



**A COMMITTEE OF THE STATE PLANNING COMMISSION**

Minutes of the 213<sup>th</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 24 September 2025 commencing at 9:00am  
Level 9, 83 Pirie Street Adelaide or 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) David Altmann Don Donaldson John Eckert Jenny Newman
Secretary	Amy Arbon
DHUD Staff	Andy Humphries Tegan Lewis

**1.3. APOLOGIES** Paul Leadbeter

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## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

### 2.2. NEW APPLICATIONS

#### 2.2.1 The Burnside War Memorial Hospital Inc

24029093

120 & 126 Kensington Road and 2 Moore Street, Toorak Gardens

Medical centre comprising consulting rooms, treatment rooms and day surgery (associated with the existing Burnside War Memorial Hospital) including basement car park, signage, fencing, connecting bridge structure over public road and associated stair, alterations to existing hospital, associated demolition works and tree damaging activity.

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

Applicant:

- James Levinson
- Gerald Matthews
- Melissa Mellen
- Gregg Jenkins
- Alan Morrison via MS Teams

Representors:

- Felicity Newman
- Brian Hayes KC
- Susie Herzberg
- Phil Plummer
- Brendon Kearney
- Myra Fallon
- Kirk Fernandez
- Dada Hu
- Mohan Somasundaram
- Jayathani Somasundaram
- Ian Henschke
- Michael Buchan
- Peter Bayetto
- George Daracopoulos
- Darryl Watson
- Margaret Byrnes
- James Hilditch
- Amie-Jane Hilditch
- Greg Howe
- Daniel Cehic via MS Teams

Council (City of Burnside):

- Barry Cant via MS Teams
- Julia Grant via MS Teams
- Martin Cooper via MS Teams
- James Brennan via MS Teams
- Niko Bourmas via MS Teams
- Kaushal Karki via MS Teams
- Chris Hawkins via MS Teams
- Matthew Grant via MS Teams
- Magnus Heinrich via MS Teams
- Josh Leong via MS Teams

Observing:

- Lilian Henschke
- Ian Crundall
- Phil Martin
- Sophie Penberthy
- Greg Vincent
- Dean Nicolle
- Chris Vounasis

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) The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
- 2) Development Application Number 24029093, by The Burnside War Memorial Hospital Inc is GRANTED Planning Consent subject to the following Reserved Matters and Conditions:

## RESERVED MATTERS

### Planning Consent

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

#### Reserved Matter 1

The applicant shall submit a comprehensive stormwater management plan prepared in consultation with the Department for Infrastructure and Transport (DIT) and the City of Burnside to the satisfaction of the State Planning Commission.

#### Reserved Matter 2

The applicant shall submit a detailed landscaping plan for the development site, prepared by a suitably qualified landscape architect, which clearly identifies the location, mature height, canopy spread (when related to a tree), and species of all proposed plants to the satisfaction of the State Planning Commission.

#### Reserved Matter 3

A detailed tree protection and construction management plan is required to ensure the adequate protection of regulated and significant trees on and near the site to the satisfaction of the State Planning Commission.

#### Reserved Matter 4

An updated Environmental Noise Assessment report must be supplied when the final design of the mechanical plant and equipment has been determined to the satisfaction of the State Planning Commission.

#### Reserved Matter 5

Final design details on the proposed louvres on the eastern elevation must be submitted to secure their design to the satisfaction of the State Planning Commission.

**CONDITIONS****Planning Consent****Condition 1**

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

**Condition 2**

Patient access is limited to 7:00 am to 8:00 pm, Monday to Friday.

***Conditions imposed by Commissioner of Highways under Section 122 of the Act*****Condition 3**

The development shall gain access via Moore Street as shown on the Matthews Architects Ground Plan, Project No. 23024, Revision 1-H dated 8/10/24 with vehicle movements consistent with CIRQA Traffic and Parking Report, Project No. 24116, Version 1.0 dated 15 September 2024, and supplementary correspondence dated 3 October 2024.

**Condition 4**

Any alterations to on-street parking that may impact or alter vehicle movements to/from Kensington Road shall be undertaken in consultation with the Department for Infrastructure and Transport.

**Condition 5**

All structures (including retaining walls, stairs etc.) and all services infrastructure shall be located outside of the 4.5m road widening along the Kensington Road frontage and 4.5m x 4.5m corner cut-off.

**Condition 6**

A final landscaping plan shall be developed in conjunction with DIT. All infrastructure including landscaping, signs, retaining walls, stairs/walkways, etc shall be designed and located to the satisfaction of the Department for Infrastructure and Transport.

**Condition 7**

All off-street car parking areas shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009 and all commercial vehicle facilities shall be designed in accordance with AS 2890.2:2018.

**Condition 8**

Any infrastructure within the road reserve (e.g. road signs, side entry pits, etc) that is demolished, altered, removed, or damaged during the construction of the development shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

**Condition 9**

A final stormwater management plan shall be developed in conjunction with DIT and be in accordance with the Department for Infrastructure and Transport Master Specification RD-DK-D1 Road Drainage Design and other relevant guidelines. All drainage infrastructure is to be to the satisfaction of the Department for Infrastructure and Transport and the City of Burnside.

**Condition 10**

All stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Kensington Road, Moore Street and Hewitt Avenue. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

**Condition 11**

The development shall gain access via Moore Street as shown on the Matthews Architects Ground Plan, Project No. 23024, Revision 1-K dated 17/12/24 with vehicle movements consistent with CIRQA Traffic and Parking Report, Project No. 24116, Version 1.0 dated 15 September 2024 and supplementary correspondence dated 3 October 2024 and 20 December 2024, as well as the MFY Traffic Assessment, Ref MLM/24-0192 and RFI correspondence to the

Department for Infrastructure and Transport (updated SIDRA models) dated 15 February 2025 and 4 June 2025.

**Condition 12**

Any alterations to on-street parking that may impact or alter vehicle movements to/from Kensington Road shall be undertaken in consultation with the Department for Infrastructure and Transport.

**Condition 13**

All structures (including retaining walls, stairs etc.) and all services infrastructure shall be located outside of the 4.5m road widening along the Kensington Road frontage and 4.5m x 4.5m corner cut-off.

**Condition 14**

A final landscaping plan shall be developed in conjunction with the Department for Infrastructure and Transport. All infrastructure including landscaping, signs, retaining walls, etc shall be designed and located to the satisfaction of the Department for Infrastructure and Transport.

**Condition 15**

All off-street car parking areas shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2022 and all commercial vehicle facilities shall be designed in accordance with AS 2890.2:2018.

**Condition 16**

Any infrastructure within the road reserve (e.g. road signs, side entry pits, etc) that is demolished, altered, removed, or damaged during the construction of the development shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

**Condition 17**

A final stormwater management plan shall be developed in conjunction with DIT and be in accordance with DIT Master Specification RD-DK-D1 Road Drainage Design and other relevant guidelines. All drainage infrastructure is to be to the satisfaction of the Department for Infrastructure and Transport and the City of Burnside.

**Condition 18**

All stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Kensington Road, Moore Street and Hewitt Avenue. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

**ADVISORY NOTES**

**Planning Consent**

**Advisory Note 1**

The applicant or any person taking the benefit of this approval is responsible for ensuring that all development herein approved (including any site & building work) is undertaken on or within the confines of the boundaries of the subject land & does not encroach over or into neighbouring land. It is recommended that you commission a survey of the subject land by a Licensed Surveyor & thereafter ensure that the surveyed boundaries are clearly defined on site prior to the commencement of any work on or near a boundary of the subject land.

This approval does not authorise the undertaking of development beyond the boundaries of the subject land nor any other form of encroachment over or into neighbouring land.

**Advisory Note 2**

In addition to notification and other requirements under the *Planning Development & Infrastructure Act 2016* and *Fences Act 1999*, it is recommended that the applicant/owner consult with adjoining owners and occupiers at the earliest possible opportunity after Development Approval, advising them of proposed development work so as to identify and discuss any issues requiring resolution such as boundary fencing, retaining walls, trees/roots, drainage changes, temporary access, waste discharges, positioning of temporary toilets etc.

**Advisory Note 3**

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.

**Advisory Note 4**

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.

**Advisory Note 5**

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 6**

The applicant must ensure that any consent from other authorities (including but not limited to SA Water, SA Power Networks, Native Vegetation Board, Eastern Health Authority, etc) that may be required to undertake the development, has been granted by that authority prior to the commencement of the development.

**Advisory Note 7**

The Applicant is reminded of the requirements of the *Fences Act 1975*. Should the proposed works involve fencing work in relation to an existing boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or visit [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

**Advisory Note 8**

Building owners proposing any excavation or filling of a nature prescribed in Regulation 64 of the *Planning, Development and Infrastructure (General) Regulations 2017*, is required to serve upon the adjoining owner, a notice of their intention to perform that work, at least 20 business days prior to commencing as required by Section 139 of the *Planning, Development and Infrastructure Act 2016*.

**Advisory Note 9**

Please be advised that, while development authorisation has been granted under the Planning, Development & Infrastructure Act 2016, the land may be subject to restrictions under other legislation or proprietary interests, including but not limited to easements, rights of way & encumbrances. These may restrict, curtail, or limit your ability to lawfully implement the development authorisation. You are strongly encouraged to review the certificate/s of title for the subject land & consider any other legislative obligations & limitations that would impact on your ability to lawfully implement the development authorisation.

**Advisory Note 10**

Development authorisations issued in relation to this development will remain valid for the following periods of time, unless otherwise extended by the relevant authority:

- Planning Consent is valid for 24 months from the date of issue, within which time Development Approval must be obtained.
- Building Consent is valid for 24 months from the date of issue.
- Development Approval is valid for 24 months from the date of issue, within which time the approved works must be substantially commenced.
- The approved development must be substantially or fully completed within 3 years of the date on which Development Approval is issued.
- If the development involves the division of land, an application for certificate under Section 138 of the Planning, Development and Infrastructure Act 2016 must be lodged with the State Planning Commission, accompanied by the prescribed fee, within 24 months of the date on which Development Approval is issued and thereafter completed within 3 years of the date on which Development Approval is issued.

Please note, the subsequent variation of a development authorisation does not extend the operative periods as detailed above.

**Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act****Advisory Note 11**

The applicant/owner/operator is reminded of the general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

**Advisory Note 12**

An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email [EPALicensing@sa.gov.au](mailto:EPALicensing@sa.gov.au) for information about the licensing application process and requirements.

**Advisory Note 13**

In terms of chemical storage at the new facility, the proponent is advised to ensure any chemicals or substances that, by their nature or amount, have the potential to cause environmental harm, should be stored within an impervious bund with a net capacity of at least 120% of the largest vessel within the bunded area, to contain any spillages that may occur. Note: refer to EPA Bunding and Spill Management Guidelines for further details  
[https://www.epa.sa.gov.au/files/47717\\_guide\\_bunding.pdf](https://www.epa.sa.gov.au/files/47717_guide_bunding.pdf)

More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au)

**Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act****Advisory Note 14**

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a 4.5m strip of land from the Kensington Road frontage for future upgrading of the Kensington Road / Portrush Road intersection as well as a 4.5m x 4.5m corner cut off from the Kensington Road/Moore Street corner. 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 should be completed by the applicant and returned to DIT (via email [dit.landusecoordination@sa.gov.au](mailto:dit.landusecoordination@sa.gov.au)), together with a copy of the Decision Notification Form and the approved site plan/s.

**Advisory Note 15**

Should traffic flows on Kensington Road and or Moore Street be impacted during the construction/demolition works, the applicant shall notify DIT's Traffic Management Centre (TMC) - Roadworks on 1800 434 058 or email [dit.roadworks@sa.gov.au](mailto:dit.roadworks@sa.gov.au) to gain approval for any road works, or the implementation of a traffic management plan during the construction phase.

**Advisory Note 16**

It should be noted that upgrades to the Kensington Road/George Street/Giles Street are currently proposed by Council and that these may result in alterations and or changes to traffic distribution at the Kensington Road/Moore Street/Queen Street intersection. This may require the management of right turn movements from Kensington Road to be further reviewed.

**Advisory Note 17**

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a 4.5m strip of land from the Kensington Road frontage for future upgrading of the Kensington Road / Portrush Road intersection as well as a 4.5m x 4.5m corner cut off from the Kensington Road/Moore Street corner. 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.

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**Advisory Note 18**

Should traffic flows on Kensington Road and or Moore Street be impacted during the construction/demolition works, the applicant shall notify the Department for Infrastructure and Transport Traffic Management Centre (TMC) – Roadworks on 1800 434 058 or email [dit.roadworks@sa.gov.au](mailto:dit.roadworks@sa.gov.au) to gain approval for any road works, or the implementation of a traffic management plan during the construction phase.

**Advisory Note 19**

It should be noted that upgrades to the Kensington Road/George Street/Giles Street are currently proposed by Council and that these may result in alterations and or changes to traffic distribution at the Kensington Road/Moore Street/Queen Street intersection. This may require the management of right turn movements from Kensington Road to be further reviewed.

**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 8 October 2025, Level 9, 83 Pirie Street, Adelaide SA 5000 / 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 3:25PM

Confirmed: 25/09/2025



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Rebecca Thomas  
PRESIDING MEMBER