

**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 March 2022 at 7:00 pm.**

**MEMBERS PRESENT**

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

**STAFF IN ATTENDANCE**

Development Services Lead – Michael 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 – Y Svensson

Absent – Nil

**3. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**4. CONFIRMATION OF MINUTES**

**Motion**

**230322/00011**

**That the minutes of the Council Assessment Panel held on 23 February 2022 be taken as read and confirmed.**

Moved by S Reachill, Seconded by J Fleming

**Carried**

## 5. COUNCIL ASSESSMENT MATTERS

### 5.1 Somerton Surf Life Saving Club Incorporated, 57 Repton Road, North Brighton (Report No 62/22)

<b>DEVELOPMENT NO.:</b>	21029363
<b>APPLICANT:</b>	Somerton Surf Life Saving Club Incorporated
<b>ADDRESS:</b>	57 REPTON RD NORTH BRIGHTON SA 5048
<b>NATURE OF DEVELOPMENT:</b>	Change of use for the upstairs portion of the building to a Bistro and function centre in addition to the existing use as a sports club
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"> <li>• Conservation</li> <li>• Open Space</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Building Near Airfields</li> <li>• Coastal Areas</li> <li>• Coastal Flooding</li> <li>• Heritage Adjacency</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> </ul> <b>Technical Numeric Variations (TNVs):</b> <ul style="list-style-type: none"> <li>• Finished Ground and Floor Levels</li> <li>• Concept Plan</li> </ul>
<b>LODGEMENT DATE:</b>	14 Oct 2021
<b>RELEVANT AUTHORITY:</b>	Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2021.15
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Michael Gates Development Services (Planning and Building) Lead
<b>REFERRALS STATUTORY:</b>	No Referrals
<b>REFERRALS NON-STATUTORY:</b>	Engineering - Traffic

**Speakers:** Sarah Cutbush, Verity Hall, Alan Thwaites, David Barone (Jensen Plus), Trevor Pavlovich, Davey Taylor and Phil Brunning on behalf of the applicant

J Gronthos departed the meeting at 8.00 pm

J Gronthos joined the meeting at 8.10 pm

#### Motion

**230322/00012**

That the Council Assessment Panel delegate granting planning consent to the Assessment Manager, subject to suitable range of conditions, in particular the interface between land use issues, including hours of operation, number of

functions per week, acoustic measures, closure of the eastern balcony, external handling of bottles and crates including hours, using below as a draft:

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
2. The development be limited to no more than 130 patrons at any one time.
3. That the development operating hours are:  
11:00 AM to 11:00 PM on Wednesday  
11:00 AM to 11:00 PM on Thursday  
11:00 AM to Midnight on Friday and Saturday  
11:00 AM to 11:00 PM on Sunday.
4. The development operates in accordance with the Sonus report July 2021 reference S6943C2.
5. The door and louvres to the eastern balcony to remain closed and the balcony not accessible during operating hours.
6. That bottle waste cannot be emptied after 9.00pm
7. Only provide entertainment through an in house system which incorporates a limiting device. The system must be maintained the above maximum music levels regardless on the input. An audio visual specialist will be required to confirm the requirements for and to implement the above system. An acoustic engineer will be required to confirm the system is calibrated to achieve the above levels.

Maintain the following maximum music levels when measured at the eastern glazing:

	Total	Octave Band (Hz)						
		63	125	250	500	1000	2000	4000
Noise level ( $L_{eq,15min}$ ) (dB(A))	90	74	82	83	88	84	77	76

Moved J Fleming, Seconded S Reachill

**Carried**

## 5.2 Brett Fleetwood, 38 Tarlton Street, Somerton Park (Report No 63/22)

<b>DEVELOPMENT NO.:</b>	21036450
<b>APPLICANT:</b>	Brett Fleetwood
<b>ADDRESS:</b>	38 TARLTON ST SOMERTON PARK SA 5044
<b>NATURE OF DEVELOPMENT:</b>	Carport attached to side of dwelling, shed in rear yard, and verandahs
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"> <li>• General Neighbourhood</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Hazards (Flooding)</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul>
<b>LODGEMENT DATE:</b>	16 Nov 2021
<b>RELEVANT AUTHORITY:</b>	Assessment panel/Assessment manager at City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	4 November 2021
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Dean Spasic Development Officer - Planning

**Speakers:** Brian and Patricia Andrews and Brett Fleetwood

### Motion

**230322/00013**

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 seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21036450, by Brett Fleetwood is refused Planning Consent for the following reasons:

Proposal does not satisfy:

1. Performance Outcome 11.1 Ancillary Buildings and Structures:

DTS/DPF 11.1

Ancillary Buildings:

- (b) have a floor area not exceeding 60 square metres;
- (h) have a wall height (or post height) not exceeding 3 metres;
- (k) retains a total area of soft landscaping amounting to 25 percent of the site area

Moved J Gronthos, Seconded S Reachill

**Carried**

**5.3 George Moore, 7 High Street, South Brighton (Report No 64/22)**

<b>DEVELOPMENT NO.:</b>	21036964
<b>APPLICANT:</b>	George Moore
<b>ADDRESS:</b>	7 HIGH ST SOUTH BRIGHTON SA 5048
<b>NATURE OF DEVELOPMENT:</b>	Retrospective retaining wall up to 1.15 metres in height with 1.8 metre high fence on top along the side and rear boundaries
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• General Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Traffic Generating Development</li> <li>• Urban Tree Canopy</li> </ul>
<b>LODGEMENT DATE:</b>	16 Nov 2021
<b>RELEVANT AUTHORITY:</b>	Assessment panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	4 November 2022
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Dean Spasic Development Officer - Planning

**Motion**

**230322/00014**

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 21036964, by George Moore 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.

#### 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 S Reachill, Seconded J Fleming

**Carried**

**5.4 Ron Meyles, 8 Coventry Street, Brighton (Report No 65/22)**

<b>DEVELOPMENT NO.:</b>	21038788
<b>APPLICANT:</b>	Ron Meyles
<b>ADDRESS:</b>	8 COVENTRY ST BRIGHTON SA 5048
<b>NATURE OF DEVELOPMENT:</b>	Construction of three single storey row dwellings
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"> <li>• General Neighbourhood</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Traffic Generating Development</li> <li>• Urban Tree Canopy</li> </ul>
<b>LODGEMENT DATE:</b>	6 Dec 2021
<b>RELEVANT AUTHORITY:</b>	Assessment panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	4 November
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Dean Spasic Development Officer - Planning

**Motion****230322/00015**

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 21038788, by Ron Meyles 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 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. 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).



### 5.5 CME Group Pty Ltd, 410-420 Brighton Road, Hove (Report No 66/22)

<b>DEVELOPMENT NO.:</b>	22002907
<b>APPLICANT:</b>	CME GROUP PTY LTD
<b>ADDRESS:</b>	410-420 BRIGHTON RD HOVE SA 5048
<b>NATURE OF DEVELOPMENT:</b>	The construction of 2 x 15 metre light poles to the northern side of the rugby field
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Recreation</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Heritage Adjacency</li> <li>• Major Urban Transport Routes</li> <li>• Prescribed Wells Area</li> <li>• Advertising Near Signalised Intersections</li> <li>• Hazards (Flooding)</li> <li>• Local Heritage Place</li> <li>• Traffic Generating Development</li> <li>• Hazards (Flooding - General)</li> <li>• Key Railway Crossings</li> <li>• Airport Building Heights (Regulated)</li> <li>• Regulated and Significant Tree</li> </ul>
<b>LODGEMENT DATE:</b>	4 Feb 2022
<b>RELEVANT AUTHORITY:</b>	Assessment panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	3 February 2022 2022.2
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Dean Spasic Development Officer - Planning

#### Motion

**240322/00016**

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 22002907, by CME GROUP PTY LTD 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. Lighting is to be switched off no later than 9:30pm on any day, and must remain off until sunrise the following day.
3. Light spill levels from the light herein approved are not more than 5 Lux when measured at the window of any adjacent dwelling or aged care facility.

## 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 S Reachill

**Carried**

6. **REPORTS BY OFFICERS - Nil**
7. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**
8. **CLOSURE**

The meeting closed at 9.35 pm.

**CONFIRMED      Wednesday, 27 April 2022**

**PRESIDING MEMBER**