

**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 October 2023 at 7:00 pm.**

**MEMBERS PRESENT**

Presiding Member – Y Svensson  
S Reachill  
C Dunn  
T Sutcliffe  
J Fleming  
B Snewin

**STAFF IN ATTENDANCE**

Manager Development Services – A Marroncelli  
Development Services Lead – M Gates  
Development Officers Planning - A Stamatopolous  
Development Administration Lead - A Elliott

**1. Opening**

The Presiding Member, Y Svensson will declare the meeting open at 7.00pm.

**2. Kurna Acknowledgement**

*We acknowledge Kurna people as the traditional owners and custodians of this land.*

*We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.*

**3. Apologies**

Apologies received - Nil

Absent - Nil

**4. Declaration Of Interest**

*If a Panel Member has an interest (within the terms of the Local Government Act 1999 and Planning, Development and Infrastructure Act 2016) in a matter before the Panel they are asked to disclose the interest to the Panel and provide full and accurate details of the relevant interest. Panel Members are reminded to declare their interest before each item.*

**5. Confirmation Of Minutes**

**Motion**

**That the minutes of the Council Assessment Panel held on 27 September 2023 be taken as read and confirmed.**

Moved C Dunn, Seconded S Reachill

**Carried**

**6. Applications Assessed under the Planning and Design Code**

**6.1 Frank Rositano, 53B Wheatland Street, Seacliff (Report No 344/23)**

<b>DEVELOPMENT NO.:</b>	23012817
<b>APPLICANT:</b>	FRANK ROSITANO
<b>ADDRESS:</b>	53B WHEATLAND ST SEACLIFF SA 5049
<b>NATURE OF DEVELOPMENT:</b>	Balcony addition to front of existing dwelling
<b>ZONING INFORMATION:</b>	<p>Zones:</p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p>Overlays:</p> <ul style="list-style-type: none"> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Character Area</li> </ul> <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 12m; row dwelling is 12m; group dwelling is 12m; residential flat building is 12m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 400 sqm; row dwelling is 350 sqm; group dwelling is 350 sqm; residential flat building is 350 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 1 level)</li> </ul>
<b>LODGEMENT DATE:</b>	14 Jun 2023
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	27 April 2023 2023.6
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Dean Spasic Development Officer - Planning

**Speakers:** Desley Watson-Raston

**Motion**

**251023/00031**

That the Council Assessment Panel resolve that Development Application Number 23012817, by FRANK ROSITANO be DEFERRED to enable further discussion with the applicant to explore options to minimise impact to the streetscape.

Moved T Sutcliffe, Seconded S Reachill

**Carried**

**6.2 Shane Hendriks, 167 Esplanade, Brighton (Report No 345/23)**

<b>DEVELOPMENT NO.:</b>	23016291
<b>APPLICANT:</b>	Shane Hendriks
<b>ADDRESS:</b>	167 ESPLANADE BRIGHTON SA 5048
<b>NATURE OF DEVELOPMENT:</b>	Construction of three storey detached dwelling retained to existing footprint and retainment of existing garage at rear
<b>ZONING INFORMATION:</b>	<p>Zones:</p> <ul style="list-style-type: none"> <li>• Waterfront Neighbourhood</li> </ul> <p>Overlays:</p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Coastal Flooding</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> <li>• Finished Ground and Floor Levels (Minimum finished ground level is 3m AHD; Minimum finished floor level is 3.25m AHD)</li> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 5m; semi-detached dwelling is 5m; row dwelling is 5m; group dwelling is 5m; residential flat building is 5m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 300 sqm; semi-detached dwelling is 250 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 3 levels)</li> </ul>
<b>LODGEMENT DATE:</b>	26 Jul 2023
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at City of Holdfast Bay

<b>PLANNING &amp; DESIGN CODE VERSION:</b>	1 June 2023 2023.7
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Dean Spasic Development Officer - Planning

**Motion**

**251023/00032**

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 23016291, by Shane Hendriks 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. Fixed screening up to a minimum height of 1.7 metres above the finished floor level shall be established to the northern and southern side elevations of the second floor deck in order to prevent direct overlooking into the northern and southern adjacent properties.
4. 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.
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).
7. 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.

Moved C Dunn, Seconded S Reachill

**Carried**

**6.3 Elizabeth Brady, 687A-687C Brighton Road, Seacliff (Report No 346/23)**

<b>DEVELOPMENT NO.:</b>	22034351
<b>APPLICANT:</b>	Elizabeth Brady
<b>ADDRESS:</b>	687A-687C BRIGHTON RD SEACLIFF SA 5049
<b>NATURE OF DEVELOPMENT:</b>	Change of use from office to music school (shop 687a)
<b>ZONING INFORMATION:</b>	<p>Zones:</p> <ul style="list-style-type: none"> <li>• Housing Diversity Neighbourhood</li> </ul> <p>Overlays:</p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Advertising Near Signalised Intersections</li> <li>• Affordable Housing</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - General)</li> <li>• Major Urban Transport Routes</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> <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) (Maximum building height is 9m)</li> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 9m; row dwelling is 7m; group dwelling is 7m; residential flat building is 7m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 200 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 2 levels)</li> </ul>
<b>LODGEMENT DATE:</b>	14 Oct 2022
<b>RELEVANT AUTHORITY:</b>	Assessment panel at City of Holdfast Bay
<b>PLANNING &amp; DESIGN</b>	2022.19

<b>CODE VERSION:</b>	
<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**

**251023/00033**

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
1. Development Application Number 22034351, by Elizabeth Brady 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 development herein approved shall operate between the hours of 9am to 9pm Monday to Friday and 9am to 4pm Saturday and Sunday, inclusive unless written approval to vary the times is given by the Council.  
Condition
3. That the music associated with the indoor recreation facility shall demonstrate compliance with Designated Performance Feature (DPF) 4.6 of the Interface between Land Uses module of the Planning and Design Code.
4. That no more than 12 students shall be located on the site at any given time.
5. That all windows and doors of the building shall remain closed during music classes.

Moved C Dunn, Seconded T Sutcliffe

**Carried**

**7. DEFERRED ITEMS – Nil**

**8. APPLICATIONS APPEAL UPDATE**

**ITEM IN CONFIDENCE**

Pursuant to Regulation 13(2)(a)(vii) and Regulation 12(2)(a)(ix) of the Planning, Development and Infrastructure (General) Regulations 2017, the Council Assessment Panel orders that all members of the public except staff members be excluded from attendance at the meeting as is necessary to receive, discuss and consider in confidence Item 8.1 of this Agenda on the basis the information to be received, discussed or considered in relation to this agenda item is:

(viii) Legal Advice

Moved S Reachill, Seconded T Sutcliffe

**Carried**

**J Fleming left the meeting at 7.37 pm**

**B Snewin joined the meeting at 7.37 pm**

**8.1 CIV-23-011039 BRENTON WHITE V ASSESSMENT MANAGER FOR THE CITY OF  
HOLDFAST BAY & HOLDFAST BAY COUNCIL ASSESSMENT PANEL &  
CONSTANTINOS ROLLAS  
43 MARINE PARADE SEACLIFF**

Construct a shed: DA 22011704

**RETAIN IN CONFIDENCE**

The Council Assessment Panel having considered this matter in confidence under Section 13(2)(a)(ix) of the Planning, Development and Infrastructure Regulations determined that the discussion of the Council Assessment Panel on this item be kept confidential and not available for public inspection until such time that appeal CIV-23-011039 is concluded.

Moved Y Svensson, Seconded C Dunn

**Carried**

**Meeting re-opened to the public at 8.16 pm.**

**9. URGENT BUSINESS – Subject to the Leave of the Meeting – Nil**

**10. CLOSURE**

The meeting closed at 8.18 pm.

**CONFIRMED      Wednesday, 22 November 2023**

**PRESIDING MEMBER**