

**Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton, on Wednesday, 28 September 2022 at 7:00 pm.**

**MEMBERS PRESENT**

Presiding Member – D Bailey  
Y Svensson  
S Reachill  
J Fleming

**STAFF IN ATTENDANCE**

Development Services Lead - M Gates  
Development Officers Planning - A Stamatopolous  
Team Leader Development Administration - A Elliott

**1. OPENING**

D Baily 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**

**280922/00051**

**That the minutes of the Council Assessment Panel held on 24 August 2022 be taken as read and confirmed.**

Moved by J Fleming, Seconded by S Reachill

**Carried**

## 5. COUNCIL ASSESSMENT MATTERS

### 5.1 David Thomson, Unit 2, 1-1A Farrell Street, Glenelg South (Report No 391/22)

<b>DEVELOPMENT NO.:</b>	22024855
<b>APPLICANT:</b>	David Thomson
<b>ADDRESS:</b>	UNIT 2 1-1A FARRELL ST GLENELG SOUTH SA 5045
<b>NATURE OF DEVELOPMENT:</b>	Demolition of existing structures, internal alterations and the construction of single storey dwelling additions with walls located on the western and eastern side boundaries
<b>ZONING INFORMATION:</b>	Zones: <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> Overlays: <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Historic Area</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres)</li> <li>• Minimum Site Area</li> <li>• Maximum Building Height (Levels)</li> </ul>
<b>LODGEMENT DATE:</b>	22 Jul 2022
<b>RELEVANT AUTHORITY:</b>	Assessment panel at City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.13
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Alexander Stamatopoulos Development Planner
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Nil

**Speakers:** Sam Hemmings and David Thomson

#### Motion

**280922/00052**

It is recommended that the Council Assessment Panel resolve that Development Application Number 22024855, by David Thomson is deferred for clarity and updated plans regarding retention of the awnings, original architectural features

on the front façade and updating the plans to remove the proposed 1.8m high fence shown in the front yard.

Moved Y Svensson, Seconded S Reachill

**Carried**

## 5.2 Gavin Tonkin, 47 Oaklands Road, Somerton Park (Report No 392/22)

<b>DEVELOPMENT NO.:</b>	22017841
<b>APPLICANT:</b>	Gavin Tonkin
<b>ADDRESS:</b>	47 OAKLANDS RD SOMERTON PARK SA 5044
<b>NATURE OF DEVELOPMENT:</b>	Warehouse and associated offices two storeys high with walls located on the western, southern and eastern side boundaries
<b>ZONING INFORMATION:</b>	Zones: <ul style="list-style-type: none"> <li>• Employment</li> </ul> Overlays: <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> <li>• Urban Transport Routes</li> </ul>
<b>LODGEMENT DATE:</b>	26 May 2022
<b>RELEVANT AUTHORITY:</b>	Assessment panel at City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.9
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Alexander Stamatopoulos Development Planner
<b>REFERRALS STATUTORY:</b>	Commissioner of Highways
<b>REFERRALS NON-STATUTORY:</b>	Technical Services – Stormwater Council Arborist

### **Motion**

**280922/00053**

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 22017841, by Gavin Tonkin is granted Planning Consent subject to the following reserved matters and conditions:

#### **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 increases the amount of landscaping to the front of the property

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.

##### **Conditions imposed by Commissioner of Highways under Section 122 of the Act**

1. All access shall be gained via Oaklands Road, in accordance with TSDB Site Plan, Project Number: 0586, Drawing Number: A01-1.A, Issue: A Driveway Amendments, dated 01 July 2022, and uploaded 19 July 2022.
2. All vehicles shall enter and exit in a forward direction.
3. The largest vehicle permitted on-site shall be a Small Rigid Vehicle as defined in AS 2890.2:2002.
4. Car parking bay 6 (six) shall limited to staff parking and/or manoeuvring space only to minimise the potential for vehicular conflict adjacent to Oaklands Road.
5. Stormwater run-off shall be collected on-site and discharged without impacting Oaklands Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Moved Y Svensson, Seconded S Reachill

**Carried**

**5.3 Hammond Estates Pty Ltd, 28 Sturt Road, Brighton (Report No 393/22)**

<b>DEVELOPMENT NO.:</b>	22009838
<b>APPLICANT:</b>	Hammond Estates Pty Ltd
<b>ADDRESS:</b>	28 STURT RD BRIGHTON SA 5048
<b>NATURE OF DEVELOPMENT:</b>	Land division, resulting in 28 allotments, construction of 28 dwellings and remove 4 regulated trees
<b>ZONING INFORMATION:</b>	Zones: • General Neighbourhood Overlays: • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Transport Routes • Urban Tree Canopy • Airport Building Heights (Regulated) • Affordable Housing • Hazards (Flooding) • Hazards (Flooding - General)
<b>LODGEMENT DATE:</b>	13 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>	No
<b>RECOMMENDING OFFICER:</b>	Michael Gates Development Services (Planning and Building) Lead
<b>REFERRALS STATUTORY:</b>	Commissioner of Highways
<b>REFERRALS NON-STATUTORY:</b>	Engineering Arborist

**Motion****280922/00054**

That Development Application Number 22009838, by Hammond Estates Pty Ltd is deferred to seek further information regarding:

- The inclusion of affordable housing in order to meet PO1.1 and 1.2 of the Affordable Housing overlay;
- Further assessment of the biodiversity value of Tree No. 3, 8 and 15;
- Further assessment of the impact the buildings will have on the trees which are to be retained, and the proposed tree protection measures that are to be incorporated into the development;
- Amending plans showing the retention of tree number 3; and

- Information regarding future civil works ensuring tree retention.

Moved S Reachill, Seconded Y Svensson

**Carried**

**5.4 George Majda and Associates, Unit 4 34B South Esplanade, Glenelg South (Report No 396/22)**

Item withdrawn from the Agenda.

**6. REPORTS BY OFFICERS**

**6.1 Appeal Item - 43A Marlborough Street, Brighton (Report No. 394/22)**

That the Environment, Resources and Development Court is advised that the Council Assessment Panel supports Application ID 21039035, as amended, in the matter of Case Number ERD-22-000135 ALAN COOPER v CITY OF HOLDFAST BAY ASSESSMENT PANEL, subject to the following 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 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.
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. That all upstairs windows, other than facing the street, 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.
5. The rear balcony shall comprise obscure glass balustrade up to a minimum height of 1.5 metres above the finished floor level on the side and rear elevations, and screening up to 1.8 metres in height above the finished floor level on the western elevation of the rear balcony which sits 300mm from the western side boundary, as referenced on the *Lower A2 Floor Plan, Sheet C3 and Left & Right western side elevation, Sheet C6*.
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).

Moved S Reachill, Seconded D Bailey

The Presiding Member used his casting vote for the motion and declared the motion

**Carried**

**6.2 Appeal Item - Council verge on the western side of the Esplanade roadway opposite 220 Esplanade Seacliff (Report No: 395/22)**

That the Environment, Resources and Development Court is advised that the Council Assessment Panel supports Application ID 22017748 as amended, in the matter of Case Number ERD-22-000133 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.

**ADVISORY NOTES**

**General Notes**

2. 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.
3. 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.
4. 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.
5. 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).
6. 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).

**Planning Consent**

Advisory Notes imposed by Coast Protection Board under Section 122 of the Act  
The proposed access ramp extends over a section of beach which may be vulnerable to coastal hazards such as flooding and erosion. Its seaward footings

(especially) and the exit to the sand should be set to a depth which allows for potential scouring or lowering of beach levels.

Moved S Reachill, Seconded J Fleming

**Carried**

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

**8. ERD COURT UPDATE**

Report noted.

**9. CLOSURE**

The meeting closed at 8.43 pm.

**CONFIRMED      Wednesday, 26 October 2022**

**PRESIDING MEMBER**