



# STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

## Minutes of the 52<sup>nd</sup> Meeting of the State Commission Assessment Panel held on Thursday 18 April 2019 commencing at 10.00am ODASA, 28 Leigh St, Adelaide

### 1. OPENING

#### 1.1. PRESENT

Presiding Member	Simone Fogarty
Members	Dennis Mutton (Deputy Presiding Member) Mark Adcock Chris Branford Peter Dungey Sally Roberts
Secretary	Alison Gill
DPTI Staff	Lauren Talbot (Agenda Item 2.1.1) Jason Cattonar (Agenda Item 2.1.1, 2.2.1) Robert Hart (Consultant Planner) (Agenda Item 2.2.1) Will Gormly (Agenda Item 2.2.2) Gabrielle McMahon (Agenda Items 2.1.1, 2.2.1, 2.2.2, 2.2.3)

#### 1.2. APOLOGIES

Nil

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### 2. SCAP APPLICATIONS

#### 2.1. DEFERRED APPLICATIONS

- 2.1.1 **Kaufland Australia Pty Ltd**  
DA 090/E004/18  
**10 Anzac Highway, Forestville**  
City of Unley  
Proposal: Construction of two-storey retail development for Kaufland Supermarket including supporting small tenancies, solar-panels, associated undercroft car park, offices, various signage, and landscaping.

The Presiding Member welcomed the following people to address the State Commission Assessment Panel:

#### Applicants

- Jonathan Flint, Kaufland - presented
- Maximilian Wiedmann, Kaufland
- Brianna Johnson, Kaufland
- Kimberley Holmes, Kaufland
- Patrick Bezner, Kaufland
- James Levinson, Botten Levinson - presented
- Jane Kelly, Urbis - presented
- Mark McWha, Formium - presented
- Heath Blacker, WGA
- Chelsea Donaldson, Studio 117
- Nick Henrys, Resonate

#### Council

- David Brown, Unley - presented

#### Agency

- Paul Bennett, DPTI Transport
- Thomas Herrman, DTTI Investment

#### Member of the Public

- Cr Don Palmer

The State Commission Assessment Panel discussed the application.

#### **RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the State Commission Assessment Panel is satisfied that the proposal sufficiently accords with the relevant Objectives and Principles of Development Control of the Unley Council Development Plan.
3. To grant Development Plan Consent to the proposal by Kaufland Pty Ltd for construction of a retail development including internal supporting small tenancies, solar-panels, associated undercroft car park, offices, various signage, and landscaping 10 ANZAC Highway, Forestville, subject to the following reserved matter and conditions of consent.

#### **RESERVED MATTER**

Pursuant to Section 33 (3) of the Development Act 1993, the following matters shall be reserved for further assessment, to the satisfaction of the State Commission Assessment Panel (SCAP), prior to the granting of Development Approval:

1. A detailed design for the Main Leader Street Access point shall be developed in consultation with City of Unley which provides for right-turn in space whilst avoiding impacts on infrastructure on the southern side of Leader Street and the Regulated Street Tree #33 and with a view for signals not to be required.

*Reason for reserved matter: To ensure the relevant road authorities are consulted in the detailed design and construction of recommended modifications to the local and road networks.*

2. The final Land Management Agreement as proposed between Kaufland and the Minister for Planning shall be executed.

*Reason for reserved matter: To ensure the final agreement is executed prior to operation of the supermarket commencing.*

Note - Further conditions may be imposed on the Development Plan Consent in respect of the above matters.

#### **PLANNING CONDITIONS**

1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

*Reason for condition: to ensure the development is constructed in accordance with endorsed plans and application details.*

#### **Site contamination**

2. A statement by a suitably qualified professional that demonstrates that the land is suitable for its intended use (or can reasonably be made suitable for its intended use) shall be submitted to the State Commission Assessment Panel prior to any works commencing on the site.

*Reason for condition: To ensure the land is suitable for its intended purpose*

#### **External Lighting**

3. A final external lighting plan of the site including car parking areas, advertising signs, windows and buildings shall be submitted to the State Commission Assessment Panel prior to final Development Approval being issued demonstrating conformity with Australian Standard 4282-1997 and shall be located, directed, shielded and be of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the State Commission Assessment Panel.

*Reason for condition: to ensure external lighting does not introduce undue potential for hazards to users of the adjacent road network or residential interface in accordance with the necessary standard.*

#### **Acoustics**

4. The acoustic attenuation measures recommended in the acoustic report, dated 1 April 2019 by Resonate, shall be fully incorporated into the building rules documentation to the reasonable satisfaction of the State Commission Assessment Panel. Such acoustic measures shall be made operational prior to the occupation or use of the development.

*Reason for condition: to ensure activities on the site do not cause unreasonable nuisance or loss of amenity in the locality.*

#### **Transport and Access**

5. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with relevant Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the State Commission Assessment Panel prior to the occupation or use of the development.

*Reason for condition: to ensure driveways and vehicle facilities are designed to adhere to the necessary standards.*

6. All bicycle parks shall be designed and constructed in accordance with relevant Australian Standards and be made available for use at all times during operating hours.

*Reason for condition: to ensure bicycle facilities are designed to adhere to the necessary standards.*

7. The ANZAC Highway/Leader Street junction shall be upgraded to cater for the projected traffic impacts associated with the development, including two right turn lanes on ANZAC Highway and two eastbound lanes on Leader Street for a short distance before merging back to one lane. Additionally, the ANZAC Highway u-turn bay/emergency vehicle bay shall be modified to prohibit its use by traffic exiting the ANZAC Highway access point. All required road works associated with this shall be designed and constructed in accordance with Austroads Guides/Australian Standards and to DPTI (Traffic Operation's) satisfaction. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the applicant (unless otherwise agreed by DPTI). These road works shall be completed prior to occupation of the development.

8. The largest vehicle permitted on-site shall be restricted to a 19 metre articulated vehicle (AS 2890.2-2018).

*Reason for condition: to ensure vehicles of a suitable size are operated within the development.*

9. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.

*Reason for condition: to ensure off-street car parking facilities are designed to adhere to the necessary standards.*

10. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004 and Figure 3.4 in AS/NZS 2890.2:2018, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

*Reason for condition: to minimise risks of conflict between motorists and pedestrians at the subject land's boundaries in accordance with the necessary standards.*

11. All off-street commercial vehicle facilities shall be designed in accordance with AS 2890.2-2018.

*Reason for condition: to ensure off-street commercial vehicle facilities are designed to adhere to the necessary standard.*

12. All service vehicles shall enter and exit the site from Maple Avenue only.

*Reason for condition: to ensure large service vehicles will not travel along Leader Street unless unforeseen closure out of the control of the applicant occurs.*

13. The hours for service vehicle movements to enter and exit the subject land shall be scheduled to occur between 9:00AM-7:00PM on a Sunday (or public holiday) and 7:00AM-7:00PM on any other day, except:
  - a maximum of one delivery at night (between 10pm and 5am); and
  - deliveries between 5am and 7am are to occur not more than one truck per 15 minute period.

*Reason for condition: to ensure delivery vehicle movements to loading docks are restricted to mitigate unreasonable noise impacts.*

### **Infrastructure**

14. All Council, utility or state agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths, etc.) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or state-agency specifications. All costs associated with these works shall be met by the proponent.

*Reason for condition: to ensure appropriate reinstatement of any Council, utility or state-agency maintained infrastructure affected by construction activities.*

### **Advertising Signage**

15. The illuminated signage, as proposed, shall be permitted with LED lighting used for internal illumination of a light box only. No other internal illumination is allowed.
16. The illuminated signage shall be limited to a low level of illumination so as to minimise distraction to motorists ( $\leq 150\text{cd/m}^2$ ).
17. The signage shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device.

*Reason for conditions: to ensure illuminated signage does not introduce undue potential for hazards to users of the adjacent road network*

### **Stormwater**

18. All stormwater infrastructure design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2015 (Part 3) to ensure that stormwater does not adversely affect any adjoining property or public road.

*Reason for condition: to ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.*

### **Mechanical Plant & Equipment**

19. Air conditioning or air extraction plant or ducting shall be sited and acoustically screened such that no unreasonable nuisance or loss of amenity is caused to residents and users of properties in the locality to the reasonable satisfaction of the State Commission Assessment Panel.

*Reason for condition: to ensure mechanical equipment does not cause unreasonable nuisance or loss of amenity in the locality.*

### **Landscaping**

20. Landscaping areas as shown on the stamped plans and Landscape Plan dated March 2019 by Formium Landscape Architects shall be established prior to the occupation of the development and shall be maintained and nurtured at all times with any diseased or dying plants to be replaced.
21. A watering system shall be installed at the time landscaping is established and operated so that all plants receive sufficient water to ensure their survival and growth.

*Reason for conditions: To ensure the landscaping proposed is carried out from occupation and will be maintained.*

### **Waste Management**

22. All trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
23. Waste service vehicles shall only visit the site between: 7.00am and 7.00pm Monday to Saturday (excluding public holidays) and 9:00am to 5:00pm Sundays (or public holidays).

*Reason for conditions: To ensure all waste storage and delivery will not introduce undue potential for amenity and hazards to the locality.*

## ADVISORY NOTES

- a) Building Rules Consent must be obtained for the development within 12 months of the date of this notification, unless this period has been extended by the State Commission Assessment Panel.
- b) 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. Environment Protection Authority information sheets, guidelines documents, codes of practice technical bulletins etc. can be accessed on the following web site: <http://www.epa.sa.gov.au>
- c) The applicant is reminded 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.
- d) The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a 4.5 metres x 4.5 metres cut-off at the ANZAC Highway/Maple Avenue corner for possible future road purposes. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all new building works located on or within 6 metres of the possible requirement. As no building works are proposed within the above areas, consent is not required in this instance.
- e) The proposed modifications to the ANZAC Highway/Leader Street junction will require some land from the site to be dedicated to road purposes at no cost to DPTI and Council. A land division dedicating this land will need to be undertaken prior to the development becoming operational.
- f) The applicant or any person with the benefit of this consent, must ensure that any consent/permit from other authorities or third parties that may be required to undertake the development, have been granted by that authority prior to the commencement of the development.
- g) The applicant is reminded of their obligations under the *Local Nuisance and Litter Control Act 2016* and the *Environment Protection Act 1993*, in regard to the appropriate management of environmental impacts and matters of local nuisance. For further information about appropriate management of the construction site (including a Construction Environment Management Plan) please contact the City of Unley.
- h) This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- i) The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- j) The applicant shall contact DPTI's, Traffic Operations Section, Network Planning Engineer, Ms Teresa Xavier on (08) 8226 8389 or via email at [Teresa.Xavier@sa.gov.au](mailto:Teresa.Xavier@sa.gov.au), to discuss the proposed road works prior to undertaking any detailed design. Furthermore, the applicant shall enter into a "Developer Agreement" to undertake the above works.
- k) The applicant has a right of appeal against the conditions which have been imposed on this Development Plan 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, and (telephone number 8204 0289).

## 2.2. NEW APPLICATIONS

### 2.2.1 Michael Calabro Pty Ltd

DA 050/M007/18

**253 Churchill Road / Redin Street, Prospect**

City of Prospect

Proposal: Construction of a 5 level residential apartment building and associated ground level car parking and landscaping.

The Presiding Member welcomed the following people to address the State Commission Assessment Panel:

#### Applicants

- Graham Burns, MasterPlan - presented
- Mark Beesley, Proske Architects - presented
- Rolf Proske, Proske Architects
- Ann-Marie Zagotsis, Proske Architects

#### Council

- Scott McLuskey, Prospect

#### Agency

- Aya Shirai-Doull, ODASA (on behalf of the Government Architect)

#### Member of the Public

- Daley Mackenzie

The State Commission Assessment Panel discussed the application.

### RESOLVED

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Prospect (City) Development Plan.
3. To grant Development Plan Consent to the proposal by Michael Calabro Pty Ltd for the construction of a 5 level residential apartment building and associated ground level car parking and landscaping at 253 Churchill Road/Redin Street, Prospect subject to the following conditions of consent:

### PLANNING CONDITIONS

1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

*Reason for condition: to ensure the development is constructed in accordance with endorsed plans and application details.*

2. All bicycle parks shall be designed and constructed in accordance with Australian Standard 2890.3-2015.

*Reason for condition: to ensure bicycle facilities are designed to adhere to the necessary standards.*

3. All external lighting on the site shall be designed and constructed to conform to Australian Standard (AS 4282-1997).

*Reason for condition: to ensure external lighting does not introduce undue potential for hazards to users of the adjacent road network in accordance with the necessary standard.*

4. All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2015 (Part 3) to ensure that stormwater does not adversely affect any adjoining property or public road. Any alteration to road drainage infrastructure required to facilitate this shall be at the applicant's expense.

*Reason for condition: to ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.*

5. The acoustic attenuation measures recommended in the Acoustic Assessment, dated August 2018 by Sonus (S5681C3), shall be fully incorporated into the building rules documentation to the reasonable satisfaction of the SCAP, and in any event must satisfy the requirements of *Minister's Specification SA 78B*. Such acoustic measures shall be made operational prior to the occupation or use of the development.

*Reason for condition: to ensure appropriate noise attenuation measures are in place for occupants of the building.*

6. Windows shown on the plans that require privacy treatment shall be fitted with a sill height or fixed and obscured glazing not less than 1.5m above the relative finished floor level. Privacy treatments shall be installed prior to occupation of the building and thereafter maintained to the reasonable satisfaction of Council.

*Reason for condition: To ensure appropriate privacy measures are in place for occupants of the building and for those in the locality.*

#### **Commissioner of Highways conditions**

7. Vehicular access to the site shall be via Redin Street in general accordance with Proske Architects, Site/Ground & First Floor Plan, Drawing 17-051.PL02.B, dated 28 February 2019.

*Reason for condition: to ensure the development is constructed in accordance with endorsed plans and application details.*

8. Any redundant crossovers shall be removed and reinstated to Council's standard gutter and kerb at the applicant's cost.

*Reason for condition: to ensure appropriate reinstatement of any Council, utility or state-agency maintained infrastructure affected by construction activities.*

9. All off-street car parking shall be designed in accordance with *AS/NZS 2890.1:2004*. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

*Reason for condition: to ensure off-street car parking facilities are designed to adhere to the necessary standards.*

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

*Reason for condition: to minimise risks of conflict between motorists and pedestrians at the subject land's boundaries in accordance with the necessary standards.*



11. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

*Reason for condition: to ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.*

12. Prior to Development Approval for superstructure works the applicant shall submit a final detailed schedule of external materials and finishes, and detail of screening to the satisfaction of the State Commission Assessment Panel in consultation with the Government Architect and the Council.

*Reason for condition: to ensure the materials and finishes proposed are consistent with the architectural drawings and the screening is effective.*

#### **ADVISORY NOTES**

- a. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- b. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- c. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan 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).
- d. The applicant, or any person with the benefit of this consent, must ensure that any consent/permit from other authorities or third parties that may be required to undertake the development, have been granted by that authority prior to the commencement of the development.
- e. The applicant is reminded of their obligations under the *Local Nuisance and Litter Control Act 2016* and the *Environment Protection Act 1993*, in regard to the appropriate management of environmental impacts and matters of local nuisance. For further information about appropriate management of construction site, please contact the City of Prospect on (08) 8269 5355.
- f. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths transverse by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.
- g. All works on Council land shall be conducted to Council's specification, with all works to be bunted off safely and pedestrian safety to be maintained throughout the construction period. Planting will also need to be undertaken in line with council specification in terms of sight distance interference and safety to the community (thorns/poisonous planting). Plans displaying all relevant details of the Road/Kerbing/Footpath Works shall be submitted to the Assets and Infrastructure Officer for approval prior to the commencement of any such works.

## Notes required by Commissioner of Highways

- h. The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Churchill Road frontage of this site, together with a 4.5 metres x 4.5 metres cut-off at the Churchill Road/Redin Street corner for future road purposes. The consent of the Commissioner of Highways under *the Metropolitan Adelaide Road Widening Plan Act 1972* is required to all new building works located on or within 6 metres of the possible requirements.

The attached consent form should be submitted by the applicant, along with three copies of the approved site plans.

- i. A separate application pursuant to Section 221 of the *Local Government Act 1999* is required in relation to the proposed driveway crossover, the proposed relocation of the Council street sign, the cantilevering of a canopy over the footpath and the proposed landscaping on the adjacent Redin Street and Churchill Road footpaths.

### 2.2.2 CES Pirie Hotel (SA) Pty Ltd

DA 020/A016/19

#### 51 Pirie Street, Adelaide

City of Adelaide

Proposal: Demolition of all buildings on site, including a Local Heritage (Townscape) Place and construction of a twenty-eight (28) storey hotel building, with ballroom, meeting rooms, and ancillary car parking.

The Presiding Member welcomed the following people to address the State Commission Assessment Panel:

#### Applicants

- Robert Lee - presented
- Kok Kheong Cheang
- Michael Hegarty, GHD - presented
- Micah Cruz, GHD
- Nello Rebuli, GHD
- Adrian Conterno, GHD
- Heath Blacker, WGA
- Jason Schulz, DASH Architects

#### Agency

- Belinda Chan, ODASA
- Ellen Liebelt, ODASA

The State Commission Assessment Panel discussed the application.

## RESOLVED

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Adelaide (City) Development Plan consolidated 7 June 2018.
3. To grant Development Plan Consent to the proposal by CES Pirie Hotel (SA) Pty Ltd for the demolition of all buildings on the site, including a Local Heritage (Townscape) Place and construction of a twenty-eight (28) storey hotel building, with ballroom, meeting rooms, and ancillary car parking at 51 Pirie Street, Adelaide, subject to the following reserved matters and conditions of consent.

## RESERVED MATTERS

The State Commission Assessment Panel acknowledges that this proposal involves the demolition of a Local Heritage (Townscape) Place and that the Development Plan Policy supports its retention. On the other hand the Development Plan seeks to support a high quality pedestrian environment complemented by ground floor activation. On balance the Panel supports the proposal recognising the high standard of architectural design and materials and the proposed contribution to the public realm. In order to ensure these outcomes, the following shall apply.

Pursuant to Section 33 (3) of the *Development Act 1993* the following matters shall be reserved for further assessment, to the satisfaction of the State Commission Assessment Panel prior to the granting of Development Approval:

1. Detailed design of the façade elements, including the car parking levels.
2. Detailing of the ground and first floors, including canopies and any associated ancillary elements including the relationship with the external environment.
3. Detail of the ground floor and associated public realm treatment (including flooring/pavement selection, bollards, landscaping, and other outdoor elements) in consultation with the City of Adelaide.
4. Incorporation of artwork (or similar) which recognises the demolition of the Local Heritage (Townscape) Place, and celebrates the former heritage characteristics of the site.

Note - Further conditions may be imposed on the Development Plan Consent in respect of the above matters.

## PLANNING CONDITIONS

1. The development herein granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

*Reason for condition: To ensure the development is undertaken in accordance with endorsed plans and application details.*

2. Prior to Development Approval being issued for the first stage (should staged development be proposed), a statement by a suitably qualified professional that demonstrates that the land is suitable for its intended use (or can reasonably be made suitable for its intended use) shall be submitted to the State Commission Assessment Panel.

*Reason for condition: To ensure the land is able to be developed for its intended land uses.*

3. Prior to Development Approval for the super structure works (should staged development be proposed), a wind modelling assessment that includes numerical or physical modelling of the development shall be undertaken by a qualified engineer, and submitted to the satisfaction of the State Commission Assessment Panel. Any recommendations for changes to the built form shall be approved by the SCAP.

*Reason for condition: To ensure that the as-built development does not cause detriment to the amenity of the locality.*

4. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with Australian Standards AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009 to the reasonable satisfaction of the State Commission Assessment Panel prior to the occupation and use of the development.

*Reason for condition: To ensure safe operation of the development.*

5. Clear sight lines for users of the car park entry shall be provided to ensure pedestrian safety along the Gawler Place footpath and shall be provided at all times in accordance with Australian Standard AS/NZS 2890.1:2004 Off-street Car Parking.

*Reason for condition: To ensure safe operation of the development and environment.*

6. All bicycle parking spaces shall be designed and constructed in accordance with Australian Standard AS/NZS 2890.1:2015.

*Reason for condition: To ensure the appropriate access arrangements to bicycle parking and storage spaces.*

7. The finished floor level of any ground floor entry points including the car park entry and exit points shall match that of the existing footpath unless otherwise agreed to by the State Commission Assessment Panel.

*Reason for condition: The City of Adelaide will not alter existing footpath levels to suit the as-built levels of the development.*

8. All external lighting on the subject land shall be designed and constructed to conform to Australian Standard AS/NZS 4282-1997.

*Reason for condition: To ensure external lighting does not introduce undue potential for hazards to the locality.*

9. Lighting shall be installed to the verandah at street level on Pirie Street in accordance with the City of Adelaide council's guideline titled 'Under Verandah/Awning Lighting Guidelines' at all times to the reasonable satisfaction of the council and prior to the occupation or use of the Development. Such lighting shall always be operational during the hours of darkness to the reasonable satisfaction of Council.

*Reason for condition: To ensure Council requirements are met for lighting under verandah/awnings.*

10. Air conditioning, air extraction and other plant material including ducting shall be sited and acoustically screened such that no unreasonable nuisance or loss of amenity is caused to users of properties in the locality, to the reasonable satisfaction of the State Commission Assessment Panel.

*Reason for condition: To ensure appropriate noise attenuation measures are in place for occupants of the building and those in the locality.*

#### **ADVISORY NOTES**

- a. You are advised that the State Commission Assessment Panel does not support the granting of staged consent for the demolition of the Local Heritage (Townscape) Place in isolation. The Development Approval for its demolition shall be incorporated with substructure works (at a minimum) to provide greater comfort that the building will not be demolished without the new development commencing.
- b. This Development Plan Consent will expire after twelve months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- c. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within one year of the final Development Approval issued by Council and substantially completed within three years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.

- d. Development Approval will not be granted until Building Rules Consent and an Encroachment Consent have been obtained. A separate application must be submitted for such consents. No building work or change of classification is permitted until the Development Approval has been obtained.
- e. The application will require approval in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 and therefore will be forwarded to the Department of Infrastructure and Regional Development for their approval. If the development is approved by the Department of Infrastructure, Regional Development and Cities, any associated lighting would also need to conform to the airport lighting restrictions and shielded from aircraft flight paths. Crane operations associated with construction, if approved, will also be subject to a separate application. Should you require any additional information, please contact Brett Eaton, Airside Operations Manager, Adelaide Airport Limited on 08 8308 9245.
- f. An Encroachment Permit will be separately issued for the proposed encroachment into the public realm when Development Approval is granted. In particular, your attention is drawn to the following:
- An annual fee may be charged in line with the Encroachment Policy.
  - Permit renewals are issued on an annual basis for those encroachments that attract a fee.
  - Unauthorised encroachments will be required to be removed.
- g. Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. 48 hours' notice is required before commencement of any activity. The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at [www.cityofadelaide.com.au](http://www.cityofadelaide.com.au). When applying for a City Works Permit you will be required to supply the following information with the completed application form:
- A Traffic Management Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc);
  - Description of equipment to be used;
  - A copy of your Public Liability Certificate (minimum cover of \$20 million required);
  - Copies of consultation with any affected stakeholders including businesses or residents.
- h. Any work relating to crossing places will be undertaken by council and the cost of the work will be charged to the applicant. A separate application for the crossing places is required and the applicant can obtain a form from Customer Service at 25 Pirie Street, Adelaide or by telephone on 8203 7236. A quotation for the work will be provided by council prior to the work being undertaken.
- i. The applicant is encouraged to contact the City of Adelaide as early as possible to commence a collaborative design process with respect to the proposed changes in the public realm.
- j. Signage does not form part of this development application. No advertising display or signage shall be erected or displayed on the subject land without any required Development Approval being obtained first.
- k. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan 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).

- l. The applicant, or any person with the benefit of this consent, must ensure that any consent/permit from other authorities or third parties that may be required to undertake the development, have been granted by that authority prior to the commencement of the development.
- m. The applicant is reminded of their obligations under the *Local Nuisance and Litter Control Act 2016* and the *Environment Protection Act 1993*, with regard to the appropriate management of environmental impacts and matters of local nuisance. For further information about appropriate management of construction sites, please contact the City of Adelaide on 8203 7203.

### 2.2.3 **Hardy Milazzo**

DA 020/A066/19

**266-270 Pulteney Street, Adelaide**

City of Adelaide

Proposal: Demolition of existing structures and construction of a multi-storey mixed-use development comprising tourist accommodation, commercial offices, cafe/restaurant, ancillary car parking, and associated building work.

The Presiding Member welcomed the following people to address the State Commission Assessment Panel:

#### Applicants

- Zis Ginos, Ginos Group
- George Ginos, Ginos Group
- Graham Hardy, Hardy Milazzo – presented
- Geoffrey Hodge, Hardy Milazzo - presented
- Daniel Kazaniecki, BCA Engineers
- Ian Bishop, GTA

#### Agency

- Belinda Chan, ODASA

The State Commission Assessment Panel discussed the application.

### **RESOLVED**

To DEFER consideration of this application for the following reason:

The State Commission Assessment Panel is supportive of the proposed land use and layout arrangements but has concerns about the external architectural expression. The Development Plan states the need for a high quality architectural solution. Accepting that the development needs to meet market circumstances the Panel believes that the design can be improved.

The Panel notes that Pulteney Street is in a state of evolution particularly driven by the Calvary Hospital redevelopment. The Panel encourages a review and reconsideration of the façade and materials to set an appropriate standard for the future streetscape. The applicant is encouraged to consult with the Government Architect in this process.

### 2.3. **RESERVED MATTERS - Nil**

## 3. **CROWN DEVELOPMENTS (ADVISORY ITEMS) – Nil**

### 3.1. **DEFERRED APPLICATIONS – Nil**

### 3.2. **NEW APPLICATIONS - Nil**

4. **MAJOR DEVELOPMENTS** - Nil

5. **OTHER BUSINESS**

6. **NEXT MEETING**

6.1. Thursday 9 May 2019 at ODASA, 28 Leigh Street, Adelaide SA 5000

7. **CONFIRMATION OF THE MINUTES OF THE MEETING**

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

8. **MEETING CLOSE**

The Presiding Member thanked all in attendance and closed the meeting at 4.07pm.

Confirmed 18/04/2019

A handwritten signature in black ink, appearing to read 'Simone Fogarty', written in a cursive style.

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Simone Fogarty  
PRESIDING MEMBER