



# STATE COMMISSION ASSESSMENT PANEL

**A COMMITTEE OF THE STATE PLANNING COMMISSION**

Minutes of the 120<sup>th</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 11<sup>th</sup> August 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 Emma Herriman Paul Leadbeter Grant Pember
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Jason Cattonar Jason Bailey (2.2.1) Yasmine Alliu (2.2.1) Brett Miller (2.2.2) Matthew Henderson (2.2.2)

### 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.

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## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

### 2.2. NEW APPLICATIONS

#### 2.2.1 Eminent Homes C/- Masterplan

050/M009/21

#### **282-284 Prospect Road and 408 and 410 Regency Road, Prospect**

Mixed use development comprising a residential flat building of 5 levels (including ground level with commercial and a retail tenancy) and associated car parking and landscaping.

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

#### **Applicant**

- Greg Vincent (Masterplan)
- Nick Wilson (Masterplan)
- Enzo Caroscio (Enzo Caroscio Architecture & Design)
- Thomas Pierce (Eminent Homes)
- Susan Pierce (Eminent Homes)

#### **Agencies**

- Jim Psyridis (DIT)
- Kirsteen Mackay (ODASA)
- Aya Shirai-Doull (ODASA)

#### **Council**

- Janaki Benson (City of Prospect)

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 City of Prospect Development Plan.
- 3) To grant Development Plan Consent to Development Application 050/M009/21, by Eminent Homes at 282-284 Prospect Road and 408 and 410 Regency Road, Prospect, 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 for condition: To ensure the development is constructed in accordance with endorsed plans and application details*

2. The acoustic attenuation measures recommended in the Concept Design Report Acoustic Services by Bestec for 284 Prospect Road development, dated 31.03.21, shall be fully incorporated into the building rules documentation to the reasonable satisfaction of the State Commission Assessment Panel. Such acoustic measures shall be made operational prior to the occupation or use of the development.

*Reason for condition: To ensure the development provides acceptable acoustic amenity to the occupants*

3. The applicant shall submit a final stormwater management plan prepared in consultation with the City of Prospect and to the reasonable satisfaction of the State Commission Assessment Panel prior to Development Approval. The plan shall indicate any potential connection of stormwater discharge to Councils underground drainage system.

*Reason for condition: to ensure stormwater infrastructure is designed and constructed in accordance with the requirements of the City of Prospect*

4. 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 appropriate landscaping is provided for the subject land.*

5. Prior to Development Approval for superstructure works, the applicant shall submit a final detailed schedule of external materials and finishes including a physical materials sample board, in consultation with the Government Architect to the reasonable satisfaction of the State Commission Assessment Panel.

*Reason for condition: to ensure that the development is of high architectural quality.*

6. A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

*Reason for condition: to confirm the site is suitable for the intended use of land.*

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

7. All development and development related infrastructure, (e.g. service pits, transformers, meters etc.) shall be located outside of the 4.5 metre Metropolitan Adelaide Road Widening Plan requirement on Regency Road and corner cut off area.

*Reasons: To ensure the development is not impacted by the Metropolitan Adelaide Road Widening Plan*

8. The vehicle and pedestrian access points shall be designed to remain functional in the event that road widening occurs at this location in the future.

*Reasons: To ensure the development is not impacted by the Metropolitan Adelaide Road Widening Plan*

9. Any landscaping located within the Metropolitan Adelaide Road Widening Plan requirement shall be planted in consultation with DIT and any vegetation located in this area (or adjacent footpath) may be impacted by future DIT road works.

*Reasons: To ensure the development is not impacted by the Metropolitan Adelaide Road Widening Plan*

10. The access to Regency Road and Prospect Road shall be gained as shown on Enzo Caroscio Architecture, Lower Ground Plan, Project No. 20016, Drawing No. A2.01 [A2], dated 29.07.2021.

*Reasons: To ensure safe operation of the development*

11. The Prospect Road access shall be modified to accommodate simultaneous two-way movements of a MRV vehicle and a passenger vehicle.

*Reasons: To ensure safe operation of the development*

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

*Reasons: To ensure safe operation of the development*

13. Any infrastructure within the road reserve (e.g. street lights, road signs, pits etc.) 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.

*Reasons: To ensure safe operation of the site external to the development.*

14. 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 property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

*Reasons: To ensure safe operation of the development*

15. The internal manoeuvring areas for commercial vehicles shall be designed in accordance with AS2890.2:2018. 10. Any redundant crossover/s (or parts thereof) on Prospect Road and Regency Road shall be closed and reinstated at the applicant's cost prior to the development becoming operational.

*Reasons: To ensure safe operation of the development*

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

*Reasons: To ensure stormwater does not impact on 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, and (telephone number 8204 0289).
- d. A Construction Environment Management Plan (CEMP) should be prepared in collaboration with the Prospect (City) Council and implemented throughout construction in accordance with current industry standards including the Local Nuisance and Litter Control Act 2016, the EPA publications "Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition" and, where applicable, "Environmental Management of On-site Remediation" – to minimise environmental harm and disturbance during construction.
- e. The applicant, or any person with the benefit of this consent, must ensure that any consent 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 Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a strip of land up to 4.5 metres in width from the Regency Road and Prospect Road frontages of this site as well as a corner cut off for future upgrading of the Prospect Road / Regency Road intersection. DIT will be removing the requirement from the Prospect Road frontage from the next MARWP update anticipated later next year.

- g. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is still required for all building works on or within 6.0 metres of the possible requirement.
- h. The proposed development has set aside the above requirements however it is noted that tiered landscaping, stairs and paving are located within the potential road widening area. These features are likely to be impacted should DIT progress with road upgrades at this location.
- i. As the development encroaches within the above road widening area the attached consent form should be completed by the applicant and returned to DIT (via dit.landusecoordination@sa.gov.au) together with a copy of the Decision Notification Form and the approved site plan/s.
- j. Prior to commencing construction works, at least (5) working days notification must be made to the Commissioner of Highways. Approval for any temporary traffic control will need to be obtained from the Department's Traffic Management Centre (TMC). The company engaged for traffic control will need to provide the TMC with a copy of the traffic management plan and seek approval of any temporary traffic control/signage. The TMC can be contacted via email at dit.tmc@sa.gov.au or via telephone at 1800 018 313.
- k. Further application pursuant to the Local Government Act shall be made to the Infrastructure Assets and Environment Department for the proposed crossover(s) prior to construction activities occurring. Road/Kerbing/Footpath Works will need to be inspected by an Assets and Infrastructure Officer to determine they have met all relevant requirements. All work including line marking will be the responsibility of the applicant as will the reinstatement of any damaged Infrastructure / Services related to these works. All works will be carried out at the cost to the applicant.
- l. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works. No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.

### 2.2.2 **Glen Vollebregt**

21009563

#### **2 Canning Street, Glenelg North**

Variation to DA 110/M004/19 – add one additional level (increase from 6 levels to 7 levels), increase overall number of dwellings from 25 to 29, remove one ground floor dwelling, and alter the ground floor communal areas to include a gym and swimming pool.

Rebecca Rutschack and John Eckert both declared a conflict of interest and left the meeting for this agenda item.

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

#### **Applicant**

- Glen Vollebregt (Barrio Developments)
- Ben Wilson (CIRQA)
- Tom Game (Botten Levenson Lawyers)
- Gary Bonato (Tectvs)

#### **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 21009563, 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 Plan consent for Development Application number 110/M004/19 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 17% 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 24 months from the operative date of the Development Plan Consent issued in respect of DA 110/M004/19 on 23 June 2020 (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).

2.3. **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 25 August 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 2.25pm.

Confirmed 11/08/2021



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Rebecca Thomas  
PRESIDING MEMBER