

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 September 2024 at 7:00 pm.

MEMBERS PRESENT

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

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 7.00pm.

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 28 August 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 Tom Vartzokas, 98 Esplanade, Hove (Report No 304/24)

DEVELOPMENT NO.:	24002719
APPLICANT:	Tom Vartzokas
ADDRESS:	98 ESPLANADE HOVE SA 5048
NATURE OF DEVELOPMENT:	Variation to development application 22026449 comprising the construction of a roof top terrace as a 4th building level
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Waterfront Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Coastal Flooding • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 3m AHD; Minimum finished floor level is 3.25m AHD) • Minimum Frontage (Minimum frontage for a detached dwelling is 5m; semi-detached dwelling is 5m; row dwelling is 5m; group dwelling is 5m; residential flat building is 5m) • Minimum Site Area (Minimum site area for a detached dwelling is 300 sqm; semi-detached dwelling is 250 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 3 levels)
LODGEMENT DATE:	13 Feb 2024
RELEVANT AUTHORITY:	Assessment Panel City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.2 08/02/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes

RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning
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Speakers: David Hunt and Michael Richardson from MasterPlan

Motion

250924/00026

That the Council Assessment Panel resolve that Development Application Number 24002719, by Tom Vartzokas is REFUSED Planning Consent For the following reasons:

1. Waterfront Neighbourhood Zone Performance Outcome 4.1 – Building Height, in that the height is not consistent with the form expressed in the Maximum Building Height Levels (3) Technical and Numeric Variation, and is not low rise, or complements the height of nearby buildings.
2. Waterfront Neighbourhood Zone Performance Outcome 8.1 – Side Boundary Setback, in that the building is not setback from the side boundaries to provide separation between buildings in a way that contributes to the suburban character and access to natural light and ventilation for neighbours.
3. Design in Urban Areas – All Development – Medium and High Rise – External Appearance Performance Outcome 12.1 in that the building does not contribute to the character of the local area by responding to local context.

Moved J Fleming, Seconded C Dunn

Carried

6.2 Quartz Building Design, 156 Brighton Road, Somerton Park (Report No 305/24)

DEVELOPMENT NO.:	24020211
APPLICANT:	Quartz Building Design
ADDRESS:	156 BRIGHTON RD SOMERTON PARK SA 5044
NATURE OF DEVELOPMENT:	Change of use from residential to consulting rooms
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 • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • 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) <ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 2 levels) • 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)
LODGEMENT DATE:	5 Aug 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.14 1/8/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Officer - Planning
REFERRALS STATUTORY:	Commissioner of Highways
REFERRALS NON-STATUTORY:	Nil

Motion

250924/00027

That the Council Assessment Panel resolve that the proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Moved T Sutcliffe, Seconded S Reachill

Carried

Motion

250924/00028

It is recommended that the Council Assessment Panel resolve that Development Application Number 24020211, by Quartz Building Design 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 8:30am to 5:00pm Monday to Friday, inclusive unless written approval to vary the times is given by the Council.

3. That the existing landscaped areas be maintained noting the exception of the tree proposed to be removed.

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

4. All access to/from the development shall be gained in accordance with the Site Plan produced by Quartz Building Design, Revision A, page 1, dated 09/08/2024.
5. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
6. All vehicles shall exit the site onto Brighton Road in forward direction.
7. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2022.
8. 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.

Moved T Sutcliffe, Seconded S Reachill

Carried

6.3 City of Holdfast Bay, Lot 1001 Anzac Highway Glenelg North (Report No 306/24)

DEVELOPMENT NO.:	24021051
APPLICANT:	City of Holdfast Bay Council
ADDRESS:	LOT 1001 ANZAC HWY GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Filling of the existing buffalo site and the construction of a retaining rock wall
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Open Space <p>Overlays:</p> <ul style="list-style-type: none"> • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Building Near Airfields • Coastal Areas • Hazards (Flooding) • Hazards (Flooding - General) • Local Heritage Place • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree • Water Resources
LODGEMENT DATE:	12 Jul 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay

PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.12 04/07/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Officer - Planning
REFERRALS STATUTORY:	Coast Protection Board Environment Protection Authority
REFERRALS NON-STATUTORY:	Nil

J Fleming declared a potential of conflict of interest due to discussion held in Council and members of the public discussing the project but were referred to other Councillors.

Motion

250924/00029

It is recommended that the Council Assessment Panel resolve that the proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Moved C Dunn, Seconded S Reachill

Carried

Motion

250924/00030

It is recommended that the Council Assessment Panel resolve Development Application Number 24021051, by City of Holdfast Bay Council is granted Planning Consent subject to the receipt of the EPA referral supporting the development and 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.

Conditions imposed by Coast Protection Board under Section 122 of the Act

2. All machinery should be washed down and free of sediment and contamination prior to arriving on-site
3. Turbidity and sedimentation from construction activities must be monitored at all times and remedial actions undertaken immediately should environmental harm become apparent.
4. Imported substrate material or engineered fill shall be free of weeds and pathogens to ensure that noxious weed or contamination sources are not introduced into the coastal environment.

ADVISORY NOTES

Planning Consent

Advisory Notes imposed by Coast Protection Board under Section 122 of the Act

Advisory Note 1

The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not cause environmental harm.

Advisory Note 2

Dredging can cause temporary turbidity increases in the water column. This can affect marine ecosystems and needs to be managed to keep elevated turbidity below levels that can cause harm. The applicant has an obligation to ensure that dredging activity meets EPA requirements.

Moved Y Svensson, Seconded C Dunn

Carried

6.4 Michael Fogarty, Unit 1,50 King Street, Brighton (Report No 307/24)

DEVELOPMENT NO.:	24024260
APPLICANT:	Michael Fogarty
ADDRESS:	UNIT 1 50 KING ST BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Single level extension to the existing carport, decking and a second storey addition to existing dwelling
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	7 Aug 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.14 1/8/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Officer - Planning
REFERRALS STATUTORY:	Nil

REFERRALS NON-STATUTORY:	Nil
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Motion

250924/00031

That the Council Assessment Panel resolve that the proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Moved T Sutcliff, Seconded S Reachill Carried

That the Council Assessment Panel resolve that Development Application Number 24024260, by Michael Fogarty is REFUSED Planning Consent For the following reasons:

1. The proposal does not have adequate setbacks on the upper level to adequately meet PO 8.1 (A) AND 9.1 (A)
2. Does not adequately meet GNZ PO 7.1 regarding boundary walls. Does not reduce visual impacts and does not contribute to the immediate streetscape suburban character.

Moved Y Svensson, Seconded J Fleming

Lost

Motion

250924/00032

It is recommended that the Council Assessment Panel resolve that Development Application Number 24024260, by Michael Fogarty 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 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.
3. 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. All stormwater collected on the site must only be discharged to the street and not on to any adjacent properties

Moved T Sutcliff, Seconded C Dunn

Carried

6.5 Heather Kilmartin and Maureen Parsons, Unit 2 2 St Leonards CT Glenelg North SA 5045 and Unit 1 2 St Leonards CT Glenelg North SA 5045 (Report No 308/24)

DEVELOPMENT NO.:	24018094
APPLICANT:	Heather Kilmartin Maureen Parsons
ADDRESS:	UNIT 2 2 ST LEONARDS CT GLENELG NORTH SA 5045 UNIT 1 2 ST LEONARDS CT GLENELG NORTH SA 5045
NATURE OF DEVELOPMENT:	Single and two storey dwelling additions and a verandah to the rear of each dwelling
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Character Area • 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 11m; semi-detached dwelling is 11m; row dwelling is 8m) • Minimum Site Area (Minimum site area for a detached dwelling is 350 sqm; semi-detached dwelling is 300 sqm; row dwelling is 250 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level)
LODGEMENT DATE:	20 Jun 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.10 06/06/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Officer - Planning
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

Motion

250924/00033

That the Council Assessment Panel resolve that the proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Moved C Dunn, Seconded S Reachill

Carried

Motion

250924/00034

1. Development Application Number 24018094, by Heather Kilmartin and Maureen Parsons 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 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.
3. 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. All stormwater collected on the site must only be discharged to the street and not on to any adjacent properties

Moved T Sutcliffe, Seconded C Dunn

Carried

**6.6 JAM Constructions Pty Ltd Trading as James Michael Homes Pty Ltd,
10 Crosby Street South Brighton (Report No 309/24)**

Item removed from the Agenda.

7. DEFERRED ITEMS – Nil

8. APPEAL ITEM - Nil

9. APPLICATIONS UNDER APPEAL
Noted.

10. URGENT BUSINESS – Subject to the Leave of the Meeting

Notice of Leave

T Sutcliffe will be absent from the November meeting.

11. DATE AND TIME OF NEXT MEETING

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

12. CLOSURE

The meeting closed at 8.58 pm.

PRESIDING MEMBER