

**Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 24 August 2022 at 7:00 pm.**

**MEMBERS PRESENT**

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

**STAFF IN ATTENDANCE**

Development Services Lead – Michael Gates  
Development Officers Planning - A Stamatopolous, D Spasic  
Team Leader Development Administration - A Elliott

**1. OPENING**

Y Svensson 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 – Nil  
Absent – Nil

**3. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**4. CONFIRMATION OF MINUTES**

**Motion**

**240822/00044**

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

Moved by Y Svensson, Seconded by J Fleming

**Carried**

## 5. COUNCIL ASSESSMENT MATTERS

### 5.1 Mr Alan Cooper, 43A Marlborough Street Brighton (Report No 331/22)

<b>DEVELOPMENT NO.:</b>	21039035
<b>APPLICANT:</b>	Alan Cooper
<b>ADDRESS:</b>	43A MARLBOROUGH STREET, BRIGHTON SA 5048
<b>NATURE OF DEVELOPMENT:</b>	Three storey detached dwelling
<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>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul>
<b>LODGEMENT DATE:</b>	20 Dec 2021
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	4 November 2021 2021.16
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Dean Spasic Development Officer - Planning

**Speakers:** John Roughan and Jake Vaccarello, URPS

#### Motion

**240822/00045**

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 21039035, by Alan Cooper is REFUSED Planning Consent due to the following reasons:
  1. Does not sufficiently meet General Neighbourhood General Policy Desired Outcome (DO 1) of low rise suburban character of up to 2 levels.
  2. Exceeds maximum building levels and height anticipated for the zone (DTS 4.1)
  3. Exceeds wall heights from natural ground level (DTS 7.1)
  4. Does not sufficiently mitigate visual mass when viewed from adjoining allotments or public space (PO 20.3).

Moved Y Svensson, Seconded J Fleming

**Tied Vote**

The Presiding Member used her casting vote for the motion and declared the motion

**Carried**

## 5.2 **Axicom Pty Ltd, Lot 100 Brighton Road Glenelg East (Report No 332/22)**

<b>DEVELOPMENT NO.:</b>	22020320
<b>APPLICANT:</b>	Axicom Pty Ltd
<b>ADDRESS:</b>	LOT 100 BRIGHTON RD GLENELG EAST SA 5045
<b>NATURE OF DEVELOPMENT:</b>	Telecommunications facility in the form of a 30.9 metre monopole located in the northwestern corner of Glenelg Oval adjacent to the car park.
<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>• Airport Building Heights (Regulated)</li> <li>• Advertising Near Signalised Intersections</li> <li>• Building Near Airfields</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - General)</li> <li>• Local Heritage Place</li> <li>• Major Urban Transport Routes</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> </ul>

	• Traffic Generating Development
<b>LODGEMENT DATE:</b>	17 Jun 2022
<b>RELEVANT AUTHORITY:</b>	Council Assessment Panel of Holdfast Bay Council
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.10
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Alexander Stamatopoulos - Development Planner
<b>REFERRALS STATUTORY:</b>	(Adelaide Airport) The Secretary of the relevant Commonwealth Department responsible for administering the Airports Act 1996
<b>REFERRALS NON-STATUTORY:</b>	Heritage Centre

**Motion****240822/00046**

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 22020320, by Axicom 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).

**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).

#### Planning Consent Notes

The Owner/Developer need to be advised of the following:

- a) The development as described at an approximate height of RL 36.700m Australian Height Datum (AHD) does not penetrate the Adelaide Airport Obstacle Limitation Surface (OLS) airspace protected for aircraft operations. Any further proposed addition to the structure, including aerials, masts and vent/exhaust stacks, must be subject to a separate assessment.
- b) Crane operations associated with construction shall be the subject of separate application. Adelaide Airport Limited requires 48 days prior notice of any crane operations during the construction. Crane assessment may also have to be conducted by the Civil Aviation Safety Authority (CASA).
- c) Restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths.

Moved S Reachill, Seconded D Bailey

**Carried**

**5.3 City of Holdfast Bay, Council verge on the western side of the Esplanade roadway opposite 220 Esplanade Seacliff (Report No 333/22)**

<b>DEVELOPMENT NO.:</b>	22017748
<b>APPLICANT:</b>	City of Holdfast Bay
<b>ADDRESS:</b>	Council verge on the western side of the Esplanade roadway opposite 220 Esplanade, Seacliff
<b>NATURE OF DEVELOPMENT:</b>	Amenities building to replace existing toilet block and the construction of a beach access ramp
<b>ZONING INFORMATION:</b>	Open Space Zone
<b>LODGEMENT DATE:</b>	26 May 2022
<b>RELEVANT AUTHORITY:</b>	Council Assessment Panel of the City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.9
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Alexander Stamatopoulos - Development Planner
<b>REFERRALS STATUTORY:</b>	Coast Protection Board
<b>REFERRALS NON-STATUTORY:</b>	Nil

**Speakers:** Ruzica Djokic and Cherie Armfield, City of Holdfast Bay

**Motion**

**240822/00047**

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 22017748, by City of Holdfast Bay is REFUSED Planning Consent due to the following reasons:
  1. Does not sufficiently resolve excessive bulk and scale facing the Esplanade is at odds with PO 2.1 and 2.2 of the Open Space zone.

2. DO1 (c) and PO 2.1 and 2.2 of the design in urban areas provisions through the proposed development and its inclusion of lockers leading to undue public safety risk.

Moved Y Svensson, Seconded J Fleming

**Tied Vote**

The Presiding Member used her casting vote for the motion and declared the motion

**Carried**

#### 5.4 LS Design Construct, 33A Marine Parade Seacliff (Report No 334/22)

<b>DEVELOPMENT NO.:</b>	22015893
<b>APPLICANT:</b>	LS Design Construct
<b>ADDRESS:</b>	33A MARINE PDE SEACLIFF SA 5049
<b>NATURE OF DEVELOPMENT:</b>	Two storey detached dwelling with garage wall located on the northern side boundary
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established 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>• Character Area</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Frontage</li> <li>• Minimum Site Area</li> <li>• Maximum Building Height (Levels)</li> </ul>
<b>LODGEMENT DATE:</b>	12 May 2022
<b>RELEVANT AUTHORITY:</b>	Council Assessment Panel City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.8
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed

<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Alexander Stamatopoulos - Development Planner
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Technical Services – Stormwater

**Motion****240822/00048**

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 22015893, by LS Design Construct 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. 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. 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.



6. That a fixed blade louvre screen shall be erected on the western end of the first-floor balcony to a minimum height of 1.5 metres above finished floor level and be installed prior to occupation of the dwelling.

Moved J Fleming, Seconded S Reachill

**Carried**

#### 5.5 Mr Hugh Batchelor, 7 Fourth Avenue Glenelg East (Report No 335/22)

<b>DEVELOPMENT NO.:</b>	22017916
<b>APPLICANT:</b>	Hugh Batchelor
<b>ADDRESS:</b>	7 FOURTH AV GLENELG EAST SA 5045
<b>NATURE OF DEVELOPMENT:</b>	Single storey dwelling addition to the rear of the existing dwelling with wall located on the southern side boundary, internal layout alterations & swimming pool.
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established 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>• Building Near Airfields</li> <li>• Character Area</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> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Frontage</li> <li>• Minimum Site Area</li> <li>• Maximum Building Height (Levels)</li> </ul>
<b>LODGEMENT DATE:</b>	9 June 2022
<b>RELEVANT AUTHORITY:</b>	Council Assessment Panel of the City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.11

<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Alexander Stamatopoulos Development Planner
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Nil

**Motion****240822/00049**

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 22017916, by Hugh Batchelor 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 the associated filter pump must be enclosed in such a way that noise levels do not exceed 45db(a) between the hours of 10pm to 7am and 52dB(a) from 7am to 10pm measured at adjoining property boundaries.

Moved S Reachill, Seconded J Fleming

**Carried**

## 5.6 City of Holdfast Bay, 4-8 Burnham Road Kingston Park (Report No 336/22)

<b>DEVELOPMENT NO.:</b>	22015096
<b>APPLICANT:</b>	Ross Oates
<b>ADDRESS:</b>	4-8 BURNHAM RD KINGSTON PARK SA 5049
<b>NATURE OF DEVELOPMENT:</b>	The construction of a new Kiosk to replace the temporary facility currently operating within the Kingston Park Reserve. The new location would be in the south-west corner of the Brighton Beachfront Holiday Park.
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Open Space</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Heritage Adjacency</li> <li>• Prescribed Wells Area</li> <li>• Water Resources</li> <li>• Hazards (Flooding)</li> <li>• Local Heritage Place</li> <li>• Coastal Flooding</li> <li>• Coastal Areas</li> <li>• Hazards (Flooding - General)</li> <li>• Airport Building Heights (Regulated)</li> <li>• Regulated and Significant Tree</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Finished Ground and Floor Levels</li> </ul>
<b>LODGEMENT DATE:</b>	12 May 2022
<b>RELEVANT AUTHORITY:</b>	Council Assessment Panel at City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.8
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING</b>	Michael Gates

<b>OFFICER:</b>	Development Services (Planning and Building) Lead
<b>REFERRALS STATUTORY:</b>	Coast Protection Board

**Motion****240822/00050**

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 22015096, by Ross Oates is granted Planning Consent subject to the following 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 a detailed stormwater management plan be provided to Council and agreed upon prior to the granting of Development Approval.
  3. That the capacity of the kiosk is to be no more than 68 seats, as shown on the approved plans.

**ADVISORY NOTES**

The seawall adjacent the development site appears to be in sub-standard condition and may not provide adequate protection to landward development from coastal flooding or erosion, particularly if the crest height is below 3.0 metres Australian Height Datum.

**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 Fleming, Seconded S Reachill

**Carried**

**6. REPORTS BY OFFICERS - Nil**

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

**8. ERD COURT UPDATE**

**38 Tarlton St Somerton Park**

Conference adjourned until 2 September, applicant to provide amended plans to seek a compromise

**75-77 Jetty Road Brighton**

Compromise supported by CAP, waiting for minutes of order to be issued to settle appeal

**57 Repton Rd Somerton Park**

Conference adjourned until October 6 for applicant to provide compromise to the CAP

**31 Beach Road Brighton**

Neighbour appeal against approval, listed for directions hearing 6 September and to whether neighbour can contest decision

**4 Rowe St South Brighton**

Applicant is amending plans to submit as compromise.

**9. CLOSURE**

The meeting closed at 8.45 pm.

**CONFIRMED      Wednesday, 28 September 2022**

**PRESIDING MEMBER**