Inner Metropolitan Development Assessment Committee held on Thursday, 26 March 2015 commencing at 9.45 AM Conference Room 6.2, Level 6, 136 North Terrace, Adelaide

1. OPENING

1.1 PRESENT

Presiding Member          Ted Byrt

Members
Megan Leydon (Deputy Presiding Member)
Damien Brown
Geoffrey Loveday
Carolyn Wigg
Simone Fogarty
Andrew Ford

Council Members
NPSP – Jenny Newman (Agenda Item 2.1)
Prospect – Cherie Gill (Agenda Item 2.2)
Unley – Brenton Burman (Agenda Item 3.1)
ACC – John Hodgson (Agenda Item 3.2)

Secretary          Sara Zuidland

Principal Planner          Anita Allen

DPTI Staff
Alison Collins (Agenda Item 2.1)
Alex Mackenzie (Agenda Item 2.2)
Damian Dawson (Agenda Item 3.1)
Connie Parisi (Agenda Item 3.2)

1.2 APOLOGIES – Nil.

2. DEFERRED APPLICATIONS

2.1 City of Norwood, Payneham & St Peters

Chasecrown Pty Ltd
DA 155/M011/14
97 King William Street, Kent Town
Simone Fogarty and Megan Leydon declared a conflict of interest and were not present for the hearing of this item.

The Commission discussed the application.

RESOLVED

1) RESOLVE to DEFER to obtain legal advice.

2.2 City of Prospect

A & K Farina Family Trust
DA 050/0284/14
44 Churchill Road, Ovingham

Damien Brown was not present for the hearing of this item.

The Presiding Member welcomed the following people to address the Commission:

Applicant(s)
- Stephen Duddy
- Chris Vounasis

Agency
- Kirsteen McKay - ODASA

The Commission discussed the application.

RESOLVED

1) RESOLVE that the proposed development is NOT seriously at variance with the relevant provisions of the Prospect (City) Development Plan.

2) RESOLVE to grant Development Plan Consent to the proposal by A & K Farina Family Trust for the demolition of an existing dwelling and construction of a mixed use development comprising ground level cafe with 18 residential apartments above, together with roof top terrace, car parking, green walls and landscaping at 44 Churchill Road, Ovingham, subject to the following conditions:

Planning Conditions:

1. Except where amendments may be required by other relevant legislation, or by conditions imposed on this application, the development shall be established in strict accordance with the details and plans, as submitted in Development Application 050/0284/14 including:

   Plans by SLD Architects

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Reports / Correspondence

Except where superseded by the letter from SLD Architects dated 10 March 2015:

- Report (Issue C) by SLD Architects dated 19 December 2014;
- Waste Management Plan by Sita Australia Pty Ltd dated 5 November 2014 and subsequent letter on 25 February 2015;
- Planning Statement by Connor Holmes dated 5 November 2014;
- Site services statement by Lucid Consulting Australia (PC: abs LCE9325-001);
- Landscaping statement by Fifth Creek Studio dated 18 November 2014 together with green wall and planter details.

2. A Construction Environment Management Plan (CEMP) shall be prepared and implemented in accordance with current industry standards – including the EPA publication “Environmental Management of On-site Remediation” - to minimise environmental harm and disturbance during construction. The plan must incorporate, without being limited to, the following matters:

   2.1 air quality, including odour and dust
   2.2 surface water including erosion and sediment control
   2.3 soils, including fill importation, stockpile management and prevention of soil contamination
   2.4 groundwater, including prevention of groundwater contamination and noise
   2.5 occupational health and safety

For further information relating to what Site Contamination is, refer to the EPA guideline Site Contamination – what is site contamination

A copy of the CEMP shall be provided to the both the Development Assessment Commission and the City of Prospect prior to the commencement of site works.

3. All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road, to the satisfaction of the Development Assessment Commission.

4. The applicant shall submit a final detailed landscaping maintenance and irrigation management plan, to the satisfaction of the Development Assessment Commission prior to the commencement of the site works. The landscaping and ‘green walls’ shown on that plan shall be established prior to occupation of the development and shall be nurtured and maintained, with any dead or dying plants to be replaced.

5. Air conditioning plant and equipment shall be visually screened and noise attenuated in accordance with EPA standards, namely the Environment Protection (Noise) Policy 2007. For further information refer to the EPA information sheet for noise level limits for fixed domestic machine noise.
6. External lighting of the site, including car parking areas and buildings, shall be designed, located, shielded and constructed to conform to Australian Standards.

**Conditions imposed by the Commissioner of Highways**

7. All vehicles shall enter and exit the site in a forward direction.

8. All car parking facilities shall be designed and constructed in accordance with AS/NZS 2890.1:2004 and 2890.6:2009.

9. Refuse collection shall be undertaken outside of peak traffic times on Churchill Road (i.e. between 7pm and 6am the next day).

10. Any portion of the existing crossover that becomes redundant as a result of the new crossover being constructed shall be closed and reinstated to Council satisfaction at the applicants cost.

11. Stormwater runoff shall be collected onsite and discharged without jeopardising the integrity and safety of Churchill Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicants cost.

**Advisory Notes**

a) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: http://www.epa.sa.gov.au/pub.html

b) An application for an authorisation pursuant to Section 22.1 of the Local Government Act will need to be lodged and approved by the City of Prospect for any encroachments.

c) The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

d) As work is being undertaken on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

e) The emission of noise from the premises is subject to control under the Environment Protection Act and Regulations, 1993 and the applicant (or person with the benefit of this consent) should comply with those requirements.

f) The development must meet the relevant requirements of the Minister’s Specification SA 78B for Construction Requirements for the Control of External Sound as part of the building rules assessment.

g) Council approval is required before undertaking any works within the public realm. Please contact the City of Prospect Infrastructure and Assets Officer, Mr Dimi Shizas on (08) 83428035 for further information.
h) City of Prospect has a strategic approach to waste management, with a focus on reducing the amount of waste that goes to landfill. The applicant is encouraged to contact City of Prospect in regards to participating in Council’s organics and food waste collection scheme.

i) The development must be substantially commenced within one (1) year of the date of this Notification, unless this period has been extended by the Development Assessment Commission.

j) You are also advised that any act or work authorised or required by this Notification must be completed within three (3) years of the date of the Notification unless this period is extended by the Commission.

k) The applicant will require a new consent before commencing or continuing the development if you are unable to satisfy the conditions of approval.

l) Any request for an extension of time must be lodged with the Statutory Planning Branch, Department of Planning, Transport and Infrastructure, GPO Box 1815 Adelaide SA 5001, prior to the time periods specified.

m) The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval. Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day on which you receive this notice or such longer time as the Court may allow. Please contact the Court if you wish to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).

Commissioner of Highways Advisory Notes

n) It should be noted that future upgrading of Churchill Road may include the installation of a solid median. This will result in all vehicular access to the subject development being limited to left turn in and left turn out movements only.

3. NEW APPLICATIONS

3.1 City of Unley

Xinyu International Group
C/- Trice Project and Development Managers
DA 090/M003/15
244 Unley Road, Unley

The Presiding Member welcomed the following people to address the Commission:

Applicant(s)
- Ben Ward
- Peter Petrou
- Phil Brunning
- Phil Weaver

Agency
- Kirsteen McKay - ODASA

Representor
- David Pisoni MP
- Peter Schloeffel
- Elizabeth Schloeffel
The Commission discussed the application.

**RESOLVED**

1) RESOLVE that the proposed development is NOT seriously at variance with the relevant provisions of the Unley (City) Development Plan.

2) RESOLVE to grant Development Plan Consent to the proposal by Trice Project Manager C/- Xinyu International Group Pty Ltd, for the demolition of existing buildings and construction of a seven storey mixed use development at 244 – 248 Unley Road, Unley subject to the following reserve matter and conditions:

**Reserve Matters**

1. Information relating to the refinement of the architectural expression for the Unley Road elevation, to be consistent with the Opey and Hart Avenues, and referencing the fine grain, small scale and vertical proportions typical of the area shall be provided to the Development Assessment Commission and the Government Architect for further consideration.

**Planning Conditions**

1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans, as submitted in Development Application 090/M003/15 including:

**Plans by Cheesman Architects**

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**Reports / Correspondence**

- Planning Statement prepared by Phil Brunning and Associates dated 22 December 2014
- Design Statement prepared by Cheesman Architects dated 3 December 2014
- Landscaping Plan prepared by Oxigen dated 25 November 2014
• Services and Infrastructure Report prepared by BCA Engineers dated 18 December 2014
• Ecological Sustainable Design Report prepared by BCA Engineers dated 18 December 2014
• Stormwater Management Plan prepared by MLEI and Dareengineering dated 3 December 2014
• Traffic and Parking Assessment by Phil Weaver and Associates dated 18 December 2014
• Waste Management Plan prepared by Rawtech dated 19 December 2014
• Acoustic Design Report prepared by Vipac Engineers dated 19 December 2014
• Wind Impact Assessment prepared by Vipac Engineers dated 2 December 2014
• Arborist Report prepared by Mark Eitzen dated 4 March 2014
• Environmental Phase 1 Site Assessment by LBW Environment dated 17 January 2014
• Heritage Impact Statement by DASH Architects dated 20 January 2015

2. A Construction Environment Management Plan (CEMP) shall be prepared and implemented in accordance with current industry standards - including the EPA publication “Environmental Management of On-site Remediation” - to minimise environmental harm and disturbance during construction. The plan must incorporate, without being limited to, the following matters:

   2.1 traffic management plan for the duration of demolition and construction
   2.2 management of noise impacts with the intent to minimise noise impact on adjacent residential properties
   2.3 air quality, including odour and dust
   2.4 sequencing of the development, including proposed construction timelines for all building work on the site
   2.5 a dilapidation study which considers the impacts of proposed demolition, excavation and construction work on buildings on adjacent land
   2.6 surface water including erosion and sediment control
   2.7 soils, including fill importation, stockpile management and prevention of soil contamination
   2.8 groundwater, including prevention of groundwater contamination
   2.9 occupational health and safety

For further information relating to what Site Contamination is, refer to the EPA guideline Site Contamination – what is site contamination

A copy of the CEMP shall be provided to the both the Development Assessment Commission and the City of Unley prior to the commencement of site works.

3. The applicant shall submit to the Development Assessment Commission a definitive statement from an environmental auditor advising that the land is suitable for its intended purpose. If required by the auditor, the applicant shall prepare a Phase 2 Site Assessment Report, prior to commence of further works.

4. All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road, to the satisfaction of the Development Assessment Commission.
5. All stormwater run-off shall be collected on site and discharged without jeopardising the integrity and safety of Unley Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicants cost.

6. Final details of the onsite retention and reuse of stormwater shall be provided to the satisfaction of the Development Assessment Commission prior to the issue of Development Approval for the relevant stage of construction.

7. The applicant shall submit a final detailed landscaping maintenance and irrigation management plan, to the satisfaction of the Development Assessment Commission prior to the commencement of the site works.

8. All landscaping nominated shall be established and maintained in accordance with the approved plans. All landscaping shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

9. Final details of the grill/enclosure of the undercroft along both Opey and Hart Avenues, and the landscaping treatments along both frontages to screen the undercroft and the pad mounted transformer, shall be provided to the satisfaction of the Development Assessment Commission prior to the issue of Development Approval for the relevant stage of construction.

10. Lighting of the site, including car parking areas and buildings, shall be designed, located, shielded and constructed to conform to Australian Standards.

11. The acoustic attenuation measures recommended in the Acoustic Design Report prepared by Vipac Engineers dated 19 December 2014 forming part of this consent shall be fully incorporated into the building rules documentation to the reasonable satisfaction of the Development Assessment Commission. Such acoustic measures shall be made operational prior to the occupation or use of the development.


13. The proposed car parking layout shall be designed and constructed to conform to the Australian Standard 2890.1:2004 for Off-Street Parking Facilities; Australian Standard 2890.6-2009 Parking facilities.

14. The on-site Bicycle Parking facilities shall be designed in accordance with Australian Standard 2890.3-1993 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles.

15. Affordable housing shall be provided in accordance with the Affordable Housing Agreement (Land Management Agreement between the Minister for Planning and Xinyu International Group Pty Ltd) lodged with and forming part of the development application, dated 26 February 2015.

16. The obsolete crossover on Unley Road shall be removed and reinstated with the gutter and kerb to Council standard prior to the practical completion of the development. All costs shall be borne by the developer.

17. All waste collection shall occur onsite within the undercroft/basement between the hours of 7am and 7pm Monday to Saturday only.
18. Final details of the proposed way finding mechanisms for the development, to the satisfaction of the Development Assessment Commission. Way finding should include the following:
- directional signage to visitor car parking;
- delineation of visitor car parking within the undercroft;
- directional signage from the parking areas to the lift and stairs accessing Unley Road and the building levels above.

DAC Advisory Notes:

a) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following website: http://www.epa.sa.gov.au/pub.html

b) An application for an authorisation pursuant to Section 22.1 of the Local Government Act will need to be lodged and approved by the City of Unley for any encroachments or works within the public realm.

c) The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant’s expense.

d) As work is being undertaken on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

e) The emission of noise from the premises is subject to control under the Environment Protection Act and Regulations, 1993 and the applicant (or person with the benefit of this consent) should comply with those requirements.

f) The development must meet the relevant requirements of the Minister’s Specification SA 78B for Construction Requirements for the Control of External Sound as part of the building rules assessment.

g) The development must be substantially commenced within one (1) year of the date of this Notification, unless this period has been extended by the Development Assessment Commission.

h) You are also advised that any act or work authorised or required by this Notification must be completed within three (3) years of the date of the Notification unless this period is extended by the Commission.

i) The applicant will require a new consent before commencing or continuing the development if you are unable to satisfy the conditions of approval.

j) Any request for an extension of time must be lodged with the Statutory Planning Branch, Department of Planning, Transport and Infrastructure, GPO Box 1815 Adelaide SA 5001, prior to the time periods specified.

k) The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval. Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day on which you receive this notice or such longer time as the Court may allow. Please contact the Court...
if you wish to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).

**Commissioner of Highways Advisory Notes**

1) All encroachments within the road reserve of Unley Road will require authorisation from Council and the Commission of Highways under the Local Government Act 1999

m) Any future signage application should be designed in accordance with DPTI "Advertising Signs – Assessment Guidelines for Road Safety: (August 2014). The document is available via the following link: http://www.dpti.sa.gov.au/__data/assets/pdf_file/0019/145333/DPTI-Advertising-SignsAssessment-Guidelines.pdf

3.2 **City of Adelaide**

**Australian Fashion Labels Pty Ltd C/- Intro (Australasia) Pty Ltd**
DA 020/A010/15
**233-236 North Terrace, Adelaide**

The Presiding Member welcomed the following people to address the Commission:

Applicant(s)
- Damien Ellis – Intro Pty Ltd
- Blake Williams
- Sam Adams

Agency
- Kirsteen McKay - ODASA

The Commission discussed the application.

**RESOLVED**

1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.

2) RESOLVE to grant Development Plan Consent to the proposal by at, subject to the following conditions of consent.

**Planning Conditions:**

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans, as submitted in Development Application 020/A010/15 including:

Plans by Hosking Willis Architecture

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### Reports / Correspondence

- Planning Statement prepared by Intro and dated February 2015, except where superseded by the following correspondence:
  - Letter dated 6 March 2015 by Intro Pty Ltd
  - Letter dated 4 March 2015 by GTA Consultants

2. That mechanical plant or equipment, shall be designed, sited and screened to minimise noise impact on the proposed residential development and adjacent premises or properties. The noise level associated with the combined operation of plant and equipment such as air conditioning, ventilation and refrigeration systems when assessed at the nearest existing or envisaged noise sensitive location in or adjacent to the site shall not exceed:

   - 55 dB(A) during daytime (7.00am to 10.00pm) and 45 dB(A) during night time (10.00pm to 7.00am) when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists.

3. That a Construction Environment Management Plan (CEMP) shall be prepared and implemented in accordance with current industry standards – including the EPA publication “Environmental Management of On-site Remediation” - to minimise environmental harm and disturbance during construction.

   The management plan must incorporate, without being limited to, the following matters:

   - air quality, including odour and dust
   - surface water including erosion and sediment control
   - soils, including fill importation, stockpile management and prevention of soil contamination
   - groundwater, including prevention of groundwater contamination
   - noise
   - occupational health and safety


A copy of the CEMP shall be provided to the Adelaide City Council prior to the commencement of site works.

4. That the final details of the proposed waste management practices to be adopted by the applicant or the person(s) having the benefit of this consent during the construction of the Development, shall be submitted to Adelaide City Council prior to the granting of development approval to the Development. Such details shall include a Waste Management Plan which shall cover the three phases of the Development, namely:

   a) resource recovery during demolition
   b) waste minimisation and resource recovery during construction; and
c) resource recovery during occupation or use of the Development including proposed methods of recycling of all recyclable materials.

5. That lighting shall be provided at external entrances and shall be installed in accordance with Council’s guideline entitled “Under Verandah/Awning Lighting Guidelines” prior to the occupation or use of the Development. Such lighting shall be operational during the hours of darkness at all times to the reasonable satisfaction of the Development Assessment Commission.

6. That the on-site Bicycle Parking facilities shall be designed in accordance with Australian Standard 2890.3-1993 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles.

7. That additional detailing, which is commensurate to the anticipated quality of the apartments, around the Austin Street residential entrance shall be provided to the satisfaction of the Development Assessment Commission.

8. That details associated with the conservation works outlined in the Heritage Statement dated January 2015 (prepared by Hosking Willis Architecture) shall be provided to the satisfaction of DAC prior to commencement of the conservation works.

9. That details of the lift configuration at basement level, including entries, shall be provided to the satisfaction of the Development Assessment Commission.

Advisory Notes:

a) The approval does not include any signage (other than directional), which would need to be the subject of a separate application to the relevant planning authority.

b) Council maintained infrastructure that is removed or damaged during construction works shall be reinstated to Council specifications. All costs associated with these works shall be met by the proponent.

c) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

d) Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: http://www.epa.sa.gov.au/pub.html

e) The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant’s expense.

f) As work is being undertaken on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

g) If temporary hoarding or site works require modification of existing Council infrastructure, the works will be carried out to meet Council’s requirements and costs borne directly by the developer.

h) All damage to Adelaide City Council’s infrastructure, including damage to public lighting and underground ducting caused by projects works or
loading of site crane onto pathways will be repaired to meet Councils requirements and the cost of the developer.

4. **ANY OTHER BUSINESS** – Nil.

5. **CONFIRMATION OF THE MINUTES OF THE MEETING**

   5.1. **RESOLVED** that the Minutes of this meeting held today be confirmed.

6. **MEETING CLOSE**

   The Presiding Member thanked all in attendance and closed the meeting at 1.00PM.

   Confirmed  /  /2015

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Ted Byrt
PRESIDING MEMBER