

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 28 April 2021 at 7:00 pm.

MEMBERS PRESENT

Presiding Member – D Bailey
J Gronthos
Y Svensson
S Reachill
M Bouchee

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Development Officers Planning– A Stamatopolous and Dean Spasic
Team Leader Development Administration - A Elliott

1. OPENING

D Bailey 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

280421/00015

That the minutes of the Council Assessment Panel held on 24 March 2021 be taken as read and confirmed.

Moved by J Gronthos, Seconded by Y Svensson

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Hayden and Dimi Doak, 5 Seaview Terrace, Brighton (Report No 117/21)

DA NO.	:	110/00587/20
APPLICANT	:	HAYDEN AND DIMI DOAK
LOCATION	:	5 SEAVIEW TERRACE, BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TWO STOREY DETACHED DWELLING WITH ASSOCIATED GARAGE ADJOINING SOUTHERN BOUNDARY AND SWIMMING POOL, VERANDAH AT REAR AND RETAINING WALLS UP TO 1 METRE IN HEIGHT
EXISTING USE	:	RESIDENTIAL
CATEGORY	:	TWO
REPRESENTATIONS	:	THREE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: J Roennfeldt, C Bailey, N Naffine, T Gregory and D Doak

Motion

280421/00016

- 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 considers that the proposed development is not consistent with the Development Plan and that Development Application 110/00587/20 be refused Development Plan Consent for the reason that it is contrary to:**

General Section, Residential Development Principles of Development Controls 1, 2(b), (c) and (d). More specifically, the application does not meet the intent of the Development Plan in that it:

- Does not reduce the bulk of proposed structures by virtue of the scale and height of the retaining walls;**
- Does not minimise the extent of cut and fill;**
- Does not minimise the need for high retaining walls; and**
- Provides excessive visual and amenity impacts to the adjoining land.**

NOTE:

Noise and siting of the pool pump and air conditioning to be resolved.

Moved Y Svensson, Seconded S Reachill

Carried

5.2 Domain Building Group, 2/21 Alma Street, Glenelg South (Report No 118/21)

DA NO.	:	<u>110/01048/20</u>
APPLICANT	:	<u>DOMAIN BUILDING GROUP</u>
LOCATION	:	<u>2/21 ALMA STREET, GLENELG SOUTH</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL CHARACTER ZONE (HISTORIC CONSERVATION) – NEW GLENELG POLICY AREA 11</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>INTERNAL ALTERATIONS, TWO STOREY DWELLING ADDITION AND SWIMMING POOL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Motion

280421/00017

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 consent Development Plan Consent to Development Application 110/01048/20 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 upstairs windows on the northern and western elevations shall have minimum window sill heights of 1.7 metres above finished floor level, or otherwise treated to obscure views to adjoining properties to the satisfaction of Council.
3. That the applicant provides on-site detention and retention sufficient to limit peak flow as a result of the development in a 100 year event (1% AEP) to not more than the 5 year (20% AEP) predevelopment flow rate and the volume of flow not exceed predevelopment volume.

Moved J Gronthos, Seconded D Bailey

Lost

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 considers that the proposed development is not consistent with the Development Plan and that Development Application 110/01048/20 be refused Development Plan Consent for the reason that it is contrary to:**

Residential Character Zone Objective 1, 2 and 3, Policy Area Objective 1 and 4, Residential Character Zone Principle 1, 6 (a), (d) and (f), 7(b), 13(a) and (b). More specifically, the application does not meet the intent of the Development Plan in that that it:

- **Does not conserve the heritage character and integrity of the area and the desired character of the area;**
- **Does not provide a design and compatible infill elements found in the existing in the built form;**
- **Does not provide a design that references traditional character elements found in the locality;**
- **Does not adequately take its design cues from the existing historic built form found in the locality;**
- **Does not constitute a compact extension of the built form or have an upper level addition contained within the existing roof line; and**
- **Exceeds the minimum setback requirements for the side and rear upper level.**

Moved Y Svensson, Seconded M Bouchee

Carried

5.3 M and S Robbins, 185 Esplanade, South Brighton (Report No 119/21)

DA NO.	:	110/00829/20
APPLICANT	:	M AND S ROBBINS
LOCATION	:	185 ESPLANADE, SOUTH BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE CENTRAL WEST POLICY AREA 3
NATURE OF DEVELOPMENT	:	MERIT
PROPOSAL	:	THREE STOREY RESIDENTIAL FLAT BUILDING INCLUDING UNDERCROFT GARAGE COMPRISING TWO DWELLINGS
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NIL
CATEGORY	:	ONE
RECOMMENDATION	:	CONSENT

Motion**280421/00018**

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 Plan Consent to Development Application 110/00829/20** 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 amended plans dated 5/02/2021 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That storm water from each dwelling shall 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 storm water 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.

NOTE: Storm water 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.

3. The stormwater disposal system shall provide detention and/or retention with post development flows from the site in a 100 year ARI event not to exceed pre-development flows for a 5 year ARI event.

4. All upper level windows on northern and eastern elevations shall have minimum sill heights of 1.7 metres above the associated finished floor level or where windows have sill heights under 1.7 metres above the associated finished floor level, the window is fixed and obscured up to a minimum height of 1.7 metres above the associated finished floor level in such a way as to avoid unreasonable overlooking into adjacent properties to the reasonable satisfaction of Council.
5. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tube stock. 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.
6. 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.
7. A detailed landscaping plan be supplied to the satisfaction of Council prior to Development Approval.

Moved M Bouchee, Seconded S Reachill

Carried

6. REPORTS BY OFFICERS

6.1 Nil.

6.2 **Appeal Item - 17 Old Tapleys Hill Road, Glenelg North (Report No 120/21)**

On 24 February 2021, the Council Assessment Panel issued a refusal for DA 110/00940/20 for alterations and two storey additions (with balcony) to the rear of an existing single storey semi-detached dwelling, ground level deck and carport. The refusal was issued on the basis that the proposed development was not consistent with relevant principles of the Holdfast Bay Development Plan. The reasons for refusal are shown below:

*Development Application 110/00940/20 be **refused Development Plan Consent** for the reason that it is contrary to the provisions of the City of Holdfast Bay Development Plan. Specifically, the proposal does not adhere with the Residential Character (Glenelg and Glenelg North) Policy Area 14 Objectives 1 and 2, the Desired Character Statement, and Principles 4(b) and 6, in that the proposal:*

- *Does not adequately preserve existing development and built form patterns within the Policy Area, or reflect the traditional character elements sought, particularly as presented to the streetscape.*
- *Represents a two storey development, which is not detached dwelling, which does not contribute to the streetscape through its height, massing, and architectural detail that relates closely to those of the established detached dwellings in the locality*
- *Incorporates additions and extensions that are considered to be neither minor extensions of roof space to the rear, nor complementary to the distinctive features of existing dwellings, with particular reference to the roof form*

Subsequent to the decision, an appeal was lodged to the ERD court. The decision was appealed as the applicant believes that the reasons for refusal can be addressed through a redesign of the proposal. Amended plans were received and are attached to this report (Attachment A).

Motion No.

That the Council Assessment Panel advise the Environment, Resource and Development Court that Council supports Development Application 110/00940/20, as amended subject to the conditions listed below:

PLANNING CONDITIONS

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the Compromise plans stamped, Amendment date 10/03/2021, Sheets 1 to 8 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
- 2. That upstairs balcony shall have fixed screens up to 1.7 metres in height above the balcony floor level so as to prevent views into adjacent residential properties.**
- 3. Boundary walls shall be finished in materials and colours that match the existing walls.**

Moved M Bouchee, Seconded J Gronthos

Carried

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

8. CLOSURE

The meeting closed at 8.56 pm.

CONFIRMED Wednesday, 26 May 2021

PRESIDING MEMBER