



MINUTES

of

COUNCIL ASSESSMENT PANEL MEETING

Pursuant to the provisions of Section 82 of the Planning, Development and Infrastructure Act 2016

HELD IN

**COUNCIL CHAMBERS
PLAYFORD CIVIC CENTRE
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**THURSDAY, 21 DECEMBER 2023
AT 6:00PM**

The meeting commenced at 6:04 pm.

1 ATTENDANCE RECORD

1.1 Present

MR GEOFF PARSONS – PRESIDING MEMBER

Mr Aaron Curtis

Ms Cherie Gill

Mr Nathan Grantham

Ms Jane Onuzans

Also in attendance for the meeting:

Assessment Manager

Senior Development Officer - Planning

Governance Support

ICT Support Officer

ICT Technical Specialist

Minute Taker

Mr Adam Squires

Ms Danni Biar

Ms Kiraly Gosnell

Mr Braden Hanberger

Mr Abdoulaye Barry

Ms Domenica Crisafi

1.2 Apologies

Ms Misty Norris

Mr Paul Mickan

1.3 Not Present

Nil

2 CONFIRMATION OF MINUTES**PANEL RESOLUTION****CAP536**

The Minutes of the Council Assessment Panel Meeting held 16 November 2023 be confirmed as a true and accurate record of proceedings.

CARRIED

3 APPLICATIONS WITHDRAWN

Nil

4 DECLARATIONS OF INTEREST

Nil

5 APPLICATIONS FOR CONSIDERATION – PERSONS WISHING TO BE HEARD

Nil

6 APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD**6.1 VARIATION OF DEVELOPMENT APPLICATION 23012195 – REMOVE CHILDCARE, INCREASE OFFICE SPACE AND MINOR INCREASE IN OVERALL HEIGHT BY 1.19 METRES**

Representors: N/A

Applicant: City Collective c/- Pelligra

PANEL RESOLUTION**CAP537**

It is therefore recommended that the Council Assessment Panel resolves to:

- A. DETERMINE** that the variation is not seriously at variance with the provisions of the Planning and Design Code
- B. GRANTS** Planning Consent to vary the application by City Collective c/- Pelligra as detailed in Development Application ID. 23034253 subject to the following conditions:

Conditions

Council

- 1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application except where varied by any condition(s) listed below
- 2. The premises must be kept tidy and all 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.

- 3. All stormwater resulting from the subject development shall be managed in an

orderly manner and in accordance with the approved plans and documentation so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.

Reason: To ensure stormwater is disposed of in a controlled manner.

4. All tree protection measures must be in place as described in the tree protection plan as per the Arboricultural Impact Assessment and Tree Protection Plan prepared by Tertiary Tree Consulting Pty Ltd (dated 30 May 2023) prior to the commencement of any sitework. The Project Arborist must certify the tree protection measures are correctly installed prior to commencement of any site work and submit a completed Tree Protection Plan document to the council.
5. The placement and storage of bins for the collection of waste outside of the subject building must be undertaken by a nominated waste contractor only. All bins shall be returned to nominated waste storage areas internally within the building outside of this collection. The hours for waste collection vehicles to service the subject site must be restricted to outside of the hours of 8am to 5pm Monday to Friday
6. Should soil be removed from the site, a Waste Classification Assessment shall be undertaken to the classify the soil for disposal at a licensed waste disposal facility as per the recommendation of the FMG Preliminary Site Assessment dated 19 December 2022.
7. Prior to the occupation of the facility, the applicant shall provide a detailed Landscape Plan for consideration of the Assessment Manager under the delegation of the Assessment Panel. The subject Landscape Plan shall include any proposed ground level landscaping, ensuring integration with the adjoining public realm, but further ensure landscaping of the upper level planter boxes with landscaping capable of being visible from the externalities of the subject building.
8. All landscaping shall be completed and maintained in general accordance with the supplied landscaping plan and shall be maintained in good order to the reasonable satisfaction of Council at all times. Any plantings which require replacement shall be replanted within the first planting season following their removal.

CARRIED

6.2 VARIATION TO CONDITION OF DA 21022282 TO EXTEND HOURS OF OPERATION – TO ENABLE THE CONTROL ROOM AND FUEL PUMPING ACTIVITIES TO OPERATE 24 HOURS PER DAY 7 DAYS A WEEK

Representors:

Nil

Applicant:

Mark Kwiatkowski c/o Eyre Convenience Pty Ltd

PANEL RESOLUTION

CAP538

Pursuant to Section 128 of the *Planning, Development and Infrastructure Act 2016*, that DA 23009266 for “Variation to condition of DA 21022282 to extend hours of operation – to enable the control room and fuel pumping activities to operate 24 hours per day 7 days a week” at Lot 2001 Petherton Road, Davoren Park be GRANTED subject to the following conditions:

Conditions

1. The development herein approved shall be operated in accordance with the approved plans and documentations detailed herein
2. The hours of operation herein approved are as follows:
 - The operating hours of the car wash, vacuum facility and dog wash shall not exceed the following times: • 7am to 10pm, seven days a week Any variation to these hours of operation will require a further consent.
Reason: To minimise the impact on adjoining properties.
3. The number of seats within the Dining Area shown on Hodge Collard Preston Architects Floor Plan, Drawing S03 Revision B shall not exceed 19, unless otherwise approved in writing by the Relevant Authority.
4. The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.
5. Landscaping shown on the plans herein approved shall be established to the reasonable satisfaction Council prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.
6. All waste and rubbish shall be stored in covered containers prior to removal and shall be screened from public view.
7. Air conditioning or air extraction plant or ducting shall be screened such that noise emanating from the land is contained within the EPA's Noise Protection Policy. Page 3 of 7
8. All external lighting of the site, including, but not limited to car parking areas, advertising signs, the car wash, the sitting area and all buildings shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity so as to not, in the opinion of Council, create unreasonable over spill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.
9. The nominated on-site car parks are available at all times for customer or staff car parking.
10. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with the relevant Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of Council prior to the occupation or use of the development.
11. Car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of Council.
12. All vehicles shall enter and exit the site in a forward direction.
13. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site, any adjoining land or public road.

14. The recommendations contained within Sonus Report s6952C7 dated 10 October 2023 shall be complied with at all times.

LOST

PANEL RESOLUTION

CAP539

Pursuant to Section 128 of the *Planning, Development and Infrastructure Act 2016*, that DA 23009266 for “Variation to condition of DA 21022282 to extend hours of operation – to enable the control room and fuel pumping activities to operate 24 hours per day 7 days a week” at Lot 2001 Petherton Road, Davoren Park be REFUSED for the following reason:

Refusal Reason

1. The proposed variation is at variance with PO 1.4 of the Zone and PO 2.1 of the Interface Between land Uses module in that the proposed additional hours will result in the activities being of a scale and type which does not maintain residential amenity and would not be reasonably expected within the zone.

CARRIED

7 APPLICATIONS FOR CONSIDERATION - CATEGORY 1

Nil

8 OUTSTANDING MATTERS – APPEALS AND DEFERRED ITEMS

Nil

9 OTHER BUSINESS

Nil

9.1 STAFF REPORTS

Nil

10 CONFIDENTIAL MATTERS

Nil

11 POLICY DISCUSSION FORUM

Nil

12 CLOSURE

The meeting closed at 6:48pm.