



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 142nd Meeting of the
State Commission Assessment Panel
held on Wednesday 27th July 2022 commencing at 9.30am
Ground Floor, 50 Flinders 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, present and emerging.

1.2. PRESENT

Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert Paul Leadbeter Grant Pember David Altmann
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Troy Fountain Margaret Smith Brett Miller (2.2.1) Nathan Grantham Malcolm Govett (2.2.2, 2.2.4)

1.3. APOLOGIES

Rebecca Thomas (Presiding Member)
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.

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 Future Urban Pty Ltd

22012675

204 Greenhill Road, Eastwood

Construction of a 6-storey private hospital with associated consulting rooms, shop (café) and carparking.

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

Applicant

- Marc Duncan (Future Urban)
- Bethany Andretzke (Future Urban)
- Melissa Mellen (MFY)
- Jennifer Lavery (Essence Project Management)
- Stuart Angas (Essence Project Management)
- Matthew Szymula (HSPC)
- Socrati Seretis (Peddle Thorpe Architects)
- Jonathan Edelstein (DPA Health)
- Shirley Song (Barwon)
- Chris Tedder (Barwon)

Representors

- Bethany Harvey

Agencies

- Ellen Liebelt (ODASA)
- Marc Hryciuk (DIT)

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 22012675, by Future Urban Pty Ltd is GRANTED Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

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

- Final material palette and samples board demonstrating the use of high quality, durable materials to be provided in consultation with the Office for Design and Architecture.
- An updated landscaping plan and schedule of plantings shall be provided with a focus on alterations to the species proposed to ensure the development will have more suitable plantings for the Adelaide climate and the reduction of potential impacts to surrounding built form.

CONDITIONS

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).

Condition 2

Waste collection shall be scheduled to occur between 7am and 6pm weekdays to minimise disruption and disturbance to residents in the locality.

Condition 3

The barriers on upper levels of the multi-level carpark shall be constructed to a minimum height of 1.5m above the finished floor levels in accordance with the Acoustic report by E-LAB Consulting dated 11 April 2022.

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

Condition 4

Access to the subject site shall be gained as shown on HSPC, Ground Floor Plan, Project No. 9-21-0032, Drawing No. DA022, Revision A, Sheet Date 11 April 2022 and the MFY Traffic and Parking Report, File 21-0259, Final dated 11 April 2022 with generous flaring to the road to allow for convenient left turn in and left turn out movements via Greenhill Road.

Condition 5

The Greenhill Road access points shall be designed to accommodate the turn paths of an 8.8 Medium Rigid Vehicle (as per AS2890.2:2018) as per Figure 4, MFY Traffic and Parking Report, File 21-0259, Final dated 11 April 2022.

Condition 6

All vehicles shall enter and exit the site in a forward direction with signage and line marking installed within the access points that reinforces the desired traffic flow to/from the site.

Condition 7

The access points shall provide 1.0m separation from roadside infrastructure, including street lighting, side entry points, etc. 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 8

All redundant crossovers on Greenhill Road shall be reinstated with council standard kerb and gutter prior to the development becoming operational. All costs are to be borne by the applicant.

Condition 9

All off-street parking and vehicle manoeuvring areas shall be designed in accordance with AS/NZS 2890.1:2004, AS/NZS 2890.6:2009 and 2890.2:2018. 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 10

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

ADVISORY NOTES

Advisory Note 1

This consent 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 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 3

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 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 authorised development, please contact the City of Burnside on (08) 8366 4200 or via burnside@burnside.sa.gov.au.

Advisory Note 5

A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of Burnside (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. The management plan should incorporate, without being limited to, the following matters:

- a. timing, staging and methodology of the construction process and working hours;
- b. traffic management strategies;
- c. control and management of construction noise, vibration, dust and mud;
- d. management of infrastructure services during construction and reestablishment of local amenity and landscaping;
- e. stormwater and groundwater management during construction;
- f. site security, fencing and safety and management of impacts on local amenity for residents, traffic and pedestrians;
- g. disposal of construction waste, any hazardous waste and refuse in an appropriate manner according to the nature of the waste; and
- h. protection and cleaning of roads and pathways; and overall site clean-up.

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

Advisory Note 6

The department will monitor the operation of the adjacent U-turn facility. In the event that traffic movements generated by the subject development or adjacent developments impact the free flow of traffic on Greenhill Road, the department modify or close the U-turn facility.

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 7

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that

activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

Advisory Note 8

An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email EPALicensing@sa.gov.au for information about the licensing application process and requirements.

Advisory Note 9

A licence application may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.

Advisory Note 10

More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

2.2.2 Woodside (SA) Pty Ltd

22010990

Lot 2004 Nairne Road, Nairne

Land division to create 31 additional allotments – 1-into-32.

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

Applicant

- Marcus Rolfe (URPS)
- Henry Perks (Aspen Group)
- Patrick Maddern (Aspen Group)

Representations

- David Wade

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 22010990, by Woodside (SA) Pty Ltd is granted Planning Consent subject to the below mentioned conditions.
- 3) The decision on the Land Division Consent for Development Application 22010990 be delegated to the Manager, Commission Assessment.

CONDITIONS

Planning Consent

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).

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. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. 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).

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 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 3

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 4

NBN Co. is responsible for the installation of National Broadband Network (NBN) fibre for all developments in areas where NBN Co. has already rolled out fibre. To ensure services are available when residents move in, developers and builders must register their developments and apply to NBN Co. before building has commenced. To determine if your site is in an NBN area and to register your development, please complete the pre-qualifier forms located at www.nbnco.com.au/newdevelopments. For more information, please contact the NBN Co. New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au.

2.2.3 **Vintage Property Pty Ltd C/- URPS** 21038045

Lot 7 Jenkins Street, Newport

Earthworks for site remediation, construction of associated retaining walls and removal of two (x2) significant trees and one (x1) regulated tree.

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

Applicant

- Phil Harnett (URPS)
- Lewis Crawford (Cedar Woods)
- Mark Pivovarov (Cedar Woods)
- Jacqueline De Meyrick (Cedar Woods)
- Carlo Echevarria (AGON Environmental)

Agency

- Belinda Chan (ODASA)

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 21038045 by Vintage Property Pty Ltd 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).

Conditions imposed by Coast Protection Board under Section 122 of the Act

Condition 2

For compliance with the Board's coastal flooding risk standard, a minimum building site level of 3.2 metres (AHD) is required to address sea level rise to the year 2050 in this location.

Condition 3

If any mechanical and electrical equipment and power outlets are to be provided as part of the development, they should be safe from flooding and raised in accordance with the Boards recommended floor level of 3.45 metres AHD.

Condition 4

All imported substrate material or engineered fill to be used shall be free of weeds and pathogens to ensure that noxious weed or contamination sources are not introduced into the coastal environment.

Condition 5

The stormwater management system associated with the development shall be designed in such a way so as to minimise pollution to the coastal environment.

Conditions imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

Condition 6

To provide a record prior to the commencement of the proposed works, as a reference for the assessment of any subsequent damage, a dilapidation survey recording the condition of Fletcher's Slip Precinct (SHP11872) must be prepared prior to the commencement of site works.

Condition 7

To protect structures from structural movement due to the proximity of new construction, during ground works the short term vibration levels at the heritage-listed structure must be monitored, and shall not exceed the velocity limits for structural vibration in buildings established for Group 3 structures in the German Standard DIN 4150 Part 3.

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. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. 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).

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 is reminded of its obligations under the *Local Nuisance and Litter Control Act 2016* and the in regard to the appropriate management of environmental impacts and matters of local nuisance. For further information about appropriate construction and management of the authorised development, please contact the City of Port Adelaide Enfield on (08) 8405 6600 or via service@cityofpae.sa.gov.au.

Advisory Note 3

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.

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act**Advisory Note 4**

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

Advisory Notes imposed by City of Port Adelaide Enfield under Section 122 of the Act

Advisory Note 5

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Further information on appeals can be found online at: https://plan.sa.gov.au/development_applications/getting_approval/how_applications_are_assessed/decision

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).

Advisory Note 6

The granting of this consent does not remove the need for the Applicant to obtain all other consents that may be required by other statutes or regulations. The Applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.

The consent does not override the authority of any encumbrance or easement that might be present on the land.

Advisory Note 7

Where an application proposes development within close proximity to an allotment boundary, the Applicant must ensure that the development is undertaken entirely on the subject land and that no part of the structure approved, including the guttering, encroaches any property boundary. To ensure that the proposed development is constructed within the allotment and at the approved set back, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.

Advisory Note 8

The development must be substantially commenced within 24 months of the date of Development Approval, unless this period has been extended by the relevant authority.

Advisory Note 9

The Applicant is advised that any works affecting Council owned land, either temporarily or permanently, requires arrangements to be made with Council's City Assets Department prior to any works been undertaken. This includes (but not limited to):

- Stormwater Connections;
- Driveways;
- Scaffolding on Footpaths;
- Outdoor Dining

Further Information can be obtained online at <https://www.cityofpae.sa.gov.au/development/development-services/permits> or the City Assets Department on telephone 8405 6600.

Advisory Notes imposed by Coast Protection Board under Section 122 of the Act

Advisory Note 10

For compliance with the Board's coastal flooding risk standard, minimum finished floor levels of 3.45 metres Australian Height Datum (AHD) are required for future development in this location to address sea level rise to the year 2050. For any future development less than 8 metres from the Port River, minimum building site and finished floor levels of 3.4 metres and 3.65 metres Australian Height Datum (AHD), respectively are required.

Board policy also requires that the development is capable, by reasonably practical means, of being protected, adapted or raised to withstand a further 0.7 metres of sea level rise to the year 2100.

The land over which the development is situated may have the potential to develop acid sulfate conditions if exposed to oxygen. The Coast Protection Board has released a set of guidelines which should be followed in areas where acid sulfate soils are likely to occur. These can be found at:

http://www.environment.sa.gov.au/about-us/boards-and-committees/Coast_Protection_Board/Coastal_acid_sulfate_soils

The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not cause environmental harm.

The Fletcher's Slip Precinct, including the former Fletcher's and Dunnikier slipway sites and associated structures, is a state heritage place and is located adjacent the proposed development site. The subsequent design process for future residential development should explore any potential impacts on state heritage places.

Advisory Notes imposed by Minister responsible for the administration of the *Heritage Places Act 1993* under Section 122 of the Act

Advisory Note 11

Please note the following requirements of the *Heritage Places Act 1993*.

(a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.

(b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

Advisory Note 12

Please note the following requirements of the *Aboriginal Heritage Act 1988*.

(a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

2.2.4 Dr Murray Coleman

22006029

353 Belvedere Road, Mannum

Construction of a dwelling and associated siteworks, and change in use of existing dwelling to farm workers accommodation.

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

Applicant

- Murray Coleman

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to section 110(1) of the *Planning, Development and Infrastructure Act 2016*, AGREE to proceed with an assessment of development application 22006029 by Murray Coleman for construction of a dwelling and associated siteworks, and change in use of existing dwelling to farm workers accommodation at 353 Belvedere Road, Mannum.
- 2) ACCEPT the Planning Statement prepared by Dr Murray Coleman and dated 23 February 2022 as the planning report required to be submitted pursuant to Part 6(1)(a) of the *Practice Direction 4 – Restricted and Impact Assessed 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 10 August 2022 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 1.44pm.

Confirmed 27/07/2022



.....
Rebecca Rutschack
DEPUTY PRESIDING MEMBER