

# MINUTES

Of

## Council Assessment Panel Meeting



Pursuant to the provisions of section 83 of the  
*Planning, Development and Infrastructure Act 2016*

HELD

**By electronic means**

On

**Wednesday, 3 February 2021 at 5:30pm**

The Presiding Member formally declared the meeting open at 5:30pm.

**1. ATTENDANCE RECORD**

**1.1. Present**

Nathan Cunningham (Presiding Member)  
Ian O'Loan  
Paul Mickan  
Aaron Curtis  
Frank Maiolo (Council Member)

**Also in Attendance**

David Roberts (Manager Development Assessment)  
Darren Starr (General Manager Development and Community)  
Carol Wildbore (Minute Secretary)  
Sean Murphy (IT Support Officer)

Acknowledgment of the Kurna People as the Traditional Custodians of the Land

**1.2. Apologies**

Nil

**1.3. Not Present / Leave of Absence**

Nil

**2. CONFIRMATION OF MINUTES**

**2.1.**

**Moved** F Maiolo **Seconded** I O'Loan

"that the minutes of the Council Assessment Panel meeting held on Wednesday 4 November 2020, be accepted as read and confirmed."

**Agreed**

**3. DECLARATION OF INTEREST**

Nil

Darren Starr gave a brief summary of the reports for decision

**4. REPORTS FOR DECISION**

**4.1. PDI Act 2016 Delegations**

Darren Starr addressed the Panel and answered questions of the Panel

**Moved** I O'loan **Seconded** P Mickan

1. 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 Instrument of Delegation (annexed to the Report dated 03 February 2021) and entitled 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 are hereby delegated this 03 February 2021 to the Assessment Manager subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Additions to the Schedule of Conditions are:

- 5.1 - Excluding performance assessed development applications that have undergone public notification
  - 11.1 - The delegation of the power to apply the Court for an order quashing the consent pursuant to Section 125(6) of the Act is insisted to where the time within which the application must be made (being one month after the deemed planning consent is taken to have been granted) will expire before:
    1. The next meeting of the Panel is scheduled to occur; or
    2. A special meeting of the Panel is able to be convened in accordance with the Panel's General Operating Procedures.
  - 37.1 - The delegation of the power to waiver or refund a fee pursuant to Regulation 7 of the Fee Regulations shall have regard to a procedure adopted by the Chief Executive Office of Council.
2. Such powers and functions may be further delegated by the Assessment Manager 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.

**Agreed**

#### **4.2. Policy for Assessment Panel Review of Decision of Assessment Manager**

Darren Starr addressed the Panel and answered questions of the Panel

**Moved**      A Curtis      **Seconded**      I O'Loan

The Panel resolves to adopt the Adelaide Plains Assessment Panel Policy for Review of Decision of Assessment Manager dated February 2021 (Attachment 1)

**Agreed**

#### **4.3. Building Assessment Referral under the PDI Act 2016**

Darren Starr addressed the Panel and answered questions of the Panel

**Moved** I O'Loan **Seconded** P Mickan

1. The Adelaide Plains Assessment Panel (Panel) determines to act under Section 99(1)(b) of the Planning, Development and Infrastructure Act 2016 (the Act) in relation to all development applications received by it that involve the performance of building work.
2. Pursuant to Section 99(1)(c) of the Act, where the Panel has determined to act under Section 99(1)(b) of the Act, the Panel refers the assessment of the development in respect of the Building Rules to Adelaide Plains Council.

**Agreed**

Ian O'Loan left the meeting at 7.02pm.

#### **4.4. Council Assessment Panel Terms of Reference & Meeting Procedures**

Darren Starr addressed the Panel and answered questions of the Panel

**Moved** P Mickan **Seconded** F Maiolo

The Adelaide Plains Council Assessment Panel (Panel), on the commencement of the Planning and Design Code within the Adelaide Plains Council area, adopt the attached Adelaide Plains Council Assessment Panel Terms of Reference (Attachment 1) and Adelaide Plains Council Assessment Panel Meeting Procedures (Attachment 2).

**Agreed**

#### **5. REPORTS FOR INFORMATION**

**Nil**

#### **6. OTHER BUSINESS**

Panel members raised the issue of reporting delegated decisions under the PDI Act

7. **CONFIDENTIAL ITEMS**

Nil

8. **NEXT MEETING**

Wednesday 3 March 2021 (To be confirmed)

9. **CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 7.18pm.

Confirmed as a true record.

Presiding Member: .....

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_