



**MINUTES OF COUNCIL ASSESSMENT PANEL MEETING HELD IN LITTLE PARA
CONFERENCE ROOMS, SALISBURY COMMUNITY HUB, 34 CHURCH STREET,
SALISBURY ON**

26 NOVEMBER 2024

MEMBERS PRESENT

Mr T Mosel (Presiding Member)
Mr R Bateup
Ms C Gill
Mr B Brug (via Teams)

STAFF

Assessment Manager, Mr C Zafirooulos
General Manager City Development, Ms M English
Team Leader Planning, Mr C Carrey
Development Officer Planning, Mr M Sumito
Team Leader Business Services, Ms H Crossley

The meeting commenced at 6.30 pm.

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

APOLOGIES

Apologies were received from Mr J Botten.

LEAVE OF ABSENCE

ADOPTED MINUTES FROM PREVIOUS MEETING

The Minutes of the Council Assessment Panel Meeting held on 29 October 2024, be taken as read and confirmed.

DECLARATIONS OF CONFLICTS OF INTEREST

Nil

REPORTS

Development Applications

8.1.1 24029172

Change of use from a service trade premises to a shop with associated internal fit-out at 95 Park Terrace, Salisbury SA 5108 for Wander Bros Indian Supermarket Pty Ltd

REPRESENTORS

No representors wished to be heard.

APPLICANT

Mr Kuldeep Wander, Wander Bros Indian Supermarket Pty Ltd and Mr Dylan Furnell, Certified Planning and Development, spoke on behalf of the application.

Ms C Gill moved, and the Council Assessment Panel resolved that:

That Development Application No 24029172 for change of use from a service trade premise to a shop at 95 Park Terrace, Salisbury SA 5108 is not considered to be seriously at variance with the Planning and Design Code (Version 2024.17), however, is **REFUSED** Planning Consent for the following reasons:

Reasons for Refusal

The proposed development is contrary to the following provisions of the Planning and Design Code:

a) *Employment Zone - Performance Outcome 1.2*

Reason:

The proposed development is expected to service a wide catchment (beyond that of local businesses and workers) and comprises a floor area of some 624m². The proposed use is therefore of a scale and intensity much greater than that contemplated by the Zone. Further, the proposed development will not facilitate the sale of products manufactured on-site.

b) *Out of Activity Centre Development – General Development Policies – Performance Outcome 1.1a*

Reason:

The proposed scale of development (floor area) and its anticipated servicing catchment (beyond local workers and businesses) will diminish the role of the nearby Urban Activity Centre (Salisbury Town Centre) which is intended to function as a primary Activity Centre.

c) *Out of Activity Centre Development – General Development Policies – Performance Outcome 1.2a and 1.2b*

Reason:

The proposed development has failed to demonstrate if alternative locations are available to support the proposal within an Activity Centre, nor has it demonstrated if the proposed location is presently underserviced to service the needs of local residents and workers.

d) *Transport, Access, Parking - General Development Policies - Performance Outcome 5.1*

Reason:

The proposed development will result in a shortage of onsite car parking, when assessed against the theoretical parking rate for a 'shop' in Table 1. No reasons have been presented to support a parking shortfall, recognising there are no on-street parking opportunities available along Park Terrace.

e) *Employment Zone – Performance Outcome 1.1*

Reason:

The proposal has not adequately demonstrated there will be no impacts to amenity through odour associated with waste storage, or noise and hours of operation associated with waste collection.

f) *Design – General Development Policies – Performance Outcome 1.5*

Reason:

The proposal has not adequately demonstrated there will be no impacts to visual amenity associated with waste storage.

Advice Notes

The applicant has a right of appeal against the decision. 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).

OTHER BUSINESS

8.2.1 Status of Current Appeal Matters and Deferred Items

Mr C Zafiropoulos provided a verbal update of the approval of the Ancillary Accommodation Code Amendment and will provide written details to the Panel following the meeting regarding the implication for the current appeal matters.

8.2.2 Policy Issues Arising from Consideration of Development Applications

Nil

8.2.3 Future Meetings & Agenda Items

Next meeting scheduled for Tuesday 17 December 2024.

ADOPTION OF MINUTES

Mr R Bateup 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 7.11 pm.

PRESIDING MEMBER: Mr T Mosel

DATE: 26 November 2024
(refer to email approving minutes registered in the City of Salisbury's Record Management System - Document Number 8324346)