



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 150th Meeting of the
State Commission Assessment Panel
held on Wednesday 7th December 2022 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, present and emerging.

1.2. PRESENT

| | |
|------------------|---|
| Presiding Member | Rebecca Thomas |
| Members | Rebecca Rutschack (Deputy Presiding Member) Emma Herriman Paul Leadbeter Grant Pember David Altmann |
| Secretary | Jaclyn Symons, Governance Officer |
| DTI Staff | Troy Fountain Margaret Smith Brett Miller (2.2.1, 2.2.2, left part way through item 2.2.3) Lauren Talbot (2.2.2) Karl Woehle (2.2.3) Simon Neldner |

1.3. APOLOGIES

John Eckert

Note: Meeting procedures of the SCAP have been modified in the light of COVID-19 and State Government protocols. Where possible participation in this meeting has been undertaken remotely to minimise risks.

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 REVELOP

21040250

Lots 101 and 104, No. 485 Main North Road, Evanston

Change of use of two tenancies to a supermarket and liquor sales outlet, minor additions, demolition of existing café and additional parking, minor alteration to access to Para Road and renovation of landscaping and signage.

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to her employer providing planning advice to various parties associated with this proposal and Grant Pember declared a conflict of interest due to consulting to one of the representors. Both were not present for this agenda item.

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

Applicant

- David Hutchinson (Access Planning)
- Anthony El-Hazouri (Revelop)
- James Hilditch (Hilditch Lawyers)
- Phil Weaver (Phil Weaver & Associates)
- Chris Turnbull (Sonus)
- Ian Churchill (MacroPlan)

Representations

- Anthony Kelly
- Ian Bradbrook
- Greg Vincent
- James Levinson

Council

- Victoria Shute (for Town of Gawler)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to Section 110(1) of the *Planning, Development and Infrastructure Act 2016*, Development Application Number 21040250, by Revelop is refused Planning Consent for the following reasons:
 - The proposed development is not in accordance with Desired Outcome 1 of the Employment Zone of the Planning and Design Code as it proposes a shop that does not complement the role of other zones accommodating significant shopping activities.
 - The proposed shop significantly exceeds the shop arrangement sought by Employment Zone, Performance Outcome 1.2 of the Planning and Design Code and is therefore not considered to be an appropriate use for the site and against the intent of the Code and Zoning for the site.
 - The proposal fails to meet Employment Zone, Performance Outcome 1.1 of the Planning and Design Code in that it does not propose a range of employment-generating light industrial, service trade, motor repair and other compatible businesses servicing the local community.

- The proposal fails to satisfy General Development Policies - Out of Centre Development, Desired Outcome 1 and Performance Outcome 1.1 of the Planning and Design Code, as it is not considered an appropriate scale outside of a Centre Zone to ensure the maintenance of the Centres hierarchy and is therefore considered to diminish the role of Activity Centres in the area.

2.2.2 Thirteen Commercial

22026920

6 Ebor Avenue, Mile End

Variation to development authorisation (211/M042/20 [variation to 211/12/20]) by addition of a lower basement via ramps, elimination of all car stackers and hoists, reconfiguration of ground floor apartment and upper level apartments, corresponding changes to appearance of building.

Emma Herriman declared a conflict of interest due to her employer (a law firm) acting for the applicant and was not present for this agenda item.

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

Applicant

- Bill Stefanopoulos (Town Planning Advisors)
- Barry Santry (Evo Arc)
- Daniel Druzeta (Evo Arc)

Representations

- Sandy Wilkinson, Charles Gilchrist and Phil Brunning
- Margaret-Ann Copeland

Council

- Phil Smith (City of West Torrens)

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 22026920, by Thirteen Commercial is granted Planning Consent subject to the following conditions:

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 specific attenuation measures for wall construction for the plant area to achieve the internal noise criteria in bedrooms adjacent to the lower plant deck area, as outlined in the acoustic report by Resonate dated 26 July 2022, shall be incorporated into the final design to the satisfaction of the State Planning Commission as follows:

OPTION 1

- 1x 9 mm compressed fibre cement sheet
- Staggered steel stud in 150 mm channel
- 90 mm 22 kg/m³ insulation in cavity
- 2x 16 mm Fyrchek plasterboard

OPTION 2

- 2x 9 mm compressed fibre cement sheet
- 92 mm steel stud
- 90 mm 22 kg/m³ insulation in cavity
- 2x 16 mm Fyrchek plasterboard

The final requirements are to be reviewed and adjusted depending on the final condenser unit selection, to achieve the predicted internal noise levels within the adjacent Level 4 bedrooms of between Leq 30-32 dB(A) to be compliant with the AS 2107:2016 recommended criteria.

Condition 3

The plans and conditions with respect to Development Application (211/M042/20 [variation to 211/12/20]) must be fully complied with except where varied by this application and conditions.

The following conditions are imposed by City of West Torrens pursuant to Development Plan Consent notification for DA 211/12/20 as they are relevant to this variation herein approved:

Condition 4

All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage will not at any time:

- a) Result in the entry of water into a building; or
- b) Affect the stability of a building; or
- c) Create unhealthy or dangerous conditions on the site or within the building; or
- d) Flow or discharge onto the land of an adjoining owner; or
- e) Flow across footpaths or public ways.

Condition 5

All driveways, parking and manoeuvring areas shall be formed, surfaced with concrete, bitumen or paving, and be properly drained prior to occupation, and shall be maintained in reasonable condition at all times. All parking and manoeuvring areas are to conform to the relevant Australian Standard AS 2890.

Condition 6

All landscaping shall be planted in accordance with the approved plans at the first available planting season. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die. A watering system shall be installed at the time landscaping is established and thereafter maintained and operated so that all plants receive sufficient water to ensure their survival and growth.

Condition 7

Any external lighting on the subject land and buildings must be directed and screened so that overspill of light into adjoining premises and passing motorists is minimised.

Condition 8

To enable unimpeded access to the parking spaces for visitors and users of the commercial tenancy, the gate will remain open until the closing time of the commercial tenancy.

Condition 9

The hours of operation of the shop shall be as follows:
Monday to Sunday - 8:00am to 5:00pm
Public Holidays - Closed

Condition 10

Private collection of waste shall be restricted to once weekly (per type of waste – i.e. general waste, recyclables, etc.), Monday to Friday, between the hours of 8am and 5pm.

Condition 11

The maximum allowable size vehicle to service the site for rubbish collection shall be no greater than a medium rigid vehicle (MRV).

ADVISORY NOTES

Planning Consent

Advisory Note 1

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the State Planning Commission).

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 ERC Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 3

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 4

If you are building up to a common boundary, you are strongly encouraged to consult with the adjoining property owner before commencing any work.

Section 5 of the Fences Act, 1975 requires you to give formal notification to, and consult with, the adjoining property owner if you are replacing an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence. A wall that forms part of a building to be located along the boundary is also subject to this formal requirement.

Advisory Note 5

Prior to the commencement of construction of the development herein approved, it is recommended that the applicant employs the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.

Advisory Note 6

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. Refer Environment Protection Authority for additional details.

Advisory Note 7

Any damage to footpaths or driveways resulting from development of the site (including any associated works contractors) shall be rectified by the owner/builder. Any costs of rectifying any such conflict with existing Council infrastructure shall be borne by the applicant.

The footpath and driveways must be monitored by the owner/builder during development to ensure that any damage which occurs must be rectified immediately to mitigate potential trip hazards and ensure ongoing safety of pedestrians and site workers.

The footpath and verge area must be kept clear at all times of all obstructions including but not limited to, vehicles, building supplies or materials and debris. Any requirement to place items on the footpath or road requires the written approval of Council's City Assets Department.

2.2.3 Angela Manov

21019849

Lot 264 Beegoodye Wells Road, Brentwood

Two (2) tourist accommodation units, associated deck, rainwater tanks, outbuilding and fire refuge.

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

Applicant

- Angela Manov
- Warwick Covington

Representations

- Karen Cotterill

Agencies

- Kym Gerner (DEW)

Council

- Jodie Terp (Yorke Peninsula Council)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to Section 110(1) 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 21029849, by Angela Manov is granted Planning Consent subject to the following reserved matter and conditions:

RESERVED MATTERS

1. Pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016*, the following matter shall be Reserved for further assessment, to the satisfaction of the State Planning Commission (SPC), prior to the granting of Development Approval:
 - 1.1. Final details of the northern and southern beach pedestrian beach access points, associated fencing and or boardwalks is provided to the State Planning Commission in consultation with the Yorke Peninsula Council and the Coastal Protection Board.

CONDITIONS

Planning Consent

Condition 1

The development granted Planning Consent 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

Final details of the design of the all-weather driveway, vehicle circulation and guest parking areas shall be provided to the State Planning Commission prior to Development Approval.

Conditions imposed by South Australian Country Fire Service under Section 122 of the Act

Condition 3

SITING

'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 2.1, 4.2, 4.3) details the mandatory requirements for buildings and structures to be located away from areas that pose an unacceptable bushfire risk in order to provide sufficient defendable space for occupants and fire fighters; ensure radiant heat levels at the buildings are minimised in line with the assessed bushfire attack level & construction level; whilst maintaining reduced fuel loads and ensuring it can be maintained in perpetuity by the occupants.

Temporary structures for tourist accommodation use are not suitable in this location unless built to the assessed Bushfire Attack Level (BAL), or associated with a building built to relevant bushfire protection building standards.

SA CFS notes that the proposed tourist accommodation domes cannot be built to the required building standards and that the applicant is proposing an associated refuge building, which will be sited and constructed to the assessed BAL 12.5 standards.

The SA CFS has no objection to the siting of the proposed refuge building as detailed on drawing named Site Plan, dated at last revision 29/03/2022.

Condition 4

ACCESS TO FIRE REFUGE BUILDING

'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

Plan, dated at last revision 29/03/2022, with the following conditions:

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles, to within 60m of the furthest point of the building.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –
 1. A loop road around the building, OR
 2. A turning area with a minimum radius of 12.5 metres, OR
 3. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres (for each 'leg') and minimum internal radii of 9.5 metres OR
 4. A 'U' shaped 'drive-through' option.
- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Private access shall provide overhead clearances of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.

Condition 5**WATER SUPPLY & ACCESS (to dedicated water supply)**

Ministerial Building Standard MBS008 "Designated bushfire prone areas - additional requirements" 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with MBS008.

'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named Provision of Safety, dated at last revision 29/03/2022, providing the outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance's inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.

Please note that where the water supply is an above-ground water tank, the tank (including any support structure) must be constructed of non-combustible material, such as concrete or metal.

Condition 6**MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT**

'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

SA CFS has no objection to the proposed APZs, as detailed on drawing named Site Plan, dated at last revision 29/03/2022, provided they comply with the vegetation management conditions below:

- Vegetation management shall be established and maintained within **20 metres of the refuge building and within 10 metres of the tourist accommodation domes** (or to the property boundaries – whichever comes first) as follows:
- The number of trees and understorey plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
- Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
- Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
- Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
- Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees' lowest branches.
- Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.

- No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
- Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
- The APZ shall be maintained to be free of accumulated dead vegetation.

Conditions imposed by Coast Protection Board under Section 122 of the Act

Condition 7

The Manov-Brentwood Offset Pest & Weed Control + Revegetation Schedule provided as part of the development application shall be implemented as outlined, except where variations in species are required as an adaptive response to local growing conditions.

Condition 8

All landscaping associated with this development shall consist of local native coastal species to improve coastal biodiversity and minimise the spread of exotic plants on the coast. In addition to the species listed in the Revegetation Schedule, staff from the Northern and Yorke Landscapes Board can also be contacted for expert advice.

Condition 9

Excavation and construction shall be carried out in a manner which minimises environmental impacts.

Condition 10

Any imported substrate material or engineered fill to be used within the area shall be free of weeds and pathogens to ensure that noxious weed or contamination sources are not introduced into the coastal environment.

ADVISORY NOTES

Planning Consent

Advisory Note 1

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the State Planning Commission).

Advisory Note 2

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 3

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 ERC Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Notes imposed by South Australian Country Fire Service under Section 122 of the Act

Advisory Note 4

BUILDING CONSIDERATIONS

Ministerial Building Standard MBS008 "Designated bushfire prone areas - additional requirements" 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™ 3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

Fire Refuge Building: **BAL 12.5**

This report is considered relevant at the date of assessment with respect to the elevations detailed on proposed **Site Plan, dated at last revision 29/03/2022** and shall not be considered as SA CFS endorsement of any subsequent development.

Advisory Note 5

TOURIST ACCOMMODATION - BUSHFIRE SURVIVAL PLAN

CFS further recommends:

- The applicants to prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season.
- This BSP should give clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions.
- The BSP should address the possibility that the owners may not be present at the time of the bushfire event.
- The BSP should not expect guests to be involved in fire-fighting operations.
- The SA CFS 'Bushfire Safety and Survival for Business and Organisations' document (refer to CFS website) should be utilised as a basis for information and the drafting of the (GUEST) BSP.
- The applicant should consider reducing operating hours and restrictions on days of heightened bushfire danger or bushfire events.

Advisory Notes imposed by Coast Protection Board under Section 122 of the Act

Advisory Note 6

- The applicant is advised that any native vegetation on the site is protected under the Native Vegetation Act 1991 and Native Vegetation Regulations 2017. Prior to any clearance being undertaken, the applicant should seek Native Vegetation Council approval to do so, which may include provision of a Significant Environmental Benefit offset. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understory, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information visit: <http://www.nvc.sa.gov.au>, which includes an online interactive guide that helps to determine if an application to clear native vegetation is required, alternatively the Native Vegetation Council can be contacted on 8303 9777 or nvc@sa.gov.au.
- Wastewater treatment design and construction shall be in accordance with recognised engineering best practice to ensure that wastewater does not adversely affect coastal land. The location of the proposed soakage trench from the high water mark is required to be 100 m or more. Alternatively a sealed system would be required.
- There is a vehicle access track to the beach located north of the proposed domes. This track is in a potential drift hazard zone and should be closed to vehicle traffic and made narrower with revegetation of local native plants to prevent vehicle access causing further damage to the coastal environment.
- The applicant is reminded of their 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 cause environmental harm.

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 14 December 2022 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 2.25pm.

Confirmed 7/12/2022



.....
Rebecca Thomas
PRESIDING MEMBER



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Rebecca Rutschack
DEPUTY PRESIDING MEMBER (for item 2.2.1 only)