

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 28 July 2021 at 7:00 pm.

MEMBERS PRESENT

Presiding Member – D Bailey
Y Svensson
S Reachill
J Fleming

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
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 – J Gronthos and M Bouchee
Absent – Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. CONFIRMATION OF MINUTES

Motion

280721/00030

That the minutes of the Council Assessment Panel held on 23 June 2021 be taken as read and confirmed.

Moved by Y Svensson, Seconded by S Reachill

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Australian Venue Co - 466 Brighton Road Brighton (Report No 234/21)

DEVELOPMENT NO.:	21003218
APPLICANT:	AUSTRALIAN VENUE CO
ADDRESS:	466 BRIGHTON RD BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Variation to DA110/00127/20 comprising extension to approved beer garden and illuminated advertising display
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Suburban Activity Centre Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Future Road Widening • Hazards (Flooding - General) • Major Urban Transport Routes • Noise and Air Emissions • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height (Levels) • Building Envelope
LODGEMENT DATE:	4 May 2021
RELEVANT AUTHORITY:	Assessment Panel
PLANNING & DESIGN CODE VERSION:	25 March – Version 2021.3
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning,
REFERRALS STATUTORY:	Commissioner of Highways
REFERRALS NON-STATUTORY:	N/A

Speakers: M Loy and Mr King, URPS on behalf of the Applicant
Australian Venue Co

Motion

280721/00031

After considering Application 21003218, the Application be deferred to request further information regarding proposed traffic movement in Voules and Nash Streets arising from the proposed development, including consideration for the opportunity of two way movement onto Sturt Road and bicycle parking.

Moved Y Svensson, Seconded S Reachill

Carried

5.2 Jim McBryde, Sheridan Super Pty Ltd - 593 Anzac Highway, Glenelg North (Report No 235/21)

DEVELOPMENT NO.:	21005547
APPLICANT:	Jim McBryde Sheridan Super Pty Ltd
ADDRESS:	593 ANZAC HWY GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Alterations and additions to rear of existing office building including the construction of an addition to the rear of the building and eastern side boundary with a boundary wall height of 4 metres
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Suburban Business Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Building Near Airfields • Heritage Adjacency • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development
LODGEMENT DATE:	25 Jun 2021
RELEVANT AUTHORITY:	Assessment Panel
PLANNING & DESIGN CODE VERSION:	3 June 2021 Version 2021.7
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning,
REFERRALS STATUTORY:	N/A
REFERRALS NON-STATUTORY:	N/A

Motion

280721/00032

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 21005547, by Jim McBryde and Sheridan Super Pty Ltd is granted Consent subject to the following conditions:**

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. **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. **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 Y Svensson, Seconded S Reachill

Carried

**5.3 Franca Dangelo, Larry Piscioneri - Shop 1-3 72 Broadway Glenelg South
(Report No 236/21)**

DEVELOPMENT NO.:	21006923
APPLICANT:	Franca DAngelo Larry Piscioneri
ADDRESS:	SHOP 1-3 72 BROADWAY GLENELG SOUTH SA 5045
NATURE OF DEVELOPMENT:	Entry verandahs to restaurant
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Local Activity Centre Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Building Near Airfields • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height (Levels)
LODGEMENT DATE:	28 Apr 2021
RELEVANT AUTHORITY:	Assessment Panel
PLANNING & DESIGN CODE VERSION:	22 April 2021 Version 2021.5
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	None

Motion

280721/00033

RECOMMENDATION

That Planning Consent is granted.

It is recommended that the Council Assessment Panel/SCAP 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 21006923, by Franca DAngelo and Larry Piscioneri 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).**

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).**

Note: The applicant to consider including facilities for bicycle parking.

Moved S Reachill, Seconded Y Svensson

Carried

5.4 Greenway Architects - 379 Brighton Road, Hove (Report No 237/21)

DA NO. :	110/00128/21
APPLICANT:	GREENWAY ARCHITECTS
LOCATION :	379 BRIGHTON ROAD, HOVE
DEVELOPMENT PLAN:	CONSOLIDATED 26 NOVEMBER 2020
ZONE AND POLICY AREA :	NEIGHBOURHOOD CENTRE ZONE
NATURE OF DEVELOPMENT:	MERIT
PROPOSAL :	THE CONSTRUCTION OF A TWO STOREY MEDICAL CLINIC WITH WALLS LOCATED ON THE NORTHERN SIDE BOUNDARY, GROUND FLOOR OFFICE AND ON GRADE CAR PARKING
REFERRALS:	DEPARTMENT FOR INFRASTRUCTURE AND TRANSPORT
CATEGORY :	CATEGORY TWO
REPRESENTATIONS :	TWO
RECOMMENDATION :	DEVELOPMENT PLAN CONSENT

Speakers: K Noorlander and Graham Burns, Masterplan on behalf of the Applicant, Greenway Architects

Motion**280721/00034**

That after considering the provisions of the Development Plan and any representations or responses received, the application be deferred to enable the applicant to provide further detailed landscaping plans to soften the built form impacts and heat absorption and reflection as per Landscaping, Fences and Walls Principle of Development Control.

Moved S Reachill, Seconded Y Svensson

Carried**6. REPORTS BY OFFICERS****6.1 Nil.****6.2 Deferred item - 207 Esplanade, Seacliff (Report No 238/21)**

On the 23 June 2021, the Council Assessment Panel deferred application 110/01036/20 to enable the applicant to provide shadow diagrams for March, June, September and December showing the impact of the proposed dwelling on the site to the south including.

The applicant responded by way of submitting detailed shadow diagrams depicting the shadow cast at 9am, 12pm and 3pm during March, June and September as well as an elevation diagram demonstrating the shadow cast, to provide added perspective.

PLANNING CONDITIONS

- 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 Development Assessment Panel resolves to grant Development Plan Consent to Development Application - 110/01036/20 for the construction of a three storey detached dwelling and a pair of three storey semi-detached dwellings at 207 Esplanade, Seacliff, subject to the following conditions:
1. That the development shall be implemented in accordance with the plans and documentation submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
 2. That all upstairs windows on the side and rear elevations shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be manufactured obscure glass and fixed shut or as otherwise approved by Council. Further details of this requirement shall be provided at Building Rules Assessment stage.
 3. Landscaping shall be implemented as per the Landscape Plan labelled 'Proposed Landscaping'. All such landscaping shall be established within 3 months of substantial completion of the development and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
 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 to the reasonable satisfaction of Council.
 5. That stormwater from each 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.

Moved S Reachill, Seconded J Fleming

Carried

6.3 Deferred item - 28 Sturt Road, Brighton (Report No 239/21)

J Fleming declared a perceived conflict of interest at 8.30pm.

On the 23 June 2021, the Council Assessment Panel deferred application 110/00175/21 to gain additional information through a site visit as to the biodiversity, environmental benefits, and landscape setting, in order to better understand the context of the trees proposed to be removed. The Council Assessment Panel attended the site on Thursday, 8 July 2021. The recommendation to the Council Assessment Panel from administration remains unchanged.

RECOMMENDATION

The proposed development is NOT seriously at variance with the policies in the Development Plan.

Following a detailed assessment of the proposed development against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel considers that the proposed development is not consistent with the Development Plan and that Development Application 110/00175/21 be refused Development Plan Consent for the reason that it is contrary to:

- **General Section, Significant Trees, Objective 1; and**
- **General Section, Significant Trees, Principles of Development Controls 1(a), (e) and (f), and 3 (a)(i) and (ii), and (b).**
- **General Section, Regulated Trees, Objectives 1 and 2(a); and**
- **General Section, Regulated Trees, Principles of Development Controls 2(a), (b), (c), (d).**

More specifically, the application to remove the Significant Trees identified as Tree No. 3, Tree No. 4, and Tree No. 7 (*eucalyptus cladocalyx*) and the Regulated Tree identified as Tree No. 6 (*eucalyptus cladocalyx*) in the report prepared by Arborman Tree Solutions dated 25 February 2021 (Ref. ATS6139-028StuRdTAR-1) and provided in support of the Development Application, does not meet the intent of the Development Plan in that those trees:

- **are not diseased and do not have a short life expectancy;**
- **do not pose an unacceptable risk to public or private safety;**
- **are not causing, or threatening to cause, damage to a substantial building or structure of value;**
- **will not restrict development that is reasonable and expected; and**
- **make important contributions to the character and visual amenity of the locality.**

Moved Y Svensson, Seconded S Reachill

Carried

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

8. CLOSURE

The meeting closed at 8.35 pm.

CONFIRMED Wednesday, 25 August 2021

PRESIDING MEMBER