

**Minutes of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 22 July 2015 at 7:00pm.**

**MEMBERS PRESENT**

Acting Presiding Member – G Goss  
D Bailey  
R Clancy  
A Bradshaw  
M Bouchee

**STAFF IN ATTENDANCE**

Manager Development Services – A Marroncelli  
Development Officers – E Kenchington, D Spasic and C Little

**1. OPENING**

G Goss welcomed the people in the gallery.

**2. APOLOGIES**

Apologies Received – J Newman  
P Dinning  
Absent – Nil

**3. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**4. CONFIRMATION OF MINUTES**

**Motion**

**220715/0050**

**That the minutes of the Development Assessment Panel held on 24 June 2015 be taken as read and confirmed.**

Moved by A Bradshaw, Seconded by M Bouchee

**Carried**

## 5. DEVELOPMENT ASSESSMENT MATTERS

### 5.1 Hames Sharley on Behalf Of Sacred Heart College and Trustees Of The Marist Brothers, 184-210 Brighton Road, Somerton Park – Brighton Road Oval (Report No 216/15)

DA NO.	:	<u>110/00457/14</u>
APPLICANT	:	<u>HAMES SHARLEY ON BEHALF OF SACRED HEART COLLEGE AND TRUSTEES OF THE MARIST BROTHERS</u>
LOCATION	:	<u>184-210 BRIGHTON ROAD, SOMERTON PARK – BRIGHTON ROAD OVAL</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL (INSTITUTION) ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>VARIATION TO DA 110/00770/10 (INSTALLATION OF TWELVE (12) LIGHT TOWERS AND FLOOD LIGHTING TO SACRED HEART SPORTING OVAL (BRIGHTON ROAD OVAL) COMPRISING THREE (3) X 25 METRE HIGH LIGHTS TO THE SOCCER/HOCKEY FIELD, THREE (3) X 25 METRE HIGH LIGHTS TO THE RUGBY FIELD AND FIVE (5) X 12 METRE HIGH LIGHTS AND ONE (1) 9 METRE HIGH LIGHT TO THE NETBALL COURTS ADJACENT CHOPIN ROAD - HOURS OF OPERATION TO BE APRIL TO SEPTEMBER: TUESDAY, WEDNESDAY AND THURSDAY 6PM - 9PM) BY EXTENDING THE OPERATIVE TIMES TO INCLUDE FRIDAYS 6:00PM TO 9:00PM</u>
EXISTING USE	:	<u>SPORTING GROUNDS ASSOCIATED WITH THE USE OF SECONDARY SCHOOL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>CONSENT SUBJECT TO CONDITIONS</u>

Speakers: J Brooks and P McCabe

#### **Motion**

**220715/0051**

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 grants Development Plan Consent, to Development Application 110/00457/14, subject to the following conditions:

1. That, subject to not adversely impacting any Regulated/Significant tree, the carpark in the south western corner of the oval be appropriately sealed prior to 31 December 2015.

2. **That conditions number 1 to 9 of 110/00770/10, as listed below, remain valid and must be complied with where relevant:**
  1. **The design and siting of the light poles and fittings shall be as detailed in the revised Planning report prepared by Jeff Smith of Planning Chambers dated 21/12/2011; specifically enclosures 1 (Site Plan), 2 Light Tower Plans, 3 (Lighting intensity summary) 4 (Arborist Report prepared by Gordon Sykes) and 5 (Light tower footing indication and associated wind speed rating), unless varied by subsequent conditions herein.**
  2. **The light poles must be light grey in colour.**
  3. **Construction shall take place only between 7:00 am and 7:00 pm Monday to Saturday and shall not take place on Sundays or public holidays. All construction work shall be undertaken in a manner such that nuisance or annoyance to the occupiers of buildings within the locality is avoided to the satisfaction of the Council.**
  4. **A Certificate of Compliance with Australian Standards 2560.2.3 and 4284, from a relevantly qualified and experienced engineer, must be provided to the Council prior to the operation of the lights.**
  5. **The light poles and lights must be maintained, kept tidy and free of graffiti and in good repair and condition to the reasonable satisfaction of the Council at all times.**
  6. **No advertisements or signs are to be displayed on the light poles and lights.**
  7. **The lights must be turned off by 9:00 pm each night of the week in accordance with Development Application.**
  8. **That a Traffic Management Plan is submitted to Council for assessment prior to the issuing of Development Approval, addressing the strategies and procedures relating to:**
    1. **Traffic management and the maintenance of vehicle access to private properties within the locality; and**
    2. **The management of users of the site to minimise the impact upon properties within the locality.**

9. **That in the event that trees on the site are affected by the installation of the light poles, such trees shall be fenced with a 1.8 metre high minimum steel mesh fence to be erected as close as possible to the Tree Protection Zone (TPZ) with the fence being signed 'Tree Protection Zone – No Entry' and for the inside of the TPZ to be covered in coarse clean 100mm deep to be spread manually by hand. This is to be erected and complied with prior to the excavation of the holes to accommodate the light poles and removed only after the development has been completed.**

**Notice**

1. ***The development as described does not penetrate the Adelaide Airport Obstacle Limitation Surface (OLS) airspace protected for aircraft operations. Any further proposed addition to the structure, including aerials, masts and vent/exhaust stacks, must be subject to a separate assessment.***
2. ***Crane operations associated with construction shall be the subject of separate application. Adelaide Airport Limited requires 28 days prior notice of any crane operations during construction. Crane assessment may also have to be conducted by the Civil Aviation Safety Authority (CASA).***
3. ***Restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths.***

Moved M Bouchee, Seconded D Bailey

**Carried**

**7:42pm M Bouchee left the meeting having declared an interest in Item 5.2.**

**5.2 Studio Nine, 83-89 Brighton Road, Glenelg South (Report No 217/15)**

DA NO.	:	110/00091/15
APPLICANT	:	STUDIO NINE
LOCATION	:	83-89 BRIGHTON ROAD, GLENELG SOUTH
DEVELOPMENT PLAN	:	CONSOLIDATED 18 DECEMBER 2014
ZONE AND POLICY AREA	:	COMMERCIAL
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	SHIPPING CONTAINER WITH LIGHT WEIGHT SCREEN WALLS ADJACENT DRIVE THROUGH BOTTLE SHOP
EXISTING USE	:	HOTEL
REFERRALS	:	NIL
CATEGORY	:	THREE
REPRESENTATIONS	:	ONE SIGNED BY TWO PEOPLE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: S Grosset, N Harris and J Turner

**Motion**

**220715/0052**

**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 reasonably consistent with the Development Plan and resolves to grant Development Plan Consent, to Development Application 110/00091/15, 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 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 shipping container shall only be accessed between the hours of 7am and 10pm.**
- 4. That no empty bottles be stored within the shipping container.**
- 5. That the entire floor of the shipping container is lined with a rubber compound containing suitable acoustic properties prior to its use as a storage facility. The details of the rubber compound shall be provided to Council for further assessment and approval prior to the issue of Development Approval.**

Moved D Bailey, Seconded R Clancy

**Carried**

**8:23pm M Bouchee returned to the meeting.****5.3 Qattro Residential Pty Ltd, 615-621 Brighton Road, Seacliff (Report No 218/15)**

DA NO.:	110/00121/15
APPLICANT:	QATTRO RESIDENTIAL PTY LTD
LOCATION:	615-621 BRIGHTON ROAD, SEACLIFF
DEVELOPMENT PLAN:	CONSOLIDATED 18 DECEMBER 2014
ZONE AND POLICY AREA:	RESIDENTIAL ZONE MEDIUM DENSITY POLICY AREA 5
NATURE OF DEVELOPMENT:	MERIT
PROPOSAL:	NINE TWO STOREY ROW DWELLINGS AND ASSOCIATED DOUBLE GARAGES AND 2.1M WALL TO BRIGHTON ROAD AND WHEATLAND STREET
EXISTING USE:	VACANT LAND
REFERRALS:	NOT APPLICABLE
CATEGORY:	CATEGORY 2
REPRESENTATIONS:	S MCADAM AND R MCADAM P G CAPPS V A DE YOUNG
RECOMMENDATION:	DEVELOPMENT PLAN CONSENT WITH CONDITIONS

Speakers: V De Young and D Grieve

**Motion****220715/0053**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of representations, the application is considered to be with the relevant provisions of the Development Plan and that the Development Assessment Panel grants Development Plan Consent, to Development Application 110/00121/15, 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 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 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.

5. 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.
6. That the finished level of the crossover at the property boundary 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.

7. 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.

8. 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.

9. 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.
10. 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.
11. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
12. That no solid or liquid trade wastes be discharged to the stormwater system.
13. Each of the recommendations forming part of the Site Contamination Audit Report 615 Brighton Road including but not limited to:
  1. *In order to mitigate the potential migration (and associated risk) of hydrocarbon vapours into future residential dwellings on the site, either of the following must be in place prior to on-site dwellings being occupied:*
    - a) *A ventilated (passive) crawl space must be constructed (on behalf of the proponent) between the unsealed ground surface and the dwelling floor; or*
    - b) *A vapour mitigation barrier / system must be installed between the ground surface and future dwelling(s) for slab on ground construction. The vapour barrier must be designed by a suitably qualified and experienced professional and accepted by a Site Contamination Auditor appointed under the Environment Protection Act 1993 prior to installation, and this acceptance advised by the Auditor in writing to SA EPA and the Planning Authority; or*
    - c) *The Auditor accepted vapour mitigation barrier / system (Condition 1b) must be installed by a suitably qualified professional on behalf of the proponent of the future development and the installation confirmed in writing by the Auditor to SA EPA and the Planning Authority at completion, prior to further development at the site;*
  2. *That no basements be constructed in buildings on the site; and*
  3. *Any fill imported to the site (e.g. for the purpose of meeting design level) must be aesthetically acceptable for a sensitive use and meet audit criteria set out in Table 2-2.*



- 4. *There should be no abstraction of groundwater from beneath the site for any beneficial uses, including potable and irrigation uses, unless the groundwater has been tested and shown to be suitable for the proposed uses. Reference should be made to Department of Health publications on guidance for using bore water and drinking water.***
- 14. A detailed colours and materials schedule including details of dark colouring for each of the proposed garages shall be submitted prior to Development Approval, to the reasonable satisfaction of Council.**
- 15. Details of double glazing of the eastern elevation of each dwelling shall form part of the building rules consent documentation provided to council. The double glazing shall be of a sufficient specification to minimise the impact of noise on residents within the approved dwellings. To the reasonable satisfaction of Council.**
- 16. That all upstairs windows located on the western and northern elevations of the approved 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.**
- 17. A copy of the Site Contamination Audit Report 615 Brighton Road (M042) EPA Ref: 05/12464, 60008, Seacliff South Australia dated 10 May 2013 shall be provided to any potential purchaser of any dwelling approved herein.**
- 18. 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.**
- 19. 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.

20. That a dilapidation survey including written, photographic and/or video filming of the interior and exterior of the adjoining buildings be prepared by a qualified structural engineer and a copy provided to Council prior to the issuing of Development Approval. A copy of the survey shall be made available to the owners of affected properties.

Moved D Bailey, Seconded R Clancy

**Carried**

9:07 pm M Bouchee left the meeting

9:10 pm M Bouchee returned to the meeting

**5.4 House and Land SA, 13 Albert Street, Glenelg East (Report No 219/15)**

DA NO.	:	110/00191/15
APPLICANT	:	HOUSE AND LAND SA
LOCATION	:	13 ALBERT STREET, GLENELG EAST
DEVELOPMENT PLAN	:	CONSOLIDATED 18 DECEMBER 2014
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CONSTRUCTION OF A PAIR OF DWELLINGS COMPRISING A TWO STOREY DWELLING AT THE FRONT OF SITE WITH INTEGRAL GARAGE SITED ON THE WESTERN SIDE BOUNDARY AND SINGLE STOREY DWELLING AT THE REAR OF THE SITE WITH INTEGRAL GARAGE
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	CITY ASSETS
CATEGORY	:	TWO
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

**Motion**

**220715/0054**

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 110/00191/15 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 11 June 2015 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 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. Driveways must be located a minimum distance of 1 metre from any street tree.
6. 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.

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

Moved D Bailey, Seconded R Clancy

**Carried**

**5.5 D'Andrea & Associates, Unit 3, 4,116A Esplanade, Brighton (Report No 220/15)**

DA NO.	:	110/00356/15
APPLICANT	:	D'ANDREA & ASSOCIATES
LOCATION	:	UNIT 3 & 4, 116A ESPLANADE, BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 18 DECEMBER 2014
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE CENTRAL WEST POLICY AREA 3
NATURE OF DEVELOPMENT: PROPOSAL	:	MERIT ALTERATIONS TO FAÇADE OF EXISTING TWO STOREY BUILDING COMPRISING DEMOLITION OF EXISTING BALCONY AND CONSTRUCTION OF NEW BALCONY SETBACK 5.5 METRES FROM THE WESTERN PRIMARY BOUNDARY
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

**Motion****220715/0055**

**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 not seriously at variance with the Development Plan and resolves to grant Development Plan Consent, to Development Application 110/00356/15 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 11 June 2015 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 new building shall match or blend with the existing building.**
- 3. That the structure herein approved shall not be enclosed without the prior consent of Council.**
- 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.**

Moved D Bailey, Seconded A Bradshaw

**Carried**

## 5.6 Arborman Tree Solutions, Arborman Tree Solutions (Report No 221/15)

DA NO.	:	110/00398/15
APPLICANT	:	ARBORMAN TREE SOLUTIONS
LOCATION	:	41 OAKLANDS ROAD, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 18 DECEMBER 2014
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	REMOVAL OF SIGNIFICANT TREE (RIVER RED GUM) FROM FRONT OF SUBJECT SITE
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	SYMATREE
CATEGORY	:	ONE
RECOMMENDATION		REFUSAL

### Motion

220715/0056

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 110/00398/15 for the following reasons:

1. **General Section, Significant Trees, Objective 1:**  
The conservation of significant trees, in Metropolitan Adelaide, that provides important aesthetic and environmental benefit.
2. **General Section, Significant Trees, Principle of Development Control 1:**  
Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:
  - a) makes an important contribution to the character or amenity of the local area; or
  - b) is indigenous to the local area and its species is listed under the *National Parks and Wildlife Act 1972* as a rare or endangered native species
  - c) represents an important habitat for native fauna
  - d) is part of a wildlife corridor of a remnant area of native vegetation
  - e) is important to the maintenance of biodiversity in the local environment
  - f) forms a notable visual element to the landscape of the local area.

- 3. General Section, Significant Trees, Principle of Development Control 3: Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:**
- a) in the case of tree removal, where at least one of the following apply:
    - (i) the tree is diseased and its life expectancy is short**
    - (ii) the tree represents an unacceptable risk to public or private safety**
    - (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area****
  - b) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value**
  - c) all other reasonable remedial treatments and measures have been determined to be ineffective**
  - d) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring in any other case, any of the following circumstances apply:
    - (i) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree**
    - (ii) the work is required due to unacceptable risk to public or private safety**
    - (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area**
    - (iv) the tree is shown to be causing or threatening to cause damage to a substantial building or structure of value**
    - (v) the aesthetic appearance and structural integrity of the tree is maintained**
    - (vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.****

Moved D Bailey, Seconded R Clancy

**Carried**

**5.7 G-Force Building and Consulting, 3 Grantham Road, Somerton Park  
(Report No 222/15)**

DA NO.	:	<u>110/00196/15</u>
APPLICANT	:	<u>G-FORCE BUILDING AND CONSULTING</u>
LOCATION	:	<u>3 GRANTHAM ROAD, SOMERTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 18 DECEMBER 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>SINGLE STOREY ADDITION ADJOINING TO THE EXISTING BRIGHTON TABLE TENNIS CLUB ADJOINING THE SOUTH AND EASTERN BOUNDARIES AND INTERNAL ALTERATIONS INVOLVING REFURBISHMENT OF EXISTING TOILETS AND RELOCATION OF 2.5M X 2.5M SHED FROM THE EASTERN BOUNDARY TO THE WESTERN BOUNDARY</u>
EXISTING USE	:	<u>RECREATION CENTRE (TABLE TENNIS CLUB)</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>TWO</u>
HEARING OF REPRESENTORS	:	<u>DAVID GALLAGHER JAMES AND SUZANNE CARLISLE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Speakers: J Carlisle

**Motion**

**220715/0057**

**Following detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of referrals advice and representations, it is recommended that approve the development application 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 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. 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.
5. 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.
6. 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.

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

12. 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.
13. That the boundary walls shall be painted immediately upon completion of construction in suitable colours chosen in consultation with the adjoining property owners to the east and south.

Moved M Bouchee, Seconded D Bailey

**Carried**

**5.8 Allity Aged Care, 44-46 Chopin Road, Somerton Park (Report No 223/15)**

DA NO.	:	110/00448/15
APPLICANT	:	ALLITY AGED CARE
LOCATION	:	44-46 CHOPIN ROAD, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 18 DECEMBER 2014
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE INSTITUTION POLICY AREA 4
NATURE OF DEVELOPMENT:	:	MERIT
PROPOSAL	:	THREE STOREY RESIDENTIAL AGED CARE FACILITY WITH BASEMENT CARPARK
EXISTING USE	:	VACANT
REFERRALS	:	NIL
CATEGORY	:	THREE
REPRESENTATIONS	:	SEVEN
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: A Fortington, J Sullivan, M King and F Barone

**Motion**

**220715/0058**

**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 Application 110/00448/15, subject to the following conditions.**

1. That the development shall be constructed, managed and maintained in accordance with the submitted plans, planning report by Masterplan dated 5 June 2015 and appendices shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That no deliveries take place or waste collected prior to 7am on week days or 9am weekends.

- 3. That a 2.1 metre high colorbond fence be erected along the eastern boundary extending northwards from Chopin Road to the southern end of the service yard, continuing northwards with a 2.1 metre high masonry fence along the remainder of the eastern boundary and tapering to 1.2 metres prior to its termination at Grainger Road (to maintain driver sightlines and pedestrian safety for vehicles exiting the land). The Masonry section of fence shall incorporate suitable acoustic properties. The Masonry section of fence shall have footings designed so as not to cause damage on any street trees, with all details of the design, colours and materials of the fence to be provided to Council for assessment prior to the issue of Development Approval. Both the colorbond and masonry sections of fence shall be constructed prior to the occupation of the development at the applicant's expense.**
- 4. That balcony balustrades on the southern elevation associated with bed units 1.707 to 1.713 comprise obscure glass to 1.7 metres high.**
- 5. That the store window on the first floor southern elevation comprise obscure glass to 1.7 metres above floor.**
- 6. That a construction management plan be submitted to Council for its approval prior to Development Approval.**
- 7. That a report from an acoustic engineer verifying likely compliance with relevant EPA guidelines relating to all mechanical plant be submitted to Council prior to Development Approval.**
- 8. That landscaping shall comprise where practicable, trees and shrubs that 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.**
- 9. That three street trees are removed and replaced at a cost of \$9,986.00 which must be paid to Council's City Assets Department prior to removal. Protection must be provided to all street trees that are not being removed during the construction process.**
- 10. An on-site stormwater management plan shall be submitted to Council prior to Development Approval to the satisfaction of Council's City Assets Department, including the implementation of stormwater at the Developer's cost.**
- 11. Vehicle crossovers shall have a width no greater than 5600mm and be constructed to Council specifications for industrial use.**
- 12. That information regarding potential residual asbestos as recommended within the URS Environmental report together with a further Environmental assessment be provided to Council prior to Development Approval. Any required remediation works are to be undertaken prior to construction and may require assessment by an Environmental Auditor as recognised by the EPA.**

13. That all tree protection measures as recommended within the Tree Development report dated 2 July 2015 by Project Green be undertaken.
14. 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.
15. That a dilapidation survey including written, photographic and/or video filming of the interior and exterior of the building located at 5 Grainger Road, Somerton Park be prepared by a qualified structural engineer and a copy provided to Council prior to the issuing of Development Approval. A copy of the survey shall be made available to the owner of 5 Grainger Road, Somerton Park.
16. 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.
17. 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.
18. 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.
19. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
20. That no solid or liquid trade wastes be discharged to the stormwater system.
21. That an alternative solution to the screening of the first floor balconies along the eastern elevation shall be provided to Council for further assessment prior to the issue of Development Approval. Such screening shall prevent direct views into adjoining properties, be aesthetically pleasing when viewed from adjoining land, and provide an optimum internal outlook for residents of the nursing home. The screen designs shall meet the reasonable satisfaction of Council and be installed prior to the occupation of the building.

Moved D Bailey, 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 11:18 pm.

**CONFIRMED      Wednesday, 26 August 2015**

**PRESIDING MEMBER**