



# STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

## Minutes of the 68<sup>th</sup> Meeting of the State Commission Assessment Panel held on Thursday 28 November 2019 commencing at 9.30am ODASA, 28 Leigh St, Adelaide

### 1. OPENING

#### 1.1. PRESENT

Presiding Member	Simone Fogarty
Members	Dennis Mutton (Deputy Presiding Member) Mark Adcock Chris Branford Peter Dungey Sally Roberts
Secretary	Jessie Surace
DPTI Staff	Nicholas Giannakodakis (Agenda Item 2.2.1) Simon Neldner (Agenda Item 2.2.1) Gabrielle McMahon (Agenda Items 2.2.2, 2.2.3) Karl Woehle (Agenda Items 2.2.2, 2.2.3) Will Gormly (Agenda Item 2.2.2) Elysse Kuhar (Agenda Item 2.2.3)

#### 1.2. APOLOGIES

Nil

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### 2. SCAP APPLICATIONS

#### 2.1. DEFERRED APPLICATIONS – Nil

#### 2.2. NEW APPLICATIONS

- 2.2.1. **K. McCarthy**  
010/U021/19  
(Lot K) 1910 Point Sinclair Road, Penong  
Proposal: Construction of Two (2) Caravan Shelters

Mark Adcock declared a conflict (due to having a previous involvement in the project in a different capacity) and left the meeting for this item.

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

Applicants

- Mark Baade (via telephone) - presented

Council

- Kym Gerner, Coastal Protection Board

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 proposal generally accords with the related Objectives and Principles of Development Control of the Land Not Within a Council Area (Eyre, Far North, Riverland and Whyalla) Development Plan.
3. To grant Development Plan Consent to the proposal by K McCarthy to construct two (2) caravan shelters at Lot K, Q12 in DP55064, Hundred of Kevin (CT 6127/543) subject to the following conditions and advisory notes:

#### **CONDITIONS – General**

1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the stamped plans, amended documentation and correspondence submitted in Development Application No 010/U021/19.

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

2. Vehicle access and manoeuvring areas shall be confined to the access tracks existing as at the date of application.

*Reason for condition: to ensure appropriate vehicle access is provided for the subject land.*

3. No further clearance of native vegetation shall be undertaken on the subject land (unless approved under the *Native Vegetation Act*).

*Reason for condition: to ensure the loss and disturbance of native flora is minimised.*

4. The site shall be maintained in an orderly and tidy manner at all times, and all rubbish be stored in sealed containers prior to removal and disposal off-site to the satisfaction of the State Commission Assessment Panel.

*Reason for condition: to ensure the subject land is adequately maintained and minimise the impact of human activity in the locality.*

5. All external finishes shall have surfaces which are of a low light reflective nature and be of muted natural colours to the satisfaction of the State Commission Assessment Panel.

*Reason for condition: to ensure the natural elements of the locality remain dominant to the introduced elements of the development, and the scenic quality of the coast is protected.*

6. A Bushfire Survival Plan shall be developed and implemented to ensure all visitors to the development are aware of specific measures to safeguard the property and what actions need to be taken on fire risk days or if a fire threatens.

*Reason for condition: to ensure there are specific measures to safeguard the property and visitors in the event of a bushfire or on fire risk days.*

7. The development shall not be permanently occupied.

*Reason for condition: to ensure the development does not constitute a form of permanent human settlement.*

#### **ADVISORY NOTES**

1. 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.
2. Development granted full Development Approval must be substantially commenced within 12 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.
3. If there is an intention to clear native vegetation on the land at any time, 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>.

#### **2.2.2. Polites Developments Pty Ltd**

110/E006/19

601-603 Anzac Highway, Glenelg North

Proposal: Demolition of all structures and staged construction of a supermarket (shop), with associated advertising, fencing, car parking, solar panels and landscaping

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

#### Applicants

- Nigel Uren, ALDI Stores
- Kerri McCard, ALDI Stores
- Beck Thomas, Ekistics Planning - presented
- Chris Carey, Ekistics Planning
- Trent Burns, Nielsen Architects
- Luke Tilsley, Nielsen Architects
- Chris Turnbull, Sonus
- Paul Morris, GTA
- Chris Aberly, Deep End Services – presented

#### Member of the public

- Daley Mackenzie

#### Council

- Dean Spasic, City of Holdfast Bay
- Kirsten Falt, City of Holdfast Bay

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 Holdfast Bay Council Development Plan.
3. To grant Development Plan Consent to the proposal by Polites Developments Pty Ltd for demolition of all structures and staged construction of a supermarket (shop), with associated advertising, fencing, car parking, solar panels and landscaping at 601-603 Anzac Highway, Glenelg North, subject to the following conditions of consent.

#### **PLANNING CONDITIONS**

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans submitted in Development Application 110/E006/19.

*Reason for condition: To ensure the development is undertaken in accordance with the endorsed plans and application details.*

2. Waste collection on the site shall only occur between the hours of:  
9:00am and 7:00pm on a Sunday or public holiday, and  
7:00am and 7:00pm on any other day.

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

3. 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 impact of potential conflict issues and to protect the amenity of the locality.*

4. All service and delivery vehicles operated by ALDI (or on behalf of ALDI) may only enter, exit, and be used on the subject land in accordance with the 'ALDI Delivery & Loading Procedures', as submitted with this application.

*Reason for condition: To reduce the impact of potential conflict issues and to protect the amenity of the locality.*

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

*Reason for condition: To ensure the development is constructed and maintained in accordance with the approved plans.*

6. All external lighting on the site shall be designed and constructed to conform to Australian Standard AS4282-1997.

*Reason for condition: To ensure safe operation of the development.*

7. 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 property or public road.

*Reason for condition: To ensure safe operation of the development.*

8. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009) prior to the occupation or use of the development.

*Reason for condition: To ensure safe operation of the development.*

9. All bicycle parks shall be designed and constructed in accordance with Australian Standard AS2890.3-2015.

*Reason for condition: To ensure safe operation of 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 Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- b. 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.
- 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 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*.

#### **2.2.3. Barrio Developments**

110/M006/18 V3

22 Adelphi Terrace, Glenelg North

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

Variation: Alterations to basement car park and ramp, provision of second driveway, increase in height of one storey and internal alterations.

Chris Branford declared a conflict (due to a business association) and left the meeting for this item.

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

#### **Applicants**

- Glen Vollebregt, Barrio Developments
- Gary Bonato, Tectvs Architecture - presented
- Phil Harnett, URPS – presented - presented
- Tom Game, Botten Levinson - presented
- Nick Peacock, Neospace Project Management.

Representor

- Di Wheeler

Council

- Kirsten Falt, City of Holdfast Bay
- Dean Spasic, City of Holdfast Bay

Agency

- Aya Shirai-Doull, ODASA
- Belinda Chan, ODASA

The applicant tabled additional material but stated it would not form part of the application documents.

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. To REFUSE Development Plan Consent to the proposal by Barrio Developments for DA 110/M006/18 V3 for construction of a multi-storey residential flat building with associated car parking, landscaping and site works. Variation is for alterations to basement car park and ramp, provision of second double driveway, increase in height of one storey and internal alterations, at 22 Adelphi Terrace, Glenelg North for the following reasons:
  - a. The proposed development exceeds the maximum building height of 5 storeys and 18.5 metres defined within the Desired Character of Urban Glenelg Policy Area 15 and Five Storey Precinct 4 of the Residential High Density Zone, and does not meet Objective 4 and PDC 19 of the Precinct provisions;
  - b. The combination of amendments at ground level to the currently approved development reduce the overall public realm and streetscape outcomes as sought in Urban Glenelg Policy Area 15 which states that “development will... contribute positively to the public realm” and “Landscaping will contribute to the high quality of the adjacent public areas, open space and streetscapes”.

**2.3. RESERVED MATTERS - Nil**

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

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

**5. OTHER BUSINESS**

**6. NEXT MEETING**

6.1. Thursday 12 December 2019 at ODASA, 28 Leigh Street, Adelaide SA 5000

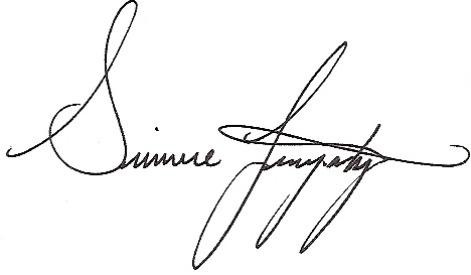
**7. CONFIRMATION OF THE MINUTES OF THE MEETING**

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 4.01pm.

Confirmed 28/11/2019

A handwritten signature in black ink, appearing to read 'Simone Fogarty', written in a cursive style. The signature is positioned above a dotted line.

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Simone Fogarty  
PRESIDING MEMBER