

**MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF
TEA TREE GULLY HELD ON TUESDAY 16 MARCH 2021 AT 10:05AM
IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

1. Attendance Record:

1.1 Present

Mr M Adcock	<i>(Independent Member)-(Presiding Member)</i>
Mr Mackenzie	<i>(Independent Member)</i>
Mr G Salmon	<i>(Independent Member)</i>
Mr J Rutt	<i>(Independent Member)</i>
Mr D Wyld	<i>(Elected Member)</i>

Officers in Attendance

Ms C Neil	Director, Community & Cultural Development
Mr N Grainger	Manager, City Development
Ms C Tully	Team Leader, Planning
Mr T Bourner	Senior Planning Officer
Ms C Gustafson	Development Services Administration Officer

1.2 Apologies - Nil

1.3 Public Gallery

Four attendees in person and four attendees via electronic means.

1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Mr J Rutt, Seconded Mr A Mackenzie

That the Minutes of the Council Assessment Panel Meeting held on 16 February 2021 be confirmed as a true and accurate record of proceedings.

Motion Carried Unanimously(165)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 CAP.070/120340/2020 - Telecommunications Tower at 429-455 Montague Road Modbury

Moved, Mr J Rutt, Seconded Mr G Salmon

Council staff tabled at letter from Botten Levinson Lawyers regarding the public notification process. Members considered and noted the letter.

Mr and Mrs Machtoub attended the meeting and addressed Panel Members in support of their representation.

Mr R Hendy attended the meeting via electronic means and addressed Panel Members in support of the application.

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 GRANT Development Plan Consent to the application by Planning Solutions to Construct a Telecommunications Facility at 429-455 Montague Road Modbury as detailed in Development Application No. 070/120340/2020 subject to the following conditions and advisory notes:
 1. The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/120340/20208 except where varied by any condition(s) listed below:
In particular –
 - The site plan site works and elevations submitted by Telstra Drawing Number S108106, Sheet numbers S1, S1-1, S1-2, S3, and S3-1 and
 2. The materials used on the external surfaces of the equipment shelter and monopole (including headframe) are to be painted “N53 Blue Grey” and be of a matte finish. The perimeter security fence shall comprise a Garrison style fence painted or finished to match the existing fence abutting the site. All paintwork and finishes shall be completed prior to the commencement of use of the facility and shall be maintained in good condition at all times, subject to the ongoing reasonable satisfaction of Council.
Reason: To preserve and enhance the amenity of the subject 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. Any works undertaken on Council owned land (including but not limited to works relating to reserves, crossing places, landscaping, footpaths, street trees and stormwater connections and underground electrical connections), require a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Civil Operations department on 8397 7444.

Commonwealth Secretary for the Department of Transport and Regional Services (Airport Building Heights) - Note(s)

1. The development as described does not penetrate the Parafield Airport Obstacle Limitation Surface (OLS) airspace protected for aircraft operations. Any further proposed addition to the structure, including aerials, masts and vent/exhaust stacks, must be subject to a separate assessment.
2. Restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths.
3. We recommend the Proponent of this development liaise with Parafield Airport of the planned final height of any built structures, as well as any associated crane activities, to ensure that any approvals that may be required under the Airports (Protection of Airspace) Regulations 1996 are obtained prior to construction commencing.

Motion Carried Unanimously(166)

4.2 CAP.070/120150/2020 - Land Division (1 into 3) At 13 Pope Crescent Hope Valley

Moved Mr G Salmon, Seconded Mr A Mackenzie

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 Willow Homes c/- Cavallo Forrest and Associates for land division at 13 Pope Crescent Hope Valley, as detailed in Development Application No. 070/120150/2020 (070/D202/20) on the following grounds:
- (1) The proposal is not consistent with the Desired Character of the zone and locality.
 - (2) The site is not suitable for medium density development as it is not located within walking distance of high frequency public transport.
 - (3) Specifically the proposed land division development is at variance with the following provisions of the Tea Tree Gully (City) Development Plan consolidated 27 December 2018:
 - (a) **Land Division PDC 2(a)** states that land should not be divided if any one element, size, shape, location, slope or nature of the land, make the allotments unsuitable for the intended use.
 - (b) **Land Division PDC 2(f)** states that land should not be divided if the intended use of the land would be contrary to the zone objectives.
 - (c) **Residential Development Objective 3** seeks medium and high density residential development in areas close to activity centres, public and community transport and public open spaces.
 - (d) **Transport and Access PDC 5** states that land uses that generate large numbers of visitors such as shopping centres, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.
 - (e) **Residential Zone PDC 3** states that vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.
 - (f) **Residential Zone PDC 6** states that development should not be undertaken unless it is consistent with the desired character for the zone.

Motion Carried (167)

4.3 CAP.070/120266/2019 - Three (3) Single Storey Split Level Row Dwellings At 13 Pope Crescent Hope Valley

Moved Mr J Rutt, Seconded Mr G 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 REFUSE Development Plan Consent to the application by Urban Planning and Design for three single storey split level row dwellings at 13 Pope Crescent Hope Valley, as detailed in Development Application No. 070/120266/2019 on the following grounds:
- (1) The proposal is not consistent with the Desired Character of the zone and locality.
 - (2) The proposal is not compatible with the existing built form character of the locality and does not positively contribute to the amenity of the streetscape.
 - (3) The site is not suitable for higher density development as it is not located within walking distance of high frequency public transport.
 - (4) The building does not meet the front, side and external side boundary setback requirements for dwellings.
 - (5) Specifically the proposed row dwelling development is at variance with the following provisions of the Tea Tree Gully (City) Development Plan consolidated 27 December 2018:
 - (a) **Design and Appearance Objective 1** seeks development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.
 - (b) **Design and Appearance Principle of Development Control (PDC) 1** seeks that buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to building height, mass and proportion, roof form and pitch, façade articulation and detailing, and verandahs, eaves, parapets and window screens.
 - (c) **Energy Efficiency Objective 1** seeks that development is designed and sited to conserve energy and minimise waste.
 - (d) **Orderly and Sustainable Development Objective 1** seeks orderly and economical development that creates a safe, convenient and pleasant environment in which to live.
 - (e) **Residential Development Objective 3** seeks medium and high density residential development in areas close to activity centres, public and community transport and public open spaces.

- (f) **Transport and Access PDC 5** states that land uses that generate large numbers of visitors such as shopping centres, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.
- (g) **Residential Zone PDC 3** states that vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.
- (h) **Residential Zone PDC 6** states development should not be undertaken unless it is consistent with the desired character for the zone.
- (i) **Residential Zone PDC 9** states dwellings should not be located on the boundary of an allotment, except for a detached or semi-detached dwellings.

Motion Carried (168)

5. Other Business

5.1 E.R.D. Court Matters Pending

5.1.1 CAP.070/118168/2019 - Land Division (1 Allotment into 2) Torrens Title at 104 Green Valley Drive, Greenwith

Outcome: The Panel noted progress on this matter.

5.2 Policy Considerations

Mr J Rutt discussed the relevance and quality of information provided by applicant's, particularly phone tower applications, and noted the requirement for a better level of information. Panel Members and Council staff discussed.

Mr A Mackenzie discussed the policy relevant to items 4.2 & 4.3.

5.3 Pending State Commission Assessment Panel Concurrence - Nil

6. Information Reports - Nil

7. Date of Next Meeting

20 April, 2021

The Presiding Member declared the meeting closed at 11:12am.

Confirmed.....
Presiding Member 20 April 2021