



# STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

## Minutes of the 46<sup>th</sup> Meeting of the State Commission Assessment Panel held on Thursday 28 February 2019 commencing at 9.30am ODASA, 28 Leigh St, Adelaide

### 1. OPENING

#### 1.1. PRESENT

Presiding Member	Simone Fogarty
Members	Mark Adcock Chris Branford Peter Dungey Sally Roberts
Secretary	Alison Gill
DPTI Staff	Lauren Talbot (Agenda Item 2.2.1) Gabrielle McMahon (Agenda Item 2.2.1) Jason Cattonar (Agenda Items 2.2.1, 2.2.2) Karen Ferguson (Agenda Item 2.2.2) Jeremy Wood (Agenda Item 2.2.2) Laura Kerber (Agenda Item 3.1.1) Janine Philbey (Agenda Item 3.1.1) Emma Williams (Agenda Item 2.2.2, 3.1.1)
1.2. APOLOGIES	Dennis Mutton (Deputy Presiding Member)

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### 2. SCAP APPLICATIONS

#### 2.1. DEFERRED APPLICATIONS – Nil

#### 2.2. NEW APPLICATIONS

- 2.2.1 **Flagship (Penny Place) Pty Ltd C/- Intro Design Pty Ltd**  
DA 020/A102/18  
**27 Angas Street, Adelaide**  
City of Adelaide

Proposal: Staged application comprising the construction of a twenty-four (24) storey mixed use development and a three (3) storey residential flat building, ancillary car parking, landscaping, public circulation areas and landscaped communal open space.

Peter Dungey declared a conflict of interest (due to personal reasons) and left the meeting.

The Presiding Member welcomed the following people to address the State Commission Assessment Panel:

#### Applicant

- Mark Jarman, Proponent - presented
- Paul Yerondais, Proponent
- Willy Hoogeveen, Proponent
- Brian Hayes, QC - presented
- Anthony Gatti, Intro – presented
- Luci Ward, Intro
- Stuart Uren, Woods Bagot
- Adrian Reveruzzi, Woods Bagot - presented
- Paul Froggat, GTA
- Simon Moore, WSP
- Selwyn Saman, WSP
- Chris Colby, Colby Phillips
- Joel Phillips, Colby Phillips
- Kathryn Walker

#### Representors

- Stuart Henry QC – presented - also represented: -
  - Bar Chambers
  - Mark Hoffman
  - Enzo Belperio
- Emily Flynn, Clayton Utz – presented – represented the Commonwealth Department of Finance
- Sam Abbott, Bar Chambers
- James Roder, Botten Levinson

#### Council

- Helen Dand, Adelaide City
- Kristen Mackintosh, Adelaide City (left at 10.25am)

#### Agency

- Peter Wells, DEW
- Kirsteen Mackay, Government Architect
- Aya Shirai- Doull, ODASA

#### Media

- Renato Castello, Advertiser

The State Commission Assessment Panel discussed the application.

#### **RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Adelaide (City) Council Development Plan.

3. To delegate the granting of Development Plan Consent to DPTI Unit Manager Development Assessment, for the proposal by Flagship (Penny Place) Pty Ltd C/- Intro Design Pty Ltd for development application 020/A102/18, Staged application comprising the construction of a twenty-four (24) storey mixed use development and a three (3) storey residential flat building, ancillary car parking, landscaping, public circulation areas and landscaped communal open space at 27 Angas Street, Adelaide subject to payment of assessment fees and securing written advice from Adelaide City Council regarding their enforcement capabilities under the *Local Nuisance and Litter Control Act* as opposed to the *Development Act 1993*, for the management and control of construction impacts and which legislation affords the most effective protection pertaining to matters of environmental and traffic nuisance. Such advice to be received and considered by DPTI Unit Manager Development Assessment and thereafter determined whether to be applied as a condition or advisory note, and subject to the following reserved matter and conditions of consent.

#### **RESERVED MATTER**

1. Pursuant to Section 33 (3) of the *Development Act 1993*, the following matters shall be reserved for further assessment, to the satisfaction of the State Commission Assessment Panel (SCAP) prior to the granting of Development Approval for Stage 3 (superstructure works for the mixed-use building):
  - The final details of materials colours, finish, perforation pattern and the disposition of colour across the metal-clad podium façade and final materials and pattern of the twin-concrete core on the north and south elevations shall be submitted and approved by the State Commission Assessment Panel in consultation with Heritage South Australia and the Government Architect.

#### **PLANNING CONDITIONS**

1. The development herein granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

#### **External Materials**

2. Prior to Development Approval for Stage 3 (superstructure works for the mixed-use building), the applicant shall submit a final detailed schedule of external materials and finishes to the reasonable satisfaction of the State Commission Assessment Panel in consultation with the Government Architect.
3. The threshold between dwelling interiors and balconies shall be level with the adjacent floor surfaces to the satisfaction of the State Commission Assessment Panel. Details to be provided to SCAP prior to issuing of Development Approval for State 3 Superstructure works for the mixed-use building.

#### **Vehicle Parking**

4. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009) and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the State Commission Assessment Panel prior to the occupation or use of either the mixed-use building or the townhouses.
5. Prior to Development Approval for Stage 4 (superstructure works for the mixed-use building), the applicant shall submit, to the reasonable satisfaction of the State Commission Assessment Panel, a final site (ground floor) plan documenting a total of 17 additional public bicycle parking spaces on the subject land in appropriate locations ensuring ease of access and convenience to users.

6. All bicycle parks shall be designed and constructed in accordance with Australian Standard 2890.3-2015.

#### **Acoustics**

7. Air conditioning or air extraction plant or ducting shall be screened such that no unreasonable nuisance or loss of amenity is caused to residents and users of properties in the locality to the reasonable satisfaction of the State Commission Assessment Panel.

#### **Environment**

8. Prior to Development Approval for Stage 3 (superstructure works for the mixed-use building), the applicant shall submit, to the reasonable satisfaction of the State Commission Assessment Panel, a final site (ground floor) plan documenting specific Crime Prevention Through Environmental Design principles intended for public circulation areas including lighting, access control mechanisms, communal facilities, wayfinding and active surveillance strategies including (but not limited to) proposed locations of closed-circuit television camera units.
9. Prior to Development Approval being granted for Stage 3 (superstructure works for the mixed-use building) a detailed landscaping plan of ground floor external spaces shall be submitted to the reasonable satisfaction of the State Commission Assessment Panel. The plan shall include planting medium depths and irrigation methods to maintenance of the proposed plantings, soft landscaping and lawn area.
10. All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2015 (Part 3) to ensure that stormwater does not adversely affect any adjoining property or public road.
11. All external lighting on the site shall be designed and constructed to conform to Australian Standard (AS 4282-1997).
12. 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.

#### **State Heritage**

13. Prior to Development Approval for Stage 3 (superstructure works for the mixed-use building), the applicant shall submit final details confirming the following, to the reasonable satisfaction of the State Commission Assessment Panel in consultation with the Department of Environment and Water:
  - a) the specification of materials, colours, finishes, bond pattern and pointing and for the metal cladding of the upper section
  - b) the specification of material, colours and finish;
  - c) the perforation pattern;
  - d) the layout and disposition of perforated versus solid facets;
  - e) the layout and disposition of colours; and
  - f) detailing of corners, top and bottom edges and junctions
14. Prior to Development Approval for Stage 3 (superstructure works for the mixed-use building), the applicant shall submit final details confirming the following details, to the reasonable satisfaction of the State Commission Assessment Panel in consultation with the Department of Environment and Water:
  - a) how junctions between floor-by-floor concrete pours are to be managed;

- b) whether the faces are expressed as monolithic surfaces or articulated into smaller visual divisions;
- c) the surface texture (eg smooth off-form finish using steel forms, textured off-form finish, 3D off-form finish); and
- d) whether the surfaces are to remain in their off-form finish or have an applied finish, and suitable quality control measures to achieve consistency of finish to an acceptable standard.

#### **Site Contamination**

- 15. A statement by a suitably qualified environmental engineer that demonstrates that the land is suitable for its intended use (or can reasonably be made suitable for its intended use) shall be submitted to the State Commission Assessment Panel prior to Development Approval being granted for Stage 2 (substructure works for the mixed-use building).

#### **ADVISORY NOTES**

- a. A Construction Environment Management Plan (CEMP) shall be prepared and implemented in accordance with current industry standards – including 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. A copy of the CEMP shall be provided to the State Commission Assessment Panel prior to commencement of site works for the sub-structure.
- b. The development is expected to be undertaken in accordance with the following stages of construction:
  - 1. Demolition and early works (demolition has already been submitted and approved);
  - 2. Substructure of the mixed-use building;
  - 3. Super structure of the mixed-use building;
  - 4. Occupancy of the mixed-use building;
  - 5. Substructure and superstructure of Townhouses; and
  - 6. Occupancy of the Townhouses
- c. The proposed access arrangement at the subject land’s frontage of Nelson Street will require resolution of on-street permit parking spaces in consultation with permit holders including review of kerbside space conducted in consultation with the City of Adelaide.
- d. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department of Environment and Water, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example (1) an application to vary the planning consent, or (2) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
- e. If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
- f. 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.
- g. 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) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

- h. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- i. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- j. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. 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).

### 2.2.2 **Kaufland Australia**

DA 050/E003/18

#### **250 Churchill Road, Prospect**

City of Prospect

Proposal: Construction of a retail complex, comprising a supermarket (4052sqm), stockroom and amenities (1607sqm combined) food hall (280sqm) and three (3) supporting tenancies (245sqm combined) and associated car parking and landscaping. Internally illuminated signs and one (1) pylon sign, solar roof panels (up to 3,000sqm) is proposed (not staged).

The Presiding Member welcomed the following people to address the State Commission Assessment Panel:

#### Applicant

- Jonathan Flint, Kaufland Australia - presented
- Daley Mackenzie, Kaufland Australia
- Lauren Horne, Kaufland Australia
- Brianna Johnson, Kaufland Australia
- Maximilian Wiedmann, Kaufland Australia
- Kimberley Holmes, Kaufland Australia
- Stephen Holmes, Holmes Dyer – presented
- Sarah Gilmour, Holmes Dyer
- Dean Mathews, Greenhill
- Adam Littlefield, Outerspace - presented
- Wade Kampes, Brown Falconer
- Nick Henrys, Resonate
- David Kwong, GTA
- Susan Pierce, Eminent
- Tom Pierce, Eminent

#### Representor

- David O'Loughlin, City of Prospect - presented

#### Council

- Darren Starr, Prospect

#### Agency

- Paul Bennett, DPTI Transport

#### Members of the Public

- Hannah Kennedy, Ekistics

The State Commission Assessment Panel discussed the application.

## **RESOLVED**

That State Commission Assessment Panel resolved to defer this item pending reconsideration of the landscape approach for the development, to cover the following:

1. A significant avenue of trees to be provided along the Churchill Road frontage to improve alignment with the intent of the Boulevard Policy provisions;
2. Significantly increase the number of trees in the car park, including the provision of avenues of trees, possibly of different species, to assist delineation of key pedestrian routes;
3. The addition of extra landscaping to soften the south façade;
4. Clear evidence of agreement from the relevant landowner (either Council and/or DPTI) for the establishment and maintenance of landscaping on land not owned by the applicant;
5. Consider removing car parks in order to accommodate more appropriate landscaping around the development; and
6. Consider increasing the number of 'kiss and drop' car parks.

### 2.3. **RESERVED MATTERS - Nil**

## 3. **CROWN DEVELOPMENTS (ADVISORY ITEMS)**

### 3.1. **DEFERRED APPLICATIONS**

#### 3.1.1 **Department of Planning, Transport and Infrastructure**

DA 100/V075/18

**Rail corridor and adjacent land (Sturt Road, Mitchell Park and Tonsley); land parcels within Laffers Triangle (Laffer Drive and Sturt Road, Bedford Park); and land parcels within Flinders University (Sturt Road and Main South Road, Bedford Park)**

City of Marion and City of Mitcham

Proposal: Flinders Link Project: extension of the Tonsley rail line and new train station.

The Presiding Member welcomed the following people to address the State Commission Assessment Panel:

#### Applicants

- Jon Whelan, DPTI – presented (left at 1.57pm)
- Neil Welsh, DPTI - presented
- Dariusz Fanok, DPTI
- Amy Zelinski, DPTI
- Tyla Clayson, DPTI
- Simon Tonkin, Masterplan

#### Council

- Alex Wright, Marion

#### Agency

- Belinda Chan, ODASA
- Simon Lee, ODASA

#### Members of the Public

- Aidan Stanger (previous representor)
- Jodie Pearce (previous representor)
- Andy Gillan
- Sharon Thomson

The State Commission Assessment Panel discussed the application.

**RESOLVED**

That the State Commission Assessment Panel provide its recommendation in confidence (included in SCAP Confidential Minutes – 28 February 2019) 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. **NEW APPLICATIONS - Nil**

4. **MAJOR DEVELOPMENTS - Nil**

5. **OTHER BUSINESS**

6. **NEXT MEETING**

6.1. Thursday 14 March 2019 at ODASA, 28 Leigh Street, Adelaide SA 5000

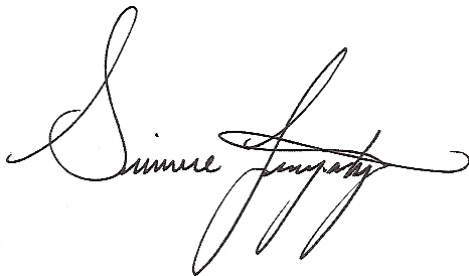
7. **CONFIRMATION OF THE MINUTES OF THE MEETING**

7.1. **RESOLVED** that the Minutes of this meeting held today be confirmed.

8. **MEETING CLOSE**

The Presiding Member thanked all in attendance and closed the meeting at 4.10pm.

Confirmed 28/02/2019



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Simone Fogarty  
PRESIDING MEMBER