



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 135th Meeting of the
State Commission Assessment Panel
held on Wednesday 16th March 2022 commencing at 9.30am
Microsoft Teams video conferencing

1. OPENING

1.1. PRESENT

Presiding Member	Rebecca Thomas
Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert Paul Leadbeter Grant Pember David Altmann
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Troy Fountain (2.2.1, 2.2.2, 2.2.3) Brett Miller (2.2.1, 2.2.2, 2.2.3) Nathan Grantham (2.2.1, 2.2.2, 2.2.3) Jeremy Wood (2.2.1) Simon Neldner (3.2.1) Gabrielle McMahon (3.2.1) Malcolm Govett (2.2.2) Matthew Henderson (2.2.3)

1.2. APOLOGIES

Emma Herriman

Note: Meeting procedures of the SCAP have been modified in the light of COVID-19 and State Government protocols.

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 James Katsaros & Andrea Katasros C/- URPS 21032683

89-94 Brougham Place, North Adelaide

Demolition of a Local Heritage Place, construction of five level residential flat building, three level addition with alterations to a local heritage place, extension and alterations to a state heritage place, with association car parking and landscaping.

Rebecca Rutschack declared a conflict of interest due to having minor involvement in the item with her previous employer and left the meeting for this agenda item.

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

Applicant

- James Katsaros
- Brian Hayes QC
- Grazio Maiorano (URPS)
- Barry Forrest (Moto Projects)
- Scott Meek (Stallard Meek Flightpath)
- Matt Rundell (Stallard Meek Flightpath)
- Douglas Alexander (Flightpath Heritage)
- Ron Danvers (Danvers.Studio-Architects)
- Laura Bamford (Stallard Meek Flightpath)
- Ben Wilson (CIRQA)
- Amanda Balmer (WAX)
- Costa Morias (CPR)
- David Reynolds (CPR)

Representations

- Norman Etherington
- Glynis Hannell
- Deborah Hamilton
- Andrew Luckhurst-Smith
- Sandy Wilkinson
- Ian Vagg
- Elbert Brooks
- James Hilditch
- Elisa Toome
- Chris Harris

Agencies

- Belinda Chan (ODASA)
- Peter Wells (DEW - Heritage SA)

Council

- Simon Weidenhofer (City of Adelaide)
- Edouard Pool (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 21032683, by James Katsaros and Andrea Katsaros is REFUSED Planning Consent subject to the following reasons:
- The proposed development does not meet Desired Outcome 1 of the North Adelaide Low Intensity Subzone as it is not for low rise low density housing on large allotments in an open landscaped setting.
 - The proposal is at variance to Performance Outcome 1 of the North Adelaide Low Intensity Subzone in so far as buildings are not sited and designed to complement the low-density character of the neighbourhood, in locations where an open landscape setting is the prevailing character.
 - The proposal is at variance to the Desired Outcome and Performance Outcomes 6.1 & 6.2 of the Local Heritage Places Overlay and the Desired Outcome of the Heritage Area Overlay as it is proposing the demolition of a Local Heritage Place.
 - The proposal is at variance to Performance Outcome 2.2 of the City Living Zone and the Technical Numeric Variation relevant by providing a development greater than 2 storeys in height.
 - The proposal is at variance to the Desired Outcome for the City Living Zone as it does not propose low rise residential development on site.
 - The proposal is at variance to Performance Outcomes 2.1-2.4 of the Heritage Area Overlay and Performance Outcome 2.3 of the City Living Zone as the design is not in keeping with the valued streetscape of the area.
 - The proposal is at variance to Performance Outcome 4.1 of the City Living Zone as the dwelling sizes are not consistent with the housing pattern in the locality.

2.2.2 **Peter Booth**
21025912
Lot 5 Hunter Road, Nildottie
Construction of a new dwelling.

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

Applicant

- James Levinson (Botten Levinson Lawyers)
- Peter & Kristi Booth
- Con Bastiras (Con Bastiras Architects)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to Section 110(1) of the *Planning, Development and Infrastructure Act 2016*, to REFUSE TO PROCEED TO ASSESS Development Application 21025912 by Peter Booth for the construction of an elevated detached dwelling at Lot 5 Hunter Road, Nildottie for the following reasons:
- a) The proposed development would compromise the desired outcome for the River Murray Flood Plain Protection Area Overlay because new development should be predominantly for recreation, and environmental and water management purposes (DO 2).

- b) The proposed development would compromise the desired outcome for the Hazards (Flooding – Evidence Required) Overlay because a form of habitable development would be constructed on a largely vacant site in an area of known and significant flood risk (DO1 and PO 1.1).
- c) The proposed development would compromise the desired outcome for the Conservation Zone because: it would not contribute to the conservation and enhancement of the natural environment (DO 1); it would not be a small scale, low impact land use, providing for the conservation and protection of the area (PO 1.1); and it would not comprise any of the primary forms of development envisaged there (PO 1.2).

2.2.3 Future Urban

21041472

9-11 Dequetteville Terrace

Twelve-Storey mixed use building.

Paul Leadbeter was an apology for this item.

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

Applicant

- Alex Besz (Chasecrown)
- Paul Froggatt (Stantec)
- Jason Cattonar (Future Urban)
- Louis Kanellos (Chasecrown)
- Chris Vounasis (Future Urban)
- Richard Frimpong (Stantec)

Agency

- 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.
- 2) Development Application Number 21041472 by Jason Cattonar is granted Planning Consent pursuant to Section 102 (1) of the *Planning, Development and Infrastructure Act 2016* for a 12 storey mixed use building at 9-11 Dequetteville Terrace, Kent Town subject to the following conditions:

CONDITIONS

Planning Consent

Condition 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).

Condition 2

The recommendations contained in the Acoustic Services Report by Bestec dated 15 December 2021 shall be implemented to the reasonable satisfaction of the State Planning Commission.

Condition 3

Landscaping in accordance with the Landscaping Concept Plan prepared by Oxigen dated 14 December 2021, Project Number 21.015 shall be established in the first available planting season following practical completion of the development and maintained in good health at all times.

Condition 4

Stormwater Management shall be undertaken in accordance with the Stormwater Management Plan by INNOVIS Ref J0645-CIV-REP-0001[C] dated 19/10/2021.

Condition 5

A physical samples board detailing the final external material selections, surface finishes and colours, demonstrating consistency with the proposal plans, shall be provided to the satisfaction of the SPC in consultation with the Government Architect prior to the issue of development approval.

Conditions directed by the Commissioner of Highways under Section 122 of the Act

Condition 6

All built form and service infrastructure (except for minor encroachment of canopies and landscaping) shall be setback a minimum of 2.5 from the Dequetteville Terrace property boundary and sited outside of the 4.5 x 4.5 metres cut-offs at the junctions of King William Street and Little Rundle Street with Dequetteville Terrace.

Condition 7

A final Traffic Impact Assessment undertaken to the satisfaction of the State Commission Assessment Panel and the Department for Infrastructure and Transport that includes:

- Review of the existing traffic volumes, including details being updated to the most recent data (2019) and the provision of turning counts for the Dequetteville Terrace/King William Street intersection.
- Review of the trip distributions.
- SIDRA analysis of the Dequetteville Terrace/King William Street intersection. This will need to take into consideration the increased traffic generation from this development as well as that from nearby development (including 21040597).
- Concept designs including swept path diagrams for Dequetteville Terrace/King William Street and Dequetteville Terrace/Little Rundle Street. The swept paths for the Dequetteville Terrace/Little Rundle Street intersection should demonstrate that simultaneous two-way movements of a passenger vehicle and a service vehicle can be achieved.
- Identification of all road works required to facilitate the traffic associated with the subject development.

Condition 8

Access to the site shall be in located in accordance with Chasecrown Ground Floor Plan, Job No 20DEG, Drawing No. SK-0100-I, Revision I, dated 15/12/2021. All road works on Dequetteville Terrace associated with the development, including alterations to the Dequetteville Terrace/King William Street and Dequetteville Terrace/Little Rundle Street intersections shall be designed and constructed in accordance with the relevant Austroads Guides, Australian Standards and to the satisfaction of the Department for Infrastructure and Transport with all associated costs (including and not limited to project management and any necessary road lighting and drainage upgrades) to be borne by the applicant.

Note: The applicant shall contact DIT's Senior Network Integrity Engineer Mr Narendra Patel on telephone 8226 8244 or via email at Narendra.Patel@sa.gov.au, to discuss the proposed road works

prior to undertaking any detailed design. Furthermore, the developer shall enter into a 'Developer Agreement' to undertake the above works.

Condition 9

The redundant crossovers on Dequetteville Terrace shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense.

Condition 10

A Construction Traffic Management Plan for the construction period of the development shall be produced to the satisfaction of DIT and Council prior to the commencement of construction. This plan shall detail the types and distributions of traffic and how they will be managed.

Condition 11

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.

Condition 12

Stormwater run-off shall be collected on-site and discharged without impacting the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

ADVISORY NOTES

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

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 Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note by the Commissioner of Highways under Section 122 of the Act

Advisory Note 4

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Dequetteville Terrace frontage of this site for future upgrading of the North Terrace / Dequetteville Terrace / Hackney Road / Botanic Road and Dequetteville Terrace / Rundle Street / Rundle Road intersections, together with 4.5 x 4.5 metres cut-offs at the junctions of King William Street and Little Rundle Street with Dequetteville Terrace. 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 requirements.

Consent under the *Metropolitan Adelaide Road Widening Plan Act 1972* is required, as portions of the development encroach within the above areas. The applicant should fill out the attached consent form and return it to DIT along with three copies of the approved site plans.

2.3. RESERVED MATTERS

3. CROWN DEVELOPMENTS (ADVISORY ITEMS)

3.1. DEFERRED APPLICATIONS

3.2. NEW APPLICATIONS

3.2.1 Department for Environment and Water

473/V083/21

153-161 Piccadilly Road, Crafers

Construction of a car park ancillary to Mount Lofty Botanic Garden including stonewalls, fencing and associated landscaping.

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to her employer being engaged to assist the applicant with planning advice and left the meeting for this agenda item.

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

Applicant

- Ben Schnell (Ekistics)
- Andrew Carrick (DEW - Botanic Gardens of South Australia)
- Jason Zafry (WGA)
- Joe La Spina (WGA)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) That the State Commission Assessment Panel provide its recommendation in confidence (included in the SCAP Confidential Minutes – 16 March 2022) to the Minister for Planning and Local Government.

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

5. REPORTING

6. COURT COMPROMISE

7. BRIEFINGS

8. PROCEDURAL MATTERS

9. OTHER BUSINESS

10. NEXT MEETING

10.1. Wednesday 23 March 2022 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 4.00pm.

Confirmed 16/03/2022



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Rebecca Thomas
PRESIDING MEMBER



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Rebecca Thomas
DEPUTY PRESIDING MEMBER (for item 3.2.1 only)