COUNCIL DEVELOPMENT ASSESSMENT PANEL

NOTICE OF MEETING

TO: Presiding Member: Dr Susan Shannon
Members: Mr Rob Veitch, Ms Fleur Bowden, Mr David Hughes, Mr Adrian Shackley, Ms Merilyn Nicolson, Mr Simon Zeller

NOTICE is hereby given that a Meeting of the Town of Gawler **Council Development Assessment Panel** will be held in the Conference Room, Town of Gawler Administration Centre, 43 High Street, Gawler East, on **Monday 11 September 2017,** commencing at **6.30pm.**

A copy of the Agenda for the above meeting is supplied.

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Ryan Viney
Manager Development, Environment and Regulatory Services
1 September 2017

COUNCIL DEVELOPMENT ASSESSMENT PANEL AGENDA

Monday 11 September 2017

For the Meeting of the Town of Gawler Council Development Assessment Panel to be held on Monday 11 September 2017 in the Conference Room, Town of Gawler Administration Centre, 43 High Street, Gawler East, commencing at 6.30PM.

Welcome and Presiding Member Introductions

1. Attendance Record

1.1 Roll Call
1.2 Apologies
1.3 Leave of Absence

2. Confirmation of Minutes –
That the minutes of the Council Development Assessment Panel Meeting held on Monday 14 August 2017 be confirmed as a true and correct record of proceedings.

3. Business Arising from Previous Minutes

4. Declaration of Interest by Members of the Panel

5. Reports:

			Page No.
5.1	**Development Application:**	490/230/2017	**3 - 11**
	Applicant:	S Giannitto	
	Address:	113-129 Main North Road Willaston	
	Nature of Development:	Removal of four (4) Regulated Trees (Aleppo Pines)	
5.2	**Development Application:**	490/646/2016	**12 - 21**
	Applicant:	Access Planning (SA) Pty Ltd	
	Address:	78 Main North Road, Willaston	
	Nature of Development:	Construction of 11 Single Storey Group Dwellings including associated Retaining Walls and Fencing	
5.3	**Development Application:**	490/687/2015	**22 - 35**
	Applicant:	J Shepherd	
	Address:	78 Main North Road Willaston	
	Nature of Development:	Community Title Land Division (1 allotment into 11)	
5.4	**Development Application:**	490/627/2016	**36 - 51**
	Applicant:	K Smith	
	Address:	68 Lyndoch Road Gawler East	
	Nature of Development:	Torrens Title Land Division (2 allotments into 3) and removal of Significant Tree Eucalyptus camaldulensis (River Red Gum)	

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6. Information Items:

6.1	**Appeal Matters**	**52**
6.2	**Matters previously deferred**	**53**

7. Other Business

8. Next Meeting - Monday 9 October 2017.

9. Closure

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5. Reports:

Item Number	**5.1**
Development Application	490/230/2017
Author(s)	Development Assessment Planner (Jessica Lewig) Senior Development Assessment Planner (James Booker)
Applicant	S GIANNITTO
Owner	GIANNITTO & SONS PTY LTD
Subject Land	113-129 Main North Road WILLASTON 5118 Lot 51 Plan 154752 CT 5298/57
Description of Development	Removal of four (4) Regulated Trees (Aleppo Pines)
Zone	Residential
Policy Area	Willaston Residential
Public Notification Category	Category 1
Previous Reference/Motion	nil
Lodgement Date of Application	02/05/2017
Relevant Development Plan	Consolidated 28/04/2016
Recommendation	Approval subject to Conditions
Delegation	3.3.1.2 – Regulated or Significant Tree with life expectancy greater than 10 years
Attachments Under Separate Cover	Attachment 1 - Application Plans and Documentation Attachment 2 - Dean Nicolle Arborist Report

PROPOSAL

- The Applicant seeks consent to remove a four (4) “Aleppo Pines” (*Pinus halepensis*) from the subject site at 113-129 Main North Road, Willaston.
- The applicant is seeking the removal of these trees to facilitate a potential future land division.
- The applicant also proposes to remove several other non-regulated trees from the subject site, however due to their legal status Development Approval is not required for their removal.
- It is noted that no new land division application for the site has yet to be received by Council, and that the suitability of any division would be considered as part of the assessment of that application.
- The applicant has provided an arborist report which was undertaken by Arborman Tree Solutions (See **Attachment 1**).
- In this report, the subject trees are listed as trees 1, 2, 4 and 5.

- Council's independent arborist (Dean Nicolle) has reviewed this report and provided a report of his own (See **Attachment 2**) which aligns with the findings of the original Arborman report.
- Both of these reports recommend removal of the subject trees.

DEVELOPMENT APPLICATION HISTORY

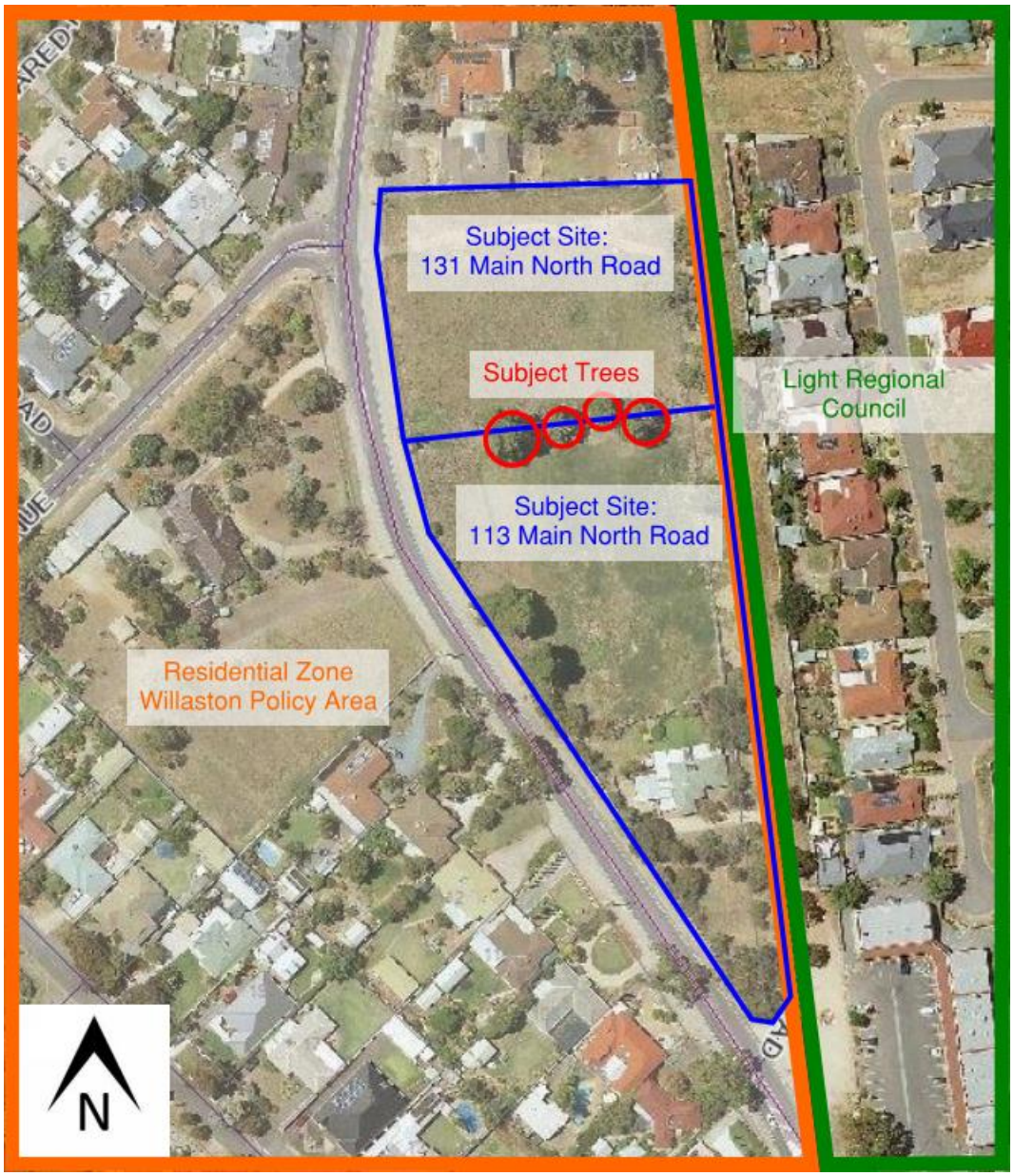
DA#	DESCRIPTION OF PROPOSAL	STATUS
490/420/2007 (490/D027/07)	Land Division by Torrens Title	Withdrawn
490/287/2010 (490/C021/10)	Land Division by Community Title	Approved by Delegation - Lapsed
490/143/2011	Removal of a Significant Tree	Withdrawn
490/421/2011	Removal of a Significant Tree (Council street tree)	Approved by CDAP - Enacted
490/422/2011	Removal of four (4) Significant trees	Refused by CDAP

LOCALITY

The main characteristics of the locality are as follows:

NORTH	• Residential allotments
EAST	• Murray Road – this is the boundary of Gawler Council and Light Regional Council • Residential allotments on the opposite side of Murray Road within Barossa Council Area
SOUTH	• Intersection of Murray Road and Main North Road • Residential allotments
WEST	• Main North Road (DPTI controlled road) • Residential allotments

A Locality Plan is included below.



SUBJECT SITE

- The site comprises two allotments – 113 and 131 Main North Road.
- The subject land is triangular in shape and bound between Main North Road and Murray Road.
- Murray Road which forms part of the boundary of Gawler and Light Regional Council.
- The subject trees are located along the boundary of 113 and 131.
- There is a row of Aleppo Pines along the south-western boundary number 113, with are both regulated and non-regulated trees. A previous application for the removal of these trees was refused by CDAP.

- Structures within the site are limited to one detached dwelling with associated verandahs and one residential outbuilding (shed). These are located on the southern portion of 113 Main North Road.
- 131 Main North Road is currently vacant.
- The immediate locality is predominately residential with a local centre consisting of a deli, bakery, hairdresser and take-out facilities located just south east of the site within the Light Regional Council.
- Vegetation within the locality is typically limited to landscaping within private properties. There is minimal landscaping within road reserves.

CATEGORISATION (PUBLIC NOTIFICATION)

Schedule 9, Clause 13 of the *Development Regulations 2008*, tree damaging activity to a regulated tree is classified as a Category 1 form of development.

Therefore this application was not required to be advertised pursuant to Section 38 of the *Development Act, 1993.*

REFERRALS

No External Referrals were required by the Schedule 8 of the *Development Regulations, 2008*.

ASSESSMENT

The zoning of the land and relevant provisions

At the time of lodgement, the subject land was within the Residential Zone, and more specifically within the Willaston Residential Policy Area. The following Town of Gawler Development Plan Objectives and Principles of Development Control (PDC's) were considered in the assessment of this application:

Section	Objectives	Principles of Development Control
Regulated Trees	69, 70	207, 208, 209

Visual Amenity

- The trees provide a moderate but not important aesthetic benefit to the local area.
- The trees are visible from Main North Road, however their aesthetic appeal has been reduced due to the removal of other non-regulated trees (Allepo Pines) which previously formed a 'shelterbelt' row.
- There is a large volume of various sized dead branches and branch stubs which are now highly visible due to the previous non-regulated tree removal.
- It is therefore considered that the trees do not provide an important aesthetic benefit, and therefore do not possess this retention characteristic listed in Council Wide Objective 69.

Tree Health

- Both arborists have undertaken an assessment on the health of the tree and have provided the following comments regarding the health of the subject trees:

Applicant's arborist	**Tree 1**	**Tree 2**	**Tree 4**	**Tree 5**
Actual Life Expectancy	-	-	-	-
Useful Life Expectancy	>10 years	>10 years	< 10 years	<10 years
Health	Good	Good	Good	Good
Structure	Fair	Fair	Poor	Poor

- As a result of his assessment, the Applicants report provides a low retention rating for all four of the subject trees, in particular due to their short Useful Life Expectancy.

Council's independent arborist	**Tree 1**	**Tree 2**	**Tree 4**	**Tree 5**
Actual Life Expectancy	10-20 plus years			
Useful Life Expectancy	Exceeded			
Health	Average – above average health with low-moderate vigour			
Structure	Poor, highly exposed with top-heavy, dense crowns			

- Dean Nicolle's report generally agrees with the findings of the Arborman report, and further clarifies the following:
    - The life expectancy of the trees has been exceeded;
    - The poor structure is a result of the removal of surrounding non-regulated trees which previously formed a shelterbelt; and

- Whilst the four trees have average-above average health, in the case of *Pinus halapensis* within the Adelaide region, it is often the largest, healthiest trees that are most prone to structural failure due to heavy ended branches.

- As the trees have exceeded their useful life expectancy as per Dean Nicolle's report, and have a short Useful Life Expectancy as per the Arborman Report, Council Wide Principle of Development Control (CWPDC) 208(a) for removal is satisfied.

Risk Assessment

- The Arborman Report provided the following comments with regard to risk:
  - The trees have become exposed to new/increased wind-loads due to the removal or other non-regulated trees;
  - The species is susceptible to wind-throw and therefore the potential whole-of-tree failure of the remaining trees has increased;
  - It is considered the trees are therefore likely to represent a material risk to people or property;
  - In particular Tree 4 has a history of branch failure and Tree 5 has an unstable union in the primary structure.
- Dean Nicolle's Report concurs generally with the findings of the Arborman Report and provides the following further comments:
  - The likelihood of whole-of-tree structural failure is considered to be moderate due to the top-heavy, dense crown and high exposure due to the previous removal of non-regulated trees;
  - Whilst the branch structure is generally sound, there is a significantly increased risk (moderate risk) of branch failure due to the top-heavy, dense crown and high exposure due to the previous removal of non-regulated trees;
  - Whole-of-tree and branch structural failure is only likely to occur in an extreme weather event;
  - Whilst there is an increased likelihood of structural failure, the current risk to personal safety is relatively low due to the current very low use of the site;
- The trees therefore do not represent a material risk to public or private safety due to the current low use of the site.

- CWPDC 208(b) for removal is therefore not satisfied.

Environmental impacts

- The subject trees are not indigenous to the local area and are exotic.
- Aleppo Pines are not listed as either rare or endangered, and are listed as declared plants in the whole of South Australian under the *Natural Resources and Management Act 2004* except if planted and maintained for domestic or commercial purposes.
- No faunal hollows are evident on the subject trees.
- Both the Arborman Report and the Dean Nicolle Report therefore concur that the trees do not provide an important environmental benefit.
- The trees do not meet any of the preservation attributes listed in CW Objectives 69, 70(b), (c) and (d).

Reasonable Development

- Currently there are no active Development Applications for this site, however the applicant has expressed interest in undertaking a new residential land division.
- It is noted that all issues regarding any potential future land division would be considered as part of any future Development Application. However as part of his assessment, Dean Nicolle has indicated that each of the subject trees would require a High Use Setback of about 22 metres from the centre of each tree. Such setbacks would significantly compromise the potential development of the subject site.
- The subject trees are therefore hindering reasonable potential future development of the large residential allotment through infill residential land division and there removal is supported by CWPDC 208(e).

Damage to a building

- The trees are not currently causing damage to a building due to the trees being well located from any existing buildings.
- The removal is therefore not supported by CWPD 208(c).

CONCLUSION

- Dean Nicolle has assessed the tree and provided the following comments:
    - The trees have a moderate likelihood of whole-of-tree structural failure;
    - The useful life expectancy for all four trees has been surpassed;
    - The tree has poor structure associated with the previous removal of non-regulated trees that were part of the 'shelterbelt';
    - This has also resulted in a significantly reduced aesthetic value of the trees;
    - There is a lack of any pruning options or risk reduction techniques that could mitigate the increased likely hood of major structural failure;
    - The trees are exotic, have a low biodiversity value and lack any faunal hollows or other important faunal habitats.
- These findings concur with the findings of the report undertaken by the applicant's arborist.
- The trees do not possess any of the preservation attributes listed within CWO 69 or 70.
- It is recommended that Development Approval for the removal of the four (4) regulated trees be granted, subject to conditions.

RECOMMENDATION

That the Council Development Assessment Panel:

1. **That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan**
2. **That DEVELOPMENT PLAN CONSENT be GRANTED to Development Application 490/230/2017 by S GIANNITTO for Removal of four (4) Regulated Trees (Aleppo Pines) at 113-129 Main North Road WILLASTON 5118, subject to the following conditions:**

    1) That the development is undertaken in accordance with Development Application No. 490/230/2017, the approved plans and details therein.

        REASON: To ensure the development is undertaken in accordance with the approved plans.

2) Pursuant to Regulation 117 of the Development Regulations 2008, two replacement trees shall be planted for each regulated tree removed pursuant to this development consent i.e. removal of four (4) regulated trees requires total of eight (8) replacement trees.

REASON: *To ensure the legislative requirements of the* Development Act 1993 *and Development Regulations 2008* are met.

3) These replacement trees, approved from Council's list of suitable trees, shall be planted no later than 3 months after the removal of each of the trees pursuant to this development consent.

REASON: *To offset the removal of the regulated trees.*

4) The replacement trees are to be maintained appropriately and any tree which dies or is removed due to disease or other factors is to be replaced in the same location (or other location approved by Council through a new location plan) within 3 months of such event with a further tree approved from Council's list of suitable trees at that time.

REASON: *To offset the removal of the regulated trees.*

Monday 11 September 2017

Item Number	**5.2**
Development Application	490/646/2016
Author(s)	Title (Name)
Applicant	ACCESS PLANNING (SA) PTY LTD
Owner	T D O'DONNELL
Subject Land	78 Main North Road WILLASTON 5118
Certificate of Title	LOT: 91 PLN: D113452 CT: 6181/540
Description of Development	Construction of eleven (11) Single storey Group Dwellings including associated retaining walls and fencing.
Zone	Residential
Policy Area	Willaston Residential
Nature of Development	Merit
Public Notification Category	Category 1
Lodgement Date	15/11/2016
Development Plan	28 April 2016
Delegation	3.3.1.6 – Development which the Manager deems more appropriately considered by the Council Development Assessment Panel as it relates to a Community Title land division application creating 5 or more additional residential allotments (clause 3.3.1.4)
Recommendation	Development Plan Consent Granted
Attachments Under Separate Cover	Attachment 1 – Additional Plans and Documentation Attachment 2 – Additional A3 Plans Attachment 3 – 31 July 2017 Development Assessment Panel minutes, report & attachments

PROPOSAL

The subject development proposal seeks the construction of eleven (11) single storey group dwelling. More specifically, the proposal includes:

- Construction of eleven (11) single-storey group dwellings;
- Each dwelling features 3 bedrooms, single garages and living areas;
- Construction of common access driveway;
- Earthworks in association with the dwellings;
- Construction of retaining walls and fencing;
- Establishment of landscaping;

- Each dwelling is proposed to have one undercover garage space as well as one parking space available in the driveway;
- Three visitor car parking spaces and a turnaround area are available adjacent to the common driveway;
- Installation of storm water infrastructure; and
- Construction of a common driveway and crossover.

Copies of the plans and documentation relating to this application are contained within **Attachment 1**.

BACKGROUND

Development Application 490/646/2016 was presented to the Development Assessment Panel (the Panel) on 31 July 2017 with a staff recommendation to grant Development Plan Consent.

At the 31 July 2017, the Panel deferred the application to give Panel Members the opportunity to visit the property and allow the applicant to supply additional information which includes:

1. Sectional details of the retaining walls proposed on the north west and north east boundary of the subject site
2. Overshadowing diagrams for the proposed retaining walls and fences along the north west and north east of the subject land, in particular overshadowing affecting the private open space and internal living areas of dwellings indicated as 8,9,10, and 11 on submitted plans
3. A landscaping plan that includes variety of trees, shrubs and ground covers that provide adequate vertical height, shading, screening and amenity to the site and common driveway.

Accompanying Development Application 490\646\2016 was an application for land division at the same site (DA 490/687/2015). As this application reflected the arrangement of build form application it was considered to be pertinent to defer this item as well until the built form deferral was resolved. Development Application 490/687/2015 is re-presented to the panel unchanged.

ADDITIONAL PLANS

The applicant has submitted additional information in response to the 31 July Panel deferral. A summary of the additional information is as follows:

- Amended landscaping plan showing the addition of *Callitris Gracillis* "native pine" trees which grow to a maximum height of 8 metres. The location of the trees is adjacent to the common driveway and the shared car parking spaces.
- Shadow diagrams showing the expected shadow to be cast upon the private open space of proposed dwellings 8-11 from both existing structures and the proposed retaining walls and fencing.
- "Streetscape elevation" showing proposed levels and retaining/fencing treatments of dwellings 8-11 when viewed from the shared driveway.
- Cross sections of both the south-western and north-western boundaries showing proposed retaining walls and fencing.

DISCUSSION

The applicant has responded to the concerns of the panel by providing comprehensive plans illustrating the proposal's compliance with Development Plan principles, most notably those relating to private open space and overshadowing. The only amendment to the plans has been an updated Landscaping Plan which includes the addition of trees which reach a vertical height of 8 metres. The inclusion of this taller landscaping contributes to the proposal's adherence to Council Wide Principles of Development Control 281 and 282 and is expected to provide amenity to the communal driveway and shared areas.

The applicant has undertaken a shadow study to fully understand the potential impact of overshadowing from both existing structures and proposed retaining walls and fencing. Most of the provisions within the Development Plan relating to overshadowing are aimed at reducing shadow impact to existing development. It is clear however, that the amenity and quality of private open space for future occupiers of the site should be considered. Although not directly applicable as a Principle of Development Control due to its reference of existing dwellings, Council Wide Principle of Development Control 254 seeks to maintain a reasonable degree of solar access to both habitable rooms and private open space of existing dwellings. Design technique *254.1* goes on to specify that at least 50% of the available private open space should receive at least two hours of sunlight on the winter solstice (June 21) between the hours of 9am and 3pm. The submitted

shadow diagrams meet this standard, which is encouraging considering the existing overshadowing and proposed fencing and retaining walls have been taken into account.

Additionally, the proposal is in accordance with Council Wide Principle of Development Control 44 relating to onsite energy generation. The roofs of the proposed dwellings are not affected by overshadowing and are capable of accommodating photovoltaic cells and solar hot water systems which take advantage of direct sunlight if future land owner choose to implement such devices.

As explained within the previous report, due to the topography of the site, some level of earthwork is required in order to achieve the desired finished floor levels of the dwellings. Each allotment seeks a balance between cut and fill in order to limit the maximum required height for retaining walls. The proposals keeps within the cut and fill guidelines of the Development Plan in that filling of land doesn't exceed 1 metre in height (Council Wide PDC 284) and excavation doesn't exceed 2 metres in height (Council Wide PDC 285).



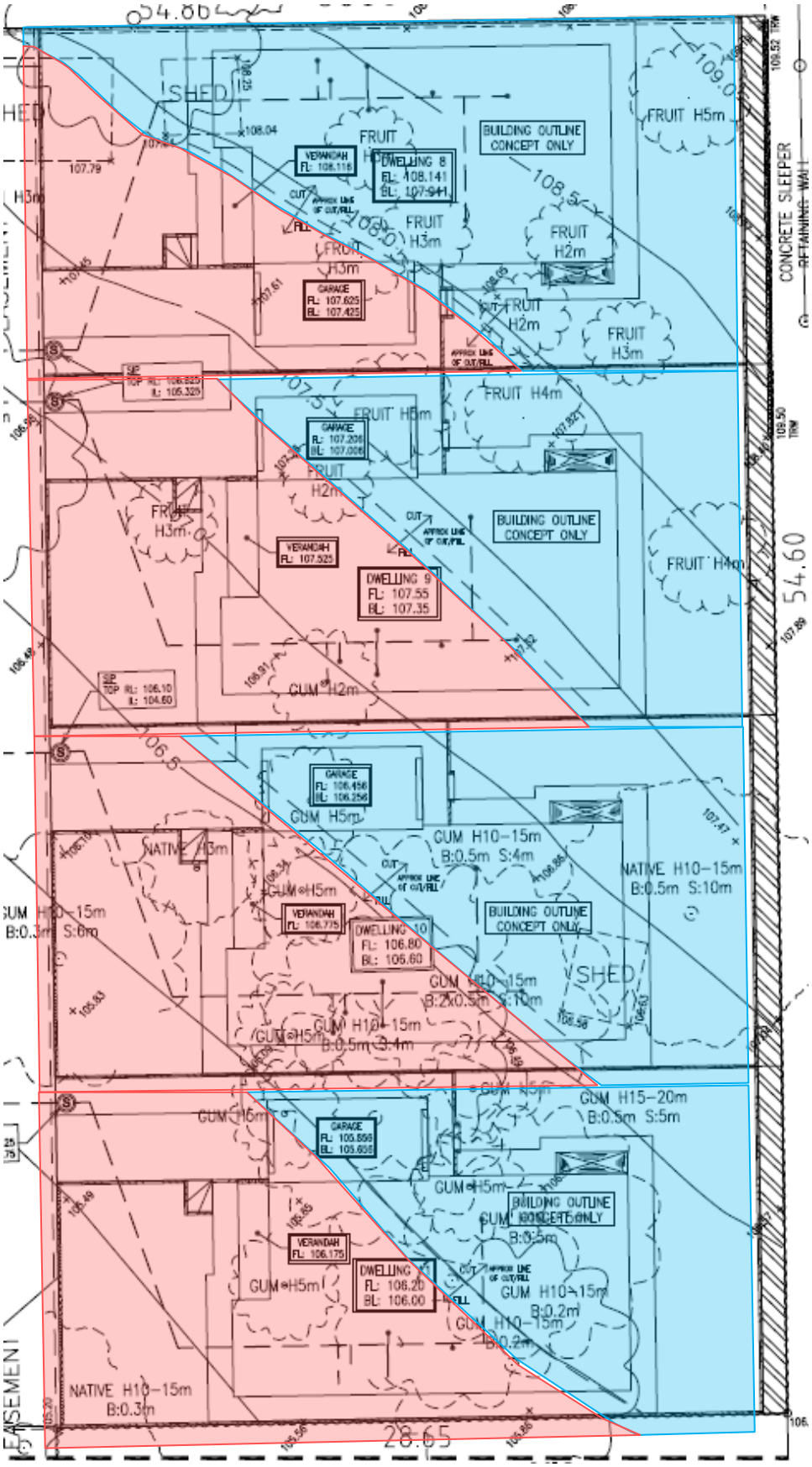
Existing retaining wall and fencing at the rear of Dwelling 8



Existing retaining wall and fencing on northern boundary



Existing retaining wall and fencing within locality (80 Main North Road)



Excerpt of civil plan showing balance between cut and fill (cut = blue, fill = red)

CONCLUSION

When assessed against the relevant provisions of the Town of Gawler Development Plan and having regard to the context of the locality and the nature and intensity of the proposed development, it is considered that on balance the proposal satisfies the relevant provisions of the Development Plan. The additional information which has been supplied further illustrates the merits of the proposal and addresses the previous concerns of the Panel. Accordingly, the proposal warrants Development Plan Consent subject to conditions.

The town of Gawler Council Development Assessment Panel resolves that:

1. **That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan and;**
2. **That DEVELOPMENT PLAN CONSENT be GRANTED to Development Application 490/646/2016 by ACCESS PLANNING (SA) PTY LTD for Eleven (11) Single storey Group Dwellings including associated retaining walls and fencing at 78 Main North Road WILLASTON 5118, subject to the following conditions:**

1) The development hereby approved shall be undertaken in accordance with Development Application No 490/646/2016, the approved plans, details and conditions therein.

   REASON: To ensure the development is undertaken in accordance with the approved documentation.

2) Signage indicating “no parking in reversing bay” shall be erected adjacent to the reversing bay prior to occupation of dwellings and shall be maintained in a good and legible condition at all times.

   REASON: To ensure the reversing bay is clearly identified.

3) Signage indicating ‘visitor car parking’ shall be erected demonstrating visitor car parking onsite and shall be maintained in a good and legible condition at all times.

   REASON: To ensure the visitor car parking area is clearly depicted.

4) All on-site visitor car parking spaces within the common property and the vehicle turn around area shall be designed and line marked in accordance with *AS 2890.1:2004 - Off-street Car parking.*

   REASON: To ensure car parking complies with Australian Standards.

5) The proposed landscaping shall be established on the site in accordance with the approved plan (label "Proposed Development") prior to occupation of the development and shall be maintained in good condition at all times. Any such landscaping must be replaced if it dies or becomes seriously diseased.

   REASON: To ensure the development is undertaken and maintained in accordance with the approved plans.

6) All rubbish bins shall be stored within their respective dwelling sites at all times other than when required for collection at which time the bins shall be placed in the designated collection area.

   REASON: To ensure the collection/refuge of waste does not unreasonable impact the amenity of the immediate locality.

7) Prior to Building Rules Consent and the issuing of Full Development Approval, full engineering details and specifications for any retaining wall over one (1) metre in height or combination of retaining wall and fence exceeding the height of 2.1 metres shall be submitted to Council for approval or privately certified with building rules documents.

   REASON: To ensure all structures constituting 'development' obtain the required statutory approvals.

8) Site work, demolition work and building work shall be carried out only between the hours of 7.30 am to 6.30 pm Monday to Saturday and 9.00 am to 5.00 pm Sunday, and as per EPA requirements for work of this nature.

   REASON: To ensure the development does not unreasonably impact the amenity of the immediate locality.

9) During construction, dust emissions from the site shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of Council.

   REASON: To ensure the development does not unreasonably impact the amenity of the immediate locality.

10) Access driveway between the property boundary and the kerb line shall be constructed in accordance with Council's standard detail 302. The driveway shall be sealed with an approved durable material such as concrete, bricks, pavers or asphalt. Any redundant vehicle access points shall be reinstated in accordance with Council Standards to match the existing kerb and street water table to the reasonable satisfaction of Council. The swale is to be finished with a minimum 50mm compacted depth 7mm nominal size asphalt (AC7) over a 100mm thick

compacted depth PM2 quarry rubble. Works within the verge will need to be approved via Section 221 of the Local Government Act 1999. Works within the verge will need to meet the requirements of NAWMA to ensure adequate space for bin collection.

REASON: To ensure safe and convenient vehicle access/egress is provided.

11) The proposed driveway shall be located a minimum of one metre from but not limited to any water meter, street tree, light pole or stormwater pit, otherwise the applicant shall pay full cost for the relocation of these items.

REASON: To ensure safe and convenient vehicle access/egress is provided.

12) All driveways and car parking areas shall be constructed with brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicle types. Driveways and car parking areas shall be established prior to the occupation of any of the dwellings hereby approved and maintained at all times to the reasonable satisfaction of Council.

REASON: To ensure safe and convenient vehicle access/egress is provided.

13) A new driveable headwall on the southern side of the proposed driveway is to be provided. The driveable headwall is to be constructed in accordance with Department of Planning, Transport and Infrastructure (DPTI) standard drawing S-4002.

REASON: To ensure safe and convenient vehicle access/egress is provided and suitable storm water management undertaken.

14) Outdoor lighting within the common property shall be restricted to that necessary for security purposes only and shall be directed and shaded in such a manner so as not to cause unreasonable light overspill and/or nuisance to adjacent occupiers or sites within the locality.

REASON: To ensure the development does not unreasonably impact the amenity of the immediate locality.

15) All storm water from buildings and paved areas shall be disposed of in accordance AS3500 and in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building.

REASON: To ensure the storm water is appropriately managed on site.

16) Prior to the occupation of any of the dwellings hereby approved, the vehicle crossovers, landscaping, access driveway and internal storm water management system shall be installed and completed on site in accordance with the approved documentation, to the reasonable satisfaction of Council.

REASON: *To ensure the site is suitable for its intended use.*

17) All vehicles shall enter and exit the site in a forward motion.

REASON: *To ensure best practice is observed for the primary arterial road.*

18) The proposed common driveway will be constructed of permeable paving within the Tree Protection Zone.

REASON: *To ensure the protection of the Significant Tree located on the adjoining land.*

19) The works within the vicinity of the Significant Tree located on the adjoining property shall be undertaken in accordance with the supplied Arborman Tree Solutions report dated 15 October 2015.

REASON: *To ensure the protection of the Significant Tree located on the adjoining land.*

Monday 11 September 2017

DEVELOPMENT APPLICATION OVERVIEW

Item Number	**5.3**
Development Application	490/687/2015
Author(s)	Senior Development Assessment Planner (James Booker)
Applicant	J SHEPHERD
Owner	T D O'DONNELL
Subject Land	78 Main North Road WILLASTON 5118
Certificate of Title	LOT: 34 TYP: A SEC: 134 PLN: 154735 CT: 5812/352
Description of Development	COMMUNITY TITLE LAND DIVISION (1 allotment into 11)
Zone	Residential
Policy Area	Willaston Residential
Nature of Development	Merit
Public Notification Category	Category 1
Lodgement Date	01/10/2015
Development Plan	30 April 2015
Delegation	3.3.1.4 – Land division creating more than five allotments
Recommendation	Development Approval be granted
Attachments Under Separate Cover	Attachment 1 – Application Plans and Documentation Attachment 2 - DPTI referral comments

PROPOSAL

The subject development proposal seeks for the division of one (1) vacant residential allotment into eleven (11) by community title. More specifically, the proposal includes:

- The creation of 10 additional allotments;
- Construction of a community driveway;
- Onsite landscaping; and
- Construction of stormwater infrastructure.

Copies of the original plans and documentation relating to this application are contained within **Attachment 1**.

Proposed Lot	Allotment Size	Allotment Frontage	Allotment Shape

		to Common Road	
1	431m^2	22.5m 19.16m (from Main North Road)	Regular
2	335m^2	17.5m	Regular
3	335m^2	17.5m	Regular
4	335m^2	17.5m	Regular
5	395m^2	26.19m	Irregular
6	460m^2	21.85m	Regular
7	463m^2	24m	Regular
8	391m^2	13.72m	Regular
9	391m^2	13.72m	Regular
10	391m^2	13.72m	Regular
11	391m^2	13.72m	Regular

Table of site areas and frontages

DEVELOPMENT APPLICATION HISTORY

DA#	DESCRIPTION OF PROPOSAL	STATUS
490/544/15 (490/D034/15)	Boundary re-alignment	Approved
490/646/16	Eleven (11) Single storey Group Dwellings	Currently under assessment

BACKGROUND

In summary, the key aspects pertaining to the assessment of this application are:

- Previous application DA 490/544/15 involved the re-alignment of the rear boundaries of 78 Main North Road, Willaston and 43 Jane Street, Willaston. Essentially, this development involved the owner of 78 Main Street acquiring approximately 3000m^2 of land 43 Jane Street. This has left 43 Jane Street as an 808m^2 allotment and 78 Main North Road as a 5682m^2 parcel of land. This approval has increase the development potential of 78 Main North Road and enabled the proposal at hand to be lodged.
- Application 490/687/15 was lodged by a representative of the owner of the land on 01 October 2015. The application was lodged with plans identifying the proposed community title land division.

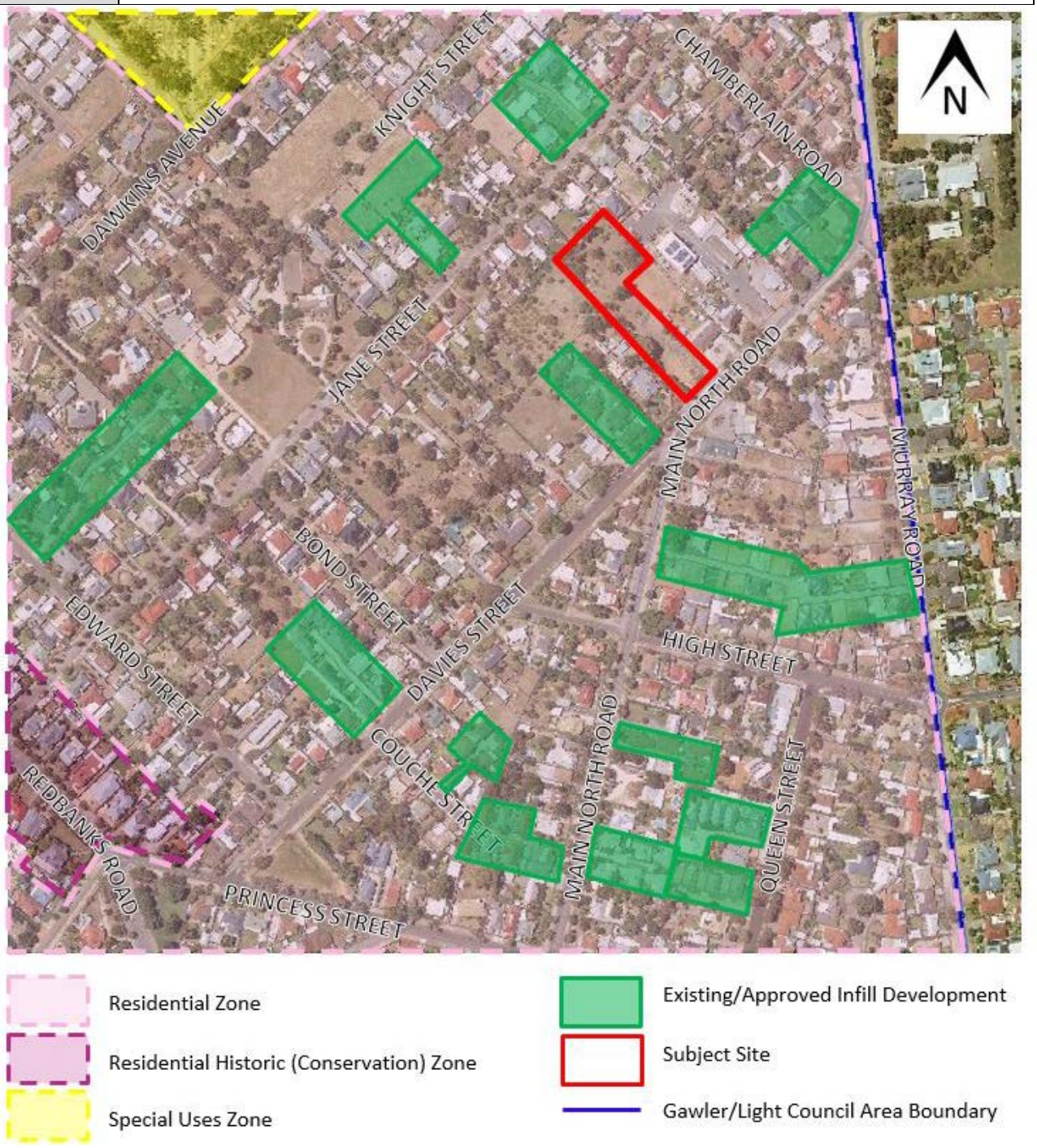
- It would appear that the application was placed on hold for an extensive period of time while a determination was being made on the boundary re-alignment application (DA 490/544/15. That particular application was drawn out due to Council requesting a public stormwater easement and the arrangements and negotiations that took place as a result of this.

LOCALITY

The main characteristics of the locality are as follows:

NORTH	• The Residential Zone and Willaston Policy Area continue to the north of the subject site. • Further to the north is the Special Uses Zone (Willaston Cemetery), The Gawler and Light Council Area Boundary and the Northern Expressway. • Allotments with frontage to Main North Road and allotments with frontage to Jane Street are typically large and identified by the Policy Area as having the highest potential for infill land division.
EAST	• The Residential Zone and Willaston Policy Area continue to the east of the subject site. • The locality is bound to the east by Main North Road and the Gawler and Light Regional Council Area Boundary. • Allotments to the east of the subject site are typically residential in use with the exception of a Motor Repair Station located on Main North Road. • Infill Development has occurred throughout the locality to the east of the subject site resulting in a diverse range of allotment sizes and housing types (both detached dwellings and group dwellings). • Multiple large and underutilised residential allotments exist to the east (south east) of the subject site.
SOUTH	• The Residential Zone and Willaston Policy Area continues to the south of the subject site, allotments are residential in use. • Allotments south of the subject site with frontage to Main North Road are varied in shape and size and typically smaller than allotments on the northern side of Main North Road. • Infill Development has occurred regularly throughout the locality to the south of the subject site resulting in a diverse range of allotment sizes and housing

	types (both detached dwellings and group dwellings).
WEST	• The Residential Zone and Willaston Policy Area continues to the west of the subject site. • Allotments in close proximity to the west of the subject site are large in area, contain detached dwellings and are earmarked for infill development.



Locality Plan

SUBJECT SITE

- The subject land is located at 78 Main North Road, Willaston. The land is wholly located within the Willaston Residential Policy Area of the Residential Zone.
- The subject site recognised as Allotment 91 of Deposited Plan 113452 in the area named Willaston within the Hundred of Mudla Wirra as recorded on the Certificate of Title Volume 6181 Folio 549.
- The Certificate of Title list a 3 metre wide easement for drainage purposes which was created by the previous Development Application 490/544/2015. This easement has been shown in the submitted documentation.
- The site has frontage of 26.16 metres to Main North Road and a total area of 6682m^2.
- The site has a fall from north-west to south-east.
- No buildings are located on the site.
- The site is not located within either a flood zone or a fire risk area.
- No regulated trees located on the site.
- A large River Red Gum is situated on the adjoining site of 76 Main North Road. As the trunk of this tree exceeds 3 metres in circumference at 1 metre above natural ground level, the tree has the legislative status of a Significant Tree.



Subject Land

NATURE OF DEVELOPMENT

The proposal is not listed as either a complying or non-complying form of development within the Residential Zone as delineated within the *Gawler (CT) Development Plan*. Therefore the application is assessed as a merit form of development.

CATEGORISATION (PUBLIC NOTIFICATION)

This application was not required to be advertised pursuant to Section 38 of the *Development Act, 1993.* The proposal seeks for the division of land creating 10 additional allotments. Therefore as per Clause 5 of Schedule 9 within the *Development Regulations* 2008, the application has been categorised as a Category 1 form of development and does not require public notification.

REFERRALS

The following external referrals were undertaken:

External Departments	Reason
SA Water	*Required under Section 33 of the Development Act 1993*
Comments	• The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. • The augmentation requirements of SA Water shall be met • The necessary easements shall be vested to SA Water • For SA Water to assess this application, the developer must advise SA Water the preferred servicing option. • The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
Development Assessment Commission	*Required under Section 33 of the Development Act 1993*
Comments	• Payment of $64880 into the Planning and Development fund (10 lots(s) @ $6676 /lot). • A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes. • The financial and augmentation requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0037610).
Department of Planning, Transport and Infrastructure	*Required under Section 33 of the Development Act 1993*
Comments	• All access must be gained via the (C1) access only. No additional

	access onto Main North Road shall be permitted. • The (C1) access shall be 6.0 metres wide and must provide a 1.0 metre separation from the adjacent stobie pole. • A 6.0 metre on-site storage area, clear of impediments (such as meters, letterboxes, vegetation or parked cars) shall be provided adjacent the (C1) access boundary. • The (C1) access must not adversely impact upon existing longitudinal drainage measures provided along Main North Road. • All vehicles must enter and exit Main North Road in a forward direction. • Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Main North Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

The following internal referrals were undertaken:

Internal Council Referrals	**Advice**
Engineering	Internal advice was provided as part of Development Application 490/646/2016.

ASSESSMENT

The zoning of the land and relevant provisions

At the time of lodgement, the subject land was within the Residential Zone, and more specifically the Willaston Policy Area. The following Town of Gawler Development Plan Objectives and Principles of Development Control (PDC's) were considered in the assessment of this application:

Council Wide Section	Objectives	Principles of Development Control
Appearance of Land, Buildings and the Public Environment	1	1
Form of Development	20, 21 and 22	46, 52, and 53
Infrastructure	33, 37 and 38	83, 84, 85, 86 and 87
Land Division	41	108, 109 and 110
Regulated Trees	69 and 70	207 and 209
Residential	74, 75, 76, 80 and 81	214, 215, 216, 217, 218, 219, 222, 228, 229, 233, 235 and 236
Significant Trees	84	305, 306, 308 and 309
Transportation and Access	81	316, 317, 323, 325, 337, 338 and 340
Transportation (Movement of People and Goods)	95	359 and 363

Section	Objectives	Principles of Development Control
Residential Zone	1	1, 2, 3, 9, 10

Section	Objectives	Principles of Development Control
Willaston Policy Area	1	1

Land Use

- The subject site is located within a Residential Zone.
- The proposal is for division of a large residential allotment which was recently expanded by way of land division DA 490/544/2015. Residential land divisions are envisaged for the Zone as per Residential Zone Objective 1 and Residential Principle of Development Control 1 and 2.

- Infill development is encouraged within the Policy Area as outlined within the Desired Character Statement, Willaston Policy Area Objective 1, FIGURE Res/9 and Council Wide Objective 21.
- The proposal seeks to develop an underutilised portion of land, an approach encouraged by the Willaston Policy Area provisions.
- To demonstrate that the subject land can be suitably developed for residential purposes, the applicant has submitted a separate land use application (DA 490/646/2016). This application sufficiently demonstrates that the proposed allotments are suitable for their intended use while being of a size and configuration that is in keeping with the desired character of the area.
- The proposal is therefore an appropriate form of development for the site.

Vehicle Access and Egress

- This aspect of the proposal has been assessed under Development Application 490/646/16 and is considered to be satisfied.
- Additional conditions recommended by the Department of Planning, Transport and Infrastructure regarding vehicle movement have been included in this approval.

Infrastructure

- As required under Section 33 of the *Development Act 1993*, the applicant will be required to provide all necessary water supply and sewerage services. As part of previously approved DA 490/544/2015, the applicant has supplied a drainage easement down the entire length of the site. The provision of other services would not be problematic as the subject land is within an established residential area that is serviced with the appropriate infrastructure.
- An extensive civil works plan has been provided as part of the built form application DA 490/646/2016. This and a detailed stormwater management plan have been assessed by Council Engineers and the works are considered to be appropriate.

CONCLUSION

When assessed against the relevant provisions of the Town of Gawler Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal satisfies the relevant provisions of the Development Plan.

Accordingly, the proposal represents a desirable and subsequently appropriate form of development in the context of the site and within its locality and thus the application warrants the granting of Development Plan Consent and Land Division Consent.

RECOMMENDATION

That the town of Gawler Council Development Assessment Panel:

1. **That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan and;**
2. **That DEVELOPMENT APPROVAL be GRANTED to Development Application 490/687/2015 by J SHEPHERD for COMMUNITY TITLE LAND DIVISION (1 allotment into 11) at 78 Main North Road WILLASTON 5118, subject to the following conditions:**

Council Requirements - Development Plan Consent Conditions:

1) That the development is undertaken in accordance with Development Application number 490/687/2015 (EDALA 490/C044/15), the approved plans, conditions and details therein.

   REASON: To ensure the development is undertaken in accordance with the approved plans.

2) Site work, demolition work and building work shall be carried out only from Monday to Saturday 7am – 5pm. No work is permitted on Sundays except for dust control as per EPA requirements for work of this nature.

   REASON: To ensure the amenity of the locality is not detrimentally impacted by any building/demolition work.

3) During construction, precautions shall be taken to prevent the pollution of stormwater by mud, silt, dust or other debris from the site in accordance with EPA Code of Practice for the Building and Construction Industry.

REASON: To ensure the environment and amenity of the locality is not detrimentally impacted by any building/demolition work.

4) All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that do not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building.

REASON: To ensure that stormwater is adequately managed on-site and discharged to Councils stormwater management system.

5) All services, including electricity and telecommunication services are to be provided underground.

REASON: To preserve the amenity of the locality.

Advisory Notes:

1) Prospective purchasers are advised that the construction and development of the common driveway should be undertaken prior to any settlement being reached on the purchase of community allotments. Purchases are made aware that the construction of services over common land is a matter that should be incorporated into any contracts of sale for the security and safety of any purchases.

Council Requirements – Land Division Consent Conditions:

1) Prior to the issue of Section 51 Clearance, the access driveways between the property boundary and the kerb line shall be constructed in accordance with Council's standard detail 302. The driveway shall be sealed with an approved durable material such as concrete, bricks, pavers or asphalt.

REASON: To ensure safe and convenient vehicle access/egress is provided.

2) Prior to the issue of Section 51 Clearance, all rubbish or deleterious material shall be removed from the subject land to the reasonable satisfaction of Council.

REASON: To ensure the allotments are suitable for their intended use.

3) Prior to Section 51 Clearance, the common access driveway and associated stormwater infrastructure shall be installed/constructed on site to the reasonable satisfaction of Council.

REASON: To ensure the allotments are suitable for their intended use.

4) Prior to Section 51 Clearance, A new driveable headwall on the southern side of the proposed driveway shall be constructed. The driveable headwall is to be constructed in accordance with Department of Planning, Transport and Infrastructure (DPTI) standard drawing S-4002.

   REASON: To ensure safe and convenient vehicle access/egress is provided and suitable storm water management undertaken.

Referral Authority Conditions:

5) Payment of $64880 into the Planning and Development fund (10 lots(s) @ $6676 /lot). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

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

7) The financial and augmentation requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0037610).

   An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non standard. For SA Water to assess this application, the developer must advise SA Water the preferred servicing option. Information can be found at: http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information For queries call SAW Land Developments on 74241119. An investigation will be carried out to determine if connections to the development will be standard or nonstandard.

8) The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

9) All access must be gained via the (C1) access only. No additional access onto Main North Road shall be permitted.

10) The (C1) access shall be 6.0 metres wide and must provide a 1.0 metre separation from the adjacent stobie pole.

11) A 6.0 metre on-site storage area, clear of impediments (such as meters, letterboxes, vegetation or parked cars) shall be provided adjacent to (C1) access boundary.

12) The (C1) access must not adversely impact upon existing longitudinal drainage measures provided along Main North Road.

13) All vehicles must enter and exit Main North Road in a forward direction.

14) Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Main North Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Monday 11 September 2017

DEVELOPMENT APPLICATION OVERVIEW

Item Number	**5.4**
Development Application	490/627/2016
Author(s)	Senior Development Assessment Planner (James Booker)
Applicant	K SMITH
Owner	S B STANNER
Subject Land	68 Lyndoch Road GAWLER EAST 5118
Certificate of Title	LOT: 14 PLN: 70996 CT: 5979/440
Description of Development	Torrens Title Land Division (2 Allotments into 3) and removal of Significant Tree *Eucalyptus camaldulensis* (River Red Gum)
Zone	Residential
Policy Area	Gawler East Residential
Nature of Development	Merit
Public Notification Category	Category 1
Previous Motion	Nil
Lodgement Date	10/11/2016
Development Plan	28 April 2016
Delegation	3.3.1.2 – Regulated or Significant Tree with life expectancy greater than 10 years
Recommendation	Approval subject to Conditions
Attachments Under Separate Cover	Attachment 1 – Application Plans and Documentation Attachment 2 – Arborist report supplied by applicant Attachment 3 – Independent Arborist report

PROPOSAL

- The Applicant seeks consent to remove a one (1) "River Red Gum" (*Eucalyptus camaldulensis*) from the subject site at 68 Lyndoch Road, Gawler East.
- The proposal also seeks for the division of two (2) residential allotments into three (3) by way of Torrens Title. More specifically, the proposal includes:
    - The creation of a 1431m^2 allotment in the rear portion of 68 Lyndoch Road;
    - Access point to River Drive; and
    - Creation of Easement D in favour of Council to assist with maintenance of a watercourse.

Copies of the plans and documentation relating to this application are contained within **Attachment 1**.

BACKGROUND

- Development application 490/627/2016 was lodged on 10 November 2016 by Kurt Smith, on behalf of the registered owner of the subject land. The applicant has also lodged a development application to build a single storey dwelling on the subject land (DA 490/417/17). These applications have been lodged separately and as such will undergo separate assessment processes.
- Schedule 9 recognises Tree Damaging Activity and land division as a Category 1 types of development. As such no public notification was undertaken.
- The applicant supplied an arborist report prepared by Arborman Tree Solutions in support of the removal of the subject tree on site (see **Attachment 2**)
- As part of the assessment process the application was referred to an independent Arborist, Dr. Dean Nicolle. Dr. Nicolle informed Council that he previously provided Council with an assessment of the tree in 2013 which is applicable to the application at hand. (see **Attachment 3**)
- Pursuant to Council's Delegation policy, the application is presented to the Development Assessment Panel (the Panel) for consideration.

DEVELOPMENT APPLICATION HISTORY

DA#	DESCRIPTION OF PROPOSAL	STATUS
490/559/05	Land Division (boundary re-alignment)	Approved
490/198/13	Removal of Regulated Tree (River Red Gum)	Refused

LOCALITY

The main characteristics of the locality are as follows:

NORTH	• Large greenfield land parcel with residential allotments beyond.
EAST	• Large greenfield land parcel with large residential allotments containing group dwellings and detached dwellings.

SOUTH	• Lyndoch Road (Primary Arterial DPTI controlled road). • South of Lyndoch Road are established residential allotments.
WEST	• Density of residential allotments increases west of River Drive. • Both detached and group dwellings are prevalent located beyond River Drive.



Locality Plan

SUBJECT SITE

- The subject site is located at 68 Lyndoch Road, Gawler East and 72 Lyndoch Road, Gawler East respectively.
- 68 Lyndoch Road is legally recognised as CT: 5979/440 while 72 Lyndoch Road is legally recognised as CT: 5979/439.

- The site has no Registered Dealings listed.
- Multiple easements are located on the site as detailed below:
    - Easement marked A in favour of the Minister for Infrastructure;
    - Free and unrestricted right of way over the land marked F;
    - Easement marked C in favour of SA Water for sewerage purposes;
    - Easement marked B to in favour of Council for drainage purposes; and
    - Easement marked E in favour of SA Water.
- The proposed allotment has a frontage of 49 metres and an area of 1431sqm.
- The proposed allotment is relatively flat, however does depress towards the northern end of the allotment adjacent to the watercourse.



Subject Land

NATURE OF DEVELOPMENT

The proposal is not listed as either a complying or non-complying form of development within the Residential Zone as delineated within the *Gawler (CT) Development Plan*. Therefore the application is assessed as a merit form of development.

CATEGORISATION (PUBLIC NOTIFICATION)

Under Schedule 9, Clause 13 of the *Development Regulations 2008*, tree damaging activity to a regulated tree is classified as a Category 1 form of development. Additionally, the proposal seeks for the division of land creating not more than 4 additional allotments. Therefore as per Clause 2(f) of the *Development Regulations* 2008, the application has been categorised as a Category 1 form of development and does not require public notification.

None of the elements of development within this application are required to be advertised pursuant to Section 38 of the *Development Act, 1993.*

REFERRALS

The following external referrals were undertaken:

External Departments	**Reason**
SA Water	*Required under Section 33 of the Development Act 1993*
Comments	• The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. • The necessary easements shall be vested to SA Water. • Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees. • On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

Development Assessment Commission	*Required under Section 33 of the Development Act 1993*
Comments	• The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0052543). An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard. The necessary easements shall be granted to the S A Water Corporation free of cost. • Payment of $6676 into the Planning and Development fund (1 allotment @ $6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders Street, Adelaide. • A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

The following internal referrals were undertaken:

Internal Departments	**Reason**
Engineering	*Review of land division arrangements*
Comments	• The proposed crossover location to River Drive is considered appropriate. • Engineering services request a 3m easement be provided from top of bank of the watercourse for future maintenance.
Independent Arborist	*Assessment of the proposed removal of significant tree*
Comments	*"Removal of the tree is therefore considered to be appropriate should*

	the site be subdivided and residentially developed. *This assessment is made on the basis of:* *1. The generally poor structure of the tree;* *2. The increased likelihood of major structural failure and branch failure associated with the poor structure of the tree;* *3. The significant increase in the size of the tree anticipated over time;* *4. The amplified consequence (impact potential) of any branch failure events from the crown of the tree associated with the obconic-shaped crown of the tree;* *5. The large residential dwelling setback (RDS) required in the case of residential development in association with the tree;* *6. The lack of pruning measures and other hazard-reduction techniques to maintain the risk associated with the tree at an acceptable level following site development;* *7. The obscured visibility of the tree from Lyndoch Road; and* *8. The presence of numerous other significant, regulated and non-regulated trees of the same species in the locality, including on the subject site."*

ASSESSMENT

The zoning of the land and relevant provisions

The following Town of Gawler Development Plan Objectives and Principles of Development Control (PDC's) were considered in the assessment of this application:

Development Plan	*April 28 2016*	
Zone	*Residential*	
Policy Area	*Gawler East Residential*	
Section	**Objectives**	**Principles of Development Control**
Council Wide: Appearance of Land, Buildings and the Public Environment	1	1, 4
Form of Development	20, 21	48, 52, 53
Infrastructure	33, 37, 38	83, 84, 85, 86, 87,

Interface Between Land Uses	39, 40	98
Land Division	41	108, 109, 110
Regulated Trees	69, 70	207, 208, 209
Residential	78	216, 217, 219, 219, 233, 235, 236, 262, 282
Significant Trees	84	305, 306, 307, 309
Transportation and Access		337, 338,
Zone: Residential	1	1, 10, 28,
Policy Area: Gawler East Residential	Desired Character Statement, 1	

SIGNIFICANT TREE

Visual Amenity

- The tree provides a moderate but not important aesthetic benefit to the local area.
- The tree is located well within the subject land and has little visual presence from the public realm due to its location approximately 80metres from Lyndoch Road and 30metres from River Drive.
- Visually the tree has poor form and structure.
- Other more prominent trees with better structure are located on both the subject land and adjoining land. As such the removal of this particular tree is not expected to significantly impact upon the vegetation presence within the locality.
- It is therefore considered that the tree does not provide an important aesthetic benefit, and therefore does not possess the retention characteristics listed in Council Wide Objective 69 and 84.



Canopy of subject tree when viewed from River Drive

Tree Health

- The Arborman Tree report indicated that the tree is in *"fair"* health and has reduced foliage density.
- The tree is has a life expectancy of greater than 10 years and has some minor borer activity in the lower trunk.

Risk Assessment

- Currently it is not considered that the tree poses a material risk to safety.
- Dr. Nicolle notes however that as the tree has a poor structure it has an increased likelihood for failure as the tree grows larger in size.
- The tree doesn't appear to have a significant history of limb failure.
- The location of the tree is currently a low use area of private open space. If the application for land division is successful, the tree will be centrally located within the new allotment making a dwelling difficult to accommodate on the site. Beneath the canopy of the tree will become a high use area of private open space which may become problematic considering the poor structure of the tree.

Damage to a building

- The tree is not currently causing structural damage to any building of significant value.

Indigenous to the Local Area

- The tree is a species which is indigenous to the local area however it is not listed as a rare or endangered species.

Habitat Value

- The consulting arborist has noted that the tree provides little habitat value and no nesting hollows were noted.

Reasonable Development

- An application to construct a single storey dwelling on the subject land (490/417/17) has been lodged with Council. Council is currently awaiting further information regarding this matter. It is understood that the applicant desires to remove this tree due to its central location and the fact that the proposed building envelope encompasses the location of the tree.
- If the tree were to remain it would greatly impact upon any future dwelling built on the site. A high use set-back from the tree would be required which would significantly compromise the potential development of the subject site
- The subject tree is therefore hindering reasonable potential future development of the proposed large residential allotment and therefore removal is supported by Council Wide Principle of Development Control 208(d).

LAND DIVISION

Land Use

- The subject site is located within a Residential Zone and the proposal involves the further division of residential allotments. As such this is a desired land use within the Residential Zone and envisaged by Residential Zone Objective 1 and Residential Zone Principle of Development Control 1.
- Objective 1 of the Gawler East Residential Policy Area encourages the development of large allotments while the character statement envisages higher residential densities. This type of modest infill development is considered to add to the diverse mix of allotment sizes within the locality ranging from large sites to smaller courtyard homes.

Character

- Allotments on the western side of River Drive have an average area of approximately 420m^2 and frontages of 10m – 18m. The proposal at hand has a site area of 1431m^2 and a frontage to River Drive of 49m. As such the proposal maintains a large allotment within Gawler East and does not represent an overdevelopment of the site.
- Due to the topography of the locality, the existing road network and nearby watercourses, this particular area of Gawler East has inconsistent allotment shapes. As such the shape of the proposed division is not considered to be out of character with the locality.
- The table below outlines the dimensions of the proposed allotments:

Allotment #	Frontage width (m)	Area (sqm)	Configuration
1	28.35 (Lyndoch Rd) 59.5 (River Dr)	10,135	Irregular
2	49	1431	Irregular
3	40.9	2387	Regular

- The three allotments maintain areas and frontages which are considered to be large for the locality.
- The proposal is therefore not considered to be at variance with the Existing or Desired Character of the Zone or locality.

Vehicle Access and Egress

- The applicant has indicated that the proposed access point shall be on River Drive approximately 1.5m away from a nearby fire post.
- Council's Engineering staff have reviewed the proposed location and are comfortable with its location as the site can achieve safe access and egress as well as suitable transition gradients.



Proposed driveway location

Infrastructure

- As required under Section 33 of the *Development Act 1993*, the applicant will be required to provide all necessary water supply and sewerage services. The provision of other services would not be problematic as the subject land is within an established residential area that is serviced with the appropriate infrastructure.
- Stormwater management from the site will be reviewed as part of the built form application to ensure the proposal meets Council's requirements.
- During the assessment process Council's Engineering staff requested that existing easement B should be extended towards the western side of the site to ensure Council secures an easement for the whole of the watercourse. This was achieved and the new easement is identified as "D" on the plan of division.



Existing watercourse which is proposed to be subject to "Easement D"

Significant Tree

- As addressed in the above assessment, the Significant Tree located on the site is inhibiting reasonable development and significantly restricts the available building envelope. As such the proposed removal of the tree is consistent with Council Wide Principle of Development Control 208(d).
- The consulting arborists have identified the tree to be in fair health with poor structure. Both arborists agree that to facilitate the land division and construction of a new dwelling the tree should be removed.
- Although Council is hesitant to approve the removal of a large indigenous tree, in this instance it is considered to be reasonable and its loss is not expected to have a significant adverse impact upon the locality.
- Any amenity loss which may occur shall be offset by the planting of three replacement trees within three months of removal of the subject tree.

CONCLUSION

When assessed against the relevant provisions of the Town of Gawler Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal satisfies the relevant provisions of the Development Plan. Accordingly, the proposal represents a desirable and subsequently appropriate form of development in the context of the site and within its locality and thus the application warrants the granting of Development Approval.

RECOMMENDATION

That the town of Gawler Council Development Assessment Panel:

1. **That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan and;**
2. **That DEVELOPMENT APPROVAL be GRANTED to Development Application 490/627/2016 by K SMITH for Land Division (2 Allotments into 3) at 68 Lyndoch Road GAWLER EAST 5118, subject to the following conditions:**

Council Requirements - Development Plan Consent Conditions:

1) That the development is undertaken in accordance with Development Application number 490/627/2016 (EDALA 490/C034/16), the approved plans, conditions and details therein.

   REASON: To ensure the development is undertaken in accordance with the approved plans.

2) Site work, demolition work and building work shall be carried out only from Monday to Saturday 7am – 5pm. No work is permitted on Sundays except for dust control as per EPA requirements for work of this nature.

   REASON: To ensure the amenity of the locality is not detrimentally impacted by any building/demolition work.

3) Pursuant to Regulation 117 of the Development Regulations 2008, three replacement trees shall be planted for each regulated tree removed pursuant to this development consent. The applicant shall provide a site plan to Council showing the location of the replacement trees prior to the removal of the tree.

REASON: To ensure the legislative requirements of the Development Act 1993 are met.

4) Three replacement trees approved from Council's list of suitable trees shall be planted no later than three months after the removal of the tree pursuant to this development consent.

REASON: To offset the removal of the regulated trees.

5) The replacement trees are to be maintained appropriately and any tree which dies or is removed due to disease or other factors is to be replaced in the same location (or other location approved by Council through a new location plan) within 3 months of such event with a further tree approved from Council's list of suitable trees at that time.

REASON: To offset the removal of the regulated trees.

Council Requirements – Land Division Consent Conditions:

1) Prior to the issue of Section 51 Clearance, the access driveways between the property boundary and the kerb line shall be constructed in accordance with Council's standard detail 302. The driveway shall be sealed with an approved durable material such as concrete, bricks, pavers or asphalt.

REASON: To ensure safe and convenient vehicle access/egress is provided.

2) Prior to the issue of Section 51 Clearance, all rubbish or deleterious material shall be removed from the subject land to the reasonable satisfaction of Council.

REASON: To ensure the allotment is suitable for their intended use.

Referral Authority Conditions:

1) Payment of $6676 into the Planning and Development fund (1 allotment @ $6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders Street, Adelaide.

2) The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0052543).

An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

The necessary easements shall be granted to the S A Water Corporation free of cost.

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

COUNCIL DEVELOPMENT ASSESSMENT PANEL
AGENDA

Monday 11 September 2017

Item Number **6.1**

Title **INFORMATION ITEM - APPEAL MATTERS**

Date 11 September 2017

Author(s) Team Leader Development Services

Name	Issue	Address	Officer Decision	DAP Decision	Appellant	Status	Next Action
I & V Millen	Applicant appeal against refusal of DA 490/284/2017 (490/C016/07)	17 Nixon Terrace Gawler	Approval	Refusal	I & V Millen	Compromise Plan was presented to CDAP on 31 July 2017.	Directions Hearing Scheduled at ERD Court 20 November 2017.
I & V Millen	Applicant appeal against refusal of DA 490/343/2016	17 Nixon Terrace Gawler	Approval	Refusal	I & V Millen	Compromise Plan was presented to CDAP on 31 July 2017.	Directions Hearing Scheduled at ERD Court 20 November 2017.
P Zollo	Applicant Appeal against refusal to grant extension of time to DA 490/907/2004 (490/D080/04)	Lot 52 Alexander Avenue Evanston Park	Refusal	N/A	Savoy Developments PTY LTD	Ongoing negotiations.	Ongoing negotiations.

RECOMMENDATION:

That the contents of this report be received and noted.

COUNCIL DEVELOPMENT ASSESSMENT PANEL
AGENDA

Monday 11 September 2017

Item Number **6.2**

Title **INFORMATION ITEM – MATTERS PREVIOUSLY DEFERRED**

Date 11 September 2017

Author(s) Team Leader Development Services

Application	Deferral Date	Proposed Development	Applicant	Address	Officer	Status
490/686/2016	14 August 2017	Removal of Significant Tree and Demolition of a Heritage Listed Masonry Wall (Local Heritage Item) adjacent to Lyndoch Road frontage (Non-complying) and construction of replacement masonry wall and spear top fence and gate (maximum height of 2.2 metres)	Immanuel Lutheran School Gawler	11 Lyndoch Road Gawler East	Scott Twine	Awaiting additional information.

RECOMMENDATION:

That the contents of this report be received and noted.