

**Minutes of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 14 December 2016 at 7:00 pm.**

**MEMBERS PRESENT**

Presiding Member – J Newman  
G Goss  
R Clancy  
B Patton  
L Yates

**STAFF IN ATTENDANCE**

Manager Development Services – A Marroncelli  
Team Leader Development Assessment – C Watson  
Development Officers – A Stamatopoulos, D Grieve and E Kenchington

**1. OPENING**

J Newman welcomed the people in the gallery.

**2. APOLOGIES**

Apologies Received – D Bailey  
Absent – Nil

**3. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**4. CONFIRMATION OF MINUTES**

**Motion**

**141216/0050**

**That the minutes of the Development Assessment Panel held on 26 October 2016 be taken as read and confirmed.**

Moved by G Goss, Seconded by L Yates

**Carried**

## 5. DEVELOPMENT ASSESSMENT MATTERS

### 5.1 City of Holdfast Bay, Brighton to Hove Foreshore (Report No 319/16)

DA NO.	:	<u>110/00928/16</u>
APPLICANT	:	<u>CITY OF HOLDFAST BAY</u>
LOCATION	:	<u>BRIGHTON TO HOVE FORESHORE</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>INSTALLATION OF A GROYPNE FIELDS CONSISTING OF 9 GROYNES (1 EXISTING) COMPRISED OF GEOTEXTILE BAGS FILLED WITH SAND EXTENDING FROM BRIGHTON BEACH (APPROXIMATELY 45 METRES NORTH OF DUNLUCE AVENUE) NORTHWARDS TO NORTH BRIGHTON BEACH (APPROXIMATELY 35 METRES NORTH OF GLADSTONE ROAD)</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>FOUR</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

#### Motion

**141216/0051**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the proposed development is relatively consistent with the Development Plan and resolves to grant Development Plan Consent to Development Application 110/00928/16 subject to the following conditions:

1. That the structure shall be maintained, kept tidy, and in good repair and condition to the reasonable satisfaction of Council at all times.
2. That the design and siting of the groyne fields be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
3. 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.

4. **The geotextile groynes are required to be maintained to a good standard as per the drawings submitted with the application, to assist with both visual amenity and effectiveness. Deflated or displaced bags are to be replaced as soon as practically possible and individual groynes rebuilt as necessary if damaged or completely removed if Council deems they are not effective.**

Moved L Yates, Seconded R Clancy

**Carried**

**5.2 Philip and Kate Meakins, 10 Rowe Street, South Brighton (Report No 320/16)**

DA NO.	:	110/00440/16
APPLICANT	:	PHILIP AND KATE MEAKINS
LOCATION	:	10 ROWE STREET, SOUTH BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT	:	MERIT
PROPOSAL	:	VARIATION TO DA 110/00846/13 (TWO STOREY DETACHED DWELLING (SPLIT LEVEL) INCLUDING INTEGRAL GARAGE SITED ON THE EASTERN SIDE BOUNDARY AND UPPER LEVEL BALCONY AT THE REAR) COMPRISING THE REDUCTION IN HEIGHT OF REAR BALCONY SCREEN TO ONE METRE ABOVE THE FINISHED BALCONY FLOOR LEVEL
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	TWO
REPRESENTATIONS	:	TWO
RECOMMENDATION	:	REFUSAL

Speakers: P Jones, B Johnston and T Dunning

**Motion**

**141216/0052**

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 seriously at variance with the Development Plan and resolves to **refuse Development Application 110/00440/16** seeking a variation to development application 110/00846/13 (two storey detached dwelling (split level) including integral garage sited on the eastern side boundary and upper level balcony at the rear) by way of reducing the height of rear balcony screen to 1 metre above the finished balcony floor level. The side elevations will contain fixed louvres up to 1.7 metres above the finished balcony floor level at 10 Rowe Street, South Brighton for the following reasons:

1. **General Section, Residential Development, Visual Privacy, Principle of Development Control 40, which states:**

**Except for buildings of 3 or more storeys in the Minda Incorporated Brighton Campus, upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill**

heights of not less than 1.7 metres or permanent screens having a height of 1.7 metres above finished floor level.

2. **General Section, Residential Development, Visual Privacy, Principle of Development Control 41(c), which states:**

Where development is greater than single storey (excluding the Minda Incorporated Brighton Campus): any upper storey balcony should be located and/or designed to avoid directly overlooking the private open space of adjoining residential properties and into habitable rooms (all rooms excluding bathrooms, laundries and hallways) of other dwellings.

Moved B Patton, Seconded L Yates

**Carried**

**5.3 Williams Burton Leopardi Architects, 10 Turner Street, Somerton Park (Report No 321/16)**

DA NO.	:	<u>110/00652/16</u>
APPLICANT	:	<u>WILLIAMS BURTON LEOPARDI ARCHITECTS</u>
LOCATION	:	<u>10 TURNER STREET, SOMERTON PARK</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>SINGLE STOREY DWELLING ALTERATIONS AND ADDITION TO REAR OF EXISTING TWO STOREY DETACHED DWELLING WITH WALL (3.1M X 6M LENGTH) LOCATED ON THE NORTHERN REAR BOUNDARY AND A REAR VERANDAH</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Speakers: B Dwyer and W Burton

**Motion**

**141216/0053**

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 110/00652/16 construction of single storey dwelling alterations and addition to rear of existing two storey detached dwelling with wall (3.1m x 6m length) located on the northern rear boundary and a rear verandah 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 prepared by Williams Burton Leopardi Architects, Reference No. 2428, Drawing No. 2428\_S01 & 2428, S02 dated 04.08.2016,

**Drawing No. 2428 \_S03 dated 14.09.2016 and Drawing No. 2428\_M01 & 2428\_S01 dated 28.07.2016 submitted to and approved by Council 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. 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 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.**
- 5. 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.**
- 6. 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.**
- 7. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.**
- 8. That no solid or liquid trade wastes be discharged to the stormwater system.**

Moved G Goss, Seconded R Clancy

**Carried**

**5.4 Woolworths, 437-441 Brighton Road, Brighton and 7 Keelara Street, Brighton (Report No 322/16)**

DA NO.	:	110/00744/16
APPLICANT	:	WOOLWORTHS
LOCATION	:	437-441 BRIGHTON ROAD, BRIGHTON AND 7 KEELARA STREET, BRIGHTON
DEVELOPMENT PLAN	:	2 JUNE 2016
ZONE AND POLICY AREA	:	DISTRICT CENTRE, BRIGHTON & HOVE POLICY AREA 16
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TWO STOREY DEVELOPMENT COMPRISING SUPERMARKET ON FIRST FLOOR WITH ASSOCIATED CARPARK AND LOADING AREA ON GROUND FLOOR
EXISTING USE	:	SUPERMARKET
REFERRALS	:	DPTI
CATEGORY	:	TWO
REPRESENTATIONS	:	FOUR
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT – SUBJECT TO CONDITIONS

Speakers: R Backhouse, A Price-McGregor, D Plaisted, V Broadbent and G Vincent

**Motion**

**141216/0054**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of referrals advice and representations, the application is considered to be reasonably consistent with the relevant provisions of the Development Plan and that the Development Assessment Panel grant Development Plan Consent, to Development Application 110/00744/16, 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 as listed below and approved by Council unless varied by any subsequent conditions imposed herein:

Site and Ground Floor Plan Dwg No 2809011 Rev DA 03  
 First Floor Plan Dwg No 2809012 Rev DA 03  
 Ground Floor Plan Dwg No 2809013 Rev DA 03  
 Store Layout Plans Dwg No 2809027 Rev DA 02  
 Elevations Dwg No 2809014 Rev DA 03  
 Detail Elevations Dwg No 2809014 Rev DA 03  
 Signage Package Drawings (6 of) dated 1 November 2016

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 the finished level of the crossovers at the property boundaries shall be a minimum of 75mm above the top of kerb in accordance with AS2890.1, and the maximum gradient of the driveway shall not be greater than 5% across the footpath, with the invert profile conforming to AS2876. Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath. The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.**
- 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.**
- 6. 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.**
- 7. That details of air conditioning plant, appropriate acoustic screening and advice from an acoustic engineer regarding compliance with relevant EPA policies be submitted to Council prior to Development Approval.**
- 8. That all waste collection be restricted to 9am-7pm Sunday and Public Holidays and 7am-7pm on other days.**
- 9. That all required acoustic fences and screens be constructed in accordance with the Sonus report dated October 2016.**
- 10. 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.**
- 11. 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.**

12. 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.
13. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
14. That no solid or liquid trade wastes be discharged to the stormwater system.
15. That the applicant implement the Transport Delivery Management Plan as detailed in response to representations by Master Plan dated 8 November 2016.
16. That design and construction cost associated with any required alterations to local roads in the vicinity be at the applicant's expense.
17. That shower facilities for staff shall be provided within the building, with the location and details to be provided prior to the issue of Development Approval to meet the reasonable satisfaction of Council.
18. That a non-slip ramp access is provided to the Church site to the immediate south of the subject land for safe and convenient access between the Church and the Woolworths site. The details of the ramp shall be provided prior to the issue of Development Approval to meet the reasonable satisfaction of Council.
19. That a landscape plan is provided prior to the issue of Development Approval, to meet the reasonable satisfaction of Council, showing the location and species of plantings within the site, including any opportunities for the application of 'green walls' to exposed vertical surfaces.
20. That all deliveries to the site by vehicles exceeding 14 metres in length be restricted to the hours of 7:00 am to 10:00 pm Monday to Saturday, and 9:00 am to 7:00 pm on Sundays and Public Holidays.

#### **DPTI Conditions**

21. The site shall be accessed via a single access point to/from Brighton Road, with the balance of access being via Keelara Street, The Brighton Road access shall provide left-in and left-out movements of passenger vehicles only.
22. All vehicles shall enter and exit the site in a forward direction
23. Appropriate signage and line marking shall be utilised to reinforce the desired flow of traffic to, from and through the site.
24. The largest vehicle permitted on site shall be a 15.2 metre long articulated vehicle. This vehicle shall enter and exit the site via Keelara Street only.



25. All service vehicle movements associated with the development shall be undertaken outside of peak traffic hours on the adjacent roads and peak times of site operation.
26. All car parking and internal manoeuvring areas shall be in accordance with AS/NZS 2890.1:2004 and 2890.6:2009.
27. All commercial vehicle facilities shall be designed in accordance with AS 2890.2–2002.
28. All materials and finishes shall not be permitted to result in glare or other effects that will result in the discomfort or impairment of road users.
29. Signage on this site that is viewable from the adjacent or nearby roads shall not utilise any element of LED/LCD display (the use of LED lighting for the internal illumination of a sign box is permissible).
30. Signage on this site shall not contain any element that flashes, scrolls, moves or changes.
31. Illuminated signage on this site shall be limited to a low level of illumination (5200cd/m<sup>2</sup>) so as to minimise distraction to motorists.
32. Non-illuminated signage on this site shall be finished in a material of low reflectivity to minimise the risk of sun/headlamp glare that may dazzle or distract motorists.
33. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not occur on or adjacent to the subject land.
34. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the adjoining arterial road. Any alterations to road drainage infrastructure required to accommodate the development shall be at the expense of the applicant.
35. The Metropolitan Adelaide Road Widening Plan provides for a 4.5m x 4.5m corner cut-off as well a 6.0 metres consent area beyond this requirement at the Brighton Road/Keelara Street corner. Consequently, in order to ensure that any future changes to the Brighton Road/Keelara Street junction will enable delivery vehicles to safely access the site, either:
  - (a) All development shall be located outside of the 10.5m x 10.5m corner cut-off area in order to preserve sufficient area to enable any future changes to the Brighton Road/Keelara Street corner; or
  - (b) An alternate solution to manage any future changes to this junction is provided to and agreed to by the Commissioner of Highways (or his delegate) and Council (where necessary) prior to the issue of Building Rules Consent.

**NOTES:**

- 1. The subject site is partially affected by a possible requirement shown on the metropolitan Road Widening Plan for a 4.5 x 4.5 metres cut-off at the Brighton Road/Keelara Street corner. The consent of the Commissioner of Highways is required to all building works on or within 6 metres of the possible requirement.**
- 2. Any cooling towers or warm water system will require registration with Council's Environmental Health.**
- 3. The Woolworths and Parking sign encroaching over Keelara Street will require an encroachment permit pursuant to the Local Government Act.**
- 4. That Woolworths management engage with the residents of Keelara Street in a meaningful attempt to reach mutual agreement on measures to abate excessive noise emanating from the development site. The measures for discussion shall include, but not be limited to, physical treatment of doors and windows of existing residential properties fronting Keelara Street, and refinement of management practices to curb the source of noise, whether caused by vehicles or plant and machinery on the site. Any cost associated with the negotiations and application of agreed solutions shall be met by Woolworths.**

Moved R Clancy, Seconded L Yates

**Carried**

**5.5 Rosedale Homes, 72 Folkestone Road, South Brighton (Report No 323/16)**

DA NO.	:	110/00713/16
APPLICANT	:	ROSSDALE HOMES
LOCATION	:	72 FOLKESTONE ROAD, SOUTH BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TWO STOREY INROOF DETACHED DWELLING WITH INTEGRAL GARAGE ADJOINING WESTERN SIDE BOUNDARY AND ASSOCIATED RETAINING WALLS AND BOUNDARY FENCES
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

**Motion****141216/0055**

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 reasonably consistent with the Development Plan and resolves to **grant Development Plan Consent**, to Development Applications 110/00713/16 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 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 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.
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.

Moved B Patton, Seconded L Yates

**Carried**

**6. REPORTS BY OFFICERS**

**6.1 Nil.**

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

**7.1 R Clancy wished all in attendance a Merry Christmas and a Happy New Year, thanking everyone for their contribution to the DAP in 2016.**

**8. CLOSURE**

The meeting closed at 8:53 pm.

**CONFIRMED Wednesday, 25 January 2017**

**PRESIDING MEMBER**