



# STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 96<sup>th</sup> Meeting of the  
State Commission Assessment Panel  
held on Day 28 October 2020 commencing at 9.30am  
50 Flinders Street, Adelaide / Microsoft Teams

## 1. OPENING

### 1.1. PRESENT

Presiding Member	Rebecca Thomas
Members	Dennis Mutton (Deputy Presiding Member) John Eckert Emma Herriman Paul Leadbeter Grant Pember
Secretary	Sara Zuidland
DPTI Staff	Ben Scholes (Agenda Item 2.2.1) Simon Neldner (Agenda Item 3.2.1) Jason Cattonar (Agenda Item 3.2.1)

### 1.2. APOLOGIES

Nil.

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## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS – Nil.

### 2.2. NEW APPLICATIONS

#### 2.2.1 MAIN AND CHERRY C/- ADELAIDE PLANNING AND DEVELOPMENT SOLUTIONS

DA 145/L066/20

**75 Loud Road, Chandlers Hill**

City of Onkaparinga

Proposal: Construction of Cellar Door (shop), advertising signage, car parking and landscaping in association with existing dwelling and vineyard.

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

#### Applicants

- Mark Kwiatkowski – APDS (in person)
- Michael Sexton – Main and Cherry (in person)
- Mario Dreosti – Brown Falconer (video)

#### Agency

- Jim Psyridis – DIT Transport (video)

The State Commission Assessment Panel discussed the application.

#### RESOLVED

- 1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) RESOLVE that the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Onkaparinga Council Development Plan.
- 3) RESOLVE to grant Development Plan Consent to the proposal by Main and Cherry C/- Adelaide Planning and Development Solutions for (non-complying) construction of cellar door (shop), advertising signage, car parking and landscaping in association with existing dwelling and vineyard at 75 Loud Road, Chandlers Hill subject to the following 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: To ensure the development is undertaken in accordance with the plans and details submitted.*

2. The hours of operation of the premises shall be restricted to the following times with a maximum operating capacity of 65 patrons at any one time:
  - Thursday – Monday: 10:00am to 6:00pm

*Reason for condition: to minimise potential impacts on adjoining land and associated residential amenity*

3. 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.*

4. 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 Planning Commission.

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

5. All external lighting on the site shall be designed and constructed to conform to Australian Standard (AS 4282-1997 – Control of the obtrusive effects of outdoor lighting)

*Reason for condition: to ensure external lighting does not introduce undue potential for hazards to users of the adjacent road network or adjacent land in accordance with the relevant standard.*

6. 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*

7. Landscaping shown on the approved plans shall be established prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

*Reason for condition: To ensure the visual amenity of the site and locality are as proposed.*

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.

*Reason for condition: To ensure landscaping is adequately watered to maintain plant health.*

#### **Commissioner of Highways Conditions**

9. The proposed access point to Grants Gully Road (shown on CIRQA Turn Path Assessment – Access Point, Project # 20129, Sheet # 01\_SH04, Version A dated 29 May 2020) shall be designed and constructed in accordance with the following recommendations of the Commissioner of Highways:
  - the access shall be flared to accommodate the swept path of an 11-metre refuse collection vehicle and ensure simultaneous two-way vehicle movements can be achieved for a small bus and a passenger vehicle;
  - the access point shall be spray-sealed from the existing road edge to the property boundary;
  - a minimum of 1 metre separation from any roadside infrastructure shall be provided; and
  - any gate/s associated with the access point shall be set back to enable a vehicle to stand completely off the road whilst the gate is being opened or closed.

*Reason for condition: to ensure the design and construction of the proposed access point to Grants Gully Road is undertaken in accordance with the Commissioner of Highways' recommendations*

10. Any redundant access/gate at the subject land's boundary with Grants Gully Road shall be permanently closed.

*Reason for condition: to ensure appropriate closure of any access point to Grants Gully Road that are rendered redundant by the development*

#### **ADVISORY NOTES**

- a. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from the City of Onkaparinga (Council) has been received within that period or this Consent has been extended by the State Planning Commission.

- b. The applicant is advised to obtain Building Rules Consent from either a private certifier (or the City of Onkaparinga) within 12 months of the date of this Notification, for Development Approval purposes.
- c. 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.
- d. 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 of South Australia (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).
- e. The applicant, or any person with the benefit of this consent, must ensure that any consent/permit from other authorities or third parties that may be required to undertake the development, have been granted by that authority prior to the commencement of the development.
- f. The applicant is reminded of its 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.
- g. Prior to commencement of construction the applicant is encouraged to prepare a construction management plan to the satisfaction of the Council, with consideration given (but not limited) to traffic management strategies, dust suppression, prevention of silt runoff and management of construction noise and waste. For further information about appropriate management of construction sites, please contact the Council's Development Support team by telephone (08) 8384 0666 or email to [mail@onkaparinga.sa.gov.au](mailto:mail@onkaparinga.sa.gov.au)
- h. The *Environment Protection (Noise) Policy 2007* requires any person who is undertaking an activity, or is an occupier of land to take all reasonable and practicable measures to meet indicative noise factors for different land use categories. The policy creates offences that can result in on-the spot fines or legal proceedings. Environment Protection Authority information sheets, guidelines documents, codes of practice, technical bulletins and other materials can be accessed via the following website: <http://www.epa.sa.gov.au>.
- i. The Commissioner of Highways has recommended that roadside vegetation along Grants Gully Road be trimmed and/or removed as proposed in application details. The applicant is encouraged to engage with the Department for Infrastructure and Transport and Council to pursue opportunities for the roadside vegetation in this location to be trimmed and/or removed to provide greater sight distance along Grants Gully Road, subject to the consent of the Commissioner of Highways pursuant to Section 26A of the *Highways Act 1926*. The Department's Transport Assessment Section can be contacted via telephone 1300 872 677 or email [dit.landusecoordination@sa.gov.au](mailto:dit.landusecoordination@sa.gov.au).

2.3. **RESERVED MATTERS - Nil**

3. **CROWN DEVELOPMENTS (ADVISORY ITEMS) – Nil**

3.1. **DEFERRED APPLICATIONS – Nil**

3.2. **NEW APPLICATIONS – Nil**

- 3.2.1 **LINCOLN GAP WINDFARM PTY LTD C/- NEXIF ENERGY AUSTRALIA PTY LTD**  
DA 010/V070/19  
**Eyre Highway, Lincoln Gap**  
Out of Council  
Proposal: Lincoln Gap Windfarm – Stage 3.

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

Applicants

- Michael Morgan – Nexif Energy (in person)
- Bronte Nixon – WSP (in person)
- Yogesh Tiwari – Nexif Energy (video)

The State Commission Assessment Panel discussed the application.

**RESOLVED**

That the State Commission Assessment Panel provide its recommendation in confidence (included in SCAP Confidential Minutes – 28 October 2020) to the Minister for Planning and Local Government.

That the State Commission Assessment Panel provide its recommendation in confidence to the Minister for Planning.

4. **MAJOR DEVELOPMENTS – VARIATIONS - Nil**

5. **OTHER BUSINESS**

6. **NEXT MEETING**

- 6.1. Wednesday 11 November 2020 at Kardi Munaintya, Ground Floor, 50 Flinders Street, Adelaide SA 5000/ Via Microsoft Teams video conferencing

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 13.52pm.

Confirmed 28/10/2020



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Rebecca Thomas  
PRESIDING MEMBER