

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 25 August 2021 at 7:00 pm.

MEMBERS PRESENT

Presiding Member – D Bailey
J Gronthos
Y Svensson
S Reachill
J Fleming

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Development Officer Planning – A Stamatopoulos
Team Leader Development Administration - A Elliott

1. OPENING

D Bailey welcomed the people in the gallery, Councillor Jane Fleming 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

250821/00035

That the minutes of the Council Assessment Panel held on 28 July 2021 be taken as read and confirmed.

Moved Y Svensson, Seconded S Reachill

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Dechellis Homes, 41 Balmoral Avenue, North Brighton (Report No 280/21)

| | |
|---------------------------------|---|
| DEVELOPMENT NO.: | 21008907 |
| APPLICANT: | Dechellis Homes |
| ADDRESS: | 41 Balmoral Av North Brighton SA 5048 |
| NATURE OF DEVELOPMENT: | Single storey detached dwelling |
| ZONING INFORMATION: | Zones: <ul style="list-style-type: none"> • General Neighbourhood Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy |
| LODGEMENT DATE: | 7 Jun 2021 |
| RELEVANT AUTHORITY: | Assessment panel |
| PLANNING & DESIGN CODE VERSION: | 2021.7 |
| CATEGORY OF DEVELOPMENT: | Code Assessed - Performance Assessed |
| NOTIFICATION: | Yes |
| RECOMMENDING OFFICER: | Alexander Stamatopoulos Development Planner |

Speaker: Saody Lee

Motion

250821/00036

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 21008907, by Dechellis Homes is granted Planning Consent subject to the following reasons/conditions/reserved 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. 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).
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. 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.

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).
4. When a wall is required to be constructed on the boundary, to avoid violation of the adjoining owner's rights, the onus of proof of the correct boundary line rests with the building owner. This may necessitate a survey being carried out by a licensed land surveyor.

Moved S Reachill, Seconded J Gronthos

Carried

**5.2 Steven Roennfeldt, Unit 1-3 524 Anzac Highway Glenelg East
(Report No 281/21)**

| | |
|------------------------------------|---|
| DEVELOPMENT NO.: | 21002556 |
| APPLICANT: | Steven Roennfeldt |
| ADDRESS: | Unit 1-3 524 Anzac Highway Glenelg East SA 5045 |
| NATURE OF DEVELOPMENT: | Change of use from bulky goods outlet to distillery |
| ZONING INFORMATION: | Zones: <ul style="list-style-type: none"> • Employment • Housing Diversity Neighbourhood Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • 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 Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height (Metres) • Minimum Frontage • Minimum Site Area • Maximum Building Height (Levels) |
| LODGEMENT DATE: | 1 Jul 2021 |
| RELEVANT AUTHORITY: | Assessment panel |
| PLANNING & DESIGN CODE VERSION: | 2021.7 |
| CATEGORY OF DEVELOPMENT: | Code Assessed - Performance Assessed |
| NOTIFICATION: | Yes |
| RECOMMENDING OFFICER: | Alexander Stamatopoulos Development Planner |
| REFERRALS STATUTORY: | Nil |
| REFERRALS NON-STATUTORY: | Nil |

Motion

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 21002556, by Steven Roennfeldt is refused planning consent on the basis that it does not adhere to the following provisions of the Planning and Design Code:

Housing Diversity Neighbourhood Zone

Land Use and Intensity

PO 1.1

In that it does not provide a compatible non-residential use prescribed within the zone, which also represents an activity that does not promote an active, convenient and walkable neighborhood.

PO 1.3 (a), (b), (c) and (d)

In that the non-residential development is not located to improved community accessibility in that it does not provide any of the services prescribed.

PO 1.5

In that it does not complement the residential character and amenity of the neighbourhood

Interface between Land Uses

PO 2.1 (a) and (c)

In that it unreasonably impacts on amenity of adjacent zones for sensitive receivers, as the hours of operation are significantly later than expected for the Zone, with high traffic generated after hours.

Moved Y Svensson, Seconded J Fleming

Lost

Motion

250821/00037

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 21002556, by Steven Roennfeldt 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. That the development herein approved shall operate between the hours of 4pm to 10pm Monday to Thursday, 4pm to midnight Friday's, 12pm to midnight Saturday's and 12pm to 10pm Sunday's inclusive unless written approval to vary the times is given by council.
3. That the building treatments recommended in the Environmental Noise Assessment report S6908C2 produced by Sonus be applied to the site in order to reduce the impact of noise emissions.
4. No music to be played in the outdoor areas after 9pm.
5. No use of western outdoor area after 7pm every day.
6. No use of the eastern outdoor area after 10pm every day.
7. That plans provided at Building Rules Consent stage make provision for a suitable number of bicycle parking spaces in a location to the reasonable satisfaction of Council.
8. That existing onsite landscaping 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.

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 J Gronthos, Seconded S Reachill

Carried

6. REPORTS BY OFFICERS

6.1 Nil.

6.2 Deferred Item – 466 Brighton Road, Brighton (Report No 282/21)

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|--|--|
| DEVELOPMENT NO.: | 21003218 |
| APPLICANT: | AUSTRALIAN VENUE CO |
| ADDRESS: | 466 BRIGHTON RD BRIGHTON SA 5048 |
| NATURE OF DEVELOPMENT: | Variation to DA 110/00127/20 comprising extension to approved beer garden and illuminated advertising display |
| ZONING INFORMATION: | <p>Zones:</p> <ul style="list-style-type: none"> • Suburban Activity Centre <p>Overlays:</p> <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 <p>Technical Numeric Variations (TNVs):</p> <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 |

J Gronthos excused himself from debate as he was absent from the previous Council Assessment Panel meeting where personal representations were made and discussion was had on the application.

Motion

250821/00038

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

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.
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).
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.
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.

Commissioner of Highways (under Section 122 of the Act)

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.
6. The redundant Brighton Road crossover shall be reinstated with Council standard kerb and gutter at the applicant's cost prior to the occupation of the development.
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.
8. The illuminated signage shall be permitted to use LED lighting for internal illumination of a light box only.
9. The illuminated signage shall be limited to a low level of illumination so as to minimise distraction to motorists ($\leq 150\text{cd/m}^2$).
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.

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).

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), 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.

That plans provided at Building Rules Consent stage make provision for two (2) bicycle parking spaces in a location to the reasonable satisfaction of Council.

Moved S Reachill, Seconded Y Svensson

Carried

6.3 Deferred item – 379 Brighton Road, Hove 110/00128/21 (Report No 283/21)

J Gronthos excused himself from debate as he was absent from the previous Council Assessment Panel meeting where personal representations were made and discussion was had on the application.

Motion

250821/00039

On 28 July 2021, the Council Assessment Panel deferred application 110/00128/21 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.

The applicant engaged landscape architecture firm Birdseye Design studios who produced a landscape plan showing various plantings located across the site. The plantings are located to the east, south and west of the subject site where there is available provision for landscaping to thrive.

The landscaping comprises large trees, small shrubs and climbing plants. The overall amount of landscaping across the site has substantially increased in comparison to the original application. The landscaping in its amended form covers approximately 83sqm or 10% of the site area which is considered to be suitable when taking into consideration the overall design of the scheme.

The additional plantings across the site, including tree species that will grow into large canopies when mature will further soften the appearance of the building and also increase the amenity of the site when viewed from Brighton Road.

The application now better aligns itself with the Objectives of General Section – Landscaping, Fences and Walls as shown below:

1 The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.

Further, the application sits in line with Principles of Development Control 2:

2 Landscaping should:

- (a) include mature vegetation, the planting of locally indigenous species where appropriate and species tolerant of salt-laden winds near the coast*
- (b) be oriented towards the street frontage*
- (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.*

The recommendation to the Council Assessment Panel from administration remains unchanged, and the application with the proposed landscaping better lends itself to comply with the relevant landscaping policies warranting planning consent.

RECOMMENDATION

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 110/00128/21 subject to the following conditions:

PLANNING CONDITIONS

Reserved Matter

1. The final assessment of the landscaping plan be reserved pending receipt of the detailed design for the proposal for a further assessment as to the appropriateness of the nominated species relative to site limitations.

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 upper level windows on the northern and southern elevations of the building shall be treated to 1.7m from the finished floor levels to minimise outward views.
3. That the landscaping shall comprise semi mature trees and shrubs. The trees shall have a minimum height of 1500mm and the shrubs a minimum height and breadth of 300mm when planted. 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.

Moved Y Svensson, Seconded S Reachill

Carried

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

Acknowledgement of Councillor Bouchee.

The Panel acknowledged Councillor Mikki Bouchee’s dedication and contribution to the Council Assessment Panel, and her passionate pursuit of better urban outcomes in the City over many years.

Moved J Gronthos, Seconded J Fleming

Carried

8. CLOSURE

The meeting closed at 7.57 pm.

CONFIRMED Wednesday, 22 September 2021