne capture.

Condition 5

Materials used to secure the building once demolition is complete shall be in keeping with the materials and finishes of the remaining State Heritage Place.

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

Condition 6

Prior to demolition, the accommodation building, and garage proposed are to be historically recorded (by measured drawings and photographs) to an appropriate standard with copies made available to Heritage South Australia.

Condition 7

Demolition of building fabric within 1m of the structure of the main hotel must be done by hand methods, without large machinery. Significant heritage fabric impacted on the demolition must be carefully protected and repaired using acceptable heritage conservation practice.

ADVISORY NOTES:

Notes imposed by the planning authority

Advisory Note 1

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

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

Advisory Note 2

Please note the following requirements of the *Aboriginal Heritage Act 1988*.

If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Advisory Note 3

Please note the following requirements of the *Heritage Places Act 1993*.

- (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
- (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

OFFICER MAKING RECOMMENDATION:

Name: Lucas Trevisan

Title: Planning Officer

Date: 23 March 2023

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5228 Folio 854

Parent Title(s)	CT 1743/136		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	21/11/1994	Edition	7
		Edition Issued	26/02/2008

Estate Type

FEE SIMPLE

Registered Proprietor

CHLOE BAY PTY. LTD. (ACN: 120 482 706)
OF C/- TAVERN 540 540 PORT ROAD ALLENBY GARDENS SA 5009

Description of Land

ALLOTMENT 240 TOWN OF WHYALLA
HUNDRED OF RANDELL

Easements

NIL

Schedule of Dealings

Dealing Number	Description
10876003	MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

Notations

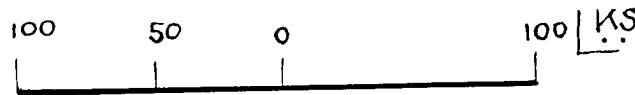
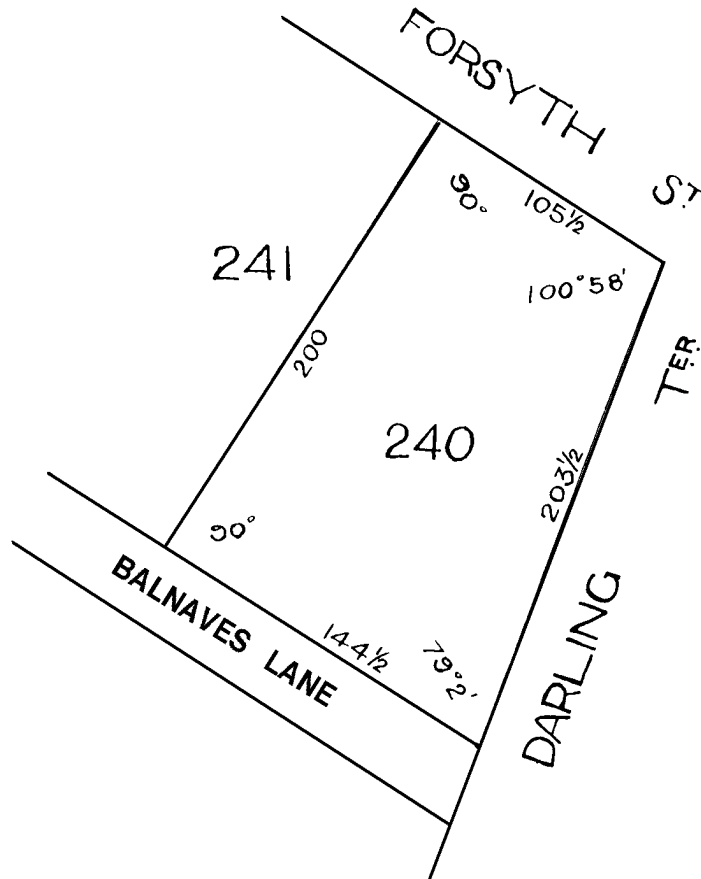
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL

Registrar-General's Notes

AMENDMENT TO DIAGRAM VIDE 169/2000
AMENDMENT TO DIAGRAM VIDE 264/1999

Administrative Interests

CONFIRMED IN SA HERITAGE REGISTER 03/12/2010



DISTANCES ARE IN LINKS	
FOR METRIC CONVERSION	
1 LINK	= 0.201168 metres
1 CHAIN	= 100 LINKS

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Edition: 7

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
09/01/2008	26/02/2008	10876003	MORTGAGE	REGISTERED	COMMONWEALTH BANK OF AUSTRALIA
09/01/2008	26/02/2008	10876002	TRANSFER OF LEASE	REGISTERED	CHLOE BAY PTY. LTD. (ACN: 120 482 706) 10198397
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04/04/2005	12/05/2005	10198399	TRANSFER OF LEASE	REGISTERED	COLIN MCKEE NOMINEES PTY. LTD., GULF HOTEL HOLDINGS PTY. LTD. 10198397
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15/08/2001	16/11/2001	9158197	MORTGAGE OF LEASE	REGISTERED	COMMONWEALTH BANK OF AUSTRALIA 8676801

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15/08/2001	16/11/2001	9158196	TRANSFER OF LEASE	REGISTERED	BRIDEN INVESTMENTS PTY. LTD. 8676801
15/08/2001	16/11/2001	9158195	DISCHARGE OF MORTGAGE	REGISTERED	8676801 8676802
05/05/1999	01/06/1999	8676802	MORTGAGE OF LEASE	REGISTERED	AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. 8676801
05/05/1999	01/06/1999	8676801	LEASE	REGISTERED	ACN 085 816 137 PTY. LTD.
28/06/1996	22/07/1996	8137309	MORTGAGE	REGISTERED	BANK OF SOUTH AUSTRALIA LTD.
28/06/1996	22/07/1996	8137308	TRANSFER	REGISTERED	FRANCIS CARTHEW PTY. LTD.
28/06/1996	22/07/1996	8137307	DISCHARGE OF MORTGAGE	REGISTERED	7784317
28/06/1996	22/07/1996	8137306	DISCHARGE OF MORTGAGE	REGISTERED	7784316
01/09/1994	24/11/1994	7784317	MORTGAGE	REGISTERED	THE SOUTH AUSTRALIAN BREWING CO. LTD. (ACN: 007 869 310)
01/09/1994	24/11/1994	7784316	MORTGAGE	REGISTERED	AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.
01/09/1994	24/11/1994	7784315	TRANSFER	REGISTERED	ALLEVIATO PTY. LTD.
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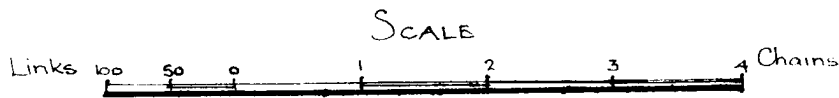
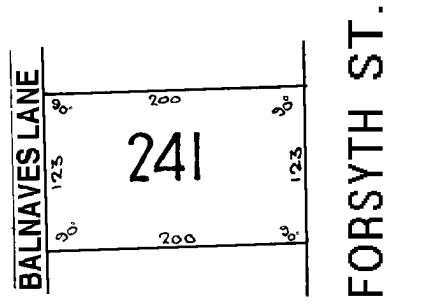
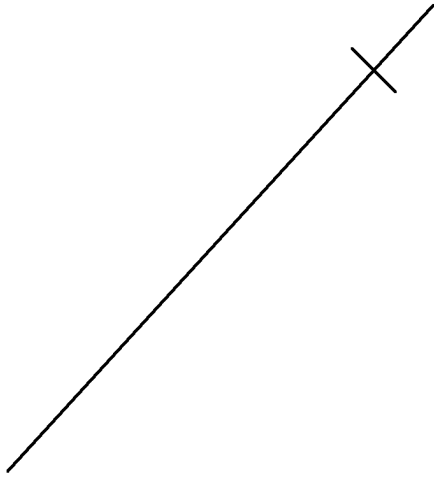
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Priority Notices	NIL
Notations on Plan	NIL

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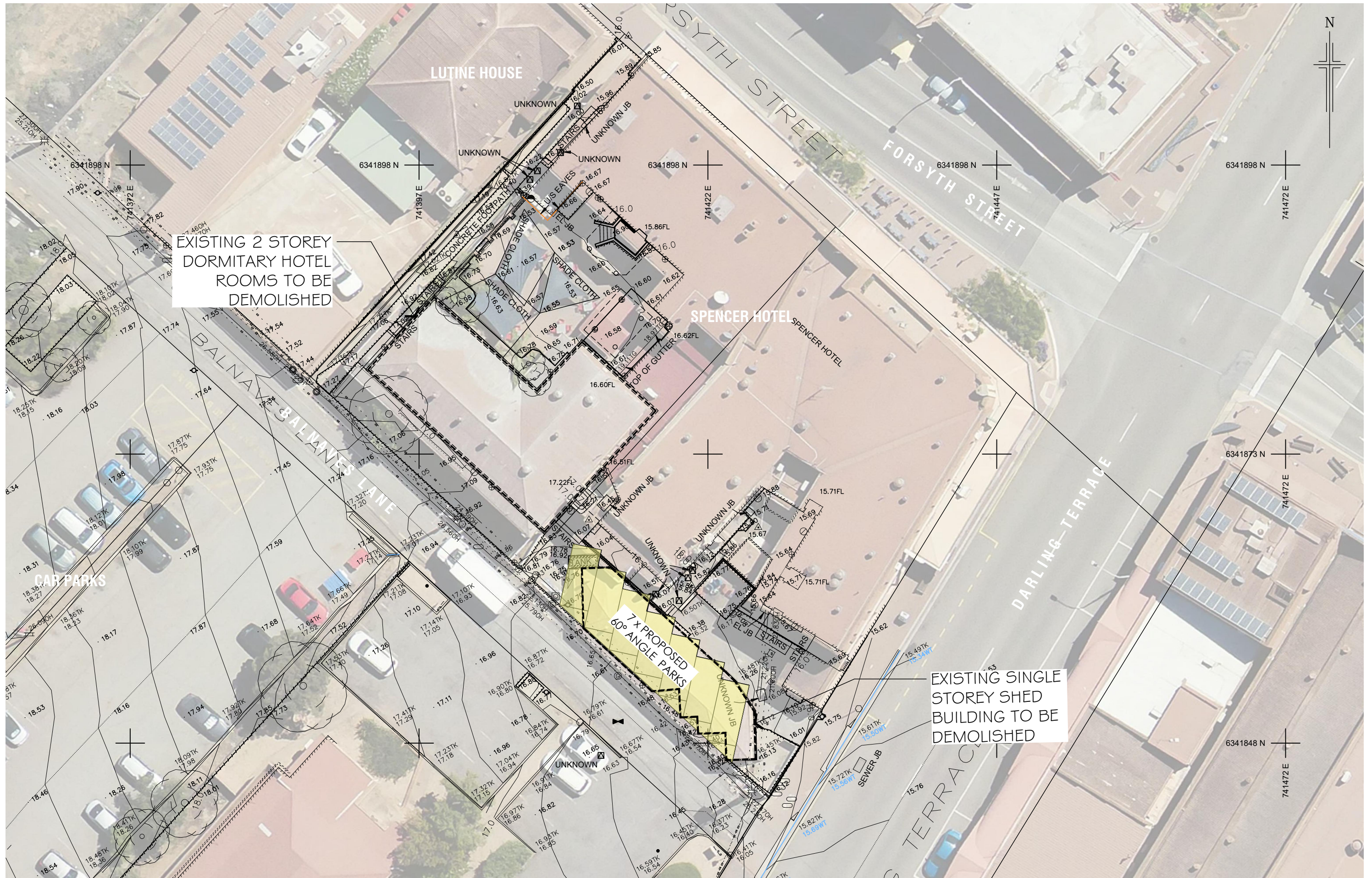
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Title Issued: 21/11/1994
Edition: 7

Dealings

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16/06/1992	12/10/1992	7314354	LEASE	REGISTERED	



EXISTING 2 STOREY
DORMITORY HOTEL
ROOMS TO BE
DEMOLISHED

7 x 60m
PROPOSED
ANGLE PARK

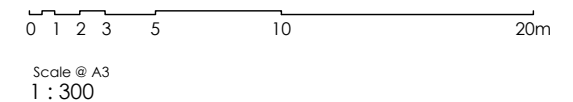
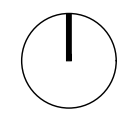
EXISTING SINGLE
STOREY SHED
BUILDING TO BE
DEMOLISHED



2 /81 Grange Rd
Welland SA 5007
T: 08 7087 6890
E: ceyles@hcs.on.net



EDP HOTELS GROUP
540 Port Road,
Allenby Gardens
SA 5009

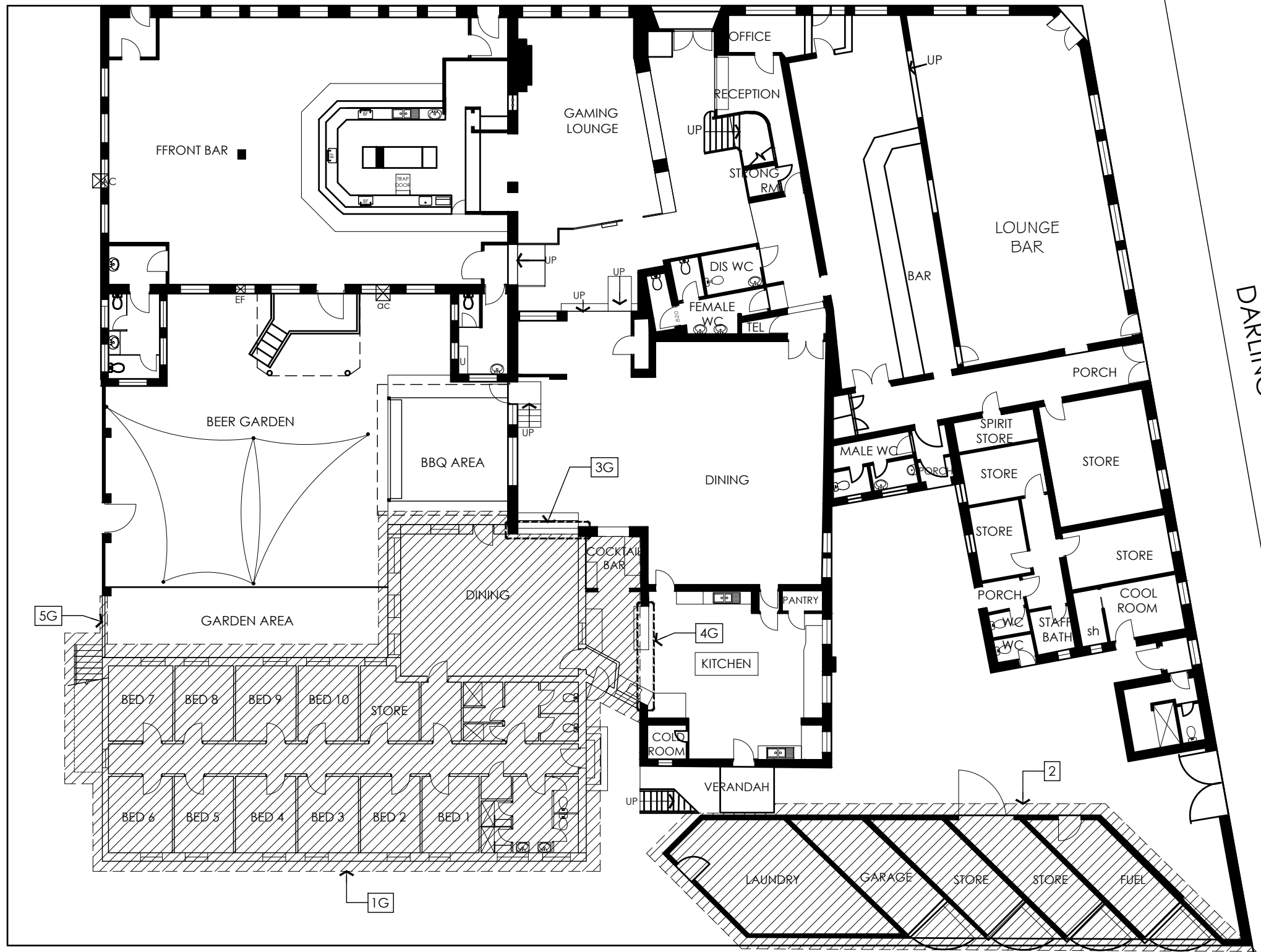
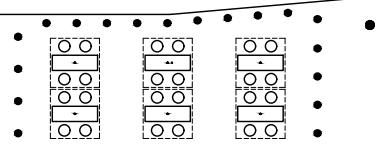


Site Address:
1 FORSYTH STREET,
WHYALLA SA 5600
Project:
HOTEL SPENCER

Drawing Title:
DEMOLITION SITE PLAN

Project No. C1907.1 Date. 14/11/2022 Sheet No. 1.1 / P1

FORSYTH STREET



GROUND FLOOR DEMOLITION NOTES

1G DEMOLISH AND REMOVE EXISTING TWO STOREY MASONRY BUILDING WITH TIMBER FRAMED FLOORS & ROOF, AND SHEEL ROOF SHEETING

2G DEMOLISH AND REMOVE EXISTING SINGLE TOREY TIMBER FRAMED SHED

3G MAINTAIN EXISTING MASONRY WALLS AT ORNER OF SINGLE STOREY DINING ROOM, & NFILL OPENING WITH NEW MASONRY WALLS INISHED INTERNALLY TO MATCH EXISTING DJACENT

4G INFILL OPENING WITH NEW MASONRY WALLS INISHED INTERNALLY TO MATCH EXISTING DJACENT

5G SAW CUT AND REMOVE EXISTING SINGLE LEAF MASONRY FREE STANDING WALL UP TO THE OUTER EDGE OF THE EXISTING ENGAGED PIER

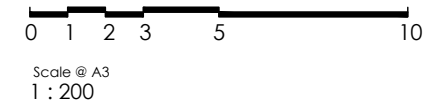
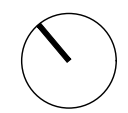
NOTE:
THE SPENCER HOTEL IS A STATE HERITAGE PLACE. CARE TO BE TAKEN TO NOT DAMAGE REMAINING FABRIC DURING THE WORKS. MAKE GOOD ALL INTERFACES TO MATCH ORIGINAL AND ENSURE HERITAGE PLACE REMAINS SECURE AND WEATHERTIGHT.

DARLING TERRACE

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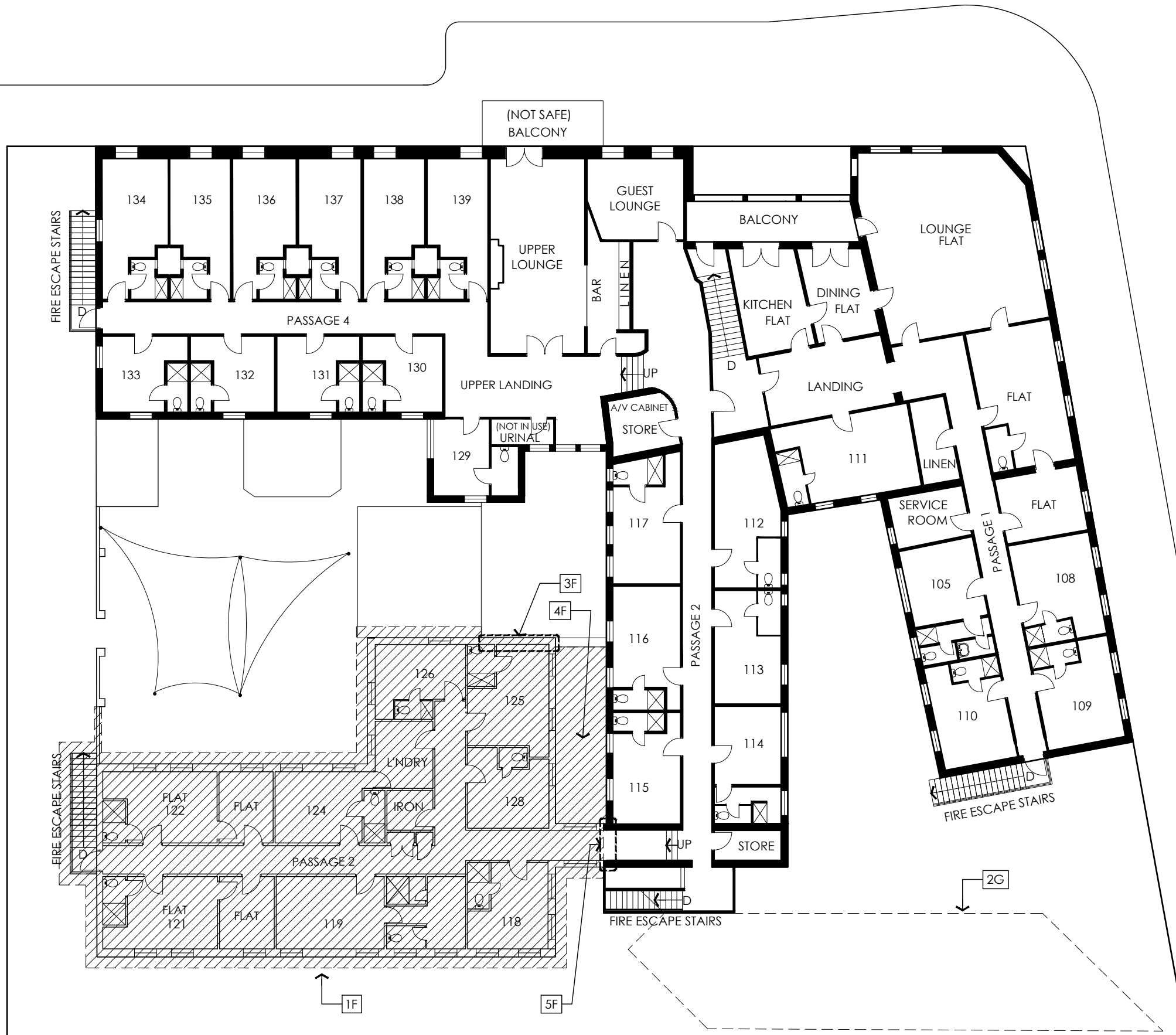
EDP
EAT · DRINK · PLAY
EDP HOTELS GROUP
540 Port Road,
Allenby Gardens
SA 5009



Site Address:
1 FORSYTH STREET,
WHYALLA SA 5600
Project:
HOTEL SPENCER

Drawing Title:
GROUND FLOOR DEMOLITION PLAN

Project No. C1907.2 Date. 14/11/2022 Sheet No. 2.1 / P1



FIRST FLOOR DEMOLITION NOTES

1F DEMOLISH AND REMOVE EXISTING TWO STOREY MASONRY BUILDING WITH TIMBER FRAMED FLOORS & ROOF, AND SHEEL ROOF SHEETING

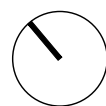
2G DEMOLISH AND REMOVE EXISTING SINGLE STOREY TIMBER FRAMED SHED

3F MAINTAIN EXISTING MASONRY WALLS AT CORNER OF SINGLE STOREY DINING ROOM, & INFILL OPENING WITH NEW MASONRY WALLS FINISHED INTERNALLY TO MATCH EXISTING ADJACENT

4F DEMOLISH EXISTING SINGLE STOREY ROOF

5F STUD FRAME INFILL TO EXISTING OPENING WITH 6mm FRC CLADDING EXTERNALLY, 13mm PLASTERBOARD INTERNALLY, & R2.8 WALL INSULATION BATTS

NOTE:
THE SPENCER HOTEL IS A STATE HERITAGE PLACE. CARE TO BE TAKEN TO NOT DAMAGE REMAINING FABRIC DURING THE WORKS. MAKE GOOD ALL INTERFACES TO MATCH ORIGINAL AND ENSURE HERITAGE PLACE REMAINS SECURE AND WEATHERTIGHT.



Spencer Hotel

5 Forsyth Street Whyalla

Heritage Impact Assessment

DA224215 Issue –

28.11.22

1.0 Introduction

DASH Architects has been engaged by the EDP Hotels Group to undertake a Heritage Impact Assessment of the proposed demolition application for the Spencer Hotel, 5 Forsyth Street Whyalla (The Subject Site).

DASH (Danvers Schulz Holland) Architects was founded in 1964, and has established itself as one of South Australia's leading practices specialising in the provision of heritage architectural services.

Over the past 50 years DASH Architects has established a reputation as one of the State's leading architectural practices in the following specialist heritage fields:

- Heritage Conservation
- Heritage Assessment and Impact Assessment
- Heritage Advisory Services
- Heritage Policy Development
- Condition and Compliance Audits
- Adaptive Reuse
- Conservation Management Plans
- Expert Witnessing, and
- Professional Desktop Historical Archaeological Services.

Our expertise extends across the full range of historic character and heritage listings to include:

- Historic Character
- Local Heritage Places
- State Heritage Places
- State Heritage Areas
- Commonwealth Heritage Places (including Defence), and
- National Heritage Places.

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This Heritage Impact Assessment has been based on the following documentation prepared by CED Building Design:

- C1907.1 Demolition Plan, 1.1/P1, 14.11.22
- C1907.2 Ground Floor Demolition Plan, 2.1/P1, 14.11.22
- C1907.1 First Floor Demolition Plan, 2.2/P1, 14.11.22

<p>Disclaimer: This HIA has been based on the information scheduled above. Any changes to these scheduled items may result in differing heritage impacts to</p>
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those considered and assessed in the below report. It is recommended that the above issue dates and revision numbers be confirmed to those lodged for Planning Consent when considering the findings and recommendations of this report.

2.0 Proposed Works

The Subject Site consists of several buildings and courtyards on what appears to be two land parcels. The application seeks to demolish:

- A. A rear two storey accommodation building located off Balnaves Lane, and
- B. A corrugated iron former garage located to the corner of Balnaves Lane and Darling Street.

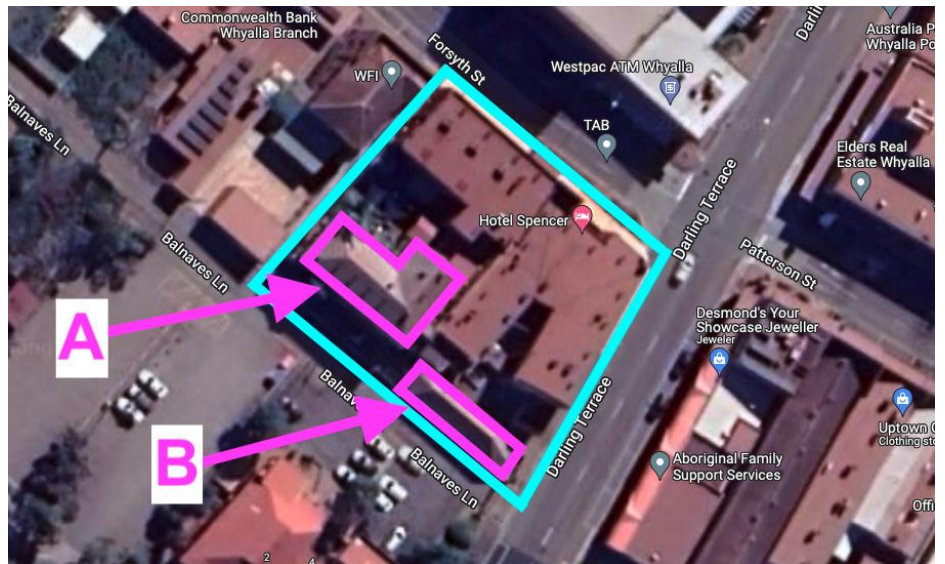


Figure 1: Aerial Image, Spencer Hotel. Source: Google Maps, 2022

Further description and discussion of the structures proposed for demolition is included in Section 6.0 of this assessment.

3.0 State Heritage Place

The Spencer Hotel, 5 Forsyth Street Whyalla, was entered into the South Australian Heritage Register as a State Heritage Place on 3 December 2010. This listing appears to have been based on a short assessment of the site included within the Twentieth Century Heritage Survey, Stage Two, 1928-1945 (Bell, Cosgrove, Marsden & McCarthy, 2008).

There does not appear to be any endorsed Summary of State Heritage Place for the Spencer Hotel, nor specific details of the South Australian Heritage Council (and Registry Committee) deliberations, other than the minutes of the South Australian Heritage Council meeting of 3 December 2010 that noted:

Agenda Items 5.3 and 5.4 – Confirmation of Entry of both Spencer Hotel, Whyalla and Bay View Hotel, Whyalla

The Council confirmed the entry in the South Australian Heritage Register of both the Spencer Hotel at 5 Forsyth Street and the Bay View Hotel at 13 Forsyth Street, Whyalla under the Heritage Places Act 1993 criteria 'a', 'd' and 'e'.

The Twentieth Century Heritage Survey noted the following for the Subject Site:

SUMMARY OF HERITAGE VALUE:

Description:

The building is a two storey stone building rendered in cement stucco in Moderne style with some Art Deco detailing. It occupies a prominent site in the centre of Whyalla on the major intersection of Forsyth Street and Darling Terrace. Its facades feature bas-relief mural panels depicting the Whyalla steelworks and shipyard.

Statement of Heritage Value:

The Spencer Hotel is significant both as a major building from the development of Whyalla during the industrial expansion brought on by the Second World War, and as an interesting and rare example of the early buildings of the Moderne movement in South Australia.

Relevant Criteria (Under Section 16 of the Heritage Places Act 1993):

(a) It demonstrates important aspects of the evolution or pattern of the State's history as an exemplar of the public facilities necessary for the industrial development of wartime Whyalla

(d) It is an outstanding representative of a particular class of places of cultural significance, early Modern buildings in South Australia

(e) It demonstrates a high degree of creative, aesthetic or technical accomplishment in its early application of Modern design principles and Art Deco ornament to a hotel building



Figure 2: Spencer Hotel frontage to Forsyth Street and Darling Terrace. DASH Architects, 2022



Figure 3: Spencer Hotel, Darling Terrace and Balnaves (rear) Lane frontages . DASH Architects, 2022



Figure 4: Spencer Hotel Balnaves (rear) Lane frontages showing structures proposed for demolition. DASH Architects, 2022



Figure 5: Spencer Hotel Balnaves (rear) Lane and side walkway frontage (showing two storey structure proposed for demolition). DASH Architects, 2022



Figure 6: Spencer Hotel Forsyth Street frontage. DASH Architects, 2022

The Subject Site consists of several structures and courtyards. When considering the potential heritage impacts arising from the proposed demolition, it is necessary to understand the extent of listing of these structures on the site, and their respective heritage values. In the absence of an endorsed Summary of State Heritage Place I note the following extracts from the Twentieth Century Heritage Survey assessment:

ASSESSMENT OF HERITAGE VALUE

(a) It demonstrates important aspects of the evolution or pattern of the State's history

...The Spencer Hotel was... opened on 20 November 1939. In a breakaway architectural style for a new hotel in South Australia, it was designed in an early Modern design by C.A. Fisher of Adelaide (architects Russell & Yelland are also associated with the design) and built by the Frickers company. Its owners were the partnership of publicans William Byrnes and Dennis O'Leary of the Halfway Hotel on Port Road at Beverley. The £20,000 hotel was described as the most modern in the state when it was completed in August 1939, just one month before the outbreak of the Second World War.

(d) It is an outstanding representative of a particular class of places of cultural significance as an early Modern building in South Australia

... The plans for the Spencer Hotel were drawn by C.A. Fisher in conjunction with Caradoc, Ashton and Fisher. Plans dated October 1938 and February 1939 are held in the Louis Laybourne Smith Architecture Museum, the second one presumably the contract drawing. These are not names otherwise associated with the early Modern movement, suggesting the unparalleled opportunity offered by commissions in wartime Whyalla.

(e) It demonstrates a high degree of creative, aesthetic or technical accomplishment as an exemplar of the Modern style

The Spencer Hotel is an early example of modernist styling, with muted Art Deco detailing. Built with foundations to take an additional storey if required, the Spencer Hotel was of local stone and finished externally in cement stucco. It comprised 26 bedrooms and had an 80 foot brick bar, lined with ceramic tiles. (Licensed Victuallers' Gazette, September 1939, p7) Relief in the austere rendering was made by pressed cement frescoes that were symbolic of different phases of the steel industry in Whyalla.

The fresco work was constructed by Willment & Ingham Ltd. A similar motif was adopted with the sandblasting of the glass windows of the bar and saloon. Cantilever awnings were installed on two streets with Wunderlich metal fascia and ceilings. Almost the whole of the street facades from the pavement to the underside of the awning were lined with ceramic tiles. In finishing off the details of the building, metal ribbon lettering forms the name of the hotel. (Licensed Victuallers' Gazette, September 1939, p7) The bas-relief mural panels, cantilever awnings with Wunderlich metal fascia and ceilings and the ceramic tiles of the two street facades have survived intact to the present.

Few hotels were built in the Art Deco style, but there was quite a trend in the 1920s whereby owners of existing hotels and other buildings in South Australia, wishing to create these styles, gave them austere renders in an effort to disguise original ornate Victorian Italianate structures. This trend continued by providing buff coloured renders that lent themselves to the new Modern styles of austerity whereby minimal colour and detail were etched into the often horizontal detailing.

DESCRIPTION OF PLACE: Two storey masonry building in Modern Style with Art Deco detailing, in a prominent site on a major intersection.

DATE OF COMPLETION: 1939

ARCHITECT: CA Fisher

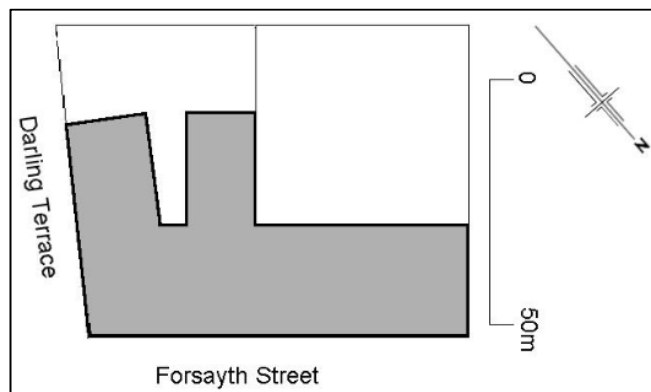


Figure 7: Plan of Spencer Hotel, as provided in the Twentieth Century Heritage Survey.

4.0 Additional Research

Given the absence of an endorsed Summary of State Heritage Place, DASH Architects undertook some additional research into the Spencer Hotel to better understand the scope and nature of its State Heritage listing. More specifically, plans held by the Louis Laybourne Smith Architecture Museum were sourced and reviewed, as were additional historic photographs. This additional research informed the following discourse.

The Spencer Hotel appears to be a product of two stages of development undertaken by two architects. The Stage 1 was designed by CA Russell in association with Caradoc Ashton & Fisher. This stage was located on the corner of Darling and Forsyth Street and consisted of a 'U' shape plan layout, the ground floor accommodating a public and saloon bar, dining room, lounge and staff accommodation. The first floor accommodated the 26 bedrooms referenced by the Survey Assessment, along with a common sitting room with balcony to Forsyth Street. Architectural drawings for this first stage are dated October 1938. Rear garaging was provided off Balnaves Lane.



Figure 8: Stage 1 Spencer Hotel drawings as held by Louis Laybourne Smith Architecture Museum, as designed by CA Russell in association with Caradoc Ashton & Fisher. Floor Plans



Figure 9: Stage 1 Spencer Hotel drawings as held by Louis Laybourne Smith Architecture Museum, as designed by CA Russell in association with Caradoc Ashton & Fisher. Elevations

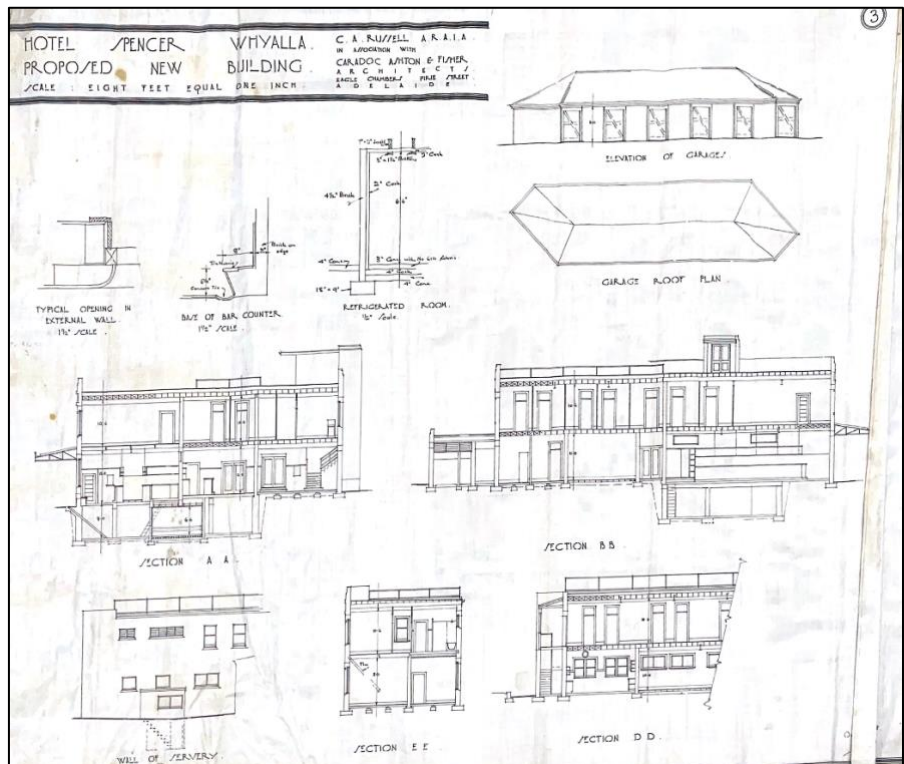


Figure 10: Stage 1 Spencer Hotel drawings as held by Louis Laybourne Smith Architecture Museum, as designed by CA Russell in association with Caradoc Ashton & Fisher. Garage and sections



Figure 11: Stage 1 Spencer Hotel. Supplied by client.

Stage 2 of the Spencer Hotel involved the expansion of the facility to the north-west along Forsyth Street. Stage 2 was designed by Kenneth Milne with drawings dating November 1940. Some drawings are missing from this collection however this stage included an additional ground floor bar to Forsyth Street, and 11 additional accommodation suites to the first floor.

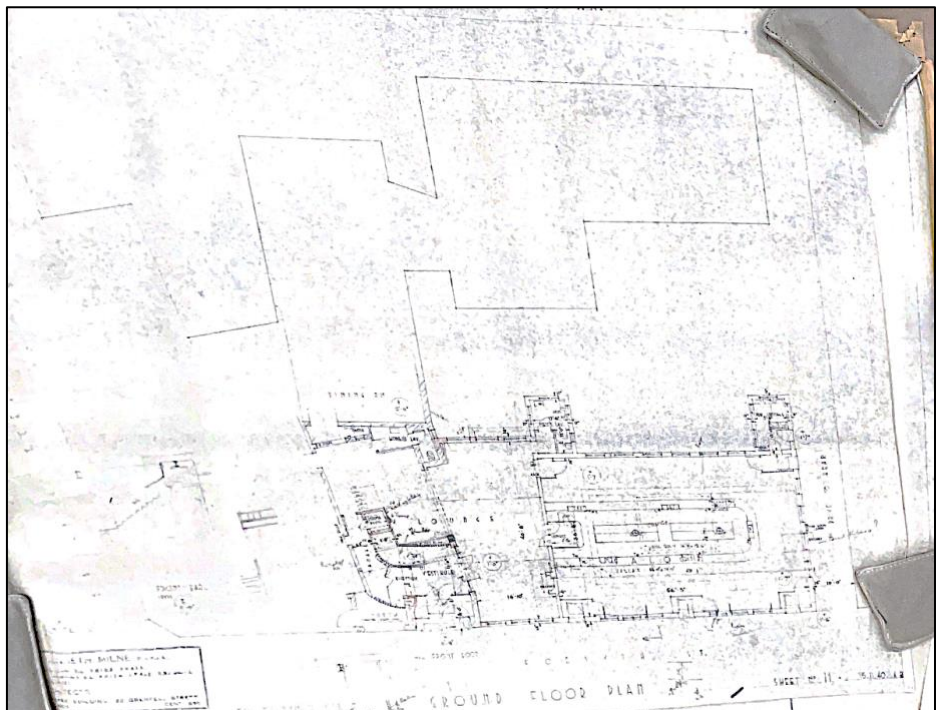


Figure 12: Stage 2 Spencer Hotel drawings as held by Louis Laybourne Smith Architecture Museum, as designed by Kenneth Milne. Ground Floor Plan



Figure 13: Stage 2 Spencer Hotel drawings as held by Louis Laybourne Smith Architecture Museum, as designed by Kenneth Milne. First Floor Plan

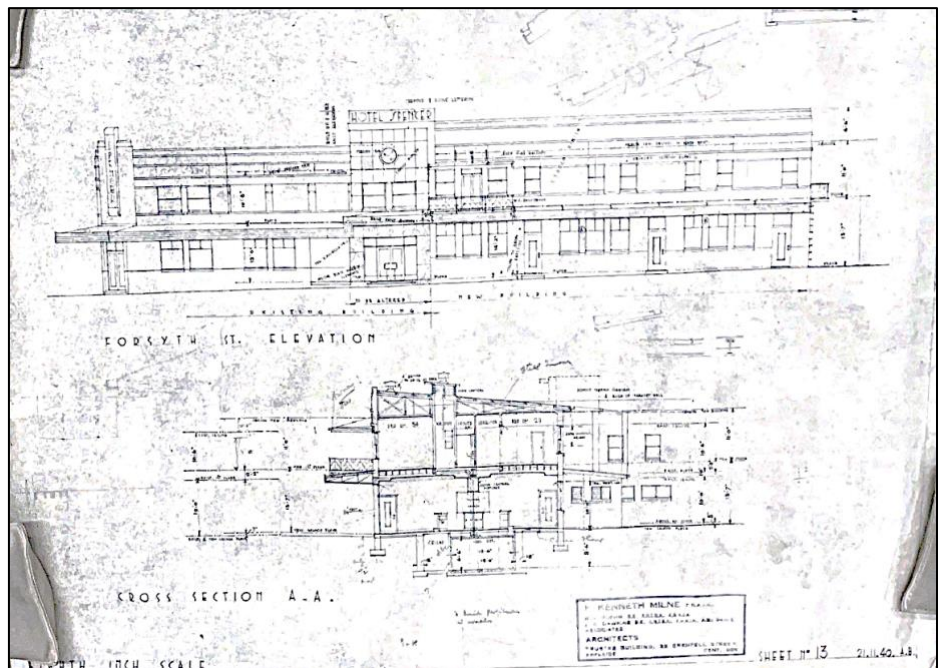


Figure 14: Stage 2 Spencer Hotel drawings as held by Louis Laybourne Smith Architecture Museum, as designed by Kenneth Milne. Forsyth Street elevation and section



Figure 15: Spencer Hotel, c1947. Source: SLSA B19250



Figure 16: Spencer Hotel, c1940. Source: SLSA PRG 1752/2/3

It is unclear whether the two storey accommodation building proposed for demolition (ref A, Figure 1) formed part of the Stage 1 or 2 works. This structure is not visible on any of the Stage 1 drawings, yet is shown as an outline (similar to the existing structures on the site) in the Stage 2 drawings (Figure 13).

The former garage structure proposed for demolition (ref B, Figure 1) is clearly shown on the Stage 1 drawings (Figure 8).

5.0 Extent of Heritage Listing

The absence of an endorsed Summary of State Heritage Place, or a detailed heritage assessment (the listing was based on a short assessment included in the Twentieth Century Heritage Survey), results in a lack of clarity on the intended extent of heritage listing for the site.

The Survey's assessment does not appear to recognise that the site was developed in two stages that were designed by differing architects.

The Twentieth Century Heritage Survey Assessment does, however, place primary emphasis on the Art Deco portions of the building, as representative of the Moderne movement, and major development within Whyalla at the time.

Building elements embodying these values are primarily those associated with the 'main' hotel structure, as clearly illustrated in the Survey's site plan for the hotel (Figure 7). This extent is re-affirmed by the Description of the Place that cites: *Two storey masonry building in Modern Style with Art Deco detailing, in a prominent site on a major intersection.*

The main hotel structure is also the building only on the site that includes the following building features also cited by the Survey's assessment:

- *Relief in the austere rendering was made by pressed cement frescoes that were symbolic of different phases of the steel industry in Whyalla.*
- *Cantilever awnings*
- *Wunderlich metal fascia and ceilings*
- *metal ribbon lettering [that] forms the name of the hotel.*
- *ceramic tiles of the two street façade, and*
- *Art Deco style.*

Stage 1 of this building's construction also accommodates all of the 26 bedroom suites referenced by the Heritage Survey assessment, while the additional suites in Stage 2 bring the total number up to 37.

For these reasons the heritage values of the Spence Hotel are considered to be primarily vested in this main hotel building structure.

6.0 Heritage Impact Assessment

The application seeks to demolish:

- A. A rear two storey accommodation building located off Balnaves Lane, and
- B. A corrugated iron former garage located to the corner of Balnaves Lane and Darling Street.

The potential heritage impacts arising from the proposed demolition will be considered separately.

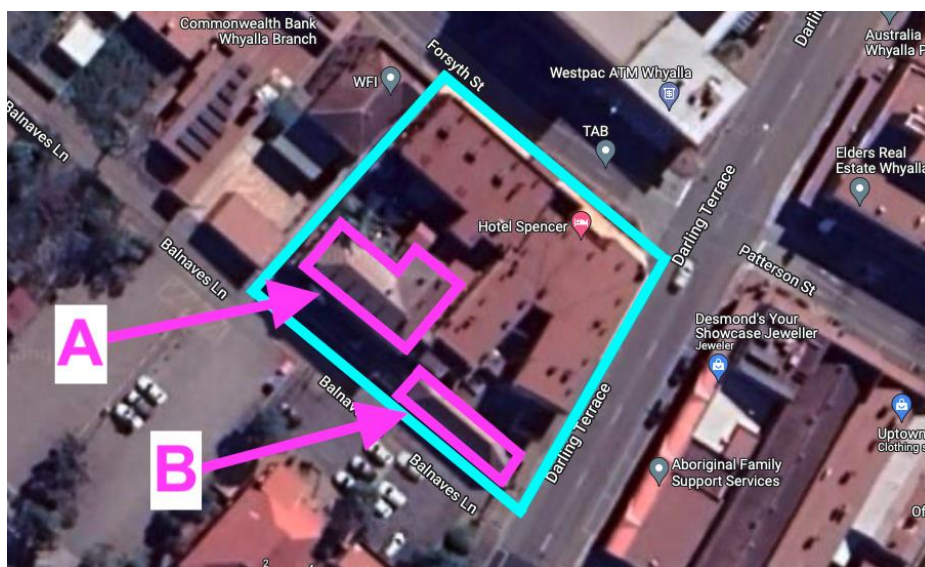


Figure 17: Aerial Image, Spencer Hotel. Source: Google Maps, 2022

6.1 Rear Accommodation Building (A)

The exact provenance of the rear accommodation building is unknown. It likely dates from Stage 2, designed by Kenneth Milne, for reasons outlined below. As a result, its date of construction is probably c1942.

The building itself is a basic 'L' shape in plan and two storeys. It is built from face stone with rendered quoins that have been somewhat crudely patterned to look similar to a vermiculated carving (Figure 20). This façade treatment is similar to the rear sections of the Stage 2 development (Figure 24), leading to the conclusion it likely dates from this period of the site's development.

The overall form of the building is somewhat classical in appearance, with timber sash windows, batted timber eaves and a pitched roof.

The building accommodates a series of very small (cell-like) bedrooms that share a small bathroom. The rooms fall well below current standards and are borderline 'asylum-like' in character. This first floor is accessed via an external staircase, or a later lightweight link (also proposed for demolition) that provides a connection to the first floor of the main hotel building.

The two storey rear accommodation building displays no Moderne or Art Deco design characteristics, and falls outside of the area identified by the Twentieth Century Heritage Survey assessment as being representative of the identified heritage values. While the building does accommodate bedroom suites (a feature that is referenced by the Heritage Survey assessment), these are additional to the number quoted.

For these reasons the two storey rear accommodation building is considered to not embody the site's identified heritage values, and as a result its removal will have no meaningful impact on the heritage values of the State Heritage Place.



Figure 18: Two storey accommodation building, as viewed from within hotel courtyard. DASH Architects, 2022



Figure 19: Two storey accommodation building, Balnaves Lane frontage. DASH Architects, 2022



Figure 20: façade detail, showing somewhat crude pressing into stone quoins to replicate a vermiculated carving. DASH Architects, 2022

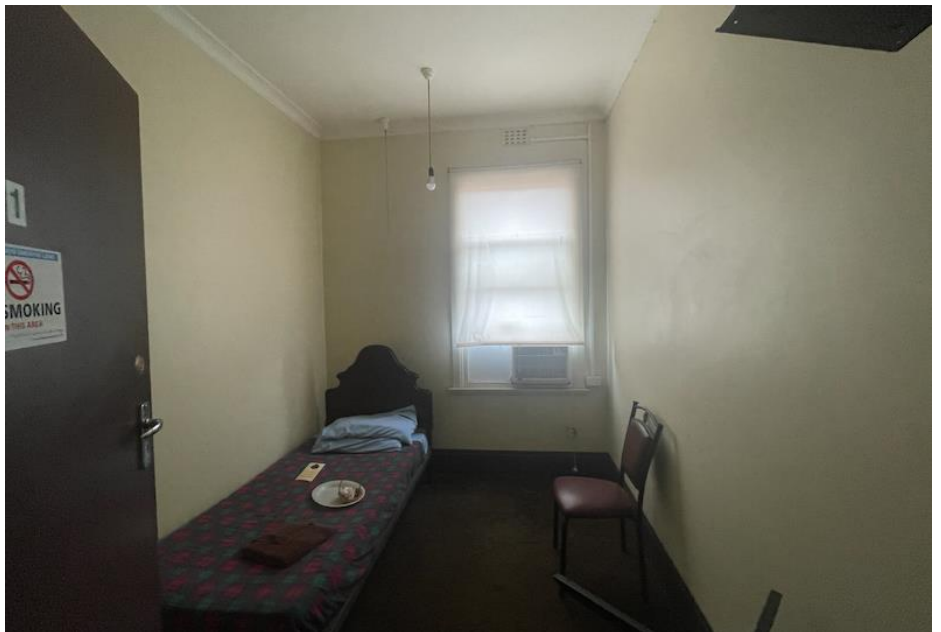


Figure 21: Bedroom suite within accommodation block. DASH Architects 2022



Figure 22: Central corridor of accommodation block. DASH Architects 2022



Figure 23: Shared bathroom within accommodation block. DASH Architects 2022



Figure 24: Rear façade of main hotel building (Stage 2) showing similar construction type to accommodation building proposed for demolition. DASH Architects 2022

6.2 Former Garage (B)

The former garage structure is located to the rear of the main hotel building and clearly dates from the original (Stage 1) construction phase. As drawn, the structure accommodated 6 individual garages set at an angle to the rear (Balnaves) lane (Figure 28). This configuration differs slightly from that present on site, where the western 3 bays have instead been built as a storage shed, and currently accommodates a laundry (Figure 26). This current configuration appears likely original given the age and detailing of the materials.

The former garage is a basic timber frame with corrugated iron structure. The corrugated cladding has been painted, most likely originally to tie in with the colour palette of the main hotel building.

The former garage structure is in a generally poor condition, though visually it appears sound.

Like the rear accommodation block, it displays no Moderne or Art Deco design characteristics, and falls outside of the area identified by the Twentieth Century Heritage Survey assessment as being representative of the identified heritage values. While the former garage does date from the original (Stage 1) construction phase, it is (and remains) an ancillary outbuilding to the primary use only.

For these reasons the former garage structure is considered to not embody the site's identified heritage values, and as a result its removal will have no meaningful impact on the heritage values of the State Heritage Place.



Figure 25: Former rear garage as viewed from Darling Street (identified with arrow). DASH Architects 2022



Figure 26: Former rear garage as viewed from Balnaves Lane. DASH Architects 2022



Figure 27: Former rear garage as viewed within site (identified with arrow). DASH Architects 2022

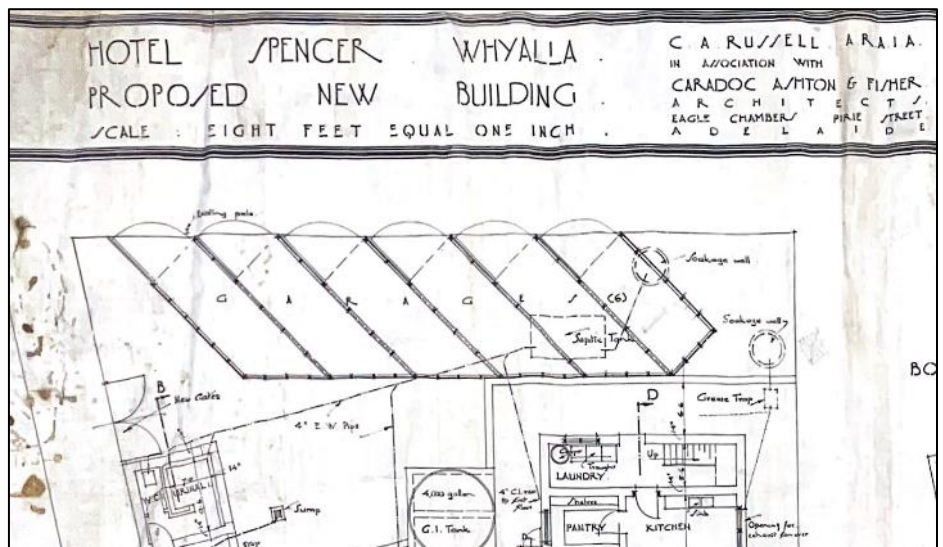


Figure 28: Extract from of Stage 1 documentation showing garage. Source: Louis Laybourne Smith Architecture Museum

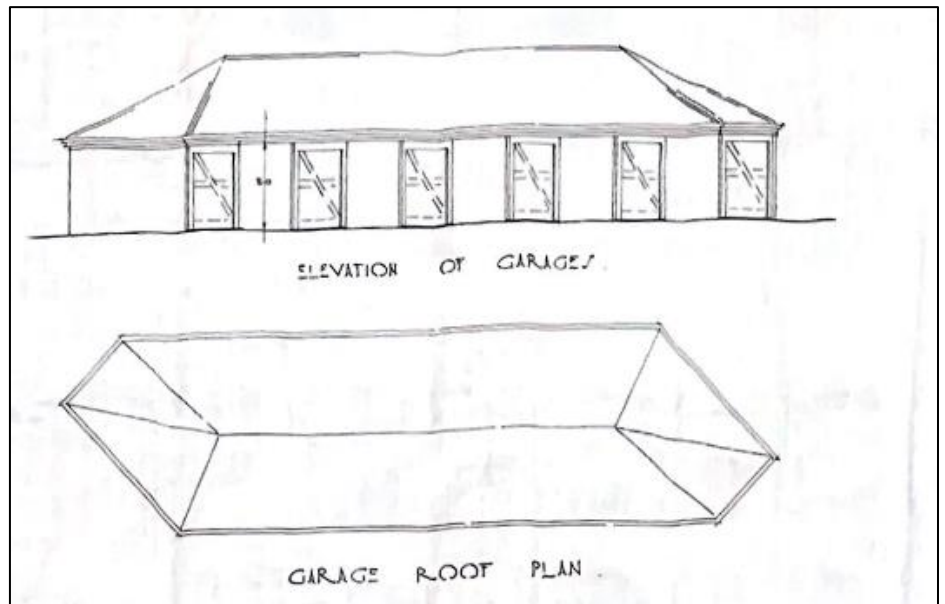


Figure 29: Extract from of Stage 1 documentation showing garage. Source: Louis Laybourne Smith Architecture Museum

6.3 Associated Works

The interface of the rear accommodation building proposed for demolition with the main hotel structure via a series of later additions. The provenance of these additions is unknown but they appear to date c1950, and is not part of the original form or construction of the main building.

This link is similarly proposed for removal, with the resulting façade openings infilled. No heritage impacts are considered to arise from these works.

The planning application documentation also includes the following note:

THE SPENCER HOTEL IS A STATE HERITAGE PLACE. CARE TO BE TAKEN TO NOT DAMAGE REMAINING FABRIC DURING THE WORKS. MAKE GOOD ALL INTERFACES TO MATCH ORIGINAL AND ENSURE HERITAGE PLACE REMAINS SECURE AND WEATHERTIGHT.

Given the basic nature of the building interface, this note appears adequate to manage the miscellaneous works that would otherwise be required to ensure the State Heritage Place is secure and protected. This is also a low risk, given the building remains operational.



Figure 30: Interface reference plan

6.4 Planning and Design Code

The Planning and Design Code's State Heritage Place's Overlay provides the following policy guidance for this project:

Desired Outcomes

DO1: Development maintains the heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse consistent with Statements of Significance and other relevant documents prepared and published by the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Heritage Places Act 1993.

Performance Outcomes

PO1.7 Development of a State Heritage Place retains elements contributing to its heritage value.

PO6.1 State Heritage Places are not demolished, destroyed or removed in total or in part unless either of the following apply:

- a) the portion of the State Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value*
- or*
- b) the structural condition of the State Heritage Place represents an unacceptable risk to public or private safety and results from actions and unforeseen events beyond the control of the owner and is irredeemably beyond repair.*

Assessment

While both the two storey accommodation building and the former garage date from the earliest phases of the hotel's development (Stages 1 and 2), neither are considered to embody the heritage values of the place. To reaffirm this, both fall outside of the Site Plan diagram referenced in the Twentieth Century Heritage survey assessment that formed the basis of the site's heritage listing.

For this reason, the proposed demolition application is considered to still *retain elements contributing to the heritage value of the place* [PO1.7].

The lack of an endorsed Summary of State Heritage Place, or detailed heritage assessment, has not assisted the assessment of the proposed works against PO6.1. Based on the information available, and additional research undertaken, it appears reasonable to conclude that the structures proposed for demolition were specifically excluded from the intended scope of heritage listing, and accordingly PO6.1 is considered satisfied.

Even if, however, the former garage and two storey accommodation building were considered to be included in the extent of listing, their removal is nonetheless considered to have no meaningful impact on the identified State Heritage values of the Spencer Hotel, Whyalla.

7.0 Summary

The Spencer Hotel, 5 Forsyth Street Whyalla, was listed as a State Heritage Place on 3 December 2010 based on a short assessment undertaken in the Twentieth Century Heritage Survey, Stage Two, 1928-1945. There is no endorsed Summary of State Heritage Place for the site, nor detailed assessment to inform an understanding of its State Heritage listing. The only formal reference to the heritage listing is the confirmation endorsement contained within the relevant meeting minutes of the South Australian Heritage Council.

While the Heritage Survey assessment appears to have been unaware that the building was constructed in two stages to the designs of two differing architects, it did provide relatively clear direction on the basis of the proposed listing, namely:

- *As an exemplar of the public facilities necessary for the industrial development of Wartime Whyalla* [criterion (a)]
- *As an outstanding representative of a particular class of place of cultural significance, early Modern buildings in South Australia* [criterion (d)], and
- *For its high degree of creative, aesthetic or technical accomplishment in its early application of Modern design principles and Art Deco to a hotel building.*

The assessment went on to provide a Site Plan that clearly identified the 'main hotel' building, and specifically excluded the other ancillary buildings on the site, including those structures proposed for demolition by this application.

A site visit and additional research reaffirmed this, finding that none of the structures proposed for demolition embodied the identified heritage values of the place, despite them likely dating from the same periods of development.

For these reasons the proposed demolition works are not considered to have any meaningful impact on the State Heritage values of the place, and in doing so are also consistent with the relevant policy provisions of the Planning and Design Code's State Heritage Places Overlay.

Ref: 21ADL-0814



URPS

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30 November 2022

David Altmann
Assessment Manager
City of Whyalla

Dear David

Partial Demolition and On-Site Parking at the Spencer Hotel, 1-3 Forsyth Street, Whyalla

Introduction

This letter of planning support accompanies the Development Application for the following:

1. Demolition of two buildings of no heritage value on the site of the Spencer Hotel (a State Heritage Place).
2. The creation of a new, at-grade, carparking area at the rear of the Spencer Hotel.

Background

The Spencer Hotel is a State Heritage Place (State Heritage Place ID No.26028). The State Heritage Place listing staddles two property titles in CT 5228/854 and CT 5228/855.

The accompanying Heritage Impact Assessment by DASH Architects provides the details of the elements of heritage value.

The Spencer Hotel currently contains a range of typical hotel facilities including bars, a restaurant, gaming rooms and accommodation rooms.

The Spencer Hotel currently has very limited on-site carparking (some spaces within the shed). Some patrons of the hotel use off-street carparking located on a separate site (6-8 Donaldson Terrace). There is no formal relationship/development approvals linking the site at 6-8 Donaldson Terrace (currently open car parking), and 1-3 Forsyth Street (the site of Spencer Hotel).

Assessment Process

The subject site is in the Township Main Street Zone under the Planning & Design Code. It is also covered by the State Heritage Place Overlay. Therefore, partial demolition and the creation of on-site parking spaces is subject to the Performance Assessed process. The City of Whyalla is the assessing authority.

We acknowledge the Kaurna People as the Traditional Custodians of the land on which we work and pay respect to Elders past, present and emerging.

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The proposed development also required referral to the Minister responsible for the Heritage Places Act (represented by Heritage SA) who has the power to direct the City of Whyalla how to determine the application.

Table 5 – Procedural Matter – Notification the Township Main Street Zone states that demolition does not require public notification unless it involves the demolition of a State Heritage Place, which is technically the case here. Therefore, public notification is required.

Planning Assessment

Demolition of Non-Significant Buildings

The development involves the demolition of two buildings at the rear of the Spencer Hotel - two-storey masonry building containing dormitory-style, hotel accommodation and a single-storey corrugated iron shed.

The following provisions the State Heritage Place Overlay are relevant:

- DO 1** Development maintains the heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse consistent with Statements of Significance and other relevant documents prepared and published by the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Heritage Places Act 1993.
- PO 1.7** Development of a State Heritage Place retains elements contributing to its heritage value.
- PO 6.1** State Heritage Places are not demolished, destroyed or removed in total or in part unless either of the following apply:
- (a) the portion of the State Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value, or
 - (b) the structural condition of the State Heritage Place represents an unacceptable risk to public or private safety and results from actions and unforeseen events beyond the control of the owner and is irredeemably beyond repair. (underlining added)

The Heritage Impact Assessment by DASH Architects provides a detailed analysis of why these buildings are not of heritage value to warrant retention. In simple terms, the art-deco styled hotel is of heritage value and not the ancillary buildings at the rear. Therefore, the proposed demolition satisfies the Code provisions referred to above.

Creation of On-Site Car Parking

The development involves the creation of seven, at-grade, angled carparking spaces at the rear of the Spencer Hotel where the shed is currently located. This car park is accessible from Balnaves Lane (a private laneway).

As mentioned above, the Spencer Hotel has historically operated with limited on-site car parking. The creation of seven spaces is an improvement in terms of on-site parking.

There are several Performance Outcomes in the Township Main Street Zone relating to traffic, parking and access:

- PO 4.1** Development minimises the need for vehicle crossovers on the main street to reduce conflicts with pedestrians and avoid disruption to the continuity of built form.
- PO 4.2** Vehicle parking is located behind buildings away from the primary main street frontage and designed to minimise impacts on residential amenity.
- DPF 4.2** Vehicle parking areas are located behind the building line of the associated building. (underlining added)

The car parking is located at the rear of the Spencer Hotel and is accessed from Balnaves Lane (a private laneway). This eliminates the need for a vehicle crossover on the main street being Forsyth Street thereby satisfying POs 4.1 and 4.2, as well as Designated Performance Feature 4.2.

Conclusion

The development involves the demolition of two buildings that are not identified as being of heritage value as confirmed in the Heritage Impact Assessment report prepared by DASH Architects.

The development involves the creation of on-site car parking located at the rear of the State Heritage Place and accessed from a rear private lane. This is an improvement on the existing situation in terms of on-site parking and satisfies relevant Code provisions.

I contend that the development sufficiently satisfies the relevant provisions of the Planning & Design Code and warrants Planning Consent.

Please contact me on 0400 730 412 if you have any questions.

Yours sincerely



Marcus Rolfe
Director

Application Summary

Application ID	22040761
Proposal	Partial demolition and new carpark
Location	1-3 FORSYTH ST WHYALLA SA 5600

Representations

Representor 1 - Deidre McAlinden

Name	Deidre McAlinden
Address	57 Hincks WHYALLA NORRIE SA, 5608 Australia
Submission Date	23/01/2023 09:21 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development

Reasons

I believe this will be a great development for the town of Whyalla.

Attached Documents

**Heritage South Australia**Environment, Heritage and
Sustainability Division81-95 Waymouth Street
Adelaide SA 5000GPO Box 1047
Adelaide SA 5001
Australia
DX138

Ph: +61 8 8124 4922

Fax: +61 8 8124 4980

www.environment.sa.gov.auRef: SH/26319D
Date: 30 January 2023City of Whyalla
PO Box 126
Whyalla 5600

Attention: Lucas Trevisan

Dear Mr Trevisan

DESCRIPTION: PARTIAL DEMOLITION AND NEW CARPARK

Application number:	22040761
Referral received:	12/12/2022
State Heritage Place:	Spencer Hotel - 1-3 Forsyth Street, Whyalla
Documentation:	As referred
<input checked="" type="checkbox"/>	Direct to impose Conditions of Development Authorisation

In accordance with Section 122(1) of the Planning, Development and Infrastructure Act 2016 and Regulation 41(1) of the Planning, Development and Infrastructure (General) Regulations 2017, the above application has been referred to the Minister for Climate, Environment and Water as the prescribed body listed in Schedule 9 Clause 3 Item 17 of the Regulations.

The subject land is contained within the State Heritage Place Overlay of the Planning and Design Code.

The Spencer Hotel was included on the State Heritage Register in 2010, meeting criteria (a), (d) and (e) under section 16 of the Heritage Places Act 1993:

- a. *The Whyalla Spencer Hotel demonstrates aspects of the evolution or pattern of the State's history as an exemplar of the public facilities necessary for the industrial development of wartime Whyalla.*
- d. *It is an outstanding representative of a particular class of places of cultural significance, early Moderne buildings in South Australia.*
- e. *It demonstrates a high degree of creative, aesthetic or technical accomplishment in its early application of Moderne design principles and Art Deco ornament to a hotel building.*

The hotel was built in two stages with the first stage built in 1938 and the second stage built in 1940. The primary façade of both stages face onto Forsyth Street and are built in the Moderne style with Art Deco characteristics. The garage was clearly built as part of stage 1 while the two-storey accommodation building was likely built some time between 1939 and 1940, between Stage 1 and 2 of the development.

The Spencer Hotel heritage assessment report notes that the Hotel is of heritage value because it illustrates:

- the provision of public facilities, supporting the industrial expansion of Whyalla during the Second World War; and
- is an interesting and rare example of a Moderne style building in South Australia.

The report includes a plan of the hotel, clearly outlining the main 'F' shaped foot print of the hotel with the other structures on the site excluded.

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

The proposed development includes the demolition of the rear accommodation building and garage structure to allow for additional car parking.

Two Storey Accommodation Building:

This building is constructed from local face stone with rendered quoins, sash windows and open batterned eaves. In contrast to the main Moderne-style building facing onto Forsyth Street, the accommodation building appears to have been built purely to service the accommodation needs of visitors to the town with no consideration of the Moderne or Art Deco attributes which feature most strongly in the primary buildings of significance built in Whyalla at this time.

While the accommodation building may represent facilities built during the industrial development of wartime Whyalla, as per criterion (a), the building provided accommodation and could not be considered a public facility. The main hotel building better represents this criterion.

Further, the accommodation building displays no Moderne or Art Deco characteristics and is utilitarian in design and typical in detailing for the period. It cannot be considered an outstanding representative of this architectural style as per criterion (d), nor does it demonstrate a high degree of creative, aesthetic or technical accomplishment as per criterion (e).

Therefore, the accommodation building is not considered to contribute to the architectural heritage values of the State Heritage Place. Its removal is will not have an adverse impact on the heritage values of the Spencer Hotel.

Garage:

The garage building faces onto Balnaves Lane and was built as part of the first stage of development in 1939. The initial design featured six bays of accommodation for vehicles. The existing garage has three bays remaining and the others modified at some time for storage.

Like the accommodation building, it could be considered that the garage was built as a result of the industrial development of Whyalla during the 1930-40s as per criterion (a). However, the garage is a simple ancillary structure to the main hotel building and not can not be considered a public facility.

Like the accommodation building, the garage demonstrates no Moderne or Art Deco detailing and cannot be considered to satisfy criteria (d) or (e) contributing to the heritage values of the State Heritage Place. Its removal is will not have an adverse impact on the heritage values of the Spencer Hotel.

With reference to PO 6.1 (a) (State Heritage Place Overlay), it is considered that the proposed 'portions of the State Heritage Place to be demolished' are not considered part of the 'extent of listing that is of heritage value' and as such their removal is not contested.

Condition 1: Prior to demolition, the accommodation building, and garage proposed are to be historically recorded (by measured drawings and photographs) to an appropriate standard with copies made available to Heritage South Australia.

Condition 2: Demolition of building fabric within 1m of the structure of the main hotel must be done by hand methods, without large machinery. Significant heritage fabric impacted on the

demolition must be carefully protected and repaired using acceptable heritage conservation practice.

General information

1. Any changes to the proposal for which Planning Consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Climate, Environment and Water. Such changes would include for example (a) an application to vary the Planning Consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the development application.

2. Please note the following requirements of the *Heritage Places Act 1993*.
 - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
 - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

3. Please note the following requirements of the *Aboriginal Heritage Act 1988*.
 - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Any enquiries in relation to this application should be directed to telephone (08) 8124 4922 or e-mail DEW.StateHeritageDA@sa.gov.au.

Yours sincerely



Michael Queale
Principle Heritage Architect
Department for Environment and Water
as delegate of the
MINISTER FOR CLIMATE, ENVIRONMENT AND WATER

9. Other business

10. Close