

# MINUTES

of

## Council Assessment Panel Meeting



**Adelaide  
Plains  
Council**

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

HELD IN

**Council Chambers  
Old Port Wakefield Road  
Two Wells**

on

**Wednesday, 1 May 2019 at 5:30pm**

Mr Brendon Schulz Assessment Manager, opened the meeting at 5.30pm in the absence of the Presiding Member. Nominations for Acting Presiding Member were called for;

**Moved**

C Carrey

**Seconded**

F Maiolo

“that, pursuant to Part 2.11 of the Council Assessment Panel Terms of Reference and Part 5.6 of the Council Assessment Panel Meeting Procedures, Ian O’Loan be appointed Acting Presiding for the Adelaide Plains Council Assessment Panel Meeting Wednesday 1 May 2019”.

**Agreed**

**1. ATTENDANCE RECORD**

**1.1. Present**

Ian O’Loan (Acting Presiding Member)  
Chris Carrey  
Frank Maiolo (Council Member)

**Also in Attendance**

Trevor V White (Planning Consultant)  
Brendon Schulz (Assessment Manager)  
Carol Wildbore (Minute Secretary)

**1.2. Apologies**

Nathan Cunningham (Presiding Member)  
Cherry Getsom

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

**2. CONFIRMATION OF MINUTES**

**2.1.**

**Moved**

F Maiolo

**Seconded**

C Carrey

“that the minutes of the Council Assessment Panel meeting held on Wednesday 3 April 2019, be accepted as read and confirmed.”

**Agreed**

**3. DECLARATION OF INTEREST**

Nil

**4. REPORTS FOR DECISION**

**4.1. Category 1 Development**

**4.1.1. Nil**

## 4.2. Category 2 Development

4.2.1. Nil

## 4.3. Category 3 Development

4.3.1. Nil

## 4.4. Other

4.4.1. Nil

## 5. REPORTS FOR INFORMATION

Nil

## 6. OTHER BUSINESS

Nil

## 7. CONFIDENTIAL ITEMS

### 7.1. 312/314/2016 – Andrew Gameau – Construction of a domestic outbuilding and associated earthworks – Lot 235, 2 Magnolia Boulevard, Two Wells

Mr Henri Mueller on behalf of the applicant, addressed the Panel and answered questions of the Panel.

At 5.41pm the meeting moved into Confidence and session commenced.

**Moved** C Carrey **Seconded** F Maiolo

1. On the basis that, pursuant to regulation 13(2) (vii) of the Planning, Development and Infrastructure (General) Regulations 2017, it is necessary to receive, discuss and consider legal advice in confidence, the public, with the exception of the Author of this report, Assessment Manager and Minute Secretary, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence the legal advice contained within the confidential report.

The Legal Advice and the minutes of this meeting pertaining to Agenda Item 7.1 are to remain confidential and not be available for public inspection indefinitely.

Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council Assessment Panel delegates the power to revoke this confidentiality order to the Assessment Manager."

**Agreed**

Mr Trevor White, Planning Consultant Assessing Officer answered questions of the Panel.

**Moved** C Carrey **Seconded** F Maiolo

At 5.58pm the Confidential session closed and the meeting reopened to the public.

Agreed

**Moved** C Carrey **Seconded** F Maiolo

2. That the Council Assessment Panel resolves that the proposal by Andrew Gameau for the construction of a domestic outbuilding and associated earthworks (DA 312/314/2016) is not seriously at variance with the Mallala Council Development Plan (21 April 2016 – consolidation).
3. That Council's Assessment Panel pursuant to Section 33 1(a) of the *Development Act 1993*, as amended, REFUSE Development Plan Consent for the application by Andrew Gameau for the construction of a domestic outbuilding and associated earthworks 312/314/2016 at Lot 235 (DP113928), Magnolia Boulevard TWO WELLS, for the following reasons: -

The proposed development for the construction of a domestic outbuilding and associated earthworks is at variance with the following policy provisions contained within the General and Zone provisions

General Hazard Module:

Objective 6

PDC 4, PDC 5(b), PDC6(b), PDC 6(c)

Rural Living Zone:

Objective 2

PDC 1.

Agreed

## **7.2. 312/65/2017 – Alex Lange – Construction of a domestic outbuilding and associated earthworks – Lot 233, 6 Magnolia Boulevard, Two Wells**

Mr Henri Mueller on behalf of the applicant, addressed the Panel.

**Moved** F Maiolo **Seconded** C Carrey

At 6.08pm the meeting moved into Confidence and session commenced.

1. On the basis that, pursuant to regulation 13(2)(vii) of the Planning, Development and Infrastructure (General) Regulations 2017, it is necessary to receive, discuss and consider legal advice in confidence, the public, with the exception of the Author of this report, Assessment Manager and Minute Secretary, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence the legal advice contained within the confidential report.

The Legal Advice and the minutes of this meeting pertaining to Agenda Item 7.2 are to remain confidential and not be available for public inspection indefinitely.

Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council Assessment Panel delegates the power to revoke this confidentiality order to the Assessment Manager."

Agreed

Mr Trevor White, Planning Consultant Assessing Officer answered questions of the Panel.

**Moved** F Maiolo **Seconded** C Carrey

At 6.16pm the Confidential session closed and the meeting reopened to the public.

**Agreed**

**Moved** C Carrey **Seconded** F Maiolo

2. That the Council Assessment Panel resolves that the proposal by Alex Lange for the construction of a domestic outbuilding and associated earthworks (DA 312/065/2017) is not seriously at variance with the Mallala Council Development Plan (21 April 2016 – consolidation).

3. That Council's Assessment Panel pursuant to Section 33 1(a) of the *Development Act 1993*, as amended, REFUSE Development Plan Consent for the application by Alex Lange for the construction of a domestic outbuilding and associated earthworks 312/065/2017 at Lot 233 (DP113928), Magnolia Boulevard TWO WELLS, for the following reasons: -

The proposed development for the construction of a domestic outbuilding and associated earthworks is at variance with the following policy provisions contained within the General and Zone provisions

General Hazard Module:

Objective 6

PDC 4, PDC 5(b), PDC6(b), PDC 6(c)

Rural Living Zone:

Objective 2

PDC 1.

**Agreed**

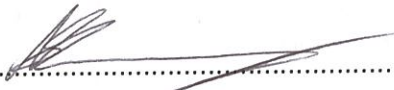
**8. NEXT MEETING**

Wednesday 5 June 2019 (To be confirmed)

**9. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 6.22 pm.

Confirmed as a true record.

Presiding Member: ..... 

Date: 5/6/19

