

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 3 JULY 2024**



1.1 OPEN MEETING

The Meeting commenced at 6.30pm

1.2 PRESENT

Michael Davis - Presiding Member
Yvonne Svensson- Independent Member
Ben Russ - Independent Member
Bryn Adams - Independent Member
Councillor Matt Taylor – Council Member

1.3 APOLOGIES

Nil

1.4 IN ATTENDANCE

Alex Wright – CAP Assessment Manager – Unit Manager Planning & Development
Katherine Thrussell – Team Leader – Planning
Michael Hughes - Development Officer - Planning
Kuki Kinyanjui - Development Officer - Planning Assistant
David Case - Development Officer - Planning Assistant

2. GENERAL OPERATIONS

No items listed for discussion.

3. DEVELOPMENT ACT 1993 APPLICATIONS

No items listed for discussion.

4. PDI ACT APPLICATIONS

4.1 Report Reference: CAP030724 - 4.1

Application No: 24002304

Site Location: 98 Davenport Terrace, Seacliff Park

- Mr William Rudd addressed the Panel on behalf of himself, Anuradah Mundkur (Representor) and Robyn Trenouth
- Mr Gregg Jenkins of Future Urban on behalf of Mr & Ms Katianos (Applicant) addressed the Panel

In accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016 the Council Assessment Panel;

- (a) Notes the assessment and recommendation(s) made by the report author;***
- (b) Resolves that the proposed development, pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, IS NOT seriously at variance¹ with the Planning and Design Code; and***

- (c) Resolves that, pursuant to Section 102 (1) Planning, Development and Infrastructure Act 2016, Development Application 24002304 seeking construction of a three level detached dwelling with retaining walls, masonry wall exceeding 1 metre swimming pool and associated safety features at 98 Davenport Terrace, Seacliff Park be REFUSED for the following Reason:***

- 1. The height, bulk and scale of the dwelling and its design does not have regard to the natural topography of the locality and has an unreasonable impact upon the low-rise suburban character of the Hills Neighbourhood Zone and is at odds with the following Performance Outcomes;**
 - **Hills Neighbourhood Zone PO 3.1 – does not provide sufficient space around the dwelling to minimise its visual impact**
 - **Hills Neighbourhood Zone PO 4.1 - does not contribute to a low-rise suburban character and does not complement the height of all nearby dwellings**

¹ Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* (or Section 35(2) of the *Development Act 1993* for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the *Development Plan* if under the *Development Act*).

What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

- Hills Neighbourhood Zone PO 8.1 – does not provide separation between buildings which complements the suburban character
- Hills Neighbourhood Zone PO 10.1(a) & 10.2 – it will be a prominent building which does not achieve a profile which blends with the topography of the land or a stepping of the design accordingly
- Design in Urban Areas PO 20.3 – does not seek to reduce the visual mass of a large building when viewed from adjoining allotments or nearby public streets

5. APPEALS UPDATE

APPEALS AGAINST PANEL DECISIONS

Verbal updated provided/No items listed.

6. POLICY OBSERVATIONS

No items listed for discussion/Verbal update provided.

7. OTHER BUSINESS

The Council Assessment Panel resolved that;

That the Panel **NOTE** the report.

8. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 3 July 2024 taken as read and confirmed this third day of July 2024.

9. MEETING CLOSURE

- Length of meeting: 1 Hour, 16 minutes
- Number of Representors appearing before the Panel: 3
- Number of Applicants appearing before the Panel: 1

MEETING DECLARED CLOSED AT 7.46PM



Michael Davis
Presiding Member