MINUTES OF THE COUNCIL ASSESSMENT PANEL OF CITY OF PROSPECT, HELD IN THE PROSPECT LIBRARY, 128 PROSPECT ROAD, PROSPECT, ON MONDAY 16 MARCH 2020 AT 5:31PM.

PRESENT:
Presiding Member: Mr D Donaldson
Members: Mr R Gagetti, Mr D Cooke, Mr R Perera and Mr R Pearce

IN ATTENDANCE:
Mr D Starr Assessment Manager
Mr H Keramidas Panel Secretary

WELCOME:
Acknowledgment of the Kaurna People as the Traditional Custodians of the Land

ON LEAVE:
Nil.

APOLOGIES:
Nil.

CONFIRMATION OF MINUTES:
The minutes of the meeting of the Council Assessment Panel held on 10 February 2019 be taken as read and confirmed as a correct record by consensus.

Carried - CAP 11/19

DECLARATIONS OF INTEREST:
Mr R Gagetti declared a conflict of interest for Item 6.2.

DEVELOPMENT APPLICATIONS:

Item 6.1: 137-141 Prospect Road, Prospect – Demolition of Three Dwellings and associated Outbuildings, and Construction of a Four Storey Mixed Use Building comprising 32 Dwellings and Three Commercial Tenancies with associated Landscaping

Application No: DA 050/322/2019

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 050/322/2019 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 granted to DA 050/322/2019 from Matthew Cooper for the Demolition of Three Dwellings and associated Outbuildings, and Construction of a Four Storey Mixed Use Building comprising 32 Dwellings and
Three Commercial Tenancies with associated landscaping at 137-141 Prospect Road, Prospect (CTs 5697/185, 5112/816 and 5518/448), subject to the following conditions:

**Reserved Matters:**

1. Revised elevation plans and/or detailed drawings of visual privacy solutions to be installed so as to prevent overlooking to adjoining properties within the residential zone, and minimise overlooking to adjoining properties within the urban corridor zone, to the reasonable satisfaction of Council.

2. 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 proposed to be placed within the rooftop plant enclosure.

**Conditions:**

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/322/2019, 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 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. 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.

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. 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. The commercial floor area nominated on the proposal plans shall be used for retail, office or consulting rooms only as envisaged by the development plan.

DPTI Conditions:

1. The obsolete crossovers on Prospect Road shall be closed and reinstated to Council’s kerb and gutter standards. Additionally, a road sign may need to be removed to accommodate the shared access point. All costs associated with these works must be borne by the applicant. The applicant shall contact Ms Teresa Xavier, Network Planning Engineer, Traffic Services Section, DPTI on telephone 8226 8389 or via email at Teresa.Xavier@sa.gov.au, to discuss any sign relocation prior to undertaking any work.

2. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Prospect Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant’s expense.

Mr R Gagetti moved a motion for the recommendation, Mr D Cooke seconded. Motion was carried.

The Panel resolved that the Application is approved – CAP 12/19

Mr R Gagetti left the meeting at 5:49pm due to conflict of interest in this Item.

Item 6.2: 82-90 Johns Road, Prospect - Variation to Previous Development Plan Consent (DA 050/309/2018): Three Storey Residential Flat Building comprising 8 Dwellings with associated Fencing and Landscaping

Application No: DA 050/507/2019

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 050/507/2019 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 granted to DA 050/507/2019 from Citify Pty Ltd and BFC Pty Ltd for Variation to Previous Development Plan Consent (DA 050/309/2018): Three Storey Residential Flat Building comprising 8 Dwellings with associated Fencing and Landscaping at 82-90 Johns Road, Prospect (CT 5820/95), subject to the
following conditions and notes:

**Reserved Matters:**

1. Waste management; including the provision of revised plans which address visual amenity and air pollution issues relating to the communal waste storage area to the reasonable satisfaction of Council.

**Conditions:**

2. A revised stormwater management plan shall be submitted prior to the grant of Development Approval, demonstrating to the reasonable satisfaction of Council that the required total site detention volume of 54,333L will be achieved (noting that the approved stormwater management plan anticipates that the residential flat building would contribute 13,500L to this total detention volume).

*(Council staff note that all conditions of the original approval remain operative and only one new condition is recommended as a result of the proposed variations.)*

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

Mr R Gagetti returned to the meeting.

**Item 6.3:** 91 Devonport Terrace, Prospect – Two, Two Storey Residential Flat Buildings Comprising 4 Dwellings

**Application No:** DA 050/529/2019

**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 050/529/2019 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 granted to DA 050/529/2019 from Nguyen Tran on behalf of Nguyen Tran and Minh Tran for Two, Two Storey Residential Flat Buildings comprising 4 Dwellings at 91 Devonport Terrace Prospect (CT 5413/472), subject to the following conditions:

**Reserved Matters:**

1. A revised 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.

2. Revised elevations shall be provided that, to the satisfaction of Council, provides adequate screening that prevents views into neighbouring properties from the upper level windows and balconies, to a minimum height of 1.7m above the finished floor level. The materials and finishes used on the screens shall complement those of the dwellings.

3. Revised elevations shall be provided that, to the satisfaction of Council, comprises a combination of solid and visually permeable materials that provides adequate visual privacy for the ground level courtyard of Dwelling 1.
Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/529/2019, 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 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 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.

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 to the reasonable satisfaction of Council.

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. 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.
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.

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. 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 by consensus – CAP 14/19

Item 6.4: 30 Third Avenue, Sefton Park – Two Storey Detached Dwelling

Application No: DA 050/535/2019

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 050/535/2019 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 granted to DA 050/535/2019 from 365 Studio Pty Ltd, for Two Storey Detached Dwelling at 30 Third Avenue, Sefton Park (CT 5462/109), subject to the following conditions:

Reserved Matter:

1. A detailed stormwater management plan shall be provided that, to the satisfaction of Council, provides evidence 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 necessary 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 050/535/2019, 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.

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

Item 6.5: 88 Gordon Road, Prospect – Two Storey Detached Dwelling with associated Swimming Pool and Safety Barrier

Application No: DA 050/503/2019

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 050/503/2019 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 granted to DA 050/503/2019 from Rendition Homes for Two Storey Detached Dwelling with associated Swimming Pool and Safety Barrier (CT 5615/762), subject to the following conditions:

Reserved Matter:

1. Revised site and/or floor plans shall be provided demonstrating the location of pool pump equipment and safety fencing. The nature of any equipment housing, including its capacity to reduce noise emanating from the pool pump, shall be detailed.

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/503/2019, 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 upper level and stairwell 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.

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

Item 6.6: 78 Guilford Avenue, Prospect – Two Storey Detached Dwelling

Application No: DA 050/492/2019

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 DA 050/492/2019 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 granted to DA 050/492/2019 from Mathew Mudford (Homecorp Constructions) on behalf of S & E Baggio for a Two Storey Detached Dwelling at 78 Guilford Avenue, Prospect (CT 5711/28), subject to the following conditions:

Reserved Matters:
1. A detailed schedule of materials and finishes that, to the satisfaction of Council, comprises a
colour scheme that is consistent with the existing dwellings within the Guilford Avenue.

2. A revised site and drainage plan be provided that, to the satisfaction of Council, reflects the
amended front setback and 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 050/492/2019, 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. With the exception of the Master Bedroom, all upper level windows shall have:
   e) Minimum window sill heights of 1.7m above finished floor level; or
   f) Fixed and obscured glass to a minimum height of 1.7m above floor level; or
   g) 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
   h) 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 dwelling 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 by consensus – CAP 17/19

Item 7.1: Devonport Terrace (Road Reserve), Prospect – State Agency Development (Amended Application): Removal of Three Regulated and One Significant Tree(s), and Pruning of Three Regulated and One Significant Tree(s)

Application No: DA 050/179/2019

Recommendation

1.1 The State Commission Assessment Panel (SCAP), and ultimately the Minister for Planning, be provided with a copy of this report and that they be advised of Council's concerns, through its Council Assessment Panel, in relation to the matters described herein.

1.2 That Council does not support the proposal in its current form; noting that the project team has undertaken a detailed site walkthrough with an independent arborist and landscape architect on behalf of Council, and that it was jointly established that the removal of four regulated (including one significant) trees was unnecessary in order to deliver the rail electrification project.

1.3 That the SCAP and the Minister should give particular regard to the following matters:

1.3.1 Identification of Affected Regulated Trees: Council has been advised by the project team that a regulated tree (assigned ID 175) is to be affected by 'major pruning' works, though this tree does not appear in the application documents submitted to SCAP on 20 January 2020.

1.3.2 Intent of Regulated Tree Controls: The intent of the Development Act 1993, and the related provisions of Council’s Development Plans, is to identify and protect substantial trees that provide community benefit through their appearance, biodiversity, climate, habitat and amenity value, as well as those trees that are indigenous to their locality. Where a regulated (or significant) tree has been identified to achieve these characteristics, their removal should only occur where it can be justified in relation to a number of identified factors. As evidenced by this application, tree damaging impacts related to public infrastructure are not exempt from this regime in recognition of the significant community benefits of trees that achieve the relevant criteria.

1.3.3 Application Documents: In the context of Council’s previous comments, it is of continuing disappointment that no analysis of the positive value of each tree, or demonstration of genuine need for removal of each tree, has been undertaken in the preparation of this amended application. Limited information has been provided (after multiple requests) as to the nature or location of works involved in the Gawler Rail Electrification Project that may assist Council or SCAP in considering these matters in the preparation of its reports, while no information has been provided regarding design alternatives that may allow for the retention of the identified trees. The documentation provided falls well short of Council’s expectations in relation to a project of this significance.

1.3.4 Council staff are aware, from discussion with the project team, that design alternatives have been pursued resulting in the project requiring significantly fewer regulated tree removals than initially identified (and indeed fewer than are identified within the amended application documents). Limited weight can be given to this however, given that no documentation is provided for assessment purposes.
demonstrating such work (and noting that the application as submitted is not reflective of this alternative design work)

1.3.5 Removal Justification: On 10 February 2020, at the invitation of the project team, an independent arborist and landscape architect on behalf of Council attended a detailed site walkthrough to consider each tree within the Devonport Terrace road reserve (regulated and non-regulated). During that walkthrough, it was agreed that removal of only one regulated tree (Tree ID 132) was required in order for the project to proceed.

1.3.6 As a consequence of this, there is no apparent arboricultural or planning justification, with reference to Council Wide Objective 25 and Principles of Development Control 359 and 364, that supports the removal of the remaining Regulated and Significant Trees (Tree IDs 131, 145 and 150). The removal of these trees should not be supported by SCAP or the Minister for Planning.

1.3.7 Tree Pruning: Following the 10 February 2020 walkthrough, photographs have been prepared demonstrating the intended locations of pruning with the canopy of each tree required to be affected (Tree IDs 131, 145, 152, A and 175). Council’s arborist has indicated broad satisfaction with the pruning shown, so long as it is conducted in accordance with the relevant Australian Standard. It is noted that no information is provided in relation to Tree IDs 132, 150, B or C, as the project team advised that no tree damaging activity was required in relation to those trees.

It is understood that root pruning is required in relation to a number of trees also, the extent of which would be defined as a tree damaging activity. It is understood that investigative air spade trenching is to be undertaken in order to establish the precise extent of root pruning proposed. Council recommends that the SCAP seek information as to the extent of root pruning proposed, given that a full assessment of the proposal could not occur in the absence of this information.

The Panel resolved to provide the CAP report and their advice by consensus – CAP 18/19

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:

Presiding Member Mr D Donaldson questioned a common lack of detailed information on privacy screening for applications at the planning consent stage and the use of reserved matters.

Assessment Manager Mr D Starr replied that the use of reserved matters gives Council staff the ability to clarify the effectiveness of the screening in a level of detail, along with giving an applicant certainty that a planning consent has been issued. Further clarity around detailed design and effectiveness of screening can also assist with compliance once developments are constructed.
Assessment Manager Mr D Starr raised that next month’s CAP meeting is scheduled for 20 April 2020 however given evolving issues associated with Covid 19, the time and date of the meeting could be effected.

TIME AND PLACE OF NEXT MEETING:
The next meeting of the Council Assessment Panel will be held in Payinhti, 128 Prospect Road Prospect on Monday 20 April 2020 at 5.30pm.

CLOSURE:
The meeting closed at 6:47pm.

Mr Don Donaldson
(Presiding Member)
20 April 2020