



COUNCIL ASSESSMENT PANEL

Minutes

for the meeting
Monday, 23 June 2025
at 5.30 pm
in the Colonel Light Room, Adelaide Town Hall



Minutes of the Meeting of the Council Assessment Panel

Held on Monday, 23 June 2025, at 5.30 pm,
Colonel Light Room, Adelaide Town Hall

Present - Presiding Member - Nathan Cunningham
Panel Members - Councillor Arman Abrahamzadeh, Mark
Adcock, Colleen Dunn and Robert Gagetti

Opening and Acknowledgment of Country

At the opening of the Panel Meeting, the Presiding Member stated:

‘The City of Adelaide Council Assessment Panel acknowledges that we are meeting on traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’

1 Confirmation of Minutes

Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 29 January 2025 be taken as read and be confirmed as an accurate record of proceedings.

2 Declaration of Conflict of interest

Nil

3 Applications assessed under PDI Act 2016 (SA) with Representations

3.1 81 South Terrace, Adelaide

Representations listed to be heard

Representor:

- Matthew Hutson of 17 Hamilton Place, Adelaide (not in attendance)
- Michelle Lindblom of Unit 603/83 South Terrace, Adelaide

Applicant:

- Fabian Barone and Renae Grida of Future Urban on behalf of the applicant

Decisions

The Council Assessment Panel resolves that:

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

The Council Assessment Panel resolves that:

2. Development Application Number 24033963 by Nic Design Studio Pty Ltd is GRANTED Planning Consent subject to the following reserved matters, conditions and advices:

RESERVED MATTERS

Pursuant to Section 102 (3) of the *Planning, Development and Infrastructure Act 2016*, the following matter(s) shall be reserved for further assessment, to the satisfaction of Council's Assessment Manager, prior to the granting of Development Approval:

1. A further wind study demonstrating and confirming the wind environment at ground meets the relevant walking criterion.
2. Supporting documentation shall be provided confirming the final sustainability initiatives to be incorporated into the design to achieve a minimum 4 Star Green Star rating.

Pursuant to Section 127 of the *Planning, Development and Infrastructure Act 2016*, Council's Assessment Manager reserves a decision on the form and substance of any further condition/s of Planning Consent considered appropriate to impose in respect of the Reserved Matters outlined above.

CONDITIONS

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any)
 - Site Plan, Ground Floor Plan, Levels 1-13 and roof plans by Nic Design Studio, Drawing No. 24054 SD012 and SD031 to SD036, Rev J, dated 12 June 2025
 - Proposed Elevations by Nic Design Studio, Drawing No. 24054 SD041 to SD043, Rev J, dated 12 June 2025
 - Proposed Section by Nic Design Studio, drawing no. 24054 SD051, Rev J, dated 12 June 2025
 - Section Detail by Nic Design Studio, drawing no. 24054 SD071, Rev J, dated 12 June 2025
 - Stormwater Management Report by Matter Consulting Structural Engineers, project no. 23245A, Rev No. 4, dated 31 January 2025

- **Civil and Stormwater Plans by Matter Consulting Structural Engineers, project no. 23245A, Rev No. 6, dated 31 January 2025**
- **Principal's Project Requirements – ESD by LBS Pty Ltd, ref. no. LBS30205, dated 3 December 2024**
- **Waste Management Plan by Colby Phillips Advisory, dated 5 December 2024**

2. The applicant or the person having the benefit of this consent shall ensure that all storm water run-off from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the development which are required to discharge the storm water run-off shall be installed within the property boundaries of the land to the reasonable satisfaction of the Relevant Authority.

3. The finished floor level at the boundary of the site at all access locations must match the existing back of footpath levels at the boundary.

4. The applicant shall provide evidence to the Relevant Authority of Green Star Certification, confirming a 4-star rating has been achieved within 6 months of a certificate of occupancy being issued.

5. The proposed awning shall comply with the City of Adelaide's Encroachment Policy:

- **Be set back at least 600mm from the kerb line; and**
 - **The proposed awning shall be designed to be easily removed if required in future; and**
 - **The awning shall include pedestrian lighting (Category V1, V3, V5, P1, P2, P3, P4, P6, P7, P9, P7-AS1158); and**
 - **Shall be maintained and owned by the property owner(s); and**
 - **The owner shall maintain, modify or remove the structure at any time if given notification by Council to do so; and**
 - **The lighting shall operate dusk until dawn and not be obtrusive or shine into any adjoining residences.**
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6. Only background music is permitted to be played in the shop and shall be played at a level where patrons can comfortably hold a conversation without having to raise voices, to the reasonable satisfaction of the Relevant Authority.

ADVISORY NOTES

1. Development Approval Required

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

2. Expiration of Consent

Pursuant to the provisions of Regulation 67 of the Planning, Development and Infrastructure (General) Regulations 2017, this consent / approval will lapse at the expiration of 2 years from the operative date of the consent / approval unless the relevant development has been lawfully commenced by substantial work on the site of the development within 2 years, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

3. Appeal Rights

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. 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 Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone 8204 0289).

4. Commencement and Completion

Pursuant to Regulation 93 of the Planning, Development and Infrastructure (General) Regulations 2017, the Council must be given one business days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via d.planner@cityofadelaide.com.au or phone 8203 7185.

5. Fences Act 1975

The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works include work involving a shared boundary, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555.

6. Crane Operations

Any crane operations associated with the construction of the development will need to be undertaken with prior consultation with Adelaide Airport Limited.

7. City Works Permit

Any activity in the public realm, whether it be on the road or footpath (including the Adelaide Park Lands), requires a City Works Permit. This includes activities that have received Development Approval. The City Works Guidelines detailing the requirements for various activities and fee calculator and online application form can all be found on Council's website at <https://www.cityofadelaide.com.au/business/permits-licences/city-works/>. When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan/Site Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate, noting the City of Adelaide as an interested party (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents. Applications will require a minimum notice period of five business days. For more information, contact cityworks@cityofadelaide.com.au.

8. Encroachment Permit

An Encroachment Permit will be separately issued for the proposed encroachment into the public realm when Development Approval is granted. In particular your attention is drawn to the following: • An annual fee may be charged in line with the Encroachment Policy. • Permit renewals are issued on an annual basis for those encroachments that attract a fee. • Unauthorised encroachments will be required to be removed. • Lighting under the canopy over the footpath is to be provided to Council standards (PP3- AS1158). The lighting must not be obtrusive and should be designed so that it does not shine into any adjoining residences and shall be operational during the hours of darkness at all times to the reasonable satisfaction of Council. Please contact Permits on 8203 7421 or permits@cityofadelaide.com.au for further information.

9. Signage Indicative Only

The applicant is reminded that any signage shown on renders in the plan set is shown indicatively only. Any signage may be subject to a future Development Application.

4 Applications assessed under PDI Act 2016 (SA) without Representations

Nil

5 Appeal to CAP for Assessment Manager's Decision Review

Nil

6 Other Business

6.1 Planning Policy Updates Including Suggestions from Panel

- Council submission regarding updated Site Contamination Practice Direction currently being finalised
- Adult Entertainment Premises Code Amendment recently submitted for Minister's determination
- Historic Area Statements Update Code Amendment submissions continuing to be assessed by Council after public consultation

6.2 Other Business Raised at Panel Meeting

Nil

6.3 Next Meeting - Monday 28 July 2025

Closure

The meeting closed at 6.25 pm

Nathan Cunningham
Presiding Member
City of Adelaide Council Assessment Panel

Documents Attached:

Nil