

**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 February 2016 at 7:00pm.**

**MEMBERS PRESENT**

Presiding Member – J Newman  
G Goss  
D Bailey  
P Dinning  
R Clancy  
A Bradshaw  
L Yates

**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**

**240216/0007**

**That the minutes of the Development Assessment Panel held on 27 January 2016 be taken as read and confirmed.**

Moved by A Bradshaw, Seconded by R Clancy

**Carried**

## 5. DEVELOPMENT ASSESSMENT MATTERS

### 5.1 P Piteo, 7 Walkers Road Somerton Park (Report No 32/16)

DA NO.	:	<u>110/00907/15</u>
APPLICANT	:	<u>P PITEO</u>
LOCATION	:	<u>7 WALKERS ROAD, SOMERTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 30 JULY 2015</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT	:	<u>MERIT</u>
PROPOSAL	:	<u>DEMOLITION OF REAR PORTION OF EXISTING SINGLE STOREY SEMI-DETACHED DWELLING (SOUTHERN-MOST) AND CONSTRUCTION OF TWO STOREY ADDITION</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT</u>

Speakers: B Sharrad, P Piteo

#### Motion

240216/0008

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 110/00907/15 for the demolition of rear portion of existing single storey semi-detached dwelling (southern-most) and construction of two storey addition 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 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 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 all upstairs windows on the northern side, southern side and eastern 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.
4. That a fixed, vertical blade louvered screen, obscure glazing or similar be established on the eastern rear balcony up to a minimum height of 1.6 metres so as to prevent direct views into adjacent properties to the reasonable satisfaction of Council. Further details of the screening shall be provided at the Building Rules Assessment stage.
5. 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.
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. That a dilapidation report shall be prepared including photographs and video footage to document the pre-development structural condition of all buildings on adjoining land at 5 Walkers Road, Somerton Park. The dilapidation report shall be prepared prior to the commencement of construction, with copies provided to the affected adjoining landowner and Council.

Moved by P Dinning, Seconded by D Bailey

**Carried**

**5.2 K L Newton, 1 Wilkinson Avenue Somerton Park (Report No 33/16)**

DA NO.	:	110/00488/15
APPLICANT	:	K L NEWTON
LOCATION	:	1 WILKINSON AVENUE, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 30 JULY 2015
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT :		MERIT
PROPOSAL	:	CONSTRUCTION OF SINGLE STOREY DWELLING ADDITION TO REAR OF EXISTING SINGLE STOREY DETACHED DWELLING LOCATED ON THE EASTERN SIDE BOUNDARY OVER A LENGTH OF 4.96 METRES AND WALL HEIGHT OF 3.2 METRES AND CONSTRUCTION OF CARPORT ATTACHED TO THE WESTERN ELEVATION OF THE ASSOCIATED DWELLING LOCATED ON THE WESTERN SIDE BOUNDARY OVER A LENGTH OF 6.53 METRES AND PORTICO ATTACHED TO FACADE AND EXTENSION TO EXISTING SHED IN REAR YARD
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT

Speakers: G Heynen (on behalf of D A Calder & J A Dinning), K Newton

**Motion****240216/0009****Recommendation**

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 110/00488/15 for the construction of single storey dwelling addition to rear of existing single storey detached dwelling located on the eastern side boundary over a length of 4.96 metres and wall height of 3.2 metres and construction of carport attached to the western elevation of the associated dwelling located on the western side boundary over a length of 6.53 metres and portico attached to facade and extension to existing shed in rear yard 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 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 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 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.
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. That the east facing boundary wall shall be finished in a manner that is to the reasonable satisfaction of Council prior to the occupation of the development.

Moved by L Yates, Seconded by R Clancy

**Carried**

**5.3 Scared Heart College, 195-235 Brighton Road, Somerton Park  
(Report No 34/16)**

DA NO.	:	<u>110/00980/15</u>
APPLICANT	:	<u>SACRED HEART COLLEGE</u>
LOCATION	:	<u>195-235 BRIGHTON ROAD, SOMERTON PARK (CORNER OF CUDMORE AND SCARBOROUGH STREET)</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 30 JULY 2015</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE INSTITUTION POLICY AREA 4</u>
NATURE OF DEVELOPMENT	:	<u>MERIT</u>
PROPOSAL	:	<u>CONSTRUCTION OF MAINTENANCE SHED TO CORNER OF SCARBOROUGH AND CUDMORE STREET</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>THREE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Speakers: Nil

**Motion**

**240216/0010**

**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 Applications 110/00980/15 subject to the following conditions:**

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
- 2. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.**
- 3. That the outbuilding approved herein shall not conduct any activities that will create any appreciable noise, smoke, smell, dust or other nuisances.**
- 4. That the landscaping shown on the submitted plans shall be planted prior to the construction of the maintenance shed and be maintained to the satisfaction of council.**

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 the approved building shall be removed from the site within three (3) years of its construction having been completed, in accordance with the undertaking by the applicant provided in documentation forming part of the Development Application.**

Moved by G Goss, Seconded by P Dinning

**Carried**

**6. REPORTS BY OFFICERS**

- 6.1 **J Newman advised that the Presiding Member's Annual Report had been finalised, following circulation and input from other Members, and that the Report would be presented to Council at its Meeting to be held on 9 March 2016.**

**6.2 Minda Incorporated, 12-16 King George Avenue, North Brighton  
(Report No 35/16)**

DA NO.	:	<u>110/01097/15</u>
APPLICANT	:	<u>MINDA INCORPORATED</u>
LOCATION	:	<u>12 – 16 KING GEORGE AVENUE, NORTH BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 26 NOVEMBER 2015</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL INSITUATION POLICY AREA 4</u>
NATURE OF DEVELOPMENT :		<u>MAJOR DEVELOPMENT</u>
PROPOSAL	:	<ul style="list-style-type: none"> <li>• RESIDENTIAL FLAT BUILDING COMPRISING 5 AND 7 STOREY TOWERS AND 68 RETIREMENT APARTMENTS</li> <li>• MINDA RESIDENT ACCOMMODATION COMPRISING 11 SINGLE STOREY GROUP DWELLINGS, 4 SINGLE STOREY RESIDENTIAL FLATS (COMPRISING 2 DWELLINGS EACH) AND 2 THREE STOREY RESIDENTIAL FLAT BUILDINGS EACH COMPRISING 17 DWELLINGS AND SUPPORT STAFF FACILITIES.</li> <li>• 4 MULTI PURPOSE SINGLE STOREY BUILDINGS</li> <li>• REMOVAL OF 6 REGULATED TREES</li> <li>• DEMOLITION OF EXISTING BUILDINGS AND SUPERFLUOUS INTERNAL ROADS AND PATHS AND CONSTRUCTION OF NEW INTERNAL ROADS AND CARPARKING FOR 216 VEHICLES</li> </ul>
EXISTING USE	:	<u>SUPPORTED RESIDEANTIAL CARE FACILITY AND RETIREMENT APARTMENTS</u>
RECOMMENDATION	:	<u>PROVIDE THE DEVELOPMENT ASSESSMENT COMMISSION WITH COMMENTS ON THE PROPOSAL</u>

**Motion**

**240216/0011**

**Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel inform the Development Assessment Commission that:**

- 1. No Council approval as land owner has been given for that portion of development over the un-made portion of road forming an extension of Lynton Avenue. Unless amended no Development Plan Consent should be issued.**
- 2. The development is challenged by the following provisions for the reasons mentioned:**



### **Coastal Areas**

#### **Principle 2**

***The coast should be protected from development that would adversely affect the marine and onshore coastal environment, whether by pollution, erosion, damage or depletion of physical or biological resources, interference with natural coastal processes or any other means.***

- ***In that insufficient information has been provided to properly assess the likely impact through shading, access excavation etc on the sensitive coastal dunes and to fully appreciate the visual impact on the beach.***

### **Regulated Trees**

#### **Principle 2**

***A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:***

- a) The tree is diseased and its life expectancy is short***
  - b) The tree represents an unacceptable risk to public or private safety***
  - c) The tree is causing damage to a substantial building or structure of value***
  - d) Development that is reasonable and expected would not otherwise be possible***
  - e) The work is required for the removal of dead wood, treatment of disease, or is in the general interests of the tree.***
- ***In that pursuant to the Tree Environs report a) to c) are not applicable and there is no detailed information regarding the impact the trees will have on the proposed development.***

### **Transport and Access**

#### **Principle 20**

***Development should encourage and facilitate cycling as a mode of transport by incorporating end-of journey facilities including:***

- a) Showers, changing facilities and secure lockers***
  - b) Signage indicating the location of bicycle facilities***
  - c) Secure bicycle parking facilities.***
- ***In that no details are provided regarding the location and numbers of bicycle parks and associated facilities.***

***Residential Zone Institution Policy Area 4******Principle 9***

***Garages and carports should be setback a minimum of 6 metres from the front boundary or the same distance as the associated dwelling, whichever is the greater distance from the front property boundary.***

- ***In that garages associated with two bedroom dwellings are in front of the associated dwellings.***

***Principle 18***

***Maximum building heights should be in accordance with the following***  
***Foreshore development area - 9 storeys and no more than 32.5 metres***  
***Balance of the site - 6 Storeys and no more than 22 metres.***

- ***In that having regard to the submitted planning report portion of the eastern tower of the Bright Dunes apartments that is within the balance of the site is 26 metres high. Clearer information is required to determine its height above ground level.***

***Principle 20***

***Public access over that foreshore land required to complete the Coast Park pathway should be provided in accordance with Concept Plan Map HoB/6 – Minda Incorporated Brighton Campus and should be provided concurrently with any early development of the Minda Brighton Campus Foreshore Development Area.***

- ***In that no formal agreement has been reached as to its location.***

**3. The following additional information should be provided:**

- Existing ground AHD levels to determine the Dune apartment building heights above existing ground level;
- Boundaries of the Foreshore Development Area as depicted on the Concept Plan Map HoB/6 to be shown on the site plans to assess height impacts;
- Ramp profile and gradient for the basement carpark associated with the Dune apartments to ensure compliance with the relevant Australian Standard;
- Clarification as to whether sufficient turning areas are available for 12.5 metre long commercial vehicles;
- An environmental impact statement assessing impacts on the coastal dune environment;
- Accurate perspectives of the Dune Apartment from several vantage points on the beach to assess visual impact on the beach;
- Detailed information from an arborist assessing whether the regulated trees in the vicinity of the Life Style Precinct can be retained.

- Clarification as to the actual number of apartments proposed, as there is conflicting information provided in the report accompanying the Development Application.

**4 The development Assessment Commission should ensure that:**

- Stormwater outflow will be maintained at pre-development flows;
- The bicycle/pedestrian paths are appropriately signed to facilitate public access;
- Logs resulting from tree removals are retained on site as habitat or provided to Council for use elsewhere;
- That MFS are satisfied with access arrangements without alteration of the design of existing public roads;
- That the development will not compromise any alterations to public roads that may be required as a result of future development of the Minda Campus;
- Some visually permeable and/or low fencing be incorporated at street frontages to avoid presenting as a gated estate contrary to the intent of the Master Plan;
- The applicant undertake Design Review process with State Government to ensure quality of design and materials particularly of the two “towers”;
- The design and orientation of the inward facing dwellings proposed along Repton Road and King George Avenue is revised to ensure that dwellings front the public roads and that the roof pitch of each dwelling is increased. These measures will ensure that the dwellings present to the street and give a greater presence to the public roads.
- Ensure that the various infrastructure agreements between the City of Holdfast Bay and the developer, required to progress the proposal, are enacted prior to the issue of Development Plan Consent.

Moved by R Clancy, Seconded by D Bailey

**Carried**

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

**8. CLOSURE**

The meeting closed at 8:19pm.

**CONFIRMED      Wednesday, 26 March 2016**

**PRESIDING MEMBER**