



A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 191st Meeting of the
State Commission Assessment Panel
held on Wednesday 13 November 2024 commencing at 9:30am
Level 9, 83 Pirie 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 and present.

1.2. PRESENT

Presiding Member	Rebecca Thomas
Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert Paul Leadbeter David Altmann Jenny Newman Don Donaldson
Secretary	Morgan Ellis
DHUD Staff	Troy Fountain Damon Huntley Nathan Grantham Tegan Lewis Jeremy Wood Lee Webb Fiona Selleck Gabrielle McMahon

1.3. APOLOGIES Nil

SCAP APPLICATIONS

1.4. DEFERRED APPLICATIONS

1.5. NEW APPLICATIONS

2.2.1 108 Franklin Pty Ltd C/- Future Urban Pty Ltd

23037672

108-112A Franklin St, Adelaide

Construction of a twenty-two-level mixed-use building comprising residential apartments, tourist accommodation, shops, and office space.

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

Applicant:

- Fabian Barone
- Renae Grida
- Jim Apostolou
- Nic Wong
- Bruce Su
- Peter Petrou
- Frank Siow

Agencies:

- Belinda Chan
- Melissa Chrystal
- Lachlan Nicholl
- Niall Stehen

Council:

- Helen Dand via MS Teams

The Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

RESOLUTION

The State Commission Assessment Panel resolved that:

- 1) The Development Application 23037672, by 108 Franklin Pty Ltd C/- Future Urban 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 of 2016*, the following matter(s) shall be reserved for further assessment to the satisfaction of the State Planning Commission and prior to the granting of Development Approval:

Reserved Matter 1

Following consultation with the Government Architect, the applicant shall submit a final detailed external materials and finishes schedule and physical samples board. Materials are to be high quality and durable with integral colours, and tones selected to consider optimum environmental performance. These details submitted shall also clarify the final building column locations at ground level and an articulated / patterned finish to the northern elevation of the southern tower to reflect the design as being conceived "in the round."

Reserved Matter 2

The applicant shall submit a final Stormwater Management Plan detailing stormwater quantity and quality measures prepared in consultation with the City of Adelaide.

Reserved Matter 3

The applicant shall submit final details of the illuminated advertisement signage proposed on the southern tower, confirming that the signage will not move, flash, blink or rotate in any manner; and that the illumination of the signage will be kept to a level which ensures that no hazard, discomfort or nuisance is caused to adjoining residents.

Reserved Matter 4

A final wind assessment report shall be submitted for the proposed development which provides clear recommendations and adopted strategies for any wind mitigation measures.

CONDITIONS

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

The recommendations detailed in the Environmental Noise Assessment, dated 02 August 2024 prepared by Bestec shall be fully incorporated into the development. Such measures shall be made operational prior to the occupation or use of the development and maintained at all times to the satisfaction of the Relevant Authority.

Condition 3

The planting and landscaping identified on the stamped and approved plans granted Planning Consent shall be undertaken in the first planting season concurrent with or following substantial completion of the development. Such planting and landscaping shall be irrigated and maintained thereafter with any plants which become diseased, or die must be replaced within the next available growing season with suitable species, to the satisfaction of the State Planning Commission.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 4

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued by a site contamination auditor certifying the land is suitable for the proposed use and informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.

Condition 5

If a certificate of occupancy is not required pursuant to regulation 103 of the *Planning, Development and Infrastructure (General) Regulations 2017*, a person must not occupy the building for the purpose authorised under the development approval until a statement of site suitability is issued by a site contamination auditor certifying the land is suitable for the proposed use and informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.

ADVISORY NOTES

Advisory Note 1

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 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 ERD Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 3

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Relevant Authority).

Advisory Note 4

No works, including site works can commence until a Development Approval has been granted.

Advisory Note 5

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.

Advisory Note 6

Unless exempt from requiring development approval, no additional signs shall be constructed or displayed on the land without the approval of Council.

Advisory Note 7

The finished floor-level of the ground floor-level of the site must match the levels of the adjacent road at the boundary.

Advisory Note(s) imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 8

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

Advisory Note(s) imposed by (Adelaide Airport) The Secretary of the relevant Commonwealth Department responsible for administering the Airports Act 1996 under Section 122 of the Act

Advisory Note 9

The application has been assessed and the development at a. approx. height of RL 145.550m Australian Height Datum (AHD) the application **will** penetrate the Adelaide Airport Obstacle Limitation surfaces (OLS) which is protected airspace for aircraft operations.

The application will require approval in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996* with final approval by the Department of Infrastructure, Transport, Regional Development, Communication and the Arts.

The developments will penetrate the OLS by approximately 58 metres.

The airport will not object to the development.

If the development is approved by the Department of Infrastructure, Transport, Regional Development, Communication and the Arts any associated lighting would also need to conform to the airport lighting restrictions and shielded from aircraft flight paths.

Crane operations associated with construction, if approved, will also be subject to a separate application.

2.2.2 Mercy Education Limited trading as St Aloysius College

24019790

34 Angas St, Adelaide

48-60 Angas St, Adelaide

250 Victoria Sq, Adelaide

53 Wakefield St, Adelaide

Demolition of an Existing School Building and Construction of a Multi-Level Primary School Building with associated illuminated signage.

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

Applicant:

- Greg Vincent
- Kirsten Falt
- William Sharp
- Steve Andrews
- Nicole Dent
- Ava Kim

Agencies:

- Michael Queale
- Damien Heffernan

The Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

RESOLUTION

The State Commission Assessment Panel resolved that:

- 1) The Development Application 24019790, by Mercy Education Limited trading as St Aloysius College 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 of 2016*, the following matter(s) shall be reserved for further assessment to the satisfaction of the State Planning Commission and prior to the granting of Development Approval:

Reserved Matter 1

The applicant shall submit a detailed design of the proposed advertising, including illumination method and conformity with Australian Standard 4282-1997.

Reserved Matter 2

The applicant shall submit a final landscaping plan, that includes all the following:

- Final location and number for all proposed landscaping, comprising trees, shrubs and groundcovers.
- Final nominated species to be used, noting species shall be suited to the local conditions.
- Mature heights of landscaped areas be provided.

Reserved Matter 3

The applicant shall submit a final detailed schedule of high quality and durable external materials and integral finishes and a physical samples board, including a sample of the Monkeytoe screening in consultation with the Government Architect.

Reserved Matter 4

The applicant is to provide an updated acoustic assessment as part of the detailed design phase, to ensure that the desired noise attenuation levels are achieved, pursuant to the Environment Protection (Commercial and Industrial) Noise Policy 2023.

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

All stormwater run-off from surface areas of the development including awnings must be collected in a system of gutters, pits and pipelines and discharged, via any detention and/or water retention reuse tanks, by gravity to the existing site drainage system and comply with requirements of the National Construction Code, AS3500.3, SA Water Sensitive Urban Design Policy and Planning Consent documentation. Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

Conditions imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

Condition 3

Making good works to the external wall of the chapel building, where the abutting walkway and wall are to be demolished, are to be confirmed, to the satisfaction of Heritage SA, of the Department for Environment and Water, prior to commencement of construction.

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 Relevant Authority).

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.

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Relevant Authority).

No works, including site works can commence until a Development Approval has been granted.

Advisory Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

Advisory Note 2

Please note the following requirements of the Aboriginal Heritage Act 1988.

- a) 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) is to be notified under Section 20 of the Aboriginal Heritage Act 1988.

Advisory Note 3

Please note the following requirements of the Heritage Places Act 1993.

- a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
- b) 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. For further information, contact the Department for Environment and Water.

Advisory Note 4

If landscape works extend to Angas Street boundary, the finished floor level at the boundary of the site shall match the existing back of footpath levels.

2.3. RESERVED MATTERS

3. CROWN DEVELOPMENTS (ADVISORY ITEMS)

3.1. DEFERRED APPLICATIONS

3.2. NEW APPLICATIONS

3.2.1 Brinkworth Solar Farm Pty Ltd & Department for Energy and Mining

24016679

873 Koolunga Rd, Koolunga

653 Koolunga Rd, Brinkworth

Lot 102 Lake View Rd, Brinkworth

Lot 256W Power Station Rd, Brinkworth

Development of a solar farm comprising approximately 367,360 solar photovoltaic (PV) panels with a total generation capacity of 209MW and associated infrastructure.

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

Applicant:

- Julie Jansen
- Duwayno Robertson
- Michael Sale

Representors:

- Steven Welke
- Andrew Whitehorn
- Carolyn Emms via MS Teams

The Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

RESOLUTION

- 1) That the State Commission Assessment Panel provide its recommendation in confidence (published in the State Commission Assessment Panel Confidential Minutes, 13 November 2024) to the Minister for Planning.

3.2.2 Green Gold Energy Pty Ltd & Department for Energy and Mining

24003878

91 Mickan Rd, Australia Plains

Lot 315 Bower Rd, Australia Plains

Development of a solar farm comprising approximately 430,000 solar photovoltaic (PV) panels with total generating capacity of 200MW and associated infrastructure.

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

Applicant:

- James Butterworth
- Ben Wilson via MS Teams
- Michael O'Flaherty
- Elton Zhang via MS Teams
- Shanti Ditter via MS Teams

Representors:

- Michael Nash
- Peter Schiller via MS Teams
- Nelson Lewis via MS Teams
- Lynda Lewis via MS Teams

Observing:

- Michael Lewis

The Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

RESOLUTION

- 1) That the State Commission Assessment Panel provide its recommendation in confidence (published in the State Commission Assessment Panel Confidential Minutes, 13 November 2024) to the Minister for Planning.

4. MAJOR DEVELOPMENTS – VARIATIONS

5. REPORTING

6. COURT COMPROMISE

7. BRIEFINGS

8. PROCEDURAL MATTERS

9. OTHER BUSINESS

10. NEXT MEETING

- 10.1. Wednesday 27 November 2024, Level 9, 83 Pirie Street, Adelaide SA 5000 / 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 4:00PM

Confirmed: 13/11/2024



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Rebecca Thomas
PRESIDING MEMBER