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- 7. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON THIRD DAY OF FEBRUARY 2021**
- 8. MEETING CLOSURE**

**1.1 OPEN MEETING**

The Meeting commenced at 6.35pm

**1.2 PRESENT**

Terry Mosel - Presiding Member  
Yvonne Svensson- Independent Member  
Michael Davis - Independent Member  
Bryn Adams - Independent Member  
Raelene Telfer – Council Member

**1.3 APOLOGIES**

**1.4 IN ATTENDANCE**

Alex Wright – CAP Assessment Manager – Team Leader - Planning  
Warwick Deller-Coombs - Manager - Development & Regulatory Services

**2. GENERAL OPERATIONS**

- Nil

**3. HEARING OF APPLICATIONS**

- Nil

**4. APPEALS UPDATE**

**4.1 APPEALS AGAINST PANEL DECISIONS**

**4.2 APPEALS AGAINST DELEGATED APPLICATIONS**

- Staff provided an update on the current status of appeals.

**5. POLICY OBSERVATIONS**

- Nil

**6. OTHER BUSINESS**

- 6.1 Delegated powers of Assessment Panel as a Relevant Authority under the Planning, Development and Infrastructure Act 2016 to Assessment Manager.**

**That the Panel RESOLVES the following;**

- 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 3/02/2021 and entitled '*Marion Council Assessment Panel - Instrument of Delegation – Instrument C*' and marked Attachment II) are hereby delegated on 3<sup>rd</sup> of February 2021 to the City of Marion 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.**
- 2. Such powers and functions may be further delegated by the City of Marion 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.**

**6.2. Standing Referral to Council relating to Building Rules Assessment**

That the Panel **RESOLVES** the following;

1. The City of Marion Council 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 the Corporation of the City of Marion.

### 6.3 Policy for the Assessment Panel Review of a Decision of the Assessment Manager

That the Panel RESOLVES the following;

1. The Panel RESOLVES to adopt the 'Simplified' *Policy for Assessment Panel review of decision of Assessment Manager* dated 3 February 2021 (the policy) which forms Attachment 1, with the following inclusions;

Insert the following clauses after 3.2

- 3.3 An applicant may provide a written submission in support of his or her application for review.
- 3.4 The written submission must relate solely to the prescribed matter the subject of the review and the reasons for the Assessment Manager (or delegate's) decision on the Prescribed Matter.
- 3.5 Such a submission must be received by the Presiding Member within one month of the lodgement of the application for review, or such longer period as is requested by the applicant and granted by the Presiding Member, in his or her discretion.
- 3.6 A written submission should be marked to the attention of the Presiding Member and lodged in a manner specified in Clause 7.
- 3.7 The Presiding Member should provide a copy of any written submission to the Assessment Manager within 2 business days of its receipt.

Replace clause 4.3 with the following;

- 4.3 Information, materials and submissions which were not before the Assessment Manager at the time of the decision on the Prescribed Matter will not be considered by the Panel, other than any submission provided pursuant to clause 3.3.

Insert Clause

### 7. LODGING WRITTEN MATERIALS & DOCUMENTS WITH THE PANEL

- 7.1 All documents and written communications with the Panel must be lodged via:
  - 7.1.1 the SA Planning Portal (to the extent the Portal is able to receive such a submission);
  - 7.1.2 email to: [planning@marion.sa.gov.au](mailto:planning@marion.sa.gov.au)
  - 7.1.3 hand-delivery or post to  
Attention: Marion Council Assessment Panel  
PO Box 21  
Oakland Park SA 5046

**6.4 Procedure for Assigning, Progressing and Resolving Appeals – CAP to Council**

That the Council Assessment Panel **RESOLVES** to;

- 1. Note the *Procedure for Assigning, Progressing and Resolving Appeals*.**
- 2. Authorise the Chief Executive Officer to make decisions as to the conduct of appeals<sup>1</sup>.**
- 3. Require any compromise arising from an appeal be presented to the Panel for a decision.**
- 4. Enable the Panel to determine the matter by electronic meeting in accordance with its General Operating Procedures.**

<sup>1</sup> *Conduct of the appeals includes, but is not limited to, formally receiving and considering compromise plans on behalf of the Panel, engaging legal and other experts if/when required, representing the Panel at ERD Court conferences and hearings etc.*

**7. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 3 February 2021 taken as read and confirmed this third day of February 2021

**8. MEETING CLOSURE**

- Length of meeting: 1 hour, 20 minutes
- Number of Representors appearing before the Panel: n/a
- Number of Applicants appearing before the Panel: n/a

**MEETING DECLARED CLOSED AT 7.55 PM**

A handwritten signature in black ink that reads "Terry Mosel". The signature is written in a cursive style with a horizontal line underneath the name.

**Terry Mosel**  
**Presiding Member**