

Council Assessment Panel Minutes

15 July 2024

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7:00pm

PRESENT

Panel Members Mr Stephen Smith
Mr Mark Adcock
Mr Ross Bateup
Mr Kester Moorhouse
Mr Paul Mickan

Staff Geoff Parsons, Manager, Development & Regulatory Services
Kieran Fairbrother, Senior Urban Planner
Ned Feary, Senior Urban Planner
Tala Aslat, Planning Assistant

APOLOGIES Mr Julian Rutt
Cr Christel Mex

ABSENT

1. **COMMENCEMENT AND WELCOME**

2. **APOLOGIES**

3. **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 17 JUNE 2024**

Moved by Mr Adcock and Seconded by Mr Bateup
CARRIED

4. **DECLARATION OF INTERESTS**

5. **DEVELOPMENT APPLICATIONS – PDI ACT**

6. **DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT**

7. REVIEW OF ASSESSMENT MANAGER DECISION

**7.1 DEVELOPMENT NUMBER 23012613 - NICCI AND ANDREW VAN DE VEN
– UNIT 6 AND UNIT 7, 72-74 QUEEN STREET NORWOOD**

DEVELOPMENT NO.:	23012613
APPLICANT:	Nicci and Andrew Van de Ven
ADDRESS:	Unit 6 and Unit 7, 72-74 Queen St, NORWOOD SA 5067
NATURE OF DEVELOPMENT:	Removal of Significant Tree and Construction of Carport (Replacement)
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Urban Tree Canopy • Stormwater Management • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 8m; row dwelling is 6m; group dwelling is 18m; residential flat building is 18m) • Minimum Site Area (Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 250 sqm; row dwelling is 250 sqm; group dwelling is 250 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	4 May 2023
RELEVANT AUTHORITY:	Original Decision – Assessment Manager at City of Norwood Payneham & St Peters Review of AM Decision – Council Assessment Panel at City of Norwood Payneham & St Peters
PLANNING & DESIGN CODE VERSION:	Version applicable at lodgement – 4 May 2023
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Geoff Parsons - Assessment Manager
REFERRALS STATUTORY:	None required
REFERRALS NON-STATUTORY:	Mathew Cole – City Arborist

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 4:	Delegated Planning Assessment Report
ATTACHMENT 1:	Council Assessment Panel Review of Decisions of the Assessment Manager Policy	ATTACHMENT 5:	Application Documents
		ATTACHMENT 6:	Applicant Responses
ATTACHMENT 2:	Application to Assessment Panel and accompanying correspondence		
ATTACHMENT 3:	Decision Notification Form		

INTRODUCTION

Section 202(1)(b)(I)(A) of the *Planning, Development & Infrastructure Act 2016* provides an applicant with a right to apply to the Council Assessment Panel for a review of the Assessment Manager's decision relating to a prescribed matter.

A prescribed matter is defined as follows:

Prescribed matter, in relation to an application for a development authorisation, means -

- (a) any assessment, request, decision, direction or act of a relevant authority under this Act that is relevant to any aspect of the determination of the application; or
- (b) A decision to refuse to grant the authorisation; or
- (c) The imposition of conditions in relation to the authorisation; or
- (d) Subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in relation to the authorisation.

To assist with undertaking a review under Sections 201-203 of the *Planning, Development & Infrastructure Act 2016*, the Council Assessment Panel adopted a procedure to guide the consideration of an application for such at its meeting held on 10 February 2021. A copy of that Policy is provided in **Attachment 1**.

It is noted that the attached Policy was due for review in February 2023. A review of the Council Assessment Panel *Terms of Reference* and *Meeting Procedures* has been completed. The review of the attached Policy has commenced.

The Panel should also be aware that the South Australian Government made changes to the *Planning, Development & Infrastructure (General) Regulations 2017* on 25 May 2023. An amended regulation was introduced which states:

(2) An applicant to an assessment panel for a review of a prescribed matter must be given an opportunity to provide the assessment panel with the applicant's submissions in relation to the review (and, if the assessment panel determines to hold a hearing, must be given written notice of the date of the hearing and an opportunity to appear and make submissions at the hearing in person)

Council (together with the rest of the local government sector) has received advice in relation to the new regulation and such advice confirms that an Applicant should be provided with the right to make submissions (both written and verbal). Accordingly, the Applicant's written submission has been provided in **Attachment 2** (together with the request for the review) and the Presiding Member and Assessment Manager have agreed it is reasonable for both the Applicant and Assessment Manager to address the Panel verbally for five (5) minutes each, as per the Panel's normal processes for a hearing of representations.

DETAILED DESCRIPTION OF PROPOSAL:

The Application to which the review relates is Development Application 23012613. This Application sought Planning Consent to undertake a tree damaging activity in the form of removal of a significant tree and the construction of a new carport to replace an existing carport. The nature of development was formally described as:

Removal of Significant Tree and Construction of Carport (Replacement)

The replacement carport which is proposed is similar in form to what currently exists on site. Its more specific elements can be described as:

- Siting across two (2) strata allotments, essentially providing one (1) undercover parking space to Unit 7 and one (1) undercover parking space to Unit 6;
- A length of approximately 5.2 metres and a width of approximately 5.4 metres (measured "post to post" with a slightly larger roof);
- Post and roller doors to match the existing carport, colour coated steel sheeting for the roof, and eaves and gutters to match the existing carport.

The extent of tree damaging activity to be undertaken on site essentially involves the removal of the significant tree.

Development Application 23012613 was refused Planning Consent under delegation from the Assessment Manager. It is that determination that is the subject of this review.

Clause 6 in the *Council Assessment Panel Review of Decisions of the Assessment Manager Policy* stipulates that the Panel may:

- Affirm the Assessment Manager's decision on the Prescribed Matter;
- Vary the Assessment Manager's decision on the Prescribed Matter; or
- Set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision.

In addition, the Council Assessment Panel may defer its decision in accordance with clauses 5.6 and 5.7 of the *Council Assessment Panel Review of the Assessment Manager Policy*.

Draft resolutions for each option have been included at the appropriate point within this report.

BACKGROUND:

Development Application 23012613 was submitted on 2 May 2023 and lodged on 4 May 2023. Following a detailed assessment, on 22 May 2023, Council's administration raised concerns that all reasonable development options and design solutions had not been considered to prevent a substantial tree damaging activity from occurring.

Administration requested the Applicant consider approaching the strata corporation (the site / allotment is in a strata title arrangement) to determine if other sites within the land could be considered for the location of an undercover parking space for the exclusive use of Unit 6.

The Applicant responded noting the strata corporation had resolved not to support an alternate location for the carport (and providing other supporting arguments). Council's administration subsequently responded on 1 December 2023 noting that regardless, it was still considered that other development options and design alternatives exist, and that support could not be provided to the proposal.

The Applicant then made further submissions on 22 March 2024, which were reviewed and considered, but did not satisfactorily address the concerns that had been raised (in the view of the administration).

The Application was subsequently refused on 6 May 2024.

SUBJECT LAND & LOCALITY:

Development Location(s)

UNIT 6 72-74 QUEEN ST NORWOOD SA 5067

Title and Parcel

Title Ref: CT 5021/227 **Plan Parcel:** S5240 UN6 **Additional Location Information:** Council: The City Of Norwood Payneham & St Peters

72-74 QUEEN ST NORWOOD SA 5067

Title and Parcel

Title Ref: CT 5021/230 **Plan Parcel:** S5240 UCCP **Additional Location Information:** Council: The City Of Norwood Payneham And St Peters

UNIT 7 72-74 QUEEN ST NORWOOD SA 5067

Title and Parcel

Title Ref: CT 5021/228 **Plan Parcel:** S5240 UN7 **Additional Location Information:** Council: The City Of Norwood Payneham And St Peters

The entirety of 72-74 Queen Street, Norwood is a rectangular land parcel of approximately 1,820 square metres – however as described elsewhere in this report that land parcel is further divided into eight (8) strata allotments with common property.

Each of the strata lots contains a dwelling (in various forms and scale), and the common property principally comprises land used for parking, accessibility and manoeuvrability, letter boxes and landscaping.

The subject units and specific portion of the land containing the subject tree are located at the “rear” of the strata development, some 35 metres (approx.) from the Queen Street road frontage.

The land is relatively flat / level with a slight fall towards Queen Street. There is extensive landscaping on site although it requires maintenance, and areas for vehicle manoeuvrability are paved. The buildings on site show a level of maturity consistent with those constructed several decades ago.

Locality

The locality is almost exclusively residential in nature. It contains dwellings in various formats, but primarily detached dwellings and to a lesser extent group dwellings / residential flat buildings.

The wider locality contains two major urban transport routes being Portrush Road (which carries high amounts of traffic) and The Parade (a premier retail strip).

Dwelling stock is in varying ages and condition, and the area is subject to the re-development of older housing stock.

Queen Street contains a number of large street trees providing extensive canopy cover and most properties have some form of masonry and metal infill front fencing. On-street parking is commonplace and footpaths are provided on both sides of the road.

The area enjoys a high level of amenity.

PROCEDURAL MATTERS

The Application was performance assessed and did not require public notification.

AGENCY REFERRALS

No agency referrals were required.

INTERNAL REFERRALS

An internal referral was undertaken to Council's City Arborist – Mr Matthew Cole. The comments received are outlined in italics below:

I have been to the site today to view the tree, one of the best I've seen for the species and potentially one of the oldest (and healthiest) trees in the suburb of Norwood if not the entire Council area.

I agree with the Arborman report that the tree has good health and structure, a long useful life expectancy and a high retention rating. The tree being situated along or nearby the original First Creek orientation satisfies PO 1.2. retention criteria (a) through (f) as much as any metropolitan tree could. My interpretation of tree protection law is that it is designed to protect trees such as the subject tree here.

On reading the documents contained within the DA, I would like to make the following points-

- 1. The tree at an approximate range of 150-250 years of age (possible more) could live this time again, and then some, with the right approach and is therefore likely to see many carports come and go should the owner wish to continue building them in this location.*
- 2. The carport is not considered a building of value. Tree valuation methodology places the tree at somewhere between 10-20 times the value of the carport.*
- 3. Considering the size and age of the tree, it is not expected to drastically increase in size (including tree roots) when compared to the expected lifespan of the adjacent dwelling and carport overall (for the suburb of Norwood, by average).*
- 4. The suggestion that the ground level of the carport requires raising by 500mm due to expected root growth is unsubstantiated and seems over estimated, without damage roots will increase in girth radially and not in one area (of the root), to provide this rate of growth to the tree as a whole reveals the method (of estimation) here may be flawed*
- 5. The exposed part of the tree root could be built into the carport surface using pavers that can be removed to allow for root growth as it occurs, however-*

When considering the value of the tree (using PO 1.2. and tree valuation methodology) against the value of the carport I am of the opinion the following options are considered reasonable-

- Completely reconstruct the carport with a raised surface (would not need to be 500mm above the current 'top' of the root)*
- Remove the carport and ramp over the tree root with modern paving techniques to alleviate ceiling height concerns*

DOCUMENTS FOR REVIEW

In accordance with clause 4 of the *Council Assessment Panel Review of Decisions of the Assessment Manager* a number of different materials have been included as attachments to this agenda, as follows:

- Attachment 1 – Council Assessment Panel Review of Decisions of the Assessment Manager Policy
- Attachment 2 – Application to Assessment Panel and accompanying correspondence
- Attachment 3 – Decision Notification Form – DA 23012613
- Attachment 4 – Delegated Assessment Report – DA 23012613
- Attachment 5 – Application Documentation – DA 23012613
- Attachment 6 – Applicant Responses – DA 23012613

REVIEW OF ASSESSMENT MANAGER DECISION

The applicant, via the correspondence provided for in **Attachment 2**, has provided a valid and clear argument as to why the decision of the Assessment Manager (namely, the refusal of DA 23012613) should be set aside.

To assist the Panel in their consideration of this matter, and in accordance with clause 4.1.3 of the Council Assessment Panel Review of Decisions of the Assessment Manager Policy I have set out the rationale for the Assessment Manager's decision below.

Development Application 23012613 sought the replacement of an existing carport and the removal of a significant tree.

The replacement of the carport in isolation (i.e. without the associated element of tree damaging activity) would be reasonable and comply with a majority of the relevant provisions of the *Planning & Design Code*. Accordingly, it is not necessary to comment further on this aspect of the Application.

The removal of a significant tree, in the view of the Assessment Manager, essentially requires a two-step test. First, whether the tree is worthy of retention in accordance with the criteria outlined in Performance Outcome 1.2 of the Regulated and Significant Tree Overlay and, if so, whether it accommodates the reasonable development of the land and all reasonable development options and design solutions have been considered to prevent the tree damaging activity in accordance with Performance Outcome 1.4 of the Regulated and Significant Tree Overlay.

Performance Outcome 1.2 of the Regulated and Significant Tree Overlay states:

PO 1.2

Significant trees are retained where they:

- (a) Make an important contribution to the character or amenity of the local area*
- (b) Are indigenous to the local area and are listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species*
- (c) Represent an important habitat for native fauna*
- (d) Are part of a wildlife corridor of a remnant area of native vegetation*
- (e) Are important to the maintenance of biodiversity in the local environment, and/ or*
- (f) Form a notable visual element to the landscape of the local area.*

The Arborist Report submitted by the Applicant as part of their Application, notes that *“the subject tree is considered to be suitable for retention as it achieved a High Retention Rating indicating it meets one or more criteria within the PDI Act 2016 that warrant its retention as an important tree”*.

In addition, the Council's City Arborist agreed that the tree was worthy of retention and highlighted its importance (from an arboricultural perspective) as one of the oldest and most impressive trees within the Norwood area.

It is also considered that *Eucalyptus camaldulensis* provide an important biodiversity contribution, being an endemic species and providing valuable habitat for native fauna. A Council Officer undertaking an inspection of the site noticed many Rainbow Lorikeets in the tree, which supports its biodiversity value.

Accordingly, while Council's Planning Staff considered the visual impact of the tree to be less significant given its setback from the public realm, there has been a high level of agreement that the tree meets the retention criteria outlined in Performance Outcome 1.2 of the Regulated and Significant Tree Overlay.

Performance Outcome 1.4 of the Regulated and Significant Tree Overlay states:

PO 1.4

A tree-damaging activity in connection with other development satisfies all the following:

- (a) It accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise be possible*
- (b) In the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.*

The Assessment Manager acknowledges that the development / replacement of a carport on the land is a reasonable development of the land. This is not disputed between the parties.

However, the Assessment Manager maintains the view that all reasonable development options and design solutions have not been satisfactorily considered or explored to prevent substantial tree-damaging activity from occurring. This is the point of dispute between the parties.

The Assessment Manager prefers a broader interpretation of the words "all reasonable development options and design solutions".

Whilst acknowledging it would be inappropriate for the Assessment Manager to maintain a view that "forced" a developer to use land in different ownership for a development where such development rights could not be negotiated, it is not considered unreasonable for adjacent land (particularly where the Applicant enjoys a share of the ownership) to be used for car parking purposes.

In addition, regardless of the policy content of the *Planning & Design Code*, it is not considered unreasonable to not have an undercover car parking space on site, having regard to the facts and circumstances of the matter (bearing in mind, the *Planning & Design Code* is not to be read as a set of hard and fast rules, and more so as a framework against which development must be considered and a weighting and balancing exercise undertaken having regard to relevant individual facts and circumstances).

In forming the view to refuse Planning Consent to DA 23012613, the Assessment Manager considered the following:

- The tree meets a majority of the retention criteria outlined in Performance Outcome 1.2 of the Regulated and Significant Tree Overlay. It was identified by the Council's City Arborist as being an impressive and notable specimen with good form and structure, providing a good habitat for wildlife and making an important contribution to the amenity of the area.
- The affected unit is provided with a dedicated parking space (for visitors) along the southern boundary of the land which is signed for that purpose (noting this space is not undercover).

(To provide further clarity, the parking spaces provided for each unit under the carports are not the only spaces allocated to each unit. Each unit is provided with a space on the common property {signed to associate a space with each unit} which is understood to be used for visitor parking for each unit. Accordingly, each unit has a designated space on the common property at this point already and while its use for the occupants would limit visitor parking availability, that is not considered to be unreasonable in the context of the retention of a significant tree).

- On-street parking is available in the locality, and the property would qualify under the Council's *On-Street Parking Policy* for the granting of a residential permit depending on the restrictions in place along this applicable section of Queen Street.

A narrow interpretation of Performance Outcome 1.4 of the Regulated and Significant Tree Overlay could be used to justify tree damaging activity, and it is acknowledged that the Applicant has dedicated some resources to exploring alternate design solutions (including ramps etc.).

The Assessment Manager however prefers a broader interpretation of Performance Outcome 1.4 of the Regulated and Significant Tree Overlay and notes this policy must be balanced and weighted against the other relevant policies in the *Planning & Design Code*.

It is not unreasonable for an Applicant to consider *all reasonable development options and design solutions* (my emphasis). Reasonable options include (in the view of the Assessment Manager) using the on-site visitor park dedicated to this unit for parking for the occupants and using the on-street parking which is available and can be secured via permit providing the on-street conditions comply with the *On Street Parking Policy* (which they are understood to do).

“Development options” should not be interpreted so narrowly so as to only consider options for the carport structure itself but should also consider more broader development options which deliver the desired outcome (i.e. parking in close proximity to the unit) which also result in the retention of a significant tree which the *Planning & Design Code* notes should be retained.

For these reasons the Assessment Manager concluded that Development Application 23012613 could not be supported and refused Planning Consent.

As the Council Assessment Panel now has before it the rationale for the review as provided by the Applicant, and justification for the decision as provided by the Assessment Manager, the Panel must now consider this matter afresh taking into consideration all relevant factors.

CONCLUSION

This report outlines the rationale for the decision of the Assessment Manager, as required by clause 4.1.3 of the *Council Assessment Panel Review of Decisions of the Assessment Manager Policy*. The attachments provide all of the other relevant information and details as required by clause 4.1.

The Council Assessment Panel must determine whether to affirm the decision of the Assessment Manager, vary it, set it aside and substitute its own decision or defer consideration of the matter for more information.

Relevant options for the consideration of the Panel are outlined below.

RESOLUTION OPTIONS

Resolution to affirm the decision of the Assessment Manager

The Council Assessment Panel resolves to affirm the decision of the Assessment Manager that Development Application 23012613 is not seriously at variance with the Planning and Design Code, but that it does not warrant Planning Consent for the following reasons:

1. The proposed development fails to accord with Regulated and Significant Tree Overlay Performance Outcome 1.4, in that reasonable alternatives to the proposed development do exist.

Resolution to vary a decision of the Assessment Manager

The Council Assessment Panel resolves to vary the decision of the Assessment Manager in relation to Development Application 23012613 by including the following reasons for refusal:

- [insert additional / alternate reasons]

Resolution to set aside a decision of the Assessment Manager

The Council Assessment Panel resolves to set aside the decision of the Assessment Manager to refuse Planning Consent to Development Application 23012613 and substitute the following decision:

- Development Application 23012613 is not seriously at variance with the Planning and Design Code and Planning Consent is granted to the application subject to the following conditions and notes:

CONDITIONS

Condition 1

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.

Condition 3

Payment of an amount calculated in accordance with the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 be made into the relevant urban trees fund (or if an urban trees fund has not been established for the area where the relevant tree is situated, or the relevant authority is the Commission or an assessment panel appointment by the Minister or a joint planning board, the Planning and Development Fund) in lieu of planting 1 or more replacement trees. Payment must be made prior to the undertaking of development on the land.

Condition 4

The carport shall be clad in non-reflective colours and materials of a neutral tone. The final colour schedule shall be submitted to the Assessment Manager for agreement prior to construction commencing.

ADVISORY NOTES

Note 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.

Note 2

Consents issued for this Development Application will remain valid for the following periods of time:

Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;

Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;

Works must be substantially completed within 3 years of the date on which Development Approval is issued.

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at townhall@npsp.sa.gov.au. Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

Note 3

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.

Note 4

The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending

removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.

Note 5

The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.

The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.

Note 6

The Applicant is advised that construction noise is not allowed:

- on any Sunday or public holiday; or
- after 7pm or before 7am on any other day

Note 7

The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council pursuant to the Local Government Act 1999 prior to any works being undertaken. Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.

Note 8

The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

Note 9

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.

Note 10

The Applicant is advised that the property is located within an Historic Overlay area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing between the building and a street).

Resolution to defer review hearing

The Council Assessment Panel resolves to defer its decision in relation to its review of the decision of the Assessment Manager to refuse Planning Consent to Development Application 23012613 until:

- The next ordinary meeting of the Panel;
- The next ordinary meeting of the Panel after [insert additional information which has been requested by the Panel] is provided;
- Until the next ordinary meeting of the Panel after [insert date (i.e. giving an applicant 2 months to provide information)].

Recommendations to Allow Consideration of the Matter in Confidence Following the Hearing

That pursuant to Regulation 13(2)(a)(ix) and Regulation 13(2)(b) of the Planning Development & Infrastructure (General) Regulations 2017, together with clause 5.5 of the Council Assessment Panel Review of Decisions of the Assessment Manager, the Council Assessment Panel orders that the public, with the exception of the Council's Senior Urban Planner and Planning Assistant, be excluded from the meeting.

That the public be allowed to return to the meeting and that pursuant to Regulation 14(4) of the Planning, Development & Infrastructure (General) Regulations 2017 and clause 5.5 of the Council Assessment Panel Review of Decisions of the Assessment Manager Policy, the discussion shall remain confidential.

Mr McDonald addressed the Council Assessment Panel from 7:04pm until 7:12pm

Mr Parsons addressed the Council Assessment Panel from 7:46pm until 7:51pm

Mr Feary addressed the Council Assessment Panel from 7:52pm 7:53pm

Moved by Mr Moorhouse

Recommendations to Allow Consideration of the Matter in Confidence Following the Hearing

That pursuant to Regulation 13(2)(a)(ix) and Regulation 13(2)(b) of the Planning Development & Infrastructure (General) Regulations 2017, together with clause 5.5 of the Council Assessment Panel Review of Decisions of the Assessment Manager, the Council Assessment Panel orders that the public, with the exception of the Council's Senior Urban Planner and Planning Assistant, be excluded from the meeting.

Seconded by Mr Bateup

CARRIED

Moved by Mr Moorhouse

Resolution to affirm the decision of the Assessment Manager

The Council Assessment Panel resolves to affirm the decision of the Assessment Manager that Development Application 23012613 is not seriously at variance with the Planning and Design Code, but that it does not warrant Planning Consent for the following reasons:

1. The proposed development fails to accord with Regulated and Significant Tree Overlay Performance Outcome 1.4, in that reasonable alternatives to the proposed development do exist.

Seconded by Mr Adcock

CARRIED

Moved by Mr Bateup

That the public be allowed to return to the meeting and that pursuant to Regulation 14(4) of the Planning, Development & Infrastructure (General) Regulations 2017 and clause 5.5 of the Council Assessment Panel Review of Decisions of the Assessment Manager Policy, the discussion shall remain confidential.

Seconded by Mr Mickan

CARRIED

8. **ERD COURT APPEALS**
Outcome received from ERD Court regarding 114A Osmond Terrace Norwood.

9. **OTHER BUSINESS**
 - Housing Road Map discussions
 - Early start of the August CAP Meeting
 - Delegation review
 - Review of the Assessment Managers Decision Policy

10. **CONFIDENTIAL REPORTS**

11. **CLOSURE**

The Presiding Member declared the meeting closed at 8:24pm

Stephen Smith
PRESIDING MEMBER

Geoff Parsons
MANAGER, DEVELOPMENT & REGULATORY SERVICES