

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 27 March at 7:00 pm.

MEMBERS PRESENT

Presiding Member – J Newman

G Goss

D Bailey

A Vine

R Clancy

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli

Team Leader Development Assessment – C Watson

Development Officers – A Stamatopolous and D Spasic

1. OPENING

J Newman 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

270319/0005

That the minutes of the Council Assessment Panel held on 27 February 2019 be taken as read and confirmed.

Moved by A Vine, Seconded by G Goss

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 GLENELG DAY SURGERY, 24 GORDON STREET, GLENELG (Report No 96/19)

DA NO.	:	110/00789/18
APPLICANT	:	GLENELG DAY SURGERY
LOCATION	:	24 GORDON STREET, GLENELG
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL CHARACTER ZONE POLICY AREA 14
NATURE OF DEVELOPMENT	:	MERIT
PROPOSAL	:	VARIATION TO DA 110/01134/17 (CHANGE OF USE FROM PLACE OF WORSHIP TO PRIVATE HOSPITAL (SPECIALIST DAY SURGERY) WITH ASSOCIATED INTERNAL FITOUT AND FAÇADE UPGRADES (NON-COMPLYING)) BY MAKING ALTERATIONS AND ADDITIONS COMPRISING TWO STOREY ADDITIONS TO THE NORTHERN BOUNDARY
EXISTING USE	:	PRIVATE HOSPITAL UNDER CONSTRUCTION
REFERRALS	:	NIL
CATEGORY	:	THREE
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT WITH CONDITIONS

Motion

270319/0006

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Plan Consent, to Development Application 110/00789/18, subject to the following conditions:

1. That the design and siting of all buildings and structures and site works shall be as shown on the amended plans as listed below submitted to and approved by Council unless varied by any subsequent conditions imposed herein:
 - Proposed site/floor plans Rev B dated 22/01/19
 - Part ground floor plan east dated 18/12/18
 - Part ground floor plan west dated 14/07/18
 - Proposed elevations Rev B dated 22/01/19
 - Roof plan dated 4/03/19.

2. That conditions numbered 1 to 3 and 5 to 7 of 110/01134/17 and condition 1 of 110/00620/18 as listed below remain valid where relevant:

110/01134/17

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 premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.
3. That the premises shall not be used, directly or indirectly, for the purpose now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with, except those conditions that continue to apply.
5. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
6. That the applicants or other persons, for the time being, making use of the development now approved, shall cultivate, tend and nurture the trees or, shrubs or lawns intended to be established upon the subject land, replacing from time to time, any trees, shrubs or lawns which shall die or become diseased with others of the same respective varieties or of such varieties as the Council shall approve in writing.
7. That all 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.

110/00620/18

- 1. That the hours of operation shall be:
 - Monday to Friday 7:30 am to 8:00 pm; and
 - Saturday 9:00 am to 1:00 pm.

Moved R Clancy, Seconded G Goss

Carried

5.2 K.E & C.D Walter Pty Ltd, 262-268 Brighton Road, Somerton Park (Report No 97/19)

DA NO.	:	110/00053/19
APPLICANT	:	K.E & C.D WALTER PTY LTD
LOCATION	:	262-268 BRIGHTON ROAD, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	LIGHT INDUSTRY ZONE
NATURE OF DEVELOPMENT	:	MERIT
PROPOSAL	:	REMOVAL OF SIGNIFICANT RIVER RED GUM
REFERRALS	:	ARBORIST
CATEGORY	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN REFUSAL

Motion

270319/0007

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the proposed development is sufficiently at variance with the Development Plan and that Development Application 110/00053/19 be refused Development Plan Consent for the reason that it is contrary to Significant Trees Objectives 1 and Principles 1 (a), (f) and 3 (a) (i), (ii), (iii), b, and c.

More specifically, the application does not meet the intent of the Development Plan in relation to:

- Removal of a healthy and notable significant tree that will adversely impact the amenity and character of the locality.

Moved D Bailey, Seconded A Vine

Carried

5.3 Sam Stagg, 21 Golflands Terrace, Glenelg North (Report No 98/19)

DA NO.	:	110/00166/19
APPLICANT	:	SAM STAGG
LOCATION	:	21 GOLFLANDS TERRACE, GLENELG NORTH
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT	:	MERIT
PROPOSAL	:	VARIATION TO DA 110/00846/18 (SHED LOCATED TO REAR OF DWELLING ON EASTERN SIDE BOUNDARY) - COMPRISING A CHANGE IN WALL HEIGHT FROM 3.1M TO 3.3M
REFERRALS	:	NIL
CATEGORY	:	ONE
REPRESENTATIONS	:	NIL
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Motion**270319/0008**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of representations, the application is considered to be reasonably consistent with the relevant provisions of the Development Plan and that the Council Assessment Panel (CAP) resolves to remove the Reserved Matters previously imposed for DA 110/00846/18 in CAP Resolution 270219/0003 and grant Development Plan Consent to DA 110/00166/19 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 construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.**
- 3. That adequate provision be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.**

4. **That the domestic outbuilding approved herein shall be used for domestic purposes only and the incidental parking of motor vehicles belonging to the owner of the land. No activities shall be undertaken that would create any appreciable noise, smoke, smell, dust or other nuisances.**

Moved D Bailey, Seconded A Vine

Carried

6. **REPORTS BY OFFICERS**

6.1 **Nil.**

6.2 **Non complying development application – Decision to proceed
262-270 Brighton Road, Somerton Park (Report No 99/19)**

Development Application 110/00130/19 was lodged with Council on 18 February 2019 as a non-complying form of development at 262-270 Brighton Road, Somerton Park, which is located within the Light Industry Zone.

A Restaurant is listed as a non-complying development within the Light Industry Zone.

Pursuant to Section 39 (4)(d) of the Development Act 1993, the relevant authority may refuse an application that relates to a development of a kind that is described as a non-complying development under the relevant Development Plan without proceeding to make an assessment of the application. Accordingly, a decision is sought on whether to proceed with further processing of the Development Application.

Motion

270319/0009

That pursuant to Regulations 17 (3)(b) of the Development Regulations, 2008 the Development Assessment Panel resolves that the intended land use proposed by Development Application 110/00130/19 has merit and resolves to allow the Development Application to proceed to public notification and a formal assessment.

Moved A Vine, Seconded D Bailey

Carried

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

8. **CLOSURE**

The meeting closed at 7:23 pm.

CONFIRMED Wednesday, 24 April 2019

PRESIDING MEMBER