

CITY OF HOLDFAST BAY

Minutes of the Meeting of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton, on Thursday, 26 April 2012 at 7:00 pm.

1. OPENING

G Goss welcomed the people in the gallery.

PRESENT

Presiding Member
Panel Members

G Goss
J Newman
N Sim
I Winter
R Clancy
J Huckstepp
P Dixon
A Marroncelli
C Watson

Manager Development Services
Team Leader Development Assessment

2. APOLOGIES

2.1 Apologies received

2.2 Absent

3. DECLARATION OF INTEREST

Members are reminded to declare their interest before each item.

4. PRESIDING MEMBER'S REPORT Nil

5. CONFIRMATION OF MINUTES

DAP260412/0142 I Winter moved and J Huckstepp seconded that the minutes of the meeting of the Development Assessment Panel held on Wednesday, 28 March 2012 be taken as read and confirmed.

CARRIED

6. DEVELOPMENT ASSESSMENT MATTERS

6.1 City Assets, City of Holdfast Bay - 76 Wattle Avenue, Hove (Wattle Reserve) (Report No: 96/12)

DA NO.	:	110/00972/11
APPLICANT	:	CITY ASSETS, CITY OF HOLDFAST BAY
LOCATION	:	76 WATTLE AVENUE, HOVE (WATTLE RESERVE)
DEVELOPMENT PLAN	:	CONSOLIDATED 11 DECEMBER 2008
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	SHADE SAIL STRUCTURE OVER EXISTING PLAYGROUND AT WATTLE RESERVE
EXISTING USE	:	PUBLIC RESERVE/PLAYGROUND
REFERRALS	:	NIL
CATEGORY	:	THREE
REPRESENTATIONS	:	THREE
RECOMMENDATION	:	CONSENT WITH CONDITIONS

Speakers: A Noble, D Littlefield, P Smith and P Psaltis

DAP260412/0143 J Newman moved and N Sim seconded that 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 Application 110/00972/11, 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 amended plans dated 16 January 2012 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
- 2. That the external appearance and external materials and finishes of the shade sail structure shall comprise natural tones that complement the associated reserve and coastal environment.**
- 3. 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.**
- 4. 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.**

CARRIED

**6.2 J and S Beavis - 12 Scarborough Street, Somerton Park
(Report No: 97/12)**

DA NO.	:	110/00101/12
APPLICANT	:	J AND S BEAVIS
LOCATION	:	12 SCARBOROUGH STREET, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 11 DECEMBER 2008
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	SEMI-ENCLOSED CARPORT ADDITION (46 SQUARE METRES IN AREA) TO EXISTING GARAGE AND SITED ON THE SOUTHERN SIDE BOUNDARY AND ADJACENT TO THE REAR LANE WAY
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: W Young (on behalf of N Stacey) and J Beavis

DAP260412/0144 J Huckstepp moved and J Newman seconded that after considering the provisions of the Holdfast Bay (City) Development Plan, the application 110/00101/12 be refused Development Plan Consent as it is seriously at variance with the relevant provisions of the Development Plan. Specifically, the development is contrary to Council Wide Principles 91 (91.1), 91(a), 93(e), and 99 of the Holdfast Bay (City) Development Plan. More specifically, the application does not meet the intent of the Development Plan in relation to:

- **Height;**
- **Site coverage;**
- **Impact on the amenity of neighbouring properties; and**
- **Visual appearance as viewed from neighbouring properties.**

CARRIED

**6.3 D M Evans - 20 Weewanda Street, Glenelg South
(Report No: 98/12)**

DA NO.	:	110/00067/12
APPLICANT	:	D M EVANS
LOCATION	:	20 WEEWANDA STREET, GLENELG SOUTH
DEVELOPMENT PLAN	:	CONSOLIDATED 11 DECEMBER 2008
ZONE AND POLICY AREA	:	RESIDENTIAL
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	INTERNAL ALTERATIONS, UPPER FLOOR LEVEL ADDITION, VERANDAH ATTACHED TO REAR OF DWELLING SCREENED ON BOTH SIDES WITH 3.2M HIGH STONE WALL ON WESTERN AND EASTERN BOUNDARIES, A SWIMMING POOL AT REAR AND 3M HIGH STONE FEATURE WALL DIRECTLY SOUTH OF PROPOSED POOL
EXISTING USE	:	SINGLE STOREY DETACHED DWELLING
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	CONSENT WITH CONDITIONS

Speakers: A Jameson and N Miller

DAP260412/0145 It was the consensus of the Development Assessment Panel that 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 Application 110/0067/12, 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 amended plans dated 4 April 2012 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. 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.
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 upstairs windows on the side and rear elevations shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be manufactured 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 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. All storm water shall be directed to Weewanda Street as shown on the storm water plan. 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.**
- 6. 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.**
- 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 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 minimise environmental harm, which includes nuisance from noise, to occupants on adjacent premises.**

11. 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.
12. That the filter pump associated with the swimming pool be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.

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.

CARRIED

**6.4 Murray Roberts and Associates - 6 Devon Street, South Brighton
(Report No: 99/12)**

DA NO.	:	110/00132/12
APPLICANT	:	MURRAY ROBERTS AND ASSOCIATES
LOCATION	:	6 DEVON STREET, SOUTH BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 11 DECEMBER 2008
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	A PAIR OF SINGLE STOREY SEMI-DETACHED DWELLINGS EACH WITH INTEGRAL SINGLE GARAGES
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	CITY ASSETS - INFRASTRUCTURE
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	REFUSAL

DAP260412/0146 It was the consensus of the Development Assessment Panel that after considering the provisions of the Development Plan the application 110/00132/12 be refused Development Plan Consent as it is seriously at variance with the relevant provisions of the Development Plan. Specifically, the application is contrary to Council Wide Objective 18, Principles 1 and 99, and Residential Zone Objective 1(j), 2 and Principle of Development Control 2 of the Holdfast Bay (City) Development Plan. More specifically, the application does not meet the intent of the Development Plan in relation to:

- Allotment frontage widths being undersized; and
- Excessive site coverage.

CARRIED

**6.5 Name Suppressed 106860- 11 Maxwell Terrace, Glenelg East
(Report No: 106/12)**

DA NO.	:	110/00168/12
APPLICANT	:	NAME SUPPRESSED 106860
LOCATION	:	11 MAXWELL TERRACE, GLENELG EAST
DEVELOPMENT PLAN	:	CONSOLIDATED 11 DECEMBER 2008
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE – POLICY AREA 7
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	GARAGE (72M ² IN AREA) SITED ON THE WESTERN SIDE AND SOUTHERN REAR BOUNDARIES FOR THE PURPOSE OF VEHICLE PARKING
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: D Schmidt and Applicant

DAP260412/0147 J Newman moved and I Winter seconded that after considering the provisions of the Holdfast Bay (City) Development Plan, the application 110/00168/12 be refused Development Plan Consent as it is seriously at variance with the relevant provisions of the Development Plan. Specifically, the development is contrary to Council Wide Principles 91, 94, 97 and 99 of the Holdfast Bay (City) Development Plan. More specifically, the application does not meet the intent of the Development Plan in relation to:

- Height;
- Site coverage;
- Floor area;
- Impact on the amenity of neighbouring properties; and
- Visual appearance as viewed from neighbouring properties.

CARRIED

7. REPORTS BY OFFICERS

7.1 Panel Information Report Nil

7.2 Extension of time – 53 Kauri Parade, Seacliff (Report No: 100/12)

Development application 110/00747/09 was granted Development Approval on 24 March 2010 by Council's Development Assessment Panel for a Torrens Title land division (creating two allotments from one). An extension of time was granted under delegation for a further 12 months expiring on 21 March 2012. It is considered there is merit for a further extension of 12 months.

DAP260412/0148 It was the consensus of the Development Assessment Panel ythat pursuant to Section 40(3) of the Development Act 1993, the Development Assessment Panel agrees to extend the operative dates for Development Approval granted to DA 110/00747/09 for a further 12 months expiring on 21 March 2013.

CARRIED

7.3 Appeal – 5 Hillview Crescent, South Brighton (Report No: 101/12)

The applicant has lodged an appeal with the Environment Resources and Development Court following the Panel's refusal of Development Application 110/01098/10 for two, two storey dwellings and associated garages. Amended plans have been submitted for the consideration of the Panel. It is considered that the amended plans exhibit sufficient merit for support.

DAP260412/0149 I Winter moved and N Sim seconded that that the Development Assessment Panel advises the Environment, Resources and Development Court and the applicant, that the Panel does not support the amended proposed changes for Development Application 110/01098/10.

LOST

DAP260412/0150 J Huckstepp moved and P Dixon seconded that the Development Assessment Panel advises the Environment, Resources and Development Court and the applicant, that the Panel supports the amended proposed changes for Development Application 110/01098/10, 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 amended plans dated 15 March 2012 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. 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.
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 all upstairs windows to the side and rear elevations of both dwellings shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be manufactured 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 a schedule of materials and colours be submitted to Council for its approval prior to Development Approval being issued.
6. That any front fencing shall either be a low front fence, or if higher than 1.2 metres, a grille type fence be provided along the front property boundary other than for driveway.
7. 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.
8. 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.
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.

14. 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.
15. 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.
16. That the provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.
17. 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.

NOTES:

1. 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.
2. 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

CARRIED

7.4 Appeal – 37 Melton Street, Somerton Park (Report No: 108/12)

At its meeting held on 23 November 2011 the Development Assessment Panel refused an application for the demolition of an existing dwelling and construction of two, two storey semi detached dwellings including carports under main roof and single garages located on the eastern and western boundaries respectively at 37 Melton Street, Somerton Park. The applicant has subsequently lodged an appeal with the Environment, Resources and Development Court against the decision.

The appellant submitted amended plans for the consideration of the Panel at its meeting on the 25 January 2012. The panel did not accept the compromise and advised the Court accordingly.

A resuming conference was again held on the 6 February 2012 and the matter was referred to a directions hearing. At this hearing the appellant advised that they would be amending the proposal further for Council's consideration.

The appellant now submits the amended proposal for the consideration of the Development Assessment Panel with the details of the changes being outlined in the Assessment part of this report.

DAP260412/0151 It was the consensus of the Development Assessment Panel that the Development Assessment Panel advises the Environment, Resources and Development Court and the applicant, that the Panel does not support the amended proposed changes for Development Application 110/00774/11.

CARRIED

8. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING

9. CLOSURE The meeting closed at 8:35 pm

CONFIRMED 23 May 2012

PRESIDING MEMBER