



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 151st Meeting of the
State Commission Assessment Panel
held on Wednesday 14th December 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	John Eckert Emma Herriman Paul Leadbeter Grant Pember David Altmann
Secretary	Nil
DTI Staff	Troy Fountain Margaret Smith Brett Miller Lauren Talbot (2.2.1) Karl Woehle (2.2.2)

APOLOGIES

Rebecca Rutschack (Deputy Presiding Member)
Jaclyn Symons, Governance Officer

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 ICSA Projects Pty Ltd

155/M032/21

151-157 Payneham Road, St Peters

Demolition of existing structures and construction of a multi-storey, mixed-use building comprising residential and commercial uses, construction of five (5) two storey townhouses (row dwellings) and associated basement car parking and landscaping.

John Eckert declared a conflict of interest due to being a past director of Tectvs Design Pty Ltd and was not present for this agenda item.

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

Applicant

- Brenton Burman – *heard (in person)*
- Rob Vozzo – *in attendance*
- Fran Bonato (Tectvs) – *heard (in person)*

Representations

- Peter King – *heard (in person)*
- Angus Davidson – *heard (in person)*
- Tracey Edwards – *heard (in person)*
- Robert Moffatt – *heard (in person)*
- Sharon Canovan – *not in attendance*
- Robert Harding – *heard (in person)*
- Michael Tindale – *heard (in person)*
- Nick Ward – *online observer*
- Trisha Rogers – *heard (online)*
- David Cree – *online observer*
- Phillipa Clark – *heard (in person)*

Council

- Mark Thomson (for City of Norwood Payneham & St Peters) – *heard (in person)*

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 Norward, Payneham & St Peters Development Plan.
- 3) To GRANT Development Plan Consent to the proposal by ICSA Projects for the Demolition of existing structures and construction of a multi-storey, mixed-use building comprising residential and commercial uses, construction of five two-storey townhouses and associated basement car parking and landscaping at 151-157 Payneham Road, St Peters, subject to the following reserved matters and conditions of consent.

RESERVED MATTERS

- 1) Pursuant to Section 33(3) of the *Development Act 1993*, the following matters shall be reserved for further assessment, to the satisfaction of the State Commission Assessment Panel, prior to the granting of Development Approval:
 - An updated site works and drainage plan prepared by a suitably qualified stormwater/civil engineer, that reflects the amended architectural drawings.

PLANNING CONDITIONS

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and following plans submitted in Development Application No 155/M032/21.
2. The storage and collection of waste shall occur in accordance with the approved Waste Management Plan prepared CIRQA dated 6 September 2021.
3. All materials, goods and refuse shall at all times be loaded and unloaded within the site between the hours of 7.00am and 7.00pm Monday to Friday. Materials and goods shall not be stored on land delineated for use as car parking.
4. The proposed landscaping shall be established on the site in accordance with the approved plans prior to occupation of the development and shall be maintained in good condition at all times. Any such landscaping must be replaced if it dies or becomes seriously diseased.
5. All car parking areas shall be marked in a distinctive fashion, to delineate the parking spaces, prior to the occupation of the development.
6. The proposed car parking layout, access areas and vehicle head clearances shall conform to Australian Standard AS 2890.1:2004- Off-street car parking and Australian Standard 2890.6:2009 - Off-Street Parking for People with Disabilities.
7. Driveway, car parking spaces, manoeuvring areas and landscaping areas shall not be used for storage or display of materials or goods.
8. All stormwater from buildings and paved areas shall be disposed of in such a manner that it does not result in the entry of water into a building or affect the stability of a building.
9. A dilapidation survey recording the condition of the existing adjacent local heritage place shall be prepared prior to the commencement of work on site and submitted to the State Planning Commission.
10. The contractor shall prepare and submit a Construction Vibration Management Plan (CVMP) for works on the site that establishes:
 - a. appropriate vibration limits in the proximity of the heritage place as informed by the German Standard Din 4150 part 3.
 - b. appropriate construction techniques to limit vibration to the established limits, and set exclusions zones for equipment and construction practices that are likely to exceed these.
 - c. risk management procedures for any works that are likely to exceed established limits to ensure the protection and preservation of fabric of heritage significance.
 - d. appropriate monitoring techniques to ensure vibration limits are not exceeded.
 - e. a regime of regular inspections, of the heritage fabric (during construction) to ensure no damage is arising from the works.
 - f. A copy of the CVMP shall be provided to the State Planning Commission.

The following conditions are required by Commissioner of Highways (CoH) in accordance with Section 122 of the *Planning, Development and Infrastructure Act 2016*.

11. All setbacks and vehicular access shall be in accordance with the Site Plan by Tectvs, project number 24063, drawing number P02, revision 1.4, dated 11/07/2022. The Payneham Road ingress only access point shall be angled at 70 degrees to the road and line marked to reinforce the desired traffic flow.
12. All vehicles shall exit Payneham Road in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
13. The existing double Side Entry Pit located on Payneham Road and all associated infrastructure, (pit, kerb and watertable etc.) shall be relocated and reinstated to the satisfaction of Council and the Department for Infrastructure and Transport with all costs borne by the applicant.
14. Any redundant crossover on Payneham Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.
15. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

ADVISORY NOTES

- a. This Development Plan Consent will expire after 12 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 1 year 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. A Construction Environmental Management Plan shall be provided to Council at the time of requesting Development Approval for the first stage of works.
- e. The applicant is reminded of their obligations under the *Local Nuisance and Litter Control Act 2016* and the *Environment Protection Act 1993*, with regard to the appropriate management of environmental impacts and matters of local nuisance. For further information about appropriate management of construction sites, please contact City of Norwood Payneham St Peters.
- f. The Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a strip of land up to 6 metres in width from the Payneham Road frontage of this site for possible future road purposes. Additionally, the Plan makes provision for a further requirement of a strip of lane up to 4.5 metres in width from the Payneham Road frontage of this site for the possible future upgrading of the Payneham Road/Stephen Terrace/Nelson Street intersection. In total, the MARWP shows that a strip of land up to 10.5 metres in width may be required from the Payneham Road frontage of this site. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all new building works located on or within 6 metres of the possible requirements (i.e. within 16.5 metres of the existing Payneham Road property boundary).

The attached consent form should be completed by the applicant and returned to DIT (dit.landusecoordination@sa.gov.au), together with a copy of the Decision Notification and the approved site plan/s.

2.2.2 NEXTDC

22033735

211-217 Pirie Street, Adelaide

Construction of a six-level data centre building with ancillary offices.

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

Applicant

- James Woolway (Urbis) – *heard (in person)*
- Jane Kelly (Urbis) – *heard (in person)*
- Louis Cottle (Hames Sharley) – *(in person)*
- Dean Symington (Hames Sharley) – *heard (online)*
- Thomas Wilson (Cirqa) – *(online)*
- John Turner (NEXTDC) – *not in attendance*
- Simon Brown (NEXTDC) – *(online)*
- Josh Hall (Aurecon) – *(online)*

Agency

- Kirsteen Mackay (ODASA) – *heard (in person)*
- Ellen Liebelt (ODASA) – *heard (in person)*

Council

- Seb Grose (City of Adelaide) – *heard (online)*

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 22033735, by NEXTDC is granted Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

- 1) 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:
 - 1.1 Final details shall be submitted of the noise attenuation devices to be installed to the rooftop plant equipment, as recommended in the Aurecon - Concept Acoustic Report (dated 07-09-2022), with the details being certified by a suitably experienced acoustic consultant confirming that the development, once operational, will comply with noise level criteria specified in the *Environmental Protection (Noise) Policy 2007* (under the Environmental Protection Act).
 - 1.2 The State Planning Commission shall be provided with stormwater drainage design plans, certified by a suitably experienced Civil Engineer in consultation with City of Adelaide that confirms that the design of the site drainage system and proposed development complies with the following specific requirements:
 - a. Stormwater runoff from all surface areas must be collected in a system of gutters, pits and pipelines, swales etc. and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to Council's piped drainage system
 - b. Comply with Council's City Works Guidelines and Urban Element Catalogue, Australian Rainfall and Runoff (A.R.R.), National Construction Code and Australian Standard AS3500.3-2021 'Stormwater Drainage'
 - c. The Drainage Plan must detail the proposed site drainage system including layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes and details of the any water reuse system including tank size and pump system

- d. Incorporate on-site retention (OSR) tank(s) with volume no less than 7000L connected to a pump system for internal water reuse for the flushing of all toilets
- e. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system
- f. An Operation and Management Plan for any water reuse system.

The site drainage system, including the water reuse system, shall be maintained in an operational state at all times.

- 1.3 The applicant shall submit a final detailed façade lighting scheme, a schedule of external materials and finishes and a physical samples board in consultation with the Government Architect to the satisfaction of the State Planning Commission.
- 1.4 The applicant shall submit a final detailed landscaping plan (including the Greenwall design and irrigation details) 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

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 and maintained, with any missing, damaged, diseased or dying plants being replaced in a timely manner, to the satisfaction of the State Planning Commission.

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 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 Note 2

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).

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 January 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 14/12/2022



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Rebecca Thomas
PRESIDING MEMBER