

Minutes of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 22 January 2014 at 7:00pm.

MEMBERS PRESENT

Presiding Member – G Goss
J Newman
N Sim
I Winter
R Clancy
T Looker
J Huckstepp

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Team Leader Development Assessment – C Watson
Development Officers – D Spasic and A Stamatopoulos
Senior Development Officer – R DeZeeuw

1. OPENING

G Goss 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. PRESIDING MEMBER'S REPORT

Nil

5. CONFIRMATION OF MINUTES

Motion

260214/0008

That the minutes of the Development Assessment Panel held on 22 January 2014 be taken as read and confirmed.

Moved by J Huckstepp, Seconded by T Looker

Carried

6. DEVELOPMENT ASSESSMENT MATTERS

6.1 Unique Homes Pty Ltd, 609 Anzac Highway, Glenelg North (Report No 47/14)

DA NO.	:	110/00947/13
APPLICANT	:	UNIQUE HOMES PTY LTD
LOCATION	:	609 ANZAC HIGHWAY, GLENELG NORTH
DEVELOPMENT PLAN	:	CONSOLIDATED 21 MARCH 2013
ZONE AND POLICY AREA	:	BUSINESS (ANZAC HIGHWAY) ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	VARIATION TO DA 110/00613/12 (CONSTRUCTION OF A TWO STOREY OFFICE BUILDING FRONTING ANZAC HIGHWAY AND A STORAGE BUILDING (110 SQUARE METRES, 3 METRES HIGH) LOCATED ON THE EASTERN SIDE BOUNDARY ONLY AND ASSOCIATED ON-SITE CAR PARKING (17 SPACES)) COMPRISING THE INCREASE IN FLOOR AREA OF THE STORAGE BUILDING TO 163 SQUARE METRES OFFICE BUILDING UNDER CONSTRUCTION
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: S Greatrex and J Hilditch

Motion

260214/0009

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of referrals advice and representations, the Development Assessment Panel considers that the development is reasonably consistent with the relevant provisions in the Development Plan and resolves to grant Development Plan Consent, to Development Application 110/00947/13, subject to the following conditions:

1. That the storage building and associated landscaping shall be as shown on the plans (drawing no. 1621A/12 comprising the site plan, floor plan and elevation plans) submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. Conditions numbered 2 to 16 as per development application 110/00613/12, listed below:
 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 northern 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 as detailed in the application for development shall be planted 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.**
- 5. That the applicants or other persons, for the time being, making use of the development now approved, shall cultivate, tend and nurture the trees or, shrubs or lawns intended to be established upon the subject land, replacing from time to time, any trees, shrubs or lawns which shall die or become diseased with others of the same respective varieties or of such varieties as the Council shall approve in writing.**
- 6. That at all times, the sign (including its structure and advertising material thereon) shall be maintained in good condition to the reasonable satisfaction of Council.**
- 7. That directional signs not exceeding 0.5sqm in face area shall be erected at vehicle access points to indicate the location of staff and visitor parking.**
- 8. 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.**
- 9. That a 150mm kerb shall be constructed to separate car parking spaces and driveways from landscaped areas and other open portions of the subject land.**
- 10. That the use and any associated processes or activities carried on shall not detrimentally affect the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.**
- 11. 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.**

- 12. 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.**
- 13. 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.**
- 14. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.**
- 15. That no solid or liquid trade wastes be discharged to the stormwater system.**
- 16. 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.**
- 17. That the personal access door be relocated from the western elevation to an alternative elevation, with the change to be shown on amended plans that meet the reasonable satisfaction of Council prior to the issue of Development Approval.**

Moved T Looker, Seconded J Huckstepp

Carried

6.2 Simon Footner, 35A Holder Road, Hove (Report No 48/14)

DA NO.	:	110/00542/13
APPLICANT	:	SIMON FOOTNER
LOCATION	:	35A HOLDER ROAD, HOVE
DEVELOPMENT PLAN	:	21 MARCH 2013
ZONE AND POLICY AREA	:	RESIDENTIAL
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	DWELLING ADDITIONS AND ALTERATIONS INCLUDING CONVERSION OF CARPORT AND BEDROOMS INTO DOUBLE GARAGING LOCATED ON WESTERN SIDE BOUNDARY, GROUND LEVEL FLOOR RECONFIGURATION, UPPER STOREY ADDITION
EXISTING USE	:	SINGLE STOREY DETACHED DWELLING
REFERRALS	:	CITY ASSETS
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT, SUBJECT TO CONDITIONS

Motion**260214/0010**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of referrals advice and representations, the Development Assessment Panel considers that the development is reasonably consistent with the relevant provisions in the Development Plan and resolves to grant Development Plan Consent, to Development Application 110/00542/13, 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 unless varied by any subsequent conditions imposed herein.
2. That the additions 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.
3. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.

4. **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.**
5. **That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.**
6. **That the provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense. The proposed vehicle-crossing place shall be designed to comply with AS 2890.1 and to ensure sight lines are adequate. That is any driveway shall be a minimum of 1 metre from any infrastructure (ie street sign, electricity stobie pole, tree, Telstra infrastructure, side entry pit etc) on the verge.**
7. **That upstairs windows on the eastern, western and 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.**
8. **That a site works plan showing existing and proposed site levels (where relevant), finished floor levels of the additions (including the existing dwelling) shall be provided to Council for assessment prior to the issuing of Development Approval.**
9. **That a stormwater management / details plan be provided to Council for assessment prior to the issuing of Development Approval.**

Notice:

- *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.

- That all domestic mechanical plant and equipment including refrigerated air conditioners, but excluding evaporative air conditioners, should 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.

Moved I Winter, Seconded T Looker

Carried

6.3 P D Fisher, 29 Downing Street, Hove (Report No 49/14)

DA NO.	:	110/00920/13
APPLICANT	:	P D FISHER
LOCATION	:	29 DOWNING STREET, HOVE
DEVELOPMENT PLAN	:	CONSOLIDATED 21 MARCH 2013
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT PROPOSAL	:	MERIT RELOCATION OF EXISTING SHED FROM ADJACENT TO REAR WALL OF ASSOCIATED DWELLING TO SOUTH WESTERN CORNER OF REAR YARD AND LOCATED ONE METRE FROM THE HULBERT STREET BOUNDARY
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT

Motion

260214/0011

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of referrals advice and representations, the Development Assessment Panel considers that the development is reasonably consistent with the relevant provisions in the Development Plan and resolves to **grant Development Plan Consent**, to Development Application 110/00920/13, 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 unless varied by any subsequent conditions imposed herein
2. That the garage and rear boundary fence located along Hulbert Street shall be painted to the reasonable satisfaction of Council within 12 months of the relocation of the garage.

3. That landscaping shall comprise where practicable, trees and groundcover 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.

NOTE:

Should guidance be required with respect to making a selection of suitable indigenous native vegetation, please refer to <http://www.holdfast.sa.gov.au/site/page.cfm?u=867> located on City of Holdfast Bay website.

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.
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.

Moved T Looker, Seconded J Huckstepp

Carried

6.4 Piper Leaker Surveying Services (Land Division) and Khab Architects (Land Use), 40 Kingston Crescent, Kingston Park (Report No 50/14)

DA NO.	:	<u>110/00554/13 AND 110/00756/13</u>
APPLICANT	:	<u>PIPER LEAKER SURVEYING SERVICES (LAND DIVISION) AND KHAB ARCHITECTS (LAND USE)</u>
LOCATION	:	<u>40 KINGSTON CRESCENT, KINGSTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 21 MARCH 2013</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>1. COMMUNITY TITLE LAND DIVISION (CREATING TWO ALLOTMENTS FROM ONE) (110/00554/13)</u> <u>2. DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO GROUP DWELLINGS COMPRISING A TWO STOREY DWELLING AT REAR AND SINGLE STOREY DWELLING PLUS UNDERCROFT AT FRONT OF SITE(110/00756/13)</u>
EXISTING USE	:	<u>DETACHED DWELLING</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>NIL</u>
RECOMMENDATION	:	<u>1. DEVELOPMENT APPROVAL FOR 110/00554/13</u> <u>2. DEVELOPMENT PLAN CONSENT FOR 110/00756/13 SUBJECT TO CONDITIONS</u>

Motion

260214/0012

That consideration of the matter is deferred to provide the applicant with the opportunity to provide line of sight diagrams and perspective drawings that illustrate the impact of the development on the views from properties to the immediate east of the subject land, and particularly 7 Cygnet Terrace, Kingston Park.

Moved I Winter, Seconded R Clancy

Lost

Motion

260214/0013

1. Land Division

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of referrals advice and representations, the Development Assessment Panel considers that the development is reasonably consistent with the relevant provisions in the Development Plan and resolves to grant Development Plan Consent, to Development Application 110/00554/13, subject to the following conditions.

Development Assessment Commission Requirements

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. 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.
2. Payment of \$6488 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 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.
3. 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.

Council Requirement

4. That all existing buildings be demolished and removed from the site.

2. Land Use

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 110/00756/13, 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 amended by plans dated 07/02/14 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 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.

4. 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.
5. That all upstairs windows on the northern, eastern and southern elevations of the rear dwelling 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 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
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.
12. 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.
13. That all domestic mechanical plant and equipment, including air conditioners, should be selected, designed, and installed to comply with the following mandatory criteria:
 - (a) Noise level not to exceed 52dB(A) between the hours of 7am and 10pm when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007*, and
 - (b) Noise level not to exceed 45dB(A) between the hours of 10pm and 7am when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007*, and
 - (c) Where marked with an * the above noise levels must include a penalty for each characteristic where tonal/modulating/impulsive/low frequency characteristics are present in accordance with the Environment Protection (Noise) Policy 2007.
14. 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.

Moved T Looker, Seconded J Newman

Carried

6.5 A K Farrell, 7 Highet Avenue, Brighton (Report No 51/14)

DA NO.	:	110/00856/13
APPLICANT	:	A K FARRELL
LOCATION		7 HIGHET AVENUE, BRIGHTON
DEVELOPMENT PLAN		CONSOLIDATED 21 MARCH 2013
PROPOSAL		CARPOT LOCATED FORWARD OF ASSOCIATED DWELLING
ZONE		RESIDENTIAL
EXISTING USE		RESIDENTIAL
REFERRALS		NIL
CATEGORY		TWO
REPRESENTATIONS		NIL
RECOMMENDATION		REFUSAL

Motion**260214/0014**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, that the Development Assessment Panel refuse Development Plan Consent to Development Application 110/00856/13 in that it is at variance with Council Wide Principles of Development Control 74(a), (b) and (c), 89, 91(a), (b) & (c), and 93(a), (b) (c) and (e). Specifically, the proposal does not meet the intent of the Development Plan by way of:

- **The dominance of the carport on the streetscape**
- **The detrimental visual impact of the carport on the established streetscape character; and**
- **The insufficient setback distance to the front property boundary.**

Moved J Newman, Seconded J Huckstepp

Carried

6.6 Abela Design and Drafting, 21 Seaview Terrace, Brighton, (Report No 52/14)

DA NO.	:	110/00636/13
APPLICANT	:	ABELA DESIGN AND DRAFTING
LOCATION	:	21 SEAVIEW TERRACE, BRIGHTON
DEVELOPMENT PLAN:		CONSOLIDATED 21 MARCH 2013
ZONE AND POLICY AREA	:	RESIDENTIAL
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TWO STOREY DETACHED DWELLING AND ASSOCIATED GARAGE AND ADDITIONS AND ALTERATIONS TO EXISTING GARAGE
EXISTING USE	:	SINGLE STOREY DETACHED DWELLING AND FREE STANDING GARAGE
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	TWO
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT, SUBJECT TO CONDITIONS

Motion**260214/0015**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of referrals advice and representations, the Development Assessment Panel considers that the development is reasonably consistent with the relevant provisions in the Development Plan and resolves to grant Development Plan Consent, to Development Application 110/00636/13, 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 amended plans dated 28/01/14 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 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 construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
10. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.
11. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
12. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
13. That no solid or liquid trade wastes be discharged to the stormwater system.

- 14. 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.**
- 15. 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.**
- 16. 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.**

Moved J Huckstepp, Seconded I Winter

Carried

6.7 Frontline Developments, 75 Harding Street Somerton Park (Report No 53/14)

DA NO. :	110/00055/14
APPLICANT :	FRONT LINE DEVELOPMENTS
LOCATION :	75 HARDING STREET, SOMERTON PARK
DEVELOPMENT PLAN :	CONSOLIDATED 21 MARCH 2013
ZONE AND POLICY AREA :	RESIDENTIAL
NATURE OF DEVELOPMENT:	MERIT
PROPOSAL:	LAND DIVISION (TORRENS TITLE) CREATING THREE ALLOTMENTS FROM ONE – ONE TO BE USED FOR ACCESS PURPOSES
EXISTING USE :	SINGLE STOREY DETACHED DWELLING
REFERRALS :	CITY ASSETS - INFRASTRUCTURE
CATEGORY:	ONE
REPRESENTATIONS :	NOT APPLICABLE
RECOMMENDATION :	REFUSAL

Motion**260214/0015**

That after considering the provisions of the Development Plan the application 110/00055/14 be **refused Development Approval** as it is reasonably at variance with the relevant provisions of the Development Plan and specifically that it is at variance with the City of Holdfast Bay Development Plan Council Wide Objective 18 and Principles 4, 16(a), 18(a), 49, 51 and Residential Zone Desired Future Character Statement (a) and Objectives 1 and 2 and Principles of Development Control 2. More specifically, the application does not meet the intent of the Development Plan in relation to:

- Undersized frontage for allotment 702 for either group dwelling or detached dwelling;
- Undersized allotment areas for allotments 701 and 702 for either hammerhead detached dwellings or group dwellings; and
- Infill development contrary to Zones suburban character.

Moved J Newman, Seconded T Looker

Carried**7. REPORTS BY OFFICERS****7.1 Nil.**

7.2 Appeal – 23 Cudmore Street, Somerton Park (Report No: 53/14)

At its meeting held on 27 November 2013 the Development Assessment Panel refused an application for a gym, teaching areas, office and viewing stand. The applicant has subsequently lodged an appeal with the Environment, Resources and Development Court against the decision and submitted amended plans for the consideration of the Panel.

Motion**260214/0016**

That the Development Assessment Panel recommends that the Environment Resources and Development Court and the applicant be advised that the Panel supports the amended proposed changes, and recommends that the Court grants Development Plan Consent for Development Application 110/00957/12, 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 numbered:**

**31377 DA101 C
31377 DA102 C
31377 DA103 C
31377 DA201 C
31377 DA202 C
31377 DA301 C
31377 DA302 B
31377 DA401 C
31377 DA501 B
31377 DA502 C
0313-0089-10 DA-00**

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 roof materials of the gymnasium/auditorium be of a shale grey or dune colour.**

5. That a report from a suitably qualified acoustic engineer be submitted to Council prior to the use of the gymnasium/auditorium for the purpose approved certifying compliance with the additional acoustic treatment measures recommended within the Sonic Acoustic report dated 4 October 2012 and as listed below:
 - A 35 dB(A) noise criterion for all mechanical plant serving the building;
 - All windows of the gymnasium/auditorium are glazed with minimum 10.38mm thick laminated glass;
 - Constructing skylights from 10.38mm thick laminated glass or minimum 10mm thick "Danpalon" (or similar) sheeting;
 - Lining the roof and all external lightweight walls of the gym with insulation and fire rated plasterboard; and
 - Providing acoustically absorptive material within the gym, achieving a "Noise Reduction Coefficient" (NRC) of at least 0.8 and of an area at least equivalent to the total ceiling area.
6. 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.
7. That a storm water management plan including details of storm water retention be submitted to Council for its approval prior to the granting of Development Approval.
8. 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.
9. 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.
10. 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.
11. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
12. That no solid or liquid trade wastes be discharged to the stormwater system.

13. 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.
14. That the hours within which the approved development is permitted to operate shall be restricted to between 7:00 am and 9:00 pm on Monday to Saturday, and 9:00 am to 9:00 pm on Sunday, with the exception of up to five (5) events per calendar year that operate until no later than 12 midnight.
15. That the approved building shall not be hired or permitted for use as a venue for any non-School related events and activities, including but not limited to conferences, performances, functions, weddings, baptisms, birthday celebrations, anniversary celebrations, dances, concerts, auctions, fairs, festivals, conventions, and organised sporting and recreational events.

Moved T Looker, Seconded J Huckstepp

Carried

**7.3 Extension of time – 11A and 11B Burnham Road, Kingston Park
(Report No: 54/14)**

Development application 110/00857/11 for the construction of a two storey residential flat building comprising two dwellings including double garage accessed from common driveway to rear and associated retaining walls was granted Development Plan Consent by the Development Assessment Panel on 23 May 2012. An extension of time for 12 months expiring on 23 May 2014 was approved on 9 August 2013 by Administration.

It is considered there is merit for an extension time for an additional 12 months to allow for substantial commencement of development.

Motion

260214/0017

That pursuant to Section 40(3) of the Development Act 1993 and regulation 48(2) of the Development Regulations 2008, the Development Assessment Panel agrees to extend the operative date for Development Plan Consent granted to Development Application 110/00857/11 for a further 12 months expiring at midnight on 23 May 2015.

Moved T Looker, Seconded I Winter

Carried

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

9. CLOSURE

The meeting closed at 8:03 pm.

CONFIRMED Wednesday, 26 March 2014

PRESIDING MEMBER