



# STATE COMMISSION ASSESSMENT PANEL

**A COMMITTEE OF THE STATE PLANNING COMMISSION**

Minutes of the 110<sup>th</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 28<sup>th</sup> April 2021 commencing at 9.30am  
Ground Floor, 50 Flinders Street Adelaide / Microsoft Teams video  
conferencing

## 1. OPENING

### 1.1. PRESENT

Presiding Member	Rebecca Thomas
Members	Dennis Mutton (Deputy Presiding Member) John Eckert Emma Herriman Paul Leadbeter Grant Pember
Secretary	Ben Sieben, Governance Officer
AGD Staff	Jason Cattonar Elysse Kuhar (2.2.1) Lauren Talbot (5.3) Brett Miller (2.2.1, 5.3)

### 1.2. APOLOGIES

Nil

**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.

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## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

## 2.2. NEW APPLICATIONS

### 2.2.1 Guavalime Pty Ltd

020/A193/21

**75 King William St, Adelaide**

Demolition of existing building and construction of a 36 storey hotel.

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

#### **Applicants:**

- Marko Separovic
- Michael Loucas
- Finian O'Dowd

#### **Agencies:**

- Kirsteen Mackay
- Aya Shirai-Doull

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 Adelaide (City) Development Plan.
- 3) To grant Development Plan Consent to the proposal by Guavalime Pty Ltd for Demolition of existing building and construction of a 36 level hotel (including two levels of rooftop plant) and a basement level at 75 King William Street, Adelaide 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 by the Manager Development Assessment prior to the granting of Development Approval for superstructure works:

- 1.1 The applicant shall submit a final detailed schedule and samples of external materials and finishes, in consultation with the Government Architect to the reasonable satisfaction of the State Planning Commission.

*Reason: To ensure the development is constructed with high quality materials and finishes.*

- 1.2 Details of the provision of on-site bicycle parks for employees, hotel guests and visitors to the site. The number of spaces should be adequate for the uses proposed and have regard to the Development Plan provisions (1 per 20 employees and 2 for the first 40 rooms, plus 1 for every additional 40 rooms; equating to 10 spaces for guests).

*Reason: To ensure that the proposed development is provided with an adequate supply of bicycle parking.*

### **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 built in accordance with the approved plans.*

2. All vehicle entry and manoeuvring areas shall be designed and constructed in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009) and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the State Planning Commission prior to the occupation or use of the development.

*Reason: To ensure off-street vehicle manoeuvring areas are designed to adhere to the necessary standards.*

3. The recommendations detailed in the Traffic and Parking Assessment dated 1 February 2021 by Phil Weaver & Associates, forming part of this consent shall be fully incorporated into the development to the reasonable satisfaction of the State Planning Commission. Such measures shall be made operational prior to the occupation or use of the development.

*Reason: To ensure safe operation of the development.*

4. The finished floor level of the ground floor level at the entry points to the development including the vehicle entry and exit points shall match that of the existing footpath unless otherwise agreed to by Council in writing.

*Reason: To ensure disability access is achieved and to ensure adjustment to the footpath levels is not required.*

5. Existing boundary (back of path) levels must not be modified. Finished floor levels and entry point levels must be based around retaining existing back of path levels.

*Reason: To ensure disability access is achieved and to ensure adjustment to the footpath levels is not required.*

6. A statement by a suitably qualified professional that demonstrates that the land is suitable for its intended use (or can reasonably be made suitable for its intended use) shall be submitted to the SPC prior to any superstructure works.

*Reason: To ensure that the site is suitable for its intended use.*

7. That waste collection and bin storage be contained within the site in a screened area.

*Reason: To ensure safe operation of the development.*

8. Waste collection from the subject land shall only occur between the hours of 7am and 10pm Monday to Friday and 9am to 10pm Saturday, Sunday and public holidays.

*Reason: To ensure that the Development does not unduly diminish the enjoyment of other land in the locality.*

9. The recommendations (excepting proposed waste collection times) detailed in the Waste Management Plan dated January 2021 prepared by Auswide Consulting, forming part of this consent shall be fully incorporated into the development to the reasonable satisfaction of the State Planning Commission. Such measures shall be made operational prior to the occupation or use of the development.

*Reason: To ensure waste management is undertaken in such a way so as to minimise potential for on-site or off-site impacts.*

10. The recommendations detailed in the Noise Impact Assessment dated 1 February 2021 by Bestec, forming part of this consent shall be fully incorporated into the development to the reasonable satisfaction of the State Planning Commission. Such measures shall be made operational prior to the occupation or use of the development.

*Reason: To ensure the development achieves an appropriate standard of acoustic performance.*

11. The development shall comply with noise level criteria specified in Environmental Protection (Noise) Policy 2007 (under the Environmental Protection Act). This includes noise from roof-level plant and equipment and the air-conditioning units with consideration given to the adjacent properties. Noise attenuation devices and visual screening will be implemented as necessary.

*Reason: To ensure the development does not cause unreasonable nuisance or loss of amenity in the locality.*

12. 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 property or public road.

*Reason: To ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.*

13. Any collection of water resulting from:

- a. seepage in the basement levels;
- b. seepage from proposed planter boxes, or other landscaping on decks or outdoor terraces; and
- c. splash areas around proposed swimming pool,

must not be discharged to the property stormwater system, but into either the sewer or property recycled water system.

*Reason: To ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.*

14. Stormwater runoff from the proposed development must be contained within the property boundaries, collected, and discharged to the nominated street, pit or pipe as advised by the City of Adelaide stormwater engineer.

*Reason: To ensure appropriate collection and discharge of stormwater.*

15. Demolition waste and excavated materials (including soil) shall be appropriately classified, managed and stored for on-site use or transported off-site for re-use and/or disposal in accordance with the Environment Protection Authority (EPA) Guideline: Standard for the Production and Use of Waste Derived Fill (October 2013).

*Reason: To ensure appropriate classification, management and storage of waste and excavated materials.*

16. Prior to the commencement of construction a dilapidation report (i.e. condition survey) prepared by a qualified engineer shall be provided to the State Planning Commission to ensure the stability and protection of adjoining buildings, structures and Council assets.

*Reason: To ensure the stability and protection of adjoining buildings, structures and Council assets.*

17. The recommendations in the Wind Study, dated 1 February 2021 by Bestec, shall be fully incorporated into the building rules documentation to the reasonable satisfaction of the State Planning Commission. Such wind attenuation measures shall be made operational prior to the occupation or use of the development.

*Reason: To ensure the development does not cause unreasonable wind impact in the locality.*

18. All external lighting of the site, including service/loading areas and buildings, shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no demonstrable nuisance or loss of amenity is caused to any person beyond the site.

*Reason: To ensure external lighting does not unduly diminish the enjoyment of other land in the locality.*

## 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 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 City of Norwood, Payneham & St Peters.
- e. A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of Adelaide and be implemented in accordance with current industry standards – including the Local Nuisance and Litter Control Act 2016, the EPA publications “Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition” and, where applicable, “Environmental Management of On-site Remediation” – to minimise environmental harm and disturbance during construction.

The management plan should incorporate, without being limited to the following matters:

- timing, staging and methodology of the construction process and working hours;
  - Traffic management strategies;
  - control and management of construction noise, vibration, dust and mud;
  - management of infrastructure services during construction and re-establishment of local amenity and landscaping;
  - stormwater and groundwater management during construction;
  - site security, fencing and safety and management of impacts on local amenity for residents, traffic and pedestrians;
  - disposal of construction waste, any hazardous waste and refuse in an appropriate manner according to the nature of the waste;
  - protection and cleaning of roads and pathways; and
  - overall site clean-up
- f. Development Approval will not be granted by City of Adelaide 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 building classification is permitted until the Development Approval has been obtained.
  - g. All new, or alterations to existing, crossovers require City of Adelaide approval outside of the development application process. These need to be to City of Adelaide standards and specifications via the City Works Guidelines.
  - h. Modifications to Council footpath and kerb infrastructure are proposed. No works in the public realm can be undertaken, without landlord approval from Council.
  - i. If new canopies are proposed as part of these works, then lighting will need to be installed to City of Adelaide’s under verandah/awning lighting requirements.
  - j. Existing underground services shall be identified and marked in the locality prior to undertaking any excavation works.

- k. For any modifications to CCTV the applicant should contact the City of Adelaide for further advice on process. SAPOL monitor these cameras and will need to be consulted for their approval.
- l. All assets to be handed over to Council to own and maintain shall be constructed to Council's requirements and applicable legislative standards and requirements.
- m. All works around street trees should be undertaken in accordance with AS 4970-2009 Protection of Trees on Development Sites. Any requirement to prune Council trees can only be undertaken by Council once permission is granted.
- n. Tree removal will only be allowed when all alternative development options have been exhausted.
- o. Tree removals activate the application of the City of Adelaide Amenity Tree Valuation Formula. The resultant valuation will be added to all other tree removal/replacement costs to be borne by the developer.
- p. The applicant is advised of the following requirements of the *Heritage Places Act 1993*:
  - 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.
  - Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit under Section 27 of the *Heritage Places Act 1993* is required prior to commencing excavation works.

For further information contact the State Heritage Unit (Department of Environment, Water and Natural Resources) on 8124 4960.

- q. The Applicant is advised, in accordance with the requirements of the *Aboriginal Heritage Act 1988*, 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*.
- r. No signage forms part of this development plan consent. No advertising display or signage shall be erected or displayed upon the subject land without any required Development Approval first being obtained.

2.3. **RESERVED MATTERS – Nil**

3. **CROWN DEVELOPMENTS (ADVISORY ITEMS) – Nil**

3.2. **DEFERRED APPLICATIONS – Nil**

3.3. **NEW APPLICATIONS – Nil**

4. **MAJOR DEVELOPMENTS – VARIATIONS – Nil**

5. **OTHER BUSINESS**

5.1. **LEGISLATIVE REVIEW COMMITTEE'S QUESTIONS ON NOTICE**

5.2. **SCAP PRACTICE AND OPERATING DIRECTIONS**

5.3. **ICD Group C- Sinclair Brook**

020/A173/20

**21-59 Grote Street Adelaide**

Demolition of existing buildings and construction of multi-storey mixed use development comprising retail, motel/tourist accommodation, residential, offices, childcare center and car parking.

Rebecca Thomas declared a conflict of interest and was not present for this item.

The State Commission Assessment Panel considered the request from the applicant.

**RESOLVED**

- 1) That reserved matters 1.1, 1.2, 1.3 and 1.4 in decision notification DA 020/A173/20 dated 27 January 2021 be delegated to the Manager Development Assessment for decision and reserved matter 1.5 be presented back to the panel for decision.

**6. NEXT MEETING**

- 6.1. Wednesday 12 May 2021 at Ground Floor, 50 Flinders Street, Adelaide SA 5000/ Via Microsoft Teams video conferencing

**7. CONFIRMATION OF THE MINUTES OF THE MEETING**

- 7.1. RESOLVED that the Minutes of this meeting held today be confirmed.

**8. MEETING CLOSE**

The Presiding Member thanked all in attendance and closed the meeting at 12.03pm

Confirmed 28/04/2021



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Rebecca Thomas  
PRESIDING MEMBER