



Development Assessment Commission

**Inner Metropolitan Development Assessment Committee
held on Thursday, 27 November 2014 commencing at 10.30AM
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 <i>Council Representative</i> ACC – Susan Clearihan
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	Alex Mackenzie (Agenda Item 3.1) Gabrielle McMahon (Agenda Item 3.2)

1.2 APOLOGIES – Nil.

2. DEFERRED APPLICATIONS – Nil.

3. NEW APPLICATIONS

- 3.1 City of Adelaide
SA Construction Pty Ltd
DA 020/0032/14A
111-113 South Terrace, Adelaide (corner of South Terrace and Owen
Street)**

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

Applicant(s)

- Sav Ali
- Matthew King
- Simon Channon (URPS)

Agency

- Kirsteen Mackay

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 Angelo Ali Architects for the construction of a mixed use commercial and residential tower at 111-113 South Terrace, Adelaide subject to the following reserved matter and conditions of consent.

Reserved Matter:

1. Pursuant to Section 33(3) of the Development Act 1993, the following matter is reserved for further assessment, to the satisfaction of the Development Assessment Commission in consultation with the Government Architect prior to the granting of Development Approval.

1.1 The final resolution of the architectural detail of the building, including the following:

- details of the material selection, including the base of the northern part of the building and the western and northern elevations
- design and materials for the canopy
- articulation to the western façade

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, including the amended plans as submitted in development application number 020/0032/14A.

Plans by Angelo Ali Architects

- Drawing Number A275/14 – P1, dated 24/8/14
- Drawing Number A275/14 – P2, dated 24/8/14
- Drawing Number A275/14 – P3, dated 24/8/14
- Drawing Number A275/14 – P4, dated 24/8/14
- Drawing Number A275/14 – P5, dated 24/8/14
- Drawing Number A275/14 – P6, dated 24/8/14
- Drawing Number A275/14 – P7, dated 24/8/14
- Drawing Number A275/14 – P8, dated 24/8/14
- Drawing Number A275/14 – P9, dated 24/8/14
- Drawing Number A275/14 – P10, dated 24/8/14
- Drawing Number A275/14 – P11, 13/11/14
- Drawing Number A275/14 – P2, dated 13/11/14
- Drawing Number A275/14 – P13, dated 13/11/14
- Drawing Number A275/14 – P14, dated 13/11/14
- Drawing Number A275/14 – P15, dated 13/11/14
- Drawing Number A275/14 – P16, dated 13/11/14

Drawing Number A275/14 – P17, dated 13/11/14

Drawing Number A275/14 – P18, dated 13/11/14

Drawing Number A275/14 – P19, dated 13/11/14

Reports / Correspondence

- Acoustic report prepared by Vipac – 21 August 2014
- Wind Impact Assessment prepared by Vipac – 13 August 2014
- Planning report prepared by URPS – 27 August 2014
- Traffic report prepared by InfraPlan – 22 August 2014
- ESD report by TMK Consulting Engineers – July 2014

2. The final details of the car stacking system and circulation within the building, shall be reviewed by a qualified traffic engineer to ensure the vehicle movements are safe and convenient and there is not likely to be any queuing onto Owen Street, and shall be endorsed by the Development Assessment Commission, prior to Development Approval.
3. That a minimum of 57 bicycle parks shall be provided in a safe, convenient and well illuminated area and shall meet the relevant Australian Standards. The location and the access to bicycle parks shall be reviewed by a qualified traffic engineer to ensure they are safe and convenient and copy of this advice provided to the Development Assessment Commission and the Adelaide City Council.
4. A visual, audible alarm shall be installed in the car park to warn pedestrians of approaching traffic; and appropriate signage or safety devices shall be installed to alert motorists of the potential presence of pedestrians and cyclists when existing the site, to the satisfaction of the Development Assessment Commission.
5. The acoustic attenuation measures recommended in the Vipac dated 21 August 2014, forming part of this consent shall be fully incorporated into the building rules documentation to the satisfaction of the Development Assessment Commission. Such acoustic measures shall be made operational prior to the occupation or use of the development.
6. A Waste Management Plan shall be prepared and submitted to the satisfaction of the Development Assessment Commission prior to the occupation of the site which identifies, but not limited to, how waste would be stored, transported and disposed of so as to minimise the potential for environmental harm.
7. The finished floor level of the ground floor level at the entry point to the development shall match the existing footpath unless otherwise agreed to by the Development Assessment Commission and the Adelaide City Council.
8. All external lighting of the site, including car parking areas and buildings, shall be designed, located, shielded and constructed to conform with Australian Standards.
9. The entrances to the building shall be well lit to provide safe entrances to the building.
10. Affordable housing shall be provided in accordance with the Affordable Housing Plan and the Land Management Agreement entered into with Renewal SA.
11. Mechanical plant or equipment shall be designed, sited and screened to minimise noise impact on 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:

- a. 50 dB(A) during daytime (7.00am to 10.00pm) and 40 dB(A) during night time (10.00pm to 7.00am) in or adjacent to a Residential Zone or the Park Lands Zone when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists.
12. 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.
13. That the landscaping shown on the plans forming part of the application shall be established prior to the operation of the development and shall be maintained at all times with any diseased or dying plants being replaced.

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.
- b) 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
- c) A Construction Environment Management Plan is required to be submitted to Adelaide City Council prior to construction work beginning on site. The Building Site Management Plan should include details of such items as:
 - Work in the Public Realm
 - Street Occupation
 - Hoarding
 - Site Amenities
 - Traffic Requirements
 - Servicing Site
 - Adjoining Buildings
 - Reinstatement of Infrastructure

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

- d) The monitoring of soil condition and appearance shall be undertaken during any site works upon the site including the excavation of footings and the trenching of services. In the event that any potential soil contamination is detected (discoloured soil or odour) the applicant shall cease all earthworks and notify the Environment Protection Authority. Appropriate testing and remediation/removal of the soil shall be undertaken in accordance with standard industry procedures, as advised by an appropriately qualified person, prior to the recommencement of earthworks upon the site.
- 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 required an Encroachment Permit will need to 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.
- h) Pursuant to Regulation 74, the Council must be given one business day's notice of the commencement and the completion of each stage of the building work on the site. To notify Council, contact City Services on 8203 7332.
- i) 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 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 (Ph: 8204 0300).
- j) The development must be substantially commenced within three (3) years of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- k) The applicant also advised that any act or work authorised or required by this Notification must be completed within five (5) years of the date of the Notification unless this period is extended by the Commission.
- 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.

3.2 **City of Adelaide**

Emmett Property Pty Ltd

DA 020/0031/14

207 Flinders Street, Adelaide

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

Applicant(s)

- Nick Emmett – Emmett Property
- Jack Young – Emmett Property
- Justin Payne – Matthews Architects
- Gerald Matthews – Matthews Architects
- Phil Brunning – PBA

Agency:

- Kirsteen Mackay

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 Emmett Property Pty Ltd for the demolition of existing buildings and structures and construction of a commercial building comprising ground floor retail, one level of above ground car parking (level 1) and two levels of commercial office (levels 3 and 3) together with related works at 207-215 Flinders Street, Adelaide, subject to the following conditions of consent:

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 020/0031/14 including:

Plans by Matthews Architects

Plan Number/Name	Revision	Date issued
SK86 Level 2 Carpark	-	21/05/2014
SK87 Level 3	-	21/05/2014
SK88 Level 4	-	21/05/2014
SK89 Level 3 + 4 Example Fitout	-	21/05/2014
SK91 Ground Floor Plan	-	13/11/2014
SK92 Roof Plan	-	21/05/2014
SK93 Materials Board	-	13/11/2014
SK93.1 Street Elevations	-	23/05/2014
SK93.2 Street Elevations	-	23/05/2014
SK94 Elevations	-	23/05/2014
SK95 Sections	-	26/05/2014
SK110.1 North West View	-	23/05/2014
SK110.2 South West View	-	23/05/2014
SK110.3 South East View	-	23/05/2014
SK110.4 North East View	-	23/05/2014
SK111.1 Context North West View	-	23/05/2014
SK111.2 Context South East View	-	23/05/2014
SK111.3 Context North East View	-	23/05/2014
SK111.4 Context South West View	-	23/05/2014
SK111.5 Context North East View	-	23/05/2014
SK111.6 Context South East View	-	23/05/2014
SK112.1 Sun Study March	-	23/05/2014
SK112.2 Sun Study June	-	23/05/2014
SK112.3 Sun Study September	-	23/05/2014
SK112.4 Sun Study December	-	23/05/2014

Reports / Other Details

- Development Plan Assessment Report by Phil Brunning and Associates
 - Cost Estimate Report by Rider Levett Bucknall
 - Parking and Traffic Report by MFY dated June 2014
 - Waste Management Plan by Rawtech dated May 2014
 - Response to Development Assessment Commission by Matthews Architects
 - Correspondence from Phil Brunning and Associates dated 31 October 2014
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:
- 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

For further information relating to what Site Contamination is, refer to the EPA guideline *Site Contamination – what is site contamination* www.epa.sa.gov.au/pdfs/guide_sc_what.pdf

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

3. Prior to the commencement of construction a dilapidation report (i.e. condition survey) shall be prepared by a qualified engineer to ensure the stability and protection of adjoining buildings, structures and Council assets. A copy of this report shall be provided to the both the Development Assessment Commission and the Adelaide City Council prior to the commencement of site works.
4. Mechanical plant or equipment, shall be designed, sited and screened to minimise noise impact on 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.
5. 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 Adelaide City Council.
6. 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*.
7. All car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of the Development Assessment Commission.
8. The on-site Bicycle Parking facilities shall be designed in accordance with Australian Standard 2890.3-1993 and the AUSTRROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles.
9. All external lighting of the site, including car parking areas and buildings, shall be designed, located, shielded and constructed to conform with Australian Standards.
10. Final design details shall be submitted confirming the adaptability of the ground level facade/glazing system, prior to issuing Building Rules Consent. The facade system shall function as intended, to the satisfaction of the Development Assessment Commission.

11. The screening method proposed for the car park level shall be impermeable to internal head light spill.

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 Adelaide City Council for any encroachments.
- c) Any changes to existing loading zones, car parking, bus stops and other on-street areas will require the approval of Adelaide City Council and the Public Transport Services section of the Department of Planning, Transport and Infrastructure (where applicable).
- d) All costs associated with any proposed changes to the existing traffic signals are to be at the expense of the applicant.
- 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) 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.
- h) 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.
- i) 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.
- j) The applicant will require a new consent before commencing or continuing the development if you are unable to satisfy the conditions of approval.
- k) 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.
- l) 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).

State Heritage Unit Advisory Notes:

- m) Please note the following requirements of the *Heritage Places Act 1993*.
 - If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
 - 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 of Environment, Water and Natural Resources.

- n) 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) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

For further information, contact the Department of Environment, Water and Natural Resources on telephone 8124 4935.

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 / /2014

.....
Ted Byrt
PRESIDING MEMBER