



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 169th Meeting of the
State Commission Assessment Panel
held on Friday 27 October 2023 commencing at 9:00am
Level 10, 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

Members

Paul Leadbeter (Acting Presiding Member)
John Eckert
Jenny Newman
Don Donaldson
James Hayter (Occasional Member)

Secretary

Myles Graham, Governance Officer

DTI Staff

Troy Fountain
Mollie O'Connor (2.2.1)
Nathan Grantham (2.2.1)

1.3. APOLOGIES

Rebecca Thomas (Presiding Member)
Rebecca Rutschack (Deputy Presiding Member)
David Altmann

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 H & M Enterprises Pty Ltd C/- Future Urban 23013461

19 St Johns Row, Glenelg

Construction of a 13-level residential flat building containing 10 dwellings, basement and rooftop terrace.

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

Applicant

- Fabian Barone
- George Manos
- Enzo Caroscio
- Mina Vetos
- Harry Vetos
- Renae Grida
- Alex Stadkus

Representations

- Patrick Coombes
- Max Kometer
- Ray and Helen Tan
- David Pisoni

Agencies

- Belinda Chan (ODASA)
- Kirsty Nield (Heritage SA, DEW)

Council

- Alexander Stamatopoulos (City of Holdfast Bay)

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 23013461, by H & M Enterprises and Future Urban is granted Planning Consent, subject to the following reserved matters and conditions:

TABLED INFORMATION

The following material was tabled by the Applicant:

- a. Ground floor plan – A2.01 dated 22.08.2023
- b. Shadow diagrams from Enzo Caroscio
- c. Overlooking section 1 – A3.21A – dated 26.10.2023
- d. Overlooking plan + Section (Meals Level 4) – A3.24 – dated 25.10.2023
- e. Overlooking plan + Section (Meals Level 3) – A3.23 – dated 25.10.2023

RESERVED MATTERS

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:

Planning Consent

Reserved Matter 1

A final detailed schedule of durable external materials and finishes that are appropriate for the marine environment and a physical samples board including detailed design of the carpark screen (including the mesh finish and hole aperture), shall be prepared in consultation with the Government Architect and be to the satisfaction of the State Planning Commission.

Reserved Matter 2

A final Stormwater Management Plan detailing stormwater quantity and quality measures shall be prepared in consultation with the City of Holdfast Bay and be to the satisfaction of the State Planning Commission.

Reserved Matter 3

A final detailed landscaping plan including plant selections appropriate for the coastal environment and the roof terrace area to ensure useability of this area shall be prepared in consultation with the Government Architect and submitted to the satisfaction of the State Planning Commission.

Reserved Matter 4

An environmental wind speed assessment shall be prepared to understand impacts to the residents of the building and the public as a result of the development, to the satisfaction of the State Planning Commission.

Reserved Matter 5

Provide final details and location of the carparking area methods of ventilation to ensure ventilation does not impact on the amenity of surrounding properties to the satisfaction of the State Planning Commission.

Reserved Matter 6

Details of privacy screening to levels 3 and 4 shall be supplied to ensure the privacy of the abutting property owners is maintained 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

Waste Management shall be undertaken in accordance with the approved Waste Management System detailed in Section 4 of the Waste Management Plan prepared by Colby Phillips Advisory and dated 14 April 2023.

Condition 3

The recommendations detailed in Sections 3.2 and 3.3 of the Traffic and Parking Report, dated 21 April 2023 prepared by Cirqa shall be fully incorporated into the development. Such measures shall be undertaken prior to the occupation or use of the development and maintained at all times to the satisfaction of the Relevant Authority.

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

Condition 4

The outside face of Stormont's southern boundary wall must be repaired using appropriate conservation techniques prior to construction of the apartment building. Masonry repairs must be done using 3:1 mortar mix (parts washed sand:lime putty).

Condition 5

To avoid moisture build-up, causing damage to the stonework, detail of wall flashing between the stone boundary wall and northern side wall of the apartment building must be confirmed prior to construction.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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 2

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 3

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).

Advisory Note 4

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 5

It is recommended that the applicant confirm paving selections from within the site to the public realm with the City of Holdfast Bay, to provide a cohesive and high-quality arrival experience.

Advisory Note 6

Please refer to the following advice from Adelaide Airport Limited:

- a. The development as described at a height of RL 48.15m 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, masts and vent/exhaust stacks, must be subject to a separate assessment.
- b. Crane operations associated with construction shall be the subject of separate application. Crane assessment may also have to be conducted by the Civil Aviation Safety Authority (CASA).
- c. 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 7

It is recommended that an assessment be made by the Applicant of nearby properties and that a dilapidation report be undertaken in relation to any buildings or structures that may be adversely affected by the proposed building works.

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

Advisory Note 8

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 9

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.

2.2.2 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

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Development Application Number 23008322, by Mr Anthony Donato, be deferred to enable the applicant to respond to the following:
 - a. Further consideration of Performance Outcome 3.1 of the Urban Corridor (Main Street) Zone, which requires the height and scale of the building to positively respond to the local context and maintain the amenity of the locality, noting potential impacts caused by setbacks, design, landscaping, colour and impacts to the amenity of the approved apartments below.
 - b. Updated shadow diagrams which correctly depict the potential shadow cast as a result of the development.

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 November 2023 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 Presiding Member thanked all in attendance and closed the meeting at 12:20pm.

Confirmed 30/10/2023



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Paul Leadbeter
ACTING PRESIDING MEMBER