

7 March 2011

Dear Sir/Madam

**RE: DEVELOPMENT APPLICATION – 090/152/2010/C3**

I write to inform you that Council has considered your representation in respect to the proposed development at 79-85 Mary Street and 58, 60-62 Arthur Street, Unley which involved "Demolition of all existing structures, removal of five (5) significant trees and the pruning of one (1) significant tree, construction of a retirement village comprising one (1) two (2) storey building, two (2) two (2) and three (3) storey buildings, and one (1) one (1) and two (2) storey building, comprising a total of 94 apartments, communal facilities and basement car parking, car parking at grade, fencing and landscaping".

I enclose a copy of the notification which has been forwarded to the applicant.

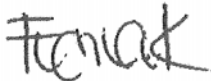
You are advised that Section 86(1)(b) of the Development Act, 1993 provides for a right of appeal against this decision to the Environment, Resources and Development Court within a period of fifteen business days after the date of the decision.

The address of the Environment, Resources & Development Court is:

The Secretary,  
Environment Court,  
GPO Box 2465,  
ADELAIDE. S.A. 5001

Registry: Sir Samuel Way Building, Victoria Square.  
Phone: 8204 0300

Yours faithfully



Fiona Koutsikas  
**SENIOR URBAN PLANNER**



# DECISION NOTIFICATION FORM

DEVELOPMENT ACT, 1993

7 March 2011

Unley Community Developments Pty Ltd  
 C/- Masterplan SA Pty Ltd  
 33 Carrington Street  
 ADELAIDE SA 5000

**RE: DEVELOPMENT APPLICATION NUMBER 090/152/2010/C3**

**FOR:** Demolition of all existing structures, removal of five (5) significant trees and the pruning of one (1) significant tree, construction of a retirement village comprising one (1) two (2) storey building, two (2) two (2) and three (3) storey buildings, and one (1) one (1) and two (2) storey building, comprising a total of 94 apartments, communal facilities and basement car parking, car parking at grade, fencing and landscaping.

**AT:** 79-85 Mary Street and 58, 60-62 Arthur Street, Unley

Further to your proposed application for development as outlined above you are informed of the recent decision on applicable Consents, as follows:

## CONSENTS DETERMINATION

(THE 'DETAILS OF DECISION' SECTION *MUST* BE READ AND COMPLIED WITH)

NATURE OF CONSENTS	Lodgement Date	Consent Required	Consent	Consent Date
Development Plan Consent	9 March 2010	Required	Planning Consent Granted	3 March 2011
Building Rules Consent		Required		

## FURTHER APPROVALS ARE REQUIRED

**This is NOT a development approval - you cannot proceed**

**NO DEVELOPMENT, SITE WORKS, BUILDING WORK OR CHANGE IN LAND USE** shall be undertaken prior to seeking and receiving Approval for all the required Consents and the overall final Development Approval.

### VARIATIONS AND AMENDMENTS

Please note that Section 39(7)(d) of the Development Act 1993 provides that unless otherwise approved by the relevant authority, an application to vary a development authorisation cannot seek to extend the period for which the relevant authorisation remains operative.

### **LAPSE OF APPROVAL**

If none of the consents have been rejected the further application and submission of necessary details in respect to the other required but outstanding Consents may be submitted. Approval of all Consents and issue of a Development Approval must occur within 12 months of the Date of Decision (or date any Appeal is determined) on the earliest consent decision date or that Consent shall LAPSE and become void.

### **APPEALS**

If you are aggrieved by the decision or any condition imposed you may appeal to the Environment, Resources and Development Court within two months of receiving this Decision Notification. The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide 5000 (Postal Address, GPO Box 2465, Adelaide 5001).

### **THIRD PARTY**

132 representations were received from third parties concerning this Category 3 proposal. If representations were received the Development Plan Consent does not operate until expiry of the period for Third Party Appeals - 15 business days from the Date of Decision of that consent.

## DETAILS OF CONSENT

Reasons for this decision and/or the conditions imposed are set out hereunder:

1. That Development Application 090/152/2010/C3 at 79-85 Mary Street and 58, 60-62 Arthur Street, Unley is not seriously at variance with the provisions of the Development Plan and should be GRANTED Development Plan Consent subject to the following conditions and reserved matter pursuant to Section 33(3) of the Development Act 1993:

### **Reserved Matter – Acoustic Fencing**

That appropriately designed acoustic fencing be incorporated to minimise the transfer of vehicular noise impact at the western boundary of the property at 77 Mary Street, the western boundary of 66 Arthur Street and the eastern boundary of 68 Arthur Street. The details and specifications of such fencing is reserved for further consideration by Council. The determination of this reserved matter may involve the imposition of additional conditions on this Development Plan Consent.

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the approved waste disposal facilities and waste enclosure shall be installed and operative prior to occupation of the development.
3. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm on any day.
4. The car parking areas to be maintained at all times to the reasonable satisfaction of Council.
5. The driveway and car parking areas to be surfaced, drained and marked to the reasonable satisfaction of Council prior to the development being occupied.
6. That no signs be erected or displayed without the prior consent of the Council.
7. The pruning of significant trees shall occur under the supervision of a qualified arborist and shall be in accordance with the recommendation contained in the Arborman Tree Solutions report dated 23 October 2009 and 28 July 2010.
8. No significant tree on the site (excluding those proposed to be removed) may be damaged in any way (including roots) during demolition and/or construction.
9. That significant trees and other trees be retained and protected during demolition and construction by a fence placed a minimum of 2 metre radius around the base of the tree. Tree protection and management measures must be undertaken in

accordance with the recommendations as detailed in the Arborman Tree Solutions report dated 23 October 2009 and 28 July 2010.

10. That the collection of stormwater from all large non-permeable surfaces (roofs and car parks) shall be designed and implemented such that it allows for on-site collection, treatment and detention and used internally and for on-site irrigation of landscaped areas and used in toilets. Any stormwater discharge from the site shall be to an approved stormwater discharge point (within Council's Stormwater Pipe Network) and designed to not exceed 20 litres per second. All details shall be provided to the satisfaction of Council prior to the issue of Building Rules Consent.
11. Temporary debris and sediment control measures shall be installed to ensure that debris, soil, soil sediments and litter are maintained within the construction site. At no time shall debris, soil, soil sediments and litter from the construction site enter Council's drainage system, road network or neighbouring properties. Pollution prevention measures shall be in accordance with the "Environmental Protection Authority's Stormwater Pollution Prevention Codes of Practice":
  - For the Community
  - For the Local , State and Federal Government
  - For the Building and Construction Industry

In the event that soil, dust or construction debris enter Council's road network, it shall be removed by the end of the next business day.

12. The hours of construction shall be limited to the following:
  - Monday to Friday – 7:00 am to 7:00pm;
  - Saturday – 7:00 am to 1:00 pm

All reasonable efforts shall be made to limit the emission of noise during construction and shall comply with the provisions of the Environmental Protection Act and Regulations, 1993.

13. Prior to commencement of works, the developer shall nominate a Construction Manager or Site Supervisor who is available to receive calls from any resident within the adjacent area regarding any complaint the resident may have in relation to construction practices. The developer shall provide signage on-site, providing contact details for the Construction Manager or Site Supervisor.
14. That a detailed plan of lighting shall be provided to the satisfaction of Council prior to the issue of Building Rules Consent. The plan shall include appropriate measures (aiming of lights, fitting of louvres, baffles, or shields or the like) to control or limit light falling on surrounding properties.
15. The applicant shall meet all costs associated with the removal of the street tree located within the verge on Mary Street and the planting of a mature replacement tree including modifications to the irrigation system.

16. Final car park and access design details shall be submitted to the satisfaction of Council prior to the issue of Building Rules Consent. In particular:
  - The driveway from Arthur Street shall be used and appropriately signed as entry only.
  - Appropriate signage in accordance with Clause 5.3.1 of AS / NZ 2890.1:2004 identifying a clearance within the car park of less than 2.3 metres.
  - The basement car parking area shall have sufficient method for dealing with stormwater flows that may enter via the ramp.
  - The entrance ramp down to the basement shall be 'humped' outside on the road such that it provides a weir a minimum of 100mm above surrounding levels to prevent stormwater flows directly entering the basement via the ramp.
  - Internal roadways, in particular the section from Arthur Street to the corner near Building 3 shall be appropriately signed in accordance with AS1742, reinforcing that pedestrians may be present and therefore speed must be kept low.
  - Provision for a pedestrian crossing in the basement of Building 3 to assist crossing the access road from the western section of the basement to the stairs/lifts.
  - The tandem car parking spaces shall only be allocated to units with two (2) vehicles allocated or to staff to minimise the number of vehicle manoeuvres internally.
  - Vehicles using the loading area adjacent Building 1 shall enter via Arthur Street only to ensure that they are facing the correct direction.
  
17. A Demolition and Building Site Management Plan is required to the satisfaction of Council prior to the issue of Building Rules Consent and shall include details such as:
  - Work in the Public Realm
  - Hoarding
  - Site amenities
  - Traffic requirements, including construction access
  - Servicing the site
  - Adjoining buildings
  - Reinstatement of infrastructure
  
18. Landscaping shall be established in accordance with the approved plans prior to the occupation of the development to the reasonable satisfaction of Council.
  
19. Those windows nominated as being fitted with obscured glazing to 1.7 metres shall also be fixed below 1.7 metres, further details to be provided prior to the issue of Building Rules Consent.
  
20. Balconies associated with Units 47, 48, 49, 50, 51, 59, 60, 61, 62, 66, 68, 71, 72, 73, 78, 89, 91 and 94 shall be fitted with privacy screens to a height of 1.7 metres above finished floor level prior to occupation and to the reasonable satisfaction of

Council. Further details to be provided to the reasonable satisfaction of Council prior to the issue of Building Rules Consent.

21. That the masonry wall adjacent the rear of 6 Queen Street be retained.
22. No gates are to be installed at the Mary Street and Arthur Street entrance.

**NOTES PERTAINING TO PLANNING CONSENT:**

- 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.
- The construction of the crossing place(s)/alterations to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the **applicant**.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- Existing back of footpath levels must be maintained.
- Provision shall be made for postal deliveries to be made within the development to community mail boxes, located adjacent each of the four (4) buildings. The applicant should liaise with Australia Post regarding provision of access to facilitate this.

**ENQUIRIES**

If you have any enquiries in respect to this Consent please contact the Development Section of Council 08 8372 5111.



**AUTHORISED OFFICER OF  
COUNCIL**