



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 184th Meeting of the
State Commission Assessment Panel
held on Wednesday 14 August 2024 commencing at 9:30am
Level 9, 83 Pirie Street Adelaide / Microsoft Teams video conferencing

1. OPENING

1.1. ACKNOWLEDGEMENT OF COUNTRY

The Deputy 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 Thomas
Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert Paul Leadbeter David Altmann via MS Teams Jenny Newman Don Donaldson
Secretary	Amy Arbon
DHUD Staff	Troy Fountain Joanne Reid (Item 2.1.1 & 2.2.1) Nathan Grantham (Item 2.2.2) Rebecca Fielding

1.3. APOLOGIES

Nil

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.1.1 Palumbo Pty Ltd

23020623

Lot 418 Ketch Road, Parham

Detached dwelling with rainwater tanks, photovoltaics and landscaping.

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to her employer's representation of the proponent and left the meeting for this agenda item.

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

Applicant

- James Rhodes (on behalf of Donato Palumbo)

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 23020623, by Palumbo Pty Ltd is GRANTED Planning Consent subject to the following reserved matters and conditions:

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).

Conditions imposed by Native Vegetation Council under Section 122 of the Act

Condition 2

Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the Native Vegetation Act 1991 have been satisfied.

Condition 3

Clearance areas are to be defined with barriers, pegs, flags, or temporary fencing to ensure that native vegetation outside the approved area is not damaged.

Condition 4

Native Vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (i.e., fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009.

Condition 5

Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area.

Condition 6

Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area.

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

Condition 7

The dwelling shall achieve minimum building site and finished floor levels of 3.05 metres AHD and 3.35 metres AHD respectively, or, it may be sited on a lower building site level in which case the floor level shall be elevated via an engineered pole frame construction that achieves a minimum floor level of 4.05 metres AHD, and whereby the underfloor is kept open and free of cladding to mitigate the risk of water pressure impacting on the structure in the event of flooding.

Condition 8

The underfloor shall be kept open and free of any cladding to mitigate the risk of water pressure impacting on the dwelling structure, in the event of coastal flooding.

Condition 9

Any wastewater management system associated with development shall be designed to ensure that wastewater cannot pollute the coast and marine ecosystem, including through seepage or overflow into the aquifer below the site. It must be operational in the event of coastal flooding to a level of 3.35 metres AHD. A fully sealed, pump-out system whereby waste is disposed of offsite may be required given the site's proximity to the water table and water bodies.

Condition 10

If the dwelling has a finished floor level being lower than of 4.05 metres AHD, it shall be constructed such that it is able to be raised in the future.

ADVISORY NOTES

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 ERD Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 4

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

Advisory Note 5

A person who has made a representation on a development classified as restricted development may appeal the decision. Such an appeal must be lodged at the Environment Resource and Development Court within 15 business days after the date of the decision.

Advisory Note 6

The applicant is reminded of its 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 pollute the environment in a way which causes or may cause environmental harm.

Advisory Note 7

The applicant is advised of the need to obtain approval for the proposed on-site wastewater disposal system from Adelaide Plains Council. Details on how to obtain this approval can be found here: [Public and Environmental Health | Adelaide Plains Council \(apc.sa.gov.au\)](https://www.apc.sa.gov.au).

Advisory Note 8

The applicant is reminded of their 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 management of construction site, please contact the relevant Local Government Authority.

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

Advisory Note 9

The dwelling is sited on low lying land and is subject to an unaddressed coastal flooding risk. This risk will increase as a result of climate change and predicted sea level rise.

2.2. NEW APPLICATIONS

2.2.1 John Ingram

23036392

Lot 241 Bertram Road, Wauraltee

Single storey detached dwelling, two (2) x 25,000L and (1) x 22,000L water storage tanks and associated earthworks.

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

Applicant

- Iain McQuin
- Garth Heynen

Agencies

- Annie Pomeroy
- Kym Gerner via MS Teams
- Arron Bloom via MS Teams
- Bess Hillyard via MS Teams

Council

- Jodie Terp via MS Teams

The 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 23036392, by John Ingram is GRANTED Planning Consent subject to the following reserved matters and conditions:

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).

Conditions imposed by Coast Protection Board under Section 122 of the Act**Condition 2**

The Land Management Plan for the site shall be implemented within the time frames specified as outlined, except where variations in species are required as an adaptive response to local growing conditions.

Condition 3

Excavation and construction shall be carried out in a manner which minimises environmental impacts.

Condition 4

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

Conditions imposed by South Australian Country Fire Service under Section 122 of the Act**Condition 5****SITING (ANCILLARY STRUCTURES)**

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 3.2) details the mandatory requirements for extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) in the event of bushfire.

- Outbuildings and other ancillary structures shall be sited no closer than 6m from the habitable building, unless built to relevant building standards for associated structures in Bushfire Prone Areas. This includes future structures which may or may not require planning and/or building consent including (but not limited to) garden sheds, animal shelters and cubby houses.

Condition 6**ACCESS TO HABITABLE BUILDING**

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

SA CFS has no objection to utilising the existing access driveway as detailed on drawing named SITE PLAN dated at last revision 08/05/2024 and upgraded, where necessary, to comply with the following conditions:

- The driveway shall be connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8).
- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles, to within 60m of the furthest point of the building.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either;
 1. A loop road around the building, OR
 2. A turning area with a minimum radius of 12.5 metres, OR
 3. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres (for each 'leg') and minimum internal radii of 9.5 metres OR
 4. A 'U' shaped 'drive-through' option.
- Private access shall have minimum internal radii of 9.5 metres on all bends.

- Private access shall provide overhead clearances of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.

Condition 7

WATER SUPPLY & ACCESS (to dedicated water supply)

Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipework and fire-fighting hose(s) in accordance with MBS008.

Please note that where the water supply is an above-ground water tank, the tank (including any support structure) should be constructed of non-combustible material, such as concrete or metal.

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named SITE PLAN dated at last revision 08/05/2024, providing the outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthestmost point of the building, to enable fire services to reach all parts of the building with no more than two lengths of hose from the hardstand area.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering “FIRE WATER”).
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance’s inlet is rear mounted; therefore, the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for firefighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

Condition 8

MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

SA CFS has no objection to the location and extent of the asset protection zone as detailed on drawing named SITE PLAN dated at last revision 08/05/2024, providing it complies with the following conditions:

- Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:

1. The number of trees and understorey plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
2. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
3. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
4. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
5. Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees' lowest branches.
6. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
7. No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
8. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
9. The APZ shall be maintained to be free of accumulated dead vegetation.

Conditions imposed by Native Vegetation Council under Section 122 of the Act

Condition 9

Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the *Native Vegetation Act 1991* have been satisfied.

Condition 10

Wastewater impacts to be contained onsite ensuring no impact on surrounding native vegetation

Condition 11

Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area

Condition 12

Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area.

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

A person who has made a representation on a development classified as restricted development may appeal the decision. Such an appeal must be lodged at the Environment Resource and Development Court within 15 business days after the date of the decision.

Advisory Note 5

The applicant is advised of the need to obtain approval for the proposed on-site wastewater disposal system from Yorke Peninsula Council in accordance with the South Australian Public Health Act, 2011. Details on how to obtain this approval can be found here: [On-site Wastewater Application \(yorke.sa.gov.au\)](https://www.yorke.sa.gov.au)

Advisory Notes imposed by Coast Protection Board under Section 122 of the Act**Advisory Note 6**

To maintain and improve the biodiversity value of the site into the future the landowner is also encouraged to enter into a Native Vegetation Heritage Agreement.

Advisory Note 7

The Land Management Plan states the intention to install gates and fencing on the beach side and the roadside of the property to prevent public access and camping, which are also indicated on the most recent plan. To optimise protection of these areas, it is also recommended that signs be placed on the gates and fencing that say, 'private property' or 'no public access' or 'no access to Bertram Road' and 'no camping' on the beach gate for example.

Advisory Note 8

If the landowner proposes any site improvements or plantings on the adjacent Crown Land, they will need to consult with the Crown Lands Program, Department for Water and Environment (Adelaide regional office, ph. 8463 3848) to ensure that relevant Crown lands approvals and native title rights and interests have been addressed and that any proposed changes to the Crown land are acceptable.

Advisory Notes imposed by South Australian Country Fire Service under Section 122 of the Act**Advisory Note 9****BUILDING CONSIDERATIONS**

Ministerial Building Standard MBS008 "Designated bushfire prone areas - additional requirements" 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

Category of Bushfire Attack Level: BAL 12.5

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone, in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

This result is considered relevant at the date of assessment with respect to the elevations detailed on Site Plan, dated 08/05/2024 and shall not be considered as SA CFS endorsement of any subsequent development.

Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act**Advisory Note 10**

The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2024/3080/544.

2.2.2 David Feiler

24014659

Lot 780 The Point Road, Woods Point

Detached Dwelling with associated water tank and wastewater system.

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

Applicant

- David Feiler

The 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) Pursuant to Section 110 (14) of the Planning, Development and Infrastructure Act 2016, Development Application Number 24014659, by David Feiler is REFUSED TO PROCEED TO ASSESS, subject to the following reasons:

REASONS FOR REFUSAL

- a) There is no reasonable prospect of a favourable assessment of the proposed development, as it does not meet the intent of the Conservation Zone's Desired Outcome, specifically:
 1. The proposed dwelling would not conserve and enhance the natural environment and natural ecological processes to provide opportunities for the public to experience these through low-impact recreational and tourism developments.
 2. The development would fail to preserve and enhance the landscape, habitat, and biodiversity values within the surrounding environment.
- b) The proposed dwelling intends to be constructed within the 1956 River Murray Flood Plain.

Advisory Notes

If you are aggrieved by this decision, you have a right to seek a review of the determination by the State Planning Commission (the Commission) pursuant to Section 110(15) of the PDI Act.

An application for review must be made in a manner and form determined by the Commission and must be made within one (1) month of this notice.

The prescribed form is contained in [Attachment 1](#) of [Practice Direction 4](#) https://plan.sa.gov.au/resources/planning/practice_directions/practice_direction_4_restricted_and_impact_assessed_development_2019

Further information can be found on the PlanSA website under the Decisions and Appeals Guide section.

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

9.1 PDI Act Instrument of Further Delegation 2024 Update

10. NEXT MEETING

10.1. Wednesday 28 August 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 1:10PM.

Confirmed: 14 August 2024



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Rebecca Thomas
PRESIDING MEMBER



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Rebecca Rutschack
DEPUTY PRESIDING MEMBER (Item 2.1.1)