



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 165th Meeting of the
State Commission Assessment Panel
held on Wednesday, 20 September 2023 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

Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert David Altmann Jenny Newman Jamie Botten (Occasional Member)
Secretary	Myles Graham, Governance Officer
DTI Staff	Troy Fountain Margaret Smith Jeremy Wood (2.2.1) Lauren Talbot (2.2.1)

1.3. APOLOGIES

Rebecca Thomas (Presiding Member)
Don Donaldson
Paul Leadbeter

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 Australian Education Union SA Branch

22043006

163A-164 Greenhill Road, Parkside; 3 Porter Street, Parkside

Mixed use (commercial and residential) development comprising eleven (11) levels (western building) and nine (9) levels (eastern building), as well as extension of an existing Local Heritage Place accommodating a commercial tenancy, 224 residential apartments together with associated shared amenities, swimming pool, carparking and landscaping and removal of a significant tree.

Rebecca Thomas declared a conflict of interest due to working for a firm that acts for the applicant. She was not present for this agenda item and meeting.

Don Donaldson declared a conflict of interest due to working for the City of Unley in which this item is proposed. He was not present for this agenda item and meeting.

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

Applicant

- Catherine Orford (Ekistics)
- Richard Dwyer (Ekistics)
- Peter Mugo (Ekistics)
- Ken Ng (Nettleton Tribe)
- David Shanasy (Nettleton Tribe)
- David Lamont (Dowse Projects)
- Rohan McLachlan (Dowse Projects)
- Paul Morris (Empirical Traffic Advisory)
- Tim Johnson (New Urban Villages)
- Dean Hall (T&D Advisory)
- Matthew Cherry (Australian Education Union)
- Sandra Hall (Australian Education Union)
- Jonathan Goodfield (Australian Education Union)

Representations

- Johannes Schwabe and Melissa de Vel-Palumbo
- Sarah Powell
- Michael McKeown and Daniel Marotti (JensenPLUS)
- Mark Cramond
- Luke Doyle
- James Roder (Howard Zelling Lawyers)
- Anthony Kelly (Mellor Olsen Lawyers) and Phil Weaver
- Sarah Haq

Agencies

- Sophie Newland (ODASA)
- Kirsteen Mackay (ODASA)

Council

- David Brown (City of Unley)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application 22043006 by Australian Education Union SA Branch is REFUSED Planning Consent, for the following reasons:
 1. The proposal does not meet Performance Outcome 3.1 of the Urban Corridor (Boulevard) Zone, as the development is not consistent with the building height TNV, nor does it positively respond to the local context.
 2. The proposal does not meet Performance Outcome 4.1 of the Urban Corridor (Boulevard) Zone, as the development does not satisfactorily mitigate the impacts of building massing on residential development within the Established Neighbourhood Zone.
 3. The proposal does not meet Performance Outcome 5.1 of the Urban Corridor (Boulevard) Zone, as the development does not adequately minimise and manage off site impacts, nor achieve a high level of design quality as a result of exceeding the height incentive in DTS/DPF 5.1.
 4. The proposal does not meet Performance Outcome 5.2 of the Urban Corridor (Boulevard) Zone, as the development does not minimise impacts to residential uses resulting from overshadowing, building massing and proportions.
 5. The proposal does not meet Performance Outcome 15.1 of the Design Section within the General Development Policies of the Code through the visual mass being prominent when viewed from adjoining allotments and public streets.
 6. The proposal does not meet Performance Outcome 12.1 of the Design in Urban Areas Section within the General Development Policies of the Code as the building height and massing does not contribute positively to the character of the local area.
 7. The proposal does not meet Performance Outcome 4.1 of the Design in Urban Areas, Natural Light and Ventilation Section within the General Development Policies of the Code as many apartments rely on borrowed light and mechanical ventilation to habitable rooms.
 8. The proposal does not meet Performance Outcome 27.1 of the Design in Urban Areas Section for Private Open Space within the General Development Policies of the Code with the limited provision of private open space not considered to be usable or suitably sized to meet the needs of the occupants of the development.
 9. The proposal does not meet Performance Outcome 3.1 and 3.2 of the Interface Between Land Uses Section within the General Development Policies of the Code whereby the development height will cause unreasonable overshadowing to adjoining residential land uses.
 10. The proposal does not meet Performance Outcome 5.1 of the Traffic, Access and Parking Section within the General Development Policies of the Code, with the provision of on-site vehicle parking not achieving the minimum rate specified in Table 2 – Off-Street Car Parking Requirements in Designated Areas placing unreasonable demand on on-street parking within the locality.

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, 27 September 2023 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 2.50pm.

Confirmed 20/09/2023



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Rebecca Rutschack
DEPUTY PRESIDING MEMBER