

## Agenda Report for Decision

**Meeting Date: 21 July 2022**

<b>Item Name</b>	Code Amendment Initiation – Proposal to Initiate the Athol Park Industrial Precinct Code Amendment
<b>Presenters</b>	Brett Steiner and Nadia Gencarelli
<b>Purpose of Report</b>	Decision
<b>Item Number</b>	4.1
<b>Strategic Plan Reference</b>	4. Discharging Statutory Obligations
<b>Work Plan Reference</b>	4.2 Advise the Minister on Code Amendments
<b>Confidentiality</b>	Not Confidential (Release Delayed). To be released following final decision by the Minister for Planning on initiation of the Code Amendment. Anticipated by November 2022
<b>Related Decisions</b>	N/A

### Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment. Anticipated by November 2022.
2. Authorise the Chair of the Commission to sign the letter provided **Attachment 2** requesting the following of the Proponent, prior to forming an opinion on the Proposal to Initiate the Athol Park Industrial Precinct Code Amendment (the Proposal) (**Attachment 1**):
  - a) Consultation with the Department for Infrastructure and Transport (DIT) and the administration of the City of Charles Sturt (the Council) on the potential impacts of a change in the use of the subject land to residential on the operation of the Athol Street, Glenroy Street and Audley Street gazetted B-double route.
  - b) Identification of potential impacts of a change in the use of the subject land to residential on current and potential employment generating land use within the employment lands to the east and south, taking into account potential impacts on the operation of the Athol Street, Glenroy Street and Audley Street gazetted B-double route.
  - c) Further evidence of the constraints on and lack of viability of employment generating use of the subject land.

3. Authorise the Chair to make any minor or editorial amendments to **Attachment 2** as required to finalise.

## Background

Section 73(2)(b)(vii) of the Act provides that a proposal to amend the Code may be initiated by a person who has an interest in the relevant land with the approval of the Minister, acting on the advice of the Commission, in relation to the following matters:

- Strategic assessment against the State Planning Policies and *The 30-Year Plan for Greater Adelaide: 2017 Update*.
- Any person or body that must be consulted by the Designated Entity, pursuant to section 73(6)(e) of the Act
- Any investigations to be carried out or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The purpose of this report is to provide the Commission with advice in relation to the Proposal to Initiate an Athol Park Industrial Precinct Code Amendment submitted by Lexicon Pty Ltd and Kangaroo Cartage Pty Ltd (**Attachment 1**).

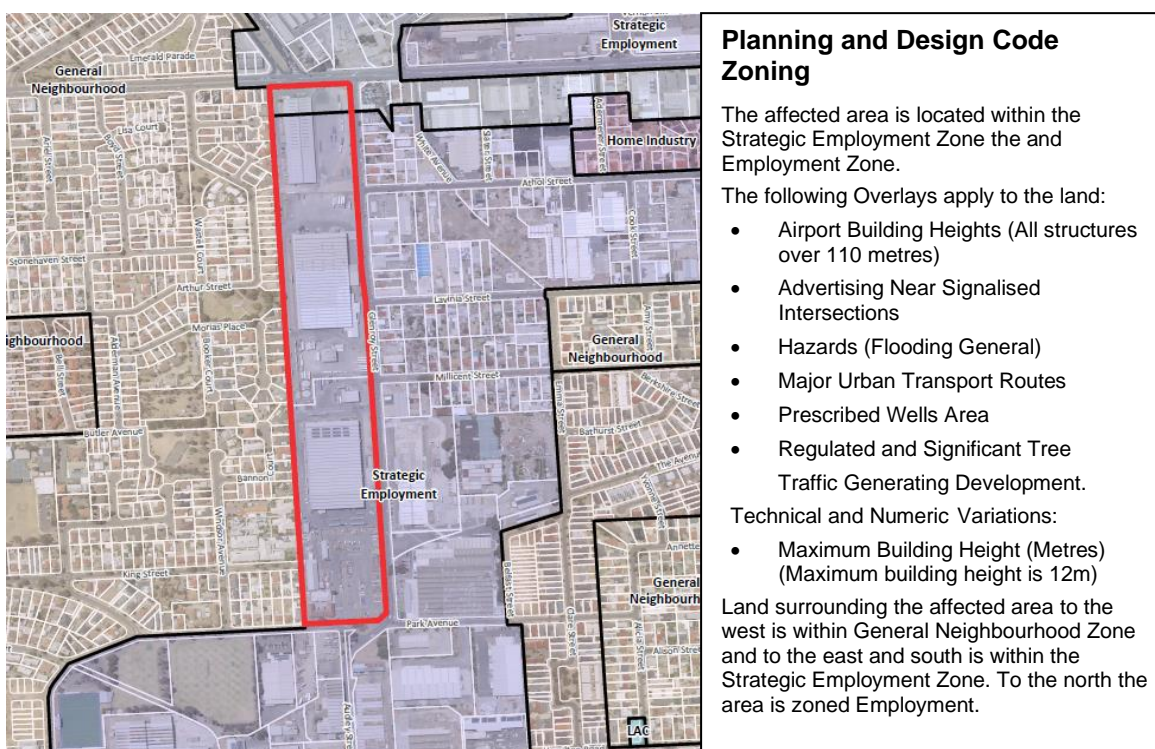
Procedural matters regarding the Commission’s role are provided in **Attachments 3** and **4**.

## Discussion

### Scope of the Amendment

The Proposal seeks to rezone two allotments (comprising 102-110 Glenroy Street, Pennington and 39 Park Avenue, Pennington) located within the Athol Park Industrial Precinct in the City of Charles Sturt and on Kaurna Country, from the Strategic Employment Zone to a Neighbourhood-type Zone. The Proposal does not propose to rezone the part of 102-110 Glenroy Street currently within the Employment Zone (this fronts Grand Junction Road).

The Proponent (Lexicon Pty Ltd and Kangaroo Cartage Pty Ltd) has specified further investigations to explore the most appropriate ‘Neighbourhood-type’ Zone, with consideration to be given to the General Neighbourhood Zone, Housing Diversity Neighbourhood Zone, and Suburban Neighbourhood Zone. The affected area and current zoning are shown in the figure below.



It is recommended that additional investigations be undertaken prior to the initiation of the Proposal to determine if the rezoning of the affected area could accommodate employment generating development with consideration to the residential interface to the west. Furthermore, prior to initiation, it is recommended that consultation be conducted by the Proponent with DIT to determine if the gazetted B-double route along Athol Street, Glenroy Street and Audley Street would be impacted by the rezoning proposed and any associated effects of this on adjacent employment land uses.

#### *Strategic considerations*

The *Metropolitan Adelaide Industrial Land Strategy 2007* (the Strategy) is the current guiding document outlining how to balance the need to protect employment land with a flexible approach to land use planning. It provides that industrial land may be suitable for other uses if:

- *the land does not form part of a Strategic Industrial Area or a Prime Industrial Area.*
- *the site is no longer conducive to continued industrial activities and there will be compelling community or economic benefits through alternative uses.*
- *the rezoning will not affect (individually or cumulatively) nearby industries by, for example restricting operating hours, delivery times, or the capacity of the local transport network.*

The Strategy does not identify the subject land as being part of a Strategic Industrial Area – these are the Le Fevre Peninsula/Gillman, Lonsdale and Edinburgh Parks/DSTO).

The criteria the Strategy provides for the identification of Prime Industrial Areas are:

- a) the land is contiguous to other industrial activities
- b) the land is well located in relation to supply chain and service providers
- c) the land offers potential for on-site expansion of existing industrial businesses
- d) the land is well located in relation to skilled labour pools
- e) the land is well located to take advantage of existing or proposed infrastructure or other economic development
- f) the land is well located in relation to freight connections and other important road and/or rail networks
- g) the land provides, or offers potential for the provision of, small industrial businesses serving the local area
- h) the land provides sufficient space for adequate parking and turning space for industrial vehicles
- i) the land offer potential for 24-hour operations
- j) the land has minimal or no adjoining use constraints
- k) the land provides unconstrained vehicle access and exit
- l) the land can be commercially developed with infrastructure and site preparation for future industrial activities.

The Strategy provides that “In determining a Prime Industrial Area, regard should be given to...” these criteria.

The subject land forms part of a broader employment area extending north from the 'core' of the Athol Park industrial precinct to the south. Grand Junction Road to the north of the subject land is a key freight route and Athol Street, Glenroy Street and Audley Street is a gazetted B-double route (note this is not a State-maintained route). Relevantly, the Athol Park industrial precinct was identified as a 'Prime Industrial Area' in Council's *Urban Employment Zone Land Review 2019*. The depth of the subject land from Glenroy Street, at more than 100 metres, is considered sufficient to accommodate a range of industrial land use (and vehicular access and car parking) permutations. In this light, the land is considered to meet criteria b, d, e, f, g, h, k and l.

On the other hand, the subject land does not arguably meet criteria c, h, i and j. The subject land is still partially used for industrial type activities; however, anecdotal evidence provided by the Proponent indicates that the sites are heavily constrained by encroaching residential development and, as a result, previous development applications for industrial activities have not been supported. The Proponent also contends that a range of easements present within the subject land further constrain its potential to be successfully put to employment generating land uses.

On criterion a, the Proponent essentially contends in the Proposal that the subject land should not be seen to be contiguous to other industrial activity because of the way it juts out from the 'core' of the Athol Park industrial area to the south, and because there is a mix of land uses occupying the Strategic Employment Zone to the immediate east opposite Glenroy Street.

Ultimately, it is considered that the Proponent has not yet demonstrated that the subject land is not capable of successfully accommodating employment generating land uses, particularly low-impact, population serving industrial and commercial activities. Whilst the affected area may be constrained by adjacent residential land to the west, the proposed Code Amendment would facilitate residential development in closer proximity to the core of the Athol Park industrial precinct to the south, potentially thereby impacting and restricting operations of the land uses therein. Furthermore, the provision of residential development directly fronting Glenroy Street could impact on the operation and functionality of the Athol Street, Glenroy Street and Audley Street gazetted B-double route, subsequently affecting those remaining industries which rely on this access.

The Proponent has engaged with Council's administration to discuss the proposed Code Amendment. Serious concerns were initially raised but there appears to be some softening to these in recognition of the apparent constraints to non-residential use of the subject land. As it stands, it understood Council's administration is still concerned about the Proposal in its current form but accepts that there is sufficient reason to enable deeper exploration of the land use and zoning future for the subject land (as opposed to the Proposal being refused by the Minister for want of it being consistent with strategic directions concerning preservation of employment lands).

It is recommended that the Commission not make a determination on the Proposal in its current form and request the following of the Proponent:

- Consultation with DIT and Council's administration on the potential impacts of a change in the use of the subject land to residential on the operation of the Athol Street, Glenroy Street and Audley Street gazetted B-double route.
- Identification of potential impacts of a change in the use of the subject land to residential on current and potential employment generating land use within the employment lands to the east and south, taking into account potential impacts on the operation of the Athol Street, Glenroy Street and Audley Street gazetted B-double route.
- Further evidence of the constraints on and lack of viability of employment generating use of the subject land.

A draft letter to the Proponent is provided at **Attachment 2** for the Commission's endorsement.

**Attachments:**

1. Proposal to Initiate the Athol Park Industrial Precinct Code Amendment (#18666774).
2. Draft letter to Lexicon Pty Ltd and Kangaroo Cartage Pty Ltd (C/- MasterPlan SA Pty Ltd) (#18776487).
3. Procedural matters for the State Planning Commission (#18889374).
4. Process Flowchart – Code Amendments Initiated by Proponents (#18667252).

Prepared by: Monika Matej

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Endorsed by: Jason Bailey

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Date: 15 July 2022

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**PROPOSAL TO INITIATE AN AMENDMENT TO THE  
PLANNING & DESIGN CODE**

**Athol Park Industrial Precinct Code Amendment**

**By**

**Lexicon Pty Ltd and Kangaroo Cartage Pty Ltd (*the  
Proponent*)**



**Lexicon Pty Ltd (*the Proponent*)**



**Kangaroo Cartage Pty Ltd (*the Proponent*)**

**Date: 29th April 2022**

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*. By signing this Proposal to Initiate, the Proponent acknowledges and agrees that this Proposal to Initiate, and any supporting documents may be published on the PlanSA portal by the Attorney General's Department.

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**MINISTER FOR PLANNING**

**Date:**



## CONTENTS

<b>1.0</b>	<b>INTRODUCTION .....</b>	<b>1</b>
1.1	Designated Entity for Undertaking the Code Amendment .....	3
1.2	Rationale for the Code Amendment.....	3
1.2.1	Description of the Affected Area.....	4
1.2.2	Description of the Locality .....	5
1.2.3	Capability and Suitability of Affected Area .....	8
1.3	Amendment Requested .....	13
<b>2.0</b>	<b>SCOPE OF THE CODE AMENDMENT .....</b>	<b>14</b>
2.1	Affected Area.....	14
2.2	Scope of Proposed Code Amendment.....	14
<b>3.0</b>	<b>STRATEGIC PLANNING OUTCOMES .....</b>	<b>22</b>
3.1	Summary of Strategic Planning Outcomes.....	22
3.2	Alignment with State Planning Policies.....	22
3.3	Alignment with Regional Plans.....	25
3.4	Alignment with Other Relevant Documents.....	27
3.4.1	City of Charles Sturt – Industrial Land Studies.....	27
3.4.2	Plan SA Land Supply Reports.....	29
<b>4.0</b>	<b>INVESTIGATIONS AND ENGAGEMENT .....</b>	<b>31</b>
4.1	Investigations Already Undertaken.....	31
4.2	Further Investigations Proposed .....	31
4.3	Engagement Already Undertaken .....	32
4.4	Further Engagement Proposed.....	33



<b>5.0</b>	<b>CODE AMENDMENT PROCESS .....</b>	<b>35</b>
5.1	Engagement Plan.....	35
5.2	Engagement Report.....	35
5.3	Code Amendment Timetable .....	36

## **ATTACHMENTS**

<b>Attachment A:</b>	Affected Area
<b>Attachment B:</b>	Certificates of Title
<b>Attachment C:</b>	Affected Area Photos
<b>Attachment D:</b>	Locality and Land Use Plan
<b>Attachment E:</b>	Locality Photos
<b>Attachment F:</b>	Locality and Land Use Plans – 50m and 100m Separation from Dwellings
<b>Attachment G:</b>	Council Correspondence
<b>Attachment H:</b>	Timeframe





## 1.0 INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located at 102-110 Glenroy Street, Pennington and 39 Park Avenue, Pennington (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Proponent comprises Lexicon Pty Ltd who are the registered proprietor of the land at 102-110 Glenroy Street, Pennington and Kangaroo Cartage Pty Ltd who are the registered proprietor of the land at 39 Park Avenue, Pennington, the two parcels of land together comprising the whole of the Affected Area as shown in **Figure 1** (reproduced in **Attachment A**).

Certificate of Title Register Searches for the land are reproduced in **Attachment B**.

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.



Figure 1: Affected Area Plan.



## 1.1 Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements of the Act.
- The Proponent declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under section 73(9) of the Act. If the Proponent does enter into such an agreement, the Proponent will notify the Department prior to finalising the Engagement Report under section 73(7).
- The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:

Julie Jansen, MasterPlan  
[juliej@masterplan.com.au](mailto:juliej@masterplan.com.au)  
08 8193 5600

- The Proponent intends to undertake the Code Amendment by engaging the services of MasterPlan SA Pty Ltd. Julie Jansen, Fellow of the Planning Institute of Australia and Michael Richardson, Member of the Planning Institute of Australia will be responsible for preparation of the Code Amendment. Julie Jansen is an Accredited Professional – Planning Level 1.
- The Proponent acknowledges that the Minister may, under section 73(4)(b) of the Act, determine that the Chief Executive of the Department will be the Designated Entity responsible for undertaking the Code Amendment. In this case, the Proponent acknowledges and agrees that they will be required to pay the reasonable costs of the Chief Executive in undertaking the Code Amendment.

## 1.2 Rationale for the Code Amendment

The Affected Area comprises two allotments that together form a rectangular parcel of land with frontage to Glenroy Street, extending from Grand Junction Road in the north to Park Avenue in the south and having a total area of 11.37 hectares.

The Affected Area is long and narrow, having a north-south dimension of approximately 1,250 metres but an east-west dimension of only approximately 120 metres.

The Affected Area is currently utilised for a variety of general industry warehousing and logistics operations and commercial and light industrial type uses run directly by the registered proprietors of the land and their tenants.



Due to the historical development of the area which has seen an introduction of residential land use in close proximity to industrial activities residential development immediately adjoins the western boundary of the Affected Area. Approximately 20-25 years ago a large allotment to the west was rezoned for residential purposes and has been subsequently developed without buffers to the Affected Area. Operations on the Affected Area are subject to significant restrictions and conflict with nearby residential amenity.

Having regard to the lack of 'strategic depth' of their land and the encroachment of increasing amounts of residential development permitted over a long period of time, the ability of the land to continue to be used for non-residential purposes has diminished to the point where its viability as 'employment lands' has become highly questionable.

The constraints ultimately affect the ability of the businesses on the land to continually improve and invest in future upgrades and technology such as to remain viable and sustainable. The main buildings on the Affected Area date from the 1940s and have reached the effective end of their life. Having regard to their very large size, replacement of the buildings with modern buildings of equivalent size represents a very significant capital investment which is difficult to justify in the context of the constraints which exist on the industrial use of the land.

Accordingly, an appropriate strategic planning response would be to advance an industrial policy that consolidates industrial development in those areas of the Council where it will have long term economic viability. Persisting with industrial zoning (particularly a Strategic Employment Zone) on land which cannot support a broad range of economically viable commercial and industrial uses will result in underutilised and poorly managed land which fails to contribute meaningfully to the intent of industrial land supply, which are the generation of employment and the sustenance of profitable enterprises.

The proponent has made previous submissions to Council regarding the potential rezoning of land in the Pennington/Athol Park area over an extended period. Previous submissions have not resulted in any alteration to the zoning of the Affected Area. Council has considered a draft proposal to initiate and has advised that it does not support potential rezoning herein proposed through the undertaking of a Code Amendment process.

### **1.2.1 *Description of the Affected Area***

Allotment 1004, owned by Lexicon Pty Ltd, has a total area of 6.292 hectares. The land has its northern boundary located adjacent Grant Junction Road. It has a frontage of 114.46 metres to Grand Junction Road and a 4.32 metre corner cut-off at the intersection of Glenroy Street. Its frontage to Glenroy Street is made up of four segments which total 515.34 metres.

The west boundary of Allotment 1004 is 563.23 metres in length, and also forms a boundary between the Employment and Strategic Employment Zones in which the subject allotment is located and the General Neighbourhood Zone to the west.



The land is affected by several easements. An easement three metres in width runs in a north-south direction and provides drainage from Allotment 1005 to the south to Grand Junction Road. An easement approximately 10 metres in width running generally east-west carries electricity infrastructure from Glenroy Street to the western boundary of the allotment. Two small easements located adjacent the Glenroy Street boundary also support electricity infrastructure.

Allotment 1005, owned by Kangaroo Cartage Pty Ltd, has a total area of 5.082 hectares. The land is located adjoining the southern boundary of Allotment 1004. This allotment has a frontage to Glenroy Street of 423.88 metres and a corner cut-off at the intersection of Park Avenue of 17.27 metres. Its frontage to Park Avenue is 108.10 metres. Its western boundary is made up of two segments which total 391.76 metres.

The land is affected by two easements which run in an east-west direction from Glenroy Street to the western boundary of the allotment. These provide for drainage and water supply infrastructure.

**Attachment C** contains a series of photos illustrating the subject land.

Current improvements on the subject land include three large industrial shed structures. Two of these structures are located on Allotment 1004 and the third on Allotment 1005. In addition, there are a variety of smaller shed structures, gantries and loading facilities, tanks and other ancillary structures, including office buildings.

The total undercover area is approximately 30,000 square metres, representing around one-third of the subject land. Of the open areas, the majority is hard surfaced with either bitumen or, to a lesser extent, concrete. Several portions of the site are surfaced in a compacted rubble surface.

The subject land features minimal landscaping, either to the street boundaries, or to the boundary with residential land to the west. Activities, particularly on Allotment 1005 and the northern portion of Allotment 1004, extend to the western boundary of the subject land.

### **1.2.2** *Description of the Locality*

The scale and use of the Affected Area results in it having significant impacts on a large amount of surrounding land. The Locality Land Use Plan (**Figure 2** and reproduced in **Attachment D**) illustrates the nature of the locality and the broad land uses surrounding the subject land.

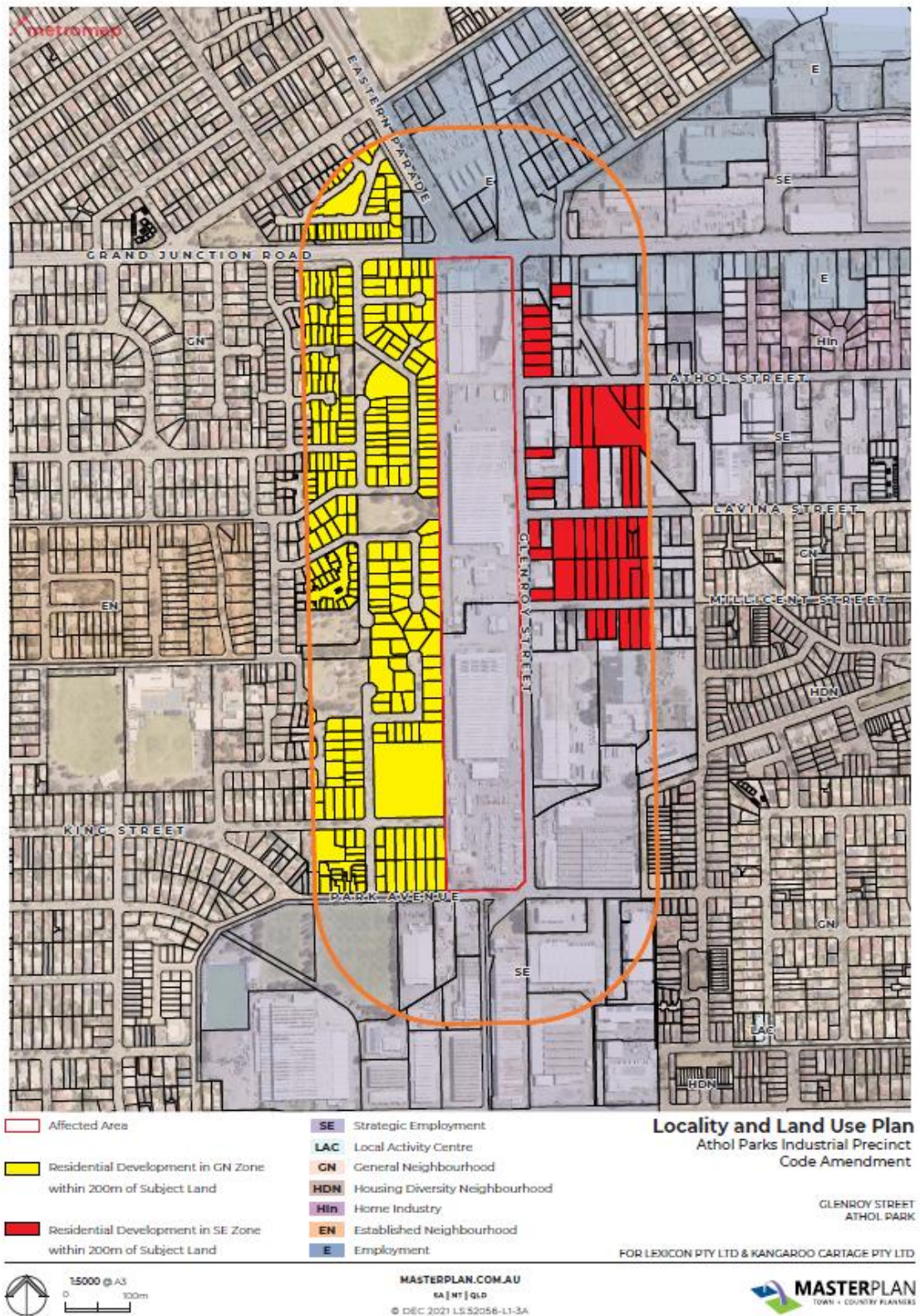


Figure 2: Locality Land Use Plan.



Much of the land to the west of the subject land was previously owned by the Commonwealth and subsequently disposed of prior to any development of the land commencing some 25 to 30 years ago. The land has now been developed almost exclusively with residential development and is zoned General Neighbourhood Zone. With the exception of impacts caused by its location adjacent an industrial site, the area exhibits a generally moderate to high level of residential amenity.

The locality to the east comprises a mix of residential and industrial development (both general and light industry) over two zone designations:

- for one allotment depth adjoining Grand Junction Road – Employment Zone; and
- adjoining the remainder of the subject land – Strategic Employment Zone.

Prior to the recent introduction of the Planning and Design Code under the new PDI Act, the whole of the adjoining land to the east was zoned Industry.

Industrial development in the locality is essentially contained in a pocket fronting Grand Junction Road, an area between Athol Street and Lavina Street, the subject land and an area on the eastern side of Glenroy Street adjacent Allotment 1005. All of these pockets of industrial development are immediately adjacent significant areas of residential development, including residential development located within the Strategic Employment Zone.

With the exception of the Affected Area and three allotments on the eastern side of Glenroy Street adjacent Allotment 1005, industrial land is contained on allotments averaging less than 2,000 square metres in size which are held in a multitude of individual ownerships.

Whilst this mixture of residential and industrial uses has co-existed for a considerable length of time, there is significant evidence of recent residential redevelopment which may be moving the balance towards residential primacy in this area. Notwithstanding the Strategic Employment zoning of the land to the east, approximately half the land area, and the majority of individual land titles, are developed for residential purposes, particularly along Athol Street, Lavinia Street and Millicent Street.

A smaller Home Industry Zone is situated between the Employment and Strategic Employment zones closer to the Grand Junction Road/Hanson Road intersection. Numerous allotments in this zone appear to be used solely for residential purposes, with no ancillary or related industry uses being evident on them.

Further to the east approaching Hanson Road, the zoning changes to General Neighbourhood Zone, Housing Diversity Neighbourhood, and General Neighbourhood Zone. Land use is predominantly residential apart from the main road frontages (Grand Junction Road and Hanson Road).

Land to the north and south of the Affected Area is zoned Strategic Employment and predominantly used for light and general industry uses, transport, warehousing and storage.



Grand Junction Road forms the boundary between the Charles Sturt and Port Adelaide Enfield Council areas.

The subject land is near well-established facilities and services in the locality available to local residents. There is a nearby primary school (Pennington School R-7), and Woodville High School is located close by, on the southern side of Torrens Road. There are several parks and reserves in the residential area directly west of the subject land – Pennington Gardens Reserve, Windsor Reserve, Wastrell Crescent Reserve. Ovals and sporting facilities are available at Pennington Reserve adjacent the primary school, Robert Haigh Reserve (to the south-west) and Fawk Reserve to the east (fronting Hanson Road).

There are several sets local shops close by, on Torrens Road, Hanson Road, Addison Road and Grand Junction Road. The locality is serviced by several bus routes with regular services to and from the city. Glenroy Street, directly adjoining the subject land has bus stops for the 252 route between Port Adelaide and the city and the 252A route between Port Adelaide and Arndale Centre.

Thus, the Code Amendment is seeking to facilitate residential development in an established and well serviced area.

**Attachment E** contains a selection of photographs illustrating the conditions described above in the locality.

### **1.2.3** *Capability and Suitability of Affected Area*

The continued viability and sustainability of development on the land within the Affected Area will inevitably require the significant upgrade and modernisation of operations on the site, or redevelopment for new industrial activities in accordance with the current zoning, all requiring considerable investment in the future.

Many of the current improvements and buildings on the land were originally constructed in the 1940s and are now rapidly approaching the end of their useful life. A commitment to redevelopment of either, or both of, the sites for commercial or industrial purposes represents a very significant investment.

The capability of the land for new investment is limited by three primary features of the land: the configuration (dimensions and shape) of the subject land; easement constraints; and access constraints.

The Affected Area is a long, narrow allotment, whose length is almost ten times its width. The width of the land, at approximately 120 metres, would be a constraint on the land irrespective of any additional requirement that redevelopment options would ideally include the provision of buffers and/or setbacks to address amenity impacts on adjacent and nearby residential development.





Having regard to the area of land required for the manoeuvring of vehicles outside of buildings on an industrial allotment, the width of the allotment constrains the areas upon which new buildings could be placed, essentially confining them to the central portion of the site. The added need to provide for internal buffers, landscaping and the potential for width to be lost through future acquisition for the widening of Glenroy Street (currently identified by the local council) result in an allotment that is very significantly less than ideal for new commercial and industrial purposes.

The easements on the subject site add a further level of constraint, particularly to Allotment 1004.

A drainage easement runs north-south through this allotment which would limit the proximity of built form to the western boundary.

Other easements which run in an east-west direction limit the potential for unitary, continuous built form running from north to south along either, or both, of the allotments.

Whilst the Affected Area has frontage to three roads, direct access to Grand Junction Road, particularly for heavy vehicles, is problematic particularly having regard to the proximity of the Glenroy Street and Eastern Parade intersections.

Glenroy Street provides suitable access opportunities, however providing suitable flared crossovers and storage for lengthy, heavy vehicles waiting to exit our site consumes significant width from the land for each access point.

The capability of the Affected Area for continued commercial and industrial purposes is significantly impacted by its situation in a locality that has over time become significantly residential in nature.

Residential development abutting the western boundary of the land generally have their private open spaces immediately adjoining the subject land resulting in a large number (in the order of forty dwellings) of sensitive receivers which provide no buffer to activities within the Employment/Strategic Employment Zones. Unfortunately, the planning policies in the past prior to the development of the adjacent residential land did not incorporate the provision of buffers to the existing industrial areas.

The impact of a large number of sensitive receivers immediately adjacent the subject land has a direct and significant impact on the continued and future use of the land for industrial purposes.

Overlays of the Locality Land Use Plan have been prepared, showing buffers to existing sensitive receivers of 50 metres and 100 metres and the impact of these on the Affected Area.

Potential impacts include noise, odour, light spill, dust, vibration, operating hours and activity, delivery and service vehicles, and visual impacts. These Plans area shown in **Figure 3** and **Figure 4** (reproduced in **Attachment F**).



Allotment 1004 was initially purchased for the establishment of manufacturing industry. Notwithstanding the industry land use being approved and subsequently established, the business had ongoing issues with neighbouring properties and a series of constraints placed on their operations ultimately rendered the land use unviable. The industrial activity was subsequently relocated, and the current warehousing and logistics operations have become the primary use of the land.

Notwithstanding this reduction in intensity, ongoing issues continue with adjacent neighbours.

The ability to substantially upgrade and modernise the existing operations on the land, or redevelopment of the site for new industries, is severely impacted by the above conditions. Future development would be challenged in accommodating adequate buffers to the adjacent residential areas and meeting the more stringent Environment Protection provisions now in place.

The proponents have undertaken their own feasibility and options analyses over recent years including environmental studies, commercial studies and site infrastructure analysis, and concluded that the land has limited future utility for commercial and industrial purposes and that pursuing alternative future uses is the only appropriate option.

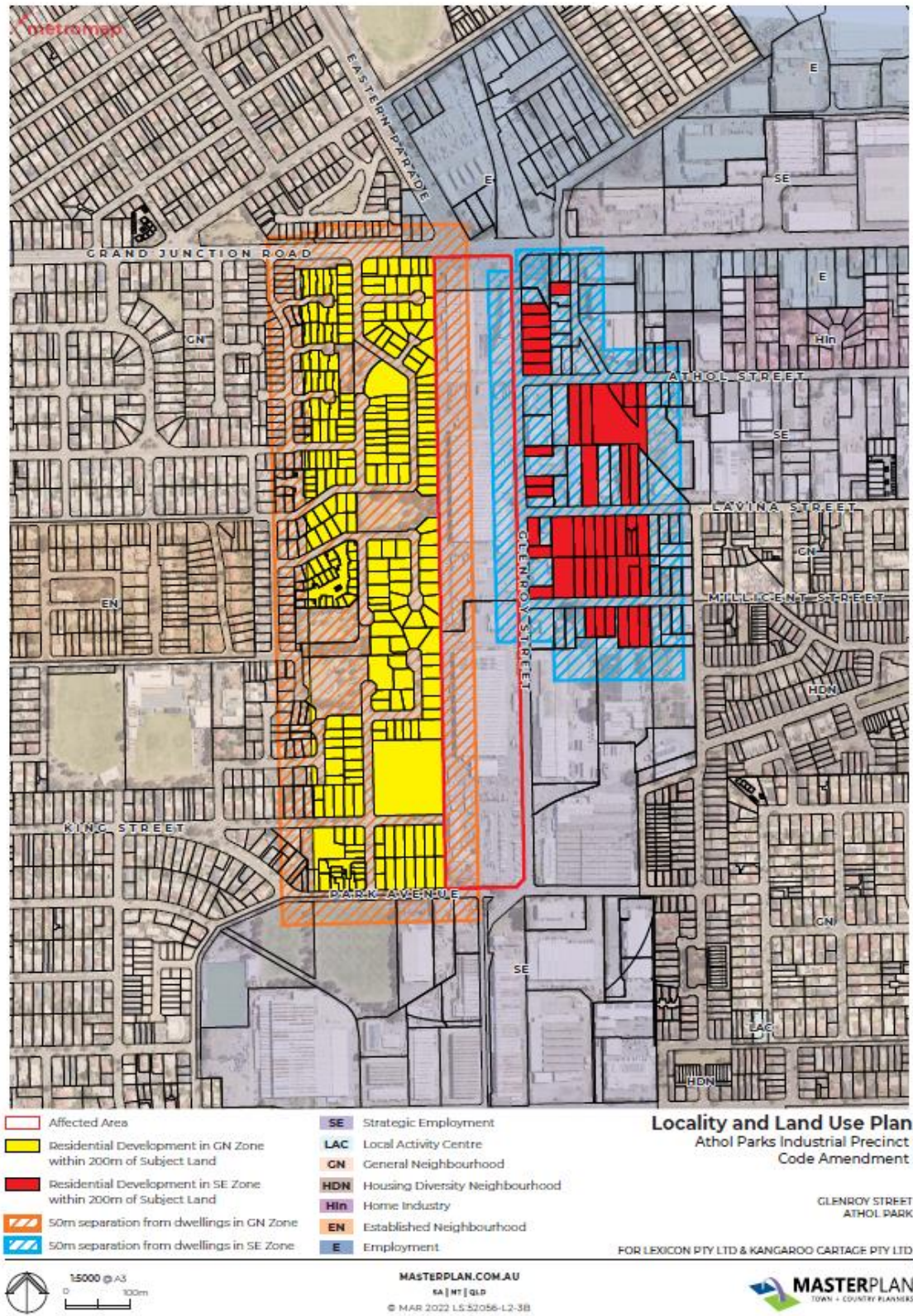


Figure 3: Locality Land Use Plan (50 metre buffer).

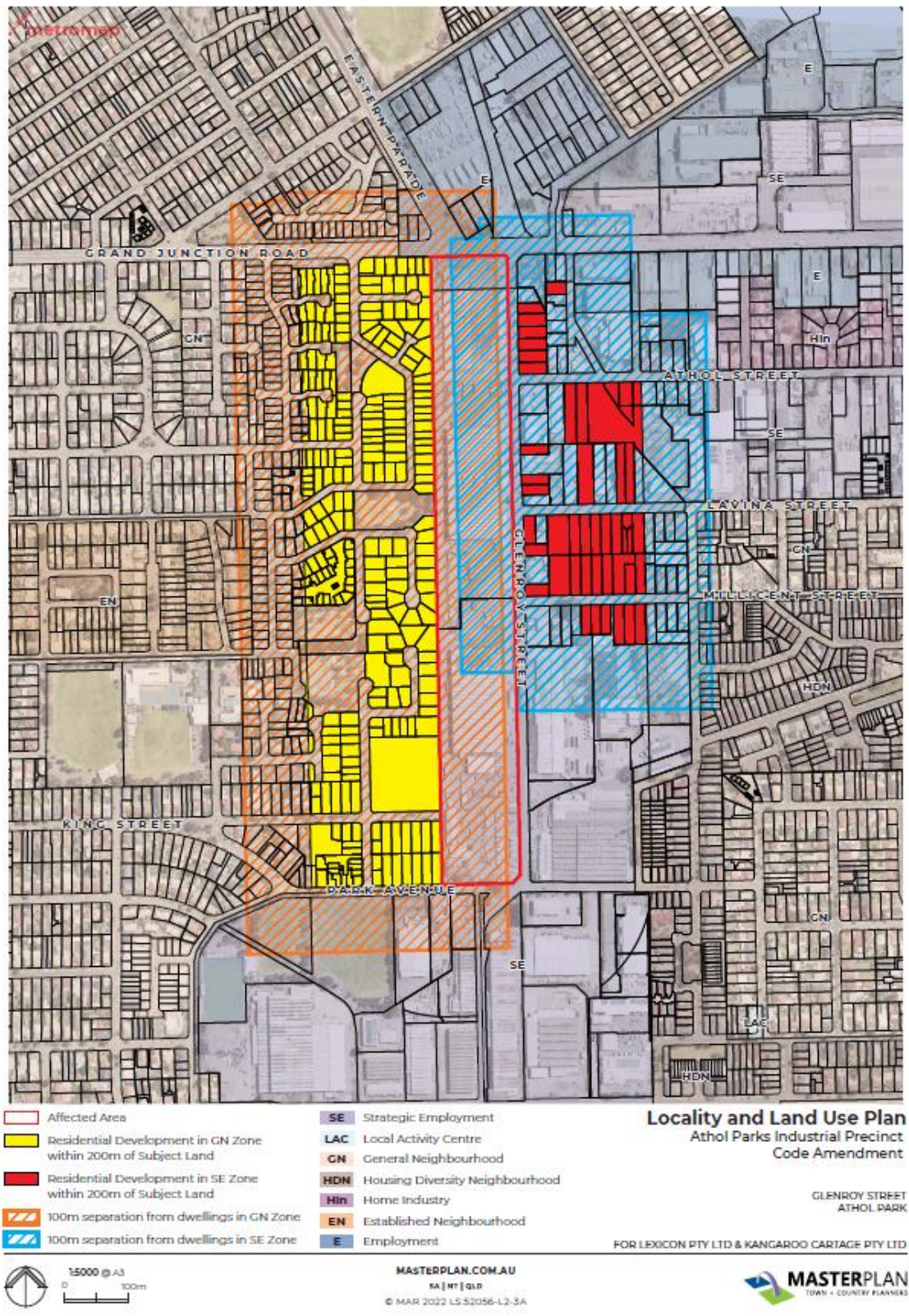


Figure 4: Locality Land Use Plan (100 metre buffer).



### 1.3 Amendment Requested

In summary, the Code Amendment seeking rezoning of the Strategic Employment zoned land to a neighbourhood (residential) zone is considered appropriate for the following reasons:

- the subject land has low and decreasing utility for industrial or commercial purposes;
- the buildings on the subject land are at the end of their economic life and complete redevelopment will likely be required within the next decade;
- the increasing costs of infrastructure repair;
- the configuration of the subject land does not support their efficient and economic use for industrial or commercial uses;
- interface issues with adjacent residential development cannot be adequately overcome without further reducing the already limited utility of the subject land;
- the limited width of the sites does not enable an economically viable redevelopment opportunity for the envisaged industrial land uses; and
- investigations undertaken by our clients have indicated that no insurmountable infrastructure or environmental barriers to residential development appear to exist.

Rezoning of the Strategic Employment Zone of the Affected Area to Neighbourhood Zone would result in Glenroy Street providing the interface between the industrial development to the east and residential development to the west. This would represent an orderly development outcome superior to the current arrangement, providing greater opportunity to control the current and future interface between the conflicting land uses.

The Athol Park Area including the mixed use residential and industrial land to the east, will become increasingly limited in its ability to support non-residential development in the future. Most of the allotments in the area are of a residential size and too small to support anything other than minor industrial uses, and having regard to recent developments in the area, the meaningful consolidation of land seems extremely unlikely to occur.

The existing encroachment of residential uses already evident in the area severely constraints the nature of industrial development that could occur. Conversion of the Affected Area to residential would consolidate this trend and have minimal impact on the on-going viability of existing light industries in the area which are already impacted by, and co-exist with, residential development.



## 2.0 SCOPE OF THE CODE AMENDMENT

### 2.1 Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land identified **below**, located entirely within the City of Charles Sturt as shown in the Affected Area Plan (**Figure 1**).

**Table 1: Affected Area – Legal Description**

ADDRESS	PARCEL DETAIL	CERTIFICATE OF TITLE
102-110 Glenroy Street, Pennington	Allotment 1004 in Deposited Plan 32099, Hundred of Yatala	Volume 5970 Folio 601
39 Park Avenue, Pennington	Allotment 1005 in Deposited Plan 32099, Hundred of Yatala	Volume 5070 Folio 855

### 2.2 Scope of Proposed Code Amendment

The Locality Land Use Plan (**Figure 2**) illustrates that the majority of the Affected Area is within the Strategic Employment Zone and a small portion of Allotment 1004 (102-110 Glenroy Street) adjacent Grand Junction Road is located within the Employment Zone.

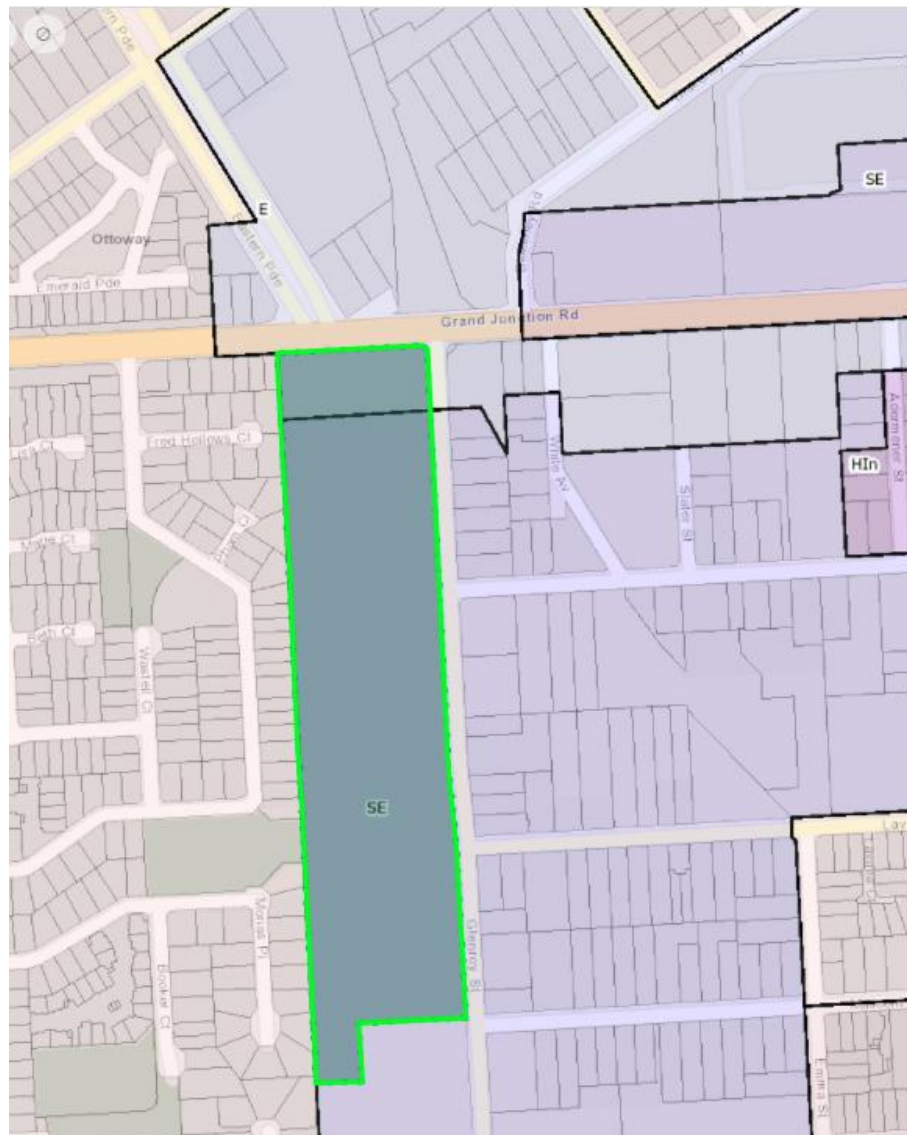
**Table 2** below identifies the land affected, the current and proposed zoning.

**Table 2: Current and Proposed Zoning**

ADDRESS & PARCEL DETAIL	CERTIFICATE OF TITLE	CURRENT ZONING	PROPOSED ZONING
102-110 Glenroy Street, Pennington Allotment 1004 in Deposited Plan 32099, Hundred of Yatala	Volume 5970 Folio 601	Part Employment Zone and part Strategic Employment Zone	Retain Employment Zone Rezone Strategic Employment to a 'neighbourhood zone' typology
39 Park Avenue, Pennington Allotment 1005 in Deposited Plan 32099, Hundred of Yatala	Volume 5070 Folio 855	Strategic Employment Zone	Rezone Strategic Employment to a 'neighbourhood zone' typology



**Allotment 1004 – 102-110 Glenroy Street**



**Current Policy**

**Zone: Employment Zone**<sup>1</sup>

**Desired Outcomes**

1. A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.
2. Distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.

**Overlays:**

- Advertising Near Signalised Intersections
- Airport Building Heights (Regulated)

<sup>1</sup> Applies to the northern portion of Allotment 1004



<b>Allotment 1004 – 102-110 Glenroy Street</b>	
	<ul style="list-style-type: none"> <li>• Hazards (Flooding - General)</li> <li>• Major Urban Transport Routes</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> </ul> <p><b>Zone: Strategic Employment Zone</b> <sup>2</sup></p> <p><b>Desired Outcomes</b></p> <ol style="list-style-type: none"> <li>1. A range of industrial, logistical, warehousing, storage, research and training land uses together with compatible business activities generating wealth and employment for the state.</li> <li>2. Employment-generating uses are arranged to:               <ol style="list-style-type: none"> <li>a) support the efficient movement of goods and materials on land in the vicinity of major transport infrastructure such as ports and intermodal freight facilities</li> <li>b) maintain access to waterfront areas for uses that benefit from direct water access including harbour facilities, port related industry and warehousing, ship building and related support industries</li> <li>c) create new and enhance existing business clusters</li> <li>d) support opportunities for the convenient co-location of rural related industries and allied businesses that may detract from scenic rural landscapes</li> <li>e) be compatible with its location and setting to manage adverse impacts on the amenity of land in adjacent zones.</li> </ol> </li> <li>3. A pleasant visual amenity from adjacent arterial roads, adjoining zones and entrance ways to cities, towns and settlements.</li> </ol> <p><b>Local Variation (TNV):</b> Maximum Building Height (Metres) (Maximum building height is 12m)</p> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Advertising Near Signalised Intersections</li> <li>• Airport Building Heights (Regulated) (All structures over 110 metres)</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> </ul>
<b>Amendment Outline</b>	<p>Retain the existing Employment Zone over the Grand Junction Road frontage of allotment 102-110 Glenroy Street, Pennington.</p> <p>Rezone the remainder of the Affected Area contained within Allotment 1004 currently zoned Strategic Employment, to a neighbourhood zone typology. Final zone to be selected following detailed investigation (potentially General Neighbourhood, Housing Diversity or Suburban Neighbourhood zone).</p> <p>Incorporate appropriate Technical and Numerical Variations for the area rezoned for residential purposes (neighbourhood type zone).</p> <p>Retain the existing overlay policies as they currently apply to the land and examine additional overlays which may include Affordable Housing, Noise and Air Emissions Overlay.</p>

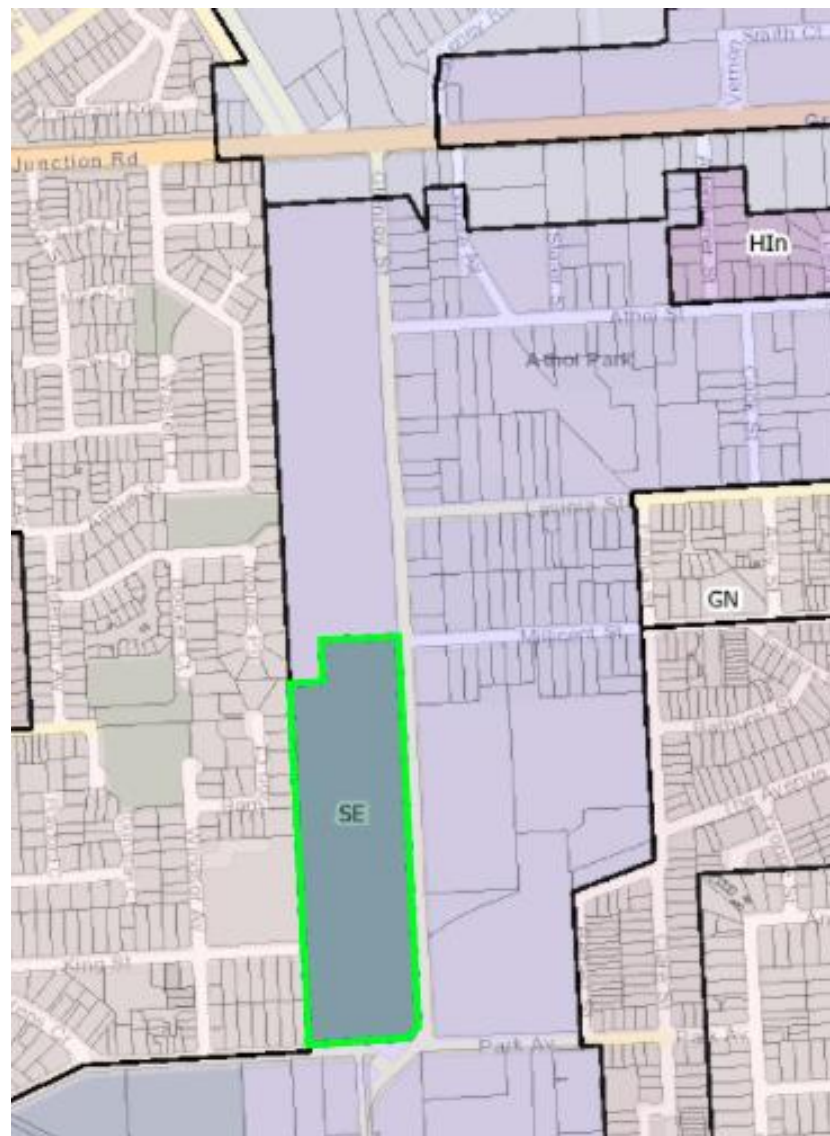
<sup>2</sup> Applies to the majority/remainder of Allotment 1004





Allotment 1004 – 102-110 Glenroy Street	
Intended Policy	The policies for the Employment Zone are proposed to remain unchanged. The policies for the neighbourhood type zone (as selected following investigation) to consider further Overlays and appropriate TNV's (see <b>Section 4.2</b> below).

Allotment 1005 – 39 Park Avenue	
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Current Zoning	<p><b><u>Zone: Strategic Employment Zone</u></b></p> <p>Desired Outcomes</p> <ol style="list-style-type: none"> <li>1. A range of industrial, logistical, warehousing, storage, research and training land uses together with compatible business activities generating wealth and employment for the state.</li> </ol>
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Allotment 1005 – 39 Park Avenue	
	<p>2. Employment-generating uses are arranged to:</p> <ol style="list-style-type: none"> <li>a) support the efficient movement of goods and materials on land in the vicinity of major transport infrastructure such as ports and intermodal freight facilities</li> <li>b) maintain access to waterfront areas for uses that benefit from direct water access including harbour facilities, port related industry and warehousing, ship building and related support industries</li> <li>c) create new and enhance existing business clusters</li> <li>d) support opportunities for the convenient co-location of rural related industries and allied businesses that may detract from scenic rural landscapes</li> <li>e) be compatible with its location and setting to manage adverse impacts on the amenity of land in adjacent zones.</li> </ol> <p>3. A pleasant visual amenity from adjacent arterial roads, adjoining zones and entrance ways to cities, towns and settlements.</p> <p><b>Local Variation (TNV):</b> Maximum Building Height (Metres) (Maximum building height is 12m)</p> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated) (All structures over 110 metres)</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> </ul>
<b>Amendment Outline</b>	<p>Rezone Affected Area contained within Allotment 1005 currently zoned Strategic Employment, to a neighbourhood zone typology. Final zone to be selected following detailed investigation (potentially General Neighbourhood, Housing Diversity or Suburban Neighbourhood zone).</p> <p>Incorporate appropriate Technical and Numerical Variations for the area rezoned for residential purposes (neighbourhood type zone).</p> <p>Retain the existing overlay policies as they currently apply to the land and examine additional overlays which may include Affordable Housing, Noise and Air Emissions Overlay.</p>
<b>Intended Policy</b>	<p>The policies for the neighbourhood type zone (as selected following investigation) to consider if any further Overlays provisions and TNV's are appropriate (see <b>Section 4.2</b> below).</p>

The intent of the Code Amendment is to:

- Retain the existing Employment Zone along the Grand Junction Road frontage of the Affected Area to allow for the development of that portion of land to low-impact light industrial, commercial and business activities as currently envisaged adjacent Grand Junction Road. This land is suitably positioned to be developed with minimal constraint from, or impact on, nearby residential uses.
- Rezone the balance of the Affected Area to a suitable residential zone (neighbourhood typology) to enable the redevelopment of the land for residential purposes.



Further investigations will be undertaken to ascertain the most appropriate 'neighbourhood' zone for the Affected Area having regard to the Guide to the Phase Three (Urban Areas) Planning and Design Code (March 2021 by PlanSA).

This Guide describes a range of 'neighbourhood' zones which may be considered, including:

<b>General Neighbourhood Zone</b>	
<p>This zone encourages low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service use contribute to making the neighbourhood a convenient place to live without compromising residential amenity.</p>	<p><b>Zone Requirements – Summary:</b></p> <p>This zone provides assessment criteria to facilitate low to medium-density housing that is well designed and provides a positive contribution to local areas.</p> <p><b>Minimum site area:</b></p> <ul style="list-style-type: none"> <li>· Detached and semi-detached dwelling 300m<sup>2</sup>.</li> <li>· Row dwelling 250m<sup>2</sup>.</li> <li>· Group and dwelling with a residential flat building 300m<sup>2</sup>.</li> <li>· Maximum site coverage: 60%.</li> <li>· Maximum building height: 2 building levels up to a height of 9m.</li> </ul> <p>The need for a concept plan to be determined.</p>
<b>Housing Diversity Neighbourhood Zone</b>	
<p>This zone envisages medium density housing to support a range of needs and lifestyles, located within easy reach of a diversity of services and facilities. Employment and community service use contribute to making the neighbourhood a convenient place to live without compromising residential amenity.</p>	<p><b>Zone Requirements – Summary:</b></p> <p>This zone provides assessment criteria to facilitate a diverse range of medium-density housing and accommodation.</p> <p>TNV's for minimum site area, minimum frontage and maximum building height to be determined.</p> <p>The need for a concept plan to be determined.</p>
<b>Suburban Neighbourhood Zone</b>	
<p>This zone envisages low density housing consistent with the existing local context and development pattern. Services and community facilities contribute to making the neighbourhood a convenient place to live without compromising residential amenity and character.</p>	<p><b>Zone Requirements – Summary:</b></p> <p>This zone provides assessment criteria to facilitate low density housing that is well designed and provides a positive contribution to local areas.</p> <p>TNV's for minimum site area, minimum frontage and maximum building height to be determined.</p> <p>The need for a concept plan to be determined.</p>

Existing zoning of the subject land and locality is shown on **Figure 5** and the proposed zoning is shown on **Figure 6**.

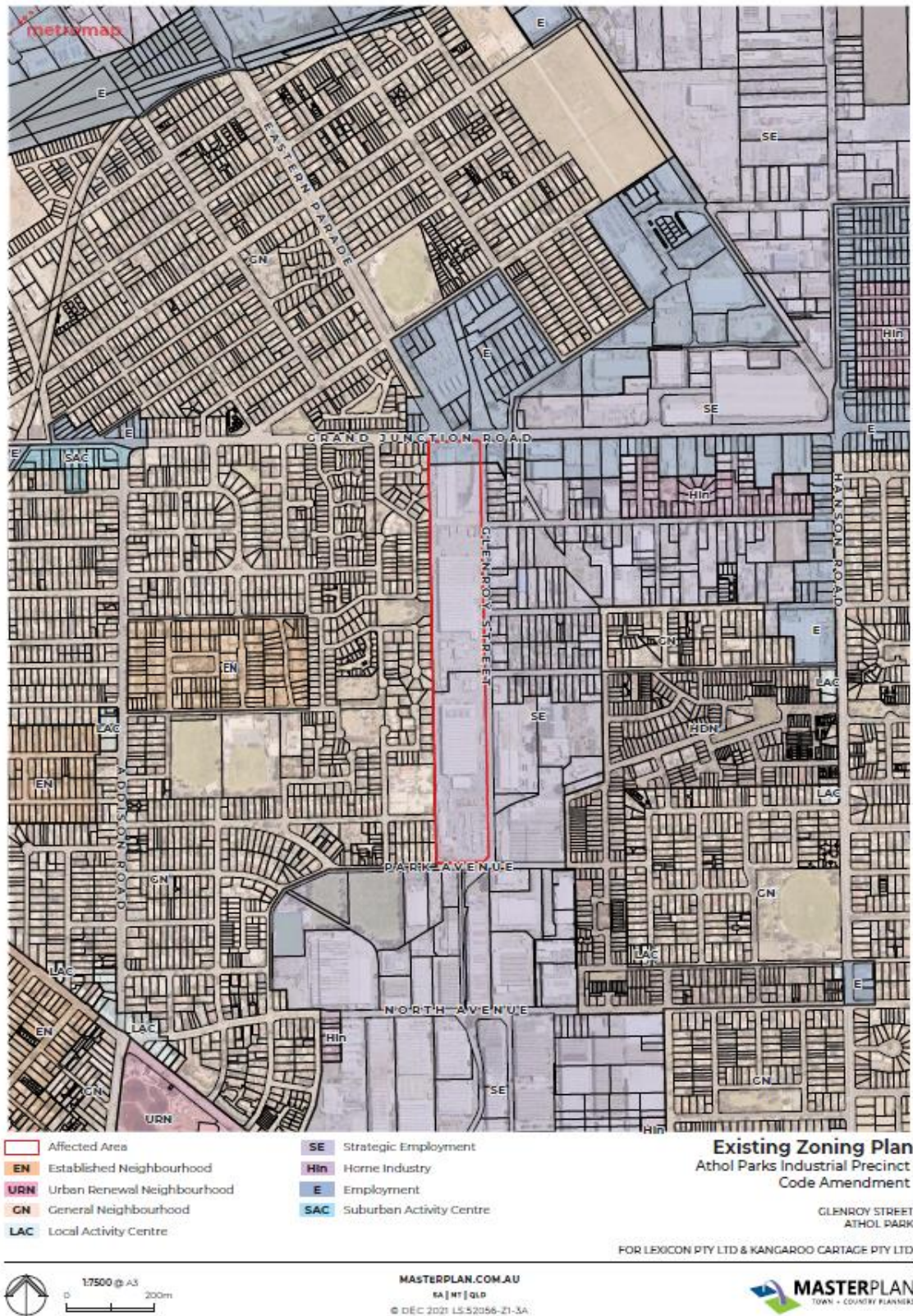


Figure 5: Existing Zoning Plan.

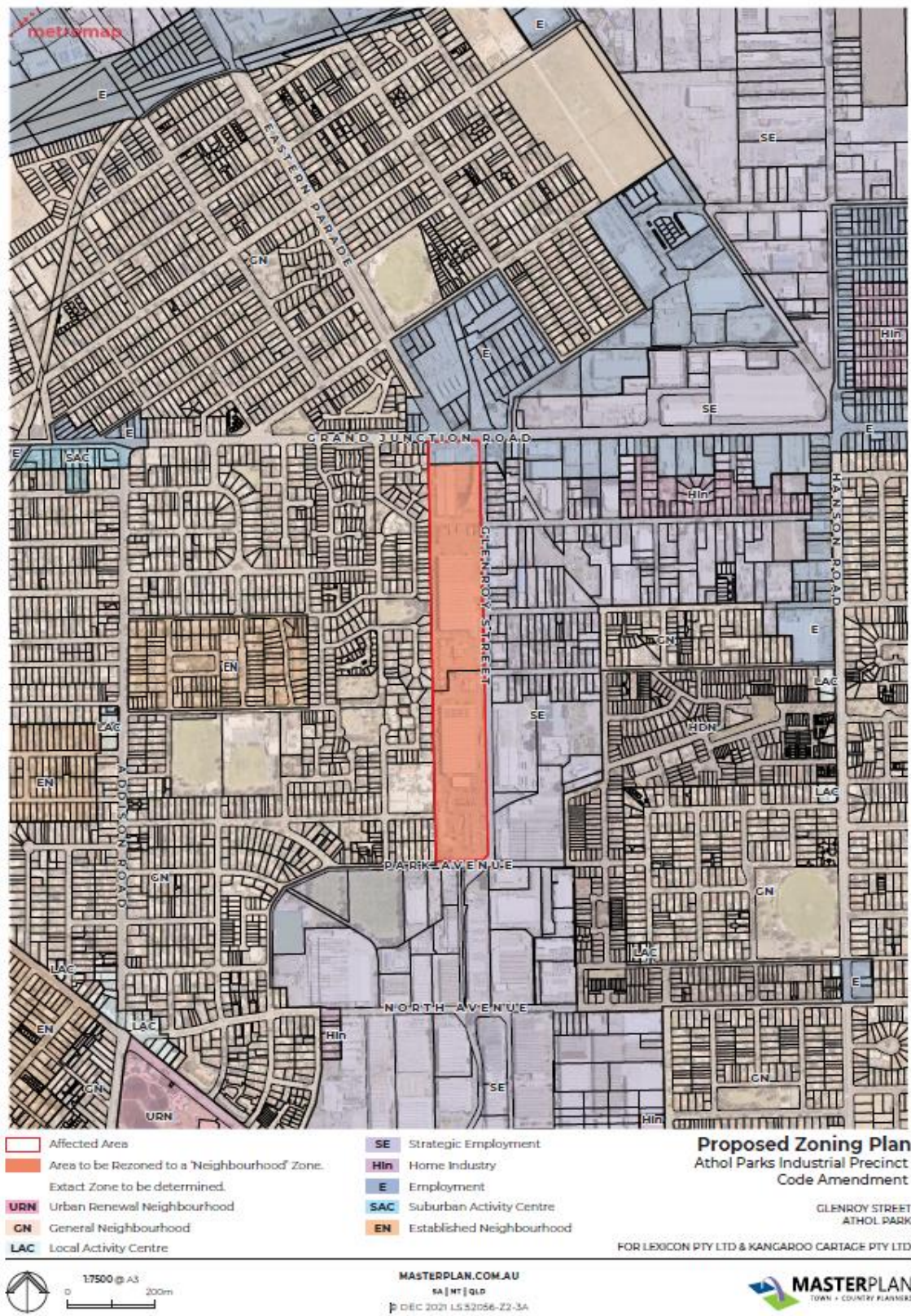


Figure 6: Proposed Zoning Plan.



### **3.0 STRATEGIC PLANNING OUTCOMES**

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs);
- Regional Plans; and
- Other relevant strategic documents.

Other relevant strategic documents include the Land Supply Report for Greater Adelaide completed in June 2021 by Plan SA and studies undertaken by the Council:

- City of Charles Sturt Industrial Land Study 2008.
- City of Charles Sturt Employment Revitalization Plan 2011.
- City of Charles Sturt Urban Employment Land Review 2019.

#### **3.1 Summary of Strategic Planning Outcomes**

The key strategic planning considerations to be addressed by this Code Amendment include:

- industrial land supply and demand;
- interface between land uses;
- environmental impacts (site contamination, acoustic, stormwater); and
- residential land supply and demand.

#### **3.2 Alignment with State Planning Policies**

The State Planning Policies (SPPs) set out the State's overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:



STATE PLANNING POLICY (SPP)		CODE AMENDMENT ALIGNMENT WITH SPPS
<b>SPP 1: Integrated Planning</b>		
<p>Purpose:</p> <p>Integrated planning coordinates the strategic use of land with the necessary services and infrastructure. It can influence how a city or region grows and evolves, which if done well, creates liveable and sustainable places that contribute to our prosperity</p>	<p>Given the overall supply of vacant employment land in the Adelaide West Region and the continuing available supply at current rates of consumption it is considered the rezoning of the Affected Area represents a negligible reduction and will not compromise the long-term availability of employment zoned land in the region.</p>	
<p>1.1 An adequate supply of land (well serviced by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period.</p> <p>1.7 Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations supported by infrastructure, services and facilities.</p>	<p>The Code Amendment will seek to facilitate residential development in an established and well serviced area.</p> <p>The Code Amendment will seek to rationalise the interaction between incompatible development to ensure residential and industrial development can be established and continue without undue constraint or impact.</p>	
<b>SPP 2: Design Quality</b>		
<p>Purpose:</p> <p>Good design improves the way our buildings, streets and places function, making them more sustainable, more accessible, safer and healthier. The integration of design within the planning system encourages creative solutions to complex social, economic and environmental challenges including those arising from our changing settlement patterns.</p>	<p>Selection of an appropriate neighbourhood zone with associated overlays and technical and numerical variations will provide the framework for the redevelopment of the Affected Area in a manner which respects existing character, establishes a new and attractive residential area and public realm, whilst addressing matters of interface to both adjoining low density residential development and industrial and commercial land uses in the locality.</p>	
<p>2.9 Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of a place.</p> <p>2.10 Facilitate development that positively contributes to the public realm by providing active interfaces with streets and public open spaces.</p> <p>2.11 Manage the interface between modern built form of different scales with more traditional dwelling forms, including through the management of streetscape character, access to natural light, visual and acoustic privacy, massing and proportions.</p> <p>2.12 Create design solutions for infill development that improves the relationship between buildings and public spaces, and the interface with neighbours.</p>	<p>The need for a concept plan to guide future development will be considered.</p>	



STATE PLANNING POLICY (SPP)		CODE AMENDMENT ALIGNMENT WITH SPPS
<b>SPP 6: Housing Supply and Diversity</b>		
<p>Purpose:</p> <p>Housing is an essential part of people’s health and wellbeing. Our planning system must enable the sufficient and timely supply of land and a variety of housing choices at appropriate locations. With the changing composition of our community and our desire to live more sustainably, our housing supply needs to become more diverse in both metropolitan Adelaide and regional township locations.</p>	<p>The Code Amendment will seek to facilitate residential development in an established and well serviced area.</p> <p>The Code Amendment will seek to facilitate residential urban infill development providing a diverse range of housing providing appropriate levels of residential amenity within the context of the locality.</p>	
<p>6.1 A well-designed, diverse and affordable housing supply that responds to population growth and projections and the evolving demographic, social, cultural and lifestyle needs of our current and future communities.</p> <p>6.6 A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.</p>		
<b>SPP 9: Employment Lands</b>		
<p>Purpose:</p> <p>Providing a suitable supply of land for employment uses is critical to support job growth and the economic prosperity of the communities. The planning system needs to support the diversification of our economy and remove barriers to innovation. It is critical that the right signals are sent to the market to attract interest, investment and tourism opportunities across South Australia.</p>	<p>Given the overall supply of vacant employment land in the Adelaide West Region and the continuing available supply at current rates of consumption it is considered the rezoning of the Affected Area represents a negligible reduction and will not compromise the long-term availability of employment zoned land in the region.</p> <p>The locational characteristics of the Affected Area has adversely impacted the productive capacity of the land and it is therefore not considered to be “prime” industrial land. This Code Amendment seeks to resolve current anomalies in the location of residential development and industrial activities where each is constraining the development of the other.</p>	
<p>9.6 Protect prime industrial land for employment use where it provides connectivity to freight networks; enables a critical mass or cluster of activity; has the potential for expansion; is connected to skilled labour; is well serviced; and is not constrained by abutting land uses.</p> <p>9.11 Encourage the development of integrated employment and residential mixed-use precincts where conflicts between uses can be managed.</p> <p>9.12 Plan for employment and industrial precincts in strategic locations that improve economic productivity; are protected from encroachment; connect to efficient supply chains; and are located to provide transport access and connectivity.</p>		





STATE PLANNING POLICY (SPP)	CODE AMENDMENT ALIGNMENT WITH SPPS
<b>SPP 16: Emissions and Hazardous Activities</b>	
<p>Purpose:</p> <p>Protecting communities and the environment from exposure to industrial emissions and hazards and site contamination is fundamental to the creation of healthy cities and regions. At the same time, it is critical that South Australia's industrial and infrastructure capacity and employment levels are preserved.</p>	<p>The Code Amendment will seek to resolve current undesirable impacts from industrial activities on residential amenity. This will include further investigations into site contamination and identifying any potential air quality and acoustic impacts on the Affected Area from other commercial and industrial development and transport routes.</p>
<p>16.1 Protect communities and the environment from risks associated with industrial emissions and hazards (including radiation) while ensuring that industrial and infrastructure development remains strong through:</p> <ul style="list-style-type: none"> <li>a) supporting a compatible land use mix through appropriate zoning controls</li> <li>b) appropriate separation distances between industrial sites that are incompatible with sensitive land uses</li> <li>c) controlling or minimising emissions at the source, or where emissions or impacts are unavoidable, at the receiver.</li> </ul> <p>16.2 Assess and manage risks posed by known or potential site contamination to enable the safe development and use of land.</p>	

### 3.3 Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long-term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The 30 Year Plan for Greater Adelaide (2017 update) Volume of the Planning Strategy is relevant for this Code Amendment.



REGIONAL PLAN IDENTIFIED PRIORITIES OR TARGETS	CODE AMENDMENT ALIGNMENT WITH REGIONAL PLAN
<b>Housing mix, affordability and competitiveness</b>	
<p>P46. Ensure an adequate land supply is available to accommodate housing and employment growth over the longer term (at least a 15-year supply).</p>	<p>The Code Amendment will seek to facilitate residential development in an established and well serviced area.</p> <p>Given the overall supply of vacant employment land in the Adelaide West Region and the continuing available supply at current rates of consumption it is considered the rezoning of the Affected Area represents a negligible reduction and will not compromise the long-term availability of employment zoned land in the region.</p> <p>The Code Amendment will seek to rationalise the interaction between incompatible development to ensure residential and industrial development can be established and continue without undue constraint or impact.</p>
<b>Health, wellbeing and inclusion</b>	
<p>P47. Plan future suburbs and regenerate and renew existing ones to be healthy neighbourhoods that include:</p> <ul style="list-style-type: none"> <li>• diverse housing options that support affordability</li> <li>• access to local shops, community services and facilities</li> </ul>	<p>The Code Amendment would provide regeneration within the suburb, providing opportunities for a variety of housing, including affordable housing, whilst providing and improving residential amenity within the locality.</p>
<b>The Economy and Jobs</b>	
<p>P55. Promote certainty to undertake development while at the same time providing scope for innovation.</p> <p>P56. Ensure there are suitable land supplies for the retail, commercial and industrial sectors.</p>	<p>The Code Amendment seeks to rationalise the provision of land for housing and employment growth within a locality where current land use conflicts prevail. Rezoning the existing industrial land to a neighbourhood zone would provide greater certainty for the Proponents and adjoining residential landowners and occupiers.</p> <p>Given the overall supply of vacant employment land in the Adelaide West Region and the continuing available supply at current rates of consumption it is considered the rezoning of the Affected Area represents a negligible reduction and will not compromise the long-term availability of employment zoned land in the region.</p>



### 3.4 Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

The following table identifies other documents relevant to the proposed Code Amendment:

- City of Charles Sturt Industrial Land Study 2008.
- City of Charles Sturt Employment Revitalization Plan 2011.
- City of Charles Sturt Urban Employment Land Review 2019.
- Land Supply Report for Greater Adelaide – Background & Context by Plan SA June 2021.
- Land Supply Report for Greater Adelaide: Part 2 Urban Infill by PlanSA June 2021.
- Land Supply Report for Greater Adelaide: Part 3 Employment Land by PlanSA June 2021.

#### 3.4.1 *City of Charles Sturt – Industrial Land Studies*

Council has undertaken three studies related to the supply of industrial land in recent years, however, these have resulted in a present policy focus on the conversion of some strategic areas to residential uses and the identification of the Beverley area as being suitable for revitalisation.

It is our view that having regard to the area in which the subject land is located, these studies take an overly broad view of the potential of this area based mainly in its overall size and location. Whilst the studies identify the constraints and limitations that impact upon the Athol Park Precinct, there is no detailed analysis as to whether these constraints can be adequately overcome to allow for more intense commercial and industrial development.

Council's Industrial Land Study, undertaken in 2008, first identified the subject land as being located within an area described as the Athol Park Precinct, which together with the Woodville North Precinct to the south, formed an identified, contiguous industrial area between Grand Junction Road and Torrens Road.

Whilst together these precincts form a spatially large and contiguous area of land currently zoned for industrial purposes, the constraints and issues impacting upon much of the area become immediately apparent when a more fine-grained investigation is undertaken.

Notwithstanding that the Industrial Land Study identified the areas as 'Prime Industrial Land', it identified a wide variety of constraints on the use of the land for industrial purposes including:

- access and movement issues;
- proximity to residential development;



- residential encroachment;
- the Home Industry Zone not functioning as intended; and
- the large extent of the precinct located in the Interface Policy Area.

There appears on reflection to be a tension between the identification of such constraints, and the findings of the Industrial Land Study which stated that the precinct 'is now as accessible as any industrial land in north-west of Adelaide'.

The emphasis on a connection between Glenroy Street and Eastern Parade to be constructed to the north of Grand Junction Road also appears to be given excessive emphasis as an underpinning justification to and its connectively advantages. Connectively issues, including a need for Glenroy Street to be widened or the Eastern Parade connection (both something that could most likely only occur with acquisition from the subject land further reducing its width) are clearly identified, but not given sufficient weighting as constraints.

There is also a question as to the extent to which a further significant increase in commercial vehicle movements along Eastern Parade would be acceptable to the Ottoway residential community.

The Employment Revitalisation Plan, undertaken in 2011 again reviewed the Athol Park area. Whilst the prime purpose of this document was to identify a single area for concentrated efforts (the Beverley precinct was recommended), this study again clearly identified the constraints affecting the Athol Park Precinct.

In particular:

- access and interface issues are prevalent across the precinct and substantive change is needed on both fronts in some areas, including improvements to the existing road network; and
- the Home Industry Policy Area is again noted as an impediment to the efficient operation and development of the precinct.

Again, whilst the Athol Park precinct is identified as a top precinct there is no detailed analysis regarding the constraints (in particular the interface issues with residential development) and how they may be overcome.

It is noted that the 2008 and 2011 studies were included in Councils 2014 Strategic Directions Report, together with the note that Development Plan Policy settings for the Precinct need urgent review. However, it is not clear as to whether the need for urgent review indicates a desire to protect the land for industrial uses, convert it to non-industrial uses (such as residential) or simply to undertake further investigations to resolve what should happen.



The Urban Employment Land Review undertaken in 2019 also recommends the Athol Park area as a Prime Employment Area. The report notes however that there is a large concentration of residential land uses within the zone particularly along the southern side of Lavinia Street, along Millicent Street and the eastern side of Glenroy Street. The report recommends rezoning of the western end of Millicent Street to Residential be considered, which can be seen as an acknowledgement of the residential interface issues limiting further development of the area. It is understood that this has not been pursued at this time.

As stated earlier it is our view that the Council studies take an overly broad view of the potential of the Athol Park precinct. The studies identify relevant constraints and limitations on future development, particularly related to the prevalence of residential development. When these constraints are further analysed in more detail it can be seen that they have a significant impact on the future development potential for industry of the Affected Area.

### **3.4.2 Plan SA Land Supply Reports**

The State Government have more recently undertaken Land Supply Reports for Greater Adelaide.

The three-volume report was released in June 2021. For the purposes of the Land Supply Reports the Affected Area is included in the Adelaide West Region.

The Land Supply Report for Greater Adelaide: Part 3 Employment Lands states the Adelaide West Region has a total of 4,441 hectares of employment land of which 3,441 hectares (77.4 per cent) is occupied, 797 hectares (17.9 per cent) is vacant, and 203 hectares (4.5 per cent) is in other use.

It is noted that both the area and the proportion of vacant employment land in the Adelaide West Region is higher than any other region. The vacant land in the Adelaide West Region makes up 41 per cent of all the vacant employment land in Greater Adelaide.

The Adelaide West Region directly adjoins the Inner North Region which has the next highest amount of vacant employment land – 486 hectares out of 3,681 hectares is vacant, 13.2 per cent of that region. Together the two Regions have 1,283 hectares or 66 per cent of Greater Adelaide's vacant employment land.

The report notes that whilst the Adelaide West Region comprises the largest single source of vacant land, some of the land is constrained. The report indicates that from 2008-2018, consumption of industrial land in the Adelaide West Region was approximately 190 hectares. At this rate of consumption, the vacant land in the Adelaide West Region would provide a supply well in excess of 20 years.



The report also notes that there have been changes to zoned supply for employment lands through rezoning during the 2008-2020 period that resulted in 395 hectares of gains and 47 hectares of losses. There has, therefore, been significant growth in the overall amount of employment land in the Adelaide West Region. Le Fevre Peninsula is identified as the largest growth precinct in the region and will accommodate over 70 per cent of projected total new jobs across the region's employment lands by 2030.

In respect of the Athol Park Precinct, the report identifies:

- Grand Junction Road runs along the north of the precinct.
- The precinct is well established with minimal vacant land remaining.
- Pockets of residential allotment are located throughout the precinct which present interface challenges.

Given the overall supply of vacant employment land in the Adelaide West Region, the continuing available supply at current rates of consumption coupled with the site constraints previously described it is considered the rezoning of the Affected Area represents a negligible reduction and will not compromise the long-term availability of employment zoned land in the region.

The Land Supply Report for Greater Adelaide: Part 2 Urban Infill states that the Adelaide West Region has been one of the most important contributors to general residential infill and has provided around 25 per cent of dwellings built in Greater Adelaide over the past 10 years. The report provides an estimated urban infill dwelling demand for the Adelaide West Region for 2020 to 2030 of 10,600 dwellings (medium growth) to 15,700 dwellings (high growth). Furthermore, the reports estimates that there is a short to medium term dwelling potential in the region of 11,100 dwellings.

It is proposed that approximately 10.5 hectares of the subject land will be rezoned to a neighbourhood type zone. This would allow somewhere in the order of 235 to 470 dwellings to be developed, depending on which zone and which minimum allotment sizes are selected. The Affected Area would therefore be an important contributor to meeting the demand for urban infill in coming years in the region, especially to meet the forecast high growth scenario. Mapping in the report shows the subject land is located in part of the region which has less available land available in the short to medium term for urban infill.



## 4.0 INVESTIGATIONS AND ENGAGEMENT

### 4.1 Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in determining the development opportunities and constraints by the Proponents. These investigations are considered suitable to inform this Proposal to Initiate and will be reviewed and refined as part of the proposed Code Amendment analysis (if/as required).

INVESTIGATION UNDERTAKEN	SUMMARY OF SCOPE OF INVESTIGATIONS	SUMMARY OF OUTCOME OF RECOMMENDATIONS
<b>Site Contamination</b>	A Preliminary Site Investigations was undertaken to inform planning for potential residential development of the site in order to identify potentially contaminating activities and provide a preliminary assessment of risks to human health and the environment associated with any contamination.	The report indicates that the site has been used for commercial and industrial purposes for the last 70 years. Based on the assessment undertaken the potential for significant site contamination was considered to be low.
<b>Infrastructure Review</b>	The investigations undertook a desktop review of the requirements for the provision of infrastructure to residential development of the Affected Area, including wastewater, potable water, telecommunications, electrical and stormwater.	The investigations highlighted that the provision of all required infrastructure services to a residential development of the Affected Area was practical and achievable subject to the ordinary design and augmentation processes set out by the infrastructure providers.

### 4.2 Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines what additional investigations that will be undertaken to support the Code Amendment.

FURTHER INVESTIGATIONS PROPOSED	EXPLANATION OF HOW THE FURTHER INVESTIGATIONS PROPOSE TO ADDRESS AN IDENTIFIED ISSUE OR QUESTION
<b>Land Use Survey</b>	Update existing land use survey to accurately determine the land uses within the locality.
<b>Civil and Service Infrastructure Assessment</b>	To determine infrastructure capacity and/or constraints to future residential development. Determine infrastructure augmentation requirements.
<b>Market and Economic Analysis</b>	Further investigation of land supply and demand requirements. Determination of the form and density of residential land uses for the Affected Area.
<b>Traffic and Transport Assessment</b>	Analysis of the road network, traffic volumes, operation of intersections, impacts from traffic movement and determination of appropriate vehicle access locations and management requirements for future residential development.



FURTHER INVESTIGATIONS PROPOSED	EXPLANATION OF HOW THE FURTHER INVESTIGATIONS PROPOSE TO ADDRESS AN IDENTIFIED ISSUE OR QUESTION
<b>Site contamination Assessment</b>	Update initial site history assessment previously undertaken to confirm suitability of the site for a more sensitive (residential) land use, undertake intrusive investigations as deemed appropriate.
<b>Acoustic Assessment</b>	Identify potential impacts on the Affected Area from other commercial and industrial development and transport routes. Develop mitigations as may be required to ensure an appropriate level of amenity for sensitive receivers is achieved and potential interface issues are appropriately managed.
<b>Air Quality Assessment</b>	Identification of any potential existing industrial activities within the locality that would impact upon the future development of the land for residential purposes. Identify mitigations which may be required.
<b>Urban Design Analysis</b>	Development of a high-level urban design concept for the future development of the Affected Area including consideration of street and allotment locations, connectivity to existing residential development to the west, demand and location of public open space and streetscape treatment options.
<b>Interface Assessment</b>	An assessment of the nature of interfaces between sensitive land uses and land uses with adverse amenity and environmental impacts in the locality having regard to the current nature of interface and the nature of interface should the Code Amendment be authorised. This would include analysis of complaints history from existing uses within the Affected Area and wider locality and options for managing the interface that will exist going forward.

### 4.3 Engagement Already Undertaken

In accordance with Practice Direction 2, the City of Charles Sturt (Council) has been consulted on this proposal.

In summary, the following matters were resolved by the Council following consideration of the draft Proposal to Initiate:

1. That Council advise Masterplan that in principle it is not supportive of its client's proposal to initiate a Code Amendment to investigate rezoning the Affected Area identified as 102-110 Glenroy Street, Athol Park and 39 Park Avenue, Pennington for primarily residential land uses as Council has a strategic responsibility to retain the land for current and future economic and employment generating opportunities.





2. That Council advise Masterplan that should the Minister for Planning agree to initiate a Code Amendment the investigations should include the following matters:
- An assessment of existing EPA licenced activities, non-residential land uses and the existing Gazetted B-Double route in/adjacent to the Affected Area, and their nature of off-site impacts & associated separation buffers with particular emphasis on potential impacts from noise and air emissions on proposed sensitive land uses over the Affected Area.
  - An investigation of recorded complaints regarding air quality and noise relating to existing land uses over the Affected Area over the last five (5) years.
  - An assessment of the predicted traffic volume generation from the investigation area.
  - An assessment of the capacity of key intersections in the locality.
  - An assessment of the capacity of surrounding road network in general and consideration of any planned road upgrades in this area and possible implications for the Affected Area.
  - An assessment of road design to encourage walking and cycling.
  - Assessment of capacity & frequency of existing public transport services in the locality to support the intent of the proposed rezoning.
  - An assessment on the need for, and distribution of future public open space based on anticipated dwelling / population numbers.
  - Recommendations on the most appropriate Zone(s), Overlays and Technical Numeric Variations to apply over the Affected Area based on the outcomes of the investigations.

A summary of outcomes or matters raised through engagement already undertaken is as follows:

- Council is not supportive of the Code Amendment on the basis that they consider the land should be preserved for employment land purposes.
- If the Code Amendment proceeds, Council has outlined a list of investigations which should occur, which has been adopted and integrated into the investigations outlined in **Section 4.2**, above.

A copy of correspondence received from Council has been attached in **Attachment G**.

No engagement has been considered appropriate with the general community at this stage as this could be seen as pre-emptive if this request to initiate a Code Amendment were declined by the Minister.

#### **4.4 Further Engagement Proposed**

In addition to the engagement already undertaken and identified above, the table **below** outlines what additional engagement will be undertaken to support the Code Amendment.



FURTHER ENGAGEMENT PROPOSED	EXPLANATION OF HOW THE FURTHER ENGAGEMENT PROPOSE TO ADDRESS AN IDENTIFIED ISSUE OR QUESTION
<p><b>City of Charles Sturt</b></p>	<p>Additional engagement will be undertaken with Council, to resolve planning matters of local significance to Council and its local community and to liaise regarding proposed future zoning (i.e., identify appropriate neighbourhood zone); access and infrastructure requirements.</p> <p>Whilst it is noted that Council is not supportive of the Code Amendment, they have nonetheless provided a list of items which should be investigated further should the Code Amendment proceed. The proponent is accepting of the items Council has put forward as requiring further investigation and has incorporated these into the investigations proposed. Council staff have indicated their willingness to engage further should the Code Amendment proceed.</p>
<p><b>Environment Protection Authority</b></p>	<p>To discuss site contamination, acoustic, air quality and interface considerations.</p>
<p><b>Department for Infrastructure and Transport</b></p>	<p>To discuss strategic transport linkages, interface issues and access requirements.</p>
<p><b>Infrastructure Providers (APA Group, SA Power Networks, ElectraNet, SA Water, Telstra)</b></p>	<p>To investigate capacity of existing infrastructure networks and identify any augmentation or upgrades required.</p>
<p><b>Direct notification with neighbouring and affected landowners</b></p>	<p>To identify the potential impact of the proposed Code Amendment on neighbouring land.</p> <p>Details provided in the Engagement Plan.</p>



## **5.0 CODE AMENDMENT PROCESS**

### **5.1 Engagement Plan**

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- the Local Government Association must be notified in writing of the proposed Code Amendment;
- if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
  - the owners or occupiers of the land; and
  - owners or occupiers of each piece of adjacent land;
- consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

### **5.2 Engagement Report**

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished to the Minister and also published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.



### 5.3 Code Amendment Timetable

The Proponent (as the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined **Attachment H**. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.



# **ATTACHMENT A**

## **Map of Affected Area**



 Affected Area

**Existing Buildings**

- A** Building A: 40m x 150m
- B** Building B: 75m x 170m
- C** Building C: 77m x 175m

**Site Plan**

Athol Parks Industrial Precinct  
Code Amendment

GLENROY STREET  
ATHOL PARK

FOR LEXICON PTY LTD & KANGAROO CARTAGE PTY LTD





# **ATTACHMENT B**

## **Certificates of Title**



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.



## Certificate of Title - Volume 5970 Folio 601

Parent Title(s) CT 5070/854  
Creating Dealing(s) TG 10428302  
Title Issued 05/09/2006 Edition 2 Edition Issued 09/05/2008

### Estate Type

FEE SIMPLE

### Registered Proprietor

LEXICON PTY. LTD. (ACN: 008 730 247)  
OF 6 KOORYONGA GROVE WEST LAKES SA 5021

### Description of Land

ALLOTMENT 1004 DEPOSITED PLAN 32099  
IN THE AREA NAMED PENNINGTON  
HUNDRED OF YATALA

### Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED G FOR DRAINAGE PURPOSES (RE 7261416)

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED H AND J TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) (TG 10428302)

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED C AND D TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) (T 3084417 AND T 3084418 RESPECTIVELY)

### Schedule of Dealings

NIL

### Notations

Dealings Affecting Title NIL

Priority Notices NIL

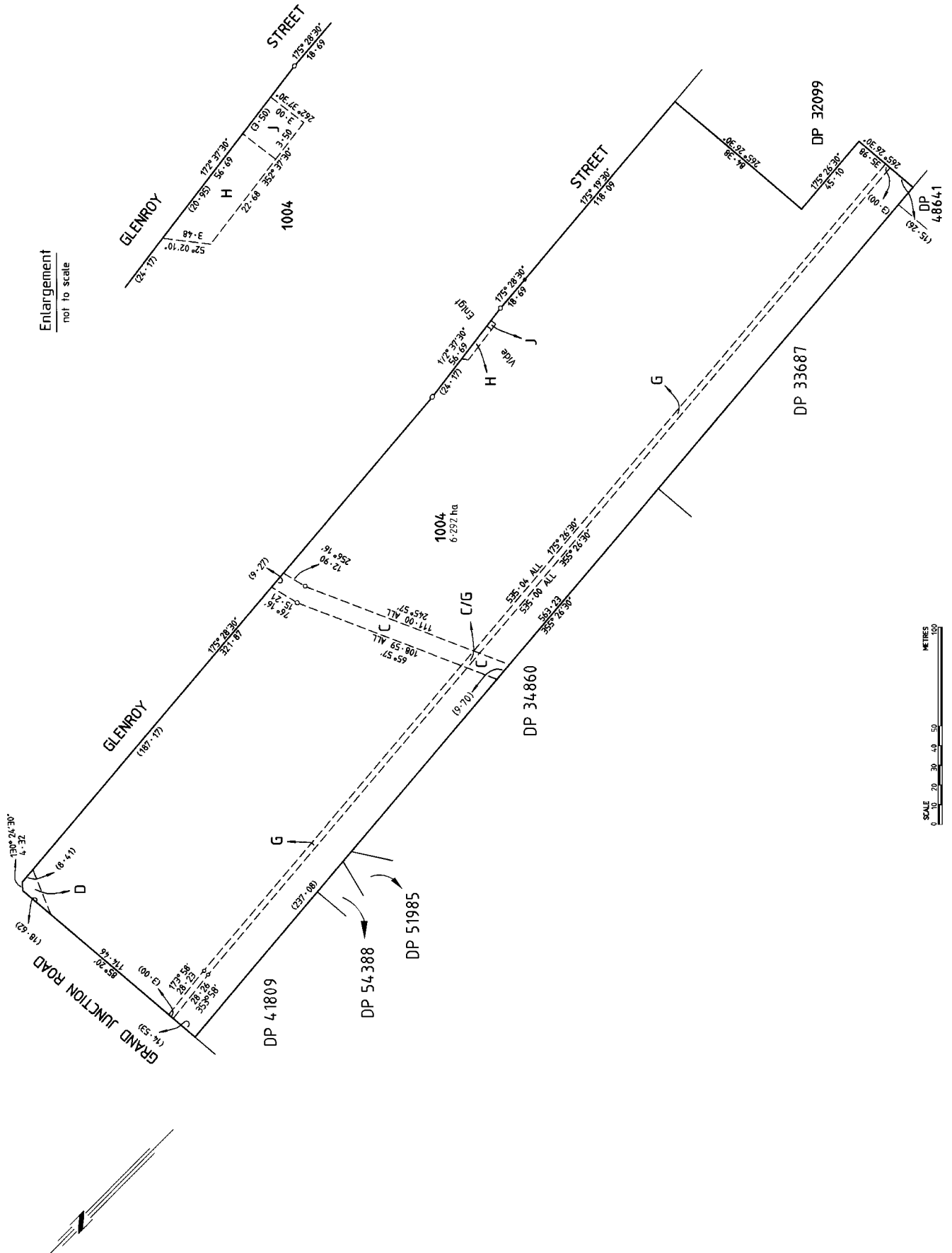
Notations on Plan NIL

### Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G149/1998  
PLAN FOR LEASE PURPOSES VIDE G45/2001

Administrative Interests NIL





## Certificate of Title

**Title Reference:** CT 5970/601  
**Status:** CURRENT  
**Parent Title(s):** CT 5070/854  
**Dealing(s) Creating Title:** TG 10428302  
**Title Issued:** 05/09/2006  
**Edition:** 2

## Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
24/04/2008	09/05/2008	10946808	DISCHARGE OF MORTGAGE	REGISTERED	10273107
29/09/2005	25/10/2005	10312954	LEASE	REGISTERED	STATE THEATRE COMPANY OF SOUTH AUSTRALIA
27/07/2005	03/08/2005	10273107	MORTGAGE	REGISTERED	WESTPAC BANKING CORPORATION

REAL PROPERTY ACT, 1886



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.



## Certificate of Title - Volume 5070 Folio 855

Parent Title(s) CT 4383/390  
Creating Dealing(s) RTD 7128509, RE 7261416  
Title Issued 04/05/1992 Edition 11 Edition Issued 07/02/2019

### Estate Type

FEE SIMPLE

### Registered Proprietor

KANGAROO CARTAGE PTY. LTD. (ACN: 068 137 119)  
OF 77 PALMER PLACE NORTH ADELAIDE SA 5006

### Description of Land

ALLOTMENT 1005 DEPOSITED PLAN 32099  
IN THE AREA NAMED PENNINGTON  
HUNDRED OF YATALA

### Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A AND B TO THE MINISTER OF WATER RESOURCES (T 1646398 AND T 1957181 RESPECTIVELY)

TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED G FOR DRAINAGE PURPOSES (RE 7261416)

### Schedule of Dealings

Dealing Number	Description
12156405	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

### Notations

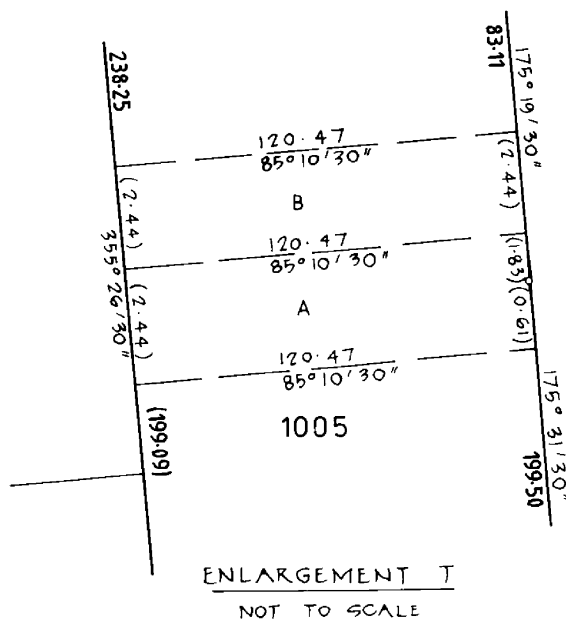
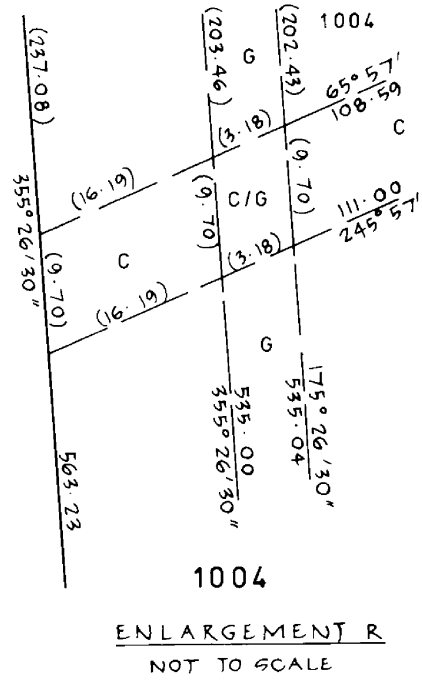
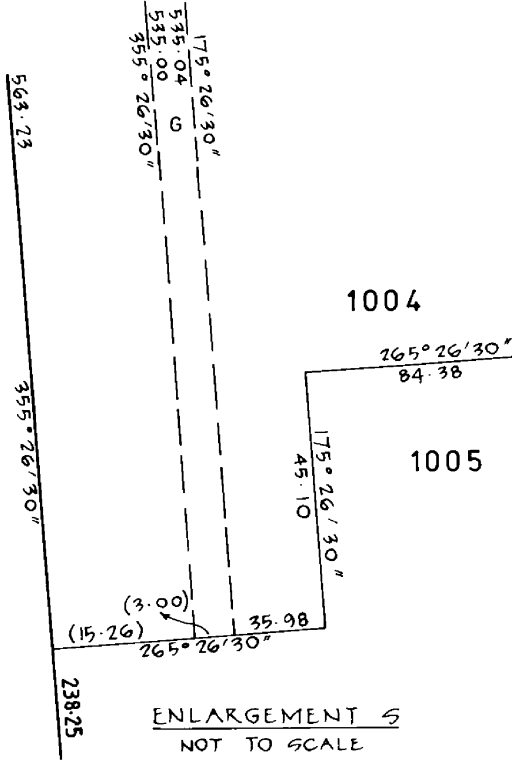
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL

### Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G501/1992  
PLAN FOR LEASE PURPOSES VIDE G564/2000  
PLAN FOR LEASE PURPOSES VIDE G67/2001  
AMENDMENT TO DIAGRAM VIDE 13060904  
FOR INFORMATION PURPOSES ONLY FX254628

Administrative Interests	NIL
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## Certificate of Title

**Title Reference:** CT 5070/855  
**Status:** CURRENT  
**Parent Title(s):** CT 4383/390  
**Dealing(s) Creating Title:** RTD 7128509, RE 7261416  
**Title Issued:** 04/05/1992  
**Edition:** 11

## Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
05/02/2019	07/02/2019	13060904	TITLE REPAIR - NEW EDITION	REGISTERED	
27/06/2014	23/07/2014	12156405	MORTGAGE	REGISTERED	AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.
27/06/2014	23/07/2014	12156404	DISCHARGE OF MORTGAGE	REGISTERED	10425399
24/03/2006	01/05/2006	10425399	MORTGAGE	REGISTERED	COMMONWEALTH BANK OF AUSTRALIA
24/03/2006	01/05/2006	10425398	TRANSFER	REGISTERED	KANGAROO CARTAGE PTY. LTD. (ACN: 068 137 119)
24/03/2006	01/05/2006	10425397	DISCHARGE OF MORTGAGE	REGISTERED	9069988
04/11/2002	21/03/2003	9458378	LEASE	REGISTERED	CENTRAL WAREHOUSING & DISTRIBUTION PTY. LTD.
29/03/2001	17/04/2001	9069989	LEASE	REGISTERED	FOWLES AUCTION GROUP PTY. LTD.
29/03/2001	17/04/2001	9069988	MORTGAGE	REGISTERED	COMMONWEALTH BANK OF AUSTRALIA
29/03/2001	17/04/2001	9069987	DISCHARGE OF MORTGAGE	REGISTERED	8003988
29/03/2001	12/04/2001	9069986	TRANSFER OF MORTGAGE	REGISTERED	COMMONWEALTH BANK OF AUSTRALIA 8003988
30/09/1996	18/10/1996	8182732	LEASE	REGISTERED	AMCOR LTD.
26/09/1996	09/10/1996	8180230	EXTENSION OF LEASE	REGISTERED	8154380
02/08/1996	03/09/1996	8154380	LEASE	REGISTERED	AMCOR LTD.
06/10/1995	17/10/1995	8003988	MORTGAGE	REGISTERED	BANK OF SOUTH AUSTRALIA

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
				D	LTD.
06/10/1995	17/10/1995	8003987	DISCHARGE OF MORTGAGE	REGISTERED	7347341
06/10/1995	17/10/1995	8003986A	DISCHARGE OF MORTGAGE	REGISTERED	7347340
06/08/1992	19/08/1992	7347341	MORTGAGE	REGISTERED	COMMONWEALTH BANK OF AUSTRALIA
06/08/1992	19/08/1992	7347340	MORTGAGE	REGISTERED	COMMONWEALTH BANK OF AUSTRALIA
06/08/1992	19/08/1992	7347339	LEASE	REGISTERED	AMCOR LTD.
29/07/1992	19/08/1992	7341004	TRANSFER	REGISTERED	WILLIAM HENRY SLIPPER
29/07/1992	10/08/1992	7341006	MORTGAGE	TEMPORARILY WITHDRAWN	COMMONWEALTH BANK OF AUSTRALIA
29/07/1992	10/08/1992	7341005	MORTGAGE	TEMPORARILY WITHDRAWN	COMMONWEALTH BANK OF AUSTRALIA



# **ATTACHMENT C**

## **Affected Area Photos**





**Photograph 1: Looking north along Glenroy Street towards Allotment 1004**



**Photograph 2: Looking south along Glenroy Street towards Allotment 1005**



**Photograph 3: Looking north along Glenroy Steet towards Allotment 1005.**



**Photograph 4: Looking north along Glenroy Street from Park Avenue intersection.**



**Photograph 5: Looking north from the western side of Allotment 1005.**



**Photograph 6: Looking north from the western side of Allotment 1005.**

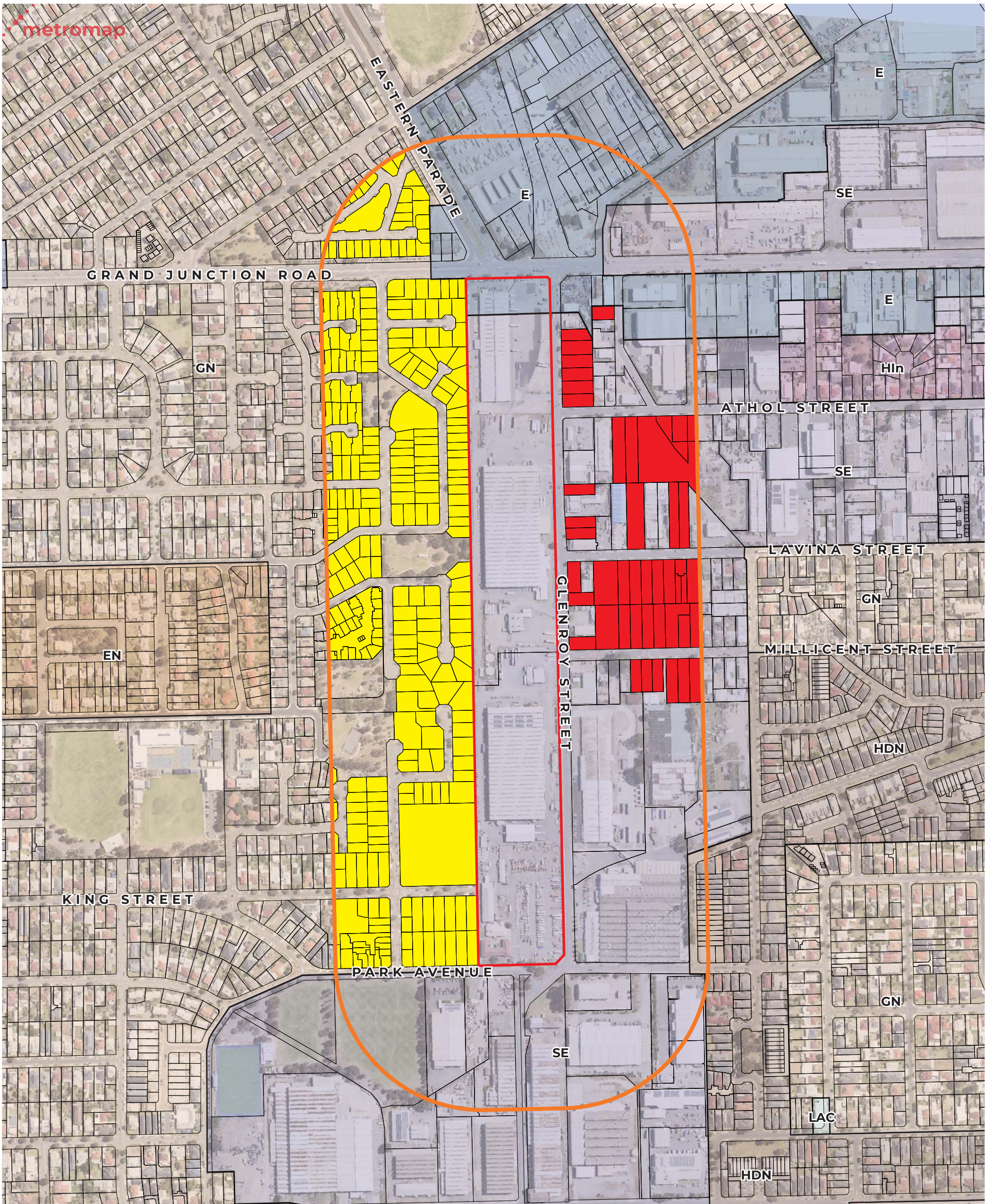


**Photograph 7: Looking north from the western side of Allotment 1005.**



# **ATTACHMENT D**

## **Locality and Land Use Plan**



Affected Area

Residential Development in GN Zone within 200m of Subject Land

Residential Development in SE Zone within 200m of Subject Land

SE Strategic Employment

LAC Local Activity Centre

GN General Neighbourhood

HDN Housing Diversity Neighbourhood

HIn Home Industry

EN Established Neighbourhood

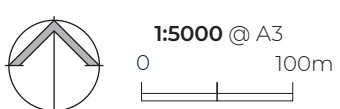
E Employment

## Locality and Land Use Plan

Athol Parks Industrial Precinct  
Code Amendment

GLENROY STREET  
ATHOL PARK

FOR LEXICON PTY LTD & KANGAROO CARTAGE PTY LTD



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# **ATTACHMENT E**

## **Locality Photos**



**Photograph 1: Bannan Court looking east.**



**Photograph 2: Arthur Street looking east.**

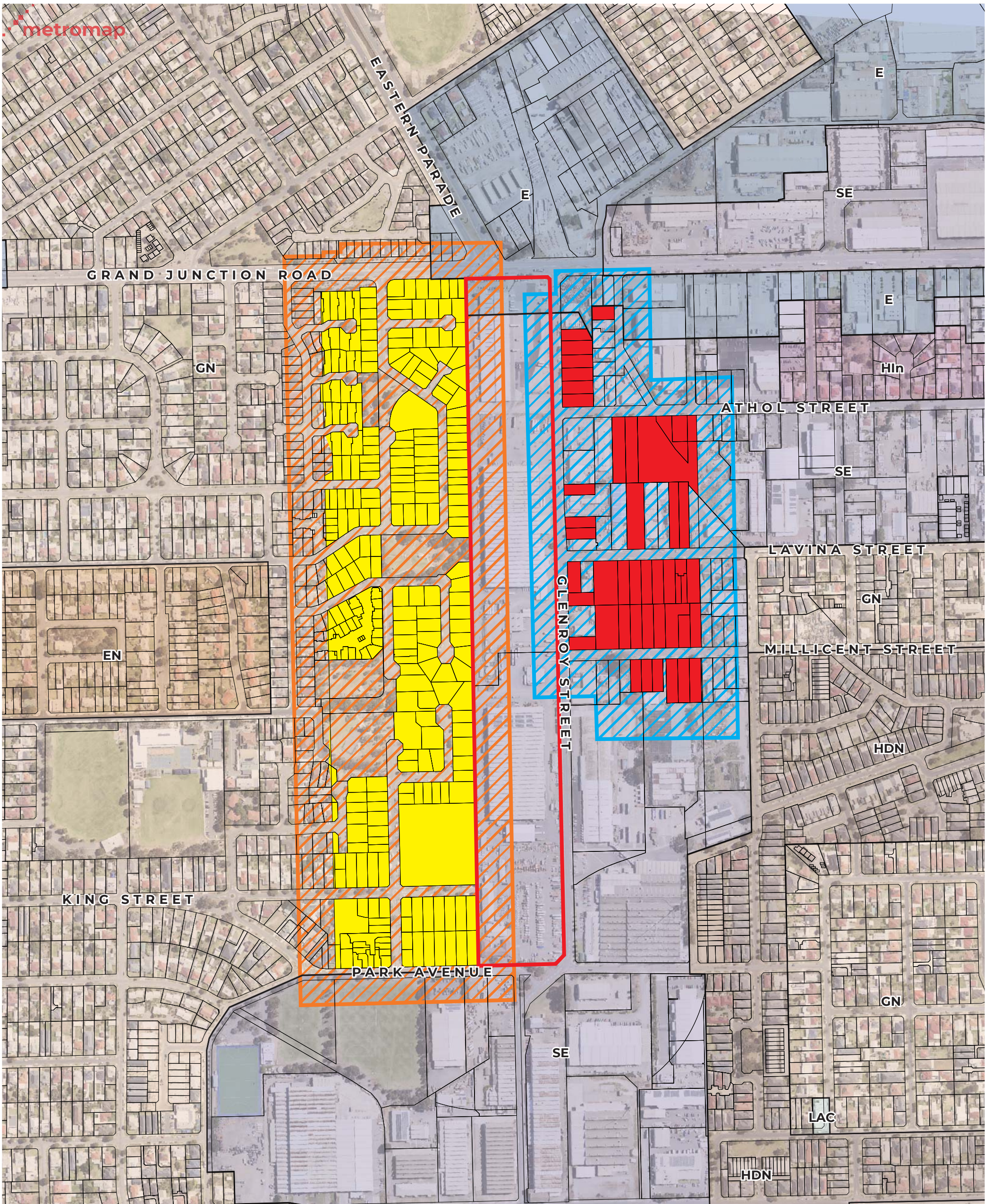




# **ATTACHMENT F**

## **Locality and Land Use Plans**

### **50m and 100m Separation from Dwellings**



- Affected Area
- Residential Development in GN Zone within 200m of Subject Land
- Residential Development in SE Zone within 200m of Subject Land
- 50m separation from dwellings in GN Zone
- 50m separation from dwellings in SE Zone

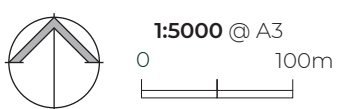
- SE Strategic Employment
- LAC Local Activity Centre
- GN General Neighbourhood
- HDN Housing Diversity Neighbourhood
- HIn Home Industry
- EN Established Neighbourhood
- E Employment

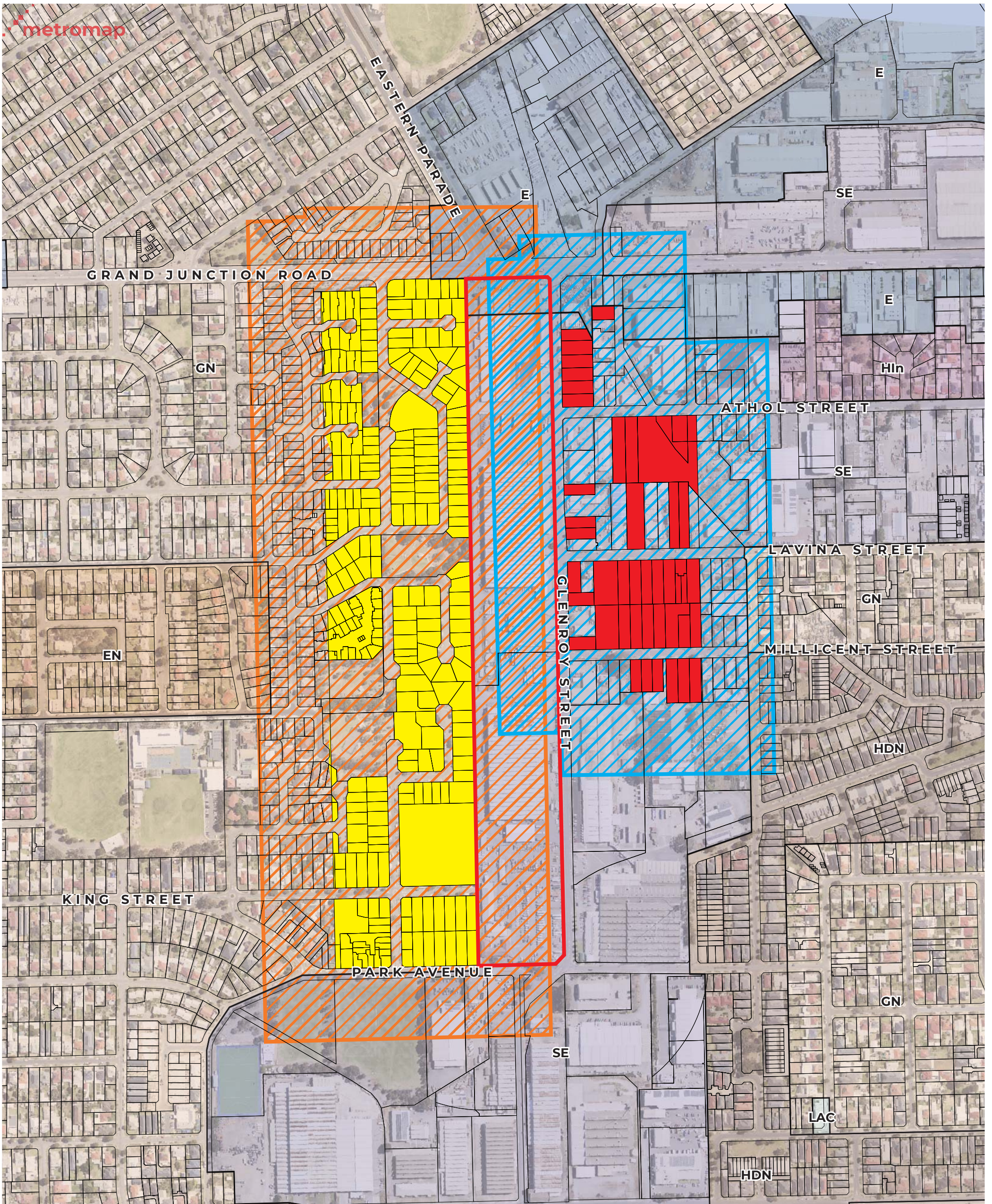
## Locality and Land Use Plan

### Athol Parks Industrial Precinct Code Amendment

GLENROY STREET  
ATHOL PARK

FOR LEXICON PTY LTD & KANGAROO CARTAGE PTY LTD





- Affected Area
- Residential Development in GN Zone within 200m of Subject Land
- Residential Development in SE Zone within 200m of Subject Land
- 100m separation from dwellings in GN Zone
- 100m separation from dwellings in SE Zone

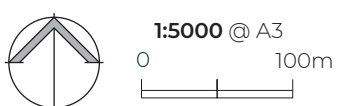
- SE Strategic Employment
- LAC Local Activity Centre
- GN General Neighbourhood
- HDN Housing Diversity Neighbourhood
- HIn Home Industry
- EN Established Neighbourhood
- E Employment

## Locality and Land Use Plan

### Athol Parks Industrial Precinct Code Amendment

GLENROY STREET  
ATHOL PARK

FOR LEXICON PTY LTD & KANGAROO CARTAGE PTY LTD





# **ATTACHMENT G**

## **City of Charles Sturt Correspondence**

## Michael Richardson

---

**From:** Jim Gronthos <jgronthos@charlessturt.sa.gov.au>  
**Sent:** Thursday, 31 March 2022 3:00 PM  
**To:** Michael Richardson  
**Cc:** Craig Daniel  
**Subject:** RE: Pennington Code Amendment - Proposal to Initiate

Hi Michael,

Sorry for the delay. I was waiting for the minutes to come out today.

Further to my previous email and our recent discussion last week, I wish to advise Council at its meeting on 28 March 2022, resolved the following in relation to your client's Proposal to Initiate a Code Amendment:

### Resolution

1. That Council advise Masterplan that in principal it is not supportive of its client's proposal to initiate a Code Amendment to investigate rezoning the Affected Area identified as 102-110 Glenroy Street, Athol Park and 39 Park Avenue, Pennington for primarily residential land uses as Council has a strategic responsibility to retain the land for current and future economic and employment generating opportunities.

2. That Council advise Masterplan that should the Minister for Planning agree to initiate a Code Amendment the investigations should include the following matters:

- An assessment of existing EPA licenced activities, non residential land uses and the existing Gazetted B-Double route in/adjacent to the Affected Area, and their nature of off-site impacts & associated separation buffers with particular emphasis on potential impacts from noise and air emissions on proposed sensitive land uses over the Affected Area.
- An investigation of recorded complaints regarding air quality and noise relating to existing land uses over the Affected Area over the last five (5) years.
- An assessment of the predicted traffic volume generation from the investigation area.
- An assessment of the capacity of key intersections in the locality.
- An assessment of the capacity of surrounding road network in general and consideration of any planned road upgrades in this area and possible implications for the Affected Area.
- An assessment of road design to encourage walking & cycling.
- Assessment of capacity & frequency of existing public transport services in the locality to support the intent of the proposed rezoning.
- An assessment on the need for & distribution of future public open space based on anticipated dwelling / population numbers.
- Recommendations on the most appropriate Zone(s), Overlays and Technical Numeric Variations to apply over the Affected Area based on the outcomes of the investigations.

Please contact me if you have any questions.

Thank you and kind regards

Jim Gronthos  
Senior Policy Planner  
Urban Projects

**(Monday to Thursday)**

T: 08 8408 1265

M: 0491 317 281

[www.charlessturt.sa.gov.au](http://www.charlessturt.sa.gov.au)

---

**From:** Michael Richardson <MichaelR@masterplan.com.au>  
**Sent:** Thursday, 31 March 2022 2:54 PM  
**To:** Jim Gronthos <jgronthos@charlessturt.sa.gov.au>  
**Cc:** Craig Daniel <cdaniel@charlessturt.sa.gov.au>  
**Subject:** RE: Pennington Code Amendment - Proposal to Initiate

Hi Jim

I hope you are well.

Just touching base on the outcome of the Council meeting on Monday.

I'm assuming that Council endorsed the position of the committee, but if you could advise when you will have correspondence through.

As discussed, we will update the Proposal to Initiate to confirm Council's position, and will include your correspondence and the report verbatim as an appendix to the document.

We'll be requesting the proposal go to the Code Control Group, so Council will be invited to be involved in that process.

Kind Regards

**Michael Richardson**

0417 828 979

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Adelaide SA 5000

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---

**From:** Jim Gronthos <jgronthos@charlessturt.sa.gov.au>

**Sent:** Tuesday, 8 March 2022 9:22 AM

**To:** Michael Richardson <[MichaelR@masterplan.com.au](mailto:MichaelR@masterplan.com.au)>  
**Cc:** Craig Daniel <[cdaniel@charlessturt.sa.gov.au](mailto:cdaniel@charlessturt.sa.gov.au)>  
**Subject:** Pennington Code Amendment - Proposal to Initiate

Hi Michael,

Sorry we missed each other's calls.

Further to our telephone discussion a few weeks' ago, a report is being prepared for Council's City Services Committee to consider the proposal at its meeting on Monday 21 March 2022.

As discussed, from a staff perspective my recommendations have not changed since the last time the proposal was lodged as a Privately Funded DPA proposal. My recommendation will be that Council not support the proposal to initiate a Code Amendment to investigate rezoning the Affected Area for primarily residential land uses as Council has a strategic responsibility to retain the land for current and future economic and employment generating opportunities.

The Committee meeting is a public meeting and you are more than welcome to sit in the gallery. You can also request to make a deputation to the Committee if you wish. A copy of the web site link to request this is detailed below.

<https://www.charlessturt.sa.gov.au/council/role-of-council/deputationrequest>

Thank you and kind regards

Jim Gronthos  
Senior Policy Planner  
Urban Projects

**(Monday to Thursday)**

T: 08 8408 1265

M: 0491 317 281

[www.charlessturt.sa.gov.au](http://www.charlessturt.sa.gov.au)

---

**From:** Michael Richardson <[MichaelR@masterplan.com.au](mailto:MichaelR@masterplan.com.au)>  
**Sent:** Thursday, 23 December 2021 3:21 PM  
**To:** Jim Gronthos <[jgronthos@charlessturt.sa.gov.au](mailto:jgronthos@charlessturt.sa.gov.au)>  
**Cc:** Julie Jansen <[JulieJ@masterplan.com.au](mailto:JulieJ@masterplan.com.au)>; Craig Daniel <[cdaniel@charlessturt.sa.gov.au](mailto:cdaniel@charlessturt.sa.gov.au)>  
**Subject:** RE: 52056 - Pennington Code Amendment - Proposal to Initiate

Hi Jim

Thanks for that.

Please note that the version of the document I sent yesterday didn't have the appendices properly compiled.

Please see attached an updated version of the document that supersedes the version sent yesterday.

Apologies for the confusion.

Kind Regards

**Michael Richardson**

0417 828 979

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---

**From:** Jim Gronthos <[jgronthos@charlessturt.sa.gov.au](mailto:jgronthos@charlessturt.sa.gov.au)>  
**Sent:** Wednesday, 22 December 2021 4:42 PM  
**To:** Michael Richardson <[MichaelR@masterplan.com.au](mailto:MichaelR@masterplan.com.au)>  
**Cc:** Julie Jansen <[JulieJ@masterplan.com.au](mailto:JulieJ@masterplan.com.au)>; Craig Daniel <[cdaniel@charlessturt.sa.gov.au](mailto:cdaniel@charlessturt.sa.gov.au)>  
**Subject:** RE: 52056 - Pennington Code Amendment - Proposal to Initiate

Hi Michael,

Thank you for your email.

From our discussion I acknowledge your client intends to lodge the Code Amendment to the Minister for agreement to commence as the designated entity.

Council staff will review the proposal and provide advice to Council for formal comments back to you.

As discussed, I will be on leave from Friday this week until 2 February 2021, but will aim to prepare a report for Council's City Servicers Committee to consider the matter when it meets again on 21 February 2021.

Thank you and kind regards

Jim Gronthos  
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**(Monday to Thursday)**

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**From:** Michael Richardson <[MichaelR@masterplan.com.au](mailto:MichaelR@masterplan.com.au)>  
**Sent:** Wednesday, 22 December 2021 3:57 PM  
**To:** Jim Gronthos <[jgronthos@charlessturt.sa.gov.au](mailto:jgronthos@charlessturt.sa.gov.au)>  
**Cc:** Julie Jansen <[JulieJ@masterplan.com.au](mailto:JulieJ@masterplan.com.au)>  
**Subject:** 52056 - Pennington Code Amendment - Proposal to Initiate

Good Afternoon Jim

It was good to speak with you this week.

As discussed, our clients Lexicon Pty Ltd and Kangaroo Cartage Pty Ltd have instructed us to prepare and submit a proposal to initiate a Code Amendment for their land on the western side on Glenroy Street at Pennington.

As you recall, we have previously made representations to Council in respect of this land. Since 2016, when we were last in contact, there has been no improvement to the utility of the land for industrial and commercial purposes, and the improvements on the land have continued to decline in their condition.

Whilst it is appreciated that Council's previous position was that it didn't want to lose industrial land, we consider that the constraints on the area affected cannot be ignored.

Please find attached a draft proposal to initiate a Code Amendment, whilst is not yet final, and has not been lodged with the State Planning Commission.

We would request Council to consider the proposal and its position. We would welcome the opportunity to meet with you to review if that would be of assistance.

Have a great Christmas and New Year, and we look forward to being in contact in early 2022.

Kind Regards

**Michael Richardson**

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# **ATTACHMENT H**

## **Timetable**



## Timetable for Code Amendment by Proponent

STEP	RESPONSIBILITY	TIMEFRAME
<b>Proposal to Initiate Liaison</b>		
Request meeting with PLUS-AGD Code Control Group, including Council and relevant Government Agencies (eg. EPA).	Proponent and AGD	Within 2 weeks of Meeting Request
<b>Approval of the Proposal to Initiate</b>		
Review of Proposal to Initiate to confirm all mandatory requirements are met. <b>Timeframe will be put on hold if further information is required.</b> Referral to the Minister to request advice from the Commission.	AGD	2 weeks (includes lodgement and allocation + referral to Government Agencies within the first week)
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary).	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister.	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
<b>Proposal to Initiate</b> agreed to by the Minister.	Minister	2 weeks
<b>Preparation of the Code Amendment</b>		
Engagement Plan prepared.	Designated Entity	2 to 4 weeks
Investigations conducted; Code Amendment Report prepared.	Designated Entity	8 to 16 weeks
The Drafting instructions and draft mapping provided to AGD.	Designated Entity	2 to 4 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes.	AGD	1 week
Preparation of Materials for consultation.	Designated Entity	2 weeks



STEP	RESPONSIBILITY	TIMEFRAME
<b>Engagement on the Code Amendment</b>		
Preparation for Community Engagement.	Designated Entity	4 - 6 weeks
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan.	Designated Entity	2 to 6 weeks
<b>Consideration of Engagement and Finalisation of Amendments</b>		
Submissions summarised. Amended drafting instructions provided Engagement Report prepared and lodged with AGD.	Designated Entity	4 to 8 weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate. <b>Timeframe will be put on hold if further information is required, or if there are unresolved issues.</b>	AGD	2 to 4 weeks
Consideration of Advice.	Commission (Delegate)	2 weeks (includes 1 week to process through Minister's office)
	Commission	+ 3 weeks
<b>Decision Process</b>		
Minister considers the <b>Code Amendment Report</b> and the <b>Engagement Report</b> and makes decision.	Minister	3 weeks
<b>Implementing the Amendment (operation of the Code Amendment)</b>		
Go- Live- Publish on the PlanSA Portal.	AGD	2-4 weeks
<b>Parliamentary Scrutiny</b>		
Referral of approved <b>Code Amendment</b> to ERDC.	AGD	8 weeks

### Procedural Matters for the State Planning Commission (the Commission)

The Commission's role at Initiation, when the Commission is not the Proponent, is to:

- Provide advice to the Minister for consideration in making a decision on initiation pursuant to section 73(2)(b) of the Act.
- Specify any person or body the Designated Entity must consult with under section 73(6)(e) of the Act, noting that the designated entity will also need to prepare an engagement plan in accordance with the Community Engagement Charter prior to consultation.
- Specify any investigations to be carried out and/or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The importance of the initiation process is two-fold:

- Firstly, it enables proposals considered to be significantly at odds with the State Planning Policies (SPPs) and relevant Regional Plan to be refused early in the process, minimising risk. This is because the decision to proceed is based on an assessment against these documents.

To that end, the Commission may also advise the Minister on how the proposal fits with its stated priorities, including:

- Technical amendments that enhance the operation of the Code.
- Bushfire policy in response to the Royal Commission and improved bushfire mapping data.
- Support land supply, including infill, master planned neighbourhoods and growth areas consistent with the Growth Management Programme.
- Support economic clusters such as agribusiness and value adding, defence industries, energy and resources, health and medical industries and knowledge and creative industries.
- Provide state-wide strategic benefit such as protection against environmental hazards.
- Secondly, the initiation process is the point at which the scope of the Code Amendment process, investigations and information requirements and the amendments are determined. This provides clarity and certainty for the proponents.

Approval of the Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by the Minister. As such, conditions have been recommended by the Commission, to be made by the Minister.

The Commission has previously determined that (where possible) Code Amendments should be prepared and led by proponents themselves for the first 12 months following implementation of the Phase Three Code.

## Code Amendments Initiated by Proponents

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*

