



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 127th Meeting of the
State Commission Assessment Panel
held on Wednesday 24th November 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 Grant Pember David Altmann
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Brett Miller Karl Woehle (2.2.1) Matthew Henderson (2.2.2) Hannah Connell (2.2.3)

1.2. APOLOGIES

Paul Leadbeter

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 Eminent Homes Pty Ltd C/- Masterplan SA Pty Ltd 050/M012/21 (Land-Use) 050/D010/21 (Land Division)

250 Churchill Road, Prospect

Construction of two (2) multi-story residential flat buildings (up to 7 storeys) and 18 three (3) storey row dwellings with landscaping, car parking and the division of land (2 into 21).

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

Applicant

- Greg Vincent (Masterplan)
- Tom Jarrett (PACT Architects)
- Lauren Gilbert (PACT Architects)
- David Kwong (GTA)
- Ben Birdseye (Birdseye Studios)
- Susan Pierce (Eminent Homes)
- Thomas Pierce (Eminent Homes)

Agencies

- Jim Psyridis (Department for Infrastructure and Transport)
- Belinda Chan (ODASA)
- Sophie Newland (ODASA)

Council

- Susan Giles (City of Prospect)

The State Commission Assessment Panel discussed the application.

RESOLVED

LAND USE – DA 050/M012/21

- 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 Prospect Development Plan.
- 3) To grant Development Plan Consent to the proposal by Eminent Homes Pty Ltd C/- Masterplan SA Pty Ltd for Construction of two (2) multi-story residential flat buildings (7 storeys) and 18 three (3) storey row dwellings with landscaping and car parking at 250 Churchill Road, Prospect subject to the following conditions of consent.

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

2. 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 for condition: 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.

3. 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) prior to the occupation or use of the development.

Reason for condition: To ensure safe operation of the development.

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

Reason for condition: To ensure safe operation of the development

5. 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.

6. Landscaping shown on the approved plans shall be established within two weeks of the issuance of the certificate of occupancy for the development. Plantings shall be irrigated, maintained, and nurtured at all times with any missing, damaged, diseased or dying plants being replaced.

Reason for condition: To ensure landscaping plan is implemented

7. Prior to granting Development Approval, the applicant shall confirm the class and finish of the precast concrete, to the reasonable satisfaction of the State Planning Commission in consultation with the Government Architect.

Reason: To ensure the finish of the precast concrete is consistent with the architectural drawings.

8. Prior to granting Development Approval, the applicant shall provide:

- the location and screening details of all air-conditioning plant for the three storey townhouses; and
- screening and landscaping treatment for the transformer

to the reasonable satisfaction of the State Planning Commission.

Reason for condition: To ensure all plant is adequately screened from view.

Commissioner of Highways Conditions

9. Access to the site shall be gained as shown on Birdseye Studios Landscape Architects, Landscape Concept Plan, Prospect 1838 – Stage 2, Drawing No. 19051 SK01, Revision F dated 11 March 2021 and GTA Figure 3.2: Proposed Access Locations (Reference S153221, issue A dated 11 March 2021).

Reason for condition: To ensure safe operation of the development.

10. The access points (including Rights of Way 'C' and 'D' in 050/D010/21) shall be suitably designed to accommodate the expected traffic flows and size of vehicles.

Reason for condition: To ensure safe operation of the development.

11. All on-site and off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian

Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving access points and pedestrians on the adjacent footpath.

Reason for condition: To ensure safe operation of the development

12. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Churchill Road, Payinthe Drive and Devonport Terrace. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

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

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 subject development formalises the Payinthe Drive connection to Churchill Road and as a result the Metropolitan Adelaide Road Widening Plan (MARWP) indicates that a 4.5 metres x 4.5 metres cut-off should be provided from the Churchill Road/Payinthe Drive corner and the Churchill Road/Devonport Terrace corner of the site for possible future road purposes.

A further review of the Birdseye Studios Landscape Architects, Landscape Concept Plan, Prospect 1838 – Stage 2 (refer Drawing No. 19051 SK01, Revision F dated 11 March 2021) and associated land division plans (DA 050/D010/21) the proposal has provided a 4.01 x 4.0 metre corner cut at the Churchill Road/ Devonport Terrace and the corner cut off at the Churchill Road/Payinthe Drive corner has been provided with recent construction of this intersection. DIT is satisfied that the corner cut offs fulfil the intent of the above MARWP requirements.

The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all new building works located on or within 6 metres of the possible requirement. Please contact the DIT officer for a copy of the MARWP consent form

- e. A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of Prospect (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 o overall site clean-up
- f. 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.
 - g. 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 Prospect.
 - h. 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.
 - i. 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.

RESOLVED

LAND Division – DA 050/D010/21

- 4) That the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 5) 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 Prospect Development Plan.
- 6) To grant Development Plan Consent, Land Division Consent and Development Approval to the proposal by Eminent Homes Pty Ltd C/- Masterplan SA Pty Ltd for the division of land (2 into 21) at 250 Churchill Road, Prospect subject to the following conditions of consent.

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

Commissioner of Highways Conditions

2. All access to the site shall be gained as shown on Pyper Leaker Plan of Division, PL8937-STG2, Sheet 1 and 2, Revision 0, dated 11 March 2021. No direct vehicular access to Churchill Road will be permitted
3. The Rights of Way 'C' and 'D' shall be suitably designed to accommodate the expected traffic flows and size of vehicles.
4. The Rights of Way 'C' and 'D' and all internal manoeuvring areas shall be clear of all obstructions.
5. All on-site and off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving access points and pedestrians on the adjacent footpath.

6. Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
7. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Churchill Road, Payinthe Drive and Devonport Terrace. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Environmental Protection Agency

8. 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 SCAP prior to Development Approval.

LAND DIVISION REQUIREMENTS:

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.
2. The augmentation requirements of the SA Water Corporation shall be met.
3. The necessary easements shall be granted to the SA Water Corporation free of cost.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.
5. SA Water - On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
6. An investigation will be carried out to determine if the connection/s to your development will be Costed as standard or non-standard

City of Prospect Conditions

7. Clearance pursuant to Section 138 of the Planning, Development and Infrastructure Act 2016, will not be issued until all the conditions of development plan consent have been satisfied. To allow for Section 138 clearance prior to the completion of public infrastructure, the Developer may enter into a bond agreement with Council for the full cost of the infrastructure works.
8. Roads, water tables and kerbing are to be constructed in accordance with Regulations 81 through to 85 of the Planning, Development and Infrastructure Regulations 2017, and the Real Property (Land Division) Regulations 1995, unless otherwise varied by the conditions herein or via Engineering Approval.
9. Prior to construction commencing, Engineering Approval must be obtained from Council. Sufficient documentation is required for assessment which may include:
 - Staging plan
 - General construction plan
 - Geometric road setout plan
 - Geometric drainage setout plan
 - Final surface contours plan
 - Cut and fill plan
 - Pavement treatment plan
 - Intersection design contour plan
 - Traffic control plan (linemarking and signage)
 - On-street parking and driveway crossover plan
 - Waste management (garbage collection) plan
 - Soil erosion and drainage management plan (SEDMP)

- Landscaping plans
 - Road longitudinal sections
 - Road cross sections
 - Drainage longitudinal sections
 - Drainage cross sections
 - Construction details
 - Construction specifications
 - Stormwater calculations
 - Pavement calculations
 - Any other relevant plans, reports or calculations
10. Engineering Construction Specifications for all civil works shall be submitted by the Engineer and approved by Council's Infrastructure, Assets and Environment Department prior to Engineering Approval being granted.
 11. A plan shall be submitted to Council's Infrastructure, Assets and Environment Department which indicates the proposed locations of street signage prior to Engineering Approval being granted.
 12. Detailed drawings, including a scaled contoured plan is required to be submitted to Council by the Developer to include areas of drainage, paths, lighting, irrigation, fencing, park furniture, bollards, plantings, and any other infrastructure, prior to Engineering Approval being granted.
 13. Cross falls on roads shall be typically 3% unless otherwise approved by Council. The minimum longitudinal grade on roads shall be 0.5% and the maximum longitudinal grade to be no greater than 12%, unless otherwise approved by Council.
 14. All line-marking shall be designed and constructed in accordance with the relevant Australian Standards and the DIT Pavement Marking Manual 2015. Pavement bars and associated line marking shall be provided at 90 degree bends, designed and constructed in accordance with relevant Austroads, Australian and DIT standards.
 15. Road pavements shall be designed with a 30 year design life, unless otherwise approved by Council. Pavement designs should be in accordance with Pavement Design for Light Traffic, a Supplement to Austroads Pavement Design Guide.
 16. Prior to placement of any road pavement material all public utility service excavations under the road pavement are to be completed. Public service trenches are to be backfilled and compacted in accordance with AS 1289 – Methods of testing soils for engineering purposes.
 17. Pedestrian access must be provided by footpaths within the development in accordance with the Disability Discrimination Act (DDA) requirements and AS 1428.1 – Design for access and mobility. Pedestrian ramps are to be provided at every road crossing where footpaths are to be provided and are to align with existing footpaths in accordance with the DDA requirements and AS 1428.1 – Design for access and mobility.
 18. Council is to be notified by the Superintendent of the following stages of road construction:
 - Drainage** - prior to backfilling trenches
 - Sub grade** - inspection of proof roll prior to application of sub base
 - Base course** - inspection prior to sealing
 19. Once the works have reached Practical Completion, the Superintendent is to notify Council and a practical completion inspection is to be undertaken by the Contractor, the Superintendent and a Council Representative. A Practical Completion Certificate which states that all the works have been completed in accordance with the approved plans and specification along with a defects list which has been prepared by the Superintendent must be submitted to Council and accepted by Council. Where multiple contractors are involved, separate practical-completion certificates shall be provided which outline the included scope of works relevant to each certificate.
 20. Practical Completion will not be accepted until a copy of the Practical Completion Certificate that all electrical works have been constructed, energised and certified by SAPN, has been received by Council from the Superintendent.

21. The Developer is required to maintain the road, drainage and reserve infrastructure works for a 12 month defect liability period from the date of Practical Completion or the date of rectification if the defect item is considered major by Council.

ADVISORY NOTES

- a. The development must be substantially commenced or application for certificate made within 24 months of the date of the operative authorisation, unless this period has been extended by the SCAP.
- b. The authorisation will lapse if not commenced within 24 months of the date of operative authorisation.
- c. The applicant is also advised that the final land division certificate must be obtained from the SCAP to complete the development within 3 years of the date of the Notification unless this period is extended by the SCAP.
- d. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan 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 Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289)

2.2.2 Proactive Property Pty Ltd C/- Future Urban Pty Ltd

211/M101/20

2-8 Stirling Street, Thebarton

Seven storey office building, inclusive of ground floor café tenancy and associated standalone seven storey car park building, inclusive of small tenancy, together with at-grade car parking and landscaping.

Rebecca Rutschack declared a conflict of interest due to her employer acting for a representor and left the meeting for this agenda item.

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

Applicant

- Chris Vounasis (Future Urban)
- Tim Ross (BELL Architects)
- Bethany Andretzke (Future Urban)
- Judith Bujack (Proactive Property Pty Ltd)

Representations

- Chris Whittaker
- Marcus Rolfe

Agency

- Kevin O'Sullivan (Department for Environment and Water)
- Belinda Chan (ODASA)
- Sophie Newland (ODASA)

Council

- Brendan Fewster (City of West Torrens)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) The State Commission Assessment Panel resolves that the proposed development is not seriously at variance with the policies in the Development Plan.

- 2) The State Commission Assessment Panel resolves to REFUSE Development Plan Consent to DA 211/M101/20 by Proactive Property Pty Ltd C/- Future Urban for a seven-storey office building, inclusive of ground floor café tenancy and associated standalone seven storey car park building, inclusive of small tenancy, together with at-grade car parking and landscaping at 2 – 8 Stirling Street, Thebarton for the reasons listed below:
- the proposal is not in accordance with Objective 4, PDC 5, PDC 6 and the Desired Character Statement (DCS) of the Urban Corridor Zone, Business Policy Area 37 as it:
 - is adjacent to a State Heritage Place (SHP) and does not contain design elements and building materials that are complementary to the SHP
 - proposes car parking above ground in a separate structure, rather than to the rear or underneath a building
 - exceeds the height guideline in the DCS
 - the proposal is not in accordance with Objectives 2 and 3 of the Urban Corridor Zone, Business Policy Area 37 as it:
 - does not meet the high design standard expected of development in the Zone and Policy Area
 - does not minimise adverse amenity impacts on the locality
 - the proposal is not in accordance with PDC 7 and 22 (b) of the Urban Corridor Zone as:
 - it does not include a clearly defined podium, with the built form above podium being stepped back
 - the multi-deck parking structure does not complement the surrounding built form in terms of height, massing and scale
 - the proposal is not in accordance with Objective 3 and PDC 6 of the General Section, Heritage Places, or PDC 7 and PDC 8 of the General Section, Design and Appearance as it:
 - does not contribute to the conservation of the setting of the adjacent State Heritage Place (SHP)
 - materially affects the context within which the SHP is situated by way of incompatible bulk and scale, proportion and composition of design elements and colour and texture of external materials
 - detracts from the form and materials of the adjacent SHP
 - is not sited and designed to maintain the visual prominence of the adjacent SHP or reinforce the historic character of the SHP
 - the proposal is not in accordance with Objective 1 and PDC 2 of the General Section, Interface Between Land Uses as it does not minimise amenity impacts on the adjacent existing land uses in the locality.

2.2.3 GM Hotels

155/L033/21

120 Magill Road, Norwood

Construction of a 6-storey mixed-use building containing nine apartments, a ground level shop, car parking and landscaping (in association with the existing hotel).

Rebecca Rutschack declared a conflict of interest due to her employer acting for 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

- Matthew King (URPS)
- Jason Schulz (DASH Architects)
- Ben Wilson (CIRQA)
- Greg Maitland (GM Hotels)
- Kon Panagopoulos (KP Architects)

Representations

- Phillip Brunning
- Melinda Bailey

Council

- Mark Thomson (City of Norwood Payneham & St Peters)
- David Brown (City of Norwood Payneham & St Peters)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) The proposed development is not seriously at variance with the policies in the Development Plan.
- 2) To refuse Development Plan Consent to the proposal by GM Hotels, comprised in Development Application 155/L033/21, on the land 120 Magill Road, Norwood SA 5067 for the following reasons:
 - the proposal significantly departs from the height and scale anticipated in the Desired Character Statement within Magill Road West Policy Area, and Principle of Development Control 7 of the Business Zone.

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 8 December 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 3.10pm.



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Rebecca Thomas
PRESIDING MEMBER

