



# STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 33<sup>rd</sup> Meeting of the  
State Commission Assessment Panel  
held on Thursday 13 September 2018 commencing at 9.30am  
Kardi Munaintya Meeting Room, Ground Floor, 50 Flinders St, Adelaide

## 1. OPENING

### 1.1. PRESENT

|                  |   |
|------------------|---|
| Presiding Member | Simone Fogarty  |
| Members          | Chris Branford<br>Sue Crafter<br>Peter Dungey<br>Dennis Mutton  |
| Secretary        | Alison Gill   |
| DPTI Staff       | Darby Schultz (Agenda Item 2.2.1)<br>Lauren Talbot (Agenda Item 2.2.1)<br>Brett Miller (Agenda Item 2.2.2, 2.2.3)<br>Janine Philbey (Agenda Item 2.2.3) |

### 1.2. APOLOGIES

Helen Dyer (Deputy Presiding Member)  
David O'Loughlin

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## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS – Nil

### 2.2. NEW APPLICATIONS

#### 2.2.1 ALDI Stores Pty Ltd DA 361/E005/18 41-47 Park Terrace, Salisbury City of Salisbury

Proposal: Construction of a group of shops (4 tenancies) with associated signage, car parking, earthworks and landscaping to be developed in three (3) stages including the demolition of all existing structures and the removal of two (2) regulated trees.

The Presiding Member welcomed the following people to address the State Commission Assessment Panel:

Applicants

- Ashley Griener, ALDI
- Kieron Barnes, Ekistics - presented
- Richard Dwyer, Ekistics - presented
- Trent Burns, Nielsen Architects
- Paul Morris, GTA - presented

Council

- Terry Sutcliffe, Salisbury - presented
- George Pantelos, Salisbury - presented

Representors

- Mick O'Brien - presented
- Robert Uyen - presented
- Alison Dunning

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. To REFUSE Development Plan Consent to Development Application 361/E005/18 by ALDI Stores Pty Ltd for the construction of a group of shops (4 tenancies) with associated signage, car parking, earthworks and landscaping to be developed in three (3) stages including the demolition of all structures and the removal of two (2) regulated trees at 41-47 Park Terrace, Salisbury for the following reasons:
  - Notwithstanding that the application significantly exceeds the floor space policy for the transition area of the zone, the application was considered to be lacking in the following areas:
    - Interface with adjacent residential properties, particularly with Mawson Road and Haigh Street;
    - A layout and an architectural expression that reflects the landmark objectives of the zone for a corner site; and
    - The landscaping fails to adequately soften the appearance of the development and public realm, particularly to the street frontages and residential properties to the south of the site.
  - The design of the development is at odds with the desired character statement for the policy area which seeks mixed use development that serves to manage the sensitive interface with existing residential development.

The proposal is considered to be at odds with the following provisions within the Salisbury Council Development Plan Consolidated 15 April 2016:

- Obj 2 Development within a mixed use environment that is compatible with surrounding development and which does not unreasonably compromise the amenity of the zone or any adjoining residential zone.
- Obj 6 Development that contributes to the desired character of the zone.
- Desired Character Statement Extract

“There is significant potential for redevelopment of properties with frontage to Park Terrace to capitalise on passing traffic and proximity to the public transport interchange.

As a key gateway into the core area of the City Centre there are opportunities for development of landmark buildings on corner sites to reinforce the character of the City Centre as a vibrant business hub.”

- PDC 3 Core and Transition Areas should be developed in accordance with the relevant Concept Plan Map Sal/33 – Salisbury City Centre Core Transition Areas and Concept Plan Map Sal/34 – Salisbury City Centre.
- PDC 8 A shop can occur where it achieves one of the following:
  - it is located within the Core Area
  - it is a bulky goods outlet
  - it is located within the Transition Area and has a maximum floor area of 500 square metres.

#### 2.2.2 **Citify and BFC Pty Ltd C/- Future Urban Group**

DA 090/M005/18

##### **248 Unley Road, Hyde Park**

City of Unley

Proposal: Demolition of existing structures, removal of two significant and one regulated tree. Construction of six, two storey residential dwellings and a seven storey mixed use building containing five commercial tenancies, residential apartments, landscaping, ancillary car parking and associated building work.

The Presiding Member welcomed the following people to address the State Commission Assessment Panel:

#### Applicants

- Fabian Barone, Future Urban Group - presented
- Gemma Broomfield, Lea Design Studio - presented
- Joel Wilkinson, Citify – presented
- Tom Wilson, Cirqa - presented
- Anthony Farina, BFC Pty Ltd

#### Representor

- Renee Amyot - presented

#### Council

- David Brown, Unley - presented

#### Agencies

- Kirsteen Mackay, Government Architect
- Aya Shirai-Doull, 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 Unley [City] Development Plan. Having regard to all relevant policy in the development plan, the panel acknowledged that there was some non-conformance with quantitative policy, particularly height, however having regard to the qualitative design policy the project was considered to be of a high standard in relation to:
  - The quality of materials that complement the locality;
  - Articulation, recessing and setbacks to reduce bulk and scale;

- Intended affordable housing contribution, whilst not formally connected;
  - Positive contribution and activation to the ground level and level 1;
  - The high quality of resident amenity including large sized apartments, communal open space and bike facilities; and
  - Extensive use of green landscaping.
3. To grant Development Plan Consent to the proposal by Citify and BFC Pty Ltd for DA 090/M005/18 at 248 Unley Road, Hyde Park 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 following plans submitted in Development Application No 090/M005/18.

| Drawing Title  | Drawing No.   | Rev | Date       |
|--|---------------|-----|------------|
| Demolition & Infrastructure Site Plan                | PL.03         | PA2 | 26/07/2018 |
| Lower Basement                                       | PL.04         | PA2 | 26/07/2018 |
| Basement   | PL.05         | PA2 | 26/07/2018 |
| Ground Floor   | PL.06         | PA2 | 26/07/2018 |
| First Floor  | PL.07         | PA2 | 26/07/2018 |
| Second Floor   | PL.08         | PA2 | 26/07/2018 |
| Third Floor  | PL.09         | PA2 | 26/07/2018 |
| Fourth Floor   | PL.10         | PA2 | 26/07/2018 |
| Fifth Floor  | PL.11         | PA2 | 26/07/2018 |
| Sixth Floor  | PL.12         | PA2 | 26/07/2018 |
| Roof Plan  | PL.13         | PA2 | 26/07/2018 |
| Design Sections                                      | PL.14         | PA2 | 26/07/2018 |
| Design Sections                                      | PL.15         | PA2 | 26/07/2018 |
| Design Sections                                      | PL.16         | PA2 | 26/07/2018 |
| Elevations   | PL.17         | PA2 | 26/07/2018 |
| Elevations   | PL.18         | PA2 | 26/07/2018 |
| Townhouse Design                                     | PL.19         | PA2 | 26/07/2018 |
| <b>Landscape Plans</b>                               |               |     |            |
| Entry Plaza – Landscape Layout                       | LS.007.18.001 | B   | 12/07/2018 |
| Deep Soil Zones & Townhouse Courtyard Landscape Plan | LS.007.18.002 | B   | 12/07/2018 |
| Typical Townhouse & Level 1 Balcony Landscape Plan   | LS.007.18.003 | B   | 12/07/2018 |
| Level 2 Communal Plaza Landscape Plan                | LS.007.18.004 | B   | 12/07/2018 |
| Typical Level 3,4 & 5 Balcony Landscape Plan         | LS.007.18.005 | B   | 12/07/2018 |
| Level 6 Landscape Plan                               | LS.007.18.006 | B   | 12/07/2018 |
| Eastern Elevation                                    | LS.007.18.007 | B   | 12/07/2018 |
| Southern Elevation                                   | LS.007.18.008 | B   | 12/07/2018 |

#### Reports / Correspondence

- Traffic and parking report by Cirqa dated 17 April 2018
  - Response – Traffic and parking by Cirqa dated 20 July 2018
  - Preliminary Stormwater Assessment by PT Design dated 17 April 2018
  - Further Preliminary Stormwater Assessment by PT Design dated 2 July 2018
  - Waste Management Plan by Colby Industries dated 8 April 2018
2. Prior to Development Approval for superstructure works, the applicant shall submit a final detailed schedule of external materials and finishes including a physical materials sample board, to the reasonable satisfaction of the State Commission Assessment Panel in consultation with the Government Architect.

3. Prior to Development Approval being granted for superstructure works of the apartment building the applicant shall provide, to the satisfaction of the State Commission Assessment Panel, a car parking layout plan indicating the location of the allocated retail tenancy parking spaces.
4. Prior to Development Approval being granted for superstructure works of the town houses the applicant shall provide, to the satisfaction of the State Commission Assessment Panel, elevations detailing the concealment of the air conditioning units located on the rooftops.
5. 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.
6. All bicycle parks shall be designed and constructed in accordance with Australian Standard 2890.3-2015.
7. Landscaping shown on the approved plans shall be established prior to the occupation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.
8. 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.
9. All external lighting on the site shall be designed and constructed to conform to Australian Standard (AS 4282-1997).
10. 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.
11. A proprietary stormwater treatment device (i.e. Gross Pollutant Trap) shall be installed within the carpark in accordance with Council and EPA Water Quality Guidelines. This system shall be regularly inspected, cleaned and maintained in good working order, with gross pollutants, sediments, oil and grease removed by the facility operator (at regular intervals) for the life of the development.
12. Full details be provided of on-site water detention tanks, retention tanks (and re-use) and quality management to address WSUD and limit peak stormwater outflows to less than pre-existing or equivalent of 80% impervious, in accord with City of Unley Development and Stormwater Management Design Guide. The individual outflow pipes to the street to address 1:10 year ARI events must be below 4l/s each and distributed equi-distant, and as generously separated as possible, both the Unley Road and Opey Avenue street frontage.
13. Stormwater management on-site accords with submitted details with a maximum of 8 outlets distributed equi-distant along Unley Road and Hart Avenue frontages.
14. The hours for waste collection vehicles to enter and exit the site shall be restricted to Monday to Friday: 10am to 4pm; with no collection on a Saturday or Sunday.
15. Non-residential land uses do not operate outside the hours of 7.00am to 10:00pm Monday to Saturday and 9.00am to 9.00pm Sunday.
16. The acoustic attenuation measures recommended in the Acoustic Assessment, dated 6 February 2018 by Vipac, shall be fully incorporated into the building rules documentation to the reasonable satisfaction of the SCAP. Such acoustic measures shall be made operational prior to the occupation or use of the development.

17. Public realm configuration, alterations and damage in relation to footpaths, verges, encroachments, outdoor dining, crash protection, street trees etc are to be resolved with , and approved by the Council at the expense of the owner/applicant
18. A payment of \$716.00 shall be made into the Planning and Development Fund (\$179.00 per regulated tree being removed and \$268.50 per significant tree being removed) within three (3) months from the date of Development Approval being granted.

Note: Cheques to be made payable and marked "Not Negotiable" to the SCAP and payment made at 50 Flinders Street, Adelaide or sent to GPO Box 1815 Adelaide 5001. Payment may also be made over the phone with Credit Card (Mastercard or Visa) by calling our Customer Service Officer on 7109 7018. All payments must be accompanied by reference to the Development Application number and the reason for the payment.

#### **DPTI Traffic Operations conditions**

19. A Traffic Management Plan for the construction period of the development shall be produced to the satisfaction of DPTI and Council prior to the commencement of construction. This plan shall detail the types, volumes and distribution of traffic and how they will be managed. All traffic movements shall be in accordance with this plan
20. Any excavation adjacent to roads shall be designed and undertaken in a manner that does not impact on the structural stability or safety of the roads. Any damage to road assets caused by the development shall be repaired to the satisfaction of the relevant road authority at the applicant's cost.
21. All materials and finishes shall not be permitted to result in glare or other effects that will result in the discomfort or impairment of road users.

#### **ADVISORY NOTES**

- a. The development has been proposed in stages including:
  - Demolition of the existing structures and construction of mixed use building
  - Construction of the residential flat building
  - Construction of Dwelling A, Dwelling B and Dwelling C
- b. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by the State Commission Assessment Panel.
- c. The authorisation will lapse if not commenced within 12 months of the date of this Notification.
- d. The applicant is also advised that any act or work authorised or required by this Notification must be completed within 3 years of the date of the Notification unless this period is extended by the State Commission Assessment Panel.
- e. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- f. 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.
- g. 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).
- h. As the applicant intends to provide a minimum of 8 affordable housing products, it is noted that these products will be marketed to eligible buyers as defined by the Affordable Homes Program in the first instance for a period of 30-90 days.

- i. A Construction Environmental Management Plan (CEMP) shall be prepared in collaboration with the City of Unley (Council) and be implemented in accordance with current industry standards – including the Local Nuisance and Litter Control Act 2016, the EPA publications “Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition” and where applicable, “Environmental Management of On-site Remediation” – to minimise environmental harm and disturbance during construction.

The management plan should incorporate, without being limited to the following matters:

- Timing, staging and methodology of the construction process and working hours;
- Traffic management strategies;
- Control and management of construction noise, vibration, dust and mud;
- Management of infrastructure services during construction and re-establishment of local amenity and landscaping;
- Stormwater and groundwater management during construction;
- Site security, fencing and safety and management of impact on local amenity for residents, traffic and pedestrians;
- Disposal of construction waste, any hazardous waste and refuse in an appropriate manner according to the nature of the waste;
- Protection and cleaning of roads and pathways;
- Overall site clean-up;
- Work in the public realm;
- Hoardings; and
- Tradesperson vehicle parking.

#### **DPTI Traffic Operations Advisory Notes**

- j. The subject site is affected by a requirement shown on the Metropolitan Adelaide Road Widening Plan (MARWP) for a 4.5 metres x 4.5 metres cut-off at the Unley Road / Opey Avenue corner of this site for possible future road purposes. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all new building works located on or within 6.0 metres of the possible requirement.

#### **Council Advisory Note**

- k. Pursuant to the policy of the City of Unley On-Street Parking Exemption permits are not issued for occupant of new development (post 2013).
- l. An Encroachment Approval will be required for structures beyond the site boundaries and over the public footpath.

#### **2.2.3 Rod O’Neil C/- Williams Burton Leopardi**

DA 020/A094/15 V1

**248-253 East Terrace, Adelaide**

City of Adelaide

Proposal: Variation to 8-storey residential flat building comprising addition of mezzanine area above level 6, increase in height of lift/stair core to accommodate roof access and lift overrun, addition of roof mounted mechanical ductwork for stair pressurisation and extension of upper-level ground terrace to amend emergency egress route.

Sue Crafter declared a conflict of interest (personal reasons) and left the meeting.

The Presiding Member welcomed the following people to address the State Commission Assessment Panel:

#### Applicants

- David Burton, Williams Burton Leopardi - presented
- David Handsaker, Williams Burton Leopardi

#### Representor

- Luciana Larkin (representing Bernard Larkin) – presented

#### Agency

- Kirsteen Mackay, Government Architect
- 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. The Panel is satisfied that the variations will have no impact on adjacent residences in terms of height, bulk, width, noise and overshadowing.
3. To grant Development Plan Consent to the proposal by Rod O'Neil c/- Williams Burton Leopardi Pty Ltd for DA 020/A094/15 V1 at 248-253 East Terrace 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 and the earlier application of 020/A094/15, the development shall be established in strict accordance with the details and following plans submitted in Development Application No 020/A094/15 V1.

| Drawing Title                      | Drawing No.           | Date        |
|------------------------------------|-----------------------|-------------|
| Revised Gr Floor Plan              | 26364-S101            | 12 May 2018 |
| Revised 1 <sup>st</sup> Floor Plan | 26364-S102 Revision B | 12 May 2018 |
| Revised 2 <sup>nd</sup> Floor Plan | 26364-S103 Revision A | 12 May 2018 |
| Revised 3 <sup>rd</sup> Floor Plan | 26364-S104 Revision A | 12 May 2018 |
| Revised 4 <sup>th</sup> Floor Plan | 26364-S105 Revision A | 12 May 2018 |
| Revised 5 <sup>th</sup> Floor Plan | 26364-S106 Revision A | 12 May 2018 |
| Revised 6 <sup>th</sup> Floor Plan | 26364-S107 Revision B | 12 May 2018 |
| Revised 7 <sup>th</sup> Floor Plan | 26364-S108 Revision C | 12 May 2018 |
| Revised Roof Plan                  | 26364-S109 Revision A | 12 May 2018 |
| Revised Elevations                 | 26364-S110 Revision B | 12 May 2018 |
| Revised Section                    | 26364-S111 Revision A | 12 May 2018 |
| Revised Perspectives               | 26364-S112 Revision A | 12 May 2018 |
| Revised Perspectives               | 26364-S113 Revision A | 12 May 2018 |
| Revised Perspectives 3             | 26364-S114            | 12 May 2018 |
| Revised Perspectives 4             | 26364-S115            | 12 May 2018 |

2. All other conditions from the original approval of 020/A094/15 (unless expressly superseded by this consent for DA 020/A094/15 V1 or minor variation under Regulation 47a) remain valid.
3. Prior to final Development Approval being granted the applicant shall clarify the location of pressurisation ducts and the impacts on other roof facilities to the satisfaction of the State Commission Assessment Panel.



4. Prior to final Development Approval being granted the applicant shall provide details as to how the rooftop services will be visually integrated, to the satisfaction of the State Commission Assessment Panel.

**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).

**3. MAJOR DEVELOPMENTS**

3.1. **DEFERRED APPLICATIONS** – Nil

3.2. **NEW APPLICATIONS** - Nil

**4. ANY OTHER BUSINESS**

**5. NEXT MEETING – TIME/DATE**

5.1. Thursday, 27 September 2018 at 50 Flinders Street, Adelaide SA 5000

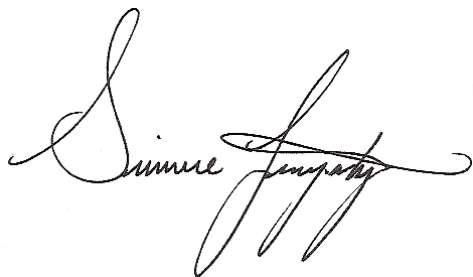
**6. CONFIRMATION OF THE MINUTES OF THE MEETING**

6.1. **RESOLVED** that the Minutes of this meeting held today be confirmed.

**7. MEETING CLOSE**

The Presiding Member thanked all in attendance and closed the meeting at 2.30pm.

Confirmed      13/09/2018



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Simone Fogarty  
PRESIDING MEMBER