



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 167th Meeting of the
State Commission Assessment Panel
held on Wednesday 11 October 2023 commencing at 1:20pm
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 Paul Leadbeter David Altmann Jenny Newman Don Donaldson
Secretary	Myles Graham, Governance Officer
DTI Staff	Troy Fountain Margaret Smith Brett Miller (2.2.2) Joanne Reid (2.2.2)

1.3. APOLOGIES

Nil

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.2 Sarah Constructions Pty Ltd

23014794

82 Osmond Terrace, Norwood

Construction of a seven level mixed-use building comprising residential apartments, a community facility, car parking, fencing and landscaping.

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

Applicant

- Matthew Woodrow (Sarah Group)
- Ashlyn Shearer (Sarah Group)
- Michael Kilmartin (Sarah Constructions)
- Ben Layley (Sarah Constructions)
- Stewart Hocking (Masterplan)
- Kendall Aplin (Aplin Cook Gardener)
- Marlew Cook (Aplin Cook Gardener)
- Ben Wilson (CIRQA)

Representations

- Sandy Wilkinson
- Philippa Coleman
- Anthony Kelly (Mellor Olsson Lawyers)

Agencies

- Sophie Newland (ODASA)

Council

- Geoff Parsons (City of Norwood, Payneham and 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 23014794, by Sarah Constructions Pty Ltd 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 matters shall be reserved for further assessment prior to the granting of Development Approval:

Reserved Matter 1

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.

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 following noise reduction measures shall be implemented so that the development will comply with noise level criteria specified in Environmental Protection (Noise) Policy 2007 (under the Environmental Protection Act):

- a. The fence identified as 'colorbond fence' on the plans herein approved shall be a minimum of 3m in height when measured above the neighbouring ground level. The fence shall be constructed from sheet steel with a base material thickness (BMT) of 0.42mm, or an alternative material with the same or greater surface density.
- b. Acoustic absorption shall be provided to the soffit of the slab above the carpark and basement ramp in accordance with the stamped plans or by directly fixing material such as 25mm thick Pyrotek "Reapor" panels.
- c. The basement and level 1.5 carparks shall be fully enclosed with no louvres for ventilation and the carpark roller door to the apartment carpark shall be solid with no gaps for ventilation.

Condition 4

Music emitted from the subject land shall be maintained at levels (when measured externally at the nearest existing or envisaged noise sensitive location) that achieve the following noise levels:

- a. Less than 8dB above the level of background noise (L90,15min) in any octave band of the sound spectrum ($LOCT_{10,15} < LOCT_{90,15} + 8dB$).

Condition 5

Noise from plant equipment and mechanical services systems shall comply with the noise level criteria specified in the Environmental Protection (Noise) Policy 2007 (under the Environmental Protection Act).

Condition 6

The planter boxes on the balconies shall be designed and installed in accordance with the approved plans and planted with a suitable species that will provide an effective privacy screen, prior to the commencement of the use, and shall be maintained as an effective privacy screen to the satisfaction of the Relevant Authority thereafter.

Condition 7

The south-facing upper-level windows of dwelling(s) as shown on Drawing No. 21005 SK21 shall have:

- a. Minimum windowsill heights of 1.5 metres above the upper finished floor level; or
- b. Fixed and obscured glass to a height of 1.5 metres (minimum) above upper floor level; or
- c. Obscured glass to a height of 1.5 metres (minimum) above the upper floor level, which are hinged at the top of the window panel and include a wind out mechanism to no greater than 200mm.

The obscured glass shall be fitted prior to occupation of the development and maintained at all times thereafter.

Condition 8

Landscaping shown on the approved plans shall be established within the next available planting season following certificate of occupancy being issued for the development. Plantings shall be irrigated, maintained at all times with any missing, damaged, diseased or dying plants being replaced.

Condition 9

Waste collection, deliveries and unloading will be restricted to between the hours of 7:00 am and 7:00 pm from Monday to Saturday and not on Sundays or public holidays.

Condition 10

The hours of operation for the Hungarian Club of South Australia herein approved are as follows:

- Monday to Friday 8:00 am to midnight
- Saturday 8:00 am to midnight
- Sunday 9:00 am to 10:00 pm
- Public Holiday 9:00 am to 10:00 pm

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

Condition 11

The Osmond Terrace outdoor seating area shall be restricted to a maximum of eight (8) patrons and shall operate only between the hours of 8:00am to 5:00pm Mondays to Saturdays and 9.00am to 5.00pm on Sundays and public holidays.

Any variation will require further consent.

Condition 12

All bicycle parks shall be designed and constructed in accordance with Australian Standard AS2890.3-2015.

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

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

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 Note 7

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 8

A Construction Environmental Management Plan (CEMP) should be prepared in collaboration with, and to the satisfaction of, the Local Government Authority prior to the issue of Development Approval. The approved CEMP shall be implemented throughout the development and should incorporate, without being limited to, the following matters:

- a. Car parking and access arrangements for tradespersons
- b. Siting of materials storage
- c. Site offices
- d. Work in the Public Realm
- e. Hoarding
- f. Site amenities
- g. Traffic requirements including construction access/egress and heavy vehicle routes
- h. Reinstatement of infrastructure
- i. Site contamination management, if required (prepared by a suitably qualified and experienced site contamination consultant in accordance with EPA guidelines).

Advisory Note 9

It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

Advisory Note 10

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

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*.

Advisory Note 12

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 13

The levels of the footpath after works to the crossover(s) / verge shall remain as per the existing levels, with any cross fall or change in levels accommodated between the site boundary and the development, to the reasonable satisfaction of the Assessment Manager or their delegate.

Advisory note 14

It is recommended that a Tree Protection Zone be provided to each of the three (3) street trees located in the road verge of Osmond Terrace directly adjacent to the development site and no works of any kind shall occur within this zone as a result of the development herein approved. The protection zone is to encompass (at a minimum) the Structural Root Zone of the trees.

The Tree Protection Zone shall be fenced before any works commence on site and the following provisions must be adhered to:

- a. The fence shall comprise temporary construction fencing (or bunting), incorporate signage displaying the words "Tree Protection Zone" and be installed in conjunction with the approval of Council's City Arborist;
- b. There shall be no changes to the natural ground level within the Tree Protection Zone;
- c. No persons, vehicles or machinery shall enter the Tree Protection Zone without the consent of Council;
- d. No storage or dumping of material, fuel, chemicals, equipment or temporary building shall take place within the Tree Protection Zone;
- e. Nothing shall be attached to the trees;
- f. No trenching for the installation of underground services is permissible within the Tree Protection Zone;
- g. Structural roots, that is, roots with a diameter great than 25 millimetres, located outside the Tree Protection Zone should be retained during construction. If any cutting is required it must only be done under the supervision of Council's City Arborist.

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 25 October 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 3:40pm.

Confirmed 12/10/2023



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Rebecca Thomas
PRESIDING MEMBER