



# STATE COMMISSION ASSESSMENT PANEL

**A COMMITTEE OF THE STATE PLANNING COMMISSION**

Minutes of the 141<sup>st</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 13<sup>th</sup> July 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 Paul Leadbeter Grant Pember David Altmann
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Troy Fountain Margaret Smith Jeremy Wood (2.2.1) Karl Woehle (2.2.1) Karen Ferguson (2.2.2)

### 1.3. APOLOGIES

Emma Herriman

**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

### 2.2. NEW APPLICATIONS

#### 2.2.1 Ashbrook Apartments RV Pty Ltd

22009460

##### **2-8 Syme Street, Ashford**

Extension to an existing retirement facility, construction of a 5 storey residential flat building (4 three-bedroom apartments), a shared recreational space and private hairdresser room at ground level, verandah, fencing, retaining wall and alterations to the existing basement car park (to accommodate 4 additional spaces).

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to her employer being engaged to provide planning services for the application and left the meeting for this agenda item.

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

##### **Applicant**

- Ryan Moyle (Ekistics)
- Ben Eden (Greenway Architects)
- Simon Frost (Greenway Architects)
- Cameron White (Greenway Architects)

##### **Agency**

- Aya Shirai-Doull (ODASA)

##### **Council**

- Phil Smith (City of West Torrens)

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 22009460, by Ashbrook Apartments RV Pty Ltd is granted Planning Consent subject to the following conditions:

### **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

The development within the detail design documentation and construction shall adopt the appropriate construction methodology to satisfy the *Ministerial Building Standards (MBS 010): Construction requirements for the Control of External Sound*.

Condition 3

The applicant shall submit a final detailed stormwater management plan in consultation with the City of West Torrens (Council) to the reasonable satisfaction of the State Planning Commission.

Condition 4

All carparking and manoeuvring areas will be in accordance with Australian Standards.

**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 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 Note 3

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 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

Adelaide Airport Limited has no objection to the above proposal.

The Owner/Developer is advised of the following:

- a) The development as described at an approximate height of RL 43.2m Australian Height Datum (AHD) does not penetrate the Adelaide Airport Obstacle Limitation Surface (OLS) airspace protected for aircraft operations. Any further proposed addition to the structure, including aerials, masts and vent/exhaust stacks, must be subject to a separate assessment.
- b) 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).
- c) Restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths.

**2.2.2 Cucci Investments t/a Kings Head Hotel C/- Future Urban**  
22006781

**353-357 King William Street, Adelaide**

Partial demolition of a State Heritage Place, including internal building works, and construction of a sixteen-storey mixed-use building comprising hotel, shop, tourist accommodation and dwelling.

John Eckert declared a conflict of interest due to being a past director of Tectvs and Grant Pember declared a conflict of interest due to his consulting work with The Maras Group and one of their entities being the owner of a site close to the subject site. Both left the meeting for this agenda item.

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

**Applicant**

- Jason Cattonar (Future Urban)
- Fran Bonato (Tectvs)
- Sam Hosking (Hosking Willis)
- Pat Marcucci

**Representors**

- David Beattie
- Zhifang Wu
- Ruth Mitchell

**Agencies**

- Aya Shirai-Doull (ODASA)
- Michael Queale (Heritage SA)

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 22006781, by Cucci Investments t/a Kings Head Hotel C/- Future Urban is granted Planning Consent subject to the following conditions and reserved matters:

**RESERVED MATTERS**

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

1. The roof plant is to be adequately screened from view and integrated with the design of the building with the applicant confirming the final arrangements, including the design and materials, for the roof plant screening
2. The applicant shall confirm the finish of the concrete walls, including how the feature patterning to the north and west elevations is to be achieved with the intent to ensure a high-quality integral outcome, in consultation with the Government Architect to the reasonable satisfaction of the State Planning Commission.
3. Final Architectural Plans confirming the resolution of the interface between the development and the south elevation of the State Heritage Place shall be submitted to State Planning Commission in consultation with Heritage SA to the reasonable satisfaction of the Manager, Commission Assessment, Planning and Land Use Services division of the Department for Trade and Investment.

## 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.

#### Condition 2

Waste collection shall be scheduled to occur between 7am to 6pm weekdays to minimise disruption and disturbance to residents in the locality.

#### Condition 3

Delivery vehicles servicing the development shall be restricted to 7am to 10pm Monday to Friday and 9am to 9pm Saturday and Sunday to minimise disturbance to residents in the locality.

#### Condition 4

The development shall be undertaken in accordance with the recommendations from the BESTEC Acoustic report forming part of the application 22006781 dated February 2022 in relation to including but not limited to acoustic sealants, cavity infill, ceiling overlays, water resistance and durability, glazing, façade treatments, sound insulation and room acoustics outlined on pages 17 – 19 of the BESTEC report.

### **Conditions imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act**

#### Condition 5

Demolition of building fabric within one metre of the remaining building fabric of heritage value associated with the State Heritage Place is to be undertaken by hand methods, to minimise mechanical damage to the building

#### Condition 6

Prior to the commencement of demolition of western portion of Hotel (two storey bathroom area) and south elevation kitchen wall a full photographic record of rooms and facades is to be provided, to the satisfaction of Heritage SA, of the Department for Environment and Water

#### Condition 7

Demolished bluestone and brickwork to the western portion of Hotel (two storey bathroom area) and south elevation kitchen wall to be retained for western wall and boundary wall repairs to the State Heritage Place.

#### Condition 8

Full extent of necessary wall repairs to west facade of Hotel to be confirmed on site, after completion of demolition and prior to commencement of repair works, to the satisfaction of Heritage SA, of the Department for Environment and Water.

Condition 9

Final external materials selections to the proposed tower (samples board notes selection only indicative) to be confirmed to the satisfaction of Heritage SA, of the Department for Environment and Water, prior to commencement of construction.

Condition 10

Documentation of works to reinstate original stair (behind bar) to be provided, to the satisfaction of Heritage SA, of the Department for Environment and Water, prior to any works commencing in this area of the Hotel.

Condition 11

Specification of stonework and pointing mortar mix; internal wall plaster and external render mix required, prior to construction, to ensure appropriate management of masonry and damp within walls. Face pointing samples are required for bluestone pointing, for the approval of Heritage SA, of the Department for Environment and Water.

Condition 12

Conservation repair works to the balcony/verandah structure to be confirmed before works proceed, as condition may have deteriorated since DA 629-20 was approved for the repair of the dilapidated balcony. Confirmation is also required that other conservation works proposed in DA 629-20 are superseded by this application.

## ADVISORY NOTES

### 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 Note 4

The applicant is reminded of its 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. For further information about appropriate construction and management of the authorised development, please contact the City of Adelaide on (08) 8203 7203 or via [customer@cityofadelaide.com.au](mailto:customer@cityofadelaide.com.au).

### **Advisory Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act**

#### Advisory Note 5

Please note the following requirements of the *Heritage Places Act 1993*.

(a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.

(b) 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 for Environment and Water.

Advisory Note 6

Please note the following requirements of the *Aboriginal Heritage Act 1988*.

(a) 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) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

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 27 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 2.50pm.

Confirmed 13/07/2022



.....  
Rebecca Thomas  
PRESIDING MEMBER



.....  
Rebecca Rutschack  
DEPUTY PRESIDING MEMBER (for item 2.2.1 only)