



MINUTES OF THE COUNCIL ASSESSMENT PANEL OF CITY OF PROSPECT, HELD IN THE PROSPECT LIBRARY, 1 THOMAS STREET, NAILSWORTH, ON MONDAY 4 MARCH 2019 AT 5:30PM.

PRESENT:

Presiding Member: Mr D Cooke
 Members: Ms A De Backer, Mr R Gagetti, Mr S Green and Mr J Rutt

IN ATTENDANCE:

Mr D Starr Assessment Manager
 Mr S McLuskey Senior Development Officer (Planning)
 Ms S Giles Development Officer (Planning)
 Mrs R Scott Panel Secretary

ON LEAVE:

Nil.

APOLOGIES:

Nil.

CONFIRMATION OF MINUTES:

Mr S Green moved Ms A De Backer seconded

That the minutes of the meeting of the Council Assessment Panel held on 11 February 2019 be taken as read and confirmed as a correct record.

Carried - CAP 19/19

DECLARATIONS OF INTEREST:

Ms A De Backer declared a perceived conflict interest in item 5.2 due to living in the locality.

ITEMS WITHDRAWN AT REQUEST OF APPLICANT:

Item 6.2: 204 Churchill Road, Prospect

Application No: DA 050/65/2017

The item was withdrawn from consideration at the request of the applicant prior to the meeting.

DEVELOPMENT APPLICATIONS:

Item 5.1: 17 Prospect Road and 4-10 Highbury Street, Prospect

Application No: DA 050/494/2018

Recommendation

Mr R Gagetti moved

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/494/2018 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the

application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be approved to DA 050/494/2018 from Blackfriars Priory School for Additions and Alterations to Existing Educational Establishment (including Demolition of Two Existing School Buildings and Construction of Two Storey School Building, and Change in Use from Residential to Educational Establishment), Removal of Two Regulated and One Significant Tree(s), and the Construction of a Masonry Fence at 17 Prospect Road and 4-10 Highbury Street, Prospect (CTs 5125/621, 5453/183, 5501/547, 5544/112 and 5971/217), subject to the following reserved matters, conditions and notes:

Reserved Matters:

1. A detailed acoustic report from a suitably qualified and experienced person, inclusive of any measures required to suitably mitigate noise arising from plant or equipment.
2. Revised elevation plans and/or detailed drawings of visual privacy solutions to be installed so as to address the potential for overlooking into the rear yard of 4 Carter Street.

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/494/2018, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the approved development.
2. The materials and finishes are an essential component of the design and shall be established in accordance with those indicated on the endorsed elevation provided as part of the application.
3. Air-conditioning units and solar hot water heaters shall be provided with screening devices designed to complement the colours, materials and finishes of the building approved herein, and shall be sited to adequately screen the units from view from neighbouring properties and public land (roadways) to the reasonable satisfaction of Council. Air-conditioning units and solar hot water heaters shall not be located within areas of private open space.
4. The landscaping shall be planted prior to occupancy of the development, and maintained at all times to the reasonable satisfaction of Council and to ensure appropriate lines of sight for vehicles and pedestrians. Mature trees shall be no less than 2.0m in height at time of planting. The applicant or the persons making use of the subject land shall cultivate, tend and nurture the landscaping, and shall replace any landscaping that becomes diseased or dies. An automated drip irrigation or similar watering system shall be established and maintained to ensure that sufficient water is available to satisfy the needs of the landscaping species selected.
5. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.
6. All redundant crossovers shall be reinstated to kerb and gutter to the satisfaction of Council.
7. No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.
8. The Regulated and Significant Trees approved herein for removal shall be replaced with seven (7) trees, which must be planted and maintained to the satisfaction of Council. The replacement trees cannot be of an exempt species as described in Regulation 6A(5) of Part 2 of the *Development Regulations 2008*, nor shall they be planted within 10m of an existing dwelling or

swimming pool. A site plan showing the location and species of the replacement trees shall be provided to Council.

9. A Construction Site Management Plan shall be prepared and submitted to Council for approval prior to the commencement of construction on the land. The plan shall comply with the requirements of Section 25 of the Environment Protection Act, which states “a person must not undertake an activity that pollutes, or might pollute the environment unless the person takes all reasonable and practicable measures to prevent or minimise any resulting environmental harm”. The Construction Site Management Plan shall include:
- a) Measures for the reduction of potential for mud and material drag out from the site by providing a hard surface at the entry/exit points to the site and a controlled washing zone prior to exiting the site; and
 - b) Containment of water run-off within the site, which will be filtered and cleaned to the satisfaction of Council if being discharged into the stormwater system; and
 - c) Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
 - d) The establishment of a compound for the storage of waste materials and litter. The compound must be covered to prevent litter from being blown away from the compound; and
 - e) Measures for the management of traffic, particularly during peak pick-up and drop-off periods associated with the subject land; and

Measures to minimise the potential for noise pollution through correct positioning of all mechanical equipment to ensure compliance with the requirements of the Environment Protection (Noise) Policy.

Motion lapsed for want of a seconder.

Alternate Recommendation

Ms A De Backer moved Mr S Green seconded

That the application be deferred to a subsequent meeting of the Council Assessment Panel to enable the applicant to consider amending the application to address the following concerns:

- The setback of the proposed building from the Highbury Street boundary at ground and first level;
- Sensitivity of the interface to the adjoining residential area;
- The relationship of the building to the street character of the adjoining residential streetscape.

The Panel resolved that the Application is Deferred – CAP 20/19

Item 5.2: 1 Pulsford Road, Prospect

Application No: DA 050/444/2018

Recommendation

That the application be deferred to a subsequent meeting of the Council Assessment Panel and that the applicant be requested to provide the following information, pursuant to Section 39(2) of the Development Act 1993:

- More detailed plans surrounding materiality, landscaping and design detail e.g. building dimensions and height to an acceptable standard are required

- Further clarification surrounding waste management drainage and screening from the street
- Landscaping to soften approach to the street

The Panel resolved that the Application is Deferred – CAP 21/19

Item 5.3: 144-150 Prospect Road, Prospect

Application No: DA 050/15/2019

Recommendation

Mr J Rutt moved Mr S Green seconded

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/15/2019 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Plan Consent be approved to DA 050/15/2019 from David Bickmore on behalf of Prospect Centre Pty Ltd for a Alterations to Existing Façade at 144-150 Prospect Road, Prospect (CT 6117/674, CT 6117/688, CT6140/4), subject to the following conditions:

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/15/2019, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation or the commencement of use of the approved development.
2. The drainage system shall be designed, installed and maintained at all times thereafter to ensure that water from the site does not:
 - a) Flow or discharge onto adjoining properties;
 - b) Flow across the surface of footpaths or public ways;
 - c) Affect the stability of any building; or
 - d) Create unhealthy or dangerous conditions on the site or within any building.
3. A Construction Site Management Plan shall be prepared and submitted to Council for approval prior to the commencement of construction on the land. The plan shall comply with the requirements of Section 25 of the Environment Protection Act, which states "a person must not undertake an activity that pollutes, or might pollute the environment unless the person takes all reasonable and practicable measures to prevent or minimise any resulting environmental harm". The Construction Site Management Plan shall include:
 - a) Measures for the reduction of potential for mud and material drag out from the site by providing a hard surface at the entry/exit points to the site and a controlled washing zone prior to exiting the site; and
 - b) Containment of water run-off within the site, which will be filtered and cleaned to the satisfaction of Council if being discharged into the stormwater system; and

- c) Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
- d) The establishment of a compound for the storage of waste materials and litter. The compound must be covered to prevent litter from being blown away from the compound; and

Measures to minimise the potential for noise pollution through correct positioning of all mechanical equipment to ensure compliance with the requirements of the Environment Protection (Noise) Policy.

The Panel resolved that the Application is Approved – CAP 22/19

Item 5.4: 22 Marian Place, Prospect

Application No: DA 050/241/2019

Recommendation

Mr R Gagetti moved Mr J Rutt seconded

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/241/2018 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Plan Consent be granted to DA 050/241/2018 from Precision Homes, on behalf of Ms L T Phan for the Demolition of Existing Dwelling and Construction of Two Storey Detached Dwelling at 22 Marian Place, Prospect (CT 6119/691), subject to the following conditions:

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/241/2018, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation or the commencement of use of the approved development.
2. The upper level windows facing East, North or West shall have:
 - a) Minimum window sill heights of 1.7m above finished floor level; or
 - b) Fixed and obscured glass to a minimum height of 1.7m above floor level; or
 - c) An awning window with obscured glass to a minimum height of 1.7m above floor level, with an opening restricted to no more than 100mm; or
 - d) Permanently fixed external screens that provide an effective screening height of 1.7m above the upper floor level and complement the external appearance of the dwelling.

The screening solution(s) shall be established prior to occupation of the dwellings and maintained to the reasonable satisfaction of Council at all times thereafter.

3. The drainage system shall be designed, installed and maintained at all times thereafter to ensure that water from the site does not:

- a) Flow or discharge onto adjoining properties;
- b) Flow across the surface of footpaths or public ways;
- c) Affect the stability of any building; or
- d) Create unhealthy or dangerous conditions on the site or within any building.

The Panel resolved that the Application is Approved – CAP 23/19

Item 5.5: 2 Graham Place, Prospect

Application No: DA 050/456/2019

Recommendation

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/456/2018 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Plan Consent be refused to DA 050/456/2018 from Metricon, on behalf of Mr M & Mrs Y Markovic for a Two Storey Detached Dwelling with associated Retaining Wall Alterations at 2 Graham Place, Prospect (CT 6180/919), as the proposal would:

- Fail to suitably respond to the existing and desired character of its locality, particularly with respect to building form and scale.

As such, the proposed development would be at variance with the relevant provisions of the Prospect (City) Development Plan and in particular:

- Council Wide Objectives 32;
- Council Wide Principles of Development Control 45, 50 and 54;
- Residential Zone Principles of Development Control 1 and 10;
- Residential Policy Area A450 Desired Character Statement;
- Residential Policy Area A450 Objective 1; and
- Residential Policy Area A450 Principle of Development Control 3.

The Panel resolved by consensus that the Application is Refused – CAP 24/19

Item 5.6: 6 Brooke Street, Broadview

Application No: DA 050/401/2018

Recommendation

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/401/2018 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Plan Consent be refused to

DA 050/401/2018 from Better Built Industries, on behalf of Mrs M Hall for the Demolition of an Existing Garage and Construction of a Domestic Outbuilding (Garage) at 6 Brooke Street, Broadview (CT 5293/228), as the proposal would:

- Be of excessive bulk and scale; and
- Result in an unreasonable visual impact on residents of adjoining properties.

As such, the proposed development would be at variance with the relevant provisions of the Prospect (City) Development Plan and in particular:

- Council Wide Objectives 16 and 32;
- Council Wide Principles of Development Control 45, 50, 51, 70, 75, 96;
- Policy Area A350 Principle of Development Control 4;

The Panel resolved by consensus that the Application is Refused – CAP 25/19

Item 6.1: 84 Braund Road, Prospect

Application No: DA 050/223/2018

Recommendation

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/223/2018 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Plan Consent be refused to DA 050/223/2018 for a Two Storey Detached Dwelling at 84 Braund Road, Prospect (CT 5658/553), as the proposed would:

- Fail to suitably respond to the existing and desired character of its locality, particularly with respect to building form and scale; and
- Fail to achieve relevant quantitative performance indicators including site coverage, dwelling setbacks and private open space which are indicative that the proposal is an overdevelopment of the site.
- That additional information, and the remedy of deficiencies to existing proposal plans, was requested pursuant to Sections 39(2)(a) and 39(2)(b) of the *Development Act 1993*, and such information was not provided within the timeframe prescribed by Regulation 19 of the *Development Regulations 2008*.

The Panel resolved by consensus that the Application is Refused – CAP 26/19

INFORMATION REPORTS

Item 7.1: Summary of State Commission Assessment Panel (SCAP) Decisions and Proposals Greater than \$3 Million called in by the Coordinator-General

Report received.

Item 8.1: Summary of Court Appeals

Report received.

ANY OTHER BUSINESS:

Nil.

TIME AND PLACE OF NEXT MEETING:

The next meeting of the Council Assessment Panel will be held in the **Prospect Library, 1 Thomas Street, Nailsworth** on Monday 8 April 2019 at 5.30pm.

CLOSURE:

The meeting closed at 6.59pm

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Mr David Cooke
(Presiding Member)
April 2019