



MINUTES OF THE COUNCIL ASSESSMENT PANEL OF CITY OF PROSPECT, HELD IN THE PROSPECT LIBRARY, 1 THOMAS STREET, NAILSWORTH, ON MONDAY 14 JANUARY 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 R Gagetti moved Ms A De Backer seconded

That the minutes of the meeting of the Council Assessment Panel held on 10 December 2018 be taken as read and confirmed as a correct record.

Carried - CAP 84/18

DECLARATIONS OF INTEREST:

Ms A De Backer declared a conflict of interest in item 5.3 due to her knowledge of the applicant and building owner and did not participate in the consideration of this item.

ITEMS TO BE ADOPTED WITHOUT DISCUSSION:

5.2, 5.6, 6.2

DEVELOPMENT APPLICATIONS:

Item 5.2: 191 Devonport Terrace, Prospect

Application No: DA 050/376/2018

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 050/376/2018 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 050/376/2018 from Vito Group Pty Ltd for the Demolition of Existing Dwelling and Construction of Four, Two Storey Row Dwellings and a 2.1m High Brick Courtyard Wall at 191 Devonport Terrace, Prospect (CT 5395/405), subject to the following conditions:

Reserved Matters:

1. A revised site and drainage plan shall be provided that identifies the site levels and proposed finished floor levels of the dwellings and details of any proposed retaining walls. The finished floor levels should be a minimum 250mm above natural ground level to ensure the development would be suitably protected during a 1 in 100 year (ARI) flood events.
2. A detailed stormwater management plan shall be provided that, to the satisfaction of Council, provides evidence that all dwellings are suitably protected from 1 in 100 year ARI storm events and 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 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 050/376/2018, 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. 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.
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.
4. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of materials or goods including waste products and refuse.
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.

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.

7. During construction of the development approved herein, measures will be implemented to ensure that the construction works do not result in an unreasonable impact on occupiers of adjacent properties or pollution of existing infrastructure through drag-out or stormwater runoff. Measures shall include as necessary:
- A hard surface and controlled washing zone at the entry/exit points to the site, designed to reduce the potential for mud and material dragged out by construction vehicles; and
 - Containment of stormwater run-off within the site, which if being discharged into the stormwater system will be filtered to the satisfaction of Council; and
 - Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
 - The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and
 - All mechanical equipment shall be used in a manner to minimise the potential for noise pollution and ensure compliance with the requirements of the Environment Protection (Noise) Policy.
8. To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities shall only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.

The Panel resolved that the Application is Approved – CAP 85/18

Item 5.6: 85-87 Prospect Road, Prospect

Application No: DA 050/305/2018

Recommendation

That the request for an extension to the operative period of the Development Plan Consent, received from Evo Arc, and in relation to DA 050/47/2017 for Demolition of Existing Buildings and Construction of a Two Storey Mixed Use Building comprising Shops and Offices with Associated Car Parking and Landscaping at 85-87 Prospect Road, Prospect (CTs 5303/738, 5303/739, 5303/740 and 5303/741), be granted.

The terms of the extension shall be such that the development plan consent will now lapse on 18 January 2020 unless development approval is granted within that time.

The Panel resolved that the Application is Approved – CAP 86/18

Item 6.2: 48 North Street, Collinswood

Application No: DA 050/184/2018

Recommendation

- A.** That the Environment, Resources and Development Court be advised that Council's Assessment Panel is supportive of the compromise proposal submitted in relation to DA 050/184/2018 for Additions and Alterations to a Detached Dwelling, with associated Swimming Pool, Spa and Safety Barrier at 48 North Street, Collinswood.

- B.** That the power be delegated to the Manager Development Services to draft conditions for the Court's consideration and, if necessary, to vary those conditions to the satisfaction of the Court.

The Panel resolved that the Application is Supported – CAP 87/18

ITEMS WITHDRAWN FOR FURTHER DISCUSSION:

5.1, 5.3, 5.4, 5.5, 5.7, 6.1

DEVELOPMENT APPLICATIONS:

Item 5.1: 162 Churchill Road, Prospect

Application No: DA 050/516/2018

Mr J Rutt moved Ms A De Backer seconded

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 050/525/2018 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 050/526/2018 from Mark Fleming on behalf of Scratch Pad Investments Pty Ltd for the construction of Two, Three Storey Residential Flat Buildings comprising 6 dwellings at 162 Churchill Road, Prospect (CT 5480/313), subject to the following conditions and notes:

Reserved Matters:

1. A detailed stormwater management plan shall be provided that, to the satisfaction of Council, provides evidence that all dwellings are suitably protected from 1 in 100 year ARI storm events and 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 shall be clearly described.
2. Detailed cross-sectional plans shall be provided to the satisfaction of Council of all proposed external screening devices. Louvre angle, depth, separation, and other relevant details 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 050/526/2018, 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. 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.

3. 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.
4. 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.
5. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of materials or goods including waste products and refuse.
6. 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.
7. 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.
8. 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.
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.

The Panel resolved that the Application is Approved – CAP 88/18

Item 5.3: 105 Churchill Road, Prospect

Application No: DA 050/390/2018

Ms A De Backer left the meeting at 5.54pm due to a conflict of interest in this item.

Mr J Rutt moved Mr S Green seconded

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 050/11/2016 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 050/390/2018 from Matthew Mitchell Solicitors for Change in Use from Dwelling to Office at 105 Churchill Road, Prospect (CT 6207/513), subject to the following conditions and notes:

Conditions:

1. The development shall take place in accordance with the plans and details stamped by Council relating to Development Application Number 050/390/2018, including the correspondence (and attachments) provided by Matthew Mitchell Solicitors dated 28 November 2018. All works detailed in the approved plans and details are to be completed prior to the occupation of the approved development.
2. The conditions, where pertinent, of the original development plan consent numbered 050/11/2016 (*Demolition of existing structures and construction of a Three Storey Mixed Use Building and a Three Storey Residential Flat Building comprising Three Dwellings*) shall be complied with to the reasonable satisfaction of Council at all times.

Advisory Notes:

- (1) Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

- (2) The development plan consent granted herein is effective for a period of twelve (12) months from the date of the decision. Unless Council extends this period, building rules consent is required within this time or the consent will lapse.

Any request for an extension of the operative period of the consent must be submitted to Council in writing, accompanied by the applicable fee.

The Panel resolved that the Application is Approved – CAP 89/18

Ms A De Backer re-entered meeting at 6.02pm.

Item 5.4: 84 Braund Road, Prospect

Application No: DA 050/223/2018

Recommendation

Mr R Gagetti moved Mr J Rutt seconded

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*:

- A detailed and consistent set of plans including; an updated drainage plan, a landscaping plan (including fence design to demonstrate privacy of Private open space), and an updated materials schedule.

Further, that the applicant consider amending the application to address the following:

- The design of the building should draw greater reference to the streetscape and locality context as to the materiality, scale and proportions of the building.
- The proposed dwelling should achieve closer adherence to the street character and quantitative provisions of the Development Plan.

The Panel resolved by consensus that the Application is Deferred – CAP 90/18

Item 5.5: 14 Cotton Street, Ovingham

Application No: DA 050/378/2018

Recommendation

Mr D Cooke moved Mr J Rutt seconded

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*:

- A section plan, including materiality and accurate heights, to demonstrate the impact of the proposed retaining wall and fence to the adjoining property to the West.
- The intended design, height and materiality of the front fence.

The Panel resolved that the Application is Deferred – CAP 91/18

Item 5.7: 235 Prospect Road, Prospect

Application No: DA 050/3336/2016

Recommendation

That the request for an extension to the operative period of the Development Plan Consent, received from Nic Wong on behalf of the applicant, and in relation to DA 050/336/2016 for Demolition of Existing Buildings and Construction of a Three Storey Residential Flat Building comprising 7 Dwellings, with associated Car Park, Landscaping, and Retaining Walls and Fencing at 235 Prospect Road Prospect (CT 5803/531), be granted.

The terms of the extension shall be such that the development plan consent will now lapse on 22 January 2019 unless development approval is granted within that time.

The Panel resolved that the Application is Approved – CAP 92/18

Item 6.1: 81 Churchill Road, Prospect

Application No: DA 050/497/2017

Recommendation

Mr R Gagetti moved Mr J Rutt seconded

- A:** 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 050/497/2017 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and
- B:** The Council Assessment Panel hereby determines that, after taking into account the relevant provisions of Council's Development Plan, the proposal does not provide for sufficient spaces for the parking of cars at the site of the development; and
- C:** The Council Assessment Panel hereby agrees to accept a contribution of \$20,000 (GST inclusive) to Council's Off Street Car Parking Development Fund, as offered by the applicant through correspondence dated 29 June 2018 forming part of the application, in lieu of providing the equivalent of 1.5 space at the site of the development, payable at or before occupancy of the building; and
- D:** That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be granted to DA 050/497/2017 from Town Planning Advisors on behalf of Jiong Ming Pty Ltd for Two, Three-Storey Residential Flat Buildings comprising 7 Dwellings at 81 Churchill Road, Prospect (CT 5761/820), subject to the following Reserve Matter and Conditions:

Reserved Matters:

1. A detailed stormwater management plan shall be provided that, to the satisfaction of Council, provides evidence that all dwellings are suitably protected from 1 in 100 year ARI storm events and 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 shall be clearly described.
2. A revised schedule of external materials and finishes shall be provided that, to the satisfaction of Council, includes a colour pallet that respond to the predominate attributes of the locality.

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/497/2017, 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. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving and maintained to the reasonable satisfaction of Council. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of materials or goods including waste products and refuse. The obsolete crossover and/or any portion of crossover that is not required for the subject development shall be reinstated to Council standard kerb and gutter at the applicant's cost prior to occupation of the completed development.
3. The east, north and south facing upper level windows shall have:
 - a) Minimum window sill heights of 1.5m above finished floor level; or
 - b) Fixed and obscured glass to a minimum height of 1.5m above floor level; or
 - c) An awning window with obscured glass to a minimum height of 1.5m above floor level, with an opening restricted to no more than 150mm; or
 - d) Permanently fixed external screens that provide an effective screening height of 1.5 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.

4. 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.
5. The Community Corporation shall ensure that the waste storage area is cleaned and maintained to the satisfaction of Council. General, recyclable and green organic wastes shall be co-mingled, with the Community Corporation maintaining responsibility for ensuring that bins are transported between the collection point and the storage area in a timely fashion to the satisfaction of Council.
6. 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.
7. 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.
8. 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.

9. No structural element, service infrastructure (such as utility metres, mail boxes etc.), or building overhangs shall encroach within the road widening requirements identified in the Metropolitan Adelaide Road Widening Plan. Subsequently, all of the above elements of the development shall be setback a minimum of 2.13 metres from the Churchill Road property boundary.
10. To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities shall only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.

The Panel resolved that the Application is Approved – CAP 93/18

INFORMATION REPORTS

Item 7.1: Update to CAP Terms of Reference

Recommendation

- 3.1 That the Council Assessment Panel adopt the Terms of Reference as presented in Attachments 1-14.
- 3.2 That the Minutes include the Terms of Reference as adopted by the Council Assessment Panel.

The Panel resolved that the recommendations are adopted – CAP 94/18

Item 7.2: 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 11 February 2019 at 5.30pm.

CLOSURE:

The meeting closed at 6.55pm

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Mr David Cooke
(Presiding Member)
February 2019