

**MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE GULLY HELD ON
TUESDAY 20 DECEMBER 2022 AT 10.01AM IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD,
MODBURY**

1. Attendance Record:

1.1 Present

Mr M Adcock	<i>(Independent Member)-(Presiding Member)</i>
Mrs B Merrigan	<i>(Independent Member)</i>
Mr J Rutt	<i>(Independent Member)</i>
Mr A Mackenzie	<i>(Independent Member)</i>
Mr D Wyld	<i>(Elected Member)</i>

Officers in Attendance

Mr N Grainger	Manager, City Development
Mr B O'Neil	Planner
Mrs C Gustafson	Development Services Administration Officer

1.2 Apologies

Mr M Pereira	General Manager, Community Services
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1.3 Public Gallery

One attendee

1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Mr Rutt, Seconded Mr Mackenzie

That the Minutes of the Council Assessment Panel Meeting held on 15 November 2022 be confirmed as a true and accurate record of proceedings.

Motion Carried Unanimously (219)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 CAP.22024179 - Temporary Service Works Depot with Associated Office, Vehicle Compound, Container Storage and Fencing at 228 Smart Road St Agnes

Moved Mr Rutt, Seconded Ms Merrigan

Mr G Vincent attended the meeting and answered questions from Panel Members.

It is recommended that the Council Assessment Panel resolve that:

- A. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- B. Development Application Number 22024179 by MSP Developments Pty Ltd is granted Planning Consent subject to the following conditions and advisory notes:

CONDITIONS

Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in the application herein approved, except where varied by any condition(s) listed below.

Condition 2

The premises must be kept tidy and buildings, fences, landscaping and paved or sealed surfaces must be maintained in good condition at all times.

Reason: To maintain the amenity of the site and locality.

Condition 3

The hours of operation herein approved are as follows:

- 6:00am to 6:00pm Monday to Friday
- 6:00am to 6:00pm Saturday.

Any variation to these hours of operation will require a further consent.

Reason: To minimise the impact on adjoining properties.

Condition 4

All loading and unloading of goods and merchandise shall be carried out upon the subject land and no loading of any goods or merchandise shall be permitted to be carried out in the street in conjunction with the consent herein granted.

Reason: To minimise the impact on adjacent properties, roads, road users and infrastructure.

Condition 5

No chemicals or fuels are to be stored on site, except as part of a vehicle's fuelling system.

Reason: To ensure the proposal is established in accordance with the proposed use.

Condition 6

A minimum of 10 work vehicle parking spaces are to be provided on-site.

Reason: To ensure the proposal is established in accordance with the proposed use.

Condition 7

Employee parking is to be provided on-site, with a minimum of 30 spaces.

Reason: To ensure the proposal is established in accordance with the proposed use.

Condition 8

All driveways, parking and manoeuvring areas are to be constructed with all-weather compacted material, which shall be permeable in nature.

Reason: To ensure usable and safe car parking and maintain natural site drainage.

Condition 9

This consent is valid for a period of 36 months from the date of this notice of approval. At the conclusion of the period of consent, the approved use and building classification will be extinguished and the site shall be returned to its previous state.

Reason: To ensure the proposed use is ongoing for no more than 24 months.

ADVISORY NOTES

GENERAL NOTES

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

PLANNING CONSENT NOTES

Advisory Note 1

This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.

Advisory Note 2

The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations.

Advisory Note 3

The development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the *Environmental (Noise) Policy 2007*.

Advisory Note 4

The applicant/developer is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practical measures to ensure the activities on the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm. This includes being mindful of and minimising off site noise, dust and vibration impacts associated with development.

Advisory Note 5

The cost of rectifying any damage or conflict with any existing services or infrastructure arising out of this development will be borne by the applicant.

Advisory Note 6

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.

Motion Carried Unanimously (220)

5. Other Business

5.1 E.R.D. Court Matters Pending - Nil

5.2 Policy Considerations – Nil

5.3 Delegations

Mr Mackenzie suggested that the delegations be reviewed to allow for more minor applications to be assessed by Council staff.

5.4 Extension of Term of CAP Membership

Mr Grainger advised Panel Members that Council has extended the term of the CAP Membership for 12 months until December 2023.

5.5 Thanks to Staff from Presiding Member

Mr Adcock thanked staff for their work throughout the year.

6. Information Reports - Nil

7. Date of Next Meeting

17 January 2023

The Presiding Member declared the meeting closed at 10.43 am.

Confirmed.....
Presiding Member 17 January 2023