



# *Development Assessment Commission*

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**Inner Metropolitan Development Assessment Committee  
held on Thursday, 18 December 2014 commencing at 11.30 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) Damien Brown Geoffrey Loveday Carolyn Wigg Simone Fogarty Andrew Ford <i>Council Representative</i> ACC – Susan Clearihan
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	Connie Parisi (Agenda Item 3.1)

**1.2 APOLOGIES – Nil.**

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**2. DEFERRED APPLICATIONS – Nil.**

**3. NEW APPLICATIONS**

**3.1 South Terrace Development Trust**

DA 020/A053/14

**262 South Terrace, Adelaide**

Proposal: Partial demolition of State Heritage Place and re use as an office.  
Construction of a 15 storey plus basement residential development.

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

Applicant(s)

- Dennis Chung
- Tom Vinall
- Ben Wilson
- John Genimahaliotis

Agencies

- Kirsteen Mackay – ODASA
- Peter Wells – DEWNR Heritage

Representors

- Emily Bird
- Jim Tjia
- Gavin Osmond
- Garry Bown
- Jane Pearce

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. Pursuant to Section 33(3) of the Development Act 1993, the following matter/s shall be reserved for further assessment prior to the granting of Development Approval, to the satisfaction of the Development Assessment Commission in consultation with the Department of Environment, Water and Natural Resources:

- (a) Details of the Stage 3 regulatory compliance upgrade works described on p15 of the Heritage Impact Statement.

*Reason for reserved matter*

*Information not available at this stage of the project. To allow assessment of heritage impact at design development stage.*

- (b) Details of the Stage 3 user upgrade works described on p15 of the Heritage Impact Statement.

*Reason for reserved matter:*

*Information not available at this stage of the project. To allow assessment of heritage impact at design development stage.*

- (c) The location of the proposed new lift.

*Reason for reserved matter:*

*The best heritage outcome for the Assembly Hall and Chapel (without doubt the most significant spaces within the building) is a continuation of their original uses as gathering/meeting spaces. The currently proposed location is likely to prove incompatible with such future uses. It is considered premature to decide on the lift's location in the absence*

*of an actual tenancy brief. The possibility of a tenant-driven preference to locate the lift elsewhere should not be overlooked, and should be actively pursued. A workable alternative location has been identified in discussions with the proponent's heritage consultant.*

- (d) The removal of Chapel pews and the installation of a level floor.

*Reason for reserved matter:*

*These proposed interventions affect a space and fabric of exceptional significance, and would have a major adverse impact on cultural values. It is considered premature to implement them in the absence of an actual tenancy brief. The possibility of a tenant-driven solution enabling retention or only partial implementation should not be overlooked. Removal of the pews should only be undertaken with due justification, and with suitable measures implemented to facilitate future reversal of the interventions and recovery of the heritage values inherent in the pews and in the space.*

**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/A053/14 including:

Drawings /Plans by Catalyst Architects (David Romaldi Architecture) and JPE Design Studio Pty Ltd Architects

<b>Plan No.</b>	<b>Date</b>
294-P-H-1	Sept 14
294-P-H-2	Sept 14
294-P-H-3	Sept 14
294-P-H-4	Sept 14
294-P-1.0	Sept 14
294-P-S-1	Sept 14
294-P-S-2	Sept 14
294-P-1.1	Sept 14
294-P-S-1	Sept 14
294-P-S-2	Sept 14
294-P-1.1	Sept 14
294-P-1.2	Sept 14
294-P-1.3	Sept 14
294-P-1.4	Sept 14
294-P-1.5	Sept 14
294-P-1.6	Sept 14
294-P-1.7	Sept 14
294-P-1.8	Sept 14
294-P-1.9	Sept 14
294-P-1.10	Sept 14
294-P-1.11	Sept 14
294-P-2.1	Sept 14
294-P-2.2	Sept 14
294-P-2.3	Sept 14
294-P-2.4	Sept 14
294-P-2.5	Sept 14

294-P-3.1	Sept 14
294-P-3.2	Sept 14
294-P-4.1	Sept 14
294-P-4.2	Sept 14

#### Reports / Correspondence

- Residential Development (Report), 23 October 2014, JPE Design Studio
- Conservation Management Plan, 10 April 2014, Catalyst Heritage Architecture
- Heritage Impact Statement, 30 October 2014, Catalyst Heritage Architecture
- Wind Impact Assessment, 15 October 2014, Vipac
- Waste Management Plan, October 2014, Rawtec
- ESD Report, 13/10/14, D2
- Environmental Noise Assessment, October 2014, Sonus
- Urban Context and Design Response Report, September 2014, David Lock Associates
- Planning Report, 31 October 2014, IBS Planning and Projects
- Preliminary Stormwater Management Report, 29/10/2014, Ginos Engineers Pty Ltd
- Traffic and Parking Report, October 2014, MFY Pty Ltd

2. The acoustic attenuation measures recommended in the report prepared by Sonus dated October 2014, 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.
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.
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 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
- g. an audit of the condition of existing adjacent structures and the right of way, in the form of a dilapidation report.

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 Council 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. 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*.
7. 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.
8. The access ramp to the eastern right of way shall be modified in accordance with the recommendations of the MFY Traffic and Parking Report dated October 2014.
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.

#### Heritage

11. With regards to **Stage 1** of the development:

- a. The existing stage at the northern end of the Assembly Hall shall remain in place under Stage 1. Consideration of its removal should be deferred until Stage 3.
- b. Existing walls and joinery, and other original fabric in the area to the north of the Chapel, shall be retained under Stage 1. Consideration of their removal should be deferred until Stage 3.

*Reason for conditions:*

*Where decisions on the removal of fabric of representational or heritage value relate to end user requirements, they should be made in the context of a tenant-driven fit-out brief. The best heritage outcome is for these elements to remain, so decisions to remove them should not be made prematurely.*

12. With regards to **Stage 2** of the development:

- a. The proposed reconstruction of the northern balcony should incorporate into its design a suitable means of interpreting its interface with the demolished toilet block, to the satisfaction of the Development Assessment Commission in consultation with the Department of Environment, Water and Natural Resources.

*Reason for condition:*

*To provide representational evidence of the balcony's original construction.*

13. With regards to **Stage 3** of the development:

- a. Should the Assembly Hall stage be removed, evidence of the original stage floor level and steps shall be retained within the stage area, and the proposed stud infill wall to the proscenium should incorporate interpretation of the stage frontage from within the Assembly Hall, all to the satisfaction of the Development Assessment Commission in consultation with the Department of Environment, Water and Natural Resources.

**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 1.30PM.

Confirmed                /                /2014

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Ted Byrt  
PRESIDING MEMBER