



# STATE COMMISSION ASSESSMENT PANEL

**A COMMITTEE OF THE STATE PLANNING COMMISSION**

Minutes of the 126<sup>th</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 10<sup>th</sup> November 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	Rebecca Rutschack (Deputy Presiding Member) John Eckert Paul Leadbeter Grant Pember David Altmann
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Jason Bailey (2.2.1, 2.2.3) Brett Miller (2.2.2) Ben Scholes (2.2.1) Matthew Henderson (2.2.2) Malcolm Govett (2.2.3)

### 1.2. APOLOGIES

Emma Herriman

**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.

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## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

### 2.2. NEW APPLICATIONS

#### 2.2.1 Epishas and Sons Pty Ltd

21013175

#### **1272 North East Road, Tea Tree Gully**

Change of use from existing retail fuel outlet to mixed-use development comprising retail fuel outlet and container deposit collection depot.

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

#### **Applicant**

- Emmanouel Pishas
- Warwick Covington

The State Commission Assessment Panel discussed the application.

#### **RESOLVED**

- 1) Pursuant to Section 110(10) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code and any other relevant document, the application reasonably accords with the desired outcomes and objectives of these policies and guidelines;
- 2) Development Application Number 21013175, by Epishas and Sons Pty Ltd is granted Planning Consent subject to the following reserved matter and conditions:

#### **RESERVED MATTER**

Pursuant to section 102(3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment, prior to the granting of Development Approval:

- the nature and appearance of proposed boundary fencing at the frontages to North East Road and Hancock Road, including a reduction in height of the fencing and the introduction of visual permeability to the reasonable satisfaction of the Manager, Commission Assessment, Planning and Land Use Services division of the Attorney-General's Department.

#### **CONDITIONS**

##### **Planning Consent**

##### **Condition 1**

The development granted Planning Consent / Development Approval 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 operable entry gates proposed at each of the subject land's access points shall be constructed to allow unobstructed 7 metre-wide access to the land in accordance with the recommendation included in the Parking and Traffic Review undertaken by Stantec (reference 301401397) dated 22 October 2021.

##### **Condition 3**

The acoustic attenuation measures recommended in the Environmental Noise Assessment report (reference A210806RP1 Revision 0) dated Friday 22 October 2021 undertaken by Resonate Acoustics

shall be fully incorporated into the development to the reasonable satisfaction of the State Planning Commission. Such acoustic measures shall be made operational prior to the occupation or use of the development.

#### **Condition 4**

Landscaping shall be established prior to the operation of the facility and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

#### **Condition 5**

Any external lighting of the site, including car parking areas and buildings, shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no demonstrable nuisance or loss of amenity is caused to any person beyond the site.

### **Conditions imposed by Commissioner of Highways under Section 122 of the Act**

#### **Condition 6**

Access to the site shall be gained in accordance with Align Design & Drafting, Job No. 776 – 96, Issue R4 dated 25 July 2021.

#### **Condition 7**

If access via CT 5795/914 becomes restricted in the future all access to the site shall be gained in accordance with Align Design & Drafting, Job No. 776 – 96, Plan A7.0, Issue R4 dated 25 July 2021.

#### **Condition 8**

All vehicles shall enter and exit the site in a forward direction.

#### **Condition 9**

The access points shall be suitably line marked to reinforce the desired traffic flow through the site and internal queuing areas.

#### **Condition 10**

Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

#### **Condition 11**

All off-street car parking areas shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Additionally, 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 property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

#### **Condition 12**

Commercial vehicle facilities shall be designed in accordance with AS 2890.2:2018.

#### **Condition 13**

The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without impacting the adjacent arterial road network.

## 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 authorization 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).

### 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 Note 4

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. For further information about appropriate construction and management of the authorized development, please contact the City of Tea Tree Gully (Council) on (08) 8397 7444 or via the Council's online contact form.

### Advisory Note 5

The applicant is advised a separate approval is required for the operation of a recyclable container collection depot in accordance with Section 69 of the *Environment Protection Act 1993*. The Environment Protection Authority can be contacted on (08) 8204 9075 or by email [EPAPanning@sa.gov.au](mailto:EPAPanning@sa.gov.au)

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

### Advisory Note 6

The applicant will be required to enter into a lease agreement with the Minister for the land identified as CT5795/914.

## 2.2.2 Glen Vollebregt

21008402

### 22 and 23 Adelphi Terrace, Glenelg North

Variation to DA 110/M006/18 for construction of a multi-storey residential flat building with associated car parking, landscaping and site works.

Variation to increase building height (1-storey), increase in number of apartments, inclusion of affordable housing.

Rebecca Rutschack declared a conflict of interest due to her employer's past involvement with this project and John Eckert declared a conflict of interest due to his past directorship with TECTVS. Both left the meeting for this agenda item.

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

#### Applicant

- Glen Vollebregt
- Tom Game (Botten Levinson)
- Gary Bonato (Tectvs)
- Ben Wilson (CIRQA)

#### Representors

- Bronwyn Watt
- Dianne Wheeler

#### Agency

- Jodi Davy (SA Housing Authority)
- Maria Klimenchuk (SA Housing Authority)

#### Council

- Michael Gates (City of Holdfast Bay)

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 21008402, by Glen Vollebregt is granted Planning Consent subject to the following conditions:

#### 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

All previous plans, documentation, technical reports, conditions and advisory notes previously granted development authorisation for Development Application number 110/M006/18 (including all previous variations) and Development Application number 21026371 are still applicable except where varied by this Development Application and the conditions and advisory notes that are appended to this decision.

## Conditions imposed by Minister responsible for the administration of the South Australian Housing Trust Act 1995 under Section 122 of the Act

### Condition 3

A minimum of 16% of all dwellings must be developed as 'affordable housing' in line with the executed Affordable Housing Land Management Agreement dated 16 June 2021.

## 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.

### Planning Consent

#### Advisory Note 1

This consent or approval will lapse at the expiration of the operative period of the Development Plan Consent issued in respect of DA 110/M006/18 – currently 10 December 2022 - unless this period has been extended by the State Planning Commission), subject to the below.

#### 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 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).

#### 2.2.3 Kalenjuk Future Pty Ltd and O'Brien Investment Nominees Pty Ltd

21018471

**Lot 14 South Coast Road, Foul Bay**

Detached Dwelling.

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

#### Applicant

- Garth Heynen (Heynen Planning)

#### Representor

- Sean Hanna

The State Commission Assessment Panel discussed the application.

## RESOLVED

- 1) Pursuant to Section 110(10) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code and any other relevant document, the application reasonably accords with the desired outcomes and objectives of these policies and guidelines; and
- 2) Development Application Number 21018471, by Kalenjuk Future Pty Ltd and O'Brien Investment Nominees Pty Ltd is granted Planning Consent subject to the following conditions:

## CONDITIONS

### Planning Consent

1. The development application 21018471, 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.
2. 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.
3. Landscaping shall be established within 12 months of occupation. Plantings shall be irrigated, maintained, and nurtured at all times with any missing, damaged, diseased or dying plants being replaced to the reasonable satisfaction of the State Planning Commission.

### SA Country Fire Service Direction Conditions

#### 4. ACCESS TO HABITABLE 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 firefighting, evacuation where required and to limit the clearance of native vegetation. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

#### **SA CFS has no objection to the proposed access driveway as detailed on drawing named Site Plan Overview, dated at last revision 06/06/2021, 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 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.
- The all-weather road shall incorporate passing bays. The combined width of the passing bay & access track shall be 6m, and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the road or driveway. Where it is necessary to provide adequate visibility, such as the nearest point to the public road or other passing bay, passing bays may be required at intervals of less than 200 metres.

## 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 Site Plan, dated at last revision 08/06/2021, 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.
- A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

## 6. 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 bushfire and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for the safe movement of occupants and fire fighters.

**SA CFS has no objection to the proposed landscaping and buffer planting as detailed on drawing named Landscaping Plan, dated at last revision 08/06/2021, providing *it complies with the following conditions:***

**A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:**

- The number of trees and understorey plants existing and to be established within the VMZ 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 1 metre 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 VMZ shall be maintained to be free of accumulated dead vegetation.

## 7. 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.

## ADVISORY NOTES

### General Notes

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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).

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

### Advisory Note 4

The applicant is advised that 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 expenses associated with these works shall be met by the proponent.

### Advisory Note 5

The applicant is reminded of their obligations under the Local Nuisance and Litter Control Act 2016, and the Environment Protection Act 1993, regarding the appropriate management of environmental impacts and matters of local nuisance. For further information about appropriate management of the construction site, please contact the Yorke Peninsula Council by telephone (08) 8832 0000 or email to [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

### Advisory Note 6

#### 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”.

Category of Bushfire Attack Level: **BAL 12.5**

This advice is considered relevant at the date of assessment with respect to the elevations detailed on proposed **Site Plan Overview, dated at last revision 08/06/2021**, and shall not be considered as SA CFS endorsement of any subsequent development.

- 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 24 November 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 1.39pm.

Confirmed 10/11/2021



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Rebecca Thomas  
PRESIDING MEMBER