



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 111th Meeting of the
State Commission Assessment Panel
held on Wednesday 12th March 2021 commencing at 9.30am
Ground Floor, 50 Flinders Street Adelaide / Microsoft Teams video
conferencing

1. OPENING

1.1. PRESENT

Presiding Member	Rebecca Thomas
Members	Dennis Mutton (Deputy Presiding Member) John Eckert Emma Herriman Paul Leadbeter Grant Pember Mark Adcock
Secretary	Ben Sieben, Governance Officer
AGD Staff	Jason Cattonar Jason Bailey (2.2.2 & 2.2.3) Nick Giannakodakis (2.2.1) Yasmine Alliu (2.2.2) Karen Ferguson (2.2.3)

1.2. APOLOGIES Nil

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 Telstra C/- Emily Wardlaw

20002095

Lot 351 North Tce, Beltana SA 5730

Construction of a Telecommunications Facility (Small Cell on 22m monopole and satellite dish and cabinet at ground level).

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

Applicants

- Emily Wardlaw
- David Hammond

Representors

- Jan Ferguson
- John Pengilly
- Glenys Aird
- Rosalie Story

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 20002095, by Telstra Corporation is granted Planning Consent subject to the following conditions.

PLANNING CONDITIONS

Planning Consent

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. If the approved development ceases operation, the monopole and associated infrastructure (including all equipment, fencing, shelter, footings etc) shall be removed from the site, with the land remediated and made suitable for the associated land use purposes.
3. The external finish of the telecommunications monopole, shelter and any equipment cabinets shall comprise natural, non-reflective, compatible colours to complement the natural environment and to minimise visual impact.

ADVISORY NOTES

General Notes

1. 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.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent

1. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan 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 Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).
2. Any changes to the proposal for which Planning Consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Environment and Water. Such changes would include for example (a) an application to vary the Planning Consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the development application.
3. To ensure a satisfactory heritage outcome, the relevant planning authority is requested to consult the Department for Environment and Water when finalising other Conditions.
4. In accordance with Regulation 57 of the *Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019*, please send the Department for Environment and Water a copy of the Notice of Decision.
5. The relevant planning authority is requested to inform the applicant of the following requirements of the *Heritage Places Act 1993*.
 - a. If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
 - b. Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

6. The relevant planning authority is requested to inform the applicant of the following requirements of the *Aboriginal Heritage Act 1988*.
- a. (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

2.2.2 Nielsen Architects

180/E037/21

499 - 505 Portrush Road, Glenunga

Construction of a supermarket and associated signage, solar panels, car parking, landscaping, retaining walls and fencing.

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to her employer's representation of the proponent and left the meeting for this agenda item.

The Deputy Presiding Member, Dennis Mutton, was an apology for this item.

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

Applicants

- Zoe Garnaut
- Nigel Uren
- Luke Tisley
- Trent Burns
- Paul Morris

Agencies

- Jim Psyridis

Representors

- Marc Kovacic
- Barry Chatterton
- Robert Schapel

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 Burnside (City) Development Plan.
- 3) To grant Development Plan Consent to the proposal by Nielsen Architects for the Construction of a supermarket and associated signage, solar panels, car parking, landscaping, retaining walls and fencing at 499 – 505 Portrush Road Glenunga subject to the following reserved matters and conditions of consent.

PLANNING CONDITIONS

1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

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

2. The recommended acoustic treatments listed on page 9 of the report prepared by Sonus “Environmental Noise Assessment” dated November 2020 S4217.30C9 shall be installed and completed prior to commencement of operation of the approved development.

Reason for condition: to reduce the noise impacts and protect the amenity of the locality.

3. All waste collection associated with the development shall occur between 9:00 am – 7:00 pm on a Sunday or a public holiday and between 7:00 am – 7:00 pm on any other day.

Reason for condition: to reduce the noise impacts and protect the amenity of the locality.

4. Notwithstanding any timing of deliveries specified in the ‘ALDI Delivery & Loading Procedures’, no unloading of delivery vehicles shall commence before 6:00am or continue after 10:00pm on any day, with the exception of one bakery delivery vehicle, which may unload between the hours of 5:00 am and 10:00pm.

Reason for condition: to reduce the noise impacts and protect the amenity of the locality.

5. Delivery vehicles accessing the site shall be restricted to a maximum length of 15.5 metres, with these vehicles having a down-swept (low level discharge) exhaust system and attenuated compressed air release.

Reason for condition: to reduce the noise impacts and protect the amenity of the locality.

6. All delivery vehicles may only enter, exit, and be used on the subject land in accordance with the ‘ALDI Delivery & Loading Procedures’, as submitted with this application. Where any condition refers to ALDI as the operator, this should be read as applying to the person or business undertaking or operating the development approved at the land, at the relevant time. To the extent of any inconsistency between the ‘Aldi Delivery & Loading Procedures’ and these conditions, the conditions will prevail.

Reason for condition: to reduce the noise impacts and protect the amenity of the locality.

7. No refrigeration systems on delivery vehicles to the supermarket shall be operative during the unloading of goods at the subject site and all prime mover delivery vehicles must be turned off during unloading.

Reason for condition: to reduce the noise impacts and protect the amenity of the locality.

8. All delivery vehicles to the subject site will be fitted with a broadband (white noise) reversing alarm which shall be operative while reversing manoeuvres occur on the site.

Reason for condition: to reduce the noise impacts and protect the amenity of the locality.

9. All external lighting of the site, including in car parking areas and external to buildings, shall be designed, located, shielded and constructed to conform to conform to Australian Standard 4282 – 1997 ‘Control of the obtrusive effects of outdoor lighting’.

Reason for condition: to protect the amenity of the locality and driver safety.

10. Any flood lighting shall be located and shielded in order to minimise the potential for driver distraction and discomfort, to the reasonable satisfaction of the State Planning Commission.

Reason for condition: to protect the amenity of the locality and driver safety.

11. Landscaping shown on the approved plans shall be established within two weeks of the issuance of the certificate of occupancy for the development and prior to the commencement of trading. Plantings shall be irrigated, maintained, and nurtured at all times with any missing, damaged, diseased or dying plants being replaced in the next planting season. The planting season comprises the months of May to September (inclusive).

Reason for condition: to ensure landscaping plan is implemented.

12. An automated watering system to provide water to all plants in the landscaping bed which runs along the western boundary of the subject land shall be installed and be operating on the subject land immediately upon completion of the planting of the proposed landscaping. The automated watering system is to be kept in good working condition at all times.

Reason for condition: to maintain the landscaping in a good condition and also maintain the visual amenity for the adjacent properties.

13. All stormwater design and construction shall be in accordance with Australian Standard AS/NZS3500.3:2015 (Part 3) to ensure that stormwater does not adversely affect any adjoining road or property.

Reason for condition: to ensure that stormwater is disposed of properly and does not affect adjoining properties.

14. Provision for all bicycle parking shall be designed and constructed in accordance with Australian Standard AS2890.3-2015.

Reason for condition: to ensure bicycle parking facilities are designed and constructed in accordance with the relevant standards and guideline.

Commissioner of Highways Conditions

15. Access to the site shall be as shown on Nielsen Architects Proposed Site Plan, Project 2353, Drawing No. DA02.3, Revision D dated 27 January 2021.

Reason for condition: to ensure safe access and egress.

16. The verandah along the Portrush Road frontage shall be designed to provide full vertical clearance and a minimum horizontal clearance of 1.0 metre from all DIT infrastructure located within the road reserve (including signal pole/s, signal box and street light).

Reason for condition: to ensure adequate clearance.

17. All off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the Portrush Road property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

Reason for condition: to ensure on-site car parking layout and vehicular entry points are designed and constructed in accordance with the relevant standards and guidelines.

18. Illuminated signage that is visible from the adjacent roads shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device and shall be limited to a low level of illumination (i.e. < 150Cd/m²).

Reason for condition: to ensure the safety drivers using Portrush Road.

19. Stormwater run-off shall be collected on-site and discharged without impacting the integrity and safety of the adjacent road network. Any alterations to drainage infrastructure required to facilitate this shall be at the applicant's cost.

Reason for condition: to ensure there is no impact to the road network.

ADVISORY NOTES

- a. This Development Plan Consent will expire after 24 months from the date of this Notification, unless final Building Rules Consent from Council has been received within that period or this Consent has been extended by the State Planning Commission.

- b. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 2 years 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 sites, please contact the City of Burnside Council.
- e. The cost of works relating to the alterations to crossovers and associated line marking are to be borne fully by the applicant, and are subject to separate approvals required under the Local Government Act 1999.
- f. Council advises that the existing redundant portion of driveway/gutter crossing to Portrush Road shall be removed and reinstated to kerb and gutter to the Council's specification, at the cost of the proponent and upon the completion of the proposed altered gutter crossing
- g. If the applicant wishes to move the bus shelter, the cost of the work would need to be borne by the entity taking benefit of this authorisation, and the works undertaken to Council and the Department of Infrastructure and Transport's satisfaction. It is likely the bus shelter will require temporary relocation throughout the construction.
- h. The applicant is reminded that this consent does not authorise any tree damaging activity.
- i. The proposed modifications to the central median on the adjacent section of Portrush Road, as shown in 'Figure 5.1: Proposed Intersection Treatment – Portrush Road' in the Traffic Impact Assessment (TIA) prepared by GTA Consultants dated 22 December 2020, shall be designed in accordance with the relevant Austroads Guides, Australian Standards and to DIT's requirements. All costs associated with the design and construction of the proposed median modifications (including, but not limited to, project management and any necessary public consultation, road drainage, lighting upgrades etc.) shall be borne by the applicant.

The applicant shall enter into a Developer Agreement with DIT regarding these works and shall contact DIT's Network Management Services, Senior Network Integrity Engineer, Mr # 16674654 3 Narendra Patel on mobile 0400 436 745 or via email at narendra.patel@sa.gov.au to obtain approval and discuss any technical issues regarding the proposed median modifications. The proposed median modifications shall be completed prior to the proposed development becoming operational.

2.2.3 Nielsen Architects

155/E024/20

19 - 29 Glynburn Road, Glynde

Demolition and staged construction of a Supermarket (shop) with associated signage, carparking, acoustic wall, fencing, site works, retaining wall, solar panels and landscaping.

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to her employer's representation of the proponent and left the meeting for this agenda item.

The Deputy Presiding Member, Dennis Mutton, was an apology for this item.

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

Applicants

- Richard Dwyer
- Nigel Uren
- Paul Morris
- Evan Drage
- Trent Burns

Agencies

- Jim Psyridis

Representors

- Peter Mercorella
- Amanda Price-McGregor
- Anthony Kelly
- Thomas Wilson

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 development application be refused for the following reasons:
 - a. The proposal represents a significant departure from the relevant policies in the Development Plan.
 - b. The proposal is inconsistent with the nature of land uses envisaged by the Residential Zone and the Light Industry Zone.

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

6.1. Wednesday 26 May 2021 at Ground Floor, 50 Flinders 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

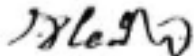
13. MEETING CLOSE

13.1. The Presiding Member thanked all in attendance and closed the meeting at 5.09pm.

Confirmed 12/05/2021



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Rebecca Thomas
PRESIDING MEMBER



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Paul Leadbeter
ACTING PRESIDING MEMBER (for Items 2.2.2 and 2.2.3)