



# *Development Assessment Commission*

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## **Minutes of the 547th Meeting of the Development Assessment Commission held on Thursday, 12 May 2016, commencing at 9.00 AM 28 Leigh Street, Adelaide**

### **1. OPENING**

#### **1.1. PRESENT**

Presiding Member	Simone Fogarty
Members	Helen Dyer (Deputy Presiding Member) Chris Branford Peter Dungey Sue Crafter Dennis Mutton David Cooke (Item 3.1.1 – Prospect) John Hodgson (Item 3.2.1 – ACC)
Secretary	Sara Zuidland
Development Assessment Manager	Mark Adcock
DPTI Staff	Connie Parisi (Agenda Item 3.2.1) Yasmine Alliu (Agenda Item 3.1.1) Daniel Pluck (Agenda Item 2.2.1) Jeremy Wood (Agenda Item 2.2.2) Leif Burdon (Agenda Item 2.2.2)

#### **1.2. APOLOGIES – Nil.**

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## 2. DEVELOPMENT ASSESSMENT COMMISSION APPLICATIONS

### 2.1. DEFERRED APPLICATIONS – Nil.

### 2.2. NEW APPLICATIONS

#### 2.2.1 Greyhound Racing SA

415/L001/16

#### **Lot 49 Kennett Road, Murray Bridge East**

Rural City of Murray Bridge

Proposal: Greyhound racing facility

Dennis Mutton declared a conflict of interest and was not present for the hearing of this item.

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

#### Applicant(s)

- Nathan Franklin – Masterplan
- Matthew Corby CEO GRSA
- George Stubbs – Studio 9
- Scott Wuchatsh – GRSA
- Cathy Jackson – GRSA
- Kym Tredrea – Legal Representative

#### Agency(s)

- Glenn Searle (Rural City of Murray Bridge)

#### Representor(s)

- Tim Vasudeva, CEO RSPCA
- Roman O'Brien *for RSPCA*

The Commission discussed the application.

### **RESOLVED**

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. The Development Assessment Commission is satisfied that the proposal meets the key objectives of the Recreation Zone.
3. To grant Provisional Development Plan Consent to the proposal by Greyhound Racing SA for a Greyhound Racing Facility located at Lot 49 Kennett Road, Murray Bridge East subject to the following conditions:

#### **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 following plans submitted in Development Application No 415/L001/16.

## Plans

### Studio 9 Architects Plans:

Site Plan - Drawing 909-022-DA01 – Sept 2015  
Site Areas - Drawing 909-022-DA02 – Sept 2015  
Elevations - Drawing 904-285-DA03 – Aug 2015  
Landscape Plan – Drawing DA04 – 2/11/15  
Landscape Plan – Drawing DA05 – 2/11/15  
Landscape Plan – Drawing DA06 – 2/11/15

### MQZ Consulting Engineers Plans:

Civil Plan – Site Master Plan – Project No. 150840, C1, P3 – September 2015  
Civil Plan – Track – Project No. 150840, C2, P3 – September 2015  
Civil Plan – Track Detention Basin Details – Project No. 150840, C3, P3 – September 2015  
Civil Plan – Access Road Way – Project No. 150840, C4, P3 – September 2015  
Civil Plan – Main Bldg & Associated Parking – Project No. 150840, C5, P3 – September 2015  
Civil Plan – Greyhound Facilities Building & Associated Parking – Project No. 150840, C6, P3 – September 2015  
Civil Plan – Greyhound Facilities Building & Associated Parking – Project No. 150840, C7, P3 – September 2015  
Details – Project No. 150840, C8, P3 – September 2015

2. To ensure on-site wastewater works are satisfactorily assessed and approved by the Council's Environmental Health Officers the applicant shall obtain on-site wastewater works approval from the Murray Bridge Council prior to construction of the development to the satisfaction of the Development Assessment Commission.
3. That all vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with the 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 Development Assessment Commission prior to the occupation or use of the development.
4. That the site is managed to control dust associated with any activity on the site to prevent impacting surrounding sensitive receivers.
5. That all materials and goods shall be loaded and unloaded within the boundaries of the subject land.
6. That all loading and unloading, parking and manoeuvring areas shall be designed and constructed to ensure that all vehicles can safely enter and exit the subject land in a forward direction.
7. That the landscaping shown on the plans forming part of the application shall be established prior to the commencement of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

8. That the development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
9. That all trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
10. That all external lighting of the site, including car parking areas and buildings, shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site.
11. That 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.

#### **ADVISORY NOTES**

- a. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- b. The authorisation will lapse if not commenced within 12 months of the date of this Notification.
- c. The applicant is also advised that any act or work authorised or required by this Notification must be completed within 3 years of the date of the Notification unless this period is extended by the Commission.
- d. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- e. 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.
- f. 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).

#### **2.2.2 Minda Incorporated**

1108/E011/15

**12-16 King George Avenue, North Brighton**

City of Holdfast Bay

Proposal: Construction of 11 single storey group dwellings, 4 single store residential flat buildings, 2 x 3 storey flat buildings, residential flat building comprising 7 and 5 storey towers, 4 day options buildings and recreation area, removal of regulated trees and associated works

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

#### Applicant(s)

- Peter Jenson - Jenson Planning and Design
- David Barone - Jenson Planning and Design
- Cathy Miller – CEO Minda Inc
- Michelle Gheroghiu – Minda Inc
- Andrew Ford – Minda Inc
- James Levinson – Botten Levinson
- Peter Petrou – Cheesman Architects
- Scott Suter – Cheesman Architects

#### Council

- Anthony Marroncelli
- Peter Psaltis

#### Agency(s)

- Deborah Lindsay – DEWNR

#### Representor(s)

- Mark Laurie *for himself and on behalf of Colin Buchan*
- Professor Richard Reed
- Janet French

The Commission discussed the application.

#### **RESOLVED**

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. The Development Assessment Commission is satisfied that the proposal meets the key objectives of the Institution Policy Area of the Residential Zone with particular reference to land use, high quality design, increased scale and density of development and improved residential amenity.
3. To GRANT Development Plan Consent to the proposal by Minda Incorporated for Stage 2 and 3 of the redevelopment of land at 12-16 King George Avenue, Brighton North subject to the following conditions of consent:

#### **RESERVED MATTERS**

1. Pursuant to Section 33(3) of the *Development Act 1993*, the following matters shall be reserved for further assessment, to the satisfaction of the Development Assessment Commission, prior to the granting of Development Approval:
  - 1.1 A revised set of plans that incorporate all of the amendments to the proposal made following public notification.
  - 1.2 A detailed landscape plan for the subject land (in consultation with the State Heritage Unit (Department of Environment, Water and Natural Resources)). The plan shall include details of proposed landscaping within the vicinity of the heritage places with consideration given to reinforcing the use and visual prominence of the existing red gum avenue of trees, maintaining key sight-lines to the three State Heritage places, and enhancing

the landscape setting of the three State Heritage places on the site.

**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 110/E011/15 including:

Architectural Plans:

<b>Drawing Number</b>	<b>Plan Name</b>	<b>Rev</b>	<b>Date</b>
<b>Staging</b>			
14199_SP_EX001	Site Plan Existing Conditions	1	4/12/2015
14199_SP_PL001	Site Plan – Phase 1	4	10/03/2016
14199_SP_PL002	Site Demolition Plan – Phase 2A	5	10/03/2016
14199_SP_PL003		4	10/03/2016
14199_SP_PL004	Site Works Plan – Phase 2B	4	10/03/2016
14199_SP_PL005	Site Plan – Phase 3A	3	10/03/2016
	Site Works Plan – Phase 3B		
<b>Brighton Dunes</b>			
14199_BD_PL0001	Site Plan	2	11/03/2016
14199_BD_PL0002	Basement Plan	2	11/03/2016
14199_BD_PL0003	Level G – Ground/Plaza – West Tower	3	11/03/2016
14199_BD_PL0004		3	11/03/2016
14199_BD_PL0005	Level G – Ground/Plaza – East Tower	3	11/03/2016
14199_BD_PL0006	Typical Upper Levels – West Tower	3	11/03/2016
14199_BD_PL0007		3	11/03/2016
14199_BD_PL0008	Typical Upper Levels – East Tower	2	11/03/2016
14199_BD_PL0009		2	11/03/2016
14199_BD_PL0010	Level 6 – Penthouse – West Tower	2	11/03/2016
14199_BD_PL0011	North Elevation – East & West Tower	2	11/03/2016
14199_BD_PL0012		1	11/12/2015
14199_BD_PL0013	East Elevation – East & West Tower	1	11/12/2015
14199_BD_PL0014		1	11/12/2015
14199_BD_PL0100	South Elevation – East & West Tower		
	West Elevation – East & West Tower		
	Sections		

	Perspectives Site Roof Plan – East and West Tower Sunpath Diagrams		
<b>3 Storey Apartments</b>			
14199_MA_PL001	Location Plan	1	4/12/2015
14199_MA_PL002	Site Plan	1	4/12/2015
14199_MA_PL0003	Ground Floor Plan	2	19/02/2016
14199_MA_PL0004	First Floor Plan	2	19/02/2016
14199_MA_PL0005	Second Floor Plan	1	10/02/2016
14199_MA_PL0006	Roof Plan	B1	6/01/2016
14199_MA_PL0008 (should be 7?)	Elevations (North & South)		6/01/2016
14199_MA_PL0008	Elevations (East & West)		6/01/2016
14199_MA_PL0010	Perspective (note title shows elevation)		6/01/2016
<b>Lifestyle Precinct</b>			
14199_LB_PL001-(1)	Locality Plan	1	4/12/2015
14199_LB_PL002-(1)	Site Plan	1	4/12/2015
14199_LB_PL003-(1)	Building A Floor Plan	1	4/12/2015
14199_LB_PL004-(1)	Building B Floor Plan	1	4/12/2015
14199_LB_PL005-(1)	Building C Floor Plan	1	4/12/2015
14199_LB_PL006-(1)	Building D Floor Plan	1	4/12/2015
14199_LB_PL007-(1)	Elevations Building A	1	4/12/2015
14199_LB_PL008-(1)	Elevations Building B	1	4/12/2015
14199_LB_PL009-(1)	Elevations Building C	1	4/12/2015
14199_LB_PL010-(1)	Elevations Building D	1	4/12/2015
14199_LB_PL011-(1)	Perspectives / Cross Section	1	4/12/2015
<b>King George and Repton Road Dwellings Plans</b>			
14199_MH_PL001_(1)	Locality Plan	1	4/12/2015
14199_MH_PL002_(1)	King George Avenue Site Plan & Streetscape	1	4/12/2015
14199_MH_PL003_(1)	Repton Road Site Plan & Streetscape	1	4/12/2015
14199_MH_PL004_(1)	4 Bedroom Plans and Elevations	1	4/12/2015
14199_MH_PL005_(1)	2 Bedroom Plans and Elevations	1	4/12/2015
14199_MH_PL006_(1)		1	4/12/2015
14199_MH_PL007_(1)	Perspectives		
<b>Lifestyle Precinct &amp; Surrounds</b>			

<b>Landscape Concept</b>			
12.055_SI_DD1 (Oxigen)	Site Infrastructure	A	16/03/2016

#### Reports / Correspondence

- Planning Report prepared by Jensen Planning and Design dated 16 December, 2015
  - Traffic and Parking Assessment prepared by Tonkin Consulting dated 11 December, 2015
  - Stormwater Management Plan prepared by Wallbridge and Gilbert dated 15 December, 2015
  - Landscape concept design prepared by Oxigen, dated 16 December, 2015
  - Acoustic Report prepared by Bestec dated 11 December, 2015
  - State Heritage Impact Statement prepared by Dash Architects, dated 31 March, 2016
  - Tree Report prepared by Tree Environs dated 19 August, 2014
  - ESD Report prepared by D Squared Consulting dated 26 November, 2016
  - Desktop Pedestrian Level Wind Report prepared by GWTS, dated 16 March, 2016
  - Response to Council comments dated 16 March, 2016
  - Response to representations dated 16 March, 2016
2. A suitable Tree Protection Zone (TPZ) shall be installed around the regulated trees at the rear of the northern Minda Apartment Building (Building A2) at all times, to the satisfaction of the Commission, whilst works are being undertaken within the vicinity of the trees including construction of Building A2 and associated car park. Details of the TPZ shall be provided prior to the commencement of site works for Building A2 and associated car park.
  3. Large logs from trees approved for removal from the subject land shall be left on site and re-used within the landscaping of the land as habitat logs for native fauna or otherwise offered to Council for their use.
  4. That semi-mature native tree species (>1m in height) indigenous to the local area shall be planted on a 2 for 1 basis to compensate for the removal of each regulated tree and on a 3 for 1 basis for each significant tree. The replacement tree planting shall occur within three months of a tree's removal.
  5. Details of the proposed landscaping and fencing, to comply with PDCs 5 and 7 (Landscaping, fencing and walls), at the rear of the approved dwellings along King George Avenue shall be provided to the satisfaction of the Commission prior to construction of the dwellings. An adequate level of screening shall be provided so as to minimise the impact of the development upon the streetscape.
  6. Details of the proposed front fences, to comply with PDCs 5 and 7 (Landscaping, fencing and walls), for the dwellings along Repton Road shall be provided to the satisfaction of the Commission prior to the



construction of the dwellings. The details shall provide for a level of interest and differentiation between each dwelling.

7. Final details of the retaining walls, site works, batter slopes and landscaping around the base and ground floor level of the Brighton Dunes Stage 2 building shall be provided to the satisfaction of the Commission prior to any superstructure works. The details provided shall ensure a legible degree of access into the building and minimisation of the visual impact of any retaining walls or fill.
8. An archival recording of elements proposed for removal shall be undertaken and provided to the Commission, including trees, buildings, features, views, and context photographs to the State Heritage Places.
9. A statement of suitability issued by a suitable Contaminated Land Auditor shall be provided to the satisfaction of the Commission prior to the occupation of each of the buildings herein approved.
10. The applicant shall demonstrate, to the reasonable satisfaction of the Commission, prior to the commencement of superstructure works for each of the buildings herein approved that the preliminary acoustic design recommendations of the Bestec Acoustic Services report dated 11 December, 2015 have been incorporated into the detailed design of each building or that the appropriate noise levels, as identified within the report, have otherwise been achieved.
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 achieve the relevant Environment Protection (Noise) Policy criteria.
12. All car parking layouts, vehicular entry points and manoeuvring areas shall be designed and constructed to conform to the Australian Standard 2890.1:2004 (including clearance to columns and space requirements at the end of blind aisles) for Off-Street Parking Facilities; Australian Standard 2890.6-2009 Parking facilities – Off street commercial vehicle facilities and designed to conform with Australian Standard 2890.6:2009 for Off Street Parking for people with disabilities.
13. 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 CEMP 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
- prevent access to the coastal dunes
- site induction of all contractors and staff undertaking works within the vicinity of heritage places upon the site
- Protection measures around significant heritage built fabric in the vicinity of works
- Protection of regulated trees including the establishment of Tree Protection Zones around trees as required

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](http://www.epa.sa.gov.au/pdfs/guide_sc_what.pdf)

14. All stormwater design and construction shall be in accordance with Australian/New Zealand Standards, AS/NZS 3500-2003 and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property.

**Advisory Notes:**

- a) It is noted that PDC 20 requires that suitable arrangements shall be in place allowing ongoing public access over that foreshore land required to complete the Coast Park pathway in accordance with Concept Plan Map HoB/6 - Minda Incorporated Brighton Campus following approval of the Brighton Dunes Apartments.
- 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) A separate crossover permit is required from Council to undertake any works within the Repton Road or King George Avenue road reserves.
- d) 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>

- e) The applicant is encouraged to select native tree species of local provenance that are considered suitable replacements for the tree(s) to be removed (i.e. amenity / shade trees, provision of habitat etc). For information on appropriate species to be planted, please contact your local Council or State Flora within Belair National Park on telephone 8278 7777, at Murray Bridge on telephone 8539 2105, or visit [www.stateflora.sa.gov.au](http://www.stateflora.sa.gov.au). Replacement trees should also be selected on the basis of their intended location and longer-term growth / maturity level (i.e. suitability for a school playground or activity area, not close to buildings or other infrastructure etc).

- f) 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.
- g) 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.
- 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.
- i) 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.
- j) 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.
- k) 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.
- l) You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements.
- m) You have 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, and (telephone number 8204 0300).
- n) Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department of Environment, Water and Natural Resources, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
- o) You are reminded of 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.

p) You are reminded of 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.

### **3. ADJOURN TO INNER METROPOLITAN DEVELOPMENT ASSESSMENT COMMITTEE**

#### **3.1. DEFERRED APPLICATIONS**

##### **3.1.1 Angelo Properties Pty Ltd**

050/M005/15

**225 Prospect Road, Prospect**

City of Prospect

Proposal: Construction of five level residential flat building and undercroft car parking

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

Applicant(s)

- Greg Vincent – Masterplan
- Gary Bonato – Tectvs Architects
- Steve Vacca

The Commission discussed the application.

#### **RESOLVED**

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. The Development Assessment Commission is satisfied that the proposal meets the key objectives of the Urban Corridor Zone.
3. To grant Development Plan Consent to the proposal by Angelo Properties (No 12) Pty Ltd for the construction of a five level residential flat building including undercroft car parking, site works and landscaping at 225 Prospect Road, Prospect subject to the following reserve matters and conditions of consent.

#### **Reserve Matters**

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

1. Waste collection in consultation with the Safety and Services Division of the Department of Planning, Transport and Infrastructure.

## 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 following plans submitted in Development Application No 050/M005/15 including:

<b>Drawings Tectvs Architects</b>	<b>Reference Revision</b>	<b>-</b>	<b>Date</b>	
<i>Locality Plan</i>	<i>V1.3</i>		<i>April 2016</i>	
<i>Site Plan</i>	<i>P01- Revision 1.2</i>		<i>October 2015</i>	<i>27.04.16</i>
<i>Plans and Section</i>	<i>P02 – Revision 1.3</i>		<i>February 2016</i>	<i>21.03.16</i>
<i>Elevations</i>	<i>P03 – Revision 1.3</i>		<i>February 2016</i>	<i>21.03.16</i>
<i>Material Palette</i>			<i>Received 27 April 2016</i>	
<i>Shadow study</i>	<i>3 pages – June 22<sup>nd</sup> 9am, 12noon and 3pm</i>		<i>Received 27 April 2016</i>	
<b>Struktura Engineers</b>				
<i>Drawing C01</i>	<i>Civil Plan -Issue A</i>		<i>8.10.15</i>	
<i>Drawing C02</i>	<i>Civil Details – Issue A</i>		<i>8.10.15</i>	
<i>Drawing C03</i>	<i>Retaining Wall and Elevations Issue A</i>		<i>8.10.15</i>	

- Planning Report prepared by Masterplan Reference 14567REP01 dated 30 October 2015
  - Response letter to submissions prepared by Masterplan Reference 14567LET02 dated 5 February 2015
  - Acoustic Report prepared by Resonate Acoustics dated 19 October 2015 Reference: A15588RP1, Revision A
  - Design Compliance Review of the Car Park prepared by InfraPlan
  - Waste Management Plan Final Report prepared by InfraPlan October 2015
2. The applicant shall provide details of the western façade, specifically showing the operation of the screening devices, to the satisfaction of the Development Assessment Commission (in consultation with the Government Architect).
  3. The recommendations of the Acoustic Report prepared by Resonate Acoustics dated 19 October 2015 A15588RP1 shall be fully implemented and, where applicable, incorporated into the building rules documentation. Such acoustic measures shall be made operational prior to the occupation or use of the development.
  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 50 dB(A) during daytime (7.00am to 10.00pm) and 40 dB(A) during night time (10.00pm to 7.00am) at the most affected residence 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. 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:

- a. air quality, including odour and dust
- b. surface water including erosion and sediment control
- c. soils, including fill importation, stockpile management and prevention of soil contamination
- d. groundwater, including prevention of groundwater contamination
- e. noise
- f. 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](http://www.epa.sa.gov.au/pdfs/guide_sc_what.pdf) A copy of the CEMP shall be provided to the Development Assessment Commission prior to the commencement of site works.

6. The proposed car parking layout and ramps shall be designed and constructed to conform to the Australian Standard 2890.1:2004 for Off-Street Parking Facilities and Australian Standard 2890.6-2009 Parking facilities.
7. 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.
8. All external lighting of the site, including car parking areas and buildings, shall be designed, located, shielded and constructed to conform to Australian Standards.
9. The finished floor level of the ground floor of the building shall be the same as the level of the adjacent footpath to enable all access points to match the existing footpath level.
10. Balustrading shall be provided to the northern side of the walkway between the two buildings at a height that satisfies the Australian Building code requirements.
11. 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.
12. The cost of the removal and replacement of the existing street tree shall be borne by the developers and payable to Prospect Council.

13. Prior to Building Rules approval of the superstructure, a schedule of materials and finishes (including surface treatment for the driveway and ground floor level, boundary walls/fences, and façade) shall be provided in consultation with the Government Architect, to the satisfaction of the Development Assessment Commission.
14. Details shall be provided showing the concealment of the infrastructure for services within the undercroft level. The details shall be to the satisfaction of the Development Assessment Commission and shall be submitted prior to substructure.
15. The applicant shall submit a final detailed landscaping maintenance and irrigation management plan (including species selection, and details of landscaping at the boundary fencing) to the satisfaction of the Development Assessment Commission prior, to the commencement of site works. The landscaping 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.

#### Commissioner of Highways

16. The site shall be served by a single vehicular access point to/from Prospect Road that is a minimum of 6.0 metres in width with generous flaring to the road.
17. The existing parking control sign shall be relocated to the southern property boundary to facilitate the new crossover.
18. The existing redundant crossover shall be closed and reinstated to Council satisfaction at the applicant's cost prior to occupation of the dwellings.
19. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost

#### **Advisory Notes**

##### General / Procedural

- a) The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy the conditions and/or reserved matters as contained herein.
- b) 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).
- c) 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.

- d) The applicant is 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.
- e) 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.

#### Environmental Duty

- f) 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.
- 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

#### Construction

- h) 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.
- i) 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.

#### Commissioner of Highways

- j) The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Prospect Road frontage of this site for future upgrading of the Prospect Road / Regency Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.

### **3.2. NEW APPLICATIONS**

#### **3.2.1 Blue Sky Private Real Estate**

020/A016/16

**231 Waymouth Street, Adelaide**

City of Adelaide

Proposal: Student Accommodation

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



#### Applicant(s)

- David Bills – Masterplan
- Thomas Gilbert – Hayball
- Edan Norris – Bluesky
- Matthew Hill - Bluesky

The Commission discussed the application.

#### **RESOLVED**

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. The Development Assessment Commission is satisfied that the proposal meets the key objectives of the Capital City Zone.
3. To grant Development Plan Consent to the proposal by Blue Sky Private Real Estate c/- MasterPlan for the construction of a student accommodation with ground floor retail and café tenancies at 231 Waymouth Street Adelaide subject to the following reserve matters and conditions of consent.

#### **RESERVE MATTERS**

1. Pursuant to Section 33(3) of the *Development Act 1993*, the following matters shall be reserved for further assessment, to the satisfaction of the Development Assessment Commission, prior to the granting of Development Approval for any substructure works:
  - 1.1 Site contamination via provision of a Preliminary Site Investigation Report. In the event that the Preliminary Site Investigation Report identifies that the site has previously been put to potentially contaminating activities, the following may be required to the satisfaction of the Development Assessment Commission:
    - a remediation management plan prior to approval for any substructure works upon the site
    - a remediation validation report prior to occupation of the site.

#### **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 following plans submitted in Development Application No 020/A085/15.

#### Plans by Hayball:

- TP01.01 Site Plan
- TP03.01 Ground Level Plan
- TP03.02 Level 1 Plan
- TP03.03 Level 2 Plan
- TP03.04 Level 3 Plan
- TP03.05 Level 4 Plan
- TP03.06 Level 5 Plan
- TP03.07 Level 6 Plan

TP03.08	Level 7 Plan
TP03.09	Level 8 Plan
TP03.10	Level 9 Plan
TP03.11	Level 10 Plan
TP03.12	Level 11 Plan
TP03.13	Level 12 Plan
TP03.14	Level 13 Plan
TP03.15	Level 14 Plan
TP03.16	Level 15 Plan
TP03.17	Roof Terrace Level
TP03.18	Parapet
TP04.01	North Elevation Plan
TP04.02	West Elevation Plan
TP04.03	South Elevation Plan
TP04.04	East Elevation Plan
TP04.05	Streetscape Elevation
TP04.06	Streetscape Elevation
TP05.01	Section A
TP05.02	Section B
TP05.03	Section C
TP05.04	Section D
TP08.01	Typical Panel Types
TP08.02	Window and Panel Details

Reports:

Planning Report, MasterPlan dated March 2016  
 Urban Context Report, Hayball dated March 2016  
 Aeronautical Impact Assessment, Ambidji dated 26 February 2016  
 Acoustic Report, Resonate dated 22 February 2016  
 Waste Management Plan, Colby Industries dated 1 March 2016  
 Wind Impact Assessment, Vipac dated 8 March 2016  
 Sustainability Report, Lucid dated December 2015

Other:

Letter from MasterPlan dated 19 April 2016.

2. The applicant shall submit final details regarding the corner of the building which provides a consistent joint width to the L shaped and mitred precast panel corners to further define the corner of the building. Such details shall be provided to the satisfaction of the Development Assessment Commission prior to commencement of superstructure works.
3. 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.
4. All external lighting of the site shall be designed, located, shielded and constructed to conform with Australian Standards.
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.

6. 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.
7. A Construction Environment Management Plan (CEMP) shall be prepared and implemented in accordance with current industry standards – including the EPA publications “Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition” and “Environmental Management of On-site Remediation” – to minimise environmental harm and disturbance during construction. The CEMP must incorporate, without being limited to, the following matters:
  - a. air quality, including odour and dust
  - b. surface water including erosion and sediment control
  - c. soils, including fill importation, stockpile management and prevention of soil contamination
  - d. groundwater, including prevention of groundwater contamination
  - e. noise.

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 Development Assessment Commission prior to the commencement of site works.

8. 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 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.
9. Collection of waste and servicing of the site shall only occur between 7am and 10pm Monday to Saturday and 9am and 10pm Sunday and Public Holidays.
10. The acoustic attenuation measures recommended in the Resonate Acoustic Report dated 22 February 2016 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.
11. The waste management practices recommended in the Colby Waste Management Plan report dated 1 March 2016 shall be fully incorporated into the building rules documentation to the satisfaction of the Development Assessment Commission.
12. The proposed development will penetrate the Adelaide Airport Obstacle Limitation surface (OLS), which is in protected airspace for aircraft operations. The application will require approval in accordance with the

Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996. The application documents have been forwarded to the Civil Aviation Safety Authority (CASA) for their comment. The development shall not commence until approval has been granted by the Department of Infrastructure and Regional Development.

13. A detailed landscape plan with specific attention to planter boxes and rooftop planting be provided to the satisfaction of the Development Assessment Commission with advice from the Government Architect, prior to construction of the superstructure.
14. The landscaping 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 being replaced.

### **Advisory Notes**

- a. The development must be substantially commenced within 3 years of the date of this Notification, unless this period has been extended by the Development Assessment Commission. The authorisation will lapse if not commenced within 3 years of the date of this Notification. The applicant is also advised that any act or work authorised or required by this Notification must be completed within 5 years of the date of the Notification unless this period is extended by the Commission.
- b. 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, (telephone number 8204 0289).

### **Environmental**

- 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. 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. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following website: <http://www.epa.sa.gov.au>.

### **Construction**

- e. The applicant should 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 days' 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 proponent may need to obtain approval under the regulations for any equipment or cranes to be used on site that will intrude into prescribed airspace before entering into a commitment to construct any building at the site.

#### **4. PORT ADELAIDE DEVELOPMENT ASSESSMENT COMMITTEE**

4.1. **DEFERRED APPLICATIONS** – Nil.

4.2. **NEW APPLICATIONS** - Nil.

#### **5. MAJOR DEVELOPMENTS**

#### **6. REPORTING**

6.1. **DAC – Appeals Report** – Noted.

6.2. **IMDAC** – Nil.

6.3. **PADAC** – Nil.

6.4. **BRAC** – Nil.

#### **7. ANY OTHER BUSINESS**

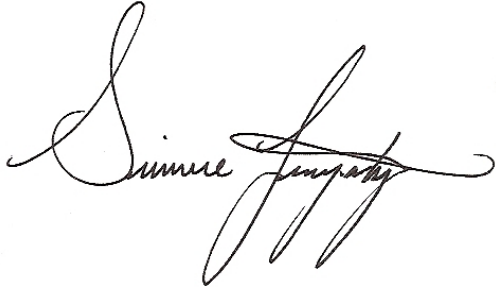
#### **8. NEXT MEETING – TIME/DATE**

8.1. Thursday, 19<sup>th</sup> May 2016 at 52 Commercial Road Port Augusta

**9. CONFIRMATION OF THE MINUTES OF THE MEETING**

**10. MEETING CLOSE**

Confirmed      12/ 05/2016

A handwritten signature in black ink, appearing to read "Simone Fogarty". The signature is written in a cursive style with a large initial 'S' and 'F'.

.....

Simone Fogarty

DEPUTY PRESIDING MEMBER