

**Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 22 May 2019 at 7:00 pm.**

**MEMBERS PRESENT**

Presiding Member – J Newman  
G Goss  
D Bailey  
R Clancy  
J Gronthos

**STAFF IN ATTENDANCE**

Manager Development Services – A Marroncelli  
Team Leader Development Assessment – C Watson  
Development Officers – A Stamatopolous

**1. OPENING**

J Newman 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**

**220519/00018**

**That the minutes of the Council Assessment Panel held on 24 April 2019 be taken as read and confirmed.**

Moved by R Clancy, Seconded by D Bailey

**Carried**

## 5. COUNCIL ASSESSMENT MATTERS

### 5.1 B and K Lovric, 34 Penzance Street, Glenelg (Report No 170/19)

DA NO.	:	110/00196/19
APPLICANT	:	B AND K LOVRIC
LOCATION	:	34 PENZANCE STREET, GLENELG
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TO VARY DA 110/00857/17 (ALTERATIONS AND ADDITIONS TO DWELLING COMPRISING WALL AND VERANDAH ON NORTHERN BOUNDARY) BY REPLACING THE BOUNDARY WALL WITH A GABLE WALL
EXISTING USE	:	DETACHED DWELLING
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT WITH CONDITIONS

Speakers: D Panizzon and B Lovric

#### Motion

**220519/00019**

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 110/00196/19, 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 verandah herein approved shall not be enclosed without the prior consent of Council
3. That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.

Moved R Clancy, Seconded G Goss

**Carried**

**5.2 Zaina Stacey Development Consultants, 18 Vincent Avenue, North Brighton  
(Report No 171/19)**

DA NO.	:	<u>110/00197/19</u>
APPLICANT	:	<u>ZAINA STACEY DEVELOPMENT CONSULTANTS</u>
LOCATION	:	<u>18 VINCENT AVENUE, NORTH BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>TORRENS TITLE LAND DIVISION CREATING TWO ALLOTMENTS FROM ONE ALLOTMENT</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION		<u>DEVELOPMENT APPROVAL</u>

**Motion**

**220519/00020**

- 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 Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Approval to Development Application 110/00197/19 for a Torrens Title land division creating two allotments from one allotment at 18 Vincent Avenue, North Brighton subject to the following conditions:**

**PLANNING CONDITIONS**

- 1. The proposal shall be implemented as shown on the plan of division prepared by Zaina Stacey, Reference 19003 unless varied by any subsequent conditions imposed herein.**
- 2. That the applicant shall advise Council in writing of the demolition of all buildings, structures, footings, pipes and other deleterious materials have been removed from the site in order that Section 51 Clearance may be granted.**
- 3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.**
- 4. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.**

**A desk investigation has determined that the sewer connection is deeper than 3.0m and site investigation will determine if your development will be costed as standard or non standard.**

**On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.**

- 5. Payment of \$7253 into the Planning and Development Fund (1 allotment(s) @ \$7253/allotment).**

**Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.**

Moved R Clancy, Seconded J Gronthos

**Carried**

**J Gronthos left the Meeting at 7:20 pm electing not to take part in the discussion having not been present to hear the representations made to the Council Assessment Panel when the related Development Application was first considered.**

**5.3 Peregrine Corporation, 66-72 Brighton Road, Glenelg East (Report No 172/19)**

DA NO.	:	<u>110/00080/19</u>
APPLICANT	:	<u>PEREGRINE CORPORATION</u>
LOCATION	:	<u>66-72 BRIGHTON ROAD, GLENELG EAST</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>COMMERCIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>VARIATION TO 110/00063/18 (REPLACEMENT AND EXPANSION OF EXISTING INTEGRATED SERVICE STATION COMPRISING RETAIL, DRIVE THRU FACILITY, FUEL CANOPY, UNDERGROUND FUEL TANKS, AUTOMATED CAR WASH AND ASSOCIATED SIGNAGE) BY ALTERATIONS TO CONTROL BUILDING, PARKING AND VACUUM ISLAND LOCATION</u>
EXISTING USE	:	<u>INTEGRATED SERVICE STATION COMPRISING RETAIL, FUEL CANOPY AND UNDERGROUND PETROL TANKS</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

**Motion**

**240419/00021**

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 110/00080/19, 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 listed below and approved by Council unless varied by any subsequent conditions imposed herein:**
  - **Site Plan drawing number 13/JN1143/SK03v dated 12/02/19**
  - **Landscape plan drawing number 15.047.031 Issue E dated 5/04/19**
  - **South and east elevations drawing number 13/JN1143/SK04j dated 12/02/19**
  - **North and west elevations drawing number 13/JN1143/SK05f dated 12/02/19**
  - **Concrete joints plan and details dated 29/04/19**
  - **Stormwater plan dated 29/4/19**

- **Grading dated 29/4/19**
2. **That the acoustic fence located along the eastern boundary is constructed to a minimum height of 3.5 metres from natural ground level between the southern boundary and the northern wall of the order station.**
  3. **That conditions 2 to 13 and 15 to 33 of 110/00063/18, as listed below, remain valid and must be complied with:**
    2. **That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.**
    3. **That the premises shall not be used, directly or indirectly, for the purpose now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with, except those conditions that continue to apply.**
    4. **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.**

5. **That all noise abatement treatments be undertaken in accordance with the recommendations in the Sonus report S5575C2 dated March 2018.**
6. **That a report be submitted to Council from an acoustic engineer prior to occupation confirming all noise abatement treatments as required by condition 7 or equivalent have been undertaken.**
7. **That any illumination of the subject land shall be sited and designed in accordance with relevant Australian Standards so that no unreasonable annoyance to neighbouring occupiers is created.**

- 8. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tubestock. 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.**
- 9. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.**
- 10. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.**
- 11. That details showing elevations, colours and materials relating to the refuse enclosure are provided to Council for further assessment prior to the issue of Development Approval.**
- 12. That both sides of the acoustic fence located along the eastern boundary are treated with an anti-graffiti coating and that any damage of graffiti is repaired and removed in a timely manner to the reasonable satisfaction of Council.**
- 13. That details showing the colours and texture of both sides of the acoustic fence located along the eastern boundary are provided to Council for further assessment prior to the issue of Development Approval.**

#### **DPTI Conditions**

- 15. The Diagonal Road access shall be appropriately flared to the south to ensure vehicle can undertake the left turn in movement to enter/store within the drive through lane.**
- 16. All vehicles shall enter and exit the site in a forward direction.**
- 17. The redundant crossovers to Brighton Road and Diagonal Road shall be reinstated to Council standard kerb and gutter at the applicants cost prior to the business becoming operational.**
- 18. Appropriate signage and line marking shall be installed to reinforce the desired traffic flow at the Brighton Road and Diagonal Road access points.**
- 19. All car parking shall be designed and constructed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.**

20. The largest vehicle permitted on site shall be restricted to a 16.4 mere articulated vehicle.
21. All heavy vehicle manoeuvring and parking areas shall be designed in accordance with AS 2890.2-2002.
22. Signage shall not contain any element of LED or LCD display, except for the fuel prices on the pylon sign. The fuel prices shall be white characters on a black background.
23. Signage shall not flash, scroll, move or change, with the exception of the LED fuel price signs, which may change on an as-needs basis.
24. Signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by Brighton and Diagonal Road shall be limited to a low level of illumination (i.e. < 150Cd/m<sup>2</sup>), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m <sup>2</sup> ) Max
Sunny day	40000	6300
Cloudy day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	150

25. Signage shall, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
26. The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

#### EPA Conditions

27. Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.
28. All runoff (including spillages) from hardstand areas must be diverted to a Class 1 full retention (no bypass) oil-water separator (with alarm) and a minimum 10,000 litre capacity.



29. Any sludge or oily residue collected within the Class 1 full retention separator (or equivalent) must be removed by an EPA licensed waste transporter to a licenced waste depot.
30. All underground fuel storage tanks must be double-skinned fibreglass and fitted with an automatic tank gauging (ATG) system to monitor tank levels and detect leaks.
31. Prior to use, all fuel lines between the underground storage tanks and fuel dispensers must be fitted with a pressure leak detection system.
32. A suitably qualified and experienced site contamination consultant must be engaged to implement the submitted Construction Environmental Management Plan OTR 66-72 Brighton Road, Glenelg East, 80017-38 (Fyfe 2018) and to:
  - a. manage and dispose of contaminated soil in accordance with EPA and other relevant guidelines, and
  - b. validate the underground storage tank excavations (using a suitably qualified and experienced site contamination consultant) in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) and other EPA guidelines prior to backfilling or replacement of the underground storage tanks (including the preparation of a validation report).
33. A copy of the validation report for the excavations of the underground storage tanks must be provided to the EPA and planning authority prior to occupation of the redeveloped site.

**NOTES:**

**DPTI**

- The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Diagonal Road and Brighton Road frontages of this site for future upgrading of the adjacent intersection. Although there are no current proposals that would require the acquisition of any land from this site, the consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.
- Accordingly, the applicant should complete the attached consent form and return it to DPTI along with a copy of the Decision Notification Form and three copies of the approved site plans.

**EPA**

- **The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.**
- **EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>**
- **If site contamination is identified which poses actual or potential harm to the health or safety of human beings or the environment that is not trivial, taking into account the land use, the applicant may need to remediate the contamination in accordance with EPA guidelines which can be found here [https://www.epa.sa.gov.au/files/4771277\\_sc\\_groundwater\\_assessment.pdf](https://www.epa.sa.gov.au/files/4771277_sc_groundwater_assessment.pdf)**
- **If at any stage site contamination is identified which poses actual or potential harm to water that is not trivial, a notification of site contamination which affects or threatens groundwater, pursuant to Section 83A of the Environment Protection Act 1993 must be submitted to the EPA.**

Moved G Goss, Seconded D Bailey

**Carried**

J Gronthos returned to the Meeting at 7:23 pm

**6. REPORTS BY OFFICERS**

**6.1 Nil.**

## 6.2 Appeal Item – 75 Whyte Street, Somerton Park (Report No: 174/19)

*On 23 January 2019, the Council Assessment Panel refused Development Plan Consent for alterations and additions to a Local Heritage Place (Somerlea), construction of two storey guest house and removal of a regulated tree (Willow Myrtle). The reasons for refusal was that it was contrary to Council Wide Design and Appearance Principles 1, 8 and 9, Heritage Places Objectives 3 and principles 2(a) and (h), 3, 6 and 10, Residential Development Principles 20 and 21. More specifically the application does not meet the intent of the Development Plan in relation to:*

- *Scale and siting of the northern addition;*
- *Setbacks from the northern boundary;*
- *Impact on the heritage character and prominence of a heritage place and*
- *The proposed new openings with quoins on the western elevation of Somerlea unduly interfere with the character of the heritage listed building.*

*The applicant has lodged an appeal with the Environment, Resources and Development Court. A compromise plan has been submitted for the Panel's consideration.*

### Motion

**240419/00021**

**That the ERD Court be advised that Council accepts the amended plans as a compromise in the ERD appeal matter 19 of 2019, Craig and Leah Hargraves v City of Holdfast Bay and recommends the following conditions be included:**

### **PLANNING CONDITIONS**

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the plans listed below submitted to and approved by Council unless varied by any subsequent conditions imposed herein:**

**Existing and demolition plan SK-01 Rev B dated 23/11/18;  
Proposed site plan SK-02 Rev C dated 18/4/19;  
Streetscape elevations SK-03 Rev D dated 18/4/19;  
Ground and basement plan – existing and demolition SK-04 Rev B dated 23/11/18;  
Elevations – existing and demolition SK-05 Rev B dated 23/11/18;  
Ground and basement plan – existing residence SK-06 Rev B dated 23/11/18;  
Elevations – proposed works existing residence SK-07 Rev B dated 23/11/18;  
Basement floor plan SK-08 Rev D dated 30/04/19;  
Ground floor plan SK-09 Rev D dated 30/04/19;  
Level 1 floor plan SK-10 Rev D dated 30/04/19;  
Roof plan SK-11 Rev D dated 30/04/19;  
Guest house – ground and level 1 SK-12 Rev D dated 30/04/19;  
Guest House – roof plan and elevations SK-13 Rev C dated 30/04/19;  
North and east elevations SK-14 Rev D dated 30/04/19;  
South and west elevations SK-15 Rev E dated 30/04/19;**

**Building Sections SK-16 Rev D dated 30/04/19; and  
Building sections SK-17 Rev D dated 30/04/19.**

- 2. That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.**
- 3. That the premises shall not be used, directly or indirectly, for the purpose now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with, except those conditions that continue to apply.**
- 4. That stormwater from the addition to Somerlea and the guest house shall each 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.**
- 5. 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.**
- 6. 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.**
- 7. That the guest house be used only by friends and relatives to the occupants of the associated dwelling (Somerlea) and not be rented or leased.**
- 8. That all upstairs windows in the guest house on the southern elevation and east of the balcony on the northern elevation shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be of obscure glass and fixed shut or comprise external privacy screens, details of which are to be submitted and approved prior to development approval. Further details of this requirement shall be provided at Building Rules Assessment stage.**
- 9. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tubestock. 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.**

10. That any remaining regulated trees on-site be protected during construction by the establishment of Tree Protection Zones comprising a steel mesh fence at least 1.8 metres high and clearly signed as 'Tree Protection Zone no entry or storage of materials.
11. That no materials or machinery shall be stored closer than 4 metres to the main stems of the Norfolk Island pines adjacent to the main driveway.
12. That all domestic mechanical plant and equipment, including air conditioners, should be selected, designed, and installed to comply with the following mandatory criteria:
  - (a) Noise level not to exceed 52dB(A) between the hours of 7am and 10pm when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007\*, and
  - (b) Noise level not to exceed 45dB(A) between the hours of 10pm and 7am when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007\*, and
  - (c) Where marked with an \* the above noise levels must include a penalty for each characteristic where tonal/modulating/impulsive/low frequency characteristics are present in accordance with the Environment Protection (Noise) Policy 2007.
13. That all domestic mechanical plant and equipment including refrigerated air conditioners, but excluding evaporative air conditioners associated with the guest house, shall be mounted on the ground and fitted with an approved acoustic enclosure incorporating correctly designed ventilation, to minimize environmental harm, which includes nuisance from noise, to occupants on adjacent premises.
14. That repointing of masonry in the heritage place shall be undertaken with lime mortar.

Moved J Gronthos, Seconded G Goss

Carried

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

8. CLOSURE

The meeting closed at 7:38 pm.

**CONFIRMED**      **Wednesday, 26 June 2019**

**PRESIDING MEMBER**