

MINUTES  
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE  
GULLY HELD ON TUESDAY 17 JANUARY 2023 AT 10.01AM 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 J Rutt	<i>(Independent Member)</i>
Mr A Mackenzie	<i>(Independent Member)</i>
Ms N Taylor	<i>(Deputy Independent Member)</i>

Officers in Attendance

Mr R McMahon	Chief Executive Officer
Mr M Pereira	General Manager, Community Services
Mr N Grainger	Manager, City Development
Mr J Banks	Team Leader, Planning
<b>Mr B O'Neil</b>	Planner
Mrs M Marks	Governance & Risk Administration Officer

1.2 Apologies

Mr D Wyld	<i>(Elected Member)</i>
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1.3 Public Gallery

35 Attendees

1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Ms Merrigan, Seconded Mr Mackenzie

That the Minutes of the Council Assessment Panel Meeting held on 20 December 2022 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (221)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 CAP.22020724 - Two storey dwelling, swimming pool, safety barrier, decking and balconies at 20 Mulberry Drive, Highbury

*The following people spoke in opposition:*

- *Amanda Price-McGregor on behalf of Green Light Planning; Tania and Mike Lawrenson, Trevor and Cathy Waterhouse, Elizabeth Mitton, Karen Tabe, Warrick Philpott, Tracey James, Darren Grubber, Andrew and Michelle Gordon, Marjorie Ware, Andrew and Rebecca Cialini, and for Ken and Wendy Bennets*
- *James Dimitri*
- *Tom and Megan Cree*
- *Peter and Karen Walls*
- *Blake Lawrenson*
- *Marcus Rolfe on behalf of Trevor Hockley*

*The following people spoke in support:*

- *Raya Zeidan*

*The meeting was adjourned at 11.27am for a short break. The meeting resumed at 11.34am.*

*The applicant's representative, Mr Damian Dawson from Planning Chambers addressed the application and concerns raised.*

Moved Ms Merrigan, Seconded Mr Mackenzie

That the Council Assessment Panel resolve to defer the matter to obtain legal advice regarding the validity of the notice of the meeting relating to the availability of attachments.

Carried Unanimously (222)

4.2 Council Assessment Panel - Updated Delegations Changes to Instrument C - October 2022 Update (D22/195998)

Moved Ms Merrigan, Seconded Mr Rutt

- 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 "Council Assessment Panel - Updated Delegation Changes to Instrument C – October 2022 Update" and dated 17 January 2023 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.

Carried Unanimously (223)

5. Other Business

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

5.2 Policy Considerations – Nil

6. Information Reports - Nil

7. Date of Next Meeting

21 February 2023

The Presiding Member declared the meeting closed at 12.40pm.

**Confirmed.....**  
Presiding Member 21 February 2023