

**MINUTES  
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF  
TEA TREE GULLY HELD ON TUESDAY 18 MAY 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 G Salmon	<i>(Independent Member)</i>
Mr J Rutt	<i>(Independent Member)</i>
Mr A Mackenzie	<i>(Independent Member)</i>

**Officers in Attendance**

Mr N Grainger	Acting Director, Community & Cultural Development
Ms C Tully	Team Leader, Planning
Mr D Oest	Senior Planning Officer
Mr T Bourner	Senior Planning Officer
Mr C Rodgers-Falk	Development Services Administration Officer

**1.2 Apologies**

Mr D Wyld	<i>(Elected Member)</i>
Ms C Neil	Director, Community & Cultural Development

**1.3 Public Gallery**

18 attendees in person

**1.4 Media - Nil**

**2. Minutes of Previous Meeting**

Moved Mr Rutt, Seconded Mr Mackenzie

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

**Motion Carried Unanimously (169)**

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

#### **4. Reports and Recommendations**

##### **4.1 CAP.070/120326/2020 - Change in Use to Meditation and Yoga Studio at Unit 1, 247 Milne Road, Modbury North**

D Robertson attended the meeting on behalf of them self and J Sternagen, and addressed the Panel Members in support of their representation.

B Grech attended the meeting and addressed the Panel Members in support of their representation.

T Shinkfield attended the meeting on behalf of the Applicant and addressed the Panel Members in response to the representations.

Moved Mr Mackenzie, Seconded Mr Salmon

That the above application be deferred to allow the following to be undertaken—

- Traffic Survey Data or Further Information relating to the timed usage of the site's car parking; particularly between the hours of 4pm and 6pm.

**Motion Carried Unanimously (170)**

##### **4.2 CAP.070/120078/2020 - Construction of a New Function Centre, Car Parking, Decking, Retaining Walls and Fencing adjacent the Tea Tree Gully Public House and Garden Complex at 1 Haines Road, Tea Tree Gully**

W Dodd attended the meeting on behalf of the Tea Tree Gully Country Fire Service (CFS) and addressed the Panel Members in support of their representation.

T Zappia, F Barone, B Wilson attended the meeting on behalf of the Applicant and addressed the Panel Members in response to the representations.

Moved Mr Mackenzie, 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 GRANT Development Plan Consent to the application by Tom Doull C/- Studio Nine Architects to construct a new function centre, car parking, decking, retaining walls and fencing adjacent the Tea Tree Gully Public House and Garden Complex at 1 Haines Road Tea Tree Gully as detailed in Development Application No. 070/120078/2020 subject to the following conditions and advisory notes:
  - (1) The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/120078/2021 except where varied by any condition(s) listed below.

- (2) The materials used on the external surfaces of the development and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times. All external paintwork must be completed within two (2) months of the erection of the structures herein consented to.  
*Reason: To preserve and enhance the amenity of the site and locality.*
- (3) The premises shall 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.*
- (4) The hours of operation herein approved are as follows:  
- 9:00am to 10:00pm Monday to Thursday  
- 9:00am to 12:30am Friday to Sunday  
Any variation to these hours of operation will require a further consent.  
*Reason: To minimise the impact on adjoining properties.*
- (5) The capacity of the function centre must be limited to 200 patrons for all purposes. Any increase in capacity will require a further development approval.  
*Reason: To ensure adequate carparking is available on the site.*
- (6) All driveways, parking and manoeuvring areas must be formed, sealed with concrete, bitumen or paving, and be properly drained. They must be maintained in good condition thereafter.  
*Reason: To ensure useable and safe carparking.*
- (7) All off-street carparking spaces must be line marked, in accordance with the approved plans and Australian Standards AS 2890.1:2004 and 1742.2.2009. The line marking, signposting and directional arrows shall be maintained to a clear and visible standard at all times.  
*Reason: To maintain safety for users.*
- (8) Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the Australian Standards Association Code AS 1158 during the hours of darkness that they are in use. Such lights shall be directed and screened so that overspill of light into nearby properties is avoided and motorists are not distracted.  
*Reason: To minimise the impact on adjoining properties and provide a safe environment for users during darkness.*
- (9) Any lights on the subject land must be directed and screened so that overspill of light into the nearby properties is avoided and motorists are not distracted.  
*Reason: To minimise the impact on adjoining properties and motorists.*
- (10) The planting and landscaping identified on the Landscape Concept Plan dated 26 February 2021 herein consented to, must be completed in the first planting season concurrent with or following commencement of the use of the land. Such planting and landscaping must not be removed nor the branches of any tree lopped and any plants which become diseased or die shall be replaced by suitable species.  
*Reason: To maintain amenity and site of locality.*

- (11) No materials or equipment are to be stored outdoors.  
*Reason: To preserve and enhance the amenity of the site and locality.*
- (12) All construction works must be undertaken in accordance with the recommendation of Arborman Tree Solutions Dated 14 December 2020 relation to the management of nearby regulated and significant trees.  
*Reason: To ensure the health and longevity of nearby regulated and significant trees.*
- (13) All construction works must be undertaken in accordance with the recommendations of the Sonus Environmental Noise Assessment dated February 2021 in relation to the management of noise generated on site.  
*Reason: To minimise the impact on adjoining properties.*
- (14) All noise attenuation devices and measures as detailed in the Sonus report dated February 2021 must be installed prior to the commencement of use of the function centre.  
*Reason: To minimise the impact on adjoining properties.*
- (15) Stormwater generated on the site during the construction period and for the life of the development, must be collected, treated as necessary to ensure contaminated stormwater does not discharge directly or indirectly to any waters. Discharged water shall not contain suspended solids in excess of twenty milligrams per litre (20mg/L).  
**Note:** The Environment Protection Authority 'Handbook for Pollution Avoidance on Building Sites' details a range of strategies to collect, treat, store and dispose of stormwater during construction.  
*Reason: To assist and maintain water quality entering Council's drainage network.*
- (16) Loading and unloading of goods and merchandise, rubbish collection and bottle tipping must only be carried out within the following hours and must only be carried out upon the subject land with no loading of any goods or merchandise permitted on the adjacent road:
- 7:00am to 7:00pm Monday to Saturday
  - 9:00am to 7:00pm Sunday and Public Holidays
- Reason: To minimise the impact on adjoining properties.*
- (17) Music must not be played outside the following hours:
- All music to be ceased by midnight
  - After 10pm all patrons moved inside with the external speakers turned off and all windows and doors are closed
  - High Level music should only be played with all windows and doors of the function area to be closed with the only access to the deck via the air locked entry points.
  - Low level music should not exceed 77dB(A) inside the function centre and 65dB(A) on the deck pursuant to the tables contained within the report
- Reason: To minimise the impact on adjoining properties.*

- (18) No materials or equipment are to be stored outdoors.  
Reason: *To preserve and enhance the amenity of the site and locality.*
- (19) Except where varied by the approved plans or other conditions listed below, the new or modified crossing place must meet the minimum standard of design and construction as detailed on City of Tea Tree Gully drawings (as applicable):
- 1/15/SD – ‘Concrete Vehicle Crossing Place’;
  - 2/15/SD – ‘Block Paved Vehicular Crossing Place’;
  - 40/15/SD – ‘Property Access Grades;’ and/or;
  - 45/15/SD – ‘Commercial Concrete Vehicular Crossing Place.’
- Reason: *To maintain consistency of the streetscape and protect the infrastructure within the road verge.*

**Note(s):**

- (1) The cost of rectifying any damage or conflict with existing services or infrastructure arising out of this development will be borne by the applicant.
- (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) No signage, either portable or fixed, are to be erected or displayed on the land or on any building, structure, gate or fence. A further permission is required from Council for the erection or display of any sign.
- (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), shall 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.
- (5) The development (including during construction) shall not at any time emit noise that exceeds the relevant levels derived from the *Environmental Protection (Noise) Policy 2007*.
- (6) 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.

- (7) A permit or water licence may be required under the Natural Resources Management Act 2004 for certain activities not constituting development for the purposes of the Development Act 1993. This consent does not relate to such activities nor represent an authorisation in respect of such activities for which a separate permit or water licence will be required. The following is not an exhaustive list of such activities, but is given by way of example. Such activities could include:
- Draining or discharging water into a well;
  - The erection, construction or enlargement of a dam (other than where forming part of this development approval);
  - Draining or discharging water into a watercourse;
  - Depositing or placing an object or solid material in a watercourse;
  - Obstructing a watercourse;
  - Depositing or placing an object or solid material on the floodplain of a watercourse;
  - Destroying vegetation growing in a watercourse or on the floodplain of a watercourse;
  - Excavating or removing rock, sand or soil from a watercourse or the floodplain of a watercourse.

Enquiries should be made of the Adelaide and Mount Lofty Ranges Natural Resources Management Board and the Council should such activities be proposed.

- (8) All earthworks must be confined to and contained entirely within the property boundaries and must not encroach on or over the roadside verge/reserve.
- (9) The applicant/owner is advised that any driveway crossovers and stormwater connection works on the Council verge, and shown on the stamped plans, has been approved as part of this application. For further information on the specifications and conditions relating to crossovers and stormwater connections, please contact Council's Civil Operations Department on 8397 7444.

Any further works undertaken on Council owned land (including but not limited to access over Council reserves to construct the development, verge landscaping, and underground electrical and other service connections), requires a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Civil Operations department on 8397 7444 or accessing the web form at [https://www.teatreegully.sa.gov.au/Council\\_documents\\_Landing/Council\\_documents/Permits/Section\\_221\\_Application](https://www.teatreegully.sa.gov.au/Council_documents_Landing/Council_documents/Permits/Section_221_Application).

- (10) Public services may be present in the road and it is the property owner's responsibility to ensure these services are not damaged as a result of the work. If services require alterations, it is the property owner's responsibility to consult with the particular service agency before performing any works. (Contact "Dial Before you Dig" on telephone 1100 or their website [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)).

At all times during the construction, removal or repair of a crossing place or stormwater pipe, sufficient barricades and signs, visible at night (where work duration exceeds daylight hours), are to be installed and maintained to give adequate warning to the public.

The applicant shall be responsible for all costs associated with:

- The construction, removal or repair of crossing places or stormwater pipes. This may include the repairs and modifications to an abutting footpath as a result of the construction or alteration of the crossing place or stormwater pipe.
  - The pruning, removal and replacement of any tree as approved in accordance with Council's Tree Management Policy and the Council's Fees and Charges Register.
- (11) You are advised that it is an offence to undertake *tree damaging activity* in relation to a regulated or significant tree without the prior consent of Council. *Tree damaging activity* means:
- The killing or destruction of a tree; or
  - The removal of a tree; or
  - The severing of branches, limbs, stems or trunk of a tree; or
  - The ringbarking, topping or lopping of a tree; or
  - Any other substantial damage to a tree, (including severing or damaging any roots),
- and includes any other act or activity that causes any of the foregoing to occur, but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.
- (12) 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.
- (13) This application involves development located on the boundary or within close proximity to the boundary of the allotment. To ensure that the proposed development is constructed within the allotment, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.

**Motion Carried Unanimously (171)**

#### 4.3 CAP.070/119722/2020 - Four x Two-Storey Dwellings and a Community Title Land Division at 4 Grove Street, Modbury

Moved Mr Salmon, Seconded Mr 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 GRANT Development Plan Consent to the application by Land By You Pty Ltd to divide land into 4x community title allotments and create common land for vehicle access, and for the construction of 4x two storey group dwellings with associated earthworks, fencing and landscaping at 4 Grove Street, Modbury as detailed in Development Application No 070/119722/2020 subject to the following conditions and advisory notes:

##### **Development Plan Consent Condition(s):**

- (1) The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/119722/2020 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 must be maintained in good condition at all times. All external paintwork must be completed within two (2) months of the erection of the relevant structures.  
*Reason: To preserve and enhance the amenity of the site and locality.*
- (3) All driveways, parking and manoeuvring areas must be formed, sealed and be properly drained, and be maintained in good condition thereafter.  
*Reason: To ensure useable and safe car parking.*
- (4) Free and unrestricted access must be available to both the designated car parking spaces and the vehicle access ways at all times.  
*Reason: To ensure useable access and appropriate off-street car parking is provided.*
- (5) Any existing crossing places not providing vehicle access on the approved plans shall be replaced with kerb and watertable and the verge restored with materials consistent with the surrounding verge to a uniform level free of obstructions.  
*Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.*



- (6) Except where varied by the approved plans or other conditions listed below, the new or modified crossing place shall meet the minimum standard of design and construction as detailed on City of Tea Tree Gully drawings (as applicable):
- 1/15/SD – ‘Concrete Vehicle Crossing Place’;
  - 2/15/SD – ‘Block Paved Vehicular Crossing Place’;
  - 40/15/SD – ‘Property Access Grades;’ and/or;
  - 45/15/SD – ‘Commercial Concrete Vehicular Crossing Place.’
- Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.*
- (7) The new crossing place must be constructed and/or modified, as per the approved plans and conditions, prior to the occupation of the development.  
*Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.*
- (8) All landscaping herein approved must be planted prior to the occupation of the development. The landscaping is to be maintained in good condition at all times with landscaping immediately 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.*
- (9) All obscured awning type upper storey windows which are hinged at the top of the window panel must include a wind out mechanism, to no greater than 200mm.  
*Reason: To minimise overlooking of adjoining properties.*
- (10) Where stormwater is to be discharged to the street gutter, the stormwater system installation shall meet the minimum requirements of City of Tea Tree Gully drawing:
- 62/15/SD – ‘Stormwater Pipe Connection to Council Kerb and Gutter’.
- Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.*

**Land Division Consent Condition(s):**

**SCAP Condition(s):**

- (1) The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

- (2) Payment of \$23,283 into the Planning and Development Fund (3 allotment(s) @ \$7,761/allotment).

Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to **GPO Box 1815, Adelaide 5001** or in person, at **Level 5, 50 Flinders Street, Adelaide**.

- (3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

**Council Condition(s):**

- (1) All existing structures and deleterious material shall be cleared from the land prior to the final clearance of the land division.
- (2) A final certified survey plan shall be lodged with Council prior to final clearance of the land division.

**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 1993*, 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) Public services may be present in the road and it is the property owner's responsibility to ensure these services are not damaged as a result of the work. If services require alterations, it is the property owner's responsibility to consult with the particular service agency before performing any works. (Contact "Dial Before you Dig" on telephone 1100 or their website [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)).
- (4) The applicant shall be responsible for all costs associated with:
- The construction, removal or repair of crossing places or stormwater pipes. This may include the repairs and modifications to an abutting footpath as a result of the construction or alteration of the crossing place or stormwater pipe.
  - The pruning, removal and replacement of any tree as approved in accordance with Council's Tree Management Policy and the Council's Fees and Charges Register.

- (5) At all times during the construction, removal or repair of a crossing place or stormwater pipe, sufficient barricades and signs, visible at night (where work duration exceeds daylight hours), are to be installed and maintained to give adequate warning to the public.
- (6) The cost of rectifying any damage or conflict with any existing services or infrastructure arising out of this development will be borne by the applicant.
- (7) The applicant/owner is advised that any driveway crossovers and stormwater connection works on the Council verge, and shown on the stamped plans, has been approved as part of this application. For further information on the specifications and conditions relating to crossovers and stormwater connections, please contact Council's Civil Operations Department on 8397 7444.

Any further works undertaken on Council owned land (including but not limited to access over Council reserves to construct the development, verge landscaping, and underground electrical and other service connections), requires a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Civil Operations department on 8397 7444 or accessing the web form at [https://www.teatreegully.sa.gov.au/Council\\_documents\\_Landing/Council\\_documents/Permits/Section\\_221\\_Application](https://www.teatreegully.sa.gov.au/Council_documents_Landing/Council_documents/Permits/Section_221_Application).

- (8) 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.
- (9) Please be advised that your application involves work that may impact on 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 2008* to require.
- (10) NBN Co. is responsible for the installation of National Broadband Network (NBN) fibre for all developments in areas where NBN Co. has already rolled out fibre. To ensure services are available when residents move in, developers and builders must register their developments and apply to NBN Co. before building has commenced. To determine if your site is in an NBN area and to register your development, please complete the pre-qualifier forms located at [www.nbnco.com.au/newdevelopments](http://www.nbnco.com.au/newdevelopments). For more information, please contact the NBN Co. New Developments Team on 1800 687 626 or email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au).

**Motion Carried Unanimously (172)**

**4.4 CAP.070/120611/2020 - Removal of a Significant Tree (SA Blue Gum) at 12 Deering Crescent, Banksia Park**

Mr A Mackenzie declared a conflict of interest for this item, and left the chambers and their immediate vicinity at 11:20am.

Moved Mr Salmon, 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 Joey Carbone C/- Heynen Planning Consultants to remove a Significant Tree (SA Blue Gum) at 12 Deering Crescent Banksia, as detailed in Development Application No. 070/120611/2020 for the following reasons:
  - (1) The tree provides an important aesthetic and environmental benefit, and is worthy of preservation.
  - (2) The tree does not meet the criteria for removal under the relevant Development Plan.
  - (3) In particular, the proposed tree removal is at variance with the following provisions of the Development Plan:
    - (a) **Significant Tree Objective 1** which seeks the conservation of significant trees that provide an important aesthetic and environmental benefit.
    - (b) **Significant Tree Principle of Development Control (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 where the tree is diseased and has a short life expectancy, or represents an unacceptable risk to safety, or is within 20m of a bushfire area, or causing or threatening to cause damage to a substantial building or structure of value, and it has been demonstrated that all reasonable alternative development options have been considered.

- (d) **Residential Zone Objective 3 and PDC 6** which required development to contribute to and be undertaken in accordance with the desired character for the zone.
- (e) **Residential Zone Desired Character** statement which notes the contribution of mature landscaping and large trees contributing 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 (173)**

Mr A Mackenzie returned to the chambers at 11:39am.

**4.5 CAP.070/120908/2021 - Carport Forward of the Dwelling at 22 Sellar Court, Greenwith**

Moved Mr Salmon, 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 Mr P J Baldock to construct a carport and remove an existing carport at 22 Sellar Court, Greenwith, as detailed in Development Application No. 070/120908/2021 on the following grounds:
  - (1) The proposed carport has an adverse impact on the streetscape and amenity of the locality.
  - (2) The proposed carport is at odds with the existing and desired character of the locality, The Policy Area and the Zone.
  - (3) The proposed carport does not satisfy the front setback requirements of 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, Residential Zone Principle of Development Control (PDC) 6 and Design and Appearance PDC 22** which states that development should contribute to the desired character of the zone.
    - (b) **Policy Area 15 Objective 1 and Policy Area PDC 1** which states that development should be consistent and contribute to the desired character of the policy area.

- (c) **Design and Appearance PDC 23** which states that buildings should be setback a minimum of 4 metres from the road boundary.
- (d) **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.
- (e) **Residential Zone PDC 5** which states that outbuilding placement should be ancillary to dwellings.
- (f) **Transport and Access PDC 32 and 33** in that the proposal will not satisfy relevant off-street parking rates.

**Motion Carried Unanimously (174)**

## 5. Other Business

### 5.1 Council Assessment Panel - Updated Delegation Changes

Ms C Tully tabled additional documentation to the Panel for consideration, being an amended copy of "Instrument C" dated May 2021.

Moved Mr Salmon, Seconded Mr Mackenzie

That the following items be endorsed by the Council Assessment Panel—

- A. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed update to the Instrument of Delegation contained in Attachment 1 of the report titled "New provisions - Instrument of Delegation under the Planning Development and Infrastructure Act 2016 and Regulations" and changes marked in Instrument C Instrument of Delegation Under the Planning Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel dated May 2021, to the person(s) occupying the positions of Assessment Manager (or person(s) 'acting' in the above mentioned positions) except where otherwise indicated in the Attachment, subject to the conditions and/or limitations, if any, specified herein.
- B. Such powers and functions may be further delegated by the Assessment Manager (or persons occupying the positions) in accordance with Section 100(2)(c) of the Planning Development and Infrastructure Act 2016 as the Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

**Motion Carried Unanimously (175)**

**5.2 E.R.D. Court Matters Pending**

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

Outcome: The Panel noted the finalisation of this matter.

**5.2.2 CAP.070/120266/2020** - Land Division (1 Allotment into 3) Torrens Title at 13 Pope Crescent, Hope Valley

Outcome: The Panel noted commencement of this matter.

**5.3 Policy Considerations - Nil**

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

**5.5 Apology**

Mr M Adcock advised the Panel that he will be an apology for the June 2021 meeting, and that Mr G Salmon will be acting in the role of presiding member.

**6. Information Reports - Nil**

**7. Date of Next Meeting**

15 June 2021

The Presiding Member declared the meeting closed at 12:00pm.

Confirmed.....  
Presiding Member 15 June 2021