

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 October 2018 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
Team Leader Development Assessment – C Watson
Development Officers – A Stamatopolous and D Spasic

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

241018/0041

That the minutes of the Council Assessment Panel held on 26 September 2018 be taken as read and confirmed.

Moved by G Goss, Seconded by D Bailey

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Swanbury Penglase Architects, 8 Colton Avenue, Hove (Report No 345/18)

DA NO.	:	<u>110/00437/18</u>
APPLICANT	:	<u>SWANBURY PENGLASE ARCHITECTS</u>
LOCATION	:	<u>8 COLTON AVENUE, HOVE</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE INSTITUTION POLICY AREA 4</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>THREE, TWO STOREY BUILDINGS, LANDSCAPING AND CAR PARKING ALTERATIONS</u>
EXISTING USE	:	<u>PRIVATE SCHOOL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>ELEVEN</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

Speakers: T Looker, J Botten, K Michael and B Wilson

Motion

241018/0042

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 110/00437/18, subject to the following conditions:**
 1. **That the design and siting of all buildings and structures, site works and storm water management shall be as shown on the plans and information as listed below unless varied by any subsequent conditions imposed herein:**
 - Existing site plan – SK229-B
 - Site demolition plan – SK230-C
 - Proposed site plan – SK231-E
 - Ground floor plan – SK232-E
 - First floor plan – SK233-B
 - Roof plan – SK234-C
 - Elevations – SK235-E
 - Elevations – SK 236-E
 - Elevations – Sk237
 - Materials – SK238
 - Street and oval elevations – SK239-C
 - 3D views – SK241B
 - Landscape – SK255C and D
 - Storm water management plan – 118744-C002-Rev F
 - Meinhardt storm water design report dated 13 June 2018.

2. That staff parking be allocated and sign marked in the two Colton Avenue car parks and any surplus spaces be allocated for parent parking.
3. That the King George Avenue car park be allocated and sign marked for Early Learning Centre parents with surplus spaces allocated for drop-off/pick-up parking and visitor parking.
4. That the new car park and alterations to the King George Avenue car park be designed to the requirements of AS/NZS 2890.1-2004 and AS/NZS 2890.6-2009.
5. That the entrance to the King George Avenue car park be clearly identified by appropriate signage to the reasonable satisfaction of Council.
6. That the Tree Protection Plan for trees 3 and 4 as attached shall be complied with.
7. That refuse collection be restricted to school hours but occur outside of peak student drop off/pick up times.
8. 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.
9. 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.
10. That a construction management plan be submitted to and approved by Council prior to construction.
11. 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.
12. 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.
13. 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.

14. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
15. That no solid or liquid trade wastes be discharged to the stormwater system.
16. That the proposal include provision for 36 secure, on-site parking spaces for bicycles, designed to the reasonable satisfaction of Council and installed prior to the occupation of the buildings.

Moved D Bailey, Seconded G Goss

Carried

5.2 Rossdale Homes Care of Heynen Planning Consultants, 1 Warwick Court, North Brighton (Report No 346/18)

DA NO.	:	<u>110/00637/18</u>
APPLICANT	:	<u>ROSSDALE HOMES CARE OF HEYDEN PLANNING CONSULTANTS</u>
LOCATION	:	<u>1 WARWICK COURT, NORTH 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>TWO, TWO STOREY DWELLINGS (RESIDENTIAL CODE)</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>THREE</u>
RECOMMENDATION		<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Withdrawn

G Goss and A Vine left the Meeting at 8:07pm having not heard previous representations involving Item 5.3 made by other parties.

5.3 Urban 3, 25A, and 25C Esplanade, Somerton Park and 25B Wilkinson Avenue, Somerton Park (Report No 348/18)

DA NO.	:	<u>110/00680/18</u>
APPLICANT	:	<u>URBAN 3</u>
LOCATION	:	<u>25A, AND 25C ESPLANADE, SOMERTON PARK AND 25B WILKINSON AVENUE, SOMERTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE CENTRAL WEST POLICY AREA 3</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>VARIATION TO DA 110/00428/18 (THE CONSTRUCTION OF A PAIR OF THREE STOREY RESIDENTIAL FLAT BUILDINGS WITH THE EASTERN-MOST CONTAINING TWO DWELLINGS AND THE WESTERN-MOST CONTAINING THREE DWELLINGS WITH ROOF TOP TERRACES AND ONE ACCOMMODATING AN UNDERCROFT GARAGE COMPRISING REMOVAL OF CONDITION 5, AMENDMENT TO CONDITION 4 TO INCORPORATE THE SCREENING OF RELEVANT BALCONIES AND ROOF TOP DECKS AND AMENDMENTS TO CONDITION 3 WHEREBY FIXED UPPER LEVEL WINDOWS (INCLUDING ROOF TOP DECK) ARE SCREENED WITH OBSCURE FILM UP TO 1.7 METRES ABOVE THE ASSOCIATED FINISHED FLOOR LEVEL IN LIEU OF MANUFACTURED OBSCURE GLAZING AND AWNING WINDOWS WITH OPENINGS RESTRICTED TO 70MM AND POSITIONED LESS THAN 1700MM ABOVE THE ASSOCIATED FINISHED FLOOR LEVEL IN LIEU OF FIXED MANUFACTURED OBSCURED GLAZING TO ALL UPPER LEVEL WINDOWS EXCEPT FOR THE WESTERN ELEVATIONS OF DWELLINGS 1, 2 AND 3) BY REPLACING OBSCURE GLAZING TO SIDE SCREEN ROOF TOP BALCONIES OF APARTMENTS 1 AND 3 WITH CLEAR/OBSCURE GLASS TO 1.2 METRES AND REPLACING OBSCURE GLASS TO BALCONY AND DINING ROOM WINDOW ON SOUTH ELEVATION WITH CLEAR GLASS</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>N/A THIS FORM OF VARIATION DOES NOT ENABLE A CATEGORY FOR PUBLIC NOTIFICATION PURPOSES TO BE ASSIGNED</u>
RECOMMENDATION		<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Motion**241018/0044**

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 110/00680/18 by deleting the requirement for 1.7 metre high obscure glass to side balustrades for roof top decks for apartments 1 and 3 and to the dining window and balcony on the southern elevation of apartment 5 subject to the following condition:**
 1. **That obscure balustrades to the southern side of the roof top deck associated with apartment 3 be as shown on the drawing U3-211 WD-12 dated 19/09/18.**
 2. **Final design details of the screening elements shall be submitted to Council for approval prior to their installation.**
 3. **All approved works shall be completed prior to the occupation of the dwellings.**

Moved D Bailey, Seconded J Newman

Carried**6. REPORTS BY OFFICERS****6.1 Nil.****6.2 Appeal – 25A, 25B and 25C Esplanade, Somerton Park and 25A and 25B Wilkinson Avenue, Somerton Park. (Report No: 349/18)**

On 27 June 2018, the Council Assessment Panel issued Development Plan Consent for DA 110/00428/18 for the variation of 110/01039/15 at 25A, 25B and 25C Esplanade, Somerton Park and 25A and 25B Wilkinson Avenue, Somerton Park.

The applicant has lodged an appeal with the Environment, Resources and Development Court on the grounds of seeking to amend Condition 1, as it does not provide allowance for the use of obscure film to be applied to upper level windows that require screening for visual privacy.

Additional information and a sample was submitted to the Panel for its further consideration on 25 July 2018. At that meeting the Panel resolved that there is not sufficient reason to reconsider its decision with respect to Development Application 110/00428/18.

A second compromise proposal has now been submitted for the Panel's consideration prior to a Hearing on 12 November 2018. Additional information in this compromise relates to the west facing balconies of apartment 4.

Screening of those balconies will include a 1.7 metre glass balustrade with obscure film to 1 metre above floor and clear glass above that. On the inside of the balustrade fixed and angled aluminium louvres with 30mm spacing will be attached to the top of a 900mm high handrail. As previously film in lieu of manufactured glass is still proposed to the west facing windows of apartments 4 and 5.

Motion

241018/0045

- 1. Following a detailed assessment of the compromise plans against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to inform the proponent and the Environment, Resources and Development Court that there are insufficient reasons to reconsider its decision and it therefore does not support the proposal.**

Moved D Bailey, Seconded R Clancy

Carried

G Goss and A Vine returned to the Meeting at 8:52pm

6.3 Appeal – 39 Holder Road, Hove (Report No: 350/18)

On the 27 June 2018, the Council Assessment Panel refused Development Plan Consent for DA 110/00136/18 for the construction of a pair of two storey detached dwellings with integral garages on a hammerhead configuration.

The applicant has lodged an appeal with the Environment, Resources and Development Court, and as part of this process, has sought to submit a set of amended plans aimed at addressing the reasons for refusal.

The reasons for refusal are as follows:

The proposal does not satisfactorily adhere to the following provisions in the Development Plan: General Section Residential Development Principles 2, 19, 21, 22, 24, 27, 28 and Residential Zone Principles 7 and 9. More specifically, the proposal:

- *Does not achieve minimum allotment and site area requirements;*
- *Presents a two-storey built form where single-storey is prescribed;*
- *Does not achieve the minimum setback distance to the front boundary, with respect to both the dwelling façade and garaging;*
- *Does not achieve the minimum setback distance to a side boundary;*
- *Presents an excessive length of wall to a side boundary; and*
- *Exceeds the maximum site coverage requirement.*

Motion

241018/0046

- 1. Following a detailed assessment of the compromise plans against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to inform the proponent and the Environment, Resources and Development Court that there are insufficient reasons to reconsider its decision and it therefore does not support the proposal.**

Moved R Clancy, Seconded A Vine

Carried

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

8. CLOSURE

The meeting closed at 9:08pm.

CONFIRMED Wednesday, 28 November 2018

PRESIDING MEMBER