



# STATE COMMISSION ASSESSMENT PANEL

**A COMMITTEE OF THE STATE PLANNING COMMISSION**

Minutes of the 139<sup>th</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 8<sup>th</sup> 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 Grant Pember David Altmann
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Troy Fountain Margaret Smith (2.2.1, 2.2.2) Brett Miller (2.2.1) Hannah Connell (2.2.1) Karl Woehle (2.2.2, 2.2.3) Simon Neldner Robert Kleeman

### 1.3. APOLOGIES

Paul Leadbeter

**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 Otello

211/M134-21

#### **4-10 Railway Terrace, Mile End**

Construction of a mixed use (residential and commercial) development comprising eight (8) townhouses and at-grade parking, a Residential Flat Building comprising 26 apartments and basement parking, a café tenancy, associated landscaping and public realm improvements.

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to her current employer being engaged as the planning consultants for the project and was not present for this agenda item.

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

#### **Applicant**

- Robert Gagetti (Ekistics)
- Daniel Harris (Otello)
- Zoe Steel (Otello)
- Tom Game (Botten Levinson Lawyers)
- Ben Wilson (CIRQA)
- Andrew Steel (Studio 9)
- Simon Tothill (Studio 9)
- Alex Makridis (Studio 9)

#### **Representations**

- Tom Koutsantonis MP
- Katarina Grenfell
- John Outhred
- Tahlia Cross
- Kristen Lochert

#### **Agency**

- Kirsteen Mackay (ODASA)
- Sophie Newland (ODASA)

#### **Council**

- Rachel Knuckey (City of West Torrens)
- Phil Smith (City of West Torrens)
- Andrew King (City of West Torrens)
- Frank Siow (City of West Torrens)

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 City of West Torrens Development Plan.
- 3) To grant Development Plan Consent to the proposal by Otello for Construction of a mixed use (residential and commercial) development comprising eight (8)

townhouses and at-grade parking, a Residential Flat Building comprising 26 apartments and basement parking, a café tenancy, associated landscaping and public realm improvements at 4 -10 Railway Terrace, Mile End 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 shall be provided in consultation with council.

### PLANNING CONDITIONS

1. The development shall be established in strict accordance with the stamped plans, documents and details submitted in Development Application No 211/M134/21.
2. The café operating hours shall be limited to 7am to 10pm on any day of the week.
3. The development will comply with noise level criteria specified in Environmental Protection (Noise) Policy 2007 (under the Environmental Protection Act). This includes noise from roof-level plant and equipment and the air-conditioning units with consideration given to the adjacent properties. Noise attenuation devices and visual screening will be implemented as necessary.
4. Waste and service vehicles only visit the site via the loading bay on Junction Lane between 9:00am to 3:00pm Monday to Friday only, with no collections on weekends or Public Holidays.
5. The establishment of all landscaping shall be undertaken within 3 months of the substantial completion of the Development and in any event prior to the occupation or use of the development. Such landscaping shall be maintained in good health and condition with any dead or diseased plants or trees being replaced.
6. Lighting shall be provided to the vehicle and apartment entries and shall be operational during the hours of darkness at all times.

### ADVISORY NOTES

- a. This Development Plan Consent will expire after 24 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- 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. Approval is required for the development in accordance with the Airports Act Protection of Airspace Regulations.
- e. 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).

- f. Restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths.
- g. 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.
- h. Detailing of any encroachments over the road verge of Hughes Street is required to be to the satisfaction of the City of West Torrens and subject to appropriate permits or approvals being granted from the City of West Torrens prior to construction.
- i. A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of West Torrens 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

**2.2.2 Yellowstone SA Pty Ltd C/- Future Urban**

21042001

**68 King William Street, Kent Town**

Construction of a five-storey mixed use building comprising a shop and two office tenancies with associated carparking.

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

**Applicant**

- Jason Cattonar (Future Urban)
- Fabian Barone (Future Urban)
- Tony Zappia (Studio Nine Architects)
- Danny Sarich (Studio Nine Architects)
- Angelo Carbone (Northline)

**Agency**

- Ellen Liebelt (ODASA)

**Council**

- Adam Bowey (City of Norwood, Payneham & St Peters)

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 21042001, by Yellowstone SA Pty Ltd C-/ Future Urban is granted Planning Consent subject to the following conditions and reserved matters:

### RESERVED MATTER

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 (Stage 1):

1. The applicant shall submit a final detailed schedule of external materials and finishes and a physical samples board which includes details relating to the carparking screening strategy in consultation with the Government Architect to the reasonable satisfaction of the State Planning Commission.
2. The applicant shall submit a final detailed stormwater management plan in consultation with the City of Norwood Payneham and St Peters (Council) to the reasonable satisfaction of the State Planning Commission.
3. The applicant shall submit the details of the plant equipment and associated acoustic enclosures to the reasonable satisfaction of the State Planning Commission.

### CONDITIONS

#### Planning Consent

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. All carparking and manoeuvring areas will be in accordance with Australian Standards.

### ADVISORY NOTES

1. The Development has been proposed in stages including:
  - Stage 1:** SLAB + FOOTING (including all underground services, etc)
  - Stage 2:** CONCRETE / STEEL STRUCTURE (including required services)
  - Stage 3:** REMAINDER (including required services, fitout, etc)
2. 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.
3. 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.
4. 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.
5. 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).
6. 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).
7. A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of Norwood, Payneham and St Peters 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
8. 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 Norwood, Payneham and St Peters.
9. 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.

**2.2.3 120 The Parade Pty Ltd C/- Masterplan**

21036230

**120, 124, 126, 128, 130-132 The Parade, Norwood & 5 Church Avenue, Norwood**

Conservation and adaptive reuse of Local Heritage Items, building demolition, and construction of a multi-storey mixed-use building comprising residential apartments, offices, shops, and ancillary off-street parking.

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

**Applicant**

- Graham Burns (Masterplan)
- Peter Petrou (Cheesman Architects)
- Peter Zollo (120 The Parade Pty Ltd)
- Matthew Hemsley (Cheesman Architects)
- Frank Siow (Frank Siow & Associates)

**Representations**

- Sandy Wilkinson
- Bill Davidson
- Paul Wilson

**Agency**

- Kirsteen Mackay (ODASA)

- Sophie Newland (ODASA)

The State Commission Assessment Panel discussed the application.

**RESOLVED**

- 1) Development Application Number 21036230, by 120 The Parade Pty Ltd be deferred to enable the applicant to respond to the following:
  - a revised waste area to minimise interface impacts on the adjacent residential area and facilitate all truck movements in a forward direction;
  - details of proposed conservation works to the verandahs, parapets, shop fronts, stonewalls and other heritage fabric in relation to the local heritage listed buildings;
  - design refinements which provide visual relief from the proposed building's mass and bulk such that the development more appropriately complements and responds to the fine grain main street character; and
  - updated overshadowing plans that indicate the full extent of the shadow to the south including the differentiation between the existing shadowing and proposed shadowing.

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 22 June 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 4.13pm.

Confirmed 8/06/2022



.....  
Rebecca Thomas  
PRESIDING MEMBER



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