

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 September 2021 at 7:00 pm.

MEMBERS PRESENT

Presiding Member – D Bailey
J Gronthos
Y Svensson
J Fleming

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Development Officers Planning – D Spasic
Team Leader Development Administration - A Elliott

1. OPENING

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

2. APOLOGIES

Apologies Received – S Reachill
Absent – Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. CONFIRMATION OF MINUTES

Motion

220921/00040

That the minutes of the Council Assessment Panel held on 25 August 2021 be taken as read and confirmed.

Moved Y Svensson, Seconded J Gronthos

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Ayumi Sato - 54 Pier Street, Glenelg South (Report No 304/21)

DEVELOPMENT NO.:	21017514
APPLICANT:	Ayumi Sato
ADDRESS:	54 PIER ST GLENELG SOUTH SA 5045
NATURE OF DEVELOPMENT:	Change in use of land from office to consulting room
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Employment Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Building Near Airfields • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development Technical Numeric Variations (TNVs): • Maximum Building Height (Levels)
LODGEMENT DATE:	7 Jul 2021
RELEVANT AUTHORITY:	Assessment panel
PLANNING & DESIGN CODE VERSION:	29 July 2021 2021.10
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer – Planning
REFERRALS STATUTORY:	No
REFERRALS NON-STATUTORY:	No

Motion

220921/00041

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 21017514, by Ayumi Sato 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).
2. That the development herein approved shall operate between the hours of 7am to 9pm Monday to Friday and between the hours of 8am and 5pm Saturdays unless written approval to vary the times is given by council.
3. The provision for bicycle parking be provided in accordance with the Planning and Design Code Table 3 – Off Street Bicycle Parking Requirements prior to occupation.

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. 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 J Fleming

Carried

5.2 Bunna Keav – 15 Bungey Avenue, Somerton Park (Report No 305/21)

DA NO.	:	110/00109/21
APPLICANT	:	BUNNA KEAV
LOCATION	:	15 BUNGEY AVENUE, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	A PAIR OF TWO STOREY DETACHED DWELLINGS
EXISTING USE	:	RESIDENTIAL
CATEGORY	:	TWO
REPRESENTATIONS RECEIVED :		THREE
REPRESENTATIONS SPEAKING :		<ul style="list-style-type: none"> · LORNA AND PETER FENECH OF 2 BUNGEY LANE, SOMERTON PARK · MATTHEW AND KYLIE MORRISSEY OF 13 BUNGEY AVENUE, SOMERTON PARK · JOHN TIVER OF 7 BUNGEY LANE SOMERTON PARK · MARK ANDREW AND SANDY DREAM OF 12 ANGOVE ROAD, SOMERTON PARK · TOM GAME (BOTTEN LEVINSON) ON BEHALF OF TIM AND ERIN BECKINGHAM OF 8 BUNGEY AVENUE, SOMERTON PARK
APPLICANT SPEAKING:		BUNNA KEAV
RECOMMENDATION:		DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: Lorna Fenech, Matthew Morrissey, Mark Dream, Tom Game (Botten Levinson) on behalf of Tim and Erin Beckingham and John Skinner, URPS on behalf of the Applicant.

Motion

220921/00042

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. Following a detailed assessment of the proposed development against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel considers that the proposed development is not consistent with the Development Plan and that Development Application 110/00109/21 be refused Development Plan Consent for the reason that it is contrary to:
 - General Section – Residential Development Principles 19, 21, 23(a), 24(a), and 28
 - General Section - Design and Appearance Objective 1 and Principle of Development Control 1(a)
 - Residential Zone Objective 3

More specifically, the application does not meet the intent of the Development Plan in that:

- The main face of Dwelling 1 is not sufficiently setback from its respective front property boundary
- Each dwelling is not sufficiently setback from the side or rear boundaries
- The boundary walls associated with each dwelling exceed maximum height requirements
- The site coverage attributable to each dwelling exceeds the maximum requirement
- Undue overlooking from Dwelling 2 looking south from the upper level
- The development does not reinforce the positive aspects of the local environment and built form
- The development does not reflect unobtrusive and small scale development that is envisaged
- The development does not reflect the desired character of the locality in relation to building height, mass and proportion

Moved J Fleming, Seconded J Gronthos

Carried

6. **REPORTS BY OFFICERS - Nil**

7. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**

8. **CLOSURE**

The meeting closed at 8.07 pm.

CONFIRMED Wednesday, 27 October 2021

PRESIDING MEMBER