



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 203rd Meeting of the
State Commission Assessment Panel
held on Wednesday 14 May 2025 commencing at 9:30am
Level 9, 83 Pirie Street Adelaide or 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 Rutschack (Deputy Presiding Member)
Members	David Altmann Don Donaldson (Item 2.2.1) John Eckert Paul Leadbeter Jenny Newman
Secretary	Amy Arbon
DHUD Staff	Troy Fountain Tegan Lewis Ken Tam Julia Bastiras Daniel Marotti Nathan Grantham Hugh Wang

APOLOGIES

Rebecca Thomas (Presiding Member)

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 Helping Hand Aged Care 24040803 Lot 893 Buxton St, North Adelaide 157 Childers St, North Adelaide

Demolition of existing residential buildings and construction of a retirement facility in the form of two (2), three (3) storey residential flat buildings comprising twelve (12) units, ground floor carparking, fencing, landscaping, roof mounted solar photovoltaic panels and communal facilities including a community garden.

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to her employers involvement with the application and according, did not attend the meeting for this agenda item.

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

Applicant:

- Karl Sampson (Helping Hand Aged Care)
- Catherine Orford (Ekistics)
- Samantha Giorgatzis (Helping Hand Aged Care)
- Daniel Rosato (Helping Hand Aged Care)
- Thomas Masullo (Woods Bagot)
- Adrain Reveruzzi (Woods Bagot)
- Ben Wison (CIRQA)
- David Holland (DASH Architects)
- Syd McDonald (Botten Levinson Lawyers)
- Warwick Keates (Wax Design)
- Tim Conybeare (Aspect Studios)
- Chris Stewart (Helping Hand Aged Care)

Representors:

- Anthony Kelly
- Elbert Brooks
- Stewart Hocking
- Garth Heynen

Agencies:

- Damien Heffernan (ODASA)

Observing:

- Malcolm Mead
- Scott Griffin
- Elizabeth Rushbrook

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 24040803, by Helping Hand Aged Care is REFUSED Planning Consent and Land Division Consent for the following reasons:

Overlay

1. The proposal does not achieve PO 1.1 of the Historic Area Overlay as it does not have appropriate regard to the historic streetscapes and built form as expressed in the Historic Area Statement.
2. The proposal does not achieve PO 2.1 of the Historic Area Overlay as the form and scale visible from the public realm is not consistent with the prevailing historic characteristics of the historic area.
3. The proposal does not achieve PO 2.2 of the Historic Area Overlay as the development is inconsistent with the prevailing building and wall heights in the historic area.
4. The proposal does not achieve PO 2.3 of the Historic Area Overlay as the design and architectural detailing of the street-facing building does not complement the prevailing characteristics in the historic area.
5. The proposal does not achieve PO 2.4 of the Historic Area Overlay as the development is inconsistent with the prevailing front boundary setback pattern in the historic area.

Subzone

6. The proposal does not achieve PO 1.1 of the North Adelaide Low Intensity Subzone as the buildings would not be sited and designed to complement the low-density or very-low density character of the neighbourhood, in locations where an open landscape setting is the prevailing character.

Zone

7. The proposal does not achieve PO 2.2 of the City Living Zone as it does not contribute to a predominately low-rise residential character, is not consistent with Concept Plan 33 and does not positively contribute to the local context.
8. The proposal does not achieve PO 2.3 of the City Living Zone as its visibility from the public realm is not consistent with the valued streetscape or built form characteristics of the area.
9. The proposal does not achieve PO 3.1 of the City Living Zone as the building is not set back from the primary street boundary to complement the existing streetscape character.
10. The proposal does not achieve PO 7.1 of the City Living Zone as the development is not compatible with the outcomes sought within Concept Plan 33.

**2.2.2 Otello Projects C/- URPS
23012013
46 Unley Rd, Unley**

Construction of a seven-level mixed use building, comprising 15 dwellings, office and associated car parking.

The Presiding Member, Rebecca Thomas, declared a conflict of interest due to her employers involvement with the application and according, did not attend the meeting for this agenda item.

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

Applicant:

- Will Gormly (URPS)
- Zoe Steele (Otello Projects)
- Matthew King (URPS)
- Daniel Harris (Otello Projects)
- Enzo Caroscio (Enzo Caroscio)
- Joel Phillips (Colby Phillips)
- Tom Wilson (CIRQA)

Representors:

- Henry Myszka

Agencies:

- Belinda Chan (ODASA)
- Melissa Chrystal (EPA) via MS Teams
- Bronwyn Rennie (EPA) via MS Teams

Council:

- Amelia De Ruvo (City of Unley)

Observing:

- Hannah Leadbeter
- Elizabeth Rushbrook

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) 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 23012013, by Otello Projects C/- URPS 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 to the satisfaction of the State Planning Commission.

Reserved Matter 1

The applicant shall submit:

- Final external material selections, including confirmation of high-quality integral finishes, supported by the provision of physical materials; and
- Detailing of grid connections and joints, infill soffits and cladding materials to reinforce the rhythm and expression.

All required information shall be prepared in consultation with the Government Architect to the satisfaction of the State Planning Commission.

CONDITIONS

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 the approved *Arborman Tree Solutions 42-46 Unley Road, Unley – Addendum to report ATS7209-42-46UnIRdDIR* report, prepared by Tom Richardson dated 17 April 2025.

Condition 3

Waste Management shall be undertaken in accordance with the Approved Waste Management Plan prepared by Colby Philips Advisory and dated 26 February 2025.

Condition 4

The recommendations detailed in the Environmental Noise Assessment report, dated February 2025 prepared by Sonus shall be fully incorporated into the development. Such measures shall be made operational prior to the occupation or use of the development and maintained at all times to the satisfaction of the Relevant Authority.

Condition 5

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 6

The planting and landscaping identified on the 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, and any plants which become diseased or die, must be replaced within the next available growing season with suitable species.

Condition 7

The recommendations detailed in the 42-46 Unley Road Place- Summary of Sustainability Initiatives report, dated 5 February 2025 prepared by Nathan Lawry (Summation) shall be fully incorporated into the development. Such measures shall be made operational prior to the occupation or use of the development and maintained at all times to the satisfaction of the Relevant Authority.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 8

Construction works must be undertaken in accordance with the *Construction Environmental Management Plan (Version 2) 4 – 46 Unley Road, Unley, South Australia, Otello Projects* (prepared by LWC and dated 17 February 2025) and must be overseen by a suitably qualified and experienced site contamination consultant.

Condition 9

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability (in the form described by *Practice Direction 14: Site Contamination Assessment 2021*) is issued certifying that the required remediation has been undertaken, and the land is suitable for the proposed use.

Condition 10

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 consultant**.

ADVISORY NOTES

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.

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-reinstatements-and-modification-to-footpaths-roads-kerb-gutter-works.pdf> and <https://www.unley.sa.gov.au/Page/Forms-Applications>

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.

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.

Advisory Note 8

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

Advisory Note 9

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.

Advisory Note 10

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 11

You are advised that it is an offence to undertake tree damaging activity in relation to a regulated or significant tree without the prior consent of Council. Tree damaging activity means:

- The killing or destruction of a tree; or
- The removal of a tree; or
- The severing of branches, limbs, stems or trunk of a tree; or
- The ringbarking, topping or lopping of a tree; or
- Any other substantial damage to a tree, (including severing or damaging any roots).

and includes any other act or activity that causes any of the foregoing to occur but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.

Advisory Note 12

The applicant should engage with the City of Unley in relation to tree plantings within the Unley Road verge.

Advisory Note(s) imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 13

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 28 May 2025, Level 10, 83 Pirie Street, Adelaide SA 5000 or 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 Deputy Presiding Member thanked all in attendance and closed the meeting at 3:15PM

Confirmed: 15/05/2025



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Rebecca Rutschack
DEPUTY PRESIDING MEMBER