

CITY OF WEST TORRENS



Notice of Council & Committee Meetings

NOTICE IS HEREBY GIVEN in accordance with Sections 83, 84, 87 and 88 of the Local Government Act 1999, that a meeting of the

Council

and

- **Urban Services Prescribed Standing Committee**
- **Governance Prescribed Standing Committee**

of the

CITY OF WEST TORRENS

will be held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

TUESDAY, 1 AUGUST 2017
at 7.00pm

Terry Buss
Chief Executive Officer

City of West Torrens Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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1 MEETING OPENED

1.1 Evacuation Procedures

2 PRESENT

3 APOLOGIES

Leave of Absence:

Cr Garth Palmer

Apologies

Council Members:

Cr John Woodward

4 DISCLOSURE STATEMENTS

Elected Members are required to:

1. Consider Section 73 and 75 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75A of the *Local Government Act 1999*.

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council held on 18 July 2017 be confirmed as a true and correct record.

6 MAYORS REPORT

(Preliminary report for the agenda to be distributed Friday 28 July 2017)

In the two weeks since the last Council Meeting of 18 July 2017, functions and meetings involving the Mayor have included:

Wednesday 19 July

4.00pm Attended the official Launch of the 2017 Sunday Mail City-Bay event in the Function Room at the SA Athletics Stadium.

Thursday 20 July

1.00pm Attended, and chaired the elections for, the Airport Over 50's Annual General Meeting. Cr Palmer also attended.

Tuesday 25 July

- 11.30am Welcomed a business delegation from Weifang, China to the City of West Torrens. Council and hosted an informal luncheon for the delegates and some of Council's businesses who are trading in or who have working relationships with Weifang and other Chinese cities. Cr Nitschke also attended.
- 6.00pm Participated in the Community Facilities General Committee Meeting.

Wednesday 26 July

- 10.00am With General Manager Urban Services, Angelo Catinari, met with Mr Michael Tye, the operator of the Ice Arena at Thebarton, to inform us of various options for the future operations of the Ice Sport Federation of which he is the President.
- 11.00am Arranged to meet with Ziaul Khan Jewel, Arup Mitra and Asif Kamal from Bangladesh Club Australia to discuss the Club's future direction.
- 11.30am Met with local resident Alan Waldron to discuss his interest in preserving historic items covering about 140 years of Baseball in South Australia.

In addition, after the compilation of this report on Thursday as part of the Agenda to be distributed on Friday, I anticipate having attended or participated in the following:

Saturday 29 July

- 11.30am Hosting guests for lunch prior to the West Adelaide v Sturt match at City Mazda Stadium.

Tuesday 1 August

- 6.00pm Attending the Council pre-meeting dinner
- 7.00pm Participating in the Council and Standing Committee Meetings

RECOMMENDATION

That the Mayor's Report be noted.

7 ELECTED MEMBERS REPORTS**8 PETITIONS**

Nil

9 DEPUTATIONS**9.1 Ministerial IMMC Rezoning Proposal**

Mile End resident, Dr Judith Dwyer, wishes to address Council in relation to the Ministerial Inner and Middle Metropolitan Corridor (IMMC) rezoning proposal at Railway Terrace Mile End.

10 ADJOURN TO STANDING COMMITTEES

RECOMMENDATION

That the meeting be adjourned, move into Standing Committees and reconvene at the conclusion of the Governance Prescribed Standing Committee.

11 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS

11.1 Urban Services Committee Meeting

RECOMMENDATION

That the recommendations of the Urban Services Committee held on 1 August 2017 be adopted.

11.2 Governance Committee Meeting

RECOMMENDATION

That the recommendations of the Governance Committee held on 1 August 2017 be adopted.

12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS

12.1 Community Facilities General Committee Meeting

RECOMMENDATION

That the Minutes of the Community Facilities General Committee held on 25 July 2017 be noted and the recommendations adopted.

13 QUESTIONS WITH NOTICE

Nil

14 QUESTIONS WITHOUT NOTICE

15 MOTIONS WITH NOTICE

15.1 Kitchen Caddy Bags and E-waste Bins

At the meeting of Council on 18 July 2017, Cr Kym McKay moved the following motion which the Presiding Member ruled would be deferred to the meeting of Council on 1 August 2017.

MOTION

That:

1. Council approve the issuing of The Kitchen Caddy organic waste bags free of charge to ratepayers which have an approx. cost of \$9K pa.
2. The 6 Unplug and Drop E waste Bins that have the WTC and ERA logos be purchased ASAP and put into use at places identified by the Staff and Ems.
3. Funding for these items be from the unbudgeted incoming annual Waste Royalties and the annual NRM administration fee 2017/2018.

Administration Comment

The cost of organic waste bags in 2016/17 was \$8,686. Council is currently charging \$4.75 per roll.

The cost of six ERA retail mesh cages on wheels is \$6,570 ex GST.

Waste royalties and the NRM administration fee were budgeted in 2017/18. An NRM administration fee amount of \$9,185 is currently set aside in reserves, but there is no similar reserve for waste royalties.

15.2 Letter drop on Anzac Highway areas

At the 18 July 2017 meeting of Council, Cr George Demetriou moved the following motion which the Presiding Member ruled would be deferred to the meeting of Council on 1 August 2017.

MOTION

That a letter drop be done on Anzac Highway areas of Glandore and Kurralta Park informing the residents that the high rise development is not a Council decision but that of the DAC.

Administration Comment

As Council was advised at its 18 July 2017 meeting, legal advice has been sought to establish the legality of Council advising:

1. Adjacent property owners and tenants of applications for high rise development within the Council area which are before a relevant authority when Council is not the relevant authority (the decision maker) i.e. the Development Assessment Commission;
2. Adjacent property owners and tenants that Council is not the relevant authority (decision maker) with respect to high rise development applications before another relevant authority i.e. Development Assessment Commission.

The legal advice has confirmed that there is no legal impediment to Council taking such action and, in fact, it could be reasonably argued that in doing so, Council is acting in accordance with its responsibilities under the *Local Government Act 1999*.

However, following consultation with Cr Demetriou and to provide a greater clarity to the Administration on the scope of his motion, it is recommended that if this motion is approved then the proposed mail out of information, with regards to the development application before the Development Assessment Commission for 192 Anzac Highway, Glandore, extends only to property owners and tenants within the following boundaries, as illustrated in the map below:



15.3 Objection to 8 storey development at Glandore

Cr Michael Farnden gave notice of his intention to move the following motion:

MOTION

That Council writes to the Minister for Planning, John Rau (cc Steph Key, State MP for Ashford) stating that:

1. Council strongly opposes the proposed 8 storey development, currently under consideration by the Development Assessment Commission at 192 Anzac Highway Glandore.
2. Consideration should be given to Council's intent for the three storey height restriction on allotments abutting Glandore Character Policy Area 24 (PA24) within the West Torrens Development Plan. This policy is intended to ensure that Urban Corridor development in proximity to the PA24 does not impinge on PA24's character regardless of whether or not the development shares a direct property boundary with PA24.
3. It is Council's opinion that any multi-storey development proposed along the southern side of Anzac Highway between Beckman Street and South Road Glandore, should be developed with consideration to the potential impact on the neighbouring Character Area of Glandore and limited to 3 storeys in height.
4. The relevant authority should give strong weight to the car parking requirements of the West Torrens Development Plan as to not impact the amenity of local streets with additional car parking.
5. Council seeks the Minister's views on which of the following approaches the Minister would be prepared to support to address the unanticipated anomaly created by hammerhead allotments in the application of Urban Corridor Zone Boulevard Policy Area 42 adjacent Glandore Character Policy Area 24 and provide clarity on the matter so that development is assessed in the way in which Council intended:
 - a. A Section 29 amendment to the West Torrens Development Plan to provide for the inclusion of a concept plan that illustrates and details acceptable building heights in proximity to the interface between the two zones in the locality.
 - b. A Development Plan Amendment for the subject area that would enable a concept plan to be included in the West Torrens Development Plan that clearly delineates acceptable building heights in proximity to the interface of the two zones and identifies precisely which allotments are covered by the policy variations.
 - c. Policy clarification to be included through mechanisms available for local variations in the upcoming Planning and Design Code.
 - d. An alternative remedy nominated by the Minister.

16 MOTIONS WITHOUT NOTICE

17 REPORTS OF THE CHIEF EXECUTIVE OFFICER

17.1 Response to Ministerial IMMC DPAs and Design Guidelines

Brief

The Minister has released two Ministerial Development Plan Amendments (DPAs) and draft Design Guidelines for public consultation which impact on the City of West Torrens.

RECOMMENDATION

It is recommended to Council that:

1. The feedback contained within this report and in **Attachments 2 to 4**, be provided to the Department for Planning, Transport and Infrastructure as Council's response to the three documents as follows:
 - Ministerial Inner and Middle Metropolitan Corridor (Sites) DPA
 - Ministerial Inner and Middle Metropolitan Corridor (Design) DPA
 - Design Guidelines (Volume 1) - Design Quality and Housing Choice

Specifically, Council writes the Minister of Planning advising that :

Regarding Site 10 -

- (a) Council **supports** the intent of urban infill and a coordinated mixed use development at the former Marlestone TAFE site (Site 10) subject to the continuation of design policy introduced through the (Design) DPA currently on interim operation however, it **does not support** the introduction of Urban Corridor Zone over the entirety of Site 10; and recommends that the Minister considers an alternate zone combination be applied at Site 10 with a number of minor amendments to policy; and;

Regarding Site 11 -

- (b) Council **does not support** the rezoning to Urban Corridor Zone at Site 11, and recommends that the Minister undertakes a targeted consultation process which actively engages affected residents and property owners and carefully considers feedback received; and
- (c) Council expresses its disappointment about the absence of any community consultation undertaken when the land at 6-10 Railway Terrace, Mile End was originally changed to Urban Corridor Zone and highlight that the effects of this lack of consultation were further compounded by the Minister's minimalist approach to the recent feedback opportunity; and
- (d) It is difficult for Council to consider and endorse the proposed changes in the absence of any certainty for the future of Heritage Planning Reform, as without knowledge of the new system, there is no way of knowing what other protections there may be for Historic Conservation Overlay areas; and
- (e) In the event the Minister resolves to proceed with the rezoning at this site Council seeks:
 - i. local policy enhancements as detailed in **Attachment 2**
 - ii. the continuation of design protections described in the (Design) DPA that are currently on interim operation (subject to further enhancements described in **Attachment 3**).

Regarding Sites 8 & 9 (in City of Unley) -

- (f) That the intensification of infill land uses in proximity to the City of West Torrens boundary may have impacts on traffic movement, car parking and infrastructure for the management and quality of storm water (particularly in relation to Brown Hill Creek and Keswick Creek which traverse Sites 8 & 9 respectively).

2. Council writes to the Minister for Planning indicating support for the intent of the Inner and Middle Metropolitan Corridor (Design) DPA and suggesting edits and enhancements to the policy for the Minister's consideration, as described in the contents of **Attachment 3**.
3. Council writes to the Minister for Planning indicating support for the intent of the *Design Guidelines Volume 1- Design Quality and Housing Choice*, but seeks his advice on how these guidelines can be suitably translated into practice through statutory mechanisms, as described in the contents of **Attachment 4**.

Introduction

The Minister for Planning, the Hon. John Rau MP (Minister) released the Update to the 30-Year Plan for Greater Adelaide (30-Year Plan) on 30 May 2017.

Simultaneously, the Minister released three documents for public consultation. These documents are intended to aid the implementation of the Minister's updated vision for Greater Adelaide and improve design outcomes for infill development:

1. Ministerial Inner and Middle Metropolitan Corridor (Sites) DPA
https://www.sa.gov.au/_data/assets/pdf_file/0017/301481/Inner-and-Middle-Metropolitan-Corridor-Sites-DPA.pdf
2. Ministerial Inner and Middle Metropolitan Corridor (Design) DPA
https://www.sa.gov.au/_data/assets/pdf_file/0019/301474/Inner-and-Middle-Metropolitan-Corridor-Design-DPA.pdf
3. Design Guidelines - (Volume 1) Design Quality and Housing Choice
https://www.odasa.sa.gov.au/wp-content/uploads/Design_Guidelines_web_5MB.pdf

Due to the large size of these documents, links to the web versions have been provided and a hard copy is available in the Elected Members Lounge and will be in the Council Chamber at the 1 August meeting of Council. Additional hard copies can be provided to Elected Members upon request.

Recent History:

2015

In April 2015, the Minister initiated the Inner and Middle Metropolitan Corridor Infill DPA (2015 DPA). The 2015 DPA sought to rezone additional land for Urban Corridor Zone along arterial roads leading to the city. It proposed land along both sides of Richmond Road and Sir Donald Bradman Drive be rezoned to Urban Corridor Zone.

The Urban Corridor Zone typically allows for development between 3 and 6 storeys in height, depending on the designated policy area, and up to **8 storeys** in defined locations. It includes policy that envisages a mix of residential and commercial land uses, usually encouraging retail or commercial uses at ground level to improve street activation.

The 2015 DPA affected a number of inner and middle metropolitan councils, including the City of West Torrens, and in May 2015, the Mayors of affected councils were consulted on the proposal.

Councils provided feedback which included concern that the rezoning of significant portions of land fronting arterial roads may be premature and surplus to requirements. This was especially relevant considering there had been limited uptake of development parcels that had already been rezoned Urban Corridor. Furthermore, Adelaide faced revised downward population forecasts even prior to the release of Census data

2016

Following consultation on the draft proposal, the 2015 DPA stalled and in May 2016 it was shelved, pending the release of the updated 30-Year Plan for Greater Adelaide.

That DPA, has now been superseded by the new Ministerial Inner Middle and Metropolitan (Sites) DPA and Inner Middle and Metropolitan (Design) DPA. Both DPAs were released for public consultation concurrent with the updated 30-Year Plan for Greater Adelaide on 30 May 2017. On the same day, the Minister also released Design Guidelines - (Volume 1) Design Quality and Housing Choice.

The Minister's approach to community consultation has been somewhat disappointing, in that:

- The two DPAs and the Design Guidelines were promoted through a single generic feedback process.
- Information postcards were only sent to people within 100 metres of sites affected by the (Sites) DPA, despite the fact that development at the sites may impact those further from the subject sites, and the (Design) DPA has a much wider reach.
- No direct communication was provided to residents who may be directly affected by the provisions introduced on interim operation through the (Design) DPA.
- The design of the information postcard (**Attachment 1**) had no call to action and no way for recipients to identify that they were in anyway specially affected by proposed changes or deadline for submissions.
- Public notices were published in *The Advertiser*, rather than promotion in the local Messenger Press which is Council's standard practice as this has greater reader penetration.
- DPTI's public information sessions were poorly promoted and did not include any sessions within the City of West Torrens, therefore some affected community members may have perceived they were not impacted.

While feedback was required to DPTI by 25 July, the Administration has sought and obtained an extension to this timeframe to enable due regard to be given to the implications for this Council and its community.

This report presents draft feedback to Council for its consideration and submission. It contains recommended feedback which is based on the rationale detailed in the sections entitled Appendix i and Appendix ii respectively.

Discussion

1. The Inner and Middle Metropolitan Corridor (Sites) DPA

After the 2015 DPA was shelved, DPTI undertook an assessment of a number of key sites proposed for infill development based on set strategic criteria:

- short term economic development potential (being development ready)
- location within the proposed (2015) Inner and Middle Metropolitan Corridor Infill DPA area or located immediately adjacent to the Urban Corridor Zones created in the original Inner and Middle Metropolitan Transit Corridor DPA
- potential for mixed use with medium to high density outcomes
- potential to minimise interface issues through significant allotment width or depth or other mitigating factors such as their interface with roads and non-residential land uses (being of sufficient size to manage interface issues through good design).

The Minister's Inner and Middle Metropolitan Corridor (Sites) DPA includes 10 sites in 3 council areas, namely; the Cities of Norwood, Payneham and St Peters, Unley and West Torrens. This continues the trend of areas already rezoned urban corridor through the Inner Metropolitan Growth (Stage 1) DPA in 2013 and the West Torrens Housing Diversity DPA consolidated in 2015.

The Minister's (Sites) DPA seeks to extend the Urban Corridor Zone at strategic sites across the 3 council's areas to allow for infill development opportunities. It also proposes updated policy for two sites in the Mixed Use Historic Conservation Zone in the City of Norwood Payneham and St Peters.

DPTI Administration asserts that the DPA, "...sits comfortably within the setting of the 30-Year Plan, which sets the target for 85% of all new development to be in-fill development..." and that it "...makes the most of public transport investment, and supports vibrant and walkable neighbourhoods."

1.1 Local Impacts

The Minister's proposed changes include edits to mapping: Zone Maps, Overlay Maps; and changes to the Urban Corridor policy area text relevant to the subject sites. The (Sites) DPA includes 2 key sites in West Torrens:

- The former TAFE site at 254-262 Richmond Road, Marleston which is currently zoned Industry and Commercial, to be rezoned Urban Corridor, Transit Living Policy Area.
- A site comprising 2 allotments orientated north-south which form the rear portion of the Corporate Health Group land holding at 6-10 Railway Terrace Mile End, currently zoned Residential, Historic Conservation Policy Area, to be rezoned Urban Corridor and retain its designation in the Historic Conservation Policy Area.

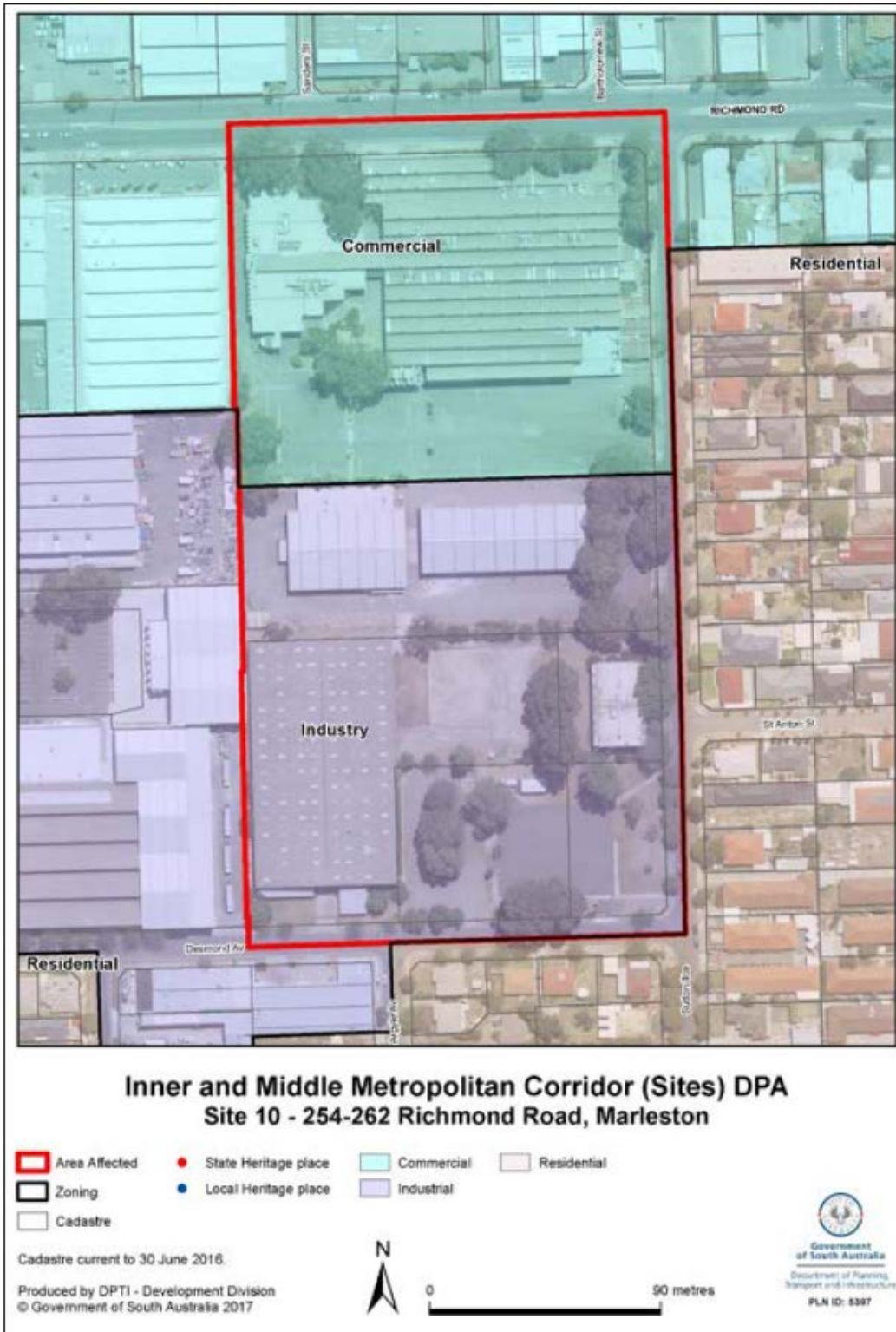
The (Sites) DPA also affects sites in City of Unley which may impact City of West Torrens:

- Land in proximity to the Le Cornu site, adjacent West Torrens' boundary which is to be rezoned Urban Corridor. This may have impacts that flow to the City of West Torrens side of Anzac Hwy.

Analysis of options and proposed responses for each of the key sites that are relevant to City of West Torrens are contained in **Attachment 2**.

Marleston TAFE Site 10

The map below depicts this site:



Not to scale.

Site Context

Site 10 comprises land formerly used as the Marleston TAFE campus, bounded by Richmond Rd to the north, Sutton Tce to the east, and Desmond Ave to the south.

Zoning that currently applies at the site includes Commercial Zone to the front half of the site which addresses the Richmond Road frontage and Industry Zone applies to the rear half of the site. The current Commercial Zone Arterial Roads Policy Area 1 and Precinct 2 applies to land in the locality along Richmond Rd within 30 metres of the Residential Zone. It allows development up to 8 metres high (2 storeys).

In the Industry Zone, which is approximately the southern half of the site, the policy currently allows for development up to 12 metres in height.

The current zoning at the site requires any new development to meet traditional car-parking rates described in *Table WeTo/2- Off Street Vehicle Parking Requirements*. This table prescribes various car parking rates tied to defined land uses.

The DPA proposes to rezone the former Marlestone TAFE site to Urban Corridor Zone with maximum building heights of 6 storeys to be scaled down toward the edge of the site adjacent the Residential Zone (Medium Density Policy Area 19). The 6 storey development envisaged would be predominantly residential in nature, with commercial uses at ground level.

DPTI describes the proposed changes at this site as follow:

1. Application of the Urban Corridor Zone - Transit Living Policy Area over the entirety of the site investigations area.
2. Application of existing Urban Corridor Zone - Transit Living Policy Area set back policy.
3. Inclusion of local policy (green text) to limit building heights to six (6) storeys, with a transition down at the interface with the adjacent Residential Zone - Medium Density Policy Area 19.
4. Inclusion of local policy to allow larger retail formats where proposed as part of a co-ordinated mixed use development with a residential focus.
5. Adjustment to airport building height mapping to better align with the OLS. (OLS is a development constraint to ensure building heights do not affect airport operations.)

Rezoning the entire site to Urban Corridor Zone would mean that less stringent car parking rates apply, as detailed in *Table WeTo/6- Off Street Vehicle Parking Requirements for Designated Areas*. This policy applies a flat rate of 3 car parks per 100m², regardless of land use type and significantly reduces car parking requirements for medium or high density residential development.

Three options have been considered and are furthered detailed in *Appendix i.* and **Attachment 2**.

- Option 1** Support the DPA and accept proposed Urban Corridor Zone
Accept the Minister's plan for Urban Corridor Zone at the site with a few minor amendments to the policy to improve development outcomes and optimise the unique opportunities at the site and mitigate challenges of the site.
- Option 2 -** Request Site 10 be removed from the IMMC (Sites) DPA.
- Option 3 -** Support the urban infill intent of the DPA for Site 10 but suggest an alternate zone combination: Medium Density Residential Zone with an activated commercial policy edge that fronts Richmond Road.

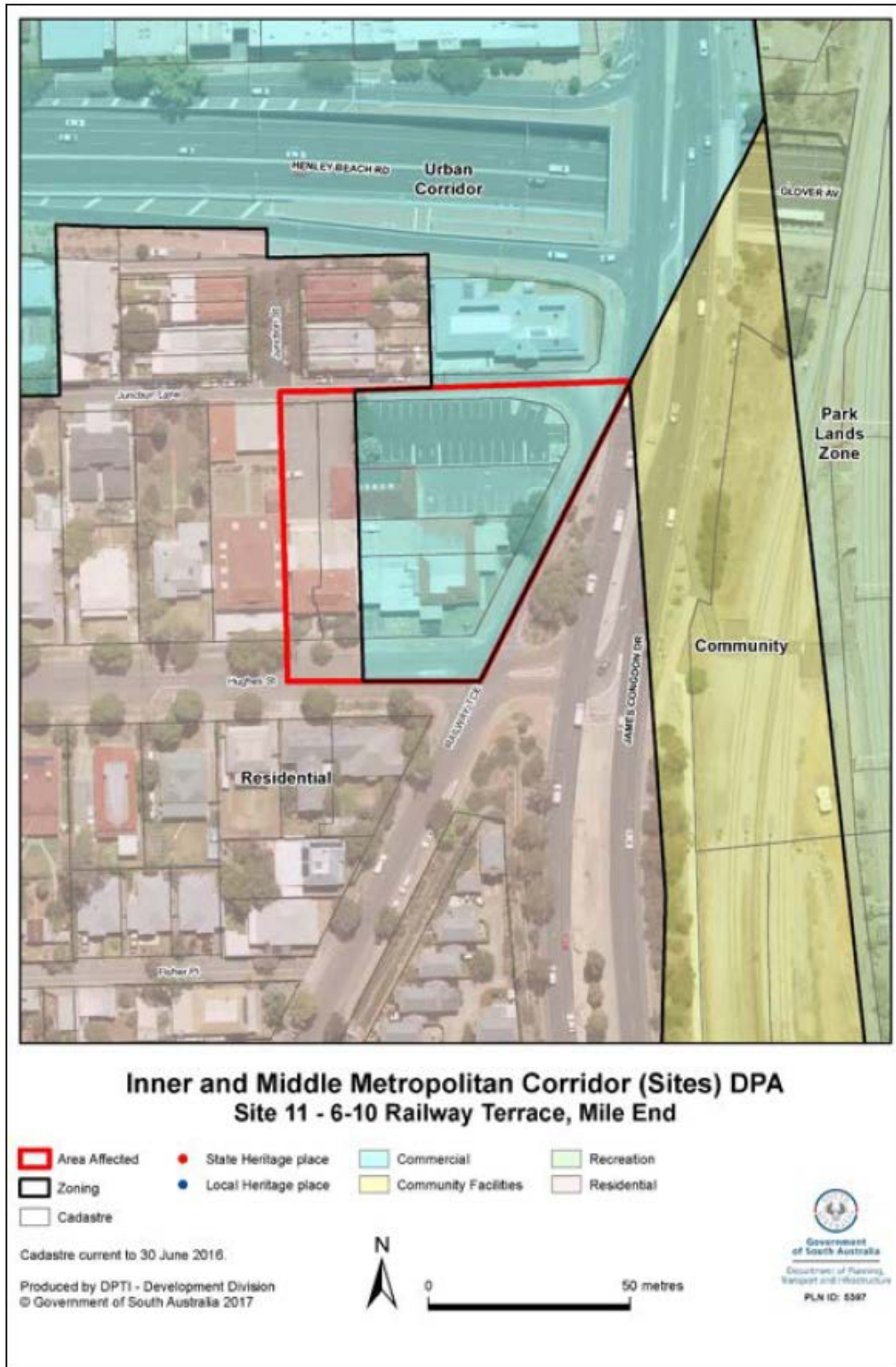
Recommendation:

Having considered these options and, as discussed in **Attachment 2**, the recommended option is that Council advises the Minister that it supports the urban infill intent of DPA, but proposes an alternate zone combination: Medium Density Residential Zone with an activated commercial policy edge that fronts Richmond Road, subject to the suggested changes and policy enhancements detailed in **Attachment 2**.

Site 11: 6-10 Railway Terrace, Mile End (CHG Site)

The map below depicts this site:

Figure 17 – 6-10 Railway Terrace, Mile End – Site Investigation Area (Site 11)



Not to scale.

Site Context

Site 11 comprises 2 x north-south oriented allotments that form a part of 6-10 Railway Terrace, Mile End. The parcels are located between Junction Lane and Hughes Street, Mile End and are contiguous to land that the Minister included in the Urban Corridor Zone following consultation on the Housing Diversity DPA. The Housing Diversity DPA changes were consolidated into Council's Development Plan in May 2015.

The land is currently zoned Residential and in the Mile End Historic Conservation policy area. As such, it is covered by the Historic Conservation Area overlay which also extends west over the neighbouring residential area.

Mile End is of significance to the history of South Australia as it was designed by the South Australia Company, around 1860, as the 'Town of Mile End'. This particular location would have been part of a subsequent subdivision which occurred on 26 January 1884 and included Hughes Street to Gladstone Road from Railway Terrace to Fisher Street (now South Road).

DPTI describes the proposed changes for this site as follows:

- Expansion of the Urban Corridor Zone - High Street Policy Area over the entirety of the site investigations area, with no change to existing policies.

The proposed expansion of the Urban Corridor Zone needs to be considered in the context of newly consolidated interim operation policies in the IMMC (Design) DPA and potential impacts to the intent of the Historic Conservation Overlay for Mile End.

Two options for response have been considered which are further detailed in the section entitled Appendix ii at the end of this report.

Option 1 Indicate that Council does not support the re-zoning and request that the zone not be changed in proximity to Site 11. Furthermore, if the Minister seeks to change the zoning at the site, request that targeted consultation be undertaken which actively engages affected residents and property owners.

Option 2 Support the proposed Urban Corridor Zone for Site 11 subject to:

- a) local policy enhancements as further detailed in **Attachment 2** in relation to:
 - (i) inclusion of a concept plan that shows suitable vehicle access to the site, acceptable building envelope for maximum storeys anticipated in the policy, location of contributory items on the subject site and relevant buffers to the neighbouring Residential Zone;
 - (ii) inclusion of additional policy to provide protection to properties *within the subject area* and surrounding Historic Conservation Area;
 - (iii) inclusion of additional policy to identify that the allotments that form the "extension" to the Urban Corridor Zone may only be developed as part of an integrated design for the contiguous allotments that make up 6-10 Railway Terrace, Mile End, in an effort to prevent additional traffic loads on Hughes Street and Junction Lane and that traffic access to the site is managed.
- b) the continuation of design protections described in the (Design) DPA that are currently on interim operation (subject to further enhancements described in **Attachment 3**).

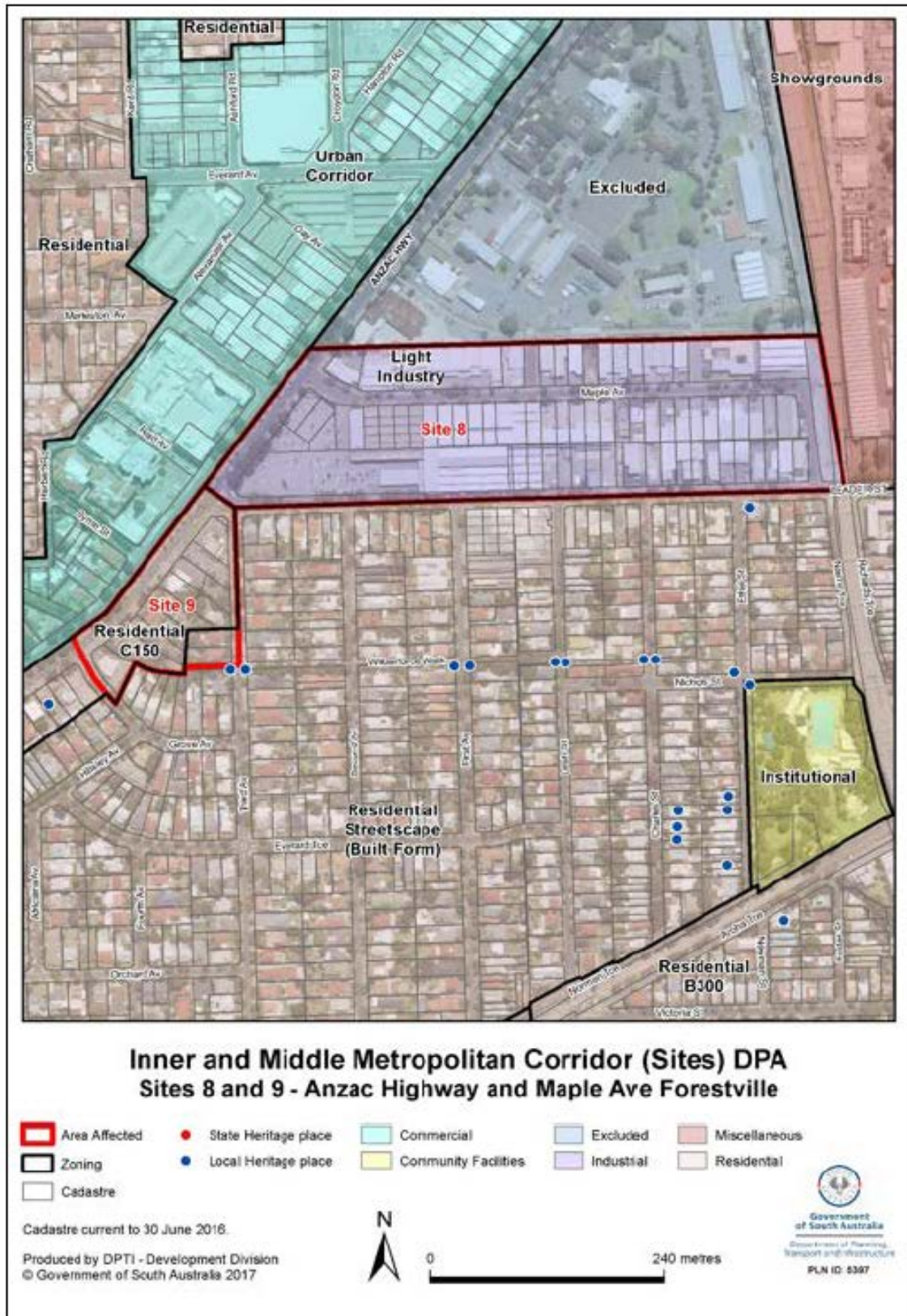
Recommendation

Having considered these options and, as discussed in **Attachment 2**, the recommended option is that Council advises the Minister that it **does not** support the rezoning of Site 11 and requests that the zone not be changed. Furthermore, if the Minister seeks to change the zoning at Site 11, requests that targeted consultation be undertaken which actively engages affected residents and property owners and carefully considers feedback received.

Sites 8 & 9 Anzac Highway + Leader Street, Keswick/ Forestville/ Everard Park (Le Cornu Site in City of Unley across from Ashford Hospital in City of West Torrens)

The map below depicts this site:

**Figure 15 - Anzac Highway and Leader Street, Keswick / Forestville / Everard Park
- Site Investigation Area (Sites 8 and 9)**



Not to scale.

Site Context:

Sites 8 & 9 comprise land in the City of Unley adjacent the boundary shared with the City of West Torrens. The subject areas front Anzac Highway and include the arterial road intersection of Leader Avenue with Anzac Highway.

The sites incorporate Brown Hill Creek and Keswick Creek respectively and are located opposite the Ashford Hospital. The sites are of interest to the City of West Torrens as changes to traffic movement and impacts on the Keswick and Brown Hill Creeks could have implications for land uses in West Torrens.

Recommendation

Based on the analysis of the rezoning of Sites 8 & 9, discussed in **Attachment 2**, it is recommended that Council writes to the Minister for Planning:

- (a) Expressing concerns that intensification of infill land uses in proximity to the City of West Torrens boundary may have impacts on traffic movement, car parking and infrastructure for the management and quality of storm water (particularly in relation to Brown Hill Creek and Keswick Creek which traverse Sites and 8 & 9 respectively).
- (b) Seeking the inclusion of the clearly marked location of Brown Hill Creek and Keswick Creek on any relevant precinct maps and ensure that there are adequate policy provisions in the City of Unley Development Plan that guarantee no activities or development will compromise Brown Hill Creek and/or Keswick Creek and any related infrastructure.
- (c) Highlighting the opportunity for cost savings in relation to realignment of infrastructure to redirect stormwater flow through sites 8 and 9, which may require an easement across the site.

2. The Inner and Middle Metropolitan Corridor (Design) DPA

The Design DPA is currently on interim operation with new provisions consolidated into the Development Plan on 30 May 2017. Interim operation begins at the start of public consultation and can be in place for up to 12 months. During this time, all the policies proposed by the amendment are in effect. However, changes to the amendment can be made as a result of the consultation, and can include revocation of the proposed changes.

The Design DPA aims to improve design quality for all buildings but particularly residential development of more than 3 storeys. It amends policy in the General Section of the Development Plan with changes to the module entitled: Medium and High Rise Development (3 or more Storeys).

Development at a height of 3 or more storeys would typically occur in areas zoned Urban Corridor, but the policy is also applicable for assessing development of 3 or more storeys, in other zones.

The Design DPA responds to critiques of the earlier Urban Corridor Zone policy, that it lacked provisions to ensure design quality and consider impacts on neighbouring residential development, particularly overshadowing impacts external to the subject site. To support the intent of the implementation of the two DPA's, the Minister concurrently released Volume 1 of the (non-statutory) Design Guidelines. Volume 1 focuses on Design Quality and Housing Choice.

The contents of the Design DPA are understood to be largely based on the experience in the City of Prospect where more urban corridor development has reached construction phase than in West Torrens. While several applications have been lodged and granted approval in West Torrens, the take up rate for Urban Corridor Zone development in City of Prospect has surpassed any construction in the Urban Corridor Zones of West Torrens.

In this instance, neither West Torrens Council nor Administration representatives were invited to provide feedback on the draft content of the DPA prior to the public release for consultation, apparently on the assumption that the Prospect experience was indicative of all council perspectives. Furthermore, the Minister exercised his power to enact interim operation for the Design DPA, which means that from 30 May 2017 the policy was immediately included in the Development Plan regardless of support by other councils or not.

Administration staff has reviewed technical aspects of the Design DPA policy and conducted internal workshops to consider impacts on parking, traffic movement, waste provisions, environment and community development.

Recommendation

Having considered these options and as discussed in Attachment 3, it is recommended that Council writes to the Minister indicating support for the intent of the Inner and Middle Metropolitan Corridor (Design) DPA recommending edits and enhancements to the policy for the Minister's consideration, as described in the contents of **Attachment 3**.

3. The Draft Design Guidelines - (Volume 1) Design Quality and Housing Choice

In order to build the capacity of the planning and development industry to respond to the new urban form proposed in the 30-Year Plan for Greater Adelaide, the Minister will release a suite of Design Guidelines on a range of key topics:

1. Residential Design Guidelines
(released under the title: Design Guidelines: Design Quality and Housing Choice)
2. Master Planning
3. Infrastructure
4. Adaptive Re-use
5. Ageing in Place
6. Tall Buildings

Volume 1 of the Design Guidelines has been prepared by the Office for Design + Architecture South Australia. This document addresses Action 11 in the Updated 30-Year Plan which requires the release of the Residential Design Guidelines to assist in creating desirable neighbourhoods and streetscapes. Despite the Design Guidelines not yet having any statutory weight it is intended that the guiding principles will be incorporated into policy to be drafted through the Planning and Design Code.

The Design Guidelines aim to address the design challenges posed by infill development that responds to the principles in the 30-Year Plan for Greater Adelaide. As infill development increases, better design outcomes are required to ensure that new higher density housing complements existing neighbourhoods and is embraced by communities. An appropriate standard of design is required to support a successful transition to more compact, sustainable urban forms and preserve community expectations of amenity for those living in, and those living adjacent to, new development.

The Design Guidelines currently have no statutory status, but can assist to demonstrate ways to achieve a better standard of development in urban infill situations.

Recommendation:

As discussed in **Attachment 4**, Council writes to the Minister indicating support for the intent of the *Design Guidelines Volume 1- Design Quality and Housing Choice* and question how the principles can be translated into practice through statutory mechanisms, as described in the contents of **Attachment 4**.

Conclusion

The Minister for Planning has released 3 key documents for public consultation, namely 2 Ministerial Development Plan Amendments and the Draft Design Guidelines (Volume 1). This report presents draft feedback for Council's consideration and submission to the Minister, to DPTI, the Office for Design and Architecture and the Local Government Association.

Appendix i. Options for Site 10- Former Marlestone TAFE at 254-262 Richmond Road

Option 1 - Support the DPA and accept the proposed Urban Corridor Zone at Site 10.

Accept the Minister's plan for Urban Corridor Zone at the site with a few minor amendments to the policy to improve development outcomes and optimise the unique opportunities at the site and mitigate challenges of the site.

Add a concept plan for the site which:

- Identifies the retention of regulated and significant trees
- Shows approximate possible building footprint to maximise envisaged building heights (6 storeys).
- Indicates key street activation locations (Richmond Rd)
- Shows preferred vehicle access points
- provides a transition buffer between neighbouring commercial zone and any new residential development

Benefits of this approach may include:

- Opportunity for jobs and construction in the local area.
- Maintain momentum for development: DPA's after this point are likely to become lower priority for State Government as they move into Election Caretaker Mode.
- Potential to lobby for improved public transport in the locality.
- The opportunity to leverage the envisaged higher density development to justify a tram down Richmond Road.
- Generate goodwill with the Minister/Department in the lead up to DPTI's collaborative work program.
- Improved opportunity to achieve economies of scale in the development without requiring removal of several impressive, significant and regulated trees on the site.
- This may also reflect improved opportunities to include open space in the development, due to the smaller building footprint required to achieve the equivalent densities compared with what might be required if a similar number of residents were to be accommodated in detached, semi-detached, or even row dwelling homes. Furthermore, provides improved opportunities to address any contamination within the site.

Drawbacks of this approach:

- Car parking rates provided for the entire site will be at the reduced rate that applies to 'designated areas'. Where development precedes any improved public transport and/or cycling/pedestrian infrastructure, this is likely to lead to an undersupply of parking in the area.
- Intensification of any residential development in this location without a suitable buffer to the neighbouring commercial zone to the west may lead to limitations on commercial and industry land uses operating in that area.
- 'Under-development' may be refused in favour of multi-storey apartment buildings. Development such as townhouses, semi-detached dwellings and detached dwellings less than 3 storeys high are likely to be refused, even when proposed on smaller lots.

Other points to consider:

- The current policy on the southern 'half' of the site, allows industry development up to 12 storeys high, therefore the envisaged building height is not much more than the height allowed in the current zoning. It should be noted however, that there are generally no overlooking issues from warehouse and industry developments.
- Existing development may continue to operate in accordance with current approvals, as they have existing use rights. (i.e. no existing land uses will be forced out).

Option 2 - Request Site 10 is removed from Sites DPA altogether

Do not support the DPA, and request that Site 10 be removed from Sites DPA:

The existing zoning at the site allows for commercial development in the north of the site and Industry development to the South.

The Administration is currently undertaking an Employment Lands Analysis project to identify supply and demand. Early indications suggest that there is neither an oversupply nor undersupply in the locality, however the dimensions and location of the site make it suitable for a number of uses including a variety of commercial uses and/or mixed use development.

It may be premature to convert existing employment lands for residential development prior to determining if the current demand for employment land can be accommodated.

By removing Site 10 from the DPA it will allow for a more evidence-based approach to a future rezoning proposal at the site, and possibility of investigating some newer policy modules being developed by DPTI.

Option 3 - Support the DPA and suggest an alternate zone combination.

Support the urban infill intent of Sites DPA, but suggest an alternate zone combination: Medium Density Residential Zone with an activated commercial policy edge that fronts Richmond Rd.

This model could be achieved by retaining the existing commercial zone to the northern portion of the site. This option strikes a balance between making land available for residential infill development and maintaining the existing Commercial Zone in the locality.

The proposed zone solution could generally be described as:

1. Medium Density Residential Zone to replace the current Industrial Zone at the site
2. A zone that allows for commercial development along Richmond Road and policy that promotes an activated streetscape fronting Richmond Road, where the Commercial Zone currently exists.

This option, would see a medium density Residential Zone applied across the majority of the site adjacent the existing Medium Density Residential Policy Area 19. The balance of the site (fronting Richmond Rd) would remain Commercial Zone.

A medium density Residential Zone such as Policy Area 18 would allow for medium density infill and some small scale non-residential uses to service the local area. If desired, it could include a local variation to allow development up to 4 storeys in suitable locations to the centre of the former TAFE site, with a 3 storey height maximum in other locations where design parameters such as overshadowing to neighbouring residential areas can be addressed.

Industry experts indicate that horizontal mixed use development is preferable and potentially more viable than vertically mixed use development. A horizontal mix mitigates conflicts that occur through shared building footprint and multiple-user development waste collection and other issues related to competition for parking at ground level.

Benefits of this approach may include:

- Balance the Minister's desire for increased density with facilitation of development of the 'missing middle' dwelling types described in the 30-Year Plan.
- A moderate level of density accommodated
- Zone and policy area that envisages the type of development that meets the desires of the market (predominantly 2-3 storey) with potential that this site is designated as an area suitable for development of apartment buildings up to 4 storeys high.
- Allows for a mix of housing types within the site.
- Development would need to meet the higher parking rates applied to development outside of 'designated areas'.
- This option still allows for the site to be developed as a co-ordinated horizontally-mixed-use development.

- Future development at the site would be more compatible with the surrounding Residential Zone densities in medium density Policy Area 19.

Drawbacks of this approach:

- Fragmentation of the site over two planning zones may be considered limiting.
- Does not allow a developer as much flexibility for building height as Urban Corridor Zone.

Other points to consider:

- 'Under-development' is unlikely to be refused as it would in Urban Corridor Zone.
- Other non-residential uses such as petrol-filling (service) station are listed as non-complying.

Appendix ii. Options for Site 11: 6-10 Railway Terrace, Mile End (CHG Site)

Option 1 - Refuse support for the rezoning and request the Minister undertake a targeted consultation process which actively engages affected residents and property owners.

Council could choose to take this position, based on:

- a) The principle that this is not a minor extension of an existing Urban Corridor Zone, and insufficient community consultation has been undertaken at the time of initial Urban Corridor Zone, and the effects of this were further compounded by the Minister's recent minimalist approach to public consultation.
- b) The Minister has promised a review of the Heritage Planning system, but there has been no progress and without knowledge of the new system, there is no way of knowing what protections there may be for Historic Conservation Overlay areas. Any proposal to rezone would ideally be considered with some knowledge of the parallel process that will be applied.

Option 2 - Accept the Minister's plan for Urban Corridor Zone at the site with enhancements to the policy to improve development outcomes and optimise the unique opportunities at the site and mitigate challenges of the site.

Support the rezoning at Site 11 and accept the proposed Urban Corridor Zone as a way of facilitating a more viable urban infill development outcome at the site subject to:

- a) the continuation of design protections described in the Design DPA that are currently on interim operation.
- b) local policy enhancements as further detailed in the Ministerial Inner Middle Metropolitan Corridor (Sites) DPA relating to:
 - i. A concept plan showing suitable vehicle access to the site, acceptable building envelope for maximum storeys anticipated in the policy, zone boundary setbacks, location of contributory items; and
 - ii. Additional policy that ensures the newly proposed Urban Corridor allotments may not be developed separately from the remainder of 6-10 Railway Terrace, in an effort to limit additional vehicle access to the site and reduce additional traffic impacts in the neighbouring residential area (Hughes Street and Junction Lane).

Attachments

1. **DPTI Public Information Postcard Flyer**
2. **Feedback on the Inner and Middle Metropolitan (Sites) DPA**
3. **Feedback on Ministerial IMMC (Design) DPA**
4. **Feedback on Design Guidelines (Volume 1)**

Have Your Say
Policy changes for new development in high volume public transport corridors

The State Government is proposing a range of aligned rezonings that put design at the heart of good planning. This continues the State Government’s vision of good quality infill development and reduced urban sprawl.

The proposed policies provide greater design guidance to ensure new developments positively contribute to neighbourhoods and provides active and interesting pedestrian environments on the street.

Twelve sites have been carefully selected for rezoning to progress further in-fill opportunities. These sites are large enough to enable well designed outcomes which will minimise impacts on nearby houses and neighbourhoods.

The sites are located in the City of Norwood Payneham and St Peters, City of Unley and the City of West Torrens.

For Information and to Have Your Say refer to:
<http://www.saplanningportal.sa.gov.au>

planning Government of South Australia
Department of Planning,
Transport and Infrastructure

Have Your Say
Policy changes for new development in high volume public transport corridors

Emphasising good design and diverse housing choices

For Information and to Have Your Say refer to:
<http://www.saplanningportal.sa.gov.au>

Response to the Minister's Inner Middle and Metropolitan (Sites) DPA

Overview

It is Council's understanding that the IMMC (Sites) DPA effectively supersedes the earlier IMMCI Corridor DPA initiated by the Minister in 2015.

Council recognises that a scaled back approach to additional Urban Corridor Zone is preferable given the revised population forecasts for Adelaide, and South Australia more generally.

Sensitive development of key sites is also more appropriate than allowing the potential for linear corridors of development along arterial roads that potentially act as wind tunnels and trap urban heat, thereby reducing the liveability of our suburbs.

Council appreciates the Minister's intention, demonstrated through the modest approach to rezoning proposed through the (Sites) DPA and reconsidering the need for entire "corridors" or development. The (Sites) DPA instead proposes to rezone development-ready sites that have access to the benefits provided by proximity to arterial road corridors.

While the relatively conservative approach to rezoning is appreciated, thereby allowing greater opportunity for existing Urban Corridor zones to be realised before additional land is 'brought on line', Council does not agree with all the sites nominated for rezoning.

Furthermore, Council questions the rigour of the process used to select sites, and recommends DPTI provide additional information about the process used to select sites that were ultimately included in the DPA.

Process concerns are further compounded by the Department's minimalist approach to public notification (rather than genuine community consultation) and (in relation to site 11) lack of consultation in relation to Urban Corridor rezoning that occurred in 2015.

It is considered that in the haste to realise this DPA, more suitable zone alternatives may have been overlooked. Alongside this, the needs and interests of current residents, the development market, and future land owners have not been adequately considered.

The (Sites) DPA considers a number of sites across the Cities of Unley; Norwood Payneham and St Peters; and West Torrens and the following sites are of particular interest to West Torrens Council:

- Site 10: Former Marlestone TAFE at 254-262 Richmond Road, Marlestone
- Site 11: (CHG Site) 6-10 Railway Terrace, Mile End
- Sites 8 and 9: (near Le Cornu) in City of Unley

Further matters considered for each of the sites are listed below, following the general open space and car parking comments, along with recommendations submitted for Council endorsement at the meeting on 1 August 2017.

Open Space under-provided for

City of West Torrens is currently overseeing consultants to deliver the Open Space for Higher Density Development Structure Plan for the council area. This project is part-funded by DPTI's Open Pace and Places for People funding. Research undertaken as part of the

project indicates that Sites 8, 9 and 10 of the (Sites) DPA are in areas that are already rated as medium to high priority to address under-provision of open space. In many parts of these area, there is no green open space within 400metres of these locations.

A proposal to increase residential densities in such locations will further compound Council's problem of acquiring open space in the built up area.

Urban Corridor Implications for Parking:

The proposed change to Urban Corridor at the site would significantly affect parking and traffic movements in the surrounding area. More detailed analysis of these impacts should be undertaken by the Minister/DPTI before any re-zoning at the site is progressed.

The issue of infrastructure requirements and upgrades should form part of the analysis of the proposed zoning changes. These would include requirements to upgrade local roads to accommodate the anticipated increase in traffic flows and parking demands along with funding to allow these upgrades to occur in a planned manner. User-pay, developer levies or Government funding should form part of this consideration to assist councils in meeting their obligations to the local community. A standardised metropolitan-wide process should be finalised for such funding arrangements.

The Minister's approach to Urban Corridor zoning of land along major road corridors envisages higher densities and lower parking provision. The impacts of such a significant change have not been considered from a local government perspective. Many parcels of land affected are too small to enable efficient parking layouts and do not allow servicing of these developments to be reasonably accommodated.

Lowered car parking rates mean that, in the absence of public transport improvements or increased public transport usage, these zone changes merely allow developers to provide less parking, thereby compounding parking problems in the local streets, which ultimately becomes a cost to councils, by having to develop strategies to deal with the issues.

Another common problem that councils have to deal with is refuse (waste collection) servicing of high rise residential apartments that are envisaged in Urban Corridor Zones. Many of these land holdings are too small to accommodate on-site refuse servicing. As a consequence, there is no option but to allow on-street servicing to occur. Guidelines regarding servicing of small sites could assist councils in dealing with this issue if it was also contemplated in Urban Corridor Zone policy in the Development Plan.

For changes that are within council's control, a detailed analysis is normally undertaken so that parking and traffic management schemes can be put in place to meet future requirements in a planned manner.

One of the most significant impacts of the Urban Corridor Zone is the lowering of the parking rates applicable to developments within the zone. Applying a simple single rate of 3 spaces per 100m² minimum means that parking provided for development such as supermarkets, which are traditionally high carpark generating developments, is inadequate in these areas.

The use of such a low parking rate requirement appears to be based on the expectation that public transport usage or shared trips would increase so significantly over a short period of time that parking demand is instantly lowered. Until such time that the 'reality' matches theory, councils are left to deal with parking issues.

Site 10: Former Marleston TAFE at 254-262 Richmond Road, Marleston

The following options have been considered in response to the Minister's proposed approach to Site 10:

- 1 - Support the DPA and accept the proposed Urban Corridor Zone at Site 10.
- 2 - Request Site 10 is removed from Sites DPA altogether.
- 3 - Support the DPA and suggest an alternate zone combination.

Further detail specific to each option considered for Site 10 is listed under the relevant headings below.

Site 10 Option 1 - Support the DPA and accept the proposed Urban Corridor Zone. Accept the Minister's plan for Urban Corridor Zone at the site with a few minor amendments to the policy to improve development outcomes and optimise the unique opportunities at the site and mitigate challenges of the site.

Add a concept plan for the site which:

- Identifies the retention of regulated and significant trees
- Shows approximate possible building footprint to maximise envisaged building heights (6 storeys).
- Indicates key street activation locations (Richmond Rd)
- Shows preferred vehicle access points
- Provides a transition buffer between neighbouring Commercial Zone and any new residential development.

Benefits of this approach may include:

- Opportunity for jobs and construction in the local area.
- Maintain momentum for development: DPA's after this point are likely to become lower priority for State Government as they move into Election Caretaker Mode.
- Potential to lobby for improved public transport in the locality.
- The opportunity to leverage the envisaged higher density development to justify a tram down Richmond Road.
- Generate goodwill with the Minister/Department in the lead up to DPTI's collaborative work program.
- Improved opportunity to achieve economies of scale in the development and potentially to provide greater flexibility for development design that retains several impressive, significant and regulated trees on the site.
- This may also reflect improved opportunities to include open space in the development, due to the smaller building footprint required to achieve the equivalent densities compared with what might be required if a similar number of residents were to be accommodated in detached, semi-detached, or even row dwelling homes. Furthermore, provides improved opportunities to address any contamination found within the site.

Drawbacks of this approach:

- Car parking rates provided at 3 car parks per 100m² for all land uses over the entire site (this is the reduced rate that applies to 'designated areas'). Where development precedes any improved public transport and/or cycling/pedestrian infrastructure, this is likely to lead to an undersupply of parking in the area.
- Traffic and car parking will be an issue of contention unless adequate opportunity for on-street parking is designed into any land division or master plan for the site.
- Intensification of any residential development in this location without a suitable buffer to the neighbouring commercial zone to the west may lead to limitations on commercial and industry land uses operating in that area.

- 'Under-development' may be refused in favour of multi-storey apartment buildings. Development such as townhouses, semi-detached dwellings and detached dwellings less than 3 storeys high are likely to be refused based on this policy.
- Approved uses on neighbouring industry and commercial land to the west may find that densification of residential development nearby may inhibit their current operations, with new residents expecting a higher standard of amenity than those who have co-existed with commercial and industry uses in the area for many years. (These property owners deserve the peace of mind that might be provided by a concept plan which clearly designates the intended location of higher density residential development at the site.)

Other points to consider:

- The current policy on the southern 'half' of the site, allows industry development up to 12 storeys high, therefore the envisaged building height is not significantly more than the height allowed in the current zoning. It should be noted however, that there are generally no overlooking issues from warehouse and industry developments.
- Existing development may continue to operate in accordance with current approvals, as they have existing use rights. (i.e. no land uses will be forced out).
- The (Sites) DPA would benefit from inclusion of a concept plan which provides visual representation of the text, to demonstrate placement that would allow the full height of development as proposed in the policy. [i.e. a concept or precinct plan that shows the maximum building footprint of a development which capitalises on the heights proposed at the site and meets the urban design parameters promoted in the (Design) DPA to minimise overshadowing]. This might have provided greater certainty for neighbouring property owners.

Site 10 Option 2 - Request Site 10 is removed from Sites DPA altogether

Do not support the DPA, and request that Site 10 be removed from Sites DPA. The existing zoning at the site allows for commercial development in the north of the site and industry development to the south.

The Administration is currently undertaking an Employment Lands Analysis project to identify supply and demand. Early indications suggest that there is neither an oversupply nor undersupply in the locality, however the dimensions and location of the site make it suitable for a number of uses including a variety of commercial and/or mixed use development.

It may be premature to convert existing employment lands for residential development prior to determining if the current demand for employment land can be accommodated.

Benefits of this approach may include:

- Removing changes to Site 10 from the (Sites) DPA will allow for a more evidence-based approach to a future rezoning proposal at the site in the broader context of industry and commercial zoning across the council area.
- Possibility of investigating some newer policy modules being developed by DPTI.

Drawbacks of this approach:

- The existing zoning prevents any residential development options at the site.
- Once any new industrial development is approved at the site (as is envisaged in current policy over the southern portion of the site) it will have existing use rights, thereby effectively 'locking in' industrial use in the area adjacent residential allotments to the south and east in Residential Policy Area 19.

- Ideally council would seek to minimise unbuffered interface between industry and residential land uses.
- Retail or other commercial development could assist to activate the site frontage to Richmond Rd, however the current and proposed policy provisions are insufficient to ensure that any retail development at the site occurs in a suitable location.

Site 10 Option 3 - Support the (Sites) DPA and suggest an alternate zone combination. Support the urban infill intent of the (Sites) DPA, but suggest an alternate zone combination at Site 10.

The alternate solution proposed in this option includes Medium Density Residential Zone to the southern portion of the site, while to the northern part of the site (adjacent Richmond Rd) a zone which allows commercial activity would be applied and particularly include an activated commercial policy edge that fronts Richmond Road.

The alternative proposed zone solution could generally be described as:

1. Medium Density Residential Zone to replace the current Industrial Zone at the site
2. Retain the existing Commercial Zone to the northern part of the site and add policy that promotes an activated streetscape fronting Richmond Road.

This option, would see a medium density Residential Zone applied across the majority of the site adjacent the existing Medium Density Residential Policy Area 19. The balance of the site (fronting Richmond Rd) would remain Commercial Zone.

A medium density Residential Zone such as Policy Area 18 would allow for medium density infill and some small scale non-residential uses to service the local area. If desired, it could include a local variation to allow development up to 4 storeys in suitable locations to the centre of the site, with a maximum height of 3 storeys applied in other locations where design parameters such as overshadowing can be addressed.

Benefits of this approach may include:

- This option strikes a balance between making land available for residential infill development and maintaining the existing Commercial Zone in the locality. This model could be achieved while retaining the existing commercial zone to the northern portion of the site.
- Industry experts indicate that horizontal mixed use development is preferable and potentially more viable than vertically mixed use development. A horizontal mix mitigates conflicts that occur through shared building footprint and multiple-user development waste collection and issues related to competition for parking at ground level.
- Balance the Minister's desire for increased density with facilitation of development of the 'missing middle' dwelling types described in the 30-Year Plan.
- A moderate level of density accommodated
- A zone and policy area that envisages the type of development that meets the desires of the owner-occupier home market (predominantly 2-3 storey) with potential that a part of this site is designated as an area suitable for development of apartment buildings up to 4 storeys high.
- Allows for a mix of housing types within the site to accommodate a variety of household types.

- Development would need to provide a higher number of parking spaces, as applied to development outside of 'designated areas', thus reducing demand for on-street parking.
- Policy could be added to facilitate retail or other commercial development in a part of the site that is suitably located to activate the site's frontage to Richmond Rd.
- This option still allows for the site to be developed as a co-ordinated horizontally-mixed-use development.
- Future development at the site would be more compatible with the surrounding Residential Zone densities in medium density Policy Area 19.

Drawbacks of this approach:

- Fragmentation of the site over two planning zones may be considered limiting.
- Does not allow a developer as much flexibility for building height as Urban Corridor Zone.

Other points to consider:

- Non-residential uses such as petrol-filling (service) station are listed as non-complying in the Residential Zone.
- Development such as townhouses, semi-detached dwellings and detached dwellings less than 3 storeys high would not be deemed 'under-development', and is not likely to be refused if it meets acceptable design parameters. (In Urban Corridor Zone these developments are non-complying and therefore likely to be refused as they would be deemed 'underdevelopment').

General Considerations for Site 10- Former Marleston TAFE Site

- Ensure public space provided matches the requirements of the intended demographic for the master-planned community residents.
- Bike lanes should be provided within the development to encourage use of bicycles to reduce reliance on vehicles and counteract limited on-street parking available.
- Potential to activate Richmond Road frontage (requires policy to guide urban form- e.g. not allow designs that have car-parking fronting Richmond Road)
- Consider how policy supports share-car models e.g. GoGet.
- There is a potential that increased site coverage will impact on localised flooding hazard and there is potential to address this through additional water sensitive urban design (WSUD) policies to be applied at the site or within relevant zone policy.
- There is already a current under-provision of open space in the area, therefore open space provided at this site may need to also service the surrounding residential area.
- Increased densities at the site may act as a draw card for Richmond Rd as a tram option.
- Potential to address site contamination and protect regulated trees.
- Opportunity for increased landscaping/ public open space.
- Reasonable public transport needs to be provided.
- Ensure adequate policy applies to ensure suitable minimum width road carriageway to facilitate resident and service vehicle turning circles, if using rear-loaded "laneways".

Having considered the options, it is therefore recommended that in relation to Site 10, the Council -

- (a) **support** the intent of urban infill and a coordinated mixed use development at the former Marleston TAFE site (Site 10);

- (b) subject to the continuation of design policy introduced through the (Design) DPA currently on interim operation; however,
- (c) **not support** introduction of Urban Corridor Zone over the entirety of Site 10; and
- (d) recommends the Minister consider an alternate zone combination be applied at Site 10 with a number of additions to policy; and;
- (e) the alternative proposed zone solution include Medium Density Residential Zone to replace the current Industrial Zone at the site; and;
- (f) retain the existing Commercial Zone to the northern part of the site with added policy that promotes an activated streetscape fronting Richmond Road; and;
- (g) include a local variation to allow residential development up to 4 storeys in suitable locations to the centre of the site, with a 3 storey height maximum in other locations where design parameters such as overshadowing to adjoining residential areas can be addressed.

Site 11: 6-10 Railway Tce, Mile End (CHG Site)

General Comments and History of Zoning Policy at this site:

- Earlier Rezoning process was flawed- which means this is effectively the first time that residents are finding out that part of 6-10 Railway Tce that fronts Railway Tce was already rezoned to Urban Corridor. So rather than a simple extension of an existing Urban Corridor Zone, this should be consulted as though the whole site of 6-10 Railway Tce is being newly converted to Urban Corridor.

2013

Part 2 of the Housing Diversity DPA was endorsed by Council and submitted to the Minister in November 2013. The version submitted shows the land at 6-10 Railway Tce zoned as Residential Zone- Mile End Historic Conservation Policy Area 30.

This is consistent with the zoning shown on the plans that were presented during the public consultation on the document.

During the public notification process one representation was received from a planning consultant on behalf of the Corporate Health Group, the land owner of the site consisting of 5 allotments at 6-10 Railway Tce. The submission presented the opinion that the proposed Urban Corridor Zone should be extended from Henley Beach Rd to include the allotments fronting Railway Tce north of Hughes St in Mile End.

2014 - 2015

In Council's Summary of Consultation and Proposed Amendments (SCPA) report, the Administration provided the following information in response to the proposal:

"Disagree that Railway Tce north of Hughes St should form part of the Urban Corridor Zone due to lack of continuity with other parts of the Zone. Further, the boundaries of the Historic Conservation Policy Area are not being altered as a result of this DPA in the absence of a detailed heritage review and is therefore considered outside the scope of this DPA."

Council endorsed the response: "No Amendment considered necessary."

Following this, the Minister released an amended form of the DPA and advised Council of the changes, which made no mention of the extension of the Urban Corridor Zone at this site. However, the version of the Development Plan that was released included changes to the zoning maps, apparently without the community ever being consulted on the proposed changes in that location. From that time the Urban Corridor applied to those allotments fronting Railway Tce at 6-10 Railway Tce, Mile End.

2017

A few years later in 2017, the Minister sent out postcards to residents within 100metres of allotments included in the (Sites) DPA. It was when some residents attended the information session hosted by DPTI staff, they realised for the first time that the Land at 6-10 Railway Tce Mile End had been rezoned to Urban Corridor.

Internal consultation with relevant departments of council highlighted traffic, heritage and amenity concerns in relation to the proposed rezoning at this site.

It is considered essential that a Precinct Plan be included for the site to identify envisaged building foot print and preferred traffic access points to the site, to address:

- Potential for traffic impacts on the side street (Hughes St and Junction Ln)
- Traffic implications on laneway
- Location of traffic access to the site will impact on traffic flows and if left, uncontrolled, may encourage unreasonable additional traffic movements on adjacent residential streets.
- Pedestrian linkages (especially in light of the recent closure of the pedestrian railway crossing in the locality).
- Concerns regarding potential over-development of the site and overshadowing issues.

In addition there are contradictions and issues related to the development envisaged in the zone, and how that relates to the Historic Conservation Overlay and Historic Conservation Policy Area provisions that affect the site.

- Potential for the role of the Historic Conservation Overlay to be undermined by policy which envisages development at increased densities.
- Wording of policy which implies impacts only on development in 'adjacent' Historic Conservation Area must be considered. This could be taken to mean that Historic Conservation Areas that are in the proposed development allotment (not *adjacent* to the proposed development) do not need to be considered, and effectively have no additional protections.

Options Considered for Site 11: 6-10 Railway Tce, Mile End (CHG Site)

Site 11 Option 1 - Refuse support for the re-zoning and request that the Minister undertake a targeted consultation process which actively engages affected residents and property owners.

Council could choose to take this position, on the basis of:

- a) The principle that this is not a minor extension of an existing Urban Corridor Zone, and insufficient community consultation has been undertaken at the time of initial Urban Corridor Zone, and the effects of this were further compounded by the Minister's recent minimalist approach to public consultation.
- b) The Minister has promised a review of the Heritage Planning system, but there has been no progress and without knowledge of the new system, there is no way of knowing what protections there may be for Historic Conservation Policy or Overlay Areas. Any proposal to rezone would ideally be considered with some knowledge of the parallel process that will be applied.

Site 11 Option 2 - Accept the Minister's plan for Urban Corridor Zone at the site with enhancements to the policy to improve development outcomes and optimise the unique opportunities at the site and mitigate challenges of the site.

Support the rezoning at Site 11 and accept the proposed Urban Corridor Zone as a way of facilitating a more viable urban infill development outcome at the site subject to:

- a) the continuation of design protections described in the Design DPA that are currently on interim operation
- b) local policy enhancements as further detailed in [this Attachment] relating to:
 - A concept plan showing suitable vehicle access to the site, acceptable building envelope for maximum storeys anticipated in the policy, zone boundary setbacks, location of contributory items; and
 - Additional policy that ensures the newly proposed Urban Corridor allotments may not be developed separately from the remainder of 6-10 Railway Terrace, in an effort to limit vehicle access to the site and reduce additional traffic impacts in the neighbouring residential area (Hughes Street and Junction Lane).

It is therefore recommended that in relation to Site 11, the Council -

- (h) **not support** the rezoning to Urban Corridor Zone at Site 11, and request the Minister undertake a targeted consultation process which actively engages affected residents and property owners and carefully considered feedback provided; and
- (i) express disappointment about the lack of community consultation when the land at 6-10 Railway Tce, Mile End was originally changed to Urban Corridor Zone. Highlight that the effects of this lack of consultation were further compounded by the Minister's minimalist approach to the recent feedback opportunity; and
- (j) indicate that it is difficult to endorse the proposed changes in the absence of any certainty for the future of Heritage Planning Reform, as without knowledge of the new system, there is no way of knowing what other protections there may be for Historic Conservation Overlays, Areas and/or policy areas; and;
- (k) submit feedback on policy changes to be made if the Minister resolves to proceed with the rezoning at this site: including continuation of design policy introduced through the (Design) DPA currently on interim operation and additions proposed in option 2.

Sites 8 and 9 (near Le Cornu) in City of Unley

(Adjacent West Torrens Council boundary across Anzac Hwy from Ashford Hospital):

Internal consultation with relevant departments of council highlighted potential concerns and opportunities in relation to the proposed rezoning at this site. Issues included traffic flow, car parking capacities and main trunk stormwater drainage in the general locality.

Car Parking Capacities

The Ashford Hospital precinct currently generates a high volume of on-street parking demand within the local street networks surrounding this area, with limited on-street parking capacity within an approximate 200m offset from the precinct. Anecdotally, a large proportion of this excess parking demand also currently utilise the Anzac Highway frontage of the Le Cornu carpark. Consequently, the redevelopment of this site will place further pressures on the existing on-street parking and any new on-street parking within the development site.

Although it is not anticipated that the redevelopment of the Le Cornu site could or should address this existing local precinct excess parking demand, it should be ensured that the future development of the site does not exacerbate the existing deficiencies, and that appropriate measures are implemented within the site to ensure the future development is not adversely impacted by the existing unmet demand for parking in the precinct.

Traffic Flow

At present, the intersection of Everard Ave and Anzac Hwy (directly to the north of the Le Cornu site) is nearing peak capacity, particularly during peak periods. Anecdotally, a substantial volume of traffic currently utilises Leader St - Anzac Hwy - Everard Ave as an east-west corridor in avoidance of the arterial road network.

It would be considered appropriate for strategic planning for the future development of the Le Cornu site to seek solutions that minimise the potential for further loading of traffic volumes being attracted to utilising this linkage.

Major Stormwater Management - Opportunity

Keswick Creek is located directly north of the Le Cornu site (shown as site 8 & 9 in the Sites DPA) and Brown Hill Creek is located approximately 170m to the south of the same site. As part of major flood mitigation works associated with Keswick and Brown Hill Creek Project there is commitment for a major culvert linkage along Anzac Hwy from Keswick Creek to Brown Hill Creek. The construction of such a linkage will result in an extreme impact on Anzac Hwy for an extended period of time.

There could be opportunity in association with the master planning of the Le Cornu site to accommodate an alternate Keswick to Brown Hill Creek corridor (and easement) which could double as a feature promenade/open space linkage through the development site. This could substantially reduce costs and minimise impacts associated with the planned stormwater construction and at the same time provide benefit to the development of the Le Cornu site in establishing a mechanism for stormwater disposal for the site.

It is therefore recommended in relation to Sites 8 & 9, (in City of Unley) the Council -

- (l) Raise concerns that intensification of infill land uses in proximity to the City of West Torrens boundary may have impacts on traffic movement, car parking and infrastructure for the management and quality of storm water (particularly in relation to Brown Hill Creek and Keswick Creek which traverse Sites and 8 & 9 respectively).
- (m) Include the location of Brown Hill Creek and Keswick Creek marked on any relevant precinct maps and ensure that there are adequate policy provisions in the City of Unley Development Plan that guarantee no activities or development will compromise Brown Hill Creek and/or Keswick Creek and any related infrastructure.
- (n) Highlight opportunity for cost savings in relation to realignment of infrastructure to redirect stormwater flow through sites 8 and 9, which may require an easement across the site.

Therefore the following overall approach to feedback is recommended:

1. The Administration write to the Minister indicating Council's support for the intent of the Inner and Middle Metropolitan Corridor (Sites) DPA to stimulate infill development in suitable locations; and; express disappointment with the process undertaken; and, as described in the contents of this Attachment; in particular, provide the following responses:

Regarding Site 10 -

- (a) **support** the intent of urban infill and a coordinated mixed use development at the former Marleston TAFE site (Site 10);
- (b) subject to the continuation of design policy introduced through the (Design) DPA currently on interim operation; however,

- (c) **not support** introduction of Urban Corridor Zone over the entirety of Site 10; and
- (d) recommends the Minister consider an alternate zone combination be applied at Site 10 with a number of minor amendments to policy; and;
- (e) the alternative proposed zone solution include Medium Density Residential Zone to replace the current Industrial Zone at the site; and;
- (f) retain the existing Commercial Zone to the northern part of the site with added policy that promotes an activated streetscape fronting Richmond Road; and;
- (g) include a local variation to allow residential development up to 4 storeys in suitable locations to the centre of the site, with a 3 storey height maximum in other locations where design parameters such as overshadowing to adjoining residential areas can be addressed.

Regarding Site 11 -

- (h) **not support** the rezoning to Urban Corridor Zone at Site 11, and request the Minister undertake a targeted consultation process which actively engages affected residents and property owners; and
- (i) express disappointment about the lack of historical community consultation when the land at 6-10 Railway Terrace, Mile End was previously changed to Urban Corridor Zone. Highlight how the effects of this lack of consultation were further compounded by the Minister's minimalist approach to the recent feedback opportunity; and
- (j) indicate that it is difficult to endorse the proposed changes in the absence of any certainty for the future of Heritage Planning Reform, as without knowledge of the new system, there is no way of knowing what other protections there may be for Historic Conservation Overlay areas; and;
- (k) submit feedback on policy changes to be made if the Minister resolves to proceed with the rezoning at this site: including continuation of design policy introduced through the (Design) DPA currently on interim operation and proposed additions.

Regarding Sites 8 & 9 (in City of Unley) -

- (l) Raise concerns that intensification of infill land uses in proximity to the City of West Torrens boundary may have impacts on traffic movement, car parking and infrastructure for the management and quality of storm water (particularly in relation to Brown Hill Creek and Keswick Creek which traverse Sites and 8 & 9 respectively).
- (m) Include the location of Brown Hill Creek and Keswick Creek marked on any relevant precinct maps and ensure that there are adequate policy provisions in the City of Unley Development Plan that guarantee no activities or development will compromise Brown Hill Creek and/or Keswick Creek and any related infrastructure.
- (n) Highlight opportunity for cost savings in relation to realignment of infrastructure to redirect stormwater flow through sites 8 and 9, which may require an easement across the site.

Feedback on Inner Middle Metropolitan Corridor Development Plan Amendment (Design DPA)

Over view

Issue	Comment
Design Quality	Council supports the overall intent of the Design DPA to improve the design quality of medium and high rise development and achieve a consistent across Greater Adelaide.
West Torrens Context and Experience (versus Prospect/ Onkaparinga context)	<p>In 2015, Council approved the Housing Diversity Development Plan Amendment which updated the City of West Torren's Development Plan to enable a wider range of housing densities and typologies to meet the future housing needs of the local community consistent with the direction set by the State Government in the 30-Year Plan for Greater Adelaide.</p> <p>Since 2015, the City of West Torrens has seen an increase in the number of applications for medium and high density development in the Urban Corridor Zones introduced along Port Road, Henley Beach Road and Anzac Highway. There has also been a continuation of small scale infill development in some West Torrens suburbs, typically characterised by 1 into 2 or 1 into 3 type development.</p> <p>Anecdotally, Council has noted the following since the implementation of the Housing Diversity DPA:</p> <ul style="list-style-type: none"> • Impacts on and increased demands for small scale infill on public realm amenity, green infrastructure and on street car parking provision • Limited tools for Council to improve open space provision for medium and high density development • High level of community expectations for public notification, which are not matched by actual policy • Limited incentives for site amalgamation which prevents realisation of Urban Corridor Zone development • Limited policy guidance in the Development Plan to enable consideration of impact on locality • Impact of increased hard surfaces on stormwater and flood hazard management and potential for improvements through new development not supported by policy. • The nature of actual development is largely defined by land ownership and existing land division patterns, ie the existing allotment sizes, shapes, depth and orientation inhibit fulfilment of the Urban Corridor objectives. <p>The Design DPA has been developed in close consultation with the Cities of Prospect and Onkaparinga and considered the experiences of development occurring in those local government areas, particularly the City of Prospect's Urban Corridor Zone.</p> <p>However, the City of West Torrens has been excluded from this process despite the high number of applications received for medium-high density development in its Urban Corridor Zone, and the</p>

	<p>significant change occurring in areas where 1 into 2 or 1 into 3 type development is possible. The Administration attended a workshop on the City of Prospect Urban Corridor Zone and Interface Areas Policy Review DPA in December 2016 where it indicated to DPTI representative interest in working with DPTI on any future changes to the policy for medium density housing.</p> <p>The Design DPA does not take into consideration the context and experience of development occurring in the City of West Torrens.</p>
<p>Upskilling Councils, developers and the community</p>	<p>Medium and high density development is a relatively new phenomenon in the City of West Torrens, mostly occurring since the completion of the Housing Diversity DPA in 2015. In the past, the South Australian Housing Trust (SAHT) has developed some medium density development, in more recent times it is mostly private developers.</p> <p>Given the significant change in development scale and typologies, Council recognises that there is a need to upskill assessment staff, developers and the community on improving the quality of medium and high density development and applying these principles.</p> <p>Council suggests that the Minister for Planning, through DPTI and ODASA, as the primary advocate for medium and high density residential development in the 30-Year Plan for Greater Adelaide and guided by the PDI Act's 'Principles of Good Planning', lead the education and awareness building within the built environment professions and wider community.</p>
<p>Council-wide versus Urban Corridor Zone</p>	<p>Council notes that the name of the DPA is the Inner Middle Metropolitan <u>CORRIDOR</u> (Design) DPA and that the DPA documentation including the community factsheet talks about improving the design of developments in the Urban Corridor Zone, however the proposed changes to the Development Plan change Council-wide policy and apply to all medium and high rise development across the council area and are not specific to the Urban Corridor Zone.</p> <p>This miscommunication is unfortunate and sends mixed messages about the proposed changes to the Development Plan within the community. However Council supports the approach to improving the design quality of all medium and high rise development and that these provisions should also apply to the Residential Zone Medium Density Policy Areas that allow development at 3 storeys and above.</p>
<p>Site Amalgamation</p>	<p>In the areas identified for medium rise development in the City of West Torrens including the Urban Corridor Zone and Residential Zone Medium Density Policy Areas, it is noted that these are mostly low density areas that have a land division pattern that is reflective of the history of low density development. While future development of these areas has to work with the existing land division pattern, Council considers that there is potential for the amalgamation of sites to be encouraged through Development Plan policy and other tools if it results in improved development outcomes.</p>

	<p>Council recommends the Minister for Planning consider the implementation of Development Plan policy and other planning tools that promote improved development outcomes and improved design quality through the amalgamation of sites.</p>
<p>1 into 2 or 3 Development</p>	<p>Council notes that the Design DPA specifically addresses medium and high rise development. However in Council's experience many inner suburban areas are also facing design quality issues in relation to 1 into 2 or 1 into 3 type of developments and other similar scale land division developments. This is particularly in relation to ensuring resultant street frontage widths and driveway placement are able to accommodate street trees and on-street car parking. Council seeks to work with the Minister for Planning and DPTI to improve the Development Plan policy for this type of infill development.</p>

Process

Issue	Comment
<p>Interim Operation</p>	<p>Council has previously appreciated the opportunity to provide informal feedback, based on its development assessment experience and knowledge of local community needs and aspirations, prior to public notification undertaken by the Department and encourages the Minister to employ this method in the future. The lack of consultation prior to releasing a DPA for <u>interim operation</u> which Council was required to immediately implement through all development assessment, does not set a leading example of engagement and we hope that this will be addressed for future processes through the proposed Community Engagement Charter.</p> <p>Council supports the intent of the Design DPA and it sees value in 'interim operation' where there has been significant local analysis of the issue and there is a risk of poor quality development slipping through the gaps while the development is on consultation.</p> <p>However, it considers the failure of the Minister for Planning and DPTI to engage with Council even informally prior to the release of the DPA regarding either the intent of the Design DPA or intention to release it with interim operation is reflective of a poor process and does not bode well for the 'partnership' approach the Minister for Planning has stated that he seeks for the development of the Planning and Design Code and other PDI Instruments through the implementation of the PDI Act.</p>
<p>Transition to the Planning and Design Code</p>	<p>Council seeks further information on how the Design DPA will be implemented through the Planning and Design Code in the new planning system under the PDI Act.</p> <p>Noting that the Design DPA does not adopt a performance based assessment framework, it remains to be seen how the principles in the</p>

	<p>Design DPA will be implemented through the yet to be developed Planning and Design Code and whether this will actually result in improved development design quality.</p>
<p>Lack of engagement</p>	<p>Council is concerned that there has been inadequate community consultation on the Design DPA. While statutory requirements for consultation have been met, there is opportunity for a more genuine process of inviting input from the community.</p> <p>Council understands that landowners (but not occupiers) within 100 metres of the (Sites) DPA received a postcard about the recent DPTI documents released. The generic postcard did not identify the nearby affected site proposed to be rezoned nor directly link to the specific DPTI website where information on the proposed (Sites) DPA could be found. This level of engagement is inadequate compared to the level of engagement expected by the community and provided by Council for its own DPA projects.</p> <p>Council suggests that the consultation should directly identify the target audience and be designed to address the potential interests of that group and attempt to raise awareness and a level of understanding within the community about design quality.</p> <p>Council considers that Development Plan provisions in themselves are not sufficient to achieve good quality medium-high density development and that building awareness in the community and knowledge and skills in the development industry regarding these issues is critical to achieving a high quality built environment.</p>
<p>The following table includes feedback from West Torren's Council regarding technical aspects of the Minister's IMMC (Design) DPA.</p>	

Response to Minister's IMMC (Design) DPA	
Medium and High Rise Development (3 or More Storeys)	
Development Plan Reference	Text Proposed To be Amended or Added <i>(*Text in red and italics denotes new or amended policy; Text in black or non-italicized is existing policy)</i>
Comments	
<p>General Section :</p> <p>Design and Appearance</p>	<p>Principle of Development Control 10</p> <p>Development should minimise direct overlooking of the habitable rooms and private open spaces of dwellings through measures such as:</p> <ul style="list-style-type: none"> (a) <i>appropriate site layout and building orientation</i> (b) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct <i>to avoid direct line of sight</i> (c) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms (d) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal
	<p>The proposed amendments are supported in that they provide additional positive guidance for overlooking of habitable rooms.</p>

	<p>negative effect on residents' or neighbours' amenity.</p>	
<p>General Section : Design and Appearance</p>	<p>Principle of Development Control 16</p> <p>In mixed use <i>and medium and high density residential</i> areas, development facing the street should be designed to <i>provide interesting and pedestrian friendly</i> street frontages by:</p> <ul style="list-style-type: none"> (a) including features such as frequent doors and display windows, retail shopfronts and/or outdoor eating or dining areas (b) minimising the frontage for fire escapes, service doors, plant and equipment hatches (c) avoiding undercroft, <i>semi-basement</i> or ground floor vehicle parking that is visible from the primary street frontage (d) using colour, vertical and horizontal elements, roof overhangs and other design techniques to provide visual interest and reduce massing. 	<p>The proposed amendments are supported in that they support a positive pedestrian experience and add "semi-basement" in addition to undercroft.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Objective 3</p> <p><i>Development that is contextual and responds to its surroundings, having regard to adjacent built form and character of the locality and the Desired Character for the Zone and Policy Area.</i></p>	<p>The consideration of the locality and the desired character for the zone and the policy area in this objective is supported. PDCs implementing this objective should consider the locality which <u>may extend beyond the zone.</u></p> <p>Therefore it may be necessary to enhance PDCs to ensure the locality in other zones are considered.</p>

<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Objective 4 <i>Development that integrates built form within high quality landscapes to optimize amenity, security and personal safety for occupants and visitors.</i></p>	<p>This objective is supported as it will benefit future occupants and visitor's experiences within the built form. It will also potentially ameliorate amenity concerns for neighbouring residents. It is worth defining landscapes vs landscaping.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Objective 5 <i>Development that enhances the public environment, provides activity and interest at street level and a high quality experience for residents, workers and visitors by:</i></p> <ul style="list-style-type: none"> (a) <i>enlivening building edges</i> (b) <i>creating attractive, welcoming, safe and vibrant spaces</i> (c) <i>improving public safety through passive surveillance</i> (d) <i>creating interesting and lively pedestrian environments</i> (e) <i>integrating public art into the development where it fronts the street and public spaces</i> (f) <i>incorporating generous areas of high quality fit for purpose landscaping.</i> 	<p>The intent of this objective is supported in terms of providing a high quality experience for residents, workers and visitors, however the impact of the development on neighbours should also be considered, through provisions which consider the impact on the general locality.</p> <p>5(e) This objective is supported but further clarification is required in terms of when and how public art should be integrated. Clarification whether public art should be included within all development greater than 3 storeys is sought.</p> <p>A mechanism for Councils to collect public art contributions from developers (similar to open space contribution) would provide opportunity to Council to influence the end product to ensure consistency with a public art strategy. A developer's desire to minimise strata fees in smaller developments may otherwise lead to sub-optimal results.</p>

<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Objective 7 "Buildings designed and sited to be energy and water efficient".</p>	<p>This provision already exists, however it is noted that there are no new provisions proposed within this DPA to support this objective. It is suggested that further consideration is given to provide additional policy guidance on energy and water efficiency.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p> <p>Design and Appearance</p>	<p>Principles of Development Control 1 to 7</p>	<p>It is noted that these PDCs use technical design language, instead clear definition and plain English is sought, for example the terms: "vertical rhythm", "coherent expression", "façade spacings", "sense of depth", "casual surveillance".</p> <p>The PDCs lack sufficient guidance on building height and scale to achieve good design outcomes. The design suggestions in the provisions could be further supported by the design suggestions relating to building form, page 14 in the Draft Design Guidelines, in particular, consideration of building height, proportions and transitions.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 1 Buildings should <i>be designed to respond to key features of the prevailing local context within the same zone as the development. This may be achieved through design features such as vertical rhythm, proportions, composition,</i></p>	<p>This PDC is supported, however additional consideration for parts of the locality that may be in a neighbouring zone is requested as per comment above regarding Objective 3.</p>

	<i>material use, parapet or balcony height, and use of solid and glass.</i>	
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 2</p> <p><i>In repetitive building types, such as row housing, the appearance of building facades should provide some variation, but maintain an overall coherent expression such as by using a family of materials, repeated patterns, facade spacings and the like.</i></p>	<p>This PDC is supported.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 3</p> <p><i>Windows and doors, awnings, eaves, verandas or other similar elements should be used to provide variation of light and shadow and contribute to a sense of depth in the building façade.</i></p>	<p>This PDC is supported.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 4</p> <p>Buildings should:</p> <p>(a) <i>achieve a comfortable human scale at ground level through the use of elements such as variation in materials and form, building projections and elements that provide shelter (for example awnings, verandas, and tree canopies)</i></p>	<p>This PDC is supported.</p>

	<p>(b) <i>be designed to reduce visual mass by breaking up the building façade into distinct elements</i></p> <p>(c) ensure walls on the boundary that are visible from public land include visually interesting treatments to break up large blank facades.</p>	
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 5</p> <p><i>Buildings should reinforce corners through changes in setback, materials or colour, roof form or height.</i></p>	<p>This PDC is supported.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 6</p> <p><i>Materials and finishes should be selected to be durable and age well to minimise ongoing maintenance requirements. This may be achieved through the use of materials such as masonry, natural stone, prefinished materials that minimise staining, discolouring or deterioration, and avoiding painted surfaces particularly above ground level.</i></p>	<p>This PDC is supported.</p>
<p>General Section : Medium and High</p>	<p>Principle of Development Control 7</p>	<p>This PDC is supported.</p>

<p>Rise Development (3 or More Storeys)</p>	<p><i>Balconies should be integrated into the overall architectural form and detail of the development and should:</i></p> <ul style="list-style-type: none"> (a) <i>utilise sun screens, pergolas, louvres and openable walls to control sunlight and wind</i> (b) <i>be designed and positioned to respond to daylight, wind, and acoustic conditions to maximise comfort and provide visual privacy</i> (c) <i>allow views and casual surveillance of the street while providing for safety and visual privacy of nearby living spaces and private outdoor areas</i> (d) <i>be of sufficient size, particularly depth, to accommodate outdoor seating.</i> 	
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 8</p> <p><i>Development facing the street should be designed to provide attractive, high quality and pedestrian friendly street frontage(s) by:</i></p> <ul style="list-style-type: none"> (a) <i>incorporating active uses such as shops or offices, prominent entry areas for multi-storey buildings (where it is a common entry), habitable rooms of dwellings, and areas of communal public realm with public art or the like where consistent with the Zone and / or Policy Area provisions</i> (b) <i>providing a well landscaped area that contains a deep soil zone space for a medium to large tree in front of the building (except in a High Street Policy Area or other similar location where a continuous ground floor façade aligned with the front property boundary is desired). One way of</i> 	<p>Part 8 (e) the term 'undercroft' should be added to ensure consistency with PDC 16 above. This provision is otherwise supported.</p>

<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>achieving this is to provide a 4 metre x 4 metre deep soil zone area in front of the building</p> <p>(c) designing building façades that are well articulated by creating contrasts between solid elements (such as walls) and voids (for example windows, doors and balcony openings)</p> <p>(d) positioning services, plant and mechanical equipment (such as substations, transformers, pumphooms and hydrant boosters, car park ventilation) in discreet locations, screened or integrated with the façade</p> <p>(e) ensuring ground, semi-basement and above ground parking does not detract from the streetscape</p> <p>(f) minimising the number and width of driveways and entrances to car parking areas to reduce the visual dominance of vehicle access points and impacts on pedestrian areas.</p>	
<p>Principle of Development Control 9</p> <p><i>Common areas and entry points</i> of the ground floor level of buildings should be designed to enable surveillance from public land to the inside of the building at night.</p>	<p>This PDC is supported.</p>	

<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 10 Entrances to multi-storey buildings should:</p> <ul style="list-style-type: none"> (a) be oriented towards the street (b) be <i>visible and clearly identifiable from the street, and in instances where there are no active or occupied ground floor uses, be designed as a prominent, accentuated and welcoming feature</i> (c) provide shelter, a sense of personal address and transitional space around the entry (d) provide separate access for residential and non-residential land uses (e) <i>be located as close as practicable to the lift and/or lobby access</i> (f) <i>avoid the creation of potential areas of entrapment.</i> 	<p>This PDC is supported. It is adding in some text that increases the pedestrian experience.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 11</p> <p><i>To contribute to direct pedestrian access and street level activation, the finished ground level of buildings should be no more than 1.2 metres above the level of the footpath, except for common entrances to apartment buildings which should be at ground level or universally accessible.</i></p>	<p>This may be problematic in flood affected areas. This can be reviewed on a case by case basis.</p>
<p>General Section : Medium and High</p>	<p>Principle of Development Control 12</p>	<p>This PDC is supported.</p>

<p>Rise Development (3 or More Storeys)</p>	<p><i>Dwellings located on the ground floor with street frontage should have individual direct pedestrian street access.</i></p>	
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 13</p> <p>The visual privacy of ground floor dwellings within multi-storey buildings should be protected through the use of design features such as the elevation of ground floors above street level, setbacks from street and the location of verandas, windows, porticos or the like.</p> <p><i>One way of achieving this is for ground floor levels for multi storey residential developments to be raised by up to 1.2 metres (provided access is not compromised where relevant).</i></p>	<p>This PDC is supported.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 14</p> <p>Residential buildings (or the residential floors of mixed use buildings) should <i>have habitable rooms, windows and balconies designed and positioned with adequate separation and screening from one another to provide visual and acoustic privacy and allow for natural ventilation</i> and the infiltration of daylight into interior and outdoor spaces.</p> <p><i>One way of achieving this is to ensure any habitable room windows and/or balconies are separated by at least 6 metres from one another where there is a direct 'line of</i></p>	<p>This PDC is supported. The explanation example is appreciated and it is understood that this is one way of achieving the principle outlined.</p>

	<p><i>sight' between them and be at least 3 metres from a side or rear property boundary. Where a lesser separation is proposed, alternative design solutions may be applied (such as changes to orientation, staggering of windows or the provision of screens or blade walls, or locating facing balconies on alternating floors as part of double floor apartments), provided a similar level of occupant visual and acoustic privacy, as well as light access, can be demonstrated.</i></p>	
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 15 <i>Living rooms should have a satisfactory short range visual outlook to public or private open space.</i></p>	<p>The use of the term "short range visual outlook" can be confused with the intent of PDC 14 which focusses on achieving privacy and natural ventilation. It is assumed that PDC 15 is intended to achieve a level of internal amenity for residents and sufficient daylight access. It is suggested that the words "short range visual" should be defined and the intent of this PDC be made clear.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 16 Buildings comprising more than 10 dwellings should provide a variety of dwelling sizes and a range in the number of bedrooms per dwelling.</p>	<p>This provision referred to 20 dwellings previously. This PDC should be supported. This is encouraging an increased level of variety of dwellings for smaller scale developments.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 17 <i>Dwellings located on the ground floor with street frontage should have habitable rooms with windows overlooking the street or public realm.</i></p>	<p>This PDC is supported.</p>

<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 18 <i>Dwellings with 3 or more bedrooms</i>, should, where possible, have the windows of habitable rooms overlooking internal courtyard space or other public space.</p>	<p>The intent of PDC 18 is supported however the practicality and financial impost of achieving both PDC 15 and 18 is questioned.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 19 Multi-storey buildings should include a variety of internal designs that will facilitate adaptive reuse, <i>including the conversion of ground floor residential to future commercial use (i.e. by including floor to ceiling heights suitable for commercial use).</i></p>	<p>Adaptive reuse of buildings is supported, however these provisions are already addressed through general principles or Urban Corridor policy in City of West Torren's Development Plan and therefore this provision creates a duplication.</p> <p>These existing provisions set minimum floor to ceiling heights regarding building adaptation within the Urban Corridor Zone Boulevard Policy Area 34 PDC 6 (4.5 metres) and Policy Area 35 PDC 7 (3.5 metres), Policy area 37 PDC 7 (4.5 metres).</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 20 Multi-storey buildings should: (a) minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow</p>	<p>Consider adding "and lighter coloured roof materials" after roof designs in PDC 20(b). This is consistent with the findings of the Western Adelaide Urban Heat Mapping Project.</p>

<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>(b) incorporate roof designs that enable the provision of photovoltaic cells and other features that enhance sustainability <i>(including landscaping)</i>.</p>	<p>Principle of Development Control 21</p> <p>Green roofs (which can be a substitute for private or communal open space provided they can be accessed by occupants of the building) are encouraged for all new residential commercial or mixed use buildings.</p>	<p>This PDC is supported.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 22</p> <p>Development of 5 or more storeys, or 21 metres or more in building height (excluding the rooftop location of mechanical plant and equipment), should be designed to minimise the risk of wind tunnelling effects on adjacent streets by adopting one or more of the following:</p> <ul style="list-style-type: none"> (a) a podium at the base of a tall tower and aligned with the street to deflect wind away from the street (b) substantial verandas around a building to deflect downward travelling wind flows over pedestrian areas (c) the placement of buildings and use of setbacks to deflect the wind at ground level. 	<p>This PDC is supported.</p>	

<p>Principle of Development Control 23, 24, 29</p>	<p>"Deep soil zones"</p>	<p>This is a new term introduced into the Development Plan. It would assist practitioners of the Development Plan if this is further explained and guidance on its use in development assessment.</p>																
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 23</p> <p><i>Deep soil zones should be provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies.</i></p> <p><i>One way of achieving this is in accordance with the following table:</i></p> <table border="1" data-bbox="662 190 1077 1691"> <thead> <tr> <th>Site area</th> <th>Minimum deep soil area</th> <th>Minimum dimension</th> <th>Tree/ deep soil zones</th> </tr> </thead> <tbody> <tr> <td><300m²</td> <td>10m²</td> <td>1.5 metres</td> <td>1 small tree / 10m² deep soil</td> </tr> <tr> <td>300-1500m²</td> <td>7% site area</td> <td>3 metres</td> <td>1 medium tree / 30m² deep soil</td> </tr> <tr> <td>>1500m²</td> <td>7% site area</td> <td>6 metres</td> <td>1 large or medium tree / 60m² deep soil</td> </tr> </tbody> </table> <p>Tree size and site area definitions</p> <p><i>Small tree</i> < 6 metres mature height and < less than 4 metres canopy spread</p> <p><i>Medium tree</i> 6-12 metres mature height and 4-8 metres canopy spread</p>		Site area	Minimum deep soil area	Minimum dimension	Tree/ deep soil zones	<300m ²	10m ²	1.5 metres	1 small tree / 10m ² deep soil	300-1500m ²	7% site area	3 metres	1 medium tree / 30m ² deep soil	>1500m ²	7% site area	6 metres	1 large or medium tree / 60m ² deep soil
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<p><i>Large tree</i> <i>12 metres mature height and > 8 metres canopy spread</i></p> <p><i>Site area</i> <i>The total area for development site, not average area per dwelling</i></p> <p>Comments: Areas of deep soil zones that assist in retaining existing vegetation within Council should be supported and further consider adding specific reference to "native" trees, ie "tall native trees" or other including "heritage listed trees". Further explanation of the term is required, ie consider amending this to "minimum dimension (length)"</p>			
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 24</p> <p><i>Deep soil zones should be provided with access to natural light to assist in maintaining vegetation health.</i></p>	<p>This provision is supported.</p>	
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 25</p> <p>Dwellings should provide a covered storage area of not less than 8 cubic metres in one or more of the following areas:</p> <ul style="list-style-type: none"> (a) in the dwelling (but not including a habitable room) (b) in a garage, carport, outbuilding or <i>an on-site communal facility and be conveniently located</i> 	<p>The City of West Torren's Development Plan has a similar PDC 31 within the General Section; Residential Development provisions of the Development Plan. This is a local variation and it would be prudent to maintain this provision in the Residential Development section to include all residential development, not just buildings of 3 or more storeys. To avoid duplication, PDC 25 of the Medium and High Rise Development (3 or More Storeys) should be removed and Residential Development PDC 31 be amended so that onsite communal facilities are "conveniently located and screened from view from streets and neighbouring properties".</p>	

<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p><i>and screened from view from streets and neighbouring properties.</i></p>	<p>Principle of Development Control 26</p> <p>Development should provide a dedicated area for the on-site collection and sorting of recyclable materials and <i>refuse, green organic waste and wash-bay facilities for the ongoing maintenance of bins. This area should be screened from view from public areas so as to not to detract from the visual appearance of the ground floor.</i></p>	<p>This provision regarding waste is supported.</p>
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 27</p> <p><i>Where the number of bins to be collected kerbside is 10 or more at any one time, provision should be made for on-site commercial collection.</i></p>	<p>This provision regarding waste is supported.</p>	
<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 28</p> <p><i>The size of lifts, lobbies and corridors should be sufficient to accommodate movement of bicycles, strollers, mobility aids and visitor waiting areas.</i></p>	<p>This PDC is supported.</p>	

<p>General Section : Medium and High Rise Development (3 or More Storeys)</p>	<p>Principle of Development Control 29</p> <p><i>Unless separated by a public road or reserve, development site(s) adjacent to any zone that has a primary purpose of accommodating low rise (1-2 storey) residential activity should incorporate deep soil zones along the common boundary to enable medium to large trees to be retained or established to assist in screening new buildings of 3 or more storeys in height.</i></p> <p><i>One way of achieving this is for development comprising building elements of three or more storeys in height to be setback at least 6 metres from a zone boundary, and incorporate a deep soil zone area capable of accommodating medium to large trees with a canopy spread of not more than 8 metres when fully mature.</i></p>	<p>This PDC is supported.</p>
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Feedback on Draft Design Guidelines

Over view

Issue	Comment
<p>Context in the SA Planning Reform and effectiveness of implementation</p>	<p>Council supports the development of the Office for Design and Architecture's (ODASA) Draft Design Guidelines Design Quality and Housing Choice and acknowledges they are aligned with the increased design quality focus in the new <i>Planning, Development and Infrastructure Act 2016</i> (PDI Act) and have been released in accordance with Action 11 in the 30-Year Plan for Greater Adelaide 2017 Update.</p> <p>The Draft Design Guidelines are a positive first step to improving design quality in residential development in South Australia. In particular, their focus on medium-high density development rightly acknowledges the current difficulties facing councils, developers and the community to achieve the high-quality densification agenda set by the State Government in the 30-Year Plan for Greater Adelaide.</p> <p>Council suggests that the City of West Torrens community, along with other inner metropolitan communities in Adelaide, have limited awareness about the State Government's agenda for increased densities in their neighbourhoods and that the directions set in the draft 30-Year Plan for Greater Adelaide was insufficiently consulted on to build community awareness and understanding about the proposed changes to Adelaide's urban form and local neighbourhoods.</p> <p>In Council's experience, non-statutory guidelines have limited influence and effectiveness in achieving actual improved development outcomes as development may only be assessed against the Development Plan (and in future years, the Planning and Design Code), and development will generally not exceed these minimums.</p> <p>Council seeks further information on how ODASA will use the Draft Design Guidelines to effect real improvements in the medium and high density residential development for improved amenity and quality outcomes for residents, owners, neighbours and the locality.</p>

To effect real change, Council recommends that the guidelines are appropriately incorporated in to statutory guidance (such as the Design DPA as a starting point) and that ODASA provide professional and community education opportunities including courses, information materials and support services to increase the knowledge of how to improve design quality for Council staff, private sector allied professions, developers, building designers, potential buyers and members of the public.

West Torrens context and experience

In 2015, Council approved the West Torrens Housing Diversity Development Plan Amendment which updated the Development Plan to enable a wider range of housing densities and typologies in West Torrens to meet the future housing needs of the local community consistent with the direction set by the State Government in the 30-Year Plan for Greater Adelaide.

Since 2015, the City of West Torrens has seen an increase in in the number of applications for medium and high density development in the new Urban Corridor Zones along Port Road, Henley Beach Road and Anzac Highway. There has also been a continuation of the small scale infill development in some West Torrens suburbs, typically characterised by 1 into 2-3 lot type development.

Anecdotally, Council has noted the following limitations on development since the implementation of the Housing Diversity DPA:

- Impact of small scale infill on public realm amenity, green infrastructure and on street car parking provision
- Limited tools for Council to improve open space provision for medium-high density development
- High level of community expectations for public notification, which are not matched by actual policy
- Limited incentives for site amalgamation which prevents realisation of Urban Corridor Zone development
- Limited policy guidance in the Development Plan to enable consideration of impact on locality
- Impact of increased hard surfaces on stormwater and flood hazard management and potential for improvements through new development not supported by policy.

	<ul style="list-style-type: none"> • The very nature of actual development is largely defined by the land ownership and existing land division patterns, ie the existing allotment sizes, shapes, depth and orientation. <p>The Draft Design Guidelines and the Design DPA have been developed in close consultation with the Cities of Prospect and Onkaparinga and considered the experiences of the development occurring in those local government areas. However, the City of West Torrens has been excluded from this process despite the high number of applications received for medium-high density development in Urban Corridor Zone, and the significant suburban level change occurring in areas where 1 into 2-3 type development is possible.</p> <p>The Draft Design Guidelines and Design DPA have been developed for the Cities of Prospect and Onkaparinga context and don't take into consideration the context and experience of the City of West Torrens.</p>
<p>Target audience</p>	<p>The target audience for the Draft Design Guidelines is stated in the document to be designers, planners, consumers and the wider community. Council considers that the Draft Guidelines may be targeted towards an audience that has experience and technical skills in residential development, specifically planners and designers. The Draft Guidelines are a large document and of a technical nature that is not in a format that can be readily understood by the general public and despite potential benefit, of limited interest to the public. Council considers that the Draft Design Guidelines need to be further developed for it to be useful and digestible information for consumers and members of the public. Council hopes that the final version of this document is more widespread in terms of the accessibility to ensure that they result in actual developments with improved design quality.</p>
<p>Site Amalgamation</p>	<p>In the areas identified for medium rise development in the City of West Torrens including the Urban Corridor Zone and Residential Zone Medium Density Policy Areas, it is noted that these are mostly currently low density areas that have a land division pattern that is reflective of the history of low density development. While future development of these areas has to work with the existing land division pattern, Council considers that there is potential for the amalgamation of sites to be encouraged through Development Plan policy and other tools if it results in improved development outcomes.</p>

Council seeks the Design Guidelines to address opportunities for encouraging site amalgamation that result in improved development outcomes and increased design quality.

Process

Issue	Comment
<p>Transition to the Planning and Design Code</p>	<p>Council seeks further information on how the Draft Design Guidelines will be used in the new planning system under the PDI Act. The Administration has attended meetings during this consultation period where ODASA representatives have advised that the PDI Act has the power to call on the Design Guidelines as a statutory document. Council is concerned that these Draft Guidelines are been consulted on as a non-statutory guidance document (and this is clearly stated in the Draft Guidelines) but they may also be made statutory at a future point in time.</p>
<p>Bundling with IMMCI DPAs</p>	<p>The limited consultation materials produced by Department of Planning, Transport and Infrastructure (DPTI) were confusing the message trying to talk about the Design Guidelines, Design DPA and Sites DPA of which there are 3 different audiences which should be targeted directly.</p>
<p>Future Design Guidelines</p>	<p>Council understand that a further 5 Design Guidelines will be released over the coming months Master Planning, Infrastructure, Adaptive Re-use, Ageing in Place and Tall Buildings.</p> <p>Council welcomes the release of the future Design Guidelines, but also seeks that ODASA undertakes a more inclusive process working in collaboration with local government in the development of these Draft Design Guidelines. Council has a wealth of knowledge of the challenges facing local communities on each of these topics and seeks to share this knowledge with the team working on the Draft Design Guidelines prior to the release of Draft Guidelines to maximise their usefulness and applicability.</p> <p>In particular, Council is a primary provider of local infrastructure that meets the needs of the current and future local community. The City of West Torrens is an inner and middle metropolitan local government area and most future development opportunities in the area are through brownfield and infill development. These types of</p>

developments face very different infrastructure challenges to greenfield development and the retrofitting of existing urban areas to enable the higher densities and mixed uses sought in the 30-Year Plan for Greater Adelaide, are a significant challenge. Council seeks for a future Infrastructure Design Guideline to carefully consider the specific challenges of brownfield/infill development.

The City of West Torrens has received a number of aged housing developments, including retirement villages and nursing homes over the past decade. Council supports the development of design guidance for Ageing in Place both providing for large developments and smaller alternatives including shared and family based options. Council notes that some aged housing developments over time had been converted to other uses that that these alternative/future uses for aged housing and care are considered in any design guidance provided.

Council supports the development of Adaptive Re-use design guidance and seeks that it is developed with consideration of the recent Building Finance Upgrade legislation, so that opportunities for achieving good outcomes on sites can be achieved. Further, Council supports a wide definition of 'adaptive re-use' and that it incorporates the adaptive re-use of heritage buildings, former industrial premises and other transitioning land uses.

Issue	Comment
<p>Applicability to new residential development</p>	<p>The Draft Guidelines state that they are specifically applicable to:</p> <ul style="list-style-type: none"> - small, low-rise developments in suburban and township infill areas; and - larger apartment buildings in the city and urban centres. <p>The specific advice provided in the Draft Design Guidelines is primarily focused on larger apartments and there is limited guidance specific to small, low-rise developments.</p> <p>Council does not accept the statement in the Draft Guidelines that the advice is 'scalable in their applicability' to provide sufficient guidance. In Council's experience there is a specific need for design quality</p>

	<p>guidance and support for small scale infill development as characterised by '1 for 2 or 3' lot development. These developments are very different to large apartment developments, and the impacts on neighbours and the locality can be just as great if the development is ineffectively designed in terms of providing for onsite amenity, building energy efficiency and respecting the neighbourhood context.</p>
<p>Lack of linked to existing and related guidance</p>	<p>The Draft Guidelines appear to stand-alone from other available best practice advice on medium-high density development.</p> <p>The South Australia Better Practice Guide Waste Management for Residential and Mixed Use Developments (produced by Zero Waste SA, Renewal SA and Property Council of Australia) is a highly practical and relevant guide that the Draft Design Guidelines should consider and provide consistent advice.</p>
<p>The Strategy Team provide the following response to the Design Guidelines Design Quality and Housing Choice (Draft) (Version 1)</p>	

Design Guidelines Response	
Categories	Comment
Neighbourhood Analysis	<ul style="list-style-type: none"> Page 4 provides a Neighbourhood Analysis that is within the Central Business District of Adelaide. If this document is to be applied for all of the metropolitan area and towns across South Australia as it suggests on page 3 of the Introduction, then this should be reflected in the imagery. The inclusion of a second suburban example is supported reflective of the type of development within City of West Torrens.
Site Analysis	<ul style="list-style-type: none"> It is noted that the twelve items listed within the Design Suggestions on Page 5 do not take into account matters relating to stormwater management or flood risk potential. In the Council's experience, infill development creates additional risk regarding these matters and therefore it is recommended that they are specifically addressed.
Movement	<ul style="list-style-type: none"> It is supported to consider movement early in the design process and recognise that movement to and from the site and within the development are critical for the liveability of residents and neighbours.
Access and Entrances	<ul style="list-style-type: none"> The design suggestion relating to access to dwellings with street frontage is noted and seeks to clarify that this only relates to pedestrian access as it would preclude rear lane development. The design suggestion to minimise steps and ramps is supported, however recognises that this is problematic in flood areas and that designers should consider these circumstances. (p.11) It is noted that there is a separate section under Building Design regarding waste, however further guidance on ensuring accessibility for waste trucks and emergency vehicles is desired. (p.11)

	<ul style="list-style-type: none"> • Council seeks to add "carparking and manoeuvring areas to be designed to consider service vehicles required for the development" under Design Suggestions (p. 13);
<p>Cars and Bicycles</p>	<ul style="list-style-type: none"> • The provisions relating to cars and bicycles including the suggestions that aim to retain on street carparking is supported. Council suggests that the Design Guidelines should also consider methods of movement other than cars and bicycles within this category, ie scooters or gophers, wheelchairs and others. Specifically this could include considering public or private spaces for charging mobility aids, ie scooters or gophers. These places are required to be accessible and is consistent with the Universal Design section of the Design Guidelines; • The provision for on-site resident bicycle parking is supported and Council seeks to consider visitor bicycle parking allocation in addition (p. 13);
<p>Building Form</p>	<p>The Design Guidelines do not address the land use element of active frontages, for example the contribution of retail activities, ie cafes and the like to creating an active interface with the public realm. The Council seeks inclusion of design guidance for these types of activities to ensure a positive amenity for residents and the public, for example design guidance for outdoor dining in public and semi-public spaces.</p>
<p>Orientation</p>	<p>The importance of orientation for good on site amenity is noted and the impact on neighbourhood amenity and building energy efficiency. It is recognised that the orientation is often set by existing land division patterns and this sometimes limits optimal outcomes. Council seeks further design guidance for how this can be addressed.</p>
<p>Building separation</p>	<ul style="list-style-type: none"> • The design considerations for building separation is supported, however notes the impacts of building separation on the management of flood hazards. Council seeks recognition of building separation within a Flood Hazard Zone to accommodate controlled movement of flood and avoiding the

	<p>construction of fences, dwellings and garaging where appropriate.</p>
Street setback	<ul style="list-style-type: none"> • It is noted that the street setback guidance examples primarily relate to greenfield development, however this is not the experience of City of West Torrens. Council seeks further design suggestions as to how to manage setbacks where a long term change in setback pattern is envisaged. • Any provisions relating to street setback should have consideration of rear, side and secondary street setbacks and consideration of the impact of these setbacks on the maximum building footprints.
Open Space and Landscape	
Landscape	<ul style="list-style-type: none"> • The approach to landscaping and the multiple benefits that landscaping provides for biodiversity, amenity and stormwater management is supported. • It is requested that an additional performance outcome in terms of designing the landscape to facilitate urban cooling be considered.
Stormwater Management	<ul style="list-style-type: none"> • Council agrees with the statement "The effective management of stormwater run-off from buildings is important in preserving our natural waterways", but also seeks consideration or mitigation methods in respect to reducing the impacts on flooding and existing infrastructure. (p. 38) • Council seeks acknowledgement of the benefits that the retention of stormwater on site can provide to improve health and vitality of landscaping and improve the amenity and open space usability through reducing localised temperatures.
Green infrastructure	<ul style="list-style-type: none"> • An additional performance outcome could be "select and utilise plants and water to cool urban heat. Additionally, it is suggested that the last dot point under Design Suggestions read "Consider opportunities for vertical gardens and water sensitive urban design techniques to assist with cooling."
Public Art	

Building Design	<ul style="list-style-type: none"> • Council seeks consideration of overshadowing of existing residents solar panels in order to ensure they maintain access to sunlight. • Consider existing street trees (i.e. memorial trees on Anzac Highway) so that built form doesn't impact on the tree protection zone. • Consider the introduction of principles regarding energy efficiency and other design techniques to reduce the generation of urban heat. • Consider building materials and lighter colour roofing that has a cooling effect on urban heat.
Private Open Space	<ul style="list-style-type: none"> • The private open space requirement for apartments (p 51) suggested in the table ie 15m² for a 3 bedroom apartment may suit apartment living that is close to useable and functional public open space, however a higher private open space area may be considered more appropriate in areas that are not well serviced or accessible to public open space. • Consider provision of non potable water to irrigated open spaces (eg stormwater harvest)
Natural Ventilation	<ul style="list-style-type: none"> • Consider the benefits on green walls in association with natural ventilation to provide improved summer cooling with use of harvested stormwater.
Acoustic Performance	<ul style="list-style-type: none"> • City of West Torrens has a number of residents in the flight path. It is requested that acoustic performance for dwellings built within the flight path be expanded upon.
Waste	<ul style="list-style-type: none"> • In addition to the last sentence "An effective waste management plan should be developed early in the development process, incorporating building design and property management" add "access and servicing" (p. 66). • Under Design Suggestions, consider including "Waste management design should ensure minimal impact on amenity and function of locality during days of waste collection." (p. 67).
Appearance	
Roof	<ul style="list-style-type: none"> • Consider discussing the use of roof colours, ie lighter colours to reduce heat impacts on the

	<p>internal spaces within a building, refer Western Adelaide Urban Heat Mapping Project (p. 72).</p> <ul style="list-style-type: none"> • At the end of "Consider green roofs for improved thermal performance, environmental benefits and contribution to local biodiversity" "improved stormwater management" (p. 73).
Services	<ul style="list-style-type: none"> • Consider adding "functionality of the site" to the end of "While many represent requirements for a development, it's important these elements are well integrated into the building design to protect the quality of the streetscape." (p. 76) • Add in additional information "ensure services do not conflict with functionality of driveways or pedestrian paths." As a Design Suggestion (p. 77)
Glossary	<ul style="list-style-type: none"> • Insert a definition of WSUD, ie: Water Sensitive Urban Design or WSUD is a land planning and engineering design approach which integrates the urban water cycle, including stormwater, groundwater and wastewater management and water supply into urban design to minimise environmental degradation and improve aesthetic and recreational appeal.

17.2 Brown Hill Keswick Creek - Regional Subsidiary

Brief

The Brown Hill Keswick Creek (BHKC) Project Steering Group (PSG) wishes to provide an update on the work undertaken to date on the framework for establishing a Regional Subsidiary as the vehicle to deliver the BHKC Stormwater Management Plan (SMP). Further, the Steering Group is seeking endorsement of matters relating to the role of the proposed Regional Subsidiary (body corporate) and its Board membership.

RECOMMENDATION

It is recommended to Council that, as a partner in the delivery of the Brown Hill Keswick Creek Stormwater Management Plan:

1. Council endorses the recommendations submitted by the Brown Hill Keswick Creek (BHKC) Project Steering Group (PSG) relating to the role (Operational Model) and membership of BHKC Regional Subsidiary being that:
 - The preferred operational model for the BHKC Regional Subsidiary be Option 2- Construct and maintain SMP assets only.
 - The Regional Subsidiary Board be comprised of independent and skills based members to deliver the outcomes of the BHKC Stormwater Management Plan, for the duration of the project, with a membership of five, being four independent members plus an independent Chair.
 - A nominations Committee be established, with a representative from each council, to select the board members and the nominations be presented to the five catchment councils.
2. Further, Council notes that:
 - The recommendations, as presented by the BHKC Project Steering Group, will be considered by the other four partner catchment councils namely the Cities of Adelaide, Burnside, Mitcham, and Unley.
 - The BHKC Project Steering Group will present a draft charter for consideration and review to each Council, seeking to advance the charter to the Minister for approval and gazettal.
 - The timeline of 28 February 2018 has been set by the Stormwater Management Authority for the formation of a Regional Subsidiary.
 - Works associated with the detention basin within the South-East Park Land (Park 16 – Victoria Park), are currently scheduled to commence in 2018.

Introduction

The five (5) BHKC catchment councils are now seeking to advance discussions with Elected Members regarding the details associated with the development and formation of a Regional Subsidiary and associated Charter, and in the first instance to understand each council's views on the following;

- the role of the Regional Subsidiary
- membership of the Regional Subsidiary.

The Stormwater Management Authority (SMA) exercised its power under Schedule 1A of the *Local Government Act 1999* to order the five (5) catchment councils (Cities of Adelaide, Burnside, Mitcham, Unley and West Torrens) to develop a catchment based stormwater management plan (SMP) for the Brown Hill Keswick Creek (BHKC) flood plain.

The five (5) catchment councils have complied with the order and submitted a SMP to the SMA for review, comment and endorsement.

In February 2017, the South Australian Government provided funding assistance to the project totalling 50% of the project (estimated at \$70M) over a twenty-year (20) period.

The SMP was endorsed and subsequently gazetted on the 7 March 2017.

The State Government and the BHKC Project Steering Group (CEO Steering Committee) continue to seek funding from the Commonwealth Government.

A condition as prescribed within the SMP 2016 and the State Government's funding offer was for the five (5) catchment councils to form a Regional Subsidiary (a body corporate owned by the five (5) catchment councils).

The BHKC Project Steering Group, (advised by solicitor Kelledy Jones) has in parallel to the development of the SMP, undertaken a review of the appropriate governance model for project delivery and ongoing care and management of the Brown Hill Keswick Creek flood mitigation scheme.

Discussion

The Project Steering Group has been working on the framework for establishing a Regional Subsidiary and a number of briefings have been conducted with respective councils to understand each council's views on the role and membership of the Regional Subsidiary.

Over the last 12 months, the BHKC Project Steering Group, with advice from Kelledy Jones solicitors, has in parallel to the development of the SMP, undertaken a review of the appropriate governance model for project delivery and on-going care and management of the BHKC flood mitigation scheme.

The Steering Group is of the opinion that the scope and complexity of the BHKC project are such that it could only be delivered effectively and efficiently by the five catchment councils working in collaboration with one another.

Regional Subsidiary

The Local Government Act (Section 43) allows two or more councils to form a separately incorporated entity ('regional subsidiary') to provide specified services and/or activities, subject to obtaining Ministerial approval. The provisions relevant to a regional subsidiary are set out in Schedule 2 of the Act.

Whilst a regional subsidiary may have a certain level of flexibility as defined in its charter, it is still subject to higher levels of regulation via the Act and the *Government Business Enterprises (Competition) Act 1996*. Furthermore, the activities or services of the regional subsidiary together with governance provisions of Schedule 2 are required to be addressed in a charter reflecting the role and operating principles of the regional subsidiary.

There are a number of points worth noting in relation to a regional subsidiary:

- While the subsidiary has body corporate status, the establishment of such does not derogate from the power of a constituent council to act in a matter.
- A regional subsidiary has the power to hold property on behalf of the constituent councils in accordance with the charter and may contract with other parties under separate agreements.
- A regional subsidiary may be wound up by the Minister at the request of the constituent councils or if there has been a failure to comply with a Ministerial requirement under Section 275 and the circumstances justify the winding up of the subsidiary.

- In a winding up scenario, any assets or liabilities at the time vest in, or attach to, the constituent councils in accordance with arrangements specified in the charter.

Charter Context:

A charter not only sets out the regional subsidiary's purpose, function and powers, but also provides the councils with a legally enforceable agreement specifying their rights and obligations in achieving common interests. It is akin therefore to a contract between parties to jointly achieve a common objective.

As set out in legislation, the charter must address the subsidiary's purpose, the constitution of a board of management and the powers, functions and duties of the subsidiary. In this case, the prime function of the subsidiary would be to design and construct the proposed infrastructure associated with the SMP.

Routine (preventative) maintenance of the infrastructure could also be included as a function of the subsidiary; otherwise each council would need to undertake maintenance of the assets located in its area. This would probably be a less satisfactory arrangement in terms of overall maintenance.

The draft charter for the regional subsidiary also addresses the following matters:

- Staffing arrangements (if staff are to be employed)
- Funding arrangements (including any revenue raising and the financial contributions to be made by constituent councils)
- Acquisition or disposal of assets.
- Reporting processes to the constituent councils on operations, financial position and other relevant issues.
- Dispute resolution process.
- Proportions in which the councils will be responsible for liabilities.

Role of the Regional Subsidiary:

The Role of the Board has yet to be determined however there are a number of options (operating models) available for council's consideration (**refer Attachment 1**) namely:

- Option 1 - Construct the SMP Assets Only;
- Option 2 - Construct and Maintain SMP Assets Only (as defined within the SMP);
- Option 3 - Construct and Maintain SMP Assets and Council Creek;
- Option 4 - Creek Management Authority.

The Project Steering Group is of the view that Option 1 would not address the on-going maintenance issues associated with the defined areas of the creeks, and Options 3 and 4 would take the role of the regional subsidiary beyond the life of the project and could see costs grow without any end date. It should be noted that under Option 2, creek sections with no SMP assets would remain the responsibility of the current constituent council or private owner.

The BHKC Project Steering Group therefore recommends to the 5 catchment councils that Option 2 (Construct and maintain SMP assets only) is the operational model that would best assist the delivery of the project.

The Cities of Adelaide, Burnside, and Unley have already determined their position on the operating model option (at their July meetings) and resolved to support Option 2. The City of Mitcham will be considering its position at its August 8 meeting.

Membership of the Regional Subsidiary Board:

When considering the Board membership of the Regional Subsidiary there are several options available, namely:

- Independent and skills based Board members.
- Council Elected Members and/or Administration.
- Mix of both independents & Council members.

The BHKC Project Steering Group, upon review, has recognised that it would be desirable that the membership of the Regional Subsidiary Board should comprise persons with demonstrable skills relevant to the purpose of the project which may include (but are not limited to) skills in:

- Corporate financial management.
- Corporate governance.
- Project management.
- Engineering.
- Environmental management.
- Community consultation.

The Project Steering Group therefore recommends to the five catchment councils that they consider the formation of an independent and skills based board membership to deliver the outcomes of the SMP for the duration of the project.

In terms of board numbers, it is recommended that this be set at five with four independent members plus the Chair.

If this model is accepted by the five councils, it is recommended that a nominations committee with a representative (either an Elected Member or an officer) from each council be established to select the board members. The nominations would then be presented to the five catchment councils for endorsement.

The Cities of Adelaide, Burnside, and Unley have already determined their position on Board membership (at their July meetings) and resolved to support a five (5) member Board comprising independent, skills based members. The City of Mitcham will be considering its position at its August 8 meeting.

Next Steps

Following feedback from the five councils, the Project Steering Group proposes to bring back to each council a draft charter for review and consideration prior to seeking endorsement and submission to the Minister for gazettal.

In particular, the following activities (and timeframes) will be undertaken in the lead up to the establishment of a Regional Subsidiary, namely;

- The BHKC Project Steering Group will consider feedback from the 5 councils and consult with relevant government agencies in August 2017.
- Final drafting of the charter (with legal input) will occur by the end of August 2017.
- The Charter will be presented to councils for approval in September/October 2017.
- Ministerial approval will be sought on the Regional Subsidiary charter in November / December 2017.
- Gazettal of the Regional Subsidiary is to occur in January/February 2018. (It should be noted that the deadline for gazettal of the Regional Subsidiary is 28th February 2018).
- Selection process for board members will commence once the gazettal process has been completed.
- Councils to approve the appointment of Regional Subsidiary board members in March 2018.

In parallel with all this, the BHKC Project Steering Group is continuing with the detailed design works associated with the detention basin within the South-East Park Land (Park 16 – Victoria Park). These works are currently scheduled to commence in 2018.

Conclusion

All five Catchment Councils are being presented with the same recommendations for consideration, which will then go back to the BHKC Project Steering Group for preparation of the Regional Subsidiary's Charter. It should be noted that the BHKC Project Steering Group will bring back a draft charter for review and consideration to each council with a view to seek endorsement and submission to the Minister for gazettal.

Attachments

- 1. Brown Hill Keswick Creek Regional Subsidiary Operational Models**

Regional Subsidiary – Operational Models

Role of Regional Subsidiary (Reg Sub)	Option 1 Construct SMP Assets Only	Option 2 Construct/maintain SMP Assets Only (Current model)	Option 3 Construct/maintain SMP Assets + Council Creek	Option 4 Creek Management Authority
Asset maintenance	<ul style="list-style-type: none"> Council Ck + SMP assets (Council) Private Creek (resident) 	<ul style="list-style-type: none"> SMP assets (Reg Sub) Council Ck (Council) Private Creek (resident) 	<ul style="list-style-type: none"> SMP assets + Council Ck (Reg Sub) Private Creek (resident) 	All maintenance by Creek Management Authority
Emergency repairs (incl stabilising banks/silt removal)	<ul style="list-style-type: none"> Council Ck + SMP assets (Council) Private Creek (resident) 	<ul style="list-style-type: none"> SMP assets (Reg Sub) Council Ck (Council) Private Creek (resident) 	<ul style="list-style-type: none"> SMP assets + Council Ck (Reg Sub) Private Creek (resident) 	All emergency repairs Creek Management Authority
Creek clearance/rehabilitation (10 year cycle)	Combined Councils	Regional Subsidiary	Regional Subsidiary	Creek Management Authority
Flood planning (long term)	Combined Councils	Regional Subsidiary	Regional Subsidiary	Creek Management Authority
Landscaping outside creek channel	Local Council	Local Council	Local Council	Local Council



17.3 Council Policy - Parking Permits and Exemptions Policy

Brief

A minor change to the *Parking Permits and Exemptions Policy* is proposed following the review of arrangements involving transferrable parking permits issued to property owners located on corner blocks.

RECOMMENDATION

It is recommended to Council that:

1. The revised *Parking Permits and Exemptions Policy* be endorsed.
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to the *Parking Permits and Exemptions Policy*.

Introduction

The *Parking Permits and Exemptions Policy* was questioned at the Council meeting on 18 July 2017, specifically in relation to transferrable parking permits issued to properties located on corner blocks. The policy only allows permits to be issued to the postal address of such properties, and does not provide the option for a permit to be issued as an alternative in the adjacent intersecting street.

Discussion

The *Parking Permits and Exemptions Policy* was adopted on 11 January 1994 and was last reviewed on 14 July 2015.

The current policy only allows street permits to be issued to the street listed as the postal address of the property, therefore the residents on a corner block are unable to obtain a street permit to park in the adjacent intersecting street.

To enable residents to be able to nominate for the permit to be issued for parking in the adjacent intersecting street, there is a requirement for Section 4.9 of policy to be amended:

From: **Street permit** means a permit to park in the street listed as the postal address of the property.

To: **Street permit** means a permit to park in the street listed as the postal address of the property or, in the case of properties on a corner block, the adjacent intersecting street nominated by the resident as the preferred street for the permit.

This change is shown as a 'tracked changes' in policy document included as **Attachment 1**.

Conclusion

A revised *Parking Permits and Exemptions Policy* is presented to Council for consideration.

Attachments

1. **Parking Permits and Exemption Policy - Amended**

City of West Torrens Council Policy – Parking Permits and Exemptions

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City of West Torrens Council Policy – Parking Permits and Exemptions

COUNCIL POLICY - Parking Permits and Exemptions

1. Preamble

- 1.1 Council uses parking controls and parking zones to manage demand on parking in city streets. The controls are established to optimise the use of limited kerbside parking space ('on-street' space) by encouraging turnover of vehicles and complementing the role played by off-street parking space.
- 1.2 Council then uses parking permits and exemptions to ensure that those impacted by parking controls have some access to kerbside space.
- 1.3 This policy provides information on the system of parking permits and exemptions that are used to complement parking controls.

2. Purpose

- 2.1 This policy provides information on the decision-making framework used by Council to determine eligibility for parking permits and exemptions. It endeavours to provide a fair, consistent and transparent system of parking permits and exemptions.
- 2.2 The policy describes the conditions placed on the use of permits and exemptions to prevent their possible misuse and to promote safe and legal parking.

3. Scope

- 3.1 The policy provides information on permit entitlements and parking exemptions for:
 - Local residents with insufficient off-street parking availability or a need otherwise for on-street parking;
 - The employees of local businesses;
 - Visitors and tradespersons with a temporary on-street parking need;
 - Employees or registered volunteers of community service organisations, or registered volunteers working under government community service programs, who provide home support services to residents of the city.

4. Definitions

- 4.1 **Eligible residential vehicle** means an eligible vehicle that is either registered to the address to which the permit relates or is the work vehicle housed at the address to which the permit relates.
- 4.2 **Eligible vehicle** refers to a domestic vehicle, being a vehicle designed with the main purpose of carrying passengers (including sedans, station wagons, 4WD vehicles or motorcycles), but excludes:
 - Unregistered vehicles,
 - Caravans, taxis, boats, or buses,
 - Trucks or vans (unless a trade vehicle seeking a temporary permit),
 - Long vehicles (over 7.5 metres),
 - Heavy vehicles (over 4.5 tonnes gross vehicle mass), and
 - Trailers in excess of a standard 6 by 4.

City of West Torrens Council Policy – Parking Permits and Exemptions

- 4.3 **On-street parking** refers to kerbside space on residential streets, not including areas where parking is prohibited.
- 4.4 **Off-street parking** refers to the available space on a residential or business property for the accommodation of vehicles.
- 4.5 **Parking precinct** refers to a designated geographical area containing streets with similar characteristics where parking restrictions have been introduced to manage demands on kerbside space.
- 4.6 **Resident** means the occupant of a residential property in the Council area or a person who lives at their place of business in the Council area.
- 4.7 **Saturated parking precinct** refers to a parking precinct where competition for parking is intense or is approaching saturation and there is a likelihood of permits being 'over-allocated' beyond the capacity of the area to handle additional parked cars.
- 4.8 **Saturation** refers to a situation where streets have no more room for vehicles to park i.e. when demand for parking space by permit holders and members of public exceeds capacity.
- 4.9 **Street permit** means a permit to park in the street listed as the postal address of the property or, in the case of properties on a corner block, the adjacent intersecting street nominated by the resident as the preferred street for the permit.
- 4.10 **Transferrable permit** refers to a permit that is not limited to one registration number and may be used by any vehicle.
- 4.11 **Vehicle specific permit** refers to a permit assigned to one vehicle only by registration number. These permits would only be available for eligible vehicles.
- 4.12 **Precinct permit** means a permit to park in a number of adjoining streets adjacent to where a resident lives.

5. Policy Statement

5.1 Transitional Provisions

All permits that are current at the time of adoption of this revised policy will be renewed on an ongoing basis if:

- Application is made and the required fee is paid, and
- Evidence is provided in support of each renewal application that the permit holder continues to own or use an eligible vehicle.

Eligibility for renewal of a permit under these transitional provisions will not be based on an assessment of off-street parking availability.

Only precinct permits will be issued under these transitional provisions.

A permit will continue to provide an entitlement to park:

- In a nominated resident only parking zone, and / or
- Beyond the time limit displayed in time limited areas of one hour or greater.

City of West Torrens Council Policy – Parking Permits and Exemptions

Transitional entitlements will cease if:

- The permit holder no longer owns an eligible residential vehicle,
- The permit holder ceases to reside at the address to which the permit relates, or
- A renewal application is not received within three months of a permit expiry date.

Permits available under transitional provisions of this policy are not transferrable.

5.2 Policy Options

Council offers the following policy options as relief from the restrictions of parking controls and parking zones in the city:

1. [Residential parking permits](#),
2. Business parking permits,
3. [Temporary parking permits](#),
4. [Community service parking permits](#),
5. Parking exemptions; and
6. [Visitor vouchers](#).

5.3 Residential Parking Permits

Entitlement

These provisions do not apply to residents who hold one or more permits under transitional provisions of this policy.

Residents are otherwise entitled to one parking permit per property for eligible residential vehicles which at the discretion of the resident can be either a:

- Street permit; or
- Vehicle specific precinct permit.

Only street permits are transferrable.

Street permits can be either vehicle specific or transferrable at the discretion of the resident.

Parking spaces will not be reserved for a resident. The resident will be competing with other road users for a parking space.

One or two year permit terms are available to residents which they can decide to suit their circumstances.

Property owners in the City of West Torrens who are not city residents have no permit entitlement.

City of West Torrens Council Policy – Parking Permits and Exemptions

A permit only provides an entitlement to park:

- In a nominated resident only parking zone, or
- Beyond the time limit displayed in time limited areas of one hour or greater.

Eligibility

To be eligible for a residential parking permit an applicant must be a:

- Resident of the city, which includes a resident who lives at their place of business, or
- Tenant with a residential tenancy agreement of at least six months.

Residential permits are NOT issued to non-residents, hotel or hostel guests, business owners (not living at the business premises) or business employees.

Council will issue a residential parking permit when an application is made, the required fees are paid and an entitlement is established. Proof of residency may need to be submitted in support of an application.

Eligibility for a residential parking permit will not be based on an assessment of off-street parking availability.

Eligibility for parking permits does not guarantee the issue (or renewal) of permits when demand for space is very high. In these circumstances, Council staff will conduct a demand study as outlined in clause 6.2.

Eligibility for a Second Residential Parking Permit

Notwithstanding the foregoing clauses in this section, a resident will be entitled to a second residential parking permit if the number of vehicles registered to the property address exceeds by at least two the number of off-street parking spaces available. In other words, a second permit will be available if a residence has:

- Two registered vehicles and no off-street parking available;
- Three registered vehicles and off-street parking for one vehicle;
- Four registered vehicles and off-street parking for two vehicles; or
- Five registered vehicles and off-street parking for three vehicles.

The permit under such circumstances will be a vehicle specific precinct permit.

5.4 Business Parking Permits

All principals of businesses operating in the Council area are entitled to one parking permit.

All business permits will be street permits and transferrable. One or two year permit terms are available to business principals which they can decide to suit their circumstances.

A business permit will only be issued if an application is submitted and the required fees are paid.

Eligibility for a business parking permit will not be based on an assessment of off-street parking availability.

City of West Torrens Council Policy – Parking Permits and Exemptions

One or two year permit terms are available to business principals which they can decide to suit their circumstances.

A permit only provides an entitlement to park beyond the time limit displayed in time limited areas of one hour or greater.

Eligibility for parking permits does not guarantee the issue (or renewal) of permits when demand for space is very high. In these circumstances, Council staff will conduct a demand study as outlined in clause 6.2.

5.5 [Temporary Parking Permits](#)

A vehicle specific parking permit may be issued for a specified, limited duration to park in one parking precinct in a time limited parking zone which is limited to one hour or greater.

The intent of this permit is to provide temporary access to on-street parking for:

- Overseas/interstate/intrastate visitors or work contractors of residents when there is no or insufficient off-street space to accommodate these vehicles, or
- Resident vehicles when their usual off-street space is temporarily unavailable due to building renovations.

There will not be an entitlement to a [temporary parking permit](#) if an applicant has access to a current residential parking permit and that permit can be utilised to meet short term parking requirements.

It is not the intent of this permit to provide access to on-street parking space for visitors or contractors if their vehicles can be accommodated on the property to which the permit relates.

It is not the intention of this permit to provide for very short periods of five business days or less (refer to section 5.7 for information on parking exemptions).

Applicants for temporary parking permits must provide:

- Sufficient evidence / account as to why vehicles cannot be physically accommodated off-street for the temporary period;
- Details of the vehicle registration and period for which the temporary parking permit is sought.

Permits will normally be provided on a weekly or monthly basis depending on need and the demand for parking in the precinct.

5.6 [Community Services Parking Permits](#)

A community services parking permit may be issued to employees or registered volunteers of community service organisations, or registered volunteers working under government community service programs, who provide home support services to residents of the city.

The permit is issued for a currently registered privately-owned or work vehicle to park in nominated precincts and be exempted from:

- Resident only parking zones in those precincts; and / or
- Areas of those precincts designated as time limited for one hour or greater.

City of West Torrens Council Policy – Parking Permits and Exemptions

The intent of this permit is to provide access to on-street parking for vehicles used by government or non profit community service organisations, or carers, who visit a residential property or properties in the conduct of their official duties.

To be eligible for a community service parking permit, an applicant must be:

- An employee or registered volunteer of a non profit community service organisation (e.g. Red Cross, Salvation Army, Meals-on-Wheels, Royal District Nursing Service of SA); or
- An employee or registered volunteer employed under a government community service scheme or program, such as a HACC or DVA program; or
- A family member or volunteer (not living at the residence) who provides care and is registered as a carer, or receives a carer's allowance through Centrelink, the Department of Veteran's Affairs or other government authority.

A resident will not be entitled to a community service permit for a family member or volunteer if the resident holds a current residential parking permit and that permit can be utilised to meet their carer needs.

Community service permits will not be issued for the purposes of all day employee parking in the vicinity of their place of employment.

When the applicant is an employee or registered volunteer of a community service organisation, or a government community service scheme, proof will be required from the relevant organisation that the vehicle is in use on official duties within the city.

When an organisation has staff with access to more than one vehicle in the performance of their duties, each of the vehicles may be eligible for a permit for the precinct(s) where clients reside.

When the applicant is a carer, and a family member or volunteer, proof that regular care is being provided will be required. Only one permit will be issued to a worker / volunteer for the vehicle used in performing their carer duties.

One or two year permit terms are available for community services permits which applicants can decide to suit their circumstances.

5.7 Parking Exemptions

Parking exemptions are available to meet short term parking needs of one to five business days for:

- Tradespersons providing services or maintenance activities to the resident's property where there is insufficient capacity to park on-site or it is impractical for trade vehicles to park on-site, and
- Visitors to the resident's property who need to park for longer than the restricted time in areas designated as one hour parking or greater.

There will not be an entitlement to a parking exemption if an applicant has access to a current residential parking permit and that permit can be utilised to meet short term parking requirements.

City of West Torrens Council Policy – Parking Permits and Exemptions

Tradespersons

The provision for short-term parking of tradespersons includes:

- Parking in loading zones – tradespersons will be exempted from time restrictions in loading zones in a precinct in order to carry out essential work and/or deliveries to a property and where off-street parking is unavailable or impractical on that property;
- Parking in time limited areas with a designation of one hour or greater – tradespersons will be exempted from the restrictions on parking in these areas in a precinct for periods of up to two days in order to carry out essential work and/or deliveries to a property and where off-street parking is unavailable or impractical on that property. A further phone call will be required if a longer time period is required to complete the work.

In both cases, the tradesperson is responsible for making contact by telephone with Council at least one full working day before the work is to be carried out, so that a computerised list of exempted vehicles can be established before compliance officers commence their scheduled patrols for parking infringements.

Only eligible vehicles are entitled to a parking exemption.

Clients of Community Organisations

Council recognises that there may be extenuating circumstances when a community organisation wishes to apply to Council for a short-term exemption from time limited restrictions for clients of their organisation.

In these instances, an application must be made in writing to the General Manager, Corporate and Regulatory, setting out the extenuating circumstances and providing any relevant supporting documentation.

Approval of a short term exemption will be at the sole discretion of the General Manager, Corporate and Regulatory.

5.8 Visitor Vouchers

Residents will have the opportunity to purchase one booklet of 12 [visitor vouchers](#) per household to be used in a calendar year for visitors to be exempted from time restricted areas in the resident's precinct.

The provision for short-term parking of visitors provides an opportunity to residents, where there is insufficient capacity to park on-site, to extend parking times in time-limited areas.

Each [voucher](#) will be valid for one vehicle to be exempted for a full day from the restrictions on parking in time limited parking areas of one hour or greater in the resident's precinct.

[Vouchers](#) will include the name of the resident's street but details of the vehicle registration and date must be completed by the resident legibly with a permanent marker, not a pencil. Each voucher may be used only once and will be rendered invalid if altered.

Only eligible vehicles are entitled to the use of [visitor vouchers](#).

An application for a booklet of [visitor's vouchers](#) can only be made on the approved form. A fee will be charged, as set out in the application form, to recover administrative costs. Once the booklet is issued, the fee cannot be refunded.

City of West Torrens Council Policy – Parking Permits and Exemptions

5.9 Policy Terms and Conditions

Areas to which permits apply

Permits are only valid for the zones or time-limited areas specified on the permit. They are NOT valid for:

- Time limited zones of less than an hour,
- Parking restrictions located in shopping centres, off street car parks, outside non-residential properties, and in paid parking locations;
- Restricted or prohibited zones such as clearways, and no parking and no stopping areas.

In addition, a parking permit does not allow:

- Parking contrary to any other Australian Road Rules, and
- Parking of a vehicle for longer than 24 hours at any one time.

A parking permit does not guarantee the permit holder a parking space in the street or precinct to which the permit applies, nor does it guarantee that on-street parking will be available at all times.

Fees

Fees included in Council's [Schedule of Fees and Charges](#) must be paid for permits, exemptions and vouchers before they are issued.

Permit and exemption issue fees are only refundable if an application is denied. No refunds are available after a permit, exemption or vouchers are issued. Application fees are not refundable.

Fees are not charged for community services or tradesperson permits.

An administrative fee will apply for the reissue of a permit (of any type), including those lost or damaged or those re-issued following a vehicle changeover occurring.

Conditions of use

All parking permits / exemptions will show:

- The permit / exemption number and expiry date,
- If a vehicle specific permit, the registration number of the vehicle to which the permit applies, and
- The precinct or street to which the permit applies.

Among these conditions, Council requires that all parking permits be displayed on the dashboard or front windscreen on the passenger side of the vehicle for which the permit applies and to be clearly visible and legible from the outside of the vehicle. If the permit is not visible, Council will issue an expiation notice for parking contrary to parking signs.

City of West Torrens Council Policy – Parking Permits and Exemptions

An expiation notice will also be issued if a vehicle is parked contrary to:

- Permit conditions,
- Parking signs before a permit has been issued.

Expiation notices will not be waived by Council in any of these circumstances.

Currency of use

A permit or exemption issued under this policy remains effective until the:

- Vehicle that is the subject of a vehicle specific permit is sold, unless approval to reassign the permit to a replacement vehicle has been obtained, or
- Vehicle owner ceases to reside at the address to which the permit or exemption applies, or
- Expiry date of the temporary parking exemption has passed.

When a vehicle is sold part of the way through a permit year and replaced with another vehicle, the owner must apply to Council as soon as possible if the permit needs be reassigned to another replacement vehicle. Fees as required will need to be paid.

6. Procedure

6.1 Application process

In order to assess eligibility and determine whether approval for a permit is to be granted, Council requires applications for a permit to be:

- Made in writing on the relevant parking application form, and
- Accompanied by the required fee and sufficient evidence to support of the application.

If circumstances change and the permit holder no longer meets the criteria for a permit, the permit is no longer valid and must be destroyed or returned to Council.

6.2 Assessment of applications

Applications will be assessed in accordance with this policy, taking into account the number of permits already issued for the precinct and the level of demand for on-street parking.

If demand in a precinct is reaching, or has exceeded the availability of kerbside spaces, a moratorium will be placed on increasing permit numbers for that precinct until such time a demand study has been completed.

Council will consider declaring an area a 'saturated' parking precinct if:

- The level and pattern of demand for parking exceeds the physical capacity of the area to accommodate additional parked vehicles,
- The number of permits currently in circulation reduces the likelihood of residents being able to park their cars in reasonable proximity of their homes, and
- Council receives an increase in residents reporting difficulties in parking their cars in what they consider reasonable proximity to their homes.

City of West Torrens Council Policy – Parking Permits and Exemptions

Temporary parking permits may be issued if necessary during the moratorium, which might be the case in a carer situation or when a tradesperson needs access to a property. New permits will only be issued otherwise as others expire and are not renewed.

The demand study will determine the way forward for dealing with permit applications in the precinct.

6.3 Cancellation of permits

Breach of permit conditions may result in cancellation of the permit and the permit holder will be notified in writing of the cancellation and the reason(s).

A refund of the fee will not be made in these circumstances or when a permit holder moves from the address or disposes of their vehicle without replacement.

Council may refuse future applications to persons who have misused permits and will give reasons in writing for any such refusal.

6.4 Grievances

Any person who is affected by the decisions made by Council, employees of the Council or other persons acting on behalf of the Council may lodge a request for an internal review. Details are provided in [Council Policy - Internal Review of Council Decisions](#).

18 LOCAL GOVERNMENT BUSINESS

18.1 Local Government Circulars

Brief

This report provides a detailed listing of current items under review by the Local Government Association.

RECOMMENDATION(S)

It is recommended to Council that the Local Government Circulars report be received.

Discussion

The Local Government Association (LGA) distributes a weekly briefing on a range of matters affecting the general functions, administration and operations of councils through a 'General Circular'.

The indices attached for Members' information in this report are numbers 28 and 29.

If Members require further information, they may contact the Chief Executive Officer's Secretariat. In some circumstances, it may then be appropriate for the Member to contact the relevant General Manager for more information.

Attachments

- 1. Local Government Circulars Weeks 28 and 29**



Local Government Association of South Australia

28.1 DEWNR offering native vegetation training and launch of new online portal

The Department of Environment, Water and Natural Resources are providing training sessions across South Australia on the new Native Vegetation Regulations.

28.2 Payments from Local Government to businesses - reporting to ATO

Since 1 July 2017, Local Governments need to be collecting information about payments made to business, for subsequent reporting to the Australian Taxation Office.

28.3 Retail and Commercial Leases (Miscellaneous) Amendment Bill 2017

Following a review of the Retail and Commercial Leases Act 1995, the government has introduced an amendment Bill into Parliament. A copy of the Bill is available in this circular.

28.4 Planning, Development and Infrastructure Act 2016 - Update

The implementation of the Planning, Development and Infrastructure Act 2016 (PDI Act) is the biggest change South Australia's planning system in over 20 years. The first parts, being the State Planning Commission, Community Engagement Charter and the Environment and Food Production Areas, of the new planning system are being implemented. In addition further information is being provided on Council and Regional Assessment Panels, Joint Planning Arrangements (Boards), Council Planning Reform Roadshows and ePlanning Survey along with recent Minister Announcements.

28.5 SATC Wi-Fi and Touring Route Signage Project

The South Australian Tourism Commission (SATC) in partnership with a major telco will introduce a network of free Wi-Fi hotspots significantly enhancing the tourist experience. The SATC is also working with the Department of Planning, Transport and Infrastructure (DPTI) to install new signage to help highlight the six key touring routes the SATC has developed.

28.6 Management of Council Land and Buildings: Governance Masterclass - 26 July 2017

The LGA Education & Training service is holding a 'Management of Council Land and Buildings: Governance Masterclass' on Wednesday 26 July at LG House. Further details can be found in this circular.

28.7 2017 State Wage Case – Decision

The Industrial Relations Commission of South Australia has determined a minimum rates adjustment of 3.3% to provide consistency with the National Wage Case to apply from 1 July 2017. Further details can be found in this Circular.

29.1 LG Functional Support Group Plan – Draft for LG consultation

The LG Functional Support Group Plan (Draft for LG Consultation) will be available on the LGA's website on Monday 17 July. We are seeking comments from councils and regional LGAs on the Draft Plan, which are due by COB 31 July 2017.

29.2 LGA Board Meeting 20 July 2017 - Agenda available

The LGA Board will meet on 20 July 2017 at LG House. The agenda is now available. This Circular provides a list of reports to be considered at the meeting.



Local Government Association of South Australia

- 29.3 LG Professionals, SA Rural Management Challenge - 12 October 2017**
REGISTER NOW for the 2017 LG Professionals, SA Rural Management Challenge to be held at Commodore on the Park, Mount Gambier on Thursday 12 October 2017. Further details can be found in this circular.
- 29.4 Amendment to Provisions Governing the Erection of State and Federal Election Signs**
The State Parliament recently made a minor amendment to section 226(3)(c) of the Local Government Act, which governs the erection of election signs during state and federal elections. The rules governing the erection of election signs for local government elections remain unchanged.
- 29.5 LG Emergency Management Framework Consultation Draft**
The LGA has partnered with Ernst and Young to develop a local government emergency management framework. The consultation draft is now available for comment until 25 August 2017.
- 29.6 Dogs and Cats Online (DACO) - update and reminder to nominate contact officer**
The Dog and Cat Management Board is seeking a single contact person at each council to liaise with the DACO Project Manager, Steph Jeuken. The Board has also provided a DACO project update, available via this Circular.
- 29.7 Commonwealth Government's consultation on next stage of aged care reforms**
The Commonwealth Government has opened consultation via a Discussion Paper on the next stage of their future reforms to aged care. This Circular provides councils with information on making a submission by 21 August, and contributing to the LGA's submission.
- 29.8 Survey on management of local government road components**
Austroads is urging local government engineers and finance professionals to complete a brief survey on how road assets are managed in terms of their separate components.
- 29.9 National Sports Plan for Elite Sport and Participation**
The Australian Sports Commission would like is now seeking feedback from local government on the National Sports Plan for elite sport and participation. Submissions close 31 July 2017.
- 29.10 2017 LGA Roads and Works Conference - Final Program now available**
The final program for the 2017 LGA Roads and Works Conference is now available. Further information about the program, accommodation and registrations can be found in this Circular.
- 29.11 Freedom of Information (FOI) metrics**
The Australian Government and State/Territory jurisdictions are seeking to standardise FOI reporting to match international Open Government expectations. This circular outlines how Councils can make submissions prior to 9 August, 2018.

19 MEMBER'S BOOKSHELF

- Protect, Prevent, Improve, Inform - Chief Public Health Officer's Report July 2014 - June 2016
- EPA Corporate Brochure - Good for Environment, Good for Business Vol III

RECOMMENDATION

That the additions to Members' bookshelf be noted.

20 CORRESPONDENCE

20.1 Capping of Government Fees and Charges

Correspondence has been received from the Mayor of the Wattle Range Council, Peter Gandolfini, requesting support for their recent motions seeking a pledge from the State Opposition regarding the Capping of Government Fees and Charges (**Attachment 1**).

20.2 2017-18 Financial Assistance Grants

Correspondence has been received from the Minister for Regional Development and Minister for Local Government, Hon Geoff Brock MP, providing an update on the brought forward payment of the 2017-18 Financial Assistance Grants (**Attachment 2**).

20.3 Adelaide and Mount Lofty Ranges Natural Resources Management Board Minutes

Correspondence has been received from the Adelaide and Mount Lofty Ranges Natural Resources Management Board regarding the minutes of the board meeting held on Thursday 25 May 2017 (**Attachment 3**).

20.4 Resident Concerns regarding Proposed Weigall Oval Development

Correspondence has been received from the Member for Ashford, Hon Stephanie Key MP on behalf of several Ashford constituents with concerns regarding the proposed Weigall Oval development (**Attachment 4**).

RECOMMENDATION

That the correspondence be received.

Attachments

1. Letter from Wattle Range Council
2. Brought Forward Payment of the 2017-18 Financial Assistance Grants
3. Adelaide and Mount Lofty Ranges Natural Resources Management Board Minutes
4. Resident Concerns regarding Proposed Weigall Oval Development

Office of the Mayor

Our Ref: GF 10.85.1/1/18
coulet mayor 2018 state election 200617



PO Box 27, Millicent SA 5280
www.wattlerange.sa.gov.au

7 July 2017

Mayor John Trainer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Mayor Trainer,

Capping of Government Fees and Charges

The Wattle Range Council has called on the Liberal Opposition to demonstrate fiscal restraint to assist South Australians with cost of living pressures placed upon them if it were elected to Government. Council is now seeking support from all other South Australian councils with this matter.

As you would be aware, State governments collect approximately 16 per cent of all taxes raised in Australia. The Commonwealth collects 80 per cent and Local Government 4 per cent.

In light of this and given the current Liberal Party policy regarding the capping of rates for Local Government, Council believes that a future State Liberal Government should adopt the same level of discipline to help address the cost of living.

In recent years South Australians have been forced to pay massive increases in taxes and levies. For example, this current financial year, the NRM Levy for Wattle Range residents increased by 213 per cent. This is in addition to many other taxes, levies and charges that have increased by more than CPI.

To ensure a consistent approach at both levels of government in South Australia, at a recent Wattle Range Council meeting it was resolved to call on the State Opposition to publically pledge the following prior to the 2018 State election:

That a future Liberal Government will cap all future increases in State Government taxes, levies, fees and charges (including government business units/enterprises) in line with its capping proposal for Local Government.

That any percentage increase in total revenue collected through State Liberal Government taxes, levies, fees and charges (including government business units/enterprises) not exceed the Local Government cap as proposed by the Liberal Party.

That a future Liberal Government will not introduce any new taxes, levies, fees and charges on South Australians.

Council is also concerned about cost shifting to Local Government by the State Government and the massive increase in State Government charges. For example, the solid waste levy will increase by 20 per cent in 2017-18 and a further increase of 30 per cent is expected in 2018-19.



The Opposition has supported legislative changes to force Councils to rebate rates for former Housing Trust homes by 75 per cent if they are transferred to a community housing authority. In Wattle Range this will cost all other ratepayers more than \$90,000 each year by subsidising the shortfall.

In addressing this matter Council also recently resolved to seek a pledge from the Liberal Opposition for the following:

That a future Liberal Government will not transfer responsibility of services to Local Government without adequate and mutually agreed additional funding to Local Government.

That a future Liberal Government will not amend or introduce legislation that has a negative financial impact on Local Government.

The Wattle Range Council respectfully asks that your Council consider supporting the same or similar motion at a meeting in the near future.

If you wish to discuss this further, I can be contacted on 08 8733 0900.

Yours sincerely



Peter J Gandolfi
MAYOR

Telephone: +618 8733 0900
Mobile: +614 1915 5447
Email: mayor@wattlerange.sa.gov.au

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Government
of South Australia

Mayor John Trainer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



Dear Mayor Trainer *John*

On 23 May 2017, Senator Hon Fiona Nash, Commonwealth Minister for Local Government and Territories advised that the Australian Government would bring forward the payment of 50 percent of the 2017-18 Financial Assistance Grants.

The Minister advised that the brought forward payment of \$1.2 billion across Australia would be made in 2016-17 to give councils immediate access to funds to commence new projects and to benefit from the interest on additional cash in the bank. The brought forward payment was forwarded to councils by the SA Local Government Grants Commission on 8 June 2017.

South Australia's share of the brought forward payment is \$78 million, which includes \$58 million in General Purpose Grants and \$20 million in Identified Local Road Funding.

City of West Torrens has received a total of \$1,556,700, comprising \$604,179 in General Purpose Grants and \$952,521 in Identified Local Road funding.

The brought forward payment of the 2017-18 Financial Assistance Grants has been distributed amongst councils based on the 2016-17 recommendations of the South Australian Local Government Grants Commission, which were approved by the Commonwealth Minister and myself in August 2016.

The remaining pool of 2017-18 Financial Assistance Grants will be distributed in four instalments based on the approved recommendations of the South Australian Local Government Grants Commission.

The Commission's recommendations assess each council's capacity to provide services to their communities compared to the State average. Payment of the remaining 2017-18 grants will be adjusted to account for the Commission's approved recommendations.

Minister for Regional Development
Minister for Local Government

Level 17, 25 Grenfell Street Adelaide SA 5000 | GPO Box 2557 Adelaide SA 5001 DX 667
Tel 08 8226 1300 | Fax 08 8226 0316 | pilsa.MinisterBrock@sa.gov.au

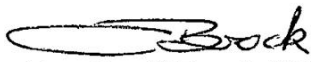


- 2 -

I expect to receive the Grants Commission's 2017-18 recommendations in mid-July and the approval of the Commonwealth Minister is expected in August 2017. An adjustment will be made to cash payments made to each council to account for the brought forward payment.

Should you have any further queries about this process, please contact the Commission's Executive Officer, Mr Peter Ilee on telephone 7109 7148 or by email at grants.commission@sa.gov.au.

Yours sincerely



Hon Geoff Brock MP
Minister for Regional Development
Minister for Local Government

19 July 2017

cc Mr Terry Buss
Chief Executive Officer

**ADELAIDE AND MOUNT LOFTY RANGES
NATURAL RESOURCES MANAGEMENT BOARD**



**Government
of South Australia**

Adelaide and
Mount Lofty Ranges
Natural Resources
Management Board

MINUTES OF MEETING NO 130

**held from 1.00pm to 3.00 pm
on Thursday 25 May 2017
at AMLR NRM Board Office,
205 Greenhill Road, Eastwood**

PRESENT:

Chair: Chris Daniels

Members: Alexandra Kentish
Belinda Bramley
Rachael Siddall
Rob Lewis
Russell Johnstone
Allison Bretonas
James Crocker
Peter Pfennig
Trevor Bennett

APOLOGIES:

Mark Searle
Julia Grant

IN ATTENDANCE:

Brenton Grear, Regional Director
Mary-Anne Healy, Manager Planning & Evaluation
Marguerite Swart, Manager Business Support
Michaela Heinson, A/Manager Land Marine and Biodiversity Services
Steven Gatti, Manager Water Projects
Hugh Kneebone, A/Manager Community Engagement
Judy Borlase, Minute Secretary

250517-130-1.0 MEETING PROCEDURE

250517-130-1.1 Welcome

The Chair opened the meeting and acknowledged that it was taking place on Kurna land and the Aboriginal peoples' ongoing and deep connection with the land. He welcomed all attendees to the meeting.

250517-130-1.2 Apologies

Apologies have been received from Mark Searle, Julia Grant, Kim Krebs and Lisien Loan.

250517-130-1.3 Declarations of Interest

There were no additional declarations of interest declared.

- 250517-130-1.4 Consent Schedule**
- The Board **confirmed** the items within the consent schedule be adopted.
- CARRIED**
- 250517-130-1.5 Minutes of Previous Meeting**
- The Board **confirmed** the minutes of meeting number 129 held on 27 April 2017 as a true and accurate record.
- CARRIED**
- 250517-130-1.6 Matters Arising from Previous Meetings**
- The Board **noted** the matters arising.
- CARRIED**
- 250517-130-1.7 Resolution Register**
- The Board **noted** the resolution register.
- CARRIED**
- 250517-130-2.0 PRESENTATION**
- 250517-130-2.1 Water Sensitive SA**
- The Board welcomed Mellissa Bradley and Keith Downard for its presentation on Water Sensitive SA. The presentation on Water Sensitive SA was an overview of the project including achievements from November 2014 to date, research pathways, snapshot of website, priority projects with four of the six underway, and its priorities looking forward.
- The Board **noted** the information provided.
- CARRIED**
- 250517-130-3.0 BOARD MATTERS**
- 250517-130-3.1 Board's Strategic Risks**
- The Board noted the previously developed strategic risks and endorsed review and update of these risks.
- The Board:
- 3.1.1 **noted** the Revised Strategic Risk Register progress.
- 3.1.2 **noted** the review of the Boards current Risk Policy.
- 3.1.3 **undertake** a Strategic Risk identification and assessment in a workshop session.
- CARRIED**

250517-130-3.2 Paddock Tree Replacement Project – Phase 3

Manager Biodiversity Conservation provided the Board with an update on the project.

The Board:

- 3.2.1 **noted** the existing achievements delivered through the Paddock Tree Replacement Project and overarching Creating Resilient Landscapes project.
- 3.2.2 **approved** expenditure of \$515,000 for the third phase of the Paddock Tree Replacement Project, which will commence in June 2017 and conclude in September 2018.
- 3.2.3 **delegated** authority to the Presiding Member, or Board Member proxy, and Regional Director to sign the agreement with Trees for Life for the third phase of the Paddock Tree Replacement Project under the Board's Common Seal

CARRIED

Board member Rob Lewis arrived at 2 pm

250517-130-3.3 NRM Education Service Level Agreements 2017-20

The Board:

- 3.3.1 **noted** the changes to the Treasurer Instructions (8 and 17) on financial delegation level effective from 1 May 2017.
- 3.3.2 **approved** the signing of the two NRM Education service level agreements in excess of \$1.1m (GST inclusive).
- 3.3.3 **delegated** authority to the Presiding Member, or Board Member proxy, and Regional Director to sign the service level agreements for KESAB environmental solutions and the City of Onkaparinga under the Boards Common Seal.

CARRIED

250517-130-3.4 Upper Torrens Land Management Project

The Board:

- 3.4.1 **noted** that the Upper Torrens Land Management Project is due to end on 30 June 2017.

CARRIED

250517-130-3.5 Aboriginal Engagement

The Board welcomed Michael Field, Community Engagement Coordinator – Aboriginal Communities to the table for the discussion on Aboriginal engagement.

It noted that the Attorney-General's guidelines are set up for heritage works, and that the region uses these as a guide but our works are not heritage in nature.

The Board noted more funding could be spent towards Aboriginal projects and would like consideration to be given towards using part of the community NRM grant program for funding these.

The Board:

- 3.5.1 **noted** the current range of engagement ventures with the Aboriginal Communities of the AMLR region for NRM outcomes

CARRIED

250517-130-3.6 Revocation of a Regional Authorised Officer

The Board:

- 3.6.1 **approved** the revocation of Philip Stubbs.
- 3.6.2 **authorised** the Presiding Member (or Board member proxy) and the Regional Director to sign the associated instrument of revocation.
- 3.6.3 **authorised** the use of the Board's common seal by the Presiding Member (or Board member proxy) and Regional Director so that it may be affixed to the associated instrument of revocation.

CARRIED

250517-130-3.7 Coastal Site Condition Change Assessments

The Board:

- 3.7.1 **noted** the tabling of the report
- 3.7.2 **endorsed** release of the report via the Board's website

CARRIED

250517-130-3.8 NRM Education 12-month report (January to December 2016)

The Board:

- 3.8.1 **noted** the tabling of the report.
- 3.8.2 **endorsed** release of the report via the Board's website.

CARRIED

250517-130-4.0 WATER PLANNING AND MANAGEMENT MATTERS

250517-130-4.1 Securing Low Flows in the Carrickalinga Catchment

The Board:

- 4.1.1 **noted** the progress to May 2017 on the implementation of the Securing Low Flows project in the Carrickalinga catchment.

CARRIED

- 250517-130-5.0 FINANCE**
- 250517-130-5.1 Finance Report**
- Manager Business Support provided the Board update on the work undertaken with project managers to ensure their budgets are spent by the end of the financial year.
- The Board:
- 5.1.1 **accepted** the financial reports for the financial period ending 30 April 2017.
- CARRIED**
- 250517-130-6.0 REGION'S MONTHLY REPORT**
- 250517-130-6.1 Regional Director's update**
- The Board **noted** the Regional Director's Update.
- CARRIED**
- 250517-130-6.2 NRM Plan Project Status Report**
- The Board **noted** the NRM Plan project status report.
- CARRIED**
- 250517-130-7.0 PAPERS TO NOTE**
- 250517-130-7.1 Register of Interests**
- 250517-130-7.2 Intermediate Target Report (July 2011 – December 2016)**
- The Board **noted** information papers 7.1 and 7.2.
- CARRIED**
- 250517-130-8.0 OTHER BUSINESS**
- 250517-130-8.1 Board vacancies**
- The Board noted the current vacancy advertisement closes on Friday 26 May 2017. It agreed to hold open for an additional week to allow for late entries. Board members are encouraged to follow up with contacts.
- 250517-130-9.0 MEETING CLOSED**
- There being no further business, the Chair declared the meeting closed at 3.00 pm.

The next Board meeting will be held on Thursday 22 June 2017 at the office of Natural Resources Adelaide and Mount Lofty Ranges, 205 Greenhill Road, Eastwood.

Chris Daniels
Presiding Member

Chris Daniels Date: 22 / 6 / 2017

Hon. Stephanie Key MP
Member for Ashford



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29th June 2017

Mr Terry Buss
 Chief Executive Officer
 City of West Torrens
 165 Sir Donald Bradman Drive
 HILTON SA 5033



Dear Mr Buss,

Terry,

Re: Draft Weigall Oval Development Plan

I have been contacted by Ashford constituent Ms Rebecca Chapman of 19 Urrbrae Terrace, Plympton, 5038 as she has some concerns with the proposed Weigall Oval Development Plan. She is disappointed that the petition that she signed with other 'locals' was not in the correct form for the Council.

I quote, in part from the Email sent to me on this matter by Ms Chapman.

"I am usually in favour of development within the community, particularly when such development has the potential to foster closer community engagement. However, I do not believe this proposed development of Weigall Oval is designed for that purpose, and I certainly am of the strong opinion that it will in fact do the opposite. I outline my main concerns below, in no particular order:

- Parking – whilst as part of the proposed development there are plans to increase parking inside Weigall Oval, this will clearly not be sufficient given the anticipated increase in usage of the space. At present, it is near impossible for those people living around Weigall Oval to access on street parking when the oval is being used. Events are held at the oval most weekends, and this results in local homeowners not being able for example to invite friends over for a BBQ as there is simply no parking on the street available. There are only a handful of weekends each year when there is no activity at the oval. Parking is already an issue given the Council's decision to increase high density development in the area, meaning more residents are needing to park on the street. There are often occurrences where visitors to the oval park across driveways as there is a shortage of available parking.

- Noise – there is a significant amount of noise generated from Weigall Oval. The development will see further sporting activity at the already busy oval which will increase this problem for neighbouring residents. The majority of people using the oval are not locals, and this is evident by their total disregard for neighbouring residents. Events are held on evenings during the week, on Friday and Saturday nights, and the people from the sporting teams (the soccer teams to a greater extent than the baseball teams) are often noisy late into the evening, both verbally and through the use of car horns and squealing tyres when leaving. Soccer starts before 8am on Sunday mornings, and most weekends this results in a significant amount of noise from 7.30am as the visitors show no regard for the neighbours. Locals are not permitted to use loud machinery prior to 9am yet these visitors make more noise than any lawn mower would. There is also a growing trend of using the park as the pick-up and drop off point for buses (presumably to ferry the sporting club users to other locations/functions etc?) This results in buses arriving at midnight, parking on the street (not in the carpark) and idling as their rowdy passengers disembark.
- Rubbish – I am constantly cleaning rubbish from my footpath and front yard which is dumped by visitors to the oval before they get back into their cars to leave.
- Limited availability for locals – Due to the oval being used on most weekends and evenings during the week, there is a limited amount of time that it can be enjoyed by locals. Prior to this increase in use by sporting clubs, the oval was often busy with local families, but this is no longer the case. Even the playground is barely used.
- Damage – At present, I collect approximately 50 tennis balls per year from my front yard (some after hitting the windows) from the tennis courts. This in itself is rarely an issue, however the new plans seem to indicate that the fields for baseball will be moving closer to the edges of the park and therefore closer to the surrounding homes. This is of some concern to the neighbourhood given the potential for property damage (and noise).
- Lack of liaison with residents – The sporting clubs do not communicate with residents about upcoming events. The most recent case in point was the Soccer club having a family day which involved taking over the entire space and causing traffic chaos. This involved trucks with deliveries of bouncing castles and the like all weekend, and a constant stream of visitors. Whilst I do not have a problem with the family day occurring, the lack of respect shown to residents by not providing any advanced warning is telling. Dare I say, some communication with residents may in fact assist in addressing some of the frustrations being felt.

My largest individual concern is that the purpose of the redevelopment appears to be to increase the amount of activity at Weigall Oval. This will exacerbate each of the problems above, whilst limiting the ability for locals to use the facilities even further. When I made initial enquiries with Council regarding the redevelopment, I was advised that the redevelopment would allow for both sports (baseball and soccer) to be played year round. This in effect doubles the use of the already busy oval, and with each of the above issues arising when only one sport is played at a time, I believe it will have a substantially negative impact on the neighbouring residents. It should be noted that the increase in usage by sporting teams has happened over the last couple of years and many of the owners purchase their homes prior to this occurring.

There is also a general level of frustration that the horse trainers using the facility have been made to leave this year to make way for this development. The vast majority of those horse trainers live locally, and it is lovely to see the locals interacting with the horses each day. Whilst I understand this decision has been made and is final, it is yet another example that Weigall Oval is no longer viewed as being available for local residents.

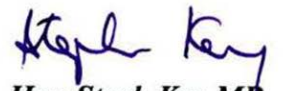
I love the Plympton neighbourhood, and have enjoyed over my 10 years there watching the change in demographic as more families move in. It is lovely to see families out and about and meeting friends in the café's which have started popping up. I can feel an inner city vibe really starting to develop which is exciting. There are also improvements being made to many of the older homes which is creating lovely street scapes. I am genuinely concerned that this redevelopment will essentially remove Weigall Oval from the locals surrounding it and cause a substantial shift in the feel of the neighbourhood. With the world in its current state, I believe we need to foster community closeness more than ever, and I believe this redevelopment will do

the opposite. I walk my dog every day in the neighbourhood, and there has been a significant drop in the number of local people enjoying Weigall Oval over the years, and all of the comments I hear are consistent with my thoughts above.

Finally, I would like to reiterate that my issues are not with development, they are with what the redevelopment represents – an effective removal of Weigall Oval from local ratepayers.”

Your advice on these matters would be appreciated.

Yours sincerely



Hon Steph Key MP
Member for Ashford

Hon. Stephanie Key MP
Member for Ashford



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www.facebook.com/StephKeyMP

30th June 2017

Mr Terry Buss
 Chief Executive Officer
 City of West Torrens
 165 Sir Donald Bradman Drive
 HILTON SA 5033



Dear Mr Buss,

Terry,

I write on behalf of Ashford constituents Ms Rachel Thomas & Mr John Lawrie of 20 Manfred Street, Plympton 5038.

These constituents have raised a number of issues with regard to the proposed development plan for Weigall Oval and current problems.

The issues raised with me, include the following:

- Lack of car parking for participants and viewers of the Baseball and Soccer for both matches and practice sessions.
- Provision of an extended Liquor Licence. Will this mean seven days a week and extended after hours licence?
- Current noise levels after hours. Issues of extended hour use of the facility/oval affecting the shift workers in the area – including nurses, police and emergency services workers.
- Littering in the area.
- People using front gardens as a toilet.
- Alleged drug dealing around the Oval area.
- People having sex in the street and park.
- Loss of quiet Sunday mornings.
- Cut backs for tennis player's access.
- Loss of the trotting track. Also used for running, walking and exercising dogs. Provides a small barrier band between the houses and the playing area particularly James Street and some of Urrbrae Street.
- Many of the locals like the trotters being exercised in that space.

Your advice on these issues would be appreciated.

Yours sincerely,


 Hon Steph Key MP
 Member for Ashford

Hon. Stephanie Key MP
Member for Ashford



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30th June 2017

Mr Terry Buss
 Chief Executive Officer
 City of West Torrens
 165 Sir Donald Bradman Drive
 HILTON SA 5033



Dear Mr Buss, Terry,

I write on behalf of Ashford constituent, Ms Therese Reynolds of 56a Birdwood Terrace, North Plympton.

Ms Reynolds has some concerns with the Weigall Oval draft development plan, and the current appearance of the Oval.

I quote from her Email to me in part:

"Dear Steph, thank you for your preparedness to listen to my concerns about the proposed development at Weigal Oval, despite the petition signed by 144 people, not being able to be tabled by the West Torrens Council.

I have been a resident at my current address for 28 years and have subdivided and redeveloped within the last 6 years so that I can remain in perhaps the most picturesque spot on Birdwood Tce. Across the road from me is Weigal oval with large gum trees, uninterrupted views of the hills, the sounds of horses training in the morning, birds and people playing sport. In that time I've seen many improvements to the grounds and the harness racing group are fastidious in maintaining their facilities. (which I believe they fund themselves) On the other hand there has been deterioration in the club rooms and other infrastructure on the grounds, the gates are locked at night to curtail vandalism, burn outs in the carpark and stolen cars being set alight. I am sickened by the accumulation of junk(at present there are three old hot water tanks on an unregistered trailer dumped) in behind the baseball practice net that has more rubbish than equipment stored in it and the club room and there are also no less than four sheds on the grounds that are associated with the baseball club- who I understand pay a peppercorn rent for the facilities. The proposal for redevelop indicates that a carpark and club rooms will be built on the northern end of the oval straight across from me as stage 1 My concerns are:

1) I don't want a carpark built on the northern end of the oval in front of me, when there is a perfectly adequate park on the southern end already. Nor do I want a duplicate venue for vandalism, fires and burn outs. Nor do I want house values to deteriorate in my area as a result

2) While I support the use of Weigal Oval for ALL residents to use as a sporting venue I do not support the redevelopment to be purpose built for a baseball club that are bad tenants and has no regard for the facilities. I am also suspicious of how funds will be utilised over the three stages and afraid that the development will morph into a "Steptoe and son" yard as it looks at present. The funding to redevelop the oval as a soccer and baseball venue would be better spent on the infrastructure that is already there. An upgrade of the club rooms and the existing carpark, add extra toilets and a purpose built storage for all equipment and better management of the tenants and venue is sure to cost a lot less than the proposed development. Neighbouring residents- the RATEPAYERS! Would still be able to appreciate the area that they chose to live in.

Ms Reynolds also supplied the attached photographs to illustrate her views of the Oval not looking well kept or 'cared for'.

Your advice on this matter will be appreciated.

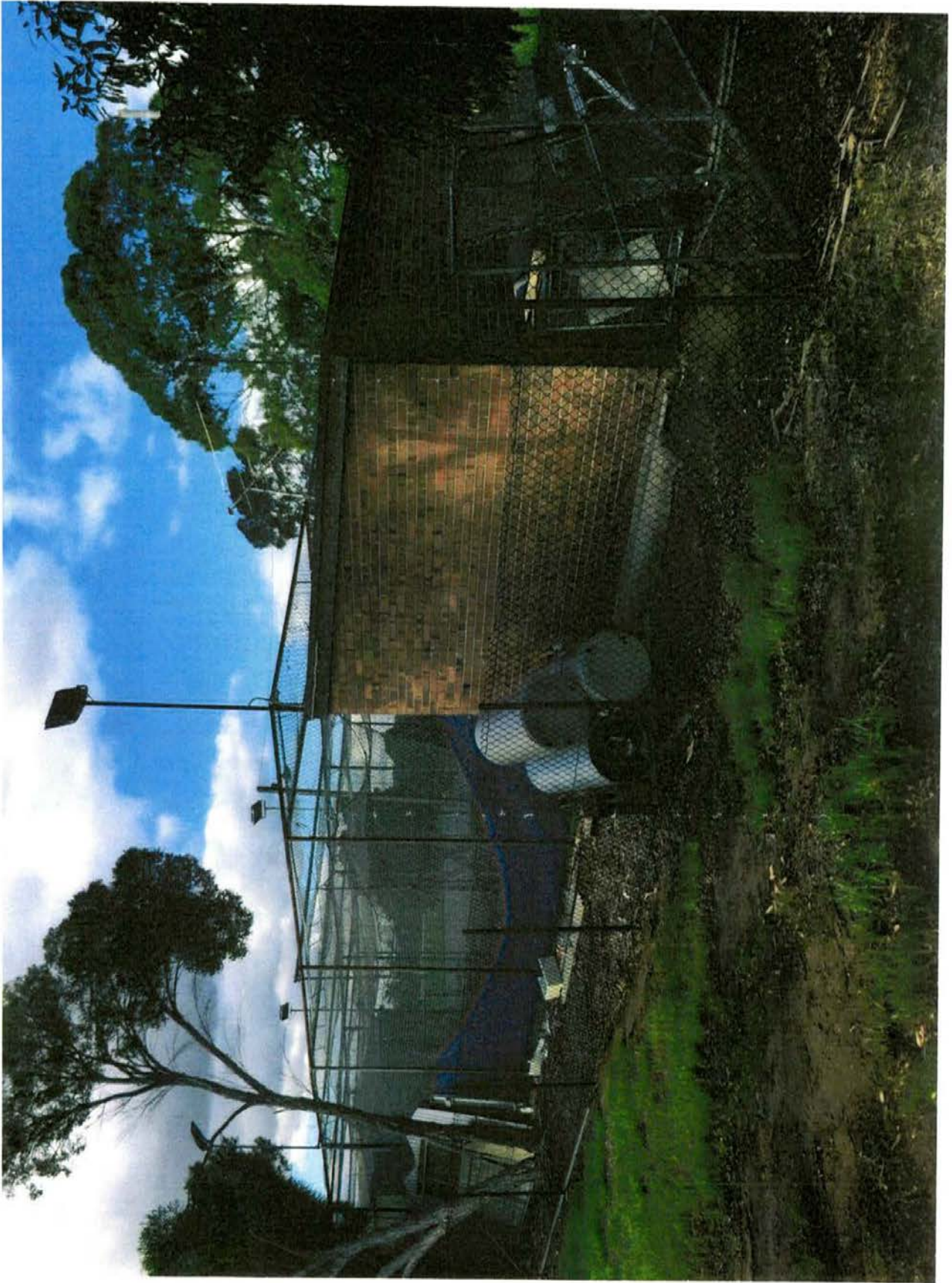
Yours sincerely,



Hon Steph Key MP
Member for Ashford

Enc.







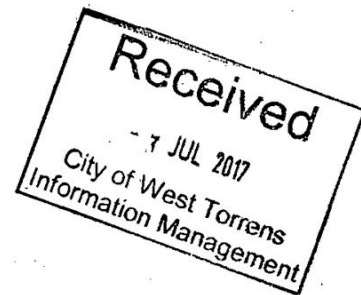
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30th June 2017

Mr Terry Buss
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



Dear Mr Buss, Terry,

I have been contacted by Ashford constituent Ms Debra Newman of 69 McArthur Avenue, Plympton with regard to the proposed Weigall Oval development.

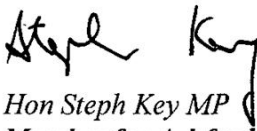
Ms Newman is concerned that the development is not centred around the needs and use of the local community but rather sports groups that largely live outside the area.

She believes that this green space should continue and be improved to cater for the locals, particularly with regard to walking, exercising and walking of dogs.

She cites car parking, increased noise and nuisance levels as other problems associated with the 'outsiders' use of the Weigall Oval.

Your advice on these matters would be appreciated.

Yours sincerely,


Hon Steph Key MP
Member for Ashford



30th June 2017

Ms Debra Newman
69 McArthur Ave
PLYMPTON SA 5038

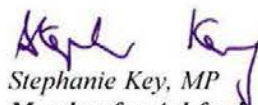
Dear Ms Newman, *Debra,*

Thank you for raising your concerns with me regarding the proposed plan for staged development of the Weigall Oval.

I have raised these matters with the West Torrens Council and will contact you again when I receive a reply.

In the meantime, if I can be of further assistance please do not hesitate to contact the Ashford Electorate Office on 83715600.

Yours sincerely,


Stephanie Key, MP
Member for Ashford

Steph Key MP

MEMBER FOR ASHFORD

407 Marion Rd Plympton SA 5038

Ph: 08 8371 5600

Fax: 08 8371 5211

Email: ashford@parliament.sa.gov.au

www.facebook.com/StephKeyMP

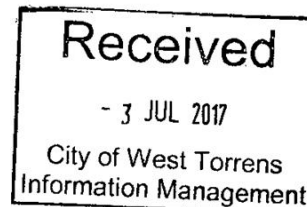
Hon. Stephanie Key MP
Member for Ashford



Electorate Office
407 Marion Road
PLYMPTON SA 5038
Telephone (08) 8371 5600
Facsimile (08) 8371 5211
Email ashford@parliament.sa.gov.au
www.facebook.com/StephKeyMP

28th July 2017

Mr Terry Buss
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



Dear Mr Buss,

Terry,

Re: Draft Weigall Oval Development Plan


I write to seek advice from you with regard to the proposed draft stages development plan for the Weigall Oval.

Ashford constituent Mr David Hayden of 17 Urrbrae Terrace, Plympton has contacted me raising his concerns with the proposed development.

In summary, he argues that the community tennis courts are being minimized and combined with the basketball court. The existing courts have periods of high usage from people that are not involved in the more formal organised sports such as basketball and soccer. He also says that the positioning of the junior practice court adjacent to Urrbrae Terrace will result in more noise impacting on the amenity of the local residents.

I understand that Mr Hayden has raised these points with the council and I would appreciate your response.

Yours sincerely


Hon. Steph Key MP
Member for Ashford

21 CONFIDENTIAL

Nil

22 MEETING CLOSE

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1 MEETING OPENED**2 PRESENT****3 APOLOGIES****Leave of Absence:**

Cr Garth Palmer

Apologies**Council Members:**

Cr John Woodward

4 DISCLOSURE STATEMENTS

Committee Members are required to:

1. Consider Section 73 and 75 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75A of the *Local Government Act 1999*.

5 CONFIRMATION OF MINUTES**RECOMMENDATION**

That the Minutes of the meeting of the Urban Services Committee held on 4 July 2017 be confirmed as a true and correct record.

6 COMMUNICATIONS BY THE CHAIRPERSON**7 QUESTIONS WITH NOTICE**

Nil

8 QUESTIONS WITHOUT NOTICE**9 MOTIONS WITH NOTICE**

Nil

10 MOTIONS WITHOUT NOTICE

11 URBAN SERVICES DIVISION REPORTS

11.1 Thebarton Theatre - Request for Masterplan

Brief

Weslo Holdings Pty Ltd, the lessees and operators of the Thebarton Theatre (the Theatre), have written to Council requesting that a Masterplan be developed for the Theatre.

RECOMMENDATION

The Committee recommends to Council that:

1. In-principle support be given for development of a conceptual Masterplan for Thebarton Theatre subject to appropriate funding being provided by Council as part of its 2017/18 Review of Budgets obligations pursuant to Regulation 9 of the Local Government (Financial Management) Regulations 2011; and
2. The Administration liaise with Weslo Holdings Pty Ltd to ensure that the 90th Anniversary of the Theatre opening is appropriately acknowledged and celebrated.

Background

This report was provided to the Community Facilities Committee meeting of 23 May 2017 but was effectively held in abeyance following a decision to allow the operators of the theatre (Weslo Holdings Pty Ltd) to attend and provide a presentation for the Committee at a subsequent meeting. The report was subsequently included in the 25 July 2017 Community Facilities Committee meeting agenda and the Committee resolved to refer the report direct to this meeting of Council.

Introduction

Correspondence has been received from Weslo Holdings Pty Ltd (Weslo), the operators of the Thebarton Theatre, seeking Council endorsement and support for the development of a Masterplan and for the engagement of a consultant engineer to provide advice relating to the implementation of the Masterplan (**Attachment 1**). The Administration's response to this letter is also attached (**Attachment 2**).

This correspondence has been provided following an initial exploratory/preliminary meeting attended by representatives from Weslo and Council in early April 2017.

Discussion

As is evident from the correspondence received, the impetus for Weslo seeking the commissioning of the Masterplan revolves around the upcoming 90th Anniversary of the Theatre's opening on 11 June 2018. Weslo is keen to present a completed Masterplan to the public at this time and then for it and Council to collaboratively and subsequently work toward implementation of the Masterplan in time for the Theatre's centenary in June 2028. Weslo has indicated that it believes Federal and State funding may be able to be accessed to assist with the implementation of the Masterplan following its completion.

As is further indicated within the correspondence from Weslo, it:

- recognises and acknowledges that the heritage status of the Thebarton Theatre may "complicate" the process of the building upgrade; but
- is however heartened by the sympathetic upgrade of the heritage listed Empire Theatre in Toowoomba (undertaken in the late 1990s)

The Empire Theatre upgrade is worthy of some brief comment. Following a period sitting idle (and in a state of decay) a decision was taken by the local Council to upgrade and refurbish the Theatre. The Theatre reopened on 28 June 1997. A video produced by Arts Queensland which provides information regarding the Theatre upgrade and process can be viewed by accessing the following webpage and clicking on the video link - <http://www.empiretheatre.com.au/about-us/about-us/history/>. This webpage also contains information regarding the upgrade project and the Theatre's history.

There is no doubt that the Thebarton Theatre is an iconic and important building/facility within the City of West Torrens. Council's recognition of this fact is evident in the significant financial contribution it is currently making to upgrade fire systems and fire safety within the Theatre building and adjacent former Thebarton Council Chambers. On this basis it would appear that the request made by Weslo should receive favourable consideration.

Whilst Weslo has also provided a list of matters that they wish to be considered as part of the development of the Masterplan (**Attachment 3**), at this time this report only seeks the Committee's support of Weslo's request for provision of funding to undertake a conceptual Masterplan study. An initial enquiry has been made with consultants that have previously provided both heritage and engineering advice to Council in relation to the Theatre, to gain an appreciation of anticipated scope, costing and estimated time to undertake the study. The advice which has been received to date indicates that the study would take approximately six months to complete, and depending on the complexity of the study (the complexity reflects the anticipated number of hours allocated to the project) would cost between \$82,500 and \$137,500. At the upper end of this range there would be a significant component spent on design and presentation. The proposed fee allows for advice to be sought from a number of independent consultants including architects, structural, civil, traffic, electrical and services engineers, planners, quantity surveyors and wayfinding/graphics consultants and envisages a project of similar scope to that of the Empire Theatre upgrade.

Additional/subsequent comment

The Administration is aware that the Masterplan may also need to encompass a feasibility study or similar (or that such study may need to precede the Masterplan) to determine/confirm whether some/all of the initiatives which may be sought or considered are viable (financially, structurally and/or from e.g. a heritage perspective).

There has also been some consideration in regard to which party (either Council, as building owner, or Weslo, as "project initiator") should be the principal driver of this process (should Council provide its consent to it occurring). The Administration is of the view that as Council is the owner of the building it should take the lead role (with input to be provided by Weslo).

The other matter which does require some consideration relates to the current standing of the Weslo account. The Committee/Council will be aware that the standing of the Weslo account has been of ongoing concern to both it and the Administration. At the date of preparation of this report the balance on the Weslo account was \$76,108.64. The aging of this balance is as follows:

Current:	\$15,998.39
Period 1	\$20,755.36
Period 2	\$10,797.04
Period 3	\$28,557.85.

This balance is comprised of a number of charges including interest charges, Thebarton Theatre hire charges (which are based on the number of hires/period), rental charges (principally for the adjacent former Town/Hall and house - which are held under a separate lease), electricity and Emergency Services Levy (the earliest of these outstanding amounts relates to rental levied for use of the former town hall and house on 3 April 2017.) As indicated above, payments relating to the lease of the Thebarton Theatre are largely up to date. The majority of the outstanding amounts relate to the lease of the former Town Hall and the adjacent house.

Conclusion

The Thebarton Theatre will celebrate the 90th anniversary of its opening on 11 June 2018. The current lessees and operators of the Thebarton Theatre, Weslo Holdings Pty Ltd, have written to Council seeking a funding commitment from Council to allow a conceptual Masterplan to be developed for the Theatre prior to this anniversary date. It is anticipated that the Masterplan document could then be utilised to seek/source Federal and/or State Government funding to allow for implementation of the Masterplan.

Attachments

1. **Weslo - Request for Masterplan**
2. **Response letter to Weslo Holdings**
3. **Weslo Proposed/Desired Theatre Upgrades**



WESLO HOLDINGS PTY LTD

ABN 50 007 691 750

112 Henley Beach Road Torrensville SA 5031

+61 8 8223 1450

www.thebartontheatre.com.au

7 April 2017

Hon. John Trainer OAM
Mayor, City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Dear John

REVITALISATION OF THE THEBARTON THEATRE

We thank you and Angelo Catinari for allowing us to introduce and discuss our ideas for the revitalisation of Thebarton Theatre at Tuesday's meeting. Our catalyst for this timely approach is twofold. Firstly, the Theatre will be celebrating its 90th year anniversary on 11 June 2018 which provides a goal of developing a masterplan and its achievable implementation in readiness for its Centenary Year in 2028. The other is our mutually successful working relationship with your Council and Staff which has enabled the iconic status and sustainability of Thebarton Theatre.

Council is currently undertaking the important and expensive task of fire safety installation. Council's financial investment should be recognised and supported by State and Federal funds and there is a current opportunity to seek such support. Weslo Holdings P/L too is keen to consider a significant financial contribution to revitalising Thebarton Theatre and as such has engaged external support to develop a long term Strategic Artistic Plan, supported by a Project Plan for seeking external funding.

We have attached our Revitalisation of Thebarton Theatre Initial priorities list and recognise the critical importance of working together with Council to ensure both our organisations' objectives are met.

The age of Thebarton Theatre building and its heritage status provides challenges for redevelopment. We are heartened by the successful revitalisation of the similar Empire Theatre in Toowoomba and we envisage being able to achieve as good an outcome for Thebarton Theatre.

We respectfully request Council's consideration of two suggested actions ie.

1. Funding of an appropriately qualified architect to work with both Council and Weslo Holdings P/L to develop a conceptual masterplan for Thebarton Theatre (including a cost estimate but excluding detailed design and documentation). The masterplan and cost estimate would be used to seek external funding, which once achieved would lead to detailed design & documentation and implementation.
2. Engage a consultant engineer to review services such as availability of power supply and structural capability to undertake development to enable revitalisation works, particularly air-conditioning.

We look forward to the outcome of Council's consideration of our request and look forward to continuing our mutually successful relationship.

Yours sincerely

Bob Lott
Director



26 April 2017

Mr Bob Lott
Director
Weslo Holdings Pty Ltd
112 Henley Beach Road
TORRENSVILLE SA 5031

Dear Bob,

RE: Revitalisation of the Thebarton Theatre

I write to acknowledge your letter dated 7 April 2017 and note the upcoming 90th anniversary of the Theatre, your actions to date in seeking external funding to facilitate revitalisation of the Thebarton Theatre and your desire for the timely development of a Masterplan (which may permit implementation of initiatives suggested within it in time for the Theatre's centenary in 2028).

I wish to advise that I have instructed Council staff to prepare a report for Council's consideration, and, in particular, to seek Council opinion in regard to the two requests which have been raised within your letter, i.e.

- The request for support to fund the development of a conceptual masterplan for the Theatre; and
- The request to engage a consultant engineer to undertake necessary reviews of the services and building structure.

At this time I anticipate that the report would be considered by the relevant Committee of Council and/or the Council in late May or early June this year. I will advise of the actual meeting date once this is confirmed and will subsequently advise of the meeting outcome once this has occurred.

Should you have any further questions or queries, please contact me on (08) 8416 6248 or acatinari@wtcc.sa.gov.au.

Yours sincerely

Angelo Catinari
General Manager Urban Services

CC: Mayor John Trainer

ADDENDUM to Revitalisation of Thebarton Theatre

Lists below have not been prioritised as a final decision
Overall outcome and goal is to provide greater patron comfort and safety, a better workplace for staff and clients, to restore the heritage aspects of the building and to support the council's vision to bring the Theatre to the highest level of compliance possible. The benefits of this to council and the state are to increase awareness of the venue and make it more competitive.
This can be done by way of adding to and developing the existing building to increase the foyer space to offer easier egress of patrons, To provide air conditioning for improved comfort and to add solar panels to the building to improve the efficiency and sustainability of the building on a whole. The way to do this may be to build and extension to the building on the eastern side along south Rd, increase the electricity capacity into the building and replace or upgrade the Pad Transformer, improve and where required replace the plumbing and refurbish and restore the original features of the building.
Solar panels
Air Conditioning in both auditorium, foyers and dressing rooms
Workplace and emergency compliance matters
Repair plasterwork and paint in auditorium and foyer on ceiling, walls and balconies and stage columns
Replace western foyer bar structure
Ceiling repairs - Re-install ceiling lights
Purchase chairs
Replace Auditorium floor
Replace Foyer Carpets
Clean-up raised seat section at rear of downstairs
Upgrade backstage kitchen facilities
Upgrade Toilets/shower and adjacent dressing rooms facilities backstage on OP
Install Star's toilet and shower in old office/storeroom
Improvement of load-in and load-out facilities (166 cottage demolition)
Upgrade external signage
Pad transformer mains power supply capacity increase
Dress Circle seating
Stalls seating
Repair grey blue tiles at front of building exterior
House lights - Globe lights
Stage surface upgrade
Backstage walls repair and surface
Ramp upgrade
Cherry picker /ladder for cleaning
Balcony floors repaired and painted
Balcony boxes padding repaired
Balcony seats upgraded
Bar upgrade - floor and wet zone
Bar - New mats
Bar - Fans in ceiling
Bar - lights in ceiling
Back of bar upgrade
Behind candy bar upgrade
Disable seating access upgrade
External awning or protection
Lighting for outside area including perimeter security lighting
Strip lighting on floors upstairs
Seating and masking in venue for Rows XX YY ZZ
Perimeter fencing at the rear of the building
Building upgrades to hall for corporate functions etc.
Risk Assessment of the building and it's provision for staff
Window frames at front of building

11.2 Acquisition of portion of Elm Avenue, Mile End

Brief

To seek Council endorsement to acquire a portion of Elm Avenue, Mile End, comprising a private road that is owned by Tetzlin Pty Ltd.

RECOMMENDATION

The Committee recommends to Council that the Chief Executive Officer be authorised to negotiate with Tetzlin Pty Ltd on the possible purchase of approximately 73 square metres of land from the Certificate of Title Volume 5536 Folio 240 subject to all the necessary legal approvals being satisfied.

Introduction

Council at its meeting held on 6 September 2016 considered a report (**Attachment 1**) regarding correspondence received in late March 2016 from the Director of a company, Tetzlin Pty Ltd, which had recently acquired a residential property in Rankine Road, Mile End. The property includes a portion of land at the rear comprising a laneway over which adjoining properties enjoyed a "right of way". The Certificate of Title for the property indicates the "right of way" extends across Elm Avenue to the property alignment of the northern side of the road.

Tetzlin Pty Ltd indicated that they were prepared to negotiate relinquishing the portion of land where it extends over Elm Avenue for an agreed financial consideration by Council.

Council in considering this report and resolved the following:

"action be undertaken to resume the parcels of private land laid out as Elm Avenue in Mile End to convert the whole of the road to public road."

Accordingly, Administration commenced action to resume the parcels of private land by way of tabling a report at Council's meeting held on 7 March 2017 where Council resolved the following:

1. *The process be commenced to convert private sections of Elm Avenue, Mile End, to a public road.*
2. *The required public notification be undertaken under Section 210 of the Local Government Act 1999 to declare the portion of the road known as Elm Avenue in the area of Mile End, Hundred of Adelaide as shown in Deposited Plan 2422 to be public road.*
3. *A further report be presented to the Urban Services Committee following the public notice period to provide an update of this project.*

Administration also undertook to obtain a valuation from Maloney Field Services (**Attachment 2**).

Discussion

Following receipt of the valuation, Administration forwarded correspondence to Tetzlin Pty Ltd dated 23 May 2017, (**Attachment 3**) outlining the manner in which the compensation value of \$2,500 had been determined by Council's valuation agents.

In response to Council's letter dated 23 May 2017, Tetzlin Pty Ltd wrote to Council (**Attachment 4**) noting its position of refusing to sell the portion to the City of West Torrens in the amount of \$2,500.

In light of this latest correspondence from Tetzlin Pty Ltd, Council sought legal opinion and in turn had Kelledy Jones correspond to Tetzlin Pty Ltd on Council's behalf (**Attachment 5**).

In response to Kelledy Jones' letter dated 4 July 2017, Council received correspondence from Tetzlin dated 11 July 2017 (**Attachment 6**), providing further advice that it is prepared to sell the portion of the land to Council at a reduced amount from its original offer of \$39,000 to \$15,000.

Consideration of this latest offer was given by Kelledy Jones who advised that, in their view, this offer is a realistic and pragmatic offer that will achieve the results that it appears both the Council and Tetzlin Pty Ltd are seeking as the outcome. It also is a quantum that would be less than the Council would incur if it was compelled to pursue a compulsory acquisition process.

Conclusion

Following the identification of parts of Elm Avenue, Mile End, as being private road and land, action needs to be undertaken to resume the parcels of private land and convert the whole of the road to a public road with consideration by Council to compensation sought by Tetzlin Pty Ltd. Given that quantum requested by Tetzlin Pty Ltd would be less than the Council would incur if it was compelled to pursue the said land by compulsory acquisition, it is therefore commercially viable to accept the offer.

Attachments

1. **Council Report 6 September 2016, Conversion of Private Road and Land to Public Road**
2. **Maloney Valuation Report March 2017**
3. **Final Letter of Response to John Linder from GMUS dated 23 May 2017 - Tetzlin Pty Ltd - Portion of Allotment 51 Elm Avenue Mile End**
4. **Correspondence from John Linder to CEO and GMUS on 31 May 2017 in response to CWT letter dated 23 May 2017 regarding Elm Avenue Mile End**
5. **Letter to Tetzlin Pty Ltd re Elm Avenue from Kelledy Jones dated 4 July**
6. **Tetzlin Pty Ltd reply dated 11 July**

11.2 Conversion of Private Road and Land to Public Road

Brief

To provide information to Council on options for the process to convert sections of Elm Avenue Mile End, currently being private road and land, to public road.

RECOMMENDATION(S)

The Committee recommends to Council that action be undertaken to resume the parcels of private land laid out as Elm Avenue in Mile End to convert the whole of the road to public road.

Introduction

In late March 2016, Council received correspondence from the Director of a company, Tetzlin Pty Ltd (**Attachment 1**), which had recently acquired a residential property in Rankine Road Mile End. The property includes a portion of land at the rear comprising a laneway over which adjoining properties enjoyed a "right of way". The Certificate of Title for the property indicates the "right of way" extends across Elm Avenue to the property alignment of the northern side of the road (**Attachment 1**).

Tetzlin Pty Ltd indicated that they were prepared to negotiate relinquishing the portion of land where it extends over Elm Avenue for an agreed financial consideration by Council.

Further investigation by the Administration revealed that the land over which Elm Avenue is constructed is on three separate property titles, the larger portion of the street being in two private ownerships and the smaller portion being public road under Council's ownership, (**Attachment 3**). Subsequent to the investigation, Administration provided the Director of Tetzlin Pty. Ltd. a response letter advising of its findings (**Attachment 2**).

In 1911, the land between Rankine Road and Henley Street, and fronting Henley Beach Road, was sub-divided into 28 allotments and a "12 foot right of way" [*Indicated as "B" on Attachment 3*] as recorded in Deposited Plan (DP) 1890 (**Attachment 4**) under the ownership of an Edwin Arthur Wilcox with most of the newly created allotments then on-sold.

In 1917, Ernest Charles Saunders, the owner of Allotments 7, 8 and 9 in DP 1890 further subdivided that land by creating five new allotments and an area marked "Elm Avenue" [*Indicated as "A" on Attachment 3*] as recorded in DP 2422 (**Attachment 5**). A new certificate of title was issued for the five allotments and Elm Avenue as a private road. Separate new titles were subsequently issued for the individual allotments which were on-sold but Elm Avenue remains a private road in the ownership of EC Saunders (or his heirs, if any).

Subdivision of land recorded in DP 1021 resulted in the eastern section of Elm Avenue [*Indicated as "C" on Attachment 3*] being laid out and declared to be public road.

Discussion

The provisions of section 210 of the *Local Government Act 1999* enable Council to convert a Private Road to a Public Road if the owner of the road asks for or consents to the declaration, or where reasonable, enquiries have failed to find the owner of the private road. This provision of the Local Government Act could be used to convert the portion of private road indicated as "A" on Attachment 3.

The land indicated as "B" on Attachment 3 comprises part of an "estate in fee simple" and although adjoining residents hold a right to travel along and across the land, it is private land and not a road. As such, the provisions of section 210 of the Local Government Act 1999 are not applicable to change the status of this piece of land. This parcel of land would need to be dealt with under the Roads (Opening & Closing) Act 1991 to open a road over the land.

The provisions of the Land Acquisition Act 1969 apply to both parcels of land in respect to any compensation that may be payable to the owners of either or both parcels of land for the acquisition of the land by Council as persons who hold an interest in the land which is divested or diminished by the acquisition.

In particular to the portion of land marked "B" within **(Attachment 3)**, given there are multiple rights of way over that interest in favour of numerous separate landowners, the value of the land is considered to be minimal. For the land to be of use exclusively by any one party, in this case Tetzlin, all of those rights of way would need to be extinguished. Accordingly, the value of this land in its current form is therefore nominal.

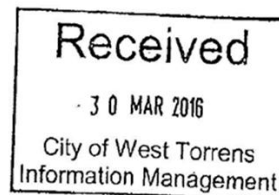
The provisions of the Roads (Opening & Closing) Act 1991 must be used to convert one of the parcels of land [B] to a road and may also be used in respect the other parcel of land [A] **(Attachment 3)** as an alternative to the provisions of the Local Government Act. It would be administratively simpler to utilise the same legal provisions to deal with both parcels of land together.

Conclusion

Following the identification of parts of Elm Avenue Mile End as being private road and land, action needs to be undertaken to resume the parcels of private land and convert the whole of the road to a public road.

ATTACHMENT 1

23 March 2016



City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Attention: Mr Terry Buss – City Manager

Dear Sir

Encroachment of Elm Avenue, Mile End on land owned by Tetzlin Pty Ltd

I refer to our previous communications in relation to this matter and thank you for your assistance.

I am the director of Tetzlin Pty Ltd (*Tetzlin*), which recently acquired the residential property situated at 21 Rankine Road, Mile End SA. The property is identified as Certificate of Title Volume 5536, Folio 240, a copy of the diagram is **attached**.

You will note that the property includes a long thin portion of land (*hereinafter referred to as 'the lane'*) that extends in a north west fashion at the rear of the properties on the eastern side of Rankine Road and the rear of the properties on the western side of Henley Street, south of Elm Avenue, Mile End.

The diagram also shows that the lane extends across Elm Avenue to the northern side of that road. It appears that Elm Avenue has been constructed over the lane that is now owned by Tetzlin. Preliminary calculations indicate that the portion of the affected lane measures about 45.5m².

Tetzlin has in place an insurance policy with a commercial insurer that affords cover for any incidents or accidents of a public liability nature occurring on the insured land. As it stands, the cover is afforded to include the portion of the lane being encroached by Elm Avenue.

As you will no doubt appreciate Tetzlin and its insurer is concerned about any incident or accident that may occur on that portion of the lane that arises out of members of the public howsoever using Elm Avenue without any other connection to the subject premises.

As a means of maintaining a good relationship with the local residents and for removing the portion of the lane from the council owned infrastructure, I am willing to come to a financial arrangement with the City of West Torrens and relinquish the portion of the lane that extends across Elm Avenue. The proposed section would commence from the northern boundary alignment of the residential properties either side of the lane on the southern side of Elm Avenue and continuing across the road to the northern side.

URBAN SERVICES PRESCRIBED STANDING COMMITTEE
6 September 2016

Page 12

According to information that I have obtained the area within that portion of the lane has a value of about \$600/m², which based on an area of about 45.5m² equates to \$27,300. As a means of expediting this issue I am prepared to negotiate a mutually acceptable financial outcome.

I therefore seek your urgent response to Tetzlin's proposal to relinquish the portion of the lane to the City of West Torrens upon payment of the aforementioned sum.

Should you wish to discuss this matter in further detail or require any further information please do not hesitate to contact me on 0424 563 511.

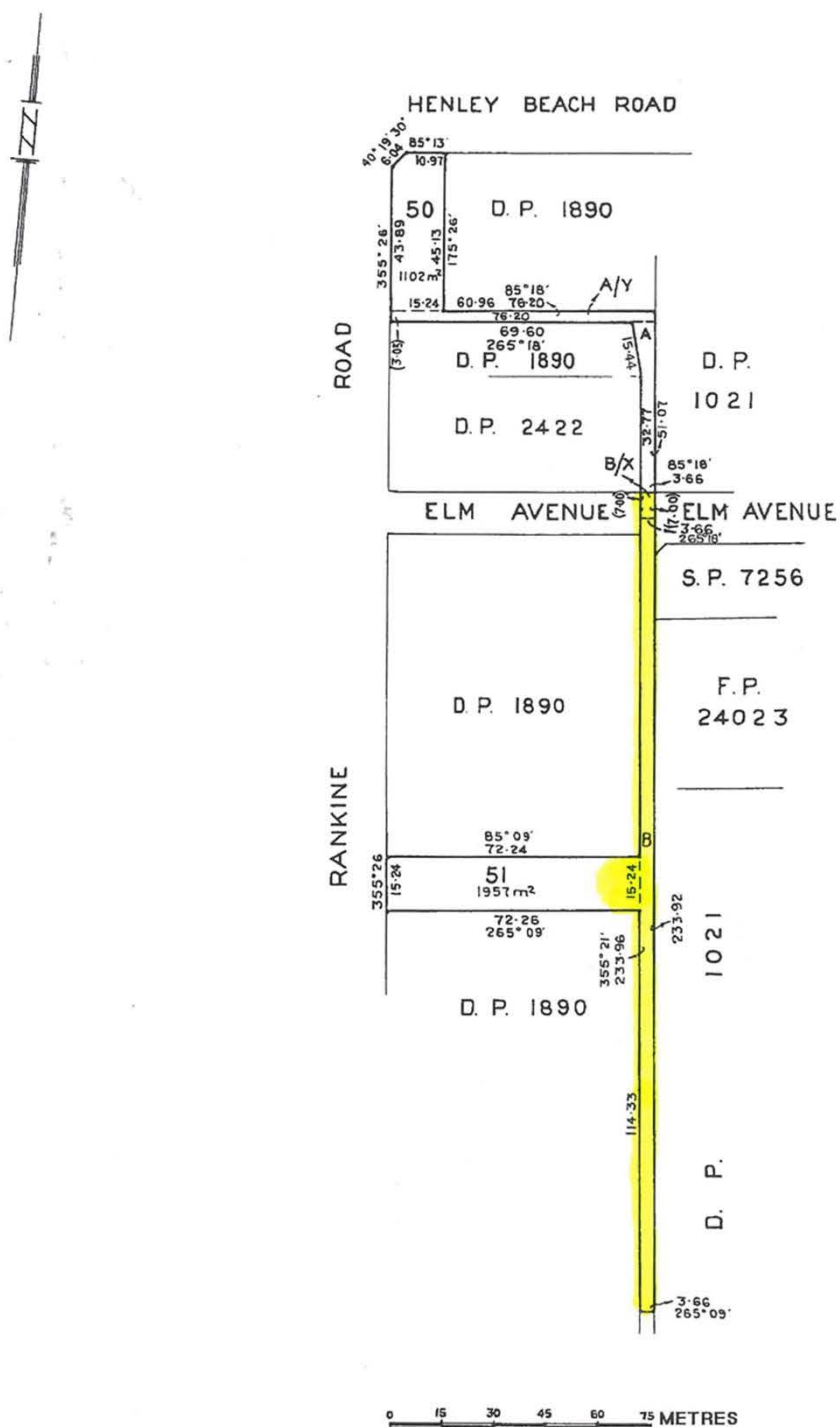
Yours faithfully



Mr John Lindner

Director - Tetzlin Pty Ltd
C/- 23 Rankine Road
Mile End SA 5034

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA
DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5536 FOLIO 240
SEARCH DATE : 08/11/2013 TIME: 09:41:27



ATTACHMENT 2

29 August 2016

Mr John Lindner
Director Tetzlin Pty Ltd
c/- 23 Rankine Rd
MILE END SA 5034

Dear John

Re: Elm Avenue Mile End and Right of Way - Tetzlin Pty Ltd

I refer to your correspondence dated 23 March 2016 relating to the above named matter. I apologise for the delay in responding to you however, it has taken us some time to investigate your claims which has included review of your correspondence, plans and titles relating to the subject land.

Our investigations have confirmed that Tetzlin Pty Ltd, as owner of Allotment 51 of DP28474, owns land which is currently used as portion of Elm Avenue Mile End. We have also discovered that the adjoining portion of Elm Avenue between Rankine Road and the Tetzlin interest is still held as private road via interests purchased in 1917- some 99 years ago. We also note that the land owned by Tetzlin that extends across Elm Avenue is subject to Rights of Way to multiple other parties.

Obviously Council needs to correct the anomaly of these private interests in Elm Avenue being (1) the Tetzlin interest; and (2) the portion as private road; so will use the Roads (Opening & Closing) Act 1991 to remedy this situation.

I do acknowledge that the Tetzlin interest entitles you to compensation in accordance with the Land Acquisition Act 1969 but, given there are multiple rights of way over that interest in favour of numerous separate landowners, the value of the land is considered to be minimal. For the land to be of use exclusively by any one party, in this case Tetzlin, all of those rights of way would need to be extinguished. Accordingly, the value of the land in its current form is therefore nominal.

As matters relating to roads opening and closing require a decision of Council, a report will be presented to the Council Meeting of 06 September 2016 for consideration.

Tetzlin Pty Ltd will be further advised once commencement of the road process is underway in accordance with Council's obligations under Section 10(1)(b) of the Roads (Opening and Closing) Act 1991.

Yours sincerely

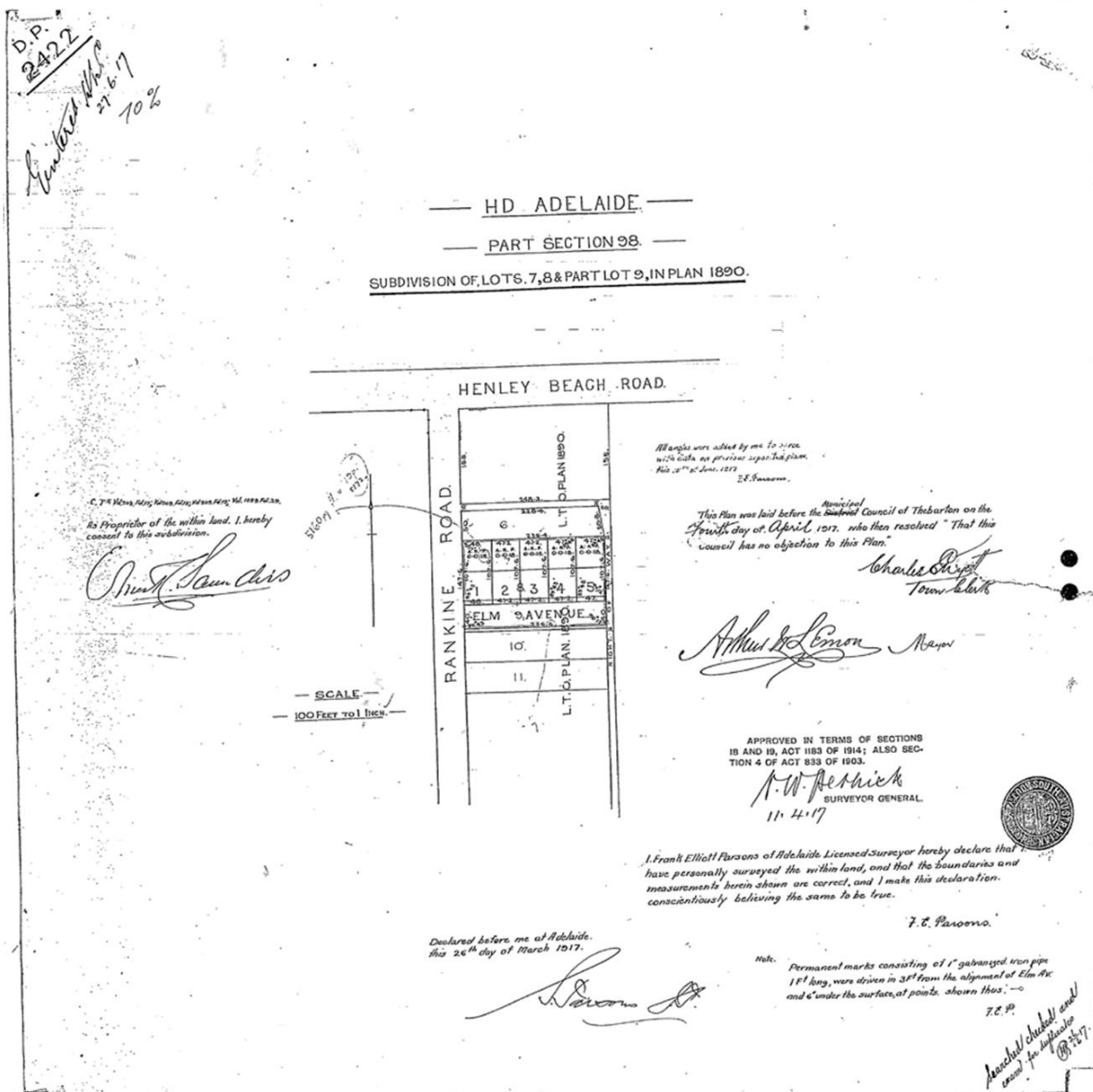
Angelo Catinari
General Manager Urban Services

ATTACHMENT 3



CONVERSION OF PRIVATE ROADS		Not to scale	DATE: 19 / 08 / 2016
ELM AVENUE - MILE END		Drawn: A G DocSet ID:	DRAWING No N / A

ATTACHMENT 5





Maloney Field Services

NATIONAL VALUATION AND LAND ACCESS SOLUTIONS

Assessment of Compensation

Portion Allotment 51 Elm Avenue, Mile End

Tetzlin Pty Ltd

City of West Torrens

March 2017

Adelaide

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City of West Torrens
 Assessment of Compensation
 Portion Allotment 51 Elm Avenue, Mile End

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City of West Torrens
 Assessment of Compensation
 Portion Allotment 51 Elm Avenue, Mile End

Executive Summary

The Affected Property	The affected property is Allotment 51 within Deposited Plan 28474 , held within CT 5536/240 . Allotment 51 has a total land area in the order of 1,957 square metres and the portion of land forming the affected property has a land area in the order of 45 square metres.
Instructions and Client	In accordance with written instructions provided by Mr Joseph Ielasi , Manager City Assets for the City of West Torrens on 9 March 2017.
Purpose of Valuation	To assess appropriate compensation in accordance with the <i>Land Acquisition Act 1969</i> on account of the proposed acquisition of portion of Allotment 51 pursuant to the <i>Roads (Opening and Closing) Act 1991</i> .
Registered Proprietor	The Registered Proprietor of the affected property is Tetzlin Pty Ltd .
Zoning	The affected property is located within the both the Cowandilla/Mile End West Character Policy Area of the Residential Zone and the High Street Policy Area of the Urban Corridor Zone in the City of West Torrens Local Government Area.
Description of Affected Property	The affected property located at 21 Rankine Road, Mile End comprises a large rectangular shaped residential allotment with elongated laneway attached at the rear. Allotment 51 has a total land area of 1,957 square metres with approximately 1,101 square metres comprising the residential component of the property and approximately 856 square metres comprising the laneway.
Details of Proposed Acquisition	A small 45 square metre portion of land is proposed for acquisition from the northern end of the affected property. This area has a width of approximately 3.66 metres, length of approximately 12.19 metres and comprises a bituminised area of land identified as portion of Elm Avenue along with adjoining footpaths at the northern and southern sides.
Date of Valuation	27 March 2017
Assessment of Compensation	Two Thousand Five Hundred Dollars \$2,500 Exclusive of GST
Issued by	Maloney Field Services Property Consultants and Valuers Level 1, 215 Greenhill Road Eastwood SA 5063 <i>Maloney Field Services (Australia) Pty Ltd is a wholly owned subsidiary of Jones Lang LaSalle Australia Pty Ltd (JLL).</i>

PETA L MANTZARAPIS
 BBus Property (Val) FAPI
 Certified Practising Valuer

This Executive Summary should be read in conjunction with our detailed Valuation Report which follows and should not be relied upon in isolation.



City of West Torrens
Assessment of Compensation
Portion Allotment 51 Elm Avenue, Mile End

Introduction

This Report has been prepared in accordance with written instructions provided by **Mr Joseph Ielasi**, Manager City Assets for the **City of West Torrens** on 9 March 2017.

The instructions were to provide advice regarding the compensation payable to the Registered Proprietor of the affected property being **Tetzlin Pty Ltd** (hereinafter referred to as "the Claimant") on account of a partial acquisition of land by the **City of West Torrens** (hereinafter referred to as "the Acquiring Authority") for the purpose of Council's acquisition of the land pursuant to the provisions of the *Roads (Opening and closing) Act 1991*. The northern most portion of Allotment 51 is currently physically configured as portion of Elm Street and Council therefore intends to acquire this area of land for public road.

The Assessment of Compensation contained herein is prepared in accordance with Section 25 of the *Land Acquisition Act 1969*.

The affected property was inspected on 27 March 2017 and our subsequent investigations, enquiries and deliberations now enable us to report as follows.

Legal Description

The affected property is legally described as **Allotment 51** within **Deposited Plan 28474** in the area named **Mile End, Hundred of Adelaide** and is more specifically contained within Certificate of Title Register Book **Volume 5536 Folio 240**. The Registered Proprietor is **Tetzlin Pty Ltd** and the title specifies that Allotment 51 has a land area in the order of 1,957 square metres.

Allotment 51 is

- subject to free and unrestricted rights of way over the land marked "B"
- subject to service easements over the land marked "X" for water supply purposes to South Australian Water Corporation
- together with free and unrestricted rights over way over the land marked "A"

The areas marked "A", "B" and "X" all impact upon the area of land proposed for acquisition. In addition, Mortgage 12469451 to National Australia Bank Ltd is registered on the Certificate of Title to the affected property.

A copy of the said **Certificate of Title** is included in this report and marked **Appendix 1**.



City of West Torrens
Assessment of Compensation
Portion Allotment 51 Elm Avenue, Mile End

Historical Searching

Prior to instigating processes pursuant to the *Roads (Opening and Closing) Act 1991* the City of West Torrens requested that historical searching be undertaken to determine the exact extent and ownership details relating to the area of land proposed for acquisition. The following summary provides detail of the findings of this historical searching:

Our investigations have revealed that the area of land proposed for acquisition has not been registered or declared as public road on title. The history of Elm Avenue, between Rankine Road and the eastern boundary of the laneway, is:

- In the late 1860's the land was described as part of Blocks 2, 17, 18 & 19 in Section 98 Hundred of Adelaide.
- In 1911, the Blocks mentioned above were subdivided into Allotments 1-28 in DP 1890 and 12 foot wide right of way. CT 874/142 issued to Edwin Arthur Wilcox for all the allotments and the area marked "Right of Way".
- Over a series of transactions, EA Wilcox sold off all the allotments. Allotments 13-15 and 17-24 were sold together with a right of way over the area marked "Right of Way". Walter David Chalmers Paton purchased Allotment 16 and the land area marked "Right of Way" (subject to the other allotment owners rights to use that land). CT 884/96 issued in 1911 for Allotment 16 and the Right of Way land. Allotments 1-12 and 25-28 were sold as individual allotments without any interest in the land marked "Right of Way".
- Portions of the land marked "Right of Way" adjacent to part Allotment 24 and Allotments 25-28 were subsequently sold to other parties but the owners of Allotments 13-15 and 17-24 retained their rights to use the portions sold. It is noted the owners of Allotment 23 Deposited Plan 1021 (on the opposite side of the Right of Way adjacent to Allotment 23 Deposited Plan 1890) appear to have encroached onto the "Right of Way" section of Tetzlin's property.
- In 1917, the owner of Allotments 7, 8 and part 9 in DP 1890 further subdivided the land by lodging DP 2422. DP 2422 created 5 new allotments and an area marked "Elm Avenue". Note that on DP 2422, the Right of Way area is adjacent to but not part of "Elm Avenue". CT 1074/17 issued to Ernest Charles Saunders for the 5 allotments and Elm Avenue. The title was subsequently cancelled as regards Allotments 1-5 (new titles issued for them) but Elm Avenue remains in the ownership of EC Saunders (or more likely his grandchildren).
- Going forward to 1990, Allotment 16 and the land marked "Right of Way" were held in CT 3134/159. By registration of DP 28474, the then owner sold off portion of the Right of Way (to the owner of the land that became Allotment 50) and retained that portion of the Right of Way which is now part of Allotment 51. There was also an easement for water supply purposes registered over the portion marked "X" on DP 28474. Tetzlin Pty Ltd is the current registered owner of Allotment 51 Deposited Plan 28474 held in Certificate of Title Volume 5536 Folio 240.
- The owners of the following parcels hold a "Free and Unrestricted Right of Way" over that portion of the land marked "B" in Allotment 51 Deposited Plan 28474:
 1. CT 5878/496 – Allotment 13 Deposited Plan 1890 (owners – George Kremastiotis & Stavroula Kremastiotis)
 2. CT 5878/609 – Allotment 14 Deposited Plan 1890 (owner – Pinelopi Lambropoulos)
 3. CT 6049/684 – Allotment 15 Deposited Plan 1890 (owner - Qualmat Pty Ltd)



City of West Torrens
Assessment of Compensation
Portion Allotment 51 Elm Avenue, Mile End

4. CT 5847/400 – Allotment 17 Deposited Plan 1890 (owner - John Alan Lindner)
5. CT 5676/463 – Allotment 18 Deposited Plan 1890 (owner – Qualvest Pty Ltd)
6. CT 5868/817 – Common Property Primary Community Plan 21105 (owner - Community Corporation 21105 Inc)
7. CT 6100/109 – Lot 1 Primary Community Plan 21105 (owner – Danielle Witham)
8. CT 5868/814 – Lot 2 Primary Community Plan 21105 (owners – Antonio Santamaria, Teresa Santamaria & Anthony Gerard Santamaria)
9. CT 5868/815 – Lot 3 Primary Community Plan 21105 (owners – Antonio Santamaria, Teresa Santamaria & Anthony Gerard Santamaria)
10. CT 6121/619 – Lot 4 Primary Community Plan 21105 (owner –Teresa Santamaria)
11. CT 5868/812 – Allotment 100 Deposited Plan 58551 (owners – Antonio Santamaria, Teresa Santamaria & Anthony Gerard Santamaria)
12. CT 5610/672 – Allotment 21 Deposited Plan 1890 (owners – Antonio Polito & Cantabella Pty Ltd)
13. CT 5512/072 – Allotment 22 Deposited Plan 1890 (owners – Maria Rosa Polito & Nicola Polito)
14. CT 5878/608 – Allotment 23 Deposited Plan 1890 (owners – Karlo Josip Buzov & Michelle Terese Buzov)
15. CT 5073/885 – Allotment 24 Deposited Plan 1890 (owners – Karlo Josip Buzov & Michelle Terese Chervatin)

Zoning

The affected property straddles both the **Urban Corridor** and **Residential** zone within the **City of West Torrens** Local Government Area and is more specifically located within **Policy Area 35 – High Street** of the **Urban Corridor** zone and **Policy Area 23 Cowandilla/Mile End West Character** of the Residential zone.

The **Urban Corridor** zone has the following primary objectives:

1. A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.
2. Integrated, mixed use, medium and high rise buildings with ground floor uses that create active and vibrant streets with residential development above.
3. A mix of land uses that enable people to work, shop and access a range of services close to home.



City of West Torrens
 Assessment of Compensation
 Portion Allotment 51 Elm Avenue, Mile End

4. Adaptable and flexible building designs that can accommodate changes in land use and respond to changing economic and social conditions.
5. A built form that provides a transition down in scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.
6. A safe, comfortable and appealing street environment for pedestrians that is sheltered from weather extremes, is of a pedestrian scale and optimises views or any outlook onto spaces of interest.
7. Noise and air quality impacts mitigated through appropriate building design and orientation.
8. To identify and remediate contaminated land appropriate for its intended use.
9. Development that contributes to the desired character of the zone.

Policy Area 35 – High Street has the following primary objectives:

1. A mix of land uses including retail, office, commercial, community, civic and medium and high density residential development that support the economic vitality of the area.
2. Buildings sited to provide a continuous and consistent built edge with verandas / awnings over the public footpath and an intimate built scale, with fine-grained detailing of buildings in the public realm.
3. An interesting and varied skyline as viewed from the street and afar, provided by modulation in roof forms and the use of parapets.
4. An intimate public realm with active streets created by buildings designed with frequently repeated frontage form and narrow tenancy footprints.
5. A high degree of pedestrian activity and a vibrant street-life with well lit and engaging shop fronts and business displays including alfresco seating and dining facilities and licensed areas.
6. Development that contributes to the desired character of the policy area.

In addition the **Residential** zone has the following primary objectives:

1. A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.
2. Dwellings of various types at very low, low and medium densities.
3. Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.
4. Development that contributes to the desired character of the zone.



City of West Torrens
 Assessment of Compensation
 Portion Allotment 51 Elm Avenue, Mile End

Policy Area 23 – Cowandilla/Mile End West Character “will contain predominantly detached dwellings and semi-detached dwellings. There will also be some small-scale non-residential activity such as offices, shops and consulting rooms in certain locations. Non-residential activities will be complementary to surrounding dwellings.”

Overlay maps within the Development Plan indicate that Henley Street, which is located at the eastern end of Elm Avenue in close proximity to the affected property, is a secondary road while Henley Beach Road, which runs parallel to the north of Elm Avenue, is a secondary arterial road and public transport corridor. Several properties located along both the northern and southern sides of Elm Avenue are Local Heritage places and the portion of the affected property located within the Urban Corridor zone is also identified as a noise and air emissions designated area along with an affordable housing designated area.

A copy of the relevant extract of the **City of West Torrens Development Plan** consolidated on 5 May 2016 is included in this report and marked **Appendix 2**.

Statutory Assessments

The following are the Valuer-General’s assessments of the affected property as at 1 January 2016. These statutory assessments are intended for rating and taxing purposes and have been included herein for general information only.

▪ Site Value	\$620,000
▪ Capital Value	\$620,000

Identification

The affected property has been identified by reference to the Certificate of Title, aerial photography and cadastral plans. Aerial photography along with the physical location of Elm Avenue and the laneway to the north of the affected property have been utilised to identify the area of land proposed for acquisition. We note that the proposed boundary of the portion of land proposed for acquisition had not been pegged as at the date of our inspection and we were therefore required to physically approximate the proposed new boundary.



City of West Torrens
Assessment of Compensation
Portion Allotment 51 Elm Avenue, Mile End

Location

The affected property is located in the suburb of Mile End approximately 5 kilometres west of the Adelaide Central Business District. Mile End is accessible from the City of Adelaide via Grote Street, West Terrace, Glover Avenue and Henley Beach Road with the suburb of Mile End directly adjoining the West Parklands.

More specifically the affected property is located toward the far western side of the suburb of Mile End with westerly frontage to Rankine Road, a bituminised road with concrete kerbing and guttering. The affected property extends across Elm Avenue at its northern end with Elm Avenue also being a bituminised road with concrete kerbing and guttering which runs between Rankine Road at its western end and Henley Street at its eastern end.

Both Rankine Road and Elm Avenue predominantly comprise residential properties on traditional sized allotments of land with Elm Avenue comprising several smaller sites improved by predominantly early 1900's homes which are heritage in nature.

A **Locality Map** is included in this report and marked **Appendix 3**.

Contamination

The Environment Protection Authority in South Australia does not currently maintain a list nor register of contaminated sites. The EPA does however provide a public register directory in the form of a Site Contamination Ground Water Notification Index. This index is a list of notifications of actual or potential contamination which have been received by the EPA since 1 July 2009 (referred to as s83A notifications under the Environment Protection Act 1993). These are notifications only and are not evidence that contamination has been confirmed. Our enquiries indicate that the subject property is **not included** in this Site Contamination Ground Water Notification Index.

There are no visible signs of contamination to the subject property however in order for the site to be certified as containing no contamination an independent environmental audit by an appropriate expert would be necessary. No soil analysis, geological studies or contamination report were ordered or made in conjunction with this report and as such it is assumed that there are no environmentally hazardous materials on, in or near the property that would cause loss in value. This valuation has been proceeded with upon this basis. Should an environmental audit report prove otherwise then we reserve the right to re-asses our opinion of value.



City of West Torrens
Assessment of Compensation
Portion Allotment 51 Elm Avenue, Mile End

Description of Affected Property

The affected property comprise an irregular shaped parcel of land which is best described in two separate portions.

The residential portion of the property has westerly frontage of 15.24 metres to Rankine Road along with a depth ranging from 72.24 metres along its northern boundary and 72.26 metres along its southern boundary. This area of the property has a size in the order of 1,101 square metres and is improved by a single detached residential home with rear shedding.

The rear portion of the affected property comprises an elongated laneway with a width in the order of 3.66 metres and a total length in the order of 233.92 metres. This laneway portion of the affected property has a total area in the order of 856 square metres and extends to the rear of several individual residential properties fronting Rankine Road to the west and Henley Street to the east. The majority of this laneway is unsealed and fenced from the adjoining residential properties with the exception being the northern most portion of the land which is bituminised and comprises portion of Elm Avenue with concrete kerbing, guttering and footpaths along the northern and southern sides.

A **Cadastral Plan and Aerial Photographs** showing the configuration of the affected property are included in this report and are marked **Appendix 4**.

Details of Proposed Acquisition

Information provided by the Acquiring Authority indicates that approximately 45 square metres of land is proposed for acquisition with this rectangular shaped area of land being located at the northern most end of the laneway portion of the affected property. The area of land proposed for acquisition has a width of approximately 3.66 metres and a length of approximately 12.19 metres. This area of land comprises portion of Elm Avenue and represents approximately 2.3% of the total site area.

A **Plan** delineating the area of land proposed for acquisition is included in this report and marked **Appendix 5**.

Impact of Proposed Acquisition

The affected property comprises a single residential parcel of land with elongated laneway to the rear with these two components of the site having a total area in the order of 1,957 square metres. The residential portion of the property is improved with a single detached residential home and rear shedding and the Highest and Best Use of the property is considered to be its current residential use or as redevelopment for residential purposes. Highest and Best Use is defined as:



City of West Torrens
 Assessment of Compensation
 Portion Allotment 51 Elm Avenue, Mile End

"The most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible, and which results in the highest value of the property being valued."

The area of the affected property that is proposed for acquisition comprises a small 45 square metre portion at the far northern end of the rear laneway. This land is physically configured as a bituminised road and is subject to several rights of way to adjoining property owners. Subsequent to acquisition the land will continue to be available for its current use by both the Claimant and other interest holders and as such the acquisition of this area of land has no impact upon the continued use and enjoyment of the affected property by the claimant.

Assessment of Compensation

It is understood that the proposed acquisition by the Acquiring Authority is intended to occur by negotiation, however, this assessment has been prepared in accordance with the requirements of the *Land Acquisition Act 1969*. Section 25 of this Act sets out the various principles of compensation and this compensation can be determined using either the Before and After Method or Piecemeal Method of valuation.

The Piecemeal Method of valuation specifies that compensation should be calculated based on the value of land taken together with the likely losses arising from severance, injurious affection, disturbance and enhancement. The Piecemeal Approach has been adopted in this instance and compensation has been assessed as follows:

Value of Land Taken

In determining the Value of Land Taken we have utilised the Direct Comparison Method of Valuation which allows for the consideration of comparable sales transactions in order to determine an appropriate rate per square metre to be applied to the land component of the affected property. Although **Sales Evidence** is included in this report and is marked **Appendix 6** it is again noted that the area of land proposed for acquisition is subject to extensive rights of way, is therefore unavailable for exclusive use by the Claimant and its loss has no impact on the value of the remainder of the affected property.

As such the Value of Land Taken in this instance has been assessed as nil dollars. \$0

Severance

Severance is described as:

"The loss suffered to the remaining land consequent upon the excision of an area of land out of a title."

We do consider it necessary to award compensation for Severance in this instance given the acquisition of portion of the affected property will have no impact upon the continued use and enjoyment of the remainder. \$0



City of West Torrens
 Assessment of Compensation
 Portion Allotment 51 Elm Avenue, Mile End

Injurious Affection

Injurious Affection is described as:

"Those losses suffered as a consequence of what is constructed on the acquired land."

Given the area of land proposed for acquisition has been used as a public roadway for a number of years and this use will continue subsequent to acquisition we do not consider it necessary to award compensation for Injurious Affection in this instance.

\$0

Disturbance

It is appropriate to assess compensation under the heading of Disturbance to account for general disturbance issues in this instance.

It is recognised that the Claimant will spend time liaising with the Acquiring Authority and their representatives, reviewing documentation and other matters. It should be noted that this assessment of disturbance assumes that the Claimant is entitled to reimbursement of reasonable professional fees over and above the amount assessed.

In consideration of the above, Disturbance has been assessed as \$2,500 in this instance.

\$2,500

Enhancement

The proposed acquisition of land will not provide any level of enhancement to the affected property.

\$0

TOTAL RECOMMENDED COMPENSATION (Exclusive of GST)

\$2,500

In addition, it is prudent to also give consideration to the Before and After Method which involves determining the current market value of the affected property prior to acquisition and then considering the after value of the property given the affect that acquisition of a portion of the land will have. Additional components of compensation not directly attributed to the diminution in land value are then added to determine the final assessment of compensation.

In this regard, it is not considered necessary to determine the actual value of the affected property but it is important to note that, if offered for sale on the open market, the market value able to be achieved for the sale of the affected property would be the same on a before and after basis. That is, a prospective purchaser would not reduce the price they are willing to pay for the property on the basis of the area of land that is proposed for acquisition being removed from the site. This portion of land adds no additional use or value to the remainder of the property. Again, an amount of \$2,500 has been assessed for disturbance and both methods of valuation lead us to conclude that the only compensable item in this instance relates to general disturbance matters.

The above assessment of compensation is based upon the Acquiring Authority being responsible for all costs associated with the acquisition of the required land. It further assumes the Acquiring Authority will be responsible for reinstatement of the property subsequent to any works being carried out on the land as a consequence of the acquisition. The Acquiring Authority will also be required to reimburse reasonable professional fees and pay GST on the compensation if applicable.



City of West Torrens
Assessment of Compensation
Portion Allotment 51 Elm Avenue, Mile End

Declaration

The valuer has no pecuniary interest past, present or prospective in the subject assets and the valuation is free from any bias.

Disclaimer

This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of general market movements or factors specific to the particular property). Liability for losses arising from such subsequent changes in value is excluded as is liability where the valuation is relied upon after the date of the valuation.

Contaminants such as asbestos, chemicals, toxic wastes, or other potentially hazardous materials could, if present, adversely affect the value of the property. We advise the valuer is not qualified to detect such substances, quantifying the impact on values, or estimate the remedial costs. Therefore unless otherwise stated in this report, the extent of hazardous substances, which may or may not be represented on or in the property, was not considered by the valuer in the conclusion of value.

We also emphasise we have not carried out a structural survey of the improvements nor have we examined them for signs of timber infestation, concrete cancer and the like and accordingly cannot be responsible for the consequence of such defects. Furthermore, no soil analysis or geological studies were ordered or made in conjunction with this report.

This valuation has been prepared on the basis that full disclosure of all information and facts which may affect the valuation has been made to us. We do not accept any liability or responsibility whatsoever for the valuation if full disclosure has not been made. Furthermore, we do not accept responsibility for any consequential error or defect in the valuation which has resulted from any error, omission or inaccuracy in data or information supplied by the client or its officers and agents.

Where land and buildings have been valued on a market basis it should be noted the Privacy Act prevents the disclosure of vendors and purchasers names and this information has been excluded from the Government sales data provided to us. Whilst we have made reasonable efforts to eliminate sales from our analysis which do not conform to the definition of the value contained herein, we cannot verify the accuracy of sales upon which our judgements are based.

Government sales data provided may include GST. We have made reasonable efforts to determine if GST or the Margin Scheme has been applied and made allowance for such amounts if applicable. We cannot verify the accuracy of sales upon which our judgements are based.

This valuation is solely for the use of the party by whom we were instructed and for no other purpose. We owe no duty of care to any third party who become aware of this valuation and, without our knowledge, chooses to act or rely on the whole or any part of it.



City of West Torrens
Assessment of Compensation
Portion Allotment 51 Elm Avenue, Mile End

Certification

I, the undersigned, of **Maloney Field Services**, Property Consultants and Valuers, of 215 Greenhill Road, Eastwood SA 5063, **DO HEREBY CERTIFY** that I have undertaken a roadside inspection of the affected property as described herein and having made all necessary enquiries and investigations have determined that in accordance with the *Land Acquisition Act 1969* fair and reasonable compensation to be paid to **Tetzlin Pty Ltd** for the acquisition of portion of the property known as **Allotment 51** within **Deposited Plan 28474** located on **Rankine Road, Mile End** and comprising portion of **Elm Avenue, Mile End** is as follows:

Two Thousand Five Hundred Dollars

(\$2,500)

Exclusive of GST

PETA L MANTZARAPIS

BBus Property (Val) FAPI
Certified Practising Valuer

Date of Valuation: 27 March 2017
Date of Inspection: 27 March 2017
Date of Report: 28 March 2017



Photographs

Adelaide

Head Office
Level 1, 215 Greenhill Rd
Eastwood SA 5063
P (08) 8378 8111
F (08) 8378 8122

Brisbane

Level 9, 241 Adelaide St
Brisbane QLD 4000
P (07) 3107 1386
F (07) 3107 1391

North Sydney

Level 14, 275 Alfred St
North Sydney NSW 2060
P (02) 8541 1896

Darwin

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F (08) 8378 8122

Maloney Field Services

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Liability limited by a scheme approved under Professional Standards Legislation.



Elm Avenue, Mile End



Portion of land proposed for acquisition



Laneway portion of affected property



Residential portion of affected property



Appendix 1

Certificate of Title

Adelaide
Head Office
Level 1, 215 Greenhill Rd
Eastwood SA 5063
P (08) 8378 8111
F (08) 8378 8122

Brisbane
Level 9, 241 Adelaide St
Brisbane QLD 4000
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F (07) 3107 1391

North Sydney
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North Sydney NSW 2060
P (02) 8541 1896

Darwin
Unit 7, 14 Winnellie Rd
Winnellie NT 0820
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F (08) 8378 8122

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Product	Register Search (CT 5536/240)
Date/Time	27/03/2017 10:21AM
Customer Reference	WTCC Elm Ave
Order ID	20170327002731
Cost	\$27.75

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



Registrar-General

Certificate of Title - Volume 5536 Folio 240

Parent Title(s) CT 4367/16
Dealing(s) Creating Title CONVERTED TITLE
Title Issued 20/05/1998
Edition 5
Edition Issued 26/02/2016



Estate Type

FEE SIMPLE

Registered Proprietor

TETZLIN PTY. LTD. (ACN: 142 620 853)
OF 23 RANKINE ROAD MILE END SA 5031

Description of Land

ALLOTMENT 51 DEPOSITED PLAN 28474
IN THE AREA NAMED MILE END
HUNDRED OF ADELAIDE

Easements

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED B

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED X FOR WATER SUPPLY PURPOSES TO SOUTH AUSTRALIAN WATER CORPORATION (223LG RPA)

TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A

Schedule of Dealings

Dealing Number	Description
12469451	MORTGAGE TO NATIONAL AUSTRALIA BANK LTD. (ACN: 004 044 937)

Notations

Dealings Affecting Title

NIL

Priority Notices

NIL

Notations on Plan



Product	Register Search (CT 5536/240)
Date/Time	27/03/2017 10:21AM
Customer Reference	WTCC Elm Ave
Order ID	20170327002731
Cost	\$27.75

NIL

Registrar-General's Notes

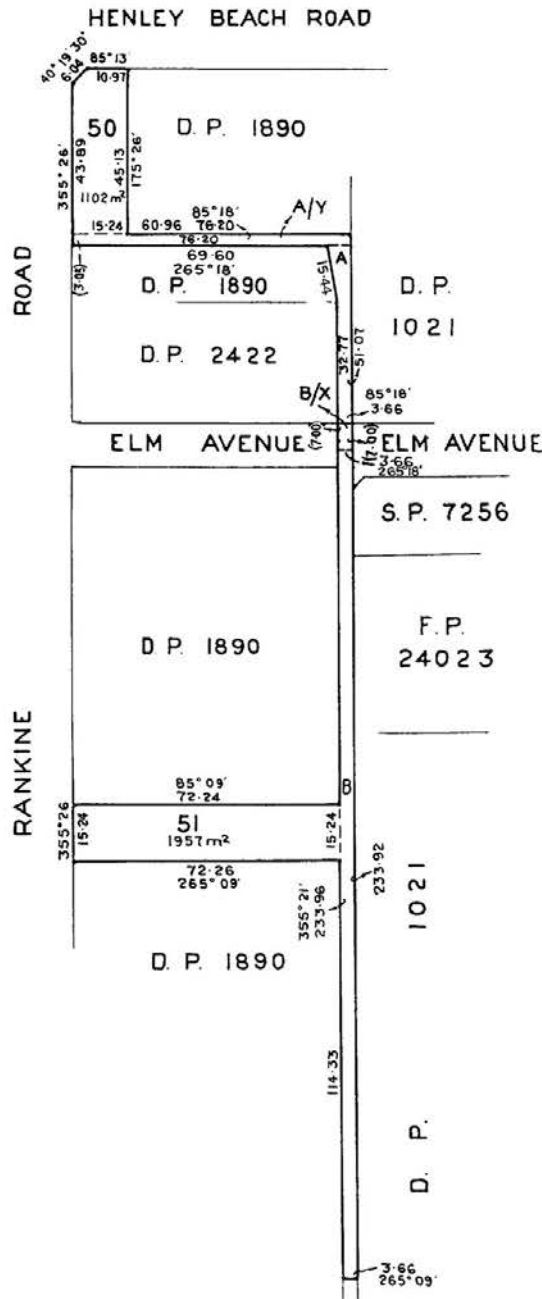
APPROVED D114901
APPROVED FX44285

Administrative Interests

NIL



Product Register Search (CT 5536/240)
 Date/Time 27/03/2017 10:21AM
 Customer Reference WTCC Elm Ave
 Order ID 20170327002731
 Cost \$27.75



0 15 30 45 60 75 METRES



Appendix 2

Extract City of West Torrens Development Plan

Adelaide

Head Office
Level 1, 215 Greenhill Rd
Eastwood SA 5063
P (08) 8378 8111
F (08) 8378 8122

Brisbane

Level 9, 241 Adelaide St
Brisbane QLD 4000
P (07) 3107 1386
F (07) 3107 1391

North Sydney

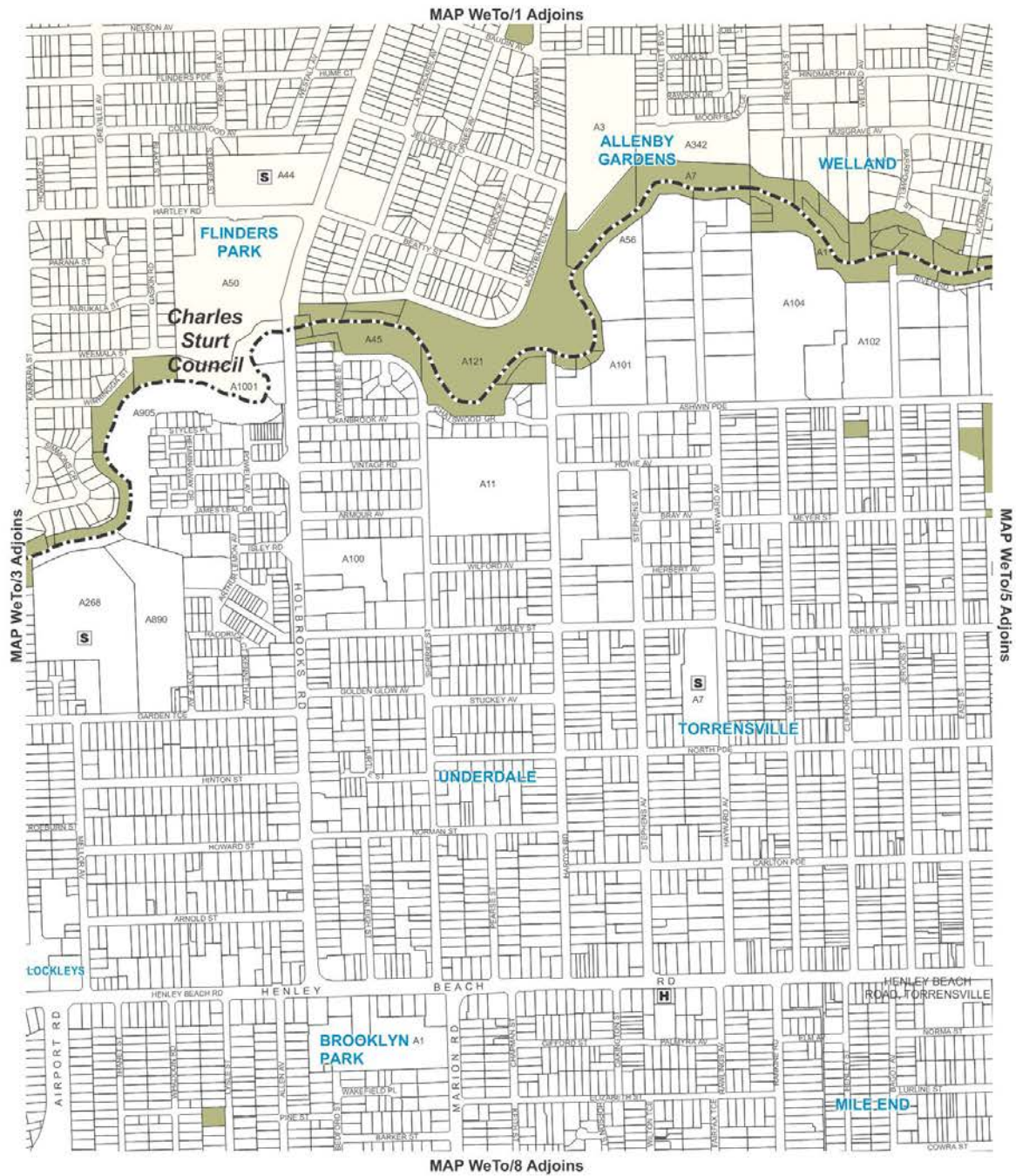
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Darwin

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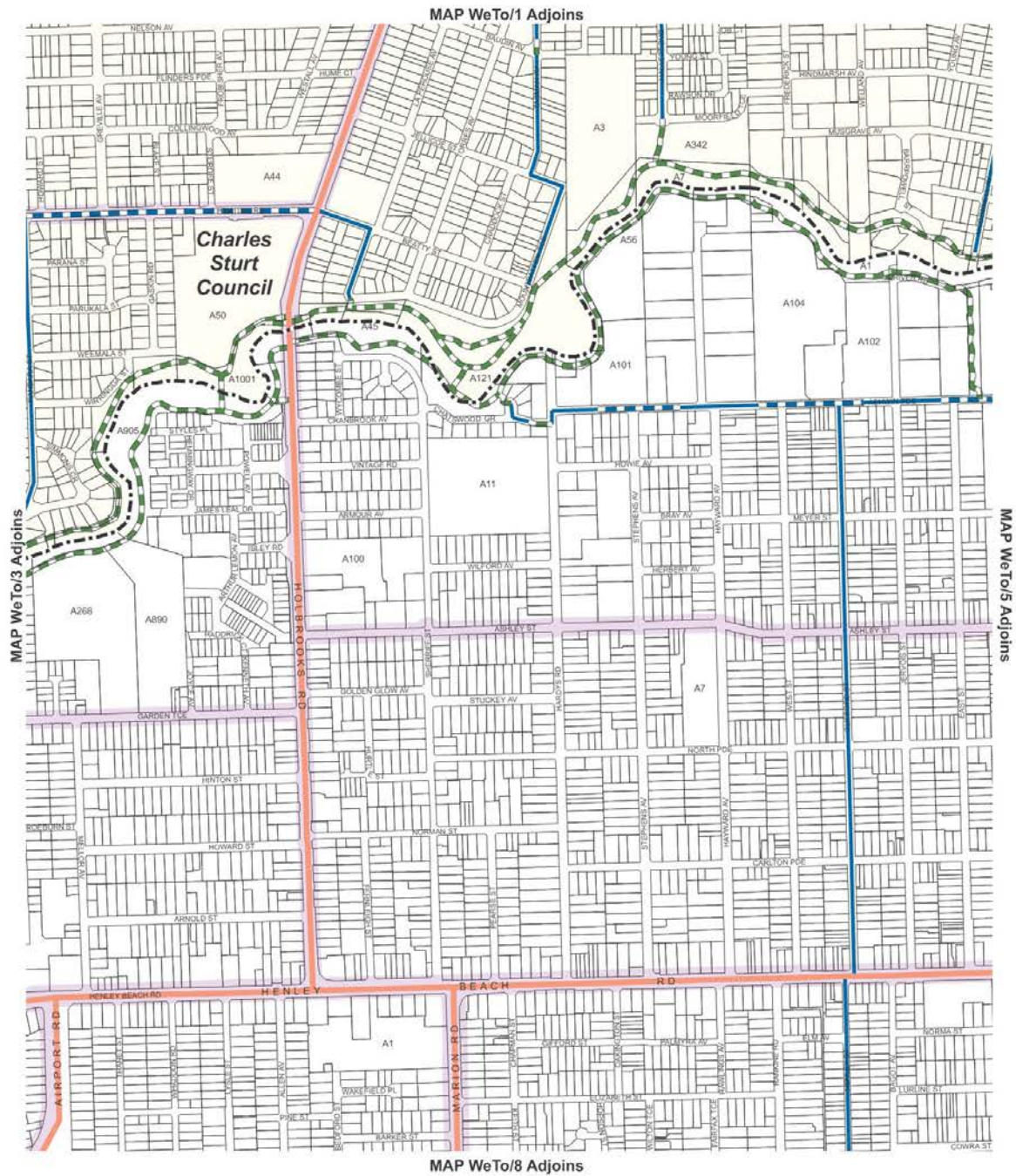
Liability limited by a scheme approved under Professional Standards Legislation.



Location Map WeTo/4

- S School
- H Other Health Services
- Local Reserves
- Development Plan Boundary

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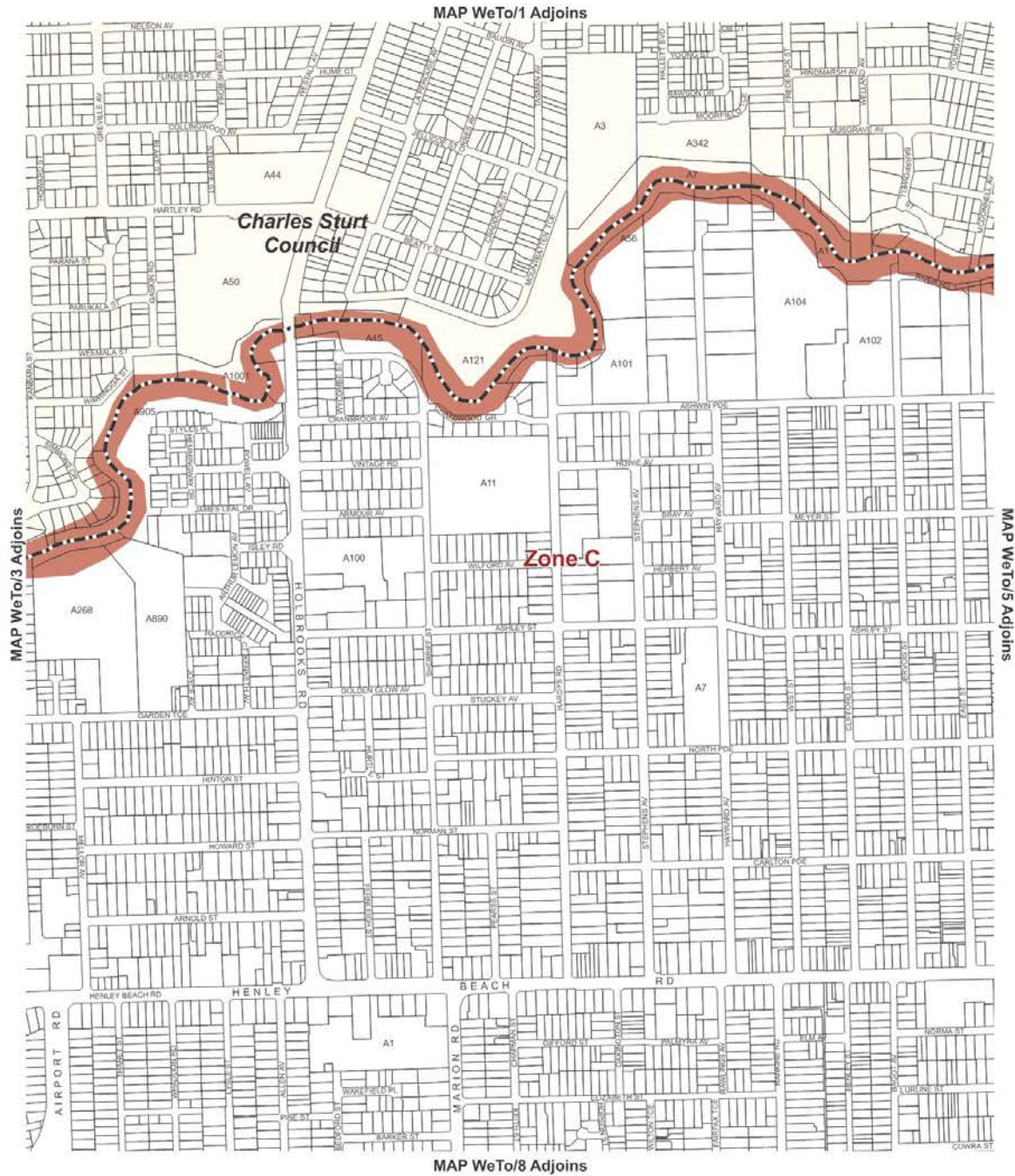


-  Secondary Arterial Roads
-  Bikedirect Network
-  Main Road - Bike Lane
-  Main Road
-  Secondary Road - Bike Lane
-  Secondary Road
-  Off Road Sealed Path
-  Public Transport
-  Development Plan Boundary



Overlay Map WeTo/4 TRANSPORT

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Airport Building Heights
Zone C All Structures Exceeding 15 metres above existing ground level

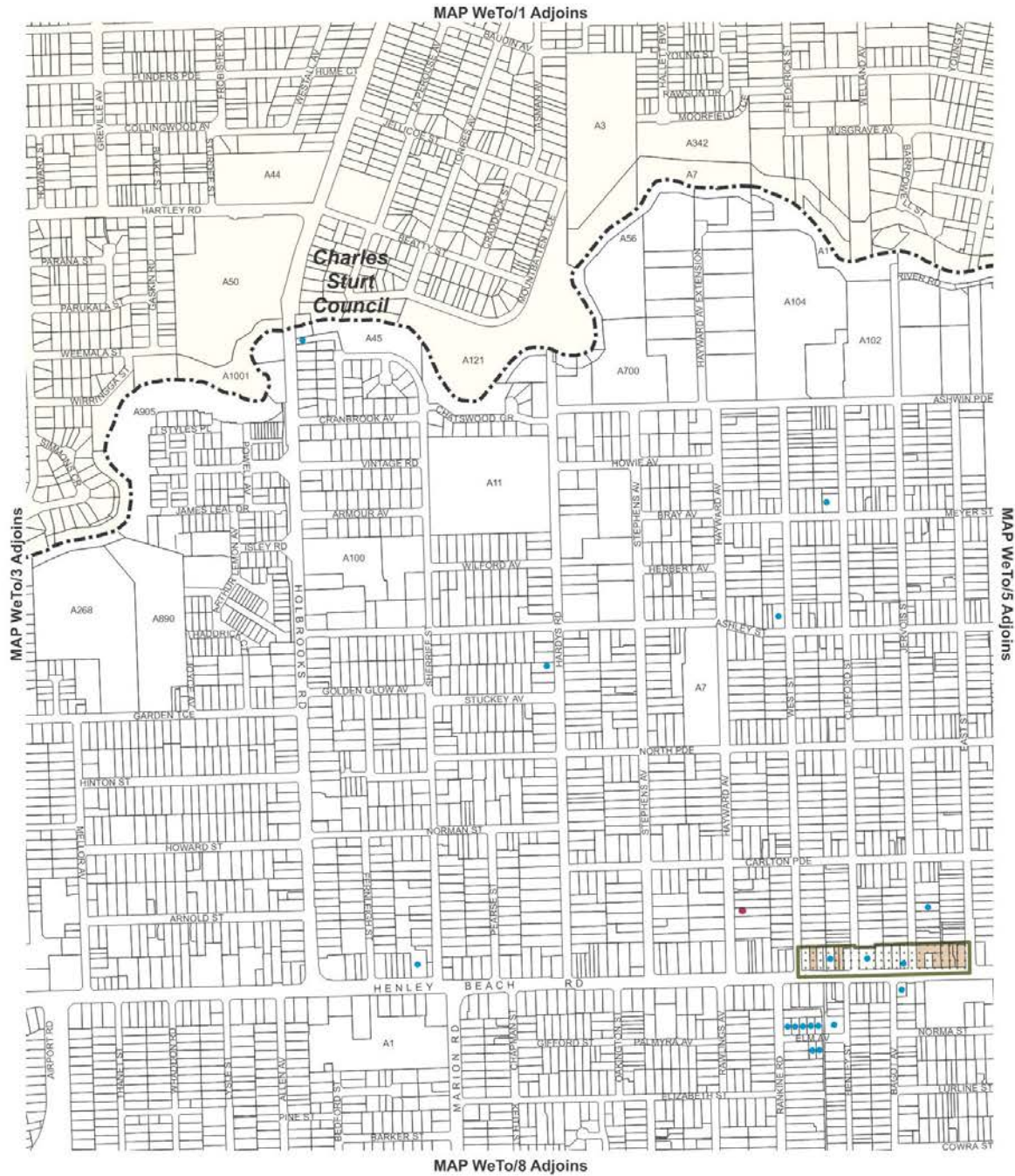


- Airport Building Heights
- Flood Hazard
- Development Plan Boundary

Overlay Map WeTo/4

DEVELOPMENT CONSTRAINTS

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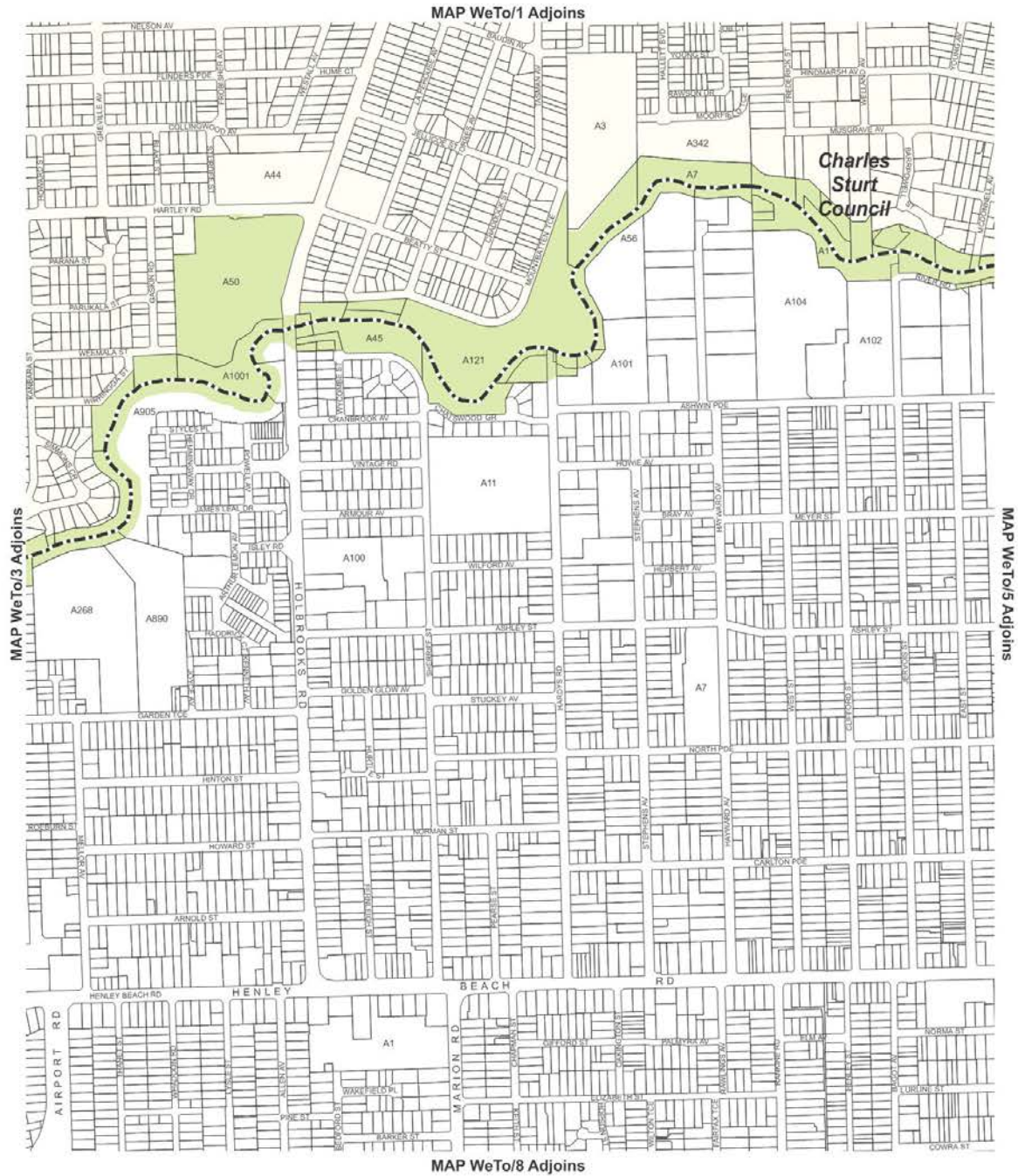
Heritage points are indicative only.
 For further information on State and Local Heritage Places and Contributory Items please refer to the relevant tables within this document.



- State heritage place
- Local heritage place
- Historic Conservation Area
- Contributory item
- Development Plan Boundary

Overlay Map WeTo/4 HERITAGE

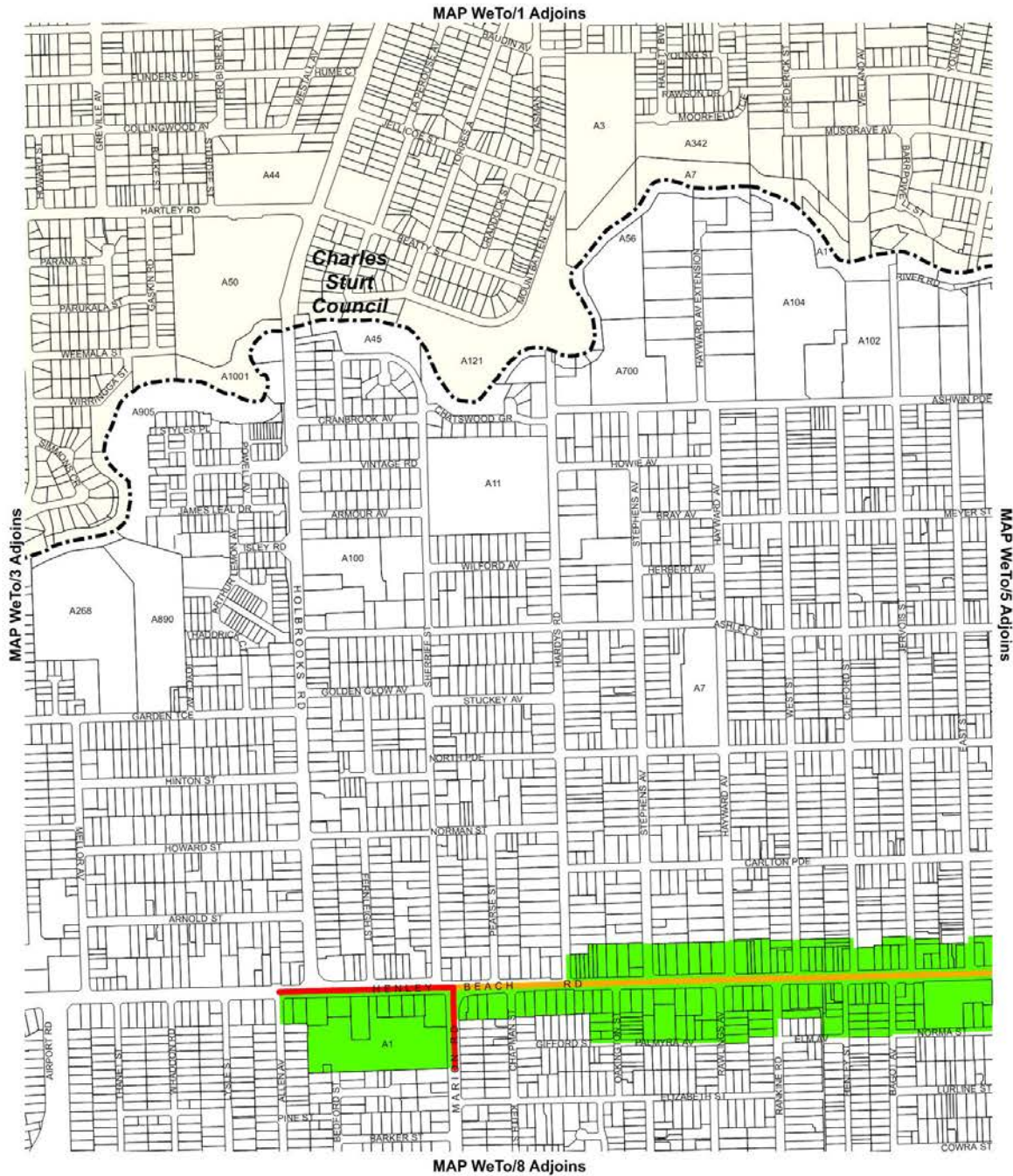
WEST TORRENS COUNCIL
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Overlay Map WeTo/4 NATURAL RESOURCES

- MOSS Study Area
- Development Plan Boundary

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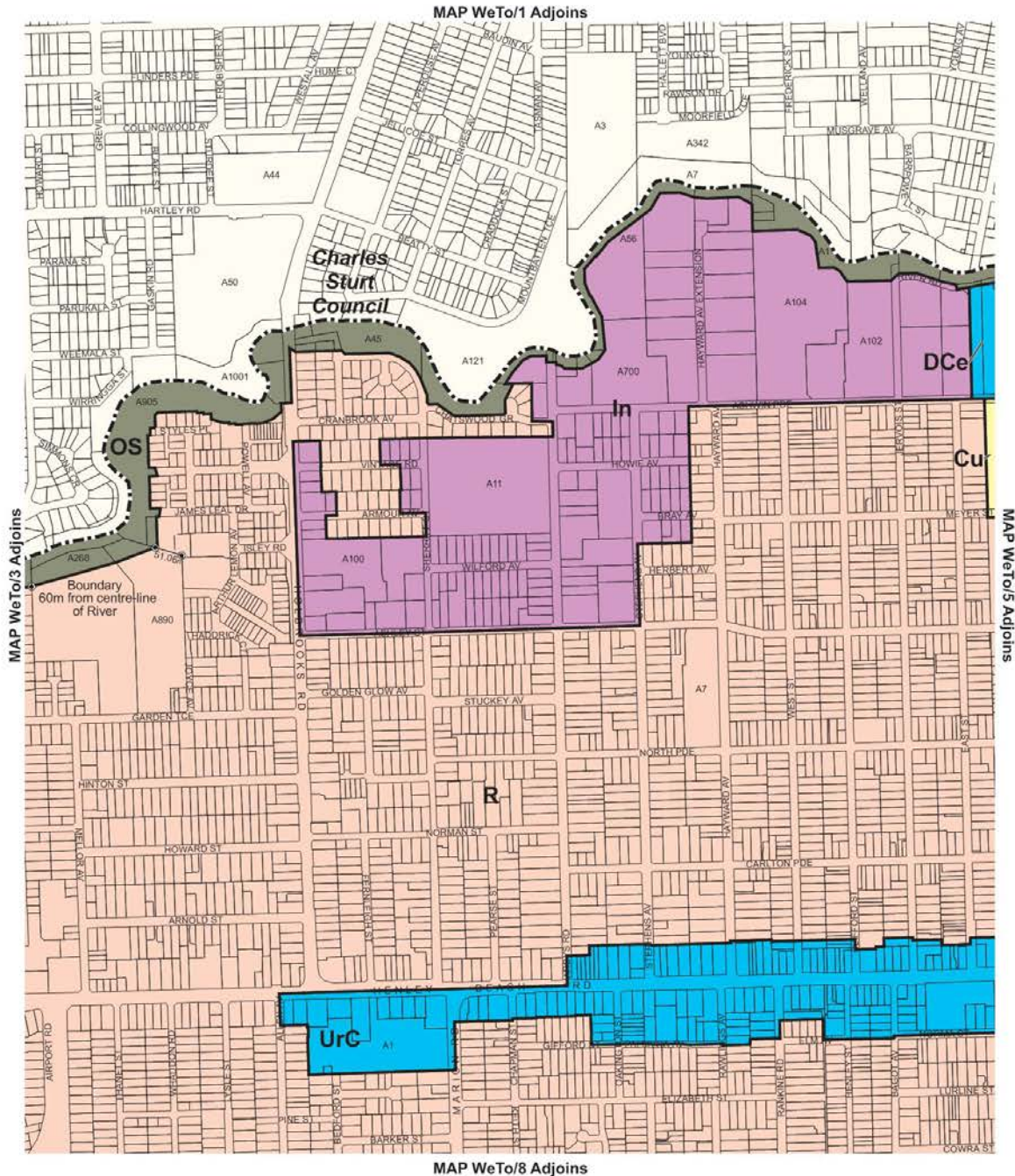


- Designated Road: type A road
- Designated Road: type B road
- Noise and Air Emissions Designated Area
- Development Plan Boundary

Overlay Map WeTo/4

NOISE AND AIR EMISSIONS

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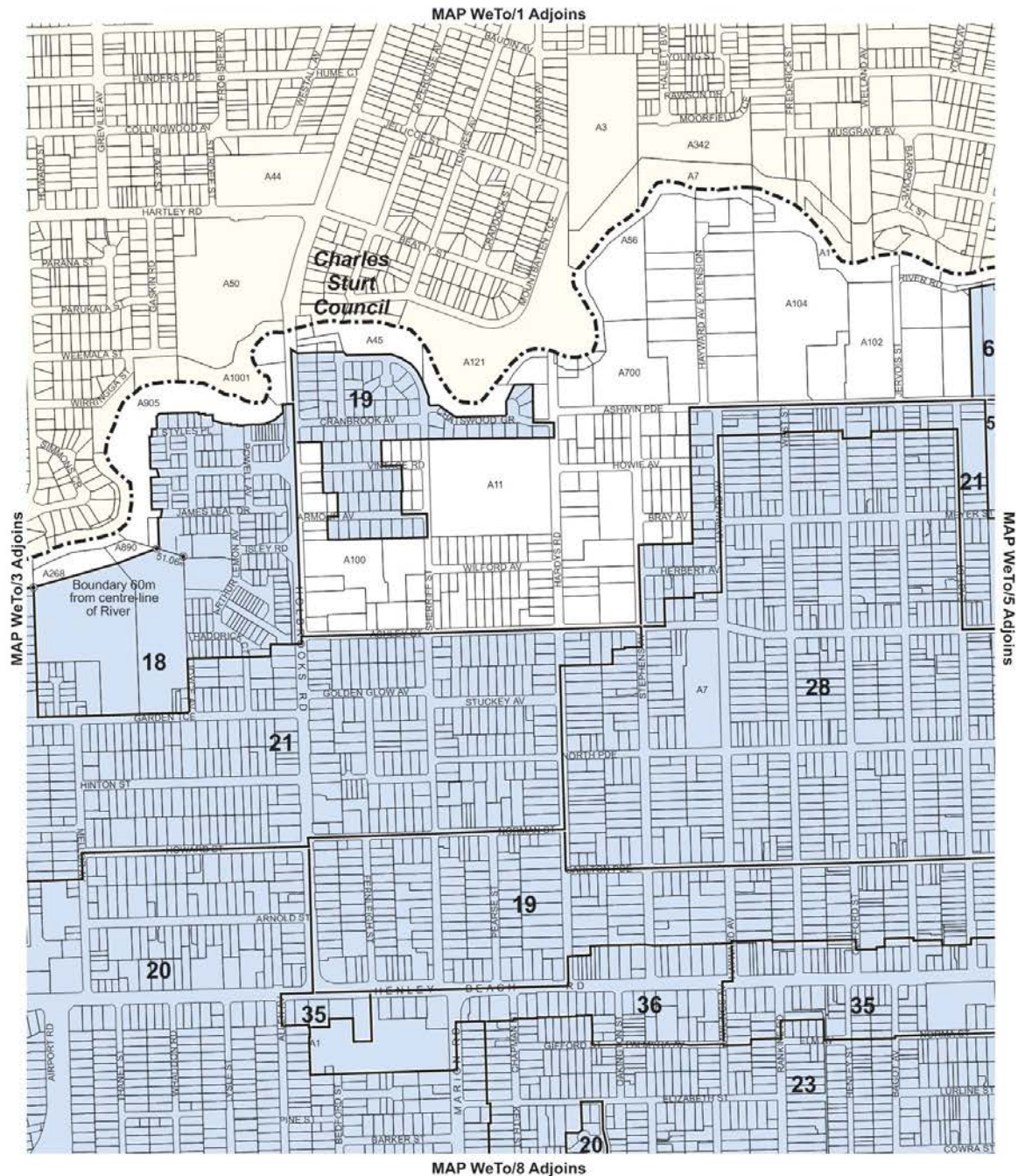
Lamberts Conformal Conic Projection, GDA94



- Zones**
- Cu Community
 - DCe District Centre
 - In Industry
 - OS Open Space
 - R Residential
 - UrC Urban Corridor
 - Zone Boundary
 - Development Plan Boundary

Zone Map WeTo/4

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Lamberts Conformal Conic Projection, GDA94

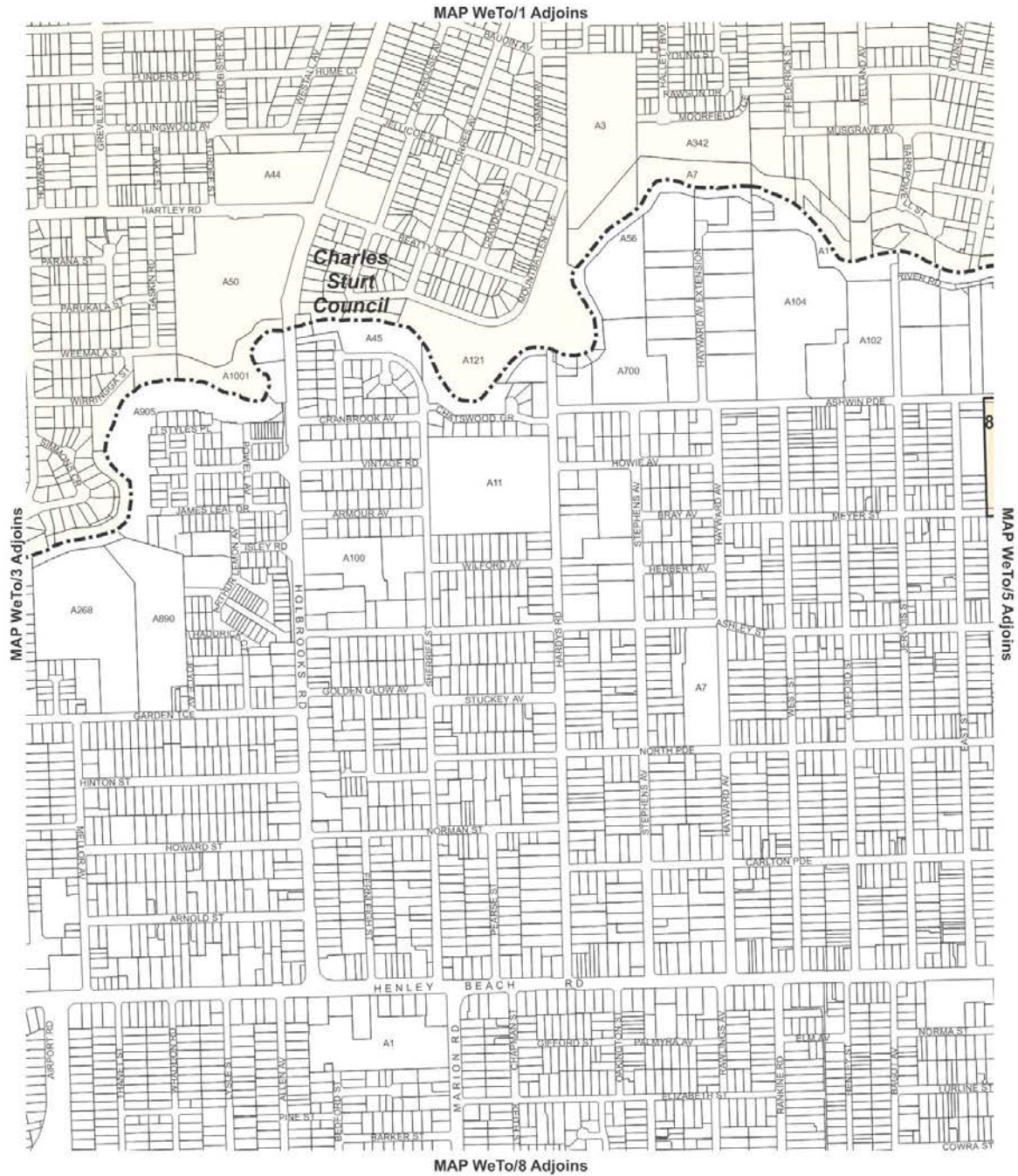
- Policy Area**
- 18 Medium Density
 - 19 Medium Density
 - 20 Low Density
 - 21 Low Density
 - 23 Cowandilla / Mile End West Character
 - 28 Torrensville Character
 - 35 High Street
 - 36 Transit Living
 - 5 Recreation
 - 6 Brickworks



Policy Area Map WeTo/4

- Policy Area Boundary
- Development Plan Boundary

WEST TORRENS COUNCIL
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Lamberts Conformal Conic Projection, GDA94

Precinct 8 Open Space



Precinct Map WeTo/4

- Precinct Boundary
- Development Plan Boundary

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West Torrens Council
Zone Section
Urban Corridor Zone

Urban Corridor Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

OBJECTIVES

- 1 A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.
- 2 Integrated, mixed use, medium and high rise buildings with ground floor uses that create active and vibrant streets with residential development above.
- 3 A mix of land uses that enable people to work, shop and access a range of services close to home.
- 4 Adaptable and flexible building designs that can accommodate changes in land use and respond to changing economic and social conditions.
- 5 A built form that provides a transition down in scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.
- 6 A safe, comfortable and appealing street environment for pedestrians that is sheltered from weather extremes, is of a pedestrian scale and optimises views or any outlook onto spaces of interest.
- 7 Noise and air quality impacts mitigated through appropriate building design and orientation.
- 8 To identify and remediate contaminated land appropriate for its intended use.
- 9 Development that contributes to the desired character of the zone.

DESIRED CHARACTER

This zone will contain an innovative mix of medium density (45-70 dwellings per hectare) and high density (70-200 dwellings per hectare) residential development, together with community and employment land uses, along the Port Road, Anzac Highway and Henley Beach Road corridors. The combination of land uses will vary within these corridors. Some locations will contain a genuine land use mix with ground floor shops, restaurants and offices, and upper level residential, while other areas will give primacy to residential development. Other parts of the zone will have a strong employment focus.

The function of main roads in the zone, particularly Port Road and Anzac Highway, as major transport corridors will be protected by providing access to allotments from secondary road frontages and rear access ways as much as possible. Parking areas will be consolidated, shared (where possible) and screened from the street or public spaces. Allotments with car parking fronting Port Road, Anzac Highway and Henley Beach Road will be redeveloped with built form closer to the road and reconfigured car parking areas.

As one of the key zones in the City of West Torrens where there will be transformation in built form, new buildings will be recognised for their design excellence. These buildings will establish an interesting pedestrian environment and human-scale at ground level through careful building articulation and fenestration, verandas, balconies, canopies and landscaping. In general, the greatest height, mass and intensity of development will be focussed at the main road frontage. Buildings of 3 or more storeys will be the predominant built form. It is for these reasons that dwellings other than detached dwellings will be the predominant form of residential development.

Overlooking, overshadowing and noise impacts will be moderated through careful design. Impacts on adjoining zones where development is lower in scale and intensity will be minimised through transition of building heights and setbacks, judicious design and location of windows and balconies, and the use of

West Torrens Council
Zone Section
Urban Corridor Zone

landscaping. The transition of building heights and setbacks, and judicious design is especially important adjacent Character Policy Areas, including those Character Policy Areas at Glandore and Ashford. The use of blank walls in these transitional areas, especially at the rear and side of allotments, will be avoided. Plant and service equipment will be enclosed and screened from view from the street and neighbouring allotments.

Where buildings are set back from main roads, landscaping will contribute to a pleasant pedestrian environment and provide an attractive transition between the public and private realm. Large scale development in the zone will facilitate the establishment of areas of communal and public open space, and create links with existing movement patterns and destinations in the zone. Front fencing in the zone will be kept low and/or visually permeable.

Some parts of the zone, including allotments in Thebarton and Keswick, are potentially contaminated because of previous and current industrial activities. In these circumstances, development is expected to occur on a precautionary basis if site contamination investigations identify potential site contamination, particularly where it involves sensitive uses such residential development.

The Thebarton brewery has potential to cause nuisance to future users and residents within this zone through noise and odour. To mitigate potential adverse impacts, residential development north of Smith Street that is likely to be sensitive to brewery operations should generally be avoided unless interface mitigation measures have been implemented (or will be implemented within an acceptable period) such that the anticipated impacts are within acceptable limits.

Noise and air amenity with the zone is not expected to be equivalent to that expected from living in a purely residential zone.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 The following types of development, or combination thereof, are envisaged in the zone:
 - affordable housing
 - aged persons accommodation
 - community centre
 - consulting room
 - dwelling
 - educational establishment
 - entertainment venue
 - licensed premises
 - office
 - pre-school
 - primary school
 - residential flat building
 - retirement village
 - shop or group of shops
 - supported accommodation
 - tourist accommodation.
- 2 Development listed as non-complying is generally inappropriate.
- 3 Residential development on land within the zone north of Smith Street should be avoided unless interface measures for noise and odour have been implemented (or will be implemented within an acceptable period) at the source such that the anticipated impacts are within acceptable limits.

Form and Character

- 4 Development should be consistent with the desired character for the zone.
- 5 Residential development (other than residential development in mixed use buildings on sites less than 5000 square metres), should achieve a minimum net residential site density in accordance with the following:

West Torrens Council
Zone Section
Urban Corridor Zone

Policy Area	Minimum net residential site density
Boulevard Policy Area 34	100 dwellings per hectare net
High Street Policy Area 35	70 dwellings per hectare net
Transit Living Policy Area 36	45 dwellings per hectare net
Business Policy Area 37	No minimum

- 6 Vehicle parking should be located to the rear of development or not be visible from public land along the primary road frontage.

Design and Appearance

- 7 Buildings should maintain a pedestrian scale at street level, and should:
- (a) include a clearly defined podium, or street wall **with a parapet, and** a maximum building height of **2 storeys from natural ground level**
 - (b) have levels above the defined podium or street wall setback a minimum of 2 metres from that wall.
- 8 Buildings on allotments with a frontage greater than 10 metres should be well articulated through variations in forms, materials, openings and colours.
- 9 Buildings should be designed to:
- (a) enable suitable sunlight access to public open space
 - (b) overlook or orientate towards public open space and defined pedestrian and cycle routes.
- 10 To maintain sight lines between buildings and the street, and to improve safety through passive surveillance, solid fencing should not be constructed between the front building line and the primary or secondary street.
- 11 Development should minimise the number of access points onto an arterial road, by providing vehicle access:
- (a) from side streets or rear access ways
 - (b) via co-ordinated through-property access rights of way or common rear vehicle parking areas.
- 12 Vehicle access points on side streets and rear access ways should be located and designed to:
- (a) minimise the impacts of headlight glare and noise on nearby residents
 - (b) avoid excessive traffic flows into residential streets.

Building Envelope

Building Height

- 13 Except where airport building height restrictions prevail **or** the interface height provisions require a lesser height, building heights (excluding any rooftop mechanical plant or equipment) should be consistent with the following parameters:

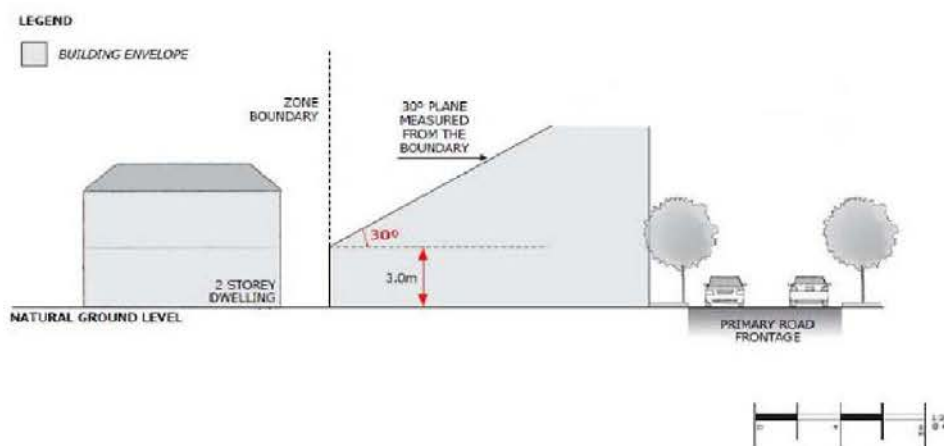
West Torrens Council
 Zone Section
 Urban Corridor Zone

Policy area	Minimum building height (above natural ground height)	Maximum building height (above natural ground height)
Boulevard Policy Area 34	3 storeys, or 4 storeys for land facing the Adelaide Park Lands.	Allotments abutting Residential Character Glandore Policy Area 24 , and allotments between Syme Street and South Road: 3 storeys and 12.5 metres All other allotments: 8 storeys and up to 32.5 metres
High Street Policy Area 35	2 storeys, or 3 storeys for land east of South Road.	Allotments west of Marion Road: 3 storeys and up to 12.5 metres Allotments between South Road and Marion Road: 4 storeys and up to 16.5 metres All allotments east of South Road: 6 storeys and up to 24.5 metres
Transit Living Policy Area 36	2 storeys	Allotments west of Marion Road: 3 storeys and up to 12.5 metres Allotments east of Marion Road: 4 storeys and up to 16.5 metres
Business Policy Area 37	2 storeys	6 storeys and up to 24.5 metres

Interface Height Provisions

- 14 To minimise building massing at the interface with residential development outside of the zone (where the zone boundary is not along a street), buildings should be constructed within a building envelope provided by a 30 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of a residential allotment within a residential zone (except where this boundary is the Primary Road frontage), as illustrated in **Figure 1**:

Figure 1



- 15 To minimise overshadowing of sensitive development outside of the zone, buildings should ensure that:

West Torrens Council
Zone Section
Urban Corridor Zone

- (a) north-facing windows to habitable rooms of existing dwellings in adjacent zones receive at least 3 hours of direct sunlight over a portion of their surface between 9.00 am and 3.00 pm on 21 June
- (b) ground level open space of existing residential buildings in adjacent zones receive direct sunlight for a minimum of 2 hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following:
- (i) half of the existing ground level open space
 - (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring **no less than** 2.5 metres).

Setbacks from Road Frontages

- 16 Buildings (excluding verandas, porticos and the like) should be set back from the primary road frontage in accordance with the following parameters:

Policy area	Minimum setback from the primary road frontage where it is Port Road, Anzac Highway or Henley Beach Road	Minimum setback from the primary road frontage in all other cases
Boulevard Policy Area 34	No minimum at Port Road 3 metres at Anzac Highway	2 metres
High Street Policy Area 35	No minimum	2 metres
Transit Living Policy Area 36	3 metres	3 metres
Business Policy Area 37	3 metres	3 metres

- 17 Buildings (excluding verandahs, porticos and the like) should be set back from the secondary road frontage or a vehicle access way in accordance with the following parameters:

Designated Area	Minimum setback from secondary road	Minimum setback from a rear access way
Boulevard Policy Area 34	No minimum	No minimum where the access way is 6.5 metres wide or more OR Where the access way is less than 6.5 metres in width, the distance equal to the additional width required to make the access way 6.5 metres or more, to provide adequate manoeuvrability for vehicles
High Street Policy Area 35	No minimum	No minimum where the access way is 6.5 metres wide or more OR Where the access way is less than 6.5 metres in width, the distance equal to the additional width required to make the access way 6.5 metres or more, to provide adequate manoeuvrability for vehicles

West Torrens Council
Zone Section
Urban Corridor Zone

Designated Area	Minimum setback from secondary road	Minimum setback from a rear access way
Transit Living Policy Area 36	2 metres	No minimum where the access way is 6.5 metres wide or more OR Where the access way is less than 6.5 metres in width, the distance equal to the additional width required to make the access way 6.5 metres or more, to provide adequate manoeuvrability for vehicles
Business Policy Area 37	2 metres	No minimum where the access way is 6.5 metres wide or more OR Where the access way is less than 6.5 metres in width, the distance equal to the additional width required to make the access way 6.5 metres or more, to provide adequate manoeuvrability for vehicles

Other Setbacks

- 18 Buildings (excluding verandahs, porticos and the like) should be set back in accordance with the following parameters:

Designated area	Minimum setback from rear allotment boundary	Minimum setback from side boundaries (where not on a street boundary)
Boulevard Policy Area 34	3 metres where the subject land directly abuts an allotment of a different zone 0 metres in all other cases, except where the development abuts the wall of an existing or simultaneously constructed building on the adjoining land.	For allotments with a frontage width of 20 metres or less: no minimum up to a height of 2 storeys and 3 metres above this height. For allotments with a frontage width of more than 20 metres: 3 metres.
High Street Policy Area 35	3 metres where the subject land directly abuts an allotment of a different zone 0 metres in all other cases, except where the development abuts the wall of an existing or simultaneously constructed building on the adjoining land.	No minimum

West Torrens Council
Zone Section
Urban Corridor Zone

Designated area	Minimum setback from rear allotment boundary	Minimum setback from side boundaries (where not on a street boundary)
Transit Living Policy Area 36	3 metres where the subject land directly abuts an allotment of a different zone 0 metres in all other cases, except where the development abuts the wall of an existing or simultaneously constructed building on the adjoining land.	For allotments with a frontage width of 20 metres or less: no minimum up to a height of 2 storeys and 3 metres above this height For allotments with a frontage width of more than 20 metres: 3 metres
Business Policy Area 37	3 metres where the subject land directly abuts an allotment of a different zone 0 metres in all other cases, except where the development abuts the wall of an existing or simultaneously constructed building on the adjoining land.	For allotments with a frontage width of 20 metres or less: no minimum up to a height of 2 storeys and 3 metres above this height For allotments with a frontage width of more than 20 metres: 3 metres

Vehicle Parking

- 19 Vehicle parking should be provided in accordance with the rates set out in [Table WeTo/6 - Off Street Vehicle Parking Requirements for Designated Areas](#).
- 20 Loading areas and designated parking spaces for service vehicles should:
- (a) be provided within the boundary of the allotment
 - (b) not be located where there is parking provided for any other purpose.
- 21 Vehicle parking spaces and multi-level vehicle parking structures within buildings should:
- (a) enhance active street frontages by providing land uses such as commercial, retail or other non-car park uses along ground floor street frontages
 - (b) complement the surrounding built form in terms of height, massing and scale
 - (c) incorporate facade treatments along major street frontages that are sufficiently enclosed and detailed to complement neighbouring buildings consistent with the desired character of the locality.
- 22 In mixed use buildings, the provision of vehicle parking may be reduced in number and shared where the operating hours of commercial activities complement the residential use of the allotment.

Land Division

- 23 Land division in the zone is appropriate provided new allotments are of a size and configuration to ensure the objectives of the zone can be achieved.

West Torrens Council
 Zone Section
 Urban Corridor Zone
 High Street Policy Area 35

High Street Policy Area 35

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this policy area.

OBJECTIVES

- 1 A mix of land uses including retail, office, commercial, community, civic and medium and high density residential development that support the economic vitality of the area.
- 2 Buildings sited to provide a continuous and consistent built edge with verandas / awnings over the public footpath and an intimate built scale, with fine-grained detailing of buildings in the public realm.
- 3 An interesting and varied skyline as viewed from the street and afar, provided by modulation in roof forms and the use of parapets.
- 4 An intimate public realm with active streets created by buildings designed with frequently repeated frontage form and narrow tenancy footprints.
- 5 A high degree of pedestrian activity and a vibrant street-life with well lit and engaging shop fronts and business displays including alfresco seating and dining facilities and licensed areas.
- 6 Development that contributes to the desired character of the policy area.

DESIRED CHARACTER

The policy area will predominantly contain a mix of retail, offices, commercial, community and medium density residential development. The mix of complementary land uses will assist in extending the usage of the policy area beyond normal working hours to enhance its vibrancy and safety.

Development will take place at medium densities. The fine grained subdivision pattern, where allotments are narrow but deep, will be maintained to encourage development that supports a variety of tenancies and provides visual interest. Where there are larger/wider allotments, built-form will reinforce this desirable fine grained appearance of older development in the policy area (i.e. many, separate, narrower tenancies). In order to achieve the desired transformation of the policy area, dwellings other than detached dwellings will be the predominant form of residential development.

Where development has a mix of land uses, non-residential activities such as shops, offices and consulting rooms will be located on lower levels with residential land uses above.

The public realm along Henley Beach Road will provide a comfortable and interesting place for pedestrians. To achieve this, development will shelter the footpath with verandas, awnings and similar structures, as well as providing frequent pedestrian entries and clear windows to the street. Buildings will be built with zero set back from the main street, with the occasional section of building set further back to create intimate but active spaces for outdoor dining and interesting building entrances. Buildings west of Marion Road will have a maximum height of 3 storeys and between Marion Road and South Road buildings will have a maximum height of 4 storeys. East of South Road buildings will be 3 to 6 storeys and these buildings will include parapets at lower levels to create a clear demarcation between the taller levels (4 to 6 storeys in total), which will be setback further from Henley Beach Road.

Buildings and structures within **Historic Conservation Areas** identified on the *Overlay Map WeTo/4 - Heritage* and *Overlay Map WeTo/5 - Heritage* will be adapted and reused while maintaining their heritage qualities, with development encouraged towards the rear and behind the front facades. Buildings adjacent to State Heritage places, Local Heritage places and contributory items will contain design elements and building materials that are complementary to such buildings.

West Torrens Council
Zone Section
Urban Corridor Zone
High Street Policy Area 35

Vehicle access points will be located off side streets and new rear laneways so that vehicle flows, safety and efficient pedestrian movement on Henley Beach Road are maintained. In many cases vehicle access points and car parking areas will be shared. On-site vehicle parking will not be visible from Henley Beach Road through the use of design solutions such as locating parking areas behind the front building façade and shielding undercroft parking areas with landscaping and articulated screening.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 Development should provide continuity of ground floor shops, offices and other non-residential land uses.
- 2 Shops or groups of shops contained in a single building, other than a restaurant, should have a maximum gross leasable floor space in the order of 2000 square metres.

Form and Character

- 3 Development should be consistent with the desired character for the policy area.
- 4 Pedestrian shelter and shade should be provided over footpaths through the use of structures such as awnings, canopies and verandas.
- 5 The ground level street frontages of buildings should contribute to the appearance and retail function of the area by providing at least 5 metres or 60 per cent of the street frontage (whichever is greater) as an entry/ foyer or display window to a shop (including a café or restaurant) or other community or commercial use which provides pedestrian interest and activation.
- 6 The finished ground floor level should be at grade and level with the footpath provided that, where there is risk of flood impact, mitigation measures have been incorporated.
- 7 The ground floor of buildings should be built to dimensions including a minimum floor to ceiling height of 3.5 metres to allow for adaptation to a range of land uses including retail, office and residential without the need for significant change to the building.
- 8 A minimum of 50 per cent of the ground floor primary frontage of buildings should be visually permeable, transparent or clear glazed to promote active street frontages and maximise passive surveillance.

West Torrens Council
 Zone Section
 Residential Zone

Residential Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

OBJECTIVES

- 1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.
- 2 Dwellings of various types at very low, low and medium densities.
- 3 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.
- 4 Development that contributes to the desired character of the zone.

DESIRED CHARACTER

This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.

Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.

Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a **Historic Conservation Area**.

Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 The following forms of development are envisaged in the zone:
 - affordable housing
 - domestic outbuilding in association with a dwelling
 - dwelling
 - dwelling addition
 - small scale non-residential use that serves the local community, for example:
 - child care facility
 - health and welfare service
 - open space
 - primary and secondary school
 - recreation area

**West Torrens Council
Zone Section
Residential Zone**

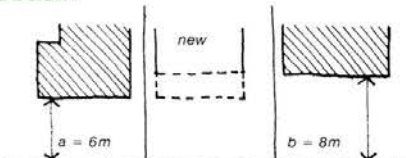
- shop measuring 250 square metres or less in gross leasable floor area
 - supported accommodation.
- 2 Development listed as non-complying is generally inappropriate.
 - 3 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:
 - (a) serves the local community
 - (b) is consistent with the character of the locality
 - (c) does not detrimentally impact on the amenity of nearby residents.
 - 4 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.

Form and Character

- 5 Development should not be undertaken unless it is consistent with the desired character for the zone and policy area.
- 6 Except where otherwise specified by a policy area, dwellings and buildings containing dwellings should be designed within the following parameters:

Parameter	Value
Maximum number of storeys	two storeys (above natural ground level)
Maximum vertical side wall height	6 metres (measured from the natural ground level)

- 7 Dwellings should be set back from allotment or site boundaries to:
 - (a) contribute to the desired character of the relevant policy area
 - (b) provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.
- 8 Except where specified in **Medium Density Policy Area 18** and **Medium Density Policy Area 19**, development (including any veranda, porch, etc) 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 $b > a \geq 2$, setback of new dwelling = a or b</i></p>
Greater than 2 metres	At least the average setback of the adjacent buildings.

West Torrens Council
Zone Section
Residential Zone

- 9 Except where otherwise specified by a policy area, dwellings and buildings containing dwellings should be set back from secondary road frontages in accordance with the following table:

Vertical height of wall	Minimum setback including balconies (metres)
Less than 3 metres	2
3 metres or greater	3

- 10 Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building, (with the total wall height of the building being measured from the existing ground level at the boundary of the adjacent property as shown by [Figure 1](#)), increases to:
- (a) minimise the visual impact of buildings from adjoining properties
 - (b) minimise the overshadowing of adjoining properties.

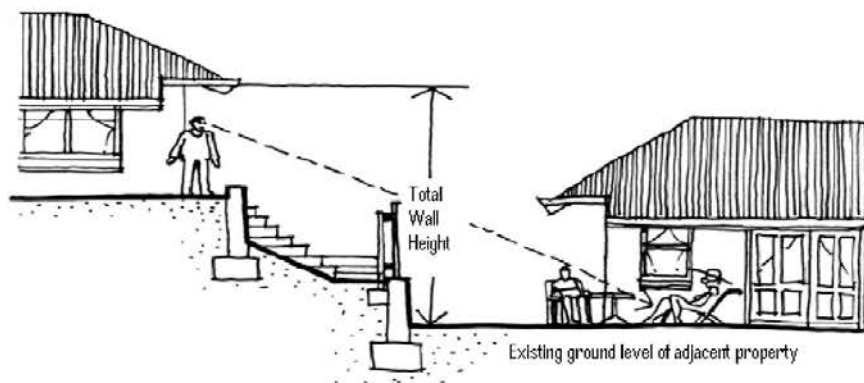


Figure 1

- 11 Except where otherwise specified by a policy area, and for party walls, dwellings and buildings containing dwellings should be set back from the side and rear boundaries in accordance with the following table:

Parameter	Minimum value (metres)
Side boundary setback where the vertical side wall is 3 metres or less in height (measured from the existing ground level at the boundary of the adjacent property as per Figure 1)	1
Side boundary setback where vertical side wall measures between 3 to 6 metres in height (measured from the existing ground level at the boundary of the adjacent property as per Figure 1)	2
Side boundary setback where the vertical side wall is greater than 6 metres in height (measured from the existing ground level at the boundary of the adjacent property as per Figure 1)	2 metres plus an additional setback which is equal to the increase in wall height above 6 metres.
Rear boundary setback for single storey components of a building	3
Rear boundary setback for two or more storey components of a building	8

West Torrens Council
Zone Section
Residential Zone

- 12 Side boundary walls in residential areas should be limited in length and height to:
- (a) minimise their visual impact on adjoining properties
 - (b) minimise the overshadowing of adjoining properties.
- 13 Except where otherwise specified by a policy area, side boundary walls comply with the following:
- (a) side boundary walls should be located immediately abutting the wall of an existing or simultaneously constructed building on the adjoining site and constructed to the same or to a lesser length and height
 - (b) side boundary walls:
 - (i) should have a maximum vertical wall height of 3 metres
 - (ii) should have a maximum length of 8 metres
 - (iii) should be constructed along one side of the allotment only and no further than 14 metres from the front boundary
 - (c) where there is an existing adjacent boundary wall which is setback greater than 1 metre from the front setback standard established for the rest of the street, side boundary walls should be located not more than 1 metre closer to the primary street frontage.
- 14 Development should ensure that sunlight to solar panels of existing buildings is maintained for a minimum of 2 consecutive hours between 9.00am and 3.00pm on 22 June.

Affordable Housing

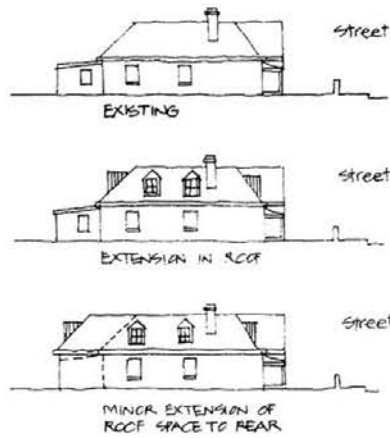
- 15 Development should include a minimum 15 per cent of residential dwellings for affordable housing.
- 16 Affordable housing should be distributed throughout the zone to avoid over-concentration of similar types of housing in a particular area.

Character Areas

The following Principles of Development Control apply to the **Ashford Character Policy Area 22, Cowandilla /Mile End West Character Policy Area 23, Glandore Character Policy Area 24, Lockleys Character Policy Area 25, Novar Gardens Character Policy Area 26, Thebarton Character Policy Area 27** and the **Torrensville Character Policy Area 28**.

- 17 Development should be limited to one storey, except where a dwelling faces a public road (ie is not sited on a battleaxe allotment or at the rear of a development site) and any of the following is proposed:
- (a) sympathetic two-storey additions that use existing roof space or incorporate minor extensions of roof space to the rear of the dwelling (refer to the figure below)

West Torrens Council
Zone Section
Residential Zone



- (b) in new dwellings, a second storey within the roof space where the overall building height, scale and form is compatible with existing single-storey development in the locality (refer to the figure below)



- (c) dormer windows with a total length less than 30 per cent of the total roof length along each elevation.
- 18 Development should preserve and enhance streetscapes by:
- (a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality
 - (b) limiting the number of driveway crossovers.
- 19 The conversion of an existing dwelling into two or more dwellings may be undertaken provided that the building and front yard retain the original external appearance to the public road.
- 20 Where a new dwelling is constructed alongside or within a group of older style residential buildings, the new dwelling should be of a similar height, scale and proportions and be constructed of materials that complement and reinforce the character and design elements of existing buildings.
- 21 Other than in **Novar Gardens Character Policy Area 26**, garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 3.66 metres.
- 22 The division of land should occur only where it will be consistent with the existing pattern and scale of allotments.

West Torrens Council
 Zone Section
 Residential Zone
 Cowandilla / Mile End West Character Policy Area 23

Cowandilla / Mile End West Character Policy Area 23

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this policy area.

OBJECTIVES

- 1 Development that contributes to the desired character of the policy area.

DESIRED CHARACTER

The policy area will contain predominantly detached dwellings and semi-detached dwellings. There will also be some small-scale non-residential activities such as offices, shops and consulting rooms in certain locations. Non-residential activities will be complementary to surrounding dwellings.

Allotments will vary in size from low density to very low density and are generally deep, with narrow frontages to main streets. Subdivision will reinforce the existing allotment pattern which is a significant positive feature of the policy area.

There will be a unity of built-form, particularly as viewed from the street, where all new development is complementary to the key character elements of Victorian-era villas, cottages, inter-war bungalows, Spanish mission and Dutch colonial-style dwellings, rather than dominating or detracting from them. Key elements of this character include pitched roofs, verandas /porticos and masonry building materials. There will be predominantly one storey buildings, with some two storey buildings designed in a manner that is complementary to the single storey character of nearby buildings. Setbacks will be complementary to the boundary setbacks of older dwellings in the policy area, preserving considerable space in private yards for landscaping.

There will be no garages/carports forward of the main facade of buildings. Fencing forward of dwellings will be low to provide views of built-form that define the character of the policy area. Any driveway crossovers will be carefully designed and located to ensure the preservation of street trees which have an important positive impact on the streetscape.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 The following forms of development are envisaged specifically in the policy area:
 - domestic outbuilding in association with a dwelling
 - domestic structure, such as a veranda, porch
 - detached dwelling
 - dwelling addition
 - semi-detached dwelling
 - small scale non-residential use that serves the local community, for example:
 - child care facility
 - health and welfare service
 - open space
 - primary and secondary school
 - recreation area
 - shop measuring 250 square metres or less in gross leasable floor area
 - supported accommodation.

West Torrens Council
Zone Section
Residential Zone
Cowandilla / Mile End West Character Policy Area 23

Form and Character

- 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.

Land Division

- 3 Land division should create allotments with an area of greater than 270 square metres east of Bagot Avenue and 340 square metres west of Bagot Avenue.



Appendix 3

Locality Map

Adelaide

Head Office
Level 1, 215 Greenhill Rd
Eastwood SA 5063
P (08) 8378 8111
F (08) 8378 8122

Brisbane

Level 9, 241 Adelaide St
Brisbane QLD 4000
P (07) 3107 1386
F (07) 3107 1391

North Sydney

Level 14, 275 Alfred St
North Sydney NSW 2060
P (02) 8541 1896

Darwin

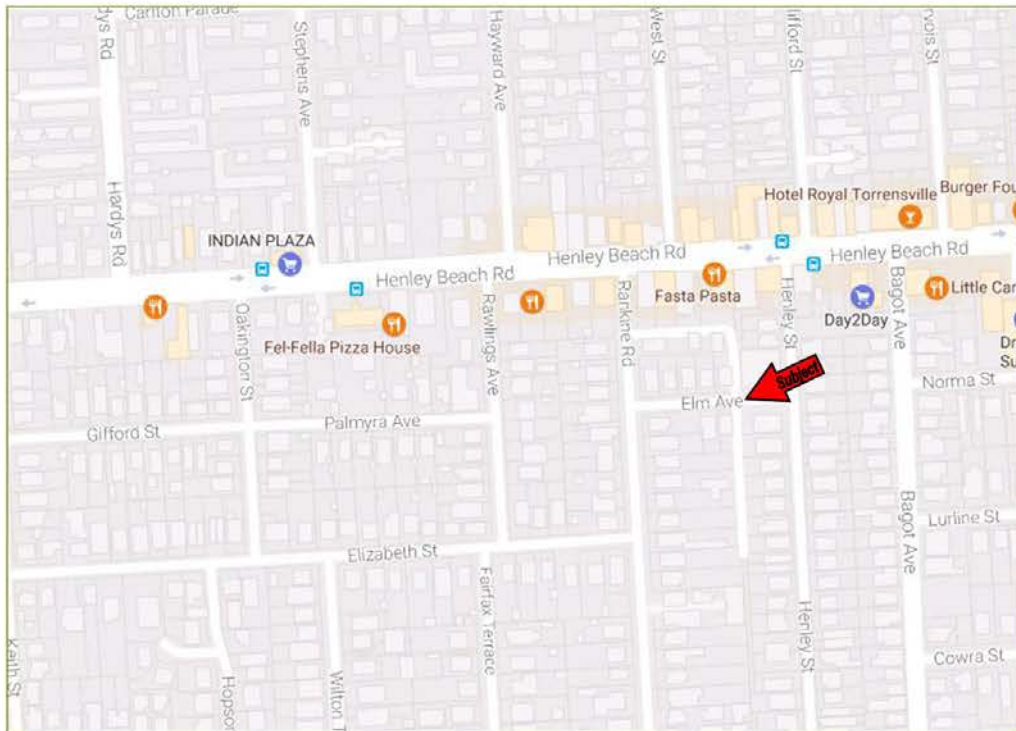
Unit 7, 14 Winnellie Rd
Winnellie NT 0820
P (08) 8378 8111
F (08) 8378 8122

Maloney Field Services
(Australia) Pty Ltd
ABN 13 109 359 560
info@maloney.com.au
www.maloney.com.au

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Elm Avenue, Mile End



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Appendix 4

Cadastral Plan and Aerial Photographs

Adelaide

Head Office
Level 1, 215 Greenhill Rd
Eastwood SA 5063
P (08) 8378 8111
F (08) 8378 8122

Brisbane

Level 9, 241 Adelaide St
Brisbane QLD 4000
P (07) 3107 1386
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North Sydney

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P (02) 8541 1896

Darwin

Unit 7, 14 Winnellie Rd
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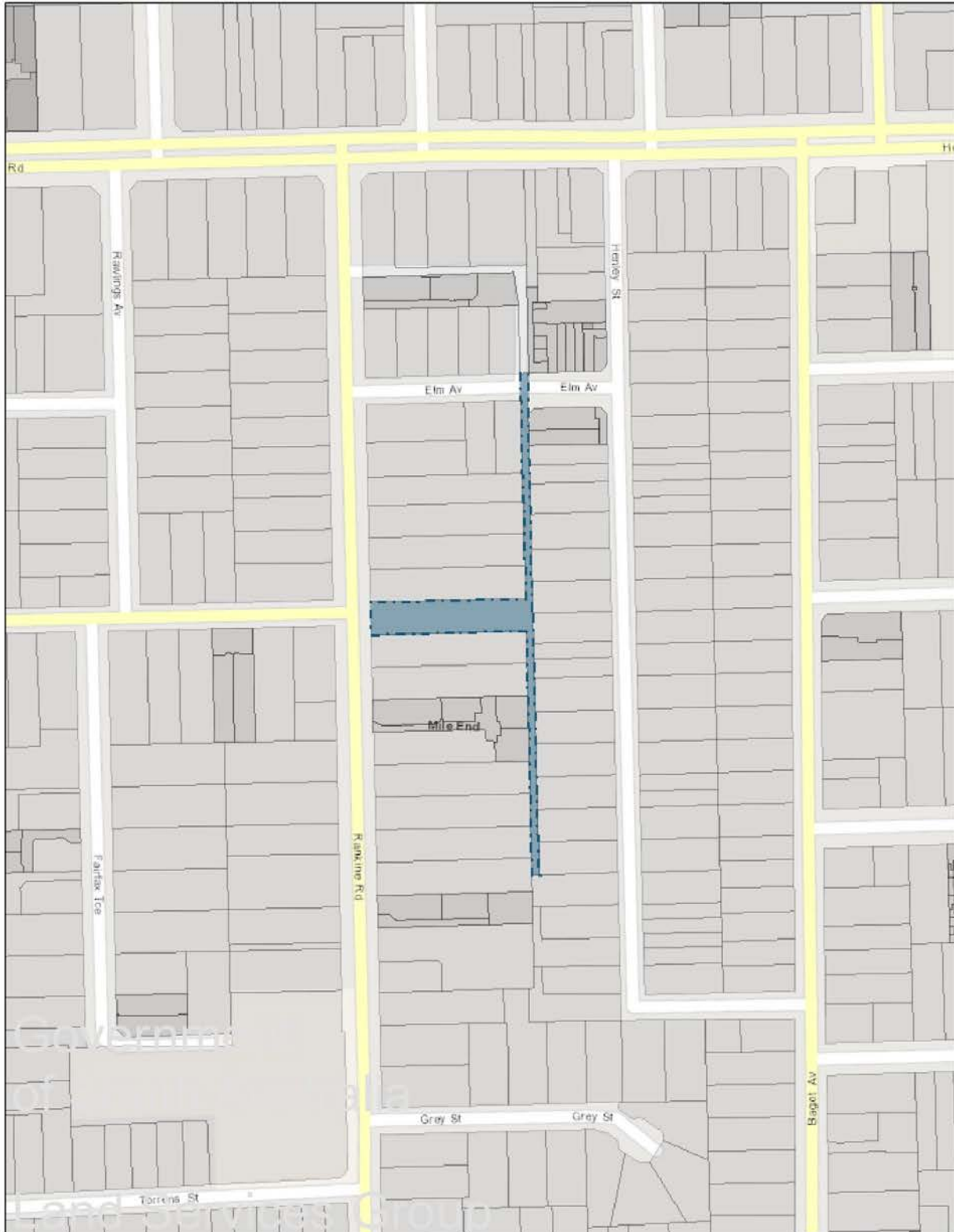
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info@maloney.com.au
www.maloney.com.au

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Land Services Group

The Property Location Browser is available on the Land Services Group Website: www.sa.gov.au/landservices

Date created:
March 27, 2017

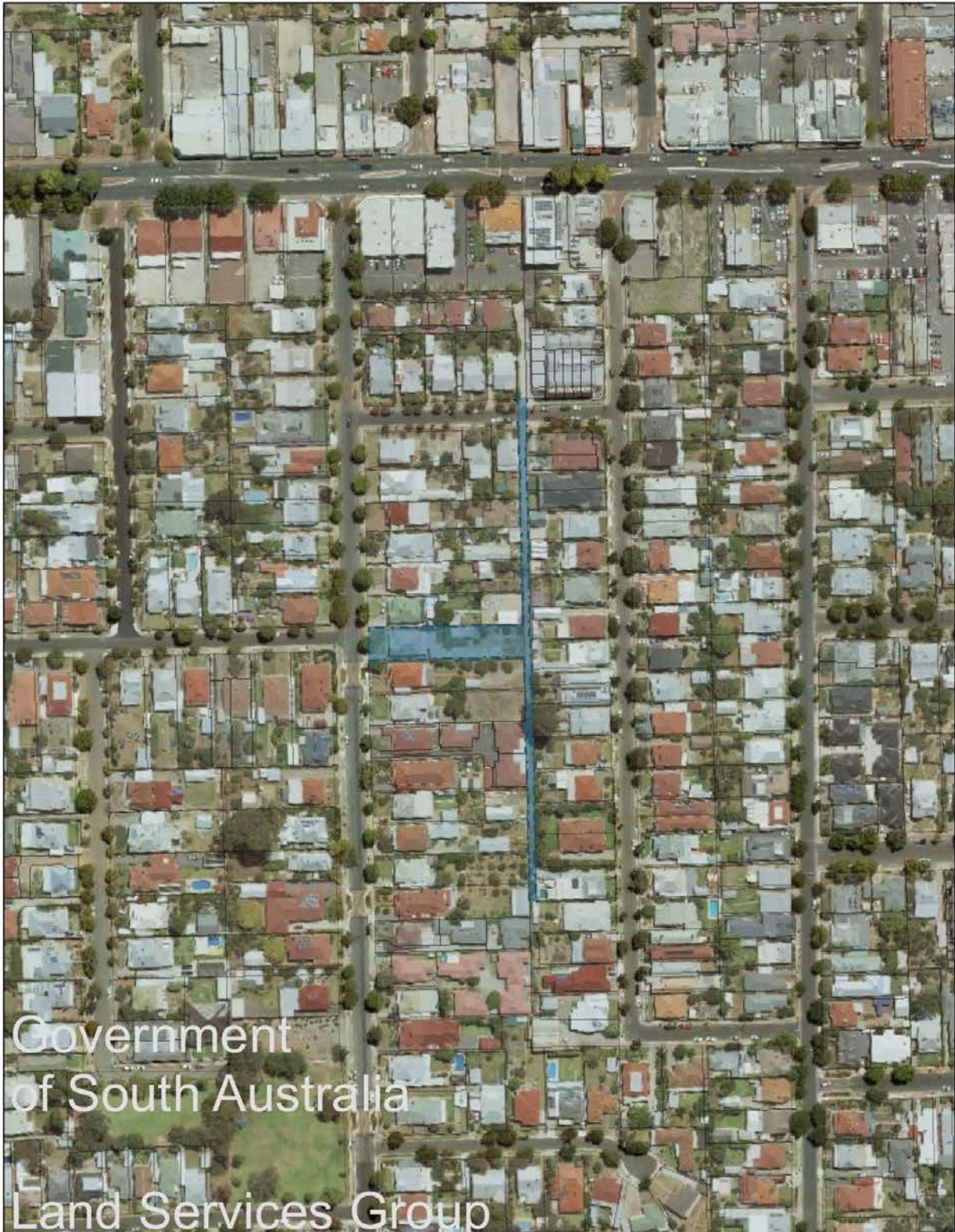


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Land Services Group

The Property Location Browser is available on the Land Services Group Website: www.sa.gov.au/landservices

Date created:
March 27, 2017



Government
of South Australia
Land Services Group

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Land Services Group

The Property Location Browser is available on the Land Services Group Website: www.sa.gov.au/landservices

Date created:
March 27, 2017



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Appendix 5

Proposed Acquisition Plan

Adelaide

Head Office
Level 1, 215 Greenhill Rd
Eastwood SA 5063
P (08) 8378 8111
F (08) 8378 8122

Brisbane

Level 9, 241 Adelaide St
Brisbane QLD 4000
P (07) 3107 1386
F (07) 3107 1391

North Sydney

Level 14, 275 Alfred St
North Sydney NSW 2060
P (02) 8541 1896

Darwin

Unit 7, 14 Winnellie Rd
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Maloney Field Services
(Australia) Pty Ltd
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www.maloney.com.au

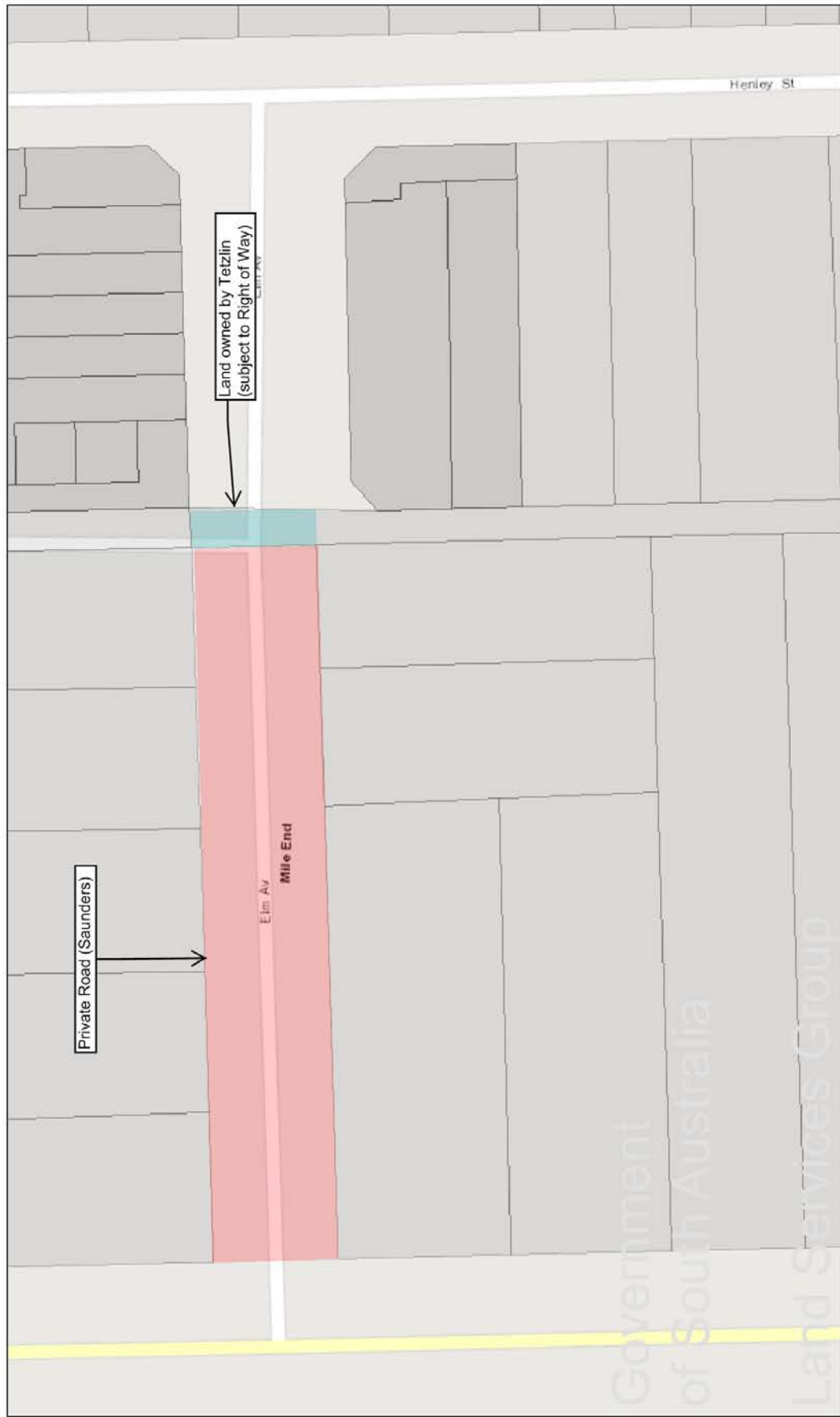
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Date created:
July 21, 2016



Land Services Group
The Property Location Browser is available on the Land Services Group Website: www.sa.gov.au/landservices

Elm Ave & Laneway



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Appendix 6

Sales Evidence

Adelaide

Head Office
Level 1, 215 Greenhill Rd
Eastwood SA 5063
P (08) 8378 8111
F (08) 8378 8122

Brisbane

Level 9, 241 Adelaide St
Brisbane QLD 4000
P (07) 3107 1386
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Darwin

Unit 7, 14 Winnellie Rd
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Maloney Field Services
(Australia) Pty Ltd
ABN 13 109 359 560
info@maloney.com.au
www.maloney.com.au

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Sales Evidence

Property Address:	29 May Terrace, Brooklyn Park		
Sale Price:	\$575,000	Sale Date:	15 March 2016
Land Area:	903 sqm	Rate/sqm:	\$636.77
Site Value:	\$455,000	Capital Value:	\$495,000
Zoning:	Residential	Condition:	Poor
Improvements:	7 room house, carport, iron garage		

Property Address:	22 Press Road, Brooklyn Park		
Sale Price:	\$440,000	Sale Date:	29 September 2016
Land Area:	714 sqm	Rate/sqm:	\$616.25
Site Value:	\$335,000	Capital Value:	\$355,000
Zoning:	Residential	Condition:	Fair
Improvements:	5 room house, carport, iron garage		

Property Address:	65 Coral Sea Road, Fulham		
Sale Price:	\$1,400,000	Sale Date:	25 January 2016
Land Area:	2,359 sqm	Rate/sqm:	\$593.47
Site Value:	\$950,000	Capital Value:	\$950,000
Zoning:	Residential	Condition:	N/A
Improvements:	Land		

Property Address:	588 Henley Beach Road, Fulham		
Sale Price:	\$1,110,000	Sale Date:	13 May 2016
Land Area:	1,580 sqm	Rate/sqm:	\$702.53
Site Value:	\$870,000	Capital Value:	\$920,000
Zoning:	Residential	Condition:	N/A
Improvements:	Land		

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PAGE 1



Property Address:	596 Henley Beach Road, Fulham		
Sale Price:	\$515,000	Sale Date:	14 January 2016
Land Area:	688 sqm	Rate/sqm:	\$748.55
Site Value:	\$450,000	Capital Value:	\$460,000
Zoning:	Residential	Condition:	Good
Improvements:	7 room house		

Property Address:	50A Riverside Drive, Fulham		
Sale Price:	\$435,000	Sale Date:	4 November 2016
Land Area:	610 sqm	Rate/sqm:	\$713.11
Site Value:	\$310,000	Capital Value:	\$310,000
Zoning:	Residential	Condition:	N/A
Improvements:	Land		

Property Address:	2 Pam Street, Netley		
Sale Price:	\$452,000	Sale Date:	11 January 2016
Land Area:	780 sqm	Rate/sqm:	\$579.49
Site Value:	Unknown	Capital Value:	Unknown
Zoning:	Residential	Condition:	N/A
Improvements:	Land		

Property Address:	41 Dudley Avenue, North Plympton		
Sale Price:	\$810,000	Sale Date:	12 February 2016
Land Area:	1,513 sqm	Rate/sqm:	\$535.36
Site Value:	\$580,000	Capital Value:	\$580,000
Zoning:	Residential	Condition:	Poor
Improvements:	6 room house, garage, carport		

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PAGE 2



Property Address:	24 Holder Avenue, Richmond		
Sale Price:	\$750,000	Sale Date:	28 April 2016
Land Area:	1,134 sqm	Rate/sqm:	\$661.38
Site Value:	\$500,000	Capital Value:	\$530,000
Zoning:	Residential	Condition:	Fair
Improvements:	5 room house, carport		

Property Address:	Norman Street, Underdale		
Sale Price:	\$864,484	Sale Date:	30 March 2016
Land Area:	1,466 sqm	Rate/sqm:	\$589.69
Site Value:	Unknown	Capital Value:	Unknown
Zoning:	Residential	Condition:	N/A
Improvements:	Land		

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23 May 2017

Mr John Lindner
Director
Tetzlin Pty Ltd
C/- 23 Rankine Road
MILE END SA 5034

Dear John,

Re: Tetzlin Pty Ltd - Portion of Allotment 51 Elm Avenue Mile End

I refer to your letter of 23 March 2016, the matters raised within it, and in particular our letter of 12 August 2016, and also subsequent correspondence and discussions relating to those matters.

I also acknowledge your letter dated 12 May 2017 in relation to Tetzlin's proposals to sell the portion of land in question to the City of West Torrens.

As previously advised, following receipt of your letter and Council's initial investigations into the issues canvassed within it, the Council Administration instructed its property consultants to undertake a valuation of the land in question.

The affected property comprises a single residential parcel of land with elongated laneway to the rear with these components of the site having a total area in the order of 1,957 square metres. The residential portion of the property is improved with a single detached residential home and rear shedding and the Highest and Best Use of the property is considered to be its current residential use or as redevelopment for residential purposes.

The portion of land within this parcel, that is the specific subject of your enquiry, is a strip of land at the northern most end of the laneway portion of the affected property having a width of approximately 3.66 metres, a length of approximately 12.19 metres and an area of approximately 45 square metres. This portion of the land (comprising portion of Elm Street) represents approximately 2.3% of the total site area. We are also aware that you seek additional land to be included within the portion of land to be acquired (to allow vehicle manoeuvring etc.) and will factor this into the determination of any payment to be made.

Council's property consultants have now provided their advice to Council in regard to this matter. The consultants indicated that there are two broad approaches which are generally utilised to determine the value of land in these circumstances, namely the "Before and After Method" and the "Piecemeal Approach".

The Piecemeal Approach

The piecemeal approach has been utilised to determine the value and any compensation payable in this instance as this method clearly identifies the likely impacts arising from the nominated heads of compensation, namely severance, injurious affection, disturbance and enhancement.

The property consultants have advised that:

"In determining the Value of Land Taken we have utilised the Direct Comparison Method of Valuation which allows for the consideration of comparable sales transactions in order to determine an appropriate rate per square metre to be applied to the land component of the affected property. Although Sales Evidence is included in this report it is again noted that the area of land proposed for acquisition is subject to extensive rights of way, is therefore unavailable for exclusive use by the Claimant and its loss has no impact on the value of the remainder of the affected property.

As such the value of affected Land Taken has been assessed as nil dollars".

The property consultants subsequently considered the various heads of compensation as follows:

Severance

"Severance is described as:

The loss suffered to the remaining land consequent upon the excision of an area of land out of a title.

We do not consider it necessary to award compensation for Severance in this instance given the acquisition of portion of the affected property will have no impact upon the continued use and enjoyment of the remainder".

\$0

Injurious Affection

"Injurious Affection is described as:

Those losses suffered as a consequence of what is constructed on the acquired land.

Given the area of land proposed for acquisition has been used as a public roadway for a number of years and this use will continue subsequent to acquisition we do not consider it necessary to award compensation for Injurious Affection in this instance".

\$0

Disturbance

"It is appropriate to assess compensation under the heading of Disturbance to account for general disturbance issues in this instance.

It is recognised that the Claimant will spend time liaising with the Acquiring Authority and their representatives, reviewing documentation and other matters. It should be noted that the assessment of disturbance assumes that the Claimant is entitled to reimbursement of reasonable professional fees over and above the amount assessed.

In consideration of the above, Disturbance has been assessed as \$2,500 in this instance".

\$2,500

Enhancement	<i>" The proposed acquisition of land will not provide any level of enhancement to the affected property".</i>	\$0
	TOTAL RECOMMENDED COMPENSATION <i>(Exclusive of GST)</i>	\$2,500

The Before and After Method

Following our recent discussion and meeting on 26 April 2017, Council has sought clarification from its property consultants in regard to the choice of utilisation of the Piecemeal Approach over the Before and After Method. The consultants advised that generally the Piecemeal Approach is preferred as it provides a clear indication of the compensation which has been assessed under the various and relevant categories (heads of compensation). This has been further advised as follows:

"The Before and After Method which involves determining the current market value of the affected property prior to acquisition and then considering the after value of the property given the affect that acquisition of a portion of the land will have. In this regard, it is not considered necessary to determine the actual value of the affected property but it is important to note that, if offered for sale on the open market, the market value able to be achieved for the sale of the affected property would be the same on a before and after basis. This would mean that a prospective purchaser would not reduce the price they are willing to pay for the property on the basis of the area of land that is proposed for acquisition being removed from the site.

The amount of \$2,500 has been assessed for disturbance and both methods of valuation lead to the conclusion that the only compensable item in this instance relates to general disturbance matters".

I trust that the above information satisfies your query, however understand that this value is somewhat less than you have indicated that you wished to seek from Council in both earlier correspondence and discussions and also in your most recent letter of 12 May 2017. It is my intention to provide a report to Council to canvas and discuss the issues you have raised and to also to seek a formal Council decision in regard to this matter.

Should you have any further comment(s), please provide these to me by close of business **7 June 2017** so that these can be considered within the report to Council in July 2017.

If you have any further questions or queries, please contact me on (08) 8416 6248 or acatinari@wtcc.sa.gov.au.

Yours sincerely,



Angelo Catinari
General Manager Urban Services

30 May 2017

The City Manager – Mr Terry Buss
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Attention: Mr Angelo Catinari -General Manager Urban Services

Dear Mr Catinari

Matter of Tetzlin Pty Ltd and the City of West Torrens – Elm Avenue, Mile End SA

I refer to my letter of 12 May 2017 and acknowledge receipt of your letter of 23 May 2017.

I note your advice that the City of West Torrens engaged its property consultants to undertake a valuation of the land in question (*hereinafter referred to as the portion*), which appears to have occurred sometime prior to your letter of 12 August, 2016. I presume the consultant's brief was to provide a valuation of the land based on its shape, size and location to be used for normal residential purposes.

The methods used to value the portion are interesting in theory and make sense when applied to a standard residential and/or commercial allotment however the portion is a unique piece of land and its overall assessed value should give adequate consideration to the economic benefit that the City of West Torrens will enjoy should its sale be achieved.

It is apparent in your most recent letter that the determined value of \$2,500 is nothing more than an estimate of the *'reasonable professional fees'* likely to be incurred by Tetzlin should the portion be sold. It also appears that the assessed value fails to take into consideration the most recent sales of the Tetzlin land referred to in our letter of 12 May 2017.

Tetzlin refuses to sell the portion to the City of West Torrens in the amount of \$2,500 and maintains the view that the value it has assessed in the amount of \$39,858 using recent sales data is fair and reasonable.

Tetzlin's interest in selling the land is to protect its rights and interests from any suit, action or demand from those who use the portion on a regular basis by mistaking it as a public road and thoroughfare without having a right of way to do so. I have addressed Tetzlin's reason for needing to sell the portion in previous communications.

As you will no doubt appreciate, Tetzlin is not a 'road authority' and unlike the City of West Torrens and other councils within the State of South Australia would not be able to rely on Section 42 of the Civil Liability Act, 1936, to absolve it from any liability arising from its failure to maintain, repair, renew and/or reduce the risk of harm to those who use the portion as a public road.

The delay by the City of West Torrens in failing to resolve this anomaly continues to expose Tetzlin and its insurer to potential litigation in the event of an Occurrence. Tetzlin demands that the City of West Torrens takes prompt action to purchase the portion from Tetzlin in the amount of \$39,858 and to use the portion of the land as a public road and thoroughfare with the comfort of knowing that it is protected from litigation by statute.

In the event that the City of West Torrens fails to purchase within a reasonable period or declines to purchase the portion, Tetzlin will have no other option but to exercise its rights and protect its interests by restricting the passage of users to only those who have a lawful right of way. It is envisaged that the restriction will remain in place until the portion is sold.

Should such an action become necessary, Tetzlin will demand that the City of West Torrens prevent the passing of stormwater and the passage of unauthorised users over the portion so that it does not cause a nuisance to the land. It is noted that there are no side entry pits for stormwater disposal in Elm Avenue.


I note your advice that the City of West Torrens intends to consider this matter at a meeting that is scheduled to occur in July 2017. Can you please ensure that the City of West Torrens gives adequate consideration to the cost of surveying, designing, tendering, executing and supervising the re-engineering of the stormwater system and road related areas on both sides of the portion compared to the cost of purchasing the portion at the Tetzlin price?

Further, in the event that access to the portion is restricted but eventually sold to the City of West Torrens, it will incur additional costs to return the stormwater system and road related areas to its current condition and use. I trust that the City of West Torrens has sufficient time to incorporate these costs into its road maintenance budget for 2017/2018.

The most economical outcome for the City of West Torrens is to purchase the portion from Tetzlin. The cost to re-engineer Elm Avenue on both sides of the portion would be significant and far greater than the sale price currently on offer.

I look forward to receiving Council's position on this matter within 7 days following its meeting in July 2017. I invite you to make contact with me on 0424563511 should you wish to discuss this matter in further detail or to arrange another meeting.

Yours Sincerely



John Lindner (Director)

Tetzlin Pty Ltd - C/- 23 Rankine Road, Mile End SA 5034



4 July 2017

Attention: Mr John Lindner
 Tetzlin Pty Ltd
 c/- 23 Rankine Road
 MILE END SA 5034

Level 6 / 19 Gilles Street
 Adelaide South Australia 5000

GPO Box 2024
 Adelaide South Australia 5001

T. 8113 7100

F. 8113 7199

W. kelliedyjones.com.au

ABN 66 159 460 723

Via Registered Post

Dear Sir

PRIVATE ROAD, ELM AVENUE, MILE END

We act for the City of West Torrens ("the Council") in this matter.

We have been provided with copies of all correspondence between you and the Council regarding the above and we are instructed that:

- a portion of Elm Avenue, Mile End, comprises a private road ("the Road") that is owned by Tetzlin Pty Ltd ("the Company");
- the Company seeks that the Council acquire the Road for a sum of approximately \$39,000; and
- the Council has offered the Company \$2,500 for the Road, which offer is based upon an independent expert valuation report that the Council has obtained ("the Report");

Unless any acquisition of the Road by the Council can occur by agreement, it is open to the Council to acquire it by way of a compulsory acquisition process. If this type of acquisition were to occur, the provisions of the *Lands Acquisition Act 1969* ("the Act") will govern the amount of compensation payable. It appears that the Company may not have had regard to the Act in making its demands of the Council regarding the amount it wishes to be paid for the Road.

For the avoidance of doubt, the Council is not under any obligation to acquire the Road (whether compulsorily or otherwise). This remains the position even if the Company chooses to restrict public access to the Road as has been proposed, which option is, of course, a matter for the Company.

With the above considerations in mind, we are instructed to write to urge the Company to reconsider its position in respect of the compensation that it is seeking, taking into account that:

- the Council's current offer of compensation has been made having regard to independent expert valuation advice that has taken into account the principles that apply to compulsory acquisitions under section 25 of the *Lands Acquisition Act 1969* ("the Act"). As a public authority, the Council is duty bound to consider this independent, professional valuation information that has been provided to it and only to go beyond it for good and accountable reasons given it is an expenditure of public funds;

Lead	Reason	Advise
------	--------	--------

Mr J Lindner

4 July 2017

- the amount sought by the Company is excessive, unrealistic and beyond the amount which it would be entitled to receive under the Act. There is no reasonable basis for the current expectation; and
- if the Council were to choose to acquire the Road by way of a compulsory acquisition:
 - the offer made by the Council is consistent with the recommendation contained in the Report;
 - to the extent that, as an offer of compensation, it is disputed, there are no grounds for the Court to award an alternative amount by way of compensation, of the quantum sought by the Company; and
 - if the Company continued to pursue an excessive amount of compensation in connection with Court proceedings to determine compensation, this would expose the Company to liability for the Council's costs under section 36 of the Act.

Accordingly, we require that you advise us by the close of business on Wednesday 12 July 2017 whether the Company is prepared to pursue negotiations on a reasonable basis, having regard to the matters set out above. If the answer is in the negative or if we do not hear from you by this date and time we will be compelled to advise the Council to pursue the compulsory acquisition process.

Finally, in the event that this matter is able to be resolved without recourse to the formalities of the compulsory acquisition process, we reserve the right to produce this correspondence in connection with any application for costs if proceedings are pursued in relation to the quantum of compensation payable for the Road.

Yours sincerely
KELLEDYJONES LAWYERS



MICHAEL KELLEDY
Direct Line: 08 8113 7103
Mobile: 0417 653 417
Email: mkelledy@kelledyjones.com.au

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11 July 2017

Kelley Jones Lawyers

GPO Box 2024

Adelaide SA 5001

Attention: Michael Kelley

Dear Sir

Sale of Portion of Elm Avenue, Mile End SA - Tetzlin Pty Ltd & the City of West Torrens

I am writing to you as the director of Tetzlin Pty Ltd (*Tetzlin*) and acknowledge receipt of your letter of 4 July 2017 that was provided to me by Australia Post on Saturday 8 July 2017.

Despite there being insufficient time for Tetzlin to adequately consider your letter, I have chosen to respond within the allocated timeframe in the interest of resolving this matter on '*just terms*' for all parties concerned.

Please note that Tetzlin is prepared to pursue negotiations with the City of West Torrens (*Council*) for the sale of the portion of Elm Avenue on a reasonable basis with an expectation that your Client will do the same.

By way of background, I consider it relevant to inform you that my communication with Council began in February 2016 following the discovery that a portion of Elm Avenue comprised Tetzlin owned land. At the request of City Manager Mr Terry Buss, I wrote to him in March 2016 and notified him of the situation. I was subsequently informed that Council was addressing the issue and that Tetzlin was entitled to compensation.

Since that time Tetzlin has been endeavouring to negotiate the sale of the land by agreement however communication from your Client has been slow and reactive.

Contrary to your letter, Tetzlin has given consideration to the Lands Acquisition Act, 1969, (*the Act*) and is aware that Council could acquire the land by compulsory acquisition. It has however been lead to believe that process would not be necessary as the sale by agreement was likely.

Tetzlin considers that the acquisition of the land by compulsory acquisition would be an unreasonable expenditure of public funds as it would be uneconomical and unnecessary to acquire the land in that manner.

For example, Section 10 of the Act (*Notice of Intention to Acquire Land*) requires the Authority to give notice of intention to acquire the land to each person whose interest in the land is subject to acquisition. There are 37 people who have an interest in the land. The avoidance of compulsory acquisition would also eliminate the need for Court costs and legal fees.

I note that the Council's offer to purchase the land is based on an independent expert valuation report that the Council obtained sometime prior to August 2016. Tetzlin is aware that the valuation is based on an estimate of the '*reasonable professional fees*' likely to be incurred by Tetzlin should the portion be sold.

In other words, the valuer has assessed the land as having '*no value*' and that its recommendation of \$2,500 appears to be nothing more than a token of goodwill. Tetzlin does not consider that valuation to be fair and reasonable and doubts that any Court would disagree.

On 8 July 2016 Tetzlin engaged Dimitrak Real Estate (*Dimitrak*) to conduct a market appraisal of the portion of the land being used by Elm Avenue, which appraised it in the range of \$50,000 and \$60,000. A copy of the Dimitrak appraisal is **attached**.

Tetzlin accepts that the Dimitrak appraisal is probably unrealistic but nevertheless it demonstrates that the subject land does have some value. On that basis Tetzlin is prepared to consider a lesser amount and requests that your Client give reasonable consideration to offering a greater amount than what it is currently offering.

Following Tetzlin's notification to Council it engaged Ziana Stacey Development Consultants to survey the land in preparation of its acquisition. Tetzlin expended money to undergo that process. I have **attached** some correspondence from Ziana Stacey for your review.

Tetzlin has given this matter further consideration and is prepared to sell the portion of the land to Council at a reduced amount from its original offer, calculated as follows:

1. Ziana Stacey Development Consultants (Stage 1)	\$ 4,259.25
2. Sale of the portion of the land	<u>\$11,000.00</u>
Sub-total	\$15,259.25
Total (Rounded Down)	\$15,000.00

I trust that your Client finds Tetzlin's reduced offer acceptable and that proceedings can be commenced in the near future to affect the sale of the land.

You will no doubt agree that the reduced offer is far less than what the likely costs would be should your Client decide to acquire the land by compulsory acquisition.

Please understand that whilst your Client considers this matter Tetzlin remains exposed to litigation in the event of an accident or incident occurring on the section of land being used by Elm Avenue. Tetzlin requests that your Client remove this exposure by the prompt acquisition of the land.

I look forward to receiving your Client's position as soon as reasonably practicable.

Yours faithfully



John Lindner (Director)

Tetzlin Pty Ltd

C/- 23 Rankine Road, Mile End SA 5034

Encl: Dimitrak Appraisal
Ziana Stacey correspondence

08/07/2016

Mr. J Lindner
21 Rankine Road,
Mile End.5031.

Dear John,

On behalf of Dimitrak Real Estate, I would like to thank you for the opportunity to view the title for 21 Rankine Road, Mile End. In particular, the lane access at the rear of the home.

This area is approximately 73 square metres in total, information from the Certificate Of Title Volume 5536 Folio 240

In arriving at the estimated market value of this land with access, we have taken into account the following important factors:

- **Location**
- **Comparable recent sales**
- **Current economic conditions**
- **Land Sales in the suburb of Mile End**

As you can gather, the above four factors needed a detailed understanding, to ascertain the **correct price range** which would attract potential purchasers in today's real estate market.

Therefore, given all the factors and benefits of your excellent unit and with the utilisation of marketing methods available to us, it is considered in our opinion that a range from **\$50,000 to \$60,000** is the likely selling result.

Should you require further clarification of this report and how our unique marketing techniques work please feel free to contact on 8234 8811 or 0402 395 495

Yours sincerely



Chris Dimitrak

Principal / Senior Sales Consultant, MREI

NB This is not a licensed valuation but a carefully considered market appraisal of the property.

Dimitrak Real Estate Pty Ltd A8N 97 807 561 167
4b Northcote Street Torrensville SA 5031
Telephone (08) 8234 8811 • Facsimile (08) 8234 8611 • Email chris@arthurdimitrak.com.au
Licensed Real Estate Agents, Auctioneers & Property Managers MREI, MSAA



ZAINA STACEY
Developmental Consultants

PO Box 1000 Torrens Park SA 5062
P. 08 8379 7979

E. planning@zainastacey.com
W. www.zainastacey.com

Please see the titling
costs for your site...

Torrens Title Boundary Adjustment Land Division Fees - 2015/2016 Financial Year

Client: John Lindner - 0424 563 511
Site: Rankine Road, Mile End

STAGE 1 – Fees for Council Planning Decision	
Timeframe: Allow up to 12 weeks for Council to issue a decision, possibly longer if additional information is requested such as a land-use application	
1. Survey Plan and Title Search – Government fees. <small>Ordering of existing approved government survey plans, certificates of title for adjoining sites, survey mark coordinates and other information as required</small>	\$330.00
2. Boundary Survey, Plan Drafting, Application Preparation and Lodgement <small>Preparation of the land division proposal plan, planning application, lodgement at the Development Assessment Commission</small>	\$3300.00
3. Planning SA Application Lodgement Fee <small>Government application lodgement fee for this financial year, charged by the Development Assessment Commission</small>	\$629.25
STAGE 1 PAYMENT – Required to initialise the formal land division application (incl. GST)	\$4259.25

STAGE 2 – Fees to complete the land division application after Council Planning Decision	
Timeframe: Allow approximately 12 weeks from the time you receive the Council planning decision (approval). This timeframe will depend on your ability to meet all conditions of approval and/or other building conditions	
4. Certified Final Plan and Boundary Pegging Plan <small>Preparing the certified plan of division for the Lands Titles Office and boundary pegging plan indicating how we placed survey marks on your land</small>	\$880.00
5. Application, Survey Report and Electronic Plan Lodgement at the Lands Titles Office <small>Payment of this enables lodgement of the required Survey Report at the LTO, and to lodge your plan of division at the Lands Titles Office for examination and approval.</small>	\$1005.10 1022.50
STAGE 2 PAYMENT - Required to finalise the land division and create two new titles	\$1,885.10

Investment required for the land division application (Stages 1 and 2 incl. GST)	\$6,144.35
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Please call or email to begin your application.

Michael Zaina
M. 0433 40 50 50
E. michael@zainastacey.com.au

David Stacey
M. 0430 630 012
E. david@zainastacey.com.au

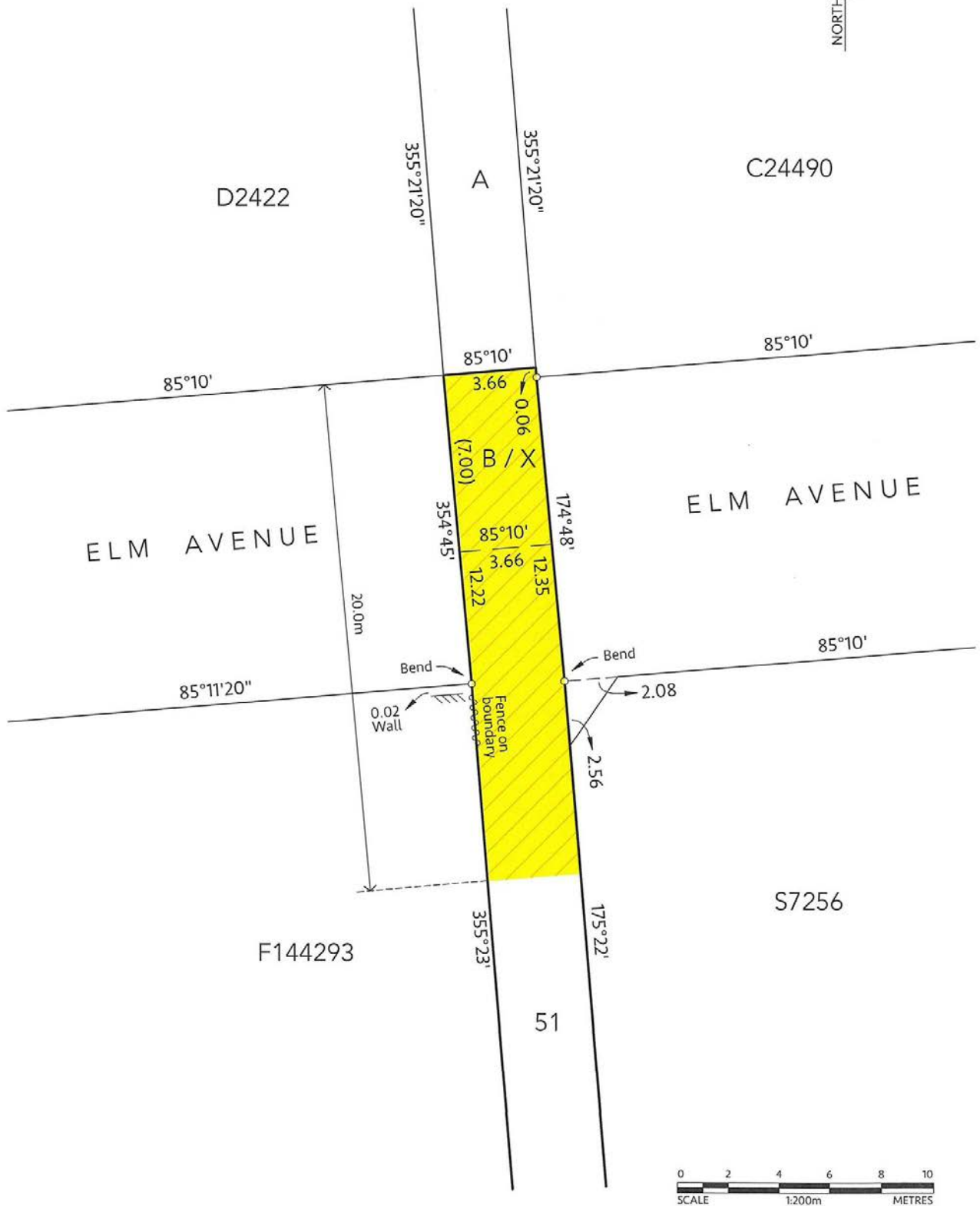
Fees valid for 60 days from the date of issue, unless the project enters a new financial year. All fees include GST where applicable. Government and SA Water fees increase on the 1st of July of each year. Where your application rolls over into a new financial year, you may be charged by the relevant Government authority fee at the new rate.

Water and sewer service fees are determined by SA Water and are payable within 60 days of SA Water issuing the service costing letter. Payment after 60 days may incur additional fees to SA Water. SA Water traffic management, main extensions and costs associated are determined by SA Water and are not the responsibility of Zaina Stacey Pty Ltd. SA Water determine the method of connection from existing street water and sewer main infrastructure. Zaina Stacey Pty Ltd is not responsible for any costs or delays incurred due to Government departments or SA Water, changing internal procedures, and SA Water extension of service mains, and /or Traffic management fees if applied by SA Water.

Additional service: We can manage all the required payments to EDALA, SA Water, Development Assessment Commission, Lands Titles Office and Council. 2.0% of total fee will be applied. This work includes the additional letters and correspondence required to satisfy relevant departments.

73m²

AREA OF LAND TO BE TRANSFERRED TO COUNCIL



11.3 Residential Infill Update 2016-17

Brief

This report provides Council with the updated information on the level of residential infill for 2016/17 as requested in the motion moved by Cr Woodward seconded by Cr Farnden at the meeting of Council on 4 July 2017.

RECOMMENDATION

That the information be noted.

Introduction

At the meeting of Council on 4 July 2017, Cr Woodward moved a motion seeking updated information on the level of infill development for West Torrens for 2016/17 which the Council resolved.

Discussion

At the meeting of Council on 4 July 2017, Council resolved the following motion moved by Cr Woodward seconded by Cr Farnden:

That Council provide updated information on the level of infill development for West Torrens for 2016/17, including the comparison to previous years, and on the same format that has been previously provided.

Council's Administration provides the following information:

Year	Infill Dwelling Approvals
2011-12	254
2012-13	133
2013-14	174
2014-15	213
2015-16	182
2016-17	244

Breakdown of infill dwelling approvals by suburb is as follows:

Suburb	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	Total
Ashford	4	0	0	1	0	5	10
Brooklyn Park	10	11	34	67	7	36	165
Camden Park	8	7	4	10	17	5	51
Cowandilla	3	4	2	0	2	0	11
Fulham	9	0	6	1	3	4	23
Glandore	0	4	8	0	8	0	20
Gleneig North	1	2	1	6	3	4	17
Hilton	1	1	0	2	0	2	6
Keswick	5	0	1	2	0	0	8
Kurralpa Park	7	15	8	13	19	48	110
Lockleys	20	16	12	16	17	46	127
Marleston	15	15	10	13	10	0	63
Mile End	15	3	6	7	15	10	56
Mile End South	0	0	0	0	0	0	0
Netley	0	1	5	4	7	2	19
North Plympton	11	15	18	26	26	13	109
Novar Gardens	10	0	1	2	5	0	18
Plympton	9	12	1	0	13	48	83
Richmond	88	5	23	16	8	12	152
Thebarton	0	6	7	5	3	0	21
Torrensville	15	7	7	12	12	3	56
Underdale	6	4	6	5	2	2	25
West Beach	10	5	1	5	2	3	26
West Richmond	7	0	13	0	3	1	24
Total	254	133	174	213	182	244	1200

Attachments

Nil

11.4 Urban Services Activities Report

Brief

To provide Elected Members' with information on activities within the Urban Services Division.

RECOMMENDATION

The Committee recommends to Council that the Activities Report be received.

Discussion

This report details the key activities of the City Assets, City Development and City Works Departments.

Special Project Work	
New Drainage System - Lockleys Catchment May Terrace Stage 3	The final elements of this project were successfully completed by the end of July 2017.
New Drainage System - Lockleys Catchment Henley Beach Road Crossings - Stage 4a Rutland Avenue	These works were all successfully completed by early July 2017.
New Drainage System - Lockleys Catchment Henley Beach Road Crossings - Stage 4b May Terrace and Rowells Road	Detailed design of this next stage of the greater Lockleys Drainage Upgrade has been completed. Tender and contract documents are currently being finalised and the call of tender for these civil works is scheduled for August 2017.
West Beach Drainage System - Flood Wall	A meeting with Ward Councillors, Council Administration and affected residents was held on 19 July 2017 to discuss the causes of the wall damage. The greater system operation and maintenance study joint project with AAL is continuing.
George Street, Thebarton Stormwater Drainage Upgrade and Road Reconstruction	Tender documentation for this project is being developed. It is currently scheduled that these works will be tendered during August 2017.
Dew Street and Maria Street, Thebarton, Stormwater Drainage Upgrade	These works have been detail designed in association with the George Street road and drainage upgrades and will also be tendered in association with George Street works in August 2017.

George Street and Dew Street, Thebarton, New Roundabout	The proposed roundabout in this location was identified as part of the LATM plan for the district. Further to this some Black Spot funding was allocated to this project to develop the design and advance works for the project. The new roundabout that required land acquisition has been detail designed and is being included in the package of works associated with the George Street road and drainage upgrades. As such these works are also due to be tendered in August 2017.
River Torrens Linear Park, (Pedestrian Light Project)	The River Torrens Linear Park Pedestrian Lighting Projects for 2017 / 2018 from Tapleys Hill Road, Fulham, to the Council boundary, (for both the north and south sides of the river) are currently in the design and documentation stage. The proposal is to commence site works early in 2018.
Westside Bikeway, Moss Avenue - Pedestrian Lighting	The Westside Bikeway Lighting Projects for 2017 / 2018 are currently in the design and documentation stage. The proposal is to commence site works along Birdwood Terrace, North Plympton, early in 2018.
Footpath/Kerb and Gutter Condition Audit	Contractors are currently undertaking the audit assessment of the condition of the footpath/kerb and gutter network. This project is on schedule to be completed by the end of July 2017.
Fungal Disease Affecting the London Plane Trees, Sir Donald Bradman Drive	<p>A fungal disease affecting several London Planes within the City (Platanus x hybrid) has been confirmed as Fusarium solani. This is the first known occurrence of the disease affecting London Plane trees in Australia.</p> <p>The first noted example of an infected London Plane in the City of West Torrens occurred in November 2015. The cause of decline in the tree could not initially be identified, despite laboratory testing. By November 2016 further testing of the same tree confirmed Fusarium solani as the cause of decline. Several other trees were also found to be infected by this time. To date, seven trees have been infected in the Council area at two locations. Five trees were on Sir Donald Bradman Drive and two others were in Wilson Street, Cowandilla.</p> <p>All trees known to be infected have been removed to limit further spread of the disease. The tree removal and disposal methods used were developed in collaboration with the South Australian Research and Development Institute (SARDI) and Arborists to minimise the risk of disease spread. The remaining tree population is being monitored closely by the Administration for any signs of the disease.</p> <p>There is currently no known effective treatment to control Fusarium solani for infected trees. Trees stressed by increasing temperatures and drought or a range of other urban factors are more likely to be affected by the disease. The disease can be spread by airborne spores, water, some insects, contaminated tools or equipment.</p>

	<p>It is not known at this time if a similar species, the Oriental Plane tree, or any other tree species within the City of West Torrens is likely to be affected. Methods for the preventative treatment of similar diseases in other tree species from around the world are currently being examined for their potential to assist with disease control in our London Plane trees. Trials to determine suitable methods of control are underway to determine if an effective method to prevent the spread of the disease can be developed.</p> <p>Effective sanitation practices are recognised as important measures in gaining control of the disease. As a result the Administration is currently examining its tree management practices with the aim of ensuring that the disease is not spread by its day to day tree management operations.</p> <p>The Administration continues to collaborate with other Councils, relevant agencies and specialists to contain and control this disease outbreak to the best of its ability.</p> <p>The emergence of <i>Fusarium solani</i> in our London Plane tree population highlights the vulnerability of tree populations containing large numbers of the same tree species. In the future, the City of West Torrens will seek to increase the diversity of species in its tree population in order to limit the potential for further disease outbreaks of this nature.</p>
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Capital Works

Road Reconstruction Works	<p>The following is an update on roadworks occurring in our City:</p> <p>West Beach Road - detailed concept design works are completed and the Administration are continuing to work with the City of Charles Sturt to identify funding opportunities.</p> <p>Design and documentation are currently being undertaken for the following roads:</p> <ul style="list-style-type: none"> - Wainhouse St - 9335 (Ashley St to Carlton Pde) - Britton St - 1130 (Marion Rd to Norwich St) - Mortimer St (Gray St to Grassmere St) - St Andrews Cres - 8650 (Sunningdale Ave to Bonython Ave) - St Andrews Cres - 8650 (Bonython Ave to Hoylake St) - Aldridge Tce - 0080 (Richmond Rd to Lucknow St) - Toledo Ave - 9070 (User Ch 40 to City Boundary) - Cambridge Ave - 1440 (Toledo Ave to User Ch 210) - Birmingham St - 0900 (South Rd to Pymbrah Rd) - White Ave - 9610 (Tracey Cres to Pierson St) - George St (South Rd to Dew St) - detailed design and tender documentation are completed. The calling of Tenders is scheduled during August 2017. - West Thebarton Rd / Phillips St - consultation done and detailed design underway.
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Undergrounding of Power West Thebarton Rd / Phillips St, Thebarton	Power pole and cabling works are ongoing. SA Power Networks (SAPN) have finalised replacement of contractors to complete the civil works for undergrounding of the power lines. Due to contractual issues, SAPN have now advised that the completion date for the project would be December 2017.
Kerb & Watertable and Road Reseal Program	Planning and programming of works underway for 2017 / 2018.
Footpath Program	Planning and programming of works underway for 2017 / 2018. Notification letters have been distributed to affected residents.
Bicycle Management Schemes	Works complete for the shared use path installation along Beare Avenue, north of Watson Avenue.
Playground Upgrade 2016/2017	<p>The following is an update on the program of works:</p> <ul style="list-style-type: none"> - Memorial Gardens, Hilton - Draft concept / draft plans are currently being reviewed / updated by the Administration. Further details will be provided to Elected Members on completion of the concept / draft plans. - Kesmond Reserve, Surrey Road, Keswick - Playground works are completed. Currently additional improvement works are underway to upgrade the reserve area. - Camden Oval - Playground and shade by bowling / tennis club completed. - Lyons Street Reserve, Brooklyn Park - Works are currently in progress, expected to be completed in August. - Joe Wells Reserve, Netley - Works are scheduled to commence in August. - Kings Reserve, Torrensville - Draft concept plans have commenced together with the development of the site Masterplan for the Kings Reserve. The project will include the expansion of the existing skate bowl and development of a larger playground facility aimed at older children.
Reserve Irrigation Upgrades 2016/17	<p>The following is a status update on the current program of works:</p> <ul style="list-style-type: none"> - Carolyn Reserve, Fulham - Complete - Kings Reserve, Torrensville (staged project) - In progress - Richmond Oval, Richmond - Complete - Golflands Reserve (western section), Glenelg North - Complete - Tyson Avenue (wide verge area), Ashford - Complete - Frank Norton Reserve, Torrensville - In progress - East Parkway Reserve, Fulham - Complete - Westside Bikeway (between Barwell Ave / Dog Park) - Complete

Parking and Traffic Management	
Torrensvile/Thebarton LATM	<p>Detailed development of the following projects is continuing:</p> <ul style="list-style-type: none"> • North Parade and Shipster Street kerb extension • George Street and Albert Street intersection • Concept plan development for Ashley Street (between Holbrooks Road and Hayward Avenue) <p>The following projects are underway/completed:</p> <ul style="list-style-type: none"> • North Parade and Wainhouse Street kerb extension - Complete • Hardys Road and Ashley Street roundabout (Black Spot funding received - \$79,950) - Detailed design complete and works awarded. Works are scheduled to commence during August 2017. • Ashwin Parade and Hardys Road intersection realignment has commenced with the relocation of services currently being scheduled.
Novar Gardens/Camden Park LATM	<p>LATM questionnaires for Novar Gardens/ Camden Park were distributed on 1 June 2017. Turning movement counts have been undertaken.</p> <p>Community feedback currently being reviewed to develop draft solutions. Working Party meeting soon to be convened.</p>
Richmond/Mile End LATM	Baseline traffic data is currently being collected.
Resident Win Projects	<p>Tree Top School - Ashford Resident Win Project - The proposed renewal of pavement markings, installation of new parking signs, installation of new fences and pedestrian ramps along Tyson Street and Farnham Road are underway. Consultation with affected residents has been undertaken.</p> <p>Daly Street Resident Win Project by [REDACTED] - The proposed centre line marking along Daly Street is currently underway.</p>
Parking Review	The existing 2 hour time limit parking zone along Huntriss Street between Henley Beach Road and properties number 7 (west side) and 8 (east side) is proposed for extension to 3 hour time limit. Notification letter has been sent out to affected residents and parking signs will be updated in the coming week.
Pedestrian Refuge(s) implementation	<p>The construction of a Pedestrian Refuge on Everard Avenue is now completed and operational.</p> <p>The construction of a Pedestrian Refuge on Mortimer Street is underway and anticipated for completion in August.</p>

Cowandilla Primary School & Jenkins Street precinct	<p>Conceptual design of children crossing changes has been developed. The Administration has met with the school governing council to review the concept design.</p> <p>Jenkins Street (Koala crossing) - Works complete and now operational.</p> <p>Jenkins Street (Emu crossing) corner of August Street - Design is underway.</p>
Parliamentary Inquiry into the Regulation of Parking and Traffic Movement in South Australia	Council has submitted a response regarding the Legislative Review Committee Inquiry into the Regulation of Parking and Traffic Movement to the Parliament South Australia on 21 July 2017.

Property and Facility Services

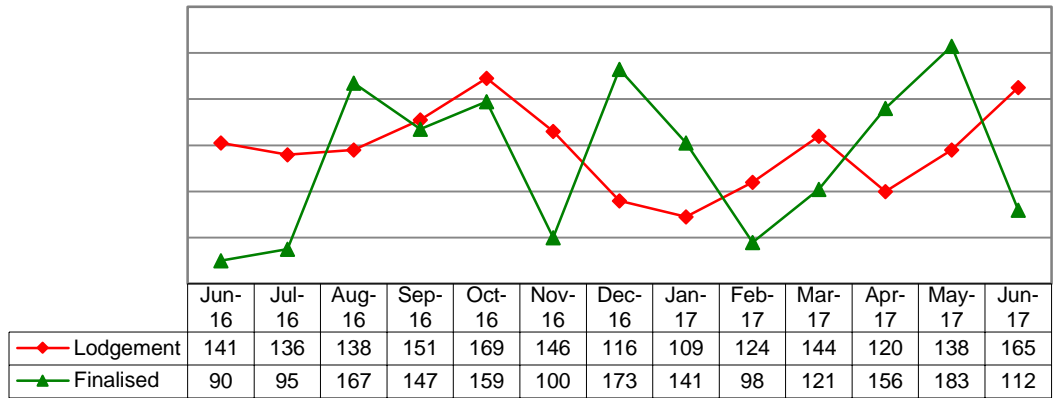
Weigall Oval	Council has been advised that its grant application (SGLIP Grant) has been successful. Additional funding commitment requires Council consent. Awaiting receipt of funding document for a report to be presented to Council. Request For Tender for Stage 1 has been called and closes at 2.00pm on 24 August 2017.
Lockleys Oval Masterplan	<p>A report was provided to Elected Members at the Community Facilities Committee meeting held on 25 July 2017 updating Members on the status of the Lockleys Oval project as well as a recount and clarification of a number of relevant matters relating to the project.</p> <p>Ongoing meeting with consultants in regard to detailed design plans are taking place.</p>
Apex Park Masterplan	<p>A report was provided to Elected Members at the Community Facilities Committee meeting held on 25 July 2017 updating Members on the status of the Apex Park project as well as a recount and clarification of a number of relevant matters relating to the project.</p> <p>Request For Tender for Stage 1 has been called and closes at 2.00pm on 12 August 2017.</p>
Camden Oval Masterplan	<p>A report was provided to Elected Members at the Community Facilities Committee meeting held on 25 July 2017 updating Members on the current status of this project.</p> <p>Ongoing meetings occurring with the architect to progress design of clubroom facilities with feedback being sought from tenants. Meeting has occurred with Planning Consultant regarding the heritage olive grove.</p>

Kings Reserve Masterplan	<p>A report was provided to Elected Members at the Community Facilities Committee meeting held on 25 July updating Members on the current status of this project.</p> <p>A community Consultation Plan has been developed and implementation will begin in August 2017. A report will be presented to Council with the results of the consultation later in the year.</p>
Cummins House	<p>State Government have committed to extend the Council's lease for Cummins House until December 2018. During the lease period, negotiations will continue in order to determine whether a long term lease (20 years) agreement will be effected or whether Council will acquire Cummins House from the State Government.</p> <p>The Cummins Society and caretakers have been informed of the lease extension.</p> <p>Currently advertising for new caretakers.</p>
Torrensville Bowling Club	<p>Lease negotiations completed. Public consultation closed on 31 May 2017 with no comments received. The final Lease is being prepared for signing.</p>
Craig Street road closures	<p>No response has been received from adjoining owners in regards to possible purchase of portion of roadway by required expiry date. Preliminary documentation has been lodged with the Surveyor-General's Office. Once preliminary plan number has been provided, public consultation will commence.</p>
Packard/Allchurch road closures	<p>Preliminary plan signed for lodgement with the Surveyor-General.</p> <p>Public consultation to commence shortly.</p>
Star Theatre Complex	<p>The works program for the staged program is continuing to be finalised in consultation with the tenant and a detailed design is underway. The program of works will be delivered to ensure minimal impact on the Theatre's schedule of events.</p> <p>A staged procurement process has commenced on the program of works.</p>
Thebarton Community Centre	<p>A report was provided to Elected Members at the Community Facilities Committee meeting held on 28 March 2017 to address the matters raised regarding the building functionality. As recommended, the Administration is continuing to develop a detailed design and technical specification for this project.</p> <p>A further report will provided back to the Community Facilities Committee on completion of this stage.</p>

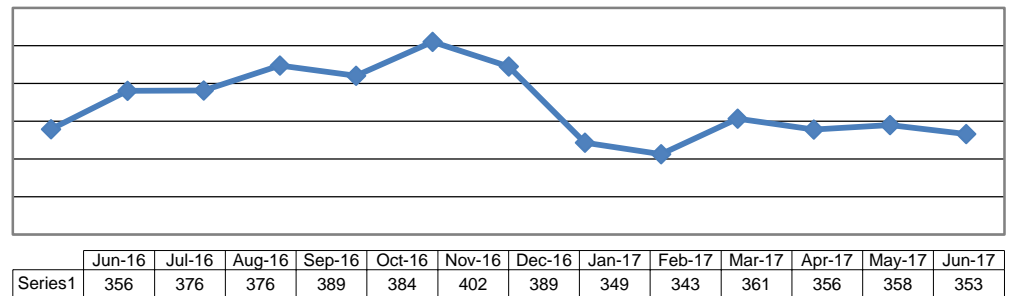
Civil and General Maintenance				
Monthly Update	Concrete, Block Paver & Asphalt Footpath/Dr Crossover		704m ²	
	Kerbing & water table / Invert		30m	
	Road Repairs		19m ²	
	Line marking - Traffic Management		704m	
	Line marking - Parking Control		210m	
	Graffiti Removal	Council property		19 locations (144m ²)
		Private property		60 locations (221m ²)
		Bus stops		4 locations (5m ²)
	Signage	Regulatory		71
Street nameplates		8		
Drainage and Cleansing Services				
Monthly Update	Pump Station inspections	Chippendale	Completed	
		Shannon	Completed	
		Riverway	Completed	
		West Beach	Completed	
		Duncan - Laneway (Lockleys)	Completed	
	Illegal rubbish dumping		4t	
	Road Sweepers		159t	
Horticulture Services				
Monthly Update	Trees Pruned		1,115	
	Removals		88	
	Weed Control (Reserves, Verges, Traffic Islands)		26,030L	

Development Assessment

Development Applications

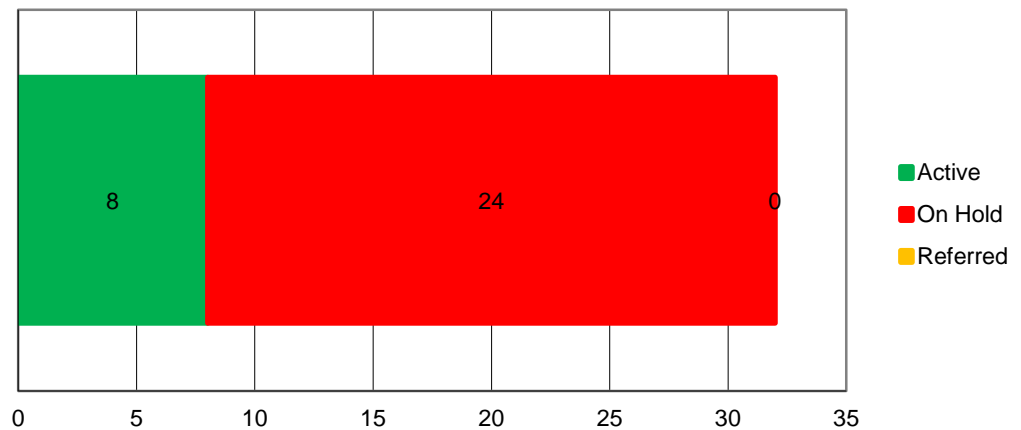


Active files - Development Approval



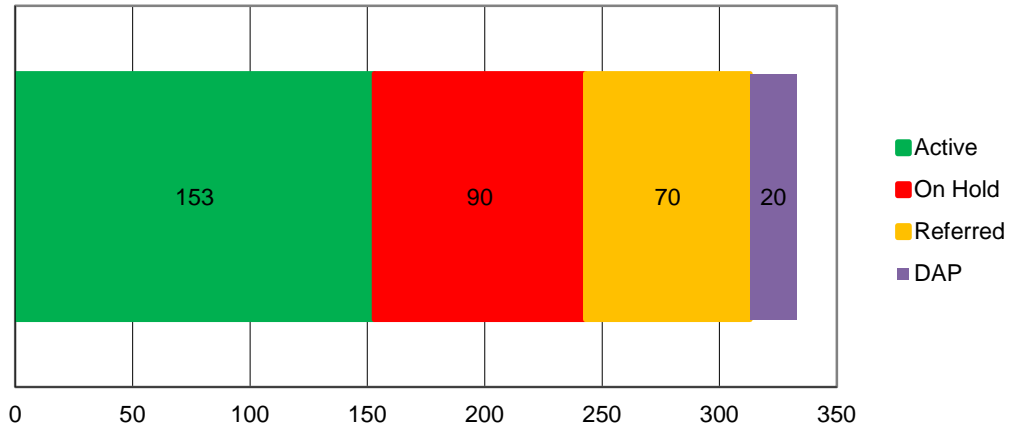
Active files shows all development applications that have been lodged with Council but are yet to receive a decision, it includes applications for Development Plan Consent, Building Rules Consent and Land Division Consent.

Current Applications - Building Rules Consent



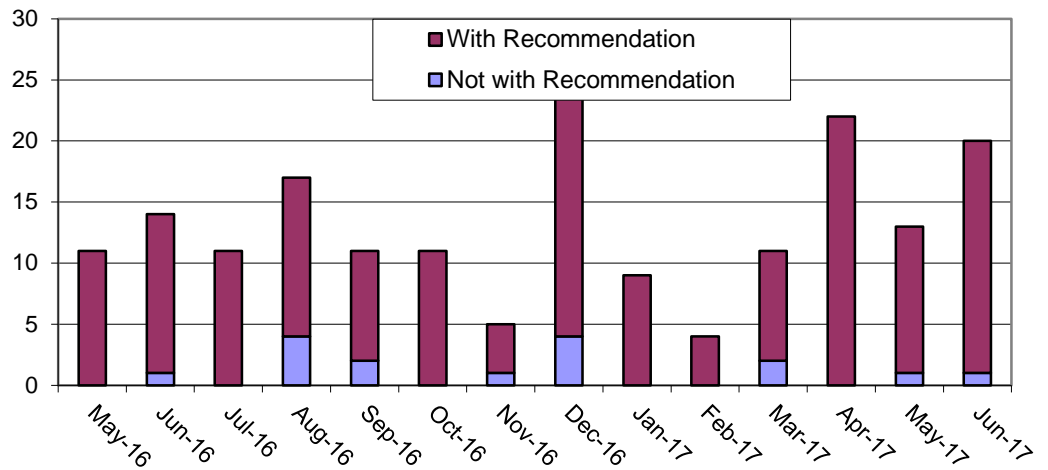
Building Rules Consent, is the process where applications are assessed against the Building Code of Australia (BCA), not all applications are assessed against the BCA (e.g. land divisions, tree removals) and some are only assessed against the BCA.

Current Applications - Development Plan Consent

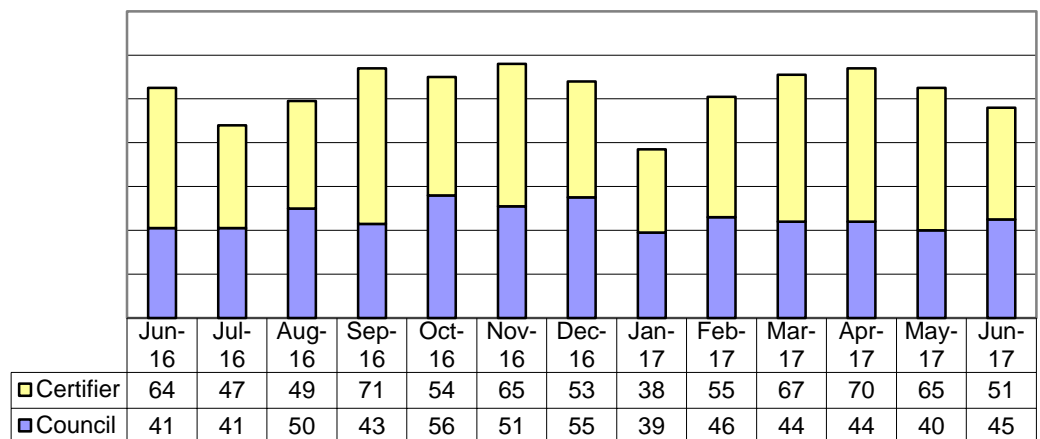


Development Plan Consent, is the process where applications are assessed against the City of West Torrens Development Plan (DP) not all applications are assessed against the DP (e.g. Residential Code and Building Rules only) and some are only assessed against the DP (eg land divisions, tree removals).

Development Assessment Panel Decision

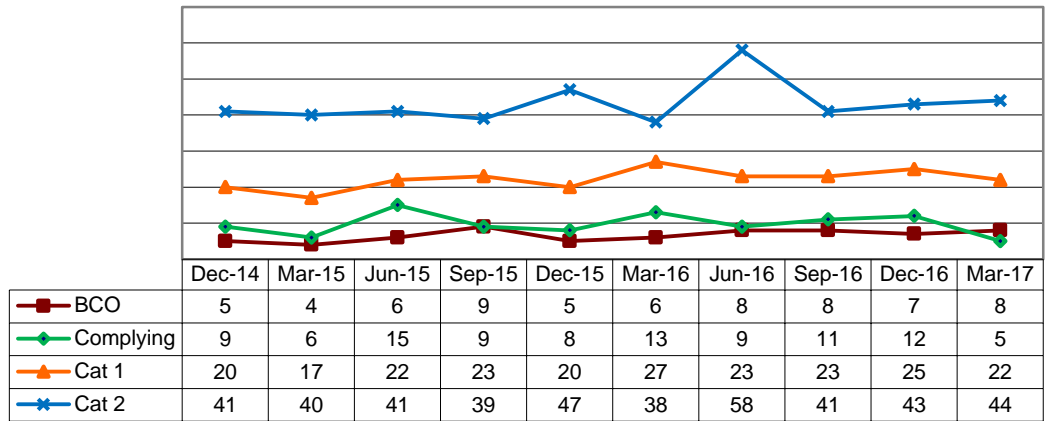


Building Rules Consent issued



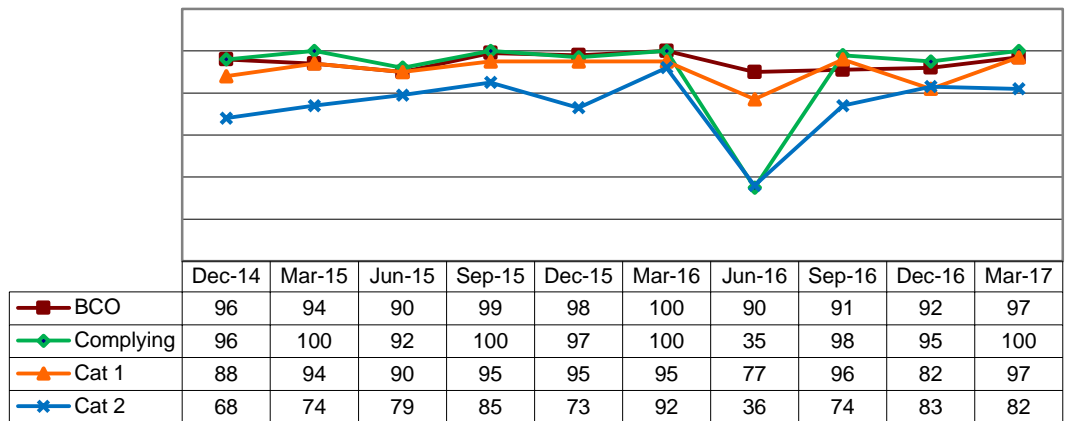
Not all Building Rules Consents are assessed by Council, about half are assessed by private assessors known as Private Certifiers, these privately certified assessments still need to be registered and recorded with Council.

Median Assessment Timeframes



Maximum Statutory Timeframes are as follows:
 Building Code Only (BCO) - 20 days
 Complying - 30 days
 Category 1 - 60 days
 Category 2 - 60 days

Percentage of DAs that met Statutory Timeframes



Maximum Statutory Timeframes are as follows:
 Building Code Only (BCO) - 20 days
 Complying - 30 days
 Category 1 - 60 days
 Category 2 - 60 days

Compliance

Month/Year	No of Actions Received	Actions Resolved within the month	Actions Resolved from previous months	Total Ongoing Actions	Section 84 Issued	Section 69 Issued	New Actions with ERD Court	Resolved Actions with ERD Court	Total ongoing Actions with ERD Court	Section 51 Clearances
Jul 16	16	13	14	67	-	-	-	-	3	8
Aug 16	16	8	19	56	-	-	-	-	3	14
Sep 16	19	19	12	44	-	-	-	-	3	6
Oct 16	16	13	1	46	-	-	-	-	3	8
Nov 16	20	16	7	43	1	-	-	-	3	13
Dec 16	16	8	0	51	3	-	-	1	2	9
Jan 17	19	14	0	56	1	-	-	-	2	11
Feb 17	11	7	0	60	-	-	-	-	2	5
Mar 17	27	24	8	55	-	-	-	-	2	10
Apr 17	10	5	7	53	-	-	-	-	2	7
May 17	13	9	10	47	1	-	-	1	1	18
Jun 17	16	6	0	57	-	-	-	-	1	13

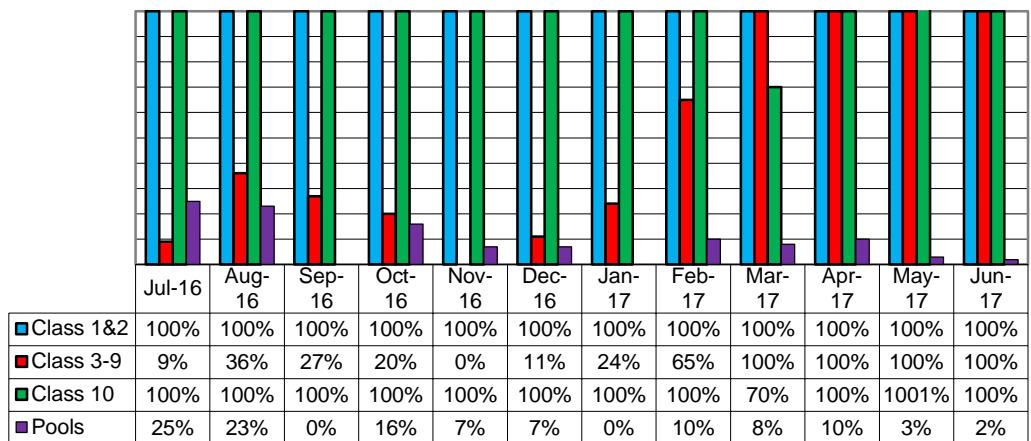
Compliance actions include investigating potential use of properties for activities that haven't been approved, buildings being constructed without the required approvals, checking of older buildings that may be becoming structurally unsound.

Sec 84 notices are the first stage of prosecution for unapproved development.

Sec 69 notices are the first stage of prosecution for unsafe buildings.

Sec 51 clearances, refers to the final check of properties with approval to subdivide, this is where we give the all clear for new Certificates of Title to be issued.

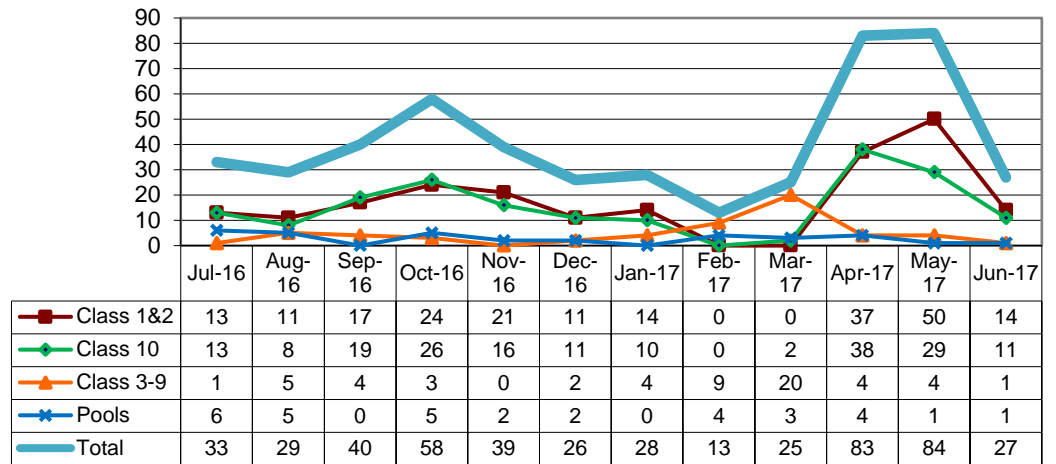
Building Inspections



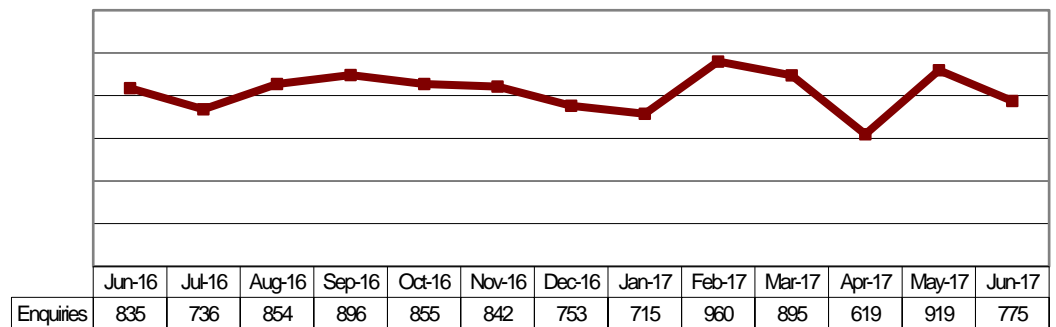
The Development Act and Council's Building Inspection Policy requires that a minimum number of approved buildings are inspected for compliance with their associated Development Approval documentation. In addition there is a requirement to undertake a pool safety inspection upon all swimming pools approved for construction. Class 1 & 2 refers to houses and units, Class 3-9 refers to commercial, industrial and community buildings, Class 10 refers to verandahs, sheds, fences etc. Where 100% of inspections have not been met in a month the requirement is rolled over to the next month until all required inspections have been undertaken.

NOTE: Only successful inspections are recorded, failed inspections are listed for re-inspection

Actual Satisfactory Building Inspections Undertaken



ePathway Development Application Enquiries

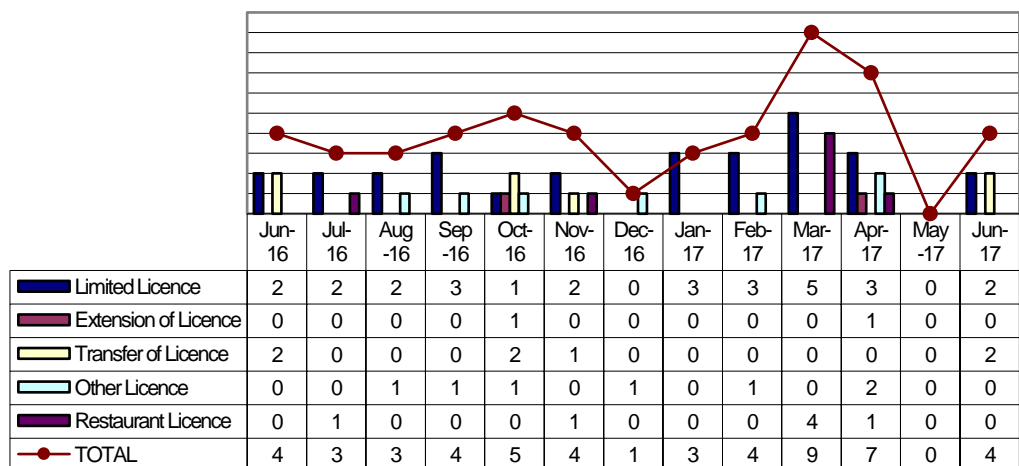


Since 2011, people have been able to check the progress of their own development applications or check the history of development applications on an allotment via the internet on Council's website.

Since 2013, the department has been adding historic applications to this system with the aim of creating a database where all of the area's application history can be accessed electronically; we expect this project to be completed by mid-2017.

Liquor Licence

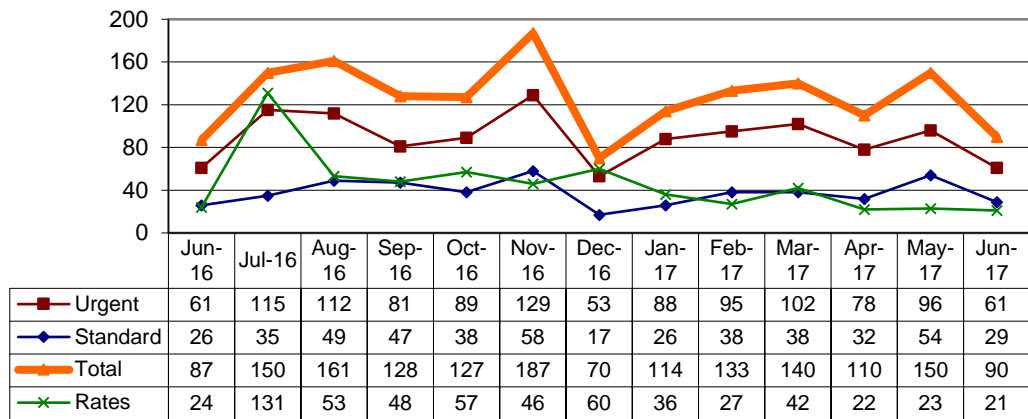
Licence Applications



When an application is lodged with the State Government's Office of Liquor & Gambling (OLG), it is also required to be referred to Council for our comment. The proposals are handled in accordance with our Liquor Licensing Policy, and Limited Licence applications are referred to the relevant Ward Councillors for their comment prior to feedback being sent to the OLG.

Section 12 Searches

Section 12 Searches



When a property is purchased, the purchasers are provided with a Form 1 (commonly known as cooling off paperwork) Council contributes to this Form 1 with a Section 12 Certificate, the certificate provides the potential purchaser with all relevant known history for the property. Prior to settlement on the property the relevant Conveyancer will also request a Rates statement from Council to ensure the appropriate rates payments are made by the purchaser and the vendor (seller).

Attachments

Nil

12 MEETING CLOSE

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1 MEETING OPENED**2 PRESENT****3 APOLOGIES****Leave of Absence:**

Cr Garth Palmer

Apologies**Council Members:**

Cr John Woodward

4 DISCLOSURE STATEMENTS

Committee Members are required to:

1. Consider Section 73 and 75 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75A of the *Local Government Act 1999*.

5 CONFIRMATION OF MINUTES**RECOMMENDATION**

That the Minutes of the meeting of the Governance Committee held on 4 July 2017 be confirmed as a true and correct record.

6 COMMUNICATIONS BY THE CHAIRPERSON**7 QUESTIONS WITH NOTICE**

Nil

8 QUESTIONS WITHOUT NOTICE**9 MOTIONS WITH NOTICE**

Nil

10 MOTIONS WITHOUT NOTICE

11 GOVERNANCE REPORTS

11.1 South Australian Planning Reform Implementation Progress Report - July 2017

Brief

This report presents the July 2017 update on the status of the implementation of the South Australian Planning Reform, including the transition from the *Development Act 1993* to the *Planning, Development and Infrastructure Act 2016 (Act)*, and the implementation of associated legislation and statutory planning documents.

RECOMMENDATION

The Committee recommends to Council that the South Australian Planning Reform Implementation Progress Report - July 2017 be received.

Introduction

A report is presented to each meeting of the Governance Committee detailing the progress of the various elements of the implementation of the 'South Australian Planning Reform' incorporating the implementation of the Act, the staged proclamation of specific sections as well as related legislation and statutory planning documents prepared under the Act or by the Department of Planning, Transport and Infrastructure (DPTI).

Discussion

Staged proclamation of the Act and Regulations
Planning, Development and Infrastructure Act 2016 (the Act)
No further sections of the Act have been proclaimed since the last implementation progress report.
Planning, Development and Infrastructure Regulations
No further regulations relating to Act have been proclaimed since the last monthly report.
Ministerial Advisory Committees
In her capacity as a member of the Local Government Advisory Committee, Ms Hannah Bateman attended the first meeting of this committee on 17 July 2017. The committee received an update on the Planning Reform agenda and the development of the Community Engagement Charter. Agendas and minutes of all three Advisory Committees are intended to be made publically available on the SA Planning Portal Website.

Statutory Planning Documents

State Planning Policies

The Act provides for the development of State Planning Policies. The State Planning Policies will be key inputs to the development of the Planning and Design Code. DPTI staff have identified the following potential State Planning Policies to be prepared by State Government agencies:

- Designing Liveable Neighbourhoods
 - Design Quality*
 - Integrated Planning*
 - Affordable Living
- Facilitating Economic Growth
 - Adaptive Re-Use*
 - Character Preservation Areas
 - Primary Production/GQAL
 - Key Resources
 - Employment Lands
- Creating a Sustainable Environment
 - Climate Change*
 - Special Legislative Schemes*
 - Coastal Environment
 - Culture and Heritage
 - Water Security
 - Water Quality
- Developing Resilience to Hazards and Disasters
 - Natural Hazards
 - Flooding
 - Coastal
 - Bushfire Protection
 - Emissions and Hazardous Activities
- Maximising the Efficient Use and Integration of Infrastructure
 - Energy
 - Strategic Transport Corridors
 - Strategic Intermodal Facilities
 - Strategic Ports
 - Strategic Airports

* These policies are required under the PDI Act while the others are those identified by DPTI as potential policies.

The Administration is tracking the development of these policies and identifying opportunities for involvement. The State Planning Policies are required to be publicly consulted before they are approved by the Minister for Planning.

Community Engagement Charter

The Act requires the State Planning Commission to establish and maintain a Community Engagement Charter (Charter) by 1 October 2017. The Act requires public participation in the preparation or amendment of any statutory instrument to be undertaken in accordance with the Charter. This includes consultation on strategic and policy planning documents under the Act such as State Planning Policies, Regional Plans, Planning and Design Code and Design Standards.

The State Planning Commission (SPC) is leading an innovative, deliberative process, facilitated by consultants, democracyCo, which will see community, industry and public and private sector practitioners collaborate to draft the Charter's principles and framework, setting the expectations for engagement in planning and the decisions that they apply to.

The Charter development process is different to usual Development Act submissions process in that the consultation process is ongoing and has a range of opportunities to provide input.

There are three key groups working on the development of the draft Charter:

- Planning Together Panel - a randomly selected, statistically representative group of 50 community members who are tasked with developing the draft Charter in collaboration with representatives from the planning sector and other groups with an interest in planning. This group will meet for four full days over two weekends (1 to 2 July and 29 to 30 July 2017).
- Practitioner Group - a hand-selected group of senior planning professionals (encompassing local and state government, peak bodies and consultants) tasked with providing industry perspective and context for the Panel and ensuring the Charter's decision-making framework is relevant and practical in a strategic planning policy setting.
- Broader Stakeholder Group - includes planning practitioners and groups and individuals with an interest in the planning system (around 50 people), who are contributing their knowledge and experience of the planning system to the Planning Together Panel discussions.

On 1 and 2 July 2017, the Planning Together Panel and Broader Stakeholder Group deliberated the potential principles of the Charter. The facilitated and deliberative process considered what better community engagement in the planning system could look like. The Planning Together Panel identified 10 draft principles which were tested against common planning scenarios, to see if they could lead to better planning outcomes.

On 29 and 30 July 2017, the Planning Together Panel, with practitioners and stakeholders, will further develop the principles, define the desired outcomes and start the thinking around performance measures for the principles. The Planning Together Panel will hand over its input to the draft Charter to the SPC.

The SPC proposes to make the draft Charter publically available in mid-August. A facilitated Elected Member session, in partnership with the Local Government Association, is proposed to be held at this time. It is envisaged that the session will provide an opportunity for Elected Members to consider the draft Charter and perhaps use case studies to facilitate a discussion on how the Charter could operate. Details on the session are yet to be provided.

Members of the public may also contribute to the Charter drafting process by responding to an online survey on the YourSay website at: <https://yoursay.sa.gov.au/decisions/community-engagement-charter-planning>

A report addressing the Community Engagement Charter is scheduled to be presented to Council at its 15 August 2017 meeting.

Acts, Regulations and Statutory Planning Documents previously reported on where status remains unchanged

- Local Heritage Reform Bill.

Council Of West Torrens Administration PDI Working Groups**Online Lodgement & Electronic Processing**

The development of an online lodgement solution for development applications received by the City of West Torrens is progressing and is on target to be in place by the end of August 2017.

The Administration has responded to DPTI's recent ePlanning Capabilities Survey to identify the existing capabilities and needs of organisations, including councils, in regards to the provision of ePlanning Services.

Policy Research and Advocacy

Research relating to the future of employment lands in the City of West Torrens has been commissioned. The Administration is also conducting research on the other priority policy themes, including aircraft noise.

A report addressing the recent draft Design Guidelines for Housing Choice and Design Quality and the related IMMC (Design) Development Plan Amendment is included in this Council meeting agenda.

The Administration is also closely tracking the release of any information on the proposed State Planning Policies (particularly on Strategic Airports), and the Planning and Design Code, including upcoming thematic discussion papers.

Assessment Panels

The Administration is preparing for the recently announced 1 October 2017 commencement date for the new Assessment Panel requirements. An Elected Member Workshop on the implementation of the Council Assessment Panels was held on Thursday 6 July 2017.

A report addressing the appointment of an Assessment Panel by Council is scheduled to be presented to Council at its 5 September 2017 meeting.

Community and Stakeholder Engagement

The SPC is currently drafting the Community Engagement Charter as a requirement of the Act. A report addressing the Community Engagement Charter is scheduled to be presented to Council at its 15 August 2017 meeting.

The winter edition of Talking Points will contain an article on the Planning Reform.

Conclusion

The July 2017 Planning, Development and Infrastructure Act 2016 implementation report is current as at 26 July 2017.

Attachments

Nil

11.2 Section 270 Internal Review of Council Decisions Annual Report

Brief

This report presents the 2016-2017 annual report detailing those requests for internal reviews of Council decisions in accordance with section 270(8) of the *Local Government Act 1999*.

RECOMMENDATION

The Committee recommends to Council that the 2016-2017 Section 270 Internal Review of Council Decisions Annual Report be received.

Introduction

Section 270(8) of the *Local Government Act 1999* (the Act) requires Council to consider a report in relation to requests for internal reviews of Council decisions on an annual basis. In particular the Act prescribes that the following matters must be considered:

- The number of applications for review made under this section.
- The kinds of matters to which the applications relate.
- The outcome of applications under this section.
- Such other matters as may be prescribed by the regulations.

Consequently, this report provides the required information to ensure Council's conformance with section 270(8) of the Act.

Discussion

Section 270(1) of the Act provides that a person may apply for the internal review of a decision of:

- Council
- Employees of the Council
- Other persons acting on behalf of Council.

General Requests for Internal Review

Three (3) requests for an internal review of a Council decision were received during the 2016/17 financial year as follows:

Description of Matter	Date Received	Outcome of review
Review of the decision to refuse a sponsorship application.	7 December 2016	Review completed and decision upheld.
Review of the decision in relation to a waste collection service	4 February 2017	Review completed and decision upheld.
Review of the decision associated with back yard burning that is before the court.	22 June 2017	Carried forward.

This compares with four (4) requests made for an internal review of a Council decision during the 2015/16 financial year.

Internal Review of Expiation Notices Requests

In addition to the three general requests received, 1726 requests for an internal review of an expiation notice were received. Of these requests 481 expiation notices were waived.

This compares with 325 requests for internal reviews of expiations issued during the 2015/16 financial year.

In accordance with the *Council Policy - Customer Complaints* the Administration received and managed requests for service and general complaints within the 2016/17 financial year.

Conclusion

This annual report has been prepared pursuant to section 270(8) of the Act.

Attachments

Nil

11.3 Annual Report - Confidential Items 2016-17

Brief

This report presents the 2016-17 annual report of confidential items pursuant to the requirements of the *Local Government Act 1999*.

RECOMMENDATION

The Committee recommends to Council that the Annual Report - Confidential Items 2016-17 be received.

Introduction

Schedule 4 of the *Local Government Act 1999* (the Act) requires the inclusion of a summary of confidential items in Council's Annual Report. In addition, a report is required to be presented to Council, on an annual basis, on the use of s90 and s91 of the Act (confidentiality orders). This report, pursuant to Schedule 4 of the Act, details the use of these provisions during the 2016-17 financial year as well as the use of s56A(12) of the *Development Act 1993* by the Development Assessment Panel (DAP).

Discussion

Council and Committee Meetings and Minutes

Section 90(1) of the Act specifies that Council and Council Committee meetings must be conducted in a public place but recognises that on occasions this principle is outweighed by the need to keep information or discussions confidential. Consequently, s90(2) provides Council or a Council Committee with the ability to order the exclusion of the public from the relevant section of a meeting to enable it to consider and discuss a matter in confidence. However, this order can only be invoked in relation to subject matter detailed in s90(3) of the Act, i.e. matters or information relating to actual litigation, tenders for the supply of goods, the provision of services or the carrying out of works etc. and, if required, the subject matter passing the public interest test.

Number of Confidential Orders Invoked During 2016/17

During the 2016-17 financial year, Council and Council Committees invoked s90(3) a total of nine (9) times in order to consider and discuss matters in confidence, as detailed in the table below (**Attachment 1**). This equates to **1.92%** of all business items presented to Council during the 2016-17 financial year and is significantly lower than the arbitrary maximum of 3% proposed by the South Australian Ombudsman in 2012, in his report entitled "In the Public Eye".

Minutes

Section 91 of the Act subsequently provides that the Chief Executive Officer (CEO) must ensure that the minutes of Council or Council Committee meetings are kept. It should be noted that while Council or Council Committee may discuss a matter in confidence at a meeting, when possible it will release the minutes of the confidential items along with the remainder of the minutes of that meeting, usually on the Friday following the meeting. However, s91(7)(a) and (b) of the Act provide that the agenda, documents and minutes of a matter considered in confidence may be retained in confidence if Council so orders. This 'confidential order' must specify the duration of the confidential order and the reasons why the matter is being retained in confidence and, if required, how the confidential order passes the public interest test.

Status of Confidential Orders

Of the nine (9) business items considered in confidence during the 2016/17 financial year:

- Documentation associated with one (1) of these business items was released within 6 months of the meeting or following the conclusion of the confidentiality order.
- Documentation associated with two (2) of these business items was released within 7 months of the meeting or following the conclusion of the confidentiality order.
- Documentation associated with one (1) of these business items was released within 8 months of the meeting or following the conclusion of the confidentiality order.
- Documentation associated with the remaining five (5) business items continues to be subject to confidentiality orders and retained in confidence as at 30 June 2016.

The table in **Attachment 1** details:

- The use of s90(3) by Council and Council Committees to enable them to discuss a matter in confidence;
- The use of s91(7) to retain the associated documents in confidence; and
- The status of the s91(7) order as at 30 June 2017.

Development Assessment Panel Meetings and Minutes

Section 56A(12) of the *Development Act 1993* provides the Development Assessment Panel (DAP) with the ability to consider and discuss a matter in confidence where the matter meets the criteria detailed in that section.

During the 2016-17 financial year, ten (10) items of DAP business were dealt with in confidence pursuant to s56A(12)(a)(vii) and s56A(12)(a)(viii) in that the disclosure of information within the business items 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 and related to legal advice. This equates to **6.06%** of all business items presented to DAP during the 2016/17 financial year however, due to the judicial nature of the DAP, its business items are not subject to the arbitrary 3% maximum proposed by the Ombudsman in his 2012 report, 'In the Public Eye'.

All items dealt with and retained in confidence, in accordance with the provisions of section 56A(12)(a)(vi) and (viii) of the *Development Act 1993*, were unavailable for public viewing until resolved by the Environment, Resources and Development (ERD) Court. Of the ten (10) business items retained in confidence, five (5) were released throughout the year and five (5) continued to be subject to confidentiality orders and retained in confidence as at 30 June 2017.

The table in **Attachment 1** details the status of the ten (10) items considered and retained in confidence by the DAP.

Informal Gatherings

New regulations governing the contents of Council's informal gatherings policy commenced 24 November 2016, prior to this date Elected Members participated in 12 informal gatherings which were for the sole purpose of providing education/training or information to Elected Members. No decisions were made, nor were they held in such a way as to effectively obtain a decision outside of a Council meeting.

Designated Informal Gatherings

Subsequent to the commencement of the new regulations on 24 November 2016, Elected Members participated in seventeen (17) designated informal gatherings, of which three (3) were designated confidential by the Chief Executive Officer pursuant to section 90(8) of the *Local Government Act 1999* and 8AB of the *Local Government (General) Regulations 2013*, as detailed in **Attachment 1**. No decisions were made, nor were they held in such a way as to effectively obtain a decision outside of a Council meeting.

Conclusion

This report presents the 'Confidential Items Annual Report' in accordance with the requirements of the *Local Government Act 1999*

Attachments

1. Items held in confidence during the 2016/17 Financial Year

Council and Committee Meetings and Minutes

Use of Section 90(3) and 91(7) during the 2016/17 Financial Year

Section	Number of Times Invoked	Subject	Date Invoked	S91(7) invoked in relation to the following documents	Status of Order at 30 June 2017
s90(3)(g)	1	Brown Hill Keswick Creek Stormwater Project - Auditor General's Report	2 August 2016 Duration: 12 months or until the Auditor-General's report is placed in the public domain through the Parliamentary reporting process, whichever occurs first.	The report relating to the Brown Hill and Keswick Creek Stormwater Project - Auditor-General's Report, the Minutes arising from the report (Item 21.1 Brown Hill Keswick Creek Stormwater Project - Auditor-General's Report), attachments and any associated documentation.	Released 24 May 2017
s90(3)(a)	1	Chief Executive Officer's Performance Review - 2016	22 September 2016 (CEO's Review Committee) Duration: 6 months	The report, the minutes arising from the report, and any associated documentation.	Released 24 May 2017
s90(3)(e)	1	Information Services Security Audit	17 October 2016 (Audit and Risk Committee) Duration: 10 years	The report, the Minutes arising from the report, attachments and associated documentation relating to this matter.	Confidential
s90(3)(a)and(g)	1	Brown Hill Keswick Creek Catchment SMP Funding Proposal	18 October 2016 Duration: 12 months from the date of this meeting or until the State Government and the Catchment Councils make a joint public announcement on the funding proposal, whichever occurs first	The report relating to Item 21.1 Brown Hill Keswick Creek Catchment SMP Funding Proposal, the Minutes arising, attachments and any associated documentation.	Released 24 May 2017
s(90)(3)(a)and(g)	1	Development Assessment Panel - Independent Member Appointment 2017-18	1 November 2016 Duration: 10 years	The Confidential Interview Report of the Selection Panel relating to the appointment of independent members to Council's Development Assessment Panel.	Confidential
S90(3)(a)	1	Chief Executive Officer's Performance Review - 2016	1 November 2016 Duration: 12 months	The report relating to Item 21.1 Chief Executive Officer's Performance Review - 2016 the Minutes arising, attachments and any associated documentation.	Confidential
s90(3)(g)	1	Public Lighting Service Delivery & Forward Strategic Plan	17 January 2017 Duration: 6 months	The report relating to item 21.1 Public Lighting Service Delivery and Forward Strategic Plan, the minutes arising, attachments, any associated documentation and discussion.	Released 19 June 2017
s90(3)(b)(i)and(ii)	1	Acquisition of Premises - Morphett Road, North Plympton	7 February 2017 Duration: 12 months	The report relating to Item 21.1 Acquisition of Premises - Morphett Road, North Plympton the Minutes arising, attachments and any associated documentation.	Confidential
s90(3)(b)(i)and(ii)	1	Acquisition of Premises - Morphett Road, North Plympton	6 June 2017 Duration: 12 months	The report relating to Item 22.1 Acquisition of Premises - Morphett Road, North Plympton, the Minutes arising, attachments and any associated documentation.	Confidential

Development Assessment Panel Meetings and Minutes

Use of Section 56A during the 2016/17 Finance Year

Section	Number of Times Invoked	Subject	Date Invoked	Status of Order at 30 June 2017
56A(12)(a)(vii) and (viii)	5	247 - 247A South Road, Mile End	13/09/2016	Released 24 May 2017
		6 Surrey Road, Keswick	8/11/2016	Released 24 May 2017
		50 Davenport Tce, Richmond	8/11/2016	Confidential
		3 Castlebar Road, Lockleys	10/01/2017	Released 24 May 2017
		16 Warwick Avenue, Kurralta Park	14/02/2017	Released 24 May 2017
56A(12)(a)(vii)	5	17 and 19 Arthur Street, Richmond	11/04/2017	Released 24 May 2017
		24 Garfield Avenue, Kurralta Park	11/04/2017	Confidential
		21 Fulham Park Drive, Lockleys	11/04/2017	Confidential
		6 Kimber Terrace, Kurralta Park	13/06/2017	Confidential
		12 Lowry Street, Fulham	13/06/2017	Confidential

Informal Gatherings

Use of section 90(3)(a), 90(3)(g), 90(8) and (90)(8)(a) during the 2016/17 Financial Year

Section	Topic	Date Invoked	Reason for confidence
s90(3)(a)	Australia Day Awards Nominations	28 November 2016	The CEO has determined that the public be excluded from this informal gathering in accordance with Section 90(3)(a) in that the informal gathering will consider information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
s90(3)(g)	Marleston TAFE Ministerial DPA	7 February 2017	The Chief Executive Officer has determined that the public be excluded from this designated informal gathering in accordance with Section 90(3)(g) of the Local Government Act 1999 and clause 5.4.2 of Council Policy - Informal Gatherings and Discussions on the basis that the informal gathering will consider information the disclosure of which would breach a duty of confidentiality due to TAFE SA.
s(90)(8) and (90)(8)(a)	Strategic Planning Day	8 April 2017	The Chief Executive Officer has determined that the public be excluded from this informal gathering in accordance with sections 90(8) and 90(8a) of the Act and clause 5.4.2a of the Council Policy - Informal Gatherings and Discussions on the basis that the informal gathering is a planning session of a strategic nature.

11.4 Legislative Progress Report - July 2017

Brief

This report provides an update on the status of proposed legislative changes affecting local government either dealt with in Parliament, by the Local Government Association or contained in the Government Gazette during the preceding month.

RECOMMENDATION(S)

The Committee recommends to Council that the 'Legislative Progress Report - July 2017' be received.

Introduction

This report provides a monthly update on the progress of Bills through Parliament, using Parliament's defined stages, as well as items contained within the Government Gazette that relate to the City of West Torrens. It also contains information provided by the Local Government Association (LGA) relating to proposed amendments to legislation or other relevant matters.

Information on the status of all Bills and Acts is available on the South Australian Legislative Tracking website at:

<https://www.parliament.sa.gov.au/Legislation/BillsMotions/SALT/Pages/default.aspx>.

Discussion

Summary of Proposed Amendments to Legislation

Retail and Commercial Leases (Miscellaneous) Amendment 2017

Following a review of the *Retail and Commercial Leases Act 1995*, an amendment Bill was introduced into the House of Assembly on 5 July 2017 where it was adjourned at its second reading.

The amendments include new provisions to allow the State Government to make Regulations to exclude certain types of leases and licences. The Regulations will also be able to exempt a specified person or class or persons, or a specified transaction or class of transactions, from the operations of the Act.

The LGA has made a submission to the review of the Act which is available on LGA Circular 28.3. The submission refers to the Moss Review published by the Office for the Small Business Commissioner (Review), to which feedback and comments were provided by the Senior Property Assets Advisor to Wallmans Lawyers on 11 July 2016.

Further information can be found in the LGA Circular 28.3

Bills previously reported on where the status has changed

Dog and Cat Management (Miscellaneous) Amendment Act 2016

The *Dog and Cat Management (Miscellaneous) Amendment Act 2016* was proclaimed on 19 April 2017 and is subject to a staged commencement. The first tranche of provisions came into operation on 1 July 2017 with the remaining tranche of sections commencing on 1 July 2018.

Further information can be found on the Dog and Cat Management Board website.

Local Nuisance and Litter Control Act 2016

The *Local Nuisance and Litter Control Act 2016* was proclaimed on Thursday 21 July 2016 and is subject to a staged commencement. The litter provisions came into effect on 1 February 2017 and the local nuisance provisions came into effect on 1 July 2017.

Further information can be found on the South Australian Legislative Tracking Website.

Independent Commissioner Against Corruption (Miscellaneous) Amendment Act 2016

The *Independent Commissioner Against Corruption (Miscellaneous) Amendment Act 2016* was assented to on 29 November 2016, proclaimed on 11 July 2017 and came into operation with the *Independent Commissioner Against Corruption Variation Regulations 2017* and *Freedom of Information (Exempt Agency) (ICAC Reviewer) Variation Regulations 2017* on 15 July 2017.

The Amendment Act clarifies that the primary object of the Commissioner is to investigate serious or systemic corruption in public administration and to refer misconduct or maladministration in public administration to an inquiry agency, public authority or public officer (in most circumstances).

However, in certain circumstances, the Commissioner may exercise the powers of an inquiry agency in dealing with "serious or systemic" misconduct or maladministration in public administration.

Further information can be found on the South Australian Legislative Tracking website.

Independent Commissioner Against Corruption (Serious or Systemic Misconduct or Maladministration) Amendment (No.2) Bill 2017

On 31 May 2017, the Minister for Education and Child Development, The Hon. Susan Close MP, introduced the *Independent Commissioner Against Corruption (Serious or Systemic Misconduct or Maladministration) Amendment Bill 2017* and moved that Standing Orders be suspended.

The Bill was received in Legislative Council on 21 June 2017 and on 5 July 2017 it was rejected. The *Independent Commissioner Against Corruption (Serious or Systemic Misconduct or Maladministration) Amendment (No.2) Bill 2017* was introduced by Mr Steven Marshall Opposition Leader and returned to the House of Assembly on 5 July 2017 where it was adjourned at its second reading on 6 July 2017.

The Bill seeks to amend the investigative functions and transitional provisions in the *Independent Commissioner Against Corruption Act 2012*.

Further information can be found on the South Australian Legislative Tracking website.

Public Interest Disclosure Bill 2016

The *Public Interest Disclosure Bill 2016* was introduced to the House of Assembly on 6 July 2016 and adjourned with the House of Assembly requesting a conference be granted in respect to certain proposed amendments. On 22 June 2017, a motion to suspend Standing Orders to enable the House of Assembly to continue to sit during the conference was rejected in the House of Assembly.

Further information can be found on the South Australian Legislative Tracking website.

Bills previously reported on where the status remains unchanged

- *Local Government (Boundary Adjustment) Amendment* was passed in the House of Assembly on 18 May 2017 and received in the Legislative Council on 30 May 2017.
- *Local Government (Mobile Food Vendors) Amendment Bill 2016* was debated and adjourned in the Legislative Council at its second reading on 1 June 2017.
- *Industry Advocate Bill 2017* was received in Legislative Council on 21 June 2017 and adjourned at its second reading.
- *Disability Services (Inclusion and Monitoring) Amendment Bill 2016* was introduced to the House of Assembly on 10 March 2016 and was adjourned at its second reading on 23 June 2016.
- *Whistleblowers Protection (Miscellaneous) Amendment Bill 2016* was received by the House of Assembly on 22 September 2016. The *Whistleblowers Protection Act 1993* will be repealed once the *Public Interest Disclosure Bill 2016* comes into effect.
- *Liquor Licencing (Small Venue Licence) Amendment Bill 2016* was adjourned in the Legislative Council at its 2nd reading on 27 July 2016.
- *Tobacco Products Regulation (E-Cigarette Regulation) Amendment Bill 2017* was adjourned in the House of Assembly at its second reading on 18 May 2017.
- *Liquor Licensing (Liquor Review) Amendment Bill 2017* (the Bill) was adjourned in the Legislative Council after its second reading on 18 May 2017.
- *Local Government (Members Contesting State Elections) Amendment Bill 2017* was adjourned in the House of Assembly at its second reading on 18 May 2017.

Further information can be found on the South Australian Legislative Tracking website.

Acts Assented to but Not Yet Commenced

- The *Electoral (Miscellaneous) Amendment Bill 2017* was assented to on 20 June 2017 and is yet to be proclaimed.
- *Local Government (Building Upgrade Agreements) Amendment Bill* was assented to on 11 February 2016 and is yet to be proclaimed.
- *Road Traffic (Roadworks) Amendment Bill 2017* was assented to on 9 May 2017 and is yet to be proclaimed.

Further information can be found on the South Australian Legislative Tracking website.

Matters being considered by the Legislative Review Committee

Parking and Traffic Movement

The Parliament of South Australia's Legislative Review Committee (Committee) is undertaking an Inquiry into the Regulation of Parking and Traffic Movement.

The Terms of Reference for the Committee is to inquire into and report on:

- The regulation by local government of parking and traffic movement in South Australia.
- Options to improve the efficiency, efficacy or transparency of the regulation by local government of parking and traffic movement in South Australia.
- How any parking and traffic management scheme might best contemplate current and projected population densities within local government boundaries.
- How any parking and traffic management scheme might best contemplate developments of a scale likely to require special management of parking and traffic movement.
- How any parking and traffic management scheme might best contemplate dangerous parking or traffic management conditions.
- Any other relevant matter as the Committee sees fit.

A public call for submissions was published in The Advertiser on Saturday 20 May 2017, direct submissions to the Legislative Review Committee closed Friday 21 July 2017.

The Administration provided a submission to the Legislative Review Committee on Friday 21 July 2017 and provided a copy to the LGA who will be preparing a submission in consultation with member councils that focusses on the terms of reference.

Further information can be found in the LGA Circular 23.11

Graffiti Control Act

The *Graffiti Control (Miscellaneous) Amendment Act 2013* (the Act) came into operation on 3 August 2013 amending the *Graffiti Control Act 2001* by enacting new offences, sentencing options (including increased penalties), and providing for the seizure of graffiti implements.

Section 14 of the Act stated that as soon as practicable after 3 years from the commencement of the Act, the Legislative Review Committee (Committee) must inquire into, consider and report on the operation and impact of this Act, including the effectiveness of reducing graffiti offences.

In February 2017, the Committee requested that the Office of Crime Statistics and Research provide information with regard to graffiti offences finalised from 2011 to 2016, this report was provided to the Committee in May 2017.

On 6 July 2017, Mr Lee Odenwalder MP, Member for Little Para, requested that the Report of the Legislative Review Committee entitled Inquiry into the Operation and Impact of the Graffiti Control (Miscellaneous) Amendment Act 2013 (SA) Amendments to the Graffiti Control Act 2001 (SA), be noted.

Further information can be found on the South Australian Legislative Tracking website.

Return to Work Act and Scheme

On 31 May 2017, The Hon. Stephanie Key MP, introduced an interim report to the House of Assembly into the referral for an Inquiry into the Return to Work Act and Scheme.

Further information can be found on the [South Australian Legislative Tracking website](#).

Conclusion

This report on legislative amendments is current as at 24 July 2017.

Attachments

Nil

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