MINUTES OF THE COUNCIL ASSESSMENT PANEL OF CITY OF PROSPECT, HELD IN THE CIVIC CENTRE, 128 PROSPECT ROAD, PROSPECT, ON MONDAY 14 MAY 2018 AT 5:30PM.

PRESENT:
Presiding Member: Mr David Cooke
Members: Ms Alison De Backer, Mr Rob Gagetti, Mr Sam Green, Mr Julian Rutt

IN ATTENDANCE:
Mr D Starr Manager Development Services
Ms S Giles Acting Senior Development Officer (Planning)
Mrs R Scott Panel Secretary

ON LEAVE:
Nil.

APOLOGIES:
Nil.

CONFIRMATION OF MINUTES:
Mr S Green moved Mr R Gagetti seconded
That the minutes of the meeting of the Council Assessment Panel held on 9 April 2018 be taken as read and confirmed as a correct record.

Carried - CAP 24/18

DECLARATIONS OF INTEREST:
Nil

ITEMS TO BE ADOPTED WITHOUT DISCUSSION:

Item 6.1: 14 Flora Terrace, Prospect
Application No: DA 050/54/2017

Staff Recommendation

That the Environment, Resources and Development Court be advised that Council’s Assessment Panel does not support the compromise proposal for the removal of the Significant Norfolk Island Pine Tree at 14 Flora Terrace, Prospect, for the reasons set out within its original decision.

The Panel resolved that the Compromise is Not Supported – CAP 25/18

ITEMS WITHDRAWN FOR FURTHER DISCUSSION:
5.1, 6.2, 6.3, 6.4
DEVELOPMENT APPLICATIONS:

Item 5.1:  42 Charlbury Road, Medindie Gardens
Application No:  DA 050/500/2017

Staff 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 050/500/2017 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Plan Consent be refused to DA 050/500/2017 from Adelaide Designer Homes on behalf of Steven and Le'Anne Archer for the Demolition of Existing Dwelling and Construction of Single Storey Detached Dwelling with associated Masonry Fencing) at 42 Charlbury Road, Medindie Gardens (CT 5754/827) as the proposal would:

- Involve the demolition of a dwelling that is not considered to be seriously unsound and could be reasonably rehabilitated;
- Involve the demolition of a dwelling that contributes positively to the historic character of the area;
- The replacement development would not provide the same level of contribution to the historic character of the locality that is currently made by the existing dwelling to be demolished.

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).

The Panel resolved by consensus that the Application is Refused – CAP 26/18
Item 6.2: 107 Churchill Road, Prospect
Application No: DA 050/333/2016

Mr J Rutt moved Mr S Green seconded

Staff Recommendation

That the request for an extension to the operative period of the Development Plan Consent, received from Daniel McKenna of Masterplan SA Pty Ltd on behalf of the owner, and in relation to DA 050/333/2016 for Four, Three Storey Residential Flat Buildings comprising 8 Dwellings with associated Car Parking and Landscaping at 107 Churchill Road Prospect (CT 5397/836), be granted. The terms of the extension shall be such that the Development Plan Consent will now lapse on 14 August 2018 unless Building Rules Consent is granted within that time.

The Panel resolved that the Application is Approved – CAP 27/18

Item 6.3: 221-223 Churchill Road, Prospect
Application No: DA 050/219/2017

Staff 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 050/219/2017 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That the Environment, Resources and Development Court be advised that Council’s Assessment Panel supports the grant of development plan consent to the compromise proposal submitted in relation to DA 050/219/2017 from Le Hunte Avenue Pty Ltd for the Construction of Two Three-Storey Residential Flat Buildings (comprising 14 Dwellings), with associated Landscaping and Fencing at 221-223 Churchill Road, Prospect (CTs 5199/711, 5822/964), subject to the imposition of the following conditions:

Conditions:

1. The development shall take place in accordance with plans and details prepared by Renown Building Designs, Drawing Nos 1721-DP1 (Rev J), 1721-DP2 (Rev G), 1721-DP3 (Rev J), 1721-DP4 (Rev J), 1721-DP5 (Rev J) and 1721-DP6 (Rev J), stamped by Council relating to Development Application Number 050/219/2017, 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, and maintained thereafter to the satisfaction of Council.

2. A detailed stormwater management plan shall be produced to the Council prior to the grant of Development Approval, providing evidence to the satisfaction of Council, that each dwelling is 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.

3. 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. Any 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.

4. 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 communal in nature, 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.

5. 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.

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. 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. 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) 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
   b) 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
   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 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
   e) 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. 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. The Churchill Road access points shall be angled at 70 degrees to the road to reinforce the left in / left out nature of access and minimise the disruption to the free flow of traffic.

10. Signage and line marking shall be provided that defines and reinforces the desired traffic flow to/from Churchill Road.

11. The shared driveway and internal manoeuvring areas shall be clear of all obstructions including utility meters, letterboxes, fencing and visitor parking.

12. The access point shall comply with Figure 3.3 ‘Minimum Sight Lines for Pedestrian Safety’ as defined in AS/NZ 2890.1:2004.

Alternate Recommendation

That the Environment, Resources and Development Court be advised that Council’s Assessment Panel does not support the compromise proposal submitted in relation to DA 050/219/2017 from Le Hunte Avenue Pty Ltd for the Construction of Two Three-Storey Residential Flat Buildings (comprising 14 Dwellings), with associated Landscaping and Fencing at 221-223 Churchill Road, Prospect.

The Panel resolved that the Compromise is Not Supported – CAP 28/18

Item 6.4: 227-229 Prospect Road, Prospect
Application No: DA 050/443/2017

Staff Recommendation

That pursuant to the Development Act 1993, as amended, Development Plan Consent be approved to DA 050/443/2017 from Yihong Property Group for Variation to DA 050/345/2014 - Four Storey Residential Flat Building comprising 24 Dwellings with Associated Car and Bicycle Parking and Landscaping at 227-229 Prospect Road, Prospect (CT 5240/49), subject to the following conditions and notes:

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/443/2017, 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 building materials and finishes are integral to the quality of the design approved herein and shall be in accordance with Drawing/Revision numbers 17932-03A and 17932-04A, dated 16/02/18.
3. Landscaping shall be provided in the areas described by the herein endorsed Ground Floor Plan, Drawing No./Revision 17932-01, dated 10/10/17. A substantial amount of landscaping shall be provided in the area described as Road Widening Policy by the herein endorsed Ground Floor Plan to the satisfaction of Council. Landscaping shall include low-lying shrubs and medium height trees (growing to minimum 4-6m height).

4. The balconies for apartments 1.2, 2.2 and 3.2 shall be provided with a minimum width of 2.2m.

5. The conditions, where pertinent, of the original development plan consent numbered 050/345/2014 (Four Storey Residential Flat Building comprising 24 Dwellings with Associated Car and Bicycle Parking and Landscaping) at 227-229 Prospect Road, Prospect (CT 5240/49) shall be complied with to the reasonable satisfaction of Council at all times particularly Conditions 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22.

The following conditions are applied at the direction of the DPTI:

1. All building works and the at grade car park shall be set back clear of the 4.5 meters road widening requirement along the Prospect Road and Regency Road frontages of the site.

The following conditions are applied at the recommendation of the DPTI:

1. The access points to Regency Road and Prospect Road shall be constructed in accordance with the Ground Floor Plan and Elevations provided by Carumag Corporation Pty Ltd, Drawing No. 17932, sheets 1-3, dated 10/10/17.

2. All access shall be gained via a one-way flow through the site with ingress movements (left in only) via Regency Road and egress movements (left out only) via Prospect Road only.

3. The access points shall be angled at 70 degrees to the kerb line and be appropriately signed and line marked in order to reinforce the desired traffic flow.

4. The ingress roller door shall be setback to maximise vehicular storage clear of the road widening strip.

5. The egress roller door shall be designed in accordance with AS/NZS2890.1:2004 Figure 3.3 Minimum Sight Lines For Pedestrian Safety.

6. All vehicles shall enter and exit the site in a forward direction.

7. Refuse collection shall be undertaken within private property and ensure vehicular movements through the car park are not impeded during construction times.

8. The Regency Road and Prospect Road crossovers shall provide a minimum of 1.0 metre separation from all roadside infrastructure.

9. Any portions of redundant crossover shall be closed and reinstated to Council’s satisfaction at the applicant’s cost prior to the habitation of any dwellings.

10. All bicycle facilities shall be designed in accordance with AS2890.3:1993 – Bicycle parking facilities.
11. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Regency Road and Prospect Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant’s cost.

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.

(3) Further application pursuant to the Local Government Act shall be made to the Infrastructure Assets and Environment Department for the proposed crossover prior to construction activities occurring.

Road/Kerbing/Footpath Works will need to be inspected by an Assets and Infrastructure Officer to determine they have met all relevant requirements. All work including line marking will be the responsibility of the applicant as will the reinstatement of any damaged Infrastructure / Services related to these works. All works will be carried out at the cost to the applicant.

(4) Prior to the commencement of construction of the development herein approved, it is strongly recommended that you employ the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.

Failure to correctly site the development on the land in accordance with the plans approved herein would constitute a breach of the Development Act 1993. Any amendments required to the approved plans as a result of the survey are to be submitted to Council for approval prior to works commencing.

(5) You are encouraged to consult with adjoining property owners before commencing any work, to assist in minimising nuisance or inconvenience caused during construction.

(6) You are required to give formal notification to, and consult with, the adjoining property owner if you are removing, replacing or altering an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence (Section 5 of the Fences Act 1975).

(7) If you (the building owner) are undertaking building work that affects the stability of other land or premises, namely:
• an excavation which intersects a notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point 600mm below natural ground level at a boundary with an adjoining site (as depicted in figure 1); or

• an excavation which intersects any notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point at natural ground level at any boundary between 2 sites (not being a boundary with the site of the excavation), where the boundary is within a distance equal to twice the depth of the excavation (as depicted in figure 2); or

• any fill which is within 600mm of an adjoining site, other than where the fill is not greater than 200 millimetres in depth (or height) and is for landscaping, gardening or other similar purposes;

Then you (the building owner) must, at least 28 days before the building work is commenced:

a) serve on the owner of the affected land or premises a notice of intention to perform the building work and describing the nature of that work; and

b) you must take such precautions as may be prescribed to protect the affected land or premises and must, at the request of the owner of the affected land or premises, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the regulations to require.

If you fail to comply with these notification requirements, then you are guilty of an offence with a maximum penalty of $10 000.

You may apply to the Court for a determination of what proportion (if any) of the expense incurred by you in the performance of the building work requested by the owner of affected land or premises (under subsection (b) above) should be borne by the owner of that land or premises, and you may recover an amount determined by the Court from the owner of the affected land or premises as a debt.
The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Prospect Road and Regency Road frontages of this site for the future upgrading of the Prospect Road / Regency Road intersection, together with a corner cut-off. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.

Subsequently, should Council approve the application in its current form, the applicant should fill out the attached consent form and return it to DPTI with 3 copies of the approved plans.

Subsequently, the applicant should fill out the appropriate consent form and return it to DPTI with 3 copies of the approved plans.

Alternate Recommendation

Mr J Rutt moved Mr R Gagetti 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 resolve the following:

- Size of balconies and future occupant amenity, particularly for the south facing balconies
- The design and treatment of materials to all elevations
- Loss of landscaping at ground floor

The Panel resolved by consensus that the Application is Deferred – CAP 29/18
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 Town Hall on Monday 4 June 2018 at 5.30pm.

CLOSURE:

The meeting closed at 6.12pm

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Mr David Cooke

(Presiding Member)

June 2018