



# STATE COMMISSION ASSESSMENT PANEL

## A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 202<sup>nd</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 16 April 2025 commencing at 8:30am  
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 John Eckert Jenny Newman
Secretary	Amy Arbon
DHUD Staff	Troy Fountain Ben Scholes Tegan Lewis
1.3. APOLOGIES	Don Donaldson Paul Leadbeter

## 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:

- Russell Biar
- Matila Asser
- Scott Meek
- Ben Wilson

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) 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 24037925, by Samaras Construction & Developments is GRANTED Planning Consent and Land Division Consent subject to the following Conditions and Advisory Notes:

## 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

All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2018 (Part 3) to ensure that stormwater does not adversely affect any building, adjoining property or public road.

**Condition 3**

Refuse collection must be scheduled to occur during the following periods:

- Monday to Friday 07:00am to 08:30am or 17:30pm to 19:00pm
- Saturday 07:00am to 19:00pm
- Sunday or Public Holiday 09:00am to 19:00pm

Any variation to these hours of operation will require a further consent.

**Condition 4**

The three *Lophostemon confertus* (Queensland Box) trees existing along the south side of Esmond Street shall be protected during construction in accordance with recommendations made in the Regulated Tree and Protection Zone report prepared by Urbans Arboriculture (reference 83966) dated 11 September 2024. Any tree damaging activity (including tree pruning) will require the consent of the City of Unley.

**Condition 5**

Payment of an amount calculated in accordance with the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 be made into the relevant urban trees fund (or if an urban trees fund has not been established for the area where the relevant tree is situated, or the relevant authority is the Commission or an assessment panel appointment by the Minister or a joint planning board, the Planning and Development Fund) in lieu of planting 1 or more replacement trees. Payment must be made prior to the undertaking of development on the land.

**Condition 6**

Noise attenuation measures (including review of specified mechanical services plant and equipment) documented in the Noise Assessment Report prepared by VIPAC Engineers and Scientists Limited (reference 50B-24-0095-TRP-75454-0) dated 27 September 2024 shall be undertaken and adhered to prior to operation of the development, to ensure compliance with the relevant environmental noise criteria is verified.

**Condition 7**

Landscaping over the development's north elevation shall be regularly maintained to optimise sight lines in the vicinity of the proposed building's northwest corner.

**Condition 8**

The design of the ground level carpark (including height clearances) must satisfy the relevant Australian Standard/s for Off Street Parking Facilities to cater for anticipated waste collection vehicles intended to service the development.

**Conditions imposed by Commissioner of Highways under Section 122 of the Act****Condition 8**

All access to/from the development shall be gained in via the right of way from Esmond Street accordance with the site plan produced by SMFA, Drawing No. 2.20, Rev. P3, dated 3.2.2025.

**Condition 9**

A 3-metre x 3-metre corner cutoff shall be provided at the Unley Road/Esmond Street corner at ground floor level to maximise pedestrian safety and circulation.

**Condition 10**

All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2022.

**Condition 11**

Any canopies extending into the road reserve of Unley Road and Esmond Street shall have a minimum setback of 600mm from back of kerb to minimise the potential for conflict with commercial vehicles.

**Condition 12**

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.

**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**

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 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.

**Advisory Note 6**

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 Note 7**

Residential Parking Permits will not be issued to residents of Community or Strata titled dwellings or other multi dwelling buildings for development approved on or after 1 November 2013.

**Advisory Note 8**

Any works undertaken on Council owned land (including but not limited to works relating to reserves, crossing places, landscaping, footpaths, street trees and stormwater connections and underground electrical connections), shall require a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Asset Management department on 8272 5111.

**Advisory Note 9**

The alteration of the verge to Unley Road and Esmond Street shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. Refer to the City of Unley website for Forms & Applications – Specification Crossover Opening, Kerb & Gutter, Footpath Repair. <https://www.unley.sa.gov.au/files/assets/public/v/3/forms-amp-applications/specification-reinstatementsand-modification-to-footpaths-roads-kerb-gutter-works.pdf>

**Advisory Note 10**

The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not

constructed from concrete unless approved by council. Refer to the City of Unley website Forms & Applications – Driveway Crossover Specifications <https://www.unley.sa.gov.au/Page/Forms-Applications>

**Advisory Note 11**

The proposed development in whole or in part encroaches upon a public place and cannot be lawfully undertaken unless all encroachment/s have been dealt with in a satisfactory manner. In the case of encroachments over a road, an authorisation under Section 221 of the *Local Government Act 1999* will be required and an annual fee payable to Council. In the case of encroachments over other public places owned by the Council, an Encroachment Permit from Council may be required- please contact the Council's Property and Assets team for further information

**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 14 May 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 8:57AM

Confirmed: 16/04/2025



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Rebecca Thomas  
PRESIDING MEMBER