



Development Assessment Commission

**Inner Metropolitan Development Assessment Committee
held on Thursday, 26 February 2015 commencing at 10.00AM
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) Geoffrey Loveday Carolyn Wigg Simone Fogarty <i>Council Representative</i> ACC – John Hodgson
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	Connie Parisi (Agenda Item 2.1) Alison Collins (Agenda Item 3.1)

1.2 APOLOGIES – Damien Brown, Andrew Ford.

2. DEFERRED APPLICATIONS

2.1 City of Adelaide

Jon Haynes and Peter Price

DA 020/A058/14

124-126 Franklin Street, Adelaide

Proposal: To construct a multi storey residential apartment building accommodating 30 dwellings, and an office on the ground floor, together with on site car parking

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

Applicant(s)

- Jon Haynes
- Peter Price
- Anthony Donato
- Anthony Peter

Agency

- Kirsteen Mackay - ODASA

The Commission discussed the application.

RESOLVED

- 1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) RESOLVE to grant Development Plan Consent to the proposal, subject to the following **reserved matters** and **conditions of consent**.

Reserved Matters:

- 1) That pursuant to Section 33(3) of the Development Act 1993, the following matters shall be reserved for further assessment and be to the satisfaction of the Development Assessment Commission, prior to granting of Development Approval:
 - (a) A definitive statement in the form of an acoustic report prepared by an accredited acoustic engineer verifying that noise emissions, including noise from mechanical plant and equipment, will not exceed the following noise levels for the residential component of the development and other existing or envisaged nearby sensitive land uses in the locality:
 - 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.
 - (b) That the applicant shall, in consultation with the Government Architect, address the following to the satisfaction of the Development Assessment Commission:
 - A review of the design and materiality of the facade at street level.
 - A review of the layout of the ground floor to address functionality.
 - A review of the design and materiality of the shelter between the principal building and the carstacker building.
 - A detailed colour and materials schedule for the tower building.

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/A058/14 including:

Plan No.	Architect
00	Prepared by Anthony Donato Architects
01	(as above)
02D	
03	
04D	
05	
06C	
07	
08	
09	
10	
11	
12	
13	
14	
15	
-	Perspective prepared by Anthony Donato Architects

Reports / Correspondence:

- Planning Report, prepared by MasterPlan SA Pty Ltd dated December 2014
 - Traffic and Parking Assessment, prepared by Frank Siow and Associates dated 2 December 2014
 - Waste Management Report, prepared by SITA Australia Pty Ltd
 - Wind Environment Analysis, prepared by JDH Consulting dated January 2015
 - Design Statement, prepared by Anthony Donato Architects dated 28 November 2014
 - Preliminary Stormwater Advice, prepared by Wallbridge and Gilbert Consulting Engineers, dated 11 December 2014
2. 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. 55 dB(A) during daytime (7.00am to 10.00pm) and 45 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.
 3. 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:
 - 3.1 air quality, including odour and dust
 - 3.2 surface water including erosion and sediment control
 - 3.3 soils, including fill importation, stockpile management and prevention of soil contamination
 - 3.4 groundwater, including prevention of groundwater contamination
 - 3.5 noise
 - 3.6 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 Development Assessment Commission prior to the commencement of site works.

4. All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road.
5. 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*; *Australian Standard 2890.6-2009 Parking facilities*.
6. 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 exiting the site, to the satisfaction of the Development Assessment Commission.
7. Bollards shall be installed along the perimeter of the bike storage area proposed adjacent the Franklin Street carpark entrance, prior to the occupation of the building.
8. The on-site Bicycle Parking facilities shall be designed in accordance with Australian Standard 2890.3-1993 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles.
9. All landscaping shall be established and maintained and nurtured at all times with any diseased or dying plants being replaced to the satisfaction of the Development Assessment Commission.
10. All external lighting of the site, including car parking areas and buildings, shall be designed, located, shielded and constructed to conform with Australian Standards.
11. 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 and has 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.

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 three (3) years 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 five (5) 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) 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>
- h) 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

- i) 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.
- j) 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. Adelaide City Council Notes
- k) 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:
 - a) An annual fee may be charged in line with the Encroachment Policy.
 - b) Permit renewals are issued on an annual basis for those encroachments that attract a fee.
 - c) Unauthorised encroachments will be required to be removed.
 - d) Improvements to the adjacent public realm areas, including bicycle parking racks, require the approval of the Adelaide City Council and are not part of this planning consent.
- l) The proposed development requires amendments to the existing on-street car parking arrangements. Separate approval for the possible on-street car parking changes is required from the On-Street Parking Coordinator of the Adelaide City Council.

- m) Any street numbering which may have been indicated on the application has neither been approved nor denied. The correct street addressing for this development can be confirmed by contacting the Rates and Valuation Section on 8203 7128 or 8203 7129 of Adelaide City Council.
- n) Any requirement to remove the existing street trees adjacent to the site will only be supported if there is evidence provided that there is no other construction methodology suitable to allow works to take place. Removal of street trees, if required, will be undertaken with the trees being assessed for value using Council endorsed "Amenity Tree Valuation" formula. No removals will occur without full payment of this assessed value which will include the addition of the cost of replacement tree(s) and the installation of a Water Sensitive Urban Design (WSUD) tree pit if suitable for the site. Council will only be responsible for removal(s) and replacement at the end of the project timeline.

3. NEW APPLICATIONS

3.1 City of Adelaide

Anthony Donato Architects

DA 020/A054/14

316-320 South Tce, Adelaide

Proposal: Construction of a 14 level building (including terrace level), comprising 10 levels of apartments, ground level café/restaurant, two levels of Sleep Apnoea Medical Suites and basement and sub-basement car parking. Restoration of existing local heritage listed building (including demolition of non-historic additions to this building).

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

Applicant(s)

- Anthony Donato (Architect)
- Bill Stefanopoulos (Planning Consultant)
- Sam Adams (Traffic consultant)

Agency

- Kirsteen Mackay - ODASA

Representor

- Phil Brunning for St Andrews Hospital
- Corrine Fiebiger for Peter Sutherland
- Dan Cowles

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, subject to the following reserved matters and conditions of consent.

Reserved Matters:

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

1. The provision of an acoustic report prepared by an accredited acoustic engineer that details the acoustic mitigation measures proposed to minimise noise impacts for the sensitive land uses on site and in the vicinity. This should consider noise generating activities including traffic, pedestrian noise, mechanical equipment (including the car stacker), licensed venue (restaurant), waste trucks reversing etc. Such acoustic measures shall be made operational prior to the occupation or use of the development.
2. The provision of screening details to the west facing third level terrace balconies and the west facing balconies (levels 4 to 9) in order to minimise potential overlooking to the adjacent residences.
3. A Conservation and Heritage Management Plan shall be prepared and implemented in relation to the partial demolition, reinstatement and refurbishment of the heritage elements of 'Davaar' House and associated fencing (as identified in the application document and the *Heritage Impact Statement – Bruce Harry and Associated, 2014*).

The detailed specification of works must include (but not be limited to):

- 3.1 Design detail and construction methodology for the conservation of the heritage fabric of those elements of the original building (and perimeter fencing) to be retained. This includes general repairs to the damaged elements (masonry and woodwork) and repainting scheme comprising original darker colours.
- 3.2 Design detail and construction methodology for the insertion of new construction elements in that fabric, which includes the reinstatement of the Arts and Craft verandah, reinstatement of the curved window and awning centrally on the front faced above the verandah and the restoration of the iron and masonry perimeter fence.
4. Provide a schedule of materials and finishes for the new tower building.
5. Provide detail of the new fence and confirm it has the same concrete plinth height as the existing heritage fence and is wrought iron as per the image supplied (or similar) to the satisfaction of IMDAC.
6. The details of the enclosure or screening method for the fire services (pump and tank rooms and transformer equipment prior to building construction (not including demolition). These details will be checked with Heritage Advisor Bruce Harry to ensure that any negative impact on Davaar House is minimised.
7. The design and layout of the car park and bicycle parking areas to address the amenity and safety of pedestrians and cyclists, including an additional 7 visitor bicycle parking spaces on the ground floor.
8. Detailed design and materiality of the podium including its relationship to Davaar House in consultation with the Government Architect

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 O20/A053/14 including:

Drawings /Plans by Anthony Donato Architects

Title	Plan No.
Location plan and context location plan	1
History and proposed concept	2
3D perspectives	3
3D perspective – close-up of café	Unnumbered
Shadow diagrams	4
Ground floor plan	5
Basement and lower basement parking floor plans	6
First floor and second floor plans	7
Apartment third floor plan Typical fourth to seventh floor plan Eight and ninth floor plan	8
Apartment tenth floor plan Pent-house floor plan Pent-house (upper floor) Terrace garden Plan (level 14)	9
East elevation (Hutt Street) West elevation	10
South elevation (South Terrace) North elevation (Davaar Place)	11
Schematic section AA	12
Streetscapes urban context (Hutt St and South Tce Elevations	13

Engineering details plans by Structural Civil Australia

Title	Plan No.	Date
Engineering details 1	140317-S1	August 2014
Engineering details 2	140317-S2	August 2014
Engineering details 3	140317-S3	August 2014
Engineering details 4	140317-S4	August 2014
Engineering details 5	140317-S5	August 2014
Engineering details 6	140317-S6	August 2014
Engineering details 7	140317-S7	August 2014
Engineering details 8	140317-S8	August 2014
Engineering details 9	140317-S9	August 2014
Engineering details 10	140317-S10	August 2014

Reports / Correspondence

- Planning Statement, prepared by Town Planning Advisors, 17/2/15
- Contamination Assessment prepared by Mott MacDonald Australia – 20/11/14
- Energy Efficient Compliance Statement of Intent, prepared by SA Commercial
- Energy Assessment, 19/11/14
- Engineering Documentation, prepared by Structural Civic Australia, 13/11/14
- Traffic Impact Statement, prepared by GTA, 12 February 2015
- Stormwater Management Plan prepared by Architectural Water Solutions, 11/11/14
- Heritage Impact Statement, prepared by Bruce Harry and Associates, undated
- Landscape Plan, prepared by Oxigen, 13/2/15
- Waste Management Plan, prepared by Rawtec, February 2015
- Wind Impact Assessment, prepared by Structural Civil Australia, 13/11/14
- Further information letter from Town Planning Advisors to DAC, 5/1/15
- Further information letter, from Bruce Harry, 20/1/15

- Further information request letter, from GTA to Town Planning Advisors, 2/2/15
2. The Consulting Rooms within Davaar House and the associated sleep observation rooms located on level 1 and 2 of the tower building be used as an integrated 'sleep Apnoea centre' and not for general medical consulting purposes.
 3. 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) 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.
 - b) 50dB(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.
 4. 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

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 Development Assessment Panel prior to the commencement of site works.

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. 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. The dilapidation report shall also record the condition of Davaar House – both externally and internally – prior to the commencement of demolition works. A copy of the report shall be provided to the Adelaide City Council

and the Development Assessment Commission prior to Development Approval of the application.

7. The development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
8. 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*; *Australian Standard 2890.6-2009 Parking facilities*.
9. The on-site Bicycle Parking facilities shall be designed in accordance with Australian Standard 2890.3-1993 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles.
10. All landscaping shall be established and maintained and nurtured at all times with any diseased or dying plants being replaced to the satisfaction of the Development Assessment Commission.
11. All external lighting of the site, including car parking areas and buildings, shall be designed, located, shielded and constructed to conform with Australian Standards.
12. Prior to the operational use of the building a CCTV and lighting plan of the rear service lane (Davaar / right of way) shall be provided to the reasonable satisfaction of the Development Assessment Commission. All public lighting shall be installed in accordance with Council guidelines prior to the occupation or use of the Development. Such lighting shall be operational during the hours of darkness to ensure that public safety is maintained.
13. Ancillary activities associated with the operation of the development – including deliveries and the collection and movement of waste bins/goods, empty bottles and the like, shall only occur between the hours of 7am and 10pm Monday to Saturday and 9am to 10pm on Sundays or public holidays.

Heritage

14. During the course of the construction works, the subject site shall be monitored for evidence of structural movement, and appropriate remedial action immediately taken if necessary to prevent further damage. At the completion of the construction works, the dilapidation study shall be updated to record any change in condition.

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 three (3) years 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 five (5) 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) 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>
- h) 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

- i) 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.
- j) 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.

Adelaide City Council Notes

- k) The proposed development requires amendments to the existing on-street car parking arrangements. Separate approval for the possible on-street car parking changes is required from the Senior Consultant, On-Street Parking of the Adelaide City Council.
- l) Any street numbering which may have been indicated on the application has neither been approved nor denied. The correct street addressing for this development can be confirmed by contacting the Rates and Valuation Section on 8203 7128 or 8203 7129 of Adelaide City Council.

State Heritage Unit (Department of Environment, Water and Natural Resources)

- m) A pair of two storey dwellings is known to have occupied the rear part of the site prior to the construction of the existing building. As this part of the site is understood to have remained largely undeveloped since their demolition, there is reason to believe that archaeological remains may be present. With reference to General note 4 (b) below, a permit under the Heritage Places Act 1993 should therefore be obtained prior to disturbance of the area.
- n) The applicant is advised 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.

o) The applicant is advised 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.

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 12.00PM.

Confirmed / /2015

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 Ted Byrt
 PRESIDING MEMBER