



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 75th Meeting of the State Commission Assessment Panel held on 12 March 2020 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	Janaki Benson (Agenda Item 2.1.1) Ben Williams (Agenda Item 2.2.1, 2.2.2, 2.2.3) Simon Neldner (Agenda Item 3.2.1, 3.2.2) Sarah Elding (Agenda Item 3.2.1, 3.2.2) Brianna Fyffe (Agenda Item 3.2.1, 3.2.2)

1.2. APOLOGIES

Nil

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS – Nil

2.1.1. BCH Services

020/A054/14 V5

318 South Terrace, Adelaide

City of Adelaide

Proposal: Variation to DA 020/A054/14 (and variations V1, V3 and V4) that seek construction of two exhaust flumes to the front of the property, alteration to the rear windows/doors, verandah form and link associated with Davaar House, altered front fence and position, use of Colorbond for roof cladding, various internal alterations, change in levels across the site resulting from car

park location/levels above ground and associated hard and soft landscaping and paving (part retrospective).

The State Commission Assessment Pam discussed the application.

This application contains several elements that are at variance with the relevant provisions of the City of Adelaide Development Plan. Whilst a number of these elements are undesirable having regard to the relevant policies of the Plan, the proposal on balance is supported as it is considered to provide an acceptable outcome having regard to the circumstances leading to it.

Following approval for the development of a residential tower and restoration of the Local Heritage listed TPI House granted in 2016, several aspects of the development have not been undertaken in accordance with that approval and are, therefore, allegedly unlawful.

Amongst other things, the changes have resulted in the concrete slab over the car park being substantially higher than it should be, and of a structural nature that will not allow the overlaying landscaping treatments (site levels, landscaping and overall streetscape appearance) to be constructed as originally approved. These were important matters in the original consideration of the application, particularly having regard to its heritage status.

The changes also include the installation of two exhaust flues required to ventilate the car park which were not envisaged or indicated in the original planning application.

Rectification of the alleged unlawful development would be very expensive and disruptive to the remainder of the development, although this alone is not a reason for not pursuing legal action against the developer.

In the undertaking of the development, the developer lost control of the site and the property now rests in the hands a mortgagee. The mortgagee is not responsible for the alleged unlawful development on the site, and it would serve no useful purpose to pursue legal proceedings for any alleged unlawful development.

Refusal of the variation application would not resolve the undesirable appearance of the development as it currently stands nor would it facilitate completion of the development in its originally approved form.

The variation application provides a practical and achievable solution to the development of the site that best reflects the original approval, and can therefore be assessed, on balance, to sufficiently meet the provisions of the Development Plan as to warrant planning consent in this instance.

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 not satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Adelaide City Council Development Plan.
3. To grant Development Plan Consent to the proposal by BCH Services to Development Application 020/A054/14 V5 for a variation to DA 020/A054/14 (and variations V1, V3 and V4) that seek construction of two exhaust flumes to the front of the property, alteration to the rear windows/doors, verandah form and link associated with Davaar House, altered front fence and position, use of Colorbond for roof cladding, various internal alterations to the tower building, change in levels across the site resulting from car park location/levels above ground and associated hard and soft landscaping and paving (part retrospective) at 318 South Terrace, Adelaide subject to the following reserved matters and 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 No 020/A054/14 V5.

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

2. All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2015 (Part 3) to ensure that stormwater does not adversely affect any adjoining property or public road.

Reason for condition: to ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.

3. 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.

4. A watering system shall be installed at the time landscaping is established and operated so that all plants receive sufficient water to ensure their survival and growth.

Reason for condition: to ensure landscaping growth and maintenance.

5. The roof profile and capping for Davaar House shall comprise Ogee profile (125mm for main roof and 100mm for verandah) and roll top profile for the ridge and barge cappings.

Reason for condition: to ensure appropriate profile for the heritage setting.

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 Development Assessment Commission.
- 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 applicant, or any person with the benefit of this consent, must ensure that any consent from other authorities (such as Council and/or the Community/Strata Corporation) or third parties that may be required to undertake the development, have been granted by that authority prior to the commencement of the development.
- e. The applicant shall ensure the design of the handrails and tactile indicators, with consideration given to adherence with the Building Code of Australia to ensure Council's encroachment policy can be met.

2.2. NEW APPLICATIONS

2.2.1 Leyton Properties Pty Ltd

490/E008/19

Calton Road, Gawler East, Lot 9010 CT 6205/146 (Proposed lot 2044 and 2050 in DA 490/D026/19)

Town of Gawler

Proposal: Petrol filling station with associated shop, car parking and signage.

Chris Branford declared a conflict (due to a previous commercial relationship) and left the meeting.

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

Applicants

- Warwick Mittiga, Springwood - presented
- Richard Dwyer, Ekistics
- Kieron Barnes, Ekistics - presented
- Hamish Brown, Leyton Property

Council

- David Bielatowicz, Town of Gawler

Representors

- Narene Wardleworth – presented
- Ryan Viney, Town of Gawler – presented
- Chris Gill – presented
- Lyn Gill

Member of the public

- Michelle Kernich

The applicant presented an additional context plan and confirmed that it would not form part of the application.

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 Gawler (CT) Development Plan.
3. To defer to seek additional information in relation to:
 - a. Procedural and categorisation matters;
 - b. Vehicle access and egress arrangements;
 - c. Landscaping and lighting; and
 - d. Stormwater management arrangements

2.2.2 Leyton Properties Pty Ltd

490/E010/19

Calton Road, Gawler East, Lot 9010 CT 6205/146 (Proposed lots 2044 and 2050 in DA 490/D026/19)

Town of Gawler

Proposal: Proposed Car Wash, Vacuum bays and Signage.

Chris Branford declared a conflict (due to a previous commercial relationship) and left the meeting.

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

Applicants

- Warwick Mittiga, Springwood
- Richard Dwyer, Ekistics
- Kieron Barnes, Ekistics - presented
- Hamish Brown, Leyton Property

Council

- David Bielatowicz, Town of Gawler

Representors

- Narene Wardleworth – presented
- Ryan Viney, Town of Gawler – presented
- Chris Gill – presented
- Lyn Gill

Member of the public

- Michelle Kernich

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 Gawler (CT) Development Plan.
3. To defer to seek additional information in relation to:
 - a. Procedural and categorisation matters;
 - b. Vehicle access and egress arrangements;
 - c. Landscaping and lighting; and
 - d. Stormwater management arrangements

2.2.3 Applicant

490/E009/19

Calton Road, Gawler East, Lot 9010 CT 6205/146 (Proposed lot 2048 in DA 490/D026/19)

Town of Gawler

Proposal: Construction of a single-storey child-care centre (pre-school).

Chris Branford declared a conflict (due to a previous commercial relationship) and left the meeting.

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

Applicants

- Warwick Mittiga, Springwood
- Richard Dwyer, Ekistics
- Kieron Barnes, Ekistics - presented
- Hamish Brown, Leyton Property

Council

- David Bielatowicz, Town of Gawler

Representors

- Narene Wardleworth – presented
- Ryan Viney, Town of Gawler – presented
- Chris Gill – presented
- Lyn Gill

Member of the public

- Michelle Kernich

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 Gawler (CT) Development Plan.
3. To grant Development Plan Consent to the proposal by Springwood Development Nominees for Child-care centre (pre-school) with associated car park, landscaping, fencing and signage at CT 6205/146 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 No 490/E009/19.

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

2. The proposed Child care centre shall not accommodate more than 110 children at any one time without further approval from the relevant authority.

Reason for condition: to ensure the development is appropriately managed

Noise

3. Prior to the occupation of the site, an acoustic fence shall be constructed in accordance with the Sonus Environmental Noise Assessment (Report Number: S6101C2) dated August 2019 entitled Springwood Child Care Centre.
4. Mechanical plant shall be designed and operate to 50 dB(A) during the day (7am to 10pm) and 43 dB(A) at night (10pm to 7am).

Reason for condition: to ensure appropriate noise attenuation measures are in place.

Landscaping

5. Prior to development approval, a detailed landscaping plan shall be prepared and submitted to the satisfaction of the relevant authority for the designated landscaped and play areas and include the following:
 - Landscaping along the full extent of the fence line of both road frontages;
 - The location and species to be planted and irrigation methods;
 - Design and placement of retaining walls; and
 - Pedestrian access and egress arrangements
6. A Site Works Plan to the satisfaction of SCAP must be submitted, prior to the issue of Development Approval.

Reason for conditions: to ensure appropriate landscaping is provided for the subject land and maintained and nurtured at all times.

Car park

7. All loading and unloading of vehicles and manoeuvring of vehicles in connection with the now approved land use shall be carried out entirely within the subject land.
8. Parking layout to conform to the requirements of the most recent Australian/New Zealand Standard 2890 Parts 1 – 4 at the date of the approval.
9. All car parking spaces shall be clearly delineated at all times by the use of white/yellow paint. Such works shall be completed to the Council's satisfaction prior to the occupation of the development herein approved.
10. Entranceways shall be sealed to the kerb and gutter, at the Developer's expense prior to the occupation of the site and to the reasonable satisfaction of the Council.
11. All car parking spaces, driveways and associated manoeuvring areas shall be sealed in bitumen, concrete or brick pavers prior to first occupation of the site.
12. Two rails of bicycle parking shall be provided.

Reason for conditions: to ensure relevant Australian standards are met.

Waste

13. Containers, bins or receptacles used for the temporary storage of garbage, waste or refuse arising from the premises, shall be located and/or screened from public view to the reasonable satisfaction of SCAP.

Reason for condition: To ensure waste collection from the development is appropriately managed, so as to minimise impacts to on surrounding properties.

Lighting

14. External lighting shall be restricted to that necessary for security and safety purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties or motorists.

Reason for condition: to ensure external lighting does not introduce undue potential for hazards to users of the adjacent road network or adjacent properties in accordance with the necessary standard.

Stormwater

15. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building.
16. A final detailed Stormwater Management Plan shall be submitted, in consultation with (Town of Gawler) to the satisfaction of the SCAP. The details of the plan shall be incorporated within the Building Rules Consent documentation, submitted for Development Approval, and be implemented prior to occupation or use of the development.
17. A proprietary stormwater treatment device (i.e. Gross Pollutant Trap) shall be installed within the carpark in accordance with Council and EPA Water Quality Guidelines. This system shall be regularly inspected, cleaned and maintained in good working order, with gross pollutants, sediments, oil and grease removed by the facility operator (at regular intervals) for the life of the development.

Reason for conditions: to ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.

Advertising Signage

18. The applicant shall submit, final signage design details including dimensions and specified graphics including colours and illumination levels (if necessary) to the reasonable satisfaction of the State Commission Assessment Panel.

Reason for condition: To ensure an orderly form of 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. A Construction Environmental Management Plan (CEMP) shall be prepared in collaboration with the Town of Gawler (Council) and be implemented 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 were 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 impact 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;
- Overall site clean-up;
- Work in the public realm;
- Hoardings; and
- Tradesperson vehicle parking.

2.3. RESERVED MATTERS - Nil

3. CROWN DEVELOPMENTS (ADVISORY ITEMS) – Nil

3.1. DEFERRED APPLICATIONS – Nil

3.2. NEW APPLICATIONS - Nil

3.2.1 Department for Education

145/V0404/19

Lot 20, Quinliven Road, Aldinga

City of Onkaparinga

Proposal: The establishment of a new birth to year 12 School at Aldinga, comprising a change in land use and the construction of an educational establishment, community and sporting facilities with associated landscaping, carparking, infrastructure and civil works.

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

Applicants

- Greg Vincent, MasterPlan - presented
- Nick Grbin, Swanbury Penglase Architects - presented
- Kathrine Longhurst, Perumal Pedavoli Architects
- Stewart Hocking, MasterPlan
- Ben Layley, Sarah Construction
- Lee Sansom, Department of Education
- Sam Johnson, Aurecon
- Nigel Wass, GHD
- Peter Marchi, Department Treasury
- J. McCullough, Tetris

Agency

- Belinda Chan, ODASA
- Simon Lee, ODASA

Representors

- Ben Victory, City of Onkaparinga - presented
- Richard Dekker, City of Onkaparinga
- David Gregory, City of Onkaparinga
- Brett Williams, City of Onkaparinga

Media

- Ashleigh Pisani

The State Commission Assessment Panel discussed the application.

The applicant presented a materials board of the site and confirmed it would form part of the application.

RESOLVED

That the State Commission Assessment Panel provide its recommendation in confidence to the Minister for Planning.

Note: a Decision Notification Form will be forwarded to all representors once the Minister has made a decision on the application.

3.2.2 Department for Education

292/V012/19

Lot 1, Riverbanks Road, Angle Vale

Town of Gawler

Proposal: The establishment of a new birth to year 12 School at Angle Vale, comprising a change in land use (educational establishment, indoor recreation centre, recreation area and community centre) and undertaking associated landscaping, carparking, infrastructure and civil works as a part of the South Australian Schools Public Private Partnership (PPP).

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

Applicants

- Greg Vincent, MasterPlan - presented
- Nick Grbin, Swanbury Penglase Architects
- Kathrine Longhurst, Perumal Pedavoli Architects
- Stewart Hocking, MasterPlan
- Ben Layley, Sarah Construction
- Michael Kilmartin, Sarah Construction
- Anna Woodward, Sarah Construction
- Lee Sansom, Department of Education
- Sam Johnson, Aurecon
- Nigel Wass, GHD
- Peter Marchi, Department Treasury
- Andrew Jackson, GHD

Council

- Andrew Smith, City of Playford
- Matt Dineen, City of Playford
- Derek Langman, City of Playford

Agency

- Belinda Chan, ODASA
- Simon Lee, ODASA
- Jim Psyridis, DPTI (Transport)

Representors

- Shirley Bell, presented
- Gregory Bell, presented
- William (Bill) Gikes, presented
- Tracey Gikes
- Deborah Jackson

Media

- Colin James

The applicant presented a materials board of the site and confirmed it would form part of the application.

The State Commission Assessment Panel discussed the application.

RESOLVED

That the State Commission Assessment Panel provide its recommendation in confidence to the Minister for Planning.

Note: a Decision Notification Form will be forwarded to all representors once the Minister has made a decision on the application.

4. MAJOR DEVELOPMENTS – VARIATIONS - Nil

5. OTHER BUSINESS

6. NEXT MEETING

6.1. Thursday 19 March 2020 at ODASA, 28 Leigh Street, Adelaide SA 5000

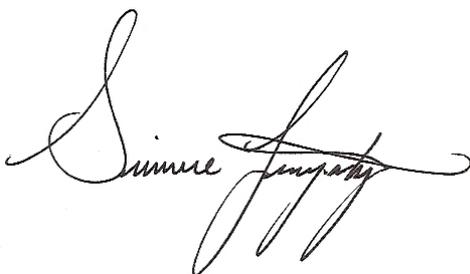
7. CONFIRMATION OF THE MINUTES OF THE MEETING

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 4.49pm.

Confirmed 12/03/2020



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Simone Fogarty
PRESIDING MEMBER