

**Minutes of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 24 September 2014 at 7:00pm.**

**MEMBERS PRESENT**

Acting Presiding Member – J Newman  
I Winter  
R Clancy  
J Huckstepp  
T Looker  
N Sim

**STAFF IN ATTENDANCE**

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

**1. OPENING**

J Newman welcomed the people in the gallery.

**2. APOLOGIES**

Apologies Received – G Goss  
Absent – Nil

**3. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**4. PRESIDING MEMBER'S REPORT**

Nil

**5. CONFIRMATION OF MINUTES**

**Motion**

**240914/0053**

**That the minutes of the Development Assessment Panel held on 27 August 2014 be taken as read and confirmed.**

Moved by T Looker, Seconded by J Huckstepp

**Carried**

## 6. DEVELOPMENT ASSESSMENT MATTERS

### 6.1 Hermann Constructions, 2 and 2A Kent Street, Glenelg (Report No 288/14)

DA NO.	:	<u>110/00608/14 AND 110/00448/14</u>
APPLICANT	:	<u>HERMANN CONSTRUCTIONS</u>
LOCATION	:	<u>2 AND 2A KENT STREET, GLENELG</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	1. LAND DIVISION (CREATING TWO ALLOTMENTS FROM ONE) (110/00608/14) 2. TWO, TWO STOREY SEMI-DETACHED DWELLINGS PLUS BASEMENT WITH ASSOCIATED GARAGES AND FRONT MASONRY PIER FENCE TO TWO METRES IN HEIGHT (110/00448/14)
EXISTING USE	:	<u>SINGLE STOREY MAISONNETTES</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	1. DEVELOPMENT APPROVAL FOR 110/00608/14 2. DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS FOR 110/00448/14

Speakers: M Bhindi and J Jansen

#### Motion

240914/0054

#### 1. Land Division

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 Approval, to the Development Application 110/00608/14, subject to the following conditions:

### Development Assessment Commission Requirements

1. 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.

2. 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.

3. 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.

### Council Requirements

4. That all existing buildings be demolished and removed from the site.

Moved N, Seconded R Clancy

Carried

### 2. Land Use

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 110/00448/14, 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 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.

5. That all upstairs windows on the side elevations and the upper storey south facing bathroom window in the eastern most 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.
6. 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.
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.
- 16. That prior to the commencement of site clearance, demolition or construction works, a dilapidation report (i.e. condition survey) shall be prepared by a qualified engineer to investigate and report on the condition and stability of adjoining buildings, structures and Council assets. A copy of this report (including all photographic and video records) shall be provided to the Council in electronic format prior to the issue of Development Approval.

Moved T Looker, Seconded J Huckstepp

**Carried**

**6.2 Nader Shahriri, 11 Mann Street, Seacliff Park (Report No 289/14)**

DA NO.	:	<u>110/00466/14</u>
APPLICANT	:	<u>NADER SHAHRIARI</u>
LOCATION	:	<u>11 MANN STREET, SEACLIFF PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>TWO STOREY GROUP DWELLING WITH INTEGRAL DOUBLE GARAGE ADJOINING WESTERN BOUNDARY AT FRONT OF SITE AND SINGLE STOREY GROUP DWELLING WITH CARPORT AND GARAGE ADJOINING EASTERN BOUNDARY AT REAR OF SITE</u>
EXISTING USE	:	<u>DWELLING</u>
REFERRALS	:	<u>CITY SERVICES</u>
CATEGORY	:	<u>CATEGORY TWO</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLANS CONSENT SUBJECT TO CONDITIONS</u>

Speakers: N Shahriri

**Motion**

**240914/0055**

- 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 the proposed 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 be planted as per the landscape plan submitted to Council, prior to 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.
5. 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.
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. The garage wall located on the eastern boundary is to be rendered and colour coated to match the existing boundary fence. The wall is to be maintained in good repair and condition to the reasonable satisfaction of Council at all times.

Moved T Looker, Seconded I Winter

Carried



**6.3 Michael Kilmartin, 3 Dunluce Avenue, Brighton (Report No 290/14)**

DA NO.	:	<u>110/00536/14</u>
APPLICANT	:	<u>MICHAEL KILMARTIN</u>
LOCATION	:	<u>3 DUNLUCE AVENUE, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE STREETScape CHARACTER (BRIGHTON AND GLENELG EAST) POLICY AREA 7</u>
NATURE OF DEVELOPMENT: PROPOSAL	:	<u>MERIT UPPER LEVEL ADDITION TO EXISTING SINGLE STOREY OUTBUILDING AND CARPORT LOCATED ON WESTERN SIDE BOUNDARY</u>
EXISTING USE	:	<u>TWO STOREY DETACHED DWELLING</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

**Motion****240914/0056**

**Development Application 110/00536/14 be refused Development Plan Consent, for the reason that it is contrary to Residential Zone Objective 1 Desired Future Character Statement Part (e). More specifically, the application does not meet the intent of the Development Plan in relation to:**

- **The location of the carport forward of the main face of the dwelling.**

Moved I Winter, Seconded N Sim

**Carried**

**6.4 ECPM, 145 Esplanade, Brighton (Report No 291/14)**

DA NO.	:	<u>110/00960/13</u>
APPLICANT	:	<u>ECPM</u>
LOCATION	:	<u>145 ESPLANADE, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 21 MARCH 2013</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL (COASTAL)</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>UPPER LEVEL ADDITION TO SURF CLUB BUILDING</u>
EXISTING USE	:	<u>TWO STOREY SURF LIFE SAVING CLUBROOMS</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>THREE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Speakers: S Small and M Walter

**Motion****240914/0057**

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 all domestic mechanical plant and equipment, including air conditioners, and including the use of gym equipment, should be operated, 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.
5. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
  6. That an acoustic engineer's report be submitted to Council prior to Development Approval certifying that the building addition is appropriately noise insulated to ensure compliance with relevant EPA noise recommendations.
  7. That any recommendations of the acoustic engineer be complied with.
  8. That the gym be used only by Brighton Surf Life Saving Club members.
  9. That no amplified music shall be played at any time within the approved gym.
  10. That all doors pertaining to the gym shall remain closed during the occupation and use of the gym.
  11. That all external windows pertaining to the gym shall be unopenable and manufactured using double-glazed glass.

Moved I Winter, Seconded N Sim

**Carried**

**6.5 Salt Studio, 35 Jetty Road, Brighton (Report No 292/14)**

DA NO.	:	<u>110/00330/14</u>
APPLICANT	:	<u>SALT STUDIO</u>
LOCATION	:	<u>35 JETTY ROAD, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ACITIVITY NODE ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>DOMESTIC OUTBUILDING ABUTTING REAR LANEWAY COMPRISING OF DEPENDANT ACCOMMODATION IN UPPER LEVEL AND ASSOCIATED CARPORTS LOCATED ON WESTERN AND EASTERN SIDE BOUNDARY</u>
EXISTING USE	:	<u>GARAGE</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

**Motion****240914/0058**

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 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.
3. That the workshop/store component of the domestic outbuilding approved herein shall be used for domestic purposes only and the incidental parking of motor vehicles belonging to the owner of the land. No activities shall be undertaken that would create any appreciable noise, smoke, smell, dust or other nuisances.
4. That all upstairs windows of the outbuilding 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 the external appearance and external materials and finishes of the new building shall match or blend with the existing building.
6. That the proposed carports herein approved shall not be enclosed without the prior consent of Council.
7. That adequate provision be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.

Moved T Looker, Seconded J Huckstepp

**Carried**

**6.6 Paolo A Rosina Alvaro, 4A Pier Street, Glenelg South (Report No 293/14)**

DA NO.	:	110/00442/14
APPLICANT	:	PAOLO A ROSINA ALVARO
LOCATION	:	4A PIER STREET, GLENELG SOUTH
DEVELOPMENT PLAN	:	CONSOLIDATED 13 FEBRUARY 2014
ZONE AND POLICY AREA	:	HISTORIC (CONSERVATION) ZONE (RESIDENTIAL) NEW GLENELG
NATURE OF DEVELOPMENT: PROPOSAL	:	MERIT VERANDAH LOCATED IN REAR YARD AND SITED ON WESTERN SIDE AND SOUTHERN REAR BOUNDARIES WITH ENCLOSED WALLS UP TO 3.65 METRES IN HEIGHT
EXISTING USE	:	RESIDENCE
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

**Motion**

**240914/0059**

**Development Application 110/00442/14 be refused Development Plan Consent, for the reason that it is contrary to Council Wide Principles 12(a), and 90(a)&(e). More specifically, the application does not meet the intent of the Development Plan in relation to:**

- The containment of nuisance smoke emissions and odours to neighbours, emanating from the wood fire pizza oven.
- The excessive height of the walls along the neighbouring property boundaries.

Moved I Winter, Seconded N Sim

**Carried**

**6.7 Milos and Natalia Milutinovic, 24 Cygnet Terrace, Kingston Park  
(Report No 294/14)**

DA NO.	:	<u>110/00422/14</u>
APPLICANT	:	<u>MILOS AND NATALIA MILUTINOVIC</u>
LOCATION	:	<u>24 CYGNET TERRACE, KINGSTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>TWO STOREY DETACHED DWELLING</u>
EXISTING USE	:	<u>VACANT</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>REFUSAL</u>

**Motion**

**240914/0060**

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 the proposed 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. That a landscaping plan shall be submitted to Council for assessment prior to the issue of Development Approval. That all landscaping shall be planted as per the landscape plan submitted to Council, prior to 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.

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 the driveway crossover shall be a maximum width of 4 metres to reduce the appearance and dominance of the driveway when viewed from the street, to increase the opportunities for providing landscaping on the site, and to maintain optimum opportunities for on-street parking.
6. That all side upper level windows shall be fixed and obscured to a minimum height of 1.7 metres above the finished floor level to prevent direct overlooking into adjacent properties.
7. That all ground level hard surface areas shall comprise permeable pavers to reduce the volume of stormwater runoff from the site.

Moved N Sim, Seconded J Huckstepp

**Carried**

**6.8 QATTRO, 1/5 Jervois Street, Glenelg North (Report No 306/14)**

DA NO.	:	<u>110/00446/14</u>
APPLICANT	:	<u>QATTRO</u>
LOCATION	:	<u>1/5 JERVOIS STREET, GLENELG NORTH</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL STREETSCAPE CHARACTER (GLENELG AND GLENELG NORTH) POLICY AREA 8</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>SINGLE STOREY DWELLING ADDITION TO REAR OF ASSOCIATED DWELLING LOCATED ON THE EASTERN SIDE BOUNDARY ALONG WITH CARPORT LOCATED ON THE WESTERN BOUNDARY</u>
EXISTING USE	:	<u>MAISONETTE</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

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 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.
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 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.

5. That the carport herein approved shall not be enclosed without the prior consent of Council.
6. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
7. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
8. That no solid or liquid trade wastes be discharged to the stormwater system.

Moved T Looker, Seconded J Huckstepp

**Carried**



**7. REPORTS BY OFFICERS****7.1 Nil.**

J Newman left the meeting at 8:27 pm, having declared an interest in Item 7.2 as a neighbouring resident.

**Motion****240914/0061**

That I Winter act as Independent Presiding Member for Item 7.2 in the absence of J Newman.

Moved T Looker, Seconded N Sim

**Carried****7.2 Deferred Item – 110/00394/14, 3/7 Sturt Street, Glenelg North  
(Report No: 300/14)**

Development Application 110/00394/14, variation to Development Application 110/00955/13 (verandah to rear of existing dwelling adjacent to northern and southern boundaries with wall enclosure to 3.1 metres) by removal of openings in northern wall, fixing custom orb cladding to the northern wall and other alterations (retrospective application) was deferred by the Panel on the 27 August 2014 to enable Council's Administration to verify the height of the structure as built.

Two Council officers have inspected the site and found the boundary wall height to be 3.15 metres above the footings and 3.25 metres above the finished site level (i.e. the un-roofed courtyard).

**Motion****240914/0062**

**Development Application 110/00394/14 be refused Development Plan Consent, for the reason that it is contrary to Council Wide Principles 91(a) and 97. More specifically, the application does not meet the intent of the Development Plan in relation to:**

- **The excessive height of the structure along the adjoining property boundary.**
- **The detrimental visual impact of the structure when viewed from the adjoining property.**

Moved N Sim, Seconded R Clancy

**Carried**

J Newman returned to the meeting at 8:37 pm

J Huckstepp left the meeting at 8:37 pm

**7.3 Extension of Time – 110/00138/10, 110/00446/11 – 7 Esplanade, Somerton Park (Report No: 309/14)**

Development application 110/00138/10 was granted Development Plan Consent by the ERD Court on 17 September 2010 for a three storey residential flat building plus undercroft carpark comprising four apartments. Development Application 110/00446/11 to vary that Consent was granted on 16 June 2011. Development Approval for stage 1 and 2 – masonry wall on northern boundary, demolition of existing buildings and structural work for basement was approved on 17 September 2012. Two extensions of time have previously been granted the last expiring on 17 September 2014. It is considered that there is sufficient merit for a further six month extension of time.

**Motion**

**240914/0063**

**That pursuant to Section 40(3) of the Development Act 1993, the Development Assessment Panel agrees to extend the operative dates for the following:**

- 1. Extension for substantial commencement for Development Plan Consent granted to DA 110/00138/10 and 110/00446/11 and for Development Approval – Stages 1 and 2 expiring on 17 March 2015.**

Moved T Looker, Seconded N Sim

**Carried**

J Huckstepp returned to the meeting at 8:40pm

**7.4 51 Edwards Street, South Brighton – 110/00332/14 (Report No: 310/14)**

On 27 August 2014, the Development Assessment Panel refused a development application for the construction of a two storey detached dwelling with integral garage located on the eastern property boundary.

The application was refused for the following reasons:

*The application is contrary to Council Wide Principles 89(a), 91(a), 93(b), 97(a),(b),(c) and 99(d), and Desired Future Character Statement of the Residential Zone Part (e). More specifically, the proposal displays:*

- An overly dominant garage due to its location forward of the main face of the dwelling;
- An excessive garage wall height along the eastern boundary;
- A site coverage that exceeds the maximum allowance; and
- Inadequate setbacks to the site boundaries.

**Motion**

**240914/0064**

- 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 the proposed 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 be planted as per the landscape plan submitted to Council, prior to 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.
5. That all domestic mechanical plant and equipment including refrigerated air conditioners, but excluding evaporative air conditioners, shall be mounted on the ground and fitted with an approved acoustic enclosure incorporating correctly designed ventilation, to minimize environmental harm, which includes nuisance from noise, to occupants on adjacent premises.
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. The garage wall located on the eastern boundary is to be rendered and colour coated to match the existing boundary fence. The wall is to be maintained in good repair and condition to the reasonable satisfaction of Council at all times.

Moved T Looker, Seconded R Clancy

Carried

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

9. CLOSURE

The meeting closed at 8:45 pm.

**CONFIRMED**      **Wednesday, 22 October 2014**

**PRESIDING MEMBER**