



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 147th Meeting of the
State Commission Assessment Panel
held on Wednesday 12th October 2022 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, present and emerging.

1.2. PRESENT

Presiding Member	Rebecca Thomas
Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert Emma Herriman Paul Leadbeter Grant Pember David Altmann
Secretary	Jaclyn Symons, Governance Officer
DTI Staff	Nathan Grantham Margaret Smith (2.2.1, 2.2.4) Ben Scholes (2.2.1, 2.2.2) Marites Kelly (2.2.1) Karen Ferguson (2.2.3, 2.2.4) David Storey (2.2.4)

1.3. 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

2.2. NEW APPLICATIONS

2.2.1 Zamia Property Pty Ltd C/- URPS 21038927

Lot 904 Fullarton Road, Glenside

Staged development comprising construction of an 8-level residential flat building comprising two towers, 138 residential apartments, car parking, and associated communal facilities.

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

Applicant

- Phillip Harnett (URPS)
- Mark Pivovarov (Cedar Woods)
- Daniel Govier (Cedar Woods)
- Leon Gouws (Hames Sharley)
- Kathy Kralj (Hames Sharley)

Agencies

- Michael Queale (Heritage SA)
- Belinda Chan (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 21038927, by Zamia Property Pty Ltd is granted Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTER

Pursuant to section 102(3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment by the State Planning Commission prior to the granting of Development Approval:

1. The applicant shall submit a final Acoustic Report to the satisfaction of the State Planning Commission, that details the specific attenuation measures that will be incorporated into the development to specifically address noise emissions and intrusion, to current industry standards.

This will include the measures being clearly referenced on the applicable plans. The attenuation measures will mitigate noise impacts to acceptable levels addressing:

Environmental Noise

- Continuous Noise, including mechanical plant and machinery
- Intermittent Noise

Building Acoustics

- Background Noise
- Sound Insulation

General

- Acoustic Sealants
- Cavity Infill
- Ceiling Overlay

Traffic Noise

Sound Insulation

- Residential Component
- Communal Area Component

2. Explore design options to improve the amenity for apartments 209 and 210 in building 10 with respect to occupant outlook and increased balcony sizes.

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the State Planning Commission reserves its decision on the form and substance of any further conditions of Planning Consent that it considers appropriate to impose in respect of the reserved matters outlined above.

CONDITIONS

Planning Consent

1. The development granted Planning 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 (if any).
2. The recommendations on page 17 of the Pre-development Arboricultural Impact Assessment V2 (dated 8 December 2021) shall be adopted and implemented to ensure the health of the significant tree is not detrimentally impacted during the construction and occupation phase of the development.

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

Advisory Notes imposed by Minister responsible for the administration of the *Heritage Places Act 1993* under Section 122 of the Act

Advisory Note 4

Please note 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 must cease and the SA Heritage Council must 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.

Advisory Note 5

Please note the following requirements of the *Aboriginal Heritage Act 1988*.

- (a) 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) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

2.2.2 **Phillip Brunning & Associates**

22020961

144 Wakefield Street, Adelaide

Demolition of existing building structures and construction of a 26 level building comprising hotel, tourist accommodation, restaurant and bar.

David Altmann declared a conflict of interest due to a family relationship and left the meeting for this agenda item.

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

Applicant

- Phil Brunning (Phillip Brunning & Associates)
- Craig Weaver
- Adrian Lanzilli
- Tom Jarrett (PACT Architects)
- Paul Froggat (Stantec)
- Nathan Lawry (Stantec)

Agency

- Aya Shirai-Doull (ODASA)
- Samuel Jeyaseelan (ODASA)

Council

- Dylan Grieve (City of Adelaide)

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 22020961, by Phillip Brunning & Associates for demolition of existing building structures, and construction of a 26 level building comprising hotel, tourist accommodation, restaurant and bar at 144 Wakefield Street, Adelaide, is REFUSED Planning Consent for the following reasons:
 - a) The development would not adequately satisfy the Planning and Design Code's expectations expressed in Capital City Zone (Building Height) PO 4.2 part (b) in respect of measures that would provide for substantial additional gain in sustainability, and part (b)(i) regarding development that would provide an orderly transition up to an existing taller building or prescribed maximum height in an adjacent Zone or building height area.

- b) The development would not achieve the outcome anticipated in the Planning and Design Code's General Development (Advertising) PO 3.1 which anticipates advertisements limited to information relating to the lawful use of land they are located on to assist in the ready identification of the activity or activities on the land and avoid unrelated content that contributes to visual clutter and untidiness.
- c) The development would rely upon waste collection occurring at the subject land's Wakefield Street frontage, contrary to the Planning and Design Code's General Development (Design in Urban Areas) PO 11.2 which recommends communal waste storage and collection areas located, enclosed and designed to be screened from view from the public domain and open space.
- d) The development would be expected to dominate, encroach on, or unduly impact on the setting of an adjacent Local Heritage Place contrary to recommendations of the Planning and Design Code's Heritage Adjacency Overlay.

2.2.3 Paul Bulley C/- Masterplan SA Pty Ltd

520/L016/21

Lot 3 Cape Hart Road, Porky Flat

Construction of three (3) tourist pods, 2 single storey and one two storey (a bushfire refuge building) with ancillary deck and rainwater tanks, a free standing joint amenities building (four buildings total), 3 metre wide gravel access from Cape Hart Road with a 3 metre vegetation clearance zone either side, roof mounted solar panels, 25.0 metre diameter emergency services turning area comprising of compact gravel, 22,000 litre firefighting supply tank and wastewater treatment.

David Altmann declared a conflict of interest due to his firm's association with the Kangaroo Island Council and was not present for this agenda item.

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

Applicant

- Daniel McKenna (Masterplan)

Representors

- Verity Laughton
- Jacqueline Dekker

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 Development Plan, the application is NOT seriously at variance with the provisions of the Development Plan; and
- 2) Development application 520/L016/21 by Paul Bulley C/- Masterplan SA Pty Ltd for construction of three (3) tourist pods, 2 single storey and one two storey (a bushfire refuge building) with ancillary deck and rainwater tanks, a free standing joint amenities building (four buildings total), 3 metre wide gravel access from Cape Hart Road with a 3 metre vegetation clearance zone either side, roof mounted solar panels, 25.0 metre diameter emergency services turning area comprising of compact gravel, 22,000 litre firefighting supply tank and wastewater treatment at Lot 3 Cape Hart Road, Porky Flat, is REFUSED Planning Consent for the following reasons:
 - a) The proposal's scale and siting (in particular, the number and placement of individual buildings), and the resulting native vegetation clearance is contrary to the intent of the Coastal Conservation Zone, specifically Objective 1, the Desired Character statement, as well as Principles of Development Control 6, 11 and 12.

- b) The proposed Refuge Building fails to meet Coastal Conservation Zone Principle of Development Control 8 in relation to built form siting and height.
- c) The tourist accommodation pods are not situated to minimise visual impact as sought by Council Wide Siting and Visibility Principle of Development Control 1(a), (b) and (c).

2.2.4 **Deb Hoey & Simon Meathrel**

22022965

353 Back Valley Road, Back Valley

Land division creating an additional allotment (1 into 2) within the Limited Land Division Overlay.

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

Applicant

- Craig Rowe (Craig Rowe and Associates)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to section 110(1) of the *Planning, Development and Infrastructure Act 2016*, REFUSE to proceed with an assessment of development application 22022965 by Deb Hoey & Simon Meathrel for land division creating an additional allotment (1 into 2) within the Limited Land Division Overlay at 353 Back Valley Road, Back Valley.

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 26 October 2022 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 3.47pm.

Confirmed 12/10/2022



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Rebecca Thomas
PRESIDING MEMBER