



## **AGENDA**

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

**22 MAY 2018 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 J Watson

### **REQUIRED STAFF**

General Manager City Development, Mr T Sutcliffe  
Manager Development Services, Mr C Zafiropoulos (Assessment Manager)  
Team Leader – Planning, Mr A Curtis  
Development Officer – Planning, Ms M Malinaro  
Planning Consultant, Mr M Atkinson

### **APOLOGIES**

### **LEAVE OF ABSENCE**

### **ENDORSED MINUTES FROM PREVIOUS MEETING**

Copy of the Endorsed Minutes of the Council Assessment Panel Meeting held on 27 February 2018.

### **DECLARATIONS OF CONFLICTS OF INTEREST**

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**REPORTS**

*Development Applications*

<b>5.1.1</b>	<b>361/284/2018/2T</b> .....	7
	Removal of one regulated tree on Council road reserve adjacent to 53 Margaret Avenue, Salisbury for City of Salisbury	
<b>5.1.2</b>	<b>361/515/2018/3B</b> .....	63
	Change of use from scout hall to place of worship at 38 Mortess Street, Brahma Lodge SA 5109 for K Hamzah	

**OTHER BUSINESS**

5.2.1	Planning Reforms - Introduction of an Accredited Professionals Scheme .....	161
5.2.2	Status of Current Appeal Matters and Deferred Items .....	169
5.2.3	Policy Issues is Arising from Consideration of Development Applications	
5.2.4	Future Meetings & Agenda Items	

**CLOSE**

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

**27 FEBRUARY 2018**

**MEMBERS PRESENT**

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

**STAFF**

General Manager City Development, Mr T Sutcliffe  
Manager Development Services, Mr C Zafirooulos (Assessment Manager)  
Team Leader – Planning, Mr A Curtis

The meeting commenced at 6:00 pm.

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

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

Nil

**DECLARATIONS OF CONFLICTS OF INTEREST**

Nil

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## REPORTS

### *Development Applications*

#### **5.1.1 361/1589/2017/2B**

Demolition of existing dwelling and associated structures and outbuildings, removal of 40 Regulated Trees (8 being Significant Trees), transplanting of 13 Regulated Trees, the construction of a mixed use retail and entertainment complex comprising major retail shops (2), speciality retail shops (13), cafe (1), bulky goods tenancies (4), entertainment venues (3), indoor recreation centre (gymnasium), fencing and screening structures, 3 fast food restaurants (with associated drive through facility) together with associated siteworks, access/egress to Kings Road, Main North Road and Mengel Court, at-grade car parking and manoeuvring areas, loading docks, pedestrian paths, waste storage areas, outdoor seating and landscaping at 1460 Main North Road, Salisbury South for GIC Kings Road Pty Ltd

#### **REPRESENTATIONS**

Mr Tom Hateley, Senior Planner, AECOM Australia Pty Ltd on behalf of Parafield Airport, spoke to their representation.

Mr Barrie Rogers, Parafield Airport Manager, spoke to their representation.

Mr Damien Ellis, Director, Intro, spoke on behalf of the applicant.

Mr Paul Morris, Director, GTA Traffic Consultants, spoke on behalf of the applicant.

The Panel received and noted the letter dated 27 February 2018 from Mr Richard Wood, General Manager Aviation Environment, Department of Infrastructure, Regional Development and Cities.

Mr R Bateup moved and the Council Assessment Panel resolved that:

The application be deferred to seek the advice of the Civil Aviation Safety Authority in respect to the Vipac Engineers & Scientists Wind Impact Assessment Report, dated 6 November 2017.



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## **OTHER BUSINESS**

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

A verbal update was provided to the Panel advising that in relation to the Shia Community of South Australia (361/1549/2016/3B) at 256-258 Bridge Road, Pooraka that a decision of the ERD court is still pending.

A verbal update was provided to the Panel advising that in relation to the Sikh Community Centre (361/1144/2016/3B) at 701-709 Port Wakefield Road, Globe Derby an amended plan for the consideration of the Panel is still to be received.

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

Nil

### **5.2.3 Accredited Professionals Scheme Discussion Paper**

A report be provided at the next meeting in respect to the implications of the proposed new scheme.

### **5.2.4 Future Meetings & Agenda Items**

Next meeting scheduled for Tuesday 27 March 2018.

## **ADOPTION OF MINUTES**

Ms Johnston moved, and the Council Assessment Panel resolved that the Minutes of the Council Assessment Panel Meeting be taken and read as confirmed.

The meeting closed at 7:27 pm.

**PRESIDING MEMBER:** Mr Doug Wallace

**DATE:** 27 February 2018  
(refer to email approving minutes registered in Dataworks  
Document Number 4753109)



<b>ITEM</b>	5.1.1
	<b>COUNCIL ASSESSMENT PANEL</b>
<b>DATE</b>	22 May 2018
<b>APPLICATION NO.</b>	361/284/2018/2T
<b>APPLICANT</b>	City of Salisbury
<b>PROPOSAL</b>	Removal of one regulated tree on Council road reserve
<b>LOCATION</b>	Adjacent to 53 Margaret Avenue, Salisbury
<b>CERTIFICATE OF TITLE</b>	Not applicable
<b>AUTHOR</b>	Marie Molinaro, Development Officer Planning and Compliance, City Development

### 1. DEVELOPMENT APPLICATION DETAILS

<b>Zone/Policy Area</b>	Residential
<b>Application Type</b>	On-Merit
<b>Public Notification Category</b>	Category 2
<b>Public Notification</b>	Representations received: Four Representations to be heard: One
<b>Referrals - Statutory</b>	None
<b>Referrals – Internal</b>	Independent Arborist Report
<b>Development Plan Version</b>	Salisbury (City) Development Plan Consolidated 15 December 2016
<b>Assessing Officer</b>	Marie Molinaro, Development Officer Planning and Compliance
<b>Recommendation</b>	Refuse Development Plan Consent
<b>Meeting Date</b>	22 May 2018

### 2. REPORT CONTENTS

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

### 3. EXECUTIVE SUMMARY

Council's Tree Services Staff lodged a development application seeking Development Approval to remove one regulated Council street tree. The tree is a *Eucalyptus melliodora* (Yellow Box) and is adjacent to 53 Margaret Avenue, Salisbury.

The report provides a detailed assessment of the application against the relevant provisions of the Salisbury (City) Development Plan. The assessment found that there is no basis under the provisions of the Council Development Plan to warrant removal of the tree, having regard to its health, structure and appearance.

Accordingly, it is recommended that Development Approval be refused.

#### **4. BACKGROUND**

An initial request for removal of the tree was made in October 2017 by Hoa Nguyen and Linh Thi My Le, the owners of 53 Margaret Avenue, Salisbury.

In accordance with Council's Tree Removal Procedure, this request was considered by Council's Tree Removal Committee (TRC). TRC refused the request.

The refusal by TRC was appealed by Hoa Nguyen, by way of request for review dated 18 January 2018. The Manager – Parks and Landscape, consistent with Council's endorsed procedure reviewed the appeal and determined that the appeal should be upheld – e.g. that the tree is suitable for removal. This determination was made on the basis that the tree satisfies clause 6 of the City of Salisbury tree removal criteria;

*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 appeal being upheld, Council Tree Services staff lodged a development application on 22 February 2018 seeking Development Approval to remove the tree, pursuant to the Development Act (1993).

The Development Act (1993) outlines that tree damaging activity to a regulated tree (including removal) is development, which requires Development Approval.

The City of Salisbury tree removal criteria is a Council policy document. The Council Development Plan against which development applications are assessed is a separate statutory document. The principles of development control listed in the Council Development Plan relating to regulated trees are different to the criteria listed in the Council tree removal criteria policy document.

In summary, although Council Tree Service staff may allow removal of a tree on Council land, if it is regulated by virtue of the Development Act (1993) separate Development Approval must also be granted for the tree to be removed.

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

The site of the development comprises road verge in front of 53 Margaret Avenue, Salisbury. The road reserve in this location is approximately 14m wide with the formed road carriageway being approximately 7m wide. The carriageway is sealed with upright kerb and gutter on both sides.

53 Margaret Avenue is on the western side of the road. The tree is centrally located in front of 53 Margaret Avenue and is close to the upright kerb and gutter edge, being approximately 3.7m from the front boundary of 53 Margaret Avenue.

53 Margaret Avenue is approximately 55m north-west of the intersection with Malcolm Street. Photos of the tree are provided.



*Photo 1: Looking south toward the tree on Margaret Avenue*



*Photo 2: Looking north from the intersection of Malcolm Street & Margaret Street*





*Photo 3: Looking north toward the tree on Margaret Avenue*



*Photo 4: Looking north from Brooklyn Avenue*



## 6. LOCALITY





The locality comprises a low density residential character formed predominantly of single storey detached dwellings, built during the 1970s and sited upon large allotments, reflecting the original subdivision pattern for this area, which remains largely intact.

The western side of Margaret Avenue from 45 Margaret Avenue to 65 Margaret Avenue contains the most street trees, with the eastern side of Margaret Avenue being largely void of street trees, aside from a few smaller plantings to the north of 53 Margaret Avenue.

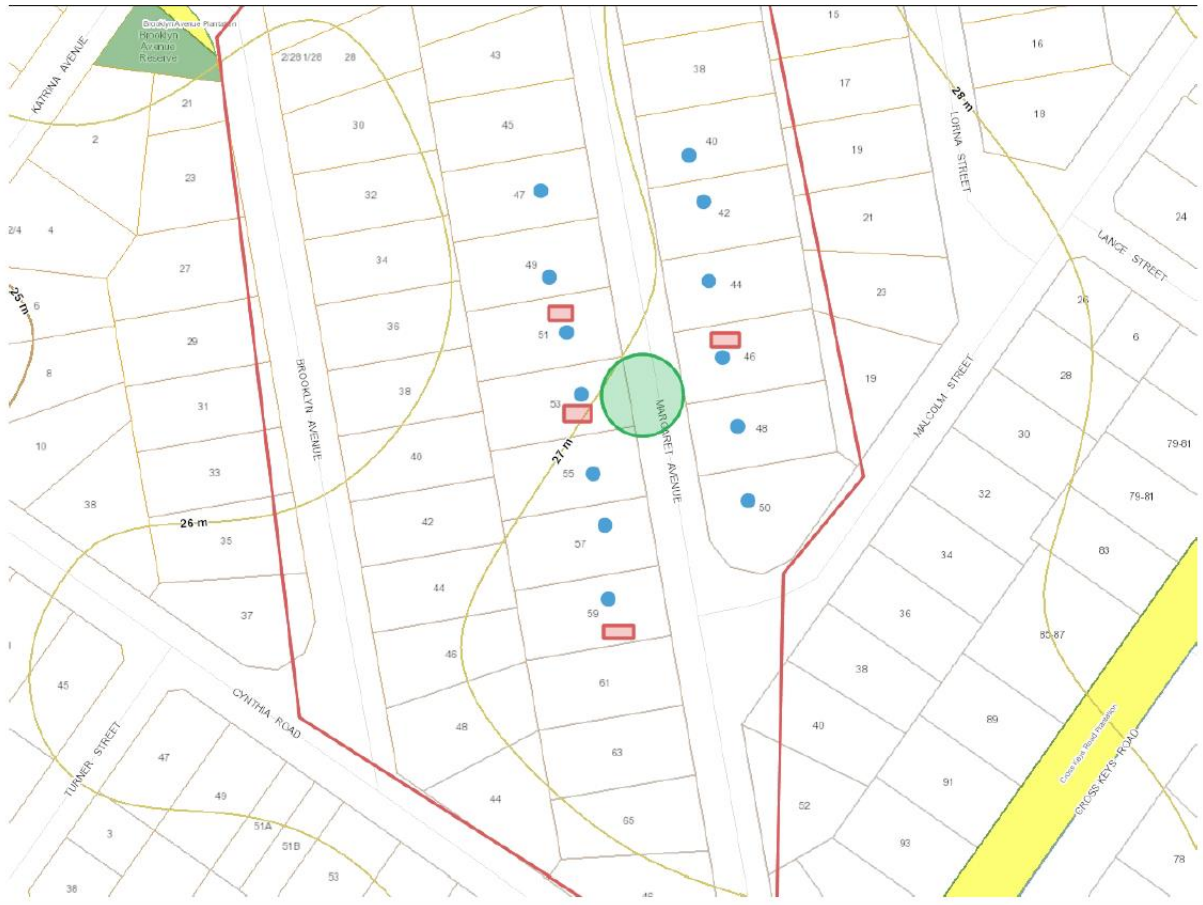
A locality plan and contextual plan are provided below.





### Locality Plan – Aerial



Legend (Source: Dekho)	
	Subject tree
	Locality boundary
	Properties notified
	Representations received

Locality Plan – Cadastre





Legend (Source: Dekho)	
	Subject tree
	Locality boundary
	Properties notified
	Representations received



Contextual Plan:



Item 5.1.1

Legend (Source: Nearmap)	
	Subject tree
	Zone boundary

**7. DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The application seeks Development Approval to remove one regulated *Eucalyptus mellidora* (Yellow Box) tree which is located within the Council road reserve, in front of 53 Margaret Avenue, Salisbury.

The tree has a single trunk. The trunk circumference at 1m above ground level is 2.60m, meaning that the tree is of regulated size.

The tree has a height of between 18m-20m and a canopy spread of approximately 10m.

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

## 8. CLASSIFICATION

The site is located within the Residential Zone of the Salisbury (City) Development Plan, as consolidated 15 December 2016. Removal of a regulated tree is not listed as being either a Complying or Non-complying form of development in the Zone. Accordingly, the application was assessed as an on-merit form of development.

## 9. PUBLIC NOTIFICATION

The proposed development is not listed as being a Category 1, or Category 2 form of development in the Development Plan. However Part 2, Clause 25 of Schedule 9 of the Development Regulations lists tree damaging activity (including removal) of a regulated tree on land owned or occupied by a Council where the Council is the relevant authority as a Category 2 form of 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.*

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

The Category 2 public notification process took place between 20 March 2018 and 6 April 2018. Four representations were received during the public notification period. All representations were in support of removal of the tree. The representors are listed below:

Representations received		
Representations received		Wish to be Heard
1	Tony & Christine Hardy 51 Margaret Avenue Salisbury SA	
2	Sidney Boucher 59 Margaret Avenue Salisbury SA	
3	Kardo Sarzali 46 Margaret Avenue Salisbury SA	
4	Linh Le & Hoa Thai Nguyen 53 Margaret Avenue Salisbury SA	✓

Copies of the representations are contained in Attachment 2.

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

<b>Summary of Representations</b>	
<b>Representation</b>	
Tony & Christine Hardy, 51 Margaret Avenue, Salisbury	
<ul style="list-style-type: none"> <li>• Supports removal of the tree.</li> <li>• The tree has caused extensive damage to underground pipes.</li> <li>• The tree has caused damage to the front fence, this is the shared masonry boundary fence with 53 Margaret Avenue.</li> <li>• The tree has dropped branches in high wind, and leaf litter into the gutters.</li> <li>• The tree is a source of a white ant infestation, and it was costly to have their dwelling treated by a pest control company.</li> </ul>	
Sidney Boucher, 59 Margaret Avenue, Salisbury	
<ul style="list-style-type: none"> <li>• Supports removal of the tree.</li> <li>• Notes the tree is reported by Council Tree Services staff as being healthy, however, feels that the tree is not suitable to the surroundings.</li> <li>• The tree should be replaced with a more suitable tree.</li> </ul>	
Kardo Sarzali, 46 Margaret Avenue, Salisbury	
<ul style="list-style-type: none"> <li>• Supports removal of the tree.</li> <li>• The tree leaf litter blocks the gutters.</li> <li>• The tree is a source of a termite infestation which spread to trees on the property. Removal of these trees was costly.</li> <li>• The tree affects their lawn.</li> </ul>	
Linh Le & Hoa Thai Nguyen, 53 Margaret Avenue, Salisbury	
<ul style="list-style-type: none"> <li>• Supports removal of the tree.</li> <li>• The tree leaf litter blocks the gutters. The blocked gutters of the dwelling have in turn caused water damage inside the dwelling.</li> <li>• The roots of the tree block the sewer pipes of the dwelling. It is expensive to have a plumber repair the damage.</li> <li>• The roots of the tree are damaging the driveway to the property, and also damaging the masonry boundary fence shared with 51 Margaret Avenue.</li> <li>• Concerned about falling branches and possible injury caused by falling branches.</li> <li>• Believes the tree looks like it is rotting at the bottom and possibly dying.</li> </ul>	

## 10. REFERRALS – STATUTORY

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

## 11. REFERRALS – INTERNAL

Council sought an independent tree report from Symatree. The report provides a detailed assessment of the health and structure of the tree. A copy of this report is contained in Attachment 3. The Symatree arborist concluded that:

*The tree is in good health, displays no notable defects and does not constitute a material risk to persons or property of significant value.*

*The tree provides a high level of amenity to the locality.*

*The subject tree is worthy of retention.*

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

## 12. ASSESSMENT

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

An extract of the relevant provisions of the Development Plan are highlighted in Attachment 4.

### Appearance of the Tree

The Council-wide ‘Regulated Trees’ module in the Development Plan, Objective 1 and 2(a) 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.*

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 a visual inspection of the tree from a number of vantage points in the locality.

The tree was observed as being a notable visual element in the locality, having regard to its 18m-20m height and wide canopy spread. The canopy of the tree is notable from adjoining streets, in particular Brooklyn Avenue to the west.



Council Tree Services staff and the Symatree arborist share the same opinion that the tree significantly contributes to the character and visual amenity of the locality.

The Symatree arborist noted the following in their report;

*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.*

It is considered that removal of the tree would detract from the visual amenity of the locality.

#### Health & Structure of the Tree

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

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

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

*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.*

The Symatree report also notes there is no evidence of internal decay or termite damage, which was raised as a concern by the representors.

#### *Structure*

*The trunk appears to be sound, stable and with no cavities. There is no evidence of internal decay.*

*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.*

*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.*

#### *Damage to a Building*

*No heaving or cracking to the adjacent kerb and water table was observed.*

*No obvious damage to private property was observed.*

While the occupants of 53 and 51 Margaret Avenue believe the roots of the tree have damaged a shared boundary masonry fence there is no conclusive evidence to confirm the subject tree is the cause.

Damage caused by the tree in relation to leaf litter blocking house gutters and roots blocking pipework are not considered to be directly relevant to clause (c) as these are not 'buildings' and so carry limited weight in this assessment.

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

#### *Tree Pruning*

The Symatree arborist has recommended that the tree be pruned as part of on-going management of the tree.

*Existing defects are minor in nature, pruning is not immediately necessary. However, the tree would benefit from some minor reduction pruning of overextended branches, which could occur as part of Council's ongoing tree maintenance program.*

Tree Services staff have advised that pruning to the tree will be considered in the event that this application is refused. Pruning is considered appropriate as suggested by Symatree.

### **13. CONCLUSION**

The report has assessed the request for removal of the regulated Council street tree in front of 53 Margaret Avenue, Salisbury. It is concluded that there is no basis to warrant removal of the tree having regard to its appearance, health and structure. However, pruning of the tree is recommended.

Accordingly, it is recommended that Development Approval be refused.

#### **14. STAFF RECOMMENDATION**

That the Development Assessment Panel resolve that Development Application 361/284/2018/2T for Removal of One Regulated Tree on Council Road Reserve Adjacent to 53 Margaret, Salisbury is at variance with the Objectives and Principles of the City of Salisbury Development Plan, consolidated 15 December 2016 and therefore Development Approval is REFUSED 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 and 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:	09.05.18	04.05.18

#### **ATTACHMENTS**

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

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





# ATTACHMENT 1

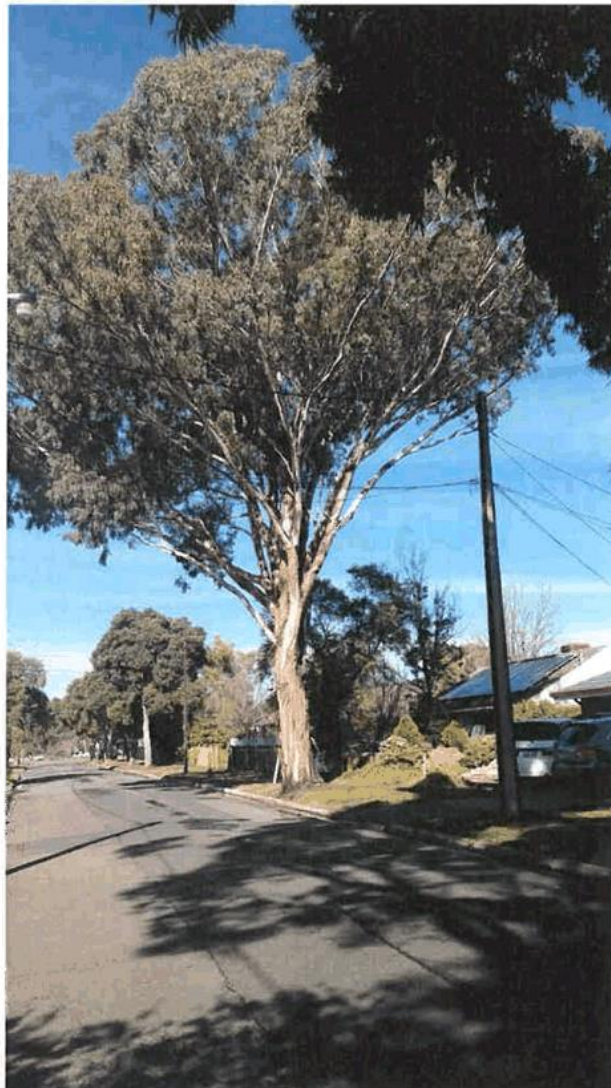
## Assessment Report

## CITY OF SALISBURY DEVELOPMENT APPLICATION

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

#### Summary

The *Eucalyptus melliodora* (Yellow Box) located within the Council verge at the front of 53 Margaret Avenue, Salisbury qualifies as a regulated tree.



## APPLICATION NUMBER:

**Details**

DA NUMBER	
DATE OF INSPECTION	13 <sup>th</sup> December 2018
SITE	53 Margaret Avenue, Salisbury
CONTACT	Kevin Davey
LOCATION	The tree is located within the Council verge at the front of the property.
REASON FOR REQUEST	The property owner has reported damage to sewer pipes, roof gutters and falling branches.
REGULATED OR SIGNIFICANT	Significant Tree

**Species**

*Eucalyptus melliodora* (Yellow Box)

**Tree dimensions**

Height	Approximately 18 metres
Crown spread	Approximately 10 metres
Trunk circumference 1 metre above ground level	2.60 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 at approximately five metres above ground level to form abroad spreading crown. No obvious structural flaws were noted at the time of inspection.

## Development Assessment

### *Regulated Trees*

#### **OBJECTIVES**

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

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

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

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

	<b>Principle of Development Control</b>	<b>Satisfied</b>	<b>Comments</b>
a)	The tree is diseased and its life expectancy is short;	No	The tree currently displays fair health and structure
b)	The tree represents a material risk to public or private safety;	No	No obvious structural flaws have been identified.
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

The subject tree currently displays fair health and structure, and no obvious sign of decline. The tree is a large notable specimen.

## 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 Field Services, Mark Purdie, based on the property owner's request. The resident at 53 Margaret Avenue has experienced problems with their sewer and has been quoted in excess of \$7000 to renew this system. In addition to this, the property owner has reported the roof gutters becoming damaged and fears that the tree threatens to drop branches.

The manager of Field Services has requested that the subject tree be considered for removal. In his opinion this tree meets Criteria No. 6 of the City of Salisbury's Tree Removal Criteria, (6) *(trees roots are shown to be causing or threatening to cause damage exceeding two thousand dollars to adjacent infrastructure).*

Kevin Davey  
Technical Support Worker – Tree Services  
Field Services



**Tree location**



# ATTACHMENT 2

## Copy of Representations



*Valid*

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

27 MAR 2018

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

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

<b>Application No:</b>	361/284/2018/2T
<b>Applicant:</b>	City of Salisbury
<b>Location:</b>	Adjacent to 53 Margaret Avenue, Salisbury SA 5108
<b>Nature of Development:</b>	REMOVAL OF ONE REGULATED TREE ON COUNCIL ROAD RESERVE

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

NAME(S): TONY & CHRISTINE HARDY

ADDRESS: 51, MARGARET AVE. SALISBURY.

PHONE NO: [REDACTED] 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.**

this tree has caused extensive damage.  
to underground pipes, it also loses branches  
in high winds, also causing damage to N° 53  
and on occasions to our house at N° 51 damage to

PTO



361/284/2018/2T

our front fence, and excessive leaves blown into our side gutters.

A couple of years ago we found white ants in our front shrub boxes and trees, which was traced back to this tree at N°53

It cost us to have our whole house re-done by the pest-control as we didn't want anymore damage to our house.

This tree also causes a lot of damage to the road and curbs, in turn stopping the rain from flowing away properly, so we are in full agreement to have this tree removed as soon as possible.

**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 Friday 6<sup>th</sup> April 2018, 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: 25 / 03 / 2018 ,

**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 6<sup>th</sup> April 2018.**

Valid CATEGORY 2



STATEMENT OF REPRESENTATION Pursuant to Section 38 of the Development Act

27 MAR 2018

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.

Table with 2 columns: Field Name and Value. Fields include Application No, Applicant, Location, and Nature of Development.

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

NAME(S): SIDNEY JAMES BOUCHER ADDRESS: 59 MARGARET AVENUE SALISBURY PHONE NO: [REDACTED] EMAIL: [REDACTED]

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

- Checked box: The owner/occupier of the property located at: 59 MARGARET AVENUE SALISBURY
Other (please state):

YOUR COMMENTS:

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

- Checked box: 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.

WHILST TREE CONCERNED IS REPORTED AS HEALTHY BUT AND IS ATTRACTIVE I FEEL IT IS UNSUITED TO THE SURROUNDINGS. REPLACEMENT WITH A MORE SUITABLE TREE WOULD BE AN IMPROVEMENT.

PTO

Item 5.1.1 - Attachment 2 - Copy of Representations

361/284/2018/2T

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

REPLACEMENT WITH A MORE SUITABLE TREE

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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 Friday 6<sup>th</sup> April 2018, 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: 25 / 3 / 2018

**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 6<sup>th</sup> April 2018.**





**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](mailto:representations@salisbury.sa.gov.au)



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

<b>Application No:</b>	361/284/2018/2T
<b>Applicant:</b>	City of Salisbury
<b>Location:</b>	Adjacent to 53 Margaret Avenue, Salisbury SA 5108
<b>Nature of Development:</b>	REMOVAL OF ONE REGULATED TREE ON COUNCIL ROAD RESERVE

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

NAME(S): Kardo Sarzala

ADDRESS: 46 Margaret Ave Salisbury SA 5108

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

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

- The owner/occupier of the property located at: 46 Margaret Ave Salisbury SA 5108
- 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.**

Because we alway have to clean the gutters - and main reason we had 4 fruit trees effected by termite which cost my hundreds of dollars for removal

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: ..... *as above*

*(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 6<sup>th</sup> April 2018, to ensure that it is a valid representation and taken into account.**

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Signature: ..... *[Signature]* ..... Date: *30 / 3 / 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.
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<b>Application No:</b>	361/284/2018/2T
<b>Applicant:</b>	City of Salisbury
<b>Location:</b>	Adjacent to 53 Margaret Avenue, Salisbury SA 5108
<b>Nature of Development:</b>	REMOVAL OF ONE REGULATED TREE ON COUNCIL ROAD RESERVE

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

NAME(S): LINH LE & HOA THAI NGUYEN

ADDRESS: 53 MARGARET AVE SALISBURY

PHONE NO: [REDACTED] EMAIL: [REDACTED]

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

- The owner/occupier of the property located at: 53 MARGARET AVE SALISBURY
- 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  
.....  
.....  
.....  
.....

PTO

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

I/We:

- Do not wish to be heard in support of my representation.
- Wish to be heard in support of my representation, and I will be:

- Appearing personally,

**OR**

- Represented by the following person: .....

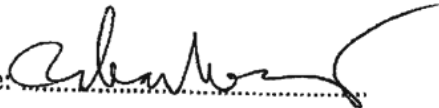
Contact details: .....

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

**Your written representation must be received by Council no later than 11.59pm on Friday 6<sup>th</sup> April 2018, 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: 04 / 04 / 2018

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

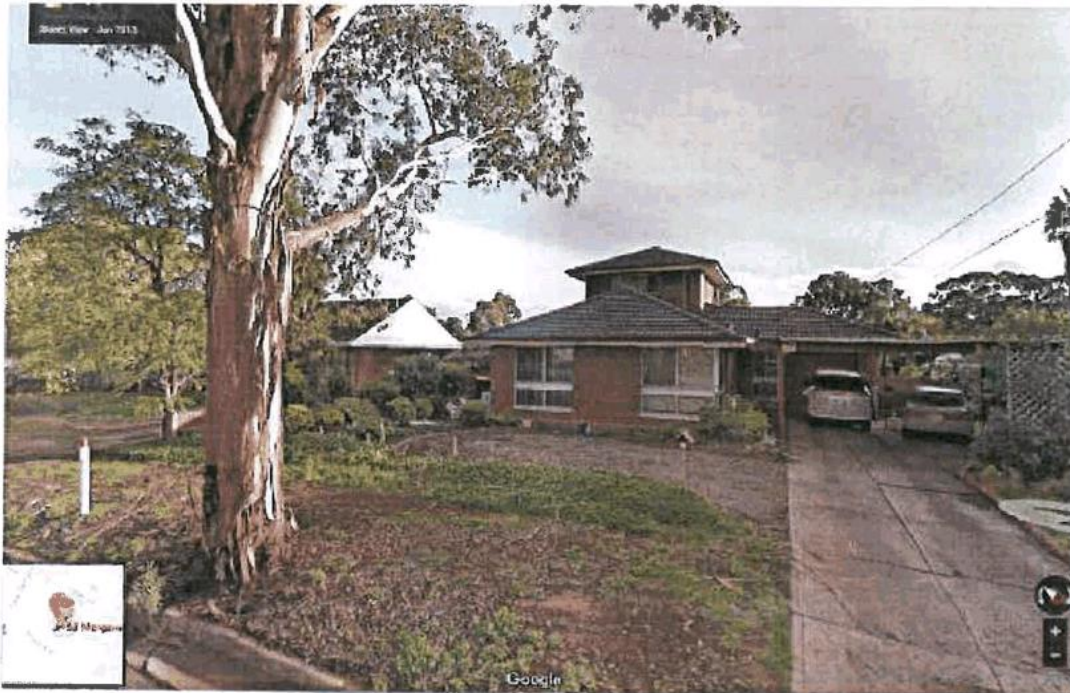
- Name and address of person (or persons).
- If more than one person, details of person making the representation.
- Detail of reasons for making the representation.
- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Friday 6<sup>th</sup> April 2018.**

We have ongoing issues with the tree roots blocking my sewer pipe and now its badly damage the pipe I have to replace the pipe. Its cost me over seven thousand dollars to do this. Please see attached for photos and quotes. In order to do this they will also dig up my front yard and landscape.

The tree roots also damage my front brick fence to the point that I have to completely remove it. It will cost me over three thousand dollars to put up another one with no guaranty because the tree will damage it again.

My ceiling damage due to gutters being blocked by falling leaves and branches.

It also effect the safety of my young family and other due to falling dead branches. The tree root damage the curb and causing rain water on road and my driveway. Council fix the curb late last year and now just few months later its causing rain water on road again



My Roof and Gutter

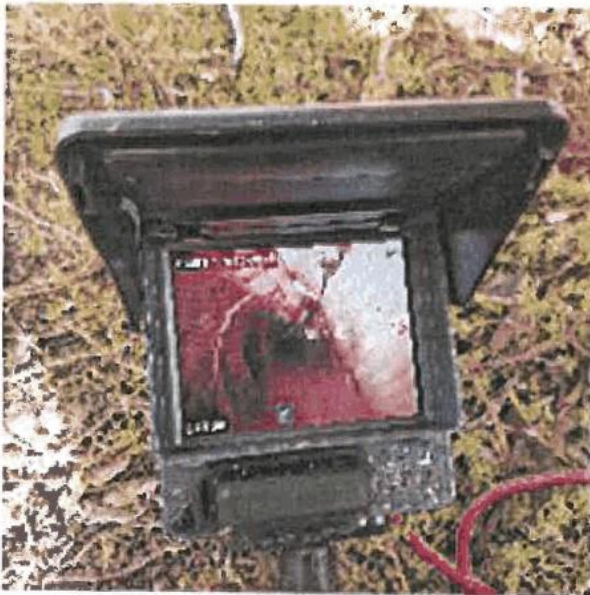




My Ceiling: Water damage due to gutter blockage by falling leave and branches



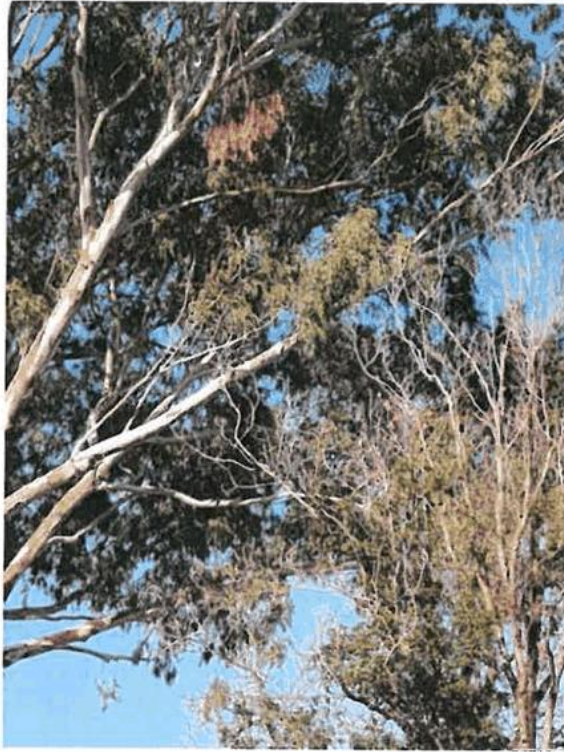
Sewer Pipe: blockage by the tree root every year, we have to call plumber out everytime it block. Recently it is crack and colliapse cost us \$366.61 to get the professional with underground camera to clearly see the damage and give us the quote for \$7571.52 to fix







For the safety of my family as I have 3 young children (12 years old, 10 years old and 8 years old), for the safety of the children that we look after as we are Family Day Care businesses and their family and also for the safety of the neighbour and traffic user due to falling death braches.



Down Pipe: completely block and damage by the tree root enter into the pipe

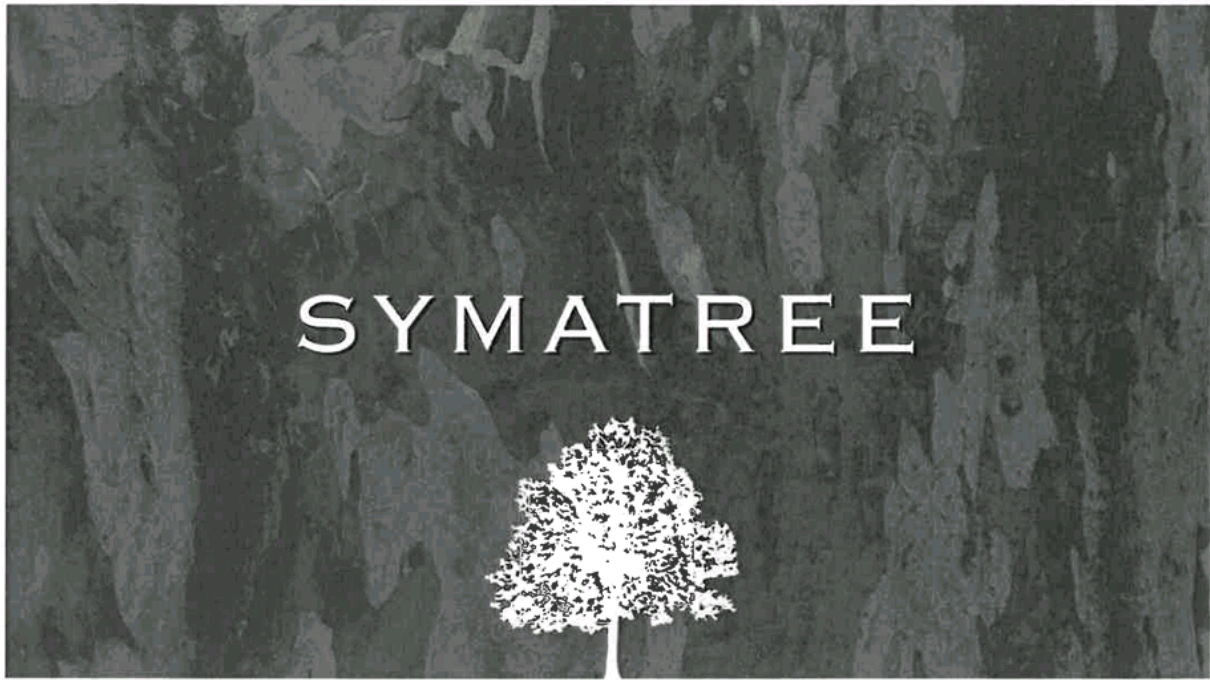


0438 529 601

Plumber advised  
Council pipes damaged  
under verge also due  
to tree.

# ATTACHMENT 3

## Independent Arborist Report



**Street Tree Assessment  
53 Margaret Avenue, Salisbury**

File No. DA361/284/18

**Report prepared for**

**Ms Marie Molinaro  
Development Officer - Planning and Compliance  
Development Services  
City of Salisbury  
April 2018**

**Report prepared by**

**Sam Cassar**  
Cert.3 (Hort), Dip. (Hort 5), Dip. (Arb 5), B.App. Sc (Hort), Grad. Dip. Design (Land.)

## **Table of Contents**

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

## **Introduction**

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### **Instructions**

I was instructed by Council to assess a mature Yellow Box located within the verge area in front of 53 Margaret Avenue, Salisbury. 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 April 2018.

### **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 April 2018.



**Observations**

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**Figure 1. Subject Tree, viewed from the northeast.**

## Observations (cont)

---

### Location of tree

The tree is located within the verge area, western side of the verge. The trunk centre is 3.2 metres from the front boundary and the trunk is adjacent to the kerb (refer Figure 1).

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

### Species

*Eucalyptus melliodora*, commonly known as yellow box.

### Crown attributes

Height: 21 metres (clinometer)

Width (from trunk measured out): south 8.4 metres, north 9.8 metres, west 10.0 metres and to the east 11.0 metres.

### Circumference at one metre above natural ground level

Single trunk: 2.73 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 4.0 metres from ground at which point main branching arise, 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. A trunk wound is noted on the trees eastern side. The wound commences just above ground and is 0.70 metres high and 0.30 metres at its widest point (refer Figure 2). Reactionary wood is noted either side of this wound. Woody roots are exposed either side of the tree and parallel to the kerb.

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.

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. Some minor crown overextension is noted, mid crown western side

A number of pruning scars are noted at various points throughout the crown. 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)**

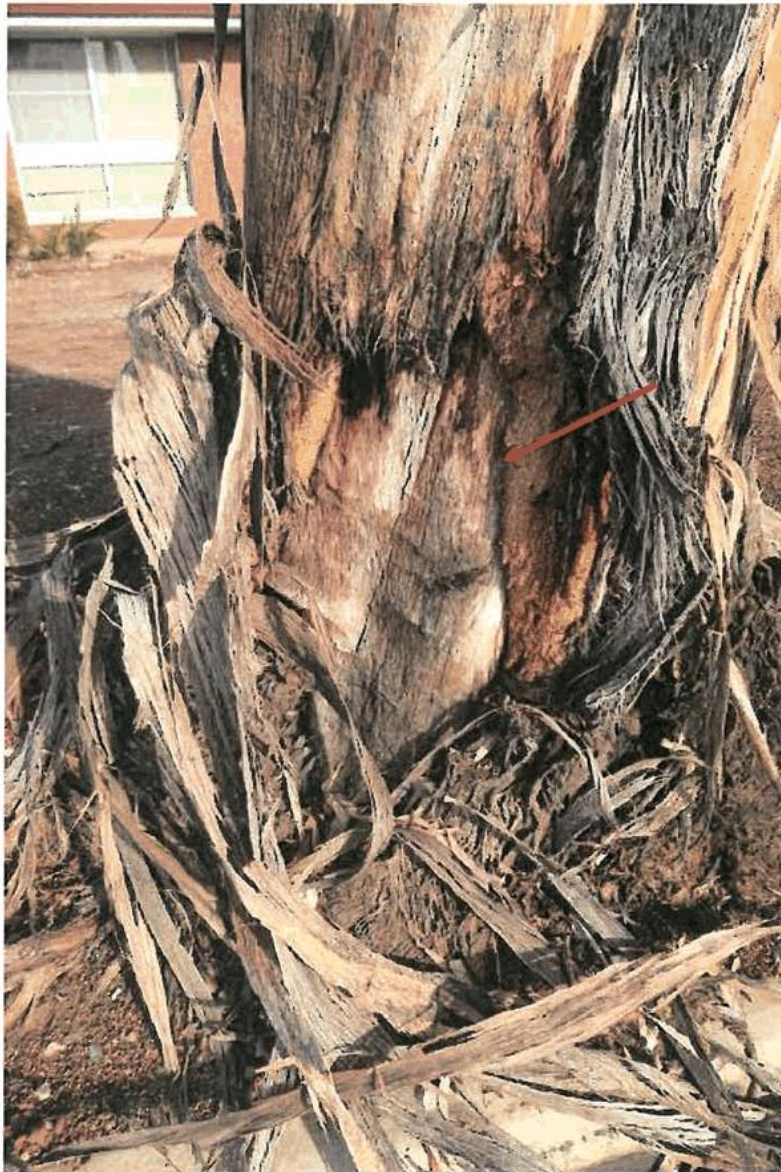


Figure 2. Trunk wound, indicated in red.

**Property Damage**

No heaving or cracking to the adjacent kerb and water table was observed. No obvious damage to private property 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 presence/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
<b>Imminent</b>	Unlikely	Somewhat likely	Likely	Very likely
<b>Probable</b>	Unlikely	Unlikely	Somewhat likely	Likely
<b>Possible</b>	Unlikely	Unlikely	Unlikely	Somewhat likely
<b>Improbable</b>	Unlikely	Unlikely	Unlikely	Unlikely

**Appraisal (cont)**

Matrix 2 Risk rating matrix

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

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

- 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 53 Margaret Avenue, Salisbury. 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. The paved footpath is located on the opposite side of the road. Usual occupancy would occur on an infrequent basis over the day with an expected increased pedestrian traffic during the mornings and afternoons.	Low
Margaret Avenue appears to be a secondary road with generally low traffic volumes. Occupancy would occur on an occasional basis.	Low



## Appraisal (cont)

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

### Likelihood of failure

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

- The crown does display 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 53 Margaret Avenue, Salisbury	Severe harm to persons
People occupying the pedestrian footpath	Severe harm to pedestrians
Vehicles parked in the street and driveway	Significant damage to a vehicle
Vehicles using Margaret Avenue	Minor damage to a vehicle

### 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 53 Margaret Avenue	Low
People occupying the pedestrian footpath	Low
Vehicles parked in the street and driveway	Low
Vehicles using Margaret Avenue	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 melliodora* 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 melliodora*) 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.

N/A

## Conclusion

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I conclude that the subject tree, a *Eucalyptus melliodora* 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





63 Margaret Avenue, Salisbury



# ATTACHMENT 4

## Relevant Development Plan Provisions

# Development Plan

## Salisbury Council

Consolidated – 15 December 2016

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



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

Consolidated - 15 December 2016



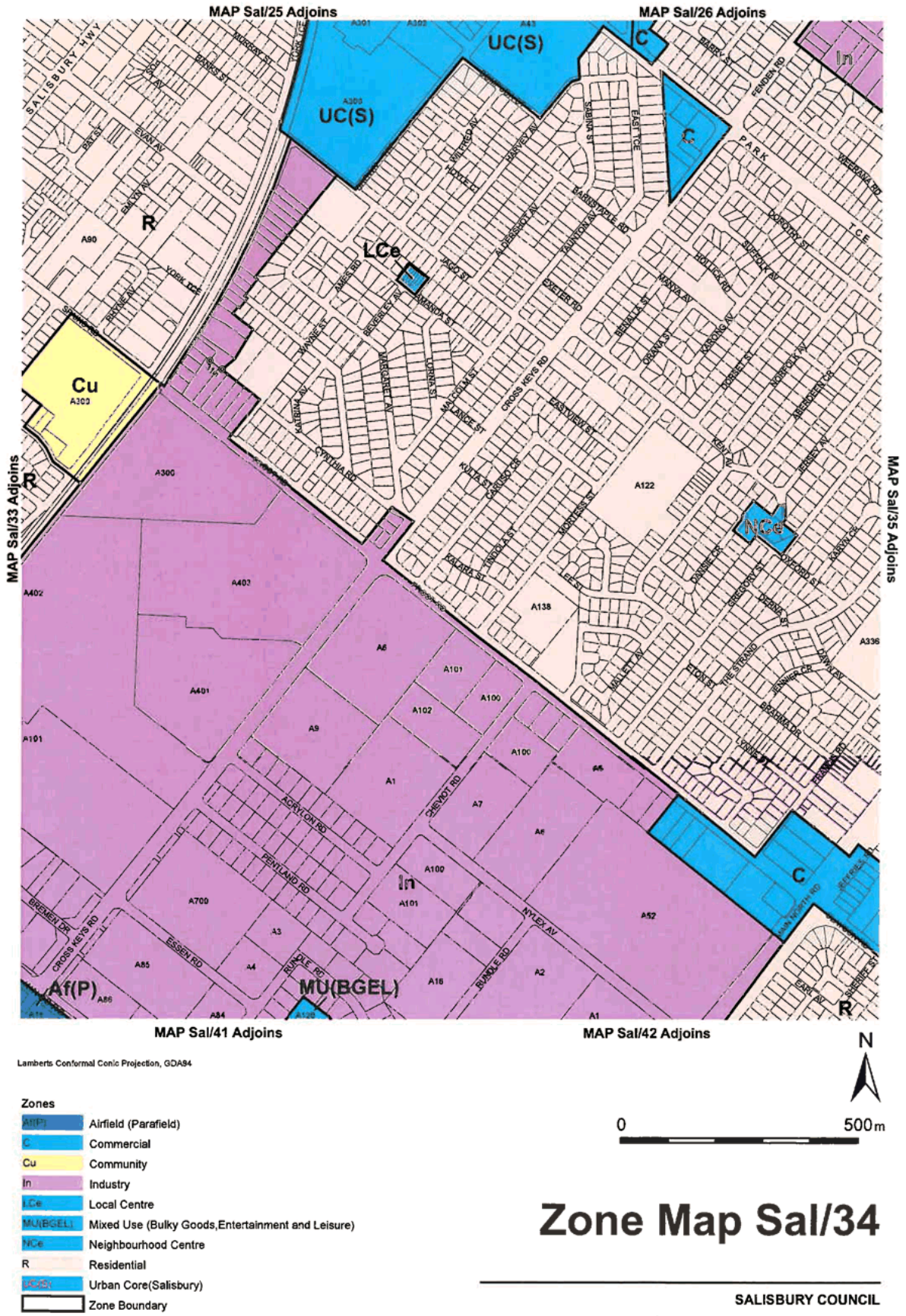
## Regulated Trees

### 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.



---

<b>ITEM</b>	5.1.2
	<b>COUNCIL ASSESSMENT PANEL</b>
<b>DATE</b>	22 May 2018
<b>APPLICATION NO.</b>	361/515/2018/3B
<b>APPLICANT</b>	K Hamzah
<b>PROPOSAL</b>	Change of use from scout hall to place of worship
<b>LOCATION</b>	38 Mortess Street, Brahma Lodge SA 5109
<b>CERTIFICATE OF TITLE</b>	CT-5343/577
<b>AUTHOR</b>	Matt Atkinson, Consultant Planner

### 1. DEVELOPMENT APPLICATION DETAILS

<b>Zone/Policy Area</b>	Residential Zone
<b>Application Type</b>	On-Merit
<b>Public Notification Category</b>	3
<b>Public Notification</b>	Representations received: 9 Representations to be heard: 1
<b>Referrals - Statutory</b>	Nil
<b>Referrals – Internal</b>	Property Services Community Development Development Engineering
<b>Development Plan Version</b>	Salisbury (City) Development Plan Consolidated 15 <sup>th</sup> December 2016
<b>Assessing Officer</b>	Matt Atkinson, Consultant Planner
<b>Recommendation</b>	Grant Development Plan Consent subject to conditions
<b>Meeting Date</b>	22 May 2018

### 2. REPORT CONTENTS

Assessment Report

Attachment 1:	Proposal Plans and Supporting Documentation
Attachment 2:	Copy of Representations and Applicant's Response
Attachment 3:	Relevant Development Plan Extracts



### 3. EXECUTIVE SUMMARY

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

- a) The proposed land use is considered appropriate within the Residential Zone, having regard to the proposed number of attendees, the hours of operation and the adaptive re-use of an existing community facility (Scout Hall).
- 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 relating to noise, traffic or lighting.
- d) Adequate on-site car parking is available, given that the proposed place of worship will not result in an increase in car parking demand from the previous Scout Hall use.
- e) The proposed adaptive re-use of the building will increase passive surveillance opportunities within the site and the surrounding locality.

Given the above, it is recommended that Development Plan Consent be granted, subject to conditions.

### 4. SUBJECT SITE

The subject site is located at 38 Mortess Street, Brahma Lodge, which is comprised of one (1) allotment; Lot 137, Deposited Plan 7840, Certificate of Title Volume 5343 Folio 577.

The site has a primary frontage to Mortess Street of 18.29 metres, with a depth of 36.61 metres and an overall site area of 669.7 square metres.

The site is occupied by a vacant community building, previously used as a Scout Hall. The existing building is single storey in form, with masonry (face brick and rendered) walls and a simple low-pitch gable roof form.

The building has a total floor area of 206.2m<sup>2</sup>, comprised of a main hall, two (2) offices, a storage room, a kitchen and separate male and female amenities.

Access to the site is provided through a concrete driveway crossover, with the driveway extending along the northern side of the building to provide vehicle access to the rear of the site. A partially enclosed verandah is located at the rear of the site, which could be adapted for use as a carport with minimal alterations.

The front portion of the site is well landscaped with a mix of low level indigenous plants. A 1.8-metre high post and wire fence with three (3) strands of barbed wire surrounds and secures the site.

There are no easements, encumbrances or land management agreements registered on the Certificate of Title. The subject land is relatively flat.



Site photos are provided below.



*Photo 1: Looking south-east towards the site from Mortess Street*



*Photo 2: Looking south towards the site from Mortess Street*





*Photo 3: Looking east from Mortess Street towards Cockburn Green*



*Photo 4: Looking south-east towards the existing driveway on the site*



## 5. LOCALITY

The locality is generally characterised by residential and community land uses. Residential development is predominantly in the form of single-storey detached dwellings at relatively low densities.




Cockburn Green reserve is located to the north and east of the subject land, which is utilised for soccer on weeknights and weekends, while being available as general community open space at other times. Cockburn Green also includes a playground and basketball ring on the opposite side of the reserve. A public car parking area with 45 spaces abuts the northern boundary of the subject land, which provides off-street car parking for users of Cockburn Green reserve.

The broader locality also includes large scale warehousing and industrial land uses, which are located approximately 80 metres south of the subject land, within the Industry Zone on the southern side of Frost Road; and the Brahma Lodge Primary School, which is located approximately 250 metres north of the subject land on Mortess Street.

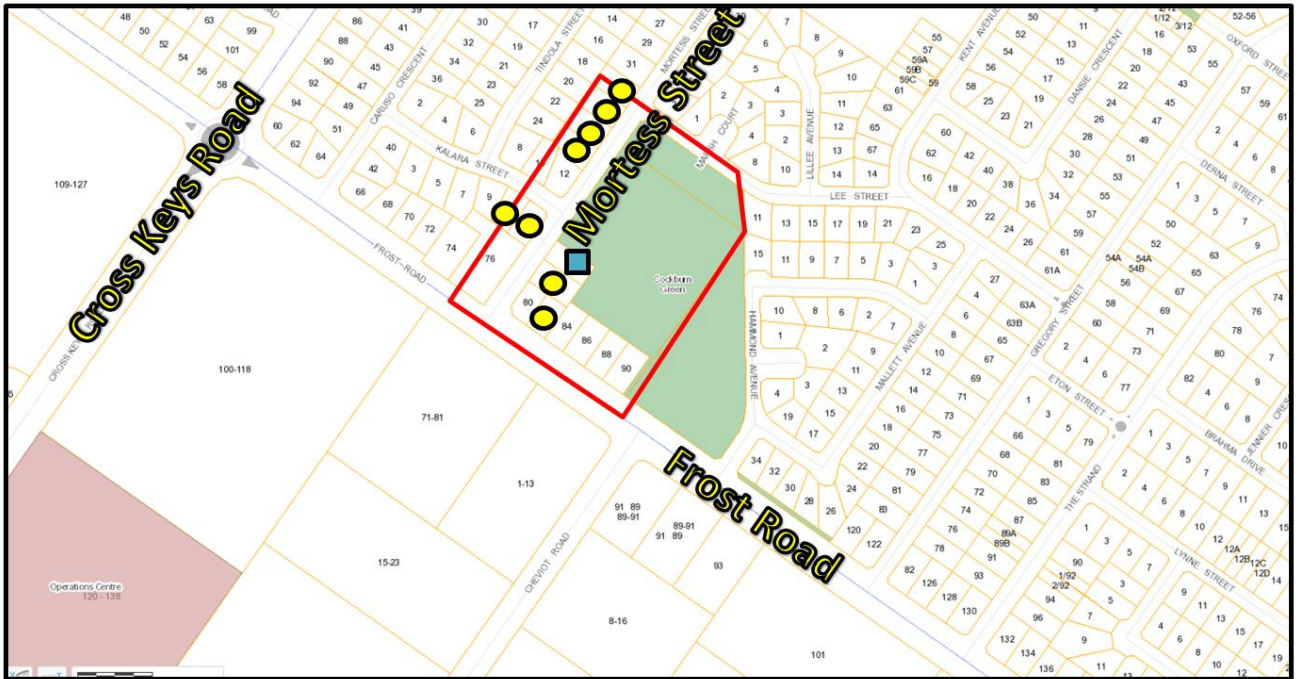
Locality and contextual plans are provided below.




### Locality Plan - Aerial



Legend (Source: Dekho)	
	Subject site
	Representation received
	Locality boundary

Locality Plan – Cadastre





Legend (Source: Dekho)	
	Subject site
	Representation received
	Locality boundary



Contextual Plan:



Legend (Source: Nearmap)

	Subject site
	Zone boundary

## **6. DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The Applicant seeks Development Plan Consent for a change of use from a Scout Hall to a place of worship at 38 Mortess Street, Brahma Lodge.

The proposed place of worship will be available for members of the local Islamic community to gather for worship and religious study. The facility will be available between the hours of 1.00pm and 9.00pm each day, excluding public holidays.

A maximum of 20 persons will occupy the premises at any given time.

No amplified sound devices are proposed, with the 'Call to Prayer' spoken within the confines of the building.

The proposed floor layout includes a main congregation area of 134m<sup>2</sup>, an office, a meeting room, a storage room, a kitchen and associated separate male and female amenities.

Five (5) on-site car parking spaces are proposed. All car parking spaces and manoeuvring areas will be sealed.

No building work 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 Residential Zone, as identified within the Council's Development Plan (consolidated 15 December 2016). In this Zone, a place of worship is not listed as a complying or non-complying form of development and, as such, the application must be assessed as a merit form of development.

## **8. PUBLIC NOTIFICATION**

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

Public notification took place between 13 April and 27 April 2018. The Council received nine (9) representations during the notification period. Eight (8) representations were in opposition and one (1) was in support of the proposal. The representors are listed in the table below.

Representations received		
Representations received		Wish to be Heard
1	S Graham 13 Kalara Street BRAHMA LODGE 5109	√
2	T Rababi & C Rababi 37 Mortess Street BRAHMA LODGE 5109	
3	S I Zaknic Requested to be kept confidential	
4	D F Edkins 11 Kalara Street BRAHMA LODGE 5109	
5	C Barker & H R Barker 39 Mortess Street BRAHMA LODGE 5109	
6	T B Slater 33 Mortess Street BRAHMA LODGE 5109	
7	R Kent 35 Mortess Street BRAHMA LODGE 5109	
8	T Thornton 82 Frost Road BRAHMA LODGE 5109	
9	D W Kolen 40 Mortess Street BRAHMA LODGE 5109	

A copy of the Category 3 public notice, submissions received, and the applicant's response are contained in Attachment 2. The content of the representation and the applicant's response are summarised in the table below:

Summary of Representations	
Issues raised	Applicant's Response
<i>Traffic congestion</i>	
Increased traffic congestion – particularly due to other high traffic generating activities in the locality such as sporting events.	The volume of vehicles associated with the development is low and can comfortably be accommodated within the local road network.

	The proposed place of worship is small in scale, accommodates a maximum of 20 persons at any one time, and is unlikely to increase traffic generation beyond that of the existing community centre (Scout Hall).
<i>On-site car parking</i>	
Insufficient on-site car parking is proposed. Five parking spaces will not be adequate for the proposed place of worship, resulting in additional demand for on-street parking such that residents and their guests will be unable to park on the street near their home.	It is acknowledged that the proposal has a shortfall of 2 off-street car parking spaces during peak usage (i.e. Fridays 1pm-2pm). However, we note that the existing community centre generates a demand for 21 car parking spaces, meaning a shortfall of 18 spaces currently exists. The proposal reduces the existing shortfall in car parking from 18 to 2 spaces. Therefore, the proposal will generate a lesser demand for on-street car parking than the current approved land use. A shortfall of 2 off-street car parking spaces is minor in the context of the size of the congregation, the site and its proximity to available on-street parking. Furthermore, the proposal increases the provision of on-site car parking by 2, beyond the 3 provided for users of the Scout Hall.
<i>Noise</i>	
Concern that unreasonable noise will emanate from the building, potentially in the form of – <ul style="list-style-type: none"> <li>• External amplified calls to prayer;</li> <li>• Parties/celebrations;</li> <li>• Amplified music;</li> <li>• Amplified worshipping;</li> <li>• Noise of additional vehicles and worshippers entering and exiting the building;</li> </ul>	The proposal does not include the use of amplified music or speaker devices. The call to prayer will be spoken within the confines of the building, and only when applicable during the approved hours of operation. The Applicant does not object to a condition of consent which restricts the use of amplified music or speaker devices.
<i>Suitability of site for proposed use</i>	
Places of Worship should be located on collector roads, not local roads such as Mortess Street.	It is unlikely that the small-scale place of worship will exacerbate existing impacts upon the amenity of the locality. In fact, the proposed use will have a significantly less impact on the locality than the previous uses on the site.
<i>Compliance</i>	
How will the site be regulated by the Council, specifically how the Council will regulate the Applicant's proposed – <ul style="list-style-type: none"> <li>• Hours of operation – 1.00pm to 9.00pm;</li> <li>• Number of worshippers – 20 persons;</li> </ul>	The place of worship seeks to operate between the hours of 1.00pm and 9.00pm, seven days per week. Outside of the above hours, the premises will be closed. The Applicant does not object to the



<ul style="list-style-type: none"> <li>• Noise – amplified sounds;</li> <li>• Signage – impact on character;</li> <li>• Special events – impact on amenity; and</li> <li>• Car parking – ensuring the on-site spaces are maintained and utilised.</li> </ul>	<p>inclusion of a condition of consent which restricts hours of operation in accordance with the above.</p> <p>The congregation is small and will be used for prayers 4 times a day. Prayer normally runs for 15-20 minutes, but some patrons may stay to talk for approximately 15-30 minutes.</p> <p>The number of attendees at these prayers is summarised below-</p> <ul style="list-style-type: none"> <li>• 1pm-2pm - attended by 3-4 persons, except Fridays where there could be up to 20 persons;</li> <li>• 3-3.45pm – attended by 3- persons;</li> <li>• 5-5.45pm- attended by approximately 10 persons;</li> <li>• 7.15-8.30pm – attended by approximately 10 persons.</li> </ul> <p>The Applicant does not object to the inclusion of a condition of consent which restricts the number of attendees to 20 at any one time.</p>
<p><i>Positive reuse of site</i></p>	
<p>The existing vacant building is an eye-sore, putting the building to use and improving its appearance is supported The reuse of the building will minimise vandalism to the vacant building.</p>	<p>The proposal makes use of an underutilised vacant building in an envisaged manner.</p>

As summarised above, one of the representors raised the issue of how the Council could regulate the management of the proposed place of worship. If the Panel was of a mind to grant Development Plan Consent to the proposal, conditions of consent could be imposed to ensure that the development is operated as proposed.

Specifically, conditions could be imposed that relate to hours of operation, the number of worshippers attending the site at any given time, restrictions on amplified sounds, regulation of signage, special events and car parking. If at any time the occupants of the place of worship operated outside of the conditions of consent, the Council have the option to undertake enforcement proceedings to ensure that the premises operates as proposed.

**9. REFERRALS – STATUTORY**

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

**10. REFERRALS – INTERNAL**

<b>DIVISION</b>	<b>SUMMARISED COMMENT</b>
<i>Development Engineering</i>	<i>The proposed car parking and access arrangements are workable and comply with AS 2890.</i>
<i>Property</i>	<i>Property would be hesitant to enter into any formal arrangements which tied the proposed development with a continued use of Council land (i.e. to lease car parking spaces to the Applicant). Property do not have any issue with the Applicants using the public car park informally, but would not like to encumber the community land with any long-term agreements.</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 (City) Development Plan, consolidated 15<sup>th</sup> December 2016. Small scale places of worship are anticipated within residential areas, subject to it being appropriately sited and managed to ensure that there are no unreasonable impacts on adjacent and nearby residents.

Assessment

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

An extract of the relevant Development Plan, consolidated 15<sup>th</sup> December 2016, is contained in Attachment 3. The relevant provisions are also highlighted in the Attachment.

Zoning and Land Use

Principle of Development Control (PDC) 1 of the Residential Zone envisages small scale non-residential uses. PDC 1 states (in part):

- 1 The following forms of development are envisaged in the zone:*
- *small scale non-residential use that serves the local community, for example:*
    - *child care facility*
    - *health and welfare service*
    - *open space*
    - *primary or secondary school*

The proposed place of worship constitutes a small scale non-residential use that serves the local community. While a place of worship is not specifically listed within the examples provided by Zone PDC 1, it is clearly a form of community use that is relatively common within residential areas.

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 described below.

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

<b>Scale</b>	<b>Development Form</b>	<b>Congregation Size</b>
<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>

Small scale (local) places of worship, of up to 30 worshippers in any one session, are anticipated within (or in association with) dwellings. The proposed place of worship will have a maximum of 20 persons attending services at any particular time, which is consistent with a small (local) scale Place of Worship, as described within PDC 4 above.

The proposed re-use of another form of community use (Scout Hall) is considered to be a significantly better outcome than utilising a dwelling for worshipping purposes, as the proposed site has a history of community use and is located adjacent to a large public reserve which is well served by public car parking.

General Section: Community Facilities module PDC 5 states:

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.*

Community Facilities PDC 5 clearly illustrates that small-scale places of worship, such as the proposed development, are anticipated within the Residential Zone. Frost Road, which is located approximately 60 metres south of the subject land, is a major collector road. Further, Cockburn Green reserve, which abuts the subject land, also has a frontage to Frost Road.

Whilst Mortess Street is not a major collector road, the subject land is occupied by a vacant community facility, which forms part of a collection of community uses (including Cockburn Green reserve) that have a frontage to a major collector road.

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 adjacent and nearby residents, given that the proposed Place of Worship will be contained within an existing purpose-built community building, where the number of persons utilising the building will not increase.

Further, given that the proposed development represents the adaptive re-use of an existing community building and does not seek to alter the appearance of the building, there will not be any impact on the built form character of the locality.

### Interface Between Land Uses

Several of the representors have cited noise and lack of on-street car parking as reasons that they do not support the proposal. Car parking will be addressed under its own heading below. In relation to noise and other potential interface issues, the following provisions of the Council's Development Plan are most relevant.

General Section: Interface Between Land Uses module PDC 1 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.*

The proposed hours of operation are unlikely to have a negative impact on the locality. The main services are proposed to occur at similar times to the previous Scout Hall activities (i.e. during the evening and on weekends). The use of the building will remain of a relatively low intensity, with a maximum of 20 persons attending at any specific time.

### *Noise*

The proposed place of worship has potential to generate noise in the form of music, singing and talking during services, and from vehicles travelling to and from the site. All worshipping activities will occur inside the building.

Several of the representors have expressed concern that given the religion of the worshippers, a loud amplified 'Call to Prayer' may occur from the site, which could have an unreasonable impact on the residential amenity within the locality.

The applicant has confirmed there will not be any external 'Call to Prayer' or other form of amplified sounds associated with the proposed Place of Worship.

A condition of consent is recommended to ensure that any noise emanating from the building be within the relevant EPA guidelines for development within a residential area.



All noise generating activities associated with the proposed place of worship are of a low-level nature and will be contained within the existing building. Noise associated with soccer training and matches at the adjacent reserve are expected to create more noise than the proposed activities within the place of worship.

While not relevant to this application, the Scout Hall use has ceased for some time according to the representors but has continued to be used for non-residential purposes including for dance practice, pilates and fitness groups.

### *Traffic*

The proposed change of use is unlikely to generate an unreasonable volume of traffic given the relatively modest number of persons proposed to attend the site. In addition, given the nature of the use, the development will not generate heavy vehicle movements to/from the site. Traffic 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 the site and are similar in impact to the previous use of the land as a Scout Hall. Furthermore, the site is adjacent the public car park serving the community uses on the Cockburn Green reserve.

### *Lighting*

No additional lighting is proposed as part of this development. Given the location and orientation of the existing building and its brick construction, use of lighting inside the building is unlikely to result in any unreasonable interference to surrounding properties. No external lighting is proposed that might result in glare impact.

### *Car Parking*

Several of the representors have expressed concern with the lack of on-site car parking proposed and the resulting impact on the availability of on-street car parking within the locality.

General Section: Community Facilities module PDC 8 states:

- 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 a maximum of twenty (20) attendees, resulting in a demand for seven (7) on-site car parking spaces (rounded up). The site includes five (5) on-site car parking spaces, including three (3) at the rear of the site and two (2) at the front of the site.

While the proposed development results in a theoretical shortfall of two (2) on-site car parking spaces, it is noted that the proposed development would result in a significant theoretical reduction in car parking demand compared to the previous approved use.

Community centres such as the existing Scout Hall, generate a theoretical car parking demand of 10 spaces for every 100 square metres (Table Sal/2). The existing building has a floor area of 206m<sup>2</sup>, which generates a theoretical demand for 21 car parking spaces. Therefore, the site experiences a significant shortfall in existing on-site car parking against Development Plan standards.

The proposed change of use will therefore result in a theoretical reduction in car parking demand of 14 spaces, which will significantly improve the availability of on-street car parking within the locality.

It is also noted that a large (about 45 spaces) public car parking area is located directly adjacent to the subject land, within Cockburn Green reserve. While it is acknowledged that some of the operating times will overlap with the adjacent Soccer Club, for the majority of times ample car parking will be available within the adjacent public car parking area.

The provision of on-site car parking is considered to be appropriate to the demands generated by the proposed place of worship and will not cause any appreciable increase in demand for on-street car parking within the locality.

Given the context described above, a shortfall of two (2) on-site car parking spaces in comparison to Development Plan standards is considered to be acceptable.

Council's Principal Development Engineer has reviewed the car parking and access arrangements and has confirmed that it is acceptable and in compliance with AS 2890. All car parking and manoeuvring areas will be required to be sealed and a condition is recommended to address this.

#### Crime prevention

General Section: Crime Prevention module Objective 1 states:

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

The occupation of the building will ensure that the site remains active and will increase passive surveillance opportunities within the locality, thereby creating a safer environment in accordance with Objective 1 above.

#### Waste Management

General Section: Waste module Objective 1 states:

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

The proposed place of worship is unlikely to generate any significant amounts of waste. Waste that is generated on-site can be disposed of utilising the Council's regular three (3) bin residential waste collection service.

## 12. CONCLUSION

The Applicant seeks Development Plan Consent for a change of use from a Scout Hall to a place of worship at 38 Mortess Street, Brahma Lodge.

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

- a) The proposed land use is considered appropriate within the Residential Zone, having regard to the proposed number of attendees, the hours of operation and the adaptive re-use of an existing community facility (Scout Hall).
- 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 relating to noise, traffic or lighting.
- d) Adequate on-site car parking is available, given that the proposed Place of Worship will not result in an increase in car parking demand from the previous Scout Hall use.
- e) The proposed adaptive re-use of the building will increase passive surveillance opportunities within the site and the surrounding locality.

Accordingly, it is recommended that Development Plan Consent be granted, subject to conditions.

## 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 Development Plan – Consolidated 15<sup>th</sup> December 2016.
- B. Pursuant to Section 33 of the *Development Act 1993*, Development Plan Consent is **GRANTED** to application number 361/515/2018/3B for Change of use from scout hall to place of worship in accordance with the plans and details submitted with the application and subject to the following conditions:

### 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 9 April 2018	Planning Report	Received by Council dated 9 April 2018	Town Planning Advisors
Not stated	Site Plan	Received by Council dated 9 April 2018	Applicant

Not stated	Floor Plan	Received by Council dated 9 April 2018	Applicant
Dated 1 May 2018	Response to representations	Received by Council dated 1 May 2018	Town Planning Advisors

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

2. Except where otherwise approved, the operating hours for the place of worship shall not extend beyond the times specified in the approved documents, namely: Monday to Sunday – 1.00pm to 9.00pm.

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

3. The maximum number of worshippers within the building at any particular time shall not exceed 20 persons.

*Reason: To ensure that sufficient car parking is provided commensurate with the existing demand for the site.*

4. No amplified 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 and nearby residential occupiers or owners.*

5. All driveways and car parking areas as shown on the Approved Site Plan, prepared by the applicant, received by Council dated 9 April 2018, shall be constructed in concrete, pavers or bitumen. Individual car parking bays shall be line-marked. The driveways and car parking areas shall be established within three months from the date of Development Approval and shall be maintained at all times thereafter to the satisfaction of Council.

*Reason: To ensure access and car parking is provided on the site in a manner that maintains and enhances the amenity of the locality.*

6. Internal noise shall be limited to ensure that noise measured at the nearest residential property boundary remain within the requirements of the Environment Protection Authority (EPA) guidelines for development within a residential area.

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



7. 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 or manoeuvring areas.

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

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

*Reason: To ensure the car parking 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. 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.
2. 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:	GMCiD	MDS
Date:	9.05.18	07.05.18

**ATTACHMENTS**

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

1. Proposal Plans and Supporting Documentation
2. Copy of Representations and Applicant's Response
3. Relevant Development Plan Extracts



***Attachment 1***

*Proposal plans and supporting documentation*



**DEVELOPMENT APPLICATION FORM**

361/ **515** /2018/**38**

Please use BLOCK LETTERS and Black or Blue Ink

Item 5.1.2 - Attachment 1 - Proposal Plans and Supporting Documentation

I wish to apply for (tick only one):		<input type="checkbox"/> Development Plan Consent	<input type="checkbox"/> Building Rules Consent
<input checked="" type="checkbox"/> Full Development Approval (consists of both consents, which is required prior to any work commencing)			
APPLICANT: COMPANY / FIRST NAME		KAFRAWI	SURNAME HAMZAH
POSTAL ADDRESS:		22 <del>STANDART</del> STANDEN COURT OAKDEN SA 5086	
OWNER NAME: (This must be completed)		P. GRAY & D. KOLEN	
OWNER POSTAL ADDRESS:		47 AMHERST AVE. TRINITY GARDENS SA 5068	
OWNER PHONE NO:		OWNER EMAIL:	
CONTACT PERSON FOR FURTHER INFORMATION		<input type="checkbox"/> as above	
NAME:		TELEPHONE (W): (M): 0423 323 199	
EMAIL:		Information from Council will be given by electronic communication to the nominated email address.	
BUILDER NAME:		BUILDERS EMAIL:	
kafrawi-hamzah@hotmail-com		N/A	
BUILDER POSTAL ADDRESS:		CONTACT NO.:	
N/A		LICENCE NO.:	
CURRENT USE OF PROPERTY: SCOUT HALL			
DESCRIPTION OF PROPOSAL:		DEVELOPMENT COST	
CHANGE OF USE		\$ 0.00	
LOCATION OF PROPOSAL			
Street No: 38	Street: MORTESS STREET	Suburb: BRAHMA LODGE	
Lot No: 137	Section:	Plan: 7840	Volume: 5343 Folio: 577
OFFICE USE ONLY			
Registration Date: 1 / 2018	Zone:	Ward:	
BUILDING RULES CLASSIFICATION			
Classification sought: PLACE OF WORSHIP			
If Class 5, 6, 7, or 9 classification is sought, state the proposed number of employees			Male: Female:
If Class 9a classification is sought, state the number of persons for whom accommodation is provided:			
If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises:			

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

SIGNATURE: Kafrawi

DATE: 4<sup>TH</sup> APRIL 2018





Government of South Australia  
Department of Planning,  
Transport and Infrastructure

Product  
Date/Time

Register Search (CT 5343/577)  
03/04/2018 10:38AM

REAL PROPERTY ACT, 1936



South Australia

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



## Certificate of Title - Volume 5343 Folio 577

Parent Title(s) CT 3425/147  
 Creating Dealing(s) CONVERTED TITLE  
 Title Issued 30/05/1996 Edition 3 Edition Issued 10/04/2008 [Previous Edition]  
 Diagram Reference 3425147

### Estate Type

FREE SIMPLE

### Registered Proprietor

MULA DESIREE GRAY  
 DAMIEN WILLIAM KOLEN  
 OF 47 AMHERST AVENUE TRINITY GARDENS SA 5068  
 AS JOINT TENANTS

### Description of Land

ALLOTMENT 137 DEPOSITED PLAN 7840  
 IN THE AREA NAMED BRAHMA LODGE  
 HUNDRED OF YATALA

### Easements

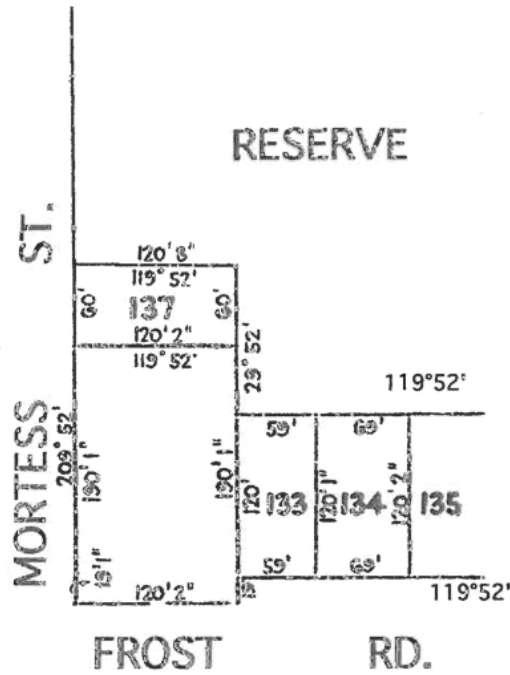
NIL

### Schedule of Dealings

Dealing Number	Description
0922652	MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

### Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



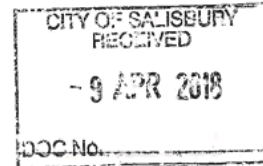
DISTANCES ARE IN FEET AND INCHES  
 FOR METRIC CONVERSION  
 1 FOOT = 0.3048 metres  
 1 INCH = 0.0254 metres



PO BOX 9061 HENLEY BEACH SOUTH SA 5022  
Phone: 08 8355 3246 | Mobile: 0478 509 777  
Email: [bill@townplanningadvisors.com.au](mailto:bill@townplanningadvisors.com.au)  
Website: [www.townplanningadvisors.com.au](http://www.townplanningadvisors.com.au)

9 April 2018

Mr Aaron Curtis  
Team Leader – Planning  
Development Services  
City of Salisbury  
12 James Street  
SALISBURY SA 5108



Dear Aaron,

**RE: Change of use to place of worship at 38 Mortess Street, Brahma Lodge – DA 361/515/2018**

Town Planning Advisors have been engaged by the applicant to review the abovementioned development application and provide a Development Assessment Report.

The application seeks Development Plan Consent to change the use of the land from a community centre to a place of worship.

Based on an inspection of the land and locality, and a review of the proposal against the relevant provisions of the Salisbury Council Development Plan (Consolidated 15 December 2016), I consider the proposal to display substantial merit.

#### 1.0 SITE AND LOCALITY

The subject land measures approximately 669.7m<sup>2</sup> in area and is known as 38 Mortess Street, Brahma Lodge, however it is formally described as Allotment 137 within Certificate of Title Volume 5343 Folio 577, Deposited Plan 7840.

The site is located on the south-eastern side of Mortess Street, between Frost Road and Kalara Street.

The subject land has an 18.29m frontage, is relatively flat and contains a single storey building and associated structures which until recently have been used as a community centre (Scout hall) (refer Figures 1 & 2 – over page).





Figure 1: Subject land (in yellow)



Figure 2: Subject land (in yellow)

The site is adjoined to its north-eastern side and rear by a reserve known as Cockburn Green.



Vehicle access is provided via a single width crossover located adjacent the sites north-eastern side boundary.

The locality is predominantly residential in nature; however, the wider locality which includes Frost Road, consists numerous commercial land uses.

## **2.0 PROPOSAL**

The proposal seeks to change the use of the land from a community centre to a place of worship.

The place of worship is to provide the local Islamic community with a place to gather and perform acts of religious devotion and study.

The proposal seeks to cater for a maximum of 20 persons between the hours of 1pm - 9pm, Monday to Sunday (including public holidays).

The use of amplified sound devices is not proposed; the call to prayer will be spoken within the confines of the building.

The building has a 206.2m<sup>2</sup> total floor area; no alterations to the building fabric or floor area are proposed.

On-site parking is to be provided for five vehicles, i.e. two at the front of the building and three to its rear. All on-site car parking spaces and vehicle circulation areas will be sealed with an impervious surface.

The proposal does not seek consent for advertisement signage.

## **3.0 ZONING**

The subject land is located within the Residential Zone as delineated in the Salisbury Council Development Plan (Consolidated 15 December 2016).

All adjacent land is also located within the Residential Zone.

## **4.0 PROCEDURAL MATTERS**

The proposal is neither prescribed in Schedule 4 of the Development Regulations 2008 or in the Procedural Matters section of the Residential as being a complying or non-complying kind of development; the proposal is therefore to be assessed on its merits.

### **4.1 PUBLIC NOTIFICATION**

The proposed development is not assigned in either the Development Plan or Schedule 9 of the Development Regulations 2008 a category for public notification purposes, and is therefore taken to be Category 3 for per Section 38, 2(c) of the Development Act 1993; accordingly, category 3 public notification is to be undertaken by Council.

#### 4.2 CONSULTATION

Pursuant to Schedule 8 of the Development Regulations 2008, no referrals are required.

#### 5.0 DEVELOPMENT PLAN ASSESSMENT

Development Plan Provisions	Compliance Assessment
<p>Zone Principle of Development Control (PDC) 1: The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> <li>• Affordable housing</li> <li>• Domestic outbuilding in association with a dwelling</li> <li>• Domestic structure</li> <li>• Dwelling</li> <li>• Dwelling addition</li> <li>• <u>Small scale non-residential use that serves the local community</u>, for example:               <ul style="list-style-type: none"> <li>- Child care facility</li> <li>- Health and welfare service</li> <li>- Open space</li> <li>- Primary or secondary school</li> </ul> </li> <li>• Recreation area</li> <li>• Supported accommodation.</li> </ul>	<p>Complies</p> <p>The proposed place of worship is to provide the local Islamic community with a place to gather and perform acts of religious devotion and study; and seeks to cater for a maximum of 20 persons between the hours of 1pm - 9pm, Monday to Sunday (including public holidays).</p> <p>The proposal is a small scale non-residential use that serves the local (Islamic) community.</p> <p>The fact that a place of worship is not listed in the provided examples does not exclude it.</p>
<p>Zone PDC 4: Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:</p> <ol style="list-style-type: none"> <li>(a) Serves the local community</li> <li>(b) Is consistent with the character of the locality</li> <li>(c) Does not detrimentally impact on the amenity of nearby residents</li> <li>(d) Will not undermine the efficient operation of nearby centres.</li> </ol>	<p>Complies</p> <p>The proposed non-residential place of worship is small in scale; serves the local community; replaces an existing long-standing community centre; and will not impact or undermine nearby centres.</p>
<p>General Section <i>Community Facilities</i> PDC 4: Places of worship should be developed according to the following hierarchy:</p>	<p>Complies in part</p> <p>Whilst not ancillary to a residence, the place of worship has a congregation size</p>

<ul style="list-style-type: none"> <li>• Small (local): Development form - 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; Congregation size – typically accommodate approximately 5 to 30 worshippers in any one session.</li> </ul>	<p>(i.e. 20) which is typical for a small (local) organisation.</p>
<p>General Section <i>Community Facilities</i> 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.</p>	<p>Does not comply</p> <p>Mortess Street is not a collector road.</p> <p>Refer discussion.</p>
<p>General Section <i>Community Facilities</i> 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.</p>	<p>Does not comply</p> <p>The proposal provides five car parking spaces, two short of the required seven.</p> <p>Refer discussion.</p>
<p>General Section <i>Crime Prevention</i> PDC 11: Development should be designed to maximise surveillance of open space, pedestrian routes, centres and residential areas by:</p> <ul style="list-style-type: none"> <li>(a) Orientating the frontages and entrances of buildings towards the public street</li> <li>(b) Avoiding screens, high walls, carports and landscaping that obscure direct views to public areas</li> <li>(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</li> </ul>	<p>Complies</p>

<p>provide maximum mutual surveillance</p> <p>(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.</p>	
<p>General Section <i>Interface between Land Uses</i> PDC 1: Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</p> <p>(a) The emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</p> <p>(b) Noise</p> <p>(c) Vibration</p> <p>(d) Electrical interference</p> <p>(e) Light spillage</p> <p>(f) Glare</p> <p>(g) Hours of operation</p> <p>(h) Traffic impacts.</p>	<p>Complies</p> <p>Refer discussion.</p>
<p>General Section <i>Interface between Land Uses</i> PDC 2: Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</p>	<p>Complies</p>
<p>General Section <i>Orderly and Sustainable Development</i> PDC 1: Development should not prejudice the development of a zone for its intended purpose.</p>	<p>Complies</p>
<p>General Section <i>Transportation and Access</i> PDC 22: Development should have direct access from an all weather public road.</p>	<p>Complies</p>
<p>General Section <i>Transportation and Access</i> PDC 23: Development should be provided with safe and convenient access which:</p>	<p>Complies</p>



<ul style="list-style-type: none"> <li>(a) Avoids unreasonable interference with the flow of traffic on adjoining roads</li> <li>(b) Provides appropriate separation distances from existing roads or level crossings</li> <li>(c) Accommodated the type and volume of traffic likely to be generated by the development or land use and minimises induces traffic through over-provision</li> <li>(d) Is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</li> </ul>	
<p>General Section <i>Transportation and Access</i> PDC 24: Development should not restrict access to publicly owned land such as recreation areas.</p>	<p>Complies</p>
<p>General Section <i>Transportation and Access</i> PDC 30: Development should be sited and designed to provide convenient access for people with a disability.</p>	<p>Complies</p>
<p>General Section <i>Transportation and Access</i> 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.</p>	<p>Does not comply Refer discussion.</p>
<p>General Section <i>Transportation and Access</i> PDC 33: Development should be consistent with Australian Standard AS 2890 Parking facilities.</p>	<p>Complies</p>

**Community Facilities**

General Section *Community Facilities* PDC 5 states:

*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.*

Mortess Street is not a collector road.

The fact that Mortess Street is not a collector road is not considered fatal to the merits of the development; as the proposed use replaces an existing community facility located within an established residential area.

Further, the proposal will not alter existing levels of traffic generation within the local road network.

#### **Car Parking**

General Section *Community Facilities* PDC 8 states:

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

Based on the maximum capacity of 20 people, the proposed place of worship requires 7 off-street car parking spaces.

The proposal provides 5 car parking spaces, 2 forward of the building and 2 to its rear; therefore, a shortfall of 2 spaces is proposed.

We acknowledge the shortfall however note that the existing community centre generates a demand for 21 car parking spaces based on the requirements of Table Sa/2 (i.e. 10:100m<sup>2</sup>), meaning that a current shortfall of 18 exists. The proposed development reduces the existing shortfall in car parking down from 18 to 2 spaces.

A shortfall of 2 spaces is considered acceptable in the context of the size of the congregation, the site and its proximity to available on-street parking. Sufficient space is provided across the sites frontage for the parking of 3 vehicles. I also note that adjoining the site is a car park associated with Cockburn Green reserve.

Turning diagrams demonstrate that the provided on-site car parking spaces are sited to enable safe and convenient vehicle movements.

I therefore consider the development to be provided with a sufficient amount of appropriately located car parking spaces.

#### **Interface Between Land Uses**

General Section *Interface between Land Uses* PDC 1 states:

*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 spillage*
- (f) Glare*
- (g) Hours of operation*
- (h) Traffic impacts.*

The proposed land use will not result in the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants, or interference through vibration, electrical, light spillage or glare.

The use of amplified sound devices is not proposed; the call to prayer will be spoken within the confines of the building.

Impacts resulting from the proposed hours of operation (1pm to 9pm daily) are not unreasonable given the small-scale nature of the facility, which is to cater for a maximum capacity of 20 people at any one time.

It is important to note that the proposed place of worship replaces an existing community centre, and does not represent the commencement of a non-residential land use on the land.

It is unlikely that the small scale place of worship will exacerbate existing impacts affecting the amenity of the locality.

## **6.0 CONCLUSION**

I consider the proposal to be not seriously at variance with the Salisbury Council Development (Consolidated 15 December 2016) and to display sufficient planning merit to warrant the granting of Development Plan Consent.

In summary:

- The proposal replaces an existing non-residential land use;
- The proposal is a small scale non-residential development that serves the local community, as envisaged in the Residential Zone;
- Is limited in its size, catering for a maximum of 20 people at any time and hours of operation;
- Appropriately addresses interface objectives;

- Provides on-site car parking;
- Makes use of an underutilised vacant building.

For the above reasons, I consider Development Plan Consent to be warranted.

Should you have any queries or require any further information or clarification with any components of this application, please do not hesitate to contact by calling me on 0478 509 777 or by email [bill@townplanningadvisors.com.au](mailto:bill@townplanningadvisors.com.au)

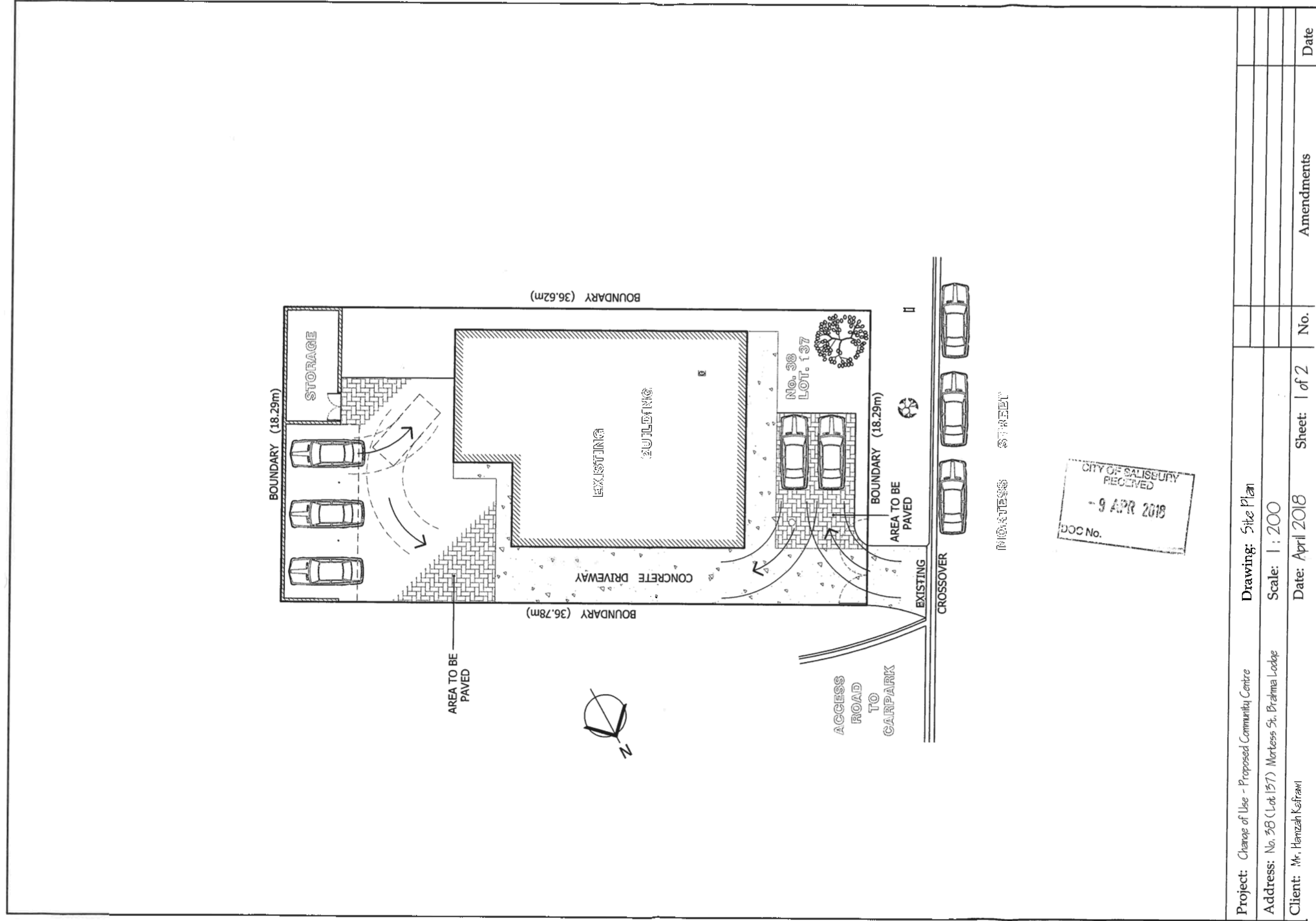
Yours faithfully,



**Bill Stefanopoulos, MPIA**  
BA Planning, Grad Dip Environmental Planning

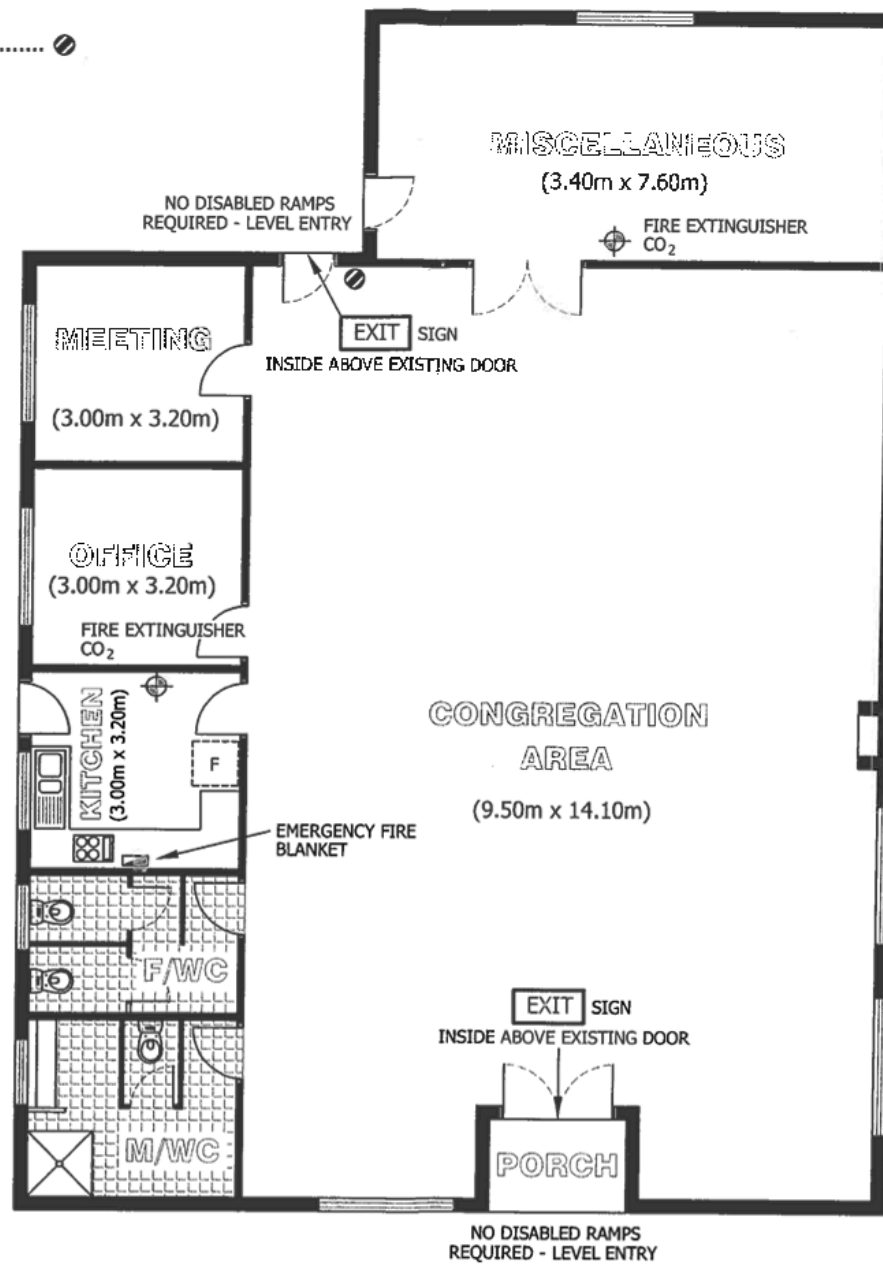








THE SMOKE DETECTION/ALARM SHOWN THUS.....  
 SHALL BE HARD WIRED AND HAVE A 9v BACKUP BATTERY, BE INTERCONNECTED WHERE THERE IS MORE THAN ONE ALARM IN ACCORDANCE WITH BCA REQUIREMENTS AS 3786.



CITY OF SALISBURY  
 RECEIVED  
 - 9 APR 2018  
 DOC No.

FLOOR PLAN

Project: Change of Use - Proposed Community Centre	Drawing: Floor Plan			
Address: No. 38 (Lot 137) Mortess St, Brahma Lodge	Scale: 1 : 100			
Client: Mr. Hamzah Kafrawi	Date: Aug. 2017	Sheet: 2 of 2	No.	Amendments
				Date





***Attachment 2***

*Copy of representations and applicant's response*

CATEGORY 3



**City of Salisbury**  
ABN 82 615 416 895  
  
12 James Street  
PO Box 8  
Salisbury SA 5108  
Australia

Telephone 08 8406 8222  
Facsimile 08 8281 5466  
city@salisbury.sa.gov.au  
  
TTY 08 8406 8596  
(for hearing impaired)  
www.salisbury.sa.gov.au

11 April 2018

To: The Owner/Occupier

Dear Sir/Madam

**Application No:** 361/515/2018/3B  
**Location:** 38 Mortess Street , Brahma Lodge SA 5109  
**Nature of Development:** CHANGE OF USE FROM SCOUT HALL TO PLACE OF WORSHIP

Enclosed is a Notice for the above proposed development, which is located near your property.

Council are interested in your views on the proposed development.

In addition to the plans enclosed, further documentation relating to the proposal is also available on the council website via the following link:

[www.salisbury.sa.gov.au/Build/Planning\\_Building\\_and\\_Forms/Advertised\\_Development\\_Applications](http://www.salisbury.sa.gov.au/Build/Planning_Building_and_Forms/Advertised_Development_Applications)

The decision whether to approve, refuse or approve with conditions, is based on an assessment of the proposal against the provisions within the City of Salisbury Development Plan. It is important to note that all comments raised, both in support of, and objecting to the proposed development, will be taken into account when assessing the application.

Please note that Australia Post has recently changed its delivery charges and timeframes meaning that correspondence may take longer to receive than anticipated. To ensure your representation is received within the statutory timeframe, you may want to consider delivering your submission electronically, direct by submission at the counter or otherwise via Express Post.

I would be happy to assist you with the consideration of the proposed development. If you have any queries or would like further information, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Aaron Curtis'.

**Aaron Curtis**  
Development Officer – Planning  
Development Services  
Telephone: (08) 8406 8358  
Fax: (08) 8281 5466  
Email: representations@salisbury.sa.gov.au

**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:

<b>APPLICATION NO:</b>	361/515/2018/3B
<b>APPLICANT:</b>	K Hamzah 22 Standen Ct OAKDEN SA 5086
<b>NATURE OF DEVELOPMENT:</b>	CHANGE OF USE FROM SCOUT HALL TO PLACE OF WORSHIP
<b>LOCATION:</b>	38 Mortess Street , Brahma Lodge SA 5109
<b>CERTIFICATE OF TITLE:</b>	CT-5343/577
<b>ZONE:</b>	Residential

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](http://www.salisbury.sa.gov.au). Any person or body may make representations in writing, or by email to [development@salisbury.sa.gov.au](mailto: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](mailto:representations@salisbury.sa.gov.au). Representations must be received **no later than Friday 27<sup>th</sup> April 2018**.

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: Aaron Curtis, Development Officer

Date: 11 April 2018

***THIS IS THE FIRST AND ONLY PUBLICATION OF THIS NOTICE***

**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:  
**APPLICATION NO:**  
361515/2018/3B  
**APPLICANT:** K Hamzah  
22 Standen Ct OAKDEN SA 5086  
**NATURE OF DEVELOPMENT:**  
CHANGE OF USE FROM SCOUT  
HALL TO PLACE OF WORSHIP  
**LOCATION:** 38 Mortess Street .  
Brahma Lodge SA 5109  
**CERTIFICATE OF TITLE:**  
CT-5343/577  
**ZONE:** Residential  
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 Friday  
27th April 2018.  
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  
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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: Aaron Curtis,  
Development Officer  
Date: 11 April 2018  
**THIS IS THE FIRST AND ONLY  
PUBLICATION OF THIS NOTICE**



### 361/515/2018/3B Location of Proposal



Item 5.1.2 - Attachment 2 - Copy of Representations and Applicant's Response





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

*Valid*



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

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

<b>Application Number:</b>	361/515/2018/3B
<b>Applicant</b>	K Hamzah
<b>Nature of Development:</b>	CHANGE OF USE FROM SCOUT HALL TO PLACE OF WORSHIP
<b>Location:</b>	38 Mortess Street , Brahma Lodge SA 5109

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

NAME(S): Susan Graham  
ADDRESS: 13 Kalara St Brahma Lodge 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: 13 Kalara St Brahma Lodge
- 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.**

Due to the recreational oval which consists of the Brahma Lodge soccer club, the oval used for multiple recreational uses and the newly resurfaced playground, there is an

PTO



361/515/2018/3B

Overwhelming congestion problem for traffic and car parking.

The Salisbury Council has already installed signs to restrict parking on the left side of mortess st.

Also there is the Brahma Lodge Primary School on mortess st. that adds to the traffic and parking congestion.

The Scout hall has inadequate parking containing safe parking for a possible 4 cars.

Noise will be another issue as the hall has previous restrictions already placed upon it with the previous owners in regards to morning services previously held in the hall and afternoons and night celebratory functions.

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

my concerns would be addressed by actions to the proposal by opposing the application.

The area where the hall is situated consists of many elderly people. Some neighbours have serious illnesses and noise will be a hindrance. Other previous issues relating to the scout hall due to noise and functions have resulted in police action having to be undertaken. The area is now a quiet neighbourhood for many retirees and young families to enjoy the recreational sporting and park facilities the Salisbury Council has implemented. Further traffic congestion will create safety hazards.

PTO



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

I/We:

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

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

Appearing personally,

OR

Represented by the following person: .....

Contact details: .....

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

**Your written representation must be received by Council no later than 11.59pm on Friday 27<sup>th</sup> April 2018, 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:  .....

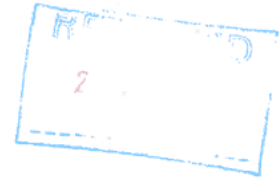
Date: 24 / 4 / 2018

**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 27<sup>th</sup> April 2018**.



**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](mailto:representations@salisbury.sa.gov.au)

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<b>Applicant</b>	K Hamzah
<b>Nature of Development:</b>	CHANGE OF USE FROM SCOUT HALL TO PLACE OF WORSHIP
<b>Location:</b>	38 Mortess Street , Brahma Lodge SA 5109

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

NAME(S): TALAL & CAROL RASABI

ADDRESS: 37 MORTESS ST. BRAHMA LODGE 5109

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

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

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

**YOUR COMMENTS:**

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

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

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

As we live directly opposite the said scout hall  
it would affect us greatly with traffic congestion  
even week. Also the noise would be a concern.  
At present it is disruptive enough with sporting events

PTO

361/515/2018/3B

and after parties without more disruption than  
a church / mosq would cause.

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

PTO

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

I/We:

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

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

**Your written representation must be received by Council no later than 11.59pm on Friday 27<sup>th</sup> April 2018, 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: 27 / 4 / 18

**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 27<sup>th</sup> April 2018.**





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

Valid

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

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<b>Application Number:</b>	361/515/2018/3B
<b>Applicant</b>	K Hamzah
<b>Nature of Development:</b>	CHANGE OF USE FROM SCOUT HALL TO PLACE OF WORSHIP
<b>Location:</b>	38 Mortess Street , Brahma Lodge SA 5109

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

NAME(S):..... MRS S. ZAKNIC .....

ADDRESS:..... ..

PHONE NO: ..... EMAIL: .....

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

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

**YOUR COMMENTS:**

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

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

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

① does not comply with carparking requirements - 2 short  
② does not comply with location as Mortess St is not a collector road → traffic impacts on residents  
Shortage of carparking could lead to traffic congestion

PTO

Item 5.1.2 - Attachment 2 - Copy of Representations and Applicant's Response

⑦ centre not to be used for commercial activities.

361/515/2018/3B

and traffic conflict with Merton St and Kalera St, particularly when the adjacent oval is used for sporting fixtures. This will impact on the amenity of residents in these streets, and will undermine these sporting fixtures → possible clashes with spectators.

③ Noise levels - call to prayer / sounds of worship. I am concerned that the call to prayer and sounds of worship will be heard from Kalera St and impact on our quality of life → health issues such as stress.

④ Hours of operation - calls to prayer can start very early. I understand hours will be between 1-9 pm. How will this be regulated?

⑤ No. of people. I understand not more than 20 people will attend. How will this be regulated?

⑥ Signage. What signage will be used? - Environmental <sup>and social</sup> issue  
My concerns would be addressed by: (state changes/actions to the proposal sought)

① development to provide more carparking on site

② location to be changed to one more appropriate

③ noise levels. Strict regulation. No loud music amplification, loud chanting.

④ hours of operation. Strict regulation. No early morning or late evening.

⑤ no. of people. Strict regulation

⑥ signage. Regulation

⑦ centre in residential area. What other uses will centre provide other than place of worship? Regulation.

PTO

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

I/We:

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

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

Appearing personally,

OR

Represented by the following person: .....

Contact details: .....

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

**Your written representation must be received by Council no later than 11.59pm on Friday 27<sup>th</sup> April 2018, 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.

*I request that my personal details not be made public or divulged to the applicant*

Signature: *[Signature]*.....

Date: 26 / 4 / 2018.

**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 27<sup>th</sup> April 2018.**



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

*Valid*

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

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

<b>Application Number:</b>	361/515/2018/3B
<b>Applicant</b>	K Hamzah
<b>Nature of Development:</b>	CHANGE OF USE FROM SCOUT HALL TO PLACE OF WORSHIP
<b>Location:</b>	38 Mortess Street , Brahma Lodge SA 5109

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

NAME(S): *MRS DAWN EDKINS*

ADDRESS: *11 KALARA ST BRAHMA LODGE 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: *11 KALARA ST BRAHMA LODGE*
- 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 attached plan indicates only 5 onsite parking spaces which I would anticipate as being inadequate for even a small congregation of people. Parking in Mortess St on 'game days' for the Sporting Assoc.*

PTO



361/515/2018/3B

even with parking restrictions, is already congested and the overflow causes problems in Kalara St - there are times when I am not able to leave or enter my property when people park on both sides of Kalara St. I have had to park further along Kalara St or on Frost Road, walk home, then go back later for my car. Visitors to my home have had the same experience. As a ratepayer I find this frustrating, inconvenient and unfair when people from outside the <sup>Salisbury</sup> Council area are causing this problem. The noise issue is also to be considered. When the Scout Hall has been used for parties/celebrations, I have had to close all windows and doors to dampen the noise. The coming and going of cars, car doors etc adds to the issue. With a number of elderly residents in the area, noise is an issue.

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

Increase the onsite parking facilities, if possible. If not, introduce parking only on one side of Kalara St to ensure ease of access for existing ratepayers/residents - but all parking restrictions eg existing restrictions on Mortess St and requested restrictions on Kalara St - need to be enforced by Council on a weekly (games day) basis. The noise issue may be partly addressed by including soundproofing within the Hall and a solid fence across the boundary line. This still fails to address the noise caused by the comings and goings of vehicles and pedestrians.

Question - if this is zoned as Residential, how does this use fit the Residential definition?

PTO

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I/We:

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

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**Representor's Declaration:**

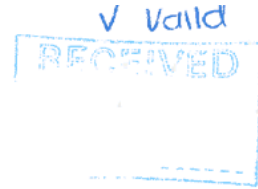
I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993, and may be uploaded to the Council's website as an attachment to the hearing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

Signature: Dawn F. Edkins.....

Date: 27 / 4 / 2018

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

- Name and address of person (or persons).
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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](mailto:representations@salisbury.sa.gov.au)

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<b>Application Number:</b>	361/515/2018/3B
<b>Applicant</b>	K Hamzah
<b>Nature of Development:</b>	CHANGE OF USE FROM SCOUT HALL TO PLACE OF WORSHIP
<b>Location:</b>	38 Mortess Street , Brahma Lodge SA 5109

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

NAME(S): CHRISTA + HOWARD BARKER

ADDRESS: 39 Mortess St Brahma Lodge

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

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

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

**YOUR COMMENTS:**

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

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

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

Too much traffic in street already  
Soccer oval has games weekends & night  
plus training  
Not much parking - none of games on

Too much congestion  
Don't know what sort of church everyday or  
weekends only - what other uses?

PTO

361/515/2018/3B

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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:
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  - 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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Signature: 

Date: 23 / 4 / 18

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- Detail of reasons for making the representation.
- Indication whether or not the person (or persons) wishes to be heard.
- Submitted no later than 11.59pm on **Friday 27<sup>th</sup> April 2018.**



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PO Box 8, SALISBURY SA 5108  
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Application Number:	361/515/2018/3B
Applicant	K Hamzah
Nature of Development:	CHANGE OF USE FROM SCOUT HALL TO PLACE OF WORSHIP
Location:	38 Mortess Street, Brahma Lodge SA 5109

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

NAME(S): Wade Gregory & Tegan Slater, Taylor Beckett  
ADDRESS: 33 Mortess Street Brahma Lodge SA 5109  
PHONE NO: [REDACTED] MAIL: [REDACTED]

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

- The owner/occupier of the property located at: 33 Mortess Street Brahma Lodge 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.**

> busy enough with soccer club in regards to cars on the street.  
> corner is busy, Utilising the scout hall as a place of worship will increase the cars "close" to that corner.

PTC



361/S15/2018/3B

- I would like to see the Scout hall proposed used but a place of worship would increase traffic & cars.
- Two parking spaces in the front & three in the back will not be sufficient.
- The scout hall as it is at the moment is an eye sore, so putting it to use and approving its appearance would be good, however traffic/parking is a BIG issue.

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

- Its a difficult area, I cant see how an alternate parking option would be available, the Soccer club fully utilises their carpark which would mean there wouldnt be room for the Scout hall to park there
- > dont see what could "fix" this.

PTO



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I/We:

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

Appearing personally,

OR

Represented by the following person: .....

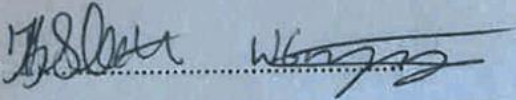
Contact details: .....

(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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Signature: 

Date: 21 14 18

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- 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 27<sup>th</sup> April 2018.**





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

20 APR 2018

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

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<b>Applicant</b>	K Hamzah
<b>Nature of Development:</b>	CHANGE OF USE FROM SCOUT HALL TO PLACE OF WORSHIP
<b>Location:</b>	38 Mortess Street , Brahma Lodge SA 5109

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

NAME(S): RODNEY & DIANE KENT  
 ADDRESS: 35 MORTESS ST, BRAHMA LODGE SA  
 PHONE NO: [REDACTED] EMAIL: .....

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

- The owner/occupier of the property located at: 35 MORTESS ST, BRAHMA LODGE
- 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.**

BOTH RODNEY & DIANE KENT OPPOSE THE APPLICATION  
& THE STREET IS TOO NARROW ITS BAD ENOUGH WHEN  
SOCCER MATCHES ARE ON FOR PARKING CARS ARE PARKED  
FOR A LONG WAY DOWN THE STREET SOME MATCHES ARE

PTO

Item 5.1.2 - Attachment 2 - Copy of Representations and Applicant's Response

361/515/2018/3B

FRIDAY NIGHTS AND THEN AGAIN ON SUNDAYS 1  
 2 THE SCOUT HALL IS VERY CLOSE TO THE CORNER OF  
 MORTON ST, AND FROST ROAD AND CARS COME AROUND THE  
 CORNER VERY FAST AND MOTOR BIKES CUT THE CORNER I  
 CAN SEE SOMEBODY GETTING KILLED OR INJURED, YEARS  
 AGO A YOUNG BOY WAS LEFT A PARAPLEGIC FROM AN  
 ACCIDENT ON THE CNR OF MORTON AND KALARA ST.

3 THE NOISE FROM A PLACE OF WORSHIP WOULD BE A NUSANCE-

4 THE SOCCER CLUB LEASES THE PITCH THEY HAVE TRAINING  
 TUES, WED, THURS, FRI, NIGHTS SO THEY NEED THE CAR PARK

5 WE HAVE LIVED HERE FOR 51 YRS AND HAVE A COMMON  
 SENSE OPINION AS TO IF THIS WOULD WORK OR NOT  
 DEFINITELY NOT, OWING TO THE LOCATION OF THE SCOUT HALL  
 IT IS TOO CLOSE TO ALL THE SURROUNDING HOMES

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

WE ARE AGED PENSIONERS AS ARE A LOT OF THE RESIDENTS  
 IN OUR END OF THE STREET.

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: .....

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Signature: R Kent ..... D.B. Kent .....

Date: 20 14 18

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<b>Applicant</b>	K Hamzah
<b>Nature of Development:</b>	CHANGE OF USE FROM SCOUT HALL TO PLACE OF WORSHIP
<b>Location:</b>	38 Mortess Street , Brahma Lodge SA 5109

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

NAME(S): T. Thornton.....

ADDRESS: 82 Frost 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: 82 Frost 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.**

The Scout hall should remain accessible facility for community and public functions as it has been. The scout hall could serve the community far better than a place of worship that only serves the minority.

PTO



361/515/2018/3B

I'm certain that there are other locations for worship in the Oakden  
Nawsworth, Northfield / Northgate areas that are better equipped  
to facilitate the purpose.

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

PTO

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

I/We:

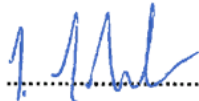
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Signature:  .....

Date: 19 / 4 / 18

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<b>Applicant</b>	K Hamzah
<b>Nature of Development:</b>	CHANGE OF USE FROM SCOUT HALL TO PLACE OF WORSHIP
<b>Location:</b>	38 Mortess Street , Brahma Lodge SA 5109

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

NAME(S): Damien Kolen

ADDRESS: 40 mortess st, Brahma Lodge

PHONE NO: [REDACTED] EMAIL: [REDACTED]

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

- The owner/occupier of the property located at: 40 mortess st, Brahma Lodge
- 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 support the application to minimise vandalism to the vacant building and

PTO

361/515/2018/3B

BLANK

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

NIL / N/A

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.

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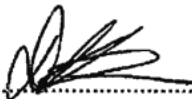
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Signature:  .....

Date: 16 / 4 / 18

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- Detail of reasons for making the representation.
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- Submitted no later than 11.59pm on **Friday 27<sup>th</sup> April 2018.**



PO BOX 9061 HENLEY BEACH SOUTH SA 5022  
Phone: 08 8355 3246 | Mobile: 0478 509 777  
Email: [bill@townplanningadvisors.com.au](mailto:bill@townplanningadvisors.com.au)  
Website: [www.townplanningadvisors.com.au](http://www.townplanningadvisors.com.au)

1 May 2018

Dear Karyn,

Mr Aaron Curtis  
Team Leader - Planning  
Development Services  
City of Salisbury  
12 James Street  
SALISBURY SA 5108

Dear Aaron,

**RE: Development Application 361/515/2018/3B – 38 Mortess Street, BRAHMA LODGE SA – Response to Representations**

I refer to the above application for which Category 2 Public Notification has concluded; resulting in the receipt of 9 representations from:

- S Zaknic of undisclosed address
- S Graham of 13 Kalara Street, Brahma Lodge
- W Gregory, T Slater & T Beckett of 33 Mortess Street, Brahma Lodge
- R & D Kent of 35 Mortess Street, Brahma Lodge
- C & H Barker of 39 Mortess Street, Brahma Lodge
- D Kolen of 40 Mortess Street, Brahma Lodge (in support)
- T Thornton of 82 Frost Road, Brahma Lodge
- D Edkins of 11 Kalara Street, Brahma Lodge
- T Rababi and C Rababi 37 Mortess Street, Brahma Lodge

Raised concerns relate to hours of operation, number of attendees, traffic congestion, car parking, noise, and signage. The issues raised are discussed below.

#### Hours of Operation

The proposed place of worship seeks to operate between the hours of 1pm - 9pm, 7 days a week.

Outside of the above hours, the premise will be closed.

The Applicant does not object to the inclusion of a condition of consent which restricts hours of operation in accordance with the above.

#### Number of Attendees

The congregation is small and will be used prayers 4 times a day. Prayer normally runs for 15-20 minutes, but some patrons may stay to talk for approximately 15-30minutes

The number of attendants at these prayers throughout each day is as follows:

- 1pm – 2pm attended by 3-4 persons except for Fridays as there could be up to but not exceeding 20 persons.
- 3pm – 3:45pm attended by 3-4 persons
- 6pm – 5:45pm attended by approximately 10 persons
- 7:15pm -8:30pm attended by approximately 10 persons

The number of attendees is small and accords with the parameters of General Section Community Facilities Principle of Development Control 4, in accommodating 5 to 30 worshippers in any one session.

The Applicant does not object to the inclusion of a condition of consent which restricts the number of attendees to 20 at any one time.

#### Traffic Congestion

Concern has been raised regarding the impact of additional traffic, particularly during soccer games and training at the adjoining reserve.

The volume of vehicles associated with the development is low and can be comfortably accommodated within the local road network.

The proposed place of worship is small in scale, accommodates a maximum of 20 persons at any one time, and is unlikely to increase traffic generation beyond that of the existing community centre (Scout Hall).

### Car Parking

The proposal provides 5 car parking spaces, 2 forward of the building and 3 to its rear.

It is acknowledged that the proposal has a shortfall of 2 off-street car parking spaces during peak usage i.e. Fridays 1pm -2pm; however, we note that the existing community centre generates a demand for 21 car parking spaces, meaning a shortfall of 18 spaces currently exists.

The proposal reduces the existing shortfall in car parking down from 18 to 2 spaces; and therefore, the proposal will generate a lesser demand for on-street car parking than the current approved land use.

The site does not provide opportunities to achieve additional car parking to the rear of the building, however 2 additional spaces are proposed forward of the building. The additional spaces accord with the relevant Australian Standard with respect to dimension and siting to enable safe and convenient vehicle movements.

A shortfall of 2 off street car parking spaces is minor in the context of the size of the congregation, the site and its proximity to available on-street parking. Furthermore, the proposal provides 2 additional car parking spaces beyond the 3 provided for users of the Scout Hall. The proposal also maintains the existing amount of on-street car parking provided adjacent the site.

For the above reasons, I consider the proposal to provide sufficient car parking for its congregation attending the premises (i.e. maximum 20 persons).

### Noise

Concern has been raised regarding noise during the call to prayer.

The proposal does not include the use of amplified music or speaker devices. The call to prayer will be spoken within the confines of the building, and only when applicable during the approved hours of operation.

The Applicant does not object to the inclusion of a condition of consent which restricts the use of amplified music of speaker devices.

### Signage

The proposal does not seek consent for advertisement signage.

### **Conclusion**

Having regard to the representations received, the subject land, and its siting within the locality, I confirm that the proposal is not seriously at variance with the Salisbury Council Development (Consolidated 15 December 2016), and displays sufficient planning merit to warrant the granting of Development Plan Consent.



It is important to note that the proposed place of worship replaces an existing non-residential land use, i.e. community centre, and does not represent the commencement of a non-residential land use on the land.

The proposal is a small scale non-residential development that serves the local community, as envisaged in the Residential Zone, and is limited in its size, catering for a maximum of 20 people at any time.

It is unlikely that the small scale place of worship will exacerbate existing impacts upon the amenity of the locality. In fact, the proposed use will have a significantly less impact on the locality than the previous uses on the site.

Further, the proposal makes use of an underutilised vacant building in an envisaged manner.

For the above reasons, I consider Development Plan Consent to be warranted.

I note that one of the representors seek to appear before the Panel in support of their representation. I confirm that the Applicant (and/or representative(s)) would similarly seek to appear before the Panel to respond to the issues raised and to offer clarification of the proposal, if needed. I would therefore appreciate if you could advise when this matter would be considered by Council's Assessment Panel.

Should you have any queries or require any further information or clarification with any components of this application, please do not hesitate to contact the undersigned on 0478 509 777 or by email [bill@townplanningadvisors.com.au](mailto:bill@townplanningadvisors.com.au)

Yours faithfully



**Bill Stefanopoulos, MPIA**  
BA Planning, Grad Dip Environmental Planning





### ***Attachment 3***

#### *Relevant Development Plan extracts*

# Development Plan

## Salisbury Council

Consolidated - 15 December 2016

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



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Department of Planning,  
Transport and Infrastructure

Consolidated - 15 December 2016



## Table of Contents

<b>Introduction Section</b>	<b>1</b>
<b>Amendment Record Table</b> .....	<b>3</b>
<b>Introduction to the Development Plan</b> .....	<b>5</b>
<b>Council Preface Map</b> .....	<b>10</b>
<b>General Section</b>	<b>11</b>
<b>Advertisements</b> .....	<b>13</b>
<b>Safety</b> .....	<b>14</b>
<b>Freestanding Advertisements</b> .....	<b>14</b>
<b>Flags, Bunting and Streamers</b> .....	<b>16</b>
<b>Advertising along Arterial Roads</b> .....	<b>16</b>
<b>Animal Keeping</b> .....	<b>17</b>
<b>Horse Keeping</b> .....	<b>17</b>
<b>Dairies</b> .....	<b>18</b>
<b>Intensive Animal Keeping</b> .....	<b>18</b>
<b>Building near Airfields</b> .....	<b>21</b>
<b>RAAF Base Edinburgh</b> .....	<b>21</b>
<b>Bulk Handling and Storage Facilities</b> .....	<b>23</b>
<b>Centres and Retail Development</b> .....	<b>24</b>
<b>Arterial Roads</b> .....	<b>25</b>
<b>Retail Development</b> .....	<b>25</b>
<b>Coastal Areas</b> .....	<b>27</b>
<b>Environmental Protection</b> .....	<b>27</b>
<b>Maintenance of Public Access</b> .....	<b>28</b>
<b>Hazard Risk Minimisation</b> .....	<b>29</b>
<b>Erosion Buffers</b> .....	<b>29</b>
<b>Land Division</b> .....	<b>30</b>
<b>Protection of Economic Resources</b> .....	<b>30</b>
<b>Development in Appropriate Locations</b> .....	<b>30</b>
<b>Community Facilities</b> .....	<b>31</b>
<b>Crime Prevention</b> .....	<b>33</b>
<b>Design and Appearance</b> .....	<b>35</b>
<b>Development Adjacent Heritage Places</b> .....	<b>36</b>
<b>Overshadowing</b> .....	<b>36</b>
<b>Visual Privacy</b> .....	<b>36</b>
<b>Building Setbacks from Road Boundaries</b> .....	<b>37</b>

Consolidated - 15 December 2016

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

<b>Energy Efficiency .....</b>	<b>38</b>
On-site Energy Generation .....	38
<b>Hazards.....</b>	<b>39</b>
Flooding.....	39
Bushfire .....	40
Salinity.....	41
Acid Sulfate Soils .....	41
Site Contamination.....	41
Containment of Chemical and Hazardous Materials .....	42
Landslip.....	42
<b>Heritage Places .....</b>	<b>43</b>
<b>Industrial Development.....</b>	<b>45</b>
<b>Infrastructure .....</b>	<b>47</b>
<b>Interface between Land Uses .....</b>	<b>49</b>
Noise Generating Activities .....	49
Air Quality.....	50
Rural Interface.....	50
<b>Land Division .....</b>	<b>52</b>
Design and Layout .....	53
Roads and Access .....	55
Land Division in Rural Areas.....	56
<b>Landscaping, Fences and Walls .....</b>	<b>57</b>
<b>Marinas and Maritime Structures.....</b>	<b>59</b>
<b>Medium and High Rise Development (3 or More Storeys).....</b>	<b>60</b>
Site Configuration.....	60
Design and Appearance.....	60
Visual Privacy.....	61
Building Separation and Outlook .....	61
Dwelling Configuration .....	61
Private and Communal Open Space .....	61
Adaptability.....	62
Natural Ventilation and Sunlight.....	62
Noise Attenuation .....	62
Environmental .....	62
Site Facilities and Storage .....	63
<b>Metropolitan Open Space System.....</b>	<b>64</b>
<b>Mineral Extraction.....</b>	<b>66</b>
Separation Treatments, Buffers and Landscaping .....	67
<b>Natural Resources .....</b>	<b>68</b>
Water Sensitive Design.....	69

Consolidated - 15 December 2016

Biodiversity and Native Vegetation .....	71
Soil Conservation.....	73
<b>Open Space and Recreation.....</b>	<b>74</b>
<b>Orderly and Sustainable Development .....</b>	<b>77</b>
<b>Regulated Trees .....</b>	<b>78</b>
<b>Renewable Energy Facilities .....</b>	<b>79</b>
<b>Residential Development.....</b>	<b>80</b>
Design and Appearance .....	80
Overshadowing.....	81
Garages, Carports and Outbuildings.....	81
Street and Boundary Setbacks.....	81
Site Coverage .....	82
Private Open Space.....	82
Site Facilities and Storage .....	83
Visual Privacy .....	83
Noise.....	84
Car Parking and Access .....	84
Undercroft Garaging of Vehicles.....	85
Dependent Accommodation .....	85
Swimming Pools and Outdoor Spas .....	85
<b>Short-Term Workers Accommodation .....</b>	<b>86</b>
<b>Significant Trees .....</b>	<b>87</b>
<b>Siting and Visibility .....</b>	<b>89</b>
<b>Sloping Land.....</b>	<b>90</b>
<b>Supported Accommodation, Housing for Aged Persons and People with Disabilities .....</b>	<b>91</b>
<b>Telecommunications Facilities .....</b>	<b>93</b>
<b>Tourism Development.....</b>	<b>94</b>
Tourism Development in Association with Dwelling(s).....	94
Tourism Development Outside Townships.....	95
Residential Parks and Caravan and Tourist Parks.....	96
<b>Transportation and Access .....</b>	<b>97</b>
Land Use.....	97
Movement Systems .....	97
Cycling and Walking .....	98
Access .....	99
Access for People with Disabilities .....	99
Vehicle Parking.....	100
Vehicle Parking for Residential Development .....	101
Vehicle Parking for Mixed Use and Corridor Zones .....	101

Consolidated - 15 December 2016

<b>Hills Face Zone</b> .....	<b>159</b>
<b>Industry Zone</b> .....	<b>167</b>
Burton Poultry Processing Policy Area 5 .....	170
Greater Levels Policy Area 8 .....	171
Infrastructure Policy Area 9 .....	172
Parafield Gardens Policy Area 10 .....	174
Pooraka Policy Area 11 .....	176
<b>Light Industry Zone</b> .....	<b>181</b>
Pooraka Market Eastern Policy Area 12 .....	183
Pooraka Market Warehousing Policy Area 13 .....	185
<b>Local Centre Zone</b> .....	<b>188</b>
<b>Multi Function Polis (The Levels) Zone</b> .....	<b>191</b>
<b>Mineral Extraction Zone</b> .....	<b>193</b>
<b>Mixed Use (Bulky Goods, Entertainment and Leisure) Zone</b> .....	<b>196</b>
<b>Multi Function Polis (The Levels) Zone</b> .....	<b>201</b>
<b>Neighbourhood Centre Zone</b> .....	<b>203</b>
Precinct 18 Saints Road Neighbourhood Centre .....	205
<b>Open Space Zone</b> .....	<b>209</b>
Landscape Buffer Policy Area 14 .....	212
Recreation Policy Area 15 .....	213
<b>Primary Production Zone</b> .....	<b>217</b>
Precinct 19 Limited Residential Precinct .....	219
Aircraft Noise Policy Area 16 .....	220
Horticulture Policy Area 17 .....	221
<b>Residential Zone</b> .....	<b>227</b>
Salisbury Residential Policy Area 18 .....	231
Mawson Lakes Policy Area 22 .....	232
<b>Residential Hills Zone</b> .....	<b>236</b>
Castieau Estate Policy Area 21 .....	240
<b>Rural Living Zone</b> .....	<b>243</b>
Bolivar Policy Area 19 .....	245
Direk Policy Area 20 .....	246
<b>Urban Core (Salisbury) Zone</b> .....	<b>249</b>
Transition Area .....	251
<b>Urban Core Zone</b> .....	<b>259</b>
Mawson Innovation Policy Area 24 .....	267
Main Shopping Policy Area 25 .....	270
Airport Runway Control Area Policy Area 26 .....	273
<b>Urban Employment Zone</b> .....	<b>277</b>

Consolidated - 15 December 2016



**Salisbury Council  
Table of Contents**

<b>Table Section</b>	<b>287</b>
<b>Table Sal/1 - Building Setbacks from Road Boundaries.....</b>	<b>289</b>
<b>Table Sal/2 - Off Street Vehicle Parking Requirements.....</b>	<b>291</b>
<b>Table Sal/2A - Off Street Vehicle Parking Requirements for Designated Areas .....</b>	<b>293</b>
<b>Table Sal/3 - Off Street Bicycle Parking Requirements.....</b>	<b>295</b>
<b>Table Sal/4 - State Heritage Places .....</b>	<b>296</b>
<b>Mapping Section</b>	<b>299</b>
<b>Map Reference Tables.....</b>	<b>301</b>
<b>Spatial Extent Maps.....</b>	<b>307</b>
<b>Bushfire Risk BPA Maps.....</b>	<b>617</b>
<b>Concept Plan Maps.....</b>	<b>623</b>

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Consolidated - 15 December 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).



## 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.

## 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 Sall3 - 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 Sall2 - Off Street Vehicle Parking Requirements or Table Sall2A - Off Street Vehicle Parking Requirements for Designated Areas (whichever applies) 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 Sall27 - Salisbury District Centre Car Park Fund Area, Concept Plan Map Sall29 - Ingle Farm District Centre Car Park Fund Area and Concept Plan Map Sall32 - Mawson Lakes Town Centre Car Parking 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.

#### **Vehicle Parking for Residential Development**

41 On-site vehicle parking should be provided having regard to:

- (a) the number, nature and size of proposed dwellings
- (b) proximity to centre facilities, public and community transport within walking distance of the dwellings
- (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons.

42 Vehicle parking areas servicing more than one dwelling should be of a size and location to:

- (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely
- (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area
- (c) reinforce or contribute to attractive streetscapes.

#### **Vehicle Parking for Mixed Use and Corridor Zones**

43 Loading areas and designated parking spaces for service vehicles should:

- (a) be provided within the boundary of the site
- (b) not be located in areas where there is parking provided for any other purpose.

44 Vehicle parking spaces and multi-level vehicle parking structures within buildings should:

- (a) enhance active street frontages by providing land uses such as commercial, retail or other non-car park uses along ground floor street frontages
- (b) complement the surrounding built form in terms of height, massing and scale
- (c) incorporate facade treatments along major street frontages that are sufficiently enclosed and detailed to complement neighbouring buildings consistent with the desired character of the locality.

45 In mixed use buildings, the provision of vehicle parking may be reduced in number and shared where the operating hours of commercial activities complement the residential use of the site.

#### **Undercroft and Below Ground Garaging and Parking of Vehicles**

46 Undercroft and below ground garaging of vehicles should only occur where envisaged in the relevant zone or policy area or precinct and ensure:

- (a) the overall height and bulk of the undercroft structure does not adversely impact on streetscape character of the locality or the amenity of adjacent properties

## Residential Zone

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

### OBJECTIVES

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

### DESIRED CHARACTER

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

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

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

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

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



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

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

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

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

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

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

## PRINCIPLES OF DEVELOPMENT CONTROL

### Land Use

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

- affordable housing
- domestic outbuilding in association with a dwelling
- domestic structure
- dwelling
- dwelling addition
- **small scale non-residential use that serves the local community, for example:**
  - child care facility
  - health and welfare service
  - open space
  - primary or secondary school
- recreation area
- supported accommodation.

**2 Development listed as non-complying is generally inappropriate.**

**3 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible in form, scale and design with adjoining residential development.**

**4 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:**

- (a) serves the local community
- (b) is consistent with the character of the locality



(c) does not detrimentally impact on the amenity of nearby residents

(d) will not undermine the efficient operation of nearby centres.

- 5 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.

#### Form and Character

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

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

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

**Public Notification**

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

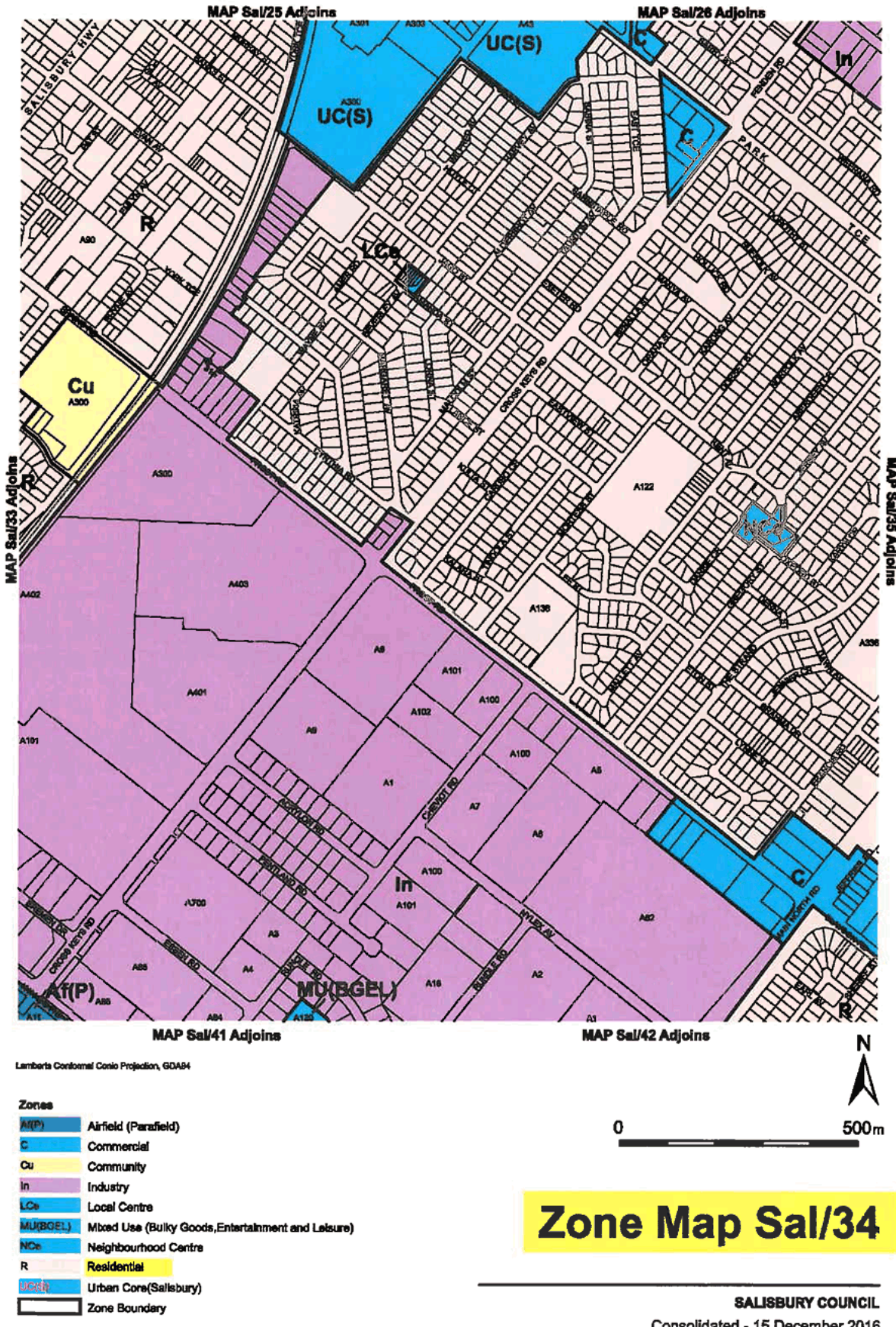
## Table Sal/2 - Off Street Vehicle Parking Requirements

The following vehicle parking requirements do not apply:

- (a) to the Mixed Use (Bulky Goods, Entertainment, Leisure) Zone except where the form of development is light industry whereby the rates for Industry, warehouse, stores are applicable
- (b) to development that is subject to the requirements in [Table Sal/2A - Off Street Vehicle Parking Requirements for Designated Areas](#).

Form of Development	Number of Required Car Parking Spaces
<b>Accommodation</b>	
Aged Care / retirement home	1 space per unit
Serviced apartment	1 space per unit plus 1 space per employee
Motel	1 space per unit
<b>Commercial</b>	
Bulky goods outlet	3 spaces per 100 square metres of gross leasable floor area
Cinema	1 space per 4 cinema seats
Hotel	1 space per 2 square meters of floor area available to the public
Public bar	1 space per 6 square metres of floor area available to the public
Lounge or beer garden	1 space per 6 square metres of floor area available to the public
Gaming room	1 space per 2 machines
Office	1 space per 25 square metres, with a minimum of 4 spaces per office
Restaurant	Greater of 1 space for every 3 seats or 1 space for every 15 square metres of dining area
Service trade premises	3 spaces per 100 square metres
Shop	7 spaces per 100 square metres of gross leasable area for shops outside of centre zones 5 spaces per 100 square metres of gross leasable area for shops within centre zones
<b>Community/civic</b>	
Child care centre	1 space per 4 children
Community centre	10 spaces per 100 square metres of total floor area
Library	4 spaces per 100 square metres
Place of worship	Greater of 1 space for every 3 seats or every 3 attendees
<b>Dwellings</b>	







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<b>ITEM</b>	5.2.1
	<b>COUNCIL ASSESSMENT PANEL</b>
<b>DATE</b>	22 May 2018
<b>HEADING</b>	Planning Reforms - Introduction of an Accredited Professionals Scheme
<b>AUTHOR</b>	Chris Zafiroopoulos, Manager Development Services, City Development
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This report seeks the Panel's endorsement of the submission to a proposed accreditation scheme for professionals in the planning system.

### RECOMMENDATION

1. The report on the *Accredited Professionals Scheme Discussion Paper* be noted and the submission on behalf of the Assessment Panel dated 30 June 2018 forming an attachment to the agenda report be endorsed.

### ATTACHMENTS

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

1. Accreditation Report Circulated by Email on 18 June 2018
2. Submission to Department of Planning, Transport and Infrastructure

### 1. REPORT

- 1.1 The Assessment Panel considered a report which was distributed by email on 8 June 2018 on the *Accredited Professionals Scheme Discussion Paper* released by Department of Planning, Transport and Infrastructure. (Refer to Attachment 1).
- 1.2 Following comments from Members, the submission on the proposed accreditation scheme was submitted by the Assessment Manager on behalf of the Panel on 30 April 2018. (Refer to attachment 2).

### 2. CONCLUSION / PROPOSAL

- 2.1 The report on the *Accredited Professionals Scheme Discussion Paper* be noted and the submission dated 30 June 2018 on behalf of the Assessment Panel be endorsed.

### CO-ORDINATION

Officer: GMCID  
Date: 10.05.18



**ITEM**

**COUNCIL ASSESSMENT PANEL**

<b>DATE</b>	22 May 2018
<b>HEADING</b>	Planning Reforms - Introduction of an Accredited Professionals Scheme
<b>AUTHOR</b>	Chris Zafiropoulos, Manager Development Services, City Development
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This report provides information for Panel's consideration on the introduction by the State Government of a proposed accreditation scheme for professionals in the planning system.

**RECOMMENDATION**

1. The *Accredited Professionals Scheme Discussion Paper* be generally supported with feedback to be provided to the State Government that consideration be given to:
  - a. The training for the accreditation scheme appears to duplicate some industry requirements and will require duplicate registration. Consideration should be given to simplifying this process, perhaps a single registration for both the relevant industry schemes and government scheme.
  - b. The accreditation scheme should consider that a person with less experience will inherently require more training as opposed to a person who has demonstrated core competencies through an extensive career.
  - c. The fees payable to the scheme should have regard to the moderate sitting fees for members on Assessment Panels.
  - d. Clarifying that Local Government Mutual Liability Scheme will cover the professional indemnity insurance for an Assessment Panel Member, otherwise it is likely to considerably reduce the pool of eligible professionals due to the cost of personal professional indemnity insurance.

**ATTACHMENTS**

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

1. Accredited Professionals Scheme Discussion Paper

**1. BACKGROUND**

- 1.1 The Department of Planning, Transport and Infrastructure has released a discussion paper on the introduction of an Accreditation Scheme for professionals in the planning system. The discussion paper outlines how the scheme may

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operate and the government is seeking feedback from stakeholders on the proposal.

- 1.2 The Accreditation scheme is part of the State Government's reforms of the planning system under the Planning, Development and Infrastructure Act 2016. The reforms are being introduced in stages over a five year period.
- 1.3 At this stage, stakeholders are invited to make submission on the discussion paper. The accreditation scheme is to be introduced in mid-2019 with its first application to members on Council Assessment Panels (CAPs). The scheme will be applied to other professional staff from 2020, as the new Planning and Design Code and associated assessment pathways are released.

**2. REPORT**

- 2.1 The proposed accreditation scheme will essentially apply to anyone who undertakes a decision making function for development applications under the Planning and Design Code (planning assessment), and the National Construction Code (building assessment). The scheme does not however apply to members on the State Commission Assessment Panel, who assess the most complicated developments.
- 2.2 The government has stated that the accreditation scheme is being introduced for the following reasons:
  - 2.2.1 To have more professional decision making.
  - 2.2.2 To better recognise the role of professionals in the planning system.
  - 2.2.3 To provide more choice for applicants, with the proposal to also introduce a central public register of professionals on the SA Planning Portal.
  - 2.2.4 To have a better system for complaints, investigations and auditing of professionals within the planning system.
- 2.3 The accreditation process will require an accredited professional to demonstrate an appropriate qualification and level of experience. Existing industry schemes will be recognised in the proposed regulations, allowing a person to choose between the proposed government scheme and these other private schemes. The discussion paper identifies existing industry bodies likely to transition into the scheme and industry bodies in allied fields that may be relevant for Assessment Panel Members.
- 2.4 Thereafter, there will be a requirement to maintain ongoing training and development. The training and development requirements are likely to operate similar to current industry continuing professional development (CPD) requirements. It is not intended to create an onerous CPD process; however it appears that a professional may need to be registered under two schemes – their industry scheme & the government scheme.
- 2.5 An annual renewal of a person's accreditation is proposed to monitor compliance with the accreditation requirements. It is proposed to utilise the Planning Portal for members to record CPD points and renew registration.



## ITEM

- 2.6 The relevant qualification for Assessment Panel Members is broadly defined as a planning qualification or allied field, with the person having a minimum of two years full time experience.
- 2.7 A minimum level of demonstrated core competency is important for an effective Panel to promote good decision making. This is both in the particular professional discipline and a statutory role as a decision maker on a panel. The proposed training program will seek to meet these requirements and it is intended that a minimum level of core competencies will be required for respective role. See below.

### Core Competency Units

- Vary depending on Accreditation Level
- Address identified gaps in knowledge

#### Examples of core competencies

<b>Assessment Manager</b>	Design (3 units) Development Assessment (3 units) Governance (1 unit) Area of choice (1 unit)	<b>Level 1 Building Certifier</b>	<ul style="list-style-type: none"> <li>• Using Performance Based Code</li> <li>• Good Record Keeping</li> <li>• Legislative responsibilities</li> <li>• Conflict of Interest</li> <li>• Use of consent conditions</li> <li>• Energy Efficiency</li> <li>• Premises Standards &amp; DDA</li> <li>• Bushfire requirements</li> </ul>
<b>Assessment Panel Member</b>	Understanding Legislation (3 units) Development Assessment (3 units), Design (1 unit) Area of choice (1 unit)	<b>Level 2 Building Certifier</b>	
<b>Planning Accredited Professional</b>	Governance/Good Decision-Making (4 units) Design (3 unit) Area of choice (1 unit)	<b>Level 3 Building Certifier</b>	
<b>Land Division Accredited Professional</b>	Planning (2 units) Governance (2 units) Project Management (2 units) Land Division (2 units)	<b>Building Inspector</b>	

- 2.8 The professional codes of conduct and professional standards will be regulated by the government and possibly administered by Consumer and Business Services. Appeals against decisions will be considered by another independent body and it is suggested that this could be the South Australian Civil and Administrative Tribunal.

#### Matters for consideration

- 2.9 The following matters are considered to be of particular relevance to the Assessment Panel.
- 2.10 The proposed accreditation scheme is proposed to be introduced in mid-2019 and a six month period will be provided for members to become accredited. This timeframe aligns with the current term for the independent members on the Salisbury CAP which concludes on 31 May 2019.
- 2.11 While not intended to be a complicated and onerous system, the proposed training for accreditation requirements appear to duplicate industry requirements and will require duplicate registration. Consideration could be given to simplifying this process, perhaps a single registration for both the relevant industry schemes and government scheme.
- 2.12 The scheme should consider that a person with less experience will inherently require more training as opposed to a person who has demonstrated core competencies through an extensive career.
- 2.13 Fees payable to contribute to the costs of the scheme, which are still to be determined, should have regard to moderate sitting fees for members on

ITEM

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Assessment Panels. It is possible that fees for training and accreditation could exceed or represent a substantial proportion of the remuneration for Panel members.

- 2.14 The discussion paper indicates that the proposed accreditation scheme will require accredited professionals to have professional indemnity insurance and it has been suggested that Local Government Mutual Liability Scheme will cover Assessment Panel Members. This reflects the existing arrangements but should be clarified.

**3. CONCLUSION / PROPOSAL**

- 3.1 An accreditation scheme to improve the professional standards in the planning system is generally supported. The Panel may wish to consider a submission and a recommendation is provide for consideration.

**CO-ORDINATION**

Officer: GMCID  
Date:



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30 April 2018

Department of Planning, Transport and Infrastructure

By email: DPTI.PlanningEngagement@sa.gov.au

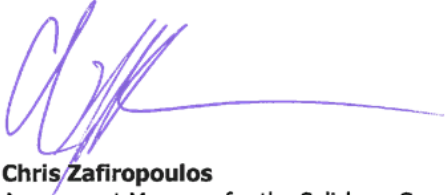
Dear Sir / Madam

**Re: Accredited Professionals Scheme Discussion Paper**

Thank you for the opportunity to make a submission on the Accredited Professionals Scheme Discussion Paper. The Salisbury Council Assessment Panel has considered the discussion paper and resolved to make the following submission on the proposed scheme:

- *The training for the accreditation scheme appears to duplicate some industry requirements and will require duplicate registration. Consideration should be given to simplifying this process, perhaps a single registration for both the relevant industry schemes and government scheme.*
- *The accreditation scheme should consider that a person with less experience will inherently require more training as opposed to a person who has demonstrated core competencies through an extensive career.*
- *The fees payable to the scheme should have regard to the moderate sitting fees for members on Assessment Panels.*
- *Clarifying that Local Government Mutual Liability Scheme will cover the professional indemnity insurance for an Assessment Panel Member, otherwise it is likely to considerably reduce the pool of eligible professionals due to the cost of personal professional indemnity insurance.*
- *Assessment Panel Members are required to make planning judgements on the most complex and controversial of the code assessed developments. These are subjective judgements that require weighting to be applied to primary qualitative criteria in the context of a proposed development in a locality. While this competency may be developed with a relevant qualification and some level of experience, it is also developed with a career spanning a professional contribution to hundreds of complex and controversial developments. The accreditation scheme should recognise a person with an extensive level of experience and who may not necessarily have a prescribed planning qualification. Furthermore, training should develop the capabilities of a person in making qualitative judgements and distinguishing the key planning issues from other considerations in their role as an Assessment Panel Member.*

Yours sincerely



**Chris Zafiropoulos**

Assessment Manager for the Salisbury Council Assessment Panel

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<b>ITEM</b>	5.2.2
	<b>COUNCIL ASSESSMENT PANEL</b>
<b>DATE</b>	22 May 2018
<b>HEADING</b>	Status of Current Appeal Matters and Deferred Items
<b>AUTHOR</b>	Aaron Curtis, Team Leader - Planning, City Development
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making. Choose an item. Choose an item.
<b>SUMMARY</b>	This item provides an update on the status of current appeal matters and deferred items.

**RECOMMENDATION**

1. Information be received.

**ATTACHMENTS**

There are no attachments to this report.

<i>Applicant</i>	<i>Matter</i>	<i>Status</i>
Shia Community of SA, 256-258 Bridge Road, Pooraka  (361/1549/2016)	Third Party appeal against CAP decision on (28 February 2017) to approve Place of Worship	ERD Court hearing took place on 21-23, 26 June 2017 and 8-10 August 2017.  The Court intends to approve the development but the determination is not yet finalised as the Court has requested submissions from all parties on the conditions to be applied to an approval before it issues its determination.  The Court has adjourned the matter until 10 May 2018 to enable further plans/details to be prepared by the applicant which will influence final conditions.  A verbal update will be provided at the meeting.

ITEM 5.2.2

Item 5.2.2

United Sikhs, 701-709 Port Wakefield Road, Globe Derby Park  (361/1144/2016)	Applicant appeal against CAP decision on (24 October 2017) to refuse Community Facility.	Conference held 15 January 2018. Matter adjourned until 14 May 2018.  Proponent is considering options including a compromise proposal for consideration by CAP.  A verbal update will be provided at the meeting.
GIC Kings Road Pty Ltd, 1460 Main North Road, Salisbury South  (361/1589/2017)	Mixed Use Retail and Entertainment Complex deferred by CAP on 27 February 2018 to seek review of Vipac wind shear report by CASA.	Report forwarded by Council staff to CASA. CASA has requested quantitative modelling. Applicant has engaged consultant to prepare report. Awaiting report from applicant.

**CO-ORDINATION**

Officer: GMCiD MDS  
Date: 10.05.18 10.05.18