Minutes of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 25 February 2015 at 7:00pm.

MEMBERS PRESENT

Presiding Member – G Goss J Newman N Sim I Winter

R Clancy

A Bradshaw

M Bouchee

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli Development Officer – D Spasic

1. OPENING

G Goss 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. PRESIDING MEMBER'S REPORT

Nil

5. CONFIRMATION OF MINUTES

<u>Motion</u> 250215/0007

That the minutes of the Development Assessment Panel held on 28 January 2015 be taken as read and confirmed.

Moved by M Bouchee, Seconded by J Newman

6. DEVELOPMENT ASSESSMENT MATTERS

M Bouchee vacated her seat at 7:02 pm having declared a conflict of interest as a representor for Development Application 110/00921/14 in Agenda Item 6.1, and through her previous involvement with matters concerning the premises.

6.1 Broadway 61 Pty Ltd, 61 Broadway, Glenelg South (Report No 41/15)

DA NO. : 110/00921/14

APPLICANT: BROADWAY 61 PTY LTD

LOCATION : 61 BROADWAY, GLENELG SOUTH

DEVELOPMENT PLAN : CONSOLIDATED 27 NOVEMBER 2014

ZONE AND POLICY AREA : LOCAL CENTRE ZONE

NATURE OF DEVELOPMENT: MERIT

PROPOSAL : ALTERATIONS AND ADDITIONS TO INTERNAL

AND EXTERNAL OF EXISTING HOTEL (LOCAL

HERITAGE BUILDING) COMPRISING;

DEMOLITION OF PORTION OF LEAN-TO ON THE SOUTH WESTERN ELEVATION, DEMOLITION OF STORAGE SHED, ALTERATION TO SMOKERS

COURT, INTERNAL ALTERATIONS AND

CONSTRUCTION OF COVERED (RETRACTABLE ROOF AND FIXED ROOF) OUTDOOR AREA ATTACHED TO WESTERN ELEVATION OF BUILDING SPANNING FROM THE BROADWAY STREET BOUNDARY TO REAR COURTYARD ENTRY ADJACENT TO NORTHERN CAR PARK, CONSTRUCTION OF ENTRY CANOPY ON THE NORTH WESTERN ELEVATION ADJACENT TO THE NORTHERN CARPARK AND CONSTRUCTION OF MASONRY WALL UP TO 3.5 METRES HIGH ALONG THE WESTERN SIDE BOUNDARY TO

MATCH EXISTING INCLUDING THE

CONSTRUCTION OF A COVERED OUTDOOR

AREA TO THE WEST OF THE HOTEL
RENOVATIONS TO EXISTING HOTEL CONSTRUCTION OF OUTDOOR ALFRESCO

FACILITY

EXISTING USE : HOTEL

REFERRALS : COUNCIL'S HERITAGE ARCHITECT

CATEGORY : TWO
REPRESENTATIONS : 9

RECOMMENDATION DEVELOPMENT PLAN CONSENT SUBJECT TO

CONDITIONS

Speakers: M Harvey, M Bouchee and M Falconer

Motion 250215/0008

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is not seriously at variance with the Development Plan and resolves to grant Development Plan Consent to Development Applications 110/00921/14 subject to the following 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 sound attenuation measures are established as part of the development including, but not limited to:
 - A solid acoustic barrier around the full extent of the outdoor area and in between masonry walls. The barrier is at least 3.5 metres above the outdoor area floor level;
 - Installation of acoustic absorption around the perimeter of the outdoor area up to a height of 2.4 metres;
 - Acoustic treated entry gates that remain closed after 10pm;
 - Restrict the level of music in the outdoor area to background music only (defined as no greater than 65 dB(A)) when measured at any location where a patron may be seated or standing, and all speakers to be no higher than 2.4 metres to the top of the speakers.
- 3. Outdoor lighting shall have a position, light spill and intensity that does not cause nuisance to adjacent residential properties.
- 4. There shall not be any nightclub, DJs, live music or the like without Development Approval.
- 5. Advertising displays shall be subject to separate Development Approval.
- 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.
- 7. 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.
- 8. That a maximum of 60 persons be accommodated at any one time on the proposed external deck area.

 That the hours of operation for the approved external deck area shall be Monday to Thursday 8:00 am to 11:00 pm, Friday to Sunday 8:00 am to 12:00 midnight, with all televisions, external speakers and lights to be switched off outside these times.

Moved J Newman, Seconded R Clancy

Carried

M Bouchee resumed her seat at 7:48 pm.

6.2 Tracy M Taylor and Ian D M Collie, 68 Harrow Road, Somerton Park (Report No 42/15)

DA NO. : 110/00756/14

APPLICANT : TRACY M TAYLOR AND IAN D M COLLIE

LOCATION : 68 HARROW ROAD, SOMERTON PARK

DEVELOPMENT PLAN : CONSOLIDATED 13 FEBRUARY 2014

ZONE AND POLICY AREA : RESIDENTIAL ZONE

NATURE OF DEVELOPMENT: MERIT

PROPOSAL : DEMOLITION OF AN EXISTING DWELLING AND

ASSOCIATED OUTBUILDINGS AND THE CONSTRUCTION OF A PAIR OF TWO STOREY DWELLINGS WITH ASSOCIATED GARAGES IN A

HAMMERHEAD CONFIGURATION

EXISTING USE : RESIDENTIAL

REFERRALS : NOT APPLICABLE

CATEGORY : ONE

REPRESENTATIONS : NOT APPLICABLE

RECOMMENDATION DEVELOPMENT PLAN CONSENT SUBJECT TO

CONDITIONS

Motion 250214/0009

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is not seriously at variance with the Development Plan and resolves to grant Development Plan Consent to Development Applications 110/00756/14 subject to the following conditions:

Reserved Matters

- 1. That pursuant to section 33(3) of the *Development Act 1993*, the applicant shall submit detailed plans for the following reserved matter requiring further assessment by the Manager Development Services prior to Development Approval of the application:
 - (a) Revised floor plans and elevations showing the garage located behind the main face of the dwelling, whilst maintaining an appropriate front property set back.
 - (b) Revised site plan showing a reduced crossover width of no greater than 3.5 metres enabling a tapered driveway with provision for greater landscaping at the driveway's edge.
 - (c) Detailed landscaping plans showing the species and location of vegetation, including the additional landscaping allowed for by Part (b) above.

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 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.

<u>NOTE</u>: 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. Any change in levels along external site boundaries of 200mm or more shall be retained to suitable engineering standards and any fencing shall be erected on top of such retaining walls. Construction of all retaining walls shall be undertaken and completed prior to the commencement of construction of the dwelling(s) herein approved.

- 4. That all upstairs windows (except for the southern front elevation of the forward-most dwelling) shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall comprise obscure glass and fixed shut, or as otherwise approved by Council. Where the finished floor level at the ground level results in unreasonable overlooking into adjacent properties, appropriate screening methods such as fencing and retaining walls shall be established, or as otherwise approved by Council. Further details of this requirement shall be provided at Building Rules Assessment stage.
- 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. Note: Should guidance be required with respect to making a selection of suitable indigenous native vegetation, please refer to http://www.holdfast.sa.gov.au/site/page.cfm?u=867 located on City of Holdfast Bay website.
- 6. Driveways must be located a minimum distance of 1 metre from any street tree.
- 7. That all domestic mechanical plant and equipment including refrigerated air conditioners, but excluding evaporative air conditioners, shall be mounted on the ground and fitted with an approved acoustic enclosure incorporating correctly designed ventilation, to minimize environmental harm, which includes nuisance from noise, to occupants on adjacent premises.
- 8. 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.

- 9. 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.
- 10. 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.
- 11. 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.
- 12. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
- 13. That no solid or liquid trade wastes be discharged to the stormwater system.

Moved R Clancy, Seconded A Bradshaw

6.3 Regent Homes, 71 Harrow Road, Somerton Park (Report No 43/15)

DA NO. : 110/00905/14

APPLICANT : REGENT HOMES

LOCATION : <u>71 HARROW ROAD, SOMERTON PARK</u>

DEVELOPMENT PLAN : CONSOLIDATED 13 FEBRUARY 2014

ZONE AND POLICY AREA : RESIDENTIAL ZONE

NATURE OF DEVELOPMENT: MERIT

PROPOSAL : TWO STOREY DETACHED DWELLING WITH

INTEGRAL GARAGE LOCATED ON THE NORTHERN BOUNDARY AND ALFRESCO AT

REAR

EXISTING USE : RESIDENTIAL – VACANT HAMMERHEAD

ALLOTMENT

REFERRALS : NOT APPLICABLE

CATEGORY : ONE

REPRESENTATIONS : NOT APPLICABLE

RECOMMENDATION DEVELOPMENT PLAN CONSENT SUBJECT TO

CONDITIONS

Motion 250215/0010

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is not seriously at variance with the Development Plan and resolves to grant Development Plan Consent to Development Applications 110/00905/14 subject to the following 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 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. Any change in levels along external site boundaries of 200mm or more shall be retained to suitable engineering standards and any fencing shall be erected on top of such retaining walls. Construction of all retaining walls shall be undertaken and completed prior to the commencement of construction of the dwelling(s) herein approved.
- 4. That all upstairs windows shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall comprise obscure glass and fixed shut, or as otherwise approved by Council. Further details of this requirement shall be provided at Building Rules Assessment stage.
- 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. Note: Should guidance be required with respect to making a selection of suitable indigenous native vegetation, please refer to http://www.holdfast.sa.gov.au/site/page.cfm?u=867 located on City of Holdfast Bay website.
- 6. Driveways must be located a minimum distance of 1 metre from any street tree.
- 7. That all domestic mechanical plant and equipment including refrigerated air conditioners, but excluding evaporative air conditioners, shall be mounted on the ground and fitted with an approved acoustic enclosure incorporating correctly designed ventilation, to minimize environmental harm, which includes nuisance from noise, to occupants on adjacent premises.
- 8. 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.

- 9. 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.
- 10. 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.
- 11. 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.
- 12. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
- 13. That no solid or liquid trade wastes be discharged to the stormwater system.

Moved N Sim, Seconded R Clancy

6.4 J and S Design Services, 576 Brighton Road, South Brighton (Report No 44/15)

DA NO. : 110/00949/14

APPLICANT : J AND S DESIGN SERVICES

LOCATION : 576 BRIGHTON ROAD, SOUTH BRIGHTON

DEVELOPMENT PLAN : CONSOLIDATED 27 NOVEMBER 2014

ZONE AND POLICY AREA : RESIDENTIAL ZONE MEDIUM DENSITY POLICY

AREA 5

NATURE OF DEVELOPMENT: MERIT

PROPOSAL : VARIATION TO DA 110/00019/13

(CONSTRUCTION OF A TWO STOREY

RESIDENTIAL FLAT BUILDING COMPRISING TWO DWELLINGS AND INTEGRATED GARAGES AT THE REAR OF THE SUBJECT SITE, A CARPORT TO REAR OF EXISTING FORWARD-MOST SINGLE STOREY DETACHED DWELLING AND A 1.8 METRE HIGH MASONRY FENCE LOCATED ALONG THE EASTERN PRIMARY BOUNDARY AND THE SOUTHERN SIDE OF THE ACCESS DRIVEWAY WITH ASSOCIATED LANDSCAPING) COMPRISING RELOCATION OF CARPORT TO FORWARD OF DWELLING AND ATTACHED TO

WESTERN FACADE

EXISTING USE : RESIDENTIAL

REFERRALS : DEPARTMENT FOR PLANNING, TRANSPORT AND

INFRASTRUCTURE – SATISFACTORY

CATEGORY : <u>TWO</u> REPRESENTATIONS : NIL

RECOMMENDATION DEVELOPMENT PLAN CONSENT SUBJECT TO

CONDITIONS

<u>Motion</u> 250215/0011

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel resolves to refuse Development Plan Consent to Development Application 110/00949/14 on the basis that it is contrary to Development Plan Council Wide Principle 29(a) and (d), and Residential Zone Principle 2. More specifically, the proposal:

- is located forward of the associated dwelling, encroaching on the front property set back area;
- displays a finished floor level that accentuates its inappropriate siting forward of the dwelling; and

 incorporates a flat roof design that is not in keeping with the design of the roof pertaining to the associated dwelling, drawing further attention to the structure and its location forward of the dwelling.

Moved I Winter, Seconded J Newman

Carried

7. REPORTS BY OFFICERS

- 7.1 Nil.
- 7.2 Deferred Item 195-235 Brighton Road, Somerton Park 110/00699/14 (Report No: 45/15)

Development application 110/00699/14 was presented to the 28 January 2015 Development Assessment Panel meeting to which the Panel resolved to defer the item pending further information in the form of a more detailed report from Tree Environs with respect to tree 1724 (Sugar Gum) as well as a Replacement Trees Plan showing the location and corresponding species of new plantings.

The applicant has since provided additional information, which includes deleting tree 1724 (Sugar Gum) from the application and including the planting of a Moreton Bay Fig tree along Scarborough Street.

Motion 250215/0012

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of referrals advice and representations, that the Development Assessment Panel grants Development Approval to Development Application 110/00699/14 as it is not considered to be seriously at variance with the relevant provisions of the Development Plan, subject to the following conditions:

- That the trees shall be removed in accordance with the information submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
- 2. The removal of two regulated trees shall be subject to the planting of at least four replacement trees in accordance with the Replacement Trees Plan submitted to Council on 17 December 2014 and 5 February 2015. The trees shall be planted during the next planting season and shall be maintained in good condition at all times and replaced if necessary.

3. That removal 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.

Moved I Winter, Seconded J Newman

Carried

G Goss, J Newman, M Bouchee, and A Bradshaw vacated their seats at 8:22 pm in accordance with Section 41 of the City of Holdfast Bay Development Assessment Panel Terms of Reference, having not previously heard the representations delivered in relation to Item 7.3.

<u>Motion</u> 250215/0013

That I Winter serves as Acting Presiding Member for Item 7.3.

Moved R Clancy, Seconded N Sim

Carried

7.3 Appeal Item – 3/7 Sturt Street, Glenelg North – 110/00394/14 (Report No: 46/15)

Development Application 110/00394/14, variation to Development Application 110/00955/13 (verandah to rear of existing dwelling adjacent to northern and southern boundaries with wall enclosure to 3.1 metres) by removal of openings in northern wall, fixing custom orb cladding to the northern wall and other alterations (retrospective application) was refused consent by the Panel on the 24 September 2014. Reasons for refusal was that it was contrary to Council Wide Principles 91(a) and 97 and did not meet the intent of the Development Plan in relation to:

- The excessive height of the structure along the adjoining property boundary.
- The detrimental visual impact of the structure when viewed from the adjoining property.

An appeal has been lodged with the Environment, Resources and Development Court and a Hearing is set for 3 March 2015.

Additional information has been submitted from Wallmans lawyers (Council lawyer) and lawyers together with a second planning report on behalf of the applicant for the further consideration of the Panel.

Motion 250215/0014

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan and additional information the Development Assessment Panel recommends that the Environment, Resources and Development Court refuse Development Plan Consent, to Development Application 110/00394/14.

Moved R Clancy, Seconded N Sim

Carried

G Goss, J Newman, M Bouchee, and A Bradshaw returned to their seats at 8:26 pm

G Goss, M Bouchee, and A Bradshaw vacated their seats at 8:27 pm in accordance with Section 41 of the City of Holdfast Bay Development Assessment Panel Terms of Reference, having not previously heard the representations delivered in relation to Item 7.4.

Motion 250215/0015

That J Newman serves as Acting Presiding Member for Item 7.4.

Moved R Clancy, Seconded N Sim

Carried

7.4 Appeal Item – 322-324 Brighton Road, North Brighton - 110/00646/14 (Report No: 47/15)

On 22 October 2014, the Development Assessment Panel refused development application 110/00646/14 comprising a community title land division creating eight lots from two allotments.

<u>Motion</u> 250215/0016

That following a detailed assessment against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is not seriously at variance with the Development Plan and resolves to advise the Environment Resources Development Court that Development Approval be granted to Development Application 110/00646/14 subject to the following conditions:

- That the site areas and dimensions shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
- 2. That future buildings be no greater than single storey over lots 5, 6, 7 and 8 and no greater than two-storey over lots 1, 2, 3 and 4.
- 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.

- 4. Payment of \$38,928 into the Planning and Development Fund (1 allotment @ \$6488/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 (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide, 5001 or in person, Level 5, 136 North Terrace, Adelaide.
- 5. 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.
- 6. 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 I Winter, Seconded N Sim

Carried

G Goss, M Bouchee, and A Bradshaw resumed their seats at 8:42 pm.

Motion 250215/0017

That G Goss resume his role as Presiding Member.

Moved R Clancy, Seconded I Winter

- 8. URGENT BUSINESS SUBJECT TO THE LEAVE OF THE MEETING Nil
- 9. CLOSURE

The meeting closed at 8:45 pm.

CONFIRMED Wednesday, 25 March 2015

PRESIDING MEMBER