

## Consultations

- 5.1 The DoFA submission stated that a ‘lengthy and in depth consultation process’ was undertaken with the Attorney-General’s Department in the form of consultative committee meetings, value management workshops and other formal meetings and interviews. Staff consultations, according to DoFA, were integral to the design process and will continue.
- 5.2 In addition, the following organisations were consulted:
- Corporation of the City of Adelaide;
  - South Australian Government:
    - ⇒ Department of Justice;
    - ⇒ Planning SA;
    - ⇒ Department of Administration and Information Services;
  - Indigenous Groups;
  - Law Society of South Australia;
  - South Australia Police;
  - Heritage SA;
  - The Community and Public Sector Union;
  - Australian Federal Police;
  - Group Four; and
  - Supply authorities.<sup>1</sup>

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<sup>1</sup> Submissions Volume 1, p. 16.

- 5.3 The Committee received submissions from some of the agencies being consulted by DoFA, namely: the Australian Heritage Commission, Adelaide City Council, Heritage South Australia and Planning SA. These authorities raised a number of concerns, which are discussed below.

## Heritage Issues

- 5.4 The Australian Heritage Commission (AHC) advised that the proposed development site is located in the Victoria Square Conservation Area which is entered in the Register of the National Estate.<sup>2</sup>
- 5.5 The AHC raised concerns about the design of the proposed building in a submission to the Committee. The AHC noted that the design ‘would disrupt the visual and physical relationships between the surrounding heritage buildings, and further enclose what was historically an open central landscape surrounded by low to medium scale public buildings’.<sup>3</sup>
- 5.6 The AHC suggested that consideration be given to:
- some setback from Angas Street;
  - a more subdued treatment of the Angas Street façade;
  - materials and finishes to be selected according to those already used in the Conservation Area; and
  - a reduction in the height of the building by providing more floor space through greater utilisation of the rear of the site.
- 5.7 DoFA defended the design and height of the proposed complex in a supplementary submission provided to the Committee in response to AHC’s concerns. With respect to the materials and finishes, DoFA responded favourably to the AHC’s recommendation.<sup>4</sup>
- 5.8 On 20 April 2001, the AHC provided a further supplementary submission to the Committee. This supplementary evidence informed the Committee that the DoFA project team had responded to concerns relating to the building’s design. The AHC considered that the revisions proposed by DoFA improved the design.

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2 Submissions Volume 1, p. 47.

3 Submissions Volume 1, p. 48.

4 Submissions Volume 1, p. 164.

- 5.9 The AHC also advised that an ongoing consultation process between the project team and the AHC would continue to revise the plans. It was also agreed that ‘more detailed revised plans are to be provided to the Commission for advice under section 30 of the Australian Heritage Commission Act within the next month’.<sup>5</sup>
- 5.10 The Committee also received a submission on similar heritage related issues from Heritage South Australia. In particular, Heritage South Australia took issue with DoFA’s proposal to ‘hide the adjoining buildings to the south and west’<sup>6</sup> with a 10 metre high screen wall.<sup>7</sup>
- 5.11 The Heritage South Australia submission pointed out that a 10-metre screen wall indicated on the western boundary aligns with the northern face of the Magistrates Court House. According to the submission the 10-metre wall could obscure the eastern face of the historic 1851 building and create a visual barrier between the two buildings.<sup>8</sup>
- 5.12 Heritage South Australia indicated that the design of the proposed new Commonwealth Law Courts building ‘is generally supported in relation to its effect on the setting of the heritage-listed Magistrates’ Court House.’<sup>9</sup>
- 5.13 At the public hearing, Mr Timothy Shannon, Managing Director, Hassell Pty Ltd, DoFA’s architects, confirmed that modifications to the design had taken place in response to heritage concerns raised in the two submissions mentioned earlier. Mr Shannon assured the Committee that the process of consultation and developments to the design would be continuing.<sup>10</sup> Mr Shannon also commented that the AHC was ‘very pleased that the design had taken note of their concerns.’<sup>11</sup>
- 5.14 The Committee also queried the height of the building. The DoFA architects replied that while Victoria Square has some smaller historic buildings, there is a mixture of tall and smaller buildings. Examples of taller buildings are the Hilton Hotel, the Reserve Bank, the state government office and the insurance building.
- 5.15 Mr Shannon observed that the architects tried to ensure that the relationship between the low-scale Magistrate’s Court building with the

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5 Submissions Volume 1, p. 207.

6 Refer Submissions Volume 1, p. 19.

7 Submissions Volume 1, p. 50.

8 Submissions Volume 1, p. 50.

9 Submissions Volume 1, p. 50.

10 Submissions Volume 1, p. 50.

11 Submissions Volume 1, p. 50.

new building 'is a polite one.'<sup>12</sup> In addition, Mr Shannon confirmed that one of the revisions to the design of the building was to reduce the height of the building.<sup>13</sup> Mr Shannon affirmed that the intention of the building concept design was to fulfil the user's needs for security while maintaining the symbolic aspects of the project.<sup>14</sup>

- 5.16 At the public hearing the Adelaide City Council,<sup>15</sup> Heritage South Australia<sup>16</sup> and Planning SA<sup>17</sup> expressed their support for the architectural design of the building.

## Planning Issues

### Nelson Street

- 5.17 Planning SA observed that the option chosen by the Commonwealth for its development proposal requires the northern end of Nelson Street to be closed to form part of the site. Planning SA also noted that the urban design parameters in the Guidelines anticipated this possibility. They recommended keeping and upgrading Nelson Street as a public thoroughfare, or providing an 'attractive alternative'.
- 5.18 Planning SA confirmed that in 1999, at the request of the South Australian Department of Industry and Trade, Planning SA and the Adelaide City Council sponsored the preparation of Urban Design Guidelines for the development of the proposed Commonwealth Courts complex. Planning SA indicated that the Guidelines had no statutory force, but were prepared to assist the Commonwealth in identifying site development options.
- 5.19 Planning SA noted that 'various meetings' were held with Commonwealth and State agencies and the City Council in order to determine how an 'attractive alternative' could be established. This was to be based on an extension of an existing cul-de-sac (Penny Place) located to the east of the proposed site. Planning SA stated that it supports the Council's position

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12 Evidence, p. 13.

13 Evidence, p. 13.

14 Evidence, p. 18.

15 Evidence, p. 23.

16 Evidence, p. 25.

17 Evidence, p. 29.

that Penny Place should be extended ‘as a linear roadway to maintain north-south permeability’.

- 5.20 Planning SA claimed that the Commonwealth ‘was not prepared to contribute to the cost of this work, which falls outside its agreement with the State Government for exchange of land’. Planning SA advised that discussions had continued at a State level relating to the cost of the Penny Place extension and that the issue was still unresolved.
- 5.21 Planning SA confirmed that they have attended briefings by Hassel’s the architects on the design proposal, and have contributed to a joint urban design response prepared by the Council. While generally ‘encouraged’ by assurance from Hassel’s relating to the design plans, the question of public access through the site remains a prime concern.<sup>18</sup>
- 5.22 The Adelaide City Council also raised the question of the closure of Nelson Street. The Council advised that the closure of Nelson Street was to facilitate the construction of the proposed Law Courts building on an east-west axis along Angas Street. From the outset the Council had clearly stated that if the closure were to take place, a prerequisite would be the extension of Penny Place to Angas Street in a straight alignment. The purpose of this extension was to provide an alternative north-south vehicle and pedestrian through block link.
- 5.23 The Council’s submission also observed that the Council had made a number of submissions on this issue to the State Government. However, despite Council’s representations, the matter had not been satisfactorily resolved.<sup>19</sup>
- 5.24 At the public hearing, Mr Barry Jackson, DoFA’s representative, advised the Committee that from the point of view of the Commonwealth, the closure of Nelson Street was outside its concern. In addition, the land swap arrangement provided the Commonwealth with a ‘clear and unencumbered site that did not have a former road going through it.’<sup>20</sup>
- 5.25 Mr Jackson further noted that the Commonwealth’s advice was that the road was formally closed and does not exist within the site. Mr Jackson observed that issues arising from the closure ‘are more appropriately dealt with, in our view, between the Adelaide City Council and the South Australian Government.’<sup>21</sup>

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18 Submissions Volume 1, pp.105-106.

19 Submissions Volume 1, pp.51-52.

20 Mr Jackson, Evidence, p. 14.

21 Evidence, p. 14.

- 5.26 Mr Stuart Moseley, Acting General Manager, City Strategy, Adelaide City Council advised the Committee at the public hearing that from the Council's perspective, the access issue was critically important. The Council noted the Commonwealth's response that, for security and other reasons, it is not anticipated that access through the site would be provided. However, the Council was keen to ensure that ongoing collaboration should be maintained between the parties concerned.<sup>22</sup>
- 5.27 At the public hearing, Mr Moseley advised that the Council preferred Nelson Street to be kept open to ensure access to the site. However, if that were not possible, an alternative currently being considered is ground level access through the proposed building in a north-westerly direction.
- 5.28 Another alternative north-south access would mean extending Penny Place. Mr Moseley said he understood that the Penny Place alternative was not an issue for the Commonwealth and the Council was pursuing that separately with the State. Mr Moseley observed that either alternative would be acceptable.<sup>23</sup>
- 5.29 Mr Moseley further noted that the Commonwealth had suggested another alternative. That option would provide access along the south and east of the building. Mr Moseley indicated, however, that the Council has some reservations about the workability of that arrangement:
- ... because of its antidirectional nature and because of the relatively narrow movement path up against a very substantial vertical element, which we think raises major issues of safety – in terms of lighting and activity ...<sup>24</sup>
- 5.30 The Committee sought advice as to the extent of traffic or pedestrian use of Nelson Street and whether the Council had received complaints about its closure. Mr Moseley admitted that while Nelson Street had been closed for 'some months', as far as he was aware, the Council had received no complaints.<sup>25</sup>
- 5.31 In reply to the issues raised by the Council at the public hearing, DoFA advised that access through the site had been discounted on security grounds. Mr Timothy Shannon, Managing Director, Hassell Pty Ltd, advised that an alternative consideration would be:

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22 Mr Stuart Moselley, Acting General Manager, City Strategy, Adelaide City Council, Evidence, pp. 20-21.

23 Evidence, p. 22.

24 Evidence, p. 22.

25 Evidence, p. 23.

... to ensure that our eastern wall sits three metres away from our eastern boundary and we have ensured that our southern wall is three, five and sometimes more metres away from our southern boundary. This therefore, provides the opportunity to have pedestrian access, as Nelson Street runs into our southern boundary. As a pedestrian one could wander down Nelson Street, arrive at our site, turn right and walk a distance of some 30-odd metres and then turn left and walk along the eastern boundary towards Angas Street.<sup>26</sup>

- 5.32 The Committee notes that all parties are aware of the limited role the Committee is able to play on the question of the Nelson Street closure. The Committee expects, however, that all parties would continue to collaborate to find an appropriate solution.

## Environmental Issues

- 5.33 Environment Australia advised the Committee that there did not appear to be any major environment impacts associated with the proposal on the information provided.<sup>27</sup>
- 5.34 Environment Australia also advised that the proponent agency had not formally referred the proposal to the Minister for the Environment and Heritage, Senator the Hon Robert Hill. Environment Australia stated that a requirement exists under the terms of *the Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) that came into force on 16 July 2000.
- 5.35 According to Environment Australia the EPBC Act requires projects that are likely to have a significant impact on a matter of national environmental significance to be referred to the Minister for the Environment and Heritage for assessment and approval.<sup>28</sup>
- 5.36 The Committee has noted Environment Australia's comments and expects DoFA to act in accordance with the EPBC Act's requirements.

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26 Evidence, p. 31.

27 Submissions Volume 1, p. 163.

28 Submissions Volume 1, p. 159.