

**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 June 2017 at 7:00 pm.**

**MEMBERS PRESENT**

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

**STAFF IN ATTENDANCE**

Manager Development Services – A Marroncelli  
Team Leader Development Assessment – C Watson  
Development Officers – D Spasic, A Stamatopoulos and H Beesley

**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**

**280617/00135**

**That the minutes of the Development Assessment Panel held on 24 May 2017 be taken as read and confirmed.**

Moved by A Vine, Seconded by B Patton

**Carried**

## 5. DEVELOPMENT ASSESSMENT MATTERS

### 5.1 Coeur Lion Pty Ltd, 398 Brighton Road, Hove (Report No 214/17)

DA NO.	:	110/00360/17
APPLICANT	:	COEUR LION PTY LTD
LOCATION	:	398 BRIGHTON ROAD, HOVE
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	DISTRICT CENTRE, BRIGHTON AND HOVE POLICY AREA 16
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	FIVE TWO STOREY AND 3 STOREY DWELLINGS AND OFFICE TENANCY
EXISTING USE	:	DETACHED DWELLING
REFERRALS	:	DPTI
CATEGORY	:	TWO
REPRESENTATIONS	:	TWO
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT WITH CONDITIONS

Speakers: G Goussios and S Grose

#### Motion

280617/00136

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 110/00360/17, 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 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 Residence 1:
- ceiling insulation to have a density of at least 40kg/m<sup>3</sup> with a minimum of 90mm thickness.
  - windows to be comprised of 6mm laminated glass.
  - any ventilation openings to be acoustically treated.
6. That all windows on the first and second floors on the eastern elevation of Residence 5 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.
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 the commercial tenancy not be used as a shop, café or restaurant without the further approval of Council.
10. 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.
11. 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.
12. 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.
13. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
14. That no solid or liquid trade wastes be discharged to the stormwater system.
15. 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

16. That the Brighton Road access point shall have a minimum paved width of 6.0 metres, exclusive of any landscaping or service infrastructure (such as utility metres or letterboxes). The access shall extend into the site at this width for a minimum of 6.0 metres.

- 17. That the Brighton Road access shall be located no less than 1.0 metres clear of the stobie pole adjacent the northern boundary.**
- 18. Pedestrian sightlines at the access shall be in accordance with AS/NZ2890.1:2004. Details of compliance shall be submitted prior to Development Approval.**
- 19. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Brighton Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the owner's expense.**
- 20. All vehicles shall enter and exit the site in a forward direction.**
- 21. The shared driveway and internal manoeuvring areas shall be clear of all obstructions including meters, letterboxes, landscaping and visitor parking.**

Moved L Yates, Seconded R Clancy

**Carried**

## 5.2 Verrocchi Building Design, 38 Addison Road, Hove (Report No 215/17)

DA NO.	:	110/00032/17
APPLICANT	:	VERROCCHI BUILDING DESIGN
LOCATION	:	38 ADDISON ROAD, HOVE
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE MEDIUM DENSITY POLICY AREA 5
NATURE OF DEVELOPMENT: PROPOSAL	:	MERIT CONSTRUCTION OF FOUR TWO STOREY GROUP DWELLINGS WITH INTEGRAL GARAGES AND VERANDAHS
EXISTING USE	:	DETACHED DWELLING
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	THREE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT

Speakers: S Atkinson and G Riches

### Motion

280617/00137

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 110/00032/17 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 Verrocchi Building Design, Project No. VBD.211, Drawing No. 01 and 02 Revision D, and Drawing No. 03-12 Revision C submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
  2. 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.
  3. That upstairs windows except for the north facing windows of Dwellings 1 and 2 shall have minimum window sill heights of 1.7 metres above finished floor level, or otherwise treated to obscure views to adjoining properties to the satisfaction of Council.

4. That storm water 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 storm water 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:** Storm water 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.

5. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
6. That 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.
7. 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.
8. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
9. That no solid or liquid trade wastes be discharged to the stormwater system.
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. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site to the reasonable satisfaction of Council.

- 12. 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.**
- 13. That doors from the ground floor living areas to Dwellings 1 and 2 shall be installed to provide direct personal access to the associated areas of private open space. Details of the door design shall be provided for further assessment prior to the issue of Development Approval.**
- 14. That all domestic mechanical plant and equipment, including air conditioners, should be selected, designed, and installed to comply with the following mandatory criteria:**
  - (a) Noise level not to exceed 52dB(A) between the hours of 7am and 10pm when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007\*, and**
  - (b) Noise level not to exceed 45dB(A) between the hours of 10pm and 7am when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007\*, and**
  - (c) Where marked with an \* the above noise levels must include a penalty for each characteristic where tonal/modulating/impulsive/low frequency characteristics are present in accordance with the Environment Protection (Noise) Policy 2007.**

Moved D Bailey, Seconded A Vine

**Carried**



**D Bailey left the Meeting at 7:50 pm having declared a conflict of interest with Item 5.3****5.3 Robin Taylor, 2 Gordon Street, Somerton Park (Report No 216/17)**

DA NO.	:	110/00522/17
APPLICANT	:	ROBIN TAYLOR
LOCATION	:	2 GORDON STREET, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	SHED LOCATED TO REAR OF EXISTING DWELLING
REFERRALS	:	NIL
CATEGORY	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT

**Motion****280617/00138**

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 110/00522/17 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 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.**
  4. **That the external appearance and external materials and finishes of the new building shall match or blend with the existing building.**

5. That the structure shall be finished in a muted green, brown, beige or grey colour and the colour bonding or paintwork be maintained in good condition at all times.

Moved A Vine, Seconded G Goss

**Carried**

**D Bailey returned to the Meeting at 7:52 pm**

**5.4 Designtech Studio, 42 Beach Road, Brighton (Report No 217/17)**

DA NO.	:	110/00199/17
APPLICANT	:	DESIGNTECH STUDIO
LOCATION	:	42 BEACH ROAD, BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:	:	MERIT
PROPOSAL	:	UPPER STOREY ALTERATIONS AND GARAGE AND ALFRESCO ADDITIONS ADJOINING WESTERN BOUNDARY
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT WITH CONDITIONS

**Motion**

**280617/00139**

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 110/00199/17 subject to the following conditions:
  1. That the design and siting of all buildings and structures and site works shall be as shown on the amended plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
  2. That the structures herein approved be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.
  3. That storm water from the garage and alfresco be connected by underground pipe to the street water table.
  4. That the boundary walls be finished to the reasonable satisfaction of Council.

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 L Yates, Seconded D Bailey

**Carried**

**5.5 K L and N P Brown, 47 Seaforth Avenue, Somerton Park (Report No 218/17)**

DA NO.	:	<u>110/00305/17</u>
APPLICANT	:	<u>K L AND N P BROWN</u>
LOCATION	:	<u>47 SEAFORTH AVENUE, SOMERTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>SHED LOCATED TO REAR OF EXISTING DWELLING ADJOINING EASTERN BOUNDARY</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

**Motion**

**280617/00140**

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 110/00305/17 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 structure herein approved be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.
  3. 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.

4. That the domestic outbuilding approved herein shall be used for domestic purposes only and the incidental parking of motor vehicles belonging to the owner of the land. No activities shall be undertaken that would create any appreciable noise, smoke, smell, dust or other nuisances.
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 D Bailey, Seconded A Vine

**Carried**

**5.6 Maurice Hood, 104 Brighton Road, Glenelg East (Report No 219/17)**

DA NO.	:	110/00967/16
APPLICANT	:	MAURICE HOOD
LOCATION	:	104 BRIGHTON ROAD, GLENELG EAST
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 GROUP DWELLINGS
EXISTING USE	:	DETACHED DWELLING
REFERRALS	:	DEPARTMENT OF TRANSPORT INFRASTRUCTURE SERVICES
CATEGORY	:	TWO
REPRESENTATIONS	:	TWO
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT

**Motion**

**280617/00141**

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 110/00967/16 be refused Development Plan Consent for the reason that it is contrary to:

- General Section, Residential Development Principles of Development Controls 1, 5, 21 and 32; and
- Residential Zone (Medium Density Policy Area 5) Objective 1 Desired Character Statement.

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

- An inadequate provision of private open space for Dwellings 3, 4 and 5;
- Inadequate setback distances for Dwellings 3 and 5, resulting in an undue bulk for the building as a whole;
- An insufficient provision of landscaping, particularly within the driveway;
- An inadequate provision of noise attenuation features within the design of the development, particularly given the location adjacent a main arterial road; and
- A design that compromises the liveability for residents of Dwellings 3, 4 and 5 due to the internalised bedrooms that provide no external outlook.

Moved D Bailey, Seconded A Vine

**Carried**

**5.7 SA Quality Home Improvements, 27 Wallace Street, Glenelg East (Report No 220/17)**

DA NO.	:	<u>110/00251/17</u>
APPLICANT	:	<u>SA QUALITY HOME IMPROVEMENTS</u>
LOCATION	:	<u>27 WALLACE STREET, GLENELG EAST</u>
DEVELOPMENT PLAN	:	<u>2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL CHARACTER ZON, STREETSCAPE CHARACTER (BRIGHTON &amp; GLENELG EAST), POLICY AREA 13</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>CARPORT LOCATED FORWARD OF ASSOCIATED DETACHED DWELLING</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>REFUSAL</u>

**Motion**

**280617/00142**

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 110/00251/17 be refused Development Plan Consent for the reason that it is contrary to:

- General Section, Residential Development Principles of Development Controls 14(b) and 27;
- Residential Character Zone, Policy Area 13 Objectives 1 and 3; and
- Residential Zone Principle of Development Control 6

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

- Preservation of existing development patterns and built form in the policy area;
- The Desired Character of the Zone;
- Carport sited forward of dwelling;
- Setback from the street boundary; and
- Compatibility with setback character of locality.

Moved R Clancy, Seconded A Vine

**Carried**

## 6. REPORTS BY OFFICERS

### 6.1 Nil.

A Vine left the Meeting at 7:04 pm having not previously heard personal representations made to the Panel with respect to Item 6.2

### 6.2 Appeal – 185 Esplanade, South Brighton (Report No 221/17) 280617/00143

*At its meeting held on 26 April 2017, the Development Assessment Panel refused Development Application 110/00802/16 (Three storey residential flat building containing three residence plus common undercroft parking, residential lift, balconies, swimming pool, safety fence and associated retaining walls) for the following reasons:*

- *The proposal displays an insufficient side setback to the northern boundary, contrary to Residential Zone Central West Policy Area 3 Principles 5 & 6.*
- *The proposal's overall height exceeds the allowable maximum, contrary to Residential Zone Central West Policy Area 3 Principle 4.*
- *The proposal provides an insufficient provision of private open space, contrary to General Section Residential Development Principle 33.*
- *The proposal displays insufficient visual articulation along the southern facade, contrary to Residential Zone Central Policy Area 3 Principle 10(a)&(c).*
- *The proposal displays insufficient landscaping relative to the scale of the built form, contrary to General Section Landscaping, Fences and Walls Principles 1(a) and 2(a).*

1. **That the Environment Resources and Development Court is advised that following a detailed assessment against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel resolves that it does not support the compromise plans and that the decision to REFUSE Development Plan Consent is upheld for Development Application 110/00802/16.**

Moved G Goss, Seconded L Yates

**Carried**

**A Vine returned to the Meeting at 7:22 pm**

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

**8. CLOSURE**

The meeting closed at 8:27 pm.

**CONFIRMED      Wednesday, 26 July 2017**

**PRESIDING MEMBER**