

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 23 June 2021 at 7:00 pm.

MEMBERS PRESENT

Presiding Member – D Bailey
Y Svensson
M Bouchee
S Reachill

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Development Officers Planning – A Stamatopolous and D Spasic
Team Leader Development Administration - A Elliott

1. OPENING

D Bailey welcomed the people in the gallery.

2. APOLOGIES

Apologies Received – J Gronthos
Absent – Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. CONFIRMATION OF MINUTES

Motion

230621/00020

That the minutes of the Council Assessment Panel held on 28 April 2021 be taken as read and confirmed.

Moved by Y Svensson, Seconded by S Reachill

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Acon Studio, 7-9 Saltram Road, Glenelg (Report No 177/21)

DA NO.	:	<u>110/00184/21</u>
APPLICANT	:	<u>ACON STUDIO</u>
LOCATION	:	<u>7-9 SALTRAM ROAD, GLENELG</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>TWO STOREY DETACHED DWELLING</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS RECEIVED :		<u>THREE</u>
REPRESENTATIONS SPEAKING :		<u>MARLENE CARTER OF 6A KENT STREET, GLENELG</u>
APPLICANT SPEAKING		<u>ANGUS CONROY (ACON STUDIO)</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Speakers: Nil

Motion

230621/00021

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 110/00184/21 for the construction of a two storey detached dwelling at 7-9 Saltram Road, Glenelg subject to the following conditions:**
 1. **That the development shall be implemented in accordance with the plans and documentation submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
 2. **That all upstairs windows on the side and rear elevations 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. A detailed landscape plan and schedule shall be submitted prior to Development Approval being granted, demonstrating trees, shrubs and grasses in the front, side and rear yards. 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.**
- 4. 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.**
- 5. 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.

Moved S Reachill, Seconded Y Svensson

Carried

5.2 D'Andrea and Associates, 678 Anzac Highway, Glenelg (Report No 178/21)

DA NO.	:	110/00207/21
APPLICANT	:	D'ANDREA AND ASSOCIATES
LOCATION	:	678 ANZAC HIGHWAY, GLENELG
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	MIXED USE ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	DEMOLITION OF LEAN-TO AND CONSTRUCTION OF NEW STORE AT REAR OF EXISTING OFFICE BUILDING
EXISTING USE	:	COMMERCIAL
CATEGORY	:	TWO
STATEMENTS OF REPRESENTATION :		ONE
REPRESENTORS TO BE HEARD :		NIL
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Motion**230621/00022**

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 110/00207/21 for the demolition of lean-to and construction of new store at rear of existing office building at 678 Anzac Highway, Glenelg, subject to the following conditions:**
 1. **That the development shall be implemented in accordance with the plans and documentation submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
 2. **Landscaping shall be implemented as per the site plan. 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.**
 3. **The car parking area shall be treated with a hardstand surface such as bitumen, paving or the like, appropriately line marked, signed and incorporate wheel stopping devices.**

Moved M Bouchee, Seconded Y Svensson

Carried

5.3 Scott Salisbury Homes, 207 Esplanade, Seacliff (Report No 179/21)

DA NO. :	110/01036/20
APPLICANT :	SCOTT SALISBURY HOMES
LOCATION :	207 ESPLANADE, SEACLIFF
DEVELOPMENT PLAN :	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA :	RESIDENTIAL ZONE CENTRAL WEST
	POLICY AREA 3
NATURE OF DEVELOPMENT:	MERIT
PROPOSAL :	CONSTRUCTION OF A THREE STOREY DETACHED DWELLING AND A PAIR OF THREE STOREY SEMI-DETACHED DWELLINGS
EXISTING USE :	RESIDENTIAL
CATEGORY :	ONE
RECOMMENDATION :	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Motion**230621/00023**

That after considering the provisions of the Development Plan, Development Application 110/01036/20 be deferred to enable the applicant to provide shadow diagrams for March, June, September and December showing the impact of the proposed dwelling on the site to the south including consideration to amending the roof form to minimise the impact of shadow.

Moved M Bouchee, Seconded S Reachill

Carried**Conflict of Interest**

M Bouchee alerted the Panel that she was approached by a resident who had intentions to discuss matters relating to Agenda Items 5.4, 5.5, 5.6, 5.7 and 5.8. M Bouchee immediately advised the resident upon approach that she was unable to discuss the matters, thereby not compromising her position on the Panel pursuant to section 14(a) of the Ministerial Code of Conduct.

5.4 The Executors of the Estate of Llorá Shirley Le Cornu, 28 Sturt Road, Brighton (Report No 180/21)

DA NO.	:	<u>110/00180/21</u>
APPLICANT	:	<u>THE EXECUTORS OF THE ESTATE OF LLORA SHIRLEY LE CORNU</u>
LOCATION	:	<u>28 STURT ROAD, BRIGHTON</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>REMOVAL OF A SIGNIFICANT CORYMBIA CITRIODORA. REFERENCE TREE NUMBER S13</u>
REFERRALS	:	<u>ARBORIST</u>
CATEGORY	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN REFUSAL</u>

Motion

230621/00024

- The proposed development is NOT seriously at variance with the policies in the Development Plan.**
- Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel considers that the proposed development is not consistent with the Development Plan and that Development Application 110/00180/21 be refused Development Plan Consent for the reason that it is contrary to:**
 - General Section, Significant Trees, Objective 1; and**
 - General Section, Significant Trees, Principles of Development Controls 1(a), (e), (f) and 3 (a)(i)(ii), (b).**

More specifically, the application does not meet the intent of the Development Plan in that the tree:

- Is not diseased with a short life expectancy;**
- Is not an unacceptable risk to private safety;**
- Is not causing damage to a substantial building or structure of value;**
- Will not restrict development that is unreasonable and expected; and**
- Significantly contributes to the character and visual amenity of the locality.**

Moved S Reachill, Seconded Y Svensson

Carried

5.5 The Executors of the Estate of Llorá Shirley Le Cornu, 28 Sturt Road, Brighton (Report No 181/21)

DA NO.	:	<u>110/00175/21</u>
APPLICANT	:	<u>THE EXECUTORS OF THE ESTATE OF LLORA SHIRLEY LE CORNU</u>
LOCATION	:	<u>28 STURT ROAD, BRIGHTON</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>REMOVAL OF FIVE SIGNIFICANT AND ONE REGULATED TREE</u>
REFERRALS	:	<u>ARBORIST</u>
CATEGORY	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT</u>

Motion

230621/00025

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel considers that Development Application 110/00175/21 be deferred to gain additional information through a site visit as to the biodiversity, environmental benefits, and landscape setting, in order to better understand the context of the trees proposed to be removed.

Moved M Bouchee, Seconded S Reachill

Carried

5.6 The Executors of the Estate of Llorá Shirley Le Cornu, 28 Sturt Road, Brighton (Report No 182/21)

DA NO.	:	<u>110/00176/21</u>
APPLICANT	:	<u>THE EXECUTORS OF THE ESTATE OF LLORA SHIRLEY LE CORNU</u>
LOCATION	:	<u>28 STURT ROAD, BRIGHTON</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>REMOVAL OF A REGULATED CORYMBIA CITRIODORA. REFERENCE TREE NUMBER 2.</u>
REFERRALS	:	<u>ARBORIST</u>
CATEGORY	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN REFUSAL</u>

Motion

230621/00026

- 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 considers that the proposed development is not consistent with the Development Plan and that Development Application 110/00176/21 be refused Development Plan Consent for the reason that it is contrary to:
- General Section, Regulated Trees, Objectives 1 and 2(a); and
 - General Section, Regulated Trees, Principles of Development Controls 2(a), (b), (c), (d).

More specifically, the application does not meet the intent of the Development Plan in that the tree:

- Is not diseased with a short life expectancy;
- Is not an unacceptable risk to private safety;
- Is not causing damage to a substantial building or structure of value;
- Will not restrict development that is unreasonable and expected; and
- Significantly contributes to the character and visual amenity of the locality.

Moved Y Svensson, Seconded S Reachill

Carried

5.7 The Executors of the Estate of Llorá Shirley Le Cornu, 28 Sturt Road, Brighton (Report No 183/21)

DA NO.	:	110/00178/21
APPLICANT	:	THE EXECUTORS OF THE ESTATE OF LLORA SHIRLEY LE CORNU
LOCATION	:	28 STURT ROAD, BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:	:	MERIT
PROPOSAL	:	REMOVAL OF A REGULATED CORYMBIA CITRIODORA. REFERENCE TREE NUMBER 11.
REFERRALS	:	ARBORIST
CATEGORY	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN REFUSAL

Motion

230621/00027

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 considers that the proposed development is not consistent with the Development Plan and that Development Application 110/00178/21 be refused Development Plan Consent for the reason that it is contrary to:
 - General Section, Regulated Trees, Objectives 1 and 2(a); and
 - General Section, Regulated Trees, Principles of Development Controls 2(a), (b), (c), (d).

More specifically, the application does not meet the intent of the Development Plan in that the tree:

- Is not diseased with a short life expectancy;
- Is not an unacceptable risk to private safety;
- Is not causing damage to a substantial building or structure of value;
- Will not restrict development that is unreasonable and expected; and
- Significantly contributes to the character and visual amenity of the locality.

Moved S Reachill, Seconded M Bouchee

Carried

5.8 The Executors of the Estate of Llorá Shirley Le Cornu, 28 Sturt Road, Brighton (Report No 184/21)

DA NO.	:	110/00179/21
APPLICANT	:	THE EXECUTORS OF THE ESTATE OF LLORA SHIRLEY LE CORNU
LOCATION	:	28 STURT ROAD, BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	REMOVAL OF A REGULATED CORYMBIA CITRIODORA. REFERENCE TREE NUMBER 12.
REFERRALS	:	ARBORIST
CATEGORY	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN REFUSAL

Motion

230621/00028

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 considers that the proposed development is not consistent with the Development Plan and that Development Application 110/00179/21 be refused Development Plan Consent for the reason that it is contrary to:**
 - **General Section, Regulated Trees, Objectives 1 and 2(a); and**
 - **General Section, Regulated Trees, Principles of Development Controls 2(a), (b), (c), (d).**

More specifically, the application does not meet the intent of the Development Plan in that the tree:

- Is not diseased with a short life expectancy;
- Is not an unacceptable risk to private safety;
- Is not causing damage to a substantial building or structure of value;
- Will not restrict development that is unreasonable and expected; and
- Significantly contributes to the character and visual amenity of the locality.

Moved S Reachill, Seconded Y Svensson

Carried**6. REPORTS BY OFFICERS****6.1** Nil**6.2 Appeal item – 5 Seaview Terrace, Brighton 110/00587/20 (Report No 185/21)**

On 28 April 2021, the Council Assessment Panel issued a refusal for DA 110/00587/20 for the construction of a two storey detached dwelling with associated garage adjoining southern boundary and swimming pool, verandah at rear and retaining walls up to 1 metre in height. The refusal was issued on the basis that the proposed development was not consistent with relevant principles of the Holdfast Bay Development Plan. The reasons for refusal are shown below:

Development Application 110/00587/20 be refused Development Plan Consent for the reason that it is contrary to the provisions of the City of Holdfast Bay Development Plan. Specifically, the proposal does not adhere with the General Section, Residential Development Principles of Development Controls 1, 2(b)(d)&(d). More specifically, the application does not meet the intent of the Development Plan in that:

- Does not reduce the bulk of proposed structures by virtue of the scale and height of the retaining walls;*
- Does not minimise the extent of cut and fill;*
- Does not minimise the need for high retaining walls; and*
- Provides excessive visual and amenity impacts on the adjoining land.*

Note: Noise and siting of the pool pump and air conditioning should be resolved.

Subsequent to the decision, an appeal was lodged to the ERD court. The decision was appealed as the applicant believes that the reasons for refusal can be addressed through a redesign of the proposal. Amended plans were received and are attached to this report (Attachment A).

Motion**230621/00029**

That the Council Assessment Panel advise the Environment, Resource and Development Court that Council supports Development Application 110/00587/20, as amended subject to the conditions listed below:

PLANNING CONDITIONS

- 1. That the development shall be implemented in accordance with the plans and documentation prepared by mlei Consulting Engineers, Drawing A2020-10718, Sheet C01, (E) and Anthony Donato Architects, Job 474520, Sheets DD01 (H), DD02 (E), DD03 (B), DD04 (D), DD05 (D), DD05 (B), DD08 with Amended Plan stamp dated 03/06/2021 and the 'Landscaping Plants and Images' document submitted to and approved**

by the Environment, Resources and Development Court unless varied by subsequent conditions imposed herein.

- 2. All upstairs windows on the side and rear elevations shall have minimum window sill heights of 1.7 metres above the finished floor level, or any glass below 1.7 metres shall be manufactured obscured glass and fixed shut or as otherwise approved by Council. Further details of this requirement shall be provided at Building Rules Assessment Stage.**
- 3. Landscaping shall be established in the front, side and rear yards in accordance with the landscaping demonstrate on the plan prepared by Anthony Donato Architects, Job 474520, Sheet DD01, Revision H, Amended Plan 03/06/2021.**
- 4. 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.**
- 5. 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.

- 6. That the associated filter pump be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries**

Note: It is suggested that the filter pump is relocated further to the east with the emphasis on improving the amenity to the neighbour.

Note: Discussion with the Applicant to consider relocating the air conditioning unit further towards the rear of site, such as near the stairs/pool pavilion.

Moved M Bouchee, Seconded S Reachill

Carried

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

8. CLOSURE

The meeting closed at 9.07 pm.

CONFIRMED Wednesday, 28 July 2021

PRESIDING MEMBER