



# *Development Assessment Commission*

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**Inner Metropolitan Development Assessment Committee  
held on Thursday, 11 February 2016 commencing at 9.30 AM  
28 Leigh Street, Adelaide**

**1. OPENING**

**1.1 PRESENT**

Presiding Member	Simone Fogarty
Members	Chris Branford Peter Dungey Sue Crafter David O'Loughlin Dennis Mutton
Council Members	ACC – John Hodgson
Secretary	Sara Zuidland
DPTI Staff	Jason Bailey (Agenda Item 2.1)

**1.2 APOLOGIES** – Helen Dyer (Deputy Presiding Member)

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**2. DEFERRED APPLICATIONS** – Nil.

**2. NEW APPLICATIONS**

**2.1 Adelaide City Council**

**52 Brougham Place Pty Ltd C/ - Pruszinski Architects**

DA 020/A080/15

**49 Brougham Place North Adelaide**

**52-56 Brougham Place North Adelaide**

**57-60 Brougham Place North Adelaide**

**12-20 O'Connell Street North Adelaide**

**95-101 Ward Street North Adelaide**

Proposal: The demolition of existing buildings and the construction of a mixed use development comprising the following:

- (a) Three towers for retirement living with a ground level cafe and wellness centre
- (b) A tower for serviced apartments with ground level retail, cafe and restaurant land uses
- (c) Basement carparking and site works
- (d) Works affecting State and Local heritage places including partial demolition

Peter Dungey 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)

- Alf Brown – 52 Brougham Place Pty Ltd
- Chanel Brown – 52 Brougham Place Pty Ltd
- Paul Robinson – 52 Brougham Place Pty Ltd
- Loretta Byers – 52 Brougham Place Pty Ltd (retirement expert)
- Paul Pruszinski – Pruszinski Architects
- David Girolamo – Pruszinski Architects
- Lauren Gilbert – Pruszinski Architects
- Phil Brunning – Phillip Brunning & Associates (planner)
- Ron Danvers – Ron Danvers Cultural Landscapes (heritage)
- Alex Game – Oxigen Pty Ltd (Landscape)
- Paul Morris – GTA Consultants (traffic)

Agency

- ODASA

Representor

- Rick Hutchins (ACC) *for Martin Haese, Lord Mayor*
- William Csorba

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 that the Development Assessment Commission is satisfied that the proposal meets the key objectives of the Main Street (O’Connell) Zone.
- 3) RESOLVE to grant Development Plan Consent to the proposal by 52 Brougham Place Pty Ltd for the demolition of existing buildings and the construction of a mixed use development comprising the following: three towers for retirement living with a ground level cafe and wellness centre; a tower for serviced apartments with ground level retail, cafe and restaurant land uses; basement carparking and site works; works affecting State and Local heritage places including partial demolition, subject to the following conditions of consent.

**RESERVE MATTER**

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. Further design resolution to achieve greater separation between the stage 3 development and the northern face of the two storey local heritage listed building with particular regard being given to the proximity of the stage 3

development to the eaves and chimney of the two storey local heritage listed 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 following plans submitted in Development Application No 020/A080/15:

Drawings/Plans by Pruszinski Architects numbered DAC01 to DAC29 and dated 15 October 2015.

Reports/Correspondence:

- Planning Report by PBA (Phil Brunning and Associates) dated October 2015
  - Heritage Significance and Conservation Report as well as Heritage Impact Report by Ron Danvers and dated May 2015 and October 2015 respectively
  - Acoustic Report by Resonate Acoustics dated 19 May 2015
  - Traffic Impact Assessment Report by GTA Consultants dated 30 September 2015
  - Sustainability Report by Lucid Consulting Australia dated 22 September 2015
  - Infrastructure Statement by Lucid Consulting Australia dated 22 September 2015
  - Waste Management Statement by Pruszinski Architects dated 14 October 2015
  - Landscape and Public Realm Concept Design by Oxigen dated October 2015
  - Pedestrian Wind Environment Statement by Windtech dated 23 September 2015
  - Structural Condition Report on 49 Brougham Place North Adelaide prepared by Wallbridge and Gilbert and dated 17 August 2015
  - Preliminary Site Investigation Report prepared by LBW Environmental Projects and dated 21 October 2015.
2. The applicant, in consultation with the Government Architect, shall submit further detail and design resolution regarding the ground plane, podium design and facades, materials, finishes and colours, and landscaping, to the satisfaction of the Development Assessment Commission, prior to final Development Approval for substructure for the various stages.

*Reason: The statement of Desired Character for the Main Street (O'Connell) Zone seeks that developments on catalyst sites exemplify quality and contemporary design. It is therefore expected that the quality of detailing, materials and finishes of all elements of the development (including built form and landscaping) will exemplify quality and contemporary design.*

3. 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.
4. The proposed car parking layout and vehicular entry points 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.
5. 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.

6. 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.
7. 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 the development herein approved.

8. Further detail and design resolution of the junctions between the stage 1 development and the State heritage listed dwelling and coach house shall be submitted to the satisfaction of the Development Assessment Commission in consultation with the State Heritage Unit of the Department of Environment, Water and Natural Resources prior to final Development Approval being granted to any of the proposed works including any site works or demolition within stage 1. This shall investigate and detail the extent of State heritage listed fabric to be demolished and the external form and detail of reconstruction at the junctions between the stage 1 development and the State heritage listed buildings. This detail and design resolution shall be informed by a suitably qualified heritage architect.

*Reason: The detailed documentation of interface works is yet to be prepared.*

9. All incidental works to the State heritage places, including but not limited to general repairs, new joinery, colour schemes, services integration, new finishes, repairs and compliance upgrades, shall be further detailed to the satisfaction of the Development Assessment Commission in consultation with the State Heritage Unit of the Department of Environment, Water and Natural Resources prior to final Development Approval being granted to any of the proposed works including any site works or demolition within stage 1. These works are to be informed by a suitably qualified heritage architect.

*Reason: The detailed design of incidental works to the State heritage places is yet to be prepared.*

10. A detailed photographic record of the structures to be demolished shall be undertaken by a suitably qualified heritage architect and provided to the Department of Environment Water and Natural Resources for their records, prior to works commencing on site. The heritage listed structures to be demolished shall also be recorded by laser point cloud scanning internally and externally, and the data provided to the Department of Environment, Water and Natural Resources for their records. The laser scan and digital photographic record shall be capable of amalgamation into a 3D photographic model.

*Reason: A suitable archival record of the demolished structures allows for future interpretation and understanding of their contribution to the heritage values of the State heritage place.*

11. A concept for the active interpretation of the history and significance of the State heritage place, accessible on-site to the public, shall be submitted to the satisfaction of the Development Assessment Commission in consultation with the State Heritage Unit of the Department of Environment, Water and Natural Resources. The concept shall be implemented on-site to the satisfaction of the Development Assessment Commission. It is anticipated that the photographic and laser-point scan data required by condition 11 will form part of this interpretation concept.

*Reason: To enable a continued understanding of the heritage values of the State heritage place following the impact of the development on these values.*

12. A desktop site history for the land affected by this application shall be prepared by a suitably qualified archaeologist to determine the potential for site excavations to uncover archaeological artefacts of heritage significance.
13. In the absence of a desktop site history prepared by a suitably qualified archaeologist finding that the land affected by this application does not contain any potential for archaeological artefacts of heritage significance, a Work Method Statement shall be submitted to the satisfaction of the Development Assessment Commission in consultation with the Department of Environment, Water and Natural Resources outlining measures to monitor excavated material up to nominally 1.5m below ground level. This Work Method Statement should include these excavations being undertaken in the presence of a suitable qualified archaeologist and proceed with appropriate caution to enable the identification and salvage of any material of potential archaeological significance. The Archaeologist is to report to the Department of Environment, Water and Natural Resources on any findings of archaeological significance.

*Reason: With reference to Note (h) below, the Heritage Places Act 1993 carries obligations in relation to archaeological artefacts of State significance.*

14. The applicant shall provide to the satisfaction of the Development Assessment Commission a remediation management plan prior to Development Approval for any substructure works upon the site.

#### **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.
- b) The authorisation will lapse if not commenced within 3 years of the date of this Notification.
- c) Any act or work authorised or required by this Notification must be completed within 9 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. 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).

*Notes from Adelaide City Council*

- e) Any removal or pruning of Council's street trees required to accommodate the development will be subject to Council's Amenity Tree Evaluation Formula Policy. The developer will be required to liaise with Mr Kent Williams, Senior Consultant – Parks, Water & Environment, on 8203 7814 to discuss this matter further if necessary.

*Notes with regards to the Heritage Places Act 1993:*

- f) 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, an application to vary the planning consent or Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
- g) The State heritage place component of the site has experienced limited development since its 1880's form was established and there is consequently reasonable likelihood of deposits of State archaeological significance being encountered within it. Therefore, in accordance with section 27 of the *Heritage Places Act 1993*, a permit from the South Australian Heritage Council will be required prior to any excavation or disturbance of the site.

For further information, contact the Department of Environment, Water and Natural Resources.

*Notes with regards to the Aboriginal Heritage Act 1988:*

- h) 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.

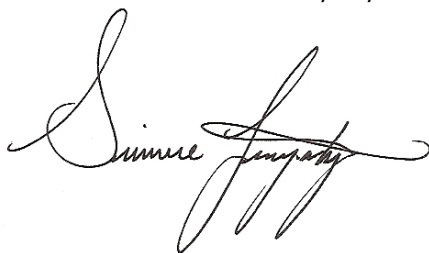
5. **CONFIRMATION OF THE MINUTES OF THE MEETING**

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 1:00PM.

Confirmed 12/02/2016



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Simone Fogarty  
PRESIDING MEMBER