



## **AGENDA**

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

**24 OCTOBER 2017 AT 6:00 PM**

**IN THE COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY**

### **MEMBERS**

Mr D Wallace (Presiding Member)  
Mr R Bateup  
Ms L Caruso  
Ms S Johnston  
Mr J Watson

### **REQUIRED STAFF**

General Manager City Development, Mr T Sutcliffe  
Manager Development Services, Mr C Zafiropoulos  
Principal Planner, Mr G Pantelos

### **APOLOGIES**

### **LEAVE OF ABSENCE**

### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Development Assessment Panel Meeting held on 25 July 2017.

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

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**REPORTS**

*Development Applications*

5.1.1 361/1144/2016/3B ..... 9

Mixed use development comprising Prayer Hall, Dining Hall and Library/Museum with associated facilities, including playground, carpark, caretakers residence, community garden and horse enclosure, and the removal of a regulated tree at 701-709 Port Wakefield Road, Globe Derby Park for Town Planning Advisors.

**OTHER BUSINESS**

5.2.1 Council Assessment Panel General Operating Procedures ..... 349

5.2.2 Status of Current Appeal Matters and Deferred Items

5.2.3 Policy Issues

5.2.4 Future Meetings & Agenda Items

**CLOSE**

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**MINUTES OF DEVELOPMENT ASSESSMENT PANEL MEETING HELD IN THE  
COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY ON**

**25 JULY 2017**

**MEMBERS PRESENT**

Mr D Wallace (Presiding Member)  
Mr R Bateup  
Ms L Caruso  
Ms S Johnston  
Mr J Watson  
Mr S White

**STAFF**

General Manager City Development, Mr T Sutcliffe  
Manager Development Services, Mr C Zafiropoulos  
Development Officer – Planning & Compliance, Ms M Molinaro  
Development Officer - Planning, Mr C Carrey

The meeting commenced at 6:00 pm.

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

**APOLOGIES**

Apologies were received from Mr G Reynolds.

**PRESENTATION OF MINUTES**

Ms L Caruso moved, and the Panel resolved that:

The Minutes of the Development Assessment Panel Meeting held on 27 June 2017, be taken and read as confirmed.

**DECLARATIONS OF CONFLICTS OF INTEREST**

Nil

## REPORTS

### *Development Applications*

#### 5.1.1 361/888/2017/3B

Change of use to a group fitness centre (tenancy 7) at 7/96 Research Road, Pooraka for Justin Beard

#### REPRESENTORS

Mr Ray Byster

Mr Justin Beard, Applicant

Mr Steve White moved, and the Development Assessment Panel resolved that:

- A. The proposed development is not considered to be seriously at variance with the Salisbury Development Plan – Consolidated 15 December 2016.
- B. Pursuant to Section 33 of the *Development Act 1993*, Development Plan Consent is **GRANTED** to application number 361/888/2017/3B for Change of use to a group fitness centre (tenancy 7) in accordance with the plans and details submitted with the application and subject to the following conditions:

#### *Development Plan Consent Conditions*

1. The proposal shall be developed in accordance with the details submitted with the application and the following Council stamped approved plans, except where varied by the conditions herein:

Drawing No.	Drawing Type	Date	Prepared By
	Site plan	30 May 2017	Justin Beard
	Floor plan	17 May 2017	
	Written correspondence	17 May & 21 June 2017	

*Reason: To ensure the proposal is established in accordance with the submitted plans.*

2. Except where otherwise approved, the operating hours and maximum client numbers shall not exceed the following;

Monday – Friday 7:00am-6:30pm up to a maximum of five (5) clients at any one time.

Additional clients may be accommodated at the following times;

- Monday-Friday from 6:30pm-8:30pm up to a maximum of 15 clients at any one time.

3. All waste and other rubbish shall be contained and stored pending removal in covered containers and waste containers must not be located within designated car parks, manoeuvring areas or traffic aisles.

*Reason: To maintain the amenity of the locality.*

4. No materials, goods or containers shall be stored outside of the building at any time.

*Reason: To ensure the carparking and emergency access areas are always available for the purpose they are designed. Further that the site be maintained in a clean and tidy state.*

Advice Notes

1. This is not a building consent, and a satisfactory application for Provisional Building Rules Consent has to be submitted before Council can issue a Development Approval.
2. Advertisements and advertising displays are not included in the consent granted. It will be necessary to make a fresh and separate application for any future proposed advertising signage.
3. Except where otherwise varied by this Consent, the conditions imposed herein shall be in addition to conditions that apply to the subject property from previous approvals that remain active.

**CARRIED**

**5.1.2 361/865/2017/NB**

Change of use from dwelling and office to office and advertising signage (non-complying) at 120 Salisbury Highway, Salisbury, SA 5108 for Paul Cowling

**REPRESENTORS**

Nil

Ms Stephanie Johnston moved, and the Development Assessment Panel resolved that:

- A. The proposed development is not considered to be seriously at variance with the Salisbury Council Development Plan – Consolidated 15 December 2016.
- B. Pursuant to Section 33 of the *Development Act 1993*, Development Plan Consent is **GRANTED** to application number 361/865/2017/NB for Change of use from dwelling and office to office and advertising signage (non-complying) in accordance with the plans and details submitted with the application subject to the following conditions and the concurrence of the Development Assessment Commission:

Development Plan Consent Conditions

1. The proposal shall be developed in accordance with the details submitted with the application and the following Council stamped approved plans, except where varied by the conditions herein:

<i>Drawing No.</i>	<i>Drawing Type</i>	<i>Date</i>	<i>Prepared By</i>
N/A	Planning Report Statement of Effect June 2017	Date Received 2 June 2017	MasterPlan
N/A	Statement of Support	Date Received 17 May 2017 & 15 May 2017	Masterplan
Apr 2017 DS:50332 1.0	Site and Floor Plan	Date Received 17 May 2017	Masterplan
May 2017 DS:50332 1.0	Elevation Drawing Retrospective Sign Application	Date Received 2 June 2017	MasterPlan
July 2017 DS:50331 1.0	Elevation Drawing Retrospective Sign Application (Entrance)	Date Received 4 July 2017	Masterplan

*Reason: To ensure the proposal is established in accordance with the submitted plans.*

2. Except where otherwise approved, no materials, goods or containers shall be stored in the designated carparking area or driveways at any time.

*Reason: To ensure the carparking areas are always available for the purpose they are designed. Further that the site be maintained in a clean and tidy state.*

3. The designated landscaping areas shall be planted with shade trees, shrubs and ground covers as appropriate to complement the approved buildings and site layout and achieve a high level of amenity within 3 months form the date of development approval. All landscaping shall be maintained (including the replacement of diseased or dying plants and the removal of weeds and pest plants) to the reasonable satisfaction of Council.

*Reason: To ensure the subject land is landscaped so as to enhance the visual and environmental amenity of the locality.*

4. The carparking layout including car park spaces and aisle widths are to 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.

*Reason: To ensure that the development complies with Standards and Best Engineering Practice.*

5. All driveways and car parking areas shall be constructed with either brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicle types. Individual carparking bays shall be clearly linemarked. Driveways and carparking areas shall be established prior to the approved use commencing and maintained at all times to the satisfaction of Council.

*Reason: To ensure access and carparking is provided on the site in a manner that maintains and enhances the amenity of the locality.*

Advice Notes

1. Except where otherwise varied by this Consent, the conditions imposed herein shall be in addition to conditions that apply to the subject property from previous approvals that remain active.
2. This is not a building consent, and a satisfactory application for Provisional Building Rules Consent has to be submitted before Council can issue a Development Approval.

**CARRIED**

**OTHER BUSINESS**

**5.2.1 Annual Report of the Development Assessment Panel for 2016/17**

Mr Steve White moved, and the Development Assessment Panel resolved that:

The draft Development Assessment Panel Annual Report for 2016/7 be noted and endorsed, subject to amendment to include reference to investigation of post-occupancy surveys of development for any learnings for application to policy and future decisions by the Panel.

**5.2.1 Status of Current Appeal Matters and Deferred Items**

**5.2.2 Policy Issues is Arising from Consideration of Development Applications**

**5.2.3 Future Meetings & Agenda Items**

Next meeting scheduled for Tuesday 29 August 2017

The meeting closed at 6.49 pm.

PRESIDING  
MEMBER.....

DATE.....





<b>ITEM</b>	5.1.1
	<b>COUNCIL ASSESSMENT PANEL</b>
<b>DATE</b>	24 October 2017
<b>APPLICATION NO.</b>	361/1144/2016/3B
<b>APPLICANT</b>	Town Planning Advisors
<b>PROPOSAL</b>	Mixed use development comprising Prayer Hall, Dining Hall and Library/Museum with associated facilities, including playground, carpark, caretakers residence, community garden and horse enclosure, and the removal of a regulated tree.
<b>LOCATION</b>	701-709 Port Wakefield Road, Globe Derby Park
<b>CERTIFICATE OF TITLE</b>	Volume 5759 Foli 278
<b>AUTHOR</b>	George Pantelos, Principal Planner, City Development

## 1. DEVELOPMENT APPLICATION DETAILS

<b>Zone/Policy Area</b>	Rural Living Zone ( Policy Area 19)
<b>Application Type</b>	Category 3 - Merit
<b>Public Notification</b>	Representations received: 31 Representations to be heard: 9
<b>Referrals - Statutory</b>	DPTI – Traffic Operations
<b>Referrals – Internal</b>	Development Engineering Environmental Health Urban Policy
<b>Development Plan Version</b>	Salisbury Development Plan Consolidated 5th May, 2016
<b>Assessing Officer</b>	George Pantelos- Principal Planner
<b>Recommendation</b>	Refuse
<b>Meeting Date</b>	24 <sup>th</sup> October 2017

## 2. REPORT CONTENTS

### Assessment Report

Attachment 1:	Proposal Plans
Attachment 2:	Application and Supporting Documentation
Attachment 3:	Notice of category 3 Application, List of Representors and Representations
Attachment 4:	Applicant's Response to Representations
Attachment 5:	Relevant Development Plan Exrtacts and Location Maps, Consolidated 5 May 2016

### 3. EXECUTIVE SUMMARY

The applicant seeks Development Plan Consent for a mixed use development comprising a Prayer Hall, Dining Hall and Library / Museum with associated facilities including playground, carpark, caretakers residence, community garden and horse enclosure, and the removal of a regulated tree (Sugar Gum adjacent the southern property boundary).

The subject land is a rectangular shaped parcel of land located on the west side of the service road adjacent Port Wakefield Road at Globe Derby Park. The land covers an area of 20,023m<sup>2</sup> and is currently vacant.

Vehicle access to the subject land is achieved off the service road by way of existing crossovers at both the northern and southern ends of the property. The subject land supports three regulated trees.

The proposed development is located within a Rural Living Zone (Bolivar Policy Area 19). The application was lodged on the 14<sup>th</sup> June 2016. The mixed use development is a merit use within the Rural Living (Bolivar Precinct 19) Zone.

The application has been assessed as a “merit” form of development and was subject to Category 3 public notification. Thirty-one representations were received during the notification period, four in support and twenty seven against. Nine of the representors have requested to be heard by the Panel.

The following report provides a detailed assessment against the relevant provisions of the Salisbury Council Development Plan Consolidated 5<sup>th</sup> May 2016. The assessment found that, on balance:

- a) ***The proposed use is not an envisaged use within the Rural Living Zone (Bolivar Policy Area 19) which is specific in the type of uses that should be encouraged in the Policy Area.***
- b) ***The proposed use is not consistent with existing and desired future land uses within the Policy Area***

Consequently, it is recommended that Development Plan Consent be refused.

### 4. SUBJECT SITE

The subject land is a rectangular shaped parcel of land covering 20,023m<sup>2</sup> and located on the west side of the service road adjacent Port Wakefield Road at Globe Derby Park. The subject land has a frontage to the service road of 98.68m and a depth of 205.08m. The subject land supports no buildings or structures apart from brick pillars and gates at each entrance to the site and chain wire fencing on boundaries. The subject land has road frontage on one side only (east).

Vehicle access to the subject land currently occurs via two existing crossovers off the service road located at the northern and southern ends of the property. The site supports three regulated trees, a sugar gum adjacent the southern property boundary and two false date palms nearby. The sugar gum is to be removed as it has been identified as having poor structure, has average health and will pose a safety risk to future users of the site. The two false date palms are to be retained.

The following site photographs are provided.



Photo 1: Site frontage as viewed from the service road, north of the site.



Photo 2: Site looking west from the service road



Photo 3: Western boundary of the subject land



Photo 4: View of site from south west corner.



Photo 5: Regulated Tree (Sugar Gum) to be removed.



Photo 6: Service Road looking north from the subject land



Photo 7: Site location as viewed from the Service Road/ Ryans Road junction

## 5. LOCALITY

The locality is mixed use in character and dominated by Port Wakefield Road which traverses the locality in a north/south direction. The west side of Port Wakefield Road is predominantly detached dwellings on large allotments with a large portion supporting horse related uses and stables. The east side of Port Wakefield Road supports industrial / commercial development of varying size, wetlands and residential development further east.

Vacant land abuts the subject property to the south. A major electricity transmission line with associated easement traverses that site. To the north and west abutting the subject land are properties of varying size supporting detached dwellings with associated horse activities and stables. Horticultural activities appear to be in operation on properties north of the site.

South-west of the site is located the Daniel Avenue Reserve. The Globe Derby Park Trotting facility is located outside of the immediate locality and south of Daniel Avenue.

A Commercial Zone exists on the west side adjacent Port Wakefield Road, between Daniel Avenue, Globe Derby Drive and the Globe Derby Park Trotting Facility.

A locality plan and contextual plan are provided below.

Locality Plan – Aerial



Legend (Source: NearMap)

	Subject site
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Aerial Map – Close Up

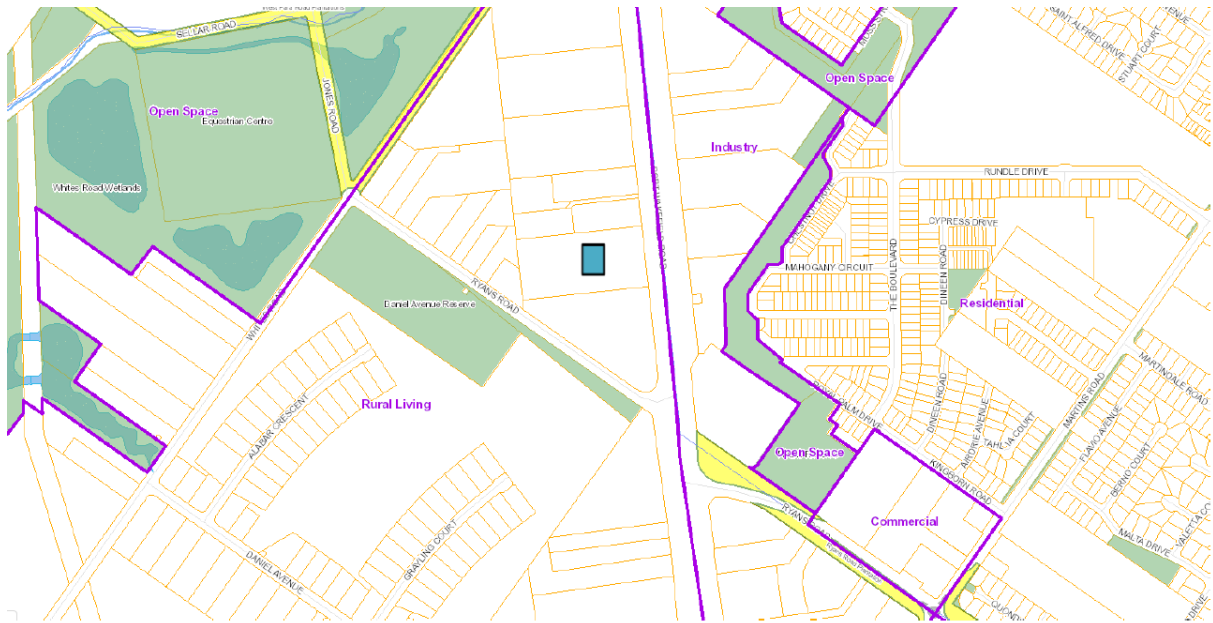


Legend (Source: NearMap)

	Subject site
--	--------------

Zone Plan – Cadastre

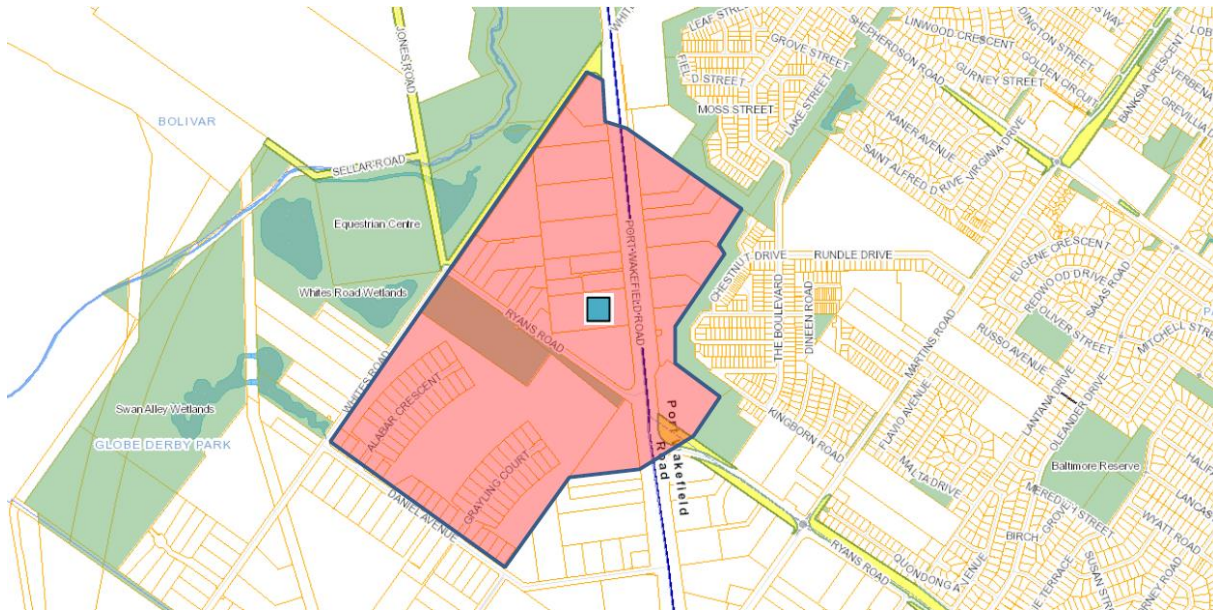
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Legend (Source: Geocortex)

	Subject site
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Public Notification Area






Legend (Source: Geocortex)

	Subject site
	Public Notification Area



Public Notification – Representors



Legend (Source: Dekho)	
	Subject site
	Representor – Not to be Heard
	Representor – Wish to be Heard

**6. DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant is seeking Development Plan Consent for a mixed use development comprising a Prayer Hall, Dining Hall and Library / Museum with associated facilities including playground, carpark, caretaker’s residence, community garden and horse enclosure and the removal of a regulated tree (Sugar Gum).

The site is basically divided into the following sections;

- Buildings comprising Prayer Hall (400m<sup>2</sup>), Library/Museum(325m<sup>2</sup>), Dining Hall (400m<sup>2</sup>), Amenities (78.2m<sup>2</sup>) and Caretakers’ residence (105.12m<sup>2</sup>)
- Main carpark accommodating up to 112 spaces and secondary carpark of five spaces adjacent the caretakers residence;
- Community garden;
- Horse keeping area and stable;
- Childrens outdoor play area; and
- Childrens pony ride area

Landscaping is proposed on all property boundaries.

Vehicle entering and exiting the site will be in one direction only. Vehicles will access the site from the southern crossover (entry) and leave from the northern crossover (exit) onto the service road.

A copy of the proposal plans are contained in Attachment 1 and supporting documentation contained in Attachment 2.

## 7. CLASSIFICATION

The site is located within the Rural Living Zone (Bolivar Policy Area 19) as identified within the Salisbury Council Development Plan (Consolidated 5<sup>th</sup> May 2016). The application comprises a number of uses, none of which are defined as non-complying within the zone, and the removal of a regulated tree. The application has been assessed as a merit form of development against the relevant provisions of the Development Plan.

## 8. PUBLIC NOTIFICATION

The application is for a merit form of development. The proposed development does not fall within Part 1 or Part 2 of Schedule 9 of the Development Regulations 2008 and as such in accordance with Section 38(2)(c) of the Development Act 1993, is to be taken to be a Category 3 form of development.

Public notification took place between the 16th September and 4<sup>th</sup> October 2016. Thirty one representations were received, 4 in support and 27 against the proposal. Nine of the representors have requested to be heard.

A copy of the Category 3 public notice and copies of submissions from representors are contained within Attachment 3.

A copy of the Applicant's response to the representations is contained within Attachment 4.

Representations received			
Representations received		Wish to be Heard	
1	R Gaskin 8 Norton Street, Northfield SA 5085		Oppose
2	J C Lee 21 Alabar Crescent, Globe Derby Park SA 5110		Oppose
3	C Alexopoulos and D Alexopoulos 21 Alabar Crescent, Globe Derby Park SA 5110		Oppose
4	KA Kolovinos and M Kolovinos 739 Port Wakefield Road, Globe Derby Park SA 3110		Oppose
5	M A Harding and L B Harding 15 Trotter Drive, Globe Derby Park SA 5110		Oppose
6	R Frezza and R Frezza 719-727 Port Wakefield Rd, Globe Derby Park SA 5110	Yes	Oppose
7	P G Pavlovich and L Pavlovich 24 Grayling Ct, Globe Derby Park SA 5110		Oppose

## ITEM 5.1.1

8	L Randall and P B Randall 23 Trotters Drive, Globe Derby Park SA 5110	<b>Yes</b>	Oppose
9	S L Trevean 23 Trotters Drive, Globe Derby Park SA 5110		Oppose
10	R Trevean 23 Trotters Drive, Globe Derby Park SA 5110		Oppose
11	C L Baker 23 Trotters Drive, Globe Derby Park SA 5110		Oppose
12	H G Searle 2 Alabar Crescent, Globe Derby Park SA 5110		Oppose
13	S Lowe 109 Daniel Avenue, Globe Derby Park SA 5110		Oppose
14	V P King 711 Port Wakefield Road, Globe Derby Park SA 5110	<b>Yes</b>	Oppose
15	B Norman 13 Trotters Drive, Globe Derby Park SA 5110		
16	H M Stevens and D Barrett 18 Grayling Court, Globe Derby Park SA 5110		Oppose
17	R H Norman 69 Daniel Avenue, Globe Derby Park SA 5110		Oppose
18	M Norman 69 Daniel Avenue, Globe Derby Park SA 5110		Oppose
19	M P Crosby and L H Holberton 10 Alabar Crescent, Globe Derby Park SA 5110		Oppose
20	C E Newman and S M Newman 667 Whites Road, Globe Derby Park SA 5110	<b>Yes</b>	Oppose
21	D J Nolan and A K Nolan 9 Alabar Crescent, Globe Derby Park SA 5110	<b>Yes</b>	Oppose
22	V L Newman and D K Newman 15 Grayling Court, Globe Derby Park SA 5110	<b>Yes</b>	Oppose
23	T D Tsetsang and C H Tran 5 Daisy Court, Parafield Gardens SA 5107	<b>Yes</b>	Oppose
24	P M Spirou and S P Spirou 734 Whites Road, Globe Derby Park SA 5110		Oppose
25	R White 751-761 Port Wakefield Rd, Globe Derby Park SA 5110	<b>Yes</b>	Oppose
26	P Marshall 80 Main North Road, Prospect SA 5082		Oppose
27	A J Zontjens and MP Walden 17 Grayling Court, Globe Derby Park SA 5110	<b>Yes</b>	Oppose
28	M G Billinger 91 Daniel Avenue, Globe Derby Park SA 5110		Support
29	M C Agius and M Agius 197 Ryans Road, Globe Derby Park SA 5110		Support
30	J G Dougherty and W L Dougherty 7 Grayling Court, Globe Derby Park SA 5110		Support
31	K A Gully 99 Daniel Avenue, Globe Derby Park SA 5110		Support

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<b>Summary of Representations</b>	
1	<p>R Gaskin</p> <ul style="list-style-type: none"> <li>Proposed Development will add to the existing stormwater issues adjacent western property boundary.</li> <li>Lack of details provided relating to horse shelter.</li> <li>Major events will impact on existing horse operations within the locality.</li> <li></li> </ul>
2	<p>J C Lee</p> <ul style="list-style-type: none"> <li>Increased traffic associated with use in local streets will detrimentally impact on horse activities in locality and become as hazard.</li> </ul>
3	<p>C Alexopoulos and D Alexopoulos</p> <ul style="list-style-type: none"> <li>Concerned with increased noise, traffic and people and detrimentally impact on property values.</li> </ul>
4	<p>KA Kolovinos and M Kolovinos</p> <ul style="list-style-type: none"> <li>Will detrimentally impact on property values.</li> <li>Will result in increased noise.</li> </ul>
5	<p>M A Harding and L B Harding</p> <ul style="list-style-type: none"> <li>Increased traffic through local streets will impact on existing horse training operations and cause a hazardous situation for trainers taking their horses and from training facilities.</li> <li>All vehicle access to and from the site should be directly off Port Wakefield Road.</li> </ul>
6	<p>R Frezza and R Frezza</p> <ul style="list-style-type: none"> <li>Inappropriate land use within a Rural Living Zone.</li> <li>Will have a detrimental impact on the function of the zone and character and amenity of the locality.</li> <li>Proposed use should have direct vehicle access off Pt Wakefield Road. and not rely on the service road.</li> <li>How will waste water from the site be dealt with.</li> <li>Noise associated with major events will disturb horses within the locality.</li> </ul>
7	<p>P G Pavlovich and L Pavlovich</p> <ul style="list-style-type: none"> <li>Vehicle movements to and from the site will be predominantly via Trotters Drive, Daniel Avenue and the service road detrimentally impacting by way of noise and traffic on adjacent properties and existing horse training activities.</li> <li>Access to the site should be directly off Port Wakefield Road.</li> </ul>
8	<p>L Randall and P B Randall</p> <ul style="list-style-type: none"> <li>Traffic movement to and from the site will be at times hazardous and have a detrimental impact on existing local streets.</li> <li>No objection to the proposed use in general.</li> </ul>

9	S L Trevean represented by L Randall ( refer to L Randall representation)
10	R Trevean represented by L Randall ( refer to L Randall representation)
11	C L Baker represented by L Randall (refer to L Randall representation)
12	H G Searle <ul style="list-style-type: none"> <li>Proposed use is not in keeping with the character of the area or Zone objectives.</li> <li>Use more appropriate in a Commercial/Industrial zone.</li> <li>Noise associated with the proposed use and vehicle use of the service will have a detrimental impact on the character and amenity of the locality.</li> </ul>
13	S Lowe <ul style="list-style-type: none"> <li>Vehicle access off service road and not directly off Port Wakefield Road. Will increase traffic and put undue pressure on the local road network.</li> <li>Proposed use is out of character with locality and intent of zone.</li> </ul>
14	V P King <ul style="list-style-type: none"> <li>Boundary concerns.</li> </ul>
15	B Norman <ul style="list-style-type: none"> <li>Increased traffic on local streets will result in an increased safety risk to current users.</li> </ul>
16	H M Stevens and D Barrett <ul style="list-style-type: none"> <li>Increased traffic will impact on existing horse operations and create hazardous situations. Vehicles exiting the site in a southerly direction are likely to be hazardous to existing horse movements along the local streets.</li> <li>Use not in keeping with character and amenity of the locality.</li> <li>Access to and from the site should be directly off Pt Wakefield Road.</li> <li>Adequate number of similar places of worship within several kilometres of the site.</li> </ul>
17	R H Norman <ul style="list-style-type: none"> <li>Increased traffic will impact on existing horse operations and create hazardous situations.</li> </ul>
18	M Norman <ul style="list-style-type: none"> <li>Increased traffic will impact on existing horse operations and create hazardous situations.</li> </ul>
19	M P Crosby and L H Holberton <ul style="list-style-type: none"> <li>Increased traffic will impact on existing horse operations and create hazardous situations.</li> <li>Increased noise associated with the use.</li> <li>Use not in keeping with character and amenity of the locality.</li> </ul>
20	C E Newman and S M Newman

	<ul style="list-style-type: none"> <li>• Increase traffic will become a hazard as there are no footpaths to walk on.</li> <li>• Vehicles exiting the site in a southerly direction are likely to be hazardous to existing horse movements along the local streets.</li> <li>• At odds with the intent of the zone.</li> </ul>
21	<p>D J Nolan and A K Nolan</p> <ul style="list-style-type: none"> <li>• Vehicles exiting the site in a southerly direction is likely to be hazardous to existing horses using the local streets.</li> <li>• No details of stables or horse waste disposal.</li> <li>• Clarification required on pony rides.</li> </ul>
22	<p>V L Newman and D K Newman</p> <ul style="list-style-type: none"> <li>• Conflict between increased traffic and horse use of roads.</li> <li>• Concerned whether adequate onsite carparking will be available onsite.</li> <li>• Concerned with increased traffic in local streets.</li> <li>• Concerned with increased noise.</li> </ul>
23	<p>T D Tsetsang and C H Tran</p> <ul style="list-style-type: none"> <li>• Proposed use is at odds with the objectives of the zone.</li> <li>• Will detrimentally impact on amenity of locality.</li> <li>• Will increase traffic and noise.</li> </ul>
24	<p>P M Spirou and S P Spirou</p> <ul style="list-style-type: none"> <li>• Noise associated with proposed use.</li> <li>• Will detract from peaceful rural feel of locality.</li> <li>• Associations website initially indicated major temple on site with carpark supporting up to 550 vehicles.</li> <li>• Increased traffic and associated concerns if proposal proceeds.</li> </ul>
25	<p>R White</p> <ul style="list-style-type: none"> <li>• Proposal at odds with the objectives of the Zone.</li> <li>• Not a community facility as it is likely to be restricted use.</li> <li>• The proposal lacks detail.</li> </ul>
26	<p>P Marshall</p> <ul style="list-style-type: none"> <li>• Proposed use is at odds with the objectives of the zone.</li> <li>• Will increase traffic, people and noise to the locality and create unnecessary conflicts and hazard between horses and vehicles.</li> </ul>
27	<p>A J Zoontjens and MP Walden</p> <ul style="list-style-type: none"> <li>• Proposal is a mosque and not a Community Centre.</li> <li>• Want confirmation that Community Garden is available to the general public.</li> <li>• Lack of detail relating to overflow carparking, horse enclosure and use of it.</li> <li>• Locality not appropriate for predominantly a Place of Worship.</li> </ul>

28	M G Billinger <ul style="list-style-type: none"> <li>• Supports proposal.</li> </ul>
29	M C Agius and M Agius <ul style="list-style-type: none"> <li>• Support but concerned with increased noise.</li> </ul>
30	J G Dougherty and W L Dougherty <ul style="list-style-type: none"> <li>• Support but concerned with increased traffic on service road.</li> </ul>
31	K A Gully <ul style="list-style-type: none"> <li>• Supports other interests in locality.</li> </ul>

### Applicant's response

The applicant's response to the representations is summarised as follows. The full response can be found in attachment 4 together with additional information in the form of;

- *Updated site plan (which has been inserted in Attachment 1 to replace the original site plan);*
- *Traffic Assessment Report;*
- *Stormwater Management Plan (which has been inserted in Attachment 1 to replace the original plan)*
- *Preliminary site investigation in relation to site contamination.*

### Disposal of Stormwater

Coomb, Pearson Reynolds, Consulting Engineers (CPR) were engaged to prepare a stormwater management plan for the subject land. The system has been designed to comply with the following criteria:

The management plan demonstrates that stormwater generated by the proposed development will not unreasonably impact neighbouring properties and will comply with council flow rate and water quality guidelines. The applicant has advised that it is willing to accept any Council conditions relating to stormwater.

### There is no horse shelter or feed store shown on plans

The site plan has been amended to include a horse shelter, feed storage area and details of fencing surrounding the horse keeping area. The applicant is committed to ensuring that the health of the horse to be kept on the land is prioritised.

A single horse is to be kept within the area identified on the site plan. The onsite groundskeeper will be responsible for the care and supervision of the horse. The horse stables have been designed to ensure that the horse is comfortable regardless of weather or site conditions. The stable, shelter and yard will be designed and of a size appropriate for the maintaining of a horse on the subject land

Horse manure will be regularly picked up from paddocks, bagged and composted for use on the gardens located on the subject land.

Increase in noise associated with the development.

The subject land is to be used as a community facility for community gatherings. Attendance at the subject land will include a single weekly service catering to 150 people, with only the groundskeeper and less than 30 people attending on any other day.

Larger services will occur between 10am and 2pm with the larger groups attendance spread out over a four hour period. Larger services catering for up to 250 people will be held up to six times per year. The larger services will occur between 10am and 2pm on weekends with attendance staggered over these times. In summary there will be a weekly service catering for up to 150 people and a maximum of six annual services catering for up to 250 people.

When assessing noise impacts it is important to consider that the subject land is located within a rural type area and adjacent a primary arterial road and transport route. Noise generating activities such as the use of ride on mowers, chainsaws and wood chippers are to be expected as well as noise associated with heavy vehicles using Port Wakefield Road. No large scale gatherings (over 100 people) will occur after 8pm on any day. Further no amplified music will be used at any time and generally all noise will be confined to enclosed areas.

Conflict between the proposed development and horses and increased traffic.

CIRQA traffic advisors were commissioned to undertake a review of the traffic related aspects of the proposal. The CIRQA review includes a review of the proposed use of the land and an analysis of the local road network.

CIRQA concluded that the site would generate in the order of 41 peak hour trips during a typical weekly 150 person service and up to 67 peak hour trips during special 250-person services (occurring no more than six times per year). CIRQA's report assumes 60% of traffic to the site will be from the south and 40% from the north.

CIRQA concluded that the above traffic volumes will be adequately accommodated on the adjacent roadway and are well within typical local road capacities. The volumes would have negligible impact on queues and delays currently experienced on the above roads and the associated intersections with Port Wakefield Road.



The applicant is committed to working with the local community to ensure that there is no conflict between horses and attendees at the land. The applicant will educate attendees of the land of the horse training that occurs within the area.

The proposed development will prejudice the use of nearby land for its intended use.

The subject land has been selected as the zone and policy area promote low intensity agricultural and horse keeping uses. A key element of the proposed development is the onsite horse keeping and low scale agricultural uses. Of the total site area, approximately 5% is allocated to buildings (Prayer Hall, Library/ Museum, Dining Hall, Caretakers residence and amenities building) and approximately 51% of the site set aside for the community garden and horse keeping.

A connection with nature and agriculture form an important part of the Sikh philosophy. By locating community gardens and horse keeping in close proximity the proposed community facilities the applicant seeks to create an integrated rural oriented facility. The applicant argues that the predominant use will be the horse keeping and market garden approximately 90% of the time the site is occupied, with the remaining 8% of the time used for religious worship and Community functions.

As discussed the proposed development has been designed in a manner to ensure any offsite impacts are minimised. The attendance at the land will be staggered on weekdays with only six larger (250) people events to be held throughout the year. All roadways and parking areas will be surfaced to ensure that dust does not adversely impact neighbours

#### Waste disposal

All wastewater associated with the proposed development will be disposed of via a SA Water wastewater connection point located to the east of the subject land.

#### Boundary Construction

All structures are proposed to be located 13 metres from the rear boundary and 9.5 metres from the northern and southern boundaries. Further all building work will be screened from view by proposed landscaping the proposed development is consistent with the relevant provisions of the Development Plan.

Not in keeping with the Rural living area

The proposed development incorporates a number of uses that would be anticipated within the Rural Living Zone Bolivar Policy Area 19 including:

- Horse keeping;
- Low scale agriculture (community gardens); and
- Low scale residential (grounds keepers residence).

The Rural Living Zone Bolivar Policy Area 19 is a suitable location for the proposed development. The proposed development is compatible with development within the locality. As stated earlier, approximately 51% of the site has been set aside for community garden and horse keeping. The community buildings will cover only about 5 % of the site and will be occupied less than 10% of the total time activity occurs on the site. (excluding caretaker activity)

Horse and pony rides

The applicant does not intend to charge a fee for pony rides at the land. The applicant has advised that members of the wider community will be welcome to attend the land and participate in the community gardens

Onsite carparking

The number of car parks proposed will cater for the maximum number of persons anticipated to attend the subject land at any time. The internal car park has been designed and reviewed by qualified traffic consultants who have confirmed that there will be no impact on the locality.

**9. REFERRALS – STATUTORY**

The application was referred to Department Planning Transport and Infrastructure -Traffic Safety section for comment. As vehicle access to the site was via an existing service road and no direct access onto Port Wakefield Road was proposed, DPTI (Safety and Service- Traffic Division) in principle raised no objection to the proposal.

**10. REFERRALS – INTERNAL**

The application was referred internally for comment to the following;

Development Engineering Section.

- Council’s Development Engineer in conjunction with Council’s City Infrastructure (Technical Services Division) reviewed the supporting plans and documentations (including Traffic and carparking reports by CIRQA). Subject to conditions, the proposal will comply with Council’s requirements relating to stormwater management, onsite carparking and traffic movement on and off the subject land.

Environmental Health Officer.

- Council's Senior Environmental Health Officer advised that the site currently does not have a direct SA Water Sewer connection point, however access to the infrastructure can be obtained on the eastern side of Port Wakefield Road. Connection to the sewerage system is the preferred method of waste water disposal as there will be a significant peak daily flow to cater for up to 250 people resulting from the land use activities proposed. (The applicant has advised that the site will be connected to sewer).

Economic Development and Urban Policy

- Council's Policy Planner advised there has been a significant increase in the Indian born population in Salisbury in recent years. Approximately 78% of the current (as of 2011 census) Indian born population arrived between 2006 and 2011. It is anticipated that the 2016 Census results will show a further increase due to the combination of skilled migration, family reunion and educational opportunities. It is therefore important to ensure their community and religious needs are accommodated where appropriate.
- From a strategic/policy perspective no objection is raised to the proposal. The mixed-use nature of the application, with the proposed use of a significant portion of the site for community garden/planting having regard to the land size requirements, may be appropriate in this location even though are sites with the Salisbury Council area may be more suited. Interface issues are likely to be minimal, with no additional traffic on the local road network, limited hours of operation, and reasonable setbacks from proposed buildings to adjoining properties.

City Infrastructure – Landscape Design

- Council's Senior Landscape Design Officer has advised that the proposal is well considered. The basis of the design and proposed species is considerate of the location on the Adelaide Plains. The proposal seeks to screen the new built form from adjacent properties through the use of setbacks and tree/ shrub plantings.
- As the species are small in number and those proposed for the Port Wakefield Road frontage do not have dense foliage, an alternate species of Eucalyptus leucoxylon 'Megalocarpa' as a medium size tree is recommended.
- The view of Arborcare Tree and Garden Solutions to remove the regulated tree Eucalyptus cladocalyx (Sugar Gum) due to public risk is supported.

**11. DEVELOPMENT DATA**

<b>Site Characteristics</b>	<b>Guideline</b>	<b>Proposed</b>
Site Area		20,230m <sup>2</sup>
Site Dimensions		Frontage: 98.68m Depth: 205.08 m
Site Gradient		Flat – Less than 1.00%
Easement		Nil
<b>Design Characteristics</b>	<b>Guideline</b>	<b>Proposed</b>
<i>Site Coverage</i>		
Buildings only	No maximum	1,336m <sup>2</sup> (6.6%) (excluding verandahs)
<i>Building Height</i>		
Storeys		All buildings single storey
<i>Set-backs</i>		
Primary street	Building line	172 m approximately
Side(s)		9.34m to southern boundary 9.50m to northern boundary 13.1m to rear boundary
<i>Car Parking &amp; Access</i>		
Number of parks	120 spaces required (rate of 10 spaces /100m <sup>2</sup> floor area for Community Centre)	159 spaces on site – designed to Australian Standard. Carparking / traffic generating report room CIRQA (Traffic Engineer) supporting less submitted.
Driveway width	Designed for intended traffic	5.6m
<i>Landscaping</i>	10%	Landscaping proposed adjacent boundaries.
<i>Hours of operation and anticipated numbers</i>		Monday 9am-5pm (20 max) Tuesday 9am-5pm (20 max) Wednesday 9am-5pm (20 max) Thursday 9am-5pm (20 max) Friday 9am-5pm (20 max) Saturday 9am-5pm (20 max) Sunday 10am-2pm (150 approx)
<i>Affected Trees</i>		
Significant	Nil	
Regulated	Should be retained where appropriate	One regulated trees is affected (Sugar gum) and to be removed

<i>Street Infrastructure</i>		
Crossover	Nil	Existing crossovers to be retained upgraded and extended.
SEP	Nil	n/a
Electricity pole	Nil	n/a
Telecommunication pit	Nil	n/a
Gas	Nil	No details provided
Water	Nil	Will be connected
Trees	Nil	No street trees affected
<i>Flooding</i>		Not prone to flooding.

## 12. ASSESSMENT

Pursuant to Section 35(2) of the *Development Act 1993*, it is recommended that the Panel determine that the proposed development is not seriously at variance with the Salisbury Development Plan, Consolidated 5<sup>th</sup> May 2016 for the following reasons;

- a) The mixed use development is a merit use within the Rural Living Zone
- b) The proposed built form is single storey, modest and unassuming;
- c) The proposed development incorporates elements such as the community garden and horse keeping that would be considered appropriate within a Rural Living Zone.

### Assessment

Detailed assessment of the application has taken place against the relevant provisions of the Salisbury Development Plan and is described below under headings.

An extract of the relevant Development Plan, Consolidated 5<sup>th</sup> May 2016, is contained in Attachment 6. The relevant provisions are also highlighted in the Attachment.

### Land Use

Under the Rural Living Zone, Objective 1 states that:

*A zone consisting of large allotments, detached dwellings and rural activities that do not adversely impact the amenity of the locality*

Under the Rural Living Zone, Principles of Development Control, 1, 2,6, 7 and 8 state:

*1 The following forms of development are envisaged in the zone:*

- *detached dwelling*
- *domestic outbuilding in association with a detached dwelling*
- *domestic structure*
- *dwelling addition*
- *farming*
- *farm building*
- *stable.*

- 2 *Development listed as non-complying is generally inappropriate.*
- 6 *The keeping of animals should be ancillary to and in association with the residential use of the land.*
- 7 *The keeping of horses should only be undertaken:*
  - (a) *if the horses are accommodated within a stable or shelter with supplementary feeding to maintain pasture cover*
  - (b) *where the site is at least 4 hectares in area to maintain pasture cover and avoid soil degradation.*
- 8 *Rural activities should be of a scale and intensity that is compatible with residential development in the zone.*

The proposed development comprises a number of uses which combined or individually do not fall within the non-complying definition. As such the use is deemed to be a merit application. The Rural Living Zone encourages development in the form of large allotments supporting detached dwellings and rural activities that do not adversely impact on the amenity of the locality.

The Rural Living Zone comprises two policy areas, Policy Area 19 (Bolivar) and Policy Area 20 (Direk). The policy areas guide in strong terms the direction development should take. Both policy areas, based on their locations are uniquely different. Development within Policy Area 19 is predominantly aligned to residential development incorporating horse keeping generally associated with the Globe Derby Park trotting facility. Policy Area 20 is more aligned to residential - rural activities not affected by noise associated with the nearby Edinburgh Airbase, and is not relevant to this application.

The policy areas provide a very clear and strong guide as to what should and what should not be considered within the Zone. Whilst some proposed uses may appear appropriate from a practical and impact sense in the zone, the intent of the Zone and Policy Area 19 should be the guiding direction development takes.

The site of the proposed development is located within Policy Area 19 (Bolivar) of the Rural Living Zone.

Bolivar Policy Area 19, Objectives 1, 2 and 3 state:

- 1 *A policy area that accommodates low density residential development and stables on large allotments.*
- 2 *Residential development in association with the keeping of horses in close proximity of the South Australian Trotting Club (Globe Derby Park) facilities.*
- 3 *Development that contributes to the desired character of the policy area.*

Bolivar Policy Area 19, Principles of Development Control 1, 2 and 3 further states

- 1 *The following forms of development are envisaged in the policy area:*
  - *detached dwellings on large allotments*
  - *domestic outbuilding in association with a detached dwelling*
  - *horse keeping*
  - *stables.*
- 2 *Development should not be undertaken unless it is consistent with the desired character for the policy area.*
- 3 *Development should be designed and sited to allow for the orderly expansion of residential development and horse keeping.*

The desired character of the policy area encompasses land set aside for persons desiring to live within detached dwellings on allotments that can accommodate stables. Uses within the Policy Area are generally linked to the Globe Derby Park trotting facility.

The proposal is clearly at odds with the above relevant objectives and Principles of Development Control. The intent of the Zone appears clear;

*A zone consisting of large allotments, detached dwellings and rural activities that do not adversely impact the amenity of the locality.*

Policy Area 19 in which the site is located is even more specific as to the direction development should take within the zone. The desired Character of Policy Area 19 encompasses land set aside for people desiring to live within detached dwellings on allotments that accommodate stables and horses in close proximity to the Globe Derby Park Trotting facility. It does not say “land **predominantly** set aside” so as to enable the possibility of other non-related uses to coexist within the zone. Whether vacant or not, that land should be readily available for intended users.

Principles of Development Control 2 and 3 reinforce what should be considered within the Policy Area. Development should not be undertaken unless it is consistent with the Policy’s desired character. Development should be designed and sited to allow for the orderly expansion of residential development and horse keeping. The proposed development is not residential development (apart from the caretakers residence) or horse keeping (apart from the keeping of one horse on the property). The primary land use in terms of impact and visibility is a place of worship, which is not consistent with the desired character of the policy area.

The applicant has argued that the primary use will be the community garden and horse keeping whilst the main buildings will be occupied only about 8% of the time by associated activities. Whilst the community garden and horse keeping forms an integral part of the use and Sikh culture in general, so does the place of worship, dining hall and library. There is no one dominant component of the proposed use as each form an integral part of the collective reinforcing the Sikh culture. The primary use is a community facility/centre for the Sikh congregation of South Australia. Whist containing components (horse keeping and to a less

degree community garden) that may be viewed as appropriate within the Policy area, the overall use is not.

The applicant has argued that a similar development application was considered by His Honour Judge Costello, Commissioner Green and Commissioner Koukourou in *Australian Unitarian Druze Community Inc v Adelaide Hills Council & Anor* [2015] SAERDC 38 (4 September 2015). When assessing the suitability of the proposed use His Honour Judge Costello, Commissioner Green and Commissioner Koukourou considered alternative zones and locations for the Druze development. Ultimately a rural type zone was the most suitable location.

The argument in the above case is not however considered applicable in this situation. In the above an orchard was a substantial component of the proposal and not minor and ancillary as is the horse keeping component of this proposal. Furthermore the zoning provided leeway for other uses by using the word “predominantly” whereas there is no such leeway in objectives and Principles of Development Control within Bolivar Policy Area 19.

The desired character within Bolivar Policy Area 19 encompasses land set aside for persons desiring to live within detached dwellings on allotments that also accommodate stables. Principle 2 of the policy area states that development should not be undertaken unless it is consistent with the desired character.

### **Community Facilities**

Under the General Section, Community Facilities, Objectives 1 and 2 state:

- 1 *Location of community facilities including social, health, welfare, education and recreation facilities where they are conveniently accessible to the population they serve.*
- 2 *The proper provision of public and community facilities including the reservation of suitable land in advance of need.*

The applicant has indicated that the proposed mixed use development could be best described as a Community Centre. Community Centres should be conveniently accessible to the population they serve and where possible have a land holding suitable for future expansion.

In this particular case, the community in which the facility will serve will be predominantly the Sikh Community of South Australia. That said, the applicant has indicated that the facility will be open to the public in general. Zoning aside, the proposed facility is conveniently located off Port Wakefield Road to be accessible by road (but with limited public transport access), and the site is of a size to accommodate existing and future needs of the Sikh Community in the northern suburbs.



Under the General Section, Community Facilities, Principles of Development Control 1, 4 and 5 further state:

1 *Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.*

4 *Places of worship should be developed according to the following hierarchy:*

<b>Scale</b>	<b>Development form</b>	<b>Congregation size</b>
<i>Small (local)</i>	<i>Associated with an area of worship ancillary to a residence. These activities are particularly common for religious organisations that do not have a large following and / or lack funds to purchase a standalone building.</i>	<i>Typically accommodate approximately 5 to 30 worshippers in any one session.</i>
<i>Medium(neighbourhood)</i>	<i>Purpose built or re-use of existing buildings with medium footprints that are found in most suburbs and country towns</i>	<i>Typically have congregations of up to 100-300 persons in any one session</i>
<i>Large (regional)</i>	<i>Purpose built or re-use of existing buildings with large footprints and catering for a variety of ancillary activities</i>	<i>In excess of 300 persons in any one session</i>

5 *Small (local) to medium (neighborhood) scale places of worship within residential areas should be appropriately located on major collector roads to minimise congestion or traffic conflict within local streets.*

As the Community Centre is proposed to service the Sikh Community, predominantly from northern Adelaide, it could be argued that it will be more a regional facility than local. Given the location, patrons using the facility are likely to use passenger vehicles as Globe Derby Park and Port Wakefield Road in the vicinity of the site are not serviced by public transport.

The proposed facility comprises three main buildings, each designed to be flexible and adaptable. The site itself will support a number of uses for the benefit of the community.

An important component of the proposed development is the Prayer Hall. The proposed facility is intended to accommodate up to 150 worshipers most weeks with possibly up to 250 worshipers for major events up to 6 times a year. A place of worship of this size is deemed medium, a Neighborhood sized facility under Principle of Development Control 4. The Development Plan acknowledges medium sized Places of Worship within residential areas which are encouraged on major collector roads to minimise congestion or traffic conflicts with local streets. The Residential Zone objectives and Principles of Development Control also appear more flexible in supporting a variety of non-residential uses.

The Rural Living Zone (Bolivar Policy Area 19) supports and encourages residential development comprising detached dwellings on larger allotments not normally envisaged within a traditional residential area so as to accommodate horse keeping associated with the Globe Derby trotting facility. The Bolivar Policy Area 19 objectives and Principles of Development Control are not as flexible and welcoming of non envisaged uses, even though those uses, such as the proposed Sikh Community Centre/ Facility may have an acceptable impact on the immediate and general locality.

Whilst a Community Centre / Facility incorporating a worship component in general is not a non-complying form of development within the Policy Area, the character of the area and the intent of the character statement and associated objectives and principles of development control are such that uses of this type are clearly not envisaged or considered appropriate even though they may have minimal or no impact on the immediate or broader locality. The proposal represents a significant departure from the characteristic features of the locality and if approved could open up opportunities for more widespread non related uses that may over time significantly change the desired character of the locality.

### Appearance of buildings

Under the General Section, Design and Appearance, Objective 1 states:

*Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.*

Under the General Section, Design and Appearance, Principles of Development Control, 1, 2, 3, 11, 12 and 13 state:

- 1 *The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.*
- 3 *Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as:*
  - (a) *articulation*
  - (b) *colour and detailing*
  - (c) *small vertical and horizontal components*
  - (d) *design and placing of windows*
  - (e) *variations to facades.*
- 11 *Buildings, landscaping, paving and signage should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.*
- 12 *Buildings (other than ancillary buildings or group dwellings) should be designed so that their main façade faces the primary street frontage of the land on which they are situated.*
- 13 *Where applicable, development should incorporate verandas over footpaths to enhance the quality of the pedestrian environment.*

The proposal generally achieves the requirements of the above Principles of Development Control. Whilst not residential and modest in appearance and form, the proposed buildings are single storey and in a form and scale that is sympathetic to existing development in the immediate locality on the west side of Port Wakefield Road.

The buildings are sited to the rear of the site reducing the non “residential” appearance of the buildings from the service road. Building setbacks to the side and rear boundaries are generous. The three main buildings proposed will be linked by verandahs and covered walkways. Each building will face east to the proposed carpark to enhance the pedestrian environment.

The applicant has not provided any details relating to the storage of waste on site. That said adequate space exists on site for a screened enclosure.

### **Building Setbacks**

Under the General Section, Design and Appearance, (Building Setbacks and Rear Boundaries) Principle of Development Control 17 states:

*The setback of buildings from public roads should:*

- (a) *be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) *contribute positively to the streetscape character of the locality*
- (c) *not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.*

The proposal achieves the above requirements of the Development Plan. The proposed buildings (excluding stables) will be setback 172 metres from the service road property boundary. Proposed buildings will be located no less than 9.3 metres to side boundaries and 13.1 metres to the rear. Landscaping is proposed between the buildings and side and rear property boundaries.

### **Noise**

Under the General Section, Interface between Land Uses, Principle of Development Control 1 and 6 state:

- 1 *Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*
  - (a) *the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
  - (b) noise**
  - (c) *vibration*
  - (d) *electrical interference*
  - (e) *light spill*
  - (f) *glare*
  - (g) *hours of operation*
  - (h) *traffic impacts.*
  
- 6 *Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.*

The proposed Community facility incorporates a place of worship and gatherings dining/meeting hall for the Sikh community. The applicant has indicated that no music, either amplified or live will be played on the subject property. Should the proposal be supported by CAP, the control of music could be conditioned.

It is not envisaged that the day to day operations of the community garden or horse /riding activities on the site will generate noise that could be viewed as detrimental to the locality given the background noise currently experienced from traffic on Port Wakefield Road is substantial and continuous.

If the proposal is supported by the Council Assessment Panel, noise attenuation measures to the buildings where music and/or singing is likely should be considered in order to reduce any impact noise emanating from the building(s) may have on the amenity of adjoining properties.

The applicant has indicated that the Sikh Community envisage up to six gatherings a year where the numbers will reach 250 patrons. It is not clear whether these activities are indoor or outdoor. If outdoor, should the use be approved, controls on amplified or live music and other noise should be put in place to ensure the amenity of adjoining and nearby property owners and occupiers, and their animals, are not detrimentally affected.

### Vehicle Access

Under the General Section, Transportation and Access, Objective 2, states:

*Development that:*

- (a) provides safe and efficient movement for all motorised and non-motorised transport modes*
- (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles*
- (c) provides off street parking*
- (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks.*

Under the General Section, Transportation and Access, Principles of Development Control 8, 13, 22 and 23 state:

- 8 Development should provide safe and convenient access for all anticipated modes of transport including cycling, walking, public and community transport, and motor vehicles.*
- 13 Development should make sufficient provision on site for the loading, unloading and turning of all traffic likely to be generated.*
- 22 Development should have direct access from an all weather public road.*
- 23 Development should be provided with safe and convenient access which:*
  - (a) avoids unreasonable interference with the flow of traffic on adjoining roads*
  - (b) provides appropriate separation distances from existing roads or level crossings*
  - (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision*
  - (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.*

The proposal achieves the requirements of the above Principles of Development Control.

Access to the site is readily available off Port Wakefield Road onto the service road from both north and south directions for emergency services, public and commercial vehicles and makes best use of the highly traffic Port Wakefield Road whilst not on it. Access to the site will be off an all-weather road and in the main avoids unreasonable interference with the flow of traffic on adjoining streets.

The proposal will provide safe and convenient access to the site for most anticipated modes of transport. Given the location, adjacent the highly trafficked Port Wakefield Road, it is highly unlikely the site will be regularly accessed by walkers and/or cyclists.

Representors have raised concerns with regards adverse impacts traffic associated with the use will have on the amenity and horse operations on adjoining and nearby property owners and users.

CIRQA Traffic consultants on behalf of the applicants have reviewed the proposal and supporting information and carried surveys in streets within the Globe Derby Park likely to be affected by vehicle traffic created by the proposal.

CIRQA's results concluded that during key times likely to be associated with vehicle movements to/from the proposed facility, there was a low level of horse related movements (primary concern of representors) on the adjacent road network and this was more crossing of roads than riding along them. Primary vehicle movements to the site were via the service road off Port Wakefield road and affected only a handful of properties. Whilst vehicles exiting the site in a southerly direction were required to travel along both Daniel Avenue and Trotters Drive to the Globe Derby Drive signalised intersection, the volume of vehicles were low and easily supported by the existing road network.

Council's traffic section has reviewed the plans and supporting documentation including the CIRQA report dated 8<sup>th</sup> May. Council's traffic section concurs with the findings.

### ***Carparking***

Under the General Section, Design and Appearance, Principles of Development Control 32, 33, 37, 38 and 40 state:

32 *Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table Sal/2 - Off Street Vehicle Parking Requirements unless an agreement is reached between the Council and the applicant for a reduced number of parking spaces where one of the following applies:*

- (a) *a financial contribution is paid into the Council Car Parking Funds specified by the Council, in accordance with the gazetted rate per car park associated with the 'Car Park Fund Areas' identified on Concept Plan Map Sal/27 - Salisbury District Centre Car Park Fund Area and Concept Plan Map Sal/29 - Ingle Farm District Centre Car Park Fund Area.*
- (b) *it can be demonstrated that fewer car parks would be required to meet the car parking needs associated with the development.*

- 33 *Development should be consistent with Australian Standard AS 2890 Parking facilities.*
- 37 *Parking areas that are likely to be used during non daylight hours should provide floodlit entrance and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the car park.*
- 38 *Parking areas should be sealed or paved in order to minimise dust and mud nuisance.*
- 40 *Parking areas should be line-marked to indicate parking bays, movement aisles and direction of traffic flow.*

The carpark and driveway areas as shown on the site plan prepared by Iconstruct differ to the plans in the report prepared by CIRQA dated 8<sup>th</sup> May 2017. As CIRQA are qualified traffic Engineers, the information in this report has been used for the assessment. Based on the carpark layout within the plans, the number of carparks proposed onsite is 159, 117 spaces within the main carpark and 42 parallel parks. The CIRQA report in the discussion indicates 160 onsite spaces will be provided. The plans associated with the report identify only 159 spaces.

The proposed development achieves in the main, the requirements of the above Principles of Development Control. Based on the use and the maximum number of patrons intended to attend the site, 120 spaces are required. The proposal will provide for up to 159 spaces on the site.

The applicant's traffic consultant (CIRQA) has indicated that the driveway and carparking areas have been designed in accordance with the "Australian/New Zealand Standard for Parking Facilities – Part 1: Off-street carparking" (AS/NZS 2890.1:2004) and Australian/New Zealand standard for parking facilities – Part 6: Off street parking for people with disabilities (AS/NZS 2890.6:2009).

Pedestrian paths have also been provided adjacent the northern and southern boundaries of the subject site. These 1.5 m wide paths provide connections to the Port Wakefield Road Service Road as well as access to the facility for drivers parked within the driveway. Within the primary parking area, shared areas have been installed to provide a pedestrian connection between the buildings and proposed horse keeping / community garden / playground.

The report does not identify or delineate a pedestrian link/crossing over the driveway from the carpark to the Prayer Hall and other buildings. This could be conditioned should the proposal be supported by CAP.

### **Access for People with Disabilities**

Under the General Section, Transportation and Access, Principles of Development Control 30 states:

*Development should be sited and designed to provide convenient access for people with a disability.*

Adequate onsite carparking will be provided for people with a disability. Those carparking spaces will be located at the closest point to the main buildings given the parking layout proposed and separation of parking and buildings by the circulation aisle.

**Landscaping**

Under the General Section, Landscaping, Fences and Walls, Objectives I states:

*The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.*

Under the General Section, Landscaping, Fences and Walls, Principle of Development Control 1 states:

*Development should incorporate open space and landscaping and minimise hard paved surfaces in order to:*

- (a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)*
- (b) enhance the appearance of road frontages*
- (c) screen service yards, loading areas and outdoor storage areas*
- (d) minimise maintenance and watering requirements*
- (e) enhance and define outdoor spaces, including car parking areas*
- (f) maximise shade and shelter*
- (g) assist in climate control within and around buildings*
- (h) minimise heat absorption and reflection*
- (i) maintain privacy*
- (j) maximise stormwater re-use*
- (k) complement existing vegetation, including native vegetation*
- (l) contribute to the viability of ecosystems and species*
- (m) promote water and biodiversity conservation.*

The applicant proposes landscaping adjacent all property boundaries. It would appear from the plan that over 10% of the site (generally required for non-residential development) will be set aside for landscaping. Details of landscaping are minimal. As stated earlier in this report, Council's Senior Landscape Design Officer has considered the plan and advised that the proposal is well considered and has merit. The basis of the design and proposed species is considerate of the location on the Adelaide Plains. The proposal seeks to screen the new built form from adjacent properties through the use of tree/ shrub plantings.

Should the proposal be supported, a reserved matter requiring a more detailed landscaping plan which includes Eucalyptus leucoxylon 'Megalocarpa' as a medium tree is required.

**Stormwater Management**

Under the General Section, Natural Resources, Objective 5 states:

*Development consistent with the principles of water sensitive design.*

Under the General Section, Natural Resources, Principles of Development Control, 9, 10, 11 and 12 state:

- 9 *Development should include stormwater management systems to protect it from damage during a minimum of a 1-in-100 year average return interval flood.*
- 10 *Development should have adequate provision to control any stormwater over-flow runoff from the site and should be sited and designed to improve the quality of stormwater and minimise pollutant transfer to receiving waters.*
- 11 *Development should include stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.*
- 12 *Development should include stormwater management systems to minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater*

The applicant has submitted a stormwater management plan, prepared by Combe Pearson Reynolds, Consulting Engineers (CPR) for the subject property. The plan has been designed to comply with the following criteria;

- Piped underground systems for 1 in 10 year event; and
- Overland flow for the 1 in 100 year event.

Roof stormwater has also been designed to be captured and stored in detention tanks from where it will be controlled into existing swales on Port Wakefield Road. The applicant has indicated that treatment of stormwater runoff from carparking areas will be either through Water Sensitive Urban design methods involving swales or by way of an underground pollutant trap. Council's Development Engineer has reviewed than plan, deemed it adequate and indicated conditional support.

**Effluent disposal**

Under the General Section, Waste, Principles of Development Control 10 states:

*Development that produces any sewage or effluent should be connected to a waste treatment system that complies with (or can comply with) the relevant public and environmental health legislation applying to that type of system.*

The applicant has indicated that site will be connected to SA Water's Waste water /sewerage system on the east side of Port Wakefield Road.



**Flooding**

Under the General Section, Hazzard (Flooding), Objective 4 states:

*Development located and designed to minimise the risks to safety and property from flooding.*

Under the General Section, Hazzard (Flooding), Principles of Development Control 4 and 5 states;

- 4 *Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.*
- 5 *Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:*
  - (a) *it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event*
  - (b) *buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.*

Council’s Development Engineer has reviewed the plans and supporting information and advised that the site based on the details provided will achieve the requirements of the above Principles of Development Control . The site is not prone to flooding.

**Site Contamination**

Under the General Section, Hazard (Site contamination), Principle of Development Control 22 states:

*Development, including land division, should not occur where site contamination has occurred unless the site has been assessed and remediated as necessary to ensure that it is suitable and safe for the proposed use.*

The applicant engaged Agon Environmental to carry out a preliminary site investigation on 701-709 Port Wakefield Road, Globe Derby Park to determine if the site was suitable for the intended use.

The objectives of the report was to;

- Identify potentially contaminating activities (PCAs) which may have occurred on the site; and
- Provide a preliminary assessment of risks to human health and the environment associated with any contamination which may have been caused by the identified PCAs on the site.

The investigation revealed that the site historically had been used up to the 1960s for farming and from 1970 for the trotting of horses. The report identified potentially contaminating historical land uses on the site however based on the site observations and consideration of the site history information, Agon considered the potential contamination risk as low. Agon concluded that the site did not pose any significant risk to human health or to the environment that would preclude its use as proposed.

**Animal Keeping**

Under the General Section, Animal Keeping ,Objectives 1 and 2 state:

- 1 Animals not kept at a density beyond the carrying capacity of the land or water.*
- 2 Animal keeping development sited and designed to avoid adverse effects on surrounding development.*

Under the General Section, Animal Keeping, Principles of Development Control 1 and 4 states;

- 1 Animal keeping and associated activities should not create adverse impacts on the environment or the amenity of the locality.*
- 4 A concrete drainage apron should be provided along the front of stables directing water from wash-down areas onto a suitably vegetated area that can absorb all the water, or into a constructed drainage pit.*

The applicant proposes to house a horse on the subject land for the benefit of the community. A shelter, feed storage area and compound within a fenced horse keeping area is also proposed. (refer site plan)

The applicant has indicated that the stable/shelter and yard will be of a size, large enough for a horse to roll, lie down and move around. The height of the stable/shelter will be at least 60 cm (2 ft) above poll (back of the head) of the horse when standing alert. The horse will always be able to access both the yard and stable/shelter. No details (materials to be used) of the structure has been provided.

The dedicated exercise yard is to have a total area of 80 square metres and will be located next to the stables. The yard will be surfaced with a 10 cm layer of compacted rubble or dolomite topped with 15 cm of a suitable topping, such as sand, shell grit or sand woodchip mix and with a minimum slope of 1/30 to provide both a good surface and suitable drainage.

The ‘horse keeping’ area as identified on the plans which incorporates the stable, exercise will also be used as an exercise and grazing area for the horse.

The applicant has indicated that the horse manure will be regularly picked up from paddocks, bagged and composted for use on the gardens located on the subject land. Manure will be removed daily from stables, yards and the exercise area and stored in an area protected from rain and surface run-off. This will ensure that no manure or nutrient-rich liquid drains into a watercourse.

The applicant has indicated a commitment to ensuring that the health of the horse to be kept on the land is prioritised.

The onsite groundskeeper will be responsible for the care and supervision of the horse. The horse stables have been designed to ensure that the horse is comfortable regardless of weather or site conditions.

The proposed horse keeping activity on the land will or is capable of complying with the above relevant provisions of the Development Plan. The materials and finishes of the stable can be conditioned to be in accordance with Principle of Development Control 9(a) and (b) as can a concrete drainage apron provided along the front of stables directing water from wash-down areas onto a suitably vegetated area that can absorb all the water, or into a constructed drainage pit as required in Principle of Development Control 4.

### **Regulated Trees**

Under the General Section, Regulated Trees, Objectives 1 and 2 state:

- 1 *The conservation of regulated trees that provide important aesthetic and/or environmental benefit.*
- 2 *Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:*
  - (a) *significantly contributes to the character or visual amenity of the locality*
  - (b) *indigenous to the locality*
  - (c) *a rare or endangered species*
  - (d) *an important habitat for native fauna.*

Under the General Section, Regulated Trees, Principles of Development Control 1 and 2 state:

- 1 *Development should have minimum adverse effects on regulated trees.*
- 2 *A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:*
  - (a) *the tree is diseased and its life expectancy is short*
  - (b) *the tree represents a material risk to public or private safety*
  - (c) *the tree is causing damage to a building*
  - (d) *development that is reasonable and expected would not otherwise be possible*
  - (e) *the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.*

The applicant proposes to remove a regulated tree (Sugar Gum) adjacent the southern property boundary. A report has been submitted by Arbocare Tree and Garden Solutions on behalf of the applicant justifying removal of the tree. The location of the Regulated Tree to be removed, Tree 5 (Eucalyptus cladocalyx- Sugar Gum) have been identified in Image 1 of the report.

The Sugar Gum measures 2.92m circumferences as measured a metre above natural ground level. The tree has poor form and structure and is only average health. The arborist has identified major decay in the base compromising the structure. The main central trunk is dying out with epicormic growth now dominating the structure. Numerous recent major secondary trunk and ordered branch failures exist within the canopy. The arborist is of the view that the tree poses a risk and should be removed.

The proposed Sugar Gum is not a notable and does not significantly contribute to the visual amenity of the locality. The sugar gum is indigenous to the West Coast and not the Globe Derby Area. The tree is also not an endangered species nor in this case an important habitat for native fauna. The tree if retained, given its poor structure and average health, will represent a safety risk to people using the site.

### Land Use Conflict

Under the General Section, Interface between Land Uses, Objectives 1, 2 and 3 state:

- 1 *Development located and designed to minimise adverse impact and conflict between land uses.*
- 2 *Protect community health and amenity from adverse impacts of development.*
- 3 *Protect desired land uses from the encroachment of incompatible development.*

It could be argued that the proposal has been designed to achieve the requirements of objectives 1 and 2. The adverse impact of the use on this site is viewed as minimal and more related to the possible conflict between vehicles and sulky drivers using the local road system to and from the local trotting track. Of the 30 representations received, only five against the proposal were from property owners and /or users within 300 metres of the site. Of the three adjoining representors, only one raised concerns with the actual land use.

The more significant objective is 3, protecting desired land uses from encroachment of incompatible development. It could be argued that the proposed use is not so different in nature that it could not co-exist with existing uses within the locality. Whilst the proposed development is for a Community Centre, it does incorporate a community garden and horse enclosure and stables, although not linked to trotting. The facility whilst having an overall floor area exceeding 1200m<sup>2</sup> which is reasonable in size, will only support a weekly congregation of up to 150 people and some 250 people for major events up to six times a year. Adequate onsite carparking will be available on site and vehicle movements to and from the site have been viewed as not excessive and not likely to pose an unacceptable risk to public safety. That said, the proposal development will still be at odds with Policy Area 19's intended direction for development within the Zone and existing character in general.

Under the General Section, Interface between land Uses, Principle of Development Control 2 and 6 state:

- 2 *Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.*
- 6 *Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.*

It has been argued earlier in the report that the proposal will not have a detrimental impact on existing or future potential uses desired in the locality by way of noise or traffic. The proposed Community Centre during major events is not likely to generate detrimental levels of noise given the background noise generated by traffic on Port Wakefield road is extremely high and does have a detrimental impact from a noise point of view in this location. Although not confirmed, functions are likely to be within the proposed buildings.

### 13. CONCLUSION

The applicant seeks Development Plan consent for a mixed use development (Community Facility) comprising a prayer hall, dining hall and library / museum, community garden, horse keeping with associated facilities including playground, carpark, caretaker's residence and the removal of a regulated tree (Sugar Gum).

The application was assessed as a Category 3 requiring public notification. 31 representations were received, 27 in opposition to the proposal. The representor's principal concerns related to the inappropriateness of the use within the policy area and traffic movement through the adjacent local streets.

This report has provided a detailed assessment of the application against the relevant provisions of the Salisbury Development Plan. The assessment found that whilst the mixed use development proposed could co-exist with uses within the locality given that it is not likely to have a detriment impact on the amenity or ongoing horse related activities and operations of occupiers within the locality, the application should be refused as the Rural Living Zone (Bolivar Policy Area 19) is clear in its intent for existing and future development within the policy area.

The desired character for the policy area encompasses land set aside for people living within detached dwellings on allotments accommodating stables, generally associated with the Globe Derby Trotting facility. The relevant principles and objectives reinforce this view and provide no leeway by using the term "predominantly" for other uses other than those envisaged, as is often the case in other zone principles and objectives. This reinforces the primary of the intent of the desired character of the policy area.

A decision whether to grant approval or not should have due regard to all the provisions of the Development Plan and in particular the extent to which the proposal fits with the desired character of the locality. The characteristics of the locality should be afforded substantial weight when assessing the compatibility of the proposed development within its context.

A core aspect of the rural living policy is in the distinction and direction of the policy areas. Each policy area contains a different character statement, Objectives and Principles of Development Control. Bolivar Policy Area 19 that applies to this application sets out a clear direction development should take and is absent of any wording that contemplates any variation to the envisaged land uses. It would appear the wording was intended to limit discretion on nonconforming developments.

The question should be asked whether the departure of the proposed use (Community Facility) from what is envisaged in the character statement and relevant Objectives and Principles of Development Control will affect or make a difference in any material way on the expressed purpose of the Policy Area. Development within the Policy Area should be designed and sited to allow for the orderly expansion of residential development and horse keeping and should not be undertaken unless it is consistent with the desired character statement.

The established character is low density residential development comprising detached dwellings on large allotments the majority containing stables with horse activities predominantly associated with trotting and the Globe Derby trotting facility. The character is well established and dates back to the initial creation of the zone when the Globe Derby Park trotting facility was established. As stated earlier in this report, approval of a use in this zone other than what is envisaged will represent a significant departure from the characteristic features of the locality and possibly open up opportunities for more development to occur that is not related to the primary intent of the Policy area, which in time is likely to change the intended desired character.

The departure in this case is considered substantial and unjustified in the circumstances.

To approve the use would be acting in a manner that would not be consistent with achieving the desired goals expressed for the Bolivar Policy Area 19.

Accordingly, it is recommended that Development Plan Consent be refused.

#### **14. STAFF RECOMMENDATION**

That the Council Assessment Panel resolve that:

- A. The proposed development is not considered to be seriously at variance with the Salisbury Development Plan – Consolidated.
- B. That Development Application No 361/1144/2016/3B for a Mixed use development comprising Prayer Hall, Dining Hall and Library/Museum with associated facilities, including playground, carpark, caretakers residence, community garden and horse enclosure, and the removal of a regulated tree. at 701-709 Port Wakefield Road, Globe Derby Park is not considered to be seriously at variance with the Objectives and Principles of the City of Salisbury Development Plan – Consolidated 5 May 2016 but is **REFUSED** Development Plan Consent for the following reasons:

The proposed development is not in keeping with the desired character of the locality and is at variance with the following Objectives and Principles of Development Control of the Salisbury Council Development Plan consolidated 5<sup>th</sup> May 2016:

##### **General Section**

##### Interface between Land Uses

Objective 3 - Protect desired land uses from the encroachment of incompatible development

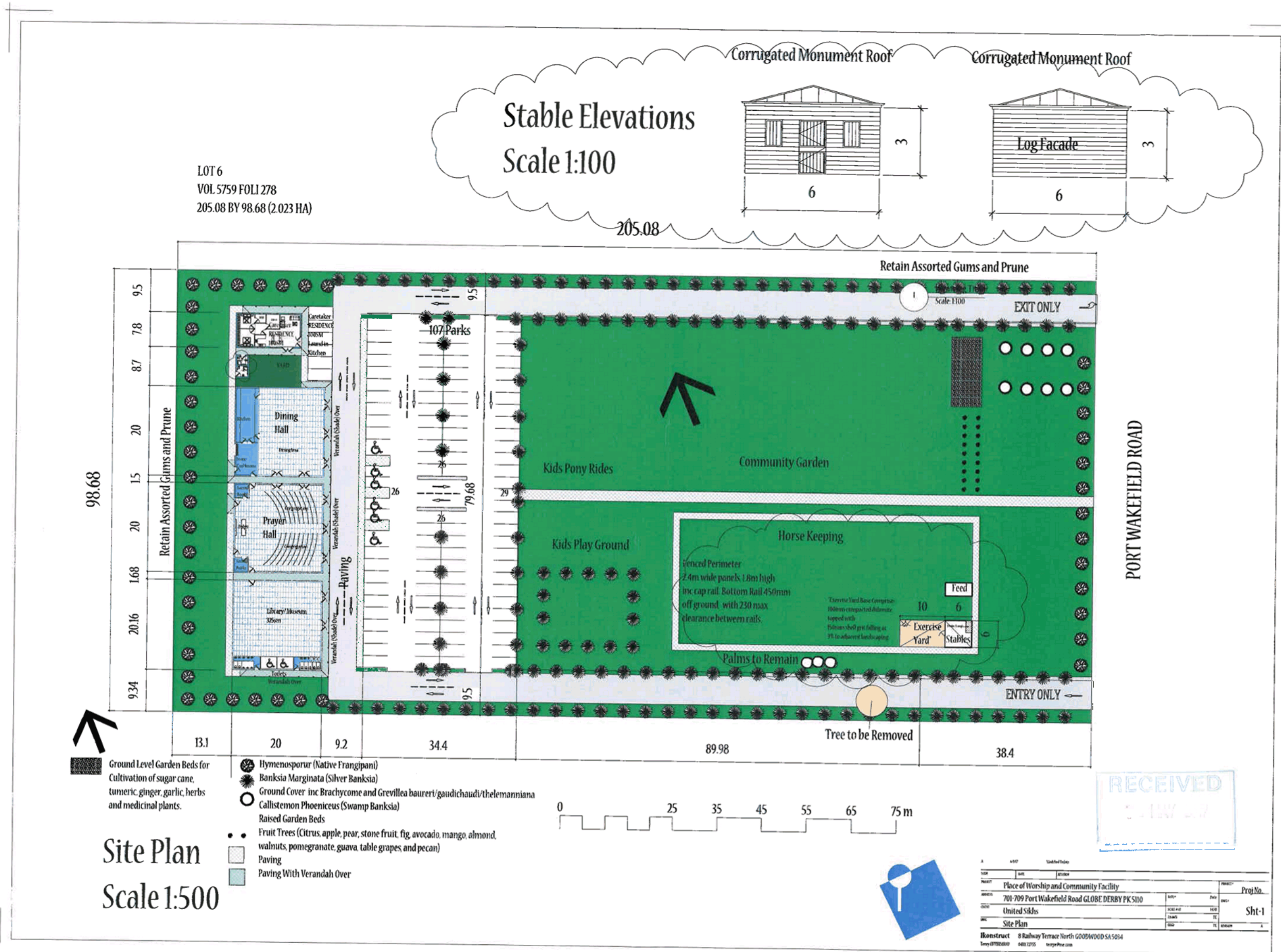




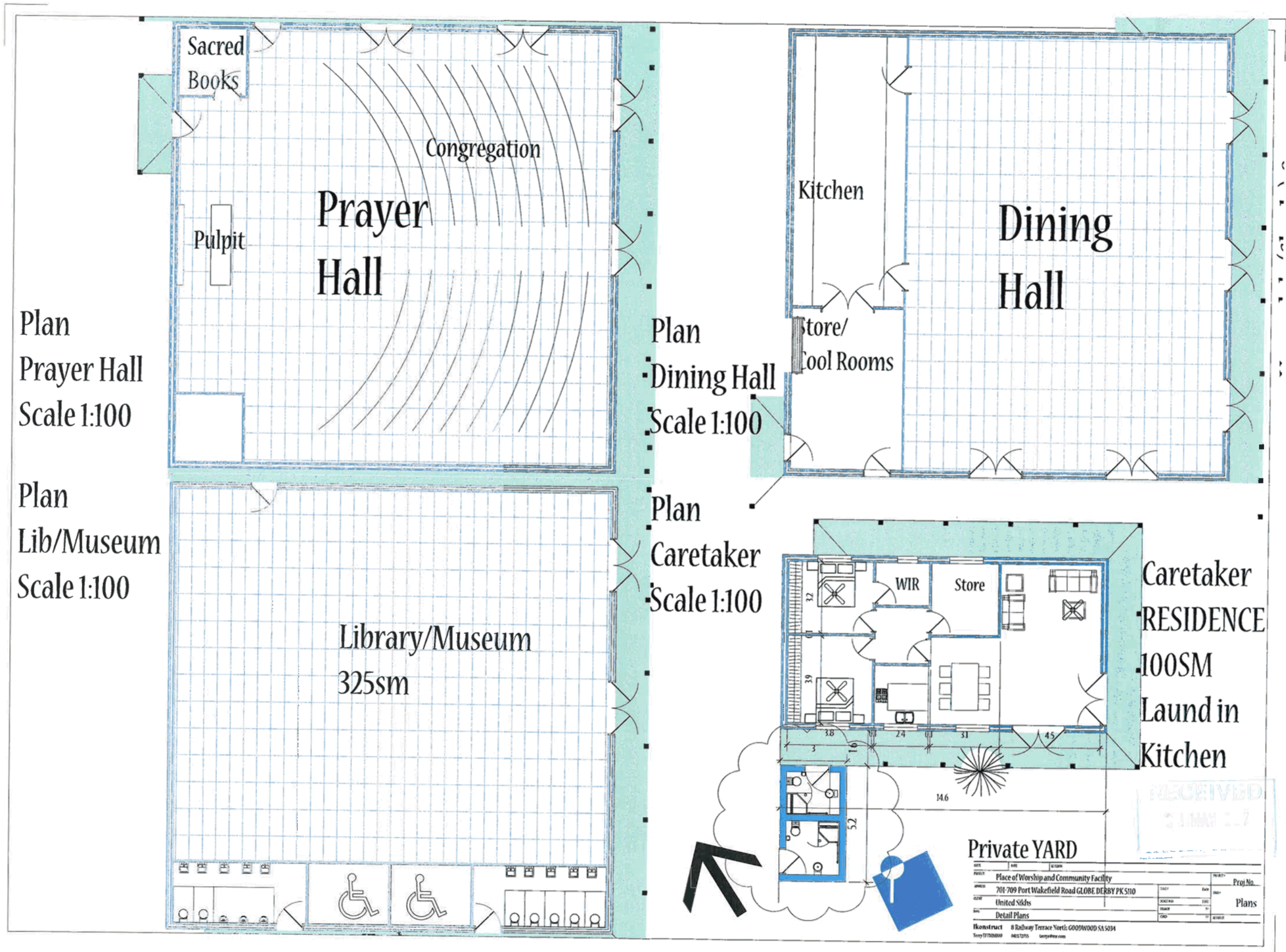


Attachment 1  
Proposal Plans









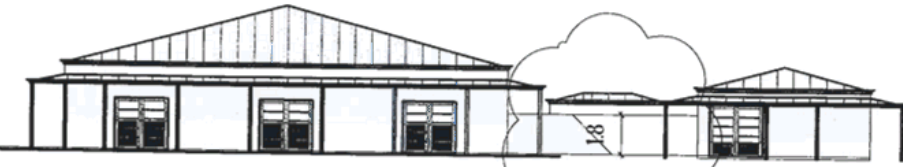




Library/ Museum  
East Elevation  
Scale 1:200



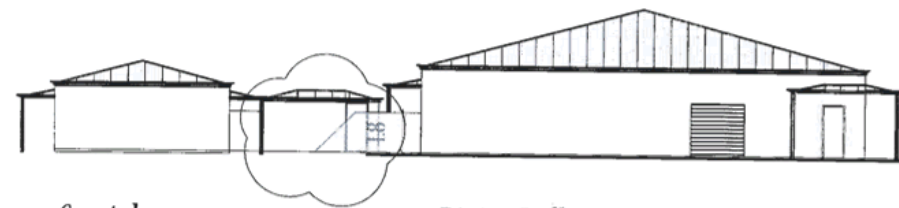
Prayer Hall  
East Elevation  
Scale 1:200



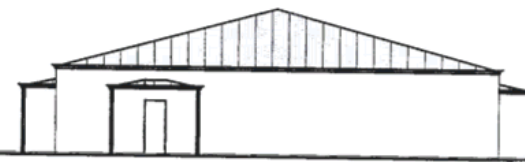
Dining Hall  
East Elevation  
Scale 1:200



Caretaker



Caretaker  
Dining Hall  
West Elevation  
Scale 1:200



Prayer Hall  
West Elevation  
Scale 1:200



Library/ Museum  
West Elevation  
Scale 1:200



Library/ Museum  
South Elevation  
Scale 1:200



Caretaker  
North Elevation  
Scale 1:200

Schedule of Finishes

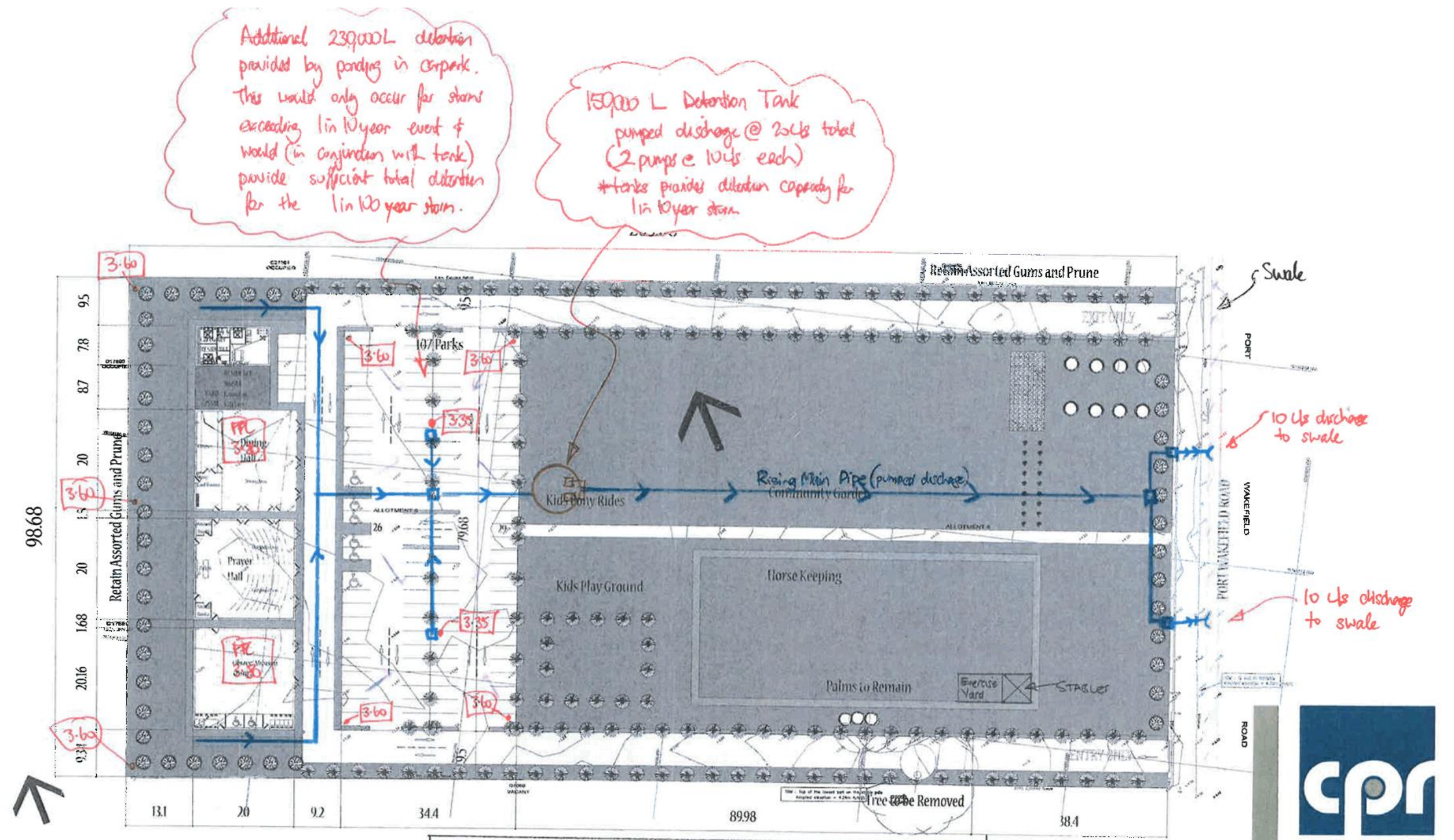
- Roof  
Corugated Iron Monument
- Walls  
Austral Bricks Majestic Grey
- Windows  
Natural Anodised



DATE	AUTH	LOCATION	PROJECT	PROJ. No.
			Place of Worship and Community Facility	
			701-709 Port Wakefield Road GLOBE DERBY PK5110	
CLIENT	UNITED SIKHS	DATE	DATE	Sht-2
NO.	Elevations	DATE	DATE	
Ikonconstruct 8 Railway Terrace North GOODWOOD SA 5034 Phone: 08 8338 8000 Email: info@ikonconstruct.com.au				







SITE PLAN  
Scale = 1:750

701-709 PORT WAKEFIELD RD - GLOBE DERBY PARK  
CONCEPT STORMWATER PLAN.

(Refer also to Stormwater Management Plan.)



**COMBE  
PEARSON  
REYNOLDS**  
CONSULTING ENGINEERS

174 Fullarton Road, Dulwich SA 5065  
PO Box 2832 Kent Town SA 5071  
Ph: 08 8332 1344 Fax: 08 8332 1044  
email: admin@cprengineers.com.au

WWW.CPREENGINEERS.COM.AU

160400-SK1 (A)  
22-12-2016



Attachment 2  
Application and Supporting Documentation



**CITY OF SALISBURY  
DEVELOPMENT APPLICATION FORM**

361/ 1144 /2016/ 3B

Please use **BLOCK LETTERS** and **Black or Blue Ink**

Item 5.1.1 - Attachment 2 - Application and Supporting Documentation

<b>APPLICANT NAME:</b> Town Planning Advisors		
<b>POSTAL ADDRESS:</b> PO Box 9061 Henley Beach SA 5022		
<b>OWNER NAME:</b> (This must be completed) United Sikhs of SA Inc		<input type="checkbox"/> as above
<b>OWNER POSTAL ADDRESS:</b> PO BOX 61 Kilkenny SA 5009		<input type="checkbox"/> as above
<b>OWNER PHONE NO:</b>	<b>OWNER FAX NO:</b>	<b>OWNER EMAIL:</b>
<b>CONTACT PERSON FOR FURTHER INFORMATION</b>		<input type="checkbox"/> as above
<b>NAME:</b> Bill Stefanopoulos		<b>TELEPHONE (W):</b> 08 7070 7496 <b>(M):</b> 0478 509 777
<b>EMAIL:</b> bill@townplanningadvisors.com.au		<b>FAX:</b>
<b>BUILDER NAME:</b> TBA		<b>BUILDERS EMAIL:</b>
<b>BUILDER POSTAL ADDRESS:</b>		<b>CONTACT NO.:</b> <b>LICENCE NO.:</b>
<b>CURRENT USE OF PROPERTY:</b> Vacant		
<b>DESCRIPTION OF PROPOSAL:</b> Fixed development comprising a community facility, together with associated facilities including playground, carpark, caretakers residence and community garden		<b>DEVELOPMENT COST</b> \$ 1,000,000
<b>LOCATION OF PROPOSAL</b>		
<b>Street No:</b> 701-709	<b>Street:</b> Port Wakefield Road	<b>Suburb:</b> Globe Derby Park
<b>Lot No:</b> 8	<b>Section:</b> 6	<b>Plan:</b> 7060
		<b>Volume:</b> 5759
		<b>Folio:</b> 278
<b>OFFICE USE ONLY</b>		
<b>Registration Date:</b> 14 / 6 / 2016	<b>Zone:</b> RUL	<b>Ward:</b> West
<b>BUILDING RULES CLASSIFICATION</b>		
<b>Classification sought:</b>		
If Class 5, 6, 7, or 9 classification is sought, state the proposed number of employees		<b>Male:</b> <b>Female:</b>
If Class 9a classification is sought, state the number of persons for whom accommodation is provided:		
If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises:		
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations, 1993. Developments requiring public notification will be made available to the public for comment via Council's web site at <a href="http://www.salisbury.sa.gov.au">www.salisbury.sa.gov.au</a>		
<b>SIGNATURE:</b>		<b>DATE:</b> 09 / 06 / 16

**DEVELOPMENT REGULATIONS 2008**

**DECLARATION OF APPLICANT  
(BUILDING SAFELY NEAR POWERLINES)  
(Pursuant to clause 2A(1) of Schedule 5)**

**TO** City Of Salisbury  
Development Services – Lodgement Officer  
PO Box 8, SALISBURY SA 5108

**FROM** Name Bill Stefanopoulos  
Address PO BOX 9061 HENLEY BEACH SOUTH SA 5022  
  
Phone No 08 7070 7496 (Mobile) 0478 509 777

**DATE OF APPLICATION** 09 / 06 / 2016

**LOCATION OF PROPOSED DEVELOPMENT**

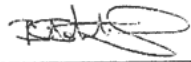
House No 701-709 Lot No 8 Street Port Wakefield Road  
Town/Suburb Globe Derby Park  
Section No (full/part) \_\_\_\_\_ Hundred \_\_\_\_\_  
Volume 5759 Folio 278

**NATURE OF PROPOSED DEVELOPMENT**

Mixed development comprising a community facility, together with  
-associated facilities including playground, carpark, caretakers  
residence, community garden and horse keeping

I (*insert full name*) Bill Stefanopoulos

being the applicant / a person acting on behalf of the applicant (delete the inapplicable statement) for  
the development described above declare that the proposed development will involve the  
construction of a building which would, if constructed in accordance with the plans submitted, not  
be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. I  
make this declaration under Clause 2A (1) of Schedule 5 of the Development Regulations 2008.

**SIGNED**  **DATE** 09 / 06 / 2016

**PLEASE NOTE THAT THE FORM CONTINUES OVER**

**DEVELOPMENT REGULATIONS 2008**

**DECLARATION OF APPLICANT (continued) ...  
(BUILDING SAFELY NEAR POWERLINES)  
(Pursuant to clause 2A(1) of Schedule 5)**

**Note 1**

This declaration is only relevant to those development applications seeking authorisation for a form of development that involves the construction of a building (there is a definition of 'building' contained in Section 4 (1) of *the Development Act 1993*), other than where the development is limited to -

- a) an internal alteration of a building; or
- b) an alteration to the walls of a building but not so as to alter the shape of the building.

**Note 2**

The requirements of section 86 of the *Electricity Act 1996* do not apply in relation to:

- a) fence that is less than 2.0 m in height; or
- b) a service line installed specifically to supply electricity to the building or structure by the operator of the transmission or distribution network from which the electricity is being supplied

**Note 3**

Section 86 of the *Electricity Act 1996* refers to the erection of buildings in proximity to powerlines. The regulations under this Act prescribe minimum safe clearance distances that must be complied with.

**Note 4**

The majority of applications will not have any powerline issues, as normal residential setbacks often cause the building to comply with the prescribed powerline clearance distances. Buildings/renovations located far away from powerlines, for example towards the back of properties, will usually also comply.

Particular care needs to be taken where high voltage powerlines exist; where the development:

- Is on a major road;
- Commercial / industrial in nature; or
- Built to the property boundary.

**Note 5**

Information brochures 'Powerline Clearance Declaration Guide' and 'Building Safely Near Powerlines' have been prepared by the Technical Regulator to assist applicants and other interested persons. Copies of these brochures are available from council and the Office of the Technical Regulator. The brochures and other relevant information can also be found at [www.technicalregulator.sa.gov.au](http://www.technicalregulator.sa.gov.au).

**Note 6**

In cases where applicants have obtained a written approval from the Technical Regulator to build the development specified above in its current form within the prescribed clearance distances, the applicant is able to sign the form.

WARNING - BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT CERTIFICATE

**CERTIFICATE OF TITLE**

Volume 5753 Folio 278

REAL PROPERTY ACT, 1986

Dealing(s) Creating Title **CONVERTED TITLE**



South Australia

Title Issued **19/04/2000**

Edition **4**

Edition Issued **07/01/2016**

I certify that the registered proprietor is the proprietor of an estate in fee simple (or such other estate or interest as is set forth) in the land within described subject to such encumbrances, liens or other interests set forth in this schedule of dealings.

*B. P. H.*

Registrar General

**ESTATE TYPE**

FEE SIMPLE

**REGISTERED PROPRIETORS**

UNITED SIKHS OF SOUTH AUSTRALIA INC.  
OF CARE 34 ROCKVILLE AVENUE DAW PARK SA 5041

**DESCRIPTION OF LAND**

ALLOTMENT 6 DEPOSITED PLAN 7060  
IN THE AREA NAMED GLOBE DERBY PARK  
HUNDRED OF PORT ADELAIDE

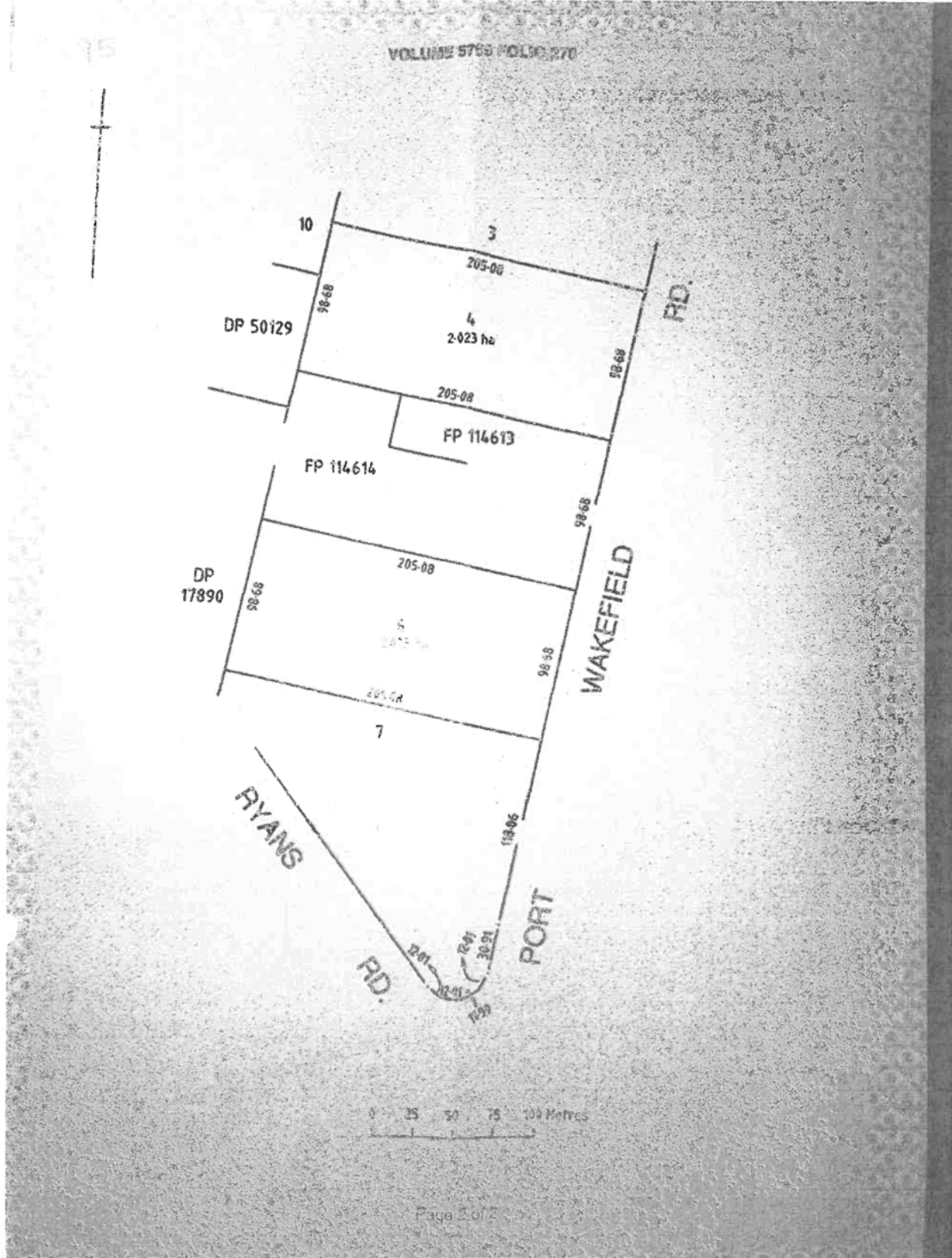
**EASEMENTS**

NIL

**SCHEDULE OF DEALINGS**

NIL

END OF TEXT







PO BOX 9061 HENLEY BEACH SOUTH SA 5022  
Phone: 08 7070 7496 ! Mobile: 0478 509 777  
Email: [bill@townplanningadvisors.com.au](mailto:bill@townplanningadvisors.com.au)  
Website: [www.townplanningadvisors.com.au](http://www.townplanningadvisors.com.au)

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27 June 2016

George Pantelos  
City of Salisbury  
PO Box 8  
SALISBURY SA 5108

Dear George,

**Mixed development comprising a community facility and place of worship together with associated facilities including playground, carpark, caretakers residence, community garden and horse keeping**

#### **1. Introduction**

Town Planning Advisors have been engaged by, the owners of number 701 to 709 Port Wakefield Road Globe Derby Park, to provide a Development Report to accompany a Development Application. The applicant proposes to construct a mixed development comprising a community facility and place of worship, together with associated facilities including a playground, carpark, caretakers residence, community garden and horse keeping. The following report is provided in support of this application.

#### **2. Subject Land & Locality**

The subject land is known as 701 to 709 Port Wakefield Road Globe Derby Park and comprises a single allotment. The site is formally described in Certificate of Title Volume 6029 Folio 841 as Allotment 6 within Deposited Plan 7060 within the Hundred of Yatala. A copy of the Certificate of Title is included as Attachment A. The land is rectangular and has a 98.68 metre frontage to Port Wakefield Road, and a depth of 205 metres. The subject land has a total area of approximately 20,229 square metres.

The land is currently vacant and covered with sparse vegetation and grasses with a single mature gum and a single mature palm located close to the southern boundary. The land is fenced from Port Wakefield Road by a chain mesh fence with access via gates supported by brick pillars.

Adjoining the subject land to the south is a vacant allotment of a similar area to the subject land. The allotment to the south houses a significant piece of electricity transmission infrastructure.

The locality is dominated by Port Wakefield Road, a primary arterial road which carries substantial vehicle traffic including heavy vehicles. The western side of Port Wakefield Road is characterised by rural living type land uses, dwellings and orchards. The diverse mix of uses gives the locality a semi-rural/industrial character.

### 3. Proposed Development

The development application before you proposes to construct a mixed development comprising a community facility and place of worship together with associated facilities including playground, carpark, caretakers residence, community garden and horse keeping.

The community facility comprises a total of 3 buildings, the southernmost building is to be used as a library/museum, the southern central building is to be used as a congregation hall/place of worship and the northern central building is to be used as a meeting and meals area. The library/museum element is proposed to have a wall height of 2.7 metres. The remaining community facility buildings are proposed to have a wall height of 3.6 metres. Each building's roof is to be covered by colorbond with a hipped design.

The proposed use has been described as a mixed development including a community facility. A similar use to that proposed was considered in *Australian Unitarian Druze Community Inc v Adelaide Hills Council & ANOR* [2015] SAERDC 38 (4 September 2015). In this case the court defined a facility catering to the entire South Australian Druze community as a community facility.

The South Australian Planning Policy Library Terminology List provides guidance as to land uses that may be defined as a community centre or community facility. The Planning Policy Library Terminology List defines a non-residential club and community facility as a community centre. Based on the Environment Resources and Development Court definition of community facility and the broad range of uses covered by the definition of community centre, we believe that the proposed use is best defined as a community facility.

The caretaker's residence is proposed to be located north of the community facility. The caretakers residence is proposed to have a total area of 114 square metres and includes three bedrooms a living/lounge area and associated amenities.

The primary carpark is proposed to be located in close proximity to the proposed buildings and 128 metres Wakefield Road. The car park provides a total of 107 spaces. An additional 5 car parking spaces will be provided adjacent the caretakers residence.

There will be a full time caretaker onsite at all times.

No parties or receptions are to be held on site, weekly services catering to around 150 people will be the primary use of the land. On special yearly occasions (less than 10 times per year) there will be a maximum of 250 people.

Operation Hours - place will be available to pay visit by members of congregation between 7.00am and 9.00pm, mass will not run for more than 4 hours on any service day.

Further details of the proposed gardens and agricultural use have been prepared by Daniel Connell and are attached as Attachment C. Attachment C outlines the importance of the community gardens as part of the community use of the land.

It is proposed that any member of the community (not only members of the Sikh community) will be allowed to use the community garden. The community garden will function in a similar manner to Council operated community gardens, with interested persons able to access individual plots.

In addition to the community gardens the applicant proposes to permit members of the wider community access to the land to and use of all onsite facilities. Sikh culture welcomes interaction with the wider community and proposes to operate in an open manner with anyone from the local or wider community invited enjoy the community gardens or other facilities.

A total of 3-4 horses are proposed to be kept on the subject land within the area identified as horse keeping on the attached plans. The horses are to be used for children's rides and horse riding lessons. Animal keeping forms an important part of the community use of the land.

#### **4. Zoning and Planning Process**

In accordance with Schedule 1 of the Development Regulations 2008 the proposed development is best described as:

*Mixed development comprising a community facility and place of worship together with associated facilities including playground, carpark, caretakers residence, community garden and horse keeping*

The subject land is located within the Rural Living Zone, Bolivar Policy Area 19 as depicted on Zone and Policy Area Maps Sal/31. The procedural matters section of the Rural Living Zone states that:

*Categories of public notification are prescribed in Schedule 9 of the Development Regulations 2008.*

As the proposed development is not specifically described within Schedule 9 of the Development Regulations the proposed Development is Category 3.

#### **5. Assessment against the Development Plan**

## Land Use

The following Objectives and Principles are of particular relevance in an assessment of the proposed land use:

### **Community Facilities**

#### **Objectives**

- 2 The proper provision of public and community facilities including the reservation of suitable land in advance of need.

#### **Principles of Development Control**

- 1 Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.
  - 2 Community facilities should be integrated in their design to promote efficient land use.
  - 3 Design of community facilities should encourage flexible and adaptable use of open space and facilities for a range of uses over time.
- 4 Places of worship should be developed according to the following hierarchy:

Scale	Development form	Congregation size
Small (local)	Associated with an area of worship ancillary to a residence. These activities are particularly common for religious organisations that do not have a large following and / or lack funds to purchase a standalone building.	Typically accommodate approximately 5 to 30 worshippers in any one session.
Medium (neighbourhood)	Purpose built or re-use of existing buildings with medium footprints that are found in most suburbs and country towns	Typically have congregations of up to 100-300 persons in any one session
Large (regional)	Purpose built or re-use of existing buildings with large footprints and catering for a variety of ancillary activities	In excess of 300 persons in any one session

- 5 *Small (local) to medium (neighbourhood) scale places of worship within residential areas should be appropriately located on major collector roads to minimise congestion or traffic conflict within local streets.*

### **Orderly and Sustainable Development**

#### **Objectives**

- 1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.
- 2 Development occurring in an orderly sequence and in a compact form to enable the efficient provision of public services and facilities.

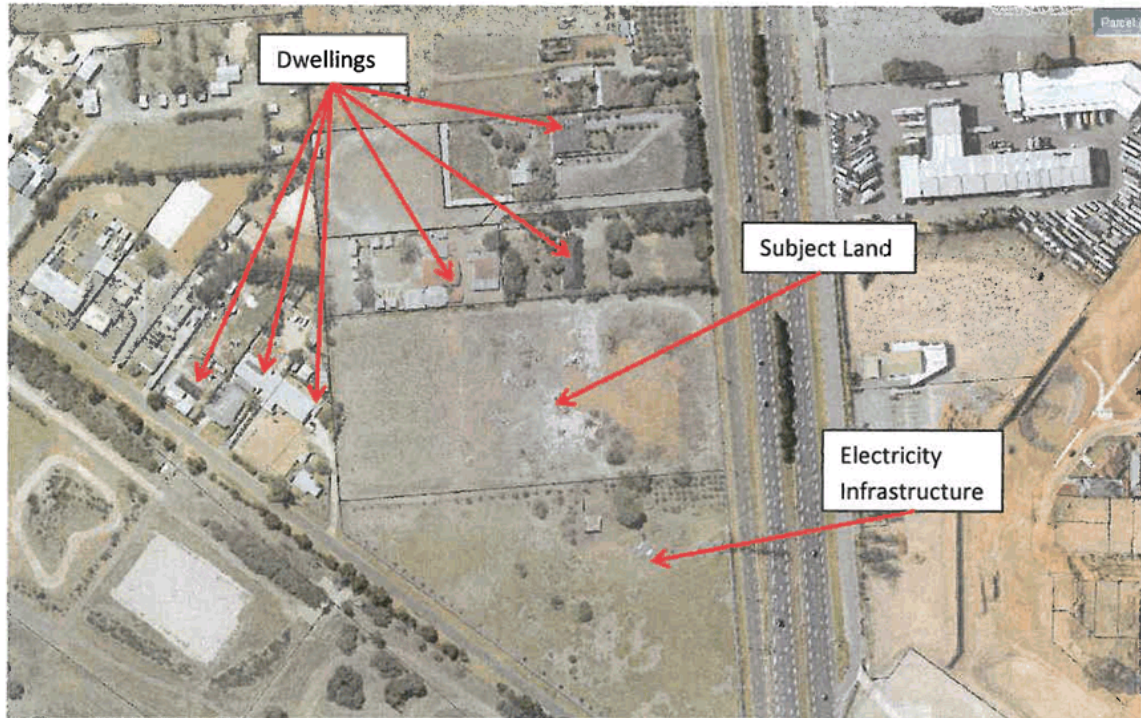
- 3 Development that does not jeopardise the continuance of adjoining authorised land uses.
- 4 Development that does not prejudice the achievement of the provisions of the Development Plan.

**Principles of Development Control**

- 1 *Development should not prejudice the development of a zone for its intended purpose.*
- 4 *Urban development should form a compact extension to an existing built-up area.*
- 8 *Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.*

The subject land is currently vacant and underutilised. The applicant proposes to develop a community facility/place of worship, playground and community gardens.

**Figure 1**



*Development on the western side of Port Wakefield Road is Rural Living in nature*

The purpose of the Rural Living Zone Bolivar Policy Area is for residential development on large allotments in association with the keeping of horses. The applicant proposes to construct a community facility/place of worship, playground community gardens and to keep two horses. The playground is proposed to include recreational activities such as pony and horse rides and horse riding lessons.

The proposed development also includes the provision of a community garden and the following landscaping:

- At the entrance a contemporary drought tolerant garden of Adelaide plains indigenous species;
- Within the grounds a series of approximately 10, 3x1m raised garden beds suitable for the elderly;
- An area of approximately 50 square metres of ground level garden beds for cultivation of perennial larger plantings of such as sugar cane, turmeric, ginger, garlic, herbs and medicinal plants using heavily mulched organic methods and again harvested rain water through micro irrigation systems;
- Fruit trees (citrus, apple, pear, stone fruit, fig, avocado, mango, almonds, walnuts, pomegranate, guava, table grapes and pecan) planted around the children's play area, bordering the site;
- Creating shaded recreation areas;
- Silver Banksia planted adjacent the length of the northern and southern boundaries;
- Native Frangipani Adjacent the length of the western boundary and part of the northern and southern boundaries;
- Garden beds will aim to utilise 90% recycled or rain water; and
- A state of the art vermiculture system to recycle all food waste from the Langar kitchen into manures to be used on the gardens.

The proposed development is an orderly and economic form of development which is likely to protect rural living land, from conversion to non-production or other incompatible land uses, by utilising it, in part, for open space and low intensity agriculture and horse keeping purposes. Although it will at the same time also introduce a building and activities which are non-residential in nature, it will do so in a way which, to an appropriate extent, will continue to serve and preserve the rural character of the subject land and in turn, the locality.

A similar application was determined by the Environment Resources and Development Court in Australian Unitarian Druze Community Inc v Adelaide Hills Council & Anor [2015] SAERDC 38 (4 September 2015). The Court determined that:

*The history and nature of both the philosophy and activities of the appellant demonstrate that these two forms of use are intended to operate in an integrated and complementary manner.*

And

*We also recognise and accept that, for a mixed form of development with these characteristics, the opportunity for it to locate in a township, in proximity to businesses and shopping facilities is limited, given the area of land required and the consequent cost of purchase. We are satisfied that, allowing for the appellant's requirements for a sizeable tract of land to serve the horticultural use, the amended proposal will be located conveniently to the community it is to serve.*

The circumstances of the above Druze application are similar to the proposed development in that the community functions of the subject land are to operate in concert with the proposed horse keeping and low scale horticultural use of the land. The Rural Living Zone Bolivar Policy Area 19 is a suitable location for the form of development proposed.

### Site Layout and Appearance of the Development

Design and Appearance Development Plan provisions seek:

#### **Objectives**

- 1 Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.
- 2 Roads, open spaces, buildings and land uses laid out and linked so that they are easy to understand and navigate.

#### **Principles of Development Control**

- 1 The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.
- 3 Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as:
  - (a) articulation
  - (b) colour and detailing
  - (c) small vertical and horizontal components
  - (d) design and placing of windows
  - (e) variations to facades.
- 11 Buildings, landscaping, paving and signage should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.
- 17 The setback of buildings from public roads should:
  - (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
  - (b) contribute positively to the streetscape character of the locality
  - (c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.

The above provisions seek to ensure that new buildings are compatible in scale and design to existing development within the locality. The above provisions also seek to ensure that new buildings include design elements that improve building façades when viewed from the locality.

Each of the proposed buildings will be located a minimum of 157 metres from the Port Wakefield Road boundary. Each of the proposed buildings will be screened from the street by landscaping and the proposed community gardens

Some elements of the proposed buildings will be visible from adjoining dwellings to the north and the west. The visual impact of the proposed buildings will not unreasonably impact any adjacent dwelling as:

- The proposed buildings include design elements such as eaves and hipped roofs;
- The proposed buildings are to be of a residential scale and not exceed one storey in height;
- Each element of the proposed development is to be housed within a separate building rather than a single large building;
- Each building is proposed to be setback a minimum of 9.5 metres from any boundary;
- The land to the south is vacant and unlikely to be developed for residential purposes given the presence of significant electrical infrastructure; and
- Significant landscaping is proposed adjacent the northern, western and southern boundaries, that will soften views of any new building.

The proposed buildings and associated earthworks (in terms of their visual impacts) are generally in conformity with the relevant provisions of the Plan and will not, in any event, detrimentally affect the amenity of the locality in any meaningful way.

#### **Interface Between Land Uses**

The following Development Plan provisions seek to ensure that any proposed development does not unreasonably impact other development within the locality:

##### ***Interface Between Land Uses***

##### ***Objectives***

- 1 *Development located and designed to minimise adverse impact and conflict between land uses.*
- 2 *Protect community health and amenity from adverse impacts of development.*
- 3 *Protect desired land uses from the encroachment of incompatible development.*

##### ***Principles of Development Control***

- 1 *Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*
  - (a) *the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
  - (b) *noise*
  - (c) *vibration*
  - (d) *electrical interference*
  - (e) *light spill*
  - (f) *hours of operation*
  - (g) *traffic impacts.*



- 2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.
- 5 Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.
- 6 Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.

In order to ensure that the proposed development does not result in any adverse impact on adjacent residential development the applicant has included the following design elements:

- Significant setbacks from all side and rear boundaries;
- Surfacing of all car parks and driveways to minimise dust pollution;
- Landscaping around the perimeter of the site; and
- No after hours activity will occur on the land.

The proposed development will not jeopardise the continuing use of any adjacent residential property. The low scale horticultural and community nature of the proposed development is compatible with development within the locality and will not adversely impact any adjacent development.

#### **Car Parking and Access**

The applicant proposes to provide a total of 113 off street car parking spaces. The proposed development will function as a community facility/place of worship. The following Transportation and Access Principles of Development Control specify the minimum car parking rates within the City of Salisbury:

- 32 Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table Sal/2 - Off Street Vehicle Parking Requirements unless an agreement is reached between the Council and the applicant for a reduced number of parking spaces where one of the following applies:
  - (a) a financial contribution is paid into the Council Car Parking Funds specified by the Council, in accordance with the gazetted rate per car park associated with the 'Car Park Fund Areas' identified on Concept Plan Map Sal/27 - Salisbury District Centre Car Park Fund Area and Concept Plan Map Sal/29 - Ingle Farm District Centre Car Park Fund Area.
  - (b) it can be demonstrated that fewer car parks would be required to meet the car parking needs associated with the development.
- 33 Development should be consistent with Australian Standard AS 2890 Parking facilities.
- 34 Vehicle parking areas should be sited and designed in a manner that will:

- (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development
- (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network
- (c) not inhibit safe and convenient traffic circulation
- (d) result in minimal conflict between customer and service vehicles
- (e) avoid the necessity to use public roads when moving from one part of a parking area to another
- (f) minimise the number of vehicle access points to public roads
- (g) avoid the necessity for backing onto public roads
- (h) where reasonably possible, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points
- (i) not dominate the character and appearance of a site when viewed from public roads and spaces
- (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas.

**Table Sal/2 - Off Street Vehicle Parking Requirements**

Form of Development	Number of Required Car Parking Spaces
Community/civic	
Child care centre	1 space per 4 children
Community centre	10 spaces per 100 square metres of total floor area
Library	4 spaces per 100 square metres
Place of worship	Greater of 1 space for every 3 seats or every 3 attendees
Dwellings	

Based on the above table the proposed development can cater for up to 339 persons (place of worship). The applicant only proposes that a total of 250 persons will attend the subject land at any one time (less than 10 times per year). Generally the number of persons attending the subject land will be much less.

The car park layout will allow for vehicles to enter and exit the site in a forward direction and has been engineered to ensure all Stormwater associated with the development can be drained to the street. The proposed onsite car parking and access arrangement complies with all relevant Principles of Development Control.

## 6. Conclusion

The applicant proposes to develop a community facility/place of worship on a vacant parcel of land as well as a community garden and horse keeping. The land is located

in the Rural Living Zone, Bolivar Policy Area 19 which emphasises the importance of residential development in conjunction with small scale horse keeping and agricultural uses.

An important feature of the proposal is the mixed nature of the development comprising both its use as a community facility/place of worship and a horticultural use. Relevant Development Plan provisions anticipate the construction of community type uses and places of worship within residential zones. Given the connection between the proposed use and the horticultural/farming character of the locality the Rural Living Zone is suitable for the proposed use.

The applicant has sought to minimise any visual or noise impact on adjoining residential development. By locating all buildings a minimum of 9 metres from any side or rear boundaries, planting landscaping, surfacing access points and limiting after hours uses of the land there will be no adverse impact on adjacent dwellings.

Any buildings will not be visible from the street and the proposed landscaping and community gardens will improve the appearance of the subject land from the locality. Overall the proposed development will result in an improved streetscape when compared to the existing state of the subject land.

The proposed development satisfies relevant provisions of the Salisbury Council Development Plan and warrants Development Plan Consent.

Should you have any queries or require any further information or clarification with any components of this application, please do not hesitate to contact by calling me on 0478 509 777 or by email [bill@townplanningadvisors.com.au](mailto:bill@townplanningadvisors.com.au)

Yours faithfully



**Bill Stefanopoulos, MPlA**  
BA Planning, Grad Dip Environmental Planning



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Tree Report 3045

D/A 361/1144/2016/3B

Prepared for Terri Efthimiou

M: 0411 172 755  
E: [terrye@me.com](mailto:terrye@me.com)**Re: The proposed community facility at property at 701-709 Port Wakefield Road GLOBE DERBY PARK**

Dear Terry,

I was asked to inspect and assess the trees from ground level in relation to the proposed building envelope and development at 701-709 Port Wakefield Road GLOBE DERBY PARK; and identify if there will be any impact upon a regulated and or significant tree (See images 1 to 3) and the proposed development plan (See Appendix 1).

**Brief**

This report will assess the general condition, structure, health and vitality of the designated trees on the property and neighbouring trees.

**Summary of tree locations:-**

- ❖ Neighbouring property - All are Non -Regulated;
- ❖ Proposed building envelope
  - (None set off the boundary to the neighbours; all non regulated trees )
  - All can be pruned as some have failed; alleviating any issue with the proposed dwelling.
  - Pruning to AS4373-2007.
- ❖ Edge of the proposed building envelope; the pruning and removal of unwanted pest plants, trees; that are dying, dead trees on the boundary fences to the property.
- ❖ False Date Palms can be relocated and or retained with development of a road abutting the Palms.
  - Retention and prune these trees to maintain the aesthetics and amenity
- ❖ Sugar Gum on the southern Boundary near the two False Date Palms.

1) The trees will be assessed against the current provisions of the Development Act 1993 relating to "Regulated and Significant "trees. Those trees that are not protected, dead and or dying will be removed near and or within the proposed building envelope and or fences to allow for reasonable development.

2) Trees to be retained have a higher useful life expectancy and must be protected during development; I have identified those trees (See image 1) and will recommend appropriate Tree Protection Zones (TPZ)<sup>10</sup>

- 3) The management of the site before, during and after the proposed development to minimise any adverse effects upon the remaining trees; enhancing the completed project;
- 4) Provide any further information deemed appropriate regarding the proposed development.

### Executive Summary

I am of the opinion the proposed development can proceed as the impacts upon those trees that can be maintained will not be impacted upon by the proposed development (See site plan with tagged reference points).

1) **Tree 1** the rear of the property is set back 13 metres off the western boundary (See Appendix 1) well away from the neighbouring property; all are non-regulated trees. Therefore any pruning can be completed to AS 4373-2007 "Pruning of Amenity Trees" by a qualified arborist (See Image 1).

2) **Tree 2** the northern side of the property will have a designated egress from the site set back approximately 3 metres off the northern boundary (See Appendix 1) well away from the neighbouring property; all are non-regulated trees. Therefore any pruning can be completed to AS 4373-2007 "Pruning of Amenity Trees" by a qualified arborist. (See Image 1).

3 and 4) **Trees 3 and 4** the False Date palms approximately 2.3 metres in circumference at 1 metre; and may be in the way of the proposed driveway and therefore can be relocated within the site as the main feature to the entrance of the complex. (See image 1).

- ❖ Transplanting Palms can effectively be done without detrimental damage to the fibrous root system.
- ❖ Root ball at least 2 cubic metres
- ❖ Use of a soil conditioner, Humates and sucrose to aid in transplanting the palms avoiding shock. We have successfully transplanted over 100 Palms in Adelaide (Seppeltsfield Winery (45), Grange Jetty Project (32) and Apex Park Christies Beach (6) and numerous other sites) all successful.

5) **Tree 5** the Sugar Gum (*Eucalyptus cladocalyx*) is a regulated tree measuring 2920mm at 1 metre. The tree has major decay and is structurally defective at the base with the main central trunk dying out and epicormic regrowth dominates the main structure of the tree. Numerous recent major secondary trunk and ordered branch failures (150-300 mm in diameter) exist within the canopy. (See Image 1).

The southern canopy has been either lost as sudden limb failure, SA Power pruning clearances in alignment with the ETSA Act and or the neighbour removing the lower canopy for fruit production. This has had a significant effect on the Sugar gum.

Die back caused from past practices of lopping (ETSA) back in the 1980's has caused the tree to be in its current state with epicormic growth now the main structure of the tree with continual limb failure disfiguring the middle and upper canopy. Major dead wood within the tree approximately 100-300mm diameter.

I am of the opinion removal of the Sugar gum is the safest option for this tree and to replant with other trees within the proposed landscape. This will allow provide future landscaping for the immediate neighbours and community adding character and amenity to the streetscape.

The removal of the Sugar gum at 701-709 Port Wakefield Road, GLOBE DERBY PARK is supported by City of Salisbury Council Development plan Consolidated – 7<sup>th</sup> July 2016 Principals of Development Control

Table 1

Tree Number	1	2	3	4	5
Common Name	Assorted gums	Assorted gums	False Date Palm	False Date Palm	Sugar gum
Tree Species	Eucalyptus Spp	Eucalyptus Spp	Phoenix canariensis	Phoenix canariensis	Eucalyptus cladocalyx
Circumference at 1 metre in (Millimetres)	<1000 mm	<1000 mm	2200 mm	2300 mm	2920mm
Tree Category	Non Regulated	Non Regulated	<b>Regulated</b>	<b>Regulated</b>	<b>Regulated</b>
Diameter at Breast Height	.200mm	.200mm	.700mm	700mm	
Height	6 metres	6 metres	8 metres	8 metres	12 metres
Width	4 metres	3 metres	8 metres	8 metres	8 metres
Form/structure	Poor	Poor	Excellent	Excellent	Poor
Vigour/Health	Good	Good	Excellent	Excellent	Average
Recommendation	<b>Prune</b>	<b>Prune</b>	<b>Prune</b>	<b>Prune</b>	<b>Remove</b>

#### PRINCIPLES OF DEVELOPMENT CONTROL

City of Salisbury Council Development plan **Consolidated – 7<sup>th</sup> July 2016**

**Tree 5** the Sugar Gum (*Eucalyptus cladocalyx*) is a regulated tree measuring 2920mm at 1 metre

**Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:**

- |  |             |
|--|-------------|
| (a) Significantly contributes to the character or visual amenity of the locality | <b>No</b>   |
| (b) Indigenous to the locality   | <b>No,</b>  |
| (c) a rare or endangered species   | No,         |
| (d) an important habitat for native fauna  | <b>Yes,</b> |
- Defective tree at the base

**Development should have minimum adverse effects on regulated trees.**

The proposed development has brought to our attention the structural defectiveness of **Tree 5** a Sugar gum (*Eucalyptus cladocalyx*) caused by pollarding and lopping; to sudden limb failure and continual pruning from SA Power network (ETSA) and the neighbour pruning the Gum away from the semi mature crop of production trees; resulting in the poor management of the tree in the past.

A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

(a) in the case of tree removal:	Yes	Tree 5 Sugar Gum
(i) the tree is diseased and its life expectancy is short	Yes	Tree 5 Sugar Gum
(ii) the tree represents an unacceptable risk to public or private safety	Yes	Owner, neighbours and utility services
(iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area	No	
(iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value	No	
(v) all other reasonable remedial treatments and measures have been determined to be ineffective	Yes	Tree 5; Pruning not an option; a defective tree
(vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.	Yes	Tree 5; Damage to the base of the tree from pollarding and lopping; a poor specimen.
Recommendation		Removal

Site plan

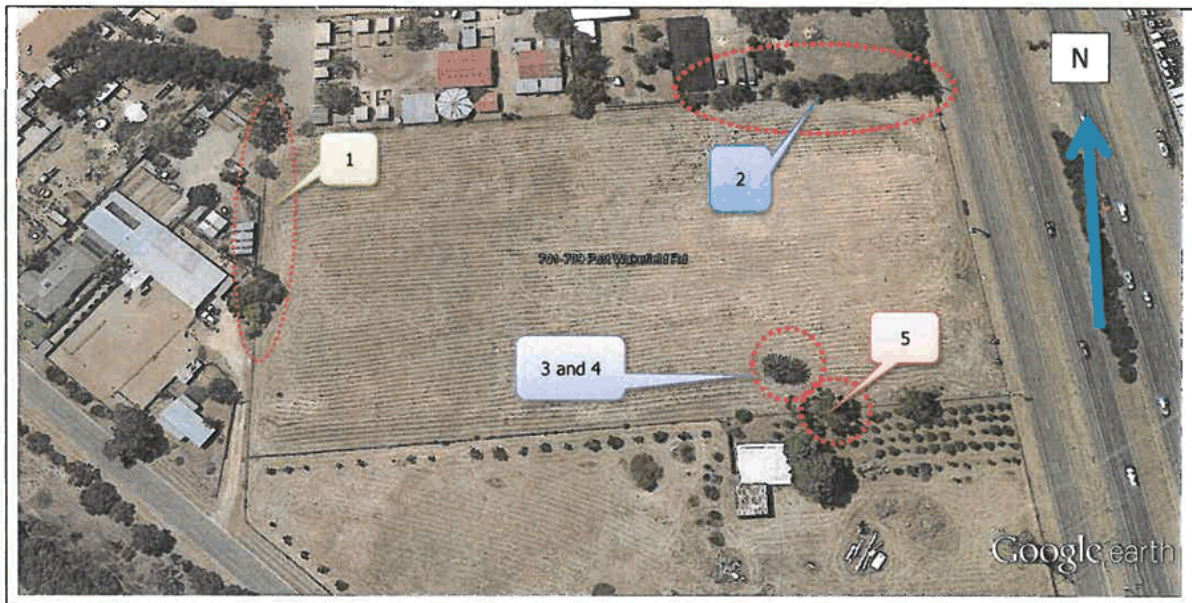
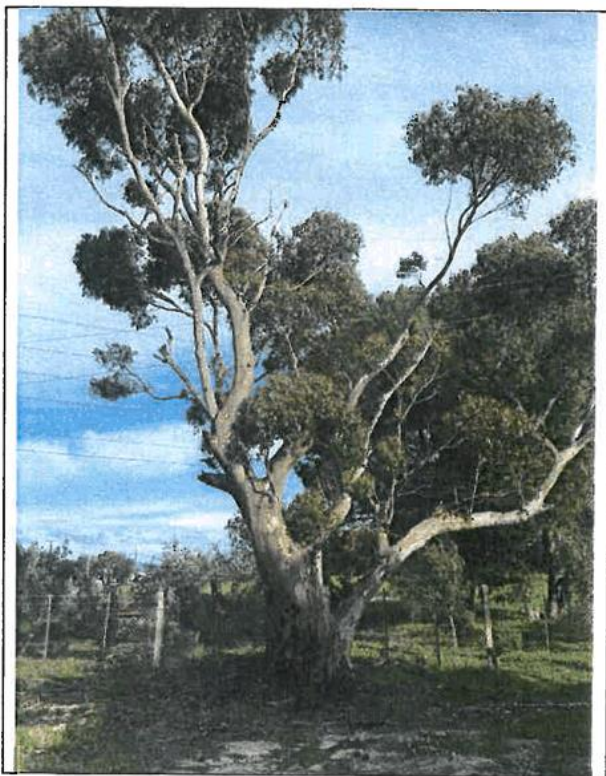
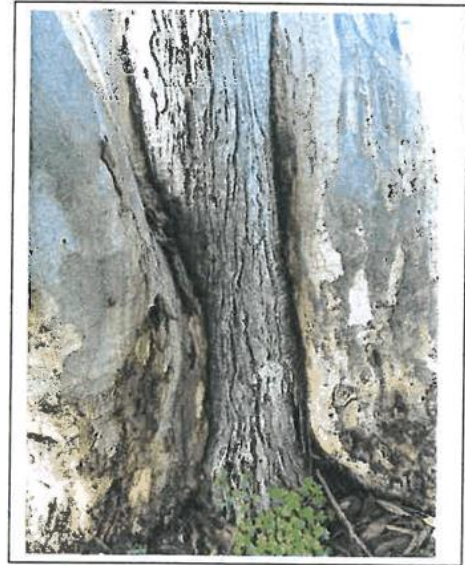
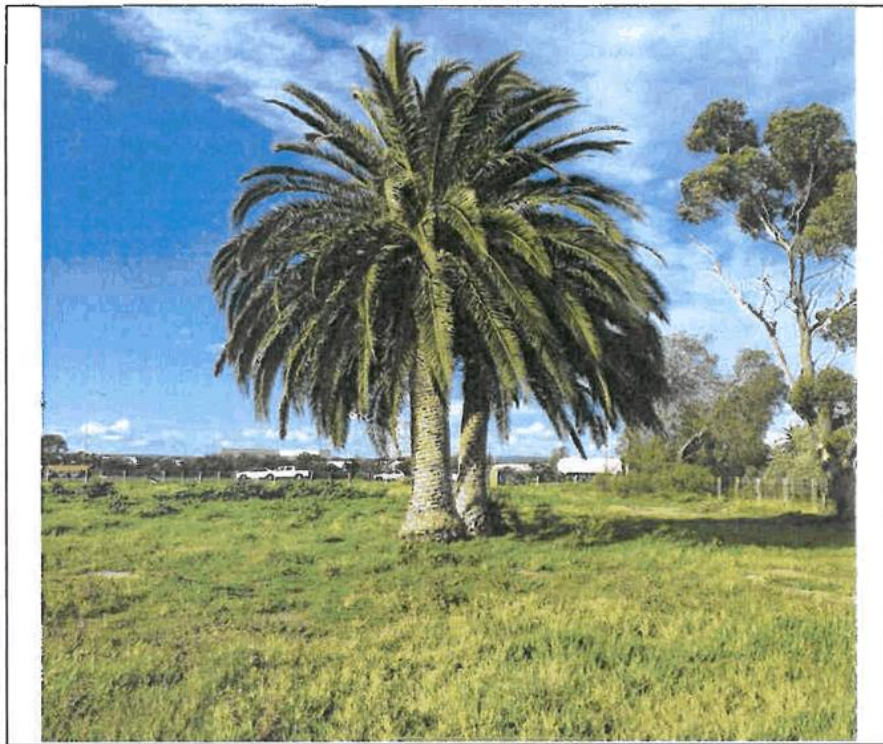


Image 1: 701-709 Port Wakefield Road GLOBE DERBY PARK. Trees 1-5.



**Images 2, 3 and 4:** Tree 5 the Sugar Gum pollarded and lopped with epicormic growth and numerous sudden limb failures (SLF) within the canopy.





**Image 5:** Trees 3 and 4 The 2 False Date Palms (*Phoenix canariensis*) are approximately 11.68 metres in from the boundary to the centre of the closest Palm tree. **Please Note:** the proposed road is 9 metres in from the boundary



**Image 6 and 7:** The western boundary non-regulated trees that have failed over the fence that can be pruned to AS4373-2007. The northern fence requires minor pruning.

## Proposed development near trees

### Root zones including excavations and activities that may damage roots.

- It is important to maintain the 'natural soil' level and avoid soil or material build within the TPZ. The roots of a tree require oxygen and minerals which they obtain from spaces within the soil. Soil build-up also affects the soils permeability and availability of water. Unless porous materials can be used to allow oxygen and water to filter through to the natural levels of the soil.
- Soil contamination due to spillage and run-off from building activities (cement washings) waste disposal (liquid waste) and waste storage, must be avoided within the TPZ.
- Any areas within the TPZ that require sealing for access driveways and or pathways must use low impact methods (above grade) incorporating open-sealed porous pavers (gravel, pavers or similar) to allow some air and water infiltration into the soil profile. This may be applicable for trees 3 and 4 the False Date Palms which are near the proposed driveway.

We can preserve the tree as identified within AS4970–2009 "Protection of Trees on Development sites" that incorporates the permeable surfaces can occur without adversely affecting the health or condition of the Palm trees as per the recommendations in this report and can be used as conditions as part of the approval process in accordance with the City of Salisbury Council Development plan Consolidated – 7<sup>th</sup> July 2016 relating to a regulated tree.



**Image 8:** The use of Eco Cell above the natural soil with 20mm gravel to allow yearly access; this is a viable option for the palms to allow reasonable access under the False Date Palms without causing structural root damage.

### Tree Pruning

Damage to all the trees is inevitable either naturally occurring genetically, environmental, insect, pathogen and or human and or a combination of several factors affecting the form, habit, structure, longevity and or environmental factors, drought, water and or mechanical means can greatly shorten the safe useful life expectancy S.U.L.E. of a tree.

There is no product known that can prevent the trunk wound from decaying, so in time the branch and or trunk will lose its structural integrity; our main concern is the trees ability to sustain itself amongst built form and human habitation with all our impacts upon and affecting tree growth. Trees may never fully close (occlusions) over their injuries or wounds as water acts upon the timber (Catalyst) changing the structure as the changes from a dynamic to static force as wood rot and or decay persist within the structure of the tree.

Pruning cannot correct all the imbalance of the tree growing as a solitary specimen and or within a group of trees affected by each trees habit, form, allelopathy and or phototropism and pruning natural/human intervention; which is now entirely determined by the response from each tree through Compartmentalisation of Decay in Trees (C.O.D.I.T.) of their wounds. The preferred location to make a pruning cut is just beyond the branch collar at the branch's point of attachment. The tree is biologically equipped to close such a wound, provided the tree is healthy enough and the wound is not too large.

There are recommended techniques AS4373-2007 "Pruning of Amenity Trees. If practical, branches should be removed back to their point of origin. If a branch must be shortened, it should be cut back to a lateral that is large enough to assume the terminal role. A rule of thumb is to cut back to a lateral that is at least one-third the diameter of the limb being removed.

This method of branch reduction helps to preserve the natural form of the tree. However, if large cuts are involved, the tree may not be able to close over and compartmentalize the wounds. Sometimes the best solution is to remove the tree and replace it with a species that is more appropriate for the site.

Therefore this is my reason for removing those trees that are structurally unsound and or through past pruning practices. We have determined that a tree(s) having major structural faults cannot be resolved; the trees with poor structure and habit with so many multiple sudden limb failures, epicormic growth with wounds are points of entry for decay that pose a high to extreme risk that cannot be fully resolved; the long term issues of structural instability concerning (**Tree 5 The Sugar Gum**) and its removal is supported by the City of Salisbury Council Development plan **Consolidated – 7<sup>th</sup> July 2016** relating to a regulated tree.

### Discussion and conclusions

I am of the opinion the development of the property can proceed on several basic facts that can be adopted as part of the conditions for development.

However; I am of the opinion the proposed driveway can be developed through the tree protection zone (TPZ) of the Palms using suitable engineering techniques using Geo-fabrics and "Eco cell"® to form a driveway through the designated driveway. Minimising any further impacts upon the remaining root plate of the various tree which can be fenced off prior to development allowing for allow for "Tree Effects".

Similar situations have sought suitable engineering strategies to be implemented to allow for minimal disturbance of the soil using noninvasive building techniques. The maturity of vegetation may be shown in the landscape plan by a qualified engineer. I am of the opinion recent presentations, books and papers at conferences in Adelaide and Australia from 2008 showing the use of such structures and evidence from the University of Adelaide (**See Appendix 1**) without adversely affecting the health and vigour of the tree.

### Principals of Development Control

Development involving ground work activities such as excavation, filling, sealing of surfaces (weather such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.

I am of the opinion develop can occur to the property with the minimum of fuss that would allow compliance with a Tree Protection Zone (TPZ) enforced for those trees within the site; the installation of protective fencing to avoid tree damaging activities. The tree protection zone can be mulched to avoid drying out of the soil while protecting the root plate of the tree during development.

If a (TPZ) fence is erected it should consist of a 2.0 metre high, solid, chain-mesh, steel or similar fabrication with posts at three metre intervals. The fence should incorporate on all sides, a clearly legible sign displaying the words "Tree Protection Zone".

It is therefore reasonable to expect that applications for complying development will be assessed favourably against the provisions of the relevant Development Plan. This will provide adequate protection of the tree during construction of the dwelling without impacting upon the tree and is adhered to; therefore development with conditions would concur with therefore development with conditions would concur with the City of Salisbury Council Development plan Consolidated – 7<sup>th</sup> July 2016 relating to a regulated and or significant tree.

### Proposed landscaping

The owner's expressed aim is to enhance the property in maintaining and nurturing appropriate trees which will add to the value and amenity of the site. One aim of tree assessment is to identify appropriate trees for retention in order that the best options for prolonging the life of each tree with inter-planting around those trees to be monitored and assessed in the future.

A final combined aim of tree assessment and landscape planning is to provide an attractive environment in which vegetation will add to the local amenity and environment without threatening or compromising safety of persons or property.

The owner has considered the streetscape and amenity of the area and sought the advice of a horticulturalist with regard to the site. A focus of the proposed landscaping is to retain and enhance those plants that can be retained within the allotment and sustainability; with consideration of water wise species suited to the local climate and projected climatic change.

I believe any tree retained should have a further assessment during and after the completion of the development and then at least an inspection every two years to ascertain tree health and appropriate action if required to remediate those issues.

All tree work if completed must be done by a suitably qualified arborist. Please contact me if you require more information on 0430 432 007.

Yours sincerely,

*David M. G. Mably (Electronic signature 27<sup>th</sup> August 2016)*

David M. G. Mably

ISA Certified Arborist AU- 0285A  
Ad Dip Hort (Arb) Aust.  
Ass Dip. App Sci. (Park Management) Aust.  
Cert Tree Surgery U.K.



6. **Structural root zone (SRZ)** The area around the base of a tree required for the tree's stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree upright, so the entire profile (depth) of the root zone is included in the structural root zone. The SRZ is nominally circular with the trunk at its centre and is expressed by its radius in metres. This zone considers a tree's structural stability only, not the root zone required for a tree's vigour and long-term viability, which will usually be a much larger area.
7. **Tree protection zone (TPZ)** The combined area of the root protection zone (RPZ) and crown protection zone (CPZ) as an area set aside for the protection of a tree.
8. **Vigour** is the ability of a tree to sustain its life processes, as used in the Standard for calculating the minimum RPZ. NOTE: The term 'vigour' in this document is synonymous with commonly used terms such as 'health' and 'vitality'.
9. The Landscape below Ground 11 proceedings of an international Workshop on tree Root Development in Urban Soils. Dr Dan Neely Dr Gary W. Watson
10. It is commonly thought that a healthy tree tolerates the removal of up to one third of its root as noted by Harris 1992 and Helliwell 1985 as cited in Matheny and Clark 1998 Trees and Development A Technical Guide to Preservation of Trees During land Development (International Society of Arboriculture, Indiana) p72. It is also stated that healthy trees are more tolerant to root disturbance while trees with low vigour are less tolerant.
11. Trees and Development a Technical Guide to preservation of Trees During Land Development Nelda Matheny and James R Clark Pages 84 and 85.

#### **Disclaimer**

This report only covers identifiable defects and issues present at the time of inspection. The author accepts no responsibility or can be held liable for any structural defects or unforeseen event/weather conditions that may occur after the time of the inspection and assessment, unless clearly specified within timescales detailed within the report.

The author cannot guarantee trees contained within the report will be structurally sound under all circumstances and cannot guarantee that the recommendations made will categorically result in the tree being made safe.

Unless specifically mentioned, this report will only be concerned with issues above ground, and are undertaken visually. It is suggested that trees are living entities and as such are subject to forces and influences out of the control of the author. The recommendations are made on the basis of what can be reasonably identified at the time of the inspection; therefore the author accepts no liability for any recommendations made.

Care has been taken to provide information that is based on sound arboriculture practices and standards. The author accepts no liability for actions undertaken by third parties in undertaking any of the arboriculture work as recommended. All data has been verified and based on sound arboriculture standards, however the author cannot guarantee nor is responsible for the accuracy of information supplied by third parties.

**Note:** This report is valid for three months from the report date.

**Appendix 1:** See attached pdf  
**Appendix 2:** Tree Protection Zone







Attachment 3  
Notice of Category 3 Application, List of Representors  
and Representations

**DEVELOPMENT ACT 1993  
CITY OF SALISBURY**

**NOTICE OF APPLICATION FOR CATEGORY 3 DEVELOPMENT**

Pursuant to Section 38(5) of the Development Act, 1993

An application for development has been lodged with the Council for assessment. The details are as follows:

<b>DEVELOPMENT NO:</b>	361/1144/2016/3B
<b>APPLICANT:</b>	Town Planning Advisors PO Box 9061 HENLEY BEACH SA 5022
<b>NATURE OF THE DEVELOPMENT:</b>	MIXED USE DEVELOPMENT COMPRISING PRAYER HALL, DINING HALL AND LIBRARY/MUSEUM WITH ASSOCIATED FACILITIES INCLUDING PLAYGROUND, CARPARK, CARETAKER'S RESIDENCE, COMMUNITY GARDEN AND HORSE ENCLOSURE
<b>LOCATED AT:</b>	701-709 Port Wakefield Road , Globe Derby Park SA 5110
<b>CERTIFICATE OF TITLE:</b>	CT-5759/278
<b>ZONE:</b>	Rural Living

The application may be examined at the Office of the Council located at 12 James Street, Salisbury during business hours (8.30am – 5pm Monday to Friday) and on Council's web site at [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au). Any person or body may make representations in writing, or by email to [development@salisbury.sa.gov.au](mailto:development@salisbury.sa.gov.au), concerning this application and should address their representation to the Chief Executive Officer at PO Box 8, Salisbury or [representations@salisbury.sa.gov.au](mailto:representations@salisbury.sa.gov.au). Representations must be received **no later than Tuesday 4<sup>th</sup> October 2016**.

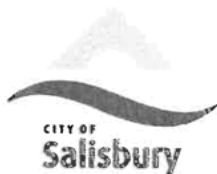
Each person making a submission should indicate whether they wish to appear personally, or be represented by another party, in support of their submission. Please note that should you nominate to be heard in support of your representation, you will be required to attend a Development Assessment Panel meeting held at the Council offices, scheduled on the fourth Tuesday of each month at 6.00pm (unless otherwise advised).

Please note that, pursuant to Section 38(8) of the Development Act, a copy of each representation received will be forwarded to the applicant to allow them to respond to all representations received.

Signed: George Pantelos, Principal Planner

Date: 16 September 2016

***THIS IS THE FIRST AND ONLY PUBLICATION OF THIS NOTICE***



City of Salisbury  
 ABN 82 615 416 895  
 12 James Street  
 PO Box 8  
 Salisbury SA 5108  
 Australia

Telephone 08 8406 8222  
 Facsimile 08 8281 5466  
 city@salisbury.sa.gov.au  
 TTY 08 8406 8596  
 (for hearing impaired)  
 www.salisbury.sa.gov.au

5 October 2016

Bill Stefanopoulos  
 Town Planning Advisors  
 PO Box 9061  
 HENLEY BEACH SA 5022



Dear Bill

**APPLICANT:** Town Planning Advisors  
**APPLICATION NO:** 361/1144/2016/3B  
**SUBJECT SITE:** 701-709 Port Wakefield Road , Globe Derby Park SA 5110  
**PROPOSED DEVELOPMENT:** MIXED USE DEVELOPMENT COMPRISING PRAYER HALL, DINING HALL AND LIBRARY/MUSEUM WITH ASSOCIATED FACILITIES INCLUDING PLAYGROUND, CARPARK, CARETAKER'S RESIDENCE, COMMUNITY GARDEN AND HORSE ENCLOSURE

Further to your application for consent, Council is required to notify an applicant of any representations in respect of the application.

You are advised that (31) representations have been made to Council. Copies of the representations are attached to this letter. Should you wish to respond to these representations, your reply is required to be lodged with Council, in writing **within ten (10) business days** from the date of this letter. Please refer to the above application number in all correspondence.

All representations received, together with your reply, will be taken into account by Council when considering the proposal.

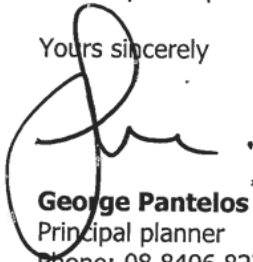
**Name and Address of Representatives**

R Gaskin	8 Norton St, NORTHFIELD SA 5085
J C Lee	21 Alabar Cres, GLOBE DERBY PARK SA 5110
C Alexopoulos and D Alexopoulos	729 Port Wakefield Rd, GLOBE DERBY PARK SA 5110
A Kolovinos and M Kolovinos	739 Port Wakefield Rd, GLOBE DERBY PARK SA 5110
M A Harding and L B Harding	15 Trotters Dr, GLOBE DERBY PARK SA 5110
R Frezza and R Frezza	719 - 727 Port Wakefield Rd, GLOBE DERBY PARK SA 5110
P G Pavlovich and L Pavlovich	24 Grayling Ct, GLOBE DERBY PARK SA 5110
L P Randall and P B Randall	23 Trotters Dr, GLOBE DERBY PARK SA 5110
S L Trevean	23 Trotters Dr, GLOBE DERBY PARK SA 5110
R Trevean	23 Trotters Dr, GLOBE DERBY PARK SA 5110
C L Baker	23 Trotters Dr, GLOBE DERBY PARK SA 5110
H G Searle	2 Alabar Cres, GLOBE DERBY PARK SA 5110
S Lowe	109 Daniel Ave, GLOBE DERBY PARK SA 5110
V P King	711 Port Wakefield Rd, GLOBE DERBY PARK SA 5110

B Norman	13 Trotters Dr, GLOBE DERBY PARK SA 5110
H M Stevens and D Barrett	18 Grayling Ct, GLOBE DERBY PARK SA 5110
R H Norman	69 Daniel Ave, GLOBE DERBY PARK SA 5110
M L Norman	69 Daniel Ave, GLOBE DERBY PARK SA 5110
M P Crosby and L H Holberton	10 Alabar Cres, GLOBE DERBY PARK SA 5110
C E Newman and S M Newman	667 Whites Rd, GLOBE DERBY PARK SA 5110
D J Nolan and A K Nolan	9 Alabar Cres, GLOBE DERBY PARK SA 5110
V L Newman and D K Newman	15 Grayling Ct, GLOBE DERBY PARK SA 5110
T D Tsetsang and C H Tran	5 Daisy Ct, PARAFIELD GARDENS SA 5107
P M Spirou and S P Spirou	734 Whites Rd, GLOBE DERBY PARK SA 5110
R White	751-761 Port Wakefield Rd, GLOBE DERBY PARK SA 5110
P Marshall	80 Main North Rd, PROSPECT SA 5082
A J Zoontjens and M P Walden	17 Grayling Ct, GLOBE DERBY PARK SA 5110
M G Billinger	91 Daniel Ave, GLOBE DERBY PARK SA 5110
M C Agius and M Agius	197 Ryans Rd, GLOBE DERBY PARK SA 5110
J G Dougherty and W L Dougherty	7 Grayling Ct, GLOBE DERBY PARK SA 5110
K A Gully	99 Daniel Ave, GLOBE DERBY PARK SA 5110

Should you require any assistance or further advice please do not hesitate to contact me.

Yours sincerely



**George Pantelos**

Principal planner

Phone: 08 8406 8277

Email: [gpantelos@salisbury.sa.gov.au](mailto:gpantelos@salisbury.sa.gov.au)

**CITY OF SALISBURY**

**STATEMENT OF REPRESENTATION**  
Pursuant to Section 38 of the Development Act

To: City of Salisbury  
PO Box 8, SALISBURY SA 5108  
Email: [representations@salisbury.sa.gov.au](mailto:representations@salisbury.sa.gov.au)

THIS SHEET PROVIDES YOU WITH THE OPPORTUNITY TO MAKE COMMENTS IN RELATION TO A PROPOSED DEVELOPMENT. PLEASE FIND ATTACHED DETAILS OF THE PROPOSED DEVELOPMENT.

Development Number: 361/1144/2016/3B  
Applicant: Town Planning Advisors  
Location: 701-709 Port Wakefield Road, Globe Derby Park SA 5110  
Proposed Development: MIXED USE DEVELOPMENT COMPRISING PRAYER HALL, DINING HALL AND LIBRARY/MUSEUM WITH ASSOCIATED FACILITIES INCLUDING PLAYGROUND, CARPARK, CARETAKER'S RESIDENCE, COMMUNITY GARDEN AND HORSE ENCLOSURE

**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): RONALD GASKIN  
ADDRESS: 8 NORTON ST NORTHFIELD  
PHONE NO: [REDACTED] EMAIL: [REDACTED]

Comment: (please tick one of the following boxes as appropriate)

The owner/occupier of the property located at: 187 Ryans Rd Western boundary of proposed development  
 Other (please state):

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

Support the proposed development.  
 Oppose the proposed development.

Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.

Concerned that the proposed buildings will add to the existing problem of storm water drainage to the western boundary. There is no shelter or storage/feed store sheds.

Item 5.1.1 - Attachment 3 - Notice of category 3 Application, List of Representors and Representations

361/1144/2016/3B

2) cont  
 3/ shown on plans. ~~200~~  
 200 ppl til 9pm several (up to 10x)  
 a year will severely aggravate the existing  
 animals routine possibly causing injury to  
 those animals or owners

My concerns would be addressed by: (state changes/actions to the proposal sought)

- 1/ Proper drainage provisions made and shown on map
- 2/ Proper shelters + shedding for horses to be provided
- 3/ Curfew at 7pm maximum  
 A good solid fence to minimize interaction, flightiness of horses and strangers minimum 6-8 ft high.

Regulation 35(e) of the Development Regulations 2008 requires that you indicate a person's desire to be heard. Please note that if you do not indicate you wish to be heard, it will be taken that you do not wish to be heard by the Panel.

I/We:

- Do not wish to be heard in support of my representation.
  - Wish to be heard in support of my representation, and I will be:
    - Appearing personally,
    - OR**
    - Represented by the following person: .....
- Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

**Your written representation must be received by Council no later than 11.59pm on Tuesday 4<sup>th</sup> October 2016, to ensure that it is a valid representation and taken in account.**

**Representor's Declaration:**

I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993, and may be uploaded to the Council's website as an attachment to the hearing agenda.

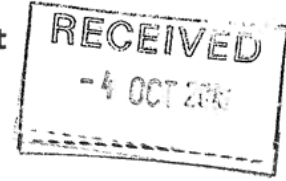
Signature:  Date: 04/10/16

**Please complete this checklist to ensure your representation is valid:**

- Name and address of person (or persons).
- If more than one person, details of person making the representation.
- Detail of reasons for making the representation.
- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Tuesday 4th October 2016.**



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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): John Lee

ADDRESS: 21 ALABAR CREK. Globe Derby Pk. 5110

PHONE NO: [REDACTED] EMAIL: —

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: AS ABOVE.
- Other (please state): —

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

THIS AREA IS A HORSE AREA AND PRESENTLY WE HAVE THE PROPOSED  
FACILITIES AVAILABLE ALREADY.  
FURTHER MORE CARS WOULD MAKE IT DANGEROUS ON THE  
ROADS WHILE TAKING HORSES TO THE TRACK AS THEY ARE

PTO



361/1144/2016/3B

NOT INCREASING ALL THE TIME WITH TRUCKS DELIVERING BUILDING  
MATERIALS (SAND, SHALE, ETC).  
FURTHER TRAFFIC WOULD IN TIME CAUSE ACCIDENTS.

**My concerns would be addressed by:** *(state changes/actions to the proposal sought)*

PTO

Regulation 35(e) of the Development Regulations 2008 requires that a representation must indicate a person's desire to be heard. Please note that if you do not indicate that you wish to be heard, it will be taken that you do not wish to be heard by the Panel.

I/We:

Do not wish to be heard in support of my representation.

Wish to be heard in support of my representation, and I will be:

Appearing personally,

**OR**

Represented by the following person: .....


Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

**Your written representation must be received by Council no later than 11.59pm on Tuesday 4<sup>th</sup> October 2016, to ensure that it is a valid representation and taken into account.**

**Representor's Declaration:**

I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993, and may be uploaded to the Council's website as an attachment to the hearing agenda.

Signature:  .....

Date: 28 / 9 / 16.

**Please complete this checklist to ensure your representation is valid:**

Name and address of person (or persons).

If more than one person, details of person making the representation.

Detail of reasons for making the representation.

Indication whether or not the person (or persons) wishes to be heard.

Submitted no later than 11.59pm on **Tuesday 4th October 2016.**



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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): Demetrea + Christos Alexopoulos

ADDRESS: Lot 3 Pt Wakefield Rd Globe Derby

PHONE NO: [REDACTED] EMAIL: N/A

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: AS ABOVE
- Other (please state):

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

We oppose this development because we believe there will be a large number of people and vehicles present at this church also we concern about the amount of noise this will bring.

PTO

361/1144/2016/3B

also concern of property values dropping  
Due to this development

**My concerns would be addressed by:** *(state changes/actions to the proposal sought)*

PTO

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I/We:

Do not wish to be heard in support of my representation.

Wish to be heard in support of my representation, and I will be:

Appearing personally,

**OR**

Represented by the following person: .....

Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

**Your written representation must be received by Council no later than 11.59pm on Tuesday 4<sup>th</sup> October 2016, to ensure that it is a valid representation and taken into account.**

**Representor's Declaration:**

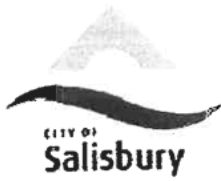
I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993, and may be uploaded to the Council's website as an attachment to the hearing agenda.

Signature: *D. Alexopoulos*.....

Date: *29 / 9 / 16*

**Please complete this checklist to ensure your representation is valid:**

- Name and address of person (or persons).
- If more than one person, details of person making the representation.
- Detail of reasons for making the representation.
- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Tuesday 4th October 2016.**



**STATEMENT OF REPRESENTATION**  
**Pursuant to Section 38 of the Development Act**

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PO Box 8, SALISBURY SA 5108  
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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): ALEXANDROS AND MARGARITA KOLOVINOS  
ADDRESS: 739 FLAT 2 PORT WAKEFIELD GLOBE DERBY PARK SA 5110  
PHONE NO: [REDACTED] EMAIL: N/A

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: ABOVE ADDRESS
- Other (please state):

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

We oppose this development due to high volume of traffic people at this community purpose built temple/church. It will affect

PTO



Regulation 35(e) of the Development Regulations 2008 requires that a representation must indicate a person's desire to be heard. Please note that if you do not indicate that you wish to be heard, it will be taken that you do not wish to be heard by the Panel.

I/We:

Do not wish to be heard in support of my representation.

Wish to be heard in support of my representation, and I will be:

Appearing personally,

OR

Represented by the following person: .....

Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

**Your written representation must be received by Council no later than 11.59pm on Tuesday 4<sup>th</sup> October 2016, to ensure that it is a valid representation and taken into account.**

**Representor's Declaration:**

I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993, and may be uploaded to the Council's website as an attachment to the hearing agenda.

Signature: .....  .....

Date: 29/9/2016

**Please complete this checklist to ensure your representation is valid:**

- Name and address of person (or persons).
- If more than one person, details of person making the representation.
- Detail of reasons for making the representation.
- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Tuesday 4th October 2016.**



- 3 OCT 2016

**STATEMENT OF REPRESENTATION**  
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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): Mary & Les Harding

ADDRESS: 15 Trotters Drive Globe Derby Park

PHONE NO: [REDACTED] EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

The owner/occupier of the property located at: 15 Trotters Drive Globe Derby Park

Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

Support the proposed development.

Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

We train harness racing horses from our property  
Our main concern is the amount of car traffic which  
would impact on not only Trotters Drive but David  
Avenue and Globe Derby Drive where horses are located

PTO

Item 5.1.1 - Attachment 3 - Notice of category 3 Application, List of Representors and Representations

361/1144/2016/3B

Item 5.1.1 - Attachment 3 - Notice of category 3 Application, List of Representors and Representations

and exercised from. They are jogged along these roads by their trainers to Globe Derby Park training tracks a racecourse. Our experience with people not familiar with the dangers associated to horses and handlers has intensified with non-industry related people driving on our roads. They refuse to slow down and be courteous and give way. Major accidents are more likely with the amount of new traffic this development would create.

Also, I note there is no mention of sewerage requirements

**My concerns would be addressed by:** (state changes/actions to the proposal sought)

All traffic in and out would need to be via Pt Wakefield Road only and cars kept out of the rural horse training areas. Such a development does not meet rural requirements.

PTO

Regulation 35(e) of the Development Regulations 2008 requires that a representation must indicate a person's desire to be heard. Please note that if you do not indicate that you wish to be heard, it will be taken that you do not wish to be heard by the Panel.

I/We:

Do not wish to be heard in support of my representation.

Wish to be heard in support of my representation, and I will be:

Appearing personally,

OR

Represented by the following person: .....

Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

**Your written representation must be received by Council no later than 11.59pm on Tuesday 4<sup>th</sup> October 2016, to ensure that it is a valid representation and taken into account.**

**Representor's Declaration:**

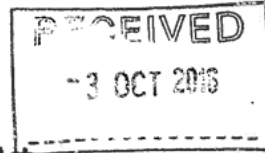
I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993; and may be uploaded to the Council's website as an attachment to the hearing agenda.

Signature: Mary A. Hardy.....

Date: 2 10 16

**Please complete this checklist to ensure your representation is valid:**

- Name and address of person (or persons).
- If more than one person, details of person making the representation.
- Detail of reasons for making the representation.
- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Tuesday 4th October 2016.**



**STATEMENT OF REPRESENTATION**  
Pursuant to Section 38 of the Development Act



To: City of Salisbury  
PO Box 8, SALISBURY SA 5108  
Email: [representations@salisbury.sa.gov.au](mailto:representations@salisbury.sa.gov.au)

THIS SHEET PROVIDES YOU WITH THE OPPORTUNITY TO MAKE COMMENTS IN RELATION TO A PROPOSED DEVELOPMENT. PLEASE FIND ATTACHED DETAILS OF THE PROPOSED DEVELOPMENT.

Development Number:	361/1144/2016/3B
Applicant:	Town Planning Advisors
Location:	701-709 Port Wakefield Road, Globe Derby Park SA 5110
Proposed Development:	MIXED USE DEVELOPMENT COMPRISING PRAYER HALL, DINING HALL AND LIBRARY/MUSEUM WITH ASSOCIATED FACILITIES INCLUDING PLAYGROUND, CARPARK, CARETAKER'S RESIDENCE, COMMUNITY GARDEN AND HORSE ENCLOSURE

**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): Robert & Rosa Frezza (Tanniello)

ADDRESS: 719- 727 Port Wakefield Rd Globe Derby Park

PHONE NO: [REDACTED] ... EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: 719- 727 Port Wakefield Rd Globe Derby Park
- Other (please state):

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

See attachment

PTO

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I/We:

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Wish to be heard in support of my representation, and I will be:

Appearing personally,

OR

Represented by the following person: .....

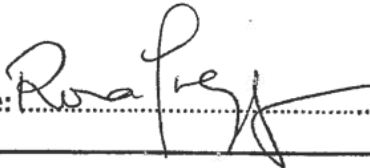
Contact details: .....

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**Representor's Declaration:**

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Signature: 

Date: 3, 10, 16

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- Submitted no later than 11.59pm on **Tuesday 4<sup>th</sup> October 2016.**

Rosa and Robert Frezza

For Antonio Ianniello (Owner and father of above)

719-727 Port Wakefield Road

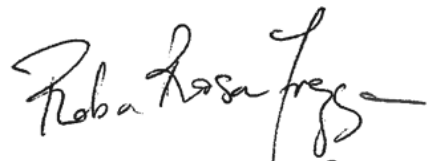
Globe Derby Park SA 5110

To George Pantelos,

In regard to the Development Application no; 361/1144/2016/3B located at 701-709 Port Wakefield Road, Globe Derby Park SA. 5110 **we are opposed** to the development for the following reasons;

- The land in this area is zoned as rural living indicating quiet living with limited uses. This proposal will prejudice the integrity of the existing zone for its intended purposes.
- The development will result in contributing to the detrimental impact upon the function, appearance and the character of the locality. We feel this could result in larger development at a later stage as indicated in an image on the applicants' web page.
- The development of this application suggested that a Prayer hall with allocation for over car parks will be included. The access road in front of this property that serviced the surrounded properties will undoubtable become a very busy thorough fare of traffic again compromising the idea of rural living endangering local usage.
- Properties along this stretch do not have access to sewage facilities except septic systems. How will this be addressed when indications according to the proposal suggest they will have more than 250 people present at their events?
- Events that are proposed 10 times a year will impact on the noise level and affect the many horses in this area as well as the community.

We strongly oppose the proposed plan and look forward to being heard in support of this application.

  
for Antonio Ianniello

- 3 OCT 2016



**STATEMENT OF REPRESENTATION**  
**Pursuant to Section 38 of the Development Act**

To: City of Salisbury  
PO Box 8, SALISBURY SA 5108  
Email: [representations@salisbury.sa.gov.au](mailto:representations@salisbury.sa.gov.au)

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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): PHILIP GARY PAVLOVIC AND LYNNIE PAVLOVIC  
 ADDRESS: 24 GRAYLING COURT GLOBE DERBY PARK SA 5110 SA  
 PHONE NO: [REDACTED] EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: 24 GRAYLING COURT GLOBE DERBY PARK
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

Access to this proposed development is via a service road only. This proposal has a minimum of 107 car parking spaces. The only exit from this development to travel south

PTO

361/1144/2016/3B

toward the city or over to Mawson Lakes and Parafield Gardens would be via the traffic lights on the cnr Pt Wakefield Rd & Globe Derby Drive requiring people with little or no knowledge of horses to drive through this horse training area. We have children riding and driving ponies & horses we have race horses being trained at the Globe Derby complex who need access via the road ways as well as young horses being educated. Even though the speed limit is 50 horses have right of way in this area, with the bend lease project about to start and the expected increase of traffic - cars & trucks accessing & leaving this area via the traffic lights it is unreasonable to expect another 100 plus vehicles could be accommodated.

**My concerns would be addressed by:** (state changes/actions to the proposal sought)

If the traffic lights at Pt Wakefield Road and Ryans Rd were extended into the service Road there would be no reason for people attending this proposed development to drive past the Globe Derby complex. That way people could enter and exit via those lights.

Also a stop sign at the southern end of the service road where it meets Daniel Ave is a must. This is a very dangerous corner.

PTO



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**We:**

Do not wish to be heard in support of my representation.

Wish to be heard in support of my representation, and I will be:

Appearing personally,

**OR**

Represented by the following person: .....

Contact details: .....

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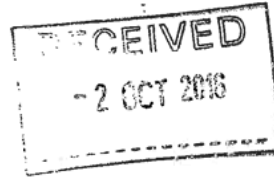
**Representor's Declaration:**

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Signature: J. Pasharish Date: 01/10/16

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- Detail of reasons for making the representation.
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- Submitted no later than 11.59pm on **Tuesday 4th October 2016.**



30<sup>th</sup> October 2016

To the CEO

Salisbury Council

Po Box 8

Salisbury

Dear Sir

I have in front of me a notice of Application for Category 3 development number 361/1144/2016/3B.

We would like to lodge an objection on the grounds that no provision has been made to provide for the flow of traffic.

1. Entry is available from the Adelaide city direction via Daniel Avenue then turn into the side road to the development.
2. Entry from Bolivar direction is only available by crossing Port Wakefield Road via a very dangerous crossing (extremely dangerous at any time without extra traffic)
3. If unable to or to afraid to cross at this crossing then traffic must continue up to the lights at Globe Derby Drive then travel down to Trotters Drive and back towards Port Wakefield Road then left into side road.
4. Exiting this area has only one way to go, out of the side road to merge with Port Wakefield Road (another scary option) this does not provide an exit for traffic to travel back in the direction of Adelaide, Salisbury, Mawson Lakes etc.
5. The only other way of exit is back down Trotters Drive or Whites Road to Globe Derby Drive and to the lights.

As you can see by this description of the traffic management through this area traffic will most certainly have to travel through the "Horse" area of Globe Derby Park leaving a serious accident waiting to happen.

We have no objections to this establishment on cultural or religious grounds it is only the lack of entry and exit for this volume of traffic. As stated on the website for this planned building they list parking for 500 cars even though Salisbury Council have a lodged application stating approximately 100 car parks.

Council supported our community when we objected to a Mosque being built on the same principal as this so we are looking to them to again support us on the same reasons (Increased traffic through the very busy horse area)

Remembering we are also about to have up to 2 years of heavy truck traffic suppling soil and supplies to the building of the new freeway travelling up and down Globe Derby Road 6 days a week from 7am to 7pm.

I Lois Randall am prepared to speak on this subject on behalf of the other people that are listed here as objecting to this proposal.

Lois Randall

Peter Randall

Sharon Trevean

Reg Trevean

Charissa Baker

All of whom reside at

23 Trotters Drive Globe Derby Park.

Yours Sincerely

Lois Randall





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**Pursuant to Section 38 of the Development Act**

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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S):..... HOWARD SEARLE .....

ADDRESS:..... NO 2 ALABAR CRESCENT GLOBE DERBY PARK .....

PHONE NO:..... [REDACTED] ..... EMAIL:..... [REDACTED] .....

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: NO 2 ALABAR CRESCENT.....
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

I oppose the Proposed Development on the  
same grounds as was the mosque was  
opposed 2 years ago.  
Globe Derby Park is a very special place

PTO

361/1144/2016/3B

There is no other place in Adelaide like it. more chance of getting run over by a horse than a car, and we would like to keep it that way. The Sikh Religion has 5. pram meetings per day and that would bring hundreds more cars through. Globe Derby.

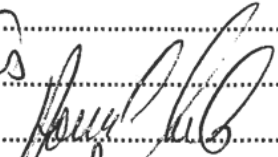
The mosque has now got a property in Ryans Road, what a fantastic spot they have commercial area, does not bother any body.

Every body wants to move in to Globe Derby because it is a very quiet Cal-de-Sac of its own, but sadly that would change instantly, and with the amount of land they have they intend to grow in the years ahead, which would be catastrophic to the Area

**My concerns would be addressed by:** (state changes/actions to the proposal sought)

not passing the Proposal. The Proposal does not compliment any thing for Globe Derby Park. To let one group in will set a precedent and it would be the end of Globe Derby Park.

Globe Derby Park was designed for people and their Horses, not churches of any description. Mc Donalds, Kentucky chicken etc etc.

Regards  


I do find it a little strange, that they have purchased the land and got their flags up, before they get council approval, hope there is nothing untoward going on.

PTO

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I/We:

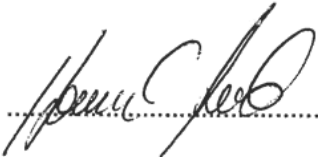
- Do not wish to be heard in support of my representation.
  - Wish to be heard in support of my representation, and I will be:
    - Appearing personally,
    - OR**
    - Represented by the following person: .....
- Contact details: .....

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Signature:  .....

Date: 30/9/16

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Development Number: 361/1144/2016/3B  
Applicant: Town Planning Advisors  
Location: 701-709 Port Wakefield Road, Globe Derby Park SA 5110  
Proposed Development: MIXED USE DEVELOPMENT COMPRISING PRAYER HALL, DINING HALL AND LIBRARY/MUSEUM WITH ASSOCIATED FACILITIES INCLUDING PLAYGROUND, CARPARK, CARETAKER'S RESIDENCE, COMMUNITY GARDEN AND HORSE ENCLOSURE

**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): Sue Lowe

ADDRESS: 109 Daniel Ave, Globe Derby Pk SA 5110

PHONE NO: [REDACTED] EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: 109 Daniel Ave, Globe Derby Pk
- Other (please state): land on whiter Rd 683A

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.



**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

The proposed development is on a access road of Pt Wakefield Rd, there is no direct access to the property from Pt Wakefield Rd. As you will be aware Globe Derby residents Main

PTO

361/1144/2016/3B

entry point is the light traffic light entrance, so once again with your proposed developments, it puts extra traffic in the area, (107 parks allocation is a lot of extra cars for a small community Globe Derby park is a horse area, there are people who train horses, ride for pleasure or equestrian riders. Why should their lives and horses well being be put into danger. My family has a long association with the harness racing industry but Salisbury Council seems determined to keep allowing proposals to go ahead that are not suited to the area, and will cause traffic problems.

I should add that if travelling North you can turn left into Daniel Avenue to access service road, which will still cause excess traffic on the service road for pleasure riders which usually ride there.

**My concerns would be addressed by:** (state changes/actions to the proposal sought)

~~my~~ I really don't think my concerns can be addressed unless you made an access point from pt Wakefield Rd, straight to the proposed development.

PTO

Item 5.1.1 - Attachment 3 - Notice of category 3 Application, List of Representors and Representations

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I/We:

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- Wish to be heard in support of my representation, and I will be:
  - Appearing personally,
  - OR**
  - Represented by the following person: .....
  - Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

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Signature: ..... Date: / /

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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): Vince King  
 ADDRESS: 711 Port Wakefield Road, Globe Derby Park SA 5110  
 PHONE NO: [REDACTED] EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: 711 Port Wakefield Rd, Globe Derby Park SA 5110
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

No Plans put forward about Joint  
 our boundary.

PTO



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I/We:

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**OR**

Represented by the following person: .....

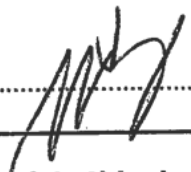
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Signature:  .....

Date: 04/10/16

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- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Tuesday 4th October 2016.**

**Heidi Crossley**

---

**From:** bazzanorman6@gmail.com  
**Sent:** Monday, 3 October 2016 1:17 PM  
**To:** Development  
**Cc:** matthew.norman@auspost.com.au  
**Subject:** development app number- 361/1144/2016/3B- 701-709 Port Wakefield Rd

Barry Norman  
13 Trotters Drive  
globe Derby Park 5110  
South Australia

To whom it may concern,

As a concerned resident and rate payer of Salisbury council I have some safety and road traffic management concerns with this proposed development.

When access to port Wakefield rd was closed via Daniel avenue , it has increased traffic flow on trotters drive to access the other Port Wakefield road exit via the traffic lights. It has now become a very busy road for local residents and local horse participants to share with other users.

I feel we have been very lucky there hasn't been a nasty traffic incident in this point of time

With this proposed development, traffic flow will increase therefore increasing the exposure to a life changing road incident. At the moment road users are exceeding speed limits and there has already been numerous near misses.

If this development is approved it will no doubt increase traffic flow and exposure to a life changing incident to local residents and horse participants. As we are zoned rural living local horse participants have a right to remind safe in using the local facilities.

I hope common sense prevails and this development is not approved.

Yours truly

Barry Norman

Sent from my iPad

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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): Heather Stevens & David Borrett

ADDRESS: 18 Grayling Crt Globe Derby Park

PHONE NO: [REDACTED] EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: As above
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

Our main concern with this development is the volume of traffic it will create. Globe Derby Park is a horse training area with horses using the roads at all hours of the mornings and afternoons.

PTO

361/1144/2016/3B

If this complex is built it will create a significantly increased traffic flow through our streets with motorists who have little or no understanding of horses. This can be dangerous for trainers and riders. Any visitors leaving who need to travel south can only exit Globe Derby by going back to Daniel Ave turning right and then left onto Trotters Drive and then left onto Globe Derby Drive which takes them down to the traffic lights at Pt Wakefield Rd. This development is already being advertised on their website as 'The hub of religious and community activities all year round'. They also advertise weekly meetings on Sundays. Sundays we have horse trials at the Globe Derby race track. So again, increased traffic flow at this time would be unfavourable. Also potential noise issues. There are a number of residential properties close to the planned development. These include Ryans Rd, Grayling Crt and Alabar Cres. Any increased noise from events would impact on these residents.

**My concerns would be addressed by:** (state changes/actions to the proposal sought)

Changes to Port Wakefield Rd so that people will be able to exit this complex without driving through the streets of Globe Derby Park. Motorists should be able leave this complex whether going North or South without impacting on local residents. The Globe Derby streets should be used for local residents not as a thoroughfare.

Noise restrictions imposed for Sunday mornings and all evenings.

PTO

Regulation 35(e) of the Development Regulations 2008 requires that a representation must indicate a person's desire to be heard. Please note that if you do not indicate that you wish to be heard, it **will** be taken that you do not wish to be heard by the Panel.

I/We:

Do not wish to be heard in support of my representation.

Wish to be heard in support of my representation, and I will be:

Appearing personally,

OR

Represented by the following person: .....

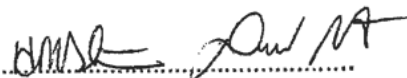
Contact details: .....

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Signature: 

Date: 2 / 10 / 16

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**STATEMENT OF REPRESENTATION**  
Pursuant to Section 38 of the Development Act



To: City of Salisbury  
PO Box 8, SALISBURY SA 5108  
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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): Ryan Hartley Norman

ADDRESS: 63 Daniel Ave, Globe Derby Park

PHONE NO: [REDACTED] EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: 63 Daniel Avenue
- Other (please state):

**YOUR COMMENTS:**

We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

Main reason is ~~due~~ due to there will be excessive traffic via Daniel avenue for access to development in and out. this is a ~~horse~~ horse training Area!

PTO



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I/We:

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Appearing personally,

**OR**

Represented by the following person: .....

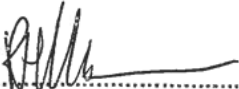
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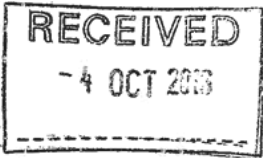
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Signature:  .....

Date: 3 1 10 16

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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): MICHAEL NORMAN ✓  
 ADDRESS: 69 DANIEL AVE GLOBE DERBY PIC SITO  
 PHONE NO: [REDACTED] EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: .....
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

My MAIN ACTIVITY FROM THIS PROPERTY IS TRAINING HORSES, SO MY MAIN CONCERN WOULD BE THE ADDED TRAFFIC WHICH WOULD HAVE TO COME DOWN DANIEL AVE ON A REGULAR BASIS IF THEY HAVE TO GO TOWARDS ADELAIDE

PTO

361/1144/2016/3B

AFTER LEAVING THERE PROPERTY, I REGULARLY HAVE  
TO CROSS THIS ROAD WITH MY HORSES. I HAVE  
LIVED HERE OVER 25 YEARS KNOWING THIS IS A  
DESIGNATED HORSE AREA SO HAVE A REAL PROBLEM  
WITH THIS ADDED TRAFFIC.

**My concerns would be addressed by:** *(state changes/actions to the proposal sought)*

PTO

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Appearing personally,

**OR**

Represented by the following person: .....


Contact details: .....

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Signature:  .....

Date: 3 1 10 1 16

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Salisbury

PO Box 8, SALISBURY SA 5108  
Email: [representations@salisbury.sa.gov.au](mailto:representations@salisbury.sa.gov.au)

RECEIVED

- 4 OCT 2016

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**REPRESENTATIVE DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): MARY CROSBY / LANCE HOLBERTON  
ADDRESS: 10 Alabar Crescent Globe Derby Park  
PHONE NO: [REDACTED] EMAIL: [REDACTED]

(please tick one of the following boxes as appropriate)

The owner/occupier of the property located at: .....

Other (please state): .....

**REPRESENTATIVE COMMENTS:**

(please tick the most appropriate box below)

Support the proposed development.

Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons why to ensure that this is a valid representation:**

Traffic - issues  
A lot more traffic would be introduced to the Globe Derby Area which is currently a horse training + horse

PTO

361/1144/2016/3B

Item 5.1.1 - Attachment 3 - Notice of category 3 Application, List of Representors and Representations

recreation precincts. Any increase in the volume of traffic would make it extremely unsafe as horses are "animals of flight" by nature, traffic being one of the things that scare them. Traffic must inevitably use the Globe Derby horse precinct to enter + exit the proposed development - particularly when exiting to the south \*VERY DANGEROUS SITUATION\*

NOISE - again something that frightens horses - the loud bell ringing that occurs when people are "called to prayer" often starting when horses are being worked prior to sunrise and all day make this a \*VERY DANGEROUS SITUATION\*

Horses are worked very close to this proposed development some having to walk past it. ~~VERY DANGEROUS AGAIN - something~~  
~~My concerns would be addressed by: (state changes/actions to the proposal sought)~~

that has now been pointed out to council and injuries to human or animals as a result of this proposal would be a legal liability

AESTHETICS - not in keeping with the Rural Living in this area

PTO

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Appearing personally,

**OR**

Represented by the following person: .....

Contact details: .....

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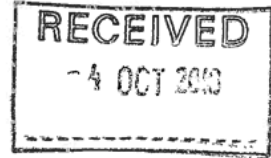
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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): C.F. + S.M. NEWMAN  
 ADDRESS: 667 WHITES ROAD GLOBE DERBY PARK  
 PHONE NO: [REDACTED] EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: 667 WHITES ROAD G.D.Pk
- Other (please state):

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

TRAFFIC INCREASED - DO NOT HAVE LAUNING FOOTPATH ANYWHERE FOR PEDESTRIANS ALONG THIS ROADWAY AND WHITES AND RYANS ROADS WHERE TRAFFIC WILL OBVIOUSLY DEPART THIS VENUE WHEN GOING SOUTH. NO OTHER EXIT THAN TRAFFIC LIGHTS GLOBE DERBY DRIVE. NO FOOTPATHS TROTTER DVE G.P.K

Item 5.1.1 - Attachment 3 - Notice of category 3 Application, List of Representatives and Representations



BE ENDANGERED WALKING THESE ROADS WITH NO FOOTPATHS & EXTRA TRAFFIC. PERSONS TRAVELLING THESE ROADS ALREADY DO NOT OBEY TRAFFIC REGULATIONS IN THIS AREA. NON HORSE PERS THIS IS A HORSE AREA WITH MANY CHILDREN RIDING HORSES AND BICYCLES WITH NO OPTION BUT TO TRAVERSE THE ROADWAY AS THERE ARE NO PATHS TO THE SIDE OF THESE ROADS

A SIMILAR PROPOSAL WAS DECLINED PREVIOUSLY BECAUSE OF INCREASED TRAFFIC IN THIS AREA - AS ONE SOUTH BOUND EXT THROUGH A HORSE AREA THERE HAVE ALREADY BEEN ACCIDENTS AT THE TRAFFIC LIGHT EASTERN END OF GLOBE DERBY DVE WITH MINIMAL LOCAL TRAFFIC

ACCESS SOUTH TO P.W RD DUE TO FLOODING DANIEL AVE / WHITES RD JUNCTION SO SOUTHERN END WHITE RD. - COMPLICATE THE TRAFFIC SITUATION EVEN MORE  
concerns would be addressed by: (state changes/actions to the proposal sought)  
WITH A RECIPE FOR MORE DANGEROUS CONDITIONS ON THESE ROADWAYS IN THE GLOBE DERBY AREA.

PTO

5.1.1 Notice of category 3 Application, List of Representors and Representations

be heard, it will be taken that you do not wish to be heard by the Panel.

I/We:

- Do not wish to be heard in support of my representation.
- Wish to be heard in support of my representation, and I will be:

Appearing personally,

**OR**

Represented by the following person: G. D. Pk ASS

Contact details: p/o D NOUN

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Signature: [Handwritten Signature]

Date: 3 / 10 / 2016

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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): Des + Angela Nalan

ADDRESS: 9 Alabaster Crescent, Globe Derby Park

PHONE NO: [REDACTED]

EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: .....
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
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.....  
TRAFFIC ISSUES

.....  
On exiting the proposed development,  
.....

PTO

Item 5.1.1 - Attachment 3 - Notice of category 3 Application, List of Representors and Representations

South bound traffic would be directed through the Globe Derby Park back streets, which would potentially be dangerous for the horses/handlers + young riders + ponies on the roads

HORSE KEEPING

Where are the plans for the stables/manure disposal

KIDS PONY RIDES

Will this be carried out as a business?  
My concerns would be addressed by: (state changes/actions to the proposal sought)

If Daniel Avenue was to be re-opened up for a south bound exit this would diminish this potential problem.

PTO

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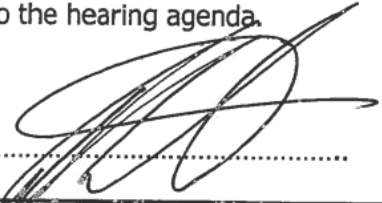
Contact details: Des Nolan : 

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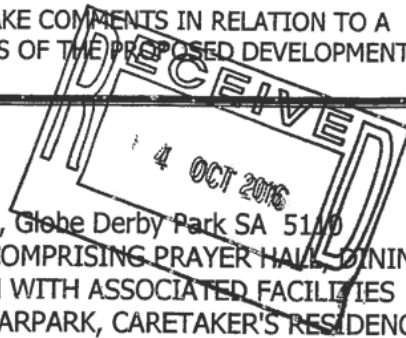


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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): VAUGHN + DENISE NEWMAN

ADDRESS: 15 GRAYLING CT. GLOBE DERBY PARK

PHONE NO: [REDACTED] EMAIL: .....

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: AS ABOVE
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

SAFETY CONCERN: Personally ride horse past this proposed development several times per week (including weekends) - very concerned in relation to the amount of traffic that will use this road. Re: horse being treated

PTO

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- Wish to be heard in support of my representation, and I will be:
- Appearing personally,
- OR**
- Represented by the following person: DES NOLAN
- Contact details: 9 ALABAR CRS GLOBE DERBY PARK

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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): Chuong Hoang Tran & Tsepak Dorjoo Tsetsang

ADDRESS: 713A Port Wakefield Road, Globe Derby Park, SA 5110

PHONE NO: [REDACTED] EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: 713A Port Wakefield Road, Globe Derby Park
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

Our opposition to the proposed development is based on the fact that we are in a rural residential area (zone) and this proposal would have a negative impact on the current way of life for our neighbourhood.

PTO

361/1144/2016/3B

The two main areas of concern are traffic and noise levels in the area. The new development proposal is bound to increase traffic in the ~~road~~ area as well as parking in the immediate vicinity. Although Sikhs in general may pray quietly, some temples are known to project their prayers over loud speakers during their morning & evening prayers.

Noise levels as well as traffic/parking issues would increase exponentially on special occasions or festivals. Although my knowledge of Sikh religion is not extensive, I believe they give special merit to communal prayer so this could even be a daily issue if large numbers gather for ~~prayer~~ their morning and evening prayer on a daily basis.

**My concerns would be addressed by:** *(state changes/actions to the proposal sought)*

We therefore strongly request that the proposal be rejected.

PTO

Regulation 35(e) of the Development Regulations 2008 requires that a representation must indicate a person's desire to be heard. Please note that if you do not indicate that you wish to be heard, it will be taken that you do not wish to be heard by the Panel.

I/We:

Do not wish to be heard in support of my representation.

Wish to be heard in support of my representation, and I will be:

Appearing personally, Chuong Hcang Tran, 5 Daisy Court, Parkfield Garden 5107

**OR**

Represented by the following person: .....

Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

**Your written representation must be received by Council no later than 11.59pm on Tuesday 4<sup>th</sup> October 2016, to ensure that it is a valid representation and taken into account.**

**Representor's Declaration:**

I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993, and may be uploaded to the Council's website as an attachment to the hearing agenda.

Signature:  .....

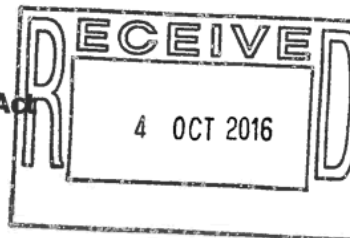
Date: 4 / 10 / 2016

**Please complete this checklist to ensure your representation is valid:**

- Name and address of person (or persons).
- If more than one person, details of person making the representation.
- Detail of reasons for making the representation.
- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Tuesday 4th October 2016.**



**STATEMENT OF REPRESENTATION**  
Pursuant to Section 38 of the Development Act



To: City of Salisbury  
PO Box 8, SALISBURY SA 5108  
Email: [representations@salisbury.sa.gov.au](mailto:representations@salisbury.sa.gov.au)

THIS SHEET PROVIDES YOU WITH THE OPPORTUNITY TO MAKE COMMENTS IN RELATION TO A PROPOSED DEVELOPMENT. PLEASE FIND ATTACHED DETAILS OF THE PROPOSED DEVELOPMENT.

Development Number:	361/1144/2016/3B
Applicant:	Town Planning Advisors
Location:	701-709 Port Wakefield Road, Globe Derby Park SA 5110
Proposed Development:	MIXED USE DEVELOPMENT COMPRISING PRAYER HALL, DINING HALL AND LIBRARY/MUSEUM WITH ASSOCIATED FACILITIES INCLUDING PLAYGROUND, CARPARK, CARETAKER'S RESIDENCE, COMMUNITY GARDEN AND HORSE ENCLOSURE

**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): MRS + MRS P. SPIROU

ADDRESS: 734 WHITES RD GLOBE DERBY PARK SA 5110

PHONE NO: ..... EMAIL: .....

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: 181-187 RYANS RD GLOBE DERBY PARK
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

BEING THE OWNERS OF 181-187 RYANS RD WHICH ADJAINS THE PROPOSAL, OUR FIRST CONCERN IS NOISE. GLOBE DERBY IS A "RURAL LIFESTYLE" WE ENJOY THE PEACE & RELATIVE TRANQUILITY OF THE AREA. PLANS INDICATE

PTO

361/1144/2016/3B

~~CONSTRUCTION~~ OF 107: PWS ON THE WEBSITE OF THE 'UNITED SIKHS'  
 THERE IS AN OUTLINE FOR FUTURE DEVELOPMENT OF 550 CARS!!  
 WE WOULD CONSIDER A LARGE AMOUNT OF DISRUPTION FROM SO  
 MUCH TRAFFIC AND CONSISTENT GATHERINGS. CAR USE  
~~TRAVEL~~ ENTERING IS OK FROM BOTH NORTH + SOUTH BUT EXITING <sup>SOUTH</sup>  
 WOULD BRING MANY VEHICLES INTO THE 'GLOBE DERBY AREA'  
 AS THERE IS NO WAY OUT IF TRAVELLING SOUTH ONLY VIA  
 RYANS RD - WHITES RD - GLOBE DERBY DRIVE - LIGHTS  
 SERVICE RD - DANIEL AVE - TROTTERS DRIVE - GLOBE DERBY DRIVE - LIGHTS  
 I FEEL THE 'PROPOSAL' IS MISLEADING. THE PRESENTATION  
 OF 3 BUILDINGS IS A 'FOOT IN THE DOOR' FOR THE TEMPLE  
 PLANNED. AND NOISE AND TRAFFIC IS OUR CONCERN  
 ARE MEMBERS OF GLOBE DERBY COMMUNITY WELCOME  
 TO THIS SITE? \*  
~~SEWERAGE~~ IS A HUGE CONCERN?? HIGH WATER TABLE AND  
 SEPTIC TANK SYSTEMS NOT ALLOWED!  
 My concerns would be addressed by: (state changes/actions to the proposal sought) WORK!  
 TRAFFIC LIGHTS AT DANIEL AVE / PT. WAKEFIELD RD.  
 SOUND BARRIORS BETWEEN ~~THE~~ PROPERTIES  
 MORE INFORMATION AS TO THE NATURE AND  
 ACTIVITIES PLANNED BY THE GURU DWARA SAHIB  
 KNOWING IF MAINS SEWERAGE WOULD BE ADDRESSED?

PTO

Regulation 35(e) of the Development Regulations 2008 requires that a representation must indicate a person's desire to be heard. Please note that if you do not indicate that you wish to be heard, it will be taken that you do not wish to be heard by the Panel.

I/We:

Do not wish to be heard in support of my representation.

Wish to be heard in support of my representation, and I will be:

Appearing personally,

**OR**

Represented by the following person: .....

Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

**Your written representation must be received by Council no later than 11.59pm on Tuesday 4<sup>th</sup> October 2016, to ensure that it is a valid representation and taken into account.**

**Representor's Declaration:**

I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993, and may be uploaded to the Council's website as an attachment to the hearing agenda.

Signature: *Sachie Hyslop*

Date: *29/9/16*

**Please complete this checklist to ensure your representation is valid:**

- Name and address of person (or persons).
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- Detail of reasons for making the representation.
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**STATEMENT OF REPRESENTATION**  
**Pursuant to Section 38 of the Development Act**

**To:** City of Salisbury  
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Email: [representations@salisbury.sa.gov.au](mailto:representations@salisbury.sa.gov.au)

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Development Number:	361/1144/2016/3B
Applicant:	Town Planning Advisors
Location:	701-709 Port Wakefield Road, Globe Derby Park SA 5110
Proposed Development:	MIXED USE DEVELOPMENT COMPRISING PRAYER HALL, DINING HALL AND LIBRARY/MUSEUM WITH ASSOCIATED FACILITIES INCLUDING PLAYGROUND, CARPARK, CARETAKER'S RESIDENCE, COMMUNITY GARDEN AND HORSE ENCLOSURE

**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): R.S. WHITE

ADDRESS: LOT 20 PT WAKEFIELD RD G/D PARK

PHONE NO: [REDACTED] EMAIL: .....

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: AS ABOVE
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.



**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

ON THE SURFACE OF THIS NOTICE, THE APPLICANT IS THE TOWN PLANNING ADVISORS..... IF THEY ARE MAKING THIS APPLICATION, COULD THEY PROVIDE MORE INFORMATION AS FOR "COMMUNAL"

PTO

361/1144/2016/3B

PARTICIPATION FOR ATTENDANCE, AS  
I DO NOT PRAY AND WOULD LIKE TO KNOW  
WHICH PART OF SOCIETY THAT THEY ARE  
REACHING OUT TO.

\* I ALSO NOTICED "HORSE RIDES" BUT IS  
THAT AN EFFORT TO BYPASS COUNCIL ZONING  
DISAPPROVAL AS CURRENT RURAL ZONE APPLIES.

\* AS NOT ALL IS DISCLOSED, IT MAY  
NOT BE POSSIBLE FOR US TO MAKE  
A FULL PRESENTATION. I NOTICED THE COUNCIL  
WANTS TO BE PREPARED FOR THIS MEETING  
AND AN AGENDA TO BE SET, WE NEED  
EQUIVALENT INFO NOT FULLY DISCLOSED.

**My concerns would be addressed by:** (state changes/actions to the proposal sought)

\* ALSO DOES THIS MEAN AN APPLICATION ON MY  
BEHALF FOR MY PROPERTY (LOT 20, PT WARDWICK RD)  
TO BE SUBDIVIDED, ALLOWING A STABLE WITH A PONY,  
PER DIVISION (OR HOUSEHOLD), AS APPROVED BY  
COUNCIL, THAT THIS IS POSSIBLE.

\* THIS AREA IS ZONED CURRENTLY (AS RURAL) TO  
SUPPORT THE LOCAL HARNESS INDUSTRY. SHOULD  
THEY WISH TO ENGAGE WITH HORSES FOR THE  
PURPOSE OF RACING.

\* "COMMUNITY" FACILITY..... IS THIS FOR "ALL"  
OR "CHOSEN FEW"

PTO



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I/We:

- Do not wish to be heard in support of my representation.
- Wish to be heard in support of my representation, and I will be:

Appearing personally,

OR

Represented by the following person: R. J. SEACAMP

Contact details: [REDACTED]

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Signature: R. J. Seacamp

Date: 4 / 10 / 2016.

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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): Paula Marshall (ACN 169 449 7689 P/L)

ADDRESS: 80 Main North Rd, Prospect SA 5082

PHONE NO: [REDACTED] EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: 8 Crayling Court, Globe Derby
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

Globe Derby Park is one of Adelaide's Best Kept Secrets. I have invested in this area because of the horse activities available to residents and the trotting community. I believe that any other activity desecrates and over populates Globe Derby

PTO

Item 5.1.1 - Attachment 3 - Notice of category 3 Application, List of Representors and Representations



Regulation 35(e) of the Development Regulations 2008 requires that a representation must indicate a person's desire to be heard. Please note that if you do not indicate that you wish to be heard, it will be taken that you do not wish to be heard by the Panel.

I/We:

Do not wish to be heard in support of my representation.

Wish to be heard in support of my representation, and I will be:

Appearing personally,

**OR**

Represented by the following person: .....

Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

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**Representor's Declaration:**

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Signature: P. Mansfield

Date: 3 11 0 1 16

**Please complete this checklist to ensure your representation is valid:**

Name and address of person (or persons).

If more than one person, details of person making the representation.

Detail of reasons for making the representation.

Indication whether or not the person (or persons) wishes to be heard.

Submitted no later than 11.59pm on **Tuesday 4th October 2016.**



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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): Angelique Zoontjens / Matt Walden  
 ADDRESS: 17 Grayling Court Globe Derby Pk  
 PHONE NO: [REDACTED] EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: 17 Grayling Crk Globe Derby Pk
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

Needs more clarification on Horse enclosure not shown on map  
This is a mosque not a public community centre for General Religious + Spiritual People other than Islamic. The Plaza, PTO

361/1144/2016/3B

- I would like written Confirmation that I as a catholic can utilise these premises
- The map is not clear on parking to accommodate Excessive amounts of people. Horse enclosure not shown on Map - Poor excuse used to have this Mosque pushed through.
- need further clarification on horse inclosure, Water, wash bay, manure/Wastage areas and removal. Also as its community, are we allowed to use this enclosure whilst visiting or using the services of this Mosque.

**My concerns would be addressed by:** (state changes/actions to the proposal sought)

My concerns are that the commenda where I reside will be inundated in Public Driving through Area. Harrasing Residents, horses, goats and pigs that reside in the area.

This is a horse community not a Mosque, Islamic practicing Communi

There is also two community clubs within 10 kms of this proposal - Parafield Gdns Community club + the Mosque in Greenfields. This is a conflict of interest to the community clubs.

PTO

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I/We:

Do not wish to be heard in support of my representation.

Wish to be heard in support of my representation, and I will be:

Appearing personally,

OR

Represented by the following person: *I will attend but be represented by my partner*  
*Matthew Watden*

Contact details: .. *[Redacted]*

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

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**Representor's Declaration:**

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Signature: *[Handwritten Signature]*

Date: *28/9/16*

**Please complete this checklist to ensure your representation is valid:**

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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): MARLENE BILLINGER

ADDRESS: 91 DANIEL AVE GLOBE DERBY PARK 5110

PHONE NO: [REDACTED] EMAIL: —

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: AS ABOVE
- Other (please state): .....

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

I CAN NOT THINK OF A VALID REASON NOT TO SUPPORT THIS PROPOSAL SO THEREFORE I WILL SUPPORT IT.

27 SEP 2016 PTO





Regulation 35(e) of the Development Regulations 2008 requires that a representation must indicate a person's desire to be heard. Please note that if you do not indicate that you wish to be heard, it will be taken that you do not wish to be heard by the Panel.

I/We:

Do not wish to be heard in support of my representation.

Wish to be heard in support of my representation, and I will be:

Appearing personally,

**OR**

Represented by the following person: .....

Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

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Signature:  .....

Date: 22 / 9 / 2016

**Please complete this checklist to ensure your representation is valid:**

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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S):... MICHAEL & MARY - CAAMEN AGINS

ADDRESS:... 197 RYANS RD GLOBE DERBY PARK 5110

PHONE NO: [REDACTED] EMAIL: .....

I am: (please tick one of the following boxes as appropriate)

The owner/occupier of the property located at: ... AS ABOVE

Other (please state): .....

**YOUR COMMENTS:**

We: (please tick the most appropriate box below)

Support the proposed development.

Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

WE ARE NOT FUSSIED ABOUT BUILDING AS LONG AS THERE'S NOT TOO MUCH NOISE AROUND THE AREA

Item 5.1.1 - Attachment 3 - Notice of category 3 Application, List of Representors and Representations



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I/We:

- Do not wish to be heard in support of my representation.
- Wish to be heard in support of my representation, and I will be:
  - Appearing personally,
  - OR**
  - Represented by the following person: .....
  - Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

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Signature: ..... Date:        /        /

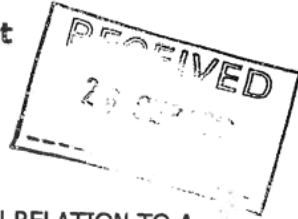
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**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): J. G. W. L. Dougherty

ADDRESS: 7 Grayling Ct Globe Derby Pk 5110

PHONE NO: [REDACTED] EMAIL: [REDACTED]

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: 7 Grayling Ct Globe Derby Pk
- Other (please state):

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

.....

.....

.....

.....

PTO



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I/We

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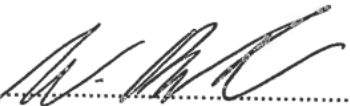
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Signature:  .....

Date: 23 / 9 / 2016

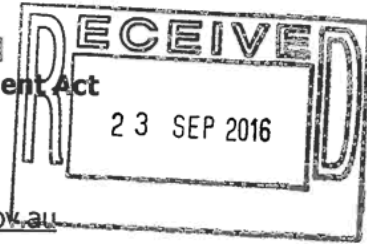
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Development Number:	361/1144/2016/3B
Applicant:	Town Planning Advisors
Location:	701-709 Port Wakefield Road, Globe Derby Park SA 5110
Proposed Development:	MIXED USE DEVELOPMENT COMPRISING PRAYER HALL, DINING HALL AND LIBRARY/MUSEUM WITH ASSOCIATED FACILITIES INCLUDING PLAYGROUND, CARPARK, CARETAKER'S RESIDENCE, COMMUNITY GARDEN AND HORSE ENCLOSURE

**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S): Mrs. KATHARIN A. GULLY  
ADDRESS: 99 DANIEL AV. GLOBE DERBY PARK SA 5110  
PHONE NO: [REDACTED] EMAIL: N.F.P

I am: (please tick one of the following boxes as appropriate)

- The owner/occupier of the property located at: 99 DANIEL AV. G.D.P.R.
- Other (please state):

**YOUR COMMENTS:**

I/We: (please tick the most appropriate box below)

- Support the proposed development.
- Oppose the proposed development.

**Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.**

IN 1978 MY HUSBAND AND I MOVED & BUILT A HOUSE, STABLES & 3 KENNELS, TO PROVIDE OUR INTEREST IN HORSES & SHOW JOBS, WE HAVE BOTH RETIRED FROM HORSES

PTO

361/1144/2016/3B

RACING & SHOWING DOGS. MY HUSBAND  
IS A PERMANENT RESIDENT AT 'HARPING  
HANDS AND CARE' MOWSON LAKES.

ON A PERSONAL LEVEL I WELCOME  
OTHER INTERESTS, PARTICULARLY, THE  
LIBRARY, MUSEUM, COMMUNITY GARDEN.

**My concerns would be addressed by:** *(state changes/actions to the proposal sought)*

PTO

Regulation 35(e) of the Development Regulations 2008 requires that a representation must indicate a person's desire to be heard. Please note that if you do not indicate that you wish to be heard, it will be taken that you do not wish to be heard by the Panel.

I/We:

Do not wish to be heard in support of my representation.

Wish to be heard in support of my representation, and I will be:

Appearing personally,

**OR**

Represented by the following person: .....


Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

**Your written representation must be received by Council no later than 11.59pm on Tuesday 4<sup>th</sup> October 2016, to ensure that it is a valid representation and taken into account.**

**Representor's Declaration:**

I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993, and may be uploaded to the Council's website as an attachment to the hearing agenda.

Signature: 

Date: 

**Please complete this checklist to ensure your representation is valid:**

- Name and address of person (or persons).
- If more than one person, details of person making the representation.
- Detail of reasons for making the representation.
- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Tuesday 4th October 2016.**



Attachment 4  
Applicant's Response to Representations



PO BOX 9061 HENLEY BEACH SOUTH SA 5022  
 Phone: 08 7070 7496 | Mobile: 0478 509 777  
 Email: [bill@townplanningadvisors.com.au](mailto:bill@townplanningadvisors.com.au)  
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22 September 2017

City of Salisbury  
 PO Box 8  
 SALISBURY SA 5108

Dear Sir/Madam

**Mixed development comprising a community facility and place of worship together with associated facilities including playground, carpark, caretakers residence, community kitchen garden ongoing horse keeping and temporary horse keeping**

#### 1. Introduction

Town Planning Advisors, acts on behalf of the applicant in relation to this Development Application. The City of Salisbury has undertaken Category 3 notification of the application and has forwarded written representations from the following people:

**Table 1 Opposed (immediate locality < than 300m)**

Number	Name	Address	Distance (by Road)
1.	V P King	711 Port Wakefield Rd, GLOBE DERBY PARK SA 5110	Adjoining to the north
2.	T D Tsetsang and C H Tran	713A Port Wakefield Rd, GLOBE DERBY PARK SA 5110	Adjoining to the north
3.	R Gaskin	8 Norton St, NORTH FIELD SA 5085	Adjoining to the west
4.	R Frezza and R Frezza	719 - 727 Port Wakefield Rd, GLOBE DERBY PARK SA 5110	160m
5.	C Alexopoulos and D Alexopoulos	729 Port Wakefield Rd, GLOBE DERBY PARK SA 5110	300m

**Table 2 Opposed (Wider Locality >400m)**

6.	A Kolovinos and M Koiovinos	739 Port Wakefield Rd, GLOBE DERBY PARK SA 5110	400m
7.	R White	751-761 Port Wakefield Rd, GLOBE DERBY PARK SA 5110	550m
8.	R H Norman	69 Daniel Ave, GLOBE DERBY PARK SA 5110	1.4km
9.	M Norman	69 Daniel Ave, GLOBE DERBY PARK SA 5110	1.4km
10.	M P Crosby and L H Holberton	10 Alabar Cres, GLOBE DERBY PARK SA 5110	1.5km
11.	C E Newman and S M Newman	667 Whites Rd, GLOBE DERBY PARK SA 5110	1.5km
12.	S Lowe	109 Daniel Ave, GLOBE DERBY PARK SA 5110	1.6km
13.	M A Harding and L B Harding	15 Trotters Dr, GLOBE DERBY PARK SA 5110	1.6km
14.	B Norman	13 Trotters Dr, GLOBE DERBY PARK SA 5110	1.6km
15.	P Marshall	8 Grayling Court, GLOBE DERBY PARK SA 5110	1.6km
16.	A J Zoontjens and M P Walden	17 Grayling Ct, GLOBE DERBY PARK SA 5110	1.7km
17.	L P Randall and P B Randall	23 Trotters Dr, GLOBE DERBY PARK SA 5110	1.7km
18.	S L Trevean	23 Trotters Dr, GLOBE DERBY PARK SA 5110	1.7km
19.	R Trevean	23 Trotters Dr, GLOBE DERBY PARK SA 5110	1.7km
20.	C L Baker	23 Trotters Dr, GLOBE DERBY PARK SA 5110	1.7km
21.	H G Searle	2 Alabar Cres, GLOBE DERBY PARK SA 5110	1.7km
22.	H M Stevens and D Barrett	18 Grayling Ct, GLOBE DERBY PARK SA 5110	1.7km
23.	V L Newman and D K Newman	15 Grayling Ct, GLOBE DERBY PARK SA 5110	1.7km
24.	P G Pavlovich and L Pavlovich	24 Grayling Ct, GLOBE DERBY PARK SA 5110	1.8km
25.	D J Nolan and A K Nolan	9 Alabar Cres, GLOBE DERBY PARK SA 5110	1.9km
26.	J C Lee	21 Alabar Cres, GLOBE DERBY PARK SA 5110	2km
27.	P M Spirou and S P Spirou	734 Whites Rd, GLOBE DERBY PARK SA 5110	2km

**Table 3 Support**

Number	Name	Address	Distance (by Road)
28.	M C Agius and M Agius	197 Ryans Rd, GLOBE DERBY PARK SA 5110	900m
29.	J G Dougherty and W L Dougherty	7 Grayling Ct, GLOBE DERBY PARK SA 5110	1.6km
30.	K A Gully	99 Daniel Ave, GLOBE DERBY PARK SA 5110	1.5km

Representors opposed to the application raised the following concerns:

- Concerns regarding the disposal of stormwater;
- There is no horse shelter or feed store shown on the plans;
- Noise associated with the development may upset animals within the locality;
- The proposed development may result in a conflict between horses and visitors to the land;
- There will be an increase in traffic on local roads;
- There may be an increase in noise;
- The proposed development will prejudice the use of nearby land for its intended use;
- Properties within the locality use septic systems, how will the waste be disposed of;
- Concerns regarding boundary construction;
- The proposal is not in keeping with a rural living area;
- Will horse/pony rides be carried out as a business; and
- Is there sufficient car parking.

In order to better understand the submissions it is worthwhile to consider the proximity and location of each representor.

A total of 5 submissions in opposition were received from residents within 300 metres of the proposed development, three of whom live adjacent the subject land. Of the three adjoining representors only one raised concerns with the actual land use, while the other two advised that their concerns were more localised and could be overcome, specifically:

- There is an existing stormwater problem associated with the boundaries of 187 Ryans Road and the subject land, these problems should be addressed;
- There is no shelters for the horses, this should be addressed;
- Large gatherings late at night could aggravate animals, there should be a curfew restricting activity at the land to before 7pm;
- A high fence should be erected between 187 Ryans Road and the subject land; and
- There needs to be more details regarding fencing between the subject land and 711 Port Wakefield Road Globe Derby Park.

The applicant is willing to address each of the above concerns, specifically:

- A detailed storm water management plan has been prepared, any existing storm water issues will be resolved as a result of the proposed development;
- A shelter has been added to the site plan;
- Attendance at the land will be in accordance with Table 1 below with all services concluding at 2pm, far earlier than 7pm requested by the representor; and
- The applicant is willing to erect a new fence separating the subject land from the neighbours and is willing to consult with the neighbours to ensure that any concerns are addressed.

The owner of the land has spoken with the adjoining neighbour to the south, the southern neighbour has advised that they support the proposed development.

The majority of submissions (22) in opposition to the proposed development were received from residents dwelling between 400 metres and 2 kilometres from the subject land, primarily from residents residing within residential type zones.



Figure 1 below shows the location of representors within the immediate locality.

**Figure 1**



*The majority of representors reside greater than 400 metres from the subject land*

## **2. Additional Information prepared**

Following consultation the applicant has prepared the following additional information;

- Updated site plan;
- Traffic assessment;
- Traffic surveys of the locality;
- Stormwater management plan; and
- Preliminary site investigation.

## **3. Proposed Development**

In responding to the above submissions it is critical to outline the proposed land use.

Specifically the development application before you proposes to construct a mixed development comprising a community facility and place of worship together with associated facilities including playground, carpark, caretakers residence, community kitchen garden ongoing horse keeping and temporary horse keeping.

The community facility comprises a total of 3 buildings, the southernmost building is to be used as a library/museum, the southern central building is to be used as a congregation hall/place of worship and the northern central building is to be used as a meeting and meals area.

The caretaker's residence is proposed to be located north of the community facility. The caretakers residence is proposed to have a total area of 114 square metres and includes three bedrooms and a living/lounge area.

The primary carpark is proposed to be located in close proximity to the proposed buildings and 128 metres from Port Wakefield Road. The car park provides a total of 118 spaces. An additional 5 car parking spaces will be provided adjacent the caretakers residence.

There will be a full time caretaker onsite at all times.

Attendance at the subject land will include a single weekly service catering to 150 people with only the groundskeeper and less than 20 people attending on any other day.

Services will occur between 10am and 2pm with attendance spread out over a four hour period. Services catering to up to 250 people will be held up to 6 times per year. Services will occur between 10am and 2pm on weekends with attendance staggered over these times.

In summary there will be a weekly service catering for up to 150 people and a maximum of up to 6 annual services catering to up to 250 people. The following table provides an overview:

**Table 1**

Day of the Week	Time	Maximum Number of People onsite
Monday	9am to 5pm	20 or less
Tuesday	9am to 5pm	20 or less
Wednesday	9am to 5pm	20 or less
Thursday	9am to 5pm	20 or less
Friday	9am to 5pm	20 or less
Saturday	9am to 5pm	20 or less
Sunday	10am to 2pm	150

*Up to 6 annual services will occur per year with attendance of up to 250 people. The date of each service is associated with the lunar calendar. The Services will occur between 10am and 2pm on a Sunday.*

It is proposed that any member of the community (not only members of the Sikh community) will be allowed to use the community kitchen garden. The community kitchen garden will function in a similar manner to Council operated community gardens, with interested persons able to access individual plots.

In addition to the community kitchen garden the applicant proposes to permit members of the wider community access to the land and use of all onsite facilities.

Sikh culture welcomes interaction with the wider community and proposes to operate in an open manner with anyone from the local or wider community invited enjoy the community kitchen gardens or other facilities.

A single horse is proposed to be kept on the subject land within the area identified as horse keeping on the attached plans. The horse is to be used for children's rides and horse riding lessons. Animal keeping forms an important part of the community use of the land. Up to an additional 2 horses will be brought to the land during services for pony/horse rides however these horses will not stay at the land overnight.

Table 2 below provides an overview of the use of the land.

**Table 2**

Land use	Area (square metres)	Percentage of Total area
Community Garden and playground	6,300	31%
Horse Keeping (including temporary horse keeping for up to 2 horses)	2,100	10%
Dining Hall, Library, Prayer Hall	1,200	5%
Caretaker Residence	114	0.05%

As shown above a total of 41% of the overall land area is to be utilised for the community kitchen garden and horse keeping. While the applicant considered keeping another horse onsite, a single horse is considered more appropriate when the overall area of the subject land is taken into consideration. A total of three horses may be located on the land during services however two of those horses will be transported to other locations before 4pm on any day.

A total of 5% of the overall land area is to be utilised for the dining hall, library and Prayer Hall.

When assessing the appropriateness of the proposed land use one must consider that 5% of the total land area is to be used for a place of worship/community centre. Further the place of worship/community centre will only be utilised for a total of 4 hours per week.

Between the hours of 9 and 5 (56 hours) per week, the land will only be used as a community centre for 8% of this time. The land will be used for horse keeping and community kitchen gardens for a total of 92% of the hours between 9 and 5 every day of the week. Accordingly the proposed use of the land is for a community kitchen garden and horse keeping with ancillary place of worship.

### **3.1. Relevance of Horticulture/Agriculture and the provision of meals to the community in Sikh Culture**

As detailed in our original submission the community kitchen garden will be managed by Mr Daniel Connell. Daniel Connell has 25 years experience of designing, establishing and maintaining organic community gardens for various communities in Adelaide and in India, including for children, the elderly and people with a disability.

This Garden will be designed using organic principles of soil enhancement, permaculture principles, water conservation, monastic and Indian Gurdwara gardens and will focus on produce that the Punjabi community most commonly used.

A brief history of the Sikh connection with agriculture and the provision of free meals follows:

*The Sikh faith has a persistent link to a geography and the dignity of labour as referenced in the Sikh Holy text, Guru Granth Sahib. The region significant for Sikhs, Punjab is the agriculture heartland of India. Most Sikhs today have an ongoing relationship with food cultivation. The founder of Sikhism, Guru Nanak Dev was a farmer and made the practice of manual labour imperative for Sikhs.*

*Honest labour (Kirat Karni) is one of the three main tenets of Sikhism.*

*The tradition of serving Langar - a free vegetarian meal, fulfils another of the three central tenets of Sikhism of Seva (service) or Vand Chakna. It is served not only to any one who comes to the Gurdwara but distributed to any one in need in the community. Making oneself known to those in need in a local community, is the work of the contemporary Sikh. This will become part of the practical aspect of the Gurdwara Sangat (community's) Vand Chakna, the necessary outreach to the wider community.*

*It is proposed that a collection of non perishable combined with fresh produce from the garden will be provided via existing service providers for the homeless, families in crisis, school breakfast programs or the city of Salisbury's subsidised meal programs. The garden will be a core part of this.*

*A determining factor for success in community gardens is ongoing maintenance and labour, The enthusiasm for Seva amongst sikhs because of the religious imperative of honest labour (Kirat Karni) of all generations creates a pool of keen, disciplined and willing workers of many capacities.*

*The garden will be in a unique position to rely on this labour for establishment of the garden and for weekly maintenance. It will become part of the daily routine alongside serving food, of the Gurdwara community*

### **3.2. Relevance of Horses in Sikh Culture**

A brief summary of the Sikh faith's connection with horses follows:

*Horses have a very significant place in sikh history. Horses were the companions to sikh warriors who fought many wars with mughals. They were not only a main source transportation but also very useful in carrying weapons and other aids*

*But they were more than just a means of transport for the Sikhs.*

*There is also a Gurudwara (sikh temple) 'Sri Sohela Ghora Sahib' named after a horse. It is situated near the Anandpur Sahib city in Ropar district in India. Krori mal, a sikh from kabul & a disciple of 'Guru Har Gobind', one of the sikh Gurus, gifted two horses to the Guru Har Gobind- Jaan Bhai & Suhela. The Guru fought battle against mughals in Kartarpur Sahib on the horse named Suhela. Suhela was wounded in the battle & later died hence giving the temple its name*

*10th sikh Guru 'Guru Gobind Singh' was also known as 'Neelay Ghore Wala' meaning 'the One with the blue Horse' because of his horse which was blue roan coloured. Even to this day horses of that breed exist & are displayed during the festival of 'Holla Mohalla' in Anandpur Sahib India each year*

*Maharaja Ranjit Singh, a famous sikh ruler had a passion for horses and once fought a battle to re-possess his famous horse 'Laili'. Such was the respect for horses in his rule that many horses including Laili were given a state burial with a 21-gun salute when it died.*

*Sikh history is replete with stories of horses. A google search on- 'horses in sikh history' reveals numerous pages & stories on significance of horses in sikh history.*

**Figure 2**



*Horse Riding feats form an element of some Sikh events (it is not proposed to undertake any horse riding feats at the subject land)*

**Figure 3**



*Horses form a fundamental element of the Sikh Culture*



Horses form a fundamental element of the Sikh Culture (it is not proposed to undertake any horse processions at the subject land)

**4. Overview of Australian Unitarian Druze Community Inc v Adelaide Hills Council & Anor [2015] SAERDC 38**

On 8 October 2014 Adelaide Hill Council Development Assessment Panel approved an application from the Druze Community of South Australia comprising:

*Community facility including construction of a meeting hall (280 person capacity) associated earthworks and retaining walls, water storage tanks (4x22,000L underground tanks and 2 x 22,000L above ground tanks), undercroft and open car parking area (47 spaces) and driveways, conversion of portion of existing dwelling to reception, storage and meeting rooms associated with the community facility, demolition of existing outbuilding, horticulture (orchards and community garden)' on the subject land together with the relocation of the masonry pillar gateway at 197 Norton Summit Road*

A third party representor appealed the decision of Council; ultimately the application was determined by the Environmental Resources and Development Court.

The application by Australian Unitarian Druze Community Inc shares many similarities to the application currently under consideration such as being located in a similar zone. The 'Druze' application was located within the Watershed (Primary Production) Zone and the Rural (Norton Summit) Policy Area of the Adelaide Hills Development Plan.

Key Watershed (Primary Production) Zone and the Rural (Norton Summit) Policy Area provisions include:

*Objective 1: Preservation of primary production, especially the mixture of horticulture.*

**Objective 2:** Conservation of rural character and scenic amenity, especially significant tracts of bushland.

**Objective 3:** Restriction of residential development to existing allotments only.

**Objective 4:** No intensification of urban development.

#### PRINCIPLES OF DEVELOPMENT CONTROL

*1 Development should primarily be limited to agriculture and horticulture and related activities and properly planned with due regard to topography, vegetation, possible impact on surrounding development and water resources.*

The Watershed (Primary Production) Zone, Rural (Norton Summit) Policy Area shares many similarities with the Rural Living Zone Bolivar Policy Area 19. In particular both policy areas are intended to be used for low scale residential development and primary production.

His Honour Judge Costello, Commissioner Green and Commissioner Koukourou considered that the proposed land use for the 'Druze' application was appropriate, taking the following factors into consideration:

most of the members of the Druze Community, who are likely to utilise the facility, live outside the Zone, does not mean that the facility is any the less a community facility.

The Court found that members of the Druze Community lived outside of the zone where the community facility was to be constructed. A community facility can service members of the wider community, not only persons living within the zone.

it is not appropriate to approach a consideration of this issue from the point of view that these two forms of development are to operate separately and independently of each other.

The Court found that the proposed horticulture use and the community centre use were intrinsically linked. This is also true of the current application which proposes the construction of a community centre, a community kitchen garden as well as the keeping of horses.

Community service including the provision of meals has long been an important part of Sikh culture. The application currently under consideration proposes a community kitchen garden and kitchen which will feed not only members of the Sikh community but any other members of the community.

The community kitchen garden is proposed to serve the entire community and will be made available to any interested party.

As outlined in section 3.2 above horses form a fundamental part of Sikh culture. The proposed horse keeping, community kitchen gardens and community centre do not operated separately and independently and are fundamental elements of the proposed development.

The history and nature of both the philosophy and activities of the appellant demonstrate that these two forms of use are intended to operate in an integrated and complementary manner.

Number 701 to 709 Port Wakefield Road Globe Derby Park was selected as the preferred location for the Sikh community centre, kitchen garden and horse keeping as it is one of the few suitable locations for horse keeping within the City of Salisbury.

The proposed development is intended to operate in an integrated and complimentary manner.

*We also recognise and accept that, for a mixed form of development with these characteristics, the opportunity for it to locate in a township, in proximity to businesses and shopping facilities is limited, given the area of land required and the consequent cost of purchase. We are satisfied that, allowing for the appellant's requirements for a sizeable tract of land to serve the horticultural use, the amended proposal will be located conveniently to the community it is to serve.*

The above passage recognises the reality of locating land suitable for a mixed (community centre/agriculture) type of development within township or centre zone. A detailed review of alternative zones and locations is included in section 5 below.

The Rural Living Zone Bolivar Policy Area is a suitable location for an integrated land use comprising a community centre, community kitchen garden and horse keeping.

*An important feature of the proposal was the mixed nature of the development comprising both its use as a community facility and a horticultural use. If the community facility use could commence and establish in advance of the horticultural use, the nature of such a use would be fundamentally different in character. It would not be appropriate, in our view, for the 'community facility' part of the development to proceed in advance of the substantial establishment of the horticultural use and a condition to ensure that this does not occur is now necessary.*

In approving the 'Druze' application the court recognised that each element of the development must occur and that the community centre in isolation would not be appropriate. The same is true for the current application, accordingly the applicant is willing to accept any condition requiring horse keeping and the community kitchen garden to be established at the same time as the community centre.

## 5. Site Investigation

The Preliminary site investigation was undertaken to demonstrate that the subject land is suitable for a residential use. Agon Environmental undertook the following scope of work:

- A summary of property details and current zoning;
- A description of site features and land use on and surrounding the site;
- A brief discussion of regional geology and hydrology;
- A summary of search results on public databases;
- A summary of historical land titles ownership;
- A review of historical aerial photographs of the site and surrounding area;
- A brief summary of other available historical information relevant to the investigation;
- A review of public registers and databases indicating potential contaminants of concern; and
- Compilation of this information in the report.



Following a review of the above investigations Agon Environmental concluded that the site appears to have historically been used for agricultural purposes.

Agon environmental concluded that site contamination risks associated with the previous use of the land are low. As such, Agon Environmental considers that previous use of the land will not pose any significant risk to human health or to the environment.

## 6. Planning Assessment

### 6.1. Land Use

The proposed development is appropriate within the Rural Living Zone Bolivar Policy Area key Zone and Policy Area provisions include:

#### *Rural Living Zone*

##### *Objectives*

- 1 *A zone consisting of large allotments, detached dwellings and rural activities that do not adversely impact the amenity of the locality.*

##### *Principles of Development Control*

- 1 *The following forms of development are envisaged in the zone:*
  - *detached dwelling*
  - *domestic outbuilding in association with a detached dwelling*
  - *domestic structure*
  - *dwelling addition*
  - *farming*
  - *farm building*
  - *stable.*
- 2 *Development listed as non-complying is generally inappropriate.*
- 4 *Commercial, industrial, or retail activities should not be undertaken within the zone.*

#### *Bolivar Policy Area 19*

##### *Objectives*

- 1 *A policy area that accommodates low density residential development and stables on large allotments.*
- 2 *Residential development in association with the keeping of horses in close proximity of the South Australian Trotting Club (Globe Derby Park) facilities.*
- 3 *Development that contributes to the desired character of the policy area.*

##### *Desired Character*

*The policy area encompasses land set aside for persons desiring to live within detached dwellings on allotments that also accommodate stables. Uses within the site are generally linked to the Globe Derby Park sporting venue.*

***Principles of Development Control***

- 1 *The following forms of development are envisaged in the policy area:*
  - *detached dwellings on large allotments*
  - *domestic outbuilding in association with a detached dwelling*
  - *horse keeping*
  - *stables.*
- 2 *Development should not be undertaken unless it is consistent with the desired character for the policy area.*
- 3 *Development should be designed and sited to allow for the orderly expansion of residential development and horse keeping.*
- 4 *Buildings should be set-back at least 30 metres from the top of the banks of the Little Para River west of Port Wakefield Road.*

The above Zone and Policy Area provisions promote:

- Large allotments;
- Development that will not adversely impact the amenity of the locality;
- Development that will not unreasonably impact adjacent development; and
- Horse keeping and stables;

Development that is not appropriate within the zone or policy area is listed within the non-complying development provisions:

**Rural Living Zone**

**Non-complying Development**

Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of development	Exceptions
Advertisement and/or advertising hoarding	Advertisement and/or advertising hoarding where the development achieves at least one of (a) or (b): (a) is adjacent to a road with a speed limit of less than 80 km/h (b) has an advertisement area of 2 square metres or less and achieves all of the following: (i) the message contained thereon relates entirely to a lawful use of land (ii) the advertisement is erected on the same allotment as the use it seeks to advertise (iii) the advertisement will not result in more than two advertisements on the allotment.
Amusement machine centre	
Bed and breakfast for more than 6 guests	
Bulky Goods Outlet	
Caravan park	
Consulting room	Except where it achieves all of the following: (a) it is ancillary to and in association with a detached dwelling (b) the maximum component floor area used as a consulting room does not exceed 50 square metres.
Crematorium	
Dairy	
Dwelling	Except where it achieves one of the following: (a) it is a detached dwelling that results in no more than one dwelling per allotment (b) it is a second dwelling and it is attached to an existing detached dwelling.
Fuel depot	
Hotel	
Industry	
Intensive animal keeping	

Form of development	Exceptions
Land division	Except where it achieves one of the following: (a) it is located within the Bolivar Policy Area 19 and all resulting allotments are at least 4000 square metres (b) it is located within the Direk Policy Area 20 and all resulting allotments are at least 1 hectare.
Major public service depot	
Motor repair station	
Office	Except where it achieves all of the following: (a) it is ancillary to and in association with a detached dwelling (b) the maximum component floor area used as an office does not exceed 50 square metres.
Road transport terminal	
Service trade premises	
Shop or group of shops	Except where the gross leasable area is less than 250 square metres.
Stock sales yard	
Stock slaughter works	
Store	
Warehouse	
Waste reception, storage, treatment or disposal	
Wrecking yard	

Rural Living Zone Principle of Development Control 4 states that commercial, industrial, or retail activities should not be undertaken within the Zone. Principle of Development Control 4 is reinforced by the above list of non-complying development.

Non-complying uses include advertising, tourist accommodation, shops of varying scales, consulting rooms, intensive agricultural uses, hotels, industrial uses, offices and various commercial activities.

The proposed development is best described as a community centre with ancillary stables gardens and place of worship. A community centre is defined by the Development Regulations as:

*community centre means land used for the provision of social, recreational or educational facilities for the local community, but does not include a pre-school, primary school, educational establishment or indoor recreation centre;*

A place of worship is not defined within the Development Regulations. Importantly community centres and Places of worship have not been excluded from the Rural Living Zone by being listed as non-complying forms of development.

Community Centres have been listed as non-complying in the following zones within the City of Salisbury Development Plan, the Bulky Good Zone, Caravan and Tourist Park Zone, Coastal Conservation Zone, Coastal Open Space Zone, Deferred Urban Zone, Hills Face Zone, Industry Zone, Light Industry Zone, Mineral Extraction Zone, Mixed Use (Bulky Goods, Entertainment and Leisure) Zone and parts of the Primary Production Zone.

While exclusion from the list of non-complying development does not mean that a form of development is appropriate within a zone, it does mean that, a particular form of development may be appropriate following a detailed assessment.

Assessing the proposed development against Rural Living Zone Principle of Development Control 4 and the list of non-complying development it is important to consider that:

- The proposed development is not commercial, industrial or retail;
- Larger services will only occur 1 day a week for a period of approximately 4 hours;
- The proposed buildings will not be visible from the street;
- No activity will occur at the subject land at night;
- Members of the local community will be encouraged to participate in the community kitchen gardens and horse keeping activities; and
- The subject land adjoins a total of four residential allotments.

The following Council Wide Objectives and Principles are of particular relevance in an assessment of the proposed land use:

**Community Facilities**

**Objectives**

- 2 The proper provision of public and community facilities including the reservation of suitable land in advance of need.

**Principles of Development Control**

- 1 Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.
  - 2 Community facilities should be integrated in their design to promote efficient land use.
  - 3 Design of community facilities should encourage flexible and adaptable use of open space and facilities for a range of uses over time.
- 4 Places of worship should be developed according to the following hierarchy:

Scale	Development form	Congregation size
Small (local)	Associated with an area of worship ancillary to a residence. These activities are particularly common for religious organisations that do not have a large following and / or lack funds to purchase a standalone building.	Typically accommodate approximately 5 to 30 worshippers in any one session.
Medium(neighbourhood)	Purpose built or re-use of existing buildings with medium footprints that are found in most suburbs and country towns	Typically have congregations of up to 100-300 persons in any one session
Large (regional)	Purpose built or re-use of existing buildings with large footprints and catering for a variety of ancillary activities	In excess of 300 persons in any one session

- 5 *Small (local) to medium (neighbourhood) scale places of worship within residential areas should be appropriately located on major collector roads to minimise congestion or traffic conflict within local streets.*
- 6 *Large places of worship should:*
  - (a) *be located within centre, commercial or the periphery of industrial zones*
  - (b) *demonstrate the following design features:*
    - (i) *reuse of existing buildings*
    - (ii) *the bulk, mass and height of development compatible with the character of the locality*
    - (iii) *sharing of car parking facilities*
    - (iv) *siting on arterial or collector roads rather than narrower local residential streets*
    - (v) *promote crime prevention through environmental design principles*
    - (vi) *reduced land use conflicts in relation to the scale of building form and hours of operation*
    - (vii) *provide value added functions and facilities that can be used by neighbouring activities.*
- 7 *Large scale places of worship located in commercial or industry zones should not detrimentally impact on the operations of existing commercial or industrial land uses.*

#### **Orderly and Sustainable Development**

##### **Objectives**

- 1 *Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.*
- 2 *Development occurring in an orderly sequence and in a compact form to enable the efficient provision of public services and facilities.*
- 3 *Development that does not jeopardise the continuance of adjoining authorised land uses.*
- 4 *Development that does not prejudice the achievement of the provisions of the Development Plan.*

##### **Principles of Development Control**

- 1 *Development should not prejudice the development of a zone for its intended purpose.*
- 4 *Urban development should form a compact extension to an existing built-up area.*
- 8 *Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.*

The above Development Plan provisions provide guidance as to suitable locations for community facilities and places of worship. Community Facilities Principle of Development Control 4 categorises places of worship as small medium or large based on the number of attendees.

Small places of worship should be appropriately located on major collector roads to minimise congestion or traffic conflict within local streets. Large places of worship should be located within centre, commercial or the periphery of industrial zones. The proposed development is a medium place of worship.

Medium size places of worship should be purpose built or re-use existing buildings, have medium footprints and are found in most suburbs and country towns.

It is clear from the above provisions that places of worship and community centres are anticipated within residential type zones. The proposed development is located adjacent a primary arterial road and adjoins a total of four residential properties

**Figure 1**



*The proposed development adjoins a total of 4 residential properties*

In summary community centres and places of worship are not excluded from the Rural Living Zone Bolivar Policy Area. In addition community centres and places of worship are to be anticipated in residential type zones and suburbs.

Given the low density nature of the locality, significant setbacks between the proposed development and any residential use and low intensity nature of the proposed development, impacts on nearby residents will be minimal.

The proposed development can exist in a cohesive manner with nearby residential development. The proposed development should not be excluded from the Rural Living Zone Bolivar Policy Area.

## 6.2. Stormwater management

The applicant has engaged CPR to prepare a stormwater management plan for the subject land. The system has been designed to comply with the following criteria:

- Piped underground systems for 1 in 10 year event; and
- Overland flow for 1 in 100 year event.

Roof water from the new building and paving be collected and will be discharged to an underground detention tank from where it will be pumped to the existing swale between Port Wakefield Road and the adjacent service road.

It is proposed to provide the following stormwater detention:

- 150,000 litres detention via a single underground tank with pumped discharge at controlled rate of 20 L/s (tank to be located adjacent the car park to the east of the proposed new buildings) – note that this tank will cope with the 1 in 10 year storm (with 20 L/s discharge); and
- Further 230,000 litres via ponding in the car park – note that this will only eventuate in storms exceeding the 1 in 10 year event and in combination with the tank will cope with storms up to the 1 in 100 year event (with 20 L/s discharge).

Treatment of the stormwater runoff from car parking areas will be provided by either a WSUD (water sensitive urban design) approach involving swales in the car park and/or landscaping or an underground gross pollutant trap (GPT). Either of these methods will treat the runoff from the car park area before running into the underground detention tank and then being discharged to the swale adjacent Port Wakefield Road.

The management plan demonstrates that stormwater generated by the proposed development will not unreasonably impact neighbouring properties and will comply with council flow rate and water quality guidelines. The applicant is willing to accept any Council conditions relating to stormwater.

The proposed development is consistent with the following Development Plan provisions:

### Infrastructure

#### Principles of Development Control

- 1 *Development should not occur without the provision of adequate utilities and services, including:*
  - (a) *electricity supply*
  - (b) *water supply*
  - (c) *drainage and stormwater systems*
  - (d) *waste disposal*
  - (e) *effluent disposal systems*
  - (f) *formed all-weather public roads*
  - (g) *telecommunications services*
  - (h) *social infrastructure, community services and facilities*
  - (i) *gas services.*



*2 Development should only occur where it provides, or has access to, relevant easements for the supply of infrastructure*

### **6.3. Horse keeping**

A horse shelter, feed storage area and details of fencing surrounding the horse keeping area have been added to the plans. The applicant is committed to ensuring that the health of the horse to be kept on the land is prioritised.

A single horse is to be kept within the area identified on the site plan, with up to two horses being brought to the site during services, the additional two horses will not remain on the land beyond 4pm. The onsite groundskeeper will be responsible for the care and supervision of the horses. The horse stables have been designed to ensure that the horse is comfortable regardless of weather or site conditions. If it is too hot or wet additional horses will not be brought to the land during services.

The stable/shelter and yard will be big enough for a horse to roll, lie down and move around. The height of the stable/shelter will be at least 60 cm (2') above the poll of the horse when standing alert. The horse will always be able to access both the yard and stable/shelter.

A dedicated exercise yard is to be provided, the yard is to have a total area of 80 square metres and will be located next to the stables. The yard will be surfaced with a 10 cm layer of compacted rubble or dolomite topped with 15 cm of a suitable topping, such as sand, shell grit or sand woodchip mix and with a minimum slope of 1/30 to provide both a good surface and suitable drainage.

The area of the land identified on the plans as 'horse keeping' will be used as an exercise and grazing area. The horse keeping area will be monitored in order to ensure that:

- Paddocks are soil tested regularly and fertilized accordingly;
- Pastures are not overgrazed;
- Pastures are rotationally grazed;
- Weeds are controlled;
- Insect pests are monitored and controlled; and
- Species of grass and legumes grown are suitable for the soil and climate and are safe for horses to eat.

Horse manure will be regularly picked up from paddocks, bagged and composted for use on the gardens located on the subject land. Manure will be removed daily from stables, yards and the exercise area and stored in an area protected from rain and surface run-off. This will ensure that no manure or nutrient-rich liquid drains into a watercourse.

The proposed development is consistent with the following Development Plan provisions:

#### **Animal Keeping**

##### **Principles of Development Control**

**3** *Stables, horse shelters or associated yards should be sited:*

*(a) at least 50 metres from a watercourse*

*(b) on land with a slope no greater than 1-in-10.*

- 4 *A concrete drainage apron should be provided along the front of stables directing water from wash-down areas onto a suitably vegetated area that can absorb all the water, or into a constructed drainage pit.*
- 5 *Stables, horse shelters or associated yards should be sited at least 30 metres from any dwelling on the site and from the nearest allotment boundary to avoid adverse impacts from dust, erosion and odour.*
- 6 *All areas accessible to horses should be separated from septic tank drainage areas.*
- 8 *Development of stable and yard areas should have dimensions and areas of at least 3.7 metres by 3.7 metres per horse stable and provide a minimum of:*
  - (a) *15 square metres per horse per holding yard (standing only)*
- 9 *To ensure sanitary conditions and prevent soil erosion, dust, odour and pollution of stormwater run-off, horse keeping should conform with the following principles:*
  - (a) *stable floors constructed of concrete that is at least 100 millimetres thick and graded to the doorway with a fall of at least 15 millimetres over three metres*
  - (b) *stables constructed of masonry or concrete to a minimum height of 1.2 metres. Timber, metal or similar construction should only be used the minimum 1.2 metre height or on the roof*
  - (c) *stables sited at least 3 metres from all allotment boundaries.*

#### 6.4. Noise

The following Development Plan provisions seek to ensure that development does not unreasonably impact existing uses within a locality:

##### Interface Between Land Uses

##### Principles of Development Control

- 6 *Development should be sited, designed and constructed to minimise negative impacts of noise and to avoid unreasonable interference.*
- 7 *Development should be consistent with the relevant provisions in the current Environment Protection (Noise) Policy.*

The subject land is to be used as a community facility for community gatherings. Attendance at the subject land will include a single weekly service catering up to 150 people with only the groundskeeper and less than 20 people attending on any other day.

Services will occur between 10am and 2pm with the larger groups attendance spread out over a four hour period. Services catering up to 250 people will be held up to 6 times per year. The larger services will occur between 10am and 2pm on weekends with attendance staggered over these times.

In summary there will be a weekly service catering for up to 150 people and a maximum of 6 annual services catering up to 250 people

The numbers listed above represent the maximum numbers of persons that may attend the land on any given day. Importantly persons attending the subject land will not arrive or depart at the same time. Attendees to the land are free to come and leave at their leisure, often members of the community will stay for only a short period or may attend intermittently.

When assessing noise impacts it is important to consider that the subject land is located within a rural type area and adjacent a primary arterial road and transport route. Noise generating activities such as the use of ride on mowers, chainsaws and wood chippers are to be expected as well as noise associated with heavy vehicles using Port Wakefield Road. No large scale gatherings (over 100 people) will occur after 8pm on any day. Further no amplified music will be used at any time and generally all noise will be confined to enclosed areas.

The proposed development will generate no greater level of noise than an agricultural use of the land. The proposed development is consistent with the above Development Plan provisions:

**6.5. Vehicle movement, parking and potential conflict with horses within the locality**

**6.5.1. Will there will be an increase in traffic on local roads?**

CIRQA traffic advisors have undertaken a complete review of vehicle movements to and from the subject land. The CIRQA review includes a review of the proposed use of the land and an analysis of the local road network.

CIRQA concluded that the site would generate in the order of 41 peak hour trips during a typical weekly 150 person service and up to 67 peak hour trips during special 250-person services (occurring no more than 6 times per year).

All traffic assessment has been undertaken based on a worst case scenario (the largest 250 person services that occur 6 times per year).

The following traffic volumes will be distributed to/from Port Wakefield Road (assuming that all attendees live outside of Globe Derby Park) via three access points. The following distribution of trips has therefore been assumed:

- 40% to/from the north via Port Wakefield Road (Port Wakefield Road / Port Wakefield Road service road intersection);
- 30% to/from the east via Martin Road, Ryans Road and/or Salisbury Highway (Port Wakefield Road / Daniel Avenue and Port Wakefield Road / Globe Derby Drive intersections); and
- 30% to/from the south via Port Wakefield Road (Port Wakefield Road / Daniel Avenue and Port Wakefield Road / Globe Derby Drive intersections).

The above assessment was prepared on a 'worst-case' basis for use of the internal road network within Globe Derby Park. In reality, there are alternative access routes (such as via Shepherdson Road/Victoria Drive as well as utilising the U-turn facility north of Daniel Avenue on Port Wakefield Road) that provide similar or shorter distances than those adopted for the original (conservative) assessment. It is considered that, with the exception

of the service road and its intersection with Daniel Avenue (and connection to Port Wakefield Road), the proposal does not rely heavily on the internal road network of Globe Derby Park.

CIRQA concluded that the above traffic volumes will be adequately accommodated on the adjacent roadway and are well within typical local road capacities. The volumes would have negligible impact on queues and delays currently experienced on the above roads and the associated intersections with Port Wakefield Road.

The applicant is committed to working with the local community to ensure that there is no conflict between horses and attendees at the land. The applicant will educate attendees of the land of the horse training that occurs within the area. Further the applicant will use volunteers during larger services to assist with directing visitors away from the Port Wakefield Road / Daniel Avenue and Port Wakefield Road / Globe Derby Drive intersections.

#### 6.5.2. Potential conflict with horses

Austraffic have been engaged to assess the level of horse activity within the area, CIRQA traffic consultants have reviewed the Austraffic data and the locality to determine whether there will be any conflict between horses and vehicles as a result of the proposed development.

Austraffic undertook surveys on Sunday 19th March 2017 between 7am and 8pm at the Service Road/Daniel Avenue intersection, the Daniel Avenue/Trotters Drive intersection and mid-block on Trotters Drive. Surveys were undertaken on Sunday, as services will only occur on the land on Sundays.

The Austraffic survey found that:

- at the intersection of the Service Road and Daniel Avenue, no horse movements were recorded during either the 9am to 10am nor the 1pm to 2pm periods;
- at the surveyed mid-block section of Trotters Drive there were no horse movements recorded during either the 9am to 10am nor the 1pm to 2pm periods;
- at the Trotters Drive/Daniel Avenue intersection (including the adjacent off-road horse path and adjacent access gates to the trotting facility), there were 14 horse movements during the 9am to 10am period and no horse movements during the 1pm to 2pm period. Of the horse related movements recorded in the 9am to 10am period, there were:
  - 2 movements undertaken on Trotters Drive (one to the opposite off-road path and one to Daniel Avenue to the west);
  - 7 movements between (to/from) Daniel Avenue (west) and the access gates to the trotting facility; and
  - 5 movements between (to/from) the off-road path and the access gates to the trotting facility.

The key periods of potential interaction between horses and vehicles generated by the subject site will relate to the periods immediately before and after services. The above results indicate that during the key times associated with vehicle movements to/from the proposed facility, there is a low level of horse related movements on the adjacent road network.

Importantly the proposed operational times of the proposed facility are outside of the times when training of sulkies typical occurs (early morning). As such, minimal horse (sulky) movements would be expected when the proposed facility is in operation. This was confirmed by several spot checks of the subject site (and Globe Derby Park) throughout the day.

It is acknowledged that the distribution of movements via Trotters Drive would be higher during the after-service period. However, as noted above, no horse movements were recorded during this period.

CIRQA have considered the locality in its entirety and concluded that (in proportion to the total number of allotments in Globe Derby Park which contain horse facilities), interaction between vehicles and horses (sulkies) will be minimal.

In summary a detailed review of vehicle movements associated with the proposed development, horse movements within the locality and existing land uses within the locality has been undertaken. The review concluded that there will be almost no conflict between attendees to the subject land and existing horse training activities within the locality.

#### 6.5.3. Total vehicle movements to and from the land

As part of the previous traffic assessment (detailed in the previous letter prepared by CIRQA, dated 05 December 2016), surveys were undertaken at a similar facility at Glen Osmond. The survey identified a peak hour traffic generation rate of 0.27 trips per person (adult or child) attending the site. As such, based upon a 250-person service, it could be expected that a peak hour traffic generation of 67 trips would occur.

CIRQA have discussed peak vehicle movements with Council's traffic engineers and provided additional justification for the calculations used. A full description of the methodology used is included in the updated traffic report

#### 6.5.4. Internal access and layout

Council requested additional information regarding internal vehicle movements within the subject land. CIRQA have undertaken a complete review of the proposed internal access roads and proposed car parking areas.

The updated car park layout is illustrated on the attached plans prepared by CIRQA (drawing no. C16153\_02-SH01 & SH02, dated 07 March 2017).

CIRQA have reviewed the proposed car parking area and have advised that the parking area has been designed in accordance with the "Australian / New Zealand Standard for Parking Facilities - Part 1: Off-street car parking" (AS/NZS 2890.1:2004) and "Australian / New Zealand Standard for Parking Facilities - Part 6: Off-street parking for people with disabilities" (AS/NZS 2890.6:2009) in that:

- regular parking spaces will be 2.5 m wide and 5.4 m long;
- parallel parking spaces will be at 2.1 m wide and 6.1 m long;
- disabled parking spaces will be at least 2.4 m wide and 5.4 m long with and adjacent shared area of the same dimension;
- aisle widths adjacent regular parking spaces will be 5.8 m wide;
- aisle widths adjacent parallel parking spaces will be at least 3.3 m wide; and
- 0.3 m clearance will be given to solid objects greater than 0.15 m in height.

Pedestrian paths have also been provided adjacent the northern and southern boundaries of the subject site. These 1.5 m wide paths provide connections to the Port Wakefield Road Service Road as well as access to the facility for drivers parked within the driveway.

Access to the parking area will be accommodated via two crossovers on the Port Wakefield Road Service Road (an ingress only and an egress only). The access points (and internal circulation roadway) have been designed to accommodate the turn-path of an 8.8 m rigid commercial vehicle (MRV).

In summary, it is considered that the likely level of interaction (and conflict potential) between vehicles generated by the proposed facility and existing horse related activities on and immediately adjacent the surrounding roads will be minimal. Survey data recorded confirms that the number of horse related movements undertaken in key locations at times the proposal would generate peak flows are very low.

#### 6.5.5. Onsite car park numbers

The number of car parks proposed will cater for the maximum number of persons anticipated to attend the subject land at any time (the largest 250 person services). The internal car park has been designed and reviewed by qualified traffic consultants who have confirmed that there will be no impact on the locality.

#### 6.5.6. Traffic Conclusion

In summary, it is considered that the likely level of interaction (and conflict potential) between vehicles generated by the proposed facility and existing horse related activities on and immediately adjacent the surrounding roads will be minimal. Survey data recorded confirms that the number of horse related movements undertaken in key locations at times the proposal would generate peak flows are very low.

The proposed development is consistent with the following Principles of Development Control:

#### Transportation and Access

##### Objectives

- 1 *A comprehensive, integrated, affordable and efficient air, rail, sea, road, cycle and pedestrian transport system that will:*
  - (a) *provide equitable access to a range of public, community and private transport services for all people*
  - (b) *ensure a high level of safety*
  - (d) *have minimal negative environmental and social impacts*
- 2 *Development that:*
  - (a) *provides safe and efficient movement for all motorised and non-motorised transport modes*
  - (b) *ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles*
  - (c) *provides off street parking*

*(d) is appropriately located so that it supports and makes best use of existing transport facilities and networks.*

**Principles of Development Control**

- 2 *Development should be integrated with existing transport networks, particularly major rail and road corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport networks.*
- 8 *Development should provide safe and convenient access for all anticipated modes of transport including cycling, walking, public and community transport, and motor vehicles.*
- 13 *Development should make sufficient provision on site for the loading, unloading and turning of all traffic likely to be generated.*
- 22 *Development should have direct access from an all weather public road.*
- 23 *Development should be provided with safe and convenient access which:*
  - (a) avoids unreasonable interference with the flow of traffic on adjoining roads*
  - (b) provides appropriate separation distances from existing roads or level crossings*
  - (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision*
  - (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.*
- 29 *Driveways, access tracks and parking areas should be designed and constructed to:*
  - (a) follow the natural contours of the land*
  - (b) minimise excavation and/or fill*
  - (c) minimise the potential for erosion from run-off*
  - (d) avoid the removal of existing vegetation*
  - (e) be consistent with Australian Standard AS 2890 Parking facilities.*
- 32 *Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table Sal/2 - Off Street Vehicle Parking Requirements unless an agreement is reached between the Council and the applicant for a reduced number of parking spaces where one of the following applies:*
  - (a) a financial contribution is paid into the Council Car Parking Funds specified by the Council, in accordance with the gazetted rate per car park associated with the 'Car Park Fund Areas' identified on Concept Plan Map Sal/27 - Salisbury District Centre Car Park Fund Area, Concept Plan Map Sal/29 - Ingle Farm District Centre Car Park Fund Area and Concept Plan Map Sal/32 - Mawson Lakes Town Centre Car Parking Fund Area*
  - (b) it can be demonstrated that fewer car parks would be required to meet the car parking needs associated with the development.*

33 *Development should be consistent with Australian Standard AS 2890 Parking facilities.*

34 *Vehicle parking areas should be sited and designed in a manner that will:*

- (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development*
- (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network*
- (c) not inhibit safe and convenient traffic circulation*
- (d) result in minimal conflict between customer and service vehicles*
- (e) avoid the necessity to use public roads when moving from one part of a parking area to another*
- (f) minimise the number of vehicle access points to public roads*
- (g) avoid the necessity for backing onto public roads*
- (h) where reasonably possible, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points*
- (i) not dominate the character and appearance of a site when viewed from public roads and spaces*
- (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas.*

#### **6.6. Caretakers residence form and function**

In order to ensure that the proposed caretakers residence does not function as a 'detached dwelling' the applicant has updated the proposal to provide shared access to the associated bathroom from outside of the building.

The bathroom is proposed to be available not only to the caretaker but also to attendees to the land generally.

The caretakers residence is not 'self-contained'. The caretaker's residence is not proposed to function as a 'detached dwelling'.

#### **6.7. Will the proposed development prejudice the use of nearby land for its intended use**

The subject land is located in the Rural Living Zone Bolivar Policy Area 19. The Objectives of the Zone and Policy Area are:

##### **Rural Living Zone**

##### **Objectives**



- 1 *A zone consisting of large allotments, detached dwellings and rural activities that do not adversely impact the amenity of the locality.*

#### **Bolivar Policy Area 19**

- 1 *A policy area that accommodates low density residential development and stables on large allotments.*
- 2 *Residential development in association with the keeping of horses in close proximity of the South Australian Trotting Club (Globe Derby Park) facilities.*
- 3 *Development that contributes to the desired character of the policy area.*

The subject land has been selected, as the zone and policy area promote low intensity agricultural and horse keeping uses. A key element of the proposed development is the onsite horse keeping and low scale agricultural uses.

A connection with nature and agriculture form an important part of the Sikh philosophy. By locating the community kitchen gardens and horse keeping in close proximity the proposed community facilities the applicant seeks to create an integrated rural oriented facility.

As discussed the proposed development has been designed in a manner to ensure any offsite impacts are minimised. Attendance at the land will be staggered on weekdays with only 6 larger (250) people events to be held throughout the year. All roadways and parking areas will be surfaced to ensure that dust does not adversely impact neighbours.

#### **6.8. Waste management**

All wastewater associated with the proposed development will be disposed of via a SA Water wastewater connection point located to the east of the subject land.

#### **6.9. Boundary construction**

All structures are proposed to be located 13 metres from the rear boundary and 9.5 metres from the northern and southern boundaries. Further all building work will be screened from view by proposed landscaping the proposed development is consistent with the following Development Plan provisions:

##### **Interface between land uses**

##### **Principles of Development Control**

- 2 *Development should be sited and designed to minimise negative impact on existing and potential future land uses considered appropriate in the locality.*

#### **6.10. The proposal is not in keeping with a rural living area**

The proposed development incorporates the following land uses that would be anticipated within the Rural Living Zone Bolivar Policy Area 19 including:

- Horse keeping;
- Low scale agriculture (community kitchen garden); and
- Low scale residential (grounds keeps residence).

The community kitchen gardens and horse keeping are rural living type activities. Horse keeping and low scale agriculture and a dwelling would ordinarily not be appropriate within a residential zone, commercial zone or other zones within the city of Salisbury.

The community kitchen garden, horse keeping and groundskeeper are integral parts of the proposed development. A similar development application was considered by His Honour Judge Costello, Commissioner Green and Commissioner Koukourou in *Australian Unitarian Druze Community Inc v Adelaide Hills Council & Anor* [2015] SAERDC 38 (4 September 2015). When assessing the suitability of the proposed use His Honour Judge Costello, Commissioner Green and Commissioner Koukourou considered alternative zones and locations for the Druze development. Ultimately a rural type zone was the most suitable location.

The Rural Living Zone Bolivar Policy Area 19 is a suitable location for the proposed development. The proposed development is compatible with development within the locality.

#### **6.11. Will horse/pony rides be carried out as a business**

The applicant does not intend to charge a fee for pony rides at the land. The applicant has advised that members of the wider community will be welcome to attend the land and participate in the community kitchen garden and horse riding.

#### **7. Conclusion**

Representors raised concerns regarding noise, traffic, storm water, wastewater and horse keeping. In order to address these concerns the applicant has engaged a number of specialist consultants as well as providing updated plans.

Each potential impact associated with the proposed development has been addressed.

Ultimately the key consideration is the suitability of the proposed use within the zone and policy area. The applicant proposes an integrated community centre, community kitchen garden and horse keeping use.

The keeping of horses and the operation of a community kitchen garden are fundamental elements of the proposed development and are fundamental elements of Sikh culture. Globe Derby Park was selected from the beginning because of its connection with horses and its suitability as a location for the keeping of horses.

The judgement of the Environment Court in *Australian Unitarian Druze Community Inc v Adelaide Hills Council & Anor* [2015] SAERDC 38 recognised the difficulties of finding a suitable location

While the proposed land use is different from other development within the locality the proposed use is low scale and agricultural in nature.

Any impact associated with the proposed development can be managed and the applicant looks forward to becoming a member of the Globe Derby community. The applicant welcomes all members of the wider community and has every intention of making the community kitchen garden and horse rides available to members of the wider community.

The proposed development is appropriate with the Rural Living Zone Bolivar Policy Area 19 and will not result in unreasonable impacts on the wider community. The application warrants Development Plan Consent.

Should you have any queries or require any further information or clarification with any components of this application, please do not hesitate to contact by calling me on 0478 509 777 or by email [bill@townplanningadvisors.com.au](mailto:bill@townplanningadvisors.com.au)

Yours faithfully



**Bill Stefanopoulos, MPlA**  
BA Planning, Grad Dip Environmental Planning

**Attachments**

- Attachment A:** Site Plan
- Attachment B:** Elevation Plans
- Attachment C:** Traffic Report Part 1
- Attachment D:** Traffic Report Part 2
- Attachment E:** Agon Environmental Report



**Ref: 16153|BNW**

Mr Callum Little  
Town Planning Advisors  
PO Box 9061  
HENLEY BEACH SOUTH SA 5022

8 May 2017

Dear Callum,

**PROPOSED COMMUNITY CENTRE  
701-709 PORT WAKEFIELD ROAD, GLOBE DERBY PARK**

I refer to the proposal to develop a Community Centre at 701-709 Port Wakefield Road, Globe Derby Park. As requested, I have undertaken a review of comments received from the City of Salisbury (letter from Mr George Pantelos, dated 11 January 2017, Application No. 361/144/2016/3B).

Key comments raised relating to traffic, parking and associated design aspects of the proposal are identified in italics below, followed by my response.

*"The proposed Community Centre does not have direct access onto Port Wakefield Road and relies heavily on the internal road network in dispersing the majority of vehicles that will head in a southerly direction."*

The previous letter prepared by CIRQA (dated 05 December 2016) provided a high-level traffic distribution associated with the proposal. Specifically, the assessment identified that *"the following distribution of trips has been ... assumed:*

- *40% to/from the north via Port Wakefield Road (Port Wakefield Road / Port Wakefield Road service road intersection);*
- *30% to/from the east via Martin Road, Ryans Road and/or Salisbury Highway (Port Wakefield Road / Daniel Avenue and Port Wakefield Road / Globe Derby Drive intersections); and*
- *30% to/from the south via Port Wakefield Road (Port Wakefield Road / Daniel Avenue and Port Wakefield Road / Globe Derby Drive intersections)."*

The above assessment was prepared on a 'worst-case' basis for use of the internal road network within Globe Derby Park. In reality, there are alternative



access routes (such as via Shepherdson Road/Victoria Drive as well as utilising the U-turn facility north of Daniel Avenue on Port Wakefield Road) that provide similar or shorter distances than those adopted for the original (conservative) assessment. It is considered that, with the exception of the service road and its intersection with Daniel Avenue (and connection to Port Wakefield Road), the proposal does not rely heavily on the internal road network of Globe Derby Park.

Nevertheless, it is acknowledged that drivers heading directly south of the site (during the after-service period) would primarily utilise Trotters Drive. Drivers heading south-east (i.e. to Elder Smith Road and beyond), however, would be presented with a shorter route via use of the nearby U-turn facility on Port Wakefield Road and Ryans Road. The number of movements experienced on Trotters Drive would therefore be low (further discussion on the number of horse movements on the adjacent road network at the time these movements would be generated is provided below).

*"It [the proposal] could lead to conflict between people leaving the Community Centre after an event and residents using the road to take their sulkies to and from the trotting facilities. It may be that the key use times of the Community Centre are outside the popular times for track / training operations."*

The subject site is located in the northern portion of Globe Derby Park, with only nine allotments further north of the site. Off-road paths do not appear to extend into this portion of Globe Derby Park. Available aerial imagery identifies that at least four allotments do not contain facilities for horses (or sulkies). As such, minimal sulky movements would occur past the subject site.

Furthermore, vehicles travelling between the subject site and Port Wakefield Road (via the service road and Daniel Avenue) are required to pass eight allotments, of which at least five do not appear to contain horse facilities. It is therefore considered that (in proportion to the total number of allotments in Globe Derby Park which contain horse facilities), interaction between vehicles and horses (sulkies) will be minimal. Nevertheless, it is acknowledged that some vehicle movements generated by the proposed facility would be directed to the Globe Derby Drive/Port Wakefield Road intersection (via Trotters Drive) and further consideration to potential impact is discussed below.

As noted by Mr Pantelos, the proposed operational times of the proposed facility are outside of the times when training of sulkies typical occurs (early morning). As such, minimal horse (sulky) movements would be expected when the proposed facility is in operation. This was confirmed by several spot checks of the subject site (and Globe Derby Park) throughout the day.

In addition, to confirm the level of horse related activity on the subject road network, Austraffic were commissioned to provide independent traffic surveys at key locations. The surveys were undertaken on Sunday 19<sup>th</sup> March 2017 between 7am and 8pm at the Service Road/Daniel Avenue intersection, the Daniel Avenue/Trotters Drive intersection and mid-block on Trotters Drive. The surveys included identification of existing vehicle movements and any movements associated with horses (i.e. being led by a pedestrian, via sulkies etc.). The key periods of potential interaction between horses and vehicles



generated by the subject site will relate to the periods immediately before and after services. It is understood that the primary services will be held between 10am and 1pm on Sundays. The following key survey results are therefore summarised for the hours before (9am to 10am) and after (1pm to 2pm) the proposed service times:

- at the intersection of the Service Road and Daniel Avenue, no horse movements were recorded during either the 9am to 10am nor the 1pm to 2pm periods;
- at the surveyed mid-block section of Trotters Drive there were no horse movements recorded during either the 9am to 10am nor the 1pm to 2pm periods
- at the Trotters Drive/Daniel Avenue intersection (including the adjacent off-road horse path and adjacent access gates to the trotting facility), there were 14 horse movements during the 9am to 10am period and no horse movements during the 1pm to 2pm period. Of the horse related movements recorded in the 9am to 10am period, there were:
  - 2 movements undertaken on Trotters Drive (one to the opposite off-road path and one to Daniel Avenue to the west);
  - 7 movements between (to/from) Daniel Avenue (west) and the access gates to the trotting facility; and
  - 5 movements between (to/from) the off-road path and the access gates to the trotting facility.

The above results indicate that during the key times likely to be associated with vehicle movements to/from the proposed facility, there is a low level of horse related movements on the adjacent road network. In particular, no movements were recorded during the above key periods on the Service Road (where all movements generated by the site would be accommodated). The only area where horse movements were identified was the Trotters Drive/Daniel Avenue intersection. The majority of movements were crossing movements with minimal horse movements undertaken along the roads likely to be utilised by vehicles associated with the proposed facility.

Importantly, the horse movements recorded occurred during the morning period when the majority of drivers would be able to access the site via the Port Wakefield Road/Daniel Avenue intersection and not pass through the Trotters Drive/Daniel Avenue intersection.

In particular, the number of movements (associated with the proposal) undertaken through the Trotters Drive/Daniel Avenue intersection during the pre-service period would be low given that only drivers accessing the site from the east would potentially use this route (drivers from the south and north can access the service road more directly). Furthermore, drivers accessing the site from the east could, alternatively, utilise a shorter access route via Shepherdson Road/Victoria Drive (north of the site with direct access to the



service road via the right turn lane on Port Wakefield Road) instead of Trotters Drive. Therefore, there would be little or no requirement for drivers to enter the site via Trotters Drive.

It is acknowledged that a higher portion of (southbound) drivers may utilise Trotters Drive during the after-service period. However, as noted above, no horse movements were recorded during this period. The small number of movements (less than 20 trips forecast) during this period would have minimal impact on the internal road network of Globe Derby Park.

*"... traffic generation numbers which in the worst case scenario the consultant has estimated to be 67 peak hour trips. This was based on a survey of another similar inner metro site located at Glen Osmond. Council's Traffic Section believe that given the location and intended community use, the proposed use has the ability to generate higher vehicle numbers than what have been identified. The family nature and an assumption of (2) adults per vehicle could potentially generate vehicle numbers of approximately 125 vehicles."*

As part of the previous traffic assessment (detailed in the previous letter prepared by CIRQA, dated 05 December 2016), surveys were undertaken at a similar facility at Glen Osmond. The survey identified a peak hour traffic generation rate of 0.27 trips per person (adult or child) attending the site. As such, based upon a 250-person service, it could be expected that a peak hour traffic generation of 67 trips would occur.

Council's assessment has been based upon an average car occupancy of 2 adults per vehicles. Taking into account a 250-person service (peak event mode), Council have forecast a traffic generation of 125 vehicles. However, this assumes that all vehicles associated with the service will arrive within one hour (i.e. Council's comment appears to relate to a generation associated with the overall number of vehicles associated with a service, rather than a peak hour generation rate). Not all vehicles associated with a service would be driven to (or from) the site in the peak hour (for example, some attendees would arrive earlier or later). Such patterns were also observed at the Glen Osmond facility and are taken into account with the peak hour traffic generation rate identified.

Council has noted it considers that the proposed facility would generate higher traffic generation than the surveyed Glen Osmond facility due to its inner metropolitan location. It assumed that this comment suggests that there would be higher propensity for Glen Osmond site users to access the site via other means (walking, cycling and public transport). However, during the survey of the Glen Osmond Road facility, there were no patrons identified using any means other than cars (including taxis) to access the site. Therefore the generation rate is considered comparable. Additionally, the more remote location of the proposed facility could, in fact, result in a higher level of car pooling by attendees which would reduce the generation rate identified at the Glen Osmond facility.

Council also acknowledges that family nature of the proposal, however then applies a direct occupancy rate of 2 adults per vehicle to the total capacity of 250 persons. This assumption erroneously excludes children attending the site



which would result in a reduction in the total number of vehicles associated with the site. In reality, occupancies would be in the order of one vehicle per three attendees (adults and children). This results in a more realistic total number of 85 vehicles (however noting again that this does not directly relate to the peak hour generation).

*"... the plans provide minimal detail. The plan should be amend [sic] to show the width of the driveway and highlight /show a cross section of the width of the drive way and parallel parks with measurements to Australian Standards. This should in my view address carparking requirements on site."*

CIRQA was not engaged to provide design advice or undertake a parking assessment as part of the initial engagement. As such, no input into the car park design, associated access or quantification of parking numbers was included in CIRQA's previous report.

Following receipt of feedback from Council, CIRQA has been engaged to review the proposed car park layout and provide an updated design. The updated car park layout is illustrated on the attached plans prepared by CIRQA (drawing no. C16153\_02-SH01 & SH02, dated 07 March 2017).

The proposed parking area will accommodate 118 parking spaces in the main parking area (inclusive of 6 spaces for people with disabilities) plus an additional 42 parallel spaces along the ingress and egress driveways. A total of 160 parking spaces can therefore be accommodated on the site. Additionally, a set-down / pick-up area has also been incorporated into the car park design (i.e. for taxi access as well as for drivers to drop off children and/or elderly passengers prior to parking in the car park). The proposed provision will therefore easily accommodate peak demands associated with the site and is above Council's conservatively assessed requirement for 125 vehicles to be accommodated on-site during peak events.

The parking area has been designed in accordance with the "Australian / New Zealand Standard for Parking Facilities - Part 1: Off-street car parking" (AS/NZS 2890.1:2004) and "Australian / New Zealand Standard for Parking Facilities - Part 6: Off-street parking for people with disabilities" (AS/NZS 2890.6:2009) in that:

- regular parking spaces will be 2.5 m wide and 5.4 m long;
- parallel parking spaces will be at 2.1 m wide and 6.1 m long;
- disabled parking spaces will be at least 2.4 m wide and 5.4 m long with and adjacent shared area of the same dimension;
- aisle widths adjacent regular parking spaces will be 5.8 m wide;
- aisle widths adjacent parallel parking spaces will be at least 3.3 m wide; and





- 0.3 m clearance will be given to solid objects greater than 0.15 m in height.

Pedestrian paths have also been provided adjacent the northern and southern boundaries of the subject site. These 1.5 m wide paths provide connections to the Port Wakefield Road Service Road as well as access to the facility for drivers parked within the driveway. Within the primary parking area, shared areas have been installed to provide a pedestrian connection between the buildings and proposed horse keeping / community garden / playground.

Access to the parking area will be accommodated via two crossovers on the Port Wakefield Road Service Road (an ingress only and an egress only). The access points (and internal circulation roadway) have been designed to accommodate the turn-path of an 8.8 m rigid commercial vehicle (MRV). Figure 1 illustrates the turn path of an 8.8 m MRV accessing and circulating through the subject site.

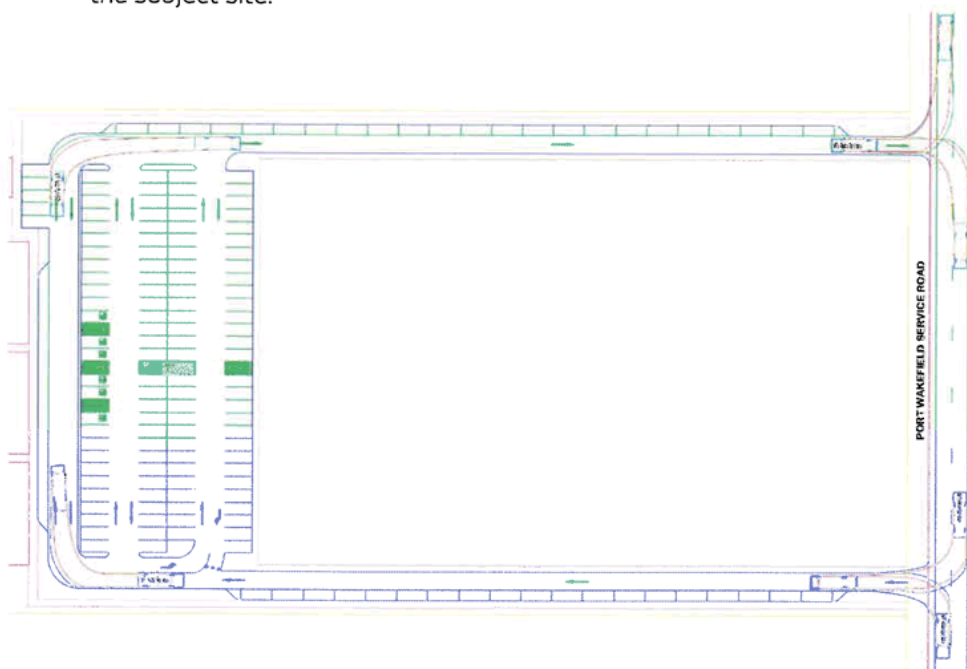


Figure 1 – An 8.8 m MRV accessing and circulating through the subject site.

In summary, it is considered that there will be minimal interaction and conflict potential (if any) between vehicles generated by the proposed facility and existing horse related activities on and immediately adjacent the surrounding roads. Survey data recorded confirms that the number of horse related movements undertaken in key locations at times the proposal would generate peak flows are very low. Of particular note, there would be little or no use of Trotters Drive before services (when horse movements were observed) and while a small number of drivers may utilise Trotters Drive after services, no horse movements were observed during the corresponding time.

An updated parking layout has been provided for the site which provides 160 spaces. Such a provision is well above that required to accommodate typical services as well



as accommodate demands generated during the proposed facility's (occasional) peak event mode. The parking layout has been prepared in accordance with the relevant Australian Standards.

Please feel free to contact me on 0412 835 711 should you require any additional information.

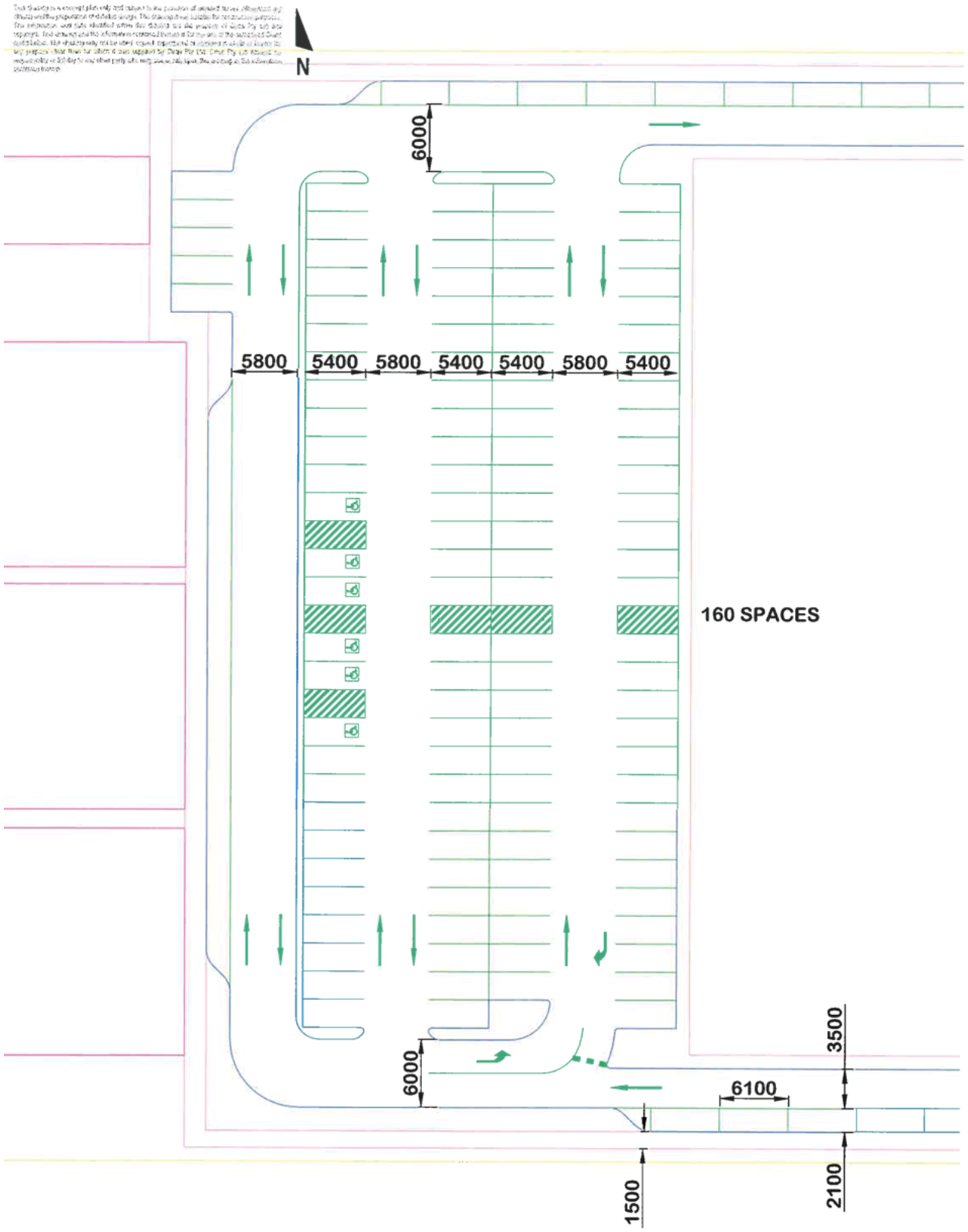
Yours Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Wilson", written over a light blue horizontal line.

**BEN WILSON**  
Director, CIRQA Pty Ltd

Enc. – Parking and access plans prepared by CIRQA (C16153\_02-SH01 & SH02)





**701 PT. WAKEFIELD RD, GLOBE DERBY PK.  
CONCEPT CAR PARK**

PROJECT NO: 16153    SCALE 1:300 (A3)  
DRAWING: 02\_SH02    DATE: 07/03/2017  
REVISION: -          DRAWN: TAW





**Ref: 16153|BNW**

Mr Callum Little  
Town Planning Advisors  
PO Box 9061  
HENLEY BEACH SOUTH SA 5022

5 December 2016

Dear Callum,

**PROPOSED COMMUNITY FACILITY  
701-709 PORT WAKEFIELD ROAD, GLOBE DERBY PARK**

I refer to the proposal to develop a community facility at 701-709 Port Wakefield Road, Globe Derby Park. As requested, I have undertaken a review of the traffic related aspects of the proposal. This letter summarises the assessment undertaken.

**BACKGROUND**

The subject site is located on the western side of Port Wakefield Road, within the suburb of Globe Derby Park. The 20,350 m<sup>2</sup> site (approximate) is currently vacant (brownfield) with access provided via two crossovers (located at the ends of the eastern boundary) on the Port Wakefield Road service road.

The Salisbury Council's Development Plan identifies that the site is located within a Rural Living Zone (Policy Area 19 – Bolivar). Existing access opportunities for the suburb of Globe Derby Park include:

- Port Wakefield Road / Globe Derby Drive (signalised intersection – all turning movements);
- Port Wakefield Road / Daniel Avenue (priority controlled – left-in/left-out with deceleration / acceleration lanes); and
- Port Wakefield Road / Port Wakefield Road service road (priority controlled – two-stage right-in with deceleration lane and left-out with acceleration lane).

Figure 1 illustrates the subject site and key adjacent roads.

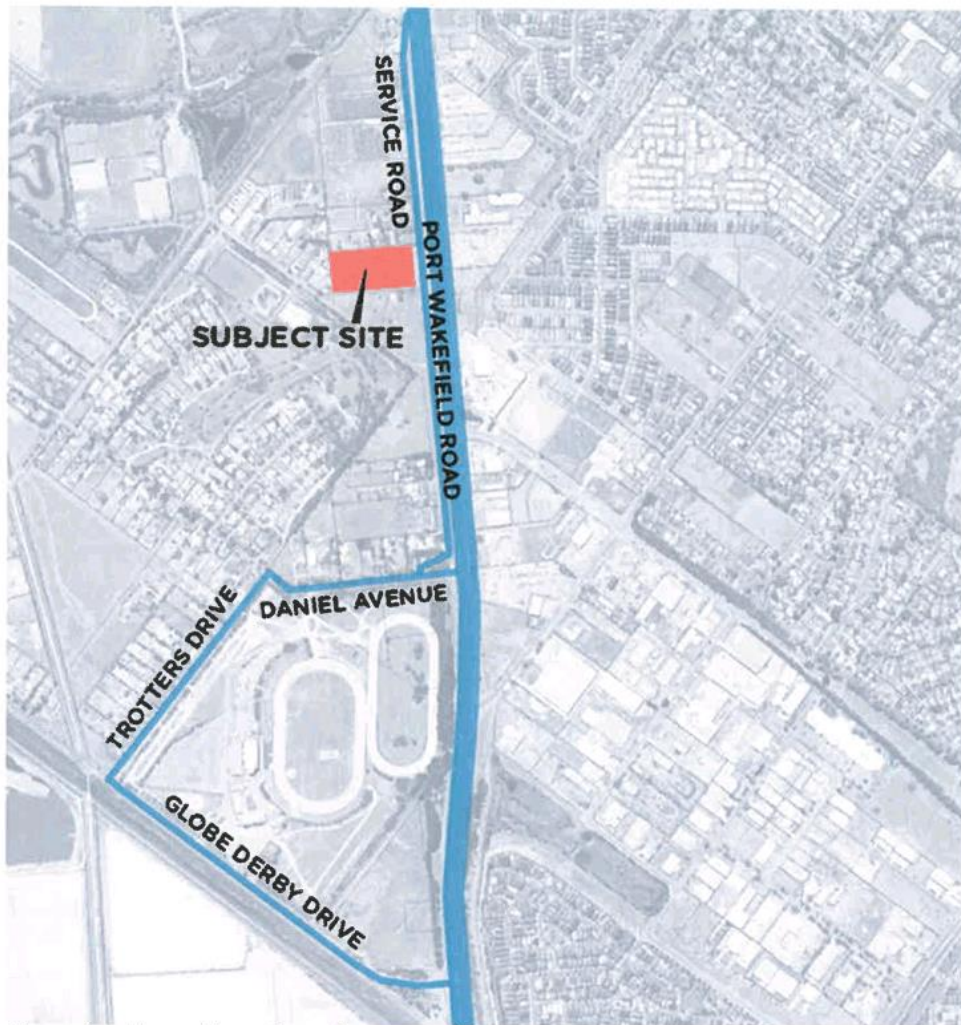


Figure 1 - The subject site, adjacent road network and Globe Derby Park access points.

Data provided by DPTI indicates the following Annual Average Daily Traffic (AADT) volumes (in vehicles per day – vpd) on the above roads (at each intersection with Port Wakefield Road) and their respective commercial vehicle (CV) percentages:

- Globe Derby Drive – 1,200 vpd (7.8% CV);
- Daniel Avenue – 230 vpd (0.8% CV); and
- Port Wakefield Road service road – DPTI data not available, albeit expected to be in the order of 150 vpd.

The proposed development comprises the construction of a mixed-use place-of-worship and community facility with ancillary areas including:



- a library / museum;
- a dwelling (caretaker's residence);
- a children's playground;
- a horse keeping area (with 3 to 4 horses kept on the subject site); and
- community gardens.

The site will be serviced by an associated car park, with access proposed to remain via the existing crossover on the Port Wakefield Road service road. However, the southern crossover will be converted to an ingress-only (left-in and right-in movements permitted) while the northern crossover will be used as an egress only (left-out and right-out movements permitted).

It is understood that the facility will primarily service a catchment of patrons residing to the north and north-east of the site (with a number of similar existing facilities located within metropolitan Adelaide to the south of the subject site).

A development application for the proposal has been submitted to Council. A number of representations were received in respect to the proposal during the community notification period. The primary issue raised in the representations related to the traffic impact of the proposal. This included comments in relation to the interaction of additional vehicle traffic and horses on the local road network within Globe Derby Park.

#### **TRAFFIC ASSESSMENT**

The NSW Roads and Maritime Services' (RMS) "*Guide to traffic generating developments*" is a commonly utilised document for review of traffic generation rates relevant to a variety of land uses. However, the RMS Guide does not identify traffic generation rates specific to community facilities such as the proposal.

In order to determine a relevant traffic generation rate, surveys were undertaken at a similar facility (Sikh Society of South Australia Gurdwara, Glen Osmond) on Sunday 13 November between 9:45 am and 12:00 noon. The surveys identified that during the peak period (11:00 am to 12:00 pm), a peak trip generation rate in the order of 0.27 trips per person attending the site.

By applying the above surveyed traffic generation rate to the proposal, it is expected that the site would generate in the order of 41 peak hour trips during a typical 150-person service and up to 67 peak hour trips during special 250-person services (occurring no more than 10 times per year).

The above traffic volumes will be distributed to/from Port Wakefield Road (assuming that all attendees live outside of Globe Derby Park) via three access points. The following distribution of trips has therefore been assumed:

- 40% to/from the north via Port Wakefield Road (Port Wakefield Road / Port Wakefield Road service road intersection);



- 30% to/from the east via Martin Road, Ryans Road and/or Salisbury Highway (Port Wakefield Road / Daniel Avenue and Port Wakefield Road / Globe Derby Drive intersections); and
- 30% to/from the south via Port Wakefield Road (Port Wakefield Road / Daniel Avenue and Port Wakefield Road / Globe Derby Drive intersections).

Given the limited access to / from Globe Derby Park, the highest traffic volume utilising local roads adjacent the site will occur when visitors are leaving (i.e. when the subject site becomes the origin of a trip). Based upon this, traffic volumes have been forecast assuming a 20% in / 80% out split of traffic movements.

Based upon the above traffic distribution and the origin / destination percentages, Table 1 illustrates the forecast traffic generation of the subject proposal at the three Globe Derby Park access points during 150-person and 250-person services.

*Table 1 – Forecast additional traffic movements at the key access roads*

	150 person Service	250 person Event
Service Road Right In	3	5
Service Road Left Out	13	22
Daniel Avenue Left In	2	4
Daniel Avenue Left Out	10	16
Globe Derby Dr Right In	2	4
Globe Derby Dr Right Out	10	16

Table 1 indicates that the peak hour traffic volumes distributed to the adjacent road network will be low. Specifically, the above distribution indicates the following additional volumes on roads within Globe Derby Park during the site's peak hour (depending on the size of the service):

- Service Road (north of the site) – 16 to 27 trips;
- Service Road (between Daniel Avenue and the site) – 24 to 40 trips;
- Daniel Avenue (between Service Road and Port Wakefield Road) – 12 to 20 trips;
- Daniel Avenue (between Service Road and Trotters Drive – 12 to 20 trips;
- Trotters Drive (between Daniel Avenue and Globe Derby Drive) - 12 to 20 trips; and
- Globe Derby Drive (between Trotters Drive and Port Wakefield Road) - 12 to 20 trips.

Such volumes will be adequately accommodated on the adjacent roadway and are well within typical local road capacities. The volumes would have negligible impact on





queues and delays currently experienced on the above roads and the associated intersections with Port Wakefield Road.

In relation to activities associated with horses on and adjacent the road carriageways within the area, there is little quantified information that can be utilised to assess the potential impact. However, a review of available traffic data provided by DPTI indicates that there have been no reported "hit animal" (or horse) categorised crashes (or any where horses were noted as a factor) in Globe Derby Park between 2005 and 2015.

A number of the respondents commented that issues associated with the potential for traffic-horse interaction related to driver unfamiliarity with the unique conditions within the suburb. It is considered that the majority of patrons associated with the proposed community facility will be regular attendees and be familiar with conditions on the surrounding road network. Additionally, the community nature of the proposal will provide a forum for education of patrons in relation to appropriate driving behaviour when accessing the site (particularly given the proposal itself includes horse keeping facilities).

### **SUMMARY**

An assessment has been undertaken of the potential traffic generation associated with the proposed facility. The proposal will generate peak demands during services held at the site. Services will typically accommodate up to 150 patrons, however a maximum patronage of 250 persons may be experienced during special events.

In order to identify the potential traffic generation of the proposal, survey data from a similar facility has been reviewed. Based on the comparable site's generation rate, it is forecast that in the order of 40 and 70 peak hour trips could be generated during 150 person services and 250 person events, respectively.

The forecast volumes will be distributed to various access routes on the surrounding road network. The additional peak hour movements will be low and readily accommodated on the adjacent roads. In relation to the unique nature of horse activities within the public road reserves surrounding the site, it is considered that site users will typically be regular attendees and will become familiar with these conditions. The community nature of the facility will also allow opportunities for site management to educate and inform patrons of appropriate driving behaviour both within and adjacent the site.

Please feel free to contact me on 0412 835 711 should you require any additional information.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Wilson", written over a light blue circular stamp.

**BEN WILSON**  
Director, CIRQA Pty Ltd



## PRELIMINARY SITE INVESTIGATION

701-709 Port Wakefield Road  
GLOBE DERBY PARK, SA



**Prepared for:** United Sikhs of SA Inc  
**Date:** 8 December 2016  
**Reference No:** JC0133  
**Report Version:** JC0133 /01

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AGON ENVIRONMENTAL

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AGON ENVIRONMENTAL

## AGON DOCUMENT CONTROL

<b>Report Title:</b>		<b>Project Reference</b>		
PRELIMINARY SITE INVESTIGATION 701-709 Port Wakefield Road, Globe Derby Park, SA, 5110		JC0133		
<b>Written:</b>		<b>Approved:</b>		
Sophie Hambour Environmental Scientist		David Probert SA State Manager		
Rev No	Status	Date	Author	Reviewer
01	DRAFT	8/12/2016	SH	DP

Rev No	Copies	Recipient
01	1 electronic	Town Planning Advisors, Mr Callum Little

AGON ENVIRONMENTAL

## 1.0 INTRODUCTION

### 1.1 Background

Agon was engaged by Town Planning Advisors on behalf of United Sikhs of SA Inc ("the proponent") to conduct a Preliminary Site Investigation (PSI) of the site located at 701- 709 Port Wakefield Road, Globe Derby Park SA ("the site", see

Figure 1).

The proponent plans to construct a mixed community development comprising a community facility and place of worship together with associated facilities.

### 1.2 Objectives

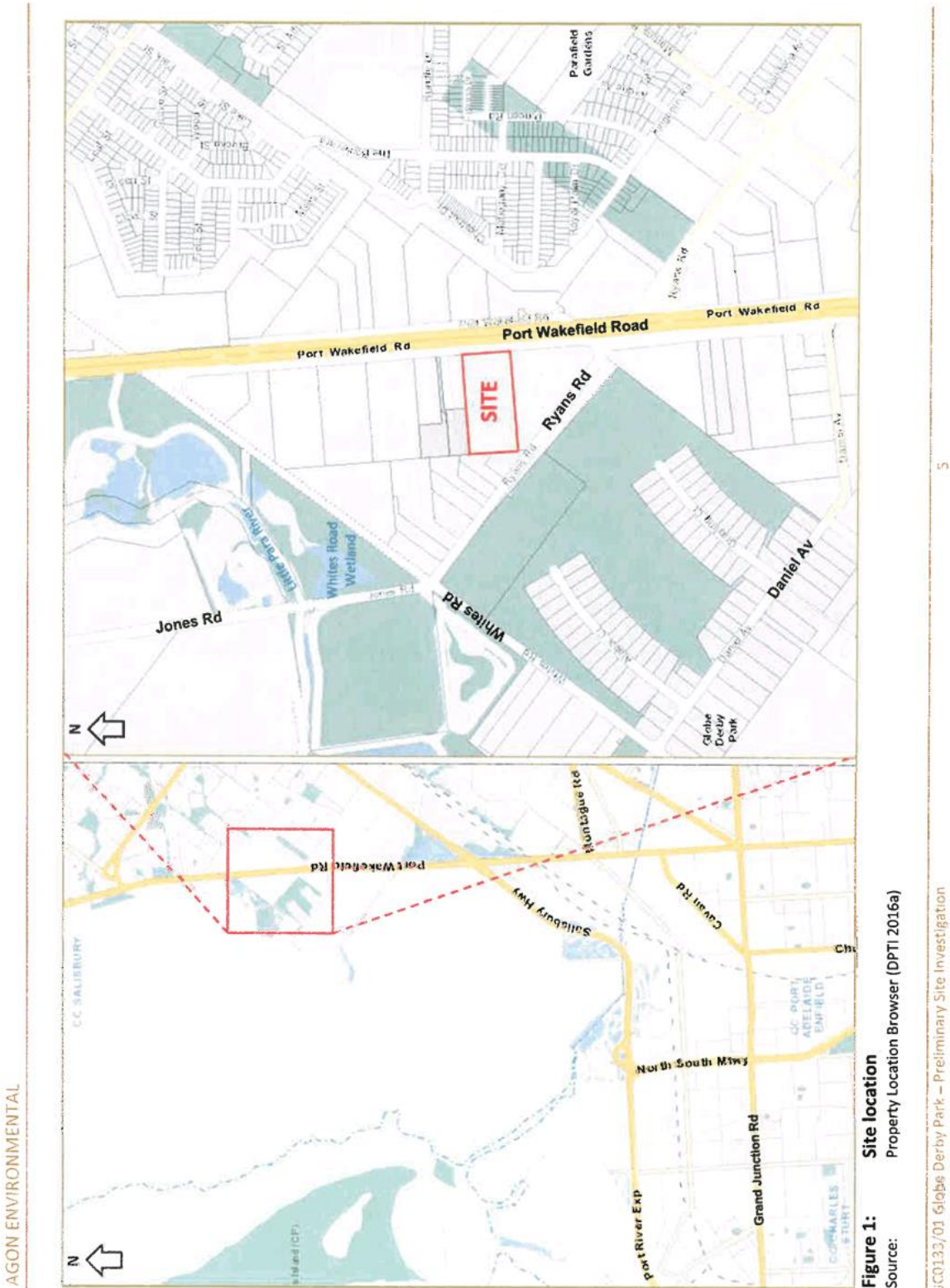
The objectives of this investigation were to:

- Identify potentially contaminating activities (PCAs) which may have occurred at the site; and
- Provide a preliminary assessment of risks to human health and the environment associated with any contamination which may have been caused by the identified PCAs at the site.

### 1.3 Scope of Work

The scope of work for this investigation comprised:

- A summary of property details and current zoning;
- A description of site features and land use on and surrounding the site;
- A brief discussion of regional geology and hydrology;
- A summary of search results on public databases;
- A summary of historical land titles ownership;
- A review of historical aerial photographs of the site and surrounding area;
- A brief summary of other available historical information relevant to the investigation;
- A review of public registers and databases indicating potential contaminants of concern; and
- Compilation of this information in this report.



## 2.0 SITE DETAILS

### 2.1 Site Identification

The site comprises one land piece outlined in red in Figure 2, which comprises approximately 2.2 Ha in area. Land parcel and Certificate of Title details are provided in Table 1. Current Certificates of Titles and a survey plan are provided in Appendix A.



**Figure 2:** Site allotment identification  
Source: Property Location Browser (DPTI 2016a)

**Table 1:** Certificate of Title Details  
Source: DPTI 2016a

CT Volume / Folio	Plan/ Allotment	Area	Owner
5759/278	D7060AL6	2.2 Ha	United Sikhs of South Australia Inc.

The site is identified as Allotment 6 in Filed Plan D7060 as described in Certificate of Title Book Register Volume 5759, Folio 278.

### 2.2 Physical Setting

The site is situated in the suburb Globe Derby Park on Port Wakefield Road, approximately 17 km north of the Adelaide CBD. The nearest surface water body is the White Road Wetlands and the Little Para River, approximately 450 – 500 m north of the site. The Little Para River flows to the west and discharges into the Port River estuary at Swan Alley Creek.

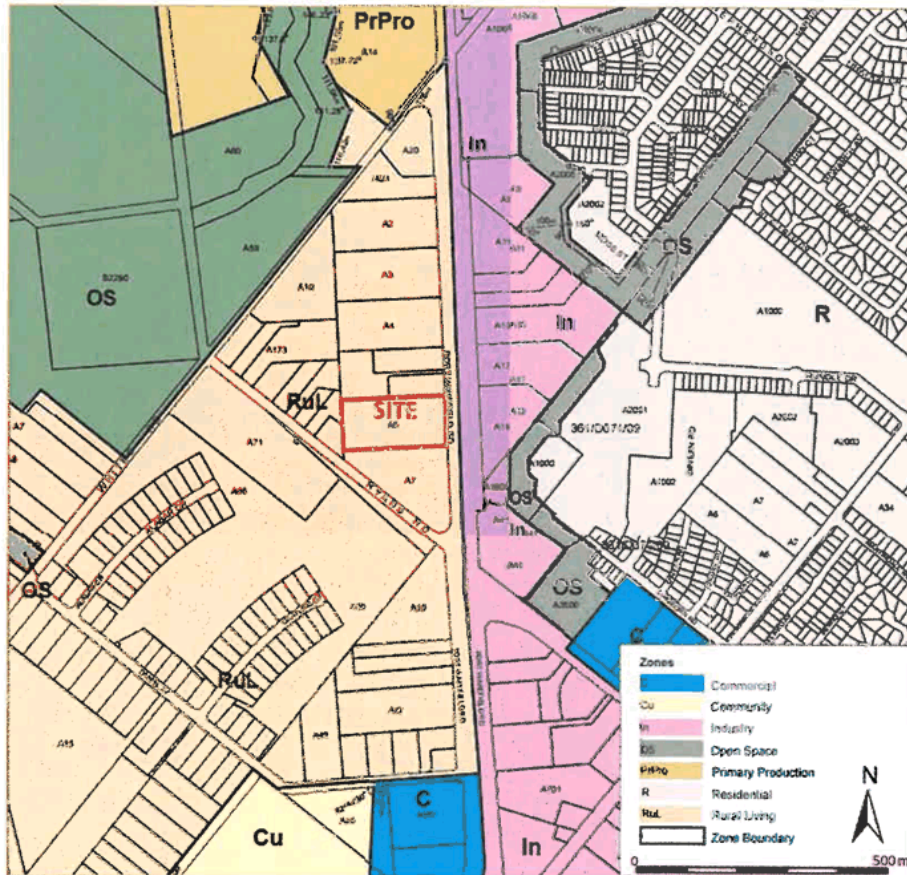


### 2.3 Site Zoning

The site is located within the City of Salisbury and is currently zoned Rural Living. The primary objective of the Rural Living zone as described in the Salisbury Council Development Plan is:

1. A zone consisting of large allotments, detached dwellings and rural activities that do not adversely impact the amenity of the locality.

As shown in Figure 3, the site is bordered by a large expanse of land zoned for Rural living. Land with frontage on the eastern side of Port Wakefield Road is zoned Industrial, with Open Space and Residential beyond. Areas to the north and west of the site are zoned Open Space and Primary Production, with areas to the south zoned for Commercial and Community use.



**Figure 3: Site zoning**  
Source: Salisbury Council Development Plan (DPTI 2016b)

### 2.4 Land Use

As shown in Figure 4, land use on the site is identified as Rural Residential, with land use on adjoining allotments comprising rural residential and vacant land. The surrounding land uses, (west of Port Wakefield Road) is predominantly rural residential and recreation/reserves or vacant land, but also includes utilities/industry and agriculture. Other land uses (east of Port Wakefield Road) include residential, retail commercial and areas of vacant urban land.



**Figure 4: Surrounding land use**  
 Source: Location SA Map Viewer (SA Gov. 2016)

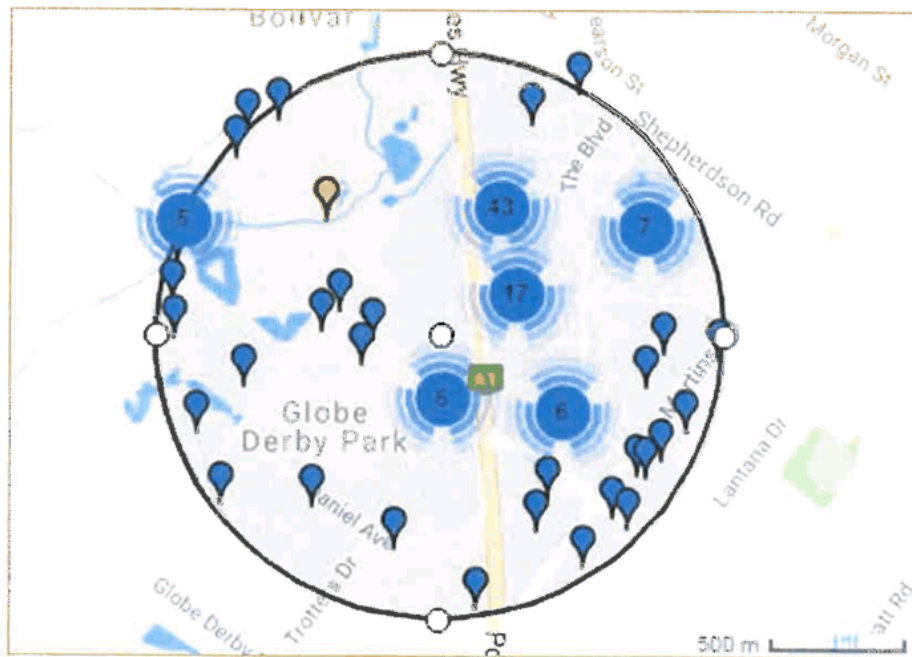
**2.5 Local Hydrogeology**

A search for registered groundwater wells within a 1 km radius of the site was undertaken using the online Water Connect website (DEWNR 2016a, see Figure 5).

Groundwater information obtained from the Water Connect website indicates that there are no registered groundwater wells on the site. However, there are 115 registered groundwater wells identified within a 1 km radius of the site, with standing water levels (SWL) ranging from 1.16 m below ground level (m bgl) to 30.48 m bgl, and salinities ranging from 228 mg/L TDS (Total Dissolved Solids) to 7,401 mg/L TDS.

This indicates that the shallow groundwater in the area is quite saline, while deeper groundwater in the area is generally of good quality, with water generally considered to be of potable quality at salinities less than 500 mg/L TDS (NHMRC 2003).

A summary of the Water Connect data is provided in Appendix B.



**Figure 5: Groundwater wells within a 1km radius of the site**  
 Source: Water Connect (DEWNR 2016a)

Operational groundwater wells within a 300 m proximity to the site appear to access groundwater occurring at depths between 2.98-9.0 m bgl, and include observation and irrigation wells, and aquifer managed recharge, storage and recovery wells. Groundwater salinities in these operational local wells generally ranges between 228 and 4,158 mg/L TDS.

The nearest registered operational observation well (unit number 6628-18499) is located on the east side of Port Wakefield Road, about 200 m to the east of the site, and accesses groundwater from the Hindmarsh Clay Aquifer. This well was drilled to a final depth of 6 m on 25 September 1996. The standing water level recorded in the well on that day was 3 m bgl.

Regional groundwater flow is anticipated to be in a westerly direction (Gerges 2006).

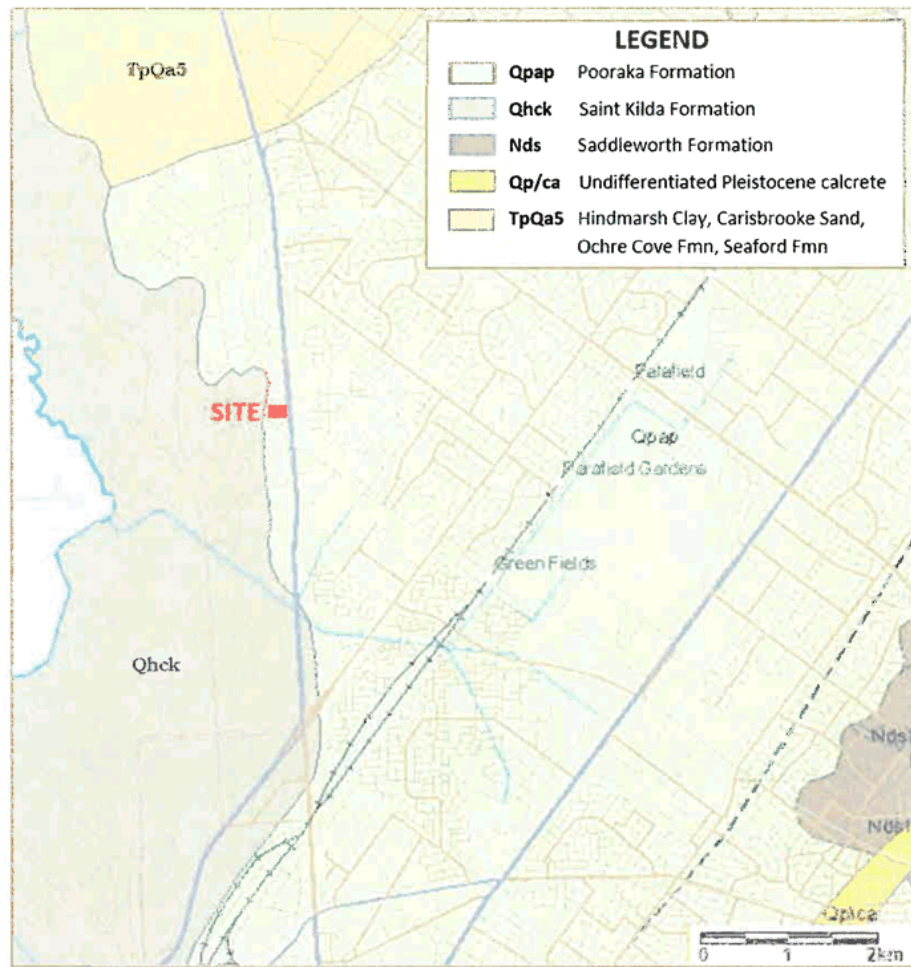
### 2.6 Local Geology

The geological map sheet data presented in the South Australian Resources Information Geoserver (SARIG) indicates that the natural soil at the site is likely to comprise Pleistocene aged Pooraka Formation deposits (clay, sand and carbonate earth, silty with gravel lenses).

In the surrounding vicinity of the site (to the east), natural soil is likely to comprise Holocene-aged Saint Kilda Formation deposits (undifferentiated Holocene coastal marine sediment).

A map showing geological data from SARIG in the vicinity of the site is presented in Figure 6.

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**Figure 6: Generalised regional geology**  
Source: SARIG (DSD 2016)

A description of materials encountered approximately 300 m north east of the site, likely to comprise Pleistocene aged Pooraka Formation deposits, in the borehole log for registered water well (unit number 6628-18459) in 1997, is presented in Table 2. This log suggests that Pleistocene aged clays dominate and extent to around 23 m depth at the site.

## AGON ENVIRONMENTAL

**Table 2: Drillers log from unit no. 6628 – 18459**

Source: SARIG (DSD 2016)

Depth to (m)	Major Lithology	Description
0.1	BITUMEN	Bitumen
0.2	GRAVEL	Gravel, small to medium sized, beige, within a fine sand and silty clay matrix (fill)
2.7	SAND	Sand, clean, medium grained, yellow, well sorted (fill)
3	CLAY (Undiff. Origin)	Clay, moderate plasticity, brown, some silt, little fine sand, brown to red brown, some quartzose and calcareous nodules
4	CLAY (Undiff. Origin)	Clay, high plasticity, red to brown, some fine sand
5	CLAY (Undiff. Origin)	Clay, same as above
7	CLAY (Undiff. Origin)	Clay, high plasticity, brown, strong odour
8	CLAY (Undiff. Origin)	Silty clay, low plasticity, brown, with mottled high plasticity grey clay.
9	CLAY (Undiff. Origin)	Clay, high plasticity, mottled grey
10	CLAY (Undiff. Origin)	Clay, moderate plasticity brown, mottled grey. Minor coarse grained gravel. No odour
11	CLAY (Undiff. Origin)	Clay, low plasticity, brown, mottled grey. Minor coarse grained gravel. No odour. Grading to a grey sandy clay.
12	CLAY (Undiff. Origin)	Clay, high plasticity, blue/grey
13.5	CLAY (Undiff. Origin)	Silty clay, brown with grey high plasticity mottled clay.
14	CLAY (Undiff. Origin)	Sandy clay, dark grey with coarse grained gravel
15	CLAY (Undiff. Origin)	Clay, high plasticity, red/brown mottled grey. No odour.
16	CLAY (Undiff. Origin)	Silty clay, low plasticity brown. Minor gravel
17	CLAY (Undiff. Origin)	Silty clay, low plasticity, brown with mottled high plasticity grey clay.
18	CLAY (Undiff. Origin)	Silty clay, brown with mottled grey/blue high plasticity clay.
20	CLAY (Undiff. Origin)	Silty clay, low plasticity brown & grey mottled.
21	GRAVEL	Gravel, coarse grained 2.5cm diameter. Intersected plenty of water. Matrix is a blue grey sandy clay.
23	CLAY (Undiff. Origin)	Clay, high plasticity, blue/grey.

**2.7 Public Register Searches****Environment Protection Authority**

A search of the SA EPA Public Register was completed for the site, under Section 7 of the Land and Business (Sale and Conveyancing) Act 1994 (SA Government 1994), which enables the general public to obtain site information relating to environment protection. The results

#### AGON ENVIRONMENTAL

of the Section 7 Search confirmed that the SA EPA holds no records pertaining to site contamination, orders, licences or other documentation associated with the site. A copy of the EPA Section 7 search is provided in Appendix C.

A search of the SA EPA's Site Contamination Register (SA EPA 2016) was undertaken to identify any site contamination notifications or reports held by the EPA pertaining to the site or nearby properties. The notifications listed on the Register for the site or nearby properties are summarised below in Table 3. Properties listed within close proximity to the site (<500 m) appear to be no longer operating under the potential contaminating activity listed, or the site is presently vacant. Accordingly, it is considered that any impacts would have a negligible likelihood of impacting the Globe Derby Park site.

#### City of Salisbury

A Section 7 search undertaken for the site by the Salisbury Council identified that the council holds no records pertaining to site contamination. A copy of Council's Section 7 search is provided in Appendix C.

#### Safework SA

Safework SA conducted a search of their Dangerous Substances licensing database, and have advised that there are no current or historical records for the site. A copy of the Safework SA search is provided in Appendix C.

### 2.8 Proposed Development

The proponent has submitted to Council a development proposal to construct a mixed use development comprising a community facility and place of worship together with associated facilities including playground, carpark, caretaker's residence, community garden and horse keeping.

This application (reference number 341/1144/2016/3B) was lodged with the City of Salisbury on 14 June 2016. A plan of the proposed development is provided as Figure 7, and a copy of the development application is provided in Appendix D.

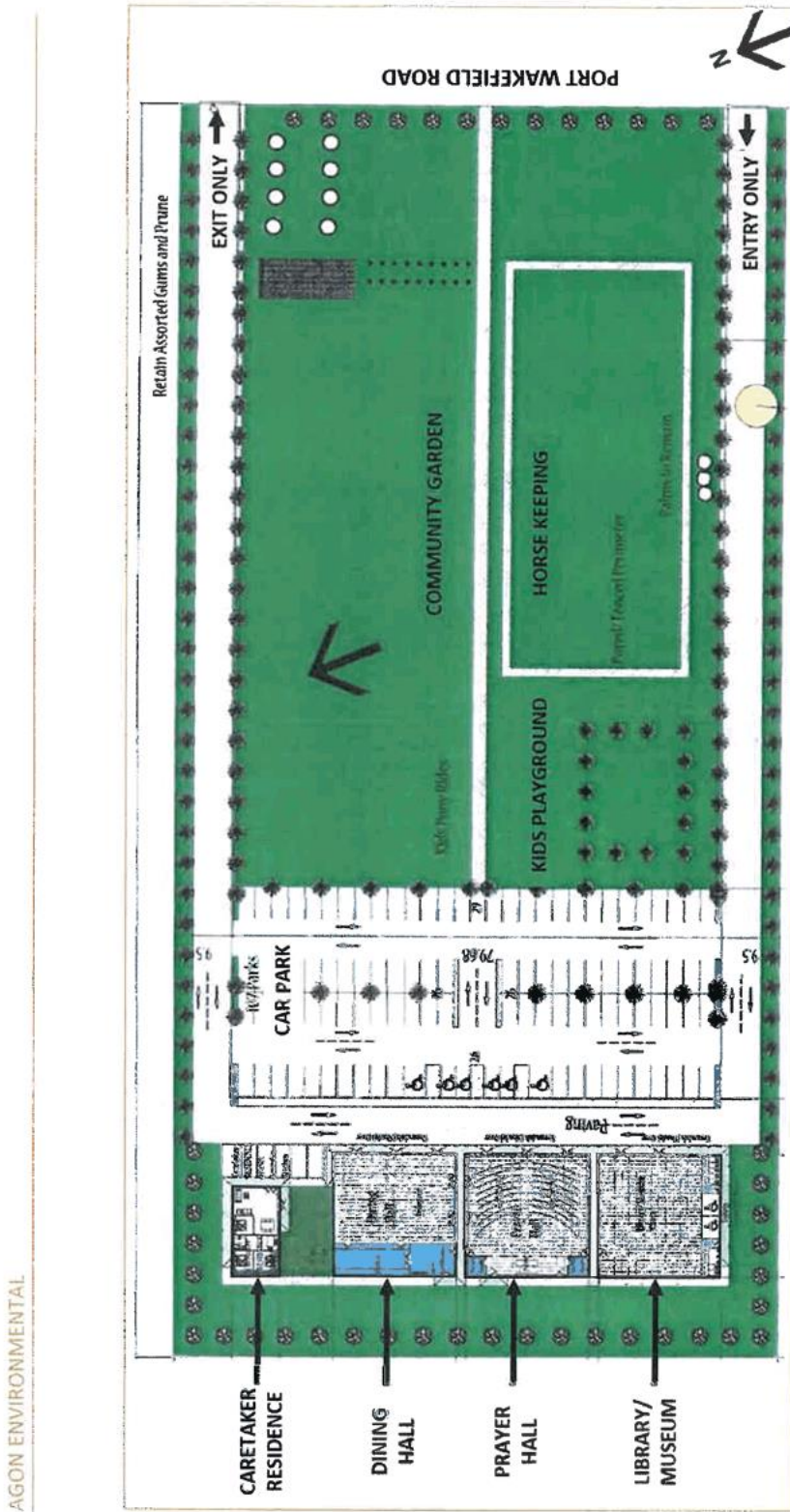
AGON ENVIRONMENTAL

**Table 3: SA EPA Site Contamination Register Search Results**

Notification	Type	Address	Potentially Contaminating Activity	Distance from Site
<b>Green Fields</b>				
60344-01	S83A Notification	Lots 1, 2, 3 & 4 George Street GREEN FIELDS SA 5017	Abrasive Blasting	1.2 km SE
<b>Parafield Gardens</b>				
60139	Audit Notification	Lot 11 Port Wakefield Road PARAFIELD GARDENS SA 5107	Listed Substances (manufacture, production, recycling)	N/A
60139	Audit Termination			
60870	Audit Notification	734-748 Port Wakefield Road PARAFIELD GARDENS SA 5107	Fertiliser manufacture	300 m NE
60870-001	Audit Report		Fertiliser manufacture; Pest control works	
60270	Audit Notification	692-694 Port Wakefield Rd;		100 m E;
60270 - 001	Audit Report	722-726 Port Wakefield Rd;		200 m NE;
60270	Audit Termination	141 & 147-149 Ryans Rd;		400 m SE;
		289-299 Martins Rd PARAFIELD GARDENS SA 5107		800 m E
60329 - 01	S83A Notification	Lot 501 & 141 Ryans Road;		400m SE;
		Lot 502 Rundle Road;		N/A
		692-694 & 722 Port Wakefield Rd;		100 m SE; 200 m NE;
		289-299 Martins Road PARAFIELD GARDENS SA 5107		800 m E

JC0133/01 Globe Derby Park – Preliminary Site Investigation

Item 5.1.1 - Attachment 4 - Applicant's Response to Representations



**Figure 7:** Proposed development  
 Application of development, City of Salisbury 2016  
 Source:

JC0133/01 Globe Derby Park – Preliminary Site Investigation



### 3.0 HISTORICAL INFORMATION

#### 3.1 Review of Historical Aerial Photographs

Aerial photographs in approximate ten-year intervals were reviewed from 1949 to the present, with selected extracts provided in the figures below, with the approximate site location outlined in red.

A review of the 1949, 1959 and 1969 photographs indicate the site was vacant with a clear area (possibly low lying areas or creeks) on the western border of the site. Surrounding land use was predominantly used for broadacre agricultural purposes.



**Figure 8: Extract from 1949 aerial photograph**

Source: Port Adelaide Enfield Local Library (CoPAE 2016)

The development of the surrounding area increased from 1959, with an increase in smallholdings and market gardens to the north and east and, from 1979 onwards, an increase in residential use to the south of the site (the suburb of Globe Derby Park).

In the 1979 photograph (Figure 11), sheds and vegetation are visible on the site and race/trotting tracks appear around the perimeter of the site, with an oval track in the eastern quarter. The land with frontage along Port Wakefield Road is further developed (commercial land use). The suburb of Parafield Gardens to the east of Port Wakefield Road also becomes established during this period, replacing agricultural/ horticultural land use with residential.

The training tracks were present in 1985 (Figure 12), and an additional adjoining building was visible in the 2000 photograph (Figure 13). A review of Google Earth aerial photographs indicates that the removal of the structures on the site occurred during 2014-2015. All site buildings were removed by 2016; the photograph from this year (Figure 2) shows the site in its current disposition; i.e., as vacant, with two large palm trees near the southern boundary.

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**Figure 9: Extract from 1959 aerial photograph**  
Source: MapFinder (DEWNR 2016b)



**Figure 10: Extract from 1969 aerial photograph**  
Source: MapFinder (DEWNR 2016b)

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**Figure 11: Extract from 1979 aerial photograph**  
Source: MapFinder (DEWNR 2016b)



**Figure 12: Extract from 1985 aerial photograph**  
Source: MapFinder (DEWNR 2016b)

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**Figure 13:** Extract from 2000 aerial photograph  
Source: MapFinder (DEWNR 2016b)

### 3.2 Ownership History

Historical Titles were viewed using the South Australian Integrated Land Information System (DEWNR 2016c). A summary of ownership along with copies of historical titles, are provided in Appendix A.

Historical titles show that the land parcel encompassing the site has been owned by farmers since the first title for the land was issued in 1859. In 1961 the land was owned by Frederick George Ryan, who subdivided a larger landholding and transferred the portion comprising the site to Antonio Marciano, who then sold the site in 1972 to Thomas Oday. Mr Oday owned the site until his death, after which the site was transferred to the Animal Welfare League in 2013. The site was then transferred to Thuy Kim Nguyen and Dung Phuong Tong, who sold the site to the United Sikhs of South Australia. The site has been in the possession of the United Sikhs of South Australia Inc since January 2016.

#### 4.0 POTENTIALLY CONTAMINATING ACTIVITIES

Based on the current understanding of historical land use at and in the vicinity of the site, the following Potentially Contaminating Activities (PCAs) and Potential Contaminants of Concern (PCOCs) have been identified, as described in Table 4.

**Table 4: Potentially Contaminating Activities & Potential Contaminants of Concern**

PCA	PCOC	Risk of Significant Impact	Area of Site Potentially Impacted by PCA/ PCOC Other Comments
Historical application of pesticides / herbicides	Organochlorine Pesticides (OCP), Organophosphorus Pesticides (OPP) Metal salts (e.g. Arsenic)	Low	Historical use of pesticides and herbicides may have resulted in residue in soil. Whole of site.
Importation of fill	Various (metals, hydrocarbons, etc.)	Low	Fill imported to the site for levelling may have been impacted. Whole of site.
Fuel/ lubricant spillage	Total Recoverable Hydrocarbons (TRH), Monoaromatic Hydrocarbons (MAH), Polyaromatic Hydrocarbons-(PAH)	Low	Vehicle maintenance; likely to be localised.
Asbestos building materials	Asbestos	Low	All buildings were demolished in 2014-2015.
Migration of contaminants from neighbouring properties	Various (hydrocarbons, solvents etc.)	Low	Industrial areas east of the site.

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## 5.0 CONCLUSIONS

The results of the site history research conducted by Agon Environmental have identified that the site appears to have historically been used for agricultural purposes from the 1850s through to the 1960's. The development of tracks around the perimeter of the site in the late 1970's suggest the site was used for the racing/and or trotting of horses. The complete removal of all structures on the site had occurred by 2015.

Agon has identified potentially contaminating historical land uses at the site. However, based on site observations and consideration of the site history information, it is considered that site contamination risks associated with these potentially contaminating activities are low.

The proposed development for the site incorporates a mixed use development in keeping with the Rural Living zoning of the property and the surrounding area. As such, it is considered that the does not site pose any significant risk to human health or to the environment that would preclude its use for a mixed community development and associated facilities.

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## LIMITATIONS OF THIS REPORT

This report has been prepared in accordance with industry recognised standards and procedures current at the time of the work. The report presents the results of the assessment based on the quoted scope of works (unless otherwise agreed in writing) for the specific purposes of the engagement by the Client. No warranties expressed or implied are offered to any third parties and no liability will be accepted for use of this report by third parties.

The assessment of environmental and human health risk included in this report relate to the whole site as described in the report. If the site is subject to demolition works or redevelopment, the risk profile of the site will change and the conclusions of this report will no longer be valid. If the site is subject to subdivision, the risk profile of each division of the site will change and the conclusion of this report will no longer be valid.

Consideration of the aesthetic and geotechnical suitability of site soils has been excluded from this report. Aesthetic and geotechnical suitability may need to be addressed in subsequent assessments.

Although no onsite sources of groundwater contamination were identified during this investigation, given the regional history of land use around the site, groundwater contamination may have occurred in the vicinity of the site. Groundwater investigation was excluded from the scope of this investigation and comments in relation to potential groundwater at the site have been excluded from this report.

All information provided by third parties has been assumed to be correct and complete. Agon does not assume any liability for misrepresentation of information by third parties or for matters not visible, accessible or present on the subject site.

Opinions and judgements expressed herein are based on Agon's understanding of current regulatory standards and should not be construed as legal opinions.

No responsibility is accepted for use of any part of this report in any other context or for any other purpose or by third parties other than those listed above.

This report should be read in full.

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REFERENCES

**CoPAE - City of Port Adelaide Enfield (2016)** Port Adelaide Local History, located at:  
<https://mapping.portenf.sa.gov.au/history/>

**DEWNR – Department of Environment, Water and Natural Resources (2016a)** *Water Connect*, located at:  
<http://www.waterconnect.sa.gov.au>.

**DEWNR – Department of Environment Water & Natural Resources (2016b)** *MapFinder*, located at:  
<https://apps.environment.sa.gov.au/MapFinder/>.

**DEWNR – DEWNR (2016c)**, *South Australian Integrated Land Information System (SAILIS)*, located at:  
<http://www.sailis.sa.gov.au>.

**DPTI – Department of Planning Transport and Infrastructure (2016a)** *Property Location Browser*, located at:  
<http://www.maps.sa.gov.au/plb>.

**DPTI – Department of Planning Transport and Infrastructure (2016b)** *Development Plan –Salisbury Council*. Consolidated 7 July 2016.

**DSD – Department of State Development (2016)** *SARIG – South Australian Resources Information Geoserver*, located at: <https://sarig.pir.sa.gov.au>.

**Gerges, N (2006)** *Overview of the hydrogeology of the Adelaide metropolitan area*. Knowledge and Information Division, Department of Water, Land and Biodiversity Conservation. June 2006.

**SA Gov. – Government of South Australia (2016)** *Location SA Map Viewer*, located at:  
<http://location.sa.gov.au/viewer/>.

**NEPC – National Environmental Protection Council (2013)** *National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, Amended 2013*.

**NHMRC/ NRMCC – National Health and Medical Research Council/ Natural Resource Management Ministerial Council (2011)** *Australian Drinking Water Guidelines, Amended 2016*. Commonwealth of Australia.

**SA EPA (2016)** *Site Contamination Index Public Register*, located at:  
[http://www.epa.sa.gov.au/data\\_and\\_publications/site\\_contamination\\_index/search-the-contamination-register](http://www.epa.sa.gov.au/data_and_publications/site_contamination_index/search-the-contamination-register).



AGON ENVIRONMENTAL

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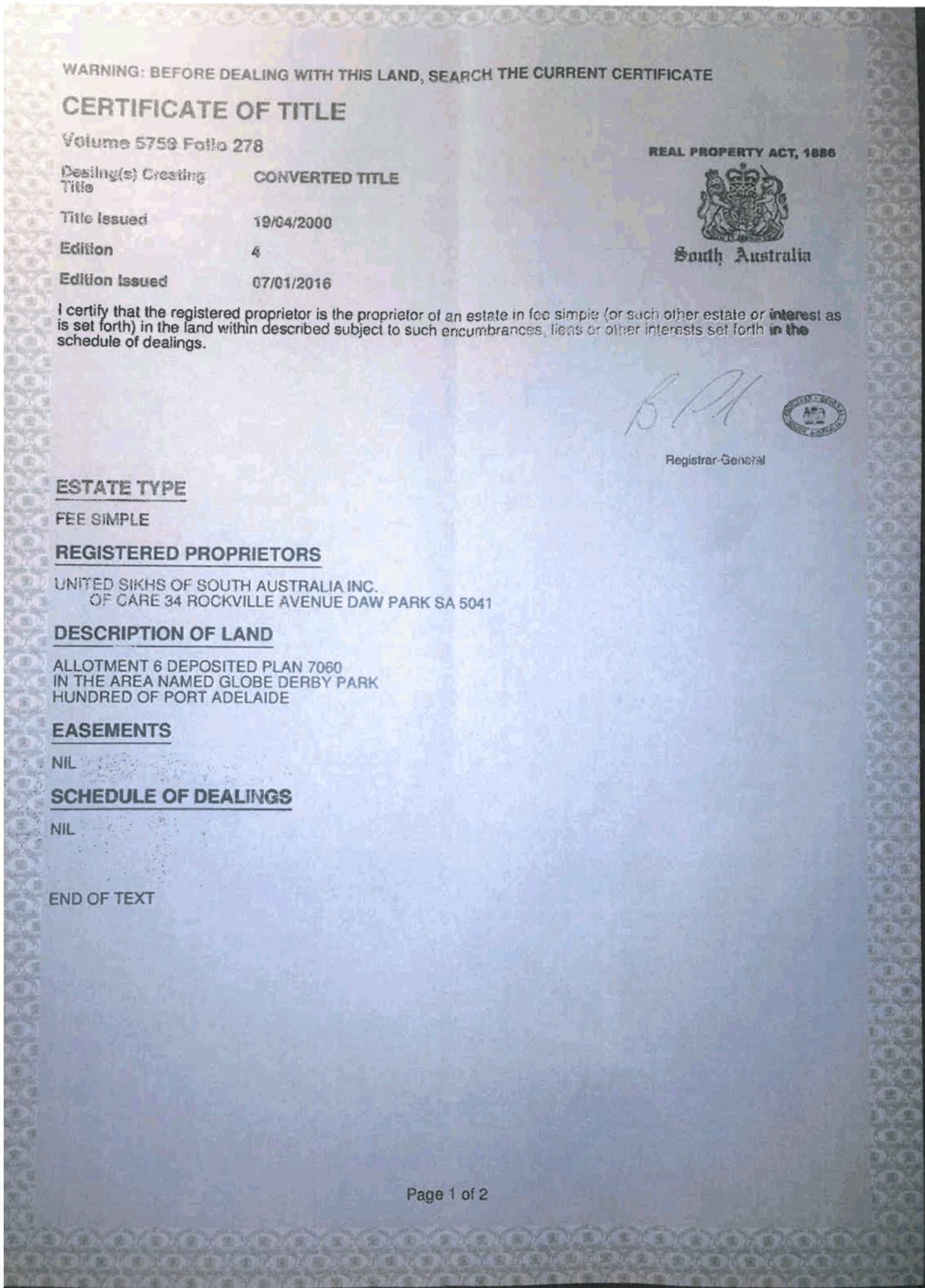
## APPENDIX A: CERTIFICATE OF TITLES

Item 5.1.1 - Attachment 4 - Applicant's Response to Representations

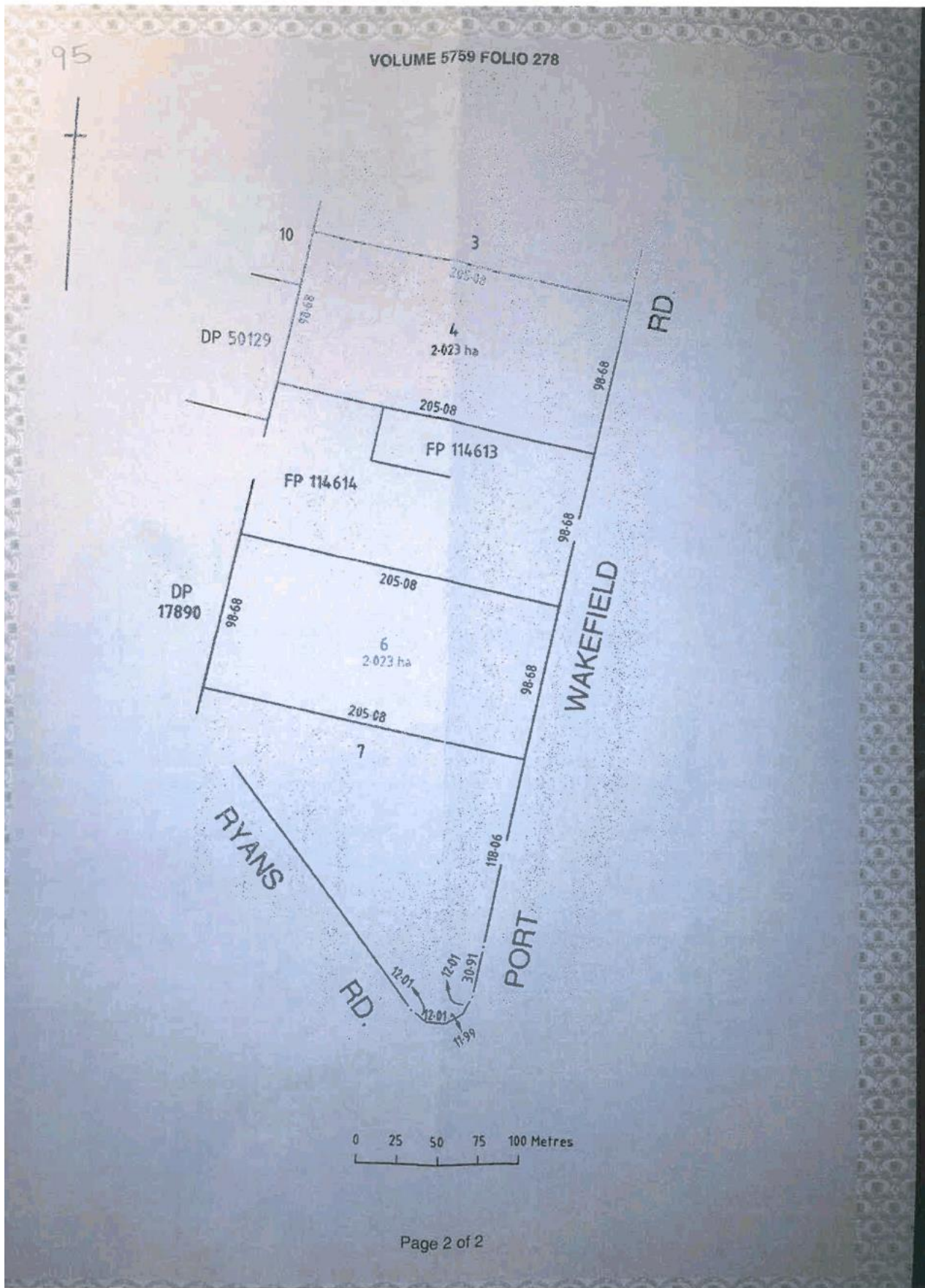
701-703 Port Wakefield Road, Globe Derby Park, Allotment 6 Filed Plan D7060, Hd Port Adelaide			
CT Ref	Date	Action	Owner
NA	15/04/1847	Original Land Grant	John Mayer and John Row
			Occupation/ Address Adelaide Farmers
<b>5/192</b>	27/05/1859	Issue	Hugh Quin
	04/08/1876	Transfer	Henry Wright ( d 5/5/1885)
			Robert Wright
	26/06/1885	Transfer	Henry Wright
	7/7/1926	Transfer	Thomas Henry Judd
	15/8/1929	Transfer portion	George Herbert Ryan
			Port Adelaide Para Plains Farmer Adelaide Storeman Para Plains Farmer Salisbury Farmer Salisbury Farmer <b>New Title - 1554/38</b> Balance - 1554/39
<b>1554/38</b>	6/09/1929	Issue	George Herbert Ryan (d 27/04/1943)
	16/3/1944	Transmission Application	Executor Trustee and Agency Company of SA Inc.
	20/9/1948	Transfer	Frederick George Ryan
			Salisbury Farmer  Bolivar and Lower Light Grazier <b>New Title - 3014/35</b> Balance - 3650/1
<b>3014/35</b>	1/11/1961	Issue subdivision	Frederick George Ryan
	18/12/1964	Transfer	Antonio Marciano
			Angelina Marciano
	14/4/1972	Transfer	Thomas Ivan Oday
			Bolivar and Lower Light Grazier Factory Employee, Flinders Park Wife Airport Traffic Officer, Richmond <b>New Title - 5759/278</b>
<b>5759/278</b>	19/4/2000	Issue	Thomas Ivan Oday
	10/1/2014	Transmission Application	Gertruda Elizabeth Maria Bouwens
	10/1/2014	Transfer	Animal Welfare League of SA Inc
	16/05/2014	Transfer	Thuy Kim Nguyen
	7/01/2016	Transfer	Dung Phuong Tong United Sikhs of SA Inc

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JC0133 Globe Derby Park PSI



Item 5.1.1 - Attachment 4 - Applicant's Response to Representations




## Certificate of Title

**Title Reference:** CT 5759/278  
**Status:** CURRENT  
**Parent Title(s):** CT 3014/35  
**Dealing(s) Creating Title:** CONVERTED TITLE  
**Title Issued:** 19/04/2000  
**Edition:** 4

## Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
04/12/2015	07/01/2016	12441290	TRANSFER	Registered	UNITED SIKHS OF SOUTH AUSTRALIA INC.
24/04/2014	16/05/2014	12120447	TRANSFER	Registered	THUY KIM NGUYEN, DUNG PHUONG TONG
12/12/2013	10/01/2014	12053148	TRANSFER	Registered	ANIMAL WELFARE LEAGUE OF SOUTH AUSTRALIA INC.
12/12/2013	10/01/2014	12053147	TRANSMISSION APPLICATION	Registered	THOMAS IVAN ODAY (DECD), GERTRUDA ELIZABETH MARIA BOUWENS (EXEC)

**South Australia**  
(CERTIFICATE OF TITLE)



Register Book,  
Vol. 3650 Folio 1

New Certificate of Title for portion of the land in Vol.1016 Folio 59 and Vol.2239 Folio 53 and the balance of the land in Vol.1554 Folio 38 and Vol 1089 Folio 02

FREDERICK GEORGE RYAN of 24 Esplanade Somerton Park 5044, Grazier

is the proprietor of an estate in fee simple


subject nevertheless to such encumbrances liens and interests as are notified by memorial underwritten or endorsed hereon in THOSE PIECES of land situated in the COUNTY OF ADELAIDE being FIRSTLY ROAD B of the subdivision of portion of Section 2263 in the HUNDRED OF FORT ADELAIDE laid out as BOLIVAR and bounded as appears in the plan deposited in the Lands Titles Registration Office No.7099 SECONDLY ROAD A AND ROAD B of the subdivision of portion of Section 2264 and other land in the HUNDRED OF FORT ADELAIDE laid out as BOLIVAR and bounded as appears in the plan deposited in the Lands Titles Registration Office No.7060 and THIRDLY MARTINE ROAD RYANS ROAD AND FORT WAKEFIELD ROAD of the subdivision of portion of Section 2261 in the HUNDRED OF YATALE laid out as CHEENFIELDS and bounded as appears in the plan deposited in the Lands Titles Registration Office No.7089 SUBJECT nevertheless to the right of way and easement with conditions granted by Memorandum of Transfer No.2597255 to The Electricity Trust of South Australia in and over portion of the said land as delineated in the plan in the margin hereof and therein marked Easement

Which said Section: are delineated in the public maps of the said hundreds deposited in the Land Office at Adelaide.

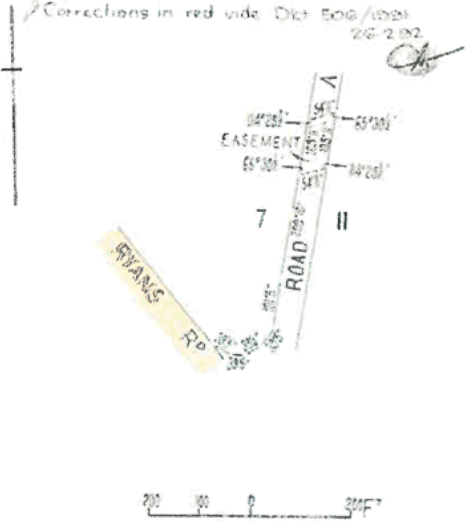
In witness whereof I have hereunto signed my name and affixed my seal this 21st day of August 1969

Signed the 21st day of August 1969, in the presence of W. Spears

G. E. O'Sullivan  
Acting Registrar-General.



*Corrections in red vide Dist 500/1001 26 2 02*



LAND

APPLICATION No. 332211 THE LAND

IS TRANSMITTED TO EXECUTION THROUGH THE AGENCY COMPANY OF SOUTH AUSTRALIA LIMITED OF 29 GURTELL STREET ADELAIDE 5000 AND EVIDENCE THEREON BY ESPLANADE SOMERTON PARK DISTRICT AS THE RESIDUE NAMED IN THE WILL DATED 8/10/27 OF THE DECEASED ORGE RYAN WHO DIED 25/11/57 VIDE PROBATE DATED 14/1/59 PRODUCED 31/8/69 AT 2:55 PM.

W. G. Holman REG. GEN.

TRANSFER No. 3393968

FOR HER MAJESTY QUEEN ELIZABETH THE SECOND

OF THE WITHIN LAND. PRODUCED 11/12/69 AT 11:30a

W. G. Holman DEP. REG. GEN.

**CANCELLED** AS NICARDS LAND IN TRANSFER No. 3393968 THE SAID LAND HAVING BEEN ACQUIRED BY THE CROWN FOR ROAD PURPOSES

W. G. Holman DEP. REG. GEN.

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# South Australia (CERTIFICATE OF TITLE)



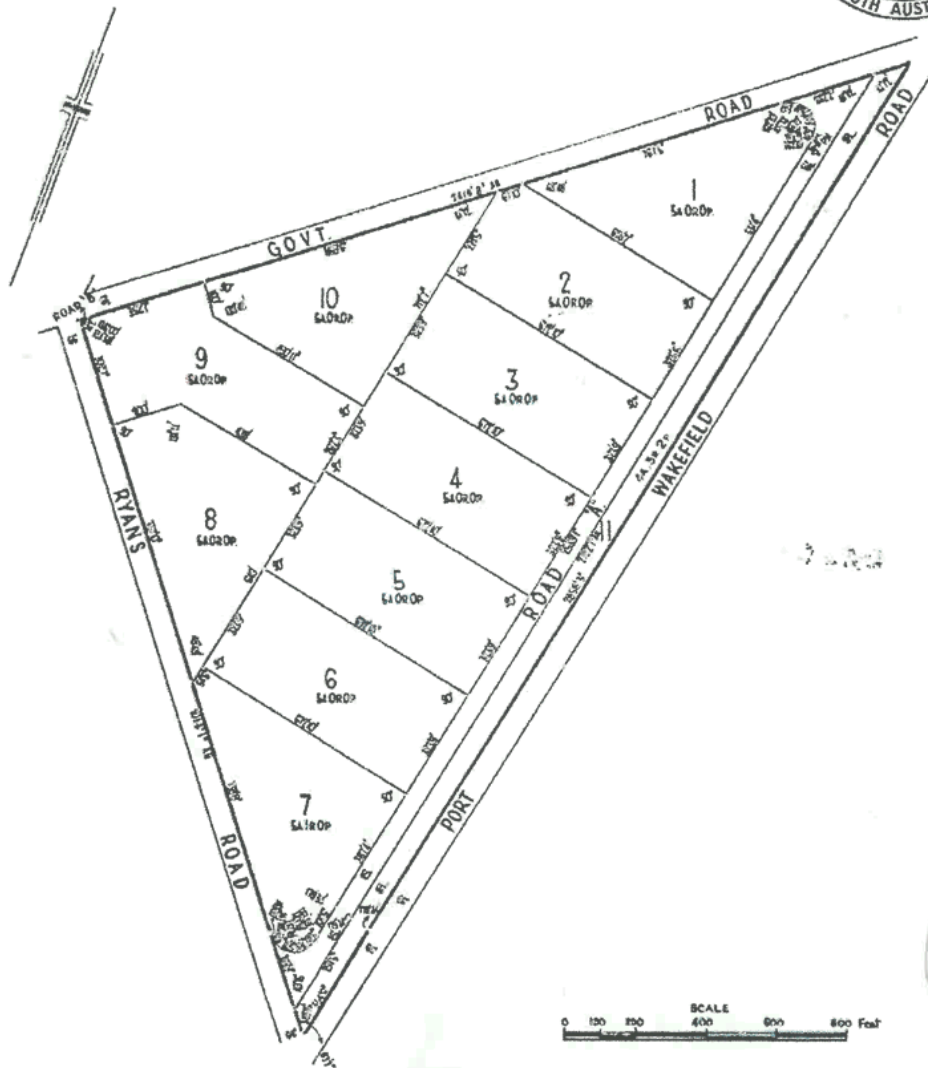
Register Book,  
Vol. 3014 Folio 35

New Certificate of Title from Vol.1554 Folio 38 Vol.1689 Folio 92 and Vol.2239 Folio 58

FREDERICK GEORGE RYAN of Bolivar and Lower Light Grazier is the proprietor of an estate in fee simple subject nevertheless to such encumbrances liens and interests as are notified by memorial underwritten or endorsed hereon in THAT PIECE of land situated in the HUNDRED OF PORT ADELAIDE COUNTY OF ADELAIDE being the ALLOTMENT 6 of the subdivision of portion of Section 2264 and other land laid out as BOLIVAR and bounded as appears in the plan in the margin hereof and in the plan deposited in the LANDS TITLES REGISTRATION OFFICE No.7060

In witness whereof I have hereunto signed my name and affixed my seal this first day of November 1961  
Signed the first day of November 1961, in the presence of *[Signature]*

*[Signature]*  
Deputy Registrar-General






*T. 2059338*

TRANSFER No. 2589558. *to*  
*Antonio Marciano of 36 Nelson Street*  
*Glendora Park Factory employee and.*  
*Angela Marciano his wife.*  
OF THE WITHIN LAND. PRODUCED *12.11.64* AT *11.45 am*  
*J. Hughes.* DEP. REG. GEN.

*T. 205994*

TRANSFER No. 306994 *to*  
*Thomas Brian Wiley of 24 Britton Street*  
*Richmond 5033 Airport Traffic Officer*  
and  
OF THE WITHIN LAND. PRODUCED *14.9.1977* AT *3.15 pm*  
*J. Hughes.* DEP. REG. GEN.

**CANCELLED**  
CONVERTED TO A COMPUTERISED TITLE



Item 5.1.1 - Attachment 4 - Applicant's Response to Representations

**South Australia** (CERTIFICATE OF TITLE)

Register Book,  
Vol. **1554** Folio **38**


Pursuant to Memorandum of Transfer No. 1078768 registered on Vol. 5 Folio 192

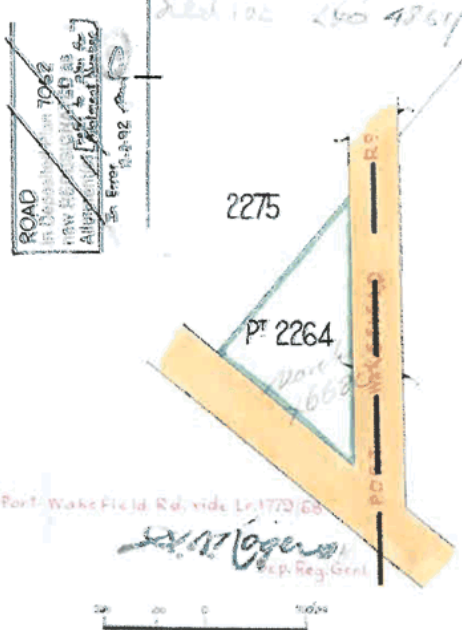
**GEORGE HERBERT RYAN** of Salisbury Farmer is \_\_\_\_\_  
 \_\_\_\_\_ the proprietor of an estate in fee simple \_\_\_\_\_  
 subject nevertheless to such encumbrances liens and interests as are notified by memorial underwritten or endorsed hereon in  
 THAT piece of land situated in the **HUNDRED** of **PORT ADELAIDE** COUNTY of **ADELAIDE**  
 being **PORTION OF SECTION 2264** and bounded as appears in the plan in the margin herof and  
 therein colored green: Which said piece of land contains **two rods and thirty five perches or**  
 thereabouts and is more particularly delineated in the said plan \_\_\_\_\_

Which said Section is delineated in the public map of the said **Hundred** deposited in the Lands and Survey  
 Office at Adelaide.

In witness whereof I have hereunto signed my name and affixed my seal this *seventh* day of *Sept* 19*29*

Signed the *6<sup>th</sup>* day of *September* 19*29* in the presence of *Mr. H. H. Jagger*  
*Mr. Hinge*  
*Secd 102 260 4261/60*

**Registrar-General.** 



ROAD  
 In Adelaide 1062  
 NEW BRIDGE ROAD  
 Allotment 1062  
 An Error 1062

2275  
 PT 2264  
 1062  
 1064

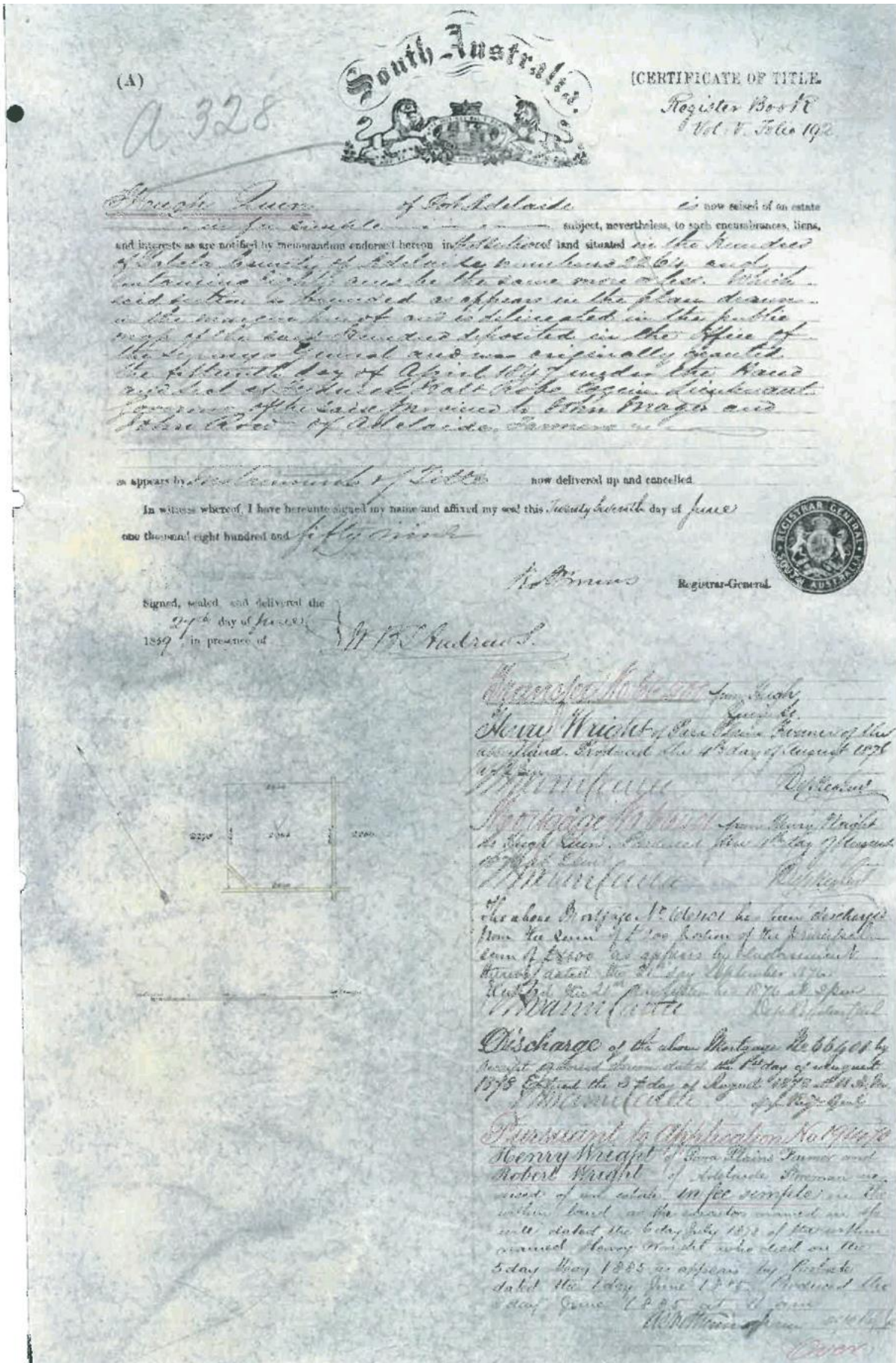
Port Wakefield Rd. vide L. 1773/60  
*J. H. Jagger*  
 Reg. Genl.

**TRANSMISSION APPLICATION No. 1549363**  
*George Herbert Ryan*  
 PROPRIETOR OF AN ESTATE IN FEE SIMPLE IN THE WITHIN  
 LAND AS THE EDUCT. & NAME IN THE WILL DATED  
 THE *5* DAY OF *March* 19*25*  
 NAME *George Herbert Ryan* OF THE ABOVE  
 WHO DIED ON THE *27* DAY OF *April*  
 19*42* AS APPEARS BY PROBATE DATED THE *5*  
 DAY OF *October* 19*42* PRODUCED FOR REGISTRATION  
 THE *6* DAY OF *March* 19*29* BY *J. H. Jagger*  
 DEF. REG. GENL.

**TRANSFER No. 1549363**  
*George Herbert Ryan*  
 Executor Trustee and Assignee of the Estate of *George Herbert Ryan*  
 to *Richard George Ryan*  
 of *Adelaide* as *sole* heir  
 of an estate in fee simple in the within land  
 PRODUCED FOR REGISTRATION THE *20* DAY OF  
*September* 19*28* BY *J. H. Jagger*  
 DEF. REG. GENL.



Item 5.1.1 - Attachment 4 - Applicant's Response to Representations



*Transfer No 192183 from Henry Wright to Henry Wright, Farm Plough Farmer of the within land Produced for registration the 20 day of June 1885 at 11 am*  
*W. Dumas*

*Transfer No 1096768 from Thomas Henry Wright to George Robert Ryan of portion of the within land Produced for registration the 15 day of August 1909 at 2.45 pm*  
*W. Dumas*

*Mortgage No 250491 from Henry Wright to The Savings Bank of South Australia Produced for registration the 14 day of August 1891 at 2.50 pm*  
*J. P. Heath*

*Mortgage No 509515 from Henry Wright to The Savings Bank of South Australia Produced for registration the 5 day of April 1911 at 3 pm*  
*J. P. Heath*

*Mortgage No 707028 from Henry Wright to The Savings Bank of South Australia Produced for registration the 20 day of October 1908 at 11.50 am*  
*W. Dumas*

*Mortgage No 96379 from Henry Wright to The Savings Bank of South Australia Produced for registration the 16 day of September 1901 at 10 am*  
*W. Dumas*

**CANCELLED** AS REGARDS LAND IN TRANSFER AND NEW CERTIFICATE OF TITLE ISSUED  
 No 1096768 AND NEW CERTIFICATE OF TITLE ISSUED VOL 1554 FOLIO 38  
*W. Dumas* DEP. REG. GENL.

**CANCELLED**  
 AND ~~...~~ CERTIFICATE OF TITLE ISSUED  
 VIDE VOL 1554 FOLIO 39  
*W. Dumas* DEP. REG. GENL.

DISCHARGE OF THE above MORTGAGE NO 250491 BY RECEIPT ENDORSED THEREON, PRODUCED FOR REGISTRATION THE 10 DAY OF January IN 1891 AT 11 am  
*J. P. Heath* DEP. REG. GENL.

DISCHARGE OF THE above MORTGAGE NO 509515 BY RECEIPT ENDORSED THEREON, PRODUCED FOR REGISTRATION THE 4 DAY OF July IN 1911 AT 3 pm  
*J. P. Heath* DEP. REG. GENL.

DISCHARGE OF THE above MORTGAGE NO 707028 BY RECEIPT ENDORSED THEREON, PRODUCED FOR REGISTRATION THE 20 DAY OF October IN 1908 AT 11.50 am  
*W. Dumas* DEP. REG. GENL.

DISCHARGE OF THE above MORTGAGE NO 96379 BY RECEIPT ENDORSED THEREON, PRODUCED FOR REGISTRATION THE 16 DAY OF September IN 1901 AT 10 am  
*W. Dumas* DEP. REG. GENL.

Item 5.1.1 - Attachment 4 - Applicant's Response to Representations

Item 5.1.1 - Attachment 4 - Applicant's Response to Representations



AGON ENVIRONMENTAL

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## APPENDIX B: REGISTERED GROUNDWATER SEARCH

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JC0133/01 Globe Derby Park -- Preliminary Site Investigation

B

Item 5.1.1 - Attachment 4 - Applicant's Response to Representations



Circle Centre -34.785069,138.594444, Radius 1km

Groundwater Data Report



Unit No	Max Depth (m)	Latest Depth (m)	SWL (m)	SWL Date	Yield (L/sec)	Yield Date	TDS (mg/L)	TDS Date	Purpose	Aquifer	Status	Obs No	Date	SWL Status	Salinity Status	Permit No	Cased To (m)
6628-3302	28.96	28.96	4.57	11/02/1969	0.91	11/02/1969	1415	11/02/1969	DOM	Qpah	OPR						
6628-3303	8.53	8.53	3.35		0.63	14/04/1949	1476	14/04/1949	IRR	Qpah	ABD						
6628-3304	8.53	8.53							DOM	Qpah	ABD						
6628-3305	112.78	0	3.27	24/05/1974	12.63	24/10/1962	1010	24/05/1976	IRR	Tomw(T1)	BKF	YAT026	17/11/1956	H	H	109432	
6628-3306	21.34									Qpah							
6628-3307	149.35	0	2.74	13/06/1974	12.63	13/06/1974	1151	06/06/2006	IRR	Tomw(T1)	BKF					121122	
6628-3308	143.26	143.26	2.44	25/08/1967	6.31	18/01/1962	1139	19/03/1962	IRR	Tomw(T1)	UKN		01/01/1958				
6628-3309	3.96	3.96	1.22	31/10/1962		31/10/1962	2015	31/10/1962	DOM	Qpah			01/01/1962				112.78
6628-3310	91.44	91.44	0		2.53	22/01/1935	1099	22/01/1935		Qpah	ABD						
6628-3312	12.19	12.19			6.31	18/01/1952	1719	18/01/1952		Qpah	ABD						
6628-3407	9.14	9.14								Qpah			01/01/1959				
6628-3413	6.4	6.4							EXP	Qpah	UKN		14/11/1960				6.4
6628-3414	96.01	0	1.16	05/06/1986			995	01/07/1960	IRR	Tomw(T1)	BKF	PTA053	01/07/1960	H	N		
6628-3415	6.1	6.1							EXP	Qpah	UKN		14/12/1960				
6628-3416	6.1	6.1							EXP	Qpah	UKN		15/12/1960				5.79
6628-3417	5.79	5.79							EXP	Qpah	UKN		22/11/1960				4.88
6628-3421	4.88	4.88							EXP	Qpah	UKN		23/11/1960				100.58
6628-3422	101.5	101.5			1.14	12/07/1934	2302	17/06/1937		Tomw(T1)	ABD		01/01/1934				
6628-3423	101.5	0	17.06	04/03/1988	0.13	24/10/1962	331	12/08/1974	Obs	Tomw(T1)	BKF	PTA054	01/01/1925	H	N		
6628-3424	147.83	147.83			0.63	21/09/1967			STK	Tomw(T1)			01/01/1962				137.16
6628-3425	4.27	4.27							EXP	Tomw(T1)	UKN		25/11/1960				4.27
6628-3427											ABD						
6628-3428			0	08/03/1962													
6628-3429	132.59	132.59	3.05	07/01/1965	11.37	07/01/1965	1101	17/06/2015	IND	Tomw(T1)							
6628-3430							228	01/05/2016	IRR	Tomw(T1)	OPR		07/01/1965	N	C		112.32
6628-3431	134	134	24.38	24/02/1967	12.63	14/09/1965	750	15/07/1986	DOM	Tomw(T1)	UKN		01/01/1962				6.1
6628-3432	27.43	0					7401	14/03/1968		Qpah	BKF						
6628-3433	123.44	123.44	4	09/09/2016	12.63	12/01/1973	934	17/06/2015	Obs	Tomw(T1)	OPR	PTA076	12/01/1973	N	C		97.23
6628-3435					1770			08/12/1986	RIV	Tomw(T1)	UFL						
6628-5167	141.73	141.73	12.24	08/03/1967	15.15	08/03/1967	1218	01/05/2016	IRR	Tomw(T1)			01/01/1958	N	C		
6628-5168	81.38	0			0.63	01/01/1969	617	01/03/2001	IRR	Qpah(Q4)	BKF		01/01/1960			66173	
6628-5169	41.15	41.15			5.05	01/01/1969	2807	10/04/2013	IRR	Qpah(Q3)	OPR		01/01/1967	N	N		41.15
6628-5170	106.68	0			5.05	24/09/1971	1005	01/04/1992	IRR	Tomw(T1)	BKF		24/09/1971			33244	
6628-5171	144.78	144.78			16.42	01/01/1967	1130	30/04/2011	IRR	Tomw(T1)	OPR		01/01/1959	N	C		
6628-5172	141.43	141.43	30.48	17/03/1967	15.15	17/03/1967	1075	01/05/2016	IRR	Tomw(T1)	OPR		01/01/1955	N	C		
6628-5174	37.19	37.19			0.51					Qpah	ABD						
6628-5175	13.41	13.41			1.77	14/04/1949	1363	14/04/1949	DOM	Qpah							



Unit No	Max Depth (m)	Latest Depth (m)	SWL (m)	SWL Date	Yield (L/sec)	Yield Date	TDS (mg/L)	TDS Date	Purpose	Aquifer	Status	Obs No	Date	SWL Status	Salinity Status	Permit No	Cased To (m)
6628-5177	91.44	91.44	1.52	24/08/1953	7.58	24/08/1953	701	24/08/1953	STK	Qpah							
6628-5178	133.5	133.5			1.52					Tomw(T1)							
6628-5190	9.14	3.05	2.44	05/02/1969						Qpah							
6628-8000	142	142	15	08/09/2005	12.63	08/09/2005	1136	08/09/2005	OBS	Tomw(T1)	RHB		17/08/1976			101319	114
6628-10972	20	20					2653	19/07/1979	OBS	Tomw(T1)			19/07/1979			2741	
6628-16401	13	13					2835	12/10/1993	DRN	Qpah			12/10/1993			30266	13
6628-17267	106.6	106.6			15.15	12/12/1994	1102	29/09/2015	IRR	Tomw(T1)	OPR		12/12/1994	N	C	33243	96
6628-18458	30	30	2.97	05/05/1997					OBS	Qpah			05/05/1997			40440	30
6628-18459	23	23	2.98	15/04/1997					OBS	Qpah			15/04/1997			41224	23
6628-18499	6	6	3	25/09/1996	0.01	25/09/1996			OBS	Qpah			25/09/1996			38799	6
6628-20944	22	22							MON	Qpah	ABD		07/06/2002			58708	13
6628-20945	23.5	23.5							MON	Qpah			10/06/2002			58709	14
6628-20946	21	21							MON	Qpah			12/06/2002			58710	13
6628-22459	13.5	11.6	6	12/01/2006					MON	Qpah			12/01/2006			113020	2.6
6628-22460	11	11	4	12/01/2006					MON	Qpah			12/01/2006			113019	2
6628-22461	14	14	11	12/01/2006					MON	Qpah			12/01/2006			113018	8
6628-22632	6	6	4.65	13/02/2006			1401	13/02/2006	MON	Qpah			13/02/2006			113570	3
6628-22633	6	6	3.69	13/02/2006			2239	13/02/2006	MON	Qpah			13/02/2006			113571	3
6628-25148	204	200	9	05/02/2010	80	05/02/2010	4152	27/02/2010	MAR	Tomw(T2)	OPR		05/02/2010			184505	156
6628-25277	198	197	9	24/02/2010	80	24/02/2010	3448	02/03/2010	MAR	Tomw(T2)	OPR					184506	156
6628-25724	16	0	5.7	13/12/2010					INV	Qpah	BKF		13/12/2010			219864	
6628-25725	15	0	5.6	14/12/2010					INV	Qpah	BKF		14/12/2010			219903	
6628-25726	15	0	5.6	14/12/2010					INV	Qpah	BKF		14/12/2010			219901	
6628-25727	19	0	5.9	15/12/2010					INV	Qpah	BKF		15/12/2010			219895	
6628-26017	200	196	6	22/06/2011	60	22/06/2011	3846	23/06/2011	ASR	Tomw(T2)	OPR		22/06/2011			199675	156
6628-26022	200	200	7	15/04/2011	60	15/04/2011	4158	14/04/2011	ASR	Tomw(T2)	OPR		15/04/2011			199674	156
6628-26023	200	200	8	17/03/2011	50	17/03/2011	4158	17/03/2011	ASR	Tomw(T2)	OPR		17/03/2011			199648	156
6628-26024	198	198	8	02/06/2011	60	02/06/2011	4031	02/06/2011	ASR	Tomw(T2)	OPR		02/06/2011			199676	156
6628-26648	6	0								Qpah	BKF		07/11/2012			219875	
6628-26649	5.11	0								Qpah	BKF					219876	
6628-26650	5	0								Qpah	BKF		21/09/2012			219877	
6628-26651	6.52	0								Qpah	BKF		21/09/2012			219878	
6628-26652	6.08	0								Qpah	BKF		21/09/2012			219853	
6628-26653	5.56	0								Qpah	BKF		21/09/2012			219854	
6628-26654	5.84	0								Qpah	BKF		21/09/2012			219849	
6628-26655	5.9	0								Qpah	BKF		21/09/2012			219856	
6628-26656	6	0								Qpah	BKF		21/09/2012			219865	
6628-26657	5.98	0								Qpah	BKF		21/09/2012			219866	
6628-26658	6.03	0								Qpah	BKF		21/09/2012			219867	
6628-26659	5.27	0								Qpah	BKF		21/09/2012			219869	
6628-26660	4.5	0								Qpah	BKF		21/09/2012			219879	
6628-26661	4.5	0								Qpah	BKF		21/09/2012			219880	

Item 5.1.1 - Attachment 4 - Applicant's Response to Representations

Unit No	Max Depth (m)	Latest Depth (m)	SWL (m)	SWL Date	Yield (L/sec)	Yield Date	TDS (mg/L)	TDS Date	Purpose	Aquifer	Status	Obs No	Date	SWL Status	Salinity Status	Permit No	Cased To (m)
6628-26662	4.8	0								Qpah	BKF		21/09/2012			219881	
6628-26663	4.5	0								Qpah	BKF		21/09/2012			219882	
6628-26664	4.6	0								Qpah	BKF		21/09/2012			219883	
6628-26665	4.5	0								Qpah	BKF		21/09/2012			219884	
6628-26666	10.57	0								Qpah	BKF		21/09/2012			219857	
6628-26667	9.76	0								Qpah	BKF		21/09/2012			219885	
6628-26668	9.27	0								Qpah	BKF		21/09/2012			219886	
6628-26669	9.27	0								Qpah	BKF		21/09/2012			219887	
6628-26670	23.16	0								Qpah	BKF		21/09/2012			219888	
6628-26671	16.9	0								Qpah	BKF		21/09/2012			219889	
6628-26672	16.2	0								Qpah	BKF		07/11/2012			219890	
6628-26673	13.38	0								Qpah	BKF		21/09/2012			219891	
6628-26674	14.37	0								Qpah	BKF		07/11/2012			219892	
6628-26675	17.99	0								Qpah	BKF		21/09/2012			219893	
6628-26676	16.71	0								Qpah	BKF		21/09/2012			219894	
6628-26677	17.47	0								Qpah	BKF		21/09/2012			219858	
6628-26678	16.66	0								Qpah	BKF		21/09/2012			219859	
6628-26679	17.64	0								Qpah	BKF		21/09/2012			219860	
6628-26680	16.01	0								Qpah	BKF		21/09/2012			219870	
6628-26681	14.21	0								Qpah	BKF		21/09/2012			219871	
6628-26682	17.8	0								Qpah	BKF		07/11/2012			219872	
6628-26683	17.57	0								Qpah	BKF		21/09/2012			219899	
6628-26684	15.97	0								Qpah	BKF		21/09/2012			219873	
6628-26686	18.6	0								Qpah	BKF		10/01/2011			219900	
6628-26687	18.78	0								Qpah	BKF		10/01/2011			219902	
6628-26688	19.54	0								Qpah	BKF		10/01/2011			219904	
6628-26689	19.06	0								Qpah	BKF		10/01/2011			219896	
6628-26748	6	0								Qpah	BKF					219848	
6628-27641	24	0								Qpah	BKF		21/09/2012			219861	
6628-27642	26	0								Qpah	BKF		21/09/2012			219862	
6628-27643	33	0								Qpah	BKF		21/09/2012			219863	
6628-28027	5	5	2.5	04/08/2015					INV	Qpah	BKF		04/08/2015			248282	1
6628-28029	5	5	2	03/08/2015					INV	Qpah	BKF		03/08/2015			248284	1
6628-28030	5	5	2.5	03/08/2015					INV	Qpah	BKF		03/08/2015			247035	1
6628-28031	5	5	2.5	03/08/2015					INV	Qpah	BKF		03/08/2015			247037	1
6628-28392	25	25							INV	Qpah	BKF		09/06/2016			259100	

115 records



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AGON ENVIRONMENTAL

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## APPENDIX C: PUBLIC DATABASE SEARCH RESULTS



GPO Box 2607 Adelaide SA 5001  
 250 Victoria Square Adelaide SA  
 T (08) 8204 2000 F (08) 8204 2020  
 Country areas 1800 623 445

Agon Environmental Pty Ltd  
 Unit 3, 224 Glen Osmond Road  
 FULLARTON SA 5063

anita.ratke@agonenviro.com.au

Contact: Section 7  
 Telephone: (08) 8204 2026  
 Email: epasection7@sa.gov.au

Contact: Public Register  
 Telephone: (08) 8204 9128  
 Email: epa.publicregister@sa.gov.au

16 November, 2016

**EPA STATEMENT TO FORM 1 - CONTRACTS FOR SALE OF LAND OR BUSINESS**

The EPA provides this statement to assist the vendor meet its obligations under section 7(1)(b) of the *Land and Business (Sale and Conveyancing) Act 1994*. A response to the questions prescribed in Schedule 1-Contracts for sale of land or business-forms (Divisions 1 and 2) of the *Land and Business (Sale and Conveyancing) Act 1994* is provided in relation to the land.

I refer to your enquiry concerning the parcel of land comprised in

Title Reference CT Volume 5759 Folio 278  
 Address 701-709 Port Wakefield Road, GLOBE DERBY PARK SA 5110

**Schedule – Division 1 – *Land and Business (Sale and Conveyancing) Regulations 2010***

**PARTICULARS OF MORTGAGES, CHARGES AND PRESCRIBED ENCUMBRANCES AFFECTING THE LAND**

**7. *Environment Protection Act 1993***

Does the EPA hold any of the following details relating to the *Environment Protection Act 1993*:

7.1	Section 59 - Environment performance agreement that is registered in relation to the land.	NO
7.2	Section 93 - Environment protection order that is registered in relation to the land.	NO
7.3	Section 93A - Environment protection order relating to cessation of activity that is registered in relation to the land.	NO
7.4	Section 99 - Clean-up order that is registered in relation to the land.	NO
7.5	Section 100 - Clean-up authorisation that is registered in relation to the land.	NO
7.6	Section 103H - Site contamination assessment order that is registered in relation to the land.	NO
7.7	Section 103J - Site remediation order that is registered in relation to the land.	NO

7.8	Section 103N - Notice of declaration of special management area in relation to the land (due to possible existence of site contamination).	NO
7.9	Section 103P - Notation of site contamination audit report in relation to the land.	NO
7.10	Section 103S - Notice of prohibition or restriction on taking water affected by site contamination in relation to the land.	NO

**Schedule – Division 2 – Land and Business (Sale and Conveyancing) Regulations 2010**

**PARTICULARS RELATING TO ENVIRONMENT PROTECTION**

**3-Licences and exemptions recorded by EPA in public register**

Does the EPA hold any of the following details in the public register:

a)	details of a current licence issued under Part 6 of the <i>Environment Protection Act 1993</i> to conduct, at the land-	
i)	a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or	NO
ii)	activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or	NO
iii)	any other prescribed activity of environmental significance under Schedule 1 of that Act?	NO
b)	details of a licence no longer in force issued under Part 6 of the <i>Environment Protection Act 1993</i> to conduct, at the land-	
i)	a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or	NO
ii)	activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or	NO
iii)	any other prescribed activity of environmental significance under Schedule 1 of that Act?	NO
c)	details of a current exemption issued under Part 6 of the <i>Environment Protection Act 1993</i> from the application of a specified provision of that Act in relation to an activity carried on at the land?	NO
d)	details of an exemption no longer in force issued under Part 6 of the <i>Environment Protection Act 1993</i> from the application of a specified provision of that Act in relation to an activity carried on at the land?	NO
e)	details of a licence issued under the repealed <i>South Australian Waste Management Commission Act 1979</i> to operate a waste depot at the land?	NO
f)	details of a licence issued under the repealed <i>Waste Management Act 1987</i> to operate a waste depot at the land?	NO
g)	details of a licence issued under the repealed <i>South Australian Waste Management Commission Act 1979</i> to produce waste of a prescribed kind (within the meaning of that Act) at the land?	NO

- h) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land? NO

**4-Pollution and site contamination on the land - details recorded by the EPA in public register**

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)? NO
- b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*? NO
- c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register? NO
- d) a copy of a site contamination audit report? NO
- e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies? NO
- f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*? NO
- g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*? NO
- h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit? NO
- i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit? NO
- j) details of records, held by the former *South Australian Waste Management Commission* under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995? NO

**5-Pollution and site contamination on the land - other details held by EPA**

Does the EPA hold any of the following details in relation to the land or part of the land:

- a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the *South Australian Health Commission* (under the repealed *South Australian Health Commission Act 1976*)? NO
- b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*? NO
- c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*? NO

- |    |  |    |
|----|--|----|
| d) | a copy of a pre-1 July 2009 site audit report?   | NO |
| e) | details relating to the termination before completion of a pre-1 July 2009 site audit? | NO |

All care and diligence has been taken to access the above information from available records. Historical records provided to the EPA concerning matters arising prior to 1 May 1995 are limited and may not be accurate or complete and therefore the EPA cannot confirm the accuracy of the historical information provided.



**City of Salisbury**  
ABN 82 215 416 895  
  
12 James Street  
PO Box 8  
Salisbury SA 5108  
Australia

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Facsimile 08 8281 5466  
city@salisbury.sa.gov.au  
TTY 08 8406 8596  
(for hearing impaired)  
www.salisbury.sa.gov.au

17 November 2016

S Hambour  
3/224 Glen Osmond Rd  
FULLARTON SA 5063

Dear Sir / Madam

**Request for Information**

We refer to your request and now attached particulars and documentary material which Council must supply pursuant to the provisions of the Local Government Act and the Land Business (Sale and Conveyancing) Act 1994.

Yours faithfully

Per 

**Heidi Crossley**  
Delegate  
Telephone: (08) 8406 8209  
Email: hcrossley@salisbury.sa.gov.au





City of Salisbury  
 12 James Street  
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 Australia

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 TTY 08 8406 8596  
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 www.salisbury.sa.gov.au

**LAND AND BUSINESS (SALE AND CONVEYANCING) ACT  
 INFORMATION PURSUANT TO SECTION 7 CERTIFICATE**

<b>APPLICANT</b>	S Hambour 3/224 Glen Osmond Rd FULLARTON SA 5063	<b>Certificate No:</b> 62604 <b>Date of Issue:</b> 17 November 2016
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<b>DESCRIPTION OF LAND</b>	701-709 Port Wakefield Road , Globe Derby Park SA 5110
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*Dear Sir/Madam*

*We refer to your request for information and now attach particulars and documentary material, which Council must supply pursuant to the provisions of the Local Government Act and the Land Business (Sale and Conveyancing) Act 1994.*

**DEVELOPMENT ACT 1993**

**Part 3 – Development Plan**

Development Plan under the Development Act 1993.

Title: CT-5759/278  
 Zone or Policy Area: RUL  
 Rural Living

in which the land is situated as shown in the Development Plan.

**Is the land situated in a designated State Heritage Area?**

NO

**Is the land designated as a place of Local Heritage value?**

NO

**Is there a current Development Plan Amendment released for public consultation by a council on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?**

REFER TO ATTACHMENT

**Is there a current Development Plan Amendment released for public consultation by the Minister on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?**

REFER TO ATTACHMENT

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**SECTION 42**

**Condition (that continues to apply) of a development authorisation**

Application No:	361/1120/2014/LD
Description:	LAND DIVISION
Decision Date:	19-Dec-2014
Decision:	Approved
Conditions:	8

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0020578).
2. Payment of \$25952 into the Planning and Development Fund (4 allotment/s @ \$6488 /allotment).  
Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.
4. Prior to the grant of Section 51 Clearance, construction plans must be submitted to and be approved by the Relevant Authority and generally provide partial road construction comprising road pavement, drainage, vehicle crossings and landscaping within Rights of Way 'A, B and C'. The construction of the internal road pavement shall be to the satisfaction of the Relevant Authority.

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Certificate No. 62604

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5. Prior to the grant of Section 51 Clearance of Stage 2 (which allotments 703, 705 and 707), the internal road as required by Condition 1 (Council Requirements) within the unencumbered rights of way, 'A', 'B' and 'C', shall be constructed to the satisfaction of the Relevant Authority.
6. All buildings and works associated with the construction of a dwelling, ancillary outbuildings, farm buildings and stables, shall be wholly contained within the building envelopes as shown on the endorsed Plan of Division.
7. Measures must be undertaken to minimise any loss of amenity to the neighborhood from the development caused by dust, noise, the transport of materials to and from the land and the deposit of mud and debris on public roads, to the satisfaction of the Relevant Authority.
8. Prior to the grant of 51 Clearance for Stage 2, all allotment boundary fencing shall be constructed of colorbond 'teatree' color to the satisfaction of the Relevant Authority. Aside from the front fencing (abutting the Port Wakefield Road Reserve) for allotments 701 and 709, which are to be constructed of post and wire to the satisfaction of the Relevant Authority.

#### Repealed Act Conditions

#### Condition (that continues to apply) of an approval or authorisation granted under the

#### Building Act 1971 (repealed) City of Adelaide Development Control Act 1976 (repealed) Planning Act 1982 (repealed) or Planning and Development Act 1966 (repealed)

Application No: 361/148/1984/HA  
Description: DWELLING  
Decision Date: 14-Aug-1984  
Decision: Approved  
Conditions: Nil

Application No: 361/2712/1984/HA  
Description: CARPORT  
Decision Date: 27-Dec-1984  
Decision: Approved  
Conditions: Nil

Application No: 361/1388/1985/HA  
Description: GARAGE  
Decision Date: 13-Aug-1985  
Decision: Approved  
Conditions: Nil

Application No: 361/3232/1972/HA  
 Description: STABLE  
 Decision Date: 03-Feb-1972  
 Decision: Approved  
 Conditions: Nil

Application No: 361/3249/1973/HA  
 Description: HAY SHED  
 Decision Date: 16-Apr-1973  
 Decision: Approved  
 Conditions: Nil

Application No: 361/3313/1973/HA  
 Description: GARAGE  
 Decision Date: 30-Jan-1973  
 Decision: Approved  
 Conditions: Nil

Application No: 361/125/1974/HA  
 Description: CARPORT  
 Decision Date: 23-Jul-1973  
 Decision: Approved  
 Conditions: Nil

Application No: DA4764  
 Description: DWELLING  
 Decision Date: 21-Jun-1983  
 Decision: Approved  
 Conditions: 2

1. Such minor alterations to the application as the applicant and Council may mutually agree.
2. Such alterations, additions and outbuildings of a residential nature as Council may subsequently approve.

<b>DEVELOPMENT ACT 1993</b>
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**Section 50(1)—Requirement to vest land in a council or the Crown to be held as open space**

NIL

**Section 50(2)—Agreement to vest land in a council or the Crown to be held as open space**

NIL

**Section 55—Order to remove or perform work**

NIL

**Section 56—Notice to complete development**

NIL

**Section 57—Land management agreement**

SEE TITLE FOR DETAILS

**Section 69—Emergency order**

NIL

**Section 71—Fire safety notice**

NIL

**Section 84—Enforcement notice**

NIL

**Section 85(6), 85(10) or 106—Enforcement order**

NIL

**Part 11 Division 2—Proceedings**

NIL

**FIRE AND EMERGENCY SERVICES ACT 2005**

**Section 105F (or section 56 or 83 (repealed)) – Notice to take action to prevent outbreak or spread of fire.**

NIL

**FOOD ACT 2001**

**Section 44—Improvement Notice**

NIL

**Section 46—Prohibition Order**

NIL

**HOUSING IMPROVEMENT ACT 1940**

**Section 23—declaration that house is undesirable or unfit for human habitation**

NIL

**LOCAL GOVERNMENT ACT 1934**

**Notice, order, declaration, charge, claim or demand given or made under the Act**

NIL

**LOCAL GOVERNMENT ACT 1999**

**Notice, order, declaration, charge, claim or demand given or made under the Act**

NIL

For charges refer to the Certificate of Rates Liabilities

**PUBLIC AND ENVIRONMENTAL HEALTH ACT 1987**

**Part 3—Notice**

NIL

**Public and Environmental Health (Waste Control) Regulations 2010 (or 1995) (revoked) Part 2—Condition (that continues to apply) of an approval**

NIL

**Public and Environmental Health (Waste Control) Regulations 2010 (or 1995) (revoked) regulation 19—Maintenance order (that has not been complied with)**

NIL

**SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011**

**Section 66 – Direction or requirement to avert spread of disease**

NIL

**Section 92 – Notice**

NIL

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Certificate No. 62604

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**South Australian Public Health (Wastewater) Regulations 2013 Part 4 –  
Condition (that continues to apply) of an approval**

NIL

**WATER INDUSTRY ACT 2012**

**Notice or order under the Act requiring payment of charges other amounts  
or making other requirement**

NIL

**BUILDING INDEMNITY INSURANCE**

**Section 7(1)(c)**

**Any approved building work undertaken on the property the subject of  
Building Indemnity Insurance.**

NO

**FURTHER INFORMATION HELD BY COUNCIL**

**Does the council hold details of any development approvals relating to –**  
**(a) commercial or industrial activity at the land; or**  
**(b) a change in the use of the land or part of the land (within the  
meaning of the Development Act 1993)?**

*All development approvals on council records relating to this subject land are listed  
under the heading "Development Act 1993".*

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The information herein is provided pursuant to the Council's obligations under  
Section 7 of the Land Business (Sales and Conveyancing) Act, 1994.

Only that information which is required to be provided has been given and that  
information should not be taken as a representation as to whether or not any other  
charges or encumbrances affect the subject land.

Per



**Authorised Officer:** Heidi Crossley

**Date:** 17/11/2016

## City of Salisbury

### Section 7 Attachment

Development Plan under the Development Act 1993:

**Is there a current Development Plan Amendment (DPA) released for public consultation by a council on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?**

YES

#### **Mawson Lakes DPA**

This DPA updated the zoning affecting the suburb of Mawson Lakes to more accurately reflect the existing and future land uses envisaged for the area. The Minister for Planning in his consideration of the DPA for approval has separated the DPA into two parts. The first part has now been approved.

The second part of the DPA affects the following areas:

- An area of current wetlands at the end of Broadwater Crescent and Carlett St, Shoalhaven and adjacent the railway and Port Wakefield Road. This area is proposed to be zoned as Residential, and identified as a Policy Area. The Minister for Planning has required that it be excluded from the approved DPA until such time as it has undergone Community Land Revocation.
- The Mary Street and Dan Street area is to be zoned in such a manner to allow a mix of non-residential uses and residential uses at higher densities while ensuring that existing industrial uses are not unnecessarily pressured to relocate prematurely. The appropriate zone has not been selected as yet and is subject to further endorsement by Council and the Minister for Planning.

The public consultation version of the DPA can be viewed on the City of Salisbury website at [www.salisbury.sa.gov.au/mawsonlakes](http://www.salisbury.sa.gov.au/mawsonlakes)

#### **Salisbury City Centre DPA**

This DPA proposes to update zoning and policies affecting the existing District Centre Zone at Salisbury, and a portion of Residential zoned land to the south of Park Terrace. The DPA was initiated to ensure Development Plan policy reflects the recognition of the Salisbury City Centre as a key activity centre within Northern Adelaide, consistent with the State Government's 30 Year Plan for Greater Adelaide and the City of Salisbury's Salisbury City Centre Renewal Strategy. Specifically, the consultation version of the DPA proposes the following key changes to council's Development Plan:

- Rezone the area affected to Urban Core zone



- Identification of a 'Core' and 'Transition' area, with new policies to guide the desired land uses, maximum building heights, minimum density requirements, design and car parking requirements within these areas
- Inclusion of a concept plan to identify key development outcomes sought within the Salisbury City Centre

The DPA was released for concurrent agency and public consultation between 3 March 2016 and 29 April 2016. Council endorsed the DPA for approval at its meeting in June 2016, and the DPA is currently awaiting final approval from the Minister for Planning.

A copy of the DPA can be viewed on the City of Salisbury website at:  
[www.salisbury.sa.gov.au/salisburycitycentre](http://www.salisbury.sa.gov.au/salisburycitycentre)

**Is there a current Development Plan Amendment released for public consultation by the Minister on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?**

YES

**Greater Edinburgh Parks Employment Lands Structure Plan Development Plan Amendment**

The Minister for Planning released this DPA for consultation between June and August 2013. Consultation has now closed.

The affected area is to the west and north of the RAAF Base at Edinburgh and proposes planning controls that will:

- Introduce a new urban employment zone to replace existing rural and primary production zones;
- Consolidate a number of existing industrial zones at Direk, Edinburgh Parks, Edinburgh North and Penfield;
- Introduce policies to encourage a high quality employment precinct;
- Provide flexible policy to enable development of a range of services; and
- Allow for the creation of coordinated mixed use precincts to demonstrate innovative and integrated living and workplace environments.

Part 1 of the DPA was approved on 19 December 2013 and rezoned existing Industry zoned areas to Urban Employment zone.

Part 2 of the DPA, which affects the Primary Production zoned area west of Heaslip Road, will be considered by the Minister once infrastructure issues have been addressed.

For more information:  
[www.dpti.sa.gov.au/planning/playfordgrowth](http://www.dpti.sa.gov.au/planning/playfordgrowth)

Updated: 7<sup>th</sup> July 2016



### **Parafield Airport Noise Advice**

'This property is located adjacent to the Parafield Airport and is subject to frequent overflight and aircraft noise. Intending residents are encouraged to make their own enquiries and ascertain whether their circumstances are compatible with the ambient environment.'

'The Council has considered the proximity of the Subject Land at Parafield Airport and the potential implications of aircraft noise and having regard to a report prepared by Bassett Acoustics dated 19 December 1995, the Council has formed the view that, on the information currently before it, no special planning consideration or construction techniques aimed at reducing noise intrusion to dwellings constructed on the Subject Land (following its division into residential allotments) nor any amendments to the Development Plan will be required.

*Any enquiries in relation to this advice should be referred to:*

***Development Services ~ 8406 8222***



**Government of South Australia**  
**SafeWork SA**

Attorney-General's Department

**Licensing, Customer Services Team**

Level 4 World Park A  
33 Richmond Road  
Keswick SA 5035

GPO Box 465  
Adelaide SA 5001

DX 715 Adelaide

**Phone** 1300 365 255  
**Fax** 08 8204 9200  
**Email** [licensing.safework@sa.gov.au](mailto:licensing.safework@sa.gov.au)

**ABN** 50-560-588-327

[www.safework.sa.gov.au](http://www.safework.sa.gov.au)

5 December 2016

Sophie Hambour  
Agon Environmental Pty Ltd  
Unit 3, 224 Glen Osmond Road  
FULLARTON SA 5063

Dear Ms Hambour

**DANGEROUS SUBSTANCES LICENCE SEARCH**

**PROPERTY DETAILS: 701-709 PORT WAKEFIELD ROAD, GLOBE DERBY PARK**

Further to your Application for a Dangerous Substance Search dated **28/11/2016** for the abovementioned site, I advise that there are no current or historical records for this site.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Paul'.

**MANAGER**  
**LICENSING, CUSTOMER SERVICES TEAM**  
**SAFEWORK SA**

For general enquiries please call the SafeWork SA Help Centre on 1300 365 255

009/DSL

AGON ENVIRONMENTAL

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## APPENDIX D: DEVELOPMENT APPLICATION

**DEVELOPMENT ACT 1993  
CITY OF SALISBURY**

**NOTICE OF APPLICATION FOR CATEGORY 3 DEVELOPMENT**  
Pursuant to Section 38(5) of the Development Act, 1993

An application for development has been lodged with the Council for assessment. The details are as follows:

<b>DEVELOPMENT NO:</b>	361/1144/2016/3B
<b>APPLICANT:</b>	Town Planning Advisors PO Box 9061 HENLEY BEACH SA 5022
<b>NATURE OF THE DEVELOPMENT:</b>	MIXED USE DEVELOPMENT COMPRISING PRAYER HALL, DINING HALL AND LIBRARY/MUSEUM WITH ASSOCIATED FACILITIES INCLUDING PLAYGROUND, CARPARK, CARETAKER'S RESIDENCE, COMMUNITY GARDEN AND HORSE ENCLOSURE
<b>LOCATED AT:</b>	701-709 Port Wakefield Road , Globe Derby Park SA 5110
<b>CERTIFICATE OF TITLE:</b>	CT-5759/278
<b>ZONE:</b>	Rural Living

The application may be examined at the Office of the Council located at 12 James Street, Salisbury during business hours (8.30am – 5pm Monday to Friday) and on Council's web site at [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au). Any person or body may make representations in writing, or by email to [development@salisbury.sa.gov.au](mailto:development@salisbury.sa.gov.au), concerning this application and should address their representation to the Chief Executive Officer at PO Box 8, Salisbury or [representations@salisbury.sa.gov.au](mailto:representations@salisbury.sa.gov.au). Representations must be received **no later than Tuesday 4<sup>th</sup> October 2016**.

Each person making a submission should indicate whether they wish to appear personally, or be represented by another party, in support of their submission. Please note that should you nominate to be heard in support of your representation, you will be required to attend a Development Assessment Panel meeting held at the Council offices, scheduled on the fourth Tuesday of each month at 6.00pm (unless otherwise advised).

Please note that, pursuant to Section 38(8) of the Development Act, a copy of each representation received will be forwarded to the applicant to allow them to respond to all representations received.

Signed: George Pantelos, Principal Planner

Date: 16 September 2016

***THIS IS THE FIRST AND ONLY PUBLICATION OF THIS NOTICE***

**CITY OF SALISBURY  
DEVELOPMENT APPLICATION FORM**



361/ 1144 /2016/ 3B

Please use BLOCK LETTERS and Black or Blue ink

Item 5.1.1 - Attachment 4 - Applicant's Response to Representations

APPLICANT NAME: Town Planning Advisors		
POSTAL ADDRESS: PO Box 9061 Henley Beach SA 5022		
OWNER NAME: (This must be completed) United Sikhs of SA Inc		<input type="checkbox"/> as above
OWNER POSTAL ADDRESS: PO BOX 61 Kilkenny SA 5009		<input type="checkbox"/> as above
OWNER PHONE NO:	OWNER FAX NO:	OWNER EMAIL:
CONTACT PERSON FOR FURTHER INFORMATION		<input type="checkbox"/> as above
NAME: Bill Stefanopoulos	TELEPHONE (W):	(M):
EMAIL: bill@townplanningadvisors.com.au	FAX:	
BUILDER NAME: TBA	BUILDERS EMAIL:	
BUILDER POSTAL ADDRESS:	CONTACT NO.:	LICENCE NO.:
CURRENT USE OF PROPERTY: Vacant		
DESCRIPTION OF PROPOSAL: Mixed development comprising a community facility, together with associated facilities including playground, carpark, caretakers residence and community garden		DEVELOPMENT COST \$ 1,000,000
<b>LOCATION OF PROPOSAL</b>		
Street No: 701-709	Street: Port Wakefield Road	Suburb: Globe Darby Park
Lot No: 8	Section: 6	Plan: 7060
	Volume: 5759	Folio: 278
<b>OFFICE USE ONLY</b>		
Registration Date: 14 / 6 / 2016	Zone: RUL	Ward: WEST
<b>BUILDING RULES CLASSIFICATION</b>		
Classification sought:		
If Class 5, 6, 7, or 8 classification is sought, state the proposed number of employees		Male: Female:
If Class 9a classification is sought, state the number of persons for whom accommodation is provided:		
If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises:		

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations, 1993. Developments requiring public notification will be made available to the public for comment via Council's web site at [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)

SIGNATURE:

DATE: 09 / 06 / 16



PO BOX 9061 HENLEY BEACH SOUTH SA 5022  
Phone: 08 7070 7496 | Mobile: 0478 509 777  
Email: [bill@townplanningadvisors.com.au](mailto:bill@townplanningadvisors.com.au)  
Website: [www.townplanningadvisors.com.au](http://www.townplanningadvisors.com.au)

27 June 2016

George Pantelos  
City of Salisbury  
PO Box 8  
SALISBURY SA 5108

Dear George,

**Mixed development comprising a community facility and place of worship together with associated facilities including playground, carpark, caretakers residence, community garden and horse keeping**

#### **1. Introduction**

Town Planning Advisors have been engaged by, the owners of number 701 to 709 Port Wakefield Road Globe Derby Park, to provide a Development Report to accompany a Development Application. The applicant proposes to construct a mixed development comprising a community facility and place of worship, together with associated facilities including a playground, carpark, caretakers residence, community garden and horse keeping. The following report is provided in support of this application.

#### **2. Subject Land & Locality**

The subject land is known as 701 to 709 Port Wakefield Road Globe Derby Park and comprises a single allotment. The site is formally described in Certificate of Title Volume 6029 Folio 841 as Allotment 6 within Deposited Plan 7060 within the Hundred of Yatala. A copy of the Certificate of Title is included as Attachment A. The land is rectangular and has a 98.68 metre frontage to Port Wakefield Road, and a depth of 205 metres. The subject land has a total area of approximately 20,229 square metres.

The land is currently vacant and covered with sparse vegetation and grasses with a single mature gum and a single mature palm located close to the southern boundary. The land is fenced from Port Wakefield Road by a chain mesh fence with access via gates supported by brick pillars.

Adjoining the subject land to the south is a vacant allotment of a similar area to the subject land. The allotment to the south houses a significant piece of electricity transmission infrastructure.

The locality is dominated by Port Wakefield Road, a primary arterial road which carries substantial vehicle traffic including heavy vehicles. The western side of Port Wakefield Road is characterised by rural living type land uses, dwellings and orchards. The diverse mix of uses gives the locality a semi-rural/industrial character.

### 3. Proposed Development

The development application before you proposes to construct a mixed development comprising a community facility and place of worship together with associated facilities including playground, carpark, caretakers residence, community garden and horse keeping.

The community facility comprises a total of 3 buildings, the southernmost building is to be used as a library/museum, the southern central building is to be used as a congregation hall/place of worship and the northern central building is to be used as a meeting and meals area. The library/museum element is proposed to have a wall height of 2.7 metres. The remaining community facility buildings are proposed to have a wall height of 3.6 metres. Each building's roof is to be covered by colorbond with a hipped design.

The proposed use has been described as a mixed development including a community facility. A similar use to that proposed was considered in *Australian Unitarian Druze Community Inc v Adelaide Hills Council & ANOR* [2015] SAERDC 38 (4 September 2015). In this case the court defined a facility catering to the entire South Australian Druze community as a community facility.

The South Australian Planning Policy Library Terminology List provides guidance as to land uses that may be defined as a community centre or community facility. The Planning Policy Library Terminology List defines a non-residential club and community facility as a community centre. Based on the Environment Resources and Development Court definition of community facility and the broad range of uses covered by the definition of community centre, we believe that the proposed use is best defined as a community facility.

The caretaker's residence is proposed to be located north of the community facility. The caretakers residence is proposed to have a total area of 114 square metres and includes three bedrooms a living/lounge area and associated amenities.

The primary carpark is proposed to be located in close proximity to the proposed buildings and 128 metres Wakefield Road. The car park provides a total of 107 spaces. An additional 5 car parking spaces will be provided adjacent the caretakers residence.

There will be a full time caretaker onsite at all times.



No parties or receptions are to be held on site, weekly services catering to around 150 people will be the primary use of the land. On special yearly occasions (less than 10 times per year) there will be a maximum of 250 people.

Operation Hours - place will be available to pay visit by members of congregation between 7.00am and 9.00pm, mass will not run for more than 4 hours on any service day.

Further details of the proposed gardens and agricultural use have been prepared by Daniel Connell and are attached as Attachment C. Attachment C outlines the importance of the community gardens as part of the community use of the land.

It is proposed that any member of the community (not only members of the Sikh community) will be allowed to use the community garden. The community garden will function in a similar manner to Council operated community gardens, with interested persons able to access individual plots.

In addition to the community gardens the applicant proposes to permit members of the wider community access to the land to and use of all onsite facilities. Sikh culture welcomes interaction with the wider community and proposes to operate in an open manner with anyone from the local or wider community invited enjoy the community gardens or other facilities.

A total of 3-4 horses are proposed to be kept on the subject land within the area identified as horse keeping on the attached plans. The horses are to be used for children's rides and horse riding lessons. Animal keeping forms an important part of the community use of the land.

#### **4. Zoning and Planning Process**

In accordance with Schedule 1 of the Development Regulations 2008 the proposed development is best described as:

*Mixed development comprising a community facility and place of worship together with associated facilities including playground, carpark, caretakers residence, community garden and horse keeping*

The subject land is located within the Rural Living Zone, Bolivar Policy Area 19 as depicted on Zone and Policy Area Maps *Sal/31*. The procedural matters section of the Rural Living Zone states that:

*Categories of public notification are prescribed in Schedule 9 of the Development Regulations 2008.*

As the proposed development is not specifically described within Schedule 9 of the Development Regulations the proposed Development is Category 3.

#### **5. Assessment against the Development Plan**

**Land Use**

The following Objectives and Principles are of particular relevance in an assessment of the proposed land use:

**Community Facilities**

**Objectives**

- 2 The proper provision of public and community facilities including the reservation of suitable land in advance of need.

**Principles of Development Control**

- 1 Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.
- 2 Community facilities should be integrated in their design to promote efficient land use.
- 3 Design of community facilities should encourage flexible and adaptable use of open space and facilities for a range of uses over time.

- 4 Places of worship should be developed according to the following hierarchy:

Scale	Development form	Congregation size
Small (local)	Associated with an area of worship ancillary to a residence. These activities are particularly common for religious organisations that do not have a large following and / or lack funds to purchase a standalone building.	Typically accommodate approximately 5 to 30 worshippers in any one session.
Medium(neighbourhood)	Purpose built or re-use of existing buildings with medium footprints that are found in most suburbs and country towns	Typically have congregations of up to 100-300 persons in any one session
Large (regional)	Purpose built or re-use of existing buildings with large footprints and catering for a variety of ancillary activities	In excess of 300 persons in any one session

- 5 Small (local) to medium (neighbourhood) scale places of worship within residential areas should be appropriately located on major collector roads to minimise congestion or traffic conflict within local streets.

**Orderly and Sustainable Development**

**Objectives**

- 1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.
- 2 Development occurring in an orderly sequence and in a compact form to enable the efficient provision of public services and facilities.

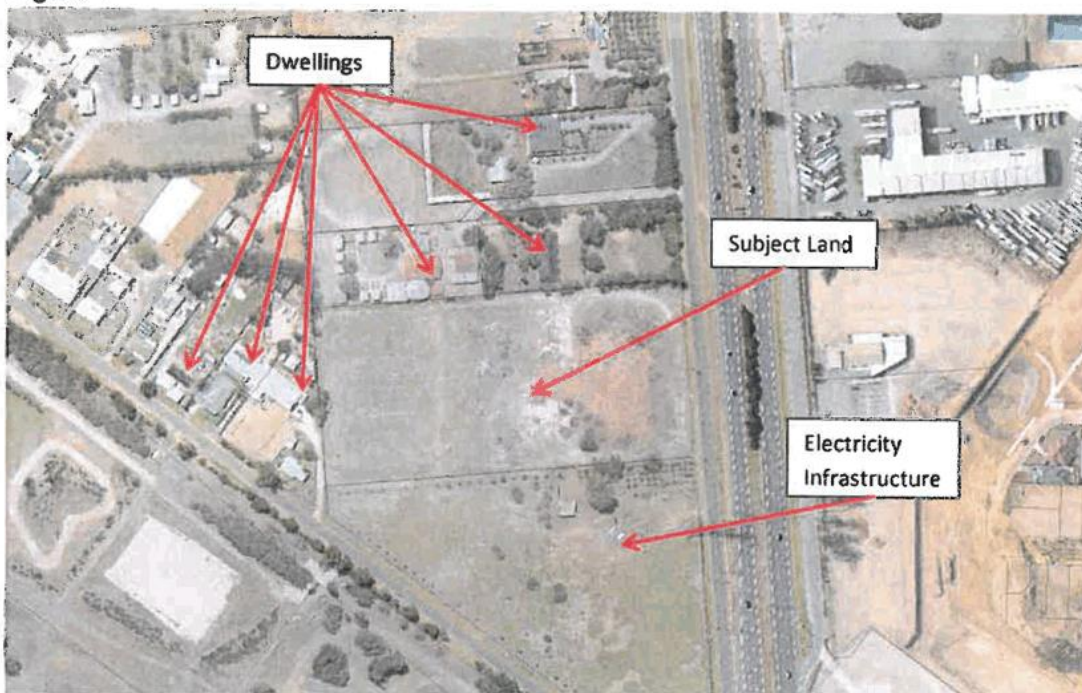
- 3 Development that does not jeopardise the continuance of adjoining authorised land uses.
- 4 Development that does not prejudice the achievement of the provisions of the Development Plan.

**Principles of Development Control**

- 1 *Development should not prejudice the development of a zone for its intended purpose.*
- 4 *Urban development should form a compact extension to an existing built-up area.*
- 8 *Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.*

The subject land is currently vacant and underutilised. The applicant proposes to develop a community facility/place of worship, playground and community gardens.

**Figure 1**



*Development on the western side of Port Wakefield Road is Rural Living in nature*

The purpose of the Rural Living Zone Bolivar Policy Area is for residential development on large allotments in association with the keeping of horses. The applicant proposes to construct a community facility/place of worship, playground community gardens and to keep two horses. The playground is proposed to include recreational activities such as pony and horse rides and horse riding lessons.

The proposed development also includes the provision of a community garden and the following landscaping:

- At the entrance a contemporary drought tolerant garden of Adelaide plains indigenous species;
- Within the grounds a series of approximately 10, 3x1m raised garden beds suitable for the elderly;
- An area of approximately 50 square metres of ground level garden beds for cultivation of perennial larger plantings of such as sugar cane, turmeric, ginger, garlic, herbs and medicinal plants using heavily mulched organic methods and again harvested rain water through micro irrigation systems;
- Fruit trees (citrus, apple, pear, stone fruit, fig, avocado, mango, almonds, walnuts, pomegranate, guava, table grapes and pecan) planted around the children's play area, bordering the site;
- Creating shaded recreation areas;
- Silver Banksia planted adjacent the length of the northern and southern boundaries;
- Native Frangipani Adjacent the length of the western boundary and part of the northern and southern boundaries;
- Garden beds will aim to utilise 90% recycled or rain water; and
- A state of the art vermiculture system to recycle all food waste from the Langar kitchen into manures to be used on the gardens.

The proposed development is an orderly and economic form of development which is likely to protect rural living land, from conversion to non-production or other incompatible land uses, by utilising it, in part, for open space and low intensity agriculture and horse keeping purposes. Although it will at the same time also introduce a building and activities which are non-residential in nature, it will do so in a way which, to an appropriate extent, will continue to serve and preserve the rural character of the subject land and in turn, the locality.

A similar application was determined by the Environment Resources and Development Court in Australian Unitarian Druze Community Inc v Adelaide Hills Council & Anor [2015] SAERDC 38 (4 September 2015). The Court determined that:

*The history and nature of both the philosophy and activities of the appellant demonstrate that these two forms of use are intended to operate in an integrated and complementary manner.*

And

*We also recognise and accept that, for a mixed form of development with these characteristics, the opportunity for it to locate in a township, in proximity to businesses and shopping facilities is limited, given the area of land required and the consequent cost of purchase. We are satisfied that, allowing for the appellant's requirements for a sizeable tract of land to serve the horticultural use, the amended proposal will be located conveniently to the community it is to serve.*

The circumstances of the above Druze application are similar to the proposed development in that the community functions of the subject land are to operate in concert with the proposed horse keeping and low scale horticultural use of the land. The Rural Living Zone Bolivar Policy Area 19 is a suitable location for the form of development proposed.

#### Site Layout and Appearance of the Development

Design and Appearance Development Plan provisions seek:

##### *Objectives*

- 1 Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.
- 2 Roads, open spaces, buildings and land uses laid out and linked so that they are easy to understand and navigate.

##### *Principles of Development Control*

- 1 The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.
- 3 Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as:
  - (a) articulation
  - (b) colour and detailing
  - (c) small vertical and horizontal components
  - (d) design and placing of windows
  - (e) variations to facades.
- 11 Buildings, landscaping, paving and signage should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.
- 17 The setback of buildings from public roads should:
  - (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
  - (b) contribute positively to the streetscape character of the locality
  - (c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.

The above provisions seek to ensure that new buildings are compatible in scale and design to existing development within the locality. The above provisions also seek to ensure that new buildings include design elements that improve building façades when viewed from the locality.

Each of the proposed buildings will be located a minimum of 157 metres from the Port Wakefield Road boundary. Each of the proposed buildings will be screened from the street by landscaping and the proposed community gardens

Some elements of the proposed buildings will be visible from adjoining dwellings to the north and the west. The visual impact of the proposed buildings will not unreasonably impact any adjacent dwelling as:

- The proposed buildings include design elements such as eaves and hipped roofs;
- The proposed buildings are to be of a residential scale and not exceed one storey in height;
- Each element of the proposed development is to be housed within a separate building rather than a single large building;
- Each building is proposed to be setback a minimum of 9.5 metres from any boundary;
- The land to the south is vacant and unlikely to be developed for residential purposes given the presence of significant electrical infrastructure; and
- Significant landscaping is proposed adjacent the northern, western and southern boundaries, that will soften views of any new building.

The proposed buildings and associated earthworks (in terms of their visual impacts) are generally in conformity with the relevant provisions of the Plan and will not, in any event, detrimentally affect the amenity of the locality in any meaningful way.

#### **Interface Between Land Uses**

The following Development Plan provisions seek to ensure that any proposed development does not unreasonably impact other development within the locality:

##### *Interface Between Land Uses*

##### *Objectives*

- 1 *Development located and designed to minimise adverse impact and conflict between land uses.*
- 2 *Protect community health and amenity from adverse impacts of development.*
- 3 *Protect desired land uses from the encroachment of incompatible development.*

##### *Principles of Development Control*

- 1 *Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*
  - (a) *the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
  - (b) *noise*
  - (c) *vibration*
  - (d) *electrical interference*
  - (e) *light spill*
  - (f) *hours of operation*
  - (g) *traffic impacts.*

- 2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.
- 5 Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.
- 6 Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.

In order to ensure that the proposed development does not result in any adverse impact on adjacent residential development the applicant has included the following design elements:

- Significant setbacks from all side and rear boundaries;
- Surfacing of all car parks and driveways to minimise dust pollution;
- Landscaping around the perimeter of the site; and
- No after hours activity will occur on the land.

The proposed development will not jeopardise the continuing use of any adjacent residential property. The low scale horticultural and community nature of the proposed development is compatible with development within the locality and will not adversely impact any adjacent development.

#### Car Parking and Access

The applicant proposes to provide a total of 113 off street car parking spaces. The proposed development will function as a community facility/place of worship. The following Transportation and Access Principles of Development Control specify the minimum car parking rates within the City of Salisbury:

- 32 Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table Sal/2 - Off Street Vehicle Parking Requirements unless an agreement is reached between the Council and the applicant for a reduced number of parking spaces where one of the following applies:
  - (a) a financial contribution is paid into the Council Car Parking Funds specified by the Council, in accordance with the gazetted rate per car park associated with the 'Car Park Fund Areas' identified on Concept Plan Map Sal/27 - Salisbury District Centre Car Park Fund Area and Concept Plan Map Sal/29 - Ingle Farm District Centre Car Park Fund Area.
  - (b) it can be demonstrated that fewer car parks would be required to meet the car parking needs associated with the development.
- 33 Development should be consistent with Australian Standard AS 2890 Parking facilities.
- 34 Vehicle parking areas should be sited and designed in a manner that will:

- (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development
- (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network
- (c) not inhibit safe and convenient traffic circulation
- (d) result in minimal conflict between customer and service vehicles
- (e) avoid the necessity to use public roads when moving from one part of a parking area to another
- (f) minimise the number of vehicle access points to public roads
- (g) avoid the necessity for backing onto public roads
- (h) where reasonably possible, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points
- (i) not dominate the character and appearance of a site when viewed from public roads and spaces
- (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas.

**Table Sal/2 - Off Street Vehicle Parking Requirements**

Form of Development	Number of Required Car Parking Spaces
Community/civic	
Child care centre	1 space per 4 children
Community centre	10 spaces per 100 square metres of total floor area
Library	4 spaces per 100 square metres
Place of worship	Greater of 1 space for every 3 seats or every 3 attendees
Dwellings	

Based on the above table the proposed development can cater for up to 339 persons (place of worship). The applicant only proposes that a total of 250 persons will attend the subject land at any one time (less than 10 times per year). Generally the number of persons attending the subject land will be much less.

The car park layout will allow for vehicles to enter and exit the site in a forward direction and has been engineered to ensure all Stormwater associated with the development can be drained to the street. The proposed onsite car parking and access arrangement complies with all relevant Principles of Development Control.

## 6. Conclusion

The applicant proposes to develop a community facility/place of worship on a vacant parcel of land as well as a community garden and horse keeping. The land is located



in the Rural Living Zone, Bolivar Policy Area 19 which emphasises the importance of residential development in conjunction with small scale horse keeping and agricultural uses.

An important feature of the proposal is the mixed nature of the development comprising both its use as a community facility/place of worship and a horticultural use. Relevant Development Plan provisions anticipate the construction of community type uses and places of worship within residential zones. Given the connection between the proposed use and the horticultural/farming character of the locality the Rural Living Zone is suitable for the proposed use.

The applicant has sought to minimise any visual or noise impact on adjoining residential development. By locating all buildings a minimum of 9 metres from any side or rear boundaries, planting landscaping, surfacing access points and limiting after hours uses of the land there will be no adverse impact on adjacent dwellings.

Any buildings will not be visible from the street and the proposed landscaping and community gardens will improve the appearance of the subject land from the locality. Overall the proposed development will result in an improved streetscape when compared to the existing state of the subject land.

The proposed development satisfies relevant provisions of the Salisbury Council Development Plan and warrants Development Plan Consent.

Should you have any queries or require any further information or clarification with any components of this application, please do not hesitate to contact by calling me on 0478 509 777 or by email [bill@townplanningadvisors.com.au](mailto:bill@townplanningadvisors.com.au)

Yours faithfully



**Bill Stefanopoulos, MPIA**  
BA Planning, Grad Dip Environmental Planning



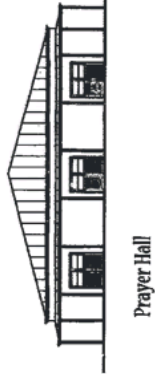




Library/Museum  
East Elevation  
Scale 1:200



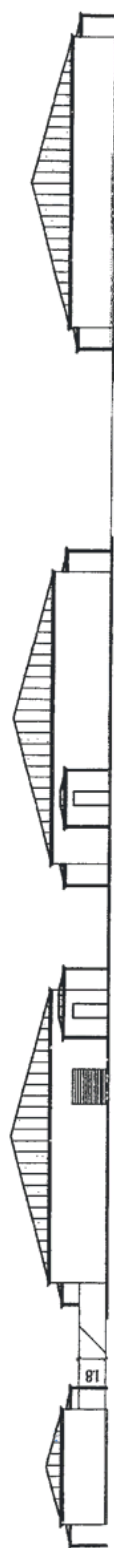
Dining Hall  
East Elevation  
Scale 1:200



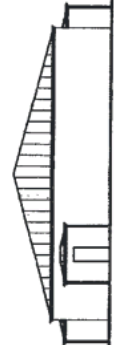
Prayer Hall  
East Elevation  
Scale 1:200



Caretaker  
East Elevation  
Scale 1:200



Caretaker  
West Elevation  
Scale 1:200



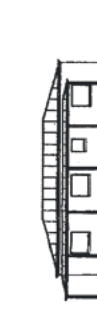
Dining Hall  
West Elevation  
Scale 1:200



Library/Museum  
West Elevation  
Scale 1:200



Library/Museum  
South Elevation  
Scale 1:200



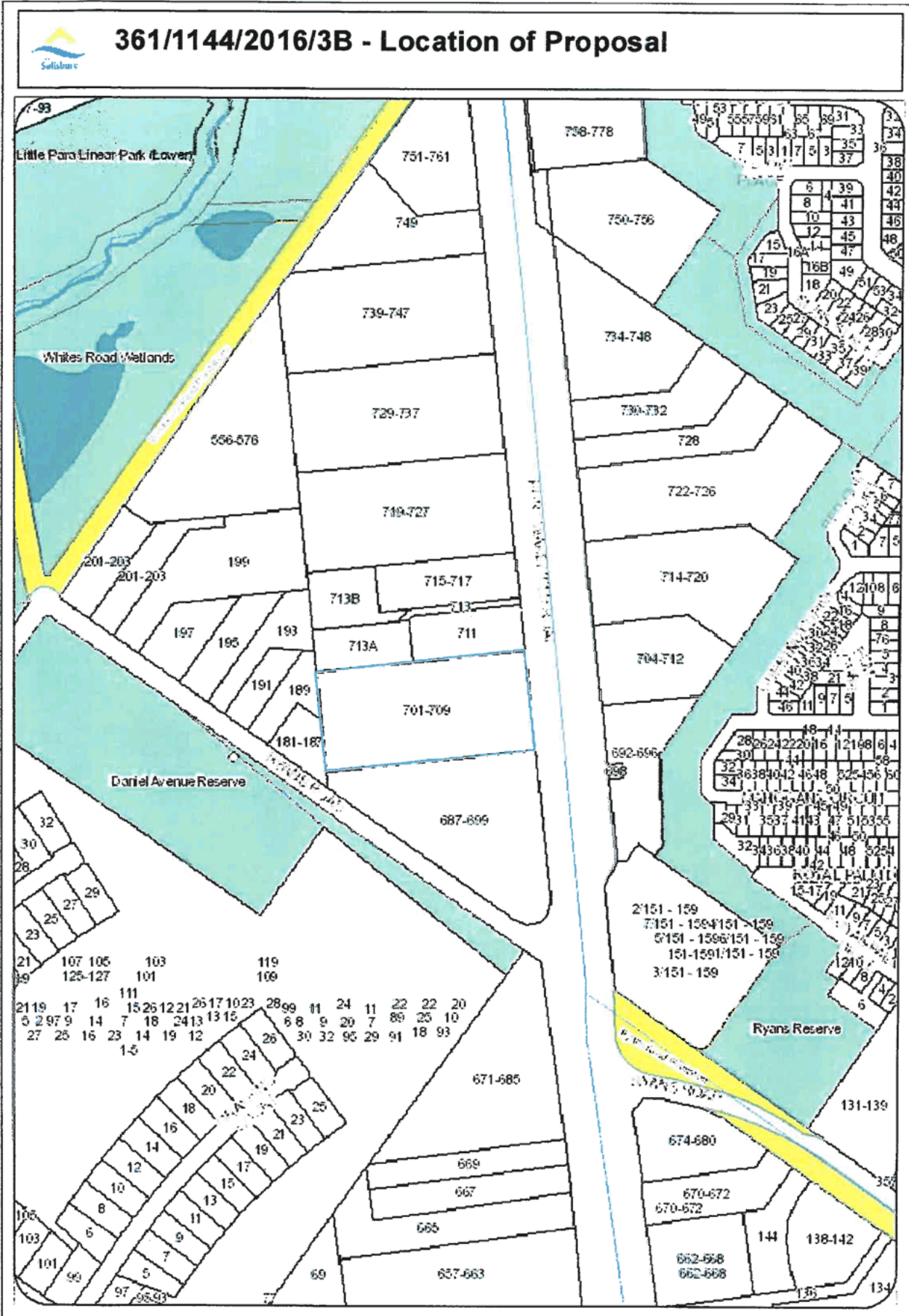
Caretaker  
North Elevation  
Scale 1:200

Schedule of Finishes  
 Roof Corrugated Iron Monument  
 Walls Austral Bricks Majestic Grey  
 Windows Natural Anodised



Ref	Date	Issue	Author	Drawn	Scale	Sheet
1		Final				SKF-2
Place of Worship and Community Facility 200-201 Fernvale Road CAULFIELD VIC 3210 United States Elevation Architect: Embassy Home Design Services						





Item 5.1.1 - Attachment 4 - Applicant's Response to Representations



**STATEMENT OF REPRESENTATION**  
**Pursuant to Section 38 of the Development Act**

**To:** City of Salisbury  
PO Box 8, SALISBURY SA 5108  
Email: [representations@salisbury.sa.gov.au](mailto:representations@salisbury.sa.gov.au)

THIS SHEET PROVIDES YOU WITH THE OPPORTUNITY TO MAKE COMMENTS IN RELATION TO A PROPOSED DEVELOPMENT. PLEASE FIND ATTACHED DETAILS OF THE PROPOSED DEVELOPMENT.

Development Number:	361/1144/2016/3B
Applicant:	Town Planning Advisors
Location:	701-709 Port Wakefield Road, Globe Derby Park SA 5110
Proposed Development:	MIXED USE DEVELOPMENT COMPRISING PRAYER HALL, DINING HALL AND LIBRARY/MUSEUM WITH ASSOCIATED FACILITIES INCLUDING PLAYGROUND, CARPARK, CARETAKER'S RESIDENCE, COMMUNITY GARDEN AND HORSE ENCLOSURE

**YOUR DETAILS:** (this information must be provided to ensure that this is a valid representation)

NAME(S):.....

ADDRESS:.....

PHONE NO: ..... EMAIL: .....

I am: *(please tick one of the following boxes as appropriate)*

- The owner/occupier of the property located at: .....
- Other (please state): .....

**YOUR COMMENTS:**

I/We: *(please tick the most appropriate box below)*

- Support the proposed development.
- Oppose the proposed development.

***Whether you support or oppose this proposal you must provide written reasons below to ensure that this is a valid representation.***

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PTO

361/1144/2016/3B

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**My concerns would be addressed by:** *(state changes/actions to the proposal sought)*

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PTO

Item 5.1.1 - Attachment 4 - Applicant's Response to Representations

Regulation 35(e) of the Development Regulations 2008 requires that a representation must indicate a person's desire to be heard. Please note that if you do not indicate that you wish to be heard, it will be taken that you do not wish to be heard by the Panel.

I/We:

- Do not wish to be heard in support of my representation.
- Wish to be heard in support of my representation, and I will be:
  - Appearing personally,
  - OR**
  - Represented by the following person: .....
  - Contact details: .....

*(Please note, matters raised in your written representation will be considered during the assessment and do not need to be repeated at the hearing).*

**Your written representation must be received by Council no later than 11.59pm on Tuesday 4<sup>th</sup> October 2016, to ensure that it is a valid representation and taken into account.**

**Representor's Declaration:**

I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993, and may be uploaded to the Council's website as an attachment to the hearing agenda.

Signature: ..... Date:     /     /

**Please complete this checklist to ensure your representation is valid:**

- Name and address of person (or persons).
- If more than one person, details of person making the representation.
- Detail of reasons for making the representation.
- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Tuesday 4th October 2016.**



<https://eservices.salisbury.sa.gov.au/ePathway/Production/Web/GeneralEnquiry/EnquiryDetailView.aspx?Id=473946>

Application Details

Application Number

Application Number 361/1144/2016/3B  
 Application Type Category 3 Class 2-9

Application Description

MIXED USE DEVELOPMENT COMPRISING PRAYER HALL, DINING HALL AND LIBRARY/MUSEUM WITH ASSOCIATED FACILITIES INCLUDING PLAYGROUND, CARPARK, CARETAKER'S RESIDENCE, COMMUNITY GARDEN AND HORSE ENCLOSURE

Status Public Notification

Application Date 9/06/2016

Lodgement Date 14/06/2016

Work Commenced Date

Work Completed Date

Name Details

Name	Role	Address
Town Planning Advisors	Applicant	PO Box 9061, HENLEY BEACH SA 5022

Property Details

Property Address	Certificate of Title	Ward
701-709 Port Wakefield Road , Globe Derby Park SA 5110	CT-5759/278	08 West

Decision Status

Status Public Notification

Application Work Flow Tasks

Application Task Type	Actual Started Date	Actual Completed Date
Lodgement	14/06/2016	14/06/2016
Referred to Development Engineering	17/06/2016	4/07/2016
Agency Consultation Planning	20/06/2016	29/07/2016
Public Notification Category 3	16/09/2016	
Issue Development Approval		



Attachment 5  
Relevant Development Plan Extracts and Location  
Maps, Consolidated 5 May 2016

# Development Plan

## Salisbury Council

Consolidated - 5 May 2016

Please refer to the Salisbury Council page at [www.sa.gov.au/developmentplans](http://www.sa.gov.au/developmentplans) to see any amendments not consolidated.



**Government of South Australia**  
Department of Planning,  
Transport and Infrastructure

Consolidated - 5 May 2016

## Animal Keeping

### OBJECTIVES

- 1 Animals not kept at a density beyond the carrying capacity of the land or water.
- 2 Animal keeping development sited and designed to avoid adverse effects on surrounding development.
- 3 Intensive animal keeping protected from encroachment by incompatible development.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Animal keeping and associated activities should not create adverse impacts on the environment or the amenity of the locality.
- 2 Storage facilities for manure, used litter and other wastes should be designed and sited:
  - (a) to be vermin proof
  - (b) with an impervious base
  - (c) to ensure that all clean rainfall runoff is excluded from the storage area
  - (d) outside the 1-in-100 year average return interval flood event area.

### Horse Keeping

- 3 Stables, horse shelters or associated yards should be sited:
  - (a) at least 50 metres from a watercourse
  - (b) on land with a slope no greater than 1-in-10.
- 4 A concrete drainage apron should be provided along the front of stables directing water from wash-down areas onto a suitably vegetated area that can absorb all the water, or into a constructed drainage pit.
- 5 Stables, horse shelters or associated yards should be sited at least 30 metres from any dwelling on the site and from the nearest allotment boundary to avoid adverse impacts from dust, erosion and odour.
- 6 All areas accessible to horses should be separated from septic tank drainage areas.
- 7 Horse keeping (not associated with stables) should only occur on allotments of 4 hectares or more and should ensure that adequate ground cover is maintained at all times to avoid soil degradation.
- 8 Development of stable and yard areas should have dimensions and areas of at least 3.7 metres by 3.7 metres per horse stable and provide a minimum of:
  - (a) 15 square metres per horse per holding yard (standing only)
  - (b) 35 square metres per horse per holding yard (working only).
- 9 To ensure sanitary conditions and prevent soil erosion, dust, odour and pollution of stormwater run-off, horse keeping should conform with the following principles:

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General Section  
Animal Keeping**

- (a) stable floors constructed of concrete that is at least 100 millimetres thick and graded to the doorway with a fall of at least 15 millimetres over three metres
- (b) stables constructed of masonry or concrete to a minimum height of 1.2 metres. Timber, metal or similar construction should only be used the minimum 1.2 metre height or on the roof
- (c) stables sited at least 3 metres from all allotment boundaries.

**Dairies**

- 10 Dairies should include a lagoon for the storage or treatment of milking shed effluent which should be located:
- (a) at least 20 metres from a public road
  - (b) at least 200 metres from any dwelling not located on the land
  - (c) outside any 1-in-100 year average return interval flood event area of any watercourse.

**Intensive Animal Keeping**

- 11 Intensive animal keeping operations and their associated components, including holding yards, temporary feeding areas, movement lanes and similar, should not be located on land within any of the following areas:
- (a) 800 metres of a public water supply reservoir
  - (b) the 1-in-100 year average return interval flood event area of any watercourse
  - (c) 200 metres of a major watercourse (third order or higher stream)
  - (d) 100 metres of any other watercourse, bore or well used for domestic or stock water supplies
  - (e) 2000 metres of a defined and zoned township, settlement or urban area (except for land based aquaculture)
  - (f) 500 metres of a dwelling (except for a dwelling directly associated with the intensive animal keeping facility).
- 12 Intensive animal keeping operations in uncovered situations should incorporate:
- (a) a controlled drainage system which:
    - (i) diverts runoff from external areas, and
    - (ii) directs surface runoff into an effluent management system that has sufficient capacity to hold run off from the controlled drainage area
  - (b) pen floors which:
    - (i) ensure that effluent does not infiltrate and contaminate groundwater or soil, and
    - (ii) are graded to a consistent uniform slope of between 2 per cent and 6 per cent
  - (c) effluent drainage into an effluent lagoon(s) that has sufficient capacity to hold runoff from the controlled drainage area.
- 13 Intensive animal keeping facilities and associated wastewater lagoons and liquid/solid waste disposal areas should be sited, designed, constructed and managed to avoid adverse odour impacts on nearby sensitive land uses.

**Kennels**

- 14 The floor of kennels should be constructed of concrete or similar impervious material and be designed to allow for adequate drainage when kennels are cleaned.
- 15 Kennels and exercise yards should be designed and sited to minimise noise nuisance to neighbours through:
  - (a) orienting their openings away from sensitive land uses such as dwellings
  - (b) siting them as far as practicable from allotment boundaries.
- 16 Kennels should occur only where there is a permanently occupied dwelling on the land.

**Land Based Aquaculture**

- 17 Land-based aquaculture and associated components should not be located on land within 500 metres of a defined and zoned township, settlement or urban area.
- 18 Land-based aquaculture ponds should be sited and designed to:
  - (a) prevent surface flows from entering the ponds in a 1-in-100 year average return interval flood event
  - (b) prevent pond leakage that would pollute groundwater
  - (c) prevent the farmed species escaping and entering into any waters
  - (d) minimise the need for intake and discharge pipes to traverse sensitive environments.
- 19 Buildings associated with land-based aquaculture should provide enclosed storage areas to accommodate all equipment associated with aquaculture operations in a manner which is integrated with the use of the land.
- 20 Development should ensure that pipe inlet and outlets associated with land-based aquaculture are located to minimise the risk of disease transmission.

**Marine Based Aquaculture**

- 21 Marine aquaculture and other offshore development should be ecologically sustainable and be located, designed, constructed and managed to:
  - (a) minimise adverse impacts on marine habitats and ecosystems, and public access to beaches, public watercourses or the foreshore
  - (b) take into account the requirements of traditional indigenous and commercial fishing grounds
  - (c) ensure satisfactory removal and disposal of litter, disused material, debris, detritus and dead animals from the development
  - (d) prevent the build up of waste.
- 22 In marine waters, marine aquaculture (other than inter tidal aquaculture) and other offshore development should be located a minimum of 100 metres seaward of the high-water mark.
- 23 Marine aquaculture development should not significantly obstruct or adversely affect any of the following:
  - (a) areas of high public use
  - (b) areas established for recreational activities

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General Section  
Animal Keeping

- (c) areas of outstanding visual, environmental, commercial or tourism value
  - (d) sites, including beaches, used for recreational activities such as swimming, fishing, skiing, sailing and other water sports.
- 24 Marine aquaculture should be sited, designed, constructed and managed to minimise interference and obstruction to the natural processes of the coastal and marine environment.
- 25 Marine aquaculture should be developed in areas where an adequate water current exists to disperse sediments and be sited a sufficient height above the sea floor to:
- (a) prevent the fouling of waters, publicly owned wetlands or the nearby coastline
  - (b) minimise seabed damage.
- 26 Racks, floats and other farm structures associated with marine aquaculture or other offshore development should where practicable be visually unobtrusive from the shoreline.
- 27 Marine aquaculture development should:
- (a) use feed hoppers that are painted in subdued colours and suspended as low as possible above the water
  - (b) position structures to protrude the minimum distance practicable above water
  - (c) avoid the use of shelters and structures above cages and platforms unless necessary to exclude predators and protected species from interacting with the farming structures and/or stock inside the cages, or for safety reasons.
- 28 Marine aquaculture should be developed to maintain existing rights of way within or adjacent to a site.
- 29 Marine aquaculture access, launching and maintenance facilities should:
- (a) where possible, use existing and established roads, tracks, ramps and paths to or from the sea
  - (b) be developed cooperatively and co-located.
- 30 Marine aquaculture and other offshore development should be located at least:
- (a) 550 metres from a proclaimed shipwreck
  - (b) 1000 metres seaward from the boundary of any reserve under the *National Parks and Wildlife Act 1972*, unless a lesser distance is agreed with the Minister responsible for that *Act*.
- 31 Marine aquaculture development should be located so as not to obstruct nor interfere with navigation channels, access channels, frequently used natural launching sites, safe anchorage areas, known diving areas, commercial shipping lanes or activities associated with existing jetties and wharves.
- 32 Marine aquaculture development should contribute to navigational safety by being:
- (a) suitably marked for navigational purposes
  - (b) sited to allow an adequate distance between farms for safe navigation
  - (c) located at least 250 metres from a commercial shipping lane
  - (d) comprised of structures that are secured and/or weighted to prevent drifting from the licensed site
  - (e) able to be rehabilitated when no longer operational.



## Community Facilities

### OBJECTIVES

- 1 Location of community facilities including social, health, welfare, education and recreation facilities where they are conveniently accessible to the population they serve.
- 2 The proper provision of public and community facilities including the reservation of suitable land in advance of need.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.
- 2 Community facilities should be integrated in their design to promote efficient land use.
- 3 Design of community facilities should encourage flexible and adaptable use of open space and facilities for a range of uses over time.

### Places of Worship

- 4 Places of worship should be developed according to the following hierarchy:

Scale	Development form	Congregation size
Small (local)	Associated with an area of worship ancillary to a residence. These activities are particularly common for religious organisations that do not have a large following and / or lack funds to purchase a standalone building.	Typically accommodate approximately 5 to 30 worshippers in any one session.
Medium(neighbourhood)	Purpose built or re-use of existing buildings with medium footprints that are found in most suburbs and country towns	Typically have congregations of up to 100-300 persons in any one session
Large (regional)	Purpose built or re-use of existing buildings with large footprints and catering for a variety of ancillary activities	In excess of 300 persons in any one session

- 5 Small (local) to medium (neighbourhood) scale places of worship within residential areas should be appropriately located on major collector roads to minimise congestion or traffic conflict within local streets.
- 6 Large places of worship should:
  - (a) be located within centre, commercial or the periphery of industrial zones
  - (b) demonstrate the following design features:
    - (i) reuse of existing buildings
    - (ii) the bulk, mass and height of development compatible with the character of the locality
    - (iii) sharing of car parking facilities

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General Section  
Community Facilities**

- (iv) siting on arterial or collector roads rather than narrower local residential streets
  - (v) promote crime prevention through environmental design principles
  - (vi) reduced land use conflicts in relation to the scale of building form and hours of operation
  - (vii) provide value added functions and facilities that can be used by neighbouring activities.
- 7 Large scale places of worship located in commercial or industry zones should not detrimentally impact on the operations of existing commercial or industrial land uses.
- 8 Places of worship should be established with one car parking space for every three seats or every three attendees to the place of worship.

## Design and Appearance

### OBJECTIVES

- 1 Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.
- 2 Roads, open spaces, buildings and land uses laid out and linked so that they are easy to understand and navigate.

### PRINCIPLES OF DEVELOPMENT CONTROL

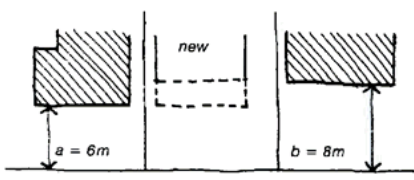
- 1 The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.
- 2 Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.
- 3 Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as:
  - (a) articulation
  - (b) colour and detailing
  - (c) small vertical and horizontal components
  - (d) design and placing of windows
  - (e) variations to facades.
- 4 Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise:
  - (a) the visual impact of the building as viewed from adjoining properties
  - (b) overshadowing of adjoining properties and allow adequate sun light to neighbouring buildings.
- 5 Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.
- 6 Transportable buildings and buildings which are elevated on stumps, posts, piers, columns or the like, should have their suspended footings enclosed around the perimeter of the building with brickwork or timber, and the use of verandas, pergolas and other suitable architectural detailing to give the appearance of a permanent structure.
- 7 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties or drivers.
- 8 Structures located on the roofs of buildings to house plant and equipment should form an integral part of the building design in relation to external finishes, shaping and colours.
- 9 Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.

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Design and Appearance

- 10 Development should provide clearly recognisable links to adjoining areas and facilities.
- 11 Buildings, landscaping, paving and signage should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.
- 12 Buildings (other than ancillary buildings or group dwellings) should be designed so that their main façade faces the primary street frontage of the land on which they are situated.
- 13 Where applicable, development should incorporate verandas over footpaths to enhance the quality of the pedestrian environment.
- 14 Development should be designed and sited so that outdoor storage, loading and service areas are screened from public view by an appropriate combination of built form, solid fencing and/or landscaping.
- 15 Outdoor lighting should not result in light spillage on adjacent land.
- 16 Balconies should:
  - (a) be integrated with the overall architectural form and detail of the building
  - (b) be sited to face predominantly north, east or west to provide solar access
  - (c) have a minimum area of 2 square metres.

**Building Setbacks from Road Boundaries**

- 17 The setback of buildings from public roads should:
  - (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
  - (b) contribute positively to the streetscape character of the locality
  - (c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.
- 18 Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:

Setback difference between buildings on adjacent allotments	Setback of new building
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:  <p style="text-align: center;"><i>When <math>b - a \leq 2</math>, setback of new dwelling = a or b</i></p>
Greater than 2 metres	At least the average setback of the adjacent buildings.

- 19 Except where specified in a particular zone, policy area, or precinct, buildings and structures should be set back from road boundaries having regard to the requirements set out in [Table Sal/1 - Building Setbacks from Road Boundaries](#).

- 20 Except where specified in a zone, policy area or precinct, the setback of development from a secondary street frontage should reflect the setbacks of the adjoining buildings and other buildings in the locality.
- 21 Development likely to encroach within a road widening setback under the *Metropolitan Adelaide Road Widening Plan Act 1972* should be set back sufficiently from the boundary required for road widening.

## Hazards

### OBJECTIVES

- 1 Maintenance of the natural environment and systems by limiting development in areas susceptible to natural hazard risk.
- 2 Development located away from areas that are vulnerable to, and cannot be adequately and effectively protected from the risk of natural hazards.
- 3 Critical community facilities such as hospitals, emergency control centres, major service infrastructure facilities, and emergency service facilities located where they are not exposed to natural hazard risks.
- 4 Development located and designed to minimise the risks to safety and property from flooding.
- 5 Development located to minimise the threat and impact of bushfires on life and property.
- 6 Expansion of existing non-rural uses directed away from areas of high bushfire risk.
- 7 The environmental values and ecological health of receiving waterways and marine environments protected from the release of acid water resulting from the disturbance of acid sulphate soils.
- 8 Protection of human health and the environment wherever site contamination has been identified or is suspected to have occurred.
- 9 Appropriate assessment and remediation of site contamination to ensure land is suitable for the proposed use and provides a safe and healthy living and working environment.
- 10 Minimisation of harm to life, property and the environment through appropriate location of development and appropriate storage, containment and handling of hazardous materials.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of hazards.
- 2 Development located on land subject to hazards as shown on the *Overlay Maps - Development Constraints* should not occur unless it is sited, designed and undertaken with appropriate precautions being taken against the relevant hazards.
- 3 There should not be any significant interference with natural processes in order to reduce the exposure of development to the risk of natural hazards.

### Flooding

- 4 Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.
- 5 Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:
  - (a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event
  - (b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

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- 6 Development, including earthworks associated with development, should not do any of the following:
- (a) impede the flow of floodwaters through the land or other surrounding land
  - (b) increase the potential hazard risk to public safety of persons during a flood event
  - (c) aggravate the potential for erosion or siltation or lead to the destruction of vegetation during a flood
  - (d) cause any adverse effect on the floodway function
  - (e) increase the risk of flooding of other land
  - (f) obstruct a watercourse.

**Bushfire**

- 7 The following bushfire protection principles of development control apply to development of land identified as General, Medium and High bushfire risk areas as shown on the *Bushfire Protection Area BPA Maps - Bushfire Risk*.
- 8 Development in a Bushfire Protection Area should be in accordance with those provisions of the *Minister's Code: Undertaking development in Bushfire Protection Areas* that are designated as mandatory for Development Plan Consent purposes.
- 9 Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:
- (a) vegetation cover comprising trees and/or shrubs
  - (b) poor access
  - (c) rugged terrain
  - (d) inability to provide an adequate building protection zone
  - (e) inability to provide an adequate supply of water for fire-fighting purposes.
- 10 Residential, tourist accommodation and other habitable buildings should:
- (a) be sited on the flatter portion of allotments and avoid steep slopes, especially upper slopes, narrow ridge crests and the tops of narrow gullies, and slopes with a northerly or westerly aspect
  - (b) be sited in areas with low bushfire hazard vegetation and set back at least 20 metres from existing hazardous vegetation
  - (c) have a dedicated and accessible water supply available at all times for fire fighting.
- 11 Extensions to existing buildings, outbuildings and other ancillary structures should be sited and constructed using materials to minimise the threat of fire spread to residential, tourist accommodation and other habitable buildings in the event of bushfire.
- 12 Buildings and structures should be designed and configured to reduce the impact of bushfire through using simple designs that reduce the potential for trapping burning debris against the building or structure, or between the ground and building floor level in the case of transportable buildings.
- 13 Land division for residential or tourist accommodation purposes within areas of high bushfire risk should be limited to those areas specifically set aside for these uses.

- 14 Where land division does occur it should be designed to:
- (a) minimise the danger to residents, other occupants of buildings and fire fighting personnel
  - (b) minimise the extent of damage to buildings and other property during a bushfire
  - (c) ensure each allotment contains a suitable building site that is located away from vegetation that would pose an unacceptable risk in the event of bushfire
  - (d) ensure provision of a fire hazard separation zone isolating residential allotments from areas that pose an unacceptable bushfire risk by containing the allotments within a perimeter road or through other means that achieve an adequate separation.
- 15 Vehicle access and driveways to properties and public roads created by land division should be designed and constructed to:
- (a) facilitate safe and effective operational use for fire-fighting and other emergency vehicles and residents
  - (b) provide for two-way vehicular access between areas of fire risk and the nearest public road.
- 16 Olive orchards should be located and developed in a manner that minimises their potential to fuel bushfires.

#### Salinity

- 17 Development should not increase the potential for, or result in an increase in, soil and water salinity.
- 18 Preservation, maintenance and restoration of locally indigenous plant species should be encouraged in areas affected by dry land salinity.
- 19 Irrigated horticulture and pasture should not increase groundwater-induced salinity.

#### Acid Sulfate Soils

- 20 Development and activities, including excavation and filling of land, that may lead to disturbance of potential or actual acid sulfate soils (including land identified on the *Overlay Maps – Development Constraints*) should be avoided unless such disturbances are managed in a way that effectively avoids the potential for harm or damage to any of the following:
- (a) the marine and estuarine environment
  - (b) natural water bodies and wetlands
  - (c) agricultural or aquaculture activities
  - (d) buildings, structures and infrastructure
  - (e) public health.
- 21 Development, including primary production, aquaculture activities and infrastructure, should not proceed unless it can be demonstrated that the risk of releasing acid water resulting from the disturbance of acid sulfate soils is minimal.

#### Site Contamination

- 22 Development, including land division, should not occur where site contamination has occurred unless the site has been assessed and remediated as necessary to ensure that it is suitable and safe for the proposed use.



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**Containment of Chemical and Hazardous Materials**

- 23 Hazardous materials should be stored and contained in a manner that minimises the risk to public health and safety and the potential for water, land or air contamination.
- 24 Development that involves the storage and handling of hazardous materials should ensure that these are contained in designated areas that are secure, readily accessible to emergency vehicles, impervious, protected from rain and stormwater intrusion and other measures necessary to prevent:
  - (a) discharge of polluted water from the site
  - (b) contamination of land
  - (c) airborne migration of pollutants
  - (d) potential interface impacts with sensitive land uses.

**Landslip**

- 25 Development, including associated cut and fill activities, should not lead to an increased danger from land surface instability or to the potential of landslip occurring on the site or on surrounding land.
- 26 Development on steep slopes should promote the retention and replanting of vegetation as a means of stabilising and reducing the possibility of surface movement or disturbance.
- 27 Development in areas susceptible to landslip should:
  - (a) incorporate split level designs to minimise cutting into the slope
  - (b) ensure that cut and fill and heights of faces are minimised
  - (c) ensure cut and fill is supported with engineered retaining walls or are battered to appropriate grades
  - (d) control any erosion that will increase the gradient of the slope and decrease stability
  - (e) ensure the siting and operation of an effluent drainage field does not contribute to landslip
  - (f) provide drainage measures to ensure surface stability is not compromised
  - (g) ensure natural drainage lines are not obstructed.

## Interface between Land Uses

### OBJECTIVES

- 1 Development located and designed to minimise adverse impact and conflict between land uses.
- 2 Protect community health and amenity from adverse impacts of development.
- 3 Protect desired land uses from the encroachment of incompatible development.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:
  - (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
  - (b) noise
  - (c) vibration
  - (d) electrical interference
  - (e) light spill
  - (f) glare
  - (g) hours of operation
  - (h) traffic impacts.
- 2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.
- 3 Development adjacent to a **Residential Zone** should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.
- 4 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.
- 5 Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.
- 6 Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.

### Noise Generating Activities

- 7 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant *Environment Protection (Noise) Policy* criteria when assessed at the nearest existing noise sensitive premises.
- 8 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.

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- 9 Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.
- 10 Development proposing music should include noise attenuation measures that achieve the following desired noise levels:

Noise level assessment location	Desired noise level
Adjacent existing <i>noise sensitive development</i> property boundary	Less than 8 dB above the level of background noise ( $L_{90,15min}$ ) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise ( $LA_{90,15min}$ ) for the overall (sum of all octave bands) A-weighted level
Adjacent <i>land</i> property boundary	Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or Less than 8 dB above the level of background noise ( $L_{90,15min}$ ) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level

#### **Air Quality**

- 11 Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.
- 12 Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:
- incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere
  - ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses.

#### **Rural Interface**

- 13 The potential for adverse impacts resulting from rural development should be minimised by:
- not locating horticulture or intensive animal keeping on land adjacent to townships
  - maintaining an adequate separation between horticulture or intensive animal keeping and townships, other sensitive uses and, where desirable, other forms of primary production.
- 14 Traffic movement, spray drift, dust, noise, odour and the use of frost fans and gas guns associated with primary production should not lead to unreasonable impact on adjacent land uses.
- 15 Existing primary production and mineral extraction should not be prejudiced by the inappropriate encroachment of sensitive uses such as urban development.
- 16 Development that is adjacent to land used for primary production (within either the zone or adjacent zones) should include appropriate setbacks and vegetative plantings designed to minimise the potential impacts of chemical spray drift and other impacts associated with primary production.

- 17 New urban development should provide a buffer of at least 40 metres wide (inclusive of any fuel break, emergency vehicle access or road) separating urban and rural activities.
- 18 Development located within 300 metres of facilities for the handling, transportation and storage of bulk commodities should:
  - (a) not prejudice the continued operation of those facilities
  - (b) be located, designed and developed having regard to the potential environmental impact arising from the operation of such facilities and the potential extended hours of operation.

## Landscaping, Fences and Walls

### OBJECTIVES

- 1 The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.
- 2 Functional fences and walls that enhance the attractiveness of development.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should incorporate open space and landscaping and minimise hard paved surfaces in order to:
  - (a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)
  - (b) enhance the appearance of road frontages
  - (c) screen service yards, loading areas and outdoor storage areas
  - (d) minimise maintenance and watering requirements
  - (e) enhance and define outdoor spaces, including car parking areas
  - (f) maximise shade and shelter
  - (g) assist in climate control within and around buildings
  - (h) minimise heat absorption and reflection
  - (i) maintain privacy
  - (j) maximise stormwater re-use
  - (k) complement existing vegetation, including native vegetation
  - (l) contribute to the viability of ecosystems and species
  - (m) promote water and biodiversity conservation.
- 2 Landscaping should:
  - (a) include the planting of locally indigenous species where appropriate
  - (b) be oriented towards the street frontage
  - (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.
- 3 Landscaping should not:
  - (a) unreasonably restrict solar access to adjoining development
  - (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding

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- (c) introduce pest plants
- (d) increase the risk of bushfire
- (e) remove opportunities for passive surveillance
- (f) increase leaf fall in watercourses
- (g) increase the risk of weed invasion
- (h) obscure driver sight lines
- (i) create a hazard for train or tram drivers by obscuring sight lines at crossovers.

4 Fences and walls, including retaining walls, should:

- (a) not result in damage to neighbouring trees
- (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality
- (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance
- (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street
- (e) assist in highlighting building entrances
- (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites
- (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land
- (h) be constructed of non-flammable materials.

## Natural Resources

### OBJECTIVES

- 1 Retention, protection and restoration of the natural resources and environment.
- 2 Protection of the quality and quantity of South Australia's surface waters, including inland, *marine and estuarine* and underground waters.
- 3 The ecologically sustainable use of natural resources including water resources, including *marine waters*, ground water, surface water and watercourses.
- 4 Natural hydrological systems and environmental flows reinstated, and maintained and enhanced.
- 5 Development consistent with the principles of water sensitive design.
- 6 Development sited and designed to:
  - (a) protect natural ecological systems
  - (b) achieve the sustainable use of water
  - (c) protect water quality, including receiving waters
  - (d) reduce runoff and peak flows and prevent the risk of downstream flooding
  - (e) minimise demand on reticulated water supplies
  - (f) maximise the harvest and use of stormwater
  - (g) protect stormwater from pollution sources.
- 7 Storage and use of stormwater which avoids adverse impact on public health and safety.
- 8 Native flora, fauna and ecosystems protected, retained, conserved and restored.
- 9 Restoration, expansion and linking of existing native vegetation to facilitate habitat corridors for ease of movement of fauna.
- 10 Minimal disturbance and modification of the natural landform.
- 11 Protection of the physical, chemical and biological quality of soil resources.
- 12 Protection of areas prone to erosion or other land degradation processes from inappropriate development.
- 13 Protection of the scenic qualities of natural and rural landscapes.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should be undertaken with minimum impact on the natural environment, including air and water quality, land, soil, biodiversity, and scenically attractive areas.
- 2 Development should ensure that South Australia's natural assets, such as biodiversity, water and soil, are protected and enhanced.

- 3 Development should not significantly obstruct or adversely affect sensitive ecological areas such as creeks, wetlands, estuaries and significant seagrass and mangrove communities.
- 4 Development should be appropriate to land capability and the protection and conservation of water resources and biodiversity.

#### **Water Sensitive Design**

- 5 Development should be designed to maximise conservation, minimise consumption and encourage re-use of water resources.
- 6 Development should not take place if it results in unsustainable use of surface or underground water resources.
- 7 Development should be sited and designed to:
  - (a) capture and re-use stormwater, where practical
  - (b) minimise surface water runoff
  - (c) prevent soil erosion and water pollution
  - (d) protect and enhance natural water flows
  - (e) protect water quality by providing adequate separation distances from watercourses and other water bodies
  - (f) not contribute to an increase in salinity levels
  - (g) avoid the water logging of soil or the release of toxic elements
  - (h) maintain natural hydrological systems and not adversely affect:
    - (i) the quantity and quality of groundwater
    - (ii) the depth and directional flow of groundwater
    - (iii) the quality and function of natural springs.
- 8 Water discharged from a development site should:
  - (a) be of a physical, chemical and biological condition equivalent to or better than its pre-developed state
  - (b) not exceed the rate of discharge from the site as it existed in pre-development conditions.
- 9 Development should include stormwater management systems to protect it from damage during a minimum of a 1-in-100 year average return interval flood.
- 10 Development should have adequate provision to control any stormwater over-flow runoff from the site and should be sited and designed to improve the quality of stormwater and minimise pollutant transfer to receiving waters.
- 11 Development should include stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.
- 12 Development should include stormwater management systems to minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system.



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- 13 Stormwater management systems should preserve natural drainage systems, including the associated environmental flows.
- 14 Stormwater management systems should:
  - (a) maximise the potential for stormwater harvesting and re-use, either on-site or as close as practicable to the source
  - (b) utilise, but not be limited to, one or more of the following harvesting methods:
    - (i) the collection of roof water in tanks
    - (ii) the discharge to open space, landscaping or garden areas, including strips adjacent to car parks
    - (iii) the incorporation of detention and retention facilities
    - (iv) aquifer recharge.
- 15 Where it is not practicable to detain or dispose of stormwater on site, only clean stormwater runoff should enter the public stormwater drainage system.
- 16 Artificial wetland systems, including detention and retention basins, should be sited and designed to:
  - (a) ensure public health and safety is protected
  - (b) minimise potential public health risks arising from the breeding of mosquitoes.

**Water Catchment Areas**

- 17 Development should ensure watercourses and their beds, banks, wetlands and floodplains are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.
- 18 No development should occur where its proximity to a swamp or wetland will damage or interfere with the hydrology or water regime of the swamp or wetland.
- 19 A wetland or low-lying area providing habitat for native flora and fauna should not be drained, except temporarily for essential management purposes to enhance environmental values.
- 20 Along watercourses, areas of remnant native vegetation, or areas prone to erosion, that are capable of natural regeneration should be fenced off to limit stock access.
- 21 Development such as cropping, intensive animal keeping, residential, tourism, industry and horticulture, that increases the amount of surface run-off should include a strip of land at least 20 metres wide measured from the top of existing banks on each side of a watercourse that is:
  - (a) fenced to exclude livestock
  - (b) kept free of development, including structures, formal roadways or access ways for machinery or any other activity causing soil compaction or significant modification of the natural surface of the land
  - (c) revegetated with locally indigenous vegetation comprising trees, shrubs and other groundcover plants to filter run-off so as to reduce the impacts on native aquatic ecosystems and to minimise soil loss eroding into the watercourse.

- 22 Development resulting in the depositing of an object or solid material in a watercourse or floodplain or the removal of bank and bed material should not:
- (a) adversely affect the migration of aquatic biota
  - (b) adversely affect the natural flow regime
  - (c) cause or contribute to water pollution
  - (d) result in watercourse or bank erosion
  - (e) adversely affect native vegetation upstream or downstream that is growing in or adjacent to a watercourse.
- 23 The location and construction of dams, water tanks and diversion drains should:
- (a) occur off watercourse
  - (b) not take place in ecologically sensitive areas or on erosion-prone sites
  - (c) provide for low flow by-pass mechanisms to allow for migration of aquatic biota
  - (d) not negatively affect downstream users
  - (e) minimise in-stream or riparian vegetation loss
  - (f) incorporate features to improve water quality (eg wetlands and floodplain ecological communities)
  - (g) protect ecosystems dependent on water resources.
- 24 Irrigated horticulture and pasture should not increase groundwater-induced salinity.
- 25 Development should comply with the current *Environment Protection (Water Quality) Policy*.

#### **Biodiversity and Native Vegetation**

- 26 Development should retain existing areas of native vegetation and where possible contribute to revegetation using locally indigenous plant species.
- 27 Development should be designed and sited to minimise the loss and disturbance of native flora and fauna, including marine animals and plants, and their breeding grounds and habitats.
- 28 Native vegetation should be conserved and its conservation value and function not compromised by development if the native vegetation does any of the following:
- (a) provides an important habitat for wildlife or shade and shelter for livestock
  - (b) has a high plant species diversity or includes rare, vulnerable or endangered plant species or plant associations and communities
  - (c) provides an important seed bank for locally indigenous vegetation
  - (d) has high amenity value and/or significantly contributes to the landscape quality of an area, including the screening of buildings and unsightly views
  - (e) has high value as a remnant of vegetation associations characteristic of a district or region prior to extensive clearance for agriculture
  - (f) is growing in, or is characteristically associated with a wetland environment.

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Natural Resources**

- 29 Native vegetation should not be cleared if such clearing is likely to lead to, cause or exacerbate any of the following:
- (a) erosion or sediment within water catchments
  - (b) decreased soil stability
  - (c) soil or land slip
  - (d) deterioration in the quality of water in a watercourse or surface water runoff
  - (e) a local or regional salinity problem
  - (f) the occurrence or intensity of local or regional flooding.
- 30 Development that proposes the clearance of native vegetation should address or consider the implications that removing the native vegetation will have on the following:
- (a) provision for linkages and wildlife corridors between significant areas of native vegetation
  - (b) erosion along watercourses and the filtering of suspended solids and nutrients from run-off
  - (c) the amenity of the locality
  - (d) bushfire safety
  - (e) the net loss of native vegetation and other biodiversity.
- 31 Where native vegetation is to be removed, it should be replaced in a suitable location on the site with locally indigenous vegetation to ensure that there is not a net loss of native vegetation and biodiversity.
- 32 Development should be located and occur in a manner which:
- (a) does not increase the potential for, or result in, the spread of pest plants, or the spread of any non-indigenous plants into areas of native vegetation or a conservation zone
  - (b) avoids the degradation of remnant native vegetation by any other means including as a result of spray drift, compaction of soil, modification of surface water flows, pollution to groundwater or surface water or change to groundwater levels
  - (c) incorporates a separation distance and/or buffer area to protect wildlife habitats and other features of nature conservation significance.
- 33 Development should promote the long-term conservation of vegetation by:
- (a) avoiding substantial structures, excavations, and filling of land in close proximity to the trunk of trees and beneath their canopies
  - (b) minimising impervious surfaces beneath the canopies of trees
  - (c) taking other effective and reasonable precautions to protect both vegetation and the integrity of structures and essential services.
- 34 Horticulture involving the growing of olives should be located at least:
- (a) 500 metres from:
    - (i) a national park
    - (ii) a conservation park

(iii) a wilderness protection area

(iv) the edge of a substantially intact stratum of native vegetation greater than 5 hectares in area

(b) 50 metres from the edge of stands of native vegetation 5 hectares or less in area.

35 Horticulture involving the growing of olives should have at least one locally indigenous tree that will grow to a height of at least 7 metres sited at least every 100 metres around the perimeter of the orchard.

**Soil Conservation**

36 Development should not have an adverse impact on the natural, physical, chemical or biological quality and characteristics of soil resources.

37 Development should be designed and sited to prevent erosion.

38 Development should take place in a manner that will minimise alteration to the existing landform.

39 Development should minimise the loss of soil from a site through soil erosion or siltation during the construction phase of any development and following the commencement of an activity.

## Orderly and Sustainable Development

### OBJECTIVES

- 1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.
- 2 Development occurring in an orderly sequence and in a compact form to enable the efficient provision of public services and facilities.
- 3 Development that does not jeopardise the continuance of adjoining authorised land uses.
- 4 Development that does not prejudice the achievement of the provisions of the Development Plan.
- 5 Development abutting adjoining Council areas having regard to the policies of that Council's Development Plan.
- 6 Urban development contained within existing townships and settlements and located only in zones designated for such development.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should not prejudice the development of a zone for its intended purpose.
- 2 Land outside of townships and settlements should primarily be used for primary production and conservation purposes.
- 3 The economic base of the region should be expanded in a sustainable manner.
- 4 Urban development should form a compact extension to an existing built-up area.
- 5 Ribbon development should not occur along the coast, water frontages or arterial roads shown in *Overlay Maps - Transport*.
- 6 Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure.
- 7 Where development is expected to impact upon the existing infrastructure network (including the transport network), development should demonstrate how the undue effect will be addressed.
- 8 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.

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Regulated Trees

## Regulated Trees

### OBJECTIVES

- 1 The conservation of regulated trees that provide important aesthetic and/or environmental benefit.
- 2 Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:
  - (a) significantly contributes to the character or visual amenity of the locality
  - (b) indigenous to the locality
  - (c) a rare or endangered species
  - (d) an important habitat for native fauna.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should have minimum adverse effects on regulated trees.
- 2 A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:
  - (a) the tree is diseased and its life expectancy is short
  - (b) the tree represents a material risk to public or private safety
  - (c) the tree is causing damage to a building
  - (d) development that is reasonable and expected would not otherwise be possible
  - (e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.
- 3 Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.

## Transportation and Access

### OBJECTIVES

- 1 A comprehensive, integrated, affordable and efficient air, rail, sea, road, cycle and pedestrian transport system that will:
  - (a) provide equitable access to a range of public, community and private transport services for all people
  - (b) ensure a high level of safety
  - (c) effectively support the economic development of the State
  - (d) have minimal negative environmental and social impacts
  - (e) maintain options for the introduction of suitable new transport technologies.
- 2 Development that:
  - (a) provides safe and efficient movement for all motorised and non-motorised transport modes
  - (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles
  - (c) provides off street parking
  - (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks.
- 3 A road hierarchy that promotes safe and efficient transportation in an integrated manner throughout the State.
- 4 Provision of safe, pleasant, accessible, integrated and permeable pedestrian and cycling networks.
- 5 Safe and convenient freight movement throughout the State.

### PRINCIPLES OF DEVELOPMENT CONTROL

#### Land Use

- 1 Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.

#### Movement Systems

- 2 Development should be integrated with existing transport networks, particularly major rail and road corridors as shown on *Location Maps* and *Overlay Maps - Transport*, and designed to minimise its potential impact on the functional performance of the transport networks.
- 3 Transport corridors should be sited and designed so as to not unreasonably interfere with the health and amenity of adjacent sensitive land uses.
- 4 Roads should be sited and designed to blend with the landscape and be in sympathy with the terrain.

Salisbury Council  
General Section  
*Transportation and Access*

- 5 Land uses that generate large numbers of visitors such as shopping centres and areas, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by existing transport networks and encourage walking and cycling.
- 6 Development generating high levels of traffic, such as schools, shopping centres and other retail areas, entertainment and sporting facilities, should incorporate passenger pick-up and set down areas. The design of such areas should ensure interference to existing traffic is minimised and give priority to pedestrians, cyclists and public and community transport users.
- 7 The location and design of public and community transport set-down and pick-up points should maximise safety and minimise the isolation and vulnerability of users.
- 8 Development should provide safe and convenient access for all anticipated modes of transport including cycling, walking, public and community transport, and motor vehicles.
- 9 Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.
- 10 Driveway crossovers affecting pedestrian footpaths should maintain the level of the footpath.
- 11 Development should discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses such as schools.
- 12 Industrial/commercial vehicle movements should be separated from passenger vehicle car-parking areas.
- 13 Development should make sufficient provision on site for the loading, unloading and turning of all traffic likely to be generated.

#### **Cycling and Walking**

- 14 Development should ensure that a permeable street and path network is established that encourages walking and cycling through the provision of safe, convenient and attractive routes with connections to adjoining streets, paths, open spaces, schools, public and community transport stops and activity centres.
- 15 Development should provide access, and accommodate multiple route options, for cyclists by enhancing and integrating with:
  - (a) open space networks, recreational trails, parks, reserves and recreation areas
  - (b) Adelaide's Metropolitan Open Space System.
- 16 Cycling and pedestrian networks should be designed to be permeable and facilitate direct and efficient passage to neighbouring networks and facilities.
- 17 New developments should give priority to and not compromise existing designated bicycle routes.
- 18 Where development coincides with, intersects or divides a proposed bicycle route or corridor, development should incorporate through-access for cyclists.
- 19 Developments should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:
  - (a) showers, changing facilities, and secure lockers
  - (b) signage indicating the location of bicycle facilities



- (c) secure bicycle parking facilities provided at the rate set out in [Table Sal/3 - Off Street Bicycle Parking Requirements](#).
- 20 Pedestrian facilities and networks should be designed and provided in accordance with relevant provisions of the *Australian Standards and Austroads Guide to Traffic Engineering Practice Part 13*.
- 21 Cycling facilities and networks should be designed and provided in accordance with the relevant provisions of the *Australian Standards and Austroads Guide to Traffic Engineering Practice Part 14*.

### Access

- 22 Development should have direct access from an all weather public road.
- 23 Development should be provided with safe and convenient access which:
  - (a) avoids unreasonable interference with the flow of traffic on adjoining roads
  - (b) provides appropriate separation distances from existing roads or level crossings
  - (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision
  - (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.
- 24 Development should not restrict access to publicly owned land such as recreation areas.
- 25 The number of vehicle access points onto arterial roads shown on *Overlay Maps - Transport* should be minimised, and where possible access points should be:
  - (a) limited to local roads
  - (b) shared between developments.
- 26 The number of access points for cyclists and pedestrians onto all adjoining roads should be maximised.
- 27 Development with access from roads with existing or projected traffic volumes exceeding 6000 vehicles per day should be sited to avoid the need for vehicles to reverse on to or from the road.
- 28 Development with access from arterial roads or roads as shown on *Overlay Maps - Transport* should be sited to avoid the need for vehicles to reverse on to or from the road.
- 29 Driveways, access tracks and parking areas should be designed and constructed to:
  - (a) follow the natural contours of the land
  - (b) minimise excavation and/or fill
  - (c) minimise the potential for erosion from run-off
  - (d) avoid the removal of existing vegetation
  - (e) be consistent with *Australian Standard AS 2890 Parking facilities*.

### Access for People with Disabilities

- 30 Development should be sited and designed to provide convenient access for people with a disability.
- 31 Where appropriate and practical, development should provide for safe and convenient access to the coast and beaches for disabled persons.

Salisbury Council  
General Section  
Transportation and Access

### Vehicle Parking

- 32 Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table Sal/2 - Off Street Vehicle Parking Requirements unless an agreement is reached between the Council and the applicant for a reduced number of parking spaces where one of the following applies:
- a financial contribution is paid into the Council Car Parking Funds specified by the Council, in accordance with the gazetted rate per car park associated with the 'Car Park Fund Areas' identified on Concept Plan Map Sal/27 - Salisbury District Centre Car Park Fund Area and Concept Plan Map Sal/29 - Ingle Farm District Centre Car Park Fund Area.
  - it can be demonstrated that fewer car parks would be required to meet the car parking needs associated with the development.
- 33 Development should be consistent with *Australian Standard AS 2890 Parking facilities*.
- 34 Vehicle parking areas should be sited and designed in a manner that will:
- facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development
  - include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network
  - not inhibit safe and convenient traffic circulation
  - result in minimal conflict between customer and service vehicles
  - avoid the necessity to use public roads when moving from one part of a parking area to another
  - minimise the number of vehicle access points to public roads
  - avoid the necessity for backing onto public roads
  - where reasonably possible, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points
  - not dominate the character and appearance of a site when viewed from public roads and spaces
  - provide landscaping that will shade and enhance the appearance of the vehicle parking areas.
- 35 Vehicle parking areas should be designed to reduce opportunities for crime by:
- maximising the potential for passive surveillance by ensuring they can be overlooked from nearby buildings and roads
  - incorporating walls and landscaping that do not obscure vehicles or provide potential hiding places
  - being appropriately lit
  - having clearly visible walkways.
- 36 Where parking areas are not obviously visible or navigated, signs indicating the location and availability of vehicle parking spaces associated with businesses should be displayed at locations readily visible to customers.

- 37 Parking areas that are likely to be used during non daylight hours should provide floodlit entrance and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the car park.
- 38 Parking areas should be sealed or paved in order to minimise dust and mud nuisance.
- 39 To assist with stormwater detention and reduce heat loads in summer, vehicle parking areas should include soft (living) landscaping.
- 40 Parking areas should be line-marked to indicate parking bays, movement aisles and direction of traffic flow.

Salisbury Council  
General Section  
Waste

## Waste

### OBJECTIVES

- 1 Development that, in order of priority, avoids the production of waste, minimises the production of waste, reuses waste, recycles waste for reuse, treats waste and disposes of waste in an environmentally sound manner.
- 2 Development that includes the treatment and management of solid and liquid waste to prevent undesired impacts on the environment including, soil, plant and animal biodiversity, human health and the amenity of the locality.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:
  - (a) avoiding the production of waste
  - (b) minimising waste production
  - (c) reusing waste
  - (d) recycling waste
  - (e) recovering part of the waste for re-use
  - (f) treating waste to reduce the potentially degrading impacts
  - (g) disposing of waste in an environmentally sound manner.
- 2 The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.
- 3 Development should avoid as far as practical, the discharge or deposit of waste (including wastewater) onto land or into any waters (including processes such as seepage, infiltration or carriage by wind, rain, sea spray, stormwater or by the rising of the water table).
- 4 Untreated waste should not be discharged to the environment, and in particular to any water body.
- 5 Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.
- 6 Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are:
  - (a) screened and separated from adjoining areas
  - (b) located to avoid impacting on adjoining sensitive environments or land uses
  - (c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system
  - (d) located on an impervious sealed area graded to a collection point in order to minimise the movement of any solids or contamination of water

- (e) protected from wind and stormwater and sealed to prevent leakage and minimise the emission of odours
- (f) stored in such a manner that ensures that all waste is contained within the boundaries of the site until disposed of in an appropriate manner.

### Wastewater

- 7 The disposal of wastewater to land should only occur where methods of wastewater reduction and reuse are unable to remove the need for its disposal, and where its application to the land is environmentally sustainable.
- 8 Wastewater lagoons should not be sited in any of the following areas:
  - (a) within land subject to a 1-in-100 year average return interval flood event
  - (b) within 50 metres of the top of the bank of a watercourse
  - (c) within 500 metres of the coastal high water mark
  - (d) where the base of the lagoon would be below any seasonal water table.
- 9 Artificial wetland systems for the storage of treated wastewater, such as wastewater lagoons, should be:
  - (a) sufficiently separated from adjoining sensitive uses to minimise potential adverse odour impacts
  - (b) sited and designed to minimise potential public health risks arising from the breeding of mosquitoes.

### Waste Treatment Systems

- 10 Development that produces any sewage or effluent should be connected to a waste treatment system that complies with (or can comply with) the relevant public and environmental health legislation applying to that type of system.
- 11 The methods for, and siting of, effluent and waste storage, treatment and disposal systems should minimise the potential for environmental harm and adverse impacts on:
  - (a) the quality of surface and groundwater resources
  - (b) public health
  - (c) the amenity of a locality
  - (d) sensitive land uses.
- 12 Waste treatment should only occur where the capacity of the treatment facility is sufficient to accommodate likely maximum daily demands including a contingency for unexpected high flows and breakdowns.
- 13 Any on-site wastewater treatment system/ re-use system or effluent drainage field should be located within the allotment of the development that it will service.
- 14 A dedicated on-site effluent disposal area should not include any areas to be used for, or could be reasonably foreseen to be used for, private outdoor open space, driveways, car parking or outbuildings.
- 15 The spreading or discharging of treated liquid or solid waste onto the ground should only occur where the disposal area consists of soil and vegetation that has the capacity to store and use the waste without contaminating soil or surface or ground water resources or damaging crops.

**Salisbury Council**  
**General Section**  
**Waste**

- 16 Stock slaughter works, poultry processors, saleyards, piggeries, cattle feedlots, milking sheds, milk processing works, fish processing works, wineries, distilleries, tanneries and fellmongeries, composting works, waste or recycling depots and concrete batching works should have a wastewater management system that is designed so as not to discharge wastes generated by the premises:
- (a) into any waters
  - (b) onto land in a place where it is reasonably likely to enter any waters by processes such as:
    - (i) seepage
    - (ii) infiltration
    - (iii) carriage by wind, rain, sea spray, or stormwater
    - (iv) the rising of the watertable.
- 17 Winery waste management systems should be designed to ensure:
- (a) surface runoff does not occur from the wastewater irrigation area at any time
  - (b) wastewater is not irrigated onto waterlogged areas, land within 50 metres of a creek, or swamp or domestic or stock water bore, or land subject to flooding, steeply sloping land, or rocky or highly permeable soil overlaying an unconfined aquifer
  - (c) wastewater is not irrigated over an area which is within 50 metres of any residence on neighbouring land or 10 metres of any type of publicly owned land
  - (d) wastewater is released using low trajectory low pressure sprinklers, drip irrigators or agricultural pipe, and is not sprayed more than 1.5 metres into the air or in fine droplets if there is a potential for the spread of diseases from the wastewater
  - (e) stormwater run-off from areas which are contaminated with grape or grape products is drained to winery waste management systems during vintage periods
  - (f) stormwater from roofs and clean hard paved surfaces is diverted away from winery waste management systems and disposed of in an environmentally sound manner or used for productive purposes.

Table Sal/2 - Off Street Vehicle Parking Requirements

## Table Sal/2 - Off Street Vehicle Parking Requirements

The following vehicle parking requirements do not apply:

- (a) to the Mixed Use (Bulky Goods, Entertainment, Leisure) Zone except where the form of development is light industry whereby the rates for Industry, warehouse, stores are applicable
- (b) to development that is subject to the requirements in [Table Sal/2A - Off Street Vehicle Parking Requirements for Designated Areas](#).

Form of Development	Number of Required Car Parking Spaces
<b>Accommodation</b>	
Aged Care / retirement home	1 space per unit
Serviced apartment	1 space per unit plus 1 space per employee
Motel	1 space per unit
<b>Commercial</b>	
Bulky goods outlet	3 spaces per 100 square metres of gross leasable floor area
Cinema	1 space per 4 cinema seats
Hotel	1 space per 2 square meters of floor area available to the public
Public bar	1 space per 6 square metres of floor area available to the public
Lounge or beer garden	1 space per 6 square metres of floor area available to the public
Gaming room	1 space per 2 machines
Office	1 space per 25 square metres, with a minimum of 4 spaces per office
Restaurant	Greater of 1 space for every 3 seats or 1 space for every 15 square metres of dining area
Service trade premises	3 spaces per 100 square metres
Shop	7 spaces per 100 square metres of gross leasable area for shops outside of centre zones 5 spaces per 100 square metres of gross leasable area for shops within centre zones
<b>Community/civic</b>	
Child care centre	1 space per 4 children
Community centre	10 spaces per 100 square metres of total floor area
Library	4 spaces per 100 square metres
Place of worship	Greater of 1 space for every 3 seats or every 3 attendees
<b>Dwellings</b>	

**Salisbury Council**  
**Table Section**  
**Table Sal/2 - Off Street Vehicle Parking Requirements**

Form of Development	Number of Required Car Parking Spaces
Detached dwelling Semi Detached Dwelling Row Dwelling	2 spaces per dwelling, one of which is to be covered
Residential flat building Multiple dwelling Group dwelling	1 space per dwelling, plus 0.5 on-site visitor car parking spaces per dwelling
Industry, warehouses, stores	
Office component	1 space per 30 square metres
Plus	Plus
Non-office component	
Up to 200 square metres	1 space per 50 square metres
Plus 200-2000 square metres	1 additional space for every 75 square metres
Plus greater than 2000 square metres	1 additional space for every 150 square metres
Or	Or
For labour intensive industries, inclusive of office component (whichever ever is greater)	0.75 car parking spaces per employee
Medical	
Consulting room	10 per 100 square metres of total floor area, with a minimum of 3 spaces per tenancy
Hospital	2.5 spaces per bed
Nursing home	1 space for every 4 beds

The following vehicle parking requirements apply to development specifically within the **Mixed Use (Bulky Goods, Entertainment and Leisure) Zone**:

Form of Development	Minimum number of required vehicle parking spaces
All forms of development (except Light Industry)	3 spaces per 100 square metres of gross leasable floor area



Salisbury Council  
Zone Section  
Rural Living Zone

## Rural Living Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

### OBJECTIVES

- 1 A zone consisting of large allotments, detached dwellings and rural activities that do not adversely impact the amenity of the locality.

### PRINCIPLES OF DEVELOPMENT CONTROL

#### Land Use

- 1 The following forms of development are envisaged in the zone:
  - detached dwelling
  - domestic outbuilding in association with a detached dwelling
  - domestic structure
  - dwelling addition
  - farming
  - farm building
  - stable.
- 2 Development listed as non-complying is generally inappropriate.
- 3 There should be no more than one dwelling per allotment and an additional dwelling should only occur where it achieves all of the following:
  - (a) it is located on an allotment which has an existing detached dwelling
  - (b) it is designed as an integral extension of the existing detached dwelling
  - (c) it is constructed of materials which are of a colour and texture to match the existing detached dwelling
  - (d) it results in a building containing no more than 2 dwellings
  - (e) the resultant building retains a character, scale and external appearance resembling a detached dwelling.
- 4 Commercial, industrial, or retail activities should not be undertaken within the zone.
- 5 An office or consulting room should only be developed in association with a detached dwelling such that the component floor area used as an office or consulting room does not exceed a total of 50 square metres.
- 6 The keeping of animals should be ancillary to and in association with the residential use of the land.
- 7 The keeping of horses should only be undertaken:
  - (a) if the horses are accommodated within a stable or shelter with supplementary feeding to maintain pasture cover
  - (b) where the site is at least 4 hectares in area to maintain pasture cover and avoid soil degradation.

**Form and Character**

- 8 Rural activities should be of a scale and intensity that is compatible with residential development in the zone.
- 9 Development should be designed and sited to ensure that fire-fighting vehicles can gain access to the rear of an allotment and are able to enter and leave in a forward direction.

**Land Division**

- 10 Land division that results in separate allotments for two existing or proposed attached dwellings should not be undertaken within the zone.

Salisbury Council  
Zone Section  
Rural Living Zone  
Bolivar Policy Area 19

## Bolivar Policy Area 19

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this policy area.

### OBJECTIVES

- 1 A policy area that accommodates low density residential development and stables on large allotments.
- 2 Residential development in association with the keeping of horses in close proximity of the South Australian Trotting Club (Globe Derby Park) facilities.
- 3 Development that contributes to the desired character of the policy area.

### DESIRED CHARACTER

The policy area encompasses land set aside for persons desiring to live within detached dwellings on allotments that also accommodate stables. Uses within the site are generally linked to the Globe Derby Park sporting venue.

### PRINCIPLES OF DEVELOPMENT CONTROL

#### Land Use

- 1 The following forms of development are envisaged in the policy area:
  - detached dwellings on large allotments
  - domestic outbuilding in association with a detached dwelling
  - horse keeping
  - stables.

#### Form and Character

- 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.
- 3 Development should be designed and sited to allow for the orderly expansion of residential development and horse keeping.
- 4 Buildings should be set-back at least 30 metres from the top of the banks of the Little Para River west of Port Wakefield Road.

#### Land Division

- 5 Land division should only be undertaken where all resulting allotments achieve the following:
  - (a) a minimum site area of not less than 4000 square metres
  - (b) a frontage to a public road of not less than 25 per cent of the average depth of the allotment.

## Direk Policy Area 20

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this policy area.

### OBJECTIVES

- 1 A policy area that accommodates residential rural activities that would not be adversely affected by aircraft noise.
- 2 Development that contributes to the desired character of the policy area.

### DESIRED CHARACTER

The area is characterised by rural uses and features. Land uses within the area generally include detached dwellings, horticultural and horse keeping activities. The area adjoins the RAAF Edinburgh Air Base, and thereby should recognise associated limitation of development.

### PRINCIPLES OF DEVELOPMENT CONTROL

#### Land Use

- 1 The following forms of development are envisaged in the policy area:
  - detached dwelling
  - farming
  - horse keeping
  - horticulture.
- 2 Development that would be adversely affected by aircraft noise nuisance should not be undertaken in this policy area (e.g. hospitals, schools, places of worship).

#### Form and Character

- 3 Development should be designed to limit the constraints imposed by the existing and forecast noise nuisance from the Edinburgh Base.

#### Land Division

- 4 Land division should only be undertaken if the division results in allotments having:
  - (a) an area of not less than 1 hectare
  - (b) a frontage to a public road of not less than 25 per cent of the average depth of the allotment.

Salisbury Council  
Zone Section  
Rural Living Zone

## PROCEDURAL MATTERS

### Complying Development

Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*.

### Non-complying Development

Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of development	Exceptions
Advertisement and/or advertising hoarding	Advertisement and/or advertising hoarding where the development achieves at least one of (a) or (b): <ul style="list-style-type: none"> <li>(a) is adjacent to a road with a speed limit of less than 80 km/h</li> <li>(b) has an advertisement area of 2 square metres or less and achieves all of the following: <ul style="list-style-type: none"> <li>(i) the message contained thereon relates entirely to a lawful use of land</li> <li>(ii) the advertisement is erected on the same allotment as the use it seeks to advertise</li> <li>(iii) the advertisement will not result in more than two advertisements on the allotment.</li> </ul> </li> </ul>
Amusement machine centre	
Bed and breakfast for more than 6 guests	
Bulky Goods Outlet	
Caravan park	
Consulting room	Except where it achieves all of the following: <ul style="list-style-type: none"> <li>(a) it is ancillary to and in association with a detached dwelling</li> <li>(b) the maximum component floor area used as a consulting room does not exceed 50 square metres.</li> </ul>
Crematorium	
Dairy	
Dwelling	Except where it achieves one of the following: <ul style="list-style-type: none"> <li>(a) it is a detached dwelling that results in no more than one dwelling per allotment</li> <li>(b) it is a second dwelling and it is attached to an existing detached dwelling.</li> </ul>
Fuel depot	
Hotel	
Industry	
Intensive animal keeping	

Form of development	Exceptions
Land division	Except where it achieves one of the following: (a) it is located within the <b>Bolivar Policy Area 19</b> and all resulting allotments are at least 4000 square metres (b) it is located within the <b>Direk Policy Area 20</b> and all resulting allotments are at least 1 hectare.
Major public service depot	
Motor repair station	
Office	Except where it achieves all of the following: (a) it is ancillary to and in association with a detached dwelling (b) the maximum component floor area used as an office does not exceed 50 square metres.
Road transport terminal	
Service trade premises	
Shop or group of shops	Except where the gross leasable area is less than 250 square metres.
Stock sales yard	
Stock slaughter works	
Store	
Warehouse	
Waste reception, storage, treatment or disposal	
Wrecking yard	

#### Public Notification

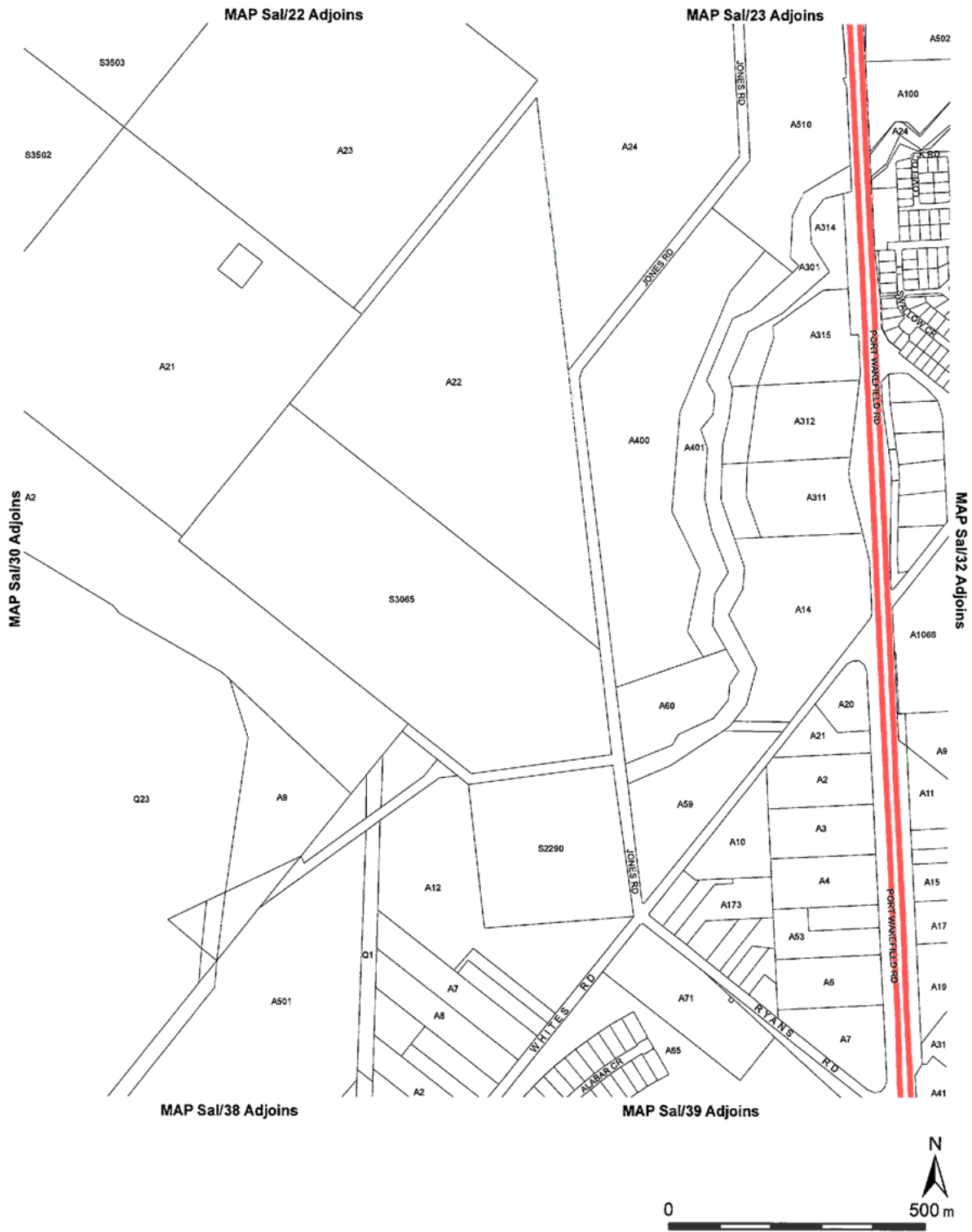
Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

Further, the following forms of development (except where the development is classified as non-complying) are designated:

Category 1	Category 2
Farming	
Farm building	
Horticulture	
Stable	



Item 5.1.1 - Attachment 5 - Relevant Development Plan Exrtacts and Location Maps, Consolidated 5 May 2016

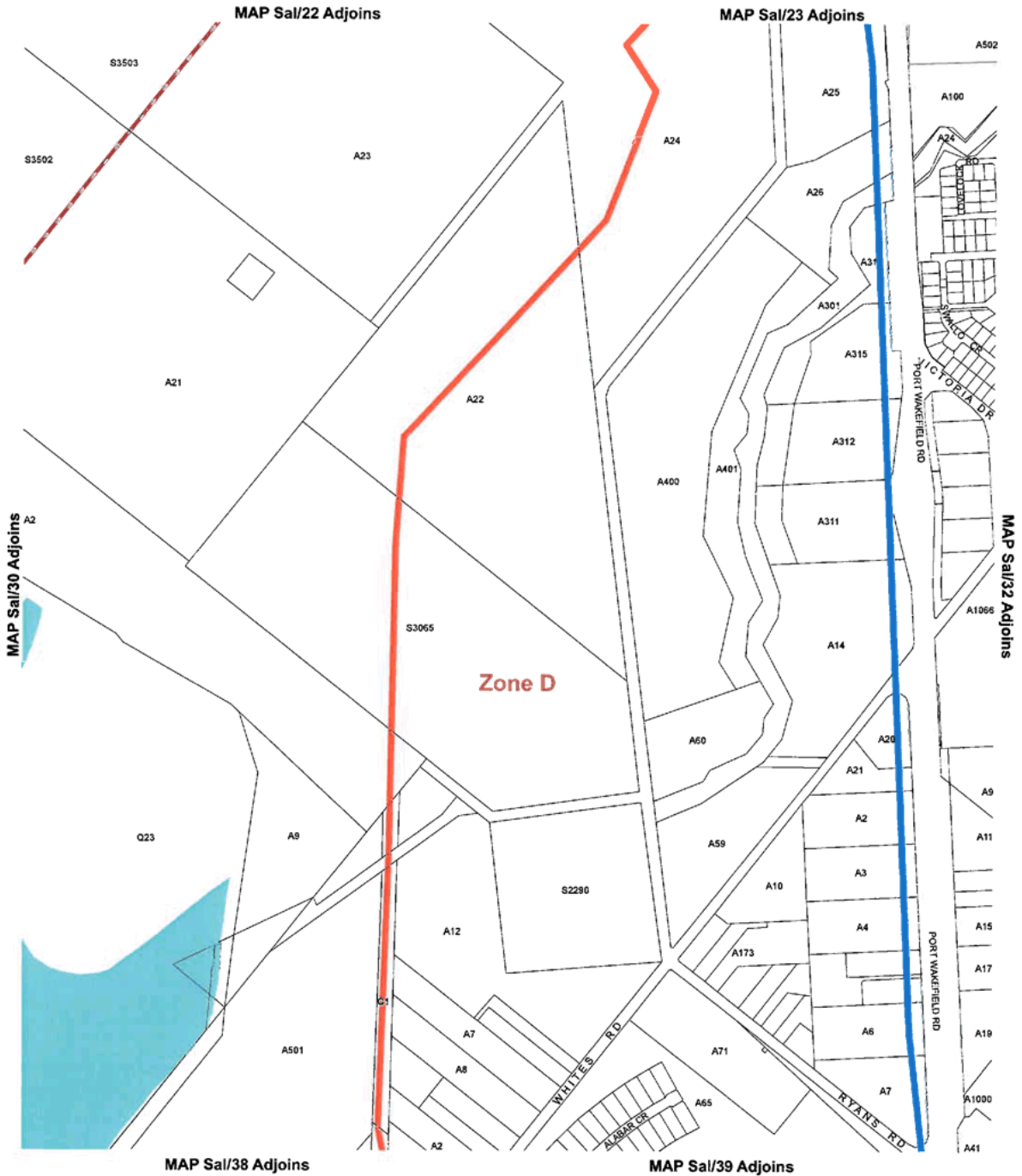


Primary Arterial Roads





# Overlay Map Sal/31 TRANSPORT

SALISBURY COUNCIL  
Consolidated - 5 May 2016





Airport Building Heights  
 Zone D All Structures Exceeding 45 metres above existing ground level

-  Epic Energy Gas Pipeline
-  South East Australia Gas Pipeline
-  Airport Building Heights
-  Coastal Acid Sulfate Soils

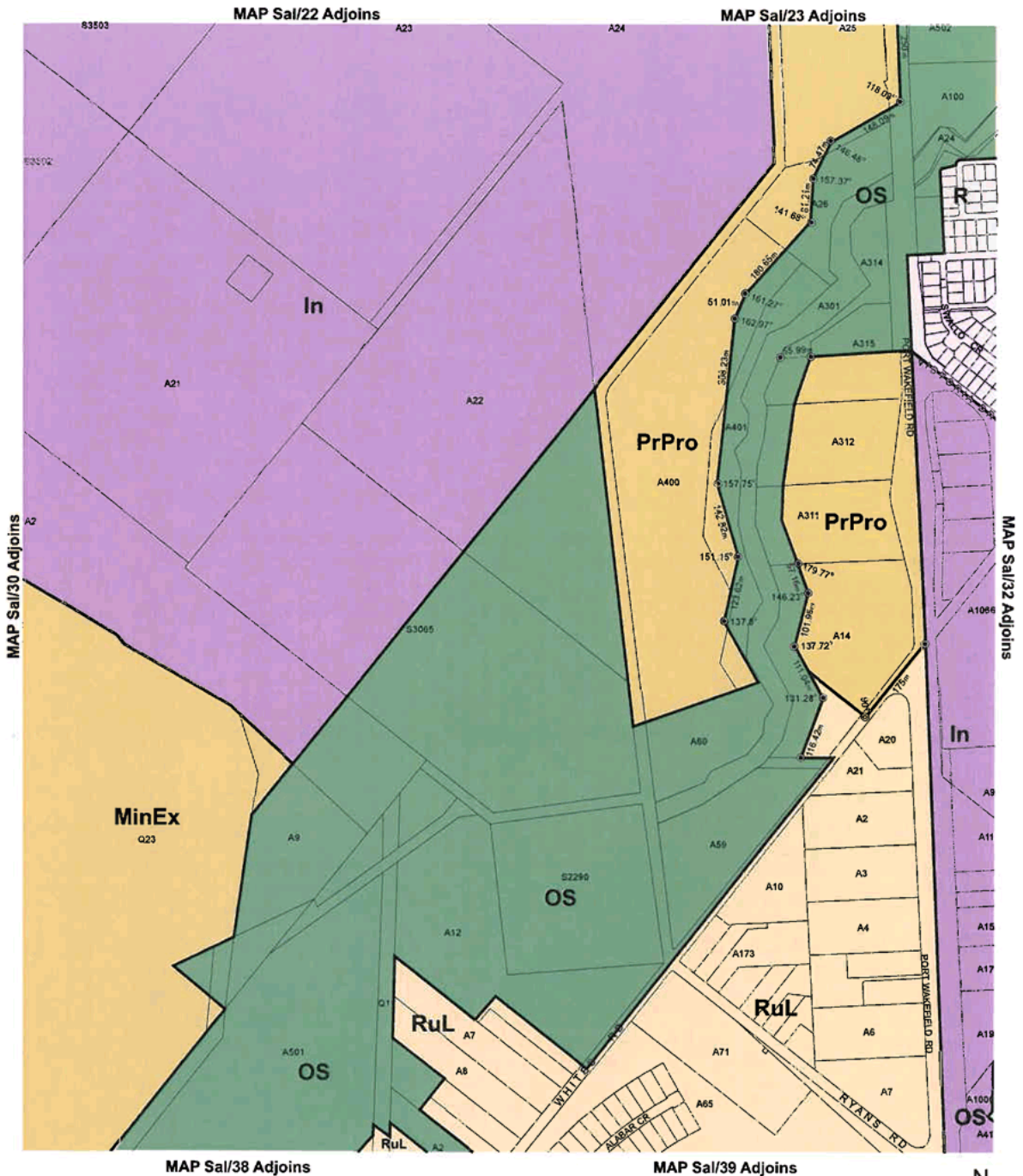
# Overlay Map Sal/31

## DEVELOPMENT CONSTRAINTS

SALISBURY COUNCIL  
 Consolidated - 5 May 2016

Item 5.1.1 - Attachment 5 - Relevant Development Plan Exrtracts and Location Maps, Consolidated 5 May 2016



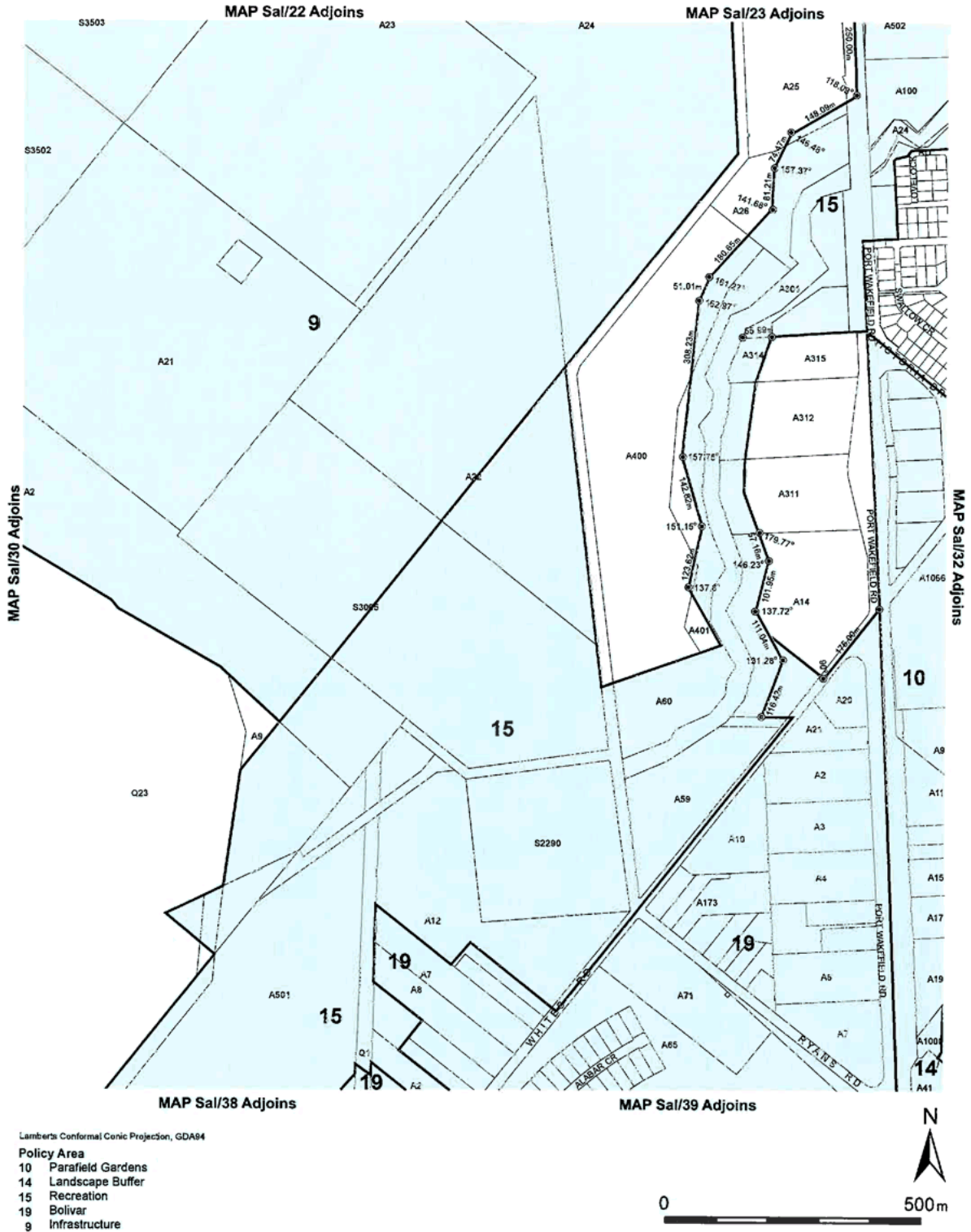


Lamberts Conformal Conic Projection, GDA94

- Zones**
- In Industry
  - MinEx Mineral Extraction
  - OS Open Space
  - PrPro Primary Production
  - R Residential
  - RuL Rural Living
  - Zone Boundary

## Zone Map Sal/31

SALISBURY COUNCIL  
Consolidated - 5 May 2016



# Policy Area Map Sal/31

**SALISBURY COUNCIL**  
Consolidated - 5 May 2016

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<b>ITEM</b>	5.2.1
	<b>COUNCIL ASSESSMENT PANEL</b>
<b>DATE</b>	24 October 2017
<b>HEADING</b>	Council Assessment Panel General Operating Procedures
<b>AUTHOR</b>	Chris Zafiroopoulos, Manager Development Services, City Development
<b>SUMMARY</b>	Council has appointed the City of Salisbury Council Assessment Panel. This report provides information for the Panel to determine its operating procedures.

### **RECOMMENDATION**

1. That the City of Salisbury Council Assessment Panel General Operating Procedures forming an attachment to the agenda report be adopted.
2. That \_\_\_\_\_ be appointed as the Deputy Presiding Member to the Council Assessment Panel for the term to 31 May 2019.

### **ATTACHMENTS**

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

1. Draft Council Assessment Panel General Operating Procedures
2. Delegation Policy
3. Council Assessment Panel Delegations
4. Appendix A - Regulations

### **1. BACKGROUND**

- 1.1 The State Government has commenced the staged implementation of the Planning, Development and Infrastructure Act 2016 (PDI Act) with the proclamation of the first components of the new system on 1 April 2017.
- 1.2 The implementation includes the introduction of the new Council Assessment Panels, to replace the Development Assessment Panels from 1 October 2017.
- 1.3 The Council Assessment Panel (CAP) was determined by Council on 28 August 2107.
- 1.4 The Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017 provide that a CAP may establish its own procedures where not prescribed by the Regulations.
- 1.5 This report provides draft general operating procedures for the Panel's consideration and endorsement.

## 2. REPORT

2.1 Council has made the following appointments to the CAP:

- Mr Doug Wallace Presiding Member.
- Mr Ross Bateup Independent Member
- Ms Stephanie Johnson Independent Member
- Mr John Watson Independent Member
- Ms Linda Caruso Elected Member

2.2 Council has also determined to appoint Mr Steve White as the Deputy Elected Member.

2.3 The Independent Members have been appointed for a term concluding 31 May 2019. The Elected Member and Deputy Elected Member have been appointed until 30 November 2018.

### Appointment of Acting Presiding Member

2.4 The PDI Act provides that Council should establish a process for appointing the Acting Presiding Member. Council has resolved that the CAP determine the appointment of the Acting Presiding Member in their procedures. A proposed procedure is contained in clauses 3.6 and 3.7 of the draft operating procedure for the Panel's consideration, together with a draft resolution in this report.

### Appointment of Deputy Members

2.5 The PDI Act provides for the establishment of Deputy Members for the CAP. This effectively provides a proxy for members. Attendance of members to the previous Panel has been very high at over 90% and Council resolved that Deputy Members for the Independent Members is not required. Council did resolve however to appoint a deputy to the Elected Member on the Panel given the CAP now has a single Elected Member.

2.6 Council has determined that the CAP incorporate within their operating procedure the process for the attendance of the Deputy Elected Member. A proposed procedure is contained in clause 4 of the draft operating procedure for the Panel's consideration.

### Appointment of Additional Members

2.7 The PDI Act allows a CAP to appoint Additional Members (up to two) to deal with a matter that it must assess as the relevant authority. These members will need to be accredited (when the scheme is released) and will be taken to be a member of the CAP, but will not have voting rights. The Additional Member is intended to provide the Panel with specific skills / qualifications in a specialised area, in what is effectively an advisory role. Examples of Additional Members that have been suggested include persons with expertise in liquor license matters or mining.

2.8 While the PDI Act provides this power to the CAP, there does not appear to be any current specific circumstance to warrant an additional member for the CAP. Typically expert advice is provided to the Panel for its deliberations either from staff and / or consultants, and this expert is made available to answer questions from the Panel.

- 2.9 Council has determined that the CAP should establish a procedure to appoint an Additional Member, given it is provided this power under the PDI Act and should a circumstance arise in the future where the CAP seeks to appoint an Additional Member. The Additional Member will be bound by Council's conditions of appointment that applies to all members and the operating procedures established by the Panel. A proposed procedure is contained in clause 5 of the draft operating procedure for the Panel's consideration.

### **General Operating Procedures**

- 2.10 Draft general operating procedures are provided in Attachment 1 for the Panel's consideration.
- 2.11 The draft procedures have been prepared by modifying the procedures of the previous Development Assessment Panel and having regard to the requirements of the Regulations and model procedures released by the Local Government Association.
- 2.12 The key changes are shown in highlighted text, including matters discussed above and encompass:
- 2.12.1 Clause 1 - to provide clarity about the statutory role of the Panel.
  - 2.12.2 Clause 2.5 & 2.8 – provide a process for holding a special meeting or the inclusion of late items on the agenda.
  - 2.12.3 Clause 4 – provides the procedure to be adopted for the appointment of the Deputy Elected Member.
  - 2.12.4 Clause 5 – provides the procedure to appoint Additional Members.
  - 2.12.5 Clause 6.9 – includes reference to the Planning and Design Code, in the event parts of the code are released during this term of the Panel.
  - 2.12.6 Clause 6.14 – provides the Presiding Member the opportunity to exclude invalid representations.
  - 2.12.7 Clause 7.2.2 – provides for the inclusion of the names of members who are apologies at meetings.
  - 2.12.8 Clause 7.2.8 – includes an updated reference to the Minister's Code of Conduct.
  - 2.12.9 Appendix A – contains the procedures in the Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017.

### **Code of Conduct and Investigations**

- 2.13 The Regulations assign investigations in relation to a member's compliance with the Code of Conduct to the State Planning Commission. This replaces the current role of the Public Officer under the Development Act 1993. The Minister has the power to direct Council to substitute members on the recommendation of the State Planning Commission.

- 2.14 The PDI Act provides that Council should also determine a procedure for removing members but it does not prescribe grounds for removal or a process that should be followed. Council has determined its procedures in the *Appointment of the Council Assessment Panel Procedure*, which has been provided to all members.

### Delegations

- 2.15 The staged introduction of the PDI Act means that parts of the Development Act 1993 will continue to apply where not explicitly stated in the transitional provisions. The Development Act requires Council to delegate authority to determine applications to a Panel or a delegated officer.
- 2.16 The CAP will continue to deal with non-complying development applications; applications where representors wish to make a verbal submission; or applications that are deemed to be complex, controversial or of such significance to warrant the determination of the Panel. A copy of the Council Delegation Policy and the delegations to the CAP is provided in Attachment 2 and 3.

### Assessment Manager

- 2.17 The PDI Act requires the appointment of an Assessment Manager to each CAP. The Assessment Manager is responsible for:
- 2.17.1 Acting as a relevant authority as provided under PDI Act and is not subject to direction by an assessment panel or any other person in this capacity.
  - 2.17.2 Managing the staff and operations of the assessment panel in relation to which the assessment manager has been appointed.
  - 2.17.3 Providing advice to the assessment panel (as appropriate).
- 2.18 The appointment is made by the Chief Executive of Council and the Manager Development Services has been appointed for this purpose.

## 3. CONCLUSION / PROPOSAL

- 3.1 The draft Council Assessment Panel General Operating Procedures are presented for the Panel's consideration and for formal adoption.

### CO-ORDINATION

Officer:	GMCiD	MDS
Date:	6.10.17	6.10.17





## COUNCIL ASSESSMENT PANEL

### General Operating Procedures

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*Adopted* –(insert date)

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These Meeting Procedures are to be read in conjunction with the meeting procedures contained within the Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017. (Refer Appendix A).

## **1 Purpose**

1.1. The purpose of the Council Assessment Panel (CAP) is to determine development applications made under the Planning Development and Infrastructure Act 2016 (or, during the transition to the PDI Act, the Development Act 1993) that are delegated from Council. The Panel may also provide advice to Council on trends, issues and other matters relating to planning or development matters.

1.2. The Panel acknowledges that in performing its statutory function, it is bound by the:

1.2.1 Code of conduct adopted by the Minister for Planning.

1.2.2 Objects, Planning Principles and General Responsibilities under the Planning, Development and Infrastructure Act 2016.

1.2.3 Operating procedures established by the Panel.

## **2 Timing & Notice of Meetings**

### *Meeting time and place*

- 2.1. CAP meetings will be scheduled by the CAP on the fourth Tuesday of the month, or another date as determined by the Presiding Member, subject to there being business to consider.
- 2.2. The CAP will meet in the Council Civic Centre at 12 James Street Salisbury or at such other place as the Presiding Member may determine.

### *Notice of meeting*

- 2.3. The Assessment Manager pursuant to the Planning Development and Infrastructure Act 2016 must provide written notice detailing the date, time and place of a meeting to all CAP members at least three working days before the meeting. The notice shall include the Agenda for the meeting.
- 2.4. Notice of CAP meetings may be given to CAP members by email, to an email address nominated by a CAP Member, or by personal delivery or post to the usual residence of a CAP Member, or via such other means as authorised by a CAP Member.

*Viewing agenda*

- 2.5. A copy of the Agenda for every ordinary meeting of the CAP shall be available for viewing by the public at the Council's offices and on the Council's web site at least three working days before the meeting of the CAP. The three working days notice shall not apply to a special meeting of the CAP under clause 2.6, or to an item included by the Assessment Manager under clause 2.8, in which cases the agenda will be made available for viewing by the public as soon as practicable.

*Special meeting*

- 2.6. A special meeting of the CAP may be convened by the Presiding Member, at any time, to consider urgent business by giving not less than two working days written notice to all CAP Members.
- 2.7. Notice of a special meeting of the CAP must be accompanied by an Agenda stating the item(s) of business for which the meeting has been convened. A special meeting must only deal with the business for which the meeting has been convened.

*Late items*

- 2.8. The Assessment Manager may, with leave or at the request of the Presiding Member, include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to CAP Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public in accordance with clause 2.5.

**3 Commencement of Meetings & Quorum**

- 3.1. CAP Meetings will be conducted in accordance with the requirements of the Planning, Development and Infrastructure Act 2016 ('the PDI Act'), Development Act 1993 ('the Act') and these Operating Procedures.
- 3.2. Meetings will commence on time, or as soon as a quorum is present. If a quorum is not present within thirty minutes of the time for commencement, the Presiding Member may adjourn the meeting to the next scheduled meeting time and date, or to another time and date.
- 3.3. A quorum for a meeting of the CAP is three (3) CAP Members.
- 3.4. If the number of apologies received by the Assessment Manager in advance of a meeting indicate that a quorum will not be present at a meeting, the Presiding Member may, by notice from the Assessment Manager, provide to all CAP Members in advance of the meeting, a notice adjourning the meeting to a future time and date as specified in the notice (a copy of this notice will be displayed at the Council Offices and on the Council's website).

- 3.5. If a meeting is required to be adjourned by the Presiding Member, the reason for the adjournment, and the date and time to which the meeting is adjourned will be recorded in the Minutes.

*Deputy Presiding Member*

- 3.6. A Deputy Presiding Member of the CAP must be appointed by resolution of the CAP, and will preside at any meeting, or part thereof, when the Presiding Member is not present.
- 3.7. If both the Presiding Member and Deputy Presiding Member are absent from a CAP meeting (or part thereof), a CAP Member will be appointed from those present by means of resolution, and will preside at the meeting. That member will have all of the powers and duties of the Presiding Member.

*Meeting behavior*

- 3.8. Subject to the PDI Act and these Operating Procedures, the Presiding Member will facilitate the meeting in a manner which promotes relevant, orderly, constructive, respectful and expeditious discussion, but not repetitious discussion, with the intent of ensuring well-informed decisions and debate leading to a determination of any matters before the Panel.
- 3.9. The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by a CAP Member, an applicant, a representor, or any other person present at the CAP meeting, until such time as the disruption or disturbance ceases.
- 3.10. The Presiding Member may ask a member of the public who is present at a meeting of a CAP, who is:
  - 3.10.1 behaving in a disorderly manner; or
  - 3.10.2 causing an interruption; or
  - 3.10.3 using audio and video recording devices without the prior agreement of the Presiding Member,  
to leave the meeting.

#### **4 Appointment of Deputy Elected Member**

- 4.1. A Deputy Elected Member has been appointed to the CAP in the event the Elected Member on the CAP is not available for a meeting or part meeting.
- 4.2. The Deputy Elected Member will attend when:
  - 4.2.1 The Elected Member notifies the Presiding Member of their unavailability before the meeting; and
  - 4.2.2 The Deputy Elected Member receiving the Agenda for the meeting three days prior to the meeting.
- 4.3. Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes a Deputy Elected Member.

#### **5 Appointment of Additional Members**

- 5.1. The CAP may appoint up to two Additional Members in accordance with Section 85 of the PDI Act.
- 5.2. Where the CAP has appointed Additional Member(s), the Presiding Member, in consultation with the Assessment Manager, may invite one or both Additional Members to attend any meeting (or part thereof) where he or she considers the Additional Member(s) will, by virtue of their qualifications, expertise or experience, assist the CAP in dealing with a matter that it must assess under the PDI Act (or, during the transition to the PDI Act, the Development Act 1993).
- 5.3. A request that an Additional Member attend a meeting must be made in writing and be accompanied by the notice for the meeting in accordance with clause 2.6, highlighting the item(s) the Additional Member is required to consider.
- 5.4. Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes an Additional Member, save that an Additional Member is not able to vote on any matter arising for determination by the CAP.

#### **6 Decision Making**

- 6.1. The CAP will conduct its meetings, and undertake all considerations, in accordance with the PDI Act (or, during the transition to the PDI Act, the Development Act).

##### *Public meetings*

- 6.2. Subject to circumstances where it excludes the public from attendance at a meeting or part thereof pursuant to Part 13 of the Development, Infrastructure (General) (Assessment Panels) Variation Regulations 2017, the Panel will generally discuss and determine applications for Development Plan Consent in public.

##### *Member participation*

- 6.3. The Presiding Member will invite all Panel members to speak on any matter before the Panel prior to calling for a motion.
- 6.4. Subject to a CAP Member not having a direct or indirect personal or pecuniary interest in a matter before the CAP (other than an indirect interest that exists in common with a substantial class of persons), each CAP Member present at a meeting of the CAP must vote on a question arising for decision.

*Decisions by consensus*

- 6.5. Decisions of the Panel will be where possible by consensus determined through debate and discussion of the agenda item, and where a consensus is reached the Presiding Member shall then call for a mover and put the matter to a formal vote to confirm the consensus.

*Decisions by vote*

- 6.6. Where it is evident through debate and discussion that a consensus will not be reached by the Panel, the Presiding Member shall call for a mover and a seconder and put the matter to a formal vote to determine.
- 6.7. Each CAP Member present at a meeting is entitled to one vote on any matter arising for decision and, if the votes are equal, the Member Presiding at the meeting is entitled to a second or casting vote.
- 6.8. All decisions of the CAP shall be made on the basis of a majority decision of the Members present and the Minutes shall record that decision only (Votes for/against will not be recorded, and are not relevant once the majority is determined).

*CAP considerations*

- 6.9. The CAP must use the **Development Plan or Planning and Design Code (as may be relevant to the particular application under consideration), referred to hereafter as the Planning Rules**, as the basis for its decisions, having had regard to any relevant written and verbal representations made in accordance with the provisions of the Act, or any other relevant legislation.

*Seriously at variance*

- 6.10. The CAP will, for each and every application, determine whether the proposal is seriously at variance with the Planning Rules, and expressly record its determination on this matter in the Minutes. If the CAP determines that the proposal is seriously at variance with the Planning Rules, the CAP must provide reasons for its determination, and must expressly record those reasons in the Minutes.
- 6.11. A development application that is assessed by the CAP as being seriously at variance with the Planning Rules will be refused.

*Reasons for decision*

- 6.12. The CAP must, for each and every application, provide reasons for granting

or refusing Planning Rules Consent, and for the imposition of any conditions, and express or record those reasons in the Minutes.

*Representations*

- 6.13. Subject to the Act, a person who has lodged a valid representation in relation to a Category 2 or 3 development application, and has indicated their desire to be heard on their representation, is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent.

- 6.14. The Presiding Member may in his or her discretion exclude:

6.14.1 a representation or response to representation(s) which is received out of time; or

6.14.2 a representation or response to representation(s) which is otherwise invalid.

*Speaking time*

- 6.15. Applicants and Representors will be allowed five minutes to address the CAP, unless a longer time is allowed by the Presiding Member. Where a person is nominated in a representation or by notice of the representors as representing three or more representors (including themselves) the Presiding Member may allow a longer time to address the Panel. Where an applicant is responding to a significant number of representations or a significant number of issues raised in representations, the Presiding Member may allow a longer time to address the Panel.

*Hearing applicants*

- 6.16. Should there be no Representor wishing to be heard for a non-complying development application, Category 2 or Category 3 development application, and the recommendation is for a refusal, the Applicant will be entitled to appear before the CAP and be heard in support of the application. Applicants will be allowed five minutes to address the CAP, unless a longer time is allowed by the Presiding Member.
- 6.17. Should there be no Representor wishing to be heard for a non-complying development application, Category 2 or Category 3 development application, and the recommendation is for approval, the Presiding Member may allow the Applicant to address the Panel to seek clarification and/or further information that may be required by the Panel in order to determine the application.

*Additional material*

- 6.18. At the discretion of the Presiding Member, any new or additional material to be submitted to the CAP by a person who has made a development application or a valid representation in relation to a matter may be accepted and considered by the CAP. A copy of any additional material accepted shall be provided to the applicant or representors by the party presenting the additional material.



*Member's participation*

- 6.19. A CAP Member may ask questions of any person appearing before the CAP. Subject to the Presiding Member's determination, all questions shall be relevant to the subject of the development application before the panel.

**7 Minutes and Reporting**

- 7.1. The Assessment Manager is responsible for ensuring that accurate Minutes are kept of Panel meetings and that they are confirmed by the Panel and signed by the Presiding Member.

- 7.2. The Minutes of the proceedings of a CAP meeting will record:

7.2.1 the names of the CAP Members present;

7.2.2 the names of all CAP Members from whom apologies have been received;

7.2.3 the name and time that a CAP Member enters or leaves the meeting;

7.2.4 the name of a person who has made a representation to the CAP at the meeting;

7.2.5 the decision of the CAP, including the express opinion of the CAP on whether the proposed development is seriously at variance with the Planning Rules (including reasons as appropriate);

7.2.6 reasons for granting or refusing Planning Rules Consent, and for the imposition of any conditions on a Planning Rules Consent;

7.2.7 in the absence of a decision, the deferral of the application including the reasons for the deferral;

7.2.8 any disclosure of a conflict of interest made by a Member pursuant to the Code of Conduct adopted by the Minister under Clause 1(1)(c) of Schedule 3 of the Act (Code of Conduct), and the nature of the Interest;

7.2.9 a decision to exclude public attendance; and

7.2.10 a notation, describing the confidential nature of the information and matter, in the event a matter has been excluded from the Minutes.

7.3. Minutes shall not be formal Minutes of a meeting until adopted by the CAP at its next meeting. This does not, however, preclude the issue of a Decision Notification under the Act, or advising of the determination of the CAP of Development Applications immediately after a meeting at which the CAP determined the particular application.

7.4. On the adoption of the Minutes, the Presiding Member will:

7.4.1 initial each page of the Minutes, which pages are to be consecutively numbered; and

7.4.2 place his or her signature and the date of adoption at the foot of the last page of the Minutes.

7.4.3 The Minutes of a CAP meeting must be forwarded to the Council and must be publicly available within two business days after their confirmation by the CAP.

*Annual report*

7.5. The Panel shall prepare and consider an Annual Report for presentation to the Council via the appropriate Standing Committee. The Annual Report may be presented by the Presiding Member and may contain (but not be limited to) statistical information in relation to the number of items considered, the outcomes of decisions on those items, and matters identified by the Panel in the course of its assessment of development applications that warrant referral to Council for consideration of Planning Rules policy, legislative, or procedural change.

7.6. The Annual Report shall be presented to Council on or around the anniversary date of the appointment of the Panel, subject to Council meeting timing.

## **8 CAP Procedures & Support**

### *Additional procedures*

- 8.1. Insofar as the Act and these Operating Procedures do not prescribe the procedure to be followed at a CAP meeting, the CAP may determine the procedure at the time. Any such determination may be added to these Operating Procedures.

### *Staff Participation*

- 8.2. The CAP will permit and encourage the active participation of Council staff in attendance at a meeting in providing advice to the CAP.

### *Assistance*

- 8.3. The CAP may call for and consider such professional assistance from Council staff and other professional advisors as it deems necessary and appropriate.

### *Electronic communication*

- 8.4. For the purpose of facilitating constructive debate on a development application under consideration by CAP, electronic communication or other telecommunication devices may be acceptable delivery method, at the discretion of the Presiding Member, for the purpose of conducting the meeting and hearing verbal representation from a person, or their representative, in support of their representation concerning a development application, and providing the applicant, or their representative, the opportunity to verbally respond to any relevant matter. Should electronic communication or other telecommunication devices be utilised they should ensure fair and equitable communication to all attendees to the CAP meeting.
- 8.5. Should electronic communication or other telecommunication devices be utilised for the conduct of a CAP meeting, all voting shall be conducted on the voices, with the Presiding Member verbally acknowledging each individual vote before declaring the outcome of the vote, and noted in the minutes of the meeting, consistent with *Part 6: Decision Making* of the Operating Procedures.
- 8.6. Should electronic communication or other telecommunication devices be utilised for the conduct of a CAP meeting, the Presiding Member and the Assessment Manager shall be present at the meeting place as nominated in the CAP Agenda for that meeting.

## Appendix A

No 209 of 2017 published in *Gazette 1.8.2017 p 3051*

South Australia

### **Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017**

under the *Planning, Development and Infrastructure Act 2016*

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- 3 Variation provisions

##### **Part 2—Variation of *Planning, Development and Infrastructure (General) Regulations 2017***

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#### **Part 1—Preliminary**

##### **1—Short title**

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017*.

##### **2—Commencement**

These regulations will come into operation on 1 October 2017.

##### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Planning, Development and Infrastructure (General) Regulations 2017***

### **4—Substitution of heading to Part 2**

Heading to Part 2—delete the heading and substitute:

### **Part 2—Administration and structural matters**

### **5—Variation of regulation 8—Disclosure of financial interests**

Regulation 8—after subregulation (12) insert:

- (13) For the purposes of paragraph (b) of the definition of *relevant official* in clause 1(1) of Schedule 1 of the Act in relation to an assessment panel appointed by a council, the chief executive officer of the council is prescribed as the relevant official.

### **6—Insertion of regulation 11**

After regulation 10 insert:

#### **11—Compliance with code of conduct—assessment panels**

- (1) In this regulation—  
*code of conduct* means the code of conduct to be observed by members of an assessment panel adopted by the Minister under clause 1(1)(c) of Schedule 3 of the Act.
- (2) A person may make a complaint to the Commission if the person believes that a member of an assessment panel has acted in contravention of the code of conduct.
- (3) A complaint must—
  - (a) be in writing; and
  - (b) contain particulars of the allegation on which the complaint is based; and
  - (c) be verified by statutory declaration.
- (4) Except with the approval of the Commission, a complaint must not be lodged with the Commission more than 6 months after the day on which the complainant first had notice of the matters alleged in the complaint.
- (5) The Commission may require the complainant to give further particulars of the complaint (verified, if the Commission so requires, by statutory declaration).
- (6) The Commission may refuse to entertain a complaint or, having accepted a complaint for investigation, may refuse to continue to entertain a complaint, if it appears to the Commission—
  - (a) that the complainant does not have a sufficient interest in the matter to which the complaint relates; or

**Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017**  
*Variation of Planning, Development and Infrastructure (General) Regulations 2017—Part 2*

- (b) that the matter raised by the complaint is trivial; or
  - (c) that the complaint is frivolous or vexatious or is not made in good faith; or
  - (d) that there is some other good reason not to proceed (or further proceed) with the matter under this regulation.
- (7) The Commission may, as the Commission's first step in dealing with a complaint, refer the matter to the member of the assessment panel to whom the complaint relates for a response.
- (8) The Commission may take such further action as the Commission thinks fit (including deciding not to proceed further with the matter).
- (9) The Commission may, whether or not the Commission has acted under subregulation (7), appoint a person to investigate a complaint.
- (10) If the Commission appoints an investigator—
- (a) the Commission must inform the member of the assessment panel to whom the complaint relates of the appointment of an investigator and furnish formal notification of the nature of the complaint; and
  - (b) the investigator must conduct an investigation into the complaint as soon as practicable after the appointment has been made; and
  - (c) the investigator must give the member of the assessment panel to whom the complaint relates a reasonable opportunity to make representations to the investigator about the complaint; and
  - (d) the investigator may require—
    - (i) the complainant; and
    - (ii) the member of the assessment panel to whom the complaint relates,
 to provide to the investigator any document or other information relevant to the investigation of the complaint (verified, if the investigator so requires, by statutory declaration); and
  - (e) the investigator—
    - (i) must otherwise comply with the rules of natural justice; and
    - (ii) subject to subparagraph (i), may conduct the investigation in such a manner as the investigator thinks fit (including by undertaking such other consultations and undertaking such other inquiries as the investigator thinks fit).

**Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017**  
*Variation of Planning, Development and Infrastructure (General) Regulations 2017—Part 2*

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- (11) If during an investigation the investigator is satisfied that there is a matter about which another complaint could have been made against the member of the assessment panel, the investigator may, after consultation with the Commission, deal with the matter as if a complaint had been made about the matter.
- (12) The investigator—
  - (a) may report to the Commission at any stage of the investigation; and
  - (b) must present a report to the Commission at the conclusion of the investigation.
- (13) The Commission must provide the person to whom the complaint relates with a copy of a report presented under subregulation (12)(b) (and the Commission may, if the Commission thinks fit, invite a response from the person).
- (14) The Commission may, on the receipt of a report under subregulation (12)(b), or at the conclusion of any process that the Commission has adopted in the alternative—
  - (a) decide to take no further action on the complaint; or
  - (b) undertake any consultation or further inquiry as the Commission thinks fit; or
  - (c) take action to have the member of the assessment panel to whom the complaint relates removed from office; or
  - (d) take such other action as the Commission thinks fit.
- (15) The Commission must inform the complainant of the outcome of a complaint under subregulation (14).
- (16) Without limiting a preceding subregulation, the Commission may, at any time, consult with or provide a report to—
  - (a) the Minister; and
  - (b) in the case of a complaint that relates to a member of an assessment panel appointed by a joint planning board or a council, the joint planning board or the council (as the case requires),about a complaint that has been made under this regulation.
- (17) Nothing in this regulation limits or restricts any action or proceedings that may be taken against or in relation to a member of an assessment panel on account of the member being an accredited professional under the Act.

**7—Insertion of Part 3**

After Part 2 insert:

**Part 3—Assessment panels—procedures****12—Application**

This Part applies to and in relation to the procedures of an assessment panel established under section 83 of the Act or clause 12 or 13 of Schedule 8 of the Act.

**13—Public access to meetings**

- (1) In connection with the conduct of the proceedings of an assessment panel, members of the public are entitled to attend a meeting of the panel other than as set out in subregulation (2).
- (2) An assessment panel may exclude the public from attendance at a meeting—
  - (a) during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
    - (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
    - (ii) information the disclosure of which—
      - (A) could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
      - (B) would, on balance, be contrary to the public interest;
    - (iii) information the disclosure of which would reveal a trade secret;
    - (iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
      - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
      - (B) would, on balance, be contrary to the public interest;
    - (v) matters affecting the safety or security of any person or property;



- (vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- (vii) matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
  - (viii) legal advice;
- (ix) information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place;
  - (x) information the disclosure of which—
    - (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, the Commission, or another public authority or official; and
    - (B) would, on balance, be contrary to the public interest; and
- (b) during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.

#### **14—Minutes and other documents**

- (1) An assessment panel must ensure that accurate minutes are kept of its proceedings.
- (2) A disclosure by a member of an assessment panel of a direct or indirect pecuniary interest in any aspect of a development or any body associated with any aspect of a development required under the Act must be recorded in the minutes of the assessment panel.
- (3) Members of the public are entitled to reasonable access to—
  - (a) the agendas for meetings of an assessment panel; and
  - (b) the minutes of meetings of an assessment panel.
- (4) However, an assessment panel may, before it releases a copy of any minutes under subregulation (3), exclude from the minutes information about any matter dealt with on a confidential basis by the assessment panel.
- (5) Minutes must be available under subregulation (3) within 5 business days after their adoption by the members of the assessment panel.

**Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017**  
*Variation of Planning, Development and Infrastructure (General) Regulations 2017—Part 2*

**15—Quorum**

A quorum at a meeting of an assessment panel is a number obtained by dividing the total number of members of the assessment panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.

**16—Voting**

- (1) Each member of an assessment panel present at a meeting of the assessment panel is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- (2) Subregulation (1) does not apply to a person who is taken to be a member of an assessment panel under section 85 of the Act.

**17—Validity of proceedings**

A proceeding of an assessment panel (and any decision made by an assessment panel) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

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Except insofar as a procedure is not prescribed by the Act or these regulations, the procedures of an assessment panel in relation to the conduct of its business will be as determined by the assessment panel (and an assessment panel is accordingly a specified body for the purposes of section 246(6)(d) of the Act).

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 1 August 2017

No 209 of 2017

PLN0019/17CS



## Development Act 1993 and Development Regulations 2008

### Delegation Policy

<b>Policy Type:</b>	<b>Policy</b>	<b>Decision No:</b>	<b>2017/1985</b>
<b>Approved By:</b>	<b>Council</b>	<b>Last Reapproval Date:</b>	
<b>Approval Date:</b>	<b>28 August 2017</b>	<b>Internal Reference No.:</b>	
<b>Review Date:</b>	<b>August 2018</b>	<b>Division:</b>	<b>Development Services</b>
<b>Department:</b>	<b>City Development</b>	<b>Responsible Officer:</b>	<b>Manager, Development Services</b>
<b>Function:</b>	<b>3 - Development Control</b>		

#### A - PREAMBLE

1. The Development Act 1993 requires the Council, as the relevant authority, to delegate authority to determine applications to a panel or a delegated officer (Section 34(23)).
2. Section 34(27) of the Development Act requires the Council to establish a policy relating to the basis upon which delegations have been made.
3. A copy of this policy must be made available for public inspection.

#### B - SCOPE

1. The *Development Act 1993 and Development Regulations Delegation Policy* prescribes the powers and duties that Council has delegated as a relevant authority with respect to determining whether or not to grant development plan consent.

#### C – POLICY PURPOSE/OBJECTIVES

1. The purpose of the policy is to clearly identify the basis upon which delegations are made under the Development Act 1993 and Development Regulations 2008.

#### D - DEFINITIONS

1. Development Assessment Panel – as required and established by the council under Section 56 of the Development Act 1993.
2. Authorised Officer – a person appointed under Section 18 of the Development Act 1993 as an Authorised Officer.

**E - POLICY STATEMENT**

1. Council supports the objectives of the Development Act 1993.
2. Council actively supports the growth of the City through appropriate development that maintains and enhances the social, economic and environmental conditions desired by the community.
3. Council acknowledges that an effective and efficient development assessment system is critical to the achievement of community and council goals.
4. The authority to determine development applications is delegated to Authorised Officers where timely decisions can be made, except for those classes of applications delegated to the Development Assessment Panel.
5. The Development Assessment Panel will determine the following types of development applications;
  - Applications where third party representors indicate a desire to be heard by the relevant authority.
  - Applications listed as “non-complying” in the relevant zone within the Development Plan.
  - Applications determined by the General Manager City Development as being complex, controversial or of such significance to warrant determination by the Development Assessment Panel.

**F - LEGISLATION**

1. Development Act 1993.
2. Development Regulations 2008.

**G - REFERENCES**

1. Nil

**H - ASSOCIATED PROCEDURES**

1. Delegations under the Development Act 1993 and Development Regulations 2008.

**Document Control**

<b>Document ID</b>	<b>Development Act 1993 and Development Regulations 2008 Delegation Policy</b>
<b>Prepared by</b>	<b>Chris Zafiropoulos</b>
<b>Release</b>	<b>1.00</b>
<b>Document Status</b>	<b>Endorsed</b>
<b>Date Printed</b>	<b>07/09/2017</b>

## 1. Delegation of Authority

### B. DEVELOPMENT ASSESSMENT PANEL

#### DEVELOPMENT ACT 1993

#### Matters Against Which Development Must be Assessed

10.1  
5586 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):

10.1.1 the provisions of the appropriate Development Plan;

10.1.2 the provisions of the Building Rules;

10.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;

10.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;

10.1.5 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and

10.1.6 such other matters as may be prescribed.

10.2  
5587 The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.

#### Special Provisions Relating to Assessment Against Development Plans

12.1  
5437 The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).

12.2  
6623 The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.

**1. Delegation of Authority****B. DEVELOPMENT ASSESSMENT PANEL****DEVELOPMENT ACT 1993****Special Provisions Relating to Assessment Against Development Plans**

- 12.3  
6624 Subject to Sections 35 (1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.

**Public Notice and Consultation**

- 17.6  
5464 The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.

- 17.7  
5466 The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.

- 17.8  
6625 The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter.

**Application and Provision of Information**

- 18.12  
6732 The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.

- 18.13  
6733 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.

- 18.14  
6734 The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.

**1. Delegation of Authority****B. DEVELOPMENT ASSESSMENT PANEL****DEVELOPMENT ACT 1993****Application and Provision of Information**

18.15  
6735 Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.

18.16  
6628 The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.

**Conditions**

21.1  
6629 The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.

**Cancellation by a Relevant Authority**

22.1  
5484 The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.

**Carparking Fund**

27.3  
5498 The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.

27.4  
6636 The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.





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South Australia

## **Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017**

under the *Planning, Development and Infrastructure Act 2016*

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- 3 Variation provisions

#### **Part 2—Variation of *Planning, Development and Infrastructure (General) Regulations 2017***

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Part 2—Administration and structural matters
- 5 Variation of regulation 8—Disclosure of financial interests
- 6 Insertion of regulation 11
  - 11 Compliance with code of conduct—assessment panels
- 7 Insertion of Part 3  
Part 3—Assessment panels—procedures
  - 12 Application
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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017*.

#### **2—Commencement**

These regulations will come into operation on 1 October 2017.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

1

## Part 2—Variation of *Planning, Development and Infrastructure (General) Regulations 2017*

### 4—Substitution of heading to Part 2

Heading to Part 2—delete the heading and substitute:

### **Part 2—Administration and structural matters**

### 5—Variation of regulation 8—Disclosure of financial interests

Regulation 8—after subregulation (12) insert:

- (13) For the purposes of paragraph (b) of the definition of *relevant official* in clause 1(1) of Schedule 1 of the Act in relation to an assessment panel appointed by a council, the chief executive officer of the council is prescribed as the relevant official.

### 6—Insertion of regulation 11

After regulation 10 insert:

### **11—Compliance with code of conduct—assessment panels**

- (1) In this regulation—  
*code of conduct* means the code of conduct to be observed by members of an assessment panel adopted by the Minister under clause 1(1)(c) of Schedule 3 of the Act.
- (2) A person may make a complaint to the Commission if the person believes that a member of an assessment panel has acted in contravention of the code of conduct.
- (3) A complaint must—
- be in writing; and
  - contain particulars of the allegation on which the complaint is based; and
  - be verified by statutory declaration.
- (4) Except with the approval of the Commission, a complaint must not be lodged with the Commission more than 6 months after the day on which the complainant first had notice of the matters alleged in the complaint.
- (5) The Commission may require the complainant to give further particulars of the complaint (verified, if the Commission so requires, by statutory declaration).
- (6) The Commission may refuse to entertain a complaint or, having accepted a complaint for investigation, may refuse to continue to entertain a complaint, if it appears to the Commission—
- that the complainant does not have a sufficient interest in the matter to which the complaint relates; or

**Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017**  
Variation of *Planning, Development and Infrastructure (General) Regulations 2017*—Part 2

- (b) that the matter raised by the complaint is trivial; or
  - (c) that the complaint is frivolous or vexatious or is not made in good faith; or
  - (d) that there is some other good reason not to proceed (or further proceed) with the matter under this regulation.
- (7) The Commission may, as the Commission's first step in dealing with a complaint, refer the matter to the member of the assessment panel to whom the complaint relates for a response.
- (8) The Commission may take such further action as the Commission thinks fit (including deciding not to proceed further with the matter).
- (9) The Commission may, whether or not the Commission has acted under subregulation (7), appoint a person to investigate a complaint.
- (10) If the Commission appoints an investigator—
- (a) the Commission must inform the member of the assessment panel to whom the complaint relates of the appointment of an investigator and furnish formal notification of the nature of the complaint; and
  - (b) the investigator must conduct an investigation into the complaint as soon as practicable after the appointment has been made; and
  - (c) the investigator must give the member of the assessment panel to whom the complaint relates a reasonable opportunity to make representations to the investigator about the complaint; and
  - (d) the investigator may require—
    - (i) the complainant; and
    - (ii) the member of the assessment panel to whom the complaint relates,to provide to the investigator any document or other information relevant to the investigation of the complaint (verified, if the investigator so requires, by statutory declaration); and
  - (e) the investigator—
    - (i) must otherwise comply with the rules of natural justice; and
    - (ii) subject to subparagraph (i), may conduct the investigation in such a manner as the investigator thinks fit (including by undertaking such other consultations and undertaking such other inquiries as the investigator thinks fit).

**Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017**  
 Part 2—Variation of *Planning, Development and Infrastructure (General) Regulations 2017*

- (11) If during an investigation the investigator is satisfied that there is a matter about which another complaint could have been made against the member of the assessment panel, the investigator may, after consultation with the Commission, deal with the matter as if a complaint had been made about the matter.
- (12) The investigator—
  - (a) may report to the Commission at any stage of the investigation; and
  - (b) must present a report to the Commission at the conclusion of the investigation.
- (13) The Commission must provide the person to whom the complaint relates with a copy of a report presented under subregulation (12)(b) (and the Commission may, if the Commission thinks fit, invite a response from the person).
- (14) The Commission may, on the receipt of a report under subregulation (12)(b), or at the conclusion of any process that the Commission has adopted in the alternative—
  - (a) decide to take no further action on the complaint; or
  - (b) undertake any consultation or further inquiry as the Commission thinks fit; or
  - (c) take action to have the member of the assessment panel to whom the complaint relates removed from office; or
  - (d) take such other action as the Commission thinks fit.
- (15) The Commission must inform the complainant of the outcome of a complaint under subregulation (14).
- (16) Without limiting a preceding subregulation, the Commission may, at any time, consult with or provide a report to—
  - (a) the Minister; and
  - (b) in the case of a complaint that relates to a member of an assessment panel appointed by a joint planning board or a council, the joint planning board or the council (as the case requires),

about a complaint that has been made under this regulation.
- (17) Nothing in this regulation limits or restricts any action or proceedings that may be taken against or in relation to a member of an assessment panel on account of the member being an accredited professional under the Act.

**7—Insertion of Part 3**

After Part 2 insert:

**Part 3—Assessment panels—procedures****12—Application**

This Part applies to and in relation to the procedures of an assessment panel established under section 83 of the Act or clause 12 or 13 of Schedule 8 of the Act.

**13—Public access to meetings**

- (1) In connection with the conduct of the proceedings of an assessment panel, members of the public are entitled to attend a meeting of the panel other than as set out in subregulation (2).
- (2) An assessment panel may exclude the public from attendance at a meeting—
  - (a) during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
    - (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
    - (ii) information the disclosure of which—
      - (A) could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
      - (B) would, on balance, be contrary to the public interest;
    - (iii) information the disclosure of which would reveal a trade secret;
    - (iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
      - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
      - (B) would, on balance, be contrary to the public interest;
    - (v) matters affecting the safety or security of any person or property;

**Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017**  
 Part 2—Variation of *Planning, Development and Infrastructure (General) Regulations 2017*

- (vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
  - (vii) matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
  - (viii) legal advice;
  - (ix) information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place;
  - (x) information the disclosure of which—
    - (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, the Commission, or another public authority or official; and
    - (B) would, on balance, be contrary to the public interest; and
- (b) during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.

#### **14—Minutes and other documents**

- (1) An assessment panel must ensure that accurate minutes are kept of its proceedings.
- (2) A disclosure by a member of an assessment panel of a direct or indirect pecuniary interest in any aspect of a development or any body associated with any aspect of a development required under the Act must be recorded in the minutes of the assessment panel.
- (3) Members of the public are entitled to reasonable access to—
  - (a) the agendas for meetings of an assessment panel; and
  - (b) the minutes of meetings of an assessment panel.
- (4) However, an assessment panel may, before it releases a copy of any minutes under subregulation (3), exclude from the minutes information about any matter dealt with on a confidential basis by the assessment panel.
- (5) Minutes must be available under subregulation (3) within 5 business days after their adoption by the members of the assessment panel.

**Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017**  
Variation of *Planning, Development and Infrastructure (General) Regulations 2017*—Part 2

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