

Minutes of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 24 September 2014 at 7:00pm.

MEMBERS PRESENT

Acting Presiding Member - J Newman
N Sim
I Winter
R Clancy
J Huckstepp
T Looker

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Team Leader Development Assessment – C Watson
Development Officers – C Little

1. OPENING

J Newman welcomed the people in the gallery.

2. APOLOGIES

Apologies Received – G Goss
Absent – Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. PRESIDING MEMBER'S REPORT

Nil

5. CONFIRMATION OF MINUTES

Motion

221014/0065

That the minutes of the Development Assessment Panel held on 24 September 2014 be taken as read and confirmed.

Moved by J Huckstepp, Seconded by T Looker

Carried

6. DEVELOPMENT ASSESSMENT MATTERS

6.1 Vodafone Hutchison, 352 Brighton Road, Hove (Report No 336/14)

DA NO.	:	<u>110/00506/14</u>
APPLICANT	:	<u>VODAFONE HUTCHISON</u>
LOCATION	:	<u>352 BRIGHTON ROAD, HOVE</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 30 MARCH 2006</u>
ZONE AND POLICY AREA	:	<u>NEIGHBOURHOOD CENTRE ZONE</u>
NATURE OF DEVELOPMENT	:	<u>MERIT</u>
PROPOSAL	:	<u>TELECOMMUNICATIONS FACILITY</u>
EXISTING USE	:	<u>SHOP</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>CATEGORY 2</u>
REPRESENTATIONS	:	<u>SEVEN (VALID)</u>
RECOMMENDATION	:	<u>APPROVAL SUBJECT TO CONDITIONS</u>

Speakers: R Beach on behalf of P&P Bastable, J Levinson on behalf of C and D Startari and L Brandwood on behalf of the applicant

Motion

221014/0066

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is at variance with the Development Plan and resolves to refuse to grant Development Plan Consent, to Development Application 110/00506/14 on the basis that it is contrary to Development Plan Council Wide Principles 2, 90(a), 269(b), 270, 300(d)&(f), 302 and Neighbourhood Centre Zone Principle 2. More specifically, the proposal:

- Does not create a pleasant environment in which to live for the residents of the adjacent Residential Zone;
- Impairs the amenity of the locality by the appearance of the development;
- Does not incorporate landscaping as a means to screen the development; and
- Does not incorporate innovative design that would otherwise positively contribute to the character of the area.

Moved R Clancy, Seconded J Huckstepp

Carried

6.2 Studio Nine, 83-89 Brighton Road, Glenelg South (Report No 337/14)

DA NO.	:	<u>110/00736/13</u>
APPLICANT	:	<u>STUDIO NINE</u>
LOCATION	:	<u>83-89 BRIGHTON ROAD, GLENELG SOUTH</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 21 MARCH 2013</u>
ZONE AND POLICY AREA	:	<u>COMMERCIAL</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>ALTERATIONS AND ADDITIONS TO HOLDFAST HOTEL – INCLUDING ENCLOSING EXISTING SMOKING COURT ON NORTHERN SIDE OF BUILDING ADJACENT PIER STREET AND CONVERSION TO FUNCTION ROOM, NEW ENTRY CANOPY AND ROOF OVER BEER GARDEN ON WESTERN END, NEW ENTRY ON WESTERN SIDE AND WINDOW ALTERATIONS ON EASTERN SIDE</u>
EXISTING USE	:	<u>HOTEL</u>
REFERRALS	:	<u>DPTI</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>SIX</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

T Looker withdrew himself from discussion on this matter at 7:36 pm declaring that due to the coming election the decision he may make in the matter, in his council ward, could create a perception of bias under common law.

Speakers: R Bouchee on her own behalf and also on behalf of I Fletcher and V Schutz, S Grosset, D Hamilton and G Burns on behalf of the applicant

Motion

221014/0067

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 reasonably consistent with the Development Plan and resolves to grant Development Plan Consent to Development Application 110/00736/13 subject to the following conditions:

- 1. That all conditions relating to Development Application 110/00605/07 remain valid unless otherwise varied by conditions herein.**
- 2. That the design and siting of all buildings and structures and site works shall be as shown on the plans last amended on 9/09/14 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
- 3. 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.**

4. That no more than 42 people be allowed within the function room.
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 all activities on the premises, including within the carpark, 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

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.

NOTES:

1. Prior to its use the alfresco area on the eastern side of the building will require an outdoor dining licence from Council. Should that license be granted the Transport Services Division of Department of Planning, Transport and Infrastructure advise that a crash protection system be installed around the alfresco area in accordance with 'Roadside Dining Protection: A Guideline for Local Government Authorities in South Australia' and located so that it will not compromise the operation of the existing footpath or safety of pedestrians and road users.
2. The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Brighton Road frontage of this site for future upgrading of the Brighton Road/Diagonal Road/Pier Street intersection. Although there are no current proposals that would require the acquisition of any land from this site, the consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required for all building works on or within 6.0 metres of the possible requirement. Subsequently should Council approve the development in its current form, the applicant should fill out the attached consent form and return it to DPTI with 3 copies of the approved plans. Consent can be anticipated.

T Looker resumed his seat with the DAP at 8:33 pm.

6.3 Cavallo Forest & Associates, KR Property Developments Pty Ltd, 322-324 Brighton Road, North Brighton (Report No 338/14)

DA NO.	:	<u>110/00646/14 AND 110/00507/14</u>
APPLICANT	:	<u>CAVALLO FOREST & ASSOCIATES</u> <u>KR PROPERTY DEVELOPMENTS PTY LTD</u>
LOCATION	:	<u>322-324 BRIGHTON ROAD, NORTH BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ACTIVITY NODE ZONE</u>
NATURE OF DEVELOPMENT	:	<u>MERIT</u>
PROPOSAL	:	<u>COMMUNITY TITLE LAND DIVISION CREATING EIGHT LOTS FROM TWO ALLOTMENTS AND CONSTRUCTION OF A TWO STOREY RESIDENTIAL FLAT BUILDING COMPRISING FOUR DWELLINGS AND FOUR SINGLE STOREY ROW DWELLINGS (TOTAL OF 8 DWELLINGS) WITH A 2.2 METRE HIGH MASONRY FENCE LOCATED ALONG THE WESTERN BRIGHTON ROAD BOUNDARY AND ASSOCIATED CAR PARKING AND LANDSCAPING</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>SEVEN (ONE INVALID REPRESENTATION)</u>
REPRESENTORS TO BE HEARD:	:	<u>P REA AND F WATTS</u> <u>M BRITZA</u> <u>T AND S SANDO</u>
APPLICANT TO BE REPRESENTED BY	:	<u>GARTH HEYNEN OF HEYNEN PLANNING</u> <u>CONSULTANTS</u>
RECOMMENDATION	::	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS FOR EACH DEVELOPMENT APPLICATION</u>

Speakers: T Sando, M Britza, P Rea and G Heynen on behalf of the applicant

Motion

221014/0068

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is at variance with the Development Plan and resolves to refuse to grant Development Plan Consent, to Development Application 110/00646/14 on the basis that it is contrary to Development Plan Council Wide Principles 16(a), 33, 49, 85(b)&(d) and Residential Activity Node Zone Principles 1 and 2. More specifically, the proposal:

- Does not provide for the orderly division of land;
- Displays an allotment density and pattern of division that is neither consistent with, nor complementary to, the prevailing character of allotments within the locality;

- **Precludes the possibility of further development of that land in accordance with the provisions of the Development Plan;**
- **Does not achieve minimum site areas for allotments as prescribed by the relevant provisions within the zone provisions; and**
- **Provides a driveway that is excessive in length.**

Moved I Winter, Seconded N Sim

Carried

Motion

221014/0069

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is at variance with the Development Plan and resolves to refuse to grant Development Plan Consent, to Development Application 110/00507/14 on the basis that it is contrary to Development Plan Council Wide Principles 31, 52(a), 94(a)&(b), 99(a)&(b), Design Techniques 99.1 and 94.5 and Residential Activity Node Zone Objective 1, Desired Future Character Statement Part (e) and Principle 12(c). More specifically, the proposal:

- **Does not provide for safe, pleasant, convenient and efficient residential development that protects the street network from overloading of traffic and the demand for parking space generated by new residential development;**
- **Does not preserve the existing attractive environmental conditions in stable, well established urban and suburban neighbourhoods;**
- **Is not designed in a manner which enhances the longer term protection and management of biodiversity;**
- **Compromises the amenity of the land or adjoining land;**
- **Provides insufficient setback distances to the point where this causes unreasonable visual impacts on the amenity of adjoining properties;**
- **Causes unreasonable overshadowing of adjoining properties;**
- **Does not exhibit building design features and siting that minimises impacts on the existing residential amenity of adjacent zones; and**
- **Results in a loss of residential privacy.**

Moved I Winter, Seconded R Clancy

Carried

6.4 Finesse Built, 5-7 Ozone Parade, Seacliff (Report No 339/14)

DA NO.	:	DA 110/00606/14
APPLICANT	:	FINESSE BUILT
LOCATION	:	5-7 OZONE PARADE, SEACLIFF SA 5049
DEVELOPMENT PLAN	:	CONSOLIDATED 13 FEBRUARY 2014
ZONE AND POLICY AREA	:	RESIDENTIAL D ZONE
NATURE OF DEVELOPMENT	:	MERIT
PROPOSAL	:	CONSTRUCTION OF A THREE STOREY RESIDENTIAL FLAT BUILDING CONTAINING TWO DWELLINGS WITH INTEGRATED GARAGES INCLUDING AN UNDERCROFT GARAGE ASSOCIATED WITH THE NORTHERN-MOST DWELLING
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Motion**221014/0070**

Following a detailed assessment of the 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 grant Development Plan Consent to Development Applications 110/00606/14 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 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. 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.

4. That all upstairs windows to the northern, eastern and southern elevations shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall comprise obscure glass and fixed shut. Balconies shall be appropriately screened so as to avoid a direct downward view into adjacent properties, or as otherwise approved by Council. A site inspection may be undertaken by Council Staff at the time of construction in order to accurately view the extent of overlooking if you seek to have this condition varied. Further details of this requirement shall be provided at Building Rules Assessment stage.
5. That landscaping shall be planted as per the landscape plan submitted to Council, prior to occupation and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
6. Driveways must be located a minimum distance of 1 metre from any street tree.
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 minimize 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.

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

Moved T Looker, Seconded J Huckstepp

Carried

6.5 Mattson and Martyn and Mirage Homes SA Pty Ltd, 4 Sullivan Street, Somerton Park (Report No 440/14)

DA NO.	:	<u>110/00662/14 AND 110/00082/14</u>
APPLICANT	:	<u>MATTSSON & MARTYN</u> <u>MIRAGE HOMES SA PTY LTD</u>
LOCATION	:	<u>4 SULLIVAN STREET, SOMERTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT	:	<u>MERIT</u>
PROPOSAL	:	<u>COMMUNITY TITLED LAND DIVISION (CREATING TWO ALLOTMENTS FROM ONE) AND CONSTRUCTION OF A PAIR OF DWELLINGS (HAMMERHEAD CONFIGURATION) WITH THE FORWARD MOST SITE COMPRISING A SINGLE STOREY DWELLING WITH INTEGRATED GARAGE SITED ON THE EASTERN SIDE BOUNDARY AND REAR MOST SITE COMPRISING A TWO STOREY DWELLING WITH INTEGRAL GARAGE LOCATED ON THE WESTERN SIDE BOUNDARY</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>NIL</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Motion

221014/0071

Following a detailed assessment of the 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 grant Development Plan Consent to Development Applications 110/00662/14 subject to the following conditions:

1. That the site areas and dimensions shall be as shown on the plans submitted to and approved by Council 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. Payment of \$6,488 into the Planning and Development Fund (1 allotment @ \$6488/allotment). Payment may be made by credit card via the internet www.edala.sa.gov.au <<http://www.edala.sa.gov.au>> or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide, 5001 or in person, Level 5, 136 North Terrace, Adelaide.

4. **The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. The alteration of internal drains to the satisfaction of SA Water is required. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.**
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 T Looker, Seconded J Huckstepp

Carried

Motion

221014/0072

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is at variance with the Development Plan and resolves to refuse to grant Development Plan Consent, to Development Application 110/00082/14 on the basis that it is contrary to Development Plan Council Wide Principles 94, 95, 99, and Residential Zone Objective 1, Desired Future Character Statement Part (b) and Principle 2. More specifically, the proposal:

- Does not incorporate low scale infill dwellings at the rear of large allotments that have wide street frontages that can accommodate appropriately sited and dimensioned driveways with associated landscaping;
- Exhibits excessive site coverage relative to the land size;
- Exhibits excessive garage wall and verandah heights on the boundary;
- Exhibits excessive length of boundary development, with specific reference to the garage and verandah;
- Compromises the amenity of the land or adjoining land;
- Provides insufficient setback distances to the point where this causes unreasonable visual impacts on the amenity of adjoining properties; and
- Results in a loss of residential privacy.

Moved I Winter, Seconded R Clancy

Carried

6.6 G Pardon, 37 Lamington Avenue, Seacliff Park (Report No 441/14)

DA NO.	:	<u>110/00079/14</u>
APPLICANT	:	<u>G PARDON</u>
LOCATION	:	<u>37 LAMINGTON AVENUE, SEACLIFF PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 21 MARCH 2013</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>DOUBLE GARAGE SITED AT REAR OF THE SITE TO BE ACCESSED FROM MANN STREET</u>
EXISTING USE	:	<u>DETACHED DWELLING AND OUTBUILDING</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT, SUBJECT TO CONDITIONS</u>

Motion**221014/0073**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of referrals advice and representations, that the Development Assessment Panel grant Development Plan Consent, to Development Application 110/00079/14, subject to the following conditions:

1. That the design and siting of all buildings and structures and site works shall be as shown on the amended plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That construction shall take place between 7:00 am and 7:00 pm 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 external appearance and external materials and finishes of the new building shall match or blend with the existing building.
4. 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.

Moved T Looker, Seconded I Winter

Carried

6.7 Cazna 680-682 Pty Ltd, 680 - 682 Anzac Highway, Glenelg (Report No 442/14)

DA NO.	:	<u>110/00530/14</u>
APPLICANT	:	<u>CAZNA 680-682 PTY LTD</u>
LOCATION	:	<u>680 - 682 ANZAC HIGHWAY, GLENELG</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>BUSINESS ANZAC HIGHWAY ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>TWO STOREY OFFICE DEVELOPMENT WITH ASSOCIATED PARKING AND LANDSCAPING</u>
EXISTING USE	:	<u>CAR YARD</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>CONSENT SUBJECT TO CONDITIONS</u>

Motion**221014/0074**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is reasonably consistent with the Development Plan and resolves to grant Development Plan Consent, to application 110/00530/14, subject to the following conditions:

1. That the design and siting of all buildings and structures and site works shall be as shown on the amended plans received by Council on 15 September 2014 unless varied by any subsequent conditions imposed herein.
2. A stormwater management plan shall be submitted to Council prior to Development Approval, to the satisfaction of Council.
3. That all upstairs windows on the southern elevation 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.
4. 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.
5. That each car parking space shall conform to the applicable Australian Standard. Such car parking spaces shall be line marked with continuous white lines along the whole of each side of each car parking space prior to the use of the development herein approved and such line marking shall be maintained in good and substantial conditions at all times to the reasonable satisfaction of the Council.

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 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. That demolition and 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.
12. 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.

NOTE:

That the bus shelter on Anzac Highway be relocated at the developers cost.

Moved R Clancy, Seconded I Winter

Carried

**6.8 A D'Andrea and Associates Pty Ltd, 10-12 Surf Street, South Brighton
(Report No 443/14)**

DA NO.	:	<u>110/00908/13</u>
APPLICANT	:	<u>A D'ANDREA AND ASSOCIATES PTY LTD</u>
LOCATION	:	<u>10-12 SURF STREET, SOUTH BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 21 MARCH 2013</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FIVE GROUP DWELLINGS – DWELLINGS 1 AND 2 BEING TWO STOREYS IN ROOF AND DWELLINGS 3 TO 5 BEING SINGLE STOREY – ALL WITH DOUBLE GARAGES AND ASSOCIATED LANDSCAPING</u>
EXISTING USE	:	<u>DETACHED DWELLING</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Motion

221014/0075

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is reasonably consistent with the Development Plan and resolves to grant Development Plan Consent, to Development Application 110/00908/13, 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 and as varied by the amended site works plan dated 8/10/14 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 access and crossover be no wider than 5.5 metres.
5. 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.

6. 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.
7. The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.
8. That all upstairs windows 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.
9. That any front fencing shall either be a low front fence, or if higher than 1.2 metres, a grille type fence be provided along the front property boundary other than for driveway. Where the subject land is located on a corner allotment, fencing shall not exceed one metre in height within six (6) metres of the intersection of two boundaries of land where those boundaries both face a road.
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 3 months of substantial completion of the development and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
11. 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.

12. 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.

13. 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.
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.
15. 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.
16. 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.
17. 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.
18. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
19. That no solid or liquid trade wastes be discharged to the stormwater system.

Moved T Looker, Seconded N Sim

Carried

7. REPORTS BY OFFICERS

7.1 Nil.

7.2 Extension of Time – 317 Brighton Road, North Brighton (Report No: 444/14)

Development application 110/00506/11 was granted Development Plan Consent by the Panel on 28 September 2011 for a two storey residential flat building comprising three dwellings and associated garages. Two extensions of time have been granted the last expired on 28 September 2014. It is considered that there is sufficient merit for a further six month extension of time.

Motion**221014/0076**

That pursuant to Section 40(3) of the Development Act 1993, the Development Assessment Panel agrees to extend the operative dates for Development Plan Consent granted to DA 110/00506/11 expiring on 28 September 2015.

Moved T Looker, Seconded J Huckstepp

Carried**8. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING**

- 8.1 J Newman thanked DAP Members for their participation and contribution over the past 12 months, as this was the final meeting before the local government election, with the tenure for the current council members on the DAP having formally concluded.**

9. CLOSURE

The meeting closed at 9:40 pm.

CONFIRMED Wednesday, 10 December 2014**PRESIDING MEMBER**