



# STATE COMMISSION ASSESSMENT PANEL

**A COMMITTEE OF THE STATE PLANNING COMMISSION**

Minutes of the 143<sup>rd</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 10<sup>th</sup> August 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 Paul Leadbeter Grant Pember David Altmann
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Troy Fountain Margaret Smith Brett Miller (2.2.1) Jeremy Wood (2.1.1) Karl Woehle (2.1.1) Mollie O'Connor (2.1.1)

### 1.3. APOLOGIES

Rebecca Thomas (Presiding Member)  
Emma Herriman

**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

#### 2.1.1 120 The Parade Pty Ltd C/- Masterplan

21036230

#### **120, 124, 126, 128, 130-132 The Parade, Norwood & 5 Church Avenue, Norwood**

Conservation and adaptive reuse of Local Heritage Items, building demolition, and construction of a multi-storey mixed-use building comprising residential apartments, offices, shops, and ancillary off-street parking.

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

#### **Applicant**

- Graham Burns (Masterplan)
- Peter Petrou (Cheesman Architects)
- Matthew Hamsley (Cheesman Architects)
- Peter Zollo (120 The Parade Pty Ltd)
- Bruce Harry (Bruce Harry & Associates)
- Frank Siow (Frank Siow & Associates)

#### **Agency**

- Aya Shirai-Doull (ODASA)

#### **Council**

- Mark Thomson

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 21036230, by 120 The Parade Pty Ltd is granted Planning Consent subject to the following conditions and reserved matters:

#### **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:

- The applicant shall submit a final detailed schedule of high quality external materials and finishes and a physical samples board in consultation with the Government Architect to the satisfaction of the State Planning Commission.
- 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
- Music Noise
- Sound Insulation

General

- Acoustic Sealants
- Cavity Infill
- Ceiling Overlay

Traffic Noise

Sound Insulation

- Commercial Component
- Residential Component

- A Heritage Management Plan shall be prepared for the project to the satisfaction of the State Planning Commission in consultation with the City of Norwood, Payneham and St Peters (the Council) prior to commencement of works on site.

The Heritage Management Plan shall be informed by a suitably qualified heritage architect, and shall clearly identify:

- a. what parts of the Local Heritage Places are important and why;
  - b. potential risk to the Local Heritage Places arising from the works, including those arising from the construction process (footing support, vibration, accident damage);
  - c. a detailed conservation, maintenance work plan and any building works for the Local Heritage Places; and
  - d. a detailed dilapidation survey recording the condition of the Local Heritage Places.
- Final details of signage (including street number identification).

## 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

Waste and service vehicles shall only service the site only between the hours of 7:00am to 3:00pm Monday to Friday, with no collections on weekends or Public Holidays.

#### Condition 3

All bicycle parks shall be designed and constructed in accordance with Australian Standard AS2890.3-2015.

#### Condition 4

All vehicle car parks, driveways and vehicle entry and maneuvering 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.

#### Condition 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 with consideration given to the adjacent properties. Noise attenuation devices and visual screening will be implemented as necessary.

#### Condition 6

A 'left turn out only' sign shall be installed at the exit of the undercover car park and service area, to ensure passenger and service vehicles exit towards The Parade.

## Conditions imposed by Commissioner of Highways under Section 122 of the Act

### Condition 7

All access the site shall be gained as shown on the Cheeseman Architects Plan - Ground, Drawing No 20126\_SCP-10, Dated October 2021. The direct access to The Parade shall be limited to ingress movements of small service vehicles only (i.e. up to 5.2 metres long). The access points shall be signed/line marked to reinforce the desired traffic flow.

### Condition 8

All vehicles associated with the development shall enter and exit The Parade in a forward direction.

### Condition 9

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 expense.

### Condition 10

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 11

The 4.5 metres x 4.5 metres corner cut-off at the Church Street/The parade corner shall be kept clear of all obstructions at ground level at all times to ensure unobstructed vehicular and pedestrian sightlines.

### Condition 12

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.

## 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. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. 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

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 Commissioner of Highways under Section 122 of the Act

#### Advisory Note 2

The subject site is affected by a requirement shown on the Metropolitan Adelaide Road Widening Plan (MARWP) for a 4.5 metres x 4.5 metres cut-off at the Church Street/The Parade intersection. The consent of the Commissioner of Highways under the *Metropolitan Adelaide Road Widening Plan Act 1972* is required for all building works on or within 6 metres of the possible requirement.

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.

#### Advisory Note 3

On-street parking adjacent to the service ingress on The Parade is likely to require some modification to facilitate convenient entry movements of vehicles. Any modifications to the on-street parking will require the consent of the City of Norwood, Payneham and St Peters.

#### Advisory Note 4

A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the Norwood Payneham and St Peters 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

#### Advisory Note 5

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 Norwood Payneham and St Peters.

#### Advisory Note 6

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.

## 2.2. NEW APPLICATIONS

2.2.1 **KWS Kent Town Development Pty Ltd C/- Ekistics**

22014443

**2-6 King William Street, Kent Town**

A mixed use development including a 10-storey building (western building) comprising commercial (café, gymnasium and office tenancies) and residential apartments, and a 6-storey building (eastern building) comprising residential apartments, the adaptive reuse of the existing Local Heritage Place for use as an office and demolition of the non-heritage rear lean-to, together with associated carparking, landscaping, shared amenities and public realm upgrades.

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

**Applicant**

- Robert Gagetti (Ekistics)
- Daniel Harris (Otello)
- Zoe Steel (Otello)
- Tom Game (Botten Levinson Lawyers)
- Nigel Howden (Studio 9)
- Andrew Steele (Studio 9)

**Agency**

- Kirsteen Mackay (ODASA)
- Ellen Liebelt (ODASA)
- Samuel Jeyaseelan (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 22014443, by KWS Kent Town Development Pty Ltd is granted Planning Consent subject to the following conditions and reserved matters:

**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:

1. Final details of the facade design be provided to demonstrate the effective and aesthetic screening of vehicles, headlights and carpark infrastructure, in consultation with the Government Architect to the reasonable satisfaction of the State Planning Commission.
2. 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.
3. Details of plant equipment/acoustic enclosures be provided to the reasonable satisfaction of the State Planning Commission.



## CONDITIONS

### Planning Consent

#### Condition 1

The development authorisation granted herein 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

Waste collection hours will be restricted to between the hours of 9am and 7pm on a Sunday or public holiday, or between 7am and 7pm on any other day.

#### Condition 3

The approved landscaping shall be established prior to 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.

## 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 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 Note 3

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 4

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 Norwood, Payneham and St Peters.

#### Advisory Note 5

A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of Norwood, Payneham and St Peters 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

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 24 August 2022 at Ground Floor, 50 Flinders 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 12.07pm.

Confirmed 10/08/2022

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Rebecca Rutschack  
DEPUTY PRESIDING MEMBER

.....  
David Altmann  
ACTING PRESIDING MEMBER