



**A COMMITTEE OF THE STATE PLANNING COMMISSION**

Minutes of the 187<sup>th</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 25 September 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 via MS Teams Paul Leadbeter David Altmann Jenny Newman Don Donaldson
Secretary	Amy Arbon
DHUD Staff	Troy Fountain Jeremy Wood

**1.3. APOLOGIES** Nil

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## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

### 2.2. NEW APPLICATIONS

#### 2.2.1 Merlino Development Group

24011314

#### 212 Tynte Street, North Adelaide

Adaptive reuse of and conservation works to a State Heritage Place together with additions and alterations to accommodate offices on ground floor to second floor and a roof top restaurant on third floor.

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

#### Applicant

- Phillip Brunning
- Domenic Merlino
- Gerald Matthews
- Sofiya Yunovidova
- Ben Wilson
- Sam Hosking
- Eleanor Tan via MS Teams
- Deb James via MS Teams

#### Representations

- Andrew Luckhurst-Smith
- Greg Vincent
- Melissa Mellen

#### Agency

- Belinda Chan
- Michael Queale

#### Council

- Kosta Tsekouras

#### Observing

- John Culshaw via MS Teams
- 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) Development Application Number 24011314, by Merlino Development Group is GRANTED Planning Consent subject to the following conditions:

## RESERVED MATTERS

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

**Reserved Matter 1**

The applicant shall submit a detailed landscaping plan which provides a schedule of plantings including their species and location, timing of planting and maintenance measures to the satisfaction of the State Planning Commission.

**Reserved Matter 2**

The applicant shall submit a final detailed schedule of external materials and finishes, and a physical samples board prepared in consultation with the Government Architect and Heritage SA, to the satisfaction of the State Planning Commission.

**Reserved Matter 3**

The applicant shall submit final plans/details including clarification of noise limits for land use elements and areas of the development footprint. These details will include acoustic management methods in accordance with the recommended treatments identified within the Environmental Noise Assessment (A230871RP1 Revision A) prepared by Resonate, dated 19 April 2024 and subsequent Resonate correspondence dated 16 August 2024.

This includes noise levels for any music whether amplified or non-amplified and the impact of any room openings (windows, doors, etc) to these levels.

**Reserved Matter 4**

Investigation of the reinstatement of the bellcote to the Church in consultation with Heritage SA and the Government Architect shall be undertaken.

**Reserved Matter 5**

Further consideration of the acoustic treatments to and use of the balcony area adjoining the eastern upper-level room, shall be undertaken to ensure the amenity of the adjacent sensitive receivers is not adversely impacted.

**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**

The hours of operation for the restaurant use herein approved are as follows:

- *Sunday to Thursday 7:00 am to 11:00pm*
- *Friday and Saturday 7:00 am to midnight*

Any variation to these hours of operation will require a further consent.

**Condition 3**

Patron numbers in the restaurant shall be limited to the following:

- 68 patrons inside the main restaurant
- 45 patrons on the terrace
- 38 patrons in the eastern upper-level function room

**Condition 4**

The use of the outdoor terrace of the restaurant shall be limited to the hours of 7:00am to 10:00pm.

**Condition 5**

Waste collection shall be scheduled to occur between the hours of 9am and 7pm on a Sunday or public holiday and 7am and 7pm on any other day.

**Condition 6**

Noise from plant equipment shall comply with the noise level criteria specified in the Environment Protection (Commercial & Industrial Noise) Policy 2023 (Noise Policy).

**Condition 7**

All external lighting of the site, including pathway lighting and on buildings, shall be in accordance with the measures set out within Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting.

**Condition 8**

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.

**Condition 9**

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 10**

All bicycle parks shall be designed and constructed in accordance with Australian Standard AS2890.3- 2015.

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

**Condition 11**

Conservation works to the exterior of the 1882 building to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to commencement of construction on site. Conservation works include rising damp treatment, stone repairs, repointing mix and repairs, repairs to decorative mouldings and string courses, sill repairs and parapet works.

**Condition 12**

Conservation works to the exterior of the 1857 chapel building to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to commencement of construction on site. Conservation works include rising damp treatment, stone repairs, repointing mix and repairs, repairs to decorative mouldings and string courses and gable stabilisation and coping works.

**Condition 13**

Conservation works to the masonry and wrought iron fence around the site to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to commencement of construction on site.

**Condition 14**

Details of repairs to and replacement of window and door frames and glazing to existing buildings to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to commencement of construction on site.

**Condition 15**

Final details relating to the repair, painting and installation of cast iron balustrades in proposed light well locations and also 2 x cast iron columns to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to commencement of construction on site.

**Condition 16**

Details of the proposed reconstruction of the bellcote to the 1857 chapel to be provided and confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to commencement of construction on site.

**Condition 17**

Details of the proposed reconstruction of the balustraded parapet of the 1882 building to be provided and confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to commencement of construction on site.

**Condition 18**

Final details of the eaves, fascia and wall cladding of the roof pavilion, along with consideration of the reconstruction of the original bellcote to the parapet, are to be provided and confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to commencement of construction on site.

**Condition 19**

Final details of the repair and architectural treatment of the 1857 chapel gable within the building, are to be provided and confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to commencement of construction on site.

**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**

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

**Advisory Note 6**

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 7**

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

- (a) If an archaeological artefact believed to be of heritage significance 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.

**2.3. 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 9 October 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 12:50pm.

Confirmed: 26/09/2024



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Rebecca Thomas  
PRESIDING MEMBER