



# NOTICE

of

## **COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING**

*Pursuant to the provisions of Section 56A of the Development Act 1993*

TO BE HELD IN

**MEETING ROOM 1 & 2  
PLAYFORD CIVIC CENTRE  
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**MONDAY, 20 JUNE 2016 AT 6:00PM**

A handwritten signature in black ink, appearing to read "Mal Hemmerling", with a long horizontal stroke extending to the right.

**MAL HEMMERLING  
CHIEF EXECUTIVE OFFICER**

Issue Date: Thursday, 16 June 2016

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### MEMBERSHIP

#### **MR BILL CHANDLER - PRESIDING MEMBER**

Mrs Marilyn Baker  
Mr Geoff Parsons

Mr Damien Ellis  
Mr John Watson

Mr Joe Federico

# CITY OF PLAYFORD STRATEGIC PLAN

<b>Strategy 1 - Our foundations – services, city presentation and community pride</b>	
Playford will rebuild itself with a range of facilities and services providing a village lifestyle that is connected socially and physically through a network of open spaces and sustainable trails. A sense of identity will pervade in the City with residents and businesses alike being proud of the community in which they chose to live and work.	<p>Outcomes:</p> <ul style="list-style-type: none"> <li>1.1 Liveable City with mix of services and facilities</li> <li>1.2 Environmental responsibility</li> <li>1.3 Attractive and sustainable open spaces</li> <li>1.4 Improved visual amenity</li> <li>1.5 Enhanced reputation</li> </ul>
<b>Strategy 2 - Securing Playford's future and building value</b>	
Playford will ensure that the land that we own or govern is preserved for appropriate residential, manufacturing, horticultural, agricultural, commercial and recreational needs. We will undertake structure planning and build assets and infrastructure that secure our social, environmental and economic future.	<p>Outcomes:</p> <ul style="list-style-type: none"> <li>2.1 Well planned and sustainable City</li> <li>2.2 Diversified and expanding economic base</li> </ul>
<b>Strategy 3 - Elizabeth, Adelaide's Northern CBD</b>	
Playford will further develop the Elizabeth Regional Centre as the major retail, commercial, education, social services, arts and entertainment centre for the region. This development will integrate with and underpin adjacent urban renewal, a Regional Sports Precinct, the Lyell McEwin Health Precinct, and a regional Education and Training Precinct with expanded tertiary facilities linked into developing manufacturing industries and the Defence Precinct.	<p>Outcomes:</p> <ul style="list-style-type: none"> <li>3.1 Provision of CBD facilities and services</li> <li>3.2 Vibrant, walkable and cosmopolitan lifestyle</li> <li>3.3 Opportunities for social interactions</li> </ul>
<b>Strategy 4 - Securing Playford's future in the global economy</b>	
The City of Playford will capitalise on its strategic geographical position and demographics to work with other local government bodies, the State and Commonwealth governments, applied research bodies and other regions to establish a diverse industry base and expand its defence, advanced manufacturing, horticulture, health and ageing industry sectors to provide local jobs for local people, capitalising on the digital economy, as the foundation for a rising standard of living for the community.	<p>Outcomes:</p> <ul style="list-style-type: none"> <li>4.1 Key economic drive of the State</li> <li>4.2 Robust local economy with local job opportunities</li> <li>4.3 Part of Southern Food Bowl with national and international links</li> <li>4.4 Re-focused manufacturing to support economic growth in the north of the State</li> </ul>
<b>Strategy 5 - Building our capabilities</b>	
As the entity responsible for many of the needs of its community, the City of Playford will focus on improving its financial performance, innovation and skills in partnership development and advocacy to resource and guide the achievement of this strategic plan.	<p>Outcomes:</p> <ul style="list-style-type: none"> <li>5.1 Highly performing organisation</li> <li>5.2 Delivering value for money services</li> <li>5.3 Effective government and private sector partnerships.</li> </ul>

**City of Playford**  
**Council Development Assessment Panel Meeting**

**AGENDA**  
**MONDAY, 20 JUNE 2016 AT 6:00PM**

**1. ATTENDANCE RECORD**

- 1.1 Present
- 1.2 Apologies
- 1.3 Not Present

**2. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

The Minutes of the Council Development Assessment Panel Meeting held 16 May 2016 be confirmed as a true and accurate record of proceedings.

**3. APPLICATIONS WITHDRAWN**

**4. DECLARATIONS OF INTEREST**

**5. APPLICATIONS FOR CONSIDERATION – PERSONS WISHING TO BE HEARD**

Nil

**6. APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD**

- 6.1 Change of use from truck parking to a place of worship incorporating the construction of a foyer, verandah and carpark, in association to primary production (Attachments) .....6

**Representors:** N/A  
**Applicant:** H Mendrin

- 6.2 The division of land from 1 allotment into 2 - (DAC 292/D041/16) (Attachments).....30

**Representors:** N/A  
**Applicant:** Mr T Duong

- 6.3 Construction of an office in association with an existing packing shed (Attachments).....72

**Representors:** Nil  
**Applicant:** Mr. T Marrone

- 6.4 Construction of a detached dwelling (Attachments) .....84
- Representors:** Nil  
**Applicant:** Mr S. Palecek
- 7. APPLICATIONS FOR CONSIDERATION - CATEGORY 1**
- Nil
- 8. OUTSTANDING MATTERS – APPEALS AND DEFERRED ITEMS**
- Nil
- 9. OTHER BUSINESS**
- 9.1 STAFF REPORTS**
- Matters to be considered by the Committee Only**
- Matters for Information*
- 9.1.1 Council Development Assessment Panel Presiding Member Report  
(Attachment).....94
- 10. CONFIDENTIAL MATTERS**
- Nil
- 11. DEVELOPMENT PLAN POLICY DISCUSSION FORUM**
- Nil
- 12. CLOSURE**

# **APPLICATIONS FOR CONSIDERATION**

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**APPLICATIONS FOR  
CONSIDERATION – NO PERSONS  
TO BE HEARD**

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## 6.1 CHANGE OF USE FROM TRUCK PARKING TO A PLACE OF WORSHIP INCORPORATING THE CONSTRUCTION OF A FOYER, VERANDAH AND CARPARK, IN ASSOCIATION TO PRIMARY PRODUCTION

### Snapshot

<b>Author:</b>	Daniel McKenna
<b>Proposal:</b>	Change of use from truck parking to a place of worship incorporating the construction of a foyer, verandah and carpark, in association with primary production.
<b>Development Number:</b>	292/704/2016
<b>Date of Lodgement:</b>	11/05/2016
<b>Owner:</b>	Amerac Pty Ltd
<b>Applicant:</b>	H Mendrin
<b>Location:</b>	44 Pellew Road, Penfield
<b>Zone:</b>	Primary Production
<b>Classification:</b>	Non-Complying
<b>Public Notification Category:</b>	3
<b>Representation Received:</b>	Not at this stage
<b>Development Plan:</b>	Consolidated 21 April 2016
<b>Request for Additional Information Made?</b>	No
<b>Recommendation:</b>	Proceed to make an assessment of the application.

<b>Attachments:</b>	See Attachment No: <ol style="list-style-type: none"><li>1. Application Form</li><li>2. Certificate of Title</li><li>3. Aerial Photo</li><li>4. Zone Map</li><li>5. Precinct Map</li><li>6. Site Plan</li><li>7. Elevations &amp; Floor Plan</li><li>8. Statement of Support</li></ol>
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### 1. The Subject Land

The site is shaped irregularly in the form of a battle axe allotment and located on the north side of Pellew Road in the suburb of Penfield. The subject land has its access point from Pellew road approximately 20 metres in width and 190 metres in length. The sites total land area accumulates to 4.4 hectares (44000m<sup>2</sup>).

Currently the site contains a 670m<sup>2</sup> storage shed; a 165m<sup>2</sup> dwelling and home office, which was used as receptionist space for the existing truck parking land use and 4 water storage tanks. These structures and water tanks are located on northern section of the

site. This section of the site takes up a third of the allotments total land area. The Southern and remaining two thirds of the allotment is unused primary production land.

The land is mostly flat with a slight slope from west to east. No easement is registered on the certificate of title. The access road is landscaped with trees of varying heights, maturity and sizes. The remaining land provides little landscaping with small sized trees dispersed around the allotments perimeter.

## **2. The Locality**

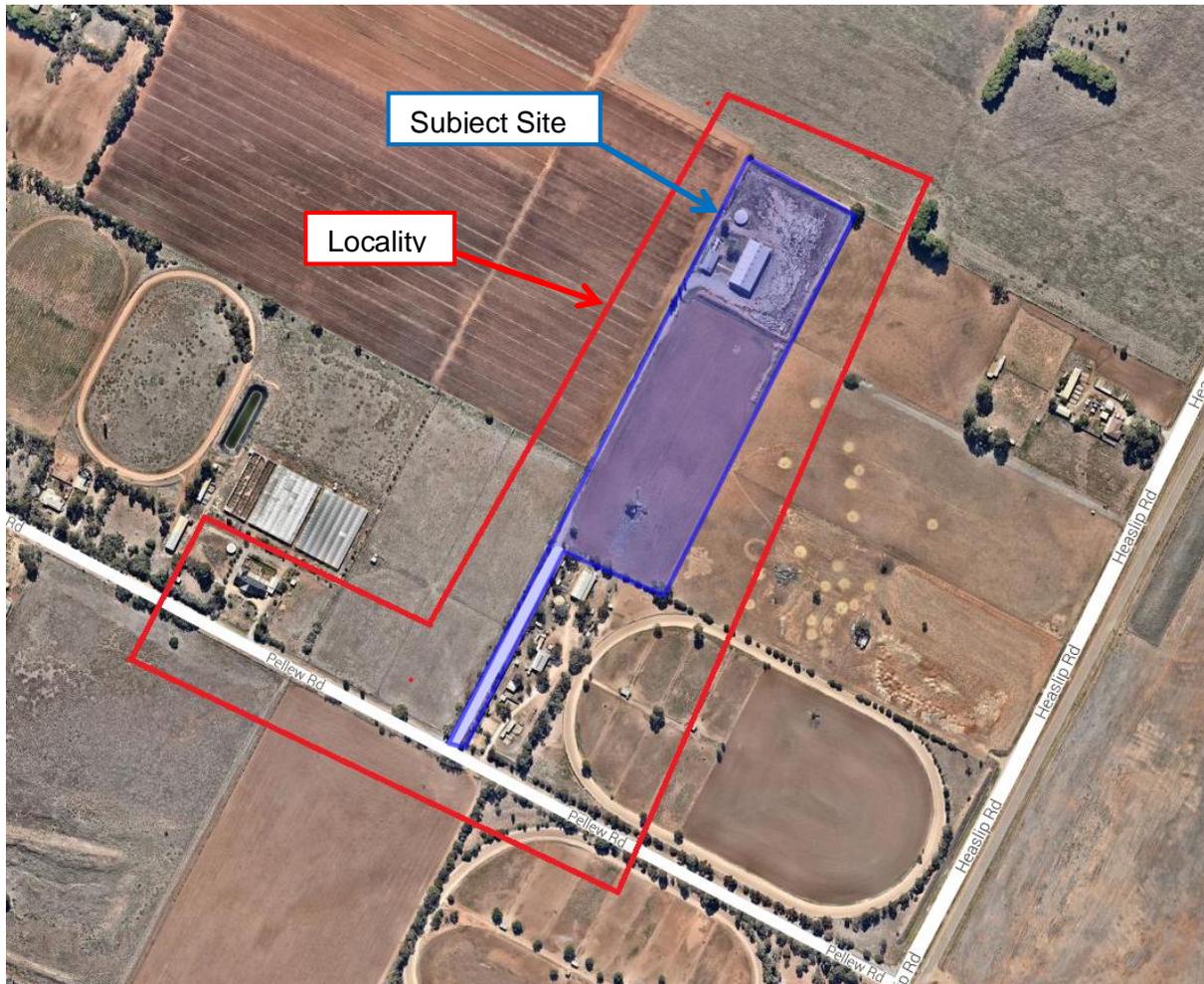
The general locality comprises of large rural allotments with low density dwellings and associated outbuildings used for residential and primary production activities. There are green houses to the south west, horse husbandry to the south east and the RAAF Air Force base approximately 400 metres east of the subject land.

By virtue of the change in land use's effects on the local amenities, the extent of the immediate locality is considered to include:

- Portion of Lot 40 Pellew Road, Penfield to the South
- Portion of Lot 375 Heaslip Road, Penfield to the South
- Portion of Lot 40 Heaslip Road, Penfield to the east
- Portion of 41 Heaslip Road, Penfield to the east
- Portion of 445 Heaslip Road, Penfield to the east
- Portion of Lot 35 Penfield Road, Penfield to the north
- Portion of Lot 2 Ranger Road, Penfield to the west
- Portion of Lot 43 Pellew Road, Penfield to the west
- Portion of 121 pellew road, penfield
- Portion of Lot 24 Pellew Road, Penfield

### **2.1 Locality Plan**

The extent of the immediate locality is considered to include:



The locality extends partially down Pellew Road where an increase in traffic heading toward the allotments access may affect adjacent land owners. The remaining area highlighted in red shows the portions of land that may be impacted by the change in use. These impacts may include moderate noise and visual impacts.

## 2.2 Zoning

The subject land is depicted on Zone Map Play/9 in the Mapping Section of the Development Plan.

By virtue of the location, the land is entirely within:

- Primary Production Zone
  - Precinct 17 Horticulture

## 3. The Proposal

According to Regulation 16, if an application will require a relevant authority to assess a proposed development against the provisions of a Development Plan, the relevant authority must determine the nature of the development, and proceed to deal with the application according to that determination.

As such, it is considered that the proposal is best described as follows:

‘Change of use from truck parking to a place of worship incorporating the construction of a foyer, verandah and carpark, in association with primary production.’

The proposal aims to change the use of the existing land to a place of worship with an association to existing primary production. The place of worship is aimed at facilitating parishioners from the City of Playford and localities in close proximity, such as Ingle Farm and Salisbury. The place of worship's association with primary production involves the utilisation of the existing primary production land for cropping of hay or similar crops for stock feed. This associated use is aimed at supporting the church's investment whilst maintaining farming activities that are consistent with the desired character outlined in the Primary Production Zone. The proposal comprises the following:

- The retention of the site's existing structures:
  - A 660m<sup>2</sup> storage shed (with proposed alterations and additions)
  - A 165m<sup>2</sup> dwelling (will remain as is)
  - 4 water tanks (will remain as is)
    - Internal alterations to the 660m<sup>2</sup> storage shed, comprising a; main hall, kitchen, nursery, cold room, male and female bathroom facilities and a store room
    - External additions to the 660m<sup>2</sup> building in the form of a proposed foyer that connects to an open verandah
- Place of worship activities that involve 3 hour services on Saturday and Sunday's, with occasional annual events or weddings that may fall on weekdays
- Farming (cropping) the existing primary production land to the south of the allotment

#### 4. Procedural Matters

##### 4.1 Classification

According to Section 35 of the Development Act (1993), there will be three kinds of development, with all developments being classified as either *Complying*, *Non-Complying* or *Merit*.

A place of worship is listed in the Procedural Matters of the Primary Production Zone as a *Non-Complying* form of development in the Council Development Plan, Consolidated 21 April 2016.

##### 4.2 Public Notification

Section 38(2)(a) of the Development Act (1993) states that a Development Plan or the Development Regulations (2008) may assign different forms of development to a Category for the purposes of public notification.

Further, the Development Act (1993) also states that the Regulations or a Development Plan may assign a form of development to Category 1 or to Category 2 and if a particular form of development is assigned to a Category by both the Regulations and a Development Plan:

- If the Regulations provide that an assignment by a Development Plan may prevail, the assignment provided by the Development Plan will, to the extent of any inconsistency, prevail; but
- In any other case, the assignment provided by the regulations will, to the extent of any inconsistency, prevail.

Any development that is not assigned to a Category under paragraph (a) or (b) of Section 38(1) of the Development Act (1993) will be taken to be a Category 3 development for the purposes of this section.

The Procedural Matters section of the Primary Production Zone Section in the Development Plan does not assign the proposal to a category and as such, the Category is assigned by the Development Regulations (2008).

The Development Regulations (2008) does not assign this type of development to a Category in either Part 1 or Part 2 of Schedule 9.

Due to the development not being assigned to a Category under paragraph (a) or (b) of Section 38(1) of the Development Act (1993), it will be dealt with as a Category 3 Development for the purposes of Section 38(2) (c) of the Development Act (1993).

Category 3 public notification will be undertaken should the Panel resolve to proceed with an assessment of the application.

## 5. Key Issues

The following matters are considered pertinent in reaching a recommendation for the proposal:

- Whether the change of use to a place of worship with an association to primary production will have detrimental impacts on the desired and existing character of the locality.
- Whether the development will create adverse visual impacts on the locality.
- Whether the development will create adverse noise from increased vehicle movements before and after church services.

## 6. Conclusion

Despite the application being a Non-Complying form of development, it is considered that a full and detailed assessment of the merits of the proposed development is appropriate, particularly given that the change in use application proposes to maintain an association with primary production that will retain the rural character for the bulk of the site. Further, the use of the existing building for the place of worship will not introduce additional built form elements that are incompatible with the objectives of the Zone.

## 7. Recommendation

### **STAFF RECOMMENDATION**

Pursuant to the authority delegated to the Council Development Assessment Panel by the Council, it is recommended that the Council Development Assessment Panel resolve to proceed to make an assessment of the application.



AP PP / D

Development No.

Lodge Online: www.playford.sa.gov.au

Lodge in Person: 10 Playford Boulevard Elizabeth

Lodge by Post: 12 Bishopstone Road Davoren Park SA 5113 Phone: 8256 0333

PLEASE FILL OUT ALL SECTIONS

I wish to apply for:	Planning Only <input checked="" type="checkbox"/>	Building Only <input type="checkbox"/>	Planning & Building <input type="checkbox"/>	Building will be privately certified <input type="checkbox"/>	Residential Code <input type="checkbox"/>
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Applicant: MENDRIN HAROLD  
Surname Given Names  
 Postal Address: c/o URPS 12/154 FULLARDON RD ROSE PARK  
 Email: julie@urps.com.au Phone No: 8333 7999 Postcode: 5067

Owner: AMERAL Pty Ltd (Mortgage in Possession)  
Surname Given Names  
 Postal Address: PO Box 6033 BURTON  
 Email: \_\_\_\_\_ Phone No: \_\_\_\_\_ Postcode: 5110

The City of Playford provides consents, approvals and stamped plans electronically via Council's website. In the event that you would like to receive hard copies instead of electronic copies, please check the following box.  
 N.B. Hard copy documents are subject to administration and postage delay.

I request a hard copy of correspondence and plans

Builder/Supervisor: \_\_\_\_\_  
Surname Given Names  
 Postal Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone No: \_\_\_\_\_ Postcode: \_\_\_\_\_

Contact person for further information is the:  
 Applicant  Owner  Builder  Other (please specify below)  URPS (planning consultant)  
 Other Name: LEWIS JULIE  
Surname Given Names  
 Postal Address: c/o URPS as above  
 Email: julie@urps.com.au Phone No: 0418830780 Postcode: \_\_\_\_\_

DESCRIPTION OF PROPOSED DEVELOPMENT: CHANGE IN USE TO PLACE OF WORSHIP  
 LOCATION OF PROPOSED DEVELOPMENT  
 House No: \_\_\_\_\_ Lot No: 10 Street: PELLEW ROAD  
 Volume: 6118 Folio: 263 Suburb: PENFIELD

TO ENABLE PROMPT PROCESSING OF YOUR APPLICATION, ALL FIELDS MUST BE COMPLETED.

DEVELOPMENT COST: \$200,000 Building Rules Classification sought: Class

Has the Construction Industry Training Fund Act 1993 Levy been paid? Yes  No

WORK TYPE New  Addition  Alteration  Other

WALLS Brick Veneer  Colorbond  Fibro Cement  Other  (please specify)

FRAME Steel  Timber  Other (please specify)

ROOF Metal  Colorbond  Tiles  Other  (please specify)

FLOORS Concrete  Timber  Area of proposed development: m2

**Applicant Declaration**  
**Building Near Power Lines and Underground Cables**  
 I declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. I make this declaration under clause 2A(1) of Schedule 5 of the Development Regulations 2008.  
 NB: If this declaration is not made, a referral to the Office of the Technical Regulator is required.

**Copyright of Plans**  
 I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Act 1993 & Regulations 2008, this includes display on Councils website and electronic media.

**Street Infrastructure and Driveways / Entranceways**  
 I declare that I have examined the site of the application and drafted site plans and drainage plans for my proposal and to the best of my understanding acknowledge the proposed entranceways, crossways and driveways are not less than one (1) metre from existing or proposed street infrastructure. In the event that a proposed entranceway, crossway and/or driveway is less than 1 metre from existing or proposed street infrastructure, I will amend any such proposal to comply with the one (1) metre clearance required from such street infrastructure. I understand that the City of Playford is not obligated to relocate any street infrastructure as a result of my development proposal, and is not liable to meet any costs associated with the relocation of any street infrastructure.

Signed: [Signature] Date: 9.5.2016

CREDIT CARD PAYMENT – CARD TYPE Mastercard  Visa

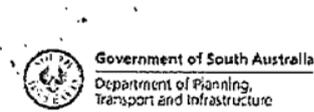
Card number:

Expiry Date: \_\_\_\_/\_\_\_\_

Cardholder's Name: \_\_\_\_\_ Amount: \_\_\_\_\_

Signature: \_\_\_\_\_

Redact the above box in Trapeze – Privacy Act 1988 (Cth) S14



Product	Title Details
Date/Time	06/08/2015 10:59AM
Customer Reference	
Order ID	20150806003096
Cost	\$321.00

## Certificate of Title

Title Reference CT 6118/263  
 Status CURRENT  
 Easement YES  
 Owner Number 70737067  
 Address for Notices PO BOX 6033 BURTON 5110  
 Area 4.40HA (APPROXIMATE)

## Estate Type

Fee Simple

## Registered Proprietor

AMERAC PTY. LTD. (ACN: 008 115 857)  
 OF LOT 42 PELLEW ROAD PENFIELD SA 5121

## Description of Land

ALLOTMENT 10 DEPOSITED PLAN 91056  
 IN THE AREA NAMED PENFIELD  
 HUNDRED OF MUNNO PARA

## Last Sale Details

There are no sales details recorded for this property

## Constraints

### Encumbrances

Dealing Type	Dealing Number	Beneficiary
MORTGAGE	12061064	LA TROBE FINANCIAL ASSET MANAGEMENT LTD.

### Stoppers

Dealing Type	Dealing Number	Beneficiary
LIEN	12168272	AAA ASPHALT PTY. LTD.

## Valuation Numbers

Valuation Number	Status	Property Location Address
2902427109	CURRENT	44 PENFIELD ROAD, PENFIELD, SA 5121

## Notations



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

Product	Title Details
Date/Time	06/08/2015 10:59AM
Customer Reference	
Order ID	20150806003096
Cost	\$321.00

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**Dealings Affecting Title**

NIL

**Notations on Plan**

NIL

**Registrar-General's Notes**

NIL

**Administrative Interests**

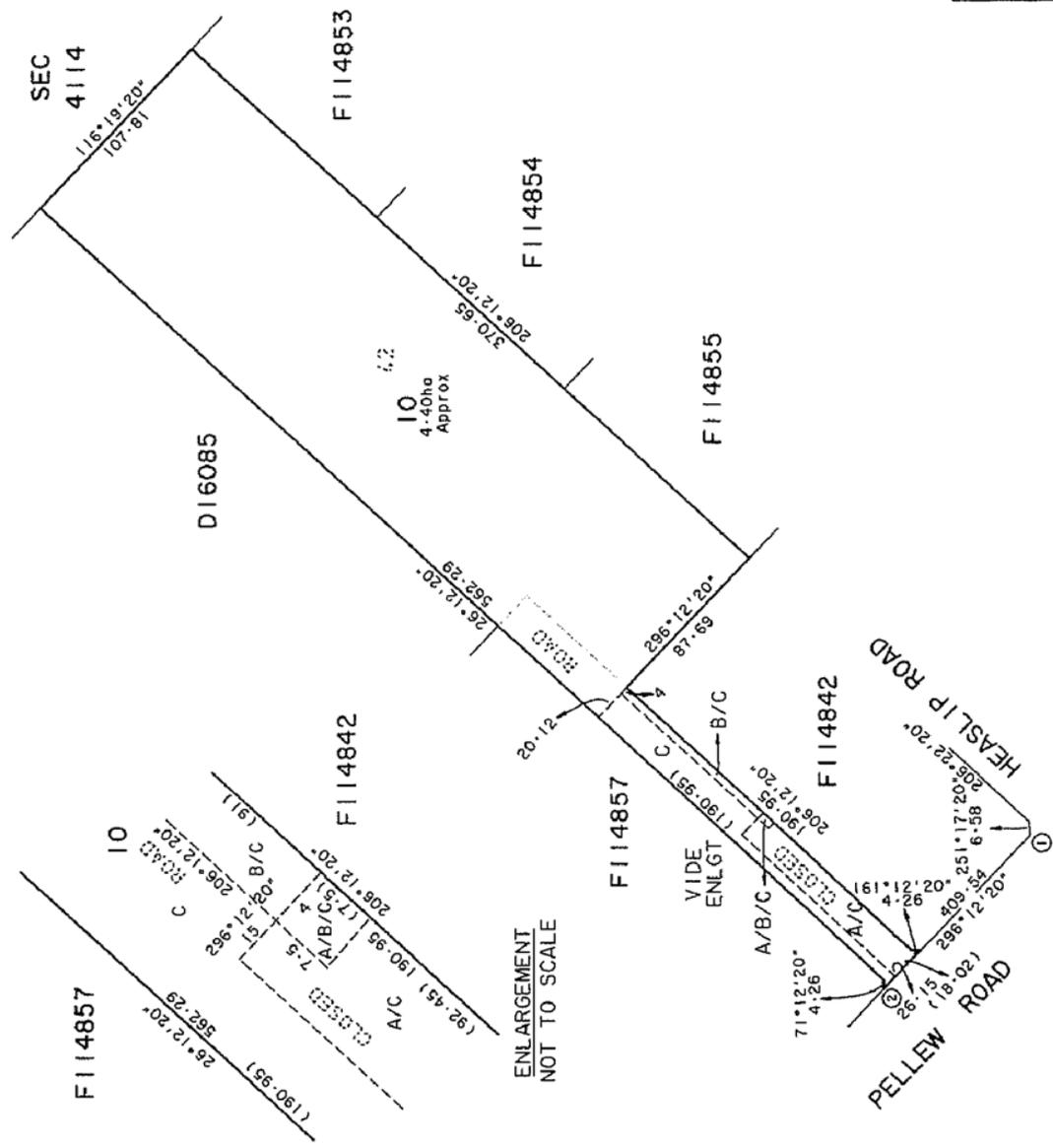
NIL

D91056  
SHEET 2 OF 2

V02 *AP<sub>2</sub>*  
BEARING DATUM: ① - ② 296° 12' 20"  
DERIVATION: 6628-19-R SCALED

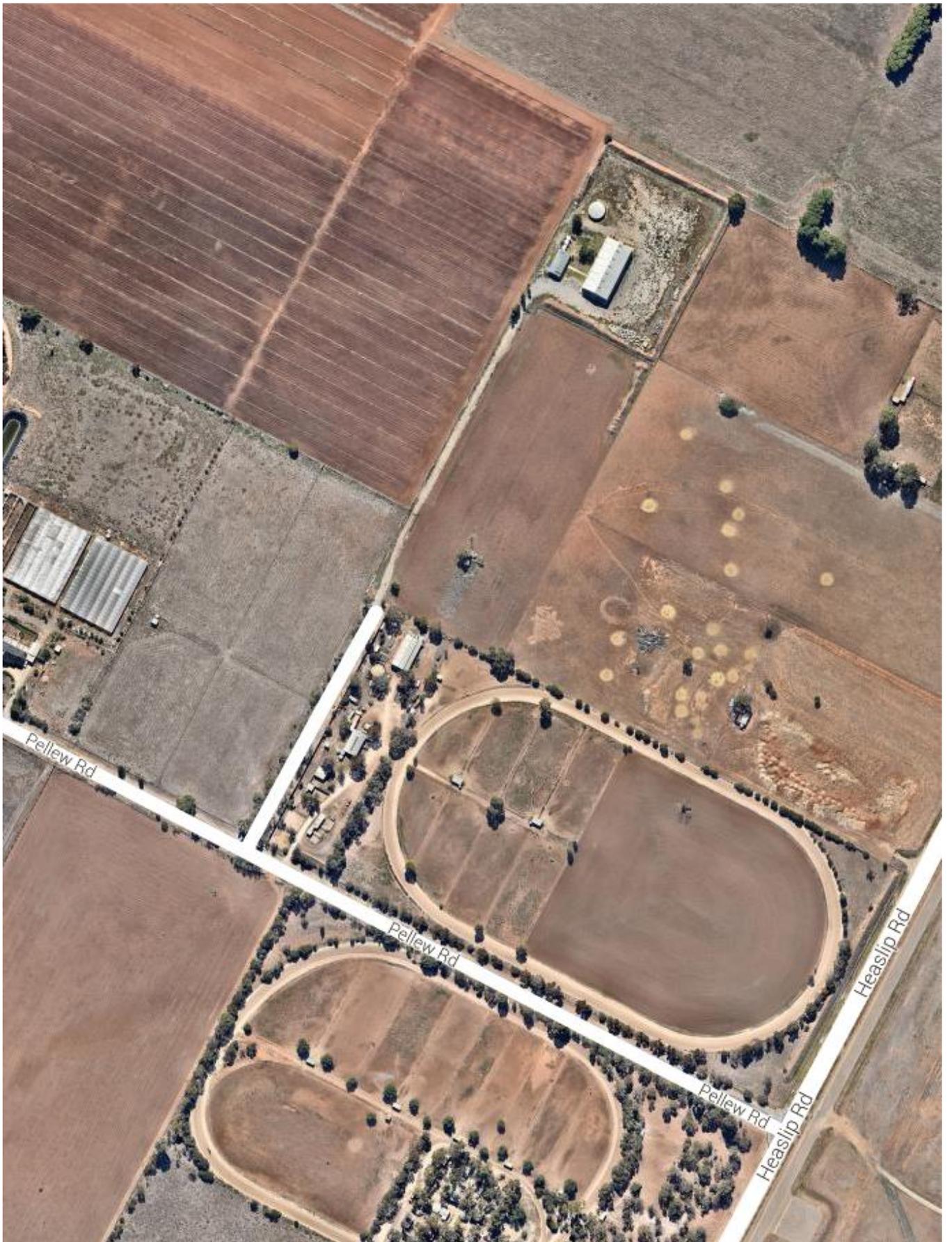


TASLO Land Consultant  
40 Highfield Drive HILLBANK SA 5112  
TEL / FAX (08) 82557714  
A.B.N. 63 036 120 837  
DWG No. LT01011.DWG REF. T1011





PURPOSE: ROADS (OPENING & CLOSING) ACT 1991  MAP REF: 6628-19-R  LAST PLAN:	AREA NAME: PENFIELD  COUNCIL: CITY OF PLAYFORD  DEVELOPMENT NO:	APPROVED: <i>P. Stuebel</i> 29-05-2013  DEPOSITED/FILED: <i>[Signature]</i> 2.7.13	D91056  SHEET 1 OF 2  V02			
AGENT DETAILS: TASLO LAND CONSULTANT 40 HIGHFIELD DRIVE, HILLBANK SA 5112 CERTIFICATION: ABN 63 036 120 837 TEL: / FAX: (08) 8255 7714  AGENT CODE: TAS7P  REFERENCE: T1011						
SUBJECT TITLE DETAILS: PREFIX VOLUME FOLIO OTHER PARCEL CT 5756 208 ALLOTMENT(S) PT CT 6108 639 RTP11892714 ALLOTMENT(S) (BEING CLOSED ROAD) 2(PUBLIC ROAD) F						
NUMBER HUNDRED / IA / DIVISION TOWN REFERENCE NUMBER 42 F 114856 MUNNO PARA 219505 MUNNO PARA						
OTHER TITLES AFFECTED: CT 5897/833						
EASEMENT DETAILS:						
STATUS NEW NEW NEW	LAND BURDENED FORM LONG LONG SHORT	CATEGORY EASEMENT(S) EASEMENT(S) FREE AND UNRESTRICTED RIGHT(S) OF WAY	IDENTIFIER A B C	PURPOSE ELECTRICITY SUPPLY PURPOSES BY OVERHEAD CABLE ELECTRICITY SUPPLY PURPOSES BY UNDERGROUND CABLE	IN FAVOUR OF DISTRIBUTION LESSOR CORPORATION DISTRIBUTION LESSOR CORPORATION CT 5897/833	CREATION
ANNOTATIONS:						





See enlargement map for accurate representation.  
 Lambert's Conformal Conic Projection, GDA94



- Zones**
- Ex Excluded
  - PrPro Primary Production
  - UE Urban Employment
  - Zone Boundary
  - Development Plan Boundary

# Zone Map Play/9

**PLAYFORD COUNCIL**  
 Consolidated - 21 April 2016



See enlargement map for accurate representation.  
 Lambert Conformal Conic Projection, GDA84  
 Precinct  
 17 Horticulture



# Precinct Map Play/9

- Precinct Boundary
- Development Plan Boundary





Ref: 2016-0139

4 May 2016

Ms Danni Biar  
Senior Planner  
City of Playford  
12 Bishopstone Road  
DAVERON PARK SA 5113



Suite 12  
154 Fullarton Road  
ROSE PARK SA 5067

08 8333 7999  
www.urps.com.au  
ABN 55 640 546 010

Dear Danni,

**Statement of Merit – Place of Worship – Allotment 10 Pellew Road, Penfield**

URPS has been instructed by Devco Consulting, representing the prospective purchaser of the above allotment and the applicant, Mr Harold Mendrin, to undertake an assessment of the above development proposal for a place of worship and associated works on the land. The following statement concludes with our assessment which is in support of the proposal for the place of worship on this land.

This statement is submitted on behalf of the applicants to satisfy the requirements of Development Regulation 17(5) and in support of an application classified as a non-complying form of development in the Primary Production Zone. There is no policy Area applying to the subject land although it is within Precinct 17 Horticulture which has one (only) additional principle of development control for regarding location of intensive animal keeping in the precinct.

It is acknowledged that development listed as non-complying in the Primary Production Zone is "*generally inappropriate*" (principle 2). The Development Act and Regulations provides the opportunity to assess the merits of non-complying forms of development. Based on this assessment against the Primary Production Zone policies, it is evident that while there is some variance with principle 3 in so far that the place of worship is not "*directly associated with the agricultural industry*" the land use is not seriously at variance with other relevant provisions seeking orderly and sustainable development.

In forming an opinion URPS has considered the following:

- Playford Council Development Plan dated 21 April 2016, in particular the provisions of the Primary Production Zone and Precinct 17 Horticulture.
- Drawings prepared by architects Goostrey Smith Design (GSD) including a Site Plan, Floor Plan and elevations.
- Certificate of Title Volume 6118 Folio 263 for Allotment 10 Deposited Plan 91056, Hundred of Munno Para, being the subject land (copy attached).
- Various photographic records and documentation supplied by the vendor's representative Raine and Horne Commercial.
- Visual inspection of the land and locality.

### **Background to the proposal**

The existing church facilities are located at Sullivan Road, Ingle Farm. This existing site is in a Residential Zone, surrounded by houses. Although various redevelopment options have been considered, the existing site and building is not anticipated to serve the long term needs of the congregation without significant investment.

The allotment size of the proposed site at 4.4ha would ensure it is able to support the long term needs of the church and provides sufficient on-site area that ensures all activities will be confined to the subject land (ie there is no risk of on-street parking and the like). The land has been on the market since 2015. A church representative (the applicant) has entered into a contract to purchase the land (subject to Development Plan Consent-90 days).

### **Subject Land**

The allotment is located in the Primary Production Zone west of Heaslip Road (representing the boundary of Salisbury Council) and north of Pellew Road. The land's frontage to a public road is represented by the driveway "handle" where it connects with Pellew Road which is approximately 26 metres wide. The site area is 4.4 hectares which includes a larger proportion that is 'undeveloped' in terms of improvements and can support some primary production.

The existing building is approximately 660sqm in floor area. There is a domestic bore, 4.5kW solar system, large water storage tank and other rainwater tanks on the property. Other improvements include a separate smaller building (approx. 165sqm) comprised of several rooms, a kitchen and amenities.

The area around the existing buildings is already comprised as a compacted surface having been established as a heavy transport parking facility. The Development Approval for the change in use from *Horticulture to Truck Parking* (292/1376/14) was issued by the Development Assessment Commission on 18th December 2014 with 10 conditions. It is understood the larger industrial building and the smaller reception building have the relevant Building Rules Consent (BRC) as there was no BRC necessary to support the application for truck parking. The applicant has no intention of reinstating the truck parking use.

### **Description of the Development Proposal**

The proposed development will comprise the modification of the main existing building to house a place of worship. The details of the external and internal works and building addition in the form of an entrance foyer and verandah are set out on the attached plans.

The separate reception building is proposed to be retained as its current floor plan.

The areas dedicated to driveway and parking will be retained for those purposes and no substantial modification is anticipated for general congregation parking and stormwater management.

The following is a summary of the key features of the proposed development:

- The Place of Worship will function as a long-term facility for its congregation, providing services to parishioners coming from the Playford Council area, and other localities such as Ingle Farm and Salisbury and beyond.

- Typical average Saturday and Sunday service attendance is 80-100 persons. Annual religious festival days will attract similar capacity but may fall on a weekday.
- Services are typically 3 hours on a Saturday and Sunday. Regular services generally finish by 9.00 p.m.
- Special events including weddings and funerals are anticipated on 2-4 occasions per year (up to 5 hour duration for typical special events). Although the church envisages higher attendance than a regular service, it is estimated that typically 200 would be planned for but there could be larger attendances of up to 300 persons at one or more of these special events.
- There is no amplified music or microphones used in any service.
- The kitchen is primarily to be available for special events, not typical weekend services. There is no proposal for the building to be available for hire to the general public. The special events which may utilise the kitchen facilities are parishioner activities only.
- There is no alcohol proposed to be served or consumed on the premises.
- The external materials and finishes will largely be retained. Additional windows, doors and an entry foyer are identified on the proposal plans and will utilise materials and finishes that complement the character of the existing building (details and dimensions etc as per plans).
- The existing wastewater treatment systems (to be upgraded as necessary), landscaping and fencing will be retained.
- Car park capacity is planned for 111 spaces. This capacity (assuming 1 space per 3 seats) would meet occasional peak demand estimated for a special event.
- The allotment is of sufficient area that will provide for additional tree planting and other landscaping adjacent the perimeter of the car park and or buildings if desired.
- Subject to development approval, it is intended that the land be transferred to the church association *Ingle Farm Molokan Building Fund Inc.*

A more detailed stormwater management plan is proposed subject to Development Plan Consent. It is anticipated that some additional on-site detention may be required (based on the previous approval) however that is best designed by an appropriate engineer once the abovementioned 'land use' matters have been determined. It is evident there is sufficient land area available for detention (if required) without impact on other land.

The 'undeveloped' area of the allotment to the south of the existing buildings and compacted parking/manoeuvring areas can be retained for cropping (over 3 hectares).

### **Assessment Summary**

#### **Use of Land and managing the interface with rural uses**

The Primary Production Zone envisages primarily farming and horticulture and also envisages buildings in the form of glasshouses, industrial and commercial processing facilities (eg cold storage and processing facilities) and tourist accommodation in the zone.

Primary production land is to be protected from encroachment by incompatible land uses that might negatively impact on sustainable primary production (principle 6). There is predominantly horticulture / cropping in the locality (with some farm dwellings) and also small scale animal keeping / horse keeping on a range of allotment sizes.

Main roads in the locality include:

- the NExy corridor to the west
- Primary arterial connections to the west – Port Wakefield Rad
- Secondary arterial to the east and north (Heaslip and Penfield roads respectively)

The place of worship is not intended to be utilised on a daily basis. In that sense it is not a “sensitive receptor” in the context of rural activities that are existing or envisaged in the zone or precinct 17.

It is important to note that although intensive animal keeping can occur in the Primary Production Zone, no land in the locality of the subject land is likely to be developed or suitable for intensive animal keeping due to the existing of a number of rural living properties (dwellings on rural allotments) and the relatively small size of allotments which inhibits intensive animal keeping potential which require generous set-backs to potentially sensitive land uses (rural dwellings).

Principle 18 envisages a 300 metres separation distance between development that requires aerial spraying and four specific zones which are not relevant to this site and locality. Although Principle 18 does not apply to the assessment of this application (i.e. the proposed development does not require regular chemical spraying), the dimensions of the allotment and the established set-back of the existing building from allotment boundaries does enable the use to establish its own buffer vegetation buffer within its own site if appropriate.

It is noted that the rural amenity is potentially influenced by the RAAF facility to the south-east in the Salisbury Council area in terms of ambient noise impact. The existing building and proposed entry foyer can be adequately attenuated through appropriate glazing or other means to minimise noise impact commensurate with the church’s expectations of acoustic amenity but nevertheless, the place of worship which is occasionally occupied is not a ‘sensitive’ receptor as might be the case for farm dwellings.

The existing building is visible from other land but the modest modifications proposed will not detract from the overall visual character of the locality. Corrugated finishes and non-reflective roof materials are proposed for the minor building addition (entry foyer and veranda) which is considered compatible with rural and rural residential buildings in this landscape. There will not be any religious icons or statues erected on the property.

#### ***Transportation and Access***

Pellew Road is a sealed road and is of appropriate design and capacity to support the traffic generated by the proposed development. Typically any increase in impact of traffic noise generated by the proposed land use in this locality, is not likely to substantially add to the ambient noise level of traffic generated along the major road network in the wider locality. Even on the limited occasions of special events where the higher end of traffic generation is envisaged, these are short term events and are not considered to unreasonably impact on the amenity of the rural residential allotment adjacent the driveway or small number of properties fronting this section of Pellew Road up to the intersection of Heaslip Road, at which point vehicles can also turn north or south.

The on-site parking area for 55 spaces (including 2 disability access spaces) proposed will satisfy the provisions on the Development Plan based on the estimated typical weekend service of up to 100 persons (based on 1 space per 3 seats). There is a substantial existing additional area of compacted rubble surface

that will provide informal overflow parking area for the estimated upper limit of vehicles accessing the site for special events.

There is one property abutting the driveway to the east that contains a rural dwelling. That common boundary is fenced (approximately 1.8m high fence sheeting). The existing driveway has previously accommodated truck movements. The existing fencing is therefore considered appropriate and no additional fencing is proposed.

The development does not involve sealing the internal driveway and parking area at this time. It is envisaged any potential dust nuisance is limited to drier months and could be managed through occasional watering at times of peak attendance if necessary. Tank storage and bore water supply is available to support this form of dust management if necessary.

### Summary

Subject to a decision to proceed to assess the application, further detailed assessment against Council wide provisions will form part of a Statement of Effect, including relevant objectives and principles under the headings:

- Design and Appearance
- Interface between Land Uses
- Natural Resources
- Transportation and Access

From my preliminary assessment of the above Development Plan provisions, I am satisfied that the use can manage its interface with other rural land within its own site and is of a scale that will not prejudice the achievement of the above provisions of the Development Plan. Having regard to the condition of the land and locality, I am satisfied there is sufficient merit demonstrated above for the relevant authority to proceed to assess the application under Regulation 17(3)(b).

Subject to notification of the Council's decision to proceed to assess the application, please advise the applicant directly of any balance of referral and public notification fees required or other information requirements specific to the assessment of the application for Development Plan Consent.

Yours sincerely



Julie Lewis  
Senior Associate

Ref: 2016-0139

31 May 2016

Daniel McKenna  
Planning Officer  
City of Playford  
12 Bishopstone Road  
DAVERON PARK SA 5113

Email [dmckenna@playford.sa.gov.au](mailto:dmckenna@playford.sa.gov.au)

Dear Daniel,

### **292/704/2016 – Change in Use to Place of Worship**

Further to your correspondence with URPS Director, Grazio Maiorano and applicant representative, Mark Pivovarovff, Devco Consulting, URPS submits an amended Location Plan / Site Plan and the following information in relation to the above application, and more specifically further clarification of the primary production activities on the land.

#### **Use of land and Buildings**

The intent of the application is to:

- change the use of an existing building (previously associated with the use of part of the land for truck parking) to a place of worship
- utilise the existing access and all weather compacted hard-stand area around the perimeter of the building (previously associated with heavy transport / truck parking and manoeuvring) for similar purposes (parking and access)
- utilise the second (existing) smaller building and other associated improvements (eg water storage tanks, bore / water allocation, 4.5kW solar system) for site management and land use activities generally
- retention of the balance of the existing cultivated area (south of the buildings and car park area) for primary production (farming).

The applicant intends to crop the balance of the land (eg hay or similar crop for stock feed), a land use activity which will support the church's investment in the land and is consistent with the established use of that area of the land.

The following table summarises the area developed for and/or proposed for different activities on the subject land:



**URPS**

Suite 12  
154 Fullarton Road  
ROSE PARK SA 5067

08 8333 7999  
[www.urps.com.au](http://www.urps.com.au)  
ABN 55 640 546 010

**Table Error! No text of specified style in document.-1 Area of different land use activities**

Land Use	Existing	Proposed	Comments
Truck Parking and Manoeuvring (includes areas occupied by existing buildings and other improvements)	120m x 107m = 1.3 ha (approx.)	Car Parking and Manoeuvring associated with the place of worship	No change in m <sup>2</sup> - Calculation based on all hard stand areas and area around the existing buildings and other improvements (eg water tanks etc) at the 'northern' end of the allotment. Parts of this area would be utilised to store equipment used in the management of the land and farming.
Land for dedicated exclusively to driveway	442m x 20m = 0.88 ha (approx.)	442m x 20m = 0.88 ha	No change in m <sup>2</sup> in area dedicated to site access. Calculation based on the allotment 'handle' (20.m wide) and the length of the area of existing driveway parallel to the primary production area.
Balance of land (not associated with previous use of truck parking)	250m x 87.6m = 2.19 ha (approx.)	250m x 87.6m = 2.19 ha (approx.)	No change in area available for primary production.
<b>TOTAL</b>	<b>4.4ha (approx.)</b>	<b>4.4ha (approx.)</b>	The area (m <sup>2</sup> ) dedicated to different land uses (which includes primary production) and access within the site is unchanged.

The above table demonstrates that the area available for primary production is unchanged (approximately 2.19 hectares) as a consequence of the proposal. Furthermore, the area dedicated to a use that is not "directly associated with the agricultural industry" is unchanged, hence there is no loss of land that is available for farming.

It is noted that there is a water licence with a water allocation that is identified for stock purposes (680kL) and therefore the larger balance of the subject land is considered capable of being used to graze a small amount of stock. Cropping, grazing, agriculture and animal husbandry are all within the definition of *farming*. Farming is an envisaged use in the zone, and URPS understands the allotment has always been associated with farming, most recently dryland cropping.

The water licence indicates the allocation would need to be increased (if available) to support any intensive irrigated horticulture development on the allotment. It is noted that horticulture (market gardening, viticulture, floriculture, orchards, wholesale plant nurseries and commercial turf growing) is envisaged

throughout the primary production zone. Horticulture is not an envisaged form of development that is exclusive to Precinct 17 Horticulture (ie which applies to the subject land). In fact, the only difference in the envisaged forms of development (zone Principle 1) that distinguishes Precinct 17 from other parts of the Primary Production Zone is that commercial forestry is specifically envisaged in Precinct 17, but not other parts of the zone.

The existing building proposed to be used as a place of worship is set-back between 40m and 60m from the three closest adjoining allotment boundaries. It is not a use which is likely to conflict with the continuation of lawfully existing uses of other land or prejudice the development of surrounding allotments for uses considered appropriate for the Primary Production Zone. Seasonal cropping on the southern portion of the allotment will be managed in the same way as it could now under existing conditions, whether or not there is any additional or ancillary use of the buildings and hard stand area associated with the last identified non-farming use of the land (ie truck parking).

While it is acknowledged that a *place of worship* is a use that is not ordinarily regarded as one with a “*direct relationship with primary production*” (Primary Production Zone principle 4), the area intended to be farmed represents approximately 62.7% of the total useable area of the allotment (excluding the driveway).

On that basis, the area of land “*directly associated with the agricultural industry*” (Primary Production principle 3) represents the larger proportion of the allotment compared to that represented by the area occupied by the previous non-primary production uses which, in this application, corresponds with the proposed change in use to a place of worship. The continuance of the land’s association with primary production is not affected by this application and will not result in the alienation of land or water resources which support primary production (Primary Production Zone principle 5). The areas currently set aside for different land use activities remains unchanged, and this more than adequately facilitates the shared use of land and facilities such as parking, infrastructure, services and stormwater management (Primary Production Zone principle 11) without any reduction in the area available for active primary production.

The use of the existing buildings and land for a combination of church activities and primary production is not anticipated to prejudice achievement of the desired character for the Primary Production Zone as expressed in objective 3 as a “*zone characterised by open rural areas, horticulture, glasshouse, vineyards, orchards and pasture*”. Approval of the application for the partial change in use of the allotment does not impact on the prevailing established and desired character of the Primary Production Zone.

We trust this clarifies the matters related to the proposal’s ongoing association with primary production on the land. Please do not hesitate to contact the undersigned if you have any questions in relation to the above.

Yours sincerely



Julie Lewis  
**Senior Associate**

Cc: Gary Brinkworth, Manager - Planning and Service Support;  
Mark Pivovarov, Devco Consulting

Enc Amended Location Plan / Site Plan (Sheet 1 of 2)

H:\Synergy\Projects\2016\2016-0139 Lot 10 Pellow Road Penfield - Place of Worship\Development Application\Further Information Response  
YMMDD\C002\_v1\_160531\_Further Information in support 292-704-2016.docx

## 6.2 THE DIVISION OF LAND FROM 1 ALLOTMENT INTO 2 - (DAC 292/D041/16)

### Snapshot

<b>Author:</b>	Jamie Hanlon
<b>Proposal:</b>	The division of land from 1 allotment into 2 -(DAC 292/D041/16)
<b>Development Number:</b>	292/748/2016
<b>Date of Lodgement:</b>	19/05/2016
<b>Owner:</b>	L Duong, T C H Pham, Mr T Duong, T T K Tran
<b>Applicant:</b>	Mr T Duong
<b>Location:</b>	83 Womma West Road, VIRGINIA SA 5120
<b>Zone:</b>	Primary Production
<b>Classification:</b>	Non-Complying
<b>Public Notification Category:</b>	3
<b>Representation Received:</b>	N/A
<b>Development Plan:</b>	Consolidated 21 April 2016
<b>Request for Additional Information Made?</b>	No
<b>Recommendation:</b>	To proceed with an assessment

<b>Attachments:</b>	See Attachment No: <ol style="list-style-type: none"><li>1. Certificate of Title</li><li>2. Plan of Division</li><li>3. Statement of Support</li></ol>
---------------------	--

### 1. The Subject Land

The primary use of the land is horticulture with structures (greenhouses) with a small number of ancillary buildings and 2 dwellings. The character of the land can be described as peri-urban. The land is relatively flat, is located entirely on Womma West Road 315m east from Gawler Road approximately 1km north of the Virginia Township. The allotment is an irregular shape and would be rectangular if not for a small separate 2000m<sup>2</sup> allotment located in what would be the rectangles south west corner. The subject land is 279.7m deep with a frontage on Womma West Road 119.34m wide.

The land consists of 2 dwellings; one of these is addressing Womma West Road with a cultivated garden fronting the road. This building located on the western half of the allotment is set back 18m from the front boundary. The dwelling is adjacent 2 low metallic sheds joined together and located in front of greenhouses.

The second dwelling, located on the eastern half of the allotment is located behind an abandoned transportable building that appears to be approximately 70 years old. The second dwelling, approximately 55m from the front boundary and only glimpsed from the street between the abandoned building and a small outbuilding is also located in front of

greenhouses. This eastern half of the allotment has a hedge of athel pine along the front boundary.

Plastic greenhouses occupy the remainder of the land with the exception of an 800m<sup>2</sup> detention pond amongst the greenhouses. This pond is not visible from public views.

A low metal fence located in the middle of the allotment extends approximately 60m from the front boundary. Viewed from the road this visually separates the allotment into 2 giving the appearance of 2 separate allotments.

## 2. The Locality

The locality is defined as the extent of the visible landscape when viewed from the subject land. The locality is contained within a 500m strip of Womma West Road extending to its immediate surrounds. The locality is typical for this area outside of the Virginia Township, the extent of the locality is considered to include:

- The subject land;
- The allotments to the east and west of the subject land; and
- Adjacent land along Womma West Road.

### 2.1 Locality Plan



The locality has a distinctive peri-urban and rural character, it is relatively flat, characterized by plastic greenhouses in various states of repair and large open areas retired from horticulture and now vegetated with weeds.

Adjacent the western boundary the small allotment that cuts into the south west corner of the subject land is used only for residential purposes and adjacent this is another dwelling associated with the horticulture on the allotment located on the corner of Old Port Wakefield Road and Womma West Road.

On the adjacent allotment to the east and the allotment next to this are 2 dwellings associated with horticulture. All the dwellings along this 350m stretch of road, with the exception of the dwelling on the eastern half of the subject land, are behind low suburban style fencing and landscaped gardens. Notwithstanding this, the character is mostly influenced by green houses and a large packing shed and car park near the

corner of Womma West Road and Old Port Wakefield Road, along with the large Virginia Nursery building behind the subject land.

## 2.2 Zoning

The subject land is depicted on Zone Map Play/3 in the Mapping Section of the Development Plan.

By virtue of its location, the land is entirely within:

- The Primary Production Zone; and
- The Precinct 17 Horticulture.

## 3. The Proposal

According to Regulation 16, if an application will require a relevant authority to assess a proposed development against the provisions of a Development Plan, the relevant authority must determine the nature of the development, and proceed to deal with the application according to that determination.

As such, it is considered that the proposal is best described as follows:

*“The division of land from 1 allotment into 2 - (DAC 292/D041/16)”.*

The applicant seeks consent to divide the existing 3.845ha allotment into 2 allotments (one of 1.820ha and the remainder of 2.025 ha).

## 4. Procedural Matters

### 4.1 Classification

According to Section 35 of the Development Act (1993), there will be three kinds of development, with all developments being classified as either *Complying*, *Non-Complying* or *Merit*.

Land Division in the Primary Production Zone, unless within a criteria for exemption, is listed as a *Non-Complying* form of development by the Playford Council Development Plan- Consolidated 21 April 2016. This proposal does not satisfy any of the exemptions and therefore the application forms a Non-complying development.

### 4.2 Public Notification

Section 38(2)(a) of the Development Act (1993) states that a Development Plan or the Development Regulations (2008) may assign different forms of development to a Category for the purposes of public notification.

Further, the Development Act (1993) also states that the Regulations or a Development Plan may assign a form of development to Category 1 or to Category 2 and if a particular form of development is assigned to a Category by both the Regulations and a Development Plan:

- If the Regulations provide that an assignment by a Development Plan may prevail, the assignment provided by the Development Plan will, to the extent of any inconsistency, prevail; but

- In any other case, the assignment provided by the regulations will, to the extent of any inconsistency, prevail.

The “division of land” is not listed within Council’s Development Plan as either a Category 1 or Category 2 development, and similarly, Schedule 9 of the Development Regulations 2008 excludes a non-complying form of development from being assigned to Category 1 or Category 2 development.

Therefore the development must be assigned to Category 3 for public notification purposes, which will proceed should the CDAP resolve to proceed with a full assessment of the application.

## 5. Key Issues

The following matters are considered pertinent in reaching a recommendation for the proposal:

- Whether the proposed division of land is an orderly and desirable form of development within the Primary Production Zone;
- Whether the proposed allotments are suitable to retain land for horticultural purposes; and
- Whether the proposal is compatible with the desired character of the Primary Production Zone.

## 6. Conclusion

Despite the application being a Non-Complying form of development, it is considered that a full and detailed assessment of the merits of the proposed development is appropriate. The application advises that horticulture will continue on both the new allotments which will not impact on the current productivity of the land. It also recognises the existing use of two dwellings on the subject site that on current investigations appear to have been lawfully constructed.

## 7. Recommendation

### **STAFF RECOMMENDATION**

That pursuant to the authority delegated to the Council Development Assessment Panel by the Council, it is recommended that the Council Development Assessment Panel resolves to PROCEED to a full assessment of the application.



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

<b>Product</b>	Register Search
<b>Date/Time</b>	27/11/2015 10:55AM
<b>Customer Reference</b>	C157/15
<b>Order ID</b>	20151127003625
<b>Cost</b>	\$27.25

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## Notations

### Dealings Affecting Title

NIL

### Priority Notices

NIL

### Notations on Plan

NIL

### Registrar-General's Notes

AMENDMENT TO DIAGRAM VIDE 12359786  
WITH NEXT DEALING LODGE EDITION 3

### Administrative Interests

NIL

\* Denotes the dealing has been re-lodged.




**Government of South Australia**

 Department of Planning,  
 Transport and Infrastructure

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**Tax Invoice / Receipt**

**ABN:** 92 366 288 125  
**Agency:** Department of Planning, Transport and Infrastructure  
**Address:** PO Box 1815, Adelaide SA 5001  
**Phone:** 7109 7018

Fee Description	GST excl.	GST	GST incl.
Lodgement Fee (additional allotment)	\$202.00	\$0.00	\$202.00
Land Division Fee (additional allotment)	\$152.00	\$0.00	\$152.00
Land Division Fee (per Additional Allotment)	\$14.40	\$0.00	\$14.40
Statement of Requirements Fee (additional allotment)	\$401.00	\$0.00	\$401.00
Certificate of Approval Fee (additional allotments)	\$334.00	\$0.00	\$334.00
DAC Consultation Report Fee (additional allotments)	\$201.00	\$0.00	\$201.00
<b>Total</b>	<b>\$1304.40</b>	<b>\$0.00</b>	<b>\$1304.40</b>

---

**APPLICATION DETAILS**

**Unique Id:** 54199  
**Development Number:** 292/D041/16  
**Agents Reference:** C157-15  
**Applicant:** Mr TY DUONG  
**Owner:** Mr TY DUONG  
**Type:** CreditCard  
**Agent:** Kevin Burgess & Associates Pty Ltd  
**Address:** 46 Second Ave St. Peters 5069  
 South Australia

---

**TRANSACTION DETAILS**

**Received:** Tuesday, 26 Apr 2016  
**Receipt Ref. No:** 63136633213  
**Process Id:** DEV5419920160426133553752  
**Amount Paid:** \$1304.40  
**Payment Method:** Credit Card

Contact                      Customer Services  
Telephone                  (08) 71097016  
Facsimile                  (08) 83030604



17 May 2016

Mr Tim Jackson  
Chief Executive Officer  
City of Playford  
12 Bishopstone Rd  
DAVOREN PARK SA 5113

Dear Sir/Madam

**Re:        Proposed Development Application No. 292/D041/16 (ID 54199)  
             for Land Division by Ty Duong**

The above-mentioned land division application has been lodged with the Development Assessment Commission. The Council is the relevant authority. I can advise that the application is a kind of development that is classified as non-complying within Council's Development Plan.

The Council is required by Regulation 17 of the *Development Regulations 2008* to decide whether or not to proceed with an assessment of the application. As a non-complying development, the application may be refused without proceeding to an assessment or at any time during the assessment process (Refer: Section 39(4)(d) of the *Development Act 1993*).

A more detailed planning consultation report on the merits of the application will not be provided by the Commission. In due course, SA Water and DAC land division requirements will be conveyed to the Council. Technical and environmental reports from state agency and referral bodies can be viewed on EDALA.

Should the Council wish to grant consent to the development, the Council must first seek the concurrence of the Development Assessment Commission pursuant to Section 35(3) of the *Development Act 1993* prior to the granting of this consent. Please refer to Regulation 25 of the *Development Regulations 2008* for the documentation required for the Commission to consider a concurrence request.

The Commission does not generally support non-complying land division applications without adequate and detailed justification. However, all relevant documentation, including proposal plans, planning statements, agency reports, technical papers, public representations, Council's assessment report (including recommended conditions) and policies within the Development Plan will be taken into account.

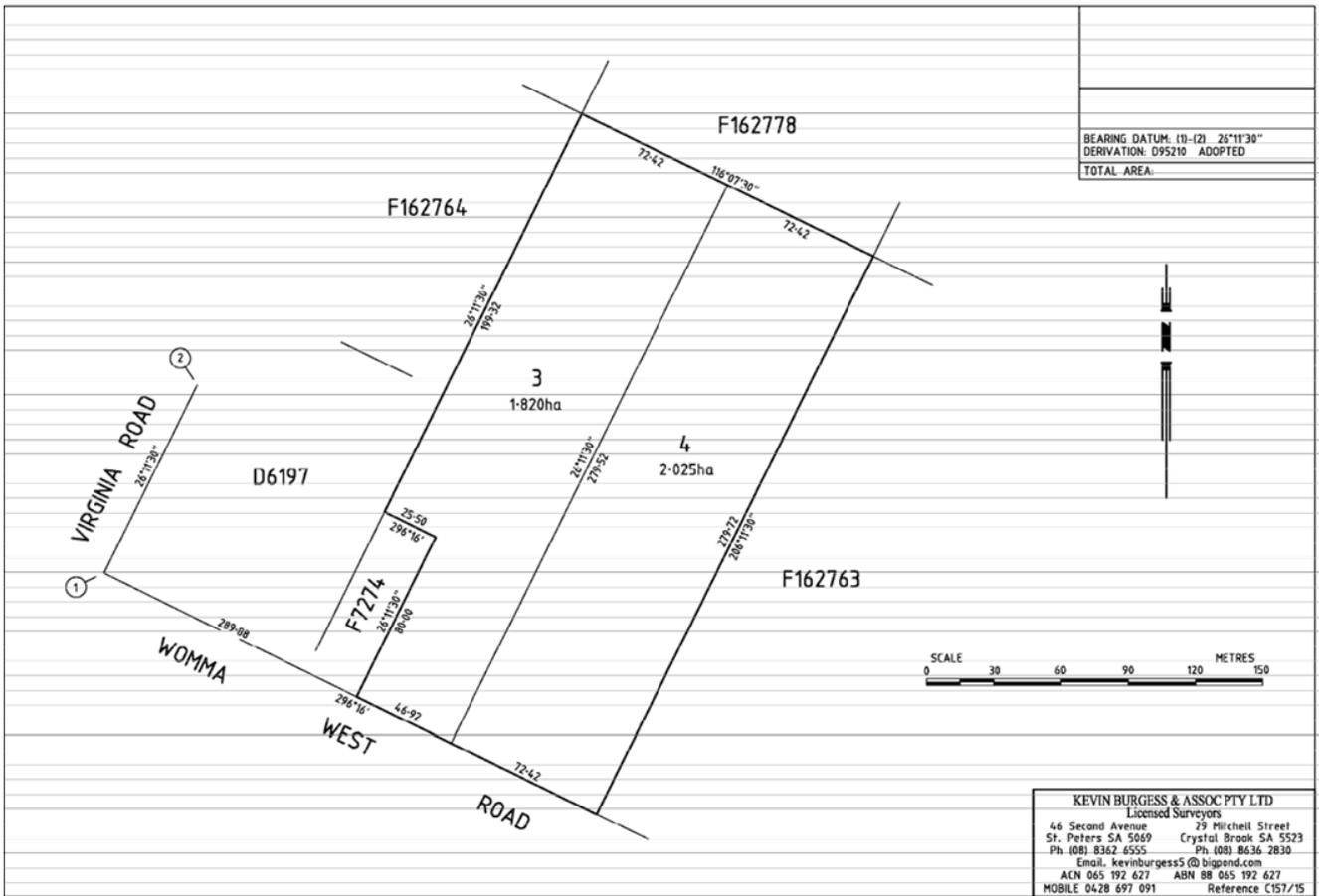
A three month period should be allowed for a concurrence request to be considered by the Commission.

Yours faithfully

A handwritten signature in black ink, appearing to read "Mark Adcock", is written over a light blue horizontal line.

Mark Adcock  
**PRINCIPAL PLANNER**  
**DAC SECRETARIAT**  
*as delegate of the*  
**DEVELOPMENT ASSESSMENT COMMISSION**

PURPOSE:	DIVISION	AREA NAME:	VIRGINIA	APPROVED:							
MAP REF:	6628/20/C.E	COUNCIL:	CITY OF PLAYFORD	DEPOSITED/FILED:	<b>D</b>						
LAST PLAN:		DEVELOPMENT NO:			SHEET 1 OF 2						
					V01						
<b>AGENT DETAILS: KEVIN BURGESS &amp; ASSOCIATES</b> <small>ACN 065 192 627 ABN 88 065 192 627</small> <small>LICENSED SURVEYORS</small> 46 SECOND AVENUE ST PETERS 5069 29 MITCHELL ST CRYSTAL BROOK SA 5523 <small>PH(08) 8362 6555 FAX(08) 8362 0966 PH(08) 8636 2830 FAX(08) 8662 6246</small> <small>MOBILE 0428 697 091 DATE: 16/12/08</small>		<b>SURVEYORS CERTIFICATION:</b> I, _____ Licensed surveyor of South Australia do hereby certify (1) That this plan has been made from surveys carried out by me or under my personal supervision and in accordance with the Survey Act 1992 (2) That the field work was completed on 23rd JANUARY 2008 <del>except for final placement of survey marks (strike out if not applicable)</del>									
AGENT CODE:	KBU7P	Dated	_____	Licensed Surveyor							
REFERENCE:	C157/15										
<b>SUBJECT TITLE DETAILS:</b>											
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER	
CT	5346	203		ALLOTMENT(S)	2	F	7274	MUNNO PARA		SEC 3029	
<b>OTHER TITLES AFFECTED:</b>											
<b>EASEMENT DETAILS:</b>											
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF			CREATION		
<b>ANNOTATIONS:</b>											



## Statement of Support

Land Division creating 2 allotments from  
a single allotment (1 additional allotment)  
Hundred of Munno Para,  
**VIRGINIA SA**

Prepared for

**Ty Duong & Thanh Thi Kim Tran**

March 2016



<b>CONTENTS</b>		<b>Page</b>
<b>1.0</b>	Introduction	3
<b>2.0</b>	Subject Land & locality	3-4
<b>3.0</b>	Proposal	4
<b>4.0</b>	Nature & Classification of the proposed land division	5-6
<b>5.0</b>	Planning Assessment	7-8
<b>6.0</b>	Conclusion	9

<b>APPENDIX A</b>	Site Photographs	10-18
<b>APPENDIX B</b>	Certificate of Title	19-22
<b>APPENDIX C</b>	Proposed Plan of Division	23-25
<b>APPENDIX D</b>	Existing Zone and Precinct Maps Play/3	26-28
<b>APPENDIX E</b>	Development Constraints Map Play/3	29-30
<b>APPENDIX F</b>	Aerial Photograph (2500 Location Plan)	31-32

**1.0 Introduction:**

On behalf of Ty Duong & Thanh Thi Kim Tran, part-owners of the subject land and Applicants in this matter, have engaged Planning Solutions (SA) Pty Ltd to prepare a Statement of Support in respect to a proposed land division which creates 2 allotments from a single allotment (1 additional allotment) in the Hundred of Munno Para in the area known as Virginia.

In preparing the following documentation I confirm that I have viewed the 'subject land' and its locality, viewed the buildings and infrastructure on the 'subject land' and considered the proposal in detail, and assessed it against the pertinent Development Plan provisions contained in the Playford Council Development Plan (10 December 2015 - consolidation).

**2.0 Subject Land & Locality:**

The 'subject land' (Allotment 2) is located east of Gawler Road and also abuts the eastern boundary of the Virginia Nursery Complex. The 'subject land' that is jointly owned by Ty Duong and Thanh Thi Kim Tran and also Luong Duong and Thi Cam Huong Pham, where Ty Duong and Luong Duong are brothers.

The 'subject land' is contained in Certificate of Title Volume 5346 Folio 203 and has a total area of approximately 3.844 hectares with a consolidated frontage to Womma West Road of approximately 119.34 metres (A copy of the Certificate of Title is **attached** in Appendix 'B').

The topography of the 'subject land' falls gently from Womma West Road to the rear of the allotment in the north-east. Access to the existing allotment (allotment 2) is gained off Womma West Road which is an all weather sealed road. Located near the middle of the portion of the existing allotment used by the applicant is a rainwater run-off storage basin that stores the harvested water that is collected from the 81 glasshouses and is reused for the watering of the glasshouses when planted with zucchini.

The perimeter of the 'subject land' is fenced along the Womma West Road boundary by a 1.800 metre high decorative style fencing, whilst the western, northern and eastern boundaries are fenced in 1.800 metre high cyclone fencing (refer to photographs **attached** in Appendix 'A')

The 'subject land' at the time of preparing this Statement of Support was physically divided into 2 by a 1.800m high chainmesh fence. However, over the total area of Allotment 2 there are 81 existing glasshouses. The existing glasshouses used by the applicants, Ty Duong & Thanh Thi Kim Tran are used for the growing of zucchini's. There are several plantings within the glasshouses which creates an annual income for the applicants (refer to the photographs **attached** in Appendix 'A').

Also constructed on the subject land is 2 storage sheds, one of which is used for the storage of equipment used in the day to day operations of the existing glasshouses whilst the other shed is used for the sorting, packing and storage of the actual zucchini fruit until they are loaded and taken to the local and interstate markets for sale. In addition to the 2 existing storage sheds there is a existing single storey detached dwelling in which the applicants reside.

The fencing along the Womma West Road frontage comprises of a 1.800m high tubular security fence, whilst the fencing along the perimeter of the allotment of the existing dwelling adjacent to the south-western corner of the 'subject land' is 1.500m high colorbond steel sheeting. The remainder of the allotment is constructed on

1.800m chainmesh security fencing, as is the fencing that physically divides the portion of the land shared by each of the Registered Proprietors (refer to the photographs **attached** in Appendix 'A')

### **The Surrounding Locality:**

The 'subject land' is located on the northern side of Womma West Road near the intersection of Gawler Road at Virginia. Abutting a portion of the western boundary of the 'subject land' is the Virginia Nursery Complex. In the immediate vicinity of the 'subject land' are allotments of a similar size and shape to the 'subject land' that is the subject of the proposed land division. All allotments in the immediate vicinity are used for horticultural activities, with a large portion of the allotments containing glasshouses for the growing of vegetables, which in turn are sold to local and interstate vegetable markets.

The wider locality sees a combination of larger and smaller allotments, where the larger allotments are used for the growing of vegetables in the open on a larger scale. However the smaller allotments have a number of small glasshouses used for the growing of similar crops grown on the portion of 'subject land' owned by the applicants.

The 'subject land' is also located on the northern periphery of the township of Virginia which supports the local community through the long established businesses, such as irrigation firms, hardware stores, farm fresh product outlets, local hotel and Woolworth Supermarket.

In summary, the 'subject land' is surrounded by allotments used for the same land use and more importantly is that the land use on the 'subject land' will not alter with approval for the proposed land division, simply the land division provides the ability for each registered proprietor to independently sell their allotment without obtaining concurrence from the other proprietor. But more importantly the proposed land division does not change the existing land use, it just allows independent ownership.

### Existing Allotment details:

- 🚧 Allotment 2 – area of approximately 3.844 hectares

### Proposed allotments:

- 🚧 Allotment 3 – area of approximately 1.820 hectares; and
- 🚧 Allotment 4 – area of approximately 2.025 hectares;

## **3.0 Proposal:**

The applicant seeks **Development Plan** and **Land Division Consent** for a land division involving creating 2 new allotments (Allotments 3 and 4) from 1 existing allotment (Allotment 2) of approximately 3.844 hectares and creating 2 new allotments (Allotments 3 and 4) of approximately 1.820 and 2.025 hectares respectively.

#### **4.0 Nature & Classification of proposed land division:**

The 'subject land' is located within the Primary Production Zone and also within Precinct 17 Horticulture as defined in Zone and Precinct Maps Play/3 of the Playford Council Development Plan Consolidated on 10 December 2015, a copy of the Maps are **attached** in Appendix 'D' of this document.

Reference has been made to the Procedural Matters for the Primary Production Zone and a land division within the zone or the precinct area is not listed as a complying form of development.

Reference has also been made to the non-complying forms of development within the zone and the precinct area, with the following being stated.

Form of development	Exceptions
<i>Land Division</i>	<p><i>Except where any of the following applies, it is located</i></p> <p><i>(a) outside the Rural Policy Area 5 or Precinct 18 Rural Fringe and no additional allotments are created wholly or partly within the zone</i></p> <p><i>(b) within Rural Policy Area 5 and results in the creation of allotments greater than 4 hectares</i></p> <p><i>(c) within Precinct 18 Rural Fringe and achieves one of the following:</i></p> <p><i>(i) results in the creation of allotments of greater than 10 hectares</i></p> <p><i>(ii) results in the creation of allotments less than 10 hectares where each allotment has a depth which is not more than four times the width of the allotment and one of the following applies:</i></p> <p><i>(A) the allotments would be used for horticultural activities</i></p> <p><i>(B) the division is necessary or desirable for the more efficient use of the land concerned in a manner consistent with the zone objectives</i></p> <p><i>(C) It involves an adjustment of existing title boundaries</i></p>

The 'subject land' is located both outside the Rural Policy Area 5 and Precinct 18 Rural Fringe, however the proposed land division will create an additional allotment and as such fails to comply with exemption (a) listed above. Considering the 'subject land' is outside the Rural Policy Area 5 and the proposed allotments are less than 4 hectares, also fails to comply with (b) listed above.

The 'subject land' is not contained within Precinct 18 Rural Fringe and therefore the exemptions relating to (c) listed above do not apply and as such the proposed land division to create 2 new allotments from 1 existing allotment within the Primary Production Zone and also the Precinct 17 Horticulture area is a non-complying form of development.

In relation to this land division reference has been made to the Schedule 9, Part 1, 2(f) of the *Development Regulations 2008*, which states the following, respectively.

#### **Part 1—Category 1 development**

**3** *Any development classified as non-complying under the relevant Development Plan which comprises—*

- (a) *the alteration of, or addition to, a building which, in the opinion of the relevant authority, is of a minor nature only; or Development Regulations 2008—1.7.2015 Schedule 9—Public notice categories 2 This version is not published under the Legislation Revision and Publication Act 2002 [18.2.2016]*
- (b) *the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used, and which constitutes, in the opinion of the relevant authority, development of a minor nature only; or*
- (c) *the division of land where the number of allotments resulting from the division is equal to or less than the number of existing allotments*

**In summary**, the proposed land division is for the creation of two (2) new allotments from one (1) existing allotment, hence the land division creates 1 additional allotments and therefore the proposed land division is deemed to be a 'non-complying' kind of development and as the proposal creates 1 additional allotment the proposal will be assessed as Category 3 for the purposes of public notification.

## **5.0 Planning Assessment:**

The 'subject land' is contained entirely within the Primary Production Zone and Precinct 17 Horticulture of the Playford Council Development Plan consolidated 10 December 2015, and depicted on Zone and Precinct Maps Play/3, with the zone encouraging productive, efficient and environmentally sustainable primary production activities characterised by open rural areas, horticulture, glasshouses, vineyards, orchards and pastures on allotments of a size and configuration that promotes efficient use of the land for primary production whilst at the same time ensuring the preservation of the rural character for horticultural purposes.

Within Precinct 17 Horticulture, there are strict guidelines relating to intensive animal keeping to ensure there is a minimum buffer distance of such activities from the following zone and policy areas. Those being the Residential Zone, Township Zone, Rural Living Zone, Rural Policy Area 5, and the Suburban Neighbourhood Zone. The 'subject land' is entirely used for horticultural activities and therefore the provisions within the Precinct have no impact on the proposal to subdivide the allotment.

The 'subject land', whilst one single allotment (allotment 2) is physically divided into 2 portions by the erection of a 1.800 metre high chainmesh security fence (refer to photograph 6 **attached** in Appendix 'A' of this document). The proposed land division will follow the line of the existing fenceline, hence on the ground the proposed land division will make no difference to the land use operations, except it will create 2 single allotments that can be sold independently, without the approval of the other registered proprietors.

The applicants have worked their portion of the 'subject land' for nearly 30 years and are at a point where they are physically unable to continue to work in the glasshouses to generate a reasonable income and hence they wish to be able to on sell their allotment so they can retire. However, they are unable to do that at the moment as they need the consent of the other registered proprietors, who are reluctant to sell to another party for the fear of impact on their own operations on the other portion of the land.

The proposal will not compromise the intent of the Primary Production Zone in so far that it will:

- ✚ Not inhibit the continuance of the lawful primary production activities on adjoining land or in the immediate locality;
- ✚ Will not undermine the horticultural activities on the 'subject land' as the portions of land defined on the Certificate of Title are delineated by a physical barrier (existing chainmesh security fence) and the proposed land division will primarily follow the existing fenceline;
- ✚ No existing glasshouses, other than 3 will need to be dismantled to ensure that none of the existing infrastructure is impeded by the proposed new allotment boundary; and
- ✚ Not impact on existing Council infrastructure or public utilities to the extent that they need to be upgraded or altered at the expense of the local community.

The operations on the land, including the existing glasshouses, services and existing built form which includes storage sheds and dwellings have been constructed on the site in accordance with the portions allocated to each registered proprietor on the Certificate of Title. Hence the applicant has constructed their operations on 4737/10000 share as joint tenants of existing allotment 2 and that portion will become new allotment 3 as a result of the proposed land division.

Conversely the other joint tenants, Luong Duong and Thi Cam Huong Pham have established their existing glasshouses, shedding and existing dwelling on their 5263/10000 share as joint tenant, which is the portion of the land located east of the existing dividing chainmesh fencing on the site and this area will become new allotment 4 as a result of the proposed land division.

## **6.0 Conclusion:**

As outlined above, notwithstanding the non-complying assignment of this application it is considered that the proposed development has sufficient merit to warrant further assessment, based on the following reasons:

- The proposed development will provide continued economic activity and investment opportunities to the region without compromising the key objectives for the zone;
- The proposed land division which creates 2 new allotments (1 additional allotment) will both having frontage to Womma West Road, which is an all weather sealed road;
- The proposed allotment sizes that will result from the proposed land division are deemed to be adequate to achieve the intended use for each allotment.
- The proposed land division provides the safe and efficient movement of traffic to and from the existing road network abutting the subject land.
- The proposed development is adequately serviced by public infrastructure;
- The orderly nature of the development in its location; and
- The proposed land division will not inhibit the existing activities on adjoining properties nor will it inhibit the activities on the 'subject land' as the allotment is currently physically divided by a chainmesh fence in accordance with the portions allotted to each registered proprietor on the Certificate of Title.
- The proposed land division, whilst creating allotments smaller than envisaged by the policy provisions for the zone and appropriate policy area, the proposal does not affect the land use currently or in the future as each portion of the allotment currently operates in accordance with the portions allotted to each of the registered proprietors.
- The proposal will allow the applicant to sell their portion of the existing allotment without impacting on the other registered proprietors and allow the newly created allotments to be sold to other parties to continue the existing land use.

The proposed land division will however provide opportunities for others, bring sustainable long term economic stimulus and opportunity to the local area without impacting on the adjoining landowners or impacting on the integrity of the policy provisions for the zone and precinct area. Such outcomes when considered with the abovementioned merits of the proposal, Council is requested to proceed with a more detailed assessment of the proposal by requesting a Statement of Effect for further consideration.



**Trevor V White**  
Managing Director

MURP MPIA Grad Cert Bldg & Planning, Dip Bus

**APPENDIX A**  
(Site Photographs)

**PHOTOGRAPH No.1**

**DESCRIPTION:** Photograph taken looking west from the existing exit point from existing allotment 2, showing the all weather sealed surface of Munno Para West Road. The exit from the proposed new allotments will have adequate sight distance to the west.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015

**PHOTOGRAPH No.2**

**DESCRIPTION:** Photograph taken looking east from the existing exit point from existing allotment 2, showing the all weather sealed surface of Munno Para West Road. The exit from the proposed new allotments will have adequate sight distance to the south.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015

**PHOTOGRAPH No.3**

**DESCRIPTION:** Photograph taken from Munno Para West Road looking along the existing exit from allotment 2, showing the existing sheds and dwelling in the background. The existing dwelling will be contained within proposed new Allotment 3.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015

**PHOTOGRAPH No.4**

**DESCRIPTION:** Photograph taken showing the subject land that is the subject of the proposed land division is located at 83 Munno Para West Road at Virginia.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015

**PHOTOGRAPH No.5**

**DESCRIPTION:** Photograph taken showing one of the existing dwellings located on the subject land (Allotment 2) and which will be entirely contained within new Allotment 3.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015

**PHOTOGRAPH No.6**

**DESCRIPTION:** Photograph taken looking in a northerly direction along the existing chainmesh fence that divides the glasshouses operated between the current joint landowners Ty Duong and Thanh Thi Kim Tran. The proposed land division will predominantly follow the existing fenceline line on site.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015

**PHOTOGRAPH No.7**

**DESCRIPTION:** Photograph taken looking in a southerly direction from existing Allotment 2, showing the existing dwelling and fencing type, located on a small allotment created by FP 7274.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015

**PHOTOGRAPH No.8**

**DESCRIPTION:** Photograph taken looking in a northerly direction showing the typical distance between groups of glasshouses located on the subject land. The glasshouses, depending on their width are constructed in groups of 3, 5 or 6 glasshouses.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015

**PHOTOGRAPH No.9**

**DESCRIPTION:** Photograph taken looking inside one of the existing glasshouses, which are all predominantly planted with zucchini plants. The plantings are spaced so that the growing period is spread over the total cropping period to ensure all of the fruit is not ready at the same time.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015

**PHOTOGRAPH No.10**

**DESCRIPTION:** Photograph taken looking inside one of the existing glasshouses, which are all predominantly planted with zucchini plants. The plantings are spaced so that the growing period is spread over the total cropping period to ensure all of the fruit is not ready at the same time.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015



**PHOTOGRAPH No.11**

**DESCRIPTION:** Photograph taken looking inside one of the existing glasshouses, which are all predominantly planted with zucchini plants. The plantings are spaced so that the growing period is spread over the total cropping period to ensure all of the fruit is not ready at the same time.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015



**PHOTOGRAPH No.12**

**DESCRIPTION:** Photograph taken looking inside one of the existing glasshouses, which are all predominantly planted with zucchini plants. The plantings are spaced so that the growing period is spread over the total cropping period to ensure all of the fruit is not ready at the same time.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015

**PHOTOGRAPH No.13**

**DESCRIPTION:** Photograph taken showing some of the small mobile trolley's that are used by the workers to carry the picked zucchini back to one of the storage sheds where they are graded and packed ready for the local markets.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015

**PHOTOGRAPH No.14**

**DESCRIPTION:** Photograph taken looking inside one of the existing glasshouses, which are all predominantly planted with zucchini plants. The plantings are spaced so that the growing period is spread over the total cropping period to ensure all of the fruit is not ready at the same time.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015



**PHOTOGRAPH No.15**

**DESCRIPTION:** Photograph taken showing the workers within the existing glasshouses securing strings for the zucchini plants to grow on. This operations allows the plants to grow vertically, rather than have the plants grow all over the ground, which makes it difficult to pick the fruit when ripe.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015



**PHOTOGRAPH No.16**

**DESCRIPTION:** Photograph taken showing that the rows of zucchini plants are watered from rainwater that is harvested from the glasshouses and stored in a water retention dam on the site and then the water is reused again for irrigating the zucchini plants.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 October 2015

**APPENDIX B**  
(Certificate of Title)



<b>Product</b>	Register Search
<b>Date/Time</b>	27/11/2015 10:55AM
<b>Customer Reference</b>	C157/15
<b>Order ID</b>	20151127003625
<b>Cost</b>	\$27.25

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 5346 Folio 203

**Parent Title(s)** CT 4141/244  
**Dealing(s) Creating Title** CONVERTED TITLE  
**Title Issued** 15/06/1996  
**Edition** 4  
**Edition Issued** 20/11/2015



### Estate Type

FEE SIMPLE

### Registered Proprietor

TY DUONG  
 THANH THI KIM TRAN  
 OF LOT 2 WOMMA ROAD VIRGINIA SA 5120  
 4737 / 10000 SHARE AS JOINT TENANTS

LUONG DUONG  
 THI CAM HUONG PHAM  
 OF LOT 2 WOMMA ROAD VIRGINIA SA 5120  
 5263 / 10000 SHARE AS JOINT TENANTS

### Description of Land

ALLOTMENT 2 FILED PLAN 7274  
 IN THE AREA NAMED VIRGINIA  
 HUNDRED OF MUNNO PARA

### Easements

NIL

### Schedule of Dealings

Dealing Number	Description
8853507	MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA
8853508	MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA
8853509	MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA



<b>Product</b>	Register Search
<b>Date/Time</b>	27/11/2015 10:55AM
<b>Customer Reference</b>	C157/15
<b>Order ID</b>	20151127003625
<b>Cost</b>	\$27.25

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## Notations

### Dealings Affecting Title

NIL

### Priority Notices

NIL

### Notations on Plan

NIL

### Registrar-General's Notes

AMENDMENT TO DIAGRAM VIDE 12359786  
WITH NEXT DEALING LODGE EDITION 3

### Administrative Interests

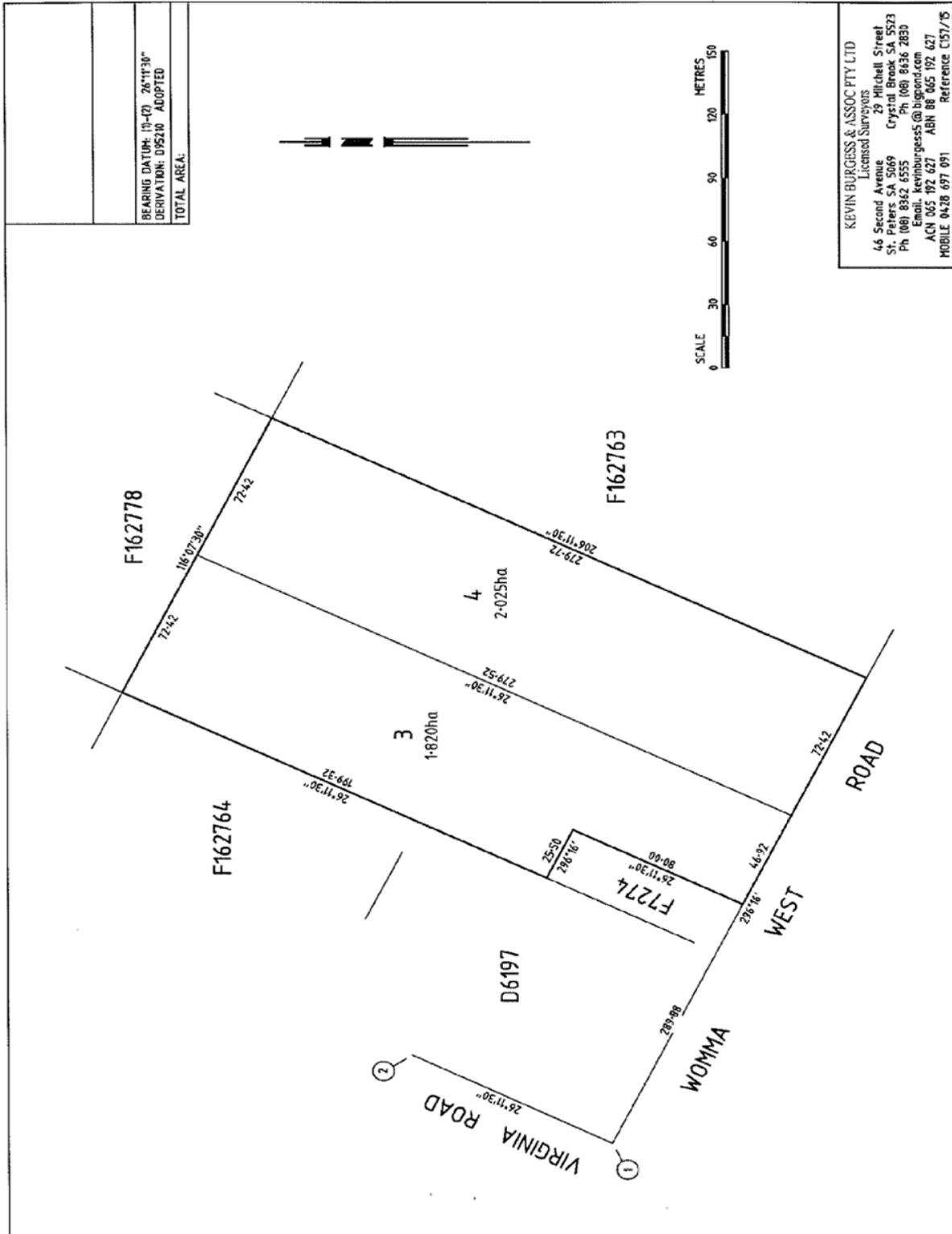
NIL

\* Denotes the dealing has been re-lodged.

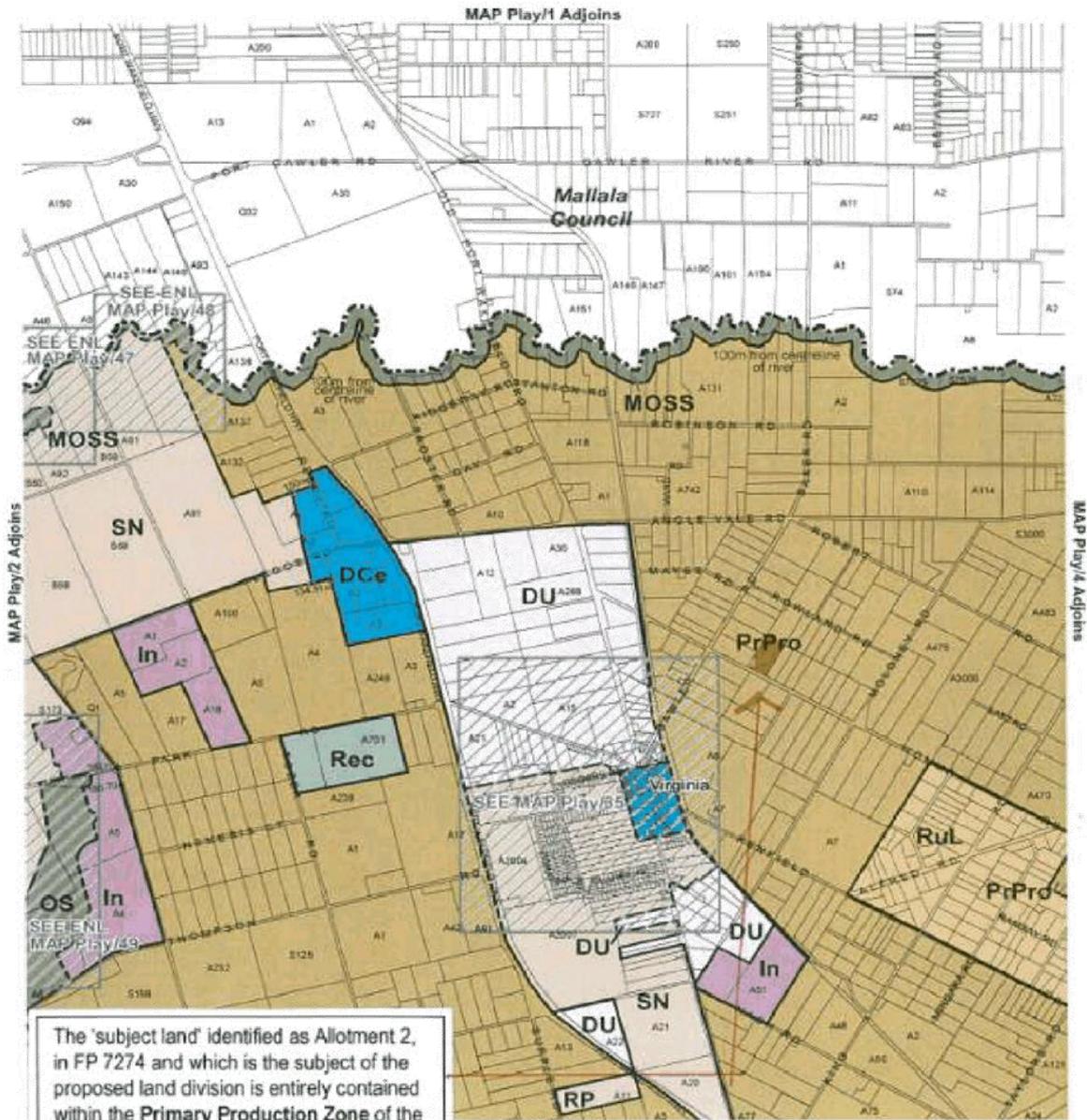


**APPENDIX C**  
(Proposed Plan of Division)

PURPOSE:  MAP REF:  LAST PLAN:	DIVISION  6628/70/C/E  AREA NAME: VIRGINIA  COUNCIL: CITY OF PLAYFORD  DEVELOPMENT NO:	APPROVED:  DEPOSITED/FILED:	D  SHEET 1 OF 2  V01							
AGENT DETAILS: <b>KEVIN BURGESS &amp; ASSOCIATES</b> ACN 065 192 627 LICENSED SURVEYORS ABN 88 065 192 627 44 SECOND AVENUE ST. PETERS 5069 29 MITCHELL ST CRYSTAL BROOK SA 5523 PH(08) 8362 6555 FAX(08) 8362 0966 PH(08) 8658 2830 FAX(08) 8662 6246 MOBILE 0428 697 091 DATE: 16/12/08										
SURVEYORS I, <b>Kevin Burgess</b> Licensed Surveyor of South Australia do hereby certify CERTIFICATION: (1) That this plan has been made from surveys carried out by me or under my personal supervision and in accordance with the Survey Act 1992 (2) That the field work was completed on 23rd JANUARY 2008 except for final placement of survey marks left out if not applicable										
Dated ..... Licensed Surveyor										
SUBJECT TITLE DETAILS:										
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	5346	203		ALLOTMENT(S)	7	F	7274	MUNRO PARA		SEC 3029
OTHER TITLES AFFECTED:										
EASEMENT DETAILS:										
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF		CREATION		
ANNOTATIONS:										



**APPENDIX D**  
(Existing Zone Map Play/3 and  
Precinct Map Play/3)



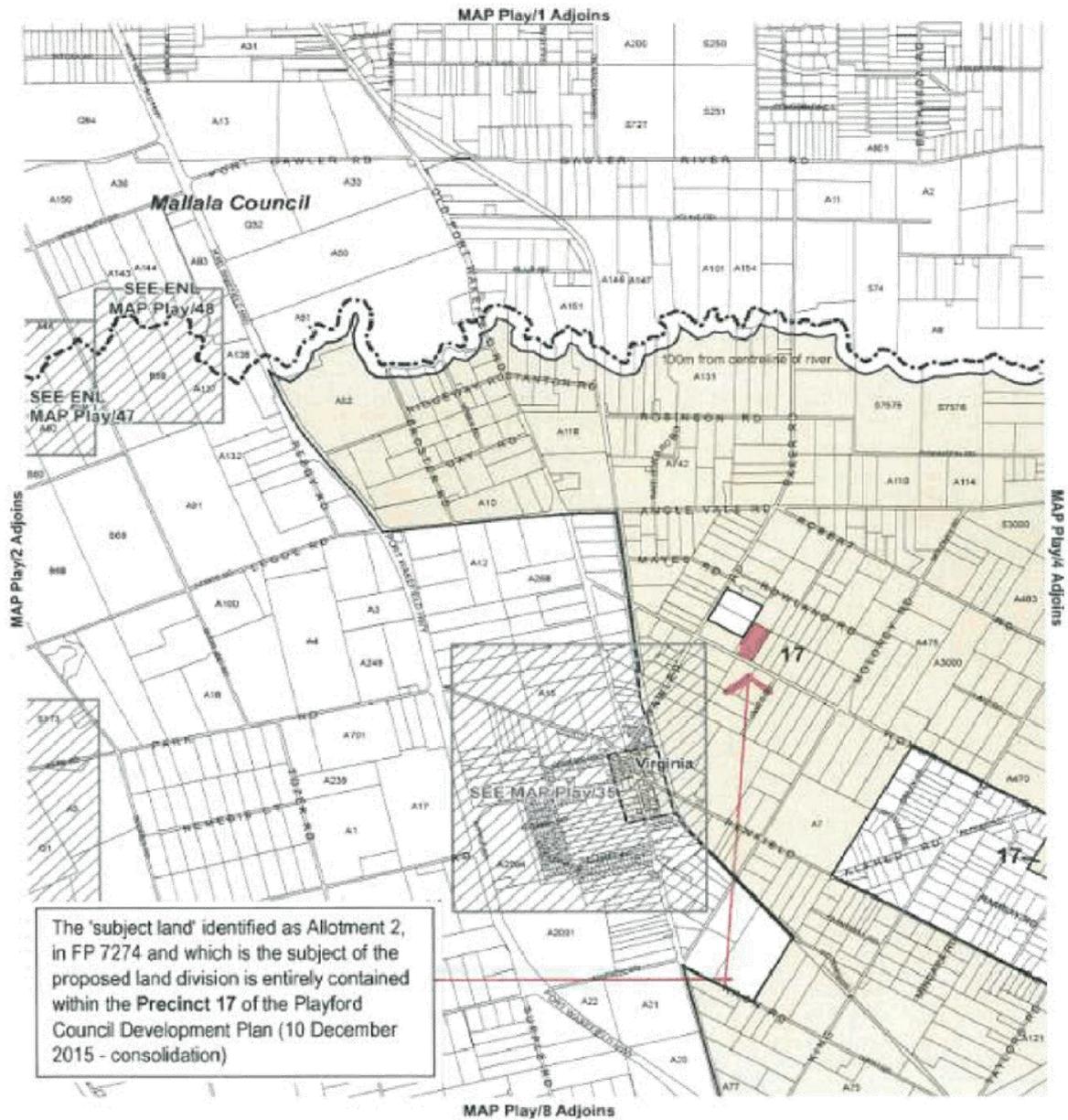
The 'subject land' identified as Allotment 2, in FP 7274 and which is the subject of the proposed land division is entirely contained within the Primary Production Zone of the Playford Council Development Plan (10 December 2015 - consolidation)



Zones		Zones	
DU	Deferred Urban	OS	Open Space
DCe	District Centre	PrPro	Primary Production
In	Industry	Rec	Recreation
MOSS	Metropolitan Open Space System	RP	Residential Park
MinEx	Mineral Extraction	RuL	Rural Living
		SN	Suburban Neighbourhood
			Zone Boundary
			Development Plan Boundary

# Zone Map Play/3

PLAYFORD COUNCIL  
Consolidated - 10 December 2015



The 'subject land' identified as Allotment 2, in FP 7274 and which is the subject of the proposed land division is entirely contained within the Precinct 17 of the Playford Council Development Plan (10 December 2015 - consolidation)

See enlargement map for accurate representation.  
Lamberts Conformal Conic Projection, GDA94  
Precinct  
17 Horticulture

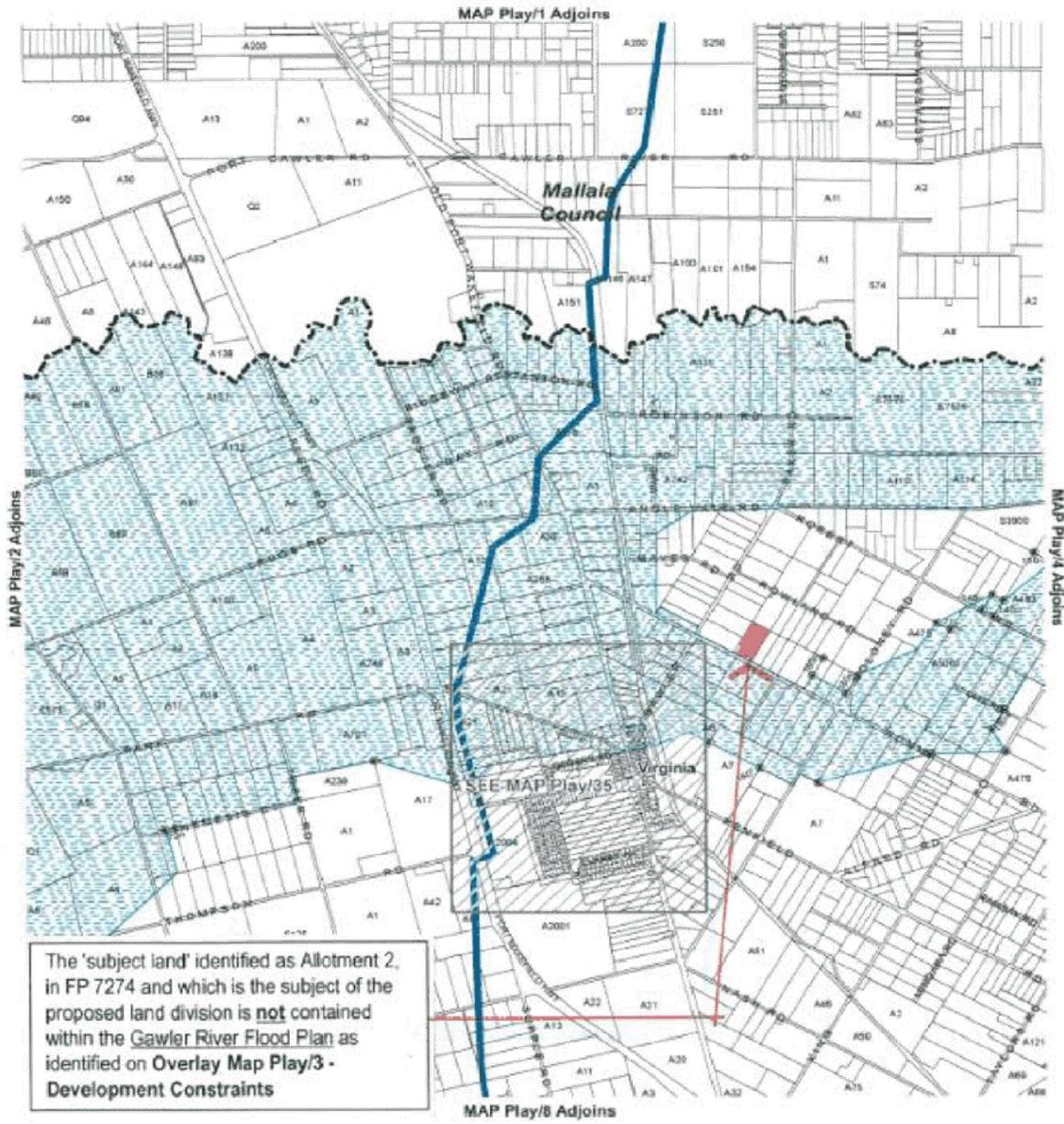


# Precinct Map Play/3

— Precinct Boundary  
- - - - - Development Plan Boundary

**PLAYFORD COUNCIL**  
Consolidated - 10 December 2015

**APPENDIX E**  
(Development Constraints Map Play/3)



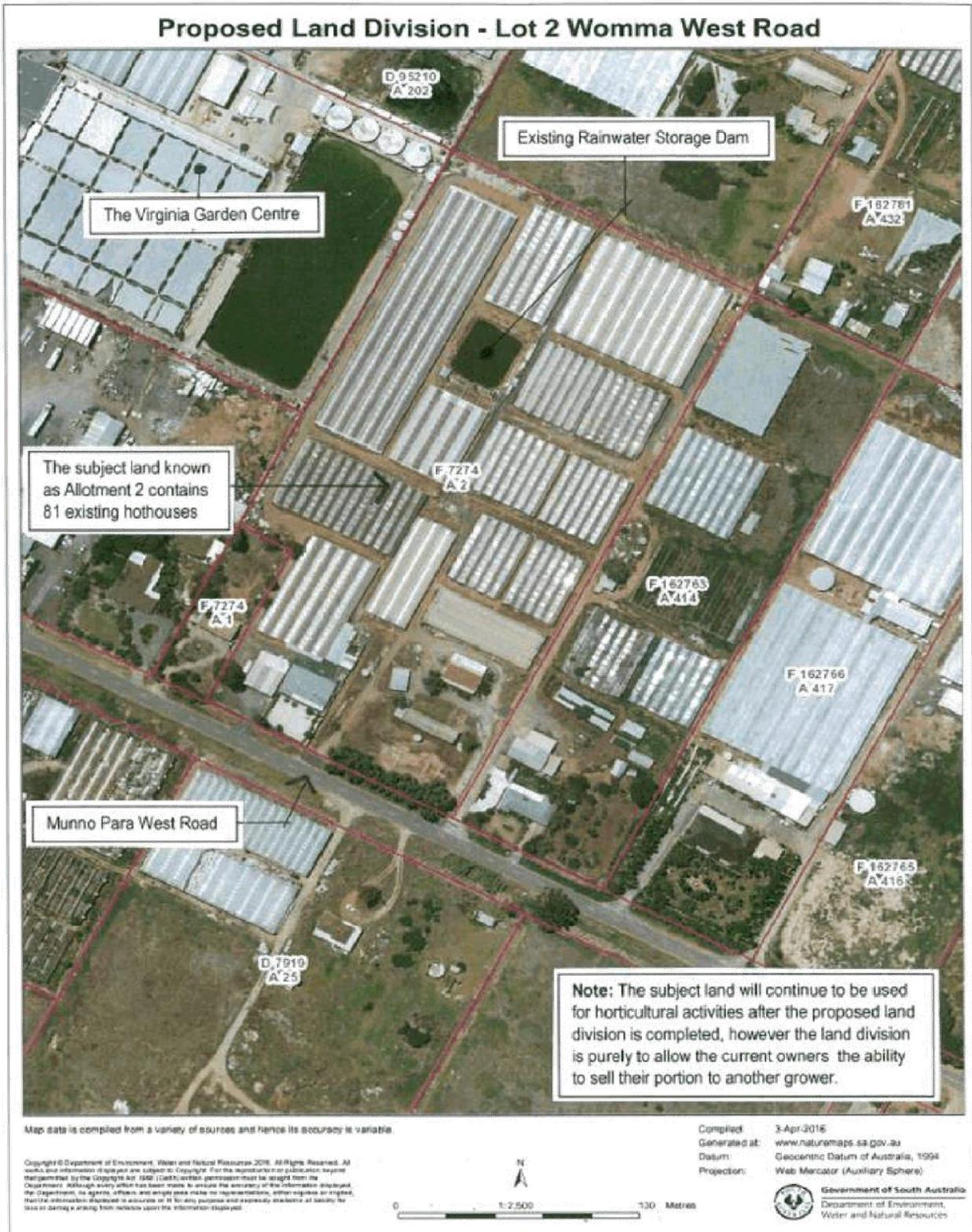
# Overlay Map Play/3 DEVELOPMENT CONSTRAINTS

-  Gawler River Flood Plain
-  Epic Energy Gas Pipeline
-  Development Plan Boundary

PLAYFORD COUNCIL  
Consolidated - 10 December 2015

**APPENDIX F**

(Aerial Photograph - 2500 Location Plan)



### 6.3 CONSTRUCTION OF AN OFFICE IN ASSOCIATION WITH AN EXISTING PACKING SHED

#### Snapshot

<b>Author:</b>	Megan Stewart
<b>Proposal:</b>	Construction of an office in association with an existing packing shed
<b>Development Number:</b>	292/1779//2015
<b>Date of Lodgement:</b>	23 December 2015
<b>Owner:</b>	Jacobs Well (SA) Pty Ltd
<b>Applicant:</b>	Mr. T Marrone
<b>Location:</b>	260 Carclew Road, Penfield Gardens
<b>Zone:</b>	Primary Production
<b>Classification:</b>	Non-Complying
<b>Public Notification Category:</b>	3
<b>Representation Received:</b>	Notification not yet undertaken
<b>Development Plan:</b>	Consolidated 10 December 2015
<b>Request for Additional Information Made?</b>	Yes

**Recommendation:** To proceed to make an assessment.

**Attachments:** See Attachment No: 

1. Development Application Form
2. Aerial Photograph
3. Zone Map
4. Site Plan
5. Elevation Plan
6. Floor Plan
7. Statement of Support

#### 1. The Subject Land

The land is rectangular in shape and relatively flat with a total site area of 4 hectares (40,000m<sup>2</sup>). It is located on the southern side of Carclew Road, in the suburb of Penfield Gardens.

At present, the allotment accommodates a packing shed, a loading canopy, a swale, a water tank with pump shed, a car park accommodating 29 car parking spaces, a truck hard stand area and a shed. The rear of the allotment is used for horticultural activities.

## 2. The Locality

By virtue of the visibility of the subject allotment, the extent of the locality is considered to include:

- The subject site;
- Lot 2 Carclew Road;
- Lot 4 Carclew Road;
- 238 Carclew Road;
- 240 Carclew Road;
- 285 Carclew Road;
- 299 Carclew Road;
- 318 Carclew Road; and
- Lot 16 Hayman Road.

### 2.1 Locality Plan



The locality contains predominantly large primary production allotments ranging between 3.9 hectares and 12.2 hectares in area and two smaller allotments of just over 1,000 square metres and 2,000 square metres in area respectively.

The large allotments contain vegetable crops and glass houses with single storey dwellings and ancillary outbuildings and the smaller allotments accommodate a single storey dwelling and associated outbuildings and a cemetery.

### 2.2 Zoning

The subject land is depicted on Zone Map Play/4 in the Mapping Section of the Development Plan.

By virtue of its location, the land is entirely within:

- The Primary Production Zone; and
- The Horticulture Precinct.

### 3. The Proposal

According to Regulation 16, if an application will require a relevant authority to assess a proposed development against the provisions of a Development Plan, the relevant authority must determine the nature of the development, and proceed to deal with the application according to that determination.

As such, it is considered that the proposal is best described as follows:

*'Construction of an office in association with an existing packing shed'.*

The Applicant seeks to undertake the development in front of the existing packing shed, with internal doors linking the two structures together. Admin work associated with the existing packing shed activities will be undertaken in the office.

The office will comprise of a kitchen, toilet facilities, meeting rooms, offices, a waiting room and a stationary and archives room, totalling 400sqm in area. It will be constructed of steel framing, precast concrete walls and a metal roof at a 3 degrees roof pitch. The internal wall heights will be 2.7m, while the external wall heights will be 4.5m, with the entrance wall height being 5.2m.

The office is proposed to be constructed with a setback of 10m to 12.4m from the primary road frontage, 70m from the western side boundary 27.6m from the eastern side property boundary. It will have a length of 45.5m and a depth average of 8m.

### 4. Procedural Matters

#### 4.1 Classification

According to Section 35 of the Development Act (1993), there will be three kinds of development, with all developments being classified as either *Complying*, *Non-Complying* or *Merit*.

The Primary Production Zone assigns an office as being a Non-Complying form of development in Councils Development Plan, except where it achieves all of the following criteria:

- (a) It is located within Horticulture West Policy Area 4.
- (b) It is ancillary to and in association with a horticultural industry undertaken on the site; and
- (c) It has a floor area of 50 square metres or less.

Due to the site not being located within Horticulture West Policy Area 4 and having a floor area exceeding 50 square metres, it has been determined that this development is a *Non-Complying* form of development.

#### 4.2 Public Notification

Section 38(2)(a) of the Development Act (1993) states that a Development Plan or the Development Regulations (2008) may assign different forms of development to a Category for the purposes of public notification.

Further, the Development Act (1993) also states that the Regulations or a Development Plan may assign a form of development to Category 1 or to Category 2 and if a particular form of development is assigned to a Category by both the Regulations and a Development Plan:

- If the Regulations provide that an assignment by a Development Plan may prevail, the assignment provided by the Development Plan will, to the extent of any inconsistency, prevail; but
- In any other case, the assignment provided by the regulations will, to the extent of any inconsistency, prevail.

Any development that is not assigned to a Category under paragraph (a) or (b) of Section 38(1) of the Development Act 1993 will be taken to be a Category 3 development for the purposes of this section.

The Procedural Matters section of the Primary Production Zone Section in the Development Plan does not assign the proposal to a category and as such, the Category is assigned by the Development Regulations (2008).

The Development Regulations (2008) does not assign this type of development to a Category in either Part 1 or Part 2 of Schedule 9.

Due to the development not being assigned to a Category under paragraph (a) or (b) of Section 38(1) of the Development Act (1993), it will be dealt with as a Category 3 development for the purposes of Section 38(2)(c) of the Development Act (1993).

Category 3 public notification will be undertaken should the panel resolve to proceed with an assessment of the application.

## 5. Key Issues

The following matters are considered pertinent in reaching a recommendation for the proposal:

- Whether the construction of an office in association with an existing packing shed is consistent with the Desired Character as expressed in the Development Plan;
- Whether the size of the office will have an unreasonable visual impact on the rural character of the zone.
- Whether the office is directly associated with the agricultural or primary production industry.

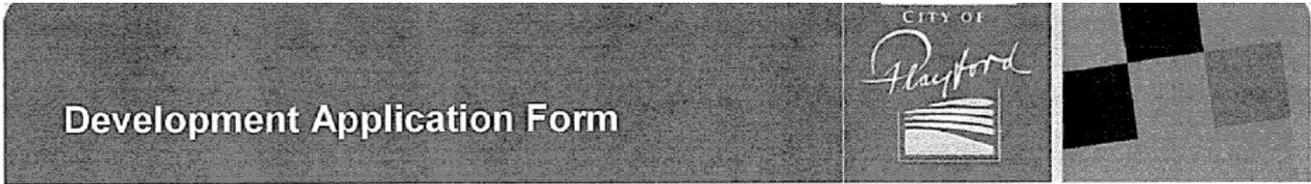
## 6. Conclusion

Despite the application being a Non-Complying form of development, it is considered that a full and detailed assessment of the merits of the proposed development is appropriate, particularly given that the application is in association with the existing packing shed, which is directly related to primary production.

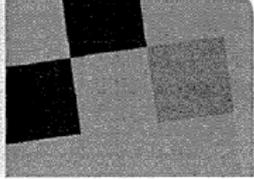
## 7. Recommendation

### **STAFF RECOMMENDATION**

That pursuant to the authority delegated to the Council Development Assessment Panel by the Council, it is recommended that the Council Development Assessment Panel resolve to PROCEED to make an assessment of the application.



# Development Application Form



AP PP / D

Development No.

Lodge Online: [www.playford.sa.gov.au](http://www.playford.sa.gov.au)

Lodge in Person: 10 Playford Boulevard Elizabeth

Lodge by Post: 12 Bishopstone Road Davoren Park SA 5113 Phone: 8256 0333

PLEASE FILL OUT ALL SECTIONS

I wish to apply for:	Planning Only <input checked="" type="checkbox"/>	Building Only <input type="checkbox"/>	Planning & Building <input type="checkbox"/>	Building will be privately certified <input type="checkbox"/>	Residential Code <input type="checkbox"/>
----------------------	---	--	--	---	---

Applicant: MARRONE Surname TONY Given Names

Postal Address: 20 BEADELL ST BURTON

Email: projects@marronefresh.com.au Phone No: 8280 9081 Postcode: 5110

Owner: AS ABOVE Surname \_\_\_\_\_ Given Names \_\_\_\_\_

Postal Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone No: \_\_\_\_\_ Postcode: \_\_\_\_\_

The City of Playford provides consents, approvals and stamped plans electronically via Council's website. In the event that you would like to receive hard copies instead of electronic copies, please check the following box.  
N.B. Hard copy documents are subject to administration and postage delay.

I request a hard copy of correspondence and plans

Builder/Supervisor: \_\_\_\_\_ Surname \_\_\_\_\_ Given Names \_\_\_\_\_

Postal Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone No. \_\_\_\_\_ Postcode: \_\_\_\_\_

Contact person for further information is the:

Applicant  Owner  Builder  Other (please specify below)

Other:  
Name: \_\_\_\_\_ Surname \_\_\_\_\_ Given Names \_\_\_\_\_

Postal Address: \_\_\_\_\_

Email: projects@marronefresh.com.au Phone No. \_\_\_\_\_ Postcode: \_\_\_\_\_

DESCRIPTION OF PROPOSED DEVELOPMENT: OFFICE TO EXISTING SHED .

LOCATION OF PROPOSED DEVELOPMENT

House No: 260 Lot No: \_\_\_\_\_ Street: CARCLEW ROAD

Volume: \_\_\_\_\_ Folio: \_\_\_\_\_ Suburb: PENFIELD GARDENS

TO ENABLE PROMPT PROCESSING OF YOUR APPLICATION, ALL FIELDS MUST BE COMPLETED.

**DEVELOPMENT COST:** \$ 183,000    **Building Rules Classification sought:** Class

Has the Construction Industry Training Fund Act 1993 Levy been paid?    Yes     No

**WORK TYPE**    New     Addition     Alteration     Other

**WALLS**

Brick Veneer <input type="checkbox"/>	Colorbond <input checked="" type="checkbox"/>	Fibro Cement <input type="checkbox"/>	Other <input checked="" type="checkbox"/> <b>PRECAST CONCRETE</b>
---------------------------------------	---	---------------------------------------	---

**FRAME**

Steel <input checked="" type="checkbox"/>	Timber <input type="checkbox"/>	Other (please specify) <input type="checkbox"/>
---	---------------------------------	---

**ROOF**

Metal <input checked="" type="checkbox"/>	Colorbond <input type="checkbox"/>	Tiles <input type="checkbox"/>	Other <input type="checkbox"/> (please specify)
---	------------------------------------	--------------------------------	---

**FLOORS**

Concrete <input checked="" type="checkbox"/>	Timber <input type="checkbox"/>	Area of proposed development: <u>400</u> m2
--	---------------------------------	---

**Applicant Declaration**  
**Building Near Power Lines and Underground Cables**  
 I declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. I make this declaration under clause 2A(1) of Schedule 5 of the Development Regulations 2008.  
 NB: If this declaration is not made, a referral to the Office of the Technical Regulator is required.

**Copyright of Plans**  
 I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Act 1993 & Regulations 2008, this includes display on Councils website and electronic media.

**Street Infrastructure and Driveways / Entranceways**  
 I declare that I have examined the site of the application and drafted site plans and drainage plans for my proposal and to the best of my understanding acknowledge the proposed entranceways, crossways and driveways are not less than one (1) metre from existing or proposed street infrastructure. In the event that a proposed entranceway, crossway and/or driveway is less than 1 metre from existing or proposed street infrastructure, I will amend any such proposal to comply with the one (1) metre clearance required from such street infrastructure. I understand that the City of Playford is not obligated to relocate any street infrastructure as a result of my development proposal, and is not liable to meet any costs associated with the relocation of any street infrastructure.

Signed:     Date: 7.12.15

**CREDIT CARD PAYMENT – CARD TYPE**    Mastercard     Visa

Card number :                        

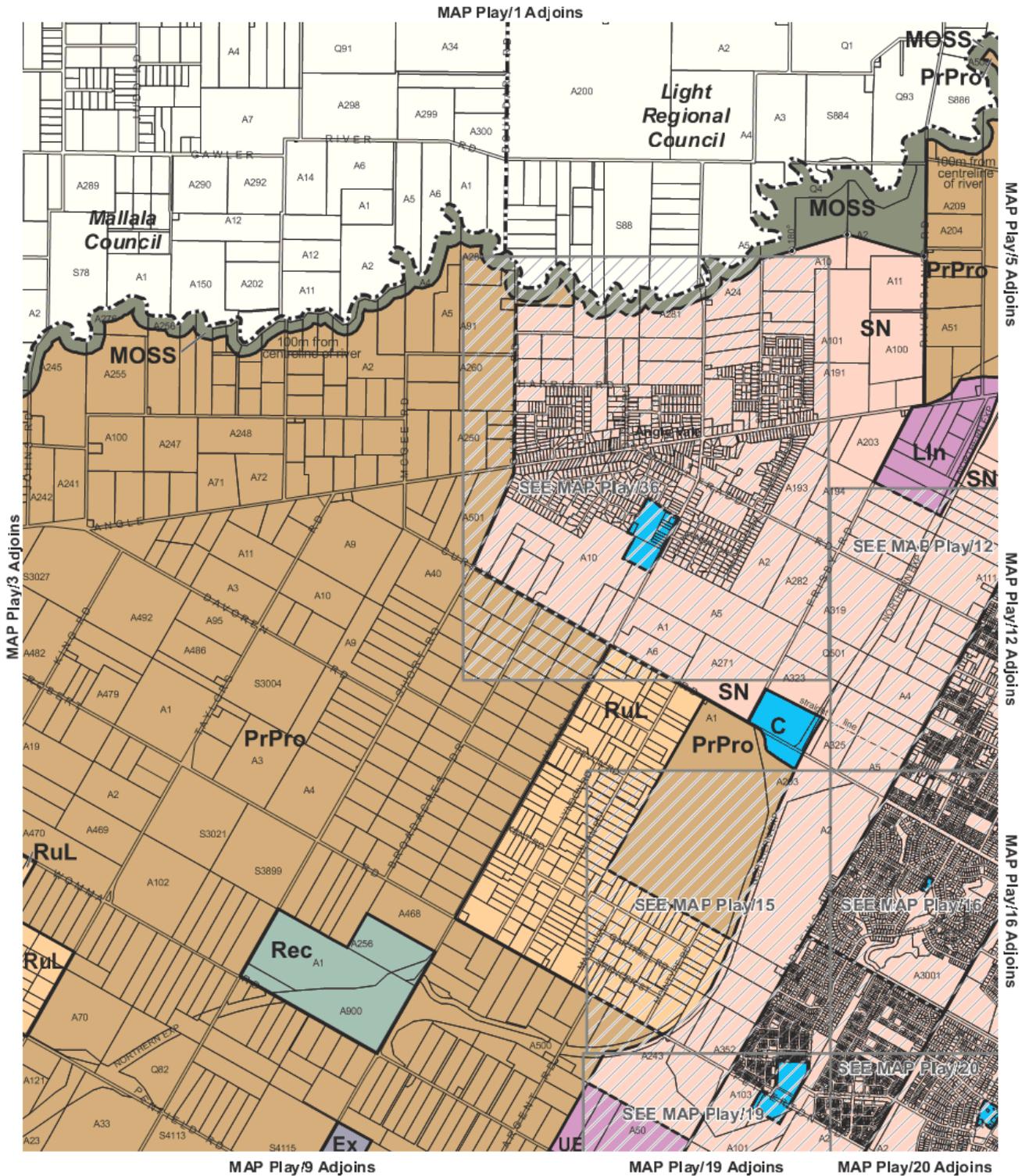
Expiry Date:    \_\_\_\_\_ / \_\_\_\_\_

Cardholder's Name:    \_\_\_\_\_    Amount: \_\_\_\_\_

Signature:    \_\_\_\_\_

Redact the above box in Trapeze – Privacy Act 1988 (Cth) S14





See enlargement map for accurate representation.  
 Lamberts Conformal Conic Projection, GDA94

- Zones**
- C** Commercial
  - Ex** Excluded
  - Lin** Light Industry
  - MOSS** Metropolitan Open Space System
  - PrPro** Primary Production
  - Rec** Recreation
  - RuL** Rural Living
  - SN** Suburban Neighbourhood
  - UE** Urban Employment
  - Zone Boundary
  - - - -** Development Plan Boundary



# Zone Map Play/4

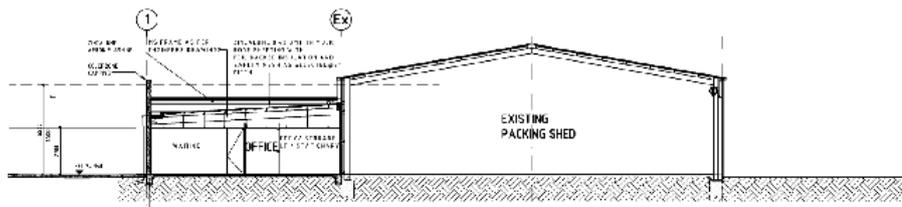
PLAYFORD COUNCIL



REVISION	DESCRIPTION	DATE
1	Issue for tender	20/06/2020
2	Issue for issue	20/06/2020



**NORTH ELEVATION**



**SECTION A-A**

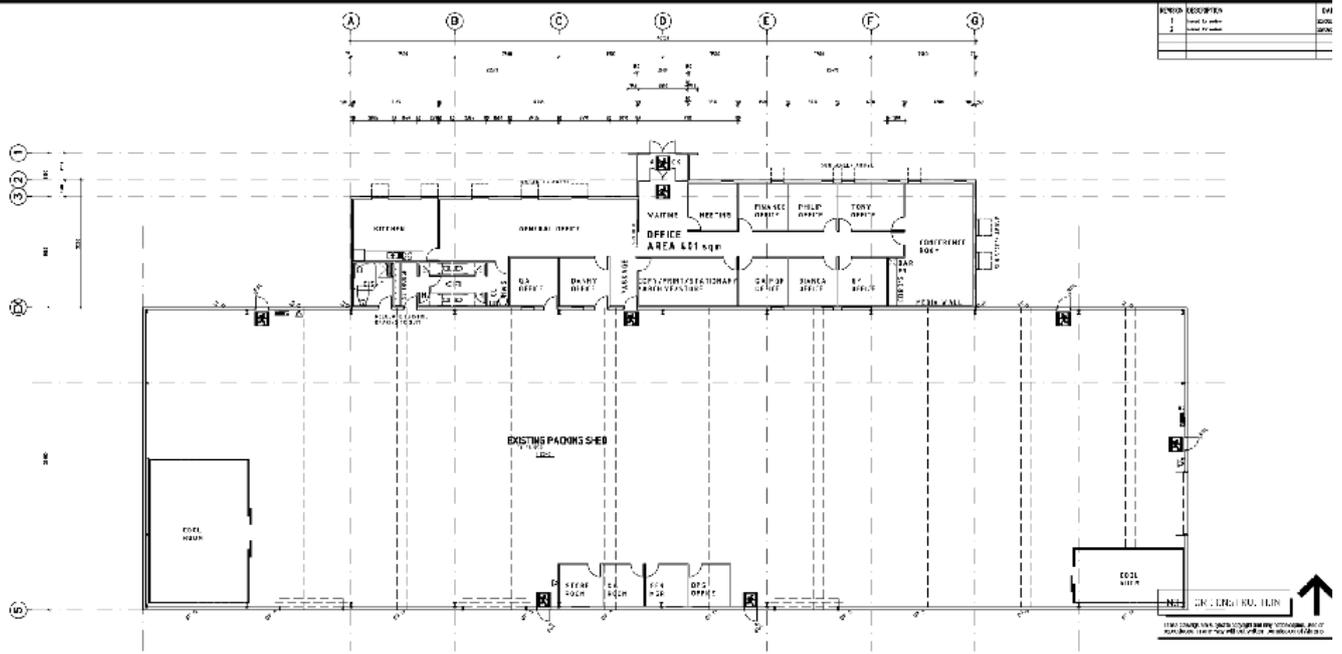
**MARRONE PRODUCE TRUST**  
 THIS DRAWING AND ANY INFORMATION CONTAINED HEREIN IS THE PROPERTY OF MARRONE PRODUCE TRUST AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.



**Ahrens Group Pty. Ltd**  
 Ahrens  
 10/111 10/111 10/111  
 10/111 10/111 10/111  
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 10/111 10/111 10/111  
 10/111 10/111 10/111

**MARRONE PRODUCE TRUST**  
 ADDRESS  
 LOT 3 DARCLEW ROAD VIRGINIA SA 5179  
 DRAWING TITLE  
 ELEVATIONS AND SECTION

SCALE	AS SHOWN
DRAWN BY	AS
CHECKED BY	AS
DATE	20/06/2020
DRAWING LABEL	ASB
A-200	REV-2



NO.	REVISIONS	DATE
1	Issue for tender	10/05/2016
2	Issue for contract	20/06/2016

FLOOR PLAN  
Scale 1:100



**Ahrens Group Pty. Ltd**  
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**Megan Stewart**

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**From:** MarroneFresh Administration <admin@marronefresh.com.au>  
**Sent:** Tuesday, 10 May 2016 8:50 AM  
**To:** Megan Stewart  
**Cc:** Tony Marrone  
**Subject:** Marrone Fresh Office

Good Morning Megan,

I write regarding the proposed new office development for Marrone Fresh, located at 260 Carclew Road, Penfield Gardens SA 5121.

The office will be required in conjunction with the packing shed for administrative purposes such as accounts for the company, management and day to day operations. We have staff numbers of approximately 30 – 40 employees, the car park is required for staff vehicles.

Please contact me at any time if you require any further information.

Regards

**Tony Marrone**  
**Director**



Mobile: 0410 315 042  
Phone: 82809 081  
Fax: 08 8280 9083  
20 Beadell Street  
Burton SA 5110

## 6.4 CONSTRUCTION OF A DETACHED DWELLING

### Snapshot

<b>Author:</b>	Megan Stewart
<b>Proposal:</b>	Construction of a detached dwelling
<b>Development Number:</b>	292/595/2016
<b>Date of Lodgement:</b>	14 April 2016
<b>Owner:</b>	Ms R. MCGuire
<b>Applicant:</b>	Mr. S Palecek
<b>Location:</b>	Part Lot 7 Bentley Road, Uleybury
<b>Zone:</b>	Hills Face
<b>Classification:</b>	Non-Complying
<b>Public Notification Category:</b>	3
<b>Representation Received:</b>	Notification not yet undertaken
<b>Development Plan:</b>	Consolidated 10 December 2015
<b>Request for Additional Information Made?</b>	Yes
<b>Recommendation:</b>	To resolve to proceed to make an assessment of the application.
<b>Attachments:</b>	See Attachment No: <ol style="list-style-type: none"><li>1. Application Form</li><li>2. Certificate of Title</li><li>3. Site Plan</li><li>4. Elevation Drawing</li></ol>

### 1. The Subject Land

The land is an old quarry site, irregular in shape, with an upward slope from the west to the east of the allotment. It is located on the eastern side of Bentley Road, in the suburb of Uleybury. The allotment is accessed off Bentley Road through Gawler Council from Stanley James Boulevard.

At present, the allotment is vacant and has various site levels as a result of the previous quarry use of the land.

## 2. The Locality

By virtue of the visibility of the subject allotment, the extent of the locality is considered to include:

- The subject site;
- Lot 104 Bentley Road
- Lot 105 Bentley Road
- Lot 106 Bentley Road
- Lot 108 Bentley Road
- 60 Kentish Road, Uleybury;
- 62 Kentish Road, Uleybury;
- Lot 104 Kentish Road, Uleybury;
- Lot 106 Kentish Road, Uleybury;

### 2.1 Locality Plan



The locality consists of large semi-rural allotments with newly constructed dwellings and associated outbuildings, rainwater tanks and swimming pools. Small scale farming is also evident.

The landscape predominantly consists of young trees and grassed areas. The land to the north east and east is heavily vegetated with large trees.

### 2.2 Zoning

The subject land is depicted on Zone Map Play/5 in the Mapping Section of the Development Plan.

By virtue of its location, the land is entirely within:

- The Hills Face Zone.

### 3. The Proposal

According to Regulation 16, if an application will require a relevant authority to assess a proposed development against the provisions of a Development Plan, the relevant authority must determine the nature of the development, and proceed to deal with the application according to that determination.

As such, it is considered that the proposal is best described as follows:

*“Construction of a detached dwelling”*

The proposed single storey dwelling is to be located in the southern of the allotment. The proposed dwelling contains four bedrooms, two bathrooms and w/c, study, theatre, living room, open kitchen/dining/living room, laundry and verandah. A double garage is also incorporated under the main roof of the dwelling.

### 4. Procedural Matters

#### 4.1 Classification

According to Section 35 of the Development Act (1993), there will be three kinds of development, with all developments being classified as either *Complying*, *Non-Complying* or *Merit*.

The Hills Face Zone assigns a dwelling as being a Non-Complying form of development in Councils Development Plan, except where it achieves all of the following criteria:

- (a) It will not result in more than one dwelling on an allotment and:
  - (i) No other dwelling exists on the allotment.
  - (ii) No valid development authorisation to erect a dwelling on that allotment exists.
  - (iii) No other development application has been made for a dwelling on that allotment and has yet to be determined.
  
- (b) The scale and design is such that:
  - (i) The vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall is less than 3 metres, other than gable ends of the dwelling where the distance is less than 5 metres.
  - (ii) There is no floor level directly above another floor level, except where the upper floor level is located wholly at or below finished ground level.
  - (iii) The depth of excavation and/or height of filling of land is less than 1.5 metres.
  - (iv) Access to a new dwelling is provided by a private vehicular access track that is less than 30 metres in length and which has a gradient of less than 16 degrees (1-in-3.5) at any point.
  - (v) It does not involve the clearance of native vegetation comprising trees and/or shrubs.

Due to the vehicular access track exceeding 30 metres in length, it has been determined that this development is a Non-Complying form of development.

#### 4.2 Public Notification

Section 38(2)(a) of the Development Act (1993) states that a Development Plan or the Development Regulations (2008) may assign different forms of development to a Category for the purposes of public notification.

Further, the Development Act (1993) also states that the Regulations or a Development Plan may assign a form of development to Category 1 or to Category 2 and if a particular

form of development is assigned to a Category by both the Regulations and a Development Plan:

- If the Regulations provide that an assignment by a Development Plan may prevail, the assignment provided by the Development Plan will, to the extent of any inconsistency, prevail; but
- In any other case, the assignment provided by the regulations will, to the extent of any inconsistency, prevail.

Any development that is not assigned to a Category under paragraph (a) or (b) of Section 38(1) of the Development Act (1993) will be taken to be a Category 3 development for the purposes of this section.

The Procedural Matters section of the Hills Face Zone Section in the Development Plan does not assign the proposal to a category and as such, the Category is assigned by the Development Regulations (2008).

The Development Regulations (2008) does not assign this type of development to a Category in either Part 1 or Part 2 of Schedule 9.

Due to the development not being assigned to a Category under paragraph (a) or (b) of Section 38(1) of the Development Act (1993), it will be dealt with as a category 3 development for the purposes of Section 38(2) (c) of the Development Act (1993).

Category 3 public notification will be undertaken should the Panel resolve to proceed with an assessment of the application.

## 5. Key Issues

The following matters are considered pertinent in reaching a recommendation for the proposal:

- Whether the siting, design and appearance of the dwelling will have a detrimental impact on the desired character and the existing character of the locality
- Whether the proposed sensitive land use is suitable for the site; and
- Whether the proposed development will have an unreasonable visual impact on the amenity of the locality.

## 6. Conclusion

Dwellings are not uncommon in the locality and despite the application being a Non-Complying form of development, it is considered that a full and detailed assessment of the merits of the proposed development is appropriate.

## 7. Recommendation

### **STAFF RECOMMENDATION**

That pursuant to the authority delegated to the Council Development Assessment Panel by the Council, it is recommended that the Council Development Assessment Panel resolve to PROCEED to make an assessment of the application.



# Development Application Form

AP PP / D

Development No. 292/595/2016

Lodge Online: [www.playford.sa.gov.au](http://www.playford.sa.gov.au) Lodge in Person: 10 Playford Boulevard Elizabeth

Lodge by Post: 12 Bishopstone Road Davoren Park SA 5113 Phone: 8256 0333

**PLEASE FILL OUT ALL SECTIONS**

I wish to apply for:	Planning Only <input checked="" type="checkbox"/>	Building Only <input type="checkbox"/>	Planning & Building <input type="checkbox"/>	Building will be privately certified <input checked="" type="checkbox"/>	Residential Code <input type="checkbox"/>
----------------------	---	--	--	--	---

Applicant: S PALECEK Surname STUART Given Names  
 Postal Address: PO BOX 61 ADROSCAD SA 5571  
 Email: STUARTPALECEK@BIGPODD.COM Phone No: 0488429169 Postcode: \_\_\_\_\_

Owner: MC GUIRE Surname RACHEL Given Names  
 Postal Address: 31 FIRST AVE RIDGEDALE  
 Email: RACHEL.MCGUIRE@GMAIL.COM Phone No: 0421673280 Postcode: 5155  
0432447804 Gareth

The City of Playford provides consents, approvals and stamped plans electronically via Council's website. In the event that you would like to receive hard copies instead of electronic copies, please check the following box.  
 N.B. Hard copy documents are subject to administration and postage delay.

I request a hard copy of correspondence and plans

Builder/Supervisor: TO BE ADVISED Surname \_\_\_\_\_ Given Names \_\_\_\_\_  
 Postal Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone No. \_\_\_\_\_ Postcode: \_\_\_\_\_

Contact person for further information is the:

Applicant  Owner  Builder  Other (please specify below)

Other: Name: \_\_\_\_\_ Surname \_\_\_\_\_ Given Names \_\_\_\_\_  
 Postal Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone No. \_\_\_\_\_ Postcode: \_\_\_\_\_

**DESCRIPTION OF PROPOSED DEVELOPMENT:**

**LOCATION OF PROPOSED DEVELOPMENT**

House No: \_\_\_\_\_ Lot No: 7 Street: CP24066  
 Volume: \_\_\_\_\_ Folio: \_\_\_\_\_ Suburb: \_\_\_\_\_

TO ENABLE PROMPT PROCESSING OF YOUR APPLICATION, ALL FIELDS MUST BE COMPLETED.

DEVELOPMENT COST: \$ 200.000 Building Rules Classification sought: Class

Has the Construction Industry Training Fund Act 1993 Levy been paid? Yes  No

WORK TYPE New  Addition  Alteration  Other

WALLS Brick Veneer  Colorbond  Fibro Cement  Other  (please specify)

FRAME Steel  Timber  Other (please specify)

ROOF Metal  Colorbond  Tiles  Other  (please specify)

FLOORS Concrete  Timber  Area of proposed development: 287 m2

**Applicant Declaration**  
**Building Near Power Lines and Underground Cables**  
 I declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. I make this declaration under clause 2A(1) of Schedule 5 of the Development Regulations 2008.  
 NB: If this declaration is not made, a referral to the Office of the Technical Regulator is required.

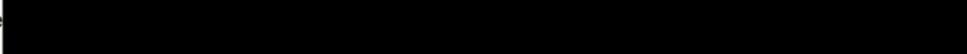
**Copyright of Plans**  
 I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Act 1993 & Regulations 2008, this includes display on Councils website and electronic media.

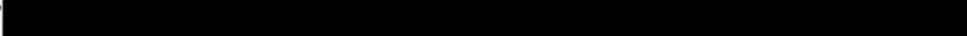
**Street Infrastructure and Driveways / Entraceways**  
 I declare that I have examined the site of the application and drafted site plans and drainage plans for my proposal and to the best of my understanding acknowledge the proposed entraceways, crossways and driveways are not less than one (1) metre from existing or proposed street infrastructure. In the event that a proposed entraceway, crossway and/or driveway is less than 1 metre from existing or proposed street infrastructure, I will amend any such proposal to comply with the one (1) metre clearance required from such street infrastructure. I understand that the City of Playford is not obligated to relocate any street infrastructure as a result of my development proposal, and is not liable to meet any costs associated with the relocation of any street infrastructure.

Signed: SR Date: 11/4/16

CREDIT CARD PAYMENT – CARD TYPE Mastercard  Visa

Card number 

Expiry Date 

Cardholder 

Signature: [Signature]

Redact the above box in Trapeze – Privacy Act 1988 (Cth) S14

202/595/2016



# Title Register Search

## LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE \* VOLUME 5989 FOLIO 500 \*

COST : \$25.00 (GST exempt )	PARENT TITLE : CT 5143/574 & OTHERS
REGION : EMAIL	AUTHORITY : ACT 10703624
AGENT : MIDC BOX NO : 482	DATE OF ISSUE : 02/07/2007
SEARCHED ON : 19/03/2013 AT : 09:43:36	EDITION : 1

### REGISTERED PROPRIETORS IN FEE SIMPLE

NOEL STANLEY TIVER AND SUSAN MAY TIVER BOTH OF 16 BUTTERCUP GROVE  
BLAKEVIEW SA 5114 WITH NO SURVIVORSHIP

### DESCRIPTION OF LAND

LOT 7 PRIMARY COMMUNITY PLAN 24066  
IN THE AREA NAMED ULEYBURY  
HUNDRED OF MUNNO PARA

### EASEMENTS

SUBJECT TO THE EASEMENT OVER THE LAND MARKED F ON CP 24066 FOR WATER  
SUPPLY PURPOSES TO THE SOUTH AUSTRALIAN WATER CORPORATION (RTC 10679299)

### SCHEDULE OF ENDORSEMENTS

10679298 AGREEMENT UNDER DEVELOPMENT ACT, 1993 PURSUANT TO SECTION 57(2)

### NOTATIONS

#### DOCUMENTS AFFECTING THIS TITLE

NIL

#### DOCUMENTS FILED/LODGED WITH PLAN

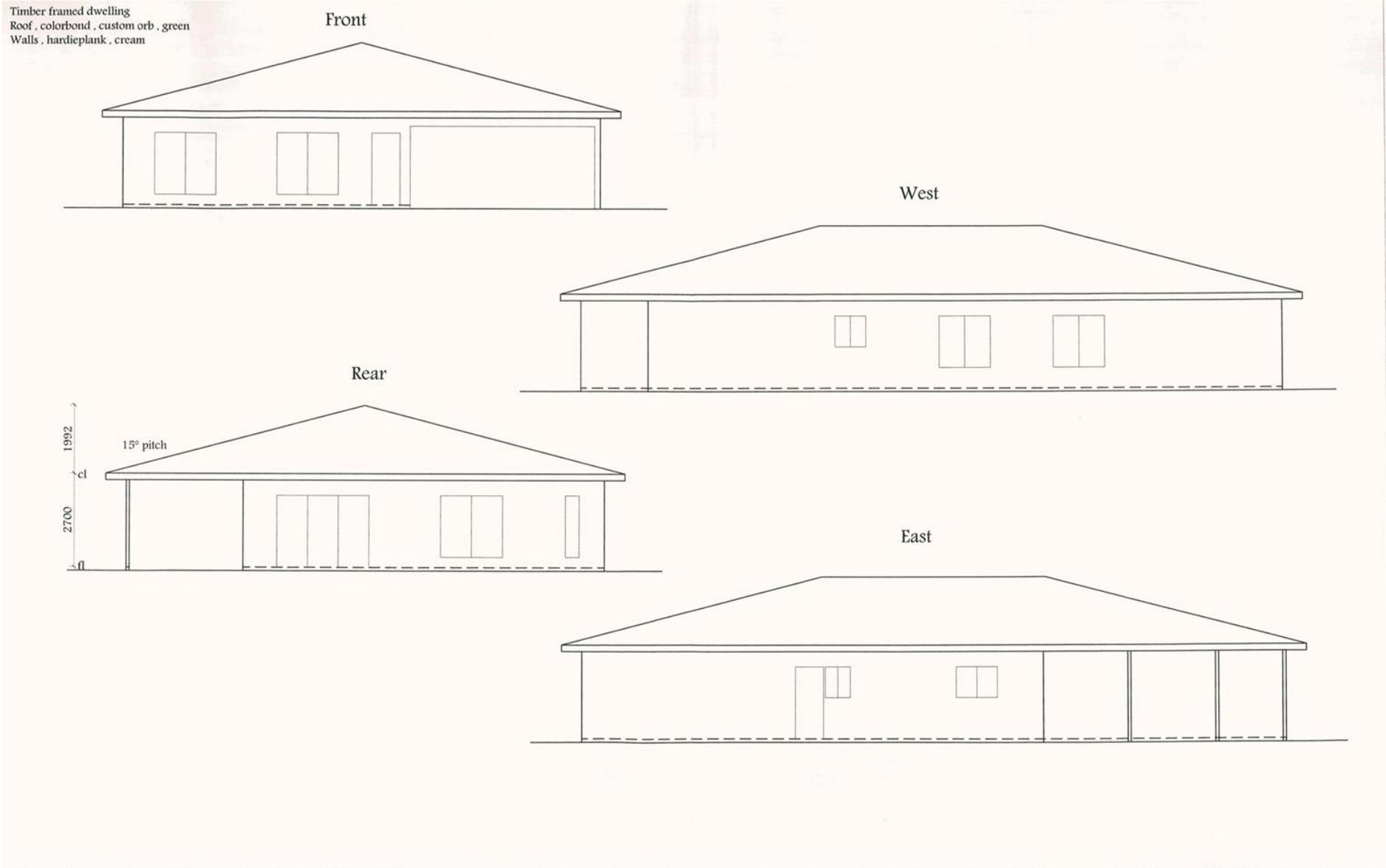
10703625	SCHEME DESCRIPTION	FILED
10703626	BY-LAWS	FILED
10703627	DEVELOPMENT CONTRACT	FILED

#### REGISTRAR-GENERAL'S NOTES

NIL

END OF TEXT.





ARDROSSAN DRAFTING  
 P.O Box 61  
 Ardrossan SA 5517  
 0488 429 169  
 stuartpalecek@bigpond.com

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Written dimensions to take precedence over scale  
 CONFIRM ALL DIMENSIONS ON SITE

Areas  
 Land  
 Dwelling 208m2  
 Verandah 45m2  
 Garage 34m2

Elevations  
 Scale 1:100  
 Drawn S. Palecek  
 Sheet No 4 of 10  
 Version 1  
 Date 25/3/16

Proposed dwelling for  
 R McGuire  
 Lot 7 CP 24066  
 Ulevbury

## **STAFF REPORTS**

### **MATTERS TO BE CONSIDERED BY THE COMMITTEE ONLY**

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#### ***Matters for Information***

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### **9.1.1 COUNCIL DEVELOPMENT ASSESSMENT PANEL PRESIDING MEMBER REPORT**

Contact Person: Mr Matt Romaine

See Attachment No: 1. CDAP report

#### **Why is this matter before the Council or Committee?**

Matters for Information.

#### **Purpose**

For Council to consider recommendations from the Council Development Assessment Panel (CDAP).

#### **RECOMMENDATION**

That the Panel endorse the attached report as attached.

#### **Relevance to Strategic Plan**

Strategy 2. Securing Playford's future and building value

Outcome 2.1 Well planned and sustainable City

#### **Relevance to Public Consultation Policy**

There is no relevance to the Council's Public Consultation Policy in this instance.

#### **Background**

The Panel can report to the Council from time to time as it sees fit. Items noted since the formation of the current Panel have been included in the attached report relating to policy matters and the operations of the Panel to allow further consideration by Council.

In the event that the Panel endorse the attached report, it will be presented to the Council's Strategic Planning Committee in July.

## Council Development Assessment Panel Report

### Meeting Attendance:

The current term of the CDAP has run from 1 April, 2015, and during this time a total of 13 meetings have been held. The following table indicates the attendance at the meetings held since this time:

Meeting Date	Bill Chandler	Damien Ellis	Geoff Parsons	John Watson	Marilyn Baker	Joe Federico	Peter Rentoulis
20 April 2015	✓	✓	✓	✓	✓	✓	✓
18 May 2015	✓	✓	✓	✓		✓	✓
15 June 2015	✓	✓	✓	✓	✓	✓	✓
20 July 2015	✓	✓	✓	✓		✓	
26 Aug 2015	✓	✓	✓	✓	✓	✓	✓
21 Sept 2015	✓	✓	✓	✓	✓		✓
19 Oct 2015	✓	✓		✓	✓	✓	
23 Nov 2015	✓	✓	✓	✓	✓	✓	✓
14 Dec 2015	✓	✓	✓	✓	✓	✓	
15 Feb 2015	✓	✓	✓	✓	✓		
22 Feb 2015	✓			✓	✓	✓	✓
21 March 2015	✓		✓	✓		✓	
18 April 2015	✓	✓	✓	✓	✓	✓	
<b>Total Attendance</b>	<b>13</b>	<b>11</b>	<b>11</b>	<b>13</b>	<b>10</b>	<b>11</b>	<b>7</b>

In total the CDAP has considered and determined 51 development applications. There were no appeals lodged against any of the decisions reached during the year.

The applications consisted of a variety of proposed developments including but not limited to:

- shop and office proposals
- removal of regulated and significant trees
- developments for medium density dwellings
- non-complying dwellings primarily in the Hills Face Zone
- changes of use
- redevelopment of commercial premises
- significant land division proposals
- signage
- light industry proposals

### ***Meeting procedures***

The Panel conducts a hearing in relation to each application (where necessary) and then proceeds to consider and determine the application. Hearings and meetings are open to the public, unless it is necessary to invoke the confidentiality provisions of the Act to consider legal advice or a proposed compromise as part of the ERD Court appeal process. There was no such need in the 2015-16 year.

The hearings are conducted with the objective of ensuring representors and applicants have adequate opportunity to express their points and to be able to be questioned by the Panel in an environment that is conducive to information exchange. Hence there is a level of informality allowed by the Presiding Member in this process to ensure people appearing before the Panel are put at ease as far as possible in what can otherwise be an unfamiliar and formal environment for many representors and applicants.

Panel meetings are also structured to allow open discussion by members of the Panel about applications for determination. Decisions of the Panel are by way of resolutions consistent with the Panel's ToR with a formal vote being sought and voted upon by the Panel.

The Panel reviewed and amended its ToR during the year, and further reviews of this document will be considered by the Panel over the next year in accord with the ToR.

### ***General comments of the Presiding Member***

The Panel has discharged its responsibilities in accordance with the ToR and Operating Procedures. The experience, diversity and professionalism of all Panel members continues to be welcomed with close scrutiny applied to applications. The members seek and provide relevant detailed discussion of applications and enquire of details and updates on both applications and process via the staff present at each meeting. The Panel continues to place significant emphasis on achieving quality urban design and development outcomes via the decisions reached.

Panel member attendance has been good, with relevant 'conflict of interest' issues stated as necessary by individual members. This has the Panel operating as an effective decision making entity with subsequent decisions/outcomes being lawful.

The Council facilities have proven capable of accommodating Panel meetings in a 'user friendly' environment with, on occasion, larger numbers of representors and community present for those applications that generate greater community and public interest. Alternative meeting locations have been arranged by staff as necessary particularly where larger numbers of people are expected.

The use of technology assists greatly in the meeting process and provides those in attendance at meetings (applicants, representors and community) with opportunity to understand/participate in the process and view immediately the final details of the decisions reached by the Panel.

The support and efforts of staff is very much appreciated in the preparation and distribution of the Agendas and Minutes, all of which have been provided professionally and within timeframes set by the Council.

The State Government Planning Review continues to move forward. A training session was held during the year for Panel members, Council staff and interested Elected Members on roles and responsibilities of the Panel and Council. Further training is anticipated particularly

given the introduction of the new legislation and the subsequent changes and impacts that will flow from that action.

### ***Related activities and development assessment issues for consideration by Council***

The Panel's ToR enables it to report to Council on trends and issues arising from its development assessment function.

The following matters are presented for consideration:

#### Development Plan Amendments:

During the term of the current CDAP, members have noted two items regarding the existing policy in the Development Plan that have caused confusion when assessing applications:

1. The appropriateness of a "place of worship" outside of Centre Zones where they are an envisaged use, particularly when located in the Primary Production Zone.
2. There is conflict in the "Desired Character" for the Residential Zone when articulating the current character and the desired future character which should be clarified.

#### *Place of worship:*

A "place of worship" is a non-complying form of development within the Primary Production Zone and Council has received 3 such applications during the current term for a decision and have been supported by both the CDAP and Development Assessment Commission.

There is concern that without clarification on the desire for Council to continue to allow a place of worship in the Primary Production Zone, applications will continue to be assessed with no clear guidance through supporting criteria.

Given that the Primary Production Zone is based around horticulture, glasshouses, vineyards, orchards and pasture activities, the intrusion of more sensitive activities such as a place of worship should be carefully considered in the relevant Principles of Development Control. If it is the desire to allow this type of development to occur then guiding principles to control it should be included. Alternatively, should they not be desired then the policy can be amended to describe the conflict that should be avoided between land uses.

#### *Desired Character:*

Panel members have noted that the desired character statement for zones needs some clarification. A lack of clarity relating to the Desired Character can result in confusion of the assessment for developments that may or may not achieve the quantitative criteria of the Development Plan. Clearly articulating the intentions of the Zone will provide a clearer picture as to Council's intentions for a particular Zone so as to ensure that development decisions better reflect the intention of what is being sought by the Development Plan.

#### Delegations:

The Panel members have observed that there are a number of applications that are received by them for a decision that are of a nature that, in their opinion, could/should be considered by staff. In particular these relate to applications for non-complying development that are straight forward and of a minor nature only and the decision *'to proceed with an assessment'* does not prejudice subsequent reporting to the Panel.

Examples include:

- a dwelling replacing an existing dwelling within the Hills Face Zone;
- A domestic pool in the Hills Face Zone; and
- Signage associated with an existing activity in a Residential, or Commercial Zones.

The non-complying process is time consuming and costly for an applicant while staff time and effort in the preparation of a report adds to processing delays.

The CDAP members consider that these minor applications as discussed do not warrant presentation to the Panel for a decision, particularly for the first step “to proceed with a detailed assessment”. They are not changing a land use and in most cases are simply reinforcing an existing land use.

It is considered that the staff are capable of undertaking an initial assessment decision *to proceed* and total assessment for straight forward proposals rather than the CDAP, particularly given that the Development Assessment Commission must also concur with a decision of Council prior to consent being issued for a non-complying application. This does not override the current delegation assigned to the practice manager to have the CDAP consider a particular matter that if in their view it is of some interest or has particular planning implications.

If Council were to support the Panel’s recommendation to amend the delegation, efficiency improvements will be gained for the applicant, Council and community together with potential cost savings in terms of CDAP meetings/scheduling.

It is therefore the opinion of the CDAP that Council consider amending the Development Act Delegations Policy to ensure that only applications that are complex or controversial are presented to them for a decision.

### **Conclusion**

The Panel acknowledges the assistance and support provided by Council.

The panel also acknowledges the sound professional advice and support received from Council’s professional officers and the high quality of the reports, advice and information provided by these officers. The Panel notes the continued effort to provide improvements to reporting and quality of advice and support to the Panel. The suggested revisions of the report template are encouraged and supported.

In my view the City of Playford Development Assessment panel is a professional body that makes balanced practical decisions that meet the Council Development plan policy regime and that contribute towards potentially strong economic growth and development in the northern metropolitan region.

This report will be presented by staff to a future Council meeting for consideration.