



AGENDA

FOR DEVELOPMENT ASSESSMENT PANEL MEETING TO BE HELD ON

24 JANUARY 2017 AT 6:00 PM

IN THE COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY

MEMBERS

Mr D Wallace (Presiding Member)
Mr R Bateup
Ms L Caruso
Ms S Johnston
Mr 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
Development Officer – Planning, Mr C Carrey
Development Officer – Planning, Ms K Thrussell

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Development Assessment Panel Meeting held on 13 December 2016.

REPORTS

Development Applications

5.1.1	361/2086/2016/2T	13
	Removal of a Regulated Tree on Road Reserve Adjacent 27 Andrew Smith Drive, Parafield Gardens for City of Salisbury	
5.1.2	361/2237/2016/2T	83
	Removal of a Regulated Tree on Road Reserve Adjacent 58 Canterbury Drive, Salisbury Heights for City of Salisbury	
5.1.3	361/1219/2016/NB	141
	Change of use (unit 7) to place of worship for temporary period of five (5) years (non-complying development) at Unit 7, 38-50 Barndioota Road, Salisbury Plain for Omega Fire Ministries International Inc.	

OTHER BUSINESS

CLOSE

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

13 DECEMBER 2016

MEMBERS PRESENT

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

STAFF

General Manager City Development, Mr T Sutcliffe
Manager Development Services, Mr C Zafiropoulos
Team Leader – Planning, Mr A Curtis
Development Officer – Planning, Mr C Carrey
Principal Planner, Mr G Pantelos
Planning Consultant, Mr D Starr

The meeting commenced at 6:00 pm.

The Presiding Member welcomed the members, staff and the gallery to the meeting and provided an overview of the meeting procedure and role of the Panel.

APOLOGIES

Apologies were received from Mr J Watson.

PRESENTATION OF MINUTES

The Panel resolved that:

The Minutes of the Development Assessment Panel Meeting held on 22 November 2016, be taken and read as confirmed.

REPORTS

Development Applications

5.1.1 361/1258/2016/2B

Concrete batching plant incorporating 13 metre high cement storage silo and acoustic wall in association with existing concrete production facility (industry) at 39-45 Maxwell Road, Pooraka, SA 5095 for Holcim Pty Ltd

Hearing commenced at 6:03 pm.

REPRESENTORS

R & L Thalbourne, spoke to their representation.

APPLICANT'S RESPONSE

Damien Richards, National Operation and Engineering Manager, appeared on behalf of the applicant, Holcim.

Simone Fogarty, GHD Planning Consultant, appeared on behalf of the application, Holcim.

Hearing concluded 6:32 pm.

Mr R Bateup moved, and the Panel resolved that:

- A. The proposed development is not considered to be seriously at variance with the Salisbury Council Development Plan – Consolidated 5 May 2016.
- B. Pursuant to Section 33 of the *Development Act 1993*, Development Plan Consent is **GRANTED** to application number 361/1258/2016/2B for Concrete batching plant incorporating 13 metre high cement storage silo and acoustic wall in association with existing concrete production facility (industry) in accordance with the plans and details submitted with the application and subject to the following conditions:

Reserved Matters:

The following matters shall be submitted for further assessment and approval by the Manager – Development Services, as delegate of the Development Assessment Panel, as Reserved Matters under Section 33(3) of the *Development Act 1993*:

1. The Applicant shall submit to Council for Approval, a detailed landscaping schedule which shall include the following:
 - a) Provide for a mix of shade trees, shrubs and groundcovers
 - b) Provide for screening trees and shrubs, achieving a height of at least 4m at maturity, adjacent to the acoustic wall (i.e. between the wall and Bridge Road)
 - c) Designate the location for all landscaping areas (existing and proposed)
 - d) Provide for an appropriate irrigation system
2. The Applicant shall submit to Council for Approval, a detailed final design for the acoustic wall which shall include finishes, colours and surface treatments.

Development Plan Consent Conditions

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:

Drawing No.	Plan Type	Date	Prepared By
HOL-774-001 Revision F	Site Plan	Received stamped 25/11/2016	Holcim
HOL-774-006 Revision C	Batch Plant Site Plan	Received stamped 25/11/2016	Holcim
HOL-777-008	Mobile 15 GA - Elevation	Received stamped 29/06/2016	Holcim
HOL-774-009	Mobile 15 – GA - Plan	Received stamped 29/06/2016	Holcim
Drawing 1 – Revision A – Project 774	Batching Plant Pavement Plan	Received Stamped 26/10/2016	Holcim
HOL-990-01 Revision C	Admixture Tank Container Layout	Received stamped 29/06/2016	Holcim
GHD Planning Report 'Concrete Batching Plant – Planning Application'	Planning Report and associated appendices	28 June 2016	GHD

Response to the Environment Protection Authority Request for Additional Information	Response letter and associated appendices	26 October 2016	Holcim
Response to Public Submissions	Response letter and associated appendices	26 October 2016	Holcim

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

- The Developer shall employ measures to eliminate dust emission from the site during construction period and during operation so as not to cause nuisance to adjoining residents

Reason: To preserve the amenity of the locality during construction work and operation of the site.

- Measures shall be employed to minimise dust emission from all proposed hardstand areas. Any material spills shall be immediately removed and the affected area hosed down with water.

Reason: To minimise dust emissions from the site.

- Site work, demolition work and building work shall be carried out only between the hours of 7.00am to 6.00pm Monday to Saturday

Reason: To limit the effect of construction on the amenity of the locality.

- Except where varied by Development Plan Condition 23 (as directed by the EPA) the approved use operating times shall be limited Monday to Friday 6.00am to 6.00pm and Saturday 7.00am to 2.00pm with no activity on Sundays and Public Holidays

Reason: To limit the effect of nuisance to residents living in the locality.

- Prior to operation, the acoustic wall must be fully constructed on the subject land.

Reason: To limit the effect of the use on the amenity of the locality.

- The acoustic wall shall be maintained in good repair at all times to the reasonable satisfaction of Council. All graffiti is to be removed within 24 hours.

Reason: To maintain the visual amenity of the locality.

8. The designated landscaping areas shall be planted with shade trees, shrubs and ground covers as appropriate to complement the approved buildings and site layout and achieve a high level of amenity. Trees and screening shrubs shall be located to obscure views of large blank walls and less attractive elements of the development. All landscaping shall be maintained (including the replacement of diseased or dying plants and the removal of weeds and pest plants) to the reasonable satisfaction of Council. All landscaping is to be completed within 3 months of the approved use commencing.

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

9. Outside lighting shall be restricted to that necessary for security purposes only and shall be directed and shaded to prevent light overspill and/or nuisance to adjacent occupiers or distraction to drivers on adjacent public roads.

Reason: To ensure that floodlighting does not cause nuisance or danger to adjoining occupiers or road users thereby reducing the amenity of the locality and/or making road use unsafe.

10. All mechanical services to the building and in conjunction with the proposed use shall be designed, installed and operated in such a manner that any person or persons working within or adjacent to the site should not be subjected to any nuisance or inconvenience from noise or fumes.

Reason: To limit the effect of the mechanical services for activities on the subject land within the site, thereby maintaining the amenity of the locality.

11. All loading and unloading of vehicles and manoeuvring of vehicles in connection with the now approved land use shall be carried out entirely within the subject land.

Reason: To ensure that vehicles associated with the land use do not cause disruption of danger to vehicles on adjoining public roads.

Conditions Directed by the Environment Protection Authority (EPA)

12. All stockpiles of raw materials must be located within storage bunkers and stored below the height of the bunker walls in order to minimise dust effects from prevailing winds.

Reason: EPA Directed Condition

13. Sprinklers must be installed and utilised on the bunker walls as required to keep the material damp

Reason: EPA Directed Condition

14. Prior to operation, the weigh hopper must be roofed and enclosed on three sides to minimise dust during the loading of sand and aggregate and the cement hopper must be fitted with a filter to capture cement dust

Reason: EPA Directed Condition

15. Prior to operation, the storage silos must be fitted with a filter to eliminate dust emissions whilst filling.

Reason: EPA Directed Condition

16. The storage silos must be fitted with high level visible and audible alarms, to guard against overfilling and be fitted with an automatic delivery shutdown and test capability.

Reason: EPA Directed Condition

17. All stormwater must be captured within the batching area and reused within the concrete batching process.

Reason: EPA Directed Condition

18. Prior to operation, the truck washout pits and settlement ponds must be concrete lined.

Reason: EPA Directed Condition

19. All truck barrel washwater must be directed to the wastewater collection system.

Reason: EPA Directed Condition

20. Solid waste must be stored in a concrete-lined bay for drying and all leachate must be directed to the wastewater collection system.

Reason: EPA Directed Condition

21. Chemical liquids must be stored within a bunded area with a capacity of at least 120% of the net capacity of the largest container and be designed and constructed to prevent the escape of material into surface or underground water resources.

Reason: EPA Directed Condition

22. Prior to operation, all recommended acoustic treatment measures listed on page 9 of the report titled Environmental Noise Assessment (prepared by Sonus, dated 23 June 2016, reference S4788C5) must be constructed.

Reason: EPA Directed Condition

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23. Concrete mixer truck activities at the hardstand area must only occur after 7am.

Reason: EPA Directed Condition

24. Prior to operation, the acoustic treatment measures detailed in the letter from Sonus to GHD dated 20 October 2016 must be constructed (reference: S4788C7).

Reason: EPA Directed Condition

25. The acoustic wall must be constructed to the extent indicated in Figure 1 of the letter from Sonus to GHD dated 20 October 2016 (reference: S4788C7) and in accordance (i.e. height and acoustic performance) with Appendix D of the letter from Holcim to the EPA dated 26 October 2016.

Reason: EPA Directed Condition

Advice Notes

1. The conditions imposed herein shall be in addition to conditions that apply to the subject property from previous approvals that remain active.
2. A clearance separation area should be provided between opposing flows of material delivery to the storage bins (on the northern side of the proposed batch plant) and trucks moving into the loading positions within the batch plant.
3. A Standard Operating Procedure (SOP) should be implemented to support the behavior of staff and/or contractors using the batch plant area to ensure caution is taken when a vehicle can leave the loading bay while a vehicle is in the material storage area (or vice versa).

Environment Protection Authority

2. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
3. An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain any changes to current licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence

4. A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
5. The EPA's Guidelines for Bunding and Spill Management provide assistance with appropriate design and management of bunded areas and can be obtained from: http://www.epa.sa.gov.au/files/47717_guide_bunding.pdf
EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site:
<http://www.epa.sa.gov.au>

5.1.2

361/1549/2016/3B

Place of Worship and associated activities and a cemetery, carparking, landscaping and stormwater arrangements. at 256-258 Bridge Road, Pooraka for Shia Community of South Australia

Hearing commenced at 6:54 pm.

REPRESENTORS

Cr D Bryant spoke on behalf of Mrs Phillips and Ms Higgins, residents of retirement village, on behalf of their representation.

Cr S Reardon spoke to their representation.

CJ Byster and RP Byster spoke to their representation.

A Eldridge, spoke to their representation.

A Linscott, spoke to their representation.

K Bennett, spoke to their representation and petition.

S Burgess, Concerned Citizens South Australia Inc., spoke to their representation.

V Tipping represented JP Tipping, and spoke to their representation.

APPLICANT'S RESEPONSE

Lou Fantasia, Planning Consultant, spoke on behalf of the applicant.

Paul Simons, Tonkin Consulting, spoke on behalf of the applicant.

Jack Horan, Tonkin Consulting, spoke on behalf of the applicant.

Samantha West, Tonkin Consulting, spoke on behalf of the applicant.

Hearing adjourned at 7:56 pm.

Hearing resumed at 8:02 pm.

Hearing concluded at 8:26 pm.

The Presiding Member asked people in the gallery that were disrupting the meeting to leave the meeting at 8:37pm.

Mr R Bateup moved, Ms S Johnston seconded, and the Panel resolved:

- A. That consideration of the application be deferred to enable the applicant to provide further information in relation to:
- An alternative location(s) for the proposed playground.
 - Provision for overflow parking for peak demand periods.
 - Validation of existing traffic volumes and currency of traffic data.

OTHER BUSINESS

5.2.1 Status of Current Appeal Matters and Deferred Items

No updates.

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 24th January 2017.

The meeting closed at 8:57 pm.

PRESIDING
MEMBER.....

DATE.....

ITEM	5.1.1
	DEVELOPMENT ASSESSMENT PANEL
DATE	24 January 2017
APPLICATION NO.	361/2086/2016/2T
APPLICANT	City of Salisbury
PROPOSAL	Removal of a Regulated Tree on Road Reserve
LOCATION	Adjacent 27 Andrew Smith Drive, Parafield Gardens, SA 5107
CERTIFICATE OF TITLE	N/A
AUTHOR	Chris Carrey, Development Officer, City Development

1. DEVELOPMENT APPLICATION DETAILS

Zone/Policy Area	Residential Zone
Application Type	Merit Category 2
Public Notification	Representations received: Five (5) Representations to be heard: Four (4)
Referrals - Statutory	Nil
Referrals – Internal	Independent arborist report
Development Plan Version	Salisbury Council Development Plan Consolidated 7 July 2016
Assessing Officer	Chris Carrey, Development Officer, City Development
Recommendation	Refuse Development Plan Consent
Meeting Date	24 January 2017

2. REPORT CONTENTS

Assessment Report

Attachment 1:	Supporting Documentation
Attachment 2:	Notice of Category 2 Application and Copies 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 *Eucalyptus sideroxylon* (Iron Bark) adjacent 27 Andrew Smith Drive, 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 the removal of the tree was made in early/mid 2016 by Mrs Anna Harward, the tenant of 27 Andrew Smith Drive, Parafield Gardens who raised concerns regarding the dropping of tree litter, safety concerns related to the dropping of limbs and health concerns of her husband which affect their ability to manage the property.

Council's Tree Services inspected the tree and subsequently arranged for an independent contractor to inspect and treat the tree for termites. Termite treatment was carried out on 11 July 2016.

Based on their inspection and the results of the termite assessment, Council's Tree Services Section considered the tree to be structurally sound. However, the request for removal of the tree was considered at Council's Tree Removal Committee on 14 September 2016 and consistent with their internal procedures, they considered that the request for removal of the tree satisfied Clause 12 under the City of Salisbury's Tree Removal Criteria as follows:

Genuine Hardship

- a. *The person/resident is receiving HACC or a community care service; or*
- b. *The persons/resident does not have the functional ability to relieve the nuisance caused by the tree; or*
- c. *The person/resident is aged or frail and has moderate, severe or profound disabilities which prevent them from relieving the nuisance caused by the tree; or*
- d. *The person/resident is a carer of a person that meets the above criteria*

Due to the tree being a regulated tree with a circumference of 2.67m at 1m above ground level, Council's Tree Services staff lodged a development application on 21 October 2016 requesting removal of the tree under the *Development Act 1993*.

5. SUBJECT SITE

The site of the development comprises road verge adjacent 27 Andrew Smith Drive, Parafield Gardens. The road reserve in this location is approximately 20m wide with the formed road carriageway being about 13m, constructed of bitumen and having concrete kerb and channel on both sides. Andrew Smith Drive has a 50km/h speed limit, single lanes in both directions with painted cycle lanes on both sides of the carriageway.

The subject tree is a *Eucalyptus sideroxylon* (Iron Bark), located on the northern side of Andrew Smith Drive, approximately 0.5m west of the existing crossover serving 27 Andrew Smith Drive and very close to the back of the kerb.

Photos of the tree are provided below.



Photo 1: Looking east toward the tree on Andrew Smith Drive



Photo 2: Looking north-east toward the tree from the Andrew Smith Drive junction with Hemming Street



Photo 3: Looking west toward the tree on Andrew Smith Drive

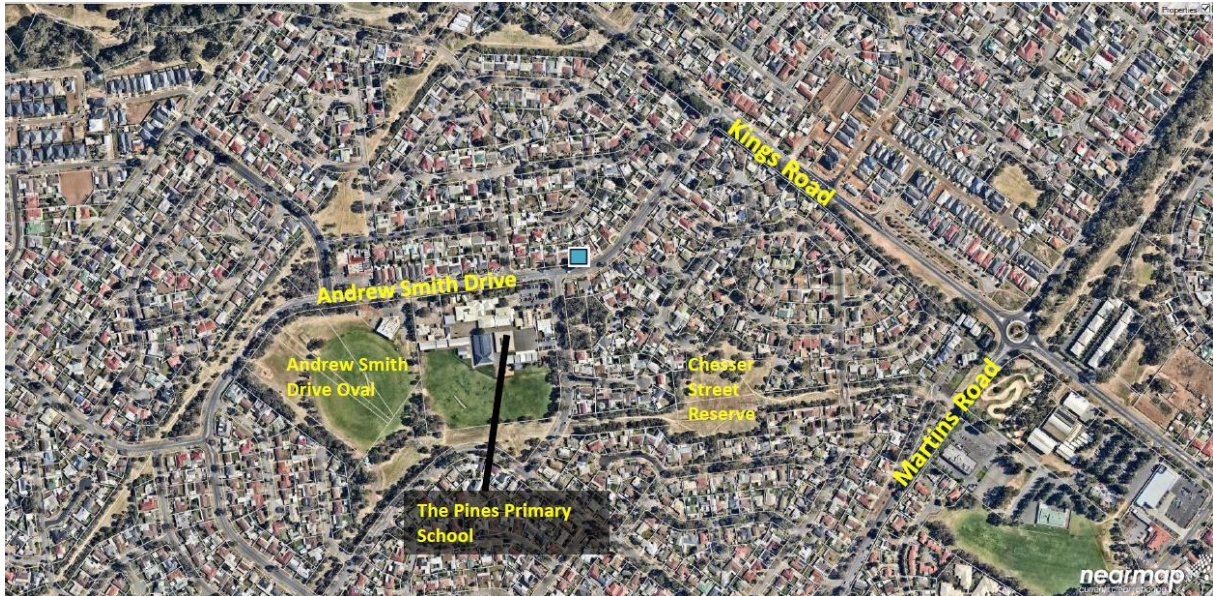


Photo 4: Looking west toward the tree on Andrew Smith Drive


6. LOCALITY

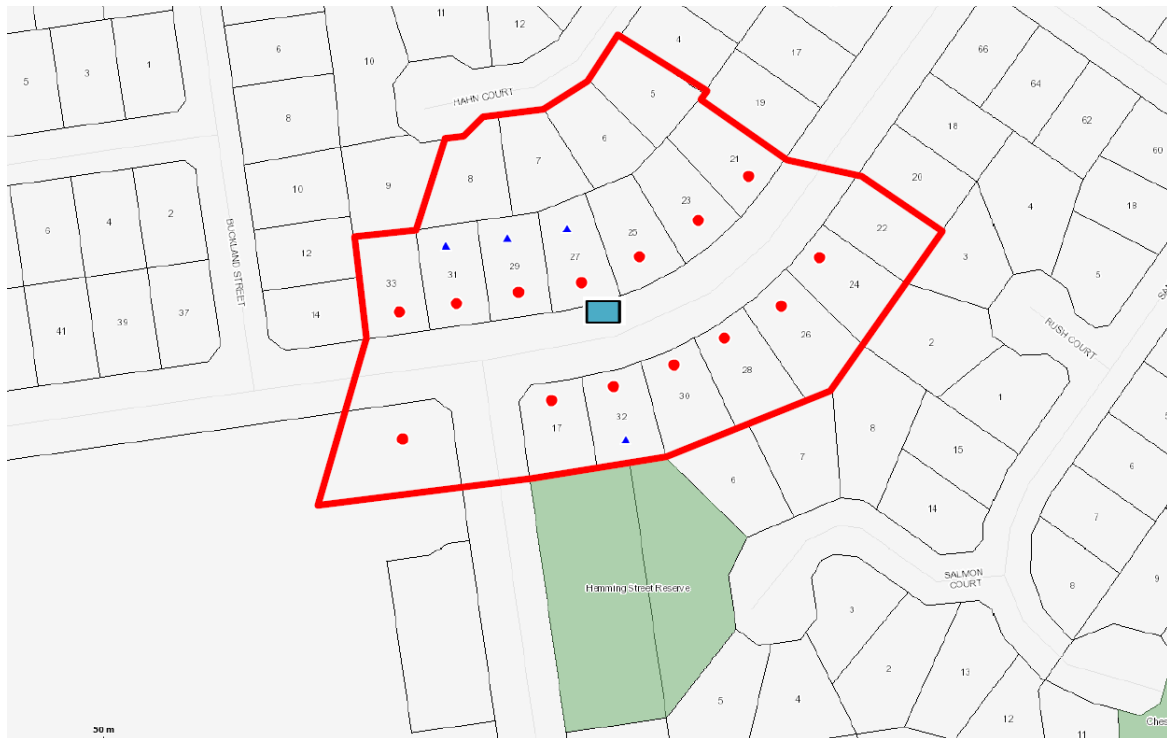
A locality plan and contextual plan are provided below.

Locality Plan – Aerial







Source: NearMap

Legend	
	Subject tree

Locality Plan – Cadastre

Source: Dekho

(Note: 2 representations were received from 27 Andrew Smith Drive)

Legend	
	Subject tree
	Locality boundary
	Properties notified
	Representor

Contextual Plan:

Source: Dekho

(Note: 2 representations were received from 27 Andrew Smith Drive)

Legend	
	Subject tree
	Locality boundary
	Properties notified
	Representor

7. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks removal of a *Eucalyptus sideroxylon* (Iron Bark). The subject tree has a height of about 21m, a trunk circumference of 2.67m at 1m above ground level and has a canopy spread south of 8.8m, north of 7.7m, west of 9m and east of 10m.

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

8. CLASSIFICATION

The site is located within the Residential Zone under the Salisbury Council Development Plan, Consolidated 7 July 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 26 October and 11 November 2016. Five 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	Julie Harward 27 Andrew Smith Drive Parafield Gardens SA 5107	√
2	John & Judith Allman 32 Andrew Smith Drive Parafield Gardens SA 5107	√
3	Maria Lucas Tago 29 Andrew Smith Drive Parafield Gardens SA 5107	√
4	Brad & Anna Harward 27 Andrew Smith Drive Parafield Gardens SA 5107	√
5	James & Jenelle King 31 Andrew Smith Drive Parafield Gardens SA 5107	No

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>Julie Harward, 27 Andrew Smith Drive, Parafield Gardens</i>
<ul style="list-style-type: none"> The positioning of the tree and the size of the trunk obscures our vision when reversing out of the property and may cause a traffic accident The tree drops branches on to the property and road verge creating an unsightly mess Clearing of the dropped branches is a financial burden
<i>John & Judith Allman, 32 Andrew Smith Drive, Parafield Gardens</i>
<ul style="list-style-type: none"> The tree poses a risk to the safety of residents at 27 Andrew Smith Drive and to other parked cars, pedestrians especially at school pick up/drop off times The tree previously dropped one major branch which blocked Andrew Smith Drive

<i>Maria Lucas Tiago, 29 Andrew Smith Drive, Parafield Gardens</i>
<ul style="list-style-type: none"> • The tree poses a risk to pedestrians and traffic due to falling branches • Falling branches/litter block road drains
<i>Brad & Anna Harward, 27 Andrew Smith Drive, Parafield Gardens</i>
<ul style="list-style-type: none"> • The tree poses a risk to our safety, as well as to pedestrians and traffic • We have witnessed school children slipping on fallen leaf litter and trip over the footpath which has been lifted by the tree roots • The tree has previously dropped a large limb • Branches may fall on children/parents/cars during school pick up and drop off times • Tree litter is unsightly • The root system of the tree has damaged stormwater drains • We have had to replace roof gutters and install gutter guard due to the falling tree litter
<i>James & Jenelle King, 31 Andrew Smith Drive, Parafield Gardens</i>
<ul style="list-style-type: none"> • Removal of the tree would benefit our neighbours at 27 Andrew Smith Drive and make their life easier without leaves dropping into their gutters and on their lawn

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:

- *The subject tree is in good health, displays no notable defects and does not constitute a material risk to persons or property of significant value*
- *Applying the International Society of Arboriculture tree risk assessment method, a low risk rating was determined*
- *The subject tree provides a high level of amenity to the locality and pruning options are available*
- *The subject tree is worthy of retention*

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

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 Council Development Plan, Consolidated 7 July 2016.

Assessment

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

An extract of the relevant Development Plan, Consolidated 7 July 2016, is contained in Attachment 4. The relevant provisions are also highlighted in the Attachment.

Appearance of Tree

Under the General Section: 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.*

To consider the aesthetic benefits of the tree and its contribution to the character and visual amenity of the locality, a visual inspection was undertaken from a number of vantage points within the locality.

The tree was observed as being a notable element in the locality, having regard to its height and appearance. The tree is readily visible from a number of vantage points within the street and is considered to have an attractive canopy and trunk.

As part of Council's 2015/2016 Streetscape Renewal Program a number of trees were removed from this locality, with replacement planting having taken place. The subject tree was reviewed at that time and was considered appropriate to be retained as part of this program. At 21m tall, the tree is considered to form a notable element of the landscape and is visually dominant relative to the replacement trees. 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 General Section: Regulated Trees module in the Development Plan, Principle of Development Control (PDC) 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;*

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 summarised from the report:

Health and Life Expectancy

Tree health is considered to be good. All leaders and lateral branches are healthy and actively growing. The tree is free from notable pests and diseases.

It is expected to offer a relatively long useful life expectancy under existing environmental conditions and with ongoing management and regular maintenance by a qualified arborist.

Structure

The trunk appears to be sound, stable with no cavities. There is no evidence of internal decay or termite damage. Good trunk taper is also apparent.

Attachment points appear to be sound and free of any recognisable structural flaws or weaknesses that can be observed from ground. The tree displays no apparent history of branch failure.

Tree form is typical of the species; however minor overextension issues are noted particularly on the tree's southern side upper-crown.

A number of pruning scars are noted on the tree's northern side. The pruning has been completed to provide clearance away from adjacent private property. This pruning has occurred over a number of pruning events. Reactionary wood is noted around or has completely engulfed the older of these scars.

Given existing defects are relatively minor in nature, pruning is not immediately necessary.

Damage to a Building

The tree is not causing damage to a building or property of significant value.

Only a minor section of the crown extends over private property.

No structures of significant value are located under the canopy of the subject tree except adjacent privately owned boundary fencing.

No constant use (habitable) targets such as a dwelling 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 PDC 2.

It is noted the representors raised concern that the tree had previously dropped a large limb and photographs were provided to that effect. Council's Tree Services section has advised that particular branch failure occurred in 2011 and it did not affect the structural integrity of the tree. Maintenance pruning has been undertaken on two occasions since then. There is no record of maintenance pruning having occurred prior to 2011.

The concerns raised by the representors that the tree is damaging the stormwater drains and footpath paving is not considered to be relevant to clause (c) as these are not 'buildings' and so carry limited weight in this assessment. Similarly, the concern that the tree drops excess litter which is unsafe and unsightly, is not a reason for removal as contained within the provisions of the General Section: Regulated Trees module of the Development Plan and thus carries limited weight in this assessment.

Tree Pruning

The independent consultant has 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:

Pruning options are available to address crown defects to reduce the future failure potential of this tree and to maintain risk to acceptable levels.

I do recommend pruning occur as part of Council's ongoing maintenance program and assessment of tree health, stability and management requirements every 18 to 24 months, subject to the growth rate of the tree

A copy of the Symatree report has been provided to Council's Tree Services Staff to consider as part of their ongoing maintenance program should the tree be retained.

Traffic Concern

As some of the representors raised concerns that the tree is obstructive and poses a traffic risk, the development was referred to Council's Traffic Section for consideration. A summary of their response is included below:

The typical road cross-section of the overall length of Andrew Smith Drive, and in particular adjacent to this property includes a 1.20 metre wide on-road bicycle lane and a 2.30 - 2.50 metre wide on-street parking lane. These existing features provide separation between the verge area and the traffic lane for north-bound traffic flow along this section of Andrew Smith Drive, these auxiliary lanes provide more than adequate sight-distance to the left between a vehicle attempting to reverse out from this property and oncoming traffic flow

The use of these auxiliary type lanes when attempting to reverse out from private property at this site will assist in efficient and safe egress. They provide the ability for a stationary vehicle (provided the lanes being clear) to wait on-road whilst attempting to merge with north-bound traffic flow along Andrew Smith Drive. Or alternatively, provide adequate sight-distance to the left between a vehicle attempting to reverse out from this property to travel south and oncoming traffic flow in either direction

Given the above comments, the subject tree is not considered to pose a risk to traffic safety. This adequately addresses the concerns raised 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. Regular maintenance, monitoring and pruning of the tree is recommended as part of Council's tree management program.

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 Council Development Plan – Consolidated 7 July 2016.
- B. Pursuant to Section 33 of the *Development Act 1993*, Development Plan Consent is **REFUSED** to application number 361/2086/2016/2T for Removal of a Regulated Tree on Road Reserve adjacent 27 Andrew Smith Drive, 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, General Section: Regulated Trees module.
 - b) There are no relevant grounds for removal of the tree under Principle of Development Control 2, General Section: Regulated Trees module.

CO-ORDINATION

Officer:	MDS	GMCID
Date:	05.01.17	06.01.17

ATTACHMENTS

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

1. Supporting Documentation
2. Notice of Category 2 Application and Copies of Representations
3. Independent Arborist Report
4. Relevant Development Plan Provisions

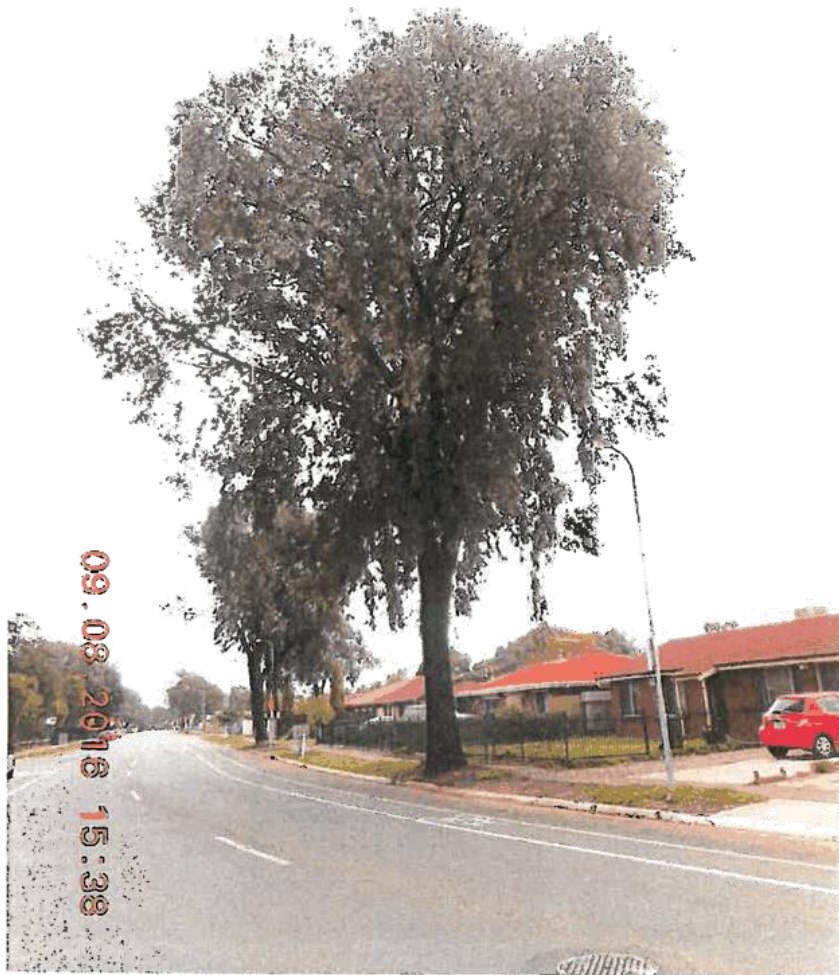
Attachment 1
Supporting documentation

CITY OF SALISBURY DEVELOPMENT APPLICATION

Arboricultural assessment of a *Eucalyptus sideroxylon* in relation to removal of a street tree.

Summary

The *Eucalyptus sideroxylon* (Red Iron Bark) located within the Council verge at the front of 27 Andrew Smith Drive, Parafield Gardens qualifies as a regulated tree. The resident has requested that the tree be removed due to their health issues.



APPLICATION NUMBER:

Details

DA NUMBER	
DATE OF INSPECTION	9th August 2016
SITE	27 Andrew Smith Drive, 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 health, and creating stress to them
REGULATED OR SIGNIFICANT	Regulated Tree

Species

Eucalyptus sideroxylon (Iron Bark)

Tree dimensions

Height	Approximately 17 metres
Crown spread	9 metres
Trunk circumference 1 metre above ground level	2.65 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 6 metres above ground level with the primary unions appearing sound. The trees crown appears good in structure with no obvious flaws.

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:

	Objective	Satisfied	Comments
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:

	Principle of Development Control	Satisfied	Comments
a)	The tree is diseased and its life expectancy is short;	NO	Good Health
b)	The tree represents a material risk to public or private safety;	NO	The tree displays good structure with no obvious 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 fair health and structure, as well as high amenity value.

This tree has caused concerns to the adjacent property owners due to health, safety, and litter issues. All additional information and correspondence will be attached.

Conclusion

- The decision to request the removal of this regulated tree has been because of it achieving Criteria No. 12 of the City of Salisbury's Tree Removal Criteria
 - 12 Genuine Hardship
 - a. The person/resident is receiving HACC or a community care service or;
 - b. The person/resident does not have the functional ability to relieve the nuisance caused by the tree or;
 - c. The person/resident is aged or frail and has moderate, severe or profound disabilities which prevent them from relieving the nuisance caused by the tree; or
 - d. The person/resident is a carer of a person that meets the above criteria.

Kevin davey
Technical Supporter – Tree Services
City Infrastructure

Tree location



Attachment 2
Notice of Category 2 Application and Copies of
Representations

**DEVELOPMENT ACT 1993
CITY OF SALISBURY**

NOTICE OF APPLICATION FOR CATEGORY 2 DEVELOPMENT
Pursuant to Section 38(4) of the Development Act, 1993

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

DEVELOPMENT NO:	361/2086/2016/2T
APPLICANT:	City of Salisbury PO Box 8 SALISBURY SA 5108
NATURE OF THE DEVELOPMENT:	REMOVAL OF A REGULATED TREE ON ROAD RESERVE
LOCATED AT:	Adjacent to 27 Andrew Smith Drive, Parafield Gardens SA 5107
CERTIFICATE OF TITLE:	CT-5319/128
ZONE:	Residential

The application may be examined at the Office of the Council located at 12 James Street, Salisbury during normal business hours (8.30am – 5pm Monday to Friday) and on Council's web site at www.salisbury.sa.gov.au. Any person or body may make representations in writing, or by email development@salisbury.sa.gov.au, concerning this application and should address their representation to the Chief Executive Officer at PO Box 8, Salisbury or representations@salisbury.sa.gov.au. Representations must be received **no later than Friday 11th November 2016**.

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

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

This development is classified as a Category 2 development under the Development Act. Please be aware that there is no right of appeal against Council's decision.

Signed: Chris Carrey, Development Officer

Date: 26 October 2016

THIS IS THE FIRST AND ONLY PUBLICATION OF THIS NOTICE

Heidi Crossley

From: [REDACTED]
Sent: Wednesday, 9 November 2016 10:47 PM
To: Development
Subject: Representation @salisbury.sa.gov.au
Attachments: Screenshot_2016-11-09-22-24-54.png

To Chris Carrey,

Dear Chris, as the owner of the property at 27 Andrew Smith Drive , We would like to appear personally in regard to the proposed removal of the tree . We are very much in support of this tree being removed. We have great concerns that due to the positioning of the tree and the size of the trunk, that it could cause a severe accident. When reversing out of the property, it obscures the vision of traffic coming from the school and shops. Also due to the nature of this kind of tree, dropping branches on our property. It has become a financial burdon to us. I disagree that the tree has street appeal. It leaves an unsightly mess both on our property and the council strip in front of our home. I hope the outcome for the removal of the tree, will be highly considered.

Kind Regards

Julie Harward
[REDACTED]

--

Sent from Mail.Ru app for Android



STATEMENT OF REPRESENTATION

Pursuant to Section 38 of the Development Act

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

RECEIVED

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: 361/2086/2016/2T
 Applicant: City of Salisbury
 Location: Adjacent to 27 Andrew Smith Drive, 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): JOHN + JUDITH ALLMAN
 ADDRESS: 32 ANDREW SMITH DR 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: 32 ANDREW SMITH DR
☐ Other (please state):

YOUR COMMENTS:

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

- ☒ Support the proposed development.
☐ Oppose the proposed development.

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

I feel this tree Poses a Risk to the Safety of the Residents of 27 Andrew Smith Dr and also anyone who Parks their car, or Pedestrians as this tree has already

PTO

361/2086/2016/2T

Dropped 1 Major Branch which Blocked
Andrew Smith Dr and it took Emergency Service
some time to clear.

As the owner of 32 Andrew Smith Dr
I wont Park my car out the front incase this
Happens again.

Also Many Cars are Parked in the Street for
School Pickup. If this tree Drop another
Branch it could Be Devastating.

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

Total Removal of this tree !!

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: Brad Harward

Contact details: [REDACTED]

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

Your written representation must be received by Council no later than 11.59pm on Friday 11th November 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: [Signature]

Date: 30 / 10 / 2016

Please complete this checklist to ensure your representation is valid:

- ☒ Name and address of person (or persons).
- ☒ If more than one person, details of person making the representation.
- ☒ Detail of reasons for making the representation.
- ☒ Indication whether or not the person (or persons) wishes to be heard.
- ☒ Submitted no later than 11.59pm on **Friday 11th November 2016.**



STATEMENT OF REPRESENTATION

Pursuant to Section 38 of the Development Act

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



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:	361/2086/2016/2T
Applicant:	City of Salisbury
Location:	Adjacent to 27 Andrew Smith Drive, 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): Ms. Maria Lucas Tiago

ADDRESS: 29 Andrew Smith drive Parafield gardens

PHONE NO: EMAIL:

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

☒ The owner/occupier of the property located at: as above

☐ Other (please state):

YOUR COMMENTS:

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

☒ Support the proposed development.

☐ Oppose the proposed development.

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

Tree causes trouble always branches
break off dangerous to car traffic
and people walking, also keep blocking
road drainage. same problem again next
door on my right!

PTO

361/2086/2016/2T

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

Cut down this one and the other
on my right side & big branch
broke took up both sides of the road
last big 120 kins wind we had.

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: Brad Harward

Contact details: [REDACTED]

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

Your written representation must be received by Council no later than 11.59pm on Friday 11th November 2016, to ensure that it is a valid representation and taken into account.

Representor's Declaration:

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Signature: Maria Lucas

Date: 31/10/2016

Please complete this checklist to ensure your representation is valid:

- ☒ Name and address of person (or persons).
- ☒ If more than one person, details of person making the representation.
- ☒ Detail of reasons for making the representation.
- ☒ Indication whether or not the person (or persons) wishes to be heard.
- ☒ Submitted no later than 11.59pm on **Friday 11th November 2016.**



STATEMENT OF REPRESENTATION

Pursuant to Section 38 of the Development Act



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

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: 361/2086/2016/2T
Applicant: City of Salisbury
Location: Adjacent to 27 Andrew Smith Drive, 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): Brad & Anna Harward
ADDRESS: 27 Andrew Smith drive Parafield Gardens 5107
PHONE NO: [REDACTED] EMAIL: [REDACTED]

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

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

YOUR COMMENTS:

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

- ☒ Support the proposed development.
☐ Oppose the proposed development.

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

As the tenants of 27 Andrew Smith drive, we feel this tree poses safety risks to us & also the community. As stated in recent letters/emails we have witnessed many young children slip over on tree debris (fallen gum nuts/twigs) & trip over protruding roots, caused by the tree roots (As shown in photos).

PTO

361/2086/2016/2T

We are concerned about parents parking under the tree at school drop off/pickup as we have already seen a large limb drop across the road (as proven in photos) & we fear this could happen again which could cause serious injury or death to any parent or child. We believe that since the removal of surrounding trees, this tree has become an eyesore as it is one of the only trees dropping litter onto the street & our yard, which creates an unsightly look to the street & our yard which impacts the whole neighbourhood. Due to the size of the tree, we've already had to take measures to repair stormwater drains that got damaged by the root system & also replace all roof guttering & install gutter guard due to all the falling debris which had completely damaged the original guttering. (As shown by tax receipts)

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

Complete removal of the tree & stump.

PTO





Item 5.1.1 - Attachment 2 - Notice of Category 2 Application and Copies of Representations











Bld. Lic. 38075

WAYNE SUTTON 0418 828 917

129 Oaklands Road, Warradale | PO Box 2, Glenelg, SA 5045
Ph: 08 8376 3639 | Fax: 08 8294 0112 | www.tradv.com.au

Sheet Profile: ☐ Corrugated ☐ Other

Material Finish: ☐ Zincalume ☐ Galvanised ☐ Colorbond

Material Thickness: mm BMT/TCT C/B Colour:

Sheet Fasteners: ☐ Hex Head Screws with Neo Washes ☐ Pre Painted Heads

e/Hip Capping: ☐ Roll Type 355 ☐ Dek Ridge ☐ Scribed ☐ Not Scribed

e Capping: ☐ Std. Square 50x150 ☐ Roll Type ☐ Traditional Timber Style ☐ Dek Barge

y: ☐ Type 355

Gutter: ☐ Zincalume ☐ Galvanised ☐ Colorbond

ney Flashings: ☐ Stepped ☐ Straight Cut ☐ Remove Chimney

Pipes: ☐ Flash ☐ Seal ☐ Remove

ings:

VED ROOF SHEETING: ☐ Concave ☐ Bullnosed

Material Finish: ☐ Zincalume ☐ Galvanised ☐ Colorbond

Material Thickness: C/B Colour:

Capping:

ROOF PLAN - not to scale

As. Per Plan Drawing

TO SYMBOLS: Denotes Roof area excluded from quotation

Denotes Gutter

D/P Denotes Downpipe

POP Denotes pop outlet only. Existing D/Pipe to be retained

Quotation No. 4177

11. 9. 14 Quotation prepared by: Wayne Sutton

to: Mr & Mrs. BRAD Harwood

Address: 27 Andrew Smith Drive

Arafura Gons Postcode

Phone No.: Home [REDACTED] Bus

Address:

MITTING OUR QUOTATION TO SUPPLY AND FIX:

GUTTERS

☐ Renovation Work ☐ New Work ☐ In conjunction with RoExisting/Proposed Roofing Material:

Profile: ☒ 125 mm D ☒ 86 ☐ VFC ☐

Material Finish: ☐ Galvanised ☐ Zincalume ☒ Colorbond

Material Thickness: ☐ 4 mm ☒ 35 mm C/B Colour: Major Red

Fixing Method: ☒ Internal Straps ☐ On Existing Scotia ☐ Remove Existing Scotia

(See Notes Below) ☐ Refill Gutters ☐ P Clips

☐ GP Clips ☐ Timber Fix Clips ☐ External Brackets

☐ Refit Existing Scotia ☐ Fit New Scotia

DOWNPIPES: SIZE: 75mm P.V.C 21x100x

Material Finish: ☐ Galvanised ☐ Zincalume ☒ Colorbond

Material Thickness: ☐ 4 mm ☒ 55 mm C/B Colour:

NOTES:

1. If new Gutters are fixed on existing Scotia/Levels, we do not accept responsibility if Gutters hold water.
2. When resetting the falls on gutters, sections of un-painted fascia board may become visible. Repainting Fascias and/or Scotias is the owners responsibility
3. New Scotia and/or Fascia board is supplied unpainted.

Additional Work/Special Instructions:

Remove all Rubbish

Supply & fit 34.0m of water gate 210 gull guard

Supply & fit 20m' of 75mm storm water pipe strapped to wall

Connect. to Tank with fitting

QUOTATION PRICE:	Galv/Zincalume	Colorbond
ROOFING	\$	\$
GUTTERS w DIP	\$	\$1,911.00
<u>GUTTER guard</u>		
TOTAL PRICE (excluding GST)	\$	\$191.00
GST	\$	\$2,102.00
TOTAL PRICE (including GST)	\$	\$
SETTLEMENT DISCOUNT*	\$	-\$105.00
NETT PRICE*	\$590	*\$1997.00

*NOTE: Settlement discount only applies if payment received within 7 days of comp

Printed on GreenPaper.com

Page 50
Development Assessment Panel Agenda - 24 January 2017

City of Salisbury

Equation for

Fax 08 82655638

ACC.389739224

7 DAYS

1

COMMONWEALTH BANK EFTPOS
BUNNINGS PARAFIELD
5160 REG 17
TERMINAL 25568117
REFERENCE 142888

CUSTOMER COPY
CARD NO: [REDACTED]
EXPIRY DATE: [REDACTED] 10:12

CBA Debit
SAVINGS
PURCHASE \$109.30
TOTAL AUD \$109.30

APPROVED 00
POS REF NO: 56620

BUNNINGS WAREHOUSE
PARAFIELD
ABN 26 008 672 179
Ph: (08) 8209 2900

Sale
**** TAX INVOICE ****

& 931984101444 PIPE STORMWATER UPVC HOLMAN
90MM 6M SUP90
5 @ \$13.86 \$69.30
& 9920114 TRANSPORT CHARGE
STANDARD DELIVERY \$40.00
6 @ SubTotal: \$109.30

Total \$109.30
GST INCLUDED IN THE TOTAL \$9.94
EFT \$109.30
CARD NO: 521729-175
SAVINGS

Rounding \$0.00
Change \$0.00

DELIVERY INSTRUCTIONS

CUSTOMER: BRAD HARWARD
CONTACT: BRAD HARWARD
ADDRESS: 27 ANDREWS SMITH DR
PARAFIELD GARDENS SA 5114
DELIVERY DATE: 29/10/2014
DELIVERY INSTRUCTIONS:
FROM 11.00AM
WILL BE HOME

--- "B" INDICATES NETT PRICED ITEM(S) ---
--- "X" INDICATES NON TAXABLE ITEM(S) ---

29/10/2014 10:12:51

S5160 R17 P832 C194379 #017-56620-5160-2014-10-29



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 11th November 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: 6 / 11 / 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 11th November 2016**.



STATEMENT OF REPRESENTATION

Pursuant to Section 38 of the Development Act

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

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:	361/2086/2016/2T
Applicant:	City of Salisbury
Location:	Adjacent to 27 Andrew Smith Drive, 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): JAMES AND JENELLE KING
 ADDRESS: 31 ANDREW SMITH DRIVE PARAFIELD GOWS
 PHONE NO: [REDACTED] EMAIL: [REDACTED]

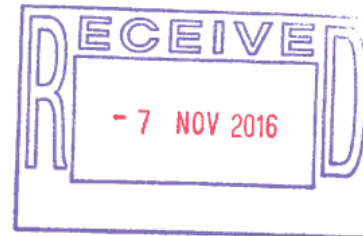
I am: (please tick one of the following boxes as appropriate)

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

YOUR COMMENTS:

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

- ☒ Support the proposed development.
☐ Oppose the proposed development.



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

WE ARE WITH OUR DEAR NEIGHBOURS AT NO
 27 ANDREW SMITH DRIVE, PARAFIELD GARDENS
 S.A. 5107.
 IF REMOVAL OF TREE BENEFITS OUR NEIGHBOUR

PTO

361/2086/2016/2T

IN HAVING A MUCH EASIER TIME WITHOUT LEAVES
DROPPING INTO GUTTERS AND ON LAWN/AREA -
A MASSIVE UNDERTAKING TO KEEP CLEAR.

OUR NEIGHBOUR IS PHYSICALLY UNABLE TO
KEEP UP WITH ALL OF THIS AND WE FEEL
REMOVAL OF THE SAID TREE WILL MAKE LIFE
MUCH EASIER FOR HIM AND HIS WIFE AND
FAMILY.

I DO HOPE YOU'LL GIVE THIS PROBLEM YOUR
URGENT ATTENTION AND THE TREE WILL BE
REMOVED STRAIGHT AWAY.

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: I've made my reasons

Contact details: FOR REMOVING THE TREE OVER LEAF

(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 11th November 2016, to ensure that it is a valid representation and taken into account.

Representor's Declaration:

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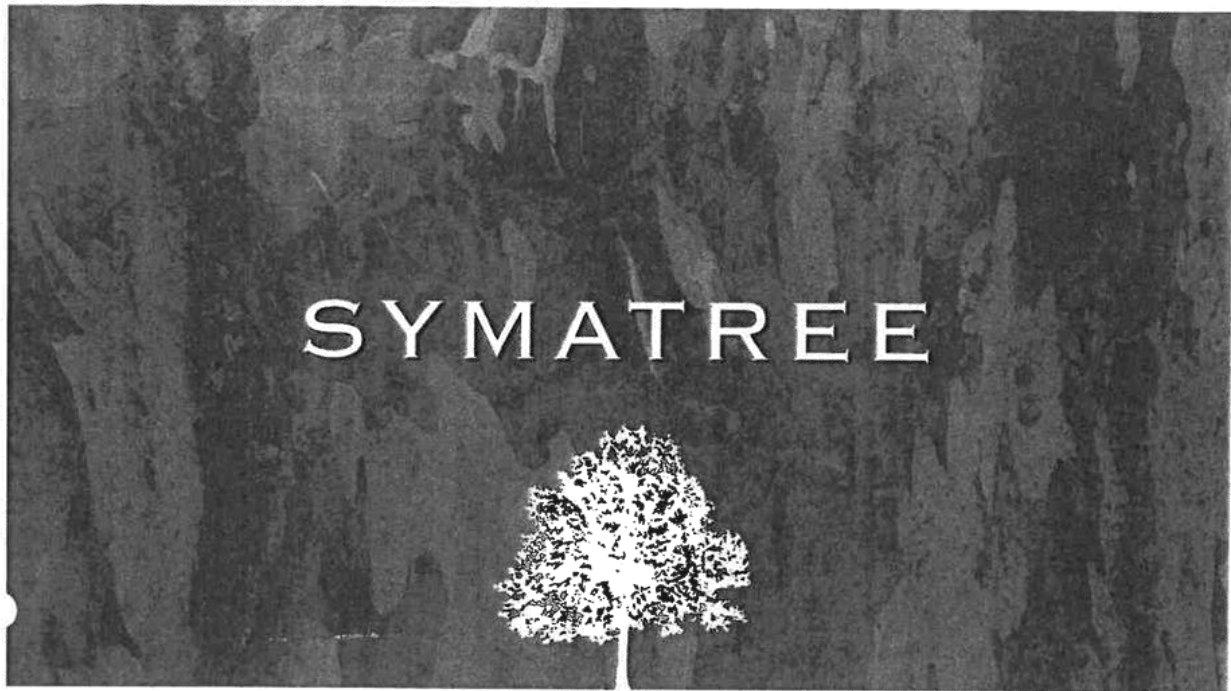
Signature: [Signature]

Date: 7 / 11 / 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 11th November 2016**.

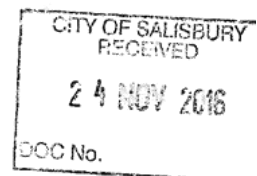
Attachment 3
Independent Arborist Report



Street Tree Assessment 27 Andrew Smith Drive, Parafield Gardens

Report prepared for

Mr Chris Carrey
Development Officer - Planning and Compliance
Development Services
City of Salisbury
November 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

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

Introduction

Instructions

I was instructed by Council to assess a mature Iron Bark located within the verge area in front of 27 Andrew Smith Drive, 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 23 November 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 23 November 2016.

Observations



Figure 1. Subject Tree, viewed from the southeast.

Observations (cont)

Location of tree

The tree is located within the verge area, northern side. The trunk centre is 2.5 metres from the front boundary fence (refer Figure 1).

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

Species

Eucalyptus sideroxylon commonly referred to as an Iron Bark.

Crown attributes

Height: 21 metres (clinometer)

Width (from trunk measured out): south 8.8 metres, north 7.7 metres, west 9.0 metres and to the east 10.0 metres.

Circumference at one metre above natural ground level

Single trunk: 2.67 metres.

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

Structure/Condition

The subject tree consists of a single near vertical trunk to a height of approximately 6.0 metres from ground at which point two main leaders arise, one held centrally and the other to the north to form a near rounded crown that is relatively well balanced.

The trunk appears to be sound, stable, with no cavities. There is no evidence of internal decay or termite damage. Good trunk tapered is also apparent.

Tree health is considered to be good. All leaders and lateral branches are healthy and actively growing. The tree is free from notable pests and diseases. Minor levels of deadwood, largest of which are approximately 30 – 40 mm in diameter. Some epicormic growth is also apparent mid-crown.

Attachment points appear to be sound and free of any recognizable structural flaws or weaknesses that can be observed from ground.

The tree displays no apparent history of branch failure

Tree form is typical of the species; however minor overextension issues are noted particularly on the tree's southern side upper-crown.

A number of pruning scars are noted on the tree's northern side. This pruning has been completed to provide clearance away from adjacent private property. This pruning has occurred over a number of pruning events. Reactionary wood is noted around or has completely engulfed the older of these scars.

Observations (cont)

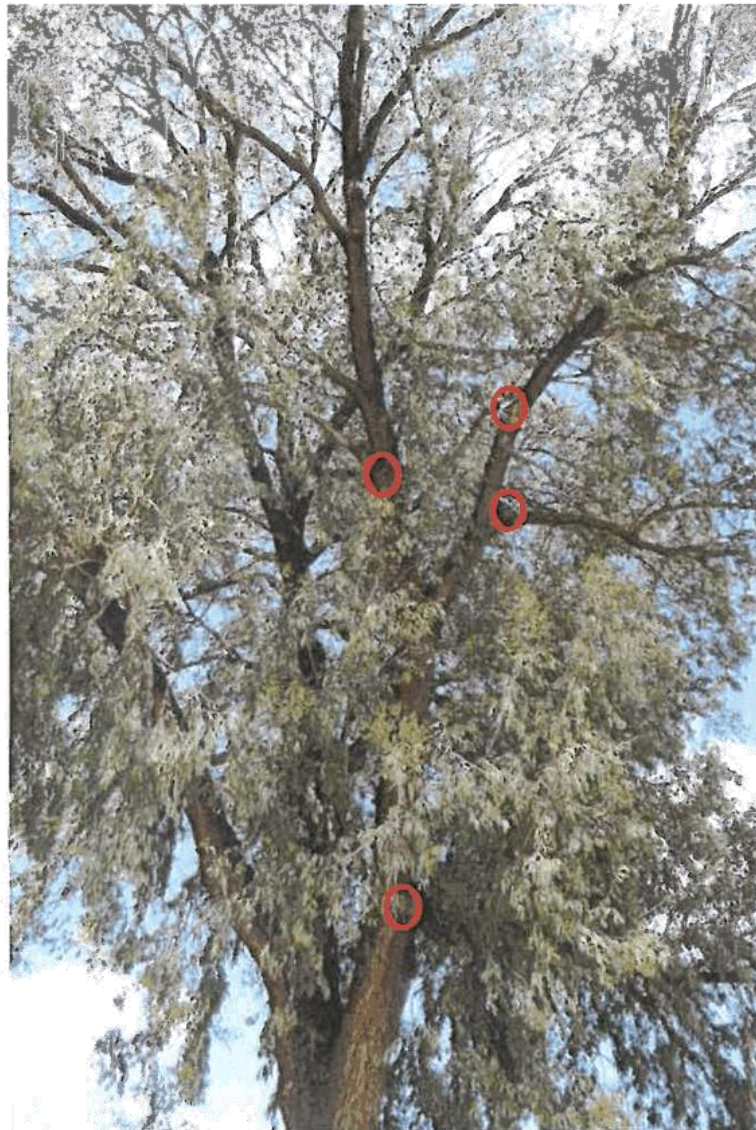


Figure 2. Some of the pruning scars on the northern side of the tree, circled in red.

Property Damage

Some minor heaving to the adjacent paved footpath and driveway was observed.

Minor cracking to the road surface was also 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 with no notable defects. The tree is not causing damage to a building or property of significant value. Given existing defects are relatively minor in nature, pruning is not immediately necessary. However the tree would benefit from some minor reduction pruning of overextended branches which I suggest could occur as part of Councils' ongoing tree maintenance program. I do recommend the tree be reassessed in 18 to 24 months (subject to the tree's growth rate) to maintain tree health and stability.

A risk assessment for the subject tree has been completed in the following sections 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.

Factors taken into account during a risk assessment include history of branch failure, likelihood of failure, tree age, health and vigour, level of previous maintenance performed, current defects, species characteristics, surrounding site factors, potential targets and occupancy rates.

Matrix 1. Likelihood matrix.

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

In this tree risk assessment, I have considered the following specific factors in the likelihood matrix:

- Only a minor section of the crown extends over private property.
- No targets of significant value are located under the canopy of the subject tree
- This tree has no history of branch failure.
- I found no evidence of internal decay or other significant defects within the branching structure and the tree is in good health.
- Pruning options are available to maintain risk at acceptable levels.
- The likelihood of whole tree failure and main leader failure under normal weather conditions in the coming two years is considered to be improbable.
- The likelihood of a small to medium sized live branch failure under normal weather conditions within the coming two years is considered to be possible.

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 yard of 27 Andrew Smith Drive, Parafield Gardens. Usual occupancy would occur on an infrequent/ occasional basis for a small part of the day.	Low
Cars park in the driveway and street. Usual occupancy would occur on an infrequent/ occasional basis.	Low
People using the pedestrian footpath. Usual occupancy would occur on an infrequent basis over the day with an expected increased pedestrian traffic during the mornings and afternoons.	Low
Andrew Smith Drive appears to be a secondary road with generally low to medium traffic volumes. Occupancy would occur on an occasional basis more so during school drop off and pick up times.	Low
Surrounding boundary fencing, 27 Andrew Smith Drive, Parafield Gardens – constant targets.	Medium

Appraisal (cont)

- No structures of significant value are located under the canopy of the subject tree except adjacent privately owned boundary fencing.
- 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 some minor defects including some overextension issues and near horizontal descending orientated branches.
- Pruning options are available to address crown defects to reduce the future failure potential of this tree and to maintain risk to acceptable levels.

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 yard of 27 Andrew Smith Drive	Severe harm to persons
People occupying the pedestrian footpaths	Severe harm to pedestrians
Vehicles parked in the street and driveway	Significant damage to a vehicle
Vehicles using Andrew Smith Drive	Minor damage to a vehicle
Boundary fencing	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 yard of 27 Andrew Smith Drive	Low
People occupying the pedestrian footpaths	Low
Vehicles parked in the street and driveway	Low
Vehicles using Andrew Smith Drive	Low
Boundary fencing	Low

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

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 contribute to the character and visual amenity of the local area.

- (b) indigenous to the locality

No: The species, *Eucalyptus sideroxylon* is not a local indigenous native species or listed under the National Parks and Wildlife Act as a rare or endangered native

- (c) a rare or endangered species

No: The species (*Eucalyptus sideroxylon*) 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)

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

No: The tree currently represents a low risk to public/private safety. 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.

Conclusion

I conclude that the subject tree, an Iron Bark is in good health, displays no notable defects and does not constitute a material risk to persons or property of significant value. In addition, the subject tree provides a high level of amenity to the locality and pruning options are available.

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 do recommend pruning occur as part of Council's ongoing maintenance program and assessment of tree health, stability and management requirements every 18 to 24 months, subject to the growth rate of the tree.

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 frequent targets (i.e. road/footpath users) under its respective target foot print. Even with appropriate canopy management, I cannot give an absolute guarantee that branch failure/s will not occur in the future. However, it is my view that with on-going management and maintenance by a qualified arborist including additional maintenance/hazard pruning as the tree responds to the initial pruning outlined as part of this report and ongoing monitoring, the likelihood of future branch failure is considered acceptable 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.

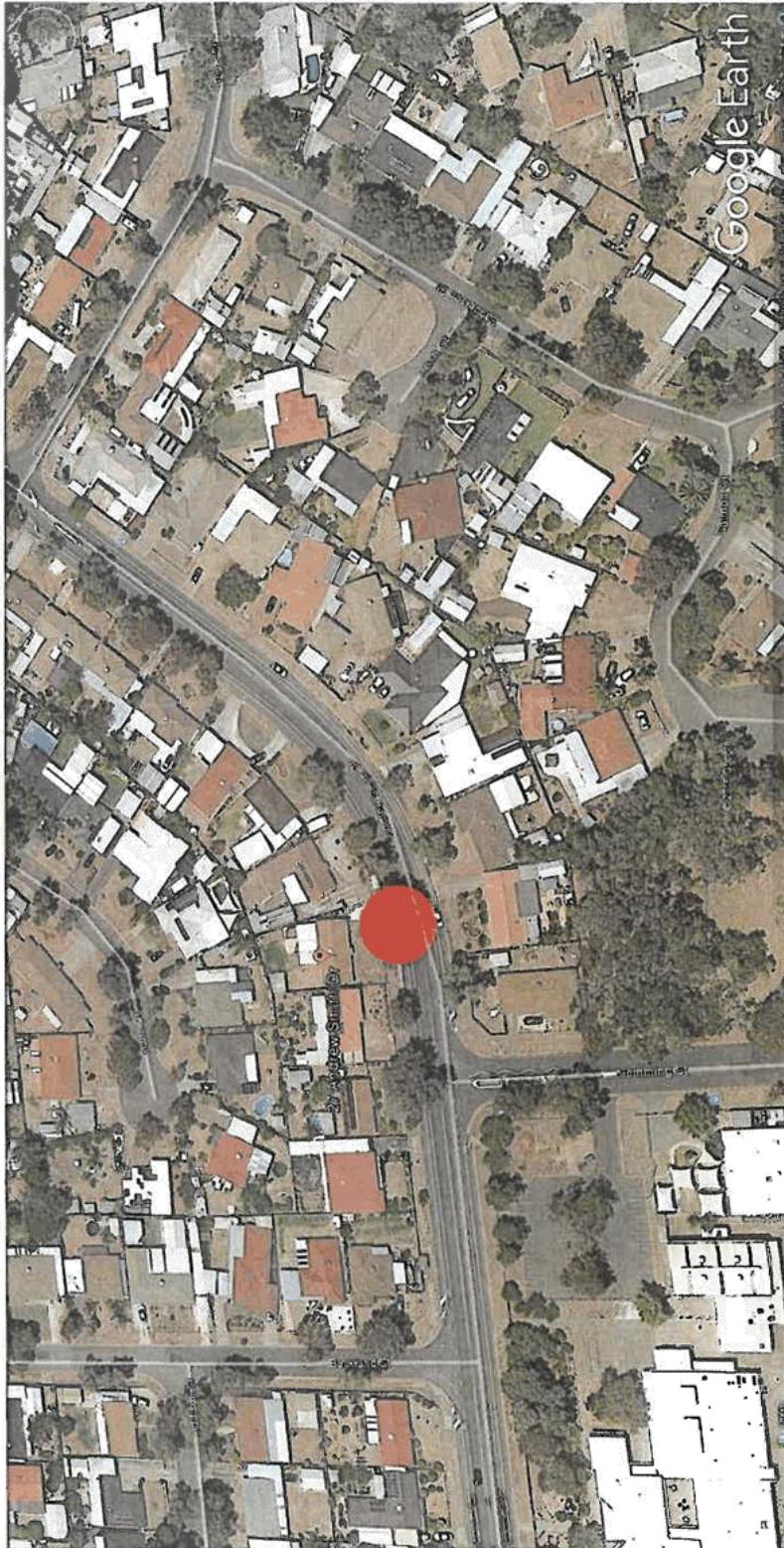


Sam Cassar

Appendix A Aerial Image

27 Andrew Smith Drive, Parafield Gardens

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27 Andrew Smith Drive, Parafield Gardens

Attachment 4
Relevant Development Plan Provisions

Development Plan

Salisbury Council

Consolidated – 7 July 2016

Please refer to the Salisbury Council page at 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

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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.



ITEM	5.1.2
	DEVELOPMENT ASSESSMENT PANEL
DATE	24 January 2017
APPLICATION NO.	361/2237/2016/2T
APPLICANT	City of Salisbury
PROPOSAL	Removal of Regulated Tree on Road Reserve
LOCATION	Adjacent 58 Canterbury Drive, Salisbury Heights
CERTIFICATE OF TITLE	Not Applicable
AUTHOR	Katherine Thrussell, Development Officer - Planning, City Development

1. DEVELOPMENT APPLICATION DETAILS

Zone/Policy Area	Residential Zone
Application Type	On-merit
Public Notification	Representations received: Two (2) Representations to be heard: One (1)
Referrals - Statutory	Nil
Referrals – Internal	Independent Arborist Report
Development Plan Version	Salisbury (City) Development Plan Consolidated 7 July 2016
Assessing Officer	Katherine Thrussell
Recommendation	Refuse Development Plan Consent
Meeting Date	24 January 2017

2. REPORT CONTENTS

Assessment Report

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

3. EXECUTIVE SUMMARY

Council's City Infrastructure Section, Tree Services, lodged a development application for removal of a Regulated street tree adjacent 58 Canterbury Road, Salisbury Heights, species *Eucalyptus sideroxylon* (Red Iron Bark).

This report has assessed the request for removal of the tree against the Salisbury (City) 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

A request to remove the tree was made in early May 2016 by Ms Amanda Mifsud, owner of 58 Canterbury Drive, Salisbury Heights. In accordance with Council's Tree Removal Procedure, this request was considered by Council's Tree Removal Committee at its meeting on 18 May 2016. The Committee refused the request and agreed to undertake root pruning.

The decision of 18 May 2016 was appealed by Ms Mifsud by way of letter dated 11 July 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 has the potential to meet criteria 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 18th November 2016 requesting removal of the tree under the *Development Act 1993*.

5. SUBJECT SITE

The subject site comprises road verge adjacent 58 Canterbury Drive, Salisbury Heights. The road reserve is 18m wide in this location with the formed road carriageway being approximately 9.5m wide, constructed of bitumen and having concrete kerb and channel on both sides. There is a roundabout located at the intersection of Canterbury Drive and Southwark Avenue to the west of the site.

The subject tree is a *Eucalyptus sideroxylon* (Red Iron Bark) and is located on the northern side of Canterbury Drive, 3.4m east from the existing driveway crossover serving 58 Canterbury Drive and 1.3m to the north of the street kerb.

Photos of the tree are provided on the following pages.



Photo 1: *Looking north east along Southwark Avenue towards the subject tree*



Photo 2: *Looking south east towards the subject tree on Canterbury Drive*



Photo 3: *Looking north west towards the subject tree on Canterbury Drive*

6. LOCALITY

The locality is characterised by predominantly single storey dwellings on large allotments with generous setbacks from front property boundaries. Dwellings are well maintained with landscaped front yards. Canterbury Drive is well treed with mature height trees within the road reserve. A paved footpath is located on the southern side of Canterbury Drive on the opposite side of the road to the site. Southwark Avenue Reserve is located on the southern side of Canterbury Drive south west of the site.

A locality plan and contextual plan are provided below.

Locality Plan - Aerial



Source: Dekho

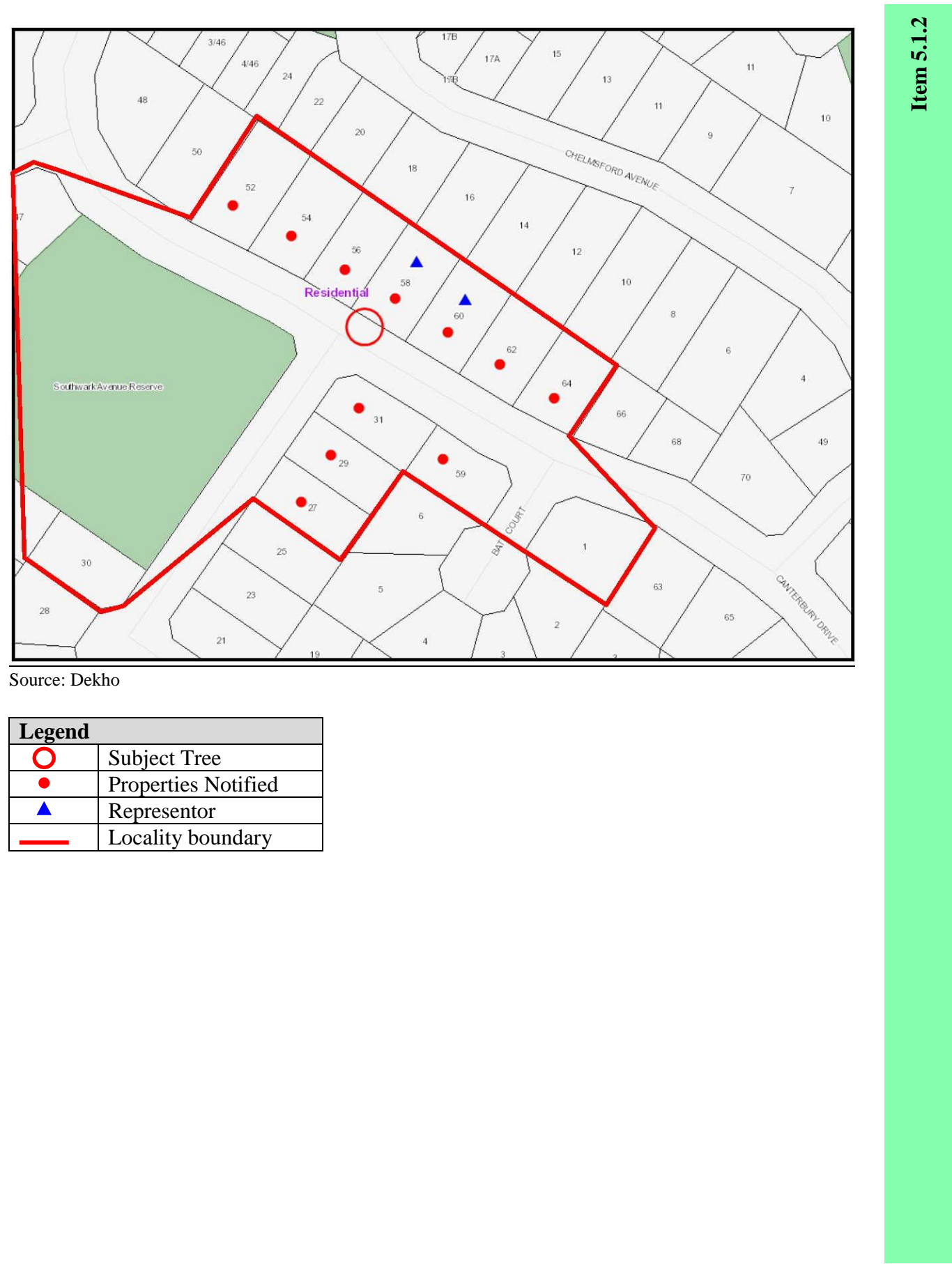
Legend	
	Subject Tree
	Properties Notified
	Representor
	Locality boundary

Item 5.1.2

The map displays a residential area with property boundaries numbered 1 through 70. A red line delineates the 'Locality boundary'. A green area on the left is labeled 'Southwark Avenue Reserve'. A red circle marks the 'Subject Tree' at property 56. Red dots indicate 'Properties Notified' at properties 52, 54, 58, 60, 62, 64, 27, 29, and 31. Blue triangles represent 'Representors' at properties 58 and 60. The word 'Residential' is written in purple near property 56. Roads shown include 'CHELMSFORD AVENUE', 'BAY COURT', and 'CANTERBURY DRIVE'.

Source: Dekho

Legend	
	Subject Tree
	Properties Notified
	Representor
	Locality boundary



Item 5.1.2

The map displays a residential area with property boundaries numbered 1 through 70. A red line delineates the 'Locality boundary'. A green area on the left is labeled 'Southwark Avenue Reserve'. A red circle marks the 'Subject Tree' at property 56. Red dots indicate 'Properties Notified' at properties 52, 54, 58, 60, 62, 64, 27, 29, 31, and 59. Blue triangles represent 'Representors' at properties 58 and 60. The word 'Residential' is written in purple near the subject tree. Roads shown include 'CHELMSFORD AVENUE', 'BAY COURT', and 'CANTERBURY DRIVE'.

Source: Dekho

Legend	
	Subject Tree
	Properties Notified
	Representor
	Locality boundary

Item 5.1.2

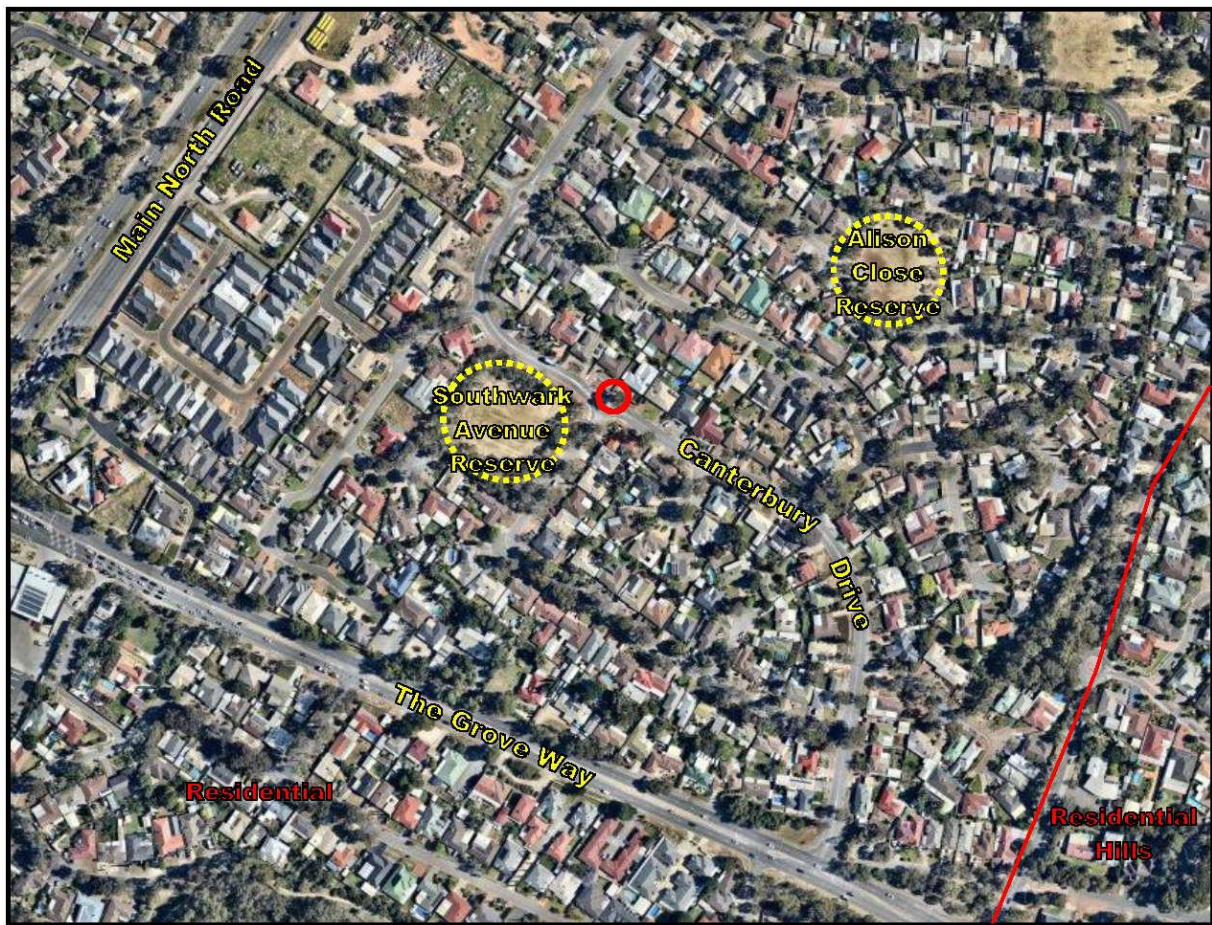
The map displays a residential area with property boundaries numbered 1 through 70. A red line delineates the 'Locality boundary'. A green area on the left is labeled 'Southwark Avenue Reserve'. A red circle marks the 'Subject Tree' location. Red dots indicate 'Properties Notified' at various addresses including 52, 54, 56, 58, 60, 62, 64, 27, 29, 31, 59, and 66. Blue triangles represent 'Representors' at addresses 58 and 60. The word 'Residential' is written in purple near the subject tree. Roads shown include 'CHELMSFORD AVENUE', 'BAY COURT', and 'CANTERBURY DRIVE'.

Source: Dekho

Legend	
	Subject Tree
	Properties Notified
	Representor
	Locality boundary

Contextual Plan:

Item 5.1.2



Source: Nearmap

Legend	
	Subject tree
	Zone boundary

7. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant proposes the removal of the *Eucalyptus sideroxylon* (Red Ironbark). The subject tree has a height of 13m, a crown spread of approximately 15m and a trunk circumference of 2.41m at 1m above ground level.

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 7 July 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 should 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 provisions of the Development Plan. However, under the *Development Regulations 2008*, Schedule 9, Part 2, Clause 25 states that the following is Category 2 development:

- 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.*

The Category 2 public notification period took place between 14th and 30th November 2016. Two representations were received within that period, both supporting removal as follows:

Representations received		
Representations received		Wish to be Heard
1	Amanda Mifsud 58 Canterbury Drive Salisbury Heights SA 5109	✓
2	Shannon Souter 60 Canterbury Drive Salisbury Heights SA 5109	

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>Amanda Mifsud, 58 Canterbury Drive, Salisbury Heights</i>	
<ul style="list-style-type: none"> The tree roots are causing damage to the paving in the front yard and driveway which has caused problems with the electric gate that is located on the front property boundary at the entry to the driveway, resulting from the gate hitting the raised pavers. 	
<i>Shannon Souter, 60 Canterbury Drive, Salisbury Heights</i>	
<ul style="list-style-type: none"> The tree is dangerous, particularly on windy days. 	

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, Tree Environs, for the purpose of providing an independent assessment of the health and structure of the tree. A copy of the independent report is contained in Attachment 3. This report concluded that:

- *The Eucalyptus sideroxylon in the verge adjacent to 58 Canterbury Drive is a regulated tree with attributes worthy of preservation.*
- *The tree is in good health and is actively growing. It does not have a short life expectancy.*
- *The tree has a good form with a limited history of branch failure and has been well pruned in recent years. The tree is not considered to pose a material risk to public or private safety.*
- *Tree roots are likely to be affecting the driveway crossover, pavers within the site and the function of the automatic gate controller. Root pruning could occur (outside the structural root zone) to address the damage found at the property, but this will not provide a long term solution.*

Further analysis of the Tree Environs 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 7th July 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 to be a highly visible and notable element in the locality, having regard to the height, attractive appearance of the tree and the consistent character of verge planting within the locality.

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 when assessed against these objectives, 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 Tree Environs report provides expert advice with respect to the health, life expectancy and structure of the tree. Key extracts relating to these matters are summarised from the report:

Health and Life Expectancy

This tree is in good health.

The foliage is moderately dense and healthy, with good colour and is free of major foliar pests.

There are a very few notable dead branches in the crown.

The tree is free of notable pests or diseases.

This tree is well suited to the local conditions, is proven to perform well in the area, and is not considered to be diseased with a short life expectancy.

Structure

The primary stems and branches are well attached, being free of bark inclusions or other notable defects. The smaller second and third order branches are also well attached, free of defects and are not considered to be excessively long or heavy.

I found no evidence, nor was I advised of any recent notable branch failure from the crown of this tree.

I found evidence of pruning works in the past to remove larger dead branches, to lift the crown over the roadway and to reduce overhang to the front yard of 58 Canterbury Drive. This pruning is of a good quality and complies with Australian Standard AS 4373 Pruning of Amenity Trees.

I found no evidence to indicate that this tree has a history of notable branch failure or that it is unstable. It has been well managed and is not considered to pose an unacceptable risk to road users or the adjoining residents.

Damage to surrounding structures

I identified a large woody root growing close to the soil surface in a westward direction towards the crossover/driveway outside the property boundary. This root is visible above ground for 2.20m from the tree (measured from centre of trunk). The concrete sections in the driveway crossover are lifting in the order of 10-15mm. In my view, it is possible that the tree root is contributing to this concrete movement.

In summary, the tree is healthy, is structurally sound and does not pose a risk to public or private safety. The damage that the tree could be creating is not to a 'building' as required by Principle of Development Control 2(c) above. Note that the Development Regulation criteria is different to that of Council's tree removal criteria which relate to damage to infrastructure rather than buildings. Whilst meeting the Council criteria for removal, as a regulated tree the subject tree must also meet one of more of the criteria under the Development Regulations in order to be considered for removal pursuant to the Development Act.

As such, there is no basis for removal when assessed against Principle of Development Control 2.

Conclusions

The independent arborist concluded that:

- *The Eucalyptus sideroxylon in the verge adjacent to 58 Canterbury Drive is a regulated tree with attributes worthy of preservation.*
- *The tree is in good health and is actively growing. It does not have a short life expectancy PDC 2(a)).*
- *The tree has a good form with a limited history of branch failure and has been well pruned in recent years. The tree is not considered to pose a material risk to public or private safety (PDC 2(b)).*
- *Tree roots are likely to be affecting the driveway crossover, pavers within the site and the function of the automatic gate controller. Root pruning could occur (outside the structural root zone) to address the damage found at the property, but this will not provide a long term solution (PDC 2(c)).*

Remedial Measures

The independent arborist has 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 Tree Environs recommends that:

To address the issues with lifting of the driveway, the following remedial actions could be considered:

- *Grind down the raised concrete edge if this is deemed to be a trip hazard.*

- *Root pruning adjacent to the edge of driveway (3.4m from centre of tree) could occur without adversely affecting tree stability as this is outside the structural root zone of the tree (2.9m from the centre of tree).*

This work constitutes maintenance pruning as defined under the *Development Act 1993* and can therefore occur without requiring a separate Development Approval.

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.

A. STAFF RECOMMENDATION

That the Development Assessment Panel resolve that:

- B. The proposed development is not considered to be seriously at variance with the Salisbury Development Plan – Consolidated 7 July 2016.
- C. Pursuant to Section 33 of the *Development Act 1993*, Development Plan Consent is **REFUSED** to application number 361/2237/2016/2T for Removal of Regulated Tree on Road Reserve adjacent 58 Canterbury Road, Salisbury Heights 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:	30.12.16	29.12.16

ATTACHMENTS

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

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

Attachment 1:
Supporting Documentation



CITY OF SALISBURY DEVELOPMENT APPLICATION FORM

361/ 2237 /2016/ 2T

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:		TELEPHONE (W): (M): 0401 984 772	
EMAIL:		FAX:	
BUILDER NAME:		BUILDERS EMAIL:	
BUILDER POSTAL ADDRESS:		CONTACT NO.:	
		LICENCE NO.:	
CURRENT USE OF PROPERTY:			
DESCRIPTION OF PROPOSAL:		DEVELOPMENT COST	
Tree removal		\$	
LOCATION OF PROPOSAL			
Street No: 58	Street: Canterbury Drive	Suburb: Salisbury Heights	
Lot No:	Section:	Plan:	Volume: Folio:
OFFICE USE ONLY			
Registration Date: 10/11/2016	Zone: R	Ward: East	
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

SIGNATURE: _____

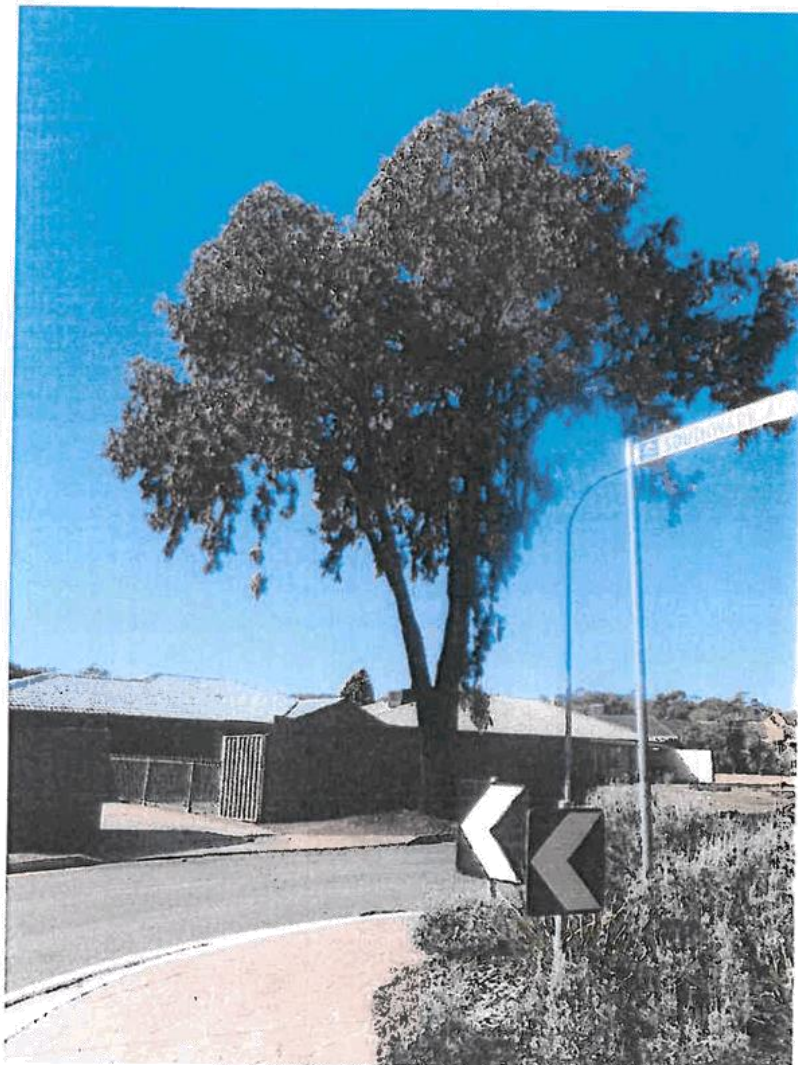
DATE: 8 / 11 / 16

CITY OF SALISBURY DEVELOPMENT APPLICATION

Arboricultural assessment of a *Eucalyptus sideroxylon* in relation to removal of a street tree.

Summary

The *Eucalyptus sideroxylon* (Red Iron Bark) located within the Council verge at the front of 58 Canterbury Drive, Salisbury Heights qualifies as a regulated tree. The resident has requested that the tree be removed due to damage to their driveway



APPLICATION NUMBER:

Details

DA NUMBER	
DATE OF INSPECTION	15 th September 2016
SITE	58 Canterbury Drive, Salisbury Heights
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 has damaged their driveway and in turn their electronic gate motor.
REGULATED OR SIGNIFICANT	Regulated Tree

Species

Eucalyptus sideroxylon (Iron Bark)

Tree dimensions

Height	Approximately 16 metres
Crown spread	Approximately 6 metres
Trunk circumference 1 metre above ground level	2.30 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 three main stems at 1.5 to two metres above ground level. The primary unions at these points appear well formed. The trees crown is broad and open in form.

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:

	Objective	Satisfied	Comments
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:

	Principle of Development Control	Satisfied	Comments
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 minor 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.

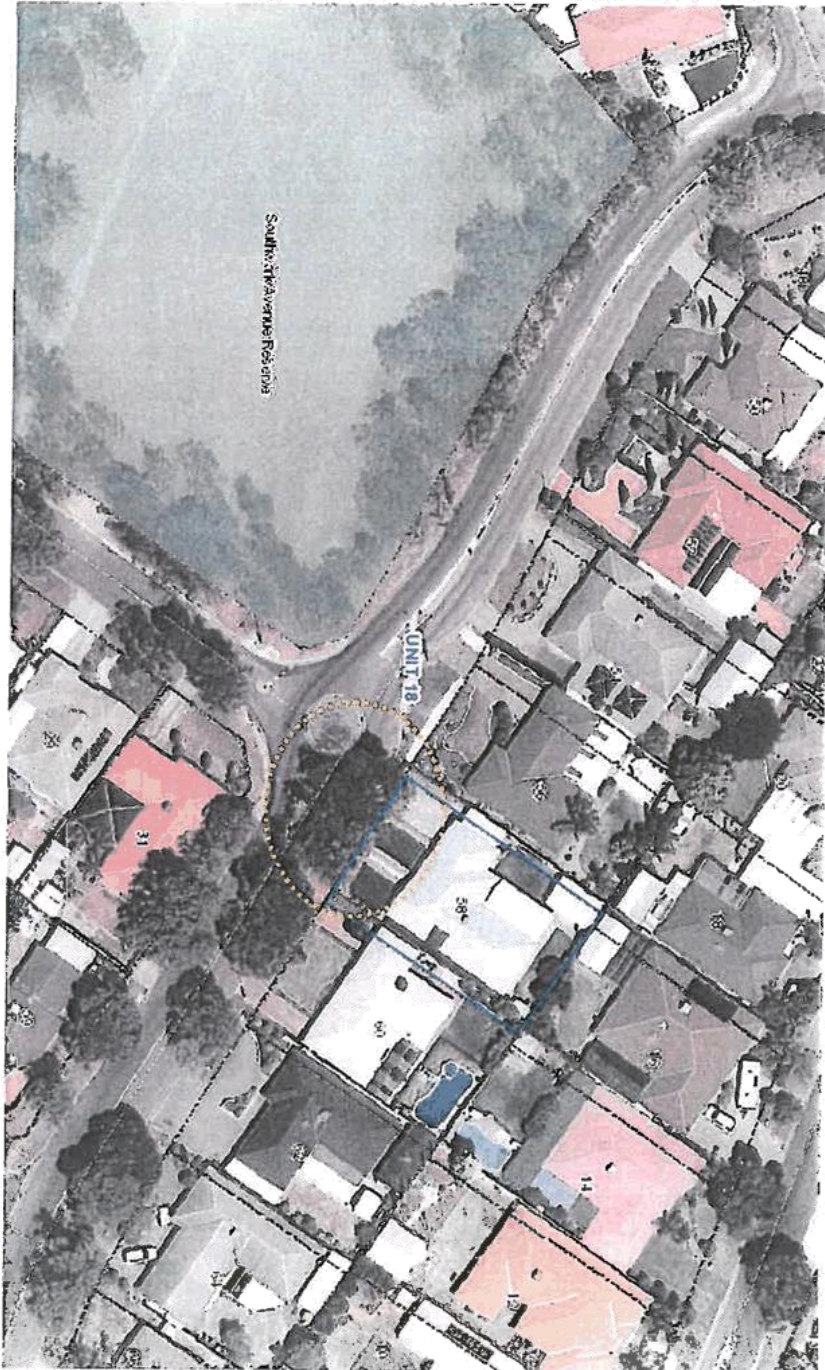
This tree is causing the resident considerable stress due to the lifting of their concrete driveway and subsequently damaging their electric gate.

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 resident's request. In his opinion this tree meets Criteria No. 6 of the City of Salisbury's Tree Removal Criteria (*The trees roots are causing or threatening to cause damage exceeding two thousand dollars to adjacent infrastructure*).
- All additional data and correspondence are attached.

Kevin Davey
Technical Support Worker – Tree Services
City Infrastructure

Tree location



Attachment 2:
Notice of Category 2 Application and
Representations

**DEVELOPMENT ACT 1993
CITY OF SALISBURY**

NOTICE OF APPLICATION FOR CATEGORY 2 DEVELOPMENT

Pursuant to Section 38(4) of the Development Act, 1993

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

DEVELOPMENT NO:	361/2237/2016/2T
APPLICANT:	City of Salisbury PO Box 8 SALISBURY SA 5108
NATURE OF THE DEVELOPMENT:	REMOVAL OF A REGULATED TREE ON ROAD RESERVE
LOCATED AT:	Adjacent 58 Canterbury Drive , Salisbury Heights SA 5109
CERTIFICATE OF TITLE:	N/A
ZONE:	Residential

The application may be examined at the Office of the Council located at 12 James Street, Salisbury during normal business hours (8.30am – 5pm Monday to Friday) and on Council's web site at www.salisbury.sa.gov.au . Any person or body may make representations in writing, or by email development@salisbury.sa.gov.au, concerning this application and should address their representation to the Chief Executive Officer at PO Box 8, Salisbury or representations@salisbury.sa.gov.au. Representations must be received **no later than Wednesday 30th November 2016**.

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

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

This development is classified as a Category 2 development under the Development Act. Please be aware that there is no right of appeal against Council's decision.

Signed: Katherine Thrussell, Development Officer

Date: 14 November 2016

THIS IS THE FIRST AND ONLY PUBLICATION OF THIS NOTICE



STATEMENT OF REPRESENTATION Pursuant to Section 38 of the Development Act



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

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: 361/2237/2016/2T
Applicant: City of Salisbury
Location: Adjacent 58 Canterbury Drive, Salisbury Heights SA 5109
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): AMANDA MIFSUO

ADDRESS: 58 CANTERBURY DRIVE, SALISBURY HEIGHTS SA 5109

PHONE NO: [REDACTED] EMAIL: [REDACTED]

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

- ☒ The owner/occupier of the property located at: 58 CANTERBURY DRIVE, SALISBURY HEIGHTS SA 5109
- ☐ Other (please state):

YOUR COMMENTS:

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

- ☒ Support the proposed development.
- ☐ Oppose the proposed development.

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

I support this proposal to remove the tree which is at the front of my property at 58 Canterbury Drive, SALISBURY HEIGHTS SA 5109. I request the removal of the tree due to the City of Salisbury tree removal criteria number 6: The tree roots are shown to be causing or threatening to cause damage exceeding two thousand dollars to adjacent infrastructure (refer annexure C attached).

PTO

361/2237/2016/2T

The problem is that the roots have grown under the fence and are lifting the pavers in the front yard & the drive way resulting in the electronic gate motor seizing up & no longer working anymore due to the gate hitting the raised pavers & drive way. To have the electronic gate motor repaired will cost \$3,037.10 & an additional cost will be incurred if any of the fence line gate post or cutting of concrete is required. Please refer to "Plat Gate & Door Automation, quote 13113 RW. (refer annexure A). some of the pavers behind the fence have lifted between 5mm to 15mm & I have to be careful not to trip on them while I walk to my letterbox every day. Please find enclosed photographs of the front tree, tree root, gate drive way & pavers behind the gate/fence (refer annexure B).

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: JOHN MIFSUD (MY FATHER)

Contact details: 21 CORCH STREET, SALISBURY EAST SA5 109

(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 Wednesday 30th November 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: 20 / 11 / 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 **Wednesday 30th November 2016.**



TOTAL GATE & DOOR AUTOMATION

Pty Ltd ACN:123 838 022 ABN 51 123 838 022

Quotation Number: 13113RW

27 June 2016

Mandi Mifsud
58 Canterbury Drive
Salisbury Heights SA 50

[REDACTED]

Dear Mandi,

Thank you for providing Total Gate and Door Automation with the opportunity to submit a quotation for this project.

In this instance we recommend ARCO G950 Heavy Duty swing gate operators for your particular need.

Being an Australian made product ARCO G950 operators incorporate the latest microprocessor circuitry for flexibility of control and have a zinc plated, laser cut chassis with bronze bush bearings on all rotating shafts and gears to provide durability for years to come.

Equipment to be installed / provisions:

Supply and install one Arco Li-2B Heavy Duty Dual Swing Gate Operator Kit consisting of:

- One pair of Arco Heavy Duty Dual Swing Gate Operators
- Two remote control 2 channel transmitters
- One only Receiver.
- Labour to disconnect the old and replace with new automation

Note:

The left hand gate leaf as you look from the inside out to the road has appeared to have dropped slightly causing it to make contact with the driveway.

The cause of this may be connected to the big tree and the roots moving the fence line and the gate post.

The gate leaf may require to be adjusted on the hinges if it is possible or the bottom of the colourbond to be trimmed to allow the gate to swing freely again. This is recommended to be done when the new automation is fitted. The gate leaf in its current position will not swing freely.

Office & Display: 707 South Road, Black Forest SA 5035

Postal: PO Box 1, Black Forest SA 5035

Phone: 08 8297 3455 **Fax:** 08 8297 3466

e-mail: sales@totalgateauto.com.au admin@totalgateauto.com.au **Website:** www.totalgateauto.com.au

Acceptance of Quotation: Q13113/RW

Please sign below and return one copy with your deposit of \$ 1000.00 to proceed.
Payment upon completion (7 days) will be required.

****Please note that credit card payments attract a 1% surcharge****

In addition, please indicate if you wish to proceed with the options by ticking the relevant box below (noting the additional deposit required to the above).

I/We acknowledge that the information provided to quote the above is true, correct and complete and further we acknowledge that the quotation is subject to Total Gate & Door Automation's standard Terms and Conditions which have been provided.

*****Clearly note any further options that are selected*****

Purchaser's Signature:

Name:

Date:

Signed For And On Behalf Of (Where Applicable)

Company Name:

FRANK
SALISBURY
SA 5035
08 8297 3455
08 8297 3466

Please use Quotation Number as reference

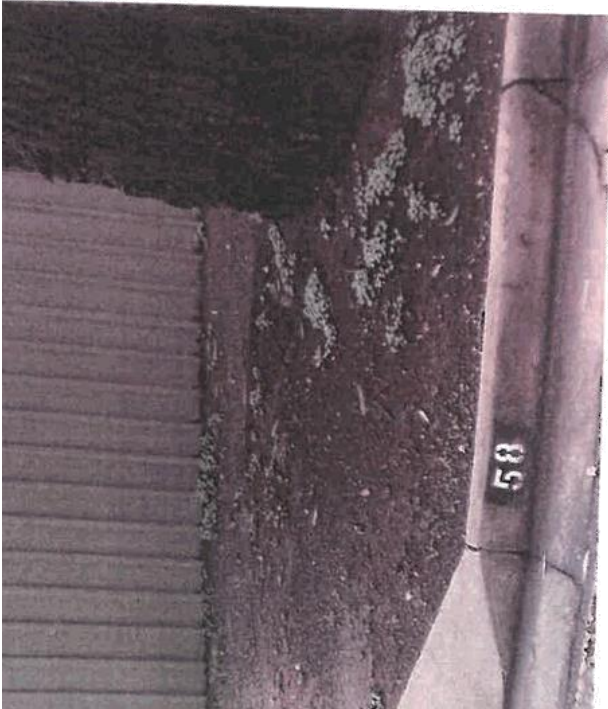
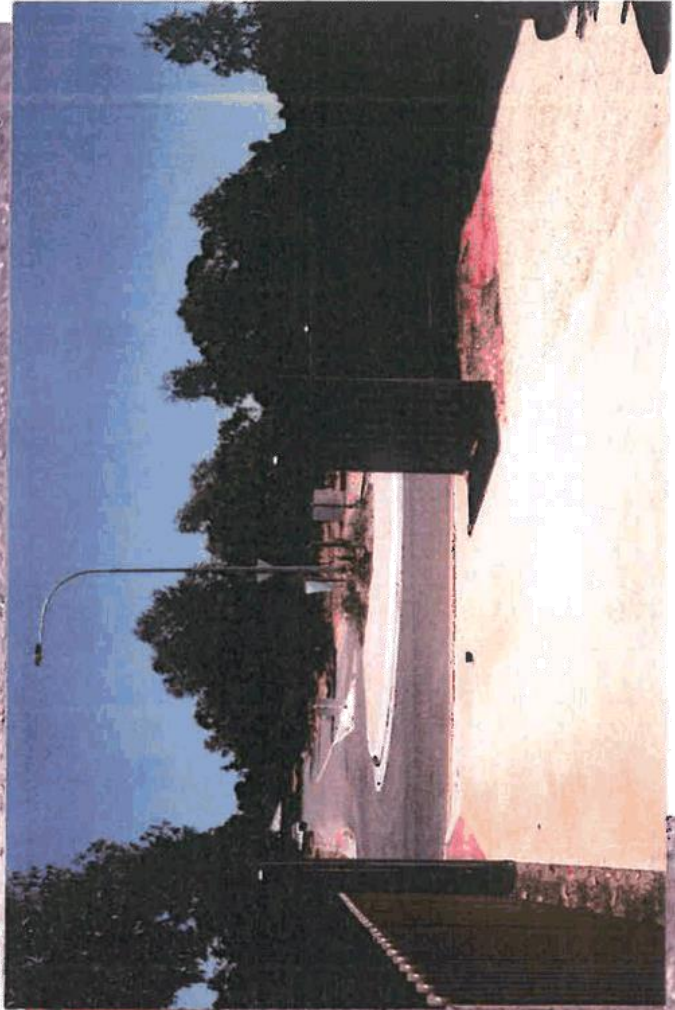
Office & Display: 707 South Road, Black Forest SA 5035

Postal: PO Box 1, Black Forest SA 5035

Phone: 08 8297 3455 **Fax:** 08 8297 3466

e-mail: sales@totalgateauto.com.au admin@totalgateauto.com.au **Website:** www.totalgateauto.com.au

Item 5.1.2 - Attachment 2 - Notice of Category 2 Application and Copy of Representations





Tree Removal Criteria

In order to ensure a consistent approach to requests for the removal of trees, the City of Salisbury has developed a Tree Management Policy and procedure to administer requests for tree removal.

Tree management in the urban environment seeks to achieve a balance of minimising risks and nuisances, whilst maximising benefits to ensure the best community outcome.

Removal of a tree could be warranted if one or more of the following criteria are met:

1. The tree is in an unsuitable location and is unreasonably obstructing approved infrastructure or traffic sight lines.
2. The tree is inconsistent with the landscape style or character of the local area and/or does not contribute substantially to the landscape or streetscape.
3. The spacing of trees planted on a standard width verge is inconsistent with the "Street Tree Planting Guide" for that species of tree.
4. The tree is diseased and/or has a short life expectancy or is dead and has no significant landscape or habitat value.
5. The tree is structurally poor and/or poses an unacceptable risk to public or private safety and/or has a history of major limb failure.
- ⑥ The trees roots are shown to be causing or threatening to cause damage exceeding two thousand dollars to adjacent infrastructure.
7. The trees roots have resulted in damage to Council's kerb or footpath that has required replacement or substantial repair works on more than one occasion within a 5 year period
8. The tree is in the location of a first single driveway of a property (sub-division excluded).
9. The tree is in the location of an approved Council development.
10. The tree has been assessed for removal as part of the "Streetscape or Landscape Redevelopment/Renewal Programme".
11. The tree, according to a medical specialist or GP, has been determined to be the cause of a detrimental effect on the health of a nearby resident. Such advice must be in writing.
12. Genuine Hardship
 - a. The person/resident is receiving HACC or a community care service or;
 - b. The person/resident does not have the functional ability to relieve the nuisance caused by the tree or;
 - c. The person/resident is aged or frail and has moderate, severe or profound disabilities which prevent them from relieving the nuisance caused by the tree; or
 - d. The person/resident is a carer of a person that meets the above criteria.

Where the above criteria is met but a tree qualifies as a "Regulated or Significant Tree" under the Development Act 1993, and the preliminary Planning Assessment concludes that Development Approval is not likely the removal of the tree may be refused, if it concludes that Development Approval is likely a Development Application (DA) is to be lodged. The DA will then be assessed against the provisions of the City of Salisbury Development Plan.

Adopted by Council April 2016



STATEMENT OF REPRESENTATION

Pursuant to Section 38 of the Development Act

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



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: 361/2237/2016/2T
Applicant: City of Salisbury
Location: Adjacent 58 Canterbury Drive , Salisbury Heights SA 5109
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): Shannon SOUTER
ADDRESS: 60 Canterbury Drive SALISBURY HEIGHTS
PHONE NO: [REDACTED] EMAIL: [REDACTED]

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

- ☒ The owner/occupier of the property located at: 60 Canterbury Drive Str Hgts
☐ 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 TO big & Ugly also is a danger TO people on windy Days, by cutting this down it will also make the Street look Better

PTO

361/2237/2016/2T

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

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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 Wednesday 30th November 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: 15/11/16 .

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 **Wednesday 30th November 2016.**

Attachment 3:
Independent Arborist Report

TREE REPORT

Verge tree - 58 Canterbury Dr, Salisbury Heights

Prepared for:

Katherine Thrussell
Development Officer Planning
City of Salisbury
12 James St
Salisbury SA 5108

5 December 2016

Prepared by:

Michael Palamountain
Consulting Arborist
Tree Environs Pty Ltd



managing
trees in the
urban
landscape

For a copy of the report, please contact:
Michael Palamountain
Consulting Arborist
Tree Environs Pty Ltd
12 James St
Salisbury SA 5108
Tel: 08 8333 1111
Email: michael.palamountain@treeenvirons.com.au

Tree Assessment at 58 Canterbury Rd, Salisbury Heights

Summary

The *Eucalyptus sideroxylon* in the verge adjacent to 58 Canterbury Drive is a regulated tree with attributes worthy of preservation. The tree is in good health and is actively growing. It does not have a short life expectancy. The tree has a good form with a limited history of branch failure and has been well pruned in recent years. The tree is not considered to pose a material risk to public or private safety. Tree roots are likely to be affecting the driveway crossover, pavers within the site and the function of the automatic gate controller. Root pruning could occur (outside the structural root zone) to address the damage found at the property, but this will not provide a long term solution.



Tree Assessment at 58 Canterbury Rd, Salisbury Heights

Introduction

Brief

I carried out an assessment of a regulated tree in the Council owned verge adjacent to 58 Canterbury Drive, Salisbury Heights on the 5th December 2016 following a request from Katherine Thrussell, Development Officer Planning at the City of Salisbury. I was requested to assess the health and structure of the tree and comment on the alleged property damage and any suitable remedial actions in relation to the subject tree.

Qualifications

I have based this report on my education, experience, ongoing training, site observations and the information provided to me. I have eighteen years' experience in the field of arboriculture, both as a practicing (climbing) and consulting arborist. A summary of my qualifications includes:

- Bachelor of Science (Botany and Ecology) – University of Sydney (1994)
- Diploma of Horticulture (Arboriculture) (2005)
- Certified Arborist (#AU – 0007A) – International Society of Arboriculture (2003). I have maintained Continuing Professional Development with this certification.
- I am a registered consulting arborist with Arboriculture Australia. I have maintained Continuing Professional Development with this certification.
- Tree Risk Assessment Qualification - International Society of Arboriculture (2013)

Documents and information provided

I was provided with the following documents to assist me in the preparation of this report;

- A copy of the *Development Application Form (DA 361/2237/2016/2T)* including relevant aerial images of the site completed by City Infrastructure.
- A tree report *Arboricultural Assessment of a Eucalyptus sideroxylon in relation to removal of a street tree* prepared by Kevin Davey – Technical Support Worker – Tree Services at the City of Salisbury with inspection date 15th September 2016.
- A letter from Mark Purdie- City of Salisbury to the resident at 58 Canterbury Dr, Salisbury Heights dated 20th May 2016 outlining that there is insufficient evidence to warrant the removal of the tree, and that root pruning was proposed.
- A letter from Amanda Mifsud (the resident) to Mark Purdie (City of Salisbury) dated 11th July 2016 reiterating their request to remove the tree based on the damage to paving and a nearby electronic gate controller.
- A copy of a *Request for Review of Council Decision Not to remove a tree* completed by Mark Purdie review date 23rd August 2016.
- A letter from Mark Purdie - City of Salisbury to the resident at 58 Canterbury Dr, Salisbury Heights dated 12th September 2016 acknowledging the application to remove the tree will be reviewed and that it has been referred to the Planning Department.

Relevant background information

The resident of 58 Canterbury Drive, Salisbury Heights has requested the removal of the street tree on the basis it is lifting pavers within the property, affecting an electronic gate controller and presents a trip hazard which requires repairs.

Tree Assessment at 58 Canterbury Rd, Salisbury Heights

Observations and appraisal

Site visit

I had full access to the tree in question and observations were from what was visible from the Council verge. I also sighted the lifted pavers within the affected property. I carried out a level 2 assessment^a and all my observations were visual from ground level^b. All dimensions marked (~) are estimates. All distances are taken from the centre of the trunk unless otherwise indicated.

Identification of tree

The tree in question is a *Eucalyptus sideroxylon* or **Red Ironbark** which is a 10-25m tall tree with widespread distribution, occurring from northern Victoria, through the western slopes and plains of New South Wales to inland southern Queensland. A few more isolated occurrences are west of Sydney and in the Hunter Valley^c. It is characterised by thick, hard, ridged dark brown/black bark, dull blue green foliage and white, pink or red flowers occurring from May to October. In its natural range the species is typically found on poor, shallow soils, including sands, gravels, ironstones and clay where rainfall is between 450-920mm per year (uniform to summer maximum). The species generally performs well in most areas of South Australia. The Red Ironbark is drought tolerant and has a moderate tolerance to disturbance.

The tree is located in the council verge to the front (south) of the residential property at 58 Canterbury Drive, Salisbury Heights as follows (measured from centre of tree trunk):

- 2.50m from the front boundary fence of the property to the north
- 1.30m from the kerb/water table to the south
- 3.40m from the edge of the crossover/driveway to the west



Tree Assessment at 58 Canterbury Rd, Salisbury Heights

Tree dimensions

Height	13m
Crown spread	~15m
Trunk circumference 1m above ground level	2.41m
Trunk diameter at 1.4m (DBH) ^a	795mm
Trunk diameter at ground level	0.73m
Estimated Age	40 years
Tree protection zone radius ^e	9.54m
Structural root zone radius ^f	2.9m

This tree qualifies as a regulated tree under the *Development Act 1993*.

Legal requirements

Trees with a trunk circumference between 2.0 and 3.0m qualify as a regulated tree^g under the *Development Act 1993*.

Objective 2 of the City of Salisbury *Development Plan* (consolidated 7th July 2016) states:

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

The following table indicates my opinion on how the regulated tree at this site relate to these attributes.

(a) Does the tree significantly contribute to the character or visual amenity of the local area? ^h	Yes	The local streetscape is characterised by mature <i>Eucalyptus sideroxylon</i> . This large specimen is clearly visible from several streets and surrounding properties.
(b) Is the tree indigenous to the local area?	No	
(c) Is the tree a rare or endangered species?	No	
(d) Does the tree provide an important habitat for native fauna? ⁱ	No	Provides some, but not important habitat value.

I consider this tree to possess attributes worthy of preservation.

Tree health

This tree is in good health.

The foliage is moderately dense and healthy, with good colour and is free of major foliar pests.

There are a very few notable dead branches in the crown.

The tree is free of notable pests or diseases.

This tree is well suited to the local conditions, is proven to perform well in the area, and is not considered to be diseased with a short life expectancy.

Tree Assessment at 58 Canterbury Rd, Salisbury Heights

Tree structure

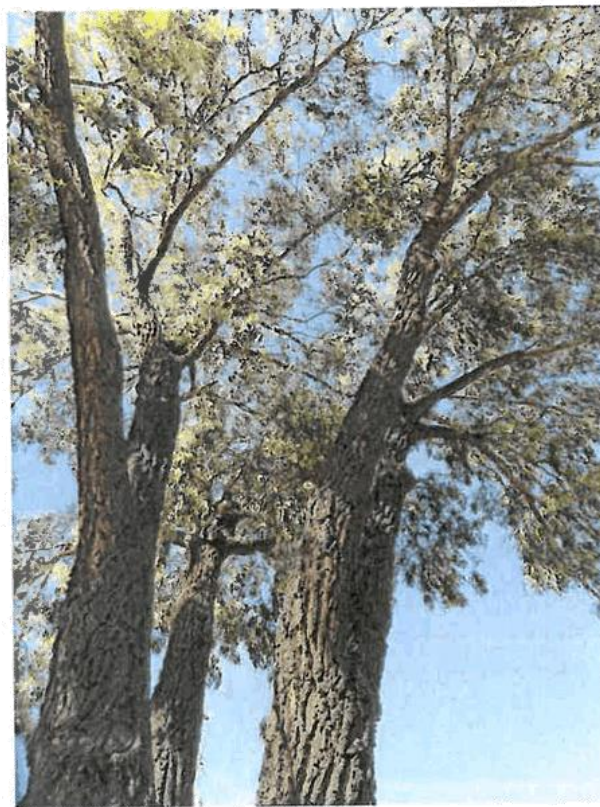
The tree's structure consists of a single trunk with primary branches from ~1.2m above the ground to form a medium sized, broad spreading, and moderately dense crown.

The primary stems and branches are well attached, being free of bark inclusions or other notable defects. The smaller second and third order branches are also well attached, free of defects and are not considered to be excessively long or heavy.

I found no evidence, nor was I advised of any recent notable branch failure from the crown of this tree.

I found evidence of pruning works in the past to remove larger dead branches, to lift the crown over the roadway and to reduce overhang to the front yard of 58 Canterbury Drive. This pruning is of a good quality and complies with Australian Standard AS 4373 *Pruning of Amenity Trees*.

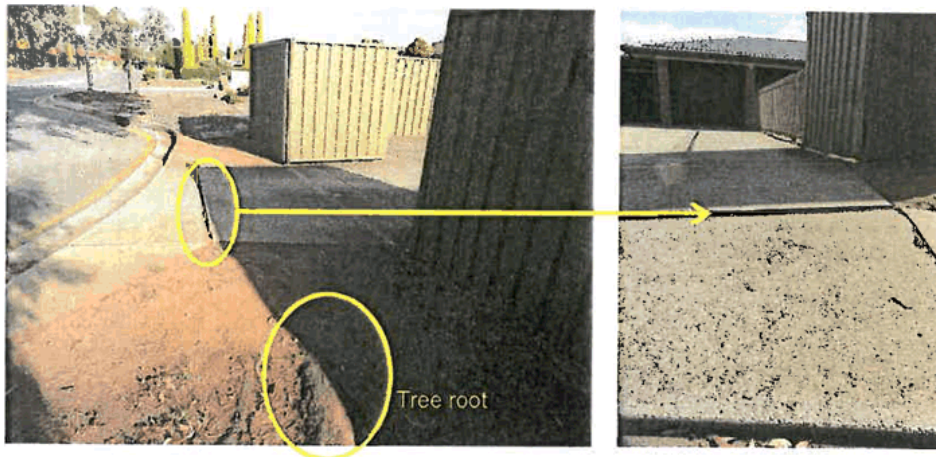
I found no evidence to indicate that this tree has a history of notable branch failure or that it is unstable. It has been well managed and is not considered to pose an unacceptable risk to road users or the adjoining residents.



Tree Assessment at 58 Canterbury Rd, Salisbury Heights

Damage to surrounding structures

I identified a large woody root growing close to the soil surface in a westward direction towards the crossover/driveway outside the property boundary. This root is visible above ground for 2.20m from the tree (measured from centre of trunk). The concrete sections in the driveway crossover are lifting in the order of 10-15mm. In my view, it is possible that the tree root is contributing to this concrete movement.



To address the issues with lifting of the driveway, the following remedial actions could be considered:

- Grind down the raised concrete edge if this is deemed to be a trip hazard.
- Root pruning adjacent to the edge of driveway (3.4m from centre of tree) could occur without adversely affecting tree stability as this is outside the structural root zone of the tree (2.9m from the centre of tree).

Tree Assessment at 58 Canterbury Rd, Salisbury Heights

I found no visible evidence of tree roots above the ground in the verge growing to the north towards the affected property. However, I observed several pavers immediately behind the boundary fence (adjacent to the letterbox) were disrupted and lifting at ~3.1-3.5m from the centre of the tree. It is likely that these pavers are being lifted by the roots of the subject tree.



To address the issues with lifting of the driveway, the following remedial actions could be considered:

- Lift affected pavers and identify the presence of tree roots.
- Root pruning outside the property boundary in the vicinity of the lifting pavers (3.0m from the centre of the tree) could occur without adversely affecting tree stability as this is outside the structural root zone of the tree (2.9m from the centre of tree).

However, it should be kept in mind that new roots will grow from the pruned root and are likely to grow under the pavers and cause similar problems within the next 5 or so years. The pruning of roots is considered to be suitable remedial action, but is not a long term solution to the problems being experienced at the property. Root barriers could be considered and may provide a longer term solution to the problem. However, root barriers do not prevent tree roots from growing under and beyond the barrier, and tree roots may grow back into the area within 10 or so years^k.

Tree Assessment at 58 Canterbury Rd, Salisbury Heights

In this situation, tree removal could be considered in an effort to provide a longer term solution to the problem. Tree removal could occur under the City of Salisbury *Development Plan* (consolidated 7th July 2016) as follows:

PDC 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:
(c) The tree is causing damage to a building¹.

Conclusions

- The *Eucalyptus sideroxylon* in the verge adjacent to 58 Canterbury Drive is a regulated tree with attributes worthy of preservation.
- The tree is in good health and is actively growing. It does not have a short life expectancy.
- The tree has a good form with a limited history of branch failure and has been well pruned in recent years. The tree is not considered to pose a material risk to public or private safety.
- Tree roots are likely to be affecting the driveway crossover, pavers within the site and the function of the automatic gate controller. Root pruning could occur (outside the structural root zone) to address the damage found at the property, but this will not provide a long term solution.

If you have any further queries regarding the information contained in this report please feel free to contact me.



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Tree Assessment at 58 Canterbury Rd, Salisbury Heights

Endnotes

^a Tree and risk assessments can be conducted at different levels and may employ various methods and tools. The level of assessment applied should be appropriate for the circumstances.

Level 1 - Limited visual assessment.

- A visual assessment from a specified perspective, near specified targets.
- The aim is to identify obvious defects or specified conditions.
- Typically identifies trees with imminent or probable likelihood of failure.
- This is the fastest and least thorough form of assessment intended for larger populations of trees.
- This can be carried out as a walkover, drive-by or fly-over inspection.

Level 2 - Standard assessment.

- A level 2 assessment is a detailed ground based visual tree inspection of a tree and its surroundings.
- The use of simple tools (mallet, binoculars, probes, spades), may be required.
- In some instances only limited information may be gained on specific internal, below ground or upper crown factors.
- For the majority of tree assessments the standard assessment provides adequate information to guide tree management.

Level 3 - Advanced assessment.

- A level 3 assessment is performed to provide detailed information about specific tree parts, defects, targets or site conditions.
- This assessment is usually conducted after a standard assessment has undertaken if additional information is required and with the approval of the client.
- Specialised equipment is often required for advanced assessment.
- The assessments are generally more time intensive and expensive.
- Advanced assessment techniques may include; aerial inspection, detailed target analysis, detailed site evaluation, decay testing, health evaluation, root inspection, tree stability monitoring and load testing.

NOTE: If tree condition cannot be adequately assessed at the specified level a higher level of assessment may be required.

^b A visual tree assessment (VTA) is an analytical process undertaken by a qualified Arborist or other suitably trained person to determine the structural soundness of a tree. Biological and mechanical components of trees are assessed, including tree health; presence of pests and diseases, die-back, foliage density and distribution, and vitality; growth rate, wound wood development, capacity to respond to improved conditions. Mechanical components include trunk lean, crown bias, bark inclusions, wounds, hollowing, trunk bulges, ribs, cracks, branch form, failure history, pruning history, condition of trunk flare, and other existing defects. All these factors are examined to determine if internal weaknesses may be present. If abnormalities are detected, we may conduct further investigations using a range of tools. These include sounding mallets, long thin drill bits, Resistograph, Sonic Tomograph, Air spade and other tools as required. Ref: Mattheck. Claus & Breloer, Helga. *The Body Language of Trees. A Handbook for Failure Analysis*. Department of the Environment. London 1997.

^c Boland, D., Brooker, M., Chippendale, G., Hall, N., Hyland, B., Johnston, R., Kleinig, D., McDonald, M. and Turner, J *Forest Trees of Australia - Fifth Edition* CSIRO Publishing 2006 and Centre for Plant Biodiversity Research (2006)- Contributors: AV Slee, MIH Brooker, SM Duffy, JG West *EUCLID – Eucalypts of Australia* Interactive CD ROM

Tree Assessment at 58 Canterbury Rd, Salisbury Heights

^d Diameter at Breast Height (DBH) is the diameter of the trunk measured at breast height. This measurement is taken at 1.40m above ground level. (Refer to appendix A of the standard for variations on measuring DBH) This is the nominal point measured to determine Tree Protection Zones using the Australia Standard method AS 4970-2009 *Protection of trees on development sites*. When calculating a DBH for a tree with multiple trunks, the combined DBH do not accurately represent the root volume or area and the TPZ becomes exaggerated. Combining DBH in the following formula results in a revised total DBH that better represents the total stem cross sectional area as if it were 1 stem. From this a more proportional TPZ can then be calculated.

$$\text{Combined DBH} = \sqrt{A^2 + B^2 + C^2 \text{ etc.}}$$

(A, B and C etc. are the DBH of each individual stem)

^e The Tree Protection Zone (TPZ) radius is calculated by multiplying the trunk diameter at 1.4m by a factor of 12. The radius is measured from the centre of the trunk at ground level. A TPZ should not be less than 2m nor greater than 15m (except where crown protection is required). This method is outlined in the Australian Standard AS 4970 – 2009 *Protection of trees on development sites*.

^f The Structural Root Zone (SRZ) is the area around the base of a tree required for the tree's stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold a tree upright. The SRZ is nominally circular with the trunk at its centre and is expressed as a radius in metres. This zone considers the tree's structural stability only, not the root zone required for the tree's vigour and long-term viability, which will usually be a much larger area. There are many factors that affect the size of the SRZ (e.g. tree height, crown area, soil type, soil moisture). The SRZ may also be influenced by natural or built structures, such as rocks and footings. An indicative SRZ radius can be determined from the following formula. Root investigations may provide more information on the extent of these roots. From AS 4970-2009 *Protection of Trees on Development Sites*.

$$\text{SRZ radius} = (D \times 50)^{0.42} \times 0.64$$

(D= trunk diameter in metres when measured above the root buttress)

Any work within the SRZ should be avoided. Where no alternative exists, the work must be supervised by a qualified Arborist and approved by Local Council. Tree removal may be required depending upon the size and number of roots affected.

^g**Regulated tree means—**(as defined in Section 4 Interpretation (1) of the Development (Regulated Trees) Amendment Act 2009)

- (a) a tree, or a tree within a class of trees, declared to be regulated by the regulations (whether or not the tree also constitutes a significant tree under the regulations); or
- (b) a tree declared to be a significant tree, or a tree within a stand of trees declared to be significant trees, by a Development Plan (whether or not the tree is also declared to be a regulated tree, or also falls within a class of trees declared to be regulated trees, by the regulations);

Section 6A—Regulated and significant trees (as defined in the Development (Regulated Trees) Variation Regulations 2011)

- (1) Subject to this regulation, the following are declared to constitute classes of regulated trees for the purposes of paragraph (a) of the definition of **regulated tree** in section 4(1) of the Act, namely trees within the designated area under subregulation (3) that have a trunk with a circumference of 2 metres or more or, in the case of trees with multiple trunks, that have trunks with a total circumference of 2 metres or more and an average circumference of 625 millimetres or more, measured at a point 1 metre above natural ground level.

^h This opinion may need to be verified by a qualified landscape architect.

Tree Assessment at 58 Canterbury Rd, Salisbury Heights

ⁱ Important habitat and biodiversity value is considered to be present when the tree is indigenous to the local area and provides an opportunity for native animals to perch, nest, breed, feed and shelter in the tree. Animals that may use the tree include native birds, mammals, insects and other invertebrates, lizards and other reptiles. Australian native trees will also provide some of these benefits, but are not considered to be as important as locally indigenous trees. Exotic trees can also provide some of these benefits, but are considered to provide limited habitat and biodiversity value.

^j Branching order describes the divisions between successively smaller branches in a tree. The main trunk is what emerges from the ground and is not considered a branch. First order branches (or primary branches) emerge from the main trunk and are the main scaffold branches of the tree. Second order branches (or secondary branches) emerge from these first order branches, followed by third order branches (tertiary branches) and so on. Successive branching is usually characterised by a reduction in branch diameter at each division. Draper, D and Richards, P. *Dictionary for Managing Trees in Urban Environments* CSIRO Publishing and Institute of Australian Consulting Arboriculturalists 2009.

^k While the purpose of root barriers is to reduce the likelihood of root proliferation and subsequent damage to buildings and infrastructure, their effectiveness is limited. Research to date indicates that root barriers are successful in deflecting roots to deeper soil layers. However after growing under the barrier the roots return to the surface again. In poorly drained soils the roots return to the surface quickly. In well drained soils the roots return to the surface more slowly.

- Wager, A.J. and Barker, P.A. 1993. Effectiveness of three barrier materials for stopping regenerating roots of established trees. *Journal of Arboriculture* 19 (6) pp 332-338 as cited in Watson, G.W. and Neely, D. *Trees and Building Sites: Proceedings of an International Workshop on Trees and Buildings* ISA Publishers, Illinois 1995, pp64-67.
- Coder, K.D. Root Growth Control: Managing Perceptions and Realities as cited in Watson, G.W. and Neely, D. *The Landscape Below Ground II: Proceedings of an International Workshop on Tree Root Development in Urban Soils*, pp 51-81, ISA Publishers, Illinois 1998.

^l **building** means a building or structure or a portion of a building or structure (including any fixtures or fittings which are subject to the provisions of the *Building Code of Australia*), whether temporary or permanent, moveable or immovable, and includes a boat or pontoon permanently moored or fixed to land, or a caravan permanently fixed to land. **structure** includes a fence or wall. (*Development Act 1993 – Section 4 Interpretation*)

Attachment 4:
Relevant Development Plan Provisions,
Consolidated 07 July 2016

Development Plan

Salisbury Council

Consolidated – 7 July 2016

Please refer to the Salisbury Council page at
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



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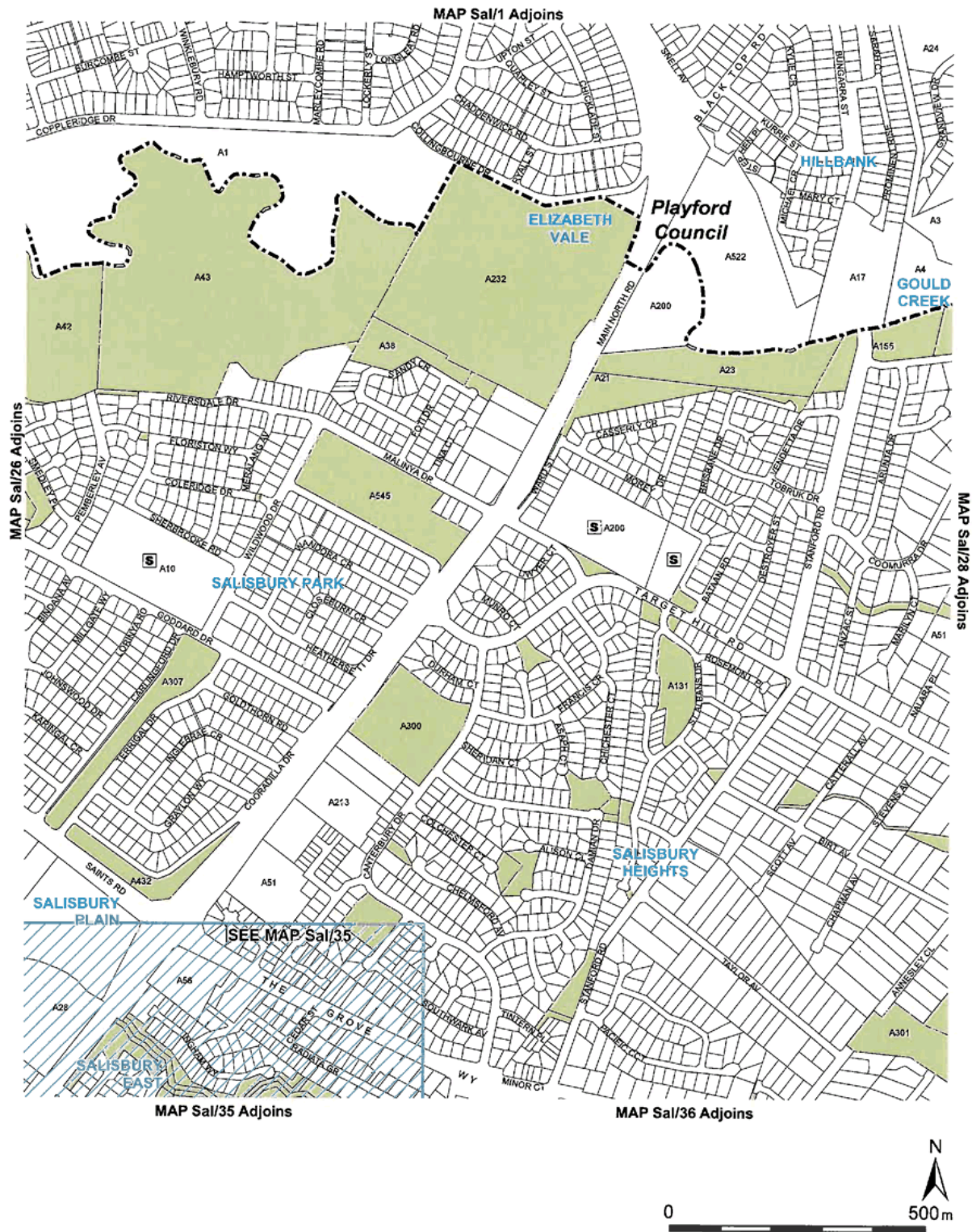
Regulated Trees

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.



- S School
- Local Reserves
- Development Plan Boundary

Location Map Sal/27

SALISBURY COUNCIL
Consolidated - 7 July 2016

ITEM	5.1.3
	DEVELOPMENT ASSESSMENT PANEL
DATE	24 January 2017
APPLICATION NO.	361/1219/2016/NB
APPLICANT	Omega Fire Ministries International Inc.
PROPOSAL	Change of use (unit 7) to place of worship for temporary period of five (5) years (non-complying development)
LOCATION	Unit 7, 38-50 Barndioota Road, Salisbury Plain
CERTIFICATE OF TITLE	Volume 5240 Folio 947 & Volume 5240 Folio 946
AUTHOR	Chris Carrey, Development Officer, City Development

1. DEVELOPMENT APPLICATION DETAILS

Zone/Policy Area	Industry Zone
Application Type	Non-complying
Public Notification	Representations received: 5 Representations to be heard: 1
Referrals - Statutory	Nil
Referrals – Internal	Development Engineering Urban Policy
Development Plan Version	Salisbury Council Development Plan Consolidated 5 May 2016
Assessing Officer	Chris Carrey, Development Officer - Planning
Recommendation	Grant Development Plan Consent subject to conditions and seek the concurrence of the Development Assessment Commission
Meeting Date	24 January 2017

2. REPORT CONTENTS

Assessment Report

Attachment 1:	Proposals Plans and Supporting Documentation, including Statement of Support and Statement of Effect
Attachment 2:	Notice of Category 3 Application, Copies of Representations and Applicant's Response
Attachment 3:	Relevant Development Plan Extracts and Location Maps consolidated 5 May 2016

3. EXECUTIVE SUMMARY

The applicant seeks Development Plan Consent for a change of use to a Place of Worship for a temporary period of five (5) years at Unit 7, 38-50 Barndioota Road, Salisbury Plain. The proposed development is retrospective with the land use having commenced around April 2016. The proposed development is a form of non-complying development in the Industry Zone of Council's Development Plan.

At the time of lodging the application the applicant provided a Statement in Support of the proposal. Council's Development Assessment Unit subsequently considered the proposed development and in accordance with Regulation 17(3)(b) of the *Development Regulations* 2008, resolved to proceed with an assessment of the application. The applicant subsequently provided a Statement of Effect in support of the proposal.

The application was subject to Category 3 public notification. Five representations were received during the notification period. Four of the representors were in opposition, one was in support (subject to a number of concerns and suggested control) and one requested to be heard.

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

- a) The proposed land use is appropriate within the Industry Zone having regard to the proposed hours of use, number of attendees, and temporary nature of the use.
- b) The overall appearance of the site will not be altered by the proposal, given that the use will be accommodated within an existing building.
- c) The use will not result in any unreasonable impacts to the locality with regards to noise, traffic or lighting.
- d) Adequate car parking will be available, given that the use will operate for limited periods with main church services taking place outside of weekday business hours.
- e) Proposed operational hours will increase surveillance opportunities within the site and to the surrounding locality.

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

4. SUBJECT SITE

The subject site is located at 38-50 Barndioota Road, Salisbury Plain which is comprised of two allotments; Lot 41, Filed Plan 114257, Certificate of Title Volume 5240 Folio 947; and Lot 44, Filed Plan 114260, Certificate of Title Volume 5240 Folio 946.

The site has a primary frontage to Barndioota Road of approximately 75m, a secondary frontage to Lolands Road of approximately 75m and a total site area of approximately 9,788m². Double width driveways providing access and egress to the site are available from both Barndioota Road and Lolands Road.

The site contains a large industrial building located along the north-west and south-west boundaries (hereinafter referred to as the 'main building'). This building is divided into ten individual tenancies. A second smaller industrial building is located in the eastern corner of the site. This building is divided into four individual tenancies. The tenancies comprise a range of uses including light industrial, warehousing and commercial activities.

The subject site includes 59 line marked car parking spaces which are provided internally and around the perimeter of the site. The car parking spaces are available for shared use between all 14 tenancies.

The place of worship is proposed for Unit 7, which is located in the main building. The façade of Unit 7 faces internally to the site and consists of brick wall, barred glass windows and doors, one large roller door and a personal access door. A second emergency access door is also fixed to the rear wall of the building. The tenancy has a total floor area of 559m², which comprises a main space of 480m², office space of 54m²; and small bathroom/toilet.

There are no easements, encumbrances or land management agreements registered on the Certificates of Title.

Site photos are provided below:



Photo 1: Front façade of Unit 7 (looking south-west)



Photo 2: Looking east - manoeuvring and parking areas in front of Unit 7



Photo 3: Looking west into the site from Barndioota Road



Photo 4: Looking south-west into the site from Lolands Road

5. LOCALITY

The site is located in the Industry Zone of Council’s Development Plan. The north-west boundary of the site is approximately 120m from the Residential Zone boundary which is located to the north-west of the site.

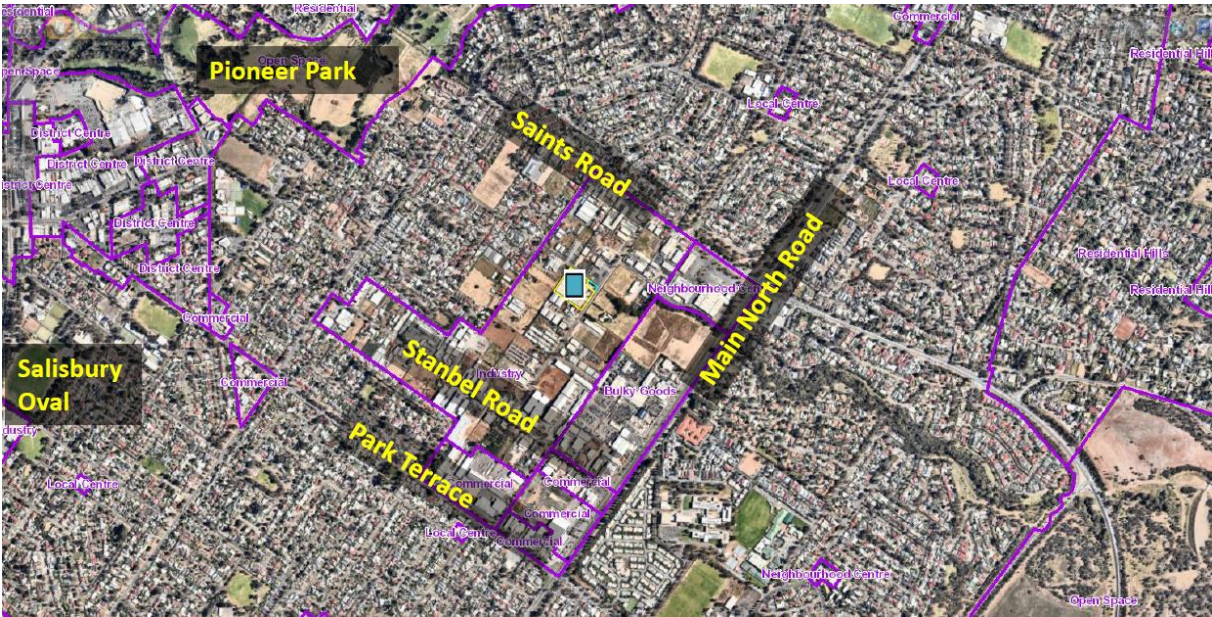
The locality is generally characterised by industrial and commercial land uses; however there are also a number of residential dwellings and vacant parcels of land present within the locality.

The site is bounded by established industrial uses to the north-west and to the north-east across Lolands Road. On the south-west side there are two adjoining properties, one of which is an established industrial site and the other a residential dwelling (36 Barndioota Road).


Further, residential dwellings are located at 38-44 Willochra Road, (approximately 90m to the east of the site), 1-9 Lolands Road and 2 Lolands Road (approximately 85m to the north-west) and 28A Barndioota Road (approximately 95m to the south-west). All of these dwellings are located in the Industry Zone. To the east across Barndioota Road is a vacant property, and to the south-east is a mostly vacant allotment with a shed located thereon.

Aerial and contextual plans are provided below.

Locality Plan – Aerial







Source: Dekho

Legend	
	Subject site

Locality Plan – Cadastre

Source: Dekho

(Note: 3 representations were received from other tenancies within the subject site)

Legend	
	Subject site
	Properties notified
	Representor
	Zone Boundary

Contextual Plan:



Source: Dekho
(Note: 3 representations were received from other tenancies within the subject site)

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks Development Plan Consent for a change of use to a Place of Worship for a temporary period of five (5) years at Unit 7, 38-50 Barndioota Road, Salisbury Plain. The proposed development is retrospective with the land use having commenced around April 2016.

The record for previous development approvals for the site is limited and the previous use for the subject tenancy is unclear. However, it would appear that over time the overall site has been used for a range of industrial, light industrial and commercial uses. There are no previous approvals for a place of worship for any of the tenancies on this site.

Omega Fire Ministries Incorporated seeks to conduct church services and smaller gatherings (such as bible study groups and worship gatherings) within Unit 7 at the subject site. Church services are proposed to take place as follows:

- Tuesday 7.00pm to 9.00pm
- Friday 7.00pm to 9.00pm
- Last Friday of each month 10.00pm to Midnight

- Saturday 6.00pm to 8.00pm
- Sunday 10.00am to 2.00pm

The maximum number of attendees will be 50.

The small gatherings (such as bible study groups and worship gatherings) will occur seven (7) days per week between 9.00am and 9.00pm. The applicant has confirmed that no more than 10 attendees will attend these gatherings at any one time.

The proposed floor layout incorporates a main hall of 480m², office space of 54m², and a small bathroom/toilet. The main hall comprises a stage, seating area, an area for a band and choir and basic kitchen facilities.

No internal building work, landscaping or advertising signage is proposed in association with this development, except where otherwise required to satisfy the building rules assessment.

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

7. CLASSIFICATION

The subject site is located in the Industry Zone of Council's Development Plan (Consolidated 5 May 2016). In this Zone, a place of worship is listed as a non-complying form of development, except where:

it has a floor area greater than 500 square metres and is less than 60 metres from the boundary of the Industry Zone.

Unit 7 has a total floor area of 559m²; however, the site is located more than 60m from the boundary of the Industry Zone. The site is located approximately 120m from the Zone boundary in Willochra Road. Accordingly, the application must be treated as a non-complying form of development.

In accordance with Regulation 17(1) of the *Development Regulations* 2008, the Applicant provided a Statement in Support of the non-complying proposal at the time of lodging the development application (23 June 2016).

On 30 June 2016, Council's Development Assessment Unit considered the Statement of Support and given the planning merits argued by the applicant and temporary nature of the proposal resolved to proceed with an assessment of the application in accordance with Regulation 17(3)(b) of the *Development Regulations* 2008,.

On 26 September 2016, and in accordance with Regulation 17(4) of the *Development Regulations* 2008, the applicant submitted a Statement of Effect in support of the development.

Note: the Applicant's Statement of Support and Statement of Effect are contained within Attachment 1 of this report.

8. PUBLIC NOTIFICATION

The proposed development is neither listed as being a Category 1 or 2 form of development under the Industry Zone or under Schedule 9 of the *Development Regulations 2008*. Accordingly, the application must be a default Category 3 form of development under Section 38 of the *Development Act 1993*.

Public notification took place between 29 September and 17 October 2016. Council received five representations during the notification period. Four representors were in opposition and one was in support (subject to a number of concerns and suggested controls). The representors are listed in the table below.

Representations received		
Representations received		Wish to be Heard
1	Ian Hague Showell Unit 8 & 12 38-46 Barndioota Road SALISBURY PLAIN 5109	√
2	Joseph Gervasi & Matt Ryan Unit 4 & 6 38-46 Barndioota Road SALISBURY PLAIN 5109	
3	Kon & Magdalini Georgiadis 38-44 Willochra Road SALISBURY PLAIN 5109	
4	KJ Dales Unit 5, 38-46 Barndioota Road SALISBURY PLAIN 5109	
5	Angela Marchesan 22 Barndioota Road SALISBURY PLAIN 5109	

A copy of the Category 3 public notice, the representations and the applicant's response are contained in Attachment 2.

The content of the representations and the applicant's response are summarised in the table below:

Summary of Representations	
Representation	Applicant's Response
The proposed development will result in noise impacts from music and singing and from increased traffic during church services	<p>In order to ensure that the noise associated with the land use will be appropriately managed, Resonate Acoustics, a suitably qualified and experienced acoustic engineer, was engaged to undertake noise monitoring and prepare an assessment of the acoustic performance of the proposed development.</p> <p>The Music Noise Assessment concluded that the music played during scheduled services will comply with the requirements of the Salisbury Council Development Plan and satisfy the requirements of the EPA. The proposal will not have an unreasonable impact on the amenity of the adjacent residential dwelling.</p> <p>The other potential noise source is from vehicles entering and exiting the site. In the context of this locality it is important to note that the noise environment is already dominated by local traffic and industrial activities. Additional vehicle movements to the proposed place of worship are not expected to result in unreasonable levels of additional vehicle noise given that the existing car-park is used by other tenancies within the industrial complex. It is also noteworthy that the proposed vehicles would be standard passenger vehicles, which generally produce less noise than trucks or machinery which are anticipated within the current industrial land use.</p> <p>On balance, and having regard to the information available, it is considered unlikely that the proposed use will create unreasonable acoustic impacts upon adjoining land uses, in particular residential uses, in the locality.</p>
The proposed hours of operation should be restricted after 7.00pm as late night services will have an impact on the locality, particularly with regards to noise.	The desire expressed by several representors for services to be restricted after 7:00 pm emanates from the representations from occupiers of dwellings in the locality and relates to concern around acoustic impacts. It has subsequently been demonstrated by a qualified acoustic engineer that the acoustic impact on the locality during services will be appropriate and should not have an unreasonable impact on sensitive receptors in the locality.
The proposed development should not occur during weekday business hours as there will be conflict with existing	The desire expressed by several representors for limitations on the land use during business hours (7:00am to 4:00pm weekdays) already occurs in part, as scheduled services are limited to weeknights and weekends.

land uses within the subject site. In particular, there is a concern for the safety of children attending the church and industrial/commercial vehicle movements within the site.	The use of the site during normal business hours will be minimal, with maximum numbers limited to a maximum of ten people present at the site at any one time. This minimises potential for conflict with the operations of other tenancies in the complex.
The proposed development is not suitable within an industrial location, and more than 50 persons will attend church services which will result in additional safety and car parking problems.	<p>The proposed place of worship will typically accommodate 40 to 50 people, which is considered somewhere between a small and a medium scale (as defined in the Development Plan).</p> <p>At its current size, the congregation is too small and lacks the resources to purchase a purpose built building, yet is too large to locate within a residence.</p> <p>The proposed use of an industrial tenancy over the next five years is considered to be an ideal solution to facilitate the place of worship during this interim phase, until such time as it grows to the extent that it can economically relocate to a purpose built facility.</p> <p>We note that if the congregation grew significantly faster than anticipated, that the period of five years may be reduced.</p>
The proposed development will result in car parking problems within the site and there have been instances where vehicles have blocked access to other tenancies within the site.	<p>A maximum of 50 persons are anticipated to attend the place of worship at any one time. Applying the applicable car parking guidelines, the maximum anticipated number of attendees would necessitate provision of 17 car parking spaces.</p> <p>The 59 line-marked car parking spaces existing on the subject land are shared between the tenancies without restriction for the use of staff and customers. Tenancies within the centre typically operate during normal daytime business hours. There is therefore limited potential for the peak times of demand for persons accessing the place of worship (consisting primarily of evenings and weekends) to coincide with peak daytime traffic demand associated with customers of the existing businesses.</p> <p>When a Friday evening service was observed by the writer in the course of preparation of the application, an attendance of approximately 45 persons generated a maximum parking demand for 11 vehicles. A number of attendees were dropped at the site in vehicles which subsequently left. The only other activity occurring on the site at this time was the fitness studio facility which generated a demand for approximately 7 vehicles. More than 30 additional car parks remained available at all times. Our client indicated that the attendance at this service was one of their largest attendances for a service at this time. This observation would suggest that the provision of car parking is more than adequate.</p>

	<p>As the available car parking spaces exceeds the demand, it is not anticipated that vehicles would need to be parking inappropriately or blocking access to other businesses.</p> <p>Our client seeks to remind their congregation on an ongoing basis of the importance of parking within the identified spaces on the site, and, in particular, not parking in locations where obstruction of other tenancies could result.</p>
<p>The proposed development will and has resulted in poor waste management practices. In particular, overflowing rubbish bins, waste scattered around the site, and storage of wastes to the rear of the building blocking emergency access routes.</p>	<p>The concerns expressed by representors, particularly those from other tenancies within the subject site have been noted by our client. Our client understands the need to ensure that waste generated from their use of the site is appropriately managed. Our client has advised that they have had issues on occasion with rubbish being dumped by others in the vicinity of their tenancy.</p> <p>In response to concerns raised by representors our client will make arrangements for the provision of a larger general waste bin from a private contractor which will be emptied on at least a weekly basis. This will ensure that all waste generated by the tenancy can be stored within the bin.</p> <p>Additionally, our client has now instituted additional procedures to ensure that any rubbish which may have been deposited outside of the tenancy is removed prior to the facility being vacated each day.</p>
<p>The proposed development will result in increased crime within the site as the gates will be left open for longer periods of time.</p>	<p>We consider that integrating the proposed place of worship will increase levels of passive surveillance in the area through the extension of times where people are present at the site.</p> <p>Our client recognises a need for management associated with site security, including securing the gates to the site when they depart (and there is no one else remaining on the site) as agreed with the agent for the landlord.</p>
<p>A concern that children attending the site in association with the proposed development will not be supervised, which will result in safety and other behavioural issues</p>	<p>As observed, almost all of the tenancies within the industrial complex operate during normal daytime business hours. The proposed scheduled services at the church are on weeknights (from 7:00pm) and weekends. At these times it is not anticipated that the other industrial businesses will be operating machinery or vehicles. As such the chance for conflict between children and vehicles is considered minimal.</p> <p>We also note that the proposed worship services occur within the building and do not extend out into the car park or driveway area.</p> <p>As such, children will not be in the car parking area for long periods of time, only when coming to or from the site, when it is anticipated that they will be supervised by an adult.</p>

	Notwithstanding, our client recognises these concerns and is committed to ensuring that members of the congregation provide appropriate supervision for children, particularly at times when other tenancies are operating.
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NOTE: With the exception of management issues raised by the representors, the assessing officer's consideration of the above representations is addressed within the assessment section of this report.

Management issues raised by Representors

As this is a retrospective application, a number of the representors have raised concerns regarding current practices associated with the place of worship. In particular, management of rubbish and the cleanliness of the site, children left unsupervised within the site, and cars blocking access to other tenancies. These are considered to be management issues rather than specific land use or development assessment matters. However, it is noted these issues have been addressed by the Applicant in their response to representations. Further, if an approval is granted, these are issues which can be controlled through development plan conditions and a number of conditions have been recommended to this effect.

9. REFERRALS – STATUTORY

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

10. REFERRALS – INTERNAL

DIVISION	SUMMARISED COMMENT
<i>Urban Policy</i>	<p><i>The non-complying exceptions listed within the Industry Zone for a Place of Worship come from the State Government's desire to protect industrial areas from the intrusion of more sensitive/incompatible developments. The intent was to have places of worship at the fringe of the Zone, with the 60m distance being taken from the Category 2 public notification requirements as set out in the Development Regulations 2008.</i></p> <p><i>With regards to the noise provisions contained within the Development Plan and the Environment Protection (Noise) Policy 2007 – these are more geared to music/noise impacts associated with licensed venues, not necessarily other uses, however the Development Plan does not make this explicit.</i></p>
<i>Development Engineering</i>	<i>Line marking within the car parking area is existing and appears to comply with Australian Standards 2890. As the site is already developed and sealed, with no additional built form proposed, there are no engineering concerns or requirements.</i>

11. 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 Council Development Plan, Consolidated 5th May 2016 as a place of worship may be anticipated in the Industry Zone, subject to it being of an appropriate size and sited in a suitable location.

Assessment

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

An extract of the relevant Development Plan, Consolidated 5th May 2016, is contained in Attachment 3. The relevant provisions are also highlighted in the Attachment.

Zoning and Land Use

Objective 1 of the Industry Zone states:

1 A zone primarily accommodating a wide range of industrial, warehouse, storage and transport land uses.

Principle of Development Control (PDC) 1 of the Industry Zone further identifies the following forms of development as being envisaged within the Zone:

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

- *industry*
- *office in association with and ancillary to industry*
- *transport distribution*
- *warehouse.*

A place of worship is not an envisaged use in the Industry Zone. It is also noted that non-complying development is listed as being generally inappropriate (PDC 3). However, the non-complying exceptions for a place of worship within the Industry Zone suggest that such a use may be an appropriate form of development, subject to it being of an appropriate size and sited in a suitable location.

PDC 4 of the General Section: Community Facilities module provides further guidance with respect to appropriate locations for a Place of Worship in the City of Salisbury as follows:

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

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

The development is for a maximum of 50 persons to attend church services at any one time which is not specifically identified in the categories within PDC 4. The development sits somewhere between a ‘small’ and ‘medium’ scale place of worship which are identified as being either ancillary to a residence or within a building of a ‘medium footprint’ (the size of which is not specified). The applicant has advised that the congregation is too small and lacks the funds to purchase a purpose built building and is too large to locate within a residence. The applicant considers the industrial location to be an interim solution, until the congregation grows and can afford to relocate to a purpose built facility. This position is considered to be reasonable.

PDC 6 of the General Section: Community Facilities module specifically considers the location of ‘large’ places of worship as follows:

6 Large places of worship should:

- (a) be located within centre, commercial or the periphery of industrial zones*
- (b) demonstrate the following design features:*
 - (i) reuse of existing buildings*
 - (ii) the bulk, mass and height of development compatible with the character of the locality*
 - (iii) sharing of car parking facilities*
 - (iv) siting on arterial or collector roads rather than narrower local residential streets*
 - (v) promote crime prevention through environmental design principles*
 - (vi) reduced land use conflicts in relation to the scale of building form and hours of operation*
 - (vii) provide value added functions and facilities that can be used by neighbouring activities.*

This provision identifies that a ‘large’ place of worship is a suitable form of development within an Industry Zone, provided it is located on the periphery of the Zone and does not result in detrimental impacts to existing industrial land uses and road networks.

While the development is not of a 'large' scale and technically does not fall within the ambit of PDC 6, it is not located on the periphery of the Industry Zone. The subject site is located approximately:

- 120m from the Residential Zone to the north-west
- 300m from the Residential Zone to the north-east
- 175m from the Bulky Goods Zone to the south-east; and
- 540m from the Commercial Zone to the south-west.

This may suggest the subject site is not appropriate for the proposed use and could represent an undesired intrusion into the Industry Zone beyond its fringes. However, given the proposed hours of use for main church services (outside of regular weekday business hours), the temporary nature of the proposal (5 years), the small footprint occupied by the use relative to existing industrial uses on the site and the relatively modest number of attendees (50 persons), the subject site is not considered to be an inappropriate location.

Potential impacts associated with the proposal are considered below under headings, however, in general terms it is considered that there will be limited impact on existing tenancies within the site, established industrial/commercial activities in the locality and on surrounding residential dwellings within the Industry Zone and Residential Zone.

Further, it is noted that the development represents the re-use of an existing building and does not seek to alter the appearance of the building. This will reduce the impact upon existing uses and the character of the locality and ensure that the building remains suitable for industrial/commercial re-use at the end of the temporary approval period.

Interface Between Land Uses

PDC 7 of the General Section: Community Facilities module states:

7 Large scale places of worship located in commercial or industry zones should not detrimentally impact on the operations of existing commercial or industrial land uses.

PDC 1 of the General Section: Interface between land uses further states:

1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
- (b) noise*
- (c) vibration*
- (d) electrical interference*
- (e) light spill*
- (f) glare*
- (g) hours of operation*
- (h) traffic impacts.*

As discussed earlier, the proposed hours of operation are unlikely to have a negative impact on the locality. The main church services are proposed to occur outside of regular weekday business hours. The use of the building during regular weekday business hours is for small gatherings only with a maximum of 10 persons attending at any one time. This is unlikely to unreasonably interfere with surrounding land uses or other tenancies within the site.

The potential impacts on the locality are likely to relate to noise, traffic and lighting. These issues are discussed below.

Noise

The development will generate noise in the form of amplified music, singing and talking during church services and from vehicles travelling to and from the site. All worship activities will occur inside the building.

Daytime noise in the locality is dominated by established industrial activities and traffic movements. Industrial/commercial premises are unlikely to be affected by noise from the development. However, given the proposed hours of use for main church services (which occur outside of normal business hours), it is recognised that surrounding residential dwellings may be affected by noise emissions from the site (especially from church services).

PDC 10 of the General Section: Interface Between Land Uses states:

10 Development proposing music should include noise attenuation measures that achieve the following desired noise levels:

Noise level assessment location	Desired noise level
Adjacent existing <i>noise sensitive development</i> property boundary	Less than 8 dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise ($LA_{90,15min}$) for the overall (sum of all octave bands) A-weighted level
Adjacent <i>land</i> property boundary	Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or Less than 8 dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level

The applicant has provided a music noise assessment report, prepared by Resonate Acoustics which involved unattended noise monitoring between 7pm August 12th and 7pm August 19th 2016; and attended noise monitoring at a number of locations around the subject site on 19th August 2016. The report considers that the nearest sensitive noise receptor is the adjacent residential dwelling to the south-west (36 Barndioota Road).

The report concluded that '*predicted music levels at the nearest noise sensitive receiver are predicted to comply with the requirements of the Salisbury Council Development Plan and therefore the requirements of the EPA Music Noise Guideline (Music Noise from indoor venues and the South Australian Planning System 2015)*'.

Given the findings of the acoustic assessment the development is considered to satisfy PDC 10.

Traffic

Vehicle movements to and from the site are established in association with existing tenancies on the site and traffic movements within the locality are also established across the various industrial, commercial and residential land uses present within the locality.

The development is unlikely to generate an unreasonable volume of traffic given the relatively modest number of persons proposed to attend the site. Further, traffic conflict with surrounding land uses will be limited given the proposed hours of operation for main church services.

In addition, given the nature of the use, the development is unlikely to generate many heavy vehicle movements to/from the site. The majority of vehicle movements will be restricted to passenger vehicles.

It is acknowledged that some noise will be associated with traffic entering/exiting the site and persons making their way to/from the building. However, these impacts are unlikely to be unreasonable having regard to the proposed hours of use, number of persons attending and the established character of the locality.

Lighting

No additional lighting is proposed as part of this development, beyond existing on-site arrangements. External lighting is limited to security lighting, internal to the site, which provides light to persons entering/exiting the building. Given the location and orientation of the building and its brick construction, use of lighting inside the building is unlikely to result in any unreasonable interference to surrounding properties.

Car Parking

PDC 8 of the General Section; Community Facilities states that:

8 Places of worship should be established with one car parking space for every three seats or every three attendees to the place of worship.

The proposed place of worship will have up to 50 attendees, meaning the development should be served by 17 car parking spaces. The site contains 59 line marked spaces, which are shared across all 14 tenancies.

Given that a substantial amount of car parking exists on-site and given that the majority of attendees will attend the site outside of regular weekday business hours, it is expected that ample car parking will be available to service the place of worship, consistent with PDC 8.

The car parking layout is already established and Council's Development Engineer is satisfied all spaces comply with Australian Standard 2890.

Crime Prevention

Objective 1 of the General Section: Crime Prevention module states:

1 A safe, secure, crime resistant environment where land uses are integrated and designed to facilitate community surveillance

Some of the representors raised concerns that as a result of the proposed operational hours, gates to the premises will remain open for longer periods of time which may result in increased crime within the site. It is considered that increased operational hours will ensure increased activity and surveillance within the site and the surrounding locality, thereby satisfying the intent of Objective 1 above.

Waste Management

Objective 1 of the General Section: Waste module states:

1 Development that, in order of priority, avoids the production of waste, minimises the production of waste, reuses waste, recycles waste for reuse, treats waste and disposes of waste in an environmentally sound manner.

It is considered that the place of worship is unlikely to generate any significant amounts of waste. Some of the representors raised concern with current waste management practices associated with the use and referred to instances of overflowing bins and the unsightly appearance of the site following church services. It is recognised this is a site management issue; however, the applicant has provided a satisfactory response to this issue. Further, it was noted on a recent site inspection that a commercial waste bin is now located in front of Unit 7 (see photograph 1 on page 3).

Therefore, waste management associated with the development is considered to be appropriate and accords with Objective 1.

12. CONCLUSION

The applicant seeks Development Plan Consent for a change of use to a Place of Worship for a temporary period of five (5) years at Unit 7, 38-50 Barndioota Road, Salisbury Plain. The proposed development is a form of non-complying development in the Industry Zone of Council's Development Plan.

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

- a) The proposed land use is not inappropriate within the Industry Zone having regard to the proposed hours of use, number of attendees, and temporary nature of the use.
- b) The overall appearance of the site will not be altered by the proposal, given that the use will be accommodated within an existing building.
- c) The use will not result in any unreasonable impacts to the locality with regards to noise, traffic or lighting.
- d) Adequate car parking will be available, given that the use will operate for limited periods with main church services taking place outside of weekday business hours.
- e) Proposed operational hours will increase surveillance opportunities within the site and to the surrounding locality.

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

13. STAFF RECOMMENDATION

That the Development Assessment Panel resolve that:

- A. The proposed development is not considered to be seriously at variance with the Salisbury Council Development Plan – Consolidated 5 May 2016.
- B. Pursuant to Section 33 of the *Development Act 1993*, Development Plan Consent is **GRANTED** to application number 361/1219/2016/NB for Change of use (unit 7) to place of worship for temporary period of five (5) years (non-complying development) in accordance with the plans and details submitted with the application. subject to the following conditions and the concurrence of the Development Assessment Commission:

Development Plan Consent Conditions

1. The 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:

Drawing No.	Plan Type	Date	Prepared By
Dated 20 June 2016	Statement of Support	Received by Council dated 23 June 2016	Masterplan
Not stated	Statement of Effect	Received by Council dated	Masterplan

		26 September 2016	
Not stated	Site Plan	Received by Council dated 26 September 2016	Masterplan
Not stated	Floor Plan	Received by Council dated 26 September 2016	Masterplan
A16437RP1, Revision B	Omega Fire Ministries Acoustic Consultancy Report: Music Noise Assessment	Received by Council dated 26 September 2016	Resonate Acoustics – Josh Loh
Dated 10 November 2016	Response to Representations	Received by Council dated 16 November 2016	Masterplan

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

2. Use of Unit 7 for a place of worship shall cease 5 years from the date of development approval.

Reason: To ensure the use is for a temporary period only.

3. Except where otherwise approved, the operating hours for the place of worship shall not extend beyond the times specified in the approved Statement of Support and Statement of Effect.

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

4. The maximum number of worshippers within the tenancy at any one time between 9.00am and 6.00pm Monday to Friday shall not exceed 10 persons.

Reason: To ensure that sufficient car parking is provided commensurate with the maximum number of attendees.

5. The maximum number of worshippers within the tenancy at any one time for church services shall not exceed 50 persons.

Reason: To ensure that sufficient car parking is provided commensurate with the maximum number of attendees.

6. Internal noise levels within Unit 7 shall not exceed 88db(A).

Reason: To ensure that noise does not cause nuisance to adjoining occupiers or owners.

7. External noise levels measured at 36 Barndioota Road, Salisbury Plain shall not exceed the criteria (L_{10}) in any octave band as identified in Table 4 of Omega Fire Ministries Acoustic Consultancy Report: Music Noise Assessment (Report Number A16437RP1, Revision B).

Reason: To ensure that noise does not cause nuisance to adjoining occupiers or owners.

8. No amplification devices of any type are to be used outside of the building on the site at any time.

Reason: To ensure that noise does not cause nuisance to adjoining occupiers or owners.

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

Reason: To maintain the amenity of the locality.

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

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

Advice Notes

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

CO-ORDINATION

Officer:	MDS	GMCID
Date:	05.01.17	10.01.17

ATTACHMENTS

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

1. Proposals Plans and Supporting Documentation, including Statement of Support and Statement of Effect
2. Notice of Category 3 Application, Copies of Representations and Applicant's Response
3. Relevant Development Plan Extracts and Location Maps consolidated 5 May 2016

Attachment 1

Proposal Plans and supporting documentation,
including Statement of Support and Statement of Effect

DEVELOPMENT APPLICATION FORM

COUNCIL: CITY OF SALISBURY

APPLICANT: OMEGA FIRE MINISTRIES INTERNATIONAL INC.

Postal Address: C/- MASTERPLAN SA PTY LTD
33 CARRINGTON STREET ADELAIDE 5000

OWNER: MITOLO PENSION ADMINISTRATORS P/L

Postal Address: LOT 2 ANGLE VALE ROAD
VIRGINA SA 5120

BUILDER: N/A

Postal Address:

Licence No:

CONTACT PERSON FOR FURTHER INFORMATION:

Name: MICHAEL RICHARDSON - MASTERPLAN SA PTY LTD

Telephone: 8193 5600

Email: MICHAELR@MASTERPLAN.COM.AU

Mobile: 0417 828 979

EXISTING USE:

INDUSTRY

FOR OFFICE USE

Development No:

Previous Development No:

Assessment No:

☐ Complying

Application forwarded to DA

☐ Non-complying

Commission/Council on:

☐ Notification Cat 2

/ /

☐ Notification Cat 3

Decision:

☐ Referrals/Concurrence

Type:

☐ DA Commission

Date: / /

	Decision	Fees	Receipt No	Date
Planning:				
Building:				
Land Division:				
Additional:				
Dev Approval:				

DESCRIPTION OF PROPOSED DEVELOPMENT: CHANGE OF USE TO PLACE OF WORSHIP (RETROSPECTIVE)

LOCATION OF PROPOSED DEVELOPMENT:

House No: UNIT 7,38-50 Lot No: 41 14 Street: BARNDOOTA ROAD Town/Suburb: SALISBURY PLAIN

Section No (full/part): Hundred: YATALA Volume: 5240 Folio: 947

Section No (full/part): Hundred: Volume: Folio:

LAND DIVISION:

Site Area (m²): Reserve Area (m²): No of Existing Allotments:

Number of Additional Allotments - (Excluding Road and Reserve): Lease: YES: ☐ NO: ☐

BUILDING RULES CLASSIFICATION SOUGHT:

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Female: Male:

If Class 9a classification is sought, state the number of persons for whom accommodation is required:

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises:

DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY?

YES: ☐ NO: ☒

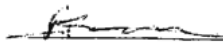
HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID?

YES: ☐ NO: ☒

DEVELOPMENT COST (Do not include any fit-out costs): \$NIL

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008.

SIGNATURE:



Dated: 20 JUNE 2016

PASTOR ALYSIOUS KAMARA

XXXXDAF01.docx



20 June 2016

City of Salisbury
PO Box 8
Salisbury SA 5108

Attention: Chris Carrey

Dear Mr Carrey

**Re: Retrospective Development Application
Change of Use from Industry to a Place of Worship
Unit 7, 38-50 Barnidoota Road, Salisbury Plain**

MasterPlan SA Pty Ltd has been engaged by Omega Fire Ministries International Inc Australia to assist with the preparation of a retrospective Development Application seeking Development Plan Consent for the change of use from industry to a Place of Worship at Unit 7, 38-50 Barnidoota Road, Salisbury Plain.

Please find attached the following documentation forming the Development Application:

- a signed Development Application form;
- a copy of the Certificate of Title;
- an A4 floor plan;
- an A3 site plan;
- an A3 locality plan; and
- a cheque for lodgement fees.

23 JUN 2016

Please advise of additional fees applicable to the application, and we will arrange for payment by our client.

SOUTH AUSTRALIA
33 Carrington Street
Adelaide, 5000
P (08) 8193 5600
masterplan.com.au

NORTHERN TERRITORY
Unit 33, 16 Charlton Court
Woolner, 0820
P (08) 8942 2600
ISO 9001:2008 Certified

QUEENSLAND
104/139 Commercial Road
Teneriffe, 4005
P (07) 3852 2670
plan@masterplan.com.au

ABN 30 007 755 277
15120LET01



Background

A representation of the owner of the subject allotment received a letter from the City of Salisbury, dated 23 May 2016, in regards to the land uses occurring at Unit 7, 38-50 Barnidoota Road, Salisbury Plain. This letter was subsequently provided to our client who leases a portion of the site to which the correspondence relates from the owner of the allotment. Council determined that no development approvals have been granted for the use of the site as a Place of Worship, and, accordingly, have invited our client to lodge a Development Application for the change of use or, alternatively, to cease this use of the site.

This correspondence seeks to regularise the current use of the site as a Place of Worship on behalf of our client by seeking the requisite consent.

Subject Site and Locality

The subject land is located at 38-50 Barnidoota Road, Salisbury Plain and is comprised of two allotments.

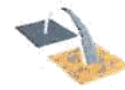
More formally the land is identified as:

- Allotment 41 within Filed Plan 114257, Hundred of Yatala (Certificate of Title Volume 5240 Folio 947); and
- Allotment 44 in Filed Plan 114260, Hundred of Yatala (Certificate of Title Volume 5240 Folio 946).

The subject allotment has a frontage to Barnidoota Road of approximately 75.7 metres, and a frontage to Lolands Road of approximately 74.9 metres. The total area of the allotment is approximately 9788.2 square metres. A copy of a Certificate of Title Register Search is **attached**.

The land is not subject to any easements or encumbrances.

The site contains an industrial building in the western corner of the land which is divided into ten individual tenancies. In the eastern corner of the site is a second smaller industrial building with four tenancies. The tenancies on the subject land currently support a range of uses; including light industrial, warehousing and logistics. All of the tenancies face the shared open-air car park located between the two buildings and adjacent the two boundaries of the site fronting public roads. These elements have been illustrated on the aerial photography Site Plan **attached**.



Unit 7 is the subject of this application, and it is located in the southern portion of the site. As indicated on the **attached** Floor Plan, the subject tenancy has approximate internal dimensions of 18.5 metres by 30 metres, and a gross leasable floor area of approximately 559 square metres. Internally the subject tenancy includes a small bathroom containing a single toilet, 54 square metres of 'office' space, and 480 square metres of hall/meeting space. The latter comprises a stage, seating, an area for the band and choir, basic kitchen facilities.

The following photographs depict the current disposition of the inside of the Place of Worship.





The subject site includes approximately 59 line-marked parking spaces. These spaces are not allocated, but shared by all tenancies within the two industrial buildings. The site is afforded vehicle access from both Barnidoota Road and Lolands Road, each of which is of double vehicle width enabling vehicle ingress and egress in a forward direction.

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A locality plan displaying the subject land in relation to its surroundings is **enclosed**.

The majority of uses in the locality appear to include light industry, logistics and warehousing. As an exception, a residential dwelling is located adjacent the site to the south west. Notably this dwelling is also abutting a car wrecking yard. The subject site is approximately 130 metres south east of other dwellings, which are located in the Residential Zone. From a review of the aerial imagery it is evident that there is an abundance of vacant land within the Industry Zone in the vicinity of the subject site.

Proposed Development

Omega Fire Ministries International Inc. Australia seek to retrospectively obtain Development Plan Consent from the City of Salisbury to convert the subject tenancy from industry to a place of worship.

The church currently has approximately 40 members attending their services, but they anticipate up to 50 people to attend the place of worship in the future. This number reflects the maximum number of church members and visitors who are anticipated to attend the place of worship at any one time.

Services at the church will be scheduled as follows:

- Tuesday 7.00pm to 9.00pm.
- Friday 7.00pm to 9.00pm
- Last Friday of each Month 10.00 pm to midnight
- Saturday 6.00pm to 8.00pm
- Sunday 10.00am to 2.00pm

In addition to the scheduled services, other gatherings, such as bible study groups and worship gatherings, are also anticipated to be held at the place of worship from time to time. These will occur between 9.00am and 9.00pm seven days per week. No more than 10 people are anticipated to attend any of these gatherings at any one time.

Omega Fire Ministries are a relatively small congregation and currently have a limited membership. They do, however, have aspirations for growth in the future and anticipate an increase in the number of members. The church plans to ultimately relocate to a more permanent site where they will develop a more permanent place of worship, however, are not currently of a scale where this is economically feasible. This is, however, anticipated to occur in five years or less. Subsequently this application only seeks a temporary approval to use the site as a place of worship for a maximum of five years after which it would revert to the existing approved use.



Nature of the Development

The subject land is located in the Industry Zone of the Salisbury Council Development Plan, consolidated version 5 May 2016.

Within the Procedural Matters of the Zone a Place of Worship is identified as a 'non-complying' form of development *'except where it has a floor area greater than 500 square metres and is less than 60 metres from the boundary of the Industry Zone.'* While the total floor area of the proposed place of worship will exceed 500 square metres, the subject land is more than 60 metres from the boundary of the Industry Zone.

The proposed development will therefore be assessed as a 'non-complying' form of development.

The development application satisfies the criteria as Category 3 in terms of Public Notification.

Planning Merit

The following section provides an assessment of the proposal against the most relevant provisions of the Development Plan. Despite the non-complying status, the proposed development has merit having regard to the nature of the proposed development, the existing site conditions and its locality.

From our review of the Development Plan, we consider the suitability of the proposed land use, the impact on surrounding land uses and the provision of on-site car parking to be the issues that are most relevant to the assessment of the application.

These issues are discussed in detail below.

Land Use

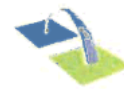
The Objectives and Principles of Development Control (PDC) of the Industry Zone envisage the following land uses:

Industry Zone

Objective 1 **A zone primarily accommodating a wide range of industrial, warehouse, storage and transport land uses.**

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

- **industry**
- **office in association with and ancillary to industry**
- **transport distribution**
- **warehouse.**



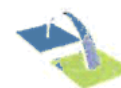
The proposed change of use to a place of worship does not present a risk to the ongoing use of the zone for industry, transport or warehousing. An abundance of vacant land can be observed in the Zone in the vicinity of the subject site, indicating that there is no shortage of land available for further industrial developments. Furthermore, the use of the land as a place of worship is only proposed to be temporary. In five years the building can revert to an industrial use. The proposal would therefore not prejudice the continued operation or future development of the land uses envisaged under Objective 1 and PDC 1 of the Industry Zone.

While not explicitly envisaged in the Objectives and Principles of the Zone, the Procedural Matters of the Zone do indicate that a place of worship can be an appropriate form of development in the Industry Zone, subject to appropriate size and siting. On the basis that the subject tenancy has a gross leasable floor area of 559 square metres, it can be considered an appropriate size and scale to accommodate a place of worship.

The following guidelines for the development of a Place of Worship are provided in the General Section under the heading Community Facilities:

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

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



An anomaly currently exists in this provision, in that no category is given to a place of worship which accommodates more than 30 people, but less than 100 people. The proposed place of worship which accommodates 40 to 50 people therefore sits somewhere between a small and a medium scale. As a result, the congregation is too small and lacks funds to purchase a purpose built building, yet is too large to locate within a residence. The proposed use of an industrial building over the next five years is considered an ideal solution to facilitate the place of worship during this interim phase, until such time as it can relocate to a purpose built facility.

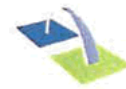
While referring to large places of worship, PDC 6 and 7 of the General Section under the heading Community Facilities indicate that the Industry Zone can be an appropriate location for a Place of Worship.

PDC 6 Large places of worship should:

- (a) **be located within centre, commercial or the periphery of industrial zones**
- (b) **demonstrate the following design features:**
 - (i) **reuse of existing buildings**
 - (ii) **the bulk, mass and height of development compatible with the character of the locality**
 - (iii) **sharing of car parking facilities**
 - (iv) **siting on arterial or collector roads rather than narrower local residential streets**
 - (v) **promote crime prevention through environmental design principles**
 - (vi) **reduced land use conflicts in relation to the scale of building form and hours of operation**
 - (vii) **provide value added functions and facilities that can be used by neighbouring activities.**

PDC 7 Large scale places of worship located in commercial or industry zones should not detrimentally impact on the operations of existing commercial or industrial land uses.

Despite being located over 60 metres from the zone boundary, and therefore being non-complying, we consider that the subject site is still appropriately located on the periphery of industrial zones where land use conflicts would be minimal. We have reviewed the *Places of Worship PAR* (July 2006), which informed the implementation of this policy. It is evident that the intent behind this provision was to limit the encroachment of large places of worship on productive industrial land within the Industry Zone, whilst also locating large places of worship in an area where their potential for significant traffic generation and varying hours of operation would have limited impacts upon amenity. Indeed, the Statement of Investigations associated with the Places of Worship PAR went on to state that:



"Many places of worship would be compatible with a range of industries, particularly in relation to afterhours activity and the promotion of casual surveillance" (see page 21).

Therefore, although a non-complying form of development within the Industry Zone, a place of worship is considered an appropriate land use when assessed against the relevant provisions of the Development Plan.

Interface between Land Uses

The subject land and locality principally accommodates light industry, warehousing and logistics. None of these existing uses on the subject land or in the locality are sensitive to the proposed use of the existing tenancy as a place of worship. The closest sensitive receiver is the residential dwelling adjacent the site to the south west. Principle of Development Control 5 of the General Section under the heading Community Facilities anticipates that subject to traffic management, places of worship of the scale proposed are considered suitable in residential areas, and hence not anticipated to have unreasonable detrimental effects on the amenity of nearby residents.

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

Additionally, the subject building is comprised of masonry and has a steel roof which will help to minimise any transmission of noise.

Overall, the change of use from industry to a place of worship is not considered to have a negative impact on the locality.

Car Parking

According to Principle 8 of the General Section under the heading Community Facilities, as-well as *Table Sal/2 - Off Street Vehicle Parking Requirements*, a place of worship generates a theoretical car parking demand of one space for every three seats or one space for every three attendees, whichever happens to be the greater.

Council-wide – Community Facilities

PDC 8 Places of worship should be established with one car parking space for every three seats or every three attendees to the place of worship.

Council-wide – Transportation and Access

PDC 32 Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table Sal/2 - Off Street Vehicle Parking Requirements unless an agreement is



reached between the Council and the applicant for a reduced number of parking spaces where one of the following applies:

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

A maximum of 50 church members and visitors are anticipated to attend the place of worship at any one time. Applying the applicable car parking guidelines, the maximum anticipated number of attendees would necessitate the provision of approximately 17 car parking spaces on-site.

The 59 line-marked car parking spaces on the subject land are shared between the tenancies without restriction for the use of staff and customers. As observed, almost all of the tenancies within the centre are operating during normal daytime business hours. There is therefore limited potential for the peak times of demand for worshippers accessing the subject land (consisting primarily of evenings and weekends) to coincide with peak daytime traffic demand associated with customers of the existing businesses.

The proposed place of worship will be provided with access to a significant number of on-site car parking spaces, capable of readily accommodating the prescribed off-street car parking rates.

Conclusion

Despite being a non-complying form of development within the Industry Zone, the proposed change of use to a place of worship exhibits considerable merit, for the following reasons:

- it will not decrease the amount of land available for industrial purposes within the Industry Zone;
- it is to be located in a building which is an appropriate size and scale;
- it is appropriately sited in a zone and locality that does not contain sensitive land uses that could potentially be adversely impacted; and
- it will be afforded access to a significant number of shared car parking spaces to readily accommodate the number of worshippers anticipated to access the subject site at any one time.

The proposed change of use is an appropriate form of development for the subject land and locality, and accords with the relevant provisions of the Salisbury Council Development Plan. For all of these reasons, the proposed development demonstrates sufficient planning merit for the application to be further assessed against the provisions of the Development Plan.



Please do not hesitate to contact the undersigned by phone on 8193 5600 should you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Richardson', written in a cursive style.

Michael Richardson
MasterPlan SA Pty Ltd

enc: Documents (as listed).
cc: Omega Fire Ministries International Inc Australia, Att: Pastor Alysious Kamara (by email).



STATEMENT OF EFFECT

Change of Use to Place of Worship

AT: UNIT 7, 38-50 BARNDIOOTA ROAD, SALISBURY PLAIN

FOR: OMEGA FIRE MINISTRIES INTERNATIONAL INC AUSTRALIA

1.0 INTRODUCTION

MasterPlan SA Pty Ltd has been engaged by Omega Fire Ministries International Incorporated Australia to prepare a Statement of Effect following the decision of the City of Salisbury to proceed with a full assessment of Development Application 361/1219/2016/NB.

This Statement of Effect has been prepared in relation to a proposed change of use to a Place of Worship of a site located at Unit 7, 38-50 Barndioota Road, Salisbury Plain.

By way of correspondence dated 6 July 2016 Council has resolved to proceed with the full assessment of the application.

Accordingly, we submit this Statement of Effect on the basis of Section 17(3)(b) of the *Development Regulations 2008*. Furthermore, this Statement of Effect has been prepared pursuant to Section 39(2) of the *Development Act 1993*, and Regulation 17(5) of the *Development Regulations 2008*.

2.0 SUBJECT SITE AND LOCALITY

2.1 Subject Site

The subject site is located at 38-50 Barndioota Road, Salisbury Plain and is comprised of two allotments.

More formally the land is identified as:

- Allotment 41 within Filed Plan 114257, Hundred of Yatala (Certificate of Title Volume 5240 Folio 947); and
- Allotment 44 in Filed Plan 114260, Hundred of Yatala (Certificate of Title Volume 5240 Folio 946).

The subject allotment has a frontage to Barndioota Road of approximately 75.7 metres, and a frontage to Lolands Road of approximately 74.9 metres. The total area of the allotment is approximately 9788.2 square metres.

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A residential dwelling is located adjacent the site to the south west, at 36 Barndioota Road. Notably this dwelling is also abutting a car wrecking yard. The subject site is located approximately 130 metres south east of other dwellings, which are located in the Residential Zone on the north western side of Willochra Road.

From a review of the aerial imagery it is evident that there is an abundance of vacant land within the Industry Zone in the vicinity of the subject site.

The level of amenity in the locality, including those areas where dwellings are located is best described as low to moderate. Amenity is adversely impacted by the general visual appearance of the locality, externalities from the various industrial uses and traffic on the public roads. Even in those areas located in the Residential Zone to the north east of the subject site, the level of amenity reflects the position of these dwellings at the transition between the Residential Zone and the Industry Zone.

3.0 PROPOSED DEVELOPMENT

Omega Fire Ministries International Incorporated Australia seek to retrospectively obtain Development Plan Consent from the City of Salisbury to convert the subject tenancy to a Place of Worship.

The Place of Worship currently has approximately 40 members attending their services, but they anticipate up to 50 people to attend as the congregation grows in the future. This number reflects the maximum number of church members and visitors who are anticipated to attend the place of worship at any one time.

Services at the church will be scheduled as follows:

- Tuesday 7.00pm to 9.00pm.
- Friday 7.00pm to 9.00pm.
- Last Friday of each Month 10.00 pm to midnight.
- Saturday 6.00pm to 8.00pm.
- Sunday 10.00am to 2.00pm.

In addition to the scheduled services, other gatherings, such as bible study groups and worship gatherings, are also anticipated to be held at the place of worship from time to time. These will occur between 9.00 am and 9.00 pm seven days per week. No more than 10 people are anticipated to attend any of these gatherings at any one time.

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The proposed change of use to a Place of Worship does not present a risk to the ongoing use of the zone for industry, transport or warehousing. An abundance of vacant land can be observed in the Industry Zone in the vicinity of the subject site, indicating that there is no shortage of land available for further industrial developments, should demand warrant them being developed.

Furthermore, the use of the land as a place of worship is only proposed to be temporary. In five years the building can revert to an industrial use. The proposal would therefore not prejudice the continued operation or future development of the land uses envisaged under Objective 1 and PDC 1 of the Industry Zone.

The Procedural Matters Section of the Industry Zone deems a place of worship to be a non-complying form of development *"except where it has a floor area greater than 500 square metres and is less than 60 metres from the boundary of the Industry Zone"* While not explicitly envisaged in the Objectives and Principles of the Zone, the Procedural Matters of the Zone does tend to infer that a place of worship can be an appropriate form of development in the Industry Zone, subject to appropriate size and siting.

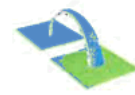
The following guidelines for the development of a Place of Worship are provided in the General Section under the heading Community Facilities:

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

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

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We have reviewed the *Places of Worship PAR* (July 2006), which informed the implementation of this policy. It is evident that the intent behind this provision was to limit the encroachment of large places of worship on productive industrial land within the Industry Zone, whilst also locating large places of worship in an area where their potential for significant traffic generation and varying hours of operation would have limited impacts upon amenity. Indeed, the Statement of Investigations associated with the Places of Worship PAR went on to state that:

"Many places of worship would be compatible with a range of industries, particularly in relation to afterhours activity and the promotion of casual surveillance" (see page 21).

Therefore, although a non-complying form of development within the Industry Zone, a Place of Worship is considered an appropriate land use when assessed against the relevant provisions of the Development Plan.

5.2 Interface Between Land Uses

The subject land and locality principally accommodates light industry, warehousing and logistics uses. None of these existing uses on the subject land or in the locality are sensitive to the proposed use of the existing tenancy as a Place of Worship.

The closest sensitive receiver is the residential dwelling adjacent the site to the south west at 38 Barndioota Road.

Principle of Development Control 5 of the General Section under the heading Community Facilities anticipates that subject to traffic management, Places of Worship of the scale proposed are considered suitable in residential areas, and hence not anticipated to have unreasonable detrimental effects on the amenity of nearby residents.

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

A Place of Worship does not create impacts through the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants, vibration or electrical interference. The potential impacts from the change of use proposed principally relate to acoustic, traffic and lighting.

The use of the site as a Place of Worship will produce noise emissions in the form of amplified music, singing and talking during scheduled services. We are of the opinion that the acoustic impacts on the surrounding land uses will be limited and reasonable in the circumstances.

In making this conclusion we have considered the following factors:

- the noise environment of the locality is already dominated by local traffic and industrial activities;



On balance, and having regard to the information available, it is not considered likely that the proposed use will create new or unreasonable impacts upon adjoining land uses, including residential land uses in the wider locality. In this regard, the proposal is unlikely to detrimentally affect the amenity of the locality or cause unreasonable interference with adjoining land uses.

5.4 Car Parking & Traffic

According to Principle 8 of the General Section under the heading Community Facilities, as-well as *Table Sal/2 - Off Street Vehicle Parking Requirements*, a place of worship generates a theoretical car parking demand of one space for every three seats or one space for every three attendees, whichever happens to be the greater.

Council-wide – Community Facilities

PDC 8 Places of worship should be established with one car parking space for every three seats or every three attendees to the place of worship.

Council-wide – Transportation and Access

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

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

A maximum of 50 church members and visitors are anticipated to attend the place of worship at any one time. Applying the applicable car parking guidelines, the maximum anticipated number of attendees would necessitate the provision of approximately 17 car parking spaces on-site.

The 59 line-marked car parking spaces on the subject land are shared between the tenancies without restriction for the use of staff and customers. As observed, almost all of the tenancies within the centre are operating during normal daytime business hours. There is therefore limited potential for the peak times of demand for worshippers accessing the subject land (consisting primarily of evenings and weekends) to coincide with peak daytime traffic demand associated with customers of the existing businesses.

When a Friday service was observed in the course of preparation of this document, an attendance of approximately 40 persons generated a maximum parking demand of 11 vehicles. A number of attendees we dropped at the site in vehicles which subsequently left.



7.0 CONCLUSIONS

We have concluded from our balanced assessment of the proposal for the change of land use to Unit 7, 38-50 Barndioota Road, Salisbury Plain that it is:

- not seriously at variance with the provisions of the relevant Development Plan; and
- worthy of Development Plan Consent being granted by the City of Salisbury and the concurrence of the Development Assessment Commission.

We also conclude that:

- it will not decrease the amount of land available for industrial purposes within the Industry Zone;
- it is to be located in a building which is an appropriate size and scale;
- it is appropriately sited in a zone and locality that does not contain sensitive land uses that could potentially be adversely impacted; and
- it will be afforded access to a significant number of shared car parking spaces to readily accommodate the number of worshippers anticipated to access the subject site at any one time.

Accordingly, we submit that there is sufficient merit demonstrated by the proposed development as illustrated by the assessment against the provisions of the Salisbury Council Development Plan for favourable consideration of the application.

We respectfully invite the Development Assessment Panel to accept that the proposal sufficiently satisfies the provisions of the Development Plan in a manner to warrant the granting of Development Plan Consent.

Michael Richardson

Bachelor of Urban and Regional Planning (Hons)

26 September 2016

15120SOE01

11



Government of South Australia
Department of Planning,
Transport and Infrastructure

Product	Register Search
Date/Time	17/06/2016 02:58PM
Customer Reference	MR - omega fire
Order ID	20160617008444
Cost	\$27.25

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



Registrar-General

Certificate of Title - Volume 5240 Folio 947

Parent Title(s) CT 3278/74
Dealing(s) CONVERTED TITLE
Creating Title
Title Issued 12/01/1995
Edition 3
Edition Issued 01/05/2003

REAL PROPERTY ACT, 1986



Estate Type

FEE SIMPLE

Registered Proprietor

MITOLO PENSION ADMINISTRATORS PTY. LTD. (ACN: 103 080 888)
OF LOT 2 ANGLE VALE ROAD VIRGINIA SA 5120

Description of Land

ALLOTMENT 41 FILED PLAN 114257
IN THE AREA NAMED SALISBURY PLAIN
HUNDRED OF YATALA

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title

NIL

Priority Notices

NIL

Notations on Plan



Government of South Australia
Department of Planning,
Transport and Infrastructure

Product	Register Search
Date/Time	20/06/2016 03:06PM
Customer Reference	s-15120
Order ID	20160620008828
Cost	\$27.25

NIL

Registrar-General's Notes

NIL

Administrative Interests

NIL

* Denotes the dealing has been re-lodged.



APPENDIX B

Site Plan

151205OE01

13



APPENDIX C

Floor Plan

15120SOE01

14



APPENDIX D

Locality Plan

15120SOE01

15



APPENDIX E

Music Noise Assessment

15120SOE01


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Omega Fire Ministries
Music Noise Assessment
A16437RP1 Revision B

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acoustics

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Document Information

Project	Omega Fire Ministries	
Client	MasterPlan SA Pty Ltd	
Report title	Music Noise Assessment	
Project Number	A16437	
Author	Josh Loh Acoustic Engineer p+61 8 8155 5888 m+61 413 604 320 josh.loh@resonateacoustics.com	
Reviewed by	Alex Dundon	

Revision Table

Report revision	Date	Comments
0	5 September 2016	First Issue
A	8 September 2016	Updated to reflect comments
B	8 September 2016	Updated to reflect comments

Adelaide • Melbourne • Sydney • Brisbane • Perth • Dublin

Omega Fire Ministries
Music Noise Assessment
A16437RP1 Revision B

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2 Site details

2.1 Location

The Omega Fire Ministries Church is located at Unit 7, 38-50 Barndioota Road, Salisbury Plain, and is situated within a commercial complex. The nearest noise sensitive receiver is a single storey residential property located at 36 Barndioota Road as shown in Figure 1.



Figure 1 Site location

2.2 Existing building conditions

From our observations, the existing construction of the building consists of metal deck roofing with minimal insulation and double brick walls. We were unable to tell if there was insulation in the wall cavity. The front façade of the building comprises of a general access door and a roller door. There is also a solid core door on the south western facade for emergency access/egress. This door was noted to be poorly sealed.

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3 Noise Monitoring

Both attended and unattended noise monitoring was undertaken at Omega Fire Ministries Church.

Unattended measurements were taken with a calibrated Casella CEL 63X sound level meter. Attended measurements were taken with a calibrated Brüel & Kjær 2250 sound level meter. Both meters are Type 1 instruments suitable for field and laboratory use. The sound level meters were calibrated both before and after the measurements using a Type 1 Brüel & Kjær 4231 sound level calibrator, and the calibration was found to have not drifted. Both the sound level meters and calibrator carry current calibration certificates from a NATA accredited laboratory.

3.1 Unattended noise monitoring

Noise monitoring at Omega Fire Ministries Church was undertaken from 7pm, August 12 to 7pm, August 19, 2016.

Noise measurements were undertaken in accordance with the following:

- The microphone of the sound level meter was at a height of approximately 1.2 metres above the ground.
- A wind shield was used during all measurements,
- Noise logging was undertaken at intervals of 15 minutes

During the monitoring setup it was noted that the noise environment was dominated by local traffic, the natural environment and industrial activity from nearby commercial buildings.

Noise monitoring results are presented in Appendix A.

3.2 Attended noise monitoring

Attended noise measurements were carried out on Friday 19 August 2016 at a number of locations in and around the Omega Fire Ministries site. Noise measurements were conducted during a typical church service that included music, singing and talking. Measurement locations are presented in Figure 3.

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Table 1 Noise measurements on site locations

Location	Description/scenario	Measured noise level L_{A10} , dB(A)	Comments
Location 1	Internal noise during service, with singing, audio system on	90	Source noise at centre of hall
Location 1	Internal noise during service, back of the hall, with singing, no audio system	72	Controlled by singing noise
Location 2	Behind stage, southern door, without church service noise	41	Controlled by local traffic noise
Location 2	Behind stage, southern door, with church service noise	54	Controlled by door flanking
Location 3	At entrance, 5 m from roller door, without church service noise	49	Controlled by roller door and door flanking
Location 3	At entrance, 5 m from roller door, with church service noise	64	Controlled by roller door and door flanking

Music noise levels within the Omega Fire Ministries Church were measured at the centre of the worship space. The octave centre internal music noise levels are presented in Table 2

Table 2 Internal music noise levels

Source	Noise level, L_{10} (Linear) centre of church space							Overall dB(A)
	Octave band centre frequency, Hz							
	63	125	250	500	1000	2000	4000	
Amplified music with service noise	66	80	83	82	87	84	76	90

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The measured L_{90} octave band noise levels and the resultant applicable music noise criteria are presented in Table 4.

Table 4 Measured background noise levels and resultant music noise criteria

	Measured noise level and criteria							
	Sound pressure level (Linear) at octave band centre frequency, Hz							Total dB(A)
	63	125	250	500	1000	2000	4000	
Measured L ₉₀	44	38	28	26	27	23	14	31
Criteria L ₁₀	52	46	36	34	35	31	22	36

The noise criteria establish the requirements of noise emissions when predicted at the nearest noise sensitive receivers. Predicted noise levels will be compared in each octave band centre frequencies and the predicted overall sound level.

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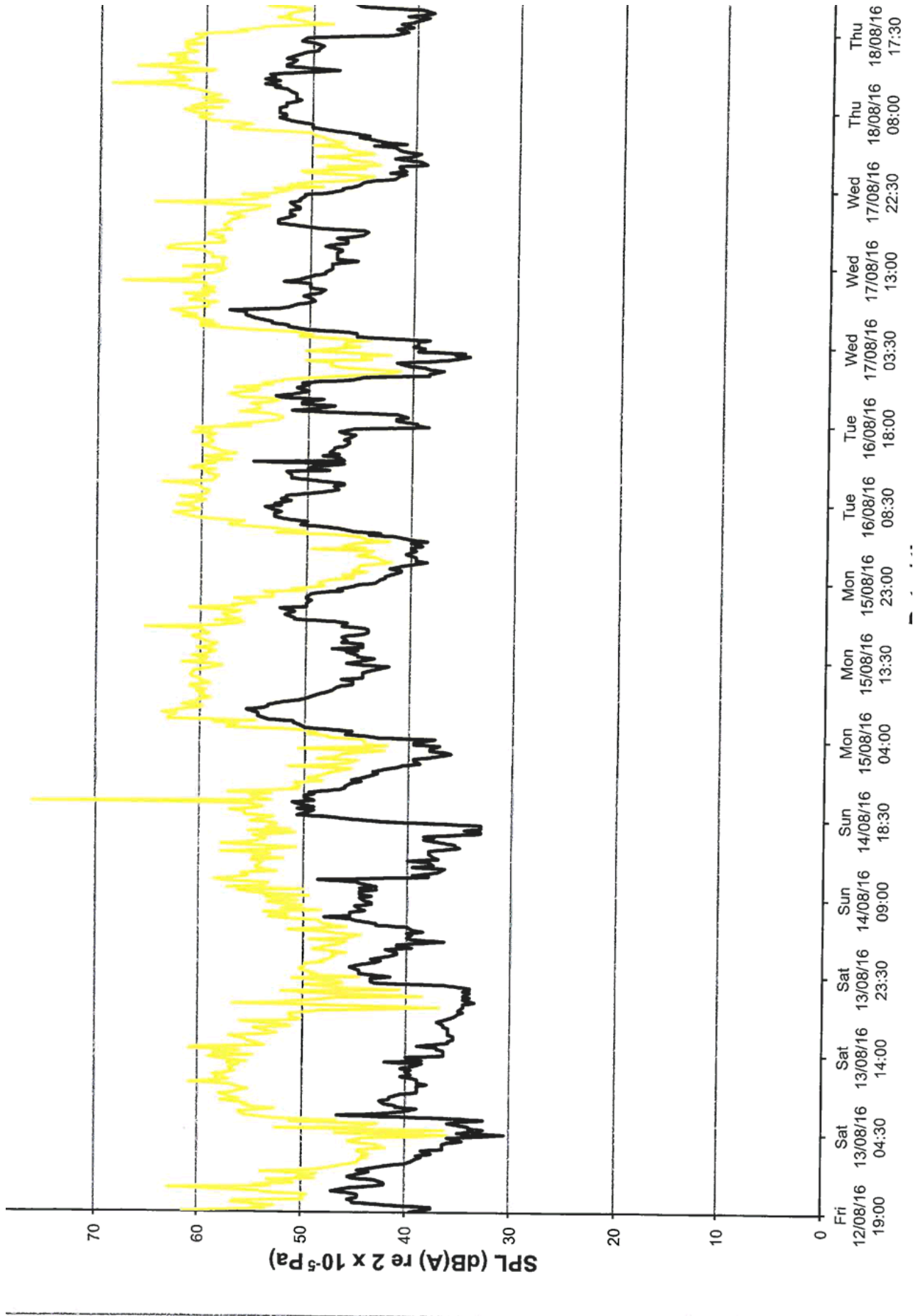
6 Conclusion

A music noise assessment has been undertaken in order to determine the impact that amplified music played during scheduled Omega Fire Ministries Church services will have on the nearest noise sensitive receptor.

Background noise monitoring was carried out the Omega Fire Ministries Church site to determine the Salisbury Council Development Plan music assessment criteria. Attended noise measurements were used to determine existing music noise levels within the church during a typical service.

Predicted music levels at the nearest noise sensitive receiver are predicted to comply with the requirements of the Salisbury Council Development Plan and therefore the requirements of the EPA music noise guideline.

Item 5.1.3 - Attachment 1 - Proposals Plans and Supporting Documentation, including Statement of Support and Statement of Effect



Attachment 2

Notice of Category 3 Application, Copies of Representations and Applicant's Response

**DEVELOPMENT ACT 1993
CITY OF SALISBURY**

NOTICE OF APPLICATION FOR CATEGORY 3 DEVELOPMENT
Pursuant to Section 38(5) of the Development Act, 1993

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

DEVELOPMENT NO:	361/1219/2016/NB
APPLICANT:	Omega Fire Ministries International Inc C/- Masterplan SA 33 Carrington St ADELAIDE SA 5000
NATURE OF THE DEVELOPMENT:	CHANGE OF USE (UNIT 7) TO PLACE OF WORSHIP FOR TEMPORARY PERIOD OF FIVE (5) YEARS (NON-COMPLYING)
LOCATED AT:	Unit 7 / 38-50 Barndioota Road , Salisbury Plain SA 5109
CERTIFICATE OF TITLE:	CT-5240/946, CT-5240/947
ZONE:	Industry

The application may be examined at the Office of the Council located at 12 James Street, Salisbury during business hours (8.30am – 5pm Monday to Friday) and on Council's web site at www.salisbury.sa.gov.au. Any person or body may make representations in writing, or by email to development@salisbury.sa.gov.au, concerning this application and should address their representation to the Chief Executive Officer at PO Box 8, Salisbury or representations@salisbury.sa.gov.au. Representations must be received **no later than Monday 17th October 2016**.

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

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

Signed: Chris Carrey, Development Officer

Date: 29 September 2016

THIS IS THE FIRST AND ONLY PUBLICATION OF THIS NOTICE

Chris Carrey

From: Hague Showell [mailto:hague@ausbrush.com]
Sent: Friday, 7 October 2016 2:38 AM
To: Chris Carrey
Subject: Re: Barndioota Road
Attachments: AUSBRUSH PANELS - SUBMISSION RE UNIT 7 CHURCH, 38-46 BARNDIOOTA RD, SALISBURY PLAIN.pdf

Hi Chris,

See attached my representation re the Church application.
Lin Andrews should never have let the unit for this land use - churches and industry do not mix well. However I am prepared to support the application if the issues raised are addressed.

Kind Regards
Hague Showell
Ausbrush
Units 12 & 8, 38-46 Barndioota Rd, Salisbury Plain

From: Chris Carrey
Sent: Thursday, 6 October, 2016 2:52 PM
To: [mailto:hague@ausbrush.com]
Subject: Barndioota Road

Hi there,

Thanks for speaking with me today regarding the attached document.

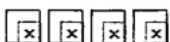
As discussed if you wish to make a representation regarding the proposal, please ensure it is returned before 11.59pm on Monday 17 October 2016.

Thanks again for your time

Chris

Chris Carrey
Development Officer - Planning and Compliance
Development Services
D: 08 8406 8526
E: CCarrey@salisbury.sa.gov.au

City of Salisbury
12 James St, Salisbury, South Australia, 5108
P: 08 8406 8222
F: 08 8281 5466
TTY: 08 8406 8596
W: www.salisbury.sa.gov.au





STATEMENT OF REPRESENTATION

Pursuant to Section 38 of the Development Act

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

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:	361/1219/2016/NB
Applicant:	Omega Fire Ministries International Inc
Location:	Unit 7 / 38-50 Barndioota Road, Salisbury Plain SA 5109
Proposed Development:	CHANGE OF USE (UNIT 7) TO PLACE OF WORSHIP FOR TEMPORARY PERIOD OF FIVE (5) YEARS (NON-COMPLYING)

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

NAME(S): Ian Hague Showell, Principal, Adelaide Brush Pty Ltd & Ausbrush Panels Pty Ltd.

ADDRESS: Home: 23 Pangari Drive, Fairview Park, SA 5126

PHONE NO: EMAIL:

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

- ☒ The owner/occupier of the property located at: Units 12 & 8, 38-46 Barndioota Rd, Salisbury Plain
- ☐ Other (please state):

YOUR COMMENTS:

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

- ☒ Support the proposed development. Only with strict controls as outlined below
- ☐ 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 church in question has been operating directly opposite our Unit 12 warehouse for some time now...without land use approval and with some issues.

We operate a brushwood fencing business from Units 12 and Unit 8 and undertake Adelaide wide fence installations and repairs, but we also receive bulk shipments of panels and break those up into wholesale and DIY orders for Australia wide distribution. We mostly operate Monday to Saturday weekly from early morning to mid afternoon.

Whilst I think Churches are a good thing as a centre for communities, to keep young people off the streets and to provide moral framework, there are some issues in mixing social groups with industry.

Firstly safety. Children at these meetings are often playing out in the central driveway area between units and they do not mix well when forklifts are loading and commercial vehicles operating and indeed with the large group of cars attending. If a child gets run over - whose responsibility is that?

361/1219/2016/NB

Secondly, there is the issue of car parking... On most Saturdays and Sundays car parking is not a major problem as most businesses are shut. However I and my next door neighbour Gawler Engineering have had our roller doors blocked by attendees at the church meetings... On one occasion I asked if they could move the offending car so I could get my work vehicle out and after half an hour of inaction got sick of waiting and got my trolley jack and rolled the vehicle away so I could access my premises.

I do see major car parking problems if ever the Church is to open during the period 7:00am to 4:00pm Monday to Friday when most of the businesses are open - semitrailers are unloading etc. They should be specifically prohibited from opening these hours and also should be aware that at other times their vehicles are not to encroach on car parking spaces in front of the roller doors and one space to be left in front of the main office door of each of the other units. Car parking requirements should be assessed properly by Council and also a review of actual numbers attending services be monitored for the next few meetings to see whether the number of 50 attendees is factual. I do believe there are far more attending than that already (I would guess nearer 100) and can foresee the number increasing substantially if/when the approval is given.

Council should also give consideration to safety aspects with exits from Unit 7 in event of fire etc.

Rubbish generated is a real problem. The Church has meals at its functions and generates quite a volume of waste, overflowing its bins with lids yawning and spewing rubbish around the compound in the wind until next collection day. It also does not clean up properly and there is loose rubbish not actually put in the bins. We are forever collecting wind blown bits and pieces from our front door and car parking area. This is a visual blight and a health issue with food. The church should be instructed to get more bins and make sure that the lids are closed when they put them in the street for collection.

Whilst I have my doubts that a Church can safely share an industrial and warehousing compound, I really don't mind it staying as long as controls are in place and the issues are addressed and MONITORED BY COUNCIL. AND ALSO IF GRANTED APPROVAL THAT SUCH APPROVAL DOES NOT CONFER 'RIGHTS' ON THE CHURCH SUCH AS TO CAUSE FUTURE RESTRICTIONS ON THE CONDUCT OF THE 'NORMAL' RUNNING OF OUR BUSINESSES.

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

SEE DISCUSSION ABOVE

Church should not operate during the hours 7:00am to 4pm Mon to Frid due to safety concerns with truck and forklift movements and car parking issues

Safety of children playing in the car parking area and driveway areas needs to be addressed

Number of persons attending gatherings during Mon-Frid business hours needs to be monitored by Council

Church needs to instruct its members not to park in front of roller doors and to leave one vacant car space in front of each Unit. Office front door at all times.

Rubbish disposal issues need to be addressed

PTO

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

I/We:

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

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

☒ Appearing personally,

OR

☐ Represented by the following person:

Contact details:

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

Your written representation must be received by Council no later than 11.59pm on Monday 17th October 2016, to ensure that it is a valid representation and taken into account.

Representor's Declaration:

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

Signature: I Hague Showell

Date: 7th October 2016

07

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 Monday 17th October 2016.

Cassandra White

From: SolarCart Warehouse warehouse@solarcart.com.au
Sent: Friday, 14 October 2016 9:01 AM
To: Development
Cc: SolarCart Admin
Subject: Development Number 361/1219/2016/NB
Attachments: 20161014083743766.pdf

To Whom it may concern
 please see attached file regarding .

Proposed Development
 Change of use (unit7) to place of Worship for Temporary period.

Kind Regards,

Joseph Gervasi
Matt Ryan

Warehouse
 SolarCart Pty Ltd

Ph: 1300 789 650

Mb:

Email: admin@solarcart.com.au

Web: www.solarcart.com.au





STATEMENT OF REPRESENTATION Pursuant to Section 38 of the Development Act

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

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Development Number: 361/1219/2016/NB
Applicant: Omega Fire Ministries International Inc
Location: Unit 7 / 38-50 Barndioota Road, Salisbury Plain SA 5109
Proposed Development: CHANGE OF USE (UNIT 7) TO PLACE OF WORSHIP FOR TEMPORARY PERIOD OF FIVE (5) YEARS (NON-COMPLYING)

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

NAME(S): JOE

ADDRESS: UNIT 4 & UNIT 6 38/46 BARNDIOOTA ROAD SALISBURY PLAIN

PHONE NO: [REDACTED] EMAIL: [REDACTED]

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

☒ The owner/occupier of the property located at: SITE MANAGER

☐ Other (please state):

YOUR COMMENTS:

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

☐ Support the proposed development.

☒ Oppose the proposed development.

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

WE HAVE MADE CONTACT WITH THE REAL ESTATE COMPANY ABOUT OUR CONCERNS ON MANY ISSUES (LIN ANDREWS/APRIL LEE). ABOUT UNCLEWILKES AT THE FRONT & REAR OF THE BUILDING. ROCKS THROWN AROUND THE CAR PARK. CHILDREN UNSUPERVISED RUNNING AROUND CAR PARK WHEN WE

PTO

361/1219/2016/NB

HAVE TRUCKS, VANS WITH TRAILER + OPERATE FORKLEIFTS IN +
OUT OF THE WAREHOUSES THEY BLOCK ACCESS WITH THEIR CARS
+ DONT MOVE THEM WHEN ASKED. THIS IS A OHS ISSUE.

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

WE WOULD LIKE OUR INDUSTRIAL AREA TO BE SAFE TIDY
+ CRIME FREE. FOR THIS TO HAPPEN THE CHURCH IS NOT
SUITABLE FOR THIS COMPLEX AS WE HAVE SEMI TRAILERS
CONTINUOUSLY DROP OFF TIME TO TIME ALSO THEY LEAVE THE
GATES OPENED OVER THE NIGHTS + WEEK ENDS WHICH
ALLOWS CRIME TO COME INTO COMPLEX WE HAVE HAD OUR
CONTAINER BROKEN INTO + ^{OTHER} WORK SHOP IN THE COMPLEX
ALSO.

PTO

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

I/We:

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

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

☐ Appearing personally,

OR

☐ Represented by the following person:

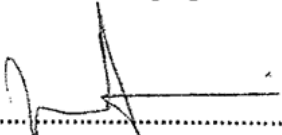
Contact details:

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

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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: 

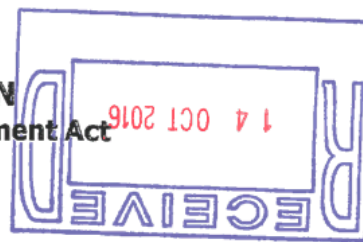
Date: 14/10/16

Please complete this checklist to ensure your representation is valid:

- ☒ Name and address of person (or persons).
- ☒ If more than one person, details of person making the representation.
- ☒ Detail of reasons for making the representation.
- ☒ Indication whether or not the person (or persons) wishes to be heard.
- ☒ Submitted no later than 11.59pm on **Monday 17th October 2016.**



STATEMENT OF REPRESENTATION Pursuant to Section 38 of the Development Act



To: City of Salisbury
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Proposed Development: CHANGE OF USE (UNIT 7) TO PLACE OF WORSHIP FOR TEMPORARY PERIOD OF FIVE (5) YEARS (NON-COMPLYING)

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

NAME(S): Kon Georgiadis, Magdalini Georgiadis

ADDRESS: 38-44 Willochra rd, Salisbury Plain 5109 S.A.

PHONE NO: [REDACTED] EMAIL: N/A

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

- ☒ The owner/occupier of the property located at: 38-44 Willochra rd, Salisbury Plain 5109 S.A.
- ☐ Other (please state):

YOUR COMMENTS:

☒ We: (please tick the most appropriate box below)

- ☐ Support the proposed development.
- ☒ Oppose the proposed development.

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

- 1) We have researched 'Omega Fire Ministries' on line and they worship with Live gospel music and singing. That ~~is~~ itself is not the problem. However, loud music and singing from 7pm onwards is our main concern & issue.
- 2) As our home is diagonally behind the subject site, which is not mentioned or shown in the applicants proposal, the potential for disruptive live or recorded music and singing coming from the subject site PTO will come from the unit and travel across our open land area and.

361/1219/2016/NB

extend to our home as there are no buffer areas inbetween to stop the noise. On many occasions we had been hearing loud live band music & singing coming from approximately the subject site from March 2016. This proves my point that the units are not soundproof.

As stated in the Salisbury Council development and planning act for this industry zone, there are noise restrictions from 7pm onwards.

1) Therefore any noise interferences for a five year lease period would be a long time.

1) The applicants fail to mention in their application if they do intend to worship with music and singing after 7pm weeknights. If it is the case, then they should have stated it.

Therefore we also oppose for this reason.

Yours sincerely Magda & Kon
Georgiadis.

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).

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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: Kon. Georgiadis.....

Date: 14 / 10 / 16

Please complete this checklist to ensure your representation is valid:

- ☒ Name and address of person (or persons).
- ☒ If more than one person, details of person making the representation.
- ☒ Detail of reasons for making the representation.
- ☒ Indication whether or not the person (or persons) wishes to be heard.
- ☒ Submitted no later than 11.59pm on **Monday 17th October 2016.**

Cassandra White

From: Erin Colbourne [redacted]
Sent: Wednesday, 12 October 2016 3:44 PM
To: Development
Subject: FW: Omega Fire Ministries
Attachments: KJ Letter.docx; Submission.pdf

Sorry I have had to split this into 2 emails as it was too large to be excepted.

Please find following an email including the photos

Thanks

Erin Colbourne
 WfD Consultant
 Enfield
 M 0466 338 964

From: Erin Colbourne
Sent: Wednesday, 12 October 2016 3:14 PM
To: 'representations@salisbury.sa.gov.au' <representations@salisbury.sa.gov.au>
Subject: Omega Fire Ministries

Dear Chris,

Please find attached the submission form, letter and several photos concerning the development at unit 7, 38-50 Barndioota Road, Salisbury Plain.

If you have any further queries please email myself or ring KJ direct at the property on 08 285 2294 or 08 289 929 664

Thanks

Erin Colbourne
 WfD Consultant
 M 0466 338 964



Enfield
 Unit 2
 490-494 Regency Road
 Enfield
 SA 5085

T (08) 8426 1500
 F (08) 8426 1599

From now on.



workskill.com.au

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STATEMENT OF REPRESENTATION Pursuant to Section 38 of the Development Act

To: City of Salisbury
PO Box 8, SALISBURY SA 5108
Email: 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: 361/1219/2016/NB
Applicant: Omega Fire Ministries International Inc
Location: Unit 7 / 38-50 Barndloota Road, Salisbury Plain SA 5109
Proposed Development: CHANGE OF USE (UNIT 7) TO PLACE OF WORSHIP FOR TEMPORARY PERIOD OF FIVE (5) YEARS (NON-COMPLYING)

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

NAME(S): KJ Dales

ADDRESS: UNIT 5, 38-46 BARNDLOOTA RD

PHONE NO: [REDACTED] EMAIL: [REDACTED]

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

- ☒ The owner/occupier of the property located at: UNIT 5, 38-46 BARNDLOOTA RD
☐ 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.

Please see attached photos, dates
and email.

PTO

361/1219/2016/NB

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

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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:

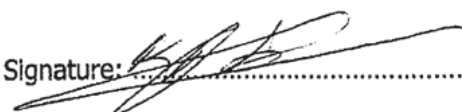
Contact details:

(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 Monday 17th October 2016, to ensure that it is a valid representation and taken into account.

Representor's Declaration:

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

Signature: 

Date: 10/10/2016

Please complete this checklist to ensure your representation is valid:

- ☒ Name and address of person (or persons).
- ☒ If more than one person, details of person making the representation.
- ☒ Detail of reasons for making the representation.
- ☒ Indication whether or not the person (or persons) wishes to be heard.
- ☒ Submitted no later than 11.59pm on **Monday 17th October 2016.**

To whom it may concern,

During the last 12 months of Omega Fire Ministries occupying unit 7, we have many incidences as detailed below.

We have made contact with the Real Estate Company Lin Andrews (April Lee) about our concerns on many occasions along with other tenants.

As the photos show we have concerns of their inability to keep clean both the front and rear areas of unit 7. This uncleanliness has resulted in large numbers of plates, utensils, dirty napkins, plastic cups and food scraps blowing around the yard and having to be cleaned by ourselves. This has impacted on our site specifically by needing to arrive earlier for work to make the premises presentable for business operations.

Our rear fire access which passes along the rear of unit 7 has been completely blocked on numerous occasions by rubbish left outside sometimes for weeks. This does go against our OHS policies and procedures. This also brings into disregard of their own evacuation accessibility in case of emergencies.

On numerous occasions the roller door access to our own building has been blocked on evenings and Sunday mornings not allowing us access to our property.

The above point also brings to attention the disregard of other tenants of this complex.

However our biggest concern is the lack of supervision towards children under 5 which frequently run out in the carpark area in front of other cars, forklifts and large semi-trailers which frequent these premises in and out of business hours. I myself have had at least 4 extremely close incidents of nearly running over children even though I am fully aware of the possibility of their presence and enter premises at the premises at an extremely low speed. I feel that it is only a matter of time before an unfortunate incident could occur.

We have also noticed on CCTV there are many occasions that when the children are unsupervised that they are throwing rocks from the garden onto the carpark and property frontage. This is also an issue as vehicles enter and drive through the premises the stones flick up off the tyres sideways and can cause damage to pedestrians, vehicles and buildings windows.

Yours faithfully

KJ Dales

Site Manager

Workskil Australia







Item 5.1.3 - Attachment 2 - Notice of Category 3 Application, Copies of Representations and Applicant's Response













STATEMENT OF REPRESENTATION Pursuant to Section 38 of the Development Act

11 OCT 2016

To: City of Salisbury
PO Box 8, SALISBURY SA 5108
Email: 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: 361/1219/2016/NB
Applicant: Omega Fire Ministries International Inc
Location: Unit 7 / 38-50 Barndioota Road, Salisbury Plain SA 5109
Proposed Development: CHANGE OF USE (UNIT 7) TO PLACE OF WORSHIP FOR TEMPORARY PERIOD OF FIVE (5) YEARS (NON-COMPLYING)

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

NAME(S): ANGELA MARCHESEAN
ADDRESS: 22 BARNDIOOTA RD SALISBURY PLAINS
PHONE NO: [REDACTED] EMAIL: [REDACTED]

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

- ☒ The owner/occupier of the property located at: [REDACTED]
☐ Other (please state): [REDACTED]

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.

There are a number of elderly residents who already put up with commercial and industrial traffic during the day. I am opposed to further traffic noise in the evenings when it is time to rest. It is an inappropriate location for a church/ministry particularly as the numbers are not [REDACTED] PTO

361/1219/2016/NB

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

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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 Monday 17th October 2016, to ensure that it is a valid representation and taken into account.

Representor's Declaration:

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

Signature: A. Matchedon

Date: 8 / 10 / 16

Please complete this checklist to ensure your representation is valid:

- ☒ Name and address of person (or persons).
- ☒ If more than one person, details of person making the representation.
- ☒ Detail of reasons for making the representation.
- ☒ Indication whether or not the person (or persons) wishes to be heard.
- ☒ Submitted no later than 11.59pm on **Monday 17th October 2016.**



10 November 2016

City of Salisbury
PO Box 8
SALISBURY SA 5108

Attention: Mr Chris Carrey

Dear Mr Carrey

**Re: Development Application 361/1219/2016/NB
Unit 7, 38-46 Barndioota Road, Salisbury Plain**

On behalf of Omega Fire Ministries International Incorporated Australia, the applicant, we refer to Council correspondence dated 19 October 2016 which provided the representations received during the public notification of the above-mentioned application.

We have been asked to examine and respond as required to the representations prior to the application being presented to the Council Development Assessment Panel for a determination.

Having reviewed the documentation provided by Council following the notification of the proposed development we note that there were five valid representations received.

It is noted that three of the five representations are from the occupants of other tenancies within the facility that the subject site is located. Many of the issues raised in these representations relate to management issues rather than issues of land use and planning. Notwithstanding, they still have relevance to an overall assessment of the application and we have therefore addressed them in this response.

The matters raised in each of the representations is summarised within the following table.

SOUTH AUSTRALIA	NORTHERN TERRITORY	QUEENSLAND	
33 Carrington Street	Unit 33, 16 Charlton Court	104/139 Commercial Road	ABN 30 007 755 277
Adelaide, 5000	Woolner, 0820	Teneriffe, 4005	15120LET03.docx
P (08) 8193 5600	P (08) 8942 2600	P (07) 3852 2670	
masterplan.com.au	ISO 9001:2008 Certified	plan@masterplan.com.au	



REPRESENTOR	ADDRESS	ISSUES RAISED
J Gervasi	Unit 4, 38/46 Barnidoota Road	<ul style="list-style-type: none"> Uncleanliness at front and rear of building. Unsupervised children running around in the car park. Vehicles blocking access to other businesses. Gates left open on nights and weekends, increasing crime.
K and M Georgiadis	38-44 Willochra Road	<ul style="list-style-type: none"> Noise impacts from music and singing. Scheduled worship services should have noise restrictions from 7:00pm onwards.
K J Dales (Workskil Australia)	Unit 5, 38-46 Barnidoota Road	<ul style="list-style-type: none"> Waste management. Visitors cars blocking roller door access to other businesses, including fire access. Supervision of young children in car parking area.
A Marchesan	22 Barnidoota Road	<ul style="list-style-type: none"> Increased traffic noise in the evenings. Number of worshippers, and potential for this to expand.
I H Showell (Adelaide Brush Pty Ltd & Ausbrush Panles Pty Ltd)	Unit 12 and Unit 8, 38-46 Barnidoota Road	<ul style="list-style-type: none"> Unsupervised children in car parking and driveway area. Place of Worship should not operate during the hours of 7:00am to 4:00pm, Monday to Friday. Number of persons attending the gatherings needs to be monitored. Visitors parking vehicles in front of other businesses roller doors. Rubbish disposal.

As many of the issues raised by representors are similar, we will respond to the issues raised rather than the individual representations.

The key issues raised are as follows:

- Acoustic Impact;
- Hours of Operation;
- Number of Persons;
- Car Parking;
- Waste Management;



- Security; and
- Unsupervised Children.

Please find following our response to the matters of concern as expressed in the representations summarised above.

Acoustic Impact

Residents of two dwellings located 22 Barnidoota Road and 38-44 Willochra Road (which are both located within the Industry Zone), have both expressed concern in regards to the noise generated by singing, music and traffic during scheduled services.

In order to ensure that the noise associated with the land use will be appropriately managed, Resonate Acoustics, a suitably qualified and experienced acoustic engineer, was engaged to undertake noise monitoring and prepare an assessment of the acoustic performance of the proposed development.

The Music Noise Assessment undertaken concluded that the music played during scheduled services will comply with the requirements of the Salisbury Council Development Plan and satisfy the requirements of the EPA music noise guideline. The proposal was determined to not have an unreasonable impact on the closest residential dwelling.

The other potential noise source is from vehicles entering and exiting the site. In the context of this locality it is important to note that the noise environment is already dominated by local traffic and industrial activities. Additional vehicle movements to the proposed place of worship are unlikely to create unreasonable levels of additional vehicle noise as the existing car-park, which is currently in use by other uses within the industrial complex. It is also noteworthy that the proposed vehicles would be standard passenger vehicles, which generally produce less noise than trucks or machinery which would be anticipated within the current industrial land use.

On balance, and having regard to the information available, it is considered unlikely that the proposed use will create unreasonable acoustic impacts upon adjoining land uses, in particular residential uses, in the locality.

Hours of Operation

The proposed hours of operation have received mixed reactions in the representations received, with some seeking the Place of Worship not to operate after 7:00pm, while others seek limits on operations between the hours of 7:00am to 4:00pm Monday to Friday.

We consider that the proposed hours of operation are appropriate.



Firstly, the desire expressed by several representors for services to be restricted after 7:00 pm emanates from the representations from occupiers of dwellings in the locality and relates to concern around acoustic impacts. It has subsequently been demonstrated by a qualified acoustic engineer that the acoustic impact on the locality during services will be appropriate and should not have an unreasonable impact on sensitive receptors in the locality.

Secondly, the desire expressed by several representors for limitations on the land use during business hours (7:00am to 4:00pm weekdays) already occurs in part, as scheduled services are limited to weeknights and weekends.

The use of the site during normal business hours will be minimal, with maximum numbers anticipated to be a maximum of ten people present at the site at any one time. This minimises potential for conflict with the operations of other tenancies in the complex.

Number of Persons

The proposed Place of Worship will typically accommodate 40 to 50 people, which is considered somewhere between a small and a medium scale (as defined in the Development Plan).

At its current size, the congregation is too small and lacks the resources to purchase a purpose built building, yet is too large to locate within a residence.

The proposed use of an industrial building over the next five years is considered an ideal solution to facilitate the Place of Worship during this interim phase, until such time as it grows to the extent that it can economically relocate to a purpose built facility.

We note that if the congregation grew significantly faster than anticipated, that the period of five years may be reduced.

Car Parking

A maximum of 50 persons are anticipated to attend the Place of Worship at any one time. Applying the applicable car parking guidelines, the maximum anticipated number of attendees would necessitate the provision of approximately 17 car parking spaces on-site.

The 59 line-marked car parking spaces existing on the subject land are shared between the tenancies without restriction for the use of staff and customers. Tenancies within the centre typically operate during normal daytime business hours. There is therefore limited potential for the peak times of demand for persons accessing the Place of Worship (consisting primarily of evenings and weekends) to coincide with peak daytime traffic demand associated with customers of the existing businesses.



When a Friday evening service was observed by the writer in the course of preparation of the application, an attendance of approximately 45 persons generated a maximum parking demand for 11 vehicles. A number of attendees were dropped at the site in vehicles which subsequently left. The only other activity occurring on the site at this time was the fitness studio facility which generated a demand for approximately 7 vehicles. More than 30 additional car parks remained available at all times. Our client indicated that the attendance at this service was one of their largest attendances for a service at this time. This observation would suggest that the provision of car parking is more than adequate.

As the available car parking spaces exceeds the demand, it is not anticipated that vehicles would need to be parking inappropriately or blocking access to other businesses.

Our client seeks to remind their congregation on an ongoing basis of the importance of parking within the identified spaces on the site, and, in particular, not parking in locations where obstruction of other tenancies could result.

Waste Management

The concerns expressed by representors, particularly those from other tenancies within the subject site have been noted by our client. Our client understands the need to ensure that waste generated from their use of the site is appropriately managed.

Our client has advised that they have had issues on occasion with rubbish being dumped by others in the vicinity of their tenancy.

In response to concerns raised by representors our client has determined to make arrangements for the provision of a larger general waste bin from a private contractor which will be emptied on at least a weekly basis. This will ensure that all waste generated by the tenancy can be stored within the bin.

Additionally, our client has now instituted additional procedures to ensure that any rubbish which may have been deposited outside of the tenancy is removed prior to the facility being vacated each day.

Security

Some concerns were raised in the representations about potential for increased crime, due to the gates to the complex being open for increased periods of time.

We consider that integrating the proposed Place of Worship will increase levels of passive surveillance in the area through the extension of times where people are present at the site.



Our client recognises a need for management associated with site security, including securing the gates to the site when they depart (and there is no one else remaining on the site) as agreed with the agent for the landlord.

Unsupervised Children

As observed, almost all of the tenancies within the industrial complex operate during normal daytime business hours.

The proposed scheduled services at the church are on weeknights (from 7:00pm) and weekends. At these times it is not anticipated that the other industrial businesses will be operating machinery or vehicles. As such the chance for conflict between children and vehicles is considered minimal.

We also note that the proposed worship services occur within the building and the do not extend out into the car park or driveway area.

As such, children will not be in the car parking area for long periods of time, only when coming to or from the site, when it is anticipated that they will be supervised by an adult.

Notwithstanding, our client recognises these concerns, and is committed to ensuring that members of their congregation provide appropriate supervision for children, particularly at times when other tenancies are operating.

Closure

Having reviewed the representations, it is considered that the issues which have been raised have either been appropriately addressed through the management practices put in place or are not materially detrimental to an assessment of the application.

It is noted that the Development Plan does specifically envisage Places of Worship being located within Industry Zones. Further, it should be recognised that the proposal seeks Consent on a temporary basis for a maximum period of five years, after which the use of the site will revert to that conferred by existing approvals and rights.

For the reasons outlined in this correspondence, and our earlier correspondence, we consider that the proposed development is an appropriate use of the subject site that warrants Development Plan Consent being granted by Council and the concurrence of the Development Assessment Commission.



Appearance at DAP Meeting

We note that one representor desires to make verbal representation in support of their written representation.

Would you please advise the write of the time and date of the Development Assessment Panel meeting when this matter will be considered so that our client or their representative can be in attendance to respond to any representations made to the Development Assessment Panel in person.

Yours sincerely

Michael Richardson
MasterPlan SA Pty Ltd

cc: Omega Fire Ministries International Inc. Australia, Att: Mr Alysious Kamara (by email).

Attachment 3

Relevant Development Plan Extracts and Location
Maps, Consolidated 5 May 2016

Community Facilities

OBJECTIVES

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

PRINCIPLES OF DEVELOPMENT CONTROL

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

Places of Worship

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

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

- 5 Small (local) to medium (neighbourhood) scale places of worship within residential areas should be appropriately located on major collector roads to minimise congestion or traffic conflict within local streets.
- 6 Large places of worship should:
 - (a) be located within centre, commercial or the periphery of industrial zones
 - (b) demonstrate the following design features:
 - (i) reuse of existing buildings
 - (ii) the bulk, mass and height of development compatible with the character of the locality
 - (iii) sharing of car parking facilities

**Salisbury Council
General Section
Community Facilities**

- (iv) siting on arterial or collector roads rather than narrower local residential streets
 - (v) promote crime prevention through environmental design principles
 - (vi) reduced land use conflicts in relation to the scale of building form and hours of operation
 - (vii) provide value added functions and facilities that can be used by neighbouring activities.
- 7 Large scale places of worship located in commercial or industry zones should not detrimentally impact on the operations of existing commercial or industrial land uses.
- 8 Places of worship should be established with one car parking space for every three seats or every three attendees to the place of worship.

Crime Prevention

OBJECTIVES

- 1 A safe, secure, crime resistant environment where land uses are integrated and designed to facilitate community surveillance.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.
- 2 Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.
- 3 Development should provide a robust environment that is resistant to vandalism and graffiti.
- 4 Development should provide lighting in frequently used public spaces including those:
 - (a) along dedicated cyclist and pedestrian pathways, laneways and access routes
 - (b) around public facilities such as toilets, telephones, bus stops, seating, litter bins, automatic teller machines, taxi ranks and car parks.
- 5 Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.
- 6 Landscaping should be used to assist in discouraging crime by:
 - (a) screen planting areas susceptible to vandalism
 - (b) planting trees or ground covers, rather than shrubs, alongside footpaths
 - (c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.
- 7 Site planning, buildings, fences, landscaping and other features should clearly differentiate public, communal and private areas.
- 8 Buildings should be designed to minimise and discourage access between roofs, balconies and windows of adjoining dwellings.
- 9 Public toilets should be located, sited and designed:
 - (a) to promote the visibility of people entering and exiting the facility (eg by avoiding recessed entrances and dense shrubbery that obstructs passive surveillance)
 - (b) near public and community transport links and pedestrian and cyclist networks to maximise visibility.
- 10 Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians).

Salisbury Council
General Section
Crime Prevention

- 11 Development should be designed to maximise surveillance of open space, pedestrian routes, centres and residential areas by:
- (a) orienting the frontages and entrances of buildings towards the public street
 - (b) avoiding screens, high walls, carports and landscaping that obscure direct views to public areas
 - (c) placing the entrances of buildings opposite each other across a street, or group entrances of multiple dwelling developments onto a commonly visible area to provide maximum mutual surveillance
 - (d) arranging living areas, windows, access ways and balconies to overlook open space and recreation areas and provide observation points to all areas of a site, particularly entrances and car parks.

Interface between Land Uses

OBJECTIVES

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

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:
 - (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
 - (b) noise
 - (c) vibration
 - (d) electrical interference
 - (e) light spill
 - (f) glare
 - (g) hours of operation
 - (h) traffic impacts.
- 2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.
- 3 Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.
- 4 Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.
- 5 Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.
- 6 Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.

Noise Generating Activities

- 7 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant *Environment Protection (Noise) Policy* criteria when assessed at the nearest existing noise sensitive premises.
- 8 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.

Salisbury Council
General Section
Interface between Land Uses

- 9 Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.
- 10 Development proposing music should include noise attenuation measures that achieve the following desired noise levels:

Noise level assessment location	Desired noise level
Adjacent existing <i>noise sensitive development</i> property boundary	Less than 8 dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise ($LA_{90,15min}$) for the overall (sum of all octave bands) A-weighted level
Adjacent <i>land</i> property boundary	Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or Less than 8 dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level

Air Quality

- 11 Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.
- 12 Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:
- (a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere
 - (b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses.

Rural Interface

- 13 The potential for adverse impacts resulting from rural development should be minimised by:
- (a) not locating horticulture or intensive animal keeping on land adjacent to townships
 - (b) maintaining an adequate separation between horticulture or intensive animal keeping and townships, other sensitive uses and, where desirable, other forms of primary production.
- 14 Traffic movement, spray drift, dust, noise, odour and the use of frost fans and gas guns associated with primary production should not lead to unreasonable impact on adjacent land uses.
- 15 Existing primary production and mineral extraction should not be prejudiced by the inappropriate encroachment of sensitive uses such as urban development.
- 16 Development that is adjacent to land used for primary production (within either the zone or adjacent zones) should include appropriate setbacks and vegetative plantings designed to minimise the potential impacts of chemical spray drift and other impacts associated with primary production.

- 17 New urban development should provide a buffer of at least 40 metres wide (inclusive of any fuel break, emergency vehicle access or road) separating urban and rural activities.
- 18 Development located within 300 metres of facilities for the handling, transportation and storage of bulk commodities should:
 - (a) not prejudice the continued operation of those facilities
 - (b) be located, designed and developed having regard to the potential environmental impact arising from the operation of such facilities and the potential extended hours of operation.

Orderly and Sustainable Development

OBJECTIVES

- 1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.
- 2 Development occurring in an orderly sequence and in a compact form to enable the efficient provision of public services and facilities.
- 3 Development that does not jeopardise the continuance of adjoining authorised land uses.
- 4 Development that does not prejudice the achievement of the provisions of the Development Plan.
- 5 Development abutting adjoining Council areas having regard to the policies of that Council's Development Plan.
- 6 Urban development contained within existing townships and settlements and located only in zones designated for such development.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should not prejudice the development of a zone for its intended purpose.
- 2 Land outside of townships and settlements should primarily be used for primary production and conservation purposes.
- 3 The economic base of the region should be expanded in a sustainable manner.
- 4 Urban development should form a compact extension to an existing built-up area.
- 5 Ribbon development should not occur along the coast, water frontages or arterial roads shown in *Overlay Maps - Transport*.
- 6 Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure.
- 7 Where development is expected to impact upon the existing infrastructure network (including the transport network), development should demonstrate how the undue effect will be addressed.
- 8 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.

Transportation and Access

OBJECTIVES

- 1 A comprehensive, integrated, affordable and efficient air, rail, sea, road, cycle and pedestrian transport system that will:
 - (a) provide equitable access to a range of public, community and private transport services for all people
 - (b) ensure a high level of safety
 - (c) effectively support the economic development of the State
 - (d) have minimal negative environmental and social impacts
 - (e) maintain options for the introduction of suitable new transport technologies.
- 2 Development that:
 - (a) provides safe and efficient movement for all motorised and non-motorised transport modes
 - (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles
 - (c) provides off street parking
 - (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks.
- 3 A road hierarchy that promotes safe and efficient transportation in an integrated manner throughout the State.
- 4 Provision of safe, pleasant, accessible, integrated and permeable pedestrian and cycling networks.
- 5 Safe and convenient freight movement throughout the State.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.

Movement Systems

- 2 Development should be integrated with existing transport networks, particularly major rail and road corridors as shown on *Location Maps* and *Overlay Maps - Transport*, and designed to minimise its potential impact on the functional performance of the transport networks.
- 3 Transport corridors should be sited and designed so as to not unreasonably interfere with the health and amenity of adjacent sensitive land uses.
- 4 Roads should be sited and designed to blend with the landscape and be in sympathy with the terrain.

Salisbury Council
General Section
Transportation and Access

- 5 Land uses that generate large numbers of visitors such as shopping centres and areas, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by existing transport networks and encourage walking and cycling.
- 6 Development generating high levels of traffic, such as schools, shopping centres and other retail areas, entertainment and sporting facilities, should incorporate passenger pick-up and set down areas. The design of such areas should ensure interference to existing traffic is minimised and give priority to pedestrians, cyclists and public and community transport users.
- 7 The location and design of public and community transport set-down and pick-up points should maximise safety and minimise the isolation and vulnerability of users.
- 8 Development should provide safe and convenient access for all anticipated modes of transport including cycling, walking, public and community transport, and motor vehicles.
- 9 Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.
- 10 Driveway crossovers affecting pedestrian footpaths should maintain the level of the footpath.
- 11 Development should discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses such as schools.
- 12 Industrial/commercial vehicle movements should be separated from passenger vehicle car-parking areas.
- 13 Development should make sufficient provision on site for the loading, unloading and turning of all traffic likely to be generated.

Cycling and Walking

- 14 Development should ensure that a permeable street and path network is established that encourages walking and cycling through the provision of safe, convenient and attractive routes with connections to adjoining streets, paths, open spaces, schools, public and community transport stops and activity centres.
- 15 Development should provide access, and accommodate multiple route options, for cyclists by enhancing and integrating with:
 - (a) open space networks, recreational trails, parks, reserves and recreation areas
 - (b) Adelaide's Metropolitan Open Space System.
- 16 Cycling and pedestrian networks should be designed to be permeable and facilitate direct and efficient passage to neighbouring networks and facilities.
- 17 New developments should give priority to and not compromise existing designated bicycle routes.
- 18 Where development coincides with, intersects or divides a proposed bicycle route or corridor, development should incorporate through-access for cyclists.
- 19 Developments should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:
 - (a) showers, changing facilities, and secure lockers
 - (b) signage indicating the location of bicycle facilities

- (c) secure bicycle parking facilities provided at the rate set out in [Table Sal/3 - Off Street Bicycle Parking Requirements](#).
- 20 Pedestrian facilities and networks should be designed and provided in accordance with relevant provisions of the *Australian Standards and Austroads Guide to Traffic Engineering Practice Part 13*.
- 21 Cycling facilities and networks should be designed and provided in accordance with the relevant provisions of the *Australian Standards and Austroads Guide to Traffic Engineering Practice Part 14*.

Access

- 22 Development should have direct access from an all weather public road.
- 23 Development should be provided with safe and convenient access which:
 - (a) avoids unreasonable interference with the flow of traffic on adjoining roads
 - (b) provides appropriate separation distances from existing roads or level crossings
 - (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision
 - (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.
- 24 Development should not restrict access to publicly owned land such as recreation areas.
- 25 The number of vehicle access points onto arterial roads shown on *Overlay Maps - Transport* should be minimised, and where possible access points should be:
 - (a) limited to local roads
 - (b) shared between developments.
- 26 The number of access points for cyclists and pedestrians onto all adjoining roads should be maximised.
- 27 Development with access from roads with existing or projected traffic volumes exceeding 6000 vehicles per day should be sited to avoid the need for vehicles to reverse on to or from the road.
- 28 Development with access from arterial roads or roads as shown on *Overlay Maps - Transport* should be sited to avoid the need for vehicles to reverse on to or from the road.
- 29 Driveways, access tracks and parking areas should be designed and constructed to:
 - (a) follow the natural contours of the land
 - (b) minimise excavation and/or fill
 - (c) minimise the potential for erosion from run-off
 - (d) avoid the removal of existing vegetation
 - (e) be consistent with *Australian Standard AS 2890 Parking facilities*.

Access for People with Disabilities

- 30 Development should be sited and designed to provide convenient access for people with a disability.
- 31 Where appropriate and practical, development should provide for safe and convenient access to the coast and beaches for disabled persons.

Salisbury Council
General Section
Transportation and Access

Vehicle Parking

- 32 Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table Sal/2 - Off Street Vehicle Parking Requirements unless an agreement is reached between the Council and the applicant for a reduced number of parking spaces where one of the following applies:
- (a) a financial contribution is paid into the Council Car Parking Funds specified by the Council, in accordance with the gazetted rate per car park associated with the 'Car Park Fund Areas' identified on Concept Plan Map Sal/27 - Salisbury District Centre Car Park Fund Area and Concept Plan Map Sal/29 - Ingle Farm District Centre Car Park Fund Area.
 - (b) it can be demonstrated that fewer car parks would be required to meet the car parking needs associated with the development.
- 33 Development should be consistent with Australian Standard AS 2890 Parking facilities.
- 34 Vehicle parking areas should be sited and designed in a manner that will:
- (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development
 - (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network
 - (c) not inhibit safe and convenient traffic circulation
 - (d) result in minimal conflict between customer and service vehicles
 - (e) avoid the necessity to use public roads when moving from one part of a parking area to another
 - (f) minimise the number of vehicle access points to public roads
 - (g) avoid the necessity for backing onto public roads
 - (h) where reasonably possible, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points
 - (i) not dominate the character and appearance of a site when viewed from public roads and spaces
 - (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas.
- 35 Vehicle parking areas should be designed to reduce opportunities for crime by:
- (a) maximising the potential for passive surveillance by ensuring they can be overlooked from nearby buildings and roads
 - (b) incorporating walls and landscaping that do not obscure vehicles or provide potential hiding places
 - (c) being appropriately lit
 - (d) having clearly visible walkways.
- 36 Where parking areas are not obviously visible or navigated, signs indicating the location and availability of vehicle parking spaces associated with businesses should be displayed at locations readily visible to customers.

- 37 Parking areas that are likely to be used during non daylight hours should provide floodlit entrance and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the car park.
- 38 Parking areas should be sealed or paved in order to minimise dust and mud nuisance.
- 39 To assist with stormwater detention and reduce heat loads in summer, vehicle parking areas should include soft (living) landscaping.
- 40 Parking areas should be line-marked to indicate parking bays, movement aisles and direction of traffic flow.

Salisbury Council
General Section
Waste

Waste

OBJECTIVES

- 1 Development that, in order of priority, avoids the production of waste, minimises the production of waste, reuses waste, recycles waste for reuse, treats waste and disposes of waste in an environmentally sound manner.
- 2 Development that includes the treatment and management of solid and liquid waste to prevent undesired impacts on the environment including, soil, plant and animal biodiversity, human health and the amenity of the locality.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:
 - (a) avoiding the production of waste
 - (b) minimising waste production
 - (c) reusing waste
 - (d) recycling waste
 - (e) recovering part of the waste for re-use
 - (f) treating waste to reduce the potentially degrading impacts
 - (g) disposing of waste in an environmentally sound manner.
- 2 The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.
- 3 Development should avoid as far as practical, the discharge or deposit of waste (including wastewater) onto land or into any waters (including processes such as seepage, infiltration or carriage by wind, rain, sea spray, stormwater or by the rising of the water table).
- 4 Untreated waste should not be discharged to the environment, and in particular to any water body.
- 5 Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.
- 6 Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are:
 - (a) screened and separated from adjoining areas
 - (b) located to avoid impacting on adjoining sensitive environments or land uses
 - (c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system
 - (d) located on an impervious sealed area graded to a collection point in order to minimise the movement of any solids or contamination of water

Industry Zone

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

OBJECTIVES

- 1 A zone primarily accommodating a wide range of industrial, warehouse, storage and transport land uses.
- 2 Development that is compatible with existing and forecast noise nuisance from aircraft operations based at RAAF Edinburgh or Parafield Airport.
- 3 Provision of landscaped buffers adjacent to main roads and residential areas.
- 4 Water sensitive urban design and landscaping incorporated as an integral elements of development within the zone.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 The following forms of development are envisaged in the zone:
 - industry
 - office in association with and ancillary to industry
 - transport distribution
 - warehouse.
- 2 Centre facilities such as shops, offices and consulting rooms should not occur unless it can be demonstrated that they primarily serve businesses in the zone and do not detract from the function of any centre zone or centres generally.
- 3 Development listed as non-complying is generally inappropriate.

Form and Character

- 4 Development should be set back from any road frontage in accordance with [Table Sal/1- Building Setbacks from Road Boundaries](#).
- 5 Industrial buildings should not occupy more than 50 per cent of the total area of the site upon which they are located.
- 6 In areas where a uniform street setback pattern has not been established, buildings should be set back in accordance with the following criteria (subject to adequate provision of car parking spaces and landscaping between buildings and the road):
 - (a) buildings up to a height of 6 metres should be sited at least 8 metres from the primary street alignment
 - (b) buildings exceeding a height of 6 metres should be sited at least 10 metres from the primary street alignment
 - (c) where an allotment has two street frontages, no building should be erected within 4 metres of the secondary street alignment.

Salisbury Council
Zone Section
Industry Zone

- 7 Development involving the outdoor storage of goods or materials should:
 - (a) not be located adjacent to arterial roads and major roads, or facing residential properties unless it can be demonstrated that the amenity of the locality will be enhanced
 - (b) ensure that storage and service areas are effectively screened from public view.
- 8 Industrial buildings should present an attractive façade by incorporating offices of masonry or similar construction at the front of the building, and through the use of architectural elements that will enhance the appearance of the locality, such as surface treatments, form or decoration
- 9 Building facades facing land zoned for residential purposes should not contain openings or entrance ways that would result in the transmission of noise that would adversely affect the residential amenity.
- 10 Access points which are required to cross an open swale stormwater drain should:
 - (a) be minimised by limiting the number of allotments with frontage to swales
 - (b) serve 2 or more allotments where possible
 - (c) be designed to facilitate efficient stormwater management and drainage.
- 11 Open swale stormwater drainage should:
 - (a) be used in conjunction with roadways to cater for major stormwater flows and where practicable, for minor (2 to 10 year) stormwater flows
 - (b) be designed in an attractive form with grass-lined sides of no more than 1-in-5 gradient and a concrete base
 - (c) allow for the planting of trees and shrubs at either side of the channel.
- 12 Any plant or equipment with potential to cause an environmental nuisance (including a chimney stack or air-conditioning plant) should be sited as far as possible from adjoining non-industrially zoned allotments, and should be designed to minimise its effect on the amenity of the locality.
- 13 Development should ensure that the following is achieved:
 - (a) at least 10 per cent of the site is landscaped
 - (b) landscaping along allotment boundaries that adjoin roads or public reserve and at least one side boundary, for a width of at least 3 metres
 - (c) landscaping within parking areas to break-up extensive areas of paving.
- 14 Freestanding structures should not exceed 6 metres in height and should be restricted to one such structure per 6 tenancies.
- 15 Advertisements and advertising hoardings should not include any of the following:
 - (a) flashing or animated signs
 - (b) bunting, streamers, flags, or wind vanes
 - (c) roof-mounted advertisements projected above the roofline
 - (d) parapet-mounted advertisements projecting above the top of the parapet.
- 16 Advertisements and advertising hoardings that are internally illuminated should be unobtrusive and not conspicuous when viewed from adjacent residential properties.

- 17 Advertisements should not cover more than 10 per cent of a total surface area of a wall which can be seen from a public road or reserve.
- 18 For sites accommodating a number of tenancies, advertisements should be graphically and colour co-ordinated and allow for display by each tenant.
- 19 Within the portion of Salisbury North bounded by Commercial Road to the north and railway lines to the east and west:
 - (a) development should incorporate a landscaped reserve:
 - (i) with a 5-metre width along the boundaries of the site abutting the railways
 - (ii) that consists of thick planting, designed for effective visual screening and noise attenuation, consistent along the length of the reserve
 - (b) land division should ensure that new allotments do not have direct access to Bagster Road or Commercial Road.

Land Division

- 20 Land division should create allotments that:
 - (a) are of a size and shape suitable for the intended use
 - (b) except where specified in a particular policy area, have an area of not less than 2500 square metres, unless intended for a specific purpose consistent with the zone provisions and for which a lesser site area requirement can be demonstrated
 - (c) reserve sufficient land for the satisfactory disposal or detention of stormwater
 - (d) ensure roadways are designed to accommodate major stormwater flows in excess of the capacity of the underground drainage system.

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:

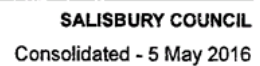
Form of development	Exceptions
Advertisement and/or Advertising hoarding	Except where it complies with all of the following: (a) it does not move, rotate or incorporate flashing lights (b) it does not wholly or partly consists of bunting, streamers, flags, wind vanes and the like (c) if attached to a building, it does not wholly or partly extend above the top of the wall or the fascia.
Amusement machine centre	
Animal keeping	
Builder's yard	Except where it achieves all of the following: (a) it is located on an allotment which does not adjoin an arterial, controlled-access arterial or proposed controlled-access arterial road (b) it is located at least 20 metres from an arterial, controlled-access arterial or proposed controlled-access arterial road.
Bus depot where it is located within the Infrastructure Policy Area 9	
Caravan park	
Community centre	
Consulting room	
Dairy	
Dwelling	Except where: (a) ancillary to and in association with industrial development (b) located on the same allotment.
Educational establishment	Except where: (a) ancillary to and in association with industrial development (b) located on the same allotment.
General industry where it is located within the Pooraka Policy Area 11	
Horse keeping	
Horticulture	
Hospital	
Hotel	
Intensive animal keeping where it is located in the Pooraka Policy Area 11	

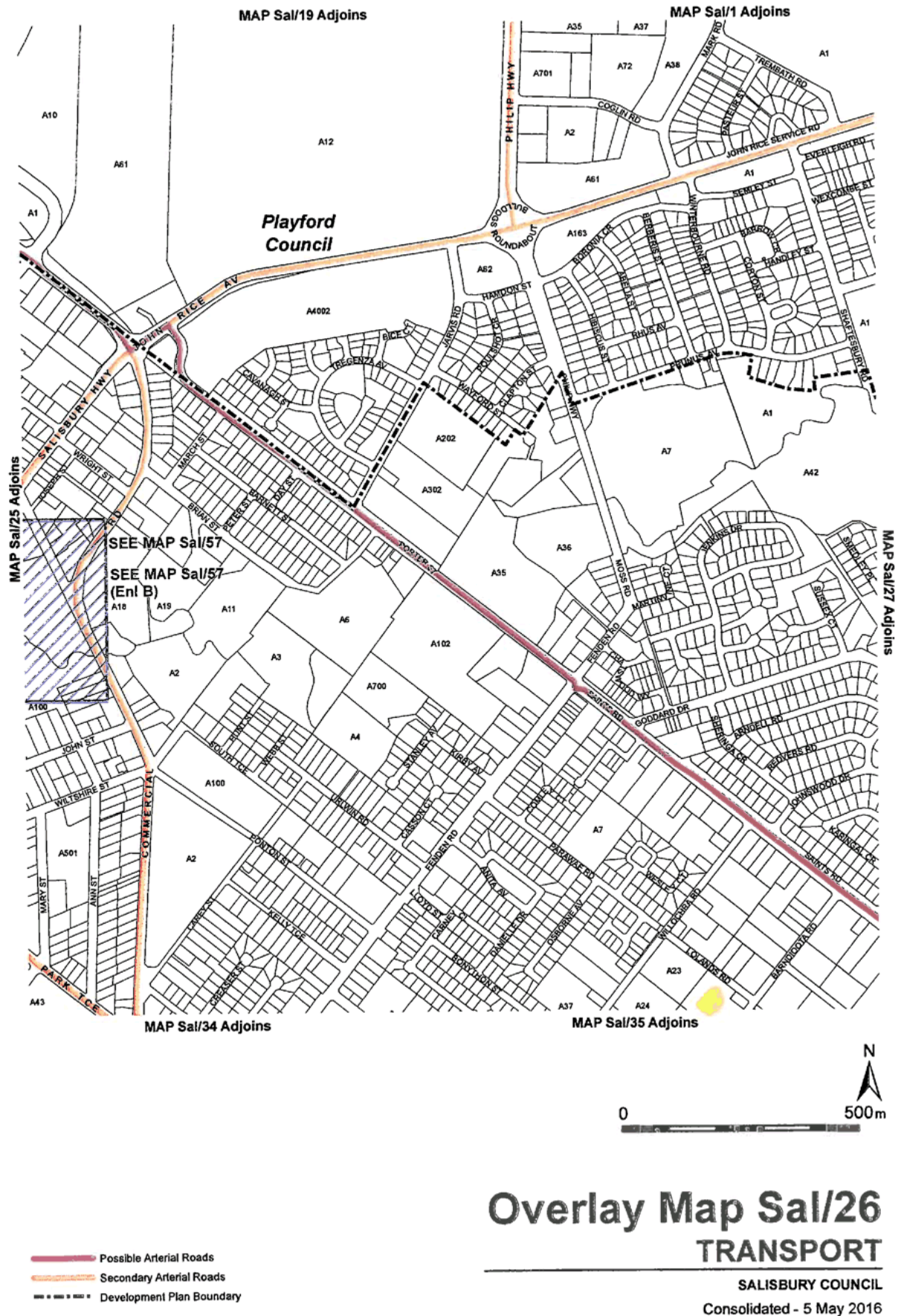
Salisbury Council
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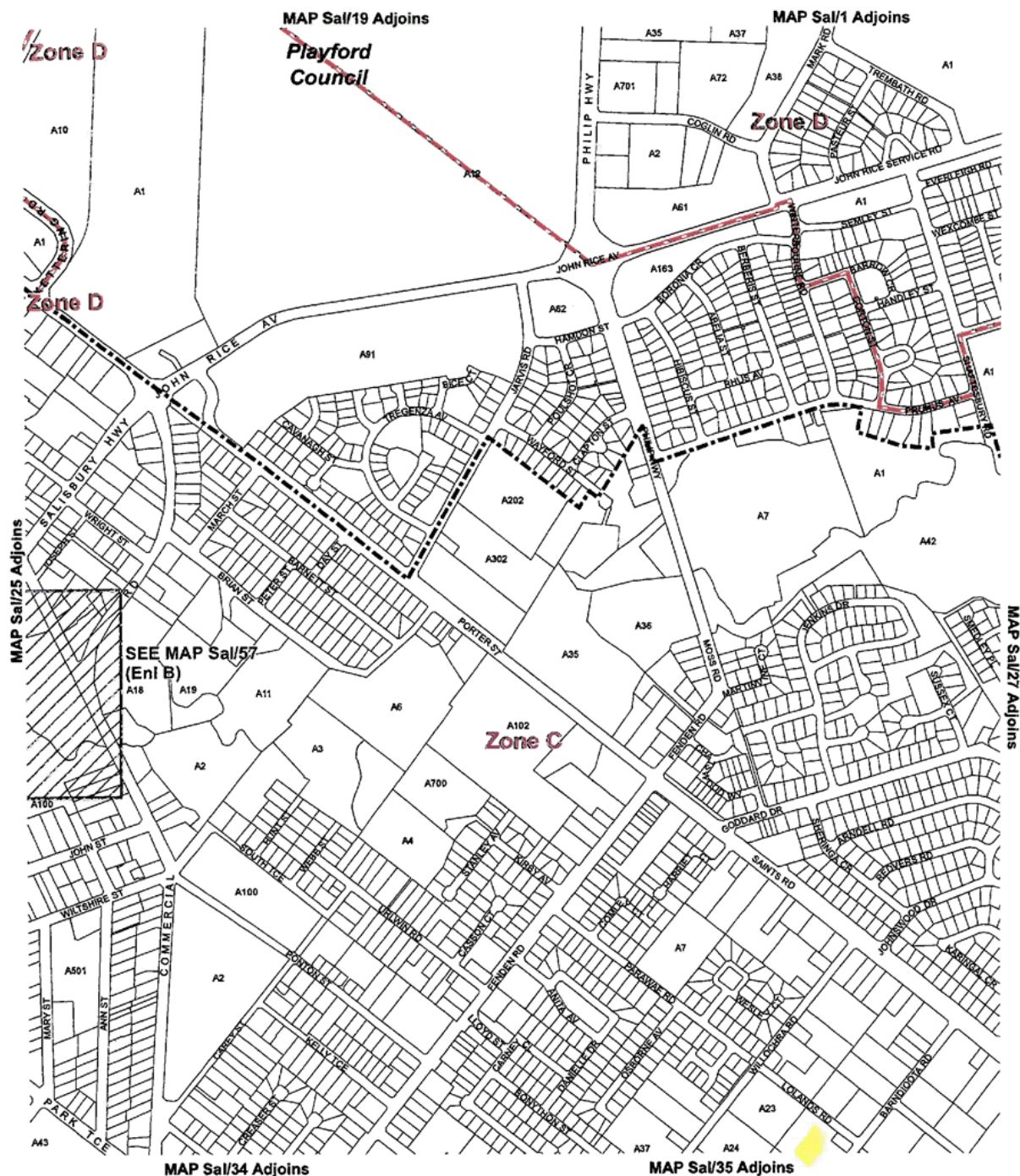
Form of development	Exceptions
Motel	
Nursing home	
Office	Except where it achieves all of the following: (a) ancillary to and in association with industrial development (b) located on the same allotment (c) it achieves one of the following: (i) it is located outside of the Pooraka Policy Area 11 (ii) it is located within the Pooraka Policy Area 11 and it has a maximum floor area of no more than 250 square metres.
Place of worship	Except where it has a floor area greater than 500 square metres and is less than 60 metres from the boundary of the Industry Zone.
Pre-school	
Prescribed mining operations	
Primary school	
Residential flat building	
Road transport terminal where it is located in the Infrastructure Policy Area 9 at Walkley Heights	
Shop or group of shops	Except where the gross leasable area is less than 250 square metres and it is located in one of the following policy areas or suburb: (a) Greater Levels Policy Area 8 (b) Pooraka Policy Area 11 (c) the suburb of Greenfields.
Special industry	
Stock sales yard	Except where it is located outside of the Pooraka Policy Area 11.
Stock slaughter works	Except where it is a poultry slaughter works and it is located within the Burton Poultry Processing Policy Area 5.
Telecommunication facility where it is located within 100 metres of a State Heritage Place	
Tourist accommodation	
Waste reception, storage, treatment or disposal in Infrastructure Policy Area 9	Except where it is located outside of the Pooraka Policy Area 11 and/or the Infrastructure Policy Area 9.
Wrecking yard	Except where it achieves all of the following: (a) it is located on an allotment which does not adjoin an arterial, controlled-access arterial or proposed controlled-access arterial road (b) it is located at least 20 metres from an arterial, controlled-access arterial or proposed controlled-access arterial road.

Public Notification

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







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 C All Structures Exceeding 15 metres above existing ground level

Zone D All Structures Exceeding 45 metres above existing ground level



Airport Building Heights

Development Plan Boundary

Overlay Map Sal/26 DEVELOPMENT CONSTRAINTS

SALISBURY COUNCIL

Consolidated - 5 May 2016

