



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 201st Meeting of the
State Commission Assessment Panel
held on Wednesday 9 April 2025 commencing at 9:30am
Level 9, 83 Pirie Street Adelaide or 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 and present.

1.2. PRESENT

Presiding Member	Rebecca Thomas
Members	Rebecca Rutschack (Deputy Presiding Member) Don Donaldson John Eckert Paul Leadbeter Jenny Newman
Secretary	Amy Arbon
DHUD Staff	Troy Fountain Mollie O'Connor Nathan Grantham Andy Humphries Karen Ferguson Lee Webb Gabrielle McMahon Tegan Lewis Ken Tam Richard Farnworth Sharlyn Burdon

1.3. APOLOGIES

David Altmann

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 Palumbo 24042127

2 North Terrace and Lots 103 and 104 North Terrace, Kent Town

Variation to Development Application 21040597 for 'Works to the Royal Hotel' including:

- Re-design of the ground and podium levels to facilitate a six-metre-high clearance above the existing culvert infrastructure, with revised access points, reduced plaza levels, an additional podium level, additional bicycle spaces, an additional 74 car parking spaces;
- Revised dwelling and communal space layouts;
- Additional 21 dwellings; and
- An additional three levels and 12.64 metres in building height, raising the building to 17 and 18 levels.

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to her employers involvement with the application and according, left the meeting for this item.

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

Applicant:

- Daniel Palumbo
- Rick Hutchins
- Jacob Hodge

Agencies:

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

Observing:

- Elizabeth Rushbrook

The Deputy Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

RESOLUTION

The State Commission Assessment Panel resolved that:

- 1) The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
- 2) Development Application Number 24042127, by Palumbo is GRANTED Planning Consent subject to the following Reserved Matters and Conditions:

RESERVED MATTERS

PLANNING CONSENT

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

RESERVED MATTER 1

A final Public Realm Works Plan shall be prepared in consultation with the Government Architect and the City of Norwood Payneham and St Peters and submitted to the satisfaction of the State Planning Commission.

This Public Realm Works Plan shall provide further detail regarding the following:

- The gradual and integrated level transition for an uninterrupted public realm that integrates with the development. This includes flat kerbing where possible and integrated footpaths
- Minimising of physical barriers within and in between the plaza, footpath and the building
- Deep soil landscaping where possible to ensure mature and future large trees and landscaping
- Detailed elevations and materiality (including transparency into the bike store) of the proposed culvert to adjoining frontages
- Perspectives of the communal open areas at ground level and upper level which details how these spaces function and integrate to the public realm and state heritage place

RESERVED MATTER 2

The final Stormwater Management Plan detailing flooding and stormwater management measures shall be prepared in consultation with the City of Norwood Payneham and St Peters and submitted to the satisfaction of the State Planning Commission.

RESERVED MATTER 3

The final Landscape Plan including planting selection and sizes, soil volumes and depth, and an irrigation and maintenance strategy shall be prepared and submitted to the satisfaction of the State Planning Commission.

RESERVED MATTER 4

A final Wind Impact Assessment, incorporating wind tunnel testing to confirm appropriate wind control measures be prepared and submitted to the satisfaction of the State Planning Commission.

RESERVED MATTER 5

A final Car Parking Plan, that confirms the location of resident car parking spaces, resident visitor car parking spaces, shop visitor car parking spaces and accessibility arrangements/limitations shall be prepared and submitted 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

The plans and conditions with respect to Development Application 21040597 must be fully complied with except where varied by this variation application and conditions.
Conditions imposed by Commissioner of Highways under Section 122 of the Act

CONDITION 3

All access to the subject development shall be in accordance with the Palumbo Site Plan, Job No. 24PR04-N, Drawing No. A0100, uploaded 18 December 2024. The North Terrace access points to the porte-cochere shall be limited to left turn in only at the eastern access and left turn out only at the western access. These access points shall be angled at 70 degrees to the road and appropriate signage and line marking shall be provided to reinforce the desired traffic flow.

CONDITION 4

All setbacks shall be in accordance with the Palumbo Site Plan, Job No. 24PR04-N, Drawing No. A0100, uploaded 18 December 2024. All landscaping beds and paved areas within the 4.0 metres area forward of the building (excluding the pedestrian ramp and steps adjacent to the hotel building) shall be as close as practicable to ground level and be designed to permit easy removal should the land be required for road purposes in the future.

CONDITION 5

All vehicles shall enter and exit the site in a forward direction to and from North Terrace or Dequetteville Terrace.

CONDITION 6

All service vehicle movements associated with the development shall be undertaken outside of peak traffic hours on the adjacent roads.

CONDITION 7

A Traffic Management Plan for the construction period of the development shall be produced to the satisfaction of DIT prior to the commencement of construction. This plan shall detail the types, volumes and distributions of traffic and how they will be managed.

CONDITION 8

The redundant crossover on North Terrace shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense.

CONDITION 9

Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

CONDITION 10

A final stormwater management plan shall be developed in conjunction with DIT. All drainage infrastructure is to be to the satisfaction of Council and DIT.

CONDITION 11

No stormwater from this development shall be permitted to discharge on-surface to the adjacent roads. In addition, any existing drainage of the adjacent roads shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development are to be at the expense of the applicant.

ADVISORY NOTES

PLANNING CONSENT

ADVISORY NOTE 1

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 2

This variation consent or approval will lapse at the expiration of 24 months from the operative date of the original consent or approval (unless this period has been extended by the Relevant Authority).

ADVISORY NOTE 3

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 4

No easement to the City of Norwood Payneham & St Peters is currently in place for the First Creek culvert traversing the site, and accordingly the infrastructure remains in private ownership and is the responsibility of the land owner. Negotiations to provide an easement to the City of Norwood Payneham & St Peters are encouraged.

The development is constructed over a culvert carrying stormwater and flows from First Creek. The design of the development enables the repair and replacement of the culvert as a result of any damage / failure. Such works may require substantial disturbance of the ground level car and bike parking areas, and other nuisance associated with construction works such as noise. Repair / replacement works could last in excess of 6 months depending on the scale of such works.

ADVISORY NOTE 5

The applicant shall provide evidence of the third-party contractor agreement for the collection of waste to the reasonable satisfaction of the City of Norwood Payneham and St Peters.
Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

ADVISORY NOTE 6

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the North Terrace and Dequetteville Terrace frontages of this site for future upgrading of the North Terrace / Dequetteville Terrace intersection, together with additional land at the North Terrace / Dequetteville Terrace corner. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all development located on or within 6.0 metres of the possible requirement.

As the development encroaches within the 4.5 metres wide strip requirement, the applicant will need to apply for consent for these under the Metropolitan Adelaide Road Widening Plan Act. The applicant should fill out the attached consent form and return it to the Department for Infrastructure and Transport (via dit.landusecoordination@sa.gov.au) with the approved plans and a copy of the Decision Notification Form.

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

ADVISORY NOTE 7

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*.

ADVISORY NOTE 8

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.

2.2.2 John Outhred, Paul & Nadia Bellerby
25003022
30713 Flinders Hwy, Eba Anchorage

Dwelling, deck & pool plus shed and ground mounted solar panels. Located in a building envelope of 3800m² - Native vegetation clearance assessment report for clearance of significantly disturbed vegetation. Driveway connection from Flinders Highway to development site.

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

Applicant:

- John Outhred
- Nadia Bellerby via MS Teams
- Paul Bellerby via MS Teams

The Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

RESOLUTION

The State Commission Assessment Panel resolved that:

Pursuant to Section 110 (14) of the *Planning, Development and Infrastructure Act 2016*, to REFUSE TO PROCEED TO ASSESS Development Application 25003022 by John Outhred, Paul and Nadia Bellerby for the following reasons:

- 1) There is no reasonable prospect of a favourable assessment of the proposed development having consideration of Desired Outcome 1 of the Conservation Zone, specifically:
 - a) The proposed development would not conserve and enhance the natural environment and natural ecological processes to provide opportunities for the public to experience these through low-impact recreational and tourism development.
 - b) The development would fail to conserve and enhance the landscape, habitat, and biodiversity values within the surrounding coastal environment through the introduction of a residential dwelling.

ADVISORY NOTES

If you are aggrieved by this decision, you have a right to seek a review of this decision by the State Planning Commission (the Commission). An application for review must be made in a manner and form determined by the Commission and must be made within **one (1) month** of this notice. The prescribed form is contained in Attachment 1 of [Practice Direction 4](https://plan.sa.gov.au/resources/planning/practice%20directions/practice%20direction%204%20restricted%20and%20impact%20assessed%20development%202019) [https://plan.sa.gov.au/resources/planning/practice directions/practice direction 4 restricted and impact assessed development 2019](https://plan.sa.gov.au/resources/planning/practice%20directions/practice%20direction%204%20restricted%20and%20impact%20assessed%20development%202019)

Further information can be found on the PlanSA website under the Decisions and Appeals Guide section.

2.2.3 Rosemary Brojatsch
23031567
9610 Southern Ports Hwy, Southend

Torrens title land division comprising one (1) allotment into two (2) allotments for the creation of one (1) additional allotment and the construction of a detached dwelling with an associated outbuilding and earthworks.

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

Applicant:

- Frank Brennan via MS Teams

The Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

RESOLUTION

The State Commission Assessment Panel resolved that:

Pursuant to Section 110 (14) of the *Planning, Development and Infrastructure Act 2016*, the State Commission Assessment Panel resolves to REFUSE TO PROCEED TO ASSESS Development Application 23031567 by Rosemary Brojatsch C/- Cameron Lock Surveying for the following reasons:

- 1) There is no reasonable prospect of a favourable assessment of the proposed development having consideration of Desired Outcome 1 of the Conservation Zone, specifically:
 - a) The proposed division of land and the construction of a dwelling would not conserve and enhance the natural environment and natural ecological processes to provide opportunities for the public to experience these through low-impact recreational and tourism development.
 - b) The development would fail to conserve and enhance the landscape, habitat, and biodiversity values within the surrounding coastal environment through the introduction of a residential dwelling.

ADVISORY NOTES

If you are aggrieved by this decision, you have a right to seek a review of this decision by the State Planning Commission (the Commission). An application for review must be made in a manner and form determined by the Commission and must be made within **one (1) month** of this notice. The prescribed form is contained in Attachment 1 of Practice Direction 4. [Practice Direction 4](https://plan.sa.gov.au/resources/planning/practice_directions/practice_direction_4_restricted_and_impact_assessed_development_2019)
https://plan.sa.gov.au/resources/planning/practice_directions/practice_direction_4_restricted_and_impact_assessed_development_2019

Further information, including the appropriate form and submission instructions, can be found on the PlanSA website under the Decisions and Appeals Guide section.

**2.2.4 Mrotek Town Planning
23033823**

Lot 53 Bakers Gully Rd, Kangarilla

Land Division - 1 into 2 allotments for horticulture purposes.

Deputy Presiding Member, Rebecca Rutschack, declared a conflict of interest due to her previous employment with the City of Onkaparinga and according, left the meeting for this item.

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

Applicant:

- Adam Mrotek
- Chester Osborn

Agencies:

- Caren Siegfriedt (CFS) vis MS Teams

Council:

- Brett Miller (City of Onkaparinga)
- Renee Mitchell (City of Onkaparinga)

The Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

RESOLUTION

The State Commission Assessment Panel resolved that:

- 1) Development Application Number 23033823, by Mrotek Town Planning is REFUSED Planning Consent and Land Division Consent subject to the following Reason:
 - a) The proposed development does not satisfy Performance Outcome 1.1 of the Limited Land Division Overlay as it creates an additional allotment which will increase fragmentation thereby threatening the long-term use of land for primary production.
 - b) The proposal does not satisfy PO 1.1 of the Rural Zone as it does not ensure that the productive value of rural land is supported, protected and maintained.
 - c) The proposal does not satisfy PO 11.1 of the Rural Zone as the land division will not promote productive, efficient and sustainable primary production.

2.3. RESERVED MATTERS

3. CROWN DEVELOPMENTS (ADVISORY ITEMS)

3.1. DEFERRED APPLICATIONS

3.2. NEW APPLICATIONS

**3.2.1 Photon Energy AUS SPV 4 Pty Ltd (Sponsor - Department for Energy and Mining)
24017660
4543 Birdseye Hwy, Cleve
225 Broadview Rd, Cleve
Lot 28 Pine Corner Rd, Cleve**

Construction of a renewable energy facility with a combined maximum generation capacity of 240MW comprising:

- fields of heliostats to direct solar energy to PV Ultra receiver towers.
- Towers convert the solar energy to electricity and heat using PV modules.
- The heat is stored in an insulated water reservoir and the electricity is used to chill water in a second reservoir (or is fed into the grid).
- Electricity from the grid can also be used to chill water.
- The stored water temperature difference is used to generate electricity using an Organic Rankine Cycle engine that operates as a thermal turbine.
- The project predominantly functions as a 720MWh storage capacity 'battery' using the water storage pits and electro-thermal technology.
- The facility would be connected to the national electricity grid via the Yadnarie Substation, which is located next to the site.

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

Applicants:

- Joshua Harvey
- Robert Ibrahim
- Neil Erenstrom

- Sonia Badilla
- Michael Richardson
- Julie Jansen

Representors:

- Carol-Ann Fletcher

The Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

RESOLUTION

The State Commission Assessment Panel resolved that:

- 1) The State Commission Assessment Panel provide its recommendation in confidence (published in the State Commission Assessment Panel Confidential Minutes, 10 April 2025) to the Minister for Planning.

4. MAJOR DEVELOPMENTS – VARIATIONS

5. REPORTING

6. COURT COMPROMISE

7. BRIEFINGS

8. PROCEDURAL MATTERS

9. OTHER BUSINESS

10. NEXT MEETING

- 10.1. Wednesday 23 April 2025, 83 Pirie Street, Adelaide or 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 3:45PM

Confirmed: 10/04/2025



.....
Rebecca Rutschack
DEPUTY PRESIDING MEMBER (Item 2.2.1)



.....
Rebecca Thomas
PRESIDING MEMBER