

**Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 9 December 2020 at 7:00 pm.**

**MEMBERS PRESENT**

Presiding Member – D Bailey  
J Gronthos  
Y Svensson  
S Reachill  
M Bouchee

**STAFF IN ATTENDANCE**

Manager Development Services – A Marroncelli  
Team Leader Development Assessment – C Watson  
Development Officer Planning– A Stamatopolous  
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**

**091220/00029**

**That the minutes of the Council Assessment Panel held on 28 October 2020 be taken as read and confirmed.**

Moved by J Gronthos, Seconded by Y Svensson

**Carried**

## 5. COUNCIL ASSESSMENT MATTERS

### 5.1 Philip Tasker, 595 Anzac Highway, Glenelg North (Report No 381/20)

DA NO. :	110/00694/20
APPLICANT :	PHILIP TASKER
LOCATION :	595 ANZAC HIGHWAY, GLENELG NORTH
DEVELOPMENT PLAN :	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA:	MIXED USE
NATURE OF DEVELOPMENT:	MERIT
PROPOSAL :	CHANGE IN USE OF LAND FROM INDOOR PLAY CENTRE TO ADULT SHOP
EXISTING USE :	INDOOR PLAY CENTRE
REFERRALS :	NIL
CATEGORY :	TWO
REPRESENTATIONS :	SEVEN VALID REPRESENTATIONS AND TWO INVALID REPRESENTATIONS
RECOMMENDATION :	DEVELOPMENT PLAN CONSENT WITH CONDITIONS

Speakers: G Sheridan, Dr A McCurdie and Philip Tasker

#### Motion

091220/00030

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 110/00694/20, 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 the use of the building be in accordance with submitted supporting information including emails from P Tasker dated 14/09/2020, 29/09/2020 and response to representations unless varied by subsequent conditions.
3. That the shop not be used for a restaurant or café without the further consent of Council.

**NOTE:**

**Any additional signage to that existing or signage that will increase the size or location of existing signs or to illuminate existing non-illuminated signs may require further development approval. It is recommended that signage details be submitted to Council for further consideration.**

Moved S Reachill, Seconded J Gronthos

**Carried**

**5.2 Brighton Catholic Parish, 19 Old Beach Road, Brighton (Report No 382/20)**

DA NO.	:	<u>110/00540/20</u>
APPLICANT	:	<u>BRIGHTON CATHOLIC PARISH</u>
LOCATION	:	<u>19 OLD BEACH ROAD, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL MEDIUM DENSITY POLICY AREA 5</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>SHED AND PORTICO FOR USE AS A MEN’S SHED</u>
EXISTING USE	:	<u>PLACE OF WORSHIP, CLASSROOMS, MULTIPURPOSE HALL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>CATEGORY 3</u>
REPRESENTATIONS	:	<u>THREE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

Speakers: David Webber, Kirsty Webber and Joshua Skinner

**Motion**

**091220/00031**

- 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 110/00540/20, 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 and operate in accordance with details provided by correspondence dated 22 September 2020 from Brighton Catholic Parish unless varied by any subsequent conditions imposed herein.**
- 2. That adequate provision be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.**

3. That each car parking space shall conform to the applicable Australian Standard. Such car parking spaces shall be line marked with continuous white lines along the whole of each side of each car parking space prior to the use of the development herein approved and such line marking shall be maintained in good and substantial conditions at all times to the reasonable satisfaction of the Council.

Moved M Bouchee, Seconded J Gronthos

**Carried**

**5.3 Murray Roberts, 4 Bindarra Road, Brighton (Report No 383/20)**

DA NO.	:	<u>110/00555/20</u>
APPLICANT	:	<u>MURRAY ROBERTS</u>
LOCATION	:	<u>4 BINDARRA ROAD, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>OUTBUILDING COMPRISING DEPENDENT ACCOMMODATION AND GARAGE</u>
EXISTING USE	:	<u>DETACHED DWELLING</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

Speakers: Paul Caldicott, Jodi Nash and Jason Newberry

**Motion**

**091220/00032**

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 110/00555/20, 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 amended plans dated 12/11/2020 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That the structure herein approved be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.

3. 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.
4. That the area between the building and the western boundary be planted with trees that on maturity reasonably screen the building to the reasonable satisfaction of Council.
5. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of 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.

Moved J Gronthos, Seconded S Reachill

**Carried**

## 6. REPORTS BY OFFICERS

6.1 Nil

6.2 **Appeal Item – 42 Mary Street, Glenelg North 110/00405/20  
(Report No: 384/20)**

**091220/00033**

*On the 26 August 2020, the Council Assessment Panel issued a refusal for DA 110/00405/20 for the demolition of existing dwelling and construction of new two-storey detached dwelling with wall located on southern boundary, pergola located forward of dwelling, masonry wall located on northern side boundary, basement and swimming pool. A refusal was issued as the proposed development was not consistent with relevant principles of the Holdfast Bay Development Plan. The reasons for refusal are shown below:*

*Development Application 110/00405/20 be refused Development Plan Consent for the reason that it is contrary to Council Wide Principle 14(b), 19 and Residential Character Zone Objectives 1. More specifically, the application does not meet the intent of the Development Plan in that:*

- *The design and scale of the development does not respect or enhance the policies of the Character Area;*
- *The development does not enhance or complement the existing streetscape in terms of bulk, scale and façade details;*
- *The development is not reflective or consistent with the front setbacks of the adjacent sites;*
- *The development lacks the positive and prevailing architectural design and detailing of the localised character;*
- *The development does not exhibit typical residential design forms that are complimentary to the predominant established character of the Policy Area;*
- *The development does not incorporate pitched roof forms together with the prevailing verandah and portico elements established in the Policy Area;*

- *The associated carport facing the street dominates the streetscape and is not designed to be located at least 0.5 meters behind the main face of the associated dwelling; and*
- *The main face of the building is not setback from the primary frontage to represent the average setback of adjacent buildings.*

*Since the refusal was issued 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 dwelling primary focusing on its façade. Amended plans were received and are attached to this report.*

**Motion**

**091220/00034**

**That the Council Assessment Panel advise the ERD Court that Council supports Development Application 110/00405/20 as amended subject to the conditions listed below:**

**PLANNING CONDITIONS**

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the amended plans stamped 9/11/2020 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
- 2. That upstairs windows on the southern and northern elevations shall have minimum window sill heights of 1.7 metres above finished floor level, or otherwise treated to obscure views to adjoining properties to the satisfaction of Council.**
- 3. That stormwater from the 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 storm water 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:**

**Storm water 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.**

- 4. That the applicant provides on-site detention and retention sufficient to limit peak flow as a result of the development in a 100 year event (1% AEP) to not more than the 5 year (20% AEP) predevelopment flow rate and the volume of flow not exceed predevelopment volume**

5. **That the associated filter pump associated with the swimming pool be enclosed in such a way that noise levels do not exceed 45db(a) between 10pm and 7am and 52db(a) between 7am and 10pm measured at adjoining property boundaries.**

Moved J Gronthos, Seconded Y Svensson

**Carried**

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

8. **CLOSURE**

The meeting closed at 9:00 pm.

**CONFIRMED      Wednesday, 27 January 2021**

**PRESIDING MEMBER**