



**A COMMITTEE OF THE STATE PLANNING COMMISSION**

Minutes of the 179<sup>th</sup> Meeting of the  
 State Commission Assessment Panel  
 held on Wednesday 22 May 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) via Microsoft Teams John Eckert Paul Leadbeter David Altmann Jenny Newman Don Donaldson
Secretary	Amy Arbon, Senior Governance Officer
DTI Staff	Troy Fountain Nathan Grantham (2.2.1 & 2.2.2) Jeremy Wood (2.2.3) Mollie O'Connor (2.2.1) Damon Huntley (2.2.2) Karen Ferguson (2.2.3)

**1.3. APOLOGIES** Nil

## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

### 2.2. NEW APPLICATIONS

#### 2.2.1 Merlino Development Group Pty Ltd

23032008

#### 8-18 Santo Parade, Port Adelaide / Lot 301 Perkins Drive, Port Adelaide

Demolition of existing buildings and construction of one two storey building and two three storey buildings containing 31 tenancies for use as warehousing with ancillary offices, car parking and landscaping.

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

#### Applicants

- Mark Kwiatkowski (Adelaide Planning and Development Solutions)
- Ryan Hopkins (Mavtect Designs)
- Nik Panagaris (Merlino Development Group Pty Ltd)
- Elia Mavrou (Mavtect Designs)

#### Agencies

- Belinda Chan (ODASA)

The State Commission Assessment Panel discussed the application.

#### TABLED MATERIAL

The following material was tabled by the DTI Senior Planning Officer:

- a. Adelaide Planning and Development Solutions response letter and email re: final response to request for further information

#### 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 23032008, by Merlino Development Group, is granted Planning Consent subject to the following reserved matter and conditions:

#### RESERVED MATTERS

Pursuant to section 102 (3) of the *Planning, Development and Infrastructure Act of 2016*, the following matters shall be reserved for further assessment prior to the granting of Development Approval:

##### Reserved Matter 1

A final Waste Management Plan with details of the waste collection arrangements that identify how waste would be stored, transported and disposed of for the individual warehouse tenancies, shall be prepared in consultation with the City of Port Adelaide Enfield and submitted to the satisfaction of the State Planning Commission.

##### Reserved Matter 2

A final detailed schedule of external materials and finishes, including integral finishes and colours to precast panels, together with a physical samples board, prepared in consultation with the Government Architect, to the satisfaction of the State Planning Commission.

## 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 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.

### Condition 3

Plant, exhaust and intake vents and other technical equipment shall be integrated into the building design prior to the commencement of use and shall be maintained thereafter to minimise visibility from the public realm to the satisfaction of the State Planning Commission.

## Conditions imposed by Commissioner of Highways under Section 122 of the Act

### Condition 4

Access to the development shall be gained as shown on Mavtect Designs, Ground Floor Site Plan, Job No 23-132, Drawing No. PL004, Revision I, dated 18 March 2024 and vehicle movements shall be consistent with the CIRQA Traffic Report (Ref: 23444/ABH), dated 20 March 2024.

### Condition 5

The access points and internal roads shall be suitably signed, and line marked to reinforce the desired traffic flow through the site.

### Condition 6

All car parking areas shall be designed and constructed in accordance with AS/NZS 2890.1:2004 and 2890.6:2009. All commercial vehicle parking and circulation facilities shall be designed in accordance with AS 2890.2:2018.

### Condition 7

All vehicles shall enter and exit the subject site in a forward direction.

### Condition 8

Any signage shall be completely located on private property and located clear of the right of way.

### Condition 9

A final Stormwater Management Plan shall be developed in conjunction with the Department for Transport (DIT) and be designed in accordance with the DIT Master Specification. Any modifications and or additions to DIT infrastructure is to be confirmed during detailed design.

### Condition 10

No stormwater from this development is permitted to discharge on-surface to Perkins Drive, Francis Street or Santo Parade. In addition, any existing drainage of the road shall be accommodated in the development and that any alterations to road drainage infrastructure as a result of this development are to be at the expense of the developer.

## 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 works on City of Port Adelaide Enfield (Council) land including driveway crossovers, stormwater connections, tree removals, and underground electrical connections shall be completed in accordance with Council requirements. All redundant driveway crossovers and inverts shall be reinstated with upright kerbing and footpath.

The applicant is advised of sections 217, 218 and 233 of the *Local Government Act 1999*, whereby failure to construct works fully or satisfactorily, or rectify any damage caused on Council land can result in Council ordering the land owner to remove, construct, or re-construct as deemed appropriate by Council. The Council has advised that if the landowner does not comply with Council's request, the Council will complete the works and recover the cost from the land owner, which may also incur a fine of up to \$5,000. The Council recommends that photographs of all Council infrastructure adjacent the proposed development site be taken, prior to the commencement of works.

Advisory Note 6

The land is subject to easements within the development area. The applicant is reminded that a decision under the *Planning, Development and Infrastructure Act 2016* is separate from approvals required from easement holders. Separate support from the relevant easement holder/s should be sought prior to proceeding with the development.

**Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act**

Advisory Note 7

The subject site abuts Francis Street and Perkins Drive which were proclaimed as controlled access road on 17 July 2008 pursuant to Part 2A of the Highways Act 1926. Departmental records show that there is a proclaimed means of access 21.0 metres wide, located adjacent to the southeastern corner of the property by which persons and vehicles may directly enter or leave the controlled access road from/to this site.

**2.2.2 Phil Smith**

23027207

**Lot 1724 Traeger Street, Coober Pedy**

Telecommunication facility comprising steel / concrete monopole (maximum height 42.4 metres) and security chain mesh fencing (maximum height 2.4 metres) and associated cabinetry.

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

**Applicants**

- Phil Smith (Indara)
- Chan Chen (Indara) via Microsoft Teams

### Representations

- Ellen Clarke (Amplitel) via MS Teams

### Attendees

- Elizabeth Rushbrook

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 23027207, by Phil Smith is granted Planning Consent subject to the following conditions:

### 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).

### 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

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.

### 2.2.3 Community Housing Ltd

203034223

#### 143 Devonport Terrace, Prospect

Five Level Residential Flat building with 21 units and 10 car parks. The proposed development intends to provide affordable housing as defined by the Planning and Design Code.

Jenny Newman declared a conflict of interest due to working for an applicant on the project and left the meeting for this agenda item.

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

### Applicants

- Nitson Taylor (Holmes Dyer)
- Jason Behrndt (Community Housing Ltd)
- Nick Grbin (Swanbury Penglase)
- Chris Bentick (CIRQA)
- Joel Phillips (Colby Phillips)

**Agencies**

- Sophie Newland (ODASA)
- Jodi Stocker (SAHA) via MS Teams
- Suan Giles (City of Prospect)
- Cr Kristina Barnett (City of Prospect)

**Attendees**

- Elizabeth Rushbrook
- Kate Barrett
- Elizabeth Crisp

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 23034223, by Community Housing Ltd is granted Planning Consent subject to the following reasons/conditions/reserved matters:

**RESERVED MATTERS**

Pursuant to section 102 (3) of the *Planning, Development and Infrastructure Act of 2016*, the following matters shall be reserved for further assessment prior to the granting of Development Approval:

Reserved Matter 1

A Revised Stormwater Management Plan (including calculations) be submitted in consultation with the Council and to the satisfaction of the State Planning Commission. The plan should provide evidence that the dwellings are suitably protected from 1% AEP storm events and that post development outflow rates from the site will match pre-development rates in 5% storm events. The civil plan should clearly demonstrate that the finished floor level for the development is above a 1 in 100-year (ARI) flood event. The location and capacity of on-site detention tanks and related devices shall be clearly described.

Reserved Matter 2

A final landscape plan showing species selection and location be provided to the satisfaction of the State Planning Commission prior to development commencing on the site.

Reserved Matter 3

Final details of the roller door materials shall be submitted to the satisfaction of the State Planning Commission.

Reserved Matter 4

Final screening details to air-conditioner units located on balconies shall be submitted to the satisfaction of the State Planning Commission.

**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 landscaping shall be planted prior to occupancy of the development, and maintained at all times, and to ensure appropriate lines of sight for vehicles and pedestrians. Mature trees shall be no less than 2.0m in height at time of planting. The applicant or the persons making use of the subject land shall cultivate, tend and nurture the landscaping, and shall replace any landscaping that becomes diseased or dies. An automated drip irrigation or similar watering system shall be established and maintained to ensure that sufficient water is available to satisfy the needs of the landscaping species selected.

**Conditions imposed by Minister responsible for the administration of the South Australian Housing Trust Act 1995 under Section 122 of the Act**

Condition 3

For the purposes of securing the provision of dwellings for affordable housing as contemplated by the Affordable Housing Overlay, a minimum of 100% of the dwellings comprised or to be comprised in the development that is the subject of this condition must be 'affordable housing' that meets the relevant criteria for affordable housing as determined by the Minister responsible for the South Australian Housing Trust Act 1995 under Regulation 4 of the South Australian Housing Trust Regulations 2010.

**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

Any works that are to be undertaken on Council land, including but not limited to the construction of driveways, crossovers, footpath reconstruction, laying of stormwater pipes, relocation of infrastructure, removal, or relocation of street trees, and/or the temporary obstruction of the road or footpath, shall not be undertaken without the prior permission of Council.

The cost of rectifying any conflict with or damage to existing Council infrastructure arising out of this development will be borne by either the developer or the owner of the subject land. Further information 2 and/or specific details can be obtained by contacting Council's Infrastructure and Environment Department on 8269 5355.

Advisory Note 3

Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works and are to be reinstated to the satisfaction of Council on completion of the works. No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.

Advisory Note 4

Any existing driveway crossovers not providing vehicle access shall be reinstated as kerb and gutter to the satisfaction of Council.

Advisory Note 5

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 6

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 7

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

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 12 June 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 1:05PM.

Confirmed: 22/05/2024



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Rebecca Thomas  
PRESIDING MEMBER