

**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 July 2022 at 7:00 pm.**

**MEMBERS PRESENT**

Presiding Member – Y Svensson  
S Reachill  
J Fleming  
W Miller

**STAFF IN ATTENDANCE**

Development Services Lead – Michael Gates  
Development Officers Planning - A Stamatopolous, 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 – D Bailey  
Absent – Nil

**3. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**4. CONFIRMATION OF MINUTES**

**Motion**

**270722/00037**

**That the minutes of the Council Assessment Panel held on 22 June 2022 be taken as read and confirmed.**

Moved by J Fleming, Seconded by S Reachill

**Carried**

## 5. COUNCIL ASSESSMENT MATTERS

### 5.1 Steve Perry, 34 Gordon Street, Glenelg (Report No 230/22)

|  |   |
|--|---|
| <b>DEVELOPMENT NO.:</b>                    | 21004823  |
| <b>APPLICANT:</b>                          | Steve Perry   |
| <b>ADDRESS:</b>                            | 34 GORDON STREET, GLENELG SA 5045   |
| <b>NATURE OF DEVELOPMENT:</b>              | Dwelling addition in the form of a balcony extending from the rear elevation of the existing dwelling with verandah below and verandah in rear yard   |
| <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>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Character Area</li> <li>• Hazards (Flooding)</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - General)</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>• Minimum Frontage</li> <li>• Minimum Site Area</li> <li>• Maximum Building Height (Levels)</li> </ul> |
| <b>LODGEMENT DATE:</b>                     | 13 May 2022   |
| <b>RELEVANT AUTHORITY:</b>                 | Assessment Panel at City of Holdfast Bay  |
| <b>PLANNING &amp; DESIGN CODE VERSION:</b> | 31 March 2022 2022.6  |
| <b>CATEGORY OF DEVELOPMENT:</b>            | Code Assessed - Performance Assessed  |
| <b>NOTIFICATION:</b>                       | Yes   |
| <b>RECOMMENDING OFFICER:</b>               | Dean Spasic<br>Development Officer - Planning   |
| <b>REFERRALS STATUTORY:</b>                | N/A   |
| <b>REFERRALS NON-STATUTORY:</b>            | N/A   |

**Speakers:** John Cowling

**Motion****270722/00038**

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 21004823, by Steve Perry 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 a fixed, horizontal louvre screen comprising 70mm slats with minimum 30mm spacing that prevents direct views into the southern adjoining property shall be erected on the southern elevation of the balcony to a minimum height of 1.7metres with above the finished floor level prior to occupation.

**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 Y Svensson

**Carried**

**5.2 Alan Cooper, 43A Marlborough Street, Brighton (Report No 231/22)**

Item withdrawn from the Agenda at the request of the Applicant.

**5.3 FGM Properties Pty Ltd, 64 Paringa Avenue, Somerton Park (Report No 232/22)**

|  |  |
|--|--|
| <b>DEVELOPMENT NO.:</b>                    | 22009589   |
| <b>APPLICANT:</b>                          | FGM Properties Pty Ltd   |
| <b>ADDRESS:</b>                            | 64 PARINGA AVENUE, SOMERTON PARK SA 5044   |
| <b>NATURE OF DEVELOPMENT:</b>              | The construction of two warehouse buildings with associated landscaping and parking.   |
| <b>ZONING INFORMATION:</b>                 | Zones:<br><ul style="list-style-type: none"> <li>• Employment</li> </ul> Overlays:<br><ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Building Near Airfields</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> </ul> |
| <b>LODGEMENT DATE:</b>                     | 30 Mar 2022  |
| <b>RELEVANT AUTHORITY:</b>                 | Council Assessment Panel at City of Holdfast Bay   |
| <b>PLANNING &amp; DESIGN CODE VERSION:</b> | 2022.5   |
| <b>CATEGORY OF DEVELOPMENT:</b>            | Code Assessed - Performance Assessed   |
| <b>NOTIFICATION:</b>                       | Yes  |
| <b>RECOMMENDING OFFICER:</b>               | Alexander Stamatopoulos<br>Development Planner   |
| <b>REFERRALS STATUTORY:</b>                | Nil  |
| <b>REFERRALS NON-STATUTORY:</b>            | Traffic & Transport Lead – City of Holdfast Bay  |

**Motion**

**270722/00039**

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 22009589, by FGM Properties PTY LTD is granted Planning Consent subject to the following reserved matter and conditions

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 A new landscaping plan to be submitted for approval as the proposal does not sufficiently meet DO 2 and PO 2.1, 5.1, 5.2. Landscaping to be substantially increased to the satisfaction of the assessment manager.

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. 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.

#### 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 Fleming

**Carried**

**5.4 Jarvis Property No 3 Pty Ltd, 256-260, 268-270 Brighton Road, Somerton Park and 2 Seaforth Avenue, Somerton Park (Report No 233/22)**

|                               |  |
|-------------------------------|--|
| <b>DEVELOPMENT NO.:</b>       | 22015568   |
| <b>APPLICANT:</b>             | Jarvis Property No 3 Pty Ltd   |
| <b>ADDRESS:</b>               | 256-260 BRIGHTON ROAD, SOMERTON PARK SA 5044<br>268-270 BRIGHTON ROAD, SOMERTON PARK SA 5044<br>2 SEAFORTH AVENUE, SOMERTON PARK SA 5044   |
| <b>NATURE OF DEVELOPMENT:</b> | Construction of a Service Trade Premises comprising a new Motor Vehicle Showroom (Motor Vehicle Sales) and parts storage building, conversion of existing building to accommodate ancillary and Subordinate Motor Repair Station (Motor Vehicle Servicing) and construction of associated Car Wash Facility together with ancillary on site car parking.   |
| <b>ZONING INFORMATION:</b>    | Zones:<br><ul style="list-style-type: none"> <li>• Employment</li> <li>•Overlays:</li> <li>• Airport Building Heights (Regulated)</li> <li>• Building Near Airfields</li> <li>• Hazards (Flooding - General)</li> <li>• Major Urban Transport Routes</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> <li>• Airport Building Heights (Regulated)</li> <li>• Building Near Airfields</li> <li>• Hazards (Flooding - General)</li> <li>• Major Urban Transport Routes</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> <li>• Airport Building Heights (Regulated)</li> <li>• Building Near Airfields</li> <li>• Prescribed Wells Area</li> </ul> |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> </ul> |
| <b>LODGEMENT DATE:</b>                     | 17 May 2022  |
| <b>RELEVANT AUTHORITY:</b>                 | Council Assessment Panel at City of Holdfast Bay   |
| <b>PLANNING &amp; DESIGN CODE VERSION:</b> | 2022.8   |
| <b>CATEGORY OF DEVELOPMENT:</b>            | Code Assessed - Performance Assessed   |
| <b>NOTIFICATION:</b>                       | Yes  |
| <b>RECOMMENDING OFFICER:</b>               | Michael Gates<br>Development Services (Planning and Building) Lead   |
| <b>REFERRALS STATUTORY:</b>                | Commissioner of Highways<br>Environment Protection Authority   |
| <b>REFERRALS NON-STATUTORY:</b>            | Engineering  |

**Motion****270722/00040**

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 22015568, by Jarvis Property No 3 Pty Ltd is granted Planning Consent subject to the receipt of the EPA referral supporting the development and an amended landscaping plan for the precinct increasing the amount of landscaping and 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 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 the development herein approved shall operate between the hours above below unless written approval to vary the times is given by council.

The hours of operation for the sale of motor vehicles will be:

- Monday – Friday 8:30 am - 5:30 pm (Thursday until 6:00 pm)
- Saturday 8:30 am - 5:00 pm
- Sunday Closed
- The Motor Repair Station will operate Monday - Friday 7:30 am - 5:30 pm.

4. All vehicles delivered to the site by transport trucks must be unloaded on the site, and not on a public road
5. Access to the site shall be gained as shown on Walter Brooke, Site Plan Option 5, Project No. 21-0310, Drawing No. SK-012A. The Brighton Road access points shall be modified to accommodate simultaneous two-way passenger vehicle movements as shown in Stantec Traffic Impact Assessment, Project/File 300303438, dated 6 May 2022, Figure 5 with additional flaring to the kerb to allow convenient left turn in and left turn out movements. The access points shall be suitably signed and line-marked to reinforce the desired traffic flow.
6. The modified access to Seaforth Avenue shall provide for egress movements only and achieve 6 metres separation from the tangent point of the Brighton Road/Seaforth Avenue junction. The access shall be suitably signed and line marked to reinforce the desired traffic flow through the site.
7. All off-street parking and vehicle manoeuvring areas shall be designed in accordance with AS/NZS 2890.1:2004, AS/NZS 2890.6:2009 and 2890.2:2018. 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. Accordingly the first parking space adjacent to the Brighton Road access points shall be removed. The remaining car parking spaces located within 6 metres of the Brighton Road access points shall be designated for 'staff only' (or long term) parking only in order to minimise conflicting vehicle movements as per Major Urban Transport Routes Overlay DPF 2.1, a). Suitable signage shall be installed to reinforce this outcome.
8. Any obsolete crossover/s (or any portion thereof) on Brighton Road, Wilton Avenue and Seaforth Avenue shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.
9. Stormwater run-off shall be collected on-site and discharged without impacting the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

#### ADVISORY NOTES

##### General Notes

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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 Fleming

**Carried**

## 6. REPORTS BY OFFICERS

### 6.2 Deferred item - 2B Eton Road, Somerton Park (Report No 236/22)

#### **Background**

The application was presented to the Council Assessment Panel at its meeting on June 22, at which the Panel resolved to defer the proposal to seek amended plans that increase the amount of north and east facing windows regarding environmental Performance Outcomes 4.1 and 4.2, Design in Urban Areas.

*Buildings are sited, orientated and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.*

*Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.*

The applicant has provided amended plans showing additional windows for the upper storey to the north and east.

The assessment provided in the previous report remain relevant, except where varied in this report.

#### **Motion**

**270722/00041**

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 22007218, by Longridge Group 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, 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. The front balcony shall have fixed, obscure screening up to a minimum height of 1.7 metres to the reasonable satisfaction of Council and installed prior to occupation of the dwelling.
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).

#### ADVISORY NOTES

##### General Notes

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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 S Reachill

**Carried**

J Fleming left the meeting at 8.11 pm

W Miller joined the meeting at 8.11 pm

**6.1 Appeal Item - Shannon Smith - 75-77 Jetty Road, Brighton (Report No 235/22)**

At its meeting held on 25 May 2022, the Council Assessment Panel (the Panel) resolved to refuse Development Application Number 21038509 for a change of land use from a dwelling and shop to a shop at 75-77 Jetty Road, Brighton. Since the refusal was issued an appeal was lodged to the ERD Court, Case Number ERD-22-000084. The decision was appealed as the applicant has arranged an alternate form of access to the site from Jetty Road Brighton. Amended plans are provided to the Council which show internal alterations to the existing shop which will allow access to the rear outdoor area from the front of the shop.

**Motion**

**270722/00042**

It is recommended that the Council Assessment Panel advise the Environment, Resources and Development Court in the matter of Case Number ERD-22-000084 that the Council supports Application ID 21038509 as amended subject to the conditions below:

1. The development granted approval shall be undertaken and completed in accordance with the amended plans dated 29/06/2022 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 before 9am and after 7pm.

4. 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.
5. The number of patrons located in the rear outdoor dining area shall not exceed 30 at any given time.
6. The rear access shall only be used in case of emergency.
7. That all deliveries must be made through the Jetty Road access only.

Moved W Miller, Seconded S Reachill

**Carried**

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

### **7.1 Application Referrals to History Centre**

The City of Holdfast Bay History Centre provides a repository of invaluable historic information relating to the city, along with an extensive photographic inventory of important buildings connected with Holdfast Bay's heritage. The information is so vast that much of it does not appear in conventional publications relating to the city's historic buildings, including the various Heritage Review documents, that are typically relied upon by Council's planning assessment staff and its consulting Heritage Adviser to make recommendations as to the value of historic buildings. In this regard, I am proposing to move a motion that would see future development applications that come before the Council Assessment Panel referred to the City of Holdfast Bay History Centre for the discovery of any relevant information that may assist to better inform the Panel's decision through a more complete understanding of the heritage value attributable to a particular building. As a practical example, such a process would have been most useful in assisting the Panel in its understanding of the historic context for the buildings located at 71-73 Jetty Road, Brighton, which was the subject of a demolition application presented to the Panel at its 27 January 2022 meeting.

#### **Motion**

**270722/00043**

That the City of Holdfast Bay History Centre is consulted with respect to any Local or State Heritage building affected by a development application prior to the matter coming before the Council Assessment Panel for a decision, for the purpose of discovering any relevant information that may assist to better inform the Panel's decision through a more complete understanding of the heritage value attributable to a particular building. Such consultation shall occur in addition to any referrals to Council's Heritage Adviser.

Moved W Miller, Seconded S Reachill

**Carried**

**8. ERD COURT UPDATE**

**38 Tarlton Street Somerton Park**

Conference adjourned until 2 September, applicant to provide amended plans to seek a compromise

**75-77 Jetty Road Brighton**

Amended plans provided to July CAP meeting

**57 Repton Road Somerton Park**

Appeal against conditions – conference listed for 5 August

**31 Beach Road Brighton**

Neighbour appeal against approval, listed for directions hearing 6 September and to whether neighbour can contest decision

**9. CLOSURE**

The meeting closed at 8.17 pm.

**CONFIRMED      Wednesday, 24 August 2022**

**PRESIDING MEMBER**