

**MINUTES  
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF  
TEA TREE GULLY HELD ON TUESDAY 19 MARCH 2019 AT 10.00AM  
IN THE COUNCIL CHAMBERS, 571 MONTAGUE 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>

**Officers in Attendance**

Ms C Neil	Director, Community & Cultural Development
Ms C Gill	Team Leader, Planning
Mr C Rodgers-Falk	Development Services Administration Officer

**1.2 Apologies**

Mr D Wyld	<i>(Elected Member)</i>
Mr N Grainger	Manager, City Development

**1.3 Public Gallery**

One (1) member of the public

**1.4 Media - Nil**

**2. Minutes of Previous Meeting**

Moved Mrs Merrigan, Seconded Mr Salmon

That the Minutes of the Council Assessment Panel Meeting held on 19 February 2019 be confirmed as a true and accurate record of proceedings; with the following amendments:

- A. That the fourth bullet point within Condition 1 of Item 4.1 read as follows—
  - Roof plan prepared by Brown Falconer, Dwg 3772 007, Rev 1, Date 24/10/2018.
- B. That Item 5.4 be amended to include the word 'Act' after the term 'PDI' in the heading, and at the end of the item.

**Motion Carried Unanimously (64)**

**3. Business Arising from Previous Minutes - Nil**

#### 4. Reports and Recommendations

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

Moved Mrs Merrigan, Seconded Mr Salmon

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 SUPPORT the application by TRV Homes to construct three single storey row dwellings and to remove a regulated street tree (Silky Oak) from the adjacent road reserve at 20 Berryman Drive, Modbury, as detailed in Development Application No. 070/115394/2018, subject to the following conditions and advisory notes; and to DELEGATE the decision to GRANT Development Plan Consent to the Assessment Manager upon approval of the corresponding land division application.
- (1) The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/115394/2018, in particular:
    - The site plans and elevations prepared by TRV Homes, Revision H Dated 27 February 2019, Sheets 1 -4, and
    - The Site Works and Drainage Plan prepared by Structural Stability Consulting Pty Ltd, Drawing Numbers S03-2 and S03-3
 and information except where varied by any condition(s) listed below.
  - (2) The cost of two (2) replacement trees, \$179.00 (\$89.50 per tree) shall be paid into the City of Tea Tree Gully Urban Tree Fund within one month of the regulated street tree being removed. Payment may be made in person at the Civic Centre or by completing the attached form and posting to P.O. Box 571 MODBURY SA 5092. The cost of removal is at the expense of the applicant.  
*Reason: To ensure compliance with the legislative requirement for the planting of replacement trees, pursuant to Section 42(4) of the Development Act 1993.*
  - (3) The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork shall be maintained in good condition at all times. All external paintwork shall be completed within two (2) months of the erection of the row dwellings.  
*Reason: To preserve and enhance the amenity of the site and locality.*
  - (4) All driveways, parking and manoeuvring areas shall be formed, sealed with concrete, bitumen or paving, and be properly drained. They shall be maintained in good condition thereafter.  
*Reason: To ensure useable and safe carparking.*
  - (5) The planting and landscaping identified on the amended site plan submitted with the application shall be planted prior to occupation of the dwellings. The landscaping shall be maintained in good condition at all times and replaced should it become diseased or dies, subject to the ongoing reasonable satisfaction of Council.  
*Reason: To maintain the amenity of the site and locality.*

**Note(s):**

- (1) This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.
- (2) The applicant/developer is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, 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.
- (3) The cost of rectifying any damage or conflict with existing services or infrastructure arising out of this development will be borne by the applicant.
- (4) 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.
- (5) Please be advised that your application involves work that may impact of the stability of neighbouring land. Pursuant to Section 60 of the Development Act, 1993, you are reminded of your obligations to: -
  - 28 days before the building is commenced, caused to be served on the owner of the affected land a notice of intention to perform the building work and the nature of that work; and
  - Take precautions as may be prescribed to protect the affected land or premises, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the Development Regulations to require.

**Motion Carried Unanimously (65)**

**4.2 CAP.070/115705/2018 - Land Division (1 into 2) and Construction of a Single Storey Detached Dwelling and Associated Earthworks at 2-4 Honey Lane, Greenwith**

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 REFUSE Development Plan Consent to the application by Mr K Pilkington for Land division (1 into 2 – Torrens Title) and construction of a single storey detached dwelling and associated earthworks at 2-4 Honey Lane, Greenwith, as detailed in Development Application No. 070/115705/2018 on the following grounds:

- (1) The proposed Lot 702 is significantly at odds to the minimum envisaged allotment size.
- (2) The proposed Lot 702 is to have an unreasonable impact to the existing and desired character of the locality and Policy Area as a whole.
- (3) The size and configuration of the proposed allotment is unable to accommodate the desired dwelling without the need for excessive earthworks.
- (4) Earthworks associated with the dwelling are not minimised and subsequently does not retain the semi-natural characteristics of the landscape.
- (5) The land division is not demonstrated as being suitable for its intended land use, with the selected dwelling requiring major earthworks to site the dwelling and to improve its functionality.
- (6) In particular, the proposed development is at variance to the following provisions of the of the Tea Tree Gully (City) Development Plan consolidated 29 September 2016:
  - (a) **Residential Zone Target Hill Policy Area 17 Objective 2**, and **Principle of Development Control 2** in that the development does not accord with the Desired Character Statement of Policy Area 17.
  - (b) **Residential Zone Target Hill Policy Area 17 Principle of Development Control 9** in that the allotment area of proposed Lot 702 is 50% of the minimum allotment area.
  - (c) **Land Division Principles of Development Control 1, 2 and 8**, **Residential Zone Target Hill Policy Area 17 Objective 2**, and **Principle of Development Control 2** in that earthworks are not minimised.
  - (d) **Siting and Visibility Principle of Development Control 4(b)** and **Residential Zone Target Hill Policy Area 17 Objective 2**, and **Principle of Development Control 2** in that the proposed dwelling is not stepped or made to conform to the natural contours of the land.

**Motion Carried Unanimously (66)**

#### 4.3 CAP.070/116329/2018 - Carport Forward of the Dwelling at 307 Grenfell Road, Redwood Park

Moved Mr Salmon, Seconded Mrs Merrigan

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 REFUSE Development Plan Consent to the application by Jose Arcilla to construct a carport forward of the dwelling at 307 Grenfell Road, Redwood Park, as detailed in Development Application No.070/116329/2018 on the following grounds:
- (1) The proposed carport would be likely to have an adverse impact on the streetscape and amenity of the locality.
  - (2) The carport is at odds with the existing character of the locality together with the desired character of the Residential Zone.
  - (3) The carport does not satisfy the front setback requirements in the Development Plan.
  - (4) In particular, the proposed carport is at variance to the following provisions of the Development Plan:
    - (a) **Residential Zone Objective 3** and **Residential Zone PDC 6** which states that development should contribute to the desired character of the zone.
    - (b) **Residential Zone PDC 10** which states that sheds, garages and similar outbuildings should be designed with a minimum setback from the primary street of 5.5 metres, in order to provide a car parking space between the building and the street frontage.
    - (c) **Design and Appearance Objective 1** which seeks development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.
    - (d) **Design and Appearance PDC 22(a) and (b)** which state that the setback of buildings from public roads should be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality, and contribute positively to the function, appearance and/or desired character of the locality.
    - (e) **Residential Development PDC 6** which seeks garages, carports and residential outbuildings to have a roof form and pitch, building materials and detailing that complements the associated dwelling.
    - (f) **Residential Development PDC 8** which states that garages, carports and residential outbuildings should not dominate the streetscape.

**Motion Carried Unanimously (67)**

#### 4.4 CAP.070/116312/2018 - Carport forward of the dwelling at 7 Irene Avenue, Hope Valley

Moved Mr Dungey, Seconded Mrs Merrigan

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 REFUSE Development Plan Consent to the application by Len Mayton to construct a carport forward of the dwelling at 7 Irene Avenue, Hope Valley, as detailed in Development Application No.070/116312/2018 on the following grounds:
  - (1) The proposed carport would have an adverse impact on the streetscape and amenity of the locality.
  - (2) The carport is at odds with the existing character of the locality together with the desired character of the Residential Zone.
  - (3) The carport does not satisfy the front setback requirements in the Development Plan.
  - (4) In particular, the proposed carport is at variance to the following provisions of the Development Plan:
    - (a) **Residential Zone Objective 3** and **Residential Zone PDC 6** which states that development should contribute to the desired character of the zone.
    - (b) **Design and Appearance Objective 1** which seeks development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.
    - (c) **Design and Appearance PDC 22(a) and (b)** which state that the setback of buildings from public roads should be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality, and contribute positively to the function, appearance and/or desired character of the locality.
    - (d) **Residential Development PDC 6** which seeks garages, carports and residential outbuildings to have a roof form and pitch, building materials and detailing that complements the associated dwelling.
    - (e) **Residential Development PDC 8** which states that garages, carports and residential outbuildings should not dominate the streetscape.
    - (f) **Transportation and Access PDC 8** seeks development to provide safe and convenient access for all anticipated modes of transport.

**Motion Carried Unanimously (68)**

**5. Other Business**

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

**5.2 Policy Considerations - Nil**

**5.3 Pending State Commission Assessment Panel Concurrence - Nil**

**6. Information Reports - Nil**

**7. Date of Next Meeting**

16 April 2019

The Presiding Member declared the meeting closed at 10:27am.

Confirmed.....  
Presiding Member 16 April 2019