

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 25 May 2022 at 7:00 pm.

MEMBERS PRESENT

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

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 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

250522/00025

That the minutes of the Council Assessment Panel held on 27 April 2021 be taken as read and confirmed.

Moved by Y Svensson, Seconded by J Fleming

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Development Holdings Pty. Ltd., 58 Cliff Street, Glenelg East (Report No 154/22)

DEVELOPMENT NO.:	22005964
APPLICANT:	DEVELOPMENT HOLDINGS PTY. LTD.
ADDRESS:	58 CLIFF ST GLENELG EAST SA 5045
NATURE OF DEVELOPMENT:	Construction of a child care centre ('pre-school') with associated car parking, landscaping, advertisement displays 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 • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	28 Feb 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.3
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Michael Gates Development Services (Planning And Building) Lead
REFERRALS NON-STATUTORY:	Engineering

Speakers: Steven Dumican, Phillip Hudson, Ben Schnell (Ekistics) and Ben Wilson (CIRQA)

Motion

250522/00026

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 22005964, by Development Holdings 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. That the proposal incorporates all the recommendations from the associated Sonus report, including:
 - Construct a solid screen around mechanical plant units, which is no less than 600mm taller than the mechanical plant units. A suitable material is a minimum of 0.42 BMT sheet steel ("Colorbond" or similar) or a material with the same or greater surface density (kg/m²); and,
 - Access to the site prior to 7:00am to be restricted to specific parking areas. That is, any staff entering the site and any child drop off during this time should not be within the bays marked as YELLOW in the figure 2, so as to maintain a suitable separation distance to residences.
 - All boundary fences are constructed in accordance with the requirement of the Sonus report
3. That at least 2 metres be provided between the new driveway and any street tree
4. That each car parking space shall conform to the applicable Australian Standard. Such car parking spaces shall be line marked with continuous white lines along the whole of each side of each car parking space prior to the use of the development herein approved and such line marking shall be maintained in good and substantial conditions at all times to the reasonable satisfaction of the Council.
5. That construction of the development be undertaken in accordance with the recommendation listed in the report from Project Green.
6. 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.
7. That the finished level of the crossover at the property boundary shall be a minimum of 75mm above the top of kerb in accordance with AS2890.1, and the maximum gradient of the driveway shall not be greater than 5% across the footpath, with the invert profile conforming to AS2876.

Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath.

The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.
8. That no standing signs be installed in front of the development prior to the commencement of business on the site. The signs shall be installed at the cost of the applicant and limit parking during the approved hours of business.
9. That the rubbish collection and other service deliveries must be collected on site, and within the hours of 7am to 5pm Monday to Friday.
10. That three bicycle racks be installed

11. That a qualified arborist be present during construction of the northern section of the building, in particular excavation for the footings to ensure that the development is in accordance with the recommendations of the arborist report.
12. That a tree management plan be provided to Council prior to the issue of Development Approval detailing how the trees will be managed during the construction process, and what pruning will be undertaken prior to the occupation of the building
13. That the two regulated trees noted in this development are inspected annually by a qualified Arborist to check the health and structural integrity of the trees and recommend any pruning where required, with the report provided to Council.
14. That a detailed landscape plan be provided to Council including provision of trees to satisfy Performance Outcome 7.4 Design in Urban Areas.

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

5.2 Jowett Motor Group Pty Ltd, Unit 1-2 129-135 Brighton Road, 127 Brighton Road and 143 Brighton Road, Glenelg South (Report No 155/22)

DEVELOPMENT NO.:	22005530
APPLICANT:	JOWETT MOTOR GROUP PTY LTD
ADDRESS:	UNIT 1-2 129-135 BRIGHTON RD GLENELG SOUTH SA 5045 127 BRIGHTON RD GLENELG SOUTH SA 5045 143 BRIGHTON RD GLENELG SOUTH SA 5045
NATURE OF DEVELOPMENT:	The proposal seeks to re-develop the existing dealership site to demolish the existing built form and reconstruct a new facility to cater for the current market requirements. Drainage and stormwater to be constructed to improve the site drainage.
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Employment • Established Neighbourhood •Overlays: • Airport Building Heights (Regulated) • Building Near Airfields • Heritage Adjacency • Hazards (Flooding - General) • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Hazards (Flooding) • Historic Area • Heritage Adjacency • Hazards (Flooding - General) • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy • Airport Building Heights (Regulated) • Building Near Airfields • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height (Levels)

	<ul style="list-style-type: none"> • Maximum Building Height (Metres) • Minimum Site Area • Maximum Building Height (Levels) • Maximum Building Height (Levels)
LODGEMENT DATE:	24 Feb 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.3
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Michael Gates Development Services (Planning and Building) Lead
REFERRALS STATUTORY:	Commissioner of Highways
REFERRALS NON-STATUTORY:	Engineering Team

J Gronthos declared a conflict of interest at 7.56pm

Speakers: Dmitry Fedorov, Cate Lightfoot, David Monck, Tim Looker and Sasho Miceski

Motion

250522/00027

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 22005530, by Jowett Motor Group Pty Ltd is granted Planning Consent subject to the following conditions:

CONDITIONS

Reserved Matter

Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval:

1. That an appropriate landscaping plan be submitted which increases landscaping on the site, including landscaping and trees in the northern car storage area and the podium carpark to meet Design in Urban Areas PO 7.4
2. That an acoustic report be provided that demonstrates that the development will be in compliance with the EPA noise requirements.

3. That a detailed stormwater management system be provided that meets the requirements of Council to minimise impact of post development flow from the site

Note - Further conditions may be imposed on the Planning Consent in respect of the above matters.

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. All access to Brighton Road and Bath Street shall be located as shown on Another Dimension Building Design, Site Design Response Plan, Project No. 21-034, Drawing No. P004, (Rev B) dated 25 October 2021 (uploaded 18 February 2022) and be undertaken in accordance with Traffic Impact Assessment, Revision A, dated 2 March 2022. The Bath Street access adjacent to the Brighton Road/Bath Street intersection shall be narrowed to 4m wide to maximise separation from the Brighton Road/Bath Street tangent point.
2. The design of the forecourt access shall ensure that sightlines for all movements achieve Safe Intersection Sight Distance as specified in DTS/DPF 5.1 of the Major Urban Transport Routes Overlay.
3. The largest vehicle permitted on-site shall be restricted to a 12.5 metre Heavy Rigid Vehicle and the management of all deliveries shall be undertaken as per the Traffic Impact Statement, Revision A, dated 2 March 2022. The northern access to Brighton Road shall be suitably designed to accommodate simultaneous two-way movements for a B99 vehicle with suitable flaring to the road to accommodate the left turn out movement of a Heavy Rigid Vehicle.
4. The access points and all internal manoeuvring areas shall be suitably signed and line marked to reinforce the desired traffic flow through the site.
5. Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
6. All off-street car parking shall be in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
7. All redundant crossovers (or parts thereof) shall be closed and reinstated with Council standard kerb and gutter prior to the business becoming operational. All costs shall be borne by the applicant.

8. Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
9. A stormwater management plan shall be provided to Council prior to the issue of Development Approval that shall provide detention and/or retention with post development flows from the site in a 100 year ARI event to not exceed pre-development flows for a 5 year ARI event.
10. Vehicle access points to be closed during closure of business hours with security bollards.
11. All western boundary fencing to be constructed with solid materials to a minimum height of 2.5 metres above the ground level on the eastern side of the fence.

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. appeal is commenced—
 - b. 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
 - i. if an 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 Y Svensson

Carried

J Gronthos returned to the meeting at 9.04pm

Y Svensson left the meeting at 9.05pm

Y Svensson returned to the meeting at 9.07pm and the meeting resumed

**5.3 Bayside Living Court Pty Ltd, 617 Anzac Highway Glenelg North
(Report No 156/22)**

DEVELOPMENT NO.:	21039153
APPLICANT:	BAYSIDE LIVING COURT PTY LTD
ADDRESS:	617 ANZAC HWY GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Construct a three storey residential flat building comprising 8 dwellings and 1 office with associated car parking
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Suburban Business Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Airport Building Heights (Regulated) • Building Near Airfields • Heritage Adjacency • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree
LODGEMENT DATE:	10 Dec 2021
RELEVANT AUTHORITY:	Assessment Panel – Holdfast Bay
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning
REFERRALS NON-STATUTORY:	Heritage Architect

Motion

250522/00028

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 21039153, by Bayside Living Court 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. 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.
3. That a fixed, vertical blade louvre or solid screen that prevents direct views into the adjoining property shall be erected on the rear balconies to a minimum height of 1.5 metres above finished floor level.
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).
6. The finished floor level shall be 300mm above the top of kerb level.
7. A minimum of 10,000 kilolitres of on-site detention/retention to be established on site with a maximum stormwater flow rate to the street is not more than 10 litres per second

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 Gronthos

Carried

5.4 Michael Peace, 19 Farrell Street, Glenelg South (Report No 157/22)

DEVELOPMENT NO.:	22004111
APPLICANT:	MICHAEL PEACE
ADDRESS:	19 FARRELL ST GLENELG SOUTH SA 5045
NATURE OF DEVELOPMENT:	The construction of a verandah, swimming pool and 2.7m high modular fence located on the eastern side boundary.
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Urban Tree Canopy • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Historic Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	15 Feb 2022
RELEVANT AUTHORITY:	Assessment Panel City of Holdfast Bay
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning,

Motion

250522/00030

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 22004111, by Michael Peace 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 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

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

5.5 Lisa Fisher, 23 Malcolm Street, Glenelg East (Report No 158/22)

DEVELOPMENT NO.:	21028015
APPLICANT:	LISA FISHER
ADDRESS:	23 MALCOLM ST GLENELG EAST SA 5045
NATURE OF DEVELOPMENT:	Two storey detached dwelling and swimming pool
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Character Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	6 Nov 2021
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

Motion**250522/00029**

It is recommended that the Council Assessment Panel resolve that:

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

1. Development Application Number 21028015, by Lisa Fisher 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 side and rear elevations 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. That landscaping as detailed in the approved plans shall be planted within 12 months of completion 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.
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).
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

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 Y Svensson, Seconded S Reachill

Carried

5.6 Desyn Homes, 10 Jeanes Avenue, Glenelg North (Report No 159/22)

DEVELOPMENT NO.:	22004073
APPLICANT:	DESYN HOMES
ADDRESS:	10 JEANES AV GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Internal alterations to existing single storey detached dwelling and two storey addition, carport and verandah
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Character Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	15 Feb 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

Motion

250522/00029

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 22004073, by Desyn Homes 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 side and rear elevations 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 roof, wall and fascias shall be painted to match the existing dwelling, which is red roofing and off-white walls and fascias.
4. That landscaping as detailed in the approved plans shall be planted within 12 months of completion 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.
5. 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.
6. 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 S Reachill, Seconded J Gronthos

Carried

5.7 Metricon Homes Pty Ltd, 19 Bickford Terrace, Somerton Park (Report No 160/22)

DA NO. :	110/00157/21
APPLICANT:	METRICON HOMES PTY LTD
LOCATION:	19 BICKFORD TERRACE SOMERTON PARK
DEVELOPMENT PLAN:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:	MERIT
PROPOSAL:	TWO STOREY DETACHED DWELLING, SWIMMING POOL AND DEPENDANT ACCOMMODATION
EXISTING USE:	RESIDENTIAL
REFERRALS:	NOT APPLICABLE
CATEGORY:	TWO
REPRESENTATIONS:	ONE
RECOMMENDATION	DEVELOPMENT PLAN CONSENT

Speakers: Gianna Conelley and Katrina Oliver, Metricon

Motion

250522/00029

The proposed development is NOT seriously at variance with the policies in the Development Plan. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00157/21 for the construction of a two storey detached dwelling, swimming pool and dependant accommodation in the rear yard at 19 Bickford Terrace, Somerton Park, subject to the following conditions:

1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That adequate provision be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.
3. That all upstairs windows on side and rear elevations 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 installed prior to occupation.
4. That landscaping as detailed in the approved plans shall be planted within 6 months of 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.
5. Screening to a minimum height of 1.5 metres to be established on the rear balcony to the satisfaction of Council and installed prior to occupation.

Moved J Gronthos, Seconded S Reachill

Carried

5.8 Yuri Bezeruk, 4 Rowe Street, South Brighton (Report No 161/22)

DEVELOPMENT NO.:	21032932
APPLICANT:	YURI BEZERUK
ADDRESS:	4 ROWE ST SOUTH BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Construct 2, two storey houses in battle axe/hammerhead configuration, with retaining walls up to 1.6m and fence on top
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • General Neighbourhood Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy
LODGEMENT DATE:	10 Feb 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.3
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING	Michael Gates

OFFICER:	Development Services (Planning and Building) Lead
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Speakers: Nick Weinmann and Yuri Bezeruk

Motion

250522/00029

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. That Development Application Number 21032932 to construct two, two storey houses in battle axe/hammerhead configuration, with retaining walls up to 1.6m and fence on top at 4 Rowe Street, South Brighton is refused consent on the basis that is contrary to the following Planning and Design Code provisions:
 1. Does not positively and contextual contribute to the immediate built environment Desired Outcome – Design In Urban Areas (DO1)
 2. Is a Battle Axe Development, contrary to General Neighbourhood PO 2.3 (vii), PO 8.1 and Design in Urban Areas PO 31.4
 3. Does not meet Design in Urban Areas PO 8.1 – (b) Fill exceeds 1m in height and (c) cut /fill exceeds 2m (approximately 2.3m over allotment).
 4. Does not meet Design in Urban Areas 20.3 and 31.2. Does not reduce visual mass (site works and design increases bulk of buildings)
 5. Does not meet Landscaping requirements 34.2 (a) or (b)
 6. Fence Height will exceed 3m – General Neighbourhood Zone PO/DTS 3.2(b)

Moved Y Svensson, Seconded J Fleming

Carried

J Fleming left the meeting at 10.13pm

W Miller joined the meeting at 10.14pm

6. REPORTS BY OFFICERS

6.1 Deferred Item – 75-77 Jetty Road, Brighton (Report No: 162/22)

Background

At its meeting held on 27 April 2022, the Council Assessment Panel (the Panel) resolved as follows with respect to Development Application Number 21038509 for a change of land use from a dwelling and shop to a shop at 75-77 Jetty Road, Brighton (Report No 120/22):

“Development Application Number 21038509, by Shannon Smith for a change of land use from a dwelling and shop to a shop is delegated to the Assessment Manager for further assessment, including information regarding pedestrian and traffic advice in relation to pedestrian access from Elm Lane.”

Motion

250522/00030

There are no conditions of approval that can be imposed that resolve or mitigate the concerns articulated in the traffic advice received. The Panel has the option of approving the application in the knowledge of these traffic concerns (adopting the original recommendation to do so), or it may prefer to move to refuse the application based on the following rationale:

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. That Development Application Number 21038509 for a change of land use from a dwelling and shop to a shop at 75-77 Jetty Road, Brighton is refused consent on the basis that is contrary to the following Planning and Design Code provisions:

Housing Diversity Neighbourhood Zone

PO 1.3

Non-residential development located and designed to improve community accessibility to services, primarily in the form of:

- (a) small-scale commercial uses such as offices, shops and consulting rooms

Reason: The development is not small scale in that it requires the activation of a separate customer access from a narrow lane.

PO 1.5

Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood

Interface Between Land Uses

PO 1.2

Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.

Reason: Whilst secondary access to the commercial premises fronting Jetty Road is anticipated as part of interface activity, the activation of a primary access at the interface does not complement the residential character and amenity of the neighbourhood.

General Development Policies

Transport, Access and Parking

PO 1.2

Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.

Reason: The introduction of a retail outlet fronting Elm Lane will heighten commercial activity and movements through residential streets and adjacent residential areas.

PO 3.1

Safe and convenient access minimises impact or interruption on the operation of public roads.

Reason: The activation of retail premises fronting Elm Lane will cause greater interaction between pedestrian and vehicle movement and interruption to the operation of this public road.

PO 3.3

Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.

Reason: A new customer access point from Elm Lane increases pedestrian movement through the land, which is not designed to accommodate pedestrian traffic safely, being a service lane.

PO 3.4

Access points are sited and designed to minimise any adverse impacts on neighbouring properties.

Reason: Pedestrians congregating in Elm Lane, as the primary access for commercial premises, is not ideal at the interface with residential properties. The impacts are likely to involve conflict with vehicle movements pertaining to residential properties, with no refuge for pedestrians when sharing the lane with vehicles.

PO 4.1

Development is sited and designed to provide safe, dignified and convenient access for people with a disability.

Reason: There is no provision for disabled access to the site, as there is no footpath or appropriately proportioned personal access door leading to the new commercial premises.

PO 6.4

Pedestrian linkages between parking areas and the development are provided and are safe and convenient.

Reason: There is no footpath linkage for pedestrians to access the new business premises, with Elm Lane not designed for safe pedestrian use.

PO 10.1

Development is located and designed to ensure drivers can safely turn into and out of public road junctions.

Reason: Sweep lines suggest that the junctions of the Laneways are not designed to a geometric standard, and there are extremely restricted sightlines to possible conflict points.

Moved W Miller, Seconded J Gronthos

Carried

W Miller left meeting at 10.17pm

J Fleming returned to the meeting at 10.17pm

7. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING**Meeting Procedures**

D Bailey advised that he will be distributing a document regarding meeting procedures for discussion.

8. CLOSURE

The meeting closed at 10.28 pm.

CONFIRMED Wednesday, 22 June 2022

PRESIDING MEMBER