

**Minutes of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 27 August 2014 at 7:00pm.**

**MEMBERS PRESENT**

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

**STAFF IN ATTENDANCE**

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

**1. OPENING**

J Newman welcomed the people in the gallery.

**2. APOLOGIES**

Apologies Received – G Goss and N Sim

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**

**270814/0045**

**That the minutes of the Development Assessment Panel held on 23 July 2014 be taken as read and confirmed.**

Moved by T Looker, Seconded by I Winter

**Carried**

**6. DEVELOPMENT ASSESSMENT MATTERS**

J Newman left the meeting at 7:01 pm, having declared an interest in Item 6.1 as a neighbouring resident.

**Motion**

**270814/0046**

That I Winter act as Independent Presiding Member for Item 6.1 in the absence of J Newman.

Moved R Clancy, Seconded J Huckstepp

**Carried**

**6.1 DAVID ZUBRINICH, 3/7 STURT STREET, GLENELG NORTH (REPORT NO 252/14)**

DA NO.	:	<u>110/00394/14</u>
APPLICANT	:	<u>DAVID ZUBRINICH</u>
LOCATION	:	<u>3/7 STURT 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>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 BOUNDARY WALL, FIXING CUSTOM ORB CLADDING TO THE NORTHERN WALL AND OTHER ALTERATIONS (RETROSPECTIVE APPLICATION)</u>
EXISTING USE	:	<u>SEMI-DETACHED DWELLING</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Speakers: I Margitich (on behalf of J Dellbridge) and T White (on behalf of M Zubrinich)

**Motion**

**270814/0047**

**Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel resolves to defer consideration of the proposal to enable Council's Administration to verify the height of the structure as built.**

Moved T Looker, Seconded R Clancy

**Carried**

J Newman returned to the meeting at 7:20 pm.

**6.2 South Esplanade Holdings Pty Ltd, Unit 1,15 South Esplanade, Glenelg  
(Report No 253/14)**

DA NO.	:	<u>110/00381/14</u>
APPLICANT	:	<u>SOUTH ESPLANADE HOLDINGS PTY LTD</u>
LOCATION	:	<u>UNIT 1,15 SOUTH ESPLANADE, GLENELG</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL FORESHORE ZONE (POLICY AREA 3)</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>VARIATION TO DA 110/00688/10 (FOUR STOREY RESIDENTIAL FLAT BUILDING COMPRISING FOUR APARTMENTS AND ASSOCIATED GROUND LEVEL PARKING) BY INCREASING THE NUMBER OF ROOF MOUNTED SOLAR PANELS FROM 8 TO 62 (RETROSPECTIVE APPLICATION)</u>
EXISTING USE	:	<u>RESIDENCE</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION		<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

Speakers: C Francis and A Brown

**Motion**

**270814/0048**

**Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel resolves to defer consideration of the proposal to enable the applicant to explore suitable options for the screening of the underside of the solar panels along or atop the southern wall of the building.**

Moved I Winter, Seconded T Looker

**Carried**

**6.3 Lino Romano, 40 Cedar Avenue, Brighton (Report No 254/14)**

DA NO.	:	<u>110/00319/14</u>
APPLICANT	:	<u>LINO ROMANO</u>
LOCATION	:	<u>40 CEDAR AVENUE, BRIGHTON</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>GARAGE LOCATED IN THE SOUTH WESTERN CORNER OF THE SITE AND SITED THREE METRES FROM THE SOUTHERN MARLBOROUGH STREET BOUNDARY AND 600MM FROM THE WESTERN SIDE BOUNDARY AND ANCILLARY TO A LOCAL HERITAGE PLACE</u>
EXISTING USE	:	<u>RESIDENCE</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION		<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

**Motion****270814/0049**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is not seriously at variance with the Development Plan and resolves to grant Development Plan Consent, to Development Applications 110/00319/14 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 adequate provision be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.
3. The external roof sheeting and wall cladding shall comprise dark grey traditional deep corrugated profile steel.

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 T Looker, Seconded J Huckstep

**Carried**

**6.4 G Pardon, 37 Lamington Avenue, Seacliff Park (Report No 255/14)**

DA NO.	:	<u>110/00079/14</u>
APPLICANT	:	<u>G PARDON</u>
LOCATION	:	<u>37 LAMINGTON AVENUE, SEACLIFF PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 21 MARCH 2013</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>DOUBLE GARAGE SITED AT REAR OF THE SITE TO BE ACCESSED FROM MANN STREET</u>
EXISTING USE	:	<u>DETACHED DWELLING AND OUTBUILDING</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT, SUBJECT TO CONDITIONS</u>

Item 6.4 was withdrawn at the request of the applicant prior to consideration of its merits by the Development Assessment Panel.

**6.5 Martin Ayles, 133 Esplanade, Brighton (Report No 256/14)**

DA NO.	:	<u>110/00573/13</u>
APPLICANT	:	<u>MARTIN AYLES</u>
LOCATION	:	<u>133 ESPLANADE, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 21 MARCH 2013</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL D</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>CONSTRUCTION OF A THREE STOREY RESIDENTIAL FLAT BUILDING COMPRISING TWO DWELLINGS ASSOCIATED SWIMMING POOLS AND UNDERCROFT PARKING</u>
EXISTING USE	:	<u>VACANT SITE</u>
REFERRALS	:	<u>CITY ASSETS DEPARTMENT</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

**Motion****270814/0050**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of referrals advice and representations, that the Development Assessment Panel grants Development Plan Consent, to Development Application 110/00573/13, 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 last amended 14/07/14 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 upper-level (i.e. excluding the ground floor) windows on the northern, southern 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, fixed shut or as otherwise approved by Council. Further details shall be supplied at the Building Rules assessment stage.

5. That an obscure glass or similar screen which prevents direct views into the adjoining sites to the northern, southern and eastern sides of the rear external stairs to a minimum height of 1.7 metres, to the reasonable satisfaction of the Council.
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 the dwelling shall be collected and connected to rainwater tanks with a sealed system over flow connection to the street water table. Furthermore, all stormwater from the building 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. Details of stormwater management shall be shown on the Building Rules assessment plans.

**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 all runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap, prior to discharge to the stormwater system.
11. That the swimming pool filter pumps be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.

- 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 minimize environmental harm, which includes nuisance from noise, to occupants on adjacent premises.**
- 13. 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.**
- 14. That a cyclone mesh fence to a minimum height of 1.8 metres be installed around the entire perimeter of the Norfolk Island Pine tree located on the verge in front of the site prior to the commencement of any work on the site, and that the fence be positioned and secured in such a manner as to not cause damage the tree and its critical root zone.**

Moved R Clancy, Seconded J Huckstepp

**Carried**

**6.6 Lucy Homes, 51 Edwards Street, South Brighton (Report No 257/14)**

DA NO.	:	<u>110/00332/14</u>
APPLICANT	:	<u>LUCY HOMES</u>
LOCATION	:	<u>51 EDWARDS STREET, SOUTH BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 13 FEBRUARY 2014</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>COMPLYING/MERIT/NON-COMPLYING</u>
PROPOSAL	:	<u>TWO STOREY DETACHED DWELLING WITH GARAGE AND SWIMMING POOL</u>
EXISTING USE	:	<u>DWELLING</u>
REFERRALS	:	<u>CITY SERVICES</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>NIL</u>
RECOMMENDATION	:	<u>APPROVAL SUBJECT TO CONDITIONS</u>

**Motion****270814/0051**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is significantly at variance with the Development Plan and resolves to refuse Development Plan Consent, to Development Applications 110/00332/14 in that it 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.

Moved R Clancy, Seconded I Winter

**Carried**

**7. REPORTS BY OFFICERS****7.1 Nil.****7.2 Extension of time – 5 Renown Avenue, Seacliff (Report No: 258/14)**

Development application 110/00264/12 was granted Development Plan Consent on 23 August 2012 by Council Administration for a single storey group dwelling to the rear of an existing dwelling with associated carport on western boundary. One extension of time has previously been granted expiring on 23 August 2014.

It is considered that there is sufficient merit for a further extension of time.

**Motion****270814/0052**

**That pursuant to Section 40(3) of the Development Act 1993, the Development Assessment Panel agrees to extend the operative dates for Development Plan Consent granted to Development Application 110/00264/12 expiring on 23 November 2014.**

Moved T Looker, Seconded J Huckstepp

**Carried****8. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil****9. CLOSURE**

The meeting closed at 7:59 pm.

**CONFIRMED Wednesday, 24 September 2014****PRESIDING MEMBER**