

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 25 September 2019 at 7:00pm.

MEMBERS PRESENT

Presiding Member – D Bailey
G Goss
R Clancy
J Gronthos

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Development Officers – D Spasic
Team Leader Development Administration – Annie Elliott

1. OPENING

D Bailey welcomed the people in the gallery.

2. APOLOGIES

Apologies Received – J Newmann
Absent – Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. CONFIRMATION OF MINUTES

Motion

250919/00034

That the minutes of the Council Assessment Panel held on 28 August 2019 be taken as read and confirmed.

Moved by J Gronthos, Seconded by R Clancy

Carried

5. COUNCIL ASSESSMENT MATTERS

5.1 Fyfe Pty Ltd, 41-43 Marlborough Street, Brighton (Report No 433/19)

DA NO.	:	110/00480/19
APPLICANT	:	FYFE PTY LTD
LOCATION	:	41-43 MARLBOROUGH STREET, BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TORRENS TITLE LAND DIVISION CREATING FOUR ALLOTMENTS FROM THREE ALLOTMENTS
EXISTING USE	:	FOUR DWELLINGS
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION		DEVELOPMENT APPROVAL SUBJECT TO CONDITIONS

Motion

250919/00035

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 Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Approval to Development Application 110/00480/19 for a Torrens title land division creating four allotments from three allotments subject to the following conditions:

PLANNING CONDITIONS

1. The proposal shall be implemented as shown on the plan of division prepared by FYFE Pty Ltd, Reference 27179/1/1, Drawing No. 27179-1-1-SV-DA1-ROQA, Revision 0 Dated 11/06/2019 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. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees. On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

4. Payment of \$7253 into the Planning and Development Fund (1 allotment(s) @ \$7253/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
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 State Commission Assessment Panel for Land Division Certificate purposes.

Moved J Gronthos, Seconded G Goss

Carried

5.2 Lares Homes Pty Ltd, 41-43 Marlborough Street, Brighton (Report No 434/19)

DA NO.	:	110/00487/19
APPLICANT	:	LARES HOMES PTY LTD
LOCATION	:	41-43 MARLBOROUGH STREET, BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CONSTRUCTION OF FOUR TWO STOREY DETACHED DWELLINGS WITH INTEGRAL GARAGES AND VERANDAHS, ONE OF WHICH IS LOCATED ON A HAMMERHEAD SITE, DECKS AND RETAINING WALLS WITH ASSOCIATED FENCING AT 41 AND 43 MARLBOROUGH STREET, BRIGHTON
EXISTING USE	:	DETACHED DWELLINGS
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS RECEIVED :		THREE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: N Styles, John Roughan, J Franklin, Eric Pagnozzi and Matt King

Motion

250919/00036

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 refuse Development Plan Consent to Development Application 110/00487/19 comprising the construction of four two storey detached dwellings with integral garages and verandahs, one of which is located on a hammerhead site, decks and retaining walls with associated fencing at 41 and 43 Marlborough Street, Brighton, on the

basis that the proposal does not adhere to the following Development Plan provisions: General Section Residential Development Principles 2, 10, 12, 20, 21, 22(a), 23 and 24(a), General Section Design and Appearance Principle 2 and Residential Zone Desired Character Statement. More specifically, the proposal displays the following non-compliances:

- Dwelling 1 is visually imposing and overbearing, contrary to seeking unobtrusive small scale development
- Excessively high walls on boundaries pertaining to Dwelling 1
- The upper level walls pertaining to Dwelling 1 are too high and too close to boundaries
- Insufficient sunlight access to the rear yard of the dwelling to the south

Moved R Clancy, Seconded D Bailey

Carried

5.3 E and A Cohen Pty Ltd, 54 Cedar Avenue, Brighton (Report No 435/19)

DA NO.	:	110/00529/19
APPLICANT	:	E AND A COHEN PTY LTD
LOCATION	:	54 CEDAR AVENUE, BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE MEDIUM DENSITY POLICY AREA 5
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A TWO STOREY RESIDENTIAL FLAT BUILDING COMPRISING SIX DWELLINGS
EXISTING USE	:	DETACHED DWELLING
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS RECEIVED :		FOUR
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: S Blom, G Heynen and A and E Cohen Pty Ltd

Motion

250919/00037

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 110/00529/19 comprising the demolition of existing dwelling and construction of a two storey residential flat building comprising six dwellings at 54 Cedar Avenue, Brighton

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. Nigel Hallett and Associates, Drawing No.598519-C1 Issue 0, July 19;
 - b. Studio Nine Architects, Drawing No.901-359-PA01;
 - c. Studio Nine Architects, Drawing No.901-359-PA02;
 - d. Studio Nine Architects, Drawing No.901-359-PA05;
 - e. Studio Nine Architects, Drawing No.901-359-SK-AREAS--F;
 - f. Studio Nine Architects, Drawing No.901-359-PA06;
 - g. Studio Nine Architects, Drawing No.901-359-PA07A; and
 - h. Studio Nine Architects, Drawing No.901-359-PA04C.

2. 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.

3. That landscaping shall be established as per the plan prepared by Studio Nine Architects Drawing No. 901-359-PA06 and comprise 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.
4. That all upstairs windows on the northern, southern and western elevations shall be designed in such a way that prevents a view into adjacent properties.
5. 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.
6. 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.

7. 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.
8. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
9. That no solid or liquid trade wastes be discharged to the stormwater system.
10. 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.

11. Air conditioning to be installed where rainwater tank currently is shown on plan.
12. Landscaping plan showing semi mature planting to a height complementary to the building scale to be submitted to Council prior to the issuing of Development approval.
13. That the eastern elevation of Dwelling 1 be designed to show greater articulation to the satisfaction of Council prior to the issuing of Development approval.

Moved J Gronthos, 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 9.01 pm.

CONFIRMED Wednesday, 23 October 2019

PRESIDING MEMBER