

**Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, `**

**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 – D Spasic 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**

**221117/0169**

**That the minutes of the Council Assessment Panel held on 25 October 2017 be taken as read and confirmed.**

Moved by G Goss, Seconded by A Vine

**Carried**

## 5. COUNCIL ASSESSMENT MATTERS

### 5.1 LS Design Construct, 63 Brighton Road, Glenelg (Report No 419/17)

DA NO.	:	110/00587/17
APPLICANT	:	LS DESIGN CONSTRUCT
LOCATION	:	63 BRIGHTON ROAD, GLENELG
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE, MEDIUM DENSITY POLICY AREA 5
NATURE OF DEVELOPMENT:	:	MERIT
PROPOSAL	:	CONSTRUCTION OF THREE TWO STOREY DETACHED DWELLINGS WITH INTEGRAL GARAGES
EXISTING USE	:	VACANT LAND
REFERRALS	:	DPTI – TRANSPORT SERVICES – NO OBJECTIONS RAISED
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

#### Motion

221117/0170

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 110/00587/17 for the construction of three two storey detached dwellings with integral garages at 63 Brighton Road, Glenelg 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 following plans, submitted to and approved by Council unless varied by any subsequent conditions imposed herein:
  - a. Ginos Engineering Consulting Engineers, Drawing No. 31037, SR2-1 Site and Drainage Plan;
  - b. LS Design Construct, Project No. 2016-29, Drawing No. A01 dated 20.03.2017;
  - c. LS Design Construct, Project No. 2016-29, Drawing No. A02 dated 20.03.2017;
  - d. LS Design Construct, Project No. 2016-29, Drawing No. A03 dated 20.03.2017;
  - e. LS Design Construct, Project No. 2016-29, Drawing No. A04 dated 20.03.2017;

- f. LS Design Construct, Project No. 2016-29, Drawing No. A05 dated 20.03.2017;
  - g. LS Design Construct, Project No. 2016-29, Drawing No. A06;
  - h. LS Design Construct, Project No. 2016-29, Drawing No. A07;
  - i. LS Design Construct, Project No. 2016-29, Drawing No. A08;
  - j. LS Design Construct, Project No. 2016-29, Drawing No. A09; and
  - k. LS Design Construct, Project No. 2016-29, Drawing No. A10
2. That stormwater 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 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 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 3 months of substantial completion of the development and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
4. That all upstairs windows on the western side and southern rear 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.
5. 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.
6. 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.
  7. 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.
  8. 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.
  9. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
  10. That no solid or liquid trade wastes be discharged to the stormwater system.
  11. All fencing shall be clear of the 4.5 x 4.5 metres corner cut-off at the Brighton Road/Tassie Street corner. Any vegetation within this area shall be low growing (i.e. < 1 metre tall) in order to maintain sight lines at this location.
  12. All vehicular access to/from the site shall be gained via Tassie Street. No direct vehicular access to/from Brighton Road shall be permitted.
  13. Access to/from the site shall comply with AS/NZS 2890.1:2004, Fig. 3.1 'Prohibited Locations of Access Driveways'. The separation between the access for Lot 1 and the Brighton Road/Tassie Street junction shall be maximised.
  14. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Brighton Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

- 15. That a report be prepared by a suitably qualified Acoustic Engineer providing a design response for the abatement of outside noise to each of the dwellings. The report shall be provided to council for assessment prior to the issue of Development Approval, with any recommendations contained in the report incorporated into the design of the dwellings, to the reasonable satisfaction of council.**
- 16. That the fencing to Dwellings 2 and 3 facing Tassie Street incorporate openings above 1 metre from ground level for visual permeability. Details of the fence designs shall be provided to council for assessment prior to the issue of Development Approval.**
- 17. That details of material and colour choices for the dwellings and fencing are provided to council for further assessment prior to the issue of Development Approval, with final adoptions subject to staff selections.**
- 18. That the planting of a mature tree to a minimum height of 3 metres is established within the front yard of each dwelling in the optimal planting season immediately following completion of construction. The tree species selection shall be subject to staff assessment, with details to be provided prior to the issue of Development Approval.**

Moved D Bailey, Seconded G Goss

**Carried**

**5.2 Urban Planning and Design, 5 Strickland Road, Kingston Park  
(Report No 420/17)**

DA NO.	:	<u>110/00416/17</u>
APPLICANT	:	<u>URBAN PLANNING AND DESIGN</u>
LOCATION	:	<u>5 STRICKLAND ROAD, KINGSTON PARK</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 GROUP DWELLING AND RESIDENTIAL FLAT BUILDING COMPRISING TWO DWELLINGS</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Speakers: D Cameron and M Falconer

**Motion**

**221117/0171**

- 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 110/00416/17 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 upstairs windows on the south west 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.
5. 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.

6. 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.
7. 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.
8. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
9. That no solid or liquid trade wastes be discharged to the stormwater system.
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.
11. 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.

12. That the proposed China Gold Bamboo screen identified in the Landscape Schedule is established with mature plantings for immediate screening. The Bamboo screen shall be planted in the optimal planting season immediately following completion of construction.
13. That all retaining walls and fencing associated with the development are constructed at the applicant's cost, with colour and material selections finalised in consultation with the immediate affected property owners.
14. 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.

Moved A Vine, Seconded G Goss

Carried



**5.3 Cavallo Forest & Associates, 5 Strickland Avenue, Kingston Park  
(Report No 421/17)**

DA NO.	:	<u>110/00715/17</u>
APPLICANT	:	<u>CAVALLO FOREST &amp; ASSOCIATES</u>
LOCATION	:	<u>5 STRICKLAND AVENUE, KINGSTON PARK</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>COMMUNITY TITLE LAND DIVISION CREATING THREE ALLOTMENTS FROM ONE</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>ONE</u>
RECOMMENDATION		<u>DEVELOPMENT PLAN CONSENT</u>

**Motion**

**221117/0172**

- 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 Approval to Development Application 110/00715/17 comprising a community title land division creating three lots from one lots.**

**PLANNING CONDITIONS**

- 1. The proposal shall be implemented as shown on the plan of division prepared by Cavallo Forest and Associates, Reference 16-358 dated 09.06.2017 unless varied by any subsequent conditions imposed herein.**
- 2. That the applicant shall advise Council in writing of the demolition of all buildings, structures, footings, pipes and other deleterious materials have been removed from the site in order that Section 51 Clearance may be granted.**
- 3. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.**

**On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.**

**The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.**

- 4. Payment of \$13660 into the Planning and Development Fund (2 allotment(s) @ \$6830/allotment). Payment may be made by credit card**

via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

5. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Moved D Bailey, Seconded A Vine

**Carried**

**5.4 Joseph Camerlengo, 11 Kibby Avenue, Glenelg North (Report No 422/17)**

DA NO.	:	110/00650/17
APPLICANT	:	JOSEPH CAMERLENGO
LOCATION	:	11 KIBBY AVENUE, GLENELG NORTH
DEVELOPMENT PLAN	:	2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CONVERSION OF EXISTING GARAGE TO ENTRANCE PASSAGE, EXTENSION OF GARAGE WALL LOCATED ON WESTERN SIDE BOUNDARY, PORTICO TO FAÇADE AND CARPORT LOCATED ON SECONDARY SIDE BOUNDARY
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	NIL
RECOMMENDATION	:	REFUSAL

**Motion**

**221117/0173**

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 considers that the proposed development is not consistent with the Development Plan and that Development Application 110/00650/17 be refused Development Plan Consent for the reason that it is contrary to:
  - General Section, Design and Appearance, Principles of Development Controls 1(a)(c)(d).
  - Residential Development, Principles of Development Controls 14(d), 15, and 27 (a)(d);
  - Residential Zone, Objective 3 and Principle of Development Control 6

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

- **The Desired Character of the Zone;**
- **Carport sited forward of the building line of the dwelling;**
- **Bulk of carport facade; and**
- **Compatibility with setback character of immediate locality.**

Moved D Bailey, Seconded A Vine

**Carried**

**A Vine declared a conflict of interest with Item 5.5 and left the Meeting at 7:52 pm**

**5.5 Studio Nine Architects, 174 Esplanade, South Brighton (Report No 423/17)**

DA NO.	:	<u>110/00267/17</u>
APPLICANT	:	<u>STUDIO NINE ARCHITECTS</u>
LOCATION	:	<u>174 ESPLANADE, SOUTH BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL, CENTRAL WEST POLICY AREA 3</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>THREE STOREY RESIDENTIAL FLAT BUILDING COMPRISING 3 DWELLINGS AND UNDERCROFT GARAGES</u>
EXISTING USE	:	<u>TWO STOREY DETACHED DWELLING</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

**Motion**

**221117/0174**

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 110/00267/17 subject to the following conditions:**

**DEVELOPMENT PLAN CONSENT 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 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 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.**
- 5. 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.**
- 6. The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.**
- 7. That the upstairs window to bedroom 3 in Townhouse 1 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.**
- 8. 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 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. 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 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.
11. That no services be mounted or installed on the upper roof without the further approval of Council.
  12. That the filter pumps associated with the swimming pools be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.
  13. 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.
  14. 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.
  15. 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.
  16. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
  17. That no solid or liquid trade wastes be discharged to the stormwater system.
  18. That the ramp gradient, including any required top and bottom transition areas be in accordance with the relevant Australian Standard
  19. That the driveway and adjacent fences/walls be designed to ensure adequate pedestrian/vehicle sightlines.

Moved D Bailey, Seconded G Goss

**Carried**

**A Vine returned to the Meeting at 8:02 pm**

**5.6 Aaron Chirakis, 16 Mortimer Terrace, Brighton (Report No 424/17)**

DA NO.	:	<u>110/00591/17</u>
APPLICANT	:	<u>AARON CHIRAKIS</u>
LOCATION	:	<u>16 MORTIMER TERRACE, 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>TORRENS TITLE LAND DIVISION CREATING TWO ALLOTMENTS FROM ONE ALLOTMENT</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION		<u>REFUSAL</u>

**Motion**

**221117/0175**

1. **The proposed development is 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 Development Assessment Panel resolves to refuse Development Application 110/00591/17 for a Torrens Title land division creating two allotments from one allotment at 16 Mortimer Terrace, Brighton for the following reasons:**

**PLANNING CONDITIONS**

**General Section - Land Division - Objective 2 Land division that creates allotments appropriate for the intended use.**

**General Section - Land Division - Principle of Development Control 2 Land should not be divided if any of the following apply:**

- (a) **the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use**

**General Section – Land Division – Principle of Development Control 7 Land division should result in allotments of a size suitable for their intended use.**

**Residential Zone – Principle of Development Control 7 A dwelling should, except where specified in a particular policy area or precinct, have a minimum site area (and in the case of group dwellings and residential flat buildings, an average site area per dwelling) and a minimum frontage to a public road not less than that shown in the following table:....Detached Dwelling/Semi-Detached Dwelling....12 metre frontage.**

Moved R Clancy, Seconded G Goss

**Carried**

**5.7 Aaron Chirakis, 16 Mortimer Terrace, Brighton (Report No 425/17)**

DA NO.	:	<u>110/00468/17</u>
APPLICANT	:	<u>AARON CHIRAKIS</u>
LOCATION	:	<u>16 MORTIMER TERRACE, 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>A PAIR OF SINGLE STOREY DETACHED DWELLINGS WITH INTEGRAL GARAGES AND VERANDAHS</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>ONE</u>
RECOMMENDATION	:	<u>REFUSAL</u>

**Motion****221117/0176**

- 1. The proposed development is 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 Development Assessment Panel resolves to refuse Development Application 110/00591/17 for a Torrens Title land division creating two allotments from one allotment at 16 Mortimer Terrace, Brighton for the following reasons:**

**PLANNING CONDITIONS**

**Residential Zone – Objective 3. Development that contributes to the desired character of the zone.**

**General Section – Residential Development – Principle of Development Control 1(a) Residential allotments and sites should maximise solar orientation and have the area and dimensions to accommodate the siting and construction of a dwelling and associated ancillary outbuildings.**

**General Section – Residential Development – Principle of Development Control 19 Except where specified in a particular zone, policy area or precinct or Residential High Density Zone, the main face of a building should be set back from the primary road frontage the same setback as one of the adjacent buildings.**

Moved A Vine, Seconded D Bailey

**Carried**

**6. REPORTS BY OFFICERS****6.1 Nil.****6.2 Deferred Item – 7 Yester Avenue, Brighton (Report No 426/17)**

*On 25 October 2017, the Council Assessment Panel deferred its decision for DA 110/00829/17 to construct a two storey detached dwelling at 7 Yester Avenue, Brighton to 'enable the applicant to provide plans and information that are consistent and comprehensive with respect to the selection of materials, colours and landscaping. Details should include a reduction in the solidity of the wall located forward of the dwelling, a narrowing of the driveway entry, and increasing the amount of greenery'.*

*Amended plans have been submitted, which reasonably address the above.*

**Motion****221117/0177**

- 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 110/00829/17 subject to the following conditions:**

**DEVELOPMENT PLAN CONSENT 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 and as varied by the amended elevations, front landscape plan and details of materials and colours all stamped amended 10/11/17 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 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.

5. That upstairs windows on the side and rear 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.
6. That the balcony screens have not more than 10mm spaces between the louvres. Further details of the louvered screen shall be provided at the Building Rules Assessment stage.
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 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.
8. That stormwater 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 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.

9. 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 minimize environmental harm, which includes nuisance from noise, to occupants on adjacent premises.
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.

Moved D Bailey, Seconded R Clancy

**Carried**

### 6.3 Appeal Item – 27 Wallace Street, Glenelg East (Report No 427/17)

*On 28 June 2017, the then Development Assessment Panel issued a refusal for DA 110/00251/17 for the construction of a carport forward of the associated dwelling at 27 Wallace Street, Glenelg East. The reasons for refusal are shown below:*

*Development Application 110/00251/17 be refused Development Plan Consent for the reason that it is contrary to:*

- *General Section, Residential Development Principles of Development Controls 14(b) and 27;*
- *Residential Character Zone, Policy Area 13 Objectives 1 and 3; and*
- *Residential Zone Principle of Development Control 6*

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

- *Preservation of existing development patterns and built form in the policy area;*
- *The Desired Character of the Zone;*
- *Carport sited forward of dwelling;*
- *Setback from the street boundary; and*
- *Compatibility with setback character of locality.*

*An appeal has been lodged to the Environment, Resources and Development Court. The decision was appealed as the applicant believes that the proposal can be improved by way of increasing the landscaping as well as a better understanding of the justification as to why the carport is appropriate in this context (Refer to Attachment A).*

**Motion**

**221117/0178**

**That the Council Assessment Panel does not consider there are sufficient reasons to reconsider its decision with respect to Development Application 110/00251/17, and that the Environment, Resources and Development Court is advised accordingly.**

Moved G Goss, Seconded D Bailey

**Carried**

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

**8. CLOSURE**

The meeting closed at 8:20 pm.

**CONFIRMED      Wednesday, 13 December 2017**

**PRESIDING MEMBER**