



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 134th Meeting of the
State Commission Assessment Panel
held on Wednesday 9th March 2022 commencing at 9.30am
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 David Altmann
Secretary	Jaclyn Symons, Governance Officer
AGD Staff	Troy Fountain Brett Miller Nathan Grantham Sarah Elding (2.2.1) Malcolm Govett (2.2.2) Karl Woehle (2.2.3)

1.2. APOLOGIES

Nil

Note: Meeting procedures of the SCAP have been modified in the light of COVID-19 and State Government protocols.

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 Zamia Property Pty Ltd C/- URPS 21033720

Lot 2003 Banksia Street, Glenside

8-level residential flat building comprising 72 dwellings and associated basement car parking, bike store, refuse storage area and landscaping.

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

Applicant

- Grazio Maiorano (URPS)
- Phillip Harnett (URPS)
- Leon Gouws (Hames Sharley)
- Kathy Kralj (Hames Sharley)
- Mark Pivovaroff (Cedar Woods)
- Daniel Govier (Cedar Woods)

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 21033720, by Zamia 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:

Condition 2

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 and AS/NZS 2890.6) and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the SPC prior to the occupation or use of the development.

Condition 3

All bicycle parks shall be designed and constructed in accordance with Australian Standard 2890.3.

Condition 4

The recommendations detailed in the Traffic Assessment Report prepared by Stantec dated 22 October 2021 forming part of this consent shall be fully incorporated into the development to the reasonable

satisfaction of the SPC. Such measures shall be made operational prior to the occupation or use of the development.

Condition 5

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

Condition 6

Mechanical plant or equipment shall be designed, sited, screened and maintained to minimise noise impact (in accordance with the Environment Protection (Noise) Policy) to occupants of the development and adjacent premises or properties.

Condition 7

All external lighting on the site shall be designed and constructed to conform to Australian Standard (AS 4282).

Condition 8

All works within the vicinity of the regulated and significant trees located on-site shall be undertaken in accordance with the recommendations made in the *Arboriculture Impact Assessment Report* by Project Green dated 28 September 2021.

Condition 9

The acoustic attenuation measures recommended in the *Acoustic Design Report* by Resonate dated 30 September 2021 shall be fully incorporated into the building rules documentation to the reasonable satisfaction of the SPC. Such acoustic measures shall be made operational prior to the occupation or use of the development.

Condition 10

A detailed Landscape Plan including, but not limited to the following items shall be submitted in consultation with Office for Design and Architecture for consideration/approval by the SPC prior to the issue of development approval:

- (a) the provision of additional external lighting detail including proposed illumination along pedestrian routes and pathways, particularly in the proposed public open space area in the south-west portion of the subject site;
- (b) measures to be incorporated (such as paving variations, signage, kerbing, landscaping and the like) aimed at enhancing pedestrian safety and wayfinding around the building and in vehicle/pedestrian shared zones;
- (c) plant species allocation and location;
- (d) the proposed screening treatment for services and utility infrastructure; and
- (e) the proposed location and typology for proprietary public realm items.

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 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

A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of Burnside 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:

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

Advisory Note 5

The applicant is advised of the following requirements of the *Heritage Places Act 1993*:

- If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
- Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit under Section 27 of the *Heritage Places Act 1993* is required prior to commencing excavation works.
- For further information contact the State Heritage Unit (Department of Environment, Water and Natural Resources) on 8124 4960.

Advisory Note 6

The Applicant is advised of the following requirements of the *Aboriginal Heritage Act 1988*:

- 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) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

2.2.2 **WCK Pty Ltd**

21028091

Lot 119 & Lot 121 Langhorne Creek Road, Langhorne Creek

Elevated Detached Dwelling

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to her employer being engaged to assist the applicant. David Altmann declared a conflict of interest due to personal reasons. Both left the meeting for this agenda item.

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

Applicant

- Ryan Moyle (Ekistics)
- Belinda Ludewigs (Kookaburra Homes Pty Ltd)
- Dennis Humphries

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to Section 110(1) of the *Planning, Development and Infrastructure Act 2016*, to PROCEED TO ASSESS Development Application 21028091 by Dennis Humphries for the construction of an elevated detached dwelling at Lot 121 Langhorne Creek Road, Langhorne Creek.

2.2.3 **Peter and Barbara Clutterbuck**

21000583

Lot 478 McFarlane Road, Coomunga

Land Division 1 into 2.

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

Applicant

- Peter and Barbara Clutterbuck

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 does not accord with the desired outcomes and objectives of these policies and guidelines;
- 2) Development Application Number 21000583, by Peter and Barbie Clutterbuck is REFUSED Planning Consent in accordance with section 126 (1) of the *Planning, Development and Infrastructure Act 2016*, for the following reasons:
 1. The land division is contrary to the Desired Outcomes and Performance Outcomes of the Limited Land Division Overlay.
 2. The proposal will result in further fragmentation of primary production land and does not satisfy PO11.1 which seeks land divisions to promote productive, efficient and sustainable primary production.

ADVISORY NOTES

General Notes

1. The applicant is advised that pursuant to section 202 (1) (b) (ii) of the Act, they can appeal to the Environment, Resources and Development Court (the Court) against the decision by the State Commission Assessment Panel to refuse to grant authorisation. An application to the Court must be made within 2 months after the applicant receives this notice of the decision.

The address of the Court is Sir Samuel Way Building, Victoria Square, Adelaide, 5000 (telephone (08) 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 16 March 2022 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 1.36pm.

Confirmed 9/03/2022



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Rebecca Thomas
PRESIDING MEMBER



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Rebecca Rutschack
DEPUTY PRESIDING MEMBER (for item 2.2.2 only)