



# STATE COMMISSION ASSESSMENT PANEL

**A COMMITTEE OF THE STATE PLANNING COMMISSION**

Minutes of the 170<sup>th</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 8 November 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 and present.

### 1.2. PRESENT

Presiding Member	Rebecca Thomas
Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert David Altmann Jenny Newman Don Donaldson
Secretary	Myles Graham, Governance Officer
DTI Staff	Troy Fountain Margaret Smith Mollie O'Connor (2.2.1) Nathan Grantham (2.2.1) Simon Neldner (3.2.1)

### 1.3. APOLOGIES

Paul Leadbeter

## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

### 2.2. NEW APPLICATIONS

#### 2.2.1 237 Grote Street by Gurner Pty Ltd

23016483

##### **237 Grote Street, Adelaide**

Mixed-use staged development comprising five (5) towers, including a tourist accommodation building and residential buildings, together with shared basement and podium carparking, ground to second level shop, office, indoor recreation facility, and associated landscaping, swimming pools, and rooftop solar panels.

Rebecca Thomas declared a conflict of interest due to working for a firm that acts for the applicant. She was not present for this agenda item.

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

##### **Applicant**

- Ryan Moyle
- Giuditta De Santis
- Robert Clarke
- Matt Chamberlain
- Isaac Chen
- Paul Davy
- Grace Lin
- Thomas Wilson
- Daniel Herbert

##### **Agencies**

- Aya Shirai-Doull (ODASA)
- Jodi Stocker (SA Housing Authority)

##### **Council**

- Helen Dand (City of Adelaide)
- Sean Howie (City of Adelaide)
- Alan Karbowski (City of Adelaide)

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 23016483, by 237 Grote Street by Gurner Pty Ltd is granted Planning Consent subject to the following reserved matters and conditions:

### **RESERVED MATTERS**

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

#### **Planning Consent**

Reserved Matter 1

The applicant shall submit a final detailed schedule of high quality and durable external materials and finishes and a physical samples board prepared in consultation with the Government Architect, to the satisfaction of the State Planning Commission.

**Reserved Matter 2**

The applicant shall submit a final Stormwater Management Plan detailing stormwater quantity and quality measures prepared in consultation with the City of Adelaide, to the satisfaction of the State Planning Commission.

**Reserved Matter 3**

The applicant shall submit a final Waste Management Plan prepared in consultation with the City of Adelaide, to the satisfaction of the State Planning Commission.

**Reserved Matter 4**

The applicant shall submit a Loading Management Plan prepared in consultation with the City of Adelaide, to the satisfaction of the State Planning Commission.

**Reserved Matter 5**

The applicant shall submit a final detailed landscape plan including planting selection and sizes, soil volumes and depth, and an irrigation and maintenance strategy prepared in consultation with the Government Architect to the satisfaction of the State Planning Commission.

**Reserved Matter 6**

The applicant shall submit a detailed engineering siteworks plan with finished floor levels and levels at the public realm interface, prepared by a suitably qualified engineer and in consultation with the City of Adelaide, to the satisfaction of the State Planning Commission.

**Reserved Matter 7**

The applicant shall confirm that the development can be connected to an appropriate water supply to meet the needs of the development, which may include agreement from SA Water that the development can be connected to the Glenelg to Adelaide Parklands (GAP) Recycled Water to service the development, or by another means, 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 recommendations detailed in Section 6 of the Noise Impact Assessment, dated 16 May 2023 prepared by E-LAB Consulting shall be fully incorporated into the development. Such measures shall be made operational prior to the occupation or use of the development and maintained at all times to the satisfaction of the State Planning Commission.

**Condition 3**

The recommendations detailed in Sections 3.2, 3.3, 3.4, and 3.5 of the Traffic and Parking Report, dated 12 May 2023 prepared by Cirqa shall be fully incorporated into the development. Such measures shall be undertaken prior to the occupation or use of the development and maintained at all times to the satisfaction of the State Planning Commission.

**Condition 4**

The recommendations detailed in Section 4 of the Environmental Wind Speed Assessment, dated 19 May 2023 prepared by MEL Consulting shall be fully incorporated into the development. Such measures shall be made operational prior to the occupation or use of the development and maintained at all times to the satisfaction of the State Planning Commission.

**Condition 5**

The Planning Consent will lapse at the expiration of 10 years from its operative date, unless this period has been extended by the State Planning Commission.

## 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

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 2

No works, including site works can commence until a Development Approval has been granted.

#### Advisory Note 3

The application will penetrate the Adelaide Airport Obstacle Limitation surfaces (OLS) which is protected airspace for aircraft operations.

Please be advised that the application will require approval in accordance with the *Airports Act 1996* and the Airports (Protection of Airspace) Regulations 1996 with final approval by the Department of Infrastructure, Transport, Regional Development, Communication and the Arts.

Crane operations associated with construction also require approval in accordance with the *Airports Act 1996* and the Airports (Protection of Airspace) Regulations 1996.

#### Advisory Note 4

City of Adelaide (Council) advises the following for works in the public realm:

- a. Public Realm Works External Agreement – as the application does not authorise any works outside of the subject land, the applicant should engage with the Council to execute an External Works Agreement with Council.
- b. Awnings with Lighting - awning(s) shall include pedestrian lighting (Category PR2-AS1158 minimum). The lighting shall not be obtrusive and should be designed so that it does not shine into any adjoining properties and shall be operational during the hours of darkness at all times.
- c. Dilapidation Report – Pre-Development - prior to demolition, Council shall be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.
- d. Public Realm Works - Prior to any occupation or use of the building all public infrastructure that is removed or damaged during construction works shall be reinstated to public authority requirements and specifications. All costs associated with these works shall be met by the Applicant.
- e. Redundant Assets - Prior to any occupation or use of the building, the Certifying Authority shall ensure all redundant vehicular crossings and property drainage connections to the site and any other redundant assets related to the development have been removed and lands restored in accordance with Council's requirements including City Works Guide Works Impacting Council Assets and Urban Elements Catalogue.

#### Advisory Note 5

The City of Adelaide (Council) advises of the following in preparation of the final Stormwater Management Plan:

*Stormwater Water Sensitive Urban Design*

Stormwater quality improvement devices and water treatment systems shall be installed such that stormwater flows leaving the site meet the following environmental targets:

- a. Gross pollutants, including trash, litter and vegetation matter greater than 5mm = 90% reduction of average annual load
- b. Total suspended solids, including sediment and other fine material less than 5mm = 80% reduction of average annual load
- c. Total phosphorous = 60% reduction of average annual load
- d. Total nitrogen = 45% reduction of average annual load
- e. Hydrocarbons (oil and grease) = 90% reduction of average annual load - no visible discharge
- f. Toxicants = 100% containment of toxicants (no discharge to the stormwater system).

*Collected Water to Sewer*

All collected drainage water from any bin rooms, carwash areas, internal vehicle parking areas, planter boxes, seepage collection systems, groundwater seepage systems, other internal areas, water features, swimming pools and/or spas located on the land shall be discharged to the sewer system.

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

Advisory Note 6

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**

3.2.1 **Department for Infrastructure and Transport**

040/V299/23

**Baker Street, Barlow Street, Lipson Street, Grand Junction Road, Port Adelaide**  
Port Dock Railway Line Project.

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

**Applicant**

- Chris May
- Ben Ganguly
- Joe Haigh
- Sophie Priede
- Moharis Kamis

**Representations**

- Graham Jackson

**Agencies**

- Belinda Chan (ODASA)
- Courtney Stollznaw (EPA)
- Wendy Boyce (EPA)
- Ian Yorke (EPA)

**Council**

- Russell Fink (City of Port Adelaide Enfield)
- Shawn de Waal (City of Port Adelaide Enfield)

The State Commission Assessment Panel discussed the application.

**RESOLVED**

- 1) That the State Commission Assessment Panel provide its recommendation in confidence (published in the SCAP Confidential Minutes – 8 November 2023) 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 22 November 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 2:15pm.

Confirmed 9/11/2023



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Rebecca Thomas  
PRESIDING MEMBER



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