



## **AGENDA**

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

**25 OCTOBER 2016 AT 6:00 PM**

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

### **MEMBERS**

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

### **REQUIRED STAFF**

General Manager City Development, Mr T Sutcliffe  
Manager Development Services, Mr C Zafiropoulos  
Team Leader – Planning, Mr A Curtis

### **APOLOGIES**

### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Development Assessment Panel Meeting held on 27 September 2016.

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## REPORTS

### *Development Applications*

- 5.1.1 361/1057/2016/2T ..... 9**  
Removal of a Regulated Tree on Road Reserve at Adjacent 38 Halifax Avenue, Parafield Gardens for City of Salisbury
- 5.1.2 361/1512/2016/LD ..... 81**  
Land Division at 5-15 Orange Avenue, Salisbury for City of Salisbury

## OTHER BUSINESS

- 5.2.1 Status of Current Appeal Matters and Deferred Items
- 5.2.2 Policy Issues is Arising from Consideration of Development Applications
- 5.2.3 Future Meetings & Agenda Items

## CLOSE

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

**27 SEPTEMBER 2016**

**MEMBERS PRESENT**

Mr D Wallace (Presiding Member)  
Mr R Bateup (from 6:13pm)  
Ms L Caruso  
Ms S Johnston  
Mr G Reynolds  
Mr J Watson  
Mr S White

**STAFF**

General Manager City Development, Mr T Sutcliffe  
Manager Development Services, Mr C Zafiroopoulos  
Team Leader – Planning, Mr A Curtis  
Planning Consultant, Mr B Green

The meeting commenced at 6:01 pm.

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

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

**PRESENTATION OF MINUTES**

Mr J Watson moved, and the Panel resolved that:

The Minutes of the Development Assessment Panel Meeting held on 23 August 2016, be taken and read as confirmed.

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## REPORTS

### *Development Applications*

The Presiding Member, Mr D Wallace brought item 5.1.2 forward on the agenda.

#### **5.1.2 361/1075/2016/2B**

Change of use from industry to material recovery facility (recycling depot) and service depot (including truck parking), construction of ancillary office and workshop, gas re-fuelling facilities comprising supply lines and storage, freestanding sign, removal of significant tree and associated vehicle parking, manoeuvring area, fencing and perimeter landscaping at 1-2 Gidgie Court and 71-75 Woomera Avenue, Edinburgh for Northern Adelaide Waste Management Authority

Mr Graham Reynolds declared a conflict of interest in Item 5.1.2 as a Deputy Board Member of NAWMA and left the meeting at 6:04pm for the duration of consideration of the item.

## REPRESENTORS

Stuart Henry SC appeared on behalf of Delpar Pty Ltd.

Linda Caruso left the meeting at 6:09pm and returned at 6:10pm.

Ross Bateup joined the meeting at 6:13pm. He declared an interest (but not a conflict of interest) due to having been contracted to undertake work for NAWMA in the 1990's. Mr Bateup remained in the meeting for consideration of the item.

George Manos (Botten Levinson Lawyers) appeared on behalf of Ahrns Handling Equipment Pty Ltd.

Phillip Brunning (Planning Consultant) appeared on behalf of Mayfield Industries.

Paul Davies, State Manager, appeared on behalf of GTS Freight Management Pty Ltd.

## APPLICANT

Grazio Maiorano, URPS Planning Consultants, and Brian King, NAWMA CEO, appeared on behalf of the applicant.

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**MOVED:** Mr R Bateup moved, and the Panel resolved:

## **CONFIDENTIAL ITEMS**

### **5.3.1 361/1075/2016/2B**

That pursuant to sections 56A(12)(a)(viii) and (ix) of the *Development Act 1993* (SA), the public (with the exception of General Manager City Development (Mr T Sutcliffe), Manager Development Services (Mr C Zafiropoulos), Team Leader – Planning (Mr A Curtis), Planning Consultant (Mr B Green) and other Council staff or Council’s legal representatives) be excluded from so much of the meeting as is necessary to allow the Panel to receive, discuss and consider in confidence, and not disclose to the public, the confidential supplementary report prepared by Mr A Curtis, Team Leader – Planning, dated 23 September 2016, including the legal advice received from Minter Ellison dated 23 September 2016, in respect to Development Application Number 361/1075/2016/2B and associated matters before the Environment, Resources and Development Court.

The meeting moved into confidence at 6:57 pm.

The meeting moved out of confidence at 7:34 pm.

Ms S Johnston moved, and the Panel resolved that:

The consideration of Development Application 361/1075/2016/2B be deferred to enable legal advice to be obtained in relation to the legal process matters raised by the representors, and the application be further considered upon receipt of such legal advice.

Mr G Reynolds returned to the meeting at 7:36 pm.

**5.1.1****361/935/2015/NB**

Market (Shops) in car park of existing hotel (Non-complying) at 1955 Main North Road, Salisbury Heights for Farm Direct Community Market

Mr S White moved, and the Panel resolved that:

- A. The proposed development is not considered to be seriously at variance with the Salisbury Development Plan – Consolidated 20 March 2014.
- B. Pursuant to Section 33 of the *Development Act 1993*, Development Plan Consent is **GRANTED** to application number 361/935/2015/NB for “Market (Shops) in car park of existing hotel (Non-complying)” in accordance with the plans and details submitted with the application and subject to the following conditions and concurrence of the Development Assessment Commission:

*Development Plan Consent Conditions*

1. The development shall be carried out in accordance with the details submitted with the application and Council stamped approved plans lodged with the application, except where varied by the conditions herein.

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

2. All trade waste and other rubbish shall be contained and stored pending removal in covered containers and screened from public view.

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

3. The hours of operation of the farmers market shall be limited to Wednesdays and Saturdays each week from 8:00am to 1:00pm.

*Reason: To ensure orderly development.*

4. All advertising signage and displays associated with the development shall be located within the property boundaries and relate to the activity only and be removed at the end of each trading day.

*Reason: DPTI Condition*

5. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land at any time.

*Reason: DPTI Condition*

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6. The proposed vehicle access ramp leading to the unmade car park at the top of the embankment on the subject property shall be graded and surfaced using all-weather materials to the satisfaction of Council to ensure safe vehicle movement to and from the car park at all times.

*Reason: To ensure safe and orderly traffic management.*

7. The proposed unmade car park at the top of the embankment shall be formed of all-weather material such as gravel to the satisfaction of Council to ensure all weather access at all times.

*Reason: To ensure safe and orderly traffic management.*

#### Reserved Matter

1. The applicant shall prepare a Traffic Management Plan which shall ensure that all traffic accessing the site during market days is managed safely and not impact on the safety and efficiency of Main North Road. The Traffic Management Plan shall be submitted to the Department of Planning, Transport & Infrastructure for Approval prior to the issue of Development Approval.

*Reason: To ensure safe and orderly traffic movement.*

#### Advice Notes

1. The conditions imposed herein are in addition to the conditions that apply to the subject property from previous approvals that remain active.
2. All wastewater generated by the activity shall be effectively disposed to the SA Water sewerage system to prevent any risk to public health under the Public Health Waste Water Regulations.
3. All food stalls shall notify Council prior to commencing food handling operations in accordance with Food Safety Standard 3.2.2 Clause 4.

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**OTHER BUSINESS**

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

Nil

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

Nil

**5.2.3 Future Meetings & Agenda Items**

Next meeting scheduled for Tuesday 25<sup>th</sup> October 2016.

The meeting closed at 7:44 pm.

PRESIDING  
MEMBER.....

DATE.....



<b>ITEM</b>	5.1.1
	<b>DEVELOPMENT ASSESSMENT PANEL</b>
<b>DATE</b>	25 October 2016
<b>APPLICATION NO.</b>	361/1057/2016/2T
<b>APPLICANT</b>	City of Salisbury
<b>PROPOSAL</b>	Removal of a Regulated Tree on Road Reserve
<b>LOCATION</b>	Adjacent 38 Halifax Avenue, Parafield Gardens
<b>CERTIFICATE OF TITLE</b>	Not Applicable
<b>AUTHOR</b>	Aaron Curtis, Team Leader - Planning, City Development

### 1. DEVELOPMENT APPLICATION DETAILS

<b>Zone/Policy Area</b>	Residential Zone
<b>Application Type</b>	On-Merit
<b>Public Notification</b>	Representations received: 4 Representations to be heard: 1
<b>Referrals - Statutory</b>	None
<b>Referrals – Internal</b>	Independent Arborist Report
<b>Development Plan Version</b>	Salisbury (City) Development Plan Consolidated 5 May 2016
<b>Assessing Officer</b>	Aaron Curtis, Team Leader - Planning
<b>Recommendation</b>	Refuse Development Plan Consent
<b>Meeting Date</b>	25 October 2016

### 2. REPORT CONTENTS

Attachment 1:	Supporting Documentation
Attachment 2:	Copy of Representations
Attachment 3:	Independent Arborist Report
Attachment 4:	Relevant Development Plan Provisions

### 3. EXECUTIVE SUMMARY

Council's Tree Services Staff have lodged a development application for removal of a street tree that is a Regulated Tree known as a *Corymbia citriodora* (Lemon Scented Gum) adjacent 38 Halifax Avenue, Parafield Gardens.

This report has assessed the request for removal of the tree against the Development Plan and has concluded that there is no basis to warrant removal, having regard to the health, structure and appearance of the tree.

Accordingly, this report recommends that Development Plan Consent be refused.

#### **4. BACKGROUND**

An initial request for removal of the tree was made in early 2016 by Mr and Mrs Mallia, the owners of 38 Halifax Avenue, Parafield Gardens. In accordance with Council's Tree Removal Procedure, this request was considered by Council's Tree Removal Committee at its meeting on 27<sup>th</sup> January 2016. The Committee refused the request.

That decision was then appealed by Mr and Mrs Mallia by way of request for review, dated 21<sup>st</sup> March and 6<sup>th</sup> April 2016. A review of the Committee's decision was undertaken by the Manager – Parks and Landscape, consistent with Council's endorsed procedure, and a determination was made that the tree satisfies clause 6 under the City of Salisbury's Tree Removal Criteria as follows:

*The trees roots are shown to be causing or threatening to cause damage exceeding two thousand dollars to adjacent infrastructure.*

As a result of the above process, Council's Tree Services staff lodged a development application with Council's Development Services section on 30<sup>th</sup> May 2016 requesting removal of the tree under the *Development Act 1993*.

It is noted that Development Approval is required for removal of the tree, given that the tree is setback further than 10m from adjacent dwellings, as per Regulation 6A of the *Development Regulations 2008*.

#### **5. SUBJECT SITE**

The site of the development comprises road verge adjacent 38 Halifax Avenue, Parafield Gardens. The road reserve in this location is 15m wide with the formed road carriageway being about 8m, constructed of bitumen and having concrete kerb and channel on both sides.

The subject tree is a *Corymbia citriodora* (Lemon Scented Gum), located on the southern side of Halifax Avenue, 4.7m west of the existing crossover serving 38 Halifax Avenue and about 1m from the back of kerb.

Photos of the tree are provided on the following page:



Photo 1: *Looking east toward the tree on Halifax Avenue*



Photo 2: *Looking west toward the tree on Halifax Avenue*

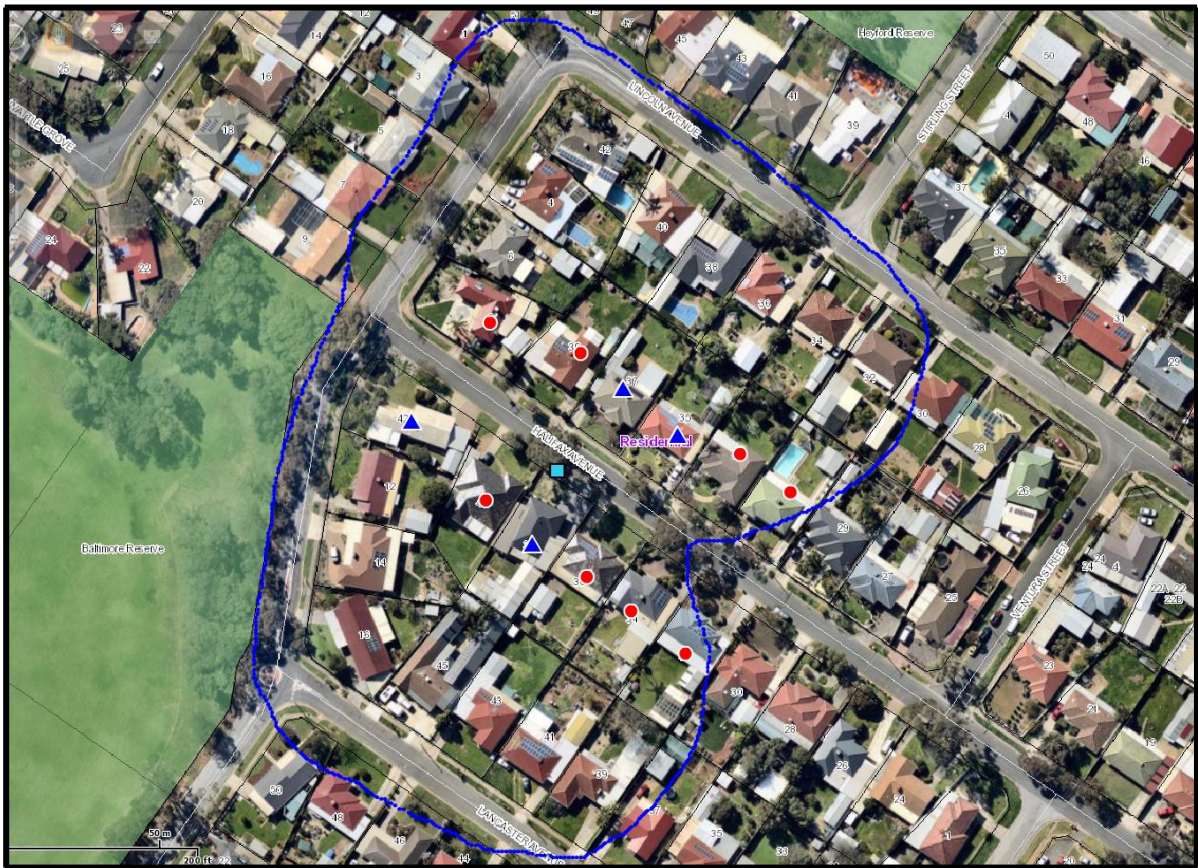
**6. LOCALITY**





The locality comprises a low density residential character formed predominantly of single storey detached dwellings, built during the 1970s and sited upon large allotments. Allotments are typically in the order of 700m<sup>2</sup>, reflecting the original subdivision pattern for this area, which remains largely intact.

Front yards are generally well landscaped, with moderate sized street trees common within the road verge and enhancing the appeal of the street. Some allotments have front fencing, which is generally open in design, thereby enabling presentation of existing dwellings to the street. The land in the locality is generally level.

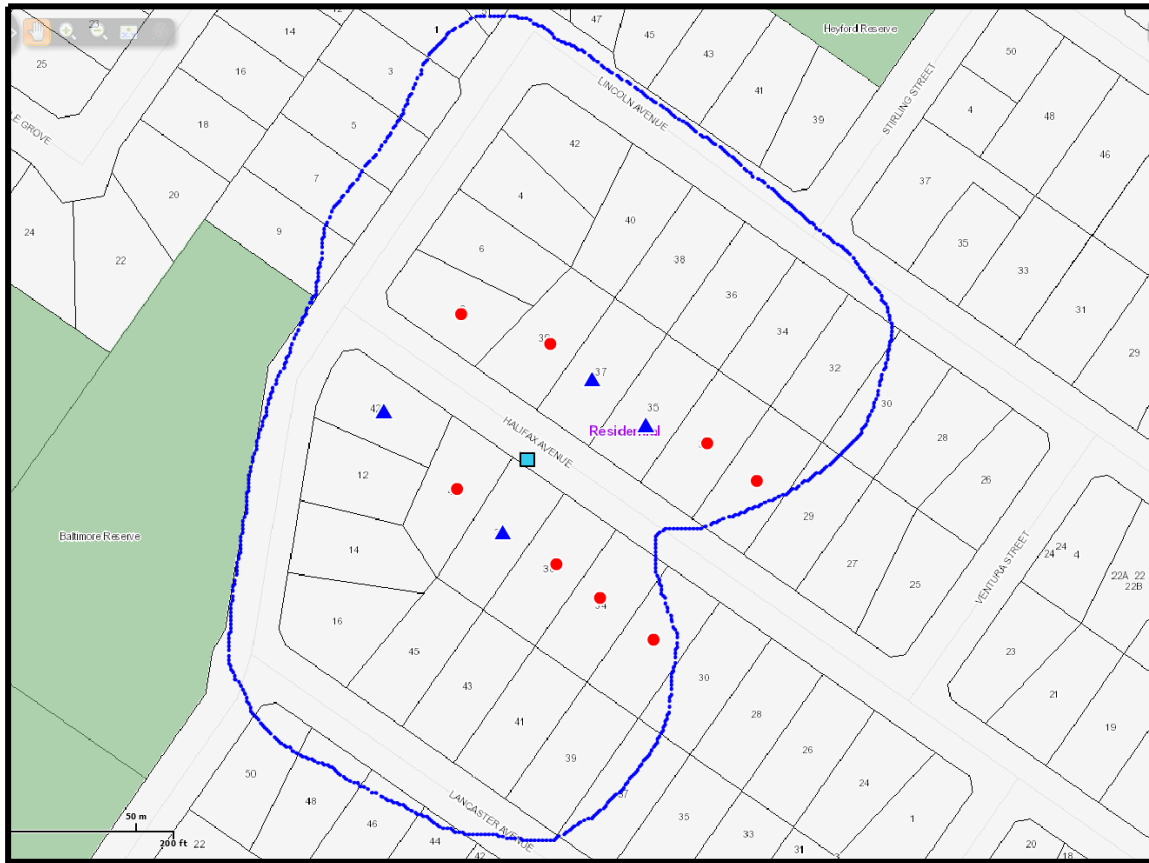
A locality plan and contextual plan are provided below.





Locality Plan - Aerial



Legend (Source: Dekho)	
	Subject site
	Locality boundary
	Properties Notified
	Representation Lodged

Locality Plan – Cadastre

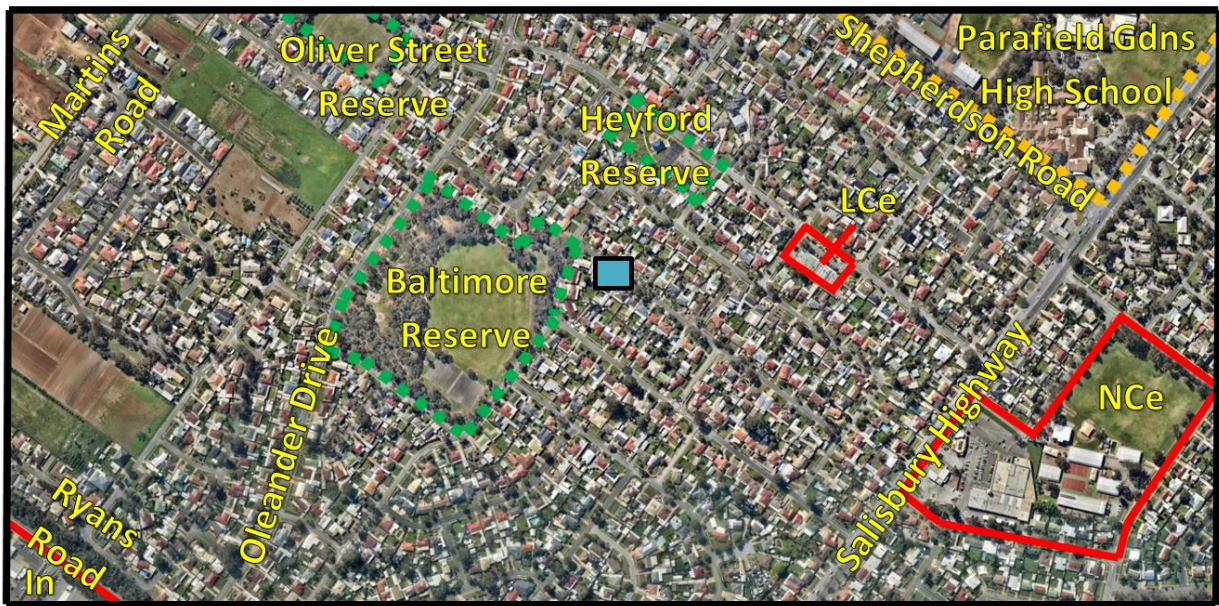




Legend (Source: Dekho)	
	Subject site
	Locality boundary
	Properties Notified
	Representation Lodged

Item 5.1.1

Contextual Plan:

Item 5.1.1

**Legend (Source: Nearmap)**

	Subject site
	Zone boundary

**7. DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The application seeks removal of the *Corymbia citriodora* (Lemon Scented Gum). The subject tree has a height of about 20.5m, a trunk circumference of 2.17m at 1m above ground level and has a canopy spread north-south of 13.6m and east-west of 16.7m.

A copy of the supporting documentation is contained in Attachment 1.

**8. CLASSIFICATION**

The site is located within the Residential Zone under the Salisbury Development Plan, Consolidated 5 May 2016. Removal of a Regulated Tree is neither listed as being a Complying or Non-complying form of development in the Residential Zone. On this basis, the Application shall be assessed “on-merit” against the Development Plan.

**9. PUBLIC NOTIFICATION**

The proposed development is neither listed as being a Category 1 or Category 2 form of development under the Residential Zone. However, under the *Development Regulations 2008*, Schedule 9, Part 2, Clause 25 states that:

25 *Except where the activity is undertaken under Section 54A of the Act, any development which comprises a tree-damaging activity in relation to a regulated tree on land owned or occupied by a council where the council is the relevant authority in relation to the development.*

Therefore, the application must be a Category 2 form of development.

The Category 2 public notification period took place between 10<sup>th</sup> and 24<sup>th</sup> June 2016. Four representations were received within that period, all supporting removal. Their names and addresses are listed below:

Representations received		
Representations received		Wish to be Heard
1	Robert Cummings 35 Halifax Avenue Parafield Gardens SA	
2	Tony Chi Thanh Do 37 Halifax Avenue Parafield Gardens SA	
3	Kenneth & Rose Priestley 42 Halifax Avenue Parafield Gardens SA	
4	Jason & Lina Mallia 38 Halifax Avenue Parafield Gardens SA	✓

Copies of the representations are contained in Attachment 2. The content of the representations are summarised in the table below. A response to the representations was not received from Tree Services staff.

Summary of Representations
<i>Robert Cummings, 35 Halifax Avenue, Parafield Gardens</i>
<ul style="list-style-type: none"> <li>The tree loses a lot of litter, which causes blocked drains and gutters.</li> </ul>
<i>Tony Chi Thanh Do, 37 Halifax Avenue, Parafield Gardens</i>
<ul style="list-style-type: none"> <li>The tree loses a lot of litter.</li> <li>The tree drops branches occasionally onto the road.</li> </ul>
<i>Kenneth &amp; Rose Priestley, 42 Halifax Avenue, Parafield Gardens</i>
<ul style="list-style-type: none"> <li>The tree is dangerous.</li> <li>The branches are large and if they fall they will do a lot of damage.</li> <li>The falling leaf litter is a constant nuisance.</li> </ul>
<i>Jason and Lina Mallia, 38 Halifax Avenue, Parafield Gardens</i>
<ul style="list-style-type: none"> <li>The tree is damaging the road and kerbing in front of our house.</li> <li>The roots grow into and block the sewer pipe.</li> <li>The damage from the tree roots to the kerb has caused stormwater to be unable to drain effectively, thereby resulting in pooling water in our driveway which causes a smell and creates mess.</li> <li>The branches of the tree are interfering with powerlines which is dangerous.</li> <li>The tree drops limbs onto the road and our front yard.</li> <li>The tree is not consistent with the existing landscape.</li> </ul>

Some of the concerns expressed by the representors as summarised above such as the dropping of litter and damage caused to powerlines and kerbing are not recognised as grounds for removal of a tree under the Development Plan.

## 10. REFERRALS – STATUTORY

The Application was not subject to any referrals under Schedule 8 of the *Development Regulations 2008*.

## 11. REFERRALS – INTERNAL

A report was sought by Council from an independent arborist, Symatree, for the purpose of providing a detailed assessment of the health and structure of the tree. A copy of the independent report is contained under Attachment 3. This report concluded that:

*This tree provides a high level of amenity to the locality and significantly contributes to the character and visual amenity of the local area.*

*The tree is in good health and structure with no notable defects. Applying the International Society of Arboricultural tree risk assessment method, a low risk rating was determined.*

*I therefore advise the subject tree does not meet any of the relevant criteria under Principles of the City of Salisbury's Development Plan that would justify its removal at this time.*

Further analysis of the Symatree report is contained under the assessment section of this report.

## 12. ASSESSMENT

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

An extract of the relevant Development Plan, Consolidated 5<sup>th</sup> May 2016, is contained in Attachment 4. The relevant provisions are also highlighted in the Attachment.

### Appearance of Tree

Under the Council-wide “Regulated Trees” module in the Development Plan, Objective 1 and 2(a) state that:

- 1 The conservation of regulated trees that provide important aesthetic and/or environmental benefit.*
- 2 Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:*
  - (a) Significantly contributes to the character or visual amenity of the locality.*

An assessment of the aesthetic benefits of the tree and its contribution to the character and visual amenity of the locality has taken place which involved visual inspection of the tree from a number of vantage points within the locality.

The tree was observed as being a notable element in the locality, having regard to the height, attractive appearance of the tree and also due to land in the locality being noticeably devoid of prominent trees.



At 20m tall, the tree is clearly a notable element in the landscape. It is considered that removal of the tree would detract from the character and visual amenity of the locality.

In summary, the tree is considered worthy of retention as it provides important aesthetic benefit.

### Health and Structure of Tree

Under the Council-wide “Regulated Trees” module in the Development Plan, Principle of Development Control 2 states that:

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

The Symatree report provides expert advice with respect to the health, life expectancy and structure of the tree. Key extracts relating to these matters are summarized from the report:

### *Health and Life Expectancy*

*Tree health is considered to be good, although some foliage yellowing is noted. All leaders and lateral branches are healthy and actively growing. The tree is free from notable pests and diseases.*

*It is expected the subject tree will offer a reasonably long useful life expectancy of approximately 50 plus years.*

### *Structure*

*The trunk appears to be sound, stable with no cavities. Mounding is present at the base of the tree. There is no evidence of internal decay or termite damage. Good trunk taper is apparent.*

*Attachment points appear to be sound and free of any recognisable structural flaws or weaknesses that can be observed from ground. There is no evidence of significant branch failure. Only one failure of note, eastern side upper crown with diameter of 50mm approximately was observed.*

*No constant use (habitable) targets such as a dwelling are located under the canopy of the subject tree.*

### *Damage to a Building*

*The tree is in good health and is not causing damage to a building.*

*No structures of significant value are located under the canopy of the subject tree.*

Given the above, it is clear that removal is not warranted under clauses (a), (b) or (c) of Principle of Development Control 2. It is also noted that damage caused by the tree to the sewer pipe, kerb and road is not considered to be relevant to clause (c) as these are not 'buildings' and so carry limited weight in this assessment.

With respect to clause (d) of Principle of Development Control 2, retention of the tree would appear to preclude the ability to be able to subdivide 38 Halifax Avenue in two by way of Torrens Title scheme, however, alternative options exist to develop this site in the form of a Community Title division, such that retention of the tree can be achieved.

Given the above, there are no grounds applicable under Principle of Development 2 to warrant removal of the tree.

#### Tree Pruning

The independent consultant had turned their mind to appropriate pruning which should be considered by Tree Services as part of ongoing management of the tree. The independent assessment provided by Symatree confirmed that:

*No form of target hazard pruning has occurred to this tree in the past. It is my view that pruning to address existing crown defects and reduce the future hazard potential and maintain risk to acceptable levels should be considered.*

Tree Services staff have advised that pruning to the tree will be considered in the event that this application is refused. Pruning is considered appropriate as suggested by Symatree and will alleviate some of the concerns identified by the representors.

### **13. CONCLUSION**

This report has assessed the request for removal of the tree against the Development Plan and has concluded that there is no basis to warrant removal, having regard to the health, structure and appearance of the tree. However, pruning of the tree is recommended.

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

#### 14. STAFF RECOMMENDATION

That the Development Assessment Panel resolve that:

- A. The proposed development is not considered to be seriously at variance with the Salisbury (City) Development Plan – Consolidated 5 May 2016.
- B. Pursuant to Section 33 of the *Development Act 1993*, Development Plan Consent is **REFUSED** to application number 361/1057/2016/2T for Removal of a Regulated Tree on Road Reserve Adjacent 38 Halifax Avenue, Parafield Gardens for the following reasons:
  - a) The tree warrants retention as it provides important aesthetic benefit to the locality and significantly contributes to the character and visual amenity of the locality, consistent with Objective 1 and 2, Council-wide “Regulated Trees” module.
  - b) There are no relevant grounds for removal of the tree under Principle of Development Control 2, Council-wide “Regulated Trees” module.

#### CO-ORDINATION

Officer:	GMCiD	MDS
Date:	11.10.16	10.10.16

#### ATTACHMENTS

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

1. Supporting Documentation
2. Copy of Representations
3. Independent Arborist Report
4. Relevant Development Plan Provisions



**ATTACHMENT 1**

**SUPPORTING DOCUMENTATION**

**CITY OF SALISBURY  
DEVELOPMENT APPLICATION FORM**



361/ 1057 /2016/27

Please use BLOCK LETTERS and Black or Blue Ink

APPLICANT NAME: City Infrastructure		
POSTAL ADDRESS:		
OWNER NAME: (This must be completed) City of Salisbury		<input type="checkbox"/> as above
OWNER POSTAL ADDRESS:		<input type="checkbox"/> as above
OWNER PHONE NO:	OWNER FAX NO:	OWNER EMAIL:
CONTACT PERSON FOR FURTHER INFORMATION <input type="checkbox"/> as above		
NAME: Kevin Davey		TELEPHONE (W): [REDACTED] (M): [REDACTED]
EMAIL:		FAX:
BUILDER NAME: N/A		BUILDERS EMAIL:
BUILDER POSTAL ADDRESS:		CONTACT NO.: LICENCE NO.:
CURRENT USE OF PROPERTY:		
DESCRIPTION OF PROPOSAL: Tree removal		DEVELOPMENT COST \$ 871.20 GST inc
LOCATION OF PROPOSAL		
Street No: <sup>Adj</sup> 38	Street: Halifax Avenue	Suburb: Parafield Gardens
Lot No: 140	Section: 2249 Plan: D7337	Volume: 5346 Folio: 268
OFFICE USE ONLY		
Registration Date: 30/ 5 /2016	Zone: R	Ward: Para
BUILDING RULES CLASSIFICATION		
Classification sought:		
If Class 5, 6, 7, or 9 classification is sought, state the proposed number of employees		Male: Female:
If Class 9a classification is sought, state the number of persons for whom accommodation is provided:		
If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises:		

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations, 1993. Developments requiring public notification will be made available to the public for comment via Council's web site at [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)

SIGNATURE: [Signature]

DATE: 27/ 5 / 16

## CITY OF SALISBURY DEVELOPMENT APPLICATION

### Arboricultural assessment of a *Corymbia citriodora* in relation to removal of a street tree.

#### Summary

The *Corymbia citriodora* (Lemon Scented Gum) located within the Council verge at the front of 38 Halifax Avenue, Parafield Gardens qualifies as a regulated tree. The resident has requested that the tree be removed due to displacement of adjacent infrastructure and litter from the tree.



APPLICATION NUMBER:

**Details**

DA NUMBER	
DATE OF INSPECTION	8th January 2016
SITE	38 Halifax Avenue, Parafield Gardens
CONTACT	Kevin Davey
LOCATION	The tree is located within the Council verge at the front of the property.
REASON FOR REQUEST	Resident would like the tree removed as it is causing issues with the residents driveway with water sitting in the gutter from the roots lifting and breaking the kerbing. The resident claims the tree is always dropping branches and the leaf litter is making a mess in the front yard. Council have previously repaired the kerb and gutter
REGULATED OR SIGNIFICANT	Regulated Tree

**Species***Corymbia citriodora* (Lemon Scented Gum)**Tree dimensions**

Height	Approximately 15 metres
Crown spread	Approximately 7 metres
Trunk circumference 1 metre above ground level	2.09 metres
Age class of tree	Mature

**Visual Appearance:**

The tree currently has high amenity value within the local area.

**Tree health**

This tree currently displays mostly good health with typical foliage density and colour throughout the crown.

**Tree structure**

Tree structure consists of a single well-tapered trunk with fair buttressing. The trunk divides to form the scaffold branch area at approximately eight metres above ground level with the primary unions appearing sound. The trees crown appears good in structure with no obvious flaws other than slight branch over-extension typical of this species.



## Development Assessment

### *Regulated Trees*

#### **OBJECTIVES**

1. The conservation of regulated trees that provide important aesthetic and/or environmental benefit.
2. Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:

	<b>Objective</b>	<b>Satisfied</b>	<b>Comments</b>
a)	significantly contributes to the character or visual amenity of the locality	Yes	The tree is relatively large
b)	indigenous to the locality	No	This species is local to Australia's Eastern States
c)	a rare or endangered species	No	
d)	an important habitat for native fauna	No	

#### **PRINCIPLES OF DEVELOPMENT CONTROL**

- 1 Development should have minimum adverse effects on regulated trees.
- 2 A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

	<b>Principle of Development Control</b>	<b>Satisfied</b>	<b>Comments</b>
a)	The tree is diseased and its life expectancy is short;	No	The tree displays good Health
b)	The tree represents a material risk to public or private safety;	No	The tree displays fair structure with no obvious major flaws.
c)	The tree is causing damage to a building;	No	
d)	Development that is reasonable and expected would not otherwise be possible;	N/A	
e)	The work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.	No	

Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.

## Appraisal

This tree is a mature specimen that displays good health and fair structure, as well as high amenity value.

This tree has caused disturbance to the adjacent concrete kerb and gutter, as well as disturbance to the public footpath. Although records indicate less than \$2,000 has been spent on repairing kerb and gutter in the past 5 years, the resident believes it is threatening to cause in excess of \$2,000 to their driveway as such the tree achieves Criteria 6. of The City of Salisbury's Tree Removal Criteria; *(The trees roots are shown to be causing or threatening to cause damage exceeding two thousand dollars to adjacent infrastructure).*

## Conclusion

- The decision to request the removal of this regulated tree has been the result of a tree removal review undertaken by the Manager of Parks and Landscape from the residents request. In his opinion this tree meets Criteria No. 6 of the City of Salisbury's Tree Removal Criteria *(The trees roots are shown to be causing or threatening to cause damage exceeding two thousand dollars to adjacent infrastructure).*

Kevin Davey  
Technical Support Worker– Tree Services  
City Infrastructure

**Tree location**





**ATTACHMENT 2**

**COPY OF REPRESENTATIONS**



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

20 JUN 2015

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

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

Development Number:	361/1057/2016/2T
Applicant:	City of Salisbury
Location:	Adjacent 38 Halifax Avenue , Parafield Gardens SA 5107
Proposed Development:	REMOVAL OF A REGULATED TREE ON ROAD RESERVE

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

NAME(S): Robert Cummins

ADDRESS: 35 Halifax Ave, Parafield Gdns

PHONE NO: [REDACTED] EMAIL: [REDACTED]

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

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

**YOUR COMMENTS:**

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

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

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

I am a 78 year old male neighbour & this tree is of concerns to me as it loses so much litter & causes ongoing blocked drains, it lodges what it

PTO

361/1057/2016/2T

loses into my gutters & at my age,  
unable to get up to the gutters to  
clean them out, therefore everything  
gets blocked continuously.

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

PTO

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

I/We:

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

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

Appearing personally,

**OR**

Represented by the following person: .....

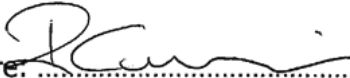
Contact details: .....

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

**Your written representation must be received by Council no later than 11.59pm on Friday 24<sup>th</sup> June 2016, to ensure that it is a valid representation and taken into account.**

**Representor’s Declaration:**

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

Signature:  .....

Date: 13/ 6 / 16

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

- Name and address of person (or persons).
- If more than one person, details of person making the representation.
- Detail of reasons for making the representation.
- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Friday 24<sup>th</sup> June 2016.**





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Pursuant to Section 38 of the Development Act

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Applicant:	City of Salisbury
Location:	Adjacent 38 Halifax Avenue , Parafield Gardens SA 5107
Proposed Development:	REMOVAL OF A REGULATED TREE ON ROAD RESERVE

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

NAME(S): *Tony the Thanks Do*

ADDRESS: *37 Halifax Ave Parafield Gardens*

PHONE NO: [REDACTED] EMAIL: [REDACTED]

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

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

**YOUR COMMENTS:**

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

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

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

*...litter from the tree falls onto the property front yard and occasional branches gets displaced on the middle of the road.*

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Item 5.1.1 - Attachment 2 - Copy of Representations

361/1057/2016/2T

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

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I/We:

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

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

**Your written representation must be received by Council no later than 11.59pm on Friday 24<sup>th</sup> June 2016, to ensure that it is a valid representation and taken into account.**

**Representor's Declaration:**

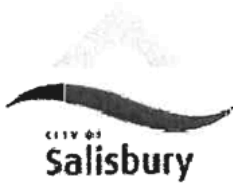
I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993, and may be uploaded to the Council's website as an attachment to the hearing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

Signature:  .....

Date: 17 / 06 / 2016

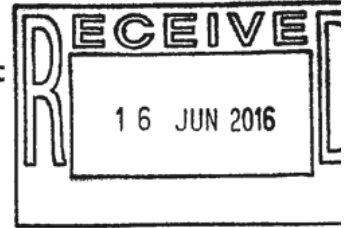
**Please complete this checklist to ensure your representation is valid:**

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Applicant:	City of Salisbury
Location:	Adjacent 38 Halifax Avenue , Parafield Gardens SA 5107
Proposed Development:	REMOVAL OF A REGULATED TREE ON ROAD RESERVE

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

NAME(S): KENNETH & ROSE PRIESTLEY

ADDRESS: 42 HALIFAX AVE PARAFIELD GARDENS

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

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

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

**YOUR COMMENTS:**

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

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

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

This tree is VERY LARGE and has been of concern to us nearby residents for many years. It is dangerous. The branches are so big if they fall they will do a lot of damage. Plus the leaves are a constant nuisance. PLEASE Remove it.

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361/1057/2016/2T

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

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I/We:

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

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Signature: Rose Cristley Date: 10/06/2016

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

- Name and address of person (or persons).
- If more than one person, details of person making the representation.
- Detail of reasons for making the representation.
- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Friday 24<sup>th</sup> June 2016**.



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Applicant:	City of Salisbury
Location:	Adjacent 38 Halifax Avenue , Parafield Gardens SA 5107
Proposed Development:	REMOVAL OF A REGULATED TREE ON ROAD RESERVE

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

NAME(S): Jason and Lina Mallia

ADDRESS: 38 Halifax Avenue, Parafield Gardens

PHONE NO: [REDACTED] EMAIL: [REDACTED]

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

- The owner/occupier of the property located at: 38 Halifax Avenue, Parafield Gdns.
- Other (please state): .....

**YOUR COMMENTS:**

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

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

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

The tree is damaging the road + curbing in front of our house, the roots grow into + block the sewer pipe and the raised curb level from the roots causes storm water to sit stagnant in our driveway causing smell + mess.

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361/1057/2016/2T

The branches of the offending tree are hitting power lines in our street which is dangerous and would cost thousands to repair. I have personally removed numerous limbs that have fallen onto the road and our front yard. The tree is not consistent with the landscape in our local area and feel it may have been planted by mistake.

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

PTO



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

I/We:

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**OR**

Represented by the following person: .....

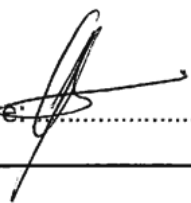
Contact details: .....

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Signature:  .....

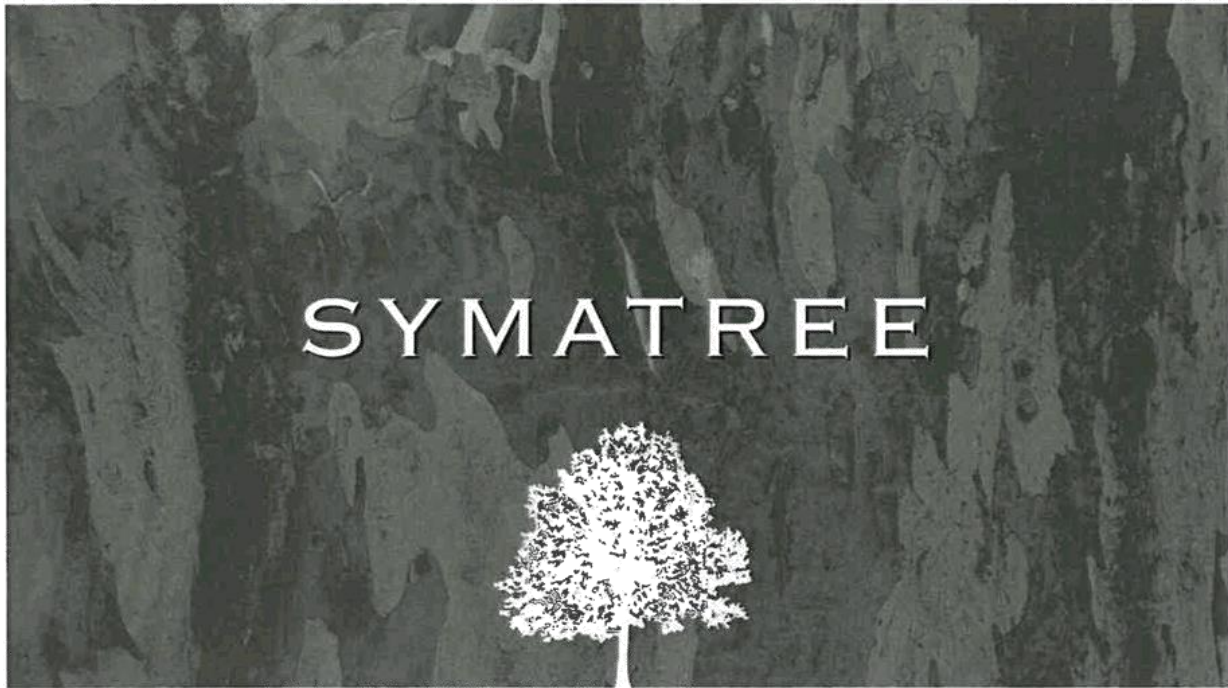
Date: 14 / 6 / 16

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- Detail of reasons for making the representation.
- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Friday 24<sup>th</sup> June 2016.**

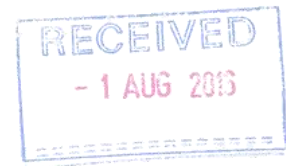


**ATTACHMENT 3**  
**INDEPENDENT ARBORIST REPORT**



**Street Tree Assessment  
Adj 38 Halifax Ave, Parafield Gardens**

File Number: 361/1057/2016/2T



**Report prepared for**

Sonia Gallarello  
Development Officer – Planning  
City of Salisbury  
July 2016

**Report prepared by**

**Sam Cassar**

Cert.3 (Hort), Dip. (Hort 5), Dip. (Arb 5), B.App. Sc (Hort), Grad. Dip. Design (Land.)  
Member Australian Arboriculture and South Australian Society of Arboriculture

### Table of Contents

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Introduction .....	3
Observations .....	4
Appraisal .....	7
Objectives and Principles of Development Control .....	10
Conclusion .....	12
Appendix A - Aerial Image .....	13



## Introduction

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### Instructions

I was instructed by Council to assess a mature Lemon Scented Gum located within the verge area in front of 38 Halifax Ave, Parafield Gardens. My brief was to undertake the following:

- Assess tree health and structural condition.
- Assess the tree against the relevant provisions of the Development Act 1993.
- Recommend appropriate actions.

### Site Visit

I carried out a site inspection on the 28 July 2016.

### Limitations

This report is limited to the time and method of inspection. The tree was inspected from ground level only. Neither a climbing inspection or a below-ground investigation was performed. No soil or plant material samples were taken for laboratory analysis.

This report reflects the state of the tree as found on the day. Any changes to site conditions or surrounds, such as construction works undertaken after the inspection, may alter the findings of the report.

The inspection period to which this report applies is three months from the date of the site visit, on the basis that current site conditions remain unchanged.

### Date of Report

This report was written on the 29 July 2016.



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- 1 AUG 2015

## Observations



Figure 1. Subject Tree, viewed from the east.

## Observations (cont)

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### Location of tree

The tree is located within the verge area. The trunk centre is 4.7 metres to the crossover associated with 38 Halifax Avenue and 1.0 meters from the back of kerb (refer Figure 1).

The subject trees' approximate location is identified on the aerial image provided in Appendix A.

### Species

*Corymbia citriodora* commonly referred to as a Lemon Scent Gum.

### Crown attributes

Height: 20.5 metres (clinometer)

Width (from trunk measured out): south 5.0 metres, north 8.6 metres, west 9.4 metres and to the east 7.3 metres.

### Circumference at one metre above natural ground level

Single trunk: 2.17 metres.

The tree is considered 'regulated' under the current provisions of the Significant Tree legislation.

### Structure/Condition

The subject tree consists of a single vertical trunk to a height of approximately 7 metres from ground at which point main branching arises to form a relatively rounded crown that has a slight bias towards the north.

The trunk appears to be sound, stable, with no cavities. Mounding is present at the base of the tree. There is no evidence of internal decay or termite damage. Good trunk tapered is apparent. An exposed woody root that has been scalped in the past is evident on the tree's south-eastern side.

Tree health is considered to be good, although some foliage yellowing is noted. All leaders and lateral branches are healthy and actively growing. The tree is free from notable pests and diseases. Minor levels of deadwood are present throughout the crown, largest of which has a diameter of 30mm approximately.

Attachment points appear to be sound and free of any recognizable structural flaws or weaknesses that can be observed from ground. There is no evidence of significant branch failure. Only one failure of note, eastern side upper crown with diameter of 50mm approximately (refer Figure 2) was observed.

A number of old pruning wounds, most have completely callused over are present on the tree's eastern and southwestern sides.

A number of secondary branches are descending in orientation with poor weight distribution and increasing leverage apparent. These defects are noted on all sides of the tree. Some over extension issues are also apparent.







**Observations** (cont)



Figure 2. Most recent branch failures circled in red.

**Property Damage**

Minor heaving and cracking to the kerb and water table was noted. No other damage to private property or Council infrastructure that can be attributed to the subject tree was noted.

## Appraisal

The subject tree is considered regulated under the current provisions of the Development Act, 1993 and in my opinion possesses attributes worthy of retention.

This tree has a strong visual presences/appeal within the locality and is a prominent feature in the landscape. The subject tree has a high aesthetic value and makes an important contribution to the landscape character and amenity of the local area.

This tree is in good health and is not causing damage to a building.

No form of target hazard management pruning has occurred to this tree in the past. It is my view pruning to address existing crown defects and reduce the future hazard potential and maintain risk to acceptable levels should be considered. Specific pruning requirements is beyond the scope of this report.

It is expected the subject tree will offer a reasonably long useful life expectancy of approximately 50 plus year. However, this is subject to being maintained and management by a qualified arborist on a regular basis.

After considering all of these factors, the likelihood of whole tree failure and main leader failure under normal weather conditions in the coming three years to be improbable. I consider the likelihood of a small to medium sized live branch failure within the coming two years as being possible. I have undertaken a risk assessment for this tree on the following pages of this report.

### Risk Assessment

A risk assessment of the subject tree has been provided using the *International Society of Arboriculture* tree risk assessment method. The method calculates risk in two steps; the likelihood of a failure occurring and the likelihood of the failure impacting a target. The matrixes determine the likelihood of the possible failing part or parts impacting a target.

I am qualified to use the 'International Society of Arboriculture tree risk assessment method'. More information about this method can be found in the American Standard ANSI A300 Part 9: - Tree Shrub and other woody plant management – Standard Practices and Tree Risk Assessment Manual by International Society of Arboriculture 2013.

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impacting Target			
	Very low	Low	Medium	High
<b>Imminent</b>	Unlikely	Somewhat likely	Likely	Very likely
<b>Probable</b>	Unlikely	Unlikely	Somewhat likely	Likely
<b>Possible</b>	Unlikely	Unlikely	Unlikely	Somewhat likely
<b>Improbable</b>	Unlikely	Unlikely	Unlikely	Unlikely





**Appraisal (cont)**

Matrix 2 Risk rating matrix

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very Likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat Likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

**Target Assessment**

The following assessment is based upon existing site use under normal seasonal weather conditions. An approximation of the likely occupancy of the targets identified has also been provided.

The potential targets that would be impacted if branch failure were to occur include:

Potential Targets	Likelihood of Impacting the Target
People occupying the front yards of 38 and 40 Halifax Ave. The tree extends over the front yards of both properties by less than 2 metres. Usual occupancy would occur on an infrequent/ occasional basis for a small part of the day. No structures of significant value are within the tree's drop zone.	Low
People using the verge area. The footpath is located on the other side of the street. Therefore usual occupancy would occur on an infrequent basis over the day.	Low
Halifax Avenue appears to be a secondary road with generally lower traffic volumes. Occupancy would occur on an occasional basis more so during peak traffic hours.	Low
Park Cars in Halifax Ave, usual occupancy would occur on an infrequent basis.	Low
Single strand of low voltage powerline – constant target	High
Front fencing, and 40 Halifax Ave – constant target.	High

- No structures of significant value are located under the canopy of the subject tree.
- No constant use (habitable) targets such as a dwelling are located under the canopy of the subject tree.

**Likelihood of failure**

I consider the likelihood of a part failing from the subject tree is possible. This determination is based upon the following assumptions:

- The crown does display a branching framework that consists of descending branches with poor weight distribution and some overextension issues apparent. However the tree has not experienced any significant branch failures to date.
- Pruning options are available to address crown defects to reduce the future failure potential of this tree and to maintain risk to acceptable levels.

**Appraisal (cont)**

- The live branch failures experienced to date less than 50mm approximately in diameter.

**Consequences of failure**

I suggest the branch sizes most likely to fail are approximately 50 – 100mm in diameter. The consequences of a branch of this size impacting the potential targets are as follows:

Potential Targets	Consequences of failure
People occupying the front yards of 38 and 40 Halifax Ave.	Severe harm to persons
People using the verge area. Halifax Ave.	Severe harm to pedestrians Minor damage to vehicles
Park Cars in Halifax Ave.	Significant damage to a vehicle
Single strand of low voltage powerline.	Significant damage to powerline
Front fencing, and 40 Halifax Ave.	Minor damage to the fence

**Failure Rating**

The failure rating for each of the identified potential targets are as follows:

Potential Targets	Failure Rating
People occupying the front yards of 38 and 40 Halifax Ave.	Low
People using the verge area. Halifax Ave.	Low
Park Cars in Halifax Ave.	Moderate
Single strand of low voltage powerline.	Moderate
Front fencing, and 40 Halifax Ave.	Low

The result of this risk assessment for the subject tree was an overall **low risk rating.**


  
 - 1 AUG 2013



## Objectives and Principles of Development Control

The subject tree has been identified as a Regulated Tree. The following comments have been made in regards to the relevant Objectives and Principles of Council's Development Plan (July 2016):

### Objectives

1. The conservation of regulated trees that provide important aesthetic and/or environmental benefit.
2. Development in balance with preserving regulated trees that demonstrate one or more of the following

- (a) significantly contributes to the character or visual amenity of the locality

Yes: The height and spread of the subject tree's crown and location gives it a strong visual presence within the locality. Being a large mature specimen the subject tree does significantly contribute to the character and visual amenity of the local area.

- (b) indigenous to the locality

No: The species, *Corymbia citriodora* is not a local indigenous native species to the Adelaide Hills and Plains. The species is indigenous to temperate and tropical north eastern Australia.

- (c) a rare or endangered species

No: The species (*Corymbia citriodora*) is not considered rare or endangered.

- (d) An important habitat for native fauna.

No: There is no evidence to indicate the tree is an important habitat for native fauna, no hollows suitable for nesting were observed within the crown of the subject tree

### Principles of Development Control

1. Development should have minimum adverse effects on regulated trees.
2. A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

- (a) the tree is diseased and its life expectancy is short

No: The tree is not diseased and it is expected to offer a relatively long useful life expectancy under existing environmental and site conditions and with on-going management and regular maintenance by a qualified arborist.

### Principles of Development Control (cont)

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(b) the tree represents a material risk to public or private safety

No: The subject tree represents a low risk to public/private safety at this time. . It is my view that with on-going management and regular maintenance by a qualified arborist the likelihood of future branch failure is considered acceptable at this time.

(c) the tree is causing damage to a building

No: There is no evidence to indicate the tree is causing damage to a building.

(d) development that is reasonable and expected would not otherwise be possible

N/A

(e) The work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.

N/A





## Conclusion

The subject tree is a mature *Corymbia citriodora* and is considered to be 'regulated' under the Development (Regulated Trees Variation) Regulations 2011.

This tree provides a high level of amenity to the locality and significantly contributes to the character and visual amenity of the local area.

The tree is in good health and structure with no notable defects. Applying the *International Society of Arboriculture* tree risk assessment method a low risk rating was determined.

I therefore advise the subject tree does not meet any of the relevant criteria under Principles of the City of Salisbury's Development Plan that would justify its removal at this time.

On the basis of the factors outlined, I consider the subject tree is worthy of retention.

I wish to stress that trees are natural living organisms and it would not be professional or prudent to guarantee the absolute safety of any tree. This is not possible unless trees were made from inert substances and most reasonable people would not make that choice.

The tree in question has targets (i.e. road users) under its respective target foot print. Even with appropriate canopy management, I cannot give an absolute guarantee that branch failure will not occur in the future. However, it is my view with on-going management and maintenance by a qualified arborist, the likelihood of future branch failure for the subject tree is considered low at this time.

Thank you for the opportunity to provide this report. Should you have any questions or require further information, please do not hesitate to contact me.

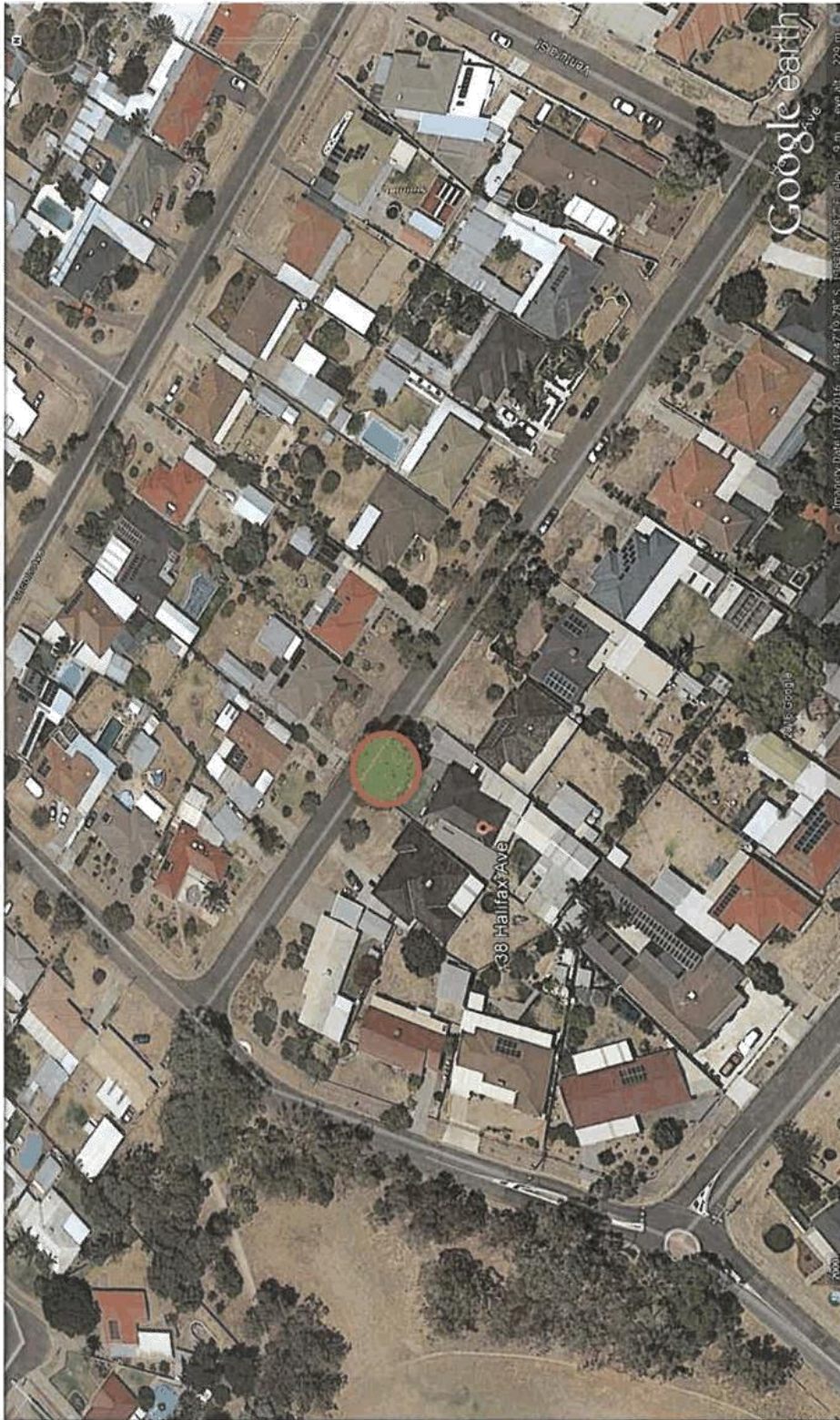
**Sam Cassar**

## Appendix A Aerial Image





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Page 14 of 14

Adj 38 Halifax Ave, Parafield Gdns

Item 5.1.1 - Attachment 3 - Independent Arborist Report



**ATTACHMENT 4**

**RELEVANT DEVELOPMENT PLAN PROVISIONS**



## Salisbury Council

Consolidated - 5 May 2016

Please refer to the Salisbury Council page at [www.sa.gov.au/developmentplans](http://www.sa.gov.au/developmentplans) to see any amendments not consolidated.



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

Consolidated - 5 May 2016

<b>Table of Contents</b>	
<b>Introduction Section</b>	<b>1</b>
Amendment Record Table .....	3
Introduction to the Development Plan .....	5
Council Preface Map .....	10
<b>General Section</b>	<b>11</b>
<b>Advertisements</b> .....	<b>13</b>
Safety .....	14
Freestanding Advertisements .....	14
Flags, Bunting and Streamers .....	16
Advertising along Arterial Roads .....	16
<b>Animal Keeping</b> .....	<b>17</b>
Horse Keeping .....	17
Dairies .....	18
Intensive Animal Keeping .....	18
<b>Building near Airfields</b> .....	<b>21</b>
RAAF Base Edinburgh .....	21
<b>Bulk Handling and Storage Facilities</b> .....	<b>23</b>
<b>Centres and Retail Development</b> .....	<b>24</b>
Arterial Roads .....	25
Retail Development .....	25
<b>Coastal Areas</b> .....	<b>27</b>
Environmental Protection .....	27
Maintenance of Public Access .....	28
Hazard Risk Minimisation .....	29
Erosion Buffers .....	29
Land Division .....	30
Protection of Economic Resources .....	30
Development in Appropriate Locations .....	30
<b>Community Facilities</b> .....	<b>31</b>
<b>Crime Prevention</b> .....	<b>33</b>
<b>Design and Appearance</b> .....	<b>35</b>
Building Setbacks from Road Boundaries .....	36
<b>Energy Efficiency</b> .....	<b>38</b>
On-site Energy Generation .....	38

Consolidated - 5 May 2016

Salisbury Council  
Table of Contents

<b>Hazards</b> .....	<b>39</b>
Flooding.....	39
Bushfire .....	40
Salinity.....	41
Acid Sulfate Soils .....	41
Site Contamination.....	41
Containment of Chemical and Hazardous Materials .....	42
Landslip.....	42
<b>Heritage Places</b> .....	<b>43</b>
<b>Industrial Development</b> .....	<b>45</b>
<b>Infrastructure</b> .....	<b>47</b>
<b>Interface between Land Uses</b> .....	<b>49</b>
Noise Generating Activities.....	49
Air Quality.....	50
Rural Interface.....	50
<b>Land Division</b> .....	<b>52</b>
Design and Layout .....	53
Roads and Access .....	55
Land Division in Rural Areas.....	56
<b>Landscaping, Fences and Walls</b> .....	<b>57</b>
<b>Marinas and Maritime Structures</b> .....	<b>59</b>
<b>Metropolitan Open Space System</b> .....	<b>60</b>
<b>Mineral Extraction</b> .....	<b>62</b>
Separation Treatments, Buffers and Landscaping .....	63
<b>Natural Resources</b> .....	<b>64</b>
Water Sensitive Design.....	65
Biodiversity and Native Vegetation .....	67
Soil Conservation.....	69
<b>Open Space and Recreation</b> .....	<b>70</b>
<b>Orderly and Sustainable Development</b> .....	<b>73</b>
<b>Regulated Trees</b> .....	<b>74</b>
<b>Renewable Energy Facilities</b> .....	<b>75</b>
<b>Residential Development</b> .....	<b>76</b>
Design and Appearance.....	76
Overshadowing .....	77
Garages, Carports and Outbuildings .....	77
Street and Boundary Setbacks .....	77
Site Coverage .....	78
Private Open Space.....	78
Site Facilities and Storage .....	79

Consolidated - 5 May 2016

Visual Privacy .....	79
Noise .....	80
Car Parking and Access .....	80
Undercroft Garaging of Vehicles.....	81
Dependent Accommodation .....	81
Swimming Pools and Outdoor Spas.....	81
<b>Short-Term Workers Accommodation .....</b>	<b>82</b>
<b>Significant Trees .....</b>	<b>83</b>
<b>Siting and Visibility .....</b>	<b>85</b>
<b>Sloping Land.....</b>	<b>86</b>
<b>Supported Accommodation, Housing for Aged Persons and People with Disabilities .....</b>	<b>87</b>
<b>Telecommunications Facilities .....</b>	<b>89</b>
<b>Tourism Development.....</b>	<b>90</b>
Tourism Development in Association with Dwelling(s).....	90
Tourism Development Outside Townships.....	91
Residential Parks and Caravan and Tourist Parks.....	92
<b>Transportation and Access .....</b>	<b>93</b>
Land Use.....	93
Movement Systems .....	93
Cycling and Walking .....	94
Access .....	95
Access for People with Disabilities .....	95
Vehicle Parking.....	96
<b>Waste .....</b>	<b>98</b>
Wastewater .....	99
Waste Treatment Systems .....	99
<b>Waste Management Facilities .....</b>	<b>101</b>
<b>Overlay Section</b>	<b>105</b>
Strategic Transport Routes Overlay.....	107
<b>Zone Section</b>	<b>109</b>
Airfield (Parafield) Zone.....	111
Bulky Goods Zone.....	113
Caravan and Tourist Park Zone .....	117
Coastal Conservation Zone.....	121
Coastal Marina Zone .....	125
Coastal Open Space Zone .....	127

Consolidated - 5 May 2016

Salisbury Council  
Table of Contents

<b>Coastal Settlement Zone</b> .....	<b>130</b>
<b>Commercial Zone</b> .....	<b>133</b>
Land Use.....	134
Form and Character.....	135
Land Division.....	135
Precinct 1 Salisbury Plains Commercial.....	135
Precinct 20 Globe Derby Park Commercial.....	135
Precinct 22 Park Terrace and Stanbel Road Commercial .....	135
Precinct 23 Greenfields Commercial.....	136
Precinct 21 Para Hills West Commercial and Precinct 24 Pooraka Commercial.....	136
<b>Community Zone</b> .....	<b>140</b>
Globe Derby Park Policy Area 1 .....	141
<b>Deferred Urban Zone</b> .....	<b>143</b>
Precinct 2 Deferred Urban.....	144
Precinct 3 Deferred Industry.....	144
<b>District Centre Zone</b> .....	<b>147</b>
Ingle Farm Policy Area 2.....	149
Precinct 4 Community and Business.....	149
Precinct 5 Education.....	149
Precinct 6 Medium Density Residential.....	149
Precinct 7 Recreation .....	149
Precinct 8 Retail Core.....	149
Salisbury Town Centre Policy Area 3 .....	150
Precinct 9 Civic.....	151
Precinct 10 Commercial .....	151
Precinct 11 Community and Tertiary .....	152
Precinct 12 Interchange.....	152
Precinct 13 Retail Core.....	152
Salisbury Downs Policy Area 4 .....	154
Precinct 14 Bulky Goods .....	155
Precinct 15 Community .....	155
Precinct 16 Mixed Use.....	156
Precinct 17 Retail Core.....	156
<b>Hills Face Zone</b> .....	<b>159</b>
<b>Industry Zone</b> .....	<b>167</b>
Burton Poultry Processing Policy Area 5 .....	170
Greater Levels Policy Area 8 .....	171
Infrastructure Policy Area 9.....	172
Parafield Gardens Policy Area 10.....	174
Pooraka Policy Area 11.....	176
<b>Light Industry Zone</b> .....	<b>181</b>
Pooraka Market Eastern Policy Area 12.....	183
Pooraka Market Warehousing Policy Area 13 .....	185
<b>Local Centre Zone</b> .....	<b>188</b>
<b>Multi Function Polis (The Levels) Zone</b> .....	<b>191</b>

Consolidated - 5 May 2016



<b>Mineral Extraction Zone</b> .....	194
<b>Mixed Use (Bulky Goods, Entertainment and Leisure) Zone</b> .....	197
<b>Neighbourhood Centre Zone</b> .....	202
Land Use.....	203
Form and Character.....	203
Vehicle Parking.....	204
Land Division .....	204
Precinct 18 Saints Road Neighbourhood Centre .....	204
<b>Open Space Zone</b> .....	208
Landscape Buffer Policy Area 14 .....	211
Recreation Policy Area 15 .....	212
<b>Primary Production Zone</b> .....	216
Precinct 19 Limited Residential Precinct.....	218
Aircraft Noise Policy Area 16.....	219
Horticulture Policy Area 17 .....	220
<b>Residential Zone</b> .....	226
Salisbury Residential Policy Area 18 .....	230
<b>Residential Hills Zone</b> .....	233
Castieau Estate Policy Area 21 .....	237
<b>Rural Living Zone</b> .....	240
Bolivar Policy Area 19.....	242
Direk Policy Area 20 .....	243
<b>Urban Employment Zone</b> .....	246
<b>Table Section</b> .....	<b>255</b>
Table Sal/1 - Building Setbacks from Road Boundaries.....	257
Table Sal/2 - Off Street Vehicle Parking Requirements .....	259
Table Sal/2A - Off Street Vehicle Parking Requirements for Designated Areas.....	261
Table Sal/3 - Off Street Bicycle Parking Requirements .....	263
Table Sal/4 - State Heritage Places .....	264
<b>Mapping Section</b> .....	<b>267</b>
Map Reference Tables .....	269
Spatial Extent Maps .....	275
Bushfire Risk BPA Maps .....	583
Concept Plan Maps .....	589

Consolidated - 5 May 2016

**Salisbury Council**  
**Table of Contents**

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## Regulated Trees

### OBJECTIVES

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

### PRINCIPLES OF DEVELOPMENT CONTROL

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

Salisbury Council  
Zone Section  
Residential Zone

## Residential Zone

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

### OBJECTIVES

- 1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.
- 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.
- 3 A zone primarily accommodating a range of dwellings to meet the diverse needs and preferences of the community.
- 4 Revitalisation of under-utilised suburbs, particularly public housing areas, to facilitate the provision of a greater mix of housing types and improved residential amenity.
- 5 Residential development designed and insulated to minimise effects of predicted aircraft noise and industrial noise.
- 6 Development that contributes to the desired character of the zone.

### DESIRED CHARACTER

The zone covers a substantial portion of the Council area and is home to a large and diverse population. The zone is suitable for a range of low to medium density housing, with higher density in appropriate locations. In addition to housing and open space, the zone will also contain a variety of community related, non-residential land uses that contribute to the creation of pleasant, connected, well serviced and socially inclusive neighbourhoods.

A full range of dwelling types on a variety of allotment sizes will be provided, including affordable housing, special needs housing and housing for the aged in appropriate locations. Housing form will be diverse and cater for different household sizes, life cycle stages and housing preferences and will be cost-effective, energy efficient and will make efficient use of available sites. Older neighbourhoods will experience change through turnover in population and ageing of existing residents which will generate a need for more housing diversity as well as changes in density and different services and facilities to complement these changes.

Residential development will reflect a variety of building styles, yet where a consistent character exists, new buildings will be designed to harmonise with that which is existing in terms of form, mass, scale, colours and textures of materials and setback distances. A cohesive built form will be achieved through design elements such as interesting roof forms, articulated buildings, recessed vehicle garaging, and landscaped spaces between buildings and the public road. Buildings will include windows, doors and balconies that overlook the street and areas of public open space to promote surveillance and community interaction.

Setbacks to local streets will be used to enable landscaping to be provided to soften the built form and improve amenity for residents and pedestrians. The visual and physical impact of vehicle access points will be minimised by reducing both the number of access points and the width of associated crossovers and driveways. Sealed surfaces will be minimised to reduce stormwater run-off and to also provide opportunities for landscaping to improve visual amenity. Development will seek to protect and retain regulated trees that contribute to the character of the area.

In order to achieve a compact urban form an overall increase in the residential density is desirable in select locations, in keeping with the objectives for development in the Zone, although it is anticipated that the predominant form of housing will remain detached dwellings at low to medium density throughout much of the zone. Co-ordinated infill housing, redevelopment and refurbishment of existing housing are encouraged

to maximise use of the community investment in facilities and services in existing residential areas that are located close to centres and community services. Opportunities exist to gradually develop under-utilised and vacant land within established areas, particularly when a specific housing need arises within the population, but also as an opportunity for improving access to existing services and facilities. Co-ordinated and efficient development of larger sites containing multiple allotments is encouraged in order to achieve greater housing density and diversity.

Medium density forms of housing including semi-detached dwellings, row dwellings, residential flat buildings and group dwellings are encouraged in areas with good access to services and facilities. Concentrated modes of medium density development of up to 4 storeys in height are anticipated in areas close to centres, public transport and significant public open space, and are to be developed in a co-ordinated and orderly manner. Typically this will involve the amalgamation of sites and will result in development that complements the prevailing character. A transition in building height will be necessary to ensure issues of overlooking is minimised and solar access maintained.

Development will be of a form and scale compatible with adjoining residential development. As part of the increase in residential density there will be an increase in the number of dwellings of two or more storeys. Such development will recognise the proximity of adjoining development and will be designed and sited to maintain the privacy of adjoining dwellings and their private open space areas, and will be designed to integrate with the existing built form.

Development of land with a known history of a potentially contaminating activity will occur once the site has been assessed and remediated to the standard necessary to ensure it is safe and suitable for the proposed use.

Development in areas which adjoin industrial land uses and areas affected by aircraft noise as identified in [Concept Plan Map Sal/2 - Edinburgh Defence Airfield Aircraft Noise Exposure](#) should be designed, sited and constructed to minimise the effects of noise.

## PRINCIPLES OF DEVELOPMENT CONTROL

### Land Use

- 1 The following forms of development are envisaged in the zone:
  - affordable housing
  - domestic outbuilding in association with a dwelling
  - domestic structure
  - dwelling
  - dwelling addition
  - small scale non-residential use that serves the local community, for example:
    - child care facility
    - health and welfare service
    - open space
    - primary or secondary school
  - recreation area
  - supported accommodation.
- 2 Development listed as non-complying is generally inappropriate.
- 3 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible in form, scale and design with adjoining residential development.
- 4 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:
  - (a) serves the local community
  - (b) is consistent with the character of the locality

Salisbury Council  
Zone Section  
Residential Zone

- (c) does not detrimentally impact on the amenity of nearby residents
  - (d) will not undermine the efficient operation of nearby centres.
- 5 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.

**Form and Character**

- 6 Development should be undertaken in accordance with the following Concept Plan Maps:
- (a) [Concept Plan Map Sal/21 - Parlowie Residential Area 3](#)
  - (b) [Concept Plan Map Sal/22 - Burton Residential Area 1](#)
  - (c) [Concept Plan Map Sal/23 - Direk Residential Area](#)
  - (d) [Concept Plan Map Sal/24 - Frost Road/Brown Terrace Salisbury](#)
  - (e) [Concept Plan Map Sal/25 - Parlowie Residential Area 1](#)
  - (f) [Concept Plan Map Sal/26 - Parlowie Residential Area 2](#)
  - (g) [Concept Plan Map Sal/27 - Salisbury Downs Residential Area 1](#)
- 7 Residential development should only occur within the area marked 'Lot 23' or 'Lot 24' on [Concept Plan Map Sal/24 - Frost Road/Brown Terrace Salisbury](#) where it is developed in accordance with all of the following:
- (a) the construction of a 2.4 metre high acoustical fence, which is comprised of double-sided fibre cement sheeting that has a density of not less than 12.5 kilograms per square metre, along the north-west and south-west boundaries of the land
  - (b) service areas are located between the noise source and the living areas of the dwelling
  - (c) dwellings utilise suitable sound insulation methods such as double-glazing to windows, roof and wall insulation
  - (d) the number of wall openings facing the noise source are minimised.
- 8 Direct vehicular access should not be provided onto Smith Road, Barker Road or Bridge Road.
- 9 Where remnant vegetation is located within road reserves it should be preserved and protected against loss, damage and disfigurement.
- 10 Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.
- 11 Sheds, garages and similar outbuildings should be designed within the following parameters:

Parameter	Value
Maximum floor area for allotments less than 450 square metres	60 square metres
Maximum floor area for allotment greater than 450 square metres	72 square metres
Maximum building height (from natural ground level)	5 metres
Maximum wall height (from natural ground level)	3 metres

**Affordable Housing**

- 12 Development should include a minimum 15 per cent of residential dwellings for affordable housing.
- 13 Affordable housing should be distributed throughout the zone to avoid over-concentration of similar types of housing in a particular area.

**Land Division**

- 14 Land division should create a 5 metre landscaped reserve to limit direct vehicle access where allotments are created fronting the following roads:
  - (a) Martins Road, Parafield Gardens and Paralowie
  - (b) Burton Road, Burton and Paralowie
  - (c) Bolivar Road, Burton and Paralowie
  - (d) Willochra Road, Salisbury.

Salisbury Council  
Zone Section  
Residential Zone  
Salisbury Residential Policy Area 18

## Salisbury Residential Policy Area 18

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

### OBJECTIVES

- 1 Development that contributes to the desired character of the policy area.

### DESIRED CHARACTER

The policy area will contain low density residential development, primarily accommodating detached dwellings on individual allotments.

Older dwellings will progressively be redeveloped or replaced with dwellings of compatible scale, form and style that build on the positive features of the locality. Built form is largely consistent and typically comprises dwellings with generous setbacks to roads and landscaped front yards.

### PRINCIPLES OF DEVELOPMENT CONTROL

#### Land Use

- 1 The following forms of development are envisaged in the zone:
  - detached dwelling
  - domestic outbuildings in association with a dwelling
  - domestic structures
  - dwelling additions.
- 2 Development listed as non-complying is generally inappropriate.

#### Form and Character

- 3 Development should not be undertaken unless it is consistent with the desired character for the zone.



**PROCEDURAL MATTERS****Complying Development**

Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*.

**Non-complying Development**

Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of Development	Exceptions
Advertisement and/or advertising hoarding	Except where it complies with all of the following: (a) it does not move, rotate or incorporate flashing lights (b) it does not wholly or partly consist of bunting, streamers, flags, wind vanes and the like (c) if attached to a building, it does not wholly or partly extend above the top of the wall or the fascia.
Amusement machine centre	
Consulting room	Except where: (a) the total floor area is less than 100 square metres (b) the site does not front an arterial road.
Crematorium	
Dairy	
Dwelling where it is contained within the 'Concept Area Boundary' identified on <a href="#">Concept Plan Map Sal/22 - Burton Residential Area 1</a>	Except where the dwelling has a maximum height of no more than one-storey above natural ground level.
Farming	
Fuel depot	
Horse keeping	
Horticulture	
Industry	
Intensive animal keeping	
Motor repair station	
Office	Except where: (a) the total floor area is less than 100 square metres (b) the site does not front an arterial road.
Petrol filling station	Except where it comprises alterations or additions to a petrol filling station existing at 20 January 1994.
Prescribed mining operations	
Public service depot	
Residential flat building within the Salisbury Residential Policy Area 18	

Salisbury Council  
Zone Section  
Residential Zone

Form of Development	Exceptions
Restaurant	
Road transport terminal	
Service trade premises	
Shop or group of shops	Except where: (a) the gross leasable area is less than 250 square metres (b) the site does not front an arterial road.
Stock sales yard	
Stock slaughter works	
Store	
Warehouse	
Waste reception, storage, treatment or disposal	
Wrecking yard	

#### Public Notification

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



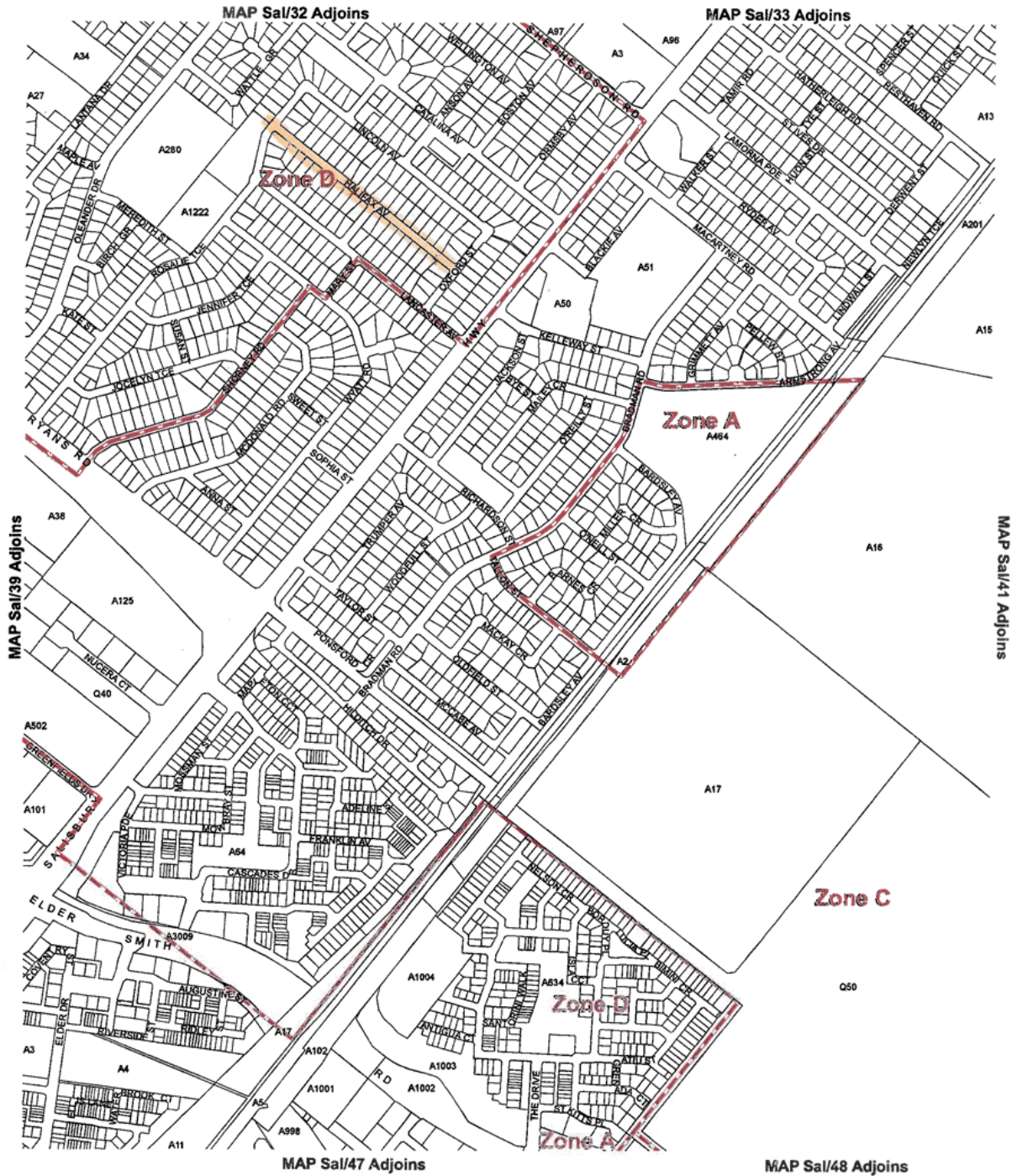
Item 5.1.1 - Attachment 4 - Relevant Development Plan Provisions



- School
- Post Office
- Railways
- Local Reserves
- Waterbodies

# Location Map Sal/40

SALISBURY COUNCIL  
Consolidated - 5 May 2016



NOTE: Airport Building Heights should be read in conjunction with concept plan map showing heights for Edinburgh Defence Airfield

**Airport Building Heights**  
 Referral to Commonwealth Secretary  
 for Dept. of Transport and Regional Services

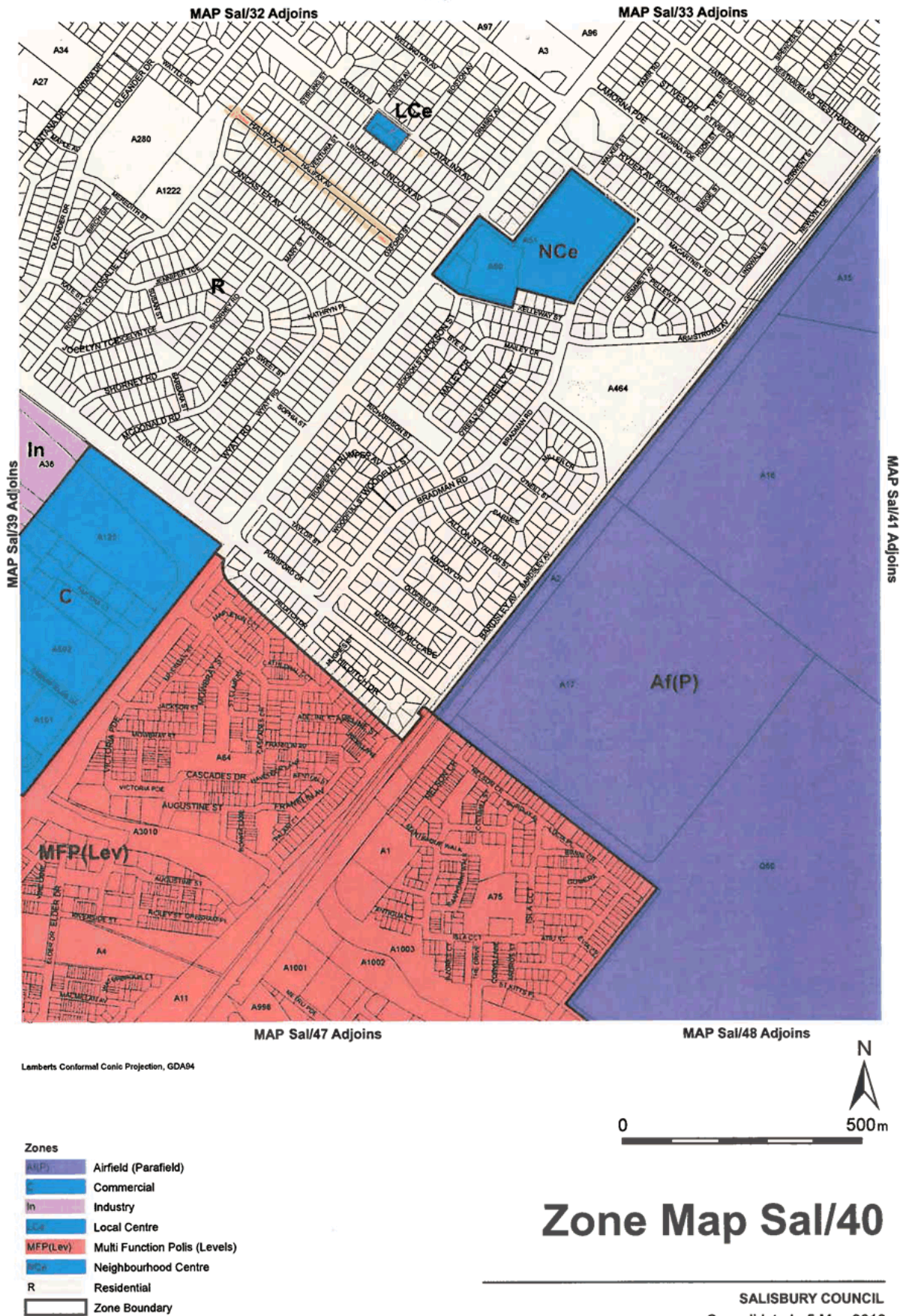
- Zone A All Structures
- Zone C All Structures Exceeding 15 metres above existing ground level
- Zone D All Structures Exceeding 45 metres above existing ground level

 Airport Building Heights

# Overlay Map Sal/40

## DEVELOPMENT CONSTRAINTS

SALISBURY COUNCIL  
 Consolidated - 5 May 2016





Lamberts Conformal Conic Projection, GDA84  
 Precinct  
 23 Greenfields Commercial



# Precinct Map Sal/40

Precinct Boundary

SALISBURY COUNCIL  
 Consolidated - 5 May 2016

Item 5.1.1 - Attachment 4 - Relevant Development Plan Provisions





<b>ITEM</b>	5.1.2
	<b>DEVELOPMENT ASSESSMENT PANEL</b>
<b>DATE</b>	25 October 2016
<b>APPLICATION NO.</b>	361/1512/2016/LD
<b>APPLICANT</b>	City of Salisbury
<b>PROPOSAL</b>	Land Division
<b>LOCATION</b>	5-15 Orange Avenue, Salisbury
<b>CERTIFICATE OF TITLE</b>	Allotment 301 Deposited Plan 55257 Volume 5850 Folio 746
<b>AUTHOR</b>	Darren Starr, Planning Consultant

### 1. DEVELOPMENT APPLICATION DETAILS

<b>Zone/Policy Area</b>	Residential Zone
<b>Application Type</b>	Merit Category 1
<b>Public Notification</b>	Representations received: Nil Representations to be heard: Nil
<b>Referrals - Statutory</b>	Development Assessment Commission (DAC) SA Power Networks SA Water
<b>Referrals – Internal</b>	Development Engineering
<b>Development Plan Version</b>	Salisbury (City) Development Plan Consolidated 7 July 2016
<b>Assessing Officer</b>	Darren Starr, Consultant Planner
<b>Recommendation</b>	Development Plan Consent & Land Division Consent subject to Conditions
<b>Meeting Date</b>	25 October 2016

### 2. REPORT CONTENTS

Assessment Report

Attachment 1: Proposal Plan

Attachment 2: Relevant Development Plan Extracts Consolidated 7 January 2016

### 3. EXECUTIVE SUMMARY

The proposed development involves the division of land at 5-15 Orange Avenue, Salisbury to create one (1) additional allotment.

No detailed information has been provided as to what the City of Salisbury intends to use the proposed allotment for should the land division be approved; however, it is noted that the land is located within the Residential Zone which will guide any development of the land.

Allotment 301 in Deposited Plan 55257 fronts Orange Avenue, Salisbury and consists of an allotment with a frontage of 139.9m to Orange Avenue and an overall allotment area of 1.813 hectares that contains the Salisbury Bowling Club. Proposed Allotment 2 will have an 87.93m frontage to Orange Avenue and depth of between 49.52m and 52.57m for a total site area of 4500m<sup>2</sup>.

Due to concerns regarding perceived or actual conflict of interest, the City of Salisbury referred the proposal to the Minister for Planning on 5 August 2016 to consider directing the Development Assessment Commission to be the relevant authority in regards to the assessment of the land division development application.

The Minister for Planning responded on 6 September 2016 advising that after considering the matter, he was of the view that the appointment of the Commission as relevant authority was not warranted in this instance. Further, he considered that Council's Development Assessment Panel was best placed to provide full and independent scrutiny of the planning merits of the proposed development without prejudice.

The City of Salisbury "Guidelines for Assessment of Council Development" advises that in such instances that Council should appoint an independent planning consultant to undertake the assessment of the proposed development on its behalf.

This report provides a detailed assessment of the application against the relevant provisions of the Salisbury Development Plan. The assessment found that:

- The proposed development is located in the Residential Zone of the City of Salisbury Development Plan consolidated 7 July 2016, Map Sal/25 and Map Sal/34;
- While the future use of the proposed allotment has not yet been determined, the proposed frontage to Orange Avenue, site depth and site area would make it appropriate for a further division to accommodate residential development consistent with existing residential development in the locality or for a more intense residential development consistent with the zone provisions;
- The proposed allotment could potentially accommodate a non-residential land use that serves the local community as the Residential Zone envisages;
- Allotment 2 would be appropriate for these indicative land uses subject to a detailed assessment against the relevant provisions of the Salisbury Council Development Plan when a development application is lodged with Council.

#### **4. SUBJECT SITE**

Allotment 301 in Deposited Plan 55257 fronts Orange Avenue, Salisbury. The land is flat and contains the Salisbury Bowling Club. Existing features of the site include bowling greens, clubrooms, car parking areas, established vegetation/landscaping and associated structures that form part of the Salisbury Bowling Club.

The site is accessed via the existing vehicle crossover to Orange Avenue.

Allotment 301 has a frontage of 139.9m to Orange Avenue and a site area of 1.813 hectares. The allotment is subject to easements to the Distribution Lessor Corporation and an easement for electricity supply purposes. The land is also subject to an encumbrance to the City of Salisbury.



*Photo 1: Subject Site fronting Orange Avenue*



*Photo 2: Subject Site and existing Council verge and street trees*



*Photo 3: Subject Site (internal) from existing car park*



*Photo 4: Salisbury Bowling Club Building to be retained*

## **5. LOCALITY**

The subject site contains the Salisbury Bowling Club and the immediate locality contains adjacent community and recreation facilities, train infrastructure to the west and residential development immediately to the north of the subject site. The wider locality includes the Salisbury Primary School and Salisbury Town Centre.

Orange Avenue is a residential street that services community and residential development.

## ITEM 5.1.2



Dwellings in the locality are a mix of detached dwellings on single allotments and more intensive residential development on large allotments.

A locality plan and contextual plan are provided below.

### Locality Plan – Aerial



Source: <http://dekho.cos.ad:8080/Dekho/>




Legend	
	Site Boundary
	Proposed Lot Boundary

Contextual Plan

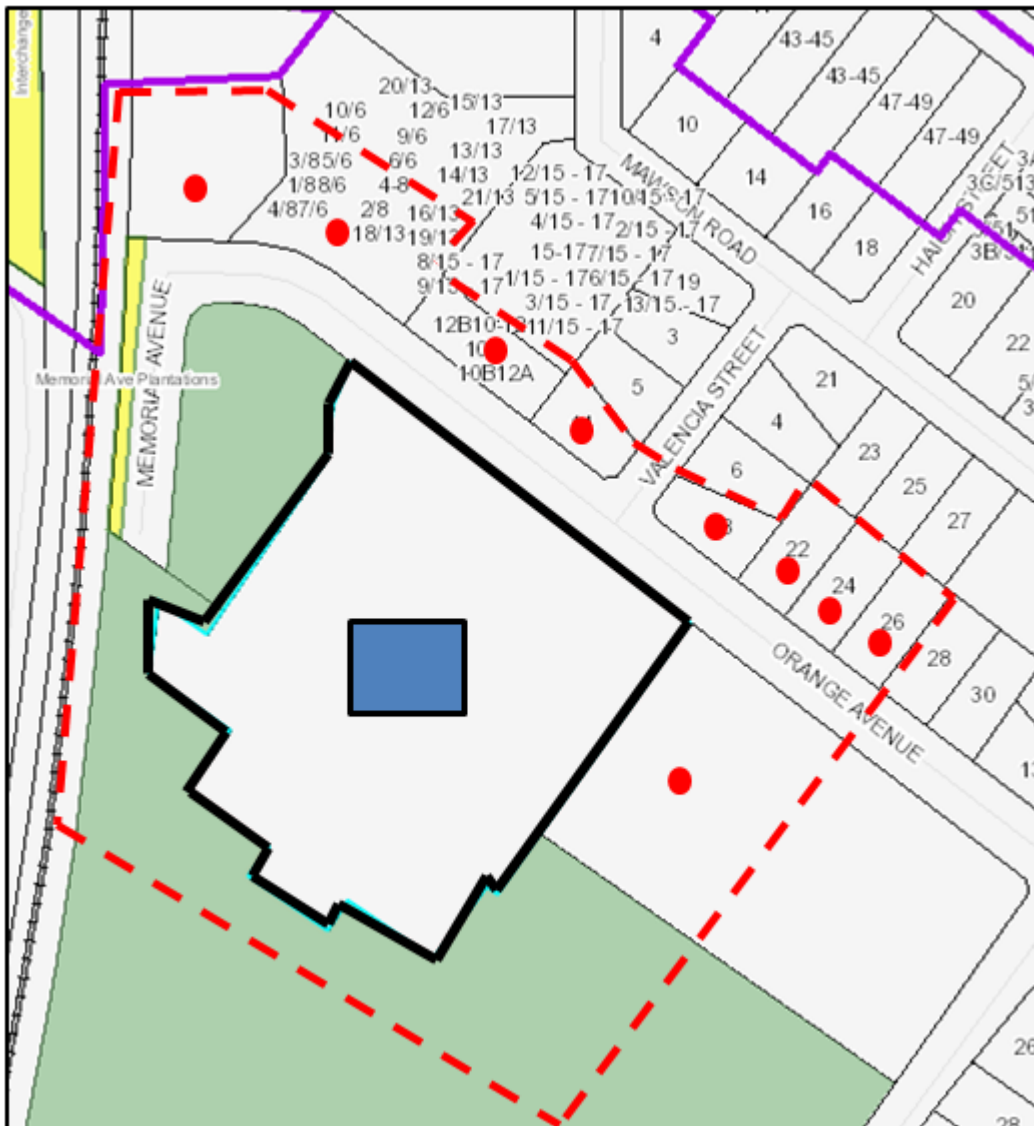
Item 5.1.2






Source: <http://maps.au.nearmap.com/>

Legend	
	Subject Site
	Zone Boundary
	Train Line

Locality Plan – Cadastre



Source: <http://dekho.cos.ad:8080/Dekho/>

Legend	
	Subject Site
	Zone Boundary
	Locality Boundary

**6. DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The proposed development consists of the division of land to create one (1) additional allotment [Development Application 361/1512/2016 (DAC No 361/D130/16)].

Allotment 301 in Deposited Plan 55257 fronts Orange Avenue, Salisbury and has a frontage of 139.9m to Orange Avenue and an overall allotment area of 1.813 hectares.

Proposed Allotment 2 will have an 87.93m frontage to Orange Avenue and depth of between 49.52m and 52.57m for a total site area of 4500m<sup>2</sup>. Proposed Allotment 1 which is the balance of the land will be 1.36 hectares. Based on the plan of division submitted as part of the land division application Allotment 2 will generally contain the existing bowling green that fronts Orange Avenue and existing vegetation which appears to be located on the Easement marked B.

Allotment 301 is subject to an easement to the Distribution Lessor Corporation and a service easement for electricity supply purposes. The land is also subject to an encumbrance to the City of Salisbury. The encumbrance relates to the use of the land for community, sporting and recreational purposes and requires that the Encumbrancer (Salisbury Bowling Club incorporated) notify the Encumbrancee of an intention to offer the land for sale. The encumbrance gives the City of Salisbury an effective 'first option' to purchase the land, under certain conditions.

The easements [A, B & C (T/F) on Plan of Division] will apply to Proposed Allotment 2 and Proposed Allotment 1 [A, B on Plan of Division] which is the balance of the existing allotment.

The applicant (City of Salisbury) has not provided specific information on the future use of the proposed allotment. However, it is noted that the land is located in the Residential Zone.

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

## 7. CLASSIFICATION

The proposed development is located in the Residential Zone of the City of Salisbury Development Plan consolidated 7 July 2016, Map Sal/25 and Map Sal/34. The proposed development is not located in a Policy Area or Precinct.

The provisions of the Residential Zone call for the zone to comprise a range of dwelling types with increased dwelling densities in proximity to centres, public transport routes and public open spaces.

The division of land is not classified as 'complying' or 'non-complying' within the provisions of the Residential Zone of the Salisbury Council Development Plan. It is therefore an application that should be considered on-merit against the relevant provisions of the Development Plan.

## 8. PUBLIC NOTIFICATION

The proposed development is a Category 1 form of development pursuant to the provisions of the *Development Regulations 2008*, specifically Schedule 9, Part 1 (2) (f)

2 *Except where the development is classified as non-complying under the relevant Development Plan, any development which comprises—*

(f) *the division of land which creates not more than 4 additional allotments.*



**9. REFERRALS – STATUTORY**

Development Assessment Commission/SA Water

- The Development Assessment Commission and SA Water have no objection to the proposed division subject to specific conditions being included on any consent issued.

SA Power Networks

- SA Power Networks have no objections to the proposed division and have noted the easements over the subject land for electricity infrastructure and that no buildings are permitted to be erected on these easements. They have also noted that Regulations 81 and 82 of the Electricity (General) Regulations 2012 stipulate requirements and distances that building and structures are to be located from power lines.

Department of Environment Water Natural Resources (Water Licensing Wells)

- No response

**10. REFERRALS – INTERNAL**

Development Engineering: No comments or requirements.

**11. DEVELOPMENT DATA**

<b>Site Characteristics</b>	<b>Guideline</b>	<b>Proposed</b>
Site Area	No minimum site area within the Residential Zone	4500m <sup>2</sup>
Site Dimensions		Frontage 87.93m Depth 49.52m (eastern boundary) 52.57m (western boundary)
Easement	Subject to Easement over the Land marked A to Distribution Lessor Corporation Subject to Service Easement over the Land marked B & C(T/F) for Electricity Supply purposes to Distribution Lessor Corporation	Easements to be retained
<b>Design Characteristics</b>	<b>Guideline</b>	<b>Proposed</b>
<i>Affected Trees</i>		
Significant	Nil	Not proposed to remove any existing vegetation on site as part of the proposed land division
Regulated	Nil	Not proposed to remove any existing vegetation on site as part of the proposed land division

<i>Street Infrastructure</i>		
Crossover	Existing	Not impacted by proposed land division
<i>Flooding</i>		Council has advised site is not subject to flooding
<i>Site Contamination</i>		Council has advised no record of site contamination on site

## 12. ASSESSMENT

Pursuant to Section 35(2) of the *Development Act 1993*, it is recommended that the Panel determine that the proposed development is not seriously at variance with the Salisbury Development Plan, Consolidated 7<sup>th</sup> July 2016. The following reasons are given in support of this recommendation:

- a) The subject land is located within the Residential Zone of the Salisbury Development Plan and should the proposed land division proceed the resultant allotment will be of suitable frontage, depth and site area to contain some form of residential development.

### Assessment

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

An extract of the relevant Development Plan, Consolidated 7 July 2016, is contained in Attachment 2. The relevant provisions are also highlighted in the Attachment.

### Land Use

The subject land is located within the Residential Zone which has the following key objectives and principles that relate to suitable land uses within the zone.

#### *Objective 1*

*A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.*

#### *Objective 2*

*Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.*

#### *Principle of Development Control 1*

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

- *affordable housing*
- *domestic outbuilding in association with a dwelling*
- *domestic structure*
- *dwelling*
- *dwelling addition*
- *small scale non-residential use that serves the local community, for example:*
  - *child care facility*
  - *health and welfare service*

- *open space*
- *primary or secondary school*
- *recreation area*
- *supported accommodation.*

While the future use of the proposed allotment has not yet been determined, the proposed frontage to Orange Avenue, site depth and site area would make it appropriate for a further division to accommodate residential development or for a more intense residential development consistent with the Residential Zone provisions.

The newly created allotment could also potentially accommodate a non-residential land use that serves the local community as the Residential Zone envisages.

#### Land Division

The Development Plan has a number of provisions that relate to the division of land that are applicable to the proposed land division including those outlined below:

##### *Objective 1*

*Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.*

##### *Objective 2*

*Land division that creates allotments appropriate for the intended use.*

##### *Objective 3*

*Land division layout that is optimal for energy efficient building orientation.*

##### *Objective 4*

*Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.*

The proposed allotment (Allotment 2) is of a sufficient size (4500m<sup>2</sup>) to accommodate residential land uses or non-residential land uses that serve the local community consistent with the provisions of the Residential Zone. The City of Salisbury has advised that the possible use of the land (subject to a decision by Council) could include residential or possibly a community recreation activity.

Allotment 2 would be appropriate for these land uses subject to a detailed assessment against the relevant provisions of the Salisbury Council Development Plan when a development application is lodged with Council.

The proposed allotment (Allotment 2) has a broadly north/south orientation which will provide for efficient building orientation for future development on the site.

*Principle of Development Control 1*

*When land is divided:*

- (a) *stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner*
- (b) *a sufficient water supply should be made available for each allotment*
- (c) *provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health*
- (d) *proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.*

*Principle of Development Control 2*

*Land should not be divided if any of the following apply:*

- (a) *the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use*
- (b) *any allotment will not have a frontage to one of the following:*
  - (i) *an existing road*
  - (ii) *a proposed public road*
  - (iii) *access to a public road via an internal roadway in a plan of community division*
- (c) *the intended use of the land is likely to require excessive cut and/or fill*
- (d) *it is likely to lead to undue erosion of the subject land or land within the locality*
- (e) *the wastewater treatment plant to which subsequent development will be connected does not have sufficient capacity to handle the additional wastewater volumes and pollutant loads generated by such development*
- (f) *the area is unsewered and cannot accommodate an appropriate onsite wastewater disposal system within the allotment that complies with (or can comply with) the relevant public and environmental health legislation applying to the intended use(s)*
- (g) *any allotments will straddle more than one zone, policy area or precinct*
- (h) *the allotments unreasonably restrict access to publicly owned land such as recreation areas.*

The proposed allotments will have access to a public road in Orange Avenue with access to existing infrastructure. The application was referred to Council's Development Engineering staff and they had no comment or requirements in relation to the proposed land division.

The size of proposed Allotment 2 will allow it to be used for a variety of land uses that are consistent with the zoning of the site. Allotment 1 will form the remainder of the current allotment and will contain the existing Salisbury Bowling Club facility.

*Open Space and Recreation*

*Objective 1*

*The creation of a network of linked parks, reserves, recreational trails and recreation areas at regional and local levels.*

*Objective 3*

*A wide range of settings for active and passive recreational opportunities.*

The proposed division will result in the loss of a single bowling green within the existing Salisbury Bowling Club. Three bowling greens will remain within this facility and the Bowling Club has proposed land division and resultant sale of the proposed allotment to the City of Salisbury.

Residential Development

*Objective 2*

*An increased mix in the range and number of dwelling types available within urban boundaries to cater for changing demographics, particularly smaller household sizes and supported accommodation.*

*Objective 3*

*Higher dwelling densities in areas close to centres, public and community transport and public open space*

*Principle of Development Control 1*

*Residential allotments and sites should have the appropriate orientation, area, configuration and dimensions to accommodate:*

- (a) the siting and construction of a dwelling and associated ancillary outbuildings*
- (b) the provision of landscaping and private open space*
- (c) convenient and safe vehicle access and off street parking*
- (d) passive energy design.*

*Principle of Development Control 3*

*Residential allotments should be of varying sizes to encourage housing diversity.*

The proposed land division will result in a single allotment being created in the Residential Zone with good access to transport services and the Salisbury Centre. The proposed allotment with a site area of 4500m<sup>2</sup> will be capable of containing a number of residential land uses consistent with the provisions of the Residential Zone and the Salisbury Council Development Plan.

### **13. CONCLUSION**

This report has provided a detailed assessment of the application against the relevant provisions of the Salisbury Development Plan. The assessment found that:

- a) The proposed allotment (Allotment 2) has sufficient frontage to Orange Avenue, site depth and site area to accommodate residential development or non-residential development that serves the local community as the Residential Zone envisages.

Accordingly, it is recommended that Development Plan Consent be granted, subject to concurrence of the Development Assessment Commission and conditions.

**14. RECOMMENDATION**

That the Development Assessment Panel resolve that:

- A. The proposed development is not considered to be seriously at variance with the Salisbury Development Plan – Consolidated 7 July 2016.
- B. Pursuant to Section 33 of the *Development Act 1993*, Development Plan Consent is **GRANTED** to application number 361/1512/2016/LD for Land Division in accordance with the plans and details submitted with the application and subject to the following condition and requirements.

*Development Plan Consent Condition*

1. The development shall be carried out in accordance with the details submitted with the application and the following stamped approved plans and documents, except where otherwise varied by the conditions herein:

<b>Drawing No.</b>	<b>Plan Type</b>	<b>Date</b>	<b>Prepared By</b>
18451-DIV	Plan of Division	Version 1	John C Bested & Associates Pty Ltd

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

*Council Requirement*

2. All structures and materials are to be removed from proposed Allotment 2.

*Land Division Requirements*

3. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0049013). SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees. A sewer extension may be required. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
4. Payment of \$6676 into the Planning and Development Fund (1 allotment/s @ \$6676/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked “Not Negotiable” and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

5. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

#### **CO-ORDINATION**

Officer:                                    GMCiD    MDS  
Date:                                        11.10.16    10.10.16

#### **ATTACHMENTS**

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

1. Proposal Plan
2. Relevant Development Plan Extracts Consolidated 7 January 2016

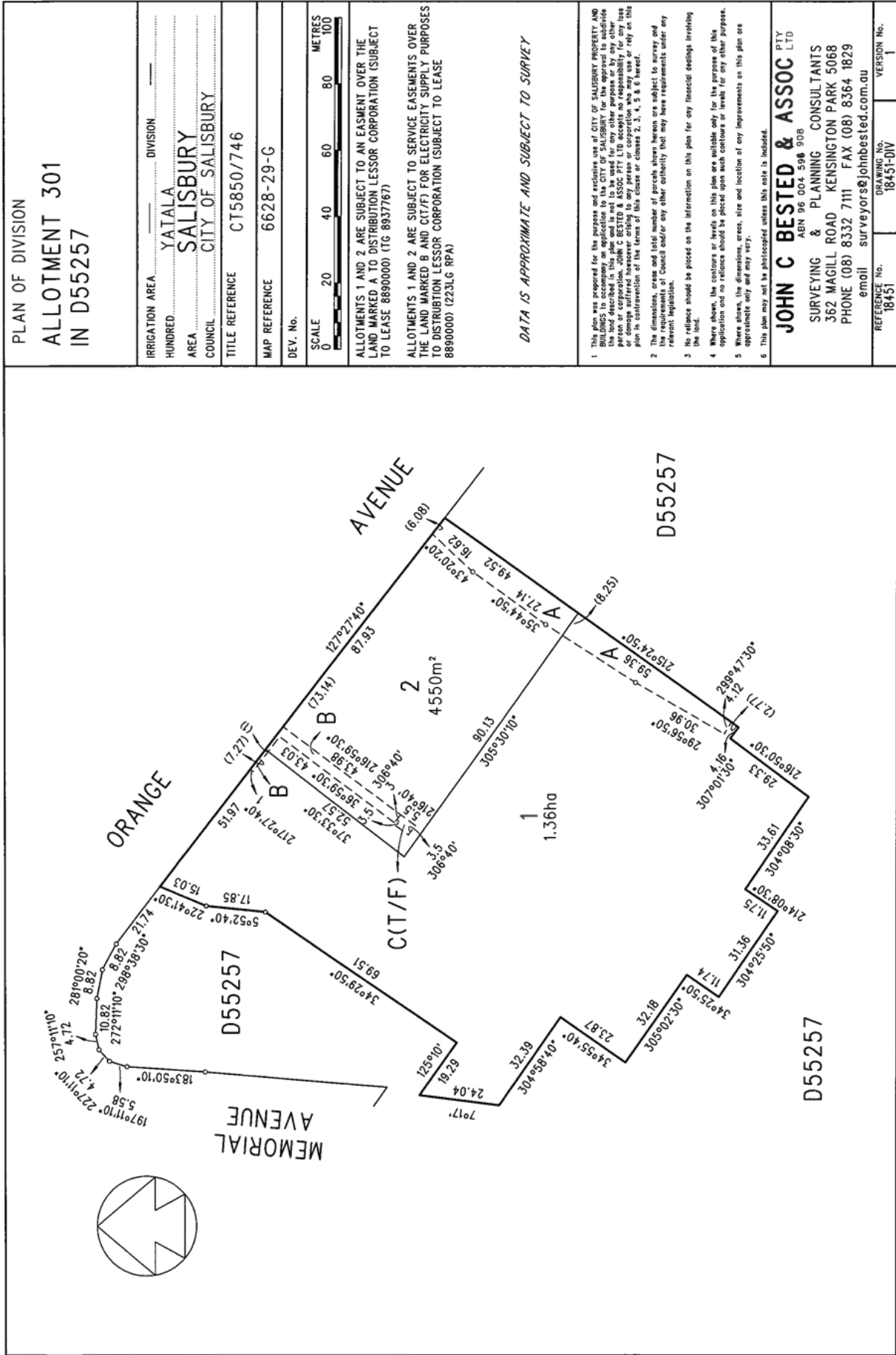




# Attachment 1

## Proposal Plan

Item 5.1.2 - Attachment 1 - Proposal Plan



**Attachment 2**  
Relevant Development Plan Extracts  
Consolidated 7 January 2016

# Development Plan

**Salisbury Council**

Consolidated - 7 July 2016

Please refer to the Salisbury Council page at [www.sa.gov.au/developmentplans](http://www.sa.gov.au/developmentplans) to see any amendments not consolidated.



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

Consolidated - 7 July 2016

## Table of Contents

<b>Introduction Section</b>	<b>1</b>
Amendment Record Table .....	3
Introduction to the Development Plan .....	5
Council Preface Map .....	10
<b>General Section</b>	<b>11</b>
<b>Advertisements</b> .....	<b>13</b>
Safety.....	14
Freestanding Advertisements .....	14
Flags, Bunting and Streamers .....	16
Advertising along Arterial Roads .....	16
<b>Animal Keeping</b> .....	<b>17</b>
Horse Keeping .....	17
Dairies .....	18
Intensive Animal Keeping .....	18
<b>Building near Airfields</b> .....	<b>21</b>
RAAF Base Edinburgh.....	21
<b>Bulk Handling and Storage Facilities</b> .....	<b>23</b>
<b>Centres and Retail Development</b> .....	<b>24</b>
Arterial Roads .....	25
Retail Development.....	25
<b>Coastal Areas</b> .....	<b>27</b>
Environmental Protection.....	27
Maintenance of Public Access.....	28
Hazard Risk Minimisation .....	29
Erosion Buffers .....	29
Land Division .....	30
Protection of Economic Resources.....	30
Development in Appropriate Locations.....	30
<b>Community Facilities</b> .....	<b>31</b>
<b>Crime Prevention</b> .....	<b>33</b>
<b>Design and Appearance</b> .....	<b>35</b>
Building Setbacks from Road Boundaries .....	36
<b>Energy Efficiency</b> .....	<b>38</b>
On-site Energy Generation .....	38

Consolidated - 7 July 2016

Salisbury Council  
Table of Contents

<b>Hazards</b> .....	<b>39</b>
Flooding .....	39
Bushfire .....	40
Salinity.....	41
Acid Sulfate Soils .....	41
Site Contamination.....	41
Containment of Chemical and Hazardous Materials .....	42
Landslip.....	42
<b>Heritage Places</b> .....	<b>43</b>
<b>Industrial Development</b> .....	<b>45</b>
<b>Infrastructure</b> .....	<b>47</b>
<b>Interface between Land Uses</b> .....	<b>49</b>
Noise Generating Activities .....	49
Air Quality.....	50
Rural Interface.....	50
<b>Land Division</b> .....	<b>52</b>
Design and Layout .....	53
Roads and Access .....	55
Land Division in Rural Areas.....	56
<b>Landscaping, Fences and Walls</b> .....	<b>57</b>
<b>Marinas and Maritime Structures</b> .....	<b>59</b>
<b>Metropolitan Open Space System</b> .....	<b>60</b>
<b>Mineral Extraction</b> .....	<b>62</b>
Separation Treatments, Buffers and Landscaping .....	63
<b>Natural Resources</b> .....	<b>64</b>
Water Sensitive Design.....	65
Biodiversity and Native Vegetation .....	67
Soil Conservation .....	69
<b>Open Space and Recreation</b> .....	<b>70</b>
<b>Orderly and Sustainable Development</b> .....	<b>73</b>
<b>Regulated Trees</b> .....	<b>74</b>
<b>Renewable Energy Facilities</b> .....	<b>75</b>
<b>Residential Development</b> .....	<b>76</b>
Design and Appearance.....	76
Overshadowing .....	77
Garages, Carports and Outbuildings .....	77
Street and Boundary Setbacks .....	77
Site Coverage .....	78
Private Open Space.....	78
Site Facilities and Storage .....	79

Consolidated - 7 July 2016

Visual Privacy .....	79
Noise .....	80
Car Parking and Access .....	80
Undercroft Garaging of Vehicles.....	81
Dependent Accommodation .....	81
Swimming Pools and Outdoor Spas .....	81
<b>Short-Term Workers Accommodation .....</b>	<b>82</b>
<b>Significant Trees.....</b>	<b>83</b>
<b>Siting and Visibility .....</b>	<b>85</b>
<b>Sloping Land.....</b>	<b>86</b>
<b>Supported Accommodation, Housing for Aged Persons and People with Disabilities .....</b>	<b>87</b>
<b>Telecommunications Facilities .....</b>	<b>89</b>
<b>Tourism Development.....</b>	<b>90</b>
Tourism Development in Association with Dwelling(s).....	90
Tourism Development Outside Townships.....	91
Residential Parks and Caravan and Tourist Parks.....	92
<b>Transportation and Access.....</b>	<b>93</b>
Land Use.....	93
Movement Systems .....	93
Cycling and Walking .....	94
Access .....	95
Access for People with Disabilities .....	95
Vehicle Parking.....	96
<b>Waste.....</b>	<b>98</b>
Wastewater.....	99
Waste Treatment Systems .....	99
<b>Waste Management Facilities .....</b>	<b>101</b>
<b>Overlay Section</b> .....	<b>105</b>
Strategic Transport Routes Overlay.....	107
<b>Zone Section</b> .....	<b>109</b>
Airfield (Parafield) Zone .....	111
Bulky Goods Zone.....	113
Caravan and Tourist Park Zone.....	117
Coastal Conservation Zone .....	121
Coastal Marina Zone .....	125
Coastal Open Space Zone .....	127

Consolidated - 7 July 2016

Salisbury Council  
Table of Contents

<b>Coastal Settlement Zone</b> .....	<b>130</b>
<b>Commercial Zone</b> .....	<b>133</b>
Precinct 1 Salisbury Plains Commercial.....	135
Precinct 20 Globe Derby Park Commercial.....	135
Precinct 22 Park Terrace and Stanbel Road Commercial .....	135
Precinct 23 Greenfields Commercial.....	136
Precinct 21 Para Hills West Commercial and Precinct 24 Pooraka Commercial.....	136
<b>Community Zone</b> .....	<b>140</b>
Globe Derby Park Policy Area 1 .....	141
<b>Deferred Urban Zone</b> .....	<b>143</b>
Precinct 2 Deferred Urban.....	144
Precinct 3 Deferred Industry.....	144
<b>District Centre Zone</b> .....	<b>147</b>
Ingle Farm Policy Area 2.....	149
Precinct 4 Community and Business.....	149
Precinct 5 Education.....	149
Precinct 6 Medium Density Residential.....	149
Precinct 7 Recreation .....	149
Precinct 8 Retail Core.....	149
Salisbury Town Centre Policy Area 3 .....	150
Precinct 9 Civic.....	151
Precinct 10 Commercial .....	151
Precinct 11 Community and Tertiary .....	152
Precinct 12 Interchange.....	152
Precinct 13 Retail Core.....	152
Salisbury Downs Policy Area 4 .....	154
Precinct 14 Bulky Goods .....	155
Precinct 15 Community .....	155
Precinct 16 Mixed Use.....	156
Precinct 17 Retail Core.....	156
<b>Hills Face Zone</b> .....	<b>159</b>
<b>Industry Zone</b> .....	<b>167</b>
Burton Poultry Processing Policy Area 5 .....	170
Greater Levels Policy Area 8 .....	171
Infrastructure Policy Area 9.....	172
Parafield Gardens Policy Area 10.....	174
Pooraka Policy Area 11.....	176
<b>Light Industry Zone</b> .....	<b>181</b>
Pooraka Market Eastern Policy Area 12.....	183
Pooraka Market Warehousing Policy Area 13 .....	185
<b>Local Centre Zone</b> .....	<b>188</b>
<b>Mineral Extraction Zone</b> .....	<b>191</b>
<b>Mixed Use (Bulky Goods, Entertainment and Leisure) Zone</b> .....	<b>194</b>

Consolidated - 7 July 2016



<b>Neighbourhood Centre Zone</b> .....	<b>199</b>
Precinct 18 Saints Road Neighbourhood Centre .....	201
<b>Open Space Zone</b> .....	<b>205</b>
Landscape Buffer Policy Area 14 .....	208
Recreation Policy Area 15 .....	209
<b>Primary Production Zone</b> .....	<b>213</b>
Precinct 19 Limited Residential Precinct .....	215
Aircraft Noise Policy Area 16 .....	216
Horticulture Policy Area 17 .....	217
<b>Residential Zone</b> .....	<b>223</b>
Salisbury Residential Policy Area 18 .....	227
Mawson Lakes Policy Area 22 .....	228
<b>Residential Hills Zone</b> .....	<b>232</b>
Castieau Estate Policy Area 21 .....	236
<b>Rural Living Zone</b> .....	<b>239</b>
Bolivar Policy Area 19 .....	241
Direk Policy Area 20 .....	242
<b>Urban Core Zone</b> .....	<b>245</b>
Mawson Innovation Policy Area 24 .....	253
Main Shopping Policy Area 25 .....	256
Airport Runway Control Area Policy Area 26 .....	259
<b>Urban Employment Zone</b> .....	<b>263</b>
<b>Table Section</b> .....	<b>273</b>
Table Sal/1 - Building Setbacks from Road Boundaries .....	275
Table Sal/2 - Off Street Vehicle Parking Requirements .....	277
Table Sal/2A - Off Street Vehicle Parking Requirements for Designated Areas .....	279
Table Sal/3 - Off Street Bicycle Parking Requirements .....	281
Table Sal/4 - State Heritage Places .....	282
<b>Mapping Section</b> .....	<b>285</b>
Map Reference Tables .....	287
Spatial Extent Maps .....	293
Bushfire Risk BPA Maps .....	603
Concept Plan Maps .....	609

Consolidated - 7 July 2016

Salisbury Council  
General Section  
Land Division

## Land Division

### OBJECTIVES

- 1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.
- 2 Land division that creates allotments appropriate for the intended use.
- 3 Land division layout that is optimal for energy efficient building orientation.
- 4 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.
- 5 Land division restricted in rural areas to ensure the efficient use of rural land for primary production and avoidance of uneconomic infrastructure provision.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 When land is divided:
  - (a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner
  - (b) a sufficient water supply should be made available for each allotment
  - (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health
  - (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.
- 2 Land should not be divided if any of the following apply:
  - (a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use
  - (b) any allotment will not have a frontage to one of the following:
    - (i) an existing road
    - (ii) a proposed public road
    - (iii) access to a public road via an internal roadway in a plan of community division
  - (c) the intended use of the land is likely to require excessive cut and/or fill
  - (d) it is likely to lead to undue erosion of the subject land or land within the locality
  - (e) the wastewater treatment plant to which subsequent development will be connected does not have sufficient capacity to handle the additional wastewater volumes and pollutant loads generated by such development
  - (f) the area is unsewered and cannot accommodate an appropriate onsite wastewater disposal system within the allotment that complies with (or can comply with) the relevant public and environmental health legislation applying to the intended use(s)

- (g) any allotments will straddle more than one zone, policy area or precinct
- (h) the allotments unreasonably restrict access to publicly owned land such as recreation areas.

### Design and Layout

- 3 Land divisions should be designed to ensure that areas of native vegetation and wetlands:
  - (a) are not fragmented or reduced in size
  - (b) do not need to be cleared as a consequence of subsequent development.
- 4 The design of a land division should incorporate:
  - (a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities
  - (b) new road and allotment access points providing appropriate separation distances from existing road junctions or level crossings
  - (c) safe and convenient access from each allotment to an existing or proposed road or thoroughfare
  - (d) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones
  - (e) suitable land set aside for useable local open space
  - (f) public utility services within road reserves and where necessary within dedicated easements
  - (g) the preservation of significant natural, cultural or landscape features including State and local heritage places
  - (h) protection for existing vegetation and drainage lines
  - (i) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development
  - (j) the preservation of significant trees.
- 5 Land division should result in allotments of a size suitable for their intended use.
- 6 Land division should facilitate optimum solar access for energy efficiency.
- 7 Land division within an area identified as being an 'Excluded Area from Bushfire Protection Planning Provisions' as shown on *Bushfire Protection Area BPA Maps - Bushfire Risk* should be designed to make provisions for:
  - (a) emergency vehicle access through to the Bushfire Protection Area and other areas of open space connected to it
  - (b) a mainly continuous street pattern serving new allotments that eliminates the use of cul-de-sacs or dead end roads
  - (c) a fire hazard separation zone isolating residential allotments from areas that pose an unacceptable bushfire risk by containing the allotments within a perimeter road or through other means that achieve an adequate separation.

**Salisbury Council**  
**General Section**  
**Land Division**

- 8 Residential allotments in the form of a battleaxe configuration should:
- contain sufficient area on the allotment for a vehicle to turn around to enable it to access and egress the allotment in a forward direction
  - provide a minimum setback of 1 metre between the 'handle' and any existing dwelling that is to be retained on the site
  - not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape
  - incorporate a landscape strip a minimum of 1 metre in width to enhance the appearance of the access way from the street
  - be avoided where their creation would be incompatible with the prevailing pattern of development.
  - provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:

Number of dwellings served by driveway	Width (for length of the driveway) (metres)
1	4
2-5	6
6 or more	6

- 9 Sufficient area for off-street visitor parking should be provided at the rate of 1 space for every 2 residential allotments created through a battleaxe land division.
- 10 Allotments should have an orientation, size and configuration to encourage development that:
- minimises the need for earthworks and retaining walls
  - maintains natural drainage systems
  - faces abutting streets and open spaces
  - does not require the removal of native vegetation to facilitate that development
  - will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.
- 11 Within defined townships and settlements where the land to be divided borders a river, lake, wetland or creek, the land adjoining the bank should become public open space and linked with an existing or proposed pedestrian or transport network.
- 12 Within defined townships and settlements, land division should make provision for a reserve or an area of open space that has a width of at least:
- 30 metres from the top of the bank of the Little Para River, Dry Creek, or Cobbler Creek
  - 25 metres from the top of the bank of any other watercourse.
- 13 The layout of a land division should keep flood-prone land free from development.

## Open Space and Recreation

### OBJECTIVES

- 1 The creation of a network of linked parks, reserves, recreational trails and recreation areas at regional and local levels.
- 2 Pleasant, functional and accessible open spaces providing a range of physical environments.
- 3 A wide range of settings for active and passive recreational opportunities.
- 4 An appropriate quantity, quality and distribution of open space that reflects the local, neighbourhood, district, council wide and regional needs of the community as reflected by indicators such as population density and demographic structure
- 5 The provision of open space in the following hierarchy:
  - State
  - Regional
  - District
  - Neighbourhood
  - Local.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Urban development should include public open space and recreation areas.
- 2 Public open space and recreation areas should be of a size, dimension and location that:
  - (a) facilitate a range of formal and informal recreation activities
  - (b) provide for the movement of pedestrians and cyclists
  - (c) incorporate existing vegetation and natural features, watercourses, wildlife habitat and other sites of natural or cultural value
  - (d) link habitats, wildlife corridors, public open spaces and existing recreation facilities
  - (e) enable effective stormwater management
  - (f) provides for the planting and retention of large trees and vegetation.
- 3 Open space should be designed to incorporate:
  - (a) pedestrian, cycle linkages to other open spaces, centres, schools and public transport nodes
  - (b) park furniture, shaded areas and resting places to enhance pedestrian comfort
  - (c) safe crossing points where pedestrian routes intersect the road network
  - (d) easily identified access points
  - (e) frontage to abutting public roads to optimise pedestrian access and visibility
  - (f) re-use of stormwater for irrigation purposes

Salisbury Council  
General Section  
Residential Development

## Residential Development

### OBJECTIVES

- 1 Safe, convenient, pleasant and healthy-living environments that meet the full range of needs and preferences of the community.
- 2 An increased mix in the range and number of dwelling types available within urban boundaries to cater for changing demographics, particularly smaller household sizes and supported accommodation.
- 3 Higher dwelling densities in areas close to centres, public and community transport and public open spaces.
- 4 The regeneration of selected areas identified at zone and/or policy area levels.
- 5 Affordable housing and housing for aged persons provided in appropriate locations.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Residential allotments and sites should have the appropriate orientation, area, configuration and dimensions to accommodate:
  - (a) the siting and construction of a dwelling and associated ancillary outbuildings
  - (b) the provision of landscaping and private open space
  - (c) convenient and safe vehicle access and off street parking
  - (d) passive energy design.
- 2 Buildings on battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining properties.
- 3 Residential allotments should be of varying sizes to encourage housing diversity.
- 4 Dwellings constituting affordable housing should be located to optimise access to shops, social services and facilities, or public transport.
- 5 Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should typically be in the form of 2 to 4 storey buildings.
- 6 High density development that achieves gross densities of more than 45 dwellings per hectare (which translates to net densities of more than 67 dwellings per hectare) should typically be in the form of over 4 storey buildings.

### Design and Appearance

- 7 Where a dwelling has direct frontage to a street the dwelling should be designed to provide surveillance and address the street.
- 8 Entries to dwellings should be clearly visible from the streets that they front to enable visitors to identify a specific dwelling easily.

## Residential Zone

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

### OBJECTIVES

- 1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.
- 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.
- 3 A zone primarily accommodating a range of dwellings to meet the diverse needs and preferences of the community.
- 4 Revitalisation of under-utilised suburbs, particularly public housing areas, to facilitate the provision of a greater mix of housing types and improved residential amenity.
- 5 Residential development designed and insulated to minimise effects of predicted aircraft noise and industrial noise.
- 6 Development that contributes to the desired character of the zone.

### DESIRED CHARACTER

The zone covers a substantial portion of the Council area and is home to a large and diverse population. The zone is suitable for a range of low to medium density housing, with higher density in appropriate locations. In addition to housing and open space, the zone will also contain a variety of community related, non-residential land uses that contribute to the creation of pleasant, connected, well serviced and socially inclusive neighbourhoods.

A full range of dwelling types on a variety of allotment sizes will be provided, including affordable housing, special needs housing and housing for the aged in appropriate locations. Housing form will be diverse and cater for different household sizes, life cycle stages and housing preferences and will be cost-effective, energy efficient and will make efficient use of available sites. Older neighbourhoods will experience change through turnover in population and ageing of existing residents which will generate a need for more housing diversity as well as changes in density and different services and facilities to complement these changes.

Residential development will reflect a variety of building styles, yet where a consistent character exists, new buildings will be designed to harmonise with that which is existing in terms of form, mass, scale, colours and textures of materials and setback distances. A cohesive built form will be achieved through design elements such as interesting roof forms, articulated buildings, recessed vehicle garaging, and landscaped spaces between buildings and the public road. Buildings will include windows, doors and balconies that overlook the street and areas of public open space to promote surveillance and community interaction.

Setbacks to local streets will be used to enable landscaping to be provided to soften the built form and improve amenity for residents and pedestrians. The visual and physical impact of vehicle access points will be minimised by reducing both the number of access points and the width of associated crossovers and driveways. Sealed surfaces will be minimised to reduce stormwater run-off and to also provide opportunities for landscaping to improve visual amenity. Development will seek to protect and retain regulated trees that contribute to the character of the area.

In order to achieve a compact urban form an overall increase in the residential density is desirable in select locations, in keeping with the objectives for development in the Zone, although it is anticipated that the predominant form of housing will remain detached dwellings at low to medium density throughout much of the zone. Co-ordinated infill housing, redevelopment and refurbishment of existing housing are encouraged

**Salisbury Council**  
**Zone Section**  
**Residential Zone**

to maximise use of the community investment in facilities and services in existing residential areas that are located close to centres and community services. Opportunities exist to gradually develop under-utilised and vacant land within established areas, particularly when a specific housing need arises within the population, but also as an opportunity for improving access to existing services and facilities. Co-ordinated and efficient development of larger sites containing multiple allotments is encouraged in order to achieve greater housing density and diversity.

Medium density forms of housing including semi-detached dwellings, row dwellings, residential flat buildings and group dwellings are encouraged in areas with good access to services and facilities. Concentrated nodes of medium density development of up to 4 storeys in height are anticipated in areas close to centres, public transport and significant public open space, and are to be developed in a co-ordinated and orderly manner. Typically this will involve the amalgamation of sites and will result in development that compliments the prevailing character. A transition in building height will be necessary to ensure issues of overlooking is minimised and solar access maintained.

Development will be of a form and scale compatible with adjoining residential development. As part of the increase in residential density there will be an increase in the number of dwellings of two or more storeys. Such development will recognise the proximity of adjoining development and will be designed and sited to maintain the privacy of adjoining dwellings and their private open space areas, and will be designed to integrate with the existing built form.

Development of land with a known history of a potentially contaminating activity will occur once the site has been assessed and remediated to the standard necessary to ensure it is safe and suitable for the proposed use.

Development in areas which adjoin industrial land uses and areas affected by aircraft noise as identified in [Concept Plan Map Sal/2 - Edinburgh Defence Airfield Aircraft Noise Exposure](#) should be designed, sited and constructed to minimise the effects of noise.

## PRINCIPLES OF DEVELOPMENT CONTROL

### Land Use

- 1 The following forms of development are envisaged in the zone:
  - affordable housing
  - domestic outbuilding in association with a dwelling
  - domestic structure
  - dwelling
  - dwelling addition
  - small scale non-residential use that serves the local community, for example:
    - child care facility
    - health and welfare service
    - open space
    - primary or secondary school
  - recreation area
  - supported accommodation.
- 2 Development listed as non-complying is generally inappropriate.
- 3 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible in form, scale and design with adjoining residential development.
- 4 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:
  - (a) serves the local community
  - (b) is consistent with the character of the locality