

Minutes of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 23 April 2014 at 7:00pm.

MEMBERS PRESENT

Presiding Member – G Goss
N Sim
I Winter
R Clancy
T Looker
J Huckstepp

STAFF IN ATTENDANCE

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

1. OPENING

G Goss welcomed the people in the gallery.

2. APOLOGIES

Apologies Received – J Newman
Absent – Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. PRESIDING MEMBER'S REPORT

1. That the Development Assessment Panel recommends to Council that it note the information provided as Attachment 1 to this report.
2. That the Development Assessment Panel recommends to Council that it receive the report from the Presiding Member of the Panel provided as Attachment 2 for information.

3. That the Development Assessment Panel recommends to Council that the advice from the Presiding Member of the Development Assessment Panel addressing Development Plan policy and provided as Attachment 2, be referred to the Chief Executive Officer for consideration for inclusion in future suitable Development Plan Amendments and/or the general review of the Holdfast Bay (City) Development Plan under Section 30 of the Development Act.

Motion**230414/0023**

Moved by T Looker, Seconded by I Winter

Carried**5. CONFIRMATION OF MINUTES****Motion****230414/0024****That the minutes of the Development Assessment Panel held on 26 March 2013 be taken as read and confirmed.**

Moved by J Huckstepp, Seconded by T Looker

Carried

6. DEVELOPMENT ASSESSMENT MATTERS

6.1 GIC Australia, 1, 3 and 5 Edwards Street, Brighton (Report No 108/14)

DA NO.	:	<u>110/00958/13</u>
APPLICANT	:	<u>GIC AUSTRALIA</u>
LOCATION	:	<u>1, 3 AND 5 EDWARDS STREET, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 21 MARCH 2013</u>
ZONE AND POLICY AREA	:	<u>DISTRICT CENTRE B</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>MIXED USE DEVELOPMENT INVOLVING DEMOLITION OF AN EXISTING OFFICE AND DWELLINGS AND CONSTRUCTION OF A TWO- STOREY DETACHED DWELLING AND 24 HOUR RESTAURANT (HUNGRY JACKS) WITH ASSOCIATED ADVERTISING SIGNAGE, CAR PARKING AND LANDSCAPING</u>
EXISTING USE	:	<u>OFFICE AND DWELLINGS</u>
REFERRALS	:	<u>DPTI</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>4 VALID</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Speakers: R Hall, M Pearson, D Starr (on behalf of C Plummer and P Height), P Watts, L Kirkbride, R Dwyer, M Mellen and C Dichiera

Motion

230414/0025

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, that the Development Assessment Panel refuse Development Plan Consent to Development Application 110/00958/13 in that it is at variance with Council Wide Objectives 92 & 93, Council Wide Principles of Development Control 1, 2, 4, 12(a) & (e), 24(a) & (e), 25, 153(b) & (k), 153(i), (ii) & (iii), 154(g) & (f), 156, & 281(d), District Centre B Zone Objective 1, and District Centre B Zone Principles 1 & 2. Specifically, the proposal does not meet the intent of the Development Plan by way of:

- Not adhering with the intended land use for the Zone in that it is not a commercial, office or recreational land use;
- Expanding the retail land use component within the Zone;
- Incorporating a residential dwelling within a designated Centre zone;
- Not providing a pleasant place for adjoining residents to live by generating excessive traffic, noise, 24-hour operation, litter generation, odours and fumes from the site;
- Causing a proliferation of signage and providing freestanding signage of an inappropriate scale and location; and
- Providing unsafe traffic conditions through the location of egress and ingress points from Brighton Road and Edwards Street, thereby interfering with the free flow of traffic on both routes.

Moved I Winter, Seconded J Huckstepp

Carried

**6.2 Tahereh and Fereydoon Nikanjam, 30 Davenport Terrace, Seacliff Park
(Report No 109/14)**

DA NO.	:	<u>110/00792/13</u>
APPLICANT	:	<u>TAHEREH AND FEREYDOON NIKANJAM</u>
LOCATION	:	<u>30 DAVENPORT TERRACE, SEACLIFF PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 21 MARCH 2013</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>A HAMMERHEAD ALLOTMENT COMPRISING A NEW SINGLE STOREY DETACHED DWELLING AT REAR WITH GARAGE ADJACENT SOUTHERN BOUNDARY AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING INCLUDING CONVERSION OF LOUNGE TO GARAGE AND EXTENSION OF LIVING AREA AND PORCH</u>
EXISTING USE	:	<u>RESIDENTIAL (DETACHED DWELLING)</u>
REFERRALS	:	<u>CITY ASSETS – INFRASTRUCTURE</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>CONSENT SUBJECT TO CONDITIONS</u>

Motion

230414/0026

- 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 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 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.
9. 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.
10. 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.
11. That the applicants or other persons, for the time being, making use of the development now approved, shall cultivate, tend and nurture the trees or, shrubs or lawns intended to be established upon the subject land, replacing from time to time, any trees, shrubs or lawns which shall die or become diseased with others of the same respective varieties or of such varieties as the Council shall approve in writing.

Moved T Looker, Seconded J Huckstepp

Carried

6.3 T Maniscalco, 209 Esplanade, Seacliff (Report No 110/14)

DA NO.	:	110/00775/13
APPLICANT	:	T MANISCALCO
LOCATION	:	209 ESPLANADE, SEACLIFF
DEVELOPMENT PLAN	:	CONSOLIDATED 21 MARCH 2013
ZONE AND POLICY AREA	:	RESIDENTIAL (COASTAL)
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TWO, TWO STOREY SEMI-DETACHED DWELLINGS WITH PORCHES ADJOINING SIDE BOUNDARIES, ROOF DECKS AND REAR GARAGES ACCESSED FROM PORTLAND STREET
EXISTING USE	:	RESIDENTIAL FLAT BUILDING COMPRISING THREE DWELLINGS
REFERRALS	:	COAST PROTECTION BOARD - DENR CITY ASSETS DEPARTMENT - INFRASTRUCTURE
CATEGORY	:	TWO
REPRESENTATIONS	:	THREE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

Speakers: M Janowski and T Maniscalco

Motion**230414/0027**

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the plans dated 31/03/14 and as amended by plans dated 1/04/14 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
- 2. That the roof top deck and associated staircase infrastructure are excluded from future plans seeking Building Rules Consent. That such amended plans are to the satisfaction of Council's Administration prior to the issue of Development Approval.**
- 3. 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.**
- 4. 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.**

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 any front fencing shall either be a low front fence, or if higher than 1.2 metres, a grille type fence be provided along the front property boundary other than for driveway. Where the subject land is located on a corner allotment, fencing shall not exceed one metre in height within six (6) metres of the intersection of two boundaries of land where those boundaries both face a road.
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 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.
9. 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.
10. 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.
 11. 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.
 12. 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.
 13. 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.
 14. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
 15. That no solid or liquid trade wastes be discharged to the stormwater system.

Disclaimer

Based upon current knowledge the development and development site is at some risk of coastal erosion and inundation due to extreme tides notwithstanding any recommendations or advice herein, or may be at future risk. Neither erosion nor the effect of sea level change on this can be predicted with certainty. Also, mean sea level may rise by more than the 0.3 metres assumed in assessing this application.

Accordingly neither the City of Holdfast Bay nor any of its servants, agents or officers accept any responsibility for any loss of life and property that may occur as a result of such circumstances.

Moved T Looker, Seconded N Sim

Carried

6.4 Robert Harding, 10 Lewis Street, South Brighton (Report No 111/14)

DA NO.	:	<u>110/00863/13</u>
APPLICANT	:	<u>ROBERT HARDING</u>
LOCATION	:	<u>10 LEWIS STREET, SOUTH BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>

ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:	:	MERIT
PROPOSAL	:	REMOVAL OF A SIGNIFICANT RIVER RED GUM (EUCALYPTUS CAMALDULENSIS) LOCATED AT REAR OF EXISTING DWELLING ADJACENT WESTERN BOUNDARY
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	ARBORIST
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	DEVELOPMENT APPROVAL, SUBJECT TO CONDITIONS

Motion**230414/0028**

- 1. That the tree removal 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 tree removal shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.**
- 3. Payment of \$240 shall be made into the Planning and Development Fund (3 trees @ \$80 per significant tree not conditioned to be planted as a replacement) within one month of the tree removal being undertaken. Cheques shall be made payable and marked 'Not Negotiable' to the City of Holdfast Bay and payment made at 24 Jetty Road Brighton or sent to PO Box 19 Brighton SA 5048. Any payment must be accompanied by reference to the Development Application number and reason for the payment, and a copy of the receipt of the payment provided to council.**

Or;

The removal of the significant tree shall be subject to the planting of three replacement trees in a suitable position greater than 10 metres distance from any existing dwelling or in-ground swimming pool. The replacement trees must be indigenous to the local area, not be an exempt species listed under regulation 6A clause (5)(b) of the Development Regulations 2008, or a tree belonging to a class of plant declared by the Minister under Chapter 8 Part 1 of the Natural Resources Management Act 2004. The trees shall be planted within three months of the substantial removal of the significant tree and shall be maintained in good condition at all times and replaced if necessary.

Moved T Looker, Seconded J Huckstepp

Carried

6.5 R Retallack, 5 Ferris Avenue, Somerton Park (Report No 112/14)

DA NO.	:	110/00207/14
APPLICANT	:	R RETALLACK
LOCATION	:	5 FERRIS AVENUE, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 13 FEBRUARY 2014
ZONE AND POLICY AREA	:	RESIDENTIAL
NATURE OF DEVELOPMENT:	:	MERIT
PROPOSAL	:	TORRENS TITLE LAND DIVISION (CREATING ONE ADDITIONAL ALLOTMENT)
EXISTING USE	:	SINGLE STOREY DETACHED DWELLING
REFERRALS	:	CITY ASSETS - INFRASTRUCTURE
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	DEVELOPMENT APPROVAL, SUBJECT TO CONDITIONS

Motion

230414/0029

Development Plan Consent Conditions:

1. That the land division shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That all structures located on allotments 101 and 102 shall be demolished in their entirety prior to the issuing of Section 51 Clearance.

Land Division Consent Conditions:

3. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

The alteration of internal drains to the satisfaction of SA Water is required.

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

4. Payment of \$6488 into the Planning and Development Fund (1 allotment(s) @ \$6488/allotment).

Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked 'Not Negotiable' and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.

5. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

New Identifiers:

Allotment 101: 403m2 – 5 Ferris Avenue, Somerton Park

Allotment 102: 403m2 – 5A Ferris Avenue, Somerton Park

Moved R Clancy, Seconded N Sim

Carried

7. REPORTS BY OFFICERS

7.1 Nil.

7.2 Extension of Time 29 Esplanade, Somerton Park (Report No: 113/14)

Development application 110/01175/10 for the construction of a four level building comprising three dwellings in three levels above ground plus undercroft car park was granted Development Plan Consent by the ERD Court on 28 March 2012. An extension of time for 12 months expiring on 23 March 2014 was approved on 7 May 2013 by Administration.

It is considered there is merit for an extension time until 7 August 2014 as requested.

Motion

230414/0030

That pursuant to Section 40(3) of the Development Act 1993 and regulation 48(2) of the Development Regulations 2008, the Development Assessment Panel agrees to extend the operative date for Development Plan Consent granted to Development Application 110/001175/10 expiring at midnight on 7 August 2014.

Moved R Clancy, Seconded J Huckstepp

Carried

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

9. CLOSURE

The meeting closed at 9:14 pm.

CONFIRMED Wednesday, 28 May 2014

PRESIDING MEMBER