



# STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

## Minutes of the 56<sup>th</sup> Meeting of the State Commission Assessment Panel held on Thursday 30 May 2019 commencing at 9.30am Kardi Munaintya Meeting Room, 50 Flinders St, Adelaide

### 1. OPENING

#### 1.1. PRESENT

Presiding Member	Simone Fogarty
Members	Mark Adcock Peter Dungey Sally Roberts
Secretary	Alison Gill
DPTI Staff	Elysse Kuhar (Agenda Item 2.2.1) Karl Woehle (Agenda Item 2.2.2) Jason Cattonar (Agenda Item 2.2.2) Gabrielle McMahon

1.2. APOLOGIES	Dennis Mutton (Deputy Presiding Member) Chris Branford
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### 2. SCAP APPLICATIONS

#### 2.1. DEFERRED APPLICATIONS – Nil

#### 2.2. NEW APPLICATIONS

##### 2.2.1 Citify Pty Ltd & BFC Pty Ltd

DA020/A097/18

**69-71 Melbourne Street, North Adelaide**

City of Adelaide

Proposal: Demolition of an existing building and construction of a multi-storey mixed-use building (ground plus 6 levels above ground), comprising retail and residential uses and associated basement car park.

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

#### Applicant

- Fabian Barone, Future Urban Group - presented
- Thomas Wilson, Cirqa - presented
- Gemma Broomfield, Citify
- Joel Wilkinson, Citify

#### Representors

- Holly Dangal – presented
- Bhim Dangal
- Kathy Rosenthal - presented
- Phil Rosenthal

#### Agency

- Aya Shirai-Doull, 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 Adelaide (City) Development Plan.
3. To grant Development Plan Consent to the proposal by Citify Pty Ltd and BFC Pty Ltd for Demolition of an existing building and construction of a multi-storey mixed-use building (ground plus 6 levels above ground), comprising retail and residential uses and associated basement car park at 69-71 Melbourne Street, North Adelaide subject to the following conditions of consent.

#### **PLANNING CONDITIONS**

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and following plans submitted in Development Application No 020/A097/18.

*Reason for condition: to ensure the development is constructed in accordance with endorsed plans and application details.*

2. Prior to Development Approval for Stage 2, the applicant shall submit a final detailed schedule of external materials and finishes in consultation with the Government Architect to the reasonable satisfaction of the SCAP.

*Reason for condition: to ensure the development is constructed in accordance with endorsed plans and application details.*

3. A statement by a suitably qualified environmental professional 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 SCAP prior to any superstructure works.

*Reason: to ensure the site is suitable for its intended use.*

4. All external lighting on the site shall be designed and constructed to conform to Australian Standard (AS 4282-1997).

*Reason for condition: to ensure external lighting does not introduce undue potential for hazards to users of the adjacent road network in accordance with the necessary standard.*

5. 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.

*Reason for condition: to ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.*

6. All off-street car parking areas shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.

*Reason for condition: to ensure off-street car parking facilities are designed to adhere to the necessary standards.*

7. All bicycle facilities shall be designed in accordance with AS/NZS 2890.3:2015.

*Reason for condition: to ensure bicycle facilities are designed to adhere to the necessary standard.*

8. 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 and the air-conditioning units with consideration given to the adjacent properties. Noise attenuation devices and visual screening will be implemented as necessary.

*Reason for condition: to ensure mechanical equipment does not cause unreasonable nuisance or loss of amenity in the locality.*

9. 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.

*Reason for condition: to ensure appropriate reinstatement of any Council, utility or state-agency maintained infrastructure affected by construction activities.*

10. Landscaping shown on the approved plans shall be established prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

*Reason for condition: to ensure the proposed landscaping is established and maintained consistent with the landscaping concept and to ensure the necessary privacy screening is achieved at a height of 1.5m.*

#### **ADVISORY NOTES**

- a. 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.
- b. 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.

- 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. Existing boundary (back of path) levels must not be modified. Finished floor levels should be based around retaining the existing back of path levels subject to the following: 1. If the level difference between top of kerb and back of path is less than 50 mm 2. If the existing cross fall(s) exceed 4% (1:25)

If any of the above conditions exist for any footpath infrastructure that services the perimeter of the site boundary then please contact the Lead Asset Consultant Streets prior to setting finished floor levels.

- e. Footpath reinstatements associated with works will need to match surrounding materials and pavement composition.
- f. The canopy on the proposed development encroaches on to Melbourne Street a public Road. The canopy is to meet CoA's minimum height requirements.
- g. Stormwater runoff from the proposed development must be contained within the property boundaries, collected and discharged to Melbourne Street. Council cannot approve discharge of stormwater on private property.
- h. Council supports and prefers the installation of underground stormwater property connections to council stormwater infrastructure, where suitable council infrastructure is available within the road. The City of Adelaide has a 450mm diameter stormwater pipe on the south side of Melbourne Street which would be the ideal connection location. Please note that it the property owner's responsibility to verify the location of services within the public realm to ensure any proposed stormwater property connections can be constructed.
- i. The levels of any proposed grated inlet pits or stormwater openings within the building must be designed with an adequate freeboard to the 1% AEP flood level assumed to be top of kerb level adjacent to the stormwater discharge point in Melbourne Street.
- j. Council's stormwater management systems (minor and major rainfall events) have been designed to manage gravitational flows only. Any proposed siphonic roof drainage systems must be designed to attenuate discharge flows to Councils stormwater management systems to equivalent gravitational flows.
- k. Any collected seepage water from a basement groundwater collection system must be either discharged to sewer or a proposed building recycled water system. Collected untreated groundwater seepage must not be discharged to the property stormwater system.
- l. Property boundary levels of the proposed basement carpark driveway ramp in Colley Street must provide an adequate freeboard to the 1% AEP flood level, assumed to be equivalent to 100mm above spoon drain invert adjacent to the driveway ramp in Colley Street, to ensure adequate flooding protection to the basement.
- m. Any collected irrigation seepage water from landscape areas, green walls, planter boxes or rooftop gardens must be either discharged to sewer or an irrigation recycled water reuse system. Collected seepage water should not be discharged to the building stormwater system. "Seepage" water does not include stormwater runoff from landscaped areas which can be discharged to the property stormwater system.
- n. All modifications requiring temporary removal/relocation/provision of temporary lighting/reinstatement of existing Council and/or SA Power Network's public lighting

(including associated infrastructure such as cabling etc.) shall meet Councils' requirements and all costs borne directly by the developer.

- o. If temporary hoarding or site works require modification of existing Council and/or SA Power Network's public lighting (including associated infrastructure such as cabling etc.) shall meet Councils' requirements. The works shall be carried out to meet Councils' requirements and all costs borne directly by the developer.
- p. Obtrusive Lighting – Lighting design and installation to be fully compliant with Australian Standard - AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting. Sign off by consultant required to confirm compliance. In addition, provide relevant lighting calculation grid detailing property boundary lines for Councils review and records.
- q. If new canopies are to be constructed as part of these works, then lighting shall meet CoA's under veranda/awning lighting requirements.
- r. Existing underground services shall be identified and marked in the locality prior to undertaking any excavation works.
- s. All assets to be handed over to CoA to own and maintain shall be constructed to Councils' requirements and applicable legislative standards and requirements. All equipment gifted.
- t. Any temporary removal or relocations of these urban element's assets shall meet Councils' requirements shall be carried out to meet Councils' requirements and all costs borne directly by the developer.

Final location of equipment will be determined by CoA considering existing site constraints etc.

- u. Any traffic control devices shall comply with AS1742.
- v. It is recommended that communications with the Public Transport Division of DPTI and Council's On-Street Parking team be maintained for future required parking changes on Melbourne Street.

#### 2.2.2 **AWWAD Super Fund Pty Ltd**

DA211/M029/18

**81 Anzac Highway, Ashford**

City of West Torrens

Proposal: Construction of a 5 level residential flat building comprising ancillary car parking, landscaping, associated building work and removal of a regulated tree.

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

##### Applicants

- Phil Brunning, PBA - presented
- Simon Cross, Cross Company - presented
- Fran Bonato, Tectvs – presented
- Ben Wilson, Cirqa – presented
- Habib Awwad

##### Representors

- John Hardy - presented
- John Hooper - presented

##### Council

- Jordan Leverington, West Torrens – presented
- Andrew King, West Torrens - presented

Agency

- Aya Shirai-Doull, ODASA

The State Commission Assessment Panel discussed the application.

While the proposal presents an attractive architectural façade, there are a number of planning shortfalls. In particular, the siting of built form and intensity of development have led to an arrangement that is at odds with the Development Plan in a number of respects. The compounding impacts that result from these shortfalls on balance make this proposal unacceptable in its current form.

**RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. To REFUSE Development Plan Consent to the proposal by AWWAD Super Fund Pty Ltd for construction of a 5 level residential flat building comprising ancillary car parking , landscaping, associated building works and removal of a regulated tree at 81 Anzac Highway, Ashford due to the cumulative impact of non-compliance with the following:
  - a. The proposed development exceeds the maximum building height of 3 storeys and 12.5 metres defined within the Urban Corridor Zone for Boulevard Policy Area 34 PDC 13 and does not provide a suitable transition between zones;
  - b. The ground floor of the proposed development does not achieve the minimum floor to ceiling height of 4.5m to allow for adaptable uses defined by PDC 5 Boulevard Policy Area;
  - c. The proposed development does not achieve the minimum setback to Anzac Highway of 3m to allow for landscaping which will contribute to a pleasant streetscape and pedestrian environment and provide an attractive transition between the public and private realm defined by Urban Corridor Zone PDC 17; and
  - d. Visitor car parking has not been provided as sought by Table WeTo/6 of the Development Plan.

2.3. **RESERVED MATTERS** - Nil

3. **CROWN DEVELOPMENTS (ADVISORY ITEMS)** – Nil

3.1. **DEFERRED APPLICATIONS** – Nil

3.2. **NEW APPLICATIONS** - Nil

4. **MAJOR DEVELOPMENTS** - Nil

5. **OTHER BUSINESS**

6. **NEXT MEETING**

6.1. Thursday 13 June 2019 at ODASA, 28 Leigh Street, Adelaide SA 5000

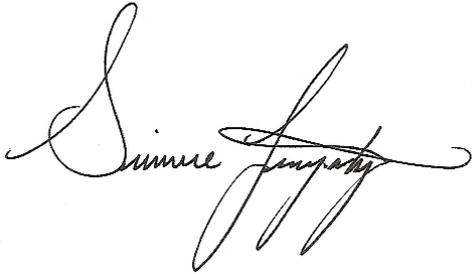
**7. CONFIRMATION OF THE MINUTES OF THE MEETING**

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 1.38pm.

Confirmed 30/05/2019

A handwritten signature in black ink, appearing to read 'Simone Fogarty', written in a cursive style.

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Simone Fogarty  
PRESIDING MEMBER