



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 156th Meeting of the
State Commission Assessment Panel
held on Wednesday 12th April 2023 commencing at 9.30am
Level 9, 83 Pirie 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 David Altmann
Secretary	Jaclyn Symons, Governance Officer
DTI Staff	Troy Fountain Brett Miller Ben Scholes (2.2.1) Robert Kleeman Aidan Wood

1.3. APOLOGIES

Nil

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 Pelligra

22032404

292-300 Rundle Street, Adelaide

Construction of a 21-level mixed use building including offices, shops, residential dwellings and car parking and including partial demolition and conservation works to State and Local Heritage Places.

John Eckert declared a conflict of interest due to being a past director of Tectvs Design Pty Ltd and Grant Pember declared a conflict of interest due to his employer having significant holdings immediately opposite the subject site. Both were not present for this agenda item.

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

Applicant

- Jason Cattonar (Future Urban)
- Tony Giannone (Tectvs)
- Paul Froggatt (Stantec)
- Sam Hosking (Hosking & Willis Architecture)
- Blake Soroka (Pelligra)
- Peter Dimitrius (Pelligra)
- Daniella Cianca (Tectvs)
- Chris Turnbull (Sonus)
- Elias Farah (Commercial and Legal)

Representations

- Alistair McHenry
- James Levinson
- Robert Wiskich
- Pamela Murphy
- Cassandra Walters

Agencies

- Kirsteen Mackay (ODASA)
- Ellen Liebelt (ODASA)
- Michael Queale (Heritage SA)

Council

- Janaki Benson (City of Adelaide)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Development Application Number 22032404 by Pelligra is refused Planning Consent for the following reasons:
 - the proposal negatively impacts on the low-scale setting of existing heritage places in the immediate and broader locality, contrary to the intent of the Heritage Adjacency Overlay DO 1 and PO 1.1;
 - the proposal is considered a dominant built form displaying excessive mass and scale considered likely to diminish the value of SHPs in the locality, in opposition with the outcomes sought by SHP Overlay PO 1.1 and PO 1.2 and PO 2.1;

- the proposal is not considered to qualify for overheight development as it does not provide a notable positive contribution to the character of the local area or provide for substantial additional gain in sustainability as specified by PO 4.2 of the Capital City Zone and PO 3.2 of the City Main Street Zone;
- the proposal does not positively respond to the local context of the site and locality and therefore is not considered to meet PO 4.1 of the Capital City Zone and PO 3.1 of the City Main Street Zone; and
- the proposal is considered to negatively impact on the characteristics of the local context including the existing built form and heritage buildings of relatively consistent scale and massing, contrary to the expectations of DO 2 of the Rundle Street Subzone.

2.2.2 Pelligra Group Pty Ltd C/- Future Urban

22043002

80 King William Street, Adelaide

Refurbishment of an existing building including façade upgrades and partial change in use of land from office to tourist accommodation.

John Eckert declared a conflict of interest due to being a past director of Tectvs Design Pty Ltd and was not present for this agenda item.

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

Applicant

- Jason Cattonar (Future Urban)
- Tony Giannone (Tectvs)
- Paul Froggatt (Stantec)
- Peter Dimitriou (Pelligra)
- Daniella Cianca (Tectvs)
- Blake Soroka (Pelligra)
- Chris Turnbull (Sonus)

Agencies

- Ellen Liebelt (ODASA)
- Samuel Jeyaseelan (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 22043002, by Pelligra Group Pty Ltd C/- Future Urban is Granted Planning Consent subject to the following reasons/conditions/reserved matters:

RESERVED MATTERS

Planning Consent

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. A final detailed schedule of external materials and finishes (including provision of annotated elevations), and a physical samples board prepared in consultation with the Government Architect, to the satisfaction of the State Planning Commission.
2. A final detailed design and layout of the end of trip facilities, including the number of bicycle parking facilities, shall be supplied to the satisfaction of the State Planning Commission.

CONDITIONS

Planning Consent

Condition 1

The development authorisation granted herein 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

Waste Management shall be undertaken in accordance with the Approved Waste Management Plan prepared by **Colby Phillips Advisory** and dated **December 2022** - waste collection to be in accord with option 1 as outlined in correspondence dated 20 February 2023.

Condition 3

The proposed canopies shall include pedestrian lighting (Category P7 -AS1158). The lighting shall not be obtrusive and shall be designed to not shine into adjoining properties and shall be operational during the hours of darkness at all times to the reasonable satisfaction of the Relevant Authority.

Condition 4

Rainwater tank(s) of 5,500L total volume shall be installed generally in accordance with Stormwater Management Plan prepared by **Structural Systems Consulting Engineers** document number DT221104 dated **19 November 2022** and Australian Standard AS3500.3-2021 'Stormwater Drainage' prior to occupation of the development.

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

Condition 5

Appropriate protection of the existing walls and render finish of adjacent State Heritage Place, 10-14 Grenfell Street is required during the construction phase, to ensure no damage to the natural finish render and architectural detailing associated with the heritage place.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 6

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued by a site contamination consultant certifying the land is suitable for the proposed use.

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 ERD Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 4

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.

Advisory Note 5

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. For further information about appropriate management of construction site, please contact the relevant Local Government Authority.

Advisory Note 6

A Construction Environmental Management Plan (CEMP) should be prepared in collaboration with, and to the satisfaction of, the Local Government Authority prior to the issue of Development Approval. The approved CEMP shall be implemented throughout the development and should incorporate, without being limited to, the following matters:

- Car parking and access arrangements for tradespersons
- Siting of materials storage
- Site offices
- Work in the Public Realm
- Hoarding
- Site amenities
- Traffic requirements including construction access/egress and heavy vehicle routes
- Reinstatement of infrastructure
- Site contamination management, if required (prepared by a suitably qualified and experienced site contamination consultant in accordance with EPA guidelines)

Notes imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 7

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

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 26 April 2023 at Level 9, 83 Pirie 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 2.53pm.

Confirmed 12/04/2023



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Rebecca Thomas
PRESIDING MEMBER