

1. MEETING PROCEDURES

1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATIONS

No items listed for discussions

3. PDI ACT APPLICATIONS

**3.1 DEVELOPMENT NO - 21007749
284-286 STURT ROAD, MARION**

To vary Development Act Development Application 100/2020/342 comprising the re-configuration of the internal driveway and car parking arrangements, together with a change in land use of 22 Tweed Avenue from a detached dwelling to car park associated with the Sunrise Christian School with associated storage outbuilding and masonry fencing

Report Reference: CAP040821 - 3.1.....3

4. DEVELOPMENT ACT 1993 APPLICATIONS

**4.1 DEVELOPMENT NO 100/2018/1991
25 MARINER AVENUE SEACLIFF PARK**

To construct a two storey detached dwelling incorporating a garage wall exceeding 3.0 metres in height along the northern side boundary with associated earthworks and retaining walls

Report Reference: CAP040821 - 4.1.....6

**4.2 DEVELOPMENT NO 100/2020/0153
2 GEORGE COURT MARINO**

To construct a two storey detached dwelling with double garage, swimming pool and deck with associated earthworks and retaining walls

Report Reference: CAP040821 - 4.2.....7

4.3	DEVELOPMENT NO 100/2021/0038 66 WHEATON STREET, SOUTH PLYMPTON Two single storey dwellings Report Reference: CAP040821 - 4.3.....	8
4.4	DEVELOPMENT NO 100/2020/2362 – CONFIDENTIAL ITEM 411 MORPHETT ROAD, OAKLANDS PARK Two (2) three storey residential flat buildings: each comprising five dwellings, with associated landscaping Report Reference: CAP040821 - 4.4.....	10
5.	APPEALS UPDATE - Verbal Update to be Provided	
5.1	APPEALS AGAINST PANEL DECISIONS - Verbal Update to be Provided	
5.2	APPEALS AGAINST DELEGATED APPLICATIONS	
6.	POLICY OBSERVATIONS - Verbal Update to be Provided	
7.	OTHER BUSINESS	
8.	CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON WEDNESDAY 04 AUGUST 2021	
9.	MEETING CLOSURE	

1.1 OPEN MEETING

The Meeting commenced at 6.31pm

1.2 PRESENT

Terry Mosel - Presiding Member
Yvonne Svensson - Independent Member
Michael Davis - Independent Member
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)
Nicholas Timotheou – Senior Development Officer (Development Officer - Planning)
Warwick Deller-Coombs – Manager - Development & Regulatory Services
Kai Wardle – Development Officer - Planning

2. GENERAL OPERATIONS

CAP040821

The Panel agreed to alter the order of proceedings, with the applicant's representative for Item 4.4 invited to address the Panel first.

6:34PM – Bryn Adams declared an indirect professional interest with Item 4.4 and left the meeting for the duration of the applicant's address in relation to the item.

4.4 CONFIDENTIAL ITEM

Report Reference: CAP040821– 4.4

Application No: 100/2020/2362

Site Location: 411 Morphett Road Oaklands Park

- Mr Stuart Henry QC addressed the Panel on behalf of Citify Pty Ltd (Applicant)

The Panel agreed that confidential discussion of Item 4.4 would occur following the consideration of all other Items.

6:45 PM – Bryn Adams re-joined the meeting.

3 PDI ACT APPLICATIONS

6:45 PM Raelene Telfer declared a conflict of interest with Item 3.1 and left the room.

3.1 Report Reference: CAP040821 - 3.1

Application No: 21007749

Site Location: 284-288 Sturt Road Marion

- Colin Denton (Representor) addressed the Panel
- John William Rutherford (Representor) addressed the Panel, and the Panel accepted supporting visual material from the representor
- Marcus Rolfe – (of URPS on behalf of the Applicant addressed the Panel)

The Council Assessment Panel resolved that;

- The Panel notes this report and concur with the findings and reasons for the recommendation;**
- The Panel concurs that the proposed development is not seriously at variance to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and**
- That Planning Consent for Development Application ID: 21007749 To vary Development Act Development Application 100/2020/342 comprising the re-configuration of the internal driveway and car parking arrangements, together with a change in land use of 22 Tweed Avenue from a detached dwelling to car park associated with the Sunrise Christian School with associated storage outbuilding and masonry fencing at 284-286 Sturt Road, Marion, 288 Sturt Road, Marion, 292-296 Sturt Road, Marion, 876 Marion Road, Marion, 24 and 22 Tweed Avenue, Marion 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).

NOTES

1. All previous stamped plans and documentation, including conditions previously granted Planning Consent for Development Application 100/2020/342 are still applicable except where varied by this application.

7:29 PM Raelene Telfer re-joined the meeting.

4. HEARING OF APPLICATIONS

**4.1 Report Reference: CAP040821 - 4.1
Application No: 100/2018/1991
Site Location: 25 Mariner Avenue Seacliff Park**

- Alex Kyriacopoulos and Paula Mensitieri addressed the Panel on behalf of Mr Jake Scali (Applicant)

The Council Assessment Panel resolved that;

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

- (a) The Panel note this report;**
- (b) This matter be DEFERRED to enable the applicant to provide further information that would address the expressed concerns of the Panel members in respect of:**
 - **Bulk and scale;**
 - **Setbacks;**
 - **Streetscape impacts;**

and the opportunity to provide amendments for the Panel's further consideration at a later date.

CAP040821

4.2 Report Reference: CAP040821 – 4.2
Application No: 100/2020/153
Site Location: 2 George Court Marino

- Linwan Gon (on behalf of Zhe (Vivienne) Xie) (Representor) addressed the Panel
- Marcus Rolfe of URPS on behalf of J P Punke (Applicant) addressed the Panel

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

- (a) The Panel note this report;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2020/153 for the construction of a two storey detached dwelling with double garage, swimming pool and deck with associated earthworks and retaining walls at 2 George Court, Marino be REFUSED for the following reasons:

REASONS FOR REFUSAL

1. Does not sufficiently meet the Desired Character of Hills Policy Area 11 particularly in relation to minimising earthworks, reduction in bulk, reduction in cut/fill and does not pay necessary attention to – and reduce the potential impact on – the privacy and amenity of existing development and does not reflect the existing pattern and scale of nearby development;
2. Does not sufficiently reduce its impact on the privacy and amenity of existing neighbouring development, in particular to the loss of views to 1A Marine Parade and reduced setbacks;
3. Does not adequately meet Principles 3 and 6 of Hills Policy Area 11 regarding the bulk and scale dominating the landscape;
4. The proposed site coverage exceeds the maximum of 35% sought by Principle 7 of Hills Policy Area 11.
5. Does not satisfy minimum side and rear setbacks sought by Residential Zone Principle 6;
6. Does not satisfy minimum setback of the swimming pool as sought by Residential Development Principle 35;
7. Exceeds the maximum building height sought by Residential Zone Principle 6, which contributes to bulk and will be at odds with the surrounding existing development.

CAP040821

**4.3 Report Reference: CAP040821 – 4.3
Application No: 100/2021/0038
Site Location: 66 Wheaton Street South Plympton**

- No persons addressed the Panel in relation to this item.

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2021/38 for two single storey dwellings at 66 Wheaton Street, South Plympton be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
- 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. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling.**
- 5. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.**

NOTES

- 1. The existing telecommunications pit and fire plug marker post which conflict with the location of Dwelling 2's proposed crossover are to be removed or relocated at the applicant's cost as negotiated with the relevant parties.**
- 2. This approval does not relate to the removal of, or to any tree damaging activity to, any regulated or significant tree (as defined under the Planning, Development and Infrastructure Act 2016) that may be located on the subject site or adjoining land. Removal or tree damaging activity may not occur unless a relevant separate Development Approval is received.**

CAP040821

Should regulated or significant tree(s) exist, care must be taken during demolition/construction of the proposed buildings and in particular the stormwater discharge pipes to ensure no damage is done to that/those tree(s) (including their root systems) unless otherwise approved by Council. For this reason, a protective barrier should be erected at the dripline of the tree, and that barrier should be maintained for the duration of the demolition/construction. It is also recommended that you seek the advice of a qualified arborist.

8:52 PM – Michael Davis temporarily left the meeting.

8:53 PM – Terry Mosel temporarily left the meeting.

8:55 PM – Michael Davis re-joined the meeting.

8:56 PM – Terry Mosel re-joined the meeting.

4.4 Report Reference: CAP040821 – 4.4

9:06PM – Bryn Adams declared an indirect professional interest with Item 4.4, left the meeting and did not return.

9.06PM 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 4.4.

9.06PM Terry Mosel paused the meeting.

9:20PM Terry Mosel recommenced the meeting.

4.4 CONFIDENTIAL ITEM

Report Reference: CAP040821– 4.4

Application No: 100/2020/2362

Site Location: 411 Morphett Road Oaklands Park

- Mr Stuart Henry QC addressed the Panel on behalf of Citify Pty Ltd (Applicant) earlier in the meeting.

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 000079 has concluded

9:58PM – 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

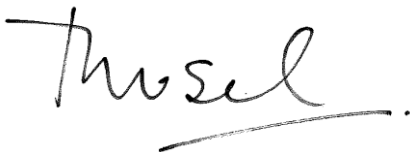
8. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 4 August 2021 taken as read and confirmed this fourth day of August 2021

9. MEETING CLOSURE

- **Length of meeting:** 3 hours, 20 minutes
- **Number of Representors appearing before the Panel:** 3
- **Number of Applicants appearing before the Panel:** 4

MEETING DECLARED CLOSED AT 10.05PM

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

Terry Mosel
Presiding Member