

<b>DEVELOPMENT NO.:</b>	22032584
<b>APPLICANT:</b>	Samuel Long
<b>ADDRESS:</b>	53-59 Carrington Street, Adelaide SA 5000
<b>NATURE OF DEVELOPMENT:</b>	Change of use to place of worship
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Capital City</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Hazards (Flooding – Evidence Required)</li> <li>• Noise and Air Emissions</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Design</li> <li>• Heritage Adjacency</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) (Maximum building height is 53m)</li> <li>• Minimum Building Height (Metres) (Minimum building height is 27m)</li> </ul>
<b>LODGEMENT DATE:</b>	26 September 2022
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.17 -15 September 2022
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Edouard Pool - Senior Planner
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Traffic

## CONTENTS:

<b>ATTACHMENT 1:</b>	<b>Application Documents</b>	<b>ATTACHMENT 5:</b>	<b>Representations</b>
<b>ATTACHMENT 2:</b>	<b>Subject Land Map</b>	<b>ATTACHMENT 6:</b>	<b>Response to Representations</b>
<b>ATTACHMENT 3:</b>	<b>Zoning Map</b>	<b>APPENDIX 1:</b>	<b>Relevant P&amp;D Code Policies</b>
<b>ATTACHMENT 4:</b>	<b>Representation Map</b>		

All attachments and appendices are provided via Link 1 [here](#).

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representor**

- Barbara Chamberlain of 305/18 Surfleyn Street, Adelaide
- Amanda Cao of 42 Wembley Avenue, Bridgewater
- Kveta Jackson of 10 Surfleyn Street, Adelaide
- Triton Tunis-Mitchell of L1, 60 Halifax Street, Adelaide
- Charlotte Hornsey of 26 Hallett Street, Adelaide
- Andrew Humby on behalf of 61-63 Carrington Street, Adelaide

### **Applicant**

- Samuel Long (Applicant) and Simon Channon (of URPS on behalf of Applicant)

## **1. DETAILED DESCRIPTION OF PROPOSAL**

- 1.1 Change of use from showroom and office to place of worship consisting of the:
- closure of three existing doors facing Carrington Street and conversion to windows
  - creation of recessed main entry to Carrington Street and retention of existing roller door
  - installation of bicycle racks for visitors and members
  - creation of a large central worship room with stage
  - construction of foyer with café
  - construction of youth room, children's room, administration offices, toilets and storage area.

## **2. SUBJECT LAND & LOCALITY**

### **Subject Land**

- 2.1 The subject site is located adjacent the south eastern corner of Carrington and Surflen Streets. The existing building occupies the entirety of the site and has a primary frontage of 29.5 metres to Carrington Street, and a secondary street frontage of 24 metres to Surflen Street. The building abuts a right of way to a private car park to the south, associated with the building located at 61-63 Carrington Street.
- 2.2 The existing building is single storey with a masonry block warehouse appearance along Surflen Street and large showroom type windows and doors on the Carrington Street frontage. The building has a chamfered corner at the junction of Surflen Street and the right of way accommodating a roller door.

### **Locality**

- 2.3 The locality is comprised of a relatively low scale mix of commercial and residential land uses, together with contemporary high scale residential development constructed in recent years including Penny Place to the north, a seven level apartment building at 18 Surflen Street to the south and Tom's Hotel to the west near King William Street.
- 2.4 Commercial premises line Carrington Street, with residential uses predominating in adjacent side streets.
- 2.5 The public realm is characterised by established street trees lining both sides Carrington Street, paved footpaths and on-street car parks. Surflen Street is a minor street with narrow footpaths and minimal street trees.
- 2.6 The site is located at the interface between the Capital City Zone and the City Living Zone which is located directly to the east.



**Figure 2.1 – Subject site viewed from Carrington Street looking east**



**Figure 2.2 – Subject site viewed from Carrington Street looking west**



**Figure 2.3 - Right of way and rear of the subject building**



**Figure 2.4 – Entrance to private car park located at 61-63 Carrington Street**

### 3. CONSENT TYPE REQUIRED

Planning Consent

### 4. CATEGORY OF DEVELOPMENT

- **PER ELEMENT:**

Place of worship: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code; Place of worship is not listed in Table 1, 2 or 4 and therefore defaults to Table 3 - Code Assessed - Performance Assessed.

### 5. PUBLIC NOTIFICATION

- **REASON**

The proposal is not considered 'minor' in nature and is located adjacent land used for residential purposes in a neighbourhood type zone. The proposal underwent public notification and 15 representations were received during this process.

**TABLE 5.1 – LIST OF REPRESENTATIONS**

No.	Representor Address	Request to be Heard
1	Barbara Chamberlain of 305/18 Surflen Street, Adelaide	Yes
2	Paul Engelhardt of 48/81 Carrington Street, Adelaide	No
3	Yiyu Che, Unit of 310/18 Surflen Street, Adelaide	No
4	David Sinclair of 7/29 St Helena Place, Adelaide	No
5	Amanda Cao of 42 Wembley Avenue, Bridgewater	Yes
6	M Cebo of 261 Pirie Street, Adelaide	No
7	Kveta Jackson of 10 Surflen Street, Adelaide	Yes
8	Becca Gross of 9 Hamilton Street, Somerton Park	No
9	Triton Tunis-Mitchell of L1, 60 Halifax Street, Adelaide	Yes
10	Ben Gardner of 16 Acorn Avenue, Blackwood	No
11	Claire Winther of 43 Avenue Road, Cumberland Park	No
12	Charlotte Hornsey of 26 Hallett Street, Adelaide	Yes
13	Andrew Gard of 2305/17 Penny Place, Adelaide	No
14	Kit P of 22A Anstey Crescent, Marlestone	No
15	Andrew Humby of behalf of 61-63 Carrington Street, Adelaide	Yes

**Table 5.2 – SUMMARY OF REPRESENTATIONS**

<b>Summary of Representations</b>	<b>Applicant Response (Summary)</b>
<p>There are roofs over the right of way for the subject site and 37-39 Carrington Street. These must be protected from damage. Removal of these must be borne by the applicant.</p>	<p>The application does not propose changes that would affect the structure over the top of the laneway at the rear of the land.</p>
<p>There are five split-system air conditioning units for 37-39 Carrington Street and their removal is requested due to unreasonable noise impact.</p>	<p>No response provided.</p>
<p>Air conditioning units must automatically switch off at night.</p>	<p>Any new air conditioning units will be located and designed to ensure compliance with the Environment Protection (Noise) Policy 2007.</p>
<p>The right of way must not be blocked at any time as it serves as a single access for the car park located at 37-39 Carrington Street.</p>	<p>The rear roller door will be used for security purposes only.</p>
<p>Construction noise must be kept below 70db(A) during business hours and 50dB(A) after hours.</p>	<p>No response provided.</p>
<p>The applicant must obtain adequate insurance to cover damage caused to adjacent property arising out of the operation of this use.</p>	<p>No response provided.</p>
<p>Any new windows installed to the rear façade must consist of translucent glazing to prevent overlooking into 10 Surfle Street.</p>	<p>No response provided.</p>
<p>The development must resolve noise output, involve discussion with affected neighbours, with new equipment located to not cause [me] noise concerns. It is imperative sound insulation be installed for the place of worship to protect residential amenity.</p>	<p>The applicant will install measures recommended by Echo Acoustic Consulting including construction of partition walls around the worship space providing an airlock to the public realm, ceiling insulation above the worship space and 40mm thick solid core doors or 10.38mm laminated glass framed doors with rubber seals.</p>
<p>Noise from increased traffic, patrons and from singing at services will affect residential amenity of the apartments in Surfle Street.</p>	<p>Music will be intermittent and will complement services. Music will not play for the entirety or majority of services.</p>
<p>There is no dedicated car parking for patrons meaning attendees will park in surrounding streets. This will cause increased traffic movement with associated decrease in residential amenity from noise, pollution and decreased pedestrian safety.</p>	<p>There is no minimum car parking requirement for uses in the Capital City Zone. Parking for the proposed use can be readily accommodated by existing on-street and publicly accessible car parking areas within the locality.</p>
<p>Surfle and Carrington Streets suffer from a shortage of car parking and this will worsen the situation.</p>	<p>Refer to above response.</p>

<p>Information on Twitter indicates the pastor is not supportive of the wider community, being misogynist, anti-migrant, anti-gay and racist.</p> <p>This will unsettle the community and make it unwelcoming for diverse residents.</p> <p>The proposal will threaten the safety of those who are differently gendered and their allies due to their racist, misogynist and homophobic commentary.</p>	<p>Representations have raised concerns regarding the applicant's religious views and have provided screenshots of a Twitter account purporting to be from the applicant. The applicant was not aware of the Twitter account and, since being made aware of the account, has had it removed. Twitter's own investigations determined the profile was fraudulent. The applicant has denounced the posts and account on their public Twitter account.</p> <p>Any reference or concern about religious views is not relevant to a planning assessment.</p>
<p>The misogynist, homophobic, racist and other intolerant attitudes of the church will negatively affect the character and business activity of the locality.</p>	<p>Refer to above response.</p>
<p>Afraid that the church will try to recruit people and harass residents and passers-by in the public realm.</p>	<p>No response provided.</p>
<p>The establishment of a church will reduce the opportunity for the establishment of commercial businesses on the premises that could support existing economic activity.</p>	<p>No response provided.</p>
<p>The proposal will have impacts upon Carrington House which provides serviced offices, meeting rooms and business support solutions for small businesses though increased noise, increased patron visitation to the site, frequency of visitors outside normal hours of operation. As the place of worship is located at the interface with the City Living Zone, details of noise attenuation relating to amplified music should be provided.</p> <p>Evening operations proposed (via the church's website) will reduce the potential to redevelop neighbouring site for residential use. Further review of additional information supplied by the applicant is requested.</p>	<p>Services will occur between 4pm and 6pm on Sundays. Rehearsals for the services will start from 2pm on Sunday afternoons.</p> <p>Limited activity will occur on Saturdays and will be mostly administrative in nature.</p> <p>Office activities will occur from Monday to Friday between 9am and 5pm.</p> <p>Training activities will occur on Monday and Wednesday after office hours with completion by 9pm.</p>

#### Administration Comment

Several representations do not relate to planning matters and refer to a Twitter page purportedly owned by the applicant on which there were numerous homophobic, racist and misogynist tweets. The applicant has since advised Council this Twitter account was fake and the views expressed were not associated with the views of the church/applicant.

Regardless of the legitimacy of the Twitter account, the matters raised by representors regarding the personal views of the applicant and the tenet of the church is not a planning matter for consideration as part of the assessment of a development application.



## 6. AGENCY REFERRALS

Nil

## 7. INTERNAL REFERRALS

- The existing vehicular crossing at the north western corner of the site at the Carrington Street frontage is no longer required and the redundant vehicular crossing should be closed.

## 8. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

### 8.1 Summary of Capital City Zone Assessment Provisions

<b>Subject</b> Code Reference	<b>Assessment</b>	<b>Achieved</b> ✓ <b>Not Achieved</b> ✗
<b>Desired Outcome</b> DO 1, DO 2	<ul style="list-style-type: none"><li>Community land use.</li></ul>	✓
Land Use DPF 1.1	<ul style="list-style-type: none"><li>Place of worship not a use expressly desired but considered on merit.</li></ul>	✓
Land Use PO 2.1, PO 2.2	<ul style="list-style-type: none"><li>Does not provide visual interest at street level or casual surveillance due to new internal wall around the worship space to contain noise.</li></ul>	✗
<b>Built Form and Character</b> PO 3.1 – PO 3.13	<ul style="list-style-type: none"><li>Minimal change to the external appearance of the building.</li><li>Building to be adapted to a place of worship with internal building work required.</li></ul>	✓
<b>Interface</b> PO 5.1, PO 5.2	<ul style="list-style-type: none"><li>Refer Section 8.4.</li></ul>	✓
<b>Access</b> PO 7.1, PO 7.2	<ul style="list-style-type: none"><li>Existing access to the rear will be used for loading and unloading. A loading zone is located on Surfleyn Street adjacent the building.</li></ul>	✓

### 8.2 Summary of Applicable Overlays

The following Overlays are not considered to be relevant to the assessment of the application:

- Affordable Housing – non-residential land use
- Airport Building Heights (Regulated) – no external changes to built form
- Building Near Airfields – no external changes to built form
- Hazards (Flooding - Evidence Required) – no flooding concerns
- Noise and Air Emissions – non-residential land use

- Prescribed Wells Area – proposed within existing building
- Regulated and Significant Tree – no regulated or significant trees on the site or adjoining land
- Design – no external changes to built form

### Heritage Adjacency Overlay

Subject Code Reference	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>• Achieved.</li> </ul>	✓
PO 1.1	<ul style="list-style-type: none"> <li>• Minimal external change to the building and therefore does not affect the relationship with the adjacent Local Heritage Place at 61-63 Carrington Street (known as Carrington House).</li> </ul>	✓

### 8.3 General Development Policies

The following General Development Policies are relevant to the assessment:

#### Design in Urban Areas

Subject Code Reference	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>• Proposal achieves part (b) as it will be durable and fit for purpose through internal building work that creates the required areas for the use.</li> </ul>	✓
External Appearance PO 1.3, PO 1.5	<ul style="list-style-type: none"> <li>• Existing building will be retained with minimal change to the external appearance.</li> <li>• Storage area, including space for bins, will be located at the rear of the site within the building.</li> </ul>	✓
Safety PO 2.1 – PO 2.5	<ul style="list-style-type: none"> <li>• Passive surveillance from the foyer to the street is enabled. Construction of an acoustic wall between the façade and the worship hall will prevent surveillance to Carrington Street.</li> <li>• The entrance is suitably prominent and provides direct access from the street into the premises.</li> </ul>	✗

### Interface between Land Uses

Subject Code Reference	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>Place of worship is acceptable in the Capital City Zone.</li> </ul>	✓
General Land Use and Compatibility PO 1.2	<ul style="list-style-type: none"> <li>Design has been altered to isolate the worship hall from Carrington Street to mitigate noise emissions.</li> </ul>	✓
Hours of Operation PO 2.1	<ul style="list-style-type: none"> <li>Hours of operation will not unreasonably impair the amenity of the locality, with no evening or late night services proposed and Monday to Friday.</li> </ul>	✓
Activities generating Noise or Vibration PO 4.6	<ul style="list-style-type: none"> <li>Refer Section 8.4.</li> </ul>	✓

### Transport, Access and Parking

Subject Code Reference	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
Vehicle Access PO 3.1, PO 3.4	<ul style="list-style-type: none"> <li>Loading and unloading can occur at the rear of the site on Surfle Street where a loading zone is located adjacent to existing roller doors.</li> </ul>	✓
Access for People with Disabilities PO 4.1	<ul style="list-style-type: none"> <li>There are no steps from the public realm into the premises.</li> </ul>	✓
Bicycle Parking in Designated Areas PO 9.1 – PO 9.3	<ul style="list-style-type: none"> <li>No minimum requirement for this use in the Code, however a reasonable number of bicycle parking spaces for visitors and patrons will be provided on site.</li> </ul>	✓

## 8.4 Detailed Discussion

### Land Use

A place of worship is defined under Part 7 – Land Use Definitions in the Planning and Design Code (the Code) – Rules of Interpretation as ‘... a premises used by an organised group for worship and religious activities. The use may include facilities for social, educational and charitable activities associated with the congregation’.

The Capital City Zone DO 1 and PO 1.1 envisage a mix of land uses including residential, employment, community, educational, innovation, recreational, tourism and entertainment facilities. The proposed use is similar to desired non-residential uses in the zone and aligns with the existing and desired mixed use character. The development is therefore expected to positively contribute to the vitality of the area as sought by DO 1 and PO 1.1.

### Built Form and Character

An external change to the building will be limited to the creation of a new recessed entrance to the foyer, closure of three existing doors and replacement windows. The existing roller door will remain and will be closed after hours. Replacement of the existing doors arises from the need to improve sound attenuation between the worship hall and the exterior environment. The recessed entrance foyer enables the doors to open outwards as required for emergency egress by the National Construction Code. The proposed external alterations are minor and have little impact upon the existing amenity of the locality.

### Safety

Construction of the internal wall between the worship hall and the existing glazed façade will result in a reduced ability to provide casual surveillance over the public realm. However, the proposed foyer will have a degree of outlook to the public realm through the entrance doors and side windows. The proposed café will generate patronage into the premises with the increased overall activity promoting pedestrian safety in the immediate locality.

### Car Parking and Traffic

The site is in the Capital City Zone and abuts the City Living Zone to the east. Car parking is not required in the Capital City Zone. Furthermore, as the site is already fully built upon, there is no opportunity to provide on-site car parking.

In this instance, the site is close to a major public transport route (350 metres from a tram stop) and there are approximately 54 car parking spaces on Carrington Street within 150 metres that are not ticketed and have no time limit on Sundays. This indicates that an adequate capacity exists within the locality to accommodate patron parking demands.

### Environmental

The proposed hours of operation are similar to businesses along Carrington Street that are active throughout the day and evening. There are no specific hours of operation prescribed for the proposed use by DPF 2.1 under Interface between Land Uses, however worship will generally occur on Sunday into the early evening.

Noise impacts are expected to be managed appropriately and existing commercial uses in the area are generally closed on weekends. Noise attenuation measures, suggested by the Acoustic Engineer engaged by the Applicant, will be implemented as follows:

- replacement of three doors on Carrington Street with windows
- construction of an internal wall along the Carrington Street frontage, enclosing the worship hall
- application of acoustic ceiling tiles above the worship hall
- doors to worship hall to be solid core 40mm thick or 10.38mm laminated glass with rubber seals
- entry foyer/café and passage adjacent to the worship hall act as an air lock between the worship hall and the exterior.

Interface between Land Uses PO 4.6 does not apply in this instance as it relates to premises that play music on a continuous basis rather than for a place of worship which is expected to play music on an intermittent basis. The Environmental Protection Authority's *Environment Protection (Noise) Policy 2007* specifically excludes places of worship for the same reason.

The recommended attenuation measures prescribed by the Acoustic Engineer and agreed upon by the applicant are expected to satisfy Interface between Land Uses PO 1.2.

## **9. CONCLUSION**

The proposal seeks to utilise a vacant commercial premises in the Capital City Zone to establish a place of worship.

The use aligns with the desired character of the Capital City Zone and is expected to be compatible with the Carrington Street locality. It has been demonstrated the proposed operations will not have an unreasonable impact on the amenity of adjacent land by way of noise, hours of operation or intensity of operation.

The proposal is not considered to be at variance with the provisions of the relevant provisions of the Planning and Design Code and exhibits sufficient merit to warrant the issuing of Planning Consent.

## 10. **RECOMMENDATION**

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 22032584, by Samuel Long is granted Planning Consent subject to the following conditions.

### **CONDITIONS**

1. **The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
  - **MPH Drawing SK-003 C - Ground Floor Plan Option 2 dated 7 December 2022**
  - **Letter from URPS Ref: 22ADL-1399 dated 19 September 2022**
  - **Letter from URPS Ref: 22ADL-1399 dated 29 November 2022**
  - **Report from Echo Acoustic Consulting Reference: ID: 192-2 dated 10 March 2023**

---
2. **The hours of operation for the place of worship on the Land shall be limited to:**
  - **Monday and Wednesday – 7am to 9pm**
  - **Tuesday, Thursday and Friday – 9am to 5pm**
  - **Sunday – 10am to 6pm**

---
3. **The acoustic attenuation measures proposed for installation within the Development as detailed in the report prepared by Echo Acoustic Consulting Reference: ID: 192-2 dated 10 March 2023 forming part of this consent shall be installed within the Development to the reasonable satisfaction of the Relevant Authority. Such acoustic attenuation measures shall be operational prior to the occupation or use of the Development.**

---

### **ADVISORY NOTES**

#### **1. Expiration of Consent**

Pursuant to the provisions of Regulation 67 of the Planning, Development and Infrastructure (General) Regulations 2017, this consent / approval will lapse at the expiration of 2 years from the operative date of the consent / approval unless the relevant development has been lawfully commenced by substantial work on the site of the development within 2 years, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

---

## **2. Commencement and Completion**

Pursuant to Regulation 93 of the Planning, Development and Infrastructure Act, the Council must be given one business days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via [planning@cityofadelaide.com.au](mailto:planning@cityofadelaide.com.au) or phone 8203 7185.

---

## **3. Appeal Rights**

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

---

## **4. Obsolete Crossover**

The vehicle crossing place made redundant as a result of this development will be closed by Council and the applicant will be charged directly for the work. A quotation for the work will be provided by Council to the applicant prior to the work being undertaken.

---

## **5. Right of Way During Construction**

The applicant should ensure that any right of way on the land is not blocked or access restricted during the construction of the development herein approved.

---

## **6. Advertisements**

This consent does not include advertisements for which a separate application must be submitted.

---

## **7. City Works Permit**

Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. This includes activities that have received Development Approval.

The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at <https://www.cityofadelaide.com.au/business/permits-licences/city-works/>

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);

- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

Applications will require a minimum notice period of two to five business days, depending on the nature of work, and can be lodged online via

<https://www.cityofadelaide.com.au/business/permits-licences/city-works>.