

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Thursday, 28 January 2021 at 7.00 pm.

MEMBERS PRESENT

Presiding Member – D Bailey
J Gronthos
Y Svensson
M Bouchee
S Reachill

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Team Leader Development Assessment – C Watson
Development Officers Planning – A Stamatopolous
Team Leader Development Administration - A Elliott

1. OPENING

D Bailey welcomed the people in the gallery.

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

280121/00001

That the minutes of the Council Assessment Panel held on 9 December 2020 be taken as read and confirmed.

Moved by S Reachill, Seconded by J Gronthos

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Hayden and Dimi Doak, 5 Seaview Terrace, Brighton (Report No 6/21)

Item withdrawn.

5.2 Heather and Michael Kilmartin, 3 Dunluce Avenue, Brighton (Report No 7/21)

DA NO.	:	<u>110/00880/20</u>
APPLICANT	:	<u>HEATHER AND MICHAEL KILMARTIN</u>
LOCATION	:	<u>3 DUNLUCE AVENUE, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>HOLDFAST BAY COUNCIL CONSOLIDATED - 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL CHARACTER ZONE POLICY AREA 13 (BRIGHTON AND GLENELG EAST)</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>CARPORT LOCATED FORWARD OF ASSOCIATED DETACHED DWELLING</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>CONSENT</u>

Motion

280121/00002

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 110/00880/20 subject to the following conditions:

PLANNING CONDITIONS

1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That the applicant provides on-site detention and retention sufficient to limit peak flow as a result of the development in a 100 year event (1% AEP) to not more than the 5 year (20% AEP) predevelopment flow rate and the volume of flow not exceed predevelopment volume.

Moved Y Svensson, Seconded J Gronthos

Carried

6. REPORTS BY OFFICERS**6.1 Non-complying development application - Decision to Proceed (Report No 8/21)**

Development Application 110/00986/20 was lodged with Council as a non-complying form of development for the subject site at 20 Augusta Street, Glenelg. Pursuant to Section 39 (4)(d) of the Development Act 1993, the relevant authority may refuse an application that relates to a development of a kind that is described as a non-complying development under the relevant Development Plan without proceeding to make an assessment of the application. Accordingly, a decision is sought on whether to proceed with further processing of the Development Application.

Motion**280121/00003**

That the Council Assessment Panel considers that the development application 110/00986/20 does not have merit and pursuant to Section 39(4)(d) of the Development Act 1993 resolves to refuse the Development Application as it is seriously at variance with the Residential Character Zone and Policy Area 14 Desired Character Statements, Residential Character Principle 2 and 3 and Policy Area 14 Principle 3.

Moved M Bouchee, Seconded S Reachill

Carried**6.2 Council Assessment Panel Delegations to Assessment Manager (Report No 9/21)**

In readiness for the introduction of the Planning and Design Code, the Local Government Association has prepared a model Instrument for delegating decision making to the Council's Assessment Manager. The current process requires Council to delegate decision making to the Assessment Manager, but under the new regime, tasks previously attributable to Council are now transferred to Council Assessment Panels to then sub-delegate to the Assessment Manager.

Motion**280121/00004**

- 1. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report dated 28 January 2021 and entitled Instrument C) are hereby delegated this 28th day of January 2021 to the Assessment Manager subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.**

2. **Such powers and functions may be further delegated by the Assessment Manager in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.**

Moved J Gronthos, Seconded S Reachill

Carried

6.3 Council Assessment Panel Terms of Reference (Report No 10/21)

In readiness for the introduction of the Planning and Design Code, the Local Government Association has prepared a model Terms of Reference for Council Assessment Panels across all South Australian Councils to adopt.

Motion

280121/00005

1. **The City of Holdfast Bay Council Assessment Panel recommends that Council adopt, on its behalf, the model Terms of Reference prepared by the Local Government Association (provided as Attachment 1 to this report) for the Council Assessment Panel.**

Moved J Gronthos, Seconded S Reachill

Carried

6.4 Policy for the Council Assessment Panel Review of Assessment Manager Decisions (Report No 11/21)

Imminent changes to the *Planning, Development and Infrastructure Act 2016* provide applicants with two pathways for seeking a review of a decision made under delegation by a Council-appointed Assessment Manager. The first is through the continuation of the current process where an appeal is lodged directly with the Environment, Resources and Development Court. The second (and new) process involves asking the Council Assessment Panel to review the decision instead. A Policy is therefore required to outline the process for seeking such a review. It is recommended that the Holdfast Bay Council Assessment Panel adopt the model Policy prepared by the Local Government Association as a means to ensure consistency across all councils and to ensure that sound processes are followed.

Motion

280121/00006

1. **The City of Holdfast Bay Council Assessment Panel resolves to adopt the Policy for Assessment Panel Review of Decision of Assessment Manager dated January 2021 (Attachment 1).**

Moved Y Svensson, Seconded J Gronthos

Carried

6.5 Standing Referral of Building Rules Assessments (Report No 12/21)

In relieving Councils of their decision making responsibilities under the *Planning, Development and Infrastructure Act 2016* upon enlivenment of the Planning and Design Code, the unintended consequence has been to burden assessment panels with the gamut of development assessment responsibilities, including Building Rules assessment. Given the inefficiency of having the Council Assessment Panel convene to ratify every Building Rules assessment, it is recommended that a standing referral is made to enable Council to continue the current practice of sub-delegating this responsibility to Council's building assessment staff.

Motion**280121/00007**

- 1. The City of Holdfast Bay Council Assessment Panel (Panel) determines to act under Section 99(1)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act) in relation to all development applications received by it that involve the performance of building work.**
- 2. Pursuant to Section 99(1)(c) of the Act, where the Panel has determined to act under Section 99(1)(b) of the Act, the Panel refers the assessment of the development in respect of the Building Rules to the City of Holdfast Bay.**

Moved M Bouchee, Seconded S Reachill

Carried**6.6 Council Assessment Panel Meeting Procedures (Report No 13/21)**

In readiness for the introduction of the Planning and Design Code, the Local Government Association has prepared model Meeting Procedures for adoption by Council Assessment Panels across all South Australian Councils.

Motion**280121/00008**

- 1. The City of Holdfast Bay Council Assessment Panel adopts the Meeting Procedures prepared by the Local Government Association (provided as Attachment 1 to this report).**

Moved M Bouchee, Seconded Y Svensson

Carried**7. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil****8. CLOSURE**

The meeting closed at 8.04 pm.

CONFIRMED Wednesday, 24 February 2021**PRESIDING MEMBER**