



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 162nd Meeting of the
State Commission Assessment Panel
held on Wednesday 26th July 2023 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

Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert Paul Leadbeter David Altmann Jenny Newman Don Donaldson
Secretary	Jaclyn Symons, Governance Officer
DTI Staff	Troy Fountain Margaret Smith Jeremy Wood (2.2.1, 2.2.2) Damon Huntley (2.2.1, 2.2.2) Gabrielle McMahon (3.2.1) Greg Ahrens (3.2.1) Hannah Connell (2.2.1, 2.2.2) Joanne Reid (2.2.1, 2.2.2)

1.3. APOLOGIES

Rebecca Thomas (Presiding Member)

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 David Schultz C/- Planning Studio

22031775

2A Fulford Terrace, Littlehampton

Land division comprising the division of one allotment into two allotments.

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

Applicant

- Kieron Barnes (Planning Studio)
- Emma Herriman (Herriman Legal)
- David Schultz
- Tegan Schultz

Agency

- Caren Siegfriedt (CFS)

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 22031775, by David Schultz C/- Planning Studio is granted Planning Consent subject to 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).

Conditions imposed by Minister for the time being administering the *River Murray Act 2003*

Condition 2

During any works or construction activities associated with the land division, the subject land must be managed to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained, to ensure no pollutants (including excavation or fill material) enter the River Murray system.

Conditions imposed by South Australian Country Fire Service

Condition 3

DECISION

The SA Country Fire Service has no objection to the proposed land division at Lot 24 (2A), Fulford Tce, Littlehampton, to create one (1) additional allotment for residential development.

The SA Country Fire Service **seeks** to comment on any subsequent development applications on the land division pursuant to Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

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

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 Notes imposed by Minister for the time being administering the *River Murray Act 2003*

Advisory Note 4

The applicant is reminded of the General Duty of Care under Section 23 of the *River Murray Act 2003*, which requires that a person must take all reasonable measures to prevent or minimise any harm to the River Murray through his or her activities.

Advisory Note 5

Prior to the clearance of native vegetation (including reeds) for any purpose, the applicant should consult the Native Vegetation Council to determine relevant requirements under the *Native Vegetation Act 1991* and its Regulations, which may include the provision of a Significant Environmental Benefit. 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 understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9777 or visit: <http://www.nvc.sa.gov.au>.

Advisory Note 6

Any fencing required to identify allotment boundaries should avoid the unnecessary removal of native vegetation and disturbance of soil, to minimise the risk of soil erosion and subsequent impacts on water quality through increases in siltation, nutrient loading and turbidity.

Advisory Note 7

The applicant is encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit: <http://www.stateflora.sa.gov.au>.

Advisory Note 8

Under the *Landscape South Australia Act 2019*, it is prohibited to move or sell declared plants or material, such as the seeds from plants, without obtaining a permit. It is therefore recommended that an appropriate Biosecurity Plan be prepared to ensure that declared plant material and seeds are not moved

or sold as a consequence of development activities. Biosecurity guidelines can include wash down procedures to remove any contaminated soil or weed material from vehicles and machinery before entering the property and/or if landfill is required, ensure weed free soil is delivered or removed from the site. For further information visit: <http://www.landscape.sa.gov.au/mr/pest-plants-animals/pest-plants>.

Advisory Note 9

Effective measures should be implemented during the works and on-going use of the land in order to prevent soil, silt, sediments or other pollutants leaving the site and entering adjoining properties, roads, water bodies and drains, including (but not limited to):

- use of erosion and sediment control measures such as catch/diversion drains, filter fences, sediment fences, sediment traps and basins, re-vegetation and straw bale barriers;
- stockpiling topsoil carefully so it is not susceptible to wind erosion;
- cover all exposed faces and spoil on and around scarred areas with suitable ground cover;
- control dust arising from construction and other activities, so as not to be a nuisance to residents or occupiers on adjoining or nearby properties;
- ensure vehicles leaving the site do not transfer soil or mud onto adjacent roadways;
- ensure that there are post construction arrangements for on-site pollutant and contaminant management in accordance with EPA Guidelines.
- Guidance on pollution prevention from construction sites can be found in the '*Handbook for pollution avoidance on commercial and residential building sites*' and the '*Stormwater pollution prevention code of practice*', which can be accessed at: <http://www.epa.sa.gov.au>.

Advisory Note 10

The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. Under section 20 of the *Aboriginal Heritage Act 1988* (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects or remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object or remains (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site, object or remains, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act. For further information visit: <http://taawika.sa.gov.au>.

2.2.2 Zaina Stacey Development Consultants

23012894

22 Flagstaff Road, Flagstaff Hill

Torrens-title land division comprising the division of one (1) allotment into three (3) allotments to create two (2) additional allotments.

Rebecca Rutschack declared a conflict of interest due her employment with the council in the area of this proposal and was not present for this agenda item.

David Altmann, Acting Presiding Member, chaired this agenda item.

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

Applicant

- Dylan Furnell (Zaina Stacey Development Consultants)
- Alexendra Paxinos

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to Section 110(14) of the *Planning, Development and Infrastructure Act 2016*, to REFUSE TO PROCEED TO ASSESS Development Application 2301189 by Zaina Stacey Development Consultants for the following reasons:
 1. There is no reasonable prospect of a favourable assessment of the proposed development having consideration for the relevant Planning and Design Code policies, DO 1 and PO 14.1 of the Hills Face Zone, specifically:
 - a) the proposed additional allotments for new residential development is incompatible with the intent to limit development in this zone to low-intensity agricultural activities and public and private open space; and
 - b) the fragmentation and development of the land will not preserve, enhance and re-establish the natural character of the Hills Face Zone.

ADVISORY NOTES

If you are aggrieved by this decision, you have a right to seek a review of this decision by the State Planning Commission (the Commission). An application for review must be made in a manner and form determined by the Commission and must be made within **one (1) month** of this notice. The prescribed form is contained in Attachment 1 of Practice Direction 4. [Practice Direction 4](https://plan.sa.gov.au/resources/planning/practice_directions/practice_direction_4_restricted_and_impact_assessed_development_2019) https://plan.sa.gov.au/resources/planning/practice_directions/practice_direction_4_restricted_and_impact_assessed_development_2019

Further information, including the appropriate form and submission instructions, can be found on the PlanSA website under the Decisions and Appeals Guide section.

2.3. **RESERVED MATTERS****3. CROWN DEVELOPMENTS (ADVISORY ITEMS)**3.1. **DEFERRED APPLICATIONS**3.2. **NEW APPLICATIONS**3.2.1 **BESS Officer Pty Ltd C/- Enhar Pty Ltd (Sponsored by DEM)**

292/V047/22

8 Yelki Road, One Tree Hill

Construction of a Battery Energy Storage System and associated infrastructure.

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

Applicant

- Chris Alderton (Enhar Pty Ltd)
- Javier García (Gransolar Group)
- Ignacio Oleaga (Gransolar Group)
- Daniel Jeon (Gransolar Group)
- Seth Argar (Gransolar Group)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) That the State Commission Assessment Panel provide its recommendation in confidence (published in the SCAP Confidential Minutes – 26 July 2023) to the Minister for Planning.

Note: A Decision Notification Form will be forwarded to all representors once the Minister has made a decision on the application.

4. MAJOR DEVELOPMENTS – VARIATIONS

5. REPORTING

6. COURT COMPROMISE

7. BRIEFINGS

8. PROCEDURAL MATTERS

9. OTHER BUSINESS

10. NEXT MEETING

- 10.1. Wednesday 9 August 2023 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 Deputy Presiding Member thanked all in attendance and closed the meeting at 12.30pm.

Confirmed 26/07/2023



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Rebecca Rutschack
DEPUTY PRESIDING MEMBER



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David Altmann
ACTING PRESIDING MEMBER (for item 2.2.2 only)