



**A COMMITTEE OF THE STATE PLANNING COMMISSION**

Minutes of the 200<sup>th</sup> Meeting of the  
 State Commission Assessment Panel  
 held on Wednesday 26 March 2025 commencing at 9:30am  
 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) Don Donaldson John Eckert Paul Leadbeter Jenny Newman
Secretary	Amy Arbon
DHUD Staff	Troy Fountain Ben Scholes Callum Hastie Mollie O'Connor Ken Teng Nathan Grantham Jeremy Wood
<b>1.3. APOLOGIES</b>	David Altmann

## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

### 2.2. NEW APPLICATIONS

#### 2.2.1 Samaras Construction & Developments 24037925 Unit 1-3 / 290 Unley Road, Hyde Park

Five (5) level mixed-use building comprising residential flat building (10 dwellings), café, car parking and removal of one (1) Regulated Tree and one (1) Significant Tree.

Member, Don Donaldson, declared a conflict of interest due to his employment with the City of Unley and according, left the meeting for this agenda item.

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

Applicant:

- Corey Polyak
- Matthew King
- Scott Meek
- Jo Garretty
- Russell Biar
- James Hilditch
- Heath Price
- Sarah Swincer

Representations:

- Basil Jeffrey
- Syd McDonald
- Melissa Mellen

Agencies:

- Belinda Chan (ODASA)

Council:

- Amelia De Ruvo (City of Unley)

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 24037925, by Samaras Construction & Developments is DEFERRED subject to further consideration of the following matters:
  - 1) Resolution of the 3-metre x 3-metre corner cutoff required at the southern corner of the junction of Esmond Street and Unley Road including façade design and configuration of building structure;
  - 2) Proposed depth (footpath overhang), extent and contextual design of overhead canopy along the Unley Road frontage continuing along Esmond Street; and
  - 3) Demonstrate that the proposal provides adequate vehicle driver sightlines to ensure safe passage for motorists and pedestrians using the private laneway

- 4) Consideration of the location and mesh screening materials to the western rear elevation of the carparking area to assist sightlines to and from the carparking area.

**2.2.2 Chris Pascoe, Heather and Barrie Pinder  
24003161  
212 Churchill Road, Prospect**

Five-level residential flat building with associated carparking and ground level shop, removal of significant tree.

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

Applicant:

- Daniel Brunoli
- Chris Pascoe
- Heather Pinder (via MS Teams)

Agencies:

- Damien Heffernan (ODASA)

Council:

- Susan Giles (City of Prospect)

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 24003161, by Chris Pascoe, Heather and Barrie Pinder is REFUSED Planning Consent and Land Division Consent subject to the following reasons:
  - 1) The proposal does not adequately demonstrate high quality design as sought by Performance Outcome 1.1 of the Design Overlay.
  - 2) The proposal includes infrastructure located in a manner that compromises future road widening requirements, contrary to Performance Outcome 1.1 of the Future Road Widening Overlay and does not provide a sufficient setback from the primary street boundary that can accommodate landscaping taking into account future road widening, contrary to Performance Outcome 2.4 of the Urban Corridor (Boulevard) Zone.
  - 3) The proposal fails to create a visual connection between the public realm and ground level interior and does not ensure an active interface with the primary street frontage and therefore does not meet Performance Outcome 2.3 of the Urban Corridor (Boulevard) Zone.
  - 4) The proposed building is not set back from rear boundaries to minimise negative impacts on neighbouring properties including the length of side walls, contrary to Performance Outcome 2.7 of the Urban Corridor (Boulevard) Zone.
  - 5) The proposal does not provide sufficient landscaping, including tree planting and deep soil zones, as sought by Performance Outcomes 3.1, 13.1 and 13.2 of Design in Urban Areas.

- 6) The proposed building does not create sufficient separation from the existing building at 210 Churchill Road to allow for natural ventilation and the access to sunlight into interior and outdoor spaces and therefore does not satisfy Performance Outcome 28.1 of Design in Urban Areas.
- 7) The proposal does not satisfy Performance Outcome 35.5 as on-site waste collection is not considered safe and convenient including the movement of waste collection vehicles.

**2.2.3 Square Mile Properties Pty Ltd  
24029819  
162-166 & 166 Gouger Street, Adelaide**

Mixed-use building up to 16 levels in height, comprised of 107 dwellings with podium car parking and three (3) ground level shops.

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

Applicant:

- Nick Wilson
- Alexander Bibbo
- Greg Vincent
- Lelio Bibbo

Agencies:

- Damien Heffernan (ODASA)
- Niall Stephen (EPA)
- Melissa Chrystal (EPA)
- Heidi Hessling (EPA)

Observing:

- Elizabeth Rushbrook

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 24029819, by Square Mile Properties Pty Ltd is GRANTED Planning Consent and Land Division 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**

A final detailed schedule of high quality and durable external materials and finishes and a physical samples board prepared in consultation with the Government Architect and submitted to the satisfaction of the State Planning Commission

**Reserved Matter 2**

A final Wind Impact Assessment, incorporating wind tunnel testing to confirm appropriate wind control measures be prepared and submitted 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 development shall be undertaken in accordance with the tree protection measures set out in Section 4 of the approved Tree Assessment Report, prepared by Neoxena dated 3 February 2025.

**Condition 3**

Waste Management shall be undertaken in accordance with the Approved Waste Management Plan prepared by Colby Phillips and dated 12 September 2024.

**Condition 4**

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, to the satisfaction of the State Planning Commission.

**Condition 5**

The finished ground level at the boundary of the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary.  
Conditions imposed by Environment Protection Authority under Section 122 of the Act

**Condition 6**

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that any required remediation has been undertaken, and the land is suitable for the proposed use.

**Condition 7**

For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination auditor, informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.

**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**

All City of Adelaide (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. This includes closure of redundant vehicle crossovers and stormwater outlets, and reinstatement of kerb and gutters including the stormwater connection for the existing canopy over the footpath. All costs associated with these works shall be met by the proponent.

**Advisory Note 5**

The applicant is advised that the works in the public realm requires approval from the City of Adelaide (Council), as relevant to Section 221 of the *Local Government Act 1999*.

The canopy within the public realm shall comply with the Council's Encroachment Policy, including the provision of pedestrian lighting (Category PP2-AS1158). The lighting shall not be obtrusive and shall be designed so that it does not shine onto any adjoining residences and be operational during the hours of darkness at all times, to the reasonable satisfaction of the Council. Advisory Notes imposed by (Adelaide Airport) The Secretary of the relevant Commonwealth Department responsible for administering the Airports Act 1996 under Section 122 of the Act

**Advisory Note 6**

The application has been assessed and the development with a approx. building height of RL 98.6 metres Australian Height Datum (AHD) the application **will** penetrate the Adelaide Airport Obstacle Limitation surfaces (OLS) which is protected airspace for aircraft operations.

The application will require approval in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 with final approval by the Department of Infrastructure, Transport, Regional Development, Communication and the Arts.

The development will infringe the OLS by approximately 24.6 metres.

Crane operations associated with construction require approval in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996.

**Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act****Advisory Note 7**

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.

**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 9 April 2025, Level 10, 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 3:30PM

Confirmed: 27/03/2025



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Rebecca Thomas  
PRESIDING MEMBER