

**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 June 2016 at 7:00 pm.**

**MEMBERS PRESENT**

Presiding Member – J Newman  
G Goss  
D Bailey  
P Dinning  
R Clancy  
A Bradshaw  
L Yates

**STAFF IN ATTENDANCE**

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

**1. OPENING**

J Newman welcomed the people in the gallery.

**2. APOLOGIES**

Apologies Received – Nil  
Absent – Nil

**3. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**4. CONFIRMATION OF MINUTES**

**Motion**

**220616/0025**

**That the minutes of the Development Assessment Panel held on 25 May 2016 be taken as read and confirmed.**

Moved by R Clancy, Seconded by D Bailey

**Carried**

## 5. DEVELOPMENT ASSESSMENT MATTERS

### 5.1 Eastern Building Group, 382-388 Brighton Road, Hove (Report No 147/16)

DA NO. :	110/01050/15
APPLICANT :	EASTERN BUILDING GROUP
LOCATION :	382-388 BRIGHTON ROAD, HOVE
DEVELOPMENT PLAN :	CONSOLIDATED 26 NOVEMBER 2015
ZONE AND POLICY AREA :	NEIGHBOURHOOD CENTRE /RESIDENTIAL (MEDIUM DENSITY POLICY AREA 5)
NATURE OF DEVELOPMENT: PROPOSAL :	MERIT MIXED USE DEVELOPMENT COMPRISING NEW BUILDING FOR USE AS A CHILD CARE CENTRE, RESTORATION AND EXTENSION TO FORMER TOWN HALL BUILDING FOR USE AS OFFICE, CAR PARKING AND LANDSCAPING
EXISTING USE :	VACANT LAND AND DISUSED FORMER TOWN HALL BUILDING
REFERRALS :	STATE HERITAGE UNIT & COMMISSIONER OF HIGHWAYS
CATEGORY :	THREE
REPRESENTATIONS :	EIGHT
RECOMMENDATION:	DEVELOPMENT PLAN CONSENT WITH CONDITIONS

Speakers: T Ewens and D Hutchison

#### Motion

220616/0026

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the application is considered to be reasonably consistent with the relevant provisions of the Development Plan and the Development Assessment Panel grant Development Plan Consent to Development Application 110/01050/15 subject to the following conditions:

1. That the development shall be undertaken in accordance with the plans and documentation 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 hours of operation be between 6:30am to 6:30pm Monday to Friday.
4. That noise attenuation measures shall be applied to the doors and windows along the northern, western and southern facades of all the child care building to reduce the impact for occupants from road and rail noise. Those measures shall be provided to Council for assessment prior to the issue of Development Approval.

5. That all development including landscaping (other than paving at footpath level) and fencing shall be located outside of the 4.5 x 4.5 metres corner cut-off at the Brighton Road/MacPherson Street corner.
6. The Brighton Road ingress shall be a maximum 4.5 metres in width at the property boundary and shall be angled at 70 degrees to Brighton Road.
7. That appropriate signage is provided adjacent the Brighton Road crossover alerting motorists to the one-way access only arrangement.
8. That the disused Brighton Road crossover and pedestrian ramp shall be closed and reinstated with kerb and guttering at the applicant's cost and to the reasonable satisfaction of the council prior to operation of the development.
9. That all car parking areas shall be consistent with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
10. That all vehicles shall enter and exit the site in a forward direction.
11. That any illuminated signage associated with the development that is visible from adjacent roads shall be limited to a low level of illumination ( $\leq 200\text{cd/m}^2$ ) so as to minimize distraction and discomfort to motorists.
12. That any non-illuminated signage on the site shall be finished in a material of low reflectivity to minimize the risk of sun and headlamp glare for motorists.
13. That signage associated with the development shall not contain any element that flashes, scrolls, moves or changes.
14. That any flood lighting of the site (including signage) shall be positioned and/or shielded so as not to produce glare or create undue distraction to motorists travelling on the adjacent roads.
15. That the utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
16. The two car park entries/exits shall be closed to motor vehicles during hours when the facility is not operating through the use of physical barriers. Details of physical barriers shall be provided to council prior to the issue of Development Approval and shall be installed prior to the occupation of the site.
17. 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.

18. 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 during the optimal growing period and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
19. That each car parking space shall conform to the applicable Australian Standard. Such car parking spaces shall be line marked with continuous white lines along the whole of each side of each car parking space prior to the use of the development herein approved and such line marking shall be maintained in good and substantial conditions at all times to the reasonable satisfaction of the Council.
20. 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.

21. In accordance with the stormwater management plan forming part of this approval, the flow of runoff to the street should not exceed 10 litres per second, with the balance to be detained on site. The FFL of new buildings should be 0.3 metres above the road watertable level in Brighton Road. (The road watertable level should be indicated on the stormwater management plan).

**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.

22. 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.

- 23. 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.**
- 24. 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.**
- 25. 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.**
- 26. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.**
- 27. That no solid or liquid trade wastes be discharged to the stormwater system.**
- 28. Any footpath or road damaged during the course of construction activity, is to be repaired by the applicant at the expense of the applicant.**
- 29. That prior to the issue of development approval a Site Audit Report be completed by an Environmental Auditor (Contaminated Land) as recognised by the Environment Protection Authority, which certifies that:**
  - a. The land is suitable for the proposed use: and**
  - b. The proposed construction works and landscaping proposal in the application are consistent with the Site Audit Report conditions and on-going remediation management proposals.**
- 30. That following construction works but prior to commencement of occupation, supplementary or separate Site Audit Reports prepared by an Environmental Auditor (Contaminated Land) as recognised by the Environment Protection Authority, shall be prepared and submitted to Council and the Environment Protection Authority verifying that:**

**The site remains suitable for its intended use: and**  
**Any previous audit conditions have been met.**
- 31. That any conditions (constraints) imposed by the Environmental Auditor (Contaminated Land) as part of the Site Audit Report that relate to this site shall be complied with.**

- 32. That all mechanical plant and equipment, including air conditioners, should be selected, designed, located 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\*:**
  - (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.**

**NOTES:**

- 1. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department of Environment, Water and Natural Resources, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.**
- 2. In accordance with Regulation 43 of the Development Regulations 2008, please send the Department of Environment, Water and Natural Resources a copy of the Decision Notification.**

**STATE HERITAGE UNIT**

**Conservation and Land Management Branch  
Strategy and Advice Directorate**

**Level 9 81-91 Waymouth Street Adelaide SA 5000**

**GPO Box 1047 Adelaide SA 5001 Australia DX138**

**Ph: +61 8 8124 4960 Fax: +61 8 8124 4980**

**[www.environment.sa.gov.au](http://www.environment.sa.gov.au)**

- 3. Council is requested to inform the applicant of the following requirements of the Heritage Places Act 1993.**
  - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.**
  - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.**

**For further information, contact the Department of Environment, Water and Natural Resources.**

4. **The applicant is advised of the following requirements of the Aboriginal Heritage Act 1988.**
  - (a) **If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.**
  
5. **That a review of traffic conditions, including a survey of vehicle numbers and movements to and from the site along MacPherson Street, is undertaken by an independent traffic expert following 6 months of the childcare centre's operation. The findings of the review shall be provided to Council for consideration and made available for public viewing.**

Moved D Bailey, Seconded L Yates

**Carried**

**J Newman left the meeting at 7:36 pm having declared a conflict of interest with Item 5.2.  
G Goss assumed the role of Presiding Member for Item 5.2.**

## 5.2 Allity Aged Care, 44-46 Chopin Road, Somerton Park (Report No 148/16)

DA NO.	:	110/00269/16
APPLICANT	:	ALLITY AGED CARE
LOCATION	:	44-46 CHOPIN ROAD, SOMERTON PARK
DEVELOPMENT PLAN	:	26 NOVEMBER 2015
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE INSTITUTION POLICY AREA 4
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	VARIATION TO DA 110/00448/15 (THREE STOREY RESIDENTIAL AGED CARE FACILITY WITH BASEMENT CARPARK) BY DELETION OF CONDITION 4 TO ALLOW CLEAR GLASS BALUSTRADES TO BALCONIES ON THE SOUTHERN ELEVATION
EXISTING USE	:	AGED CARE DEVELOPMENT UNDER CONSTRUCTION
REFERRALS	:	NIL
CATEGORY	:	THREE
REPRESENTATIONS	:	FOUR
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT WITH CONDITIONS

Speakers: S Ditter and J Levinson

### **Motion**

**220616/0027**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, 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 110/00269/16, subject to the following conditions:

1. That the design of balconies associated with units 1.707 to 1.713 facing Chopin Road be as shown on the submitted plans.
2. That the trees as shown on the landscape plan to be planted adjacent to Chopin Road be of advanced species and at least 3.5 metres in height when planted. All landscaping adjacent to Chopin Road shall be established prior to occupation of units facing Chopin Road.
3. That conditions numbered 1 to 3 and 5 to 21 of 110/00448/15 as listed below remain valid and must be complied with other than where modified by conditions 1 and 2 above:
  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.**
- 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 P Dinning, Seconded D Bailey

**Carried**

J Newman returned to the meeting at 8:15 pm, resuming the role of Presiding Member.

**5.3 D J Roennfeldt and J A Roennfeldt, 35 Marlborough Street, Brighton (Report No 149/16)**

DA NO.	:	110/00284/16
APPLICANT	:	D J ROENNFELDT AND J A ROENNFELDT
LOCATION	:	35 MARLBOROUGH STREET, BRIGHTON
DEVELOPMENT PLAN	:	26 NOVEMBER 2015
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CARPORT LOCATED FORWARD OF ASSOCIATED DWELLING AND SITED ON THE WESTERN SIDE BOUNDARY
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NIL
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	REFUSAL

**Motion**

**220616/0028**

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 not consistent with the Development Plan and that Development Application 110/00284/16 be **refused Development Plan Consent** for the reason that it is contrary to:

- General Section, Residential Development Principles of Development Controls 14(a), (b) and 27;
- Residential Zone Objective 3; and
- Residential Zone Principle of Development Control 6

**More specifically, the application does not meet the intent of the Development Plan in relation to:**

- **The Desired Character of the Zone;**
- **Carport sited forward of dwelling;**
- **Setback from Marlborough Street; and**
- **Compatibility with setback character of locality.**

Moved P Dinning, Seconded R Clancy

**Carried**

**5.4 I Think Design Studio, 24 Moore Street, Somerton Park (Report No 150/16)**

DA NO.	:	<u>110/00160/16</u>
APPLICANT	:	<u>I THINK DESIGN STUDIO</u>
LOCATION	:	<u>24 MOORE STREET, SOMERTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 26 NOVEMBER 2015</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>TWO STOREY DETACHED DWELLING WITH INTEGRATED GARAGE LOCATED ON WESTERN SIDE BOUNDARY AND SWIMMING POOL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>NIL</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

**Motion**

**220616/0029**

**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 110/00160/16 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 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. The all upstairs windows located on the northern, western and eastern 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 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. 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 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.**
- 8. 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.**
- 9. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.**
- 10. That no solid or liquid trade wastes be discharged to the stormwater system.**
- 11. 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.**

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

Moved L Yates, Seconded G Goss

**Carried**

**5.5 Alan Sheppard Constructions, 2 Dunluce Avenue, Brighton (Report No 151/16)**

DA NO.	:	<u>110/00030/16</u>
APPLICANT	:	<u>ALAN SHEPPARD CONSTRUCTIONS</u>
LOCATION	:	<u>2 DUNLUCE AVENUE, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 26 NOVEMBER 2015</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL STREETSCAPE CHARACTER (BRIGHTON AND GLENELG EAST) POLICY AREA 13</u>
NATURE OF DEVELOPMENT: PROPOSAL	:	<u>MERIT TWO STOREY DETACHED DWELLING WITH INTEGRAL GARAGE, BASEMENT, ALFRESCO AND INGROUND SWIMMING POOL AT REAR AND MASONRY FRONT FENCE</u>
EXISTING USE	:	<u>RESIDENTIAL (DETACHED DWELLING)</u>
REFERRALS	:	<u>TECHNICAL SERVICES</u>
CATEGORY	:	<u>CATEGORY ONE</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT</u>

**Motion****220616/0030**

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 the Development Assessment Panel approve development application 110/00030/16 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 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 alfresco structure(s) herein approved shall not be further enclosed without the prior consent of Council.
5. 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.
6. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.

7. That no solid or liquid trade wastes be discharged to the stormwater system.
8. Any change in levels along external site boundaries of 200 mm 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.
9. That stormwater from the dwelling addition 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 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.

10. That landscaping shall be planted within three months of occupation and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
11. That all upstairs windows on the northern rear, eastern and western side elevations shall have minimum windowsill 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.
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 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\*:
  - (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.
14. That the filter pump associated with the in-ground swimming pool be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.
15. That details of the colour palette for all external surfaces are provided for assessment prior to the issue of Development Approval, and that all selections are to the reasonable satisfaction of Council's Heritage Adviser.
16. That a dilapidation report shall be prepared including photographs to document the pre-development structural condition of all buildings on adjoining land located to the east, west and north of the site. The dilapidation report shall be prepared prior to the commencement of construction, with copies provided to the affected adjoining landowner and Council.

Moved P Dinning, 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 9:11 pm.

**CONFIRMED Wednesday, 27 July 2016**

**PRESIDING MEMBER**