



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 160th Meeting of the
State Commission Assessment Panel
held on Wednesday 14th June 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 David Altmann Jenny Newman Don Donaldson James Hayter (Occasional Member)
Secretary	Jaclyn Symons, Governance Officer
DTI Staff	Troy Fountain Margaret Smith Brett Miller (2.2.3) Jeremy Wood (2.2.1) Nathan Grantham (2.2.2) Damon Huntley (2.2.1) Amy Barratt

1.3. APOLOGIES

Paul Leadbeter

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 Catcorp Group Pty Ltd C/- Future Urban

22043097

106-108 Unley Road, Unley

Construction of a seven-level mixed use building comprising residential apartments (floors 1 to 6), shops (ground floor level), car parking, shared amenities and public realm improvements.

Rebecca Thomas declared a conflict of interest due to Catcorp Group Pty Ltd being a current client of her employer, Ekistics, and Don Donaldson declared a conflict of interest due to his employment with the Unley Council. Both were not present for this agenda item.

An in-principle agreement between the developer and the City of Unley regarding the proposed public realm works was tabled.

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

Applicant

- Anthony Catinari (Catcorp Group)
- Enzo Caroscio (Enzo Caroscio Architecture)
- Chris Vounasis (Future Urban)
- Renae Grida (Future Urban)
- Sam McCarthy

Representations

- Margaret Dawson

Agency

- Ellen Liebelt (ODASA)

Council

- David Brown (City of Unley)

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 22043097, by Catcorp Group Pty Ltd C/- Future Urban is granted Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

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:

Reserved Matter 1

A final detailed Parking Management Plan shall be prepared in consultation with the City of Unley Council and submitted to the satisfaction of the State Planning Commission, prior to this issue of Development Approval.

Reserved Matter 2

The applicant shall submit a final detailed schedule of 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 3

The applicant shall submit a final landscaping plan for plantings of semi-mature trees with a medium to large canopy within the public realm in consultation with the City of Unley Council and submitted to the satisfaction of the State Planning Commission, prior to this issue of Development Approval.

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

All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2018 (Part 3) to ensure that stormwater does not adversely affect any building, adjoining property or public road.

Condition 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 plant equipment with consideration given to the adjacent properties. Noise attenuation devices and visual screening will be implemented as necessary.

Condition 4

Landscaping shown on the approved plans shall be established within two weeks of the issuance of the certificate of occupancy for the development. Plantings shall be irrigated, maintained at all times with any missing, damaged, diseased or dying plants being replaced.

Condition 5

Waste collection will be restricted to between the hours of 9:00 am and 7:00 pm on a Sunday or public holiday, or between 7:00 am and 7:00 pm on any other day.

Condition 6

The hours of operation for the ground-floor commercial tenancies herein approved are as follows:

- *Monday to Friday 7:00 am to 9:00 pm*
- *Saturday 8:00 am to 5:00 pm*
- *Sunday 8:00 am to 5:00 pm*
- *Public Holiday 8:00 am to 5:00 pm*

Any variation to these hours of operation will require a further consent.

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

Condition 7

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 certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Condition 8

For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination auditor informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.

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

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 5

Unless exempt from requiring development approval, no additional signs shall be constructed or displayed on the land without the approval of Council.

Advisory Note 6

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 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.

2.2.2 Rinaldi Group

22043120

119 Greenhill Road, Unley

7-level residential flat building with associated carparking and landscaping.

Don Donaldson declared a conflict of interest due to his employment with the Unley Council and was not present for this agenda item.

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

Applicant

- John Stimson (John Stimson Consulting)
- Nic Salvati (ADS Architects)
- Anthony Rinaldi (Rinaldi Group)

Agency

- Samuel Jeyaseelan (ODASA)

Council

- David Brown (City of Unley)

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 22043120, by Rinaldi Group is granted Planning Consent subject to the following conditions and reserved matters:

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:

Reserved Matter 1

A detailed Stormwater Management Plan with stormwater quantity and quality measures shall be prepared and submitted to the satisfaction of the State Planning Commission, prior to the issue of Development Approval.

Reserved Matter 2

The applicant shall submit a final detailed schedule of 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 3

A final detailed landscaping plan prepared by a qualified landscape practitioner shall be prepared and submitted to the satisfaction of the State Planning Commission and comprise details including a landscape maintenance schedule, irrigation methods, planting medium depths, plant species schedule including at least one semi-mature medium to large canopy tree in both the front and rear, and other features of the landscaping scheme to demonstrate viability of all plantings.

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 planting and landscaping identified on the stamped Plans must be completed in the first planting season concurrent with or following commencement of the use of the residential flat building. Such planting and landscaping shall be maintained thereafter and any plants which become diseased or die must be replaced within the next available growing season with suitable species, to the satisfaction of the State Planning Commission.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 3

All access to/from the development shall be gained in accordance with the site plan produced by ADS Architects, Drawing No. 21/JN1434/SK01, dated 24.10.22.

Condition 4

All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.

Condition 5

The entry and exit points shall be suitably signed and line-marked to reinforce the desired traffic flow.

Condition 6

The garage door access from Greenhill Road shall remain open during peak periods to reduce the risk of vehicles queuing out onto Greenhill Road.

Condition 7

All off-street car parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*.

Condition 8

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 9

Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Condition 10

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

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 Notes imposed by Commissioner of Highways under Section 122 of the Act

Advisory Note 4

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Greenhill Road frontage of this site for future upgrading of the Greenhill Road / King William Road / Peacock Road intersection. Although it is considered unlikely that any land would be required from this property, the consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6.0 metres of the possible requirement. The applicant should return the attached consent form along with the stamped approved plans and Decision Notification Form to (dit.landusecoordination@sa.gov.au) for consent purposes.

2.2.3 Vintage Properties Pty Ltd

21038029

Lot 7 Jenkins Street, Newport

Land division to create 71 allotments (incorporating 2 superlots) for residential purposes and associated infrastructure (roads and retaining walls).

Jenny Newman declared a conflict of interest due to having recently been involved with the delivery of architectural services for the refurbishment of an immediately adjacent property and was not present for this agenda item.

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

Applicant

- Philip Harnett (URPS)
- Jacqueline de Meyrick (Cedar Woods)
- Jonathan Marwitz (Greenhill)

Agencies

- Belinda Chan (ODASA)
- Kirsty Nield (Heritage SA)

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;
- 2) Development Application Number 21038029 by Vintage Properties Pty Ltd is granted Planning Consent subject to the following reserved matters and conditions; and
- 3) The determination of Land Division Consent component of the development proposal be delegated to the Manager, Commission Assessment following the completion of statutory agency referrals required in accordance with Regulation 76 of the *Planning, Development and Infrastructure Regulations 2017*.

RESERVED MATTERS

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

1. The design of Jenkins Street and Semaphore Road intersection, Jenkins Street Road reserve levels, and sea-flood protection measures shall be further developed in consultation with The City of Port Adelaide Enfield and to the State Planning Commission's reasonable satisfaction.
2. Further design documentation shall be supplied indicating the location of stormwater drains (and associated infrastructure) connecting the proposed development to the Port River being positioned along the western corridor of Jenkins Street adjacent to existing stormwater drains. The documentation and design shall be prepared in consultation with the City of Port Adelaide Enfield and to the State Planning Commission's reasonable satisfaction. Stormwater quality treatment devices including tide valves shall be located within road reserve (not private land) in a location that facilitates convenient maintenance.

CONDITIONS

Planning Consent

Condition 1

The development granted Planning 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 reserve matters or conditions below (if any).

Condition 2

A minimum building site level of 3.2 metres (AHD) is required to address sea level rise to the year 2050 in this location to satisfy the Coast Protection Board's coastal flooding risk standard.

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

Condition 3

Remediation works must be undertaken in accordance with the Site Remediation Plan prepared by *Site Remediation Plan, Stage 3 GMH Precinct, New Port, South Australia. Dated 25 October 2020. Revision*

5', prepared by Agon Environmental (dated 25 October 2020) and must be overseen by a suitably qualified and experienced site contamination consultant.

Condition 4

A land division certificate under section 138 of the *Planning, Development and Infrastructure Act 2016* must not be issued until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

[Condition set out in clause 13 of *State Planning Commission Practice Direction 14 (Site Contamination Assessment) 2021* is prescribed for the purposes of section 127(1)(b) of the *Planning, Development and Infrastructure Act 2016*.]

Condition 5

For the purposes of the above condition (prescribed in clause 13 of *State Planning Commission Practice Direction 14 (Site Contamination Assessment) 2021*) and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination auditor informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 6

All allotments 1 to 71 shall gain access via the road network shown on Alexander Symonds Plan of Division, Ref: 20A2914.00003, Drawing No. 20A2914PROP-3(D), Revision D dated 16 May 2023 only. No allotments within this plan of division shall be permitted to directly access Semaphore Road. Any existing access points to Semaphore Road shall be closed and fenced off to prevent further use.

Condition 7

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 8

No stormwater from this development is permitted to discharge on-surface to Semaphore Road, Nelson Street and Jenkins Street. In addition, any existing drainage of these roads shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.

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

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

Advisory Note 4

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.

Advisory Notes imposed by City of Port Adelaide Enfield under Section 122 of the Act

Advisory Note 5

The applicant is reminded that approval must be obtained from any encumbrancer prior to any works commencing on the land.

Advisory Note 6

The granting of this consent does not remove the need for the Applicant to obtain all other consents that may be required by other statutes or regulations. The Applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.

The consent does not override the authority of any encumbrance or easement that might be present on the land.

Advisory Note 7

Where an application proposes development within close proximity to an allotment boundary, the Applicant must ensure that the development is undertaken entirely on the subject land and that no part of the structure approved, including the guttering, encroaches any property boundary. To ensure that the proposed development is constructed within the allotment and at the approved set back, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.

Advisory Note 8

The Applicant is advised that any works affecting Council owned land, either temporarily or permanently, requires arrangements to be made with Council's City Assets Department prior to any works been undertaken. This includes (but not limited to):

- Stormwater Connections;
- Driveways;
- Scaffolding on Footpaths;
- Outdoor Dining

Further Information can be obtained online at <https://www.cityofpae.sa.gov.au/development/development-services/permits> or the City Assets Department on telephone 8405 6600.

Advisory Notes imposed by Coast Protection Board under Section 122 of the Act

Advisory Note 9

For compliance with the Board's coastal flooding risk standard, minimum building site and finished floor levels of 3.2 metres and 3.45 metres Australian Height Datum (AHD), respectively, are required for future development to address sea level rise to the year 2050 in this location.

For future development less than 8 metres from the Port River, minimum building site and finished floor levels of 3.4 metres and 3.65 metres Australian Height Datum (AHD), respectively are required.

Board policy also requires that the development is capable, by reasonably practical means, of being protected, adapted or raised to withstand a further 0.7 metres of sea level rise to the year 2100.

The land over which the development is situated may have the potential to develop acid sulfate conditions if exposed to oxygen. The Coast Protection Board has released a set of guidelines which should be followed in areas where acid sulfate soils are likely to occur. These can be found at: http://www.environment.sa.gov.au/about-us/boards-and-committees/Coast_Protection_Board/Coastal_acid_sulfate_soils

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

Advisory Note 10

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.

Advisory Note 11

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*.

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 28 June 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 2.02pm.

Confirmed 14/06/2023



.....
Rebecca Thomas
PRESIDING MEMBER



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