



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 103rd Meeting of the
State Commission Assessment Panel
Held on Wednesday 27 January 2021 commencing at 9.30am
Kardi Munaintya Meeting Room, Ground Floor 50 Flinders Street, Adelaide
/ Microsoft Teams video conferencing

1. OPENING

1.1. PRESENT

Presiding Member	Rebecca Thomas
Members	Dennis Mutton (Deputy Presiding Member) John Eckert Emma Herriman Paul Leadbeter Grant Pember
Acting Secretary	Nicholas Kretschmer
AGD Staff	Hannah Connell (Agenda Item 2.2.1) Lauren Talbot (Agenda Item 2.2.2) Elysse Kuhar (Agenda Item 2.2.3) Laura Kerber (Agenda Item 3.2.1) Simon Neldner (Agenda Item 3.2.1) Troy Fountain (Agenda Item 2.2.1) Brett Miller (Agenda Item 2.2.2, 2.2.3) Jason Cattonar (Agenda Item 2.2.1, 2.2.2, 2.2.3)

1.2. APOLOGIES Nil

Note: Meeting procedures of the SCAP have been modified in the light of COVID-19 and State Government protocols. Where possible participation in this meeting has been undertaken remotely to minimise risks.

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS – Nil

2.2. NEW APPLICATIONS

2.2.1 **PHILLIPS / PILKINGTON ARCHITECTS (ON BEHALF OF THE BAROSSA COUNCIL)**
DA 960/L019/20
3 Basedow Road, Tanunda
The Barossa Council

Proposal: Alterations and additions to the Barossa Regional Gallery and the Tanunda Soldiers Memorial Hall, including a new single storey extension (Barossa Cultural Hub) comprising a heritage centre, recording production / green room, art studio / workshop, foyer and bar together with a centralised courtyard, outdoor performance areas and associated car park, lighting, landscaping and stone feature walls.

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

Applicants

- David Barrone, Jensen Plus
- Susan Phillips, Phillips Pilkington

Council

- Joanne Thomas
- Steve Kaesler

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) RESOLVE that the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Barossa Council Development Plan.
- 3) RESOLVE to grant Development Plan Consent to the proposal by Phillips / Pilkington Architects (On behalf of the Barossa Council) for DA 960/L019/20 for alterations and additions to the Barossa Regional Gallery and the Tanunda Soldiers Memorial Hall, including a new single storey extension (Barossa Cultural Hub) comprising a heritage centre, recording production / green room, art studio / workshop, foyer and bar together with a centralised courtyard, outdoor performance areas and associated car park, lighting, landscaping and stone feature walls at CT 5870/751, CT 5843/102, CT 5133/410 and CT 6238/90 subject to the following conditions of consent.

PLANNING CONDITIONS

1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

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

2. The approved development shall be restricted to the following:
 - Ensure that ancillary activities within the outdoor area including people outdoors and performances cease by 10:00pm other than for a designated event (refer to separate assessment below for occasional events);
 - Construct a solid screen between any roof mounted plant and all noise sensitive locations to the north and east. The barrier should be constructed from a solid material (such as "Colorbond") and be sealed airtight at all junctions, noting a small gap may be required at the roof deck for drainage. The height of the barrier should be no less than the height of the equipment it shields;

- Ensure the area designated “CASUAL OUTDOOR PERFORMANCE AREA” accommodates only unamplified performances and the performer is orientated toward Basedow Road;
- Ensure amplification is only used in the “PERFORMANCE STAGE” area;
- Utilise an in-house speaker system for the “PERFORMANCE STAGE” only (that is, performers cannot bring in their own amplification other than for designated events); and
- Calibrate and operate the in-house speaker system such that a noise level of 70 dB(A) is not exceeded at a distance of 10m from the system. All speakers shall face north towards Basedow Road and have a localised barrier which blocks line of sight to the residences east of the performance area.

Reason for condition: To minimise potential impacts on adjoining land

3. The number of functions/special events shall be restricted to the following:

- Limit the number of outdoor concerts to no more than six per calendar year;
- Limit music to the hours between 12 noon and 11pm for outdoor concerts with a music duration less than 5 hours;
- Restrict the level of music from an outdoor concert such that the speaker arrangement is directed toward Basedow Road, with a barrier to the east and generates no more than an equivalent noise level LAeq of 95 dB(A) at a distance of 10m. Alternately, a noise model can be prepared which provides the noise level which must be maintained at the mixing desk to ensure that an equivalent noise level LAeq of 65 dB(A) is achieved at the nearest dwelling for the proposed speaker arrangement; and
- Prepare and implement a Noise Management Plan for each event, in accordance with the Environment Protection Authority (EPA) recommendations contained in the Noise Management for Outdoor Events EPA publication. The details of any noise modelling and the allowable noise level at the mixing desk should be included in the Noise Management Plan.

Reason: To ensure special events/functions are limited and appropriately managed

4. Landscaping shown on the approved plans shall be established prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

Reason for condition: To ensure that the landscape design intent for the site can be achieved and that plantings are maintained and replaced where necessary.

5. No water or other substances shall be directed toward or drained onto the railway land.

Reason for condition: To minimise impacts on the adjoining railway

ADVISORY NOTES

- a. This Development Plan Consent will expire after 24 months from the date of this Notification, unless Building Rules Consent has been obtained within that period by the Barossa Council 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 year 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, and (telephone number 8204 0289).

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

Reason for condition: To ensure access and parking meet the relevant standards.

- e. All bicycle parks shall be designed and constructed in accordance with Australian Standard 2890.3-2015.

Reason for condition: To ensure the safe and convenient storage of bicycles

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

Reason for condition: To ensure that lighting does not have a detrimental impact on sensitive receptors

- g. All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2015 (Part 3) to ensure that stormwater does not adversely affect any adjoining property or public road.

Reason for condition: To ensure that lighting does not have a detrimental impact on sensitive receptors

2.2.2 P0015 CMAR PTY LTD C/- ICD PROPERTY GROUP

DA 020/A173/20

21-59 Grote Street, Adelaide

City of Adelaide

Rebecca Thomas (Presiding Member) declared a conflict of interest and was not present for this item

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

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

Applicants

- Alex Hall, Woods Bagot
- Richard Dwyer, Ekistics
- Jon Flint, Sinclair Brook

Council

- Matt Rodda
- Hugh Gallagher

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) RESOLVE 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) RESOLVE to grant Development Plan Consent (and Land Division Consent) to the proposal by P0015 CMAR Pty Ltd C/- ICD Property Group for Demolition of existing buildings and staged construction of multi-storey mixed use development comprising retail, motel/tourist accommodation, residential, offices, childcare centre and car parking 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 State Planning Commission, prior to the granting of Development Approval:
 - 1.1 Final design of the proposed Sally Port and interim access plan for access during demolition and construction shall be provided
 - 1.2 Final wind analysis and specific measures proposed to achieve appropriate pedestrian and sitting environment for the podium public space area
 - 1.3 Final noise attenuation measures confirmed for podium space to ensure noise levels do not exceed existing background levels measured from adjoining sensitive land uses from the childcare and the potential event space/music area.
 - 1.4 Material palette provided with high quality, robust, durable materials.
 - 1.5 Investigate the need for and resolve the matter of the inclusion of canopies on the frontages to Grote and Gouger Streets for user amenity.

PLANNING CONDITIONS

1. The development shall be established in strict accordance with the stamped plans, documents and details submitted in Development Application No 020/A173/20

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) 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. 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.

6. 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.

7. Landscaping shown on the approved landscape and management plan shall be established prior to the operation of the development and shall be maintained and nurtured in accordance with that plan at all times, with any diseased or dying plants being replaced.

Reason for condition: to ensure that the landscape design intent for the site can be achieved and that plantings are maintained and replaced where necessary.

The following conditions are required by the Department for Environment and Water- State Heritage:

8. All works to the façades of the Sir Samuel Way Building arising from the proposed demolition of adjoining structures, and new basement link, shall be further detailed to the satisfaction of the State Commission Assessment Panel in consultation with Heritage South Australia (Department for Environment and Water). Works are to be informed by a suitably qualified heritage architect.

Reason for condition: Detailed information not available at this stage of the project.

9. Suitable Site Heritage Management Plan (SHMP) shall be prepared and implemented to the satisfaction of the State Commission Assessment Panel in consultation with Heritage South Australia (Department for Environment and Water) prior to any works commencing on site. The SHMP is to be informed by a suitably qualified heritage architect, vibration consultant, and where appropriate structural engineer, and must incorporate, without being limited to, the following matters:

- a) Identification of heritage risks associated with the works and appropriate mitigation measures;
- b) Observation and monitoring strategies, including vibration monitoring;
- c) Clear identification of vibration thresholds for unacceptable ground and building movements and construction response methodologies;
- d) Clear identification of tasks that may exceed vibration thresholds;
- e) Processes to prevent unauthorised works;
- f) Clear methodologies to ensure below ground works and excavations do not compromise foundation support to the heritage place;
- g) Implementation of contractor heritage inductions.

Reason for condition: The façade of the Sir Samuel Way Building is known to be in poor and fragile condition. Major construction works of this nature in such close proximity presents genuine risks to the condition of the State Heritage listed facades.

ADVISORY NOTES

- a) This Development Plan Consent will expire after 24 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Planning Commission.
- b) The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 2 years of the final Development Approval issued by Council and substantially completed within 5 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) 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
- e) 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.

- 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) Section 229 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.
- i) 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.
- j) 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
- k) 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.
- l) 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.

- m) 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.
- n) The Panel notes the applicant's commitment to provide affordable housing in accordance with the requirements of the Development Plan.

2.2.3 DELTA PROJECTS
 DA 155/M013/19
101 King William Street, Kent Town
 City of Norwood, Payneham and St Peters

Proposal: Demolition of existing structures and construction of a multi-storey mixed-use building comprising residential and retail uses, together with basement and ground level car parking.

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

Applicants

- Daniel Giustozzi, Dellta Projects
- Damien Campagnaro – DC Architects
- Garth Heynen – Heynen Planning Consultants

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) RESOLVE that the proposed development is not seriously at variance with the policies in the Development Plan.
- 2) RESOLVE to REFUSE Development Plan Consent to the proposal by Dellta Projects for the construction of a multi-storey mixed-use building comprising residential and retail uses, together with basement and ground level car parking at 101 King William Street, Kent Town for the following reasons:

REASONS FOR REFUSAL

1. The proposal does not meet PDC 13 of the Urban Corridor Zone regarding building height which seeks a maximum building height of 5 storeys and 18.5m in the Business Policy Area.
2. The proposal does not meet Council-Wide PDC 32 which requires developments to meet the height and storeys as prescribed in the relevant Zone and Policy Area.
3. The proposal does not meet the Desired Character of the Urban Corridor Zone, and Council Wide PDC 273 with regards to achieving an appropriate level of residential amenity, specifically with regards to privacy and security.
4. The proposal does not meet Council-Wide PDC 265 seeking the use of materials which are selected to be durable and age well to minimise ongoing maintenance requirements.
5. The proposal does not meet Objective 61 and 63 of the Council-Wide Medium & High Rise Development, which requires residential development to provide a high standard of amenity, and development that integrates built form within high quality landscapes to optimize amenity, security and personal safety for occupants and visitors.

2.3. RESERVED MATTERS - Nil

3. CROWN DEVELOPMENTS (ADVISORY ITEMS) – Nil

3.1. DEFERRED APPLICATIONS – Nil

3.2. NEW APPLICATIONS –

- 3.2.1 **GEORGETOWN HILLS RENEWABLE ENERGY PTY LTD (SPONSORED BY DEPARTMENT OF ENERGY & MINING)**
DA 764/V007/20
Lehmann Road, West Bundaleer and Georgetown
Northern Areas Council

Proposal:

Construction of the Carmody's Hill Wind Farm Development comprising: 45 wind turbine generators (max tip height 200m and combined generating capacity 270MW); battery energy storage system (min 128MW fast frequency response); up to 7 meteorological and height 122.5m); electrical substation with 275kV step-up transformer; overhead transmission lines (approx 14.5km) with connection into the Davenport to Brinkworth

275kV transmission line; operations and maintenance compound; temporary construction compounds (incorporating a temporary concrete batching plant); access roads; associated site works and infrastructure augmentation.

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

Applicants

- David Keenan, Georgetown Hills Renewable Energy Pty Ltd
- Julie Jansen, MasterPlan
- Kyra Reznikov, Finlaysons
- Warwick Keates, Wax Design
- Nick Henrys, Resonate
- Travis How, EBS Ecology
- Keith Tonkin, Aviation Projects

Agencies

- Jonathan Song, EPA
- Stephen Both, EPA

Council

- Gabby Swearse, Northern Areas Council

The State Commission Assessment Panel discussed the application.

RESOLVED

That the State Commission Assessment Panel provide its recommendation in confidence (included in SCAP Confidential Minutes – 27 January 2021) to the Minister for Planning

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

4. MAJOR DEVELOPMENTS – VARIATIONS - Nil

5. OTHER BUSINESS

6. NEXT MEETING

6.1. Wednesday 10 February 2021 at Ground Floor, 50 Flinders Street, Adelaide SA 5000/ Via Microsoft Teams video conferencing

7. CONFIRMATION OF THE MINUTES OF THE MEETING

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

8. MEETING CLOSE

The Presiding Member thanked all in attendance and closed the meeting at 3.50pm.

Confirmed 27/01/2021



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Rebecca Thomas
PRESIDING MEMBER