



## **AGENDA**

**FOR COUNCIL ASSESSMENT PANEL MEETING TO BE HELD ON**

**27 APRIL 2022 AT 6.30 PM**

**IN THE COUNCIL CHAMBER, SALISBURY COMMUNITY HUB, 34 CHURCH STREET, SALISBURY**

### **MEMBERS**

Mr T Mosel (Presiding Member)  
Mr R Bateup  
Ms C Gill  
Mr B Brug  
Mr M Atkinson

### **REQUIRED STAFF**

Assessment Manager, Mr C Zafirooulos  
General Manager City Development, Ms M English  
Team Leader Planning, Mr C Carrey

### **APOLOGIES**

### **LEAVE OF ABSENCE**

### **ADOPTED MINUTES FROM PREVIOUS MEETING**

Presentation of the Minutes of the Council Assessment Panel Meeting held on 29 March 2022.

### **DECLARATIONS OF CONFLICTS OF INTEREST**

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## REPORTS

Nil

## OTHER BUSINESS

8.2.1	Assessment Manager Quarterly Report - January to March 2022 .....	31
8.2.2	Delegations .....	35
8.2.3	Status of Current Appeal Matters and Deferred Items	
8.2.4	Policy Issues Arising from Consideration of Development Applications	
8.2.5	Future Meetings & Agenda Items	

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## ORDER TO EXCLUDE THE PUBLIC

That the Council Assessment Panel:

Excludes the public from the CAP proceedings for consideration of item 8.3.1 and 8.3.2 on the Agenda of the CAP meeting 27 April 2022 on the basis of regulation 13(2)(vi) & (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017*.

### **8.3.1 Applicant Appeal to Environment, Resources and Development Court, Tony Maiello (N27 Pty Ltd) v City of Salisbury (ERD-22-000014) - Development Application 361/1618/2020/2A**

#### **Recommendation**

Pursuant to regulation 13(2)(vi) & (viii) of the Planning, Development and Infrastructure (General) Regulations 2017, the Council Assessment Panel determines, this matter may be considered in confidence on grounds that:

- 1. It relates to legal advice and information to an appeal against the decision of the Council Assessment Panel to the Environment, Resources and Development Court that may prejudice the Court hearing.*

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**8.3.2 Applicant Appeal to Environment, Resources and Development Court, 48 Commercial Road, Salisbury Pty. Ltd. v Salisbury Council Assessment Panel (ERD-22-000046) - Development Application 21034988**

**Recommendation**

Pursuant to regulation 13(2)(vi) & (viii) of the Planning, Development and Infrastructure (General) Regulations 2017, the Council Assessment Panel determines, this matter may be considered in confidence on grounds that:

- 1. It relates to legal advice and information to an appeal against the decision of the Council Assessment Panel to the Environment, Resources and Development Court that may prejudice the Court hearing.*

**CLOSE**

**Please note:**

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**MINUTES OF COUNCIL ASSESSMENT PANEL MEETING HELD IN THE COUNCIL CHAMBER, SALISBURY COMMUNITY HUB, 34 CHURCH STREET, SALISBURY ON**

**29 MARCH 2022**

**MEMBERS PRESENT**

Mr T Mosel (Presiding Member)  
Mr R Bateup  
Ms C Gill  
Mr B Brug  
Mr M Atkinson

**STAFF**

Assessment Manager, Mr C Zafiropoulos  
General Manager City Development, Ms M English  
Senior Development Officer Planning, Ms K Thrussell  
Team Leader Business Services, Ms H Crossley

The meeting commenced at 6.30pm.

The Presiding Member welcomed the members, staff and the gallery to the meeting.

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

Nil

**ENDORSED MINUTES FROM PREVIOUS MEETING**

The Minutes of the Council Assessment Panel Meeting held on 23 February 2022, be taken as read and confirmed.

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## DECLARATIONS OF CONFLICTS OF INTEREST

Mr B Brug declared a conflict of interest in relation to development application 21034988 at 89-97 Kings Road, Salisbury Downs when Council resolved to make a representation on this development application.

Mr Brug is a Councillor on the City of Salisbury, and is the nominated Elected Member on the Council Assessment Panel.

Mr Brug made the following statement to the effect of he did not believe that he had a conflict of interest as a member of the Council Assessment Panel, especially as when the matter was discussed at Council he appropriately declared a conflict, and did not participate or vote; and left the room which is reflected in the minutes of the Council meeting.

That said, given that the Council had resolved to lodge a representation on this development application and passed a formal resolution to oppose the Application, even without the Councillor in the room as noted above, it was suggested by the Applicant for this item that there was the potential for a reasonable apprehension of bias due to Mr Brug being an Elected Member of the Council.

In response, Mr Brug decided that he would acknowledge the potential for a reasonable apprehension of bias on his part due to his membership of the Council & therefore he would not participate in the consideration, assessment & determination of the development application. Following his acknowledgement Mr Brug left the meeting at 6.42pm prior to any consideration of the application & did not return until the application had been determined by the remaining members of CAP.

## REPORTS

### *Development Applications*

#### **8.1.2        21034988**

Land Division - Creation of 18 Allotments, Public Roads and Reserve and construction of Retail Fuel Outlet with associated Signage and Fencing (on proposed Allotment 100) at 89 - 97 Kings Road, Salisbury Downs SA 5108 for 48 Commercial Road Salisbury Pty Ltd.

#### **REPRESENTORS**

Deputy Mayor C Buchanan and Cr K Grenfell, and Mr D Hutchinson, Access Planning, spoke on behalf of the Mr J Harry representation.

Mr R Bower spoke to his representation.

Ms S Ouk spoke to her and Ms C M Ping's representations.

Mr V McCall, spoke to his representation.

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## APPLICANT

Ms T James, URPS, and Mr T Wilson, CIRQA, spoke on behalf of the applicant.

Ms C Gill moved, Mr R Bateup seconded that;

- A. The proposed development is not considered to be seriously at variance with the Planning and Design Code; and
- B. Pursuant to Section 102 of the *Planning, Development and Infrastructure Act 2016*, Planning Consent is **GRANTED** to application number 21034988 for Land Division - Creation of 18 Allotments, Public Roads and Reserve and construction of Retail Fuel Outlet with associated Signage and Fencing (on proposed Allotment 100) in accordance with the plans and details submitted with the application and subject to the following *Reserved Matters* and Conditions:

### **Reserved Matters:**

The following matter/s shall be submitted for further assessment and approval by the Assessment Manager, as delegate of the Council Assessment Panel, as Reserved Matters under Section 33(3) of the Development Act 1993:

1. Civil and stormwater plans prepared by a suitably qualified engineer are required detailing:
  - a) Finished floor levels for all buildings and hardstand surfaces
  - b) Cut/fill details
  - c) Retaining walls, kerbing or ramps, their design and grades including provision of pram ramps either side of the access driveways if the footpath and driveway levels do not match.
  - d) Pavement design details and gradients
  - e) Car parking dimensions, aisle widths, circulation movements and associated parking markings and signage
  - f) Stormwater management arrangements consistent with the FMG Stormwater Management Report (Rev 2) including:
    - a. Water sensitive quality treatment measures; and
    - b. Onsite stormwater detention; and
    - c. Surface water treatment measures to ensure EPA and Council water quality objectives are met.
2. Final landscaping plan, prepared by a qualified and experienced landscape architect or horticulturalist, which shall include all of the following:
  - a) Final locations for all landscaped areas, including designated areas for trees, shrubs and groundcovers; and
  - b) Designated species to be used, noting should comprise species contained in the City of Salisbury Landscape Plan; and
  - c) Shade trees within the car parking areas; and

- d) Pot sizes, confirming the tree planting shall comprise advanced growth species at time of planting; and
- e) Maintenance methods including irrigation, barriers and protection from vehicles and pedestrians.

**Planning Conditions**

**Conditions Applicable to both Retail Fuel Outlet and Land Division**

1. The development shall be carried out in accordance with the details submitted with the application and the following stamped approved plans and documents, except where otherwise varied by the conditions herein:

<b>Drawing No.</b>	<b>Plan Type</b>	<b>Date</b>	<b>Prepared By</b>
S01 Revision D	Cover Page and Drawing List	2 March 2022	Hodge Collard Preston
S02 Revision D	Existing Site Conditions	2 March 2022	Hodge Collard Preston
S03 Revision D	Proposed Site Plan	2 March 2022	Hodge Collard Preston
S04 Revision D	Proposed Floor Plan	2 March 2022	Hodge Collard Preston
S05 Revision D	Proposed Elevations	2 March 2022	Hodge Collard Preston
S06 Revision D	Signage Plan and Details	2 March 2022	Hodge Collard Preston
S07 Revision D	Proposed Landscaping Plan	2 March 2022	Hodge Collard Preston
S08 Revision D	3D Views	2 March 2022	Hodge Collard Preston
S09 Revision D	Boundary Elevations	2 March 2022	Hodge Collard Preston
20940 - DIV Version 8 - Sheet 1	Land Division – Proposed Allotment and Road Layout	3 March 2022	John C Bested & Assoc
20940 – DIV Version 8 – Sheet 2	Land Division – Topographical Detail	3 March 2022	John C Bested & Assoc
S56399 - 277895	Stormwater Management Report	28 January 2022	FMG
SK-C01	Concept Grading	7 February 2022	FMG
S31364	Letter from Project Green	21 January 2022	Project Green
N/A	Letter to Theresa James from Project Green	8 February 2022	Project Green



21320	Traffic and Parking Report	9 November 2021	CIRQA
21320/BNW	Response to Representations	20 January 2022	CIRQA
21320	Internal Road Review	31 January 2022	CIRQA
21ADL-0552	Planning Report – Kings Road Development	11 November 2021	URPS
21ADL-0552	Letter to Chris Carrey from URPS	24 January 2022	URPS
21ADL-0552	Letter to EPA – Response to Request for Further Info	24 January 2022	URPS
21ADL-0552	Letter of Response to EPA Information Request	28 January 2022	URPS
21ADL-0552	Response to Representations	28 January 2022	URPS
JC0879_PSI	Preliminary Site Investigations report	20 January 2022	AGON Environmental
S7050C3	Environmental Noise Assessment	November 2021	Sonus

2. Site work, demolition work and building work shall be carried out only between the hours of 7.00am to 7.00pm Monday to Saturday and 9.00am to 5.00pm Sunday.

*Department for Infrastructure and Transport Conditions*

3. The road works to Kings Road shall be consistent with Hodge Collard Preston Proposed Site Plan, Project No. 77.21, Drawing No. S03, Revision A dated 15 November 2021 and CIRQA Traffic Report, Version 1.0 dated 9 November 2021, and include (but not be limited to) the following road upgrades:
  - a. A raised median on Kings Road to physically restrict access to the Retail Fuel Outlet (Lot 100) to left in and left out movements only.
  - b. An indented bus stop designed to the satisfaction of SAPTA/DIT and Council.
  - c. The new ‘Road A’ junction with Kings Road is to be designed to cater

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simultaneous two-way vehicle movements of an 8.8m Medium Rigid Vehicle. Check vehicle to be determined in detailed design. This may require the entry/exit radius to be modified on both sides of the New Road.

- d. The Kings Road/Road A junction shall provide a minimum 3.0 x 3.0 metre corner cut off.
- e. Suitable delineation of the retail fuel outlet entry point and exit point to ensure the safe and convenient flow of vehicles and pedestrians and match into existing infrastructure (including the pedestrian refuge located further east in front of 85 Kings Road).
- f. The access points to the Retail Fuel Outlet shall incorporate chevron line marking to permit access for a 19.0 metre semi-trailer.
- g. Any on-street parking along the 'Road A' shall be sufficiently setback from Kings Road so as to ensure unrestricted entry movements can be achieved and to provide adequate on-site storage at the junction in order to prevent queueing back onto Kings Road.
- h. Any additional alterations/modifications to road infrastructure required to support the development.

*(Note: the plans referenced in Condition 3 above have been superseded by those documents listed in Planning Condition 1 – however, points a) – h) all remain relevant).*

4. The Kings Road access points and all internal connections (within Lot 100) shall be suitably signed and line marked to reinforce the desired traffic flow to/from the site.
5. Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
6. Any obsolete crossover/s (or any portion thereof) on Kings Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.
7. Signage shall not contain any element of LED or LCD display, except for the fuel prices on the pylon signs. The fuel prices shall be white characters on a black background.
8. Signage shall not flash, scroll, move or change, with the exception of the LED fuel price signs, which may change on an as-needs basis.

9. Signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Accordingly, all illuminated signs visible from Kings Road shall be limited to a low level of illumination (i.e. < 150Cd/m<sup>2</sup>), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

<b>Ambient Conditions</b>	<b>Sign Illuminance Vertical Component (Lux)</b>	<b>Sign Luminance (Cd/m<sup>2</sup>) Max</b>
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	150

10. Signage shall, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.

**Planning – Retail Fuel Outlet Specific Conditions**

11. Except where otherwise approved, the external finishes of the building shall:
- a. Be finished in new non-reflective materials; and
  - b. Be finished in natural tones, in accordance with the approved plans; and
  - c. Be maintained in good condition at all times.
12. Except where otherwise approved, the advertisements approved as part of this application shall not:
- a. Move; or
  - b. Flash; or
  - c. Reflect light so as to be an undue distraction to motorists; or
  - d. Be internally or externally illuminated.
13. All advertising signs and advertising structures shall be maintained in good repair at all times with graffiti removed within 24 hours.
14. All mechanical services to the building and in conjunction with the proposed use shall be designed, installed and operated in such a manner that any person or persons working within or adjacent to the site should not be subjected to any nuisance or inconvenience from noise or fumes.

15. All loading and unloading of vehicles and manoeuvring of vehicles in connection with the now approved development shall be carried out entirely within the subject land.
16. All landscaping identified on the Approved Landscaping Plan, prepared by Hodge Collard Preston Architects Drawing No S07 Revision D, shall be completed, prior to commencement of use (as hereby approved) and shall be maintained at all times thereafter (including the replacement of diseased or dying plants and the removal of weeds and pest plants) to the reasonable satisfaction of Council.
17. Noise measured at the nearest residential property boundary shall remain within the requirements of the Environment Protection Authority (EPA) guidelines for development adjacent to a residential area.
18. All driveways, manoeuvring areas and hardstand areas shall be constructed in accordance with the Approved Site Plan, prepared by Hodge Collard Preston Architects Drawing No S03 Revision D. The surface shall consist of brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicle types. Individual car parking bays shall be clearly line-marked. Driveways and car parking areas shall be established prior to the commencement of use (as hereby approved) and shall be maintained at all times to the reasonable satisfaction of Council.
19. The car parking layout and associated aisle widths and car park manoeuvring area shall be designed and constructed to comply with AS 2890.1 – Off-street parking, Part 1 and Austroads “Guide to Traffic Engineering Practice Part 11 – Parking” and AS 2890.2 – Facilities for Commercial Vehicles.
20. No materials, goods or containers shall be stored in the designated car parking area or driveways.
21. All waste and other rubbish shall be contained and stored pending removal in covered containers which shall be kept in the designated bin store/service area, screened from public view.
22. Outside lighting shall be directed and shaded to prevent light overspill and/or nuisance to adjacent occupiers or distraction to drivers on adjacent public roads.
23. All fencing shall be maintained in good repair at all times with graffiti removed within 24 hours to the reasonable satisfaction of Council.

24. Any roof mounted plant or equipment shall be sited to avoid being visible to the street view or otherwise be screened in a manner that forms and integral part of the building design.
25. All of the recommendations contained in the acoustic report, prepared by Sonus Acoustic consultants, numbered S7050C3 dated November 2021, shall be implemented in full, prior to commencement of use and shall remain in place at all times thereafter.
26. All of the recommendations contained in the Arborculturalist Impact Assessment report, prepared by Project Green consultants, numbered dated 8 February 2022, shall be implemented in full, prior to commencement of use.
27. Stormwater systems shall be designed and constructed to cater for minor storm flows (Industrial / Commercial ARI = 10yrs). The design of the stormwater system shall ensure that no stormwater is discharged onto any adjoining land. Surface stormwater is to be managed in a manner that ensures no ponding of water against buildings and structures, no creation of any insanitary condition, and no runoff into neighbouring property for the major storm event ARI = 100 years.

*Environment Protection Authority Conditions – Retail Fuel Outlet*

28. Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.
29. Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that directs vapours back into the tank during vehicle refueling.
30. Prior to operation, all underground fuel storage tanks must be double-walled and fitted with a leak detection system designed and installed in accordance with clause 4.5 of Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems.
31. Prior to operation, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection system, designed and installed in accordance with clause 4.5 of Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems.
32. Stormwater runoff from all hardstand areas (including the refuelling and fuel

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delivery areas) must be managed in accordance with the provided plan ‘Catchment Plan Drawing Number SK- C02, Revision D, prepared by FMG Engineering’ and must be directed via grates and grade changes to a SPEL Puraceptor full retention oil/water separator (no bypass function) that:

- a. Has a minimum spill capture capacity of 10,000 litres
- b. Reduces oil content in the outlet to less than 5 ng/L (as confirmed by independent third party scientific testing)
- c. Operates effectively in the event of a power failure

### **Land Division – Specific Conditions**

#### ***Council Requirements***

1. Detailed designs and specifications for all civil engineering works, including earthworks, roads, culverts, footpaths, stormwater drainage, lighting, signage, line marking and pram ramps are to be submitted to Council for Approval by Council’s Principal Development Engineer. No works shall commence until written approval has been issued by the Principal Development Engineer.
2. Driveway locations are to be shown on the line marking plan.
3. All civil and construction works shall be carried out in accordance with all detailed designs and specifications approved by Council under Land Division Consent Requirement 1.
4. A Soil Erosion and Drainage Management Plan and Construction Environment Management Plan (including final traffic management during construction) shall be submitted to Council for Approval. The Soil Erosion and Drainage Management Plan and Construction Environment Management Plan shall be prepared in accordance with the document entitled “Handbook for Pollution Avoidance on Commercial and Residential Building Sites”, prepared by the Environment Protection Authority. No works shall commence until prior written approval has been issued by Council’s Principal Development Engineer.
5. Cut-off corners are to be adequate to comply with line of sight, footpath and service access requirements. The minimum cut-off dimension is to be 3.0m x 3.0m for local access roads.

6. Existing bores and wells previously used for irrigation and water supply are to be identified, abandoned, plugged and backfilled in accordance with the Natural Resources Management Act 2004, the Department of Environment, Water and Natural Resources (DEWNR) and relevant region NRM board to prevent contamination, degradation and wastage of groundwater.
7. A Proof Roll is to be undertaken at each stage of road construction (ie. Subgrade, prior to kerb and prior to sealing) with both Council and Superintendent Representatives in attendance, to ensure compliance with the approved plans and specifications. Council is to be given a minimum of 24 hours' notice of required attendance.
8. A geotechnical Inspection and Testing Plan (ITP) is to be forwarded to Council prior to construction. The fully completed ITP is to be provided to Council prior to Practical Completion. Field Density testing is to be undertaken on all pavement layers and common service backfill in accordance with AS 3798-2007 and AS 1289-2003.
9. CCTV footage of the underground drainage system is to be supplied prior to Practical Completion to confirm that works have been completed in accordance with the specification. Preferably CCTV footage will be provided prior to road sealing to enable rectifications of any defects.
10. The street lighting design is required to take into account the proposed footpath location and be submitted and approved along with the civil design drawings.
11. Street and public area lighting shall comply in all respects with the Lighting Code AS1158. The style and type of lighting shall be Approved by Council, prior to the commencement of any works. All public lighting must incorporate the use of unmetred LED Luminaires that are certified to be compliant with TS 1158.6 and must be listed on the AEMO load table. The standard public lighting tariff shall be Energy Only and electrical designs shall comply with AS 3000. Lighting design is to comply with AS/NZS 1158.
12. Public Roads A, B and C shall be constructed in the locations shown in the Approved Plan of Division and the roads shall be sealed in hot mix to a standard Approved by Council under Land Division Consent Requirement 1. Statutory line marking and signage shall be installed in accordance with the Road Traffic Act 1961 and Australian Standard 1742 Manual of Uniform Traffic Control Devices.

13. To ensure the minimum thickness of hot mix has been achieved during road pavement construction, Council require certification from a registered surveyor that the road formation levels have been checked prior to and after road surfacing (5 points every 50m). Council may at its discretion request core samples to verify asphalt thickness and compaction.
14. Boundary fencing shall be constructed using 1.8m high pre-colour coated metal in a natural finish (ie. grey or green) as follows:
  - a. Full length of the rear boundaries of Lots 110 – 114 inclusive of required retaining walls;
  - b. Northern side boundary of Lot 110, termination of Road C adjacent Lot 120, and full length of rear boundaries of Lots 104 – 109;
  - c. Eastern side boundary of Lot 104, termination of Road B adjacent Lot 119, and full length of rear boundaries of Lots 101 - 103
15. The terminating boundaries of Road B and Road C shall be fitted with the largest and longest D4-5 Hazard Board adjacent the fencing at the terminating ends of the road. Signs shall face toward the road.
16. Unless otherwise approved by Council, Lot 119 and Lot 120 (Reserve) shall be landscaped with compacted rubble unless notified otherwise by Council.
17. The stormwater system shall be designed and constructed as follows:
  - a. Underground piped stormwater system to cater for minor storm flows (ARI = 5 years); and
  - b. Overland flow path designated to cater for the 100 year ARI major storm event.
18. All surface runoff in the 100 year ARI major storm event shall be safely conveyed through the new road network, providing an overland flow path within the road reserves to accommodate peak flow.
19. Allotment fill may be required to ensure that the floor levels of proposed residential development will be 300mm above top of kerb for the proposed road frontage and graded a minimum 0.5% towards the road. This may require that the general level of each residential allotment be raised in layers of 150mm of compacted fill. Any filling in excess of 300mm is to be constructed with Level 1 Supervision.
20. The excavation and filling of land must be undertaken in accordance with the specifications of Council. Those specifications shall comply with



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“AS 3798-2007: Guidelines on earthworks for commercial and residential developments”. Geotechnical documentation shall be provided to Council, prior to Section 51 clearance, demonstrating that all filling complies with the requirements of AS 2870-1011: Residential Slabs and Footings.

21. Existing footpaths and verge areas shall be reinstated to Council specification after excavation trenching and underground services have been installed.
22. Electricity supply servicing the development shall be installed underground in accordance with SA Power Networks Technical Standards for underground residential distribution of electricity.
23. All Communication Carriers services (including NBN Broadband) shall be installed underground.
24. A 1.5m wide footpath, associated pram ramps and landings shall be constructed along one side of all local roads in accordance with Council’s specification. The footpath is to connect to the existing external footpath and the location and materials shall be Approved by Council under Land Division Consent Requirement 1.
25. A Landscaping Plan shall be submitted to Council for Approval, prior to commencement of site works. The Landscaping Plan shall achieve the following:
  - a. Incorporate advanced growth street trees (at least 1.2m at planting) at a rate of at least 1 tree per allotment frontage (on both sides of all public roads), of a species agreed to by Council’s Team Leader – Landscape Design;
  - b. Removal of all weed and pest species on the site and preparation of the topsoil within all road reserves, such that weed and pest species do not thrive.
26. All landscaping works identified on the Landscaping Plan, Approved by Council under Land Division Consent Condition 25, shall be completed in full or bonded.
27. A Construction Environmental Management Plan (CEMP) is to be provided to Council for approval prior to works commencing on site. The CEMP is to be adhered to at all times.
28. All conditions must be met, including zero defects and full payment of any contributions prior to acceptance of Practical Completion and

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“handover” of infrastructure. Until the “Acceptance of Practical Completion and Asset Transfer” is issued by Council, all liability and maintenance of infrastructure remains responsibility of the Developer.

29. A bond for 10% of the agreed total value of the land division (ie. the development) or 100% of the agreed value of the outstanding works (whichever is greater) shall be provided to Council, prior to Section 138 Clearance, to be held by Council during the Defects Liability Period and returned upon satisfactory Final Completion of the Land Division.
30. Damage sustained to any new or existing infrastructure during the course of the works shall be rectified to Council satisfaction prior to the completion of development works.
31. The Defects Liability Period for the civil works will be 12 months from the date of issue of the Acceptance of Practical Completion and Asset Transfer.
32. An ‘as constructed’ survey, of all infrastructure including but not limited to stormwater pipes, kerbing, road pavement, line-marking, footpaths, signage, lighting and street tree plantings, shall be provided to Council in PDF and DWG format, prior to Practical Completion.
33. All road and reserve areas are to be vested to Council, at no cost to Council.
34. The applicant shall provide Council with a list of street names for approval by Council.
35. All street signs shall be supplied and installed, at the cost of the developer, in accordance with Council’s street sign guidelines.
36. All buildings and structures and loose materials (including rubbish) shall be removed from the site.

***EPA Conditions – Land Division***

37. A land division certificate under section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a statement of site suitability is issued by a site contamination consultant certifying the land is suitable for the proposed use.

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### *State Planning Commission – Land Division*

38. Payment of \$57,807.00 into the Planning and Development Fund (7.31 allotment/s @ \$7,908.00 /allotment). Payment may be made via credit card (Visa or MasterCard) online at [plan.sa.gov.au](http://plan.sa.gov.au), over the phone on 7109 7018, or cheques may be made payable to the State Planning Commission, marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001.
39. A final plan complying with the requirements for plans set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Planning Commission for Land Division Certificate purposes.

### *SA Water – Land Division*

40. The necessary infrastructure for this development is likely to be constructed by the developer under a Land Development Agreement.

In order to facilitate clearance, SA Water's easement, financial and Augmentation requirements shall be met by the developer.

An ongoing investigation is taking place and further details and appropriate servicing strategy will be provided in due course.

If a connection/s off an existing main is required, an investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard.

### *Advice Notes*

#### *Council Advice Notes*

- The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

- The development shall be lawfully commenced by substantial work on the site of the development within 2 years from the date of Development Approval. If substantial work on the site has occurred within 2 years, the development shall be substantially or fully completed within 3 years from the date of Development Approval.
- Building Consent and Development Approval must be obtained within 24 months from the date of this Notification, unless this period has been extended by the Council. Work cannot commence until a Development Approval is obtained.
- The Applicant shall enter into an Infrastructure Agreement with Council prior to undertaking any works on Council land. The appropriate contact for setting up the Agreement is Council's Principal Development Engineer, Sam Kenny, who can be contacted on (08) 8406 8222 or via [deveng@salisbury.sa.gov.au](mailto:deveng@salisbury.sa.gov.au)
- A final survey of the site boundaries is recommended to ensure the approved building works are accommodated within the designated footprint and achieve the designated boundary setbacks.
- With regards to all proposed boundary retaining walls and fencing, the applicant is reminded to consult with adjoining property owners and follow due process pursuant to the *Fences Act 1975*.

Please note combined retaining walls and fencing in excess of 2.1m require Development Authorisation.

For further information, please visit the Legal Services Commission of SA website: <https://lsc.sa.gov.au/resources/FencesandtheLawBooklet.pdf>

- The applicant is reminded that demolition and construction is required to be carried out so that it complies with the mandatory construction noise provisions of Part 6, Division 1 of the *Environment Protection (Noise) Policy 2007* and the provisions of the *Local Nuisance and Litter Control Act 2016*. Under the *Local Nuisance and Litter Control Act 2016*, construction noise is declared to constitute a local nuisance as follows:

*The noise has travelled from the location of the construction activity to neighbouring premises –*

- *On any Sunday or public holiday; or*
- *After 7pm or before 7am on any other day.*
- If you are a developer, you are responsible for providing telecommunications infrastructure in your developments. You can choose any carrier you want to service your development, if you don't wish to choose another carrier, NBN is

the infrastructure provider of last resort (IPOLR) in those areas of its fixed line footprint where NBN has established its network, or where it has publicly identified an area as a fixed line rollout region. NBN is also the IPOLR for developments with 100 lots or more. Telstra is the IPOLR in developers with fewer than 100 lots where NBN Co has not established its network. Carriers, including NBN and Telstra, can charge for providing infrastructure in new developments More information can be found at

<https://www.communications.gov.au/policy/policy-listing/telecommunications-new-developments>

If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/buildwithnbn> once registered you will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works commence.

All telecommunications infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/design-build-install.html>

- This Development Approval does not constitute land owners approval. The following applies to any works on Council land:
  - Any person making alteration to Council land including erecting or installing a structure (pipes, wires, cables, fixtures, fittings), storing building materials, erecting temporary fencing, altering the kerb, gutter, footpath or crossover etc. in, on, under or over Council land, is subject to a permit from Council pursuant to Section 221 of the Local Government Act 1999.
  - Service infrastructure should be located as far as practicable away from street trees, in order to protect the root zone and to prevent future damage to the infrastructure from roof expansion.
  - Residents and businesses are encouraged to develop and maintain the verge area between their property boundary and the kerb. However, some types of development such as irrigation, tree planting and landscaping may be restricted in some areas and therefore permission should be first sought from Council before commencing any works;
  - It is the developers/owners responsibility to ensure that damage does not occur to verge infrastructure during construction. Council regularly inspects the condition of verge infrastructure during construction and where damage is observed, Council may recover the costs from the owner for reinstatement of any damage to the footpath, kerb or gutter and may also impose a substantial penalty for any wilful damage.

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### *Council Trees*

- A number of Regulated Trees are located on the adjoining Council Reserve to the west of the subject site, close to the rear boundaries of Allotments 110 – 114. Future developers of these allotments are advised of the proximity of these trees, and detailed arborist advice may be required at the dwelling application phase (to be arranged by the developer at their own expense) to demonstrate future development does not result in tree damaging activity.

### *Food Business – Retail Fuel Outlet*

- A Food Business Notification form as prescribed under the Food Act must be completed prior to commencement or any food sale or production activities.
- The structure and design of any designated food preparation and kitchen must be constructed in compliance with *Food Act 2001 and Food Safety Standard 3.2.3*.

### *Environment Protection Authority Advice Notes – General*

- The applicant/owner/operator are reminded of its general environmental duty, as required by Section 25 of the *Environmental Protection Act*, to take all reasonable and practicable measures to ensure that the activities on the whole site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au).

### *Environment Protection Authority Advice Notes – Retail Fuel Outlet*

- An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant/owner should contact the Environment Protection Authority on (08) 8204 2058 or email [EPAlicensing@sa.gov.au](mailto:EPAlicensing@sa.gov.au) for information about the licencing process and requirements
- A licence may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.
- The applicant is advised that any sludge from the SPEL Purceptor Class 1 full retention oil/water separator should be removed as necessary by a waste transporter licensed by the EPA to carry such material to an appropriate waste facility.

***Department for Infrastructure and Transport – Advice Notes***

- The applicant shall enter into a Developer Agreement with DIT to undertake and complete the required road works.
- All road works deemed required to facilitate safe and efficient access to the proposed development and ‘Road A’ shall be designed and constructed to DIT’s satisfaction, with all costs (including but not limited to design, construction, project management and any changes to road drainage, lighting etc. required) being borne by the applicant.

Prior to undertaking detailed design, the applicant shall contact Mr Narendra Patel, Senior Network Integrity Engineer, Network Management Services on telephone (08) 8226 8244, mobile 0400 436 745 or via email: narendra.patel@sa.gov.au to progress this.

***DIT Mark Maintenance – Advice Notes***

- 1 PSM is required to be placed at the position marked on the attachment.
  - The following number shall be used: 6628/63366
  - The new PSM must be witnessed.
  - The following is to be supplied once the PSM has been placed:
    - Location sketch
    - MGA2020 coordinates

***DIT Public Transport – Advice Notes***

- SAPTA will support the application on the condition that bus stop 41 Kings Road (both sides) remains accessible for Adelaide Metro Buses in its current location. In the instance where a stop is requested to be relocated by the applicant, SAPTA advises that Council are wholly responsible for notifying/consulting impacted residents, with the new location to be determined in conjunction with SAPTA. Council must notify the applicant that they are responsible for covering all costs associated with bus stop relocation, and if a suitable alternate location cannot be identified the stop must remain in the current position. Any new stops must meet DDA compliance. Any temporary impact to the bus stop during construction should be directed to Wayne Stewart - SAPTA

The Presiding Member called for a vote and the vote was tied 2 for and 2 against. The Presiding Member cast a second vote and the motion failed.

8.05pm the Presiding Member called for a recess of the meeting.

8.19pm the meeting opened.

Mr M Atkinson moved, and Mr T Mosel seconded:

- A. The proposed development is not considered to be seriously at variance with the Planning and Design Code; and
- B. Pursuant to Section 102 of the *Planning, Development and Infrastructure Act 2016*, Planning Consent is **REFUSED** to application number 21034988 for Land Division - Creation of 18 Allotments, Public Roads and Reserve and construction of Retail Fuel Outlet with associated Signage and Fencing (on proposed Allotment 100) for the following reasons:

That the proposal does not sufficiently comply with the following fundamental land use provisions of the Planning and Design Code:

- General Neighbourhood Zone PO 1.1, 1.2, 1.3, 1.4 and 6.1
- General Development (Design in Urban Areas) PO 1.1
- General Neighbourhood Policies (Interface Between Land Uses) PO 1.2 and 2.1
- General Neighbourhood Zone DO 1
- General Development Policies (Interface Between Land Uses) DO1
- General Development (Design in Urban Areas) DO1

Presiding Member called for a vote and the vote was tied 2 for and 2 against. The Presiding Member cast a second vote and the motion passed.

Mr B Brug re-entered the meeting at 8.54pm

### 8.1.1 21027237

Redevelopment of existing hotel (Addition of a beer garden, reconfiguration of car parking, two (2) advertisements, 2.4m high fencing and landscaping) at 138 WATERLOO CORNER RD PARALOWIE SA 5108 for Urbis (Mietta Gleeson).

### REPRESENTORS

Mr A Humphreys spoke to his representation.

Ms K Millar spoke to her representation.



## APPLICANT

Ms M Gleeson, Senior Consultant, URBIS, spoke on behalf of the applicant.

Mr K Ettershank, Aus Venue Co, spoke on behalf of the applicant.

Mr N Henrys, Resonate Consultants, spoke on behalf of the applicant.

Mr T Wilson, CIRQA, spoke on behalf of the applicant.

Mr R Bateup, and the Council Assessment Panel resolved that:

- A. The proposed development is not considered to be seriously at variance with the Planning and Design Code; and
- B. Pursuant to Section 102 of the *Planning, Development and Infrastructure Act 2016*, Planning Consent is **GRANTED** to application number 21027237 for the Redevelopment of existing hotel (Addition of a beer garden, reconfiguration of car parking, two (2) advertisements, 2.4m high fencing and landscaping) in accordance with the plans and details submitted with the application and subject to the following Reserved Matters and Conditions:

### Reserved Matters:

The following matter/s shall be submitted for further assessment and approval by the Assessment Manager, as delegate of the Council Assessment Panel, as Reserved Matters under Section 102(3) of the *Planning, Development and Infrastructure Act 2016*:

1. Final landscaping plan, prepared by a qualified and experienced landscape architect or horticulturalist, which shall include all of the following:
  - a) Final locations for all landscaped areas, including designated areas for trees, shrubs and groundcovers; and
  - b) Designated species to be used, noting should comprise species contained in the City of Salisbury Landscape Plan; and
  - c) Shade trees within the car parking areas; and
  - d) Pot sizes, confirming the tree planting shall comprise advanced growth species at time of planting; and
  - e) Maintenance methods including irrigation, barriers and protection from vehicles and pedestrians.

### Development Plan Consent Conditions

1. The development shall be carried out in accordance with the details submitted with the application and the following stamped approved plans and documents, except where otherwise varied by the conditions herein:

<b>Drawing No.</b>	<b>Plan Type</b>	<b>Date</b>	<b>Prepared By</b>
21013 – DD 00.01 Revision G	Site Plan	12 November 2021	KP Architects
21014 – DD 00.02 Revision C	Demolition Site Plan	12 November 2021	KP Architects
21014 – DD 10.00 Revision F	Demolition Plan – Ground Level	12 November 2021	KP Architects
21014 – DD 10.01 Revision F	Floor Plan – Ground Level	9 November 2021	KP Architects
21014 – DD 11.01 Revision F	Roof Plan	9 November 2021	KP Architects
21014 – SD 20.01 Revision E	Elevations Plan (West and South)	3 September 2021	KP Architects
21014 – SD 20.02 Revision E	Elevations Plan (North)	3 September 2021	KP Architects
21014 – SD 30.01 Revision E	Sections Plan	3 September 2021	KP Architects
21234	Traffic and Parking Report	12 November 2021	CIRQA
N/A	Planning Report	September 2021	Urbis
N/A	Response to Representations	16 March 2022	Urbis
ATS6694 – 138WatCorRdDir	Arboricultural Impact Assessment and Development Impact Report	25 February 2022	Arborman Tree Solutions
A210395RP1 Revision C	Environmental Noise Assessment	11 March 2022	Resonate
N/A	Applicant’s response to matters raised by independent acoustic engineer	11 March 2022 and 16 March 2022	Urbis and Resonate
N/A	Landscape Concept Report	24 February 2022	Tract

2. Site work, demolition work and building work shall be carried out only between the hours of 7.00am to 7.00pm Monday to Saturday and 9.00am to 5.00pm Sunday.
3. Measures shall be implemented to eliminate dust emissions from the site during the construction period so as not to cause nuisance to adjacent properties or the adjacent road network
4. The advertisements and advertising structures shall be maintained in good repair at all times

5. Except where otherwise approved, the external finishes of the building shall:
  - (a) Be of new non-reflective materials; and
  - (b) Be finished in materials and colours/tones as shown on the Approved Plans; and
  - (c) Be maintained in good condition at all times.
6. Any roof mounted plant or equipment shall be sited to avoid being visible to street view or otherwise be screened in a manner that forms an integral part of the building design.
7. All of the recommendations contained in the Environmental Noise Assessment report, prepared by Resonate, numbered A210395RP1 Revision C dated 11 March 2022, shall be implemented in full, prior to commencement of use and shall remain in place at all times thereafter.
8. Consistent with the assessment of the Environmental Noise Assessment report, prepared by Resonate, numbered A210395RP1 Revision C dated 11 March 2022, the beer garden shall be restricted to a maximum 400 patrons at any one time.
9. Consistent with the assessment of Environmental Noise Assessment report, prepared by Resonate, numbered A210395RP1 Revision C dated 11 March 2022, live music (amplified) music with drum kit, electric guitar/bass (and the like) or night club style dance music is not permitted within the beer garden.
10. Consistent with the criteria identified with the Waterloo Station Hotel – Beer Garden Management Plan (dated February 2022), and the Environmental Noise Assessment report, prepared by Resonate, numbered A210395RP1 Revision C dated 11 March 2022, a sound limited device will be installed to ensure that music and television noise will be limited within the venue to L<sup>10</sup>71dB(A).
11. All of the recommendations contained in the Arboricultural Impact Assessment and Development Impact Report, prepared by Arborman Tree Solutions, dated 25 February 2022, shall be implemented in full, prior to commencement of use.
12. Noise measured at the nearest residential property boundary shall remain within the requirements of the Environment Protection Authority (EPA) guidelines for development adjacent to a residential area.
13. Storm runoff from the building roof areas is to be separated from the runoff from ground or paved surfaces and discharged directly to the existing underground drainage system.
14. Outside lighting shall be directed and shaded to prevent light overspill and/or nuisance to adjacent occupiers or distraction to drivers on adjacent public roads.

15. A 2.4-metre-high solid good neighbour perimeter boundary fencing with no gaps or alternative material with minimum mass of 8kg/m<sup>2</sup>, as detailed in the Environmental Noise Assessment report, prepared by Resonate, numbered A210395RP1 Revision C dated 11 March 2022, shall be established along the north-western and south-western boundaries of the site, prior to commencement of use and shall be maintained in good repair at all times with graffiti removed within 24 hours to the reasonable satisfaction of Council.
16. Ten (10) car parking spaces immediately south of the entry to the gaming room machine area shall be marked for staff car parking only.
17. The operating hours of the beer garden shall be limited to Sunday to Thursday 9am to 10pm and Friday and Saturday 9am to 12am.

Advice Notes

- With regards to all proposed boundary retaining walls and fencing, the applicant is reminded to appropriately consult with adjoining property owners and follow due process pursuant to the Fences Act 1975.

For further information, please visit the Legal Services Commission of SA website: <https://lsc.sa.gov.au/resources/FencesandtheLawBooklet.pdf>

- The applicant is reminded that demolition and construction is required to be carried out so that it complies with the mandatory construction noise provisions of Part 6, Division 1 of the Environment Protection (Noise) Policy 2007 and the provisions of the Local Nuisance and Litter Control Act 2016. Under the Local Nuisance and Litter Control Act 2016, construction noise is declared to constitute a local nuisance as follows:
  - The noise has travelled from the location of the construction activity to neighbouring premises –
    - On any Sunday or public holiday; or
    - After 7pm or before 7am on any other day.
  - A Food Business Notification form as prescribed under the Food Act must be completed prior to commencement or any food sale or production activities.
  - The structure and design of any designated food preparation and kitchen must be constructed in compliance with Food Act 2001 and Food Safety Standard 3.2.3.
  - The applicant is advised of a general concern with behaviours in the car park area and the applicant is advised to increase the location of CCTV cameras around the venue, with particular focus on the car park areas.

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## **OTHER BUSINESS**

### **8.2.1 Council Assessment Panel 2022 Meeting Schedule**

Mr B Brug moved, and the Council Assessment Panel resolved that:

- a. The information provided on this report is noted.

### **8.2.2 Status of Current Appeal Matters and Deferred Items**

The Assessment Manager provided a verbal update on appeal by Mr Tony Maiello (N27 Pty Ltd) against to decision to refuse Development Plan Consent for development application 361/1618/2020/2A at 173-175 Park Terrace, Brahma Lodge. The appellant has prepared amended plans in response to the Panel's decision and the amended plans will be presented to the meeting in April 2022 for the Panel's consideration.

### **8.2.3 Policy Issues Arising from Consideration of Development Applications**

Nil

### **8.2.4 Future Meetings & Agenda Items**

Next meeting scheduled for Wednesday 27 April 2022.

## **ADOPTION OF MINUTES**

Mr M Atkinson moved, and the Council Assessment Panel resolved that the Minutes of the Council Assessment Panel Meeting be taken and read as confirmed.

The meeting closed at 10.19pm.

**PRESIDING MEMBER:** Mr T Mosel

**DATE:** 29 March 2022  
(refer to email approving minutes registered in Dataworks Document Number 7231749)



**INFORMATION  
ONLY  
ITEM**

8.2.1

**COUNCIL ASSESSMENT PANEL**

**DATE**

27 April 2022

**HEADING**

Assessment Manager Quarterly Report - January to March 2022

**AUTHOR**

Chris Zafiroopoulos, Assessment Manager, City Development

**SUMMARY**

This report provides the Assessment Manager Quarterly Report for the period between January to March 2022.

**RECOMMENDATION**

1. That the information be received and noted.

**ATTACHMENTS**

There are no attachments to this report.

**1. BACKGROUND**

- 1.1 The general operating procedures require the Assessment Manager to prepare a quarterly report of:
  - the development applications with representations determined under delegated authority for the previous period.
  - any development application delegated by the Panel where a deemed consent notice has been received.
- 1.2 This report provides a quarterly report for the period January to March 2022.

**2. REPORT**

- 2.1 The Panel is assigned as a relevant authority in its own right under the *Planning, Development and Infrastructure Act 2016*. In the exercise of its duties, the Panel delegated to the Assessment Manager specific duties and powers on its behalf. Delegations enhance decision making processes and allow nominated matters to be resolved efficiently and effectively without the need for the Panel's consideration.
- 2.2 The delegations provide for:
  - Administrative matters to assist in the timely processing of applications such as verifying development applications, undertaking statutory referrals and public notification.
  - Determining prescribed development applications.

### Overview of planning application activity

- 2.3 The planning applications for the period are summarised in the table below (excluding land division).

	Number
Planning Applications Submitted	462
Planning Applications determined	326
Notified Applications	17
Determined planning consents by relevant authority	
➤ CAP	2
➤ Assessment Manager (AM)	308
➤ AM as delegate for Panel	7

- 2.4 The number of development applications that were notified during this period was seventeen (17). Seven (7) the development applications were determined by the Assessment Manager under delegated authority, two (2) were determined by the Panel and eight (8) of the development applications are still under assessment.
- 2.5 The number of development applications that were lodged under the previous *Development Act 1993* (prior to 19 March 2021) that are still active at the end of this quarter is ninety six (96), down from one hundred and five (105) from the previous quarter.

### Development Applications Assessed under Delegated Authority by the Assessment Manager

- 2.6 The development applications considered by the Assessment Manager under delegated authority are summarised below:

**Two (2) warehouses, car parking and landscaping at 53 Langford Street, Pooraka.**

Representations – none.

Decision – Approve with conditions.

**Telecommunications facility comprising 30 metre high monopole with cluster mount headframe supporting six (6) antennas (31.9 metres in overall height) with associated equipment cabinet, 3 metre high compound fencing, new access point and associated landscaping at 1-61 Driver Road, Waterloo Corner.**

Representations – None.

Decision – Approve with conditions.



<p><b>Office with associated access, car parking, landscaping and signage at 182 Salisbury Highway, Salisbury.</b></p> <p>Representations – None.</p> <p>Decision – Approve with conditions.</p>
<p><b>Shed extension to existing warehouse at 15A Playford Crescent Salisbury North.</b></p> <p>Representations – One (1) in support.</p> <p>Decision – Approve with conditions</p>
<p><b>Modification to existing warehouse (add packing room, blast freezer, plant room, gas tank area, washing area, outbuildings and car parking area) at 51-55 Diagonal Road and 5 Commerce Crescent, Pooraka.</b></p> <p>Representations – One (1) in support.</p> <p>Decision – Approve with conditions</p>
<p><b>Detached Dwelling, associated retaining walls and retention of existing ancillary accommodation and kitchen/rumpus at 54 Wynn Vale Drive, Gulfview Heights.</b></p> <p>Representations – Two (2) in support.</p> <p>Decision – Approve with conditions</p>
<p><b>Internal building work and change of use from medical centre to educational establishment (GLSs and Uniform Shop) at 23-29 &amp; 42-44 Amsterdam Crescent Salisbury Downs.</b></p> <p>Representations – One (1) in support.</p> <p>Decision – Approve with conditions</p>

### Deemed Consents

2.7 No deemed consent notices have been received for this period.

### 3. CONCLUSION / PROPOSAL

3.1 The Assessment Manager Quarterly Report for the period January to March 2022 be received and noted.



<b>ITEM</b>	8.2.2		
	<b>COUNCIL ASSESSMENT PANEL</b>		
<b>DATE</b>	27 April 2022		
<b>PREV REFS</b>	Council Assessment Panel	8.2.1	17/03/2021
	Council Assessment Panel	8.2.3	24/08/2021
<b>HEADING</b>	Delegations		
<b>AUTHOR</b>	Chris Zafirooulos, Assessment Manager, City Development		
<b>CITY PLAN LINKS</b>	4.4 We plan effectively to address community needs and identify new opportunities		
<b>SUMMARY</b>	This report provides information on the Panel's delegations following twelve months of operation under the <i>Planning, Development and Infrastructure Act 2016</i> and seeks the Panel's endorsement for delegations for the next twelve months.		

**RECOMMENDATION**

## THAT THE COUNCIL ASSESSMENT PANEL:

1. Revokes, in accordance with Section 100(2)(d) of the *Planning, Development and Infrastructure Act 2016* its previous delegations to the Assessment Manager and General Manager City Development of those powers and functions under the *Planning, Development and Infrastructure Act 2016* as included in Attachment 1 (CAP meeting 24 August 2022, Item no. 8.2.3).
2. Delegates in exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation as Attachment 1 to this report (CAP, 27 April 2022, Item 8.2.2) to the positions identified in the third column of the proposed Instrument of Delegation subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
3. Notes the delegated powers and functions may be exercised individually by each delegate in respect of any particular matter where the delegate is required or proposing to act in the course of their duties.
4. Notes that such powers and functions may be further delegated by the Assessment Manager in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation as included in Attachment 1 (CAP meeting 27 April 2022, Item 8.2.3).
5. Notes the power in Sections 119(9) and (14) of the *Planning, Development and Infrastructure Act 2016* and Regulation 7 of the *Planning, Development and*

*Infrastructure (Fees, Charges and Contributions) Regulations 2019* may be further delegated by the General Manager City Development in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the General Manager City Development sees fit, unless otherwise indicated in the Schedule of Conditions contained in the proposed Instrument of Delegation as included in Attachment 1 (CAP meeting 27 April 2022, Item 8.2.3)..

6. Notes that the delegations be reviewed in April 2023.

## ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Instrument of Delegation
2. Development Applications considered under Delegated Authority by the Assessment Manager

### 1. BACKGROUND

- 1.1 The *Planning Development and Infrastructure Act 2016* (the Act) assigns the Panel as a relevant authority in its own right under the Act. In the exercise of its duties, the Panel has delegated to Council staff specific duties or to exercise powers on its behalf.
- 1.2 Delegations enhance decision making processes and allow nominated matters to be resolved efficiently and effectively without the need for the Panel's consideration. The delegations provide for:
  - Duties to assist in the timely processing of applications.
  - Determination of prescribed development applications by Council staff.
- 1.3 The Assessment Panel determined its delegations under the Act at the meeting on 17 March 2021. As part of its consideration, the Panel determined to review the delegations following twelve months of operation. Note the Panel considered minor updates to the delegations on 24 August 2021 that did not include substantial changes.
- 1.4 This report provides the Panel information to review its delegations.

### 2. REPORT

#### Relevant Authority

- 2.1 The Act provides that an Assessment Panel will be a relevant authority (planning and building) in relation to a proposed development that is to be undertaken within the area of a council, unless another authority is prescribed by the Act or regulations (section 93 of the Act).
- 2.2 The Assessment Panel is designated the relevant authority for:
  - Performance assessed development under section 107 of the Act where notice of the application must be given under section 107(3) of the Act.
  - Development which involves the assessment of the building rules under section 99 of the Act where a building certifier has not been nominated, unless the Panel refers building rules matters to Council. The Panel referred all the building rules assessment to Council on 24 November 2020.

### Current Delegations

- 2.3 The current delegations to staff include granting power to:
- 2.3.1 Perform the various duties and responsibilities for the efficient processing of development applications.
  - 2.3.2 Assess and determine development applications where no representations have been made, or are withdrawn, or representors do not wish to be heard in support of their representation.
  - 2.3.3 Assess and determine development applications that are/or may be subject deemed consent notice.

### Publicly Notified Applications

- 2.4 In determining its delegations, the Panel considered the changes being introduced under the Act and the potential increase in the number of development applications that may be considered by the Panel under the new system, if the Panel did not have similar delegations to that of Council previously under the *Development Act 1993*.
- 2.5 It was expected that there would be a significant reduction in the number of development applications that would be required to undergo public notification due to development involving tree damaging activity by a council being exempt from public notification under the Act. These types of development applications accounted for some sixty (60) of the notified applications under the previous *Development Act* in 2018/19 & 2019/20.
- 2.6 In relation to other classes of development requiring notification, the analysis suggested relative minor differences to the overall number of applications that will be required to undergo public notification. Noting that while the overall numbers appear to be similar, the triggers for notification have been changed in some instances.
- 2.7 The table below summarises the number of applications historically assessed by the Panel over the last six (6) years, compared to the number of publicly notified applications for the same period. The table includes the number of publicly notified applications and applications assessed by the Panel between March 2021 and March 2022.

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2021/22*
<b>Publicly Notified</b>	<b>87</b>	<b>69</b>	<b>48</b>	<b>89</b>	<b>102</b>	<b>89</b>	<b>52<sup>1</sup>/13<sup>2</sup></b>
<b>CAP Assessed under Dev Act</b>	<b>19</b>	<b>15</b>	<b>23</b>	<b>9</b>	<b>19</b>	<b>11</b>	<b>8</b>
<b>CAP assessed under PDI Act</b>							<b>6</b>

\*12 months to March 2022

<sup>1</sup> PDI Act notified development applications

<sup>2</sup>Dev Act notified development applications

- 2.8 The overall number of notified applications does appear to be in line with projected levels. If tree damaging applications are excluded however from the 2018/19 & 2019/20 period for comparison, there has been an increase in notified development applications.
- 2.9 A more detailed breakdown of planning applications under the PDI Act for the 12 month period to March 2022 is summarised in the table below (excluding land division).

	Number
Planning Applications submitted	2,173
Planning Applications determined	1,488
Notified Applications	52
Determined planning consents by relevant authority	
➤ CAP	6
➤ Assessment Manager (AM)	1,356
➤ AM as delegate for Panel	26

- 2.10 The quarterly reports provided to the Panel identify all the applications determined under delegated authority by the Assessment Manager for the Panel. A summary of all the applications considered in the last 12 months is provided in Attachment 2. The table highlights that where representations have been made in respect to these development applications, the representations have generally indicated support for the development application.
- 2.11 The overall number of development applications considered by the Panel during this period (under both legislative schemes) of 14 development applications is within the mid-range of total development applications historically considered by the Panel over a 12 month period. It is noted that where representors generally have objections to a development application, they will explicitly request to appear before the Panel to make a verbal submission to support their objection.
- 2.12 The delegations appear to be providing the appropriate balance of the Panel assessing more contested development applications and delegating other development applications to the Assessment Manager to maintain customer service levels within current resourcing.
- 2.13 It is recommended that the Panel retain the current delegations and that they be reviewed again in 12 months.

*Deemed Approval*

- 2.14 Section 125 of the PDI Act provides that in the event a relevant authority fails to determine an application for planning consent within the time stipulated by

regulations, the applicant can choose to serve a “deemed consent notice” on the relevant authority. Upon service of a deemed consent notice, the application is taken to have been granted planning consent. The relevant authority can then:

- 2.14.1 Take no action, in which case the development authorisation will remain, subject to standard conditions set out in Practice Direction 11;
  - 2.14.2 Within 10 business days, issue its own planning consent, including with its own conditions; or
  - 2.14.3 Within one month, appeal the deemed consent notice.
- 2.15 Norman Waterhouse Lawyers, via the LGA has recommended that Panels (should they wish to avoid special meetings being convened from time to time), grant power to the Assessment Manager to grant planning consent within 10 days for development applications which are subject to a deemed consent notice.
- 2.16 This is because it is considered that the standard conditions in Practice Direction 11 may prove inadequate in some circumstances and it has been suggested that the enforceability of some conditions may prove difficult down the track. Accordingly, in such situations it is preferable to issue a planning consent subject to appropriate conditions for the development.
- 2.17 In addition, there may be a circumstance where a decision may be required to refuse a development application within the prescribed timeframe, in the event the applicant has not agreed to extend the timeframe for the Panel to consider the development application. This will avoid the possibility of a deemed consent notice being issued.
- 2.18 In the event a deemed consent notice has been issued, the delegations provide that the Assessment Manager will provide a report to the Panel on the outcome of the notice. The Panel may, at this time, consider if it wishes to lodge an application with the ERD Court seeking an order to quash the deemed consent notice.
- 2.19 In the circumstance where an application to quash a deemed consent notice must be lodged before the Panel is able to meet (including a special meeting), the power to lodge the application has been delegated to the General Manager City Development. This approach was based on legal advice that identified the benefit of an additional step (review) in the processes that is removed from the Assessment Manager.
- 2.20 There have been no deemed consent notices issues against the Panel in the last 12 months. It is recommended that the Panel however retain the delegations for applications that may captured by the deemed planning consent clauses of the Act.

### **3. CONCLUSION / PROPOSAL**

- 3.1 Delegations have served the City of Salisbury well for a number of years, and Council has earned a reputation for efficient, timely and considered determination of development applications.
- 3.2 It is recommended that the Panel retain its current delegations for the efficient and effective processing of development applications under the *Planning, Development and Infrastructure Act 2016*.
- 3.3 The instrument of delegation is provided in Attachment 1 for the Panel’s consideration and adoption. The delegations are based on a template that is

published by the Local Government Association. The LGA has identified minor updates to the template that are included in tracked changes. The changes are not substantive, but rather technical corrections.



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1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Assessment Panel decision to identify when these delegations were made, reviewed and or amended.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Environment and Food Production Areas – Greater Adelaide</b>	<b>Delegate</b>
1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 ( <b>the PDI Act</b> ), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.	Assessment Manager
1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	Assessment Manager
<b>2. Relevant Authority – Commission</b>	
2.1 The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant authority.	Assessment Manager

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<b>3. Matters Against Which Development Must Be Assessed</b>	
3.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):	
3.1.1.1 the relevant provisions of the Planning Rules; and	Assessment Manager  General Manager City Development
3.1.1.2 to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development,  (planning consent);	Assessment Manager
3.1.2 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):	Assessment Manager
3.1.2.1 requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;	
3.1.2.2 any relevant requirements set out in a design standard has been satisfied;	
3.1.2.3 the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;	
3.1.2.4 where land is to be vested in a council or other authority - the council or authority consents to the vesting;	
3.1.2.5 requirements set out in regulations	

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	made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;	
3.1.3	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):	Assessment Manager
3.1.3.1	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;	
3.1.3.2	any relevant requirements set out in a design standard has been satisfied;	
3.1.3.3	any encroachment of a lot or unit over other land is acceptable having regard to any provision made by the Planning and Design Code or a design standard;	
3.1.3.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;	
3.1.3.5	a building or item intended to establish a boundary (or part of a boundary) of a lot or lots or a unit or units is appropriate for that purpose;	
3.1.3.6	the division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme;	
3.1.3.7	the requirements of a water industry entity under the Water Industry Act 2012 identified under	

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	the regulations relating to the provision of water supply and sewerage services are satisfied;	
3.1.3.8	any building situated on the land complies with the Building Rules;	
3.1.3.9	requirements set out in the regulations made for the purposes of Section 102(d) of the PDI Act are satisfied;	
3.1.4	any encroachment of a building over, under, across or on a public place (and not otherwise dealt with above) is acceptable having regard to any provision made by the Planning and Design Code or a design standard;	Assessment Manager
3.1.5	if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;	
3.1.6	such other matters as may be prescribed.	
3.2	The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:	Assessment Manager
3.2.1	until further assessment of the relevant development under the PDI Act; or	
3.2.2	until further assessment or consideration of the proposed development under another Act; or	
3.2.3	until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.	
3.3	The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the	Assessment Manager

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	applicant.	
<b>4.</b>	<b>Performance Assessed Development</b>	
4.1	The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).	Assessment Manager
4.2	The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107 of the PDI Act to make a decision in accordance with a practice direction.	Assessment Manager
4.3	The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.	Assessment Manager
<b>5.</b>	<b>Application and Provision of Information</b>	
5.1	The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.	Assessment Manager
5.2	The power pursuant to Section 119(3) of the PDI Act to request an applicant:	Assessment Manager
5.2.1	to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;	
5.2.2	to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;	
5.2.3	to consult with an authority or body prescribed by the regulations;	
5.2.4	to comply with any other requirement prescribed by the regulations.	Assessment Manager

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5.3	The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to	Assessment Manager
5.3.1	subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and	
5.3.2	refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed-to-satisfy development).	
5.4	The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	Assessment Manager
5.5	The power pursuant to Section 119(9) of the PDI Act to:	
5.5.1	permit an applicant:	Assessment Manager
5.5.1.1	to vary an application;	
5.5.1.2	to vary any plans, drawings, specifications or other documents that accompanied an application,	
	(provided that the essential nature of the proposed development is not changed);	
5.5.2	permit an applicant to lodge an application without the provision of any information or document required by the regulations;	Assessment Manager
5.5.3	to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);	Assessment Manager
5.5.4	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the	Assessment Manager

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	circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	
5.6	The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	Assessment Manager
5.7	The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	Assessment Manager
5.8	The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.	Assessment Manager
<b>6.</b>	<b>Outline Consent</b>	
6.1	The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.	Assessment Manager
6.2	The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:	Assessment Manager
6.2.1	grant any consent contemplated by the outline consent; and	
6.2.2	not impose a requirement that is inconsistent with the outline consent.	

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<b>7. Design Review</b>	
7.1 The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).	Assessment Manager
<b>8. Referrals to Other Authorities or Agencies</b>	
8.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:	Assessment Manager
8.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and	
8.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made	
where the regulations so provide, subject to Section 122 of the PDI Act.	
8.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:	Assessment Manager
8.2.1 to refuse the application; or	
8.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)	
where the regulations so provide.	
8.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the	Assessment Manager

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	proceedings.	
8.4	The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.	Assessment Manager
<b>9.</b>	<b>Preliminary Advice and Agreement</b>	
9.1	The power pursuant to Section 123(2) of the PDI Act, if:	Assessment Manager
9.1.1	a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and	
9.1.2	the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and	
9.1.3	the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),	
	to, subject to Section 123(4) of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed period after the prescribed body has indicated its agreement under Section 123(2)(c) of the PDI Act, form the opinion and be satisfied that the application accords with the agreement indicated by the prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).	
9.2	The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.	Assessment Manager
<b>10.</b>	<b>Proposed Development Involving Creation of Fortifications</b>	
10.1	The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed	Assessment Manager

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	development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).	
10.2	The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:	Assessment Manager
10.2.1	if the proposed development consists only of the creation fortifications - refuse the application; or	
10.2.2	in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications	
10.3	The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.	Assessment Manager
10.4	The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act to apply to the Court to be joined as a party to the appeal.	Assessment Manager
<b>11.</b>	<b>Time Within Which Decision Must be Made</b>	
11.1	The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.	General Manager City Development
11.2	The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act.	General Manager City Development
<b>12.</b>	<b>Determination of Application</b>	

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12.1	The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).	Assessment Manager
12.2	The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.	Assessment Manager
<b>13. Conditions</b>		
13.1	The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.	Assessment Manager General Manager City Development
13.2	The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.	Assessment Manager
13.3	The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	Assessment Manager
13.4	The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.	Assessment Manager
13.5	The power pursuant to Section 127(8)(b) of the PDI	Assessment

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Act to:	Manager
13.5.1 determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption;	
13.5.2 to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.	
<b>14. Variation of Authorisation</b>	
14.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.	Assessment Manager
<b>15. Cancellation of Development Authorisation</b>	
15.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	Assessment Manager
15.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.	Assessment Manager
<b>16. Professional Advice to be Obtained in Relation to Certain Matters</b>	
16.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	Assessment Manager
16.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should	Assessment Manager

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	be sought.	
<b>17.</b>	<b>General Transitional Schemes for Panels</b>	
17.1	The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to	
17.1.1	adopt any findings or determinations of a council development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and	Assessment Manager
17.1.2	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and	Assessment Manager
17.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and	Assessment Manager
17.1.4	deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and	Assessment Manager
17.1.5	deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.	Assessment Manager
<b>18.</b>	<b>Continuation of Processes</b>	
18.1	The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:	
18.1.1	adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	Assessment Manager
18.1.2	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the	Assessment Manager

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	PDI Act applies; and	
18.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and	Assessment Manager
18.1.4	deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	Assessment Manager
18.1.5	take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.	Assessment Manager

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<b>19. Interpretation</b>		<b>Delegate</b>
19.1	The power pursuant to Regulation 3(6)(b) of the Planning, Development and Infrastructure (General) Regulations 2017 ( <b>the General Regulations</b> ) to require that a statement of site suitability provided to a relevant authority in connection with an application for development authorisation be issued by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.	Assessment Manager
<b>20. Verification of Application</b>		
20.1	The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:	
20.1.1	determine the nature of the development;	Assessment Manager

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	and	
20.1.2	if the application is for planning consent - determine:	Assessment Manager
20.1.2.1	whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and	
20.1.2.2	the category or categories of development that apply for the purposes of development assessment; and	
20.1.3	determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and	Assessment Manager
20.1.4	if the relevant authority is the correct entity to assess the application (or any part of the application):	Assessment Manager
20.1.4.1	check that the appropriate documents and information have been lodged with the application; and	
20.1.4.2	confirm the fees required to be paid at that point <del>under the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</del> ; and	
20.1.4.3	provide an appropriate notice via the SA planning portal; and	
20.1.5	if the relevant authority is not the correct entity to assess the application (or any part of the application):	Assessment Manager
20.1.5.1	provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other	

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	documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and	
20.1.5.2	provide an appropriate notice via the SA planning portal.	

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<b>21. Site Contamination – Detailed Site Investigation Report</b>		
21.1	The power pursuant to Regulation 32A(1) of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act in relation to an application to which Schedule 8 clause 2A applies, request the applicant to provide a detailed site investigation report if:	Assessment Manager
21.1.1	the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the proposed development; and	Assessment Manager
21.1.2	the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to:	Assessment Manager
	21.1.2.1 site contamination; and	Assessment Manager
	21.1.2.2 if remediation is required, the extent of that remediation; and	Assessment Manager
21.1.3	the application is not required to be referred to the Environment Protection Authority under Item 9A or 9AB of the table in Schedule 9 clause 3.	Assessment Manager
21.1.4	The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.	Assessment Manager
<b>22. Site Contamination – Statement of Suitability</b>		
22.1	The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.	Assessment Manager

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<b>23. Application and Further Information</b>		
23.1	The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.	Assessment Manager
<b>24. Amended Applications</b>		
24.1	The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.	Assessment Manager
24.2	The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.	Assessment Manager
<b>25. Withdrawing/Lapsing Applications</b>		
25.1	The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:	Assessment Manager
25.1.1	any agency to which the application has been referred under Division 2 of the General Regulations; and	
25.1.2	any person who has made a representation in relation to the application under Division 3 of the General Regulations,	
	of the withdrawal.	
25.2	The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations, to:	Assessment Manager

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25.2.1	take reasonable steps to notify the applicant of the action under consideration; and	
25.2.2	allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.	
<b>26. Court Proceedings</b>		
26.1	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.	Assessment Manager
<b>27. Additional Information or Amended Plans</b>		
27.1	The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	Assessment Manager
<b>28. Preliminary Advice and Agreement (Section 123)</b>		
28.1	The power pursuant to Regulation 46(6) of the General Regulations, if:	Assessment Manager
28.1.1	the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and	
28.1.2	the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,	
	to refer the application (unless withdrawn) to the prescribed body:	
28.1.3	to obtain a variation to the agreement under Section 123 of the PDI Act; or	

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28.1.4	to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.	
28.2	The power pursuant to Regulation 46(7) of the General Regulations if:	Assessment Manager
28.2.1	an application is withdrawn by the applicant; and	
28.2.2	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,	
	to notify relevant prescribed body of the withdrawal.	
28.3	The power pursuant to Regulation 46(8) of the General Regulations, if:	Assessment Manager
28.3.1	an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and	
28.3.2	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,	
	to notify the relevant prescribed body of the lapsing.	
28.4	The power pursuant to Regulation 46(9) of the General Regulations, if:	Assessment Manager
28.4.1	an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and	
28.4.2	a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations,	
	to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations.	
29.	<b>Notification of Application of Tree-damaging Activity to Owner of Land</b>	

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**Development Applications Assessed under Delegated Authority by the Assessment Manager**

<p><b>Change of use from dwelling to consulting rooms with associated carparking and landscaping at 109 Salisbury Highway, Salisbury.</b></p> <p>Representations – Nil.</p> <p>Decision – Approve with conditions.</p>
<p><b>Garage and Carport at 8 Priscilla Road, Pooraka</b></p> <p>Representations – Two (2) in support.</p> <p>Decision – Approve with conditions.</p>
<p><b>Change of land use from light industry (commercial laundry) to training facility (woodworks) for Unit 10 only at (Unit 10) 1-7 5-7 Victoria Drive Parafield Gardens</b></p> <p>Representations – Nil.</p> <p>Decision – Approve with conditions.</p>
<p><b>Expansion of recycling depot (Scouts SA) and new egress to Ryans Road at Unit 1-2 670 Port Wakefield Road, Green Fields.</b></p> <p>Representations – Nil.</p> <p>Decision – Approve with conditions.</p>
<p><b>Child care centre with associated fencing, signage, car parking and landscaping at 198 &amp; 200 Kesters Road, Para Hills.</b></p> <p>Representations – Four (4) opposed and one (1) in support.</p> <p>Decision – Approve with conditions.</p>
<p><b>Change in land use from shop to baby and toddler early learning classes (Shop 2 only) at Unit 1-5, 65 Kesters Road, Para Hills West.</b></p> <p>Representations – Seven (7) in support and one (1) opposed.</p> <p>Decision – Approve with conditions.</p>
<p><b>Amendment to Development Plan Consent 361/531/2021/1A (Retaining wall and fence to northern boundary) at 6 Clearview Road, Gulfview Hts</b></p> <p>Representations – Two (2) in support.</p> <p>Decision – Approve with conditions.</p>
<p><b>Carport at 24 Arura Road, Salisbury North</b></p> <p>Representations – One (1) in support.</p> <p>Decision – Approve with conditions.</p>
<p><b>Re-development of Dog Pound Facility, façade sign and reconfiguration of car parking at 55-75 Research Road, Pooraka.</b></p> <p>Representations – One (1) in support.</p> <p>Decision – Approve with conditions.</p>

**Development Applications Assessed under Delegated Authority by the Assessment Manager**

<p><b>Amendment to development approval ID 21011379 (increase in retaining wall heights to side boundaries to a maximum of 2.4 m and add second retaining wall to terrace rear yard) at 8B Marilyn Court, Salisbury Heights.</b></p> <p>Representations – None.</p> <p>Decision – Approve with conditions.</p>
<p><b>Dwelling extension and front carport at 8 Camira Way, Salisbury North</b></p> <p>Representations – Two (2) in support.</p> <p>Decision – Approve with conditions.</p>
<p><b>Change of use from dwelling to training facility with associated offices, car parking and landscaping at 178 Salisbury Highway, Salisbury</b></p> <p>Representations – One (1) in support.</p> <p>Decision – Approve with conditions.</p>
<p><b>Shed at 4 Rosa Court, Burton</b></p> <p>Representations – Three (3) in support.</p> <p>Decision – Approve with conditions.</p>
<p><b>Change of use from general industry to service trade premises (portable toilet storage, display and hire), construction of storage shed, retaining wall and fencing exceeding 2.1m and associated landscaping and car parking at Unit 4, 6-12 Stanbel Road, Salisbury Plain</b></p> <p>Representations – Four (4), Two (2) in support &amp; Two (2) opposed.</p> <p>Decision – Approve with conditions.</p>
<p><b>Dwelling Addition, Verandah, Swimming Pool and Fencing over 2.1m at 69 Isla Circuit, Mawson Lakes</b></p> <p>Representations – Two (2), One (1) in support and one (1) opposed.</p> <p>Decision – Approve with conditions.</p>
<p><b>Industrial development comprising ten (10) light industrial tenancies with associated offices and amenities, access, car parking, fencing, landscaping and pylon sign at 51-53 West Avenue, Edinburgh</b></p> <p>Representations – One (1) in support.</p> <p>Decision – Approve with conditions.</p>
<p><b>Industrial development comprising nine (9) light industrial tenancies with associated offices and amenities, access, car parking, fencing, landscaping and pylon sign at 51-53 West Avenue, Edinburgh</b></p> <p>Representations – One (1) in support.</p> <p>Decision – Approve with conditions.</p>

**Development Applications Assessed under Delegated Authority by the Assessment Manager**

<p><b>Amendment to Planning Consent ID 21019771 (amend site levels to raise the finished floor levels and construct combined retaining walls and fencing to side and rear boundaries to a maximum of 3m) at 18 Tenya Road, Ingle Farm</b></p> <p>Representations – Two (2) in support. Decision – Approve with conditions.</p>
<p><b>Industrial Building (vehicle storage, assembly and repair), facade signage, car parking, fencing, landscaping and civil works at 21 &amp; 23-27 Fisher Street, Salisbury</b></p> <p>Representations – none. Decision – Approve with conditions.</p>
<p><b>Two (2) warehouses, car parking and landscaping at 53 Langford Street, Pooraka.</b></p> <p>Representations – none. Decision – Approve with conditions.</p>
<p><b>Telecommunications facility comprising 30 metre high monopole with cluster mount headframe supporting six (6) antennas (31.9 metres in overall height) with associated equipment cabinet, 3 metre high compound fencing, new access point and associated landscaping at 1-61 Driver Road, Waterloo Corner.</b></p> <p>Representations – None. Decision – Approve with conditions.</p>
<p><b>Office with associated access, car parking, landscaping and signage at 182 Salisbury Highway, Salisbury.</b></p> <p>Representations – None. Decision – Approve with conditions.</p>
<p><b>Shed extension to existing warehouse at 15A Playford Crescent Salisbury North.</b></p> <p>Representations – One (1) in support. Decision – Approve with conditions</p>
<p><b>Modification to existing warehouse (add packing room, blast freezer, plant room, gas tank area, washing area, outbuildings and car parking area) at 51-55 Diagonal Road and 5 Commerce Crescent, Pooraka.</b></p> <p>Representations – One (1) in support. Decision – Approve with conditions</p>
<p><b>Detached Dwelling, associated retaining walls and retention of existing ancillary accommodation and kitchen/rumpus at 54 Wynn Vale Drive, Gulfview Heights.</b></p> <p>Representations – Two (2) in support. Decision – Approve with conditions</p>

**Development Applications Assessed under Delegated Authority by the Assessment Manager**

**Internal building work and change of use from medical centre to educational establishment (GLSs and Uniform Shop) at 23-29 & 42-44 Amsterdam Crescent Salisbury Downs.**

Representations – One (1) in support.

Decision – Approve with conditions