

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 22 June 2022 at 7:00 pm.

MEMBERS PRESENT

Presiding Member – D Bailey
J Gronthos
Y Svensson
S Reachill (via Teams)
J Fleming

STAFF IN ATTENDANCE

Development Services Lead – M Gates
Development Officers Planning - D Spasic
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

220622/00031

That the minutes of the Council Assessment Panel held on 25 May 2022 be taken as read and confirmed.

Moved by J Fleming, Seconded by J Gronthos

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Jed Washington, 41 Richardson Avenue, Glenelg North (Report No 202/22)

DEVELOPMENT NO.:	22004253
APPLICANT:	Jed Washington
ADDRESS:	41 Richardson Avenue, Glenelg North SA 5045
NATURE OF DEVELOPMENT:	Two storey detached dwelling
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 • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	16 Mar 2022
RELEVANT AUTHORITY:	Assessment Panel City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	3 February 2022 2022.2
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

Motion

220622/00032

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 22004253, by Jed Washington 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 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.
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.
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).

ADVISORY NOTES**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).

Moved J Gronthos, Seconded Y Svensson

Carried

5.2 Remy DuBois, 21 Old Beach Road, Brighton (Report No 203/22)

DEVELOPMENT NO.:	22007631
APPLICANT:	Remy DuBois
ADDRESS:	21 Old Beach Road, Brighton SA 5048
NATURE OF DEVELOPMENT:	Alterations and single storey additions to rear of Local Heritage place, verandah, swimming pool and outbuilding in rear yard
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Housing Diversity Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • 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) • Minimum Frontage • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	11 Mar 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	7 March 2022 2022.4

CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning
REFERRALS NON-STATUTORY:	Council's Heritage Architect

Motion**220622/00033**

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 22007631, by Remy DuBois 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 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.
3. Repairs to the existing masonry wall and the associated final finish to be to the satisfaction of Council, following receipt of advice from a suitably qualified stonemason. Details to be provided prior to Development Approval being granted.
4. The front screen door shall comprise simple framing.
5. The colours associated with the repair work to the existing building shall match the existing building and the colours associated with the addition shall be complementary to the existing building, to the reasonable satisfaction of Council.
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.

ADVISORY NOTES**General Notes**

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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).

Moved Y Svensson, Seconded J Gronthos

Carried

5.3 Longridge Group Pty Ltd, 2B Eton Road, Somerton Park (Report No 204/22)

DEVELOPMENT NO.:	22007218
APPLICANT:	Longridge Group Pty Ltd
ADDRESS:	2B Eton Road, Somerton Park SA 5044
NATURE OF DEVELOPMENT:	Two storey detached dwelling on hammerhead allotment
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 • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy
LODGEMENT DATE:	22 Mar 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	3 March 2022 2022.4
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

Motion**220622/00034**

It is recommended that the Council Assessment Panel resolve that Development Application Number 22007218, by Longridge Group Pty Ltd be deferred to seek amended plans that increase the amount of north and east facing windows regarding environmental performance outcomes PO 4.1 and 4.2 Design in Urban Areas.

Moved D Bailey, Seconded J Gronthos

Carried

5.4 Gregory Phillips, 239A Esplanade, Seacliff (Report No 205/22)

DEVELOPMENT NO.:	21026188
APPLICANT:	Gregory Phillips
ADDRESS:	239A Esplanade, Seacliff SA 5049
NATURE OF DEVELOPMENT:	Detached dwelling with wall located on southern side boundary comprising a total of 4 levels and an underground cellar
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 • 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) • Minimum Frontage • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	2 Sep 2021
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	26 August 2022 2021.12
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning,

Motion

220622/00035

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 21026188, by Gregory Phillips is GRANTED Planning Consent subject to the following conditions:

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 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.
3. 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.
4. 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.
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. Glass balustrade adjacent to the swimming pool on the northern and southern side as shown on the approved plans DA04 shall comprise obscure glazing and be a minimum height of 1.5 metres above the alfresco floor level.

ADVISORY NOTES**General Notes**

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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).

Moved Y Svensson, Seconded J Gronthos

Carried

6. REPORTS BY OFFICERS

6.1 Appeal Item – 268-270 Brighton Road, Somerton Park 21033866 (Report No: 206/22)

Following the Assessment Manager refusing the application, the applicant has applied pursuant to the Council Assessment Panel under Section 203(1) for review of the decision of the Assessment Manager under Section 202(1)(b)(i)(A) of the Planning, Development and Infrastructure Act 2016 (Act).

Motion

220622/00036

The Council Assessment Panel resolves to affirm the decision of the Assessment Manager to refuse removal of the significant tree:

1. that DA No 21033866 is classified as code assessed (performance assessed) development
2. that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations), but that DA No. 21033866 does not warrant planning consent for the following reasons:
 - PO1.2 (C) that the tree provides important habitat for native fauna, and its removal is does not meet the DPF/DTS requirements;
 - PO1.2 (D) that the tree is part of a wildlife corridor that spans to the east and west of the site. The proposed removal does not meet the DPF/DTS requirements;
 - PO1.2 (e) that the tree is important to the maintenance of biodiversity in the local environment. The proposed removal does not meet the DPF/DTS ;

- PO1.3 b there are reasonable treatments that can be applied to ensure longevity of the tree and continue the existing land use. The proposal does not meet the DTS/DPF.

Moved J Fleming, Seconded J Gronthos

Carried

7. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING

7.1 J Gronthos Farewell

Jim thanked the members for time on Panel.

David thanked Jim for his service.

7.2 CAP Processes

New procedures to be implemented for CAP report presentations in particular format and layout.

7.3 Appeal matters

31 Beach Road, Brighton

Third party appeal has been lodged for judicial review. As this is not a merit based appeal it won't be presented back to the Panel.

75-77 Jetty Road, Brighton

Applicant has appealed the refusal, a compromise is likely to be presented to the Panel.

Somerton Surf Life Saving Club

Applicant has lodged an appeal against some of the conditions.

Appeals where the Council Assessment Panel is the relevant authority will be included as a standing item on the agenda.

8. CLOSURE

The meeting closed at 8.42 pm.

CONFIRMED Wednesday, 27 July 2022

PRESIDING MEMBER