

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 April 2022 at 6:59 pm.

MEMBERS PRESENT

Deputy Presiding Member Y Svensson
D Bailey (via Teams)
J Gronthos
S Reachill
J Fleming
W Miller

STAFF IN ATTENDANCE

Development Services Lead – Michael Gates
Development Officers Planning – A Stamatopolous and 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

270422/00017

That the minutes of the Council Assessment Panel held on 23 March 2022 be taken as read and confirmed.

Moved by J Fleming Seconded by S Reachill

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 David Bulluss, Haydn Frayne, Abby Riggs, Unit 2,23 Alma Street, Glenelg South (Report No 114/22)

DEVELOPMENT NO.:	21035481
APPLICANT:	David Bulluss Haydn Frayne Abby Riggs
ADDRESS:	UNIT 2,23 ALMA ST GLENELG SOUTH SA 5045
NATURE OF DEVELOPMENT:	Alterations and two storey addition to existing dwelling and swimming pool in rear yard
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Established Neighbourhood Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Historic Area • Heritage Adjacency • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height (Metres) • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	15 Nov 2021
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	4 November 2021 - 2021.16
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER	Dean Spasic Development Officer - Planning
Referral:	Andrew Stevens, Heritage Architect

Speakers: Nick Jones, Rosemary Owens and Stewart Hocking, Master Plan on behalf of the Applicant

Motion

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 21035481, by David Bulluss, Haydn Frayne and Abby Riggs is refused Planning Consent for the reasons:

Reasons for Refusal:

1. Does not sufficiently meet Objective DO1.0 and 10.2 Established Neighbourhood.
2. Does not sufficiently meet Objective DO 1 in Historic Overlay.
3. Does not meet Historic Overlay PO 3.1.
4. Does not meet Established Neighbourhood PO 4.1 and PO 4.2.
5. Exceeds maximum site coverage of 50%.

Moved Y Svensson, Seconded J Fleming

Lost**Motion****270422/00018**

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 21035481, by David Bulluss, Haydn Frayne and Abby Riggs 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 to 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 prior to occupation.

3. 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 S Reachill

Carried

**5.2 Larissa Jennings, City of Holdfast Bay, 44 Folkestone Road, South Brighton
(Report No 115/22)**

DEVELOPMENT NO.:	21042273
APPLICANT:	Larissa Jennings, City of Holdfast Bay
ADDRESS:	44 FOLKESTONE RD SOUTH BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Installation of six light poles in association with tennis court
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 • Hazards (Flooding) • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	5 Jan 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

270422/00019

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 21042273, Larissa Jennings 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. Lighting is switched off, and remains off, between 9:30pm and sunrise the following day.

3. Light spill levels from the light herein approved are not more than 5 Lux when measured at the window of any adjacent dwelling.

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 Fleming, Seconded J Gronthos

Carried

5.3 Sally Stansborough Amanda and Ben Layley, 7 Gower Street, Glenelg East (Report No 116/22)

DEVELOPMENT NO.:	21039824
APPLICANT:	Sally Stansborough Amanda Layley Ben Layley
ADDRESS:	7 GOWER ST GLENELG EAST SA 5045
NATURE OF DEVELOPMENT:	Two storey detached dwelling, outbuilding 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 • 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:	9 Dec 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

270422/00020

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 21039824, by Sally Stansborough, Amanda Layley and Ben Layely 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. That all upstairs windows 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 prior to occupation.
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. 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).
5. 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 S Reachill

Carried

5.4 **Brent and Kim Bunting, 10 Portland Street, Seacliff (Report No 117/22)**

DA NO.:	110/00198/21
APPLICANT:	BRENT AND KIM BUNTING
LOCATION:	10 PORTLAND STREET, SEACLIFF
DEVELOPMENT PLAN:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA:	RESIDENTIAL CHARACTER ZONE – SEACLIFF POLICY AREA 12
NATURE OF DEVELOPMENT:	MERIT
PROPOSAL:	THREE STOREY DETACHED DWELLING
EXISTING USE:	RESIDENTIAL
CATEGORY:	ONE
RECOMMENDATION:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Motion

270422/00021

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 grant Development Plan Consent to Development Application 110/00198/21 comprising the construction of a three storey detached dwelling at 10 Portland Street, Seacliff.

Planning conditions

1. The proposal shall be implemented as shown on the plans prepared by Swanbury Penglase, dated 07/04/2022 Reference 21036 unless varied by any subsequent conditions imposed herein.
2. Landscaping shall be established as per the Landscape Concept Plan, Revision B, dated 07/04/2022 Reference 21036 Page 6 that are maintained to the reasonable satisfaction of Council.
3. All upstairs windows and decks on the side and rear elevations shall comprise screening that is up to 1.5 metres in height above the floor level so as to prevent unreasonable overlooking into habitable room windows and private open space areas of adjacent properties, and be installed prior to occupation.

4. That stormwater from the dwelling shall be collected and connected to a 1000 litre (minimum) rainwater tank with a sealed system over flow connection to the street water table. Final details of the location and size of the tank(s) shall be submitted to Council for approval prior to the issue of full Development Approval. Furthermore, all stormwater from the dwelling and the site shall be collected and disposed of in a manner that does not adversely affect any properties adjoining the site or the stability of any building on adjacent sites.

NOTE: Stormwater shall not be disposed of over a vehicle crossing place and any connection to the street water table, including remedial works to footpaths, verges or other Council infrastructure, is subject to any necessary approvals from Council and will be at the applicant's cost.

5. 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 to the reasonable satisfaction of Council.

Moved D Bailey, Seconded J Gronthos

Carried

6. REPORTS BY OFFICERS

Deputy Presiding Member, Y Svensson left the Chair at 7.58 pm

Presiding Member, D Bailey assumed the Chair via Teams at 7.58 pm

6.1 Deferred Item - 57 Repton Road, North Brighton (Report No 118/22)

Motion

270422/0022

This application was deferred from the Panel at the meeting on 23 March 2022 for the Assessment Manager to consider a suitable range of conditions for planning consent, in particular the interface between land use issues, including hours of operation, number of functions per week, acoustic measures, closure of the eastern balcony, external handling of bottles and crates including hours.

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 21029363, by Somerton Surf Life Saving Club Incorporated is granted Planning Consent subject to the following conditions:

Conditions

1. The development hereby approved shall be undertaken in accordance with the documents and plans submitted in support of the development application unless otherwise varied by the conditions set out below.
2. Use of the first floor of the clubrooms building for bistro dining and/or functions shall be limited to the following hours

Wednesday	11.00 AM to 10.00 PM
Thursday	11.00 AM to 10.00 PM
Friday	11.00 AM to 12.00 Midnight
Saturday	11.00 AM to 12.00 Midnight
Sunday	11.00 AM to 10.00 PM
3. The maximum capacity for functions shall be 130 persons excluding staff.
4. The development shall ensure that all functions and events occurring in the first floor of the clubrooms provides the following management measures:
 - (a) a nominated contact person shall be nominated by the operator, who shall be present at all functions / events, and whom may be called by mobile telephone to respond to any complaint in real time, and whom has authority to direct patrons and other users of the facility.
5. As outlined in the Music Assessment prepared by Sonus on behalf of the Applicant dated July 2021, the following noise reduction measures shall be observed and implemented by the Applicant:
 - the noise level arising from the playing of music shall not exceed 90 dB(A) when measured at the eastern glazing line of the clubroom building;
 - music (other than background music) shall be played through an in-house system which incorporates a limiting device;
 - an acoustic engineer shall be required to confirm that this in-house system is calibrated to ensure that the above measure is not exceeded; and
 - the eastern louvres and door to the balcony shall be closed at any period.
6. No amplified music shall be played externally to the building at any time.
7. Servicing of the development in the form of food and beverage deliveries and waste collection shall only occur between the hours of 9am and 6pm Monday to Saturday.

Deputy Presiding Member, Y Svensson resumed the Chair at 8.11 pm

6.2 Deferred item - 1-5 Hartley Road, Brighton (Report No 119/22)

PROPOSAL

This application is for the construction of a telecommunications facility consisting of a 30m-tall monopole, panel antennas and equipment shelter was deferred from 27 January 2022 meeting. The monopole will be constructed in the south-eastern corner of the allotment that fronts onto Hartley Road. The monopole will now be set 10 metres in from the southern boundary and 26 metres from the western boundary, with a small equipment shelter of 5sqm floor area located to the south of the monopole. Landscaping has now been included along the western boundary and amended plans for the proposal including a supporting report

The applicant has provided amended plans with the following changes:

- *The tower has been moved further to the north and is now proposed to be located 10 metres from the southern boundary;*
- *Landscaping has been added to the western boundary to minimise the visual impact to the neighbouring property;*
- *A report has been provided by the applicant assessing alternate sites in the locality;*
- *A referral response from Council's Local Heritage Advisor in relation to the nearby local heritage place is also provided.*

Motion

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 21027089, by Telstra Corporation PTY Ltd is REFUSED Planning Consent on the basis that it does not adhere to Planning and Design Code Policies PO 6.3 (b), (c), & (d). More specifically the proposed development:
 - has no mitigating features that obscure or interrupt its appearance from surrounding areas of high amenity;
 - does not incorporate materials and finishes that complement the environment; and

- incorporates insufficient and ineffective landscaping to minimise its visual dominance within the immediate locality.

Moved J Fleming, Seconded Y Svensson

Lost

Motion

270422/0023

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 21027089, by Telstra Corporation Ltd is granted Planning Consent subject to the following reasons/conditions/reserved matters:

Planning Consent

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 includes landscaping along the southern and western boundaries and of an appropriate tree species to the reasonable satisfaction of Council.

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

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 all mechanical plant and equipment, including air conditioners, should be selected, designed, and installed to comply with the following mandatory criteria:
 - (a) Noise level not to exceed 52dB(A) between the hours of 7am and 10pm when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007*, and

- (b) Noise level not to exceed 45dB(A) between the hours of 10pm and 7am when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007*, and
 - (c) Where marked with an * the above noise levels must include a penalty for each characteristic where tonal/modulating/impulsive/low frequency characteristics are present in accordance with the Environment Protection (Noise) Policy 2007.
3. The monopole is to be painted in a N53 blue-grey colour.

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

J Fleming left the meeting due to absence from the 23 February Council Assessment Panel meeting at 8.33 pm

W Miller joined the meeting at 8.33 pm

6.3 Deferred item - 75-77 Jetty Road, Brighton (Report No 120/22)

On the 23 February 2022 the Council Assessment Panel deferred development application 21038509 Change of use from dwelling and shop to shop, internal alterations to the rear existing buildings and the addition of an exhaust flue for the provision of further information to help better inform the Council Assessment Panel's decision with respect to the abatement of noise. Specifically, that the applicant provide:

1. *Analysis into the anticipated noise impact of the café's expansion closer to the residential properties to the rear, and whether any noise attenuating measures should be incorporated.*
2. *Clarification of proposed business operations.*

The applicant has provided a report produced by Sonus Acoustic Engineers which details an environment noise assessment of the rear area and its potential impacts which is attached to this report. Also a letter that details the business operations of the rear outdoor area.

Motion

Development Application Number 21038509, by Shannon Smith for a change of land use from a dwelling and shop to a shop is deferred to allow the proponent the opportunity to explore options for a revised internal layout that integrates the new use at the rear with access from the existing shopfront on Jetty Road, to the point where commercial activation and access from the laneway is not required.

Moved W Miller, Seconded Y Svensson

Lost

Motion

Development Application Number 21038509, by Shannon Smith is REFUSED for the following reasons:

- Does not sufficiently meet the desired outcome DO 1 Interface Between Land Uses assessment provisions;
- PO 1.2 and PO 44.1(d) Design in Urban Areas.

Moved W Miller, Seconded Y Svensson

Lost

Motion

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 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 assessment, including to further information regarding pedestrian and traffic advice in relation to pedestrian access from Elm Lane.

Moved J Gronthos, Seconded D Bailey

Lost

Motion

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 21038509, by Shannon Smith 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 rear outdoor dining area shall be used between the hours of 7am and 9pm Monday to Sunday.
3. That no live amplified music will be emitted from the rear outdoor area and any stereo background music shall not be played after 7pm.
4. That the rear entrance and exit adjacent to Elm Lane shall not be used after 7pm.
5. That the recommended acoustic measures detailed in the Sonus report dated April 2022 be implemented onto the site prior to the operation of the outdoor area.

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

Lapsed through want of a seconder

Motion

Development Application Number 21038509, by Shannon Smith is Refused for the following reasons:

- Does not sufficiently meet the desired outcome DO 1 Interface Between Land Uses assessment provisions;
- PO 1.2 and PO 44.1(d) Design in Urban Areas.

Moved Y Svensson, Seconded W Miller

Lost

Motion

270422/0024

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 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.

Moved J Gronthos, Seconded D Bailey

Carried

W Miller left the meeting at 9.41 pm

J Fleming resumed the meeting at 9.41pm

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

8. CLOSURE

The meeting closed at 9.44 pm.

CONFIRMED Wednesday, 25 May 2022

PRESIDING MEMBER