

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 15 JUNE 2022**



1.1 OPEN MEETING

The Meeting commenced at 6.11pm

1.2 PRESENT

Terry Mosel - Presiding Member
Yvonne Svensson- Independent Member
Michael Davis - Independent Member
Bryn Adams - Independent Member
Raelene Telfer – Council Member

1.3 APOLOGIES

Nil

1.4 IN ATTENDANCE

Alex Wright – CAP Assessment Manager – Team Leader - Planning
Nicholas Timotheou - Senior Development Officer – Planning
Warwick Deller-Coombs - Manager - Development & Regulatory Services

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: CAP150622 - 4.1

Application No: 22008727

Site Location: 7 Sanctuary Avenue, Sheidow Park

- Timothy Hall (Representor) addressed the Panel
- Mr Ray Barnwell on behalf of Regent Homes (Applicant) addressed the Panel

Mr Hall provided a photo diagram which was accepted by the Presiding Member and is identified as Item 1.

The Council Assessment Panel resolved that;

RECOMMENDATION

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: 22008727 for two-storey detached dwelling, earthworks, retaining wall, fencing and privacy screen at 7 Sanctuary Avenue, Sheidow Park 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. 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.**

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.

CAP150622

3. 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.
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. 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.
6. 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.

NOTES

1. 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**5.1 APPEALS AGAINST PANEL DECISIONS**

Verbal updated provided

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

Verbal Update provided

6. POLICY OBSERVATIONS

No items listed for discussion

7. OTHER BUSINESS

- The Development Services staff, and City of Marion as an organisation, thanked the outgoing Presiding Member, Terry Mosel, for his contribution and service to the Council Assessment Panel over the past 5 years.
- The Development Services staff thanked the outgoing Elected Member representative, Raelene Telfer, for her contribution and service to the Council Assessment Panel over the past two years.

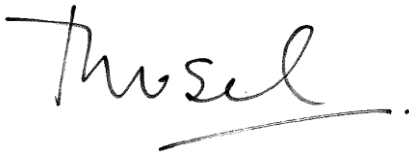
8. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 15 June 2022 taken as read and confirmed this fifteenth day of June 2022

9. MEETING CLOSURE

- Length of meeting: 38 minutes
- Number of Representors appearing before the Panel: 1
- Number of Applicants appearing before the Panel: 1

MEETING DECLARED CLOSED AT 6:49PM

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

Terry Mosel
Presiding Member