



# STATE COMMISSION ASSESSMENT PANEL

## A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 183<sup>rd</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 24 July 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

Amy Arbon

DHUD Staff

Jeremy Wood  
Benjamin Scholes (2.2.1)  
Hannah Connell (2.2.1 & 2.2.3)  
James March (2.2.1)  
Tegan Lewis (2.2.1)  
Mollie O'Connor (2.2.2)  
Nathan Grantham (2.2.2)  
Karen Ferguson (2.2.3)  
Fiona Selleck (3.2.1)  
Gabrielle McMahon (3.2.1)

#### 1.3. APOLOGIES

Nil

## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

### 2.2. NEW APPLICATIONS

#### 2.2.1 A.F. & A.M. Nominees Pty Ltd C/- Future Urban 23030263

##### **254 North Terrace, Adelaide**

Partial demolition of a State Heritage Place and construction of a thirty-seven (37) level mixed-use building.

Jenny Newman declared a conflict of interest due to her employer's previous engagement by the proponent and current engagement by a representor and according, left the meeting for this agenda item.

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

#### **Applicant**

- Fabian Barone
- Renae Grida
- James Levinson
- Lydia Hart
- Syd McDonald
- Michael Baragwanath
- Boyd Sparrow
- Henry Davis
- Anthony Balsamo
- Mark Berlangieri
- Hamish Banks
- Nick Roach
- Mark Saldanha via MS Teams
- Ben Wilson
- Sam Hosking
- Kate Paterson
- Steve Wren
- Pat Scrimizzi via MS Teams

#### **Representations**

- Phil Brunning
- Brian Hayes KC
- James Hilditch
- Alexander Wilkinson
- Jayne Lovell
- Elizabeth Jenner
- Katherine Byrnes
- Dr Graham Fraenkel
- Dr Sally Downes
- Prof. David Ness via MS Teams
- Judith Heaven
- Jeremy Kwan (on behalf of The University of Adelaide)
- Lidia Sindic
- Gregory Vaughton
- George Boumis via MS Teams
- Barry Jenner via MS Teams

**Agencies**

- Michael Queale
- Belinda Chan
- Brett Eaton via MS Teams

**Council**

- Steven Burke
- Sean Howie

**Observer**

- Elizabeth Rushbrook

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. 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 23030263, by A.F. & A.M. Nominees Pty Ltd C/- Future Urban Pty Ltd 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**

A final Traffic Management Plan including a 'Safety in Design' review detailing the proposed operation and management of the basement level 1 loading dock to confirm arrangements including details of traffic control devices such as bollards, light signals, line marking, directional signage, roller doors, closed-circuit television cameras and electronic message panels intended for safe and efficient use of the loading dock and appropriate access arrangements (including for deliveries, servicing and waste management purposes) proposed on the subject land for vehicles and pedestrians

**Reserved Matter 2**

Final architectural detailing and external material selections (supported by provision of physical material samples) prepared in consultation with the Government Architect, with appropriate consideration given to matters including:

- design and detailing of the glazed facade system;
- final architectural plans confirming the location and alignment of proposed internal waste chutes;
- walkway canopy including integration of gutters and downpipe structures;
- ramp structures; and
- screening devices and use of materials with integral finishes

**Reserved Matter 3**

Final landscape design prepared in consultation with the Government Architect including confirmation of:

- green wall/vertical landscaping design including ongoing irrigation and maintenance strategies;

- location of deep soil zones, specification of vegetation species and anticipated plant height/s and canopy coverage (as applicable) at maturity;
- paving treatments, public realm furniture and lighting infrastructure; and
- design of wayfinding signage

**Reserved Matter 4**

An updated acoustic assessment confirming that the Development (including roof plant and equipment and air conditioning units) will not result in noise which exceeds 52 DbA during the day (7:00am-10:00pm) and 45 DbA during the evening (10:00pm-7:00am) at the nearest noise-affected premises.

**Reserved Matter 5**

A final stormwater management plan prepared in consultation with the City of Adelaide with appropriate consideration given to matters including:

- necessary modifications to, or replacement of, existing stormwater infrastructure;
- peak rates of stormwater discharge to the street drainage network, including potential use of pumping infrastructure;
- filtration devices intended to maintain quality of stormwater runoff entering the street drainage network;
- opportunities for rainwater harvesting and detention / retention (including storage capacities); and
- opportunities for stormwater reuse within the development (internally and externally)

**Reserved Matter 6**

Provision of evidence that the proposed Heritage Agreement between the Minister for Climate, Environment and Water and Keystone Adelaide has been executed and registered on the relevant Certificate of Title prior to commencement of demolition of any part of the Grand Hall section of the State Heritage Place.

**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 design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2018 (Part 3) to ensure that stormwater does not adversely affect any building, adjoining property, or public road.

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

**Condition 3**

A completed and signed Heritage Agreement is a key component in support of the project. The proposed Heritage Agreement between the Minister for Climate, Environment and Water and Keystone Adelaide is to be enacted prior to commencement of demolition of any part of the Grand Hall section of the State Heritage Place.

**Condition 4**

Full documentation of the fabric of the Great Hall to be undertaken (measured drawings, internal and external photographs, 3D scan image) to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to the commencement of demolition works on site.

**Condition 5**

Final detailed design of front ramps, treatment of existing light wells and associated fencing to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to commencement of works on site.

**Condition 6**

Treatment of heritage building openings exposed during construction, including roof works, to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to the commencement of demolition works on site.

**Condition 7**

Final design details of western canopy over the walkway to be provided, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to the commencement of demolition works on site.

**Condition 8**

Any fencing or other original architectural features to be removed for entry ramps and driveways to North Terrace to be retained for reuse or stored on site, details to the satisfaction of Heritage South Australia, of the Department for Environment and Water.

**Condition 9**

Any proposed internal works, including finishes and integration of new services to the Grand Lodge building, and also to the interface between the existing and proposed tower, to be provided, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to the commencement of internal works to the building on site.

**Condition 10**

Façade system – colour and type glazing, along with glazing frame system, to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to the commencement of façade works on site.

**Condition 11**

Details of proposed protection of the east façade of the Grand Lodge building, at driveway level (wall protection against impact and details of plinth treatment where road is to be ramped down) along full length of the east façade, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to the commencement of demolition works on site.

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

**Condition 12**

The application has been assessed and the development with a maximum building height at a height of RL 224.6376 metres 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 development will infringe the OLS by approximately 79 metres.

Crane operations associated with construction require approval in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*.

**ADVISORY NOTES**

**Planning Consent**

**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**

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 3**

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

**Advisory Note 4**

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 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 relevant Local Government Authority.

**Advisory Note 6**

A Construction Environmental Management Plan (CEMP) should be prepared in collaboration with, and to the satisfaction of, the City of Adelaide prior to the issue of Development Approval. The approved CEMP shall be implemented throughout the development and should incorporate, without being limited to, the following matters:

- Car parking and access arrangements for tradespersons
- Siting of materials storage
- Site offices
- Work in the Public Realm
- Hoarding
- Site amenities
- Traffic requirements including construction access/egress and heavy vehicle routes
- Reinstatement of infrastructure
- Site contamination management, if required (prepared by a suitably qualified and experienced site contamination consultant in accordance with Environment Protection Authority guidelines)

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

**Advisory Note 7**

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 8**

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.

2.2.2 **300 Wakefield Pty Ltd C/- Future Urban**

23035449

**282-300 Wakefield Street, Adelaide**

Construction of a six (6) level 'health centre' building comprising consulting rooms at ground level and level one and a hospital on levels two four and rooftop terrace.

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

**Applicant**

- Marc Duncan
- Blake Soroka
- Michael Willis
- Sean Doyle via MS Teams

**Agencies**

- Aya Shirai-Doull

**Council**

- Steven Burke via MS Teams
- Sean Howie via MS Teams

**Observer**

- Elizabeth Rushbrook

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. 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 23035449, by 300 Wakefield 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**

A final detailed schedule of external materials and finishes and a physical samples board prepared in consultation with the Government Architect.

**Reserved Matter 2**

A final detailed Stormwater Management Plan with stormwater quantity and quality measures shall be prepared by a suitably qualified Civil Engineer and in consultation with the City of Adelaide.

**Reserved Matter 3**

A final Landscaping Plan shall be provided that is consistent with the proposed built form proposed by the Architectural Plans.

**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 Management shall be undertaken in accordance with the Approved Waste Management Plan prepared by 'Colby Phillips Advisory' and dated 11 April 2024.

**Condition 3**

The finished ground level at the boundary of the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary.

**Condition 4**

The recommendations detailed in section 4.2 of the Environmental Noise Assessment, dated November 2023 prepared by 'Sonus' 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.

**ADVISORY NOTES**

**Planning Consent**

**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**

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 3**

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

**Advisory Note 4**

All Adelaide City Council (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 5**

The applicant is advised that the works in the public realm for civil and stormwater will require an External Works Agreement with the Council, pursuant to Section 221 of the *Local Government Act 1999*.



**Advisory Note 6**

The final Stormwater Management Plan should demonstrate that the stormwater discharge to Council land and drainage system can achieve the South Australian Water Sensitive Urban Design Policy and City of Adelaide Standards and Guidelines.

**Advisory Note 7**

The proposed awning shall comply with Council's Encroachment Policy and include pedestrian lighting (Category PR1-AS1158). The lighting must not be obtrusive and should be designed so that it does not shine into any adjoining residences and shall be operational during the hours of darkness at all times to the reasonable satisfaction of the relevant authority.

**2.2.3 Simon and Cathy Collins C/- Planning Studio**

23033160

**114B Collins Hill Road, Lenswood**

**140 Stentiford Road, Lenswood**

Torrens-title land division (two (2) allotments into three (3) allotments), creating one (1) additional allotment.

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

**Applicant**

- Kieron Barnes
- Simon Collins
- Cathy Collins

**Council**

- Deryn Atkinson via MS Teams
- James Booker 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 resolve that:

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 23033160, by Cathy Collins and Simon Collins is **REFUSED** Planning Consent and land division consent subject to the following reasons;

**REASONS FOR REFUSAL**

**Environment and Food Production Area Overlay**

1. The proposal does not meet Performance Outcome 1.1 as the proposal is for land division which creates an additional allotment fragmenting the land division pattern for food production.

### Limited land Division Overlay

2. The proposal does not meet Performance Outcome 1.1 as the proposal creates an additional allotment.

### Productive Rural Landscape Zone

3. The proposal does not meet PO 12.1 of the Productive Rural Landscape Zone as the land division creates an additional allotment and is not located in The Cedars Subzone to support tourist development.

#### 2.3. RESERVED MATTERS

### 3. CROWN DEVELOPMENTS (ADVISORY ITEMS)

#### 3.1. DEFERRED APPLICATIONS

#### 3.2. NEW APPLICATIONS

- 3.2.1 **Department for Infrastructure and Transport, and Australian Naval Infrastructure C/- URPS**  
24012501  
**7 Nelcebee Street, Osborne**  
**Lot 301 Nelcebee Street, Osborne**  
**Lot 777 Archie Badenoch Circuit, Osborne**  
**Lot 103 Pelican Point Road, Outer Harbor**  
**Lot 110 Pelican Point Road, Outer Harbor**  
Construction of new Grade Separated Road

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to her employer's representation of the proponent and left the meeting for this agenda item.

Jenny Newman declared a conflict of interest due to her employer's representation of the proponent and left the meeting for this agenda item.

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

#### Applicant

- Scott Twine
- Brett Pendlebury
- Timothy Warren
- Brett Fundak
- Marianne Wierda

#### Council

- Steve Hooper via MS Teams
- Tim Hicks via MS Teams
- Megan Lewis via MS Teams

#### Observer

- Janine Philbey via MS Teams

The Deputy 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 provide its recommendation in confidence (published in the SCAP Confidential Minutes - 24 July 2024) to the Minister for Planning.

**4. MAJOR DEVELOPMENTS – VARIATIONS**

**5. REPORTING**

**6. COURT COMPROMISE**

**7. BRIEFINGS**

**8. PROCEDURAL MATTERS**

**9. OTHER BUSINESS**

9.1 Register of Interest

**10. NEXT MEETING**

10.1. Wednesday 14 August 2024 at Level 9, 83 Pirie 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 3:35pm.

Confirmed 25/07/2024



.....  
Rebecca Thomas  
PRESIDING MEMBER



.....  
Rebecca Rutschack  
DEPUTY PRESIDING MEMBER (Item 3.2.1)