

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 22 January 2020 at 7:00 pm.

MEMBERS PRESENT

Presiding Member – D Bailey
G Goss
J Gronthos
M Bouchee

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Team Leader Development Assessment – C Watson
Development Officer Planning – Dean Spasic
Development Officer Planning - Alexander Stamatopoulos
Team Leader – Development Administration - A Elliott

1. OPENING

D Bailey 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

220120/00001

That the minutes of the Council Assessment Panel held on 27 November 2019 be taken as read and confirmed.

Moved by J Gronthos, Seconded by G Goss

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Seacliff Park Foodland, 226-230 Seacombe Road, Seacliff Park (Report No 5/20)

DA NO.	:	<u>110/00821/19</u>
APPLICANT	:	<u>SEACLIFF PARK FOODLAND</u>
LOCATION	:	<u>226-230 SEACOMBE ROAD, SEACLIFF PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>NEIGHBOURHOOD CENTRE ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>THE ERECTION OF AIR CONDENSING UNITS TO ROOF OF FOODLAND SUPERMARKET (RETROSPECTIVE APPLICATION)</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>CATEGORY TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT</u>

Motion

220120/00002

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 110/00821/19 subject to the following conditions:

Reserved Matter

1. The following detailed information shall be submitted for further assessment and approval by the Assessment Manager as a reserved matter pursuant to Section 33(3) of the Development Act 1993:
 - (i) A report shall be prepared by a suitably qualified Acoustic Engineer to confirm that noise emissions recorded at the nearest residential property from the proposed air condensing units meets prescribed EPA standards.

Pursuant to Section 33(1) of the Development Act 1993, the Council Assessment Panel reserves its decision on the form and substance of any further conditions of development plan consent that it considers appropriate to impose in respect of the reserved matters set out at (i) above.

PLANNING CONDITIONS

1. That the design and siting of the air condensing units shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.

Moved J Gronthos, Seconded M Bouchee

Carried

5.2 Swanbury Penglase Architects, 8 Colton Avenue, Hove (Report No 6/20)

DA NO.	:	110/00719/19
APPLICANT	:	SWANBURY PENGLASE ARCHITECTS
LOCATION	:	8 COLTON AVENUE, HOVE
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE INSITUION POLICY AREA 4
NATURE OF DEVELOPMENT:	:	MERIT
PROPOSAL	:	PYLON SIGNAGE ADJACENT KING GEORGE AVENUE ASSOCIATED WITH MCCAULEY COMMUNITY SCHOOL (NON-COMPLYING)
EXISTING USE	:	EDUCATIONAL ESTABLISHMENT
REFERRALS	:	NIL
CATEGORY	:	THREE
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO SCAP CONCURRENCE

Speakers: P Cove and L Fantasia

Motion

220120/00003

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 subject to concurrence of the State Commission Assessment Panel to Development Application 110/00719/19 comprising the erection of a pylon sign, subject to the following conditions:

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.
2. That at all times, the sign (including its structure and advertising material thereon) shall be maintained in good condition to the reasonable satisfaction of Council.

3. That the LED screen be turned off between the hours of 8:00 pm and 7:00 am daily.
4. The LED sign shall not contain any element that flashes, scrolls or moves.
5. The sign shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, the LED component of the sign shall be limited to the following stepped luminance levels:

Ambient conditions	Sign Illuminance Vertical Component	Sign Luminance (Cd/m ²) Max
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	200

6. All messages displayed upon the sign shall be directly related to the activities undertaken upon the subject land and shall not include third-party advertising.
7. The operational system for the signs shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.

Moved G Goss, Seconded M Bouchee

Carried

5.3 Badge Construction Pty Ltd, 437 Brighton Road, Brighton (Report No 7/20)

DA NO.	:	<u>110/00647/19</u>
APPLICANT	:	<u>BADGE CONSTRUCTION PTY LTD</u>
LOCATION	:	<u>437 BRIGHTON ROAD, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>DISTRICT CENTRE ZONE POLICY AREA 16</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>VARIATION TO 110/00744/16 (TWO STOREY DEVELOPMENT COMPRISING SUPERMARKET ON FIRST FLOOR WITH ASSOCIATED CAR PARK AND LOADING AREA ON GROUND FLOOR) AND 110/00097/17 (AMENDMENTS TO NORTH EASTERN CORNER, RELOCATION OF PLANT PLATFORM, SUBMISSION OF LANDSCAPE PLANS AND AMENDMENTS TO CONDITION 25) BY THE INCLUSION OF VERTICAL LOUVRES TO THE NORTHERN BUILDING ELEVATION</u>
EXISTING USE	:	<u>SUPERMARKET</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

Speakers: P Bates, D Plaisted, S Shannon and J Turner

Motion**220120/00004**

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan.**
- 2. Following 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 110/00647/19 subject to the following conditions:**

PLANNING CONDITIONS

- 1. That the mechanical dampers as described in the URPS response to representations dated 20 November 2019 be installed prior to 21 February 2020.**
- 2. That the mechanical dampers remain closed unless in the event of a fire.**

Moved M Bouchee, Seconded J Gronthos

Carried

**5.4 Dechellis Homes Pty Ltd, 29 Patawalonga Frontage, Glenelg North
(Report No 8/20)**

DA NO.	:	110/00668/19
APPLICANT	:	DECHELLIS HOMES PTY LTD
LOCATION	:	29 PATAWALONGA FRONTAGE, GLENELG NORTH
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:	:	MERIT
PROPOSAL	:	TWO STOREY DETACHED DWELLING WITH GARAGE WALL LOCATED ON SOUTHERN SIDE BOUNDARY
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT

Speakers: D and R Ward and V Mazzaferro

Motion

220120/00005

- 1. The proposed development is NOT seriously at variance with the provisions in the Holdfast Bay (City) Development Plan.**
- 2. Following consideration of representations made and a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that Development Application 110/00668/19 does not adhere sufficiently to the relevant provisions of the Development Plan and should be refused Development Plan Consent for the reason that it is contrary to General Section (Residential Development) Principles 19, 20(a), 21, 25 and 26, and the Desired Character Statement for the Residential Zone. More specifically, the application does not meet the intent of the Development Plan in relation to:**
 - The excessive length and insufficient setback of the second storey wall to the rear boundary;**
 - The primary road setback being too close to Patawalonga Frontage;**
 - The secondary road setback being too close to Lewis Street; and**
 - The proposal being at variance with the Desired Character Statement in so far as the proposed dwelling is not considered an unobtrusive small scale development.**

Moved M Bouchee, Seconded G Goss

Carried

6. REPORTS BY OFFICERS

6.1 Nil.

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

8. CLOSURE

The meeting closed at 8.45 pm.

CONFIRMED Wednesday, 26 February 2020

PRESIDING MEMBER