

ITEM NO: 6.2  
 REPORT NUMBER: 282/21

<b>DEVELOPMENT NO.:</b>	21003218
<b>APPLICANT:</b>	AUSTRALIAN VENUE CO
<b>ADDRESS:</b>	466 BRIGHTON RD BRIGHTON SA 5048
<b>NATURE OF DEVELOPMENT:</b>	Variation to DA 110/00127/20 comprising extension to approved beer garden and illuminated advertising display
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Suburban Activity Centre</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Advertising Near Signalised Intersections</li> <li>• Future Road Widening</li> <li>• Hazards (Flooding - General)</li> <li>• Major Urban Transport Routes</li> <li>• Noise and Air Emissions</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Levels)</li> <li>• Building Envelope</li> </ul>
<b>LODGEMENT DATE:</b>	4 May 2021
<b>RELEVANT AUTHORITY:</b>	Assessment panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	25 March – Version 2021.3
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Dean Spasic Development Officer - Planning,
<b>REFERRALS STATUTORY:</b>	Commissioner of Highways
<b>REFERRALS NON-STATUTORY:</b>	N/A

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ATTACHMENT A.0 Amended Plans	ATTACHMENT 4: Representation Map
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## SUBJECT LAND & LOCALITY:

### Site Description:

Location reference: 466 BRIGHTON RD BRIGHTON SA 5048

Title ref.: CT 6127/588 Plan Parcel: D5433 AL3 Council: CITY OF HOLDFAST BAY

### SUMMARY OF PREVIOUS PANEL MEETING:

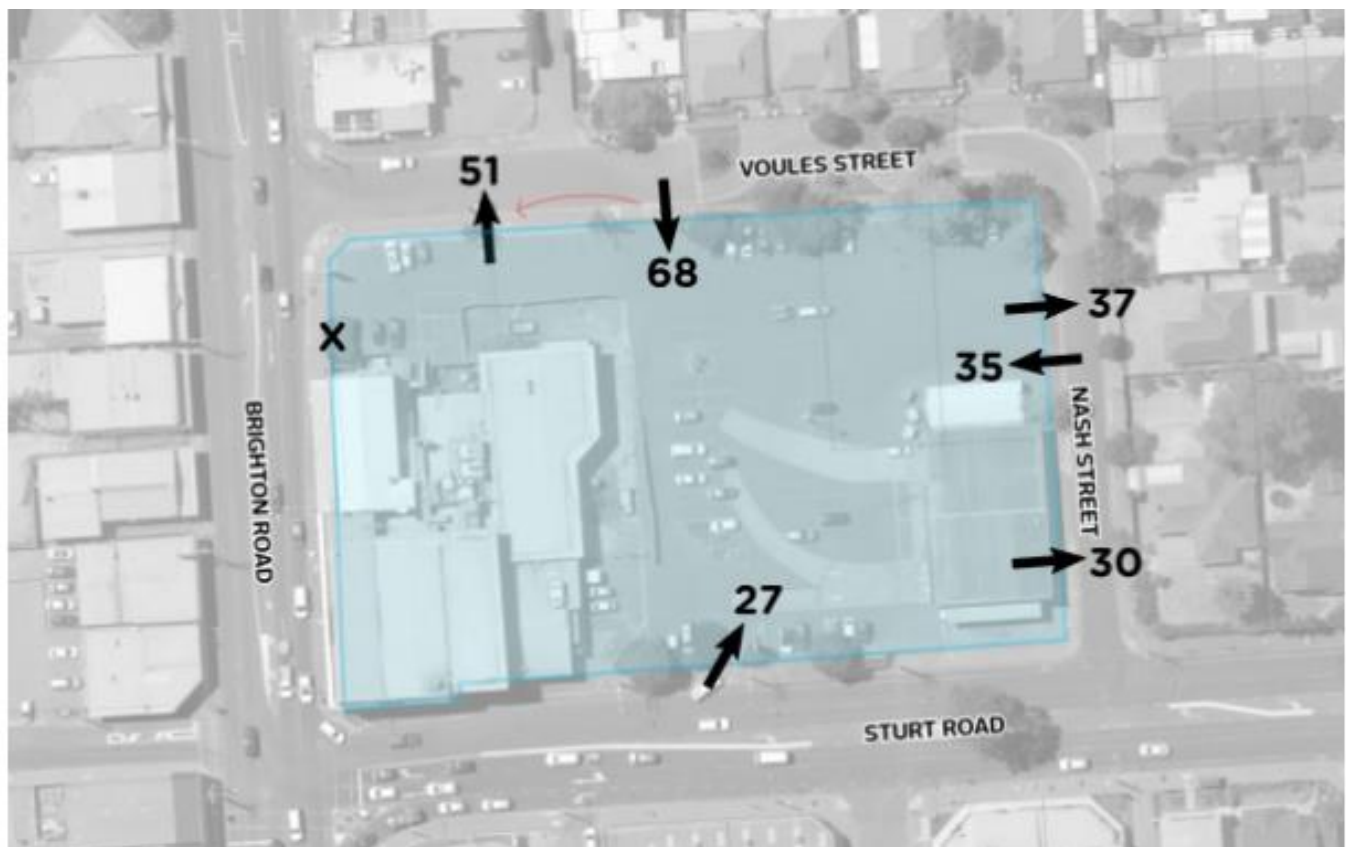
On the 28 July 2021, the Council Assessment Panel deferred application 21003218 request further information regarding proposed traffic movement in Voules and Nash Streets arising from the proposed development, including the consideration for the opportunity of two-way movement onto Sturt Road and bicycle parking.

### ASSESSMENT

With the assistance of CIRQA Traffic Engineers, the applicant has submitted a revised set of plans referencing the splitting of the ingress/egress to Voules Street in order to shift the egress away from the residential interface and towards Brighton Road.

A report from CIRQA has also been submitted, which provides a traffic count summary of the existing egress to Brighton Road, compared to the scenario being presented in the amended plan.

The traffic assessment, which included a traffic survey and forecast of future vehicle movements following the closure of the existing Brighton Road access, determined that the best solution is to separate the ingress and egress on Voules Street. The new egress point further east of the existing access, as per the diagram below which demonstrates the forecasted vehicle movements post development:



*Figure 3 - Redistributed future volumes based on shift of egress on Voules Street*

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It is determined by CIRQA that this alteration will result in the reduction of traffic volumes in the vicinity of the dwellings immediately adjacent to the existing access by approximately 30 percent.

This will result in the loss of two car parking spaces, however based on the minimum required, there remains ample surplus on-site spaces.

Although bicycle parking is not referenced on the plans, the applicant is satisfied in having this included as a condition of approval. Based on the Design Code, a minimum of one bicycle space is required per 120 square metres of beer garden area, therefore there is a requirement for two spaces.

## **SUMMARY**

With consideration to CIRQA's detailed analysis of the Panel's request to investigate a reconfiguration of access, the level of investigation, (which included a physical traffic survey, analysis of data to determine post development movements, and consideration of constraints such as stobie poles, street trees, and other similar items), is considered to have resulted in a satisfactory design, which has yielded a marked improvement in the design of the proposed development.

## **RECOMMENDATION**

Planning Consent

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 21003218, by AUSTRALIAN VENUE CO is granted Planning Consent subject to the following reasons/conditions/reserved matters:

## **CONDITIONS**

Planning Consent

### **Condition 1**

Except where varied by this approval, all other conditions, approved plans and details relating to Development Application 110/00127/20 continue to apply to this amended approval.

### **Condition 2**

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).

### **Condition 3**

The number of patrons shall be limited to not more than 370 patrons at any one time, hours of operation must not exceed 10pm on Sunday nights and 12:00am any other night, and the provision of acoustically treated wall and entry points, as specified in the Sonus Environmental Noise Assessment S6340C5 March 2021, with specific details to be presented prior to Development Approval.

### **Condition 4**

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.

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Commissioner of Highways (under Section 122 of the Act)

**Condition 5**

The development shall be constructed as shown on KP Architects, Site Plan, Drawing No. 19022- DD 00.01, Issue G dated 10 May 2021.

**Condition 6**

The redundant Brighton Road crossover shall be reinstated with Council standard kerb and gutter at the applicant's cost.

**Condition 7**

Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

**Condition 8**

The illuminated signage shall be permitted to use LED lighting for internal illumination of a light box only.

**Condition 9**

The illuminated signage shall be limited to a low level of illumination so as to minimise distraction to motorists ( $\leq 150\text{cd/m}^2$ ).

**Condition 10**

The sign shall not flash, scroll or move. The sign shall not be permitted to display or imitate a traffic control device in any way.

**Condition 11**

Stormwater run-off shall be collected on-site and discharged without impacting the integrity and safety 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**

**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).

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## 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 Brighton Road frontage of this site for future upgrading of the Brighton Road/Sturt Road intersection, together with 4.5 x 4.5 metre cut-offs at the Brighton Road/Sturt Road, Brighton Road/Voules Street and Sturt Road/Nash Street corners. The certificate of title (CT 6127/588) indicates that a 3.05 x 3.05 metre corner cut-off has been taken from the Brighton Road/Voules Street corner and no further requirements are needed at this time.

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. The attached consent form should be completed by the applicant and returned to DIT ([dit.landusecoordination@sa.gov.au](mailto:dit.landusecoordination@sa.gov.au)), together with a copy of the Decision Notification Form and the approved site plan/s.

It is also pointed out that the department is undertaking planning studies to identify potential road upgrades along this section of Brighton Road. At this time the scope and timing of any improvements are undetermined.

## **OFFICER MAKING RECOMMENDATION**

**Name:** Dean Spasic

**Title:** Development Officer - Planning

**Date:** 09/08/2021