

**Minutes of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 25 November 2015 at 7:00 pm.**

**MEMBERS PRESENT**

Presiding Member – J Newman  
G Goss  
D Bailey  
P Dinning  
R Clancy  
A Bradshaw  
M Bouchee

**STAFF IN ATTENDANCE**

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

**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**

**251115/0084**

**That the minutes of the Development Assessment Panel held on 28 October 2015 be taken as read and confirmed.**

Moved by G Goss, Seconded by R Clancy

**Carried**

## 5. DEVELOPMENT ASSESSMENT MATTERS

### 5.1 Taplin Management Pty Ltd, 19-31 Brighton Road, Glenelg (Report No 343/15)

DA NO.	:	110/00781/15
APPLICANT	:	TAPLIN MANAGEMENT PTY LTD
LOCATION	:	19-31 BRIGHTON ROAD, GLENELG
DEVELOPMENT PLAN	:	CONSOLIDATED 30 JULY 2015
ZONE AND POLICY AREA	:	DISTRICT CENTRE ZONE – GLENELG POLICY AREA 2
NATURE OF DEVELOPMENT:	:	MERIT
PROPOSAL	:	ERECTION OF SIGNAGE ON SIDE WALL
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	CATEGORY TWO
REPRESENTATIONS	:	TWO
RECOMMENDATION	:	DEVELOPMENT PLAN REFUSAL

#### **Motion**

**251115/0085**

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 at variance with the Development Plan and that Development Application 110/00781/15 be refused Development Plan Consent for the reason that it is contrary to District Centre Zone Principle of Development Control 10 and General Section Advertisement Principles 1(a) (c) and 11.

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

- Advertising is visually Intrusive;
- Impacts on residential amenity; and
- Inappropriate location of secondary advertising.

Moved M Bouchee, Seconded A Bradshaw

**Carried**

**5.2 Traditional Carports and Verandahs, 18 Second Avenue, Glenelg East  
(Report No 344/15)**

DA NO.	:	110/00740/15
APPLICANT	:	TRADITIONAL CARPORTS AND VERANDAHS
LOCATION	:	18 SECOND AVENUE, GLENELG EAST
DEVELOPMENT PLAN	:	CONSOLIDATED 30 JULY 2015
ZONE AND POLICY AREA	:	RESIDENTIAL CHARACTER ZONE, STREETSCAPE CHARACTER (BRIGHTON AND GLENELG EAST) POLICY AREA 13
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CARPORT LOCATED FORWARD OF DWELLING AND LOCATED ON SOUTHERN SIDE BOUNDARY
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NIL
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	REFUSAL

**Motion**

**251115/0086**

**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 110/00740/15 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 Character Zone, Streetscape Character (Brighton and Glenelg East) Policy Area 13 Objectives 1 and 3; and**
- **Residential Character Zone, Streetscape Character (Brighton and Glenelg East) Policy Area 13 Principles of Development Controls 3 and 6.**

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

- **The Desired Character of the Zone;**
- **Carport siting forward of dwelling;**
- **Setback from Second Avenue; and**
- **Compatibility with setback character of locality.**

Moved A Bradshaw, Seconded P Dinning

**Carried**

**5.3 S Bowen, Unit 1, 42-46 Bath Street, Glenelg South (Report No 345/15)**

DA NO.	:	110/00906/15
APPLICANT	:	S BOWEN
LOCATION	:	UNIT 1, 42-46 BATH STREET, GLENELG SOUTH
DEVELOPMENT PLAN	:	CONSOLIDATED 30 JULY 2015
ZONE AND POLICY AREA	:	RESIDENTIAL CHARACTER ZONE, NEW GLENELG, POLICY AREA 11
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CARPORT LOCATED FORWARD OF RESIDENTIAL FLAT BUILDING
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NIL
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	REFUSAL

**Motion****251115/0087**

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 110/00906/15 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 Character Zone, New Glenelg, Policy Area 11 Objectives 1 and 4; and
- Residential Character Zone, New Glenelg, Policy Area 11 Principles of Development Controls 2 and 5.

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

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

Moved M Bouchee, Seconded R Clancy

**Carried**

**5.4 M Cameron, 20 Lewis Street, Brighton (Report No 346/15)**

DA NO.	:	<u>110/00747/15</u>
APPLICANT	:	<u>M CAMERON</u>
LOCATION	:	<u>20 LEWIS STREET, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 30 JULY 2015</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>TORRENS TITLE LAND DIVISION CREATING TWO ALLOTMENTS FROM ONE ALLOTMENT</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>DEVELOPMENT APPROVAL</u>

**Motion****251115/0088**

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 110/00747/15 be refused Development Plan Consent for the reason that it is contrary to Residential Zone Principle 7 and the Desired Future Character Statement in that:

The application does not meet the intent of the Development Plan in relation to:

- Allotment sizes are below the prescribed minimum; and
- The pattern of the proposed infill development compromises the established suburban character.

Moved R Clancy, Seconded

**The Motion Lapsed through lack of a Seconder**

**Motion****251115/0089**

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 110/00747/15 for the Torrens title land division creating two allotments from one allotment subject to the following conditions:

1. The proposal shall be implemented as shown on the plan of division prepared by Cameron Lock Surveying dated 29 August 2015, Reference Number 25398-01 unless varied by any subsequent conditions imposed herein.

- 2. The applicant shall advise the Council in writing of the demolition that all buildings, structures, footings, pipes and other deleterious materials have been removed from the site prior to the issue of a section 51 certificate of approval.**
- 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.**
- 4. Payment of \$6488 into the Planning and Development Fund (1 allotment @ \$6488/allotment). Payment may be made by credit card via the internet [www.edala.sa.gov.au](http://www.edala.sa.gov.au) <<http://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, Level 5, 136 North Terrace, Adelaide.**
- 5. 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. An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard. 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.**

Moved G Goss, Seconded P Dinning

**Carried**

**5.5 Finesse Built, 50–52 Wilton Avenue, Somerton Park (Report No 347/15)**

DA NO.	:	110/00929/15 AND 110/00930/15
APPLICANT	:	FINESSE BUILT
LOCATION	:	50–52 WILTON AVENUE, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 30 JULY 2015
ZONE AND POLICY AREA	:	RESIDENTIAL
NATURE OF DEVELOPMENT:	:	MERIT
PROPOSAL	:	TORRENS TITLE LAND DIVISION CREATING TWO LOTS AND COMMUNITY TITLED LAND DIVISION CREATING 3 LOTS
EXISTING USE	:	TWO DETACHED DWELLINGS
REFERRALS	:	NIL
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	DEVELOPMENT APPROVAL SUBJECT TO CONDITIONS

**Motion****251115/0090**

**Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, Development Applications 110/00929/15 and 110/00930/15 are considered to be reasonably consistent with the relevant provisions of the Development Plan and that following receipt of the reports by the Development Assessment Commission, Development Approval be granted by Manager Development Services or Team Leader Development Assessment subject to appropriate conditions/requirements.**

Moved D Bailey, Seconded G Goss

**Carried**

**5.6 Finesse Developments P/L, 50–52 Wilton Avenue, Somerton Park  
(Report No 348/15)**

DA NO.	:	<u>110/00670/15</u>
APPLICANT	:	<u>FINESSE DEVELOPMENTS P/L</u>
LOCATION	:	<u>50–52 WILTON AVENUE, SOMERTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 30 JULY 2015</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF TWO SINGLE STOREY DETACHED DWELLINGS AND THREE SINGLE STOREY GROUP DWELLINGS WITH INTEGRAL GARAGES</u>
EXISTING USE	:	<u>TWO DETACHED DWELLINGS</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

**Motion**

**251115/0091**

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 that the Development Assessment Panel grant Development Plan Consent to DA 110/00670/15, subject to the following conditions:

1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.
3. That the premises shall not be used, directly or indirectly, for the purpose now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with, except those conditions that continue to apply.
4. That 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 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 stormwater from each dwelling shall be collected and connected to a 1000 litre (minimum) rainwater tank with a sealed system over flow connection to the street water table. Final details of the location and size of the tank(s) shall be submitted to Council for approval prior to the issue of full Development Approval. Furthermore, all stormwater from the dwelling and the site shall be collected and disposed of in a manner that does not adversely affect any properties adjoining the site or the stability of any building on adjacent sites.

**NOTE:** Stormwater shall not be disposed of over a vehicle crossing place and any connection to the street water table, including remedial works to footpaths, verges or other Council infrastructure, is subject to any necessary approvals from Council and will be at the applicant's cost.

7. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
8. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.
9. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
10. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
11. That no solid or liquid trade wastes be discharged to the stormwater system.

12. That all domestic mechanical plant and equipment including refrigerated air conditioners, but excluding evaporative air conditioners, shall be mounted on the ground and fitted with an approved acoustic enclosure incorporating correctly designed ventilation, to minimize environmental harm, which includes nuisance from noise, to occupants on adjacent premises.
13. 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.

Moved D Bailey, Seconded G Goss

**Carried**

**5.7 Murray Roberts and Associates, 1 Ocean Vista, Seacliff Park  
(Report No 349/15)**

DA NO.	:	<u>110/00742/15</u>
APPLICANT	:	<u>MURRAY ROBERTS AND ASSOCIATES</u>
LOCATION	:	<u>1 OCEAN VISTA, SEACLIFF PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 30 JULY 2015</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>VERANDAH LOCATED BETWEEN 500MM AND 2.3 METRES FROM MOTT TERRACE</u>
EXISTING USE	:	<u>SINGLE STOREY DETACHED DWELLING</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>APPROVAL WITH CONDITIONS</u>

**Motion**

**251115/0092**

**Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of referrals advice and representations, the application is considered to be reasonably consistent with the relevant provisions of the Development Plan and that the Development Assessment Panel grants Development Plan Consent, to Development Application 110/00742/15, subject to the following conditions:**

1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That the structure herein approved be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.
3. That the external appearance and external materials and finishes of the new building shall match or blend with the existing building.

4. That the structure herein approved shall not be enclosed without the prior consent of Council.
5. 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.
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.

Moved A Bradshaw, Seconded G Goss

**Carried**

## 6. REPORTS BY OFFICERS

6.1 Nil.

6.2 **Appeal item – 12 Lamington Avenue, Seacliff Park** (Report No: 350/15)

On the 27 May 2015, the Development Assessment Panel refused DA 110/00843/14 for two single storey dwellings with associated garage of house 1 located on southern boundary with a wall height of 2.75 metres. The Panel refused the above development application for the following reasons:

It is contrary to General Objective 14, Residential Objectives 32, 35, Residential Principle of Development Control 44(a), Street Boundary Setbacks Principle of Development Control 92(a)(b)(c)(d), Other Setbacks 94(a)(b), Dwellings Located on Side Boundaries Principle of Development Control 95(a)(b)(c), Private Open Space Principle of Development Control 100, 102, 103(d), Residential Zone Objective 1, Residential Zone Desired Future Character Statement *Infill residential development that does not compromise the Zone's suburban character and Infill development should have a comparable height, mass, scale and setback to that of existing dwellings in the Zone*, Residential Zone Principle of Development Control 4.

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

- Densities;
- Setbacks; and
- Private open space.

On 26 August 2015 the Panel considered amended plans following lodgement of an appeal. The amendments comprised increased road setbacks, private open space, landscape details and alterations to internal layout and roof design. The Panel did not support the compromise as it remained inconsistent with the objectives and principles of the Development Plan as referred to in the original refusal.

A further compromise proposal has now been submitted and the Court conference has been adjourned to 9 December 2015.

**Motion**

**251115/0093**

**That the Development Assessment Panel advise the ERD Court and the applicant that it does not support the further compromise proposal as the proposed development remains inconsistent with General Objective 14, Residential Objectives 32, 35, Residential Principle of Development Control 44(a), Street Boundary Setbacks Principle of Development Control 92(a)(b)(c)(d), Other Setbacks 94(a)(b), Dwellings Located on Side Boundaries Principle of Development Control 95(a)(b)(c), Private Open Space Principle of Development Control 100, 102, 103(d), Residential Zone Objective 1, Residential Zone Desired Future Character Statement *Infill residential development that does not compromise the Zone's suburban character and Infill development should have a comparable height, mass, scale and setback to that of existing dwellings in the Zone*, Residential Zone Principle of Development Control 4.**

**The application (including amendments) does not meet the intent of the Development Plan in relation to:**

- **Densities;**
- **Setbacks; and**
- **Private open space.**

Moved R Clancy, Seconded A Bradshaw

**Carried**

**M Bouchee left the Meeting at 8:07 pm having declared an Interest in Item 6.3****6.3 Non-complying Development Application – Decision to Proceed**  
(Report No: 351/15)

Development Application 110/00789/15 was lodged with Council on 24 September 2015 as a non-complying form of development for the subject site at 57 Broadway, Glenelg South in accordance with the Holdfast Bay (City) Development Plan (Consolidated 30 July 2015) Local Centre Zone. Pursuant to Section 39 (4)(d) of the Development Act 1993, the relevant authority may refuse an application that relates to a development of a kind that is described as a non-complying development under the relevant Development Plan without proceeding to make an assessment of the application. Accordingly, a decision is sought on whether to proceed with further processing of the Development Application.

**Motion****251115/0094**

**That pursuant to Regulations 17 (3)(b) of the Development Regulations, 2008 the Development Assessment Panel resolves that the intended land use proposed by Development Application 110/00789/15 has merit and resolves to allow the Development Application to proceed to public notification and a formal assessment.**

Moved G Goss, Seconded P Dinning

**Carried****7. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING****7.1 Aerial Photo Attachments**

Administration advised that including new boundary lines, where relevant, can be depicted on the locality maps used as attachments to reports.

**7.2 Meeting Closure**

The suggested time to close meeting business at 11pm will be reviewed as part of the Terms of Reference review in 2016.

**7.3 Gratitude**

M Bouchee expressed thanks for her time on the Panel and wished Members all the best for future meetings. J Newman expressed thanks on behalf of all Panel Members to M Bouchee for her time on the Panel.

**8. CLOSURE**

The meeting closed at 8:09 pm.

**CONFIRMED      Wednesday, 9 December 2015**

**PRESIDING MEMBER**