



# STATE COMMISSION ASSESSMENT PANEL

**A COMMITTEE OF THE STATE PLANNING COMMISSION**

Minutes of the 171<sup>st</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 22 November 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 and present.

### 1.2. PRESENT

Presiding Member	Rebecca Thomas
Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert Paul Leadbeter Jenny Newman Don Donaldson
Secretary	Myles Graham, Governance Officer
DTI Staff	Troy Fountain Margaret Smith Nathan Grantham Hannah Connell (2.2.1, 2.2.2) Mollie O'Connor (2.2.4)

### 1.3. APOLOGIES

David Altmann

## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

### 2.2. NEW APPLICATIONS

#### 2.2.1 Glen Vollebregt

23021776

##### **16 Adelphi Terrace, Glenelg North**

Variation to application ID 23014661 to increase building height by 2 building levels (4 to 6 storeys) and increase number of dwellings from 28 to 40.

David Altmann declared a conflict of interest due to a family member working for a consultancy associated with this application. He was not present for this agenda item.

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

##### **Applicant**

- Jason Cattonar (Future Urban)
- Tom Jarrett (PACT Architects)
- Ben Wilson (CIRQA)
- Glen Vollebregt

##### **Agencies**

- Jodi Stocker (SAHA)
- Aya Shirai-Doull (ODASA)

##### **Council**

- Michael Gates (City of Holdfast Bay)

The State Commission Assessment Panel discussed the application.

### **TABLED INFORMATION**

Amended Architectural Plans were tabled by the Applicant.

### **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 23021776, by Glen Vollebregt is granted Planning Consent subject to the following reserved matter and conditions:

### **RESERVED MATTERS**

#### **Planning Consent**

##### **Reserved Matter 1**

A final Stormwater Management Plan detailing stormwater quantity and quality measures shall be prepared in consultation with the City of Holdfast Bay and be to the satisfaction of the State Planning Commission.

### **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

The plans and conditions with respect to Development Application 23014661 must be fully complied with except where varied by this variation application and conditions.

Condition 3

The traffic signals to the two basement levels, as stated in the CIRQA report dated 5 July 2023, must be installed and be operational prior to the occupation of the building.

Condition 4

The external precast concrete shall consist of a coloured integral concrete mix and shall be maintained to the reasonable satisfaction of the State Planning Commission.

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

Condition 5

The applicant must provide a minimum of 15% of all dwellings as 'affordable housing' in accordance with the criteria determined by the Government Gazette 8 September 2022 under regulation 4 of the *South Australian Housing Trust Regulations 2010* (or any updates), as a requirement of the Land Management Agreement registered on the Title (AG 14048543), approved Affordable Housing Plan dated 12/10/23, and submitted planning documentation.

**ADVISORY NOTES**

**Planning Consent**

Advisory Note 1

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 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 (ERD) 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 3

This variation consent or approval will lapse at the expiration of 24 months from the operative date of the original consent or approval (unless this period has been extended by the Relevant Authority).

Advisory Note 4

No works, including site works can commence until a Development Approval has been granted.

**2.2.2 Synergy Urban Development Pty Ltd**

23026239

**63 Ontario Street, Renmark West**

Conventional Torrens Title Land Division 1 into 30 allotments.

David Altmann declared a conflict of interest due to recently providing advice to Council regarding the application subject land. He was not present for this agenda item.

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

**Applicant**

- Paul Raymond Emes (Synergy Urban Development)
- Craig Patty

The State Commission Assessment Panel discussed the application.

**RESOLVED**

SCAP will PROCEED with an assessment of the application 23026239, which is classified as Restricted development pursuant to the operation of the Planning and Design Code.

**2.2.3 Inspire Design**

23007653

**672 Morphett Road, Seaview Downs**

Two (2) detached dwellings, retaining walls (maximum height 1.2 metres) and associated earthworks.

This application was withdrawn by the applicant prior to the meeting. Consequently, this item was not considered.

**2.2.4 Rod McKenzie**

23003513

**Lot 73 Princes Highway, Taillem Bend**

Land Division - 1 into 2 Allotments (Torrens Title) to formalise the existing uses (dwelling, cropping and campdraft facility).

David Altmann declared a conflict of interest due to acting for the landowner through a previous related application. He was not present for this agenda item.

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

**Applicant**

- John Outhred
- Kristina Martin

**Representations**

- Tom Game (Botten Levinson Lawyers)
- Brian Smith
- Sam Chapman

The State Commission Assessment Panel discussed the application.

**TABLED INFORMATION**

The lease agreement between the applicant and landowner was tabled.

**RESOLVED**

- 1) Pursuant to Section 102 and 110 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 23003513, by Mr Rod McKenzie of Fleurieu Campdraft Club Inc and River Murray Campdraft Club Inc, Care of Elite Land Solutions is granted Planning Consent and Land Division 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).

### **Conditions imposed by Minister for the time being administering the *River Murray Act 2003* under Section 122 of the Act**

#### Condition 2

During any works or construction activities associated with the development, the subject land must be managed in a manner as 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.

### Land Division Consent

### **Conditions imposed by SPC Planning Services under Section 122 of the Act**

A final plan complying with the requirements for plans set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Planning Commission for Land Division Certificate purposes.

## 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 be 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 (ERD) Court within two months from the day of receiving this notice or such longer time as the ERD 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 Notes imposed by Minister for the time being administering the *River Murray Act 2003* under Section 122 of the Act**

#### 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

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 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

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):

- a. 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;
- b. stockpiling topsoil carefully so it is not susceptible to wind erosion;
- c. cover all exposed faces and spoil on and around scarred areas with suitable ground cover;
- d. control dust arising from construction and other activities, so as not to be a nuisance to residents or occupiers on adjoining or nearby properties;
- e. ensure vehicles leaving the site do not transfer soil or mud onto adjacent roadways;
- f. ensure that there are post construction arrangements for on-site pollutant and contaminant management in accordance with EPA Guidelines.
- g. 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 8

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>.

**Land Division Consent**

A person who has made a representation on a development classified as restricted development may appeal the decision. Such an appeal must be lodged at the Environment Resource and Development Court within 15 business days after the date of the decision.

**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 13 December 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 Presiding Member thanked all in attendance and closed the meeting at 12:20pm.

Confirmed 22/11/2023



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Rebecca Thomas  
PRESIDING MEMBER