

**MINUTES  
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE  
GULLY HELD ON TUESDAY 19 SEPTEMBER 2023 AT 10.03AM IN THE  
COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

**1. Attendance Record:**

**1.1 Present**

Mr M Adcock *(Independent Member)-(Presiding Member)*  
Mr J Rutt *(Independent Member)*  
Ms N Taylor *(Deputy Independent Member)*

**Present (Via electronic means)**

Mr D Wyld *(Elected Member)*

**Officers in Attendance**

Mr M Pereira General Manager, Community Services  
Mr N Grainger Manager, City Development  
Ms C Tully Team Leader, Planning  
Ms J Perry Senior Planning Officer  
Ms C Gustafson Development Services Administration Officer

**1.2 Apologies**

Ms B Merrigan *(Independent Member)*  
Mr A Mackenzie *(Independent Member)*

**1.3 Public Gallery**

Eleven Attendees

**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 August 2023 be confirmed as a true and accurate record of proceedings.

**Motion Carried Unanimously (245)**

## 3. Business Arising from Previous Minutes –

3.1 Amendment to the meeting operating procedures to include Acknowledgement of Country

Report to be presented to October meeting of CAP.

## 4. Reports and Recommendations

**4.1 CAP. 23018419** - Significant Council tree removal (Eucalyptus Camaldulensis - River Red Gum) on the Council verge in front of 4 Beryl Court, Modbury -

Mr David Bowden attended the meeting and answered the questions from the panel members.

Moved Ms Taylor, Seconded Cr Wyld

It is recommended that the Council Assessment Panel resolve that:

- A. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- B. Development Application Number 23018419 by Rod Shearing is granted Planning Consent subject to the following reasons/conditions/reserved matters:

### **CONDITIONS**

- 1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information details in Application No. 23018419 except where varied by any condition(s) listed below.

2. In lieu of planting three replacement trees \$468 (\$156 per tree) must be paid into the City of Tea Tree Gully Urban Tree Fund within one month of the tree(s) being removed.

Payment may be made in person at the Civic Centre or by completing the 'Credit Card Authorisation' form [http://cttg.sa.gov.au/development\\_and\\_posting\\_to\\_PO.Box](http://cttg.sa.gov.au/development_and_posting_to_PO.Box) 571 MODBURY SA 5092.

*Reason: To ensure compliance with the legislative requirement for the planting of replacement trees, pursuant to Section 1274 of the Planning, Development and Infrastructure Act 2016.*

## **ADVISORY NOTES**

### GENERAL NOTES

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
  - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
  - b. if an appeal is commenced—
    - i. until the appeal is dismissed, struck out or withdrawn; or
    - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

### PLANNING CONSENT NOTES

1. 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.
2. This consent does not obviate the need to obtain any other necessary approvals from any/ all parties with an interest in the land.

**Motion Carried (246)**

## **5. Other Business**

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

### **5.2 Council Assessment Panel - Updated Delegation Changes to Instrument C**

Moved Taylor, 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” and dated 19 September 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.

**Motion Carried Unanimously (247)**

### **5.3 Planning Policy Considerations**

Regulated and Significant tree policy

This policy should be reviewed to consider additional criteria for tree removal in circumstances where the tree is causing ongoing damage to infrastructure, pruning is not an option, and in event of repeated or significant risk to sewerage pipes it is in the interest of public health, to have the tree removed.

As this is a State-wide policy matter, CAP requests staff raise this with Council’s City Strategy Team and they can determine how best to raise this with PLUS as part of a Regulated and Significant tree policy review

**5.4 Advertisement for Panel Members**

Mr Grainger advised Panel Members that Council will be advertising for Panel Members to form the CAP for the next term.

**6. Information Reports - Nil**

**7. Date of Next Meeting**

17 October, 2023

The Presiding Member declared the meeting closed at 10.37 am.

Confirmed.....  
Presiding Member 17 October 2023