



Development Assessment Commission

Minutes of the Capital City Development Assessment Committee held on Thursday, 14 November 2013 commencing at 1.00 PM in Conference Room 6.2, Level 6 at 136 North Terrace, Adelaide

1. OPENING

1.1. PRESENT

Presiding Member	Ted Byrt
Deputy Presiding Member	Megan Leydon
Members	Damien Brown Geoff Loveday Carolyn Wigg Simon Fogarty Michael Llewelyn-Smith
Principal Planner	Mark Adcock
DPTI Staff	Gabrielle McMahon (Agenda Item 3.1) Elyse Kuhar

1.2. APOLOGIES Andrew Ford

2. DEFERRED APPLICATIONS

3. NEW APPLICATIONS

3.1. Cahaya Global Investments, c/- Intro DA 020/0026/13A **41 Currie Street, Adelaide and Topham Mall**

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

Applicant(s)

- Damien Ellis (Intro)
- Nigel Howden (Intro)
- Dan Govier (Trice)

Agencies

- Peter Wells (DEWNR - Heritage)

- Benjamin Hewett (GA)
- Kirsteen Mackay (GA)
- Anita Allen (DPTI – Case Management)
- Alex Mackenzie

The Committee 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 Cahaya Global Investments Pty Ltd for the construction of a residential tower over an existing car park building, to reconfigure ground floor tenancies and for associated car parking within the existing car park; and the refurbishment of an existing office building and upgrade to the façade and to construct an outdoor dining terrace at 41 Currie Street and Topham Mall, Adelaide, subject to the following reserved matters and conditions of consent.

Reserved Matters:

1. Pursuant to Section 33(3) of the Development Act 1993, the following matter/s should be reserved for further assessment, to the satisfaction of the Development Assessment Commission in consultation with the Department of Environment, Water and Natural Resources prior to the granting of Development Approval.
 - 1.1 The architectural design approach to the northern and eastern elevations of the existing building at 41 Currie Street.
Reason: To achieve a better visual relationship with the height, form and scale of Elder House.
 - 1.2 The materials, colours and finishes selection for the northern and eastern elevations of the existing building at 41 Currie Street.
Reason: To achieve a better visual relationship with the colours, textures and finishes of Elder House.
2. 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 Stage 1 of the development, being the construction of the 'apron' outdoor seating area, the façade upgrade to the building at 41 Currie Street and the car park screening:
 - 2.1 Final schedule of external materials and colours for the residential development.
 - 2.2 Design elements relating of the final materials palette and layout of the plinth added to the Topham Mall frontage of 41 Currie Street, in consultation with the City Design Branch of the Adelaide City Council.
 - 2.3 Details of design and materials for the screening of the existing car park floors located directly below the apartment building.
- 3 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 Stage 2 of the development, being the Construction of the apartments and ground floor retail below the existing car park:

- 3.1 Details of the screening element to the transformer enclosure.
- 3.2 Details of the public access arrangement to the ground floor commercial units below the Topham Mall apartments.
- 3.3 Lighting Plan and details of the location of internal CCTV cameras.

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, including the amended plans as submitted in Development Application 020/0026/13A including:

Plans by Intro, Project No. 1241 (emailed to DAC on 6 November 2013)

Number	Description	Date
DA_P_000	Ground Floor Plan	23 August 2013
DA_P_001	First Floor Plan	23 August 2013
DA_P_002	Second Floor Plan	23 August 2013
DA_P_003	Third Floor Plan	23 August 2013
DA_P_004	Fourth Floor Plan	23 August 2013
DA_P_005	Fifth Floor Plan	23 August 2013
DA_P_006	Sixth Floor Plan	23 August 2013
DA_P_007	Seventh and Ninth Floor Plan	23 August 2013
DA_P_008	Eight and Tenth Floor Plan	23 August 2013
DA_P_009	Eleventh, thirteenth and fifteen Floor Plan	23 August 2013
DA_P_010	Twelfth and Fourteenth Floor Plan	23 August 2013
DA_P_011	Sixteenth Floor Plan	23 August 2013
DA_P_012	Roof Plan	23 August 2013
DA_E_001	West Elevation	23 August 2013
DA_E_002	North (Currie St) Elevation	23 August 2013
DA_E_003	East Elevation	23 August 2013
DA_E_004	South Elevation	23 August 2013

Plans by SMA design - Not dated (received by DAC on 26/9/13)

Number	Description	Date
A101	Ground Floor Plan	Undated
A102	First Floor to Fifth Floor (typical) Plan	
A103	Sixth floor to Seventh Floor (typical) Plan	Undated
A104	Roof Terrace	Undated
A105	Roof Plan	Undated
A106	North Elevations	Undated
A107	West Elevations	Undated
A108	West Elevations (colour with materials description)	Undated
A109	South Elevations (colour with materials description)	Undated
A110	3D Perspective (indicative)	Undated
A111	3D Perspective (indicative)	Undated

Reports / Correspondence

- Planning Report, Intro, dated September 2013
- Design Report, Intro, dated August 2013
- Traffic reports by GTA Consultants, dated 3 September 2013

- Waste management advice by Rawtec, July 2013
 - Acoustic Report by Resonate, ref A13068RP1, Rev 0, dated 12 July 2013
 - Heritage report by Ron Danvers, dated 27 February 2013
 - Environmental reports by Lucid, ref 5415-006 Rev A, dated 22 August 2013 and Memorandum (transformer options), dated 16 April 2013
 - Wind Assessment by mlei, ref 2013-2728AD, Issue A, dated 27 August 2013, 30N-13-0020-TRP-308636-0, dated 27 February 2013
2. The building must not exceed a maximum height of 104.55 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, TV antennas, construction cranes, exhaust flues etc.
 3. The building must be obstacle lit at night with low intensity red obstacle lights in accordance with the Manual of Standards for Part 139 of the Civil Aviation Safety Regulations 1998 (Part 139 MOS) Section 9.4. The location of the lights should be at the highest point of the building.
 4. The proponent must arrange for a certified surveyor to notify Adelaide Airport Limited (AAL) of the finished height (in metres AHD) and location of the building.
 5. The acoustic attenuation measures recommended in the Resonate report, ref A13068RP1, Rev 0, dated 12 July 2013, forming part of this consent shall be undertaken within the Development to the reasonable satisfaction of the Development Assessment Commission. Such acoustic measures shall be made operational prior to the occupation or use of the Development.
 6. The wind mitigation measures recommended in the Mlei, ref 2013-2728AD, Issue A, dated 27 August 2013, 30N-13-0020-TRP-308636-0, dated 27 February 2013, forming part of this consent shall be undertaken within the Development, when on the applicant's land or with the authority of the Adelaide City Council when on their land, to the reasonable satisfaction of the Development Assessment Commission. Such wind mitigation measures shall be made operational prior to the occupation or use of the Development.
 7. External materials, surface finishes and colours of the Development shall be consistent with the final details provided and approved by Development Assessment Commission.
 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:
 - 8.1 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.
 - 8.2 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, the North Adelaide Historic (Conservation) 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. 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:

- 9.1 air quality, including odour and dust
- 9.2 surface water including erosion and sediment control
- 9.3 soils, including fill importation, stockpile management and prevention of soil contamination
- 9.4 groundwater, including prevention of groundwater contamination
- 9.5 noise
- 9.6 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 Adelaide City Council prior to the commencement of site works.

- 10 Lighting shall be installed in accordance with Council’s guideline entitled “Under Verandah/Awning Lighting Guidelines” at all times to the reasonable satisfaction of the Adelaide City Council and prior to the occupation or use of the Development. Such lighting shall be operational during the hours of darkness at all times to the reasonable satisfaction of the Development Assessment Commission.
- 11 All modifications required to Adelaide City Council’s public lighting and associated infrastructure shall meet Councils’ requirements and all costs associated with these works will be borne directly by the developer.
- 12 The connection of any storm water discharge from the Land to any part of the Adelaide City Council’s underground drainage system shall be undertaken in accordance with the Council Policy entitled ‘Adelaide City Council Storm Water Requirements’ and be to the reasonable satisfaction of the Adelaide City Council, with the following taken into account:
 - 12.1 Collected water from any proposed surface drainage systems located in the basement car park shall be discharged to sewer.
 - 12.2 Stormwater runoff from the proposed building balconies and verandah’s along Currie Street and Topham Mall boundaries shall be collected and discharged to the building stormwater system.
 - 12.3 Use of existing property stormwater connections in Currie Street and Topham Mall footpaths should be considered prior to the design of new stormwater connections to Councils stormwater management infrastructure.
- 13 The proposed car parking layout 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*. In particular sufficient reversing space is required for parking space no. 6 on

all levels. Egress must be achievable, especially with regards to the boom gate and associated car reader.

- 14 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.
- 15 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.
- 16 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 Adelaide City Council.
 - 16.1 During construction, all materials and goods shall be loaded and unloaded within the boundaries of the subject land.
 - 16.2 The development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
 - 16.3 All trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.

Advisory Notes:

- a) Adelaide City Council has not yet approved the waiving of the proposed encroachment into Topham Mall and delegated the decision to the Manager, City Planning subject to approval of the detailed design of the plans, noting the following:
 - The levels in Topham Mall will not be altered to accommodate the encroachment.
 - The encroachment shall not be enclosed and the terracing must be retained.
 - There is no commitment at this stage for the upgrading to Topham Mall, either as shown on the "Landscape Masterplan" or to any other design.
 - The applicant will be responsible for the relocation and payment of any services that are required to be relocated as a result of the encroachment.

You therefore need to be aware that Council needs to approve the final detailed design of the encroachment element. If they do not support the detailed design of the encroachment element a variation to the application may be required.

- b) The proposal is to be undertaken in accordance with the staging plan as outlined:

Stage 1: Construction of the 'apron' outdoor seating area, the façade upgrade to the building at 41 Currie Street and the car park screening

Stage 2 Construction of the apartments and ground floor retail below the existing car park
- c) The proponent shall 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.

- d) The approval does not include any signage (other than directional), which would need to be the subject of a separate application to the relevant planning authority.
- e) 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.
- f) 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>
- g) 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.
- h) As the applicant is undertaking work 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.
- i) If temporary hoarding or site works require modification of existing Council infrastructure, the works will be carried out to meet Councils requirements and costs borne directly by the developer.
- j) All damage to Adelaide City Council's infrastructure, including damage to public lighting and underground ducting caused by projects works or loading of site crane onto pathways will be repaired to meet Councils requirements and the cost of the developer.
- k) A Building Site Management Plan is required 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
- l) Insecure building sites have been identified as a soft target for vandalism and theft of general building materials. The Adelaide Local Service Area Police and the Adelaide City Council are working together to help improve security at building sites. Items most commonly stolen or damaged are tools, water heaters and white goods. To minimise the risk of theft and damage, consider co-ordinating the delivery and installation of the goods on the same day. Work with your builder to secure the site with a fence and lockable gate. Securing the site is essential to prevent unauthorised vehicle access and establishes clear ownership. If you have any further enquiries about ways to reduce building site theft, please do not hesitate to contact the Adelaide Local Service Area Community Programs Section on 8463 7024. Alternatively, you can contact Adelaide City Council for further assistance and information by calling Nick Nash on 8203 7562.

- m) With respect to the awning /canopy:
- A street work permit must be obtained prior to the commencement of any work on Council's property. For information in relation to the issuing of on-street work permits, please contact the Adelaide City Council Customer Service Centre on 8203 7203.
 - The top of the concrete pads for any support posts must provide a 100mm clearance to the finished footpath level.
 - Council will reinstate the footpath material at the street work permit holder's expense.
- n) 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.
- o) 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.
- p) 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.
- q) 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.
- r) The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
- s) 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 of receiving this notice or such longer time as the Court may allow. The applicant should contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).

4. OTHER BUSINESS – Nil.

5. CONFIRMATION OF THE MINUTES OF THE MEETING

6. MEETING CLOSE

The meeting closed at 2.00pm.