



MINUTES OF THE COUNCIL ASSESSMENT PANEL OF CITY OF PROSPECT, HELD IN THE PROSPECT LIBRARY, 1 THOMAS STREET, NAILSWORTH, ON MONDAY 8 APRIL 2019 AT 5:30PM.

PRESENT:

Acting Presiding Member: Mr S Green
Members: Ms A De Backer, Mr R Gagetti, Mr R Perera 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

WELCOME:

Acknowledgment of the Kaurua People as the Traditional Custodians of the Land

ON LEAVE:

Nil.

APOLOGIES:

Mr D Cooke
Mr R Perera not present at opening of meeting.

CONFIRMATION OF MINUTES:

Mr R Gagetti moved Mr J Rutt seconded

That the minutes of the meeting of the Council Assessment Panel held on 4 March 2019 be taken as read and confirmed as a correct record.

Carried - CAP 27/19

DECLARATIONS OF INTEREST:

Ms A De Backer declared a perceived interest in item 7.1 due to living in the locality.

DEVELOPMENT APPLICATIONS:

Item 6.1: 1 Menzies Crescent, Prospect

Application No: DA 050/353/2018

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 050/353/2018 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 050/353/2018 from City of Prospect for Two Advertising Displays adjacent Prospect Oval at 1 Menzies Crescent, Prospect (CT 5204/868), subject to the following conditions:

1. That the development shall take place in accordance with plans stamped by Council, relating to Development Application Number 050/353/2018, except as modified by any conditions listed below. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the development approved herein.
2. The advertising displays shall be maintained in good repair to the satisfaction of Council.
3. The rear of the signs (inclusive of the posts) shall be painted in a heritage colour, consistent with its surrounds, to the reasonable satisfaction of Council.

The Panel resolved by consensus that the Application is Approved – CAP 28/19

Item 6.2: 2A Staffa Street, Broadview

Application No: DA 050/392/2018

Recommendation

Mr R Perera entered the meeting at 5.52pm.

Mr J Rutt moved Mr R Gagetti seconded for staff's recommendation with the additional condition below:

- A revised landscaping plan to be provided to Council prior to the grant of Development Approval indicating additional and more prominent landscaping.

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 DA 050/392/2018 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 050/392/2018 from Turnbull Built on behalf of S Ladyman and H Barclay for Two Storey Detached Dwelling at 2A Staffa Street, Broadview (CT 6187/829), subject to the following conditions:

Reserved Matters:

1. A revised site works and drainage plan be provided that, to the satisfaction of Council, demonstrates the extent of any cut or fill and associated retaining walls.

Conditions:

1. That the development shall take place in accordance with plans stamped by Council, relating to Development Application Number 050/392/2018, except as modified by any conditions listed below.
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. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. The surfacing of the driveway and drainage shall be maintained to the reasonable satisfaction of Council thereafter.
4. The upper level windows facing north and 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.
5. 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.
6. 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.

All works on Council land shall be conducted to Council's specification, with all works to be bunted off safely and pedestrian safety to be maintained throughout the construction period. Plantings will also need to be undertaken in line with council specifications in terms of sight distance interference and safety to the community (thorns/poisonous plantings). Plans displaying all relevant details of the Road/Kerbing/Footpath Works shall be submitted to the Assets and Infrastructure Officer for approval prior to the commencement of any such works.

The Panel resolved that the Application is Approved – CAP 29/19

Item 6.3: 16 Da Costa, Prospect

Application No: DA 050/12/2019

Recommendation

Mr R Perera moved Mr J Rutt seconded to delegate the granting of Development Plan Consent to the Assessment Manager subject to the receipt of amended plans addressing the following:

- A reduction to the driveway to be a single-width driveway access point to retain the existing street tree and provide maximum on-street car parking;
- The garage door to include visually permeable materials within the top panels.

**The Panel resolved that the Application be Delegated to the Assessment Manager –
CAP 30/19**

Item 7.1: 1 Pulsford Road, Prospect

Application No: DA 050/444/2018

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 050/444/2018 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 050/444/2018 from Tim Simpson on behalf of Kong Super Pty Ltd for a Consulting room (Dental Surgery), with associated Car Parking, Landscaping and Fencing at 1 Pulsford Road, Prospect (CT 5704/267), subject to the following reserved matter and conditions:

Reserved Matter:

1. A detailed stormwater management plan shall be provided, and shall demonstrate that post-development outflow rates from the site will match pre-development rates in 1 in 20 ARI storm events. The location and capacity of any on-site detention tanks, as well as the extent of any fill and associated retaining walls, shall be clearly described.

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/444/2018, 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 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. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. The surfacing of the driveway and drainage shall be maintained to the reasonable satisfaction of Council thereafter.
4. All car parking spaces must be in accordance with the approved plans and the *Australian/New*

Zealand Standard 2890.1:2004 Parking Facilities, Part 1, Off Street Car Parking, prior to the occupation of the proposed development. Line marking and any directional arrows must be clearly visible at all times.

5. All landscaping areas shall be maintained at all times to the reasonable satisfaction of Council. The applicant or the persons for the time being 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.
6. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for storage or display of materials or goods including waste products and refuse.
7. Any existing driveway crossovers not providing vehicle access shall be reinstated as kerb and gutter to the satisfaction of Council.
8. A refuse collection area must be provided in a convenient location and be screened from view and maintained to the satisfaction of Council. To maximise the efficiency of waste recycling:
 - a) Provision shall be made for the separation of recyclable materials for collection and recycling, including paper, cardboard, glass and plastic containers, tins, and any other plastic that 'holds its shape';
 - b) Separate provision shall be made for the collection of food waste (food organics) and food-contaminated cardboard, paper or paper products, which are to be collected for composting; and
 - c) Paper attached to plastic, wax paper or chemically-treated/gloss cardboard will not be included with the materials collected for composting.
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 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.
10. 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.

11. All works on Council land shall be conducted to Council's specification, with all works to be bunted off safely and pedestrian safety to be maintained throughout the construction period. Plans displaying all relevant details of the Road/Kerbing/Crossover/Footpath Works shall be submitted to the Assets and Infrastructure Officer for approval prior to the commencement of any such works.

The Panel resolved by consensus that the Application is Approved – CAP 31/19

Item 7.2: 17 Prospect Road and 4-10 Highbury Street, Prospect

Application No: DA 050/494/2018

Recommendation

Mr R Perera moved Ms A De Backer seconded for deferral

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:

- Material selection for the building that is of residential compatibility on the elevations as visible from Highbury Street the frontage – South, East & West.

The Panel resolved that the Application is Deferred – CAP 32/19

INFORMATION REPORTS

Item 8.1: Summary of State Commission Assessment Panel (SCAP) Decisions and Proposals Greater than \$3 Million called in by the Coordinator-General

Report received.

Item 9.1: 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 13 May 2019 at 5.30pm.

CLOSURE:

The meeting closed at 6.49pm

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Mr Sam Green
(Acting Presiding Member)
May 2019