

Minutes of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 28 January 2015 at 7:00pm.

MEMBERS PRESENT

Presiding Member – G Goss
J Newman
I Winter
R Clancy
A Bradshaw
M Bouchee

STAFF IN ATTENDANCE

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

1. OPENING

G Goss welcomed the people in the gallery.

2. APOLOGIES

Apologies Received – N Sim
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

280115/0001

That the minutes of the Development Assessment Panel held on 10 December 2014 be taken as read and confirmed.

Moved by M Bouchee, Seconded by R Clancy

Carried

6. DEVELOPMENT ASSESSMENT MATTERS

6.1 Sarah A M Taylor and Mark A Laurie, 68 Repton Road, Somerton Park (Report No 20/15)

DA NO.	:	<u>110/00704/14</u>
APPLICANT	:	<u>SARAH A M TAYLOR AND MARK A LAURIE</u>
LOCATION	:	<u>68 REPTON ROAD, 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>CONSTRUCTION OF 3 METRE HIGH BRUSH FENCE LOCATED ALONG THE SOUTHERN PRIMARY BOUNDARY</u>
EXISTING USE	:	<u>DWELLING</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>CATEGORY 3</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLANS CONSENT SUBJECT TO CONDITIONS</u>

Motion

280115/0002

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 Application 110/00704/14 subject to the following conditions, and based on exceptional circumstances relating to the subject land including:

- an existing swimming pool located in the front yard adjacent to Repton Road;
 - the location of the main internal living area being at the front of the dwelling, consisting of floor to ceiling windows facing Repton Road;
 - Regard to the current impact of the existing brush fence at the front of the property; and
 - the presence of a three-storey residential flat building with balconies located directly opposite the site:
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 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.
4. 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.
5. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
6. That no solid or liquid trade wastes be discharged to the stormwater system.

Moved M Bouchee, Seconded A Bradshaw

Carried

6.2 D'Andrea and Associates, 30 Davenport Terrace, Seacliff Park (Report No 21/15)

DA NO.	:	110/00637/14
APPLICANT	:	D'ANDREA AND ASSOCIATES
LOCATION	:	30 DAVENPORT TERRACE, SEACLIFF PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 13 FEBRUARY 2014
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	VARIATION TO DA: 110/00792/13, ALTERATIONS TO DWELLING LOCATED TO THE REAR OF EXISTING DWELLING
EXISTING USE	:	DWELLING
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	CATEGORY 2
REPRESENTATIONS	:	TWO
RECOMMENDATION	:	DEVELOPMENT PLANS CONSENT SUBJECT TO CONDITIONS

Speakers: K Jessop and N Nikanjam

Motion**280115/0003**

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 110/00637/14 subject to the following conditions:

1. That all plans and conditions associated with the approval of Development Application 110/00792/13 continue to apply, except where varied by the plans and conditions herein.
2. That stormwater from the proposed 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 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.
5. That all domestic mechanical plant and equipment, including air conditioners, should be selected, designed, and installed to comply with the following mandatory criteria:
 - (a) Noise level not to exceed 52dB(A) between the hours of 7am and 10pm when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007*, and

- (b) Noise level not to exceed 45dB(A) between the hours of 10pm and 7am when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007*, and
 - (c) Where marked with an * the above noise levels must include a penalty for each characteristic where tonal/modulating/impulsive/low frequency characteristics are present in accordance with the Environment Protection (Noise) Policy 2007.
- 6. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
- 7. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.
- 8. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
- 9. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
- 10. That no solid or liquid trade wastes be discharged to the stormwater system.
- 11. That the maximum height of the fence and retaining wall located along the northern, rear property boundary shall not exceed 2100mm in height when measured from the abutting property located at 29 Osterley Terrace, Seacliff Park.

Moved R Clancy, Seconded A Bradshaw

Carried

6.3 Sacred Heart College, 195-235 Brighton Road, Somerton Park (Report No 22/15)

DA NO.	:	<u>110/00699/14</u>
APPLICANT	:	<u>SACRED HEART COLLEGE</u>
LOCATION	:	<u>195-235 BRIGHTON ROAD, SOMERTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL (INSTITUTION) ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>REMOVAL OF THREE TREES FROM THE SACRED HEART COLLEGE GROUNDS COMPRISING A REGULATED AND LOCAL HERITAGE LISTED MORETON BAY FIG (REFERENCE 1716) LOCATED ON SCARBOROUGH STREET ADJACENT TO THE SOUTH WEST CORNER OF THE CUDMORE STREET INTERSECTION, A REGULATED LEMON SCENTED GUM (REFERENCE 1721) LOCATED ON THE NORTH EASTERN CORNER OF THE EASTERN-MOST SPORTS OVAL EAST OF BRIGHTON ROAD AND A REGULATED SUGAR GUM (REFERENCE 1724) LOCATED ADJACENT TO THE NORTHERN BOUNDARY (ELGAR ROAD) OF THE EASTERN-MOST SPORTS OVAL EAST OF BRIGHTON ROAD</u>
EXISTING USE	:	<u>EDUCATION FACILITY</u>
REFERRALS	:	<u>ARBORIST (SYMATREE) HERITAGE ARCHITECT (ANDREW STEVENS)</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>DEVELOPMENT APPROVAL, SUBJECT TO CONDITIONS</u>

Motion**280115/0004**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of referrals advice, that the Development Assessment Panel defer its consideration of Development Application 110/00699/14 pending receipt of a consistent appraisal of each affected tree that is recommended for removal, and in particular provision of further and more detailed information in relation to 'Tree 1724'.

Moved R Clancy, Seconded J Newman

Carried

R Clancy left the meeting at 8:22 pm having declared a potential conflict of interest through an association with a party involved in Development Application 110/00881/14 in Agenda Item 6.4.

6.4 Phillis and Associates Architects, 7 Esplanade, Somerton Park (Report No 23/15)

DA NO.	:	<u>110/00881/14</u>
APPLICANT	:	<u>PHILLIS AND ASSOCIATES ARCHITECTS</u>
LOCATION	:	<u>7 ESPLANADE, SOMERTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL COASTAL</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>VARIATION TO 110/00138/10 (THREE STOREY RESIDENTIAL FLAT BUILDING AND UNDERCROFT CAR PARK COMPRISING FOUR APARTMENTS) AND 110/00446/11 (ALTERATIONS TO LOBBY UNDERCROFT EXIT, WINDOWS AND COLOURS) BY CONSTRUCTION OF FIRE RATED PANELS ADJACENT TO THE NORTHERN BOUNDARY</u>
EXISTING USE	:	<u>VACANT SITE</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

Motion

280115/0005

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 110/00881/14, subject to the following conditions.

1. That the design and siting of the fire panels shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That conditions numbered 2 and 3 of DA 110/00446/11 as listed below remain valid and must be complied with unless varied by condition 1 of this approval.
 2. 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.

3. 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.
3. That conditions numbered 2 to 18 of DA 110/00138/10 as listed below remain valid and must be complied with unless varied by condition 1 of this approval.

 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. 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.
 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 windows shown on the submitted plans as having obscure glass 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. All balconies shown on the amended plans as having obscure glass screens shall have fixed obscure glass screens to 1.7 metres above finished floor level of the balconies. Details of this requirement shall be provided at Building Rules Assessment Stage.
 7. A stormwater management plan showing disposal of all roof and ground storm water and on-site storm water retention details 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.

8. 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.
9. 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.
10. 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.
11. That a dilapidation survey including written, photographic and/or video filming of the interior and exterior of the building/s located at 6 Esplanade, 8 Esplanade and 2 Marine Parade be prepared by a qualified structural engineer and a copy provided to Council prior to the issuing of Development Approval. A copy of the survey shall be made available to the owner's of the above properties.
12. 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.
13. 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.

14. 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.
15. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
16. That no solid or liquid trade wastes be discharged to the stormwater system.
17. That the roof mounted air conditioning units are concealed by suitable fixed screening, the details of which are to be provided to Council for assessment prior to the issue of Development Approval.
18. That the methods of excavation and retention of land associated with the development, expose the adjacent properties to the least possible amount of inconvenience and disturbance by way of noise, dust and ground movement.

Moved J Newman, Seconded M Bouchee

Carried

R Clancy returned to the meeting at 8:28 pm.

7. REPORTS BY OFFICERS

7.1 Nil.

7.2 Appeal – 4A Pier Street, Glenelg South (Report No: 24/15)

Background

On 24 September 2014, the Development Assessment Panel refused an application comprising a verandah located in the rear yard and sited on the western side and southern rear boundaries with enclosed walls up to 3.65 metres in height.

Reasons for refusal Development Application 110/00442/14:

Development application 110/00646/14 be refused Development Plan Consent, on the basis that it is contrary to Development Plan Council Wide Principles 12(a), and 90(a) and (e). More specifically, the proposal:

- The containment of nuisance smoke emissions and odours to neighbours, emanating from the wood fire pizza oven; and
- The excessive height of the walls along the neighbouring property boundaries.

Motion**280115/0006**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel advise the Environment, Resources and Development Court that it considers that the development is not seriously at variance with the Development Plan and resolves to support the compromise proposal to Development Application 110/00442/14 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 dated 19 November 2014 identified as Drawing SM-275 OD-03 Revision E (Southern and West Elevations) and SM - 275 Outdoor Kitchen Revision C (Floor Plan) submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. 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.
3. The northern elevation shall not be enclosed without prior consent of Council.
4. That the external walls be rendered and painted to match the existing boundary fence.
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 J Newman, Seconded A Bradshaw

Carried

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

8.1 J Newman sought clarification on meeting procedures, and in particular the right for the applicant to be heard during the course of the Panel Member discussion.

9. CLOSURE

The meeting closed at 8:36 pm.

CONFIRMED Wednesday, 25 February 2015

PRESIDING MEMBER