



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 140th Meeting of the
State Commission Assessment Panel
held on Wednesday 22nd June 2022 commencing at 9.30am
Ground Floor, 50 Flinders Street Adelaide / Microsoft Teams video
conferencing

1. OPENING

1.1. ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member acknowledged the traditional custodians of the land on which the State Commission Assessment Panel meets, and paid respect to Elders past, present and emerging.

1.2. PRESENT

Presiding Member	Rebecca Thomas
Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert Emma Herriman Paul Leadbeter Grant Pember
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Margaret Smith Brett Miller Karl Woehle (2.2.1) Maria Klimenchuk

1.3. APOLOGIES

David Altmann

Note: Meeting procedures of the SCAP have been modified in the light of COVID-19 and State Government protocols. Where possible participation in this meeting has been undertaken remotely to minimise risks.

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.1.1 70 GHR Pty Ltd C/- Phillip Brunning & Associates

090/M021/20

70 Greenhill Road, Wayville

Construction of an 8-storey mixed-use building comprising 33 residential apartments, ground floor office, with associated basement and ground level car parking.

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

Applicant

- Phillip Brunning (Phillip Brunning & Associates)
- Anthony Donato (Anthony Donato Architects)
- Zis Ginos
- George Ginos

Agency

- Belinda Chan (ODASA)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) That the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Unley (City) Council Development Plan consolidated 15 October 2020.
- 3) To grant Development Plan Consent to Development Application 090/M021/20 subject to the following reserved matters and conditions of consent.

RESERVED MATTERS

Pursuant to Section 102(3) of the Planning, Development and Infrastructure Act 2016, the following matters shall be RESERVED for further assessment, to the satisfaction of the State Planning Commission (SPC), prior to the granting of Development Approval:

- Final material palette and samples board demonstrating use of high quality, durable materials to be provided in consultation with the Office for Design and Architecture.
- A detailed stormwater management plan, including appropriate Water Sensitive Urban Design techniques, shall be provided in consultation with the City of Unley.

PLANNING CONDITIONS

1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009) prior to the occupation or use of the development.
3. Non-residential land uses not operate outside the hours of 7:00am to 7:00pm Monday to Friday to ensure complementary sharing of parking for residential visitors.

4. Waste and service vehicles only visit the site between 10:00am to 3:00pm Monday to Saturday, excluding Sundays and public holidays.
5. The acoustic attenuation measures recommended in the Noise Assessment Report by SONUS dated March 2022 shall be fully incorporated into the building rules documentation to the satisfaction of the State Planning Commission. Such acoustic measures shall be made operational prior to the occupation or use of the development.
6. Landscaping shown on the approved plans shall be established within two weeks of the issuance of the certificate of occupancy for the development. Plantings shall be irrigated, maintained, and nurtured at all times with any missing, damaged, diseased or dying plants being replaced.
7. The two two-way rear access ways shall be clearly divided or line-marked to avoid vehicles blocking opposite movement and interrupting on-street movement.

ADVISORY NOTES

- a. This Development Plan Consent will expire after 24 months from the date of this Notification, unless final Building Rules Consent from Council has been received within that period or this Consent has been extended by the State Planning Commission.
- b. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 2 years of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- c. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. 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).
- d. 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.
- e. 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.
- f. The applicant is reminded of their obligations under the *Local Nuisance and Litter Control Act 2016* and the *Environment Protection Act 1993*, in regard to the appropriate management of environmental impacts and matters of local nuisance.
- g. A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of Unley (Council) and implemented throughout construction in accordance with current industry standards including the Local Nuisance and Litter Control Act 2016, the EPA publications "Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition" and, where applicable, "Environmental Management of On-site Remediation" – to minimise environmental harm and disturbance during construction. The management plan should incorporate, without being limited to, the following matters:
 - a) timing, staging and methodology of the construction process and working hours;
 - b) traffic management strategies;
 - c) control and management of construction noise, vibration, dust and mud;
 - d) management of infrastructure services during construction and reestablishment of local amenity and landscaping;
 - e) stormwater and groundwater management during construction;
 - f) site security, fencing and safety and management of impacts on local amenity for residents, traffic and pedestrians;

- g) disposal of construction waste, any hazardous waste and refuse in an appropriate manner according to the nature of the waste; and
 - h) protection and cleaning of roads and pathways; and overall site clean-up.
- h. The applicant should 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.
- i. Pursuant to the City of Unley On-Street Parking Exemption Policy, permits are not issued for occupants of new development (post 2013).
- j. Any further proposed addition to the structure, including aerials, masts and vent/exhaust stacks, must be subject to a separate assessment.
- k. Crane operations associated with construction shall be the subject of separate application. Adelaide Airport Limited requires 48 days prior notice of any crane operations during the construction. Crane assessment may also have to be conducted by the Civil Aviation Safety Authority (CASA).
- l. Restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths.

2.2. NEW APPLICATIONS

2.2.1 Doma C/- Future Urban

22008384

98-100 North Terrace, Adelaide

Demolition of existing building structures and construction of 23 level building comprising tourist accommodation, hotel, café and bar.

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

Applicant

- Christopher Webber (Future Urban)
- Guy Lake (Bates Smart)
- Jure Domazet (Doma)
- Eric Kydd (Wallbridge Gilbert Aztec)

Agency

- Ellen Liebelt (ODASA)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to Section 107(2)(c) of the Planning, Development, and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 22008384, by Doma C/- Future Urban is Granted Planning Consent subject to the following reasons/conditions/reserved matters:

RESERVED MATTERS

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act 2016, the following matters shall be reserved for further assessment prior to the granting of Development Approval:

- The applicant shall submit a final detailed schedule of external materials and finishes and a physical samples board in consultation with the Government Architect to the satisfaction of the State Planning Commission.

- The applicant shall submit updated plans that include a minimum of eight onsite bicycle parks with associated end of trip facilities and details of final canopy materiality.

CONDITIONS

Planning Consent

Condition 1

The development granted Planning Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the State Planning Commission, except where varied by conditions below (if any).

Condition 2

All acoustic recommendations and treatments shall be installed and completed in accordance with the Environmental Noise Assessment prepared by Resonate dated Friday 11 March 2022 (A210654RP1 Revision C), these include but are not limited to:

- Loading dock will only operate during 7:00am to 10:00pm.
- The loading bay entrance shall be fitted with a solid roller or panel-lift door and all deliveries and waste collection shall occur within the loading bay with the roller door shut.
- The rooftop bar and terrace is limited to a total of 150 patrons, with 40 of these located in the outdoor terrace.
- The music noise level within the rooftop bar should be limited to L10,15min 100 dB(A), measured at the doors to the outdoor terrace. Any external speakers on the rooftop terrace is limited to 'background' levels only, i.e. at a level where conversation at normal voice levels is intelligible above the music.
- Waste collection shall occur 9:00am to 7:00pm on a Sunday or public holiday and 7:00am to 7:00pm on any other day.
- Noise emissions from the external plant and internal plantroom shall be limited to 52 dB(A) during the day (7:00am to 10:00pm) and 45 dB(A) at night (10:00pm to 7:00am) at the most affected residence in accordance with the South Australian Environment Protection (Noise) Policy 2007.

Condition 3

Landscaping shown on the approved plans shall be established within two weeks of the issuance of the certificate of occupancy for the development. Plantings shall be irrigated, maintained, and nurtured at all times with any missing, damaged, diseased or dying plants being replaced.

ADVISORY NOTES

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

5. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent

Advisory Note 1

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the State Planning Commission).

Advisory Note 2

The approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Advisory Note 3

The applicant has a right of appeal against the conditions which have been imposed on this Planning 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 ERD Court if wishing to appeal. The ERC Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Notes imposed by (Adelaide Airport) The Secretary of the relevant Commonwealth Department responsible for administering the Airports Act 1996 under Section 122 of the Act

Advisory Note 4

The application has been assessed and the development at an approx. height of RL 113.7m Australian Height Datum (AHD) the application **will** penetrate the Adelaide Airport Obstacle Limitation surfaces (OLS) which is protected airspace for aircraft operations.

The application will require approval in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 with final approval by the Department of Infrastructure, Transport, Regional Development and Communication.

The developments will penetrate the OLS by approximately 18.7 metres.

To commence the approval Adelaide Airport requires the height to the top of the building including all structures and masts provided in Australian Height Datum (AHD).

The airport will not object to the development.

If the development is approved by the Department of Infrastructure, Transport, Regional Development and Communications any associated lighting would also need to conform to the airport lighting restrictions and shielded from aircraft flight paths.

Crane operations associated with construction, if approved, will also be subject to a separate application.

2.3. RESERVED MATTERS

3. CROWN DEVELOPMENTS (ADVISORY ITEMS)

3.1. DEFERRED APPLICATIONS

- 3.2. **NEW APPLICATIONS**
- 4. **MAJOR DEVELOPMENTS – VARIATIONS**
- 5. **REPORTING**
- 6. **COURT COMPROMISE**
- 7. **BRIEFINGS**
- 8. **PROCEDURAL MATTERS**
- 9. **OTHER BUSINESS**
- 10. **NEXT MEETING**
 - 10.1. Wednesday 13 July 2022 at Ground Floor, 50 Flinders Street, Adelaide SA 5000/ Via Microsoft Teams video conferencing.
- 11. **REVIEW OF SCAP INSTRUCTIONS TO STAFF AND UPCOMING AGENDA ITEMS**
- 12. **CONFIRMATION OF THE MINUTES OF THE MEETING**
- 13. **MEETING CLOSE**
 - 13.1. The Presiding Member thanked all in attendance and closed the meeting at 11.56am.

Confirmed 22/06/2022



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Rebecca Thomas
PRESIDING MEMBER