

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 26 June 2024 at 7:00 pm.

MEMBERS PRESENT

Presiding Member – Y Svensson
S Reachill
T Sutcliffe
C Dunn
J Fleming
B Snewin

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Assessment Manager – M Gates
Development Officers Planning - A Stamatopolous and D Spasic
Development Administration Lead - A Elliott

1. Opening

The Presiding Member, Y Svensson declared the meeting open at 7.02pm.

2. Kurna Acknowledgement

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. Apologies

Apologies received - Nil

Absent - Nil

4. Declaration Of Interest

If a Panel Member has an interest (within the terms of the Local Government Act 1999 and Planning, Development and Infrastructure Act 2016) in a matter before the Panel they are asked to disclose the interest to the Panel and provide full and accurate details of the relevant interest. Panel Members are reminded to declare their interest before each item.

5. Confirmation Of Minutes

Motion

That the minutes of the Council Assessment Panel held on 22 May 2024 be taken as read and confirmed.

Moved S Reachill, Seconded C Dunn

Carried

6. Applications Assessed under the Planning and Design Code

6.1 MyHomeBuild, 3 Lewis Street, Glenelg North (Report No 174/24)

DEVELOPMENT NO.:	24004969
APPLICANT:	MyHomeBuild
ADDRESS:	3 LEWIS ST GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Two-storey detached dwelling
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • General Neighbourhood Overlays: <ul style="list-style-type: none"> • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy • Aircraft Noise Exposure • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields
LODGEMENT DATE:	15 Apr 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.6 04/04/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

Motion

260624/00009

Not Seriously at Variance

The Council Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit, and is not seriously at variance with the Planning and Design Code.

Moved Y Svensson, Seconded T Sutcliffe

Carried

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, Development Application Number 24004969, by

MyHome Build 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.
2. 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.
3. 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).
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. That the finished level of the crossover at the property boundary shall be a minimum of 75mm above the top of kerb in accordance with AS2890.1, and the maximum gradient of the driveway shall not be greater than 5% across the footpath, with the invert profile conforming to AS2876.

Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath.

The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.

Moved T Sutcliff, Seconded S Reachill

Lost

Motion

260624/00010

That Development Application Number 24004969, by MyHomeBuild is REFUSED Planning Consent for the following reasons:

- 1 Does not satisfying General Neighbourhood zone PO7.1. The design has excessive boundary length and height, and unsatisfactory visual overshadowing impacts on adjoining properties.

2. Interfaces between land uses 3.1 does not minimise overshadowing of habitable rooms (particularly neighbours ground floor rooms).

Moved Y Svensson, Seconded C Dunn

Carried

6.2 530 Bay Road Pty Ltd, 530-534 Anzac Highway, Glenelg East (Report No 175/24)

DEVELOPMENT NO.:	24009673
APPLICANT:	530 Bay Road Pty Ltd
ADDRESS:	530 ANZAC HWY GLENELG EAST SA 5045 532 ANZAC HWY GLENELG EAST SA 5045 534 ANZAC HWY GLENELG EAST SA 5045
NATURE OF DEVELOPMENT:	Construct a childcare facility
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Housing Diversity Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Future Road Widening • Hazards (Flooding - Evidence Required) • Key Railway Crossings • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy • Water Resources <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 9m) • Minimum Frontage (Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 9m; row dwelling is 7m; group dwelling is 7m; residential flat building is 7m) • Minimum Site Area (Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 200 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	9 Apr 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.6 04/04/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed

NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Commissioner of Highways
REFERRALS NON-STATUTORY:	Council - Traffic

Motion

260624/00011

Not Seriously at Variance

The Council Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit, and is not seriously at variance with the Planning and Design Code.

Moved C Dunn, Seconded T Sutcliffe

Carried

Motion

260624/00012

It is recommended that the Council Assessment Panel resolve that:

1. Development Application Number 24009673, by 530 Bay Road 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. 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 proposal incorporates all the recommendations from the associated BESTEC report, including:
 - *A 1,800mm high timber paling fence be constructed to the western boundaries of the play area as illustrated with blue line on Figure 2.*
 - *A 2,100mm timber paling fence be constructed around the eastern boundary as indicated with orange line on Figure 2.*
 - *A 2,400mm high timber paling fence be constructed around boundaries of the outdoor play areas as illustrated with red line on Figure 2.*
 - *The fences should be continuous with no gaps and have minimum surface mass of 5kg/m².*
 - *In order to control the noise emissions from the proposed new building, we recommend the following constructions:*

Façade – framed construction consisting of 9mm fibre cement to the external side of minimum 92mm steel studs and 1 layer of 13mm plasterboard to the internal side with cavity infill of 75mm, 11kg/m³ glasswool;

Roof – conventional profiled steel roof decking (0.42mm BMT) over 100mm thick foil faced insulation blanket with minimum density of 16kg/m³ (ANTICON 100HP or

equivalent) and suspended ceiling of perforated plasterboard backed with non-woven acoustic tissue and overlaid with 75mm, 32kg/m³ polyester.

Glazing – *we recommend 10.38mm laminated glass or as required structurally be used for external glazing and sliding doors.*

4. That the rubbish collection service must be collected on site, and within the hours of 7am to 5pm Monday to Friday.
5. That the development herein approved shall operate between the hours of 6:30am to 6:30pm Monday to Friday inclusive unless written approval to vary the times is given by Council.
6. That no more than 104 children shall be located in the child care centre at any given time.

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

7. All access to/from the development shall be gained in accordance with the site plan produced by On Architecture, Job No. 202300117, Drawing No. DA01, dated 08 03 2024. The driveway shall be appropriately flared for ease of access.
8. The largest vehicle permitted on site shall be a 10m long truck (refuse vehicle). Vehicles larger than a B99 passenger vehicle shall only access the site during off peak periods for the development.
9. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. The first parking space adjacent to the Anzac Highway frontage (space 10) shall be removed and space 11 shall be marked for 'Staff Only'.
10. All vehicles shall enter and exit the site in a forward direction.
11. Any fencing/landscaping adjacent to the access to the subject site shall be designed or located to ensure that the pedestrian sightlines in Major Urban Transport Routes Overlay DTS/DPF 5.1, a) and b) are achieved.
12. The redundant crossovers on Anzac Highway shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to the operation of the childcare centre.
13. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

ADVISORY NOTES

Planning Consent

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act
The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Anzac Highway frontage of this site

for future upgrading of the Anzac Highway/Morphett Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6.0 metres of the possible requirement. The applicant should return the attached consent form along with the stamped approved plans and Decision Notification Form to dit.landusecoordination@sa.gov.au for consent purposes.

Moved S Reachill, Seconded C Dunn

Carried

6.3 Steven Huang, 56 Paringa Avenue, Somerton Park (Report No 176/24)

DEVELOPMENT NO.:	24005807
APPLICANT:	Steven Huang
ADDRESS:	56 PARINGA AV SOMERTON PARK SA 5044
NATURE OF DEVELOPMENT:	The construction of a new manufacturing facility (light industry), including ancillary offices, landscaping and parking.
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Employment Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Building Near Airfields • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development
LODGEMENT DATE:	1 Apr 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.5 14/03/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

Motion

260624/00013

Not Seriously at Variance

The Council Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit, and is not seriously at variance with the Planning and Design Code.

Moved T Sutcliffe, Seconded C Dunn

Carried

Motion

260624/00014

That the Council Assessment Panel resolve that:

1. Development Application Number 24005807, by Steven Huang is REFUSED Planning Consent for the following reasons:
 - The proposal is at odds with Desired Outcome 2, Performance Outcome 2.1, 5.1 and 5.2 of the Employment Zone and PO 5.1 of Traffic, Access and Parking as the footprint of the building is excessive resulting in a notable shortfall in soft landscaping and parking spaces on the site.

Moved J Fleming, Seconded S Reachill

Carried

6.4 Ivan Samardzhiev, 17-19 Oaklands Road, Somerton Park (Report No 177/24)

DEVELOPMENT NO.:	24003550
APPLICANT:	Ivan Samardzhiev
ADDRESS:	17-19 OAKLANDS RD SOMERTON PARK SA 5044
NATURE OF DEVELOPMENT:	Change in use of land from shop to service trade premises (vehicle dealership) at 2/17-19 Oaklands Road, Somerton Park
ZONING INFORMATION:	Zones: <ul style="list-style-type: none">• Employment Overlays: <ul style="list-style-type: none">• Airport Building Heights (Regulated)• Building Near Airfields• Future Road Widening• Hazards (Flooding - General)• Prescribed Wells Area• Regulated and Significant Tree• Traffic Generating Development• Urban Transport Routes
LODGEMENT DATE:	16 Feb 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.3 15/02/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

7.43 pm J Fleming declared a possible conflict interest and left the meeting.

7.43 pm B Snewin entered the meeting.

Motion

260624/00015

Not Seriously at Variance

The Council Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit, and is not seriously at variance with the Planning and Design Code.

Moved C Dunn, Seconded T Sutcliffe

Carried

Motion

260624/00016

1. Development Application Number 24003550, by Ivan Samardzhiev 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. Existing landscaping to be maintained and kept health, with any dying or diseased vegetation to be replaced.
3. Any lighting used on the premises shall be designed in accordance with AS/NZS 4282 in order to control the obtrusive effects from outdoor lighting.
4. That the development herein approved shall operate between the hours of 7am to 6pm Monday to Saturday inclusive unless written approval to vary the times is given by Council.

Moved C Dunn, Seconded S Reachill

Carried

7.52 pm B Snewin left the meeting.

7.52 pm J Fleming returned to the meeting.

7. DEFERRED ITEMS - Nil

8. APPEAL ITEM

8.1 Ric Hambrook, 21 Myrtle Road, Somerton Park (Report No. 178/24)

DEVELOPMENT NO.:	24005851
APPLICANT:	Ric Hambrook
ADDRESS:	21 MYRTLE RD SEACLIFF SA 5049
NATURE OF DEVELOPMENT:	Appeal Report - Two storey detached dwelling
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 • Character Area • Hazards (Flooding - General) • 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 frontage for a detached dwelling is 12m; semi-detached dwelling is 12m; row dwelling is 12m; group dwelling is 12m; residential flat building is 12m) • Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 400 sqm; row dwelling is 350 sqm; group dwelling is 350 sqm; residential flat building is 350 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level)
LODGEMENT DATE:	29 Feb 2024
RELEVANT AUTHORITY:	Environment, Resources and Development Court
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.3 15/02/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

It is recommended that the Council Assessment Panel advise the Environment, Resources and Development Court in the matter of Case Number ERD-24-000046 that the Council supports Application ID 24005851 as amended subject to the conditions below:

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. 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.
3. 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).
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. That the finished level of the crossover at the property boundary shall be a minimum of 75mm above the top of kerb in accordance with AS2890.1, and the maximum gradient of the driveway shall not be greater than 5% across the footpath, with the invert profile conforming to AS2876.

Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath.

The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.

Moved T Sutcliffe, Seconded Y Svensson

Carried

9. REPORTS BY OFFICERS

9.1 Council Assessment Panel Operating Procedures

Amendments noted.

10. APPLICATIONS UNDER APPEAL

Assessment Manager, M Gates provided an update on matters before the Environment, Resource and Development Court.

Noted.

11. URGENT BUSINESS – Subject to the Leave of the Meeting - Nil

12. DATE AND TIME OF NEXT MEETING

The next meeting of the Council Assessment Panel will be held on Wednesday, 24 July 2024 in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton.

13. CLOSURE

The meeting closed at 8.12 pm.

PRESIDING MEMBER