



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 172nd Meeting of the
State Commission Assessment Panel
held on Wednesday 13 December 2023 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 David Altmann Jenny Newman Don Donaldson Mark Adcock (Occasional Member)
Secretary	Myles Graham, Governance Officer
DTI Staff	Troy Fountain Margaret Smith Jeremy Wood Nathan Grantham Karen Ferguson (2.1.1) Maria Klimenchuk (2.2.1)

1.3. APOLOGIES

Paul Leadbeter

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.1.1 K Wong C/- Anthony Donato Architects

23008332

177 and 179 Henley Beach Road, Mile End; 1 and 3 Henley Street, Mile End

Variation to approved 4 storey mixed use development to incorporate an additional floor (2 apartments) and 4 ground level carparks.

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

Applicant

- Anthony Donato
- Patrick Coombes (URPS)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 23008332, by Anthony Donato Architects is granted Planning Consent subject to the following reserved matters and conditions:

RESERVED MATTERS

Planning Consent

Reserved Matter 1

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

1. The applicant shall submit a detailed schedule of external materials and finishes, including details of the colour finish of the top level penthouse presenting as a darker tone to the balance of the building's lower level, 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

All conditions from the approved applications DA 211/6/2018, DA 211/6/2018A and DA 211/6/2018B still apply.

ADVISORY NOTES

Planning Consent

Advisory Note 1

The relocation of the bus stop indicated on the plans approved herein is to be undertaken in consultation with the City of West Torrens.

Advisory Note 2

The development as described at a height of RL 31.463m Australian Height Datum (AHD) does not penetrate the Adelaide Airport Obstacle Limitation Surface (OLS) airspace protected for aircraft operations. Any further proposed addition to the structure, including aerials or masts, must be subject to a separate assessment.

Advisory Note 3

Crane operations associated with construction shall be the subject of separate application. Cranes may require approval in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*.

Advisory Note 4

Restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths.

Advisory Note 5

This variation consent or approval will lapse at the expiration of 24 months from the operative date of the original consent or approval (unless this period has been extended by the Relevant Authority).

Advisory Note 6

The approved development must be substantially commenced within 24 months of the date of Development Approval and be completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Advisory Note 7

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 (ERD) Court within two months from the day of receiving this notice or such longer time as the ERD 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).

2.2. NEW APPLICATIONS

2.2.1 Smith Motor Company C/- City Collective

23012658

10 and 12 North Parade, Port Adelaide

Construction of a six-storey tourist accommodation building with ancillary gym and car parking.

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

Applicant

- Will Gormly (City Collective)
- John Byleveld (City Collective)
- Amanda Rebbeck (City Collective)
- Ben Wilson (Cirqa)
- Anthony Russo (Mossop)
- Mark Billinger (CPR Engineers)

Agencies

- Aya Shirai-Doull (ODASA)
- Kirsty Neald (Heritage SA)

Council

- Chris Dunn (City of Port Adelaide Enfield)
- Daniel Oest (City of Port Adelaide Enfield)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 23012658, by City Collective/Smith Motor Group is granted Planning Consent subject to the following reserved matters and conditions:

RESERVED MATTERS

Planning Consent

Reserved Matter 1

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

1. The applicant shall submit a final detailed schedule of external materials and finishes, and a physical samples board prepared in consultation with the Government Architect, to the satisfaction of the State Planning Commission.
2. Final details of design measures to be incorporated within the development including the specification of mechanical services and corresponding acoustic treatments to mitigate the impact of noise, in accordance with recommendations provided in the acoustic report by Bestec dated 6 April 2023.

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

Proposed advertisement signs shall not incorporate any flashing or scrolling lighting, text or images.

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

Condition 3

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 by a site contamination consultant certifying the land is suitable for the proposed use.

Conditions imposed by Coast Protection Board under Section 122 of the Act

Condition 4

All mechanical and electrical equipment which may be vulnerable to water inundation should be raised to a minimum height of 3.45 metres AHD or otherwise be made safe from water ingress.

ADVISORY NOTES

Planning Consent

Advisory Note 1

As per discussions with the City of Port Adelaide Enfield, it is noted that the applicant intends to enter into an agreement with the Council, for the Council to design and construct street upgrades which are required on North Parade and Wells Street to facilitate the proposed development.

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 State Planning Commission).

Advisory Note 3

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 4

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 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

All works on Council Land including driveway crossovers, stormwater connections, tree removals, and underground electrical connections shall be completed in strict accordance with Council requirements. Pursuant to sections 217, 218 and 233 of the *Local Government Act 1999*, failure to construct works fully or satisfactorily, or rectify any damage caused on Council Land will result in Council ordering the Landowner to remove, construct, or re-construct as deemed appropriate by Council. If the Landowner does not comply with Council's request, Council will complete the works and recover the cost from the Landowner. A fine of up to \$5,000 may also be incurred. It is recommended that photographs of all Council infrastructure adjacent the proposed Development be taken prior to the commencement of works. All redundant driveway crossovers and inverts shall be reinstated with upright kerbing and footpath.

Advisory Note 7

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 8

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 9

The consent does not override the authority of any encumbrance or easement that might be present on the land.

The applicant is reminded that approval must be obtained from any encumbrancer prior to any works commencing on the land.

Advisory Note 10

The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.

Advisory Note 11

Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Climate, Environment and Water. Such changes would include, for example, (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.

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

Advisory Note 12

The applicant/owner/operator are reminded of its 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 Notes imposed by Coast Protection Board under Section 122 of the Act

Advisory Note 13

The building's car parking area is subject to a coastal flooding risk due to its relatively low elevation. The Coast Protection Board recommends that the roller door to the carpark is designed in a way such that it could mitigate that risk, in concert with the building's curtilage walling where necessary. In this regard the Board recommends that attempts be made to mitigate any flood risk to the sub-floor car parking areas to a height of 3.2m AHD.

Advisory Note 14

The development is subject to a longer-term risk from coastal flooding due to ongoing sea level rise, in addition to the 0.3 metres of sea level rise factored into its design. Flood protection measures in the general precinct will need to be upgraded as need arises.

Advisory Note 15

Coastal Acid Sulfate Soils (CASS) have the potential to cause major habitat loss and degradation due to the release of acid and heavy metal ions into the environment. There is also a threat to development after construction due to deterioration and corrosion due to the disturbance of CASS. The land over which the development is situated may have the potential to develop acid sulfate conditions if exposed to oxygen. Spoil material should be closely monitored and tested for potential CASS and a contingency plan to remediate this action should be put in place, via an appropriate soil expert. The Coast Protection Board has released a set of guidelines which should be followed in areas where acid sulfate soils are likely to occur. These can be found at:

https://www.environment.sa.gov.au/our-places/coasts/Coastal_hazards/Coastal_acid_sulfate_soils

Advisory Notes imposed by Minister responsible for the administration of the *Heritage Places Act 1993* under Section 122 of the Act

Advisory Note 16

Please note the following requirements of the *Aboriginal Heritage Act 1988*:

- a. If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Advisory Note 17

Please note the following requirements of the *Heritage Places Act 1993*:

- a. If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
- b. Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

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 24 January 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 meeting was closed at 11:38am.

Confirmed 13/12/2023



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Rebecca Thomas
PRESIDING MEMBER