



AGENDA

PUBLIC HEARING

RURAL (AIRCRAFT NOISE) DIREK INDUSTRY AND RESIDENTIAL INTERFACE DEVELOPMENT PLAN AMENDMENT

CONVENED BY THE POICY AND PLANNING COMMITTEE

**TO BE HELD ON 18 JUNE 2018 AT 5:30 PM IN THE COUNCIL CHAMBER,
12 JAMES STREET, SALISBURY**

MEMBERS

Cr D Pilkington (Chair)
Mayor G Aldridge
Cr D Balaza
Cr S Bedford
Cr B Brug
Cr C Buchanan
Cr G Caruso
Cr L Caruso
Cr R Cook
Cr S Reardon
Cr D Proleta
Cr G Reynolds
Cr S White
Cr R Zahra

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
General Manager City Infrastructure, Mr M van der Pennen
General Manager Community Development, Ms P Webb
Manager Governance, Mr M Petrovski
Manager Communications and Customer Relations, Mr M Bennington
Governance Support Officer, Ms K Boyd

APOLOGIES

Apologies have been received from Cr J Woodman, Cr D Bryant and Cr E Gill

REPRESENTATIONS

| | |
|----|-------------|
| 1. | K & I Gavin |
| | |

CLOSE

Information Sheet

CITY OF SALISBURY



Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment

Monday 23rd April to Friday 15th June 2018

Community Consultation

Background

The City of Salisbury is investigating the land use policies and zones affecting land in Burton and Direk mainly zoned as Primary Production south of the Edinburgh Airfield RAAF Base.

Reviews of the land potential has resulted in the consideration that it is advantageous to link into the adjacent Greater Edinburgh Parks employment lands and the Edinburgh RAAF Airfield and Defence precinct and change the Primary Production Zone to Urban Employment Zone.

This has also taken into account Federal Government initiatives regarding airport operations, more particularly the National Airports Safeguarding Framework which has been created to control land use policies around airports, and also coincided with a new Airport Noise modelling exercise in response to updated Defence operations for the Edinburgh base and runway extension.

The proposed policies have been prepared to have regard to the airport operations and Federal Government aviation guidelines.

The Development Plan

The Development Plan helps to shape the future of the Council area by establishing planning policies for the City.

The Development Plan is a document which establishes a legal framework to guide all future development in the Council area. It is used by Council and State Planning authorities to assess whether development proposals are appropriately located and meet specific design guidelines.

The Affected Area

The DPA affects the area south of the runway that is within the Primary Production Zone, the Open Space Zone (Kaurna Park) the Rural Living Zone adjacent the rail line, the Neighbourhood Centre Zone at Burton, and portion of the Urban Employment Zone adjacent the rail line and Helps Road. (see map).

Reason for the DPA

The DPA has been initiated to update the zoning and policies of the Development Plan to recognise :

- the linkages to major freight networks
- Access to transport distribution facilities
- Edinburgh RAAF Airfield updated operations and Defence precinct
- The adjacent Greater Edinburgh Parks industrial estate
- Federal Government Guidelines for the National Airports Safeguarding Framework

Proposed DPA Changes

The DPA proposes the following key changes to Council's Development Plan:

- Rezone the Primary Production Zone to Urban Employment Zone and use the Urban Employment Zone policy module in the study area.
- Make dwellings non-complying in the Urban Employment Zone unless associated with industry and for short term accommodation, or if for alterations and additions to existing dwellings, and if located in Precinct 19
- Update Overlay maps Sal/9 and Sal/10 Strategic Transport Routes
- Include in the Residential Zone the portion of the property at the corner of Waterloo Corner Road and Bolivar Road (Wholesale Plant Nursery) that is identified as being less than 20 ANEF contour (airplane noise impact measurement)
- Include the portion of the Plan Nursery site that is above the 20 ANEF contour into the Neighbourhood Centre Zone
- Amend Waterloo Corner Road Neighbourhood Centre Zone to incorporate additional land for bulky goods retails purposes and parking, and amend associated Concept Plan Map Sal/11.

- Amending existing Concept Plan Map Sal/6 to identify building height restrictions of 7.5m and 15m, a Limited Development Area and a Runway Public Safety Area over the portion of the study area immediately to the south of the runway. The requirement to recognise an 100m extension to the southern runway end impacts on an adjacent portion of Urban Employment Zone land as a result of the changed controls for the airport operations. This affected area was not in the original study area.
- Introducing a Concept Plan showing preferred vehicle access arrangements to part of the Urban Employment Zone of the study area, and restrictions to the adjoining Residential Zone
- Correction to the Building Near Airfields general policy to reference Australian Standard AS2021 in place of AS2022.
- Consequential changes to the remaining Primary Production Zone policies.
- Mapping updates as required

Viewing the DPA

Copies of the DPA are available for review at the following locations:

- City of Salisbury offices at 12 James Street, Salisbury.
- Len Beadell Library, John Street, Salisbury
- Burton Community Centre 386 Waterloo Corner Road Burton
- Polaris Centre – Innovation House, Park Way, Mawson Lakes

The DPA can also be viewed online at:

http://www.salisbury.sa.gov.au/Build/Developments/Development_Plan_Amendments

Information Session

A drop-in style information session where staff will be available to discuss the DPA with individuals will be held between 2:00pm until 4:00pm on Friday 11th May 2018 at the Burton Community Centre, 386 Waterloo Corner Road Burton.

Submissions

All written submission must be made to Council by 4.30pm Friday 15th June 2018.

Written submissions should be addressed to:

John Harry
Chief Executive Officer
City of Salisbury
PO Box 8
Salisbury SA 5108

If you wish to lodge your submission electronically, please direct the email to city@salisbury.sa.gov.au

Your submission should indicate whether you wish to speak at a Public Hearing to be held at the City of Salisbury Council Chambers on Monday 18th June 2018 at 5.30pm concluding at 6.30pm.

The Public Hearing will not be held if no written submissions are received or if no written submissions make a request to be heard.

Copies of all submissions received during the public consultation period will be available for review by the public at the Council Office and website as they are submitted until the day of the public hearing.

What happens next?

Following the consultation process and review of the submissions, Council will consider whether to proceed with the DPA as publicly exhibited, make amendments to the DPA as a result of submissions or not proceed further with the DPA. If Council decides in favour of either of the first two options, the DPA is then forwarded to the Minister for Planning seeking his final approval.

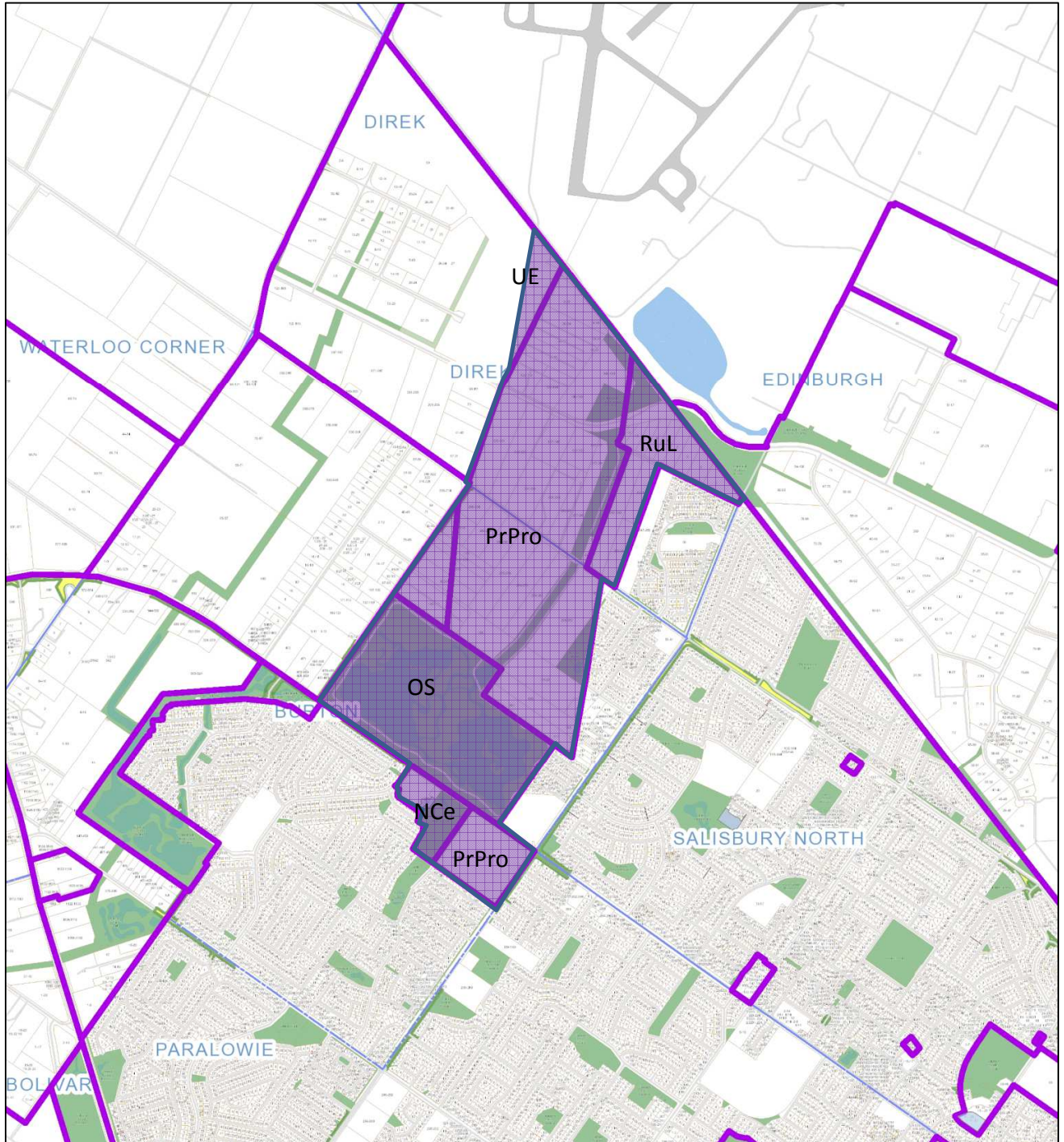
Further Details?

If you have any questions about this project, please contact Peter Jansen, Principal Planner- Land Use Policy on 8260 8148 or at pjansen@salisbury.sa.gov.au

Attached mapping:

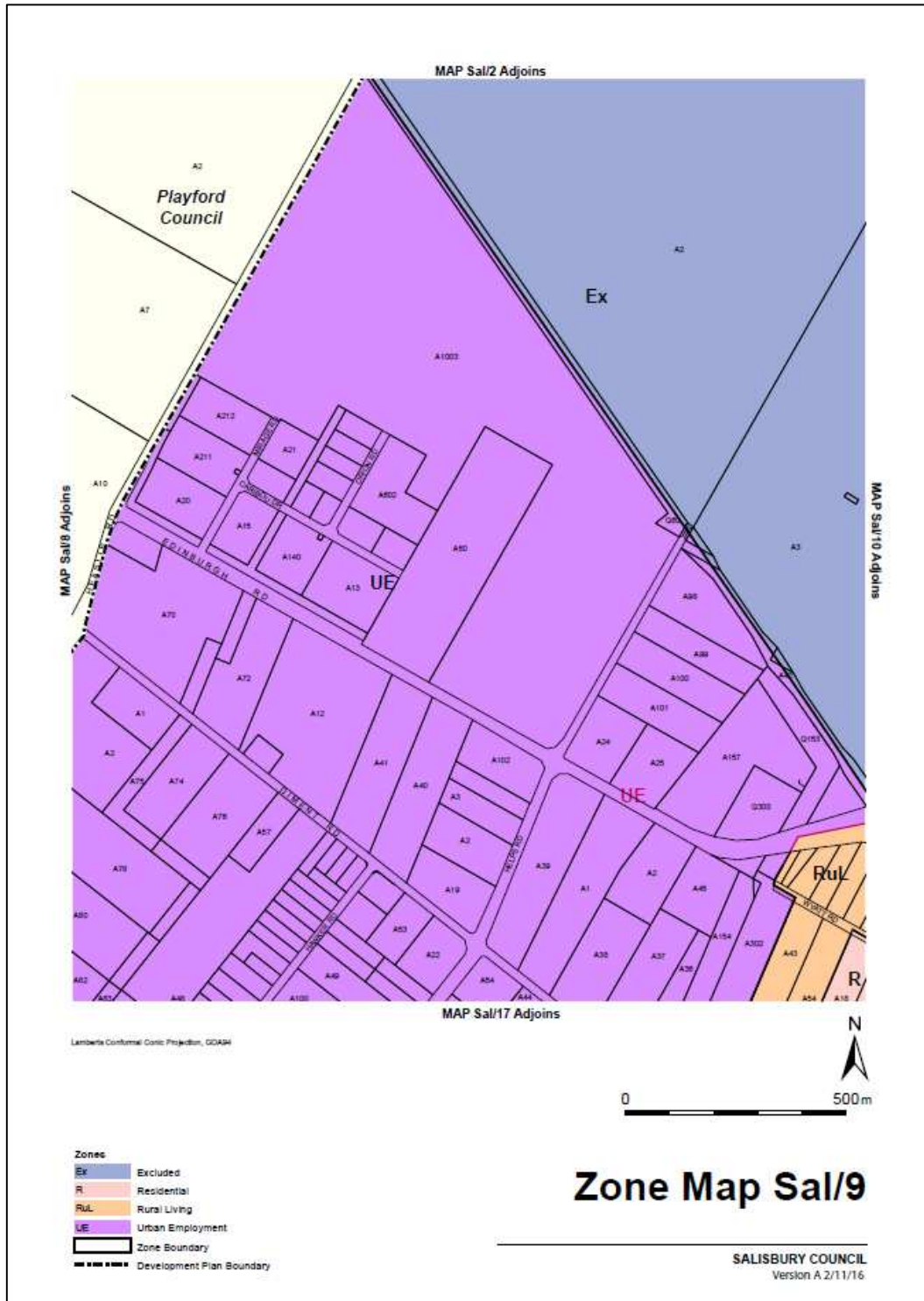
DPA affected area
Proposed Zones

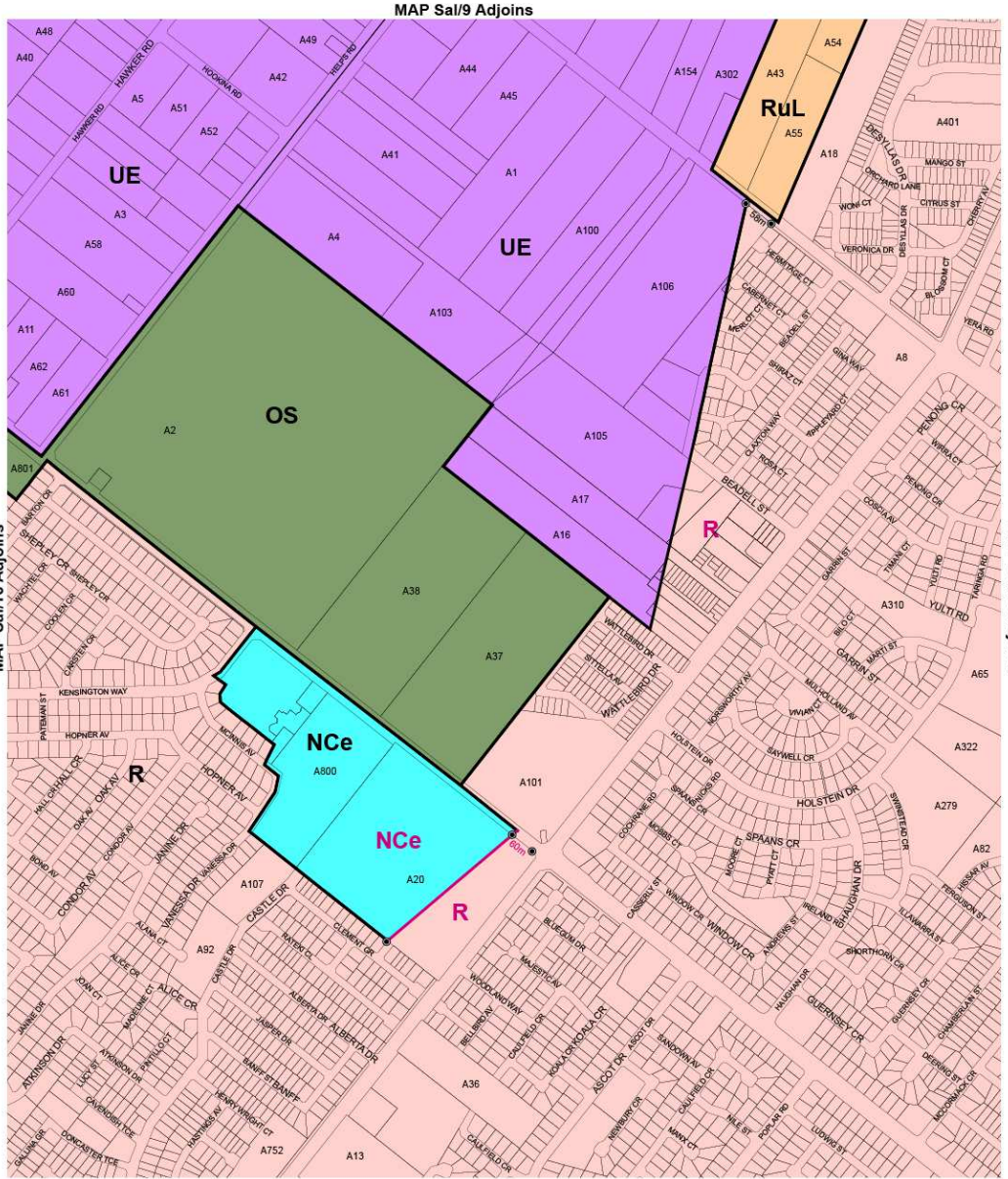
Map of DPA Affected Area



| | |
|-------|---------------------------|
| PrPro | Primary Production Zone |
| RuL | Rural Living Zone |
| UE | Urban Employment Zone |
| OS | Open Space Zone |
| Nce | Neighbourhood Centre Zone |

Proposed Zones





MAP Sal/16 Adjoins

MAP Sal/18 Adjoins

MAP Sal/9 Adjoins

MAP Sal/23 Adjoins

MAP Sal/24 Adjoins

Lamberts Conformal Conic Projection, GDA94



- Zones**
- NcE Neighbourhood Centre
 - OS Open Space
 - R Residential
 - RuL Rural Living
 - UE Urban Employment
 - Zone Boundary

Zone Map Sal/17

SALISBURY COUNCIL
Version B 08/01/18

Rural (Aircraft Noise) Direk Industry and Residential interface
Development Plan Amendment

Summary of Public Submissions
Public Hearing 5.30pm Monday 18th June 2018 Council Chambers

| | Submitter | Comments |
|----|---|---|
| 1. | K & I Gavin 16 Beadell Street Burton | <p>Their land is currently a combination of Primary Production Zone and Residential Zone.</p> <p>Change of the Primary Production Zone to Urban Employment Zone would further restrict development opportunities due to a 50m buffer, and should be a compensable situation.</p> <p>Both Primary Production and Urban Employment Zone over the land do not result in a usable size for either Zone intended uses.</p> <p>Should be determined why DPTI and Defence imposed restriction on their land when the site complies with the legal framework of the Australian Standard 2021 and NASF Guidelines.</p> <p>Potential residential development of 6 houses over the Gavin land could not be determined as inappropriate development (under the Australian Standard and NASF Guideline) and should not be denied rezoning.</p> <p>Is the concern of compensation the reason Defence denies development rights over the land?</p> <p>Defence should consider the impact they have created</p> <p>Defence accepting Urban Employment would congregate thousands of workers but additional residential of a few residents is denied because of the impact on the RAAF Base operations.</p> <p>Local, State Government and Defence have an ad-hoc approach to development around the Base and appears to be double standards that benefit developers, business owners and State's employment land supply target and less opportunity for small private land owners.</p> <p>DPA proposes Primary Production to Urban Employment Zone for our land but it is not the best option for our residential property and results in devaluation while Heyne land is to be zoned Neighbourhood Centre.</p> <p>Vicinity Industries had aircraft noise zone moved off their land in 2008.</p> <p>Proposed for staff to have discussion with DPTI to have policies included to better protect existing residential land uses.</p> |

Rural (Aircraft Noise) Direk Industry and Residential interface
Development Plan Amendment

Summary of Public Submissions
Public Hearing 5.30pm Monday 18th June 2018 Council Chambers

| | | |
|----|--------------|--|
| | Supplemental | <p>No confidence in Government policies to protect land from Urban Employment when already impacted severely by industry built without approval encroaching our land less than 30m from Residential Zone boundary.</p> <p>Earlier Option to retain Primary Production Zone land for the land between the existing Residential Zone and proposed Urban Employment Zone to be of sufficient area to be physically and economically viable as primary production. This was never afforded to our land when rezoned to Primary Produce in 2013.</p> <p>Land denied Residential zoning without common sense justice and should now be assessed on its merits in accordance with legal framework of the AS2021, NASF guidelines and Governments Development Plans.</p> <p>Response letter from Minister for Defence Hon Marise Payne in response to Petition to House of Representatives Canberra.</p> <p>Indicates that Defence does not have authority to approve rezoning of the land as it is a Council and DPTI matter.</p> <p>Property is within the 20-25 Australian Noise Exposure Forecast contour, and residential development is "conditionally acceptable" within this contour.</p> <p>Defence acknowledges existing residential development, but does not support more residential development as it would expose even more householders to aircraft noise.</p> <p>Defence wishes to maintain a low density of land uses along flight paths close to runways and is working with all levels of government to develop a guideline on Public Safety Zones.</p> <p>Defence advises that it will not pay compensation for a decision when the City of Salisbury is the consent authority.</p> <p>PFAS investigations show samples at your property have returned results below the reporting level and therefore has no effect on future development.</p> |
| 2. | x | |
| 3. | x | |

SUBMISSION – PUBLIC CONSULTATION – CITY OF SALISBURY

RURAL (AIRCRAFT NOISE) DIREK INDUSTRY AND RESIDENTIAL INTERFACE DPA

KAREN GAVIN WISHES TO SPEAK AT THE PUBLIC HEARING –

Monday 18 June 2018

Karen & Ian Gavin

16 Beadell St, BURTON

To: John Harry

Chief Executive Officer

City of Salisbury, PO Box 8, SALISBURY SA 5108

GAVIN LAND

Our land of 2 acres consists of 2 zones in the 20-25 ANEF Contour, currently Residential/Primary Produce as a result of DPTI's 2013 Better Development Plan change to the Aircraft Noise Zone. As a result of this DPA, proposed changes will see over half our Residential Use Land rezoned to Urban Employment, further restricting more development opportunities incorporating a 50m Buffer and should be considered compensable as a result of Local and State Governments diminishing our property value to fulfil their employment targets and Defence stating this portion of our land just 30-60m wide if rezoned to Residential will impact operations of the RAAF Base, Edinburgh due to noise and safety issues created from developing approximately 6 houses.

Primary Produce and Urban Employment on our land size and location does not meet the objectives of Local and State Government Development Plans which is a legal framework to guide future developments and assess whether development proposals are appropriately located yet this has not been applied to our land.

The strict compliance on our land resulted in our allotment being bisected by the zone boundary which would have rendered it impossible to use for Urban Employment Zone due to its size and lack of access. Our Residential Zone would be severely limited in its residential use. (Reference: Letter from Council to Minister dated 20 July 2017)

DPTI described our land as a 'unique situation' but refused rezoning in support of Defence.

Defence advised that it did not support any additional land that was zoned Residential but did advise that it was for DPTI to resolve the final alignment.

It should be determined why DPTI and Defence impose a blanket prohibition on our land that complies with the legal framework of the AS2021 and NASF guidelines.

① *thg*

According to National Airport Safeguarding Framework (NASF) – “In locations considered ‘marginal in terms of exposure to aircraft noise, a case-by-case assessment of development proposals could be used.”

FEDERAL GOVERNMENT GUIDELINES

Our land meets the Australian Federal Government policies and guidelines criteria and Residential development is acceptable and should be approved or at least a resolution of compensation as a landowner affected by this zone.

AS20-21 – is the current Australian Government policy in response to the House of Representatives Select Committee and is the current prescribed method used in land use planning. Which states 20-25 is ‘Conditionally Acceptable’.

NATIONAL AIRPORTS SAFEGUARDING FRAMEWORK – Introduced by the Federal Government and our land complies with their policies and should not be denied rezoning when guidelines designed by the Federal Government are met.

“DEFENCE opposes ‘INAPPROPRIATE’ development around their bases because it exposes new homeowners to aircraft noise, and may limit opportunities to mitigate against noise impacts in the future.” (Attachment 1: Australian Government Department of Defence – Understanding ANEF Maps)

6 houses developed on our land that meets the AS2021 and NASF guidelines could not be determined as ‘INAPPROPRIATE’ development so should not be denied rezoning.

DEFENCE

(Reference: Letter from Royal Australian Airforce TO Department of Infrastructure, Transport, Regional Development and Local Government/Canberra dated August 2009):

“Defence commends the Department for identifying a list of developments that should be restricted at either end of airfield runways, but suggests that such developments be re-classified as ‘recommended non-permitted uses’ as opposed to ‘restricted uses’, as the latter may encourage existing land owners to seek compensation for the loss of development rights ‘recommended non-permitted uses’ would be less likely to attract claims for compensation than a regime that imposes blanket prohibition.”

Is concerns of compensation more the reason for Defence denying complying lands their development rights?

Defence continually change reasons for denying our land rezoning and how our land could impact them. (Reference: Letter/Email to Gavins from Defence dated 1 June 2016/1 May 2018)

- (a) New home owners exposed to noise and complaints would constrain their operations
 - 100 new houses and sub-divisions still developing near our land in the same 20-25 ANEF without the ‘Conditionally Acceptable’ acoustics but Defence have no concerns.
- (b) New home owners to 6 houses on our land would be exposed to noise while they sleep.
- (c) Adverse impact on the ability to enjoy outdoor living.

- Houses of today are built without backyards and our land is surrounded by Kuarna Park walking trails, sports ovals and playgrounds closer to the runway, under the approach/departure zone and well and truly outdoor activities.
- (d) Our land is a safety risk
- It is just 30-60m wide the approximate wing span of their aircraft and takes over 800m to land and in a catastrophic event would engulf development way beyond our fence line.
 - Is not located in Qld Based Public Safety Zone.
- (e) Is approximately 2km from the southern end of the runway.
- So is 120 hectares of proposed Urban Employment directly under the approach/landing zone.

Defence should actually consider the impact they have created on our land located within their PFAS Contamination Investigation area which is far worse than our land would create on them.

Defence determine RESIDENTIAL and INDUSTRIAL development is not permitted.

Name it Urban Employment and approval is successful over hundreds of hectares over 2 councils surrounding this airbase whilst congregating thousands of workers.

But land just metres wide which could accommodate a few residents is denied Residential rezoning because that is what will impact on operations of the RAAF Base.

Local and State Governments and Defence have a very ad hoc approach to development around the airbase and there appears to be double standards controlling land use policies that benefit developers, business owners and the State's employment land supply target and less opportunities for small private landowners in this Study Area.

The intentions of this DPA was to change the Primary Production Zone to Urban Employment yet our land is debilitated with Urban Employment on our Residential Use Land which was not our best option and will result in significant devaluation of our land whilst Heyne's is zoned Neighbourhood Centre Zone because it was a better option for them considering the restrictions from the airport.

In the 2008 Rural (Aircraft Noise) Direk Industry DPA, Heyne's was not suitable for an industrial zone so it was determined to be examined in greater detail by Council's Residential/Population Strategy whilst nearby landowners requesting residential rezoning were denied.

Our land has consistently been debilitated by 2 zones on just 2 ACRES leaving no effective use left. Yet the 2008 DPA saw Vicinity Industries of 100 HECTARES have the aircraft noise zone moved off their land to enable a more effective use of their land ownership which in part straddled between 2 zones.

INTERFACE BETWEEN LAND USES

(Reference: Policy and Planning Report dated 22 January 2018) – “It is proposed that during the public consultation period for the DPA, staff will discuss with DPTI options for local variations to be included in the policies which better protect existing residential land uses”.

This clearly indicates the isolated and unique situation of our land and strongly indicates Urban Employment Zone encroaching our Residential Use Land should be removed if it does not already have policies in place to protect it.

There is no confidence in Government policies to protect our land and lifestyle from Urban Employment when already we have been impacted severely by an industry built without approval encroaching our land less than 30m from our Residential Zone boundary resulting in 4 years of our appeals to apply policies that were already in place.

Another example of our land being impacted by decisions that favour businesses over private landowners.

(Reference: Policy and Planning Committee Agenda dated 18 April 2016) – “Option 2 is to retain a buffer area that will allow some development rights.An option therefore is to retain the Primary Production Zone for the land between the existing Residential Zone and a proposed Urban Employment Zone. However the Primary Production Zone would need to be of sufficient area to be viable physically and economically as land for primary production.”

This was never afforded to our land when DPTI zoned it Primary Produce in 2013 and it is certainly not applying again in this DPA with Urban Employment.

Another example of our land being impacted by decisions that favour surrounding lands.

CONCLUSION

Our land has been denied Residential zoning without common sense justice and should now be assessed on its merit in accordance with the legal frame work of the AS2021, NASF guidelines and Governments Development Plans.

Our land should not be denied Residential zoning on the basis of what other lands are denied when it is evident the enormous amount of opportunities denied to us that others have been afforded.



Australian Government
Department of Defence

Understanding ANEF Maps

ANEF modelling gives a forecast of aircraft noise exposure for a future year.

The results of ANEF modelling are drawn onto maps as noise exposure contours. ANEF maps show these contours displayed in 20, 25, 30, 35 and 40 ANEF units, with higher contour numbers representing larger cumulative amounts of aircraft noise over an average one-year period. The ANEF units are not decibel measurements - they are contours based on community reaction to aircraft noise.

Town Councils use the ANEF Maps that Defence publishes to apply the *Australian Standard 2021 2000 Acoustics - Aircraft Noise Intrusion - Building Sitting and Construction* to determine if the site is suitable for residential, commercial or industrial development.

ANEF maps are used by local planning authorities (usually Town Councils) near military airfields and civilian airports to identify whether land is suitable for development. The higher the ANEF value the more likely it is that the *Australian Standard* will recommend that Councils avoid residential (housing) developments.

* Defence opposes inappropriate development around our bases because it exposes new homeowners to aircraft noise, and may limit opportunities to mitigate against noise impacts in the future.

Review of Australian Standard AS2021:2015

In May 2013 Standards Australia announced a decision to review aspects of AS2021:2015. The scope consists of updating aircraft fleet details, reviewing the applicability of the standard to small airports and explaining the procedures to develop an ANEF.

Further information about the review is available from the Department of Infrastructure and Transport.

Attachment 1

SMY

Karen & Ian Gavin

16 Beadell St, BURTON

I have been requested by Council to submit this letter as an addition to our Submission for Public Consultation/Rural (Aircraft Noise) Direk Industry and Residential DPA from Minister for Defence/Hon Marise Payne.

The letter is in response to my single signature Petition to House of Representatives Canberra which was presented to the House and referred to the Minister for Defence for response. It did not arrive until after we lodged our Submission.



Karen Gavin

5/5/2018



**Senator the Hon Marise Payne
Minister for Defence**

MC18-000193

Ian and Karen Gavin
16 Beadell Street
BURTON SA 5110

Dear Mr and Mrs Gavin

Thank you for your representation of 21 January 2018 regarding zoning of your land. I apologise for the delay in responding.

The Department of Defence provided comment on the proposed rezoning proposal to the City of Salisbury Council and the South Australian Department of Planning, who invited comments on their draft Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment (DPA). Defence does not have the authority to approve or reject the rezoning of your land. A rezoning proposal by Salisbury Council needs to be approved by the South Australian Department of Planning, Transport and Infrastructure.

I am advised that your property is within the 20-25 Australian Noise Exposure Forecast contour for RAAF Base Edinburgh and is frequently overflowed by military aircraft, including at night and on weekends. As you highlight, residential development is "conditionally acceptable" within this contour under Australian Standard 2021:2015, however, it requires the installation of significant noise insulation in new dwellings. Noise impacts outside the dwellings cannot be attenuated.

Defence acknowledges that residential development already exists on properties near you. Nonetheless, Defence does not support more residential development in close proximity to RAAF Base Edinburgh, as this would expose even more householders to high levels of aircraft noise.

Furthermore, Defence wishes to maintain a low density of land uses along the flight paths close to its runways. There is an inherent risk of accident in locations such as this, as aircraft are most vulnerable to incidents while flying at low speed and at low level. Defence is working closely with officials from all levels of Australian Government to develop a guideline on Public Safety Zones for civil airports and military airbases with the aim of reducing the already low risk of an aircraft incident affecting people, who live, work or travel in close proximity to military airbases.

Regarding your concerns about compensation, I am advised that Defence will not pay compensation for a rezoning decision for which the City of Salisbury is the consent authority.

In relation to Per- and poly-fluoroalkyl substances (PFAS), I have been advised that the Defence PFAS Investigation team have undertaken soil testing at your property and all samples have returned results below the reporting level. On this basis, PFAS has no effect on the future development of your site.

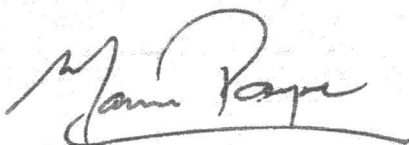
Should you require further information, you are welcome to approach the Defence point of contact for this matter using the details below:

Ms Sonya Dare
Director Land Planning and Regulation
Department of Defence
PO Box 7902
CANBERRA BC ACT 2610

Telephone: 02 6266 8291
Email: sonya.dare@defence.gov.au

I trust this information is of assistance.

Yours sincerely



MARISE PAYNE

17 MAY 2018