

CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 01 NOVEMBER 2023



1.1 OPEN MEETING

The Meeting commenced at 6.31pm

1.2 PRESENT

Michael Davis - Presiding Member
Yvonne Svensson - Independent Member
Ben Russ - Independent Member
Jock Smylie - Deputy Independent Member
Councillor Matt Taylor – Deputy Council Member

1.3 APOLOGIES

Bryn Adams (Independent Member)
Nathan Prior (Council Member)

1.4 IN ATTENDANCE

Alex Wright – CAP Assessment Manager – Team Leader - Planning
Phil Mabbs - Acting Senior Urban Planner
Warwick Deller-Coombs – Manager of Development & Regulatory Services

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: CAP011123 - 4.1

Application No: 23003166

Site Location: 1 Eagle Rise, Darlington

- Hartley Masters (Representor) addressed the Panel
- Darren Bestt (Representor) addressed the Panel
- Jon Rogers Inspire Design (On Behalf of the Applicant) addressed the Panel

The Council Assessment Panel resolved that;

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: 23003166 for Two storey detached dwelling and a single storey building for ancillary accommodation, with associated outbuilding, earthworks, retaining walls and pedestrian access bridge at 1 Eagle Rise, Darlington be GRANTED subject to the following Reserved Matter and Conditions.

RESERVED MATTER

1. Amended documentation shall be provided to the council assessment manager for consideration and approval, including:
 - 1.1. A colours schedule detailing a mix of colours to minimise reflectiveness of the façade.
 - 1.2. Appropriate privacy measures to the west facing windows of the ancillary accommodation.

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).

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*).

2. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
3. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
4. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
5. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).
6. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation, with diseased or dying (or dead) plants replaced.
7. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.

NOTES

1. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
2. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
3. As the proposal involves work on or near the boundary, it is recommended that the boundaries are clearly defined by a Licensed Surveyor prior to the commencement of any building work.

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.

5. APPEALS UPDATE

APPEALS AGAINST PANEL DECISIONS

- No on-going appeals

6. POLICY OBSERVATIONS

- No discussion occurred.

7. OTHER BUSINESS

- No discussion occurred

8. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 01 November 2023 taken as read and confirmed this the first day of November 2023.

9. MEETING CLOSURE

- Length of meeting: 58
- Number of Representors appearing before the Panel: 2
- Number of Applicants appearing before the Panel: 1

MEETING DECLARED CLOSED AT 7.29PM



Michael Davis
Presiding Member