

CITY OF WEST TORRENS



Confidential Minutes
of Report Item 7.1
of the
COUNCIL ASSESSMENT PANEL

held in the George Robertson Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

TUESDAY, 13 NOVEMBER 2018
at 5.00pm

Donna Ferretti
Assessment Manager

Index

7 Confidential Reports Of The Assessment Manager 1
7.1 240 & 242 Sir Donald Bradman Drive and 27 Wilson Street, COWANDILLA..... 1

Released

7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

7.1 240 & 242 Sir Donald Bradman Drive and 27 Wilson Street, COWANDILLA

Application No 211/1256/2017

Reason for Confidentiality

It is recommended that this Report be considered in CONFIDENCE in accordance with regulation 13(2)(a) (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017*, which permits the meeting to be closed to the public for business relating to the following:

- (viii) legal advice.

as this matter is before the Environment Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

Council Assessment Panel resolved that:

1. On the basis that this matter is before the Environment Resources and Development Court so any disclosure would prejudice the position of Council, the Council Assessment Panel orders pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams, Assessment Manager, City Development staff in attendance at the meeting, and meeting secretariat staff, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager on the basis that this matter is before then Environment Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.
2. At the completion of the confidential session the meeting be re-opened to the public.

6.22pm the meeting moved into Confidence and session commenced.

PRESENT:**Panel Members:**

Ms C Dunn (Presiding Member)

Councillor: Mr G Nitschke

Independent Members: Ms J Strange, Mr C Menz, Mr B Russ

Officers:

Dr Donna Ferretti	(Assessment Manager)
Ms Rachel Knuckey	(Manager City Development - Acting)
Ms Sonia Gallarello	(Development Officer - Planning)
Ms Amelia DeRuvo	(Development Officer - Planning)
Ms Ebony Cetinich	(Development Officer - Planning)

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to SUPPORT the amended proposal for Application No. 211/1256/2017 by Emmett Property to undertake a change of use and construction of a single storey building to operate as a child care centre with outdoor play area, associated car parking, landscaping and 2.7m high acoustic fencing at 240-242 Sir Donald Bradman Drive and 27 Wilson Street, Cowandilla (CTs 5685/238, 5231/537 & 5534/478) subject to the following conditions of consent and reserved matter:

Reserved Matter

Pursuant to Section 33(3) of the *Development Act 1993*, the following matter is reserved for further consideration by the First Respondent. Development approval cannot be issued by the Council until it has assessed this matter and granted its consent in respect thereof (with or without further conditions of development plan consent that it considers appropriate to impose in respect of the reserved matter).

1. A detailed Stormwater Management Plan prepared by a suitably qualified engineer shall be submitted to Council which confirms that:
 1. The water quality treatment targets in the State Government Water Sensitive Urban Design Policy are capable of being achieved; and
 2. The following minimum reductions in total pollutant load of stormwater can be achieved, compared with that in an untreated stormwater runoff from the developed part of the site:
 - total suspended solids by 80 per cent;
 - total phosphorus by 60 per cent;
 - total nitrogen by 45 per cent;
 - litter/gross pollutants by 90 per cent;
 - no visible oil and greases for flows up to the 3 month ARI peak flow.

Development Plan Consent Conditions

1. The development shall proceed in accordance with the plans and details (Exhibit A) submitted with and forming part of DA 211/1256/2017, being drawings numbered:
 - Demolition Plan: SK08, prepared by Matthews Architects, dated 20 September 2017;
 - Site Plan: SK09G, prepared by Matthews Architects, dated 30 October 2018;
 - Floor Plan: SK10E, prepared by Matthews Architects, dated 30 October 2018;
 - Elevations: SK11E, prepared by Matthews Architects, dated 31 October 2018;
 - Perspective: SK12B, prepared by Matthews Architects, dated 7 February 2018;
 - Landscape Plan: SK09G, prepared by Matthews Architects, dated 31 October 2018;
 - Site Levels and Drainage Layout: 19806-C01, Issue D, prepared by PT Design, dated December 2017;
 - Details Sheet: 19806-C02, Issue B, prepared by PT Design, dated December 2017;
 - email from Botten Levinson dated 2 October 2018, except where varied by the following conditions of consent.
2. The number of children attending at the childcare centre shall not exceed 96 children at any one time.
3. Waste collection shall be undertaken by a private contractor at least twice a week and occur between the hours of 6:30pm and 8:00pm Monday to Friday.
4. All waste shall be placed within garbage containers with lids that are closed at all times to prevent odours and to prevent insects and vermin accessing the waste.
5. The private waste vehicle is restricted to a Medium Rigid Vehicle. This vehicle must enter and exit the site in a forward direction.
6. The hours of operation shall not exceed 6:30am to 6:30pm Monday to Friday, excluding public holidays.
7. Deliveries to the child care centre shall occur outside of operating times and be restricted to Small Rigid Vehicle sized vehicles or smaller. Service vehicles must enter and exit the site in a forward direction.
8. An 8.4 kilolitre underground detention storage tank with a pump system designed to restrict the outflow from the tank to a maximum 20 litres per second during a 20 year site critical storm event, shall be installed and operational prior to the occupation of the development.
9. A 2.7m high acoustic fence, as described in the Sonus Acoustic report dated May 2018, shall be installed along the northern and southern boundaries of the car park with a return along the eastern boundary, subject to the variations shown on the amended Site Plan (Drawing No. SK 09G) and described in the email from Botten Levinson dated 2 October 2018, prior to the occupation of the building and maintained in good condition to the satisfaction of Council.
10. Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the Australian Standard AS 1158 when necessary between 6am and 8pm Monday to Friday. Such lights must be directed and screened so that overspill of light into the nearby properties is avoided and motorists are not distracted.

11. As the subject land is located within an area affected by aircraft noise from Adelaide Airport, the building shall be treated with the appropriate noise attenuation measures in accordance with Australian Standards 2021 - Acoustics - Aircraft Noise Intrusion - Building, Siting and Construction. Such measures shall be shown on the plans and endorsed by Council prior to the issue of Development Approval.
12. Any existing crossovers not providing vehicle access on the approved plans shall be replaced with kerb and water table and the verge restored with materials consistent with the surrounding verge to a uniform level free of obstructions.
13. The sliding entry gate shall remain open between 6:15am and 6:45pm Monday to Friday to facilitate unrestricted traffic movements on and off the site.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

FURTHER

1. Pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, Item - 240 & 242 Sir Donald Bradman Drive and 27 Wilson Street, COWANDILLA, including the report, attachments and any discussions (excluding the decision), having been dealt with in confidence under regulation 13(2)(a) (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017* and in accordance with regulation 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, be kept confidential until a decision of the Environment, Resources and Development Court relevant to the item is made, on the basis that it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.
2. The Council Assessment Panel gives authority to the Assessment Manager to review, but not extend, the confidential order on a monthly basis.

COUNCIL ASSESSMENT PANEL DECISION

That Panel resolved that the recommendation be adopted.

6.27pm the Confidential session closed and the meeting reopened to the public.