

**CITY OF MARION  
COUNCIL ASSESSMENT PANEL MINUTES  
FOR THE MEETING HELD ON  
WEDNESDAY 15 MARCH 2023**

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**1.1 OPEN MEETING**

The Meeting commenced at 6.28pm

**1.2 PRESENT**

Michael Davis - Presiding Member  
Yvonne Svensson- Independent Member  
Ben Russ - Independent Member  
Bryn Adams - Independent Member  
Councillor Nathan Prior– Council Member

**1.3 APOLOGIES**

Nil

**1.4 IN ATTENDANCE**

Alex Wright – CAP Assessment Manager – Team Leader - Planning  
Kristen Sheffield - Development Officer - Planning

**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: CAP150323 - 4.1

Application No: 22030821

Site Location: 44 Ross Street, Seaview Downs

- Alison Williams and Phil Hodgson (Representors) addressed the Panel
- Gregg Jenkins of Heynen Planning Consultants (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 accepts the submission of an amended civil plan and removal of the previously proposed reserved matter; and
- (c) The Panel concurs that the proposed development is not seriously at variance<sup>1</sup> to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and
- (d) That Planning Consent for Development Application ID: 22030821 for seven, two-storey, detached dwellings as well as associated earthworks, retaining walls, fencing, and landscaping at 44 Ross Street, Seaview Downs be GRANTED subject to the following Conditions.

#### CONDITIONS

1. The development granted Development Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below
2. 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).
3. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details, with on-site water retention systems connected to collect roof stormwater from each dwelling, prior to the occupation of the premises to the reasonable satisfaction of the Council.

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<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.

4. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with 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.
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 the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
6. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.
7. 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. Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016, the matter(s) listed as Reserved Matters are reserves for further assessment to the satisfaction of the relevant authority prior to the granting of Development Approval.
2. Before commencing any site works, a temporary vehicular access to the property for machinery, delivery of building materials and general vehicles should be provided. In the case where no driveway invert exists, the kerb can be saw cut and removed at the intended location for the new driveway invert to provide the necessary temporary access. In addition, if a paved Council footpath exists, this should also be removed in alignment with the removed section of kerb. The applicant should also take note of other information provided regarding use of, damage to and construction on Council owned land.
3. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly.
4. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system (acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
5. Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development (a suggested measure is to install a gravelled construction exit with wash down facilities).
6. 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.

7. **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.**

**5. APPEALS UPDATE****APPEALS AGAINST PANEL DECISIONS**

Verbal updated provided.

**6. POLICY OBSERVATIONS**

Councillor Prior provided a verbal update regarding the Southern Hills Residential Code Amendment.

**7. OTHER BUSINESS**

Nil

**8. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 15 March 2023 taken as read and confirmed this fifteenth day of March 2023.

**9. MEETING CLOSURE**

- Length of meeting: 50 minutes
- Number of Representors appearing before the Panel: 1
- Number of Applicants appearing before the Panel: 1

**MEETING DECLARED CLOSED AT 7.18PM**



***Michael Davis***  
***Presiding Member***