



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 164th Meeting of the
State Commission Assessment Panel
held on Wednesday, 13 September 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.

The Presiding Member recognised the passing of former SCAP Member Grant Pember and acknowledged the significant contribution he made to the Panel over many years (including the former Development Assessment Commission). The Panel sends condolences to Grant's family and close friends.

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 Brett Miller Karen Ferguson (2.2.2)

1.3. APOLOGIES

Margaret Smith

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 George Kontopoulos and Dennis Chung C/- iBs (integrated Business Services) for Planning & Projects

22036672

86 George Street, Thebarton

The construction of a residential flat building comprising 10 dwellings of five levels with associated carparking and landscaping.

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

Applicant

- Dennis Chung (iBS)
- Cathy Loader (Carumag)

Representors

- Paul Boylon

Agencies

- Aya Shirai-Doull (ODASA)

Council

- Nicholas Timotheou (City of West Torrens)

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 22036672, by George Kontopoulos is REFUSED Planning Consent for the following reasons:
 1. The proposal fails to meet Performance Outcome 4.1 of the Urban Corridor (Business) Zone and the Local Variation (TNV) Interface height due to the following reasons:
 - a. Lack of articulation to the building mass, no podium height clarity provided, therefore causing an adverse visual impact to the locality and streetscape
 - b. Protrusion of the building into the 30 degree plane and resultant impacts to the amenity of the neighbouring properties
 - c. Lack of articulation to elements of form (roofs, fins, alignment / relationship with adjacent buildings)
 - d. Minimal landscaping results in negative impacts to the streetscape and neighbouring properties amenity
 2. The proposal does not meet Performance Outcome 1.5 as the development does not positively contribute to an active primary road corridor.
 3. The proposal is not considered to meet Desired Outcome 1 and Performance Outcome 1.1 of the Code Design Overlay through construction of unarticulated 5 storey walls to the northern and southern boundaries of the site.
 4. The proposal is not considered to meet Performance Outcome 15.1 of the Design section within the General Development Policies of the Code through the visual mass being prominent when viewed from adjoining allotments and public streets.

5. The proposal is not considered to meet Performance Outcome 12.1 of the Design in Urban Areas Section within the General Development Policies of the Code as the buildings height and massing does not contribute positively to the character of the local area.
6. The proposal is not considered to meet Performance Outcome 12.3 of the Design in Urban Areas Section within the General Development Policies of the Code as the visual mass of the northern and southern walls are not sufficiently broken into distinct elements to reduce their visual mass.
7. The proposal is not considered to meet Performance Outcome 2.1 of the Urban Corridor (Business) Zone of the Code as the development does not enable flexibility for future residential or non-residential uses at the ground level.

2.2.2 Richard Noble and Gary Jarrad

21025719

Lot 201 Piggott Range Road, Onkaparinga Hills

1 into 3 Land Division.

Rebecca Rutschack declared a conflict of interest due to working for the City of Onkaparinga in which this item is proposed. She was not present for this agenda item.

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

Applicant

- Richard Noble
- Gary Jarrad

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 21025719, by Richard Noble and Gary Jarrad is REFUSED for the following reasons:
 1. The proposed land division does not accord with the relevant Planning and Design Code policies, DO 1 of the Hills Face Zone and PO 1.2 of the Land Division section of the general policies, specifically:
 - a. Land division is strictly limited in the zone.
 - b. The fragmentation and development of the land will not preserve, enhance and re-establish the natural character of the Hills Face Zone.
 - c. The proposal does not consider the environmental and cultural features of value.
 2. The proposed land division does not meet the objectives of the *Character Preservation (McLaren Vale) Act 2012* as it is fragmenting existing allotments in the area and impacting on the preservation of the special character of the district.
 3. The proposed development fails to meet DO 1 and PO 3.1 of the Character Preservation District Overlay as the proposal does not preserve or enhance the existing natural landscape.

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, 20 September 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 12:18pm.

Confirmed 13/09/2023



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Rebecca Thomas
PRESIDING MEMBER