



# STATE COMMISSION ASSESSMENT PANEL

## A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 188<sup>th</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 9 October 2024 commencing at 10:30am  
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 Rutschack (Deputy Presiding Member)

Members  
John Eckert  
Paul Leadbeter  
David Altmann  
Jenny Newman  
Don Donaldson  
Mark Adcock (Occasional Member)

Secretary Amy Arbon

DHUD Staff  
Troy Fountain  
Benjamin Scholes (Item 2.2.1)  
Hannah Connell (Item 2.2.1 & 2.2.3)  
Andy Humphries  
Marco Kim

1.3. APOLOGIES Rebecca Thomas (Presiding Member)

## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

### 2.2. NEW APPLICATIONS

#### 2.2.1 Adrian Schiller

23027168

**Lot 41 Mundic Creek Road, Mundic Creek**

Dwelling and farm shed.

Member, David Altmann, declared a conflict of interest due to his previous engagement with the application on behalf of Council and according, left the meeting for this agenda item.

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

#### Applicants

- Adrian Schiller
- Loretta Schiller
- Phil Brunning via MS Teams

#### Agencies

- Daniel Walton

The Deputy Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

## RESOLUTION

The State Commission Assessment Panel resolved that:

- 1) Development Application Number 23027168, by Adrian Schiller is REFUSED Planning Consent for the following reasons:

The proposal is at odds with the following provisions of the Conservation Zone within the Planning and Design Code, specifically:

- 1) Performance Outcome 1.1 as the proposal is not small-scale, low-impact land use that would enable the conservation and protection of the area and permit the public to experience important environmental assets
- 2) Performance Outcome 1.2 as the proposal does not comprise any of the primary forms of development envisaged
- 3) Performance Outcome 1.3 as the proposal does not provide sufficient justification that the subject land would be used for productive farming purposes or that the proposed scale of the shed would be warranted for such a farming use
- 4) Performance Outcome 4.1 as the proposal would not be unobtrusively sited or designed to minimise visual impact on the natural environment
- 5) Performance Outcome 4.2 as the proposal would unnecessarily impact on the natural environment by incorporating an excessive extent of earthworks

The proposal is inconsistent with the Murray Mallee Regional Plan, particularly with respect to its conservation goals and policies and its desire to restrict ad-hoc construction of isolated rural dwellings within the Murray Mallee Region.

#### Advisory Note 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).

### 2.2.2 Canning Laycock

2301752

#### 2 Canning Street, Glenelg North

Variation to Application ID 22038873 comprising the following:

- Addition of one (1) building level, nine (9) building levels in total, resulting in an overall increase in building height from 24.5 metres to 27.35 metres.
- Increase of the overall number of dwellings from thirty-seven (37) to forty-two (42).
- Installation of roof mounted 30kW photovoltaic panels.
- Reduction of floor level heights across levels one (1) to five (5).

Member, David Altmann, declared a conflict of interest and according, left the meeting for this agenda item.

Member, Jenny Newman, declared a conflict of interest due to her previous engagement with the application and according, left the meeting for this agenda item.

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

#### Applicants

- Glen Vollebregt
- Jason Cattonar
- Tom Game
- Ben Hewitson
- John Endersbee
- Paul Davey

#### Observing

- Elizabeth Rushbrook

#### Agencies

- Aya Shirai-Doull

#### Council

- Alexander Stamatopoulos

The Deputy Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

## RESOLUTION

The State Commission Assessment Panel resolved that:

- 1) Development Application Number 2301752, by Canning Laycock is REFUSED Planning Consent for the following reasons:
  - 1) The proposed development does not adequately achieve Performance Outcome 3.2 of the Affordable Housing Overlay as the variation would result in a building height that exceeds the limits contemplated.
  - 2) The proposed development does not adequately achieve Performance Outcome 2.2 of the Urban Neighbourhood Zone as the height of the building is not consistent with the height form expressed in the Building Height (Maximum Levels) Technical Numeric Variation and the Building Height (Metres) Technical Numeric Variation, and nor does the development otherwise positively respond to the local context.

### 2.2.3 Housing Choices South Australia Limited

24019355

#### 217-218 Greenhill Road, Eastwood

Residential flat building (maximum height of nine (9) building levels) comprising 152 dwellings, ground floor shops, vehicle parking, landscaping, communal open space, fencing and the removal of one (1) significant tree.

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

#### Applicants

- Charlie Doubis
- Greg Vincent
- Kaitlin Sells
- Tom Vinal
- Arman Abrahamzadeh
- Ben Wilson via MS Teams
- James Henry via MS Teams
- Brian Emmett via MS Teams
- Philip Thalys
- Sally Kingsborough

#### Representations

- Martin Caust
- Alex Radda
- Lee Elliot

#### Observing

- Margaret Darcy
- Louise Ward
- Elizabeth Rushbrook
- Neville Flood
- Gemma Booth
- Michael Rabbitt
- Neil Spence via MS Teams

#### Agencies

- Damien Heffernan
- Mark Hryciuk
- Karen Illanes via MS Teams

The Deputy Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

## RESOLUTION

The State Commission Assessment Panel resolved that:

- 1) Development Application Number 24019355, by Housing Choices South Australia Limited is GRANTED Planning Consent subject to the following Conditions and Reserved Matters:

## RESERVED MATTERS

### Reserved Matter 1

The applicant shall submit a final Civil and Stormwater Management Plan detailing stormwater quantity, and quality measures prepared in consultation with the City Burnside.

**Reserved Matter 2**

An updated Acoustic Assessment shall be provided that details the relevant measures to address residential amenity to the satisfaction of the State Planning Commission.

**Reserved Matter 3**

The applicant shall submit a final detailed Schedule of high quality and durable external materials and integral finishes and a physical samples board in consultation with the Government Architect.

**Reserved Matter 4**

The applicant shall submit a final Environmental Sustainable Design report detailing the sustainable measures applied throughout the development to the satisfaction of the State Planning Commission.

**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).

**Condition 2**

The shop hours of operation herein approved are as follows:

- 7am to 9pm, Monday to Friday
- 8am to 5pm, Saturday and Sunday

Any variation to these hours of operation will require a further consent.

**Condition 3**

The planting and landscaping identified on the stamped and approved plans granted Planning Consent shall be undertaken in the first planting season concurrent with or following substantial completion of the development. Such planting and landscaping shall be irrigated and maintained thereafter with any plants which become diseased, or die must be replaced within the next available growing season with suitable species.

**Condition 4**

Waste collection is to be restricted to 9 am and 7 pm on a Sunday or public holiday and 7 am and 7 pm on any other day.

**Condition 5**

All Council trees adjacent the northern and southern boundary of the subject land shall be protected pre, post and during construction stages of the proposed development in accordance with the attached "DA Conditions 217-218 Greenhill Road, Eastwood, 5063" document.

**Condition 6**

All building works, utility meters (e.g. electricity, gas, water), transformers and fire boosters shall be located outside of the 4.5 metre road widening requirement along the Greenhill Road property frontage.

**Condition 7**

All vehicular access shall be gained via Trust Lane as shown on Hill Thalys Architecture and JPE Design Studio, Site/Roof Plan, Job No 24.12, Drawing A 209, Revision A dated 28 June 2024, with all vehicle movements consistent with CIRQA Traffic and Parking Report, Project No. 24220, Version 1.1 dated 21 June 2024.

**Condition 8**

All redundant crossovers on Greenhill Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to habitation of the dwellings.

**Condition 9**

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 10**

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

**Condition 11**

For the purposes of securing the provision of dwellings for affordable housing as contemplated by the Affordable Housing Overlay, a minimum of 80% of the dwellings comprised or to be comprised in the development that is the subject of this condition must be 'affordable housing' that meets the relevant criteria for affordable housing as determined by the Minister responsible for the South Australian Housing Trust Act 1995 under Regulation 4 of the *South Australian Housing Trust Regulations 2010*.

**Condition 12**

Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

**Condition 13**

Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

**Condition 14**

Replacement trees must be planted within 12 months of completion of the development at the following rates:

- i) if the development relates to a regulated tree - 2 trees to replace a regulated tree; or
- ii) if the development relates to a significant tree - 3 trees to replace a significant tree.

**Condition 15**

Prior to occupation of the development, the privacy treatments demonstrated on the eastern elevation on Drg. No. A 223 Revision A, shall be installed and maintained at all times thereafter.

**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**

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

**Advisory Note 3**

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

**Advisory Note 4**

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Greenhill Road frontage of this site for future upgrading of Greenhill Road / Fullarton Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6.0m of the possible requirement.

The attached consent form and a copy of the approved plan/s should be provided to DIT (via [dit.landusecoordination@sa.gov.au](mailto:dit.landusecoordination@sa.gov.au)) for consent purposes.

**Advisory Note 5**

Should traffic flows on Greenhill Road be impacted during construction, approval for any temporary traffic control will need to be obtained from DIT'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 Traffic Management Centre Roadworks team can be contacted via 1800 434 058 or email [dit.roadworks@sa.gov.au](mailto:dit.roadworks@sa.gov.au).

**Advisory Note 6**

Please be advised that, regardless of any authorisation granted under the Planning, Development and Infrastructure Act 2016, a separate authorisation is generally required under the provisions of the Local Government Act 1999 for any works undertaken on Council land, including but not limited to the following:

- Construction of a new driveway
- Alteration of an existing driveway
- Pruning and/or removal of a street tree
- Installation of services and utilities such as stormwater connections
- Alteration of footpath levels and materials
- Storing of materials and/or vehicles on the footpath or verge space

Failure to obtain the necessary authorisation(s) prior to undertaking work on Council land may result in prosecution. The Council reserves the right to recover all costs associated with remedying any damage that has not been repaired in a timely manner and to the Council's satisfaction.

For further information please visit Council's website at <http://www.burnside.sa.gov.au> or contact our Customer Experience Team on 8366 4200.

**Advisory Note 7**

In relation to street trees (Tree #415174, 415689 and 414534) adjacent the northern allotment boundary, the following tree protection measures shall be complied with pre, during and post construction stages of the proposed development:

- A minimum setback of 2 metres is required from the subject street trees.
- The proposed setbacks are to be measured from the edge of the street tree.
- Storm water to be discharged a minimum of 2m from any street tree.
- Utilities require a minimum setback of 2m from any street tree.
- No tree roots larger than 40mm in diameter are to be cut without Council consent.
- Street trees to be protected during development with bunting set 2m from the trunk for duration of works.
- No storing of materials on road verge during construction.
- No pruning or removal of street trees without prior Council consent is permitted.
- No vehicles on road verge at any time during development.
- The applicant will be liable for any damage caused to public trees during the development process, including damage by privately engaged contractors.

In relation to the Council's significant tree (Tree #428644) adjacent the southern boundary of the subject land, the following tree protection measures should be complied with pre, during and post construction stages of the proposed development:

- Street tree #428644 to be protected during development with fencing set 14.7 metres from the trunk in accordance with AS: 4970 *Protection of trees on development sites*, and the information provided within this document.
- Excavation within Tree Protection Zone (TPZ) must be undertaken using tree sensitive methods such as hand digging or Hydro-vac.
- No tree roots larger than 30mm in diameter are to be cut without Council consent.
- No storing of materials on road verge during construction.

- No pruning or removal of street trees without prior Council consent is permitted.
- No vehicles on road verge at any time during development.
- The applicant will be liable for any damage caused to public trees during the development process, including damage by privately engaged contractors.
- Permeable pavers to be installed in the proposed carpark area.

The following activities are **not** permitted within the Tree Protection Zone of a Regulated tree (Figure 3):

- Mechanical excavation including but not limited to trenching.
- Vehicle Movement
- Compaction of soil.
- Temporary or permanent installation of impermeable materials such as paving or concrete.
- Cultivation.
- Storage of materials.
- Preparation of chemicals, including preparation of cement products.
- Parking of vehicles and plant.
- Refuelling.
- Dumping of waste.
- Wash down and cleaning of equipment.
- Placement of fill.
- Soil level changes.
- Temporary or permanent installation of utilities and signs
- Any other physical damage to the tree

For further information in relation to street trees, please contact Council's Customer Service Centre on 8366 4200.

### **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 23 October 2024 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 4:05PM.

Confirmed: 10/10/2024



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Rebecca Rutschack  
DEPUTY PRESIDING MEMBER