

CITY OF WEST TORRENS



Confidential Minutes
of Report Items 7.1
of the
COUNCIL ASSESSMENT PANEL

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

on

TUESDAY, 13 MARCH 2018
at 5.00pm

Angelo Catinari
Assessment Manager

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7 **Confidential Reports Of The Assessment Manager 1**

7.1 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK 1

Released

7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

7.1 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK

Application No 211/738/2017

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 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.
2. At the completion of the confidential session the meeting be re-opened to the public.

5.56pm the meeting moved into Confidence and session commenced.

PRESENT:

Panel Members:

Dr D Ferretti (Independent Presiding Member)

Councillors: Mr G Nitschke

Independent Members: Ms C Dunn, Mr W Stokes, Ms J Strange

Officers:

Mr T Buss	(Chief Executive Officer)
Mr A Catinari	(General Manager Urban Services and Assessment Manager)
Ms H Bateman	(Manager City Development)
Ms R Knuckey	(Team Leader Planning)
Mr J Leverington	(Senior Development Officer - Planning)
Mr C Barone	(Senior Development Officer - Planning)
Ms E Cetinich	(Development Officer - Planning)
Ms E Morgan	(EA Urban Services - Minute Secretary)

RECOMMENDATION

The Council Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* (as amended) finds the proposal to be not seriously at variance with the Development Plan and resolves to advise the Environment Resources and Development Court that it does SUPPORT Development Plan Consent for Application No. 211/738/2017 by Eastern Building Group Pty Ltd to undertake the construction of a childcare centre with associated car parking and landscaping at 432 & 434 Sir Donald Bradman Drive, Brooklyn Park (CT 5704/545 & 5694/228) subject to the following conditions:

Council Conditions

1. The development shall be undertaken and completed in accordance with the plans by John Perriam Architects amended plans marked Dwg Nos 08/17-P1F, 08/17-P2C, 08/17-P3B and Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B and information detailed in this application except where varied by any conditions listed below.
2. The access to Rushworth Avenue shall be constructed in general accordance with the John Perriam Site Plan, Drawing No. 08/17-P1F and the Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B.
3. The access point shall be suitably flared to Rushworth Avenue in accordance with the John Perriam Site Plan, Drawing No. 08/17-P1F and the Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B. to allow convenient ingress and egress movement in order to minimise disruption to the free flow of traffic.
4. The existing crossover on Sir Donald Bradman Drive shall be considered redundant and must be closed off to the satisfaction of Council. Any new or modified crossing places shall be constructed to Council's requirements. New vehicle crossing places must be located a minimum of 500mm from any existing or proposed verge features (i.e. crossing places, trees, stormwater connections, stobie poles).
5. The car park shall be arranged, managed and signed to allow and direct all vehicles to enter and exit the site in a forward direction at all times.
6. The hours of operation of the Childcare centre shall be limited to the hours between 6.30am and 6.30pm on any day.
7. The total number of children accommodated in the facility at any one time shall be limited to 57.
8. The sliding gate at the Rushworth Avenue entry shall be kept open during operating hours, to allow vehicles to enter and exit the car park unhindered to prevent traffic queuing and obstructing vehicle movements on Rushworth Avenue.
9. Fencing adjacent to the south-western boundary shall ensure that sightlines to/from 436 Sir Donald Bradman Drive can be achieved in accordance with AS/NZ2890.1:2004.
10. All stormwater generated by the proposal shall be appropriately collected and disposed of without jeopardising the safety of the adjacent arterial road.
11. Stormwater detention shall be installed prior to the occupation of the development and maintained thereafter in accordance with the stormwater calculations by Herriot Consulting dated 8/11/2017.

12. All stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
13. All waste shall be placed within garbage containers with lids that are closed at all times to limit odours and to prevent insects and vermin accessing the waste at all times.
14. The bin enclosure shall be increased in size to accommodate more than two 240 litre mobile garbage bins such that all waste produced by the facility is able to be stored in enclosed receptacles at all times with the frequency of collection increased through the use of private contractors to avoid the creation of odours or other nuisance all to the reasonable satisfaction of Council.
15. General service vehicles for the subject development shall be restricted to an 'SRV' (in reference to AS 2890.2-2002), and servicing shall be restricted to outside of peak times.
16. Security lighting and lighting of the driveways, parking and manoeuvring areas and footpaths shall be in accordance with the Australian Standard 1158 during the hours of darkness that they are in use. Such lights shall be directed and screened so that overspill of light into nearby premises is avoided and minimal impact on passing motorists occurs. When not in use such lights should be dimmed to levels sufficient for security purposes only to diminish impacts on adjacent dwellings after operating hours. All such lighting on the subject site shall be directed and screened so that overspill of light into the nearby premises is avoided and minimal impact on passing motorists occurs.
17. All landscaping shall be planted in accordance with the approved plans prior to the occupancy of the development. Such landscaping shall be cultivated, tended, nurtured, and maintained and shall be promptly replaced if it becomes seriously diseased or dies, to the reasonable satisfaction of Council.
18. An automatic watering system shall be installed as part of the landscaping to ensure it is adequately watered at all times to enable it to establish and flourish.
19. All driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained prior to commencement of the use of the development, and shall be maintained in reasonable condition at all times.
20. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for storage of materials or goods such as waste products and refuse.
21. Waste shall be collected onsite from a private contractor after 6:30pm and before 8:30pm Monday to Friday.

Condition imposed at the direction and advice of DPTI:

22. The corner cut-off at Sir Donald Bradman Drive/Rushworth Avenue junction shall be increased to 4.5m x 4.5m in order to maximise driver sight lines and improve pedestrian circulation at Sir Donald Bradman Drive and Rushworth Avenue junction. All development (including landscaping and fencing) shall be kept clear of the above corner cut-off.

Notes

1. This approval does not include the erection of any signs. Further permission may be required from Council for the erection or display of any signs.
2. Any retaining walls will be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
3. This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land (e.g. Strata/Community Corp or the Developer/ Encumbrancee).
4. Your attention is drawn to the *Disability Discrimination Act 1992* which may prescribe requirements for people with disabilities additional to those contained within the Building Code of Australia.

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 7.1 - 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK, including the report, attachments and any discussions (excluding the decision), having been dealt with in confidence under regulation 13(2)(a)(vii) and (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.

6.00pm the Confidential session closed and the meeting reopened to the public.