

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 26 October 2022 at 7:00 pm.

MEMBERS PRESENT

Presiding Member – D Bailey
Y Svensson
J Fleming

STAFF IN ATTENDANCE

Development Services Lead – M Gates
Development Officers Planning - A Stamatopolous, 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 – S Reachill

Absent – Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. CONFIRMATION OF MINUTES

Motion

261022/00055

That the minutes of the Council Assessment Panel held on 28 September 2022 be taken as read and confirmed.

Moved by Y Svensson, Seconded by J Fleming

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 George Majda and Associates, Unit 4,34B South Esplanade, Glenelg South (Report No: 413/22)

DEVELOPMENT NO.:	110/00514/18
APPLICANT:	George Majda and Associates
LOCATION:	UNIT 4,34B SOUTH ESPLANADE, GLENELG SOUTH
DEVELOPMENT PLAN:	Consolidated 2 June 2016
ZONE AND POLICY AREA:	Residential Character Zone – New Glenelg Policy Area 11
NATURE OF DEVELOPMENT:	Merit
PROPOSAL:	Balcony attached to northern elevation of dwelling
EXISTING USE:	Residential
CATEGORY:	Three
RECOMMENDATION:	Development plan consent subject to conditions

Speakers: Brian Hayes QC, Phil Brunning (Planner) and Jane Searle

Motion

261022/00056

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to refuse Development Plan Consent to DA 110/00514/18 comprising the construction of a balcony at Unit 4, 34B South Esplanade, Glenelg South on the basis that the proposal does not adhere to Development Plan General Section – Design and appearance visual privacy Principle 11(a) (b) and (c), General Section – Residential Development – Visual Privacy Principles 40 and 41c, and Zone Section – Residential Character Zone – New Glenelg Policy Area 11 Objective 1. Specifically, the proposal:

- Causes direct overlooking into the habitable rooms and private open space of adjacent dwellings and properties by way of the balcony's location and close proximity to adjacent land, and a lack of adequate screening devices; and
- Does not reinforce the heritage character and integrity within the locality by way of its prominent appearance when viewed from adjacent land with recognised heritage value.

Moved J Fleming, Seconded Y Svensson

Carried

5.2 Lares Homes, 26 Kingston Crescent, Kingston Park (Report No: 414/22)

DEVELOPMENT NO.:	22020714
APPLICANT:	Lares Homes
ADDRESS:	26 KINGSTON CR KINGSTON PARK SA 5049
NATURE OF DEVELOPMENT:	Two level detached dwelling with walls located on the southern side boundary, undercroft garage and associated retaining walls up to 1.1m in height
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 • Urban Tree Canopy
LODGEMENT DATE:	21 Jun 2022
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.10
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Technical Services - Stormwater

Speakers: Barbara Foster, Eric Pagnozzi and Scott Twine

Motion**261022/00057**

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. That Development Application Number 22020714 to construct a two storey detached dwelling with walls located on the southern side boundary, undercroft garage and associated retaining walls up to 1.1m in height at 26 Kingston Crescent Kingston Park be refused consent on the basis that is contrary to the following Planning and Design Code provisions:
 1. Inadequate soft landscaping in the front yard of the dwelling, at odds with General Neighbourhood Zone PO 22.1 (a), (b), (c) and (d) and Design in Urban Areas DO 1 (d).
 2. Bulk and scale of the dwelling and excessive wall development resulting in undue impacts to the south, at odds with General Neighbourhood Zone PO 4.1 and 8.1.

Moved D Bailey, Seconded J Fleming

Carried

6. REPORTS BY OFFICERS

6.1 Appeal Item - Somerton Surf Life Saving Club Incorporated - 57 Repton Road, North Brighton (Report No: 416/22)

Motion

261022/00058

It is recommended that the Council Assessment Panel resolve that:

1. That the Environment, Resources and Development Court be advised that the Council Assessment Panel supports the amended plans as a compromise in the Appeal Matter of ERD22-88: Somerton Surf Life Saving Club Incorporated v City of Holdfast Bay Assessment Panel, with Condition 2 amended to include additional detail.

Moved Y Svensson, Seconded D Bailey

Carried

6.2 Appeal Item - Yuri Bezeruk, 4 Rowe Street, South Brighton (Report No: 417/22)

The application was lodged in February 2022 and was subject to notification, before being determined the Council Assessment Panel at the meeting on 25 May 2022. At the meeting the Panel refused the application for the following reasons:

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)*

Motion**261022/00059**

It is recommended that the Council Assessment Panel resolve that:

1. That the Environment, Resources and Development Court be advised that the Council Assessment Panel supports the amended plans as a compromise in the Appeal Matter of ERD22-137 Yuri Alan Bezeruk v City of Holdfast Bay Assessment Panel, subject to the following conditions of consent.

CONDITIONS**Planning Consent**

1. The development granted approval shall be undertaken and completed in accordance with the amended plans and documentation, except where varied by conditions below (if any).
2. That all upstairs windows, other than facing the street of the front dwelling, 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 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. The new crossover must be no closer than 2 metres to a street tree.

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).

Moved Y Svensson, Seconded J Fleming

Carried

**6.3 Deferred Item - David Thomson - Unit 2,1-1A Farrell Street Glenelg South
(Report No: 418/22)**

The application was presented to the Council Assessment Panel at its meeting on September 28 2022. The Panel resolved to defer the proposal to seek an amended design that pays homage to the character of the existing building. See below:

It is recommended that the Council Assessment Panel resolve that Development Application Number 22024855, by David Thomson is deferred for clarity and updated plans regarding retention of the awnings, original architectural features on the front façade and updating the plans to remove the proposed 1.8m high fence shown in the front yard.

The applicant has provided amended plans showing alterations to the design of the façade.

Motion

261022/0060

Planning consent

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 22024855, by David Thomson 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.
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 all upstairs windows, other than those 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.

Moved Y Svensson, Seconded J Fleming

Carried

6.4 Deferred Item – 28 Sturt Road, Brighton (Report No: 415/22)

The application was presented to the Council Assessment Panel at the meeting on 28 September 2022, at which the Panel resolved to defer the application subject to further information regarding:

- *The inclusion of affordable housing in order to meet PO1.1 and 1.2 of the Affordable Housing overlay;*
- *Further assessment of the biodiversity value of Tree No. 3, 8 and 15;*
- *Further assessment of the impact the buildings will have on the trees which are to be retained, and the proposed tree protection measures that are to be incorporated into the development;*
- *Amending plans showing the retention of tree number 3; and*
- *Information regarding future civil works ensuring tree retention.*

The applicant has provided additional information for the Panel in regards to the inclusion of affordable housing as per the Affordable Housing Overlay. Assessment of the biodiversity value of trees 3, 8 and 15 have been provided, but it is noted that only tree 15, and tree 7 which has failed, is proposed to be removed now, with all of the other remaining trees on the site to be retained, included tree 14.

The applicant has provided supporting documentation regarding the tree protection measures for the trees to be retained as part of the development. A plan showing the civil works has also been included.

Motion**261022/00061**

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
- Development Application Number 22009838, by Hammond Estates Pty Ltd is granted Planning Consent subject to the following conditions and reserved matters:

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:

- A detailed road design showing relevant infrastructure required for the development
- A detailed Electrical and Lighting Design for the street infrastructure is to be provided to Council.
- A detailed landscape plan for the street plantings.

- A detailed stormwater design for the street infrastructure

Note - Further conditions may be imposed on the Planning Consent in respect of the above 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. 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).
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. Payment of an amount calculated in accordance with the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 be made into the relevant urban trees fund (or if an urban trees fund has not been established for the area where the relevant tree is situated, or the relevant authority is the Commission or an assessment panel appointment by the Minister or a joint planning board, the Planning and Development Fund) in lieu of planting 1 or more replacement trees. Payment must be made prior to the issuing of development approval.
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 landscaping on the proposed allotment for public open space as detailed in the approved plans shall be planted prior to hand over to Council 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.
7. All roads, kerbs, water tables and footpath to be repaired following the dwelling construction phase.
8. Dwellings 1 and 14 that have a direct frontage with Sturt Road shall not have direct vehicle access from Sturt Road. Vehicle access for these allotments must be from the internal road.

9. The trees numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 and 13, 14 in the Arborman Tree Solutions report dated 12 October 2022 must be retained in accordance with the approved plans

CONDITIONS

Planning Consent

Conditions imposed by Minister responsible for the administration of the South Australian Housing Trust Act 1995 under Section 122 of the Act

1. The applicant must provide a minimum of 15% (equates to 4 dwellings) as 'affordable housing' of all dwellings in accordance with the criteria determined by the Government Gazette 8 September 2022, under regulation 4 of the *South Australian Housing Trust Regulations 2010* and the submitted Affordable Housing Plan on 7/10/2022.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

2. All vehicular access to the development shall be via the new roads only. Direct vehicular to Sturt Road from any of the allotments within this development shall not be permitted.
3. The Sturt Road/New Road intersection shall be designed and located in accordance with, Alexander Symonds, Plan Of Division, Ref: 20A0032.00000, Drawing No. 20A0032PROP1 REVC, dated 16 February 2022, Rivergum Planning Set, Drawing No. PRE0803-00, Revision PRE04, dated January 2022, and CIRQA Traffic and Parking Report, Project No. 21558, Version 1.0 dated 10 March 2022.
4. All roadworks associated with the Sturt Road/ New Road intersection shall be designed and constructed in accordance with Austroads Guidelines, Australian Standards and to the satisfaction of the Department for Infrastructure and Transport (DIT). All costs (including design, construction, project management and any changes to pavement, road drainage, road lighting, etc.) shall be borne by the applicant. All road works shall be completed prior to the issue of Section 138 land division certificates.
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 parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. 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. No stormwater from this development is permitted to discharge on-surface to Sturt Road. In addition, any existing drainage of these roads shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.

ADVISORY NOTES

Planning Consent

Advisory Notes imposed by Minister responsible for the administration of the South Australian Housing Trust Act 1995 under Section 122 of the Act

1. The applicant is encouraged to market and offer for sale to an eligible buyer in accordance with the criteria in the Government Gazette, 8 September 2022 (under regulation 4 of the *South Australian Housing Trust Regulations 2010*) and the HomeSeeker SA framework. Email homeseeker.partners@sa.gov.au for more information.

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

2. Prior to undertaking detailed design of the Sturt Road/ New Road intersection, the applicant shall contact Mr Narendra Patel, Senior Network Integrity Engineer, Network Management Services on telephone (08) 8226 8244, mobile 0400 436 745 or via email: narendra.patel@sa.gov.au to progress this. The applicant shall enter into a Developer Agreement with DIT to undertake and complete this work.

Moved D Bailey, Seconded Y Svensson

Carried

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

7.1 Somerton Surf Life Saving Club

Development staff to inspect the Somerton Surf Life Saving Club for compliance with approved conditions

8. ERD COURT UPDATE

- **38 Tarlton St Somerton Park**
Conference adjourned until 30 November, applicant to provide amended plans to seek a compromise
- **57 Repton Rd Somerton Park**
Conference adjourned until November for applicant to provide comprise to the CAP to amend Condition 2 relating to hours
- **31 Beach Road Brighton**
Waiting upon decision of Judge as to whether neighbour can appeal the seriously at variance decision

- **4 Rowe St South Brighton**

Applicant is amending plans to submit as compromise. Plans presented to October CAP meeting

- **43A Marlborough Street Brighton**

Comprise supported, ERD Court issued approval

- **Esplanade Seacliff**

Comprise supported, ERD Court issued approval

9. CLOSURE

The meeting closed at 9.14 pm.

CONFIRMED Wednesday, 14 December 2022

PRESIDING MEMBER