



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 146th Meeting of the
State Commission Assessment Panel
held on Wednesday 28th September 2022 commencing at 9.30am
Ground Floor, 50 Flinders 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 Emma Herriman Paul Leadbeter Grant Pember David Altmann
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Troy Fountain (2.2.1, 2.2.2) Margaret Smith Brett Miller (2.2.1) Karen Ferguson (2.2.1) Eric Alessi (3.2.1) Ben Williams (3.2.2) Gabrielle McMahon (3.2.2) Simon Neldner (3.2.1, 3.2.2)

1.3. APOLOGIES

Rebecca Thomas (Presiding Member)

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 Angus Gidley-Baird

21037653

300 Sheridan Road, Western River

Land division – realignment of boundaries – 3-into-3.

David Altmann declared a conflict of interest due to his firm's association with the Kangaroo Island Council and his exposure to matters in this area with the council, including with the applicant and was not present for this agenda item.

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

Applicant

- Aaron Wilksch (Ben Green and Associates)
- Angus Gidley-Baird

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 21037653, by Angus Gidley-Baird is granted Planning Consent subject to the following conditions:
- 3) The decision on the Land Division Consent for Development Application 21037653 be delegated to the Manager, Commission Assessment.

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.

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 (ERD) 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).

2.2.2 Modern Day Concepts

21023749

Lot 1 Baynes Place, Port Adelaide

3 storey residential flat building containing eleven (11) dwellings with parking at ground level.

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

Applicant

- Rick Buick (Modern Day Concepts)
- Josh Skinner (URPS)

Agency

- Ellen Liebelt (ODASA)

Council

- Justin Clisby (City of Port Adelaide Enfield)

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 21023749, by Modern Day Concepts is GRANTED Planning Consent subject to the following reserved matters and conditions:

RESERVED MATTERS

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

Reserved Matter 1

A detailed stormwater management plan and design for the development shall be prepared and certified by a suitably experienced Civil Engineer demonstrating that discharge to Council lands and drainage system complies with the conditions of this consent and Council standards and guidelines.

Reserved Matter 2

Final details of the materials, design and construction methods for the external glazing (windows, sliding glass doors and stacker doors), external walls and any mechanical ventilation systems shall be prepared and certified by a suitably qualified acoustic consultant demonstrating that the minimum Rw + Ctr requirements, as detailed in the Environmental Acoustics Report provided by Ausdev Builders Pty Ltd dated December 2021, can be achieved.

Reserved Matter 3

Provision of an ESD report prepared by a suitably qualified environmental consultant, that confirms measures that are to be incorporated into the construction and or operation of the development to the reasonable satisfaction of the State Planning Commission.

Reserved Matter 4

The final external material selections and finishes (including physical samples) be provided, in consultation with the Government Architect to the reasonable satisfaction of the State Planning Commission.

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 approved landscaping shall be established within 3 months of occupation of the development and maintained at all times with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the State Planning Commission.

Condition 3

The fixed obscure glazing and privacy screening depicted on the approved plans shall be installed prior to occupation of the dwellings and maintained to the reasonable satisfaction of the State Planning Commission.

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. 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.

2.3. RESERVED MATTERS

3. CROWN DEVELOPMENTS (ADVISORY ITEMS)

3.1. DEFERRED APPLICATIONS

3.2. NEW APPLICATIONS

3.2.1 Department for Infrastructure & Transport C/- Ekistics

070/V039/22

100-112 Smart Road, Modbury

Park 'n' Ride facility comprising ground floor plus three levels, alterations to existing facility, removal of eleven (11) regulated trees, new fencing, associated civil works and landscaping.

While not present at the meeting, Rebecca Thomas had previously declared a conflict of interest due to her employer providing planning services on the project.

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

Applicant

- Rob Ggetti (Ekistics)
- Paul Suter (Built)
- Patrick Allan (Built)
- Megan Timson (DIT)

Representors

- Joanna Wells

Agency

- Ellen Liebelt (ODASA)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) That the State Commission Assessment Panel provide its recommendation in confidence (published in the SCAP Confidential Minutes – 28 September 2022) 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.

3.2.2 SA Health C/- Masterplan

080/V083/22

216 Daws Road, Daw Park

Construction of a 5 storey building comprising a Hospital and Allied Health Facility including associated car parking and landscaping.

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

Applicant

- Greg Vincent (Masterplan)
- Stephen Penglase (Swanbury Penglase)

Agencies

- Belinda Chan (ODASA)
- Kevin O'Sullivan (Heritage SA)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) That the State Commission Assessment Panel provide its recommendation in confidence (published in the SCAP Confidential Minutes – 28 September 2022) 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

5. REPORTING

6. COURT COMPROMISE

7. BRIEFINGS

8. PROCEDURAL MATTERS

9. OTHER BUSINESS

10. NEXT MEETING

- 10.1. Wednesday 12 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 2.31pm.

Confirmed 28/09/2022

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Rebecca Rutschack
DEPUTY PRESIDING MEMBER

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David Altmann
ACTING PRESIDING MEMBER