



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 128th Meeting of the
State Commission Assessment Panel
held on Wednesday 8th December 2021 commencing at 9.30am
Ground Floor, 50 Flinders Street Adelaide / Microsoft Teams video
conferencing

1. OPENING

1.1. 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
AGD Staff	Brett Miller (2.2.1, 2.2.2) Ben Scholes (2.2.1) Karl Woehle (2.2.2) Gabrielle McMahon (3.2.1)

1.2. 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 Griffin Group C/- Future Urban

21016709

1A-1B Glenburnie Terrace, Plympton

Seven storey residential flat building comprising 32 dwellings with associated carparking and landscaping.

John Eckert declared a conflict of interest due to his past directorship with TECTVS and left the meeting for this agenda item.

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

Applicant

- Emily Nankivell (Future Urban)
- Gary Bonato (Tectvs)
- Dwight Stuchbery (Griffin Group)
- Phil Weaver (Phil Weaver & Associates)
- James Hilditch (Hilditch Lawyers)
- Brett Garrett (Griffin Group)
- Lucille Power (Griffin Group)
- Terry Culley (Griffin Group)
- Simon Maxwell (Griffin Group)

Representations

- Ben Klingberg
- James Cummings
- Andrew McGrillen
- Tom Game

Agency

- Kirsteen Mackay (ODASA)
- Ellen Liebelt (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 21016709 by Griffin Group is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

The development granted Planning Consent / Development Approval 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

Air conditioning or air extraction plant or ducting shall be screened such that no unreasonable nuisance or loss of amenity is caused to residents and users of properties in the locality to the reasonable satisfaction of the State Planning Commission

Condition 3

Landscaping shall be established prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

Condition 4

North-facing convex mirrors shall be installed on the columns located on the opposite side of the development's internal intersection (to the south of the stairwell) within the ground and basement parking levels to improve visibility for motorists and pedestrians in accordance with the recommendation included in correspondence prepared in response to representations by Phil Weaver and Associates dated 18 November 2021 (File 21-020)

Condition 5

Waste collection shall be scheduled to occur outside of 7:00AM – 9:00AM and 3:00PM – 6:00PM weekdays in order to minimise disruption to the operation of the proposed vehicle access point to the subject land

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

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 (ERD) 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

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 authorized development, please contact the City of West Torrens on (08) 8416 6333 or via csu@wtcc.sa.gov.au.

Advisory Note imposed by the City of West Torrens

Advisory Note 5

The applicant is advised of the need to either enter into either a joint funding agreement with the City of West Torrens for the upgrade of the adjacent road verges, or lodge a separate permit with the City of West Torrens for the removal of the existing street in association with new crossing place construction (which would include a \$750 fee for the offset of the existing street tree asset).

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 6

The development at a height of approx. 42.2m Australian height Datum (AHD) (24.7m above ground level) 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.

Advisory Note 7

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 approvals may also have to be conducted in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*.

2.2.2 Paley Properties Pty Ltd C/- PBA

020/A197/21

212 Tynte Street, North Adelaide

Alterations and additions to two existing State Heritage Places for the use as three (3) residential dwellings each with associated car parking, outdoor areas in the form of balconies and ground-level courtyard, landscaping and heritage conservation works.

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to the applicant being a family friend. The Deputy Presiding Member, Rebecca Rutschack declared a conflict of interest due to her prior involvement with this item. Both left the meeting for this agenda item.

The Acting Presiding Member, David Altmann, welcomed all in attendance to the State Commission Assessment Panel hearing:

Applicant

- Phillip Brunning (Phillip Brunning & Associates)
- Gerald Matthews (Matthews Architects)
- Will Paley (Paley Properties Pty Ltd)
- Douglas Alexander (Flightpath)

Representations

- Graham Burns

Agency

- Kirsteen Mackay (ODASA)
- Ellen Liebelt (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 Adelaide (City) Development Plan.
- 3) To grant Development Plan Consent to the proposal by Paley Properties Pty Ltd C/- PBA for Alterations and additions to two existing State Heritage Places for the use as three (3) residential dwellings each with associated car parking, outdoor areas in the form of balconies and ground-level courtyard, landscaping and heritage conservation works at 212 Tynte Street, North Adelaide subject to the following reserved matters and conditions of consent.

RESERVED MATTERS

1. Pursuant to Section 33(3) of the *Development Act 1993*, the following matters shall be reserved for further assessment, to the satisfaction of the State Commission Assessment Panel, prior to the granting of Development Approval:
 - a. A final detailed schedule of external materials and finishes along with a physical materials board, in consultation with the Government Architect.
 - b. Detailed documentation of proposed demolition and salvage works in consultation with the State Heritage Unit.
 - c. Detailed documentation of proposed reconstruction works in consultation with the State Heritage Unit.
 - d. A detailed construction methodology (including vibration management) and heritage management plan in consultation with the State Heritage Unit.
 - e. An archival record prior to the commencement of demolition works in consultation with the State Heritage Unit.
 - f. A detailed structural concept to understand the interaction of new structure with existing in consultation with the State Heritage Unit.

PLANNING CONDITIONS

1. The development granted Development Plan 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.

Reason for condition: To ensure the development is undertaken in accordance with the plans and details submitted.

2. The development shall be designed and insulated to minimise the impact of aircraft noise in accordance with the AS2021-2000 Acoustics- Aircraft Noise Intrusion.

Reason: To ensure the development incorporates appropriate noise attenuation measures

3. Prior to Development Approval, the applicant shall submit a detailed Stormwater Management to the reasonable satisfaction of the State Commission Assessment Panel in consultation with the City of Adelaide.

Reason: To ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.

4. All stormwater design and construction shall be in accordance with Australian Standard AS/NZS3500.3:2015 (Part 3) to ensure that stormwater does not adversely affect any adjoining property or public road.

Reason: To ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.

5. The development will comply with noise level criteria specified in Environmental Protection (Noise) Policy 2007 (under the Environmental Protection Act). This includes noise from plant equipment and the air-conditioning units with consideration given to the adjacent properties. Noise attenuation devices and visual screening will be implemented as necessary

Reason: To ensure the development does not cause unreasonable nuisance or loss of amenity in the locality.

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. A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of Adelaide (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:
 - timing, staging and methodology of the construction process and working hours;
 - traffic management strategies;
 - control and management of construction noise, vibration, dust and mud;
 - management of infrastructure services during construction and re-establishment of local amenity and landscaping;
 - stormwater and groundwater management during construction;
 - site security, fencing and safety and management of impacts on local amenity for residents, traffic and pedestrians;
 - disposal of construction waste, any hazardous waste and refuse in an appropriate manner according to the nature of the waste;
 - protection and cleaning of roads and pathways; and overall site clean-up
- e. 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.
- 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. For further information about appropriate management of construction site, please contact the City of Adelaide.

- g. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths transverse by vehicles using the site are to be maintained in a reasonable condition for the duration of the works and are to be reinstated to the satisfaction of Council on completion of the works.
- h. Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs as a result of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage
- i. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Environment and Water. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
- j. To ensure a satisfactory heritage outcome, the relevant planning authority is requested to consult Heritage South Australia (Department for Environment and Water) in finalising any conditions or reserved matters above.
- k. In accordance with Regulation 43 of the Development Regulations 2008, please send Heritage South Australia a copy of the Decision Notification.
- l. The relevant planning authority is requested to inform the applicant of the following requirements of the Heritage Places Act 1993.
- If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
 - 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 Heritage South Australia.
- m. The relevant planning authority is requested to inform the applicant of the following requirements of the Aboriginal Heritage Act 1988.
- n. 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) should 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

3.2.1 Department for Energy and Mining C/- Venice Energy Pty Ltd

040/V136/20

Pelican Point Road, Outer Harbor

A Liquefied Natural Gas (LNG) import facility, including the construction and operation of a new two-berth wharf facility to convert liquid gas on a Floating Storage and Regasification Unit (FSRU) with ancillary dredging of the navigational channels and the placement of dredged material to be located approximately 30km off shore in the Gulf of St Vincent and for on-shore facilities including a workshop and administration buildings, fencing and ancillary infrastructure and the installation of an underground gas pipeline.

Emma Herriman declared a conflict of interest due to the fact her employer (a law firm) acts for Venice Energy Pty Ltd and left the meeting for this agenda item.

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

Applicant

- Steve Green (JBS&G Australia Pty Ltd)
- Kym Winter-Dewhirst (Venice Energy)
- Nicole Patten (JBS&G Australia Pty Ltd)
- Sylvia Rapo (JBS&G Australia Pty Ltd)
- Kym Pryde (JBS&G Australia Pty Ltd)

Representations

- Bruce Robertson
- Steve Bowley
- Mark Pierson

Agencies

- Peter Houston (PIRSA)
- Marc Hryciuk (DIT)
- Arron Broom (DEW - CPB)
- Andrew Burnell (DEW)
- Phil Hazell (EPA)
- Matt Nelson (EPA)
- Joseph Mazzone (EPA)
- Dennis Linard (EPA)
- Tracy Corbin (EPA)
- David Vaughan (EPA)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) That the State Commission Assessment Panel provide its recommendation in confidence (included in the SCAP Confidential Minutes – 8 December 2021) to the Minister for Planning and Local Government.

Note: A Decision Notification Form will be forwarded to all representors once the Minister has made a decision on the application.

4. MAJOR DEVELOPMENTS – VARIATIONS

5. REPORTING

6. COURT COMPROMISE

7. BRIEFINGS

8. PROCEDURAL MATTERS

9. OTHER BUSINESS

10. NEXT MEETING

- 10.1. Wednesday, 22 December 2021 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 3.54pm.



.....
Rebecca Thomas
PRESIDING MEMBER (for all other items other than 2.2.2)



.....
David Altmann
ACTING PRESIDING MEMBER (for item 2.2.2 only)