



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 115th Meeting of the
State Commission Assessment Panel
held on Wednesday 23 June 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	Rebecca Rutschack (Deputy Presiding Member) John Eckert Emma Herriman Paul Leadbeter Grant Pember Mark Adcock (Occasional Member) Peter Jensen (Occasional Member)
Secretary	Ben Sieben, Governance Officer
AGD Staff	Jason Cattonar Brett Miller (2.2.1) Renae Grida (2.2.2)

1.2. APOLOGIES	Rebecca Rutschack (Deputy Presiding Member) Paul Leadbeter
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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 88 OCONNELL PTY LTD

020/A198/21

88 O'Connell Street, North Adelaide

Construction of a mixed use building comprising 3 residential towers (2 x 13 storeys and 1 x 15 storeys), retail and commercial tenancies on the ground, first and second floors, 2.5 levels of basement carparking with loading and servicing areas and publicly accessible outdoor terrace on the second floor.

Rebecca Thomas and Emma Herriman declared a conflicts of interest and were not present for this item.

While not present at the meeting, Rebecca Rutschack had also previously declared a conflict of interest for this item.

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

Applicant

- Jamie McClurg
- Thomas Masullo
- Michael Osborn
- Tony Perrin
- Waleed Moughraby
- Ben Wilson

Agencies

- Jodi Davy (SA Housing Authority)
- Peter Wells (DEW)
- Kirsteen Mackay (ODASA)
- Ellen Liebelt (ODASA)

Council

- Rachel Tassone
- Eduardo Pool
- Sean Howie

Representations

- Sue Clearihan
- Geoffrey Walker
- Sandy Wilkinson
- Stuart Lindsay

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 City of Adelaide Development Plan.

- 3) To grant Development Plan Consent to the proposal by 88 O'CONNELL PTY LTD for Construction of a mixed use building comprising 3 residential towers (2 x 13 storeys and 1 x 15 storeys), retail and commercial tenancies on the ground, first and second floors, 2.5 levels of basement car parking with loading and servicing areas and publicly accessible outdoor terrace on the second floor at 62-100 O'Connell Street, North 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, to the satisfaction of the State Commission Assessment Panel, prior to the granting of Development Approval:
 - a. A detailed landscaping plan, with particular focus on the upper level open space, specifying all areas to be landscaped (hard and soft), including a list of the species to be planted, the height of the species at the time of planting and the estimated mature height of all plants shall be submitted to the reasonable satisfaction of the State Commission Assessment Panel. The plan shall also identify planting medium depths, irrigation methods and other features of the landscaping scheme to demonstrate viability of all proposed plantings.
 - b. Final material palette and samples board provided demonstrating use of high quality, durable materials to be provided in consultation with the Office for Design and Architecture.
 - c. Refinement of the architectural expression of the podium, including façade treatments, to provide a more fine grain, contextual response to the street frontages of the building, to be provided in consultation with the Office for Design and Architecture. This refinement shall address PDC's 10 (a) and (f) and 22 (b) and (d) of the Main Street (O'Connell) Zone.

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 for condition: To ensure the development is constructed in accordance with endorsed plans and application details.

2. Waste management shall be undertaken in accordance with the waste management plan submitted with the application

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

3. The recommendations from the Wind Comfort Study (16 March 2021) shall be incorporated in the detailed design documentation prior to the granting of final development approval.

Reason for condition: To ensure wind tunnel effects are minimised to the public areas.

4. Prior to Development Approval for substructure works, the applicant shall submit a final stormwater management plan prepared in consultation with the City of Adelaide and to the reasonable satisfaction of the State Commission Assessment Panel. The plan shall indicate any potential connection of stormwater discharge to Councils underground drainage system

Reason for condition: To ensure stormwater infrastructure is designed and constructed in accordance with the requirements of the City of Adelaide.

5. All collected drainage water from any planter boxes, seepage collection systems, water features, swimming pools and/or spas located on the Land shall be discharged to the sewer.

Reason: To ensure that adequate provision is made for the dispersal of collected water.

6. The establishment of all landscaping shall be undertaken within 3 months of the substantial completion of the Development and in any event prior to the occupation or use of the Development. Such landscaping shall be maintained in good health and condition with any dead or diseased plants or trees being replaced.

Reason: To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the Development.

7. Lighting shall be provided to the vehicle and apartment entries and shall be operational during the hours of darkness at all times.

Reason: To ensure the development does not create areas with insufficient lighting.

8. The development will 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.

9. The two east-west connections through the site shall remain open and unimpeded for general public access between the hours of 7:00am and 1:00am every day of the week.

Reason: To provide public access through the site.

State Heritage Condition

10. With particular reference to State Heritage Place SH/13527 at 56-60 O'Connell Street, a Construction Vibration Management Plan (CVMP) shall be prepared that establishes:
 - a) appropriate vibration limits in the proximity of the heritage place as informed by DIN 4150-3;
 - b) appropriate construction techniques to limit vibration to the established limits, and exclusion zones for equipment and construction practices that are likely to exceed these;
 - c) appropriate monitoring techniques to ensure vibration limits are not exceeded;
 - d) risk management procedures for any works that are likely to exceed established limits to ensure the protection and preservation of fabric of heritage significance;
 - e) a regime of regular inspection of the heritage fabric to ensure no damage is arising from the works; and
 - f) procedures to be followed if any structural distress or damage is identified in the heritage fabric.

A copy of the CVMP shall be provided to the satisfaction of the relevant planning authority in consultation with Heritage South Australia (Department for Environment and Water) prior to commencement of works on site

Reason for condition: To ensure ground vibrations associated with site works and construction do not cause damage or distress to building fabric of heritage significance.

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 Corporation of the City of Adelaide WILL NOT adjust footpath levels to suit finished building levels. The existing footpath levels are to be retained and entrance levels of the development must meet the existing back of footpath.
- e. A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of Adelaide (Council) and implemented throughout construction 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. 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 Adelaide.
- g. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths transverse by vehicles using the site are to be maintained in a reasonable condition for the duration of the works and are to be reinstated to the satisfaction of Council on completion of the works.
- h. Development Approval will not be granted 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 classification is permitted until the Development Approval has been obtained.
- i. Lighting shall be installed to the awning at street level on Tynte Street, O'Connell Street and Archer Street in accordance with Council's guideline entitled "Under Verandah/Awning Lighting Guidelines" at all times to the reasonable satisfaction of the Council and prior to the occupation or use of the Development. Such lighting shall be operational during the hours of darkness at all times to the reasonable satisfaction of Council.
- j. A Building Site Management Plan is required prior to construction work beginning on site. The Building Site Management Plan should include details of such items as:
- Work in the Public Realm
 - Street Occupation
 - Hoarding
 - Site Amenities
 - Traffic Requirements
 - Servicing Site
 - Adjoining Buildings
 - Reinstatement of Infrastructure.

Site Theft

Unsecured building sites have been identified as a soft target for vandalism and theft of general building materials. The Adelaide Local Service Area Police and the Adelaide City Council are working together to help improve security at building sites. Items most commonly stolen or damaged are tools, water heaters and white goods. To minimise the risk of theft and damage, consider co-ordinating the delivery and installation of the goods on the same day. Work with your builder to secure the site with a fence and lockable gate. Securing the site is essential to prevent unauthorised vehicle access and establishes clear ownership.

- k. Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. 48 hours' notice is required before commencement of any activity.

The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at www.cityofadelaide.com.au

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

Please note: Upfront payment is required for all city works applications.

Applications can be received by Council via the following:

Email: cityworks@cityofadelaide.com.au

Fax: 8203 7674

In Person: 25 Pirie Street, Adelaide

- l. Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs as a result of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage.
- m. No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved.
- n. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Environment and Water. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
- o. The applicant is advised of the following requirements of the *Heritage Places Act 1993*.
- (a) 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.
 - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

2.2.2 Victoria Tower (SA) Pty Ltd C/- Future Urban Pty Ltd

020/A155/20

36 Grote Street, Adelaide

Demolition of existing structures and construction of a 33-storey mixed use building and car parking, accessed from Penaluna Place.

While not present at the meeting, Rebecca Rutschack had previously declared a conflict of interest for this item.

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

Applicant

- Fabian Barone
- Peter Petrou
- James Levinson
- Bruce Harry

Agencies

- Kirsteen Mackay (ODASA)
- Aya Shirai-Doull (ODASA)
- Peter Wells (DEW)

Council

- Eva Haisova
- Seb Grose

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 Victoria Tower (SA) Pty Ltd C/- Future Urban Group for demolition of existing structures and construction of a 33-storey mixed use building (comprising residential, office and retail) and car parking accessed from Penaluna Place at 21-59 Grote 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, to the satisfaction of the Manager, Development Assessment, prior to the granting of Development Approval:
 - a. The applicant shall amend the Grote Street canopy with the intention to maximise its width subject to existing street trees and Council's encroachment policy requirements.

PLANNING CONDITIONS

1. The development shall be undertaken in strict accordance with the stamped plans, documents, technical reports and details submitted in Development Application 020/A155/2.

Reason for condition: To ensure the development is undertaken in accordance with endorsed plans and application details.

2. All stormwater design and construction shall be in accordance with Australian Standard AS/NZS3500.3:2015 (Part 3) and the requirements of the City of Adelaide to ensure that stormwater does not adversely affect any adjoining property or public road.

Reason for condition: To ensure stormwater runoff and connection to infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads.

3. All acoustic attenuation measures recommended (on pages 10-15) in the report prepared by Bestec, dated 4 May 2020 that forms part of the stamped documentation shall be installed and completed prior to the occupation or use of the development.

Reason for condition: To ensure the development does not result in unreasonable nuisance or loss of amenity in the locality.

4. The development will 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.

5. Waste management shall be undertaken in accordance with the waste management plan prepared by Colby Phillips Advisory, dated 29 July 2020, that forms part of the stamped documentation.

Reason for condition: To ensure waste management is undertaken in such a way so as to minimise potential for adverse impacts.

6. The recommendations (on pages 5-7) in the Traffic and Parking Assessment dated 9 September 2020 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.

7. Prior to the commencement of the development, the applicant shall provide to the State Planning Commission evidence of having obtained the legal authority to be able to undertake the road works to Penaluna Place detailed in the application documents.

Reason: To ensure safe and compliant pedestrian and vehicle access to and from the site.

8. Final design of the civil works along Penaluna Place shall extend the pedestrian footpath along the full length of the western site boundary at a single level.

Reason: To ensure safe and compliant pedestrian access.

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 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 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 granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes and regulations.
- e. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Environment and Water. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
- f. 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.
- g. The Applicant is advised of the following 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*.
- h. A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of Adelaide (Council) and implemented throughout construction 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 reestablishment 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; and
 - protection and cleaning of roads and pathways; and overall site clean-up.
- i. 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 Adelaide.

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 30 June 2021 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 3.51pm.

Confirmed 23/06/2021



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Rebecca Thomas
PRESIDING MEMBER (for all Items other than 2.2.1)



.....
John Eckert
ACTING PRESIDING MEMBER (for Item 2.2.1 only)