

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 February 2025 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 7.00 pm.

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 11 December 2024 be taken as read and confirmed.

Moved C Dunn, Seconded S Reachill

Carried

6. Applications Assessed under the Planning and Design Code

6.1 John and Elisha Tsoutsikos, 53 Marine Parade, Seacliff (Report No 33/25)

DEVELOPMENT NO.:	24034779
APPLICANT:	Mr John and Elisha Tsoutsikos
ADDRESS:	53 MARINE PDE SEACLIFF SA 5049
NATURE OF DEVELOPMENT:	Variation to Application ID 23037611 for the construction of a pair of two level detached dwellings, fences and retaining walls comprising the addition of a third level to both detached dwellings
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 • Local Heritage Place • 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:	14 Oct 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.18 10/10/2024

CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

Speakers: Syd McDonald, Botten Levinson Lawyers on behalf of Harry Tsoutsikos

Motion

260225/00001

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 C Dunn

Carried

Motion

260225/00002

That the Development Application Number 24034779, by Mr John and Elisha Tsoutsikos is refused planning consent for the following reasons:

1. Does not contribute to the predominant character of the neighbourhood nor complement the height of nearby dwellings PO 4.1 ENZ.
2. Does not have consideration to the values expressed in the character area statement PO 1.1 CO and does not consider, in particular, architectural style, scale and building height HOBC1.
3. Does not sufficiently satisfy PO 8.1 ENZ side boundary setbacks. Does not complement the established character.
4. Does not sufficiently meet the prevailing wall heights in character overlay PO2.1 and 2.2. The proposal is still higher than adjoining dwellings.

Moved Y Svensson Seconded J Fleming

Carried

6.2 Aube Projects, 21 Vincent Avenue, Somerton Park (Report No 34/25)

DEVELOPMENT NO.:	24026936
APPLICANT:	Aube Projects
ADDRESS:	21 VINCENT AV SOMERTON PARK SA 5044
NATURE OF DEVELOPMENT:	Demolition of the existing warehouse and ancillary office and replacement of a new warehouse and ancillary office
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 • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy
LODGEMENT DATE:	30 Aug 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.16 29/8/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

Speakers: Matilda Asser, URPS on behalf of Applicant

Motion

260225/00003

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 S Reachill, Seconded T Sutcliff

Carried

Motion

260225/00004

Development Application Number 24026936, by Aube Projects 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 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.
3. That each car parking space shall conform to the applicable Australian Standard. Such car parking spaces shall be line marked with continuous white lines along the whole of each side of each car parking space prior to the use of the development herein approved and such line marking shall be maintained in good and substantial conditions at all times to the reasonable satisfaction of the Council.
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. All stormwater collected on the site must only be discharged to the street and not on to any adjacent properties.
5. That the development herein approved shall operate between the hours of 6am to 5pm Monday to Friday inclusive unless written approval to vary the times is given by council.

Moved C Dunn, Seconded S Reachill

Carried

6.3 David Grenvold, 18 Gordon St Glenelg (Report No 35/25)

DEVELOPMENT NO.:	24009912
APPLICANT:	David Grenvold
ADDRESS:	18 GORDON ST GLENELG SA 5045
NATURE OF DEVELOPMENT:	Demolish lean-to at the rear of the house, construct single and double storey addition, picket fencing and a new garage with upper level ancillary accommodation at the rear of the property adjacent to Eitzen Street
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 • Building Near Airfields • Character Area • Heritage Adjacency • Hazards (Flooding - General) • Local Heritage Place • 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 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:	18 Oct 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.18 10/10/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Officer - Planning
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

Motion

260225/00005

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 T Sutcliff

Carried

Motion

260225/00006

Development Application Number 24009912, by David Grenvold 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. All stormwater collected on the site must only be discharged to the street and not on to any adjacent properties.
3. That all upstairs windows associated with the additions and ancillary accommodation 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.

Planning Consent

Advisory Note 1

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent.

Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 2

The owner/applicant is advised that infrastructure located within Council road reserve (i.e. area between the kerb and allotment boundary) should be designed and constructed (including modified) in accordance with relevant / current Council standards. This includes, but is not limited to, driveway crossovers, alterations to kerbing and footpaths, stormwater easement connections and domestic stormwater connection to the street watertable.

Advisory Note 3

If you are a developer or owner-builder, there are important Commonwealth telecommunications rules you need to comply with. For more information visit www.infrastructure.gov.au/tind

Advisory Note 4

The owner/applicant is advised that consent from any relevant easement or encumbrance owner may be required prior to any construction. Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way.

Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited Plan. A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at: <https://sailis.lssa.com.au/home/auth/login>

Advisory Note 5

If excavating, it is recommended you contact Before You Dig Australia (BYDA) (www.byda.com.au) to keep people safe and help protect underground infrastructure.

Moved T Sutcliff, Seconded C Dunn

Carried

7. DEFERRED ITEMS – Nil

8. APPEAL ITEM

8.1 Tom Vartzokas, 98 Esplanade, Hove (Report No 36/25)

DEVELOPMENT NO.:	24002719
APPLICANT:	Tom Vartzokas
ADDRESS:	98 ESPLANADE HOVE SA 5048
NATURE OF DEVELOPMENT:	APPEAL REPORT - 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
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

Motion

260225/00007

It is recommended that the Council Assessment Panel advise the Environment, Resources and Development Court in the matter of Case Number ERD 24/63 in the matter of *Tom Vartzokas v City of Holdfast Bay Council Assessment Panel* that the Council does not support Application ID 24002719 as amended.

Moved J Fleming, Seconded S Reachill

Carried

8.2 Thomas Treloar, 18 Gulf Parade, South Brighton (Report No 37/25)

APPLICANT:	Thomas Treloar
ADDRESS:	18 GULF PDE SOUTH BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Appeal Report - Two (2) double storey detached dwellings with rooftop terraces, retaining walls up to 1.4m high and swimming pools
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • General Neighbourhood Overlays: <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:	27 Aug 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.15 15/8/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Officer - Planning
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

Motion

260225/00008

Planning Consent

That the Council Assessment Panel advise the Environment, Resources and Development Court in the matter of Case Number ERD-24000147 that the Council Assessment Panel supports Application ID 24025197 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. 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.

3. That all side upstairs windows, 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.
4. 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.
5. 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).
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. All stormwater collected on the site must only be discharged to the street and not on to any adjacent properties.

Moved C Dunn, Seconded T Sutcliff

Carried

9. APPLICATIONS APPEAL UPDATE

Noted.

Item in Confidence

Motion - Exclusion of the Public – Section 90(3)

260225/00009206

1. **That pursuant to Section 90(3) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Council Assessment Panel Members and Staff in attendance at the meeting in order to consider verbal update of an Environment, Resource and Development Court matter – [26 February 2025] in confidence.**

2. **That in accordance with Section 90(3) of the *Local Government Act 1999* the Council Assessment Panel is satisfied that it is necessary that the public be excluded to consider the verbal information provided by the Assessment Manager on the following grounds:**
 - b. **pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of legal advice.**

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. **The Council Assessment Panel is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved T Sutcliff, Seconded C Dunn

Carried

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

11. DATE AND TIME OF NEXT MEETING

The next meeting of the Council Assessment Panel will be held on Wednesday, 26 March 2025 in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton.

12. CLOSURE

The meeting closed at 8.27 pm.

PRESIDING MEMBER