



MINUTES OF THE COUNCIL ASSESSMENT PANEL OF CITY OF PROSPECT, HELD IN THE PROSPECT LIBRARY, 1 THOMAS STREET, NAILSWORTH, ON MONDAY 11 FEBRUARY 2019 AT 5:30PM.

PRESENT:

Presiding Member: Mr D Cooke
 Members: Ms A De Backer, Mr S Green, 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

ON LEAVE:

Nil.

APOLOGIES:

Mr R Gagetti

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 14 January 2019 be taken as read and confirmed as a correct record.

Carried - CAP 12/19

DECLARATIONS OF INTEREST:

Ms A De Backer declared a conflict interest in item 5.1 as she knows the applicant's neighbour and did not participate in the consideration of this item.

Mr S Green declared a conflict of interest in item 6.4 due to a relative being a representor when the item was originally considered.

DEVELOPMENT APPLICATIONS:

Ms A De Backer left the meeting at 5.34pm.

Item 5.1: 44 Marian Place, Prospect

Application No: DA 050/404/2018

Ms Nancy Archdall of 44 Marian Place, Prospect addressed the meeting and answered questions from the Panel. Ms Archdall handed out additional photographic evidence to the panel at 5.43pm.

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 050/404/2018 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 050/404/2018 for Removal of a Significant (Peppercorn) Tree at 44 Marian Place, Prospect (CT 5495/924), as the proposal would:

- Result in the removal of a significant tree that is worthy of retention.

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 42 and 44; and
- Council Wide Principles of Development Control 361, 364.

The Panel resolved by consensus that the Application is Refused – CAP 13/19

Ms A De Backer re-entered the meeting at 5.59pm.

Item 6.1: 81 Devonport Terrace, Prospect

Application No: DA 050/35/2018

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 050/35/2018 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 050/35/2018 from A D'Andrea & Associates on behalf of Frank Arslanagic for a Four Storey Residential Flat Building comprising 15 Dwellings with associated Car and Landscaping at 81 Devonport Terrace Prospect (CT 5820/559), 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, as well as the extent of any cut or 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 050/35/2018, 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 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. 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 to the reasonable satisfaction of Council.
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 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.
5. The landscaping shall be planted in accordance with the approved plans prior to occupancy of the development. Mature trees shall be no less than 2.0m in height at time of planting.
6. 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.
7. The redundant crossover shall be reinstated to Council kerb and gutter specification at the applicant's cost prior to habitation of the dwellings.
8. 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.

9. 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.

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 14/19

Item 6.2: 14 Cotton Street, Ovingham

Application No: DA 050/378/2018

Recommendation

Mr R Perera 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 050/378/2018 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 050/378/2018 from New Creation Group, on behalf of Mr R Chuah for the Demolition of Existing Dwelling and Construction of Two Storey Detached Dwelling with associated Retaining Walls and Fencing at 14 Cotton Street, Ovingham (CT 5947/632), subject to the following reserved matters and conditions:

Reserved Matters:

1. That a clear schedule of materials and finishes shall be provided to Council, including clarification around the stone material proposed to be used on the front facade.
2. That amended plans be provided to the satisfaction of Council, inclusive of alternative treatments addressing the height, design and/or materiality of the rear fence extension.

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/378/2018, 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. That, prior to the grant of Development Approval, a landscaping plan be provided to the satisfaction of Council.

The Panel resolved by consensus that the Application is Approved – CAP 15/19

Item 6.3: 88 Myrtle Street, Prospect

Application No: DA 050/119/2016

Recommendation

Mr R Perera moved Mr J Rutt seconded

That the request for an extension to the operative period of the Development Plan Consent, received from Armando Paradiso in relation to DA 050/119/2016 for a Four Storey Residential Flat Building comprising 14 dwellings at 88 Myrtle Street, Prospect (CT 5164/136), be granted. The terms of the extension shall be such that the Development Plan Consent will now lapse on 5 February 2020 unless Building Rules Consent is granted within that time.

The Panel resolved by consensus that the Application is Approved – CAP 16/19

Mr S Green left the meeting at 6.24pm.

Item 6.4: 73 and 75 North East Road, and 43 Rosetta Street, Collinswood

Application No: DA 050/67/2016

Recommendation

That the request for an extension to the operative period of the Development Plan Consent, received from Lucy Homes Pty Ltd, and in relation to DA 050/67/2016 for Variations to Previous Approval (DA 050/99/2013) – Additional Storey, Roof Terrace, Revised Dwelling Size and Density, Reduced Commercial and Retail Floor Area and Increased Car Parking Provision at 73 and 75 North East Road, and 43 Rosetta Street, Collinswood (CTs: 5528/961, 5480/919 & 5725/365), be declined.

The Panel resolved by consensus that the Application is Refused – CAP 17/19

Mr S Green re-entered the meeting at 6.31pm.

INFORMATION REPORTS

Item 7.1: Notable Developments within City of Prospect

Recommendation

(1) The report is received and noted.

The Panel resolved that the recommendations are Carried – CAP 18/19

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 4 March 2019 at 5.30pm.

CLOSURE:

The meeting closed at 6.36pm

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Mr David Cooke
(Presiding Member)
March 2019