

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 27 January 2022 at 7:00 pm.

MEMBERS PRESENT

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

STAFF IN ATTENDANCE

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

1. OPENING

D Bailey welcomed the people in the gallery and acknowledged the Kurna people as the traditional owners and custodians of this land that we meet on.

2. APOLOGIES

Apologies Received - Nil
Absent - Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. CONFIRMATION OF MINUTES

Motion

270122/00001

That the minutes of the Council Assessment Panel held on 8 December 2021 be taken as read and confirmed.

Moved by J Gronthos, Seconded by Y Svensson

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Mark McKay, 23 Partridge Street, Glenelg (Report No 02/22)

DEVELOPMENT NO.:	21018530
APPLICANT:	Mark McKay
ADDRESS:	23 PARTRIDGE ST GLENELG SA 5045
NATURE OF DEVELOPMENT:	Four light towers over existing bowling green
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy
LODGEMENT DATE:	20 Oct 2021
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	1 July 2021 2021.8
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning,

Motion

270122/00002

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 21018530, by Mark McKay 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 lights approved as part of the application must operate in accordance with AS/NZS 4282:2019.
3. The lights must be switched off no later than 9:30pm any day and must remain off until sunrise the following morning.

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. 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 Debbie Hibbert, 37 Thomas Street, Seacliff Park (Report No 03/22)

DEVELOPMENT NO.:	21009515
APPLICANT:	Debbie Hibbert
ADDRESS:	37 THOMAS ST SEACLIFF PARK SA 5049
NATURE OF DEVELOPMENT:	Three-level dwelling with semi-undercroft double garage with front and rear upper-level balconies and wall located on the eastern side boundary
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:	24 Jun 2021
RELEVANT AUTHORITY:	Assessment panel
PLANNING & DESIGN CODE VERSION:	2021.7
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

Speakers: Peter Koukourou, Cameron Keen and Debbie Hibbert

Motion

270122/00003

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 21009515, by Debbie Hibbert is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS**Planning Consent**

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. 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.
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. 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.
5. That a fixed louvered screen shall be erected on all sides of the first-floor rear balcony to a minimum height of 1.7 metres (east and western sides) and 1.5 metres (southern side) above finished floor level.

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. 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 Y Svensson

Carried

**5.3 Elvio Ferrara Design And Construct, 71-73 Jetty Road, Brighton
(Report No 04/22)**

DEVELOPMENT NO.:	110/00023/21
APPLICANT:	ELVIO FERRARA DESIGN AND CONSTRUCT
LOCATION	71-73 JETTY ROAD, BRIGHTON
DEVELOPMENT PLAN	CONSOLIDATED 26 NOVEMBER 2020
ZONE AND POLICY AREA	RESIDENTIAL ZONE – MEDIUM DENSITY POLICY AREA 5
NATURE OF DEVELOPMENT:	MERIT
PROPOSAL	DEMOLITION OF EXISTING LOCAL HERITAGE PLACES 71 AND 73 JETTY ROAD BRIGHTON
REFERRALS	HERITAGE AND ENGINEERING
CATEGORY	CATEGORY ONE
REPRESENTATIONS	NOT APPLICABLE
RECOMMENDATION	DEVELOPMENT APPROVAL

Motion

270122/00004

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. 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 Development Application 110/00023/21 specifically, the application does not meet the intent of the Development Plan in relation to:

The proposal to demolish these functioning local heritage listed buildings does not meet Development Plan provisions:

City of Holdfast Bay Development Plan General Section – Heritage Places Objectives 1 and 2, Principles 1(a) and (b) in that:

- The proposal does not support the continued use of a heritage listed building, or support its conservation;
- The sections of the buildings to be demolished are included in the Local Heritage Listing; and
- It has not been adequately demonstrated that the structural condition of the buildings represents an unacceptable safety risk to the public, further evidenced by their continued use as business premises open to the public, and by virtue of any conclusive evidence provided by a qualified professional that suggests the buildings cannot be reasonably rehabilitated (with no consideration given to heritage grants on offer or alternative methods for conservation).

Moved J Fleming, Seconded S Reachill

Carried

5.4 Telstra Corporation Ltd, 1-5 Hartley Road, Brighton (Report No 05/22)

DEVELOPMENT NO.:	21027089
APPLICANT:	Telstra Corporation Ltd
ADDRESS:	1-5 HARTLEY RD BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Construct a telecommunications facility consisting of a 30m-tall monopole, panel antennas and equipment shelter
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Suburban Activity Centre <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Hazards (Flooding - General) • Local Heritage Place • Major Urban Transport Routes • Noise and Air Emissions • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Levels) • Interface Height
LODGEMENT DATE:	13 Sep 2021
RELEVANT AUTHORITY:	Assessment Panel City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2021.13
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Michael Gates Development Services (Planning and Building) Lead
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	None

Meeting adjourned for leave of J Fleming and Y Svensson at 8.00 pm

Meeting resumed at 8.03 pm

Speakers: Judith Blackstone, Olegario de Souza, Mr Hammersley, Robert Millar on behalf of Val Marchesi, Robert Millar on behalf of Jonathon Millar, Judith Virgo and Mark Baade

Motion

270122/00005

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 be deferred for the applicant to provide further information relating to:

- Opportunity to relocate the tower further north of a suitable distance to provide suitable landscaping;
- Landscaping plan for western and southern boundaries capable of softening the towers visual appearance;
- Report prepared by a heritage architect/advisor for the impact on the heritage value of the property;
- Further information regarding investigating alternative sites or the prospects of suitable sites.

Moved D Bailey, Seconded J Fleming

Carried

6. REPORTS BY OFFICERS

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

8. CLOSURE

The meeting closed at 9.09 pm.

CONFIRMED Wednesday, 23 February 2022

PRESIDING MEMBER