

**MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF
TEA TREE GULLY HELD ON TUESDAY 19 FEBRUARY 2019 AT
10.00AM IN THE COUNCIL CHAMBERS, 571 MONATGUE ROAD,
MODBURY**

1. Attendance Record:

1.1 Present

Mr R McBryde	<i>(Independent Member)-(Presiding Member)</i>
Mr P Dungey	<i>(Independent Member)</i>
Mr G Salmon	<i>(Independent Member)</i>
Ms B Merrigan	<i>(Independent Member)</i>
Mr D Wyld	<i>(Elected Member)</i>

Officers in Attendance

Mr N Grainger	Manager, City Development
Mrs C Gill	Team Leader, Planning
Ms C Tully	Senior Planning Officer
Mrs C Gustafson	Administration Officer, Development Assessment

1.2 Apologies

Ms C Neil	Director, Community & Cultural Development
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1.3 Public Gallery

1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Mr Dungey, Seconded Mr Salmon

That the Minutes of the Special Council Assessment Panel Meeting held on 29 January 2019 be confirmed as true and accurate records of proceedings.

Motion Carried Unanimously (61)

3. Business Arising from Previous Minutes

3.1 CAP.070/115394/2018 - Three Single Storey Row Dwellings at 20 Berryman Drive, Modbury

Members noted progress on the above application.

4. Reports and Recommendations

4.1 CAP. 070/115721/2018 - Childcare Centre (Non-Complying) at 817-839 North East Road Valley View

Moved Mrs Merrigan, Seconded Mr Dungey

That pursuant to the authority delegated to the Council Assessment Panel by Council, the Council Assessment Panel:

- A. RESOLVES that the proposed development is not seriously at variance with the policies in the Tea Tree Gully (City) Development Plan.
- B. RESOLVES to GRANT Development Plan Consent to the application by Ekistics Planning and Design to demolish existing structures and construct a single storey childcare centre (pre-school) with associated car park, fencing, retaining walls, signage, freestanding pylon and landscaping (Non-Complying) at 817-839 North East Road, Valley View, as detailed in Development Application No. 070/115721/2018 subject to concurrence by the State Commission Assessment Panel, the following reserved matter(s), condition(s) and advisory note(s):
- (1) The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/115721/2018, in particular:
- Overall Site Plan prepared by Brown Falconer, Dwg 3227 002, Rev 3, Date 18.01.2019
 - Site Plan, Fencing and Signage Plans prepared by Brown Falconer, Dwgs 3227 003-005, Rev 3, Date 18.01.2019
 - Floor Plan prepared by Brown Falconer, Dwg 3227 006, Rev 3, Date Oct 2018
 - Floor Plan prepared by Brown Falconer, Dwg 3227 007, Rev 1, Amended Date 18.01.2019
 - Landscape Plans prepared by Brown Falconer, Dwgs 3227 008-009, Rev 3, Date 18.01.2019
 - Elevation Plan prepared by Brown Falconer, Dwg 3227 010, Rev 1, Date 24.10.2018
 - Materials Palette prepared by Brown Falconer, Dwg 3227 011, Rev 1, Date 24.10.2018
 - Traffic and Parking Report prepared by CIRQA, Version V1.1, Date 24 October 2018
 - Environmental Noise Assessment Report prepared by Sonus, Date November 2018
 - Stormwater Management Report prepared by Wallbridge Gilbert Aztec, Rev E, Date 31 January 2019
 - Tree Survey in Relation to Development Report prepared by Tree Environs, Date 17 October 2018
 - Preliminary Site Investigation including Soil and Groundwater Investigations prepared by Land & Water Consulting, Date October 2018

and information except where varied by any condition(s) listed below.

- (2) The materials used on the external surfaces of the works and the pre-coloured steel finishes or paintwork shall be maintained in good condition at all times. All external paintwork shall be completed within 2 months of the erection of the preschool building (childcare centre).
Reason: To preserve and enhance the amenity of the site and locality.
- (3) The premises shall be kept tidy and buildings, fences, landscaping and paved or sealed surfaces shall be maintained in good condition at all times.
Reason: To maintain the amenity of the site and locality.
- (4) All driveways, parking and manoeuvring areas shall be formed and be properly drained. They shall be maintained in good condition thereafter and made available for parking at all times.
Reason: To ensure useable and safe carparking.
- (5) All off-street carparking spaces shall be linemarked, in accordance with the approved plans and Australian Standards AS 2890.1:2004 and 1742.2:2009. The line marking, signposting and directional arrows shall be maintained to a clear and visible standard at all times.
Reason: To maintain safety for users.
- (6) The planting and landscaping identified on the 'Landscape Plan - Carpark' submitted with the application shall be completed in the first planting season concurrent with or following commencement of the use of the childcare centre. Such planting and landscaping shall not be removed nor the branches of any tree lopped and any plants which become diseased or die shall be replaced by suitable species.
Reason: To maintain amenity and site of locality.
- (7) The hours of operation herein approved are 6:30am to 6:30pm Monday to Friday. Any variation to these hours of operation will require a further consent.
Reason: To minimise the impact on adjoining properties.
- (8) The outdoor play spaces shall not be used prior to 7:00am on any given day
Reason: To minimise the impact on adjoining properties.
- (9) Any lights on the subject land shall be directed and screened so that overspill of light into the nearby properties is avoided and motorists are not distracted.
Reason: To minimise the impact on adjoining properties and motorists.
- (10) Stormwater management and water discharge shall be undertaken in accordance with the Storm Water Management Plan by WGA dated 31 January 2019, with the works outside the boundaries of the site to be undertaken to the satisfaction of Council's engineer.
Reason: To assist and maintain water quality entering Council's drainage network and minimise the impact of development on the nearby watercourse.
- (11) The development shall comply with the recommended acoustic fencing treatments around the boundaries of the site as listed in the Sonus Environmental Noise Assessment report dated November 2018.
Reason: To maintain the amenity of the locality

- (12) The development shall comply with the recommendations of Tree Environs in the Tree Survey Report in Relation to Development dated 17 October 2018, and the following tree-sensitive measures shall be adopted during the works:
- All excavation works shall be carried out using an air spade or similar under the supervision of a qualified arborist;
 - A pier footing system shall be used for the retaining walls, and all holes shall be dug by hand or using an air spade under the supervision of an arborist;
 - Permeable paving shall be installed within the Tree Protection Zones (TPZ) of Trees 1, 2 and 7;
 - The garden bed between the fence and the new building shall be mulched within the TPZ of Tree 17; and
 - Fencing work within the TPZ of Trees 22 and 24 shall comprise lightweight panels on a post and rail support system with bored footings to support the posts, and without continuous trenching within a TPZ.
- Reason: To minimise the impact on nearby regulated and significant trees.*
- (13) The signage, herein approved, shall be maintained in good repair with all words and symbols being clearly visible at all times.
Reason: To ensure amenity of the site and locality.
- (14) Underground fuel storage tanks, fuel dispenser and associated infrastructure shall be removed from the land prior to the commencement of any works associated with the childcare centre.
- (15) Soils surrounding the underground fuel storage tanks, fuel dispenser and associated infrastructure are to be chemically validated to ensure no residual fuel product is present.
- (16) Soil vapour assessment is to be undertaken in the vicinity of the underground fuel storage tanks upon the tank removal works.
- (17) Payment of the \$2,400 street tree removal fee (\$600 per tree) shall be paid to the City of Tea Tree Gully within one month of the first street tree being removed.

Reserved Matter(s):

The following matter(s) have been reserved pursuant to section 33(3) of the Development Act 1993, and sub-delegated to Council planning staff for a determination, prior to the issue of Development Approval:

- (1) Confirmation from a suitably qualified environmental engineer or auditor confirming the works have been undertaken in accordance with the recommendations of LWC and that the site is suitable for its intended purpose.

Department of Planning, Transport and Infrastructure Conditions

- (1) The access to the proposed development shall be in general accordance with the Brown Falconer Site Plan, Job No. 2018060, Drawing No. 3227 003, dated October 2018—with the last amended date of 18 January 2019.
- (2) All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
- (3) The redundant crossover on North East Road and Carlisle Place shall be reinstated to kerb and gutter to Council's standard prior to the operation of the business, with all costs being borne by the applicant.
- (4) Waste collections shall occur outside of the typical operating hours of the proposed development
- (5) Signage on this site visible from the adjacent roads shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device.
- (6) All illuminated signs visible from North East Road shall be limited to a low level of illumination (i.e. $\leq 150\text{Cd/m}^2$).
- (7) Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Notes:

- (1) The cost of rectifying any damage or conflict with existing services or infrastructure arising out of this development will be borne by the applicant.
- (2) The Applicant/Owner is advised that any works undertaken on Council owned land (driveways, stormwater connections, etc) will require formal approval under the Local Government Act through Council's Civil Operations Department, prior to any works being undertaken. Please find attached the relevant application form for your convenience. For further information on this process, or the specifications and conditions relating to works on Council land, please contact Council's Civil Operations Department on 8397 7444.
- (3) All earthworks shall be confined to and contained entirely within the property boundaries and shall not encroach on or over the roadside verge/reserve.
- (4) This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.

- (5) The development (including during construction) shall not at any time emit noise that exceeds the relevant levels derived from the *Environmental (Noise) Policy 2007*.
- (6) The Disability Discrimination Act places obligations on the applicant/developer in relation to the provision of facilities and access for people with disabilities
- (7) The removal of the street tree located on the Council verge adjacent to the subject site has been approved as part of this application. The fee paid to Council is to cover the cost of a new street tree (to be selected and planted by Council) and 3 years maintenance costs to ensure establishment. Removal of the existing street tree is at the applicant/owner's cost.
- (8) Please be advised that Council will commence street tree planting(s) on the road verge adjacent the subject land in the first planting season following completion of the development. For any enquiries regarding this, please contact Council's Parks Operations Department on 8397 7444.
- (9) Please be advised that the development has been granted Development Plan Consent only. An application for Building Rules Consent shall be lodged and approved prior to Development Approval being issued by Council.
- (10) The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.
- (11) NBN Co. is responsible for the installation of National Broadband Network (NBN) fibre for all developments in areas where NBN Co. has already rolled out fibre. To ensure services are available when residents move in, developers and builders shall register their developments and apply to NBN Co. before building has commenced. To determine if your site is in an NBN area and to register your development, please complete the pre-qualifier forms located at www.nbnco.com.au/newdevelopments. For more information, please contact the NBN Co. New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au.

Motion Carried Unanimously (62)

4.2 Update to CAP Terms of Reference

Moved Mrs Merrigan, Seconded Mr Dungey

That pursuant to the authority delegated to the Council Assessment Panel by Council, the Council Assessment Panel:

- A. RESOLVES that the Terms of Reference for the CAP be amended at items 1.7 to allow the Assessment Manager to cancel and reschedule meetings as required and at 1.10 to allow the Assessment Manager to call Special Meetings as required.

The amended terms of reference are as follows—

Ordinary Meetings

- 1.7 The Assessment Manager may cancel or reschedule a CAP meeting where circumstances dictate and where there are no matters of business listed on the agenda. In rescheduling a meeting, the Assessment Manager will work with the CAP members to ensure the availability and convenience of the members.

Special Meetings

- 1.10 The Assessment Manager, may make a request in writing to the Presiding Member , or two or more CAP Members for a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 1.11 Once approval is received in writing pursuant to clause 1.10, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP members at least 4 hours before the commencement of the special meeting.

Motion Carried Unanimously (63)

5. Other Business

5.1 E.R.D. Court Matters Pending

5.1.1 CAP.070/113465/2017 - Appeal against Refusal for 16 Mantua Court, Greenwith

Members noted that the applicant has withdrawn the appeal.

5.2 Policy Considerations - Nil

5.3 Pending State Commission Assessment Panel Concurrence - Nil

5.4 PDI Update

Mr Grainger advised Panel Members that a presentation to the Panel is being prepared which will provide an update on the progress of the PDI.

6. Information Reports - Nil

7. Date of Next Meeting

19 March, 2019

The Presiding Member declared the meeting closed at 10:49am.

Confirmed.....
Presiding Member 19 March 2019