



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 129th Meeting of the
State Commission Assessment Panel
held on Wednesday 22nd December 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	John Eckert Emma Herriman Paul Leadbeter Grant Pember David Altmann
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Troy Fountain Brett Miller (2.1.1, 2.2.1, 2.2.2) Gabrielle McMahon (3.2.1) Malcolm Govett (2.1.1) Matthew Henderson (2.2.1) David Storey (2.2.2) Laura Kerber (3.2.1)

1.2. APOLOGIES

Rebecca Rutschack (Deputy Presiding Member)

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

2.1.1 Ginos Group Pty Ltd C/- Phil Brunning & Associates

040/W083/20

138-144 St Vincent Street, Port Adelaide

The integration of the existing hotel and shops with a seven (7) storey tourist accommodation building containing 64 rooms.

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

Applicant

- Phillip Brunning (Phillip Brunning & Associates)
- Paul Morris (Stantec)
- Zis Ginos (Ginos Group Pty Ltd)

Council

- Steve Hooper (City of Port Adelaide Enfield)

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 relevant Objectives and Principles of Development Control of the Port Adelaide Enfield Council Development Plan.
- 3) To grant Development Plan Consent to the proposal by the Ginos Group C/- Phil Brunning and Associates Pty Ltd for the integration of the existing hotel and shops with a seven (7) storey tourist accommodation building containing 64 rooms at 138 – 144 St Vincent Street, Port Adelaide subject to the following reserved matters and conditions of consent.

RESERVED MATTERS

1. Pursuant to regulation 10 of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*, and 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, prior to the granting of final Development Approval:
 - a. The applicant shall submit a detailed stormwater management plan specifying how stormwater from buildings and paved areas shall be captured, stored, reused or disposed of. Such design shall be to the reasonable satisfaction of the State Planning Commission and the Port Adelaide Enfield Council prior to the issue of Development Approval. All stormwater works shall be completed in a manner and with materials that meet with the approved drainage design and to the reasonable satisfaction of the Council prior to the occupation of the development herein approved.

PLANNING CONDITIONS

1. The development granted Development Plan Consent 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.

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

2. 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 expenses associated with these works shall be met by the proponent.

Reason: To ensure appropriate reinstatement of any Council, utility or state-agency maintained infrastructure affected by construction activities.

Vehicle Movements and Parking

3. Waste collection operated by private contractors shall occur before 10:00 pm and after 7:00 am Monday to Saturday, or after 9:00 am on a Sunday or public holiday.

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

4. All vehicle car parks, driveways and 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 safe and convenient movement for vehicles.

Acoustics

5. The acoustic treatments recommended to achieve compliance as stated in the Acoustic Design Report dated March 2021 (S6678C2) by Sonus shall be fully incorporated into the detailed design of the development and corresponding building rules documentation to the reasonable satisfaction of the State Planning Commission. Such acoustic measures shall be made operational prior to the occupation or use of the development.

Reason: To protect the amenity of the temporary residents of and visitors to the building.

ADVISORY NOTES

- a. This Development Plan Consent will expire after 24 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 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 the construction site, please contact the Burnside Council by telephone (08) 8366 4200 or email to burnside@burnside.sa.gov.au
- e. The applicant is reminded of their obligations under the *Environment Protection (Water Quality) Policy 2015*, which requires any person who is undertaking an activity, or is an occupier of land to take all reasonable and practicable measures to avoid the discharge or deposit of waste from that activity or land into any waters or onto land in a place from which it is likely to enter any waters (including the stormwater system).

The Policy also defines offences that can result in on-the spot fines or legal proceedings. The following information is provided to assist you to comply with this legislation:

- 1) Building and construction must follow sediment control principles outlined in the “*Stormwater Pollution Prevention – Code of Practice for the Building and Construction Industry*” (EPA, 1999). Specifically, the applicant must ensure:
 - During construction, no sediment should leave the building and construction site. Appropriate exclusion devices must be installed at entry points to stormwater systems and waterways.
 - A stabilised entry/exit point should be constructed to minimise the tracking of sand, soil and clay off site. However, should tracking occur, regular clean-ups are advised.
- 2) Litter from construction sites is an environmental concern. All efforts should be made to keep all litter on site. The applicant should ensure that bins with securely fitted lids, capable of receiving all waste from the building and construction activities, are placed on site.
- 3) All building and construction wastewaters are listed pollutants under the *Environment Protection (Water Quality) Policy 2015* and as such must be contained on site.

It is important that you familiarise yourself with the terms of the Policy and ensure that all contractors engaged by you are aware of the obligations arising under it. For further information please contact the Environment Protection Authority on telephone 8204 2004.

- f. The applicant is reminded that the *Environment Protection (Noise) Policy 2007* requires any person who is undertaking an activity, or is an occupier of land to take all reasonable and practicable measures to meet indicative noise factors for different land use categories. The policy creates offences that can result in on-the spot fines or legal proceedings. Environment Protection Authority information sheets, guidelines documents, codes of practice, technical bulletins and other materials can be accessed via the following website: <http://www.epa.sa.gov.au>.
- g. All external lighting on the site shall be designed and constructed to conform to Australian Standard - AS 4282-1997 (Control of the obtrusive effects of outdoor lighting).
- h. The applicant is advised that advertising signs do not form part of this approval and a separate development application must be made.

2.2. NEW APPLICATIONS

2.2.1 Warren and Jane Jacobs

21029377

54 Goolwa Road, Mount Compass

1 into 2 Land Division – for excision of an existing habitable dwelling.

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) That in respect of DA 21029377, which is classified as Restricted development subject to the operation of the Planning and Design Code, the State Commission Assessment Panel DECLINES to proceed with an assessment of the application and issues a refusal pursuant to Section 110 (14) of the *Planning, Development and Infrastructure Act 2016* for the following reason:
 - Having considered the documentation supplied by the applicant, the proposed development (DA 21029377) does not provide sufficient social, economic or environmental benefit to the current or future community or respond to a demonstrated need or demand for the proposed land use in the locality to the extents necessary to warrant proceeding to an assessment against the matters prescribed in Practice Direction 4 and the Planning and Design Code.

Advisory Note 1

If you are aggrieved by this decision, you have a right to seek a review of this decision by the State Planning Commission (the Commission). An application for review must be made in a manner and form determined by the Commission and must be made within one (1) month of this notice. The prescribed form is contained in Attachment 1 of Practice Direction 4 (https://plan.sa.gov.au/_data/assets/pdf_file/0006/565044/Practice_Direction_4_-_Restricted_and_impact_assessed_development.pdf).

2.2.2 Carter Brothers Pty Ltd
21022480
47 Gameau Road, Swan Reach
Detached Dwelling.

David Altmann declared a conflict of interest due to providing past advice on planning matters to the applicant and left the meeting for this agenda item.

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

Applicant

- Chris Carter (Carter Property Pty Ltd)

Representors

- Murray Woodforde

Council

- Dylan Furnell (Mid Murray Council)

The State Commission Assessment Panel discussed the application.

RESOLVED

1) Development Application Number 21022480, by Carter Brothers Pty Ltd is REFUSED Planning Consent for the following reasons:

- the application is contrary to the following provisions of the Conservation Zone:
 - Desired Outcome (DO) 1 – the proposal does not contribute to the conservation and enhancement of the natural environment.
 - Performance Outcome (PO) 1.1 – the proposal is not a small scale, low impact land use, providing for conservation and protection of the area.
 - Performance Outcome (PO) 1.2 – the proposal does not comprise any of the primary forms of development envisaged.

Advisory Note 1

The applicant is advised that pursuant to section 202 (1) (b) (ii) of the Act, they can appeal to the Environment, Resources and Development Court against the decision by the State Commission Assessment Panel to refuse to grant authorisation. An application to the Court must be made within 2 months after the applicant receives this notice of the decision. The address of the Court is Sir Samuel Way Building, Victoria Square, Adelaide, 5000 (telephone (08) 8204 0289).

2.3. RESERVED MATTERS

3. CROWN DEVELOPMENTS (ADVISORY ITEMS)

3.1. DEFERRED APPLICATIONS

3.2. NEW APPLICATIONS

3.2.1 Nazareth Catholic College C/- Department for Infrastructure and Transport
252/V154/21
344-354 Findon Road, Kidman Park
Construction of an educational establishment and removal of two (2) regulated trees.

Emma Herriman declared a conflict of interest due to the fact her employer (a law firm) acts for Nazareth Catholic College (in the Adelaide office) and left the meeting for this agenda item.

While not present at the meeting, Rebecca Rutschack had also previously declared a conflict of interest due to her prior involvement in this item.

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

Applicant

- Marcus Rolfe (URPS)
- Stewart Caldwell (Russell and Yelland)
- Hariklia Pontikinas (Russell and Yelland)
- Lauren Knight (Russell and Yelland)
- Melissa Mellen (MFY)
- Deb James (Resonate)
- Darren Bailey (Nazareth Catholic College)
- Andrew Baker (Nazareth Catholic College)
- De'Arne Matthews (Catholic Education South Australia)

Representors:

- Josephine Caruso

Agency

- Kirsteen Mackay (ODASA)
- Sophie Newland (ODASA)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) That the State Commission Assessment Panel provide its recommendation in confidence (included in the SCAP Confidential Minutes – 22 December 2021) to the Minister for Planning and Local Government.

Note: A Decision Notification Form will be forwarded to all representors once the Minister has made a decision on the application.

4. MAJOR DEVELOPMENTS – VARIATIONS

5. REPORTING

6. COURT COMPROMISE

7. BRIEFINGS

8. PROCEDURAL MATTERS

9. OTHER BUSINESS

10. NEXT MEETING (Special Meeting)

- 10.1. Friday 4 February 2022 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 2.06pm.

Confirmed 22/12/2021



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Rebecca Thomas
PRESIDING MEMBER