

**MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF
TEA TREE GULLY HELD ON TUESDAY 21 JULY 2020 AT 10:09AM IN
THE THEATRE, GOLDEN GROVE RECREATION AND ARTS CENTRE,
THE GOLDEN WAY, GOLDEN GROVE**

1. Attendance Record:

1.1 Present

Mr R McBryde	<i>(Independent Member)-(Presiding Member)</i>
Mr G Salmon	<i>(Independent Member)</i>
Ms B Merrigan	<i>(Independent Member)</i>
Mr D Wyld	<i>(Elected Member)</i>

Officers in Attendance

Ms C Neil	Director, Community & Cultural Development	E
Mr N Grainger	Manager, City Development	
Ms C Tully	Team Leader, Planning	
Mr C Rodgers-Falk	Administration Officer, Development Assessment	
Mr J Staples	Venue Operations Technician	

Where E appears, the attendee appeared via an electronic medium

1.2 Apologies

Mr P Dungey	<i>(Independent Member)</i>
Mr D Oest	Senior Planning Officer

1.3 Public Gallery

1 member of the public present, 1 utilised an electronic medium

1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Cr Wyld, Seconded Ms Merrigan

That the Minutes of the Council Assessment Panel Meeting held on 16 June 2020 be confirmed as a true and accurate record of proceedings, with the following minor amendment to Item 3.1—

- That the spelling of the tree species be corrected to read "*Eucalyptus saligna*".

Motion Carried Unanimously (138)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 CAP.070/119028/2020 - Alterations and Additions to City of Tea Tree Gully Sporting Facility at 88-100 Elizabeth Street, Banksia Park

Moved Cr Wyld, Seconded Ms 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 GRANT Development Plan Consent to the application by The City of Tea Tree Gully for alterations and additions to an existing sporting facility at 88-100 Elizabeth Street, Banksia Park, as detailed in Development Application No.070/119028/2020 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. 070/117858/2019 except where varied by any condition(s) listed below.
 - (2) 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 2 months of the erection of the building.
Reason: To preserve and enhance the amenity of the site and locality.

Note(s):

- (1) The development (including during construction) shall not at any time emit noise that exceeds the relevant levels derived from the *Environment Protection (Noise) Policy 2007*.
- (2) This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.
- (3) The *Disability Discrimination Act 1992* places obligations on the applicant/developer in relation to the provision of facilities and access for people with disabilities.

Motion Carried Unanimously (139)

4.2 CAP.070/118677/2020 - Remove Significant Tree at 34 Eastleigh Avenue, Golden Grove

Moved Mr Salmon, Seconded Ms 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 Mr A Mukhopadhyay for the removal of one significant River Red gum tree (*Eucalyptus camaldulensis*) at 34 Eastleigh Avenue, Golden Grove, as detailed in Development Application No. 070/118677/2020, on the following grounds:
 - (1) The tree makes an important contribution to the character and amenity of the local area and forms a notable visual element to the landscape of the local area.
 - (2) There is no evidence to suggest that the tree is diseased and its life expectancy is short.
 - (3) The tree is not shown to be causing or threatening to cause substantial damage to a substantial building or structure of value.
 - (4) There is no evidence to suggest that all reasonable remedial treatments and measures have been determined to be ineffective.
 - (5) In particular, the proposed development is at variance to the following provisions of the Tea Tree Gully (City) Development Plan consolidated 29 September 2016:
 - (a) **Significant Trees Objective 1** which seeks the conservation of significant trees that provide important aesthetic benefit.
 - (b) **Significant Trees PDC 1** which states that development should preserve significant trees that demonstrate the attributes making an important contribution to the character or amenity of the local area or forms a notable visual element to the landscape of the local area.
 - (c) **Significant Trees PDC 3** which seeks to preserve significant trees and avoid tree-damaging activity except in the case of removal where the tree is diseased and has a short life expectancy, or represents an unacceptable risk to public or private safety, or is within 20m of a bushfire area, or is causing or threatening to cause substantial damage to a substantial building or structure of value, and it has been demonstrated that all other reasonable remedial measures have been determined to be ineffective and all reasonable alternative development options have been considered.
 - (d) **Residential Zone Objective 3 and PDC 3** which seek development that contributes to and is consistent with the desired character of the zone.

- (e) **Residential Zone Desired Character statement** which notes the contribution of mature landscaping and large trees to the amenity and character of the zone, and encourages development that contributes to the enhancement of the landscape character of the zone.

Motion Carried Unanimously (140)

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

Planning Policy Considerations will be recorded in the minutes following discussion by Members.

5.3 Pending State Commission Assessment Panel Concurrence

5.3.1 CAP.070/117901/2019 - Single Storey Detached Dwelling and Associated Retaining (Non-Complying) at 2B Hotham Street, Hope Valley

Outcome: The Panel noted progress on this matter.

5.3.2 CAP.070/116814/2019 - Land Division (1 Allotment into 2) Torrens Title, the Construction of a Two-Storey Detached Dwelling, the Addition of a Carport to an Existing Dwelling and Associated Earthworks and Demolition of Structures (Non-Complying) at 6 Kelly Road, Valley View

Outcome: The Panel noted progress on this matter.

5.4 Resignation of Members

Nathan Grainger advised that resignations have been received from three members of the Council Assessment Panel—

- Robert McBryde (Presiding Member), effective upon the “Phase 3” commencement of the *Planning, Development and Infrastructure Act* for the City of Tea Tree Gully;
- Peter Dungey (Independent Member), effective upon the “Phase 3” commencement of the *Planning, Development and Infrastructure Act* for the City of Tea Tree Gully; and
- Rosa Gagetti (Deputy Independent Member), effective immediately.

The positions have been advertised and an event to formally thank the Members and acknowledge their contributions will be held at a future date.

6. Information Reports - Nil

7. Date of Next Meeting

18 August 2020

The Presiding Member declared the meeting closed at 10:43 am.

Confirmed.....
Presiding Member 18 August 2020