

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 March 2018 at 7:00pm.

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 – M Gates and A Stamatopoulos

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

280318/0009

That the minutes of the Council Assessment Panel held on 28 February 2018 be taken as read and confirmed.

Moved by D Bailey, Seconded by G Goss

Carried

5. COUNCIL ASSESSMENT MATTERS

G Goss and A Vine declared conflicts of interest, having associations with personalities associated with Item 5.1, and left the Meeting at 7:03pm.

5.1 The McCammon Family Superannuation Fund, 95 Partridge Street, Glenelg South (Report No 78/18)

DA NO. :	<u>110/00683/17</u>
APPLICANT:	<u>THE MCCAMMON FAMILY SUPERANNUATION FUND</u>
LOCATION :	<u>95 PARTRIDGE STREET, GLENELG SOUTH</u>
DEVELOPMENT PLAN:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA :	<u>LOCAL CENTRE ZONE</u>
NATURE OF DEVELOPMENT:	<u>MERIT</u>
PROPOSAL :	<u>CONSTRUCT AN ADDITION WITH MEZZANINE LEVEL TO EXISTING OFFICE AND SHOP</u>
EXISTING USE :	<u>OFFICE AND SHOP</u>
REFERRALS:	<u>NOT APPLICABLE</u>
CATEGORY :	<u>TWO</u>
REPRESENTATIONS :	<u>THREE</u>
RECOMMENDATION :	<u>DEVELOPMENT PLAN CONSENT</u>

Speakers: A Ockenden (on his own behalf and on behalf of P Madsen and J Carpenter) and G Jenkins

Motion

280318/0010

1. That 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, 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 resolves to grant Development Plan Consent, to DA 110/00683/17 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 plans prepared by Design MC dated 08-02/18 numbered 1722 SK1 G, 1722 SK2 B, 1722 SK4 D, 1722 SK4 C, 1722 SK5 D, 1722 SK6 A, 1722 SK7 A submitted to and approved by Council unless varied by any subsequent conditions imposed herein.

2. That storm water from the addition 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. 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.
4. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.
5. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
6. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
7. That no solid or liquid trade wastes be discharged to the stormwater system.
8. That a landscape plan relating to the rear carpark shall be prepared and provided to Council for assessment prior to the issue of Development Approval. That landscaping shall comprise where practicable, shrubs that are indigenous to the local area and are semi mature or of fast growing tubestock. 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.

9. **That all new or upgraded mechanical plant and equipment including refrigerated air conditioners, but excluding evaporative air conditioners, shall be mounted on the ground and fitted with an approved acoustic enclosure incorporating correctly designed ventilation, to minimise environmental harm, which includes nuisance from noise, to occupants on adjacent premises.**

10. **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.**

Moved D Bailey, Seconded R Clancy

Carried

G Goss and A Vine returned to the Meeting at 7:30 pm.

5.2 Margot John, 426 Brighton Road, Brighton (Report No 79/18)

DA NO.	:	<u>110/00021/18</u>
APPLICANT	:	<u>MARGOT JOHN</u>
LOCATION	:	<u>426 BRIGHTON ROAD, BRIGHTON</u>
PROPOSAL	:	<u>CHANGE IN USE OF LAND FROM VACANT TO PILATES FITNESS STUDIO</u>
EXISTING USE	:	<u>VACANT</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Speakers: V Camerlengo and M John

Motion**280318/0011**

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 resolves to grant Development Plan Consent to Development Application 110/00021/18 for the change in land use from vacant (formerly a shop) to a pilates fitness centre at 426 Brighton Road, Brighton, subject to the following conditions:**
 1. **That the development shall be implemented in accordance with the plans and documentation submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
 2. **That the existing carpark be linemarked and upgraded to the reasonable satisfaction of Council prior to the occupation of the premises.**
 3. **That existing landscaping areas are replenished and restocked with, where practicable, shrubs that are indigenous to the local area and are semi mature or of fast growing tubestock. All such landscaping shall be established within 3 months of the occupation of the premises, and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.**

Moved D Bailey, Seconded A Vine

Carried

5.3 Mark Falconer, 57 Broadway, Glenelg South (Report No 80/18)

DA NO.	:	<u>110/00632/17</u>
APPLICANT	:	<u>MARK FALCONER</u>
LOCATION	:	<u>57 BROADWAY, GLENELG SOUTH</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>LOCAL CENTRE ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	CHANGE OF USE OF A STORAGE ROOM TO BE USED BY THE BROADWAY HOTEL AS A BAR AND THE REAR GARDEN TO BE AN ALFRESCO DINING AREA WITH SEATING, DECKING AND A PERGOLA
EXISTING USE	:	<u>STORAGE</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT</u>

Speakers: M Harvey and M Falconer

Motion**280318/0012**

1. That 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, 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 resolves to grant Development Plan Consent, to DA 110/00632/17 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 plans prepared by Mavtect Designs dated 26/09/17 numbered 1764 SK01 B, 1764 SK02 A, 1764 SK03 B, 1764 SK04 B 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 the outdoor dining room shall not be used outside the hours of 8am to 10pm inclusive unless written approval to vary the times is given by Council.

4. That any illumination of the subject land shall be sited and designed so that no unreasonable annoyance to neighbouring occupiers is created.
5. The each of the listed 'Recommended Treatments' forming part of the 'Environment Noise Assessment' dated February 2018 and prepared by 'Sonus' shall be implemented and pass inspection by Council prior to the occupation of the new development, with ongoing maintenance and monitoring of each measure undertaken thereafter.

Moved R Clancy, Seconded A Vine

Carried

5.4 Heynen Planning Consultants, 92 Partridge Street, Glenelg South (Report No 81/18)

DA NO.	:	110/00984/17
APPLICANT	:	HEYNEN PLANNING CONSULTANTS
LOCATION	:	92 PARTRIDGE STREET, GLENELG SOUTH
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL CHARACTER ZONE, NEW GLENELG POLICY AREA 11
NATURE OF DEVELOPMENT:		NON-COMPLYING
PROPOSAL	:	CHANGE IN USE FROM DWELLING TO DWELLING AND SHOP
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	THREE
REPRESENTATIONS	:	NIL (ONE LATE REPRESENTATION RECEIVED)
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Motion

280318/0013

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. Following a detailed assessment of the amended proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is not seriously at variance with the Development Plan and resolves to seek the concurrence of the State Planning Assessment Commission pursuant to Section 35(3)(b) of the Development Act 1993, with the Council Assessment Panel's decision to grant Development Plan Consent to Development Application 110/00984/17.
 1. That the development is undertaken in accordance with the plans submitted to Council and the Statement of Effect and Statement of Support.

Moved D Bailey, Seconded G Goss

Carried

5.5 S Leopardi Care of Williams Burton Leopardi, 32 Wilson Terrace, Glenelg East (Report No 82/18)

DA NO.	:	<u>110/00032/18</u>
APPLICANT	:	<u>S LEOPARDI CARE OF WILLIAMS BURTON LEOPARDI</u>
LOCATION	:	<u>32 WILSON TERRACE, GLENELG EAST</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL CHARACTER ZONE – STREETSCAPE POLICY AREA 13 (BRIGHTON AND GLENELG EAST)</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>LOWER AND UPPER LEVEL ADDITIONS TO EXISTING DWELLING</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT</u>

Motion

280318/0014

1. **Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel considers that the development is not seriously at variance with the Development Plan.**
2. **The Council Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00032/18 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 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 upstairs windows on the southern elevation 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.**
 4. **That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.**

5. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
6. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
7. That all domestic mechanical plant and equipment including refrigerated air conditioners, but excluding evaporative air conditioners, shall be mounted on the ground and fitted with an approved acoustic enclosure incorporating correctly designed ventilation, to minimise environmental harm, which includes nuisance from noise, to occupants on adjacent premises.
8. 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.
9. That no solid or liquid trade wastes be discharged to the stormwater system.

Moved D Bailey, Seconded A Vine

Carried

5.6 Glenelg Day Surgery, 24 Gordon Street, Glenelg (Report No 83/18)

DA NO.	:	<u>110/01134/17</u>
APPLICANT	:	<u>GLENELG DAY SURGERY</u>
LOCATION	:	<u>24 GORDON STREET, GLENELG</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL CHARACTER ZONE POLICY AREA 14</u>
NATURE OF DEVELOPMENT:		<u>NON-COMPLYING</u>
PROPOSAL	:	<u>CHANGE OF USE FROM PLACE OF WORSHIP TO PRIVATE HOSPITAL (SPECIALIST DAY SURGERY) WITH ASSOCIATED INTERNAL FITOUT AND FAÇADE UPGRADES (NON-COMPLYING)</u>
EXISTING USE	:	<u>PLACE OF WORSHIP AND COMMUNITY HALL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

Motion**280318/0015**

1. **The proposed development is NOT seriously at variance with the policies in the Development Plan.**
2. **Following a detailed assessment of the amended proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is not seriously at variance with the Development Plan and resolves to seek the concurrence of the State Planning Assessment Commission pursuant to Section 35(3)(b) of the Development Act 1993, with the Council Assessment Panel's decision to grant Development Plan Consent to Development Application 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.**
 4. **That the hours of operation shall be:**
 - **Monday to Friday 9am to 5:30pm; and**
 - **Saturday 9am to 1pm.**

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.
8. That details of the final colours for the western façade are provided to Council for further assessment prior to the issue of Development Approval.

Moved D Bailey, Seconded G Goss

Carried

5.7 Duncan Draper, 22 Shephard Street, Hove (Report No 97/18)

DA NO.	:	110/00009/18
APPLICANT	:	DUNCAN DRAPER
LOCATION	:	22 SHEPHARD STREET, HOVE
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	SINGLE STOREY DETACHED DWELLING WITH INTEGRAL GARAGE LOCATED ON THE EASTERN SIDE BOUNDARY AND INTEGRAL VERANDAH AT THE REAR, A SWIMMING POOL IN THE REAR YARD AND DETACHED SHED LOCATED ON THE WESTERN SIDE BOUNDARY AND NORTHERN REAR BOUNDARY
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: T Burn and D Draper

Motion

280318/0016

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 sufficiently at variance with the Development Plan and that Development Application 110/00009/18 be refused Development Plan Consent for the reason that it is contrary to General Section Residential Development Principle 24.**

More specifically, the application does not meet the intent of the Development Plan in that it displays:

- **Excessive length of the garage wall along the northern, rear boundary, exceeding both the maximum prescribed length of 8 metres and the relative length of 45 per cent of the boundary.**

Moved D Bailey, Seconded A Vine

Carried

6. REPORTS BY OFFICERS

6.1 Nil.

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

8. CLOSURE

The meeting closed at 9:15 pm.

CONFIRMED Wednesday, 18 April 2018

PRESIDING MEMBER