

DEVELOPMENT NO.:	22015096
APPLICANT:	City of Holdfast Bay
ADDRESS:	4-8 BURNHAM RD KINGSTON PARK SA 5049
NATURE OF DEVELOPMENT:	The construction of a new Kiosk to replace the temporary facility currently operating within the Kingston Park Reserve. The new location would be in the south-west corner of the Brighton Beachfront Holiday Park.
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Open Space Overlays: <ul style="list-style-type: none"> • Heritage Adjacency • Prescribed Wells Area • Water Resources • Hazards (Flooding) • Local Heritage Place • Coastal Flooding • Coastal Areas • Hazards (Flooding - General) • Airport Building Heights (Regulated) • Regulated and Significant Tree Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Finished Ground and Floor Levels
LODGEMENT DATE:	12 May 2022
RELEVANT AUTHORITY:	Council Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.8
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Michael Gates Development Services (Planning and Building) Lead
REFERRALS STATUTORY:	Coast Protection Board

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 3:	Representations
ATTACHMENT 1:	Application Documents		
ATTACHMENT 2:	Prescribed Body Responses		

DETAILED DESCRIPTION OF PROPOSAL:

This application is for the construction of a kiosk on land currently used as the Brighton Caravan Park. The kiosk will be a single storey building, comprising of 150 square metres of floor, with areas of outdoor dining as well. The kiosk will be adjacent to the Coast Path and will be available for all of the public to use. The building has been designed and orientated to maximise ocean views and northern light with the pitch roof and high-level north facing windows. The kiosk will be constructed with a mix of cement sheeting, weather board cladding and a corrugated roof, and bi-fold doors and windows.

BACKGROUND:

There is currently a small kiosk on the southern side of the carpark, which is to be replaced by this more permanent structure, on the northern side of the carpark.

SUBJECT LAND & LOCALITY:**Site Description:**

Location reference: 4-8 BURNHAM RD KINGSTON PARK SA 5049

Title ref.: CT 6166/560 **Plan Parcel:** H105500 SE1643 **Council:** CITY OF HOLDFAST BAY

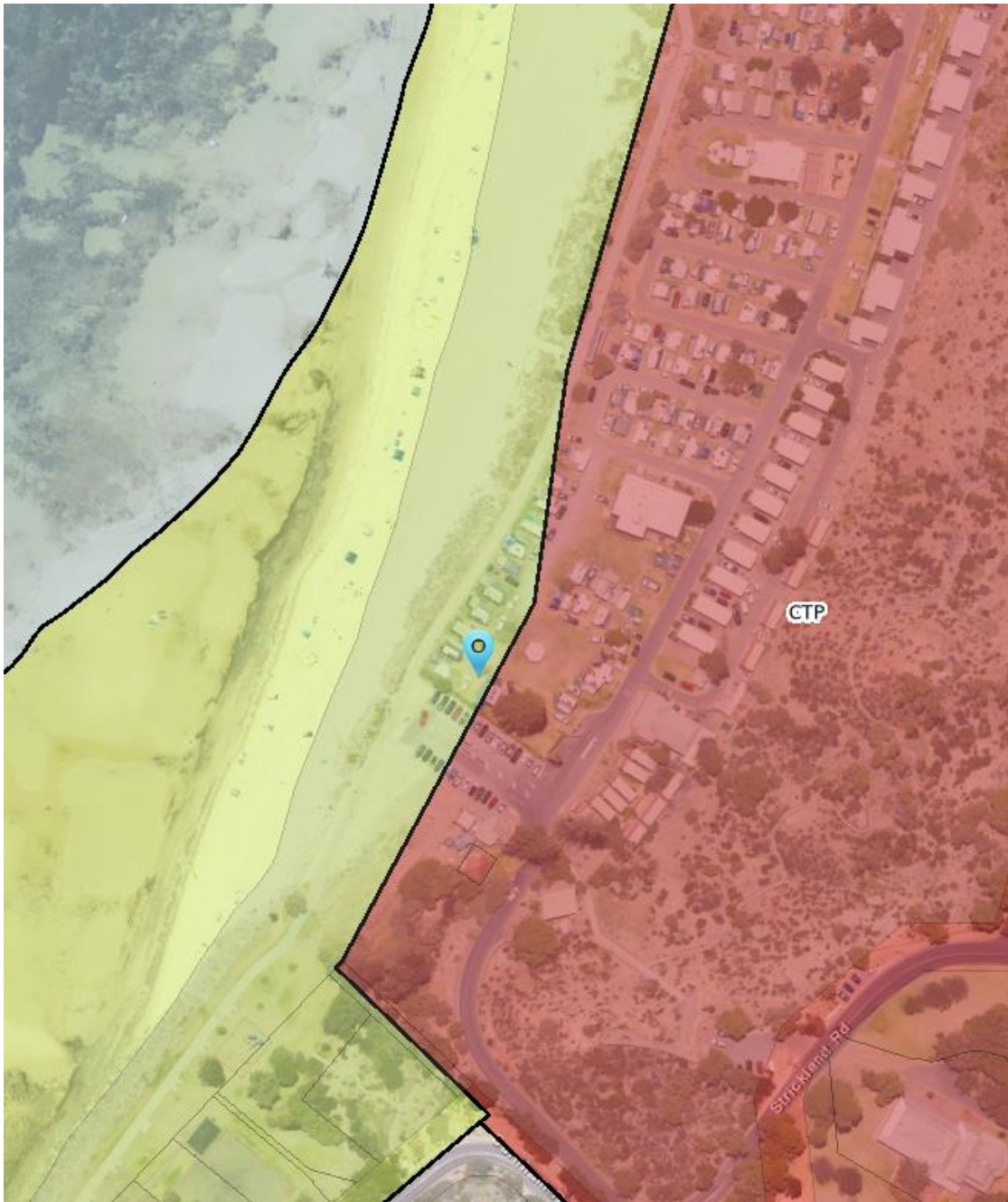
Locality

The locality is best described as open space that comprises the caravan park, the coast path and the beach and ocean. The site of the development is located in the Open Space Zone and is immediately adjacent the Caravan and Tourist Park Zone. In the immediate locality there is a caravan park to the north of the site, and a public carpark to the south. The nearest dwelling is approximately 170 metres away.

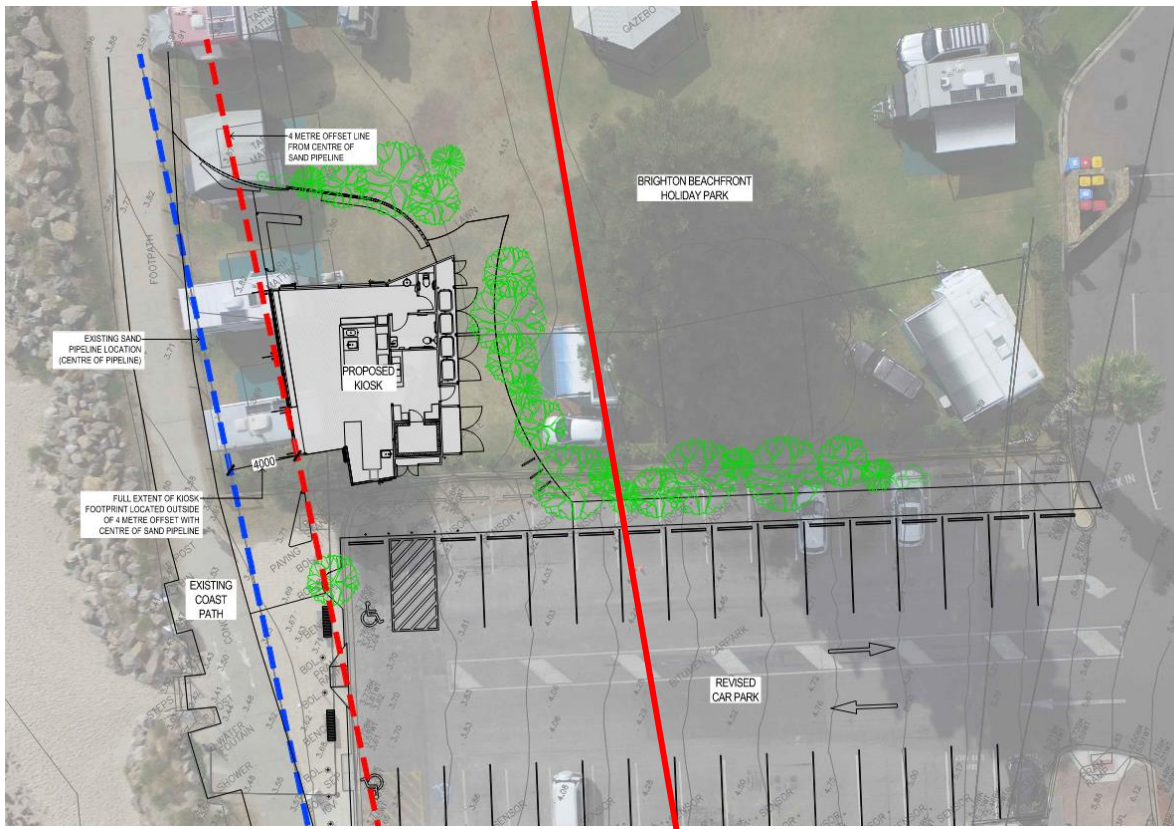
The site picks up both the Open Space and the Caravan and Tourist Park Zones, but as the kiosk will be located within the Open Space Zone, the application has been assessed against those provisions.

To the west of the caravan park are residential allotments, but these are sited significantly higher than the caravan park and are some considerable distance from the site.

To the south of the site is Tijibruke Springs, which is a site of great significance to the Kaurna People.



Aerial photo of the site showing the zone boundary



Aerial photo of site, with red line showing the location of the Zone boundary



Site for the kiosk



Site for the kiosk



Photo of the adjacent car park



Photo showing the area south of the proposed location

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** Shop: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
The proposal exceeds the maximum floor area for a shop allowed for in the Open Space Zone.
- **LIST OF REPRESENTATIONS**

Summary of Representors			
Address of Representor	Position	Wish to be heard	Concerns
241A Esplanade Seacliff	Supports the proposal	No	The development is taking too long, just build it

AGENCY REFERRALS

- Coast Protection Board

The Coast Protection Board requested that the Kiosk be moved further away from the coastal path to provide further separation to an easement under the path and raise to floor level to 4.0 AHD. Amended plans were provided that met these requirements. The Board also suggested moving the kiosk further back from the ocean, but Council has been advised this would not be appropriate, so the kiosk has not been moved any further west.

A note has been included as advised by the Coastal Protection Board.

INTERNAL REFERRALS

No internal referrals required

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Quantitative Provisions

Land Use

The main policies in the Open Space that relate to this type of development seek:

- Development is associated with or ancillary to the provision of unstructured outdoor passive and active recreation facilities.
- Buildings are limited in number and size to provide a natural, landscaped setting
- Shops including restaurants are of a scale that is subordinate to the principal open space and recreation use of the land.

Further to this, DPF seeks shops with a leasable floor area less than 50sqm.

The proposed use as a kiosk is considered to be reasonable in this instance in the Open Space Zone, as it is an area that has been developed with caravan park, coastal path, surf club and yacht club. The area where the kiosk is proposed is currently a caravan site in the caravan park. The area has a large amount of unstructured recreation users both on the coastal path and the beach and the kiosk will provide for further enjoyment of the area for those users. The use is complementary to both the beach and the caravan park and will replace the existing kiosk.

Whilst larger than 50sqm, the size at 150sqm is considered reasonable to service needs of the community. It is noted that the Caravan and Tourist Park Zone, which the proposal abuts has DPF for shops of 150sqm. The proposal could be more marginally to the east and be compliant with the CTP Zone provisions, but it is noted that the kiosk is considered to be sited in the most ideal location. Therefore, the amount of floor area proposed is considered to be reasonable in this instance.

Building Height

The Open Space Zone does not provide any numeric guidance in regard to building height but given the small floor area allowance and the other PO for the Zone, any building would need to be of a relatively modest scale, and no more than single storey. The Caravan and Tourist Park Zone have a height guidance of 1 building level and 6 metres. The top of the roof peaks are 6 metres above ground level. Given the well-articulated design of the kiosk, the height of the proposal is considered to be reasonable in this instance. It is noted that the maximum height is the peaks of the skillion roof, rather than the whole roof, so the visual bulk of the building is considered to be reasonable in this instance.

Design & Appearance

The kiosk has been well designed to add visual interest to the area. Given the context of the site, there are no setback, density or site coverage requirements, just the floor area which is considered acceptable. The kiosk is of a contemporary design that is well designed to fit in with the locality. The building comprises three skillion roof sections of various pitches between 8 and 15 degrees. The sections rise up to the north allowing for high level north facing windows to maximise solar access. The west facing window comprise hardwood timber panelling and bi-fold windows. Large glass bi-fold doors open to the north and vertical screening is provided to the eastern side to screen the service areas of the buildings.

The roof elements replicate the image of rolling waves which helps the design complement the locality. The large amount of glass is shaded to the north, which also provides an outdoor seating area for patrons. The building provides for a reasonable mix of both indoor and outdoor seating.

Overall, the building is considered to be of a high-quality design that will complete the locality and attract visitors to this area of the coast, whilst also providing a food outlet for people staying in the caravan park.

The size of the kiosk is considered to be of an appropriate size to cater for the area, without being excessive. The proposed kiosk is larger than the current kiosk, but given the locality which comprises residential properties, a caravan park and coastal trail, the area is busy with visitors.

Floor Level (TNV)

As the site is located so close to the coast, the site has a TNV overlay that specifies a minimum floor. In this case the TNV requires a floor level of 3.25 AHD. The proposal has a floor level of 4.0 AHD, which satisfies the Technical Numerical Variation (TNV) and has been supported by the Coastal Protection Board.

Heritage

It is noted that the site is located in close proximity to Tijibruke Springs, which is a site of great cultural importance and spiritual significance to the Kurna People. Whilst not a matter assessed by the Planning and Design Code, the Council has consulted with Kurna community to ensure that the proposal respects the significance of this area.

Traffic Impact, Access and Parking

The proposal requires 27 seats, with a capacity of 68 seats. It is noted that the proposal is next to a 30-space car park. Given the location of the kiosk adjacent a caravan park and the coastal path, it is noted that the kiosk will have a lot of walk-in business, which will reduce the demand on the car park. Beside the car park, there is no other parking available within close proximity. Whilst this car park is not specially allocated to the kiosk, both are public facilities adjacent each other. Therefore, the proposal and locality are considered to have sufficient parking available as to not unreasonably impact on the amenity of the locality.

Three bike racks are provided to the southeast of the building. This is considered acceptable for the site, noting that there will also be informal bike parking for short term visitors who wish to leave their bikes in spots still visible which is common for a kiosk such as this.

Opening Hours

A lease has been agreed to with the business that will operate the kiosk, with an agreement reached for the following business hours.

The Lessee must keep the Premises open for business at the following times (unless the Lessor has agreed in writing to extend the trading hours) subject to any statutory, planning or other requirements and the Lessor's right to temporarily close the building or prevent access to the Premises from time to time:

- i. Peak Months (being 1 August to 30 April inclusive): 7:00am – 7:30pm each day, 7 days a week (except Christmas Day)
- ii. Off peak months (being 1 May to 31 July inclusive): 7:00am – 3:00pm each day, 7 days a week

These hours are considered to be reasonable for the site and will not unreasonably impact on the amenity of the locality, including occupants of the caravan park. As the site is owned by Council and manages the lease and has negotiated the proposed hours, it is considered appropriate that the hours be managed through the lease process, rather than a condition of consent, and it recommended that there be no conditions limiting hours.

Stormwater Management

At this stage a stormwater management system has not been provided. Due to the sensitive nature of the application is considered appropriate for that to be designed once Planning Consent has been granted and there is certainty for the development to move forward. A condition is recommended in the approval that this to be provided and agreed to by Council prior to the issue of Development Approval.

It is noted that the site is located in a Flooding Hazards Overlay. Given the sloping and open nature of the site, this is not considered to be a significant issue for the site. The proposed building will not unreasonably impact on water flow and given the proposed floor level and natural gradient the water will flow down to the west. The floor level has also been raised above the TNV required for this site.

Signage

There is no signage proposed as part of this application.

CONCLUSION

The design is considered to be of a high quality that will be highly attractive in the area and complements the coastal location in which it is sited. The building maximises solar access and coastal views without negatively impact on the area and proposes operating hours that are appropriate for the locality.

On balance the proposed kiosk is considered to reasonably accord with the relevant policies in the Planning and Design Code and will not unreasonably impact on the amenity of the locality and therefore warrants Planning Consent subject to conditions.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve 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
2. Development Application Number 22015096, by Ross Oates is granted Planning Consent subject to the following conditions:
 1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
 2. That a detailed stormwater management plan be provided to Council and agreed upon prior to the granting of Development Approval.
 3. That the capacity of the kiosk is to be no more than 70 seats.

ADVISORY NOTES

The seawall adjacent the development site appears to be in sub-standard condition and may not provide adequate protection to landward development from coastal flooding or erosion, particularly if the crest height is below 3.0 metres Australian Height Datum.

General Notes

1. 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. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—

- a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
- b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

OFFICER MAKING RECOMMENDATION

Name: Michael Gates

Title: Development Services (Planning and Building) Lead

Date: 4 August 2022