

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 23 February 2022 at 7:02 pm.

MEMBERS PRESENT

Presiding Member – D Bailey
J Gronthos
Y Svensson
S Reachill
W Miller

STAFF IN ATTENDANCE

Development Services Lead – M Gates
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 – Councillor J Fleming
Absent - Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. CONFIRMATION OF MINUTES

Motion

230222/00006

That the minutes of the Council Assessment Panel held on 27 January 2022 be taken as read and confirmed.

Moved by J Gronthos seconded by Y Svensson

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Designtech Studio, 1/31 Beach Road, Brighton (Report No 35/22)

DEVELOPMENT NO.:	21034273
APPLICANT:	Designtech Studio
ADDRESS:	1/31 BEACH ROAD, BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Upper-level addition located over the existing lower level garage
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Housing Diversity Neighbourhood Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height (Metres) • Minimum Frontage • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	16 Nov 2021
RELEVANT AUTHORITY:	Council Assessment panel
PLANNING & DESIGN CODE VERSION:	2021.16
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner

Motion

230222/00007

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 21034273, by Designtech Studio 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 on the western and eastern elevation 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 or as otherwise approved.
3. 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.

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 Y Svensson

Carried

5.2 Jack Korcz, 38 Phillipps Street, Somerton Park (Report No 36/22)

DEVELOPMENT NO.:	21039180
APPLICANT:	Jack Korcz
ADDRESS:	38 PHILLIPPS STREET, SOMERTON PARK SA 5044
NATURE OF DEVELOPMENT:	Two-storey detached dwelling with swimming pool, associated landscaping and fencing
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
LODGEMENT DATE:	8 Dec 2021
RELEVANT AUTHORITY:	Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	2021.16
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner

Speakers: James Levinson, Botten Levinson Lawyers on behalf of Mark Orel and Jodie Russian, representors and Andrew Cronin on behalf of the Applicant

Motion**230222/00008**

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 21039180, by Jack Korcz 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. 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. 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.
5. That the associated swimming pool filter pump be located a minimum distance of 5 metres from a habitable room and must be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.
6. That all upstairs windows shall have minimum window sill heights of 1.6 metres above finished floor level, or any glass below 1.6 metres shall be obscure and not capable of being opened more than 125mm.

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 Y Svensson, Seconded S Reachill

Carried

5.3 Shannon Smith, 75-77 Jetty Road, Brighton (Report No 37/22)

DEVELOPMENT NO.:	21038509
APPLICANT:	Shannon Smith
ADDRESS:	75-77 JETTY ROAD, BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Change of use from dwelling and shop to shop, internal alterations to the rear existing buildings and the addition of an exhaust fan
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Housing Diversity Neighbourhood Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Heritage Adjacency • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height (Metres) • Minimum Frontage • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	2 Dec 2021
RELEVANT AUTHORITY:	Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	2021.16
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

Motion

230222/00009

It is recommended that the Council Assessment Panel resolve that Development Application Number 21038509, by Shannon Smith for a change of land use from

a dwelling and shop to a shop is deferred pending the provision of further information to help better inform the Council Assessment Panel's decision with respect to the abatement of noise. Specifically, that the applicant provide:

1. Analysis into the anticipated noise impact of the café's expansion closer to the residential properties to the rear, and whether any noise attenuating measures should be incorporated.
2. Clarification of proposed business operations.

Moved W Miller, Seconded Y Svensson

Carried

5.4 Damir Ivanovic, 5B Kingston Crescent, Kingston Park (Report No 38/22)

DEVELOPMENT NO.:	21034894
APPLICANT:	Damir Ivanovic
ADDRESS:	5B KINGSTON CRESCENT, KINGSTON PARK SA 5049
NATURE OF DEVELOPMENT:	Two storey group dwelling
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Hazards (Flooding) • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy • Water Resources
LODGEMENT DATE:	16 Nov 2021
RELEVANT AUTHORITY:	Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	2021.16
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner

Motion

230222/00010

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 21034894, by Damir Ivanovic is granted Planning Consent subject to the following conditions/reserved matters:

Reserved Matter:

That the materials and finishes on the garage and southern façade be supplied for further assessment.

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 shall have minimum window sill heights of 1.5 metres above finished floor level, or any glass below 1.5 metres shall be covered by louvered screens as shown on the submitted plans that prevent direct views into the adjoining properties.
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. 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. 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.

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 S Reachill, Seconded J Gronthos

Carried

6. REPORTS BY OFFICERS - Nil

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

7.1 Deputy Presiding Member

M Gates, Development Services Lead requested that the Panel consider the appointment of a Deputy Presiding Member.

Y Svensson expressed an interest.

Moved J Gronthos, Seconded W Miller

Carried

7.2 7 Gower Street, Glenelg East

M Gates, Development Services Lead, presented plans for Development Application 21039824, 7 Gower Street, Glenelg East as an application example that is currently on public notification and the Panel could delegate authority to the Development Services Lead for issuing a decision.

8. CLOSURE

The meeting closed at 8.40 pm.

CONFIRMED Wednesday, 23 March 2022

PRESIDING MEMBER