



# *Development Assessment Commission*

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**Inner Metropolitan Development Assessment Committee  
held on Thursday, 29 May 2014 commencing at 10.00 AM  
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 Andrew Ford <i>Council Representative</i> ACC - Michael Llewellyn-Smith AM (Agenda Item 3.1) NP&SP – Jenny Newman (Agenda Item 4.1)
Secretary	Sara Zuidland
A/Principal Planner	Robert Kleeman
DPTI Staff	Simon Neldner (Agenda Item 3.1) Connie Parisi (Agenda Item 4.1)

**1.2 APOLOGIES** – Damien Brown, Carolyn Wigg, Simone Fogarty

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**2. DEFERRED APPLICATIONS** – Nil.

## **3. NEW APPLICATIONS**

### **3.1 City of Adelaide**

**Luks Investments PL**  
020/0030/11 V1  
**152-160 Grote Street, Adelaide**

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

Applicant(s)

- David Dawson (Brown Falconer)

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 Development Application 020/0030/11 V1 by Brown Falconer (on behalf of Luks Investments Pty Ltd) for a variation to Development Application 020/0030/11 now being for the construction of a mixed use development comprising a 19 level building (excluding the roof level), incorporating ground level retail and residential apartments above three levels of carparking, with associated demolition of existing buildings and structures at 152-160 Grote Street, Adelaide subject to the following conditions and advisory notes:

### **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 for Stage 2:
  - a. provision of a full energy audit from a qualified auditor to ensure the development can meet a minimum 6-star NaTHERS rating (as advised by the applicant).
  - b. provision of a revised carparking plan from a qualified traffic engineer to ensure the development meets the relevant Australian Standard for Off-Street parking facilities to ensure the safe and efficient movement and parking of vehicles - including the provision of accessible spaces.
  - c. final details and material samples for the carpark screens on Levels 1-3.
  - d. a revised ground floor plan that amends the disabled access to these toilets and the provision of shower / change facilities for cyclists employed in the retail and café tenancies.
  - e. The final design detail of the podium having regard to the height of the podium in the context of the urban interface of the south eastern corner of the 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, Development Application No 020/0030/11 except where varied by Development Application No 020/0030/11 V1 (including the amended plans as submitted) including:

#### **Plans by Brown Falconer, Job Number 2010075**

##### Approved Plans - No change

Apartment Type Plans - Drawing 2705 DA06 Rev B dated 2.2.12

Apartment Type Plans - Drawing 2705 DA07 Rev A dated 28.10.11

Apartment Type Plans - Drawing 2705 DA08 Rev A dated 28.10.11

Public Roof Deck Illustration - Drawing 2705 DA16 Rev A dated 2.2.12

### Revised Plans

Ground / Levels 1-3 - Drawing 2705 DA02 Rev E dated 20.2.14  
Levels 4-6 - Drawing 2705 DA03 Rev E dated 20.2.14  
Levels 8-12 - Drawing 2705 DA04-PART 1 Rev E dated 20.2.14  
Levels 13-15 - Drawing 2705 DA04-PART 2 Rev E dated 20.2.14  
Levels 16-18 + Roof Plan - Drawing 2705 DA05 Rev E dated 20.2.14  
Adelaide Central - 3D View (Grote Street) - February 24, 2014  
East / South Elevations - Drawing 2705 DA10 Rev C dated 10.12.13  
West / North Elevations - Drawing 2705 DA11 Rev D dated 7.3.14 (with AHD markup)  
Shade Diagram - Drawing 2705 DA13 Rev B dated 20.5.14  
Apartment Type Plans - Drawing 2705 DA09 Rev C dated 20.5.14  
Cross Section - Drawing 2705 DA12 Rev A dated 21.5.14  
External Treatment – Lower Levels – Concept Illustration 25 March 2014 Page 1 of 2  
External Treatment – Lower Levels – Concept Illustration 25 March 2014 Page 2 of 2

### Previous Reports

Aurecon - Traffic Impact Assessment - Ref 217389 11 May 2011 Rev 2  
Aurecon – Stormwater Management Report – Ref 217389 – 4 July 2011 Rev 1  
Luks Investments – Site History Report -4 July 2011  
Aurecon – Acoustic Report – Ref 217389 – 19 January 2012 Rev 1  
Aurecon – Wind Effects Report – Ref 217389-001 – 14 July 2011 Rev 1  
LUCID – Statement of Energy Efficiency – Letter dated 4 July 2011  
LUCID – Rainwater Harvesting – Letter dated 29 September 2011

### Correspondence

Letter from David Dawson (Brown Falconer) to DPTI dated 28 February 2014  
Letter from David Dawson (Brown Falconer) to DPTI dated 6 March 2014  
Email from David Dawson (Brown Falconer) to DPTI dated 27 April 2014  
Letter from David Dawson (Brown Falconer) to DPTI dated 13 May 2014

2. No additional signs shall be displayed upon the subject land other than those identifying the parking areas (including cautionary signs regarding the structure over the Addie Place access point). If any further signs are required, these shall be the subject of a separate application.
3. External materials, surface finishes and colours of the Development shall be consistent with the description and sample hereby granted consent and shall be to the reasonable satisfaction of the Development Assessment Commission.
4. The applicant or the person having the benefit of this consent shall ensure that all storm water run off from the canopy is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the canopy storm water run off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Development Assessment Commission.
5. 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) when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists.
6. Acoustic attenuation measures recommended in the 'Acoustic Report – Grote Street Development' prepared by Aurecon dated 19 January 2012 (Ref 217389), forming part of this consent and shall be undertaken within the Development to the reasonable satisfaction of the Development

Assessment Commission. Such acoustic measures shall be operational prior to the occupation or use of the Development.

7. The applicant shall submit to the Development Assessment Commission a definitive statement from a suitably qualified environmental auditor advising that the land is suitable for its intended purpose. If required by the auditor, the applicant shall prepare a Phase 2 Site Assessment Report, prior to the granting of Building Rules Consent for the ground floor and above ground level stage (Stage 2).
8. 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:

- Air quality controls: including for dust and odour.
- Stormwater management: including erosion and sediment control to ensure water quality is maintained and overland stormwater flows minimise the transfer of contaminants from the site.
- Soils: including fill importation, stockpile management and prevention of soil contamination (and minimisation of vehicle drag out);
- Groundwater: including prevention of groundwater contamination;
- Noise: to minimise construction impacts to adjoining owners and occupiers
- Occupational health and safety.
- Use of temporary lighting (and the minimisation of light overspill).
- Hours of operation - including night work protocols - to minimise amenity loss / level of disturbance to residents.
- Establishment and maintenance of temporary fencing and hoardings.
- Waste minimisation, recovery and disposal.
- Site servicing and security arrangements.
- Storage of chemicals and fuel.
- Protection of existing street and amenity trees (if retained).

For further information relating to what Site Contamination is, refer to the EPA Guideline: '*Site Contamination – what is site contamination?*': [http://www.epa.sa.gov.au/xstd\\_files/Site%20contamination/Guideline/guide\\_sc\\_w hat.pdf](http://www.epa.sa.gov.au/xstd_files/Site%20contamination/Guideline/guide_sc_w hat.pdf)

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

9. Lighting to the Grote Street and Addie Place canopy and colonnade (respectively) shall be installed in accordance with Council’s guideline entitled “Under Verandah/Awning Lighting Guidelines” at all times to the reasonable satisfaction of the Council and prior to the occupation or use of the Development. Such lighting shall be operational during the hours of darkness at all times to the reasonable satisfaction of the Development Assessment Commission.
10. The connection of any storm water discharge from the Land to any part of the Council’s underground drainage system shall be undertaken in accordance with the Council Policy entitled ‘Adelaide City Council Storm Water Requirements’ which is attached to this consent to the reasonable satisfaction of the Adelaide City Council.

11. 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 Adelaide City Council.
12. Finished floor levels of the car park entry and exit points on the Land shall match the adjacent road level unless otherwise agreed to by the Adelaide City Council.
13. Landscaping depicted on the plans shall be maintained in good health and condition at all times with any dead or diseased plants / trees being replaced.
14. The proposed car parking layout and vehicular entry points shall be designed and constructed to conform to the Australian Standard 2890.1:2004 (including Amdt 1) for Off-Street Parking Facilities and Australian Standard 2890.6:2009 for Off Street Parking for people with disabilities. 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.
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 and the Development Assessment Commission.

**Advisory Notes:**

- a) The Planning Consent and conditions and advisory notes relating to Development Application No. 020/0030/11 are still applicable except where varied by this consent.
- b) You have a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- c) 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.
- d) Please contact the Court if you wish to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).
- 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 development must be substantially commenced within 12 months of the date of the Notification for the original consent, unless this period has been extended by the Development Assessment Commission.

- h) You are 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 for the original consent unless this period is extended by the Commission.
- i) You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements.
- j) Development Approval will not be granted until Building Rules Consent has been obtained. A separate application must be submitted for such consents. No building work or change of classification is permitted until the Development Approval has been obtained.
- k) 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.
- l) It is recommended that 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.
- m) The proposal shall be undertaken in two stages, with the demolition of existing improvements, site works, remediation (if required) and substructure being Stage 1 and that the ground and above levels being Stage 2.
- n) Prior to the installation of bicycles parks on Council land, it is advised that further liaison with the Adelaide City Council's Footpath Asset Consultant, Peter Rexeis, be undertaken. Contact telephone is 8203 7276.
- m) Access to buildings and designated disabled car parking spaces shall be designed and provided in accordance with the relevant Australian Standards.
- o) The proposal does exceed the Airport Obstacle Limitation Surface (OLS) for protected airspace for airport operations. The development will need to be approved in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace Regulations) 1996* – contact CASA and the Department of Infrastructure and Regional Development. Lighting restrictions may also apply (in respect to airport operations). Crane operations associated with construction will require a separate application with 2 months' notice. Further information can be obtained from Brett Eaton, Airside Operations Manager on 8308 9245.
- p) 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

A copy this plan must be provided to the Council and the Development Assessment Commission prior to demolition and/or construction works.

q) An Encroachment Permit may be required for any 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 Council's 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.

Please contact the Adelaide City Councils Approvals Section on 8203 7421 for further information.

r) In relation to street trees, the proposal shall meet the following requirements:

- Site works shall be affected in such a manner so as not to damage the existing street tree(s).
- The sewerage serving the development shall be laid out and designed in such a manner which ensures retention of the existing street tree(s) notwithstanding the requirements of the Regulations under the Sewerage Act, 1929.
- The existing street tree(s) will not be pruned to maintain lines of sight to the building façade
- The street tree(s) will not be removed. Any pruning of the tree(s), necessary to maintain the clearance between the tree(s) and the verandah/development, shall only be carried out by Council. Furthermore, Council is not liable for any damage to the structure arising from the growth of the tree(s) or by the shedding of bark, leaves, fruit etc.

s) Separate consent is required from Adelaide City Council and the Department of Planning, Transport and Infrastructure for the installation of a "shared use zone" as shown on plan 2705 DA02 B and detailed in submitted correspondence. Approval of these plans no way infers that consent of the shared use zone will be granted.

#### 4. ANY OTHER BUSINESS

##### 4.1. City of Norwood, Payneham & St Peters

##### **Pre Lodgement Briefing**

**RESOLVED** that the Verbal Report be received and noted.

#### 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 12.30PM.

Confirmed / /2014

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Ted Byrt  
PRESIDING MEMBER