



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 119th Meeting of the
State Commission Assessment Panel
held on Wednesday 28th July 2021 commencing at 9.30am
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
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Jason Bailey (2.2.1, 2.2.3) Nicholas Kretschmer (2.2.1) Benjamin Scholes (2.2.2) Matthew Henderson (2.2.3)

1.2. APOLOGIES

Nil

Note: Meeting procedures of the SCAP have been modified in the light of COVID-19 and State Government protocols.

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 Andamooka Progress and Opal Miners Association Incorporated

21002456

Lot 519 Koska Street, Andamooka

Construction of an indoor recreation facility.

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

Applicant

- Gill Rowley & Richard Hawkins (APOMA)

Representor

- Christine Watkinson

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) That 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 21002456, by the Andamooka Progress and Opal Miners Association Incorporated (APOMA), is granted Planning Consent subject to the following conditions and advisory notes:

CONDITIONS

Planning Consent

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).

Reason for condition: To ensure the development is built in accordance with the approved plans.

2. 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 road or property.

Reason for condition: To ensure that stormwater is disposed of properly and does not affect adjoining properties.

3. The hours of operation shall be limited to the following:

Monday-Friday: 9am – 9pm

Saturday: 9am – 9pm

Sunday: 10am – 9pm

Reason for condition: To reduce the noise impacts and protect the amenity of the locality.

4. Landscaping detailed in [Sketch of Proposed Location for Community Garden] shall be established within 12 months of occupation. Plantings shall be irrigated, maintained, and nurtured at all times with any missing, damaged, diseased or dying plants being replaced to the reasonable satisfaction of the State Planning Commission.

Reason for condition: To ensure landscaping plan is implemented

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.
3. 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
 - iii. as to costs).

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 Development Plan 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 Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 4

All external lighting of the site, including external to the building, shall be designed, located, shielded and constructed to conform to Australian Standard 4282:2019 'Control of the obtrusive effects of outdoor lighting.'

Advisory Note 5

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.

Advisory Note 6

All Outback Communities Authority (OCA) 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 OCA specifications. All costs associated with these works shall be met by the proponent.

2.2.2 One North Terrace (Aust) Pty Ltd

020/A195/21

1 North Terrace, Adelaide

Partial demolition of State Heritage Place and construction of a 32 storey mixed-use building with associated basement car parking.

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

Applicant

- Chris Vounasis (Future Urban)
- Adam Hannon (Cox Architecture)
- Jason Schulz (DASH Architects)
- Kate Russo (Cox Architecture)
- Robert Lee (Lee Green)
- Jonathon Lee (Lee Green)

Agencies

- Kirsteen Mackay (ODASA)
- Ellen Liebelt (ODASA)
- Peter Wells (DEW)
- Jodi Davy (SA Housing Authority)
- Brett Eaton (Adelaide Airport)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) That the proposed development is NOT seriously at variance with the policies in the Adelaide (City) Council 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) Council Development Plan.
- 3) To grant Development Plan Consent to the proposal by One North Terrace (Aust) Pty Ltd for partial demolition of a State Heritage place and construction of a 32 storey mixed use development with associated basement car parking at 1 North Terrace, Adelaide subject to the following conditions of consent.

PLANNING CONDITIONS

1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Reason for condition: to ensure the development is constructed in accordance with endorsed plans and application details

External Materials

2. Prior to Development Approval for superstructure works the applicant shall submit, in consultation with the Government Architect and to the satisfaction of the State Planning Commission, physical samples of all external materials to be incorporated in the development.

Reason for condition: to confirm the visual quality of the specified external materials and finishes and ensure they are consistent with the endorsed architectural drawings

Environment

3. The acoustic attenuation measures recommended in the Environmental Noise Assessment Report by Sonus (reference S4675C11) dated February 2021 shall be fully incorporated into the building

rules documentation to the satisfaction of the State Planning Commission. Such acoustic measures shall be made operational prior to the occupation or use of the development.

Reason for condition: to ensure preliminary recommendations for acoustic attenuation treatments are appropriately implemented following detailed design

4. Prior to Development Approval for substructure works, the applicant shall submit a final stormwater management plan prepared in consultation with the City of Adelaide to the satisfaction of the State Planning Commission.

Reason for condition: to ensure stormwater infrastructure is designed and constructed in accordance with the technical requirements of the City of Adelaide

5. All external lighting of the subject land, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site.

Reason for condition: to ensure external lighting does not introduce undue nuisance for occupants of adjacent land or potential for hazards to users of the adjacent road network in accordance with the necessary standard

Department for Environment and Water Conditions

6. Prior to the commencement of works to the State heritage place, detailed demolition drawings (external and internal) shall be prepared and submitted to the satisfaction of the State Commission Assessment Panel in consultation with Heritage South Australia (Department for Environment and Water).

Reason for condition: The extent of demolition to the Newmarket Hotel is not yet documented for assessment of heritage impact.

7. A detailed photographic record of the side wing, yard wall and stables (structures to be demolished) is to be undertaken by a suitably qualified heritage consultant and provided to Heritage South Australia (Department for Environment and Water) for their records, prior to works commencing on site. The structures to be demolished shall also be recorded by laser point cloud scanning internally and externally, and the data provided to Heritage South Australia for their records. The laser scan and digital photographic record shall be capable of amalgamation into a 3D photographic model. Prior to photographic and laser recording, all accretions around and abutting the historic structures shall be removed. Stonework is to be salvaged for re-use in conservation works to the main hotel building where appropriate.

Reason for condition: A suitable archival record of the demolished structures allows for future interpretation and understanding of their contribution to the heritage values of the State heritage place. Original masonry is of considerable value in maintaining the constructional integrity of the place during repairs and conservation.

8. Internal refurbishment works, including general repairs, new joinery, colour schemes, services integration, new finishes, repairs to staircases, compliance upgrades, and mural exposure, are to be further detailed to the satisfaction of the State Commission Assessment Panel in consultation with Heritage South Australia (Department for Environment and Water) prior to final Development Approval being granted. Works are to be informed by a suitably qualified heritage architect.

Reason for condition: The detailed scoping and design of interior works is yet to be undertaken.

9. The following proposed works to the Newmarket Hotel facades are to be detailed and documented to the satisfaction of the State Commission Assessment Panel in consultation with Heritage South Australia (Department for Environment and Water) prior to final Development Approval being granted:

- a) Façade cleaning methodology, composition of repointing mortar, and stone selection for façade reinstatement;
- b) Proposed colour schemes and paint systems of painted areas;

- c) Details of interfaces and junctions of the new development to the southern and eastern walls of the Newmarket Hotel. In particular, the design and construction shall minimise intervention into historic fabric and be reversible. Consideration should also be given to pitching link glazed roof away from heritage building to reduce the risk of stormwater damage to heritage fabric; and
- d) Treatment of the existing ground floor opening on the western side of the southern façade.

Reason for condition: Detailed documentation of conservation works is yet to be prepared. The existing opening at the south-western corner (currently an internal opening) has been executed with no regard to appropriate proportions, dimensions and detailing. It is considered unacceptably disfiguring to the external appearance of the building in what will become a highly visible location.

10. A Site Heritage Management Plan outlining measures to minimise ground vibrations in the proximity of the heritage building is to be prepared to the satisfaction of the State Commission Assessment Panel in consultation with Heritage South Australia (Department for Environment and Water) prior to final Development Approval being granted. The Management Plan should include:
 - a) appropriate vibration limits in the proximity of the heritage place as informed by DIN 4150-3;
 - b) appropriate construction techniques to limit vibration to the established limits, and exclusion zones for equipment and construction practices that are likely to exceed these;
 - c) appropriate monitoring techniques to ensure vibration limits are not exceeded;
 - d) proposals for the ongoing monitoring of the condition of the heritage place during the works;
 - e) proposals for protective measures against accidental damage (both internal and external heritage fabric); and
 - f) procedures to be taken if any structural distress or accidental damage is identified in the heritage fabric.

Reason for condition: To ensure ground vibrations associated with site works and construction, and the construction process itself, do not cause damage or distress to building fabric of heritage significance.

11. Site inductions of all contractors and staff undertaking works affecting the State heritage place shall be provided and shall include information about the heritage significance and listing of the place. Site inductions shall highlight good heritage practice and what to do if works vary from the approval. Responsibilities with respect to damage to a State heritage place shall be provided, including the penalties that apply. A generic site induction is attached for reference. Site inductions should be undertaken with the active involvement of a suitably experienced heritage architect.

Reason for condition: To ensure all persons working on the project are aware of the heritage significance of the State heritage place and appropriate procedures to protect its heritage values.

12. Site personnel responsible for decisions about the scope and extent of works to the State heritage place, the extent of removal of damaged fabric, workmanship, repair techniques, materials, colours, finishes, making good, the detail of new fabric or components and other matters concerning the extent and quality of the works shall do so on the basis of possessing or seeking from a suitably experienced heritage consultant appropriate expertise in heritage conservation, traditional practice and the sensitive upgrading of heritage places. Those undertaking the works shall also possess suitable heritage experience and skills to the satisfaction of the site supervisor or heritage consultant.

Reason for condition: To ensure that decision making during the course of the works, and the execution of the works, are based on appropriate expertise in heritage conservation practice, and that appropriate expert advice can be provided should unforeseen circumstances be encountered.

ADVISORY NOTES

- a. This Development Plan Consent will expire after 24 months from the date of this Notification, unless final Building Rules Consent from the City of Adelaide (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 two (2) years of the final Development Approval issued by Council and substantially completed within three (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 (2) 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. As work is being undertaken 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.
- e. The applicant should ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.
- 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 sites, please contact the City of Adelaide on (08) 8203 7203 or email customer@cityofadelaide.com.au
- g. The applicant is reminded of the need to obtain separate approval for the proposed building height in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*, with final approval to be issued by the Department of Infrastructure, Transport, Regional Development and Communications.

Advisory Notes from the Department of Environment and Water

- h. A desktop site history for the land affected by this application should be prepared by a suitably qualified archaeologist to determine the potential for site excavations to uncover archaeological material of heritage significance. In the absence of a desktop site history prepared by a suitably qualified archaeologist finding that the land affected by this application does not contain any potential for archaeological artefacts of heritage significance, a Work Method Statement should be submitted to the satisfaction of the relevant authority in consultation with Heritage South Australia (Department for Environment and Water) outlining measures to monitor excavated material up to nominally 1.5m below ground level.

This Work Method Statement should include these excavations being undertaken in the presence of a suitably qualified archaeologist and proceed with appropriate caution to enable the identification, recording and salvage of any material of potential archaeological significance. The Archaeologist should report to Heritage South Australia (by telephone (08) 8124 4922 or email DEWHeritage@sa.gov.au) on any findings of archaeological significance.

- i. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with Heritage South Australia, or an additional referral to the Minister for Environment and Water. Such changes would include for an application to vary the planning consent, or Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
- j. The applicant is advised of 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 shall cease and the SA Heritage Council shall be notified; and
 - 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.

- k. 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*.

Advisory Notes from the City of Adelaide

- l. Any lighting to be installed to the awning at street level on North Terrace and West Terrace should be undertaken in accordance with Council's guideline entitled "Under Verandah/Awning Lighting Guidelines" prior to the occupation or use of the Development.
- m. Development Approval will not be granted until Building Rules Consent and an Encroachment Consent have been obtained. A separate application must be submitted for such consents. No building work or change of classification is permitted until the Development Approval has been obtained.
- n. A Building Site Management Plan is required by the City of Adelaide prior to commencement of construction work on site. The Building Site Management Plan should include details of such items as:
- Work in the Public Realm
 - Traffic Requirements
 - Street Occupation
 - Servicing Site
 - Hoarding
 - Adjoining Buildings
 - Site Amenities
 - Reinstatement of Infrastructure
- o. Unsecured building sites have been identified as a target for vandalism and theft of general building materials. The Adelaide Local Service Area Police and the Adelaide City Council are working together to help improve security at building sites. Items most commonly stolen or damaged are tools, water heaters and white goods. To minimise the risk of theft and damage, consider co-ordinating the delivery and installation of the goods on the same day. Work with your builder to secure the site with a fence and lockable gate. Securing the site is essential to prevent unauthorised vehicle access and establishes clear ownership.
- p. Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. 48 hours' notice is required before commencement of any activity. The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at www.cityofadelaide.com.au When applying for a City Works Permit you will be required to supply the following information with the completed application form:
- a Traffic Management Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc);
 - description of equipment to be used;
 - a copy of your Public Liability Insurance Certificate (minimum cover of \$20 Million required); and
 - copies of consultation with any affected stakeholders including businesses or residents.

Please note: Upfront payment is required for all city works applications. Applications can be received by Council via the following:

Email: cityworks@cityofadelaide.com.au

Fax: 8203 7674

In Person: 25 Pirie Street, Adelaide

- q. Section 233 of the *Local Government Act 1999* 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.
- r. No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein granted Development Plan Consent.

2.2.3 Nielsen Architects

490/E022/21

5-7 Tod Street, Gawler

Demolition of two existing retail buildings and the construction of a supermarket with associated rooftop solar array, signage, car parking and landscaping.

Rebecca Thomas and Grant Pember both declared a conflict of interest and left the meeting for this agenda item.

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

Applicant

- Nigel Uren (ALDI)
- Richard Dwyer (Ekistics)
- Jason Schulz (DASH Architects)
- Paul Morris (Stantec)
- Evan Drage (Nielsen Architects)

Representations

- Humphrey George
- Carol Olsen
- Jayne Lovell

Council

- Ryan Viney (Town of Gawler)

Media

- Jason Katsaras

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 Town of Gawler Development Plan.
- 3) To grant Development Plan Consent to the proposal by ALDI C/- Ekistics for demolition of two existing retail buildings and the construction of a shop (supermarket) with associated rooftop solar array, signage, car parking and landscaping at 5-7 Tod Street, Gawler subject to the following conditions of consent.

PLANNING CONDITIONS

1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Reason: to ensure the development is undertaken in accordance with the plans and details.

2. All landscaping shown on the approved site plans shall be established prior to the commencement of operation. Plantings shall be irrigated, maintained, and nurtured at all times with any missing, damaged, diseased or dying plants being replaced in the next planting season. The planting season comprises the months of May to September (inclusive).

Reason for condition: to ensure that landscaping is implemented and effective in mitigating amenity impacts on the surrounding area

3. Noise management shall be in accordance with the Sonus Environmental Noise Assessment Numbered S4217.33C4 dated December 2020. In particular:
 - The compactor shall only be operated between the hours of 7am and 10pm; and
 - Rubbish collection from the site and any use of the refuse area shall only occur between the hours of 9am and 7pm on a Sunday or public holiday, and 7am and 7pm on any other day.

Reason for condition: to protect the amenity of the locality

4. Vehicular access shall be in accordance with the Stantec (GTA Consultants) Transport Impact Assessment Ref S189800 dated 18/01/2021 and Letter dated 7 May 2021.

Reason for condition: to maximise the safety of vehicular movement to and from the site

5. Any waste associated with the development shall be processed on-site and, where required, collected and disposed of by a suitable waste contractor.

Reason for condition: to protect the amenity of the locality

6. All external lighting of the site, including in car parking areas and external to buildings, shall be designed, located, shielded and constructed to conform to Australian Standard 4282 – 1997 'Control of the obtrusive effects of outdoor lighting'.

Reason for condition: to protect the amenity of the locality and maximise driver safety

7. All delivery and loading of goods shall be undertaken in accordance with the ALDI policy appended to the Planning Statement by Ekistics REF 00989-002 dated 18 January 2021.

Reason for condition: to protect the amenity of the locality

8. All off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009, and all bicycle parking shall be designed and constructed in accordance with Australian Standard AS2890.3-2015.

Reason for condition: to ensure that all parking facilities are in accordance with the relevant standards

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. The construction of alterations to the adjacent road network, including any alterations to the crossovers serving the site, the Tod Street / Reid Street / Whitelaw Terrace roundabout and the associated pedestrian refuge are subject to separate approvals from the Town of Gawler.
- e. 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 sites, please contact the Town of Gawler.

- 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 11 August 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 2.51pm.

Confirmed 28/07/2021



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Rebecca Thomas
PRESIDING MEMBER



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Rebecca Rutschack
DEPUTY PRESIDING MEMBER (for item 2.2.3)