



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 71st Meeting of the State Commission Assessment Panel held on Thursday 23 January 2020 commencing at 9.30am ODASA, 28 Leigh St, Adelaide

1. OPENING

1.1. PRESENT

Presiding Member	Simone Fogarty
Members	Dennis Mutton (Deputy Presiding Member) Mark Adcock Chris Branford Peter Dungey
Secretary	Jessie Surace
DPTI Staff	Gabrielle McMahon (Agenda Items 2.2.1, 2.2.2 & 2.2.3) Janaki Benson (Agenda Item 2.2.2) David Bills (Consultant for DPTI) (Agenda item 2.2.1)

1.2. APOLOGIES

Sally Roberts

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS – Nil

2.2. NEW APPLICATIONS

- 2.2.1 **Rymill Park Apartments Pty Ltd & Rymill Park Apartments Unit Trust C/- Future Urban Pty Ltd**
020/A053/19
2-6 Hutt Street, Adelaide
City of Adelaide
Proposal: Demolition of existing 2-storey office building and construction of a 16-level mixed use building with basement and associated car parking.

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

Applicants

- James Levinson, Botten Levinson - presented
- Chris Vounasis, Future Urban
- Tony Giannone, ODASA
- Ben Wilson, Cirqa
- Pip Metljak, Botten Levinson
- Heather Wasley, Tectvs

Agency

- Kirsteen Mackay, Government Architect
- Belinda Chan, ODASA
- Ellen Liebelt, ODASA

Representor

- Susan Parker – presented
- Raymond Joseph Khabbaz
- Melissa Mellen, MFY - presented on behalf of Raymond Joseph Khabbaz
- Graham Burns, MasterPlan - presented on behalf of Raymond Joseph Khabbaz
- Ashik Ibrahim, Ezra Legal - presented on behalf of Raymond Joseph Khabbaz

Member of the Public

- N. Presswell

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 Consolidated 25 July 2019 with amendments gazetted on 26 September 2019 (consolidated date 17 October 2019).
3. To grant Development Plan Consent to Development Application 020/A053/19 by Rymill Park Apartments Pty Ltd and Rymill Park Apartments Unit Trust for demolition of the existing office building and the construction of a 16-level mixed use building at 2–6 Hutt, 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 plans submitted in Development Application No 020/A053/19 except where varied by conditions below.

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

2. Prior to Development Approval being issued for superstructure works, a final detailed schedule of materials and finishes shall be submitted to the satisfaction of the State Commission Assessment Panel in consultation with the Government Architect.

Reason for condition: to ensure the proposed materials and finishes are consistent with the level of quality represented in the documentation.

3. Prior to Development Approval being issued for superstructure works, a final detailed design for penthouse roof forms including the layout of the photo-voltaic panels shall be submitted to the satisfaction of the State Commission Assessment Panel in consultation with the Government Architect. The detailed design must assist in mitigating the height of the development and the visual impact of the roof line.

Reason for condition: to ensure the roof forms are designed to reduce the visual impact of the roofline.

4. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009) and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the SCAP prior to the occupation or use of the development.

Reason for condition: to ensure relevant Australian standards are met.

5. All bicycle parking spaces shall be designed and constructed in accordance with Australian Standard 2890.3-2015.

Reason for condition: to ensure relevant Australian standards are met.

6. Access to the bicycle storage area on Level 2 shall be designed to be free of any steps between the lift and the storage cage door and should allow sufficient width for a person walking their bicycle. The door to bicycle storage area should avoid the use of heavy swing doors and where possible should be automated and access to the storage area. These details shall be, provided to the reasonable satisfaction of the State Commission Assessment Panel in consultation, with the City of Adelaide, prior to the Development Approval being issued for superstructure works.

Reason for condition: to ensure there is convenient and safe access to the bike storage areas.

7. Prior to Development Approval being issued, additional details shall be provided to the satisfaction of the State Commission Assessment Panel documenting the design and management of the traffic management system to control one-way, reversible movement of vehicles through the car parking levels and ramps.

Reason for condition: to ensure adequate traffic arrangements are achieved.

8. The hours of operation of the restaurant (or other retail or commercial or licensed premises however described) forming part of the development shall not exceed the times specified in any applicable liquor licence or if no such times are specified, the times:

- 8.1. Sunday to Thursday (excluding public holidays) - 7am to 10pm.
- 8.2. Friday and Saturday (excluding public holidays) - 7am to 12am.
- 8.3. Public holidays - 7am to 10pm.

Reason for condition: to limit the hours of operation so as to minimise unreasonable noise impacts for residents within the building and the broader locality.

9. The finished floor level of the ground floor level entry shall match that of the existing footpath unless otherwise agreed to by the State Commission Assessment Panel.

Reason for condition: to ensure appropriate access to the building which is not hindered by different floor levels.

10. Prior to the commencement of construction, a dilapidation report (i.e. condition survey) prepared by a qualified engineer shall be provided to the State Commission Assessment Panel to ensure the stability and protection of adjoining buildings, structures and Council assets.

Reason for condition: for measures to be put in place so that adjoining buildings and structures are appropriately protected during construction.

11. A statement by a suitably qualified 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 State Commission Assessment Panel prior to any superstructure works.

Reason for condition: to ensure that any contamination on the land is identified and the land is made suitable for its intended use.

12. The acoustic attenuation measures recommended in the Acoustic Assessment, dated December 2017 by Sonus, shall be fully incorporated into the building rules documentation to the reasonable satisfaction of the State Commission Assessment Panel. Such acoustic measures shall be made operational prior to the occupation or use of the development.

Reason for condition: to ensure appropriate noise attenuation measures are in place.

13. Air conditioning or air extraction plant or ducting shall be screened such that no unreasonable nuisance or loss of amenity is caused to residents and users of properties in the locality to the reasonable satisfaction of the State Commission Assessment Panel.

Reason for condition: to ensure there is not unreasonable noise levels emanating from the development so as to unreasonably impact on the adjacent properties.

14. Waste collection from the subject land will be strictly in accordance with the Waste Management Preliminary Draft Report dated 18 April 2018 (or any revised or updated report endorsed by the SCAP). Collection times will be strictly adhered to and communicated to residents to minimise inconvenience to residents using upper parking levels.

Reason for condition: to minimise unreasonable noise and traffic impacts for residents within the building and the broader locality.

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

Reason for condition: to ensure relevant Australian standards are met.

16. All Council, utility or state-agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, lighting, 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 Council infrastructure requirements are met.

17. A detailed landscaping plan for the level 3 rooftop garden and the internal green wall shall be submitted to the reasonable satisfaction of the State Commission Assessment Panel prior to Building Rules Consent being granted for superstructure works. This shall identify planting medium depths, irrigation methods, inspection and maintenance schedules and methods and other features of the landscaping scheme to demonstrate viability of all plantings. The detailed landscaping plan shall be reflected, as necessary, in all other relevant plans and drawings (including, for example, sectional drawings).

18. A detailed landscaping and pavement plan for Cleo Lane (where it forms the boundary of the subject site) shall be submitted to the reasonable satisfaction of the State Commission Assessment Panel prior to Building Rules Consent being granted for superstructure works. The pavement plan must demonstrate collaboration with Council to achieve an integrated outcome for all new paving treatments and with adjoining landowners and Council to achieve a satisfactory landscaping outcome. The landscaping plan shall identify planting medium depths, irrigation methods, inspection and maintenance schedules and methods and other features of the landscaping scheme to demonstrate viability of all plantings. The

paving plan and the detailed landscaping plan shall be reflected, as necessary, in all other relevant plans and drawings (including, for example, sectional drawings).

19. Landscaping shown on the approved plans (including without limitation the green wall, the rooftop garden and the landscaping and paving to Cleo Lane) shall be established prior to the occupation of the development and shall be inspected regularly and maintained and nurtured at all times with any diseased or dying plants to be replaced.
20. A watering system shall be installed at the time landscaping is established, and operated so that all plants receive sufficient water to ensure their survival and growth.

Reason for landscaping conditions (17-20): to ensure appropriate landscaping is provided for the subject land and maintained and nurtured at all times.

21. A final detailed Stormwater Management Plan shall be submitted to the satisfaction of the State Commission Assessment Panel, in consultation with the City of Adelaide. The details of the plan shall be incorporated within the Building Rules Consent documentation, submitted for Development Approval, and be implemented prior to occupation or use of the development.
22. 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.
23. Any collection of water from:
 - seepage in the basement carparking levels
 - seepage from proposed planter boxes, green wall or roof garden
 - splash areas around proposed swimming pools
 - surface areas of car parks on levels 1 and 2must not be discharged to the property stormwater system, but into either the sewer or property recycled water system.

Reason for stormwater conditions (21-23): 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.

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. The applicant shall ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.
- e. As work is being undertaken on or near the subject land boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

- f. Any proposed works within the public realm adjacent to the site, including the installation of street furniture, planting of street trees, roadway modifications or changes to temporary parking controls shall be undertaken in consultation with the City of Adelaide. Improvements to the adjacent public realm outside of the identified subject land are not part of this planning consent.
- g. 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.
- h. Approval for the construction methodology of the proposed building may be required from the Secretary for the Commonwealth Department of Infrastructure and Regional Development, in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*.
- i. Any further proposed addition to the structure, including aerials, masts and vent/exhaust stacks, must be subject to a separate assessment by the Commonwealth Department of Infrastructure and Regional Development. Crane operations associated with construction shall be the subject of a separate application. Adelaide Airport Limited requires 48 days prior notice of any crane operations during the construction.
- j. This application makes the commitment to retain the street tree on Hutt Street to the front of the proposed driveway access. Construction of the development should ensure that the street tree is not damaged and incorporate appropriate protective measures as required by Council.
- k. 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 City of Adelaide.
- l. The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act*, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- m. Building sites can also be major contributors of suspended solids, concrete wash, building materials and wastes, to stormwater and, potentially, receiving waters, if there are inappropriate management practices. Construction work and site preparation must be undertaken in a manner that does not allow the escape of soil, sediment or other pollutants by wind or water to the stormwater system at levels that breach the EPA's *Environment Protection (Water Quality) Policy 2003*.
- n. During construction the applicant must ensure that every effort is made to minimise noise and dust emissions generated from site works, particularly by use of heavy machinery and vehicular movements.
- o. Construction must be carried out so that it complies with the Construction Noise provisions of Part 6, Division 1 of the *Environment Protection (Noise) Policy 2007*. A copy of the Policy can be viewed at: <http://www.legislation.sa.gov.au>
- p. Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are reference in this response can be accessed on the following web site: <http://www.epa.sa.gov.au>
- q. Signage has not been assessed and does not form part of this application. A separate application must be lodged for any signage/advertisement on the land.

2.2.2 BCH Services

020/A054/14 V5

318 South Terrace, Adelaide

City of Adelaide

Proposal: Variation to DA 020/A054/14 (and variations V1, V3 and V4) that seek construction of two exhaust flumes to the front of the property, alteration to the rear windows/doors, verandah form and link associated with Davaar House, altered front fence and position, use of Colorbond for roof cladding, various internal alterations, change in levels across the site resulting from car park location/levels above ground and associated hard and soft landscaping and paving (part retrospective).

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

Applicants

- Mark Kwiatkowski, APDS - presented
- Hayden Bubner, BCH Services - presented
- James Hayter, Oxigen - presented
- Bruce Harry, Bruce Harry & Associates - presented
- Jake Clarke, Lelio Bibbo - presented

Agency

- Ellen Liebelt, ODASA
- Belinda Chan, 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 Council Development Plan.
3. To DEFER consideration of the proposal by BCH Services for a variation to DA 020/A054/14 (and variations V1, V3 and V4) that seek construction of two exhaust flumes to the front of the property, alteration to the rear windows/doors, verandah form and link associated with Davaar House, altered front fence and position, use of Colorbond for roof cladding, various internal alterations to Davaar House, change in levels across the site resulting from car park location/levels above ground and associated hard and soft landscaping and paving (part retrospective) at 318 South Tce, Adelaide, to enable the applicant to address the following in consultation with the Government Architect:
 - Provide an accurate and consistent set of drawings;
 - Provide renderings from South Terrace and Hutt Street that accurately reflects the drawings;
 - Provide a revised plan of landscape and screening elements including:
 - Modwood screening (or similar) to the ETSA T/F and existing electrical box
 - screening the carpark exit stair with a rendered-style wall facing South Terrace (potentially including similar vegetation screening as carpark exhaust)
 - screening the water storage and fire pump structures
 - landscape feature/s on the eastern side of Davaar House to improve the amenity to Hutt Street
 - a matching sliding fence/gate to the ETSA T/F
 - confirmation of colour/painting of carpark exhaust structures

The following elements are supported:

- the arbour screening approach to the carpark exhausts
- the proposed arbour on the eastern side
- the approach to reinstating the fence

2.2.3 **166 The Parade Pty Ltd C/- Masterplan SA Pty Ltd**

155/M011/19

George and Edwards Streets, Norwood

City of Norwood, Payneham & St Peters

Proposal: Demolition of supermarket, ancillary shop buildings and removal of three significant and four regulated trees, and construction of an eight-storey mixed use development, incorporating supermarket, shops, commercial tenancies, residential flat buildings, and ancillary car parking – to be undertaken in stages.

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

Applicants

- Graham Burns, MasterPlan - presented
- Tony Zappia, Studio Nine Architects
- Nigel Howden, Studio Nine Architects
- Ben Wilson, Cirqa - presented
- Lisel McLeay, Jensen Plus

Agency

- Aya Shirai-Doull, ODASA

Representors

- Natasha Kay – presented
- Ross Dillon – presented
- Jim Bakopanos – presented

Members of the public

- Rowena Dunk
- Jim Dunk
- Lyn Arden

The applicant presented a materials board and confirmed it would form part of the application.

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 Norwood Payneham and St Peters (City) Development Plan.
3. To grant Development Plan Consent to Development Application 155/M011/19 by 166 The Parade Pty Ltd c/- Masterplan SA Pty Ltd for the demolition of supermarket, ancillary shop buildings and removal of three significant and four regulated trees, and construction of an eight-storey mixed use development, incorporating supermarket, shops, commercial tenancies, residential flat buildings, and ancillary car parking – to be undertaken in stages at

166 The Parade, Norwood, subject to the following reserved matters and conditions of consent.

RESERVED MATTERS

1. Pursuant to Section 33 (3) of the *Development Act 1993*, the following matters shall be reserved for further assessment, to the satisfaction of the State Commission Assessment Panel, prior to the granting of Development Approval:
 - 1.1. Detailed landscaping plans be provided which demonstrates specific species, their locations, number and mature heights at all landscaped areas of the proposed development.

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 plans submitted in Development Application No 155/M011/19.

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

2. Prior to Development Approval being issued, the applicant shall provide a physical materials board which demonstrates accurately the proposed materials and finishes, to the satisfaction of the State Commission Assessment Panel in consultation with the Government Architect.

Reason for condition: to ensure the proposed materials and finishes are consistent with the level of quality represented in the documentation.

3. 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.

4. All stormwater infrastructure 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.

5. 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.

6. 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, and in accordance with the recommendations contained in the Resonate report titled 'Planning Stage Acoustic Assessment' dated 10 October 2019.

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

7. 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.

8. 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.

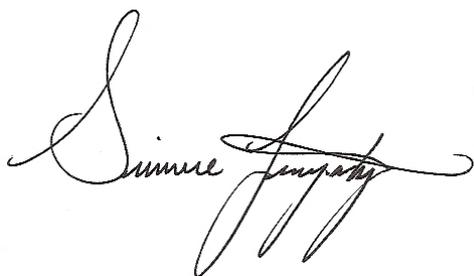
ADVISORY NOTES

- 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. 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 City of Norwood, Payneham and St Peters.
- e. 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 transverse 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.
- f. Signage has not been assessed and does not form part of this application. A separate application must be lodged for any signage/advertisement on the land.
- g. The applicant is encouraged to pursue their offer to establish street trees along the George Street frontage of the site to the satisfaction of the Council.

- 2.3. **RESERVED MATTERS - Nil**
3. **CROWN DEVELOPMENTS (ADVISORY ITEMS) – Nil**
4. **MAJOR DEVELOPMENTS – VARIATIONS - Nil**
5. **OTHER BUSINESS**
6. **NEXT MEETING**
 - 6.1. Thursday 30 January 2020 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 5.15pm.

Confirmed 23/01/2020

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

Simone Fogarty
PRESIDING MEMBER