

1.1 OPEN MEETING (ON-SITE)

The meeting commenced at 5:23pm at 13 Morgan Avenue Seaview Downs.

1.2 PRESENT

Terry Mosel - Presiding Member
Yvonne Svensson - Independent Member
Michael Davis - Independent Member (via Microsoft Teams)
Bryn Adams - Independent Member
Councillor Raelene Telfer - Elected Member

1.3 APOLOGIES

Nil

1.4 IN ATTENDANCE

Alex Wright- CAP Assessment Manager (Team Leader - Planning)
Nick Lupo – Development Officer – Planning
Tony Lines – Acting General Manager – City Development

The meeting was paused at 5:42pm

1.5 RESUMPTION OF MEETING (COUNCIL CHAMBERS)

The Meeting recommenced at Marion Council Chambers at 6:42pm

1.6 PRESENT

Terry Mosel - Presiding Member
Yvonne Svensson - Independent Member
Michael Davis - Independent Member (via Microsoft Teams)
Bryn Adams - Independent Member
Councillor Raelene Telfer - Elected Member

1.7 APOLOGIES

Nil

1.8 IN ATTENDANCE

Alex Wright- CAP Assessment Manager (Team Leader - Planning)

Nicholas Timotheou - (Senior Development Officer - Planning)

Warwick Deller-Coombs – Manager - Development & Regulatory Services

Nick Lupo – Development Officer – Planning

Tony Lines – Acting General Manager – City Development

2. GENERAL OPERATIONS

No Items listed for discussion

3. HEARING OF DEVELOPMENT ACT 1993 APPLICATIONS

No Items listed for discussion

4. HEARING OF PDI ACT APPLICATIONS

4.1 Report Reference: CAP060422 – 4.1

Application No: 21036525

Site Location: 13 Morgan Avenue Seaview Downs

- Callen Magier (Applicant) answered questions of the Panel

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance¹ to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and
- (c) That Planning Consent for Development Application ID: 21036525 to install a privacy screen at 13 Morgan Avenue, Seaview Downs be GRANTED subject to the following Conditions.

CONDITIONS

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).
2. The structure must be pre-colour treated or painted in a non-reflective colour, to the satisfaction Council.

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.

4.2 Report Reference: CAP060422 – 4.2

7.09pm Pursuant to Section 13(2)(a)(ix) of the Planning, Development and Infrastructure Regulations, the Panel resolve to exclude the public from attendance for the deliberation of Item 4.2 and Item 4.3.

4.2 CONFIDENTIAL ITEM

Report Reference: CAP060422 – 4.2

Application No: 21012619

Site Location: 1 Freya Avenue Hallett Cove & 3 Freya Avenue Hallett Cove

- James Levinson of BottenLevison Lawyers, acting on behalf of Future Urban (Applicant) addressed the Panel

The Council Assessment Panel resolved;

The Council Assessment Panel having considered this matter in confidence under Section 13(2)(a)(ix) of the Planning, Development and Infrastructure Regulations determined that the decision of the Council Assessment Panel on this item be kept confidential and not available for public inspection until such time that appeal ERD – 21- 000171 has concluded

4.3 Report Reference: CAP060422 – 4.3

7.09pm Pursuant to Section 13(2)(a)(ix) of the Planning, Development and Infrastructure Regulations, the Panel resolve to exclude the public from attendance for the deliberation of Item 4.2 and Item 4.3.

4.3 CONFIDENTIAL ITEM

Report Reference: CAP060422 – 4.3

Application No: 21012625

Site Location: 10 Renown Avenue Clovelly Park & 12 Renown Avenue Clovelly Park

- James Levinson of BottenLevison Lawyers, acting on behalf of Future Urban (Applicant) addressed the Panel

The Council Assessment Panel resolved that;

The Council Assessment Panel having considered this matter in confidence under Section 13(2)(a)(ix) of the Planning, Development and Infrastructure Regulations determined that the decision of the Council Assessment Panel on this item be kept confidential and not available for public inspection until such time that appeal ERD – 21 – 000170 has concluded

7.53pm: Meeting re-opened to the Public

5. APPEALS UPDATE

5.1 APPEALS AGAINST PANEL DECISIONS

Staff advised there are no updates to provide at this time.

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

Staff advised there are no updates to provide at this time.

6. POLICY OBSERVATIONS

7. OTHER BUSINESS

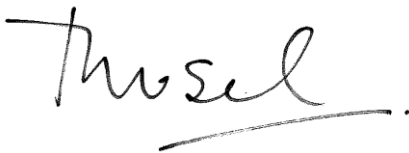
8. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 6 April 2022 taken as read and confirmed this sixth day of April 2022

9. MEETING CLOSURE

- **Length of meeting:** 1 Hour, 13 minutes
- **Number of Representors appearing before the Panel:** 0
- **Number of Applicants appearing before the Panel:** 2

MEETING DECLARED CLOSED AT 7.56PM

A handwritten signature in black ink, appearing to read 'Terry Mosel', with a horizontal line underneath.

Terry Mosel
Presiding Member