

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 24 April 2019 at 7:00pm.

MEMBERS PRESENT

Presiding Member – J Newman

G Goss

D Bailey

A Vine

R Clancy

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli

Development Officers – A Stamatopolous

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

240419/00010

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

Moved by G Goss, Seconded by D Bailey

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 RMTD PTY LTD, 541 Brighton Road, South Brighton (Report No 123/19)

DA NO.	:	110/00516/18
APPLICANT	:	RMTD PTY LTD
LOCATION	:	541 BRIGHTON ROAD, SOUTH BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	DISTRICT CENTRE – BRIGHTON AND HOVE POLICY AREA 16
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CONSTRUCT A THREE STOREY MIXED USE BUILDING COMPRISING FOUR OFFICES AND FOUR APARTMENTS (EACH WITH TWO BEDROOMS), A TWO STOREY DWELLING (WITH THREE BEDROOMS) ABOVE A CARPORT, AND A TWO STOREY RESIDENTIAL FLAT BUILDING COMPRISING TWO DWELLINGS (EACH WITH TWO BEDROOMS)
EXISTING USE	:	DETACHED DWELLING
REFERRALS	:	DPTI
CATEGORY	:	TWO
REPRESENTATIONS	:	FOUR – WITH ONE REQUESTING TO BE HEARD BY THE PANEL
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT WITH CONDITIONS

Speakers: P Buxton, B Saint, A Bradshaw and G Jenkins on behalf of RMTD Pty Ltd

Motion

240419/00011

1. **The proposed development is not seriously at variance with the policies in the Development Plan; and**
2. **Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan the Council Assessment Panel resolves to refuse to grant Development Plan Consent to Development Application 110/00516/18, on the basis that it is contrary to the following Development Plan provisions: General Section Transportation and Access Principle 40, Energy Efficiency 2(b), Design and Appearance Principles 15 and 19, Residential Development Principles 31(i), 44, District Centre Zone Principles 8(a)(b)(c), 9, 14, Brighton and Hove Policy Area 16 Desired Character Statement, Principle 9. Specifically, the proposal incorporates:**
 - **An inadequate amount of off-street car parking.**
 - **Buildings that are designed and sited in a manner that do not take advantage of exposure to winter sun.**
 - **Buildings that are designed and sited creating extensive areas of uninterrupted walling facing areas exposed to public view.**

- Buildings that are designed without appropriate use of colours, vertical and horizontal elements, roof overhangs and other design techniques that would otherwise provide visual interest and reduced massing.
- Buildings that are designed without appropriately articulated surfaces to visible walls to include a traditional pattern of wall areas and window spaces.
- The use of materials and colour finishes which do not blend with or complement those used on the predominant long-standing buildings in the locality.
- Insufficient setbacks to enable meaningful landscaping and setback consistency with existing buildings in the locality.
- Insufficient provision of landscaping to provide a buffer between non-residential developments and adjacent residential areas.
- Insufficient building setback to the western property boundary.
- Private open spaces sited with direct exposure to noise and air quality impacts from traffic within the locality.
- Residential buildings sited close to high noise sources (major road) without protection for sensitive and habitable areas through appropriate noise attenuation measures.

NOTES:

Future submissions for the consideration of the Council Assessment Panel for the site should incorporate details relating to:

- The management of waste, including the location and number of bins envisaged for each tenancy.
- The location of plant and equipment, and specifically air conditioning units for each tenancy.
- The specifications as to the glazing for windows and doors that front Brighton Road, including their noise attenuation properties.
- Technical details, including turning arcs, to show the ability for vehicles to safely manoeuvre into and out of designated on-site car parking spaces (also having regard for physical structures such as carport posts).

Moved D Bailey, Seconded A Vine

Carried

5.2 Jason Green, 219-221 Seacombe Road, Seacliff Park (Report No 124/19)

DA NO.	:	110/00921/18
APPLICANT	:	JASON GREEN
LOCATION	:	219-221 SEACOMBE ROAD, SEACLIFF PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	LAND DIVISION CREATING TWO ADDITIONAL ALLOTMENTS (2 INTO 4)
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	DPTI
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT AND LAND DIVISION CONSENT BE GRANTED

Motion**240419/00012**

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Following a detailed assessment of the proposal against the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Approval to Development Application 110/00921/18 for a Torrens Title land division creating two allotments from one allotment at 219-221 Seacombe Road Seacliff Park subject to the following conditions:

PLANNING CONDITIONS

1. The development shall be undertaken as shown on the plan of division prepared by Alexander Symonds Surveys, unless varied by any subsequent conditions imposed herein.
2. That the applicant shall advise Council in writing of the demolition of all buildings, structures, footings, pipes and other deleterious materials have been removed from the site in order that Section 51 Clearance may be granted.
3. Payment of \$14506 into the Planning and Development Fund (2 allotments @ \$7253/allotment). Payment may be made by credit card via the internet www.edala.sa.gov.au <<http://www.edala.sa.gov.au>> or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide, 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

4. **The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. The alteration of internal drains to the satisfaction of SA Water is required. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.**

5. **A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.**

Moved R Clancy, Seconded G Goss

Carried

5.3 Aspex Building Designers, 219-221 Seacombe Road, Seacliff Park (Report No 125/19)

DA NO.	:	<u>110/00077/19</u>
APPLICANT	:	<u>ASPEX BUILDING DESIGNERS</u>
LOCATION	:	<u>219-221 SEACOMBE ROAD, SEACLIFF 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>CONSTRUCT THREE SINGLE STOREY DETACHED DWELLINGS</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT BE GRANTED</u>

Motion

240419/00013

1. **The proposed development is not seriously at variance with the policies in the Development Plan; and**

2. **Following a detailed assessment of the proposal against the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Plan to Development Application 110/00077/19 for the construction of three single storey detached dwellings at 219-221 Seacombe Road Seacliff Park 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 stormwater shall be collected and connected to a 1000 litre (minimum per dwelling) rainwater tank with a sealed system over flow connection to the street water table. 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.

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. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tube stock. 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.

Moved A Vine, Seconded G Goss

Carried

5.4 Maria Kourtesis and Peter Wadmore, 63 Rossall Road, Somerton Park (Report No 126/19)

DA NO.	:	<u>110/00184/19</u>
APPLICANT	:	<u>MARIA KOURTESIS AND PETER WADMORE</u>
LOCATION	:	<u>63 ROSSALL ROAD, 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>TORRENS TITLE LAND DIVISION CREATING TWO ALLOTMENTS FROM ONE ALLOTMENT</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>DEVELOPMENT APPROVAL</u>

Motion

240419/00014

1. The proposed development is not seriously at variance with the policies in the Development Plan; and

2. **Following a detailed assessment of the proposal against the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Approval to Development Application 110/00184/19 for a Torrens Title land division creating two allotments from one allotment at 63 Rossall Road, Somerton Park subject to the following conditions:**

PLANNING CONDITIONS

1. **The proposal shall be implemented as shown on the plan of division prepared by Fyfe, Reference 66658/1/1 dated 01/03/2019 unless varied by any subsequent conditions imposed herein.**
2. **That the applicant shall advise Council in writing of the demolition of all buildings, structures, footings, pipes and other deleterious materials have been removed from the site in order that Section 51 Clearance may be granted.**
3. **Payment of \$7253 into the Planning and Development Fund (1 allotment @ \$7253/allotment). Payment may be made by credit card via the internet www.edala.sa.gov.au <<http://www.edala.sa.gov.au>> or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide, 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.**
4. **The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. The alteration of internal drains to the satisfaction of SA Water is required. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.**
5. **A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.**

Moved D Bailey, Seconded G Goss

Carried

5.5 Heynen Planning Consultants, 39 Holder Road, Hove (Report No 127/19)

DA NO.	:	110/00134/19
APPLICANT	:	HEYNEN PLANNING CONSULTANTS
LOCATION	:	39 HOLDER ROAD, HOVE
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:	:	RESIDENTIAL CODE – LIMITED ASSESSMENT
PROPOSAL	:	TWO, TWO STOREY DWELLINGS (RESIDENTIAL CODE)
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	ONE
REPRESENTATION	:	NOT APPLICABLE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Motion

240419/00015

1. **The proposed development is not seriously at variance with the policies in the Development Plan; and**
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 110/00134/19 for the construction of a pair of two storey dwellings with integral garages at 39 Holder Road, Hove, 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.**

Moved R Clancy, Seconded G Goss

Carried

6. REPORTS BY OFFICERS

6.1 Nil.

J Newman removed herself from consideration of Item 6.2 at 8:20 pm, having not previously been present to hear the personal representations relating to the Development Application. David Bailey assumed the role of Acting Presiding Member (in his capacity as Deputy Presiding Member).

6.2 Appeal Item – 110/00614/18 34 and 34A Adelphi Terrace Glenelg North (Report No: 129/19)

On the 19 December 2018 the Council Assessment Panel refused Development Plan Consent for application 110/00614/18 for the construction of two semi-detached dwellings, incorporating a three storey dwelling and a two storey dwelling, with the northern dwelling having an undercroft garage and third level.

The development was refused for the following reason:

That it is contrary to Development Plan General Section Design and Appearance Principle 1, Transportation and Access Principle 52(h), Residential Zone Desired Character Statement, Residential Zone Objective 3, Principle 6 and Principle 8. More specifically, the proposal:

- *Does not satisfactorily contribute to the desired character of the zone.*
- *Does not have a comparable height and scale to that of existing dwellings in the locality.*
- *Incorporates undercroft car parking on an otherwise flat site.*
- *Exceeds two-storeys in height and incorporates undercroft car parking that detract from the visual quality and amenity of the locality.*

The applicant has lodged an appeal with the Environment, Resources and Development (ERD) Court against the decision of Council. Two of the neighbours who lodged representations opposing the development during the notification process requested to be joined to the appeal. Both neighbours were successful with their application. So for the applicant to seek a compromise, they must get an acceptance of the amended plans by Council, and by both of the neighbours. If Council accepts the compromise, but not the neighbours, the matter could continue onto a hearing without Council's involvement, and vice versa.

Motion

240419/00017

That the ERD Court be advised that the Council accepts the amended plans as a compromise in the ERD appeal matter 6 of 2019, of D'Andrea Architects v City of Holdfast Bay and recommends the following conditions be included:

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted by D'Andrea Architects numbered A-1 revision E dated 13.03.19, and A-2 revision E dated 13.03.19 unless varied by any subsequent conditions imposed herein.**
- 2. That stormwater shall be collected and connected to a 1000 litres (minimum per dwelling) rainwater tank with a sealed system over flow connection to the street water table. 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.**

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. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tube stock. 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. All upper windows other than on the street (western) elevations must have a minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres must consist of obscure glass and fixed shut.
6. That all 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 G Goss, Seconded R Clancy

Carried

J Newman resumed her role as Presiding Member at 8:36pm.

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

- 7.1 J Newman expressed her gratitude on behalf of the Council Assessment Panel for the outstanding service that Alison Vine has provided during her tenure as an Independent Member.

8. CLOSURE

The meeting closed at 8:42 pm.

CONFIRMED Wednesday, 22 May 2019

PRESIDING MEMBER