



Development Assessment Commission

Minutes of the 495th Meeting of the Development Assessment Commission held on Thursday, 27 February 2014 commencing at 1.00 PM Conference Room 6.2, Level 6, 136 North Terrace, Adelaide

1. OPENING

1.1. PRESENT

Deputy Presiding Member	Megan Leydon
Members	Damien Brown Geoffrey Loveday Carolyn Wigg Simone Fogarty
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	Simon Neldner (Agenda Item 2.1 & 3.3) Gabrielle McMahon (Agenda Item 3.1) Ryan Moyle (Agenda Item 3.2 & 3.3)

1.2. APOLOGIES – Ted Byrt (Presiding Member), Andrew Ford.

2. DEFERRED APPLICATIONS

2.1. Jetty Road Holdings PL

110/0597/13 (south access)

110/0596/13 (north access)

Cowper, Milton and Partridge Streets, Glenelg

Holdfast Bay Council (District Centre Zone – PA6 (Jetty Road))

Megan Leydon (Deputy Presiding Member) declared a conflict of interest and left the meeting for the hearing of this item

Damien Brown was appointed Presiding Member in the absence of Megan Leydon (Deputy Presiding Member).

The Commission discussed the application.

RESOLVED

- 1) **RESOLVE** that the proposed developments are NOT seriously at variance with the policies in the Development Plan.
- 2) **RESOLVE** to grant Development Plan Consent to Development Application No. 110/0596/13 (north access) by Jetty Road Holdings Pty Ltd to undertake the demolition of an existing commercial building, construction of a new cinema building (with associated carparking) and new decked carparking structure (over an existing carpark) with associated landscaping, site and civil works at Milton Street, Cowper Street and Partridge Street, Glenelg subject to the following reserved matters and conditions:

Reserved Matters

1. That pursuant to Section 33(3) of the *Development Act 1993*, the applicant shall submit detailed proposals for the following reserved matters requiring further assessment by the Development Assessment Commission prior to Development Approval of the application:
 - (a) External lighting plan for all publicly accessible areas – including walkways and carparks. This plan must include detailed specifications and lux levels for overhead lighting fixtures to the upper level of the decked carpark (that must demonstrate compliance with public lighting standards to minimise light overspill) and details of a management system to reduce the intensity of such lighting after hours (but still meet relevant safety requirements).
 - (b) Provision of a stormwater management plan in accordance with Council's engineering requirements which also enable the capture and reuse of stormwater on the site. Installed systems must also be capable of ensuring water quality is of a standard suitable to be discharged to Council's infrastructure.
 - (c) Movement and wayfinding plan for pedestrians. This plan must provide visual and intuitive signals, pavement treatments and signage that can be easily followed and interpreted for users of the cinema carpark and decked carpark (and should be reviewed by an independent CPTED consultant).
 - (d) Final design – including screening materials and specification - of the roof-top plant, vents and associated ducting on the cinema building. The selection of mechanical plant and equipment and the potential for noise nuisance should be reviewed by a qualified acoustic engineer prior to the finalisation of these plans, and any recommendations adopted into the design.
 - (e) Further investigation into, and incorporation of, sustainable elements into the cinema building in the form of the capture and reuse of stormwater, energy efficient fixtures and passive ventilation and air-conditioning systems.

Planning Conditions:

1. That 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 No 110/0596/13 (north access):

Proske Brown Architects

Context Plan - Drawing 12.002.SK01.000.D dated 20.2.14
Context Plan: Existing Site Plan - Drawing 12.002.SK01.001.C dated 7.2.14
Context Plan: Ground Floor Plan - Drawing 12.002.SK01.002.C dated 20.2.14
Ozone Cinema: Ground Floor Plan - Drawing 12.002.SK01.003.C dated 7.2.14
Ozone Cinema: First Floor Plan - Drawing 12.002.SK01.004.C dated 7.2.14
Ozone Cinema: Second Floor Plan - Drawing 12.002.SK01.005.C dated 7.2.14
Ozone Cinema: Roof Plan - Drawing 12.002.SK01.006.F dated 20.2.14
Public Realm - Cinema Landscaping Plan - Drawing 12.002.SK01.034.B dated 6.2.14
Public Realm - Carpark Landscaping Plan - Drawing 12.002.SK01.035.C dated 20.2.14
Public Realm - Milton Street Landscaping Plan - Drawing 12.002.SK01.036.B dated 20.2.14
Public Realm - Cowper Street Landscaping Plan - Drawing 12.002.SK01.037.B dated 20.2.14
Public Realm - Partridge Street Landscaping Plan - Drawing 12.002.SK01.038.B dated 20.2.14
Ozone Cinema Elevations - Drawing 12.002.SK01.008.F dated 20.2.14
Partridge Street East Carpark Screening details- Drawing 12.002.SK01.011A.B dated 20.2.14
Partridge Street East Carpark Elevations- Drawing 12.002.SK01.011 Rev E dated 20.2.14
Partridge Street East Carpark: Ground Floor Plan - Drawing 12.002.SK01.009.F dated 20.2.14
Partridge Street East Carpark: First Floor Plan - Drawing 12.002.SK01.010.F dated 20.2.14
Ozone Cinema - Perspectives - Drawing 12.002.SK01.016 Rev C dated 7.2.14
Ozone Cinema: Overall site sections - Drawing 12.002.SK01.033.C dated 20.2.14
Ozone Cinema: South Eastern Boundary Alignment - Drawing 12.002.SK01.031.B dated 20.2.14
Ozone Cinema - Context Plan - Services - Drawing 12.002.SK01.020.C dated 20.2.14
Ozone Cinema: Anticipated Staging Plans - Drawing 12.002.SK01.032.A dated 9.1.14
Ozone Cinema Shadowing Diagrams- 21 June @ 9am Drawing 12.002.SK01.017.C dated 20.2.14
Ozone Cinema Shadowing Diagrams- 21 June @ 12pm Drawing 12.002.SK01.018.C dated 20.2.14
Ozone Cinema Shadowing Diagrams- 21 June @ 3pm Drawing 12.002.SK01.019.C dated 20.2.14
Ozone Cinema Shadowing Diagrams 11 Partridge Street - Drawing 12.002.Sk01.022.B dated 20.2.14
Ozone Cinema Shadowing Diagrams 11 Partridge Street - Drawing 12.002.Sk01.023.B dated 20.2.14
Ozone Cinema Shadowing Diagrams 6 Cowper Street - Drawing 12.002.Sk01.024. B dated 20.2.14
Ozone Cinema Shadowing Diagrams 6 Cowper Street - Drawing 12.002.Sk01.025. B dated 20.2.14
Ozone Cinema Shadowing Diagrams 3 Cowper Street - Drawing 12.002.Sk01.026. B dated 20.2.14
Ozone Cinema Shadowing Diagrams 3 Cowper Street - Drawing 12.002.Sk01.027. B dated 20.2.14
Ozone Cinema Shadowing Diagrams 27 High Street - Drawing 12.002.Sk01.028. B dated 20.2.14
Ozone Cinema Shadowing Diagrams 37 High Street - Drawing 12.002.Sk01.029. B dated 20.2.14
Ozone Cinema Shadowing Diagrams 37 High Street - Drawing 12.002.Sk01.030. B dated 20.2.14

Reports

- Ozone Cinema (North Access) and Decked Carpark - Partridge Street, Glenelg, Planning Report Version 3 dated 20 November 2013 prepared by URPS
- Proposed Cinema Development, Partridge Street, Glenelg - Traffic and Parking Assessment, dated 22 November 2013 prepared by Phil Weaver and Associates
- Proposed Cinema Development, Partridge Street, Glenelg - Request for further information dated 23 January 2013 prepared by Phil Weaver and Associates
- Proposed Cinema Development, Cowper Street, Glenelg (DA 110/0596/13 & 110/0596/13) - Request for Additional information dated 10 February 2014 prepared by Phil Weaver and Associates
- Tree Report - Assessment of a *Corymbia citriodora* in relation to the Ozone Cinema carpark upgrade, Glenelg, prepared by Tree Environs dated 4 September 2013.
- AECOM (*Ozone Cinema - Development Acoustic Report - Taplin Real Estate 21 November 2013 Doc No 60307276-A13102RP*)

Correspondence

- Letter from Andrew Taplin to ProskeBrown Architects dated 18 November 2013
- Email from Holdfast Bay Council to URPS dated 19 November 2013
- Email from Matthew King (URPS) to DPTI dated 21 January 2014
- Email from Matthew King (URPS) to DPTI dated 23 January 2014
- Email from Matthew King (URPS) to DPTI dated 24 January 2014
- Letter from Matthew King (URPS) to DPTI dated 11 February 2014
- Letter from Matthew King (URPS) to DPTI dated 21 February 2014
- Letter from Alex Brown (Alex Brown Architects) to DPTI dated 20 February 2014.

2. A Construction and Environmental Management Plan (CEMP) shall be prepared and implemented to manage site and construction works, and shall address - but not be limited to - the following:

- Air quality controls: including management of dust.

- Stormwater management: including erosion and sediment control to ensure water quality is maintained to minimise the transfer of contaminants from the site to receiving waters.
- Temporary traffic controls – including the management of public parking on the site during construction
- Noise: to minimise construction impacts to adjoining owners and occupiers
- Occupational health and safety.
- Water quality controls and monitoring.
- Use of temporary lighting (and the minimisation of light overspill) – if required.
- Hours of operation: to minimise amenity loss / level of disturbance to nearby residents.
- Establishment and maintenance of temporary fencing and hoardings.
- Waste minimisation, recovery and disposal.
- Maintenance of existing public road surfaces (i.e. minimise drag-out).
- Site servicing / amenities and security arrangements.
- Complaints management procedure and record of events
- Storage of chemicals and fuel.
- Reinstatement of infrastructure.

A copy of the CEMP must be provided to the City of Holdfast Bay and the Development Assessment Commission prior to the commencement of site works.

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

3. Prior to the commencement of site clearance, demolition or construction works, a Dilapidation report (i.e. condition survey) shall be prepared by a qualified engineer to investigate and report on the condition and stability of adjoining buildings, structures and Council assets. A copy of this report – including all photographic and video records - shall be provided to the Development Assessment Commission and the City of Holdfast Bay in electronic format.
4. That security, external and outdoor lighting between buildings and within car parking and pedestrian areas shall be in accordance with relevant Australian Standards and shall be of an intensity not to cause a light over spill nuisance to adjacent residential occupiers, or cause a distraction to drivers on adjacent public roads.
5. That the proposed car parking layout, ramps, columns and vehicular entry points shall be designed and constructed to conform to the AS/NZS 2890.1:2004 for Off-Street Parking Facilities, AS/NZS 2890.6-2009 Disabled Parking and Australian Standard 2890.2:2002: commercial vehicles to MRV size* (Note: *decked carpark only).
6. That all directional signage and line-markings in car parking/manoeuvring areas shall be maintained in good condition at all times and remain unobstructed by vegetation and clearly visible.
7. That 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, public reserve or public road.
8. That all earthworks shall be restricted to only those which are shown on the approved plans as required for building and/or access purposes.

9. That all hard building materials shall be secured and in such a manner so as to prevent any materials entering the stormwater system either by wind or water action during construction works.
10. That an appropriate Soil Erosion and Drainage Management Plan (as described in the "Stormwater Pollution Control, General Code of Practice for Local, State and Federal Government") shall be prepared and implemented which includes a range of strategies to collect, treat, store and dispose of stormwater during construction and from the final form of the development (i.e. from roofs, driveways, parking areas, lawns, etc) while minimising disposal into the environment.
11. That all air-conditioning units, air-handling, extraction and other service equipment – including ducting – to be installed on the roof of the new cinema building shall be located within designated plant areas (as detailed by the approved elevational and site plans) and shall be appropriately designed, screened and attenuated to comply with current environmental standards as stipulated in Clause 20(3) and 20(4) of the *Environment Protection (Noise) Policy 2007* AND designed to ensure no nuisance or loss of amenity (either visible or auditory) to residents and users of properties in the locality. An acoustic engineer shall review the final plans to ensure compliance with the above requirements.
12. That no additional signs shall be displayed upon the subject land other than those mandated by law and identifying the parking area access points and those shown on the approved plans. If any further signs are required, these shall be the subject of a separate application.
13. That wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping.
14. That all waste and other rubbish shall be screened from public and stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment.
15. That all Council, utility or state agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to council, utility or state agency specifications. All costs associated with these works shall be met by the proponent.
16. That the location of all CCTV cameras – including mountings - within or around the development shall be designed and installed so as to be unobtrusive and complement the appearance and design theme of the new buildings and public spaces.
17. That no air-conditioning units, air extraction equipment or associated ducting shall be installed on the roof or external walls of the cinema building (except as identified on the approved plans as designated plant areas).
18. That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.
19. That the provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.
20. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any

nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.

21. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
22. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
23. That no solid or liquid trade wastes be discharged to the stormwater system.
24. That the applicant must submit a post construction noise compliance assessment report prepared by an acoustic engineer** to verify that the noise levels mandated by the *Environment Protection (Noise) Policy 2007* have not been exceeded. This must be undertaken within 3 months of completion of the development.

**Note: An acoustic engineer is defined as a person eligible for full Member status of both the Institution of Engineers Australia and the Australian Acoustical Society.
25. That loading, unloading and refuse pickup shall not occur prior to 7:00am on Monday to Friday and 9:00am on Saturday, Sunday and public holidays. Loading, unloading and refuse pickup shall not occur after 9:00pm on Monday to Friday and 5:00pm on Saturday, Sunday and public holidays.
26. Appropriate measures shall be taken during construction to safeguard the health of the Norfolk Island Pine tree located on Partridge street. Protection measures shall involve creating an exclusion zone around the tree by installing fencing around the trunk during the entire period of construction.
27. A Traffic Impact Study having regard to the surrounding street network for: the management of parking requirements in the locality during construction of both the cinema and the car parking deck; the movement of vehicular traffic both during and post construction is submitted Council's City Assets Department prior to the issue of Development Approval.
28. That the landscaping shown on the plans forming part of the application shall be established prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.
29. That the recommendations of the AECOM report: *Ozone Cinema - Development Acoustic Report - Taplin Real Estate 21 November 2013 Doc No 60307276-A13102RP* - shall be incorporated into the design of the development to ensure compliance with the *Environment Protection (Noise) Policy 2007*.
30. Excavated materials and stockpiles shall be appropriately classified and managed in accordance with the Environment Protection Authority (EPA) Guideline: *Standard for the production and use of Waste Derived Fill (October 2013)*.
31. That prior to the commencement of construction (excluding site clearance and demolition) a materials samples board shall be provided to the Development Assessment Commission for all external materials and finishes.
32. A Waste Management Plan shall be developed and implemented that details the proposed waste management practices to be adopted for the use and

operation of the cinema development. The plan shall cover three phases of the development, namely:

- resource recovery during demolition;
- waste minimisation and resource recovery during construction; and
- resource recovery during occupation or use of the Development including proposed methods of recycling of all recyclable materials.

Advisory Notes:

- a) 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.
- b) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, 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.
- c) 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>
- d) 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.
- e) The emission of noise from the premises is subject to control under the Environment Protection Act 1993 and Environment Protection Regulations 2009 and the applicant (or person with the benefit of this consent) should comply with those requirements.
- f) The development must be substantially commenced within 1 year of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- g) 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 unless this period is extended by the Commission.
- h) You have 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 on which you receive this notice or such longer time as the Court may allow. 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).
- i) In addition to the provisions of the Building Code of Australia relating to access for people with disabilities, you must comply with the Commonwealth Disability Discrimination Act, 1992. Compliance with the Act is the responsibility of the property owner.
- j) If regulated or significant trees are to be retained adjacent to the site, the applicant is advised to consult *Australian Standard AS 4970 – 2009 Protection of Trees on Development Sites* to ensure the incorporation of protective fencing, mulch and appropriate remedial treatments.

Requirements of standard include:

- The establishment of Tree Protection Zones to restrict activities including the dumping of waste, machine excavation, storage and preparation of chemicals, and physical damage to trees;
- The erection of protective fencing around a Tree Protection Zone prior to machinery or materials brought onto the site;
- The use of approved signs to identify the Tree Protection Zone;
- Mulching, watering and weed removal recommendations to maintain the tree protection zone.

Regular monitoring of tree protection measures should be undertaken throughout the development and construction process to ensure that any trees to be retained on the site are carefully managed to ensure their long-term survival and growth.

- 3) **RESOLVE** to grant Development Plan Consent to Development Application No. 110/0597/13 (south access) by Jetty Road Holdings Pty Ltd to undertake the demolition of an existing commercial building, construction of a new cinema building (with associated carparking) and new decked carparking structure (over an existing carpark) with associated landscaping, site and civil works at Milton Street, Cowper Street and Partridge Street, Glenelg subject to the following reserved matters and conditions:

Reserved Matters

1. That pursuant to Section 33(3) of the *Development Act 1993*, the applicant shall submit detailed proposals for the following reserved matters requiring further assessment by the Development Assessment Commission prior to Development Approval of the application:
 - (a) External lighting plan for all publicly accessible areas – including walkways and carparks. This plan must include detailed specifications and lux levels for overhead lighting fixtures to the upper level of the decked carpark (that must demonstrate compliance with public lighting standards to minimise light overspill) and details of a management system to reduce the intensity of such lighting after hours (but still meet relevant safety requirements).
 - (b) Provision of a stormwater management plan in accordance with Council's engineering requirements which also enable the capture and reuse of stormwater on the site. Installed systems must also be capable of ensuring water quality is of a standard suitable to be discharged to Council's infrastructure.
 - (c) Movement and wayfinding plan for pedestrians. This plan must provide visual and intuitive signals, pavement treatments and signage that can be easily followed and interpreted for users of the cinema carpark and decked carpark (and should be reviewed by an independent CPTED consultant).
 - (d) Final design – including screening materials and specification - of the roof-top plant, vents and associated ducting on the cinema building. The selection of mechanical plant and equipment and the potential for noise nuisance should be reviewed by a qualified acoustic engineer prior to the finalisation of these plans, and any recommendations adopted into the design.
 - (e) Further investigation into, and incorporation of, sustainable elements into the cinema building in the form of the capture and reuse of stormwater, energy efficiency fixtures and passive ventilation and air-conditioning systems.

Planning Conditions:

1. That 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 No 110/0597/13 (south access):

Proske Brown Architects

Context Plan - Drawing 12.002.SK02.000.D dated 20.2.14
Context Plan: Existing Site Plan - Drawing 12.002.SK02.001.C dated 7.2.14
Context Plan: Ground Floor Plan - Drawing 12.002.SK02.002.D dated 20.2.14
Context Plan: Services - Drawing 12.002.SK02.020.C dated 20.2.14
Ozone Cinema: Ground Floor Plan - Drawing 12.002.SK02.003.C dated 7.2.14
Ozone Cinema: First Floor Plan - Drawing 12.002.SK02.004.C dated 7.2.14
Ozone Cinema: Second Floor Plan - Drawing 12.002.SK02.005.C dated 7.2.14
Ozone Cinema: Roof Plan - Drawing 12.002.SK02.006.E dated 20.2.14
Public Realm - Cinema Landscaping Plan - Drawing 12.002.SK02.034.B dated 6.2.14
Public Realm - Carpark Landscaping Plan - Drawing 12.002.SK02.035.C dated 20.2.14
Public Realm - Milton Street Landscaping Plan - Drawing 12.002.SK02.036.B dated 20.2.14
Public Realm - Cowper Street Landscaping Plan - Drawing 12.002.SK02.037.B dated 20.2.14
Public Realm - Partridge Street Landscaping Plan - Drawing 12.002.SK02.038.B dated 20.2.14
Ozone Cinema Elevations - Drawing 12.002.SK02.008.F dated 20.2.14
Partridge Street East Carpark Elevations- Drawing 12.002.SK02.011.D dated 20.2.14
Partridge Street East Carpark Screening Details - Drawing 12.002.SK02.011A.A dated 20.2.14
Partridge Street East Carpark: Ground Floor Plan - Drawing 12.002.SK02.009.F dated 20.2.14
Partridge Street East Carpark: First Floor Plan - Drawing 12.002.SK02.010 F dated 20.2.14
Ozone Cinema Perspectives - Drawing 12.002.SK02.016.D dated 20.2.14
Ozone Cinema: Anticipated Staging Plans - Drawing 12.002.SK02.033.A dated 20.2.14
Ozone Cinema Shadowing Diagrams- 21 June @ 9am Drawing 12.002.SK02.017.C dated 20.2.14
Ozone Cinema Shadowing Diagrams- 21 June @ 12pm Drawing 12.002.SK02.018.C dated 20.2.14
Ozone Cinema Shadowing Diagrams- 21 June @ 3pm Drawing 12.002.SK02.019.C dated 20.2.14
Ozone Cinema: South Eastern Boundary Alignment - Drawing 12.002.SK02.031.B dated 20.2.14
Ozone Cinema: Overall site sections - Drawing 12.002.SK02.033.C dated 20.2.14
Ozone Cinema Shadowing Diagrams 11 Partridge Street - Drawing 12.002.Sk02.022.B dated 20.2.14
Ozone Cinema Shadowing Diagrams 11 Partridge Street - Drawing 12.002.Sk02.023. B dated 20.2.14
Ozone Cinema Shadowing Diagrams 6 Cowper Street - Drawing 12.002.Sk02.024. B dated 20.2.14
Ozone Cinema Shadowing Diagrams 6 Cowper Street - Drawing 12.002.Sk02.025. B dated 20.2.14
Ozone Cinema Shadowing Diagrams 3 Cowper Street - Drawing 12.002.Sk02.026. B dated 20.2.14
Ozone Cinema Shadowing Diagrams 3 Cowper Street - Drawing 12.002.Sk02.027. B dated 20.2.14
Ozone Cinema Shadowing Diagrams 27 High Street - Drawing 12.002.Sk02.028. B dated 20.2.14
Ozone Cinema Shadowing Diagrams 37 High Street - Drawing 12.002.Sk02.029.B dated 9.1.2014
Ozone Cinema Shadowing Diagrams 37 High Street - Drawing 12.002.Sk02.030.B dated 9.1.2014

Reports

- Ozone Cinema (South Access) and Decked Carpark - Partridge Street, Glenelg, Planning Report Version 3 dated 20 November 2013 prepared by URPS
- Proposed Cinema Development, Partridge Street, Glenelg - Traffic and Parking Assessment, dated 22 November 2013 prepared by Phil Weaver and Associates
- Proposed Cinema Development, Partridge Street, Glenelg - Request for further information dated 23 January 2013 prepared by Phil Weaver and Associates
- Proposed Cinema Development, Cowper Street, Glenelg (DA 110/0596/13 & 110/0596/13) - Request for Additional information dated 10 February 2014 prepared by Phil Weaver and Associates
- Tree Report - Assessment of a *Corymbia citriodora* in relation to the Ozone Cinema carpark upgrade, Glenelg, prepared by Tree Environs dated 4 September 2013.
- AECOM (*Ozone Cinema - Development Acoustic Report - Taplin Real Estate 21 November 2013 Doc No 60307276-A13102RP*)

Correspondence

- Letter from Andrew Taplin to ProskeBrown Architects dated 18 November 2013
 - Email from Holdfast Bay Council to URPS dated 19 November 2013
 - Email from Matthew King (URPS) to DPTI dated 21 January 2014
 - Email from Matthew King (URPS) to DPTI dated 23 January 2014
 - Email from Matthew King (URPS) to DPTI dated 24 January 2014
 - Letter from Matthew King (URPS) to DPTI dated 11 February 2014
 - Letter from Matthew King (URPS) to DPTI dated 21 February 2014
 - Letter from Alex Brown (Alex Brown Architects) to DPTI dated 20 February 2014
2. A Construction and Environmental Management Plan (CEMP) shall be prepared and implemented to manage site and construction works, and shall address - but not be limited to - the following:
- Air quality controls: including management of dust.
 - Stormwater management: including erosion and sediment control to ensure water quality is maintained to minimise the transfer of contaminants from the site to receiving waters.
 - Temporary traffic controls – including the management of public parking on the site during construction
 - Noise: to minimise construction impacts to adjoining owners and occupiers
 - Occupational health and safety.
 - Water quality controls and monitoring.
 - Use of temporary lighting (and the minimisation of light overspill) – if required.
 - Hours of operation: to minimise amenity loss / level of disturbance to nearby residents.
 - Establishment and maintenance of temporary fencing and hoardings.
 - Waste minimisation, recovery and disposal.
 - Maintenance of existing public road surfaces (i.e. minimise drag-out).
 - Site servicing / amenities and security arrangements.
 - Complaints management procedure and record of events
 - Storage of chemicals and fuel.
 - Reinstatement of infrastructure

A copy of the CEMP must be provided to the City of Holdfast Bay and the Development Assessment Commission prior to the commencement of site works.

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

3. Prior to the commencement of site clearance, demolition or construction works, a Dilapidation report (i.e. condition survey) shall be prepared by a qualified engineer to investigate and report on the condition and stability of adjoining buildings, structures and Council assets. A copy of this report – including all photographic and/ video records - shall be provided to the Development Assessment Commission and the City of Holdfast Bay in electronic format.
4. That security, external and outdoor lighting between buildings and within car parking and pedestrian areas shall be in accordance with relevant Australian Standards and shall be of an intensity not to cause a light over spill nuisance to adjacent residential occupiers, or cause a distraction to drivers on adjacent public roads.
5. That the proposed car parking layout, ramps, columns and vehicular entry points shall be designed and constructed to conform to the AS/NZS 2890.1:2004 for Off-Street Parking Facilities, AS/NZS 2890.6-2009 Disabled

Parking and Australian Standard 2890.2:2002: commercial vehicles to MRV size* (Note: *decked carpark only).

6. That all directional signage and line-markings in car parking/manoeuvring areas shall be maintained in good condition at all times and remain unobstructed by vegetation and clearly visible.
7. That 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, public reserve or public road.
8. That all earthworks shall be restricted to only those which are shown on the approved plans as required for building and/or access purposes.
9. That all hard building materials shall be secured and in such a manner so as to prevent any materials entering the stormwater system either by wind or water action during construction works.
10. That an appropriate Soil Erosion and Drainage Management Plan (as described in the "Stormwater Pollution Control, General Code of Practice for Local, State and Federal Government") shall be prepared and implemented which includes a range of strategies to collect, treat, store and dispose of stormwater during construction and from the final form of the development (i.e. from roofs, driveways, parking areas, lawns, etc) while minimising disposal into the environment.
11. That all air-conditioning units, air-handling, extraction and other service equipment – including ducting – to be installed on the roof of the new cinema building shall be located within designated plant areas (as detailed by the approved elevational and site plans) and shall be appropriately designed, screened and attenuated to comply with current environmental standards as stipulated in Clause 20(3) and 20(4) of the *Environment Protection (Noise) Policy 2007* AND designed to ensure no nuisance or loss of amenity (either visible or auditory) to residents and users of properties in the locality. An acoustic engineer shall review the final plans to ensure compliance with the above requirements.
12. That no additional signs shall be displayed upon the subject land other than those mandated by law and identifying the parking area access points and those shown on the approved plans. If any further signs are required, these shall be the subject of a separate application.
13. That wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping.
14. That all waste and other rubbish shall be screened from public and stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment.
15. That all Council, utility or state agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to council, utility or state agency specifications. All costs associated with these works shall be met by the proponent.
16. That the location of all CCTV cameras – including mountings - within or around the development shall be designed and installed so as to be unobtrusive and complement the appearance and design theme of the new buildings and public spaces.

17. That no air-conditioning units, air extraction equipment or associated ducting shall be installed on the roof or external walls of the cinema building (except as identified on the approved plans as designated plant areas).
18. That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.
19. That the provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.
20. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
21. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
22. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
23. That no solid or liquid trade wastes be discharged to the stormwater system.
24. That the applicant must submit a post construction noise compliance assessment report prepared by an acoustic engineer** to verify that the noise levels mandated by the Environment Protection (Noise) Policy 2007 have not been exceeded. This must be undertaken within 3 months of completion of the development.

**Note: An acoustic engineer is defined as a person eligible for full Member status of both the Institution of Engineers Australia and the Australian Acoustical Society.
25. That loading, unloading and refuse pickup shall not occur prior to 7:00am on Monday to Friday and 9:00am on Saturday, Sunday and public holidays. Loading, unloading and refuse pickup shall not occur after 9:00pm on Monday to Friday and 5:00pm on Saturday, Sunday and public holidays.
26. Appropriate measures shall be taken during construction to safeguard the health of the Norfolk Island Pine tree located on Partridge street. Protection measures shall involve creating an exclusion zone around the tree by installing fencing around the trunk during the entire period of construction.
27. A Traffic Impact Study having regard to the surrounding street network for: the management of parking requirements in the locality during construction of both the cinema and the car parking deck; the movement of vehicular traffic both during and post construction is submitted Council's City Assets Department prior to the issue of Development Approval.
28. That the landscaping shown on the plans forming part of the application shall be established prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.
29. That the recommendations of the AECOM report: *Ozone Cinema - Development Acoustic Report - Taplin Real Estate 21 November 2013 Doc No 60307276-A13102RP* - shall be incorporated into the design of the

development to ensure compliance with the *Environment Protection (Noise) Policy 2007*.

30. Excavated materials and stockpiles shall be appropriately classified and managed in accordance with the Environment Protection Authority (EPA) Guideline: *Standard for the production and use of Waste Derived Fill (October 2013)*.
31. That prior to the commencement of construction (excluding site clearance and demolition) a materials samples board shall be provided to the Development Assessment Commission for all external materials and finishes.
32. A Waste Management Plan shall be developed and implemented that details the proposed waste management practices to be adopted for the use and operation of the cinema development. The plan shall cover three phases of the development, namely
 - resource recovery during demolition;
 - waste minimisation and resource recovery during construction; and
 - resource recovery during occupation or use of the Development including proposed methods of recycling of all recyclable materials.

Advisory Notes:

- a) 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.
- b) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, 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.
- c) 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>
- d) 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.
- e) The emission of noise from the premises is subject to control under the *Environment Protection Act 1993* and *Environment Protection Regulations 2009* and the applicant (or person with the benefit of this consent) should comply with those requirements.
- f) The development must be substantially commenced within 1 year of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- g) 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 unless this period is extended by the Commission.
- h) You have 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 on which you receive this notice or such longer time as the Court may allow. 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).

- i) In addition to the provisions of the Building Code of Australia relating to access for people with disabilities, you must comply with the Commonwealth Disability Discrimination Act, 1992. Compliance with the Act is the responsibility of the property owner.
- j) If regulated or significant trees are to be retained adjacent to the site, the applicant is advised to consult *Australian Standard AS 4970 – 2009 Protection of Trees on Development Sites* to ensure the incorporation of protective fencing, mulch and appropriate remedial treatments.

Requirements of this standard include:

- The establishment of Tree Protection Zones to restrict activities including the dumping of waste, machine excavation, storage and preparation of chemicals, and physical damage to trees;
- The erection of protective fencing around a Tree Protection Zone prior to machinery or materials brought onto the site;
- The use of approved signs to identify the Tree Protection Zone;
- Mulching, watering and weed removal recommendations to maintain the tree protection zone.

Regular monitoring of tree protection measures should be undertaken throughout the development and construction process to ensure that any trees to be retained on the site are carefully managed to ensure their long-term survival and growth.

3. NEW APPLICATIONS

3.1. **Adelaide Convention Centre**

020/V009/11 V1

North Terrace and Montefiore Road, Adelaide

Adelaide City Council (Institutional (Riverbank) Zone)

Note: Now Riverbank Zone: Entertainment Policy Area

Damien Brown left the meeting and was not present for the hearing of this item.

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

Applicant(s)

- Gavin Kain – Woods Bagot
- Enzo Caroscio – Woods Bagot
- Kate Russo – Woods Bagot

Agency

- Ben Hewett – Government Architect
- Philippe Mortier – Government Architect

The Commission discussed the application.

RESOLVED

- 1) **RESOLVE** to make a recommendation to the Minister for Planning with regards to outstanding reserved conditions associated with Development Application No. 020/V009/11 Variation 1 for the Adelaide Convention Centre.

3.2. **Southern Free Range**

373/D007/13

St Station Road, Saints (Balaklava)

Wakefield Regional Council (Primary Production Zone)

Damien Brown left the meeting and was not present for the hearing of this item.

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

Council

- David Hutchison, Access Planning

The Commission discussed the application.

RESOLVED

- 1) **RESOLVE** to **NOT CONCUR** with the decision of the Wakefield Regional Council to grant Development Plan Consent and Land Division Consent to the division of land (1 into 3) by Southern Free Range at St Station Road, Saints (DA 373/D007/13).

3.3. **Mark Herrmann**

674/D010/13

S98 / HD 430200 Tarcas Road, Hundred of Binnum & S658 / HD 430200 Frances Road, Hundred of Binnum

Damien Brown left the meeting and was not present for the hearing of this item. The Deputy Presiding Member welcomed the following people to address the Commission:

Council

- David Hutchison, Access Planning

The Commission discussed the application.

RESOLVED

- 1) **RESOLVE** to **CONCUR** with the decision of the Naracoorte Lucindale Council to GRANT Development Plan Consent and Land Division Consent to the division of land (2 into 2 – boundary realignment) by Mark Herrmann at Frances Road and Tarcas Road, Binnum (DA 674/D010/13).

4. **MAJOR DEVELOPMENTS** – Nil.

5. **ANY OTHER BUSINESS**

5.1. **Briefing** – Sch 10 Amendment: Kangaroo Island

Simone Fogarty was not present for this briefing.

RESOLVED that the verbal briefing be received and noted.

5.2. **Briefing** – Electra Net

Simone Fogarty was not present for this briefing.

RESOLVED that the verbal briefing be received and noted.

6. NEXT MEETING – TIME/DATE

6.1. Thursday, 13 March 2014 in Conference Room 6.2, Level 6, 136 North Terrace, Adelaide SA.

7. CONFIRMATION OF THE MINUTES OF THE MEETING

7.1. **RESOLVED** that the Minutes of this meeting held today be confirmed.

8. MEETING CLOSE

The Presiding Member thanked all in attendance and closed the meeting at 3.35 PM

Confirmed / /2014

.....
Megan Leydon
DEPUTY PRESIDING MEMBER