

Minutes of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 26 July 2017 at 7:00pm.

MEMBERS PRESENT

Presiding Member – J Newman
D Bailey
A Vine
R Clancy
B Patton
L Yates

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Development Officers – D Spasic, H Beesley and A Stamatopoulos

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. CONFIRMATION OF MINUTES

Motion

260717/0144

That the minutes of the Development Assessment Panel held on 28 June 2017 be taken as read and confirmed.

Moved by B Patton, Seconded by A Vine

Carried

5. DEVELOPMENT ASSESSMENT MATTERS

5.1 K L Newton, 1 Wilkinson Avenue, Somerton Park (Report No 245/17)

DA NO.	:	110/00081/17
APPLICANT	:	K L NEWTON
LOCATION	:	1 WILKINSON AVENUE, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	SINGLE STOREY ADDITION TO REAR OF EXISTING DWELLING COMPRISING A WALL LOCATED ON THE EASTERN SIDE BOUNDARY OVER A LENGTH OF 8 METRES WITH AN ATTACHED OPEN-SIDED ALFRESCO TO THE REAR OF THE ADDITION AND LOCATED ON THE EASTERN SIDE BOUNDARY OVER A LENGTH OF 2.9 METRES, OPEN-SIDED CARPORT ATTACHED TO THE WESTERN SIDE ELEVATION AND LOCATED ON THE WESTERN SIDE BOUNDARY OVER A LENGTH OF 16.7 METRES AND A FRONT PORTICO
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT

Motion

260717/0145

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan.**

2. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00081/17 for the construction of a single storey addition to rear of existing dwelling comprising a wall located on the eastern side boundary over a length of 8 metres with an attached open-sided alfresco to the rear of the addition and located on the eastern side boundary over a length of 2.9 metres, open-sided carport attached to the western side elevation and located on the western side boundary over a length of 16.7 metres and a front portico at 1 Wilkinson Avenue, Somerton Park 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 prepared by Jahwood Constructions, Project No. 16.490, Sheet No. DA.0, DA.1, DA.2, DA.3, DA.4 Revision A and plan marked 'Site Works Plan' 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. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
4. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.

5. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder’s waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
6. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
7. That no solid or liquid trade wastes be discharged to the stormwater system.

Moved R Clancy, Seconded B Patton

Carried

5.2 A D’Andrea & Associates, 541 Anzac Highway, Glenelg North (Report No 246/17)

DA NO.	:	110/01040/16
APPLICANT	:	D’ANDREA AND ASSOCIATES
LOCATION	:	541 ANZAC HIGHWAY, GLENELG NORTH
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE - MEDIUM DENSITY POLICY AREA 5
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	FIVE TWO STOREY ROW DWELLINGS WITH ASSOCIATED GARAGES
EXISTING USE	:	DETACHED DWELLING
REFERRALS	:	DPTI – TRANSPORT SERVICES
CATEGORY	:	TWO
REPRESENTATIONS	:	TWO
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: A Carter, T Hately and M Rolfe

Motion

260717/0146

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the proposed development is not consistent with the Development Plan and that Development Application 110/01040/16 be **refused Development Plan Consent** for the reason that it is contrary to Council Wide Residential Development Principles 19, 20, 21, 28, and Residential Zone Principle 9.

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

- **Minimum setback distance to the primary street boundary;**
- **Minimum setback distance to the secondary street boundary;**
- **Minimum setback distance to the western property boundary; and**
- **Maximum amount of site coverage.**

Moved L Yates, Seconded R Clancy

Carried

5.3 Hayley Upton, 7 Yester Avenue, Brighton (Report No 247/17)

DA NO.	:	<u>110/00091/17</u>
APPLICANT	:	<u>HAYLEY UPTON</u>
LOCATION	:	<u>7 YESTER AVENUE, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL CHARACTER ZONE – STREETSCAPE POLICY AREA 13 (BRIGHTON AND GLENELG EAST)</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>TWO STOREY DETACHED DWELLING</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN REFUSAL</u>

Motion

260717/0147

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan.**
- 2. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the proposed development is not consistent with the Development Plan and that Development Application 110/00091/17 be refused Development Plan Consent for the reason that it is contrary to Residential Character Zone Objectives 1, 2 and 3 and Principle of Development Control 5, Streetscape Character Policy Area 13 Objectives 1 and 3 and Principle of Development Control 3, 4(c), 4(e) and 6 as well as Council Wide Objectives Residential Development Principles 14(c), 19 and 27(c) and Design and Appearance Principle of Development Control 1.**

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

- **It contains a conventional two storey built form;**
- **Is not sympathetic to the existing locality;**
- **Does not contribute to the desired character of the area; and**
- **Contains an inappropriate primary setback.**

Moved D Bailey, Seconded A Vine

Carried

5.4 Andre Costa and Kathleen Elliot, 230 Esplanade, Seacliff (Report No 248/17)

DA NO.	:	110/00532/17
APPLICANT	:	ANDRE COSTA AND KATHLEEN ELLIOT
LOCATION	:	230 ESPLANADE, SEACLIFF
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE SOUTH WEST POLICY AREA 7
NATURE OF DEVELOPMENT	:	MERIT
PROPOSAL	:	VARIATION TO DEVELOPMENT APPLICATION 110/00606/14 (CONSTRUCTION OF A THREE STOREY RESIDENTIAL FLAT BUILDING CONTAINING TWO DWELLINGS WITH INTEGRATED GARAGES INCLUDING AN UNDERCROFT GARAGE ASSOCIATED WITH THE NORTHERN-MOST DWELLING) COMPRISING THE REMOVAL OF CONDITION 4 WITH RESPECT TO SCREENING UPPER LEVEL WINDOWS AND BALCONIES
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	DEVELOPMENT APPROVAL SUBJECT TO CONDITIONS

Motion

260717/0148

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel resolves to **grant Development Plan Consent** to Development Application 110/00532/17 for the construction of variation to development application 110/00606/14 (construction of a three storey residential flat building containing two dwellings with integrated garages including an undercroft garage associated with the northern-most dwelling) comprising the removal of condition 4 with respect to screening upper level windows and balconies at 203 Esplanade, Seacliff subject to the following conditions:

(Existing conditions of approval however Condition 4 regarding window and balcony screening omitted).

DEVELOPMENT PLAN CONSENT CONDITION(S):

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.
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.

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.

BUILDING RULES CONSENT CONDITION:

14. NOTIFICATIONS OF CERTAIN STAGES OF WORK - DEVELOPMENT REGS PART 12

In accordance with regulation 74 of the Development Act, it is the applicant's responsibility to notify council a minimum of one business day prior to the following stages of construction:

- the pouring of footings, so as to enable inspection of reinforcement etc;
- at completion of structural timber or steel framing; and
- at completion of the work.

Please note the Building Rules Assessment for this application has been undertaken by a Private Certifier, which may be subject to conditions. A copy of the Private Certifier's approval is attached to this Development Approval.

Any conditions attached to the Private Certifier's approval must be read in conjunction with all conditions (if any) imposed by Council.

Moved R Clancy, Seconded D Bailey

Carried

**5.5 D'Andrea & Associates, 574–578 Anzac Highway, Glenelg East
(Report No 249/17)**

DA NO.	:	<u>110/01041/16</u>
APPLICANT	:	<u>D'ANDREA & ASSOCIATES</u>
LOCATION	:	<u>574–578 ANZAC HIGHWAY, GLENELG EAST</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL, MEDIUM DENSITY POLICY AREA 5</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>TWO RESIDENTIAL FLAT BUILDINGS COMPRISING 12 TWO STOREY DWELLINGS AND ASSOCIATED GARAGES AND FENCING</u>
EXISTING USE	:	<u>THREE DETACHED DWELLINGS</u>
REFERRALS	:	<u>DPTI</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

B Patton declared a conflict of interest and left the meeting at 8:13pm

Motion

260717/0149

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan.**
- 2. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan the Development Assessment Panel resolves to grant Development Plan Consent to Development Application 110/01041/16, 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 Rev C 30/03/17 and fence elevations 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.

Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath.

The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.

5. That the following noise control features shall be incorporated or exceeded in the development relating to Dwellings 7 to 12:
 - ceiling insulation to have a density of at least 40kg/m³ with a minimum of 90mm thickness.
 - windows to be comprised of 6mm laminated glass.
 - any ventilation openings to be acoustically treated.
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 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.

8. That a plan of the proposed storm water disposal system designed for a 10 year rainfall event shall be submitted to Council prior to Development Approval demonstrating that post development flow to the roads will not exceed pre-development flows.

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 pedestrian gates shall be provided to each of the dwellings fronting Anzac Highway. The details of the pedestrian gates including colour, materials, design and dimensions shall be provided to council for further assessment prior to the issue of Development Approval.
15. That lighting shall be provided within the driveway to ensure safety of movement, visibility and surveillance outside daylight hours. Details of the lighting location, design and illuminance shall be provided to council for further assessment prior to the issue of Development Approval.
16. That all domestic mechanical plant and equipment, including air conditioners, should be selected, designed, and installed to comply with the following mandatory criteria:
 - 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
 - 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.

DPTI Conditions

17. That a 3.0 metre x 3.0 metre corner cut-off at the Miller Street/Anzac Highway junction shall be provided from CT 5534/321. This will require modifications to the proposed fence design.
18. That any landscaping within the 3.0 metre x 3.0 metre corner cut-off area shall be low growing (<1.0 metres in height).
19. That the obsolete crossovers on Anzac Highway (and Miller Street) shall be reinstated to Council standard kerb and gutter at the applicant's expense prior to habitation of the dwellings.
20. That no stormwater from the development is permitted to discharge on-surface to Anzac Highway. In addition, any existing drainage of the road shall be accommodated in the development and any alterations to the road drainage infrastructure as a result of the development shall be at the expense of the developer.

Notes:

1. The Metropolitan Road Widening Plan (MARWP) shows a requirement for a 4.5 metres x 4.5 metres corner cut-off at the junction of Miller Street with Anzac Highway. The consent of the Commissioner of Highways under the MARWP Act is required to all building works on or within 6.0 metres of the corner cut-off requirement. Accordingly the attached consent form and three copies of the approved site plans must be provided to DPTI for consent purposes.
2. Councils City Assets Department advise that:
 - a. A finished floor level 500mm above the property's natural surface level will have a freeboard of 200mm above the 100 year Recurrence interval flood.
 - b. Removal of the southern-most Pyrus street tree on Miller Street is approved subject to payment of amenity/removal/replacement cost of \$942.65.

Moved D Bailey, Seconded R Clancy

Carried

B Patton returned to the meeting at 8:28pm

6. REPORTS BY OFFICERS

6.1 Nil.

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

8. CLOSURE

The meeting closed at 8:30 pm.

CONFIRMED Wednesday, 23 August 2017

PRESIDING MEMBER