



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 136th Meeting of the
State Commission Assessment Panel
held on Wednesday 23rd March 2022 commencing at 9.30am
Microsoft Teams video conferencing

1. OPENING

1.1. PRESENT

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|------------------|---|
| Presiding Member | Rebecca Thomas |
| 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 Brett Miller Jeremy Wood (2.2.1) Nathan Grantham (2.2.1) Ben Scholes (2.2.1) Damon Huntley (2.2.1) Peter Douglass (2.2.3) |

1.2. APOLOGIES Nil

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 Global Intertrade Pty Ltd

21041204

Units 1-4 & 5L, 200-206 East Terrace, Adelaide

Eleven (11) level residential flat building and associated car parking.

Rebecca Rutschack declared a conflict of interest due to having worked on the project whilst at her previous employment and left the meeting for this agenda item.

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

Applicant

- Gary Minuzzo
- Brian Hayes QC
- Katarina Grenfell
- Grazio Maiorano (URPS)
- Manuel Ortigosa (Global Intertrade Pty Ltd)
- Kendall Aplin (Aplin Cook Gardner)
- Marlew Cook (Aplin Cook Gardner)
- Jason Schulz (DASH Architects)
- Ben Wilson (Cirqa)

Representations

- Natalie Williams
- Dr Michael Llewellyn-Smith AM
- Ida Llewellyn-Smith
- David Klingberg AO
- Elizabeth Rushbrook
- Dr Donna Ferretti
- John Svigos
- Dr Kate Selway
- Elbert Brooks
- Sandy Wilkinson
- Alistair McHenry
- Sally Gartelmann
- Thomas Morgan Hawkes
- Vern Sierp
- Hilary Parsons

Agencies

- Belinda Chan (ODASA)
- Aya Shirai-Doull (ODASA)
- Peter Wells (Heritage SA)

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 21041204, by Global Intertrade Pty Ltd is REFUSED Planning Consent subject to the following reasons:
- The proposed development's height, scale, proportions and building massing would not respond appropriately to the context of the locality and would be expected to result in excessive adverse effects on existing residential amenity, contrary to East Terrace Sub Zone (Catalyst Sites) PO 2.3;
 - The design of the development would fail to adequately minimise visual impacts on adjacent sensitive uses, as recommended by East Terrace Sub Zone (Catalyst Sites) PO 2.4; and
 - The proposal is at variance with respect to desirable interface impacts by virtue of consequential effects on amenity available within adjacent sensitive uses and residential development as sought by the Interface between Land Uses (General Land Use Compatibility) PO 1.2 and (Overlooking / Visual Privacy) PO 16.1.

2.2.2 Vintage Properties Pty Ltd (Subsidiary of Cedar Woods Properties)

040/W245/21

Lot 2001 Semaphore Road, New Port

Staged development of 3 residential flat buildings with associated car parking.

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

Applicant

- Phillip Harnett (URPS)
- Grazio Maiorano (URPS)
- Mark Pivovarov (Cedar Woods)
- Lewis Crawford (Cedar Woods)
- Jacqueline De Meyrick (Cedar Woods)
- George Sotiropoulos (Shape Architects)
- Paul Froggatt (Stantec)

Agency

- Belinda Chan (ODASA)
- Ellen Liebelt (ODASA)

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 City of Port Adelaide Enfield Development Plan.
- 3) To grant Development Plan Consent to the proposal by Vintage Properties P/L (Subsidiary of Cedar Woods Properties) for the Staged development of 3 residential flat buildings with associated car parking at Lot 2001 Semaphore Road, New Port subject to the following reserved matters and conditions of consent.

RESERVED MATTERS

Pursuant to Section 102(3) of the Planning, Development and Infrastructure Act 2016, the following matters shall be Reserved for further assessment, to the satisfaction of the State Planning Commission (SPC), prior to the granting of Development Approval:

- Final material palette and samples board provided demonstrating use of high quality, durable materials to be provided in consultation with the Office for Design and Architecture.
- The applicant shall submit a detailed Engineering Siteworks Plan. Such plan shall demonstrate how siteworks and stormwater management systems will be constructed in accordance with relevant engineering best practices, Australian Standards, and National Construction Code requirements.
- The applicant shall submit a final landscaping plan that incorporates the inclusion of landscaping within the carparking areas for each of the three buildings.
- The applicant shall submit updated plans to show the internal facades of the buildings that incorporate further articulation and colour changes.

PLANNING CONDITIONS

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).
2. Waste management shall be undertaken in accordance with the waste management plan, completed by Colby Phillips Advisory and dated 21 October 2021, submitted with the application, with on-site waste collection shall be restricted to the hours of 6am to 6pm Monday to Saturday.
3. The establishment of all landscaping shall be undertaken within 3 months of the substantial completion of the Development and in any event prior to the occupation or use of the Development. Such landscaping shall be maintained in good health and condition with any dead or diseased plants or trees being replaced.
4. Lighting shall be provided to the vehicle and apartment entries and shall be operational during the hours of darkness at all times.

Coast Protection Board Conditions

5. Minimum building site and finished floor levels of 3.2 and 3.45 metres, Australian Height Datum (AHD), respectively, are required to address coastal flooding hazard risks.
6. All imported substrate material or engineered fill to be used shall be free of weeds and pathogens to ensure that noxious weed or contamination sources are not introduced into the coastal environment.
7. The stormwater management system associated with the development must be designed in such a way so as to minimise pollution, scouring, erosion or result in marine sedimentation impacts.

ADVISORY NOTES

- a. This Development Plan Consent will expire after 24 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 Development Assessment Commission.
- b. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 2 years 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.
- c. 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).
- d. The proposed development shall be constructed in the following stages:
 - Stage 1 - Residential Flat Building comprising 41 dwellings (2 of which are Disability Discrimination Act compliant), 41 car parking spaces and associated driveway.
 - Stage 2 - 1 Residential Flat Building comprising 35 dwellings (2 of which are Disability Discrimination Act compliant), 35 car parking spaces and associated driveway.

Stage 3 - 1 Residential Flat Building comprising 29 dwellings (2 of which are Disability Discrimination Act compliant), 29 car parking spaces and associated driveway.

- e. A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of Port Adelaide Enfield 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 o overall site clean-up

Coast Protection Board Notes

- f. The proposed building site level (3.2m AHD) minimises flood hazard risks associated with the standard sea flood risk level (1% Annual Exceedance Probability) and 0.3m of sea level rise to year 2050. The development may therefore be at risk from coastal flooding hazard risks associated with additional sea level rise (e.g. beyond 2050), which may necessitate further flood protection measures.
- g. The land over which the development is situated may have the potential to develop acid sulfate conditions if exposed to oxygen. The Coast Protection Board has released a set of guidelines which should be followed in areas where acid sulfate soils are likely to occur. These can be found at: http://www.environment.sa.gov.au/about-us/boards-and-committees/Coast_Protection_Board/Coastal_acid_sulfate_soils
- h. The waters adjacent the development site fall within the area covered by the Adelaide Dolphin Sanctuary Act 2005. The object of the Act is to protect the dolphin population and their natural habitat. Contractors should be made aware of the Adelaide Dolphin Sanctuary Act 2005 and that there is a general duty of care to ensure the protection of the dolphin population from direct physical harm including as a result of changes in water quality.
- i. The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not cause environmental harm.
- j. The proposed development should minimise any potential impacts on state heritage places. The applicant should seek the advice of the Heritage Branch of the Department for Environment, and Water to ensure heritage issues are addressed.

2.2.3 70 GHR Pty Ltd C/- Phil Brunning & Associates

090/M021/20

70 Greenhill Road, Wayville

Construction of an 8-storey mixed-use building comprising 33 residential apartments, ground floor office, with associated basement and ground level car parking.

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

Applicant

- Zis Ginos (Ginos Group)
- George Ginos (Ginos Group)

- Anthony Donato (Anthony Donato Architects)
- Phillip Brunning (Phillip Brunning & Associates)

Representor

- Jim Taliangis

Agency

- Belinda Chan (ODASA)
- Sophie Newland (ODASA)

Council

- David Brown (City of Unley)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) To DEFER consideration of application 090/M021/20 by 70 GHR Pty Ltd C/- Phil Brunning & Associates to seek the following information from the applicant:
 - An updated and consistent set of architectural plans;
 - A final landscaping plan for the development including the species, maintenance schedule and details of deep soil planting and raised planter beds to demonstrate the ability for the landscaping to effectively grow in the locations proposed; and
 - Investigate the potential to relocate the ground floor stacker carpark to the basement and provide visitor and commercial occupants parking at ground level.

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 13 April 2022 – location to be confirmed.

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 5.04pm.

Confirmed 23/03/2022



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Rebecca Thomas
PRESIDING MEMBER

