



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 177th Meeting of the
State Commission Assessment Panel
held on Wednesday 27 March 2024 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 and present.

1.2. PRESENT

Presiding Member	Rebecca Thomas
Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert Paul Leadbeter David Altmann Jenny Newman Don Donaldson Mark Adcock (Occasional Member – 2.2.1, 2.2.2) Jamie Botten (Occasional Member – 2.2.1, 2.2.2)
Secretary	Myles Graham, Governance Officer
DTI Staff	Troy Fountain Jeremy Wood Nathan Grantham Ben Scholes (2.2.1) Joanne Reid (2.2.2) Damon Huntley (2.2.3) Mollie O'Connor (2.2.4)

1.3. APOLOGIES

Nil

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 **Locale Corporation Pty Ltd C/- Future Urban** 23020901

10 Anzac Highway, Forestville

Construction of a mixed-use development with a two (2) level podium and four (4) towers (2 x 8 levels, 1 x 7 levels, 1 x 6 levels) comprising shops, offices, tourist accommodation, dwellings, educational establishment, open space (rooftop urban farm), basement and upper-level car parking, loading and servicing facilities, landscaping and the removal of two (2) regulated trees.

Presiding Member, Rebecca Thomas declared a conflict of interest due to working for a firm engaged for services on adjoining land. She was not present for this item.

Don Donaldson declared a conflict of interest due to working for the City of Unley, in which the application is located. He was not present for this item.

Jenny Newman declared a conflict of interest due to working for a firm that is working on this site. She was not present for this item.

John Eckert declared a conflict of interest due to working for a firm that acts for the applicant. He was not present for this item.

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

Applicant

- Chris Vounasis
- Christopher Webber
- Caillin Howard
- Yaara Plaves
- Stephen Choi
- Melissa Mellen
- Spero Chapley
- Nick Chapley
- Anthony Carrocci
- Daniel Redden
- Mark Devine
- Tim Coneybeare

Representations

- Jessie MacGillivray

Agencies

- Belinda Chan (ODASA)
- Damien Heffernan (ODASA)
- Jodi Stocker (SAHA)
- Karen Illanes (SAHA)

Council

- Timothy Bourner (City of Unley)

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 23020901, by Locale Corporation Pty Ltd is granted Planning Consent subject to the following reserve matters and conditions:

RESERVED MATTERS

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 prior to the granting of Development Approval.

Reserved Matter 1

A final landscaping plan identifying ground surface treatments including extent of permeable paving, lighting infrastructure, design and location of seating, screening treatment/s of external service infrastructure, planting selection (and location) and details of maintenance strategies intended for all on-site planting including integrated irrigation systems in consultation with the Government Architect.

Reserved Matter 2

A final stormwater management plan identifying and addressing stormwater detention and retention requirements capable of managing post-development runoff within the development site, and which is consistent with proposed allotment configuration (including road reserves and open space areas) prepared by a suitably qualified engineer, in consultation with the City of Unley.

Reserved Matter 3

A final detailed schedule of external materials and finishes (including provision of annotated elevations) and a physical samples board prepared in consultation with the Government Architect, with detailed consideration given to the following matters:

- a. external design of the proposed retail tenancies in the 'Market Square' portion of the development; and
- b. indication of the extent of rooftop-mounted solar photovoltaic panels.

Reserved Matter 4

Final details of acoustic attenuation measures intended for the proposed land uses to be incorporated in the development, to ensure these elements will achieve suitable acoustic conditions in accordance with expectations of the Planning and Design Code policy.

Reserved Matter 5

A final Environmental Wind Assessment Report confirming the physical means of mitigating predicted wind impacts (anticipated by Arup Australia Pty Ltd in its Environmental Wind Assessment Report dated 19 June 2023, Job number 294624-00).

Reserved Matter 6

A final plan detailing access arrangements to the urban farm for residents and the public; including hours of operation, and the number and capacity of functions / events per week.

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 including the Affordable Housing Plan approved by the SA Housing Authority on 25 August 2023, submitted to the State Planning Commission, except where varied by conditions below (if any).

Condition 2

All on-site vehicle parking be constructed in accordance with the relevant standard/s, including provision off-street parking for people with disabilities.

Condition 3

Waste collection shall be scheduled to occur between the hours of 9am and 7pm on a Sunday or public holiday and 7am and 7pm on any other day.

Conditions imposed by the Commissioner of Highways under Section 122 of the Act

Condition 4

Access to the development shall be gained as shown on updated Hames Sharley Architectural Plan Set, Project No. 32067, Locale 2 & 3 Site Plan, Drawing No. DA-L2-MA-S0-A101, Revision K dated 24/11/2023, uploaded 11 January 2024 and be consistent with the MFY, Traffic Report, File 21-0100, Revision C, dated 15 December 2023.

Condition 5

The Anzac Highway/Leader Street intersection shall be upgraded to provide two right turn lanes into and out of Leader Street. The two lanes on Leader Street between the intersection and the new roundabout shall be a minimum length of 50m prior to tapering down to a single lane (ideally these lanes should extend past the first access to the site) before the roundabout. Appropriate pedestrian and cycle facilities shall be provided along Leader Street.

Condition 6

The operation of the Anzac Highway/Maple Avenue junction shall be reviewed to the satisfaction of DIT within 12 months of the development becoming fully operational to determine whether the right turn bay will require extension to cater for development traffic. Any required upgrades shall be in accordance with this review.

Condition 7

All road works required as a direct result of this development shall be designed and constructed to the satisfaction of the Department for Infrastructure and Transport and in accordance with Austroads Guidelines, Australian Standards and DIT's Master Specification. All costs (including design, construction, project management and any changes to pavement, guard rail, drainage, road lighting etc.) shall be borne by the applicant. All works shall be completed prior to the development becoming Operational.

Note: Prior to undertaking detailed design, the applicant shall contact Mr Narendra Patel, Senior Network Integrity Engineer, Network Management Services on telephone (08) 8226 8244, mobile 0400 436 745 or via email: narendra.patel@sa.gov.au to progress this. The applicant shall enter into a Developer Agreement with DIT to undertake and complete this work.

Condition 8

Subject to the final design of the above public roads and access points any land that is required from the subject land to construct the above access arrangements shall be dedicated as road at no cost to DIT or Council.

Condition 9

The access points and all internal manoeuvring and parking areas shall be suitably signed and line marked to reinforce the desired traffic flow through the site and or individual access points.

Condition 10

Any infrastructure within the road reserve (including signs, street lights, stobie poles, etc that is demolished, altered, removed or damaged during the construction of the access shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

Condition 11

All vehicles shall enter and exit the development site in a forward direction.

Condition 12

All commercial vehicle parking facilities shall be designed in accordance with AS 2890.2:2018 and all car parking areas shall be designed and constructed in accordance with AS/NZS 2890.1:2004 and 2890.6:2009.

Condition 13

A final stormwater management plan shall be developed in conjunction with DIT and be in accordance with DIT Master Specification RD-DK-D1 Road Drainage Design and other relevant guidelines. The

point/s of discharge shall be confirmed and the pre and post development peak discharge to any DIT infrastructure is to be confirmed during detailed design. All drainage infrastructure is to be to the satisfaction of Council and DIT.

Condition 14

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Condition 15

All landscaping within the 4.5m x 4.5m corner cut off at the Anzac Highway/Maple Street corner shall be low growing (<1m) or open in nature to ensure that that driver and pedestrian sightlines are maximised at the intersection.

Condition 16

Prior to construction, a 'Traffic Management Plan (TMP) for each construction phase shall be submitted to the satisfaction of DIT and Council. The TMP shall include all traffic devices and controls to be utilised and any proposed traffic restrictions on the arterial road network and any local road intersection. The applicant and/or contractor(s) shall notify DIT, Traffic Management Centre on Ph.1800 018 313 prior to undertaking any works that would impact the arterial road network and shall obtain permission via the following link: <https://www.roadworks.sa.gov.au/home.jsf>

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 17

Remediation works must be undertaken in accordance with the following reports and must be overseen by a suitably qualified and experienced site contamination consultant:

- a. 'Remediation Options Assessment and Site Remediation Plan, 10 Anzac Highway, Forestville', prepared by Greencap dated 4 August 2023;
- b. 'Site remediation plan addendum, 10 Anzac Highway, Forestville', prepared by Greencap, dated 4 August 2023;
- c. 'Construction Environmental Management Plan, 10 Anzac Highway, Forestville', prepared by Greencap, dated August 2023.

Condition 18

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use. If a certificate of occupancy is not required pursuant to regulation 103 of the *Planning, Development and Infrastructure (General) Regulations 2017*, a person must not occupy the building for the purpose authorised under the development approval until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Condition 19

For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination auditor informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*

Conditions imposed by Minister responsible for the administration of the South Australian Housing Trust Act 1995 under Section 122 of the Act

Condition 20

The applicant must provide a minimum of 15% as 'affordable housing' of all dwellings in accordance with the criteria determined by the Government Gazette dated 8 September 2022 under regulation 4 of the *South Australian Housing Trust Regulations 2010* (or any updates); approved Affordable Housing Plan on 25 August 2023; and planning report *Mixed Use Development Locales 2 & 3 for 10 Anzac Highway Forestville* by Locale Corporation Pty Ltd, dated 17/07/2023.

ADVISORY NOTES

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 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 ERD Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 4

No works, including site works can commence until a Development Approval has been granted.

Advisory Note 5

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 costs associated with these works shall be met by the proponent.

Advisory Note 6

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 relevant Local Government Authority.

Advisory Note 7

Removal of street trees is outside the scope of this consent and approval must be sought from Council.

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

Advisory Note 8

The Metropolitan Adelaide Road Widening Plan indicates that a 4.5m x 4.5m corner cut-off may be required at the Anzac Highway/Maple Street corner of Lot 501 for future road purposes. The consent of the Commissioner of Highways under the *Metropolitan Adelaide Road Widening Plan Act 1972* is required to all building works on or within 6.0 metres of the possible requirement(s). As all works are beyond these requirements consent is not required in this instance

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 9

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

Advisory Notes imposed by Minister responsible for the administration of the South Australian Housing Trust Act 1995 under Section 122 of the Act

Advisory Note 10

The applicant is encouraged to market and offer for sale to an Eligible Buyer(s) in accordance with the Eligible Buyer criteria in the Government Gazette, 8 September 2022 (under regulation 4 of the *South Australian Housing Trust Regulations 2010*) and the HomeSeeker SA framework. Email homeseecker.partners@sa.gov.au for more information.

2.2.2 **PEET 2022 No.2 PTY LTD C/- Future Urban**

23022937

10 Anzac Highway, Forestville

Construction of an eight-level residential flat building with associated car parking, landscaping and water tank.

Presiding Member, Rebecca Thomas declared a conflict of interest due to working for a firm engaged for services on adjoining land. She was not present for this item.

Don Donaldson declared a conflict of interest due to working for the City of Unley, in which the application is located. He was not present for this item.

Jenny Newman declared a conflict of interest due to working for a firm that acts for the applicant. She was not present for this item.

John Eckert declared a conflict of interest due to working for the applicant. He was not present for this item.

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

Applicant

- Michael Osborn
- Christopher Webber
- Justin Carter
- Melissa Mellen
- Daimon Spadavecchia

Representations

- Jennifer James

Agencies

- Aya Shirai-Doull (ODASA)
- Jodi Stocker (SAHA)
- Karen Illanes (SAHA)

Council

- Timothy Bournier (City of Unley)

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 23022937, by PEET 2022 No.2 PTY LTD C/- Future Urban, is granted Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

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 prior to the granting of Development Approval.

Reserved Matter 1

A final detailed schedule of external materials and finishes (including provision of annotated elevations) and a physical samples board prepared in consultation with the Government Architect, with detailed consideration given to the following matters:

- a. screening material of the car park to effectively obscure the view of the car park from the street and shield headlight glare; and
- b. external materials and finishes to indicate high-quality and durability.

Reserved Matter 2

Final details of acoustic attenuation measures intended for the proposed land uses to be incorporated in the development, to ensure these elements will achieve suitable acoustic conditions in accordance with expectations of the Planning and Design Code policy.

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 including the Affordable Housing Plan approved by the SA Housing Authority on 21 December 2023, submitted to the State Planning Commission, except where varied by conditions below (if any).

Condition 2

All on-site vehicle parking be constructed in accordance with the relevant standard/s, including provision for off-street parking for people with disabilities.

Condition 3

The development shall be designed and constructed to be accordance with the Ministerial Building Standard MBS 010 *Construction requirements for the control of external sound (MBS 010)* to mitigate against noise ingress from Anzac Highway and mixed land uses.

Condition 4

All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2018 (Part 3) to ensure that stormwater does not adversely affect any building, adjoining property or public road.

Condition 5

Waste collection shall be scheduled to occur between the hours of 9am and 7pm on a Sunday or public holiday and 7am and 7pm on any other day.

Condition 6

The planting and landscaping identified on the stamped and approved plans granted Planning Consent shall be undertaken in the first planting season concurrent with or following substantial completion of the development. Such planting and landscaping shall be irrigated and maintained thereafter with any plants which become diseased, or die must be replaced within the next available growing season with suitable species, to the satisfaction of the State Planning Commission.

Condition 7

All bicycle parks shall be designed and constructed in accordance with Australian Standard AS2890.3-2015.

Condition 8

The Certificate of Occupancy shall not be issued until appropriate rights of access over adjoining land have been secured for the purposes of waste collection.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 9

Remediation works must be undertaken in accordance with the following reports and must be overseen by a suitably qualified and experienced site contamination consultant;

- a. *'Remediation Options Assessment and Site Remediation Plan, 10 Anzac Highway, Forestville'*, prepared by Greencap dated 4 August 2023;
- b. *'Site remediation plan addendum, 10 Anzac Highway, Forestville'*, prepared by Greencap, dated 4 August 2023;
- c. *'Construction Environmental Management Plan, 10 Anzac Highway, Forestville'*, prepared by Greencap, dated August 2023.

Condition 10

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Condition 11

For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination auditor informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.

Conditions imposed by SA Housing Authority

Condition 12

The applicant must provide a minimum of 15% as 'affordable housing' of all dwellings in accordance with the criteria determined by the Government Gazette 8 September 2022 under regulation 4 of the *South Australian Housing Trust Regulations 2010* (or any updates); Affordable Housing Plan approved on 21 December 2023; and planning report *Locale 1 – Apartment Development for 10 Anzac Highway, Forestville* by Future Urban on 28 11 2023.

ADVISORY NOTES

Advisory Note 1

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 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 Relevant Authority).

Advisory Note 3

No works, including site works can commence until a Development Approval has been granted.

Advisory Note 4

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 costs associated with these works shall be met by the proponent.

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. For further information about appropriate management of construction site, please contact the relevant Local Government Authority.

Advisory Note 6

A Construction Environmental Management Plan (CEMP) should be prepared in collaboration with, and to the satisfaction of, the Local Government Authority prior to the issue of Development Approval. The approved CEMP shall be implemented throughout the development and should incorporate, without being limited to, the following matters:

- a. Car parking and access arrangements for tradespersons
- b. Siting of materials storage
- c. Site offices
- d. Work in the Public Realm
- e. Hoarding
- f. Site amenities
- g. Traffic requirements including construction access/egress and heavy vehicle routes
- h. Reinstatement of infrastructure
- i. Site contamination management, if required (prepared by a suitably qualified and experienced site contamination consultant in accordance with EPA guidelines)

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 7

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

Advisory Notes imposed by SA Housing Authority

Advisory Note 8

The applicant is encouraged to market and offer for sale to eligible buyers in accordance with the criteria in the Affordable Housing Government Gazette Notice (under regulation 4 of the *South Australian Housing Trust Regulations 2010*) and the requirements for developers offering affordable housing under the SA Housing Authority's HomeSeeker SA program. Email homeseeker.partners@sa.gov.au for more information.

2.2.3 Samaras Construction & Developments C/- URPS

23022874

15-19 Halifax Street, Adelaide

Construction of a thirteen-level mixed-use building comprising tourist accommodation and ancillary amenities (floors 3 to 12), ground-floor level bar, restaurants, car parking, roof-mounted solar panels and associated landscaping.

David Altmann declared a conflict of interest due to a family member working for a firm that acts for the applicant. He was not present for this item.

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

Applicant

- Theresa James
- David Girolamo
- Russel Biar
- Chris Samaras
- George Samaras

Agencies

- Aya Shirai-Doull (ODASA)
- Damien Heffernan (ODASA)

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 23022874, by Samaras Construction & Developments C/- URPS is granted Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

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 prior to the granting of Development Approval.

Reserved Matter 1

The State Planning Commission shall be provided with a detailed Civil and Stormwater Plan for the development prepared and certified by a suitably experienced Engineer, in consultation with the City of Adelaide.

Reserved Matter 2

The applicant shall submit a final detailed schedule of external materials and finishes and a physical samples board prepared in consultation with the Government Architect.

Reserved Matter 3

An Environmental Wind Assessment Report shall be provided confirming the physical means of mitigating predicted wind impacts.

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

Waste collection will be restricted to between the hours of 9:00 am and 7:00 pm on a Sunday or public holiday, or between 7:00 am and 7:00 pm on any other day.

Condition 3

The hours of operation herein approved are as follows:

Ground-floor level bar and level 2 bar:

- Monday to Friday 7:00 am to 10:00 pm
- Saturday 7:00 am to 10:00 pm
- Sunday 7:00 am to 10:00 pm
- Public Holiday 7:00 am to 10:00 pm

Level 12 restaurant / bar including outdoor terrace:

- Monday to Friday 7:00 am to 12:00 am
- Saturday 7:00 am to 12:00 am
- Sunday 7:00 am to 12:00 am
- Public Holiday 7:00 am to 12:00 am

Any variation to these hours of operation will require a further consent.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 4

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued by a site contamination consultant certifying the land is suitable for the proposed use.

Condition 5

If a certificate of occupancy is not required pursuant to regulation 103 of the *Planning, Development and Infrastructure (General) Regulations 2017*, a person must not occupy the building for the purpose authorised under the development approval until a statement of site suitability is issued by a site contamination consultant certifying the land is suitable for the proposed use.

ADVISORY NOTES

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 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 ERD Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 4

No works, including site works can commence until a Development Approval has been granted.

Advisory Note 5

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 costs associated with these works shall be met by the proponent.

Advisory Note 6

Unless exempt from requiring development approval, no additional signs shall be constructed or displayed on the land without the approval of Council.

Advisory Note 7

The finished floor-level of the ground floor-level of the site must match the levels of the adjacent road at the boundary.

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 8

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

2.2.4 Kite Projects C/- URPS

23030301

Lot 118 Ocean Steamers Road, Port Adelaide

Four level residential flat building comprising 86 dwellings.

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

Applicant

- Theresa James
- Enzo Caroscio
- Ben Colmer

Agencies

- Belinda Chan (ODASA)
- Damien Heffernan (ODASA)
- Adam Navarro (SAHA)

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.
- 2) Development Application Number 23030301, by Kite Projects C/- URPS is granted Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

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 prior to the granting of Development Approval.

Reserved Matter 1

A final detailed schedule and physical samples board of external materials and finishes that are appropriate for the marine environment in consultation with the Government Architect.

Reserved Matter 2

A detailed engineering siteworks and drainage plan with finished floor levels, street levels at the building interface, and stormwater management for the development shall be prepared by a suitably qualified engineer in consultation with the City of Port Adelaide Enfield.

Reserved Matter 3

The applicant shall submit a Waste Management Plan prepared in consultation with the City of Port Adelaide Enfield that manages waste in a safe and convenient manner without detrimentally impacting the amenity of residential properties within the locality.

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

The planting and landscaping identified on the stamped and approved plans granted Planning Consent shall be undertaken in the first planting season concurrent with or following substantial completion of the development. Such planting and landscaping shall be irrigated and maintained thereafter with any plants which become diseased or die must be replaced within the next available growing season with suitable species, to the satisfaction of the State Planning Commission.

Conditions imposed by Coast Protection Board under Section 122 of the Act

Condition 3

The stormwater management system associated with the development shall be designed in such a way so as to minimise pollution to the coastal environment.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 4

Remediation works must be undertaken in accordance with the '*Remediation Plan Addendum, Port Approach South, Port Adelaide*', prepared by Agon Environmental (14 June 2023) and must be overseen by a suitably qualified and experienced site contamination consultant.

Condition 5

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

If a certificate of occupancy is not required pursuant to regulation 103 of the *Planning, Development and Infrastructure (General) Regulations 2017*, a person must not occupy the building for the purpose authorised under the development approval until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Condition 6

For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination auditor informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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 2

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 ERD Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 3

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Relevant Authority).

Advisory Note 4

No works, including site works can commence until a Development Approval has been granted.

Advisory Note 5

The granting of this consent does not remove the need for the Applicant to obtain all other consents that may be required by other statutes or regulations. The Applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.

The consent does not override the authority of any encumbrance or easement that might be present on the land. The applicant is reminded that approval must be obtained from any encumbrancer prior to any works commencing on the land.

Advisory Note 6

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 costs associated with these works shall be met by the proponent. The Council recommends that photographs be taken of the infrastructure adjacent the development, prior to the commencement of works.

Advisory Notes imposed by Coast Protection Board under Section 122 of the Act

Advisory Note 7

The waters adjacent the development site fall within the area covered by the *Adelaide Dolphin Sanctuary Act 2005*. The object of the Act is to protect the dolphin population and their natural habitat. Contractors should be made aware of the *Adelaide Dolphin Sanctuary Act 2005* and that there is a general duty of care to ensure the protection of the dolphin population from direct physical harm including as a result of changes in water quality.

Advisory Note 8

The applicant is reminded of their general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not cause environmental harm.

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 9

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

2. 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 10 April 2024 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 3:00pm.

Confirmed 28/03/2024



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Rebecca Thomas
PRESIDING MEMBER



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Rebecca Rutschack
DEPUTY PRESIDING MEMBER (for items 2.2.1 and 2.2.2 only)