



AGENDA

FOR POLICY AND PLANNING COMMITTEE MEETING TO BE HELD ON

23 JANUARY 2017 AT 6:30 PM

IN THE COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY

MEMBERS

Cr D Pilkington (Chairman)
Mayor G Aldridge
Cr D Balaza
Cr S Bedford
Cr D Bryant
Cr C Buchanan
Cr G Caruso
Cr L Caruso
Cr R Cook
Cr E Gill
Cr S Reardon
Cr D Proleta
Cr G Reynolds
Cr B Vermeer
Cr S White
Cr J Woodman (Deputy Chairman)
Cr R Zahra

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
General Manager City Infrastructure, Mr M van der Pennen
General Manager Community Development, Ms P Webb
Manager Governance, Ms T Norman
Manager Communications and Customer Relations, Mr M Bennington
Team Leader Corporate Communications, Mr C Treloar
Governance Coordinator, Ms J Rowett
Governance Support Officer, Ms K Boyd

APOLOGIES

An apology has been received from Mayor G Aldridge.

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Policy and Planning Committee Meeting held on 12 December 2016.

Presentation of the Minutes of the Confidential Policy and Planning Committee Meeting held on 12 December 2016.

PRESENTATIONS

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CLOSE



**MINUTES OF POLICY AND PLANNING COMMITTEE MEETING HELD IN THE
COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY ON**

12 DECEMBER 2016

MEMBERS PRESENT

Cr D Pilkington (Chairman)
Mayor G Aldridge
Cr D Balaza
Cr S Bedford
Cr D Bryant
Cr G Caruso
Cr L Caruso
Cr R Cook
Cr E Gill
Cr S Reardon (Deputy Chairman)
Cr D Proleta
Cr G Reynolds
Cr B Vermeer
Cr S White
Cr J Woodman
Cr R Zahra

STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
General Manager City Infrastructure, Mr M van der Pennen
General Manager Community Development, Ms P Webb
Acting Manager Governance, Ms J Rowett
Manager Communications and Customer Relations, Mr M Bennington
Governance Project Officer, Ms M Woods
Governance Support Officer, Ms K Boyd

The meeting commenced at 6:30 pm.

The Chairman welcomed the members, staff and the gallery to the meeting.

APOLOGIES

An apology was received from Cr C Buchanan.

LEAVE OF ABSENCE

Nil.

PRESENTATION OF MINUTES

Moved Cr L Caruso

Seconded Cr S Reardon

The Minutes of the Policy and Planning Committee Meeting held on 21 November 2016, be taken as read and confirmed.

CARRIED

REPORTS

Administration

1.0.1 Appointment of Deputy Chairman - Policy and Planning Committee

Moved Mayor G Aldridge

Seconded Cr D Bryant

1. Cr Julie Woodman be appointed as Deputy Chairman of the Policy and Planning Committee for the remainder of the term of Council.

CARRIED

1.0.2 Future Reports for the Policy and Planning Committee

Moved Cr L Caruso

Seconded Cr R Cook

1. The information be received.

CARRIED

Community Development

1.1.1 Minutes of the Youth Council Sub Committee meeting held on Tuesday 6 December 2016

1.1.1-YC1 Presentation of the Minutes of the Youth Council Sub Committee held on 9 August 2016

Moved Cr R Zahra
Seconded Cr S Bedford

1. The Minutes of the Youth Committee Sub Committee Meeting held on the 9 August 2016, be taken and read as confirmed.

CARRIED

1.1.1-YC2 Youth Council Membership

Moved Cr R Zahra
Seconded Cr S Bedford

1. That the resignation of youth member Julie Ping be received and noted.
2. That the appointment of new youth members Liam Bilsborow, Braden Thompson and Teya Gribble be received and noted.
3. That a change to the Terms of Reference, Membership Selection as follows:

4.9 Membership Selection

Appointments will be held annually for vacant committee positions, or as required to fill a casual a vacancy that arises during a term of appointment, for the balance of the remaining term.

be endorsed.

CARRIED

1.1.1-YC3 Youth Council Youth Action Plan Working Party Update

Moved Cr R Zahra
Seconded Cr S Bedford

1. That the information be received.

CARRIED

1.1.1-YC4 Youth Action Plan - Status Update December 2016

Moved Cr R Zahra
Seconded Cr S Bedford

1. That the information be received.

CARRIED

1.1.1-YC5 National Youth Week 2017

Moved Cr R Zahra
Seconded Cr S Bedford

1. A working party of Youth Council members, staff and youth volunteers be formed to plan and implement activities for National Youth Week 2017.
2. That Twelve25 (as per previous years) coordinate a council application for funding support from Office for Youth in order to work collaboratively with Youth Council to supplement the small amount of council funds budgeted to support Youth Week.

CARRIED

1.1.1-YC6 Twelve25 Salisbury Youth Enterprise Centre - December Update

Moved Cr R Zahra
Seconded Cr S Bedford

1. That the information be received and noted.

CARRIED

1.1.2 Minutes of the Strategic and International Partnerships Sub Committee meeting held on Tuesday 6 December 2016

1.1.2-SIPSC1 Presentation of the Minutes of the Strategic and International Partnerships Sub Committee Meeting held on 14 July 2015

Moved Cr E Gill
Seconded Cr R Zahra

1. The Minutes of the Strategic and International Partnerships Sub Committee Meeting held on 14 July 2015, be taken and read as confirmed.

CARRIED

1.1.2-SIPSC2 China Action Plan

Moved Cr E Gill
Seconded Cr R Zahra

1. That this information be received.
2. That the following actions be endorsed as the focus for the China Action Plan over the next 12 months:
 - Moving the opportunities identified with the City of Linyi forward and reaching agreement on tangible outcomes;
 - Establishing commercial relationships between firms in Salisbury and buyers in China, building on the linkages developed in the past year;
 - Enhancing the ability of the Polaris Centre to support international trade, consistent with the intent of the critical action in the City Plan;
 - Continued participation in State Government-led initiatives;
 - Development of a more formal relationship with intermediaries and government agencies managing inward investment; and
 - Identifying specific educational and cultural opportunities.

CARRIED

1.1.3 Update on the Aged and Disability Sector Reforms

Moved Mayor G Aldridge

Seconded Cr J Woodman

1. That the information be received.

CARRIED

Economic Development

1.2.1 Strategic and International Partnerships Sub Committee Membership

Cr B Vermeer declared a material conflict of interest on the basis of being employed by the Department for Premier and Cabinet to assist a Member of Parliament. Cr Vermeer left the meeting at 06:42 pm.

Moved Cr E Gill

Seconded Mayor G Aldridge

1. Council notes that Mr Adam Kilvert, Executive Director, International Business and Government Relations, Department for Premier and Cabinet has accepted the invitation to join the Strategic and International Partnerships Sub Committee for the remainder of the current term of Council.

CARRIED

Cr B Vermeer returned to the meeting at 06:43 pm.

Urban Development

1.3.1 Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment update

Cr G Caruso declared a perceived conflict of interest on the basis of family members owning land in the area who may gain a benefit by the changes. Cr G Caruso left the meeting at 06:43 pm.

Cr G Reynolds declared a perceived conflict of interest on the basis of his employment with the Air Force. Cr G Reynolds left the meeting at 06:43 pm.

Moved Cr B Vermeer

Seconded Cr D Proleta

1. The Concept Plans 11 and 35 and updated Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment forming Attachment 1 to the Policy and Planning Committee Agenda report Item 1.3.1 - 12/12/16 be endorsed for public consultation, and forwarded to the Minister for Planning for public consultation approval.
2. The General Manager City Development be authorised to make minor changes as required to the draft Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment in order to receive the approval of the Minister for Planning for consultation providing that the changes do not alter the intent of the Amendment, and to make arrangements for public consultation pursuant to the Development Act 1993, subject to the Minister's approval.
3. That the Policy and Planning Committee be nominated to hear representations on the Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment should a public hearing be required.
4. That a further report be provided to Council on the outcomes of the Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment public consultation process upon conclusion of the consultation period.

CARRIED

Cr G Reynolds returned to the meeting at 06:47 pm.

Cr G Caruso returned to the meeting at 06:48 pm.

OTHER BUSINESS

P&P-OB1 RAAF AP-3C Tailfin for Purposes of Display

Cr J Woodman declared a perceived conflict of interest on the basis of being a member of the Salisbury RSL. Cr Woodman managed the conflict by remaining in the meeting and voting in the interests of the community.

Mayor G Aldridge declared a perceived conflict of interest on the basis of being a member of the Salisbury RSL. Mayor Aldridge managed the conflict by remaining in the meeting and voting in the interests of the community.

Cr E Gill declared a perceived conflict of interest on the basis of being a member of the Salisbury RSL. Cr Gill managed the conflict by remaining in the meeting and voting in the interests of the community.

Cr G Reynolds declared a perceived conflict of interest on the basis of being a member of the Salisbury RSL. Cr Reynolds managed the conflict by remaining in the meeting and voting in the interests of the community.

Moved Cr G Reynolds

Seconded Cr S White

1. That staff prepare a report working with Salisbury RSL to obtain an AP-3C Tailfin from RAAF for purposes of display within the Salisbury Council area, potentially as part of the Salisbury Oval Precinct upgrade.

CARRIED

The majority of members present voted IN FAVOUR of the MOTION.

Mayor G Aldridge voted IN FAVOUR of the MOTION.

Cr J Woodman voted IN FAVOUR of the MOTION.

Cr E Gill voted IN FAVOUR of the MOTION.

Cr G Reynolds voted IN FAVOUR of the MOTION.

CONFIDENTIAL ITEMS

1.10.1 Salisbury Community Hub - Status Update

Moved Cr R Cook

Seconded Cr J Woodman

1. *Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and*
 - *information the disclosure of which would, on balance, be contrary to the public interest.*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *non disclosure of this matter will protect Council's negotiation position in respect to precedent conditions relating to the land acquisition and contract negotiations with a third party.*

*On that basis the public's interest is best served by not disclosing the **Salisbury Community Hub - Status Update** item and discussion at this point in time.*
3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

CARRIED

The meeting moved into confidence at 6:51 pm.

The meeting moved out of confidence and closed at 6:59 pm.

CHAIRMAN.....

DATE.....

ITEM	1.0.1
	POLICY AND PLANNING COMMITTEE
DATE	23 January 2017
HEADING	Future Reports for the Policy and Planning Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This item details reports to be presented to the Policy and Planning Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATION

1. The information be received.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Report authors and General Managers.
- 2.2 External
 - 2.2.1 Nil.

3. REPORT

3.1 The following table outlines the reports to be presented to the Policy and Planning Committee as a result of a Council resolution:

Meeting Item	- Heading and Resolution	Officer
27/01/2015	Mawson Lakes and Salisbury City Centre Parking Fund	Peter Jansen
1.2.1	2. A review of the effectiveness of this proposal in generating economic activity and its impact on parking availability be undertaken within two years.	
Due:	February 2017	
29/03/2016	Tourism and Visitor Sub Committee Establishment	Michael Bennington
NOM3	6. The Tourism and Visitor Sub Committee be reviewed after 12 months.	
Due:	June 2017	
29/03/2016	Development of Fairbanks Drive Reserve for Joint use with Schools	Chantal Milton
1.1.1	4. Further consideration is given towards the future uses of unused portions of the Reserve for strategic development in the next iteration of projects for consideration and that the outcomes of this analysis is presented to the Strategic Property Development Subcommittee in due course.	
Due:	June 2017	
26/04/2016	Review of the Twelve25 Advisory Group	Rick Henke
1.1.1	1. The Twelve25 Youth Advisory Group continue with a further review to be conducted in February 2017.	
Due:	March 2017	
26/04/2016	Mawson Lakes DPA - requirements to receive approval from Minister for Planning	Peter Jansen
GB1	3. That a further report be provided to Council in relation to the proposed Mawson Lakes DPA Part 2 for consideration of the proposed amendments following consideration of appropriate policy content and further discussions with the Department for Planning Transport and Infrastructure.	
Due:	January 2017	
Deferred to:	May 2017	
Reason:	Requests for incorporation of further policy changes by University of South Australia are anticipated. Consideration of the changes to be included in the amended policy for the remaining elements of the Mawson Lakes DPA.	

25/07/2016	Request for Sister City Relationship from the City of San Agustin, El Salvador	Pippa Webb
1.1.4-SIPSC3	1. A report be prepared setting out a proposed program for a delegation visit from the City of San Agustin, including resource implications, to enable the Strategic and International Partnership Committee to determine whether an invitation for a delegation can be extended to the City of San Agustin.	
Due:	January 2017	
Deferred to:	February 2017	
Reason:	New staffing being put into place has delayed report.	
26/09/2016	Waste Education Program to reduce waste to landfill and Zero Waste Levy costs	Sam Kenny
NOM6	1. Staff report back in relation to opportunities to develop and implement an education strategy for the City of Salisbury designed to reduce the amount of waste to landfill, increase recycling and ultimately reduce the financial cost of the Zero Waste Levy to residents, including: a. Simple information sources for residents, for example stickers for bins, brochures, website information; b. Consideration of a pilot program in the first instance, to confirm effectiveness of such a program prior to a whole of city roll out.	
Due:	February 2017	
26/09/2016	Salisbury Oval Masterplan Concept and Engagement Strategy	Amanda Berry
1.1.2	3. Staff report back on the results of the community engagement process and the staff response to issues raised in January 2017.	
Due:	January 2017	
Deferred to:	February 2017	
Reason:	The outcomes of consultation will be workshopped with Elected Members in February ahead of a report to Council.	
26/09/2016	Salisbury Oval Masterplan Concept and Engagement Strategy	Amanda Berry
1.1.2	4. A further report be brought back to the February 2017 Policy and Planning Committee meeting for final review and endorsement of the final Masterplan following community engagement.	
Due:	February 2017	

26/09/2016	Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment - Public Consultation	Peter Jansen
1.3.1	4. That a further report be provided to Council on the outcomes of the Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment public consultation process upon conclusion of the consultation period.	
Due:	March 2017	
24/10/2016 OB1_Cnl	Permit Parking Program for City Centre Traders 1. Staff provide a report into options for a permit parking program for traders in the city centre. 2. Staff to liaise with Parabanks to discuss possible assistance with outcomes to be included in this report.	John Darzanos
Due:	January 2017	
Deferred to:	February 2017	
Reason:	Liaison with Parabanks still occurring.	
28/11/2016	Update on Smoking Bans at Outdoor Recreation Venues	Adam Trotman
1.1.1	3. An update report be prepared for the February 2017 Policy and Planning Committee meeting, outlining progress to facilitate and promote smoke-free areas at sporting clubs.	
Due:	February 2017	
19/12/2016	Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment update	Peter Jansen
1.3.1	4. That a further report be provided to Council on the outcomes of the Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment public consultation process upon conclusion of the consultation period.	
Due:	March 2017	
19/12/2016 P&P-OB1	RAAF AP-3C Tailfin for Purposes of Display That staff prepare a report working with Salisbury RSL to obtain an AP-3C Tailfin from RAAF for purposes of display within the Salisbury Council area, potentially as part of the Salisbury Oval Precinct upgrade.	Pippa Webb
Due:	March 2017	

4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Policy and Planning Committee have been reviewed and are presented to Council for noting.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 16.01.17

ITEM	1.3.1
	POLICY AND PLANNING COMMITTEE
DATE	23 January 2017
HEADING	Request to waive a Land Management Agreement to allow rear access from 20 Wesley Court, Salisbury Plain to Willochra Road
AUTHOR	Aaron Curtis, Team Leader - Planning, City Development
CITY PLAN LINKS	1.4 Have well planned urban growth that stimulates investment and facilitates greater housing and employment choice. 4.3 Have robust processes that support consistent service delivery and informed decision making. 4.4 Embed long term thinking, planning and innovation across the organisation.
SUMMARY	<p>A Land Management Agreement (LMA) is registered on the Certificate of Title for 20 Wesley Court, Salisbury Plain which restricts access to the site from Willochra Road. The owner seeks Development Approval for a new shed designed with doors facing Willochra Road and has requested Council waive the terms of the LMA to enable the development to proceed.</p> <p>This report canvasses different options available to Council.</p>

RECOMMENDATION

1. That the report be received and noted.
2. That Council declines the request to waive the provisions of a Land Management Agreement applying to 20 Wesley Court, Salisbury Plain that restricts access from the subject property to Willochra Road, noting the provisions of the Salisbury Development Plan which specifically discourages direct vehicle access from Willochra Road to adjacent properties in the Residential Zone.

ATTACHMENTS

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

1. Attachment 1 - Aerial Plan View and Cadastre Plan of Site
2. Attachment 2 - Application Documentation
3. Attachment 3 - Copy of Land Management Agreement

1. BACKGROUND

- 1.1 20 Wesley Court, Salisbury Plain was created as part of a land division in 1987. Under the land division, four allotments were created having a boundary with Willochra Road. By Planning Decision Notification dated 16th February, 1987, Condition No. 1(b) of the Planning Authorisation required the Owner to enter into a Land Management Agreement (LMA) with the City to ensure restriction of access to and from Willochra Road from the Lots 20-23 inclusive and Lot 33 depicted in the plan.

- 1.2 Clause 3 of the LMA states that *“The Owner shall not himself nor shall the Owner suffer or permit any other person to establish or to maintain any aperture, gate or other point of ingress to or egress from the Subject Land upon the boundary between the Subject Land and Willochra Road”*.
- 1.3 Ms Alexandria Carey and Mr. Matthew Borg purchased 20 Wesley Court, Salisbury Plain as first home buyers in about November 2015. Prior to purchasing the property, the owners had intentions of building a shed in the rear yard and gaining access to Willochra Road. We have been advised that the terms of the LMA were not understood by the purchasers at the time of purchase, despite the LMA being registered on the Certificate of Title.
- 1.4 Notwithstanding the provisions of the LMA, the owners made contact with Council’s driveway access staff in City Infrastructure and were advised that a driveway may be approved. The driveway crossover location was subsequently marked up by Council’s driveway access staff, unaware of the existence of the LMA. The driveway crossover was not constructed. In the absence of knowledge of the LMA or the provisions of Council’s Development Plan, the initial view was that the access as proposed could be supported.
- 1.5 A development application for a shed was lodged on 31st August 2016 and at this time the LMA was identified as being registered upon the Certificate of Title restricting access to Willochra Road. The applicants were informed of this fact and subsequently made representations to Council as to why access should be allowed as follows:
 - 1.5.1 Preliminary advice was given by City Infrastructure staff that a driveway access would be allowed;
 - 1.5.2 Six dwellings in the Residential Zone currently enjoy access to Willochra Road and a further four dwellings in the Industry Zone; and
 - 1.5.3 The proposed access will not interfere with any existing property fronting Willochra Road.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Council’s Senior Traffic Engineer has reviewed the request and has advised that the terms of the LMA should continue to be enforced. In accordance with good practice local area traffic management, dwellings within this land division function independently of the adjacent industrial area of Salisbury Plain, with primary access off a residential street, Wesley Court. This arrangement promotes good local area traffic management, enhances traffic safety and residential amenity, also buffers projected industrial traffic from residential traffic and prevents subdivision of residential allotments fronting Willochra Road.
- 2.1.2 Council has informed Council’s driveway access staff of the existence of the LMA. Steps have been put in place to ensure that LMAs are ‘flagged’ within our property information system, such that this situation is avoided in the future.

2.2 External

- 2.2.1 Norman Waterhouse Lawyers have provided legal advice regarding the LMA and its relationship to the Development Application lodged for the new shed. Further advice is provided under the Report section.

3. REPORT

Purpose of the LMA

- 3.1 The LMA is intended to separate industrial and residential traffic which supports good local area traffic management, enhances traffic safety and residential amenity. It is noted that the LMA supports best practice traffic management – a new access point to Willochra Road to this site may be compliant with Australian Standards despite offending the terms and intent of the LMA.

Relevance of the LMA

- 3.2 The terms of the LMA are some 30 years old. Notwithstanding this, the original reasons for separating residential and industrial traffic as explained under the LMA are still applicable today.
- 3.3 Under the Residential Zone in Council's Development Plan, Principle of Development Control 14 states that:

14 *Land division should create a 5 metre landscaped reserve to limit direct vehicle access where allotments are created fronting the following roads:*

- (a) *Martins Road, Parafield Gardens and Paralowie;*
- (b) *Burton Road, Burton and Paralowie;*
- (c) *Bolivar Road, Burton and Paralowie; and*
- (d) *Willochra Road, Salisbury Plain.*

In addition, in the Council-wide “*Interface between Land Uses*” module, Principle of Development Control 4 states that “*Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities*”.

The LMA therefore reinforces and supports existing planning policy applicable under Council's Development Plan.

Existing development in the Residential Zone

- 3.4 Six dwellings in the Residential Zone have existing access driveways to Willochra Road. With the exception of the site at the corner of Saints Road and Willochra Road, the sites do not have an alternative (residential) street frontage and are dependent upon right of access to Willochra Road, and such the accesses cannot be removed. There are a further four dwellings on the opposite side of Willochra Road (ie. located in the Industry Zone) which have right of access to Willochra Road, meaning that in total 10 dwellings currently gain access to Willochra Road. These driveways are historical in nature and pre-date later planning policy of Council which discourages access via Willochra Road.

- 3.5 Developments which have taken place in the last 30 years reinforce Council policy of seeking separation of residential and industrial traffic. In addition to the 1987 application, Council required a reserve strip to prevent vehicle access between the rear boundary of the division of Costa Court/Prosperity Way and Willochra Road. This approach will also be adopted when future land division occurs with respect to vacant land parcels at 25-33, 37-39, 41-43 and 67-71 Willochra Road. With the exception of 67-71 Willochra Road, all sites are able to gain access via the Residential Zone. Reserve strips will be required to prevent Willochra Road access from residential allotments. This approach reflects existing planning policy under the Development Plan.

Existing and Projected Traffic Movements in Willochra Road

- 3.6 Most recent traffic counts in Willochra Road were taken in September 2011. The annual average daily traffic volume was found to be 320 vehicles per day. The average speed was recorded at 51.10 kph and the percentage of commercial vehicles was 15%, consisting predominantly of short vehicles towing a trailer and class 3 8-10m two axle single unit trucks.
- 3.7 The largest commercial vehicle able to lawfully use Willochra Road is a General Access Vehicle (standard 19m semi-trailer). General access vehicle movements are presently uncommon in Willochra Road due to the nature of existing uses which comprise local industrial uses in the form of a car yard, air conditioning sales, motor repair workshops, joinery and powdercoating uses.
- 3.8 The City of Salisbury has not undertaken traffic projections for Willochra Road. It is difficult to project traffic volumes as the nature of future development fronting Willochra Road is unknown. It is noted there are at least six large sites that are either vacant or capable of being redeveloped into larger scale industrial developments and which may result in significant increases in industrial movements.
- 3.9 Using traffic generation rates from the Road Traffic Authority Land Use document, 2002, peak am/pm generation rates applicable to industry (assume combination of factory and warehousing) are 0.5-1 vehicle per 100m² and a daily rate of 4-5 vehicles per 100m². It is estimated there is some 44,000m² of available land to the west of the site. Assuming a 70% site coverage, this could result in an additional 30,000m² of gross area of factory/warehouse, thereby resulting in a potential increase of in the order of 1,300 vehicle movements per day, and peak am/pm vehicle movements of between 150 – 300 vehicles. This equates to movements increasing four fold on existing figures, recognizing that some movements may take place via Lolands Road (which connects to Barndioota Road).
- 3.10 Having regard to ‘worst case’ projected figures, the number of commercial/industrial traffic movements in Willochra Road is likely to increase significantly and such movements will potentially increase conflict between residential and industrial traffic. This adds further weight in support of separating residential and industrial traffic.

Other Considerations

3.11 Willochra Road currently has a relatively low amenity due to:

- The variable standard and condition of industrial and commercial properties and vacant land fronting the road;
- Property fencing that is in poor condition on some properties;
- Evidence of illegal dumping on verges, particularly adjacent to the rear fences of residential properties and adjacent to vacant sites.

However, residential properties that currently have primary frontage to Willochra Road are generally very well maintained.

3.12 Arguments in favour of allowing access to Willochra Road to/from residential properties include:

- An increase in casual surveillance in Willochra Road as residents travel to/from their properties, particularly after business hours. This may have the effect of reducing illegal dumping;
- Vehicle access to residential properties will not be from the primary frontage, providing residential owners with more flexibility in the utilisation of their properties;
- In relation to the subject land, expectations of the owners regarding access from Willochra Road have been raised by initial advice from both Council and the real estate agent selling the property (However, Council's initial advice was provided without the benefit of complete information).

Legal Status of the LMA

3.13 The existence of an LMA is a factor which is required to be taken into account by the relevant authority as part of a development application, pursuant to Section 57(12) of the *Development Act* 1993, but it is not decisive and is not an absolute barrier to the grant of development authorisation (this was subject to a recent Supreme Court judgement, *Zweck v Town of Gawler* (2015)).

3.14 Therefore, the existence of the LMA is a relevant consideration in the assessment of the proposed shed. However, a planning authority can make a decision on the application which is inconsistent with the terms of the LMA if other relevant considerations, primarily the relevant provisions of Council's Development Plan, lead to the conclusion that, on balance, development authorisation is warranted.

3.15 At present, there is no authoritative decision from the Courts as to whether a grant of development approval which is contrary to the terms of an LMA constitutes an implied waiver of the LMA. In the Supreme Court's decision in *Zweck*, Justice Blue opined that in this situation either:

- 3.15.1 The development approval would act as an implicit waiver of the LMA to the extent necessary to implement the development approval; or
- 3.15.2 The LMA would remain 'as is', but that the existence of the Development Approval would be a reasonable defence for the landowner should Council decide to take proceedings against breach of the LMA.

- 3.16 Council's Development Services staff have not deemed it appropriate to overrule the clear provisions of the LMA. Having regard to the relevant provisions of the Development Plan, traffic engineering advice and clear pattern of recent development which is designed to prevent residential access to Willochra Road, it would appear appropriate to maintain this separation.

Options available to Council

- 3.17 The LMA does not have any provision which allows for a waiver of the LMA. Clause 8 of the LMA states that *"This deed may not be varied except by supplementary deed in writing signed by the City and the Owner"*. Should Council deem it appropriate, it may decide to enter into a supplementary deed with the owner which removes the restriction relating to access. Should this approach be taken, it is recommended that a separate clause restricting subdivision be inserted so as to avoid new allotments having frontage to Willochra Road.

It is noted that this approach raises questions of equity as three remaining allotments within this residential estate will continue to be subject to the LMA. In addition, there are another five residential properties fronting Prosperity Way which are unable to gain access to Willochra Road due to the reserve strip. If Council were to enter a supplementary deed with one party, in the interests of fairness to all parties, Council should consider offering a deed with the remaining three landowners. This approach will incur costs for the landowners and Council.

- 3.18 An alternative approach may be for the Council to resolve to rescind the LMA. A similar approach was taken by Council pertaining to an encumbrance applying to land at Hedgerow Estate in 1991. In the present case, there is a practical implication for the planning authority as irrespective of whether the LMA applies or not, the Development Plan policy does not support access direct to Willochra Road. Should Council wish to alter the policy of separating residential and industrial traffic, further information regarding the various options open to Council would need to be furnished at a later time. This will have implications for planning policy across the City.
- 3.19 The Council may take another approach in deciding to leave the LMA in place but resolve that it will not enforce the provisions of the LMA. If Council chooses to take this option, it may resolve to support a new driveway invert to Willochra Road for 20 Wesley Court, subject to:

3.19.1 Development Application 361/1721/2016 being approved;

3.19.2 Satisfying all technical access requirements of Council;

3.19.3 The applicant paying all costs associated with the new driveway invert.

Approval of the new access would be an important consideration in deciding whether to grant the Development Approval for the new shed.

This approach may result in Council receiving further requests for waiver of an LMA where driveway access is precluded.

- 3.20 Should Council wish to support the request, the following resolution would be appropriate:

Council resolves to not enforce the provisions of a Land Management Agreement applying to 20 Wesley Court, Salisbury Plain, subject to Development Application 361/1721/2016 being Approved under the Development Act 1993 and subject to the applicant satisfying all technical access requirements of Council and paying all costs associated with the new driveway invert.

4. CONCLUSION / PROPOSAL

- 4.1 The LMA continues to apply to the subject site and despite being some 30 years since its introduction, the rationale behind the LMA is still applicable. The LMA promotes good local area traffic management, enhances traffic safety and residential amenity and separates projected industrial traffic from residential traffic.
- 4.2 While industrial traffic movements are not significant in Willochra Road at present, heavy vehicle movements are expected to increase as a result of uptake of vacant and under-utilised land in the Industry Zone fronting Willochra Road. Additional access points to Willochra Road will create greater conflict between residential and industrial traffic.
- 4.3 On balance, having regard to Council's endorsed policy position regarding access to properties in the Residential Zone from Willochra Road outlined in the Development Plan, a departure from the terms of the LMA is not considered to be warranted.

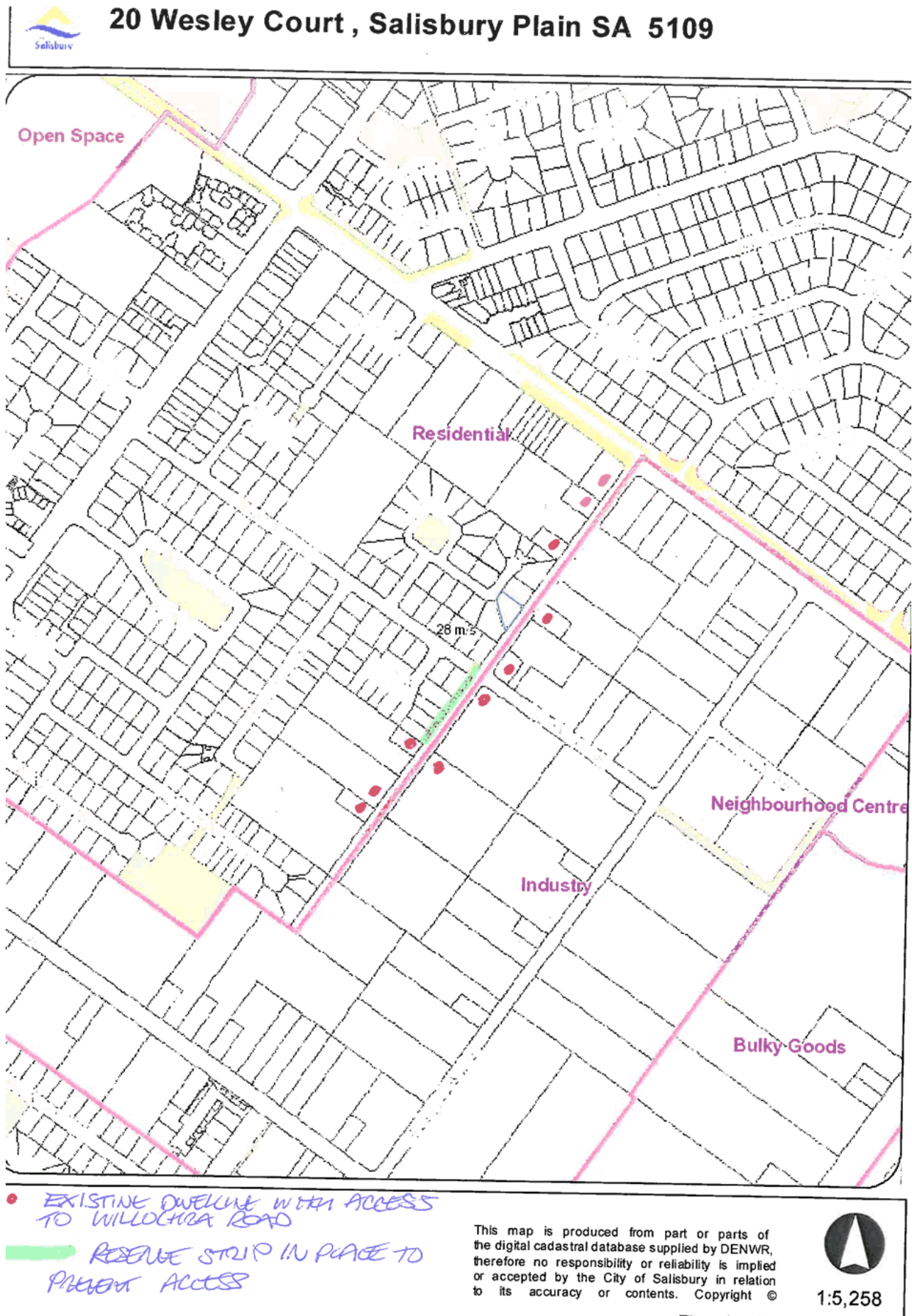
CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 16.01.17

ATTACHMENT 1

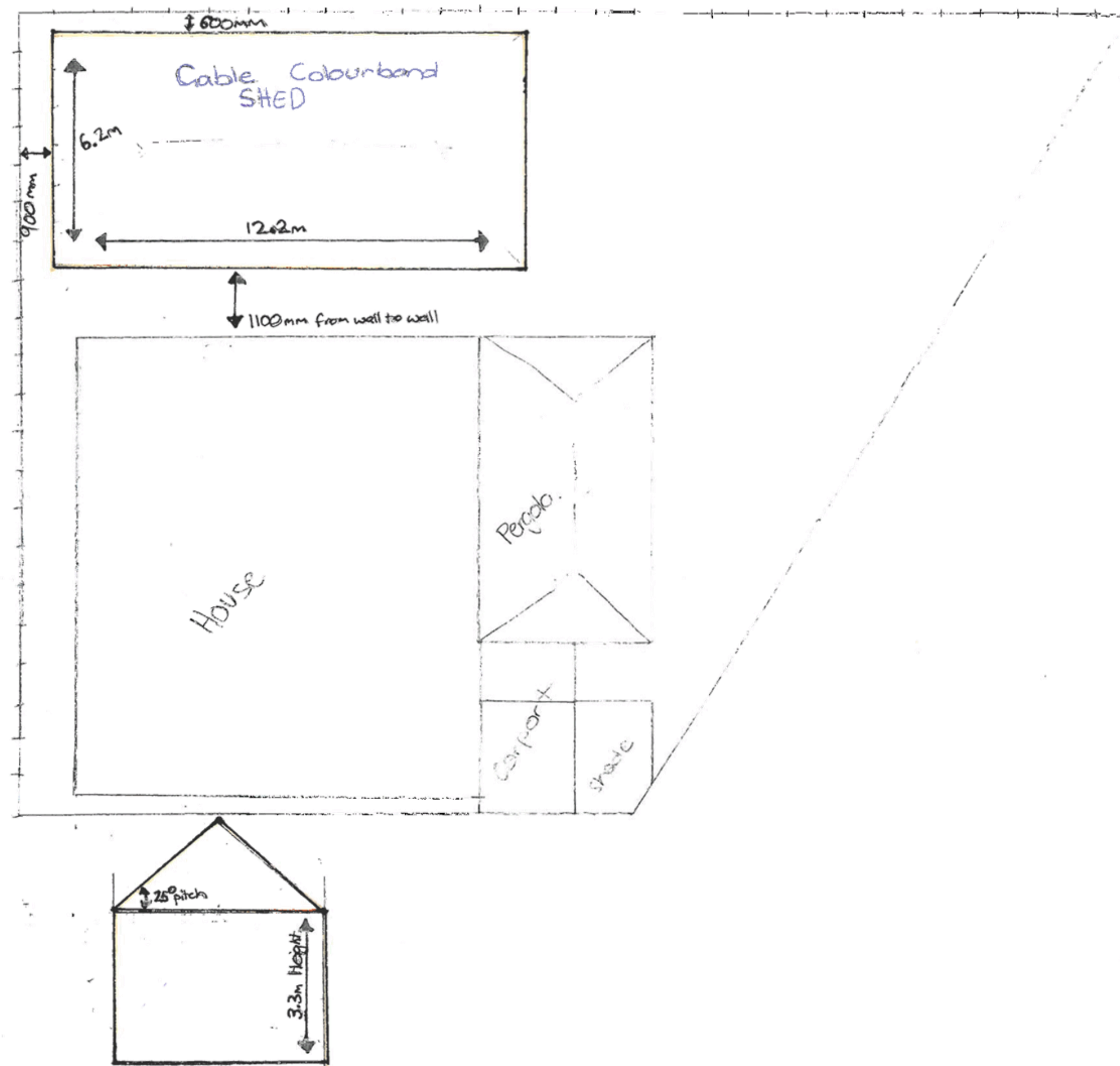
Aerial Plan View and Cadastre Plan View of Site

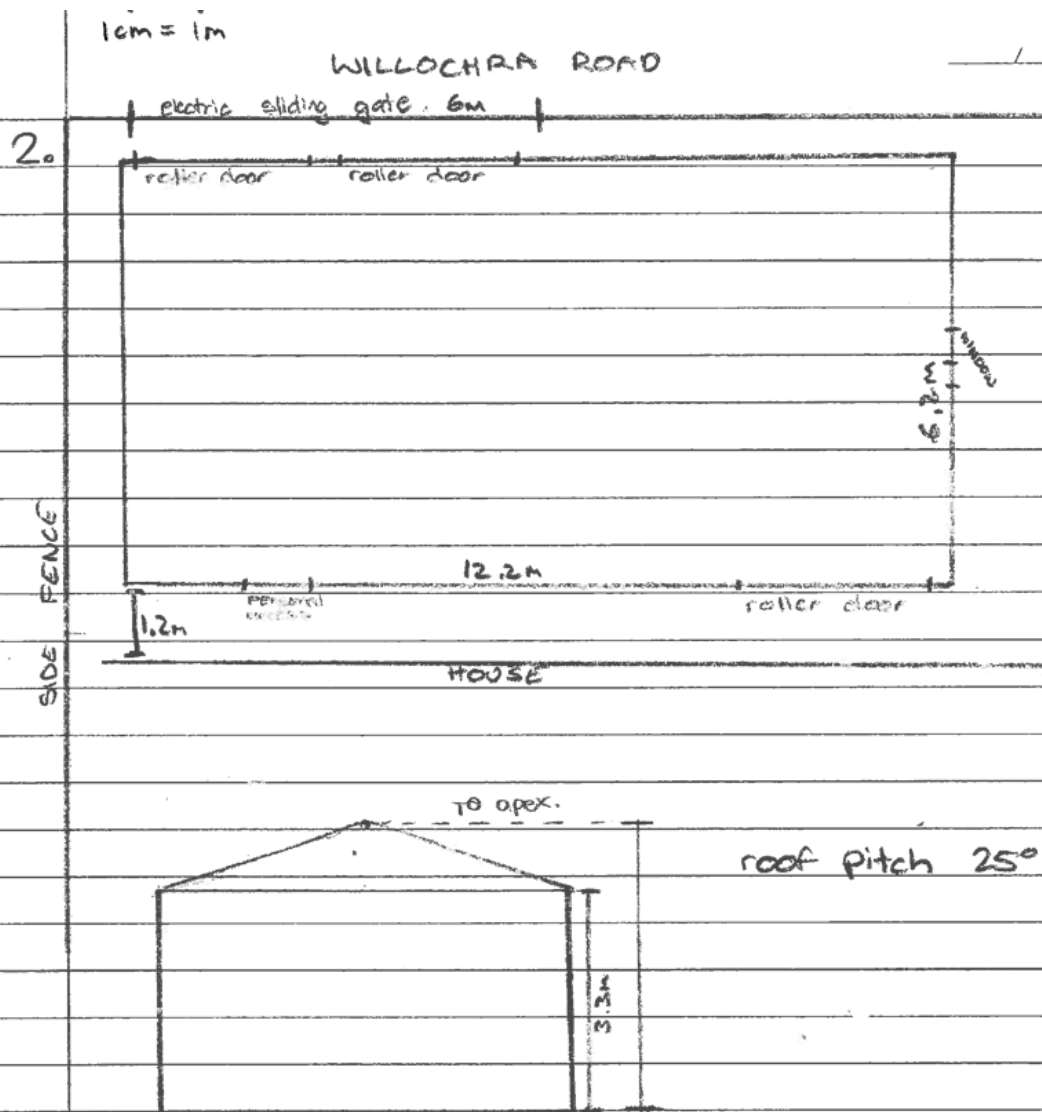




ATTACHMENT 2

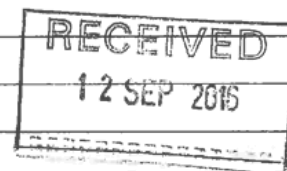
Application documentation





Materials: Colourbond Steel

Colour: Cream with grey guttering/trimmings





Government of South Australia

Product	Register Search
Date/Time	30/09/2015 03:36PM
Customer Reference	
Order ID	20150930008689
Cost	\$279.00

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Registrar-General

Certificate of Title - Volume 5156 Folio 398

Parent Title(s)	CT 4311/846
Dealing(s) Creating Title	CONVERTED TITLE
Title Issued	22/11/1993
Edition	4
Edition Issued	13/12/2013

REAL PROPERTY ACT, 1886



South Australia

Estate Type

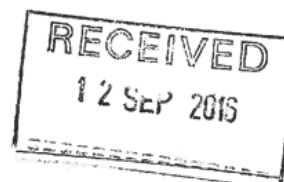
FEE SIMPLE

Registered Proprietor

JOHN JOSEPH MURPHY
OF 20 WESLEY COURT SALISBURY PLAIN SA 5109

Description of Land

ALLOTMENT 22 DEPOSITED PLAN 22427
IN THE AREA NAMED SALISBURY PLAIN
HUNDRED OF YATALA



Easements

NIL

Schedule of Dealings

Dealing Number	Description
6462495	AGREEMENT UNDER PLANNING ACT, 1982 PURSUANT TO SECTION 61(2) FOR DEVELOPMENT
6743331	ENCUMBRANCE TO JENNINGS INDUSTRIES LTD. (SINGLE COPY ONLY)
12045507	MORTGAGE TO POLICE CREDIT UNION LTD.

Notations

Dealings Affecting Title

NIL



Government of South Australia
Department of Planning,
Transport and Infrastructure

Product	Register Search
Date/Time	30/09/2015 03:36PM
Customer Reference	
Order ID	20150930008689
Cost	\$279.00

Priority Notices

NIL

Notations on Plan

NIL

Registrar-General's Notes

NIL

Administrative Interests

NIL

* Denotes the dealing has been re-lodged.

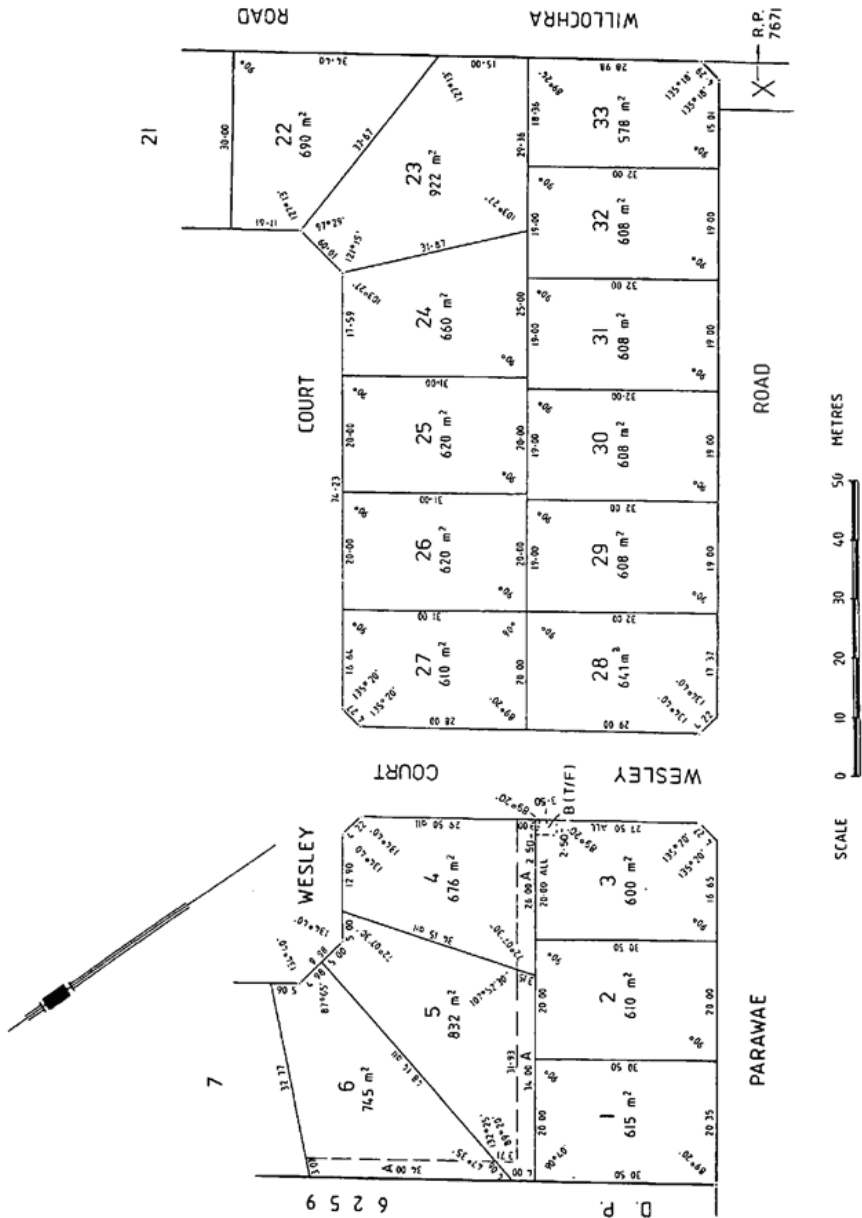


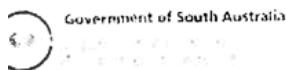


Government of South Australia
Department of Planning,
Transport and Infrastructure

Product
Date/Time
Customer Reference
Order ID
Cost

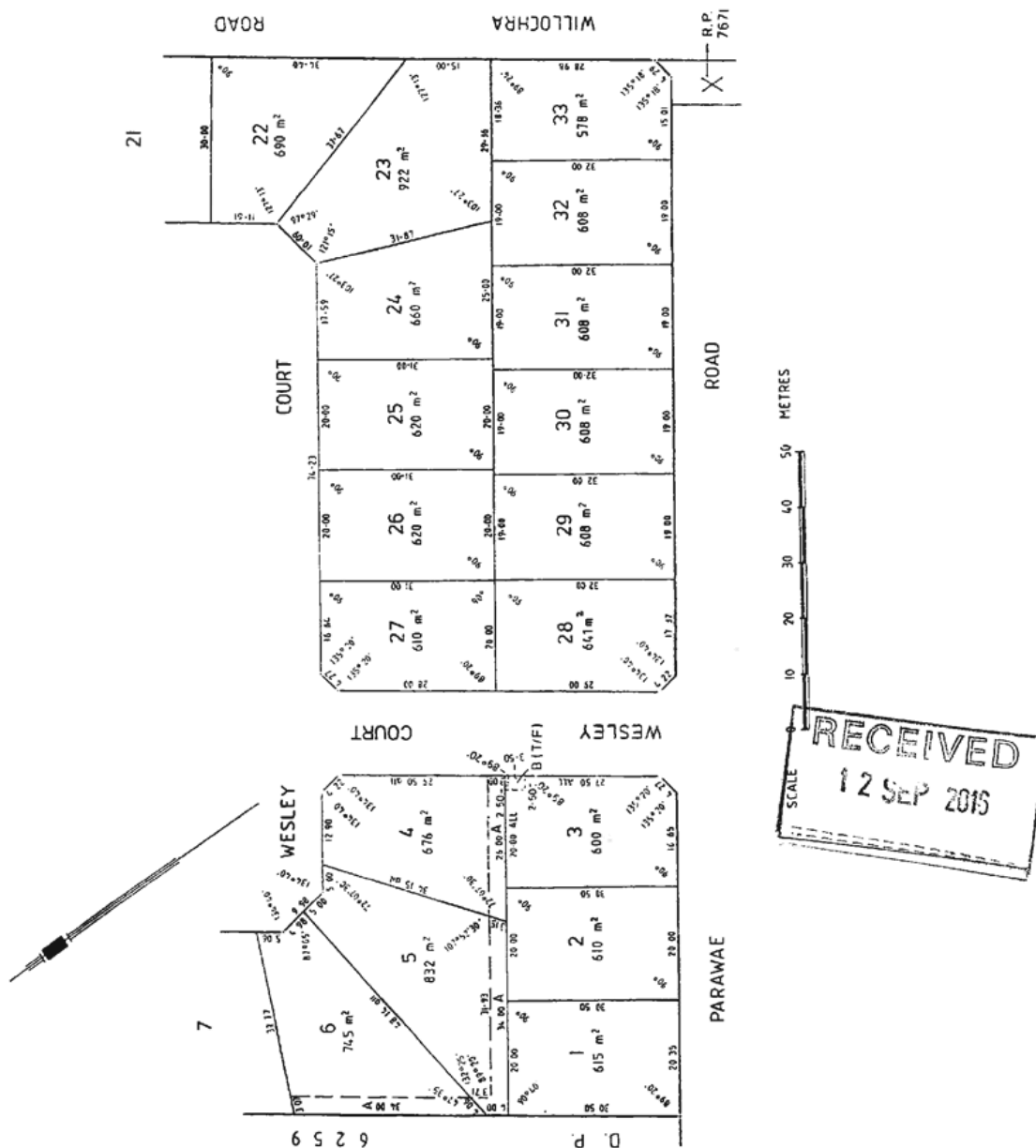
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20150930008689
\$279.00





Product
Date/Time
Customer Reference
Order ID
Cost

Register Search
30/09/2015 03:36PM
20150930008689
\$279.00





Alexandria Carey & Matthew Borg
20 Wesley Court,
Salisbury Plain, SA 5109

26th September 2016

To Whom It May Concern,

I am writing on behalf of myself, Alexandria Carey and my fiancé Matthew Borg, regarding rear access to our property 20 Wesley Court, Salisbury Plain. We bought our first home in Salisbury Plain as I have a long history with this area, having grown up in the neighbouring suburb, Salisbury Park. I attended Salisbury Park Primary School and went to Endeavour College for the majority of my high school years. I loved growing up in this area and therefore my fiancé and I bought our first home here with the intention of starting a family our own.

NOVEMBER 2015: Before purchasing our home on Wesley Court, Matthew phoned the council to discuss the possibility of gaining permission for rear access and building a large shed at the back of our block (Willochra Road). He was told by staff within the Salisbury council and also by the real estate agent that we simply needed to get council approval. During the search conducted by our conveyancer and also through conversations with the council, no mention was ever made regarding any covenant on the land being in place. Upon moving into the property Matthew phoned the Salisbury Council again and was put through to planning and discussed what was involved in the process of gaining rear access.

APRIL/MAY 2016: Matthew phoned the Salisbury Council again and was put through to planning and began the process of rear access. He was told to mark the curb on Willochra Road showing where we required the rear access. This was carried out and we organised for "Craig" from the council to come out and assess this. "Craig" came out over the next few days and also marked the curbing and this was recorded in the Salisbury Council computer system in our file. We had marked a 6m opening and were told by the council that only a 3m opening had been approved, confirmed by his markings on the curb. This gave us a clear indication that rear access was permissible by the council. We also went in to the council office in Salisbury and confirmed, in person, that rear access had been approved. Due to rear access approval having been granted and recorded on our file, we began clearing our backyard and organised the making of our gate and paying deposits for concrete.

END OF AUGUST 2016: With the backyard cleared and the gate and curbing organised we decided to lodge our application for our dream shed.

4TH OF SEPTEMBER: I received a letter from Aaron Curtis (Team Leader, Planning and Development Services, Salisbury Council) asking for us to submit additional information regarding our shed application. On approximately the 8th of September I personally dropped this information into the Salisbury Council and spoke with Aaron himself. We discussed the rear access and I explained we had already been approved and that it was on our file.

15TH OF SEPTEMBER: I received an email from Aaron late Thursday afternoon stating that we were not allowed to have rear access due to a Land Management Agreement that was written when the land was originally subdivided in 1987. I went into the Salisbury council office on the 16th of September to try and see Aaron and discuss this as we had been told on multiple occasions that rear access was already approved and we were under the impression that we had done everything the correct way and the process for rear access was completed and we were already in the process of constructing this and we were only applying for approval for the shed. Aaron however was not in on this day, so I spoke to the lady at the front desk and she proceeded to tell me that we had approval for the rear access and if it had been retracted I would need to discuss this further with Aaron Curtis. I left a message with her and organised to have a meeting with Aaron the following Monday.

19TH OF SEPTEMBER: Aaron contacted me early in the day and we organised to meet later that day. During this meeting Aaron explained the Land Management Agreement and that he works in a different area to Craig. He also explained that Craig may not have known about the encumbrance on our property and neither did he until he looked

Page 1 of 7

further into the access of the proposed shed. We explained to him what we were already told from the Salisbury Council about the approval and that we had put the rear access into motion by making changes to our property by removing gardens and clearing the land in preparation (at significant financial expense). After our meeting with Aaron we spoke to the women at the front desk again and were told that our file could be accessed by members of the council to see the work Craig had done and the report he had written.

The reasons behind us wanting the rear access are:

1. We currently only have one garage and single driveway and live on a blind corner of the dead end of Wesley Court. We do not believe it is safe to park our car out the front of our house over night as it may pose a danger to fellow residence and drivers. When we first moved into our property we parked our ute out the front of our house and were asked by our adjacent neighbours to move this as they were finding it difficult to get in and out of their driveway.
2. I am a theatre nurse at Calvary Wakefield Private Hospital and am often on call. Due to the single driveway I often have to rearrange the cars and it would be much easier if this did not need to occur as I am often in a hurry to get to the emergency I am being called in for.
3. Due to the angle of our driveway and the size of our frontage we cannot add a second garage at the front of our house.
4. When we are trying to move my fiancé's race car we currently have to park our 2 cars on Wesley court to get this in and out of our property causing a nuisance to our neighbours.
5. As I wrote in the previous letter handed to Aaron, we are asking for the rear access and shed as we are planning on storing a boat in the shed and possibly a future caravan. My parents are also getting ready to retire and my father wishes to restore a '92 Mazda MX5 as a hobby at our house and therefore we require a hoist. My fiancé also has a race car and the shed will be used to store this. This shed will not be used for any business purpose; it is for private use only.

We both get along with the residents on Willochra Road as Matthew maintains the nature strip and often talks to them. Since our meeting with Aaron we have spoken to Jimmy, the owner of the adjacent house (66 Willochra), 2 workshops and block of land, and he has stated he has no problem with us having rear access as it will not affect him. We have also spoken to Rick, the owner of Quinn Motors, whose business is closest to the proposed driveway and he too has no problem. Both gentlemen are willing to discuss this further with you if required.

Our Proposed driveway location is opposite the residential property (66 Willochra Road).

Please seriously reconsider overturning the obsolete covenant (and irrelevant based on recent developments by neighbouring properties) placed on our property and allow us to continue with our plans to gain rear access. The City of Salisbury is part of my history, present and I hope future. I am proud to call this city my home.

Kind Regards,

Alexandria Carey (& Matthew Borg)



Properties on Willochra Road:

43 Saints Road: As shown in Figure 1 and figure 2, this house has side access onto Willochra Road opposite car yard. This house was built within the last 10 years.

73 Willochra Road: Has frontage to Willochra and is opposite a factory named 'Air Diffusion'. See Figure 3.

65 Willochra Road: Also has frontage to Willochra and is opposite a factory named 'Air Diffusion'.

66 Willochra Road: This house is owned by Jimmy who also owns the 2 workshops behind our house. His house is directly opposite our proposed rear access and has workshops either side. See figure 4 & 5.

27 Willochra Road: Has frontage to Willochra with a workshop next door. See figure 6.

6/35 Willochra Road: Has frontage onto Willochra Road and is opposite 'JMT Joinery', 'Modern Powder coaters' and 'Adams Mechanical Services'. See figures 7 & 8.

Photos of adjacent properties

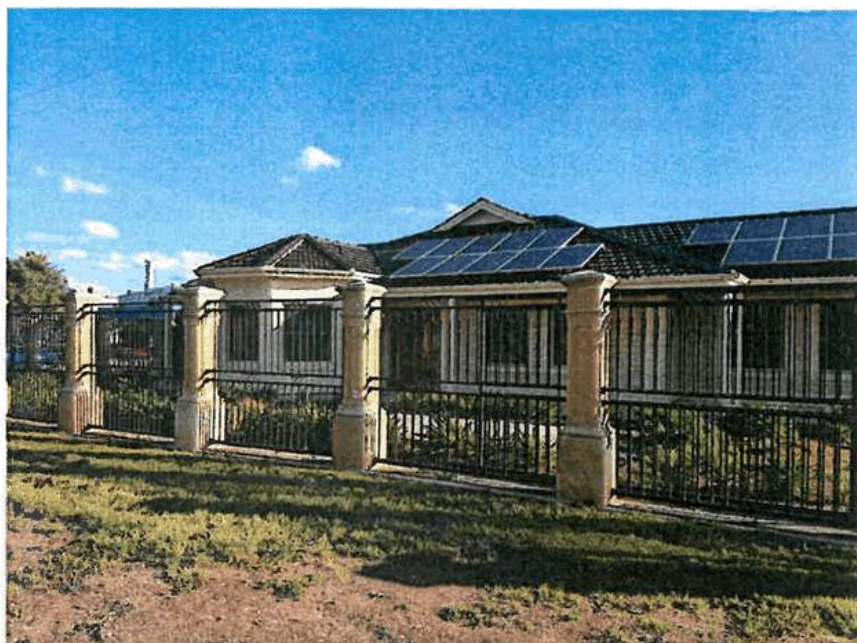


Figure d: 43 SAINTS ROAD, SALISBURY PLAIN (has side access and has been built in the last 10 years).



Figure 1: 43 SAINTS ROAD, SALISBURY PLAIN (SIDE ACCESS TO WILLOCHRA ROAD)



Figure 2: 73 WILLOCHRA ROAD (OPPOSITE FACTORY) (Frontage)



Figure 3: 66 Willochra Road (has factories either side) (Frontage)



Figure 4: 66 Willochra Road (Frontage) (standing at proposed rear access, opening towards a residential property)



Figure 5: 27 Willochra Road (frontage to Willochra with workshop next door)



Figure 6: 6/35 WILLOCHRA ROAD (Opposite 4 large workshops) (Frontage and opposite below factory)

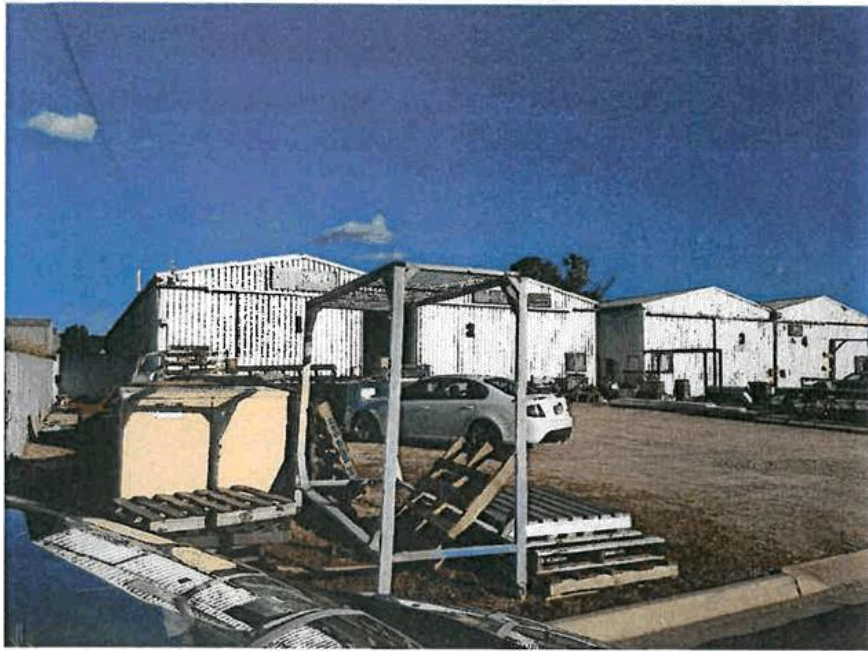


Figure 7: Standing from 6/35 Willochro Road

ATTACHMENT 3

Copy of Land Management Agreement

FORM B3
(17)

Insert type of document here: APPLICATION TO REGISTER - PLANNING ACT 1982
LAND MANAGEMENT AGREEMENT

TO: THE REGISTRAR GENERAL

BLANK INSTRUMENT FORM
(see foot-note)

THE CITY OF SALISBURY OF James Street, Salisbury,
South Australia 5108 HEREBY APPLIES pursuant to the
provisions of Section 61(5) of the Planning Act, 1982
(as amended) for the registration of the attached Land
Management Agreement made by Deed dated the 10th day of December
1987 and made between THE CITY OF SALISBURY of James Street, Salisbury
5108 of the one part and JENNINGS INDUSTRIES LIMITED of 1278-1282 South
Road, Clovelly Park 5042 of the other part which Agreement binds the numbered
20-23 inclusive and Alterment numbered 33 depicted in Map of Plan No. 22427 being Part of
WHOLE OF THE LAND comprised in Certificates of Title Register Book
Volume 3204 Folio 34 and 35. The within Agreement operates to control
the future development of the aforesaid land.

DATED the 10th day of December 1987.

THE COMMON SEAL of
THE CITY OF SALISBURY
was hereunto affixed
in the presence of:

[Signature]
Mayor

[Signature]
City Manager

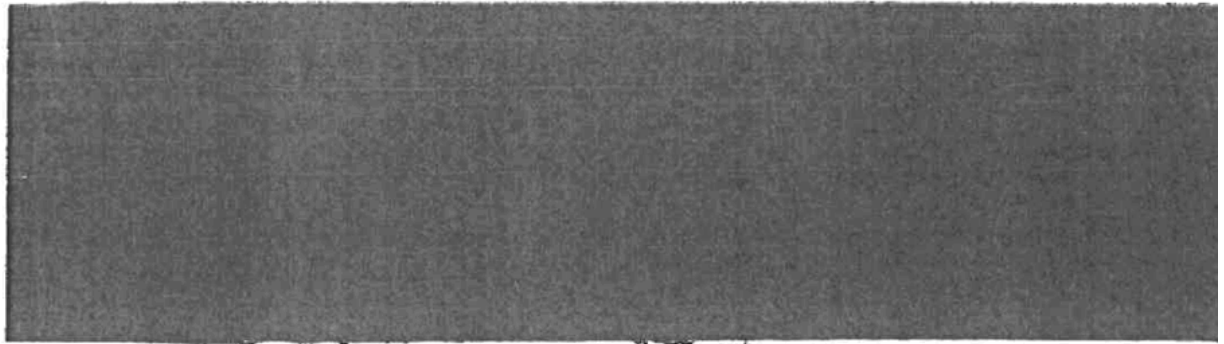
JENNINGS INDUSTRIES LIMITED HEREBY CONSENT to the registration of the
attached Land Management Agreement.

THE COMMON SEAL of
JENNINGS INDUSTRIES
LIMITED was hereunto
affixed in the
presence of:

[Signature]
Director

[Signature]
Director/Secretary

NOTE: This form may be used only when the Box Type form is not suitable.



THIS DEED is made the 10th day of December 1987.

BETWEEN: CITY OF SALISBURY of James Street, Salisbury, 5108 (hereinafter called "the City") of the one part

AND JENNINGS INDUSTRIES LIMITED of 1278-1282 South Road, Clovelly Park 5042 (hereinafter called "the Owner") of the other part



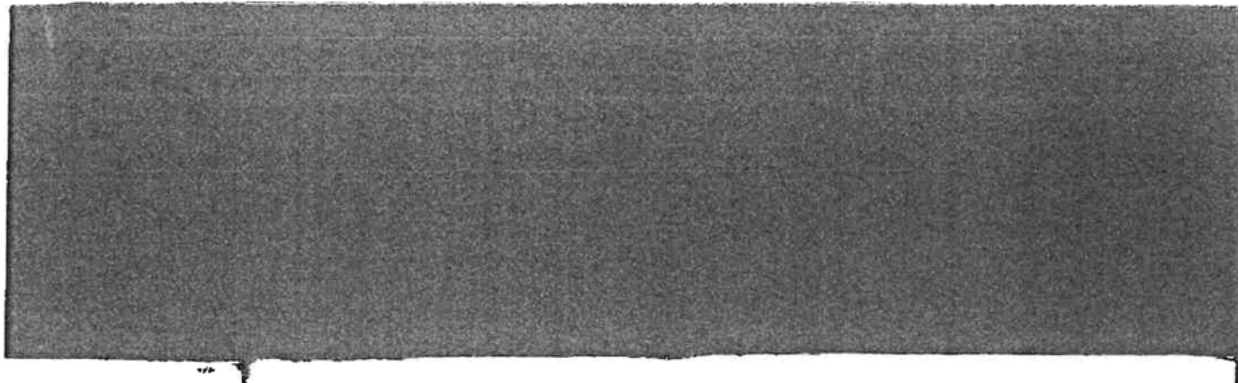
WHEREAS:

- A. The Owner is the proprietor of an estate in fee simple in the whole of the land comprised in Certificate of Title Register Book Volume 3204 Folios 34 and 35 (hereinafter called "the Land");
- B. By a certain Development Application made to the City and dated the 21st November, 1986 and numbered 361/DO67/86 (hereinafter called "the Application") the Owner sought planning authorisation pursuant to the provisions of the Planning Act, 1982 to divide the Land by increasing the number of allotments from 2 to 33;
- C. The proposed plan of division that accompanied the Application is annexed hereto and marked "Plan A" (hereinafter called "the Plan");
- D. By a Planning Decision Notification dated the 16th February, 1987 relating to the application the Council granted planning authorisation for the proposed division subject to three conditions.
- E. Condition No. 1(b) of the Planning Authorisation required that the Owner enter into a Land Management Agreement with the City to ensure restriction of access to and from Willochra Road from the Lots 20-23 inclusive and Lot 33 depicted in the Plan.
- F. The Owner has agreed with the City to enter into this Deed relating to the development of the Land subject to the terms and conditions hereinafter mentioned.
- G. This Deed shall operate in respect of the Lots 20-23 inclusive and Lot 33 depicted in the Plan (hereinafter called "the Subject Land").

NOW THIS DEED WITNESSETH as follows:

1. In this Deed, unless the contrary intention appears:
 - (a) The term "the Owner" where the Owner is a company includes its successors, assigns and transferees and where the Owner is a person includes his/her heirs, executors, administrators and transferees and where the Owner consists of more than one person or company all and every two or more of such persons or such companies jointly and each of them severally and the respective successors, assigns, heirs, executors, administrators and transferees of the companies or persons being registered or entitled to be registered as the proprietor of an estate in fee simple to the Land subject however to such encumbrances, liens and interests as are registered and notified by memoranda endorsed on the Title thereof.
 - (b) The term "the Subject Land" means the land referred to in Recital G hereof.
 - (c) The term "person" shall include a corporate body.
 - (d) The term "the relevant planning authority" means the relevant planning authority as defined in the Planning Act, 1982.
 - (e) Words and phrases used in this Deed which are defined in the Planning Act, 1982 shall have the meanings as defined in that Act.

PDL:JRB/S87003743/M9:klm



-2-

- (f) Words importing the singular number or plural number shall include the plural number and singular number respectively.
- (g) Words importing the masculine gender only shall include the feminine and neuter genders and vice versa.
- (h) A reference herein to any statute shall include all statutes amending consolidating or replacing the statute referred to.
- 2. The Owner and the City expressly acknowledge and agree that the matters hereinbefore recited are true and correct in every particular and that the same shall be and form part of the provisions of this Deed.
- 3. The Owner shall not himself nor shall the Owner suffer or permit any other person to gain ingress to or egress from the Subject Land by any means whatsoever across the boundary between the Subject Land and Willochra Road.
- 4. The Owner shall not himself nor shall the Owner suffer or permit any other person to establish or to maintain any aperture, gate or other point of ingress to or egress from the Subject Land upon the boundary between the Subject Land and Willochra Road.
- 5. The City and any employee or agent of the City authorised by the City may at any reasonable time enter the Subject Land for the purpose of:
 - (a) inspecting the Subject Land and any building or structure thereupon; and
 - (b) exercising any other powers of the City under this Deed, or otherwise pursuant to law.
- 6. If the Owner is in breach of any provision of this Deed, the City may, by notice in writing served on the Owner, require the Owner to remedy such breach within such time as shall be nominated by the City in the notice (being not less than twenty eight (28) days from the date of service of the notice) and if the Owner fails so to remedy such breach, the City or its servants or agents may carry out the requirements of the notice and in doing so may perform any necessary works upon the Subject Land and may recover any costs thereby incurred from the Owner as a debt due and owing by the Owner to the City.
- 7. The City may delegate any of the City's powers under this Deed to any person.
- 8. This Deed may not be varied except by supplementary Deed in writing signed by the City and the Owner.
- 9. This Deed shall be lodged by the Owner for registration by the Registrar-General at the Lands Titles Office pursuant to the provisions of the Real Property Act, 1886 at the same time as and immediately in series after the lodgement of the Owner's application for new Certificates of Title for the allotments numbered 20-23 inclusive and 33 depicted in the Plan pursuant to the provisions of the said Act.
- 10. The Owner shall give a copy of this Deed to any intending purchaser of the Subject Land before any contract for sale and purchase of the Subject Land is entered into.
- 11. This Deed contains the whole agreement between the parties in respect of the matters referred to herein.
- 12. Notice shall for the purposes of this Deed be properly served on the Owner if it is:
 - (a) posted to the Owner's last address known to the City; or

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-3-

(b) affixed in a prominent position on the Subject Land.

13. The Owner shall pay to the Council and hereby agrees that it will indemnify the Council and forever keep the Council indemnified in respect of the whole of the costs and other fees incurred by the Council of and associated with the negotiation for and the preparation of this Deed including all solicitors fees and other professional or non-professional fees of whatsoever nature together with all charges associated with procuring the consent of all persons having a legal interest in the land pursuant to Section 61(4) of the Planning Act, 1982, stamp duty, registration fees and all other costs and charges of whatsoever nature.
14. The requirements of this Deed are at all times to be construed as additional to the requirements of the Planning Act, 1982 and any other legislation affecting the Subject Land.
15. Each party shall do all things necessary to ensure that this Deed is registered and a memorial thereof entered on all Certificates of Title for the Subject Land pursuant to the provisions of Section 61(5) of the Planning Act, 1982 in priority to any other registrable and registered interest in the Subject Land save for the interest of the Owner.

THE COMMON SEAL of THE CITY
OF SALISBURY was hereunto
affixed in the presence of:

..... Mayor
..... City Manager

THE COMMON SEAL of JENNINGS
INDUSTRIES LIMITED was
hereunto affixed in the
presence of:

..... Director
..... Director/Secretary

The City of Salisbury hereby consents to and requests the registration of the within Deed pursuant to Section 61(5) of the Planning Act, 1982 as amended.

For and on behalf of the City of
Salisbury

The Owner hereby consents to and requests the registration of the within Deed pursuant to Section 61(5) of the Planning Act, 1982 as amended.

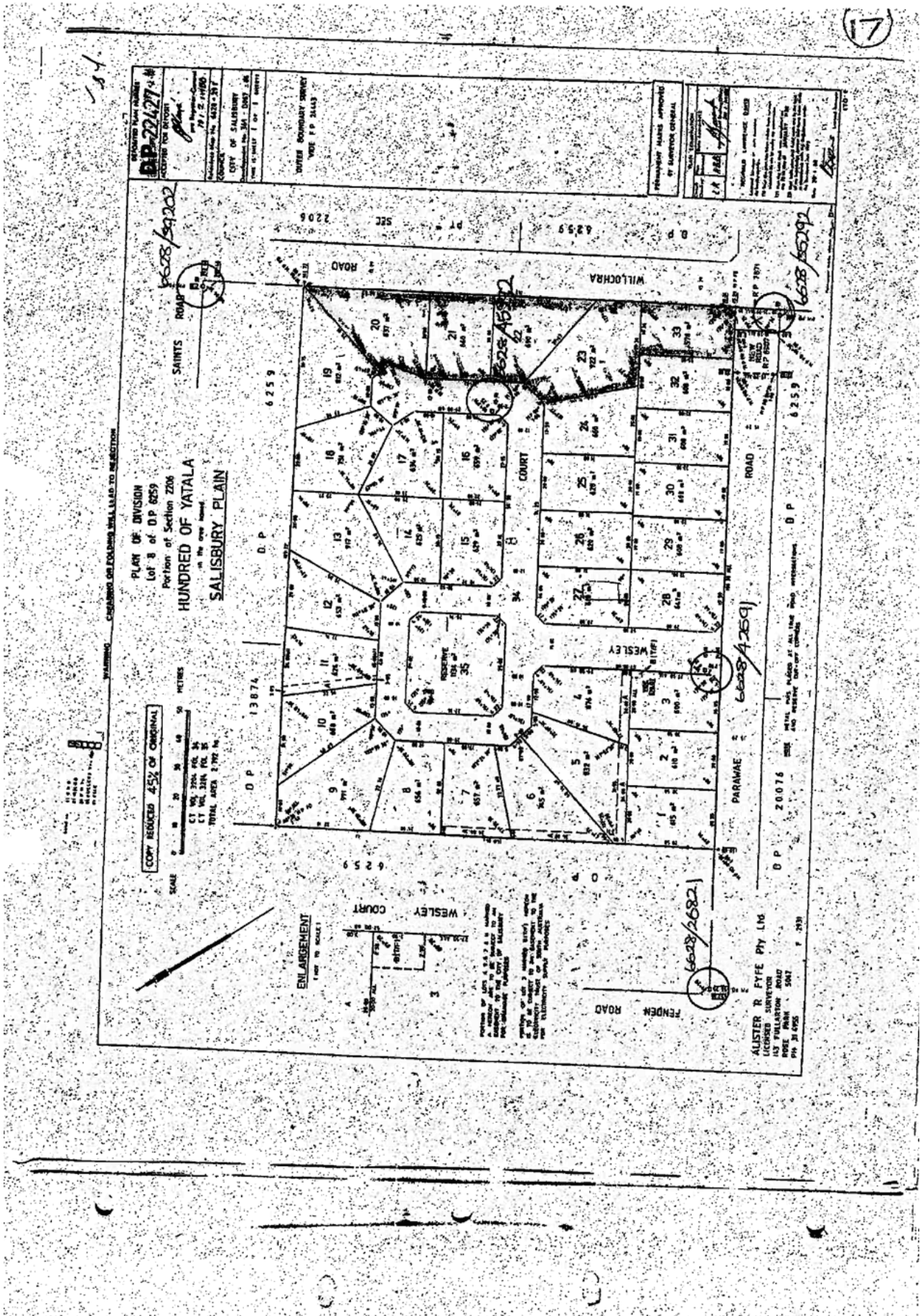
For and on behalf of the Owner
Jennings Industries Limited

No other person has a relevant legal interest in the Subject land pursuant to Section 61(4) of the Planning Act, 1982 as amended.

For and on behalf of the owner, Jennings
Industries Limited

PDL:JRB/S87003743/M9:klm

Item 1.3.1 - Attachment 3 - Copy of Land Management Agreement



NORMAN WATERHOUSE & MUTTON
Solicitors

Our Ref: PDL/87003745/rm
Refer to Mr P.D. Leadbeter

21st March, 1988

The Chief Executive Officer,
City of Salisbury,
P.O. Box 8,
SALISBURY S.A. 5108

Attention: Mr P. Mensforth

Dear Sir,

re: Land Management Agreement - Jennings Industries Ltd

We refer to our previous correspondence.

The Lands Titles Office have returned Duplicate Copy of the
Land Management Agreement to us and we enclose the same for
the Council file.

Yours faithfully,

Norman Waterhouse & Mutton

LOT 20 - 23 & LOT 28 ONLY

Enc. Land Management Agreement

Edward Michael Byrt, LL.B.
Richard James Froome Harley, LL.B.
Hugh Thorman Builder, LL.B.
Brendan Patrick Murray, LL.B.(Hons.)
Christine Louise Tregarden, B.Juris. LL.B. (W. Aust.)
James Robert Botten, LL.B.
Nicholas James Cooney, LL.B.
James Michael Cudmore, LL.B.
Stephen George Aitchison, LL.B.

Senior Associates:
Frances Cecelia Goad, LL.B.
Robert Ashley Norman, LL.B.
Jane Caroline Welch, LL.B.
Lindley Margaret Gilfillan, LL.B.
Paul Douglas Leadbeter, LL.B.(Hons.)
Maria Panagiotidis, LL.B.

Consultants:
Carlyle Herbert Mutton, O.A.M.
John Phillip Callaghan, B.A., LL.B., F.I.Arb.A.

Sixth Floor, MLC Building
185 Victoria Square Adelaide South Australia 5000
G.P.O. Box 639 Adelaide South Australia 5001

DX397 Adelaide
Telex: Normco AA89825 Cables: Normco
Fax: (08) 281 0368 Groups 2 & 3

Telephone: (08) 211 7188



ITEM	1.9.1
	POLICY AND PLANNING COMMITTEE
DATE	23 January 2017
PREV REFS	Council NOM5 26/09/2016
HEADING	Scoreboard Upgrade Assistance for Local Sporting Clubs
AUTHOR	Christy Martin, Senior Coordinator Project Administration, City Infrastructure
CITY PLAN LINKS	3.2 Have interesting places where people want to be. 3.3 Be a connected city where all people have opportunities to participate.
SUMMARY	At the September 2016 Council meeting staff were asked to report back with options of providing assistance to upgrade existing scoreboard facilities at local sporting reserves.

RECOMMENDATION

1. This report be received and noted.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 At the September 2016 meeting Council resolved:

NOM5 Scoreboard Upgrade Assistance for Local Sporting Clubs

1. That staff report back in relation to options for the provision of assistance to sporting clubs with the upgrade of existing scoreboards, including:
 - Existing grants available for access by sporting clubs;
 - Existing funding available to assist with the maintenance/upgrade of scoreboards;
 - Options for the implementation of a grant scheme or program to assist with the upgrading of scoreboards located at council facilities within the City of Salisbury.

***CARRIED
1303/2016***

2. CONSULTATION / COMMUNICATION

- 2.1 Staff undertook an investigation and benchmarking exercise by contacting a number of local Councils to ascertain the scoreboard facilities which they provided. Of those contacted, it was deemed that it was the responsibility of the individual clubs to acquire and maintain their own scoreboard facilities.

3. REPORT**3.1 Request**

Staff were asked to report back in relation to options for the provision of assistance to sporting clubs with the upgrade of existing scoreboards, including:

- Existing grants available for access by sporting clubs;
- Existing funding available to assist with the maintenance/upgrade of scoreboards; and
- Options for the implementation of a grant scheme or program to assist with the upgrading of scoreboards located at council facilities within the City of Salisbury.

3.2 Current Infrastructure

There are currently nine scoreboards within the City owned and maintained by the Sporting Clubs at the following locations;

- The Paddocks Reserve
- Adams Oval Reserve
- Andrew Smith Drive Oval
- Brahma Lodge Oval
- Salisbury North Oval
- Salisbury Oval
- Lindblom Park
- Rowe Park
- Salisbury Downs Oval

- 3.3 The maintenance schedule attached to the lease agreement sets out repair and maintenance obligations of the Lessor (Council) and Lessee (Club) for the building (internal/external) as well as the playing surfaces. With scoreboards the responsibility for installation and maintenance, including removal of graffiti is with the Lessee and in this instance Council is not responsible.

3.4 Funding Options

- 3.5 There is no current designated maintenance and/or upgrade program for the renewal/upgrade of the existing scoreboard infrastructure. The maintenance of this infrastructure remains the responsibility of the individual clubs as per the current club lease agreements currently in place.

- 3.6 The Sporting & Community clubs do have the option to seek support from Council regarding scoreboards via the Minor Capital Works Grants Program. As per the Guidelines and Eligibility framework, section 7, 'What projects can be funded?', Score boards are specifically listed within this section. Eligible clubs can apply for a grant every two years up to the value of \$30,000 or \$2,000 for Not-for-profit associations who reside within the City but own their facilities.
- 3.7 Alternatively, clubs could seek assistance from the Office for Recreation and Sport who offer grants to recreation and sports clubs which do not having a gaming licence.

4. CONCLUSION / PROPOSAL

- 4.1 City of Salisbury does not currently have specific funds available for the maintenance and or upgrade of scoreboards within the City. The existing infrastructure remains the responsibility of the residing sporting club leasing the facility. Options for the sporting clubs within the City to attain financial assistance associated with scoreboards is via the City of Salisbury Minor Capital Works Grants Program or via Office of Recreation and Sport at a state level.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 16/01/2017