

REPORT TO: **COUNCIL ASSESSMENT PANEL**

DATE: **27 NOVEMBER 2019**

SUBJECT: **DEFERRED ITEM – 110/00535/19 - 12 LAMINGTON AVENUE,
 SEACLIFF PARK**

**TWO STOREY DETACHED DWELLING WITH GARAGE WALL LOCATED
 ON THE SOUTH-WESTERN SIDE BOUNDARY**

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ATTACHMENTS: **A. AMENDED PLAN
 B. ORIGINAL REPORT
 1.0 LOCALITY MAP
 2.0 ORIGINAL PLANS
 3.0 ORIGINAL STATEMENT OF REPRESENTATION
 4.0 APPLICANT’S REPLY TO REPRESENTATION**

1. Reasons for deferral

At the 23 October 2019 meeting, the Council Assessment Panel resolved:

‘That after considering the provisions of the Development Plan and the representations and responses received, the application be deferred to enable the applicant to provide additional information describing how the upper level balcony can be designed to reduce direct overlooking to the private open space of the northern adjacent property whilst enabling distant view in accordance with Principle 41(c)’.

2. Amended Plans

Amended plans were submitted for the Council Assessment Panel’s consideration and are summarised as follows:

- An elevation plan detailing a method of screening fixed to the northern elevation of the balcony in order to prevent overlooking into 10B Lamington Avenue, Seacliff Park

Refer to Attachment A

3. Assessment

The additional information is considered to both sufficiently clarify the questions and concerns raised at 23 October August 2019 Council Assessment Panel meeting.

The proposed fixed screens will result in addressing the primary concern raised by the representor from 10b Lamington Avenue, Seacliff Park, by way of ensuring their privacy into the south facing windows and enclosed yard is protected from overlooking.

The future occupants of 12 Lamington Avenue, Seacliff Park will also achieve their objective of obtaining a view out to the sea and wider surrounds.

4. Recommendation

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 Council Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00535/19 comprising the construction of a two storey detached dwelling with freestanding garage located on the south-western side boundary at 12 Lamington Avenue, Seacliff Park.

PLANNING 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, including those prepared by
 - a. Herriot Consulting, File No. C1907-064, Revision A, Sheet 1 dated August 2019;
 - b. Vallco Design, Project No. 461-0519, Sheet A101a, A101b, A102a, A102b, A103, A104a and A104b dated 22/08/2019
2. The visual privacy of 10b Lamington Avenue, Seacliff Park shall be achieved by way of the construction of a fixed louvre screen, as shown on the plan prepared by Vallco Design, Project No 461-0519, Sheet 'Addendum' Revision A referencing screening to the northern elevation of the balcony. The screen shall be established in such a way that prevents a view into the enclosed yard and windows associated with 10b Lamington Avenue, Seacliff Park.
3. 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.
4. That landscaping shall be established in the front, side and rear yards comprising trees, shrubs and grasses of semi-mature or 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.
5. That all upstairs windows on the south-western and south-eastern elevations shall be designed in such a way that prevents a view into adjacent properties.

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 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.

NOTE: That no synthetic grass is installed on the Council verge in accordance with the City of Holdfast Bay Verge Policy.