

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 14 December 2022 at 7:00 pm.

MEMBERS PRESENT

Presiding Member – D Bailey
Y Svensson
S Reachill
J Fleming

STAFF IN ATTENDANCE

Development Services Lead – M Gates
Development Officers Planning - A Stamatopolous
Team Leader Development Administration - A Elliott

1. OPENING

D Bailey welcomed the people in the gallery and acknowledged the Kurna people as the traditional owners and custodians of this land that we meet on.

2. APOLOGIES

Apologies Received – Nil
Absent – Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. CONFIRMATION OF MINUTES

Motion

That the minutes of the Council Assessment Panel held on 26 October 2022 be taken as read and confirmed.

Moved by J Fleming, Seconded by Y Svensson

5. COUNCIL ASSESSMENT MATTERS

5.1 Keith and Tammy Fancsali, Unit 1-3,38 Adelphi Cr, Glenelg North (Report No 451/22)

DEVELOPMENT NO.:	22029247
APPLICANT:	Keith Fancsali Tammy Fancsali
ADDRESS:	UNIT 1-3,38 ADELPHI CR GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Two storey detached dwelling comprising an undercroft garage, swimming pool and deck
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • General Neighbourhood Overlays: <ul style="list-style-type: none"> • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy
LODGEMENT DATE:	1 Sep 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.15
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

Motion

141222/00062

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 22029247, by Keith Fancsali and Tammy Fancsali is granted Planning Consent subject to the following conditions:

Conditions

Planning Consent

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 all upstairs windows, other than facing the street, shall have minimum window sill heights of 1.5 metres above finished floor level, or any glass below 1.5 metres shall be obscure and fixed shut and be installed prior to occupation of the dwelling.
3. That landscaping as detailed in the approved plans shall be planted prior to occupation and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
4. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
5. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).
6. That the associated filter pump must be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.

Moved S Reachill, Seconded Y Svensson

Carried

5.2 Dimitrios Kyriakopoulos, 13 Maturin Road, Glenelg (Report No 452/22)

DEVELOPMENT NO.:	22018456
APPLICANT:	Dimitrios Kyriakopoulos
ADDRESS:	13 MATURIN RD GLENELG SA 5045
NATURE OF DEVELOPMENT:	Single storey addition and verandah to rear of single storey detached dwelling
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Historic Area • Heritage Adjacency • Hazards (Flooding - General) • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 9m) • Minimum Site Area (Minimum site area for a detached dwelling is 500 sqm; semi-detached dwelling is 500 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	21 Jun 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.7
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning
REFERRALS NON-STATUTORY:	Andrew Stevens – Heritage Architect

Motion**141222/00063**

Planning Consent

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 22018456, by Dimitrios Kyriakopoulos is Granted Planning Consent subject to the following reasons/conditions/reserved matters:

Conditions

Planning Consent

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).

Moved J Fleming, Seconded S Reachill

Carried

5.3 Simon Hall, 22 Cudmore Street, Somerton Park (Report No 446/22)

DEVELOPMENT NO.:	22029866
APPLICANT:	Simon Hall
ADDRESS:	22 CUDMORE ST SOMERTON PARK SA 5044
NATURE OF DEVELOPMENT:	Alterations and additions to existing dwelling including new alfresco, carport extension and freestanding outbuilding with wall located on the northern rear boundary
ZONING INFORMATION:	Zones: • General Neighbourhood Overlays: • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	9 Sep 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.16
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

Motion**141222/00064**

Planning consent

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 22029866, by Simon Hall is granted Planning Consent subject to the following conditions:

Conditions

Planning Consent

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. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site.

Moved S Reachill, Seconded Y Svensson

Carried

5.4 Jamie Christie, 16 Weewanda Street, Glenelg South (Report No 447/22)

DEVELOPMENT NO.:	22027610
APPLICANT:	Jamie Christie
ADDRESS:	16 WEEWANDA ST GLENELG SOUTH SA 5045
NATURE OF DEVELOPMENT:	Upper-level addition to the existing rear garage facing Yarrum Grove and the extension of the lower level garage with a wall located on the eastern side boundary
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • General Neighbourhood Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Hazards (Flooding) • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGE MENT DATE:	23 Aug 2022
RELEVANT AUTHORITY:	Council Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.15
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos - Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Civil Stormwater

Motion**141222/00065**

Planning consent

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 22027610, by Jamie Christie is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

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. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site.
3. That all upstairs windows, other than facing the street, shall have minimum window sill heights of 1.5 metres above finished floor level, or any glass below 1.5 metres shall be obscure and fixed shut and be installed prior to occupation of the dwelling.

Moved Y Svensson, Seconded S Reachill

Carried

5.5 Arc Two, 48A South Esplanade, Glenelg South (Report No 448/22)

DEVELOPMENT NO.:	22030349
APPLICANT:	Arc Two
ADDRESS:	48A SOUTH ESPLANADE GLENELG SOUTH SA 5045
NATURE OF DEVELOPMENT:	Dwelling addition with a boundary wall located on the southern side boundary
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Waterfront Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Coastal Flooding • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 3.2m AHD; Minimum finished floor level is 3.45m AHD) • Minimum Frontage (Minimum frontage for a detached dwelling is 5m; semi-detached dwelling is 5m; row dwelling is 5m; group dwelling is 5m; residential flat building is 5m) • Minimum Site Area (Minimum site area for a detached dwelling is 300 sqm; semi-detached dwelling is 250 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm) • Maximum Building Height (Levels) (Maximum building height is 3 levels)
LODGEMENT DATE:	5 Sep 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.16
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

Motion**141222/00066**

Planning consent

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 22030349, by Arc Two is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

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. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site.

Moved J Fleming, Seconded Y Svensson

Carried**6. DEFERRED ITEMS - Nil****7. APPLICATIONS UNDER APPEAL****7.1 26 Kingston Crescent, Kingston Park (Report No: 449/22)**

At its meeting held on 26 October 2022, the Council Assessment Panel resolved to refuse development application Number 22020714 for a two level detached dwelling with walls located on the southern side boundary, undercroft garage and associated retaining walls up to 1.1m in height at 26 Kingston Crescent Kingston Park.

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. *That Development Application Number 22020714 to construct a two storey detached dwelling with walls located on the southern side boundary, undercroft garage and associated retaining walls up to 1.1m in height at 26 Kingston Crescent Kingston Park be refused consent on the*

basis that is contrary to the following Planning and Design Code provisions:

1. *Inadequate soft landscaping in the front yard of the dwelling, at odds with General Neighbourhood Zone PO 22.1 (a), (b), (c) and (d) and Design in Urban Areas DO 1 (d).*
2. *Bulk and scale of the dwelling and excessive wall development resulting in undue impacts to the south, at odds with General Neighbourhood Zone PO 4.1 and 8.1.*

Since the application was refused, the applicant has lodged an appeal in the ERD Court against that refusal. In an attempt to seek a compromise, the applicant has made alterations to the original plans to address the reasons for refusal.

Motion

141222/00067

It is recommended that the Council Assessment Panel advise the Environment, Resources and Development Court in the matter of Case Number ERD-22-000156 that it supports Application ID 22020714 as amended subject to the conditions below:

Conditions

Planning Consent

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. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
3. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).
4. That all upstairs windows, other than facing the street, shall have minimum windowsill heights of 1.5 metres above finished floor level, or any glass below 1.5 metres shall be obscure and fixed shut and be installed prior to occupation of the dwelling.

Moved S Reachill, Seconded Y Svensson

Carried

8. URGENT BUSINESS – Subject to the Leave of the Meeting - Nil

9. APPEAL ITEMS UPDATE

268-270 Brighton Road, Somerton Park

Jarvis Property Trust #3 Pty Ltd v City of Holdfast Bay Assessment Panel: Hearing concluded, awaiting outcome.

31 Beach Road, Brighton

Rossi v City of Holdfast Bay Assessment Panel: Construct dwelling additions - findings will be available soon.

10. CLOSURE

The meeting closed at 7.35 pm.

CONFIRMED Wednesday, 25 January 2023

PRESIDING MEMBER