

**MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF
TEA TREE GULLY HELD ON TUESDAY 19 JANUARY 2021 AT
10:00AM IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD,
MODBURY**

1. Attendance Record:

1.1 Present

Mr M Adcock	<i>(Independent Member)-(Presiding Member)</i>
Ms B Merrigan	<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
Ms C Tully	Team Leader, Planning
Ms J O'Brien	Planning Officer
Mr C Rodgers-Falk	Development Services Administration Officer

1.2 Apologies

Mr N Grainger	Manager, City Development
Mr N Grantham	Acting Manager, City Development
Mr T Bourner	Planning Officer

1.3 Public Gallery

Nil attendees in person; 1 attendee via electronic means

1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Mr Rutt, Seconded Cr Wyld

That the Minutes of the Council Assessment Panel Meeting held on 15 December 2020 be confirmed as a true and accurate record of proceedings.

Motion Carried Unanimously (157)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 CAP.070/119881/2020 - Land Division (1 into 2) and Carport at 20 Scenic Way Ridgehaven

Moved Ms 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 REFUSE Development Plan Consent to the application by Ritesh Sehdev c/- Piper Leaker Surveying Services Pty Ltd to undertake a land division (1 into 2) and construct a carport at 20 Scenic Way, Ridgehaven as detailed in Development Application No.070/119881/2020 (070/D178/20) on the following grounds:
- (1) The proposal is not consistent with the Desired Character of the zone and locality.
 - (2) The proposal fails to meet the minimum site area requirement for the division of land.
 - (3) The development prejudices the achievement of the provisions of the Development Plan.
 - (4) The subject site is not suitable for higher density development.
 - (5) The proposal does not provide meaningful private open space for the existing dwelling.
 - (6) The carport does not meet the minimum front setback, both for the provision of on-site visitor parking and to reduce carport dominance in relation to the existing dwelling.
 - (7) 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) **Design and Appearance Principle of Development Control (PDC) 22 (a) & (b)** states that buildings should be setback to 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.
 - (b) **Orderly and Sustainable Development Objective 4** states that development should not prejudice the achievement of the provisions of the Development Plan.
 - (c) **Orderly and Sustainable Development PDC 4** states that urban development should form a compact extension to an existing built-up area.

- (d) **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.
- (e) **Residential Development PDC 10** states that private open space should be at the side and rear of the dwelling, and have sufficient area and shape to be functional, taking into consideration the location of the dwelling and the dimension and gradient of the site.
- (f) **Residential Development PDC 11** seeks private open space which is at least 20% of the site area on allotments of 300m².
- (g) **Residential Development PDC 12** states that private open space should not include driveways, bin storage areas, sites for rainwater tank and other utility areas.
- (h) **Transport and Access PDC 47(c)** states that carports should ensure vehicle park entries are recessed at least 0.5m behind the main face of the dwelling.
- (i) **Residential Zone Objective 2** seeks increased densities in close proximity to centres, public transport routes and public open space.
- (j) **Residential Zone Objective 3** seeks development that contributes to the desired character of the zone.
- (k) **Residential Zone PDC 6** states that development should not be undertaken unless it is consistent with the desired character for the zone.
- (l) **Residential Zone PDC 10** states that carports should be designed to be setback 5.5m from the primary street frontage.

Motion Carried Unanimously (158)

4.2 CAP.070/118305/2019 - Land Division (1 into 3) at 22 Highfield Drive Tea Tree Gully

Moved Cr Wyld, Seconded Mr Rutt

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 Dijana Dimanic c/- Alexander Symonds Pty Ltd for land division at 22 Highfield Drive Tea Tree Gully, as detailed in Development Application No. 070/118305/2020 (070/D169/19) 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 an activity centre.
- (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 Principle of Development Control (PDC) 1(f)** states allotments with an area of less than 450 square metres should be orientated with the long axis of the allotment (excluding the handle of a hammerhead allotment) within 30 degrees east and 20 degrees west of true north.
 - (b) **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.
 - (c) **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.
 - (d) **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.
 - (e) **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.
 - (f) **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.
 - (g) **Residential Zone PDC 6** states that development should not be undertaken unless it is consistent with the desired character for the zone.

Motion Carried Unanimously (159)

4.3 CAP.070/118266/2019 - Three (3) Single Storey Row Dwellings at 22 Highfield Drive Tea Tree Gully

Moved Ms 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 REFUSE Development Plan Consent to the application by Urban Planning and Design for three single storey row dwellings at 22 Highfield Drive Tea Tree Gully, as detailed in Development Application No. 070/118266/2019 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 an activity centre.
 - (4) The building does not meet the front, side and external side boundary setback requirements for dwellings.
 - (5) The design of the building does not demonstrate clearly defined areas for the storage of waste receptacles.
 - (6) 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) **Waste PDC 5** states development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.
- (h) **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.
- (i) **Residential Zone PDC 6** states development should not be undertaken unless it is consistent with the desired character for the zone.
- (j) **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 Unanimously (160)

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 - Nil

5.3 Pending State Commission Assessment Panel Concurrence - Nil

6. Information Reports - Nil

7. Date of Next Meeting

16 February 2021

The Presiding Member declared the meeting closed at 10:32am.

Confirmed.....
Presiding Member 16 February 2021