



# STATE COMMISSION ASSESSMENT PANEL

## A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 185<sup>th</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 28 August 2024 commencing at 9:30am  
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 Thomas
Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert Paul Leadbeter Don Donaldson David Altmann via MS Teams Jenny Newman via MS Teams
Secretary	Amy Arbon
DHUD Staff	Troy Fountain Daniel Marotti (Item 2.2.1) Nathan Grantham (Item 2.2.1) Karen Ferguson (Item 2.2.2) Jeremy Wood (Item 2.2.2) Rebecca Fielding

#### 1.3. APOLOGIES

Nil

## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

### 2.2. NEW APPLICATIONS

#### 2.2.1 Community Housing Ltd

23034242

##### **164 Churchill Road, Prospect**

Construction of a five (5) level residential flat building with associated landscaping

Member, Jenny Newman, declared a conflict of interest due to her employer's engagement by the proponent and accordingly, left the meeting for this agenda item.

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

#### **Applicant**

- Jason Behrndt
- Nitsan Taylor
- Nick Grbin
- Chris Bentick
- Joel Phillips

#### **Agencies**

- Sophie Newland 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 23034242, by Community Housing Ltd is GRANTED Planning Consent subject to the following reserved matters and conditions:

## **RESERVED MATTERS**

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

### **Reserved Matter 1**

Redesign of the front landscape and pathway arrangement to provide for more generous movement around the column and together with a final landscaping plan that clearly identifies all proposed plantings and their locations.

### **Reserved Matter 2**

A detailed stormwater management plan in consultation with City of Prospect which identifies that stormwater flows shall be conveyed safely to the kerb and gutter system.

The stormwater management plan will include calculations reviewed in consultation with the City of Prospect that provide evidence that all post-development outflows from the site are equal to (or less than) the pre-development flows (being 14.6 L/sec for the 5% AEP storm event) and that the location and capacity of any on-site detention tanks and related devices shall be clearly described.

### **Reserved Matter 3**

Details of the metal screening that minimises the visibility of the air conditioning units shall be provided.

## 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**

Waste Management shall be undertaken in accordance with the Approved Waste Management Plan prepared by Colby Philips Advisory and dated 16 July 2024.

#### **Condition 3**

The landscaping shall be planted prior to occupancy of the development, and maintained at all times, and to ensure appropriate lines of sight for vehicles and pedestrians. Mature trees shall be no less than 2.0m in height at time of planting. The applicant or the persons making use of the subject land shall cultivate, tend and nurture the landscaping, and shall replace any landscaping that becomes diseased or dies. An automated drip irrigation or similar watering system shall be established and maintained to ensure that sufficient water is available to satisfy the needs of the landscaping species selected.

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

#### **Condition 4**

All access to the development shall be gained in accordance with the Turn Path Assessment Plan produced by CIRQA, Project 23219, Sheet no. SH01, Version E, dated 3/7/2024. The access shall be limited to left turn entry and exit movements only in accordance with the Proposed Intersection Treatment Plan produced by CIRQA Project 23219, Sheet no. SH03, Version E, dated 3/7/2024. All required road works shall be undertaken prior to occupation of the development. All costs shall be borne by the applicant. Note: The applicant will need to contact DIT's Network Management Services, Senior Network Integrity Engineer, Mr Narendra Patel on telephone 8226 8244 or via email at Narendra.Patel@sa.gov.au, to organise the median treatment within the road reserve of Churchill Road.

#### **Condition 5**

All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.

#### **Condition 6**

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. Accordingly, all fencing and vegetation/landscaping within these areas shall be open in nature or  $\leq 1$ m in height.

#### **Condition 7**

The redundant section of crossover/parking bay on Churchill Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense.

#### **Condition 8**

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 9**

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.

**Conditions imposed by Minister responsible for the administration of the South Australian Housing Trust Act 1995 under Section 122 of the Act**

**Condition 10**

For the purposes of securing the provision of dwellings for affordable housing as contemplated by the Affordable Housing Overlay, a minimum of 100% 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.

**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**

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 3**

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 4**

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

**Advisory Note 5**

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.

Council has informed the applicant that the costs associated with removing the Council street tree is \$13,404.10 GST inclusive.

**Advisory Note 6**

The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' shall be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

**Advisory Note 7**

It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

### 2.2.2 Arisvi Holdings Pty Ltd

23005439

#### 10 Panorama Court, Paringa

Community title land division comprising the division of one (1) allotment into three (3) allotments with associated common property, retrospective and future earthworks, construction of retaining walls, and associated landscaping.

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

#### Applicant

- Charlie Dubois
- Andrew Martin
- Greg Vincent
- Tom Babaniotis
- Minoli Georgantas
- Gino Babaniotis

#### Representations

- Phillip Brunning
- Felicity Niemann
- Rick Edmonds
- Cathy Edmonds
- Cathy Ramsey
- Linda Lacey
- Garry Twyford via MS Teams
- Kerry Twyford via MS Teams

#### Agencies

- Kym Gerner via MS Teams
- Robyn Morcom via MS Teams
- Arron Bloom via MS Teams

#### Council

- Greg Marlor
- Jordan Hunt

#### Observing

- Elizabeth Rushbrook
- Sophie Penberthy

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 23005439, by Arisvi Holdings Pty Ltd is REFUSED, subject to the following reasons:

### REASONS FOR REFUSAL

1. The application does not adequately achieve the following provisions of the River Murray Flood Plain Protection Area Overlay of the Planning and Design Code, specifically:

- The land division leads to the intensification of the land and is at odds with PO 4.1
  - The proposed earthworks and resulting retaining walls will be highly visible from the River Murray, detrimentally affecting the natural amenity and riverine character, which is at odds with PO 5.4
  - The proposal will result in adverse impacts to the natural features and stability of the waterfront, as sought by PO 7.1
  - The proposal does not minimise modifications to the natural landform and as a result, will have detrimental impacts on the natural features and stability of the waterfront, making it at odds with PO 7.3
  - The proposed driveway, access tracks and parking areas have not been designed to minimise earthworks, as sought by PO 8.3
2. The application does not adequately achieve the following General Development Policies of the Planning and Design Code, specifically:
- The land division has not sufficiently considered the physical characteristics of the land, preservation of the environmental features of value or the prevailing context of the locality, as sought by PO 1.2 (Land Division)
  - The land division does not propose a pattern of development that minimises the requirement for substantial earthworks and retaining walls, as sought by PO 2.1 (Land Division)
  - The application has not adopted measures to minimise the need for earthworks to limit disturbance to natural topography, as sought by PO 8.1 (Design - Earthworks and sloping land)
  - The proposed retaining walls do not meet the intent of PO 9.2 (Design - Fences and walls) which seeks for retaining walls which do not unreasonably impact visual amenity

#### **ADVISORY NOTES**

1. 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.

#### **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 11 September 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 1:45PM.

Confirmed: 28 August 2024



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Rebecca Thomas  
PRESIDING MEMBER