

**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 June 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 – 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**

**270618/0024**

**That the minutes of the Council Assessment Panel held on 23 May 2018 be taken as read and confirmed.**

Moved by G Goss, Seconded by D Bailey

**Carried**

## 5. COUNCIL ASSESSMENT MATTERS

### 5.1 JAPARA DEVELOPMENTS PTY LTD, 574-580 BRIGHTON ROAD, SOUTH BRIGHTON (Report No 210/18)

DA NO.	:	<u>110/00175/18</u>
APPLICANT	:	<u>JAPARA DEVELOPMENTS PTY LTD</u>
LOCATION	:	<u>574-580 BRIGHTON ROAD, SOUTH BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL MEDIUM DENSITY POLICY AREA 5</u>
NATURE OF DEVELOPMENT	:	<u>MERIT</u>
PROPOSAL	:	<u>ALTERATIONS AND ADDITIONS TO EXISTING NURSING HOME TO ACCOMMODATE AN ADDITIONAL 38 BEDS</u>
EXISTING USE	:	<u>NURSING HOME AND VACANT LAND (PREVIOUSLY DETACHED DWELLINGS)</u>
REFERRALS	:	<u>DPTI</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

Speakers: M Anderberg, D Kwong, L Fanti and F Barone

#### Motion

**270618/0025**

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 110/00175/18, 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 including the building services plan and sections and as amended by proposed ground floor plan DA05 A 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 waste collection from the site be restricted to 8am-7pm on Mondays to Fridays and shall occur in accordance with limitations established under the Environment Protection (Noise) Policy 2007 and the Local Nuisance and Litter Control Act 2016.**
- 5. That appropriate details of privacy screens for windows on the northern and eastern elevations of the ground floor and first floor, for that portion of the building above the undercroft carpark, are provided to Council for assessment prior to the issue of Development Approval, and that such screens are installed to the reasonable satisfaction of Council prior to the occupation of the building.**
- 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. 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.**
- 8. 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.**
- 9. The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.**

- 10. That a landscape plan is provided to Council for further assessment showing vegetation located at the perimeter and within the south-eastern carpark comprised of suitable species that offer amenity value and do not compromise relevant carparking standards, to the reasonable satisfaction of Council prior to the issue of Development Approval.**
- 11. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tubestock. All such landscaping shall be established within the optimal planting season immediately following completion of construction and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.**
- 12. That the Tree Protection Plan as detailed under the Recommendations of the Tree Environs report dated 26 February 2018 be implemented in full throughout the duration of demolition and construction associated with the authorised development. Note that any fencing or works on public footpaths should first be approved by Council's City Asset's Department.**
- 13. That external lighting on the site shall be designed and constructed to conform to Australian Standard (AS 4282-1997).**
- 14. That a detailed storm water management working plan showing all pipe sizes and connection to Council's kerb and gutter be submitted for the reasonable approval of Council. Council's City Asset's Department advise that it is preferred not to connect pipes into Council's drainage infrastructure of pits and pipes.**
- 15. That stormwater management including on-site retention and re-use be undertaken in accordance with the Stormwater Management Plan by FMG Engineering dated February 2018 and the working drawing required by condition 11.**
- 16. 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.**
- 17. 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.**
- 18. 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.**

19. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
20. That no solid or liquid trade wastes be discharged to the stormwater system.
21. That information from a qualified acoustic engineer be submitted prior to Development Approval detailing all noise abatement works to ensure occupants of the additions are protected against traffic noise in accordance with relevant EPA standards and all recommendations of the acoustic engineer be undertaken.

**DPTI conditions**

22. That all traffic shall enter and leave the site in a forward direction.
23. To accommodate simultaneous two-way vehicle movements, the Brighton Road access point shall be a minimum of 6.0 metres in width at the property boundary and be suitably flared to the kerb line. The access shall provide a minimum 1.0 metre separation from any roadside infrastructure.
24. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.11:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
25. Vehicles larger than B99 passenger vehicles shall not be permitted to utilise the Brighton Road access.
26. Signage associated with the development shall not contain any element that flashes, scrolls, moves or changes and shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.

Moved D Bailey, Seconded A Vine

**Carried**

**5.2 Michelle Draper, 22 Shephard Street, Hove (Report No 211/18)**

DA NO.	:	<u>110/00287/18</u>
APPLICANT	:	<u>MICHELLE DRAPER</u>
LOCATION	:	<u>22 SHEPHARD STREET, HOVE</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>GARAGE LOCATED ON NORTHERN REAR BOUNDARY</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Speakers: T Burn and M Draper

**Motion****270618/0026**

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 Development Application 110/00287/18 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 colour of the garage wall as viewed from the rear adjoining property be to the reasonable satisfaction of Council.

Moved D Bailey, Seconded G Goss

**Carried**

**5.3 Danny Holland, 3 Sandhurst Court, Brighton (Report No 212/18)**

DA NO.	:	<u>110/00221/18</u>
APPLICANT	:	<u>DANNY HOLLAND</u>
LOCATION	:	<u>3 SANDHURST COURT, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>TWO STOREY DETACHED DWELLING WITH GARAGE WALL LOCATED ON NORTHERN SIDE BOUNDARY, SWIMMING POOL IN REAR YARD AND OUTBUILDING LOCATED ON SOUTHERN SIDE AND EASTERN REAR BOUNDARY</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Speakers: P Spencer and D Holland

**Motion****270618/0027**

- 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 Development Plan Consent to Development Application 110/00221/18 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 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 storm water from the 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.

5. 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.
6. 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.
7. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
8. That no solid or liquid trade wastes be discharged to the stormwater system.
9. 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 to the reasonable satisfaction of Council.
10. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tubestock. All such landscaping shall be established within the optimal planting season immediately following completion of construction and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
11. That all upstairs windows on the northern, southern and eastern elevations shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be manufactured obscure glass and fixed shut or as otherwise approved by Council. Further details of this requirement shall be provided at Building Rules Assessment stage.



- 12. That the associated filter pump be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.**
- 13. 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.**
- 14. That a landscaping plan is provided to Council for assessment prior to the issue of Development Approval showing a suitable selection of vegetation to the front and rear yards, incorporating a semi-mature tree in the front lawn area. The landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tubestock. All such landscaping shall be established within the optimal planting season immediately following completion of construction and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.**

Moved D Bailey, Seconded R Clancy

**Carried**

**5.4 Mirage Homes SA Pty Ltd, 39 Holder Road, Hove (Report No 213/18)**

DA NO.	:	110/00136/18
APPLICANT	:	MIRAGE HOMES SA PTY LTD
LOCATION	:	39 HOLDER ROAD, HOVE
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	A PAIR OF TWO STOREY DWELLINGS WITH INTEGRAL GARAGES ON A HAMMERHEAD CONFIGURATION
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	TWO
REPRESENTATIONS	:	THREE
RECOMMENDATION		DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: V Lackey and M Willis

**Motion****270618/0028**

1. That the proposed development is **NOT** seriously at variance with the policies in the Development Plan.
2. Following a detailed assessment against the Holdfast Bay (City) Development Plan and consideration of representations, it is recommended that the Council Assessment Panel **refuse to grant** Development Plan Consent to Development Application 110/00136/18 on the basis that the proposal does not satisfactorily adhere to the following provisions in the Development Plan: General Section Residential Development Principles 2, 19, 21, 22, 24, 27, 28, and Residential Zone Principles 7 and 9. More specifically, the proposal:
  - Does not achieve minimum allotment and site area requirements;
  - Presents a two-storey built form where single-storey is prescribed;
  - Does not achieve the minimum setback distance to the front boundary, with respect to both the dwelling façade and garaging;
  - Does not achieve the minimum setback distance to a side boundary;
  - Presents an excessive length of wall to a side boundary; and
  - Exceeds the maximum site coverage requirement.

Moved R Clancy, Seconded A Vine

**Carried**

### 5.5 Quartz Building Design, 5 Colton Avenue, Hove (Report No 214/18)

DA NO.	:	110/00279/18
APPLICANT	:	QUARTZ BUILDING DESIGN
LOCATION	:	5 COLTON AVENUE, HOVE
DEVELOPMENT PLAN	:	2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE – POLICY AREA 5 MEDIUM DENSITY
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CONSTRUCT A TWO STOREY DETACHED DWELLING
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NONE
CATEGORY	:	TWO
REPRESENTATIONS	:	TWO
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT BE GRANTED

#### **Motion**

**270618/0029**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. Following a detailed assessment against 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. Therefore it is recommended that the Council Assessment Panel grant Development Plan Consent to Development Application 110/00279/18, 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 stormwater shall be collected and connected to a 1000 litre (minimum per dwelling) 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 stormwater 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:** Stormwater 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 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 a landscaping plan is provided to Council for assessment prior to the issue of Development Approval showing a suitable selection of vegetation to the front yard. The landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tubestock. All such landscaping shall be established within the optimal planting season immediately following completion of construction and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.

- 10. 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 to the reasonable satisfaction of Council.**

Moved D Bailey, Seconded A Vine

**Carried**

G Goss and A Vine left the Meeting at 8:36pm having declared a possible perception of bias with respect to Item 5.6 in that neither were present to hear the personal representations when the substantive application for the land use was considered by the Panel.

**5.6 Urban 3, 25A, 25B and 25C Esplanade, Somerton Park and 25A and 25B Wilkinson Avenue, Somerton Park (Report No 220/18)**

DA NO.	:	<u>110/00428/18</u>
APPLICANT	:	<u>URBAN 3</u>
LOCATION	:	<u>25A, 25B AND 25C ESPLANADE, SOMERTON PARK AND 25A AND 25B WILKINSON AVENUE, SOMERTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE CENTRAL WEST POLICY AREA 3</u>
NATURE OF DEVELOPMENT: PROPOSAL	:	<u>MERIT</u> <u>VARIATION DA 110/01039/15 (THE CONSTRUCTION OF A PAIR OF THREE STOREY RESIDENTIAL FLAT BUILDINGS WITH THE EASTERN-MOST CONTAINING TWO DWELLINGS AND THE WESTERN-MOST CONTAINING THREE DWELLINGS WITH ROOF TOP TERRACES AND ONE ACCOMMODATING AN UNDERCROFT GARAGE) COMPRISING REMOVAL OF CONDITION 5, AMENDMENT TO CONDITION 4 TO INCORPORATE THE SCREENING OF RELEVANT BALCONIES AND ROOF TOP DECKS AND AMENDMENTS TO CONDITION 3 WHEREBY FIXED UPPER LEVEL WINDOWS (INCLUDING ROOF TOP DECK) ARE SCREENED WITH OBSCURE FILM UP TO 1.7 METRES ABOVE THE ASSOCIATED FINISHED FLOOR LEVEL IN LIEU OF MANUFACTURED OBSCURE GLAZING AND AWNING WINDOWS WITH OPENINGS RESTRICTED TO 70MM AND POSITIONED LESS THAN 1700MM ABOVE THE ASSOCIATED FINISHED FLOOR LEVEL IN LIEU OF FIXED MANUFACTURED OBSCURED GLAZING TO ALL UPPER LEVEL WINDOWS EXCEPT FOR THE WESTERN ELEVATIONS OF DWELLINGS 1, 2 AND 3</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>N/A THIS FORM OF VARIATION DOES NOT ENABLE A CATEGORY FOR PUBLIC NOTIFICATION PURPOSES TO BE ASSIGNED</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

**Motion**

**270618/0030**

- 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 Development Plan Consent to Development Application 110/00428/18 for the Variation DA 110/01039/15 (the construction of a pair of three storey residential flat buildings with the eastern-most containing two dwellings and the western-most containing three dwellings with roof top terraces and one accommodating an undercroft garage) comprising removal of condition 5, amendment to condition 4 to incorporate reference to all relevant balconies and roof top decks and amendments to condition 3 whereby fixed upper level windows (including roof top deck) are screened with obscure film up to 1.7 metres above the associated finished floor level in lieu of manufactured obscure glazing and awning windows with openings restricted to 70mm and positioned less than 1700mm above the associated finished floor level in lieu of fixed manufactured obscured glazing to all upper level windows except for the western elevations of Dwellings 1, 2 and 3 at 25A, 25B and 25C Esplanade, Somerton Park and 25A and 25B Wilkinson Avenue, Somerton Park, subject to the following conditions:**

  - 1. All upper level windows (except for the western elevations of Dwellings 1, 2 and 3) shall have minimum sill heights of 1.7 metres above the associated finished floor level or where windows have sill heights less than 1.7 metres above the associated finished floor level, the windows are fixed and manufactured obscure to a minimum height of 1.7 metres above the associated finished floor level or where the windows are not fixed (awning), the opening is restricted to not more than 70mm and manufactured obscure to 1.7 metres above the associated finished floor level prior to the occupation of the dwellings.**
  - 2. All balconies (excluding the west facing balconies of Dwellings 1, 2 and 3) and roof top decks shall comprise fixed screening 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 prior to the occupation of the dwellings.**
  - 3. Conditions 1 to 2 and 6 to 16 still apply, as follows:**

    - 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 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.

6. Any change in levels along external site boundaries of 200mm or more shall be retained to suitable engineering standards and any fencing shall be erected on top of such retaining walls. Construction of all retaining walls shall be undertaken and completed prior to the commencement of construction of the dwelling(s) herein approved.
7. 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.
8. All roof mounted mechanical plant and equipment shall be aesthetically screened so as not to be viewed from surrounding land. Details of proposed screening shall be provided to Council for assessment prior to the issue of Development Approval.
9. 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.
10. 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.
  11. 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.
  12. 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.
  13. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
  14. That no solid or liquid trade wastes be discharged to the stormwater system.
  15. A dilapidation report shall be prepared including photographs and video footage to document the pre-development structural condition of all buildings on adjoining land. The dilapidation report shall be prepared prior to the commencement of construction, with copies provided to affected adjoining landowners and Council.
  16. All hard surfaced ground areas, including common driveway, shall be treated with permeable paving to reduce the amount of runoff and maximise recharge of the aquifer. Details of the paving selection shall be provided to Council prior to the issue of Development Approval.

Moved D Bailey, Seconded R Clancy

Carried

G Goss and A Vine returned to the Meeting at 8:54pm

**5.7 Bargain Steel Centre, 343 Brighton Road, North Brighton (Report No 222/18)**

DA NO.	:	110/00215/18
APPLICANT	:	BARGAIN STEEL CENTRE
LOCATION	:	343 BRIGHTON ROAD, NORTH BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	NEIGHBOURHOOD CENTRE ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TWO ADVERTISING DISPLAYS INCLUDING ONE ILLUMINATED FREE STANDING DISPLAY AND ONE NON-ILLUMINATED FREE STANDING DISPLAY DIRECTLY ABUTTING THE SOUTHERN WALL OF THE NORTHERN ADJACENT PROPERTY, BOTH ADJACENT TO THE BRIGHTON ROAD BOUNDARY
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	DEPARTMENT FOR PLANNING, TRANSPORT AND INFRASTRUCTURE – NO OBJECTIONS RAISED
CATEGORY	:	TWO
RECOMMENDATION		DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

**Motion****270618/0031**

- 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 refuse to grant Development Plan Consent to Development Application 110/00215/18 on the basis that the proposal does not satisfactorily adhere to the following provisions in the Development Plan: General Section Objectives 1, 3, 5, and General Section Advertisements Principle 7. More specifically, the proposal:**
  - Presents a height, with respect to the freestanding sign, that is noticeably higher than the associated building;**
  - Does not enhance the appearance and scale of buildings in the locality; and**
  - Does not present an overall coordinated appearance with other signs in the locality.**

Moved D Bailey, Seconded A Vine

**Carried**

**6. REPORTS BY OFFICERS****6.1 Nil.****6.2 Deferred Item – 84-88 Jetty Road, Glenelg - 110/00400/17 (Report No: 221/18)**

*At the 23 May 2018 meeting, the Council Assessment Panel resolved:*

*'That the application be deferred seeking further information regarding internal/external relationship, greening, noise attenuation, balcony sizes and useability, storage areas, bike parking, waste management, access to light and clarification as to where light wells are located.'*

- 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 refuse to grant Development Plan Consent to Development Application 110/00400/17 on the basis that it does not satisfactorily adhere to the following provisions in the Development Plan: General Section Medium and High Rise Development (3 or More Storeys) Objective 2, Principle 12, and General Section Residential Principle 36, More specifically, the proposal:**
  - Does not provide private open space located above ground level having a minimum dimension of 2 metres and be directly accessible from a habitable room;
  - Does not provide a high standard of amenity and adaptability for a variety of accommodation and living needs; and
  - Does not provide for covered storage areas of not less than 8 cubic metres in the dwellings.

Moved D Bailey, Seconded -

**Motion lapsed through want of a Seconder**

- 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 Development Plan Consent to Development Application 110/00400/17 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 following plans prepared by Morea Architects, submitted to and approved by Council unless varied by any subsequent conditions imposed herein:**
    - a. Drawing Title: Proposed Ground/First Floor Plans mA 1144 TP-04 D Revision D Dated June 2018;**
    - b. Drawing Title: Proposed Second/Roof Plans mA 1144 TP-05 D Revision D Dated June 2018;**

- c. **Drawing Title: Elevations - North & West mA 1144 TP-06 D Revision D Dated June 2018;**
  - d. **Drawing Title: Elevations - South & East mA 1144 TP-07 D Revision D Dated June 2018; and**
  - e. **Drawing Title: Sections AA & BB mA 1144 TP-08 D Revision D Dated June 2018;**
2. **The external colours of the building addition shall comprise minimal contrasting, reasonably dark, earthy tones that help to visually sit the upper floor levels into the background. The roof colour shall comprise mid to dark grey tones such as Colorbond 'Basalt', 'Wallaby', 'Windspray' or similar and the wall colour shall comprise Dulux 'Self Destruct' or similar to the reasonable satisfaction of Council.**
  3. **Landscaping shall be established in accordance with the approved plans and include semi-mature plantings that are planted prior to occupancy. Landscaping shall be maintained at all times. Should any such landscaping become diseased or die, be replaced with similar to the reasonable satisfaction of Council**
  4. **Details and specifications of windows incorporating sound attenuation properties that ensure the amenity to future occupants is not unreasonably compromised, shall be provided to Council for assessment prior to the issue of Development Approval**
  5. **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.**
  6. **That parking and manoeuvring areas and footpaths shall be lit during the hours of darkness that they may reasonably be expected to be used, and such lights shall be directed and screened so that unreasonable overspill of light into nearby premises is avoided and drivers are not distracted.**
  7. **That directional signs not exceeding 0.5sqm in face area shall be erected at vehicle access points to indicate the location of staff, resident and visitor parking.**
  8. **That each car parking space shall conform to the applicable Australian Standard. All car parking spaces shall be clearly identifiable at all times.**
  9. **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.**

10. 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.
11. 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.
12. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
13. That no solid or liquid trade wastes be discharged to the stormwater system.

Moved G Goss, Seconded R Clancy

**Carried**

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

- 7.1 That Council's Open Space section is asked to survey the adequacy of the number and species of street trees in the vicinity of Surf Street and Mills Street, South Brighton, in light of the imminent redevelopment in this location and the need to maintain a high level of amenity.

**8. CLOSURE**

The meeting closed at 9:40 pm.

**CONFIRMED      Next Meeting Date Wednesday, 25 July 2018**

**PRESIDING MEMBER**