

**CITY OF MARION  
COUNCIL ASSESSMENT PANEL MINUTES  
FOR THE MEETING HELD ON  
WEDNESDAY 7 AUGUST 2024**

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**1.1 OPEN MEETING**

The Meeting commenced at 6.32pm

**1.2 PRESENT**

Yvonne Svensson- Acting Presiding Member  
Bryn Adams - Independent Member  
Councillor Matt Taylor – Council Member

**1.3 APOLOGIES**

Alex Wright – CAP Assessment Manager – Unit Manager Planning & Development  
Michael Davis - Presiding Member  
Ben Russ - Independent Member

**1.4 IN ATTENDANCE**

Katherine Thrussell - Acting Unit Manager Planning & Development  
Philip Mabbs – Acting Team Leader – Planning

**2. GENERAL OPERATIONS**

No items listed for discussion.

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**3. DEVELOPMENT ACT 1993 APPLICATIONS**

No items listed for discussion.

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#### 4. PDI ACT APPLICATIONS

##### 4.1 Report Reference: CAP070824- 4.1

Application No: 24002489

Site Location: 13 Petrel Close, Hallett Cove

The Council Assessment Panel resolved that;

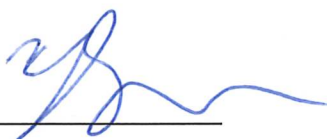
**In accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016 the Council Assessment Panel;**

- 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 variance<sup>1</sup> with the Planning and Design Code; and**
- c) Resolves that, pursuant to Section 102 (1) Planning, Development and Infrastructure Act 2016, Development Application 24002489 seeking construction of a Double Storey Detached Dwelling and Associated Retaining Walls, Fencing and Earthworks at 13 Petrel Close, Hallett Cove be GRANTED, subject to the following Reserved Matter and Conditions:**

#### RESERVED MATTER

- 1. A revised upper floor plan & associated elevations including a privacy screen to Bedroom 2 window, to mitigate overlooking to 11 Petrel Close, shall be provided to the Council Assessment Manager for consideration and approval.**

#### CONDITIONS



<sup>1</sup> 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.

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. 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. 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).
5. 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.
6. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.

#### 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.
4. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.



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**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**

No items listed for discussion.

**8. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 7 August 2024 taken as read and confirmed this seventh day of August 2024.

**9. MEETING CLOSURE**

- **Length of meeting: 20 minutes**
- **Number of Representors appearing before the Panel: Nil**
- **Number of Applicants appearing before the Panel: Nil**

**MEETING DECLARED CLOSED AT 6.52PM**

  
**Yvonne Svensson**  
**Acting Presiding Member**

